

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on February 20, 2020 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Andrew Ebel
Councilmember Susan Cantey
Councilmember Adonna Saunders
Councilmember Keith Herring
Councilmember Albert Wright
Councilmember Clint Kolby

Members absent:

None

Others present:

City Manager James Fisher, City Attorney Cary Bovey, City Secretary – Director of Administrative Services Jeana Bellinger, Deputy City Secretary I Kacey Weiss, Deputy City Secretary II Karen Stack, Director of Tourism & Marketing Jennifer Eckermann, Melinda Gordon, Tammy Jaster, Fire Chief Ricky Boeker, Interim Police Chief Rusty Pancoast, Public Works Director Dane Rau, Assistant City Manager of Public Services and Utilities Donald Reese, Amber Ortega, Shauna Laauwe, Kim Hodde, Dant Lange, Ande Bostain, Vincent Estrada, Chris Bugaj, Gary Marburger, JoAnne Hynes, Lloyd Powell, Stephen Draehn and Kevin Boggus

Citizens present:

Blake Brannon, Brandon Roznovsky, Heather Woolwine, Pat and Mike Kilpatrick, Otto Janner, Jr., Denny LaBonte, Ben Seeker, Cole Christian, Randy Hodde, Ben Menjares, Craig Thomson, James Bailey, George Dillingham, Helen Dillingham, Dave Hall, Mary Thornhill, Rick Flammer, Austin Love, Jill Bearden, Paul Leventis, Diana Hodde and Michael Fogel

Media Present:

Alyssa Faykus, Brenham Banner Press; and Josh Blaschke, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – City Manager James Fisher**
- 3. Citizens Comments**

Ben Seeker, Commander of VFW Post in Brenham and President of the Washington County Veterans Association, addressed Council. Seeker discussed the commemoration of the 50th anniversary of the Vietnam War. Seeker advised that the Vietnam War Veterans Recognition Act of 2017 designated March 29th of each year as National Vietnam War Veterans Day. Seeker stated that he would like for the City to proclaim March 29th as Vietnam Veterans Day. Mayor Tate advised that staff would prepare a Proclamation to honor the day.

- 4. Special Presentation**
 - **Gas Utility System 100% Performance Rating Award**

CONSENT AGENDA

- 5. Statutory Consent Agenda**
 - 5-a. Minutes from the January 16, 2020 Regular City Council Meeting**
 - 5-b. Ratification of Amendment No. 1 and Approval of Amendment No. 2 to the June 21, 2018 Professional Services Agreement with Strand for Engineering Services Related to Project No. 2017-09, Henderson Park Improvements, Phase 1**
 - 5-c. Approve Change Order No. 1 and Final Payment to Solid Bridge Construction for Project No. 2018-04-R Related to the 2018 Louanna Estates Subdivision Drainage Improvements and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve the Statutory Consent Agenda Items 5-a. through 5-c. as presented.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

REGULAR SESSION

12. Discuss and Possibly Act Upon an Agreement for Municipal Solid Waste Collection, Disposal and Recycling Services Between the City of Brenham and Brannon Industrial Group, LLC d/b/a BVR Waste and Recycling and Authorize the Mayor to Execute Any Necessary Documentation

City Manager James Fisher presented this item. Fisher explained that in August 2019, the City issued a Request for Proposal (RFP) for Solid Waste Services for Residential Collection, Commercial Sanitation, Recycling Services, and Collection Operations for City of Brenham residents and businesses. Fisher noted that the City received proposals from four (4) companies: Brannon Industrial Group, LLC d/b/a BVR Waste and Recycling (BVR), Frontier Waste Solutions, Republic Services and Texas Disposal Systems and after evaluating the proposals, it was evident that the local company Brannon Industrial Group, LLC d/b/a BVR Waste and Recycling submitted the best value to the City overall.

Fisher advised that these evaluations were discussed with both the Utilities Subcommittee of Council and the full Council. Fisher stated that in January 2020 the City Council authorized city staff to begin working with BVR to finalize a solid waste services contract. Fisher explained that during two work sessions with Council on February 6th and on February 13th, staff outlined the general terms of the contract and explained that the full implementation of the contract would be a stair-step process as follows:

- Agreement for Municipal Solid Waste Collection, Disposal and Recycling Services – February 2020
- Exhibit “A” General Terms and Conditions to the Agreement for Municipal Solid Waste Collection, Disposal and Recycling Services – February 2020
- Exhibit “B” Commercial Waste Collection and Recycling Services – February 2020
- Exhibit “C” Residential Waste Collection and Recycling Services – April 2020
- Exhibit “D” Collection and Transfer Station Services – May 2020

Fisher advised that the City Attorney, along with city staff, have all been working diligently over the last couple of weeks to get this first section (General Terms and Conditions) of the sanitation contract finalized and ready for approval by the City Council. Fisher noted that the Commercial Waste Collection and Recycling Services section would be discussed in the next agenda item. Fisher stated that while there may still be a few minor things that need to be amended, staff is requesting that Council approve this agreement contingent upon final approval by the City Manager, City Attorney and Mayor Tate.

No action was taken on this item. Fisher advised that this item would be presented for action at the March 5th Council meeting.

County resident Diana Hodde addressed Council. Hodde stated that she is concerned about the recycling center on Market Street closing and moving the recycling services to the collection station. Hodde noted that she would like to see the recycling center remain open.

Councilmember Herring stated that the City would need to have Ordinances in place regarding the carts before adopting the contract. Fisher stated that the Ordinances should be complete in March prior to the adoption of the residential rates.

Mayor Tate stated that staff needs to make sure that there is some method to ensure that the rates are controlled in the future. Fisher replied that the draft contract has provisions to tie rates to the Consumer Price Index, and any other increases would have to be approved by Council.

A citizen asked about how much debt the City was incurring due to this contract. Fisher replied that he would need to look at the budget for the exact numbers.

Citizen Dave Hall noted that outsourcing usually results in reduced costs or better service; however, in this case pickup service would be reduced from two times a week to once a week, and rates would be raised. Hall stated he feels the services should either increase or the rates should decrease. Fisher stated that if the City was continuing service, it would also result in once a week pickup with carts and increased rates. Fisher also noted that curbside recycling is an added service.

A citizen asked whether yard waste would still be collected. Public Works Director Dane Rau stated it would still be accepted at the collection station, but the Wednesday yard waste pickup route will now have a fee.

A citizen remarked that he was worried that City streets would look dirty as a result of the change in service and he is against the change.

13. Discuss and Possibly Act Upon Resolution No. R-20-009 Approving Exhibit “B” Commercial Waste Collection and Recycling Services to the Agreement for Municipal Solid Waste Collection, Disposal and Recycling Services Between the City of Brenham and Brannon Industrial Group, LLC d/b/a BVR Waste and Recycling

No action was taken on this item. City Manager James Fisher advised that this item would be presented for action at the March 5th Council meeting.

WORK SESSION

6. Discussion and Presentation Related to the Organization and Responsibilities of a Historic Preservation Ordinance Committee for the City of Brenham

Director of Tourism and Marketing Jennifer Eckermann presented this item. Eckermann explained that Development Services and Main Street were approached last summer by local citizen Mary Thornhill sharing her concern that the City did not have an ordinance in place to

protect historic properties in the City, particularly the downtown area, and local landmarks. Eckermann advised that Thornhill asked the City to consider a Historic Preservation Ordinance. Eckermann stated that Thornhill spent her own time producing an informative video, a portion of which was shown at the Planning & Zoning Commission meeting in August, and members of the Commission asked staff to pursue an ordinance.

Eckermann advised that a public meeting was held on Wednesday, February 5th, where a portion of the video was shown, and a presentation concerning Historic Preservation Ordinances was presented by Texas Historical Commission Certified Local Government Program Coordinator Lorelei Willett. Eckermann stated that the meeting was well-attended by a cross-section of the community, including property owners and interested citizens. Eckermann explained that staff shared that the next step would be for the Mayor and Council to appoint a committee, with representation of 2 members of Council, 2 members of the Planning & Zoning Commission, 2 Main Street Board members, and 4 members from the public, with property owner inclusion within the relevant groups. Eckermann advised that staff would like for a committee to be appointed to discuss the various aspects of a Historic Preservation Ordinance, to develop an actual ordinance, and then to make a recommendation to the Planning & Zoning Commission and Council for approval.

7. **Discussion and Presentation of the City of Brenham Police Department's:**
 - a) **2019 Annual Report and Crime Analysis**
 - b) **2019 Racial Profiling Report**
 - c) **2019 Use of Force Report**
 - d) **2019 Pursuit Report**

Interim Police Chief Rusty Pancoast presented this item. Pancoast presented a summary of year end and statistical information addressed in the four reports. Pancoast explained that the transition from the New World database to the Zuercher database limited the ability to compare previous year statistics to current year statistics.

REGULAR SESSION

8. **Discuss and Possibly Act Upon Ordinance No. O-20-003 on Its Second Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Combination of Residential District (R-1) and Commercial, Research and Technology District (B-2) to a Planned Development District (PDD) on Approximately 76.9 Acres of Land Located East of the Intersection of State Highway 36 and W. Blue Bell Road (aka FM 577), Being Further Described as a Portion of Tract 35 of the Phillip Coe Survey, A-31, and a Portion of Tract 219 and Tract 278 of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas (Case Number P-19-046)**

Project Planner Shauna Laauwe presented this item. Laauwe explained that this item was recommended for approval by the Planning and Zoning Commission on December 16, 2019 and

a public hearing and discussion for the first reading was held and approved before City Council on January 16, 2020. Laauwe advised that the applicant, D.R. Horton, requested that the scheduled second reading on February 6, 2020 amending the official zoning map to change the zoning district from a combination of R-1 and B-2 to a PDD for a residential subdivision on a 76.9-acre tract be postponed until February 20, 2020. Laauwe stated that the requested postponement was to allow for the completion of the due diligence in the purchasing and closing of the property that required groundwater testing that was unfortunately delayed due to recent rains. Laauwe noted that the testing has since been conducted and found to be clear and satisfactory. Laauwe explained that no changes to the rezoning request were proposed and the Liberty Village Planned Development District specifics and Ordinance remain as presented to the Planning and Zoning Commission on December 16, 2019 and City Council on January 16, 2020.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve Ordinance No. O-20-003 on its second reading amending the Official Zoning Map of the City of Brenham, to change the zoning district from a Combination of Residential District (R-1) and Commercial, Research and Technology District (B-2) to a Planned Development District (PDD) on approximately 76.9 acres of land located East of the intersection of State Highway 36 and W. Blue Bell Road (aka FM 577), being further described as a Portion of Tract 35 of the Phillip Coe Survey, A-31, and a Portion of Tract 219 and Tract 278 of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas (Case Number P-19-046).

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Abstain

9. Discuss and Possibly Act Upon a Partner Location Agreement Between the City of Brenham and Tivity Health Services, LLC (Silver Sneakers) Related to a Fitness Partnership at the Blue Bell Aquatic Center and Authorize the Mayor to Execute Any Necessary Documentation

Aquatic Superintendent Tammy Jaster presented this item. Jaster explained that this Tivity Health Partner Location Agreement between Tivity Health Services, LLC (Silver Sneakers) and the Blue Bell Aquatic Center, is a Fitness Program – Facility Partnership. Jaster stated that this program is offered to certain individual policy plan holders of Tivity Health Services. Jaster advised that Tivity Health Services, LLC would pay the Blue Bell Aquatic Center based on usage of eligible members at a rate of \$2.50/day up to \$25.00 per month for Basic Members and \$3.50/day up to \$35.00 per month for Prime or Prime Private Brand Members.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve a Partner Location Agreement between the City of Brenham and Tivity Health Services, LLC (Silver Sneakers) related to a Fitness Partnership at the Blue Bell Aquatic Center and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

10. Discuss and Possibly Act Upon Bid Award for City of Brenham Project No. 65C-46 Related to the Baker Katz Development Sanitary Sewer (Wastewater) Improvements and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager of Public Services and Utilities Donald Reese presented this item. Reese explained that on January 28, 2020, sealed bids for this construction phase were opened by Strand Associates, Inc. and City staff for the Baker Katz Development Sanitary Sewer Improvements. Reese advised that eight bids were received for the project. Reese stated that the low bidder, 5-T Utilities, Inc of Huntsville, Texas is qualified and experienced in this type of work and have been recommended by Strand Associates, Inc. Reese explained that the project is estimated to take 240 days to complete, which would put final completion date in the fall of 2020. Reese noted that the Baker Katz development is scheduled to be complete in the spring of 2021.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve the bid for City of Brenham Project No. 65C-46 to 5-T Utilities, Inc., in the amount of \$953,201.92, related to the Baker Katz Development Sanitary Sewer (Wastewater) Improvements and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

11. Discuss and Possibly Act Upon Bid No. E2016-06 Related to the Raw Water Intake Repair at Lake Somerville and Authorize the Mayor to Execute Any Necessary Documentation

City Manager James Fisher presented this item. Fisher stated that on November 19, 2019, the City of Brenham along with Gunda Corporation representatives opened bids regarding the Raw Water Intake Repair Project at Lake Somerville. Fisher explained that this project stimulated from the high lake levels that occurred from the 2016 and 2017 storm events causing infrastructure damage to the gabions and pump station along with the access road. Fisher reported that Gunda, FEMA, and TDEM have agreed that the project can now move forward based off the bids that were received. Fisher said the low bidder, Lindsey Construction, verified the bid prices would hold until February 21st, 2020.

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby to award Bid No. E2016-06 to Lindsey Construction, Inc., in the amount of \$4,999,991.50, related to the Raw Water Intake Repair at Lake Somerville and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

14. Discuss and Possibly Act Upon a Mutual Release and Cancellation Agreement Between the City of Brenham and ION Wave Technologies, Inc. Concerning the Master License and Services Agreement for Electronic Bidding and Contract Management Software and Authorize the Mayor to Execute Any Necessary Documentation

City Manager James Fisher presented this item. Fisher explained that the City of Brenham and Ion Wave Technologies (IWT) entered into a contract for Internet based software in October of 2018. Fisher stated that the City entered into this contract to allow staff to be more efficient in the areas of contract bidding and management. Fisher advised that, however, the two employees who recommended this service are no longer with the City and after an extensive review, staff no longer feels that this service is beneficial or fiscally responsible for the City to continue. Fisher noted that the agreement is under contract for 5 years and staff requested that IWT allow the City to cancel this contract early. Fisher explained that IWT is willing to release the City from the contract for a one-time payment of \$28,750 (50% of the total amount due to IWT over the next four years).

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to approve a Mutual Release and Cancellation Agreement between the City of Brenham and ION Wave Technologies, Inc., in the amount of \$28,750, concerning the Master License and Services Agreement for Electronic Bidding and Contract Management Software and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

15. Discuss and Possibly Act Upon Resolution No. R-20-005 Providing for Support for Brazos Trace Brenham, LLC's Submission of an Application to the Texas Department of Housing and Community Affairs Requesting 2020 Competitive 9% Housing Tax Credits for the Fairview Terrace Development in Brenham, Washington County, Texas

City Manager James Fisher presented this item and introduced Rick Flammer, a Brenham Housing Authority Board member. Flammer explained that half of Brenham Housing Authority's 80 aging duplex units at Blue Bell & Gay Hill were vacated when residents were relocated to Park Lane Villas in 2018. Flammer reported that the 40 vacated units are in demolition at this time. Flammer explained that the project referred to in the Resolution before Council would replace the remaining 40 units and relocate the residents to updated units constructed by Brazos Trace Brenham LLC, which was awarded the project in a response to a BHA-issued RFP.

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby to approve Resolution No. R-20-005 Providing for Support for Fairview Terrace LP's Submission of an Application to the Texas Department of Housing and Community Affairs Requesting 2020 Competitive 9% Housing Tax Credits for the Fairview Terrace Development in Brenham, Washington County, Texas.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

16. Discuss and Possibly Act Upon Resolution No. R-20-006 Confirming that Fairview Terrace LP, Brazos Trace Brenham, LLC, and the Brenham Housing Authority's Development, Fairview Terrace, Located at 700 Eleanor Drive Contributes to Concerted Revitalization Efforts within the City Limits of the City Brenham, Texas

Brenham Housing Authority Board member Rick Flammer presented this item. Flammer noted that this item is related to the same project as the previous item. Flammer explained that the Texas Department of Housing and Community Affairs uses a scoring system to rank projects submitted from across the state. Flammer said this Resolution states that this project contributes more to the City's revitalization efforts than any other project submitted for this current round of 9% housing tax credit awards. Flammer noted that this statement earns the project additional points in the scoring process. Flammer said that as this is the only project competing for these tax credits in Brenham that replaces deteriorated housing to provide BHA subsidized housing residents improved living conditions, this is an appropriate statement.

A motion was made by Councilmember Kolby and seconded by Councilmember Wright to approve Resolution No. R-20-006 Confirming that Fairview Terrace LP, Brazos Trace Brenham, LLC, and the Brenham Housing Authority's Development, Fairview Terrace, located at 700 Eleanor Drive contributes to concerted revitalization efforts within the City Limits of the City Brenham, Texas.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

17. Discuss and Possibly Act Upon Resolution No. R-20-007 Providing for Support for Trinity Brenham Trails, LP’s Submission of an Application to the Texas Department of Housing and Community Affairs Requesting 2020 Housing Tax Credits for the Brenham Trails Development in Brenham, Washington County, Texas

Michael Fogel from Trinity Brenham Trails presented this item. Fogel stated that this item relates to an approximately 49-unit, private housing development for seniors proposed to be built in Brenham. Fogel stated that Trinity is not seeking any property tax or development fee waivers. Fogel also said that 40 of the units were proposed to be at an affordable rate, and 9 would be market rate. Fogel explained the small community would be located on 3 acres within the upcoming Market Square development, a 50-acre town square development comprising a mix of retail, office, restaurant, hotel and residential uses. Fogel also noted that Trinity was not competing against the Housing Authority for this tax credit.

Councilmember Herring asked whether grandparents living in the proposed facility would be able to have children living with them. Fogel replied that no one under the age of 18 can live in these properties.

Councilmember Kolby asked when the construction was planned. Fogel replied that he estimated construction would be complete in the summer of 2022.

A motion was made by Councilmember Kolby and seconded by Councilmember Wright to approve Resolution No. R-20-007 Providing for Support for Trinity Brenham Trails, LP’s Submission of an Application to the Texas Department of Housing and Community Affairs Requesting 2020 Housing Tax Credits for the Brenham Trails Development in Brenham, Washington County, Texas.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

18. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- The City received a \$50,000 grant from H-E-B to use for the splashpad
- There will be a special Council meeting tomorrow morning at 9:30 a.m. with the 3rd grade students from Alton Elementary

- There will be a Meet and Greet for Donald Reese and Ron Parker on February 27th at the Blue Bell Creameries Ice Cream Parlor from 4:00 – 6:00 p.m.

EXECUTIVE SESSION

Due to the length of the meeting, the City Council agreed to not discuss the Executive Session item. Mayor Tate requested that this item be put on the agenda for the March 5, 2020 meeting.

- 19. Section 551.071 – Texas Government Code – Consultation with City Attorney and Section 551.072 – Texas Government Code – Deliberation Regarding Real Property – Consultation with City Attorney and Discussion Regarding the Barnhill Center at the Historic Simon Theater**

RE-OPEN REGULAR AGENDA

- 20. Discuss and Possibly Act Upon the Development, Operation and Possible Acquisition of the Barnhill Center at the Historic Simon Theater and Authorize the Mayor to Execute Any Necessary Documentation**

This item was passed.

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary

