

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on March 19, 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 Keith Herring
Councilmember Clint Kolby
Councilmember Adonna Saunders
Councilmember Albert Wright

Members absent:

None

Others present:

City Manager James Fisher, City Attorney Cary Bovey and City Secretary – Director of Administrative Services Jeana Bellinger

Citizens present:

Ben Seeker and Michele Kwiatkowski

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 Attorney Cary Bovey**

3. Proclamation

➤ **Vietnam Veterans Day**

Ben Seeker, Commander of the VFW Post in Brenham and President of Washington County Veterans Association addressed the Council and requested that the Proclamation be read at another meeting due to the Council having more pressing issues to discuss related to the COVID-19 (Coronavirus) Pandemic. Mayor Tate said that the Proclamation would be put on a future agenda once things return to normal.

4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

- 5-a. Minutes from the February 20, 2020 Regular City Council Meeting and February 21, 2020 Special City Council Meeting**
- 5-b. Ordinance No. O-20-004 on Its Second Reading Authorizing a Variance to Minimum Setback Requirements as Outlined in Chapter 14, Mobile Homes, Manufactured Homes and Manufactured Home Parks, of the City of Brenham Code of Ordinances**
- 5-c. Approve a Noise Variance for James F. Dillon VFW 7104 for a Memorial Service to be Held on March 28, 2020 from 9:30 a.m. to 11:00 a.m. at Henderson Park Near the Retired F-111 Military Aircraft and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-d. Approve a Noise Variance for Mt. Seriah of Mt. Rose Missionary Baptist Church for a Youth Outreach in the Community Event to be Held on April 18, 2020 from 11:00 – 5:00 p.m. at Jackson Street Park and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-e. Approve a Noise Variance for Lillie Ehlert and Nickolas Morrison for a Wedding Ceremony and Reception to be Held on April 18, 2020 from 4:00 p.m. – 10:30 p.m. at 604 Walnut Hill and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-f. Award Bid No. 20-001 to Evoqua Water Technologies, Inc. for the Purchase of Sodium Chlorite in the Amount of \$0.86 Per Pound and Authorize the Mayor to Execute Any Necessary Documentation**

5-g. Approve the Purchase of Materials for the Copper Conductor Replacement Project from Techline, Inc. Through the Lower Colorado River Authority (LCRA) Materials Program and Authorize the Mayor to Execute Any Necessary Documentation

5-h. Discuss and Possibly Act Upon the Acceptance of the Audit from Seidel Schroeder for Fiscal Year 2019

City Manager James Fisher advised the Council that Items 5-c., 5-d., and 5-e. have all been withdrawn by the requestors and that Councilmember Kolby requested that Item 5-h. be moved to the regular agenda.

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby to approve the Statutory Consent Agenda Items 5-a., 5-b., 5-f. and 5-g. 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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

REGULAR SESSION

5-h. Discuss and Possibly Act Upon the Acceptance of the Audit from Seidel Schroeder for Fiscal Year 2019

Seidel Schroeder Audit Partner, Michele Kwiatkowski, presented this item. Kwiatkowski advised Council that state law requires that all general-purpose local governments publish, within six months of the close of the fiscal year, a complete set of financial statements presented in conformity with generally accepted accounting principles (GAAP) and audited in accordance with generally accepted auditing standards by a firm of licensed certified public accountants.

Kwiatkowski advised the financial statements present fairly, in all material aspects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Brenham, Texas. Kwiatkowski stated that pursuant to state requirements, and on behalf of the Finance Department, she would like to present the Comprehensive Annual Financial Report (CAFR) of the City of Brenham for the fiscal year ended September 30, 2019.

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to accept the audit from Seidel Schroeder for Fiscal Year 2019.

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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

6. Discuss and Possibly Act Upon the City of Brenham’s Action Plan Related to the COVID-19 (Coronavirus) Pandemic and Authorize the Mayor to Execute Any Necessary Documentation

City Manager James Fisher presented this item. Fisher advised Council that because the Governor has issued an Executive Order there would be no action required on this item.

Fisher informed the Council that due to the closure of Brenham ISD, City leadership met last week to discuss potential closures of the Blue Bell Aquatic Center, the Nancy Carol Roberts Memorial Library and the Antique Carousel in Fireman’s Park as these facilities may be heavily impacted, therefore, placing staff and residents at unnecessary risks. Fisher stated that after much discussion, it was decided that these City facilities, along with all city-sponsored recreational events, would be closed beginning March 15th. Fisher noted that the decision was also made to suspend visitors in the Pet Adoption Center and Animal Shelter.

Fisher stated that at this time, City parks, trails, and other outdoor amenities will be open and available to the public; however, that could change as new information is received from The Centers for Disease Control (CDC). Fisher informed the Council that City leadership has also requested that City employees cancel all nonessential business travel, that City Council meetings be held only one time per month on the 3rd Thursday, and City advisory boards/commission only meet when absolutely necessary.

No action was taken on this item by the City Council.

7. Discuss and Possibly Act Upon Resolution No. R-20-010 Amending the City of Brenham Human Resources Policy Manual

City Manager James Fisher presented this item. Fisher advised Council that since the Federal Government passed The Families First Coronavirus Response Act on March 18, 2020 the changes being requested to our Human Resource Policy Manual are not needed.

There was no action taken on this item.

- 8. Discuss and Possibly Act Upon the Approval of a Project to Extend a Six Inch (6’’) Gas Main Along North Blue Bell Road from East Alamo Street to Brown Street and Related Service Contracts, Including But Not Limited to:**
- a. A Professional Services Agreement with Hodde & Hodde Land Surveying, Inc. for Topography Surveying and General Engineering Services**
 - b. A Small Services Agreement with G&M Innovations, LLC for Boring Services**
- And Authorize the Mayor to Execute Any Necessary Documentation**

City Manager James Fisher presented this item. Fisher explained that currently the City’s six-inch gas feed generally follows the City limits and encompasses the entire City with the exception of a small section along North Blue Bell Road between East Alamo Street and Gayhill Street. Fisher stated that this project, if approved, will extend the six-inch gas main by adding a section along North Blue Bell Road from East Alamo to Brown Street, there-by completing approximately two-thirds of the incomplete section.

Councilmember Kolby questioned why this project could not wait until next year’s budget cycle. Fisher explained that the City discovered that this gas line extension should have been done years ago, per the request of the Texas Railroad Commission, and that staff is concerned that if it is postponed again the Railroad Commission may begin assessing fines to the City.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Cantey to:

- a. Enter into a professional services agreement in the amount of \$22,925.00 with Hodde & Hodde Land Surveying, Inc. for topographic surveying, general engineering services, and assistance with TxDOT permitting; and
- b. Enter into a small services contract with G&M Innovations, LLC for boring services in the amount of \$43,300.00.

Mayor Tate called for a vote. The motion passed with a vote of 6-1 with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	No
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

9. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. Related to the Burleson Street Utility Extensions and Authorize the Mayor to Execute Any Necessary Documentation

City Manager James Fisher presented this item. Fisher explained that recently there has been development occurring along the 1700 block of Burleson St and that this area was annexed in 2008 and at that time no one requested sanitary sewer or gas service. Fisher advised that in the past 3-5 months, the City has received two requests for sanitary sewer service and according to our adopted annexation service plan the City is obligated to supply utilities to the annexed areas upon request.

Fisher advised that the City has asked Strand and Associates to design, plan, and prepare bid documents related to these extensions and the cost of providing this service is \$59,000.00. Fisher advised that there is a very tight schedule and that staff would like to move forward as quickly as possible in order to meet the new homeowners' needs.

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to approve a Professional Services Agreement between the City of Brenham and Strand Associates, Inc., for an amount not to exceed \$59,000.000, for Burleson Street utility extensions of gas and sanitary sewer 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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

10. Discuss and Possibly Act Upon Resolution No. R-20-011 Authorizing the Acceptance of Public Improvements in the Vintage Farms Subdivision, Phase II

City Manager James Fisher presented this item. Fisher explained that CTX Development Company has completed infrastructure improvements (water, sanitary, storm, and streets) related to the development of Phase II of Vintage Farms Subdivision, a 54 lot residential phase of the subdivision at the southwest corner of Vintage Farms Way and State Highway 36 North (Phillip Coe Survey, A-31). Fisher stated that the infrastructure improvements have been constructed and inspected according to the City of Brenham ordinances and regulations and are ready for acceptance by the City of Brenham.

A motion was made by Councilmember Kolby and seconded by Councilmember Herring to approve Resolution No. R-20-011 authorizing the acceptance of public improvements in the Vintage Farms Subdivision, Phase II.

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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

11. Discuss and Possibly Act Upon Resolution No. R-20-012 in Connection with a Grant Agreement for an Airport Layout Plan (ALP) Update and Narrative for the Brenham Municipal Airport

City Manager James Fisher advised Council that TxDOT requested that this item be passed at this time as there is concern that the Runway Bump/Hump project may run over the allotted NPE funds for the project and FY 20 funds may have to be utilized. Fisher explained that TxDOT requested that staff hold off on passing the ALP Resolution until the runway bump/hump numbers have been firmed up and they can see where the funding stands.

No action was taken on this item.

12. Discuss and Possibly Act Upon Resolution No. R-20-013 Amending the City of Brenham's Financial Policies Document by Adding a Procurement Policy for Federal Grants and Agreements

City Manager James Fisher presented this item. Fisher explained that the Financial Policies of the City need to be amended to include a section on Federal Procurement. Fisher stated that during our recent FEMA discussions and filing for grant reimbursements, we were notified by FEMA that the City needed to adopt procurement policies and best practices as outlined in the Code of Federal Regulation, Title 2 Grants and Agreements.

A motion was made by Councilmember Herring and seconded by Councilmember Kolby to approve Resolution No. R-20-013 amending the City of Brenham's Financial Policies Document by adding a Procurement Policy for Federal Grants and Agreements.

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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

13. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County Related to Economic Development Services and Authorize the Mayor to Execute Any Necessary Documentation

City Manager James Fisher presented this item. Fisher explained that the proposed Interlocal Agreement (ILA) would allow the City to brief the Washington County Commissioner’s Court about economic development activities in Executive Session. Fisher noted that it also lays the foundation for future discussions concerning economic development partnerships between our entities. Fisher advised Council that the ILA as currently written does not include any funding from the County to the City but that he advised the County that if funding was not included in their FY21 budget, he would recommend to the Council that the ILA be rescinded.

A motion was made by Councilmember Kolby and seconded by Mayor Pro Tem Ebel to approve an Interlocal Agreement between the City of Brenham and Washington County related to Economic Development Services 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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

14. Discuss and Possibly Act Upon Supplemental No. 2 to the Professional Services Agreement with Gunda Corporation, LLC Related to the Burleson Road Culvert Replacement Project (Project No. E2016-03) and Authorize the Mayor to Execute Any Necessary Documentation

City Manager James Fisher presented this item. Fisher explained that the original professional services agreement for \$73,232.10 was approved by City Council on July 14, 2016 and Supplemental No. 1 for an additional amount of \$26,925.00 was approved by the former City Manager on June 8, 2017. Fisher stated that Supplemental No. 2 from Gunda is amending the scope of services to include Hazard Mitigation Grant Program (HMGP) application and requests for information, survey control and construction management. Fisher noted that this supplement also removes the 10% mark-up on the original agreement which is disallowed under 2 CFR Part 200 for federal awards.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Saunders to approve Supplemental No. 2 to the Professional Services Agreement with Gunda Corporation, LLC, in the amount of \$34,122.10, related to the Burluson Road Culvert Replacement Project (Project No. E2016-03) 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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

15. Discuss and Possibly Act Upon Supplemental No. 1 to the Professional Services Agreement with Gunda Corporation, LLC Related to the Raw Water Intake Repair at Lake Somerville (Project No. E2016-06) and Authorize the Mayor to Execute Any Necessary Documentation

City Manager James Fisher presented this item. Fisher explained that the original professional services agreement for \$285,888 was approved by City Council on February 16, 2017. Fisher advised that this supplemental agreement from Gunda is amending the scope of services to include FEMA coordination and requests for information, survey control and construction management. Fisher noted that this supplement also removes the 10% mark-up on the original agreement which is disallowed under 2 CFR Part 200 for federal awards.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Saunders to approve Supplemental No. 1 to the Professional Services Agreement with Gunda Corporation, LLC, in the amount of \$22,070.50, related to the raw water intake repair at Lake Somerville (Project No. E2016-06) 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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

16. Discuss and Possibly Act Upon Supplemental No. 1 to the Professional Services Agreement with Gunda Corporation, LLC Related to Storm Damage Repairs (Project No. E2017-01) and Authorize the Mayor to Execute Any Necessary Documentation

City Manager James Fisher presented this item. Fisher explained that the original professional services agreement for \$295,841 was approved by City Council on March 2, 2017. Fisher stated that engineering services under Project No. E2017-01 included storm damage repairs with the original scope for three (3) bid packages and that this supplemental agreement from Gunda is amending the scope of services to include FEMA and NRCS grant application administrative services, engineering costs for separate bid packages, survey control and construction management. Fisher advised that this supplement also removes the 10% mark-up on the original agreement which is disallowed under 2 CFR Part 200 for federal awards.

A motion was made by Councilmember Herring and seconded by Councilmember Wright to approve Supplemental No. 1 to the Professional Services Agreement with Gunda Corporation, LLC, in the amount of \$19,085.60, related to Storm Damage Repairs (Project No. E2017-01) 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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

17. Administrative/Elected Officials Report

City Manager James Fisher advised there were no Administrative reports.

Council adjourned into Executive Session at 2:59 p.m.

EXECUTIVE SESSION

18. 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

19. Section 551.071 – Texas Government Code – Consultation with Attorney – Consultation with City Attorney Regarding EEOC Charge No. 460-2020-00543

Executive Session adjourned at 3:46 p.m.

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

A motion was made by Councilmember Herring and seconded by Councilmember Kolby to decline any financial assistance for the Barnhill Center at the Historic Simon Theater.

Mayor Tate called for a vote. The motion failed with a 4-3 vote with Council voting as follows:

Mayor Milton Y. Tate, Jr.	No
Mayor Pro Tem Andrew Ebel	No
Councilmember Susan Cantey	No
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	No

A motion was made by Councilmember Herring and seconded by Councilmember Kolby to decline any financial assistance for the Barnhill Center at the Historic Simon Theater at this time.

Mayor Tate called for a vote. The motion passed with a 6 to 1 Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	No
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeanne Bellinger, TRMC, CMC

City Secretary

