

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was conducted virtually via teleconference and/or videoconference on April 16, 2020 beginning at 1:00 p.m.

### Members present:

Mayor Milton Y. Tate, Jr. – On site at City Hall  
Mayor Pro Tem Andrew Ebel – Via Videoconference  
Councilmember Susan Cantey – Via Videoconference  
Councilmember Keith Herring – Via Videoconference  
Councilmember Clint Kolby – Via Videoconference  
Councilmember Adonna Saunders – Via Videoconference  
Councilmember Albert Wright – Via Teleconference

### Members absent:

None

### Others present:

City Manager James Fisher and City Secretary/Director of Administrative Services Jeana Bellinger.

### Citizens present:

There were 36 participants in attendance via teleconference and/or videoconference.

### Media Present:

Brenham Banner Press and KWHI.

### **1. Call Meeting to Order**

### **2. Citizens Comments**

There were no citizen comments.

## CONSENT AGENDA

### 3. Statutory Consent Agenda

#### 3-a. Minutes from the April 2, 2020 Regular City Council Meeting

#### 3-b. Award ITB No. 20-002 for the Lease of Approximately 103.65 Acres of Land Located at 2080 Old Navasota Road, Brenham, Texas for Hay Production to Schulz Cattle Company in the Amount of \$60.50 Per Acre and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve the Statutory Consent Agenda Item 3-a. and Item 3-b. 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
<b>Councilmember Keith Herring</b>	<b>Absent</b>
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

## PUBLIC HEARING AND ASSOCIATED ACTION ITEM

### 4. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Brenham Housing Authority to Allow for a Multifamily Development in the Mixed Residential (R-2) Zoning District on a Site of Two Acres or More of Land Located Generally West of Hasskarl Drive and South of Eleanor Drive, and Further Described as a 5.490 Acre Parcel Being a Portion of Tract 184 of the Arrabella Harrington Survey, in Brenham, Washington County, Texas (Case Number P-20-009)

City Manager James Fisher presented this item. Fisher explained that the Brenham Housing Authority (applicant) is requesting approval of a Specific Use Permit on approximately 5.49 acres of land located south of E. Blue Bell Road and bounded by E. Blue Bell Road to the north, Henderson Park to the west, Hasskarl Drive to the east and Matilda Street to the south.

Fisher advised that the subject property is currently zoned as R-2, Mixed Residential Use District and developed with duplexes owned by the Brenham Housing Authority. The current R-2 zoning designation allows for a mixture of residential uses as permitted uses to include single-family, two-family, single-family attached (townhomes), cluster housing, zero lot line housing and small multifamily dwellings on sites of less than two (2) acres. In addition, multifamily development on a site of two (2) acres or more is permitted in the R-2 District with prior approval of a Specific Use Permit (SUP).

Fisher explained that the purpose of the SUP process is to identify those uses which might be appropriate within a zoning district, but due to either their location, function, or operation could have a potentially harmful impact on adjacent properties or the surrounding area; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate such adverse impacts. Fisher informed the Council that the Planning and Zoning Commission voted unanimously to recommend approval of the SUP request as presented.

Mayor Tate opened the public hearing. There were no public comments received.

Mayor Tate closed the public hearing.

A motion was made by Councilmember Kolby and seconded by Councilmember Wright to approve an Ordinance on its first reading amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham granting a Specific Use Permit to Brenham Housing Authority to allow for a multifamily development in the Mixed Residential (R-2) Zoning District on a site of two acres or more of land located generally west of Hasskarl Drive and south of Eleanor Drive, and further described as a 5.490 acre parcel being a portion of Tract 184 of the Arrabella Harrington Survey, in Brenham, Washington County, Texas (Case Number P-20-009).

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. Discuss and Possibly Act Upon Resolution No. R-20-017 Approving Exhibit “D” Collection and Transfer Station Services to Said 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**

City Manager James Fisher presented this item. Fisher explained that in March 2020 the City Council approved an agreement for Commercial and Residential Solid Waste Collection, Disposal and Recycling Services with Brannon Industrial Group, LLC d/b/a BVR Waste and Recycling and at that time the agreement related to the Collection and Transfer Station was not completed. Fisher stated that the past couple of weeks, the City Attorney, along with city staff, have finalized Exhibit “D” related to the collection and transfer station and it is now ready for City Council’s approval.

Councilmember Herring inquired if improvements to the facility could be approved by the City Manager. Herring referenced the second paragraph in section “License of Station Facility” where it states that any improvement made to the Station must be approved by the City. Herring stated that he was fine with improvements being approved by the City Manager. All of the members of the City Council approved.

City Attorney Cary Bovey advised the Council of a change needed to the License Agreement. Bovey explained that Item 15.b. is not needed in the Agreement due to the language contained in the General Terms and Conditions to the Agreement for Municipal Solid Waste Collection, Disposal and Recycling Services between the City and BVR.

A motion was made by Councilmember Kolby and seconded by Councilmember Saunders to approve Resolution No. R-20-017 approving Exhibit “D” Collection and Transfer Station Services to said 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 with the approval of facility improvements being done by the City Manager and Section 15.b. of the License Agreement being deleted.

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 an Ordinance on Its First Reading to Grant a Non-Exclusive Franchise to Pronto Services, LLC to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits**

City Manager James Fisher presented this item. Fisher explained that the City of Brenham allows sanitation companies to provide roll-off container services for residents, businesses, and industries inside the city limits; however, the sanitation companies are required to have a franchise with the City prior to providing the service. Fisher stated that currently there are franchise agreements with (8) companies to provide this service for our citizens and businesses.

Fisher advised that on April 1, 2020 staff received a letter from Alex Basgal with Pronto Services, LLC requesting a franchise agreement in order to do business within the City. This company has been hired by a local church to assist with remodeling and construction debris. Fisher stated that staff recommends approving the franchise ordinance.

Mayor Pro Tem Ebel asked if there were any plans to discontinue this in the future since all other sanitation services have been outsourced to Brannon Industrial Group. Fisher explained that staff was looking into that and would be bringing a recommendation to Council in a future meeting.

A motion was made by Councilmember Saunders and seconded by Councilmember Cantey to approve an Ordinance on its first reading to grant a Non-Exclusive Franchise to Pronto Services, LLC to operate a Roll-Off Container Service for residents, businesses, and industries inside Brenham city limits.

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

**7. Discuss and Possibly Act Upon the Acceptance of a Donation from the City of Brenham Community Projects Fund, Inc. and Authorize the Mayor to Execute Any Necessary Documentation**

City Manager James Fisher presented this item. Fisher advised that at the August 27, 2015 City Council meeting, former Director of Community Services, Wende Ragonis, presented to Council the idea of forming a 501(c)(3) non-profit Charitable Organization (City of Brenham Community Projects Fund, Inc.) to provide funding for quality of life enrichment for recreation, literacy and community philanthropy and development.

In 2019, recreation staff began applying for various grants to help with the construction of a splashpad in Henderson Park. In February 2020, H-E-B awarded \$50,000 to the Community Projects Fund for a splashpad in Henderson Park.

The Community Projects Fund Board made up of Mayor Tate, Councilmember Susan Cantey, and Councilmember Clint Kolby accepted the donation and unanimously approved it being donated to the City for the splashpad.

A motion was made by Councilmember Herring and seconded by Councilmember Wright to accept a donation in the amount of \$50,000.00 from the City of Brenham Community Projects Fund, Inc. for the splashpad in Henderson Park 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

**8. Discuss and Possibly Act Upon a Project Services Agreement Between the City of Brenham and MunicipalH2O Related to Regulatory Compliance Services and a Risk and Resilience Assessment and Authorize the Mayor to Execute Any Necessary Documentation**

City Manager James Fisher presented this item. Fisher stated that on October 23, 2018, America's Water Infrastructure Act (AWIA) was signed into law. This Act requires community water systems serving 3,300 or more persons to conduct a risk and resilience assessment and develop an emergency response plan that must be updated every five years. Certification deadline for the Risk and Resilience Assessment is June 30, 2021 and the Emergency Response Plan certifications are due six months from the date of the Risk Assessment Certification.

Fisher explained that while the assessment is not due until June 30, 2021, it is a very technical and lengthy process to complete. Therefore, it is prudent to start this process as early as possible as many other Cities across the nation would be seeking these same services to complete their assessments.

Fisher stated that Municipal H2O (MHC) currently provides the City with Risk Management Program services in accordance with EPA requirements for the water and wastewater plants. Under that agreement, MHC will provide to the City all services required to ensure the Risk and Resilience Assessment is certified to EPA prior to the June 30, 2021 deadline and that the Emergency Response Plan for the City is completed and certified within six (6) months after certification of the Risk and Resilience Assessment. The cost for MHC to provide these services to the City is a one-time project fee of \$22,500.

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to approve a Project Services Agreement between the City of Brenham and MunicipalH2O for a one-time project fee of \$22,500.00 related to Regulatory Compliance Services and a Risk and Resilience Assessment 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

**9. Discuss and Possibly Act Upon an Amendment to the System Water Availability Agreement Between the City of Brenham and Brazos River Authority for the Temporary Resale of Water and Authorize the Mayor to Execute Any Necessary Documentation**

City Manager James Fisher asked that the City Council please table this item to allow staff more time to review the agreement.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Cantey to table Item 9.

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 a Water Supply Resale Agreement Between the City of Brenham and The Dow Chemical Company Related to the Temporary Resale of Water and Authorize the Mayor to Execute Any Necessary Documentation**

City Manager James Fisher asked that the City Council please table this item to allow staff more time to review the agreement.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Cantey to table Item 10.

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 a Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. Related to 2020 On-Call Engineering Services and Authorize the Mayor to Execute Any Necessary Documentation**

City Manager James Fisher presented this item. Fisher explained that the City would like to obtain engineering services from Strand Associates, Inc. on an "On-Call" or "As Needed" basis. The services would include, but not be limited to, General Engineering Services, Development Review Services, Floodplain Administration Services, and Part-Time Resident Project Representative Services for Developments.

Fisher advised that the services would be to attend meetings to discuss engineering-related matters, prepare opinions of probable construction costs for budgetary purposes, review preliminary and final plats submitted by developers, review water, sanitary sewer, paving, and drainage construction plans in accordance with the Code of Ordinances and Design Standards, communicate with the City regarding its floodplain administration, and part-time observation of development construction. Fisher stated that cost to provide those services would not exceed \$50,000 a year.

Councilmember Herring asked whether an increase would have to come back to Council for approval if the cost was over \$50,000. Fisher advised that it would.

A motion was made by Councilmember Kolby and seconded by Councilmember Wright to approve a Professional Services Agreement between the City of Brenham and Strand Associates, Inc., not to exceed \$50,000.00, related to 2020 On-Call Engineering 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



**12. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. Related to Engineering Services and Resident Project Representative Services for the Raw Water Intake Repairs at Lake Somerville and Authorize the Mayor to Execute Any Necessary Documentation**

City Manager James Fisher presented this item. Fisher explained that on February 20, 2020, Lindsey Corporation, Inc. was awarded Project Bid No. E2016-06 for the Raw Water Intake Repair at Lake Somerville. In order to assist with this important project, the City would like to obtain engineering services from Strand Associates, Inc. to provide part-time resident project representation for observation and inspection for work performed (12-16 hours per week) for up to 43 weeks.

Fisher stated that the Engineer would not supervise, direct, or have control over the contractor's work and would not be responsible for the contractor's construction means, methods, techniques, sequences, procedures, or health and safety precautions or programs. Fisher explained that the Engineer shall keep the City informed on progress of work, document all visits to the project site and observations concerning the project and furnish documentation of these visits to the City. Fisher advised the Council that Strand's services would be based on a 300-day construction schedule and shall not exceed \$75,000.00.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve a Professional Services Agreement between the City of Brenham and Strand Associates, Inc., not to exceed \$75,000.00, related to Engineering Services and Resident Project Representative Services for the raw water intake repairs 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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**13. Discuss and Possibly Act Upon Resolution No. R-20-018 Expressing Official Intent to Reimburse Certain Costs Related to the Raw Water Intake Repair at Lake Somerville Project**

City Manager James Fisher presented this item. Fisher advised Council that on November 13, 2019 the City of Brenham along with Gunda Corporation representatives opened bids regarding the Raw Water Intake Repair Project at Lake Somerville. This project resulted 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 explained that initially Gunda estimated the construction at \$1,784,791 however, when bids were opened, the lowest bid was \$4,999,991 from Lindsey Construction. The City advised TDEM and FEMA of the significant difference in estimated costs versus bid prices.

Fisher stated that on February 20, 2020, the Council awarded a contract to Lindsey Construction in the amount of \$4,999,991 and although FEMA has communicated to the City that the higher construction estimates are reasonable, this Resolution allows Council the ability to reimburse certain costs related to this project from the issuance of Certificates of Obligation in the event that FEMA does not reimburse the City in whole or in part for the engineering and construction of this project.

A motion was made by Councilmember Cantey and seconded by Councilmember Saunders to approve Resolution No. R-20-018 expressing official intent to reimburse certain costs related to the Raw Water Intake Repair at Lake Somerville Project.

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. Discussion and Update on the City of Brenham's COVID-19 (Coronavirus) Response and Recovery Efforts**

City Manager James Fisher advised the Council of the following COVID-19 response and recovery efforts:

- Susan Cates, Director of Economic Development, is working with Nextlink to provide wi-fi hotspots for citizens in the parks and other select locations around the City to help parents and students with homework.
- Several City employees are helping BISSD with the school lunch program.

#### **15. Administrative/Elected Officials Report**

City Manager James Fisher reported on the following:

- The Recycling Center will remain open until June 1.
- The next City Council meeting will be on April 30<sup>th</sup> and will be an in-person meeting, held at City Hall.

The meeting was adjourned.

***Milton Y. Tate, Jr.***

Mayor

***Jeana Bellinger, TRMC, CMC***

City Secretary



**THIS PAGE INTENTIONALLY LEFT BLANK**