

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on June 4, 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, City Secretary – Director of Administrative Services Jeana Bellinger, Assistant City Manager – Chief Financial Officer Carolyn Miller, Assistant City Manager - Public Services/Utilities Donald Reese, Police Chief Ron Parker, Director of Development Services Stephanie Doland, Police Captain Lloyd Powell, Officer Eddie Martinez, Stephen Scheffer.

### Citizens present:

Stacie Oberrender, Austin Love and Luther Hueske

### 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 – Councilmember Herring**
- 3. Special Presentation**
  - **Life Saving Award Presented to Brenham Police Department Officer Eddie Martinez**

- 4. **Service Recognition**
  - **Stephen Scheffer, Wastewater Treatment**                      **25 Years**

5. **Citizens Comments**

There were no citizen comments.

**CONSENT AGENDA**

6. **Statutory Consent Agenda**

6-a. **Minutes from the May 7, 2020 and May 21, 2020 Regular City Council Meetings**

6-b. **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.**

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve the Statutory Consent Agenda Items 6-a. and 6-b. as presented.

Mayor Pro Tem Ebel called for a vote. The motion passed with Council voting as follows:

<b>Mayor Milton Y. Tate, Jr.</b>	<b>Absent</b>
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

**PUBLIC HEARING AND ASSOCIATED ACTION ITEMS**

- 7. **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 the Washington County Healthy Living Association/Margaret E. Blizzard Senior Activity Center to Allow Additional Parking as an Accessory to Use for the Margaret E. Blizzard Senior Activity Center in a Single Family Residential Use (R-1) Zoning District on Approximately 0.938 Acres of Land Addressed as 1300, 1302, 1304 and 1306 Loesch Street, and Described as Section 1, Block 1, Lots 1-4 of the Kenjura Subdivision, in Brenham, Washington County, Texas (Case Number P-20-017)**

City Manager James Fisher presented this item. Fisher advised that the Washington County Healthy Living Association/Margaret E. Blizzard Senior Activity Center (applicant) is requesting approval of a Specific Use Permit (SUP) on approximately 0.938 acres of land located on the northwest corner of E. Tom Green Street and Loesch Street.

Fisher stated that the applicant has requested a SUP in order to develop an accessory parking lot. The existing Senior Center has 122 parking spaces and the proposed parking lot would provide an additional 61 parking spaces for the Center. Fisher reported that the Planning and Zoning Commission voted 5-0-1 (Commissioner Alfred abstained) to recommend approval of the SUP request.

Mayor Pro Tem Ebel opened the public hearing.

Luther Hueske representing the Washington County Healthy Living Association addressed the Council and requested that they approve the request. Hueske explained that by adding this additional parking will keep the senior citizens from having to park along the street on Loesch Street.

Mayor Pro Tem Ebel closed the public hearing.

A motion was made by Councilmember Cantey and seconded by Councilmember Saunders 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 Washington County Healthy Living Association/Margaret E. Blizzard Senior Activity Center, located at 1301 E. Tom Green Street, to allow an additional parking lot as an accessory use for the Margaret E. Blizzard Senior Activity Center for a Non-Profit Philanthropic Use in an R-1 Single-Family Residential Use Zoning District on approximately 0.938 acres of land addressed as 1300, 1302, 1304, and 1306 Loesch Street and described as Section 1, Block 1, Lots 1-4 of the Kenjura Subdivision in Brenham, Washington County, Texas (Case Number P-20-017).

Mayor Pro Tem Ebel 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. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Mixed Residential District (R-2) to a Commercial, Research and Technology District (B-2) on Approximately 1.071 Acres of Land, Described as Part of Tract 57 of the John Lang Survey, A-156, in Brenham, Washington County, Texas (Case Number P-20-018)**

City Manager James Fisher presented this item. Fisher stated that the subject property is a 1.071 acre tract of land addressed as 2418 S. Market Street and generally located on the south side of S. Market Street and midpoint between S. Chappell Hill Street to the west and Cantey Street to the east. Fisher explained that the applicant, Paul Leventis, is requesting the zoning change to allow for the construction of an office to serve the future Market Square development.

Fisher advised that the proposed rezoning is aligned with the City of Brenham Envision 2020 Comprehensive Plan and the Planning and Zoning Commission voted unanimously to recommend approval of the rezoning request.

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

Mayor Tate closed the public hearing.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to approve an Ordinance on its first reading amending the Official Zoning Map of the City of Brenham, to change the Zoning District from a Mixed Residential District (R-2) to a Commercial, Research and Technology District (B-2) on approximately 1.071 acres of land, described as Part of Tract 57 of the John Lang Survey, A-156, in Brenham, Washington County, Texas (Case Number P-20-018).

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**

**9. Discuss and Possibly Act Upon Resolution No. R-20-021 Authorizing Execution of an Agreement with TxDOT for the Temporary Closure of State Right-of-Way in Connection with the 2020 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be Held on July 11, 18, 25 and August 1, 2020**

City Manager James Fisher presented this item. Fisher explained that Hot Nights, Cool Tunes, are outdoor concert events hosted by the City and sponsored by local businesses. Fisher stated that the concerts are planned for July 11, 18, 25, and August 1, 2020 from 7:00 p.m. – 10:00 p.m. Fisher advised the Council that one or more lanes of Alamo Street between Park Street and St. Charles Street will be closed for stage setup and pedestrians from 2:00 p.m. to midnight or until the stage is removed.

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby to approve Resolution No. R-20-021 authorizing execution of an agreement with TxDOT for the temporary closure of state right-of-way in connection with the 2020 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held on July 11, 18, 25, and August 1, 2020.

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 Noise Variance in Connection with the 2020 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be Held from 2:00 p.m. to Midnight on July 11, 18, 25 and August 1, 2020 and Authorize the Mayor to Execute Any Necessary Documentation**

City Manager James Fisher presented this item. Fisher explained that since Hot Nights, Cool Tunes will consist of bands and sound amplification, staff is required to get a noise variance approved by Council.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve a noise variance in connection with the 2020 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held from 2:00 p.m. to Midnight on July 11, 18, 25 and August 1, 2020 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

**11. Discuss and Possibly Act Upon Resolution No. R-20-022 Amending the City of Brenham Human Resources Policy Manual**

City Manager James Fisher presented this item. Fisher explained that Human Resources Director Susan Nienstedt drafted an Early Retirement Program that will reward employees for their longevity at the City (their many years of dedication to the organization, community, and each other), and provide them with medical insurance, if needed, for a smooth transition into retirement. Fisher stated that the Program will be offered every five years to eligible employees and that eligibility will be defined by the Texas Municipal Retirement System's plan provisions of twenty years of service at any age, or five years of service at age sixty. Fisher explained that employees who complete thirty (30) years of service with the City will be able to take advantage of the Program at any time.

A motion was made by Councilmember Wright and seconded by Councilmember Cantey to approve Resolution No. R-20-022 amending the City of Brenham Human Resources Policy Manual.

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 Award of Bid for Project No. 62C-70C/65C-49C Related to the 2020 Burleson Street Utility Extensions and Authorize the Mayor to Execute Any Necessary Documentation**

Public Works Director Dane Rau presented this item. Rau said that on May 21, 2020 the City and Strand Associates opened bids regarding sanitary sewer and gas extension work along Burleson Street. These extensions are in areas that were annexed in 2008 and property owners are now requesting sanitary sewer service. Rau reported that with work being done on sewers, staff included an alternate on having the contractor conduct gas extensions at the same time.

Rau reported that there were six (6) bids received with J&D Construction submitting the lowest bid. Rau said that Strand has conducted a review of the lowest bidder and all the reference checks received positive information back.

Rau said that three of J&D Construction's required forms were noted to be missing during the bid review process. Rau stated that the issue has been reviewed by the City Attorney and staff believe the bid can be awarded to J&D Construction. Rau noted that he has already received a few of the required documents.

City Attorney Cary Bovey stated that the Council can vote to award a bid with irregularities, as long as those irregularities do not relate to price, time, or scope of work. Bovey explained the reason is that the substantive terms of the bid are not in question, and therefore Council can create a binding contract by accepting the offered terms. Bovey advised that the irregularities in J&D Construction's bid submittal do not relate to substantive issues, and therefore Council can waive the irregularities and award the bid.

A motion was made by Councilmember Kolby and seconded by Councilmember Cantey to award a bid for Project No. 62C-70C/65C-49C, as authorized in the Bid Specifications issued by the City, and waive any and all irregularities in the bid submitted by Texas J & D Construction, Ltd. based on the finding by this City Council that such irregularities do not involve price, time or changes in the work on the project; and I further move that the base bid and alternate bid for the 2020 Burluson Street Utility Extensions project be awarded to J & D Construction, Ltd., in the total amount of \$170,464.54, contingent upon all required documents being submitted to the City, and authorize the Mayor 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. Discussion and Update on the City of Brenham's COVID-19 (Coronavirus) Response and Recovery Efforts**

City Manager James Fisher reported on the following:

- Personal COVID kits were distributed each employee. The kits contained masks, filters, gloves, and hand sanitizer.
- Based on Governor Abbot's Executive Order (No. 26), the scheduled opening of some city facilities would be changed. BBAC opening to 50% next weekend. The Library will also be changing some of their requirements to allow patrons to visit beginning June 23<sup>rd</sup> on Tuesdays and Thursdays 10am-4pm.

- Parks and Recreation staff put together “Return to Play” guidelines to help get our fields and sports courts opened on June 15<sup>th</sup>.
- Playgrounds are scheduled to reopen June 15<sup>th</sup> also.
- Construction of the new splashpad in Henderson Park will be completed in 2-3 weeks. Staff is hoping to have it open in time for the July 4<sup>th</sup> holiday.
- Staff is still reviewing the Coronavirus Aid, Relief, and Economic Security (CARES) Relief Fund grant paperwork. It may be a challenge to get any expenses reimbursed but staff is still going to submit COVID-related expenditures.

**14. Administrative/Elected Officials Report**

City Manager James Fisher reported on the following:

- The City has received a Texas Parks and Wildlife Trail Grant for the renovation of the nature trail at Hohlt Park. It should be funded in Spring 2021.
- In coming months, Council will be asked to award bids related to grant administration and engineering related to the Community Development Block Grant Mitigation Program through the Texas General Land Office. If funded, the money would be used to help with various drainage projects.
- Upcoming meeting and FY21 budget dates are:
  - June 18<sup>th</sup> – regular Council meeting at 1:00 p.m. that will include a FY20 and FY21 budget updates
  - July 2<sup>nd</sup> – regular Council meeting at 1:00 p.m.; however, due to holiday the agenda will be kept light
  - July 9<sup>th</sup> – special budget meeting, 9:00 a.m. to 3:00 p.m.
  - July 15<sup>th</sup> – special budget meeting, 4:00 p.m. to 7:00 p.m.
  - July 16<sup>th</sup> – special budget meeting, 9:00 a.m. to Noon; then regular Council meeting at 1:00 p.m.

The meeting was adjourned.

*Milton Y. Tate, Jr.*

Mayor

*Jeana Bellinger, TRMC, CMC*

City Secretary

