

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on August 6, 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.  
Councilmember Susan Cantey  
Councilmember Keith Herring  
Councilmember Clint Kolby  
Councilmember Adonna Saunders  
Councilmember Albert Wright

### Members absent:

Mayor Pro Tem Andrew Ebel

### Others present:

City Manager James Fisher, Assistant City Manager – Chief Financial Officer Carolyn Miller, Assistant City Manager - Public Services/Utilities Donald Reese and City Secretary – Director of Administrative Services Jeana Bellinger, City Attorney Cary Bovey, Fire Chief Ricky Boeker, Police Chief Ron Parker, Director of Public Works Dane Rau, Project Planner Shauna Laauwe

### Citizens present:

None.

### 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 Saunders**
- 3. Citizens Comments**

None.

## CONSENT AGENDA

### 4. Statutory Consent Agenda

- 4-a. **Minutes from the July 2, 2020 and July 16, 2020 Regular City Council Meetings and the July 16, 2020 Special Workshop Meeting**
- 4-b. **Approve Change Order No. 1 and Final Payment on City of Brenham Project No. 2017-06 to Barclay's Premier Utility Services, LLC in the Amount of \$31,233.00 for the 24' Raw Water Line Lowering at Sandy Creek and Authorize the Mayor to Execute Any Necessary Documentation**
- 4-c. **Discuss and Possibly Act Upon an Ordinance on Its First Reading to Grant a Non-Exclusive Franchise to Dillo Disposal Service, LLC to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside the City Limits of the City of Brenham, Texas**

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to approve the Statutory Consent Agenda Item 4-a. through 4-c. as presented.

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

Mayor Milton Y. Tate, Jr.	Yes
<b>Mayor Pro Tem Andrew Ebel</b>	<b>Absent</b>
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 ITEM

- 5. **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 an Industrial District (I) to a Commercial, Research and Technology District (B-2) on the Following:**
  - a. **Approximately 0.849 Acres of Land Located Adjacent to 1303 Prairie Lea Street and 1305 Prairie Lea Street, Being Further Described as Part of Lot No. 2 of Continental Ribbon and Carbon Company Subdivision Out of the P. H. Coe Survey, A-31, in Brenham, Washington County, Texas; and**
  - b. **Approximately 4.236 Acres of Land Addressed as 1303 Prairie Lea Street, Being Further Described as Part of Lot No. 2, of the Continental Ribbon and Carbon Company Subdivision Out of the P. H. Coe Survey, A-31, in Brenham, Washington County, Texas (Case No. P-20-027)**

Mayor Tate opened the Public Hearing.

Project Planner Shauna Laauwe presented this item. Laauwe stated that the subject tracts are two adjacent vacant properties, 1303 and 1305 Prairie Lea Street and are currently zoned as Industrial (I).

Laauwe advised that the applicants, Michael Benestante and Nathan Winkelmann, are requesting the tracts be rezoned to B-2, Commercial, Research, and Technology District to allow for more compatible and less intense commercial uses and the possibility of multifamily development.

Laauwe explained that the Industrial District is intended to provide the placement of any lawful light or heavy industrial use, and excludes structures used as dwelling units. The requested B-2 District is a mixed use of commercial district established to preserve and to protect appropriate locations for existing light industry, multiple-family residential, retail, office, and commercial uses.

Laauwe said the use of the subject properties for commercial use is consistent with the Future Land Use Map and the 2040 Comprehensive Plan. On July 27, 2020, the Planning and Zoning Commission voted unanimously to recommend approval of the rezoning request.

There were no citizen comments.

Mayor Tate 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 the Official Zoning Map of the City of Brenham, to change the Zoning District from an Industrial District (I) to a Commercial, Research and Technology District (B-2) on approximately 0.849 acres of land located adjacent to 1303 Prairie Lea Street and 1305 Prairie Lea Street, being further described as Part of Lot No. 2 of Continental Ribbon and Carbon Company Subdivision out of the P. H. Coe Survey, A-31, in Brenham, Washington County, Texas; and approximately 4.236 acres of land addressed as 1303 Prairie Lea Street, being further described as Part of Lot No. 2, of the Continental Ribbon and Carbon Company Subdivision out of the P. H. Coe Survey, A-31, in Brenham, Washington County, Texas (Case No. P-20-027).

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

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

**REGULAR SESSION**

**6. Submission of, Discussion and Possible Action Regarding the No-New-Revenue Tax Rate, Voter-Approval Tax Rate and Proposed Tax Rate of \$0.5040 per \$100 Valuation for the 2020 Tax Year, and Take Record Vote on Proposed Tax Rate and Meeting Dates for Final Adoption of Tax Rate by City Council**

This item was presented by City Manager James Fisher. Fisher explained that the process of developing an annual budget and adopting a property tax rate to support that budget must be accomplished in compliance with Property Tax Code, the Local Government Code, and the City’s Charter.

Fisher explained that on July 16<sup>th</sup>, a Council Budget Workshop was held to review and discuss the proposed FY2020-21 budget. Based on the priorities presented at this workshop, it was discussed to maintain the current maintenance and operations (M&O) property tax rate of \$0.3200 per \$100 valuation, and to lower the interest and sinking (I&S) rate by approximately one cent from \$0.1940 to \$0.1840 per \$100 valuation.

Fisher advised that the City is proposing to adopt a total tax rate (M&O and I&S) of \$0.5040 for FY2020-21 and because the proposed tax rate does not exceed the lower of the No-New-Revenue Tax Rate or the Voter-Approval Tax Rate, a public hearing is not required.

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby that a property tax rate of \$0.5040 per \$100 valuation be considered by the governing body on the agendas of the September 3, 2020 and September 17, 2020 Brenham City Council meetings.

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

Mayor Milton Y. Tate, Jr.	Yes
<b>Mayor Pro Tem Andrew Ebel</b>	<b>Absent</b>
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 Termination of the Contract Between the City of Brenham and Southern Flyer, Inc. for Fixed Base Operator at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by Assistant City Manager - Public Services/Utilities Donald Reese. Reese explained that the original Fixed Base Operator contract with Southern Flyer, Inc. began in 2000 but that City staff received a written 60-day notice from Southern Flyer, Inc. on June 24, 2020 of their desire to cease being an FBO at the Brenham Municipal Airport.

A motion was made by Councilmember Kolby and seconded by Councilmember Cantey to approve termination of the contract between the City of Brenham and Southern Flyer, Inc. for Fixed Base Operator services at the Brenham Municipal Airport effective August 31, 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
<b>Mayor Pro Tem Andrew Ebel</b>	<b>Absent</b>
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 the Purchase and Installation of Precision Approach Path Indicator (PAPI) Lights at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by Assistant City Manager Donald Reese. Reese said that on March 7, 2020 the Coronavirus Aid, Relief, and Economic Security (CARES) Act authorized nearly \$10 billion to eligible airports to prevent, prepare for, and respond to coronavirus impacts, including support for continuing airport operations.

Reese explained that Precision Approach Path Indicator (PAPI) light systems primarily assist pilots by providing visual glide slope guidance in non-precision approach environments. These systems have an effective visual range of at least 3 miles during the day and up to 20 miles at night. The existing PAPI systems have outlived their useful life; therefore, staff would like to utilize the CARES Act funding to replace the existing PAPI systems with an LED PAPI system.

Reese stated that the City was approved for \$69,000 of Group 4 CARES Act Funding and that the funding could be used for Precision Approach Path Indicator (PAPI) lighting. Reese explained that once the PAPI lighting was replaced, the City will submit the documentation necessary to receive CARES Act reimbursement.

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to approve the purchase and installation of Precision Approach Path Indicator (PAPI) lights at the Brenham Municipal Airport from B-C Company, Inc. to preserve the public health and safety of the City's residents, as authorized by Section 252.022(a)(2) of the Texas Local Government Code, said purchase shall not exceed \$70,000.00 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
<b>Mayor Pro Tem Andrew Ebel</b>	<b>Absent</b>
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 Ordinance on Its First Reading Providing for No Parking Zones in Certain Designated Areas Along W. Second St., Green St., High St., and W. Fifth St. in the City of Brenham**

This item was presented by City Manager James Fisher. Fisher said that with recent improvements and additions of infrastructure around the Blinn Campus, that Blinn has reached out to the City to ask about establishing “No Parking” areas on four (4) local roadways that all front Blinn College property. Fisher said that after reviewing these areas and discussing with Development Services, staff does not object to working with Blinn to help align their parking plan but also open up these roadways for emergency personnel and improving these areas for pedestrians.

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby to approve an Ordinance on its first reading providing for No Parking Zones in certain designated areas along W. Second St., Green St., High St., and W. Fifth St. in the City of Brenham.

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

Mayor Milton Y. Tate, Jr.	Yes
<b>Mayor Pro Tem Andrew Ebel</b>	<b>Absent</b>
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 Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. for Engineering Services Related to the Atlow Elevated Storage Tank Rehabilitation Project and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by City Manager James Fisher. Fisher explained that the Atlow Elevated Storage Tank, located on S. Lubbock Street, is in need of maintenance work. The work may include minor repairs, surface preparation, and coating of the entire interior and exterior, above ground piping and valves, and appurtenances with a specified coating system.

Fisher said the services to be provided by Strand Associates include, but are not limited to, Topographic Survey and Planning, Design Services, Bidding-Related Services, and Construction-Related Services. Fisher stated that the scope of services will be 730 calendar days beginning from execution date of the agreement and ending upon total completion of the project.

A motion was made by Councilmember Kolby and seconded by Councilmember Cantey to approve a Professional Services Agreement, for engineering services, between the City of Brenham and Strand Associates, Inc. in the amount of \$59,100.00 related to the Atlow Elevated Storage Tank Rehabilitation Project 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
<b>Mayor Pro Tem Andrew Ebel</b>	<b>Absent</b>
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 the Award of RFQ No. 20-006 Related to Engineering/Architectural/Surveying Services for the Community Development Block Grant Disaster Recovery Mitigation (CDBG-MIT) Projects and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by City Manager James Fisher. Fisher said that staff requested proposals from qualified professional engineering/architectural/surveying service providers to assist the City in its application for and implementation of proposed Community Development Block Grant Disaster Recovery-Mitigation (CDBG-MIT) Program projects if funded by the Texas General Land Office (GLO). The City received responses from five (5) firms.

Fisher reported that responses were evaluated by a selection committee made up of five members including Councilmember Ebel, Assistant City Manager Donald Reese, Director of Public Works Dane Rau, City Secretary – Director of Administrative Services Jeana Bellinger, and Community Services Specialist Crystal Locke. The selection committee ranked each responder based on experience, work performance, and capacity to perform. After evaluating, the committee unanimously selected Strand Associates.

A motion was made by Councilmember Cantey and seconded by Councilmember Saunders to award RFQ No. 20-006 to Strand Associates, Inc. for engineering/architectural/surveying services related to the Community Development Block Grant Disaster Recovery Mitigation (CDBG-MIT) Program 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
<b>Mayor Pro Tem Andrew Ebel</b>	<b>Absent</b>
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 RFP No. 20-004 Related to Lease of Telecommunications Space on City-Owned Water Towers and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by Assistant City Manager Donald Reese. Reese reported that on May 19, 2020, RFP No. 20-004 was issued requesting proposals from qualified telecommunications companies for the placement and maintenance of wireless broadband communications equipment on City-owned water towers located at various locations throughout Brenham. Fisher advised that Unified Communications, Inc. d/b/a Zochnet was the only responding company.

Reese advised that Council that staff worked with the City Attorney and Zochnet to prepare a 5-year lease agreement in which Zochnet will pay the City \$200.00 per month per tower for the exclusive right to install and maintain equipment on the City's elevated storage tanks. The tanks included in the agreement are the Jeffries St. Tower and the Church St. Tower.

Reese also explained that in addition to the monthly rent, Zochnet will provide in-kind services to the City for the term of the contract, with a total annual investment of \$17,284.00. Those in-kind services include a high-speed hotspot in the downtown area of Brenham, twelve high-speed connections at the City's outdoor recreation areas such as parks and sports fields, three high-speed connections at locations to be determined by the City in the future, and the provision of certified climbers to the City as needed for minor repairs and maintenance work associated with both elevated storage tanks, not to exceed eight (8) trips per calendar year.

A motion was made by Councilmember Kolby and seconded by Councilmember Cantey to award Bid No. 20-004 to Unified Communications, Inc. d/b/a Zochnet and approve a Communications Facility License Agreement between the City of Brenham and Zochnet 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
<b>Mayor Pro Tem Andrew Ebel</b>	<b>Absent</b>
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 Upcoming Community Events and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by City Manager James Fisher. Fisher explained that during the July 2, 2020 City Council meeting, the Council postponed several community events due to an increase in COVID-19 cases and Governor Abbott's Executive Order GA-28. Those events included the 2020 Summer Concert Series, the 2020 Community Picnic, Movies in the Park, and Summer Sip & Art Walk. At that time, staff advised they would bring these events back later to discuss possibly rescheduling them in the fall.

After discussion with the Council and staff, it was determined that the Community Events should be rescheduled; however, the Council advised that if COVID-19 cases were to rise again, the events may have to be cancelled once again.

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to reschedule the 2020 Community Events to the following dates:

- 2020 Concert Series (Hot Nights, Cool Tunes): October 10, 16, 17 and 24
- Movies in the Park: October 2 and 9
- Summer Sip & Art Walk: September 12
- Community Picnic: Will not be rescheduled at this time. A reschedule date is still to be determined.

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

Mayor Milton Y. Tate, Jr.	Yes
<b>Mayor Pro Tem Andrew Ebel</b>	<b>Absent</b>
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 reported on the following:

- August 10<sup>th</sup> City Hall will reopen to the public from 11:00 a.m. to 4:00 p.m. Hoping to get back to regular hours in September.

**15. Administrative/Elected Officials Report**

City Manager James Fisher reported on the following:

- Mayor Tate and City Manager met with Blinn College to talk about the start of the school year.
- Public Hearing on the CDBG Grant process will be held on August 13<sup>th</sup> at 5:30 p.m.
- Council Budget Workshop will be held at The Barnhill Center on August 13<sup>th</sup> at 4:00 p.m.

Council adjourned into Executive Session at 2:13 p.m.

**EXECUTIVE SESSION**

**16. Section 551.071 - Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Pending Litigation: T. Hyde v. Washington County Sheriff's Department and Brenham Police Department, Cause No. 37404; 21st Judicial District, Washington County, Texas**

Executive Session adjourned at 2:35 p.m.

**RE-OPEN REGULAR SESSION**

The meeting was adjourned.

*Milton Y. Tate, Jr.*

Mayor

*Jeana Bellinger, TRMC, CMC*

City Secretary

