

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on October 15, 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, Human Resources Director Susan Nienstedt, Public Works Director Dane Rau, Assistant City Manager of Public Services and Utilities Donald Reese, Development Services Director Stephanie Doland, Economic Development Director Susan Cates, and Police Chief Ron Parker.

Citizens present:

Kathe Forrest

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 – Mayor Pro Tem Ebel**

3. Citizens Comments

Kathe Forrest

CONSENT AGENDA

4. Statutory Consent Agenda

- 4-a. Minutes from the October 1, 2020 Regular City Council Meeting**
- 4-b. Approve Ordinance No. O-20-022 on Its Second Reading Amending the FY2019-20 Adopted Budget**
- 4-c. Approve Ordinance No. O-20-023 on Its Second Reading Amending Chapter 25, Article II, of the Code of Ordinances of the City of Brenham, Regulating Speed Limits in Designated School Crossing Zones**
- 4-d. Approve Ordinance No. O-20-024 on Its Second Reading Granting a Variance to Section 23-21(3)(a) and (3)(c) of the City of Brenham Code of Ordinances, Chapter 23, Subdivisions, (Case No. P-20-029)**
- 4-e. Approve the Ratification of a Contract Between Pitney Bowes Global Financial Services, LLC and the City of Brenham and Authorize the Mayor to Execute Any Necessary Documentation**
- 4-f. Approve the Purchase and Installation of Playground Equipment for Jerry Wilson Park from GameTime Total Recreation Products, Inc., Through BuyBoard Contract No. 592-19, in the Amount of \$72,455.12 and Authorize the Mayor to Execute Any Necessary Documentation**
- 4-g. Approve Change Order No. 1 and Final Payment on Contract No. 2017-11 to Dudley Construction, Ltd. in the Amount of \$49,975.00 for the Rehabilitation of Fireman's Park Stone Bridge and Authorize the Mayor to Execute Any Necessary Documentation**

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

WORK SESSION

5. Discussion and Update on City of Brenham Parks and Recreation Projects

This item was presented by Public Works Director Dane Rau. Rau explained to Council that the Brenham Community Development Corporation (BCDC) approved \$1,019,500 for various park and recreation projects and events as well as any required matching grant funds for the Brenham Family Park. Some of the notable parks and recreation approved projects include:

- Blue Bell Aquatic Center (BBAC) Roof replacement
- New Playground at Jerry Wilson Park
- Tennis court resurfacing
- Replacement of outfield wall at Fireman's Park
- Refurbish big yellow slide at BBAC
- Splashpad – Phase II
- Covered basketball courts at Jackson Street Park
- Various park improvements at Jerry Wilson Park
- ADA upgrades to competition pool at BBAC

Rau advised the Council that on August 20, 2020 the City was notified that the Texas Parks and Wildlife Commission approved a grant for Phase I of the Brenham Family Park in the amount of \$750,000. Rau advised that a tentative timeline has been completed with construction to begin in August 2021 with a projected completion date for Phase I in February 2023.

REGULAR SESSION

12. Discuss and Possibly Act Upon the City Manager's Employment Agreement and Related Issues and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Kolby and seconded by Councilmember Cantey to approve the City Manager's Employment Agreement for an additional one year period, making the agreement effective through January 10, 2022 and to increase the City Manager's annual base salary to \$166,000.00.

Councilmember Cantey said she wants citizens of Brenham to know how lucky they are to have a fine City Manager who has led the City through unchartered and dicey waters. Cantey thanked City Manager James Fisher for all his efforts.

Councilmember Herring was also complimentary of Fisher and noted that Fisher sometimes drives a hard bargain but it is always in the best interest of the City. Mayor Tate said that Fisher has done a great job and that he has confidence in Fisher.

Mayor Pro Tem Ebel said he thinks the City is blessed to have James Fisher as its City Manager.

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 Amending Chapter 23 – “Subdivisions” of the Code of Ordinances of the City of Brenham

This item was presented by Development Services Director Stephanie Doland. Doland said the proposed Amendments to Chapter 23 includes two significant changes from the current ordinance.

Firstly, the proposed ordinance would require all development, both commercial and residential, to place all utilities within the development underground. Doland noted that this requirement currently only applies to residential developments.

Secondly, Doland explained that the proposed amendments include a re-write of the fiscal security provisions, which detail the required processes for a private developer to construct public infrastructure within a subdivision. Doland explained that the existing language concerning infrastructure acceptance via a fiscal security is outdated and lacking in clarity. Doland said the proposed amendment clarifies the required processes as well as the fiscal security options available.

Doland advised that on September 28, 2020 the Planning and Zoning Commission met and unanimously recommended approval of the proposed ordinance amendments. During the Public Hearing no citizen comments were received. Doland noted that notice of the Public Hearing was posted in Brenham Banner and advertised by KWHI prior to the meeting.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve an ordinance on its first reading amending Chapter 23 – “Subdivisions” of the Code of Ordinances of the City of Brenham.

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 Resolution No. R-20-029 Authorizing the Submission of a Grant Application to the Texas General Land Office (GLO) (Including All Supporting Documentation As May Be Required by the GLO) for the Community Development Block Grant-Mitigation (CDBG-MIT) Program (Floods of 2016 - DR-4266, DR-4269, DR-4272)

This item was presented by Public Works Director Dane Rau. Rau said that the Texas General Land Office (GLO) has developed a \$147.6 million competition for the impacted regions associated with the flooding events of 2016. The program allocation is split between the HUD Most Impacted and Distressed and the State Most Impacted and Distressed. Rau explained that for the City of Brenham this means the competition will be within the State Most Impacted and Distressed for \$73.8 million.

Rau reported that on June 11, 2020, Council awarded Bid No. 20-005 related to the grant administration and/or planning services for the Community Development Block Grant - Mitigation (CDBG-MIT) program to Public Management. On August 6, 2020, Council awarded RFQ No. 20-006 related to engineering/architectural/surveying services for the CDBG-MIT program to Strand Associates. City staff and both parties met mid-August to collaborate and discuss mitigation projects that will reduce the risks and impacts of future natural disasters pertaining to the 2016 Flood State Competition.

Rau explained the proposed project consists of major drainage improvements pertaining to the Hog Branch tributary throughout the central area of the City. On September 25, the City of Brenham gave notice of the City's intent to apply to the Texas General Land Office (GLO) for a Texas CDBG-MIT Program. The City requested public comments for fourteen (14) days from the date of the posting which ended October 9. No comments were received.

Rau said the local match (1%) commitment has been allocated to the construction activity and will be expected to be expended at the start of construction. The match is committed by the City of Brenham from the Drainage Utility Fund.

Rau said that staff learned recently that the GLO is requiring a signed engineering contract to be included in the application for funding. Unfortunately, due to the complexity of these projects and time constraints for the application Strand Associates does not have the ability to write a comprehensive scope to associate with the specific projects. Due to the lack of project specific scope, the fees are not being included on the contract. The language regarding the 15% engineering fee cap is included on the contact. The contract is written so that the detailed scope and fee can be addressed by amendment when the project receives funding. The engineering contract has been prepared using the GLO contract template. The engineering fees for the 2016 Floods grant are currently \$414,800.

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to approve Resolution No. R-20-029 authorizing the submission of a grant application to the Texas General Land Office (GLO) (including all supporting documentation as may be required by the GLO) for the Community Development Block Grant-Mitigation (CDBG-MIT) Program (Floods of 2016-DR-4266, DR-4269, DR-4272) upon City Attorney’s approval of changes to the engineering contract provided by Strand Associates.

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 Resolution No. R-20-030 Authorizing the Submission of a Grant Application to the Texas General Land Office (GLO) (Including All Supporting Documentation As May Be Required by the GLO) for the Community Development Block Grant - Mitigation (CDBG-MIT) Program (Hurricane Harvey - DR-4332)

This item was presented by Public Works Director Dane Rau. Rau said that the Texas General Land Office (GLO) has developed a \$2.1 billion competition for the 49-County Harvey impacted area. Rau explained that the program allocation is split between the HUD Most Impacted and Distressed and the State Most Impacted and Distressed, and that for the City of Brenham, this means the competition will be within the State Most Impacted and Distressed for \$1 billion.

Rau reported that on June 11, 2020, Council awarded Bid No. 20-005 related to the grant administration and/or planning services for the Community Development Block Grant - Mitigation (CDBG-MIT) program to Public Management. On August 6, 2020, Council awarded RFQ No. 20-006 related to engineering/architectural/surveying services for the CDBG-MIT program to Strand Associates. City staff and both parties met mid-August to collaborate and discuss mitigation projects that will reduce the risks and impacts of future natural disasters pertaining to the Hurricane Harvey State Mitigation Competition.

Rau explained that the proposed project consists of major drainage improvements in multiple locations throughout the central area of the City. On September 25, the City of Brenham gave notice of the City's intent to apply to the Texas General Land Office (GLO) for a Texas CDBG-MIT Program. The City requested public comments for fourteen (14) days from the date of the posting which ended October 9. No comments were received.

The 1% local match commitment has been allocated to the construction activity and will be expected to be expended at the start of construction. The match is committed by the City of Brenham from the Drainage Utility Fund.

Rau said that staff recently learned that the GLO is requiring a signed engineering contract to be included in the application for funding. Unfortunately, due to the complexity of these projects and time constraints for the application Strand Associates does not have the ability to write a comprehensive scope to associate with the specific projects. Due to the lack of project specific scope, the fees are not being included on the contract. The language regarding the 15% engineering fee cap is included on the contract. The contract is written so that the detailed scope and fee can be addressed by amendment when the project receives funding. The engineering contract has been prepared using the GLO contract template. The engineering fees for the Hurricane Harvey grant are currently \$610,100.

A motion was made by Councilmember Kolby and seconded by Councilmember Saunders to approve Resolution No. R-20-30 authorizing the submission of a grant application to the Texas General Land Office (GLO) (including all supporting documentation as may be required by the GLO) for the Community Development Block Grant – Mitigation (CDBG-MIT) Program (Hurricane Harvey – DR-43332). upon City Attorney's approval of changes to the engineering contract provided by Strand Associates.

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 Ordinance on Its First Reading Providing for Increased Prior and Current Service Annuities in the Texas Municipal Retirement System ('TMRS') for Retirees and Beneficiaries of Deceased Retirees of the City of Brenham and Electing to Make Current Service and Prior Service Contributions to the City's TMRS Benefit Accumulation Fund at the Actuarially Determined Rate of Total Employee Compensation

This item was presented by Human Resources Director Susan Nienstedt. Nienstedt said that for many years, City Council has approved, on an annual basis, an ordinance providing for an increase in retirement annuities of 70% of the CPI as provided through the Texas Municipal Retirement System. Nienstedt explained that in order to make any changes in the City's plan provisions, an ordinance must be approved by Council each year. Nienstedt said the funding rate for the City of Brenham will increase from 10.01% to 10.38% which is included in the FY20-21 budget.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve an ordinance on its first reading providing for increased prior and current service annuities in the Texas Municipal Retirement System ('TMRS') for retirees and beneficiaries of deceased retirees of the City of Brenham and electing to make current service and prior service contributions to the City's TMRS Benefit Accumulation Fund at the actuarially determined rate of total employee compensation and related provisions effective January 1, 2021 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 an Amendment to the Gas Sales Contract Between WTG Gas Marketing, Inc. and the City of Brenham and Authorize the Mayor to Execute Any Necessary Documentation

City Attorney Cary Bovey requested that the City Council discuss this item in Executive Session as allowed by Section 551.086 of the Texas Government Code, Utility Competitive Matters.

Mayor Tate advised that this item would be discussed in Executive Session immediately following Item 11 on the agenda.

11. Discuss and Possibly Act Upon an Amendment to the System Water Availability Agreement Between Brazos River Authority (BRA) and the City of Brenham and Authorize the Mayor to Execute Any Necessary Documentation

This item was presented by Assistant City Manager – Public Services/Utilities Donald Reese. Reese said that on September 1, 2019, an agreement was entered into by and between Brazos River Authority (BRA), a river authority of the State of Texas, and the City of Brenham (Purchaser). BRA made available and Purchaser agreed to purchase 774 acre-feet of raw water per fiscal year for municipal purposes. The intent of this agreement was to secure additional water to sustain long-term future growth for the City of Brenham. The term of the Agreement began September 1, 2019 and shall end on August 31, 2045. Purchase price of the 774 acre-feet was \$79/acre-foot or \$61,146.00 annually. The 774 acre-feet of water is in addition to the City’s primary water availability agreement for 4,200 acre-feet, of which, 2,777 acre-feet are used annually on average. While securing this water for future use is prudent, the additional water is not needed at this time.

Reese noted this is the same amendment that was approved by Council on May 7th, 2020. Reese said that if the agreement is approved, staff will come back to Council for consideration of an agreement between the City and Dow Chemical for the resale of the raw water.

Councilmember Kolby expressed his concerns with selling water not knowing what the Summer of 2021 could bring.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Wright to approve an amendment to the System Water Availability Agreement between Brazos River Authority (BRA) and the City of Brenham 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	No
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

Council adjourned into Executive Session at 1:44 p.m.

EXECUTIVE SESSION

- 10. Section 551.086 – Texas Government Code – Utility Competitive Matters – Consultation with City Attorney Regarding the Gas Sales Contract Between WTG Gas Marketing, Inc. and the City of Brenham**

Executive Session adjourned at 2:37 p.m.

REGULAR SESSION

- 10. Discuss and Possibly Act Upon an Amendment to the Gas Sales Contract Between WTG Gas Marketing, Inc. and the City of Brenham and Authorize the Mayor to Execute Any Necessary Documentation**

No action was taken on this item.

- 13. Administrative/Elected Officials Report**

City Manager James Fisher reported on the following:

- City Hall is now open regular hours: 8:00 a.m. to 5:00 p.m.
- Community Picnic is scheduled for Sunday, November 1st

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary

