

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on November 5, 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, Fire Chief Ricky Boeker, Public Works Director Dane Rau, Assistant City Manager of Public Services and Utilities Donald Reese, Alton Sommerfield, Development Services Director Stephanie Doland, Director of Tourism & Marketing Jennifer Eckermann, Economic Development Director Susan Cates, Tiwana Brown, Crystal Locke, Captain Dant Lange, and Police Chief Ron Parker.

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

There were no citizen comments heard.

CONSENT AGENDA

4. Statutory Consent Agenda

- 4-a. **Approve Ordinance No. O-20-025 on Its Second 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**
- 4-b. **Approve Ordinance No. O-20-026 on Its Second Reading Amending Chapter 23 – “Subdivisions” of the Code of Ordinances of the City of Brenham**
- 4-c. **Approve an Ordinance on Its First Reading Amending the FY2020- 21 Adopted Budget**
- 4-d. **Approve the Purchase of a Mustang CAT M318F Wheeled Excavator for the City of Brenham Street and Drainage Departments from Mustang CAT, Through BuyBoard Contract No. 515-06, in the Amount of \$298,200.00 and Authorize the Mayor to Execute Any Necessary Documentation**
- 4-e. **Approve an Equipment Financing Proposal with Citizens State Bank in the Amount of \$298,200.00, with a Seven-Year Note and an Interest Rate of 1.48 Percent and Authorize the Mayor to Execute Any Necessary Documentation**
- 4-f. **Approve a Contract Between the City of Brenham and the Lower Colorado River Authority (LCRA), In the Amount of \$141,674.78, for Tree Trimming Services and Authorize the Mayor to Execute Any Necessary Documentation**
- 4-g. **Approve the Purchase of a Kubota Skid Steer for the City of Brenham's Electric Department from Washington County Tractor, Through Sourcewell Contract No. 1809913, in the Amount of \$73,965.20 and Authorize the Mayor to Execute Any Necessary Documentation**
- 4-h. **Approve the Purchase of a Bucket Truck for the City of Brenham Electric Department from Terex Utilities, Inc., Through Sourcewell Contract No. 012418-TER, in the Amount of \$141,743.00 and Authorize the Mayor to Execute Any Necessary Documentation**
- 4-i. **Approve Change Order No. 1 and Final Payment on Contract No. 2017-03 to Barclays Premier Utility Services, LLC in the Amount of \$70,792.50 for the Industrial Blvd Drainage Repairs and Authorize the Mayor to Execute Any Necessary Documentation**

- 4-j. Acceptance of a Grant from the Hancher Foundation in the Amount of \$15,000.00 for the Nancy Carol Roberts Memorial Library and Authorize the Mayor to Execute Any Necessary Documentation**
- 4-k. Approve the City of Brenham 2021 Holiday Calendar and Authorize the Mayor to Execute Any Necessary Documentation**

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

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

- 5. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham’s Official Zoning Map in Appendix A - 'Zoning' of the Code of Ordinances of the City of Brenham to Amend the Planned Development District Ordinance No. O-20-013 to Correct an Error in Section IV for the Lakes at Vintage Farms, Being Approximately 52.428 Acres of Land Being Located South and West of Dixie Road and Further Described as Tract 7 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas (Case No. P-20-036)**

Mayor Tate opened the Public Hearing.

This item was presented by Development Services Director Stephanie Doland. Doland stated that the subject property is located generally south and west of Dixie Road and north of Muscadine Trail. The property is currently vacant land and was annexed into the City on May 21, 2020 and assigned the zoning distinction of Planned Development District. The subject tract is north of the existing Vintage Farms Subdivision which is currently under construction by Stylecraft Builders.

Doland explained that the proposed rezoning is scheduled for consideration because it came to staff’s attention that the original Ordinance contains an error. The adopted Ordinance contains six sections which outline development standards for the proposed subdivision. However, Section VI (4) of the adopted ordinance should not have been included with this Planned Development District Ordinance.

Doland explained that Planned Development District Ordinances can only be amended by re-writing and re-adopting a new Ordinance; therefore, staff is initiating a rezoning to correct the scrivener’s error, specifically to remove Section VI.

Doland reported that The Planning and Zoning Commission met on October 26, 2020 and unanimously recommend approval of the proposed rezoning to correct a scrivener’s error, by removing Section VI of Ordinance No. O-20-013 for a Planned Development District (PD) on a 52.428-acre tract known as the Lakes of Vintage Farms Planned Development. Doland noted that no citizen comments were received.

There were no citizen comments. Mayor Tate closed the Public Hearing.

A motion was made by Councilmember Kolby and seconded by Councilmember Saunders to approve an Ordinance on its first reading amending the City of Brenham’s Official Zoning Map in Appendix A - 'Zoning' of the Code of Ordinances of the City of Brenham to amend the Planned Development District Ordinance No. O-20-013 to correct an error in Section IV for the Lakes at Vintage Farms, being approximately 52.428 acres of land being located south and west of Dixie Road and further described as Tract 7 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas (Case No. P-20-036)

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

7. Presentation of 4th Quarter Tourism Report by Visit Brenham

This item was presented by Tourism and Marketing Director Jennifer Eckermann. Eckermann presented information including updates in the areas of:

- Visitor Journey Arrival to Departure (“A2D”) Classes and visitor kiosks
- Tourism website
- Visitor Center and newsletter
- Social media, professional videography, and “Happenings This Week” flyers
- Group sales, advertising/outreach
- The Barnhill Center and Texas Music Friendly City

6. Presentation of the FY2019-20 Municipal Court Statistics

This item was presented by Municipal Court Administrator Tiwana Brown. Brown reviewed the report and discussed the following:

- In FY2020, there were 4,209 cases filed in Municipal Court. This number represents a decrease from FY2019 due to the COVID-19 pandemic.
- There were 100 juvenile cases filed and 3,414 warrants issued.
- Total municipal court revenue collected was \$868,886, with \$254,936 remitted to the State.

Councilmember Herring asked why the number of warrants issued had increased significantly compared to FY2019. Brown stated that the increase was due to a recent warrant audit performed by municipal court staff.

8. Presentation of 4th Quarter Economic Development Report

This item was presented by Economic Development Director Susan Cates. Cates provided updates on the following development opportunities and activities:

- Business Attraction
- Project Silver Crayon and Black Stamp
- Marketing Efforts
- Partnerships
- Special Recognitions

9. Discussion and Update on 2020 Holiday Events and COVID-19 Restriction and Recovery Efforts

This item was presented by Community Services Specialist Crystal Locke. Locke reported that per the Governor's Executive Order, outdoor gatherings with 10 or more people require the approval of the Mayor or County Judge. Locke listed upcoming Holiday Events, including:

- The Farmers Market
- Christmas Stroll & Lighted Parade
- Three (3) concerts at the Barnhill Center
- Holiday House Craft & Bake Sale for Brenham Pet Adoption
- Friends, Family, & Fun Inflatables at the Blue Bell Aquatic Center
- Adoption Event & Gift Wrapping for Brenham Pet Adoption Center
- Holiday Open House at Blue Bell Aquatic Center

City Manager James Fisher noted that the City is beginning to get many requests for special event permits. Fisher said staff are working hard to ensure these gatherings can be held safely.

Fisher noted that these efforts have included temporarily closing the Blue Bell Aquatic Center for deep cleaning after a staff member there tested positive for COVID-19. Fisher said that while County Judge John Durrenberger has received permission from the Governor's Office to lift the face mask requirements for Washington County, the City of Brenham will continue to require the use of masks in City facilities.

REGULAR SESSION

10. Discuss and Possibly Act Upon a Joint Proclamation Between the City of Brenham and Washington County Related to the 2020 Christmas Stroll and Lighted Parade to be held on December 4-5, 2020 and Authorize the Mayor to Execute Any Necessary Documentation

This item was presented by City Manager James Fisher. Fisher said the Proclamation is showing the joint support of the City and County for this event and their mutual agreement to do what is necessary to make the event successful and safe.

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to approve a Joint Proclamation between the City of Brenham and Washington County related to the 2020 Christmas Stroll and Lighted Parade to be held on December 4-5, 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-20-031 Authorizing the Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 2020 Lighted Christmas Parade to be held on Saturday, December 5, 2020

This item was presented by Community Services Specialist Crystal Locke. Locke said the City hosts the annual Christmas Stroll and Lighted Parade on the first weekend in December. Locke reported that the City is requesting from TxDOT the closure of Alamo Street and Main Street from Market Street to Austin Street from 2:00p.m. to 9:00 p.m. on Saturday, December 5, 2020.

City Manager James Fisher thanked Locke for her work on Hot Nights, Cool Tunes and other events, and said the success of this and other events shows that the City can provide events safely.

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve Resolution No. R-20-031 authorizing the execution of an agreement with TxDOT for the temporary closure of state right of way in connection with the 2020 Lighted Christmas Parade to be held on Saturday, December 5, 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

12. Discuss and Possibly Act Upon Resolution No. R-20-032 Amending Resolution No. R-20-008 Approving the Submission of a Grant Application to the Office of the Governor Criminal Justice Division for the Rifle-Resistant Body Armor Grant Program

This item was presented by Police Captain Dant Lange. Lange explained that the City Council approved Resolution No. R-20-008 on February 6, 2020 authorizing staff to submit an application to the Office of the Governor Criminal Justice Division for the Rifle-Resistant Body Armor Grant Program. After approval by the Council, staff submitted the Resolution and all other documentation to the Governor's Office.

Lange said that on October 12, 2020 staff was advised by the Grant Manager that Resolution No. R-20-008 needed to be amended to include some additional language. The recommended actions were added and are ready for Council approval.

A motion was made by Councilmember Saunders and seconded by Councilmember Herring to approve Resolution No. R-20-032 amending Resolution No. R-20-008 approving the submission of a grant application to the Office of the Governor Criminal Justice Division for the Rifle-Resistant Body Armor Grant Program.

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-20-033 for the Acceptance a Grant in the Amount of \$28,696.35 from the Office of the Governor Criminal Justice Division for the Rifle-Resistance Body Armor Grant Program

This item was presented by Police Captain Dant Lange. Lange said the Police Department is requesting the acceptance of a grant in the amount of \$28,696.35 from the Criminal Justice Division of the Governor’s Office for the Rifle Resistant Body Armor Program. Lange noted there is no requirement for matching City funds on this grant.

A motion was made by Councilmember Wright and seconded by Councilmember Cantey to approve Resolution No. R-20-033 for the acceptance a grant in the amount of \$28,696.35 from the Office of the Governor Criminal Justice Division for the Rifle-Resistance Body Armor Grant 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
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 a Master Subscription Service Agreement between City of Brenham and MUNIRevs, Inc. for the MUNIRevs Vacation Rental Compliance Module, LODGINGRevs, and Authorize the Mayor to Execute Any Necessary Documentation

This item was presented by Development Services Director Stephanie Doland. Doland explained that the City was approached by a local hotelier concerning a Short-Term Rental Ordinance. The Tourism and Marketing Subcommittee determined that such an ordinance would not be appropriate in Brenham at this time but was receptive to the idea of a hotel occupancy tax collection software.

Doland stated that staff has met multiple times with LodgingRevs, a division of MuniRevs, which offers Short Term Rental Detection and Compliance monitoring. Doland explained that the software will significantly reduce staff time to track and collect monthly hotel occupancy taxes from short-term rentals, bed and breakfasts, and hotels/motels within the City limits. Doland noted that LodgingRevs anticipates that there are around 100 short-term rentals located within the City limits alone and will assist the City in customizing forms and notifications to bring these rentals that do not currently report and pay occupancy tax into compliance.

Doland says LodgingRevs has prepared a contract with both the City of Brenham and Washington County to provide their online portal and aid both entities in tax collection. The cost for each entity is \$8,000 the first year and \$6,000 thereafter. Doland said that the annual contract fees are not included in the FY2020-21 budget, but the contract will be paid with operational efficiencies from outsourcing this function.

A motion was made by Councilmember Kolby and seconded by Councilmember Saunders to approve a Master Subscription Service Agreement between City of Brenham and MUNIREvs, Inc. for the MUNIREvs Vacation Rental Compliance Module, LODGINGRevs, 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 Resolution No. R-20-034 Consenting to the Creation of the Pecan Glen Road District Within the Extraterritorial Jurisdiction of the City of Brenham

This item was presented by City Attorney Cary Bovey. Bovey said that the Pecan Glen Subdivision is located in Washington County. The roads in the Subdivision, which are private, have deteriorated, and the property owners wish to finance the reconstruction of the roads through the formation of a road district. Bovey explained that State law permits the Washington County Commissioners Court to create such a road district, but because part of the Subdivision is in Brenham's Extraterritorial Jurisdiction, consent of Council is required. Bovey said that once the district is created, it may issue bonds to construct, purchase, maintain, or operate roads. Bovey noted that future annexation of the Subdivision by the City is unlikely.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Cantey to approve Resolution No. R-20-034 consenting to the creation of the Pecan Glen Road District within the extraterritorial jurisdiction 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

Council adjourned into Executive Session at 2:06 p.m.

EXECUTIVE SESSION

- 16. Section 551.087 - Texas Government Code - Economic Development Negotiations - Discuss and Deliberate Project BK Regarding Commercial or Financial Information that the City Has Received from a Business Prospect and the Offer of Financial or Other Incentives to a Business Prospect that the City Seeks to Have Locate, Stay or Expand In or Near the City of Brenham and With Which the City is Conducting Economic Development Negotiations**

Executive Session adjourned at 2:44 p.m.

RE-OPEN REGULAR SESSION

- 17. Discuss and Possibly Act Upon Resolution No. R-20-035 Approving the Amendment of the Chapter 380 Economic Development Agreement Between the City of Brenham and BK Stringer, Ltd.**

A motion was made by Councilmember Herring and seconded by Councilmember Wright to approve Resolution No. R-20-035 approving the amendment of the Chapter 380 Economic Development Agreement between the City of Brenham and BK Stringer, Ltd. 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

18. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- The Fire Hydrant Restoration Project is beginning.
- Salem Road project is underway; should be complete by May, 2021.
- Old Chappell Hill Road improvements are scheduled to take place April through August, 2021.
- City Secretary Jeana Bellinger has been named a Trustee on the Executive Board of the Texas Municipal Clerks Association.

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary



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