

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on October 14, 2021 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

### Members Present:

Mayor Pro Tem Clint Kolby  
Councilmember Shannan Canales  
Councilmember Leah Cook  
Councilmember Atwood Kenjura  
Councilmember Adonna Saunders  
Councilmember Albert Wright

### Members Absent:

Mayor Milton Y. Tate, Jr.

### City of Brenham Staff present:

Interim City Manager – Chief Financial Officer Carolyn Miller, Assistant City Manager – Public Services/Utilities Donald Reese, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Karen Stack, Executive Assistant Monique Breaux, Interim Fire Chief – Fire Marshal Roger Williams, Captain Dant Lange, Director of Public Works Dane Rau, Stephen Draehn, Director of Public Utilities Alton Sommerfield, Kyle Branham, Shauna Laauwe, Allen Jacobs, Controller Stacy Hardy, Human Resources Director Susan Nienstedt, Strategic Budget Officer Debbie Gaffey, Kim Hodde, Joe Moore and Ande Bostain

### Citizens/Others Present:

Jonathan Baughman and Austin Brister – McGinnis Lochridge (Houston Office)

### 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 Albert Wright**
- 3. Citizens Comments**

No citizens comments were heard.

Mayor Pro Tem Kolby acknowledged Joe Moore for his 25 years of service with the City. He thanked Moore for his dedication. Kolby also acknowledged Carolyn Miller as the new Interim City Manager and Roger Williams as the new Interim Fire Chief.

## **CONSENT AGENDA**

- 4. Statutory Consent Agenda**
  - 4-a. Approve the Minutes from the September 2, 2021 and September 16, 2021 Regular City Council Meetings and the September 23, 2021 Special City Council Meeting**
  - 4-b. Approval of Acknowledgement and Consent to BK Stringer, LTD's Collateral Assignment of Rights to Reimbursement to Independent Bank and Authorize the Mayor Pro Tem to Execute Any Necessary Documentation**
  - 4-c. Approve Resolution No. R-21-026 Authorizing the Acceptance of a Grant in the Amount of \$73,395.00 from the Office of the Governor, Public Safety Office, Homeland Security Grants Division for the 2021 State Homeland Security Program – Law Enforcement Terrorism Prevention Activities Projects for the Purchase of Two (2) Automatic License Plate Recognition Trailers**
  - 4-d. Approve a Noise Variance for Cool Nights, Hot Tunes in Conjunction with the Texas Arts and Music Festival to be Held from 10:00 a.m. on October 16th to 2:00 p.m. on October 17th in Downtown Brenham and Authorize the Mayor Pro Tem to Execute Any Necessary Documentation**
  - 4-e. Approve a Noise Variance for a Block Party to be Held by Brannon Industrial Group from 5:00 p.m. to 8:00 p.m. on October 17th at 511 W. Chauncy Street and Authorize the Mayor Pro Tem to Execute Any Necessary Documentation**
  - 4-f. Ratification of Additional Scope of Work to the Electrical Distribution Construction Agreement Between the City of Brenham and Techline Construction, LLC Through the Lower Colorado River Authority (LCRA) and Final Payment in the Amount of \$12,453.57 Related to the Annual Pole Changeout Program and Authorize the Mayor Pro Tem to Execute Any Necessary Documentation**
  - 4-g. Approve the Assignment of Lease to Global Air Transport Limited Liability Company and a New Ground-Space Lease Agreement with Global Air Transport Limited Liability Company (Brian Schelde) for Hangar Space at the Brenham Municipal Airport addressed as 3187 Aviation Way and Authorize the Mayor Pro Tem to Execute Any Necessary Documentation**
  - 4-h. Approve Two (2) Ground-Space Lease Agreements with Todd Poehlmann for Hangar Space at the Brenham Municipal Airport (3175 Aviation Way, Hangars B-1 and B-4) and Authorize the Mayor Pro Tem to Execute Any Necessary Documentation**
  - 4-i. Approve Change Order No. 1 and Final Payment to Mercer Construction Company in the Amount of \$52,201.90 for Project No. 2020-03 Related to the Hickory Lane Drainage Improvement Project and Authorize the Mayor Pro Tem to Execute Any Necessary Documentation**

- 4-j. Approve the Purchase of a 2022 John Deere 310HL Backhoe for the City of Brenham Street Department Through Sourcewell Contract No. 032119-JDC In the Amount of \$117,823.98 and Authorize the Mayor Pro Tem to Execute Any Necessary Documentation**
- 4-k. Approve the Purchase of a 2022 John Deere 310SL Backhoe for the City of Brenham Wastewater Department Through Sourcewell Contract No. 032119-JDC, in the Amount of \$120,236.98, and Authorize the Mayor Pro Tem to Execute Any Necessary Documentation**
- 4-l. Approve the Purchase of Vehicles Through The Interlocal Purchasing System (TIPS) Contract No. 200206 As Follows:**
  - 1. Three (3) 2022 Chevrolet Tahoes for the City of Brenham Police Department from Lake Country Chevrolet in the Amount of \$111,209.25; and**
  - 2. Two (2) 2022 Ford F150 Responder Trucks for the City of Brenham Police Department from Silsbee Ford in the Amount of \$83,720.30; and**
  - 3. One (1) Ford F-250 Truck for the City of Brenham Animal Services Department from Silsbee Ford in the Amount of \$60,844.00 And Authorize the Mayor Pro Tem to Execute Any Necessary Documentation**
- 4-m. Approve Resolution No. R-21-027 Reauthorizing an Investment Policy for the City of Brenham**
- 4-n. Approve Resolution No. R-21-028 Nominating Candidates for Election to the Washington County Appraisal District Board of Directors**

A motion was made by Councilmember Wright and seconded by Councilmember Kenjura to approve the Statutory Consent Agenda Items 4.a. thru 4.n. as presented.

Mayor Tate 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 Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

Council adjourned into Executive Session at 1:05 p.m.

## **EXECUTIVE SESSION**

- 10. Section 551.071 – Texas Government Code – Consultation with Attorney - Consultation with City Attorney Regarding City of Brenham v. WTG Gas Marketing, Inc.; Cause No. 37573; 335th Judicial District Court, Washington County, Texas**

Executive Session adjourned at 1:45 p.m.

## **PUBLIC HEARING AND ASSOCIATED ACTION ITEM**

**5. 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 Allow for an Enlargement of Floor Area Occupied by a Legally Existing Nonconforming Use (Automobile Repair Shop) in a B-1, Local Business/Residential Mixed Use Zoning District, on Property Addressed as 1006 N. Park Street and Further Described as Lot S, PT 19 and N PR 21 of the William Schomburg Subdivision in Brenham, Washington County, Texas (Case No. P-21-022)**

Project Planner Shauna Laauwe presented this item to Council. Laauwe explained KT Auto Plus (property owner/applicant) located at 1006 N Park Street, is requesting approval of a Specific Use Permit (SUP) to expand their existing building footprint from 2,423 square feet by an additional 3,680 square feet. KT Auto Plus, established in 2006, is classified as an automobile repair shop and service garage use that is not listed as either a permitted use or as a specific use in the B-1 District, thus the existing use is considered a nonconforming use. 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 to mitigate or eliminate such adverse impacts.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve a Specific Use Permit to allow an enlargement of floor area occupied by a legally existing nonconforming use (automobile repair shop) in a B-1 Local Business/Residential Mixed-Use Zoning District for the subject 0.263-acre tract of land located at 1006 N. Park Street.

Mayor Pro Tem Kolby 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 Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**6. Public Hearing, Discussion and Possible Action Upon an Ordinance on Its First Reading Amending Chapter 6, Buildings and Structures, Article II, Building Code, of the Code of Ordinances of the City of Brenham, Texas to Provide for the Adoption of the 2018 Editions of the International Building Code, International Fuel Code, International Mechanical Code, International Property Maintenance Code, International Plumbing Code, International Energy Conservation Code, International Residential Code, International Existing Building Code, International Swimming Pool and Spa Code, International Fire Code and the 2017 Edition of the National Electric Code, with Local Amendments, and to Add Article XII Providing for the Regulation of Substandard Buildings and Structures; and Amending Chapter 8, Fire Protection and Prevention, of the Code of Ordinances of the City of Brenham, Texas by Adopting Various Revisions and Repealing Article IV - Substandard Buildings and Structures**

Building Official Allen Jacobs presented this item to Council. Jacobs explained the routine updating of the ordinance of the Building Codes and Complimentary Codes also helps with lower premiums for building insurance rates for our community since the Building Code updates demonstrate a building safety plan through the nationally recognized Insurance Services Offices (ISO). The City of Brenham Development Services Department has actively notified builders and licensed trades of the future updates. We have notified the contractors and trades through the City of Brenham Website and with notification handouts from our front desk. The proposed ordinance adopts Chapter 6, 'Buildings and Structures' and Chapter 8, 'Fire Protection and Prevention,' of the City of Brenham Code of Ordinances.

A motion was made by Councilmember Kenjura and seconded by Councilmember Wright to approve an Ordinance on its first reading amending Chapter 6, Buildings and Structures, Article II, Building Code, of the Code of Ordinances of the City of Brenham, Texas to provide for the adoption of the 2018 Editions of the International Building Code, International Fuel Code, International Mechanical Code, International Property Maintenance Code, International Plumbing Code, International Energy Conservation Code, International Residential Code, International Existing Building Code, International Swimming Pool and Spa Code, International Fire Code and the 2017 Edition of the National Electric Code, with local amendments, and to add Article XII providing for the regulation of Substandard Buildings and Structures; and amending Chapter 8, Fire Protection and Prevention, of the Code of Ordinances of the City of Brenham, Texas by adopting various revisions and repealing Article IV - Substandard Buildings and Structures.

Mayor Pro Tem Kolby 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 Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

## REGULAR SESSION

7. **Discuss and Possibly Act Upon the Award of RFP 21-008 Related to Uniform Rental and Laundering Services for Various City of Brenham Departments and Authorize the Mayor Pro Tem to Execute Any Necessary Documentation**

Purchasing and Fleet Supervisor Kyle Branham presented this item to Council. Branham explained the City opened proposals for Uniform Rental and laundering services. Two proposals were received, one from Gorman Uniform Supply (current vendor) and one from Unifirst. During price comparisons some departments will experience a slight increase while other departments will experience cost savings with total savings being the greater. Unifirst is located in Bryan, and is in town twice a week delivering to other locations.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to award RFP 21-008 for Uniform Rental and Laundering Services to Unifirst and authorize the Mayor Pro Tem to execute and any necessary documentation.

Mayor Pro Tem Kolby 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 Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**8. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Hodde & Hodde Land Surveying, Inc. for Services Related to the Renewal of an Easement at Lake Somerville for the Lake Intake Structure and Authorize the Mayor Pro Tem to Execute Any Necessary Documentation**

Assistant City Manager – Public Services/Utilities Donald Reese presented this item to Council. Reese explained on July 19, 2021, the City was notified by the U.S. Army Core of Engineers (USACE) that the City’s 50-year easement for the lake intake structure located at Lake Somerville was set to expire on April 11, 2022. The easement agreement was originally signed on April 12, 1972, and included a water pumping station, 18” transmission line, water intake structure, electrical lines and other appurtenances. The USACE does require an updated survey to include all items mentioned above except for the destratification line which was taken out of service in the mid-90s. The proposal from Hodde is \$29,500 + or – 15%.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve a Professional Services Agreement, not to exceed \$35,000.00, between the City of Brenham and Hodde & Hodde Land Surveying, Inc. for surveying services related to the renewal of an easement at Lake Somerville for the Lake Intake Structure and authorize the Mayor Pro Tem to execute any necessary documentation.

Mayor Pro Tem Kolby 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 Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**9. Administrative/Elected Officials Report**

- City Secretary Jeana Bellinger reported on the following:
  - Update on Codification of Ordinances by Franklin Legal Publishing
- Public Works Director Dane Rau reported on the following:
  - Update on Texas General Land Office Grant

***Clint T. Colby***  
Mayor Pro Tem

***Jeana Bellinger, TRMC, CMC***  
City Secretary



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