

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on February 4, 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 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, Assistant City Manager – Public Services/Utilities Donald Reese, Assistant City Manager – Chief Financial Officer Carolyn Miller, Deputy City Secretary Karen Stack, Fire Chief Ricky Boeker, Public Works Director Dane Rau, Development Services Director Stephanie Doland, Economic Development Director Susan Cates, David Doelitsch, and Police Officer Marley Mayo.

### Citizens present:

Emanuel Glockzin, B. Ross, Shannan Canales, Cameron Crawford, Julia Crawford, Austin Taylor, Jared Engelke, Leah Cook, Danny Holle, Cullen Holle, and Steven Medina

### 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 Milton Y. Tate, Jr.**

**3. Citizens Comments**

There were no citizen comments.

**CONSENT AGENDA**

**4. Statutory Consent Agenda**

**4-a. Approve the Termination of the 2016 Economic Development Services Agreement Between the City of Brenham, the Brenham Community Development Corporation (BCDC) and the Economic Development Foundation of Brenham, Inc. that Created the Greater Brenham Economic Development Alliance and Authorize the Mayor to Execute Any Necessary Documentation**

**4-b. Approve an Agreement between Jack Henry & Associates, Inc. and the City of Brenham for RemitPlus Software and Services and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve the Statutory Consent Agenda Item 4-a. and 4-b. 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 Presentation Regarding Current Policies and Procedures for Mobile Food Vendors and Associated Vendor Permits**

This item was presented by City Manager James Fisher. Fisher explained that the City has recently received inquiries regarding the City’s Mobile Food Establishment permitting process and associated requirements. Fisher said staff have received the most inquiries concerning the requirement that mobile food vendors who park on a City right-of-way (ROW) move their trailer each night.

Councilmember Cantey asked whether there have been any formal complaints from citizens regarding Mobile Food Establishments. Director of Development Services Stephanie Doland replied that there have been no complaints. Councilmember Cantey said she thinks food trucks are wonderful.

Councilmember Kolby said he had reviewed the Mobile Food Establishment permit application and felt many of the requirements seem arbitrary. Kolby questioned why permit duration was only 45 days. Kolby added he would be in favor of allowing food trucks to park on ROW's for multiple nights.

Councilmember Saunders said packing up and moving a food truck every night is a nuisance and trucks should be allowed to park for multiple nights. Kolby noted that there are no cars parking downtown overnight so allowing food trucks to park overnight would not be a burden to downtown businesses. Saunders added that she believes food trucks bring in visitors to the City.

Mayor Tate addressed Shannan Canales, owner of Las Americas Latin Cuisine. Tate asked whether, as owner of a brick-and-mortar restaurant downtown, she felt resentment toward the food trucks operating downtown. Canales replied she had no resentment towards them. Canales added that many of these owners are her friends and she buys food from them frequently. Canales said that individuals who are food truck customers one night may be her customers the next night.

Councilmember Herring asked Fire Chief Ricky Boeker if he had concerns about food trucks downtown. Boeker said the Fire Department had never had an issue before and added that in order to receive a permit, the trucks need to have fire safety features. Herring asked whether the Main Street Board had discussed a possible revision to the Mobile Food Establishment ordinance. Fisher said they had not, but any revisions would be presented to this board as well as the Planning and Zoning Commission. Herring said mobile food truck vendors should be included in that process.

Mayor Tate asked Assistant Building Official David Doelitsch whether the City recognizes permits from other municipalities when a food truck from another city comes to Brenham for a weekend event. Doelitsch replied no, the City only recognizes state permits.

Councilmember Kolby asked how often brick-and-mortar food establishments are required to renew their permits. Doelitsch replied they must renew every year, on January the 1<sup>st</sup>. Kolby asked why Mobile Food Establishment vendors must renew every 45 days. City Attorney Cary Bovey said the 45-day term came from the vendor permit ordinance, but it can be changed. Mayor Pro Tem Ebel asked what the fee for the 45-day permit is. Bovey replied \$50.00. Councilmember Saunders asked what the fee is for the brick-and-mortar restaurants, Doelitsch replied that it varies but is about \$150.00 annually. Saunders observed that the total annual permit cost for Mobile Food Establishment vendors is much higher than for brick-and-mortar restaurants.

Councilmember Kolby said the Mobile Food Establishment permits should be for six months at least. Councilmember Cantey said that the City should maintain control and flexibility so that it can address problems if a particular food truck becomes a burden.

Citizen Cullen Holle said he appreciates the City looking at this because moving his food truck every night is a burden and has caused excessive wear-and-tear on his truck. Another citizen said the requirement of moving a truck is burdensome for food truck owners and there is no benefit to anyone.

Councilmembers Saunders and Herring expressed concern that Mobile Food Establishments would become permanent and immobile if there was no requirement to periodically move them. Bovey said the ordinance can be written in a way that would ensure the trucks remain mobile. A citizen noted that the permits issued by the City already require that vendors must remain mobile.

Canales said that the City should consider having two types of Mobile Food Establishment permits, one for vendors who plan to stay for only one event, and a longer duration permit for those who intend to stay longer.

## **REGULAR SESSION**

### **6. Discuss and Possibly Act Upon Resolution No. R-21-003 Providing Support for Sandy Point Housing, Ltd.'s Submission of an Application to the Texas Department of Housing and Community Affairs Requesting 2021 Competitive 9% Housing Tax Credits for a Single-Family Development in Brenham, Washington County, Texas and Authorize the Mayor to Execute Any Necessary Documentation**

City Manager James Fisher presented this item. Fisher reported that Sandy Point Housing, Ltd. has proposed a development of 27 single-family homes for affordable rental housing located on approximately 9.01 acres of land on Pecan Street. Sandy Point Housing has made an application to the Texas Department of Housing and Community Affairs (TDHCA) requesting 2021 competitive 9% housing tax credits for the development. The housing units will not be for individual sale but will be retained for rental use for low- to moderate-income families. In order to assist them with their tax credit application, Sandy Point Housing is requesting that Council approve Resolution No. R-21-003, which provides support for the project and provides a one-time \$250 discount towards water/sewer tap fees. Fisher said he has seen other properties developed by the Sandy Point developer and they are of good quality.

Fisher explained that in 2020, the City provided resolutions of support for TDHCA competitive 9% housing tax credit applications for the Fairview Terrace and Trinity Trails projects. Given that these projects are due to begin construction this year, and the multiple other subdivisions currently under construction, it is recommended that the City pause on granting any letters of support for tax credits until a Residential Needs Assessment can be completed. This assessment will allow the City to understand what type of housing is currently in place and what is needed. Fisher noted that the assessment would be beneficial to employers, especially Brenham ISD, and people who want to relocate to our community. Fisher said the report would cost approximately \$22,000 and take 10-14 weeks to complete. Fisher said staff are recommending that Council pass a version of the resolution that does not provide support for the tax credit application, but instead states Council has no objection to the application.

Mayor Pro Tem Ebel asked whether property owners in the area surrounding the proposed development have been advised of this application. Fisher said he did not believe they had.

A citizen commented that none of the neighboring property owners had been notified of the proposed development and she had learned about it from the newspaper. She expressed concern that the addition of so many rental units in one area would impact the value of neighboring properties.

Fisher introduced Sandy Point developer Emanuel Glockzin, who said that the proposed development will consist of 27 homes that will be 85-90% brick, have 4 or 5 bedrooms, fenced yards, two-car garages, and high-efficiency heating and air conditioning units. The houses will be valued at \$350,000 each. Glockzin added that the properties will be on the tax roll and an onsite manager will live in one of the units. Glockzin said that in 2007 he developed a similar project in College Station, and the City of College Station has been happy with it.

Councilmember Herring said that Brenham has a definite need for affordable rental housing. Herring suggested that the City can still go forward with the Residential Needs Assessment, but the Chamber of Commerce has already had housing forums that have revealed a need for more rental housing. Herring noted that the median income in Washington County is about \$48,000.

Economic Development Director Susan Cates asked what the annual income cap would be to live in the housing. Glockzin replied that the cap would be \$71,000.00. Glockzin explained that because of the proposed tax credit financing, the units would be offered at about \$1,000.00 per month, which is less than the market rate.

Herring said he was concerned that neighboring property owners had not been notified by the developer. Glockzin said that he had not notified neighbors because the area is already zoned for single-family units; therefore, he was not required to do so.

Councilmember Kolby noted that a development such as Sandy Point would have been beneficial when he was first married. Kolby went on to say that he has no problem with this development, and it is a great idea for young families.

Councilmember Kolby said he would be surprised if a housing study didn't show that Brenham needs affordable housing, and he was in favor of approving the resolution in support of the tax credit application. Councilmember Herring agreed and added that the developer has a deadline for the tax credit and waiting for a Residential Needs Assessment would mean the developer would have to wait another year to apply.

A motion was made by Councilmember Herring and seconded by Councilmember Kolby to approve Resolution R-21-003 providing support for Sandy Point Housing, Ltd.’s Submission of an application to the Texas Department of Housing and Community Affairs requesting 2021 competitive 9% Housing Tax Credits for a Single-Family Development in Brenham, Washington County, Texas, subject to the developer contacting neighboring property owners to provide information about the development, 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

**7. Discuss and Possibly Act Upon a Ground Space Lease Agreement with Aviators Plus, LLC for Construction of a Hangar at the Brenham Municipal Airport (3195 Aviation Way) and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by Planning Technician Kim Hodde. Hodde reported that a similar agreement was approved by Council in August 2020; however, since then Aviators Plus has decided they would like to construct a larger hanger. Hodde noted that the lease agreement is the City’s standard ground-space lease for \$.10 per square foot and the lease rate may increase up to \$.02 per square foot in a five-year period as the prevailing rates change.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve a Ground Space Lease Agreement with Aviators Plus, LLC for construction of a hanger at the Brenham Municipal Airport (3195 Aviation Way) 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

**8. Discuss and Possibly Act Upon Resolution No. R-21-004 Amending the Bylaws of the Brenham Community Development Corporation and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by City Manager James Fisher. Fisher reported that on January 28, 2021, the Brenham Community Development Corporation (BCDC) Board of Directors voted to amend Section 3.02 of its bylaws, which addresses qualifications for membership in the Board. The current bylaws require all members of the Board of Directors to be City of Brenham residents. The proposed amendment would allow up to three (3) members to be non-City residents, so long as they reside either within Washington County or within 10 miles of the City borders.

Fisher noted that the BCDC Board of Directors also asked for language to be added to the bylaws that would provide for staggering the terms of the Chair and Vice Chair. These changes are still being reviewed by the City Attorney and are not included in the resolution being presented to Council.

A motion was made by Councilmember Kolby and seconded by Councilmember Saunders to approve Resolution No. R-21-004 amending the bylaws of the Brenham Community Development Corporation 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

**9. Discuss and Possibly Act Upon the Appointment of Jim Kolkhorst to the Brenham Community Development Corporation Board of Directors with a Term Ending December 31, 2022**

City Manager James Fisher presented this item. Fisher said Jim Kolkhorst has been recommended by the Economic Development Foundation to serve on the Brenham Community Development Corporation Board of Directors. This recommendation is part of the discussions from the Joint Committee for Economic Development that created the new Interlocal Agreement for Economic Development passed by the City and Washington County in December 2020.

A motion was made by Councilmember Cantey and seconded by Councilmember Saunders to approve the appointment of Jim Kolkhorst to the Brenham Community Development Corporation Board of Directors with a term ending December 31, 2022.

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 Amendment No. 1 to the Professional Services Agreement, 2020-02 with Strand Associates, Inc. Related to the Old Chappell Hill Road Improvements and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by Public Works Director Dane Rau. Rau said that on May 21, 2020, the City Council approved Contract 20-02 with Strand Associates. The contract was for professional services related to the Old Chappell Hill Road widening and intersection improvements. Since that contract was approved, TxDOT agreed to pay for the intersection improvements because it is in their right-of-way, and the City would pay for the road widening because that project is in the City's right-of-way. This change will save the City money, but it changed the scope of work for Strand, requiring an amendment to the Professional Services Agreement for \$67,000 more than the original amount of \$200,000.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve Amendment No. 1 to the Professional Services Agreement 2020-02 with Strand Associates related to the Old Chappell Hill Road improvements 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 the Award of Bid for Project No. 2020-02 Related to the Old Chappell Hill Road Improvements and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by Public Works Director Dane Rau. Rau reported that five bids were received for this project, which will widen Old Chappell Hill Road from FM 577 to the Citizens Collection Station. Brazos Paving, Inc. was the low bidder at \$724,044.50. Strand Associates performed a reference check on Brazos Paving and the results were positive. In addition, Brazos Paving is a local company. Rau noted that the total budget for this project was \$1.1 million dollars. With engineering, the total cost of the project would be under budget at \$991,044.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to award a bid for City of Brenham Project No. 2020-02 related to the Old Chappell Hill Road improvements to Brazos Paving, Inc. in the amount of \$724,044.50 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 a Professional Services Agreement with Jones-Carter Related to the Brenham Family Park Phase I Development and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by Public Works Director Dane Rau. Rau said that with the Brenham Family Park project nearing final approval by Texas Parks & Wildlife, the City will need to move forward with design, permitting, amenity additions, construction services, and bidding. Rau stated that the Brenham Community Development Corporation has already set aside funds for Professional Services related to the design of the park. The presented agreement from Jones-Carter will cost \$252,500 and will take the City through Phase 1(a) of the project.

A motion was made by Councilmember Kolby and seconded by Councilmember Saunders to approve a Professional Services Agreement with Jones-Carter related to the Brenham Family Park Phase 1 Development at a cost of \$252,500 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

**13. Discuss and Possibly Act Upon the Award of Bid for Project No. 66C-13G Related to the Ralston Creek Lift Station Elevation 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 January 19, 2021 Strand Associates, Inc. and City of Brenham personnel opened bids regarding the Ralston Creek Lift Station Elevation, Contract No. 66C-13G. There were three (3) bids received. Solid Bridge Construction, LLC was the low bidder at \$358,930.00.

Reese explained that the Ralston Creek Lift Station lies in the FEMA 100-year floodplain and has become flooded due to heavy rain along Ralston Creek resulting in an inflow of storm water. The scope of work for this project is to raise the top of the existing lift station approximately four feet to get it three feet above the 500-year flood elevation. Reese advised that project funding will be provided by 75% FEMA reimbursement and 25% City Match Wastewater Fund Reserves and 2017 Certificate of Obligation.

A motion was made by Councilmember Saunders and seconded by Councilmember Cantey to award a bid for City of Brenham project 66C-13G related to the Ralston Creek Lift Station Elevation in the amount of \$358,930.00 to Solid Bridge Construction, LLC 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. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- The white circles spray painted on Business 36 is due to the beginning of an inlay project by TxDOT in the Spring.
- COVID vaccines at the SubHub are going very well, and 8,000 vaccines have been provided in three weeks. 50-60 employees are volunteering to assist. The second round of vaccines will begin February 17<sup>th</sup>.
- The Parks & Recreation Advisory Board is putting three Little Free Libraries in City Parks in March 2021.
- The Alton Elementary Gateway Civics Program will be virtual this year.
- The candidate filing deadline for the May General Election is February 12<sup>th</sup>.

The meeting was adjourned.

*Milton Y. Tate, Jr.*

Mayor

*Karen Stack*

Deputy City Secretary



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