

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on May 6, 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.
Councilmember Shannan Canales
Councilmember Leah Cook
Councilmember Atwood Kenjura
Councilmember Clint Kolby
Councilmember Adonna Saunders
Councilmember Albert Wright

Members absent:

None

Others present:

City Manager James Fisher, City Attorney Cary Bovey, Director of Administrative Services – City Secretary Jeana Bellinger, Deputy City Secretary Karen Stack, Assistant City Manager – Chief Financial Officer Carolyn Miller, Assistant City Manager – Public Services/Utilities Donald Reese, Director of Tourism & Marketing Jennifer Eckermann, Interim Fire Chief Rhea Cooper, Police Chief Ron Parker, Public Works Director Dane Rau, Development Services Director Stephanie Doland, Human Resources Director Susan Nienstedt, Debbie Gaffey, Kathrine Briscoe, Police Sgt. Steven Eilert, Casey Redman, Alton Sommerfield, Shauna Laauwe, Nancy Stafford

Citizens present:

Susan Cantey, Andrew Ebel, Keith Herring, Corey Cook, Mary Thornhill, Katie Burch, Dorothy Morgan, Marilyn Kenjura, Judge Eric Berg, and Elizabeth Kolby

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 Clint Kolby**

3. Administer Oaths of Office to Elected Officials and Issue Certificates of Election for Council Position:

Place 1 – Ward 1: Shannan Canales

Dorothy Morgan, Retired Washington County Judge, administered the Oath of Office to Shannan Canales for the position of Place 1 Councilmember for the City of Brenham for a four (4) year term.

Place 3 – Ward 3: Atwood C. Kenjura

Milton Y. Tate, Jr., Mayor for the City of Brenham, administered the Oath of Office to Atwood Kenjura for the position of Place 3 Councilmember for the City of Brenham for a four (4) year term.

Place 5 – At Large: Clint T. Kolby

Eric Berg, Washington County Court at Law Judge, administered the Oath of Office to Clint Kolby for the position of Place 5 – At Large Councilmember for the City of Brenham for a four (4) year term.

Place 6 – At Large: Leah Cook

Milton Y. Tate, Jr., Mayor for the City of Brenham, administered the Oath of Office to Leah Cook for the position of Place 6 – At Large Councilmember for the City of Brenham for a four (4) year term.

4. Citizens Comments

No citizens comments heard.

10. Discuss and Possibly Act Upon the Election of a Mayor Pro Tem by the City Council

A nomination was made by Councilmember Wright and seconded by Councilmember Saunders to elect Councilmember Kolby as Mayor Pro Tem. Mayor Tate asked if there were any other nominations. Councilmember Canales nominated Councilmember Kenjura; there was no second received for this nomination.

Mayor Tate called for a vote on the nomination of Councilmember Kolby as Mayor Pro Tem. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

CONSENT AGENDA

5. Statutory Consent Agenda

- 5-a. Approve the Minutes from the March 25, 2021, April 1, 2021 and April 15, 2021 Regular City Council Meetings and the April 8, 2021 Special City Council Meeting
- 5-b. Approve Ordinance No. O-21-010 on Its Second Reading Amending Chapter 24, Taxation, Article II, Hotel Occupancy Tax, of the Code of Ordinances of the City of Brenham
- 5-c. Approve Quote from Kleen Industrial Services In the Amount of \$40,916.12 for the Replacement of Filter Media at the Water Treatment Plant and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve the Statutory Consent Agenda Item 5-a. through 5-c. 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 Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

WORK SESSION

6. Discussion and Presentation of the FY2020-21 First Quarter Financial Report

Assistant City Manager – Chief Financial Officer Caroly Miller presented this item. Miller explained that this item provides an update on the City’s financial performance for the first quarter ending December 31, 2020 and advised Council that the General Fund, the Electric Fund, the Gas Fund, the Water Fund, the Wastewater Fund, the Sanitation Fund, and the Drainage Fund all experienced favorable actual to budget net revenues for the first quarter FY20-21. Miller provided a brief update on each fund as follows:

- General Fund: First quarter revenues and other sources exceeded budget projections by \$56,604 and first quarter operating expenditures were lower than budget by \$218,913.
- Electric Fund: Posted an actual net first quarter profit of \$178,140 which was \$1,787 favorable to the budgeted first quarter net revenue of \$176,353.

- Gas Fund: Posted actual net revenues of \$14,682, which was favorable by \$3,632 to budgeted net revenues of \$11,050.
- Water Fund: Posted first quarter actual net revenues of \$119,726 which was favorable to projected net revenues of \$9,575 by \$110,151.
- Wastewater Fund: First quarter FY20-21 net revenues were \$267,571, which was \$14,981 favorable to projected net revenue of \$252,590.
- Sanitation Fund: Posted actual first quarter net revenue of \$133,073, compared to budget net revenues of \$99,253, a favorable variance of \$33,820.
- Drainage Fund: Posted actual first quarter FY20-21 net revenues of \$97,340, compared to budget net revenues of \$78,644, a favorable variance of \$18,696.

Miller advised Council that for the first quarter of FY20-2, the City experienced favorable performance in all seven funds relative to budget.

7. Discussion and Presentation on the Historical Preservation Ordinance

Director of Tourism and Marketing Jennifer Eckermann presented this item. Eckermann advised Council that the Historic Preservation Ordinance Committee has been working to develop an Historic Preservation Ordinance for the City. Eckermann explained that since October of 2020, the Committee has held monthly meetings and kept the public informed of its progress through an email newsletter and an in-person public update meeting was held Thursday, April 22, with 29 people in attendance.

Eckermann explained that the Committee is working through the following issues:

- Purpose of the ordinance
- Addressing repairs and maintenance versus significant alterations
- Certificate of Appropriateness (COA)
- Historic Preservation Board
- Establish a Historic District Overlay
- Designation of historic districts and landmarks

Eckermann advised that with the public's input these issues will all be addressed and in July she would have a draft historical preservation ordinance for the City Council to review and consider.

8. Discussion and Presentation on Future City Council Meeting Dates and Times

City Secretary Jeana Bellinger presented this item. Bellinger explained that the City's Charter (Article III, Section 13) mandates that "...*City Council shall meet at such time as prescribed by ordinance or resolution, but they shall meet at least once each month.*" However, since the early 1980's, the City Council has been meeting twice per month with the meetings being held on the first and third Thursday of each month and since 2006 the meeting times have been set by Resolution:

- R-06-020: Set meeting times at 5:15 p.m.
- R-08-011: Set workshop meeting times to be adjusted as needed and regular meeting times at 5:15 p.m.
- R-09-022: Set meeting time at 1:00 p.m.

Bellinger provided City Council with visitor statistics related to the change in City Council meeting times. Bellinger also explained that if the City Council decides to change the council meeting times from the current 1:00 p.m., the 2009 Resolution would have to be amended and be brought back for Council consideration at the next meeting.

Councilmembers discussed various meeting times and after much deliberation, the consensus of the City Council was to change City Council meeting times to 3:30 p.m. Bellinger stated that she would prepare a new Resolution and bring it back at the May 20th meeting.

9. Discussion and Presentation of Future City Council Workshop and Meeting Dates

City Manager James Fisher presented this item. Fisher explained that the City is preparing for the FY22 budget season and asked that Council please add the following budget review dates to their calendars:

- May 25th – Capital Debt Plan
- July 8th – Utility Funds
- July 16th – General Funds
- July 20th – Special Funds

REGULAR SESSION

11. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the FY2020-21 Adopted Budget

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that in accordance with Texas Local Government Code and the City Charter, the City is required to adopt a budget every year. Miller explained that there are times that the budget needs to be amended because of unexpected revenues and/or expenditures. Miller stated that this third budget amendment is due to the following:

- Electric Fund Power Supply Fund 122: The City will experience higher electric rates from the February 2021 winter storm event. The City will absorb the \$2 Million excess costs by utilizing our rate stabilization reserves and will not pass this cost on to our rate payers. After winter storm related costs are paid, there will be approximately \$400,000 remaining in this fund.
- County Hotel Occupancy Tax Fund 110 and Tourism and Marketing Fund 249: During COVID-19 last summer, several festivals and events were cancelled. The City asked Washington County to re-allocate their funding for a Tourism Recovery Campaign. The request was approved so this money was transferred to the Tourism and Marketing Fund for advertising.

A motion was made by Councilmember Canales and seconded by Councilmember Kenjura to approve an ordinance on its first reading amending the FY2020-21 adopted budget.

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

Mayor Milton Y. Tate, Jr.	Yes
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

12. Discuss and Possibly Act Upon the Approval of a Correction Warranty Deed to Correct the Legal Description in the Original Instrument of Conveyance Related to the Real Property Located at 809 Wilkins Street, Brenham, Texas and Authorize the Mayor to Execute Any Necessary Documentation

City Attorney Cary Bovey presented this item. Bovey explained that in 1984 the Urban Renewal Agency of the City of Brenham incorrectly conveyed to Mattie Graves an eastern 0.0512-acre portion of Lot 40 located in the J. A. Wilkins Addition instead of the intended western 0.0511-acre portion of the same lot. Bovey state that pursuant to Section 5.029 of the Texas Property Code, the parties to the original transaction or the parties' heirs, successors, or assigns may execute a correction instrument to make a material correction to the recorded original instrument of conveyance. Bovey stated that the Correction Warranty Deed included in the packet for the western 0.0511-acre portion of Lot 40 has been approved and is ready for approval by the City Council.

Due to the Mayor and Mayor Pro Tem having a conflict, Mayor Tate asked Councilmember Kenjura to preside over the meeting for this item.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve of a Correction Warranty Deed to correct the legal description in the original instrument of conveyance related to the real property located at 809 Wilkins Street, Brenham, Texas and authorize the Mayor to execute any necessary documentation.

Councilmember Kenjura called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Abstain
Mayor Pro Tem Clint Kolby	Abstain
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

13. Discuss and Possibly Act Upon the Award of Bid for Project No. 2020- 03 Related to the Hickory Lane Drainage Improvement Project and Authorize the Mayor to Execute Any Necessary Documentation

Director of Public Works Dane Rau presented this item. Rau explained that on April 20, 2021 City of Brenham and Strand and Associates opened bids regarding drainage improvements on Hickory Ln off of Niebuhr St. Rau stated that in the past the City has had severe issues of water draining off of public right of way and negatively affecting private property towards E. Stone St. as there is no underground storm sewer at that end of Hickory Ln.

Rau advised that there were 5 bids received with Mercer Construction Company submitting the lowest bid at \$158,950. The bids were pretty comparable within the \$158,000-\$263,000 range and staff is comfortable awarding this project to Mercer Construction Company as we have worked with Mercer in the past and most recently, they have completed drainage and utility work along Gavin Drive, for a private developer.

Rau advised that this project is planned through the Capital Improvement Plan and the funds have been dedicated through the Drainage Fund which was established for this purpose in early 2020.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Wright to award of bid for Project No. 2020- 03 related to the Hickory Lane Drainage Improvement Project to Mercer Construction in the amount of \$158,950.00 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
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

14. Discuss and Possibly Act Upon the Second Amendment to the Interlocal Agreement for Managing Entity by the Brazos Valley Council of Governments (BVCOG) for the Brazos Valley Wide Area Communications System (BVWACS) and Authorize the Mayor to Execute Any Necessary Documentation

Public Safety Systems Administrator, Pam Ruemke, presented this item to Council. Ruemke explained that the Brazos Valley Wide Area Communications System (BVWACS) was started in 2010 with City of Brenham, Washington County, City of Bryan, City of College Station, Brazos County and Texas A&M University. The BVWACS system is part of the Harris County System which gives all radios on both systems the ability to talk to each other on an emergency scene thru mutual aid channels that are programmed in all our radios.

Ruemke stated that since the inception of the BVWACS the goal was to have all seven (7) Counties in the BVCOG on this system and this Second Amendment adds Burleson County to the system. Ruemke said that by adding Burleson County, there would be a total of 4,100 radios on the BVWACS system.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve the Second Amendment to the Interlocal Agreement for Managing Entity by the Brazos Valley Council of Governments (BVCOG) for the Brazos Valley Wide Area Communications System (BVWACS) 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 Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

15. Discuss and Possibly Act Upon the Second Amendment to the Second Restatement of the Interlocal Agreement for the Construction, Acquisition, Implementation, Operation and Maintenance of the Brazos Valley Wide Area Communications System (BVWACS) and Authorize the Mayor to Execute Any Necessary Documentation

Public Safety Systems Administrator, Pam Ruemke, presented this item to Council. Ruemke explained this is a companion document to the previous BVCOG item that allows Burleson County to become a full BVWACS party.

A motion was made by Councilmember Kenjura and seconded by Councilmember Saunders to approve the Second Amendment to the Second Restatement of the Interlocal Agreement for the Construction, Acquisition, Implementation, Operation and Maintenance of the Brazos Valley Wide Area Communications System (BVWACS) 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 Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

16. Discuss and Possibly Act Upon Resolution No. R-21-012 Amending Resolution R-21-007 Authorizing the Submission of a Grant Application Through the Office of the Governor, Public Safety Office, Homeland Security Grants Division for the 2021 State Homeland Security Program - Law Enforcement Terrorism Prevention Activities (LETPA) Projects

Deputy City Secretary Karen Stack presented this item. Stack advised that on February 25, 2021 the City Council approved Resolution R-21-007 authorizing the Police Department to submit a grant application through the Office of the Governor for license plate reader trailers. Stack explained that in April, staff was notified that the Resolution approved by Council was missing some language required for the grant and this amended Resolution No. R-21-012 corrects the previously approved Resolution and adds the required language.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve Resolution No. R-21-012 amending Resolution R-21-007 authorizing the submission of a grant application through the Office of the Governor, Public Safety Office, Homeland Security Grants Division for the 2021 State Homeland Security Program - Law Enforcement Terrorism Prevention Activities (LETPA) Projects.

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

Mayor Milton Y. Tate, Jr.	Yes
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

17. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- Manifest is this week-end
- Introduced Rhea Cooper, Interim Fire Chief
- COVID-19 vaccination sight is officially closed
- Recognized the City Secretary Office for Municipal Clerks Week

Council adjourned into Executive Session at 2:43 p.m.

EXECUTIVE SESSION

- 18. Section 551.086 Texas Government Code - Utility Competitive Matters and Section 551.071 – Consultation with Attorney - City of Brenham Gas Utility System; Discussion Regarding Utility Competitive Matters and Consultation with City Attorney Regarding Legal Issues Concerning Gas Sales Contract Between WTG Gas Marketing, Inc. and City of Brenham, Texas and Associated Issues**

Executive Session adjourned at 3:15 p.m.

RE-OPEN REGULAR SESSION

- 19. Discuss and Possibly Act Upon the City of Brenham Gas Utility System - Gas Sales Contract Between WTG Gas Marketing, Inc. and City of Brenham, Texas and Associated Issues**

No action was taken on this item.

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary

