

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on September 2, 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 Adonna Saunders
Councilmember Albert Wright

Members Absent:

Mayor Pro Tem Clint Kolby

City of Brenham Staff present:

City Manager James Fisher; Assistant 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; Controller Stacy Hardy; Human Resources Director Susan Nienstedt; Strategic Budget; Officer Debbie Gaffey; Interim Fire Chief Rhea Cooper; Fire Marshal Roger Williams; Administrative Secretary Carrie Derkowski; Police Chief Ron Parker; Captain Dant Lange; Captain Lloyd Powell; Sgt. Todd Ashorn; Sgt. Seth Klehm; Sgt. Steven Eilert; Sgt. Jason Derrick; Public Safety Systems Administrator Pam Ruemke; Lt. Curt Schoen; Detective Jared Campbell; Officer Terrence Johnson; Lt. Kelvin Raven; Detective Ashley Burns; Property and Evidence Technician Jean Luera; Director of Public Works Dane Rau; Director of Public Utilities Alton Sommerfield; Director of Development Services Stephanie Doland; Planning Technician Kim Hodde; Director of Economic Development Susan Cates

Citizens/Others Present:

Max Westbrook; and Al Palet

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 – City Attorney Cary Bovey**

3. **Proclamations**

No proclamations were read.

4. **Service Recognitions**

- Carrie Derkowski – Fire Department, 10 Years

5. **Special Recognitions**

- Texas Police Chief’s Association Best Practices Program Award
- Police Chief’s Commendation Award – Sgt. Steven Eilert

6. **Citizens Comments**

No citizen comments were heard.

CONSENT AGENDA

7. **Statutory Consent Agenda**

- 7-a. **Minutes from the August 5, 2021 and August 19, 2021 Regular City Council Meetings**
- 7-b. **Approve Ordinance No. O-21-018 on Its Second Reading Amending to the City of Brenham’s Code of Ordinances, Appendix A: Zoning, Part II, Division 2, Section 3.03 – Specific Uses to Allow an Automobile (Car) Wash as a Specific Use in the B-1, Local Business Residential Mixed-Use Zoning District**
- 7-c. **Approve Ordinance No. O-21-019 on Its Second Reading Amending the Rate Tariff Schedules for the City of Brenham Water System**
- 7-d. **Approve Ordinance No. O-21-020 on Its Second Reading Amending the Rate Tariff Schedule for the City of Brenham Gas System**
- 7-e. **Approve Ordinance No. O-21-021 on Its Second Reading Amending the Rate Tariff Schedule for the City of Brenham Electric System**
- 7-f. **Approve Ordinance No. O-21-022 on Its Second Reading to Grant a Non-Exclusive Franchise to Container Source, LLC to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside the City of Brenham City Limits**

- 7-g. **Approve Ordinance No. O-21-023 on Its Second Reading to Amend Chapter 24, Taxation, of the Code of Ordinances of the City of Brenham for the Purpose of Repealing Article III, Brenham-Washington County Hotel Occupancy Tax Board, and Providing for a New Article III, Reserved, for Future Amendments to Chapter 24, Taxation**
- 7-h. **Approve a Payment to Brazos River Authority in the Amount of \$412,842.00 for the City of Brenham's Raw Water Supply and Authorize the Mayor to Execute Any Necessary Documentation**
- 7-i. **Approve Change Order No. 2 and Final Payment on City of Brenham Project No. 2019-03 to Larry Young Paving, Inc. in the Amount of \$64,669.69 for Salem Road Street Improvements and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve the Statutory Consent Agenda Items 7-a. thru 7-i. with Item 7-i. begin corrected to reflect the final payment amount to Larry Young Paving, Inc, as \$64,042.22.

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	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

WORK SESSION

8. Discussion and Presentation of the FY2020-21 Third Quarter Financial Report

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item to Council. Miller presented the City's General Fund (excluding sub-funds) and the six major utility funds. Miller explained that the City experienced favorable performance in six of seven funds relative to budget. All financials including comparisons of year-to-date third quarter actual results versus year-to-date third quarter prior year were also presented. The Water Fund was unfavorable to budget due to lack of funding from FEMA for the lake intake structure repairs.

PUBLIC HEARING

9. Public Hearing, Discussion and Possible Action 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 on Property Currently Addressed as 503 W. Alamo Street to Allow for Accessory Dwelling Unit in the Mixed Residential (R-2) Zoning District Located Generally East of the Intersection of W. Alamo Street and South Jackson Street, and Further Described as Lot 36A and Lot 37A of the West Main Subdivision in Brenham, Washington County, Texas (Case No. P-21-019)

Mayor Tate opened the Public Hearing.

Director of Development Services Stephanie Doland presented this item to Council. Doland explained that Mischa L. Enos (property owner/applicant) was requesting approval of a Specific Use Permit to renovate and convert an existing 487 square foot garage/storage structure to a detached accessory dwelling unit (ADU) intended to be utilized as a mother-in-law quarters. 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. Staff finds that no adverse impacts to adjacent properties or surrounding area is anticipated due to the proposed compatible residential use, site plan, and compliance of the additional development standards.

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

A motion was made by Councilmember Kenjura and seconded by Councilmember Saunders to approve 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 on property currently addressed as 503 W. Alamo Street to allow for an Accessory Dwelling Unit in the Mixed Residential (R-2) Zoning District located generally east of the intersection of W. Alamo Street and South Jackson Street, and further described as Lot 36A and Lot 37A of the West Main Subdivision in Brenham, Washington County, Texas (Case No. P-21-019).

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	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

10. Proposed Budget for Fiscal Year Beginning October 1, 2021 and Ending September 30, 2022.

- **The FY2021-22 proposed budget will raise more revenue from property taxes than last year's budget by an amount of \$329,468.00, which is a 4.37 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$96,947.00**

Mayor Tate opened the Public Hearing.

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item to Council. Miller stated that the FY2021-22 proposed budget for the City of Brenham includes appropriations of operating resources for 34 separate funds and authorizes \$74.9 million in expenditures. Miller explained that the proposed budget will raise more revenue from property taxes than last year's budget by an amount of \$329,468.00, which is a 4.37 percent increase from last year's budget.

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

11. Proposed Tax Rate of \$0.4940 per \$100.00 Valuation for Fiscal Year Beginning October 1, 2021 and Ending September 30, 2022

Mayor Tate opened the Public Hearing.

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item to Council. Miller stated that a property tax rate of \$0.4940 per \$100 valuation was being proposed to fund the FY2021-22 budget. Although the proposed rate of \$0.4940 is a 1-cent decrease from the current rate of \$0.5040, due to increased property values, the proposed rate is above the no-new revenue rate and will produce higher tax revenues.

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

REGULAR SESSION

12. Discuss and Possibly Act Upon an Ordinance on Its First Reading Adopting the Budget for Fiscal Year Beginning October 1, 2021 and Ending September 30, 2022

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item to Council. Miller explained the proposed FY2021-22 budget had been developed in compliance with the Property Tax Code, Local Government Code, and City Charter. The proposed budget includes appropriations of operating resources for 34 separate funds and authorizes \$74.9 million in expenditures.

A motion was made by Councilmember Kenjura and seconded by Councilmember Canales to approve Ordinance on its first reading adopting the budget for fiscal year beginning October 1, 2021 and ending September 30, 2022.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Absent
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 Ratification of the Property Tax Increase Reflected in the Proposed Budget for Fiscal Year Beginning October 1, 2021 and Ending September 30, 2022, which Raises More Revenue from Property Taxes than Last Year's Budget

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item to Council. Miller explained that in compliance with Local Government Code, if a municipal budget raises more property taxes than in the previous year's budget, City Council must formally ratify a property tax increase. Although the City is proposing to lower the property tax rate from \$0.5040 to \$0.4940 in the FY2021-22 budget, due to new properties added to the tax roll and an increase in existing property valuations, the FY2021-22 budget will raise more total property taxes than last year's budget.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to ratify the property tax increase reflected in the proposed budget for the fiscal year beginning October 1, 2021 and ending September 30, 2022, which raises more revenue from property taxes than the previous year's 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	Absent
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 an Ordinance on Its First Reading Levying Property Taxes for the Tax Year 2021 for the City of Brenham at \$0.4940 per \$100 Valuation

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item to Council. Miller explained the proposed FY2021-22 budget includes a tax rate of \$0.4940 per \$100 valuation which has two components: maintenance and operations (M&O) and interest and sinking (I&S). The proposed tax rate of \$0.4940 will allocate \$0.3500 to the General Fund for maintenance and operations, and the balance of \$0.1440 to the Debt Service Fund for interest and sinking.

A motion was made by Councilmember Kenjura and seconded by Councilmember Wright to move that the property tax rate be increased by the adoption of a tax rate of \$0.4940, which is effectively a 3.66% increase in the tax rate.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Absent
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 an Ordinance on Its First Reading Amending the FY2020-21 Adopted Budget

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item to Council. Miller explained the FY20-21 budget was being amended for the following:

- a. General Fund – Net Revenue Impact is a \$0
- b. Electric Fund – Net Loss Impact \$300,000 decrease
- c. Gas Supply Fund – Net Revenue Impact (\$132,650) decrease
- d. Water Fund – Net Loss Impact (\$4,104,551) increase
- e. Wastewater Fund – Net Loss Impact is (\$411,918) increase
- f. PD Criminal Law Enforcement – Net Revenue Impact (\$7,529) decrease
- g. BCDC – Net Revenue Impact (\$181,030) decrease
- h. BCDC Capital Projects Fund – Net Loss Impact \$297,000 decrease
- i. VERF Fund – Net Revenue Impact (\$26,196) decrease

A motion was made by Councilmember Saunders and seconded by Councilmember Canales 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	Absent
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 the Award for Project No. 63C-14C Related to the Atlow Elevated Storage Tank Rehabilitation Project and Authorize the Mayor to Execute Any Necessary Documentation

Director of Public Utilities Alton Sommerfield presented this item to Council. Sommerfield explained that thirteen bids were received for the Atlow Elevated Storage Tank Rehabilitation Project, No. 63C-14C. Upon Strand's review and work history with Maguire Iron, Inc. regarding projects for elevated storage tanks, Public Utilities also recommended awarding the project to Maguire Iron, Inc. Blinn has been contacted about covering the cost of the logo, at an estimated cost of \$10,000.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to award for Project No. 63C-14C related to the Atlow Elevated Storage Tank Rehabilitation Project to Maguire Iron, Inc. in the amount of \$229,750.00 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	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

17. Discuss and Possibly Act Upon the Approval of the Routine Airport Maintenance Program (RAMP) Grant Agreement No. M2217BREN with TxDOT for FY2022 and Authorize the Mayor to Execute Any Necessary Documentation

Planning Technician Kim Hodde presented this item to Council. Hodde explained the annual grant agreement with TxDOT for participation in the Routine Airport Maintenance Program (RAMP) from September 1, 2021 through August 31, 2022. This agreement allows the City to be reimbursed for 50% of the cost of our monthly AWOS monitoring (AviMet Data Link connection fees and continued scheduled maintenance), annual AWOS maintenance contract, as well as 50% of our replacement lamps for the airport lighting system, herbicides, general maintenance, and a contingency for emergency repairs. The maximum for the grant is \$100,000 total (50/50 match) for the fiscal year. The City has budgeted funds of \$50,000 and with TxDOT's \$50,000 match, this will enable us to do \$100,000 worth of maintenance at half the cost to the City of Brenham.

A motion was made by Councilmember Kenjura and seconded by Councilmember Saunders to approve the Routine Airport Maintenance Program (RAMP) Grant Agreement No. M2217BREN with TxDOT for FY2022 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	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

18. Discuss and Possibly Act Upon the Renewal with Texas Municipal League Intergovernmental Risk Pool for General Liability, Law Enforcement Liability, Public Officials Liability, Mobile Equipment, Airport Liability, Property, Auto Liability and Physical Damage, Crime, and Workers' Compensation Coverage for the City of Brenham for Fiscal Year 2021-22 and Authorize the Mayor to Execute Any Necessary Documentation

Human Resources Director Susan Nienstedt presented this item to Council. Nienstedt explained that as a member of the TML Intergovernmental Risk Pool (TMLIRP) the City benefits from the mission statement of the Pool which is to ensure stable rates and use their financial strength to help moderate rate changes resulting from claims and cost pressures.

Nienstedt stated that the overall budget impact for our coverage is an increase of \$18,006; however, if the City pays the annual cost prior to October 31st, we will receive a \$8,727 discount. Nienstedt explained that the insurance renewal cost increase was based on the following changes per coverage:

- General Liability: Increase of \$18,100 or 11%
- Property – Increase of \$8,467 or 7%
- Workers’ Compensation – Decrease of \$9,031 or 8%

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve the renewal with Texas Municipal League Intergovernmental Risk Pool for General Liability, Law Enforcement Liability, Public Officials Liability, Mobile Equipment, Airport Liability, Property, Auto Liability and Physical Damage, Crime, and Workers' Compensation coverage for the City of Brenham for Fiscal Year 2021-22 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	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

19. Discussion and Update on the City of Brenham's COVID-19 (Coronavirus) Response and Recovery Efforts

City Manager James Fisher presented this item to Council. Fisher provide the City Council with an update on the City's COVID-19 response and recovery efforts. Fisher explained that the City is continuing to monitor response and recovery efforts, support employees, and take care of them. He also updated Council on the new law for Public Safety related to communicable diseases.

20. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- City offices will be closed on tomorrow for Labor Day Holiday.
- The City’s Fair Holiday was converted to Floating Holiday due the changes to the Fair schedule, as a result of COVID.
- The Highway 36 and Business 290 overlay postponed again by TxDOT.

Council adjourned into Executive Session at 2:05 p.m.

EXECUTIVE SESSION

- 21.** Section 551.074 – 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 2:15 p.m.

RE-OPEN REGULAR SESSION

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary



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