

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on September 16, 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 Clint Kolby
Councilmember Shannan Canales
Councilmember Leah Cook
Councilmember Atwood Kenjura
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

None

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; Purchasing and Fleet Supervisor Kyle Branham; Kevin Boggus; Interim Fire Chief Rhea Cooper; Fire Marshal Roger Williams; Captain Dant Lange; Lance Weiss; Jared Campbell; Kejan Mehlhorn; Director of Public Works Dane Rau; Director of Development Services Stephanie Doland; Director of Public Utilities Alton Sommerfield; Permit Technician Kim Hodde; Director of Economic Development Susan Cates

Citizens/Others Present:

Cindy Nash; Shirley Herring; Jean Shoup; Carol Muegge; Bonnie Brinkmeyer; Ann Kaze; Pam Richardson; and Ginny Moore

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 Pro Tem Clint Kolby**

3. Proclamations

- Fire Prevention Week
- Constitution Week
- Washington County READ
- Childhood Cancer Awareness Month

4. Citizens Comments

No citizens comments were heard.

CONSENT AGENDA

5. Statutory Consent Agenda

- 5-a. Approve Ordinance No. O-21-024 on Its Second 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 a 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)**
- 5-b. Approve Ordinance No. O-21-025 on Its Second Reading Amending the FY2020-21 Adopted Budget**
- 5-c. Award Bid No. 21-010 for Fleet Fueling Services for the City of Brenham's Vehicle and Equipment Fleet to Alexander Oil and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-d. Ratification of Payment to Madden Media for Digital Marketing and Programming for Visit Brenham in the Amount of \$74,999.34 and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-e. Approve Final Payment on City of Brenham Project No. 66C-10 to J&D Construction, Ltd. in the Amount of \$68,632.35 for Munz Lift Station and Force Main Improvements and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-f. Approve a Noise Variance in Connection with a Back-to-School Event to be Held by Mount Rose Missionary Baptist Church from 11:00 a.m. to 2:00 p.m. on Saturday, September 25, 2021 at the Blinn Student Center and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-g. Approve a Noise Variance in Connection with an Annual Street Dance to be Held at St. Mary Immaculate Conception Catholic Church from 4:00 p.m. to 10:00 p.m. on Saturday, October 9, 2021 and Authorize the Mayor to Execute Any Necessary Documentation**

5-h Approve a Noise Variance in Connection with a Community Block Party to be Held at St. Paul's Lutheran Church from 11:00 a.m. to 1:00 p.m. on Sunday, September 26, 2021 and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Wright and seconded by Mayor Pro Tem Kolby to approve the Statutory Consent Agenda Items 5.a. thru 5.h. 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

REGULAR SESSION

6. Discuss and Possibly Act Upon Ordinance No. O-21-026 on Its Second 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 presented the presented the second reading of the FY2021-22 budget as 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 Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve Ordinance No. O-21-026 on its second 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	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

7. Discuss and Possibly Act Upon Ordinance No. O-21-027 on Its Second 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 presented 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 Canales 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	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 Resolution No. R-21-022 Authorizing the Publication of Notice of Intention of Issue Certificates of Obligation

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item to Council. Miller presented the general government projects totaling \$4.258 million and include \$845,000 for fire apparatus, \$350,000 for improvements to city hall, \$744,000 for street equipment, \$619,000 for in-house street reconstruction/rebuild and \$1.700 million for contractor street and drainage improvements. The City must give notice of its intent, via a Resolution, to issue Certificates of Obligation, Series 2021 not to exceed \$10 million for these purposes including bond issuance costs.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Kenjura to approve Resolution No. R-21-022 authorizing the publication of Notice of Intention of Issue Certificates of Obligation.

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

9. Discuss and Possibly Act Upon the Issuance of Requests for Proposals (RFPs) for Professional Administrative Services and Requests for Qualifications (RFQs) for Engineering, Architectural, Surveying or Other Related Services Related to the American Rescue Plan Act of 2021 (ARPA) and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item to Council. Miller explained the City received funds from the American Rescue Act Plan (ARPA). The City's total allocation is \$4,426,200 and we have received the first allocation of \$2,213,100. The City is seeking approval to issue requests for proposals (RFPs) to engage administrative services and to at some future date to issue requests for qualifications (RFQs) for engineering, architectural, surveying or other related services.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve the issuance of Requests for Proposals (RFPs) for professional administrative services and Requests for Qualifications (RFQs) for engineering, architectural, surveying, or other related services related to the American Rescue Plan Act of 2021 (ARPA) 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

10. Discuss and Possibly Act Upon Resolution No. R-21-023 in Connection with a Grant Agreement (22MPBRENM) for an Airport Master Plan for the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation

Planning Technician Kim Hodde presented this item to Council. Hodde explained the last Airport Master Plan was done in 1986 and an update, the Airport Development Plan, was conducted in 2005. Airport plans/studies (Master Plans, Development and Layout Plans) are developed and used as a long-range planning tool and guide to help regulate development, improvements, and operation of the Airport to meet current and future aviation demands. The estimated cost for the Master Plan project is \$250,000.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve Resolution No. R-21-023 in connection with a Grant Agreement (22MPBRENM) for an Airport Master Plan for the Brenham Municipal Airport 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

11. Discuss and Possibly Act Upon Resolution No. R-21-024 in Connection with a Grant Agreement (22BRENM) for an Airfield Lighting Project for the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation

Planning Technician Kim Hodde presented this item to Council. Hodde explained the Airfield Lighting Project which is proposed to include replacement of the Medium Intensity Runway Lighting (MIRL's), replacement of the beacon, wind cone, airfield signage and replacement of the regulator/radio control panel. The estimated design and construction costs are estimated at \$800,000. The City will be responsible for 10% of the total project costs.

A motion was made by Councilmember Saunders and seconded by Councilmember Canales to approve Resolution No. R-21-024 in connection with a Grant Agreement (22BRENM) for an Airfield Lighting Project for the Brenham Municipal Airport 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

12. Approve Resolution No. R-21-025 Authorizing the Acceptance of TxDOT's Selective Traffic Enforcement Program (STEP) Comprehensive Grant for Traffic Enforcement October 1, 2021 through September 30, 2022

Captain Dant Lange presented this item to Council. Lange explained that the Selective Traffic Enforcement Program (STEP) grant provides funding for Brenham Police officers to work overtime to enforce the speed limits at selected sites within the city limits. TxDOT is providing \$11,976.64 in funding with a 20.36% match provided by the city through fringe benefits and administrative salaries for officers participating in the Program.

A motion was made by Councilmember Saunders and seconded by Councilmember Canales to approve Resolution No. R-21-025 authorizing the acceptance of TxDOT's Selective Traffic Enforcement Program (STEP) Comprehensive Grant for traffic enforcement October 1, 2021 through September 30, 2022.

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

13. Discuss and Possibly Act Upon Amendment No. 1 to the Construction Agreement Between the City of Brenham and Techline Construction, Inc. for the Copper Conductor Replacement and Power Line Rehabilitation Project #61C-148C and Authorize the Mayor to Execute Any Necessary Documentation

Public Services/Utilities Donald Reese and Director of Public Utilities Alton Sommerfield presented this item to Council. Reese and Sommerfield explained the Techline Construction contract was awarded for this project on January 17, 2019, for an amount not to exceed \$1,006,910.95. In August 2021, upon receiving the latest invoice, staff realized the City was going to reach the contract amount prior to completing the project. Currently, there are two unpaid invoices in the amount of \$102,161.26 for work performed in Section 6 of the project. All material for this project has been purchased, and the increased amount represents labor only.

A motion was made by Councilmember Saunders and seconded by Councilmember Kenjura to approve Amendment No. 1 to the Construction Agreement between the City of Brenham and Techline Construction, Inc. for the Copper Conductor Replacement and Power Line Rehabilitation Project #61C-148C to increase the contract amount by \$140,348.83 (from \$1,006,910.85 to \$1,147,259.78) 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 Revision of an Interlocal Agreement Between the City of Brenham and Washington County for the Provision of Subdivision Regulations by the City of Brenham within the Extraterritorial Jurisdiction (ETJ) of the Municipality

City Manager James Fisher presented this item to Council. Fisher explained the 2002 Interlocal Agreement with Washington County providing for subdivision regulation in the extraterritorial jurisdiction of the City needs to be amended. Fisher stated that Director of Development Services Stephanie Doland has been meeting with the County discussing possible options for a new agreement. Fisher advised that this item is for Council to approve staff moving forward with providing written notice to the County of the termination of this agreement and once a new agreement has been prepared, staff will bring it back to Council for consideration and approval.

A motion was made by Councilmember Kenjura and seconded by Councilmember Wright to provide written notification to Washington County of the termination of the 2002 Interlocal Agreement (ILA) between the City of Brenham and Washington County for the provision of subdivision regulations by the City of Brenham within the Extraterritorial Jurisdiction (ETJ).

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. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- TXDOT Project
- TxDOT should start the Old Chappell Hill Road project next week.
- Environmental assessment of the new Brenham Family Park has been completed.
- Due to the City Council and some members of staff attending the Texas Municipal League's Annual Conference the week of October 4th, the City Council meeting dates for October will be the 14th and 21st.

Council adjourned into Executive Session at 1:51 p.m.

EXECUTIVE SESSION

16. Section 551.074 – Texas Government Code – Personnel Matters – City Manager's Employment Agreement and Related Issues

Executive Session adjourned at 4:49 p.m.

17. Discuss and Possibly Act Upon the City Manager's Employment Agreement and Related Issues and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to move that the City Manager's employment with the City of Brenham and the "Agreement for Professional Services and Employment as City Manager" between the City of Brenham and James Fisher be terminated effectively immediately, in accordance with Article IV, Section 1 of the Brenham City Charter and Sections 2.1 and 2.3 of the City Manager's Employment Agreement.

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

Mayor Milton Y. Tate, Jr.	No
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	No

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary

