

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, April 20, 2023, 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 Leah Cook
Councilmember Shannan Canales
Councilmember Atwood Kenjura
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

None

City of Brenham Staff present:

City Manager Carolyn Miller, City Attorney Luke Cochran, City Secretary Jeana Bellinger
General Manager of Public Utilities Debbie Gaffey, Deputy General Manager of Public
Utilities Alton Sommerfield, Director of Finance Stacy Hardy, Strategic Budget Officer
Tim McRoberts, Human Resources Director Susan Nienstedt, Director of Tourism &
Marketing Jennifer Eckermann, Fire Chief Roger Williams, Captain Lloyd Powell, Public
Works Director Dane Rau, Development Services Director Stephanie, Teresa Rosales,
Karen Stack, Kyle Branham, Cherry Cash Prewitt, Shawn Bolenbarr, Kevin Boggus,
Curtiss Schoen, JoAnne Hynes, Shauna Laauwe, Nancy Joiner, Steven Eilert, and Leigh
Linden

Citizens/Others Present:

Sherry Harber, Kathleen Matthews, Jared Anderson, Katie Burch, Edward Smith, Paul
LaRoche, III, Cindy Wells, Billy Sutherland, Rusty Seymour, Tami Redshaw, B. Smith,
Keith Hofmann, Tom Whitehead, Darren & Dayna Heine, Cynthia Timpa, Chris
Kamprath, Jamie Pinner, Pete Simpson, Doug Peck, and John Davies

Media Present:

Jason May, 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. **Proclamation**
 - **National Day of Prayer**
4. **Citizen Comments**

No citizen comments were heard.

CONSENT AGENDA

5. **Statutory Consent Agenda**
 - 5-a. **Approve the Minutes from the March 16, 2023 Regular City Council Meeting**
 - 5-b. **Approve a Noise Variance from the Brenham Maifest Association for the 133rd Maifest Celebration on May 5-6, 2023 at Fireman's Park from 11:00 a.m. to Midnight**

A motion was made by Councilmember Wright and seconded by Mayor Pro Tem Kolby to approve the Statutory Consent Agenda Item 5.a. through 5.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 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. **Presentation and Discussion on Additional and Enhanced Parking Spaces in Downtown Brenham**

Director of Public Works Dane Rau presented this item. Rau stated Public Works was asked to review downtown Brenham and explore possibilities of adding or enhancing parking spaces. Rau provided information on adding 18 additional parking spaces by enhancing existing spaces and strip areas that were not previously striped.

REGULAR SESSION

9. **Discuss and Possibly Act Upon Resolution No. R-23-013 Authorizing the Publication of Notice of Intention to Issue Certificates of Obligation, Series 2023**

Director of Finance Stacy Hardy presented this item. Hardy stated during Council budget workshops related to FY22-23 Budget, it was discussed issuing certificates of obligation (COs) for general government projects in the amount of \$10 million; \$8 million for the construction and equipping of a new fire station and \$2 million for in-house street reconstruction/rebuild projects. Hardy explained to Council this item today is giving notice of the City's intent to issue Certificates of Obligation, Series 2023 not to exceed \$10 million, including bond costs.

Hardy introduced Jennifer Ritter, the City's financial advisor, explaining Ms. Ritter prepared an Issuance Timetable. Hardy added, the initial step in the financing process is to give notice of intent, publish the notice in the Brenham Banner Press and on the City's website, and Ms. Ritter will secure the pricing and bring it back to Council for action on June 15, 2023.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve Resolution No. R-23-013 authorizing the publication of Notice of Intention of Issue Certificates of Obligation, Series 2023.

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

7. **Discuss and Possibly Act Upon Resolution No. R-23-012 Amending the City of Brenham Downtown Parklet Manual**

City Manager Carolyn Miller presented this item. Miller advised that Council adopted a Downtown Parklet Manual in June 2022, setting standards for design, construction, and location of Parklets in the downtown area. Miller explained that only two (2) changes to the Manual are being requested:

- Allow any downtown business to apply for a Parklet, not limit it to just food establishments.
- Allow only one (1) Parklet per city street instead of per block face.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve Resolution No. R-23-012 amending the City of Brenham Downtown Parklet Manual.

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

8. Discuss and Possibly Act Upon A License Agreement Between the City of Brenham and Mescalito Coffee LTD Co. Related to the Construction of a Downtown Parklet Adjacent to 100 E. Alamo Street, Brenham, Texas and Authorize the Mayor to Execute Any Necessary Documentation

City Manager Carolyn Miller presented this item. Miller stated that Council reviewed Mescalito Coffee LTD Co.'s application for a Parklet back in January 19, 2023, and it was not approved over concerns of not enough parking in downtown. At that time, Council asked staff to review parking in downtown for possible ways to enhance parking. Miller advised that the previous Work Session item was in response to Council's request and that staff was able to add eighteen 18 additional parking spaces by enhancing existing spaces and strip areas that were not previously striped.

Miller stated the Mescalito Coffee LTD Co. application meets all the requirements/criteria in the original Parklet Manual and will also meet the proposed revisions to the Parklet Manual, as previously heard today by Council, if approved. Miller continued by introducing Fire Chief Williams to address Fire Code Compliance and Williams confirmed the addition of the Parklet for Mescalito as presented met fire code. Miller requested the approval of the application submitted by Mescalito for a Parklet.

The Mayor called for citizen comments about this topic. There were several citizens that spoke in favor of the Parklet with only one citizen in opposition.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve a License Agreement between the City of Brenham and Mescalito Coffee LTD Co. related to the construction of a downtown parklet adjacent to 100 E. Alamo Street, Brenham, Texas 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 an Addendum to the Agreement Between the City of Brenham and Vermont Systems for Credit Card Processing Software, Hardware, and Related Support Services and Authorize the Mayor to Execute Any Necessary Documentation

Kevin Boggus presented this item. Boggus stated in June of 2001 the City entered into a license agreement with Vermont Systems, Incorporated (VSI) for RecTrac software and service. RecTrac works with the credit card terminals at the Aquatic Center and requires a gateway service (Plug'n Pay) to process credit card information, and the service is outdated. Boggus explained a new gateway service and new credit card terminals are needed and VSI has an add-on gateway product called PayTrac that would allow the Aquatic Center to use more modern terminals with features such as tap and pay, as well as chip-reading technology.

A motion was made by Councilmember Kenjura and seconded by Councilmember Saunders to approve an addendum to the Agreement between the City of Brenham and Vermont Systems, Inc. for credit card processing software, hardware, and related support services 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 Award of RFQ No. 23-003 Related to Professional Services for the Design and Engineering of the City of Brenham Fire Station No. 2 and Authorize the Mayor to Execute Any Necessary Documentation

Fire Chief Roger Williams presented this item. Williams stated on February 23, 2023 the City opened Request for Qualifications (RFQ) for the design and construction services for Fire Station No. 2 and a total of eleven (11) RFQs were received. Williams advised due to the substantial number of submittals, an RFQ Review Team was put together to help review the RFQs. The team consisted of Budget Manager Tim McRoberts, Public Utilities Project Manager Shawn Bolenbarr, Purchasing and Central Fleet Supervisor Kyle Branham, Maintenance Supervisor Stephen Dreahn, and Chief Williams.

Williams advised that the Review Team scored each RFQ using three (3) major scoring components:

1. Proposer's qualifications and expertise in all aspects of the Scope of Work;
2. Proposer's ability to deliver the services as specified in the Scope of Work; and
3. Proposer's Scope of Work experience, specifically with fire stations and fire training facilities.

Williams stated that after several weeks the Review Team made a final selection of Brown Reynolds and Watford Architects (BRW) and believes BRW has the specialized understanding of fire station design, sustainability, experience and history. Williams added that BRW has a portfolio of over 280 award winning firehouse facilities, is nationally recognized in the industry and has a comprehensive understanding of fire station design. Williams went on to say BRW's College Station office will manage the project with a firm of 121 dedicated staff with a time frame of approximately 2-years from stakeholder meetings through construction/completion.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to award RFQ No. 23-003 related to Professional Services for the design and engineering of the City of Brenham Fire Station No. 2 to Brown Reynolds and Watford (BRW) 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. Discuss and Possibly Act Upon an Ordinance on Its First Reading Adopting Rate Tariff Schedules for the City of Brenham Electric System

Public Utilities Deputy General Manager Alton Sommerfield presented this item. Sommerfield explained this Ordinance does not raise electric rates; however, due to rising cost of supplies and materials it was necessary for the City to increase fees for:

- Pulling/Re-installing Meter: This service is to allow for safe repairs to be done on the customer's side of the meter. The cost is based upon one City employee and one truck for one hour.
- Service Wire Reconnect/Disconnect – This service is usually performed at the request of electricians to replace the meter and breaker panel. The cost for this service is based upon a 2-hour period with City crew on site.
- Upsizing and Repairs to Existing Equipment and Lines – Upsizing occurs when customers request an upsize or increase to existing equipment, Also included are repairs to a damaged service line caused by the customer or contractor.
- Fees for New Residential Service – Residential services consist of either overhead or underground services. Fees for these services are calculated using the current cost of materials, labor, and equipment.

Sommerfield explained that the tariff in the packet was incorrect as it did not include zoning ordinance information; however, a corrected tariff was laid around the dais for Council consideration.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve an Ordinance on its first reading adopting a Rate Tariff Schedule for the City of Brenham Electric System, with the correction as presented, 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

13. Discuss and Possibly Act Upon Bid No. 63C-19C Related to a Generator at the Atlow Booster Pumping Station and Authorize the Mayor to Execute Any Necessary Documentation

Public Utilities Project Manager Shawn Bolenbarr presented this item. Bolenbarr stated the reason for installing the generator at the Atlow Booster Pumping Station is to put the City in compliance with Senate Bill 3, which requires water utilities to develop and implement emergency preparedness plans to keep their services operating during extended power “outages lasting for more than 24-hours”.

Bolenbarr explained there was a total of four (4) bids received and after review, references, referrals, and Strand Associates findings it was determined McDonald Municipal and Industrial, A Division of C. F. McDonald Electric, Inc. was best suited for this project.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Wright to award Bid No. 63-19C related to a generator at the Atlow Booster Pumping Station to McDonald Municipal and Industrial, A Division of C. F. McDonald Electric, Inc., in the amount of \$184,136.00 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 an Agreement with Dudley Construction, LLC for the Extension of the Bid Award Deadline for Project No. 2021-06-A Related to the 2022 Sanitary Sewer Improvements - Stone Hollow Lift Station Replacement and Authorize the Mayor to Execute Any Necessary Documentation

This item was passed.

15. Discuss and Possibly Act Upon Resolution No. R-23-014 Authorizing the Acceptance of Public Improvements in the Liberty Village Subdivision Phase 2B

Director of Development Services Stephanie Doland presented this item. Doland explained that DR Horton began construction of the Liberty Village Subdivision in 2020 which at build out will include the development of 321 single-family home lots, a neighborhood park and two detention ponds. Doland stated that Phase 1 of the Subdivision includes 122 single-family home lots, and the infrastructure was completed and accepted by the City Council in May 2021.

Doland stated that the second phase of construction began in March of 2021 for the construction of multiple residential streets, sidewalks, a lift station, detention pond and an additional 96 lots. Phase two consists of approximately 23.317 acres of land in which the infrastructure has been divided into Phase 2A and Phase 2B. In Phase 2A. Phase 2A of the subdivision includes 48 single-family homes and associated public infrastructure was completed and accepted by Council on September 9, 2022.

Doland stated DR Horton has completed the infrastructure improvements (water, sanitary sewer, streets, sidewalks, and storm drainage) as well as the sanitary sewer lift station which serves Phase 2B and Phase 3 of Liberty Village Subdivision and is ready for acceptance by the City of Brenham.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve Resolution No. R-23-014 authorizing the acceptance of public improvements in the Liberty Village Subdivision Phase 2B 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. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- Connect After 4 tonight, April 20th from 4:00 p.m. – 6:00 p.m. will be held at Brenham National Bank, sponsored by the Washington County Chamber of Commerce
- Early Voting begins on Monday, April 24, 2023 from 8:00 a.m. – 5:00 p.m. through May 2, 2023 (no Early Voting on Saturday, April 29th or Sunday April 30th) at the Washington County Courthouse Annex in downtown Brenham
- Nextlink Emergency Drill will be held at the Emergency Operations Center on Friday, April 21st 10:00 a.m.
- Maifest Kickoff Picnic, Wednesday, May 3rd 6:00 p.m. – 8:00 p.m. at Fireman's Park

Council adjourned into Executive Session at 2:10 p.m.

EXECUTIVE SESSION

- 17. Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Aviators Plus, LLC v. City of Brenham, Texas; Cause No. 37896; 21st Judicial District Court, Washington County, Texas**
- 18. Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Legal Issues Concerning the City of Brenham Lake Somerville Raw Water Intake Structure, the Federal Emergency Management Agency, and Associated Matters**

Executive Session adjourned at 2:57 p.m.

RE-OPEN REGULAR SESSION

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary