



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, APRIL 2, 2020 AT 1:00 P.M.
VIA TELECONFERENCE AND/OR VIDEOCONFERENCE
USE THE LINK <http://cityofbrenham.online/councilmeeting>
AND/OR
CALL 469-998-5921; MEETING ID: 940 623 69#**

Due to COVID-19 recommendations from the CDC and Texas Governor Greg Abbott's Executive Order signed on March 16, 2020, this Regular Meeting of the City Council of the City of Brenham will be conducted virtually via teleconference and/or videoconference. The meeting will be audible to members of the public and allow for two-way communication for those desiring to participate in the meeting.

- 1. Call Meeting to Order**
- 2. Citizens Comments**

CONSENT AGENDA

3. Statutory Consent Agenda

The Statutory Consent Agenda includes non-controversial and routine items that Council may act on with one single vote. A councilmember may pull any item from the Consent Agenda in order that the Council discuss and act upon it individually as part of the Regular Agenda.

- 3-a. Minutes from the March 5, 2020 and March 19, 2020 Regular City Council Meetings, the March 19, 2020 Emergency City Council Meeting and the March 26, 2020 Special City Council Meeting**
- 3-b. Ordinance No. O-20-005 on Its Second Reading Amending Chapter 24, Article II, Hotel Occupancy Tax, of the Code of Ordinances, City of Brenham, Texas to Temporarily Modify the Hotel Occupancy Tax Reporting and Payment Schedule**

Pages 1-29

REGULAR SESSION

- 4. Discuss and Possibly Act Upon Resolution No. R-20-016 Providing for the Continuation of the Mayoral Declaration of Local Disaster Due to a Public Health Emergency Related to the COVID-19 (Coronavirus) Pandemic**

Pages 30-33

5. **Discuss and Possibly Act Upon an Ordinance Temporarily Authorizing the City Manager, Due to the COVID-19 Pandemic, to Adopt and Administer Policies and Practices Governing the Operation of the City's Utility Systems and Associated Services, Said Ordinance Being an Emergency Measure Pursuant to Article III, §§ 17 and 18, of the Home Rule Charter of the City of Brenham Texas** **Pages 34-37**
6. **Discussion and Update on the City of Brenham's COVID-19 (Coronavirus) Response and Recovery Efforts** **Page 38**
7. **Administrative/Elected Officials Report**

Administrative/Elected Officials Reports: Reports from City Officials or City staff regarding items of community interest, including expression of thanks, congratulations or condolences; information regarding holiday schedules; honorary or salutory recognitions of public officials, public employees or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that have arisen after the posting of the agenda.

Executive Sessions: The City Council for the City of Brenham reserves the right to convene into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas Government Code, Chapter 551, including but not limited to §551.071 – Consultation with Attorney, §551.072 – Real Property, §551.073 – Prospective Gifts, §551.074 - Personnel Matters, §551.076 – Security Devices, §551.086 - Utility Competitive Matters, and §551.087 – Economic Development Negotiation

Adjourn

CERTIFICATION

I certify that a copy of the April 2, 2020 agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on March 30, 2020 at **12:25 PM**.

Kacey A. Weiss, TRMC

Deputy City Secretary I

Disability Access Statement: This meeting is wheelchair accessible. The accessible entrance is located at the Vulcan Street entrance to the City Administration Building. Accessible parking spaces are located adjoining the entrance. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours before the meeting) by calling (979) 337-7567 for assistance.

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the _____ day of _____, 2020 at _____ AM PM.

Signature

Title

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on March 5, 2020 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, City Secretary – Director of Administrative Services Jeana Bellinger, Deputy City Secretary I Kacey Weiss, Deputy City Secretary II Karen Stack, Assistant City Manager – Chief Financial Officer Carolyn Miller, Human Resources Director Susan Nienstedt, Tammy Jaster, Fire Chief Ricky Boeker, Police Chief Ron Parker, Dant Lange, Todd Ashorn, Lloyd Powell, Public Works Director Dane Rau, Casey Redman, Assistant City Manager of Public Services and Utilities Donald Reese, Shauna Laauwe, Kevin Boggus, Jordan LaBeth, Annie Montgomery, Kelsey Toy, Alyson Tofel, Ashley Burns, Kelvin Raven, Mark Pierce, Jared Campbell, Steven Eilert and Andrea Norton

Citizens present:

Claude Mabry, Mike Brannon, Mary Claire Molone, Pat Meyer, Doug Feist, Blake Brannon, Brandon Roznovsky, Jim Kruse, James M. Luedke, Charlie Pyle, Georgia Sowers and Doug Smith

Media Present:

Clay Thorp, Brenham Banner Press; and Josh Blaschke, KWHI

1. **Call Meeting to Order**
2. **Invocation and Pledges to the US and Texas Flags – Mayor Milton Tate**
3. **Swearing-In Ceremony for Police Chief Ron Parker**
4. **Special Recognition**
 - **2020 Texas Public Pool Council Awards**
 - **2019 Economic Excellence Award**
5. **Citizens Comments**

There were no citizen comments.

CONSENT AGENDA

6. **Statutory Consent Agenda**
 - 6-a. **Minutes from the February 6, 2020 Regular City Council Meeting and February 13, 2020 City Council Workshop Meeting**
 - 6-b. **Approve a One Year Contract Extension, in Accordance with Bid No. 18-007, for Mowing and Cleanup Services for Various City Departments and Authorize the Mayor to Execute Any Necessary Documentation**
 - 6-c. **Purchase of a Toro Reelmaster Mower for the City of Brenham Parks Department from Professional Turf Products, Through Buyboard Contract No. 529-17, in the Amount of \$62,647.83 and Authorize the Mayor to Execute Any Necessary Documentation**
 - 6-d. **Approval of an Addendum and Modification to the Contract Between the City of Brenham and Vortex USA, Inc. Related to the Splashpad at Henderson Park and Authorize the Mayor to Execute Any Necessary Documentation**
 - 6-e. **Approve Change Order No. 1, Change Order No. 2 and Final Payment to Lindsey Construction, Inc. in the Amount of \$585,914.65 for Bid No. E2017-01 Related to the Higgins Branch Creek Channel Restoration and Authorize the Mayor to Execute Any Necessary Documentation**
 - 6-f. **Purchase of a Schwarze Street Sweeper for the City of Brenham Street Department from Heil of Texas, Through HGACBuy Contract No. SW-04-18A, in the Amount of \$234,611.00 and Authorize the Mayor to Execute Any Necessary Documentation**
 - 6-g. **Approve an Equipment Financing Proposal with Bank of Brenham and Authorize the Mayor to Execute Any Necessary Documentation**

- 6-h. Approve Change Order No. 3 and Final Payment in the Amount of \$84,376.90 to Barclays Premier Utility Services, LLC for Project No. 64C-50C Related to the FY19 Water Main Replacement Project and Authorize the Mayor to Execute Any Necessary Documentation**
- 6-i. Approve Change Order No. 2 in the Amount of \$20,225.00 to Gulf States Protective Coatings for Bid No. 3900.0420/050 Related to the 2016 Water Treatment Plant Protective Coatings Project and Authorize the Mayor to Execute Any Necessary Documentation**
- 6-j. Approve Ground Space Lease Agreements with Gary Snoe for Hangar Spaces at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve the Statutory Consent Agenda Items 6-a. through 6-j., amending the total bid amount of Item 6-e. to \$233,252.09.

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

REGULAR SESSION

- 7. Discuss and Possibly Act Upon Resolution No. R-20-009 Approving an Agreement for Municipal Solid Waste Collection, Disposal and Recycling Services Between the City of Brenham and Brannon Industrial Group, LLC d/b/a BVR Waste and Recycling, and Approving 1) Exhibit “A” General Terms and Conditions; 2) Exhibit “B” Commercial Waste Collection and Recycling Services; and 3) Exhibit “C” Residential Waste Collection and Recycling Services to said Agreement for Municipal Solid Waste Collection, Disposal and Recycling Services**

City Manager James Fisher presented this item. Fisher explained that in August 2019 the City issued a Request for Proposal (RFP) for Solid Waste Services for Residential Collection, Commercial Sanitation, Recycling Services, and Collection Operations for City of Brenham residents and businesses. Fisher noted that the City received proposals from four (4) companies: (1) Brannon Industrial Group, LLC d/b/a BVR Waste and Recycling (BVR), (2) Frontier Waste Solutions, (3) Republic Services and (4) Texas Disposal Systems. Fisher stated that after

evaluating the proposals, it was evident that the local company Brannon Industrial Group, LLC d/b/a BVR Waste and Recycling submitted the best value to the City overall.

Fisher advised that these evaluations were discussed with both the Utilities Subcommittee of Council and the full Council. Fisher stated that in January 2020 the City Council authorized city staff to begin working with BVR to finalize a solid waste services contract. Fisher explained that during two work sessions with Council on February 6th and on February 13th, staff outlined the general terms of the contract and explained that the full implementation of the contract would be a stair-step process as follows:

- Agreement for Municipal Solid Waste Collection, Disposal and Recycling Services – March 2020
- Exhibit “A” General Terms and Conditions to the Agreement for Municipal Solid Waste Collection, Disposal and Recycling Services – March 2020
- Exhibit “B” Commercial Waste Collection and Recycling Services – March 2020
- Exhibit “C” Residential Waste Collection and Recycling Services – March 2020
- Exhibit “D” Collection and Transfer Station Services – April 2020

Fisher explained the rates for commercial and residential services. Fisher stated that curbside solid waste collection and recycling services proposed rate is \$15.00 per month per household and \$12.00 per month per household for senior citizens and disabled persons. Fisher advised that an additional cart would be \$8.00 per month per cart. Fisher noted that brush pick-up would be \$15.00 per request. Fisher stated that senior citizen exemption would be age 65 and would become effective October 1, 2020.

Public Works Director Dane Rau stated that commercial collection would begin March 30th and letters would be mailed to customers next week letting them know. Rau noted that residential collection would begin in early May with carts being distributed then or at least 2 weeks prior to implementation.

Councilmember Cantey asked about the cart assistance program for senior citizens and disabled persons. Fisher advised that information on the cart assistance program would be available in the next few weeks. Fisher noted that 64 gallon carts would be issued to senior citizens and disabled persons.

A citizen addressed Council regarding elderly and disabled people having to use carts, carts possibly floating down the street when it rains because of their location and parking for residential vehicles.

Doug Smith with Texas Disposal Systems addressed Council. Smith stated that his company presented a bid for the trash services. Smith advised that he would like to keep communication open between his company and the city and if any issues ever arise with sanitation services to please contact him.

Citizen Georgia Sowers addressed Council. Sowers advised that she has issues with balance and has a difficult time carrying things. Sowers also stated that she is worried that the carts would take away from the beauty of the city.

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to approve Resolution No. R-20-009 approving an agreement for Municipal Solid Waste Collection, Disposal and Recycling Services between the City of Brenham and Brannon Industrial Group, LLC d/b/a BVR Waste and Recycling, and approving 1) Exhibit “A” General Terms and Conditions; 2) Exhibit “B” Commercial Waste Collection and Recycling Services; and 3) Exhibit “C” Residential Waste Collection and Recycling Services to said Agreement for Municipal Solid Waste Collection, Disposal and Recycling Services.

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 an Ordinance on Its First Reading Authorizing a Variance to Minimum Setback requirements as Outlined in Chapter 14, Mobile Homes, Manufactured Homes and Manufactured Home Parks, of the City of Brenham Code of Ordinances

Project Planner Shauna Laauwe presented this item. Laauwe explained that Sandalwood Manufactured Home Park is in preparation to expand the existing manufactured home park located at 2075 FM 389. Laauwe stated that the applicant has submitted a master plan and preliminary plat to expand the park by 25 lots on 13.95 acres of land adjacent to the south. Laauwe advised that this was a request from the developer of Sandalwood Manufactured Home Park for a variance to allow open-air carports to be constructed over the proposed parking pads for each pad site. Laauwe explained that Section 14-9(4)(b) regulates that nonflammable carports have a minimum clearance and setback of 10 feet to a neighboring manufactured home. Laauwe stated that the applicant intends to give residents an option to place a 20’x18’ carport over the parking pads for each home site. Laauwe noted that however, the parking pads encroach 2 feet into the adjacent home lot and would be situated 8 feet from the adjacent manufactured home, thus the applicant is requesting a Variance to allow the parking pad sites and carports to encroach 2 feet into the adjacent home lot and a 2 foot reduction in the minimum required 10 foot setback from a neighboring manufactured home. In addition, the applicant proposes to place the carports within the 20-foot utility easement that runs along the interior access road.

A motion was made by Councilmember Kolby and seconded by Councilmember Herring to approve an Ordinance on its first reading authorizing a Variance to Minimum Setback Requirements as Outlined in Chapter 14, Mobile Homes, Manufactured Homes and Manufactured Home Parks, of the City of Brenham Code of Ordinances.

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. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- The fire department will begin fire fighter physicals starting this spring
- Airport runway project bids are due March 11th
- There will be a joint meeting with the County Commissioners Court on April 9th at 1:00 p.m. to hear a presentation with TxDOT officials on the Highway 290/Cloverleaf project
- There will be a mini workshop to discuss the FY21 budget at the Council meeting on April 16th

Council adjourned into Executive Session at 1:41 p.m.

EXECUTIVE SESSION

- 10. Section 551.071 – Texas Government Code – Consultation with Attorney – Consultation with City Attorney Regarding EEOC Charge No. 460-2020-00543**
- 11. Section 551.071 – Texas Government Code – Consultation with City Attorney and Section 551.072 – Texas Government Code – Deliberation Regarding Real Property – Consultation with City Attorney and Discussion Regarding the Barnhill Center at the Historic Simon Theater**

Executive Session adjourned at 3:05 p.m.

RE-OPEN REGULAR AGENDA

- 12. Discuss and Possibly Act Upon the Development, Operation and Possible Acquisition of the Barnhill Center at the Historic Simon Theater and Authorize the Mayor to Execute Any Necessary Documentation**

No action was taken on this item.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on March 19, 2020 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 and City Secretary – Director of Administrative Services Jeana Bellinger

Citizens present:

Ben Seeker and Michele Kwiatkowski

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. Proclamation

➤ Vietnam Veterans Day

Ben Seeker, Commander of the VFW Post in Brenham and President of Washington County Veterans Association addressed the Council and requested that the Proclamation be read at another meeting due to the Council having more pressing issues to discuss related to the COVID-19 (Coronavirus) Pandemic. Mayor Tate said that the Proclamation would be put on a future agenda once things return to normal.

4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

- 5-a. Minutes from the February 20, 2020 Regular City Council Meeting and February 21, 2020 Special City Council Meeting**
- 5-b. Ordinance No. O-20-004 on Its Second Reading Authorizing a Variance to Minimum Setback Requirements as Outlined in Chapter 14, Mobile Homes, Manufactured Homes and Manufactured Home Parks, of the City of Brenham Code of Ordinances**
- 5-c. Approve a Noise Variance for James F. Dillon VFW 7104 for a Memorial Service to be Held on March 28, 2020 from 9:30 a.m. to 11:00 a.m. at Henderson Park Near the Retired F-111 Military Aircraft and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-d. Approve a Noise Variance for Mt. Seriah of Mt. Rose Missionary Baptist Church for a Youth Outreach in the Community Event to be Held on April 18, 2020 from 11:00 – 5:00 p.m. at Jackson Street Park and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-e. Approve a Noise Variance for Lillie Ehlert and Nickolas Morrison for a Wedding Ceremony and Reception to be Held on April 18, 2020 from 4:00 p.m. – 10:30 p.m. at 604 Walnut Hill and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-f. Award Bid No. 20-001 to Evoqua Water Technologies, Inc. for the Purchase of Sodium Chlorite in the Amount of \$0.86 Per Pound and Authorize the Mayor to Execute Any Necessary Documentation**

5-g. Approve the Purchase of Materials for the Copper Conductor Replacement Project from Techline, Inc. Through the Lower Colorado River Authority (LCRA) Materials Program and Authorize the Mayor to Execute Any Necessary Documentation

5-h. Discuss and Possibly Act Upon the Acceptance of the Audit from Seidel Schroeder for Fiscal Year 2019

City Manager James Fisher advised the Council that Items 5-c., 5-d., and 5-e. have all been withdrawn by the requestors and that Councilmember Kolby requested that Item 5-h. be moved to the regular agenda.

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby to approve the Statutory Consent Agenda Items 5-a., 5-b., 5-f. and 5-g. 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

REGULAR SESSION

5-h. Discuss and Possibly Act Upon the Acceptance of the Audit from Seidel Schroeder for Fiscal Year 2019

Seidel Schroeder Audit Partner, Michele Kwiatkowski, presented this item. Kwiatkowski advised Council that state law requires that all general-purpose local governments publish, within six months of the close of the fiscal year, a complete set of financial statements presented in conformity with generally accepted accounting principles (GAAP) and audited in accordance with generally accepted auditing standards by a firm of licensed certified public accountants.

Kwiatkowski advised the financial statements present fairly, in all material aspects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Brenham, Texas. Kwiatkowski stated that pursuant to state requirements, and on behalf of the Finance Department, she would like to present the Comprehensive Annual Financial Report (CAFR) of the City of Brenham for the fiscal year ended September 30, 2019.

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to accept the audit from Seidel Schroeder for Fiscal Year 2019.

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

6. Discuss and Possibly Act Upon the City of Brenham's Action Plan Related to the COVID-19 (Coronavirus) Pandemic and Authorize the Mayor to Execute Any Necessary Documentation

City Manager James Fisher presented this item. Fisher advised Council that because the Governor has issued an Executive Order there would be no action required on this item.

Fisher informed the Council that due to the closure of Brenham ISD, City leadership met last week to discuss potential closures of the Blue Bell Aquatic Center, the Nancy Carol Roberts Memorial Library and the Antique Carousel in Fireman's Park as these facilities may be heavily impacted, therefore, placing staff and residents at unnecessary risks. Fisher stated that after much discussion, it was decided that these City facilities, along with all city-sponsored recreational events, would be closed beginning March 15th. Fisher noted that the decision was also made to suspend visitors in the Pet Adoption Center and Animal Shelter.

Fisher stated that at this time, City parks, trails, and other outdoor amenities will be open and available to the public; however, that could change as new information is received from The Centers for Disease Control (CDC). Fisher informed the Council that City leadership has also requested that City employees cancel all nonessential business travel, that City Council meetings be held only one time per month on the 3rd Thursday, and City advisory boards/commission only meet when absolutely necessary.

No action was taken on this item by the City Council.

7. Discuss and Possibly Act Upon Resolution No. R-20-010 Amending the City of Brenham Human Resources Policy Manual

City Manager James Fisher presented this item. Fisher advised Council that since the Federal Government passed The Families First Coronavirus Response Act on March 18, 2020 the changes being requested to our Human Resource Policy Manual are not needed.

There was no action taken on this item.

8. **Discuss and Possibly Act Upon the Approval of a Project to Extend a Six Inch (6") Gas Main Along North Blue Bell Road from East Alamo Street to Brown Street and Related Service Contracts, Including But Not Limited to:**
- a. **A Professional Services Agreement with Hodde & Hodde Land Surveying, Inc. for Topography Surveying and General Engineering Services**
 - b. **A Small Services Agreement with G&M Innovations, LLC for Boring Services**
- And Authorize the Mayor to Execute Any Necessary Documentation**

City Manager James Fisher presented this item. Fisher explained that currently the City's six-inch gas feed generally follows the City limits and encompasses the entire City with the exception of a small section along North Blue Bell Road between East Alamo Street and Gayhill Street. Fisher stated that this project, if approved, will extend the six-inch gas main by adding a section along North Blue Bell Road from East Alamo to Brown Street, thereby completing approximately two-thirds of the incomplete section.

Councilmember Kolby questioned why this project could not wait until next year's budget cycle. Fisher explained that the City discovered that this gas line extension should have been done years ago, per the request of the Texas Railroad Commission, and that staff is concerned that if it is postponed again the Railroad Commission may begin assessing fines to the City.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Cantey to:

- a. Enter into a professional services agreement in the amount of \$22,925.00 with Hodde & Hodde Land Surveying, Inc. for topographic surveying, general engineering services, and assistance with TxDOT permitting; and
- b. Enter into a small services contract with G&M Innovations, LLC for boring services in the amount of \$43,300.00.

Mayor Tate called for a vote. The motion passed with a vote of 6-1 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	No
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

9. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. Related to the Burleson Street Utility Extensions and Authorize the Mayor to Execute Any Necessary Documentation

City Manager James Fisher presented this item. Fisher explained that recently there has been development occurring along the 1700 block of Burleson St and that this area was annexed in 2008 and at that time no one requested sanitary sewer or gas service. Fisher advised that in the past 3-5 months, the City has received two requests for sanitary sewer service and according to our adopted annexation service plan the City is obligated to supply utilities to the annexed areas upon request.

Fisher advised that the City has asked Strand and Associates to design, plan, and prepare bid documents related to these extensions and the cost of providing this service is \$59,000.00. Fisher advised that there is a very tight schedule and that staff would like to move forward as quickly as possible in order to meet the new homeowners' needs.

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to approve a Professional Services Agreement between the City of Brenham and Strand Associates, Inc., for an amount not to exceed \$59,000.000, for Burleson Street utility extensions of gas and sanitary sewer 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

10. Discuss and Possibly Act Upon Resolution No. R-20-011 Authorizing the Acceptance of Public Improvements in the Vintage Farms Subdivision, Phase II

City Manager James Fisher presented this item. Fisher explained that CTX Development Company has completed infrastructure improvements (water, sanitary, storm, and streets) related to the development of Phase II of Vintage Farms Subdivision, a 54 lot residential phase of the subdivision at the southwest corner of Vintage Farms Way and State Highway 36 North (Phillip Coe Survey, A-31). Fisher stated that the infrastructure improvements have been constructed and inspected according to the City of Brenham ordinances and regulations and are ready for acceptance by the City of Brenham.

A motion was made by Councilmember Kolby and seconded by Councilmember Herring to approve Resolution No. R-20-011 authorizing the acceptance of public improvements in the Vintage Farms Subdivision, Phase II.

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 Resolution No. R-20-012 in Connection with a Grant Agreement for an Airport Layout Plan (ALP) Update and Narrative for the Brenham Municipal Airport

City Manager James Fisher advised Council that TxDOT requested that this item be passed at this time as there is concern that the Runway Bump/Hump project may run over the allotted NPE funds for the project and FY 20 funds may have to be utilized. Fisher explained that TxDOT requested that staff hold off on passing the ALP Resolution until the runway bump/hump numbers have been firmed up and they can see where the funding stands.

No action was taken on this item.

12. Discuss and Possibly Act Upon Resolution No. R-20-013 Amending the City of Brenham's Financial Policies Document by Adding a Procurement Policy for Federal Grants and Agreements

City Manager James Fisher presented this item. Fisher explained that the Financial Policies of the City need to be amended to include a section on Federal Procurement. Fisher stated that during our recent FEMA discussions and filing for grant reimbursements, we were notified by FEMA that the City needed to adopt procurement policies and best practices as outlined in the Code of Federal Regulation, Title 2 Grants and Agreements.

A motion was made by Councilmember Herring and seconded by Councilmember Kolby to approve Resolution No. R-20-013 amending the City of Brenham's Financial Policies Document by adding a Procurement Policy for Federal Grants and Agreements.

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 an Interlocal Agreement Between the City of Brenham and Washington County Related to Economic Development Services and Authorize the Mayor to Execute Any Necessary Documentation

City Manager James Fisher presented this item. Fisher explained that the proposed Interlocal Agreement (ILA) would allow the City to brief the Washington County Commissioner's Court about economic development activities in Executive Session. Fisher noted that it also lays the foundation for future discussions concerning economic development partnerships between our entities. Fisher advised Council that the ILA as currently written does not include any funding from the County to the City but that he advised the County that if funding was not included in their FY21 budget, he would recommend to the Council that the ILA be rescinded.

A motion was made by Councilmember Kolby and seconded by Mayor Pro Tem Ebel to approve an Interlocal Agreement between the City of Brenham and Washington County related to Economic Development 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

14. Discuss and Possibly Act Upon Supplemental No. 2 to the Professional Services Agreement with Gunda Corporation, LLC Related to the Burleson Road Culvert Replacement Project (Project No. E2016-03) and Authorize the Mayor to Execute Any Necessary Documentation

City Manager James Fisher presented this item. Fisher explained that the original professional services agreement for \$73,232.10 was approved by City Council on July 14, 2016 and Supplemental No. 1 for an additional amount of \$26,925.00 was approved by the former City Manager on June 8, 2017. Fisher stated that Supplemental No. 2 from Gunda is amending the scope of services to include Hazard Mitigation Grant Program (HMGP) application and requests for information, survey control and construction management. Fisher noted that this supplement also removes the 10% mark-up on the original agreement which is disallowed under 2 CFR Part 200 for federal awards.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Saunders to approve Supplemental No. 2 to the Professional Services Agreement with Gunda Corporation, LLC, in the amount of \$34,122.10, related to the Burleson Road Culvert Replacement Project (Project No. E2016-03) 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

15. Discuss and Possibly Act Upon Supplemental No. 1 to the Professional Services Agreement with Gunda Corporation, LLC Related to the Raw Water Intake Repair at Lake Somerville (Project No. E2016-06) and Authorize the Mayor to Execute Any Necessary Documentation

City Manager James Fisher presented this item. Fisher explained that the original professional services agreement for \$285,888 was approved by City Council on February 16, 2017. Fisher advised that this supplemental agreement from Gunda is amending the scope of services to include FEMA coordination and requests for information, survey control and construction management. Fisher noted that this supplement also removes the 10% mark-up on the original agreement which is disallowed under 2 CFR Part 200 for federal awards.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Saunders to approve Supplemental No. 1 to the Professional Services Agreement with Gunda Corporation, LLC, in the amount of \$22,070.50, related to the raw water intake repair at Lake Somerville (Project No. E2016-06) 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

16. Discuss and Possibly Act Upon Supplemental No. 1 to the Professional Services Agreement with Gunda Corporation, LLC Related to Storm Damage Repairs (Project No. E2017-01) and Authorize the Mayor to Execute Any Necessary Documentation

City Manager James Fisher presented this item. Fisher explained that the original professional services agreement for \$295,841 was approved by City Council on March 2, 2017. Fisher stated that engineering services under Project No. E2017-01 included storm damage repairs with the original scope for three (3) bid packages and that this supplemental agreement from Gunda is amending the scope of services to include FEMA and NRCS grant application administrative services, engineering costs for separate bid packages, survey control and construction management. Fisher advised that this supplement also removes the 10% mark-up on the original agreement which is disallowed under 2 CFR Part 200 for federal awards.

A motion was made by Councilmember Herring Ebel and seconded by Councilmember Wright to approve Supplemental No. 1 to the Professional Services Agreement with Gunda Corporation, LLC, in the amount of \$19,085.60, related to Storm Damage Repairs (Project No. E2017-01) 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

17. Administrative/Elected Officials Report

City Manager James Fisher advised there were no Administrative reports.

Council adjourned into Executive Session at 2:59 p.m.

EXECUTIVE SESSION

18. Section 551.071 – Texas Government Code – Consultation with City Attorney and Section 551.072 – Texas Government Code – Deliberation Regarding Real Property – Consultation with City Attorney and Discussion Regarding the Barnhill Center at the Historic Simon Theater

19. Section 551.071 – Texas Government Code – Consultation with Attorney – Consultation with City Attorney Regarding EEOC Charge No. 460-2020-00543

Executive Session adjourned at 3:46 p.m.

RE-OPEN REGULAR AGENDA

20. Discuss and Possibly Act Upon the Development, Operation and Possible Acquisition of the Barnhill Center at the Historic Simon Theater and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Herring and seconded by Councilmember Kolby to decline any financial assistance for the Barnhill Center at the Historic Simon Theater.

Mayor Tate called for a vote. The motion failed with a 4-3 vote with Council voting as follows:

Mayor Milton Y. Tate, Jr.	No
Mayor Pro Tem Andrew Ebel	No
Councilmember Susan Cantey	No
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	No

A motion was made by Councilmember Herring and seconded by Councilmember Kolby to decline any financial assistance for the Barnhill Center at the Historic Simon Theater at this time.

Mayor Tate called for a vote. The motion passed with a 6 to 1 Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	No
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

DRAFT

Brenham City Council Minutes

An emergency meeting of the Brenham City Council was held on March 19, 2020 beginning at 12:30 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

This Emergency Meeting was held pursuant to the authority provided in Texas Government Code Section 551.045 in that an emergency and/or urgent public necessity exists and immediate action is required by the governing body of the City of Brenham to address the imminent threats to public health and safety associated with the impact of COVID-19 on the public health, safety and welfare of the citizens of the City of 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 and City Secretary – Director of Administrative Services Jeana Bellinger

Citizens present:

Walter Jackson, Melvin Ehlert, Wende Ragonis, Kirk Hanath, Joy Fuchs, Candice Bullock, Robert Weiss, Sara Gresham and John Elford

Media Present:

Alyssa Faykus, Brenham Banner Press; and Josh Blaschke, KWHI

1. Call Meeting to Order

2. Discuss and Possibly Act Upon an Extension of the Mayoral Declaration of Local Disaster Due to Public Health Emergency Related to the COVID-19 (Coronavirus) Pandemic and Authorize the Mayor to Execute Any Necessary Documentation.

Mayor Tate presented this item. Tate explained to the Council that he issued a Mayoral Declaration of Local Disaster on March 19, 2020. Tate noted that the Declaration is allowed by Chapter 418 of the Texas Government Code. The Mayor explained that the Declaration only mandated the cancellation of all gatherings with ten (10) or more persons for seven (7) days and extended, by ninety (90) days, the filing or required monthly tax reports and payment of hotel occupancy tax.

City Manager James Fisher explained that the Declaration gave the Mayor the power to enact other things such as curfews, closing food establishments and/or tourist attractions, ingress/egress into the City, closing of sports venues, and other things; however, these would only be done if it became absolutely necessary to protect the health and safety of the citizens. Fisher explained that staff is recommending the Declaration be extended until May 31, 2020 to allow people to plan accordingly for their events instead of having to operate on a day-to-day basis.

Mayor Tate advised that just prior to the Council meeting, Governor Greg Abbot issued an Executive Order related to COVID-19 (Coronavirus) preparedness and mitigation and that his Order would supersede the City's Declaration. Tate explained that Executive Order GA08 puts the following in place, statewide, effective 11:59 p.m. on March 20, 2020 and continues until 11:59 p.m. on April 3, 2020:

- Every person in Texas shall avoid social gatherings in groups of ten (10) or more people.
- Every person in Texas shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors; provided, however, that the use of drive-thru, pick-up or delivery options are allowed.
- People shall not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance.
- Schools shall be temporarily closed.

Mayor Tate explained that the Governor's Order does not prohibit people from visiting gas stations, grocery stores, parks, and banks so long as the necessary precautions are maintained to reduce the transmission of COVID-19. Tate also explained that all critical infrastructure would remain operational, domestic travel would remain unrestricted and government entities and businesses would continue providing essential services. Mayor Tate emphasized that for offices and workplaces that remain open, employees should practice good hygiene and, where feasible, work from home.

A motion was made by Councilmember Kolby and seconded by Councilmember Saunders to table this item.

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	No
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

Brenham City Council Minutes

A special meeting of the Brenham City Council was held on March 26, 2020 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 and City Secretary – Director of Administrative Services Jeana Bellinger

Citizens present:

Wende Ragonis and Keith Hankins.

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 Ebel**
- 3. Citizens Comments**

There were no citizen comments.

4. Discuss and Possibly Act Upon Resolution No. R-20-015 Providing for the Continuation of the Mayoral Declaration of Local Disaster Due to Public Health Emergency Related to the COVID-19 (Coronavirus) Pandemic

City Manager James Fisher presented this item. Fisher explained that on Thursday, March 19, 2020 Mayor Tate signed a Declaration of Local Disaster, related to the COVID-19 (Coronavirus) public health emergency. Fisher stated that last week Councilmembers Herring and Kolby met with Washington County Commissioners Fuchs and Bullock and drafted a Resolution revising and extending the Mayoral Declaration until 11:59 p.m. on April 3, 2020.

A motion was made by Councilmember Kolby and seconded by Councilmember Saunders to approve Resolution No. R-20-015 providing for the continuation of the Mayoral Declaration of Local Disaster Due to Public Health Emergency Related to the COVID-19 (Coronavirus) Pandemic with the recommended amendment for the closure of City facilities being added as Section 10 and the current Section 10 being renumbered as Section 11.

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

5. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 24, Article II, Hotel Occupancy Tax, of the Code of Ordinances, City of Brenham, Texas to Temporarily Modify the Hotel Occupancy Tax Reporting and Payment Schedule

City Manager James Fisher presented this item. Fisher advised that due to the negative impact of the COVID-19 (Coronavirus) Pandemic, local hoteliers have requested that the City Council consider temporarily modifying and extending the deadlines for filing monthly tax reports and payments of local hotel occupancy taxes in order to mitigate some of the negative economic impact on their businesses.

Keith Hankins, owner of Ant Street Inn and Main Street House, addressed Council. Hankins expressed his gratitude to City staff for bringing this proposal to Council. Hankins stated that the help that this proposal would provide is immediate. Hankins asked that Council please approve the Ordinance on its first reading.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve an Ordinance on its first reading amending Chapter 24, Article II, Hotel Occupancy Tax, of the Code of Ordinances, City of Brenham, Texas to temporarily modify the hotel occupancy tax reporting and payment schedule.

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

6. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- Staff has worked with County officials to create a COVID-19 Hotline (1-800-845-8035) that allows people to find out information about resources. People can also directly contact staff at 979-337-7200 for information.
- Staff is working closely with the Utility Billing Department to help people with their utility bills.
- Staff has created a Response and Recovery Team that is taking care of business owner's needs.
- There have been reports that groups of people are gathering in the parks. Staff asks that people please refrain from doing that.
- This will be the last physical Council meeting. Staff is working on a way to have future Council meetings held via video conference or teleconference. The meetings on April 2nd and April 16th will be held via teleconference.

Councilmember Cantey asked if COVID-19 testing is being done locally. Fisher stated that it is, and all tests are sent to Temple.

Councilmember Herring asked if staff has been checking on the employees that are at home. Fisher advised that staff is checking on employees at least daily.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

DRAFT

ORDINANCE NO. O-20-005

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 24, TAXATION, ARTICLE II, HOTEL OCCUPANCY TAX, OF THE CODE OF ORDINANCES, CITY OF BRENHAM, TEXAS TO TEMPORARILY MODIFY THE HOTEL OCCUPANCY TAX REPORTING AND PAYMENT SCHEDULE; PROVIDING FOR A REPEALER AND SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND OPEN MEETINGS

WHEREAS, the City of Brenham ("City") is a Texas home-rule municipality; and

WHEREAS, pursuant to Texas Local Government Code, Section 51.001, the City has the authority to adopt ordinances and regulations that are for good government, peace and order of the City; and

WHEREAS, as a home-rule municipality, Texas Local Government Code, Section 51.072 confirms that the City has the full power of local self-government; and

WHEREAS, Chapter 351 of the Texas Tax Code allows for the imposition and collection of hotel occupancy taxes by municipalities; and

WHEREAS, the negative economic impacts of the COVID-19 (Coronavirus) Pandemic has significantly affected local hoteliers situated in the City of Brenham and its extraterritorial jurisdiction; and

WHEREAS, the City Council desires to amend Chapter 24, Taxation, of the Code of Ordinances of the City of Brenham by temporarily modifying and extending the deadlines for filing required monthly tax reports and monthly payment of local hotel occupancy taxes in order to mitigate some of the negative economic impacts of the COVID-19 (Coronavirus) Pandemic on local hoteliers;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, THAT:

SECTION 1.

Chapter 24, Taxation, Sec. 24-24, Reports, of the Code of Ordinances of the City of Brenham, Texas, is hereby temporarily modified to extend the deadlines for the filing of required monthly tax reports and monthly payment of local hotel occupancy taxes by ninety (90) days, according to the following schedule:

<u>Collection Month</u>	<u>Regular Due Date</u>	<u>Extended Due Date</u>
February, 2020	March 31, 2020	June 29, 2020
March, 2020	April 30, 2020	July 29, 2020
April, 2020	June 1, 2020	August 30, 2020
May, 2020	June 30, 2020	September 28, 2020

The modified and extended filing and payment deadlines shall only apply to the collection months of February 2020, March 2020, April 2020 and May 2020. The regular reporting and payment deadlines shall apply to the June 2020 collection month, and all collection months occurring thereafter.

SECTION 2. **SAVINGS CLAUSE**

All provisions of any ordinance, resolution or other action of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances, resolutions or other actions shall remain in full force and effect.

SECTION 3. **SEVERABILITY**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentences and clauses and phrases remaining should any provision be declared unconstitutional or invalid.

SECTION 4. **REPEALER**

Any other ordinance or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

SECTION 5. **EFFECTIVE AND EXPIRATION DATE**

This Ordinance shall become effective upon adoption and publication as required by law. This Ordinance shall automatically expire on September 29, 2020.

SECTION 6.
PROPER NOTICE AND MEETINGS

It is hereby officially found and determined that the meetings at which this Ordinance was passed were open to the public as required and that public notice of the time, place and purpose of said meetings were given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED and APPROVED on its first reading this the 26th day of March 2020.

PASSED and APPROVED on its second reading this the 2nd day of April 2020.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



AGENDA ITEM 4

DATE OF MEETING: April 2, 2020	DATE SUBMITTED: March 30, 2020															
DEPT. OF ORIGIN: Administration	SUBMITTED BY: James Fisher															
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;">MEETING TYPE:</td> <td style="width: 33%; vertical-align: top;">CLASSIFICATION:</td> <td style="width: 33%; vertical-align: top;">ORDINANCE:</td> </tr> <tr> <td>☒ REGULAR</td> <td>☐ PUBLIC HEARING</td> <td>☐ 1ST READING</td> </tr> <tr> <td>☐ SPECIAL</td> <td>☐ CONSENT</td> <td>☐ 2ND READING</td> </tr> <tr> <td>☐ EXECUTIVE SESSION</td> <td>☒ REGULAR</td> <td>☒ RESOLUTION</td> </tr> <tr> <td></td> <td>☐ WORK SESSION</td> <td></td> </tr> </table>		MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING	☐ SPECIAL	☐ CONSENT	☐ 2 ND READING	☐ EXECUTIVE SESSION	☒ REGULAR	☒ RESOLUTION		☐ WORK SESSION	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:														
☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING														
☐ SPECIAL	☐ CONSENT	☐ 2 ND READING														
☐ EXECUTIVE SESSION	☒ REGULAR	☒ RESOLUTION														
	☐ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-20-016 Providing for the Continuation of the Mayoral Declaration of Local Disaster Due to a Public Health Emergency Related to the COVID-19 (Coronavirus) Pandemic																
SUMMARY STATEMENT: On Thursday, March 26, 2020 the City Council voted to extend the Mayoral Declaration of Local Disaster, related to the COVID-19 (Coronavirus), to 11:59 p.m. on April 3, 2020. This Resolution No. R-20-016 extends the Mayoral Declaration again until 11:59 p.m. on April 10, 2020.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:																
ALTERNATIVES (In Suggested Order of Staff Preference): N/A																
ATTACHMENTS: (1) Resolution No. R-20-016																
FUNDING SOURCE (Where Applicable): N/A																
RECOMMENDED ACTION: Approve Resolution No. R-20-016 providing for the continuation of the Mayoral Declaration of Local Disaster Due to a Public Health Emergency related to the COVID-19 (Coronavirus) pandemic																
APPROVALS: James Fisher																

RESOLUTION NO. R-20-016

A RESOLUTION PROVIDING FOR CONTINUING THE MAYORAL DECLARATION OF LOCAL DISASTER, AS AMENDED BY THE CITY COUNCIL, DUE TO A PUBLIC HEALTH EMERGENCY RELATED TO THE COVID-19 (CORONAVIRUS) PANDEMIC

WHEREAS, the novel coronavirus (COVID-19) has been recognized globally as a contagious respiratory virus; and

WHEREAS, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying that COVID-19 poses an imminent threat of disaster for all counties in the state of Texas; and

WHEREAS, COVID-19 continues to spread and to pose an increasing, imminent threat of disaster throughout Texas; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has advised that person-to-person contact heightens the risk of COVID-19 transmission; and

WHEREAS, the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the CDC on March 16th, 2020, call upon Americans to slow the spread of COVID-19 by avoiding social gatherings in groups of more than 10 people, using drive-thru, pickup, or delivery options at restaurants and bars, and avoiding visitation at nursing homes, among other steps; and

WHEREAS, the Texas Department of State Health Services has now determined that, as of March 19th, 2020, COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, said state of disaster requires that certain emergency protective measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management and Public Health, codified in Chapter 418 of the Texas Government Code; and

WHEREAS, the Mayor of the City of Brenham, Texas issued a declaration of a local state of disaster on March 19, 2020; and

WHEREAS, the City Council of the City of Brenham, Texas desires to continue the March 19, 2020 Mayoral declaration of a local state of disaster, said declaration being amended to read as provided herein below;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Brenham, Texas as follows:

- SECTION 1.** That a local state of disaster for public health emergency is hereby declared for the City of Brenham, Texas, pursuant to Section 418.108(a) of the Texas Government Code.
- SECTION 2.** That pursuant to Section 418.108(b) of the Texas Government Code the declaration of a local state of disaster for public health emergency shall continue until 11:59 p.m. on April 3, 2020, as approved by the City Council of the City of Brenham, Texas in this Resolution.
- SECTION 3.** That pursuant to Section 418.108(c) of the Texas Government Code this declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
- SECTION 4.** That pursuant to Section 418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City of Brenham, Texas, emergency management plan, and authorizes the furnishing of aid and assistance under the declaration.
- SECTION 5.** In accordance with the Guidelines from the President and the CDC, every person in Texas shall avoid social gatherings in groups of more than ten (10) people; a “gathering” refers generally to, but not limited to, a scheduled event or common endeavor such as weddings, religious services or activities, concerts, parties, funerals, sporting events, social events, conferences, reunions, service club meetings, fundraisers and other similar gatherings.
- SECTION 6.** In accordance with the Guidelines from the President and the CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors; provided, however, that the use of drive-thru, pick-up, or delivery options is allowed and highly encouraged throughout the limited duration of this declaration.
- SECTION 7.** In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance.
- SECTION 8.** In accordance with the Guidelines from the President and the CDC, schools shall temporarily close.
- SECTION 9.** This declaration does not prohibit people from visiting a variety of places, including grocery stores, gas stations, parks, and banks, so long as the necessary precautions are maintained to reduce the transmission of COVID-19. This declaration does not mandate sheltering in place. All critical infrastructure will remain operational, domestic travel will remain unrestricted, and government entities and businesses will continue providing essential services. For offices and workplaces that remain open, employees should practice good hygiene and, where feasible, work from

home in order to achieve optimum isolation from COVID-19. The more that people reduce their public contact, the sooner COVID-19 will be contained and the sooner this declaration will expire.

SECTION 10. This declaration shall provide notice that the City of Brenham, Texas will continue providing essential services; however, all services, excluding emergency services (police and fire), will be offered by appointment only. All City-operated offices, buildings and workplaces are subject to limited physical access by the public, and the City will inform the public of any preferred communication methods and appointment-setting practices for the various City offices, departments and workplaces. The public is strongly encouraged to make all non-emergency requests for service from the City utilizing telecommunication devices or electronic mail (e-mail).

SECTION 11. This Resolution continuing said Mayoral declaration, as amended, shall take effect immediately upon the approval of the City Council of the City of Brenham, Texas, and remain in effect and in full force until 11:59 p.m. on April 10, 2020, subject to being extended, modified, amended, rescinded, or superseded by the City Council of the City of Brenham, Texas.

RESOLVED, DECLARED and APPROVED this the 2nd day of April 2020.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



AGENDA ITEM 5

DATE OF MEETING: April 2, 2020	DATE SUBMITTED: March 30, 2020	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: James Fisher	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	ORDINANCE: ☒ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance Temporarily Authorizing the City Manager, Due to the COVID-19 Pandemic, to Adopt and Administer Policies and Practices Governing the Operation of the City's Utility Systems and Associated Services, Said Ordinance Being an Emergency Measure Pursuant to Article III, §§ 17 and 18, of the Home Rule Charter of the City of Brenham Texas		
SUMMARY STATEMENT: This ordinance would allow the City Manager to manage the City's utility system which may include things such as utility deferral plans (on a case-by case basis) for commercial and/or residential customers.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference): N/A		
ATTACHMENTS: (1) Ordinance No. O-20-006		
FUNDING SOURCE (Where Applicable): N/A		
RECOMMENDED ACTION: Approve an Ordinance No. O-20-006 temporarily authorizing the City Manager, due to the COVID-19 Pandemic, to adopt and administer policies and practices governing the operation of the City's Utility Systems and Associated Services, said Ordinance being an emergency measure pursuant to Article III, §§ 17 and 18, of the Home Rule Charter of the City of Brenham Texas		
APPROVALS: James Fisher		

ORDINANCE NO. O-20-006

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS TEMPORARILY AUTHORIZING THE CITY MANAGER, DUE TO THE COVID-19 PANDEMIC, TO DEVELOP, ADOPT AND ADMINISTER POLICIES AND PRACTICES GOVERNING THE OPERATION OF THE CITY'S UTILITY SYSTEMS AND ASSOCIATED SERVICES; DECLARING THIS ORDINANCE TO BE AN EMERGENCY MEASURE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND OPEN MEETING

WHEREAS, the novel coronavirus (COVID-19) has been recognized globally as a contagious respiratory virus; and

WHEREAS, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying that COVID-19 poses an imminent threat of disaster for all counties in the state of Texas; and

WHEREAS, the Mayor of the City of Brenham, Texas issued a declaration of a local state of disaster on March 19, 2020; and

WHEREAS, the City Council of the City of Brenham, Texas has taken action to continue the March 19, 2020 Mayoral declaration of a local state of disaster, as amended; and

WHEREAS, the negative economic impacts of the COVID-19 pandemic has significantly affected customers of the City of Brenham utility systems and associated services; and

WHEREAS, Article III, § 17 of the Home Rule Charter of the City of Brenham, Texas authorizes the City Council to pass an ordinance that has been declared to be an emergency measure, upon unanimous vote to the City Council, on the day on which it has been introduced; and

WHEREAS, Article III, § 18 of the Home Rule Charter of the City of Brenham, Texas defines an emergency measure as an ordinance or resolution for the immediate preservation of the public peace, property, health or safety, or providing for the usual daily operation of a municipal department, in which the emergency is set forth and defined in a preamble thereto; and

WHEREAS, this Ordinance provides for, involves and affects the usual daily operation of the City of Brenham Public Utilities Department, a municipal department of the City; and

WHEREAS, in order to enable the City to timely exercise discretion to assist with difficult financial circumstances and challenges being experienced by City utility customers due to the COVID-19 pandemic, the City Council desires to temporarily authorize the City Manager to develop, adopt and administer policies and practices governing the operation of the City's utility systems and associated services;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, THAT:

SECTION 1.

Notwithstanding any other ordinance, rate tariff, regulation, policy, rule and/or practice of the City of Brenham, the City Manager is hereby authorized to develop, adopt and administer policies and practices governing the operation of the City's utility systems and associated services as appropriate, within the City Manager's discretion, to assist with the difficult financial circumstances and challenges being experienced by City utility customers due to the COVID-19 pandemic.

To the extent any provision of this Ordinance or any action, agreement, decision, policy or practice of the City Manager made or taken as authorized by this Ordinance conflicts with any other ordinance, rate tariff, regulation, policy, rule and/or practice of the City of Brenham, this Ordinance, and any action, agreement, decision, policy or practice of the City Manager made or taken as authorized by this Ordinance, shall prevail.

SECTION 2. **EMERGENCY MEASURE**

Article III, § 17 of the Home Rule Charter of the City of Brenham, Texas authorizes the City Council to pass an ordinance that has been declared to be an emergency measure, upon unanimous vote to the City Council, on the day on which it shall be introduced. Article III, § 18 of the Home Rule Charter of the City of Brenham Texas defines an emergency measure as an ordinance or resolution for the immediate preservation of the public peace, property, health or safety, or providing for the usual daily operation of a municipal department, in which the emergency is set forth and defined in a preamble thereto. This Ordinance provides for, involves and affects the usual daily operation of the City of Brenham Public Utilities Department, a municipal department of the City, and therefore the City Council of Brenham hereby declares that this Ordinance is an emergency measure in accordance with Article III, §§ 17 and 18 of the Home Rule Charter of the City of Brenham, Texas.

SECTION 3. **SAVINGS CLAUSE**

All provisions of any ordinance, resolution or other action of the City in conflict with this Ordinance are hereby subordinate to the provisions of this Ordinance and any action, agreement, decision, policy or practice of the City Manager made or taken as authorized by this Ordinance to

the extent they are in conflict. Any remaining portions of said ordinances, resolutions or other actions shall remain in full force and effect.

SECTION 4.
SEVERABILITY

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentences and clauses and phrases remaining should any provision be declared unconstitutional or invalid.

SECTION 5.
EFFECTIVE DATE

This Ordinance shall become immediately effective upon April 2, 2020 and shall remain in full force and effect until subsequent action of the City Council amending, revising or repealing said Ordinance.

SECTION 6.
PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

UNANIMOUSLY PASSED and APPROVED as an emergency measure on its first and only reading this the 2nd day of April, 2020.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



AGENDA ITEM 6

DATE OF MEETING: April 2, 2020	DATE SUBMITTED: March 30, 2020															
DEPT. OF ORIGIN: Administration	SUBMITTED BY: James Fisher															
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;">MEETING TYPE:</td> <td style="width: 33%; vertical-align: top;">CLASSIFICATION:</td> <td style="width: 33%; vertical-align: top;">ORDINANCE:</td> </tr> <tr> <td>☒ REGULAR</td> <td>☐ PUBLIC HEARING</td> <td>☐ 1ST READING</td> </tr> <tr> <td>☐ SPECIAL</td> <td>☐ CONSENT</td> <td>☐ 2ND READING</td> </tr> <tr> <td>☐ EXECUTIVE SESSION</td> <td>☒ REGULAR</td> <td>☐ RESOLUTION</td> </tr> <tr> <td></td> <td>☐ WORK SESSION</td> <td></td> </tr> </table>		MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING	☐ SPECIAL	☐ CONSENT	☐ 2 ND READING	☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION		☐ WORK SESSION	
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	☐ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discussion and Update on the City of Brenham's COVID-19 (Coronavirus) Response and Recovery Efforts																
SUMMARY STATEMENT: City Manager James Fisher will provide the City Council with an update on the City's COVID-19 response and recovery efforts.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:																
ALTERNATIVES (In Suggested Order of Staff Preference): N/A																
ATTACHMENTS: (1) None																
FUNDING SOURCE (Where Applicable): N/A																
RECOMMENDED ACTION: No action needed – discussion and update only.																
APPROVALS: James Fisher																