Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, March 16, 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 Atwood Kenjura
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

Councilmember Shannan Canales

City of Brenham Staff present:

City Manager Carolyn Miller, City Attorney Cary Bovey, City Secretary Jeana Bellinger Deputy General Manager of Public Utilities Alton Sommerfield, Director of Public Works Dane Rau, Director of Development Services Stephanie Doland, Director of Economic Development Susan Cates, Director of Finance Stacy Hardy, Human Resources Director Susan Nienstedt, Tourism and Marketing Director Jennifer Eckermann, Strategic Budget Officer Tim McRoberts, Karen Stack, Kyle Branham, Cherry Cash Prewitt, Cynthia Longhofer, Nancy Joiner, Leigh Linden, Capt. Lloyd Powell, and Officer Alex Saenz

Citizens/Others Present:

Cynthia Tempa, Stephanie Wehring, Paul LaRoche, Patrick Jue, Steve Sefcik, and John T. Muegge

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 – Councilmember Atwood Kenjura**

3. **Citizens Comments**

Director of Economic Development Susan Cates introduced the new Main Street Manager Leith Linden and advised that the City was been recognized by the Texas Economic Development Council for Economic Excellence in 2022.

CONSENT AGENDA

4. **Statutory Consent Agenda**

4-a. Approve a Purchasing Agreement Between the City of Brenham and Equalis Group, a Purchasing Cooperative for Public Agencies, 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 Item 4.a. 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	**Absent**
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

REGULAR SESSION

5. **Discuss and Possibly Act Upon the Acceptance of the Audit from Seidel Schroeder for Fiscal Year 2022**

Finance Director Stacy Hardy introduced Seidel Schroeder Audit Partners, Michele Kwaitowsi and Heather Delso. Kwaitowski advised Council state law requires all general-purpose local governments to 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 accountants.

Kwaitowski said the City of Brenham's comprehensive financial statements are in conformity with GAAP. The audit concluded that the City's financial statements for the Fiscal Year ending September 30, 2022 are fairly presented in conformity with GAAP.

A motion was made by Councilmember Kenjura and seconded by Councilmember Wright to accept the audit from Seidel Schroeder for Fiscal Year 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	**Absent**
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

6. Discuss and Possibly Act Upon Approval of a Request from the Boys & Girls Club of Washington County for a Contribution in the Amount of $15,000.00 to Support the Purchase of a Comprehensive Security System and Authorize the Mayor to Execute Any Necessary Documentation

City Manager Carolyn Miller presented this item. Miller stated the Boys & Girls Club of Washington County was requesting a contribution in the amount of $15,000.00, as a match to funds already pledged by Washington County, for the purchase of a comprehensive security system. Miller advised Council this item was presented to the Finance Committee on March 9th with a positive response. Miller explained the security system will include access control, video surveillance, and a new alarm system, replacing and upgrading the current outdated system.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve the request from the Boys & Girls Club of Washington County for a contribution in the amount of $15,000.00 to support the purchase of a comprehensive security system 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	**Absent**
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-23-09 Approving the City's Participation in Opioid Litigation Settlements with Allergan, CVS, Walgreens, and Walmart

City Attorney Cary Bovey presented this item. Bovey explained that Council had previously resolved to participate in two (2) different settlements involving manufacturers and pharmaceutical companies and this specific settlement was for an additional settlement involving a new set of defendants, Allergan, CVS, Walgreens, and Walmart.

Bovey stated this settlement requires the City Council adopt a Resolution of participation in the settlement with the new defendants. Bovey noted the estimated settlement amount would be $51,593.21 and confirmation of participation must be submitted the Texas Attorney General by April 18, 2023.

A motion was made by Councilmember Kenjura and seconded by Councilmember Saunders to approve Resolution No. R-23-009 approving the City's participation in the opioid litigation settlements with Allergan, CVS, Walgreens, and Walmart.

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	**Absent**
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-23-010 Authorizing the Selection of a Professional Service Provider to Provide Special Environmental Services Related to Federally Funded Infrastructure Projects Associated with the General Land Office CDBG-MIT Programs

Purchasing and Central Fleet Supervisor Kyle Branham presented this item. Branham explained that in January 2023 City staff requested qualifications from five (5) vendors to perform special environmental services related to General Land Office grants awarded to the City for Hurricane Harvey and 2016 Flood mitigatoin. Branham advised that two (2) proposals were received, and that staff has determined that Terracon Consultants would be the best value provider based upon their ability to perform successfully under the terms and conditions of the project, price of services, and requirements of the grants.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Wright to approve Resolution No. R-23-010 authorizing the selection of a Professional Service Provider to provide special environmental services related to federally funded infrastructure projects associated with the General Land Office CDBG-MIT Programs.

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	**Absent**
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

9. Discuss and Possibly Act Upon Award of Bid No. 23-004 for Type "D" Hot Mix Asphalt and Authorize the Mayor to Execute Any Necessary Documentation

Purchasing and Central Fleet Supervisor Kyle Branham presented this item. Branham stated that the City received two proposals for Bid No. 23-004 for Type "D" Hot Mix Asphalt. Branham stated that Waller County Asphalt was the low bidder at $100.00/ton delivered and $90.00/ton picked up, and $2500.00 plus material cost for emergency delivery. Branham explained that Waller County Asphalt has held the contract for the city for several years and delivers a quality product.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to award Bid No. 23-004 for Type "D" Hot Mix Asphalt to Waller County Asphalt in the amount of $100.00/ton delivered to job site and $90.00/ton picked up at Waller County Asphalt by City staff 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	**Absent**
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

10. **Discuss and Possibly Act Upon a Digital Marketing Agreement with Madden Media for Digital Marketing and Programming for Visit Brenham and Authorize the Mayor and City Manager to Execute Any Necessary Documentation**

Director of Tourism & Marketing Jennifer Eckermann presented this item. Eckermann explained the success the city has had by partnering with Madden Media with a "click thru rate" that is above industry average and the city is receiving record numbers of visitors to our website. Eckermann requested that Council consider renewing the contract with Madden Media for FY22-2023 in an amount not to exceed $105,000.05 in order to continue this successful partnership.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve the Digital Marketing Agreement with Madden Media for digital marketing and programming for Visit Brenham in the amount not to exceed $105,000.05 and authorize the Mayor and City Manager 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	**Absent**
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-23-011 Repealing and Rescinding Resolution No. R-22-023 Concerning a Letter of Credit Agreement and Associated Documents Regarding the City of Brenham, Texas and Municipal Gads Acquisition and Supply Corporation**

Finance Director Stacy Hardy presented this item. Hardy explained that in July 2022, the city authorized a Letter of Credit Agreement in the amount of $1,000,000,000.00 with the Bank of Brenham for the purchase of natural gas from Municipal Gas Acquisition and Supply Corporation (MuniGas). Hardy stated that on October 21, 2022, the City executed a contract with Energy Transfer for the purchase of natural gas; therefore, this Letter of Credit Agreement with MuniGas is no longer needed.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Wright to approve Resolution No. R-23-011 repealing and rescinding Resolution R-22-023 concerning a Letter of Credit Agreement and associated documents regarding the City of Brenham, Texas and Municipal Gas Acquisition and Supply Corporation.

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	**Absent**
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

12. Discuss and Possibly Act Upon a Consulting Agreement Between the City of Brenham and HUB International Related to Benefits Consulting Services Beginning April 1, 2023 Through March 31, 2024 Using Equalis Group Contract Number R10-11125B and Authorize the Mayor to Execute Any Necessary Documentation

Human Resources Director Susan Nienstedt presented this item. Nienstedt advised about the upward trend and increases in healthcare costs, stating healthcare affordability is a concern for both the employer and employee. Nienstedt explained a unique set of rules and culture apply to public entities regarding employee benefits and having a consultant to help navigate the process is of great benefit to the city. Nienstedt advised that HUB International will provide the City with a strategic plan to consider for implementation for many of our full-time benefits at a cost of $3,500.00 monthly or $42,000.00 annually.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve the agreement between the City of Brenham and HUB International related to benefit consulting services beginning April 1, 2023 through March 31, 2024, in an amount not to exceed $42,000.00 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	**Absent**
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

13. Discuss and Possibly Act Upon Change Order No. 2 to the Service Agreement between the City of Brenham and Bassco Services, Inc. Related to the Design, Construction and Installation of the Fuel Farm at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation

Development Services Director Stephanie Doland presented this item. Doland explained that the original Professional Services Agreement with Bassco Services, Inc. was in the amount of $232,012.38 for the rebuild of the fuel farm at the Brenham Municipal Airport. Doland stated on September 29, 2022 Council approved Change Order No. 1 for additional materials to achieve the desired performance of the fuel farm.

Doland explained during the initial negotiations with Bassco Services, Inc. a QTPOD (a point-of-sale system) was not included in the Scope of Services for the fuel farm. Doland stated the intent was that the aviation fuel provider would include in their proposal a payment program or credit for the point-of-sale system; however, at this time an aviation fuel contract has not been awarded. Doland continued, Bassco is requesting a change order for the purchased and installed QTPOD M4000 needed to process transactions at the Brenham fuel farm and is requesting approval and payment in the amount of $20,051.24 for Change Order No. 2.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve Change Order No. 2 to the service agreement between the City of Brenham and Bassco Services, Inc. in the amount of $20,051.24 related to the design, construction, and installation of the fuel farm at 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	**Absent**
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

14. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- On March 29th the Washington County Chamber of Commerce will Host the State of Health Care Forum from 11:30 a.m. – 1:00 p.m.
- On March 30th she will be participating in a 3-woman panel, ICMA Females in City Leadership at the George Bush School of Government from 6:00 p.m. – 7:30 p.m.

Council adjourned into Executive Session at 1:50 p.m.

EXECUTIVE SESSION

15. **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**

16. **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**

17. **Section 551.87 – Texas Government Code – Economic Development Negotiations - Deliberation Regarding Incentives for Economic Development Purposes and the Possible Offer of a Financial or Other Incentive to Project Katydid, a Business Seeking to Locate, Stay, or Expand in the City of Brenham, Texas**

Executive Session adjourned at 2.57 p.m.

RE-OPEN REGULAR SESSION

18. **Discuss and Possibly Act Upon Incentives for Economic Development Purposes and the Possible Offer of a Financial or Other Incentive to Project Katydid, a Business Seeking to Locate, Stay, or Expand in the City of Brenham, Texas, 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

CITY OF BRENHAM TEXAS

Jeana Bellinger, TRMC, CMC
City Secretary