

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on February 25, 2021 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem 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, Assistant City Manager – Public Services/Utilities Donald Reese, Assistant City Manager – Chief Financial Officer Carolyn Miller, City Secretary Jeana Bellinger, Fire Chief Ricky Boeker, Police Chief Ron Parker, Captain Lloyd Powell, Captain Dant Lange, Public Works Director Dane Rau, Development Services Director Stephanie Doland, Economic Development Director Susan Cates, Shauna Laauwe, Michelle Glenz, and Stephen Ehlert.

Citizens present:

Ran Newman, Evelyn Newman, Lindi Braddock, Yvette Kirkland, Peggy Sefcik, Kerry Neden, Mary Neden, Emanuel Glockzen, Kathy Blum, Craig Blum, John Pledger, Steve Duncan, Mandy Allen, Lauren Cox, Ronnie Fathauer, Michael Appling, Danny Ross, Barbara Ross, Brian Ross, Cole Klussman, Kristin Klussman, Kevin Nguyen, Vinh Nguyen, Long Ha, Jimmy Ha, Kyle Mardry, Alicia Mardry, Shannon Kana, Dale Stoupton, Crystal Hinds, Joan Robilio, Craig Robilio, Paul Gela, Bryan Rothsins, J. R. Allen, Sarah, Neutzler, Katy Pugh, Deborah Muckleroy, Leigh Linden, Florence Smith, Marcie Schulze, Mark Thiel, David Roberson, Debra Roberson, Pat Kohring, Russell Kohring, Kevin Rue, Roxanne Maxwell, Lee Bryant, Tressie Bryant, Robert Klingsporn, Carrie Lynch, Sherrie Winkelmann, Lorie Boer, Kyle Boer, John Trost, Brian Siemsglusz, Carl Clover, Larry Sulak, and Alisa Harris.

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 Andrew Ebel**
- 3. Citizens Comments**

There were no citizen comments.

CONSENT AGENDA

- 4. Statutory Consent Agenda**
 - 4-a. Approve the Minutes from the January 21, 2021 Regular City Council Meeting**
 - 4-b. Approve Resolution No. R-21-005 Amending Resolution No. R-21-003 Providing Support for Sandy Point Housing, Ltd.'s Submission of an Application to the Texas Department of Housing and Community Affairs Requesting 2021 Competitive 9% Housing Tax Credits for a Single-Family Development in Brenham, Washington County, Texas**

Mayor Tate advised that Consent Agenda Item 4-b would be moved to the Regular Agenda for discussion.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

WORK SESSION

- 5. Presentation and Update on the COVID-19 Regional Vaccination SubHUB**

City Manager James Fisher asked the Council to postpone this item.

REGULAR SESSION

4-b. Approve Resolution No. R-21-005 Amending Resolution No. R-21-003 Providing Support for Sandy Point Housing, Ltd.'s Submission of an Application to the Texas Department of Housing and Community Affairs Requesting 2021 Competitive 9% Housing Tax Credits for a Single-Family Development in Brenham, Washington County, Texas

City Manager James Fisher advised the Council that Resolution No. R-21-003 was unanimously approved on February 4, 2021, granting full support for the proposed Sandy Point Housing, LTD's development of 27 single-family homes for affordable rental housing located on approximately 9.01 acres of land on Pecan Street and described as Arrabella Harrington Tract 255, to be named Sandy Point Housing.

Fisher explained that Sandy Point Housing, LTD has made an application to the Texas Department of Housing and Community Affairs requesting competitive 9% housing tax credits for the development; however, the Resolution that was approved by Council on February 4th did not include the required support clause language and would therefore not meet the application requirements for the Texas Department of Housing and Community Affairs competitive 9% housing tax credits for the development. Fisher explained that the Resolution was required to include the language "*pursuant to Texas Government Code, §2306.6703(a)(4).*"

Fisher explained that this Resolution (R-21-005) amending Resolution No. R-21-003 would correct the oversight and include the required wording. Fisher reminded the City Council that the proposed Sandy Point Development is comprised of 27 single-family detached homes on individual lots to be built in compliance with the R-1 zoning and building regulations. The proposed homes would be approximately 2,000 square feet and consist of a minimum of three (3) bedrooms and two (2) baths. Fisher stated that the housing units would not be for individual sale but will be retained for rental use and of the approximately 27 single family homes, 24 will be for low-moderate income tenants at an approximate rental rate of \$1,000 per month.

Fishers stated that several citizens have reached out to express their concerns about this development and many citizens are wanting to address the Council. Fisher asked if any members of the City Council would like to speak before the citizens present were invited to address them.

Councilmember Herring advised that he voted in support of the previous Resolution because affordable housing is needed. Herring advised that he has spoken with members from the Chamber Board and Brenham Independent School District, and they all expressed support for affordable rental property.

Councilmember Susan Cantey stated that due to the overwhelming opposition by the citizens to the project she thinks Council should regroup and revisit this subject.

Councilmember Kolby stated that he is in support of the development due to the need for affordable rental property in Brenham.

Mayor ProTem Ebel stated that he is in support of affordable housing, but that government housing should only be a stepping-stone, not long-term housing.

Councilmember Saunders noted the developer's statement at the prior meeting, in which he reported that many tenants from a similar development in College Station have lived in the units for more than ten years. Saunders expressed concern that the housing was being used as permanent housing rather than for its intended use as a temporary solution.

Councilmember Wright stated that all the negative comments in the media are discouraging. Wright stated that he believes neighbors have a right to know what is being built in their neighborhood.

Mayor Tate stated that affordable rental housing is needed.

The following citizens addressed City Council: Peggy Sefcik, Kerry Neden, Craig Blum, Lauren Cox, Brian Fathauer, Amanda Fathauer for Lauren Burge, Rob Winklemann, Pat Jaeger Ehlert, Mark Thiel, and Kevin Rue.

Citizens that spoke in opposition to the development addressed the following primary concerns:

- The addition of rental properties may lower the values of their homes.
- Rental properties were inconsistent with the current feel of the neighborhood.
- The additional residences would increase traffic and create safety hazards for pedestrians and children in the neighborhood.
- The residents in the area were not provided notice from the developer or the City of the plan to add rental homes.
- The developer provided projected home values that were not consistent with the values of similar homes he had built in College Station.
- The amount of property taxes, to be paid by the developer, did not seem accurate in light of the projected value and rent of approximately \$1,000 per month, per house.

There were no citizens that spoke in support of the development.

The developer of the Sandy Point Housing project, Emanuel Glockzen, provided the Council with the following information in support of the development:

- As requested by the City, he provided notices to all the neighboring property owners of the development. Addresses were provided by the City.
- Sandy Point Housing Development will be an asset to the City. The houses will be 2,000 square foot with 2-car garages. Most of the homes will be 4 bedrooms with 2 bathrooms. The homes will rent for approximately \$1,000.00 per month. These homes will provide affordable, nice, rental housing for families that is not an apartment.
- The development will have on-site management and maintenance. All landscaping will be provided and cared for by on-site maintenance.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to deny Resolution No. R-21-005 amending Resolution No. R-21-003 and direct that Resolution No. R-21-005 be revised to repeal Resolution No. R-21-003 and authorize Mayor Tate to sign Resolution No. R-21-005 repealing Resolution No. R-21-003.

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	No
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

6. Discuss and Possibly Act Upon Resolution No. R-21-006 Providing for the Continuation of the Mayoral Declaration of Local Disaster Due to a Severe Winter Weather Emergency

City Manager James Fisher presented this item. Fisher explained that on Tuesday, February 16, 2021 Mayor Tate signed a Declaration of Local Disaster related to severe winter weather and in response to Governor Greg Abbott's Emergency Declaration signed on February 12, 2021.

Fisher stated that this Declaration is needed if the City should file for any Federal funding due to damages from the winter storm. Fisher explained that pursuant to Section 418.018(b) of the Texas Government code, the Mayor can only designate a local disaster for a period of seven (7) days; therefore, the Council will need to extend it. Fisher advised that the Declaration would stay in effect until rescinded by Council.

A motion was made by Councilmember Herring and seconded by Councilmember Wright to approve Resolution R-21-006 providing for the continuation of the Mayoral Declaration of Local Disaster due to a severe winter weather emergency.

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

7. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the FY2020-21 Adopted Budget

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that the FY20-21 Budget is being amended as follows:

- Fund 101 General Fund – Net Impact \$0
 - Carryover from FY20 of grant revenues and related expenditures for the Airport PAPI runway light system.
- Fund 102 Electric Fund – Net Impact (\$648,000) out of bond proceeds
 - Carryover from FY20 budget of copper conductor project with expenditures coming from 2016 bond proceeds. This phase of the project will be completed in FY21.
- Fund 104 Water Fund – Net Impact (\$87,300)
 - Carryover from FY20 of water main extension for Baker Katz project. The project was delayed due to COVID from FY20 to FY21.
- Fund 237 Streets Fund – Net Impact (\$117,113) out of bond proceeds
 - Carryover from FY20 for street rehabilitation projects paid out of 2020 bond proceeds.
- Fund 250 – Net Impact \$0
 - ILA with Washington County for economic development creates FY21 expenditure budget for use of \$75,000 contribution received from the County.
- Fund 220 Central Fleet Fund – Net Impact (\$49,524)
 - Carryover from FY20 of a dump body truck not received until FY21 because of delays related to COVID.
- Fund 260 Brenham Community Projects Fund – Net Impact (\$983) out of reserves
 - Created a FY21 budget for donations received in FY21.

A motion was made by Councilmember Kolby and seconded by Councilmember Saunders to approve an ordinance on its first reading amending the FY2020-21 adopted budget.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem 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 Resolution No. R-21-007 Authorizing the Submission of a Grant Application Through the Office of the Governor, Public Safety Office, Homeland Security Grants Division for the 2021 State Homeland Security Program - Law Enforcement Terrorism Prevention Activities (LETPA) Projects

Sgt. Steven Eilert presented this item to Council. Eilert advised that the Brenham Police Department (BPD) is seeking approval for submission of a grant application to the Office of the Governor for two (2) Automatic License Plate Recognition (ALPR) trailers. Eilert explained that if awarded, this grant will be in the amount of \$73,395.00 and that there would be no matching funds; however, the City will be responsible for maintenance of the trailers and an annual subscription fee of approximately \$6,350.00 after the first year, with an annual increase of approximately 4%. Eilert explained that the subscription fee covers access for every officer in the department and will allow them to receive notifications when a license plate of interest is detected whether they are at their desks or in their vehicles.

Eilert stated that if the grant application is successful, BPD will join a network of law enforcement agencies in the state that will alert them when a license plate that is flagged in a national or state database drives past an ALPR trailer in Brenham. The BPD will also be able to create its own local hotlist of license plates, which will assist in clearing local warrants and locating persons of interest here in the City.

A motion was made by Councilmember Cantey and seconded by Councilmember Saunders to approve Resolution No. R-21-007 authorizing the submission of a grant application through the Office of the Governor, Public Safety Office, Homeland Security Grants Division for the 2021 State Homeland Security Program - Law Enforcement Terrorism Prevention Activities (LETPA) Projects.

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. Discuss and Possibly Act Upon an Agreement Between the City of Brenham and Brycer, LLC for Software and Services Related to The Compliance Engine and Authorize the Mayor to Execute Any Necessary Documentation

Fire Marshal Roger Williams presented this item to Council. Williams explained that The Compliance Engine (TCE) is a simple, web-based service for code officials to track and drive inspection, testing and maintenance code compliance for fire protection systems, reduce false alarm activity, and provide safer communities through third party inspection reporting and maintenance.

Williams stated that TCE works by collecting, organizing and categorizing the third-party inspection reports; tracking all building critical safety systems; knowing who is compliant and who is deficient; and will help his office make more informed decisions that keep City staff, residents and visitors safe.

A motion was made by Councilmember Herring and seconded by Councilmember Wright to approve an agreement between the City of Brenham and Brycer, LLC. for software and services related to The Compliance Engine 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 a Consulting Services Agreement Between the City of Brenham and NewGen Strategies and Solutions, LLC to Evaluate the City's Water, Sanitary Sewer, Electric and Gas Utility Rates and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager Donald Reese presented this item. Reese advised Council that the City would like to evaluate our current electric, water, wastewater and gas rates by entering into an agreement with NewGen Strategies and Solutions, LLC to provide the following services:

- Date collection and review of financial, operating and billing information.
- Updating financial and rate models previously prepared for the City.
- Benchmarking of City's current rate structure compared to other similar municipal utility providers.
- Conduct meetings with City staff to present analysis and results and discuss potential rate adjustments over the next six (6) years.
- Finalize six (6) year plan and supporting rate model for each utility.
- Prepare presentation and supporting material to present to City Council for consideration.

Reese explained that the cost to provide these services will not to exceed \$58,000.00 and that draft results will be presented to staff for discussion within 90 to 120 days from the notice to proceed.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Cantey to approve a Consulting Services Agreement between the City of Brenham and NewGen Strategies and Solutions, LLC to evaluate the City's water, sanitary sewer, electric and gas utility rates 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

11. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham Code of Ordinances, Chapter 26 - Utilities, Article II - Industrial Wastewater and Discharge Standards and Pretreatment Program

Assistant City Manager Donald Reese presented this item. Reese explained that in 2005 the Environmental Protection Agency (EPA) revised 40 CFR Part 403 called the “Pretreatment Streamlining Rule” and due to the revision, it was made mandatory that all pretreatment programs implement and modify their Pretreatment Program to include these changes.

Reese stated that the City’s process of implementing and revising the Pretreatment Program started in 2008 with help of Jones and Carter Inc and in 2010, TCEQ acknowledged that all changes to the program including the ordinance were technically complete and that City staff could move forward with the City Council’s approval of the ordinance and program. Reese advised that City Council approved the revised Pretreatment Program on April 8, 2010.

Reese further explained that on January 8, 2020, the Texas Commission on Environmental Quality (TCEQ) contacted the City and stated that the Streamlining Modification has been approved but based on how the current Pretreatment team/personnel is conducting the Streamlining reviews, some of the required elements for the Streamlining Rule seemed to be incomplete or missing. Then on June 4, 2020, the City received from the TCEQ the criteria of what changes needed to be incorporated within the Pretreatment Program. Those changes were done with the assistance of Bleyl Engineering and on January 5, 2021 TCEQ acknowledged that all changes to the program including the ordinance were technically complete and that City staff could move forward with the City Council’s approval of the Ordinance and Program.

Reese advised that the ordinance being presented for first reading includes revisions as recommended by the TCEQ.

A motion was made by Councilmember Kolby and seconded by Councilmember Saunders to approve an Ordinance on its first reading amending the City of Brenham Code of Ordinances, Chapter 26 - Utilities, Article II - Industrial Wastewater and Discharge Standards and Pretreatment Program, including the changes as recommended by the City Attorney.

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

12. Discuss and Possibly Act Upon Act Upon an Ordinance on Its First Reading Amending the Rate Tariff Schedules for the City of Brenham Water Services

Assistant City Manager Donald Reese presented this item. Reese explained that City staff has conducted a review and cost study of the various water services that are provided by City staff and found that a majority of these services are being provided either free of charge or at a fee that is considerably less than the actual cost of the service.

Reese stated that the results of this study were presented to Council during a work session in November 2020 and at that time staff was instructed to meet with the Utilities Subcommittee of Council to come up with a plan to implement the increases while minimizing the impact on our citizens and developers.

Reese advised that staff met with the Subcommittee and it was determined that the best approach would be to phase the increase in equally over three (3) years. Reese explained that if the new rates are approved, they would not go into effect until October 1, 2021.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Herring to approve an Ordinance on its first reading amending the Rate Tariff Schedules for the City of Brenham water 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	No
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

13. Discuss and Possibly Act Upon Act Upon an Ordinance on Its First Reading Amending the Rate Tariff Schedule for the City of Brenham Sanitary Sewer System

Assistant City Manager Donald Reese presented this item. Reese explained that City staff has conducted a review and cost study of the various wastewater services that are provided by City staff and found that a majority of these services are being provided either free of charge or at a fee that is considerably less than the actual cost of the service.

Reese stated that the results of this study were presented to Council during a work session in November 2020 and at that time staff was instructed to meet with the Utilities Subcommittee of Council to come up with a plan to implement the increases while minimizing the impact on our citizens and developers.

Reese advised that staff met with the Subcommittee and it was determined that the best approach would be to phase the increase in equally over three (3) years. Reese explained that if the new rates are approved, they would not go into effect until October 1, 2021.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve an Ordinance on its first reading amending the Rate Tariff Schedule for the City of Brenham sanitary sewer system.

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	No
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

Council adjourned into Executive Session at 3:02 p.m.

EXECUTIVE SESSION

14. Section 551.071 - Texas Government Code – Consultation with Attorney – Consultation with City Attorney Regarding Pending Litigation: D. Guyton v. City of Brenham, Texas, et al., Cause No. 1:20-CV-00412-RP, United States District Court, Western District of Texas, Austin Division

Executive Session adjourned at 3:45 p.m.

RE-OPEN REGULAR SESSION

15. Discuss and Possibly Act Upon Pending Litigation: **D. Guyton v. City of Brenham, Texas, et al., Cause No. 1:20-CV-00412-RP, United States District Court, Western District of Texas, Austin Division**

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to designate the City Manager James Fisher as the authorized representative for the City of Brenham and authorize James Fisher to approve a settlement, if any, on behalf of the City of Brenham.

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	No
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

16. Administrative/Elected Officials Report

- **City Council Meeting Schedule for March 2021**

City Manager James Fisher requested that the Council consider changing the March meeting dates due to Spring Break. The Council agreed to move the March City Council meeting dates to March 11 and March 25.

City Manager James Fisher reported on the following:

- The new Baker Katz retail development project will hold their groundbreaking ceremony on Monday, March 8th at 10:00 a.m.

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary

