

Brenham City Council Minutes

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

Members Absent:

None

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, Budget Manager Tim McRoberts, Director of Finance Stacy Hardy, Police Chief Ron Parker, Human Resources Director Susan Nienstedt, Karen Stack, Kyle Branham, Cherry Cash Prewitt, Shawn Bolenbarr, Josh Daniels, Steven Eilert, and Tiffany Anderson

Citizens/Others Present:

Brian Fathauer, Charlie Pyle, Jeff Parra, Keith Hofmann, Cindy Wells, Mike Prewitt, Richard Neal, R.S. Hunter, Paul LaRoche, III, Debi & David Roberson, Jan Klingsporn, Cynthia Timpa, Samantha Medve, Ben Menjares, Blake Brannon, Dan Blalock, Jay T. Alexander, William Grubbs, Michael Fogel, Boo Christensen, and George & Helen Dillingham

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 Leah Cook**
3. **Citizens Comments**

Sgt. Steven Eilert introduced new Brenham Police Officer Tiffany Anderson and advised that Cpl. Alex Saenz would be taking on some additional administrative responsibilities due to the recent retirement of Sgt. Todd Ashorn.

CONSENT AGENDA

4. **Statutory Consent Agenda**
 - 4-a. **Approve Ordinance No. O-23-006 on Its Second Reading Authorizing the Placement of a Stop Sign on Marjorie Street at Its Intersection with Atlow Drive**
 - 4-b. **Approve a Contract Between the City of Brenham and the Lower Colorado River Authority (LCRA), in the Amount of \$147,008.06, for Tree Trimming Services to be Provided by McCoy Tree Surgery, Inc. and Authorize the Mayor to Execute Any Necessary Documentation**
 - 4-c. **Approve the Purchase of a F-750 Ford Chipper Truck for the City of Brenham's Electric Department from Altec Industries, Inc. Through Sourcewell Contract No. 110421-ALT, in the Amount of \$121,305.00, and Authorize the Mayor to Execute Any Necessary Documentation**
 - 4-d. **Approve an Equipment Financing Proposal from the Bank of Brenham with a Five-Year Note and an Interest Rate of 4.95 Percent, for the Purchase of a Ford F-750 Chipper Truck for the City of Brenham Electric Department in the Amount of \$121,305.00, and Authorize the Mayor to Execute Any Necessary Documentation**
 - 4-e. **Approve a Ground-Space Lease Agreement Between the City of Brenham and Matt Ryan Riefkohl for Hangar Space at the Brenham Municipal Airport (3311 Aviation Way) and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve the Statutory Consent Agenda Items 4.a. thru 4.e. as presented.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

REGULAR SESSION

5. **Discuss and Possibly Act Upon Resolution No. R-23-008 Providing for Support of Brenham Junction, LP's Submission of an Application to the Texas Department of Housing and Community Affairs Requesting 2023 Competitive Low Income Housing Tax Credit Program Funds for the Brenham Junction Development in Brenham, Washington County, Texas**

Economic Development Director Susan Cates presented this item. Cates explained the continued need for workforce housing in Brenham. Cates stated that of Brenham's current 532 tax credit units 230 are for seniors, 226 are managed by the Brenham Housing Authority and only 76 units are available for workforce housing.

Cates introduced Michael Fogel with Trinity Housing Development. Fogel presented the following information about the development, Brenham Junction:

- Proposed location is on the north side of Hwy 290, across from Brenham Veterinary Hospital.
- Will have 48 units ranging from 1, 2 and 3 bedrooms. Fourteen units will be market rate; remaining 34 units will be income restricted.
- Non-senior property, open to all ages.
- No property tax abatement will be requested.

Councilmembers Saunders and Kenjura voiced their concern about housing vouchers from outside of the Brenham, Washington County, area. Fogel explained that the development would be required by law to accept housing vouchers but did not think many would be presented for these units. Cates explained that vouchers coming from one housing development to another has to be agreed to by both the receiving and the departing housing authorities. Cates then invited Brenham Housing Authority Director Ben Menjares to speak to this topic.

Menjares explained that housing budgets are limited and if funds are not available at the receiving authority the departing authority would have to agree to pay for the tenant until the receiving authority's budget would have available funds. Menjares stated that situation is not typical; however Menjares added the Brenham Housing Authority receives about one to two requests each year but the requests are usually from the Texas area. Menjares stated that it is rare to receive requests from areas outside of Texas.

Mayor Pro Tem Kolby, a member of the Housing Task Force, shared a brief update on the issues the Task Force is working on:

- Market-based apartment projects and the economic reasons that some projects are on hold.
- Reviewed the residential housing study.
- Exploring container homes, smaller lots, duplexes, and zoning regulations.
- Types of government programs, tax credits, and public facility corporations

Kolby stated there was a meeting of the Task Force on Wednesday, February 15th and the Brenham Junction project was discussed; however, due to low attendance at the meeting, there was no definitive recommendations made.

Mayor Tate asked for citizen comment. Citizens who addressed the City Council were Brian Fathauer, Richard Neal, and Blake Brannon. These citizens all spoke in opposition to the development and discussed the following concerns:

- Too much subsidized housing in Brenham, already exceed State average.
- Concerns with the impact on utilities.
- Developers are from outside investors and they benefit more than tenants.
- Cannot be limited to Brenham residents only.
- Disagree with tax abatement, for any purpose.
- Concerns that these projects may bring labor rates down.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve Resolution No. R-23-008 providing support of Brenham Junction, LP's submission of an application to the Texas Department of Housing and Community Affairs requesting 2023 Competitive Low Income Housing Tax Credit Program Funds for the Brenham Junction Development in Brenham, Washington County, Texas.

Mayor Tate called for a vote. The motion failed with a 5-2 vote with Council voting as follows:

Mayor Milton Y. Tate, Jr.	No
Mayor Pro Tem Clint Kolby	No
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	No
Councilmember Adonna Saunders	No
Councilmember Albert Wright	No

6. Discuss and Possibly Act Upon Award of Bid for Project No. 2022-05 Related to the Brenham Family Park Main Creek Crossing and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau stated on January 26, 2023, City staff along with Strand Associates opened bids regarding the Brenham Family Park Creek Crossing. There were 13 bids submitted with the low bidder being KRPS Contractors, LLC from Spicewood, Texas. Rau explained that KRPS's references have been checked, addendums have been acknowledged and bid bond requirements have been met. Rau requested City Council approve the award of the bid to KRPS Contractors, LLC and stated that the cost for this project was being funded by BCDC.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to award bid for Project No. 2022-05 to KRPS Contractors, LLC, in the amount of \$271,732.00, for the Brenham Family Park Main Creek Crossing and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

7. Discuss and Possibly Act Upon Final Payment to Carlson McClain for Project No. 2021-04 Related to the 2022 Henderson Park Pedestrian Bridges and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau stated on October 13, 2022, City Council awarded Bid No. 2021-04 to Carlson McClain Construction Company for the rehabilitation of two (2) Henderson Park pedestrian bridges. Rau stated a final walk through was conducted, the project is complete, and all documents have been received from the contractor. Rau requested Council approve final payment to Carlson McClain Construction Company, in the amount of \$26,132.90 and noted the cost for this project was funded by BCDC during the 2021-22 budget year.

A motion was made by Councilmember Kenjura and seconded by Councilmember Wright to approve the final payment to Carlson McClain Construction Company for Project No. 2021-04 in the amount of \$26,132.90 related to the 2022 Henderson Park Pedestrian Bridges and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

8. Discuss and Possibly Act Upon Award of Bid for Project No. 2021-06-A Related to the 2022 Sanitary Sewer Improvements - Stone Hollow Lift Station Replacement and Authorize the Mayor to Execute Any Necessary Documentation

Deputy General Manager of Public Utilities Alton Sommerfield presented this item. Sommerfield stated on February 1, 2023 City staff and Strand Associates opened sealed bids for the construction phase of the Stone Hollow Pump Station Improvements. Sommerfield advised four (4) bids were received and the low bidder was Dudley Construction, LLC of College Station, Texas. Sommerfield noted the bid amount was \$1,130,000.00 which includes a bid bond of 5%; and the project completion and ready for final payment within 270-days after Date of Commencement of Work. Based on reviews and information staff recommends awarding the bid for Project No. 2021-06-A to Dudley Construction in the amount of \$1,130,000.00. Sommerfield stated this project will be funded out of the 2022 Certificates of Obligation.

Sommerfield also explained that this project is contingent on the City's successful closing of the property to be used for the relocation of the lift station. Sommerfield stated that the closing of the property is tentatively scheduled for February 27th and recommended Council award of the bid be contingent on the successful purchase and acquisition of the property

A motion was made by Councilmember Saunders and seconded by Councilmember Cook to award Project No. 2021-06-A related to the 2022 Sanitary Sewer Improvements – Stone Hollow Lift Station Replacement to Dudley Construction, LLC, in the amount of \$1,130,000.00, contingent upon the City's successful acquisition of the property for the relocation of the lift station and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

9. Discuss and Possibly Act Upon Award of Bid for Project No. 2021-06- B Related to the 2022 Sanitary Sewer Improvements - Stone Hollow Force Main and Ralston Creek Gravity Sewer Crossing and Authorize the Mayor to Execute Any Necessary Documentation

Public Utilities Project Manager Shawn Bolenbarr presented this item. Bolenbarr stated on February 1, 2023, City staff and Strand Associates, Inc. opened a total of four (4) sealed bids for the 2022 Sanitary Sewer Improvements – Stone Hollow Force Main and Ralston Creek Gravity Sewer Crossing and D&S Contracting, Inc. submitting the lowest bid.

Bolenbarr explained that Base Bid A (Ralston Creek Crossing) was \$179,020.00 and Base Bid B (Stone Hollow Force Main and Gravity Sewer) was \$754,912.00 for a combined bid of \$924,932.00.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to award Project No. 2021-06-B related to the 2022 Sanitary Sewer Improvements – Stone Hollow Force Main and Ralston Creek Gravity Sewer Crossing to D&S Contracting, Inc., in the amount of \$924,932.00, and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

10. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and McCord Engineering, Inc. Related to the 2023 Lower Colorado River Authority (LCRA) Load Shedding Upgrade and Authorize the Mayor to Execute Any Necessary Documentation

Deputy General Manager of Public Utilities Alton Sommerfield presented this item. Sommerfield advised Council that Lower Colorado River Authority (LCRA) controls the load-shedding for the City as required by Electric Reliability Council of Texas (ERCOT). Sommerfield explained the winter storm URI heightened the need to improve how LCRA responds to load-shed events and that transformers used will be replaced with local feeder circuits for more efficient response.

Sommerfield explained that McCord Engineering will be providing the drawings to LCRA for the installation of load shed panels and the cost of the project is not to exceed \$57,000 which will be reimbursed by LCRA.

A motion was made by Councilmember Saunders and seconded by Mayor Pro Tem Kolby to approve a Professional Services Agreement between the City of Brenham and McCord Engineering, Inc. related to the 2023 Lower Colorado River Authority (LCRA) Load Shedding Upgrade, in an amount not to exceed \$57,000.00 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	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

11. Discuss and Possibly Act Upon a License Agreement between the City of Brenham and Brenham Market Square, LP Related to the Construction of a Multi-Tenant Pylon Ground Sign and Authorize the Mayor to Execute Any Necessary Documentation

Development Services Director Stephanie Doland presented this item. Doland explained that Brenham Market Square has requested to construct and install a multi-tenant 35' pylon sign, to include Academy and Chick-Fil-A with space for additional tenants in the median of the Ryan Street right-of-way. Doland stated that since the sign will be located within the City's right-of-way a license agreement is required.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve a license agreement between the City of Brenham and Brenham Market Square, LP, related to the construction of a multi-tenant pylon ground sign and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

12. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- Washington County Chamber's Connect After Five will be held at the Margaret E. Blizzard Senior Activity Center starting at 4:00 p.m. February 16th
- Adam's Angels will host an Appreciation Celebration on February 23rd at 4:30 p.m. – 6:30 p.m. at the Kenjura Tile Training Center
- Washington County Day at the Capitol in Austin will be February 27th

Mayor Tate announced that the City Council would not adjourn into Executive Session.

EXECUTIVE SESSION

- 13. 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**
- 14. 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**

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor



Jeana Bellinger, TRMC, CMC
City Secretary