

Brenham City Council Minutes

A Regular Meeting of the Brenham City Council was held on Thursday, May 16, 2024 beginning at 1:00 PM in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members Present:

Mayor Atwood Kenjura
Mayor Pro Tem Clint Kolby
Councilmember Leah Cook
Councilmember Paul LaRoche
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/Director of Administrative Services Jeana Bellinger, General Manager of Public Utilities Debbie Gaffey, General Manager of Public Utilities William Bisette, Assistant General Manager of Public Utilities Alton Sommerfield, Director of Public Works Dane Rau, Director of HR and Risk Management Susan Nienstedt, Director of Water/Wastewater Bobby Keene, Interim Fire Chief Ray Cooper, Interim Police Chief Lloyd Powell, Development Services Director Stephanie Doland, Economic & Community Development Director Teresa Rosales, Robin Hutchens, Kyle Branham, Shawn Bolenbarr, Jessica Perez, Richard O'Malley, Ande Bostain, Marisol Urbina, Jerry Saldivar, Nancy Stafford, Kelsey Toy, JoAnne Hines, Steven Eilert, Tammy Jaster, Brian Smith, Stephen Draehn, Nancy Joiner, Kevin Boggus, and Tammy Murphy.

Citizens/Others Present:

Don Ross, Peirre Catala, Evelyn Hendrickson, Linda Pipes, Florence Ahrens, Lu Hollander, Phyllis Glasscock, Susan Myers, Alana Winkelmann, and Kelsey Northway.

Media Present:

Sarah Forsythe with Brenham Banner Press.

1. Call Meeting to Order

2. **Invocation and Pledges to the US and Texas Flags - Mayor Pro Tem Clint Kolby**
3. **Proclamation**
 - ◆ **Safe Boating Week**
4. **Retirement Recognition - Debbie Gaffey, Public Utilities**
5. **Special Recognitions**
 - ◆ **Fortnightly Club**
 - ◆ **National Public Works Week**
6. **Citizen Comments**

No citizen comments were heard.

CONSENT AGENDA

7. Statutory Consent Agenda

- 7.a. **Approve the Minutes from the May 2, 2024, Regular City Council Meeting**
- 7.b. **Approve Ordinance No. O-24-013 on Its Second Reading to Grant a Non-Exclusive Franchise to Vacha Waste Management Services, LLC dba Texas Ranch Rolloffs to Operate a Roll-Off Container Service for the Residents, Businesses, and Industries Inside Brenham City Limits**
- 7.c. **Discuss and Possibly Act Upon an Ordinance on Its First Reading to Repeal Ordinance No. O-24-010 Relating to the Non-Exclusive Franchise Granted to Waste Falcon, LLC to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits**

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve Consent Agenda Items 7.a. through 7.c. as presented.

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

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember

Wright

No: None

Absent: Councilmember Canales

WORK SESSION

8. Discussion and Presentation on the City of Brenham Charter Article III, The City Council

City Secretary/Director of Administrative Services Jeana Bellinger presented the following information on Article III of the Charter:

- Sec. 4 - Terms of Office/Term Limits
- Sec. 14 - Salaries
- Sec. 17 - Introduction and passage of ordinances and resolutions

Bellinger stated that for all three of these topics, she used the following seven cities as research cities: Addison (17,012), Bay City (17,882), Boerne (19,109), College Station (120,019), Kerrville (23,831), Manor (18,285) and Seagoville (18,805).

Bellinger stated that of her reference cities, five of those cities had term limits, with the most common being three-year terms. Bellinger stated that currently, City Council terms are four years with no term limits; so, with three-year term limits, members of the City Council could serve for twelve years before having to step down. After further discussion, the City Council advised Bellinger to move forward with proposition wording for a three-year term limit.

Bellinger advised that the current salary for the Mayor is \$275 per month and Councilmembers is \$225 per month. The salaries paid by the seven reference cities ranged from a per meeting rate to a monthly rate of \$875 for the Mayor and \$625 for Councilmembers. Bellinger stated that some cities removed the salary provision from their Charters and can adopt Council salaries by Ordinance. Bellinger also provided statistical information about the number of Council meetings and the size of agenda packets since Council salaries were last adopted in 1991. After further discussion, the City Council advised Bellinger to move forward with Proposition wording for the Mayor's salary at \$550 per month and City Councilmembers at \$450 per month.

Bellinger explained that currently all ordinances require two readings (approvals) by City Council before they are finally adopted. Bellinger stated that in reviewing the seven reference cities, it appears that only two cities still require two readings of ordinances. After further discussion by City Council, it was determined that some additional research needs to be done and City Council would like more time to consider this Section of the Charter. Bellinger advised that she would bring this topic back at a later date for City Council to discuss further.

REGULAR SESSION

9. Discuss and Possibly Act Upon Resolution No. R-24-007 Related to an Agreement Between the City of Brenham and the Texas Department of Transportation for the Temporary Closure of the State Right-of-Way in Connection with the 2024 Downtown Summer Concert Series, Hot Nights, Cool Tunes to be held on July 6, 13, 20, and 27, 2024

Main Street Manager Leigh Linden presented this item. Linden advised that the Hot Night, Cool Tunes concert series is held on Saturdays in July from 7:00 p.m. to 10:00 p.m. Linden stated that these are free public events with live entertainment, food vendors, and a classic car cruise-in. Linden advised that one lane of Alamo Street between Park Street and St. Charles Street will need to be closed starting at 1:30 p.m. for stage setup and both lanes of Alamo Street between Austin Street and Market Street will need to be closed starting at 4:00 p.m. until midnight (or until the stage is completely removed).

A motion was made by Councilmember Saunders and seconded by Councilmember Cook to approve Resolution No. R-24-007 related to an agreement between the City of Brenham and the Texas Department of Transportation for the temporary closure of state right-of-way in connection with the 2023 Downtown Summer Concert Series, Hot Nights, Cool Tunes, to be held on July 6, 13, 20, and 27, 2024.

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

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Councilmember Canales

10. Discuss and Possibly Act Upon Resolution No. R-24-008 Related to the Municipal Maintenance Agreement Between the City of Brenham and the State of Texas, Through Texas Department of Transportation for Maintenance, Control, Supervision and Regulation of State Highways Within the Brenham City Limits

Director of Public Works Dane Rau presented this item. Rau advised that throughout Texas, TXDOT works with municipalities and establishes Municipal Maintenance Agreements (MMA) outlining the duties and shared responsibilities of taking care of the "Controlled and Non-Controlled" roadways within the city limits. Rau advised that the MMA acts as the City's guide document pertaining to signal

maintenance, roadway surfacing, signage, mowing, litter control, pedestrian crossings, striping, and drainage that needs attention on state roadways within the City.

A motion was made by Councilmember Saunders and seconded by Councilmember LaRoche to approve Resolution No. R-24-008 related to the Municipal Maintenance Agreement between the City of Brenham and the State of Texas, through Texas Department of Transportation for maintenance, control, supervision and regulation of state highways within the Brenham city limits.

Mayor Pro Tem Kolby called for a vote. The motion passed with Council voting as follows:

Yes: Mayor Pro Tem Kolby, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Mayor Kenjura, Councilmember Canales

11. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. Related to the Surface Water Treatment Plant (SWTP) Chlorine Room Upgrades (Project #63C-23C) and Authorize the Mayor to Execute Any Necessary Documentation

Public Utility Project Manager Shawn Bolenbarr presented this item. Bolenbarr advised that Strand Associates, Inc. will provide engineering services to prepare schematics and technical specifications for upgrades to the City's chlorine room at the Surface Water Treatment Plant (SWTP). Bolenbarr advised that the City shall provide the front-end documents and perform the competitive bidding process and will also perform project construction management during the construction portion of the project. Bolenbarr advised that Strand Associates, Inc. will provide an on-site visit following construction to review the project for general conformance to the schematics and technical specifications.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve a Professional Services Agreement between the City of Brenham and Strand Associates, Inc. for engineering services related to the Surface Water Treatment Plant (SWTP) Chlorine Room Upgrades (Project #63C-23C) for an amount not to exceed \$22,600.00 and authorize the Mayor to execute any necessary documentation.

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

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember LaRoche,

Councilmember Saunders, Councilmember Wright

No: None

Absent: Councilmember Canales, Councilmember Cook

12. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. Related to the 2024 Industrial Boulevard Pumping Station Replacement (Project No. 66C-15C) and Authorize the Mayor to Execute Any Necessary Documentation

Public Utility Project Manager Shawn Bolenbarr presented this item. Bolenbarr advised that the design portion of the project had been completed with 2022 bond proceeds. Bolenbarr advised that there will be additional design services added to the scope of services that increase the cost by \$15,000.00. Bolenbarr explained that the redesigning will consist of making the wet well larger and reconfiguring the above ground piping and wet well piping. Bolenbarr advised that the redesign will change the plans for the pumping station from a duplex pumping station with a pumping capacity of 620 GPM to a triplex pumping station with the capability of pumping 875 GPM. Bolenbarr advised that per the future growth projections the City received during the Impact Fee Study, the City recommends this change to account for future growth and development and to avoid costly upgrades in the future.

A motion was made by Councilmember LaRoche and seconded by Councilmember Saunders to approve a Professional Services Agreement between the City of Brenham and Strand Associates, Inc. for engineering services related to 2024 Industrial Boulevard Lift Station Replacement (Project No. 66C-15C) for an amount not to exceed \$70,000.00 and authorize the Mayor to execute any necessary documentation.

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

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Councilmember Canales

13. Discuss and Possibly Act Upon Award of RFP No. 24-001 Related to Gas Main Line Pressure Test (Project No. 62C-81C) and Authorize the Mayor to Execute Any Necessary Documentation

Public Utilities Project Manager Shawn Bolenbarr presented this item. Bolenbarr advised that in April 2024, City staff opened bids for the Gas Main Line Pressure Test Project that consists of removing six service taps, two valves, and pressure testing approximately 5,000 ft of 4" steel gas main at 750 psi. Bolenbarr advised that the City received three bids with Miller Bros submitting the lowest proposal at \$44,813.00.

A motion was made by Councilmember Cook and seconded by Councilmember Saunders to approve the award of RFP No. 24-001 related to Gas Main Line Pressure Test (Project No. 62C-81C) to Wampole-Miller Inc. dba Miller Bros in the amount of \$44,813.00 and authorize the Mayor to execute any necessary documentation.

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

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Councilmember Canales

14. Discuss and Possibly Act Upon Award of Bid No. 24-003 for Mowing, Maintenance, and Clean-up Services for Various City Buildings, Public Properties, and Parking Lot Areas and Authorize the Mayor to Execute Any Necessary Documentation

Purchasing & Public Works Project Manager Kyle Branham presented this item. Branham advised that in April 2024 the City opened bids for the combined services of Brenham Community Development Corporation, Southwest Industrial Park right-of-way, and Brenham Municipal Airport, mowing, maintenance, and shredding areas. These areas include twenty-two different locations around the City that consist of open park property, medians, alley/easements, parking lot areas, vacant city-owned lots, and municipal facilities. Branham advised that between BCDC, SWIP, and the Municipal Airport there is 96.44 acres for shredding and 29 acres for fine mowing. Branham stated this contract will also include mowing and cleanup services for private properties within the city limits in violation of City's Code.

Branham advised that Gene's Services submitted the lowest bid at \$158,096.90. Branham advised that this is also the vendor that currently holds the mowing maintenance contract for the City.

A motion was made by Councilmember Saunders and seconded by Mayor Pro Tem Kolby to award Bid No. 24-003 related to the mowing, maintenance, and clean-up services for various City buildings, public properties, and parking lot areas, to Gene's

Services, in the amount of \$158,096.90, for a period of three (3) years with the option to renew for an additional two (2) years if both parties agree to the terms, and authorize the Mayor to execute any necessary documentation.

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

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Councilmember Canales

15. Discuss and Possibly Act Upon a Request from Visit Brenham DMO for Funding of the Smithsonian's Museum on Main Street Exhibit and Related Projects with HOT Fund Reserves and Authorize the Mayor to Execute Any Necessary Documentation

Director of Tourism and Marketing Jennifer Eckermann presented this item. Eckermann explained that Visit Brenham DMO and our community partners are busy preparing for Brenham's hosting of the Smithsonian's Museum on Main Street (MoMS) traveling exhibit program titled "Crossroads: Change in Rural America".

Eckermann advised City Council of the following information:

- MoMS will be in Brenham at Morris Hall December 7, 2024 - January 20, 2025.
- Staff and volunteers are working on three permanent local exhibits and some county-wide cultural activities that will tie into the Crossroads theme.
- The goal of the exhibits are to share under-told stories of local African American history (Brenham's Freedom Colonies), increase heritage tourism within Washington County, and celebrate the 100th Anniversary of the Simon Theatre.
- Tourism Partner Communities of Brenham, Burton, Chappell Hill, Independence, and Washington County
- The largest project currently is a partnership with the Washington County Historical Commission to update, design, and print the Washington County Historical Markers Guide. Brochures and rack cards are being developed to promote all the activities and programming being planned. All the historical walking tour brochures, rack cards and artwalk maps will be updated and reprinted to brand the Smithsonian logo.
- In the coming months there will be lots of print and radio advertising, targeted digital marketing, social media, billboards, and signage in high traffic areas to help promote this event.

Eckermann advised that the total budget for this project is \$200,000; however,

this request is for City Council to consider allocating \$50,000 of HOT fund reserves to help with funding. Eckermann stated that Washington County has already committed \$25,000 of their HOT funds and will re-evaluate an additional \$25,000.00 later this summer.

A motion was made by Councilmember Cook and seconded by Councilmember Wright to approve a request from Visit Brenham DMO for funding of the Smithsonian's Museum on Main Street Exhibit and related projects with HOT fund reserves in the amount of \$50,000.00 and authorize the Mayor to execute any necessary documentation.

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

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Councilmember Canales

16. Discuss and Possibly Act Upon the Appointment of Members to Serve on the Brenham Community Projects Fund Board of Directors and Authorize the Mayor to Execute Any Necessary Documentation

City Secretary/Director of Administrative Services Jeana Bellinger presented this item. Bellinger explained that in 2016 the City Council formed the Brenham Community Projects Fund, Inc. (BCPF) to provide a process for the City to receive, accept, hold, invest, reinvest or administer gifts, grants or bequests of money or property of any sort of nature to be used to actively promote community projects or programs that preserve, foster and enhance the economic and social well-being of the community. Bellinger explained that BCPF was approved by the Internal Revenue Service as a non-profit 501(c)(3) public charity in January 2017.

Bellinger explained that the bylaws of the BCPF require that the City Council appoint a Board of Directors to oversee all the activities of the BCPF as permitted by statutes, or outlined in their Certificate of Formation or bylaws. Bellinger also explained that the Board of Directors shall consist of no less than three (3) members, and they will be appointed to staggered two-year terms.

A motion was made by Councilmember Wright and seconded by Councilmember LaRoche to approve the appointment of Mayor Kenjura (term expiring on May 19, 2026), Mayor Pro Tem Kolby (term expiring on May 19, 2025) and Councilmember Saunders (term expiring on May 19, 2026) to serve on the Brenham

Community Projects Fund Board of Directors and authorize the Mayor to execute any necessary documentation.

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

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Councilmember Canales

17. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- May 20th - City Council Special Meeting with Budget Workshop
- May 21st - Barnhill Speaker Series
- May 24th - National Public Works Week
- May 27th - City offices closed for Memorial Day

Council adjourned into Executive Session at 2:52 p.m.

EXECUTIVE SESSION

18. Section 551.071, Texas Government Code - Consultation with City Attorney - Consultation with City Attorney Concerning Demand Letter and Notice of Contemplated Litigation Received by City Brenham, and Associated Matters

19. Section 551.071, Texas Government Code - Consultation with City Attorney - Consultation with City Attorney Concerning the Brenham Municipal Airport, Its Operations and Services, and Associated Matters

Executive Session adjourned at 4:27 p.m.

ADJOURN

Atwood C. Kenjura

Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

