

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on December 16, 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 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:

Interim City Manager Carolyn Miller; City Attorney Cary Bovey; City Secretary Jeana Bellinger; Director of Public Works Dane Rau; Director of Development Services Stephanie Doland; Director of Public Utilities Alton Sommerfield; Director of Economic Development Susan Cates; Director of Finance Stacy Hardy; Police Chief Ron Parker; Fire Chief Roger Williams; Human Resources Director Susan Nienstedt; Tourism and Marketing Director Jennifer Eckermann; Strategic Budget Officer Debbie Gaffey; Information Technology Manager Kevin Schmidt; Jennifer Hill; Kevin Schmidt; Tammy Murphy; Idalia Avezuela; Alyssa Faykus; Kathrine Briscoe; Nancy Joiner; Dant Lange; Todd Ashorn; Sierra Newell; Brian Scheffer; Kelvin Raven; Shauna Laauwe.

Citizens/Others Present:

Beckett Neil

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 – Mayor Pro Tem Clint Kolby**

3. Special Recognitions:

- Librarian - Idalia Avezuela
- Administrative Assistant - Alyssa Faykus
- Cpl. Sierra Newell - Community Resource Officer

4. Citizens Comments

There were no citizen comments heard.

CONSENT AGENDA

5. Statutory Consent Agenda

5.a. Approve Ordinance No. O-21-033 on Its Second Reading Amending the FY2020-21 Adopted Budget

5-b. Accept a Donation from the Estate of May Dell Steinfeld in the Amount of \$114,332.12 for the Brenham Animal Shelter and Authorize the Mayor to Execute Any Necessary Documentation

5-c. Approve a Payment to Bluebonnet Electric Cooperative in the Amount of \$168,360.14 for the Installation of Underground Electrical Distribution Facilities Related to the Brenham Family Park Lift Station Refeed Project and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve the Statutory Consent Agenda Items 5.a. thru 5.c. 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

WORK SESSION

6. Discussion and Presentation on Parklets in Downtown Brenham

Tourism and Marketing Director Jennifer Eckermann presented this item. Eckermann explained that the idea for the City of Brenham's first parklet began to form at a Texas Main Street annual training meeting in Nacogdoches in 2015 when Texas Main Street Design Staff presented the concept. Eckermann stated that a parklet is a sidewalk extension that provides space and amenities and improves the downtown streetscape. The concept of parklets started in 2010 in San Francisco, but in 2015, only two other Texas cities - San Marcos and Austin - were repurposing public spaces this way.

Eckermann explained that the City's first parklet was completed in 2015 as a pilot project with restaurant owners Tami Redshaw and Edward Smith to develop a vision for what a parklet could accomplish for their business, Texas Ninety-Six West, and Downtown Brenham. Both the City and business owners agreed to the following guidelines on how downtown parklets could work in Brenham:

- A license is granted to a business that agrees to be responsible for the design, installation, and ongoing maintenance.
- Restaurants are allowed to reserve the space during business hours, but it's open for public use at all other times.
- Specific criteria must be met related to design, including construction, ADA accessibility and location.

Eckermann stated that since the construction of the Texas Ninety-Six West parklet in 2015 there have not been any other requests for additional parklets until recently. Due to the increase in requests for parklets, the Main Street Board has begun looking into various issues and concerns such as:

- How many parklets should be allowed downtown? How close should one be allowed to another?
- Can the positive impact of improved streetscape and downtown aesthetics offset the impact on limited parking? Can the need for parking be addressed in other ways?
- Should only certain types of businesses be allowed to create a parklet? Do relatively small sidewalks in certain areas where ADA restricts the use of sidewalks for outdoor seating need to require a parklet to be constructed instead? Should parklets only be allowed for food establishments?

Eckermann advised the Council that the Main Street Board would begin looking into these issues and would draft a Parklet Policy to bring back to the City Council for their consideration and approval in a few months.

REGULAR SESSION

7. **Discuss and Possibly Act Upon a License Agreement with Texas Ninety-Six West, LLC for the Use of a Parklet on Baylor Street in Downtown Brenham and Authorize the Mayor to Execute Any Necessary Documentation**

Tourism and Marketing Director Jennifer Eckermann presented this item. Eckermann explained that in June of 2015 the City Council approved a Parklet Agreement with Texas Ninety Six West, LLC. for one year, with an automatic renewal for four additional one year terms if neither party provided notice of termination.

Eckermann stated that the parklet has been a great success in offering additional public green space that is aesthetically pleasing and which adds to a growing, unique pedestrian experience in Downtown Brenham. Eckermann said that the City's parklet program requires that design, installation and maintenance are the responsibility of the licensee and since 2015, Ninety Six West has been a great partner, keeping their parklet area clean, neat and inviting for both their customers and the general public.

Eckermann stated that the License Agreement in the packet had two minor errors that, if approved, would need to be corrected:

- Section 3, Term: the effective date should be changed from 2022 to 2021.
- Section 7, Non-exclusive: The first word in the last paragraph should be changed from "City" to "Licensee".

A motion was made by Councilmember Kenjura and seconded by Councilmember Canales to approve a License Agreement with Texas Ninety-Six West, LLC for the use of a parklet on Baylor Street in Downtown Brenham, with the corrections as stated by 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	Yes
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-21-036 Adopting New Policies and Procedures for City of Brenham Boards and Commissions

City Secretary Jeana Bellinger presented this item. Bellinger explained that at the December 6th City Council meeting, the City Council discussed the attendance provision in the new policy and recommended that it be amended from the allowance of three (3) consecutive absences to two (2) consecutive absences. Bellinger stated that the attendance section of the policy has been amended as instructed and is being presented for final review, consideration, and approval.

A motion was made by Councilmember Kenjura and seconded by Councilmember Saunders to approve Resolution No. R-21-036 adopting new policies and procedures for City of Brenham Boards and Commissions.

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 Recommendations for Appointments and/or Re-Appointments to Various City Boards and Commissions and Authorize the Mayor to Execute Any Necessary Documentation

City Secretary Jeana Bellinger presented this item. Bellinger explained that the past several years, there have been multiple changes and revisions to the City's policies and procedures on advisory boards and commissions and due to these changes, the terms of all current board and commission members needed to be re-staggered.

Bellinger stated that the past several weeks, a Sub-Committee of the City Council (Councilmembers Canales, Cook and Saunders) have met with staff to review each board and all its members terms. Bellinger stated that it is the recommendation of the Council Sub-Committee and staff to reappoint serving board members to either a one (1) year term or a two (2) year term in order to correct the staggering.

Bellinger advised that the following persons are being recommended for reappointment:

Animal Services Advisory Board:

- 1-year term, expiring on December 31, 2022
 - Dr. Lee Panko
 - Alison Harper
 - Sharon Guelker
- 2-year term, expiring on December 31, 2023
 - Pam Ruemke
 - VACANT

Library Advisory Board – City Representatives:

- 1-year term, expiring on December 31, 2022
 - Lillian Marshall
 - Keith Herring
 - Jerry Jares
- 2-year term, expiring on December 31, 2023
 - Carol Kiphart

Library Advisory Board – Fortnightly Representatives:

- Sabrina Roberts
- Jody Tyson
- Janie Mehrens
- Lu Hollander
- Renee Mueller

Main Street Board:

- 1-year term, expiring on December 31, 2022
 - Margie Young
 - Tiffany Morisak
 - Jon Hill
 - Tom Whitehead
 - Melinda Faubion
 - Connie Wilder
- 2-year term, expiring on December 31, 2023
 - Lowell Ogle
 - Douglas Peck
 - Elizabeth Price
 - Pete Simpson
 - Wendy Kay Meaux

Parks and Recreation Board:

- 1-year term, expiring on December 31, 2022
 - Bill Betts
 - Jim Baker
 - Delbert Boeker
 - Paula Buls
- 2-year term, expiring on December 31, 2023
 - Tina Henderson
 - Ginger Bosse
 - Lee Chalmers
 - Andrea Fischer
 - William Robinson

Planning and Zoning Commission:

- 1-year term, expiring on December 31, 2022
 - Keith Behrens
 - Marcus Wamble
 - Deanna Alfred
 - Calvin Kosie
- 2-year term, expiring on December 31, 2023
 - Catharyne Neil
 - Artis Edwards, Jr.
 - Chris Cangelosi

Bellinger advised the City Council that the following boards are mandated by state law or their own Articles of Incorporation; therefore, their term staggering was not affected by the various changes in the City's policy the past few years. Bellinger said that the sub-committee's recommendation that these members be reappointed as follows:

Board of Adjustment

- 2-year term, expiring on December 31, 2023
 - Jon Hodde
 - Mary Lou Winkelmann
 - Walt Edmunds

Brenham Community Development Board (BCDC)

- 2-year term, expiring on December 31, 2023
 - John Hasskarl
 - Darrell Blum
 - Ken Miller
 - Charles Moser

Brenham Housing Authority

- 2-year term, expiring on December 31, 2023
 - John Harris
 - Wanda Cooley
 - Ray Daugbjerg
 - George Dillingham
 - Ken Miller

Building Standards Commission

- 2-year term, expiring on December 31, 2023
 - Arlen Thielemann
 - Walt Edmunds
 - Stoney Lacina

Bellinger advised the Council of three new advisory boards and the recommended member appointments:

Police Department Citizen Advisory Board:

- 2-year term, expiring on December 31, 2023
 - Brian Ross (HOA)
 - VACANT (LGBTQ)
 - VACANT (Senior Citizen)
 - James McDonald (Minority/Faith)
 - VACANT (Blinn Student)
 - Dr. Karmen Williams (Education)
 - Leigh Linden (Citizen)
- 3-year term, expiring on December 31, 2024
 - Matt Sweeney (Faith)
 - Whitney Hooks (Banking)
 - Shae Janner (Chamber of Commerce)
 - Alpesh Patel (Hoteliers)
 - Barbara Ross (Senior Citizens)
 - Lori Ruis-Wamble (Education)
 - Jesse Vela (Small Business Owner)
 - Jennifer Hill (Citizen)

Historic Preservation Board

- 3-year term, expiring on December 31, 2024
 - Brad Tegeler
 - Jennifer Hermann
 - Bob Grabarschick

- 2-year term, expiring on December 31, 2023
 - Stacy Marhofer
 - Hal Moorman
 - Paul Homeyer
 - Mike Vance

Tourism Advisory Board

- 2-year term, expiring on December 31, 2023
 - Jenny Van Dorf
 - William Atwood
 - Jean Shoup
- 3-year term, expiring on December 31, 2024
 - Stacey Walters
 - James Pharaon

A motion was made by Councilmember Cook and seconded by Councilmember Saunders to approve recommendations for appointments and/or reappointments to various City boards and commissions, as presented, 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 Strand Associates, Inc. Related to the 2022 Sanitary Sewer Improvements and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that during the 2021-22 budget meetings it was decided that funds would be allocated to address several sanitary sewer infrastructure projects.

Rau stated that staff asked Strand Associates, Inc. to prepare a Professional Services Agreement to provide surveying, project planning, project design, preparation of construction documents and bidding of three projects: (1) Industrial Blvd. Lift Station; (2) Stone Hollow Lift Station and Force Main; and (3) the creek crossing at Ralston Creek.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve a Professional Services Agreement between the City of Brenham and Strand Associates, Inc., in an amount not to exceed \$379,000.00, related to the 2022 Sanitary Sewer Improvements 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 Resolution No. R-21-035 Adopting a New Fee Schedule for the City of Brenham Parks and Recreation Department

Public Works Director Dane Rau presented this item. Rau explained that at the November 10, 2021, Parks and Recreation Advisory Board (PARB) meeting, staff reviewed the current Parks and Recreation Fee Schedule with the Board and recommended the following change for 2022:

Blue Bell Aquatic Center – Outdoor Leisure Pool Private Rentals. Removing the \$50 charge to bring your own food and increase the Leisure Pool rental from \$300 to \$350.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve Resolution No. R-21-035 adopting a new fee schedule for the City of Brenham Parks and Recreation Department.

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. Discuss and Possibly Act Upon an Ordinance No. O-21-034 on Its Second Reading Amending Appendix A - 'Zoning' of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit on Property Currently Addressed as 405 Martin Luther King, Jr. Parkway to Allow for a Accessory Dwelling Unit in the Mixed Residential (R2) Zoning District Located Generally on the South Side of Martin Luther King, Jr. Parkway and Two Lots West of Baber Street and Three Lots East of Rippetoe Street and Further Described as Lot 7A of the Rippetoe's Addition in Brenham, Washington County, Texas (Case No. P-21-027)

City Planner Shauna Laauwe presented this item. Laauwe explained that on December 2, 2021, the City Council held a public hearing and first reading of Carl Franklin and Linda Bessmer (property owners/applicants) request for approval of a Specific Use Permit to construct a new 24'x24', 2-story (1,152 square feet/576 sq.ft. per floor), 20-foot in height, detached garage with an upstairs accessory dwelling unit (ADU).

Laauwe stated that the proposed ADU met or exceeded each of the additional development standards except for the minimum required west side yard setback of ten (10) feet. Laauwe explained that due to grade change and topography, there are significant drainage issues on the subject property; therefore, staff is recommending this SUP be approved with a condition that the detached garage/ADU structure be located at a minimum 10-foot side yard set-back along the east property line or receive a variance for a 3'6" side yard encroachment from the Board of Adjustments.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve Ordinance No. O-21-034 on its second reading amending Appendix A - 'Zoning' of the Code of Ordinances of the City of Brenham granting a Specific Use Permit on property currently addressed as 405 Martin Luther King, Jr. Parkway to allow for an Accessory Dwelling Unit in the Mixed Residential (R2) Zoning District located generally on the south side of Martin Luther King, Jr. Parkway and two lots west of Baber Street and three lots east of Rippetoe Street and further described as Lot 7A of the Rippetoe's Addition in Brenham, Washington County, Texas (Case No. P-21-027) with the condition that the detached garage/ADU structure be located at a minimum 10-foot side yard set-back along the east property line or receive a variance for a 3'6" side yard encroachment from the Board of Adjustments.

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

13. **Discuss and Possibly Act Upon Approval of Service Orders to the Master Services Agreement with AARC Environmental, Inc. for Tier II Reporting, Spill Prevention Control and Countermeasures (SPCC) and Texas Pollution Discharge Elimination System (TPDES) for the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation**

Planning Technician Kim Hodde presented this item. Hodde explained that AARC Environmental, Inc. has worked with the City since 2000 for the development and submission of the Storm Water Pollution Prevention Plan (SWPPP) and the Spill Prevention Control and Countermeasures Plan (SPCC) to ensure compliance with the environmental regulation requirements for the Brenham Municipal Airport. Hodde stated that AARC conducts monthly and annual inspections on both the Storm Water Pollution Prevention Plan and the Spill Prevention Control and Countermeasures to ensure compliance with the plans as required as well as provides annual training for both programs.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Wright to approve service orders to the Master Services Agreement with AARC Environmental, Inc. for Tier II reporting, Spill Prevention Control and Countermeasures (SPCC) and Texas Pollution Discharge Elimination System (TPDES) for 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	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

14. Discuss and Possibly Act Upon:

- 1. A Cisco Enterprise User Agreement Between the City of Brenham and Cisco Systems, Inc. Related to the City of Brenham's Voice-Over-IP Phone System; and**
- 2. A Payment Agreement Between the City of Brenham and Presidio Technology Capital Related to the City of Brenham's Critical Network Hardware and Voice-Over-IP Phone System;**

And Authorize the Mayor to Execute Any Necessary Documentation

Information Technology Manager Kevin Schmidt presented this item. Schmidt explained that in 2018 the City entered into a three-year contract for maintenance and support of network infrastructure components, including critical routers, switches, firewalls, and the phone system.

Schmidt stated that this maintenance contract provides access to technical support, replacement of failed hardware, and access to software upgrades for the equipment associated with this maintenance contract. Schmidt advised Council that staff received two quotes from Presidio Networked Solutions as follows:

- Quote # 2001921006434-02 is for the support of critical network hardware
 - Option 1: A single year for \$22,010.04
 - Option 2: Three years at \$42,030.00
- Quote # 2001921005063-01 is for the support of the phone system software
 - Option 1: A single year for \$12,673.53
 - Option 2: Three years at \$34,124.41

Schmidt explained that due to the need for both the network hardware and the phone system software, staff is recommending the three-year contract utilizing Option 2 from both quotes for a total of \$76,154.41. Schmidt advised the Council that the City will be paying for this contract in three annual payments through a payment agreement with Presidio Technology Capital.

A motion was made by Councilmember Saunders and seconded by Mayor Pro Tem Kolby to: (1) approve a Cisco Enterprise User Agreement between the City of Brenham and Cisco Systems, Inc., for a term of three-years in the amount of \$76,154.41, related to the City of Brenham's Voice-Over-IP Phone System; and (2) a Payment Agreement between the City of Brenham and Presidio Technology Capital, for an amount not to exceed \$76,154.41, related to the City of Brenham's Critical Network Hardware and Voice-Over-IP Phone 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	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

15. Discuss and Possibly Act Upon an Agreement Between the City of Brenham and Avocette Technologies, Inc. and Carahsoft Technology Corporation for Online Planning and Permitting Software and Authorize the Mayor to Execute Any Necessary Documentation

Director of Development Services Stephanie Doland presented this item. Doland advised that staff began searching for a digital planning and permit software in 2019 and after extensive review and research of multiple software providers, Accela was selected.

Doland advised Council that Accela was created specifically for building and planning departments and offers a software product that will allow the Department to increase its efficiencies and offer a more streamlined approval process for various applications and services. Accela also provides a separate add-on, DigEplan, that is focused on providing a customer facing platform that is both intuitive and easy to use by both architects and home owners.

Doland stated that the implementation is projected to take between six to nine months and will require a team of city “subject matter experts”. The one-time implementation cost will be paid to Avocette (\$80,200.00) and an annual fee will be charged by Accela for multiple users of the Building and Planning modules (\$44,883.15) and by DigEplan (\$9,462.86) for use by the Plan Review Committee.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Wright to approve an agreement between the City of Brenham and Avocette Technologies, Inc. and Carahsoft Technology Corporation for on-line planning and permitting software at a total cost of \$134,546.01 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 Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

16. Administrative/Elected Officials Report

- Economic Development Director Susan Cates provided the Council with an update on FY2021 sales tax collection.
- Sgt. Todd Ashorn reported that 2021 Toys for Tots collected enough toys to provide for 933 kids – which was a huge increase from 682 kids in 2020.

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary

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