

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, December 15, 2022, 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 Albert Wright

Members Absent:

Councilmember Adonna Saunders

City of Brenham Staff present:

City Manager Carolyn Miller, City Attorney Cary Bovey, Deputy City Secretary Karen Stack, Director of Development Services Stephanie Doland, Director of Economic Development Susan Cates, Director of Finance Stacy Hardy, Fire Chief Roger Williams, Human Resources Director Susan Nienstedt, Strategic Budget Officer Tim McRoberts, Cherry Cash Prewitt, Kyle Branham, Steven Loving, Steven Eilert, Matthew Brown, Jacob Faske, Lloyd Powell, Curtiss Schoen, Todd Ashorn, and Shawn Bolenbarr

Citizens/Others Present:

6th Grade students from Brenham Middle School, Tom Lewis, Courtney Mason, JoAnn Johnson, and Carol Brooks

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 Milton Tate**
- 3. Special Recognitions – Brenham Middle School, 6th Grade Students**

4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Approve the Minutes from December 1, 2022, Regular Meeting

5-b. Approve Ordinance No. O-22-028 on Its Second Reading Amending the City of Brenham's FY 2021-2022 Adopted Budget

5-c. Approve a Memorandum of Understanding Between the City of Brenham and Washington County Related to Reimbursement of Funding for Linda Anderson Park and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Wright and seconded by Councilmember Canales 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	Absent
Councilmember Albert Wright	Yes

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

6. Public Hearing, Discussion, and Possible Action on an Amendment to the State Plan of Operation Between the City of Brenham and the State of Texas Related to the Law Enforcement Support Office (LESO) Program and Authorize the Mayor to Execute Any Necessary Documentation

Mayor Tate opened the Public Hearing.

Sergeant Steven Eilert presented this item. Eilert explained that the Law Enforcement Support Office (LESO) Program allows Police Departments to apply to receive surplus military equipment from the federal government. The Brenham Police Department has participated in this program since 2014 and previously received a Mine Resistant Ambush Protection (MRAP) vehicle through the program. The federal government retains title to the MRAP and the City's continued participation in the LESO program is required for the City to retain possession.

Eilert explained that in May 2022 President Biden signed Executive Order (EO) 14074, limiting the transfer of certain military equipment to law enforcement which requires new policies and procedures regarding equipment received through programs such as LESO. The Texas Department of Public Safety (DPS) has developed an addendum to the original State Plan of Operation contract to implement the President's 2022 EO. The addendum creates strict limits on how the MRAP may be used and requires enhanced reporting and tracking. It also requires authorized personnel to have annual training and for the department to develop a written policy explaining how these new requirements will be implemented.

City Manager Carolyn Miller advised the Council that the process for this amendment was more intense than merely an amendment to be signed. Miller explained there were notices, public hearings, and the drafting and of new policies and procedures and that Chief Parker and Eilert have been working on this since mid-year.

There were no citizen comments.

Mayor Tate closed the public hearing.

A motion was made by Councilmember Kenjura and seconded by Councilmember Canales to approve an amendment to the State Plan of Operation between the City of Brenham and the State of Texas related to the Law Enforcement Support Office (LESO) Program 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	Absent
Councilmember Albert Wright	Yes

REGULAR SESSION

7. Discuss and Possibly Act Upon the Release of Gas Pipeline Easements Affecting the Brenham Market Square Development Property and Authorize the Mayor to Execute Any Necessary Documentation

Public Utilities Project Manager Shawn Bolenbarr presented this item. Bolenbarr explained that in 2001 the City purchased a section of gas pipeline from Cleco that allowed the City to relocate its Gate Station to consolidate measurement facilities and allow centralized odorization and regulation. Bolenbarr stated that although the gas main was purchased by the City, the easements that surrounded the gas main were never formally dedicated to the city.

Bolenbarr advised that on October 17, 2022, Market Square Development requested that the city abandon the easements that are located internal to the Market Square Development site and since the easements were for gas services to serve houses that no longer exist, the City agreed to abandon the easements.

Bolenbarr explained that City Attorney Cary Bovey advised to file a Quit Claim Deed for the abandonment of the easements so that the City could convey that it has no interest in the easements.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Wright to approve the release of gas pipeline easements affecting the Brenham Market Square Development Property, with the filing of a Quit Claim Deed, and authorize the Mayor to execute any necessary documentation upon final approval 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 Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Absent
Councilmember Albert Wright	Yes

8. Discuss and Possibly Act Upon the Award of Bid No. 23-002 Related to the Lease of Approximately 46 Acres of Land Located at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation

Purchasing and Fleet Supervisor Kyle Branham presented this item. Branham explained the City issued a bid on November 2022 for the lease of approximately 46 acres located at the Brenham Municipal Airport for hay production and/or livestock grazing. The current lease for the property at the rate of \$35.50 per acre will expire on December 31, 2022.

Branham stated that the bid opening was held on December 7th and three (3) bids were received. After careful review of the bids submitted, Jay Schroeder, the current lessee, was deemed to be the highest bidder at \$38.00 per acre. Branham advised Council that Schroeder has leased this property since 2017, and during that time he has performed fence maintenance, plowed, and planted winter pasture to produce hay, and cattle grazing.

Branham advised that the new lease agreement will be for a term of one (1) year with automatic annual renewals, not to exceed a total of five (5) years. Lease terms will be on the calendar year, January 1 through December 31.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to award Bid No. 23-002 for the lease of approximately 46 acres of land located at the Brenham Municipal Airport, to Jay Schroeder in the amount of \$38.00 per acre 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	Absent
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 Manager Carolyn Miller presented this item. Miller advised that the selection process consisted of several meetings in which the City Manager, City Secretary, and the Council Subcommittee (Councilmembers Canales, Cook and Saunders) reviewed all applications for new appointments and re-appointments. The Subcommittee determined that the following be presented to City Council for consideration:

The following citizens are being recommended to serve a three (3) year term, expiring on December 31, 2025:

Brenham Police Citizen Advisory Committee:

- Andrea Liner, Education Community – Position 10 (new appointment)
- Phyllis McMahon, Senior Citizen Community – Position 4 (new appointment)
- Neal Pieper, LGBTQ Community – Position 3 (new appointment)
- Courtney Mason, Education Community – Position 13 (new appointment)

Library Advisory Board:

- Lillian Marshall – Position 1 (reappointment)
- Keith Herring – Position 2 (reappointment)
- Jerry Wise-Jares – Position 3 (reappointment)

Planning & Zoning Commission:

- Keith Behrens – Position 1 (reappointment)
- Deanna Alfred – Position 5 (reappointment)
- Calvin Kossie – Position 6 (reappointment)
- Darren Heine – Position 2 (new appointment)

Miller advised Council that both the Parks and Recreation Board and Main Street Board had (4) members eligible for reappointment and due to the numerous applications received for each of these two boards the Subcommittee is recommending two (2) of the four (4) members eligible for reappointment be replaced with new members. Miller explained that this change would allow an opportunity for new citizens to serve while maintaining the knowledge of the tenured members.

Parks and Recreation Advisory Board

- Bill Betts – Position 3 (reappointment)
- Delbert Boeker – Position 5 (reappointment)
- Courtney Mason – Position 4 (new appointment)
- Wendy Buth – Position 6 (new appointment)

Main Street Board

- Tiffany Morisak – Position 3 (reappointment)
- Connie Wilder – Position 11 (reappointment)
- Celia Baker-Haley – Position 1 (new appointment)
- Coleen Broussard – Position 2 (new appointment)
- Dax Flisowski – Position 5 (new appointment)
- Andrea Liner – Position 7 (new appointment)

The following citizens are being recommended to serve a two (2) year term, expiring on December 31, 2024:

Brenham Community Development Corporation

- Gary Crocker – Position 5 (reappointment)
- Bill Betts – Position 6 (reappointment)
- Jim Kolkhorst – Position 7 (reappointment)

Brenham Housing Authority Board

- Richard Flammer – Position 4 (reappointment)
- Marcus Wamble – Position 5 (reappointment)
- Cory Flencher – Position 6 (reappointment)
- Lillian Pollard – Position 7 (reappointment)

Board of Adjustments

- Danny Goss – Position 1 (reappointment)
- Arlen Thielemann – Position 2 (reappointment)
- Dax Flisowski – Position 4 (new appointment)

Building and Standards Commission

- Matthew Metzger – Position 3 (new appointment)
- Richard Morris – Position 5 (new appointment)

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Wright to approve the recommendations for appointments and/or re-appointments 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	Absent
Councilmember Albert Wright	Yes

10. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 17, Offenses and Miscellaneous Provisions of the Code of Ordinances of the City of Brenham

City Manager Carolyn Miller presented this item. Miller explained this item was a continuation from the November 17, 2022 meeting where Fire Marshal Steven Loving presented changes to the Fire Department False Alarm Policy.

Miller explained that after review of Chapter 17, Article V, it was discovered this Article contained outdated language from the 1980's and was no longer applicable to the City's current policies and procedures; therefore, it is recommended this Article be removed and reserved for future use.

A motion was made by Councilmember Canales and seconded by Mayor Pro Tem Kolby to approve an Ordinance on its first reading amending Chapter 17, Offenses and Miscellaneous Provisions of the Code of Ordinances 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 Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Absent
Councilmember Albert Wright	Yes

11. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 8, Fire Protection and Prevention of the Code of Ordinances of the City of Brenham

Fire Marshal Steven Loving presented this item. Loving explained this ordinance was a result of a workshop with Council on November 17, 2022, and includes the changes requested by Council. Loving stated that the changes include a shorter period prior to initiation of a graduating fee schedule for false alarms, and tabulations of fees on a quarterly basis. Initiation of a false alarm fee would occur after the third false alarm. The updated fee schedule and change of placement in the Code of Ordinances would bring Brenham's standard in line with several other cities.

Fire Chief Roger Williams advised that the Fire Department is currently working with the Brenham State School to develop procedures that specifically apply to them, in an effort to reduce the number of false alarms generated by residents at that facility.

A motion was made by Councilmember Canales and seconded by Councilmember Kenjura to approve an Ordinance on its first reading amending Chapter 8, Fire Protection and Prevention of the Code of Ordinances 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 Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Absent
Councilmember Albert Wright	Yes

12. Administrative/Elected Officials Report

City Manager, Carolyn Miller reported on the following:

- City offices will be closed on Friday, December 23rd and Monday, December 26th for the Christmas holiday.

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

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**

Executive Session adjourned at 2:15 p.m.

RE-OPEN REGULAR SESSION

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Karen Stack
Deputy City Secretary



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