

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, November 17, 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 Adonna Saunders
Councilmember Albert Wright

Members Absent:

None

City of Brenham Staff present:

City Manager Carolyn Miller, Assistant City Attorney Luke Cochran, City Secretary Jeana Bellinger, General Manager of Public Utilities Debbie Gaffey, 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, Director of Finance Stacy Hardy, Fire Chief Roger Williams, Cherry Cash Prewitt, Karen Stack, Shawn Bolenbarr, Steven Loving, Kyle Branham, Shauna Laauwe, Kim Hodde, Sarah Hill and Monique Breaux

Citizens/Others Present:

Sherry Harber and Jared Engelke

Media Present:

Jason May, Brenham Banner-Press; and Mark Whitehead, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Atwood Kenjura**

3. Proclamation

- **2022 Richard R. Lillie Planning Excellence Award – Development Services**

4. Citizens Comments

Citizen Sherry Harbor addressed the City Council about downtown parklets and advised that she is working on a petition in opposition of downtown parklets.

WORK SESSION – DEPARTMENT UPDATE

5. Discussion and Update on the City of Brenham’s Fire Department

Fire Chief Roger Williams provided an update on the following:

- Fire Department’s Mission and Vision Statements
- Current Staffing
- Coverage Area
- Calls for Service, 2018-2022
- Looking Into the Future and Its Effect on Fire Service
- Other Department Highlights

WORK SESSION

6. Discussion and Update on the City of Brenham Fire Department’s False Alarm Response and Fees

Fire Marshall Steven Loving presented the following information on the Fire Department’s false alarm response policy and fees:

- False alarms are currently only discussed in Chapter 17, Offenses and Miscellaneous Provisions, of the City’s Code of Ordinances.
- As of November 9, 2022 the Brenham Fire Department has responded to the following false alarms:
 - 150 malicious, mischievous calls
 - 79 system malfunction calls
 - 110 unintentional tripping of alarm device
- The City currently does not charge a fee for the first twelve false alarms within a calendar year. After twelve in the same calendar year, a fee of \$35.00 per alarm is charged.
- Presented false alarm fees from several other cities as a comparison.

Loving advised that he is planning to rewrite the current false alarm ordinance and incorporate it into both Chapter 17 and Chapter 8, Fire Protection and Prevention. Loving recommended the following fee schedule for fire-related false alarms:

- Alarm 1 through 5: \$0
- Alarm 6 through 10: \$50.00
- Alarm 11 through 15: \$75.00
- Alarm 16 and subsequent: \$100.00

After further discussion the City Council was in favor of increasing the fees and decreasing the number of alarms allowed before fees are charged. Loving stated that he would adjust the fee schedule accordingly, prepare the Ordinance, and bring it back to Council for their consideration.

REGULAR SESSION

7. Discuss and Possibly Act Upon Resolution No. R-22-041 Authorizing the Acceptance of Funding from the Texas General Land Office (GLO) Regional Mitigation Program Through the Brazos Valley Council of Governments for the State of Texas Community Development Block Grant-Mitigation (CDBG-MIT) Program

Director of Public Works Dane Rau presented this item. Rau explained that on October 25, 2022, BVCOG issued a funding letter to the City of Brenham in which the City could receive \$1,044,500 from the State of Texas Community Development Block Grant Mitigation (CDBG-MIT) Program. Rau stated that staff is recommending this grant funding be used to upgrade streets off Old Chappell Hill Road, specifically Shepard Lane and Lott Lane. Rau stated that this Resolution is required to formally accept the GLO funding from the BVCOG.

A motion was made by Councilmember Wright and seconded by Councilmember Canales to approve Resolution No. R-22-041 authorizing the acceptance of funding from the Texas General Land Office (GLO) Regional Mitigation Program through the Brazos Valley Council of Governments for the State of Texas Community Development Block Grant-Mitigation (CDBG-MIT) Program.

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 a Lease Agreement Between the City of Brenham and Ricoh USA, Inc for Lease Office Automation Equipment and Authorize the Mayor to Execute Any Necessary Documentation

Purchasing and Fleet Supervisor Kyle Branham presented this item. Branham advised Council that the City has had lease agreements with Ricoh USA for several years for copiers and printers in various city facilities. Branham explained that the lease being presented is for equipment in City Hall (2nd Floor/Administration and 1st Floor) and the Fire Department.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve a four (4) year lease contract with Ricoh USA, Inc. for office automation equipment for City Hall 2nd Floor/Administration in the amount of \$5,028.00 per year, City Hall 1st Floor in the amount of \$4,176.00 per year, and Brenham Fire Department in the amount of \$2,712.00 per year (\$11,916.00 per year) 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 an Ordinance on Its First Reading Authorizing the Placement of Stop Signs on Prairie Lea Street at Its Intersection with 5th Street

Purchasing and Fleet Supervisor Kyle Branham presented this item. Branham advised that with the recent improvements and additions of infrastructure around the Blinn Campus, mainly the completion of Blinn STEI (Science, Technology, Engineering, and Innovation) Building in 2021, there has been an increase in pedestrian traffic along Prairie Lea St. and 5th St. Branham stated that Blinn College had a traffic impact analysis performed and a multi-way stop at Prairie Lea Street & 5th Street was recommended.

Branham explained that TxDOT, Public Works, along with Fire and PD, reviewed the traffic analysis and has no objection with enhancing this intersection making it a 4-way stop to help regulate north and south bound vehicular traffic.

A motion was made by Councilmember Canales and seconded by Mayor Pro Tem Kolby to approve an Ordinance on its first reading authorizing the placement of stop signs on Prairie Lea Street at Its Intersection with 5th Street.

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 an Ordinance on Its First Reading Amending the Rate Tariff Schedule for the City of Brenham's Electric Rates

Deputy General Manager of Public Utilities Alton Sommerfield presented this item. Sommerfield explained that the City is updating the Distributed Generation Manual which provides guidelines for solar and other types of behind-the-meter electric utility installation. Sommerfield stated that customers with excess generation are reimbursed via billing credits based upon the avoided cost of generation which is calculated at the end of each fiscal year based on exact generation charges.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve an Ordinance on its first reading amending the Rate Tariff Schedule for the City of Brenham's Electric Rates.

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 Temporary Resale Amendment to the System Availability Agreement Between the City of Brenham and Brazos River Authority for the Temporary Resale of Water and Authorize the Mayor to Execute Any Necessary Documentation

Deputy General Manager of Public Utilities Alton Sommerfield presented this item. Sommerfield stated that on September 1, 2019, an agreement was entered into between Brazos River Authority (BRA) and the City to allow the City to purchase 4,200 acre-feet of raw water per fiscal year for municipal purposes.

Sommerfield explained that the City currently has 774-acre feet of surplus water and if this Temporary Resale Amendment is approved, the City will be able to sell the excess water at a price of \$88.00 per acre foot (\$68,112.00)

A motion was made by Councilmember Kenjura and seconded by Councilmember Saunders to approve a Temporary Resale Amendment to the System Availability Agreement between the City of Brenham and Brazos River Authority for the temporary resale of water 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. Discuss and Possibly Act Upon a Water Supply Resale Agreement Between the City of Brenham and The Dow Chemical Company Related to the Temporary Resale of Water and Authorize the Mayor to Execute Any Necessary Documentation

Deputy General Manager of Public Utilities Alton Sommerfield presented this item. Sommerfield stated that as presented in the previous item, this item is for the City to sell the surplus water to Dow Chemical Company at a price of \$88.00 per acre-foot.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve a Water Supply Resale Agreement between the City of Brenham and The Dow Chemical Company related to the temporary resale of water 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

13. Administrative/Elected Officials Report

City Manager Carolyn Miller provided an update on the following:

- City offices will be closed November 24th and 25th for the Thanksgiving holidays
- Ladies Night Out is tonight in downtown from 5:00 to 8:00 p.m.

Council adjourned into Executive Session at 2:10 p.m.

EXECUTIVE SESSION

- 14. Section 551.072 Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding the Purchase, Exchange and/or Acquisition of Real Property for City of Brenham Sanitary Sewer Improvements and Facilities**
- 15. Section 551.071 Texas Government Code – Consultation with Attorney – Consultation with City Attorney Regarding City of Brenham v. WTG Gas Marketing, Inc.; Cause No. 37573; 335th Judicial District Court, Washington County, Texas**
- 16. 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**
- 17. 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**

Executive Session adjourned at 3:03 p.m.

RE-OPEN REGULAR SESSION

- 18. Discuss and Possibly Act Upon City of Brenham v. WTG Gas Marketing; Cause No. 37573; 335th Judicial Court, Washington County, Texas and Associated Matters**

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to authorize the City Manager to negotiate and execute the settlement of the City of Brenham v. WTG Gas Marketing, Inc.; Cause No. 37573; 335th Judicial District Court, Washington County, Texas.

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

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor



Jeana Bellinger, TRMC, CMC
City Secretary