

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, November 3, 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, City Attorney Cary Bovey, 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, Budget Manager Tim McRoberts, Fire Chief Roger Williams, Human Resources Director Susan Nienstedt, Strategic Budget Officer Tim McRoberts, Lloyd Powell, Teresa Howell, Idalia Avezuela, Steven Eilert, Erica Warren, Todd Ashorn, Karen Stack, Kyle Branham, Kevin Boggus and David Dudenhoeffer.

Citizens/Others Present:

William Baker and Lacey Sutton

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 Shannan Canales

3. Service Recognitions

- David Dudenhoeffer, Police Department – 10 years

4. Citizens Comments

No citizen comments were heard.

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Approve the Minutes from October 3, 2022 Special Meeting, October 13, 2022 Regular Meeting and October 20, 2022 Special Meeting

5-b. Approve Ordinance No. O-22-025 on its Second Reading Providing for a No Parking Zone Along Prairie Lea Street in the City of Brenham

5-c. Acceptance of a Grant from the Hancher Foundation in the Amount of \$31,000.00 for the Nancy Carol Roberts Memorial Library and Authorize the Mayor to Execute Any Necessary Documentation

5-d. Approve the City of Brenham 2023 Holiday Calendar and Authorize the Mayor to Execute Any Necessary Documentation

5-e. Approve Resolution No. R-22-034 Authorizing the Execution of an Agreement with TxDOT for the Temporary Closure of State Right- of-Way in Connection with the 2022 Lighted Christmas Parade to be Held on Saturday, December 3, 2022

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

WORK SESSION – DEPARTMENT UPDATE

6. Discussion and Update on the City of Brenham’s Economic Development Department

Director of Economic Development Susan Cates provided the following update on the Economic Development Department:

- Staff and responsibilities
- Business attraction statistics
- Housing Task Force
- Business Retention and Expansion Plan, Vision and Outreach
- Workforce Information
- Entrepreneur Support Program
- Economic Development Website and Social Media
- Historic Preservation
- Department Highlights

REGULAR SESSION

7. Discuss and Possibly Act Upon Change Order No. 2 and Final Payment to Clark Construction of Texas, Inc. Related to the 2022 City Street Onyx Resurfacing Project and Authorize the Mayor to Execute Any Necessary Documentation

Director of Public Works Dane Rau presented this item. Rau explained that on July 7, 2022, Council approved the Onyx Sealant Work to Clark Construction with the total project cost at \$230,263.00. Rau advised the project included Spinn, Tison, LJ, Hillside, Clearspring and Robinhood streets.

Rau explained that the total project included an additional 152 square yards of streets than what was originally projected; therefore, Change Order No. 2 is for the additional work and has an additional cost of \$606.48. Rau advised that the work was completed in late September, staff conducted a walk through, and all final documents have been received so staff is recommending approval of final payment and Change Order No. 2.

A motion was made by Councilmember Kenjura and seconded by Mayor Pro Tem Kolby to approve Change Order No. 2 and final payment to Clark Construction of Texas, Inc., in the amount of \$230,869.48, related to the 2022 City Street Onyx Resurfacing Project 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-22-035 Approving an Advance Funding Agreement with TxDOT for Bridge Replacement or Rehabilitation Off the State System for Bridge Located at Hog Branch Creek and Pecan Street and Authorize the Mayor to Execute Any Necessary Documentation

Director of Public Works Dane Rau presented this item. Rau stated that on September 1, 2022, City Council approved a resolution supporting the partnership with TxDOT related to federal funding through the Highway Bridge Project for Off-System Bridges. The project is in relation to the crossing on Pecan St at the Hog Branch tributary. Rau explained that the City committed to a 10% match of the construction which was valued at \$49,000 and that the total project cost is estimated at \$490,000 which 90% will be funded by TxDOT.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve Resolution No. R-22-035 approving an Advance Funding Agreement with TxDOT for Bridge Replacement or Rehabilitation Off the State System for a bridge located at Hog Branch Creek and Pecan Street 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 RFP No. 22-006 Related to Athletic Park Concessions and Authorize the Mayor to Execute Any Necessary Documentation

Purchasing and Fleet Supervisor Kyle Branham presented this item. Branham stated that in June of 2021 request for proposals were opened for the City's concessions in the parks. There were two proposals received: (1) Clarita Sweets and More; and (2) Pegasus Concessions.

Branham advised that a 5-member selection committee reviewed and rated each of the proposals on the following criteria:

- Qualifications (5%)
- Concept (15%)
- Price Structure (25%)
- Experience (45%)
- History (10%)

Branham advised the Council that the Committee's recommendation was to remain Pegasus Concessions. The City and Pegasus have had have a great working relationship and have had minimal issues with the services provided. Pegasus has displayed consistency throughout the last seven (7) years and when operating numerous concessions on the same night throughout multiple parks. Branham stated that staff is recommended the award of RFP No. 22-006 to Pegasus Concessions for a three (3) year contract with the option to extended for up to two additional one-year terms, not to exceed five (5) years in total.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to award RFP No. 22-006 related to athletic parks concessions to Pegasus Concessions, for a three (3) year contract with the option to extend for up to two additional one-year terms, not to exceed five (5) years in total 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 Resolution No. R-22-036 Authorizing the Acceptance of Public Infrastructure Improvements in the Vintage Farms Subdivision, Townhome Phase

Director of Development Services Stephanie Doland presented this item. Doland explained that the subject property is an approximate 13.711-acre tract of vacant land generally located southwest of the intersection of State Highway 36 North and Dixie Road and is platted as the Vintage Farms Townhome Phase.

Doland explained that the Townhome Phase consists of 55 lots for single-family home construction, a private alley, and twelve (12) common areas for streetscaping, sidewalks, and community landscaping. The infrastructure related to the private alley, common areas and landscaping shall be maintained in perpetuity by the Homeowners Association. The infrastructure improvements (water, sanitary sewer, streets, sidewalks, and storm drainage) have been completed and have been done in accordance with the City's ordinances and regulations and are ready for acceptance. Doland also advised Council that a one-year maintenance period shall begin on October 25, 2022 upon Council's approval of the infrastructure acceptance.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve Resolution No. R-22-036 authorizing the acceptance of public infrastructure improvements in the Vintage Farms Subdivision, Townhome Phase.

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-22-037 Authorizing the Acceptance of Public Infrastructure Improvements in the Vintage Farms Subdivision, Phase 4

Director of Development Services Stephanie Doland presented this item. Doland explained that the subject property is an approximate 12.019-acre tract of vacant land generally located southwest of the intersection of State Highway 36 North and Dixie Road and is platted as the Vintage Farms Phase 4.

Doland explained that Phase 4 consists of 57 lots for single-family home construction, a common area for streetscaping, sidewalks and community landscaping. The infrastructure related to the common areas and landscaping shall be maintained in perpetuity by the Homeowners Association. The infrastructure improvements (water, sanitary sewer, streets, sidewalks, and storm drainage) have been completed and have been done in accordance with the City's ordinances and regulations and are ready for acceptance. Doland also advised Council that a one-year maintenance period shall begin on October 25, 2022 upon Council's approval of the infrastructure acceptance.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Cook to approve Resolution No. R-22-037 authorizing the acceptance of public infrastructure improvements in the Vintage Farms Subdivision, Phase 4.

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 Resolution No. R-22-038 Authorizing the Acceptance of a Grant from the Office of the Governor (OOG), State Homeland Security Program (Regular Projects) for the Purchase of a SEEKERe MDK Detector

Sgt. Steven Eilert presented this item. Eilert stated that on February 17th, 2022, Council authorized the Police Department to apply for a grant from the Governor's Office State Homeland Security Program for funding of a one-time purchase of a SEEKERe MDK handheld explosives and narcotics detector. Eilert advised that the City has been notified that it was awarded the grant in the amount of \$13,624.00 and this Resolution is required for the acceptance of the award.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve Resolution No. R-22-038 authorizing the acceptance of a grant from the Office of the Governor, State Homeland Security Program (Regular Projects) for the purchase of a SEEKERe MDK Detector.

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 Resolution No. R-22-039 Authorizing the Acceptance of a Grant from the Office of the Governor (OOG), Public Safety Office, Criminal Justice Division for the FY2023 Rifle-Resistant Body Armor Grant Program

Sgt. Steven Eilert presented this item. Eilert stated that on February 17th, 2022, Council authorized PD staff to apply for a grant from the Office of the Governor's Public Safety Office, Criminal Justice Division's rifle-resistant body armor program. Eilert advised that the City has been notified that it was awarded the grant in the amount of \$31,413.64 for the one-time purchase of forty-eight (48) 10x12, Shooters Cut, Multi-Curve Rifle-Resistant Plates.

A motion was made by Councilmember Kolby and seconded by Councilmember Cook to approve Resolution No. R-22-039 authorizing the acceptance of a grant from the Office of the Governor, Public Safety Office, Criminal Justice Division in the amount of \$31,413.64 for the FY2023 Rifle-Resistant Body Armor Grant 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	Yes
Councilmember Albert Wright	Yes

14. Discuss and Possibly Act Upon Resolution No. R-22-040 Authorizing the Acceptance of a Grant from the Office of the Governor (OOG), State Homeland Security Program (LETPA Projects) for 1-ICOR Mini- Caliber Robot

Sgt. Steven Eilert presented this item. Eilert stated that on February 17th, 2022, Council authorized PD staff to apply for a grant from the Office of the Governor's Law Enforcement Terrorism Prevention Activities program. Eilert advised that the City has been notified that it was awarded the grant in the amount of \$55,025.00, to be used to purchase one (1) ICOR Mini Caliber Robot.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve Resolution No. R-22-040 authorizing the acceptance of a grant from the Office of the Governor, State Homeland Security Program, LETPA Projects for one (1) ICOR Mini-Caliber Robot.

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 Easement Agreement Between the City of Brenham and the Army Corps of Engineers Related to a Pipeline Right-of-Way Easement at Lake Somerville for the Lake Somerville Raw Water Intake Structure and Authorize the Mayor to Execute Any Necessary Documentation

Deputy General Manager of Public Utilities Alton Sommerfield presented this item. Sommerfield explained that the Lake Somerville Intake Pump Station Easement, granted by the Department of the U.S. Army Corps of Engineers, expired April 12, 2022. The renewal of the Lake Somerville Intake Pump Station Easement began October 2021 and required a new survey of the pump station and transmission pipeline easements. The survey was completed and submitted to the U.S. Army Corps of Engineers May 5, 2022.

Sommerfield advised that this easement is for fifty (50) years, beginning April 12, 2022, and ending on April 11, 2072. The total administrative cost to renew the easement is \$1,660.00.

A motion was made by Councilmember Kenjura and seconded by Councilmember Canales to approve an easement agreement between the City of Brenham and the Army Corps of Engineers related to a pipeline right-of-way easement at Lake Somerville for the Lake Somerville Raw Water Intake Structure 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

Council adjourned into Executive Session at 1:54 p.m.

EXECUTIVE SESSION

- 16. Section 551.071 Texas Government Code – Consultation with Attorney – Consultation with Consultation with Attorney Regarding Aviators Plus, LLC v. City of Brenham, Texas; Cause No. 37896; 21st Judicial District Court, Washington County, Texas**
- 17. 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**
- 18. Section 551.086 - Texas Government Code - Utility Competitive Matters - City of Brenham Gas Utility System - Gas Supply and Transportation Arrangements and Agreements, and Associated Matters**

Executive Session adjourned at 3:10 p.m.

19. Administrative/Elected Officials Report

No reports were given.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor



Jeana Bellinger, TRMC, CMC
City Secretary