

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on September 17, 2020 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 Andrew Ebel
Councilmember Susan Cantey
Councilmember Keith Herring
Councilmember Clint Kolby
Councilmember Adonna Saunders
Councilmember Albert Wright

Members absent:

None

Others present:

City Manager James Fisher, City Attorney Cary Bovey, Deputy City Secretary II Karen Stack, Assistant City Manager – Chief Financial Officer Carolyn Miller, Assistant City Manager - Public Services/Utilities Donald Reese, Police Chief Ron Parker, Development Services Director Stephanie Doland, Human Resources Director Susan Nienstedt, Captain Dant Lange, Steven Eilert, Rolando Arroyo, Seth Klem, Christi Korth, Alton Sommerfield, and Curtiss Schoen.

Citizens present:

Andy Adams, Tiffany Morisak, and Dr. Lee Panko

Media Present:

Alyssa Faykus, Brenham Banner Press; and Josh Blaschke, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Kolby**
- 3. Proclamations**
 - **Constitution Week**
 - **K9 Robbie**

4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

- 5-a. Approve the Minutes from the August 20, 2020 and September 3, 2020 Regular City Council Meetings and the September 3, 2020 Special Workshop Meeting**
- 5-b. Award ITB No. 20-010 Related to the Sale of Surplus Property to MC Property Holdings, LLC and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-c. Approve a Three-Year Contract with UBEO East Texas, Inc. for Service, Maintenance and Supplies for Office Automation Equipment and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-d. Approve a Contract Between the City of Brenham and the Texas State Library and Archives Commission for the Acceptance of \$24,258.00 from the TSLAC CARES - Cycle 1 Grant Program (CAR1-21024) and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-e. Approve the Purchase of Materials in the Amount of \$92,598.25, for the Copper Conductor Replacement Project - Section 6, from Techline, Inc. Through the Lower Colorado River Authority (LCRA) Materials Program and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-f. Approve Final Payment to Aggieland Construction in the Amount of \$24,821.55 for Henderson Park Phase II and Phase III Improvements and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-g. Approve Renewal with Texas Municipal League Intergovernmental Risk Pool for General Liability, Law Enforcement Liability, Public Officials Liability, Mobile Equipment, Airport Liability, Property, Auto Liability and Physical Damage, Crime, Animal Mortality and Theft, and Workers' Compensation Coverage for the City of Brenham for Fiscal Year 2020-21 and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve the Statutory Consent Agenda Items 5-a. through 5-g. 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

WORK SESSION

6. Discussion and Presentation on the City of Brenham's Policies and Procedures for Boards and Commissions

City Manager James Fisher presented this item. Fisher explained that of the approximately 90 seats on citizen advisory boards, more than 50 are up for reappointment at the end of this year. Fisher said that completing so many re-appointments by December 31st would be a monumental task; therefore, staff is asking Council to consider extending all terms expiring December 31, 2020 one (1) year. If members are not willing or able to serve another year, the Boards and Commissions Subcommittee of Council will make recommendations on replacement members to the City Council in November.

Fisher also reported that the Council Subcommittee met on September 16th and is recommending several changes to the Policies and Procedures for Boards and Commissions. The Subcommittee would like term lengths to be increased from two (2) years to three (3) years and re-stagger terms in 2021, so that each year one-third of each board's positions would be due for reappointment. The Subcommittee also recommends amending the Policy to require specialized training for the Brenham Community Development Corporation (BCDC) board members and the Planning and Zoning Commission, and to prohibit City Council members from serving on citizen advisory boards. After further discussion, the City Council expressed agreement with the recommended changes to the Policy.

Fisher questioned whether term limits for board members should be changed. Councilmember Kolby stated he feels term limits should be removed or increased because institutional knowledge and experience possessed by long-serving members is valuable. Councilmember Cantey said she feels term limits should continue. The City Council agreed the best solution would be to leave term limits in the Policy, but increase the limit from two (2) terms to three (3), for a total of nine (9) years of continued service. Fisher advised that staff will make the requested changes and bring an amended Policy to the City Council for consideration in January 2021.

7. Discussion and Presentation on Possible Amendments to Chapter 23 - Subdivisions of the Code of Ordinances of the City of Brenham, Texas

This item was presented by Development Services Director Stephanie Doland. Doland stated that due to the increase in both commercial and residential development, staff has identified two sections of the subdivision ordinance (Chapter 23) that are outdated and need to be revised.

Doland explained that staff would like to require all new developments, both commercial and residential, to place all utilities within the development underground. Doland noted that currently only residential developments are required to have utilities underground; however, staff feels that the same should apply to commercial developments. Doland also explained that staff would like to add a fiscal security provision section in the current ordinance to clarify options and requirements.

Councilmember Kolby asked whether existing developments would need to place utilities underground after renovation in order to be compliant with the proposed revisions. City Attorney Cary Bovey advised if there was a complete demolition and rebuild of the development, the proposed revision to Chapter 23 would require the placement of utilities to be underground. Councilmember Herring asked whether the proposed revisions would apply to the Market Square or Baker-Katz development. City Manager James Fisher replied that they would not, because those developments are already underway. Bovey added that developers are vested in the rules that were in place at the time the permit application was filed.

Councilmember Kolby asked Doland whether there had been input from Planning & Zoning or from private developers. Doland stated that there had not, but the item would be placed on the upcoming Planning & Zoning Commission agenda so that comments could be received.

8. Discuss and Review the FY2019-20 Third Quarter Financial Report

This item was presented by Assistant City Manager – Chief Financial Officer Carolyn Miller. Miller reported that the third quarter actual to budget comparison was favorable for all utility funds except the Sanitation fund. Miller explained that the Sanitation fund was unfavorable due to early retirement of debt that was necessary for the sale of the tub grinder as part of the outsourcing of sanitation services.

Miller said that the City's General Fund is on trend to complete the fiscal year favorable to budget, with a probable surplus of approximately \$600,000. Miller said that with Council's approval, the City will be able to reinstate a week of vacation to employees who took leave, without pay, to mitigate potential COVID-19 revenue shortfalls. Those employees will be offered a buy-back option to make them financially whole.

REGULAR SESSION

9. Discuss and Possibly Act Upon Ordinance No. O-20-020 on Its Second Reading Adopting the Budget for Fiscal Year Beginning October 1, 2020 and Ending September 30, 2021

This item was presented by Assistant City Manager – Chief Financial Officer Carolyn Miller. Miller stated that the proposed FY2020-21 budget has been developed in compliance with the Property Tax Code, the Local Government Code, and the City Charter. Miller said the proposed budget includes appropriations of operating resources for thirty (30) separate funds and authorizes \$68.4 million in expenditures. Miller advised that the proposed budget is on the City's website and on file with the City Secretary, and that Council is required to take a record vote on this item.

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to approve Ordinance No. O-20-020 on its second reading adopting the budget for Fiscal Year beginning October 1, 2020 and ending September 30, 2021.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cante	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

10. Discuss and Possibly Act Upon Ordinance No. O-20-021 on Its Second Reading Levying Property Taxes for the Tax Year 2020 for the City of Brenham at \$0.5040 per \$100 Valuation

This item was presented by Assistant City Manager – Chief Financial Officer Carolyn Miller. Miller reported that the proposed FY2020-21 budget includes a tax rate of \$0.5040 per \$100 valuation which has two components: Maintenance and operations (M&O) and interest and sinking (I&S). The proposed tax rate of \$0.5040 will allocate \$0.3200 to the General fund for M&O, and the balance of \$0.1840 to the Debt Service Fund for I&S. Miller noted that the City has complied with all notices and publications as required by the Tax Code. Miller explained that because the proposed tax rate does not exceed the no-new revenue rate this year, the City is not required by the Tax Code to take a record vote. Nevertheless, Miller advised taking a record vote for transparency and consistency.

A motion was made by Councilmember Cante and seconded by Councilmember Wright to approve Ordinance No. O-20-021 on its second reading levying taxes for the Tax Year 2020 for the City of Brenham at \$0.5040 per \$100 valuation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

11. Discuss and Possibly Act Upon a Contract Between the City of Brenham and DBT Transportation Services, LLC Related to the Support and Maintenance of the Automated Weather Observation System (AWOS) Located at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation

This item was presented by City Manager James Fisher. Fisher said that in September 2017, Council authorized a three-year agreement with DBT Transportation Services, LLC for the Automated Weather Observation System (AWOS) maintenance and support services at the Brenham Municipal Airport at an annual cost of \$5,966. This maintenance cost has not increased since 2014. Fisher explained that the execution of the proposed agreement would lock in this rate for an additional five years. Fisher noted that DBT has provided excellent service in the past. This expense is eligible for 50% reimbursement under the TxDOT's annual RAMP Grant Program.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to approve the Aviation Support and Maintenance Services Agreement with DBT Transportation Services, LLC for a five-year term beginning September 1, 2020 at an annual cost of \$5,966.00 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

12. Discuss and Possibly Act Upon the Continuation of the Mayoral Declaration of Local Disaster Due to a Public Health Emergency Related to the COVID-19 (Coronavirus) Pandemic

This item was presented by City Manager James Fisher. Fisher explained that staff would like the City Council to consider continuing the current Mayoral Declaration of Local Disaster due to the COVID-19 Pandemic. Staff is also recommending the Declaration be amended to prohibit the issuance of any solicitor permits within the City.

Fisher explained that staff is currently receiving requests for solicitor's permits, and that during the Pandemic, staff feels door-to-door solicitation activity should not take place. City Attorney Cary Bovey advised that this prohibition would not apply to canvassing, such as political or religious activity. Bovey also noted that Chapter 14 of the Texas Government Code gives the Mayor the authority to suspend solicitation as part of a Disaster Declaration. Fisher explained that the suspension of solicitor permit issuance would only be in effect while the Disaster Declaration was in place.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to extend the Mayoral Declaration of Local Disaster, with Resolution No. R-20-019-A being amended to suspend the issuance of solicitor permits, as approved 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

13. Discussion and Update on the City of Brenham's COVID-19 (Coronavirus) Response and Recovery Efforts

City Manager James Fisher reported on the following:

- The Governor held a press conference today regarding COVID-19.
 - Regions with hospitalization rates of less than 15% can re-open more. This includes Brenham.
 - Most businesses other than bars can open at 75% capacity on Monday September 21, 2020. Bars will remain closed.
 - Elective surgeries can resume on September 21, 2020.
 - On September 24, 2020, visitation may resume at nursing homes.
- Beginning in October, the City will reinstate utility late fees and cutoffs.

14. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- The Community Picnic will be November 1st, 2020 from 4:00pm to 6:00pm at Henderson Park.
- Community Services Funding is reinstituted, and letters will be sent to community organizations, allowing them until the end of October to send their applications for funding. All awards will be contingent upon availability of financial resources.
- City employees are encouraged to take flu shots, which will be provided by the City in October.
- The airport hump bump repair project will be back underway on September 21st.

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Karen Stack

Deputy City Secretary II

