

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, September 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 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, 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, Karen Stack, Cherry Prewitt, Nancy Stafford, Kevin Boggus, Lloyd Powell, Curtiss Schoen, Shawn Bolenbarr, Debora Pinto and Becky Squires

Citizens/Others Present:

Bill Harger, Stephanie Kinghorn, Laurie Stegint, Nancy Johns, Nancy Fritz, Austin Taylor, Alesia Whaley, and Lance Weiss

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 – 6th Grade Students from First Baptist Church School**
 - **Invocation - Lucy Nienstedt**
 - **Pledge to the U. S. Flag – Archer Hayre**
 - **Pledge to the Texas Flag – Rebel Hord**

3. **Proclamations**
 - **45th Anniversary of First Baptist Church School**
 - **Constitution Week**
 - **Childhood Cancer Awareness Month**

4. **Citizens Comments**

No citizen comments were heard.

CONSENT AGENDA

5. **Statutory Consent Agenda**
 - 5-a. **Approve the Minutes from August 22, 2022 Workshop Meeting and the August 30, 2022 Special Workshop Meeting**
 - 5-b. **Approve Ordinance No. O-22-018 on Its Second Reading to Grant a Non-Exclusive Franchise to Skoot-N-Hauler, LLC to Operate a Roll-Off Container Service for Residents, Businesses and Industries Inside Brenham City Limits**
 - 5-c. **Approve Ordinance No. O-22-019 on Its Second Reading Amending the Rate Tariff Schedule for the City of Brenham Sanitation Rates**
 - 5-d. **Approve Ordinance No. O-22-020 on Its Second Reading Amending the Rate Tariff Schedule for the City of Brenham Water Rates**
 - 5-e. **Approve Ordinance No. O-22-021 on Its Second Reading Adopting a City of Brenham Public Infrastructure Design Manual**
 - 5-f. **Approve the Selection of Kimberly Meismer (Place 6), Mary Dennis (Place 7), Chris Coffman (Place 8), and Opal Mauldin-Jones (Place 9) for TML Intergovernmental Risk Pool Board of Trustees and Authorize the Mayor to Execute Any Necessary Documentation**
 - 5-g. **Approve a Noise Variance for Women's Reproductive Rights Brenham, Texas for a March to be Held on October 8, 2022 on the Washington County Courthouse Square from 10:00 a.m. to 12:00 p.m.**
 - 5-h. **Approve a Noise Variance for the Zythological Society of North America, Texas Chapter, for the Brewstep 0.1K Saunter for a Cause to be Held on Saturday, October 15, 2022 in Downtown Brenham from 1:00 p.m. to 4:00 p.m.**

- 5-i. Approve a Noise Variance for the Texas Arts and Music Festival to be Held on Saturday, October 15, 2022 from 10:00 a.m. to 10:30 p.m. and Sunday, October 16, 2022 from 11:00 a.m. to 3:00 p.m.**
- 5-j. Approve a Noise Variance for St. Mary Immaculate Conception Catholic Church for the St. Mary's Catholic Church Street Dance to be Held on Saturday, October 22, 2022, at 701 Church Street, from 4:00 p.m. to 11: p.m.**

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

REGULAR SESSION

- 6. Discuss and Possibly Act Upon the Purchase of Audio Visual Equipment for the Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation**

This item was passed. There was no discussion or action taken.

- 7. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. Related to FY2022-23 On-Call Engineering Services and Authorize the Mayor to Execute Any Necessary Documentation**

Public Utilities Project Manager Shawn Bolenbarr presented this item. Bolenbarr advised that the City would like to obtain on-call engineering services from Strand Associates, Inc. These on-call services would include, but not be limited to, General Engineering Services, Development Review Services, Floodplain Administration Services, and Part-Time Resident Project Representative Services for Developments.

Bolenbarr explained that the services, in general, will be to attend meetings to discuss engineering-related matters, prepare opinions of probable construction costs for budgetary purposes, review preliminary and final plats submitted by developers, review water, sanitary sewer, paving, and drainage construction plans in accordance with the Code of Ordinances and Design Standards, communicate with City regarding its floodplain administration, and part-time observation of development construction. All services to be provided by Strand would not exceed \$120,000.00.

A motion was made by Councilmember Kenjura and seconded by Councilmember Saunders to approve a Professional Services Agreement between the City of Brenham and Strand Associates, Inc. related to FY2022-23 On-Call Engineering Services, in an amount not to exceed \$120,000.00 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 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 the Approval of the Routine Airport Maintenance Program (RAMP) Grant Agreement No. M2317BREN with TxDOT for FY 2023 and Authorize the Mayor to Execute Any Necessary Documentation

Airport Manager Debora Pinto presented this item. Pinto advised that is the annual grant agreement with TxDOT for participation in the Routine Airport Maintenance Program (RAMP) for September 1, 2022 through August 31, 2023. As with prior years, this agreement allows the Airport to be reimbursed for 50% of the cost of the monthly AWOS monitoring (AviMet Data Link connection fees and continued scheduled maintenance), annual AWOS maintenance contract, as well as 50% of our replacement lamps for the airport lighting system, herbicides, general maintenance, and a contingency for emergency repairs.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Canales to approve the Routine Airport Maintenance Program (RAMP) Grant Agreement No. M2317BREN with TxDOT for FY 2023 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 Resolution No. R-22-028 Authorizing the Acceptance of Public Infrastructure Improvements on Chappell Hill Road

Director of Development Services Stephanie Doland presented this item. Doland explained that in November 2020 the City issued a permit for the construction of approximately 120,000 square feet of retail development and associated utilities, access, parking, landscaping and lighting for the development named Brenham Crossing and commonly known as Baker Katz. Included in the approved civil site construction was the design and specifications for the widening of Chappell Hill Street, specifically for the addition of two turn lanes, one on each side of Chappell Hill Street.

The developer completed the construction of the widening and the overall site construction in December 2021 and Strand Associates performed the inspection of the road improvements to confirm the improvements were constructed in accordance with City standards and specifications and are ready for acceptance by the City.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to Resolution No. R-22-028 authorizing the acceptance of public infrastructure improvements on Chappell Hill Road.

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 Chapter 380 Agreement Between the City of Brenham and Brenham CFA Series, LLC and Authorize the Mayor to Execute Any Necessary Documentation

Economic Development Director Susan Cates presented this item. Cates advised that the Economic Development Joint Sub-committee met on September 8, 2021 and discussed a total incentive to bring Chick Fil-A to Brenham of a community investment totaling \$250,000.00 upon completion of the facility and receipt of the Certificate of Occupancy by the developer. Cates stated that both the City and County will recognize the tax benefits from this project; therefore the Economic Development Joint Sub-committee recommended that the \$250,000 incentive be shared between the City and County with the City funding \$200,000 (\$150,000 by Brenham Community Development Corporation and \$50,000 by City general fund) and the County funding \$50,000.

A motion was made by Councilmember Kenjura and seconded by Councilmember Cook to approve a Chapter 380 Agreement between the City of Brenham and Brenham CFA Series, LLC 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 Payment to BK Stringer, Ltd. for the Design and Construction of Chappell Hill Road Improvements and Authorize the Mayor to Execute Any Necessary Documentation

Economic Development Director Susan Cates presented this item. Cates explained that the Section 5.04 of the Second Amendment to the Chapter 380 Agreement between BK Stringer Ltd. and the City stipulates that the City will reimburse BK Stringer for expenses related to the widening of Chappell Hill Road up to \$520,000. Cates stated that the section stipulates that if the road project does not meet the \$520,000, any difference in the cost of the road infrastructure will be reimbursed to BK Stringer for the costs of purchasing and installing Primary Building Materials on the Anchor Buildings. Cates advised that the costs associated with Chappell Hill widening are \$145,620.93 and that these funds were reserved by Resolution from 2012 and 2017 Certificates of Obligation.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve a payment to BK Stringer, Ltd., in the amount of \$145,620.93, for the design and construction of Chappell Hill Road 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

12. Discuss and Possibly Act Upon Payment to BK Stringer, Ltd. Related to Masonry and Facade Improvements and Authorize the Mayor to Execute Any Necessary Documentation

Economic Development Director Susan Cates presented this item. Cates advised that Section 5.04 of the Second Amendment to the Chapter 380 Agreement between BK Stringer Ltd. and the City stipulates that the City will reimburse BK Stringer for expenses related to the widening of Chappell Hill Street up to \$520,000. This section further stipulates that if the road project does not meet the \$520,000, any difference in the cost of the road infrastructure will be reimbursed to BK Stringer for the costs of purchasing and installing Primary Building Materials on the Anchor Buildings.

Cates explained that the costs associated with Chappell Hill widening were \$145,620.93. It is the City's intent to reduce the annual Sales Tax Reimbursement payments to BK Stringer until the remaining \$374,379.07 incentive has been satisfied.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve a payment to BK Stringer, Ltd., in the amount of \$374,379.07, related to masonry and facade 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

13. Administrative/Elected Officials Report

No Administrative/Elected Officials Report was given.

Council adjourned into Executive Session at 1:38 p.m.

EXECUTIVE SESSION

- 14. 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**
- 15. Section 551.071 and Section 551.072, Texas Government Code - Consultation with City Attorney and Deliberation Regarding Real Property - Discussion and Deliberation, and Consultation with City Attorney, Regarding the Lease Between the City of Brenham and Washington County Concerning the Real Property Located at 301 N. Baylor Street, Brenham, Texas and Associated Issues**

Executive Session adjourned at 3:08 p.m.

RE-OPEN REGULAR SESSION

- 16. Discuss and Possibly Act Upon Matters Related to Aviators Plus, LLC v. City of Brenham, Texas; Cause No. 37896; 21st Judicial District Court; Washington County, Texas and Associated Issues, and Authorize the Mayor or the City Manager to Execute Any Necessary Documentation**

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to authorize the City Manager to represent the City of Brenham in mediation of the Aviators Plus litigation and further authorize the City Manager to negotiate and execute any agreement and associated documents related to the settlement of said litigation.

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

17. Discuss and Possibly Act Upon a Lease Agreement Between the City of Brenham and Washington County Related to the 9-1-1 Communications Facility, Being the Real Property Located at 301 N. Baylor Street, Brenham, Texas and Authorize the Mayor or the City Manager to Execute Any Necessary Documentation

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to authorize the Mayor to negotiate an executed lease agreement with Washington County for the property at 301 N. Baylor Street, Brenham Texas for the communications facility.

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

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