

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Tuesday, August 29, 2023 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members Present:

Councilmember Shannan Canales
Councilmember Leah Cook
Councilmember Dr. Paul F. LaRoche, III
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

Mayor Atwood C. Kenjura
Mayor Pro Tem Clint Kolby

City of Brenham Staff present:

City Manager Carolyn Miller, City Secretary/Director of Administrative Services Jeana Bellinger, General Manager of Public Utilities Debbie Gaffey, Assistant General Manager of Public Utilities Alton Sommerfield, Director of Water/Wastewater Bobby Keene, Director of Finance Stacy Hardy, Police Chief Ron Parker, Asst. Police Chief Lloyd Powell, Development Services Director Stephanie Doland, Economic & Community Development Director Teresa Rosales, Shawn Bolenbarr, Nancy Joiner, Curtiss Schoen, Alex Saenz, and Jim Halley.

Citizens/Others Present:

Lance Weiss, Dale Martine, Lucas Banda, Adrienne Schwartz, and Steve Sefcik.

Media Present:

Lucas Banda, Brenham Banner-Press; and Josh Blaschke, KWHI

City Attorney Cary Bovey advised that both Mayor Kenjura and Mayor Pro Tem Kolby would not be attending the meeting and that the City Council would need to elect a Mayor Pro Tem to preside over the meeting.

A motion was made by Councilmember LaRoche and seconded by Councilmember Canales that Councilmember Saunders be elected Mayor Pro Tem to preside over the August 29, 2023 City Council meeting.

City Attorney Bovey called for a vote. The motion passed with Council voting as follows:

Mayor Atwood C. Kenjura	Absent
Mayor Pro Tem Clint Kolby	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

1. **Call Meeting to Order**
2. **Invocation and Pledges to the US and Texas Flags – City Attorney Cary Bovey**
3. **Proclamations**
 - **Childhood Cancer Awareness Month**
4. **Citizens Comments**

No citizen comments were heard.

CONSENT AGENDA

5. **Statutory Consent Agenda**
 - 5-a. **Approve the Minutes from July 24, 2023 Special City Council Meeting, the July 25, 2023 Special Budget Workshop Meeting, and the August 3, 2023 Regular City Council Meeting**
 - 5-b. **Approve Ordinance No. O-23-021 on Its Second Reading for the Creation of Reinvestment Zone Number 51 Requested by MIC Group, LLC for Commercial Tax Phase-In Incentive on a Certain 16.291 Acre Tract or Parcel of Land Being Comprised of Lot 1, Industrial Park of Brenham as Recorded in Plat Slide 190-A and B of the Plat Records of Washington County (P.R.W.C.) and Lot 5, Brenham Business Center, Phase I, as Shown on the Boundary Line Adjustment Plat Recorded in Plat Slide 425-A (P.R.W.C.) and Being Located at 3140 S. Blue Bell Road., Brenham, Texas, with Boundaries Further Described in Exhibit 'A' of the Ordinance Creating Reinvestment Zone Number 51, and Designating This Property as Qualifying for Tax Phase-In**

- 5-c. Approve an Agreement Between the City of Brenham and Madden Media for Fiscal Year 2023-24, In the Amount of \$110,000.00, Digital Marketing and Programming and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-d. Approve an Audit Engagement Letter for Seidel Schroeder to Perform an Audit for the Fiscal Year Ending September 30, 2023 and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-e. Approve a Professional Services Agreement Between the City of Brenham and Strand Associates, Inc., In an Amount Not To Exceed \$120,000.00, for FY2023-24 On-Call Engineering Services and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-f. Approve the First Amendment to the Interconnection Agreement Between the City of Brenham and the Lower Colorado River Authority Transmission Services Corporation (LCRA TSC) Related to the Control of the City's Distribution Feeders and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-g. Approve an Interlocal Agreement Between the City of Brenham and Brenham Independent School District for School Resource Officers and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-h. Approve a Payment to Brazos River Authority in the Amount of \$465,069.00 for the City of Brenham's Raw Water Supply and Authorize the Mayor to Execute Any Necessary Documentation**

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

Mayor Pro Tem Saunders called for a vote. The motion passed with Council voting as follows:

Mayor Atwood C. Kenjura	Absent
Mayor Pro Tem Clint Kolby	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

WORK SESSION

6. Presentation and Discussion on the Airport Master Plan for the City of Brenham Municipal Airport

Development Services Director Stephanie Doland presented this item. Doland advised Council that the last Airport Master Plan was adopted in 1986 and an update, the Airport Development Plan, was completed in 2005. Airport plans/studies (Master Plans, Development and Layout Plans) are developed and used as a long-range planning tool and guide to help regulate development, improvements, and operation of the Airport to meet current and future aviation demands. Master Plans, Development Plans, and Airport Layout Plans typically need to be reviewed and/or updated every 5-10 years, therefore the current plan for Brenham's Airport is severely out of date.

Shandra Burks with Coffman Associates presented the following information:

- Airport Master Plan Background
 - Airport Master Plan Committee
- Airport Master Public Outreach
- Airport Master Plan Process
- Airport Master Plan Summary
 - Critical Aircraft
 - Runway Design
 - Declared Distances
 - Short-Term Projects (0-5 years)
 - Intermediate-Terms Projects (Future – 5-20 years)
 - Ultimate-Terms Projects (Exceeds 20 years)
- Airport Master Plan Next Steps

Doland explained that the next step would be for City Council will consider the Plan on the September 7th agenda and, if approved, the Plan will proceed for review and approval by TXDOT Aviation and the Federal Aviation Administration. Following approval by TXDOT and FAA the Plan will be brought back to the City Council for formal adoption via Resolution.

Doland also explained that Appendix B, the Height Hazard Zoning Plan for the Airport will be brought back to Council for consideration at a later date.

PUBLIC HEARING AND ASSOCIATED ACTION ITEMS

7. Public Hearing, Discussion and Possible Action on an Ordinance on Its First Reading for the Creation of Reinvestment Zone No. 52 Requested by 209 S. Market Street, LLC. for Commercial Tax Phase-In Incentive on That Certain 2,646 Square Feet of Land, Generally Located at 209 S. Market Street, Brenham, Texas, Being More Fully Described in Exhibit “A” of the Ordinance Creating Reinvestment Zone No. 52, and Designating This Property as Qualifying for Tax Phase-In

Mayor Pro Tem Saunders opened the Public Hearing.

Economic and Community Development Director Teresa Rosales presented this item. Rosales explained that 209 S. Market, LLC is being modernized to become an entertainment and meeting venue and bar in downtown Brenham. When purchased, the building was in need of much needed maintenance including masonry work, window/door sealing, repairing fire suppression system and repairing patio, wood flooring and interior walls. Rosales stated that the total capital investment is estimated at \$185,000.

There were no citizen comments heard during the Public Hearing.

Mayor Pro Tem Saunders closed the Public Hearing.

Councilmember LaRoche questioned whether the applicant was eligible for tax phase-in. Rosales explained that in accordance with the current Tax Phase-In Policy, this applicant does qualify. Rosales also clarified that there is a separate abatement table for the historic downtown district. LaRoche stated that he would like to have Mayor Kenjura and Mayor Pro Tem provide their thoughts on this application.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to table this item.

Mayor Pro Tem Saunders called for a vote. The motion passed with Council voting as follows:

Mayor Atwood C. Kenjura	Absent
Mayor Pro Tem Clint Kolby	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

REGULAR SESSION

8. **Discuss and Possibly Act Upon Resolution No. R-23-030 Adopting a Commercial Tax Phase-In Agreement Between the City of Brenham and MIC Group, LLC**

Economic and Community Development Director Teresa Rosales presented this item. Rosales advised that MIC Group, LLC is a precision manufacturing and electromechanical assembly manufacturing company that has been in operation over 60 years. The company would like to expand operations and is purchasing additional manufacturing equipment. They plan to increase their workforce from 130 to 175 and this project has a total capital investment of \$6,000,000.

A motion was made by Councilmember Canales and seconded by Councilmember LaRoche to approve Resolution R-23-030 adopting a Commercial Tax Phase-In Agreement between the City of Brenham and MIC Group, LLC.

Mayor Pro Tem Saunders called for a vote. The motion passed with Council voting as follows:

Mayor Atwood C. Kenjura	Absent
Mayor Pro Tem Clint Kolby	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

9. **Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. Related to Surface Water Treatment Plant Rehab and Expansion (Project No. 63C-21C) and Authorize the Mayor to Execute Any Necessary Documentation**

General Manager of Public Utilities Debbie Gaffey presented this item. Gaffey explained that the City wishes to enter into an agreement with Strand Associates, Inc. for engineering services related to the rehab and expansion of the surface Water Treatment Plant. The project will expand the Plant's treated water capacity from 6.984 MGD to 8.35 MGD and the entire project is expected to last 47 months with completion in Summer 2027. Gaffey explained that the engineering services include design services (18 months), bidding-related services (5 months), and construction-related services (24 months). The total cost of these services will not exceed \$2,520,000 and proceeds from a 2024 Certificates of Obligation will be used to fund the project.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve the Professional Services Agreement between the City of Brenham and Strand Associates, Inc. for engineering services related to the Surface Water Treatment Plant Rehab and Expansion (Project No. 63C-21C), in an amount not to exceed \$2,520,000.00, and authorize the Mayor to execute any necessary documentation.

Mayor Pro Tem Saunders called for a vote. The motion passed with Council voting as follows:

Mayor Atwood C. Kenjura	Absent
Mayor Pro Tem Clint Kolby	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

10. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. Related to Groundwater Supply Phase 1 (Project No. 63C-22C) and Authorize the Mayor to Execute Any Necessary Documentation

General Manager of Public Utilities Debbie Gaffey presented this item. Gaffey explained that the City wishes to enter into an agreement with Strand Associates, Inc. for engineering services related to Groundwater Supply Phase I. The purpose of this project is to augment the Lake Somerville water source with a second groundwater supply via wells from the Loesch Street location. Gaffey advised that the City owns one active well at this location and during Phase I, the current well, which is in the Jasper Aquifer, will be cleaned and tested. In addition, a second well into the Catahoula Aquifer will be constructed and tested. Test results will be used to initiate Phase II of the project which includes design and construction of treatment facilities, pumps, distribution piping and water storage. Phase I is expected to take 18 months and the cost will be \$160,000. Proceeds from a 2024 Certificates of Obligation will be used to fund the project.

A motion was made by Councilmember Cook and seconded by Councilmember Wright to approve the Professional Services Agreement between the City of Brenham and Strand Associates, Inc. for engineering services related to the Groundwater Supply Phase I (Project No. 63C-22C), in an amount not to exceed \$160,000.00 and authorize the Mayor to execute any necessary documentation.

Mayor Pro Tem Saunders called for a vote. The motion passed with Council voting as follows:

Mayor Atwood C. Kenjura	Absent
Mayor Pro Tem Clint Kolby	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

11. Discuss and Possibly Act Upon Resolution No. R-23-031 Authorizing the Acceptance of Public Improvements in the Liberty Village Subdivision, Phase 3

Development Services Director Stephanie Doland presented this item. Doland explained DR Horton began construction of the Liberty Village Subdivision in 2020 which at build out will include the development of 321 single-family home lots, a neighborhood park and two detention ponds. Phase 1 of the Subdivision includes 122 single-family home lots and the infrastructure was completed and accepted by Council in May 2021. Phase 2 of the Subdivision includes an additional 96 lots and was accepted by Council in April 2023.

Doland explained that the third and final phase began in February of 2022 for the construction of multiple residential streets, sidewalks, and the remaining 113 lots. The Phase 3 public infrastructure improvements valued at a total of \$2,366,124 have been constructed and inspected according to the City's ordinances and regulations and are ready for acceptance.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve the Resolution No. R-23-031 authorizing the acceptance of public improvements in the Liberty Village Subdivision, Phase 3.

Mayor Pro Tem Saunders called for a vote. The motion passed with Council voting as follows:

Mayor Atwood C. Kenjura	Absent
Mayor Pro Tem Clint Kolby	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

12. Discuss and Possibly Act Upon Resolution No. R-23-032 Authorizing the Acceptance of Public Improvements in the Brenham Market Square Subdivision, Phase 1

Development Services Director Stephanie Doland presented this item. Doland explained that Brenham Market Square is a 50+ acre multiple use development located at the intersections of South Market Street, Cantey Street and the US 290 Feeder Road. Phase 1 of the Subdivision includes the creation of four commercial lots along the US 290 Feeder Road, the development of two public streets, Nolan Street and Ryan Street and associated utility improvements including storm sewer.

Doland explained that the proposed Infrastructure Acceptance is inclusive of storm water improvements that serve the public street system, however, all private storm drainage improvements serving private development shall remain the responsibility of the Brenham Market Square Property Owners Association. Doland stated that the public infrastructure improvements valued at \$1,917,082.28 have been constructed and inspected according to the City's ordinances and regulations and are ready for acceptance.

A motion was made by Councilmember Wright and seconded by Councilmember LaRoche to approve the Resolution No. R-23-032 authorizing the acceptance of public improvements in the Brenham Market Square Subdivision, Phase 1.

Mayor Pro Tem Saunders called for a vote. The motion passed with Council voting as follows:

Mayor Atwood C. Kenjura	Absent
Mayor Pro Tem Clint Kolby	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

13. Discuss and Possibly Act Upon the Rejection of all Bids Submitted in Response to ITB 23-008 Related to Lime for the City of Brenham's Wastewater Treatment Plant and Authorize the Mayor to Execute Any Necessary Documentation

Director of Water & Waste Water Bobby Keene presented this item. Keene explained that on July 27, 2023 the City opened bids for ITB 23-008 'Lime'. There were only three bids received with one of those being a no-bid. Keene advised that Lhoist submitted, the lowest annual bid at \$307.00/ton delivered; however, this is a steep increase from our current cost for lime at \$130.00/ton. Keene stated that since the price was so high that staff would like to rebid the chemical with shorter term options of 6-months 9-months and 12-months, to hopefully receive quotes more in line with budgeted amounts.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve the rejection of all bids submitted in response to ITB 23-008 related to Lime for the City of Brenham's Wastewater Treatment Plant and authorize the Mayor to execute any necessary documentation.

Mayor Pro Tem Saunders called for a vote. The motion passed with Council voting as follows:

Mayor Atwood C. Kenjura	Absent
Mayor Pro Tem Clint Kolby	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

14. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- Introduced Robin Hutchens as the new Deputy City Secretary.
- Open House at the Airport for the Airport Master Plan will begin at 5:30 p.m.
- Grace Community Fellowship will host their annual Community Prayer and Praise event on August 29th at 7:00 p.m.

City Secretary and Director of Administrative Services Jeana Bellinger reported on the following:

- Clear The Shelters was held on Saturday, August 26th. A total of 22 animals were adopted and more than \$5,000.00 in donations were received.

Council adjourned into Executive Session at 2:02 p.m.

EXECUTIVE SESSION

15. 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 2:32 p.m.

RE-OPEN REGULAR SESSION

The meeting was adjourned.

Adonna Saunders
Mayor Pro Tem



Jeana Bellinger, TRMC, CMC
City Secretary