

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, August 4, 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 Leah Cook
Councilmember Atwood Kenjura
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

Councilmember Shannan Canales

City of Brenham Staff present:

City Manager Carolyn Miller, City Attorney Cary Bovey, General Manager of Public Utilities Debbie Gaffey, Deputy General Manager of Public Utilities Alton Sommerfield, Director of Water and Wastewater Bobby Keene, Gas Superintendent Ande Bostain, Director of Finance Stacy Hardy, Strategic Budget Officer Tim McRoberts, Fire Chief Roger Williams, Police Chief Ron Parker, Director of Public Works Dane Rau, Director of Development Services Stephanie Doland, Director of Economic Development Susan Cates, Alex Dill, Shawn Bolenbarr, Cynthia Longhofer, Jennifer Hill, Lloyd Powell, Christi Korth, Terrance Johnson, Shauna Laauwe, Debora Pinto, Gary Marburger, Cynthia Timpa, and Nancy Stafford

Citizens/Others Present:

Savannah Gutierrez, Angie Wheeler, Randy Hodge and Randy Wells

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 – City Attorney Cary Bovey**

3. **Proclamations**
 - **Rev. Johnnie Williams – 60 Years of Pastoral Service at Mt. Zion Missionary Baptist Church**
4. **Service Recognitions**
 - **Christopher Bugai, Gas Department – 15 Years**
 - **William “Bubba” Herrin, Street Department – 20 Years**
 - **Lloyd C. Powell, Police Department – 25 Years**
5. **Special Recognition**
 - **Award of Meritorious Service Medal to Captain Lloyd C. Powell**
6. **Citizen Comments**

No citizen comments were heard.

CONSENT AGENDA

7. **Statutory Consent Agenda**
 - 7-a. **Approve the Minutes from the July 7, 2022 Regular City Council Meeting and the July 11, 2022 and July 12, 2022 Special City Council Meetings**
 - 7-b. **Approve Ordinance No. O-22-013 on Its Second Reading for the Abandonment of the Undeveloped Portion of Live Oak Street Bounded to the South by Sycamore Street and Being Generally Located 177 Feet to the East of the Northeast Intersection of N. Chappell Hill Street and Sycamore Street**
 - 7-c. **Approve an Audit Engagement Letter for Seidel Schroeder to Perform an Audit for the Fiscal Year Ending September 30, 2022 and Authorize the Mayor to Execute Any Necessary Documentation**
 - 7-d. **Approve the Appointment of Charles Keese to Fill a Vacancy on the Historic Preservation Board, for an Unexpired Term to Expire on December 31, 2024 and Authorize the Mayor to Execute Any Necessary Documentation**
 - 7-e. **Approve a Multi-Year Contract Between the City of Brenham and Pitney Bowes Global Financial Services, LLC Related to the Lease of Mail Meter Equipment and Associated Software, In the Amount of \$2,792.79, at the Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Wright and seconded by Councilmember Kenjura to approve the Statutory Consent Agenda Items 7-a. thru 7-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	Absent
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

8. Public Hearing, Discussion and Possible Action on an Ordinance on Its First Reading Amending Appendix A - 'Zoning' of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit on Property Currently Addressed as 1200 S. Austin Street to Allow for a Daycare in the B-1, Local Business Residential Mixed Use Zoning District and Further Described as Lot 1A, Block 11 of the W. G. Wilkins Addition in Brenham, Washington County, Texas (Case No. P-22-017)

City Planner Shauna Laauwe presented this item. Laauwe stated that Angie Wheeler (applicant) is requesting approval of a Specific Use Permit for a licensed kindergarten/nursery school (daycare) on approximately 0.62 acres of land generally located on the west side of S. Austin Street, south of W. Fifth Street and north of Charles Lewis Street and addressed as 1200 S. Austin Street. Laauwe explained that the subject site is an existing commercial property most recently utilized as the former Design II restaurant and catering kitchen that has been out of business for several years. The property is zoned B-1, Local Business Residential Mixed Use zoning district and the current B-1 zoning designation allows for a mixture of retail, office, and residential uses by-right. The B-1 zone also allows licensed kindergartens/nursery schools (Daycares) to be permitted with approval of a Specific Use Permit (SUP).

Laauwe advised that on Monday, July 25, 2022, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the SUP.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve an Ordinance on its first reading amending Appendix A - 'Zoning' of the Code of Ordinances of the City of Brenham granting a Specific Use Permit on property currently addressed as 1200 S. Austin Street to allow for a Daycare in the B-1, Local Business Residential Mixed Use Zoning District and further described as Lot 1A, Block 11 of the W. G. Wilkins Addition in Brenham, Washington County, Texas (Case No. P-22-017).

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	Absent
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

9. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham to Change the Zoning District from a Single-Family Residential Use District (R-1) and/or a Mixed Residential Use District (R-2) to a Local Business/Residential Mixed-Use District (B-1) on the Following (Case No. P-22-016):

- a. A Tract of Land Being Approximately 8.97 Acres of Land Addressed as 1301 S. Market Street, Being Further Described as Keys 2nd, Block E, Lot 1, 2, and North Part of 3 and 4, Community Education Campus in Brenham, Washington County, Texas (R23658);**
- b. A Tract of Land Being Approximately 6.92 Acres of Land Addressed as 507 E. Sixth Street, Being Further Described as Keys 2nd, Block C, Lot PT 3D, 3E, 4B, All of Lots 5, 6 and 7 in Brenham, Washington County, Texas (R23650);**
- c. A Tract of Land Being Approximately 0.4180 Acres of Land Addressed as 504 E. Sixth Street, Being Further Described as Keys 2nd, Block F, Lot PT 4 in Brenham, Washington County, Texas (R23660); and**
- d. A Tract of Land Being Approximately 0.2215 Acre of Land Addressed as 506 E. Sixth Street, Being Further Described as Keys 2nd, Block F, Lot PT 4 in Brenham, Washington County, Texas (R23661)**

City Planner Shauna Laauwe presented this item. Laauwe stated that the subject area is comprised of four (4) parcels on seven (7) lots and approximately 16.766 acres of land generally bisected north/south by E. Sixth Street with the subject area north of E. Sixth Street being bounded by S. Market Street to the west, E. Germania Street to the north and Huettig Street, to the east, and the subject area south of E. Sixth Street being bounded by S. Market Street to the west, Lee Street to the east, and E. Tom Green to the south. The subject area is currently zoned Mixed Residential Use District (R-2) to the north of E. Sixth Street and Single-Family Residential District (R-1) to the south of E. Sixth Street.

Laauwe explained that the proposed zoning change would allow for the existing commercial uses and institutional uses to make improvements within the B-1 specifications that include bufferyard and landscaping requirements and for neighborhood commercial uses to potentially develop on E. Sixth Street. If the rezoning is approved, any proposed development of the properties will undergo a planning permit process to ensure that all zoning, building, and fire codes are met.

Laauwe advised that on Monday, July 25, 2022, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the rezoning request.

A motion was made by Councilmember Kenjura and seconded by Councilmember Saunders to approve an Ordinance on its first reading amending the Official Zoning Map of the City of Brenham to Change the Zoning District from a Single-Family Residential Use District (R-1) and/or a Mixed Residential Use District (R-2) to a Local Business/Residential Mixed-Use District (B-1) on the following (Case No. P-22-016):

- a. A tract of land being approximately 8.97 acres of land addressed as 1301 S. Market Street, being further described as Keys 2nd, Block E, Lot 1, 2, and North Part of 3 and 4, Community Education Campus in Brenham, Washington County, Texas (R23658);
- b. A tract of land being approximately 6.92 acres of land addressed as 507 E. Sixth Street, being further described as Keys 2nd, Block C, Lot PT 3D, 3E, 4B, all of Lots 5, 6 and 7 in Brenham, Washington County, Texas (R23650);
- c. A tract of land being approximately 0.4180 acres of land addressed as 504 E. Sixth Street, being further described as Keys 2nd, Block F, Lot PT 4 in Brenham, Washington County, Texas (R23660); and
- d. A tract of land being approximately 0.2215 acre of land addressed as 506 E. Sixth Street, being further described as Keys 2nd, Block F, Lot PT 4 in Brenham, Washington County, Texas (R23661)

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	Absent
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

10. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Amending Division 16, Effective Date, of Ordinance No. O-21-005 Related to Industrial Wastewater Discharge Standards and Pretreatment for the City of Brenham, Texas

Director of Water and Wastewater Bobby Keene presented this item. Keene explained that between November 29-December 3, 2021, the City's Wastewater Department underwent a TCEQ audit. After review of Ordinance No. 0-21-005, TCEQ requested Ordinance No. 0-21-005 be amended to delete the phrase "and is incorporated into the City's TPDES permit". Staff recommends approval of the amendment to Division 16 of Ordinance No. 0-21-005 as requested by the TCEQ.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Cook to approve an Ordinance on its first reading amending Division 16, Effective Date, of Ordinance No. O-21-005 related to Industrial Wastewater Discharge Standards and Pretreatment for the City of Brenham, 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	Absent
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

REGULAR SESSION

11. Submission of, Discussion, and Possible Action Regarding the No- New Revenue Tax Rate, Voter-Approval Tax Rate, and Proposed Tax Rate of \$0.4940 per \$100 Valuation for the 2022 Tax Year, and Take Record Vote on Proposed Tax Rate and Meeting Dates for Final Adoption of Tax Rate

Strategic Budget Officer Tim McRoberts presented this item. McRoberts stated that developing an annual budget and adopting a property tax rate to support that budget must be accomplished in compliance with the property tax code, the local government code, and the City Charter.

McRoberts explained that during the month of July, a Council Budget Workshop was held to review and discuss the proposed FY2022-23 budget. Based on the priorities presented at these workshops, we discussed maintaining the current property tax rate of \$0.4940 per \$100 valuation. The maintenance & operations (M&O) property tax rate will remain \$0.3500 per \$100 valuation; and the interest and sinking (I&S) rate will remain \$0.1440 per \$100 valuation.

McRoberts advised that the City is proposing to adopt a total tax rate (M&O and I&S) of \$0.4940 for FY2022-23. The proposed rate is less than the Voter-Approval rate, adjusted for unused increment rate, of \$0.5416, so no election will be necessary. However, the proposed rate is higher than the No-New-Revenue Rate of \$0.3966 which requires us to hold a public hearing before the tax rate is adopted.

A motion was made by Councilmember Wright and seconded by Mayor Pro Tem Kolby that a property tax rate of \$0.4940 per \$100 valuation be considered by the governing body on the agendas of the September 1, 2022 and September 15, 2022 Brenham City Council Meetings.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Absent
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-22-025 to Select Engineering Service Provider(s) to Complete Project Implementation for the American Rescue Plan Act (ARP Act) Funding by the U. S. Department of the Treasury, or other Federal or State Agency

General Manager of Public Utilities Debbie Gaffey presented this item. Gaffey explained that in July, under the direction of our grant administrator, GrantWorks, the City issued a Request for Qualification (RFQ) seeking qualified engineering, architectural, and/or surveying firms to prepare preliminary and final design plans and specifications for various water and wastewater projects eligible for funding under the American Rescue Plan Act (ARPA). The City received RFQs from Gunda Corporation, Strand Associates and TLC Engineering.

As required by the grant, a 5-member selection committee (Councilmember Kenjura, Jeana Bellinger, Debbie Gaffey, Alton Sommerfield, and Shawn Bolenbarr) reviewed each RFQ and scored them on experience, performance and capacity. The RFQ receiving the highest score was Strand Associates, Inc.; therefore, staff is requesting that the City Council award the RFQ for engineering, architectural and/or surveying services for the ARPA projects to Strand.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve Resolution No. R-22-025 to select Strand Associates, Inc as the engineering service provider(s) to complete project implementation for the American Rescue Plan Act (ARP Act) funding by the U. S. Department of the Treasury, or other Federal or State Agency.

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	Absent
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

13. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Brenham Independent School District Related to School Resource Officers and Authorize the Mayor to Execute Any Necessary Documentation

Police Chief Ron Parker presented this item. Parker advised that the City and Brenham Independent School District (BISD) agreed on increasing the staffing levels at BISD with another designated school resource officer (SRO). This updated ILA will bring the total number of SROs provided for BISD to five (5) and BISD will reimburse the City for all expenses related to the SRO program.

A motion was made by Councilmember Saunders and seconded by Mayor Pro Tem Kolby to approve an Interlocal Agreement between the City of Brenham and Brenham Independent School District related to School Resource Officers 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	Absent
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

14. Administrative/Elected Officials Report

City Manager Carolyn Miller updated the City Council on the following:

- Meet and greet for new Main Street Manager at 4:00 p.m. today
- Fireman's Fiesta is Saturday, August 20th
- Special Workshop on Monday, August 22nd at 1:00 p.m.

Council adjourned into Executive Session at 2:06 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 3:20 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, Including But Not Limited to Retaining Litigation Counsel, and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Mayor Pro Tem Clint Kolby and seconded by Councilmember Saunders to hire and retain William G. Harger & Associates, PLLC to prepare a response to and represent the City in the Aviators Plus litigation against the City of Brenham, 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	Absent
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

Carolyn Miller
City Manager

Approved As To Form:
Cary L. Bovey
City Attorney



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