

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, July 21, 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

Members Absent:

Councilmember Albert Wright

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, Police Chief Ron Parker, Human Resources Director Susan Nienstedt, Strategic Budget Officer Tim McRoberts, Director of Water and Wastewater Bobby Keene, Deputy General Manager of Public Utilities Alton Sommerfield, Legal and Legislative Services Manager Karen Stack, Jerry Saldivar, Shaunna Laauwe and Lt. Curtis Schoen.

Citizens/Others Present:

Gary Snde, Ben Menjares, Brent Nedbalek and Kyle Bright.

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 – Mayor Milton Y. Tate, Jr.**

3. Citizens Comments

No citizen comments were heard.

CONSENT AGENDA

4. Statutory Consent Agenda

- 4-a. Approve Ordinance No. O-22-012 on Its Second Reading Regulating the Speed of Traffic on Aviation Way, A Private Road within the Brenham Municipal Airport; Providing for a Penalty for the Violation Thereof; and Authorizing the Placement of Appropriate Speed Limit Signage**
- 4-b. Approve the Ratification of a Contract with the Lower Colorado River Authority (LCRA) in the Amount of \$15,950.80 for Tree Trimming Services Provided by McCoy Tree Surgery and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve the Statutory Consent Agenda Items 4.a. thru 4.b. 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	Absent

WORK SESSION

5. Presentation of the Development Services Department Update

Director of Development Services provided an update on the Development Services Department and presented the City Council in information on the following areas:

- Airport
- Code Compliance
- Health and Sanitation
- Building Permits
 - Residential Construction
 - Inspections

- Residential Development
 - Heritage Oaks
 - Oak Alley
 - Timber Oaks
 - Vintage Farms
 - Liberty Village
- Commercial Development
 - Blinn College Housing
 - Blinn College Old Main Renovations
 - Brenham Market Square
 - Brenham Trails
 - Fairview Terrace
 - Lofts at Mill Creek
 - IQ Car Wash
 - Mecom Plaza
 - Downtown Redevelopment
 - Baker Katz Retail Development
- New Software – Accela Civic Platform

REGULAR SESSION

6. Discuss and Possibly Act Upon the Appointment of Members to Serve on the City of Brenham's Housing Task Force and Authorize the Mayor to Execute Any Necessary Documentation

Director of Economic Development Susan Cates presented this item. Cates advised that as a follow up to the Residential Needs Assessment completed in Fall 2021, the City Council determined that appointment of a Residential Task Force would be an appropriate next step to assess the results of the Assessment and develop proposed strategies to addressing the various housing issues. Cates advised that it is staff's recommendation that the following persons be appointed to serve on the Residential Task Force:

- Philip Bargas, DRHorton
- Keith Behrens, Planning & Zoning Representative
- Susan Cates, Brenham | Washington County Economic Development
- Dara Childs, ARM River Builders
- Boo Christenson, Hodde Real Estate
- Stephanie Doland, City of Brenham Development Services
- Artis Edwards, Multi-family Property Owner
- Rick Flammer, Brenham Housing Authority
- Clay Gillentine, Brenham ISD
- Stephen Grove, Stylecraft
- Jason Jennings, Baylor Scott & White Healthcare
- Chris Malone, Germania Insurance

- Ben Menjares, Brenham Housing Authority
- Sgt. Joe Merkley, Brenham Police Department
- Carolyn Miller, City of Brenham City Manager
- Kenya Mitchell, Multi-family Housing Developer
- Joe Robertson, Blue Bell Creameries
- Wesley Stolz, Washington County
- Arlen Thielemann, Thielemann Construction
- John Turner, Blinn College
- Randy Weidemann, Brenham EDF Representative
- JD Young, Faith Mission
- Fire Marshall, Brenham Fire Department
- Clint Kolby, City Council Member
- Albert Wright, City Council Member

A motion was made by Councilmember Kenjura and seconded by Councilmember Cook to appoint 25-members, as presented, to serve on the City of Brenham's Housing Task Force 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	Absent

7. Discuss and Possibly Act Upon Resolution No. R-22-022 Repealing and Rescinding Resolution Nos. R-13-011 and R-20-020 Concerning the City of Brenham's Gas Fund and Maintenance of Cash Reserves

City Manager Carolyn Miller presented this item. Miller explained that the City's gas supplier, Municipal Gas Acquisition and Supply Corporation (MuniGas), has internal policies in place that require the City to demonstrate financial stability. Miller stated that up until now, the City has satisfied MuniGas' policy by maintaining the required cash reserve balance of \$850,000 from 2013-2019 and \$666,000 from 2020 to present. These balances were secured with the adoption of Resolutions (R-13-011 and R-20-020).

Miller stated that due to the recently rising gas prices and Winter Storm Uri, it has become more challenging to consistently maintain the required cash reserve balance. Due to this challenge, MuniGas has provided the City another alternative to maintaining a high cash reserve with the issuance of a Letter of Credit from our bank. This option has been reviewed by staff and it recommended that the 2013 and 2020 Resolutions be repealed and be replaced with a Letter of Credit from Bank of Brenham.

A motion was made by Councilmember Saunders and seconded by Councilmember Kenjura to approve Resolution No. R-22-022 repealing and rescinding Resolution Nos. R-13-011 and R-20-020 concerning the City of Brenham's gas fund and maintenance of cash reserves.

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	Absent

8. Discuss and Possibly Act Upon Resolution No. R-22-023 Related to a Letter of Credit with Bank of Brenham for Gas Fund Reserves and Authorize the Mayor to Execute Any Necessary Documentation

City Manager Carolyn Miller presented this item. Miller advised that the City's gas supplier, Municipal Gas Acquisition and Supply Corporation (MuniGas), has internal policies in place that require its municipal customers to demonstrate financial stability and a method of demonstrating our credit worthiness is through a Letter of Credit.

Miller explained that a Letter of Credit will satisfy the requirements of MuniGas and allow the City the flexibility to manage our cash through this changing environment. Staff reached out to Bank of Brenham, our depository bank, and has been approved for a \$1 million Letter of Credit with an annual fee of 1.25% or \$12,500. Miller advised that the Letter of Credit has also been reviewed by both MuniGas and the City Attorney.

A motion was made by Councilmember Kenjura and seconded by Councilmember Saunders to approve Resolution No. R-22-023 related to a Letter of Credit with Bank of Brenham for gas fund reserves 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	Absent

9. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Strand Associates Inc. for Engineering Services Related to a Water Source Evaluation and a Water Treatment Plant Expansion Plan and Authorize the Mayor to Execute Any Necessary Documentation

General Manager of Public Utilities Debbie Gaffey presented this item. Gaffey explained that on December 15, 2021, TCEQ conducted a compliance audit at the Water Treatment Plant. The results of the investigation indicated that the water system's total production capacity had exceeded 85% of its existing capacity and the ability to serve new residential and commercial customers is limited unless the City expands the water system's treatment capacity. Gaffey stated that the study, design/engineering and construction phases for a water plant expansion takes approximately 5 years and given the rapid growth in the area, it is imperative that we start the process immediately.

Gaffey advised Council that the Professional Services Agreement engages Strand Associates, Inc. to evaluate future water needs, alternative (groundwater) water sources, and options for expanding water treatment capacity. Gaffey stated it will take approximately six months to complete the evaluation and Strand's final report will include three options for expanding water treatment capacity, with two options incorporating a groundwater source, probable costs, and a project schedule. Gaffey stated the cost of engineering services will not exceed \$110,000.

A motion was made by Councilmember Saunders and seconded by Councilmember Canales to approve a Professional Services Agreement between the City of Brenham and Strand Associates Inc. for engineering services related to a water source evaluation and a water treatment plant expansion plan, at a cost not to exceed \$110,000.00, 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	Absent

10. Discuss and Possibly Act Upon a Consulting Services Agreement Between the City of Brenham and R.W. Harden & Associates, Inc. Related to a Groundwater Availability Study and Authorize the Mayor to Execute Any Necessary Documentation

General Manager of Public Utilities Debbie Gaffey presented this item. Gaffey explained that in conjunction with expanding the Water Treatment Plant, staff is also interested in a groundwater supply to supplement the existing surface water supply. Gaffey stated that she would like to engage R.W. Harden & Associates, Inc. to conduct a Groundwater Availability Study with a scope of work that will include: (1) compilation and review of available hydrogeologic information; (2) estimation of groundwater availability using flow modeling for meeting long-term needs; and (3) final report and presentation with recommendations. Gaffey advised the Council that the cost of the groundwater study would not exceed \$24,500.00.

A motion was made by Councilmember Canales and seconded by Councilmember Kenjura to approve a Consulting Services Agreement between the City of Brenham and R.W. Harden & Associates, Inc. related to a groundwater availability study, in an amount not to exceed \$24,500.00, 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	Absent

11. Discuss and Possibly Act Upon Resolution No. R-22-024 Providing for a Temporary Moratorium on the Application for, Receipt of, Processing, Consideration, Approval and/or Execution of Leases of City-Owned Real Property at the Brenham Municipal Airport

Director of Development Services Stephanie Doland presented this item. Doland explained that the City, as the owner and local authority for the Brenham Municipal Airport, has the responsibility to assess the current use of the Airport, its relationship to other airports, and expectations for how the Airport will grow in the future. Doland stated that this assessment is typically completed through the development of an Airport Master Plan which generally takes place every 10-20 years. Doland advised that the City in conjunction with the Texas Department of Transportation (TXDOT) Aviation Division and the Airport Master Planning Consultant Coffman Associates, are in the process of preparing a new Airport Master Plan for the Brenham Municipal Airport.

Doland stated that the Airport Master Plan will provide the City with a strategy for development of the Airport and will include Capital Improvement Program alternatives for safety and operations and an updated Airport Layout Plan. Doland explained that this temporary moratorium is on the application for, receipt of, processing, consideration, approval, and/or execution of leases of City-Owned Real Property at the Brenham Municipal Airport is necessary to provide the City Council, the Airport Master Plan Consultant, City Staff and the Airport Planning Advisory Committee the time needed to complete the Airport Master Plan, up to and including its review, acceptance and adoption by the City of Brenham, the State of Texas and the Federal Aviation Administration. Additionally, this temporary moratorium will prevent future development from conflicting with the Master Plan's recommendations.

A motion was made by Councilmember Canales and seconded by Councilmember Kenjura to approve Resolution No. R-22-024 providing for a temporary moratorium on the application for, receipt of, processing, consideration, approval and/or execution of leases of city-owned real property at the Brenham Municipal Airport.

Brent Nedbalek with Aviators Plus addressed the Council and expressed his concern about the moratorium stunting the growth of the airport. Doland advised that in order to prevent growth from being delayed, the Resolution allows an appeal to the moratorium. Doland explained that any appeal filed will be handled on a case-by-case basis and be presented to the City Council for their consideration.

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	Absent

12. Discuss and Possibly Act Upon an Ordinance on Its First 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

City Planner Shauna Laauwe presented this item. Laauwe explained that two citizens (Dara Childs and Gloria Nix) have each requested a portion of the undeveloped Live Oak Street right-of-way (ROW), a combined total of 0.1133-acres to be abandoned. Laauwe state that this abandonment request stems from 2020 when the City intended to sell a portion of the ROW and Botts Title Company found discrepancies with the ownership and boundaries of the tract to include the existence of an undeveloped right-of-way, Live Oak Street.

Laauwe stated that in order to remedy the discrepancies, it is proposed that the City abandon the undeveloped Live Oak Street right-of-way to the adjacent property owners, Gloria Nix (0.060 acres) and Dara Childs (0.0533 acres). The conveyances are proposed to be executed to each party from the City by a Deed without Warranty. Both Gloria Nix and Dara Childs are in agreement with the proposed solution and have submitted a ROW abandonment application for said portions of the Live Oak Street right-of-way.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve an Ordinance on its first 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.

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	Absent

13. Administrative/Elected Officials Reports

No reports given.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary



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