

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, April 7, 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, Assistant General Manager of Public Utilities Alton Sommerfield, Director of Public Works Dane Rau, Director of Development Services Stephanie Doland, Director of Economic Development Susan Cates, Director of Finance Stacy Hardy, Police Chief Ron Parker, Fire Chief Roger Williams, Human Resources Director Susan Nienstedt, Director of Water and Wastewater Bobby Keene, Deputy City Secretary Alyssa Faykus, Karen Stack, Kevin Schmidt, Shawn Bolenbarr, Shauna Laauwe, Kyle Branham, and Debra Pinto.

Citizens/Others Present:

No citizens were present.

Media Present:

Trace Harris, Brenham Banner-Press; and Josh Blaschke, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Pro Tem Clint Kolby**

3. **Proclamations**
 - **Safe Digging Month**
4. **Service Recognitions**
 - **Andrew Jozwiak, Fire Department – 15 Years**
5. **Citizens Comments**

CONSENT AGENDA

6. **Statutory Consent Agenda**
 - 6-a. **Approve the Minutes from the March 17, 2022 Regular City Council Meeting, the March 22, 2022 Emergency City Council Meeting, and the March 29, 2022 Special City Council Meeting**
 - 6-b. **Approve Ordinance No. O-22-006 on Its Second Reading Amending the FY 2021-22 Adopted Budget**
 - 6-c. **Approve Resolution No. R-22-017 Repealing Resolution No. R-20-038 Related to Procurement Procedures for Expenditures Related to Gas and Electric Utilities**
 - 6-d. **Approve a Ratification of the Award of Bid No. 22-002 Related to Janitorial Services, to Kustom Klean Janitorial Services, in the Amount of \$1,169.88 and Authorize the Mayor to Execute Any Necessary Documentation**
 - 6-e. **Approve the Ratification of a Purchase from Smith Pump Company in the Amount of \$53,293.22 Related to Emergency Pump Repairs at the Intake Structure at Lake Somerville and Authorize the Mayor to Execute Any Necessary Documentation**
 - 6-f. **Award Bid No. 22-005 for Chlorine Dioxide to EVOQUA Water Technologies, Inc. Related to the Water Treatment Plant in the Amount of \$0.975 Per Pound and Authorize the Mayor to Execute Any Necessary Documentation**

Mayor Tate advised the City Council that Consent Agenda Item 6-f would be moved to the Regular Agenda for discussion and possible action.

A motion was made by Councilmember Kenjura and seconded by Councilmember Saunders to approve the Statutory Consent Agenda Items 6.a. thru 6.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	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

7. 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, Part I, Section 5.02, Definitions; Part II, Division 1, Section 14.03(3) Limitations on Home Occupations; and Part II, Division 1, Section 14.04, Specifically Prohibited as Home Occupations (Case No. P-22-012)

City Planner Shauna Laauwe presented this item. Laauwe explained that in the fall of 2021, a resident requested additional electrical amperage for a single-family home to support a large computer system needed for their Digi coin trading hobby. Utility billing verified with Development Services that the proposed use was allowable in the given zoning district (R-1).

Laauwe stated that Development Services and Electric Department staff met with the property owner to discuss the additional electrical upgrades for the proposed use to allow 1200 amps of electrical service to the standard 200 amps. The use was approved, and the electrical meters were installed and passed an electrical inspection. Since installation, it has come to staff's attention that the electricity load for the residential property is excessive (similar to some commercial electric contracts).

Laauwe said after some research by staff, it appears that any new addition of cryptocurrency mining within the city could quickly overload the electrical infrastructure. Laauwe explained that Development Services is proposing a text amendment to the Zoning Ordinance to provide new definitions related to cryptocurrency mining, and language to Section 14 – Home Occupations, that would prohibit future requests from being allowed as a home occupation or hobby.

The public hearing was opened, and no comments were received.

A motion was made by Councilmember Canales and seconded by Mayor Pro Tem Kolby to approve an Ordinance on its first reading amending Appendix A - 'Zoning' of the Code of Ordinances of the City of Brenham, Part I, Section 5.02, Definitions; Part II, Division 1, Section 14.03(3) Limitations on Home Occupations; and Part II, Division 1, Section 14.04, Specifically Prohibited as Home Occupations (Case No. P-22-012).

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

WORK SESSION

8. Presentation and Discussion on the Upcoming Brenham Independent School District's Bond Election

Brenham ISD Superintendent Dr. Tylor Chaplin presented this item. Dr. Chaplin discussed the following topics related to the the upcoming bond election for Brenham ISD:

- Age of BISD facilities.
- History of BISD bonds and tax rates.
- 2022 tax rate comparison of other neighboring entities.
- Bond Planning Committee's recommendation to the BISD School Board.
- Finalized prioritization and the single proposition of the bond.
- New grade level alignment.

9. Presentation by Bickerstaff, Heath Delgado Acosta, LLP and Discussion of the Initial Assessment Regarding the Need to Redistrict the City Councilmember Wards Based on Recently Issued 2020 Census Data

City Secretary Jeana Bellinger introduced the speaker for this item, Syd Falk from Bickerstaff, Heath Delgado Acosta, LLC. Falk presented the initial assessment, which covered:

- Redistricting laws
- Acceptable deviation
- Voting Rights Act, including the 14th Amendment and "one person – one vote"
- The need for adopting criteria for redistricting
- A proposed redistricting timeline

Falk advised that at the May 5th Special Council Meeting he would assist the Council with the preparation of draft redistricting plans to present to the citizens for review and input.

10. Discussion and Update on the Hours of Operation for Brannon Industrial Group at the City of Brenham's Transfer Station

Director of Public Works Dane Rau presented this item. Rau said staff had received a request form the Brannon Industrial Group to reduce the hours of operation at the Brenham Collection Station from 8 a.m. to 4 p.m. to 8 a.m. to 1 p.m. on Saturdays.

According to management at the collection station, very few users come between 1 p.m. at 4 p.m. and nearly 95% of customers use the station between 8 a.m. and 1 p.m.

The change will be effective May 7, 2022.

REGULAR SESSION

6-f. Award Bid No. 22-005 for Chlorine Dioxide to EVOQUA Water Technologies, Inc. Related to the Water Treatment Plant in the Amount of \$0.975 Per Pound and Authorize the Mayor to Execute Any Necessary Documentation

Purchasing Supervisor Kyle Branham presented this item. Branham said the advertisement for the solicitation of bids was not published correctly in the newspaper; therefore, the City must reject the bid due to not being compliant with state purchasing laws. Branham explained that staff will assess the situation and bring this bid back to Council at a later date.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to reject all bids received in response to Bid No. 22-005 for Chlorine Dioxide 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 Resolution No. R-22-018 Adopting Criteria for Use in the 2021 Redistricting Process

City Secretary Jeana Bellinger presented this item. Bellinger explained that the City must pass a Resolution adopting criteria that will be used in the 2021 redistricting process. The criteria includes things such as:

- Easily identifiable geographic boundaries.
- Maintaining communities and avoiding splitting neighborhoods.
- Wards should be composed of whole voting precincts and splitting Census blocks should be avoided, if possible.
- Wards must be configured so they are relatively equal in population.
- The plan should avoid racial gerrymandering.
- The plan should not fragment geographically compact minority communities.

A motion was made by Councilmember Canales and seconded by Mayor Pro Tem Kolby to approve Resolution No. R-22-018 adopting criteria for use in the 2021 Redistricting Process.

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 Resolution No. R-22-019 Establishing Guidelines for Persons Submitting Specific Redistricting Proposals and Providing Comments

City Secretary Jeana Bellinger presented this item. Bellinger stated that in order to provide for proper consideration and evaluation of any redistricting plans submitted to City Council by citizens and/or special interest groups, the City must adopt specific guidelines. This Resolution outlines the steps to be followed by others in presenting a proposed redistricting plan to Council.

The guidelines include things such as:

- Proposed plans must be submitted in writing and be legible.
- Plans must show the total population and voting age foe African Americans, Hispanics, Asians, Anglo/Other for each proposed council ward based on the 2020 Census data.
- Plans should redistrict the entire City.
- Plans should conform to the same redistricting criteria the Council will be using.
- Persons providing comments and those submitting proposed plans must identify themselves by full name and home address and provide a phone number and, if available, an email address.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve Resolution No. R-22-019 establishing guidelines for persons submitting specific redistricting proposals and providing comments.

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. Discuss and Possibly Act Upon the Purchase of a Tractor/Shredder for the City of Brenham Street Department and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Manager Shawn Bolenbarr presented this item. Bolenbarr said during the 2021-22 budget process new equipment needs were identified. Bolenbarr explained that the purchase of two tractors were presented to the City Council on March 17, 2022, and it was the direction of the Council that at least one of the tractors be purchased from WC Tractor, a local vendor.

A motion was made by Councilmember Kenjura and seconded by Councilmember Canales to approve the purchase of a Kubota M6-111 tractor from WC Tractor in Brenham, in the amount of \$99,824.52, 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

14. Discuss and Possibly Act Upon Change Order No. 2 and Final Payment to Brazos Paving, Inc. for Project No. 2020-02 Related to Old Chappell Hill Road Improvements and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau said on February 4, 2021, City Council awarded the Old Chappell Hill Road Improvement Project to Brazos Paving, Inc. This project consisted of right-of-way widening, drainage improvements, and upgrading to a concrete driving surface.

Rau explained that there were several obstacles for this project, resulting in the need for Change Order No. 2 for \$4,567.55 which covers field additions/adjustments. The project total costs came in at \$728,612.05 and all invoices have been paid to date, except for the final payment of \$62,010.82.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Cook to approve Change Order No. 2 and Final Payment to Brazos Paving, Inc., in the amount of \$62,010.82, for Project No. 2020-02 related to Old 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

15. Discuss and Possibly Act Upon the Renewal of the Microsoft Enterprise Agreement with Microsoft Corporation Affiliate SHI Government Solutions, and Authorize the Mayor to Execute Any Necessary Documentation

Director of Information and Technology Kevin Schmidt presented this item. Schmidt said the Microsoft Enterprise Agreement is a three-year contract which allows the City to maintain usage of Microsoft software and licenses. Schmidt advised that the total cost of the agreement is \$94,948.80 per year for three years, to be paid annually.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve the renewal of a three-year Microsoft Enterprise Agreement with Microsoft Corporation Affiliate SHI Government Solutions, in the amount of \$94,948.80 per year, 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

16. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- The television show “The Texas Bucket List” will be in Fireman’s Park on April 19th filming an episode of their show.

Director of Development Services Stephanie Doland introduced the new Airport Manager, Debra Pinto.

Council adjourned into Executive Session at 3:10 p.m.

EXECUTIVE SESSION

- 17. Texas Government Code - Section 551.086 - Utility Competitive Matters - City of Brenham Electric Utility System - Power Supply and Associated Competitive Matters**
- 18. Texas Government Code Section 551.071 – Consultation with Attorney – Executive Session for the Purpose of Consultation with Legal Counsel Regarding the City’s Redistricting Obligations**

Executive Session adjourned at 3:35 p.m.

RE-OPEN REGULAR SESSION

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary



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