

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on February 3, 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; Director of Public Works Dane Rau; Director of Development Services Stephanie Doland; Director of Finance Stacy Hardy; Fire Chief Roger Williams; Human Resources Director Susan Nienstedt; Strategic Budget Officer Debbie Gaffey; Economic Development Director Susan Cates; Alyssa Faykus; Kelvin Raven; Lloyd Powell; City Planner Shauna Laauwe; Jennifer Hill; Cynthia Longhofer; Kevin Boggus; Nancy Stafford; Kyle Branham; Todd Ashorn; Casey Redman; Richelle Malinowski; Jason Marburger

### Citizens/Others Present:

Tom Hart and Jon Hodde

### 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 – Councilmember Leah Cook**

**3. Service Recognitions:**

- Jason Kasprowicz, Police Department – 5 Years
- Grayson Marburger, Police Department – 5 Years
- Debra Gaffey, Finance Department – 15 Years

**4. Citizens Comments**

No citizen comments were heard.

**CONSENT AGENDA**

**5. Statutory Consent Agenda**

**5-a. Approve the Minutes from the January 6, 2022 Regular Meeting and the January 10, 2022 Workshop Meeting**

**5-b. Approve the Purchase of Playground Equipment for Hattie Mae Flowers Park from May Recreation Equipment and Design L.P. Through Buyboard Contract No. 512-16 in the Amount of \$71,880.00 and Authorize the Mayor to Execute Any Necessary Documentation**

**5-c. Approve Change Order No. 1 for the City of Brenham Project No. 63C-14C in the Amount of \$48,000.00 Related to the Contract with Maguire Iron, Inc. for the Atlow Elevated Storage Tank Rehabilitation Project and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve the Statutory Consent Agenda Items 5-a. thru 5-c. 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

### **8. Discuss and Possibly Act Upon Approval of Ordinance No. O-22-002 of the City of Brenham, Texas, Authorizing the Issuance and Sale of City of Brenham, Texas Combination Tax and Revenue Certificates of Obligation, Series 2022, Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Purchase Agreement and a Paying/Agent Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto**

Director of Finance Stacy Hardy advised that the City Council approved Resolution No. R-21-034 on December 2, 2021, giving notice of intention to issue Certificates of Obligation. Hardy advised that a notice was published for two consecutive weeks in the local newspaper and has been posted continuously on the City's website for the required forty-five (45) days before the passage of the ordinance authorizing the issuance of the Certificates.

Hardy explained that the proceeds from the sale of these Certificates of Obligation in the amount not to exceed \$10 million will be used for the following purposes: (1) construction of, and improvements to, City streets, sidewalks and drainage, including in each case the acquisition of land and rights-of-way in connection therewith; (2) improvements to City sanitary sewer facilities, including in each case the acquisition of land and rights-of-way in connection therewith; (3) improvements to the City's waterworks system, including in each case the acquisition of land and rights-of-way in connection therewith; (4) improvements and renovations to the existing City airport facilities; (5) acquisition of a new fire truck; (6) acquisition of heavy equipment for street improvement and maintenance purposes; and (7) professional services incurred in connection with the issuance of the Certificates.

Mayor Tate advised that due to the winter storm, the City's bond counsel Glenn Opal with Bickerstaff was available via conference call. Tate explained that the city's financial advisor Jennifer Ritter with Specialized Public Finance Inc. was unable to physically attend the meeting due to the weather but has sent her presentation with a voice over for the City Council to view.

Ritter presented, via recorded presentation, the following information to the City Council:

- Standard & Poor's (S&P) Rating Report:
  - As of January 21, 2022 S&P assigned a "AA-" rating to the city which is affirmation of the City's existing bond rating.
  - This rating reflects a growing economy, very strong management, strong institutional framework and a track record of solid budgetary performance. with a stable outlook
  - There were significant discussions on raising the rating to "AA"; however, S&P were held back due to income levels.
- Ten-year history of bond buyer G.O. index data
- Bid Summary for \$9,375,000 Combination Tax and Limited Revenue Certificates of Obligation that included eight bids. The highest bid being from BOK Financial Securities, Inc. at 2.137017% interest.

- Sources and Uses of Funds
  - General Fund
  - Water Fund
  - Wastewater Fund

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve Ordinance No. O-22-002 authorizing the issuance and sale of City of Brenham, Texas Combination Tax and Revenue Certificates of Obligation, Series 2022, levying a tax in payment thereof; authorizing the execution and delivery of a Purchase Agreement and a Paying/Agent Registrar Agreement; approving the Official Statement; and enacting other provisions relating thereto.

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**

### **6. Discussion and Presentation on Applications Received from the Texas Department of Housing and Community Affairs for Possible Funding Through the Competitive Housing Tax Credit Program**

Director of Economic Development Susan Cates presented this item. Cates explained that on January 17, 2022, the Texas Department of Housing and Community Affairs (TDHCA) sent a letter to the City with notification of two Competitive Housing Tax Credit preliminary applications for projects in Brenham: (1) Trinity Housing Development; and (2) KGC Companies. Cates explained that Trinity has decided not to pursue the tax credit award this cycle therefore, only the KGC project is moving forward with the next steps.

Cates advised that State law provides an opportunity for local jurisdictions to affect the scoring of applications by issuing a resolution of "support for the project" or "no objection to the project." The application receives the highest points for "support" and lesser points for "no objection" in the competitive scoring process with the State. Cates also advised that local jurisdictions may also choose not to issue a resolution in which case the application would receive no points for its application.

Cates stated that the Work Session is intended to provide information, as needed, from the Brenham CDS ResIntel Housing Study 2021, the Texas Department of Housing and Community Affairs (TDHCA), the Texas Workforce Commission, and the specific project application in order to assist City Council determine an action in response to application presented by KCG Companies in the 2022 cycle of applications for the Competitive Housing Tax Credit Program.

Cates introduced Ina Spokas, Vice President of Development for KCG Companies, which is applying for the Competitive Housing Tax Credit Program through the TDHCA for The Bluebonnet Development.

Spokas presented the following information to the City Council:

- What is a tax credit?
- Who would live in tax credit housing?
- What jobs would typical tenants have?
- Unit mix and amenities
- Affordability of units
- City of Brenham's ResIntel Study from August, 2021
- Defined 2X/capita
- Current tax credit housing inventory in Brenham
- Financial information on The Bluebonnet Development
- Design styles and inspirations
- Site information, site plan and location map
- Timeline of the project

## **PUBLIC HEARING AND ASSOCIATED ACTION ITEM**

### **7. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Adopting the 2022 Thoroughfare Plan, A Supplement to the City of Brenham Comprehensive Plan "Historic Past, Bold Future: Plan 2040"**

Mayor Tate opened the Public Hearing.

City Planner, Shauna Laauwe presented this item. Laauwe provided the City Council with the following information regarding the 2022 Thoroughfare Plan:

- History and timeline
- Purpose and usage
- Motor vehicle network
- Road classifications
- Development and dedication
- Texas Department of Transportation update
- City of Brenham planned projects

- Priority projects per citizen feedback
- Explanation of various roadway sections
- A multi-modal plan
- Truck routes
- Traffic impact analysis

There were no citizen comments heard.

Mayor Tate closed the Public Hearing.

A motion was made by Councilmember Canales and seconded by Mayor Pro Tem Kolby to approve an Ordinance on its first reading adopting the 2022 Thoroughfare Plan, A Supplement to the City of Brenham Comprehensive Plan “Historic Past, Bold Future: Plan 2040”.

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

### **9. Discuss and Possibly Act Upon an Amendment to the Professional Services Agreement with Hodde & Hodde Land Surveying, Inc. Related to Project No. 62-C-67 for the City of Brenham 6” Gas Main Loop NE and Authorize the Mayor to Execute Any Necessary Documentation**

Strategic Budget Officer/Interim General Manager of Public Utilities Debbie Gaffey presented this item. Gaffey explained that the city entered into a Professional Services Agreement with Hodde & Hodde Land Surveying, Inc. in March of 2020 in the amount of \$22,925.00 for engineering services related to the construction and installation of a six-inch gas line along the west side of FM 577 from East Alamo Street to Brown Street. Gaffey explained that the remaining work on this project entails extending approximately 3,000 linear feet of six-inch gas pipe along FM 577, from Brown Street to Gay Hill Street.

Gaffey requested that City Council approve an amendment to the Professional Services Agreement with Hodde & Hodde Land Surveying Inc. increasing the lump sum amount from \$22,925.00 to \$57,425.00, which is an increase of \$34,500.00 for the services related to the completion of the six-inch gas line loop.

A motion was made by Councilmember Kenjura and seconded by Councilmember Saunders to approve an amendment to the Professional Services Agreement with Hodde & Hodde Land Surveying, Inc. related to Project No. 62-C-67 for the City of Brenham 6” gas main loop NE, in the amount of \$34,500.00, 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	Yes

**10. Discuss and Possibly Act Upon an Amendment to the Professional Services Agreement with Hodde & Hodde Land Surveying, Inc. Related to the City of Brenham Raw Water Intake System and Authorize the Mayor to Execute Any Necessary Documentation**

Strategic Budget Officer/Interim General Manager of Public Utilities Debbie Gaffey presented this item. Gaffey explained that on October 15, 2021, the city entered into a Professional Services Agreement with Hodde & Hodde Land Surveying Inc. in an amount not to exceed \$35,000.00 for surveying services related to the renewal of an easement with the Department of Army, U.S. Army Corps of Engineers for the raw water intake structure at Lake Sommerville.

Gaffey stated that the amendment would increasing the contract amount from \$35,000.00 to \$42,500.00, which is an increase of \$7,500.00 for the additional research and work required for updating easements in place, improving monumentation and adding additional easements for lake intake structures, such as gabions.

A motion was made by Councilmember Saunders and seconded by Councilmember Canales to approve an amendment to the Professional Services Agreement with Hodde & Hodde Land Surveying, Inc. related to the City of Brenham raw water intake system, in the amount of \$7,500.00, 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	Yes

**11. Discuss and Possibly Act Upon Bid No. 22-004 Related to the Ralston Creek Lift Station Pumps and Authorize the Mayor to Execute Any Necessary Documentation**

Strategic Budget Officer/Interim General Manager of Public Utilities Debbie Gaffey presented this item. Gaffey stated that on January 25, 2022, the Purchasing Department opened bids for the replacement of two existing 60 HP submersible pumps and motor units for the Ralston Creek Lift station. The city received three bids and staff recommends Hahn Equipment Co., Inc.’s bid of \$94,400.00 be accepted since the other two bids failed to meet the bid specifications.

A motion was made by Councilmember Canales and seconded by Mayor Pro Tem Kolby to award Bid No. 22-004 related to the Ralston Creek Lift Station pumps to Hahn Equipment Co., Inc. in the amount of \$94,400.00 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

**12. Administrative/Elected Officials Report**

- Development Services Update – Mayor Tate advised that this report will be presented at another meeting.
- City Manager Carolyn Miller advised that the regular City Council meeting scheduled for April 21<sup>st</sup> will be changed to April 20<sup>th</sup> due to a scheduling conflict.

City Council adjourned into Executive Session at 3:06 p.m.

**EXECUTIVE SESSION**

**13. Texas Government Code Section 551.071 – Texas Government Code – Consultation with Attorney – Consultation with City Attorney Regarding TWCCRD Charge No. 1B21220, EEOC Charge No. 31-C-2021-01178, Former Fire Chief, and Associated Claims and Legal Issues**

**14. Section 551.071 – Texas Government Code – Consultation with Attorney – Consultation with City Attorney Regarding City of Brenham v. WTG Gas Marketing, Inc.; Cause No. 37573; 335<sup>th</sup> Judicial Court, Washington County, Texas**

Council reconvened into Regular Session at 4:14 p.m.



**RE-OPEN REGULAR SESSION**

**15. Discuss and Possibly Act Upon Mediation of TWCCRD Charge No. 1B21220, EEOC Charge No. 31C-2021-01178, Former Fire Chief, and Associated Claims, and Authorize the City Manager to Approve Mediation Settlement (If Any) and Execute Any Necessary Documentation**

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Canales that that City Manager Carolyn Miller be authorized to act as the City of Brenham’s representative in the mediation of the former Fire Chief’s claims involving the City and further authorize the City Manager to approve and execute a settlement agreement, if any, resulting from said mediation.

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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