

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on March 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; Director of Public Works Dane Rau; Director of Finance Stacy Hardy; Human Resources Director Susan Nienstedt; Strategic Budget Officer Debbie Gaffey; Legal and Legislative Services Manager Karen Stack; Deputy City Secretary Alyssa Faykus; City Planner Shauna Laauwe; Public Utilities Director Alton Sommerfield; Tim McRoberts; Executive Administrative Assistant Monique Breaux; Cynthia Longhofer; Robin Hutchins; Kevin Boggus; Stephen Nitsche; Brian Smith; Jean Luera; Kristi Jackson; Darrin Roche; Steven Eilert; Richelle Malinowski; Nancy Stafford; Kelsey Toy; Tara Wellman; Lloyd Powell; Kelvin Raven; Todd Ashorn.

Citizens/Others Present:

Ben D. Seeker; Michele Kwaitowski; Heather Delso; Stacy Chambers; Arnell Henderson. Parks and Recreation Advisory Board Members Dr. Tina Henderson; Delbert Boeker; Paula Buls.

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 Atwood Kenjura

3. Service Recognitions

- **Darrin Roche, Parks Department – 5 Years**
- **Kristi Jackson, Finance Department – 10 Years**
- **Stephen Nitsche, Street Department – 10 Years**

4. Special Recognitions

- **Henderson Park – Texas Recreation and Park Society Lone Star Legacy Park Designation**
- **Blue Bell Aquatic Center – Texas Public Pool Council’s Agency of the Year and Program of the Year**
- **Brenham Police Department Promotion – Richelle Malinowski, Corporal**

5. Citizen Comments

VFW Member Ben D. Seeker addressed Councilmembers about a letter his late father received in 1943 from the City of Brenham. Seeker’s father was a policeman for the city after serving in World War I. When World War II began, his father decided to go back to the military to assist in war efforts. Seeker read the letter the city sent his father, rejecting his resignation from the Brenham Police Department, but offering him extended leave while he served his country and asked the late Seeker to come back to the police department once he was done serving in the war.

Seeker thanked Councilmembers for all they do for veterans and asked they consider doing the same if another war were to happen.

CONSENT AGENDA

6. Statutory Consent Agenda

6-a. Approve the Minutes from the February 17, 2022 Regular City Council Meeting

6-b. Approve Ordinance No. O-22-004 on Its Second Reading Repealing an Order Providing for the Approval of By-Laws for the Airport Advisory Board of the City of Brenham

6-c. Approve a Ground Space Lease Agreement Between the City of Brenham and RIGA Aviation, LLC for Hangar Space at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation

6-d. Approve a Request from the Washington County Appraisal District to Retain the Accumulated Funds of \$87,960.00 from FY2020-21 Budget Savings, the City of

Brenham's Portion Being \$9,459.22 and Authorize the Mayor to Execute Any Necessary Documentation

- 6-e. Approve an Electrical Distribution Construction Agreement Between the City of Brenham and Techline Construction, LLC Through the Lower Colorado River Authority (LCRA), in an Amount Not to Exceed \$94,800.00 Related to the West Alamo Street Pole Changeouts and Authorize the Mayor to Execute Any Necessary Documentation**
- 6-f. Approve an Electrical Distribution Construction Agreement Between the City of Brenham and Techline Construction, LLC Through the Lower Colorado River Authority (LCRA), in an Amount Not to Exceed \$79,500.00 Related to the Ross Street Pole Changeouts and Authorize the Mayor to Execute Any Necessary Documentation**
- 6-g. Approve a Cost Recovery Fee from Terex Utilities, Inc. Through Sourcewell Contract No. 012418-TER in the Amount of \$12,167.00 for the Ford F550 Electric Bucket Truck and Authorize the Mayor to Execute Any Necessary Documentation**
- 6-h. Approve a Contract Between the City of Brenham and the Lower Colorado River Valley Authority (LCRA) in the Amount of \$137,113.20 for Tree Trimming Services and Authorize the Mayor to Execute Any Necessary Documentation**
- 6-i. Approve a Noise Variance from Dina Ramirez for a Birthday Party to be Held on March 27, 2022 at the All Sports Building from 5 p.m. to 8 p.m. and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Wright and seconded by Mayor Pro Tem Kolby to approve the Statutory Consent Agenda Items 6-a. thru 6-i. 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

WORK SESSION

7. Discussion and Presentation on the City of Brenham Police Department's:

- a) 2021 Annual Report and Crime Analysis**
- b) 2021 Racial Profiling Report**
- c) 2021 Use of Force Report**
- d) 2021 Pursuit Report**

Police Chief Ron Parker presented this item. Parker discussed the purpose of these reports is to ensure the Brenham Police Department does not racially profile or use tactics the FBI has identified as needing to change, such as certain uses of force like chokeholds. Parker also said the goal of these reports is to be transparent with citizens and this information is available online on the department's web page.

Parker shared some highlights of his report, which included holding the inaugural Leadership Retreat for the Brenham Police Department; promoting the first female officer to the rank of sergeant; and he noted the department is preparing to celebrate its 155th anniversary in the coming year. Other highlights include:

- Overall crime rate is down by 9% when from 2020 to 2021
- Answered 36,243 calls for service
- Made more than 600 arrests
- Conducted approximately 7,000 traffic stops
- Handled 26,160 calls for service, which included self-initiated activity and non-emergency calls
- Achieved a 48% case clearance rate in 2021
- Had 28 cases of use of force

Looking forward, Parker said the department is looking to implement more community outreach programs, such as a Junior Citizens Police Academy for the youth of Brenham. The department also wants to increase signage in high traffic areas warning against crime.

Parker discussed the following highlights from the racial profiling report:

- The department had no racial profiling complaints
- 27% of vehicles stopped and cited were occupied by African Americans
- 40% of vehicles stopped and cited were occupied by Caucasians
- 28% of vehicles stopped and cited were occupied by Hispanics

REGULAR SESSION

8. Discuss and Possibly Act Upon the Acceptance of the Audit from Seidel Schroeder for Fiscal Year 2021

Seidel Schroeder Audit Partner Michelle Kwaitowski presented this item. Kwaitowski advised Council that state law requires all general-purpose local governments to publish, within six months of the close of the fiscal year, a complete set of financial statements presented in conformity with Generally Accepted Accounting Principles (GAAP) and audited in accordance with generally accepted auditing standards by a firm of licensed, certified accountants.

Kwaitowski said the City of Brenham’s comprehensive financial statements are in conformity with GAAP. The audit concluded that the City’s financial statements for the Fiscal Year ending September 30, 2021 are fairly presented in conformity with GAAP.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Canales to accept the audit from Seidel Schroeder for Fiscal Year 2021.

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

9. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Strand Associates Inc. for Improvements to S. Chappell Hill Street and Martin Luther King Jr. Parkway and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau said during the 2021-22 budget meeting, it was decided that funds would be allocated to address Street Improvement Projects conducted by outside contractors. After consulting the Street Inventory Report from 2020, it was decided to focus on streets that fell into a lower Pavement Condition Index (PCI) rating.

This item will utilize the \$1.7 million from the 2022 Certificates of Obligation dedicated to “Contractor Street Work.” The two projects that have been identified are improvements on S. Chappell Hill Street and Martin Luther King Jr. Parkway. Strand Associates Inc. will provide the engineering services with a Professional Services Agreement valued at \$170,000. The scope of work is estimated to cost \$1,695,000, which will later be bid out.

A motion was made by Councilmember Kenjura and seconded by Councilmember Saunders to approve a professional services agreement between the City of Brenham and Stand Associates Inc. for improvements to S. Chappell Hill Street and Martin Luther King Jr. Parkway 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 Resolution No. R-22-013 Approving the Texas Subdivision and Special District Election and Release Forms Related to the Endo/Par and Teva Global Opioid Litigation Settlements

City Attorney Cary Bovey presented this item. Bovey said this item is in conjunction with a Resolution authorizing the City's participation into an agreement entitles "Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet" which was approved in November of 2021.

This item adds Endo/Par and Teva Pharmaceuticals USA, Inc. to the settlement, along with opioid manufacturer Johnson & Johnson, AmericsourceBergen, Cardinal Health and McKesson. This resolution and its attachments will secure the City's participation in this additional suit.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve Resolution No. R-22-013 approving the Texas Subdivision and Special District Election and release forms related to the Endo/Par and Teva Global Opioid Litigation Settlements.

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-22-014 Adopting New Policies and Procedures of Naming City Facilities

Manager of Legal and Legislative Services Karen Stack presented this item. Stack explained that the City has never had a policy for the naming of City-owned facilities; however, the with many naming opportunities potentially arising as the Brenham Family Park is developed, staff felt it was a good opportunity to implement a naming policy.

Stack explained that as the policy is currently written, proposed names would need to satisfy one of the six following criteria:

- 1) Be descriptive of the Facility or its location.
- 2) Commemorate historical events, groups, or individuals.
- 3) Honor an individual's community service or contribution to the Facility's interest or purpose.
- 4) Have historical, social, or cultural significance.
- 5) Have already been commonly used in an unofficial capacity by citizens.
- 6) Recognizes a significant donation for the acquisition or construction of the Facility to be named.

Councilmember Kenjura asked what would happen if someone were to donate a significant amount of money that did not meet the desired 75% cost of a new construction. Stack said with a Naming Rights Agreement, Council could negotiate what would be acceptable for a particular facility.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve Resolution R-22-014 adopting new policies and procedures of naming city facilities.

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 an Ordinance on Its First Reading to Grant a Non-Exclusive Franchise to Maroon Dumpsters, LLC to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside the City of Brenham City Limits and Authorize the Mayor to Execute Any Necessary Documentation

Manager of Legal and Legislative Services Karen Stack presented this item. Stack said any business wanting to operate a roll-off dumpster service in the City of Brenham must obtain a non-exclusive franchise agreement with the City. Maroon Dumpsters, LLC agreed to certain conditions, including maintenance of appropriate insurance and payment of a 5% franchise fee.

A motion was made by Councilmember Kenjura and seconded by Councilmember Wright to approve an ordinance on its first reading to grant a non-exclusive franchise to Maroon Dumpsters, LLC to operate a roll-off container service for residents, businesses and industries inside the City of Brenham City Limits 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. Administrative/Elected Officials Report

City Manager Carolyn Miller read a press release from the City of Brenham explaining why citizens may have seen an increase in their monthly bill. Due to a 38% increase in the price of natural gas and the winter months having a higher usage for heaters, residents may have seen an increase in their utility bill.

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Alyssa Faykus

Deputy City Secretary



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