

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on March 17, 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 Finance Stacy Hardy; General Manager of Public Utilities Debbie Gaffey; Legal and Legislative Services Manager Karen Stack; Deputy City Secretary Alyssa Faykus; City Planner Shauna Laauwe; Public Utilities Director Alton Sommerfield; Strategic Budget Officer Tim McRoberts; Kevin Boggus; Brian Smith; Lt. Lloyd Powell; Carrie Derkowski; Pam Ruenke; Shawn Bolenbarr; Economic Development Director Susan Cates; Kyle Branham

### Citizens/Others Present:

Charles Bradford

### 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 – City Manager Carolyn Miller**
3. **Special Recognitions**
  - **Assistant Fire Chief Ronald Bentke – Retirement from Brenham Fire Department**
4. **Citizen Comments**

There were no comments received.

## **CONSENT AGENDA**

5. **Statutory Consent Agenda**
    - 5-a. **Approve the Minutes from the March 3, 2022 Regular City Council Meeting**
    - 5-b. **Approve Ordinance No. O-22-005 on Its Second 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**
    - 5-c. **Approve an Ordinance on Its First Reading Amending the FY 2021-22 Budget**
    - 5-d. **Accept a Grant from Texas A&M Forest Service, Rural Volunteer Fire Department Assistance Program, in the Amount of \$10,000.00 for the Purchase of Training Aids for the City of Brenham Fire Department and Authorize the Mayor to Execute Any Necessary Documentation**
    - 5-e. **Approve a Noise Variance from the Community Alcohol and Substance Awareness Partnership (CASAP) of Brazos and Washington County for a 5K and Color Run at the Blinn College Kruse Center from 7 A.M. to 2 P.M. and Authorize the Mayor to Execute Any Necessary Documentation**
    - 5-f. **Approve a Noise Variance from the City of Brenham for a Bike Rodeo and Safety Day to be Held on March 26, 2022 at the Blue Bell Aquatic Center from 9:30 A.M. to 11:30 A.M. and Authorize the Mayor to Execute Any Necessary Documentation**
    - 5-g. **Approve the Appointment of:**
      - **Holly Johnson – Position 14 on the Police Citizen Advisory Board: term to Expire on December 31, 2024;**
      - **J. Weldon Clampitte – Position 9 on the Police Citizens Advisory Board: term to Expire on December 31, 2024**
      - **Suzanne Callaway – Position 4 on the Animal Services Board: Term to Expire on December 31, 2023**
- and Authorize the Mayor to Execute Any Necessary Documentation**

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

### **6. Public Hearing, Discussion and Possible Action on an Ordinance on Its First Reading on Case No. P-22-004, A Request by Brenham Housing Authority for an Amendment to the City of Brenham's Official Zoning Map of the Code of Ordinances to Change the Zoning District from a Mixed Residential Use District (R-2) to a Local Business Residential Mixed Use District (B-1) on 1.202-Acres of Land Currently Addressed as 1003 Hasskarl Drive and Being Further Described as Lot 1 of Fairview Terrace Subdivision, Out of the Arrabella Harrington Survey, Abstract No. 55 in Brenham, Washington County, Texas**

City Planner Shauna Laauwe presented this item. The subject property is 1.202 acres and is addressed as 1003 Hasskarl Drive. The subject tract is developed with a 6,500 square foot community center that serves the Fairview Terrace Brenham Housing Authority (BHA) residential development and is available to rent to the community.

The BHA platted the subject property and the adjacent property to remove existing duplexes to construct a multifamily apartment complex in May 2021. This apartment complex includes a clubhouse, therefore the need for the existing community center is not needed.

The applicant requested the subject property be re-zoned to allow for the development of the permitted uses in the B-1, Local Business and Residential Mixed Use District that include businesses and medical offices, affordable moderate-density multifamily residential on sites of two (2) acres or more, and neighborhood shopping.

Mayor Tate opened the public hearing. There were no comments received.

Mayor Tate closed the public hearing and advised that no further action would be taken on this item.

**REGULAR SESSION**

**7. Discuss and Possibly Act Upon Resolution No. Resolution No. R-22-015 Adopting a Policy for the Reimbursement of Qualified Infrastructure Costs for Private Development of Public Infrastructure Within the Tax Increment Reinvestment Zone Number One**

Economic Development Director Susan Cates presented this item. Cates advised that Tax Increment Reinvestment Zone Number One (TIRZ) was established by the City Council on December 20, 2018.

Cates said private development of public infrastructure by private landowners benefitting the TIRZ may facilitate development that enhances the value of taxable real property within the TIRZ, which is why the city needs to establish guidelines for reimbursement from TIRZ revenues generated by projects within the TIRZ.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve Resolution No. R-22-015 adopting a policy for the reimbursement of qualified infrastructure costs for private development of public infrastructure within the Tax Increment Reinvestment Zone Number One, as recommended by the TIRZ Board.

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

**8. Discuss and Possibly Act Upon the Approval of a Memorandum of Understanding Between the City of Brenham and Market Square, LP and Authorize the Mayor to Execute Any Necessary Documentation**

Economic Development Director Susan Cates presented this item. Cates explained that the Memorandum of Understanding was for Market Square, LP to receive reimbursement from the TIRZ, pursuant to Chapter 311 of the Texas Tax Code.

Cates stated that the reimbursement will only be for qualified infrastructure costs as outlined in the policy adopted by Resolution No. R-22-015 (the previous agenda item). Cates advised that the estimated cost of the infrastructure improvements is \$7,259,000.00 and as outlined in the policy, their total reimbursement could be \$10,000,000.00 over twenty years.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve a Memorandum of Understanding between the City of Brenham and Market Square, LP 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

**9. Discuss and Possibly Act Upon Resolution No. R-22-016 Authorizing the Termination of the “Agreement Providing for Subdivision Regulation by the Municipality Within the Extraterritorial Jurisdiction (ETJ) of the Municipality” Between the City of Brenham and Washington County and Authorize the Mayor to Execute Any Necessary Documentation**

Director of Development Services Stephanie Doland presented this item. Doland said the City of Brenham and Washington County entered an Interlocal Agreement (ILA) in 2002 for the purpose of assigning authority for the review and approval of subdivision plats within the Brenham Extra-Territorial Jurisdiction (ETJ).

Doland explained that since annexation laws have changed since 2002 the terms of the old ILA are no longer relevant. Doland stated that the next item on the agenda is a new ILA with the County that addresses several things that were not covered in the old 2002 agreement.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve Resolution No. R-22-016 authorizing the termination of the “Agreement Providing for Subdivision Regulation by the Municipality Within the Extraterritorial Jurisdiction (ETJ) of the Municipality” between the City of Brenham and Washington County 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 Interlocal Agreement Between the City of Brenham and Washington County for the Provision of Subdivision Standards and Regulations within the Extraterritorial Jurisdiction (ETJ) of the City of Brenham, Texas and Authorize the Mayor to Execute Any Necessary Documentation**

Director of Development Services Stephanie Doland presented this item. Doland said the City and Washington County entered an Interlocal Agreement (ILA) in 2002 for the purpose of assigning authority for the review and approval of subdivision plats within the City’s Extra-Territorial Jurisdiction (ETJ).

Doland explained that due to a change in annexation laws, a new ILA was needed. This new ILA re-establishes the authority of subdivision regulations in the city’s ETJ. Doland stated that this new ILA was approved by the Washington County Commissioners Court on March 8, 2022.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve an Interlocal Agreement between the City of Brenham and Washington County for the Provision of Subdivision Standards and Regulations within the Extraterritorial Jurisdiction (ETJ) of the City of Brenham, Texas 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 the Purchase of Equipment for the City of Brenham Street Department as Shown on the Equipment Schedule Included in the Agenda Packet and Authorize the Mayor to Execute Any Necessary Documentation**

Public Works Manager Shawn Bolenbarr presented this item. Bolenbarr stated that during the 2021-22 budget process, staff shared with Council major street equipment that would need to be replaced.

Bolenbarr explained that over the last few months, staff has researched the equipment, taken many site visits to determine what equipment would work best for the City and be within budget. Bolenbarr advised that staff is recommending the purchase of 4 pieces of equipment: (1) one John Deere Motor Grader from RDO Equipment in the amount of \$281,544.09; (2) one 938M Wheel Loader from Mustang Cat in the amount of \$264,800.00; and (3) one Bush Hog Tractor Shredder from Hlavinka Equipment in the amount of \$97,548.00; and (4) one Bush Hog Tractor Shredder from Hlavinka Equipment in the amount of \$97,548.00. The total of all equipment would be \$741,440.09.

Several member of the City Council expressed concern over why the purchase of this equipment was not from local vendors. Director of Public Works Dane Rau advised that the city received quotes for the equipment and spent a lot of time discussing the purchase of the tractors/shredders from non-local vendors but due to the specifications of the equipment, it is staff's recommendation that both tractor/shredders be purchased from Hlavinka Equipment.

After further discussion, it was the consensus of Council that the City should try and buy from local vendors when possible. Councilmember Wright asked if a compromise could be made and purchase at least one of the tractors from a local vendor (Washington County Tractor). Rau advised that staff would contact Washington County Tractor and some other dealers to get quotes on the one shredder and would bring back a purchase recommendation at the next meeting.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve the purchase of the: (1) John Deere Motor Grader from RDO Equipment in the amount of \$281,544.09; (2) 938M Wheel Loader from Mustang Cat in the amount of \$264,800.00; and (3) Bush Hog Tractor Shredder from Hlavinka Equipment in the amount of \$97,548.00 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. Discuss and Possibly Act Upon Amendment No. 1 to the Professional Services Agreement with Strand Associates Inc. for Hurricane Harvey Mitigation Projects and Authorize the Mayor to Execute Any Necessary Documentation**

Public Works Director Dane Rau presented this item. Rau said in October of 2020, the City applied to two General Land Office (GLO) Grants related to Hurricane Harvey and the 2016 floods. Rau explained that City Council authorized an engineering agreement with Stand Associates, Inc. for engineering related to the grants.

Rau explained that when the engineering contract was approved, GLO had not finalized the contract wording. Rau stated that the GLO has finished the contract documents and now Strand would like to align their contract language and scope of work with the language in the GLO contract. Rau advised that no monetary changes are being made to the agreement.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Cook to approve Amendment No.1 to the Professional Services Agreement with Strand Associates Inc. for Hurricane Harvey Mitigation Projects 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

### **13. Discuss and Possibly Act Upon Bid No. 22-002 Related to Janitorial Services and Authorize the Mayor to Execute Any Necessary Documentation**

Purchasing and Central Fleet Supervisor Kyle Branham presented this item. Branham explained that bids for janitorial services were opened on December 2, 2021 to clean twelve city facilities, thirty-nine park restrooms, four park kitchens, windows at the Fire Museum and the Barnhill Center windows.

Branham explained that eight bids were received and even though our current provider, Kustom Klean, was not the lowest bidder, it is staff's recommendation that they be awarded the contract again due to best value based on the excellent service they have provided to the City in the past.

Branham also advised Council that since there were other bids received from local vendors, staff has pulled the Brenham Police Department and the Animal Shelter from this bid to give other local providers an opportunity to work with the city. Branham explained that the janitorial services for these two facilities is under \$50,000.00 so it would not need to be approved by Council.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to award Bid No. 22-002 for janitorial services to Kustom Klean in the amount of \$149,352.48, based on best value, and does not include janitorial services at the Brenham Police Department, the Brenham Animal Shelter, or any special janitorial services that will be performed on an as needed basis, 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. Administrative/Elected Officials Report**

City Manager Carolyn Miller advised of the following:

- A special City Council meeting will be held on March 29<sup>th</sup> at 8:30 a.m. to discuss various utility issues.

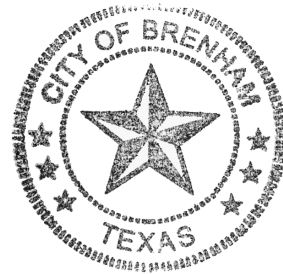
The meeting was adjourned.

*Milton Y. Tate, Jr.*

Mayor

*Jeana Bellinger, TRMC, CMC*

City Secretary



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