

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, May 5, 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, Deputy 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, Tourism and Marketing Director Jennifer Eckermann, Nancy Joiner, Director of Finance Stacy Hardy, Human Resources Director Susan Nienstedt, Deputy City Secretary Alyssa Faykus, Legal and Legislative Services Manager Karen Stack, Shawn Bolenbarr, City Planner Shauna Laauwe, Purchasing Supervisor Kyle Branham, Kevin Boggus, Cynthia Longhofer, JoAnne Hynes, Andrea Carver, Nancy Stafford, Capt. Lloyd Powell, Police Chief Ron Parker, Stephen Draehn, and Jerry Saldivar

Citizens/Others Present:

Margie Young and Elizabeth Price

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 – Councilmember Leah Cook**
3. **Citizens Comments**

No comments received.
4. **Proclamations**
 - **Municipal Clerks Week**
5. **Special Recognitions**
 - **Chief’s Commendation – Officer Grayson Marburger**
6. **Service Recognitions**
 - **John Arnold, Jr., Street Department – 5 Years**
 - **Stephen Draehn, Maintenance – 10 Years**
 - **Shawn Bolenbarr, Public Works – 15 Years**

CONSENT AGENDA

7. **Statutory Consent Agenda**
 - 7-a. **Approve the Minutes from the April 7, 2022 and April 20, 2022 Regular City Council Meetings**
 - 7-b. **Approve Ordinance No. O-22-008 on Its Second Reading Amending Appendix A – ‘Zoning’ of the Code of Ordinances and the Official Zoning Map of the City of Brenham 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 (Case No. P-22-004)**
 - 7-c. **Approve a Noise Variance Request from Mount Rose Missionary Baptist Church for a Church Picnic at Henderson Park on May 7, 2022 from 9 A.M. to 6 P.M.**
 - 7-d. **Approve a Noise Variance from Lone Star Circle of Life Bike Tour for an Awareness Event for Blood, Organ, and Tissue Donors at Fireman’s Park on May 11, 2022 from 2:30 P.M. to 5:30 P.M.**

A motion was made by Councilmember Wright and seconded by Councilmember Canales to approve the Statutory Consent Agenda Items 7.a. thru 7.d. 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

8. Discussion and Presentation of the City of Brenham Downtown Parklet Manual

City Manager Carolyn Miller presented this item. Miller said she had met with Councilmember Canales and Director of Tourism and Marketing Jennifer Eckermann to help create a list of concerns and possible revisions to the Parklet Manual to address the various concerns.

Miller explained that the proposed changes include:

- Allowing any business to apply for a parklet, not just restaurants.
- Removal of the terms “public” and “private” parklet. All parklets will be cost \$500 a year. The parklet sponsor will be allowed to reserve the parklet for private use during their business hours.
- Any existing parklets will be charged the new fee upon renewal of current agreement.
- Limit the number of parklets in downtown to six (6).
- No more than three (3) angled parking spaces or two (2) parallel parking spaces can be used for a parklet.
- Clarifying the responsibility for the parklet - for both the building owner and the business owner.
- Amplified music would not be allowed due to a current City ordinance.
- No advertising in or on any parklet.
- Replacing the term “umbrella” and replacing it with “shade structure”. All shade structures will have to be approved by the Development Services Department. Shade structures would be eligible for \$1,500 in grants through the Main Street Program.
- Initial round of applications would be for a 60-day time-period and be processed through the City Secretary’s Office
- Sponsors would have six (6) months to begin any new parklet project.

After further discussion, the Council requested these changes be reviewed by the Main Street Board for a final recommendation and a final Parklet Manual be brought back for final consideration and approval.

REGULAR SESSION

9. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 2, Administration, of the Code of Ordinances of the City of Brenham, Texas by Repealing Article VII, Reserved, for Future Amendments to Chapter 2, Administration

Legal and Legislative Services Manager Karen Stack presented this item. Stack said this is a housekeeping item which will bring the Library Advisory Board up to the standard of the current version of the Policies and Procedures for Boards and Commissions adopted by City Council in December of 2021.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve an ordinance on its first reading amending Chapter 2, Administration, of the Code of Ordinances of the City of Brenham, Texas by repealing Article VII, Library Advisory Board, and providing for a new Article VII, Reserved, for future amendments to Chapter 2, Administration.

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 a Gift Deed to the City of Brenham from the Kruse Memorial Trust Conveying 1.5 Acres of Land Adjacent to the Brenham Family Park and Authorize the Mayor to Execute Any Necessary Documentation

Director of Public Works Dane Rau presented this item. Rau said while going through the design for the Brenham Family Park and looking at the retention pond/recreation lake structure, it was noted that additional land in that area would be best to achieve a more desirable retention pond/recreation lake structure. City staff, along with our engineers, Jones Carter (now Quiddity), worked with the Kruse family to deed an additional 1.5 acres of land to the City, which will allow the retention pond/lake structure to meet all of the needs of the park.

A motion was made by Councilmember Wright and seconded by Councilmember Canales to approve a gift deed to the City of Brenham from the Kruse Martial Trust conveying 1.5 acres of land adjacent to the Brenham Family Park 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 Award of Bid No. 2021-05 for the Construction of an Additional Parking Lot at the Blue Bell Aquatic Center and Authorize the Mayor to Execute Any Necessary Documentation

Director of Public Works Dane Rau presented this item. Rau said BCDC approved the construction of a 12-bay parking lot that would serve the therapy pool users in a more convenient way. Staff worked with Strand Associates to design the parking lot, which will contain six handicap spots and six regular spots.

BCDC allocated \$250,000 to the project. Engineering cost \$64,500 and MBCM Management Inc. from Navasota had the lowest bid at \$153,728.00 to construct the parking lot and add door security access for this parking lot. The project will begin in late May. Rau also advised that the City was granted access from Brenham ISD to utilize a shared driveway for this addition.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to award Bid No. 2021-05 to MBCM Management in the amount of \$153,728.00 for the construction of an additional parking lot at the Blue Bell Aquatic Center 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 the Purchase and Installation of Two (2) HVAC Units for the City of Brenham Police Department, Using BuyBoard Contract No. 631-20, and Authorize the Mayor to Execute Any Necessary Documentation

Maintenance Superintendent Stephen Draehn presented this item. Draehn said on April 19, 2022, the City of Brenham received a quote from MLN Service Company for the replacement of two HVAC units for the City of Brenham Police Department. The quote was for the purchase and installation of a Carrier 60 Ton Package HVC unit and a Carrier 60 Ton Split System HVAC unit. Combined costs for the units totaled \$252,502.00. Draehn advised that MLN also agreed to a five-year warranty for parts and service of the two units.

A motion was made by Councilmember Kenjura and seconded by Councilmember Saunders to approve the purchase and installation of two HVAC units for the City of Brenham Police Department from MLN Service Company in the amount of \$252,502.00, using BuyBoard Contract No. 631-20, subject to the City Attorney's final review and approval of the contract, 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 a Financing Proposal from Brenham National Bank for the Purchase of Two (2) HVAC Units for the Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation

Director of Finance Stacy Hardy presented this item. Hardy said this item is a companion item for the financing to two HVAC units for the Brenham Police Department. In order to proceed with the purchase, staff obtained three financing proposals for a seven-year note with a principal amount of \$252,502.00 and annual payments beginning in Fiscal Year 2023. Hardy advised that she recommends the approval of Brenham National Bank's proposal offering the lowest interest rate of 3.45%.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve an equipment financing proposal with Brenham National Bank in the amount of \$252,502.00 with a seven-year note and an interest rate of 3.45% for the purchase of two HVAC units for the Brenham Police Department 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 a Contract Between the City of Brenham and EVOQUA Water Technologies, Inc. for the Purchase of Chlorine Dioxide for the City of Brenham Water Treatment Plant and Authorize the Mayor to Execute Any Necessary Documentation

Water Treatment Plant Operator Jerry Saldivar presented this item. Saldivar stated that EVOQUA currently provides the equipment that is used in the generation of chlorine dioxide at the lake intake structure and that EVOQUA has been the City's chlorine dioxide provider for more than 20 years.

Saldivar explained that the chemicals were not put out for competitive bidding due to it being considered a purchase necessary to preserve or protect the public health and safety of the City's residents. Saldivar state that staff reached out to EVOQUA and obtained a quote of \$0.975/lb. for one year, with four optional one-year renewals, subject to the City's review and approval.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Canales to approve a one-year contract with four optional one-year renewals between the City of Brenham and EVOQUA Water Technologies, Inc. as an exempt procurement in accordance with Section 252.022(a)(2) of the Texas Local Government Code, of chlorine dioxide for the City of Brenham's Water Treatment Plant in the amount of \$0.975/lb. 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. Administrative/Elected Officials Report

City Manager Carolyn Miller invited City Councilmembers to attend the Employee Appreciation Breakfast on May 9, 2022 from 7:30-9 a.m.

Council convened into Executive Session at 2:20 p.m.

EXECUTIVE SESSION

- 16. 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; 335th Judicial District Court, Washington County, Texas**
- 17. Section 551.068 - Texas Government Code – Utility Competitive Matters – City of Brenham Gas Utility System – Gas Supply and Transportation Arrangements and Agreements, and Associated Matters**
- 18. Section 551.071 Texas Government Code – Consultation with City Attorney Regarding a U.S. Department of Housing and Urban Affairs Discrimination Complaint**
- 17. Section 551.071 Texas Government Code – Consultation with Attorney – Consultation with City Attorney Regarding Legal Issues Concerning the City of Brenham Lake Somerville Raw Water Intake Structure, the Federal Emergency Agency, and Associated Matters**

Executive Session adjourned at 3:37 p.m.

RE-OPEN REGULAR SESSION

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary

