

Brenham City Council Minutes

A Regular Meeting of the Brenham City Council was held on Thursday, December 21, 2023 beginning at 1:00 PM in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members Present:

Mayor Atwood Kenjura
Mayor Pro Tem Clint Kolby
Councilmember Shannan Canales
Councilmember Leah Cook
Councilmember Paul LaRoche
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

None

City of Brenham Staff Present:

City Manager Carolyn Miller, City Attorney Cary Bovey, City Secretary/Director of Administrative Services Jeana Bellinger, General Manager of Public Utilities Debbie Gaffey, Assistant General Manager of Public Utilities Alton Sommerfield, Director of Finance Stacy Hardy, Director of Public Works Dane Rau, Strategic Budget Officer Tim McRoberts, Director of HR and Risk Management Susan Nienstedt, Asst. Police Chief Lloyd Powell, Economic & Community Development Director Teresa Rosales, Kyle Branham, Shawn Bolenbarr, Jessica Perez, Stephen Draehn, Kevin Schmidt, Robin Hutchens, Seth Klehm, Steven Loving and Shauna Laauwe.

Citizens/Others Present:

Tina Henderson, Charles Swenson, Dr. Robert Bubb, Abby Bubb, Helen Harris, Johne Harris, Cheryl DaBera, Vernyce Burnett, Billy Sutherland, and LaShondra Sanders.

Media Present:

Sarah Forsythe, Brenham Banner Press, Melanie Chrismer, Brenham, Banner Press, and Joshua Blashke, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags - Councilmember Paul LaRoche**
- 3. Citizen Comments**

Corporal Saenz introduced a new officer, James Catchings. Officer Catchings came to the Brenham Police Department from Caldwell Police Department and brings with him 9 years of police experience.

CONSENT AGENDA

4. Statutory Consent Agenda

- 4.a. Approve the Minutes from the December 7, 2023 Regular City Council Meeting, the December 7, 2023 Special City Council Meeting, and the December 12, 2023 Special City Council Meeting**
- 4.b. Approve Ordinance No. O-23-031 on Its Second Reading to Grant a Non-Exclusive Franchise to Only 1 Rentals, LLC to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits**
- 4.c. Approve Ordinance No. O-23-032 on Its Second Reading Providing for a No Parking Zone on the West Side of Blinn Boulevard Between College Avenue and West Fifth Street in the City of Brenham**
- 4.d. Approve Ordinance No. O-23-033 on Its Second Reading Amending the City of Brenham's FY22-23 Adopted Budget**
- 4.e. Approve Ordinance No. O-23-034 on Its Second Reading Amending the City of Brenham's FY23-24 Adopted Budget**
- 4.g. Approve the Ratification of Payments Made in the Amount of \$63,215.00 to Chaparral Laboratories, Inc Related to the Water and Wastewater Department TCEQ Required Laboratory Water Testing and Authorize the Mayor to Execute any Necessary Documentation**
- 4.h. Approve the Use of Seized Narcotic Funds for the City of Brenham Police Department for the Purchase of ERAD FCIS Solution Bundle from ERAD Group, Inc in the Amount of \$4,250.00 and Authorize the Mayor to Execute any Necessary Documentation**
- 4.i. Approve the Use of Seized Narcotic Funds for the City of Brenham Police Department for the Purchase of Two L5M 25mm Cameras from Vigilant Solutions, LLC in the Amount of \$10,775.00 and Authorize the Mayor to Execute any Necessary Documentation**

Councilmember LaRoche requested that Item 4.f. be moved from the Statutory Consent Agenda to the Regular Agenda for further discussion.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve the Statutory Consent Agenda Items 4.a. through 4.e. and 4.g. through 4.i. as presented.

Mayor Kenjura called for a vote. The motion passed with Council voting as follows:

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: None

WORK SESSION

5. Update and Presentation on Camptown Cemetery

Dr. Robert Bubb from Auburn University provided an update on Camptown Cemetery. Dr. Bubb stated that his three-time great-grandmother, Louisa Mangrum, was the original landowner and sold the property for the creation of Camptown Cemetery. Dr. Bubb's daughter, Abby, lead a fundraiser for the cemetery and will be donating \$10,000.00 for the purchase of a memorial bench for her great-grandmother.

6. Discussion and Review of New Rules Pertaining to HUD Section 3 Policy Updates and Information for the City of Brenham's Community Development Block Grant through the Texas Department of Agriculture (Carrington Lane and Various Drainage Projects)

Director of Public Works Dane Rau presented this item. Rau advised that HUD has updated the Section 3 regulations since the last Texas Department of Agriculture (TDA) grant the City received and is requiring that all contracts are amended to include new regulations.

Michael Migaud from Public Management Inc. stated that the purpose of Section 3 is to facilitate contract and employment opportunities for low and very low income workers, specifically those that live close to the project location. Migaud stated that going forward, his office would coordinate with all parties to monitor public postings and contractor requirement pertaining to Section 3 provisions, and track the number of

hours of anyone who works on the grant project.

7. Update and Discussion on FY 22-23 Fourth Quarter Financial Reports

Strategic Budget Officer Tim McRoberts presented this item. McRoberts advised that while staff presents these reports quarterly, the fourth and final quarter of the fiscal year is the true measure of the City's financial position. McRoberts stated that financial reports presented earlier in the year reflect more on trends and comparisons and have less focus on actual net revenue/loss due to the seasonality of revenue and expenditure cycles.

McRoberts stated that all funds experienced favorable actual to budget net revenues for the FY22-23 fourth quarter except for the gas fund, wastewater fund and the sanitation fund. McRoberts provided the following information on each fund:

- General Fund posted an actual year-to-date fourth quarter net income of \$1,575,833.00
- Electric Fund posted a year-to-date new income of \$1,073,622 which was \$1,184,313.00 favorable to the budgeted net loss.
- Gas Fund posted actual net loss of (\$39,444.00), which was slightly worse than the budgeted net loss.
- Water Fund posted yearly net revenue of \$572,852.00 which was favorable to the projected net loss.
- Wastewater Fund net revenue was \$194,087.00.
- Sanitation Fund posted actual year-to-date fourth quarter net loss of (\$151,418.00). Now that the City has dissolved its in-house Sanitation Department, this Fund is largely a pass-through fund.
- Drainage Fund posted actual year-to-date fourth quarter FY22-23 net income of \$289,511.00.

McRoberts advised that the General Fund had a very healthy fiscal year with strong sales tax revenues along with expenditure savings from personnel turnover. McRoberts stated that staff will continue to watch operational expenditure budgets closely to monitor the effects persistent inflation is having on maintenance, supplies and labor.

REGULAR SESSION

- 4.f. Approve Ordinance No. O-23-035 on Its Second Reading Amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Calvary Baptist Church to Allow Construction of an Open-Air Pavilion Behind the Existing Church Building (Church Auxiliary Use) in an R-1, Single-Family Residential Zoning District on Approximately 2.5443 Acres of Land Located at 1100 Niebuhr Street, and Further Described as Tract 241 of the Arabella**

Harrington Survey in Brenham, Washington County, Texas (Case No. P-23-040)

City Planner Shauna Laauwe advised Council that this item is the second reading of the Ordinance to approve a Specific Use Permit request by Calvary Baptist Church to allow the placement of a 50-foot by 75-foot open air pavilion at the rear of their property (2.5443 acres) located at 1100 Niebuhr Street. Laauwe stated that the church plans to use the pavilion for fellowship gatherings, picnic events, vacation bible school, and similar events.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve Ordinance No. O-23-035 on its second reading amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham granting a Specific Use Permit to Calvary Baptist Church to allow construction of an open-air pavilion behind the existing church building (Church Auxiliary Use) in an R-1, Single-Family Residential Zoning District on approximately 2.5443 acres of land located at 1100 Niebuhr Street, and further described as Tract 241 of the Arabella Harrington Survey in Brenham, Washington County, Texas (Case No. P-23-040).

Mayor Kenjura called for a vote. The motion passed with Council voting as follows:

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember Saunders, Councilmember Wright

No: Councilmember LaRoche

Absent: None

8. Discuss and Possibly Act Upon the Purchase of Audio Equipment for the Blue Bell Aquatic Center and Authorize the Mayor to Execute Any Necessary Documentation

Director of Public Works Dane Rau presented this item. Rau advised that during the budget process staff requested funding for a new audio system for the Blue Bell Aquatic Center. Rau advised that the facility is 24 years old and the current audio system is no longer working.

Rau stated that the new system will assist with bringing good sound to all three pool areas and will be used for training, special events (Kid Fish, Floats N Flicks, etc.) as well as daily programming and exercise classes. Rau advised it will also bring back streaming of music during the day throughout the facility.

A motion was made by Councilmember Cook and seconded by Councilmember Canales to approve the purchase of audio equipment for the Blue Bell Aquatic Center

in the amount of \$69,031.23 from Avinext through the TAMU Contract No. C20201408 and authorize the Mayor to execute any necessary documentation.

Mayor Kenjura called for a vote. The motion passed with Council voting as follows:

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: None

9. Discuss and Possibly Act Upon Resolution No. R-23-046 Adopting an Increase in the City of Brenham's Monthly Contribution to the Texas Emergency Services Retirement System (TESRS)

Director of Finance Stacy Hardy presented this item. Hardy stated that the Brenham Fire Department Pension Board has requested the City Council consider an increase in the City's contribution into the Texas Emergency Services Retirement System (TESRS). Hardy advised that the City has participated in TESRS since 1978.

Hardy advised that TESRS is funded by contributions made by the governing bodies of the participating departments. No contributions are required from the individuals who are members of TESRS. Hardy advised that the City's current contribution is \$140 per month for 17 active volunteer firefighters for an annual total contribution of \$28,560. Hardy advised that the Board is requesting an increase in the City's contribution to \$160 per month, or \$32,640 annually, assuming 17 active participants. Hardy advised that the Pension Board believes the contribution increase will enhance the volunteer program to encourage new participation as well as recognize the current volunteers for their years of dedicated service.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve Resolution No. R-23-046 adopting an increase in the City of Brenham's monthly contribution to the Texas Emergency Services Retirement System (TESRS).

Mayor Kenjura called for a vote. The motion passed with Council voting as follows:

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: None

10. Discuss and Possibly Act Upon an Ordinance on Its First Reading to Repeal Ordinance No. O-22-018 Relating to a Non-Exclusive Franchise to Skoot-N-Hauler to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits

Deputy City Secretary Robin Hutchens presented this item. Hutchens advised that on October 30, 2023, staff reviewed the vendors currently holding a Sanitation Franchise and upon that review, discovered that reports had not been received from Skoot-N-Hauler, LLC in a twelve-month period. Hutchens advised that staff reached out to Skoot-N-Hauler, LLC and was advised by the owner, Peter Nicklas that he was no longer doing business in the Washington County area and has since moved his business back to Dallas.

Hutchens advised that this Ordinance would repeal the current franchise agreement Skoot N Hauler, LLC and the City.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve an Ordinance on its first reading to repeal Ordinance No. O-22-018 relating to a non-exclusive franchise to Skoot-N-Hauler to operate a roll-off container service for residents, businesses, and industries inside Brenham city limits.

Mayor Kenjura called for a vote. The motion passed with Council voting as follows:

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: None

11. Administrative/Elected Officials Report

City Manager Carolyn Miller reported the following:

- City offices will be closed on December 25- 26 for the Christmas holidays; and
- The next regular City Council meeting will be on January 4, 2024

Executive Session began at 2:07 pm.

EXECUTIVE SESSION

- 12. Section 551.071, Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Aviators Plus, LLC v. City of Brenham, Texas; Cause No. 37896; 21st Judicial District Court, Washington County, Texas**
- 13. Section 551.074, Texas Government Code - Personnel Matters - Discussion Concerning the Retirement of the City Manager, Potential Roles/Duties of the Retiring City Manager in Facilitating the Transition to a New City Manager, and the Appointment, Employment, Evaluation, and Duties of a New City Manager, and Associated Issues**

Executive Session adjourned at 3:22 pm.

ADJOURN

Atwood C. Kenjura

Mayor



Jeana Bellinger, TRMC, CMC

City Secretary