

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, February 2, 2023 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 Luke Cochran; City Secretary Jeana Bellinger; General Manager of Public Utilities Debbie Gaffey; Director of Finance Stacy Hardy; Human Resources Director Susan Nienstedt; Director of Public Works Dane Rau; Director of Development Services Stephanie Doland; Director of Economic Development Susan Cates; Deputy General Manager of Public Utilities Alton Sommerfield; Karen Stack; Kyle Branham; Cherry Cash Prewitt; Tammy Jaster; Sgt. Steven Eilert; Kevin Schmidt; JoAnne Hynes; Robin Hutchens; Will Felder; Debra Pinto; Kelsey Toy; Shawn Bolenbarr

Citizens/Others Present:

Jon Davies; Tim Webb; Susan McCulley; Nath Wade; Easton Wade; Paul LaRoche; Cary Todd; Susan Karoch; Heather Dallmeyer; Alex Dallmeyer; Marie Surovik; James Bethany; Natalie Lange; Mary Ann Chelf; Cynthia Timpa; Thaddeus Adams; Jennifer Young; Bill Odom; Rexa Pennelton; Chris Pennelton; Caroline Nowicki; Kelly Hajek

Media Present:

Jason May, Brenham Banner-Press; Josh Blaschke, KWHI; and T. Merritt, KBTX

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Albert Wright**
- 3. Service Recognitions**
 - Will Felder, Central Warehouse – 15 Years
- 4. Special Recognition**
 - Jennifer Young, American Red Cross Executive Director of the Heart of Texas Chapter
- 5. Citizens Comments**

Several local pastors and members of the Brenham Ministerial Alliance addressed the City Council in opposition to a drag queen show being held at Floyd’s Wine Lounge in downtown.

CONSENT AGENDA

- 6. Statutory Consent Agenda**
 - 6-a. Approve the Minutes from the January 5, 2023 Regular Meeting**
 - 6-b. Approve Ordinance No. O-23-005 on Its Second Reading to Amend the 2022 Thoroughfare Plan, A Supplement to the City of Brenham Comprehensive Plan “Historic Past, Bold Future: Plan 2040”**
 - 6-c. Approve a Noise Variance Request from Top Floor Cars for a Car Show to be Held Saturday, April 8, 2023, in Downtown Brenham from 9:00 a.m. to 1:00 p.m. and Authorize the Mayor to Execute Any Necessary Documentation**
 - 6-d. Approve a Ground-Space Lease Agreement Between the City of Brenham and DTR Flying Service LLC (Daniel and Tracy Carroll) for Hangar Space at the Brenham Municipal Airport (3301 Aviation Way) and Authorize the Mayor to Execute Any Necessary Documentation**
 - 6-e. Approve Resolution No. R-23-005 Authorizing the Submission of a Grant Application to the Office of the Governor, Public Safety Office, Homeland Security Grants Division, FY2023 State Homeland Security Program, LETPA Projects (SHSP-I) for the Purchase of Forty (40) Sets of 24” RatKit Breaching Equipment**
 - 6-f. Approve Resolution No. R-23-006 Authorizing the Submission of a Grant Application through the Office of the Governor, Public Safety Office, Criminal Justice Division, FY2024 Criminal Justice Program for the Purchase of One (1) R.A.T. Breaching Door**

6-g. Approve Resolution No. R 23-007 Authorizing the Submission of a Grant Through the Office of the Governor, Public Safety Office, Homeland Security Grants Division, FY2023 State Homeland Security Program – Regular Projects (SHSP-R) for the Purchase of Two (2) Trinity Innovative Solutions Portable Surveillance Kits

6-h. Purchase of a F-750 Ford Truck for the City of Brenham’s Electric Department and Authorize the Mayor to Execute Any Necessary Documentation

6-i. Approve an Equipment Financing Proposal for a Ford F-750 Truck for the City of Brenham Electric Department and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Wright and seconded by Councilmember Canales to approve the Statutory Consent Agenda Items 6-a. thru 6-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

WORK SESSION

7. Discussion and Presentation on the City of Brenham’s Noise Ordinance

Legal and Legislative Services Manager Karen Stack presented this item. Stack explained that the Economic Development Subcommittee met in January to discuss possible changes to Section 17-8, Noise Nuisance, of the City’s Code of Ordinances. Stack stated that she took decibel readings around the City and presented the following options to the Subcommittee for discussion:

- Removing noise provisions from the Zoning Ordinance
- Adding decibel limits to the Noise Nuisance Ordinance
- Determining appropriate decibel limits for different zones and times of day
- Measuring noise level at the receiving property’s property line rather than the property line of the noise maker

Stack explained that four (4) issues were revealed during the meeting with the Subcommittee and these issues are being presented to Council for consideration:

1. How should the nuisance ordinance account for noise created by traffic?
2. How should the ordinance address noises which are annoying, but are still under the applicable decibel limits?
3. What standard should be applied when neighboring properties are in two (2) different zones?
4. What steps must be taken to protect music tourism and Brenham's "Music Friendly Community" designation?

Stack advised Council that the goal of rewriting the noise nuisance ordinance was to have clear standards about what constitutes a noise nuisance, remove the current conflicts between noise nuisances and zoning ordinances, and make enforcement easier on Police Department.

Several citizens addressed the Council about noise related concerns in their neighborhoods. Some of the concerns voiced were:

- Not just loud noises are a nuisance but the consistency of the noise.
- No real enforcement for recurring noise complaints.
- Noise is not always taken care of by limiting decibel levels.
- Adding specific time requirements for certain noise levels – not before 7:00 a.m. or after 10:00 p.m.

Economic Development Director Susan Cates reminded Council of local businesses that run multiple shifts. Cates stated that any time-specific requirements for noise that is put into an ordinance could potentially affect those businesses and their employees.

REGULAR SESSION

- 8. Discuss and Possibly Act Upon an Order Calling a General Election to be Held on May 6, 2023 for the Purpose of Electing One Mayor; One Council Member for Place 2 – Ward 2; and One Council Member for Place 4 – Ward 4, Each for Four (4) Year Terms**

Discutir y posiblemente actuar por una orden exigiendo Elecciones Generales el 6 de mayo de 2023 con el proposito de la eleccion de un alcalde, un miembro de consejo para Lugar 2 - Distrito Electoral 2, y un miembro de consejo para Lugar 4 - Distrito Electoral 4, cada uno para terminos de cuatro (4) anos

City Secretary/Director of Administrative Services Jeana Bellinger presented this item. Bellinger explained that in accordance with Texas Election Law and the City of Brenham's Charter, the City must hold a General Election on Saturday, May 6, 2023 to elect a Mayor; one Councilmember for Place 2 – Ward 2; and one Councilmember for Place 4 – Ward 4. Bellinger advised that the term for each of these positions is four (4) years.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve an Order calling a General Election to be held on May 6, 2023 for the purpose of electing one Mayor; one Council Member for Place 2 – Ward 2; one Council Member for Place 4 – Ward 4, each for four (4) year terms.

Mayor Tate called for a vote. The motion was 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 an Order Calling for a Special Election to be Held on May 6, 2023 for the Purpose of Electing One (1) Councilmember to Fill the Unexpired Term of Place 3 – Ward 3**

Discutir y posiblemente actuar sobre una orden que convoque una elección especial que se celebrará el 6 de mayo de 2023 con el propósito de elegir a un (1) concejal para llenar el período no vencido del Lugar 3 - Distrito 3

City Secretary/Director of Administrative Services Jeana Bellinger presented this item. Bellinger stated that due to Councilmember Kenjura's decision to run for Mayor in the General Election a vacancy has been created in Kenjura's current position of Place 3 – Ward 3 Councilmember. Bellinger explained that the Texas Constitution mandates when an elected official announces their candidacy for any public office other than the office currently held, the announcement constitutes an automatic vacancy of their current position; and requires a Special Election to fill the vacancy be ordered and held within 120 days after the vacancy occurs.

Bellinger advised Council the Special Election presented to Council officially orders the Election for Place 3 – Ward 3 vacancy and would be held in conjunction with the General Election on May 6, 2023. Bellinger stated that the candidate filing period for the Special Election will be 8:00 a.m. on Friday, February 3, 2023 through 5:00 p.m. Monday, March 6, 2023.

A motion was made by Councilmember Canales and seconded by Mayor Pro Tem Kolby to approve an Order calling for a Special Election to be held on May 6, 2023 for the purpose of electing one (1) Councilmember to fill the unexpired term of Place 3 – Ward 3.

Mayor Tate called for a vote. The motion was 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. R23-001 Authorizing the Submission of a Grant Application to the Texas General Land Office (GLO) (Including All Supporting Documentation As May Be Required by GLO) for the Community Development Block Grant-Mitigation (CDBG-MIT) Regional Method of Distribution (MOD) Program for Road and Drainage Improvements on Lott Lane and Shepard Lane within the City of Brenham

Director of Public Works Dane Rau presented this item. Rau advised that the City has received \$1,044,500.00 in grant funding from the Community Development Block Grant-Mitigation (CDBG-MIT) Program to help mitigate issues that stemmed from past flood events. Rau explained that one of the requirements to receive these funds, the City is required to pass a Resolution authorizing the submission of the grant application for the funds.

Rau explained to Council that the funds are intended to be used to improve two (2) roadways and drainage in the area of Lott Lane and Shepherd Lane off of Old Chappell Hill Road to include wider asphalt and concrete curb and gutter. Rau stated this area has had only minor improvements since the annexation in 2008 and the improvements will bring these roadways up to city standards.

A motion was made by Councilmember Kenjura and seconded by Councilmember Saunders to approve Resolution No. R-23-01 authorizing the submission of a grant application to the Texas General Land Office (GLO) (including all supporting documentation as may be required by GLO) for the Community Development Block Grant-Mitigation (CDBG-MIT) Regional Method of Distribution (MOD) Program for road and drainage improvements on Lott Lane and Shepard Lane within the City of Brenham.

Mayor Tate called for a vote. The motion was 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 an Ordinance on Its First Reading Authorizing the Placement of a Stop Sign on Marjorie Street at Its Intersection with Atlow Drive

Director of Public Works Dane Rau presented this item. Rau stated the “T” intersection of Marjorie Street should have a stop sign to coincide with all other intersections on Marjorie Street and allow the City to have a controlled intersection where vehicular traffic stops on Marjorie Street and Atlow Drive has a right-of-way. Rau explained that Public Works has received several requests about placement of a stop sign at this intersection.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve an Ordinance on its first reading authorizing the placement of a stop sign on Marjorie Street at its intersection with Atlow Drive.

Mayor Tate called for a vote. The motion was 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 Resolution No. R-23-003 Authorizing the Acceptance of Public Infrastructure Improvements in the Vintage Farms Subdivision, Phase 5

Director of Development Services Stephanie Doland presented this item. Doland explained the subject property was approximately 15.946-acre tract of vacant land located west of the intersection of Confederate Lane and Dixie Road and is platted as the Vintage Farms Phase Five Subdivision.

Doland stated that Phase 5 consists of 63 lots for single-family home construction, dedication of public roadway, and five (5) common areas for streetscaping, sidewalks, and community landscaping and will be maintained in perpetuity by the Homeowner’s Association (HOA). Doland further advised the public infrastructure improvements (water, sanitary sewer, streets, sidewalks, and storm drainage) have been constructed and inspected according to the City’s ordinances and regulations and are ready for acceptance with a one-year maintenance period beginning on January 16, 2023 upon Council’s approval of the infrastructure acceptance.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Wright to approve an Resolution No. R-23-003 authorizing the acceptance of public infrastructure improvements in the Vintage Farms Subdivision, Phase 5.

Mayor Tate called for a vote. The motion was 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 Resolution No. R-23-004 Authorizing the Acceptance of a Grant from the Office of the Governor, Public Safety Office, Criminal Justice Division for the 2023 bullet-Resistant Shield Grant Program

Sgt. Steven Eilert presented this item. Eilert explained that the City has received confirmation of the award of grant funding in the amount of \$20,106.10 for Grant No. 4663201 for the purchase of five (5) bullet-resistant shields. The Resolution being presented is a requirement of the grant.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve Resolution No. R-23-004 authorizing the acceptance a grant from the Office of the Governor, Public Safety Office, Criminal Justice Division for the 2023 Bullet-Resistant Shield Grant Program.

Mayor Tate called for a vote. The motion was 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 an Amendment to Professional Services Agreement with Strand and Associates for Engineering Services Related to Water Source Evaluation and Water Treatment Plant Expansion and Authorize the mayor to Execute Any Necessary Documentation

Project Manager for Public Utilities Shawn Bolenbarr presented this item. Bolenbarr stated that the City had entered into an agreement with Strand and Associates, Inc. in July 2022 for water source evaluation and a water treatment plant expansion plan at the cost of \$110,000.00

Bolenbarr stated that early in the evaluation, it was determined based on population growth to 2042, that the water treatment plant capacity would need to be expanded from 6.98 million gallons per day (MGD) to 12.70 MGD. Bolenbarr advised Council that due to the expected growth of the City and the increase in MGDs, the cost of the water treatment plant expansion could be as high as \$100 million. The Utilities Subcommittee determined that the plant expansion was not an affordable option at this time.

Bolenbarr explained that this Amendment redefines the scope of services and provides for an evaluation of local well sites with treatment at the site directly into the water distribution system, as well as, local, ground water well feeds into the water plant, supplementing lake water feed. The cost for this revised scope of services will be \$35,000.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve an amendment to the Professional Services Agreement with Strand and Associates, Inc. for engineering services related to water source valuation and water treatment plant expansion in an amount not to exceed \$35,000.00 and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion was 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 reported on the following:

- Sgt. Steven Eilert was named Brenham Police Officer of the Year
- Washington County Chamber of Commerce Banquet is at 5:30 p.m. tonight
- Washington County Day at the Capital in Austin is on Monday, February 7th

Council adjourned into Executive Session at 2:41 p.m.

16. **Section 551.071 – Texas Government Code – Consultation with City 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 551.071 – Texas Government Code – Consultation with City Attorney – Consultation with City Attorney Regarding Aviators Plus, LLC v. City of Brenham, Texas; Cause No. 37896; 21st Judicial District Court, Washington County, Texas**
18. **Section 551.071 – Texas Government Code – Consultation with City Attorney – Consultation with City Attorney Regarding the Texas Public Information Act, the Texas Open Meetings Act, and Associated Legal Matters**

Executive Session adjourned at 3:36 p.m.

RE-OPEN REGULAR SESSION

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor



Jeana Bellinger, TRMC, CMC
City Secretary