

Brenham City Council Minutes

A Regular Meeting of the Brenham City Council was held on Thursday, August 1, 2024 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 Adonna Saunders
Councilmember Albert Wright

Members Absent:

Councilmember Paul LaRoche

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 William Bisette, Assistant General Manager of Public Utilities Alton Sommerfield, Director of Finance Stacy Hardy, Director of Public Works Dane Rau, Chief Financial Officer Julie Flagg, Director of HR and Risk Management Susan Nienstedt, Fire Chief Mark Donovan, Police Chief Lloyd Powell, Development Services Director Stephanie Doland, Economic & Community Development Director Teresa Rosales, Robin Hutchens, Karen Stack, Kyle Branham, Shawn Bolenbarr, Jessica Perez, Shauna Laauwe, Allen Jacobs, Nancy Stafford, Tiwanna Brown, Steven Loving, Richard O'Malley, David Drinkard, Derrick Charlton, and Rolando Arroyo.

Citizens/Others Present:

Walt Edmunds, and Mary Maxwell.

Media Present:

Joshua Blaschke with KWHI, and Sarah Forsythe with Brenham Banner Press.

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags - Councilmember Leah**

Cook

- 3. Retirement Recognition - Thomas Kurie, Brenham Police Department**
- 4. Service Recognition**
 - ◆ **Kevin Schmidt - Information Technology - 15 Years**
- 5. Special Recognition**
 - ◆ **Luke Cochran - 2024 Prosecutor of the Year Award from Texas Municipal Courts Association**
- 6. Citizen Comments**

No citizen comments were heard.

CONSENT AGENDA

- 7. Statutory Consent Agenda**
 - 7.a. Approve the Minutes from the July 11, 2024, Regular City Council Meeting, and the July 22, 2024, Special City Council Meeting.**
 - 7.b. Approve an Audit Engagement Letter for Seidel Schroeder to Perform an Audit for the Fiscal Year Ending September 30, 2024 and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Wright and seconded by Councilmember Canales to approve Consent Agenda Items 7.a. through 7.b 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 Saunders, Councilmember Wright

No: None

Absent: Councilmember LaRoche

WORK SESSION

8. Discussion and Presentation on Possible Annexation of Two (2) Roads and Rights-of-Way that are Contiguous to the Boundaries of the City of Brenham City Limits

Director of Administrative Services/City Secretary Jeana Bellinger presented this item. Bellinger stated that staff would like City Council to consider the annexation of two (2) county roads and their right-of-way into the city limits:

Dixie Road:

Due to the ongoing development of the Vintage Farms Subdivision off of Highway 36 North, staff is recommending the annexation of Dixie Road from Highway 36 North to the current city limit line. This annexation will give Development Services the ability to provide the developer with subdivision accessibility options to ensure the safety of subdivision residents and other traffic traveling along Dixie Road.

Old Masonic Road

This is a clean-up annexation that has been on the city's list since the survey was done in 2020. The area to the west of this roadway was annexed in 1984 and is the Scenic Estates Subdivision. This annexation would move the city limit line from the back of residential properties.

Bellinger advised that as required by law, Washington County was provided notice of the annexation on July 12, 2024, and has been advised by Judge Durrenberger that the County has no objection to this annexation. Bellinger advised that both of these roadways would be added to the City's thoroughfare plan and street inventory. Bellinger advised that as outlined in our Annexation Service Plan, the roadways will be inspected and any needed improvements will be scheduled as part of the City's annual street improvement project.

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

9. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Walt Edmunds/WEPROP, LLC for the Property Located at 310 W. Third Street, to Allow an Accessory Dwelling Unit (ADU) Use in an R-1 Single-Family Residential Zoning District on Approximately 0.1948 Acres of Land Addressed as 310 W Third Street, Being Further Described as Key's First Addition, Block 2, Lot 3C, in Brenham, Washington County, Texas (Case Number P-24-019)

City Planner Shauna Laauwe presented this item. Laauwe explained that Walt Edmunds of WEPROP, LLC., the applicant and property owner, is requesting approval of a Specific Use Permit for an existing 612 sq.ft. detached accessory dwelling unit (ADU). Laauwe advised that records show that both the principal structure and existing accessory structure were constructed in 1930, before the Subdivision and Zoning

Regulations were adopted in 1968. Laauwe explained that since the ADU had remained vacant for more than one year, the nonconforming use lost its nonconforming status; therefore, the applicant is requesting that the existing accessory structure be allowed as an ADU again to provide for visiting family and guest accommodation.

Laauwe explained that the proposed ADU has an existing setback of only one foot from the north rear property line so the applicant is currently working with a surveyor to replat the property to include a strip of property recently purchased from the adjacent property owner that would ensure that the ADU has a conforming 11-foot rear yard setback.

Laauwe stated that this SUP went to P&Z on July 22nd and they voted unanimously to approve the SUP with the condition that the property be replatted to include the additional property for the 11-foot rear yard setback.

A motion was made by Councilmember Saunders and seconded by Councilmember Cook to approve an ordinance on its first reading amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham granting a Specific Use Permit to Walt Edmunds/WEPROP, LLC for the property located at 310 W. Third Street, to allow an Accessory Dwelling Unit (ADU) use in an R-1 Single-Family Residential Zoning District on approximately 0.1948 acres of land addressed as 310 W Third Street, being further described as Key’s First Addition, Block 2, Lot 3C, in Brenham, Washington County, Texas (Case Number P-24-019).

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: None

Absent: Councilmember LaRoche

REGULAR SESSION

10. Submission of, Discussion, and Possible Action Regarding the No-New Revenue Tax Rate, Voter-Approval Tax Rate, and Proposed Tax Rate for the 2024 Tax Year, and Take Record Vote on Proposed Tax Rate and Meeting Date for Final Adoption of Tax Rate

Chief Financial Officer Julie Flagg presented this item. Flagg advised that the City is proposing to keep the same tax rate of \$0.4584 per \$100 valuation. The maintenance & operations (M&O) property tax rate will increase slightly to \$0.3164 per \$100 valuation; and the interest and sinking (I&S) rate will decrease slightly to \$0.1420

per \$100 valuation.

Flagg advised that the City is proposing to adopt a total tax rate (M&O and I&S) of \$0.4584 for FY2024-25. The proposed rate is less than the Voter-Approval rate of \$0.4666, so no election will be necessary. However, the proposed rate is higher than the No-New-Revenue Rate of \$0.4555 which requires us to hold a public hearing before the tax rate is adopted.

Flagg stated that Council will need to take a record vote on this item so that the proposed property tax rate can be placed on upcoming agendas for City Council consideration.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders that a property tax rate of \$0.4584 per \$100 valuation be considered by the governing body on the agendas of the September 5, 2024 and September 19, 2024 Brenham City Council meetings.

Mayor Kenjura called for a record 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: None

Absent: Councilmember LaRoche

11. Discuss and Possibly Act Upon An Ordinance on Its First Reading Amending the Rate Tariff Schedule for the City of Brenham Sanitary Sewer System

Mayor Kenjura stated that this item would be passed at this time.

12. Discuss and Possibly Action Upon An Ordinance on Its First Reading Amending Chapter 6, Buildings and Structures, of the Code of Ordinance of the City of Brenham, Texas to Provide for the Adoption of the 2021 Editions of the International Building Code, International Fuel Gas Code, International Property Maintenance Code, International Plumbing Code, International Energy Conservation Code, International Mechanical Code, International Residential Code, International Swimming Pool and Spa Code, International Fire Code, and International Existing Building Code and Adopting the 2020 Edition of the National Electrical Code; Amending Article II, Building Code, of Chapter 6, Buildings and Structures, of the Code of Ordinances of the City of Brenham, Texas to Add Shipping Container Construction Requirements; Amending Chapter 8, Fire Protection and Prevention, of the Code of Ordinances of the City of Brenham, Texas to Provide for the Adoption of the 2021 Edition of the International Fire Code

Director of Development Services Stephanie Doland presented this item. Doland explained that the City of Brenham updates and adopts current editions of the International Building Code and Complimentary Building Codes in an effort to maintain a safe built community for Brenham. The routine updating of the ordinance of the Building Codes and Complimentary Codes also helps with lower premiums for building insurance rates for our community since the Building Code updates demonstrate a building safety plan through the nationally recognized Insurance Services Offices (ISO).

Doland advised that the proposed ordinance adopts Chapter 6, 'Buildings and Structures' and Chapter 8, 'Fire Protection and Prevention,' of the City of Brenham Code of Ordinances, which consists of the following codes:

- 2021 International Building Code
- 2020 National Electrical Code (NEC)
- 2021 International Mechanical Code
- 2021 International Property Maintenance Code
- 2021 International Plumbing Code
- 2021 International Energy Conservation Code
- 2021 International Residential Code
- 2021 International Existing Building Code
- 2021 International Swimming Pool and Spa Code
- 2021 International Fire Code

Doland advised that the draft ordinance also includes local amendments to the proposed 2021 Suite of the International Building Code as well as the 2020 National Electrical Code. Local amendments include clarifications to the code on the usage of various material types and removal of requirements that are not applicable to construction in the City. The ordinance also accounts for two additional local amendments to the International Building Code which outline the approval requirements for converting Intermodal Shipping Containers as habitable or non-habitable buildings within the City.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve an Ordinance on its first reading amending Chapter 6, Buildings and Structures, of the Code of Ordinance of the City of Brenham, Texas to provide for the adoption of the 2021 Editions of the International Building Code, International Fuel Gas Code, International Property Maintenance Code, International Plumbing Code, International Energy Conservation Code, International Mechanical Code, International Residential Code, International Swimming Pool and Spa Code, International Fire Code, and International Existing Building Code and adopting the 2020 Edition of the National Electrical Code; Amending Article II, Building Code, of Chapter 6, Buildings and Structures, of the Code of Ordinances of the City of Brenham, Texas to add Shipping Container Construction Requirements; Amending Chapter 8, Fire Protection and Prevention, of the Code of Ordinances of the City of Brenham,

Texas to provide for the adoption of the 2021 Edition of the International Fire Code.

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: None

Absent: Councilmember LaRoche

13. Discuss and Possibly Act Upon:

- **An Agreement with United Healthcare for Group Medical, and Voluntary Dental and Vision Coverage Benefits for the Plan Year October 1, 2024 through September 30, 2025;**
- **An Agreement with Surency for the Administration of Flexible Spending Account/Dependent Care Reimbursement, Health Savings Account, and COBRA for the Plan Year October 1, 2024 through September 30, 2025; and**
- **An Agreement with Alliance Work Partners for an Employee Assistance Program for the Plan Year October 1, 2024 through September 30, 2025**

and Authorize the Mayor to Execute Any Necessary Documentation

Director of Human Resources/Risk Management Susan Nienstedt presented this item. Nienstedt explained that the City of Brenham provides an excellent benefit package to our full-time employees, and dependents if elected, which includes medical, dental, vision, life, and long-term disability insurance coverage.

Nienstedt stated that last year, City Council approved an agreement with HUB International to work as our benefit consultant to bid out and negotiate pricing for our medical, dental, vision, and life and long-term disability lines of coverage. This year HUB negotiated rate guarantees for dental, vision, life insurance, and long-term disability coverage, which means we will continue with the same rate for the city and our employees for those coverages.

Nienstedt explained that United Healthcare provided a renewal with a 5% increase for our group medical coverage. This increase will be applied to both the city's premiums and the employee's premiums for the 2024-25 plan year beginning October 1, 2024.

A motion was made by Councilmember Canales and seconded by Mayor Pro Tem Kolby to approve:

- An Agreement with United Healthcare for Group Medical, and Voluntary Dental and Vision Coverage Benefits for the Plan Year October 1, 2024 through September 30, 2025;
- An Agreement with Surency for the Administration of Flexible Spending Account/Dependent Care Reimbursement, Health Savings Account, and COBRA for the Plan Year October 1, 2024 through September 30, 2025; and
- An Agreement with Alliance Work Partners for an Employee Assistance Program for the Plan Year October 1, 2024 through September 30, 2025

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 Saunders, Councilmember Wright

No: None

Absent: Councilmember LaRoche

14. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- August 10th and 11th - Firemans Fiesta
- August 15th - Regular City Council Meeting
- August 22nd - Special City Council Meeting

Council adjourned into Executive Session at 1:53 p.m.

EXECUTIVE SESSION

15. Section 551.071, Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Commonwealth Development, Inc. v. City of Brenham, Texas; Fair Housing Case No. 06-22-3294-8

16. Section 551.071, Texas Government Code - Consultation with City Attorney - Consultation with City Attorney Concerning the Brenham Municipal Airport, Its Operations and Services, and Associated Matters

17. Section 551.071, Texas Government Code - Consultation with City Attorney -

**Consultation with City Attorney Concerning Administrative Processes
Related to Various Personnel Issues and Associated Matters**

- 18. Section 551.071, Texas Government Code - Consultation with Attorney -
Consultation with City Attorney Regarding the Impact of Lindke v. Freed, 601
U.S. 187 (2024) on First Amendment Law, Elected Officials' Responsibility
Related to Social Media Use, and Associated Legal Matters (Social Media)**
- 19. Section 551.071, Texas Government Code - Consultation with City Attorney -
Consultation with City Attorney Regarding ETC Marketing, Ltd. v. Ken
Paxton, Attorney General of the State of Texas, and the City of Brenham,
Texas; Cause No. D-1-GN-24-004577; 53rd Judicial District Court, Travis
County, Texas**

Executive Session adjourned at 2:47 p.m.

ADJOURN

Atwood C. Kenjura

Mayor



Jeana Bellinger, TRMC, CMC

City Secretary