

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, September 5, 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 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 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, Assistant Police Chief Curtiss Schoen, Development Services Director Stephanie Doland, Robin Hutchens, Kyle Branham, Shawn Bolenbarr, Jessica Perez, Shauna Laauwe, Allen Jacobs, David Doelitsch, Mark Pierce, Cody Sorenson, Sarah Hill, Richard O'Malley, Steven Eilert, Tiffany Anderson, Kelvin Raven, and Jerry Saldivar.

Citizens/Others Present:

Stephanie Kinghorn, Eryn Davoody, Sue Hewitt, Brenda Schultz, Carol Muegge, Bonnie Brinkmeyer, Bryan Butler, Roy Finke, Jake Carlile, and Shirley Herring.

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 - City Manager Carolyn Miller

3. Police Department Promotions

- ◆ **Steven Eilert, Lieutenant**
- ◆ **Tiffany Anderson, Sergeant**

4. Service Recognitions

- ◆ **Shauna Laauwe - Development Services, 5 Years**

5. Proclamations

- ◆ **Clear the Shelter Day**
- ◆ **Constitution Week**
- ◆ **Washington County READ**

6. Citizen Comments

No citizen comments were heard.

CONSENT AGENDA

7. Statutory Consent Agenda

7.a. Approve the Minutes from the August 15, 2024 Regular City Council Meeting and the August 22, 2024 Special Council Meeting

7.b. Approve the Selection of Randy Criswell - City of Wolfforth (Place 11), Allison Heyward - City of Schertz (Place 12), Harlen Jefferson - City of Burleson (Place 13), and Mike Land - City of Coppell (Place 14) for TML Intergovernmental Risk Pool Board of Trustees and Authorize the Mayor to Execute Any Necessary Documentation

7.c. Approve a Payment to Brazos River Authority in the Amount of \$494,913.00 for the City of Brenham Raw Water Supply and Authorize the Mayor to Execute Any Necessary Documentation

7.d. Approve Change Order No. 2 and Final Payment for Project No. 63C-19C to McDonald Municipal and Industrial in the Amount of \$17,413.60 Related to the Generator at Atlow Booster Pumping Station and Authorize the Mayor to Execute Any Necessary Documentation

7.e. Approve Deductive Change Order No. 2 and Final Payment to Collier Construction, LLC in the Amount of \$19,023.70 Related to the Blue Bell Aquatic Center Locker Room Renovation Project and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve Consent Agenda Items 7.a. through 7.e. 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

PUBLIC HEARING

8. Proposed Tax Rate of \$0.4584 per \$100.00 Valuation for Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025

Chief Financial Officer Julie Flagg presented this item. Flagg advised that the Washington County Appraisal District has certified the taxable values for the 2024 Tax Year with an overall increase in property values of 7.8%. A property tax rate of \$0.4584 per \$100 valuation is being proposed to fund the FY2024-25 budget. Although the proposed rate of \$0.4584 is unchanged from the current rate, due to increased property values, the proposed rate is above the no-new revenue rate and will produce higher tax revenues.

No citizen comments were heard.

9. Proposed Budget for Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025

- **The FY2024-25 proposed budget for the City of Brenham will raise more revenue from total property taxes than last year's budget by an amount of \$959,022, which is a 9.42 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$364,048**

Chief Financial Officer Julie Flagg presented this item. Flagg stated that the FY2024-25 Proposed Budget for the City of Brenham includes appropriations of operating resources for 36 separate funds and authorizes \$107.6 million in expenditures.

No citizen comments were heard.

10. Public Hearing to Consider Amending Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham to Change the Zoning District From a Single-Family Residential Use District (R-1) to a Mixed Residential Use District (R-2) on Property Currently Addressed as 1320 Burleson Street, and Being Further Described as Tract 142 of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas (Case No. P-24-030)

City Planner Shauna Laauwe presented this item. Laauwe explained that the subject property is a 6.09-acre vacant tract of land addressed as 1320 Burleson Street and generally located on the east side of Burleson Street, north of West Blue Bell Road, and on the west side of Rink Street. Laauwe stated that Ernest James Nunn, et al., property owner and Jake Carlile of Arete Property group, applicant, are requesting the rezoning from R-1 to R-2 in order to develop the property for higher density residential uses. Laauwe advised that the R-2 District permits the following residential uses by right: single-family, two-family (duplex/twin homes), zero-lot line dwellings (patio homes), and townhome developments. Laauwe stated that furthermore, in the R-2 District, a multifamily apartment request on property greater than 2-acres requires a specific use permit that is heard by the Planning & Zoning Commission and approved by the City Council.

Laauwe advised that Planning and Zoning Commission held a Public Hearing on this item on Monday, August 26, 2024, and unanimously (6-0) recommended approval of the zoning request. During the Public Hearing, two citizens spoke against the request. City Staff has received two letters in opposition to the proposed rezoning request.

Comments were heard by Brian Butler with HDL Research Labs and Roy Finke with Sealy Mattress. Both parties explained their concerns for the condition and width of Rink Street, the drainage issues that cause flooding on Blue Bell Road, and tractor/trailers coming in and out of the area causing a lot of noise.

Finke expressed his concern for the noise ordinance if there were to be a neighborhood added next to Sealy Mattress. Finke asked if the business would be grandfathered in or if there would be continuous complaints against the business.

Jake Carlile with Arete Property advised Council that this property would be used for townhomes, for sale or rent, and would be in the \$250,000.00 range for thriving, working families. Carlile advised that there would be up to 50 townhomes placed in this area if approved.

REGULAR SESSION

11. Discuss and Possibly Act Upon an Ordinance on Its First Reading Adopting the Budget for Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025

Chief Financial Officer Julie Flagg presented this item. Flagg stated that the proposed FY2024-25 budget has been developed in compliance with the Property Tax Code, Local Government Code, and City Charter. The proposed budget includes appropriations of operating resources for 36 separate funds and authorizes \$107.6 million in expenditures. The proposed budget is on the City's website and on file with the City Secretary. This agenda item is for the first reading of the Ordinance to adopt the proposed FY2024-25 budget. Flagg advised Council must take a record vote on this item.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve an Ordinance on its first reading adopting the budget for fiscal year beginning October 1, 2024 and ending September 30, 2025.

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 LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: None

12. Discussion and Possible Action Upon Ratification of the Property Tax Increase Reflected in the Proposed Budget for Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025, Which Raises More Revenue from Property Taxes than Last Year's Budget

Chief Financial Officer Julie Flagg presented this item. Flagg advised that in compliance with Local Government Code, if a municipal budget raises more property taxes than in the previous year's budget, City Council must formally ratify a property tax increase. Although the City is proposing to maintain the same property tax rate of \$0.4584 in the FY2024-25 budget, due to new properties added to the tax roll and an increase in existing property valuations, the FY2024-25 budget will raise more total property taxes than last year's budget. For FY2024-25, the City estimates an increase of \$959,022 (9.42%) in property tax revenue compared to last year's budget, and of that amount, \$364,048 is tax revenue to be raised from new property added to the tax roll. A vote must be taken to ratify the property tax increase reflected in the budget.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to ratify the property tax increase reflected in the proposed budget for the fiscal year beginning October 1, 2024 and ending September 30, 2025, which raises more revenue from property taxes than the previous year's budget.

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

13. Discuss and Possibly Act Upon an Ordinance on Its First Reading Levying Property Taxes for the Tax Year 2024 for the City of Brenham at \$0.4584 per \$100.00 Valuation

Chief Financial Officer Julie Flagg presented this item. Flagg advised that the proposed FY2024-25 budget includes a tax rate of \$0.4584 per \$100 valuation which has two components: maintenance and operations (M&O) and interest and sinking (I&S). The proposed tax rate of \$0.4584 will allocate \$0.3164 to the General Fund for maintenance and operations, and the balance of \$0.1420 to the Debt Service Fund for interest and sinking. The City has complied with all the notices and publications as required by the Tax Code. Because the proposed tax rate exceeds the no-new revenue rate, the City Council is required by the Tax Code to take a record vote on this item.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Wright that the property tax rate be increased by the adoption of a tax rate of \$0.4584, which is effectively a 0.63% increase in the tax rate.

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 LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: None

14. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham to Change the Zoning District From a Single-Family Residential Use District (R-1) to a Mixed Residential Use District (R-2) on Property Currently Addressed as 1320 Burleson Street, and Being Further Described as Tract 142 of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas (Case No. P-24-030)

City Planner Shauna Laauwe presented this item. Laauwe stated that this item is a companion item to Public Hearing Item #10 to consider the first reading of the Ordinance, discussion and possible action on the rezoning request.

A motion was made by Councilmember Canales 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 to change the Zoning District from a Single-Family Residential Use District (R-1) to a Mixed Residential Use District (R-2) on the property currently addressed as 1320 Burleson Street, and being further described as Tract 142 of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas (Case No. P-24-030).

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

15. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the 2023 Thoroughfare Plan Map, Specifically for the Alignment of the Proposed Future Extension of South Blue Bell Road to State Highway 36 South (Case No. P-24-021)

City Planner Shauna Laauwe presented this item. Laauwe explained that in March 2023, City Council approved a Professional Services Agreement between the City of Brenham and Kendig Keast Collaborative (KKC) for the development of the Brenham Family Park Small Area Plan. Laauwe explained that while the Brenham Family Park Small Area Plan is a concept plan not set in stone, proposed densities, envisioned uses, connectivity, and major roadway alignments help give a foundation for a more intentional development pattern. With the Small Area Plan study complete, the first implementation steps to help bring the plan to fruition are to amend the 2023 Thoroughfare Map, Comprehensive Plan, the Future Land Use Plan and Map. It is

critical that these implementation steps are completed to guide interested developers, staff, and appointed and elected officials when a development application is submitted. The proposed amendments to the 2023 Thoroughfare Map includes the proposed realignment of the future arterial extension of Blue Bell Road and a proposed collector street to provide connectivity to the concept design area.

Laauwe advised that in August 2024, City Council heard a review of this item and conducted a Public Hearing and in July 2024, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the amendments to the Comprehensive Plan, Future Land Use Plan and Map, and the 2022 Thoroughfare Map.

A motion was made by Councilmember LaRoche and seconded by Councilmember Cook to approve an Ordinance on its first reading to amend the 2023 Thoroughfare Plan Map, specifically for the alignment of the proposed future extension of South Blue Bell Road to State Highway 36 South (Case No. P-24-021).

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

16. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the 2019 Comprehensive Plan and Future Land Use Map, Specifically to Adopt the Small Area Plan Located Generally Around the Brenham Family Park (Case No. P-24-021)

City Planner Shauna Laauwe presented this item. Laauwe explained that in March 2023, City Council approved a Professional Services Agreement between the City of Brenham and Kendig Keast Collaborative (KKC) for the development of the Brenham Family Park Small Area Plan. While the Brenham Family Park Small Area Plan is a concept plan not set in stone, proposed densities, envisioned uses, connectivity, and major roadway alignments help give a foundation for a more intentional development pattern. With the Small Area Plan study complete, the first implementation steps to help bring the plan to fruition are to amend the Comprehensive Plan, the Future Land Use Plan and Map, and the 2023 Thoroughfare Map. It is critical that these implementation steps are completed to guide interested developers, staff, and appointed/elected officials when a development application is submitted.

Laauwe advised that in August 2024, City Council conducted a Public Hearing

and a review of this item and in July 2024, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the amendments to the Comprehensive Plan, Future Land Use Plan and Map, and the 2023 Thoroughfare Map.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve an ordinance on its first reading to amend the 2019 Comprehensive Plan and Future Land Use Map, specifically to adopt the Small Area Plan located generally around the Brenham Family Park (Case No. P-24-021).

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

17. Discuss and Possibly Act Upon the Renewal with Texas Municipal League Intergovernmental Risk Pool for the City of Brenham's General Liability, Law Enforcement Liability, Public Official Liability, Mobile Equipment, Airport Liability, Property, Auto Liability and Physical Damage, Crime, and Theft and Worker's Compensation Coverage for the City of Brenham for the Fiscal Year 2024-25 and Authorize the Mayor to Execute Any Necessary Documentation

Director of Human Resources and Risk Management Susan Nienstedt presented this item. Nienstedt stated that the liability coverage includes general liability, law enforcement, errors and omissions, as well as automobile and aviation liability insurance. An increase in all liability lines of coverage is due in part to an increase the City's experience modifier from .88 to 1.01 due to an increase in the number of liability claims brought against the City, as well as increased inflation costs.

Nienstedt advised that property coverage includes real property and personal property, mobile equipment, crime and cybersecurity liability coverage. Nienstedt advised that Workers' Compensation rates for the categories of workers in Streets, Parks, Police, and Fire will all see a decrease in the rate, and all other categories will remain the same. Nienstedt advised that Cybersecurity cover continues to change quickly as cybercrime increases for municipalities causing statewide costs to increase.

Nienstedt advised that the overall budget impact is an increase of \$70,774, which includes a 2% reduction the City receives for early payment of the annual costs if paid by October 31.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve the renewal with Texas Municipal League Intergovernmental Risk Pool for the City of Brenham's General Liability, Law Enforcement Liability, Public Official Liability, Mobile Equipment, Airport Liability, Property, Auto Liability and Physical Damage, Crime, and Theft and Worker's Compensation Coverage for the City of Brenham for the Fiscal Year 2024-25 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

18. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Texas Municipal League Intergovernmental Risk Pool for Cyber Liability and Data Breach Response Coverage and Authorize the Mayor to Execute Any Necessary Documentation

Director of Human Resources and Risk Management Susan Nienstedt presented this item. Nienstedt stated that this is an Interlocal Agreement between the City of Brenham and Texas Municipal League Intergovernmental Risk Pool for Cyber Liability and Data Breach Response coverage for the purpose of providing coverage against risks which are inherent in operating a political subdivision. This is a companion item to the previous item presented.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve an Interlocal Agreement between the City of Brenham and Texas Municipal League Intergovernmental Risk Pool for Cyber Liability and Data Breach Response coverage 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

19. Discuss and Possibly Act Upon Amendment No. 1 to the Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. Related to Various Wastewater Projects Funded Through the American Rescue Plan Act (ARPA) and Administered by the United States Department of the Treasury (Treasury), and Authorize the Mayor to Execute Any Necessary Documentation

Public Utilities Project Manager Shawn Bolenbarr presented this item. Bolenbarr explained that in October 2022, the City of Brenham entered into a Professional Services Agreement with Strand Associates for engineering services related to Project 66C-16C (Rehabilitation of old Wastewater Treatment Plant), Project 66C-17C (Rehabilitation of the Process Aeration Blowers), and Project 66C-18C (UV Light disinfection System), which are part of the American Rescue Plan Act (ARPA). Strand Associates has requested an Amendment to the Professional Services Agreement for additional services that were provided for each project. Cost breakdown for additional services as follows:

- Additional design related to replacement of 6th aeration blower - \$15,000
- Additional design related to the relocation of reclaimed water system components to account for UV implementation - \$5,000
- Additional design related to improvements on old lab room for RAS pump VFDs - \$3,500

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve Amendment No. 1 to the Professional Services Agreement between the City of Brenham and Strand Associates, Inc related to various wastewater projects, in an amount not to exceed \$23,500.00, funded through the American Rescue Plan Act (ARPA) and administered by the United States Department of the Treasury (Treasury), 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

20. Discuss and Possibly Act Upon an Amendment to the Professional Services

Agreement Between the City of Brenham and Strand Associates, Inc. for FY2023-24 On-Call Engineering Services and Authorize the Mayor to Execute Any Necessary Documentation

Director of Development Services Stephanie Doland presented this item. Doland advised that since Strand began providing on-call services in 2020, the monthly average for services has typically averaged around \$10,000 per month. However, there have been several months during the current budget year which have exceeded this average. City staff finds that the increase in on-call services is likely attributable to the increase in development meetings, plat applications and development permit applications due to the impact fee implementation deadline of July 1, 2024.

A motion was made by Councilmember Wright and seconded by Councilmember Canales to approve an amendment to the Professional Services Agreement between the City of Brenham and Strand Associates, Inc., in the amount of \$20,000.00, for FY2023-24 On-Call Engineering Services 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

21. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. for FY2024-25 On-Call Engineering Services and Authorize the Mayor to Execute Any Necessary Documentation

Director of Development Services Stephanie Doland presented this item. Doland explained that the City of Brenham wishes to obtain engineering services from Strand Associates, Inc. (Strand) to provide 'On-Call' engineering support services to the City. The City first began to consult third-party engineering services in 2020 with the absence of a full-time City Engineer position in the Development Services Department and increased development in Brenham. These services would include, but are not limited to, General Engineering Services, Development Review Services, Floodplain Administration Services, and Part-Time Resident Project Representative Services for Developments involving the construction of infrastructure to be dedicated to the City.

Doland explained that in general, the services will be to attend meetings to

discuss engineering-related matters, prepare opinions of probable construction costs for budgetary purposes, review preliminary and final plats submitted, review water, sanitary sewer, paving, and drainage construction plans in accordance with the Public Infrastructure Design Manual and Brenham Code of Ordinances, and to communicate with the City regarding floodplain administration, and part-time observation of development construction.

A motion was made by Councilmember Saunders and seconded by Mayor Pro Tem Kolby to approve a Professional Services Agreement between the City of Brenham and Strand Associates, Inc., in the amount of \$120,000.00, for FY2024-25 On-Call Engineering Services 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

22. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- September 10th - Speaker Series at the Barhill
- September 14th - Washington County Fair Parade
- September 19th - Regular City Council Meeting

ADJOURN

Atwood C. Kenjura

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary

