

Brenham City Council Minutes

A Regular Meeting of the Brenham City Council was held on Thursday, July 11, 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 Leah Cook
Councilmember Paul LaRoche
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

Councilmember Shannan Canales

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 Water/Wastewater Bobby Keene, 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, Economic & Community Development Director Teresa Rosales, Robin Hutchens, Jessica Perez, Shauna Laauwe, Allan Jacobs, David Doelitsch, Sarah Hill, Kim Hodde, Mark Pierce, Cody Sorenson, Steven Loving, Kelvin Raven, Tiffany Anderson, Richard O'Malley, Tammy Jaster, Kelsey Toy, Kyle Koehne, Tandy Tucker, Caroline Nowicki, Victorino Ortiz, Robert Antkowiak, and Darrin Roche.

Citizens/Others Present:

Billy Sutherland, and Debbie Sutherland.

Media Present:

Joshua Blascke 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 Albert Wright**
3. **Special Recognition**
 - ◆ **Lloyd Powell - Police Chief**
4. **Special Recognition**
 - ◆ **Brenham Police Department Promotion - Curtiss Schoen, Assistant Police Chief**
5. **Service Recognition**
 - ◆ **Allen Jacobs - Development Services - 30 Years**
6. **Proclamation**
 - ◆ **National Parks and Recreation Month**
7. **Citizen Comments**

No citizen comments were heard.

CONSENT AGENDA

8. **Statutory Consent Agenda**
 - 8.a. **Approve the Minutes from the June 6, 2024 and the June 20, 2024 Regular City Council Meetings**
 - 8.b. **Approve Ordinance No. O-24-016 on Its Second Reading Amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Allow an Automobile (Car) Service Station (Convenience Store with Gas Pumps) in a B-1, Local Business Residential Mixed Use Zoning District on Property Addressed as 804 E Blue Bell Road, and being 1.106-Acres Described as Arrabella Harrington Survey, Tract 64, in Brenham, Washington County, Texas (Case Number P-24-005)**
 - 8.c. **Approve Ordinance No. O-24-017 on Its Second Reading Adopting a Revised City of Brenham Drought Contingency Plan and Revised Water Conservation Plan for 2024**
 - 8.d. **Approve Final Payment in the Amount of \$22,281.50 to Clark Construction of Texas Inc, Related to 2023-24 City Street Onyx**

Resurfacing Project and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve Consent Agenda Items 8.a. through 8.d. as presented.

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

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

No: None

Absent: Councilmember Canales

WORK SESSION

9. Presentation and Discussion on the FY2023-24 Second Quarter Financial Reports

Chief Financial Officer Julie Flagg presented this item. Flagg advised that all funds experienced favorable actual to budget net revenues for the second quarter FY23-24 except the Water Fund which should reverse it's loss with summer (high consumption) revenues and higher water rates that went into effect in April.

Fund	YTD Revenues & Other Sources	YTD Expenditures & Other Uses	Actual Net Revenues (Loss)	Annual Budgeted Net Revenues (Loss)	2nd QTR YTD Actual to Annual
General	\$14,847,017	\$10,793,329	\$4,0543,688	(\$488,259)	\$4,541,947
Electric Distrib	\$4,155,203	\$3,887,721	\$267,482	(\$119,690)	\$387,172
Gas Distrib	\$1,015,363	\$844,942	\$170,421	(\$56,950)	\$227,371
Water	\$2,129,071	\$3,079,981	(\$160,776)	\$401,755	(\$562,531)
Wastewater	\$2,129,071	\$2,008,008	\$121,063	(\$4,863)	\$125,923
Sanitation	\$1,320,989	\$1,180,984	\$140,005	(\$162,635)	\$302,640
Drainage	\$353,383	\$268,828	\$84,555	\$0	\$84,555

10. Presentation and Discussion on the City of Brenham's Code of Ordinances, Appendix A: Zoning, Section 10 and Chapter 23, Subdivisions, Related to:

- a. Accessory Dwelling Units (ADU's)**
- b. Accessory Structures**
- c. Alleyways in Townhome Developments**

Director of Development Services Stephanie Doland presented this item. Doland advised that occasionally the Zoning Ordinance and Subdivision Regulations require revisions to reflect new codes, make corrections, to revise/add new definitions, to allow for new uses or perhaps remove uses that are no longer seen as compatible within a particular zoning district or development pattern. Doland advised that staff has made note of several revisions to be considered by City Council.

Doland advised that staff proposes to amend Appendix A, Zoning, of the Code of Ordinances as follows:

- Section 10.02(4)(A): Accessory uses and structures: Should the primary use be a single-family dwelling, the property owner's primary residence shall be the single-family dwelling or ADU.
- Section 10.02(1): All detached accessory structures, in any residential district, shall be located behind the closest point of the primary structure to the front property line and shall have a side and rear yard of not less than five (5) feet.

Doland advised that staff is also proposing to amend Chapter 23, Subdivisions, of the Code of Ordinances as follows:

- Section 23-17, Alleys: Current wording reads that "Alleys are prohibited in new subdivisions." Staff would like to amend this section to read as follows: "Alleys are encouraged in townhome developments to facilitate the design of garages and parking to the rear of lots."

After discussion on each topic, the following was decided:

- Section 10.02(4)(A): City Council agreed that requiring the property owner to live in the primary resident or the ADU should only apply in the R-1 zoning district, not R-2 or B-1. Doland stated that the new wording would be amended to read as follows: "Should the primary use be a single-family dwelling in an R-1 District, the property owner's primary residence shall be the single-family dwelling or ADU."
- Section 10.02(1): City Council agreed that additional structures built on residential lots should not extend out beyond the neighbor's house (primary structure). Doland stated that the new wording would be amended to indicate that any accessory structures would have to be located behind the closest point of the neighbor's front property line. Council was also in support of accessory structures having a side and rear yard of not less than five (5) feet.
- Section 23-17: Council agreed with staff's recommendation to amend the definition of "alleys" to read as follows: "Alleys are encouraged in townhome

developments to facilitate the design of garages and parking to the rear of lots."

Staff advised that the revisions discussed during this Work Session would come back to City Council, as Ordinances, at the first meeting in August.

11. Presentation and Discussion on the City of Brenham's Code of Ordinances Chapter 6, Building and Structures, and Chapter 8, Fire Protection and Prevention, Related to the Adoption of the 2021 Edition of the International Building Codes and the 2020 National Electric Code

Director of Development Services Stephanie Doland presented this item. Doland advised that updates to current editions of the International Building Code and Complimentary Building Codes are recommended in an effort to maintain a safely built community. Doland stated that the routine updating of the Code of Ordinances to reflect the current International Codes also helps 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 explained that the appropriate Chapters within the City's Code of Ordinance would be amended, as needed, to reflect updates in the following International Codes:

- 2018 International Building Code
- 2017 National Electric Code (NEC)
- 2018 International Mechanical Code
- 2018 International Property Maintenance Code
- 2018 International Plumbing Code
- 2018 International Energy Conservation Code
- 2018 International Residential Code
- 2018 International Existing Building Code
- 2018 International Swimming Pool and Spa Code
- 2018 International Fire Code

Council agreed that these changes were necessary and no other recommended changes were needed.

12. Presentation and Discussion on Proposition 2 Authorizing Local Option Property Tax Exemption for Certain Child Care Facilities

City Secretary/Director of Administrative Services Jeana Bellinger presented this item. Bellinger advised that in November, Washington County voters (58.4%) approved Proposition 2 which amended the Texas Constitution to allow local governments the option to exempt up to 100%, but not less than 50%, of the appraised value of real property used to operate a "*qualifying childcare facility*" from ad valorem property taxation. The new law went into effect on January 1, 2024. The new law defines a "*qualified child-care facility*" as a facility:

1. *That participates in the Texas Workforce Commission's Texas Rising Star Program; and*
2. *At which at least 20% of the total number of children enrolled at the facility receive subsidized child-care services through the child-care services program administered by the Texas Workforce Commission (i.e. Voucher Program)*

Bellinger advised that according to the Washington County Appraisal District, there are currently five (5) childcare providers in the city limits that meet the criteria and the total estimated tax value for these providers is \$14,799. Bellinger stated that if the City Council would like to approve an exemption amount, it would have to be brought back via a Resolution at the next meeting.

Several Councilmembers questioned whether the child care facility would have to use the tax exemption to lower their childcare rates. Bellinger explained that the law, as it is currently written, does not provide any mandate on how the childcare facility has to use the tax savings. After further discussion, the City Council recommended no action to be taken at this time due to there being no clarification in the law as to what the funds can be used for.

REGULAR SESSION

13. Discuss and Possibly Act Upon a Lease Agreement Between the City of Brenham and Washington County Related to Property Located at 301 N. Baylor Street in Brenham, Washington County, Texas and Authorize the Mayor to Execute Any Necessary Documentation

City Secretary/ Director of Administrative Services Jeana Bellinger presented this item. Bellinger stated that in 2014, the City leased the 9-1-1 Communication building located at 301 N. Baylor Street to the County for \$1,000.00 per month. Bellinger advised that the lease was for five years and included all equipment, furniture and fixtures required for the operations of the communications function.

Bellinger advised that in 2019 the original lease expired, and the City and County agreed to extend the lease to September 30, 2022 at a monthly rental rate of \$1,000.00 with the City paying for any necessary improvements.

The lease being presented for City Council consideration has the following terms:

- Term of the lease being two years: January 1, 2024 through December 31, 2025
- The lease will automatically terminate on December 31, 2025
- Rental rate of \$1,500 per month for the period of January 1, 2024 through December 31, 2024
- Rental rate of \$2,500 per month for the period of January 1, 2025 through

December 31, 2025

A motion was made by Councilmember Wright and seconded by Mayor Pro Tem Kolby to approve a Lease Agreement between the City of Brenham and Washington County related to property located at 301 N. Baylor Street in Brenham, Washington County, Texas 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 Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Councilmember Canales

14. Discuss and Possibly Act Upon An Increase in the City of Brenham's Fire Department Expenditures in FY24 Adopted Budget for the Addition of Three (3) Firefighters and Authorize the Mayor to Execute Any Necessary Documentation

City Manager Carolyn Miller presented this item. Miller stated that the City's new Fire Chief, Mark Donovan, and his team are excited to recruit new firefighters for Brenham Fire Department (BFD). Miller advised that in the FY23-24 Adopted Budget, the Council approved the mid-year hiring of three (3) new firefighters with one (1) vacancy which is needing to be filled. Miller advised that in the FY24-25 Proposed Budget, the City has included the hiring of three (3) firefighters beginning October 2024.

Miller stated that in recruiting for the four (4) firefighter positions that are authorized in the current budget, Chief Donovan would like the opportunity to fill the three (3) proposed new firefighter positions budgeted in FY25. Miller advised that the competition for qualified applicants is strong, and we don't want to limit our ability to hire them until the new fiscal year.

Miller advised that BFD is in the early stages of the recruitment process and has reached out to 10 qualified applicants. In-person interviews are scheduled for July 19, and hopefully, the City will meet the need for up to seven (7) successful candidates.

A motion was made by Councilmember Cook and seconded by Councilmember Saunders to approve an increase in the City of Brenham's Fire Department expenditures in FY24 adopted budget, in an amount not to exceed \$80,000.00, for the addition of three (3) firefighters 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 Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Councilmember Canales

15. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- July 13 - Hot Night, Cool Tunes
- July 22nd and 23rd - Budget Workshop starting at 8:30 a.m.

Council adjourned into Executive Session at 2:40 p.m.

EXECUTIVE SESSION

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

18. Section 551.071, Texas Government Code - Consultation with City Attorney - Consultation with City Attorney Concerning the City of Brenham's Gas Distribution System and Associated Matters

19. Section 551.071, Texas Government Code - Consultation with City Attorney - Consultation with City Attorney Concerning the City of Brenham's Wastewater Treatment Plant Operations and Associated Matters

Executive Session adjourned at 4:23 p.m.

ADJOURN

Atwood C. Kenjura

Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

