

Brenham City Council Minutes

A Regular Meeting of the Brenham City Council was held on Thursday, September 19, 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
Councilmember Leah Cook
Councilmember Paul LaRoche
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

Mayor Pro Tem Clint Kolby
Councilmember Shannan Canales

City of Brenham Staff Present:

City Manager Carolyn Miller, City Attorney Luke Cochran, City Secretary/Director of Administrative Services Jeana Bellinger, General Manager of Public Utilities William Bissette, Assistant General Manager of Public Utilities Alton Sommerfield, Director of Finance Stacy Hardy, Chief Financial Officer Julie Flagg, Director of HR and Risk Management Susan Nienstedt, Fire Chief Mark Donovan, Assistant Fire Chief David Cella, Police Chief Lloyd Powell, Assistant Chief Curtiss Schoen, Development Services Director Stephanie Doland, Economic & Community Development Director Teresa Rosales, Robin Hutchens, Kyle Branham, Shawn Bolenbarr, Jessica Perez, Shauna Laauwe, Steven Eilert, Ramon Torres, Richard O'Malley, Carrie Derkowski, Joshua Sebastian, Joshua Daniels, and David Kappelmann.

Citizens/Others Present:

Cody Neutzler, Kenzie Ihlenfeldt, Jake Carlile, and Chad Bolcerek.

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 - Mayor Atwood C.**

Kenjura

3. New Employee Introduction

- ◆ **David Cella - Assistant Fire Chief**

4. Citizen Comments

Fire Chief Mark Donovan gave an update on the fire that occurred in the City of Brenham on Highway 36 South. Donovan stated that 27 campers were a total loss and several others had damage from the heat. Donovan stated that the Brenham Fire Department received help from several other volunteers and agencies and were able to extinguish the fire quickly.

Lieutenant Steven Eilert introduced a new officer, Officer Ramon Torres. Officer Torres graduated from the Bryan Police Department Academy.

CONSENT AGENDA

5. Statutory Consent Agenda

- 5.a. Approve the Minutes from the September 5, 2024 Regular City Council Meeting**
- 5.c. Approve Ordinance No. O-24-021 on Its Second 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)**
- 5.d. Approve Ordinance No. O-24-022 on Its Second 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)**
- 5.e. Approve Resolution No. R-24-012 Reauthorizing the Investment Policy and Strategy for the City of Brenham**
- 5.f. Approve a Ground-Space Lease Agreement Between the City of Brenham and Gary Snoe for Hangar Space at the Brenham Municipal Airport (3307 Aviation Way) and Authorize the Mayor to Execute Any Necessary Documentation**
- 5.g. Approve the Allocation of the Brenham Community Development Corporation's Sales Tax Revenue of Fifty Percent (50%) to Parks and Recreation Projects and Fifty Percent (50%) to Economic Development Projects and Authorize the Mayor to Execute Any Necessary**

Documentation

- 5.h. Approve Change Order No. 1 and Final Payment for Project No. 62C-81C to Wampole-Miller, Inc. dba Miller Bros in the Amount of \$49,223.23 Related to Gas Main Line Pressure Test and Authorize the Mayor to Execute Any Necessary Documentation**

Mayor Kenjura requested that Item 5.b. related to Ordinance No. O-24-020 Zoning of 1320 Burleson Street be moved from the Consent Agenda to the Regular Agenda.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve Consent Agenda Items 5.a, 5.c. through 5.h. as presented.

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

Yes: Mayor Kenjura, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Mayor Pro Tem Kolby, Councilmember Canales

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

- 6. Public Hearing, Discussion and Possible Action on an Ordinance on Its First Reading Amending Appendix A – Zoning of the Code of Ordinances of the City of Brenham, in Washington County, Texas (Case No. P-24-031) to Include:**
- a. Appendix A: Zoning, Part II, Division 1, Accessory Uses and Structures, Section 10.02(1) Regarding the Placement of Detached Accessory Structures on Corner Lots; and Appendix A: Zoning, Part II, Division**
 - b. Accessory Uses and Structures, Section 10.02(4)(A) Regarding the Property Owner Residence Requirement for an Accessory Dwelling Unit**

City Planner Shauna Laauwe presented this item. Laauwe stated that staff is requesting to make changes to the Code of Ordinances related to accessory dwelling units (ADUs) and accessory structures. Laauwe advised that the proposed amendment would require that the property owner's primary residence be the single-family dwelling or the ADU/accessory structure.

Laauwe advised that the other Code revision related to accessory dwelling units or accessory structures would require that all detached accessory structures in any residential district be located behind the closest point of the primary structure to the front of the property line. For corner lots, accessory structures would have to be located behind the closest point of the adjacent primary structure's front property line. Laauwe also explained that all accessory structures would be required to have a side and rear yard of not less than five (5) feet.

No citizen comments were heard.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to Approve an Ordinance on its first reading amending Appendix A – Zoning of the Code of Ordinances of the City of Brenham, in Washington County, Texas (Case No. P-24-031) to Include:

- a. Appendix A: Zoning, Part II, Division 1, Accessory Uses and Structures, Section 10.02(1) Regarding the Placement of Detached Accessory Structures on Corner Lots; and
- b. Appendix A: Zoning, Part II, Division 1, Accessory Uses and Structures, Section 10.02(4)(A) Regarding the Property Owner Residence Requirement for an Accessory Dwelling Unit

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

Yes: Mayor Kenjura, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Mayor Pro Tem Kolby, Councilmember Canales

7. Public Hearing, Discussion and Possible Action on an Ordinance on Its First Reading Amending Chapter 23: Subdivisions of the Code of Ordinances, of the City of Brenham, Texas Article III, Design Standards, Section 23-17 to Allow Alleys in Townhome Developments (Case No. P-24-031)

City Planner Shauna Laauwe presented this item. Laauwe stated that staff is recommending a revision to the Code of Ordinances, Chapter 23, Subdivisions, Section 23-17 Alleys. Laauwe explained that currently the Code does not permit alleys in new subdivisions; however, the staff is proposing that alleys be encouraged in townhome developments to facilitate the design of garages and parking to the rear of lots.

No citizen comments were heard.

A motion was made by Councilmember Saunders and seconded by Councilmember Cook to approve an Ordinance on its first reading amending Chapter 23: Subdivisions of the Code of Ordinances, of the City of Brenham, Texas Article III, Design Standards, Section 23-17 to allow alleys in townhome developments (Case No. P-24-031).

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

Yes: Mayor Kenjura, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Mayor Pro Tem Kolby, Councilmember Canales

REGULAR SESSION

5.b. Approve Ordinance No. O-24-020 on Its Second 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)

Mayor Kenjura inquired with City Planner Shauna Laauwe if the use of Rink Street was resolved. Laauwe advised that this Ordinance is only pertaining to the rezoning of the Burleson address and the use of Rink Street would be discussed in a meeting between staff and the developer.

A motion was made by Councilmember Cook and seconded by Councilmember Saunders to approve Ordinance No. O-24-020 on its second 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, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Mayor Pro Tem Kolby, Councilmember Canales

8. Discuss and Possibly Act Upon Ordinance No. O-24-023 on Its Second 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 second reading of the Ordinance to adopt the proposed FY2024-25 budget. Flagg advised that Council must take a record vote on this item.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve Ordinance No. O-24-023 on its second 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, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Mayor Pro Tem Kolby, Councilmember Canales

9. Discuss and Possibly Act Upon Ordinance No. O-24-024 on Its Second 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 stated 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. Flagg advised that 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 Councilmember LaRoche and seconded by Councilmember Cook 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, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Mayor Pro Tem Kolby, Councilmember Canales

10. Discuss and Possibly Act Upon an Ordinance on Its First Reading Annexing the Hereinafter Described Territory into the City of Brenham and Adopting a Service Plan:

- **Section 2024-01: Approximately 1.4 Acres of Land, Called Dixie Road and its Right-of-Way, Situated in Washington County, Texas, from State Highway No. 36 North Extending Northward to the Northeast Corner of Vintage Farms Subdivision**
- **Section 2024-02: Approximately 2.6 Areas of Land, Called Dixie Road and its Right-of-Way, Situated in Washington County, Texas, from the Northeast Corner of Vintage Farms Subdivision, Extending North to the Current City Limit Line**
- **Section 2024-03: Approximately 0.5 Acres of Land, Called Old Masonic Road and Right-of-Way, Situated in Washington County, Texas Extending Northward from the Little Sandy Creek to the Northeast Corner of a 2.869 Acre Tract Owned by OCC Construction Corp**
- **Section 2024-04: Described Generally as a 1.0 Acre Tract Extending Northward on Old Masonic Road from the Northeast Corner of a 2.869 Acre Tract Owned by OCC Construction Corp. to the Northwest Corner of a 2.168 Acre Tract Owned by David Ryan Klingler, et ux**
- **Section 2024-05: Described Generally as a 1.0 Acre Tract Extending Northward on Old Masonic Road from the Northwest Corner of a 2.168 Acre Tract Owned by David Ryan Klingler, et ux to the Existing City Limit Line**

City Secretary/Director of Administrative Services Jeana Bellinger presented this item. Bellinger stated that this is the first reading of an Ordinance to consider the annexation of the following County roads and rights-of-way into the city limits.

Dixie Road: From Highway 36 North to the current city limit line. This annexation

will give Development Services the ability to provide accessibility options to developers to help ensure the safety of residents and other traffic traveling along Dixie Road.

Old Masonic Road: The area to the west of this roadway was annexed in 1984 and is more commonly known as 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, the City Council has held two (2) public hearings and published notices of the annexation in the newspaper. Staff has not received any feedback from citizens related to this annexation; therefore, staff is recommending the Ordinance be approved on first reading.

A motion was made by Councilmember Saunders and seconded by Councilmember Cook to approve an Ordinance on its first reading annexing the hereinafter described territory into the City of Brenham and adopting a Service Plan:

- **Section 2024-01:** Approximately 1.4 Acres of Land, Called Dixie Road and its Right-of-Way, Situated in Washington County, Texas, from State Highway No. 36 North Extending Northward to the Northeast Corner of Vintage Farms Subdivision
- **Section 2024-02:** Approximately 2.6 Areas of Land, Called Dixie Road and its Right-of-Way, Situated in Washington County, Texas, from the Northeast Corner of Vintage Farms Subdivision, Extending North to the Current City Limit Line
- **Section 2024-03:** Approximately 0.5 Acres of Land, Called Old Masonic Road and Right-of-Way, Situated in Washington County, Texas Extending Northward from the Little Sandy Creek to the Northeast Corner of a 2.869 Acre Tract Owned by OCC Construction Corp
- **Section 2024-04:** Described Generally as a 1.0 Acre Tract Extending Northward on Old Masonic Road from the Northeast Corner of a 2.869 Acre Tract Owned by OCC Construction Corp. to the Northwest Corner of a 2.168 Acre Tract Owned by David Ryan Klingler, et ux
- **Section 2024-05:** Described Generally as a 1.0 Acre Tract Extending Northward on Old Masonic Road from the Northwest Corner of a 2.168 Acre Tract Owned by David Ryan Klingler, et ux to the Existing City Limit Line

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

Yes: Mayor Kenjura, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Mayor Pro Tem Kolby, Councilmember Canales

11. Discuss and Possibly Act Upon Resolution No. R-24-013 Relating to a Request for Financial Assistance from the Texas Department of Transportation for the Installation of an Automated Weather Observing System (AWOS) at the Brenham Municipal Airport

Airport Operations Manager David Kappelmann presented this item. Kappelmann stated that since 2021, the City of Brenham has been working with TxDOT Aviation to replace the Brenham Municipal Airport's Automated Weather Observing System (AWOS). The existing system is over 20 years old and has recently undergone multiple repairs by our repair vendor, DBT Transportation Services. DBT has informed us that multiple parts of the system are failing and nearing the end of our useful life and the City has spent a considerable amount of money in recent years on repairs and replacement parts for the current system.

Kappelmann stated that the proposed Resolution is in support of a AWOS relocation and replacement project with TxDOT Aviation. Kappelmann explained that the total project cost is estimated at \$200,000. However, the project is funded as a 90/10 grant and the local match required by the City of Brenham is \$20,000. This Resolution and accompanying paperwork are the first step in the process to allow the project to be included on the Transportation Commission agenda scheduled for October 31, 2024. Once the Transportation Commission grants approval of the project, a grant agreement will be sent to the City of Brenham for execution and then TxDOT will begin the process of soliciting bids for the project, selecting a contractor, awarding the project and scheduling the replacement.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve Resolution No. R-24-013 relating to a request for financial assistance from the Texas Department of Transportation for the installation of an Automated Weather Observing System (AWOS) at the Brenham Municipal Airport.

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

Yes: Mayor Kenjura, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Mayor Pro Tem Kolby, Councilmember Canales

12. Discuss and Possibly Act Upon Amendment No. 1 to the Professional Services Agreement Between the City of Brenham and Burditt Consultants, LLC Related to Jackson Street Park Improvements and Authorize the Mayor

to Execute Any Necessary Documentation

Purchasing and Public Works Project Manager Kyle Branham presented this item. Branham advised that in January 2024, City Council approved a professional services agreement with Burditt Consultants LLC for the services associated with design, surveying, Geotech work, structural and MEP services, attending several meetings, development of opinion of probable costs, prepare final plans, bidding services, advertising, provide inspection and bringing the project to substantial completion. Branham explained that this was based off the initial \$715,000 that was dedicated to Jackson Street Park Phase 1 Improvements by BCDC. Since this time an additional \$500,000 has been directed toward Jackson St Park so that more amenities can be added and addressed, such as better restrooms and electrical upgrades (trail and field lighting). With this additional funding comes extra work with the above services on the administration side. Branham stated that the amendment is adjusting the original basic services from \$90,607 to \$130,607.

A motion was made by Councilmember Cook and seconded by Councilmember Saunders to approve Amendment No. 1 to the Professional Services Agreement between the City of Brenham and Burditt Consultants, LLC related to Jackson Street Park Improvements 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, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Mayor Pro Tem Kolby, Councilmember Canales

13. Discuss and Possibly Act Upon the Purchase of Playground Equipment for Jackson Street Park through BuyBoard Contract No. 679-22 and Authorize the Mayor to Execute Any Necessary Documentation

Parks Superintendent Casey Redman presented this item. Redman explained that with the anticipation of starting on the Jackson St Park Improvements, the city is taking the first step to order a replacement playground and swing set that will be a key feature in the park improvements. In 2023 and 2024, BCDC allocated a total of \$1.2 million to upgrade Jackson St Park as it is one of the oldest parks and the next in line to be upgraded. Redman stated that this will be a replacement for an aging play structure that is approaching 20 years.

Redman explained that instead of putting this in the project bid and having the general contractor order, the city will be able to order directly from Cunningham

Recreation and save the markup costs. The city can also take advantage of Cunningham Recreation's Grant period and save an additional \$45,000.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve the purchase of playground equipment for Jackson Street Park from Cunningham Recreation through BuyBoard Contract No. 679-22 in the amount of \$140,780.53 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, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Mayor Pro Tem Kolby, Councilmember Canales

14. Discuss and Possibly Act Upon Award of Bid for the Industrial Boulevard Pumping Station Replacement, Project No. 66C-15C and Authorize the Mayor to Execute Any Necessary Documentation

Public Utility Project Manager Shawn Bolenbarr presented this item. Bolenbarr advised that on September 4, 2024, the City of Brenham opened bids for Project #66C-15C (Industrial Blvd. Pumping Station Replacement). This project consists of installing a new 620 gallons per minute duplex lift station with capabilities of being expandable to an 875 gallon per minute, electrical controls, supervisory control and data acquisition (SCADA) integration, a quick connect for a portable emergency generator, and approximately 100 linear feet of gravity sanitary sewer and force main.

Bolenbarr explained that there were a total of 4 bids received with Dudley Construction, LLC being the lowest bidder at \$1,075,900.00. Bids were very competitive, ranging from \$1,075,900.00 to \$1,350,959.14.00. The City of Brenham does have prior experience with Dudley Construction, LLC on a similar project (Project # 66C-54C, Stone Hollow Lift Station Replacement).

A motion was made by Councilmember Saunders and seconded by Councilmember Cook to award bid for the Industrial Boulevard Pumping Station Replacement, Project No. 66C-15C to Dudley Construction, LLC in the amount of \$1,075,900.00 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, Councilmember Cook, Councilmember LaRoche,
Councilmember Saunders, Councilmember Wright

No: None

Absent: Mayor Pro Tem Kolby, Councilmember Canales

15. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- October 1 - National Night Out from 6:00 p.m. to 8:30 p.m.
- October 3 - Regular City Council meeting

Council adjourned into Executive Session at 1:41 p.m.

EXECUTIVE SESSION

16. Section 551.071 Texas Government Code - Consultation with City Attorney Regarding the Brenham Police Department and Associated Legal Matters

Executive Session adjourned at 2:31 p.m.

ADJOURN

Atwood C. Kenjura

Mayor



Jeana Bellinger, TRMC, CMC

City Secretary