

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, March 6, 2025 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, Director of Water/Wastewater Bobby Keene, Chief Financial Officer Julie Flagg, Director of HR and Risk Management Susan Nienstedt, Fire Chief Mark Donovan, Assistant Fire Chief David Cella, Assistant Police Chief Curtiss Schoen, Development Services Director Stephanie Doland, Economic & Community Development Director Teresa Rosales, Robin Hutchens, Kyle Branham, Shawn Bolenbarr, Richard O'Malley, Leigh Linden and Christine Simich.

Citizens/Others Present:

Sharon Brass, Sam Sommer, Barry Brass, Renee Mueller, and Ingrid Cuero.

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 Pro Tem Clint Kolby**
- 3. Proclamations**

- ◆ Sharon Brass Appreciation Day
 - ◆ Theatre In Our Schools Month
4. **Special Presentation by City of Brenham Community Services Grant Recipient - Faith Mission and Help Center, Inc.**
 5. **Citizen Comments**

Lieutenant Steven Eilert introduced Brenham Police Department's newest officer, Ronnie Jackson.

Ingrid Cuero from Turning Point USA addressed the Council wanting to shed light on their program, TPUSA High School, for youth in the area.

CONSENT AGENDA

6. Statutory Consent Agenda

- 6.a. **Approve the Minutes from the February 20, 2025, Regular City Council Meeting**
- 6.b. **Approve an Amendment to the Lease Agreement Between the City of Brenham and Ricoh USA, Inc. for Leased Office Automation Equipment at the Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation**
- 6.c. **Approve a Multi-Year Lease Agreement Between the City of Brenham and Ricoh, USA, Inc. Related to Leased Office Automation Equipment for Various City Departments and Authorize the Mayor to Execute Any Necessary Documentation**
- 6.d. **Approve Ordinance No. O-25-002 on Its Second Reading for the Creation of Reinvestment Zone Number 53 Requested by Del Sol Food Company, Inc. for Commercial Tax Phase-In Incentive on a Certain 29.153 Acre Tract or Parcel of Land Being Comprised of Lot 1A of the Brenham Business Center, Phase 1 in Brenham, Washington County and Being Located at 3015/3151 S. Blue Bell Road, Brenham, Texas with Boundaries Further Described in Exhibit "A" of the Ordinance Creating Reinvestment Zone Number 53, and Designating This Property as Qualifying for Tax Phase-In**

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve Consent Agenda Items 6.a through 6.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 Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: None

REGULAR SESSION

7. Discuss and Possibly Act Upon Approval of Ordinance No. O-25-003 of the City of Brenham, Texas, Awarding the Sale and Authorizing the Issuance of City of Brenham, Texas, Combination Tax Revenue Certificates of Obligation, Series 2025, Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Paying/Agent Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto

Chief Financial Officer Julie Flagg presented this item. Flagg advised that on January 7, 2025, City Council approved Resolution No. R-25-002, giving notice of intention to issue Certificates of Obligation. Flagg advised that the notice was published for two (2) consecutive weeks in the local newspaper and has been posted continuously on the City's website for at least forty-five (45) days before the passage of the ordinance authorizing the issuance of the Certificates.

Flagg stated that the proceeds from the sale of these Certificates of Obligation, in the amount not to exceed \$29,860,000.00 will be used for the following purposes: (1) construction, acquisition and improvement of the City's waterworks system and facilities, including in each case the acquisition of land and rights-of-way in connection therewith; (2) construction, acquisition and improvement of the City's sanitary sewer system and facilities, including in each case the acquisition of land and rights-of way in connection therewith; (3) improvement to existing City public safety buildings and facilities, and City administration buildings and facilities; (4) acquisition of vehicles, heavy equipment and equipment for City police, fire, street improvement and maintenance, parks and recreation, building and development, maintenance and administrative purposes; and (5) professional services incurred in connection with items (1) through (4), and to pay the costs incurred in connection with the issuance of the Certificates.

Flagg introduced the City's financial advisor, Jennifer Ritter, of Specialized Public Finance, who advised that seven (7) bids were received with BOK Financial Securities, Inc. coming in the lowest with an interest rate of 3.782227%.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve Ordinance No. O-25-003 of the City of Brenham, Texas, awarding the sale and authorizing the issuance of City of Brenham, Texas, Combination Tax Revenue Certificates of Obligation, Series 2025, levying a tax in payment thereof; authorizing the execution and delivery of a Paying/Agent Registrar Agreement; approving the official statement; and enacting other provisions relating thereto.

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

8. Discuss and Possibly Act Upon Resolution No. R-25-009 Adopting a Commercial Tax Phase-In Agreement Between the City of Brenham and Del Sol Food Company, Inc.

Economic and Community Development Teresa Rosales presented this item. Rosales explained that Del Sol Food Company, Inc. is located in the Brenham Business Center and manufactures BRIANNAS signature salad dressings, recently adding, coffee, croutons and marinades. Rosales explained that there are over 80 associates employed full-time at Del Sol Food and with the new addition adding potentially 20 more. Rosales explained that Del Sol's total capital investment is estimated at \$14,000,000.00, this would build out their new building to house a bakery division to increase the amount of capacity for their non-salad dressing product lines and purchase equipment to facilitate enhanced automation.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve Resolution No. R-25-009 adopting a Commercial Tax Phase-In Agreement between the City of Brenham and Del Sol Food Company, Inc.

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

9. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- March 20th - Regular City Council Meeting

WORK SESSION

10. Presentation and Discussion on First Quarter FY2024-25 Financial Reports

Chief Financial Officer Julie Flagg presented this item. Flagg stated the financial performance for the first quarter financial report ending December 31, 2024 is as follows:

- The General Fund posted net revenue of \$4,783,697.00 compared to the budgeted net revenue of \$3,936,460.00. In comparison, FY 2023-24 net revenue was \$3,918,285.00.
- The Electric Distribution Fund posted net revenues of \$542,982.00 which was \$540,983.00 greater than the budgeted net revenues of \$1,999.00.
- The Gas Distribution Fund posted actual net revenues of \$62,877.00, which was favorable to the budget net revenues of \$22,445.00 by \$40,432.00.
- The Water Fund posted net revenues of \$945,911.00 which was slightly lower than budgeted net revenues of \$950,860.00.
- The Wastewater Fund posted net revenue is \$305,052, which was \$9,517.00 greater than the budgeted net revenues of \$295,535.00.
- The Sanitation Fund posted net revenues of \$230,986.00, which was favorable compared to the budgeted net revenues of \$227,722.00. The billing for operating expenditures is on a one (1) month lag, which results in net revenue for the first quarter. This is a timing difference that will be offset in the fourth quarter.
- The Drainage Fund posted actual net revenues of \$65,933.00, which was slightly lower than budgeted net revenues of \$73,394.00. The Old Independence Road drainage improvements drove expenditures higher year-over-year.

11. Presentation and Discussion on Future Amendments to Appendix A - Zoning of the Code of Ordinances of the City of Brenham Related to Vape and Smoke Shops

Director of Development Services Stephanie Doland presented this item. Doland stated that the Development Services Department is researching amendments to the

Code of Ordinances, Appendix A – Zoning, to regulate the use of vape and smoke shops in the City of Brenham due to the recent influx of such businesses. Doland stated that due to concerns of the growing number of vape and smoke shop businesses that have formed over the last few years, many Texas communities have adopted ordinances restricting vape shops and similar tobacco businesses based on the concerns for the health, safety and welfare of their residents. Doland advised that the current 89th Texas Legislature Session has seen many bills introduced that could potentially enact minimum distances of vape and smoke shops from uses such as public schools, churches, and residential neighborhoods.

Doland advised that in researching municipal vape shop regulations, city staff compared seven cities throughout Texas and found the regulations are comparable to one another as each municipality amended their zoning or unified develop codes to define vape shop use, with some also defining and restricting “smoke shops” and “lounges”.

Doland stated that staff recommends that smoke shop and vape shop uses should be listed as a permitted use in the B-2, Research, and Technology Districts, and Industrial Districts. Doland explained that smoke shop and vape shop uses would not be allowed in the B-1, B-3 and B-4 Districts. Existing smoke and vape shops in the B-1, B-3, or B-4 Districts would become legally nonconforming. Doland stated that staff also recommends:

- Defining smoke shops and vape shops to more accurately describe the difference between the two uses and outline the following distance requirements:
 - 1000 feet from public and private schools, public parks, religious facilities, public and private hospitals, and from other vape/smoke shops in current operation.
 - 300 feet from single-family residential uses.

Mayor and Councilmembers agreed with the recommendations presented by Doland and advised her to move forward with an amendment to the Code of Ordinances.

Council adjourned into Executive Session at 2:12 p.m.

EXECUTIVE SESSION

12. Section 551.071, Texas Government Code - Consultation with Attorney:

- a. Consultation with City Attorney Concerning City of Brenham's Police Department Operations, Personnel, and Associated Matters**
- b. Consultation with City Attorney Regarding Demand Letter Received by the City of Brenham, and Associated Matters**
- c. Consultation with City Attorney Regarding Randall Patterson v. City of**

**Brenham, Texas; Cause No. 38495; 335th Judicial District Court,
Washington County, Texas**

Executive Session adjourned at 3:14 p.m.

ADJOURN

Atwood C. Kenjura

Mayor



Jeana Bellinger, TRMC, CMC

City Secretary