

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, April 17, 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 Paul LaRoche
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

Councilmember Leah Cook

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 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, Assistant Fire Chief David Cella, Interim Police Chief David Gott, Development Services Director Stephanie Doland, Economic & Community Development Director Teresa Rosales, Robin Hutchens, Kyle Branham, Shawn Bolenbarr, Shauna Laauwe, Jerry Saldivar, Stephen Draehn, Casey Redman, Richard O'Malley, Leigh Linden, Kevin Schmidt, Nancy Joiner, Lu Hollander, Kathrine Briscoe, and Kevin Boggus.

Citizens/Others Present:

Stephanie Wehring, Rick Oldenettel, Jose Canales, Janie Havel, and Tom Whitehead.

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. Presentation of the Tourism Friendly Texas Community Certificate by Travel Texas**

4. Special Recognition

- ◆ **Texas Historical Commission's Anice B. Read Award of Excellence in Heritage Development - Jennifer Eckermann**

5. Citizen Comments

City Manager Carolyn Miller introduced Interim Police Chief David Gott.

No citizen comments were heard.

CONSENT AGENDA

6. Statutory Consent Agenda

- 6.a. Approve the Minutes from the April 3, 2025 Regular City Council Meeting**
- 6.b. Approve Ordinance No. O-25-004 on Its Second Reading Amending Ordinance No. O-25-001 Ordering a Special Election on May 3, 2025 for the Purpose of Submitting to the Qualified Voters of Brenham Certain Proposed Amendments to the Existing Charter of the City of Brenham, Texas**

Aprobar la Ordenanza No. O-25-004 en su segunda lectura que enmienda la Ordenanza No. O-25-001 que ordena una elección especial el 3 de mayo de 2025 con el propósito de presentar a los votantes calificados de Brenham ciertas enmiendas propuestas a la carta constitucional existente de la Ciudad de Brenham, Texas

- 6.c. Approve Ordinance No. O-25-005 on Its Second Reading Amending the Rate Tariff Schedules for the City of Brenham Water Services**
- 6.d. Approve Resolution No. R-25-011 Repealing Resolution No R-25-023 Approving the Submission of a Grant Application through the Office of the Governor (OOG), Public Safety Office, Homeland Security Grants Division for the 2024 State Homeland Security Program - Law Enforcement Terrorism Prevention Activities (LETPA) Projects**
- 6.e. Approve Resolution No. R-25-012 Amending the Authorized Representatives for TexPool Local Government Investment Pool**
- 6.f. Approve the Ratification of the Use of Seizure Funds by the City of Brenham Police Department for Intrastate Prisoner Extradition by Lone Star Prisoner Transport, Inc. in the Amount of \$2,500.00 and Authorize the Mayor to Execute Any Necessary Documentation**

- 6.g. Approve the Purchase of a Precision Cut Fairway Mower for the City of Brenham Parks Department from Deere & Company Through Texas BuyBoard Contract No. 706-23 in the Amount of \$88,223.52 and Authorize the Mayor to Execute Any Necessary Documentation**
- 6.h. Approve the Purchase of a Generac Mobile Generator for the City of Brenham Maintenance Department from Clifford Power Through Texas BuyBoard Contract No. 657-21 in the Amount of \$107,270.00 and Authorize the Mayor to Execute Any Necessary Documentation**
- 6.i. Approve the Purchase of a Chevrolet Silverado 3500 Pickup Truck for the City of Brenham Gas Department from Lake Country Chevrolet Through The Interlocal Purchasing System (TIPS) Contract No. 240901 in the Amount of \$75,247.25 and Authorize the Mayor to Execute Any Necessary Documentation**
- 6.j. Approve the Renewal of the Microsoft Enterprise Agreement with Microsoft Corporation Affiliate SHI Government Solutions in the Amount of \$72,052.28, and Authorize the Mayor to Execute Any Necessary Documentation**
- 6.k. Approve the Submission of Documentation to Receive Funds, In the Amount of \$82,000.00, From the Coronavirus Response and Relief Supplemental Appropriation Act (CRRSAA) and American Rescue Plan Act (ARPA) as Administered Through the Texas Department of Transportation Aviation Division 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 6.a. through 6.k. 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 LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Councilmember Cook

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

7. 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, Texas (Case No. TEXT AMEND-25-001) to Include:

- **Appendix A: Zoning, Part I, Division 1, Section 5.02, Definitions, to Define Smoke Shop and Vape Shop Uses, to Include Distance Requirements; and**
- **Appendix A: Zoning, Part II, Division 2, Section 4.02, Permitted Uses Within the B-2 Commercial, Research and Technology District, to Include Smoke Shop and Vape Shop as Permitted Uses**

City Planner Shauna Laauwe presented this item. Laauwe explained that Brenham has seen an increase in the number of permits for vape and smoke shops, with currently seven (7) such businesses that are currently an undefined use and have been simply regarded as a general retail use in all commercial zoning districts to include the B-1, Local Business/Residential Mixed-Use District and the B-3 and B-4 Downtown districts. Laauwe stated that this text amendment request is to add use definitions for smoke shops and vape shops and to designate them as permitted uses in the B-2, Commercial, Research and Technology District.

Laauwe stated that after reviewing the research and considering the needs and opportunities within Brenham, Staff recommends that smoke shops and vape shops should be categorized as defined uses rather than general retail uses. Laauwe explained that this is accomplished by adding a definition for each use and then listing the use as either a permitted or a specific use within a specific Zoning District. Laauwe added that in addition, the proposed definitions also include use distance requirements that are like those imposed by the Texas Alcoholic and Beverage Commission (TABC) for alcohol and liquor sales. Laauwe stated that limitations on the hours of operation are not recommended, and that lounge uses, such as cigar or hookah lounges, are not affected by these proposed regulations, as they are establishments for on-premises consumption by adults that are 21 years of age or older and not solely for the sale of e-cigarettes or tobacco products.

Laauwe explained that, given the health effects and studies showing the prevalence of e-cigarette use in youth, the tendency of such shops to be near one another, and recent State Laws, staff find that smoke shop and vape shop uses should be listed as permitted uses only in the B-2, Commercial, Research, and Technology District and I, Industrial District.

Laauwe also explained that this provision would protect the Historic Downtown and residential areas as smoke and vape shop uses would not be allowed in the B-1, Local Business and Residential Mixed-Use District, or in the downtown Districts that include the B-3, Historical Central Business District and B-4 Neighborhood Business District. Laauwe explained that any existing smoke and vape shops in those Districts would become legally nonconforming uses.

Laauwe stated that the Planning and Zoning Commission held a Public Hearing on this item during their meeting on Monday, April 7, 2025. During the Public Hearing, no one from the public came forward to speak; therefore, the Planning and Zoning Commission unanimously (6-0) recommended approval of the text amendment request.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve an Ordinance on its first reading amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham, Texas (Case No. TEXT AMEND-25-001) to include:

- Appendix A: Zoning, Part I, Division 1, Section 5.02, Definitions, to define smoke shop and vape shop uses, to include distance requirements; and
- Appendix A: Zoning, Part II, Division 2, Section 4.02, Permitted Uses Within the B-2 Commercial, Research and Technology District, to include smoke shop and vape shop as permitted uses

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

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

No: None

Absent: Councilmember Cook

REGULAR SESSION

8. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham's FY24-25 Adopted Budget

Director of Finance Stacy Hardy presented this item. Hardy stated that the Finance Department is recommending the following budget amendment to reflect the 2025 bond proceeds and related capital purchases, revenues/transfers/expenditures associated with the Smithsonian Museum on Main Street (MoMS) exhibit, purchases from the Capital/Non Routine Fund, and budget items moved from FY24 to FY25. Hardy explained the following:

- **TOURISM & MARKETING FUND 249** - Net effect is to decrease budgeted fund balance by \$50,100, primarily due to carryover of a FY24 budget item. Budgeted expenditures are increasing due to the Hotel Association billboard expenditure and due to MoMS expenditures, which were funded by donations and a

contribution by the County. Revenues and Transfers In are increasing due to MoMS donations and County funding towards both the MoMS exhibit and the Geiger expenditure. A capital expenditure for AV upgrades at The Barnhill Center is being carried over from the FY24 budget.

- **CAPITAL/NON ROUTINE FUND 236** - Net effect is to decrease budgeted fund balance by \$243,385 due to capital purchases. These purchases are funded by the \$950,000 General Fund 101 FY24 Above Budget Net Revenue (ABNR) that was transferred into this fund.
- **GENERAL GOVERNMENT CAPITAL PROJECTS FUND 270** - Net effect is to increase budgeted fund balance by \$2,016,000, which will be used to fund FY26 and FY27 General Fund capital purchases. This amount is the net of \$3,100,000 in bond proceeds less the FY25 planned capital purchases of \$1,084,000.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Canales to approve an Ordinance on its first reading amending the City of Brenham's FY24-25 adopted 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 LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Councilmember Cook

9. Discuss and Possibly Act Upon the Purchase of the Following Equipment for the City of Brenham's Street Department:

- A Reclaimer/Stabilizer/Trailer Through Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program, Contract No. SM10-20**
- A Cracksealer 125 Through Texas BuyBoard, Contract No. 685-22**
- A Dump Truck Through Sourcewell, Contract No. 032824-NVS**

and Authorize the Mayor to Execute Any Necessary Documentation

Director of Public Works Dane Rau presented this item. Rau explained that during the 2024-25 budget process, staff shared with the Council major equipment needs which were up for replacement according to the Street Department five year capital plan. Rau stated that during the July budget workshop, it was decided that with a large amount of equipment in the replacement plan for the next 5 years, this equipment would be purchased using CO's (Certificate of Obligation). Rau stated that the CO's

were presented and approved at the March 6th Council meeting.

Rau stated that over the last few months, staff has researched, demoed, and worked with vendors to stay within budget with this needed equipment. Rau explained that these units are all replacing older equipment that is in the fleet.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve the purchase of various equipment:

- a. Reclaimer/Stabilizer/Trailer from Asphalt Zipper using Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program Contract No. SM10-20 in the amount of \$362,090.00,
- b. Cracksealer 125 from Crafc0, Inc. using Texas BuyBoard Contract No. 685-22 in the amount of \$90,904.44,
- c. Dump Truck from Hermann International using Sourcewell Contract No. 032824-NVS in the amount of \$114,100.00

for the City of Brenham Street Department for the total expenditure of \$567,094.44 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 LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Councilmember Cook

10. Discuss and Possibly Act Upon RFP No. 25-005 for the Construction of an Electric Equipment Building for the City of Brenham Electric Department and Authorize the Mayor to Execute Any Necessary Documentation

Electric Superintendent Jason Lange presented this item. Lange explained that in April 2025, staff opened request for proposals (RFP) regarding the Electric Equipment Building. Lange advised that the scope of work consists of constructing a metal 40ft x 80ft x 17.4ft equipment lean-to-shed with concrete foundation piers. Lange explained that the building will be used to house new equipment such as the backyard bucket, deployment trailer, chipper & chipper truck, as well as multiple trailer-mounted equipment.

Lange advised that there were a total of four companies to submit proposals with the lowest being Brenham Iron Works. Lange advised a committee of city staff evaluated all four proposals with agreeing that Brenham Iron Works was the top

proposal.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve the award of RFP No. 25-005 for the construction of an electric equipment building to Brenham Iron Works in the amount of \$56,856.42 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 LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Councilmember Cook

11. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Byrne Software Technologies Related to Help Desk Support Services for the Accela Software Application and Authorize the Mayor to Execute Any Necessary Documentation

Director of Development Services Stephanie Doland presented this item. Doland stated that the Development Services Department began processing online permits and applications through the online permitting portal known as Accela in October 2024. Doland explained that the Accela platform allows customers a single location to login and submit applications for residential and commercial building permits, planning applications, health and food permits, etc. Doland explained that the Accela platform includes functionality that expands beyond Development Services by allowing access by multiple departments such as Public Utilities and Public Works through the Commercial Plan Review Committee.

Doland explained that the functionality of the Accela software is extensive and staff continues to refine and modify workflows and application instructions to improve the experience for the customer and internally to result in an improved project approval process. Doland explained that for changes to the platform that cannot be accomplished by City Staff, a third-party “help desk” consultant is required to make configuration changes and implement new record types.

Doland stated that following evaluation by qualified vendors, staff recommends a five-year support services contract with Byrne Software Technologies to implement changes to the software and to further train city staff on the configuration side of the product. Doland advised that the support contract includes an hourly rate with a not-to-exceed annual scope of 80-hours of labor. Doland stated that staff recommends approval of this five-year contract to set the rate for the next five years versus a yearly

contract which would result in an annual hourly rate increase. Doland advised that the proposed services were included in the current Development Services operating budget and if approved will be included in future department budget requests.

A motion was made by Councilmember Saunders and seconded by Mayor Pro Tem Kolby to approve a Five-Year Professional Services Agreement between the City of Brenham and Byrne Software Technologies related to Help Desk Support Services for the Accela Software Application for an amount not to exceed \$61,200.00 for the five-year period 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 LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Councilmember Cook

12. Discuss and Possibly Act Upon Change Order No. 1 Related to Project No. 63C-22C for the Groundwater Supply-Phase 1 Project and Authorize the Mayor to Execute Any Necessary Documentation

Director of Municipal Gas and Utilities Shawn Bolenbarr presented this item. Bolenbarr stated that in October 2024, the City Council awarded Project #63C-22C (Groundwater Supply-Phase 1) to Hydro Resources-Mid Continent, Inc. (Hydro Resources) for a total cost of \$1,864,560.00 with the scope of this project to rehabilitate the existing Loesch Street Jasper Aquifer Water Well (Jasper Well) and to construct one new Catahoula Aquifer Water Well (Catahoula Well).

Bolenbarr explained that during the rehab of the Jasper Well, the contractor found multiple holes in the well casing, and discovered that the bottom of the well could not be accessed because gravel packing had fallen into the well via the holes in the casing. Bolenbarr stated that based on these issues, the recommendation was to plug and abandon the Jasper Well with the cost to plug and abandon the well of \$19,518.00 being offset by the savings in rehab costs of \$96,830.00.

Bolenbarr explained that during the Catahoula Well test phase of the project, the contractor and Strand recommended that the City extend the well from 1,150 feet to 1,500 feet, creating a deep zone in the Catahoula Aquifer. Bolenbarr stated that based on that recommendation, the City approved the extension of the Catahoula Well for an additional cost of \$40,950.00. Bolenbarr stated that the City also approved performing additional development and capacity testing in both zones (Jasper and Catahoula) for an additional cost of \$28,000.00 and lastly, taking additional water samples from both

aquifers for an additional cost of \$13,000.00.

Bolenbarr stated that the net cost of all of these changes is an additional \$4,638.00.

A motion was made by Councilmember LaRoche and seconded by Councilmember Wright to approve Change Order No. 1 to Hydro Resources-Mid Continent, Inc. in the amount of \$4,638.00 related to Project No. 63C-22C for the Groundwater Supply-Phase 1 Project 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 LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Councilmember Cook

13. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- April 18th - City Closed for Good Friday
- April 22nd - Early Voting begins
- May 1st - City Council Meeting

City Secretary/Director of Administrative Services reported on the following:

- Early voting will begin April 22nd
- The City Election website is up to date and includes a voters education guide

ADJOURN

Atwood C. Kenjura
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary