

Brenham City Council Minutes

A Regular Meeting of the Brenham City Council was held on Thursday, February 1, 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 Albert Wright
Councilmember Adonna Saunders
Councilmember Paul LaRoche

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 Debbie Gaffey, Assistant General Manager of Public Utilities Alton Sommerfield, Director of Water/Wastewater Bobby Keene, Director of Finance Stacy Hardy, Director of Public Works Dane Rau, Director of HR and Risk Management Susan Nienstedt, Asst. Police Chief Lloyd Powell, Interim Fire Chief Ray Cooper, Development Services Director Stephanie Doland, Economic & Community Development Director Teresa Rosales, Kyle Branham, Shawn Bolenbarr, Robin Hutchens, Shauna Laauwe, Tammy Jaster, Curtiss Schoen, Kelvin Raven, Steven Eilert, Zachary Greig, Alex Saenz, Terrence Johnson, John Snowden, Michele Glenz, Kevin Boggus, Daniel McCracken, Jerry Saldivar, and Joshua Daniels.

Citizens/Others Present:

Mark Feldhake, Camaron Pruiett, Lindi Braddock, Blyss McGinley, Ken Watson, Marie Watson, Diane Kettler, Lynette Sheffield, LeeAnn Bleyl, Carol Blum, David Beckworth, Daniel Beamon, Blake Lucherk, Clayton Collier, William Holzer, Don Voelter, Eddie Colanter, H. Williams, Douglas Schoppe, Susan Buddeke, Daryl Luchemeyer, Limmy Lawhorn, Bill Rankin, Brad Tegeler, Roger Ross, Emil Mokny, Candice Bullock, Paula Baker, Steve Sefcik, Deanna Alfred, Michael Ancone, Andrea Fischer, Michaela Eckermann, Samantha Pietsch, Glenda Nochez, Duston Eckermann, Michelle Panko, Jon Hill, Lyndi Braddock, Lynette Sheffield, Ryan Keith, Elizabeth Price, Bill Rankin, Greg Appel, Steven Groves, Jay Alexander, Walt Edmonds, and Bob Marcus.

Media Present:

Joshua Blaschke, KWHI, and Sarah Forsythe, Banner Press.

1. **Call Meeting to Order**
2. **Invocation and Pledges to the US and Texas Flags - Mayor Pro Tem Kolby**
3. **Service Recognitions**
 - **Zackary Greig - Police Department - 5 years**
 - **John Snowden - Police Department - 20 years**
 - **Michele Glenz - Wastewater Treatment - 35 years**

4. **Citizen Comments**

No citizen comments were heard.

CONSENT AGENDA

5. **Statutory Consent Agenda**
 - 5.a. **Approve the Minutes from the January 18, 2024, Regular City Council Meeting**
 - 5.b. **Approve Resolution No. R-24-002 Authorizing the Submission of a Grant Application to the Office of the Governor (OOG), Public Safety Office, Homeland Security Grants Division, (LETPA Projects) for One (1) DJI Matrice 350 RTK Drone and Applicable Equipment**
 - 5.c. **Approve Resolution No. R-24-003 Authorizing the Submission of a Grant Application to the Office of the Governor (OOG), Public Safety Office, Criminal Division for the FY25 Rifle-Resistant Body Armor Grant Program**
 - 5.d. **Approve Resolution No. R-24-004 Authorizing the Submission of a Grant Application to the Office of the Governor (OOG), Public Safety Office, Bullet-Resistant Shield Grant Program FY25, for Two (2) Hardwire Level 3 Ballistic Shields**
 - 5.e. **Approve Resolution No. R-24-005 Authorizing the Submission of a Grant Application to the Office of the Governor (OOG), Public Safety Office,**

Body-Worn Camera Grant Program FY25

5.f. Approve the Submission of a Grant Application Through the Community Development Partnership Program (CDPP) Offered by the Lower Colorado River Authority (LCRA), in the Amount of \$25,000.00 for the Purchase of Two (2) Electronic Message Boards for the City of Brenham Street Department and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve Consent Agenda Items 5.a. through 5.f. with the revisions to Items 5.b., 5.c., and 5.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 LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: Councilmember Cook

PUBLIC HEARING

6. Public Hearing to Consider the Recommendations of the Capital Improvements Advisory Committee (CIAC) Related to the Proposed Adoption of an Ordinance Imposing Impact Fees for Water, Wastewater and Roadways

Ryan Tinsley from Stand Engineering presented the following information to City Council on impact fees:

- What is an Impact Fee?
- Impact Fee Development Process and Timeline
- Land Use Assumptions and Service Boundary for Water and Wastewater Impact Fees
- Water Capital Improvement Plans for Regulatory Compliance and Quality Service
- Wastewater Capital Improvement Plans for Regulatory Compliance and Reduction of Sewer Surcharging and Overflows
- Roadway Capital Improvement Plans for Capacity on Collector and Arterial Roadways
- Local Government Code Allows Credit to Developers: Revenue Credit and 50 Percent Credit

- Impact Fee Supported by Review of Impact Fees Recently Adopted by Neighboring Communities

Director of Development Services Stephanie Doland advised that the Capital Improvements Advisory Committee (CIAC) met on January 23, 2024 to deliberate and determine a recommendation concerning impact fees to be assessed on water, wastewater and roadways. Doland stated that the CIAC's recommendation is as follows:

- Adopt impact fees for water at 90% of the Maximum Assessable Rate which would be \$4,794, per service unit.
- Adopt impact fees for wastewater at 20% of the Maximum Assessable Rate which would be \$620, per service unit.
- To accept the results of the Roadway Impact Fee Study but to adopt a \$0 impact fee for roadways.

The following citizens addressed the City Council:

- Ryan Keith from PlanNorth Architectural stated that the driving factor for impact fees is population and expressed concerns about the statistics being taken from a magazine that compared Dallas and New Orleans. Keith asked that City Council consider tabling this item to do more of due diligence on this topic.
- Lindi Braddock stated that she did not agree with implementing impact fees that would increase the cost to develop to developers and then to home buyers. Braddock stated that Brenham has a low tax rate and that there is room to increase taxes to help offset infrastructure costs.
- Lynette Sheffield asked if there would be exceptions to low income housing developments and if impact fees would keep water rate from increasing. Sheffield stated that she does not want Brenham to price ourselves out of the market.
- Elizabeth Price explained that she is not concerned about the implementation of impact fees because she does not feel it is fair to ask current ratepayers to pay for the new development coming to Brenham.
- Bill Rankin read a letter from Washington County Chamber President Jamie Rankin requesting that Council table this item to give the business community more time to consider it.
- Steven Groves with Stylecraft stated that he understands the City needs to plan for the future; however, home buyers cannot afford any additional fees, so they will not buy here.
- Walt Edmonds stated he does not want a development moratorium and having these fees has stopped growth in other cities. Edmonds suggested freezing utility rates for the elderly similar to what is done with

property taxes. Edmunds asked if impact fees shut down development, where will money come from?

- Bob Marcus advised that he is a long time resident of Brenham and is not in favor of putting the costs of new development on the current residents.

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

7. Public Hearing, Discussion and Possible Action on an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Single-Family Residential District (R-1) to a Planned Development District (PDD) on Approximately 28.09 Acres of Land Generally Located on Northwest Corner of W. Jefferson Street and N. Saeger Street, Being Further Described as a Portion of Tract 82 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas (Case Number P-24-001)

City Planner Shauna Laauwe presented this item. Laauwe advised that the property owners, Clayton and Kelli Collier and the applicant, Daniel Beamon of Beamon Engineering, are requesting the 28.09-acres be rezoned to a Planned Development District (PDD) for the development of a single-family home subdivision. Laauwe advised that the subject property located on the northwest corner of W. Jefferson Street and N. Saeger Street, being addressed as 1402 W. Jefferson Street and is currently zoned Single-Family Residential District (R-1).

Laauwe advised the proposed PDD, Wilkins Valley, would establish the underlying base zoning district as Residential (R-1) for the construction of single-family dwellings. Laauwe advised that the applicants are proposing development standards that include reductions in some City standards such as lot size, lot width and side yard setbacks, in exchange for amenities (sidewalks, parks, trails, etc..) that they intend to improve the quality of life within the subdivision.

Laauwe advised that the Planning and Zoning Commission held a Public Hearing on the rezoning request on January 22, 2024. Laauwe advised that a resident of the Meadowlark Subdivision to the south, residents of 1300 Shepard Street, and Grace Lutheran Church expressed concerns against the request. Laauwe advised that the concerns consisted of increased traffic, property values, and the alignment of Saeger Street. Laauwe advised that the Planning and Zoning Commission voted unanimously in favor of the rezoning request with additional recommendations of additional common areas with trees being required along the lots abutting W. Jefferson Street and working with Grace Lutheran Church and the City to acquire the right-of-way needed to align the N. Saeger extension with the existing roadway to the south.

Several members from the Grace Lutheran Church were in attendance and expressed concerns about the alignment of Saeger Street being so close to the church

property and how that would affect traffic and safety for their students. Public Works Director Dane Rau advised that he and Laauwe met recently with representatives from the church and are awaiting their response in regards to concerns related to the alignment and construction of Saeger Street. Rau advised Council that staff is hoping to get a response back from the church soon.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to table action on the Ordinance on its first reading amending the Official Zoning Map of the City of Brenham on its first reading amending the Official Zoning Map of the City of Brenham, to change the Zoning District from a Single-Family Residential District (R-1) to a Planned Development District (PDD) on approximately 28.09 acres of land generally located on Northwest Corner of W. Jefferson Street and N. Saeger Street, being further described as a portion of Tract 82 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas (Case Number P-24-001) until March 7, 2024.

Mayor Kenjura called for a vote. The motion 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 Ordinance No. O-24-002 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 a Food Truck Park in a B-1, Local Business/Residential Mixed Use Zoning District on Property Located at the Southeast Corner of the Intersection of N. Park Street and Brookside Drive, and Being 2.6051 Acres Described as Scenic Estates, Section IV, Reserve A (1.9257 Acres) and Reserve B2 (0.6794 Acres) out of the Arabella Harrington Survey in Brenham, Washington County, Texas (Case No. P-23-043)**

City Planner Shauna Laauwe presented this item. Laauwe advised that the Ordinance being presented for second reading has not changed since it was presented at the January 18, 2024 Council Meeting and includes the six (6) conditions as recommended by the Planning and Zoning Commission: (1) replat the lot into one commercial lot; (2) add screening fence or hedge of at least 6-foot along the east property line; (3) lighting be downcast and directed away from residential properties; (4)

landscaping be provided along N. Park Street; (5) provide a pedestrian traffic plan; and (6) provide for oversized vehicle parking.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve Ordinance No. O-24-002 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 a Food Truck Park in a B-1, Local Business/Residential Mixed Use Zoning District on property located at the Southeast Corner of the Intersection of N. Park Street and Brookside Drive, and being 2.6051 acres described as Scenic Estates, Section IV, Reserve A (1.9257 Acres) and Reserve B2 (0.6794 Acres) out of the Arabella Harrington Survey in Brenham, Washington County, Texas (Case No. P-23-043).

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

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

No: None

Abstain: Mayor Pro Tem Kolby

Absent: Councilmember Cook

9. Discuss and Possibly Act Upon the Possible Amendment of, Modification of Scope of Work of, and/or Other Project Changes Related to Contract No. 22-085-049-D302 Between the City of Brenham and the Texas General Land Office for Community Development Block Grant Mitigation Program Infrastructure Projects Non-Research & Development Mitigation Funding Concerning the Hogg Branch Creek Flood and Drainage Facilities Improvements, and Authorize the Mayor to Execute Any Necessary Documentation

Director of Public Works Dane Rau presented this item. Rau advised that in 2020 the City of Brenham applied for two grants which stemmed from state disasters associated with the 2016 Floods and Hurricane Harvey. The City was awarded both grants valued at \$5,001,643.00, for Hurricane Harvey, and \$3,4000.00, for the 2016 Floods.

Rau advised that the City has worked with Public Management, Strand Engineering, Terracon Consultants, and the General Land Office to review the requirements of the CDBG-MIT grant (2016 Flood) for the Hogg Branch Creek Flooding and Drainage Project and has already expensed \$375,781 for services related to the grant.

Rau advised that the Hogg Branch Project is very complex and has not been received well from the 42 property owners along the channel that stretches from Market St. to E. Alamo St. Rau advised that during the flood events no significant flooding issues were noted pertaining to dwellings or loss of life. Rau stated he believes that this project was chosen due to the nature of this channel and with the hopes of aesthetically changing the look of it along and cleaning up the area so the private property owners didn't have to maintain the erosion as it encroached on their infrastructure.

Rau advised the he has concerns about the following issues that could potentially put the City in a situation where the outcome would not be positive for the City and would be very costly:

1. Significant loss of vegetation along the channel and how it would affect the flow of water downstream.
2. Cost to the City for continued maintenance of the channel.
3. Project costs have increased significantly due to inflation.
4. Acquisition of easements are required and must be obtained through donation, fair market value purchase or eminent domain.
5. Opposition of property owners along the channel.
6. Grant only allows for a short timeline for completion.
7. No significant issues along this channel in the past.

Rau advised that after weighing the pros and cons of this grant, staff does not feel comfortable moving forward with the project. Rau advised that, in his opinion, it would be in the best interest of the City and the taxpayers to defer the 2016 Flood Grant, \$3,400,000.00, and reimburse the General Land Office the \$375,781.00, for what has been expensed to date. Rau advised then staff could focus on the Hurricane Harvey grant, \$5,400,000.00, which includes 10 drainage projects in an area of town that really needs the improvements.

A motion was made by Councilmember Canales and seconded by Mayor Pro Tem Kolby to approve the deletion of, modification of scope of work, and/or other project changes related to Contract No. 22-085-049-D302 between the City of Brenham and the Texas General Land Office for Community Development Block Grant Mitigation Program Infrastructure Projects Non-Research & Development Mitigation Funding, specifically approving the amendment of the Contract to delete the Hogg Branch Creek Flood and Drainage Facilities Improvements Project from Market Street to Alamo Street from the Infrastructure Activities project list 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. Administrative/Elected Officials Report

City Manager Carolyn Miller reported the following:

- February 5th and every Monday in February from 6:00-6:30 at the Cannery Kitchen in Brenham celebrating Black History Month
- February 7th is the birthday celebration for Nancy Carol Roberts Memorial Library from 3:00-5:00 p.m.

Council adjourned into Executive Session at 4:03 p.m.

EXECUTIVE SESSION

11. 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

12. Section 551.074, Texas Government Code - Personnel Matters - Discussion Concerning the Appointment, Employment, Evaluation, and Duties of a New City Manager, Including But Not Limited To the Review of Applicants for the City Manager Position, and Associated Issues

Executive Session adjourned at 4:59 p.m.

ADJOURN

Atwood C. Kenjura

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary

