

Brenham City Council Minutes

A Regular Meeting of the Brenham City Council was held on Thursday, March 7, 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 Leah Cook
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

Councilmember Paul LaRoche

City of Brenham Staff Present:

City Manager Carolyn Miller, City Attorney Cary Bovey, City Secretary/Director of Administrative Services Jeana Bellinger, 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, Strategic Budget Officer Tim McRoberts, Director of HR and Risk Management Susan Nienstedt, Police Chief Ron Parker, Acting Police Chief Lloyd Powell, Development Services Director Stephanie Doland, Economic & Community Development Director Teresa Rosales, Karen Stack, Kyle Branham, Robin Hutchens, Shawn Bolenbarr, Jessica Perez, Christi Korth, Jean Luera, Marisol Urbina, Daniel McCracken, Interim Fire Chief Rhea Cooper, Steven Loving, Steven Eilert, Jose Perez, Tiffany Anderson, Curtiss Schoen, Kelvin Raven, Seth Klehm, and Brett Schroeder.

Citizens/Others Present:

Ken Watson, Marie Watson, Don Voelter, and Amy Miles.

Media Present:

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

1. Call Meeting to Order

2. **Invocation and Pledges to the US and Texas Flags - Councilmember Leah Cook**
3. **Retirement Recognition - Ron Parker, Brenham Police Department**
4. **Service Recognition**
 - ◆ **Jon Babb - Wastewater Construction, 5 Years**
5. **Police Department Promotions**
 - ◆ **Jose Perez, Sergeant**
 - ◆ **Tiffany Anderson, Corporal**
6. **Citizen Comments**

No citizen comments were heard.

CONSENT AGENDA

7. Statutory Consent Agenda

- 7.b. Approve a Customer Services Contract Between the City of Brenham and the Lower Colorado River Authority (LCRA), in the Amount of \$148,659.84, for Tree Trimming Services to be Provided by McCoy Tree Surgery, Inc. and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Wright to table Item 7-b. related to a contract between the City of Brenham and the Lower Colorado River Authority (LCRA) in the amount of \$148,659.84 for tree trimming services to be provided by McCoy Tree Surgery, Inc. 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 Cook, Councilmember Saunders, Councilmember Wright
- No:** None

Absent: Councilmember LaRoche

- 7.a. Approve the Minutes from the February 1, 2024 Regular City Council Meeting, February 15, 2024 Regular City Council Meeting, and February 22, 2024 Special City Council Meeting**
- 7.c. Approve a Customer Services Contract Between the City of Brenham and the Lower Colorado River Authority (LCRA), in the Amount of \$95,219.54 for Substation Maintenance and Testing, and Authorize the Mayor to Execute Any Necessary Documentation**
- 7.d. Approve the Appointment of David Romo and Bridgit Williams to the City of Brenham's Police Citizens Advisory Board for Terms Ending on December 31, 2026, and Authorize the Mayor to Execute Any Necessary Documentation**
- 7.e. Approve the Re-Appointment of Brian Ross to the City of Brenham's Police Citizens Advisory Board for a Term Ending December 31, 2026, and Authorize the Mayor to Execute Any Necessary Documentation**
- 7.f. Approve the Ratification of a Purchase from ERAD Group, Inc. in the Amount of \$4,950.00, from Seized Narcotics Funds, Related to the Purchase of ERAD FCIS Solution Bundle and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve Consent Agenda Items 7.a. and 7.c. through 7.f. 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 Saunders, Councilmember Wright

No: None

Absent: Councilmember LaRoche

REGULAR SESSION

- 8. Discuss and Possibly Act Upon Approval of Ordinance No. O-24-004 of the City of Brenham, Texas, Authorizing the Issuance and Sale of City of Brenham, Texas, Combination Tax Revenue Certificates of Obligation, Series 2024, Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Purchase Agreement and a Paying/Agent Registrar Agreement;**

Approving the Official Statement; and Enacting Other Provisions Relating Thereto

Director of Finance Stacy Hardy presented this item. Hardy advised that on January 4, 2024, City Council approved Resolution No. R-24-001 giving notice of intention to issue Certificates of Obligation (COs). Hardy advised that the Notice was published for two consecutive weeks in the local newspaper and has been posted continuously on the City's website for at least forty-five (45) days.

Hardy advised that the proceeds from the sale of these COs, in an amount not to exceed \$11 Million, 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; and (3) professional services incurred in connection with items (1) and (2), and to pay the costs incurred in connection with the issuance of the Certificates.

Hardy introduced the City's financial advisor, Jennifer Ritter, of Specialized Public Finance, who advised that ten (10) bids were received with PNC Capital Markets coming in the lowest with an interest rate of 3.506270%.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve Ordinance No. O-24-004 of the City of Brenham, Texas, authorizing the issuance and sale of City of Brenham, Texas, Combination Tax Revenue Certificates of Obligation, Series 2024, levying a tax in payment thereof; authorizing the execution and delivery of a purchase agreement and 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 Saunders, Councilmember Wright

No: None

Absent: Councilmember LaRoche

WORK SESSION

9. Presentation and Discussion on the Tax Phase-In Compliance Review Committee

Director of Economic and Community Development Director Teresa Rosales presented this item. Rosales advised that the Joint Compliance Committee for Tax Phase-In, comprised of representatives appointed by both the City and Washington County, convened on January 26, 2024, to review compliance of each company that has an active Tax Phase-In Agreement. Rosales explained that the following companies applied for abatement in 2023:

- Blue Bell Creameries
- D Bar B Sausage
- Del Sol
- Double R Brand Foods
- Quest Specialty

Rosales stated that all the companies are in compliance with their respective Tax Phase-In Agreements.

10. Presentation and Discussion on FY 23-24 First Quarter Financial Reports

Strategic Budget Officer Tim McRoberts presented this item. McRoberts advised that all funds experienced favorable actual to budget net revenues for the first quarter FY23-24 except the Electric Distribution Fund.

Fund	YTD Revenues & Other Sources	YTD Expenditures & Other Sources	Actual to Budget Comparison
General Fund	\$ 9,119,795	\$ 5,896,328	\$ 3,223,467
Electric Distribution	\$ 2,102,779	\$ 2,158,221	\$ (25,520)
Gas Distribution	\$ 395,022	\$ 392,724	\$ 16,536
Water	\$ 1,733,205	\$ 1,483,057	\$ 149,709
Wastewater	\$ 1,064,108	\$ 816,069	\$ 249,255
Sanitation	\$ 654,414	\$ 485,912	\$ 209,161
Drainage	\$ 176,353	\$ 117,070	\$ 59,283

McRoberts explained that the imbalance in the Electric Distribution Fund can be attributed to capital projects that have encumbered funds but have not yet been spent. McRoberts stated that staff will continue to watch operational expenditures closely to monitor the effects that persistent inflation is having on maintenance, supplies and labor.

RE-OPEN REGULAR SESSION

11. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham's FY23-24 Adopted Budget

Strategic Budget Officer Tim McRoberts presented this item. McRoberts advised that the budget is being amended for the Fund 220 Central Fleet for \$65,900 to replace a 2012 Vermeer trailer mounted jet excavator.

A motion was made by Councilmember Saunders and seconded by Mayor Pro Tem Kolby to approve an Ordinance on its first reading amending the City of Brenham's FY23-24 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 Cook, Councilmember Saunders, Councilmember Wright

No: None

Absent: Councilmember LaRoche

12. Discuss and Possibly Act Upon 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)

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to remove this item from the table.

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 Saunders, Councilmember Wright

No: None

Absent: Councilmember LaRoche

Director of Development Services Stephanie Doland presented this item. Doland

advised that the subject property is an approximate 28.09-acre tract of vacant land generally located on northwest corner of W. Jefferson Street and N. Saeger Street, being addressed as 1402 W. Jefferson Street and further described as a portion of Tract 82 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas. Doland advised that the property is currently zoned Single-Family Residential District (R-1). Doland advised that the property owner, Clayton and Kelli Collier and applicant, Daniel Beamon of Beamon Engineering, are requesting the 27.74-acres be rezoned to Planned Development District for the development of a single-family home subdivision.

Doland explained that at the City Council meeting on February 1, 2024 this item was tabled to give City staff and the applicants more time to meet with representatives from Grace Lutheran Church to discuss the N. Saeger Street extension and right-of-way alignment. Doland advised that staff and Strand Associates are working to finalize the intersection alignment but that the amount of right-of-way that will be needed is projected to be less than originally thought. Doland also advised the Ordinance has been modified to include updated amenities requested by the developer due to the construction cost of N. Saeger Street.

Dr. Don Voelter, representing Grace Lutheran Church, advised City Council that the Church has four specific requests of the City: (1) They would like to give up the least amount of land as possible; (2) they would like their brick signage to stay where it is; (3) they would like the City to build the Church a new circular driveway, if their driveway has to be moved for Saeger St.; and (4) the Church would like for a wooden privacy fence to be built along Saeger Street. Councilmember Canales requested which request was the most important for the Church, Voelter replied the wooden privacy fence.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Canales to approve an 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)..

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 Saunders, Councilmember Wright

No: None

Absent: Councilmember LaRoche

13. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Rate Tariff Schedules for the City of Brenham Water Services

Utility Compliance Manager Daniel McCracken presented this item. McCracken advised that in September 2023, the City hired NewGen Strategies & Solutions to analyze and update the City's water rates. McCracken explained that the study was needed in order to determine if existing cost allocations among customer classes still applied or if adjustments needed to be made; and to ensure that rates were sufficient to cover the costs of the Water Plant Expansion and Groundwater Well Projects.

McCracken advised that the results and recommendations from NewGen's Water Rate Analysis were presented in the February 15th Work Session and that the Ordinance being presented is the first of three annual water rate increases to help recover the costs of the new water projects.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve an Ordinance on its first reading amending the rate tariff schedules for the City of Brenham water services.

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 Saunders, Councilmember Wright

No: None

Absent: Councilmember LaRoche

14. Discuss and Possibly Act Upon Award of Bid Concerning Project No. 65C-56C for the 2023 Brenham Business Center Sanitary Extension and Authorize the Mayor to Execute Any Necessary Documentation

Public Utilities Project Manager Shawn Bolenbarr presented this item. Bolenbarr explained that in January the City and Strand Associates opened bids for the 2023 Brenham Business Center Sanitary Sewer Extension (Project No. 65C-56C). Bolenbarr explained that this project consisted of installing 3,001 feet of eight-inch gravity sewer, 595 feet of four-inch sewer force main, and a new 126 gallon per minute duplex lift station.

Bolenbarr advised that there were 5 bids received, with Texas KB Utilities, LLC being the lowest bidder at \$821,000.00. Bolenbarr advised that Texas KB Utilities has previously done work in the City and are currently constructing the Progress and Valley Drives Drainage Improvement Projects.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to award the bid concerning Project No. 65C-56C for the 2023 Brenham Business Center Sanitary Extension to Texas KB Utilities, LLC. in the amount of \$821,000.00 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, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember Saunders, Councilmember Wright

No: None

Absent: Councilmember LaRoche

15. Discuss and Possibly Act Upon an Agreement Between the City of Brenham and Aqua Metric for Services Related to the Installation of a Second Advanced Metering Infrastructure Base Station and Authorize the Mayor to Execute Any Necessary Documentation

Public Utilities Project Manager Shawn Bolenbarr presented this item. Bolenbarr explained that the Public Utilities Department is looking to increase redundancy and capacity in the City's utility metering infrastructure. Bolenbarr advised that by adding the second Base Station it will ensure that the City always has the means to receive meter data in case of equipment malfunctions or weather-related damage such as wind or lightning. Bolenbarr advised that this will also enable more dedicated channels that result in higher network capacity by allowing more granular data and more data channels for future growth of the City.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Cook to approve an agreement between the City Of Brenham and Aqua Metric for services related to the installation of a second advanced metering infrastructure base station in an amount not to exceed \$67,667.41 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 Cook, Councilmember Saunders, Councilmember Wright

No: None

Absent: Councilmember LaRoche

16. Discuss and Possibly Act Upon an Ordinance on Its First Reading to Repeal Ordinance No. O-15-019 Relating to the Non-Exclusive Franchise Granted to General Site Services (GSS) Dumpster Service to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits

Deputy City Secretary Robin Hutchens presented this item. Hutchens advised that General Site Services (GSS) has been delinquent with their Roll-Off Franchise payments since October 2022 and has not provided an updated Certificate of Insurance since 2023. Hutchens advised that staff has mailed several notices to General Site Services advising them about both the payments and the insurance violation. Hutchens advised that after no response, the staff's recommendation is to terminate the Roll-Off Franchise Ordinance No. O-15-019.

A representative from General Site Services, Amy Miles, advised that the family has been going through illnesses, and she will be taking a more active role in keeping the company up to date with the franchise agreement.

A motion was made by Councilmember Saunders and seconded by Councilmember Canales to reject an Ordinance on its first reading to repeal Ordinance No. O-15-019 relating to the non-exclusive franchise granted to General Site Services (GSS) Dumpster Service to operate a roll-off container service for residents, businesses, and industries inside Brenham City Limits.

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 Saunders, Councilmember Wright

No: None

Absent: Councilmember LaRoche

17. Discuss and Possibly Act Upon an Ordinance on Its First Reading to Grant a Non-Exclusive Franchise to Chunk My Junk, LLC DBA Drop and Go Dumpsters to Operate a Roll-Off Container Service for the Residents, Businesses, and Industries Inside Brenham City Limits

Deputy City Secretary Robin Hutchens presented this item. Hutchens explained that per Section 11-70 of the Code of Ordinances, providers of roll-off services in the City Limits must obtain a franchise agreement from the City. Hutchens advised that the City currently has franchise agreements with thirteen (13) businesses for the provision of roll-off dumpster services within the City Limits. Hutchens explained that having multiple franchises allows citizens to request multiple quotes and obtain competitive

pricing.

Hutchens explained that the City was recently contacted by Tyler Smith, from Chunk My Junk, LLC DBA Drop and Go Dumpsters with a request for a franchise. Hutchens advised that Drop and Go Dumpsters is based out of Bryan, TX and has been in business since 2018. Hutchens explained that the ordinance being presented for your consideration grants Chunk My Junk, LLC DBA Drop and Go Dumpsters a non-exclusive contract and a non-franchise fee of 5% gross revenue will be paid monthly.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve an Ordinance on its first reading to grant a non-exclusive franchise to Chunk My Junk, LLC DBA Drop and Go Dumpsters to operate a roll-off container service for the residents, businesses, and industries inside Brenham City Limits.

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 Saunders, Councilmember Wright

No: None

Absent: Councilmember LaRoche

18. Administrative/Elected Officials Report

City Manager Carolyn Miller advised Council on the following:

- Brenham Fire Department Fish Fry is March 22nd
- The City has received 22 applicants for the open Fire Chief position

Council adjourned into the Executive Session at 2:48 p.m.

EXECUTIVE SESSION

19. 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

20. Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Legal Issues Concerning the City of Brenham Waste Water Treatment Plant, the Federal Emergency Management Agency, and Associated Matters

Executive Session adjourned at 3:26 p.m.

ADJOURN

Atwood C. Kenjura

Mayor



Jeana Bellinger, TRMC, CMC

City Secretary