

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on December 2, 2021 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members Present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Clint Kolby
Councilmember Shannan Canales
Councilmember Leah Cook
Councilmember Atwood Kenjura
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

None

City of Brenham Staff present:

Interim City Manager Carolyn Miller, City Attorney Cary Bovey, Deputy City Secretary Karen Stack, Executive Administrative Assistant Monique Breaux, Director of Public Works Dane Rau, Director of Development Services Stephanie Doland, Director of Public Utilities Alton Sommerfield, Director of Economic Development Susan Cates, Director of Finance Stacy Hardy, Human Resources Director Susan Nienstedt, Strategic Budget Officer Debbie Gaffey, Information Technology Manager Kevin Schmidt, Kevin Boggus, Police Captain Lloyd Powell, Police Sgt. Todd Ashorn, Police Sgt. Steven Eilert, City Planner Shauna Laauwe

Citizens/Others Present:

Brent Nedbalek, Gary Snoe, Marilyn Fetrow, and Lu Hollander

Media Present:

Alyssa Faykus, Brenham Banner-Press; and Josh Blaschke, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Milton Y. Tate, Jr.**

3. **Service Recognitions**
 - Alex Saenz, Police Department – 5 Years
4. **Proclamation**
 - 125th Anniversary of the Fortnightly Club
5. **Citizens Comments**

There were no citizen comments heard.

CONSENT AGENDA

6. **Statutory Consent Agenda**
 - 6-a. **Approve the Minutes from the November 4, 2021 Regular City Council Meeting**
 - 6-b. **Approve a Noise Variance from St. Mary's Catholic Church for a Reception to be Held on December 8, 2021 from 6:30 p.m. to 8:30 p.m. and Authorize the Mayor to Execute Any Necessary Documentation**
 - 6-c. **Approve an Ordinance on Its First Reading Amending the FY2020-21 Adopted Budget**
 - 6-d. **Approve Renovations to Brenham Fire Station No. 1 and Associated Structures by CR Systems, Inc. Through The Interlocal Purchasing System (TIPS) Contract No. 18110 in the Amount of \$131,543.00 and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve the Statutory Consent Agenda Items 6.a. thru 6.d. as presented.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

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 Granting a Specific Use Permit on Property Currently Addressed as 405 Martin Luther King, Jr. Parkway to Allow for a Accessory Dwelling Unit in the Mixed Residential (R2) Zoning District Located Generally on the South Side of Martin Luther King, Jr. Parkway and Two Lots West of Baber Street and Three Lots East of Rippetoe Street and Further Described as Lot 7A of the Rippetoe's Addition in Brenham, Washington County, Texas (Case No. P-21-027)

This item was presented by City Planner Shauna Laauwe. Laauwe explained that property owners Carl Franklin and Linda Bessmer are requesting approval of a Specific Use Permit in order to build a detached garage with a second-story Accessory Dwelling Unit (ADU).

Laauwe further explained that the proposed ADU met all requirements except for the minimum required east side yard setback of ten (10) feet. Due to slope and drainage issues on the subject property, the proposed garage structure with the ADU is proposed to be located 6'6" from the east side yard setback. This setback meets the 5-foot minimum required setback for accessory garages, but not the 10-foot requirement for ADUs. Thus, the applicants have applied for a variance from the minimum east side yard setback for ADUs from the Board of Adjustments to be heard on December 13, 2021. Laauwe reported that on November 15, 2021, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the SUP request as presented with the condition that a variance be granted by the Board of Adjustments for the east side yard setback.

Mayor Tate opened the Public Hearing.

No comments were received.

Mayor Tate closed the Public Hearing.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Canales to approve an Ordinance on its first reading amending Appendix A - 'Zoning' of the Code of Ordinances of the City of Brenham granting a Specific Use Permit on property currently addressed as 405 Martin Luther King, Jr. Parkway to allow for an Accessory Dwelling Unit (ADU) in the Mixed Residential (R2) Zoning District located generally on the south side of Martin Luther King, Jr. Parkway and two lots west of Baber Street and three lots east of Rippetoe Street and further described as Lot 7A of the Rippetoe's Addition in Brenham, Washington County, Texas (Case No. P-21-027) on the condition that the detached garage/ADU structure shall be located at a minimum 10-foot side yard setback along the east property line or receive a variance for a 3'6" side yard encroachment by the Board of Adjustments.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

REGULAR SESSION

8. **Discuss and Possibly Act Upon Resolution No. R-21-033 to Repeal Resolution No. R-21 -022 Authorizing the Publication of Notice of Intention to Issue Certificates of Obligation, Series 2021**

This item was presented by Interim City Manager/Chief Financial Officer Carolyn Miller. Miller said that at the September 16, 2021 City Council Meeting, Council approved Resolution No. R-21-022 giving notice of the intent to issue Certificates of Obligation and includes requirements for giving notice to the public. Miller reported that staff did publish the notice in the Brenham Banner Press as required, but the notice was not posted to the City's website as required. Due to the administrative oversight, Resolution No. R-21-022 needs to be repealed and rescinded.

Miller noted that the delay caused by this oversight provided an opportunity for the Finance Team to review the proposed debt projects and recommend a change in designation for general government projects.

A motion was made by Councilmember Kenjura and seconded by Councilmember Saunders to approve Resolution No. R-21-033 to repeal Resolution No. R-21-022 authorizing the publication of Notice of Intention to Issue Certificates of Obligation, Series 2021.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

9. Discuss and Possibly Act Upon Resolution No. R-21-034 Authorizing the Publication of Notice of Intention to Issue Certificates of Obligation, Series 2022

This item was presented by Interim City Manager/Chief Financial Officer Carolyn Miller. Miller explained that this item is a companion to agenda item eight. This Resolution has a corrected timeline and authorizes the publication of a Notice of Intent to Issue Certificates of Obligation, Series 2022, for an amount not to exceed ten million dollars (\$10,000,000.00).

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve Resolution No. R-21-034 authorizing the publication of Notice of Intention to issue Certificates of Obligation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

10. Discuss and Possibly Act Upon Resolution No. R-21-035 Regarding the Election of Members to the Board of Directors of the Washington County Appraisal District

This item was presented by Interim City Manager/Chief Financial Officer Carolyn Miller. Miller explained that the City received a letter from Dyann White, Chief Appraiser of the Washington County Appraisal District Board (WCAD) advising that the City needs to submit a ballot for the election of members to serve a two-year term beginning January 1, 2022 on the WCAD Board of Directors. Miller stated that the City receives 540 votes that can be cast to one candidate or distributed among any of the candidates. Miller stated that the Resolution being presented distributes the votes evenly among all of the candidates: Joe Antkowiak, Leslie Boehnemann, Charles Gaskamp and John Schaer.

A motion was made by Councilmember Wright and seconded by Mayor Pro Tem Kolby to approve Resolution No. R-21-035 regarding the election of members to the Board of Directors of the Washington County Appraisal District.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

11. Discuss and Possibly Act Upon Resolution No. R-21-036 Adopting New Policies and Procedures for City of Brenham Boards and Commissions

This item was presented by Interim City Manager/Chief Financial Officer Carolyn Miller. Miller explained that the past several weeks, staff has been meeting weekly with the Boards and Committees Sub-Committee of City Council (Councilmembers Canales, Cook and Saunders) to review the City's policy and procedure related to the city's eleven (11) advisory boards/committees.

Miller stated that the Council Sub-Committee reviewed each section of the policy and some of the notable changes/revisions being recommended are:

- Application recruitment process date changed from July to September.
- Member terms were maintained at 3 years with term limits of 3 years (9 years total).
- The policy requires all board members receive training on Texas Open Meetings Act, basic Robert's Rules of Order and ethics training.
- The Airport Board was dissolved.
- The Animal Services Board was reduced from 7 members to 5 members.
- Descriptions for the new Tourism Advisory Board and the Historic Preservation Board were added to the Policy.
- Attendance requirements were amended to allow for three (3) consecutive, unexcused, absences.
- The policy gives the Chairman and/or the staff liaison the ability to immediately adjourn the meeting if any board members act inappropriately or in any other way detracts from the professional decorum of a meeting.
- Adds the requirement that all agendas, packets and minutes of advisory boards/committees be posted on the City's website.

After further discussion by Council, this item was passed at the request of Councilmember Kenjura, who asked staff to bring back a revised Policy at the next meeting with more stringent attendance requirements.

12. Discuss and Possibly Act Upon a Land Lease Agreement with Egidosky LLC dba Skydive Freedom for a Parachute Landing Zone at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation

This item was presented by Director of Development Services Stephanie Doland. Doland explained that Anthony (Tony) Cascino and Austin Ely of Egidosky LLC d/b/a as Skydive Freedom contacted staff about opening a skydiving business at the Brenham Municipal Airport (11R). Since that time, staff has worked with TXDOT Aviation, the United States Parachute Association (USPA), and additional Airport Managers at similarly sized Airports to research the industry standards, best practices and procedures to promote a safe and business-friendly operation at the Airport.

Doland advised that staff presented the request by Skydive Freedom during a Council Facilities Subcommittee meeting on November 2nd as well as a work session with the full Council on November 18th. Doland stated that during the November 18th work session Chuck Akers, Board President and Gulf Regional Director of the United States Parachute Association answered many questions by Council and citizens

Doland stated that the lease being presented for consideration includes a land lease for 3.59 acres area known as the Parachute Landing Zone, which meets USPA landing zone standards and is located within the flight pattern of the airport. Doland stated that the initial term of the lease agreement is for one (1) year with a renewal period of five (years).

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve a Land Lease Agreement with Egidosky, LLC d/b/a Skydive Freedom for a parachute landing zone at the Brenham Municipal Airport and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

13. Discuss and Possibly Act Upon Change Order No. 2 and Final Payment to Lindsey Construction, Inc. for Project No. E201-06 Related to the Raw Water Intake Repair at Lake Somerville and Authorize the Mayor to Execute Any Necessary Documentation

This item was presented by Director of Public Utilities Alton Sommerfield. Sommerfield explained that in February 2020 the Council awarded the Raw Water Intake Repair at Lake Somerville project to Lindsey Construction, Inc. in the amount of \$4,991,991.50. Sommerfield explained that there were some cost savings resulting in a Change Order #2 credit in the amount of (\$104,175.82).

Sommerfield stated that the work has been completed within the expected timeframe and the contractor has completed the items on the final punch list; therefore, staff is requesting final payment in the amount of \$244,790.78.

A motion was made by Councilmember Kenjura and seconded by Councilmember Canales to approve Change Order No. 2 and final payment in the amount of \$244,790.78 to Lindsey Construction, Inc. for Project No. E2016-06 related to the Raw Water Intake Repair at Lake Somerville and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

14. Administrative/Elected Officials Report

- Executive Administrative Assistant Monique Breaux reported on the Brazos Valley Food Bank and the Christmas Stroll and Lighted Parade
- Police Sargent Todd Ashorn reported on the Toys for Tots Christmas toy drive.

EXECUTIVE SESSION

- 15. Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding City of Brenham v. WTG Gas Marketing, Inc.; Cause No. 37573; 335th Judicial District Court, Washington County, Texas**

Mayor Tate announced that Executive Session was cancelled due to a change in the hearing date.

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Karen Stack, TRMC

Deputy City Secretary