

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, December 1, 2022 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:

City Manager Carolyn Miller, City Attorney Cary Bovey, City Secretary Jeana Bellinger, General Manager of Public Utilities Debbie Gaffey, Deputy General Manager of Public Utilities Alton Sommerfield, Director of Public Works Dane Rau, Director of Development Services Stephanie Doland, Director of Finance Stacy Hardy, Human Resources Director Susan Nienstedt, Kyle Branham, Cherry Prewitt, Shawn Bolenbarr, Idalia Avezuela, Kevin Boggus, Lloyd Powell, Steven Eilert, Casey Redman, Tammy Jaster, JoAnne Hynes, and Shauna Laauwe

Citizens/Others Present:

Nathan Wade, Blake Brannon, Robert Buchman, Cherry Fratus, Marie Surovik, Kyle Bright, and Darren Huckert

Media Present:

Jason May, Brenham Banner-Press; and Josh Blaschke, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – City Manager Carolyn Miller**

3. Service Recognitions

- Jordan Moehlmann, Street Department – 5 Years

4. Citizens Comments

Terri Harris, owner of Meme's on Alamo Street in downtown expressed her concerns about a special event permit, approved by the City, for a producers market being held on Saturdays in November and December in the back alley behind her business. Harris explained that during the event she is unable to access her business through the alley and she is planning to begin some major renovations to her building and her contractors will need to access her building via the alley so that they will not have to park and block traffic on Alamo Street. Harris requested that the City Council deny the special event permit.

CONSENT AGENDA

5. Statutory Consent Agenda

- 5-a. Approve the Minutes from November 3, 2022 Regular Meeting and the November 17, 2022 Regular Meeting**
- 5-b. Approve Ordinance No. O-22-026 on Its Second Reading Authorizing the Placement of Stop Signs on Prairie Lea Street at Its Intersection with 5th Street**
- 5-c. Approve Ordinance No. O-22-027 on Its Second Reading Amending the Rate Tariff Schedule for the City of Brenham Electric Rates**

A motion was made by Councilmember Canales and seconded by Mayor Pro Tem Kolby to approve the Statutory Consent Agenda Items 5.a. thru 5.c. 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

WORK SESSION – DEPARTMENT UPDATE

6. Discussion and Update on the Nancy Carol Roberts Memorial Library

Librarian Idalia Avezuela provided the following information on the Nancy Carol Roberts Memorial Library:

- Library statistics
- Programs, events, and outreach
- Special projects and collaborations
- Grants

WORK SESSION

7. Discussion and Update on the Texas Recreation and Park Society (TRAPS) Rodeo

Public Works Director Dane Rau provided the City Council with an update on the Texas Recreation and Park Society (TRAPS) Rodeo that was held in Brenham on November 9th and 10th and advised that over thirty cities participated and that the City's Parks Department employees competed in the Rodeo for the first time. The Rodeo events included:

- Backhoe Operation
- Mower Obstacle Course
- Truck & Trailer Obstacle Course
- Irrigation Assembly
- Plant and Weed Identification
- Nail Driving Contest
- Backpack Blower Competition

Rau advised that City of Brenham Parks Department employee Victor Ortiz placed third in the Plant and Weed Identification event and would be eligible to compete in this event during the state-wide Rodeo competition.

Rau explained that while the Rodeo competition was fun, the other big part of the Rodeo are the workshops and training that is provided during the two-day event. The workshops and training sessions were held at the Barnhill Center and at City Hall. Rau expressed his appreciation to park staff for competing and helping to showcase Brenham and our park system.

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

8. 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 for an Amendment to the City of Brenham's Official Zoning Map to Change the

Zoning District From a Local Business Residential Mixed Use District (B-1) to an Industrial Use District (I) on Approximately 3.77 Acres, Which is a Portion of a 6.899 Acre Tract of Land, Currently Addressed as 1150 Dixie Road and Being Further Described as Tract 51 (WCAD) Out of the Phillip Coe Survey, A-0031 in Brenham, Washington County, Texas (Case No. P-22-026)

City Planner Shauna Laauwe presented this item. Laauwe explained that the subject property is a 3.77-acre east portion of a 6.899-acre property addressed as 1150 Dixie Road and generally located on the east side of Dixie Road, south of Confederate Lane and abutting the Premier Metal Buyers business property to the east located at 1555 Highway 36 North. Premier Metal Buyers is requesting the rezoning from B-1 to Industrial District in order to expand their existing operations to allow for fleet parking, needed site circulation, and additional storage areas. Please see the attached Staff Report for a detailed analysis of the request.

Laauwe advised that the Planning and Zoning Commission held a public hearing on this item during their meeting on Monday, November 21, 2022. During the public hearing, two people spoke against the request and adjacent property owner, Marie Surovik, provided a written statement which was provided in the Council packet. Laauwe stated that the Planning and Zoning Commission unanimously (4-0) recommended approval of the zoning request.

Mayor Tate opened the public hearing.

Citizen Marie Surovik expressed her concern about the rezoning of the property. Surovik stated that she is a neighboring property owner to Premier Metal Buyers (PMB) current location, and she deals with excessive noise all hours of the day and night, the smell of burning metal, and a smoky haze over her property at all times. Surovik stated that she is concerned that with PMB expanding the issues she is currently dealing with are only going to get worse. Surovik advised Council that PMB is not a very good neighbor, and she has reached out to them numerous times to address some of her issues and PMB has not been responsive.

The owner of PMB, Blake Brannon, advised the City Council that when he purchased the property all of the surrounding properties were zoned Industrial, and most of the residential properties have been built around them. Brannon advised Council that PMB keeps two fire trucks on site and one water truck to try and mitigate the dust in the air. Brannon explained that PMB wants to be good neighbors and are doing everything they can to try and mitigate the nuisance.

Mayor Tate closed the public hearing.

A motion was made by Councilmember Saunders and seconded by Councilmember Canales to table this item.

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

9. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham's FY2021-22 Adopted Budget

Finance Director Stacy Hardy presented this item. Hardy explained that this is the third and final amendment to the FY2021-22 budget and it includes:

- \$374,379 in General Fund expenditure increases for economic development incentives per Chapter 380 agreement with BK Stringer, LTD.
- \$525,121 increase to Electric WPC Fund expenses to account for higher passthrough purchase costs.
- \$2,133,653 increase to Gas WPC Fund revenues to account for higher billed receipts.
- \$265,610 increase to Water Fund revenues based on seasonal demand volumes.

Hardy also advised that the \$525,121 entry for Fund 122 – Electric WPC Fund was incorrectly shown in the revenue column, and it should be shown in the expenditure column. Hardy stated that Exhibit A will be corrected upon second reading of the ordinance.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve an Ordinance on its first reading, with the correction as noted, amending the City of Brenham's FY2021-22 Adopted Budget.

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 the Use of Felony Forfeiture Funds for Forensic DNA Testing Services and Authorize the Mayor to Execute Any Necessary Documentation

Captain Powell presented this item. Powell explained that the Brenham Police Department is seeking approval from City Council to utilize Seized Funds within the police department's budget in order to utilize private laboratory services to test forensic evidence related to criminal cases. This expenditure will potentially aid in positively identifying a suspect in a violent crime.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve the use of felony forfeiture funds, in the amount of \$6,536.00, for forensic DNA testing services 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

11. Discuss and Possibly Act Upon Award of Project No. 2022-06 Related to Improvements to the Hohlt Park Nature Trail and Authorize the Mayor to Execute Any Necessary Documentation

Director of Public Works Dane Rau presented this item. Rau explained that on October 21, 2022, staff along with AKLA Architects opened bids regarding the Hohlt Park Nature Trail Improvements. This project was targeted in 2019 in which the City received a grant from Texas Parks and Wildlife for partial funding, (\$66,400). Subsequently, the BCDC allocated additional funds in back-to-back years to allow the improvements to occur. (\$40,000 in 2019; \$100,000 in 2021; and \$99,017 in 2022).

Rau advised that there were two bids received with Collier Construction being the low bidder at \$291,517.60 and when this was presented to BCDC on November 17th, the BCDC Board approved to move forward with Collier Construction's base bid.

Rau stated that the improvements will include a boardwalk, educational signage, a 0.59-mile granite looped trail, benches, and numerous plantings that attract butterflies and pollinators (see attachments). This will be known as the 'Crossover Nature Trail' and it will be a great addition to Hohlt Park.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to award Project No. 2022-06 related to improvements to the Hohlt Park Nature Trail to Collier Construction in the amount of \$291,517.60 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

12. Administrative/Elected Officials Report

City Manager Carolyn Miller advised the City Council about the following:

- Downtown Christmas Stroll will be Saturday, December 3rd, beginning at 6:00 p.m.
- The KBTX Food for Families Food Drive will be held on Wednesday, December 7th at the Washington County Expo.

Council adjourned into Executive Session at 2:35 p.m.

EXECUTIVE SESSION

- 13. Section 551.072 - Texas Government Code - Deliberation Regarding Real Property - Discussion Regarding the Lease Agreement with Dreamliner Diner Inc. (f/k/a Canion Kountry Bakery & Restaurant Inc.) Related to the Airport Terminal Building, and Associated Issues**
- 14. Section 551.074 - Texas Government Code - Deliberation Regarding Personnel Matters - Discussion Regarding the Appointment of a Brenham Municipal Court Presiding Judge and Associate Judge, Both for a Two Year Term Ending on December 31, 2024**
- 15. Section 551.074 -Texas Government Code - Deliberation Regarding Personnel Matters - Consider Compensation for the Municipal Court Presiding Judge and Associate Judge**
- 16. Section 551.086 - Texas Government Code - Utility Competitive Matters - City of Brenham Gas Utility System - Gas Supply and Transportation Arrangements and Agreements, and Associated Matters**

17. **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**
18. **Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Aviators Plus, LLC v. City of Brenham, Texas; Cause No. 37896; 21st Judicial District Court, Washington County, Texas**
19. **Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Legal Issues Concerning the City of Brenham Lake Somerville Raw Water Intake Structure, the Federal Emergency Management Agency, and Associated Matters**

Executive Session adjourned at 3:11 p.m.

20. **Discuss and Possibly Act Upon a Cancellation Agreement with Dreamliner Diner, Inc. (f/k/a Canion Kountry Bakery and Restaurant, Inc.) Related to the Lease of the Airport Terminal Building and Associated Issues and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve a Cancellation Agreement with Dreamliner Diner, Inc. (f/k/a Canion Kountry Bakery and Restaurant, Inc.) related to the lease of the airport terminal building, with the utility changes as discussed in Executive Session, and authorize the City Manager 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

21. **Discuss and Possibly Act Upon the Appointment of a Brenham Municipal Court Presiding Judge and Associate Judge, Both for a Two Year Term Ending on December 31, 2024 and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Wright to appoint John Winkelmann as the Municipal Court Presiding Judge and Robert Wright as the Associate Judge, both for a two-year term ending on December 31, 2024 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

22. Discuss and Possibly Act Upon Compensation for the Municipal Court Presiding Judge and Associate Judge and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve a salary increase for the Municipal Court Judges of 2.5% beginning January 1, 2023 and another 2.5% increase beginning January 1, 2024, which is a total increase of 5% over the two year term 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

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

