

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on September 7, 2023 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members Present:

Mayor Atwood C. Kenjura
Mayor Pro Tem Clint Kolby
Councilmember Shannan Canales
Councilmember Leah Cook
Councilmember Dr. Paul F. LaRoche, III
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

None

City of Brenham Staff present:

City Manager Carolyn Miller, City Secretary/Director of Administrative Services Jeana Bellinger, Robin Hutchens, General Manager of Public Utilities Debby Gaffey, Assistant General Manager of Public Utilities Alton Sommerfield, Shawn Bolenbarr, Director of Finance Stacy Hardy, Strategic Budget Officer Tim McRoberts, Jessica Perez, Director of HR and Risk Management Susan Nienstedt, Fire Chief Roger Williams, Assistant Police Chief Lloyd Powell, Kelvin Raven, Alex Seanz, Ashley Batson, Tina Bruno, Jean Luera, Public Works Director Dane Rau, Casey Redman, Brian Smith, Bubba Herrin, Colton Colbert, Stephen Nittsche, Development Services Director Stephanie Doland, Allen Jacobs, Shauna Laauwe, Kim Hodde, Sarah Hill, Jim Halley, David Kapplemann, Economic & Community Development Director Teresa Rosales, Leigh Linden, and Christine Simich.

Citizens/Others Present:

Candy Arth, Stan Skadal, Stephanie Kinghorn, and Elise Hasbrook.

Media Present:

Lucas Banda, Brenham Banner, Jason May, Brenham Independent; and Josh Blaschke, KWHI

1. **Call Meeting to Order**
2. **Invocation and Pledges to the US and Texas Flags – Mayor Pro Tem Clint Kolby**
3. **Proclamations**
 - ◆ **Albert and Emma Wright – 50 Years of Ministry**
 - ◆ **Constitution Week**
4. **Service Recognitions**
 - ◆ **Stephanie Doland, Development Services – 5 Years**
 - ◆ **Ashley Burns, Police Department – 10 Years**
 - ◆ **Brian Smith, Street Department – 15 Years**
5. **Citizens Comments**

Candy Arth read from John 3 and said a prayer over Council.

Stephanie Klinghorn from Daughters of Revolution advised council there will be a reading of the Constitution and ringing of bells in front of the Courthouse at 3:00 p.m. on September 17, 2023.

REGULAR SESSION

17. **Discuss and Possibly Act Upon a Chapter 380 Agreement Between the City of Brenham and Academy, Ltd. d/b/a Academy Sports + Outdoors and Authorize the Mayor to Execute Any Necessary Documentation**

Economic and Community Development Director Teresa Rosales presented this item to council. Rosales advised this 380 Agreement with Academy was discussed with the City Council in Executive Session on March 16, 2023 and Council approved the terms of Agreement as presented by staff. The Agreement outlines the \$1,500,000 sales-tax reimbursement to Academy shared by the City, Washington County and the Brenham Community Development Corporation.

Academy's Vice President of Communications Hasbrook advised that the grand opening for Academy will be on Friday, September 15, 2023.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve a Chapter 380 Agreement between the City of Brenham and Academy, Ltd. d/b/a Academy Sports + Outdoors and authorize the Mayor to execute any necessary documentation

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

Mayor Atwood C. Kenjura	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

PUBLIC HEARING

6. Proposed Tax Rate of \$0.4584 per \$100.00 Valuation for Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024

Strategic Budget Officer Tim McRoberts presented this item. McRoberts advised that the proposed FY2023-24 budget was presented to Council at two Budget Workshops that were held on July 24th and 25th. The proposed budget is on the City's website and on file with the City Secretary.

McRoberts advised a property tax rate of \$0.4584 per \$100 valuation is proposed to fund the FY2023-24 Budget. Of this rate, \$0.3102 will be for maintenance and operations (M&O). The balance of \$0.1482 is for debt service (interest and sinking or I&S). Based on the certified taxable values; \$2,271,814,182, the no-new revenue tax rate is \$0.4445 and the voter-approval rate is \$0.4606 per \$100 valuation for the 2023 Tax Year.

McRoberts stated that although the proposed budget decreases the current property tax rate of \$0.4737 to \$0.4584, due to increased property values, this proposed tax rate is above the no-new revenue rate and will produce higher tax revenues. The following table compares the taxes imposed on the average residence homestead by the City of Brenham last year to the taxes proposed to be imposed on the average homestead this year.

McRoberts advised in order to be in compliance with the Property Tax Code, a governing body must hold a public hearing to receive citizen comments on a proposed property tax rate. The governing body may adopt the tax rate at the conclusion of the hearing.

No citizen comments were heard.

7. Proposed Budget for Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024

- **The FY2023-24 proposed budget for the City of Brenham will raise more revenue from total property taxes than last year's budget by an amount of \$629,495.00, which is a 6.71 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$210,319.00**

Strategic Budget Officer Tim McRoberts presented this item to council. McRoberts advised the FY2023-24 Proposed Budget for the City of Brenham includes appropriations of operating resources for 31 separate funds and authorizes \$89.5 million in expenditures.

No citizen comments were heard.

8. Public Hearing to Consider 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 Commercial, Research and Technology Use District (B-2) to a Local Business Residential Mixed Use District (B-1) on Approximately 0.7544 Acres of Land, Currently Addressed as 307 Peabody Street, 309 Peabody Street, and 401 Peabody Street and Being Further Described as Lot 4A of the Kerr Addition, Lot 1, of the Stoltz Addition and the East Part of Lots 2 and 3 of the Kerr Addition in Brenham, Washington County, Texas (Case No. P-23-027)

City Planner Shauna Laauwe presented this item. Laauwe advised the subject area is 0.7544-acres and consists of three lots addressed as 307, 309, and 401 Peabody Street, located on the south side of Peabody Street and east of S. Austin Street. The tract is currently zoned B-2, Commercial Research and Technology District. The property addressed as 307 Peabody Street, on the east end nearest the railroad tracts is currently developed as an office building, 309 Peabody is developed as a single-family home, while 401 Peabody Street is developed as a cabinet and paint business.

Laauwe stated that the property owner of 307 Peabody Street, Eric Benitez, initiated the rezoning request when he was denied a permit to convert the office building into a residential home due to non-conforming zoning. In order to avoid a spot-zoning request, the property owners of 309 Peabody Street and 401 Peabody Street also agreed to support the rezoning of their properties to a B-1 district. The rezoning would bring the residential use at 309 Peabody Street into compliance and would result in the cabinet manufacturing use at 401 Peabody Street to be a grandfathered nonconforming use. Thus, the property owners are requesting that the three properties that total 0.7544-acres currently zoned B-2 be rezoned to B-1, Local Business Residential Mixed Use District.

Laauwe advised that the Planning and Zoning Commission discussed this rezoning request on Monday, August 28, 2023 and unanimously recommended approval.

One citizen comment was heard from Stan Skadal who was representing the property owners of 309 Alamo St. Skadal advised the owners are concerned about the re-zoning of Peabody Street being unfavorable. Laauwe advise Skadal that the downgrade in zoning is actually going to be a benefit to surrounding owners as the new zoning would prevent any large structures from erecting in the area.

No other citizen comments were heard.

9. Public Hearing to Consider Amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Powerfam Washes, LLC to Allow an Automobile (Car) Wash to Uses Permitted in a Local Business Residential Mixed Use Zoning District (B-1) on Approximately 1.997 Acres of Land Located at 1604 State Highway 105, and Further Described as Lots 10A and 11A of the Replat of Lots 2 Through 31 of College Heights Addition, and the Residue of Lot 48, College Heights Addition out of the Arrabella Harrington Survey in Brenham, Washington County, Texas (Case No. P-23-031)

City Planner Shauna Laauwe presented this item. Laauwe advised that Powerfam Washes, LLC., (applicant/property owners) are requesting approval of a Specific Use Permit (SUP) for an automatic automobile (car) wash on approximately 1.997 acres of vacant land addressed as 1604 State Highway 105 and generally located at the southeast intersection of State Highway 105 and North Blue Bell Road and on the northeast side of the Sabine Street and State Highway 105 intersection.

Laauwe explained that Powerfam Washes, LLC. requested this SUP in order to develop the subject property as an automated automobile car wash that will operate from 7:00A.M. to 7:00P.M, 7 days per week. The proposed car wash will have attendants during operating hours that will assist in payment, scrubbing, and maintaining the site.

If the SUP is approved, the proposed development will undergo a planning permit process to ensure that all zoning, building, and fire codes are met. The Planning and Zoning Commission discussed this SUP request on Monday, August 28, 2023 and unanimously recommended approval.

No citizen comments were heard.

REGULAR SESSION

10. Discuss and Possibly Act Upon an Ordinance on Its First Reading Adopting the Budget for Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024

Strategic Budget Officer Tim McRoberts presented this item to council. McRoberts advised that the proposed FY2023-24 budget has been developed in compliance with the Property Tax Code, Local Government Code, and City Charter. The proposed budget includes appropriations of operating resources for 31 separate funds and authorizes \$89.5 million in expenditures. The proposed budget is on the City's website and on file with the City Secretary. McRoberts advised Council must take a record vote on this item.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Canales to approve an Ordinance on its first reading adopting the budget for fiscal year beginning October 1, 2023 and ending September 30, 2024 and authorize the Mayor to execute any necessary documentation.

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

Mayor Atwood C. Kenjura	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

11. Discussion and Possible Action Upon Ratification of the Property Tax Increase Reflected in the Proposed Budget for Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024, Which Raises More Revenue from Property Taxes than Last Year's Budget

Strategic Budget Officer Tim McRoberts presented this item to council. McRoberts advised that to be in compliance with Local Government Code, if a municipal budget raises more property taxes than in the previous year's budget, City Council must formally ratify a property tax increase. Although the City is proposing to lower the property tax rate from \$0.4737 to \$0.4584 in the FY2023-24 budget, due to new properties added to the tax roll and an increase in existing property valuations, the FY2023-24 budget will raise more total property taxes than last year's budget. For FY2023-24, the City estimates an increase of \$629,495 (6.7%) in property tax revenue, and of that amount, \$210,319 is tax revenue to be raised from new property added to the tax roll. A vote must be taken to ratify the property tax increase reflected in the budget.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to ratify the property tax increase reflected in the proposed budget for the fiscal year beginning October 1, 2023 and ending September 30, 2024, which raises more revenue from property taxes than the previous year's budget.

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

Mayor Atwood C. Kenjura	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

12. Discuss and Possibly Act Upon an Ordinance on Its First Reading Levying Property Taxes for the Tax Year 2023 for the City of Brenham at \$0.4584 per \$100.00 Valuation

Strategic Budget Officer Tim McRoberts presented this item to council. McRoberts proposed FY2023-24 budget includes a tax rate of \$0.4584 per \$100 valuation which has two components: maintenance and operations (M&O) and interest and sinking (I&S). The proposed tax rate of \$0.4584 will allocate \$0.3102 to the General Fund for maintenance and operations, and the balance of \$0.1482 to the Debt Service Fund for interest and sinking. The City has complied with all the notices and publications as required by the Tax Code. Because the proposed tax rate exceeds the no-new revenue rate, the City Council is required by the Tax Code to take a record vote on this item.

A motion was made by Councilmember Wright and seconded by Councilmember LaRoche that the property tax rate be increased by the adoption of a tax rate of \$0.4584, which is effectively a 3.13% increase in the tax rate.

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

Mayor Atwood C. Kenjura	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

13. Discuss and Possibly Act Upon Resolution No. R-23-033 to Repeal Resolution No. R-21-017 Approving an Interfund Loan Between the City of Brenham Sanitation Fund and the City of Brenham Water Fund to Repay an Advancing Line of Credit with Bank of Brenham for the Raw Water Intake Structure Repair Project

Strategic Budget Officer Tim McRoberts presented this item to council. McRoberts advised that in July of 2020, the City Council approved a \$5,000,000 promissory note with the Bank of Brenham for an Advancing Line of Credit for interim financing for the Raw Water Intake Structure Repair Project at Lake Somerville.

McRoberts stated that given the immediate needs of water capacity expansion and in order to minimize the impact capital expenses of the expansion has on water rates, it is staff's recommendation that Council forgive the interfund loan between the Sanitation Fund and Water Fund. The remaining principal balance on this loan is \$815,000 and maturity was scheduled for August 15, 2031.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve Resolution No. R-23-033 to repeal Resolution No. R-21-017 approving an interfund loan between the City of Brenham Sanitation Fund and the City of Brenham Water Fund to repay an advancing line of credit with Bank of Brenham for the Raw Water Intake Structure Repair Project and authorize the Mayor to execute any necessary documentation.

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

Mayor Atwood C. Kenjura	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

- 14. Discuss and Possibly Act Upon 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 Commercial, Research and Technology Use District (B-2) to a Local Business Residential Mixed Use District (B-1) on Approximately 0.7544 Acres of Land, Currently Addressed as 307 Peabody Street, 309 Peabody Street, and 401 Peabody Street and Being Further Described as Lot 4A of the Kerr Addition, Lot 1, of the Stoltz Addition and the East Part of Lots 2 and 3 of the Kerr Addition in Brenham, Washington County, Texas (Case No. P-23-027)**

City Planner Shauna Laauwe presented this item. Laauwe advised that this is a companion item to Agenda Item No. 8.

Laauwe advised that the proposed zoning change would allow for a mixture of land uses to include residential, retail, office, and commercial uses on the approximate 0.7544-acre tract. The adjacent property to the east is zoned B-2, while the property to the north, across Peabody Street and to the west is zoned R-2, Mixed Residential Use, with the properties to the south, across the railroad tracks are zoned I, Industrial. The requested zoning and associated land uses are appropriate for this location given adjacent zoning designations, existing development in the vicinity, and conformance with the City's adopted future land use map.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve 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 Commercial, Research and Technology Use District (B-2) to a Local Business Residential Mixed Use District (B-1) on approximately 0.7544 acres of land, currently addressed as 307 Peabody Street, 309 Peabody Street, and 401 Peabody Street and being further described as Lot 4A of the Kerr Addition, Lot 1, of the Stoltz Addition and the East Part of Lots 2 and 3 of the Kerr Addition in Brenham, Washington County, Texas (Case No. P-23-027).

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

Mayor Atwood C. Kenjura	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

- 15. Discuss and Possibly Act Upon 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 to Powerfam Washes, LLC to Allow an Automobile (Car) Wash to Uses Permitted in a Local Business Residential Mixed Use Zoning District (B-1) on Approximately 1.997 Acres of Land Located at 1604 State Highway 105, and Further Described as Lots 10A and 11A of the Replat of Lots 2 Through 31 of College Heights Addition, and the Residue of Lot 48, College Heights Addition out of the Arrabella Harrington Survey in Brenham, Washington County, Texas (Case No. P-23-031)**

City Planner Shauna Laauwe presented this item to council. Laauwe advised that this is a companion item to Agenda Item No. 9.

Laauwe advised that Powerfam Washes, LLC., (applicant/property owners) are requesting approval of a Specific Use Permit for an automatic automobile (car) wash on approximately 1.997 acres of vacant land addressed as 1604 State Highway 105 and generally located at the southeast intersection of State Highway 105 and North Blue Bell Road and on the northeast side of the Sabine Street and State Highway 105 intersection.

A motion was made by Mayor Pro Tem Kolby 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 granting a Specific Use Permit request to allow an automobile (car) wash in the B-1, Local Business/Residential Mixed Use Zoning District on approximately 1.997 acres of land addressed as 1604 State Highway 105 and further described as Lots 10A and 11A of the Replat of Lots 2 through 31 of College Heights Addition, and the residue of Lot 48, College Heights Addition, in Brenham, Washington County, Texas.

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

Mayor Atwood C. Kenjura	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

16. Discuss and Possibly Act Upon Approval to Advance the Airport Master Plan for the City of Brenham's Municipal Airport for Review and Approval by the Texas Department of Transportation Aviation Division and Federal Aviation Administration and Authorize the Mayor to Execute Any Necessary Documentation

Development Services Director Stephanie Doland presented this item. Doland advised that the last Airport Master Plan was done in 1986 and an update, the Airport Development Plan, was conducted in 2005. Airport plans/studies (Master Plans, Development and Layout Plans) are developed and used as a long-range planning tool and guide to help regulate development, improvements, and operation of the Airport to meet current and future aviation demands. Master Plans, Development Plans, and Airport Layout Plans typically need to be reviewed and/or updated every 5-10 years, therefore the current plan for Brenham's Airport is severely out of date.

Doland advised that in 2021 Coffman Associates was selected to complete the Master Plan project and since then a total of five Airport Master Plan Committee meetings and two Public Workshops have been held. Doland advised that the overall scope of the Master Plan includes the following components:

1. Inventory
2. Forecasts
3. Facility Requirements
4. Airport Alternatives
5. Development Concept and Capital Financial Plan
6. Environmental Considerations
7. Airport Layout Plan
8. Appendix A – Draft Height Hazard Zoning standards

Doland stated that the Airport Master Plan document is now ready to be accepted by the Council and will then be sent for review and approval by TXDOT Aviation and the Federal Aviation Administration. Following approval by TXDOT and FAA the plan will be brought back to Council for formal adoption.

Doland also introduced two new Airport staff members: Interim Airport Manager Jim Halley and Interim Airport Operations Specialist David Kappelmann.

A motion was made by Councilmember Saunders and seconded by Mayor Pro Tem Kolby to approve to advance the Airport Master Plan for the City of Brenham's Municipal Airport for review and approval by the Texas Department of Transportation Aviation Division and Federal Aviation Administration and authorize the Mayor to execute any necessary documentation.

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

Mayor Atwood C. Kenjura	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

18. Discuss and Possibly Act Upon Resolution No. R-23-034 Repealing and Rescinding Various Resolutions Related to the Mayoral Declaration of Local Disaster Due to A Public Health Emergency Related to the COVID-19 Pandemic

City Secretary/Director of Administrative Service Jeana Bellinger presented this item to Council. Bellinger advised that on March 13, 2020, Governor Abbott issued a statewide disaster proclamation related to COVID-19. On March 19, 2020, former Mayor Tate issued a declaration of a local state of disaster, consistent with Governor Abbott's. Both declarations of disaster included certain measures meant to prevent the spread of COVID-19.

Bellinger stated that on June 2, 2023, the Governor signed Senate Bill 29, prohibiting local governments in Texas from implementing or enforcing certain measures to prevent the spread of COVID-19. In addition, the Governor allowed his own disaster proclamation to expire; therefore, staff recommends that the Council repeal Mayor Tate's disaster declaration, and all Council resolutions that renewed it.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve Resolution No. R-23-034 repealing and rescinding various Resolutions related to the Mayoral Declaration of Local Disaster Due to A Public Health Emergency Related to the COVID-19 Pandemic.

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

Mayor Atwood C. Kenjura	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

19. Administrative/Elected Officials Report

City Manager Carolyn Miller presented the following:

- Washington County Fair Parade will be on September 16, 2023
- BISD luncheon will be on Friday, September 8, 2023
- City Employee Luncheon on Monday, September 11, 2023
- Joint meeting with P&Z, TIRZ Board and the Small Area Plan Working Group is scheduled for Monday, September 18, 2023 to discuss the Brenham Family Park Small Area Plan

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

EXECUTIVE SESSION

20. Section 551.074 – 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

Executive Session adjourned at 2:59 p.m.

RE-OPEN REGULAR SESSION

The meeting was adjourned.

Atwood C. Kenjura
Mayor



Jeana Bellinger, TRMC, CMC
City Secretary