

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, August 3, 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 Leah Cook
Councilmember Dr. Paul F. LaRoche, III
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

Councilmember Shannan Canales

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, Strategic Budget Officer Tim McRoberts, Budget Analyst Jessica Perez, Director of HR and Risk Management Susan Nienstedt, Fire Chief Roger Williams, Police Chief Ron Parker, Asst. Police Chief Lloyd Powell, Development Services Director Stephanie Doland, Economic & Community Development Director Teresa Rosales, Karen Stack, Cherry Prewitt, Kyle Branham, Megan Gray, Shawn Bolenbarr, Jessica Perez, Christi Korth, Jean Luera and Stephen Draehn

Citizens/Others Present:

None

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 – Mayor Atwood C. Kenjura**

3. **Service Recognitions**
 - Karen Stack, Administration – 5 Years
 - Jean Luera, Police Department – 10 Years
4. **Proclamation**
 - Clear the Shelters
5. **Citizen Comments**

No citizen comments were heard.

CONSENT AGENDA

6. **Statutory Consent Agenda**
 - 6-a. **Approve the Minutes from the June 15, 2023 and July 13, 2023 Regular City Council Meetings**
 - 6-b. **Approve a Noise Variance Request from Lucile Lewis for the Lewis Family Reunion to be Held on August 12, 2023 at Hohlt Park from 12:00 p.m. to 10:00 p.m.**
 - 6-c. **Approve the Final Payment to Collier Construction Inc. for Project No. 2202-06 in the Amount of \$41,158.16 Related to the Hohlt Park Nature Trail Improvements and Authorize the Mayor to Execute Any Necessary Documentation**
 - 6-d. **Approve an Electrical Distribution Construction Agreement Between the City of Brenham and Techline Construction, LLC, Through the Lower Colorado River Authority (LCRA), in an Amount Not To Exceed \$125,750.00 Related to the MLK Parkway Circuit Upgrade Pole Changeouts and Authorize the Mayor to Execute Any Necessary Documentation**
 - 6-e. **Approve an Electrical Distribution Construction Agreement Between the City of Brenham and Techline Construction, LLC, Through the Lower Colorado River Authority (LCRA), in an Amount Not To Exceed \$78,500 Related to the South Market Street Line Upgrade and Authorize the Mayor to Execute Any Necessary Documentation**
 - 6-f. **Approve Change Order No. 1 for Project No. 2021-06-B to D&S Contracting, Inc. in the Amount of -\$2,669.00 for the 2022 Sanitary Sewer Improvements - Stone Hollow Force Main and Ralston Creek Gravity Sewer Crossing and Authorize the Mayor to Execute Any Necessary Documentation**
 - 6-g. **Approve Change Order No. 1 for Project No. 63C-19C to McDonald Municipal and Industrial, a Division of C. F. McDonald Electric, Inc. in the Amount of - \$5,000.00 for the Generator at Atlow Booster Pumping Station and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Wright and seconded by Councilmember Cook to approve the Statutory Consent Agenda Items 6.a. thru 6.g. as presented.

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	Absent
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	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 for the Creation of Reinvestment Zone Number 51 Requested by MIC Group, LLC for Commercial Tax Phase-In Incentive on a Certain 16.291 Acre Tract or Parcel of Land Being Comprised of Lot 1, Industrial Park of Brenham as Recorded in Plat Slide 190-A and B of the Plat Records of Washington County (P.R.W.C.) and Lot 5, Brenham Business Center, Phase I, as Shown on the Boundary Line Adjustment Plat Recorded in Plat Slide 425-A (P.R.W.C.) and Being Located at 3140 S. Blue Bell Road., Brenham, Texas, with Boundaries Further Described in Exhibit 'A' of the Ordinance Creating Reinvestment Zone Number 51, and Designating This Property as Qualifying for Tax Phase-In**

Economic & Community Development Director Teresa Rosales presented this item. Rosales explained that MIC Group, LLC is a precision machining and electromechanical assembly manufacturing company located in Brenham. The company would like to acquire additional manufacturing equipment in order to expand operations. They are located at 3140 South Blue Bell Road and employ 130 people. Rosales stated that the equipment they are purchasing has a total capital investment of \$6,000,000.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve an Ordinance on its first reading for the creation of Reinvestment Zone Number 51 requested by MIC Group, LLC for Commercial Tax Phase-In Incentive on a certain 16.291 acre tract or parcel of land being comprised of Lot 1, Industrial Park of Brenham as Recorded in Plat Slide 190-A and B of the Plat Records of Washington County (P.R.W.C.) and Lot 5, Brenham Business Center, Phase I, as shown on the Boundary Line Adjustment Plat recorded in Plat Slide 425-A (P.R.W.C.) and being located at 3140 S. Blue Bell Road., Brenham, Texas, with boundaries further described in Exhibit 'A' of the Ordinance creating Reinvestment Zone Number 51, and designating this property as qualifying for Tax Phase-In.

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	Absent
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

- 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, in Washington County, Texas (Case No. P-23-026) to Include:**
- a. Revision of the Definition of 'Food Truck Site' Found in Part 1, Section 5, Section 5.02;**
 - b. Revision of the Specific Use Provisions for the R-1 (Single Family Residential) and the Permitted and Specific Use Provisions of the R-2 (Mixed Residential) Zoning Districts Found in Part 2, Division 2, Sections 1 and 2 Respectively;**
 - c. Deletions to Part 2, Division 1, Section 11 – Performance Standards; and**
 - d. Deletions to Part IV, Division 2, Section 2 Pertaining to Conditions on Variances**

Mayor Kenjura opened the Public Hearing.

City Planner Shauna Laauwe presented this item. Laauwe explained that the Zoning Ordinance is a living document that requires revisions from time to time to reflect new codes, make corrections, to revise/add new definitions, to allow for new uses or perhaps remove uses that are no longer seen as compatible within a particular zoning district. In the past year, the Development Services Staff has made note of several revisions that are worthy of consideration by the City Council. These include:

- A revision to the definition of “Food Truck Site” found in Part 1, Section 5, Section 5.02:
 - Definitions in the zoning ordinance currently read that a food truck business shall not be an accessory use on a residential property; however, they do not clarify that storage of the vehicles or trailers are prohibited. This revision would clarify that storing such vehicles are prohibited on residential property.

- A revision of the Specific Use provisions for the R-1 (Single Family Residential) and the Permitted and Specific Use provisions of the R-2 (Mixed Residential) Districts found in Part 2, Division 2, Sections 1 and 2.
 - As a recommendation from the Housing Task Force, revisions to the R-1 District to include clearer duplex standards that establish setbacks and minimum lot standards; adding a provision to allow twin homes, and to allow accessory dwelling units (ADUs) as a permitted use instead of requiring a Specific Use Permit. Also, with recent townhome developments being built, Development Services and Public Utilities found that a provision should be added to the R-2 District to require a clear access point for public utilities via an adjacent public or private all-weather surface.
- Deletions to Part 2, Division 1, Section 11 - Performance Standards.
 - Section 11 of the Zoning Ordinance repeats the same information that is included in Chapter 17 – Offenses and Miscellaneous Provisions, Article V – Noise Nuisances of the City’s Code of Ordinances. In order to reduce repetitiveness, Staff recommends removing the noise regulations from the Zoning Ordinance.
- Deletion of Part IV, Division 2 pertaining to conditions on variances.
 - The State of Texas Local Government Code 211.009 does not allow for conditions to be placed on the approval of variances. While not allowed by the State, it is included within the City’s current zoning regulations. The removal of Part IV, Division 2, Section 2 would bring the City’s code into compliance with state law.

There were no citizen comments heard.

Mayor Kenjura closed the Public Hearing.

The City Council discussed these changes at length. Some of the concerns addressed involved clarification of the storage of food trucks on residential property and the changes to the R1 District to establish setbacks and minimum lot standards; adding provisions to allow twin homes and allowing accessory dwelling units (ADUs) to be a permitted use instead of specific use. The overall consensus of City Council was that more discussion was needed on these items before a final decision could be made.

A motion was made by Councilmember Cook and seconded by Councilmember Saunders to table Item 8.

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	Absent
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

WORK SESSION

9. Discussion and Presentation on City of Brenham's Noise Nuisance Ordinance

Legal and Legislative Services Manager Karen Stack presented this item. Stack explained that on June 1, 2023, City Council passed a revised noise nuisance Ordinance on its first reading; however, during the second reading on June 15th, several concerns were discussed, and the Ordinance was tabled so that additional review could be done by staff of a few problem areas. Stack advised that additional information was gathered, and the following changes have been made to the Ordinance to address the problems:

- Grandfathered Businesses: Properties that are currently being used for a permissible, non-conforming, use will be grandfathered for purposes of the noise nuisance ordinance.
- Noisy Equipment Required by Law: Added an additional exception to allow noise made by safety or environmental equipment required by law or regulation.
- Adjoining Properties in Different Districts: Added language to clarify that the allowable sound limit will be that of the district in which the noise originates, regardless of the district in which the measurement is taken. So, the applicable noise limit will always be the noisemaker's limit, no matter how far away the complaining party is.

REGULAR SESSION

10. Discuss and Possibly Act Upon Ordinance No. O-23-019 on its Second Reading Amending Chapter 17, Offenses and Miscellaneous Provisions of the Code of Ordinances of the City of Brenham as Amended by City Council

Legal and Legislative Services Manager Karen Stack reminded the City Council that at the June 15, 2023 City Council meeting the second reading of this Ordinance was tabled.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to remove this item from the table.

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	Absent
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

Stack advised that the Ordinance for second reading is being presented with the following changes:

- Clarifying how decibel readings are taken.
- Clarifying that a business grandfathered for a non-conforming use is also grandfathered for purposes of the noise ordinance.
- Added an exemption for noise created by safety or environmental equipment required by law.
- Provides that the applicable decibel limit is based upon the location of the noise source.

A motion was made by Councilmember Cook and seconded by Councilmember Wright to approve Ordinance No. O-23-019 on its second reading amending Chapter 17, Offenses and Miscellaneous Provisions of the Code of Ordinances of the City of Brenham as amended by City Council.

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	Absent
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

11. Submission of, Discussion, and Possible Action Regarding the No-New Revenue Tax Rate, Voter-Approval Tax Rate, and Proposed Tax Rate for the 2023 Tax Year, and Take Record Vote on Proposed Tax Rate and Meeting Dates for Final Adoption of Tax Rate

Strategic Budget Officer Tim McRoberts presented this item. McRoberts explained that the maintenance & operations (M&O) property tax rate will be lowered to \$0.3102 per \$100 valuation; and the interest and sinking (I&S) rate will rise slightly to \$0.1482 per \$100 valuation. The City is proposing to adopt a total tax rate (M&O and I&S) of \$0.4584 for FY2023-24. The proposed rate is less than the Voter-Approval rate of \$0.4606, so no election will be necessary. However, the proposed rate is higher than the No-New-Revenue Rate of \$0.4445 which requires us to hold a public hearing before the tax rate is adopted.

McRoberts asked that Council please take record vote on this item so that the proposed property tax rate can be placed on upcoming agendas for City Council consideration.

A motion was made by Councilmember Wright and seconded by Mayor Pro Tem Kolby that a property tax rate of \$0.4584 per \$100.00 valuation be considered by the governing body on the agendas of the September 7, 2023 and September 21, 2023 Brenham City Council meeting.

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	Absent
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 Agreement Between the City of Brenham and Brown Reynolds and Watford (BRW) Architects Related to the Design of Fire Station No. 2 and Authorize the Mayor to Execute Any Necessary Documentation

Fire Chief Roger Williams presented this item. Chief Williams stated that at the April 20, 2023 meeting, the City Council approved RFQ No. 23-003 related to the design and engineering of Fire Station No. 2. Chief Williams explained that the contract documents have been reviewed by the City Attorney and are ready for consideration and approval.

A motion was made by Councilmember Saunders and seconded by Councilmember Cook to approve an agreement between the City of Brenham and Brown Reynolds and Watford (BRW) Architects related to the design of Fire Station No. 2 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	Absent
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:

- a. An Agreement with United Healthcare for Group Medical Coverage Benefits for the Plan Year October 1, 2023 through September 30, 2024;**
 - b. An Agreement with Surency for the Administration of Flexible Spending Account/Dependent Care Reimbursement, Health Savings Account, and COBRA for the Plan Year October 1, 2023 through September 30, 2024;**
 - c. An Agreement with Equitable for Voluntary Dental Coverage Benefits and Employer-Sponsored Basic Life, Accidental Death and Dismemberment, and Long-Term Disability for the Plan Year October 1, 2023 through September 30, 2024, with a Two-Year Rate Guarantee;**
 - d. An Agreement with Aveis for Voluntary Vision Coverage Benefits for Plan Year October 1, 2023 through September 30, 2024, with a Four-Year Rate Guarantee; and**
 - e. An Agreement with Alliance Work Partners for an Employee Assistance Program for the Plan Year October 1, 2023 through September 30, 2024**
- and Authorize the Mayor to Execute Any Necessary Documentation**

Director of HR and Risk Management Susan Nienstedt present this item. Nienstedt advised that the Texas Municipal League (TML) Health Benefits has been the City's group medical provider for many years, however in anticipation of significant rate increases in medical premiums, the City Council approved an agreement with HUB International to work as our benefit consultant to bid out the City's medical, dental, vision, and life and long-term disability lines of coverage.

Nienstedt stated that HUB International received five quality responses for the City and that United Healthcare (UHC) provided the best plan for employees which will allow employees to choose the coverage that is best for their medical and financial needs.

A motion was made by Councilmember Saunders and seconded by Councilmember LaRoche to approve: (a) an agreement with United Healthcare for Group Medical Coverage Benefits for the plan year October 1, 2023 through September 30, 2024; (b) an agreement with Surency for the administration of Flexible Spending Account/Dependent Care Reimbursement, Health Savings Account, and COBRA for the plan year October 1, 2023 through September 30, 2024; (c) an agreement with Equitable for Voluntary Dental Coverage Benefits and Employer-Sponsored Basic Life, Accidental Death and Dismemberment, and Long-Term Disability for the plan year October 1, 2023 through September 30, 2024, with a two-year rate guarantee; (d) an agreement with Aveis for Voluntary Vision Coverage Benefits for plan year October 1, 2023 through September 30, 2024, with a four-year rate guarantee; and (e) an agreement with Alliance Work Partners for an Employee Assistance Program for the plan year October 1, 2023 through September 30, 2024 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	Absent
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

14. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- Town Hall on the Small Area Plan will be held on August 10th at 5:30 p.m. at the Barnhill
- Saturday, August 12th is the Brenham Fire Department's Fireman's Fiesta at the Fireman's Training Center
- Thursday, August 24th is the Washington County Chamber of Commerce Tailgate at Silver Wings Ballroom
- The next City Council meeting will be on Tuesday, August 29th at 1:00 p.m.

Council adjourned into Executive Session at 2:30 p.m.

EXECUTIVE SESSION

15. 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

Executive Session adjourned at 3:02 p.m.

RE-OPEN REGULAR SESSION

The meeting was adjourned.

Atwood C. Kenjura
Mayor



Jeana Bellinger, TRMC, CMC
City Secretary