

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, June 15, 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 Jeana Bellinger, Director of Tourism & Marketing Jennifer Eckermann, Strategic Budget Officer Tim McRoberts, Human Resource Director Susan Nienstedt, Fire Chief Roger Williams, Police Chief Ron Parker, Assistant Police Chief Lloyd Powell, Public Works Director Dane Rau, Development Services Director Stephanie Doland, Economic and Community Development Director Teresa Rosales, Public Utilities Department General Manager Alton Sommerfield, Kyle Branham, Cherry Cash Prewitt, Shawn Bolenbarr, Curtis Schoen, Steven Eilert, Casey Redman, Leigh Linden, JoAnne Hynes, and Kevin Boggus

Citizens/Others Present:

Judge John D. Winkleman, Sherisse Powell, Ret. Chief Mike Gentry, Sandy Gentry, Alex Saenz, Lauren Vieceli, La'Darion Jenkins, Stephen Mosley, Robert Conrad, Brent Roszell, and Cynthia Timpa

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 – Councilmember Dr. Paul F. LaRoche, III**
3. **Special Recognitions**
 - **Brenham Police Department Promotion – Lloyd Powell, Assistant Chief of Police**
 - **Sergeant Steven Eilert – Texas Police Chiefs Association Law Enforcement Command Officer Program (LECOP)**

4. **Citizens Comments**

There were no citizen comments.

8. **Discuss and Possibly Act Upon Approval of Ordinance No. O-23-020 of the City of Brenham, Texas, Authorizing the Issuance and Sale of City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2023, 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**

City Manager Carolyn Miller presented this item. Miller explained the proceeds from the sale of these Certificates of Obligation in an amount not to exceed \$10 million will be used for: (1) construction of, and improvements to, City streets, sidewalks and drainage, including in each case the acquisition of land and rights-of-way in connection therewith; (2) acquisition, construction and equipping of a new fire station, including acquisition of land and rights-of-way in connection therewith; and (3) cost of professional services incurred in connection with the issuance of the Certificates.

Miller introduced the City's financial advisor, Jennifer Ritter, of Specialized Public Finance. Ritter reaffirmed that the City has an AA-Bond Rating, Standard and Poor's, and advised the City was able to secure a fixed interest rate of 3.69%, from the Bank of Oklahoma, for the Certificates over a twenty-year period. Ritter stated, if approved, the closing would be scheduled for July 11, 2023.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve Ordinance No. O-23-020 of the City of Brenham, Texas, authorizing the issuance and sale of City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2023, levying a tax in payment thereof; authorizing the execution and delivery of a purchase agreement and 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:

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

CONSENT AGENDA

5. Statutory Consent Agenda

- 5.a. Approve the Minutes from May 18, 2023 Regular City Council Meeting, May 25, 2023 Special City Council Meeting, May 25, 2023 Joint Meeting with Washington County Commissioners Court, and the June 1, 2023 Regular City Council Meeting**
- 5.b. Approve Corrected Minutes from the April 20, 2023 Regular City Council Meeting**
- 5.c. 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**
- 5.d. Approve a Noise Variance from Margaret Moore for a Birthday Party to be Held on June 17, 2023, at 701 Parkview Street from 12:00 p.m. to 11:00 p.m.**

Mayor Kenjura advised that Item 5.c. was being moved to the Regular Agenda.

A motion was made by Councilmember Saunders and seconded by Mayor Pro Tem Kolby to approve the Statutory Consent Agenda Items 5.a., 5.b. and 5d. as presented with a correction to the minutes dated May 18, 2023 to indicated that Councilmember LaRoche's term is two (2) years not four (4) years.

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

6. Public Hearing, Discussion and Possible Action on an Ordinance on Its First Reading for the Creation of Reinvestment Zone Number 49 Requested by Valmont Industries, Inc. for Commercial Tax Phase-In Incentive on That Certain 80.088 Acres of Land, Generally Located at 2551 Valmont Dr., Brenham, Texas, Being More Fully Described in Exhibit “A” of the Ordinance Creating Reinvestment Zone 49, and Designating This Property as Qualifying for Tax Phase-In

Mayor Kenjura opened the Public Hearing.

Economic and Community Development Director Teresa Rosales presented this item. Rosales stated Valmont Industries manufactures under two (2) main business segments: infrastructure and agriculture and desires to create a Reinvestment Zone Number 49 to expand their Brenham production. Rosales continued, renovating their existing structure to house \$38.05 million in new equipment would expand the site’s manufacturing production by approximately 50% and create approximately 160 jobs. Rosales explained to create the Reinvestment Zone Number 49 a public hearing was required.

There were no citizen comments.

Mayor Kenjura closed the Public Hearing.

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 49 requested by Valmont Industries, Inc. for Commercial Tax Phase-In Incentive on that certain 80.888 acres of land, generally located at 2551 Valmont Dr., Brenham, Texas, being more fully described in Exhibit “A” of the Ordinance creating Reinvestment Zone 49, 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

7. **Public Hearing, Discussion and Possible Action on an Ordinance on Its First Reading for the Creation of Reinvestment Zone Number 50 Requested by North Park Development, LLC for Commercial Tax Phase-In Incentive on That Certain 2.998 Acres of Land, Generally Located at 1809 N. Park Street, Brenham, Texas, Being More Fully Described in Exhibit “A” of the Ordinance Creating Reinvestment Zone 50, and Designating This Property as Qualifying for Tax Phase-In**

Mayor Kenjura opened the Public Hearing.

Economic and Community Development Director Teresa Rosales presented this item. Rosales stated North Park Development d/b/a PlanNorth Architectural Co. was established in 2010 and currently has 12 employees at their 107 S. Baylor Street location; however, with their continued growth it is necessary for the company to move to a new location, 1809 N. Park Street. Rosales continued, expansion at the new location would entail construction of a 7,600 square foot brick building that will serve as the company’s headquarters. Rosales stated PlanNorth desires to create a Reinvestment Zone Number 50 to expand their Brenham headquarters, which will allow them to increase employees and wages.

Mayor Kenjura opened the Public Hearing.

A resident of Scenic Estates Subdivision inquired about the amount of traffic this new building would create in an already high street traffic area; Councilmember Canales explained being an architectural design firm additional street traffic would be minimal as the building will only house PlanNorth’s employees.

Mayor Kenjura closed the Public Hearing.

A motion was made by Councilmember LaRoche and seconded by Councilmember Wright to approve an Ordinance on its first reading for the creation of Reinvestment Zone Number 50 requested by North Park Development, LLC for Commercial Tax Phase-In Incentive on that certain 2.998 acres of land, generally located at 1809 N. Park Street, Brenham, Texas, being more fully described in Exhibit “A” of the Ordinance creating Reinvestment Zone 50, 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

REGULAR SESSION

9. Discuss and Possibly Act Upon Resolution No. R-23-021 Adopting a Commercial Tax Phase-In Agreement Between the City of Brenham and Stanpac USA, LLC

Economic and Community Development Director Teresa Rosales presented this item. Rosales stated that Stanpac USA, LLC did not require a new Reinvestment Zone, their previous zone, Number 43 located at 801 Mangrum Street situated on approximately 3.687 acres, remains active. Rosales explained with the purchase of new equipment Stanpac would be able to expand its product offering to include “Food Service” products (paper coffee cups). Rosales continued, stating Stanpac would be investing approximately \$5,500,000, add approximately 10 new positions and double sales to \$12,000,000 within a few years. Rosales introduced Brent Roszell, Vice President of Finance, and Mr. Roszell displayed the new product (paper coffee cups) Stanpac will be producing.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Cook to approve Resolution No. R-23-021 adopting a Commercial Tax Phase-In Agreement between the City of Brenham and Stanpac USA, LLC.

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

5.c. 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

City Secretary Jeana Bellinger presented this item. Bellinger stated this item was removed from the Consent Agenda to allow citizens and Council another opportunity to review and ask questions to ensure there was a good understanding of the ordinance.

Robert Conrad, from Lauren Concrete, expressed his concerns about their N. Park Street location, which is zoned B-1 (Local Business/Residential Mixed Use) exceeding the noise decibel limit. Conrad explained the company has been doing business at the Park Street location since 1939 and that his company has never, to his knowledge, had any noise issues with the neighbors but he is concerned if this ordinance passes and someone new moves into the area, his business could be forced to shut down because of the noise.

Conrad advised City Council of the following concerns:

- How decibel readings are taken.
- How the source of the noise/decibel is determined.
- Equipment warnings required by OSHA or TCEQ.
- What ambient issues are considered when decibel readings are taken.
- How enforcement will be handled

Director of Development Services Stephanie Doland clarified that decibel measurements would be taken from the property line of the complainant and the maximum decibel limit allowed would be the limit of the more permissive zone.

After further discussion on the noise ordinance a motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to table Ordinance No. O-23-019 on its second reading amending Chapter 17, Offenses and Miscellaneous provisions of the Code of Ordinances for 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

10. Discuss and Possibly Act Upon Resolution No. R-23-022 Adopting a New Fee Schedule for the City of Brenham Development Services Department

Development Services Director Stephanie Doland presented this item. Doland stated that fees for Development Services have not been updated since 2019. Doland explained that staff completed a comparison of fees for cities of similar size and population in the general vicinity, evaluated the time associated with processing, reviewing, inspecting and approving each project application and the results of the comparison showed Brenham's fees to be comparatively low.

Doland stated that if approved, the fees would not be effective until July 17, 2023 to allow staff time to notify customers of the upcoming changes.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve Resolution No. R-23-022 adopting a new fee schedule for the City of Brenham Development Services Department.

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. 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

Mayor Kenjura advised that Item 11 would be passed at this time.

12. Discuss and Possibly Act Upon a Memorandum of Agreement (MOA) Between the City of Brenham and Blinn College for the Use of Soccer Fields at Hohlt Park and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained in 2018, Blinn College and the City of Brenham had entered into a 5-year agreement that allowed Blinn to use Rankin Field for their soccer home games/clinics and other fields at Hohlt Park for practices. Rau stated Blinn no longer plays soccer on Rankin Field but puts usage on the field and reimburses the City for usage.

Rau advised that the 5-year agreement is coming to an end and Blinn wishes to renew the agreement for an additional 5-years. Rau continued, there are some minor changes to the original MOA with the bulk of the agreement remaining the same as the original in 2018. Rau explained the reimbursement for usage will start at \$26,500 for Rankin Field, practice fields and the use of a dressing/storage room with an increase of \$1,000 each year capping out at \$30,500 in 2027 (note the original agreement capped out at \$25,500 per year). Rau affirmed this agreement had been presented to the Parks and Recreation Advisory Board and there were no issues voiced.

A motion was made by Councilmember Saunders and seconded by Mayor Pro Tem Kolby to approve a Memorandum of Agreement (MOA) between the City of Brenham and Blinn College for the use of soccer fields at Hohlt Park 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 Lease Agreement Between the City of Brenham and Brenham RC Airplane Club Related to Property Located at 2080 Old Navasota Road, Brenham, Texas and Authorize the Mayor to Execute Any Necessary Documentation

Purchasing Supervisor Kyle Branham presented this item. Branham explained the original contract was signed 12-15 years ago and there have been several changes with the Club, and the City wanted to update the contract to represent those changes. Branham explained that the Club is operating as the Brenham RC Airplane Club and is located on the Old Landfill site at 2080 Old Navasota Road and occupies approximately 2-acres. Branham stated the Club has been a great partner over the years and this space is ideal for them; the Club performs its own maintenance on the landing strip and provides amenities at the property.

A motion was made by Councilmember LaRoche and seconded by Councilmember Saunders to approve a lease agreement between the City of Brenham and Brenham RC Airplane Club related to property located at 2080 Old Navasota Road, Brenham, Texas 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. Discuss and Possibly Act Upon Amending Authorized Signatories for Bank of Brenham and Authorize the Mayor to Execute Any Necessary Documentation

City Manager Carolyn Miller presented this item. Miller stated due to the recent election of a new mayor, the authorized signers for the City's Bank of Brenham accounts must be updated; removing Milton Y. Tate, Jr. from the banking documents and adding Atwood C. Kenjura. Miller noted that with the removal of Mr. Tate and addition of Mayor Kenjura, three (3) authorized signatories will remain in place: Mayor Atwood C. Kenjura, City Manager, Carolyn D. Miller, and Director of Administrative Services, Jeana Bellinger.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve amending authorized signatories for all Bank of Brenham accounts to be Mayor Atwood C. Kenjura, City Manager Carolyn D. Miller, and Director of Administrative Services Jeana Bellinger 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

15. Discuss and Possibly Act Upon

- a. Resolution No. R-23-023 In Support of the Closure of Alamo Street Between S. Austin Street and Park Street for Film/Video Production**
- b. Resolution No. R-23-024 In Support of the Closure of Market Street Between Alamo Street and Main Street for Film/Video Production**
- c. Resolution No. R-23-025 In Support of the Closure of Alamo Street Between Park Street and Baylor Street for Film/Video Production**

Director of Tourism & Marketing Jennifer Eckermann presented this item. Eckermann stated the three (3) Resolutions were in support of the closure of three (3) TxDOT roadways to film in downtown Brenham on August 2-3, 2023. Eckermann noted the TXDOT road closure agreements would be with the production company, Ick Productions, LLC.

A motion was made by Councilmember Saunders and seconded by Mayor Pro Tem Kolby to approve (a) Resolution No. R-23-023 in support of the closure of Alamo Street between S. Austin Street and Park Street for film/video production; (b) Resolution No. 23-024 in support of the closure of Market Street between Alamo Street and Main Street for film/video production; and (c) Resolution No. R-23-025 in support of the closure of Alamo Street between Park Street and Baylor Street for film/video production.

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

16. Administrative/Elected Officials Report

- **City Manager Carolyn Miller reported on the following:**
- Officer Eric Crosby was name Officer of the Year by the American Legion
 - Saturday, June 16th the Juneteenth Parade starts at 10:30 a.m.
 - All City offices will be closed on Monday, June 19th in observance of the Juneteenth Holiday
 - City Council meetings in July will be held on July 13th & July 20th

Council adjourned into Executive Session at 2:40 p.m.

EXECUTIVE SESSION

- 17. 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**
- 18. 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 3:19 p.m.

RE-OPEN REGULAR SESSION

The meeting was adjourned.

Atwood C. Kenjura
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

