

## **Brenham City Council Minutes**

A Regular Meeting of the Brenham City Council was held on Thursday, December 7, 2023 beginning at 1:00 PM in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

### Members Present:

Mayor Atwood Kenjura  
Mayor Pro Tem Clint Kolby  
Councilmember Shannan Canales  
Councilmember Leah Cook  
Councilmember Paul LaRoche  
Councilmember Adonna Saunders  
Councilmember Albert Wright

### Members Absent:

None

### 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, Director of Finance Stacy Hardy, Director of Public Works Dane Rau, Strategic Budget Officer Tim McRoberts, Director of HR and Risk Management Susan Nienstedt, Economic & Community Development Director Teresa Rosales, Robin Hutchens, Kyle Branham, Shawn Bolenbarr, Jessica Perez, Kevin Boggus, and Stephen Draehn

### Citizens/Others Present:

Steve Sefcik

### Media Present:

Sarah Forsythe, Brenham Banner Press, Melanie Chrismer, Brenham Banner Press, and Mark Whitehead, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags - Councilmember Shannan Canales**

### **3. Service Recognitions**

- ◆ **Corda "Joe" Pattison, Maintenance - 10 Years**

### **4. Citizen Comments**

No citizen comments were heard.

## **CONSENT AGENDA**

### **5. Statutory Consent Agenda**

- 5.a. Approve the Minutes from the October 19, 2023 Regular City Council Meeting, October 20, 2023 Special City Council Meeting, the November 2, 2023 Regular City Council Meeting, and the November 16, 2023 Regular City Council Meeting**
- 5.b. Approve Final Payment to D&S Contracting, Inc. for Project No. 65C-53C, and Project No. 65C-54C, In the Amount of \$92,811.70, Related to the FY2022 Sanitary Sewer Improvements - Ralston Creek Crossing, and Stone Hollow Force Main And Gravity Sewer and Authorize the Mayor to Execute Any Necessary Documentation**
- 5.c. Ratify a Grant Payment in the Amount of \$147,128.62 to Baker Katz, LLC. as Outlined in the Chapter 380 Economic Development Agreement Between the City of Brenham, Texas and Baker Katz, LLC and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve the Statutory Consent Agenda Items 5.a. through 5.c. as presented.

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

**Yes:** Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

**No:** None

**Absent:**

## **PUBLIC HEARING AND ASSOCIATED ACTION ITEM**

### **6. 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 to Calvary Baptist Church to Allow Construction of an Open-Air Pavilion Behind the Existing Church Building (Church Auxiliary Use) in an R-1, Single-Family Residential Zoning District on Approximately 2.5443 Acres of Land Located at 1100 Niebuhr Street, and Further Described as Tract 241 of the Arabella Harrington Survey in Brenham, Washington County, Texas (Case No. P-23-040)**

City Planner Shauna Laauwe presented this item. Laauwe advised that Calvary Baptist Church is requesting approval of a Specific Use Permit to allow the placement of a 50-feet by 75-feet open-air pavilion for church event use in the rear yard of the approximately 2.5443 acres tract addressed as 1100 Niebuhr Street and generally located on the south side of Niebuhr Street and directly south of Eledra Street. Laauwe advised Calvary Baptist Church plans to use the pavilion for fellowship gatherings, picnic events, National Night Out, Vacation Bible School and similar events. Laauwe advised that the proposed steel constructed open-air pavilion would be on a concrete slab and be approximately 18-feet in height.

Laauwe stated that the Planning and Zoning Commission held a Public Hearing on this SUP at their November 27th meeting and unanimously recommended approval of the request.

There were no citizen comments heard; however, Laauwe advised the Council that staff had received six responses from citizens (four for and two against).

A motion was made by Councilmember Cook 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 construction of an open-air pavilion behind the existing church building (Church Auxiliary use) in an R-1, Single-Family Residential Zoning District on approximately 2.5443 acres of land located at 1100 Niebuhr Street, and further described as Tract 241 of the Arabella Harrington Survey in Brenham, Washington County, Texas.

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

**Yes:** Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember Saunders, Councilmember Wright

**No:** Councilmember LaRoche

**Absent:**

## **REGULAR SESSION**

### **7. Discuss and Possibly Act Upon an Ordinance on Its First Reading to Grant a Non-Exclusive Franchise to Only 1 Rentals, LLC to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits**

Director of Public Works Dane Rau presented this item. Rau advised that the City was recently contacted by Dillon Hughes, the owner of Only 1 Rentals, LLC, with a request for a franchise. Only 1 Rentals, LLC is based in Navasota and has been in business since 2012. Rau advised that the Ordinance being presented grants Only 1 Rentals, LLC a non-exclusive franchise and the authority to collect demolition debris, construction debris and/or solid waste from commercial, residential, and industrial sites using roll-off containers and/or commercial containers. Rau stated that the initial term of the agreement is from the date of execution to September 30, 2024; thereafter it will automatically renew every year for a one-year term beginning October 1st.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve an Ordinance on its first reading granting a non-exclusive franchise to Only 1 Rentals, LLC to operate a roll-off container service for residents, businesses, and industries inside Brenham city limits.

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

**Yes:** Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

**No:** None

**Absent:**

### **8. Discuss and Possibly Act Upon an Ordinance on Its First Reading Providing for a No Parking Zone on the West Side of Blinn Boulevard Between College Avenue and West Fifth Street in the City of Brenham**

Director of Public Works Dane Rau presented this item. Rau advised that Blinn College requested the City establish a “no parking” zone on the west side of Blinn Blvd near W. Fifth St.

Rau advised that Blinn recently constructed a new parking lot with 154 parking spaces so the removal of the 26 on-street parking spaces should not create a problem and will be much safer for drivers and pedestrians in the area.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve an Ordinance on its first reading providing for a No Parking Zone on the west side of Blinn Boulevard between College Avenue and West Fifth Street in the City of Brenham.

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

**Yes:** Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

**No:** None

**Absent:**

**9. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham's FY22-23 Adopted Budget**

Strategic Budget Officer Tim McRoberts presented this item. McRoberts advised that as the Finance Department prepares the FY22-23 Budget for final close and audit, staff is recommending the following budget amendments to clean up expense anomalies in the financial reports.

**• Fund 101 General Fund – Net impact \$0**

Sales tax rebate to BK Stringer, LTD. At the time of FY 22-23 Budget adoption, the sales tax rebate amount was unknown, so it was reflected in the budget in the form of lower than estimated sales tax revenue. Now that the payments have been received and the portion to rebate has been calculated, a budget amendment is needed to account for this expense. The expense is offset by increased sales tax revenues.

**• Fund 104 Water Fund – Net Revenue Impact \$0**

Increased budget expenditures by \$260,594 due to higher chemical prices and volumes. These expenses are offset by excess revenues.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve an Ordinance on its first reading for the amendment to the City of Brenham's FY22-23 Adopted Budget.

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

**Yes:** Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales,

Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

**No:** None

**Absent:**

#### **10. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham's FY23-24 Adopted Budget**

Strategic Budget Officer Tim McRoberts presented this item. McRoberts advised that the following Budget Amendment is proposed for FY 23-24.

- **Fund 102 Electric Fund – Net impact \$0**

Two major capital projects: (1) MLK Parkway Circuit Upgrade Pole Change-Out; and (2) South Market Street Line Upgrade were funded through the adoption of the FY22-23 budget but not completed. The projects were delayed due to the uncertainty surrounding LCRA contract agreement renewal with Techline. LCRA has since resolved and renewed the contract, and work can begin. Council approved these projects on August 3, 2023 and since these projects were funded, but not completed, the funds rolled back into Electric Fund unreserved fund balance.

A motion was made by Councilmember LaRoche and seconded by Councilmember Canales to approve an Ordinance on its first reading for the amendment to the City of Brenham's FY23-24 Adopted Budget.

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

**Yes:** Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

**No:** None

**Absent:**

#### **11. Administrative/Elected Officials Report**

City Manager Carolyn Miller reported the following:

- Special Council Meeting tonight at 5:30 at the Library to discuss impact fees
- Hazard Mitigation Public Meeting on December 14th at 6:00 p.m. at the Washington County Expo Center

- The next City Council Meeting will be on December 21, 2023

Director of Public Works Dane Rau provided the following update:

- The purple streetlights seen throughout town are due to defects in the light bulbs. City staff is working to get them all changed out.

Executive Session began at 1:35 pm.

### **EXECUTIVE SESSION**

- 12. Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Commonwealth Development, Inc. v. City of Brenham, Texas; Fair Housing Case No. 06-22-3294-8**
- 13. 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 2:36 p.m.

### **ADJOURN**

*Atwood C. Kenjura*

Mayor

*Jeana Bellinger, TRMC, CMC*

City Secretary

