



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, JANUARY 18, 2024 AT 1:00 PM
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN STREET
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags - Mayor Atwood Kenjura**
- 3. Service Recognitions**
 - **Melinda Gordon - Communications & Marketing - 5 Years**
 - **Kyle Moudry - Wastewater Treatment - 10 Years**
 - **John Snowden - Police Department - 20 Years**
 - **Eliborio Villarreal - Street Department - 20 Years**
 - **Gary Marburger - Gas Department - 25 Years**
 - **Johnny Randermann - Water/Wastewater Systems - 35 Years**
- 4. Proclamations**
 - **First Christian Church of Brenham 125th Anniversary**

5. Citizen Comments

CONSENT AGENDA

6. Statutory Consent Agenda

The Statutory Consent Agenda includes non-controversial and routine items that Council may act on with one single vote. A councilmember may pull any item from the Consent Agenda in order that the Council discuss and act upon it individually as part of the Regular Agenda.

- 6.a. Approve the Minutes from the December 21, 2023, and January 4, 2024
Regular City Council Meetings**

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

- 7. 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 Allow a Food Truck Park in a B-1, Local Business/Residential Mixed Use Zoning District on Property Located at the Southeast Corner of the Intersection of N. Park Street and Brookside Drive, and Being 2.6051 Acres Described as Scenic Estates, Section IV, Reserve A (1.9257 Acres) and Reserve B2 (0.6794 Acres) out of the Arabella Harrington Survey in Brenham, Washington County, Texas (Case No. P-23-043)**

REGULAR SESSION

- 8. Discuss and Possibly Act Upon Change Order No. 3 to the Service Agreement with Bassco Services, Inc. Related to the Design, Construction and Installation of the Fuel Farm at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation**
- 9. Administrative/Elected Officials Report**

Administrative/Elected Officials Reports: Reports from City Officials or City staff regarding items of community interest, including expression of thanks, congratulations or condolences; information regarding holiday schedules; honorary or salutary recognitions of public officials, public employees or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that have arisen after the posting of the agenda.

EXECUTIVE SESSION

- 10. Section 551.089, Texas Government Code - Deliberation Regarding Security Devices or Security Audits - Discussion Concerning the Purchase of Critical Software Infrastructure Related to Cybersecurity Threats, Risks, and Associated Issues**
- 11. 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**
- 12. Section 551.074, Texas Government Code - Personnel Matters - Discussion Concerning the Retirement of the City Manager, Potential Roles/Duties of the Retiring City Manager in Facilitating the Transition to a New City Manager, and the Appointment, Employment, Evaluation, and Duties of a New City Manager, and Associated Issues**

RE-OPEN REGULAR SESSION

13. Discuss and Possibly Act Upon Approval of an Agreement with CDWG Under Sourcewell Contract No. 081419 Related to Information Technology Software, and Authorize the Mayor to Execute Any Necessary Documentation

ADJOURN

Executive Sessions: The City Council for the City of Brenham reserves the right to convene into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas Government Code, Chapter 551, including but not limited to §551.071 - Consultation with Attorney, §551.072 - Real Property, §551.073 - Prospective Gifts, §551.074 - Personnel Matters, §551.076 - Security Devices, §551.086 - Utility Competitive Matters, and §551.087 - Economic Development Negotiation

CERTIFICATION

I certify that a copy of the agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan St., Brenham, TX on Saturday, January 13, 2024 at 10:45 a.m.

Robin Hutchens

Deputy City Secretary

Disability Access Statement: This meeting is wheelchair accessible. The accessible entrance is located at the Vulcan Street entrance to the City Administration Building. Accessible parking spaces are located adjoining the entrance. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours before the meeting) by calling (979) 337-7567 for assistance.

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the _____ day of _____, 2023 at _____ a.m./p.m.

Signature

Title

PROCLAMATION

WHEREAS, The First Christian Church of Brenham will celebrate its 125th Anniversary of the sanctuary on January 21, 2024. The church was originally dedicated on January 15, 1899, and has since stood as a testament to faith, resilience, and community spirit; and

WHEREAS, The congregation of the church was organized in 1877 with 18 members. The present building was built in 1898 by local builder Alex Griffin. The church has preserved its historical significance by maintaining original elements, such as the solid oak pews and the lectern shipped from Germany and assembled by Mr. Griffin; and

WHEREAS, Despite facing challenges such as the steeple damage caused by the Galveston storm of 1900 and subsequent renovations in 1916, 1955, 1986, and 1994, the First Christian Church remains a symbol of enduring strength and commitment; and

WHEREAS, The church has played a pivotal role in the community, offering spiritual guidance and support under the leadership of Pastor Art Free and the dedicated service of past pastors Gary Jeter, Eugene Cherry, Russell Witmer, Richard Stadelmann, T. V. Lewis, Sid Stevenson, G. H. Farmer, G.F. Forrester, George W. Dalrymple, Doyert McElroy, George Kikaid, Duan Howard, Don McClendon, W.P. Bell, I. L. Jenkins, Gus Ramage, A. N. Glover, W. O. Dallas, A. D. Milroy, C.C. Brelos, and Ed Dabney; and

WHEREAS, The City of Brenham is proud to congratulate First Christian Church of Brenham and its members on 125 years of being a place of worship, fellowship, and community engagement;

NOW, THEREFORE, I, Atwood Kenjura, Mayor of The City of Brenham, do hereby proclaim Thursday, January 21, 2024, as

125 Year Anniversary of the First Christian Church of Brenham

Atwood Kenjura, Mayor
City of Brenham

Brenham City Council Minutes

A Regular Meeting of the Brenham City Council was held on Thursday, December 21, 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:

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 Finance Stacy Hardy, Director of Public Works Dane Rau, Strategic Budget Officer Tim McRoberts, Director of HR and Risk Management Susan Nienstedt, Asst. Police Chief Lloyd Powell, Economic & Community Development Director Teresa Rosales, Kyle Branham, Shawn Bolenbarr, Jessica Perez, Stephen Draehn, Kevin Schmidt, Robin Hutchens, Seth Klehm, Steven Loving and Shauna Laauwe.

Citizens/Others Present:

Tina Henderson, Charles Swenson, Dr. Robert Bubb, Abby Bubb, Helen Harris, Johnne Harris, Cheryl DaBera, Vernyce Burnett, Billy Sutherland, and LaShondra Sanders.

Media Present:

Sarah Forsythe, Brenham Banner Press, Melanie Chrismer, Brenham, Banner Press, and Joshua Blashke, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags - Councilmember Paul LaRoche**
- 3. Citizen Comments**

Corporal Saenz introduced a new officer, James Catchings. Officer Catchings came to the Brenham Police Department from Caldwell Police Department and brings with him 9 years of police experience.

CONSENT AGENDA

- 4. Statutory Consent Agenda**

- 4.a. Approve the Minutes from the December 7, 2023 Regular City Council Meeting, the December 7, 2023 Special City Council Meeting, and the December 12, 2023 Special City Council Meeting**
- 4.b. Approve Ordinance No. O-23-031 on Its Second 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**
- 4.c. Approve Ordinance No. O-23-032 on Its Second 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**
- 4.d. Approve Ordinance No. O-23-033 on Its Second Reading Amending the City of Brenham's FY22-23 Adopted Budget**
- 4.e. Approve Ordinance No. O-23-034 on Its Second Reading Amending the City of Brenham's FY23-24 Adopted Budget**
- 4.f. Approve Ordinance No. O-23-035 on Its Second 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 advised Council that this item is the second reading of the Ordinance to approve a Specific Use Permit request by Calvary Baptist Church to allow the placement of a 50-foot by 75-foot open air pavilion at the rear of their property (2.5443 acres) located at 1100 Niebuhr Street. Laauwe stated that the church plans to

use the pavilion for fellowship gatherings, picnic events, vacation bible school, and similar events.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve Ordinance No. O-23-035 on its second 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) .

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: None

4.g. Approve the Ratification of Payments Made in the Amount of \$63,215.00 to Chaparral Laboratories, Inc Related to the Water and Wastewater Department TCEQ Required Laboratory Water Testing and Authorize the Mayor to Execute any Necessary Documentation

4.h. Approve the Use of Seized Narcotic Funds for the City of Brenham Police Department for the Purchase of ERAD FCIS Solution Bundle from ERAD Group, Inc in the Amount of \$4,250.00 and Authorize the Mayor to Execute any Necessary Documentation

4.i. Approve the Use of Seized Narcotic Funds for the City of Brenham Police Department for the Purchase of Two L5M 25mm Cameras from Vigilant Solutions, LLC in the Amount of \$10,775.00 and Authorize the Mayor to Execute any Necessary Documentation

Councilmember LaRoche requested that Item 4.f. be moved from the Statutory Consent Agenda to the Regular Agenda for further discussion.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve the Statutory Consent Agenda Items 4.a. through 4.e. and 4.g. through 4.i. 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: None

WORK SESSION

5. Update and Presentation on Camptown Cemetery

Dr. Robert Bubb from Auburn University provided an update on Camptown Cemetery. Dr. Bubb stated that his three-time great-grandmother, Louisa Mangrum, was the original landowner and sold the property for the creation of Camptown Cemetery. Dr. Bubb's daughter, Abby, led a fundraiser for the cemetery and will be donating \$10,000.00 for the purchase of a memorial bench for her great-grandmother.

6. Discussion and Review of New Rules Pertaining to HUD Section 3 Policy Updates and Information for the City of Brenham's Community Development Block Grant through the Texas Department of Agriculture (Carrington Lane and Various Drainage Projects)

Director of Public Works Dane Rau presented this item. Rau advised that HUD has updated the Section 3 regulations since the last Texas Department of Agriculture (TDA) grant the City received and is requiring that all contracts are amended to include new regulations.

Michael Migaud from Public Management Inc. stated that the purpose of Section 3 is to facilitate contract and employment opportunities for low and very low income workers, specifically those that live close to the project location. Migaud stated that going forward, his office would coordinate with all parties to monitor public postings and contractor requirement pertaining to Section 3 provisions, and track the number of hours of anyone who works on the grant project.

7. Update and Discussion on FY 22-23 Fourth Quarter Financial Reports

Strategic Budget Officer Tim McRoberts presented this item. McRoberts advised that while staff presents these reports quarterly, the fourth and final quarter of the fiscal year is the true measure of the City's financial position. McRoberts stated that financial reports presented earlier in the year reflect more on trends and comparisons and have less focus on actual net revenue/loss due to the seasonality of revenue and expenditure cycles.

McRoberts stated that all funds experienced favorable actual to budget net revenues for the FY22-23 fourth quarter except for the gas fund, wastewater fund and

the sanitation fund. McRoberts provided the following information on each fund:

- General Fund posted an actual year-to-date fourth quarter net income of \$1,575,833.00
- Electric Fund posted a year-to-date new income of \$1,073,622 which was \$1,184,313.00 favorable to the budgeted net loss.
- Gas Fund posted actual net loss of (\$39,444.00), which was slightly worse than the budgeted net loss.
- Water Fund posted yearly net revenue of \$572,852.00 which was favorable to the projected net loss.
- Wastewater Fund net revenue was \$194,087.00.
- Sanitation Fund posted actual year-to-date fourth quarter net loss of (\$151,418.00). Now that the City has dissolved its in-house Sanitation Department, this Fund is largely a pass-through fund.
- Drainage Fund posted actual year-to-date fourth quarter FY22-23 net income of \$289,511.00.

McRoberts advised that the General Fund had a very healthy fiscal year with strong sales tax revenues along with expenditure savings from personnel turnover. McRoberts stated that staff will continue to watch operational expenditure budgets closely to monitor the effects persistent inflation is having on maintenance, supplies and labor.

REGULAR SESSION

8. Discuss and Possibly Act Upon the Purchase of Audio Equipment for the Blue Bell Aquatic Center and Authorize the Mayor to Execute Any Necessary Documentation

Director of Public Works Dane Rau presented this item. Rau advised that during the budget process staff requested funding for a new audio system for the Blue Bell Aquatic Center. Rau advised that the facility is 24 years old and the current audio system is no longer working.

Rau stated that the new system will assist with bringing good sound to all three pool areas and will be used for training, special events (Kid Fish, Floats N Flicks, etc.) as well as daily programming and exercise classes. Rau advised it will also bring back streaming of music during the day throughout the facility.

A motion was made by Councilmember Cook and seconded by Councilmember Canales to approve the purchase of audio equipment for the Blue Bell Aquatic Center in the amount of \$69,031.23 from Avinext through the TAMU Contract No. C20201408 and authorize the Mayor to execute any necessary documentation.

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: None

9. Discuss and Possibly Act Upon Resolution No. R-23-046 Adopting an Increase in the City of Brenham's Monthly Contribution to the Texas Emergency Services Retirement System (TESRS)

Director of Finance Stacy Hardy presented this item. Hardy stated that the Brenham Fire Department Pension Board has requested the City Council consider an increase in the City's contribution into the Texas Emergency Services Retirement System (TESRS). Hardy advised that the City has participated in TESRS since 1978.

Hardy advised that TESRS is funded by contributions made by the governing bodies of the participating departments. No contributions are required from the individuals who are members of TESRS. Hardy advised that the City's current contribution is \$140 per month for 17 active volunteer firefighters for an annual total contribution of \$28,560. Hardy advised that the Board is requesting an increase in the City's contribution to \$160 per month, or \$32,640 annually, assuming 17 active participants. Hardy advised that the Pension Board believes the contribution increase will enhance the volunteer program to encourage new participation as well as recognize the current volunteers for their years of dedicated service.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve Resolution No. R-23-046 adopting an increase in the City of Brenham's monthly contribution to the Texas Emergency Services Retirement System (TESRS).

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: None

10. Discuss and Possibly Act Upon an Ordinance on Its First Reading to Repeal Ordinance No. O-22-018 Relating to a Non-Exclusive Franchise to Skoot-N-Hauler to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits

Deputy City Secretary Robin Hutchens presented this item. Hutchens advised that on October 30, 2023, staff reviewed the vendors currently holding a Sanitation Franchise and upon that review, discovered that reports had not been received from Skoot-N-Hauler, LLC in a twelve-month period. Hutchens advised that staff reached out to Skoot-N-Hauler, LLC and was advised by the owner, Peter Nicklas that he was no longer doing business in the Washington County area and has since moved his business back to Dallas.

Hutchens advised that this Ordinance would repeal the current franchise agreement Skoot N Hauler, LLC and the City.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve an Ordinance on its first reading to repeal Ordinance No. O-22-018 relating to a non-exclusive franchise to Skoot-N-Hauler 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: None

11. Administrative/Elected Officials Report

City Manager Carolyn Miller reported the following:

- City offices will be closed on December 25- 26 for the Christmas holidays; and
- The next regular City Council meeting will be on January 4, 2024

Executive Session began at 2:07 pm.

EXECUTIVE SESSION

- 12. 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**
- 13. Section 551.074, Texas Government Code - Personnel Matters - Discussion Concerning the Retirement of the City Manager, Potential Roles/Duties of the Retiring City Manager in Facilitating the Transition to a New City Manager, and the Appointment, Employment, Evaluation, and Duties of a New City Manager, and Associated Issues**

Executive Session adjourned at 3:22 pm.

ADJOURN

Atwood C. Kenjura
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

Brenham City Council Minutes

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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, Assistant General Manager of Public Utilities Alton Sommerfield, Director of Finance Stacy Hardy, Director of Public Works Dane Rau, Strategic Budget Officer Tim McRoberts, Director of HR and Risk Management Susan Nienstedt, Asst. Police Chief Lloyd Powell, Economic & Community Development Director Teresa Rosales, Kyle Branham, Shawn Bolenbarr, Jessica Perez, Stephen Draehn, Kevin Schmidt, Robin Hutchens, Seth Klehm, Steven Loving and Shauna Laauwe.

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REGULAR SESSION

- 4.f. Approve Ordinance No. O-23-035 on Its Second 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 advised Council that this item is the second reading of the Ordinance to approve a Specific Use Permit request by Calvary Baptist Church to allow the placement of a 50-foot by 75-foot open air pavilion at the rear of their property (2.5443 acres) located at 1100 Niebuhr Street. Laauwe stated that the church plans to use the pavilion for fellowship gatherings, picnic events, vacation bible school, and similar events.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve Ordinance No. O-23-035 on its second 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).

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: None

8. Discuss and Possibly Act Upon the Purchase of Audio Equipment for the Blue Bell Aquatic Center and Authorize the Mayor to Execute Any Necessary Documentation

Director of Public Works Dane Rau presented this item. Rau advised that during the budget process staff requested funding for a new audio system for the Blue Bell Aquatic Center. Rau advised that the facility is 24 years old and the current audio system is no longer working.

Rau stated that the new system will assist with bringing good sound to all three pool areas and will be used for training, special events (Kid Fish, Floats N Flicks, etc.) as well as daily programming and exercise classes. Rau advised it will also bring back streaming of music during the day throughout the facility.

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in the amount of \$69,031.23 from Avinext through the TAMU Contract No. C20201408 and authorize the Mayor to execute any necessary documentation.

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: None

9. Discuss and Possibly Act Upon Resolution No. R-23-046 Adopting an Increase in the City of Brenham's Monthly Contribution to the Texas Emergency Services Retirement System (TESRS)

Director of Finance Stacy Hardy presented this item. Hardy stated that the Brenham Fire Department Pension Board has requested the City Council consider an increase in the City's contribution into the Texas Emergency Services Retirement System (TESRS). Hardy advised that the City has participated in TESRS since 1978.

Hardy advised that TESRS is funded by contributions made by the governing bodies of the participating departments. No contributions are required from the individuals who are members of TESRS. Hardy advised that the City's current contribution is \$140 per month for 17 active volunteer firefighters for an annual total contribution of \$28,560. Hardy advised that the Board is requesting an increase in the City's contribution to \$160 per month, or \$32,640 annually, assuming 17 active participants. Hardy advised that the Pension Board believes the contribution increase will enhance the volunteer program to encourage new participation as well as recognize the current volunteers for their years of dedicated service.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve Resolution No. R-23-046 adopting an increase in the City of Brenham's monthly contribution to the Texas Emergency Services Retirement System (TESRS).

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: None

10. Discuss and Possibly Act Upon an Ordinance on Its First Reading to Repeal Ordinance No. O-22-018 Relating to a Non-Exclusive Franchise to Skoot-N-Hauler to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits

Deputy City Secretary Robin Hutchens presented this item. Hutchens advised that on October 30, 2023, staff reviewed the vendors currently holding a Sanitation Franchise and upon that review, discovered that reports had not been received from Skoot-N-Hauler, LLC in a twelve-month period. Hutchens advised that staff reached out to Skoot-N-Hauler, LLC and was advised by the owner, Peter Nicklas that he was no longer doing business in the Washington County area and has since moved his business back to Dallas.

Hutchens advised that this Ordinance would repeal the current franchise agreement Skoot N Hauler, LLC and the City.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve an Ordinance on its first reading to repeal Ordinance No. O-22-018 relating to a non-exclusive franchise to Skoot-N-Hauler 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: None

11. Administrative/Elected Officials Report

City Manager Carolyn Miller reported the following:

- City offices will be closed on December 25- 26 for the Christmas holidays; and
- The next regular City Council meeting will be on January 4, 2024

Executive Session began at 2:07 pm.

EXECUTIVE SESSION

- 12. 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**
- 13. Section 551.074, Texas Government Code - Personnel Matters - Discussion Concerning the Retirement of the City Manager, Potential Roles/Duties of the Retiring City Manager in Facilitating the Transition to a New City Manager, and the Appointment, Employment, Evaluation, and Duties of a New City Manager, and Associated Issues**

Executive Session adjourned at 3:22 pm.

ADJOURN

Atwood C. Kenjura
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary



City Council Regular Meeting **AGENDA ITEM 7**

Agenda Item: 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 Allow a Food Truck Park in a B-1, Local Business/Residential Mixed Use Zoning District on Property Located at the Southeast Corner of the Intersection of N. Park Street and Brookside Drive, and Being 2.6051 Acres Described as Scenic Estates, Section IV, Reserve A (1.9257 Acres) and Reserve B2 (0.6794 Acres) out of the Arabella Harrington Survey in Brenham, Washington County, Texas (Case No. P-23-043)

Meeting Date: January 18, 2024

Department: Development Services

Staff Contact: Shauna Laauwe, City Planner

SUMMARY STATEMENT:

Scenic Investments, a Texas partnership, property owner of the 2.6051 acres of land generally located on the southeast corner of N. Park Street and Brookside Drive, and Michael Ancone, applicant, are requesting approval of a Specific Use Permit to develop a Food Truck Park. The subject property as well as the properties to the north along N. Park Street and adjacent to the east, are zoned B-1, with the property located directly to the north, across Brookside Street, being developed as Dollar General. To the west, across N. Park Street, is zoned B-2, but developed as the City of Brenham's Hohlt Park. Properties adjacent to the northeast are zoned R-1 and are part of the Scenic Estates Subdivision and developed as single-family homes.

Mr. Ancone proposes to develop the subject lots as a Food Truck Park that would include pad sites for eight (8) food trucks, a restroom facility, picnic tables, walking trails, a 5,000 square foot retail space, an ice kiosk, and 48 off-street parking spaces. (See Attached Site Plan Exhibit C). On November 4, 2021, the City Council adopted Ordinance Number O-21-030 to allow a food truck park by Specific Use Permit in the B-1, B-2, B-3, and B-4 zoning districts. Section 18.01 of the Zoning Regulations lists fourteen (14) additional development standards for Food Truck Parks. As noted in detail in the attached Staff Report, the proposed Food Truck Park met or exceeded each of the additional development standards.

As shown in Figure 2 of the Staff Report, a 100-year floodplain area covers a significant

portion of the subject property, the adjacent property within the B-1 district to the east, and a portion of the R-2 vacant property to the south. Properties within the 100-year floodplain have additional building and drainage requirements to include building 2-feet above the base flood elevation and any detention accommodating both a 100-year event in addition to the proposed development. The floodplain constrains the developability of the subject property. However, the proposed food truck park layout, to include the retail space shall meet the development and floodplain standards.

The purpose of the SUP process is to identify those uses which might be appropriate within a zoning district but, due to either their location, function, or operation, could have a potentially harmful impact on adjacent properties or the surrounding area; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them to mitigate or eliminate such adverse impacts. Staff finds that no adverse impacts to adjacent properties or surrounding area are anticipated due to the proposed compatible commercial use, site plan, and compliance of the additional development standards. The future land use map portion of the Envision 2020 Comprehensive Plan suggests the subject property may be appropriate for commercial uses. The proposed Food Truck Park, with adequate bufferyards and attention to noise and light levels, may be suitable as a neighborhood commercial use that aligns with the goals and land use policies established in the Comprehensive Plan.

On Monday, December 18, 2023, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the SUP request as presented with the following conditions:

- The subject tract, which is currently platted as two lots, shall be re-platted into one commercial lot with approval by the Planning and Zoning Commission
- A screening fence or hedge of at least 6-feet in height be constructed along the east property line
- Lighting be downcast and directed away from residential properties
- The proposed retail structure shall not exceed 5,000 square feet in gross area
- Landscaping be provided along N. Park Street between the parking lot and the right-of-way
- A pedestrian traffic plan shall be provided
- Oversize vehicle parking shall be provided for vans and small school buses

ATTACHMENTS:

- | |
|---|
| <ol style="list-style-type: none">1. Specific Use Permit Brookside Food Truck Park P-23-0432. Brookside Food Truck Site Plan3. Ordinance First Reading - SUP - Food Truck Park (with CLB edits) |
|---|

RECOMMENDATION:

Approval of a Specific Use Permit to allow for a Food Truck Park use as provided in the

application site plan and written documents in a B-1, Local Business Mixed Residential Zoning District for the subject 2.6051 acre tract of land that is located on the southeast intersection of North Park Street and Brookside Drive and legally described as Scenic Estates, Section IV, Reserve A (1.9257 Acres) and Reserve B2 (0.6794 Acres) out of the Arabella Harrington Survey in Brenham, Washington County, Texas with the following conditions:

- The subject tract, which is currently platted as two lots, shall be re-platted into one commercial lot with approval by the Planning and Zoning Commission
- A screening fence or hedge of at least 6-feet in height be constructed along the east property line
- Lighting be downcast and directed away from residential properties
- The proposed retail structure shall not exceed 5,000 square feet in gross area
- Landscaping be provided along N. Park Street between the parking lot and the right-of-way
- A pedestrian traffic plan shall be provided
- Oversize vehicle parking shall be provided for vans and small school buses

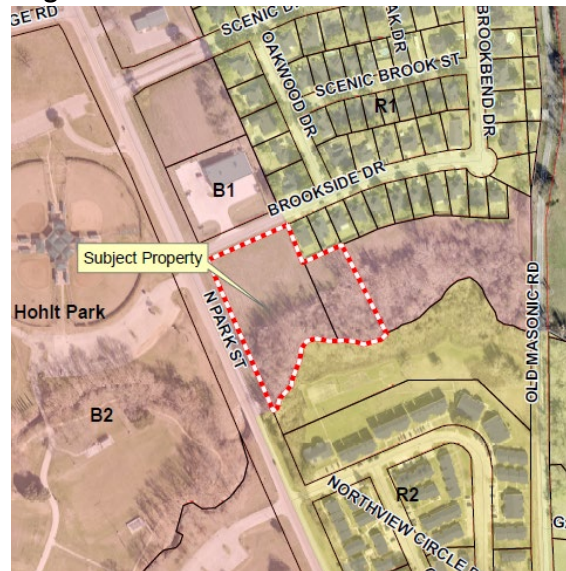
CASE NUMBER P-23-043
SPECIFIC USE PERMIT REQUEST – BROOKSIDE FOOD TRUCK PARK

STAFF CONTACT:	Shauna Laauwe AICP, City Planner
OWNER:	Michael Ancone
APPLICANTS:	Michael Ancone
ADDRESS/LOCATION:	SE Corner of Brookside Drive & N. Park Street (Exhibit A).
LEGAL DESCRIPTION:	Scenic Estates Subdivision, Sec 1, Block IV, Reserve A & B2
LOT AREA:	Approximately 2.6051 acres
ZONING DISTRICT/USE:	B-1, Local Business Mixed Residential/Vacant (Exhibit B)
FUTURE LAND USE:	Commercial and Single-Family Residential (Exhibit C)
REQUEST:	A request for a Specific Use Permit to allow a Food Truck Park use in a B-1, Local Business Mixed Residential Zoning District (Exhibit D).

BACKGROUND:

The subject property is a 2.6051-acre tract of vacant land that is located on the southeast corner of the Brookside Drive and North Park Street intersection, and to the east of Hohlt Park. The property consists of two vacant lots, a 1.925-acre lot on the corner of Brookside Drive and N. Park Street and the abutting lot to the east containing 0.6794-acres. As shown in Figure 1, the subject tracts as well as the properties to the north, along N. Park Street and adjacent to the east, are within a B-1 District, Local Commercial Mixed Residential District. Properties to the northeast are part of the Scenic Estates Subdivision and zoned R-1, Single-Family Residential District and developed as single-family units. Adjacent properties to the south are within an R-2, Mixed Residential District and are a Brenham Housing Authority duplex development.

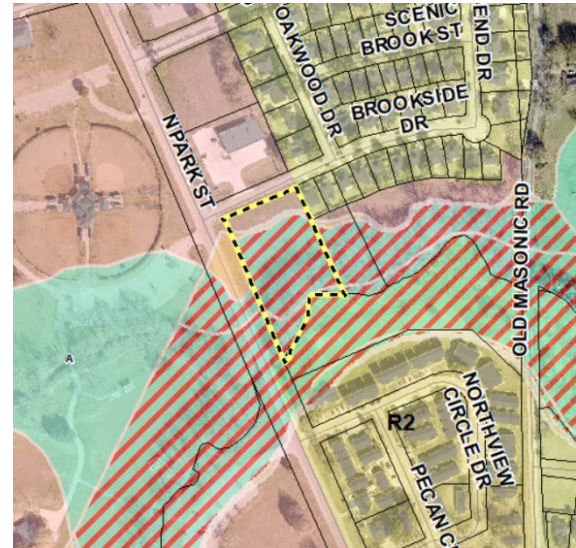
Figure 1



As shown in Figure 2, a 100-year floodplain area (section with red diagonal stripes) covers a significant portion of the subject lots, the adjacent property within the B-1 district to the east, and a portion of the R-2 vacant property to the south. Properties within the 100-year floodplain have additional stringent

building and drainage requirements to include building 2-feet above the base flood elevation and any detention accommodating both a 100-year event in addition to the proposed development. The base flood elevation for the subject property is 261-feet.

Figure 2



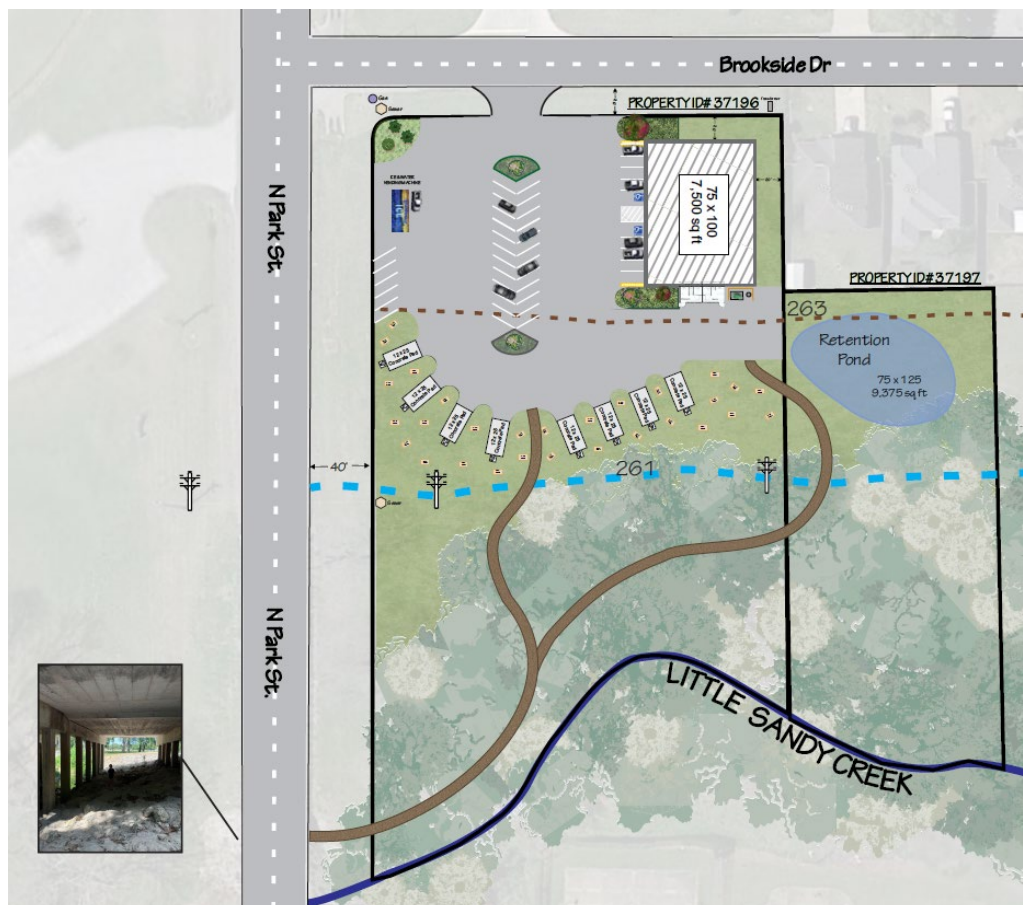
The applicant, Michael Ancone, proposes to develop the 2.6051-acres as a Food Truck Park as shown on the site plan in Figure 3. On November 4, 2021, the City Council adopted Ordinance Number O-21-030 to allow a food truck park by Specific Use Permit in the B-1, B-2, B-3, and B-4 zoning districts. The ordinance stipulates fourteen (14) site development standards in order for a food truck park to be considered for a Specific Use Permit. These development standards are listed in the Zoning District Regulations under Division 1, Section 18.02, with the proposed site development answers in **red**:

- (1) A designated seating area shall be provided for patrons. – **Picnic tables provided.**
- (2) Accessible restroom facilities shall be provided within a permanent structure. Temporary or portable toilet facilities are not permitted. – **Restroom facility provided.**
- (3) A minimum of two (2) parking spaces shall be provided for each food truck site provided within the food truck park. – **39 off-street parking spaces provided. 16 required for proposed 8 food truck sites.**
- (4) Mobile kitchens shall not park in required parking stalls, rather they shall be located on a designated paved surface. – **Designated paved parking pads for food trucks shown on site plan.**
- (5) There shall be at least fifteen (15) feet of unobstructed clearance between all individual mobile kitchens parked side-by-side and all permanent or accessory structures and five (5) feet of unobstructed clearance between all individual mobile kitchens parked end-to-end. – **Spacing provided on site plan. If approved, plan review will ensure proper spacing.**
- (6) A dumpster with a minimum capacity of two (2) cubic yards, a concrete pad at least six (6) inches thick and solid screening fence shall be provided. – **Dumpster site shown.**
- (7) Communal grease disposal station shall be provided on-site within a completely screened enclosure. – **Grease disposal station shown on site plan.**
- (8) Landscaping and bufferyard requirements shall be met in accordance with Appendix A – Zoning, Part II, Division 1, Section 12 – Landscaping and Buffering. – **A 20-foot bufferyard to adjacent residential properties to the east is required and shown on the site plan. The site needs additional landscaping between the parking spaces and food trucks and along the N. Park frontage road. This review for compliance is part of the building permit process.**

- (9) No mobile kitchen nor any associated seating areas or restroom facilities shall be located in the required landscape buffer yard. -Restroom facilities and picnic tables are not shown in the landscape buffer yard.
- (10) Mobile kitchens conducting business at a food truck park shall have current vehicular registration and shall be in a suitable operating condition for transit. – Would be monitored.
- (11) All activity must occur on private property, outside of the public right-of-way. – Activities shown outside of the public right-of-way. Would be monitored.
- (12) Vehicular drive-thru service of food and/or beverages shall be prohibited. – No drive-thru service is shown.
- (13) Electrical service shall be provided to the mobile kitchen by a permitted electrical connection. The use of on-board generators shall be prohibited.
- (14) The municipality may without warning, notice, or hearing, revoke any permit to operate a mobile kitchen if the holder of the permit, person in charge, or the operation of the food establishment does not comply with the requirements of the Brenham Code of Ordinances or if the operation of the food establishment otherwise constitutes an immediate hazard to public health.

As shown in Figure 3, the applicant proposes to develop the subject lots as a Food Truck Park that would include pad sites for eight (8) food trucks, a restroom facility, picnic tables, trails, a 75-foot by 100-foot (7500 SF) retail space, and an ice kiosk location. The retail, restrooms, and ice kiosk structures, as well as the proposed 39 parking spaces, would be located above the required 263-foot elevation (brown dashed line). The food truck pad sites and picnic tables would be out of the floodplain but at an elevation less

Figure 3



than 263-feet. Since food trucks are mobile, they are not required to be located a minimum of 2-feet above the base flood elevation, however the proposed picnic tables would need to be anchored down. The retail building is shown on the northeast corner of the site with a 20-foot bufferyard setback to the east and a 20-foot front yard setback along Brookside Drive. A 25-foot front yard setback would be required for the building. The site plan shows 39 off-street parking spaces. With 8 proposed food trucks, 16 parking spaces are required, however that would only leave 23 parking spaces for the retail building that at 7,500 square feet would require 30 spaces. In order to comply with the parking standards, a revision to the site plan to add an additional 7 parking spaces, or to reduce the retail building to no more than 5,750 square feet is necessary. The applicant has stated that the retail building would be a Phase 2 part of the project and may not come to fruition but wanted to add it to the use permit for consideration. The restroom facilities, dumpster and grease disposal station are located adjacent and to the south of the proposed retail building. The site also depicts a walking trail from two points leading to N. Park Street. An existing underground pass (shown in Figure 3) is located at this point that leads to Hohlt Park to the west. Mr. Ancone has contacted TXDOT for permission to privately make this an accessible passageway for people to safely have access to and from the park. The site plan also shows a retention pond to be placed on the east side of the lot. All drainage and detention would be reviewed during the commercial building permit process by Strand Associates for compliance. Lastly, the site consists of two reserve lots of the Scenic Estates Subdivision. Before any development permits are issued, a replat that combines the two lots into one must be approved by the Planning and Zoning Commission.

ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:

The purpose of zoning policies is to provide guidelines for considering future amendments to the zoning ordinance (Part 1, Section 4 of Appendix A – “Zoning” of the Brenham Code of Ordinances). They are as follows:

- (1) The city's zoning should recognize and seek to preserve the small-town attributes that make Brenham a special place for its citizens to live, work and play.

The approximate 2.6-acre tract of land is located on the southeast corner of the Brookside Drive and North Park Street intersection, and to the east of Hohlt Park. The property consists of two vacant lots, a 1.925-acre lot on the corner of Brookside Drive and N. Park Street and the abutting lot to the east containing 0.6794-acres. The subject lots as well as the properties to the north along N. Park Street and adjacent to the east, are within a B-1, Local Commercial Mixed Residential District. The B-1 property located directly to the north, across Brookside Street, is developed as a Dollar General. As stated in the Zoning Ordinance, B-1 zoning district’s purpose is “to establish a medium density, mixed use district in order to provide convenient locations for neighborhood shopping and for affordable moderate density multifamily housing with easy access to transportation routes and neighborhood shopping.” To the west, across N. Park Street is zoned B-2, Commercial Research and Technology District and is developed as Hohlt Park, which hosts baseball tournaments and other events. Properties adjacent to the northeast are part of the Scenic Estates Subdivision and zoned R-1, Single-Family Residential District and developed as single-family units. Adjacent properties to the south are within an R-2, Mixed Residential District and are a Brenham Housing Authority duplex development.

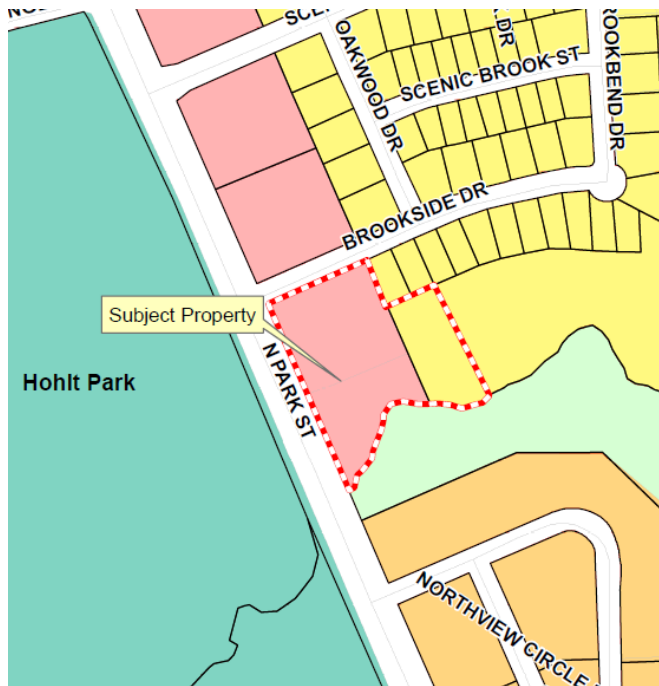
The applicant is proposing to develop the subject property with a food truck park to provide a singular location for up to 8 food trucks and to provide eating options for Brenham residents and those that frequent Hohlt Park. The proposed food truck site consists of pad sites for 8-food trucks,

picnic tables for seating, a restroom facility, a future 7,500 square foot retail or office location and 39 off-street parking spaces. The site is adjacent to the single-family developed Scenic Estates to the east. As such, a bufferyard of 20-feet in addition to the required setbacks is required. The bufferyard requires 20% of the area along the property line to be greenspace and a 6-foot screening fence or hedge at the property line. The site plan shows that the food truck pad sites will be placed nearest N. Park Street with the closest pad site being approximately 60-feet from the adjacent residential property. In addition, any lighting will be required to be downcast, and the noise ordinance would be in effect. Staff finds that with the bufferyard requirements, downcast lighting, and the location of the food truck pad sites, the proposed use as a Food Truck Park are aligned with the zoning ordinance and will not adversely affect the small-town attributes that make Brenham a special place for its citizens to live, work and play.

- (2) The city's zoning should be guided by the future land use plan and other applicable guidelines found in the Comprehensive Plan.

The future land use map portion of the Envision 2020 Comprehensive Plan suggests the subject property, as shown in Figure 4, may be appropriate for commercial uses. The B-1 District is a district that allows both residential and commercial uses. Residential uses permitted by right include single-family, duplex, and multifamily developments on sites of 2 acres or more. Commercial uses permitted by right include entertainment facilities, automobile part sales, bakeries, banks, churches, hotels, florist, retail stores, restaurants, and shopping centers less than 3 acres. Uses that are permitted to seek Specific Use Permit approval to include car washes, automobile service stations, private schools, and food truck parks. A specific use permit allows the use with the recommendation of the Planning and Zoning Commission and approval by the City Council.

Figure 4



The B-1 District is utilized for neighborhood commercial uses and to buffer residential uses from more intense commercial use. The subject property is along a major collector, N. Park Street and between Hohlt Park to the west and Scenic Estates Subdivision to the east. Due to a 100-year floodplain covering most of the subject property, the amount of land usable on this site to accommodate most commercial uses is limited. The proposed Food Truck Park, with adequate bufferyards and attention to noise and light levels, may be suitable as a neighborhood commercial use that aligns with the goals and land use policies established in the Comprehensive Plan.

- (3) The city's zoning should be designed to facilitate the more efficient use of existing and future city services and utility systems in accordance with the Comprehensive Plan.

The subject property has existing utilities available along Brookside Drive and N. Park Street and will not require any extension of utility services.

- (4) The city's zoning should be organized and as straight forward as possible to minimize use problems and enforcement problems.

The proposed SUP, if approved, will be reflected on the City of Brenham zoning map available for citizen viewing on the City of Brenham homepage.

- (5) The city's zoning process should be fair and equitable, giving all citizens adequate information and the opportunity to be heard prior to adoption of zoning amendments.

Property owners within 200 feet of the property were mailed notifications of this request on December 7, 2023. The Notice of Public Hearing was published in the Brenham Banner on December 7, 2023. At the time of this staff report, two written comments against the request have been received from Mr. & Mrs. Kweyn Emshoff and Rebecca Wisnieske & Tanner Skeenken (Exhibit F). Any additional public comments submitted to staff will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

- (6) The city's zoning should ensure that adequate open space is preserved as residential and commercial development and redevelopment occur.

If approved, the food truck site will be required to meet the development standards set forth in Section 18 of the Zoning Ordinance and will be required to adhere to minimum building setbacks, maximum impervious coverage requirements, landscaping, and buffer yard requirements. The applicant has submitted a site plan (Exhibit D) which depicts the proposed location of the food truck pad sites, parking, picnic seating, restroom facilities, dumpsters, and a retail structure. Staff finds that the site development requirements will ensure that adequate open space is preserved on the subject property.

- (7) The city's zoning should ensure Brenham's attractiveness for the future location of business and housing by preserving an attractive and safe community environment in order to enhance the quality of life for all residents.

Staff has received two comments thus far from residents of the Scenic Estates neighborhood with concerns regarding increased traffic at the intersection of Brookside Drive and N. Park Street. Brookside Street is one of three access points into the Scenic Estates Subdivision with Scenic Drive to the north providing another access point to N. Park Street and Hickory Hollow Lane providing access to Old Masonic Road to the east. To help mitigate additional traffic to the food truck park that may arise from events at Hohlt Park, the applicant has proposed to improve the area under the creek bridge to provide pedestrian access to Hohlt Park. Given that the site is limited in use because of the 100-year floodplain, the adjacent zoning designations, existing development in the vicinity, and being consistent with the City's adopted Comprehensive Plan, the proposed food truck use may be appropriate at this location. If approved, the Food Truck Park would be required to adhere to FEMA drainage and building requirements for proximity to the floodplain, bufferyard and landscaping requirements, the building and fire code, and the applicable zoning regulations including those specified for food truck parks.

- (8) The city's zoning ordinance should preserve neighborhood culture by retaining and promoting land uses consistent with the community's plan for the development and/or redevelopment of its neighborhoods.

The surrounding area of the subject property is a mixture of zoning districts and a variety of uses. The subject property and the properties to the north, along the N. Park Street right-of-way, are

located within a B-1 District, properties to the northeast are within an R-1 District, to the south is a R-2 District and to the west is within a B-2 District. The B-1 properties are developed as a Dollar General across Brookside Drive and further north at the intersection of Scenic Drive and N. Park Street is developed as Center Stage Dance Studio. The R-1 District to the northeast is developed as Scenic Estates, a single-family neighborhood and the R-2 District to the south is developed as a duplex development by the Brenham Housing Authority. The B-2 tract to the west is approximately 70-acres and is developed as Hohlt Park. The subject property is an approximate 2.6-acre tract with a substantial 100-year floodplain area that results in most of the south portion of the site to be undevelopable. The movability of food trucks appears to suggest that a food truck park is a good use of the subject property. The concerns for noise, traffic and proximity to the adjacent neighborhood do need consideration. With adequate bufferyards and attention to noise and light levels, the proposed food truck use may be suitable and compatible with nearby land uses and consistent with the land policies established in the Comprehensive Plan.

- (9) The city's zoning should protect existing and future residential neighborhoods from encroachment by incompatible uses.

Staff finds that approval of the proposed SUP and development of the property as a food truck park may provide for an orderly and positive development of the community. Due to adjacent residential uses to the northeast, the proposed commercial use is required to provide an additional 20-feet of bufferyard from the east property line. This bufferyard provision requires that screening of either a 6-foot fence or 6-foot in height dense shrubbery be provided along the shared property lines of residential uses. In addition, 20-percent of the bufferyard shall be landscaped. The applicant has exceeded the required bufferyard and setback requirements by locating the proposed retention pond to the south of the closest residential properties. In addition, no food truck pad sites are shown within 60-feet of residential property. Staff does recommend reducing the proposed retail site to 5,000 square feet or less to ensure off-street parking availability is above the minimum standards. The proposed building setbacks, off-street parking, and landscaping will help mitigate negative effects that the food truck park may cause. All building, fire, and zoning requirements will be reviewed during the building permit process.

- (10) The city's zoning should assist in stabilizing property values by limiting or prohibiting the development of incompatible land uses or uses of land or structures which negatively impact adjoining properties.

Staff finds that there are potential traffic concerns for the location, however the proposed site plan shows sufficient off-street parking and the proposed pedestrian link to Hohlt Park would alleviate many of these concerns. The proposed development would be in accordance with the land use policies of Brenham's Comprehensive Plan. With the proposed site plan providing ample setbacks and the retention pond to be near the residential properties, the location, current development codes, and bufferyard standards in place, Staff finds that any destabilizing effects on the neighboring properties would be mitigated should this specific use permit request be approved.

- (11) The city's zoning should make adequate provisions for a range of commercial uses in existing and future locations that are best suited to serve neighborhood, community, and regional markets.

The subject site and surrounding area are characterized as mixed use with single-family residential neighborhoods, commercial and public use. Along N. Park Street is a variety of commercial uses to include retail, dance studios, office uses, and car repair businesses. Vacant commercial properties are located along N. Park Street. Staff believes that the proposed SUP, if approved, will not negatively affect vacant land classified for commercial uses.

- (12) The city's zoning should give reasonable accommodation to legally existing incompatible uses, but it should be fashioned in such a way that over time, problem areas will experience orderly change through redevelopment that gradually replaces the nonconforming uses.

The B-1, Local Business/Residential Mixed-Use District subject property is currently undeveloped vacant land. The applicant's request will allow the subject property to develop in a compatible, legally conforming manner.

- (13) The city's zoning should provide for orderly growth and development throughout the city.

Staff finds approval of the proposed SUP will allow for the orderly growth and development in the general vicinity and throughout the city.

STAFF RECOMMENDATION:

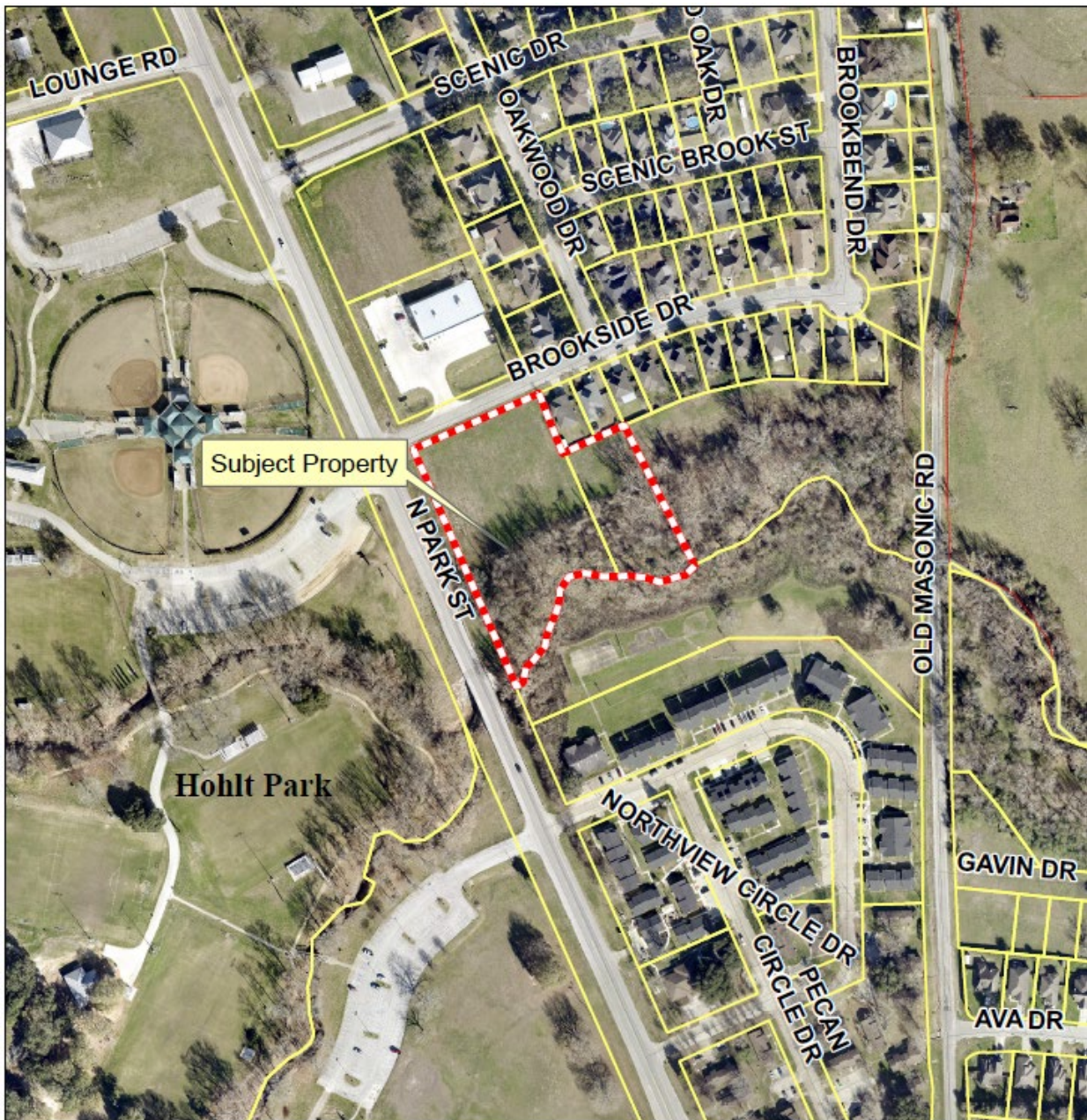
Staff recommends **approval** of a Specific Use Permit to allow a Food Truck Park use as provided in the application site plan, and written documents in a B-1, Local Business Mixed Residential Zoning District for the subject 2.6051-acre tract of land that is located on the southeast intersection of North Park Street and Brookside Drive, with the following conditions:

1. A screening fence or hedge of at least 6-feet in height shall be built along the east property line.
2. Lights are downcast and directed away from residential properties to the north and east.
3. Additional landscaping to be provided within the bufferyard area and along N. Park Street.
4. Limit the proposed retail building on-site to no more than 5,000 square feet in gross area.
5. The two lots that make up the site are replatted into one lot.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Future Land Use Map
- D. Cover Letter
- E. Proposed Site Plan
- F. Public Comments
- G. Site photos

EXHIBIT "A"
AERIAL MAP



Zoning Map
Specific Use Permit
Food Truck Park
SE Corner of N. Park St & Brookside Dr.



1 inch = 250 feet



EXHIBIT "B"
ZONING MAP



**Zoning Map
Specific Use Permit
Food Truck Park**

SE Corner of N. Park St & Brookside Dr.

Legend

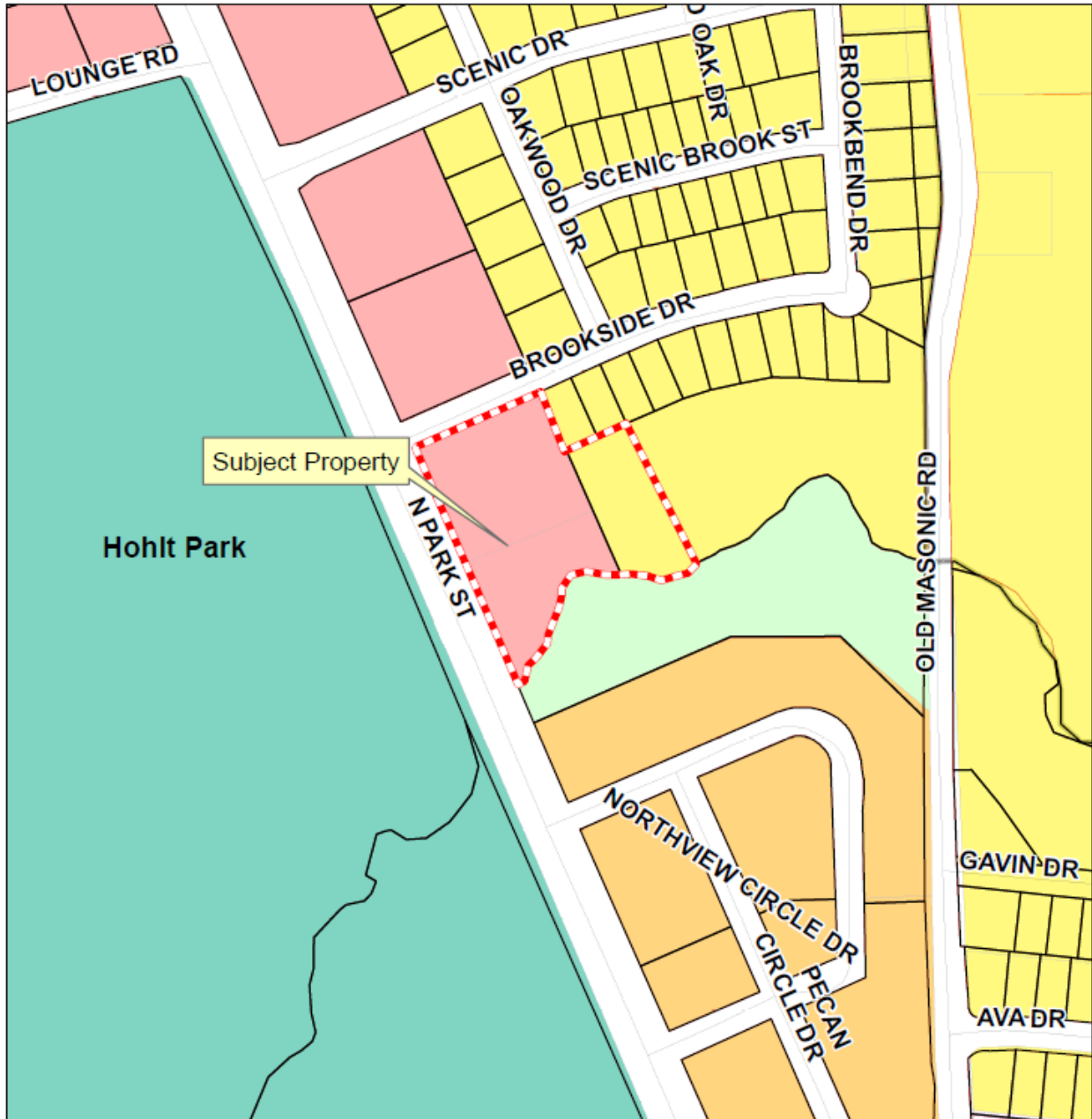
- B1 Local Business Mixed
- B2 Commercial Research and Technology
- R1 Residential Single Family
- R2 Mixed Residential



1 inch = 250 feet



EXHIBIT "C"
FUTURE LAND USE MAP



Future Land Use Plan

FLU_FINAL

- Open Space
- Park
- Single Family Residential
- Multi-Family Residential
- Local Public Facilities
- Commercial

Zoning Map
Specific Use Permit
Food Truck Park
SE Corner of N. Park St & Brookside Dr.



1 inch = 250 feet



EXHIBIT "D"
COVER LETTER

Specific Use Permit Request

November 20, 2023

Dear Planning and Zoning Commission,

We are seeking a specific use permit for a food truck park. The location would be directly across from Hohlt park. Currently, there are very few eatery options available in the surrounding area and no food truck or food court options. Food trucks allow for a wide variety of options in one location. This would add convenience for people at the park and/or families attending sporting events. The goal is to make this very accessible via walking path or drive-in. We plan to incorporate picnic tables under the shade trees for everyone to enjoy their meal. Please see the site plan for layout details.

-Michael & Michelle Ancone

mgancone@gmail.com

979-277-4826

EXHIBIT "E"
PROPOSED SITE PLAN

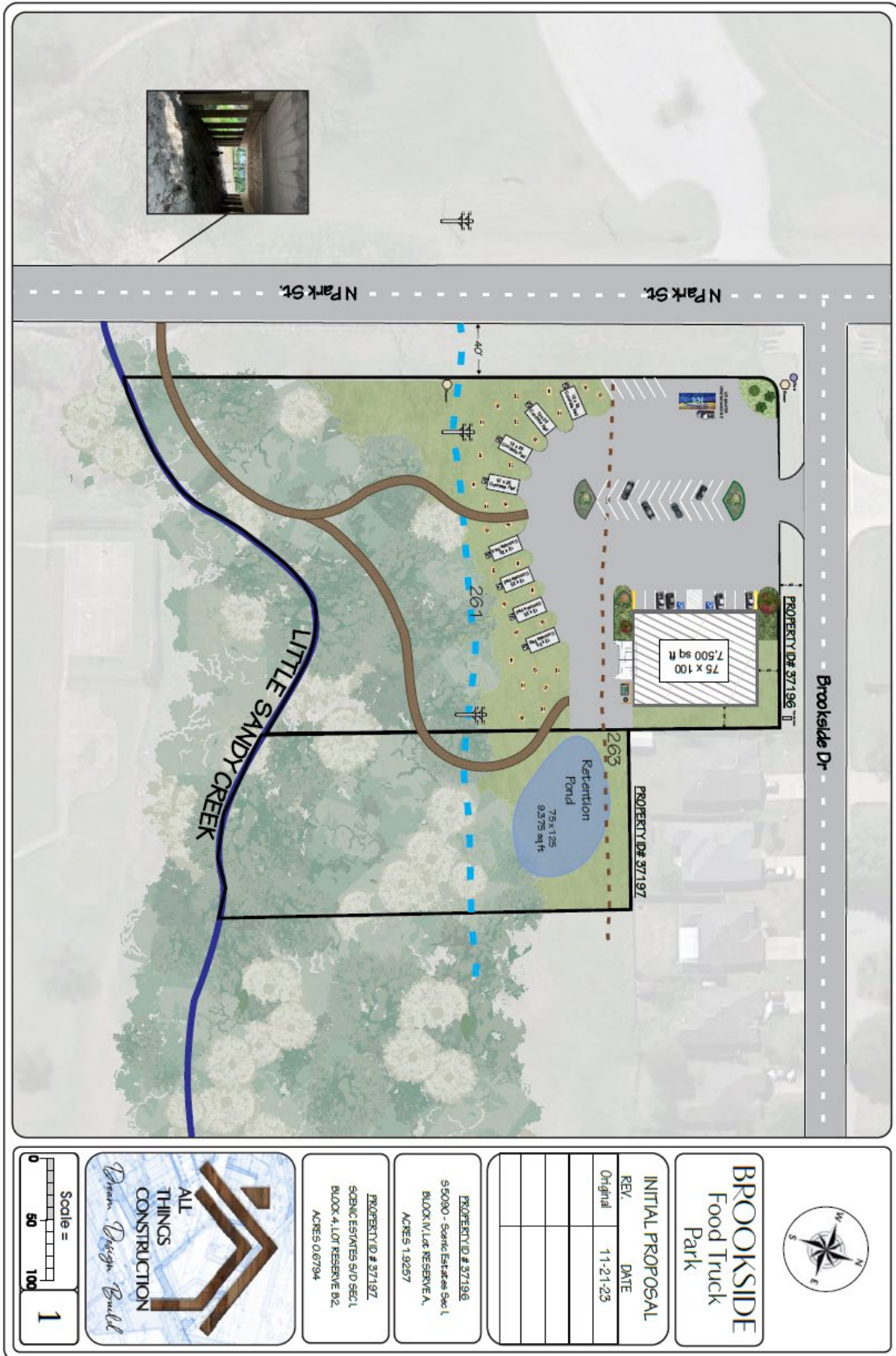


EXHIBIT "F"
PUBLIC COMMENTS RECEIVED

From: [Emshoff, Randi L](#)
To: [Kim Hodde](#)
Subject: CASE P:23-043
Date: Wednesday, December 13, 2023 12:05:08 PM

12/13/2023

ATTN: Planning & Zoning Commission
City of Brenham
City Council Members
Development Services Department

My husband and I, Kweyn and Randi Emshoff are **AGAINST** the requested SPECIFIC USE PERMIT REQUEST for public notice for case **P&Z Case P-23-043**; Applicant/Owner- **Michael Ancone**.

We moved to Brookside Drive in Scenic Estates in 2009 and we have loved the quality of life we have built in Scenic Estates. The idea of a Food Truck Park is absolutely unappealing on every level. We live daily in a wonderful neighborhood and its precious to us, however we do NOT want or need added chaos to traffic that is already an issue for Scenic Estates.

We are constantly dealing with the morning & afternoon Brenham High School traffic, events at Hohlt Park, and a busy Dollar General Store.

On any given weekend there is a Soccer OR Softball Tournament of some sort at Hohlt Park and while we welcome the use of this beautiful park and its facilities, the traffic is rough getting in and out of Scenic Estates. It is simply not safe and it takes a lot of patience to deal with every day.

A Food Truck Park would add more fuel to the fire, thru traffic on Brookside Drive would only increase, again, safety is a concern. Nobody who lives in their beloved neighborhood would want this.

We personally do not want this for obvious privacy reasons alone.

Please, please, please do not allow for this permit to be approved or accepted. Surely there is another place for a Food Truck Park that would not interfere with this already congested area.

I truly Thank You for your consideration and pray the right decision will be made.

Kweyn and Rand Emshoff
306 Brookside Dr
Brenham, TX 77833

Randi Emshoff
Senior Branch Office Administrator

City of Brenham
Development Services Department



PUBLIC COMMENT FORM

All submitted forms will become a part of the public record.

Please return to:

City of Brenham

Attn: Development Services Dept., Case P-23-043

P.O. Box 1059

Brenham, Texas 77834-1059

Name:

(please print)

Address:

Rebecca Wisnieszke & Tanner Steenken

204 Brookside Dr

Brenham, TX 77833

Signature:

Date:

Rebecca Wisnieszke & Tanner Steenken

12/11/2023

I am FOR the requested SPECIFIC USE PERMIT REQUEST as explained on the attached public notice for P&Z Case P-23-043 (Please state reasons below)



I am AGAINST the requested SPECIFIC USE PERMIT REQUEST as explained on the attached public notice for P&Z Case P-23-043 (Please state reasons below)

Date, Location, & Time of Planning and Zoning Commission meeting:

Monday, December 18, 2023, 5:15 PM

City Council Chambers, 2nd Floor, City of Brenham City Hall

200 West Vulcan Street, Brenham, Texas 77833

Date, Location, & Time of City Council meeting:

Thursday, January 4, 2024, 1:00 PM

City Council Chambers, 2nd Floor, City of Brenham City Hall

200 West Vulcan Street, Brenham, Texas 77833

COMMENTS/REASONS:

May affect property value, privacy, & excessive noise, traffic in and out of the subdivision

EXHIBIT "G"
SITE PHOTOS



From Dollar General parking lot



NE part of lot. Adjacent residential



Subject Property from N. Park Street



Potential pedestrian passage to Hohlt Park



South portion of property. Looking north.



Scenic Estates adjacent to the east.



Hohlt Park to the west.

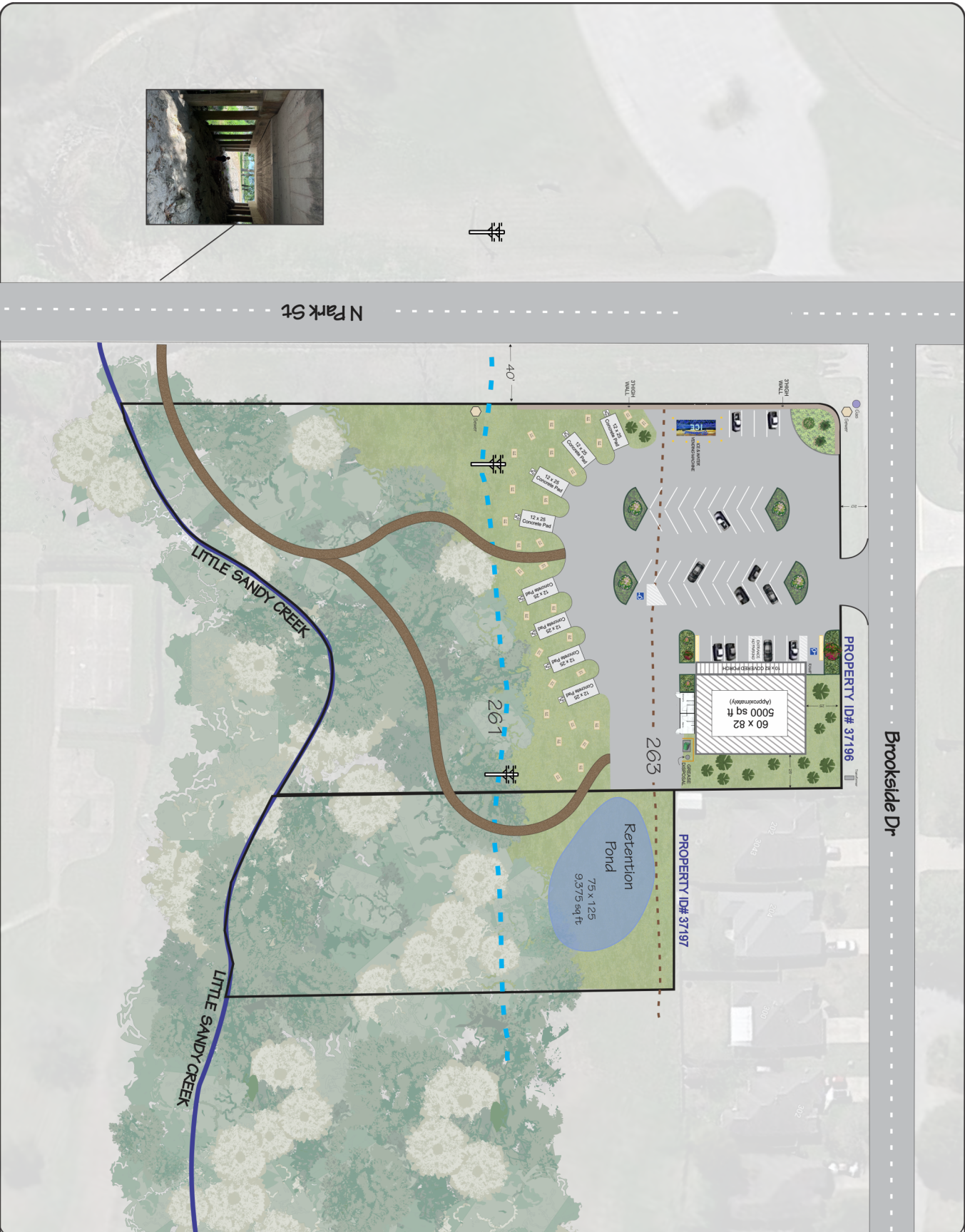
INITIAL PROPOSAL

REV.	DATE
Original	11-21-23
Rev 1	12-17-23

PROPERTY ID # 37197
SCENIC ESTATES S/D SEC 1,
BLOCK 4, LOT RESERVE B2,
ACRES 0.6794



Scale =  1



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BRENHAM GRANTING A SPECIFIC USE PERMIT TO ALLOW A FOOD TRUCK PARK USE IN A B-1 LOCAL BUSINESS/MIXED RESIDENTIAL ZONING DISTRICT ON APPROXIMATELY 2.6051 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF N. PARK STREET AND BROOKSIDE DRIVE, BEING FURTHER DESCRIBED AS SCENIC ESTATES, SECTION IV, RESERVE A (1.9257 ACRES) AND RESERVE B2 (0.6794 ACRES) OUT OF THE ARRABELLA HARRINGTON SURVEY, IN BRENHAM, WASHINGTON COUNTY, TEXAS.

WHEREAS, Scenic Investments, a Texas partnership, property owner of the 2.6051 acres of land generally located on the southeast corner of the intersection of N. Park Street and Brookside Drive, being further described as Scenic Estates, Section IV, Reserve A (1.9257 acres) and Reserve B2 (0.6794 acres) out of the Arrabella Harrington Survey, in Brenham, Washington County, Texas (the “Property”), said 2.6051 acres of land being shown on Exhibit “A” attached hereto and incorporated herein for all purposes, and Michael Ancone, applicant, have requested that the Property be issued a Specific Use Permit for a Food Truck Park; and

WHEREAS, the City of Brenham has adopted Appendix A – “Zoning” of the City of Brenham Code of Ordinances, as amended, which divides the City of Brenham into various zoning districts; and

WHEREAS, Appendix A – “Zoning” of the City of Brenham Code of Ordinances authorizes the City Council to grant specific use permits for specific uses within the various zoning districts; and

WHEREAS, at least ten (10) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested Specific Use Permit; and

WHEREAS, this amendment was recommended unanimously for approval by the Brenham Planning and Zoning Commission during its regular meeting on December 18, 2023, with seven (7) conditions: 1) that the Property, which is currently platted as two lots, shall be replatted into one (1) commercial lot with approval by the Planning and Zoning Commission; 2) a screening fence or hedge of at least 6-feet in height be constructed along the east property line; 3) lighting be downcast and directed away from residential properties; 4) the proposed retail structure shall not exceed 5,000 square feet in gross area; 5) landscaping be provided along N. Park Street

between the parking lot and the right-of-way; 6) a pedestrian traffic plan shall be provided; and 7) oversize vehicle parking shall be provided for vans and small school buses; and

WHEREAS, subject to the seven (7) aforementioned conditions, the City Council desires to approve this Ordinance granting the specific use permit, as described herein below; and

WHEREAS, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested rezoning, the City Council held the public hearing for the requested Specific Use Permit and the City Council considered the final report of the Planning & Zoning Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, THAT:

SECTION 1. The Official Zoning Map of the City of Brenham is hereby amended to show that a Specific Use Permit is granted to Scenic Investments, a Texas partnership and Michael Ancone for a Food Truck Park, more particularly described in Exhibit “B,” in a B-1 Local Business Mixed Residential zoning district on approximately 2.6051 acres of land located on the southeast corner of N. Park Street and Brookside Drive, being further described as Scenic Estates, Section IV, Reserve A (1.9257 acres) and Reserve B2 (0.6794 acres) out of the Arrabella Harrington Survey, in Brenham, Washington County, Texas in Brenham, Washington County, said 2.6051 acres of land being shown on Exhibit “A” attached hereto and incorporated herein for all purposes.

SECTION 2. The development of the Property shall be in accordance with the following special conditions on the subject 2.6051 acre tract: 1) the Property, which is currently platted as two lots, shall be replatted into one (1) commercial lot with approval by the Planning and Zoning Commission; and 2) a screening fence or hedge of at least 6-feet in height be constructed along the east property line; 3) lighting be downcast and directed away from residential properties; 4) the proposed retail structure shall not exceed 5,000 square feet in gross area; 5) landscaping shall be provided along N. Park Street between the parking lot and the right-of-way; 6) a pedestrian traffic plan be provided; and 7) oversize vehicle parking shall be provided for vans and small school buses.

SECTION 3. Upon holding a properly notified public hearing, the City Council may amend, change, or rescind the Specific Use Permit granted by this Ordinance if:

- a. There is a violation and conviction of any of the provisions of this Ordinance, or any ordinance of the City of Brenham, that occurs on the Property;
- b. The premises, or Property, used pursuant to the Specific Use Permit granted by this Ordinance are enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alteration, or change;

- c. As otherwise permitted by law and/or Brenham's Zoning Ordinance, as it exists or may be amended.

SECTION 4. This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

PASSED and APPROVED on its first reading this the _____ day of January 2024.

PASSED and APPROVED on its second reading this the _____ day of February 2024.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT "A"



Zoning Map Specific Use Permit Food Truck Park

SE Corner of N. Park St & Brookside Dr.

Legend

- B1 Local Business Mixed
- B2 Commercial Research and Technology
- R1 Residential Single Family
- R2 Mixed Residential



1 inch = 250 feet



EXHIBIT "B" Site Plan





City Council Regular Meeting **AGENDA ITEM 8**

Agenda Item: Discuss and Possibly Act Upon Change Order No. 3 to the Service Agreement with Bassco Services, Inc. Related to the Design, Construction and Installation of the Fuel Farm at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Date: January 18, 2024

Department: Development Services

Staff Contact: Stephanie Doland, Director of Development Services

SUMMARY STATEMENT:

On January 24, 2022 Council authorized staff to proceed with the purchase, delivery and installation of the former Marathon Oil fuel farm and associated equipment (pumping, filtration, motors, etc.) from Alberth Aviation. The fuel farm includes two 12,000-gallon fuel tanks formerly used for the storage and refueling of Jet A. The fuel farm and associated equipment was purchased and relocated to the Brenham Municipal Airport on March 15, 2022. The Brenham Municipal Airport needs are different than Marathon Oil and as such a rebuild of the fuel farm was needed. On May 19, 2022 the Brenham City Council unanimously approved a Professional Services Agreement with BASSCO Services, Inc for the rebuild of the Brenham Fuel Farm. The initial contract amount with BASSCO was for \$232,012.38 and included three phases of the project, design, construction and installation. Additionally, on September 29, 2022 Council approved Change Order #1 in the amount of \$43,070 for the additional required materials to achieve the desired performance of the fuel farm as well as three canopies needed over the point of sale system, Av Gas pump and Jet A pump. Installation of the rebuild began on-site November 2022 and was completed March 2023. On March 16, 2023 Council approved Change Order No.2 in the amount of \$20,051.24 for the purchased and installed QTPOD M4000 needed to process transactions at the Brenham fuel farm.

Following the substantial completion of the Brenham Fuel Farm by BASSCO there was a 6-month delay in providing fuel services. Once a fuel supplier contract was secured and appropriate personnel were hired the project resumed and BASSCO was re-mobilized to start-up the fuel farm, including to provide modifications requested by the fuel supplier, troubleshoot electrical issues, install floating suction swivel, and calibrate the system.

The change order primarily is for additional time and services provided by BASSCO to ensure the fuel farm and fuel quality was ready for service.

To date the amount of \$295,133.62 has been paid to BASSCO for completion of the

project. The change order, once approved, will be paid through the 2022 certificates of obligation. Staff recommends approval of this change order.

ATTACHMENTS:

1. BASSCO CHANGE ORDER 3

RECOMMENDATION:

Approve Change Order No. 3 to the Service Agreement with Bassco Services, Inc. related to the design, construction and installation of the fuel farm at the Brenham Municipal Airport and authorize the Mayor to execute any necessary documentation.

BASSCO SERVICES AMENDED CHANGE ORDER

TO: The City of Brenham

DATE:

12/15/2023

CHANGE ORDER

PROJECT: The City of Brenham (P.O. #22-13572)

#3

This Change Order amends the provisions of the original Bid Agreement to _The Fuel_Farm Upgrade _
for the installation of

Contractor is hereby authorized to make the following change(s) in Contractors Scope of Work.

Second trip 10/16/23 – 10/19/23 2 men originally were only going for start-up. The techs spent extra time onsite diagnosing several pieces of equipment, mostly the (1) Avgas Pump and Motor, replacing seals on equipment that had shrunk from not using the system for about a year – \$3,013.00

*Includes \$2,500 from the initial quote for the start-up

Spent an additional (1 1/2) days completing the fuel providers punch list.

* Final punch list was not received until the day of the trip.

Supplied and Replaced (1) Husky Nozzle for a OPW over-wing Nozzle – \$883.00

(2) Tank Inspections and (2) Tank re-entries with the repairing and installing (1) Floating suction swivel – \$1,925.00

(2) Techs - Travel Time, Mileage, and Per Diems – \$1,250.00

Third trip 10/23/23 – 10/25/23 Installed (2) Valves that were originally in the design but were not installed.

Completing punch list items provided by Fuel provider.

(2) Techs - Travel Time, Mileage, and Per Diems – No Charge

Fourth trip 10/26/23 - Involved mostly spending time diagnosing electrical re-work for the electrician

(1) Tech - Travel Time, Mileage, and Per Diems – \$1,523.00

Fifth trip – 11/13/23 -11/15/23

Meter Calibration

(2) Techs - Travel Time, Mileage, and Per Diems – No Charge

Sixth trip – 11/30/23 – 12/1/23 – \$3,520.00

Trouble shot and corrected Electrical Subcontractors wiring

Bassco contracted our own electrician for assistance on diagnostic issues

Re-Calibrated

(2) Techs - Travel Time, Mileage, and Per Diems

Seventh trip – 12/11/23 – \$1650.00

Phillip Brooks, Brenhams Municipal Airport, final testing of the fuel and system.

(1) Personnel – Travel Time and Fuel

TOTAL ADD \$13,494.00

As a result of the change(s) described above, the Contractor's Price is modified as follows:

Original Bid Agreement Price	\$232,012.38
Net change by Previous Change Orders	\$20,051.24
Original Bid Agreement Price Prior to this Change Order	\$295,133.62
Modification by this Change Order	\$13,494.00
New Bid Agreement Price including Change Orders	\$308,627.62

As a result of the change(s) noted above, the time permitted for the performance of Contractor's Work is hereby (check one) ☒ Not Modified ☐ Modified as follow:

Except as set forth above, all terms and provisions of the Bid Agreement and all prior Change Orders remain in full force and effect.

By _____
(Owner Representative)

By _____
Bassco Services Representative

Date _____

Date _____



City Council Regular Meeting
AGENDA ITEM 10

Agenda Item: **Section 551.089, Texas Government Code - Deliberation
Regarding Security Devices or Security Audits - Discussion
Concerning the Purchase of Critical Software Infrastructure Related
to Cybersecurity Threats, Risks, and Associated Issues**

Meeting Date: January 18, 2024

Department: Administration

Staff Contact: Kevin Schmidt, IT Manager

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDATION:

As discussed in Executive Session.



City Council Regular Meeting
AGENDA ITEM 11

Agenda Item: 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

Meeting Date: January 18, 2024

Department: Administration

Staff Contact:

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDATION:

No action being taken.



City Council Regular Meeting
AGENDA ITEM 12

Agenda Item: **Section 551.074, Texas Government Code - Personnel Matters - Discussion Concerning the Retirement of the City Manager, Potential Roles/Duties of the Retiring City Manager in Facilitating the Transition to a New City Manager, and the Appointment, Employment, Evaluation, and Duties of a New City Manager, and Associated Issues**

Meeting Date: January 18, 2024

Department: Administration

Staff Contact:

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDATION:

No action being taken.



City Council Regular Meeting
AGENDA ITEM 13

Agenda Item: Discuss and Possibly Act Upon Approval of an Agreement with CDWG Under Sourcewell Contract No. 081419 Related to Information Technology Software, and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Date: January 18, 2024

Department: Information Technology

Staff Contact: Kevin Schmidt, IT Manager

SUMMARY STATEMENT:

As discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDATION:

Approve an Agreement with CDWG under Sourcewell Contract No. 081419, in the amount of \$73,289.13, related to Information Technology Software, and authorize the Mayor to execute any necessary documentation.