

Brenham City Council Minutes

A Regular Meeting of the Brenham City Council was held on Thursday, June 20, 2024 beginning at 8:30 AM 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 Luke Cochran, City Secretary/Director of Administrative Services Jeana Bellinger, General Manager of Public Utilities William Bissette, Assistant General Manager of Public Utilities Alton Sommerfield, Director of Water/Wastewater Bobby Keene, Director of Public Works Dane Rau, Chief Financial Officer Julie Flagg, Fire Chief Mark Donovan, Interim Police Chief Lloyd Powell, Development Services Director Stephanie Doland, Economic & Community Development Director Teresa Rosales, Robin Hutchens, Kyle Branham, Shawn Bolenbarr, Jerry Saldivar, and Richard O'Malley.

Citizens/Others Present:

Brad Trochta, Adam Griffin, Alicia Lazare, and Larry Lazare.

Media Present:

Joshua Blaschke with KWHI, and Sarah Forsythe with Brenham Banner Press.

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

3. Citizen Comments

No citizen comments were heard.

CONSENT AGENDA

4. Statutory Consent Agenda

- 4.a. Approve Ordinance No. O-24-014 on Its Second Reading Amending Chapter 28, Impact Fees, of the Code of Ordinances of the City of Brenham, Texas**
- 4.b. Approve Ordinance No. O-24-015 on Its Second Reading to Repeal Ordinance No. O-24-010 Relating to the Non-Exclusive Franchise Granted to Waste Falcon, LLC to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits**
- 4.c. Approve a Correction to the Minutes from the March 21, 2024 Regular City Council Meeting**
- 4.d. Approve Resolution No. R-24-011 Amending Resolution No. R-24-006 Authorizing the Termination of a Contract Between the City of Brenham and Linebarger Goggan Blair & Sampson LLP for the Collection of Delinquent Property Taxes**
- 4.e. Approve Final Payment for Project No. 61C-207C to Techline Construction, LLC in the Amount of \$125,750.00 for the MLK Parkway Circuit Upgrade Pole Changeouts and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve Consent Agenda Items 4.a. through 4.e 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

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

5. 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 Allow an Automobile (Car) Service Station (Convenience Store with Gas Pumps) in a B-1, Local Business Residential Mixed Use Zoning District on Property Addressed as 804 E Blue Bell Road, and being 1.106-Acres Described as Arrabella Harrington Survey, Tract 64, in Brenham, Washington County, Texas (Case Number P-24-005)

Director of Development Services Stephanie Doland presented this item. Doland advised that 30K Holdings, LLC, property owner/applicant of the 1.106 acres of land generally located on the southeast corner of the intersection of East Blue Bell Road and Gayhill Street are requesting approval of a Specific Use Permit (SUP) to redevelop the former Terminix Pest Control site to an Automobile (Car) Service Station further described as a Zippy J's gas station and convenience store.

Doland advised that the subject site is zoned B-1, Local Business/Residential Mixed-Use District. Doland advised that the reason this Specific Use Permit is going before City Council is due to the underground fuel tanks. Doland explained that if they were not going to have gas pumps at this location, the convenience store would be an allowed use of the property so the SUP would not be needed.

Doland advised that during the April 22, 2024 Planning and Zoning Commission Public Hearing, members of the community spoke about traffic concerns and the sale of alcohol and tobacco adjacent to an existing child care facility, Wee Care Day Care. Doland advised that businesses that sell alcohol for off-premises consumption are not subject to Texas Alcoholic Beverage Commission's (TABC) distance requirements.

Doland explained that the P&Z Board approved the SUP with two conditions: (1) installation of a 10-foot screening fence along the east property line between the store and the child care facility; and (2) a final plat be approved before any building permits are issued.

Larry Lazare with Wee Care For All Daycare stated that his concerns were the increase in traffic, the clientele that the convenience store would attract, and sales of alcohol and tobacco so close to the daycare. Lazare advised that Brenham PD is already having to direct traffic in the area during the school year and the added business would make it worse. Lazare also expressed his concerns about the sell of alcohol and tobacco products being so visible by the children that attend his daycare.

Adam Griffin with 30K Holdings, LLC advised that TXDOT has already approved their driveway exiting onto Blue Bell Road and that any business that goes into the location will create more traffic. Griffin explained to City Council that P&Z's request for a 10-foot screening fence would be considered an engineered structure and would be very costly for them to build. Griffin requested that the City Council approve the SUP with the condition of a 6-foot screening fence.

A motion was made by Councilmember Canales and seconded by Mayor Pro Tem Kolby 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 to allow an Automobile (Car) Service Station (convenience store with gas pumps) in a B-1, Local Business Residential Mixed Use Zoning District on property addressed as 804 E Blue Bell Road, and being 1.106 acres described as Arrabella Harrington Survey, Tract 64, in Brenham, Washington County, Texas (Case Number P-24-005) with the requirement of the 10-foot screening fence being amended to a 6-foot screening fence.

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

REGULAR SESSION

6. Discuss and Possibly Act Upon an Ordinance on Its First Reading Adopting a Revised City of Brenham Drought Contingency Plan and Revised Water Conservation Plan for 2024

Water Systems Superintendent Jerry Saldivar presented this item. Saldivar advised that this Ordinance is to amend the City's current Drought Contingency Plan and Water Conservation Plans. Saldivar advised that according to state law and TCEQ requirements, the City is required to review and update, as needed, the Drought Contingency Plan and Water Conservation Plan at least once every five years.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Cook to approve an ordinance on its first reading adopting a revised City of Brenham Drought Contingency Plan and revised Water Conservation Plan for 2024.

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

7. Discuss and Possibly Act Upon Amendment No. 1 to a Temporary Resale Amendment to the System Water Availability Agreement Between City of Brenham and Brazos River Authority for the Temporary Resale of Water and Authorize the Mayor to Execute Any Necessary Documentation

Deputy General Manager of Public Utilities Alton Sommerfield presented this item. Sommerfield advised in September 2019, Brazos River Authority (BRA) and the City executed an agreement for the City to purchase 774 acre-feet of raw water per fiscal year for municipal purposes. Sommerfield advised that the purchase price of the water is \$93.50 per acre-foot or \$73,369.00 annually. Sommerfield explained that the Temporary Resale Amendment allows the City to elect to resell our excess water on a temporary basis to a third party with prior approval of the BRA.

A motion was made by Councilmember Cook and seconded by Councilmember LaRoche to approve Amendment No. 1 to a Temporary Resale Amendment to the System Water Availability Agreement between the City of Brenham and Brazos River Authority for the temporary resale of water 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

8. Discuss and Possibly Act Upon a Water Supply Resale Agreement Between the City of Brenham and The Dow Chemical Company Related to the Temporary Resale of Water and Authorize the Mayor to Execute Any Necessary Documentation

Assistant General Manager of Public Utilities Alton Sommerfield presented this item. Sommerfield advised that due to drought conditions in 2023, the City sold one-half or 387 acre-feet of the 774-acre feet available. Sommerfield stated that The Dow Chemical Company has requested to purchase the remaining 387 acre-feet. Sommerfield explained that with drought conditions having improved, the City has agreed to sell the remaining 387 acre-feet. Sommerfield advised that Dow will pay the City \$93.50 per acre-foot or \$36,184.50 within thirty days from the effective date of this

Agreement. Sommerfield explained that Dow will withdraw from the Point of Delivery an amount not to exceed 387 acre-feet of water, as specified under the Agreement between BRA and City. Sommerfield advised that this Agreement is effective upon the BRA approval of the Temporary Resale Amendment and terminates when Dow has withdrawn 387 acre-feet of water or August 31, 2025, whichever occurs first.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve a Water Supply Resale Agreement between the City of Brenham and The Dow Chemical Company related to the temporary resale of water 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 Award of RFP No. 24-004 Related to the Brenham Municipal Airport Terminal Building HVAC Replacement and Authorize the Mayor to Execute Any Necessary Documentation

Director of Development Services Stephanie Doland presented this item. Doland advised that on April 24, 2024 the City of Brenham opened proposals received for RFP 24-004 requesting proposals for heating, ventilation, and air conditioning (HVAC) modifications to the diner portion of the terminal building located at 3001 Aviation Way. Doland explained that the project includes demolition of the existing acoustical ceiling tile, demolition and replacement of duct work, thermostats, air handling units and associated electrical and plumbing. Doland explained that this project also includes installation of a captive air hood over the existing griddle and cookware.

Doland advised that the City received bids from REC Industries, Inc. and Round Top HVAC with Round Top HVAC submitting the lowest proposal of \$75,980 to perform and complete tasks as outlined in the construction plan set as prepared by project engineer, Swoboda Engineering. Doland advised that this project is eligible for RAMP (Routine Airport Maintenance Program) funds through TXDOT Aviation.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Wright to approve the award of RFP No.24-004 related to the Brenham Municipal Airport Terminal Building HVAC replacement to Round Top HVAC in the amount of \$75,980.00 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

10. Administrative/Elected Officials Report

City Secretary/Director of Administrative Services Jeana Bellinger presented the following:

- June 20th - Barnhill Speaker Series at 11:30 a.m.
- July 11th - Regular City Council meeting at 1:00 p.m.
- July 22nd and 23rd - City Council Budget Workshop, at 8:30 a.m.

ADJOURN

Atwood C. Kenjura

Mayor



Jeana Bellinger, TRMC, CMC

City Secretary