Brenham City Council Minutes

A Regular Meeting of the Brenham City Council was held on Thursday, January 18, 2024 beginning at 1:00 PM in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members Present:

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

Members Absent:

None

City of Brenham Staff Present:

City Manager Carolyn Miller, City Attorney Cary Bovey, General Manager of Public Utilities Debbie Gaffey, Assistant General Manager of Public Utilities Alton Sommerfield, Director of Water/Wastewater Bobby Keene, Director of Finance Stacy Hardy, Director of Public Works Dane Rau, Director of HR and Risk Management Susan Nienstedt, Asst. Police Chief Lloyd Powell, Development Services Director Stephanie Doland, Economic & Community Development Director Teresa Rosales, Interim Fire Chief Ray Cooper, Robin Hutchens, Casey Redman, Brian Smith, Kevin Schmidt, Stephen Scheffer, Steven Eilert, Curtiss Schoen, Brett Schroeder Karen Stack, Shawn Bolenbarr, Jessica Perez, Ande Bostain, Melinda Gordon, Kyle Moudry, Johnny Randermann, Eliborio Villarreal, and Gary Marburger.

Citizens/Others Present:

Amy Banik, Joan Free, Art Free, Michael Ancone, and Ryan Key.

Media Present:

Sarah Forsyth, Banner Press, and Josh Blaschke, KWHI.

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

Ryan Key from PlanNorth Architectural Co. addressed the Council regarding impact fees. Key advised that he has experience building both commercial and municipal buildings and designed College Station City Hall. Key advised that College Station adopted Impact Fees and, since being involved in the Municipal sector, he has noticed how commercial businesses are choosing to build in Bryan instead of College Station. Key advised Council that if they are seeking any advice or consultation, that he would offer his services.

CONSENT AGENDA

6. Statutory Consent Agenda

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

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve the Statutory Consent Agenda Item 6.a. 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

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)

Mayor Pro Tem Kolby abstained from participation in Agenda Item No. 7 by removing himself from the City Council Chambers and filing a Conflict of Interest Affidavit.

City Planner Shuana Laauwe presented this item. Laauwe advised that 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. Laauwe advised that 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. Laauwe advised that the property to the west, across N. Park Street, is zoned B-2, but developed as Hohlt Park. Laauwe advised that the properties to the northeast are zoned R-1 and are part of the Scenic Estates Subdivision and developed as single-family homes.

Laauwe stated that Ancone proposes to develop the 2.6051 acres 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.

Laauwe advised that staff received two letters from residents against the proposed Food Truck Park and several residents' letters in support of the Park. Councilmember Cook advised that she also received letters from residents in support.

Laauwe advised that 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.

A motion was made by Councilmember Cook and seconded by Councilmember Saunders to approve an Ordinance on its first reading amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham granting a Specific Use Permit 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).

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

Yes: Mayor Kenjura, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Abstain: Mayor Pro Tem Kolby

Absent: None

Development Services Director Stephanie Doland requested clarification on the terms listed in Section 2 of the Ordinance; specifically the requirement that the retail structure not exceed 5,000 square feet and the 6-foot height of the screening hedge or fence.

A motion was made by Councilmember Cook and seconded by Councilmember Saunders to reconsider the vote by which the motion to approve the Ordinance described in Agenda Item No. 7 on first reading was passed.

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

Yes: Mayor Kenjura, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Abstain: Mayor Pro Tem Kolby

Absent: None

After further discussion on these two conditions, the City Council agreed that the 5,000 square foot requirement could be removed from the ordinance and the 6-foot height of the screening hedge or fence is more than adequate.

A motion was made by Councilmember Cook and seconded by Councilmember Saunders to approve an Ordinance on its first reading amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham granting a Specific Use Permit 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) with the removal of Special Condition No. 4 (5,000 square foot requirement of the proposed retail structure) in Section 2 of the Ordinance being presented for first reading.

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

Yes: Mayor Kenjura, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Abstain: Mayor Pro Tem Kolby

Absent: None

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

Development Service Director Stephanie Doland presented this item. Doland advised that in May 2022 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. Doland advised that in September 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 and in March 2023 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.

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

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to 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 in the amount of $13,494.00 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

9. Administrative/Elected Officials Report

City Manager Carolyn Miller reported the following:

- January 18 - TXDOT Public Hearing from 4:30pm - 7:00 pm at Brenham Elementary
- January 29 - Special Council Meeting

- February 1 - Regular Council Meeting

City Council adjourned into Executive Session at 2:13 p.m.

EXECUTIVE SESSION

10. Section 551.089, Texas Government Code - Deliberation Regarding Security Devices or Security Audits - Discussion Concerning the Purchase of Critical Software Infrasture 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

Executive Session adjourned at 3:32 p.m.

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

A motion was made by Councilmember Saunders and seconded by Mayor Pro Tem Kolby to 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.

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

ADJOURN

Atwood C. Kenjura
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary