

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on June 3, 2021 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

### Members present:

Mayor Milton Y. Tate, Jr.  
Mayor Pro Tem Clint Kolby  
Councilmember Shannan Canales  
Councilmember Leah Cook  
Councilmember Atwood Kenjura  
Councilmember Adonna Saunders  
Councilmember Albert Wright

### Members absent:

None

### City of Brenham employees present:

City Manager James Fisher, Assistant City Manager – Public Services/Utilities Donald Reese, Director of Administrative Services – City Secretary Jeana Bellinger, Interim Fire Chief Rhea Cooper, Police Chief Ron Parker, Public Works Director Dane Rau, Director of Public Utilities Alton Sommerfield, Development Services Director Stephanie Doland, Director of Economic Development Susan Cates, Human Resources Director Susan Nienstedt, Director of Tourism and Marketing Jennifer Eckermann, Shauna Laauwe, Stephen Draehn, Marley Mayo, Brian Scheffer, Roger Williams, Kathrine Briscoe, Monique Breaux, Crystal Locke.

### Citizens present:

Keith Hankins, Melinda Faubion, Danny Hahn and Leigh Linden.

### Media Present:

Alyssa Faykus, Brenham Banner Press; and Josh Blaschke, KWHI.

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Albert Wright**

**3. Citizens Comments**

No citizen comments were heard.

**CONSENT AGENDA**

**4. Statutory Consent Agenda**

**4-a. Approve the Minutes from the May 6, 2021 Regular City Council Meeting**

**4-b. Approve a Noise Variance in Connection with the Washington County Historical Juneteenth Association's Juneteenth Celebration to be Held in Fireman's Park from 11:00 a.m. to 4:00 p.m. on Saturday, June 19, 2021 and Authorize the Mayor to Execute Any Necessary Documentation**

**4-c. Approve a Noise Variance in Connection with the 2021 Downtown Concert Series (Hot Nights, Cool Tunes) to be Held from 5:00 p.m. to Midnight on July 10, 17, 24 and 31, 2021 and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Wright and seconded by Mayor Pro Tem Kolby to approve the Statutory Consent Agenda Item 4-a. through 4-c. as presented.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

## WORK SESSION

### 5. Discussion and Presentation on a Mobile Food Vendor Ordinance

Development Services Director Stephanie Doland presented this item. Doland explained that due to several inquiries about the City's established Mobile Food Establishment (vendor) permitting process, a workshop discussion with Council was held on February 4<sup>th</sup>. During the workshop, staff was directed by Council to re-write the applicable Ordinances pertaining to Mobile Food Vendors (MFV) including, policies and procedures for applying for and receiving a MFV permit, the ability to park Food Trucks/Trailers in the City right-of-way and consider a Zoning Ordinance amendment to allow Food Truck Parks.

Doland advised that since the February workshop, staff has met with two local MFV and allowed the temporary use of parking overnight Downtown on N. Douglas Street (Country Sunshine) and South Park Street (Home Sweet Farm). Doland explained that these vendors are currently permitted to park Wednesday-Sunday in the City right-of-way on a trial basis while the Ordinance is being drafted. Doland stated that since the February Council meeting staff has seen an increase in the number of requests for parking food trucks or trailers in the right-of-way both in downtown and throughout the city limits.

Doland advised that a five-member Mobile Food Vendor task force was formed consisting of a Councilmember, Main Street Board representative, Planning and Zoning Commission representative, local Mobile Food Vendor owner, and a Downtown property owner to review staff's findings from additional municipalities as well as review various concerns about allowing parking of Food Trucks or Food Trailers in the right-of-way overnight. Doland stated that during the Task Force meeting, staff received direction to move forward with changes to the Zoning Ordinance by permitting Food Truck Parks in non-residential districts with prior approval of a Specific Use Permit and adherence to adopted standards. Doland advised that this work session is for staff to get direction and feedback from Council concerning the progress of the Task Force.

Doland explained that staff's recommendation, with the Task Force's support, would be to:

- Offer private property improvement grants for investment in opening a commercial kitchen on private property with the incentive being shared between the City, Property Owner and Business.
- Creating a public-private partnership for a food truck park in downtown.
- Allow MFV in right-of-way for special events and for temporary sales of services only.

Council agreed with the recommendations submitted but several questions were asked about whether or not the city could limit the number of MFV's within the downtown area. City Attorney Cary Bovey recommended the Council designate specific times and areas in downtown that MFVs could set-up and operate but that limiting the number of MFVs is not a good idea.

Tourism and Marketing Director Jennifer Eckermann addressed Council and informed them of Main Street's support of MFV's but that there are several things that should be considered before finalizing an MFV ordinance. Eckermann asked that the Task Force please consider:

- How the number of MFVs may harm the aesthetics of downtown.
- Main Street prefers parklets over MFVs being in the right-of-way due to a parklet being a "feature" in downtown and the city being able to set the requirements related to location and look of the parklet.
- Main Street would completely support a food truck park.

Citizen and downtown business owner Keith Hankins expressed his concerns about how a MFV ordinance would give MFVs an advantage over current brick and mortar restaurants and that MFVs setting up in the right-of-way will create traffic congestion and safety hazards for pedestrians.

Council advised that they liked the direction that the Task Force was heading and recommended they continue working on a MFV ordinance and bring it back to Council for consideration and first reading.

## **REGULAR SESSION**

### **6. Discuss and Possibly Act Upon the Ratification of a Purchase in the Amount of \$58,176.40 for a Replacement Engine in the Fire Department's Rescue 2 Unit and Authorize the Mayor to Execute Any Necessary Documentation**

Interim Fire Chief Rhea Cooper presented this item. Cooper explained that in May Rescue 2 began developing problems with its engine and after calling Cummins in Houston, they recommended it be taken to their facility for a complete diagnosis. Cooper explained that the Cummins diagnosis determined the EGR Cooler on top of the engine had come apart and damaged the engine. Cooper obtained three bids for the repairs and requested that Council approve replacing the engine which would come with a 5 year, or 100,000-mile warranty and cost \$58,176.40.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve the ratification of a purchase in the amount of \$58,176.40 from Cummins for a replacement engine for the Fire Department's Rescue 2 Unit and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**7. Discuss and Possibly Act Upon the Purchase of Self-Contained Breathing Apparatuses (SCBAs) for the City of Brenham Fire Department and Authorize the Mayor to Execute Any Necessary Documentation**

Interim Fire Chief Rhea Cooper presented this item. Chief Cooper explained that the Texas Commission on Fire Protection writes standards on the care, maintenance and selection of Self-Contained Breathing Apparatuses (SCBAs) as per the National Fire Protection Association (NFPA). Chief Cooper explained that the Fire Department currently has 44 SCBAs and 93 cylinders that were all purchased in 2007.

Chief Cooper explained that due to the age of the SCBAs and the cylinders and the recommendation from NFPA, it is imperative that the City replace the SCBAs soon to ensure the safety of the firefighters that use them. Chief Cooper advised that he obtained two quotes for the equipment and the lowest quote came from Municipal Emergency Services (MES) in the amount of \$402,128.81. Chief Cooper requested that Council approve the purchase of the SCBAs from MES.

A motion was made by Councilmember Kenjura and seconded by Councilmember Wright to approve the purchase of Self-Contained Breathing Apparatuses (SCBAs) for the City of Brenham Fire Department from Municipal Emergency Services, Inc. in the amount of \$402,128.81 and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**8. Discuss and Possibly Act Upon an Equipment Financing Proposal for the Purchase of Self-Contained Breathing Apparatuses (SCBAs) for the City of Brenham Fire Department and Authorize the Mayor to Execute Any Necessary Documentation**

City Manager James Fisher presented this item. Fisher advised that the FY21 budget included the purchase of replacement Self Contained Breathing Apparatus (SCBA) equipment for the Fire Department through the Assistance to Firefighters Grant (AFG); however, in October 2020, the City was notified that we did not receive funding through the AFG.

Fisher stated that since the replacement of this equipment is vital to employee health and safety, the City is moving forward with the purchase and has obtained three financing proposals from local banks – all with a 7-year note with annual payments beginning in FY21. Fisher advised that of the three quotes, Brenham National Bank provided the lowest interest rate at 2.10% and recommended Council approve the financing proposal through Brenham National Bank. Fisher advised Council that if the City is awarded the AFG grant in the future, staff will request reimbursement for the purchase and any reimbursement received from the grant will be used to pay down the loan.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve an equipment financing proposal with Brenham National Bank in the amount of \$402,128.81, with a seven-year note and an interest rate of 2.10% for the purchase of Self-Contained Breathing Apparatuses (SCBAs) for the City of Brenham Fire Department and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**9. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and CDM Smith, Inc. for Engineering Services Related to the Texas Commission on Environmental Quality (TCEQ) Water System Capacity Evaluation Study and Authorize the Mayor to Execute Any Necessary Documentation**

Assistant City Manager – Public Services/Utilities Donald Reese presented this item. Reese explained that the while the City has experienced a large amount of growth over the past few years, it is important to keep an eye on how all the new growth will affect the City’s infrastructure. Reese stated that one of the most important things to consider is if the City’s water treatment plant has the capacity to keep up with the new growth.

Reese stated that currently the plant capacity currently being used is at 79% but when the current and future growth is factored in, the plant capacity could be at 91% by 2027. Due to this concern, staff reached out to CDM Smith, Inc to provide a proposal to perform a water system capacity evaluation study to verify the condition and capacity of the current water treatment facility to help staff evaluate options for managing growth of the water treatment system, including pumping and storage while supplying new connections.

Reese explained that some of the key activities that CDM will help with include population and water demand evaluation; treatment plant capacity and condition evaluation; and review of distribution system pumping and elevated and ground storage tank operation. Reese

Reese requested that Council approve an agreement with CDM in the amount of \$56,980.00 to conduct engineering services related to the TCEQ water evaluation study. Kolby asked if this expense was budgeted. Reese explained that this study was not budgeted; however, staff decided to postpone the emergency water source study and do this one instead due to the rapid increase in growth around the area.

Councilmember Saunders asked if staff received quotes from other engineering firms. Reese explained that CDM was the only firm contacted as he has worked with them in the past in his previous City and they have always done a great job.

A motion was made by Councilmember Kenjura and seconded by Councilmember Wright to approve a Professional Services Agreement between the City of Brenham and CDM Smith, Inc. in the amount of \$56,980.00 for engineering services related to the Texas Commission on Environmental Quality (TCEQ) Water System Capacity Evaluation Study and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**10. Discuss and Possibly Act Upon the Renewal of City of Brenham Group Health Plan with TML Health Benefits Pool and Establishment of Funding Rates for the Plan Year Beginning October 1, 2021 through September 30, 2022 and Authorize the Mayor to Execute Any Necessary Documentation**

Human Resources Director Susan Nienstedt presented this item. N explained that this item was being presented to City Council for consideration to approve the Texas Municipal League Health Benefits Pool renewal for group medical benefits for the plan year beginning October 1, 2021. N stated that the renewal will continue to provide the same high-quality medical benefits to employees and their dependents, with a 1% decrease in the premium being paid by the City.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve the renewal of City of Brenham Group Health Plan with TML Health Benefits Pool and establish funding rates for the Plan Year beginning October 1, 2021 through September 30, 2022 and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**11. Discuss and Possibly Act Upon Resolution No. R-21-016 Authorizing the Execution of an Agreement with TxDOT for the Temporary Closure of State Right-Of-Way in Connection with the 2021 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be Held on July 10, 17, 24 and 31, 2021**

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve Resolution No. R-21-016 authorizing the execution of an agreement with TxDOT for the temporary closure of state right-of-way in connection with the 2021 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held on July 10, 17, 24 and 31, 2021.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes



**12. Discuss and Possibly Act Upon a Recommendation from the Main Street Board for the Appointment of Traci Pyle to Position 8 on the Main Street Board for an Unexpired Term to Expire on December 31, 2021 and Authorize the Mayor to Execute Any Necessary Documentation**

Tourism and Marketing Director Jennifer Eckermann presented this item. Eckermann explained that the Main Street Board recommends the appointment of Traci Pyle to fill the vacant seat left by the election of Shannan Canales to City Council. Eckermann explained that the Main Street Board made this recommendation based on Pyle’s past and current service on various Main Street Committees as well as being a downtown business owner.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve a recommendation from the Main Street Board for the appointment of Traci Pyle to Position 8 on the Main Street Board for an unexpired term to expire on December 31, 2021 and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**13. Administrative/Elected Officials Report**

City Manager James Fisher reported on the following:

- Blue Bell Aquatic Center is open to the public with modified hours
- City Manager’s Executive Administrative Assistant Monique Breaux started this week – stop by and welcome her.

Director of Public Works Dane Rau reported on the following:

- Six (6) softball teams will be playing in Brenham this weekend at Hohlt Park
- A large pickleball tournament will be held this weekend at Jackson Street Park.

The meeting was adjourned.

*Milton Y. Tate, Jr.*

Mayor

*Jeana Bellinger, TRMC, CMC*

City Secretary



**THIS PAGE INTENTIONALLY LEFT BLANK**