

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on October 21, 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 Adonna Saunders  
Councilmember Albert Wright

### Members Absent:

Councilmember Atwood Kenjura

### City of Brenham Staff present:

Interim City Manager – Chief Financial Officer Carolyn Miller, Assistant City Manager – Public Services/Utilities Donald Reese, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Human Resources Director Susan Nienstedt, Strategic Budget Officer Debbie Gaffey, Tourism and Marketing Director Jennifer Eckermann, Kevin Boggus, Interim Chief Rhea Cooper, Interim Fire Chief – Fire Marshal Roger Williams, Assistant Fire Chief Brian Scheffer, Administrative Secretary Carrie Derkowski, Police Chief Ron Parker, Captain Dant Lange, Sgt. Todd Ashorn, Captain Lloyd Powell, Lt. Kelvin Raven Sgt. Ashley Burns, Sgt. Todd Ashorn, Director of Public Works Dane Rau, Director of Development Services Stephanie Doland, David Doelitsch, Shauna Laauwe, Allen Jacobs, Mark Pierce, Director of Public Utilities Alton Sommerfield and Director of Economic Development Susan Cates

### Citizens/Others Present:

Melinda Faubion

### 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 Leah Cook**

**3. Special Recognitions**

- Citizen's Commendation - Jason Zapalac
- Life Saving Award - Brenham Police Department
- Citizen's Commendation - Maynor Mendoza
- Police Department Promotion - Ashley Burns, Sergeant
- Fire Department - Interim Fire Chief Rhea Cooper

**4. Proclamations**

- Paint the Town Pink

**5. Citizens Comments**

No citizen comments were heard.

**CONSENT AGENDA**

**6. Statutory Consent Agenda**

- 6-a. Approve Ordinance No. O-21-028 on Its Second Reading Amending Appendix A - 'Zoning' of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Allow for an Enlargement of Floor Area Occupied by a Legally Existing Nonconforming Use (Automobile Repair Shop) in a B-1, Local Business/Residential Mixed Use Zoning District, on Property Addressed as 1006 N. Park Street and Further Described as Lot S, PT 19 and N PR 21 of the William Schomburg Subdivision in Brenham, Washington County, Texas (Case No. P-21 022)**
- 6-b. Approve Ordinance No. O-21-029 on Its Second Reading Amending Chapter 6, Buildings and Structures, Article II, Building Code, of the Code of Ordinances of the City of Brenham, Texas to Provide for the Adoption of the 2018 Editions of the International Building Code, International Fuel Code, International Mechanical Code, International Property Maintenance Code, International Plumbing Code, International Energy Conservation Code, International Residential Code, International Existing Building Code, International Swimming Pool and Spa Code, International Fire Code and the 2017 Edition of the National Electric Code, with Local Amendments, and to Add Article XII Providing for the Regulation of Substandard Buildings and Structures; and Amending Chapter 8, Fire Protection and Prevention, of the Code of Ordinances of the City of Brenham, Texas by Adopting Various Revisions and Repealing Article IV - Substandard Buildings and Structures**

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Wright to approve the Statutory Consent Agenda Items 6.a. thru 6.b. 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           |
| <b>Councilmember Atwood Kenjura</b> | <b>Absent</b> |
| Councilmember Adonna Saunders       | Yes           |
| Councilmember Albert Wright         | Yes           |

## WORK SESSION

### 7. **Presentation and Discussion on Possible Park Street Improvements and Various Food Establishment Fees and Other Related Items**

Director of Development Services Stephanie Doland presented this item to Council. Doland explained early in the year City Staff was directed by Council to review and draft new standards pertaining to mobile food establishments (mobile kitchens). The request originated due to concerns from existing mobile kitchens about permitting procedures and costs as well as permitted locations to operate. A Task Force was created to help work through all of the issues related to mobile food establishments and to help staff write an ordinance to address mobile food kitchens.

Doland then presented the following to Council:

- Food Truck Task Force Follow-Up
- License to Encroach – Grandfathering
- Two Agreements
- Current MFE vs. Fixed Est. Permit Cost
- Proposed MFE vs Fixed Est Permit Cost
- South Park Street Improvements
- South Saint Charles Station

Doland advised that the ordinance amendments will be brought to Council on October 21<sup>st</sup> and November 4<sup>th</sup>. The Resolution to adopt the new fees will be brought back on November 4<sup>th</sup>.

## PUBLIC HEARING AND ASSOCIATED ACTION ITEM

**8. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham Code of Ordinances, Appendix A: Zoning, Part I, Section 5.02 – Definitions, to Add a Definition for Food Truck Park, Food Truck Site, and Mobile Kitchen, and Amending Appendix A, Part II, Division 1, Section 18 – Food Truck Park to Establish Standards Related to the Development of Such Uses and Amending Appendix A, Part 2, Division 2 – Zoning District Regulations, to Allow the Use of A Food Truck Park by Specific Use Permit in the B-1, B-2, B-3 and B-4 Zoning Districts**

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Canales to approve an Ordinance on its first reading amending the City of Brenham Code of Ordinances, Appendix A: Zoning, Part I, Section 5.02 – Definitions, to Add a Definition for Food Truck Park, Food Truck Site, and Mobile Kitchen, and Amending Appendix A, Part II, Division 1, Section 18 – Food Truck Park to establish standards related to the development of such uses and amending Appendix A, Part 2, Division 2 – Zoning District Regulations, to allow the use of a Food Truck Park by Specific Use Permit in the B-1, B-2, B-3 and B-4 Zoning Districts.

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           |
| <b>Councilmember Atwood Kenjura</b> | <b>Absent</b> |
| Councilmember Adonna Saunders       | Yes           |
| Councilmember Albert Wright         | Yes           |

## REGULAR SESSION

**9. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham Code of Ordinances, Chapter 9 – Food and Food Establishments, Providing For Standards For The Operation of Fixed, Mobile, and Temporary Food Establishments; and Amending Chapter 16 – Occupational Licenses and Business Regulations to Amend Standards Pertaining to the Application and Issuance of Licenses for Solicitors, Peddlers and Itinerant Vendors**

Director of Development Services Stephanie Doland presented this item to Council. Doland explained that early in the year Staff was directed by Council to review and draft new standards pertaining to mobile food establishments (mobile kitchens). The request originated due to concerns from existing mobile kitchens about permitting procedures and costs as well as permitted locations to operate. A Task Force was created to help work through all of the issues related to mobile food establishments and to help staff write an ordinance to address mobile food kitchens.

Doland explained that the work of the Task Force included the review and update to multiple City ordinances including:

- Chapter 9 – Food and Food Establishments
- Chapter 16 – Occupational Licenses and Business Regulations
- Appendix A – Zoning

Doland advised Council that the Task Force did a very good job reviewing all the various issues and worked well with staff to prepare an ordinance that will clarify and simplify the permitting and procedural requirements to obtain a permit and to operate as a food establishment or vendor/solicitor in the City and that staff recommends approval of the ordinance as presented.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve an Ordinance on its first reading amending the City of Brenham Code of Ordinances, Chapter 9 – Food and Food Establishments, providing for standards for the operation of fixed, mobile, and temporary food establishments; and amending Chapter 16 – Occupational Licenses and Business Regulations to amend standards pertaining to the application and issuance of licenses for solicitors, peddlers and itinerant vendors.

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           |
| <b>Councilmember Atwood Kenjura</b> | <b>Absent</b> |
| Councilmember Adonna Saunders       | Yes           |
| Councilmember Albert Wright         | Yes           |

**10. Discuss and Possibly Act Upon the Purchase of a 2021 Taser 7 Certification Bundle from Axon Enterprise, Inc. Through the BuyBoard Local Government Purchasing Cooperative Contract No. 603-20 and Authorize the Mayor to Execute Any Necessary Documentation**

Captain Dant Lange presented this item to Council. Lange explained Council authorized \$28,290 for the purchase of new tasers for Brenham police officers for the FY2021-22. The tasers currently in use run on outdated firmware that is no longer supported by the manufacturer. Axon Enterprise, Inc. has provided a quote coming in under budget at \$26,737.49 for the first year, with a total 5-year contract price of \$133,687.54. Axon will provide 41 tasers, accessories, associated hardware, and firmware licenses.

A motion was made by Councilmember Wright and seconded by Councilmember Cook to authorize the purchase of a 2021 Taser 7 Certification Bundle from Axon Enterprise, Inc. using BuyBoard Contract No. 603-20 in the amount of \$133,687.54, for a 5-year contract, 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           |
| <b>Councilmember Atwood Kenjura</b> | <b>Absent</b> |
| Councilmember Adonna Saunders       | Yes           |
| Councilmember Albert Wright         | Yes           |

**11. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. for FY2021-22 On-Call Engineering Services, In An Amount Not to Exceed \$120,000.00 and Authorize the Mayor to Execute Any Necessary Documentation**

Assistant City Manager – Public Services/Utilities Donald Reese presented this item to Council. Reese explained the City wishes to obtain engineering services from Strand Associates, Inc. to provide 'On-Call' engineering support services to the City. These services would include, but are not limited to, General Engineering Services, Development Review Services, Floodplain Administration Services, and Part-Time Resident Project Representative Services for Developments. The City will pay Engineer only for actual services performed. The cost to provide those services is not to exceed \$120,000.00. The total amount invoiced from Strand Associates, Inc. in FY 2021 was \$119,815.00.

A motion was made by Councilmember Saunders and seconded by Councilmember Canales to approve a Professional Services Agreement between the City of Brenham and Strand Associates, Inc. for FY2021-22 On-Call Engineering Services, in an amount not to exceed \$120,000.00 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           |
| <b>Councilmember Atwood Kenjura</b> | <b>Absent</b> |
| Councilmember Adonna Saunders       | Yes           |
| Councilmember Albert Wright         | Yes           |

Council adjourned into Executive Session at 2:30 p.m.

## EXECUTIVE SESSION

12. **Section 551.086 – Texas Government Code – Utility Competitive Matters - City of Brenham Gas Utility System - Gas Supply and Transportation Arrangements and Agreements, and Associated Matters**
13. **Section 551.071 – Texas Government Code – Consultation with Attorney - Consultation with City Attorney Regarding Claims Alleged Against the City of Brenham by Former Fire Chief, and Associated Legal Matters**
14. **Section 551.087 – Texas Government Code – Economic Development Negotiations - Deliberation Regarding Incentives for Economic Development Purposes and the Possible Offer of a Financial or Other Incentive to Project Black Spot, a Business Seeking to Locate, Stay or Expand in the City of Brenham, Texas**

Executive Session adjourned at 4:45 p.m.

## RE-OPEN REGULAR SESSION

15. **Discuss and Possibly Act Upon Incentives for Economic Development Purposes and the Possible Offer of a Financial or Other Incentive to Project Black Spot, a Business Seeking to Locate, Stay or Expand in the City of Brenham, Texas and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to authorize Economic Development Director Susan Cates to negotiate an incentive for Project Black Spot in an amount as discussed in Executive Session and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a *record 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           |
| <b>Councilmember Atwood Kenjura</b> | <b>Absent</b> |
| Councilmember Adonna Saunders       | Yes           |
| Councilmember Albert Wright         | Yes           |

## 16. Administrative/Elected Officials Report

- Interim City Manager Carolyn Miller reported on the following:
  - Vacation Next Week
  - New Organization Chart
- Economic Development Director Susan Cates reported on the following:
  - Project Black Stamp has chosen Brenham to expand their business. They will be purchasing land in the area and once their facility is operational, they will bring 120+ jobs to Washington County.
  - Working with six existing businesses for expansions
  - Upcoming Job Fair at Blinn College on November 4<sup>th</sup>
- Police Department Captain Dant Lange reported on the following:
  - Open positions at the Police Department and one open position at the Animal Shelter.
  - The officers that were injured last week during an arrest are doing well. The Texas Rangers are doing the investigation into the incident.
  - The Animal Control position at the Shelter has been filled.
  - Right now there are 36 cats in the Shelter and staff has been working to mitigate cases of ringworm and toxicity among the cats.

The meeting was adjourned.

***Milton Y. Tate, Jr.***

Mayor

***Jeana Bellinger, TRMC, CMC***

City Secretary

