

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on March 7, 2019 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 Andrew Ebel  
Councilmember Susan Cantey  
Councilmember Danny Goss  
Councilmember Keith Herring  
Councilmember Albert Wright  
Councilmember Clint Kolby

### Members absent:

None

### Others present:

City Manager James Fisher, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary I Kacey Weiss, Deputy City Secretary II Karen Stack, Assistant City Manager – Chief Financial Officer Carolyn Miller, Comptroller Stacy Hardy, Human Resources Director Susan Nienstedt, Cynthia Longhofer, Crystal Locke, Police Chief Allwin Barrow, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Director Lori Sangedolce, Stephanie Doland and Josh Sebastian

### Citizens present:

Robert Stark, Melissa Contreras, Trey Tow, Michele Kwiatkowski, Ken Smith, Mary Thornhill, Elizabeth Price, Adonna Saunders, Blake Brannon, Brad Trochta and Dorothy Morgan

### Media Present:

Natalie Frels, Brenham Banner Press; and Josh Blaschke, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Milton Y. Tate, Jr.**

**3. Citizens Comments**

Citizen Ken Smith addressed Council regarding the intersection at Chappell Hill and Main Streets. Smith stated that he is concerned about the numerous accidents at the intersection. Mayor Tate advised that staff would look into it and contact him.

**CONSENT AGENDA**

**4. Statutory Consent Agenda**

**4-a. Minutes from the February 21, 2019 Special City Council Meeting and February 21, 2019 Regular City Council Meeting**

**4-b. Approve a Noise Variance for the City of Brenham for a Pop-Up Play Day to be Held on March 9, 2019 from 11:00 a.m. – 2:00 p.m. at Hattie Mae Flowers Park and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve the Statutory Consent Agenda Item 4-a. 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

A motion was made by Councilmember Herring and seconded by Councilmember Kolby to approve the Statutory Consent Agenda Item 4-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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

## **PUBLIC HEARING**

- 5. Public Hearing to Consider an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning District of a 2.539 Acre Tract of Land, Part of the John Long Survey, A156, in Brenham, Washington County, Texas from a Mixed Residential Use (R-2) District to a Commercial Research and Technology Use (B-2) District (Case No. P-19-006)**

Mayor Tate opened the Public Hearing.

Assistant Director of Development Services Stephanie Doland presented this item. Doland explained that John Hermann and Gregg Appel are the property owners of a vacant 2.539-acre tract of land located west of the intersection of South Market Street and Cantey Street. Doland stated that the applicants are requesting the property be rezoned to allow the entire tract to contain a uniform zoning district for marketability and redevelopment purposes. Doland advised that the Planning and Zoning Commission voted unanimously to recommend approval of the rezoning request.

Mayor Tate closed the Public Hearing.

## **REGULAR SESSION**

- 6. Discuss and Possibly Act Upon the Acceptance of the Audit from Seidel Schroeder for Fiscal Year 2018**

Assistant City Manager – Chief Financial Officer Carolyn Miller and Seidel Schroeder Audit Partner, Michele Kwiatkowski, presented this item. Kwiatkowski advised Council that state law requires that all general-purpose local governments publish, within six months of the close of the fiscal year, a complete set of financial statements presented in conformity with generally accepted accounting principles (GAAP) and audited in accordance with generally accepted auditing standards by a firm of licensed certified public accountants. Kwiatkowski advised the financial statements present fairly, in all material aspects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Brenham, Texas. Kwiatkowski stated that pursuant to state requirements, and on behalf of the Finance Department, she would like to present the Comprehensive Annual Financial Report (CAFR) of the City of Brenham for the fiscal year ended September 30, 2018.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Wright to accept the audit from Seidel Schroeder for Fiscal Year 2018.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
<b>Councilmember Danny Goss</b>	<b>Abstain</b>
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

**7. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District of a 2,539 Acre Tract of Land, Part of the John Long Survey, A156, in Brenham, Washington County, Texas from a Mixed Residential Use (R-2) District to a Commercial Research and Technology Use (B-2) District (Case No. P-19-006)**

A motion was made by Councilmember Kolby and seconded by Councilmember Herring to approve an Ordinance on its first reading amending the Official Zoning Map of the City of Brenham, to change the zoning district of a 2,539 acre tract of land, part of the John Long Survey, A156, in Brenham, Washington County, Texas from a Mixed Residential Use (R-2) District to a Commercial Research and Technology Use (B-2) District (Case No. P-19-006).

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

**8. Discuss and Possibly Act Upon Ordinance No. O-19-012 on Its Second Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas by Amending Part 1, Sec. 5.02 Definitions, to Redefine Accessory Building or Use, Garage Apartment and Establish a New Definition for Accessory Dwelling Units (ADU); Part II, Division 1, Section 10 – Accessory Structures and Uses to Establish Standards Related to the Development of Such Uses; Part II, Division 1, Section 17 – Height and Area Exceptions of General Applicability; and Part II, Division 2 – Zoning District Regulations, to Allow Accessory Dwelling Units by Specific Use Permit in the Residential (R-1), Mixed Residential (R-2), and Manufactured Home Residential (R-3) Zoning Districts and By-Right in the Local Business/Residential Mixed Use (B-1) Zoning District (Case No. P-18-025)**

Assistant Director of Development Services Stephanie Doland presented this item. Doland explained that this request was initiated by Mary Thornhill to amend the zoning ordinance to allow accessory dwelling units (ADUs) uses within various residential zoning districts and to establish use specific standards for such uses. Doland stated that on February 7, 2019 Council held a Public Hearing and no citizen comments were made. Doland advised that during the regular agenda item, Council directed staff to conduct additional research on the topic and the item was tabled for future consideration at the February 21, 2019 Council Meeting.

Doland explained that on February 21, 2019 Council reconsidered the request and unanimously voted to recommend approval of the staff proposed text amendment, with the condition the Planning and Zoning Commission recommendation be upheld and the height restriction be removed.

A motion was made by Councilmember Herring and seconded by Councilmember Kolby to approve Ordinance No. O-19-012 on its second reading amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas by amending Part 1, Sec. 5.02 Definitions, to Redefine Accessory Building or Use, Garage Apartment and Establish a New Definition for Accessory Dwelling Units (ADU); Part II, Division 1, Section 10 – Accessory Structures and Uses to Establish Standards Related to the Development of Such Uses; Part II, Division 1, Section 17 – Height and Area Exceptions of General Applicability; and Part II, Division 2 – Zoning District Regulations, to Allow Accessory Dwelling Units by Specific Use Permit in the Residential (R-1), Mixed Residential (R-2), and Manufactured Home Residential (R-3) Zoning Districts and By-Right in the Local Business/Residential Mixed Use (B-1) Zoning District (Case No. P-18-025).

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

**9. Discuss and Possibly Act Upon Ordinance No. O-19-010 on Its Second Reading Providing for the Abandonment of a 1,517 Square Foot Portion and a 137 Square Foot Portion of a 12-Foot Wide Alley in Block 6 of Hurt’s Addition, Bounded on the North by West First Street, Bounded on the East by the Brenham Wholesale Grocery Co., Inc., Called 10,999 Square Foot Tract, Bounded on the South by the Remainder of the 12-Foot Alley, and Being Bounded on the West by the Brenham Wholesale Grocery Co., Inc. Called 0.4726 Acre Tract and the Susan Crawford Called 0.37 Acre Tract, Situated in Brenham, Washington County, Texas, Out of the A. Harrington Survey, Abstract No. 55 and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to remove Item 9 from the table.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

Development Services Director Lori Sanguedolce presented this item. Sanguedolce explained that Brenham Wholesale Grocery Co., Inc. and Richard and Susan Crawford have requested that a portion of the unimproved alley, located off West First Street be abandoned. Sanguedolce advised that both requestors ask they get their respective portion of the alley. Sanguedolce noted that the abandonment of this alley does not create an undue burden on traffic or on utilities.

Councilmember Cantey stated that she is interested in relieving the City of liability associated with all the easements located throughout Brenham.

Dr. Robert Stark, owner of property at 507 Jackson Street, addressed Council. Stark advised that he would not have any way to access his property from the back if the abandonment is granted.

A motion was made by Councilmember Herring and seconded by Councilmember Kolby to approve Ordinance No. O-19-010 on its second reading providing for the abandonment of a 1,517 square foot portion and a 137 square foot portion of a 12-foot wide alley in Block 6 of Hurt's Addition, bounded on the north by West First Street, bounded on the east by the Brenham Wholesale Grocery Co., Inc. called 10, 999 square foot tract, bounded on the south by the remainder of the 12-foot alley, and being bounded on the west by the Brenham Wholesale Grocery Co., Inc. called 0.4726 acre tract and the Susan Crawford called 0.37 acre tract, situated in Brenham, Washington County, Texas, out of the A. Harrington Survey, Abstract No. 55 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

**10. Discuss and Possibly Act Upon a Bid for City of Brenham Project No. 2017-15 Related to the 2018 Downtown Drainage and Sidewalk Project and Authorize the Mayor to Execute Any Necessary Documentation**

Public Works Director Dane Rau presented this item. Rau explained that on February 12, 2019, bids were opened regarding Downtown Drainage and Streetscape Improvements related to S. Park Street and Church Street. Rau noted that there were 4 bids received and bids were very competitive. Rau stated that with this section of downtown growing it was decided by staff to correct old infrastructure related to drainage and add accessible streetscape amenities to promote growth. Rau advised that these improvements would be funded with 2017 Certificates of Obligations at \$302,000 with an additional \$150,000 coming from the Brenham Community Corporation Development (BCDC) dedicated towards the streetscape improvements portion.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Wright to approve a bid for City of Brenham Project No. 2017-15 to M&C Fonseca Construction Company, Inc., in the amount of \$368,776.25, related to the 2018 Downtown Drainage and Sidewalk Project 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

**11. Discuss and Possibly Act Upon the Consent of City of Brenham, Texas to the Assignment of the Small Commercial Waste Collection Service (Non-Residential) Agreement Between the City of Brenham and Waste Connections Lone Star, Inc. (formerly known as Progressive Waste Solutions of TX, Inc.) and Authorize the Mayor to Execute any Necessary Documentation**

Public Works Director Dane Rau presented this item. Rau explained that on January 28, 2019, staff was notified that Waste Connections (formally Progressive Waste) was interested in assigning the Brenham Small Commercial Waste Collection Service Agreement to Frontier Waste Solutions. Rau advised that this was due to a combination of changes with both Waste Connections and Frontier. Rau stated that this assignment would not change any aspect of the current contract, as it will only obligate Frontier to provide the same service and honor the terms of the current contract. Rau noted that the contract currently is in place until March 2021.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve the Consent of City of Brenham, Texas to the Assignment of the Small Commercial Waste Collection Service (Non-Residential) Agreement between the City of Brenham and Waste Connections Lone Star, Inc. (formerly known as Progressive Waste Solutions of TX, Inc.) with an effective date of March 11, 2019 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

**12. Discuss and Possibly Act Upon Recommendations for Appointments and/or Re-Appointments to Various City Boards and Committees**

Deputy City Secretary II Karen Stack presented this item. Stack explained that according to the City of Brenham's Policies and Procedures for Boards and Commissions, a Subcommittee of City Council is to review applications for appointment to Boards and Commissions, and make recommendations to the full Council. The sub-committees recommendations to the Council are as follows:

**Building Standards**

Walt Edmunds  
Stoney Lacina  
Arlen Thielemann

**Board of Adjustments**

Jon Hodde  
Mary Lou Winkelmann  
Walt Edmunds  
Johanna Fatheree

**Animal Shelter Advisory Board**

Dr. Lee Panko  
Susan Cantey  
Alison Harper  
Robert Davis  
Jerry Jares  
Phyllis McMahan  
Sally Blackie-Sengel



A motion was made by Councilmember Kolby and seconded by Councilmember Cantey to approve the recommendations for appointments and/or re-appointments to various City boards and committees with the addition of Jarvis Van Dyke as an alternate member to the Board of Adjustments.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

### **13. Administrative/Elected Officials Report**

City Manager James Fisher reported on the following:

- The 2019 Parks and Recreation Guide has been published
- Pop-Up Play Day is March 9<sup>th</sup> at Hattie Mae Flowers Park
- State of the Community Forum will be held on March 27<sup>th</sup> at Blinn College
- Joint meeting with Washington County and TxDOT officials on March 21<sup>st</sup> to discuss future transportation needs

Development Services Assistant Director Stephanie Doland reported on the following:

- Training session for Planning and Zoning Commission and Board of Adjustments is March 18<sup>th</sup> at 5:30 p.m.

The meeting was adjourned.

*Milton Y. Tate, Jr.*

Mayor

*Jeana Bellinger, TRMC, CMC*

City Secretary



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