

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on January 7, 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 Andrew Ebel
Councilmember Susan Cantey
Councilmember Keith Herring
Councilmember Clint Kolby
Councilmember Adonna Saunders
Councilmember Albert Wright

Members absent:

None

Others present:

City Manager James Fisher, City Attorney Cary Bovey, Assistant City Manager – Chief Financial Officer Carolyn Miller, City Secretary Jeana Bellinger, Fire Chief Ricky Boeker, Police Chief Ron Parker, Police Sergeant Steven Eilert, Public Works Director Dane Rau, Assistant City Manager – Public Services and Utilities Donald Reese, Development Services Director Stephanie Doland, Economic Development Director Susan Cates, and Project Planner Shauna Laauwe.

Citizens present:

None.

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 Susan Cantey**
- 3. Citizens Comments**

No citizen comments were heard.

4. Special Recognition

- **GFOA Certificate of Achievement for Excellence in Financial Reporting – Twelfth Consecutive Year**

CONSENT AGENDA

5. Statutory Consent Agenda

- 5-a. Approve Change Order No. 1 for City of Brenham Project No. 2019-03 to Larry Young Paving, Inc. in the Amount of \$36,522.40 for Salem Road Street Improvements 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 5-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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

PUBLIC HEARINGS AND ASSOCIATED ACTION ITEMS

6. Public Hearing, Discussion and Possibly Act Upon the Approval of: (1) A Municipal Services Agreement with the Owner of the Property Requesting Annexation; and (2) an Ordinance on Its First Reading Annexing the Hereinafter Described Territory into the City of Brenham:

- **Section 2020-2: All That 5.1545 Acre Tract or Parcel of Land Situated in Washington County, Texas, Out of the Phillip Coe Survey A-31, Being the Same Property Described in a Deed from Mike Hopkins Distributing Company, Inc. to River Eagle Real Estate, LTD. Dated July 1, 2005 as Recorded in Volume 1172, Page 220 of the Official Records of Washington County, Texas and Being Further Described as a Portion of Lot 1, Block 1 of the River Eagle Subdivision, Formerly Identified as Tract 12 of the Phillip Coe Survey, A-31, Washington County, Texas**

City Secretary Jeana Bellinger presented this item. Bellinger explained that in July 2020, the City received a request from River Eagle Real Estate, Ltd. (Mike Hopkins Distributing Co., Inc.) to annex a 5.1545-acre tract of land adjoining their property located at 1751 Highway 290 West in Brenham, Washington County, Texas.

Bellinger advised that the City is required to hold a Public Hearing to allow citizens to express their support or concerns related to the annexation. The City must also enter into a Municipal Services Agreement outlining when and how city services will be provided for the any tract of land being considered for annexation and then the Council must also consider an annexation ordinance. Bellinger stated that staff recommends annexing this land to assist with any possible development of Mike Hopkins Distributing Co. Inc. in the future.

Mayor Tate opened the public hearing. There were no public comments received.

Mayor Tate closed the public hearing.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve a Municipal Services Agreement with River Eagle Real Estate, Ltd. (Mike Hopkins Distributing Co., Inc.) related to the annexation of a 5.1545-acre tract of land adjoining their property located at 1751 Highway 290 West in Brenham, Washington County, Texas.

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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to approve an Ordinance on its first reading annexing Section 2020-2: A 5.1545-acre tract or parcel of land situated in Washington County, Texas, out of the Phillip Coe Survey A-31, being the same property described in a deed from Mike Hopkins Distributing Company, Inc. to River Eagle Real Estate, Ltd. dated July 1, 2005 as recorded in Volume 1172, Page 220 of the official records of Washington County, Texas and being further described as a Portion of Lot 1, Block 1 of the River Eagle Subdivision, formerly identified as Tract 12 of the Phillip Coe Survey, A-31, Washington County, Texas into the City of Brenham.

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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

7. Public Hearing, Discussion and Possibly Act Upon an Ordinance on its First Reading to Amending the Official Zoning Map of the City of Brenham to Assign a Zoning Classification of Industrial (I) District on Approximately 5.145 Acres of Land Generally Located West and Adjacent of 1751 US Highway 290 West, Being Further Described as a Portion of Lot 1, Block 1 of the River Eagle Subdivision, Washington County, Texas, and Formerly Identified as Tract 12 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas. (Case Number P-20-045)

This item was presented by Project Planner Shauna Laauwe. Laauwe explained that the subject property is an approximate 5.145-acre tract of mostly vacant land generally located west and adjacent to 1751 US Highway West that is developed as Mike Hopkins Distributing Company, Incorporated (MHD). The subject property is currently located in the Brenham Extraterritorial Jurisdiction (ETJ) and has been requested by the property owner to be annexed into the City of Brenham. Laauwe stated that if Council approved the annexation, that upon annexation of the subject property the owners are requesting the tract be assigned the zoning district of Industrial (I) District to match the zoning district classification of the adjoining property and allow for the expansion of the existing commercial operation.

Laauwe stated that the subject 5.145-acre tract is located within the City's ETJ, but the other remaining 34.165-acres owned by MHD are located within the City limits. The overall MHD property was comprised of three (3) unplatted tracts, two of which were within the city limits, with the remainder subject tract to the west of the city boundary. The existing commercial structure at 1751 US Hwy 290 West is proposed to undergo a building expansion that necessitated that the three tracts to be platted into one contiguous lot. As one lot may not be platted that is partially within the City limits, the annexation of the 5.145-acre tract was required in conjunction with the requirement to plat the property. The Planning and Zoning Commission approved the River Eagle Subdivision Plat on September 28, 2020. The requested Industrial (I) District classification will correspond with the remainder of the commercial property. Laauwe advised that the proposed request is in accordance with the future land use map adopted in Historic Past, Bold Future: Plan 2040, the City of Brenham Comprehensive Plan which suggests that Industrial uses are appropriate at this location.

Laauwe advised Council that no public comments concerning this proposed rezoning were received prior to the Planning and Zoning Commission meeting, or during their Public Hearing for this item. On Monday, December 21, 2020, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the rezoning request as presented, contingent on City Council's approval of the annexation.

Mayor Tate opened the public hearing. There were no public comments received.

Mayor Tate closed the public hearing.

A motion was made by Councilmember Kolby and seconded by Councilmember Wright to approve an Ordinance on its first reading to amending the Official Zoning Map of the City of Brenham to assign a zoning classification of Industrial (I) District on approximately 5.145 acres of land generally located west and adjacent to 1751 US Highway 290 West, being further described as a Portion of Lot 1, Block 1 of the River Eagle Subdivision, Washington County, Texas, and formerly identified as Tract 12 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas. (Case Number P-20-045)

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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

REGULAR SESSION

8. Discuss and Possibly Act Upon Resolution No. R-21-001 Providing for the Continuation of the Mayoral Declaration of Local Disaster Due to Public Health Emergency Related to the COVID-19 (Coronavirus) Pandemic

City Manager James Fisher advised Council that this item was placed on the agenda for discussion and consideration of action by the City Council. Fisher explained that the City first declared a Disaster regarding the COVID – 19 Pandemic in March 2020. The original Declaration has been reviewed and amended several times due to changing circumstances.

Fisher advised that on Monday, December 28th, Washington County was advised that Trauma Service Area N (Brazos, Burleson, Grimes, Leon, Madison, Robertson and Washington Counties) has for seven consecutive days of COVID – 19 hospitalized patients making up more than 15 percent of total capacity; therefore, per Governor Abbott, business capacity must reduce to 50% and establishments that receive 51% of their revenue from alcohol must close.

Fisher stated that the vaccine is being distributed in the County according to established protocols; however, it may still be months before we see the benefits of the vaccine. Fisher stated that everyone must continue to be smart, wear our masks, social distance at least 6 feet and wash our hands with soap and water regularly. Fisher explained that since COVID is still impacting our community, the Disaster Declaration should be extended.

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby to approve Resolution No. R-21-001 providing for the continuation of the Mayoral Declaration of Local Disaster Due to Public Health Emergency related to the COVID-19 (Coronavirus) Pandemic.

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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

9. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 24, Article II, Hotel Occupancy Tax, of the Code of Ordinances, City of Brenham, Texas to Temporarily Modify the Hotel Occupancy Tax Reporting and Payment Schedule

City Manager James Fisher advised Council that after visiting with local hoteliers it appears that COVID-19 is still having a negative impact on them as people are still not traveling to Brenham/Washington County for overnight stays.

Fisher requested that Council consider temporarily modifying and extending deadlines for filing monthly hotel occupancy tax reports and payments for the next four (4) months (December 2020 thru March 2021) to help alleviate the negative economic impact this pandemic has had on our local hoteliers.

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby to approve an Ordinance on its first reading amending Chapter 24, Article II, Hotel Occupancy Tax, of the Code of Ordinances, City of Brenham, Texas to temporarily modify the hotel occupancy tax reporting and payment schedule.

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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

10. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- Downtown Swirl is scheduled for January 16th
- City facilities will be closed January 11th in observation of the Martin Luther King holiday.
- Staff is planning to present departmental year end reports in February.

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary



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