

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on July 15, 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 Staff present:

City Manager James Fisher, Assistant City Manager – Chief Financial Officer Carolyn Miller, Assistant City Manager – Public Services/Utilities Donald Reese, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Director of Public Works Dane Rau, Director of Development Services Stephanie Doland, Director of Public Utilities Alton Sommerfield, Police Chief Ron Parker, Interim Fire Chief Rhea Cooper, Human Resources Director Susan Nienstedt, Tourism and Marketing Director Jennifer Eckermann, Deputy City Secretary Karen Stack, Katherine Briscoe, Nancy Joiner, Alex Dill, Marley Mayo, Shauna Laauwe and Erica Warren

Citizens/Others Present:

Boris Davis, Jane Barnhill, Morris Faske, Tom Whitehead, Dennis Lester, Lyle Lester, Keith Hankins, Katie Burch, Natalie Lange, Deanna Alfred, Paula Baker, Pressley Walcik, Stacy Marhofer, Elizabeth Price, Tommy Upchurch, Tom Bartley, Debbie Bartley, Lowell Ogle, Tommy Traylor, Byron Davis, JoAnn Wolf, Mike Vance, Scott Ballard, Steve Vyrsala, Martha Mora, Tami Redshaw, Edward Smith, Darren Heine, Aaron Gonzalez, Angela Calondas, Noah Childs, Pete Simpson, Jennifer Simpson, Miguel Ramos, Jared Anderson, Margie Young, Doug Peck, Jared Anderson and Mary Thornhill.

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 Atwood Kenjura**
3. **Citizens Comments**

No citizen comments were heard.

CONSENT AGENDA

4. **Statutory Consent Agenda**
 - 4-a. **Approve Ordinance No. O-21-012 on Its Second Reading Amending the Official Zoning Map of the City of Brenham to Change the Zoning District from a Single-Family Residential Use District (R-1) to a Local Business/Residential Mixed-Use District (B-1) on the Following (Case No. P-21-013):**
 - a. **A Tract of Land Being Addressed as 1401 E. Tom Green Street, Being Further Described as Tract 82, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R14394)**
 - b. **A Tract of Land Being Addressed as 1209 E. Tom Green Street, Being Further Described as Tract 109, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R14428)**
 - c. **Approximately 5.3433 Acres of Land, Being Further Described as Tract 137, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R36669)**
 - d. **A Tract of Land Being Addressed as 1306 Loesch Street, Being Further Described as Section 1, Block 1, Lot 1, Out of the Kenjura Subdivision in Brenham, Washington County, Texas (R64466)**
 - e. **A Tract of Land Being Addressed as 1304 Loesch Street, Being Further Described as Section 1, Block 1, Lot 2, Out of the Kenjura Subdivision in Brenham, Washington County, Texas (R64467)**
 - f. **A Tract of Land Being Addressed as 1302 Loesch Street, Being Further Described as Section 1, Block 1, Lot 3, Out of the Kenjura Subdivision in Brenham, Washington County, Texas (R64468)**
 - g. **Tract of Land Being Addressed as 1300 Loesch Street, Being Further Described as Section 1, Block 1, Lot 4, Out of the Kenjura Subdivision in Brenham, Washington County, Texas (R64469)**

- h. **A Tract of Land Being Addressed as 1301 E. Tom Green Street, Being Further Described as Section 1, Block 1, Lot 5, Out of the Kenjura Subdivision in Brenham, Washington County, Texas (R64470)**
 - i. **A Tract of Land Being Addressed as 1200 E. Tom Greet Street, Being Further Described as Tract 189, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R14510)**
 - j. **A Tract of Land Being Addressed as 1204 E. Tom Greet Street, Being Further Described as Tract 344, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R45333)**
 - k. **A Tract of Land Being Addressed as 1301 Niebuhr Street, Being Further Described as Tract 178, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R14502)**
 - l. **A Tract or Land Being Addressed as 1800 E. Tom Green Street, Being Further Described as Tract 326, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R55363)**
- 4-b. **Approve Ordinance No. O-21-013 on Its Second Reading Amending the Official Zoning Map of the City of Brenham to Change the Zoning District from a Mixed Residential Use District (R-2) to a Commercial, Research and Technology Use District (B-2) on Approximately 0.99 Acres of Land Being Further Described as Part of the P & A Hope Survey, A-62, in Brenham, Washington County, Texas (Case No. P-21-011)**
 - 4-c. **Approve Ordinance No. O-21-014 on Its Second Reading Amending the Planned Development District Ordinance No. O-20-028 Regarding Neighborhood Amenities and Improvements for Section II of the Lakes at Vintage Farms, Being Approximately 52.428 Acres of Land Being Located South and West of Dixie Road and Further Described as Tract 7 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas (Case No. P-21-014)**
 - 4-d. **Approve an Audit Engagement Letter for Seidel Schroeder to Perform an Audit for the Fiscal Year Ending September 30, 2021 and Authorize the Mayor to Execute Any Necessary Documentation**
 - 4-e. **Approve a Noise Variance in Connection with Family Pickleball and Bocce Night to be Held at Jackson Street Park from 7:00 p.m. to 8:30 p.m. on Thursday, July 15, 2021 and Authorize the Mayor to Execute Any Necessary Documentation**
 - 4-f. **Approve a Noise Variance in Connection with an Official Skate Night and Competition to be Held at Fireman's Park from 7:30 p.m. to 9:30 p.m. on Thursday, July 29, 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 Items 4-a. through 4-f. 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

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

5. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 13, Reserved, of the Code of Ordinances of the City of Brenham, Texas to Provide for the Historical Preservation, Protection and Enhancement of Districts and Landmarks of Historical and Cultural Importance and Significance

City Attorney Cary Bovey stated that due to the conflict-of-interest provisions outlined in Chapter 171 of Texas Local Government Code, Mayor Tate, Mayor Pro Tem Kolby and Councilmember Canales would be abstaining from the discussion and vote on this item. Bovey advised that all three members have filed the required paperwork with the City Secretary's office. Bovey advised that Councilmember Saunders would be the Presiding Officer for this item.

Councilmember Saunders opened the Public Hearing.

Tourism and Marketing Director Jennifer Eckermann presented this item. Eckermann advised that in 2019 the city conducted a Comprehensive Planning effort which included a large public engagement and citizen input component and resulted in the adoption of the current plan – Historic Past, Bold Future: Plan 2040. The Plan 2040 included Strategic Action Priorities for the City to focus on implementing over the next 20 years and multiple priorities were adopted in relation to preserving the City's Historic Downtown District, state and nationally recognized landmarks and historic homes within the city.

Eckermann stated that because of Plan 2040, corresponding public interest and concern, and most recently encouragement by a local group of citizens, the Brenham City Council appointed a committee to develop a Historic Preservation Ordinance. The City's Main Street and Development Services staff worked alongside the committee, meeting on average once a month since October 2020 and from the beginning, public input throughout the process was a priority. The Committee produced six email newsletters between November and June and newsletter subscribers had the opportunity to provide feedback, which was discussed and considered at each Committee meeting.

Eckermann advised that the Planning & Zoning Commission, the Main Street Board, and members of the City Council also received public updates. Eckermann explained that the Historic Preservation Ordinance will preserve the authenticity for which Brenham is known and protect the heavy public investment made in the community over the past twenty years.

Eckermann gave a brief presentation on the Historic Preservation Ordinance (HPO) that provided the following information:

- Why Adopt a Preservation Ordinance?
- Project History/Timeline
- Work of the HPO Committee
- HPO Priorities
- Feedback Concerns/Issues Addressed
- Importance of Preservation
- Differences of the Downtown District

During the Public Hearing, twenty-two citizens addressed the City Council; all but four citizens were in support of the historical preservation ordinance. The citizens that spoke in opposition had the following concerns:

- It has already been proven that Downtown does not need an HPO to be successful.
- Citizens need more time to review the HPO.
- Government is overstepping by telling property owners what to do with their property.

Councilmember Saunders closed the Public Hearing.

Councilmember Wright stated that he was appreciative of the work done by both the Committee and staff and that it is important to look to the future for preservation of Brenham's assets.

Councilmember Kenjura commended staff on their work of the HPO and stated that the pros of this ordinance outweigh the bad.

A motion was made by Councilmember Kenjura and seconded by Councilmember Wright to approve an Ordinance on its first reading amending Chapter 13, Reserved, of the Code of Ordinances of the City of Brenham, Texas to provide for the historical preservation, protection and enhancement of districts and landmarks of historical and cultural importance and significance.

Councilmember Saunders called for a vote. The motion passed with Council voting as follows:

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

REGULAR SESSION

6. **Discuss and Possibly Act Upon Ordinance No. O-21-015 on Its Second Reading Amending Chapter 24, Signs, of the Code of Ordinances of the City of Brenham, Texas Regarding Major Multi-Tenant Shopping Center Sign Regulations**

Project Planner Shauna Laauwe presented this item. Laauwe stated that at the July 1 2021 meeting, Council approved an Ordinance on its first reading to amend Chapter 21 -Signs to address sign standards and the necessity for a master sign plan for major multi-tenant shopping centers and mixed-use developments that have more than five (5) retail tenants/businesses and that collectively occupy a minimum of 100,000 square feet of retail use gross floor area.

Laauwe explained that the ordinance presented for first reading stated that “Landmark signs shall not be a pole sign. The entire base of each landmark sign shall be affixed directly to the ground or supported by a base whose width measures at least seventy-five percent (75%) of the width of the sign that is placed or anchored in the ground” (Section 21-18(2)(a)). Laauwe stated that after further consideration, staff would like to revise the ordinance to reduce the minimum base width measurement from seventy-five percent (75%) to forty-five percent (45%) of the width of the sign.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve Ordinance No. O-21-015 on its second reading amending Chapter 24, Signs, of the Code of Ordinances of the City of Brenham, Texas regarding major multi-tenant shopping center sign regulations and to reduce the minimum base width measurement from seventy-five percent (75%) to forty-five percent (45%) of the width of the sign.

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 an Agreement Between the City of Brenham and Ranier & Son Development Company (Stylecraft) Related to the City's Participation in the Construction Costs of Oversizing a Water Main Along Dixie Road and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that the City and Ranier & Son Development Company (Stylecraft) have worked together to create an agreement pertaining to upsizing a six-inch waterline to a twelve-inch waterline which will benefit the City's water system and give a looped feed to the west side of Hwy 36 North. Rau stated that Stylecraft will be responsible for the costs of the six-inch line and the city will pay the difference for the upsizing, which will not exceed \$35,000.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Wright to approve an agreement between the City of Brenham and Ranier & Son Development Company (Stylecraft) related to the City's participation in the construction of oversizing a water main along Dixie Road, with total cost not to exceed \$35,000.00, 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
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

8. Discuss and Possibly Act Upon Resolution No. R-21-018 Approving an Advanced Funding Agreement Between the City of Brenham and TXDOT Related to Intersection Improvements at Old Chappell Hill Road and FM 577 in Brenham, Washington County, Texas

Public Works Director Dane Rau presented this item. Rau stated that this Resolution is regarding intersection improvements at Old Chappell Hill and FM 577. Rau explained that with a combination of the recent developments along Old Chappell Hill Rd and the widening and drainage work between Zippy J's and the Collection Station, the City has reached out to TXDOT to improve the intersection at Old Chappell Hill Rd and FM 577 and that partnering with TxDOT and entering into this Advanced Funding Agreement (Agreement) will dramatically enhance this intersection by adding dedicated turn lanes on Old Chappell Hill Rd and FM 577, adding additional pavement to the west side of the intersection to allow better turning movements for large trucks, installation of four new signal poles and cabinet, improving the drainage around the intersection and adding designated crosswalks.

Rau advised that the total cost of this project is expected to be \$761,582 and that the Agreement outlines the responsibility of each party with the City being responsible for the engineering and utility relocation costs valued at \$225,000 and TxDOT will be responsible for all construction costs and selecting a contractor for the planned work. Rau stated that TxDOT is expected to bid the project in August and the planned work should take 120 days once a notice to proceed is awarded.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve Resolution No. R-21-018 approving an Advanced Funding Agreement between the City of Brenham and TXDOT related to intersection improvements at Old Chappell Hill Road and FM 577 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 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 Amendment No. 1 to the Lease Agreement Between the City of Brenham, Texas and the Brenham Heritage Museum, Inc. and Authorize the Mayor to Execute Any Necessary Documentation

City Manager James Fisher presented this item. Fisher explained that the City entered into a Lease Agreement with Brenham Heritage Museum Inc on December 19, 2019. The Lease Agreement established benchmarks for the Brenham Heritage Museum to meet in regard to construction initiation and opening to the public. Fisher advised Council that this proposed Amendment pushes all benchmark dates back one year due to the COVID – 19 Pandemic.

A motion was made by Councilmember Kenjura and seconded by Mayor Pro Tem Kolby to approve Amendment No. 1 to the Lease Agreement between the City of Brenham, Texas and the Brenham Heritage Museum, Inc. 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 an Addendum to the Memorandum of Understanding Between the City of Brenham, Texas and the Brenham Main Street Historical Preservation, Inc. and Authorize the Mayor to Execute Any Necessary Documentation

City Manager James Fisher presented this item. Fisher explained that the proposed Addendum to the Memorandum of Understanding between the City of Brenham and the Brenham Main Street Historical Preservation Inc, (the Barnhill Center at the Historic Simon Theater) is to allow for a feasibility study/business plan to be developed about the operations of this facility by the city. Fisher advised Council that the proposed MOU allows the city time to study the feasibility of receiving this facility and to develop a business plan as the sole operator.

Mayor Pro Tem Kolby asked that staff to look into the possibility of an outside private company being the day-to-day operator of the facility instead of adding more staff to the city's budget.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve an Addendum to the Memorandum of Understanding between the City of Brenham, Texas and the Brenham Main Street Historical Preservation, Inc. and authorize the Mayor Pro Tem to execute any necessary documentation.

Mayor Pro Tem Kolby called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Abstain
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. Administrative/Elected Officials Report

City Manager James Fisher reported that there were no updates.

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary

