

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on June 16, 2011 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 Gloria Nix  
Councilmember Andrew Ebel  
Councilmember Danny Goss  
Councilmember Keith Herring  
Councilmember Charlie Pyle  
Councilmember Weldon Williams, Jr.

### Others present:

City Manager Terry Roberts, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Administrative Assistant Tammy Cook, Debbie Gaffey, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Public Works Director Doug Baker, Kim Hodde, Public Utilities Director Lowell Ogle, Community Services Director Wesley Brinkmeyer, Angela Hahn, and Gary Jeter

### Citizens present:

Perry Thomas

### Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner, KWHI

- 1. Mayor Tate called the meeting to order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Milton Y. Tate, Jr.**
- 3. Citizens Comments**

There were no citizen comments.

## CONSENT AGENDA

### 4. Statutory Consent Agenda

#### 4-a. Minutes from the June 2, 2011 Council Meeting

#### 4-b. Second Reading of Ordinance No. O-11-007 Amending the FY2010-11 Adopted Budget

A motion was made by Councilmember Pyle and seconded by Councilmember Ebel to approve the Statutory Consent Agenda Item 5-a. minutes from the June 2, 2011 council meeting and 5-b. Ordinance No. O-11-007 amending the FY2010-11 adopted budget.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

Council convened into Executive Session at 1:02 p.m.

## EXECUTIVE SESSION

### 5. Texas Government Code Section 551.071 – Consultation with Attorney – Executive Session for the Purpose of Consultation with Legal Counsel Regarding Redistricting Standards and City Councilmember District Redistricting Plan(s)

Executive session adjourned at 1:25 p.m.

## RE-OPEN REGULAR SESSION

### 6. Presentation and Discussion by Redistricting Counsel of Draft Redistricting Plans

Syd Falk with Bickerstaff Heath Delgado Acosta, LLP presented this item. Mr. Falk presented a pair of draft redistricting plans to council. He reminded council the deviation in the most populous and least populous ward cannot be more than 10%. Currently a 14.23% deviation exists. Ward Four is over populated by 7.92% and Ward One is under populated by 6.31% thus creating the need to redistrict.

Mr. Falk then went into detail on two (2) proposed draft plans (Draft Plan A and Draft Plan B) and two (2) minor “clean-up” changes to Ward boundaries. Both of the draft plans, along with the two (2) proposed clean-up boundary changes would bring the population in each Ward into a less than 10% deviation:

- **Draft Plan A** focuses primarily on the perimeter of Ward Four, Southwest of Hwy. 290, and shifts this population to Ward One. This draft plan (A) would create a deviation of 4.05% which is well below the 10% deviation standard that is required.
- **Draft Plan B** involves a transfer of population from Ward Four to Ward One within the central portion of the city, East of Blinn College. This draft plan (B) would create a deviation of 3.54%, which is also well below the 10% deviation standard that is required.
- **Two (2) minor clean-up changes** include moving a single census block, approximately 43 residents, from Ward One to Ward Two, and a population shift of about 85 residents from Ward Four would be transferred to Ward Three.

Councilmember Herring asked what the Department of Justice (DOJ) looks for when redistricting. Mr. Falk explained they are only interested in retrogression; this is whether or not the plan reduces minority voting strength in one or more voting districts. Mr. Falk assured council that neither of the draft plans he has presented create a retrogression issue.

Councilmember Goss questioned the need for redistricting as no minority voting groups were affected and the potential future growth in Ward One. Mr. Falk informed council that not redistricting is an option, but since the current ward configuration exceeds the ten percent deviation a complaint could be made and there would be little legal defense as to why redistricting was not done.

Mr. Falk informed council that the next step is to designate a draft plan to be submitted for public discussion and comment.

**7. Redistricting Plan Map-Drawing Session with Redistricting Legal Counsel (*Note: In the event a map-drawing session is conducted, the City Council will convene in Room 2A, 2<sup>nd</sup> Floor of City Hall, for this agenda item*)**

No action was needed.

**8. Discuss and Possibly Act Upon the Designation of One or More Draft Redistricting Plans as Illustrative Plan(s) to be Proposed for Public Consideration and Comment**

A motion was made by Councilmember Ebel and seconded by Mayor Pro Tem Nix to designate “Draft Plan B” as the Illustrative Plan to be proposed for public consideration and comment.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

**9. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending Chapter 16, Occupational Licenses and Business Regulations, of the City of Brenham’s Code of Ordinances to Provide for the Regulation of Sexually Oriented Businesses within the City Limits**

City Attorney, Cary Bovey informed the Council that this item needed to be tabled. He stated that there are numerous changes that will be recommended and he would like some additional time to complete his legal research.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to table an ordinance on its first reading amending Chapter 16, Occupational Licenses and Business Regulation, of the City of Brenham’s Code of Ordinances to provide for the regulation of sexually oriented businesses within the City limits.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

**10. Discuss and Possibly Act Upon a Request from the Main Street Board Approving the Renewal of a Reserved Parking Space for Hospice Boutique**

This item was presented by Community Services Director, Wesley Brinkmeyer. Mr. Brinkmeyer explained this request, as in the past, is for the daily use of a parking space from 1:00 p.m. to 5:00 p.m. for donation drop offs. Mr. Brinkmeyer stated that this application was also submitted, and approved, by the Main Street Board on June 6<sup>th</sup>.

Councilmember Goss confirmed this parking space was given to Hospice Boutique at no charge because of their non-profit status and all others requesting a reserved space would have to pay. Mr. Brinkmeyer confirmed Councilmember Goss' statement and went on to say that downtown parking is being reviewed as part of the Downtown Master Plan.

Mayor Pro Tem Nix questioned the use of the two parking spaces located in the back of the Hospice Boutique. Councilmember Ebel explained the elevation at the back of the building created an issue for people unloading donated items.

A motion was made by Councilmember Herring and seconded by Councilmember Pyle to approve a request from the Main Street Board approving the renewal of a reserved parking space for Hospice Boutique.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

**11. Discuss and Possibly Act Upon a Request for a Noise Variance from the Citizens for Community Progress to Hold a Praise Dance and Step Contest at Henderson Park from 4:00 p.m. to 7:00 p.m. on June 26, 2011**

This item was presented by Kim Hodde. Ms. Hodde stated a sound amplification system would be used for this event therefore a variance to the noise ordinance has been requested.

A motion was made by Councilmember Williams and seconded by Councilmember Herring to approve a request for a noise variance from the Citizens for Community Progress to hold a praise dance and step contest at Henderson Park from 4:00 p.m. to 7:00 p.m. on June 26, 2011.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

## 12. Administrative/Elected Officials Report

- City Manager Terry Roberts informed council of the upcoming Washington County Legislative Forum on June 24, 2011. He also advised Council that proposals have been received for the Downtown Master Plan and a committee has been formed to review the proposals.
- Mayor Tate reminded everyone of the Juneteenth Parade on Saturday.
- Councilmember Pyle reminded everyone that the first concert of the Hot Nights Cool Tunes series will be Saturday, July 2, 2011.
- Public Works Director, Doug Baker informed council of an upcoming public hearing regarding the annexation of the three newly acquired properties in the Southwest Industrial Park.
- Public Utilities Director, Lowell Ogle updated council on the current drought conditions.

The meeting was adjourned.

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Gloria Nix  
Mayor Pro Tem

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Jeana Bellinger, TRMC  
City Secretary