

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on June 5, 2014 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 Mary E. Barnes-Tilley
Councilmember Weldon Williams, Jr.

Members absent:

None

Others present:

City Manager Terry K. Roberts, City Secretary Jeana Bellinger, Deputy City Secretary Amanda Klehm, Chief Financial Officer Carolyn Miller, Stacy Hardy, Susan Nienstedt, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Todd Jacobs, Chris Jackson, Trey Gully, Dant Lange, Development Services Director Julie Fulgham, Jennifer Eckermann, Kim Hodde, Public Works Director Dane Rau, Pat Draehn, Casey Redman, Crystal Locke, Dustin Wendler, Public Utilities Lowell Ogle, Angela Hahn, Janie Mehrens, and Grant Lischka

Citizens present:

Marie Surovik, Randy Weidemann, Page Michel, Vivian R. Mason, Jane Hinze, John Beckendorf, Shae Pauler, Sherald Bell, Melinda Faubion, Alan Hutson, Mike Brannon, Michael Pittman, Tiffany McMordie, Judy Hyman, John Muegge, C.H. Harvey, Charles Moser, John Barnhill, Tim Bullock Jr., Teddy Boehm, Lu Hollander, Margaret Chevez, Hal Moorman, Susan McGee, Betty Fortner, Wesley Brinkmeyer, Charlie Pyle, Nancy Low, Calvin Kossie, Lynnette Sheffield, Deanna Alfred, Donna Cummins, and Clint Kolby

Media Present:

Kyle Cunningham, Brenham Banner Press; Frank Wagner, KWHI

**A PORTION OF THIS REGULAR CITY COUNCIL MEETING
(AGENDA ITEMS 4, 5 AND 6)
WILL BE HELD IN A JOINT SESSION WITH THE
CITY OF BRENHAM PLANNING AND ZONING (P&Z) COMMISSION**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Pro Tem Nix**
- 3. Discuss and Possibly Act Upon an Ordinance on Its First Reading Annexing the Hereinafter Described Territory into the City of Brenham and Adopting a Service Plan: (*City Council Action Item Only*)**

Section 2014-1: Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burleson Street; tracts with frontage along State Highway 36th North and Dixie Street; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the ‘cloverleaf’ intersection of Highway 290 West and State Highway 36 North.

Section 2014-2: Approximately 30.512 acres of land situated in Washington County, Texas, out of the John Carrington Survey, Abstract No. A0120, generally consisting of tracts with frontage along the western right-of-way line of State Highway 36 beginning at the current City limits and proceeding in a southerly direction to approximately Anderson Lane (located on the eastern side of State Highway 36 South).

Section 2014-3: Approximately 45.366 acres of land situated in Washington County, Texas, out of the Isaac Lee Survey, Abstract No. A0077, generally consisting of tracts that abut the current City limits between South Blue Bell Road and Taden Lane and tracts that abut US Highway 290 East from Blue Bell Road to approximately 500 feet east of Taden Lane.

Section 2014-4: Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard

Citizen Dan Mason stated that he has objections relating to the annexation. Mason explained that he would like to speak with the City Attorney following the Council meeting.

Citizen John Muegge stated that he is representing the Beckendorf tract. Muegge stated that they are currently in negotiations with Administration with no resolutions. Muegge respectfully requested that Council encourage continued negotiations.

Citizen Marie Surovik stated the document states Dixie Street, but the road is actually Dixie Road.

A motion was made by Councilmember Williams and seconded by Councilmember Herring to approve an ordinance on its first reading annexing the hereinafter described territory into the City of Brenham and adopting a Service Plan:

Section 2014-1: Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burlson Street; tracts with frontage along State Highway 36th North and Dixie Street; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the ‘cloverleaf’ intersection of Highway 290 West and State Highway 36 North.

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Section 2014-3: Approximately 45.366 acres of land situated in Washington County, Texas, out of the Isaac Lee Survey, Abstract No. A0077, generally consisting of tracts that abut the current City limits between South Blue Bell Road and Taden Lane and tracts that abut US Highway 290 East from Blue Bell Road to approximately 500 feet east of Taden Lane.

Section 2014-4: Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard

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 Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**JOINT SESSION OF THE BRENHAM CITY COUNCIL AND
PLANNING AND ZONING COMMISSION**

JOINT SESSION - PUBLIC HEARING

4. **Public Hearing to Consider Amending Appendix A – “Zoning” of the Code of Ordinances to Assign Zoning District Classifications to the Properties Being Annexed into the City of Brenham, Said Properties Being More Specifically Described Below:**

Section 2014-1: Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burleson Street; tracts with frontage along State Highway 36th North and Dixie Street; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the ‘cloverleaf’ intersection of Highway 290 West and State Highway 36 North.

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Section 2014-3: Approximately 45.366 acres of land situated in Washington County, Texas, out of the Isaac Lee Survey, Abstract No. A0077, generally consisting of tracts that abut the current City limits between South Blue Bell Road and Tiaden Lane and tracts that abut US Highway 290 East from Blue Bell Road to approximately 500 feet east of Tiaden Lane.

Section 2014-4: Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard

Development Services Director Julie Fulgham presented this item. Fulgham explained in Section 1, Mr. Tegeler requested an R3 designation, but the subcommittee did not feel it was appropriate. Fulgham advised that the subcommittee was made up of members of Council and the Planning and Zoning Commission (Ebel, Goss, Herring, Alfred, Pyle, Low). Fulgham stated Section 2 is the continuation of existing B2 Zoning. Fulgham stated Section 3 is Tiaden Lane and

the Brenham Business Center, which is Industrial with heavy deed restrictions. Fulgham stated Section 4 is the new Countryside Mobile Home Park, which is zoned R3 and remainder is Industrial to prohibit further expansion of his land.

Citizen Dan Mason pointed out that there is no agriculture designation and no intent on his family's part to change their agricultural use of the land. Mason explained that the designation his land was given is Community Research and Technology. Fulgham explained the zoning does not have agriculture designations and there is no need for building permits for cattle on property. Fulgham advised B2 allows for different businesses within B2 Zoning Ordinance. Mayor Tate suggested Mr. Mason meet with the City Attorney to see what all the zoning designation covers. City Attorney Cary Bovey stated the statutory protection or grandfathered designation will continue as long as they continue to do what they have been doing unless it presents imminent danger. Bovey explained provisions or uses of the land must follow the Public Safety and Health Code.

Citizen John Muegge stated his client's property is in the Section 3 of the annexation. Muegge advised the property is being designated as an R1 to some of the property and B1 to the top portion and a portion below. Muegge explained the land is being used for the same purpose as a whole and would like to meet that complaint. Fulgham stated they proposed the connection from South Blue Bell to Tiaden Lane in Thoroughfare Plan and the R1 Zoning designation is to prepare for future plans. Fulgham stated a B1 designation would allow for residential. Fulgham stated they want to promote industrial so don't want to designate the land as B1 for future collector streets in the Thoroughfare Plan. Mayor Tate questioned what the difference between the two streets is. Fulgham explained there are major and minor collector streets.

Mayor Tate stated they came in asking for B1, but instead it's being designated as R1. Fulgham stated yes, because most would recommend making the entire property R1 instead of some B1. Mayor Tate stated he would not agree to have R1 between B1. Planning and Zoning Commission Member Charlie Pyle stated R1 and B1 mixed is because Tiaden Lane is a public lane. A citizen questioned why a house on Tiaden Lane was not being annexation. Fulgham stated it has already been annexed.

Muegge stated the land is butted by Industrial and B1 zones, but all of the tract or most of it is in the possession of Mr. Beckendorf. Muegge stated all will be developed into Commercial or Industrial eventually, which would fall under B1 zoning. Muegge advised that R1 seems beyond the realm and recommends zoning all of the land as a B1 for future growth and development. Councilmember Goss questioned if both designations stayed zoned as they are and commercial wanted to develop, would it be a problem to change the zoning designation. Fulgham explained the property owner can request a zoning change. Planning and Zoning Commission Member Lynnette Sheffield stated R1 is more limited, but would be easier to move from B1 to R1.

Councilmember Barnes-Tilley questioned why they are making it more restrictive on the front end. Fulgham stated down zoning is easier than up zoning. Fulgham stated the problem with assigning less restrictive is that the tracts can be developed as business and the rest as residential, which can cause a problem in the future due to spotty mixing of business and

residential, which then neither can thrive. Councilmember Barnes-Tilley stated the zoning designation is to help with spotty mixing and encourage business. Sheffield explained that a lot of planning is for collector streets to anticipate growth for the next ten years especially as Stringer Street extends to Chappell Hill Street.

Citizen Vivian Mason questioned that a deeded private road can go away if the City choose to take it away. Fulgham explained a developer can request this during the development process and it is usually worked out during the development process.

Muegge stated if they would take the land owners' position into consideration then they would have no objection to being B1 and would recommend it.

Councilmember Barnes-Tilley questioned why the R3 designation request made by Mr. Tegeler was denied. Fulgham explained it was essentially denied because of the configuration and low parts of the land with prominent land on Highway 36. Fulgham stated the subcommittee didn't feel that R3 was appropriate for that area and would like to see it as R1.

Citizen Larry Tegeler stated B2 or B1 is for business, yet if they zone for R3 then it can go back to B1. Tegeler doesn't feel like it's a prominent area. Tegeler requested they make sure TxDOT provides road out front of his property for access. Lischka stated they have a meeting with TxDOT about road access, but they have not received final plans yet. Tegeler questioned how is he going to get to his land and across the creek with the road frontage. Councilmember Goss questioned if he doesn't have access now, then why put residential in there with no access to it. Tegeler explained that he is trying to figure out what to use the land for to get in with only one road, but 300 feet of road frontage. Sheffield stated there is restricted access by TxDOT. Lischka explained that if the land were shared then access would need to be shared, but usually that is granted at least one per land. Lischka explained TxDOT will have to give access to at least one spot, but won't be able to deny access.

Councilmember Barnes-Tilley questioned since the land is zoned as B1, if Mr. Tegeler wanted to do R3 (Mobile Home) then he could go back to the Planning and Zoning Commission to request a change to R3. Fulgham stated that Mr. Tegeler would need to provide a layout of the Mobile Home Park and it must meet the standards and regulations. Councilmember Barnes-Tilley stated she does not want the opinion of the public to be that the City is against affordable housing because that is not the case.

Sheffield stated he would need to propose to the Planning and Zoning Commission for the future because housing is considerably higher in Washington County and the City needs affordable housing. Fulgham explained they will need to look at where it is most appropriate and look at other parts of the City where it would best fit. Fulgham explained that the limited access and low point in the land doesn't really make it feasible for affordable housing on that property.

Tegeler stated he doesn't see how the City could be against mobile home owners because not everyone can afford a \$200,000 house.

JOINT SESSION - REGULAR AGENDA

5. **Discuss and Possibly Act Upon Recommendation to City Council Concerning Amendment of Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Establish Zoning District Classifications to Properties Being Annexed into the City of Brenham and More Specifically Described Below: (*Planning & Zoning Commission Action Item Only*)**

Section 2014-1: Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burleson Street; tracts with frontage along State Highway 36th North and Dixie Street; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the ‘cloverleaf’ intersection of Highway 290 West and State Highway 36 North.

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Section 2014-4: Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard

No action taken by City Council.

6. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Establish Zoning District Classifications to Properties Being Annexed into the City of Brenham and More Specifically Described Below: (*City Council Action Item Only*)**

Section 2014-1: Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burleson Street; tracts with frontage along State Highway 36th North and Dixie Street; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the ‘cloverleaf’ intersection of Highway 290 West and State Highway 36 North.

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Section 2014-4: Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard

The Planning and Zoning Commission made the recommendation to approve all sections for annexation.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve an Ordinance on its first reading amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to establish Zoning District Classifications to properties being annexed into the City of Brenham for Section 2014-1 as voted on by the Planning and Zoning Commission.

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 Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

A motion was made by Councilmember Herring and seconded by Councilmember Goss to approve an Ordinance on its first reading amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to establish Zoning District Classifications to properties being annexed into the City of Brenham for Section 2014-2 as voted on by the Planning and Zoning Commission.

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 Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

A motion was made by Councilmember Herring and seconded by Councilmember Goss to approve an Ordinance on its first reading amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to establish Zoning District Classifications to properties being annexed into the City of Brenham for Section 2014-3 as voted on by the Planning and Zoning Commission.

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

Mayor Milton Y. Tate, Jr.	No
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

Mayor Tate requested that Staff work with Mr. Muegge to resolve any issues they have with the annexation of the Beckendorf property.

A motion was made by Councilmember Herring and seconded by Councilmember Goss to approve an Ordinance on its first reading amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to establish Zoning District Classifications to properties being annexed into the City of Brenham for Section 2014-4 as voted on by the Planning and Zoning Commission.

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 Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

Council took a break at 2:07pm.

CITY COUNCIL – REGULAR AGENDA

7. Service Recognitions

- Rex Phelps – Police Department – 5 years
- Dustin Wendler – Street Department – 5 years
- Jennifer Eckermann – Main Street – 15 years
- Patrick Draehn – Maintenance/Central Warehouse – 20 years

8. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

9. Statutory Consent Agenda

The Statutory Consent Agenda includes non-controversial and routine items that Council may act on with one single vote. A councilmember may pull any item from the Consent Agenda in order that the Council discuss and act upon it individually as part of the Regular Agenda.

9-a. Minutes from the May 1, 2014 and May 15, 2014 City Council Meetings

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve the Statutory Consent Agenda Item 9-a.

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 Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

WORK SESSION

10. Discussion and Presentation Regarding the Simon Theater Facility and Associated Project Improvements, Status of Project, and Possible Future Uses and Ownership of Said Facility

Chairman of Brenham Main Street Historical Preservation, Inc. Hal Moorman presented this item. Moorman stated the Brenham Main Street Historical Preservation, Inc., is the 501(c)(3) non-profit that owns the Simon Theater. Moorman advised regarding the progress of the building renovation and the plans for it to become a downtown conference center. Moorman reviewed the work accomplished to-date and the plans for completing the project. Moorman discussed their plans for the continuing management of operations of the facility.

Mayor Tate questioned about the business plan. Moorman stated that they can furnish that to Council.

City Manager Terry Roberts explained that even though the Simon Center would be a donation to the City for operations, the property is still real estate; therefore, there will be an Executive Session at one of the next Council meetings to discuss further and work through the details.

PUBLIC HEARING

11. Public Hearing Concerning the Approval of A Request for a Specific Use Permit to Allow a Bed and Breakfast within an R-2 Mixed Residential Zoning District on Property Located at 1002 S. Day Street, and Specifically Being a 0.497 Acre Tract Described as Block 3, Lot S½ Lot 2 of the W.G. Wilkins Addition in the City of Brenham, Washington County, Texas

Development Services Director Julie Fulgham presented this item. Fulgham explained that prior to considering an Ordinance to allow a bed & breakfast establishment at 1002 Day Street, a public hearing must be held to hear input regarding this proposed amendment. Fulgham stated the house was converted into a four-plex.

Councilmember Herring questioned if the owner was planning to remodel the home. Fulgham advised the house will stay as is, but will be used for short term apartment rentals. Councilmember Williams questioned if the house was large. Fulgham stated the house was converted into four apartments. House owner Susan McGee stated that she bought the property with the intention of using it has a vacation rental property by the owner. McGee advised that she lives in the house, but there was enough room for one to two families to rent. McGee stated there could be two tenants upstairs, which includes two bedrooms and two bathrooms. McGee advised the house is on the historical register as the Edmond Holly House.

12. Public Hearing Concerning the Approval of An Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning from an Industrial (I) District to a Residential Single Family (R-1) District on the Following Five (5) Tracts of Land Located on Burleson Street:

- a. 1320 Burleson Street (Tract 142, Arrabella Harrington)
- b. Burleson Street [Leggett & Platt, Inc.] (Tract 232, Arrabella Harrington)
- c. 1406 Burleson Street (Tract 235, Arrabella Harrington)
- d. 1408 Burleson Street (Tract 230, Arrabella Harrington)
- e. 1414 Burleson Street (Tract 369, Arrabella Harrington)

Development Services Director Julie Fulgham presented this item. Fulgham stated that prior to considering an Ordinance to amend the zoning districts of these 5 tracts, a public hearing must be held to hear input regarding this proposed amendment.

Mayor Tate questioned why the tracts were changing from Industrial to Single Family (R-1). Fulgham explained the five tracts were changing to protect the residential investment. Fulgham stated the Planning & Zoning Commission recommended the rezoning designations.

Councilmember Goss questioned if the currently squared off areas were being used as parking. Fulgham explained yes and those are being proposed to remain in the Industrial designation, which will serve as the zoning line. Councilmember Goss questioned if the Leggett plat will remain in the Industrial designation. Fulgham stated that yes, it will.

REGULAR AGENDA

13. Discuss and Possibly Act Upon the Approval of a Request for a Specific Use Permit to Allow a Bed and Breakfast within an R-2 Mixed Residential Zoning District on Property Located at 1002 S. Day Street, and Specifically Being a 0.497 Acre Tract Described as Block 3, Lot S ½ Lot 2 of the W.G. Wilkins Addition in the City of Brenham, Washington County, Texas

Development Services Director Julie Fulgham presented this item. Fulgham stated that this is a request for a specific use permit to allow a Bed and Breakfast on a site that is approximately 0.497 acres within an R-2 Mixed Residential Zoning District located at 1002 S. Day Street in the City of Brenham. Fulgham explained a specific use is required for operation of a Bed and Breakfast in this zoning district. Fulgham advised that Staff believes the proposed use is compatible with the list of permitted uses within this district. Fulgham explained that Bed and Breakfasts are similar in nature to Boarding houses and must be approved by a specific use. Fulgham stated these are residential type uses; however they are not completely compatible with traditional single family uses. Fulgham explained the current location is in a residential area with a mixture of housing types and should not be incompatible in this area; therefore, the guidelines in the Comprehensive plan such as providing different types of housing and protecting residential neighborhoods should be followed with this request. Fulgham advised that Staff recommends approving the specific use permit, placing the condition that auxiliary uses shall not include special events (such as showers, tea's or similar events). Fulgham stated the Planning and Zoning Commission also recommended approval of this specific use permit at their May 5, 2014 regular meeting.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve an Ordinance on its first reading for a Specific Use Permit to allow a Bed and Breakfast (short term rental), and excluding special events as ancillary uses, within an R-2 Mixed Residential Zoning District on property located at 1002 S. Day Street, and specifically being a 0.497 acre tract described as Block 3, Lot S ½ Lot 2 of the W.G. Wilkins Addition in the City of 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 Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

14. Discuss and Possibly Act Upon the Approval of an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning from an Industrial (I) District to a Residential Single Family (R-1) District on the Following Five (5) Tracts of Land Located on Burleson Street:

- a. 1320 Burleson Street (Tract 142, Arrabella Harrington)
- b. Burleson Street [Leggett & Platt, Inc.] (Tract 232, Arrabella Harrington)
- c. 1406 Burleson Street (Tract 235, Arrabella Harrington)
- d. 1408 Burleson Street (Tract 230, Arrabella Harrington)
- e. 1414 Burleson Street (Tract 369, Arrabella Harrington)

Development Services Director Julie Fulgham presented this item. Fulgham stated the Planning and Zoning Commission held a workshop session regarding land use patterns in the area around Burlson Street at their February 3rd meeting and directed Staff to initiate zone change proceedings for the above listed tracts. Fulgham explained with the development of the Woodbridge Subdivision, land use patterns along Burlson Street have changed and residential zoning is most appropriate for tracts with frontage along Burlson Street. Fulgham advised that Staff recommends approving this requested zone change finding it conforms to the principles outlined in the Comprehensive Plan. Fulgham stated the Planning and Zoning Commission recommended approval of this zone change at their May 5, 2014 regular meeting.

A motion was made by Councilmember Herring and seconded by Councilmember Goss to approve an Ordinance on its first reading for an amendment to the Official Zoning Map of the City of Brenham, to change the zoning from an Industrial (I) District to a Residential Single Family (R-1) District on the following five (5) tracts of land located on Burlson Street:

- a. 1320 Burlson Street (Tract 142, Arrabella Harrington)
- b. Burlson Street [Leggett & Platt, Inc.] (Tract 232, Arrabella Harrington)
- c. 1406 Burlson Street (Tract 235, Arrabella Harrington)
- d. 1408 Burlson Street (Tract 230, Arrabella Harrington)
- e. 1414 Burlson Street (Tract 369, Arrabella Harrington)

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 Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

15. Discuss and Possibly Act Upon a Memorandum of Understanding Between the City of Brenham and the Nancy Carol Roberts Memorial Library 501(c) (3) Board Related to the Board’s Financial Participation in the Renovation, Modernization and Expansion of the City’s Public Library and Authorize the Mayor to Execute Any Necessary Documentation

City Manager Terry Roberts presented this item. Roberts stated the Fortnightly Club has been a major supporter of library services in Brenham and Washington County for more than a century. Roberts explained the Club also established a non-profit entity entitled Nancy Carol Roberts Memorial Library (NCRML) that has received assets that can be used to assist with capital improvement projects at the library. Roberts advised that because of donations and bequests that have been made, the NCRML Board has assets they wish to contribute to the renovation and expansion project.

Roberts explained that at the Board's request, the City prepared a memorandum of understanding (MOU) between our two entities regarding participation in the planned renovation and expansion. Roberts advised that the Board had questions about how decisions concerning the project and its funding would be handled, which was addressed those in the MOU.

Roberts stated the MOU ensures a significant voice for the Fortnightly Club and its leadership of the NCRML Board. Roberts explained it guarantees the funding from both the City and the NCRML Board will be committed to the project. Roberts explained the Library Advisory Board, consisting of Fortnightly members, Councilmembers and citizens at large, will make the final recommendation to the Council regarding architectural plans and any substantive changes. Roberts stated they, along with the Library management Staff, will be the policy team for decision making about the project.

Roberts advised the MOU does not mandate any additional fundraising for the project but does give the Library Advisory Board and Fortnightly the opportunity to consider it. Roberts stated the City has received donations for various city projects in the past and can provide the donor the necessary paperwork for IRS filing. Roberts explained the City is grateful to the Fortnightly Club and its non-profit affiliate for this substantial support of the library renovation and expansion project. Roberts advised the contribution will be for just under \$1.5 million with a distribution schedule attached to the MOU.

Fortnightly Club Representative Betty Fortner stated that they are very pleased with the MOU. Fortner explained that they are appreciative of the work with the City Manager to make the MOU agreeable by both parties.

A motion was made by Councilmember Williams and seconded by Mayor Pro Tem Nix to approve a Memorandum of Understanding between the City of Brenham and the Nancy Carol Roberts Memorial Library 501(c) (3) Board related to the Board's financial participation in the renovation, modernization and expansion of the City's Public Library 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 Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

16. Discuss and Possibly Act Upon a Request for a Noise Variance in Connection with the Nancy Carol Roberts Memorial Library's 2014 Summer Reading Program to be Held from 9:00 A.M. to 5:00 P.M. on June 10, 2014

Deputy City Secretary Amanda Klehm presented this item. Klehm stated Andria Heiges with the Nancy Carol Roberts Memorial Library is requesting a Noise Variance for the 2014 Summer Reading Program to be held on June 10, 2014 from 9:00 a.m. – 5:00 p.m. at Hohlt Park Pavilion. Klehm explained that they will have a sound amplification system, which requires a Noise Variance. Klehm stated the Brenham Police Department and the Brenham Fire Department have approved the noise variance request.

A motion was made by Councilmember Herring and seconded by Councilmember Williams to approve a request for a noise variance in connection with Nancy Carol Roberts Memorial Library’s 2014 Summer Reading Program to be held from 9:00 A.M. to 5:00 P.M. on June 10, 2014.

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 Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

17. Discuss and Possibly Act Upon a Request for a Noise Variance in Connection with Hot Nights, Cool Tunes 2014 Summer Concert Series to be Held from 4:00 P.M. to 11:00 P.M. on July 5, 12, 19, and 26, 2014

Deputy City Secretary Amanda Klehm presented this item. Klehm stated Main Street Brenham submitted a request for a Noise Variance for the 4-night concert series this year. Klehm advised that the dates and times include Saturday, July 5; Saturday, July 12; Saturday, July 19; and Saturday, July 26, 2014; from 2:30 p.m. (when sound set-up begins) until 12:00 a.m. when clean-up is through. Klehm explained there will be a free concert, children’s activities, food and beverage sales, and a classic car cruise-in. Klehm advised that they will have bands and a sound amplification system, which require a Noise Variance. Klehm stated the Brenham Police Department and the Brenham Fire Department have approved the noise variance request.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve a request for a noise variance in connection with Hot Nights, Cool Tunes Summer Concert Series to be held from 4:00 P.M. to 11:00 P.M. on July 5, 12, 19, and 26, 2014.

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 Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

18. Discuss and Possibly Act Upon Resolution No. R-14-015 Authorizing Execution of an Agreement with TxDOT for the Temporary Closure of State Right-of-Way in Connection with the 2014 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be Held on July 5, 12, 19, and 26, 2014

Deputy City Secretary Amanda Klehm presented this item. Klehm stated the Downtown Summer Concert Series (Hot Nights, Cool Tunes) is sponsored by Main Street Brenham. Klehm explained these are free concerts for the public. Klehm advised that this year's concerts will be held on July 5, 12, 19, and 26, 2014 from 7:00 pm – 11:00 pm. Klehm stated that one lane of Alamo Street will be closed between Austin Street and Market Street from 4:30pm – 11:30pm. Food and beverage booths and kids' activities will be set up along the street as well as classic car cruise-in with people sitting and enjoying the entertainment.

A motion was made by Councilmember Williams and seconded by Councilmember Barnes-Tilley to approve Resolution No. R-14-015 authorizing execution of an Agreement with TxDOT for the Temporary Closure of State Right-of-Way in connection with the 2014 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held on July 5, 12, 19, and 26, 2014.

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 Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

19. Discuss and Possibly Act Upon Resolution No. R-14-014 in Support of TxDOT's Turnback Program, or Similar Program, Concerning Conveyance of TxDOT FM 389 Right-of-Way from Business 36 South to FM 332 to the City of Brenham

City Engineer Grant Lischka presented this item. Lischka passed out a redlined version of the Resolution with some changes. Lischka stated that City staff has been approached by TxDOT regarding the maintenance and ownership of FM 389. Lischka explained that currently TxDOT maintains the entire length of FM 389 within the City limits. Lischka stated that Prairie Lea Street from U.S. Hwy 290 to College Avenue and College Avenue from Prairie Lea Street to Business Hwy 36 (South Day Street) are currently maintained by TxDOT as FM 389. Lischka advised that outside of U.S. Hwy 290, FM 389 travels in a westerly direction out of the City, intersects with FM 332 and then continues on. Lischka explained the length of roadway inside and outside of U.S. Hwy 290 (up to FM 332) is approximately 6,600' and 3,600' respectively. Lischka explained this comes to a total of approximately 2 miles. Lischka stated that inside U.S. Hwy 290, the road is a curb and gutter section, while outside it is a 2-lane open ditch section. Lischka advised that in discussions with TxDOT, they have tentatively offered to upgrade the section outside of U.S. Hwy 290 to a curb and gutter, 2-lane with center turn lane section. Lischka stated as a condition of the upgrade, TxDOT would turn over ownership and maintenance responsibilities to the City for the entire length from FM 332 to South Day Street.

Lischka explained that as of this time TxDOT is not proposing any improvements inside of U.S. Hwy 290. Lischka advised that Staff has inspected this portion of FM 389 and feels that the current condition is in the Good or Satisfactory classification, as per the rating system used for the 2013 Street Inventory. Lischka stated that other than minor maintenance and crack sealing, staff feels that this portion of FM 389 would not be a maintenance liability for the next 10-15 years.

Councilmember Goss questioned if the Street Department is willing to accept the responsibility and maintenance for all of these additional roads. Lischka explained that the roads are good to satisfactory condition and no major repairs are needed.

Lischka stated that TxDOT wanted a Resolution that stated the City is willing to participate in the program. Lischka explained that Staff will not go head first into the project now, but will do the Resolution so that it shows the City is thinking about it and Staff can move forward with negotiations before proceeding with whether or not to do the project. Lischka advised that the Resolution does not bind the City to participate in the program, but rather is to show that the City is willing to look at the program and negotiate terms.

A citizen questioned what is in it for the City to do this program. Lischka stated that the City would control the right-of-way for utility and signage, where now Staff has to get permission from TxDOT to utilize anything in the right-of-way. Lischka explained that TxDOT is offering a \$2.5 million dollar project with the stipulation that the City will take over and maintain the road. Lischka stated if the City chooses not to participate in the program, then they will downsize the project as overlaying the road, which is standard maintenance.

A citizen questioned if there would be an expense to maintain the road. Lischka stated that yes, there would be expenses to maintain.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Goss to Approve Resolution No. R-14-014 in support of TxDOT's Turnback Program, or similar program, concerning conveyance of TxDOT FM 389 right-of-way from Business 36 South to FM 332 to the City of Brenham with changes 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 Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

20. Discuss and Possibly Act Upon the Acceptance of a 2014 BAE Caimen Mine Resistant Ambush Protected (MRAP) Vehicle for Use by the Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation

Police Chief Rex Phelps presented this item. Phelps stated that the federal government offers a program (1033 program) to supply local law enforcement agencies with equipment at no cost that has application to local law enforcement. Phelps explained that currently the Brenham Police Department's Tactical Team does not have the benefit of an armored protection vehicle. Phelps advised that these vehicles are very costly and they have the service life of many years. Phelps stated that their costs can be several hundred thousand dollars. Phelps explained that the 1033 program has afforded the Brenham Police Department to acquire such a vehicle. Phelps advised that this vehicle is ballistic and explosive resistant. Phelps stated that in fact, it will withstand and protect officers in a tactical situation from virtually all domestic type weaponry. Phelps stated that it could potentially allow the tactical team the ability to get close enough to stop a deadly situation and protect not only themselves but the community at large. Phelps explained that the 1033 program makes it possible for smaller agencies with limited budgets to have equipment that is standard to larger agencies. Phelps advised that the vehicle called a Caiman MRAP (Mine Resistant Ambush Protected Vehicle). Phelps stated that many law enforcement agencies across the country have opted to utilize these vehicles because they work well for law enforcement tactical operations. Phelps advised that the vehicles in this program are well maintained with little to no use due to a government surplus.

Phelps explained that at times, you have to prepare and train for the worst. Phelps advised the vehicle is valued at \$733,000, so the donation is an opportunity and a benefit to the tactical team. Councilmember Goss questioned if the vehicle is road safe. Phelps explained that it is and can be driven in high water, if necessary.

Councilmember Goss questioned about maintenance on the vehicle. Phelps stated he doesn't see a lot of maintenance, if any. Phelps stated that the company gave them two spare sets of tires, which run approximately \$3,000 per tire.

Phelps advised that the vehicles are used by agencies for civilian application. Councilmember Goss stated he sees them at Premier Metal Buyers being cut up. Phelps advised the ones that are no longer in use are being cut up. Mayor Pro Tem Nix stated that she thinks this is a win win situation.

A citizen questioned what other maintenance costs they anticipate and is there any special training that will need to take place to use the vehicle. Phelps stated that oil changes may be more, but most mechanical repairs can be handled in house. Phelps explained the Police Department was recognized at a Best Practices organization, which less than 3% of agencies receive. Phelps advised the tactical team is required to do a certain amount of training. Phelps explained he has two officers on the tactical team that are qualified to drive and one who may get their Class B non-CDL license to drive the vehicle. Citizen stated he can see that it's an asset, but if the vehicle remains unused then the tires may dry rot and would cost more than it's worth.

Phelps advised that once the department is done with the vehicle, they must give it back to the government to be disposed of properly. Councilmember Goss questioned if a part needs to be replaced and the plant is Sealy is out of business, will it be a problem to find the necessary parts. Phelps stated BAE is still in business and they will be able to find parts, if they're needed. Phelps explained that if the vehicle gets to be too expensive, there is always the option to send it back.

Citizen John Muegge questioned if Pat could fix the vehicle. Phelps stated that yes, he can fix anything and he didn't think they would have any problems fixing the vehicle, if necessary.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to Approve acceptance of a 2014 BAE Caimen Mine Resistant Ambush Protected (MRAP) Vehicle for use by the Brenham Police Department 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 Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

21. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- There is a memo laid around the Dias about the TML Conference. Councilmembers will need to make a decision on whether or not they will attend by July 1st and let Paula know.
- Thanked Council for their time working through the budget this morning.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

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