

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, January 5, 2023 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 Carolyn Miller, City Attorney Cary Bovey, City Secretary Jeana Bellinger, General Manager of Public Utilities Debbie Gaffey, Deputy General Manager of Public Utilities Alton Sommerfield, Director of Public Works Dane Rau, Director of Development Services Stephanie Doland, Director of Finance Stacy Hardy, Strategic Budget Officer Tim Roberts, Fire Chief Roger Williams, Police Chief Ron Parker, Director of Water/Wastewater Bobby Keene, Economic Director Susan Cates, Human Resources Director Susan Nienstedt, Kyle Branham, Cherry Prewitt, Kevin Boggus, Shauna Laauwe, Teresa Rosales, Steve Loving, Karen Stack, and Mark Pierce

Citizens/Others Present:

Nathan Wade, Blake Brannon, Christopher Chilelli, Darren Huckert, Abinadat Yanez, Marie Surovik, William Grubbs, DeeAnna Marek, Chris Marek, Steve Sefcik, Cherry Franks, Robert Gonzalez, Coleen Broussard, Fred Lowery, Jay Haffyn, Isabel Velasquez

Media Present:

Jason May, Brenham Banner-Press; and Josh Blaschke, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Pro Tem Clint Kolby**

3. Service Recognitions

- Josh Daniels, Water & Wastewater Construction – 5 years
- Richelle Malinowski, Police Department – 5 years
- David Doelitsch, Development Services – 15 years

4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

- 5-a. Approve the Minutes from December 15, 2022 Regular Meeting and December 27, 2022 Special Meeting**
- 5-b. Approve Ordinance No. O-23-001 on Its Second Reading Amending Chapter 17, Offenses and Miscellaneous Provisions of the Code of Ordinances of the City of Brenham**
- 5-c. Approve Ordinance No. O-23-002 on Its Second Reading Amending Chapter 8, Fire Protection and Prevention of the Code of Ordinances of the City of Brenham**
- 5-d. Approve a Noise Variance for Outreach Ministries to be held on January 7, 2023 at 1200 E. Tom Green Street from 10:00 AM to 11:00 PM**
- 5-e. Approve a Noise Variance for Uptown Swirl to be Held on January 14, 2023, in Downtown Brenham from 3:00 p.m. to 7:00 p.m.**
- 5-f. Approve an Electronic Payment Processing Agreement Between the City of Brenham and Paymentech, LLC, d/b/a Chase Merchant Services on Behalf of JPMorgan Chase Bank, N.A. for Services Related to the Electronic Payment and Collection of Utility and Municipal Court Transactions and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve the Statutory Consent Agenda Items 5.a. thru 5.f., amending Item 5-a. Minutes from December 27, 2022 Special Meeting to indicate that Councilmember Adonna Saunders was present.

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

6. Public Hearing, Discussion and Possible Action on an Ordinance on Its First Reading Amending Appendix A – Zoning of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Chris and Deanna Marek to Allow an Accessory Dwelling Unit (ADU) as an Accessory Use to Uses Permitted in a Mixed Residential Use Zoning District (R-2) on Approximately 0.386 Acres of Land Located at 604 S. Baylor Street, and Further Described as Lot E Part 3A, E Part 4A, Block 91, of the Original Town Addition in Brenham, Washington, County, Texas (Case No. P-22-027)

Mayor Tate opened the Public Hearing.

Shauna Laauwe, City Planner presented this item. Laauwe stated the property owners, Chris and DeeAnna Marek, were seeking a Specific Use Permit (SPU) to construct a 24' x 24' (576 SF) detached accessory dwelling unit (ADU) on their property located at 604 S. Baylor Street to replace an existing 400 SF metal shed. Laauwe explained that the subject property is situated in a Mixed Residential Use Zoning District (R-2) and ADUs are allowed within this zoning district if they meet all development standards of the district and six (6) additional standards as stated in Section 10.02(4) of the Zoning Regulations.

Laauwe explained that the ADU meets or exceeds all development standards, including the six (6) additional standards, required for an ADU within a Mixed Residential Use Zoning District (R-2) with the exception of the requirement of the driveway and off-street parking area. Additionally, the subject property is a part of two lots in Block 91 of the Original Town Addition, a subdivision that predates the adoption of the Subdivision and Zoning Regulations in 1967; therefore, before a building permit may be issued for the proposed ADU, the subject tract will be required to be replatted into one lot.

Laauwe explained that the SUP was reviewed by the Planning and Zoning Commission on December 19, 2022. The Commission voted unanimously to recommend approval of the SUP request with the following conditions, which have been included in the ordinance being presented for first reading:

1. The subject tract, which is currently platted as two lots, shall be replatted into one residential lot with approval by the Planning and Zoning Commission.
2. Proposed off-street parking area and driveway shall be improved to an impervious surface of either asphalt or concrete.

There were no citizen comments.

Mayor Tate closed the public hearing.

A motion was made by Councilmember Cook and seconded by Councilmember Canales to approve an Ordinance on its first reading amending Appendix A – Zoning of the Code of Ordinances of the City of Brenham granting a Specific Use Permit to Chris and DeeAnna Marek to allow an accessory dwelling unit (ADU) as an accessory use to uses permitted in a Mixed Residential Use Zoning District (R-2) on approximately 0.386 acres of land located at 604 S. Baylor Street, and further described as Lot E Park 3A, E Part 4A, Block 91, of the Original Town Addition, in Brenham, Washington County, Texas, (Case No. P-22-027).

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

REGULAR SESSION

7. **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 for an Amendment to the City of Brenham's Official Zoning Map to Change the Zoning District From a Local Business Residential Mixed Use District (B-1) to an Industrial Use District (I) on Approximately 3.77 Acres, Which is a Portion of a 6.899 Acre Tract of Land, Currently Addressed as 1150 Dixie Road and Being further Described as Tract 51 (WCAD) Out of the Phillip Coe Survey, A-0031 in Brenham, Washington County, Texas (Case No. P-22-026)**

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to remove this item from the table.

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

Director of Development Services, Stephanie Doland presented this item. Doland stated the subject property was a 3.77-acre east portion of a 6.899-acre property addressed as 1150 Dixie Road and generally located on the east side of Dixie Road, south of Confederate Lane and abutting the Premier Metal Buyers business property to the east located at 1555 Highway 36 North. The current land use for the subject property is Commercial/Office Use and the current zoning is B-1, Local Business/Residential Mixed-Use District; future land use designates it as Estate Residential. Doland advised the request for this re-zoning was to allow for the expansion of an existing industrial use located at 1555 Highway 36 North.

Doland noted on Monday, November 21, 2022, a public hearing was held by the Planning and Zoning Commission on this item. During the public hearing, two people spoke against the request. After the public hearing and discussion, the Planning and Zoning Commission voted unanimously (4-0) to recommend approval of the zoning request.

Doland advised that on December 5, 2022 the City Council held a Public Hearing associated with this rezoning request. During that Public Hearing one adjoining property owner, Marie Surovik, spoke against the zoning request and at that time City Council voted to table the item.

Doland explained that since the December 5th meeting, staff has received seven (7) written responses and six (6) telephone calls, all in opposition to the rezoning. Doland also advised that a letter from the prospective buyer of a neighboring property, located at 1030 Dixie Road, had been received in favor of the rezoning.

Doland explained that if the rezoning request is approved as presented, Premier Metal Buyers would be subject to applicable Industrial Development and Building Standards, which include:

- 75' bufferyard to the south
- 50' bufferyard to the west
- 8' metal perimeter screening fence (permit has already been submitted for fence)
- Noise ordinance adherence (85 decibels)

Mayor Tate asked if there were any citizens wishing to speak on this item. Five (5) citizens expressed their opposition to the rezoning. All of them cited the following:

1. Noise that goes on all hours of the day and night;
2. Odor emitted from the area;
3. Increased traffic, specifically on Dixie Road;
4. Concern about property values;
5. Visual eye sore due to the large stacks of metal;
6. Concerns about ground contamination because of the metal;
7. Concerns that the full 6-acre tract will be used for the storage and processing of metal, not just the 3.77 acres as stated by the requestor; and
8. Approval of the rezoning will delay the property owner's plans to relocate to another, more suitable, site.

Property owner, Blake Brannon, explained that his business is growing and the expansion was necessary. If he was not allowed to continue to grow his business in Brenham, he would be forced to do something else. Brannon expressed that the intent is to move his business to property in the County but that negotiations with the railroad were taking longer than anticipated. Brannon stated that while relocating is a priority for them, the relocation would not be an “overnight” event, it would be a multi-year transition.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Cook to approve an Ordinance on its first reading amending Appendix A - 'Zoning' of the Code of Ordinances of the City of Brenham for an amendment to the City of Brenham's Official Zoning Map to change the Zoning District from a Local Business Residential Mixed Use District (B-1) to an Industrial Use District (I) on approximately 3.77 acres, which is a portion of a 6.899-acre tract of land, currently addressed as 1150 Dixie Road and being further described as Tract 51 (WCAD) Out of the Phillip Coe Survey, A-0031 in Brenham, Washington County, Texas (Case No. P-22-026).

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	No
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	No
Councilmember Albert Wright	Yes

8. Administrative/Elected Officials Report

City Secretary Jeana Bellinger reported on the following:

- General Elections will be held on May 6th.
- Candidate Packets are available in the City Secretary’s office from 8:00 a.m. – 5:00 p.m., Monday through Friday or they can be downloaded from the City’s website.
- The first day to file is January 18th and the last day to file is February 17th.
- Re-districting was effective January 1, 2023. Citizens affected by the re-districting will receive a new voter registration card with their new Ward information.

Director of Economic Development Susan Cates reported on the following:

- Introduced the new Economic Development Specialist, Teresa Rosales

City Manager Carolyn Miller reported on the following:

- Brenham Housing Authority Open House is today at 5:00 p.m.
- Uptown Swirl would be on Saturday, January 14th from 3:00 p.m. – 7:00 p.m.
- Brenham Fire Department Holiday Party, Saturday, January 14th at 6:00 p.m.
- City offices will be closed on Monday, January 16th for the Martin Luther King Day Holiday.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor



Jeana Bellinger, TRMC, CMC
City Secretary