



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, AUGUST 5, 2021 AT 01:00 PM
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN STREET
BREHMAN, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags - City Manager James Fisher**
- 3. Special Recognitions**
 - ◆ **GFOA Distinguished Budget Presentation Award**
 - *Eleventh Consecutive Year*
 - ◆ **Recognition of Service: Andria Heiges, Library**
 - ◆ **Retirement: Norma Rodriguez, Municipal Court**
- 4. Citizens Comments**

CONSENT AGENDA

- 5. 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.

 - 5-a. Approve the Minutes from the July 1, 2021 Regular City Council Meeting and the July 14, 2021 Special City Council Meeting**
 - 5-b. Approve a Noise Variance in Connection with a Birthday Party to be Held at Henderson Park from 3:00 p.m. to 9:00 p.m. on August 8, 2021 and Authorize the Mayor to Execute Any Necessary Documentation**

PUBLIC HEARING

6. **Public Hearing, Discussion and Receipt of Input Related to the Proposed Creation of Reinvestment Zone Number 48 Requested by QuestSpecialty Corporation for Commercial Tax Phase-In Incentive on That Certain 16.818 Acres of Land, Generally Located at 2001 East Tom Green Street, Brenham, Texas, Being More Fully Described in Exhibit "A" of the Ordinance Creating Reinvestment Zone 48, and Designating This Property as Qualifying for Tax Phase-In**

REGULAR SESSION

7. **Discuss and Possibly Act Upon an Ordinance on Its First Reading for the Creation of Reinvestment Zone Number 48 Requested by QuestSpecialty Corporation for Commercial Tax Phase-In Incentive on That Certain 16.818 Acres of Land, Generally Located at 2001 East Tom Green Street, Brenham, Texas, Being More Fully Described in Exhibit "A" of the Ordinance Creating Reinvestment Zone 48, and Designating This Property as Qualifying for Tax Phase-In**
8. **Submission of, Discussion and Possible Action Regarding the No-New-Revenue Tax Rate, Voter-Approval Tax Rate and Proposed Tax Rate of \$0.4940 per \$100 Valuation for the 2021 Tax Year, and Take Record Vote on Proposed Tax Rate and Meeting Dates for Final Adoption of Tax Rate by City Council**
9. **Discuss and Possibly Act Upon Ordinance No. O-21-016 on Its Second 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**
10. **Administrative/Elected Officials Report**

Administrative/Elected Officials Reports: Reports from City Officials or City staff regarding items of community interest, including expression of thanks, congratulations or condolences; information regarding holiday schedules; honorary or salutary recognitions of public officials, public employees or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that have arisen after the posting of the agenda.

EXECUTIVE SESSION

11. **Section 551.071 Texas Government Code - Consultation with Attorney
- Consultation with City Attorney Regarding the Following Pending
Litigation/Claims:**

- A. **City of Brenham v. WTG Gas Marketing, Inc.; Cause No. 37573;
335th Judicial District Court, Washington County, Texas**
- B. **Roger R. Robinson v. City of Brenham Housing, City of Brenham
Police Department, et al; Civil Action No. Case No. 1:20-CV-1182-
LY-ML; United States District Court - Western District of Texas -
Austin Division**
- C. **Roger R. Robinson v. City of Brenham Housing, City of Brenham
Police Department, et al; Civil Action No. Case No. 1:20-CV-1188-
LY-ML; United States District Court - Western District of Texas -
Austin Division**
- D. **Claims Alleged Against the City of Brenham by Ricky Boeker,
and Associated Legal Matters**

RE-OPEN REGULAR SESSION

Adjourn

Executive Sessions: The City Council for the City of Brenham reserves the right to convene into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas Government Code, Chapter 551, including but not limited to §551.071 - Consultation with Attorney, §551.072 - Real Property, §551.073 - Prospective Gifts, §551.074 - Personnel Matters, §551.076 - Security Devices, §551.086 - Utility Competitive Matters, and §551.087 - Economic Development Negotiation

CERTIFICATION

I certify that a copy of the August 05, 2021 agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan St., Brenham, TX on Monday, August 2, 2021 at 12:00 pm.

Karen Stack

Deputy City Secretary

Disability Access Statement: This meeting is wheelchair accessible. The accessible entrance is located at the Vulcan Street entrance to the City Administration Building. Accessible parking spaces are located adjoining the entrance. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours before the meeting) by calling (979) 337-7567 for assistance.

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the _____ day of _____, 2021 at _____ AM PM.

Signature _____

Title _____



SPECIAL RECOGNITION

To: Mayor, Council and City Manager

From: Carolyn D. Miller
Assistant City Manager-Chief Financial Officer

Subject: Distinguished Budget Presentation Award for
Fiscal Year Beginning October 1, 2020
Eleventh Consecutive Year

Date: August 5, 2021

I am pleased to announce that the City of Brenham for the eleventh consecutive year has received the **Distinguished Budget Presentation Award** from the Government Finance Officers Association of the United States and Canada (GFOA), which is the only national awards program in governmental budgeting.

To quote the GFOA “this award is the highest form of recognition in governmental budgeting and represents a significant achievement by your organization.”

Debbie Gaffey, Strategic Budget Officer and Kaci Konieczny, Budget Manager, worked diligently to prepare a budget document which complies with the stringent guidelines for compliance with GFOA requirements. I personally want to extend my appreciation to Debbie and Kaci for their leadership, commitment, and hard work to ensure the attainment of this award.

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, July 1 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, Director of Economic Development Susan Cates, Police Chief Ron Parker, Human Resources Director Susan Nienstedt, Strategic Budget Officer Debbie Gaffey, Deputy City Secretary Karen Stack, Roger Williams, Greg Nienstedt, Dant Lange, Lloyd Powell, Jason Kasprovicz, Ashley Burns, Curtiss Schoen, Steven Eilert, Kejan Mehlhorn-Hock, Kelvin Raven, Jean Luera, Casey Redman, Tammy Jaster, Kelsey Toy, Victor Ortiz, Larry Moreno, Jody Kapchinshki, Crystal Locke, Kevin Boggus, and Shauna Laauwe.

Citizens/Others Present:

James Kowis, Dabney Kowis, Kimberly Hickson Spaw, Jean Hickson and Leigh Linden.

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 Shannan Canales**
3. **Service Recognitions**
 - Casey Redman, Parks Department – 20 Years
 - Kelvin Raven, Police Department – 25 Years
4. **Special Recognitions**
 - American Legion Office of the Year – Detective Ashley Burns
 - Presentation by Leigh Linden, Deputy District Director on Behalf of State Representative Ben Leman
 - Police Department Promotion – Jason Kasprowicz, Corporal
5. **Proclamations**
 - National Parks and Recreation Month
6. **Citizens Comments**

No citizen comments were heard.

CONSENT AGENDA

7. **Statutory Consent Agenda**
 - 7-a. **Approve the Minutes from the April 21, 2021 Special City Council Meeting and the June 3, 2021 and the June 17, 2021 Regular City Council Meetings**

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve the Statutory Consent Agenda Item 7-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 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 ITEMS

- 8. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First 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 1207 E. Tom Green Street, Being Further Described as Tract 69, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R14381)**
 - b. 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)**
 - c. 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)**
 - d. A Tract of Land Being Addressed as 1205 E. Tom Greet Street, Being Further Described as Tract 200, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R14519)**
 - e. 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)**
 - f. 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)**
 - g. 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)**
 - h. 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)**
 - i. A 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)**
 - j. 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)**
 - k. 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)**
 - l. 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)**

- m. 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)**
- n. 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)**

Project Planner Shauna Laauwe presented this item. Laauwe explained that the subject area is comprised of fourteen (14) lots and approximately 87.24 acres of land generally bounded by E. Tom Green to the north, Woodson Lane to the west, Niebuhr Street to the south and South Blue Bell Road to the east. The subject area is currently zoned Single-Family Residential District (R-1).

Laauwe stated that within the last several months, staff has received numerous calls from potential buyers of 1209 E Tom Green Street, to determine what commercial uses are permitted for the site and while this property has been zoned R-1, Single-Family Residential since zoning was implemented in the City in 1968, the property has received six (6) Specific Use Permits (SUPs) for nonresidential uses over the last 44 years. Laauwe advised the Council that when researching this property and the adjacent and surrounding uses, it was found that of the fourteen (14) lots that encompass the approximate 87-acre area:

- Only four (4) were permitted uses (single-family);
- One (1) lot use, the WC Healthy Living Association (Senior Center) located at 1301 E Tom Green, having an approved SUP as a philanthropic use;
- Five (5) lots are vacant, with four (4) of the vacant lots being owned by the Senior Center who received an additional SUP in June 2020 for the expansion of their parking area; and
- The four (4) other uses within the area are state and local governmental public uses to include the VFW, Texas National Guard, Brenham ISD, and Blue Bell Aquatic Center (BBAC).

Laauwe further explained that the proposed zoning change would allow for the existing specific uses and institutional uses to make improvements within the B-1 specifications that include bufferyard and landscaping requirements and for neighborhood commercial uses to potentially develop on East Tom Green Street.

Laauwe stated that this zoning change was presented to the Planning and Zoning Commission (P&Z) on June 28, 2021 and they recommended the ordinance be approved with the removal of two tracts (R14381 and R14519) being addressed as 1207 E. Tom Green Street and 1205 E. Tom Green Street. Laauwe advised Council that staff is in support of P&Z's recommendation and request the ordinance be approved with P&Z's recommended change.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Canales to approve an Ordinance on its first 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 multiple tracts of land as shown on the agenda and with the removal of 1207 E. Tom Green Street (R14381) and 1205 E. Tom Green Street (R14519) as recommended 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 Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

9. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First 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)

Project Planner Shauna Laauwe presented this item. Laauwe explained that the subject property is an existing 0.9903-acre vacant property addressed as 1408 N. Park Street and generally located on the east side of N. Park Street, south of AH Ehrig Drive and adjacent to the Hasskarl Tennis Court Center to the north and east. The subject property and the adjacent Hasskarl Park complex are currently zoned R-2, Mixed Residential Use District.

Laauwe advised that the applicant is requesting to rezone the property to be consistent with the abutting property to the south that is zoned B-2, Commercial Research and Technology Use District and to facilitate future development. Laauwe stated that this zoning change was presented to the Planning and Zoning Commission (P&Z) on June 28, 2021 and they approved it unanimously with no changes.

A motion was made by Councilmember Kenjura and seconded by Councilmember Saunders to approve an Ordinance on its first 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).

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. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First 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)

Director of Development Services Stephanie Doland presented this item. Doland explained that Stephen Grove, with Stylecraft Builders has submitted an application requesting to amend the existing Planned Development (PD) zoning on approximately 52.428 acres of land being located south and west of Dixie Road. Doland explained that the existing PD includes the amenity of a four-acre retention pond (wet pond) to serve as an amenity pond for the Vintage Farms Subdivision; however, it has been brought to Stylecraft's attention that a surface water permit must be obtained from TCEQ to continue the use of the retention pond for "commercial use." Doland stated that with the proposed change in use classification from agricultural to a residential subdivision development TCEQ no longer allows the pond to remain in the existing configuration.

Several residents of Vintage Farms subdivision addressed the City Council and expressed their concerns related to traffic in the subdivision and the speed of vehicles that are using the subdivision as an alternative route to Highway 36 and/or Berlin Road.

Doland explained that with the proposed PD amendment, the subject 52-acre tract of land will now include 13 acres of greenspace to include a deeper dry detention pond to hold storm water runoff and drainage capacity associated with the development of streets, sidewalks, public infrastructure, and all residential homes. Within the 13-acre dedicated greenspace Stylecraft proposes to include covered playground equipment, a pavilion, dog park, park benches, and walking trails all to be maintained by the HOA.

Doland stated that this zoning change was presented to the Planning and Zoning Commission (P&Z) on June 28, 2021 and they recommended the ordinance be approved with the requirement that the developer secure access to the dog park by installing a locking gate with a keypad entry.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve an Ordinance on its first 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) with a requirement that the developer secure access to the dog park by installing a locking gate with a keypad entry as recommended by P&Z.

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

WORK SESSION

11. Discussion and Presentation of the City of Brenham's Pavement Management Analysis Report Prepared by IMS Infrastructure Management Services

Assistant City Manager – Public Services/Utilities Donald Reese presented this item. Reese explained that on October 1, 2021, Council approved a Professional Services Agreement with Infrastructure Management Services (IMS) to perform a pavement analysis on all the streets within the city.

Reese advised that prior to this analysis, the City typically collected street condition data by staff conducting “windshield observations” and judging conditions by viewing the top surface only of the street with no method of collecting data on the subsurface. Reese stated that IMS used a Laser Crack Measurement System that completes a 3D millimeter-level scanning of the pavement surfaces and collects data on pavement distresses and structural strength as well as pavement elevation (range and intensity) and identifies cracking, rutting, roughness, potholes, and bleeding.

Reese explained that the analysis performed by IMS indicated an overall street rating of 59 with 50 to 60 being considered “Fair”. Additionally, the city has 13.16 miles of streets that fall in the “Poor” or “Very Poor” category.

12. Presentation and Discussion Related to a Possible Amendment to Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas to Allow an Automobile (Car) Wash as a Specific Use in the Local Business/Residential Mixed-Use District (B-1)

Director of Development Services Stephanie Doland presented this item. Doland explained that staff received a request for the construction of a car wash to be located at 1413 W. Main Street. The property is 0.61-acres and is currently zoned B-1, Local Business/Mixed Residential District, and the B-1 zone does not allow car washes as either a permitted use or a specific use.

Doland explained that staff met with the property owners and explained the B-1 zoning requirements and that the only way that a car wash would be considered for the site would be if a text amendment to the zoning ordinance was approved to allow automatic car washes as a specific use in the B-1 District. Doland further advised that should the zoning ordinance be amended, and a specific use permit applied for the subject property, staff would ask the applicant to address noise levels, bufferyard requirements, and all applicable site development factors for consideration by the Planning and Zoning Commission (P&Z) and for final approval by City Council.

Doland advised the Council that staff is seeking feedback and direction from the Council concerning the proposed amendment to the City’s Zoning Ordinance to allow an automobile car wash as a specific use permit in the B-1 district.

After further discussion, it was the consensus of the City Council to amend to the City’s Zoning Ordinance to allow an automobile car wash as a specific use permit in the B-1 district.

REGULAR SESSION

13. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 21, 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 explained that the current sign ordinance does not address sign standards or the need for a master sign plan for major multi-tenant shopping centers and mixed-use developments that have more than five (5) retail tenants/businesses that collectively occupy a minimum of 100,000 square feet of retail use gross floor area. Laauwe stated that the proposed change to the sign ordinance would resolve confusion in how to regulate, but provide flexibility to, large developments that have several tenants and potential pad sites that require signage. The amendment to the ordinance would also accommodate an orderly and unified presentation of signage in a master sign plan that would benefit the developer, consumer, and community.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve an Ordinance on its first reading amending Chapter 21, Signs, of the Code of Ordinances of the City of Brenham, Texas regarding major multi-tenant shopping center sign regulations.

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

14. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- City Hall will be closed on Monday, July 5th in observance of the Independence Day Holiday.
- Dedication of bench at the Fire Museum by the 2021 Washington County Leadership Class on Wednesday, July 7th at 6:00 p.m.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

Brenham City Council Minutes

A special meeting of the Brenham City Council was held on Wednesday, July 14, 2021, beginning at 4:30 p.m. in the Nancy Carol Roberts Memorial Library, Roberta C. Johnson Program Room, at 100 Martin Luther King, Jr. Parkway, 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

Members Absent:

Councilmember Albert Wright

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 Secretary Jeana Bellinger, Director of Public Works Dane Rau, Director of Development Services Stephanie Doland, Director of Public Utilities Alton Sommerfield, Director of Economic Development Susan Cates, Police Chief Ron Parker, Police Captain Dant Lange, Interim Fire Chief Rhea Cooper, Controller Stacy Hardy, Human Resources Director Susan Nienstedt, Tourism and Marketing Director Jennifer Eckermann, Strategic Budget Officer Debbie Gaffey, Information Technology Manager Kevin Schmidt, Jennifer Hill, Cynthia Longhofer and Nancy Stafford.

Citizens/Others Present:

None

Media Present:

Alyssa Faykus, Brenham Banner Press; and Mark Whitehead, KWHI

1. Call Meeting to Order

2. Update from Washington County Chief Appraiser

Washington County Chief Appraiser Dyann White gave the City Council an update on the expected property valuations for 2021.

3. FY2021-22 Proposed Budget Discussions – General Fund

City Manager James Fisher welcomed the Council and presented the following FY2021-22 proposed budget information:

- Economic Outlook
 - Post-pandemic recovery period
 - Budget focus
- Total FY21-22 Budget
 - \$75.1 Million in expenditures
 - \$65.2 Million in revenues
 - \$8.6 Million in other funding sources
 - \$1.3 Million in reserves
- Personnel
 - 25% of \$75.1 Million budget
 - 244 full-time employees
 - Budget includes Texas Municipal Retirement System (TMRS) True-Up, a 2% cost-of-living adjustment, and 12 new positions.
- Catch-Up Spending
 - Using excess General Fund reserves for vehicles/large equipment, electric line burial, facility maintenance, audio/visual and IT upgrades.
- New Tax-Supported Debt
 - New fire truck, street equipment, facility improvements at City Hall and street projects.
- New Revenue-Supported (Utility) Debt
 - Lake intake structure, lift stations and sewer mains.
- Brenham Community Development Corporation (BCDC)
 - Parks/Recreation Funded Projects
 - Economic Development Budget
- Airport Capital Projects
- Tourism & Marketing Budget
- General Fund Revenues
- General Fund Property Tax
 - Propose \$0.02 decrease in rate (from \$0.5040 to \$0.4840)
- General Fund – Utility Funds Support/Transfers

- General Fund Department Budgets
 - Marketing and Public Relations
 - Parks and Recreation
 - Library
 - Aquatic Center
 - Administration
 - Development Services
 - Human Resources
 - Maintenance
 - Finance
 - Purchasing and Central Warehouse
 - Municipal Court
 - General Government Services
 - Information Technology
 - Animal Services
 - Streets
 - Airport
 - Communications/Public Safety
 - Police
 - Fire

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary



Regular City Council
AGENDA ITEM 5-B.

Agenda Item: Approve a Noise Variance in Connection with a Birthday Party to be Held at Henderson Park from 3:00 p.m. to 9:00 p.m. on August 8, 2021 and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-August 05, 2021

Department: Administration

Staff Contact: Karen Stack

Classification:

SUMMARY STATEMENT:

Ms. Kondrea Graves is having a birthday party for her grandmother at Henderson Park on August 8, 2021 from 3:00 p.m. to 9:00 p.m. The party will feature a DJ; therefore, a noise variance is required for this event.

ATTACHMENTS:

(1) Noise Variance Request

RELEVANCE TO COMPREHENSIVE PLAN:

RECOMMENDED ACTION:

Approve a Noise Variance in Connection with a Birthday Party to be Held at Henderson Park from 3:00 p.m. to 9:00 p.m. on August 8, 2021 and Authorize the Mayor to Execute Any Necessary Documentation.

NOISE VARIANCE REQUEST

Application Fee \$10.00

1. Name of sponsoring organization: Kondrea Graves
2. Name and address of individual making application on behalf of sponsoring organization: 306 W. Vulcan St. Brenham, Tx 77833
3. Purpose of the Event: Birthday Party
4. Location of Event: Henderson Park 804 Old N. Market Brenham, Tx
5. Date of the event: Aug. 8, 2021
6. Time of Event: 3pm - 9pm
7. Event Set-up: From: 7am To: 10pm
Event Clean-up: From: 7am To: 10pm
8. You are required to describe the following:
 - a) Types of Activities Planned and any additional information specific to this event: food, music
 - b) Bands/Musical Instruments: N/A
 - c) Sound amplification equipment: DJ
 - d) Cleanup provisions: family

Kondrea Graves

Name of Applicant (Printed or Typed)

Date: July 19, 2021

[Signature]
Applicant or Authorized Person's Signature

Phone: 346-816-6655

Have you ever been found guilty of a criminal offense involving crimes against property, moral turpitude, and/or a felony by any Court? Yes ☒ No. If "Yes", please identify the offense, State of conviction and penalty imposed (attach additional sheets if necessary):

rec'd 7/15/21 KES
\$10 cash



Regular City Council
AGENDA ITEM 6.

Agenda Item: Public Hearing, Discussion and Receipt of Input Related to the Proposed Creation of Reinvestment Zone Number 48 Requested by QuestSpecialty Corporation for Commercial Tax Phase-In Incentive on That Certain 16.818 Acres of Land, Generally Located at 2001 East Tom Green Street, Brenham, Texas, Being More Fully Described in Exhibit “A” of the Ordinance Creating Reinvestment Zone 48, and Designating This Property as Qualifying for Tax Phase-In

Meeting Type: Regular Meeting-August 05, 2021

Department: Economic Development

Staff Contact: Susan Cates

Classification: Public Hearing

SUMMARY STATEMENT:

QuestSpecialty Corporation is a manufacturer of industrial chemical products sold through distributors who resell under private labels to plants, hospitals, schools, and other institutional users. They are located at 2001 E. Tom Green Street on 16+ acres. They employ 165 people, 160 of which are at their Brenham location.

QuestSpecialty is expanding production with the purchase of \$750,000 in new equipment to expand their current capacity. They are estimating an additional 22 employees will be needed to staff the new operations. An increase of approximately \$500,000 in inventory is expected to be required to support this expanded capacity.

Utilizing the Bureau of Labor Statistics RIMS II Multipliers, the estimated impact of the new jobs in our community is 30.5, and the estimated impact of the additional salaries will be \$1.69 million.

ATTACHMENTS:

(1) Map of Proposed RZ 48

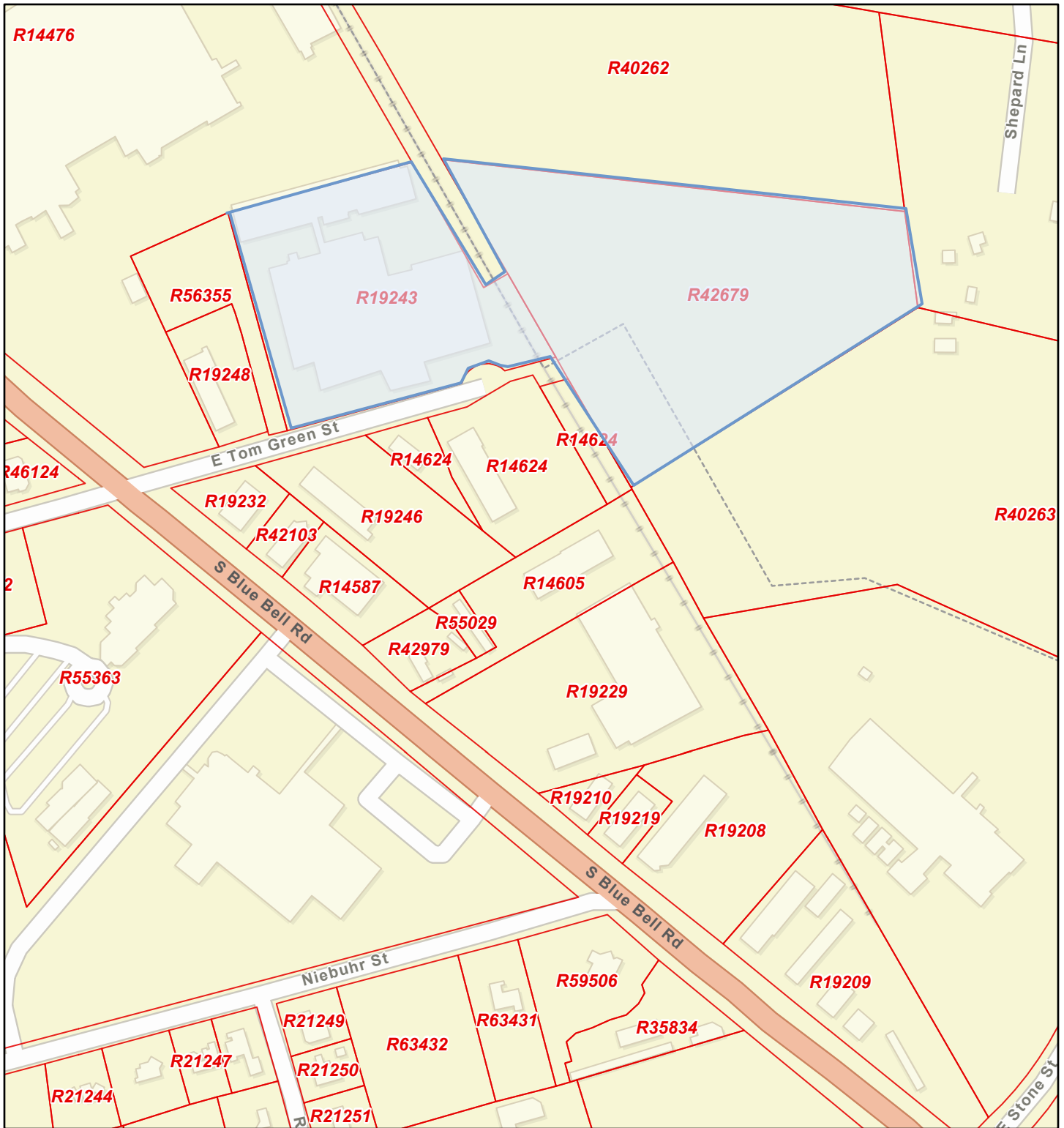
RELEVANCE TO COMPREHENSIVE PLAN:

Goal EO4: A diversified local economy as Brenham continues to attract new businesses while **retaining and growing existing businesses.**

RECOMMENDED ACTION:

No recommended action - Public Hearing only.

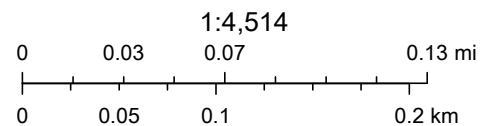
Proposed RZ 48



8/2/2021, 1:36:29 PM

 Parcels

 Washington County Boundary



Esri Community Maps Contributors, Baylor University, Texas Parks & Wildlife, BuildingFootprintUSA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



Regular City Council
AGENDA ITEM 7.

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First Reading for the Creation of Reinvestment Zone Number 48 Requested by QuestSpecialty Corporation for Commercial Tax Phase-In Incentive on That Certain 16.818 Acres of Land, Generally Located at 2001 East Tom Green Street, Brenham, Texas, Being More Fully Described in Exhibit “A” of the Ordinance Creating Reinvestment Zone 48, and Designating This Property as Qualifying for Tax Phase-In

Meeting Type: Regular Meeting-August 05, 2021

Department: Economic Development

Staff Contact: Susan Cates

Classification: Regular

SUMMARY STATEMENT:

QuestSpecialty Corporation is a manufacturer of industrial chemical products sold through distributors who resell under private labels to plants, hospitals, schools, and other institutional users. They are located at 2001 E. Tom Green Street on 16+ acres. They employ 165 people, 160 of which are at their Brenham location.

QuestSpecialty is expanding production with the purchase of \$750,000 in new equipment to expand their current capacity. They are estimating an additional 22 employees will be needed to staff the new operations. An increase of approximately \$500,000 in inventory is expected to be required to support this expanded capacity.

Utilizing the Bureau of Labor Statistics RIMS II Multipliers, the estimated impact of the new jobs in our community is 30.5, and the estimated impact of the additional salaries will be \$1.69 million.

ATTACHMENTS:

- (1) Ordinance to Create Reinvestment Zone 48
- (2) Exhibit A to Ordinance

RELEVANCE TO COMPREHENSIVE PLAN:

Goal EO4: A diversified local economy as Brenham continues to attract new businesses while **retaining and growing existing businesses.**

RECOMMENDED ACTION:

Approve an Ordinance on its first reading for the creation of Reinvestment Zone Number 48 requested by Bellville Holdings, LLC for Commercial Tax Phase-In incentive on that certain 16.818 acres of land, generally located at 2001 East Tom Green Street, Brenham, Texas, being more fully described in Exhibit "A" of the Ordinance creating Reinvestment Zone 48, and designating this property as qualifying for Tax Phase-In

ORDINANCE NO. _____

AN ORDINANCE DESIGNATING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN WASHINGTON COUNTY, TEXAS OUT OF THE JAMES WALKER LEAGUE, ABSTRACT NO. 106, CONTAINING 16.818 ACRES OF LAND, MORE OR LESS, AND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT “A” ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES, AS REINVESTMENT ZONE NUMBER FORTY-EIGHT FOR COMMERCIAL TAX PHASE-IN INCENTIVE AS PROVIDED IN CHAPTER 312, TEXAS TAX CODE; ESTABLISHING THE NUMBER OF YEARS FOR THE ZONE, AUTHORIZING AN AGREEMENT FOR EXEMPTION FROM TAXATION THE INCREASE IN VALUE OF CERTAIN PROPERTY IN ORDER TO ENCOURAGE DEVELOPMENT AND REDEVELOPMENT AND OTHER MATTERS RELATING THERETO; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Brenham, Texas, ("City") desires to encourage supervised improvements by property owners and lessees through tax phase-in procedures within its jurisdiction by the creation of a reinvestment zone as authorized by Chapter 312, Texas Tax Code (the “Act”); and

WHEREAS, on the 5th day of August, 2021, the City Council held a public hearing to receive comments concerning the designation of proposed Reinvestment Zone Number Forty-Eight. The notice of such hearing was published on July 27, 2021, such date being not later than the seventh day before the date of the public hearing; and

WHEREAS, the City called a public hearing and published notice of such public hearing as required by Section 312.201 of the Act; and has delivered written notice to the presiding officer of the governing body of each taxing unit within the jurisdiction of the proposed Reinvestment Zone Number Forty-Eight for Commercial Tax Phase-In; and

WHEREAS, at said public hearing the City presented evidence that such proposed designation would be reasonably likely to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property, that the proposed improvements are feasible and practical, that said improvements would be a benefit to the land included in the zone and that would contribute to the economic development of the City; and

WHEREAS, the designation of the proposed reinvestment zone is consistent with the City's policies adopted by Council Resolution No. R-19-038 on the 19th day of December, 2019, and will benefit the land included within the Reinvestment Zone after the expiration of the Agreement; and

WHEREAS, the City at such public hearing invited any interested person or his attorney to appear and contend for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory which is referred to as City of Brenham Reinvestment Zone Number Forty-Eight for Commercial Tax Phase-In, should be included in such proposed reinvestment zone, and obtain tax phase-in; and

WHEREAS, at such hearing recommendations were given as to the number of years the reinvestment zone would be designated, the number of years in which an agreement would be available, as well as the percentage of potential tax exemption under the aforesaid tax phase-in guidelines and criteria to be applied to taxable real property which is developed or redeveloped.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS:

Section 1. That the facts and recitations contained in the preambles of this Ordinance are hereby found and declared to be true and correct and are incorporated herein for all purposes.

Section 2. That the City, after conducting such hearing and having further studied the recommendations, as well as the evidence presented at the public hearing, has made the following findings based on the evidence and testimony presented to it:

- a) That the public hearing on the adoption of the reinvestment zone under the provisions of the Act has been properly called, held and conducted and that notice of such hearing has been published as required by law and has been sent to the respective taxing units within the proposed reinvestment zone; and
- b) That the City has jurisdiction to hold, and conduct said public hearing on the creation of the proposed reinvestment zone pursuant to the Act; and
- c) That creation of the proposed reinvestment zone with boundaries described herein will result in improvements made after the passage of this Ordinance and the execution of tax abatement agreements, that are feasible and practical and will benefit the City, its residents and property owners in the reinvestment zone; and
- d) That the proposed designation will be reasonably likely to contribute to the retention or expansion of primary employment or to attract major investments to the zone that would be a benefit to the property and contribute to economic development of the City.

- Section 3.** That the City hereby creates Reinvestment Zone Number Forty-Eight, designated as all of that certain tract or parcel of land, lying and being situated in Washington, County, Texas out of the James Walker League, Abstract No. 106, containing 16.818 acres of land, more or less, and being more fully described by metes and bounds in Exhibit “A” attached hereto and incorporated herein for all purposes, and such reinvestment zone shall hereafter be identified as Reinvestment Zone Number Forty-Eight for Commercial Tax Phase-In, City of Brenham, Texas.
- Section 4.** That the designation of Reinvestment Zone Number Forty-Eight for Commercial Tax Phase-In shall expire five (5) years from the date of this Ordinance, unless renewed as provided by the Act, or at an earlier time designated by subsequent ordinance.
- Section 5.** That written agreements as provided in the Act with owners of eligible property located within the reinvestment zone shall be for a period of up to ten (10) years, and that the eligible property that is subject to the above mentioned exemption from taxation shall be the land and improvements to the property in conformity with the City's criteria and guidelines, and written agreements shall provide for an exemption from taxation of the total increase in value of the eligible property over its value in the year the agreement is executed. The written agreement will require that all taxes be current at the time of execution of agreement and be kept current to all taxing entities during the term of said agreement.
- Section 6.** That said designation of Reinvestment Zone Number Forty-Eight for Commercial Tax Phase-In and the written agreement thereof are in accordance with the City of Brenham “Policy Statement on Property Tax Phase-In Incentive for Selected Commercial Enterprises” and will be a benefit to the land which will be included within the Reinvestment Zone and to the City of Brenham after the expiration of the agreement.
- Section 7.** That if any provision of this Ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part of it.
- Section 8.** That it is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

PASSED AND APPROVED, on its first reading this the ____ day of August 2021.

PASSED AND APPROVED, on its second reading this the ____ day of August 2021.

Milton Y. Tate, Jr.
Mayor

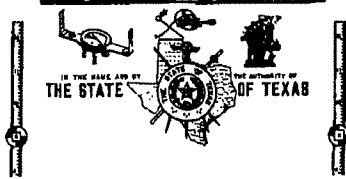
ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT "A"

HODDE & HODDE
LAND SURVEYING, INC.
Registered Professional Land Surveying
 613 E. Blue Bell Road
 Brenham, Texas 77833-2411

OFFICE PHONE: (979) 836-5681
 FAX: (979) 836-5683
 www.hoddesurveying.com



W. O. No. 6058

THE STATE OF TEXAS

JP MORGAN CHASE BANK, N.A.

TO

COUNTY OF WASHINGTON

BELLVILLE HOLDINGS, LLC

SURVEYOR'S LEGAL DESCRIPTION

16.818 ACRES

All that certain tract or parcel of land, lying and being situated partly within the City Limits of Brenham, Washington County, Texas, part of the James Walker Survey, A-106, being all of the same land described as 16.818 acres in the Substitute Trustee's Deed (with Bill of Sale) from Jan Langan (Substitute Trustee) to JP Morgan Chase Bank, N.A., dated May 6, 2008, as recorded in Volume 1279, Page 742, in the Official Records of Washington County, Texas, or being the same land described as 16.818 acres in the Warranty Deed with Vendors Lien from CHC Industries, Inc. to Brenham Tom Green, LP, dated November 1, 2004, as recorded in Volume 1139, Page 565, in the Official Records of Washington County, Texas, and being more fully described by metes and bounds as follows, To-Wit:

BEGINNING at a ½ inch iron rod found on the North margin of East Tom Green Street for the Southwest corner hereof and of said original 16.818 acres tract, being the Southeast corner of Lot 2 called 1.340 acres of the Arrol L. Moore Division of a 2.326 acres tract, a map or plat of said division being of record in Plat Cabinet File Slide No. 416-B in the Plat Records of Washington County, Texas;

THENCE along the East line of said Lot 2 of said Arrol L. Moore Division for the West line hereof and of said original 16.818 acres tract, N 15°05'32" W 515.00 feet to a found "X" marked on a concrete retainer wall for the Northwest corner hereof and of said original 16.818 acres tract, being the Northeast corner of said Lot 2 of said Arrol L. Moore Division, being an interior angle point on the South line of the Blue Bell Creameries, L.P. tract called 7.611 acres as described in Volume 679, Page 102, in said Official Records;

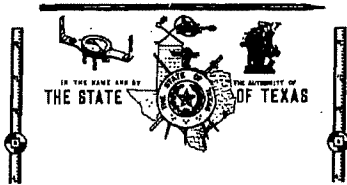
THENCE along a South line of said Blue Bell Creameries tract for a North line hereof, being along a North line of said original 16.818 acres tract, N 74°51'45" E 442.16 feet to a found punch hole marked in concrete on the Southwest right of way line of the Southern Pacific Railroad for a Northeast corner hereof and of said original 16.818 acres tract, being the Southeast corner of said Blue Bell Creameries tract, also being on a Northeast line of said City Limits of Brenham Texas, a ½ inch iron rod found (bent) at a chain link fence corner post bears N 29°53'45" W 4.99 feet;

Sheet No. 1 of 4

EXHIBIT "B"

HODDE & HODDE
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THENCE along a portion of the Southwest right of way line of said railroad for a Northeast line hereof, being along a Northeast line of said original 16.818 acres tract, being along or near said City Limits line, S 29°53'45" E 327.76 feet to a ½ inch iron rod found for an interior corner hereof, and of said original 16.818 acres tract, being a Southwest corner of said Southern Pacific Railroad right of way;

THENCE along the Southeast end of said railroad, being along a Northwest line hereof and of said original 16.818 acres tract, N 60°00'32" E 64.67 feet to a 5/8 inch iron rod found with plastic ID. cap (RPLS 5197) for the East corner of said railroad, being an interior corner hereof and of said original 16.818 acres tract, being an exterior corner of said City Limits;

THENCE along a portion of the Northeast right of way line of said railroad, being along a Southwest line hereof and of said original 16.818 acres tract, being partly along or near an existing fence, N 29°58'36" W 302.54 feet to a ½ inch iron rod found at a chainlink fence corner post on said railroad right of way line for an exterior corner hereof and of said original 16.818 acres tract, also being the Southwest corner of the Florence Marie Koehne, et al, residue of original tract called 23.990 acres (Tract 5) as described in Volume 559, Page 703, in said Official Records;

THENCE along the South line of said Koehne residue tract for a North line hereof and of said original 16.818 acres tract, being partly along or near an existing fence, S 83°30'46" E at 701.07 feet passing a ½ inch iron rod found at a chainlink fence corner post and at a total distance of 1079.25 feet to a ½ inch iron rod found 7.39 feet East of an existing North-South fence, for the Northeast corner hereof and of said original 16.818 acres tract, being the Southeast corner of said Koehne residue tract and being on the West line of the Alois Bilski tract called 20.070 acres as described in Volume 538, Page 386, in said Official Records, being the Northeast corner of a 0.019 acre fence encroachment area, being on the East line of a 60 foot wide easement called 2.737 acres as described in Volume 538, Page 409, in said Official Records;

THENCE along a portion of the West line of said Bilski tract for the most Eastern line hereof, and of said original 16.818 acres tract, being along a portion of the East line of said 60 foot wide easement, and being East of said North-South fence, also being along the East line of said 0.019 acre fence encroachment area, S 7°18'03" E 222.35 feet to a ½ inch iron rod found at a 8 inch treated fence corner post for an East corner hereof and of said original 16.818 acres tract, being the Southwest corner of said Alois Bilski tract, and being an exterior corner of the Regina Bilski, et al, tract called 26.079 acres as described in Volume 538, Page 422, in said Official Records, also being the East or Southeast corner of said 60 foot wide easement;

Sheet No. 2 of 4

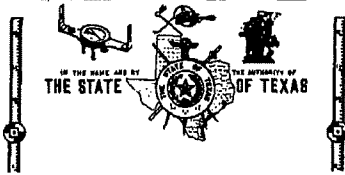


EXHIBIT "B"
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THENCE along the Northwest line of said Regina Bilski, et al, tract for a Southeast line hereof and of said original 16.818 acres tract, being along or near an existing fence, S 58°03'30" W 782.71 feet to a ½ inch iron rod found at a 4 inch Cedar fence post for the most Southern corner hereof and of said original 16.818 acres tract, being the West corner of said Regina Bilski, et al, tract and being on the Northeast line of the R. & S. Leasing tract called 0.4639 acre as described in Volume 607, Page 237, in said Official Records, and being on said City Limits line, a 1/2 inch iron rod found at a 48 inch Hackberry tree for the East corner of said R & S Leasing tract bears S 28°49' E 8.23 feet;

THENCE along a Southwest line hereof and of said original 16.818 acres tract, being along the Northeast line of said R & S Leasing tract and along the Northeast line of the City of Brenham tract called 0.0935 acre as described in Volume 607, Page 227, in said Official Records, being along said City Limits line, N 29°58'36" W at 286.89 feet pass the North corner of said R & S Leasing tract, being the East corner of said City of Brenham tract called 0.0935 acre, a ½ inch iron rod found bears (N 63°25'12" W 0.95 feet) and at a total distance of 348.96 feet to a 5/8 inch iron rod found with plastic ID. cap (RPLS 5197) for an interior corner hereof and of said original 16.818 acres tract, and being the North corner of said City of Brenham tract, being on said City Limits line;

THENCE along a South line hereof and of said original 16.818 acres tract, being along the North line of said City of Brenham tract called 0.0935 acre and along the North line of the City of Brenham tract called 0.0365 acre as described in Volume 600, Page 49, being along or near an existing fence, S 75°07'11" W 122.80 feet to a 5/8 inch iron rod found with plastic ID. cap (RPLS 5197) on the East right of way line of a cul-de-sac at the end of said East Tom Green Street for an exterior corner hereof and of said original 16.818 acres tract, being the Northwest corner of said City of Brenham tract called 0.0365 acre;

THENCE along a portion of the North right of way line of said East Tom Green Street, being in a cul-de-sac, for a South line hereof and of said original 16.818 acres tract, being a curve to the left, through a central angle of 118°49'32", having a radius of 60.00 feet, a chord of S 74°18'36" W 103.30 feet, for an arc distance of 124.43 feet, to a 3/8 inch iron rod found at the end of said cul-de-sac where same intersects the North margin of said East Tom Green Street for an exterior corner hereof and of said original 16.818 acres tract;

THENCE along a portion of the North right of way line of said East Tom Green Street for a South line hereof and of said original 16.818 acres tract, S 74°54'28" W 419.31 feet to the place of beginning and containing 16.818 acres of land.



Regular City Council
AGENDA ITEM 8.

Agenda Item: Submission of, Discussion and Possible Action Regarding the No-New-Revenue Tax Rate, Voter-Approval Tax Rate and Proposed Tax Rate of \$0.4940 per \$100 Valuation for the 2021 Tax Year, and Take Record Vote on Proposed Tax Rate and Meeting Dates for Final Adoption of Tax Rate by City Council

Meeting Type: Regular Meeting-August 05, 2021

Department: Finance

Staff Contact: Carolyn D. Miller, CPA

Classification: Regular

SUMMARY STATEMENT:

See attached memo.

ATTACHMENTS:

(1) Memo from Chief Financial Officer

RELEVANCE TO COMPREHENSIVE PLAN:

RECOMMENDED ACTION:

'I move that a property tax rate of \$0.4940 per \$100 valuation be considered by the governing body on the agendas of the September 2, 2021 and September 16, 2021 Brenham City Council meetings.'



MEMORANDUM

To: Mayor, Council and City Manager

From: Carolyn D. Miller
Assistant City Manager - Chief Financial Officer

Subject: Proposed Property Tax Rate for FY2021-22

Date: July 30, 2021

Developing an annual budget and adopting a property tax rate to support that budget must be accomplished in compliance with property tax code, local government code, and City Charter. Following legislative guidelines ensures that the public is informed of any increases. In 2019, the Texas Legislature passed Senate Bill 2, also known as the *Texas Property Tax Reform and Transparency Act of 2019*.

At its most fundamental level, S.B. 2 reformed the system of property taxation in three primary ways:

- (1) Lowered the tax rate a taxing unit can adopt without voter approval from 8.0% to 3.5% and requires a mandatory election to go above the lowered rate;
- (2) Made numerous changes to the procedures by which a city adopts a tax rate (see section below);
- (3) Made several changes to the property tax appraisal process.

What changes were made to how a city provides notice of its tax rate every year?

S.B. 2 provides a few different mechanisms for providing notice of the city's tax rate:

- By August 7th, or as soon thereafter as practicable, the city must post a notice on the city's website in the form prescribed by the comptroller.
- New notice provisions for the Public Hearing on the tax rate are required depending on the tax rate proposed by the city.
- New notice provision for the Meeting to vote on the tax rate is required.
- Requires a table to be included at the end of the notice for the Public Hearing on the tax rate that compares the taxes imposed on the average residence homestead in the city last year to the taxes proposed to be imposed on the average residence homestead this year.

City of Brenham Proposed Tax Rate for FY2021-22

During the month of July, three Council Budget Workshops were held to review and discuss the proposed FY2021-22 budget. Based on the priorities presented at these workshops, we discussed lowering the overall property tax rate by \$0.01. The maintenance & operations (M&O) property tax rate will increase from

\$0.3200 to \$0.3500 per \$100 valuation; and the interest and sinking (I&S) rate will be reduced by 4 cents from \$.1840 to \$.1440 per \$100 valuation.

The City is proposing to adopt a total tax rate (M&O and I&S) of \$.4940 for FY2021-22. Because the proposed tax rate exceeds the No-New-Revenue Tax Rate, a Public Hearing will be required.

Proposed Property Tax Rate

	<u>M&O</u>	<u>I&S</u>	<u>Total</u>
Current FY20-21	\$ 0.3200	\$ 0.1840	\$ 0.5040
Proposed Tax Rate FY21-22	\$ 0.3500	\$ 0.1440	\$ 0.4940
Proposed Increase/(Decrease)	\$ 0.0300	\$ (0.0400)	\$ (0.0100)

Senate Bill 2 Comparison

Proposed Tax Rate FY21-22	\$ 0.3500	\$ 0.1440	\$ 0.4940
No-New-Revenue Rate			\$ 0.4759
Voter-Approval Rate			\$ 0.5008

Tax Freeze for Residential Homestead Property Owners Over 65 and Disabled Persons

In June of 2019, Council approved an Ordinance providing for a tax freeze for persons over 65 years of age and disabled persons. For FY2021-22, the number of homesteads with this freeze is noted below:

- Over 65 – 1,472 accounts with an appraised value of \$252,772,322
- Disabled Persons – 51 accounts with an appraised value of \$6,376,327

These accounts will have their “tax bill” frozen from this point forward, or until the property is sold. The appraised value continues to increase (or decrease), but the amount due for property taxes cannot increase but can decrease.

We have prepared a comparison chart showing the average homestead taxable value for 2020 versus 2021, and the total change in taxes.

Comparison Table	Tax Year		Change	
	2020	2021	Dollar	Percent
Total Tax Rate (per \$100 of value)	\$ 0.5040	\$ 0.4940	\$ (0.0100)	-1.98%
Average Homestead Taxable Value	\$ 178,009	\$ 192,510	\$ 14,501	8.15%
Tax on Average Homestead	\$ 897.17	\$ 951.00	\$ 53.83	6.00%
Total Tax Levy on all Properties	\$ 7,631,448	\$ 7,965,034	\$ 333,586	4.37%

Council Action

Although not required by Tax Code, we recommend that Council take a RECORD vote to place an item to adopt the proposed property tax rate on agendas of future meetings. The motion for the vote should be made as follows:

“I move that a property tax rate of \$0.4940 per \$100 valuation be considered by the governing body on the agendas of the September 2, 2021 and September 16, 2021 Brenham City Council meetings.



Regular City Council
AGENDA ITEM 9.

Agenda Item: Discuss and Possibly Act Upon Ordinance No. O-21-016 on Its Second 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

Meeting Type: Regular Meeting-August 05, 2021

Department: Main Street

Staff Contact: Jennifer Eckermann

Classification: Regular

SUMMARY STATEMENT:

Following conversations with several Council members, staff is recommending several changes to the Historic Preservation Ordinance approved on the First Reading at the July 15 meeting.

The revisions include:

1. Add a definition to clarify that the word 'day' as used in the Ordinance means a calendar day, not a business day.
2. Allow Downtown Historic District property owners to vote on two of the property owner positions appointed by Council to the Historic Preservation Board.
3. Clarification that the guidelines and standards adopted by the Ordinance for approval of a Certificate of Appropriateness 'shall not' apply to the interiors of buildings and Structures.
4. A Section is added requiring the the Ordinance be reviewed within five years for recommended revisions.

An attachment includes wording for each of these proposed revisions.

ATTACHMENTS:

- (1) Ordinance No. O-21-016
- (2) HPO Downtown District Design Guidelines
- (3) Proposed Revisions

RELEVANCE TO COMPREHENSIVE PLAN:

Plan 2040 includes Strategic Action Priorities for the City to focus on implementing over the next 20 years. 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.

RECOMMENDED ACTION:

Approve Ordinance No. O-21-016 on its second reading, with revisions recommended by staff, 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
--

ORDINANCE NO. O-21-016

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 13, RESERVED, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS; PROVIDING FOR THE PRESERVATION, PROTECTION AND ENHANCEMENT OF PLACES, AREAS, DISTRICTS AND LANDMARKS OF HISTORICAL, CULTURAL OR ARCHITECTURAL IMPORTANCE AND SIGNIFICANCE, AND ASSOCIATED MATTERS; PROVIDING FOR THE ADOPTION OF DESIGN GUIDELINES FOR THE BRENHAM DOWNTOWN HISTORIC DISTRICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETINGS

WHEREAS, Section 211.001 et seq. of the Texas Local Government Code authorizes the City Council to protect and preserve places and areas of historical, cultural or architectural importance and significance; and

WHEREAS, Section 211.001 et seq. of the Texas Local Government Code authorizes the City Council to regulate and restrict the construction, reconstruction, alteration, or razing of buildings or other structures to maintain and protect heritage and property values in designated places and areas of historical, cultural or architectural importance and significance; and

WHEREAS, Section 214.001 et seq. of the Texas Local Government Code, authorizes the governing body of a municipality to, by ordinance, require the vacation, relocation of occupants, securing, repair, removal, or demolition of a building dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare based on minimum standards established for the continued use and occupancy of all buildings regardless of the date of their construction; and

WHEREAS, Section 214.00111 of the Texas Local Government Code provides additional authority to preserve substandard buildings as historic property to a municipality that is designated as a certified local government by the state historic preservation officer as provided by 16 U.S.C.A. Section 470 et seq.; and

WHEREAS, the City Council of the City of Brenham finds that the protection, preservation and enhancement of its historically and culturally significant places, areas and structures are important elements of the economic, educational, and cultural welfare of the City of Brenham; and

WHEREAS, the City Council finds historically and architecturally significant structures within a historically and architecturally significant area should be maintained in a manner that promotes the area and serves as a stimulus to the economic viability of the structure and the area; and

WHEREAS, the City Council finds that the preservation of the historic, architectural, and cultural features will stabilize property values, and promote harmonious, orderly, and efficient growth of the places and areas protected by this Ordinance; and

WHEREAS, the City Council finds that the enhancement of the area and its structures is in the best interest of the general welfare of the City of Brenham;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS:

SECTION 1.

Chapter 13, Reserved, of the Code of Ordinances of the City of Brenham, Texas is hereby amended in its entirety to read as follows:

Sec. 13-1. Short Title and Purpose.

This Ordinance shall be known and may be cited as the “Historic Preservation Ordinance.” The City Council of the City of Brenham, Texas, hereby declares that as a matter of public policy the protection, enhancement and perpetuation of districts and landmarks of historical and cultural importance and significance are necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that the historic districts and landmarks within the City of Brenham represent the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage; and, therefore, this Ordinance is intended to:

- (a) Protect and enhance the districts and landmarks which represent distinctive elements of the City of Brenham’s historic, architectural, and cultural heritage;
- (b) Foster civic pride in the accomplishments of the past and to promote the use of historic landmarks for the culture, prosperity, education and general welfare of the people of the City of Brenham;
- (c) Protect and enhance the City of Brenham’s attractiveness to the community and its visitors, and thereby support and promote business, commerce, and industry, bringing economic benefit to the City and its citizenry;
- (d) Foster and encourage preservation, restoration and rehabilitation of properties within the historic districts and landmarks within the City, thereby preventing future blight;
- (e) Stabilize and improve the values of such properties;
- (f) Provide a review process for the continued preservation and appropriate development of the City’s historic resources;
- (g) Balance the rights of the public which justify preservation of the community’s history and culture, with those of private property owners who own and control property, and are entitled to the reasonable use and return from their assets;
- (h) Provide assistance to property owners and tenants as well as civic organizations concerned with historic preservation; and

- (i) Provide assistance to interested property owners with regard to preservation and renovation projects, e.g. tax incentives, low interest loans, design, construction, and pre-inspection consultations.

Sec. 13-2. Definitions.

Words, phrases and terms not defined herein nor defined in the City of Brenham Zoning Ordinance shall be given their usual and customary meanings except where the context clearly indicates a different meaning.

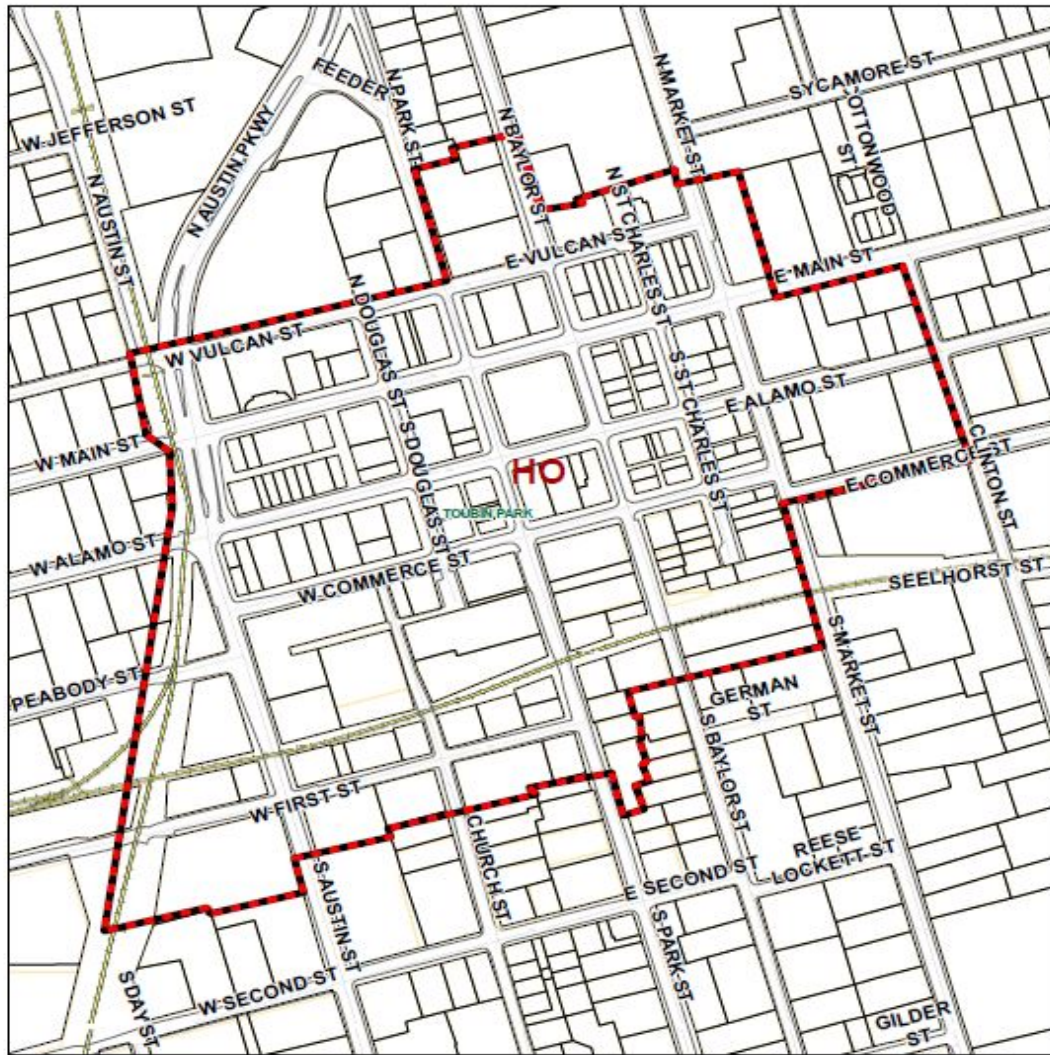
- (a) **Administrative Certificate of Appropriateness:** A document evidencing the approval of the Historic Preservation Officer, signed and dated by him or her, for Insignificant Alterations as such term is defined herein.
- (b) **Appurtenance:** Features that define the design of a building, Structure or property including but not limited to porches, railings, columns, shutters, steps, fences, attic vents, sidewalks, driveways, garages, carports, outbuildings, gazebos, and arbors.
- (c) **Board:** The Brenham Historic Preservation Board.
- (d) **Certificate of Appropriateness (COA):** A document evidencing the approval of the Historic Preservation Board, signed and dated by the chairperson of the Board or the Historic Preservation Officer, as applicable, for the addition, installation, construction, alteration, change, Restoration, removal, or Demolition of any Exterior Architectural Feature, resource or other significant Appurtenance of any Historic Landmark or of any building or Structure located within a Historic District, to be issued in cases further defined in this Ordinance where approval for the same is required.
- (e) **City:** The City of Brenham, Texas.
- (f) **Demolition:** An act or process that destroys, dismantles or tears down, in part or in whole, a Landmark, or a building or Structure within a Historic District.
- (g) **Demolition by Neglect:** A situation in which a property owner allows, or is allowing, in part or in whole, a Historic Landmark, or building or Structure within a Historic District, to suffer severe deterioration beyond, or potentially beyond, the point of repair or Rehabilitation.
- (h) **Design Guidelines for Brenham Downtown Historic Overlay District:** The design guidelines for the Downtown Historic District Overlay District adopted in accordance with and as provided for by this Ordinance.
- (i) **District, Historic Overlay District, or Historic District:** An area that: 1) possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects that are united historically or aesthetically by plan or physical development; and 2) is designated as a District, Historic Overlay District or Historic District pursuant to the applicable provisions of this Ordinance.
- (j) **Exterior Architectural Features:** The architectural style, design, general arrangement and components of all of the outer surfaces of a Structure, as distinguished from the interior surfaces, including but not limited to the kind, color and texture of the building material and the type and style of all windows, doors, lights and other fixtures of the Structure.
- (k) **Historic Preservation Officer:** The person who is appointed by the City Manager of the City of Brenham to administer the provisions of this Ordinance, or his or her designee.

- (l) **Insignificant Alteration:** Minor changes to the appearance of Exterior Architectural Features of a Structure which: 1) do not require a building permit; and 2) are reviewed and approved by the Historic Preservation Officer in compliance with Section 7 of this Ordinance.
- (m) **Landmark:** Refers to any individual Structure or Site that: 1) is significant for historical, architectural, engineering, archeological, or cultural reasons; and 2) is designated as a Landmark pursuant to the applicable provisions of this Ordinance.
- (n) **Ordinance:** This Historic Preservation Ordinance.
- (o) **Ordinary Repairs and Maintenance:** Any work, the sole purpose and effect of which is to correct or prevent deterioration, decay or damage, including repair of damage caused by storm, fire or other disaster, and which does not result in a change in the existing appearance or materials of a Structure or property. Examples of this type of work are further described in Section 7 of this Ordinance.
- (p) **Overlay Zone:** A set of zoning requirements that is adopted and described in the City of Brenham's Code of Ordinances, mapped, and is imposed in addition to those of the underlying zoning district. Development and improvements within the overlay zone must conform to the requirements of both zones, or the more restrictive of the two in the case of any conflict between the requirements.
- (q) **Preservation:** The act or process of applying measures to sustain the existing form, integrity, and material of a Structure, and the existing form of a Site.
- (r) **Rehabilitation:** The act or process of returning a Structure or property to a state of utility through repair or alteration with makes possible an efficient contemporary use while preserving those portions or features of the Structure or property which are significant to its historical, architectural, and cultural values.
- (s) **Restoration:** The act or process of accurately recovering the form and details of a Structure or property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.
- (t) **Significant Alteration:** Additions or changes to any part of the exterior of a Structure that require a building permit; represents new construction or is added as material to an existing feature of a Structure, as well as changes that alter design, architectural elements or character of a Structure.
- (u) **Site:** The location of a significant event, historic occupation or activity, or a Structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archeological value regardless of the purely economic value of any existing Structure.
- (v) **Sign Standards:** The applicable requirements and guidelines as are established in the City of Brenham Sign Ordinance, as may be amended from time to time.
- (w) **Structure:** Any man-made building or object constructed or erected upon real property.

Sec. 13-3. Historic Preservation Overlay Districts.

The Brenham Downtown Historic District (the "Downtown Overlay District") is hereby adopted and the boundaries, as described herein below, shall be designated with an "HO" on the official zoning map and Historic Overlay District map of the City of Brenham.

After the effective date of the original enactment of this Historic Preservation Ordinance, additional areas designated as Historic Preservation Overlay Districts in compliance with the provisions hereof shall be delineated with an “HO” on the official zoning map and Historic Overlay District map of the City of Brenham. Said Historic Preservation Overlay Districts are also sometimes referred to herein as Historic Districts or Districts.



Downtown Historic Overlay District Map Containing 49.412 Acres

Sec. 13-4. Historic Preservation Board.

There is hereby created a Board to be known as the Brenham Historic Preservation Board, hereinafter sometimes referred to as the “Board,” which shall be charged with the responsibility of assuring that the integrity of designated Historic Landmarks and properties within Historic Districts are protected. The members of this Board shall be subject to all requirements and provisions applicable to all board or committee members as may be established by the City Council.

- (a) The Board shall be composed of seven (7) voting members appointed by City Council, and a minimum of four (4) Board members shall be property owners within a Historic District, or an owner of a Historic Landmark. Other members should be appointed, to the extent possible, from the following categories: architect with historic preservation experience; planner; design professional; historian; licensed real estate broker; attorney; or member of a historic preservation society.
- (b) All Board members shall have a known and demonstrated interest, competence, or knowledge of historic preservation within the City, or in general.
- (c) Board members shall serve for staggered terms of three (3) years. For the initial Board members, the Historic Preservation Officer shall draw lots to establish the staggered terms with four (4) of the initial Board members serving 2-year terms and the remainder serving a full 3-year term. Board membership shall be limited to two (2) full consecutive terms, with a minimum one (1) year absence from the Board before consideration for reappointment.
- (d) The Chair and Vice-Chair of the Board shall be elected by and from the members of the Board and shall serve as said officers for a term of one (1) year.
- (e) The Board shall meet monthly if business is at hand. Special meetings may be called at any time as requested by the Historic Preservation Officer. All meetings shall be held in conformance with the Texas Open Meetings Act.
- (f) A quorum shall consist of not less than four (4) members.
- (g) The Board shall:
 - 1. Establish criteria for the identification of historic, architectural and cultural Landmarks.
 - 2. Recommend conferral of recognition upon the owners of Landmarks or within Districts by means of certificates, plaques or markers.
 - 3. Increase public awareness of the value of historic, cultural and architectural preservation by encouraging and participating in public education programs developed by the Historic Preservation Officer.
 - 4. Make recommendations to the City Council concerning the utilization of local, state, federal or private funds to promote the preservation of Landmarks and Historic Districts within the City.
 - 5. Grant or deny Certificates of Appropriateness for Significant Alterations in accordance with Sections 8 and 9 of this Ordinance.
 - 6. Adopt specific design guidelines for the review of new Landmarks and new Districts to ensure compatibility within the District.
 - 7. Prepare and submit to the City Council an annual report on the state of historic preservation in the City, a summary of activities for the past year and a proposed program for the next year.
 - 8. Perform any other such activities necessary to achieve the goals of this Ordinance, and other duties as assigned by the City Council.
 - 9. Review and make comments to the Texas Historical Commission concerning the nomination of properties within its jurisdiction to the National Register of Historic Places;
 - 10. Monitor and report to the Texas Historical Commission any actions affecting any county courthouse, Recorded Texas Historic Landmark, State Antiquities Landmark, National Register property, and any locally designated landmark.

Sec. 13-5. Historic Preservation Officer

The City Manager shall appoint a qualified City staff person to serve as the Historic Preservation Officer (“HPO”). The HPO shall administer and enforce the terms of this Ordinance as provided herein and advise the Board, as an ex-officio member, on matters submitted to it.

The HPO shall review Certificate of Appropriateness Applications for Insignificant Alterations and grant or deny the application.

As the City of Brenham liaison to the Board, the HPO will ensure proper posting and noticing of all Board meetings, schedule applications for Board review; provide information packets to its members prior to the meetings, record meeting minutes and facilitate Board meetings.

In addition to serving as liaison to the Board, the HPO will maintain an inventory of significant historic, architectural and cultural Landmarks and Historic Districts within the City.

The HPO is responsible for coordinating the City’s preservation activities with those of state and federal agencies and with local, state and national nonprofit preservation organizations.

Sec. 13-6. Designation of Historic Landmarks or Historic Districts

(a) Historic Districts

Historic District zoning designation. Designation of a Historic District will be considered by City Council if requested by at least sixty percent (60%) of property owners (one vote per property) within the proposed district and upon recommendation by the Historic Preservation Board and Planning and Zoning Commission. Such districts shall bear the words “Historic Overlay” (“HO”) in their zoning designation. Such designation and the requirements thereof shall be in addition to any other zoning district designation or requirement established in the City’s zoning ordinance and in this Ordinance.

(b) Historic Landmarks

Historic landmark designation. Individual historic sites may be designated only upon the request of the property owner. Pursuant to Texas Local Government Code Section 211.0165(e), the City shall allow the property owner to withdraw the designation request/consent at any time during the Historic Landmark designation process. Following an owner’s application, the Historic Preservation Board shall make a recommendation for or against such designation to the City Council which may designate certain buildings, sites, structures and objects as Historic Landmarks. Each such property or Resource shall bear the words “Historic Landmark” (“HL”) in its zoning designation. Such designation shall indicate that such property/Resource is subject to the terms of this Ordinance. Provided, however, with regard to site plans, uses, setback and other development and/or building regulations, such property shall be governed by its zoning district.

(c) Criteria

1. *Historic District criteria.* In making the designation of an area as a historic district, the City Council shall affirmatively find that the area has one or more of the following characteristics:
 - a. Possesses significance in history, architecture, archeology and/or culture.
 - b. Is associated with events that made a significant contribution to the broad patterns of local, regional, state and /or national history.
 - c. Is associated with the lives of persons significant in our past.
 - d. Embodies the distinctive characteristic of a type, period and/or method of construction.
 - e. Represents the work of a master designer, builder and/or craftsman;
 - f. Represents an established and familiar visual of the City.
2. *Historic Landmark criteria.* In making the designation of a place as a historic landmark, the City Council shall follow the criteria set forth in the historic district criteria subsection of this section as the same relate to an individual property, part of a property or Resource thereof.

(d) Applications for Designation of Historic District or Historic Landmark

1. Applications to designate or change the boundaries of a historic district or to designate a historic landmark must include:
 - a. A legal description of the boundaries of the district or site on which the historic landmark is located;
 - b. A photograph or photographs of each contributing building, structure, site, area or land;
 - c. A description of all buildings, structure, site, area or land showing the condition, color, and architectural style of each and:
 1. Date of construction, if known;
 2. Builder or architect, if known;
 3. Chain of uses and ownership;
 4. Building materials;
 5. Construction technique; and
 6. Summary of recognition of state or national government including reason designated, if applicable.
 - d. A statement of reasons for recommending designation or changes to the historic district or designation of the historic landmark, including a list of contributing buildings, structures, sites, areas or lands of importance and a description of the particular importance of each contributing building, structure, site, area or land;
 - e. Findings supporting designation of or change to the historic district or designation of the historic landmark according to the criteria in this section and indicating the particular importance or value of the historic district or the historic landmark; and
 - f. Signature of applicant. Eligible applicants are: property owner [or 60 percent of owners (one vote per property) in a proposed historic district of more than one property]; Historic Preservation Board (historic district only); or Historic Preservation Officer (historic district only).

2. The Board shall conduct a public hearing on the proposed historic district or historic landmark. At least fifteen (15) days prior to the date of the Board's hearing concerning a proposed Historic Landmark designation, the City must provide the property owner a statement that describes the impact that the Historic Landmark designation of the owner's property may have on the owner and the owner's property. The Historic Landmark designation impact statement must include a list of the: (1) regulations that may be applied to any structure on the property after the designation; (2) procedures for the designation; (3) tax benefits that may be applied to the property after the designation; and (4) rehabilitation or repair programs that the City offers, if any, for a property designated as a Historic Landmark. The property owner may, in the property owner's written application for the designation of a Historic Landmark, waive the right to require the City to provide the Historic Landmark designation impact statement to the property owner.
3. At the Board's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of the record regarding the historic, architectural, or cultural importance of the proposed historic district or historic landmark. The Board shall prepare a recommendation on the proposed change stating its findings and evaluation within thirty-two (32) days subsequent to the hearing on the proposed designation.

Sec. 13-7. Certificate of Appropriateness.

- (a) Ordinary Repairs and Maintenance as defined above does not require a Certificate of Appropriateness.

Ordinary Repairs and Maintenance include, but are not limited to:

1. Painting an already painted surface the same color;
2. Repair of architectural features using the same materials;
3. New roof, if not seen from public right-of-way;
4. Cleaning a Structure with low-to-mid pressure power washing;
5. Replacement of mechanical equipment; and
6. Replacement of foundation work, chimney work, or similar if no change in appearance occurs.

- (b) Any person performing Significant Alterations must first obtain a Certificate of Appropriateness from the Board.

Significant Alterations include, but are not limited to:

1. Work requiring a building permit to meet construction requirements in accordance with adopted codes and ordinances, unless otherwise specified herein;
2. Work that represents new construction and is added as material to an existing feature of a building;

3. Changes that alter design, architectural elements or character of a building; and
 4. Moving or demolition of a Landmark or property within a Historic District visible from the public right-of-way.
- (c) **New construction in Historic Districts.** The Historic Preservation Officer, or the Board, if requested by the applicant, will review all new construction plans within Historic Districts in order to ensure the exterior architectural features visually complement the surrounding buildings and environment in relation to design, height, scale, and setback.
- (d) Provided the application sought to be approved qualifies as an Insignificant Alteration, an Administrative Certificate of Appropriateness may be issued by the Historic Preservation Officer as an administrative matter without review by the Board. Any appeal of the decision shall be considered by the Board.

Insignificant Alterations include, but are not limited to:

1. Changes to exterior paint colors on previously painted surfaces;
2. Replacement of a non-historic door with one in keeping with the character and era in which the building was built;
3. Removal of non-historic features such as burglar bars, awnings, shutters;
4. Removal on non-historic siding to expose historic siding;
5. Elements attached to the exterior of any building or structure, including door hardware, hinges, mailboxes, and light fixtures; and
6. Minor modifications to an existing Certificate of Appropriateness that, after modification, still meets the intent of the original approval.
7. Repainting or refurbishing a “mural,” as defined in the City’s Sign Ordinance.

Sec. 13-8. Criteria for approval of a Certificate of Appropriateness.

In considering an application for a Certificate of Appropriateness or Administrative Certificate of Appropriateness, the Board or Historic Preservation Officer shall be guided by any adopted design guidelines, and the following from *The Secretary of the Interior’s Standards for Rehabilitation of Historic Buildings*. Any adopted guidelines and the *Secretary of the Interior’s Standards* shall be made available to the public through the office of the Historic Preservation Officer and on the City’s website.

The guidelines and standards adopted by this Ordinance are not intended to apply to the design, construction, and aesthetics of the interiors of buildings and Structures.

- (a) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.
- (b) The distinguishing original qualities or character of a historic building, structure, object, or Historic Property of any kind and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

- (c) All buildings, structures, objects and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be retained wherever possible.
- (f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historical, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (h) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
- (i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
- (j) Whenever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

Sec. 13-9. Certificate of Appropriateness application procedures.

- (a) Prior to the commencement of any work requiring a Certificate of Appropriateness, the owner or the owner's representative shall file an application and supporting materials for such certificate, and one (1) complete copy of the application and supporting materials, with the Historic Preservation Officer, who shall forward one (1) copy of the application and supporting materials to the City's Building Official or designee.

The property owner or the owner's representative shall consult with the Historic Preservation Officer prior to submission of the application with regard to the applicable standards and guidelines for the property.

- (b) The application shall contain all of the following information and items (except where otherwise noted):
 - 1. Name and signature of applicant and property owner.
 - 2. Mailing address, phone number and email address of applicant and address, phone number and email address of property owner.

3. The location and photographs of the existing conditions of the property and adjacent properties.
 4. A detailed description of the nature of the proposed work.
 5. Samples of materials to be used, including paint color chips that will be used.
 6. Evidence of historic authenticity (photographs). (Significant Alterations only)
 7. Site plan and exterior elevations (Significant Alterations only)
- (c) The Board shall review the application at a regularly scheduled, or specially called meeting within thirty-five (35) days from the date that the application was received. The Board may hold any additional meetings needed within sixty (60) days of the application. Should the Board not act within the 60-day period, the Certificate of Appropriateness shall be deemed automatically approved.
 - (d) If the Historic Preservation Officer determines that the application is for an Insignificant Alteration, he/she may, within fourteen (14) days, approve the application. *The Secretary of the Interior's Standards for Rehabilitation* will be used in assessing the application.
 - (e) All decisions of the Board and Historic Preservation Officer shall be in writing. Decisions shall state findings pertaining to the approval, denial, or modification of the application. A copy shall be sent to the applicant, and a copy attached to the building permit for public inspection.
 - (f) A certificate will expire twelve (12) months after its issuance but will continue as long as work is not discontinued for a period of twelve (12) months, in which a case a new certificate is required. In the event a certificate expires and is discontinued, the HPO is authorized to administratively approve a new certificate having identical terms and provisions as the original certificate.
 - (g) Certificates of Appropriateness may be issued for distinct and separate phases of an ongoing project.

Sec. 13-10. Building permit required

No person shall carry out any significant exterior alteration, restoration, reconstruction, new construction or moving of a Landmark or property within a Historic District without first obtaining a building permit from the City of Brenham Development Services Department.

Sec. 13-11. Demolition.

- (a) A permit for the demolition of a Historic Landmark or property within a Historic District, including secondary buildings, shall not be granted by the City's Building Official without the review of a completed application and issuance of a Certificate of Appropriateness for demolition by the Board.
- (b) The Board shall hold a public hearing on each application within sixty (60) days from the date the application is received by the City of Brenham Development Services Department. Following the hearing, a 60-day stay of demolition is required. The Board has thirty (30) days in which to prepare a written recommendation to the Chief Building Official. In the event that the Board does not act within one hundred twenty (120) days of the receipt of the application, a permit shall be granted.

- (c) The City of Brenham retains all of the rights and remedies to obtain damages for demolition of Historic Property set forth in Texas Local Government Code Section 315.006, as may be amended from time to time, and in accordance with additional rights as may be available in law or equity.
- (d) Nothing herein shall be construed to impair, limit or suspend the emergency powers of the City of Brenham and its officials pertaining to demolition of structures in cases of emergency, such as calamity or natural disasters.

Sec. 13-12. Demolition by Neglect.

- (a) No owner or person with an interest in real property designated as a Landmark or included within a Historic District shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Board, produce a detrimental effect upon the character of the Historic District as a whole, or the life and character of the property itself. It is the intent of this Ordinance to preserve from deliberate or inadvertent neglect the exterior features of the buildings and structures so designated or included within the District and the interior portions thereof, when such maintenance is necessary to prevent deterioration and decay of the exterior.
- (b) All historical buildings or structures shall be preserved against decay and deterioration and free from structural defects through prompt corrections of any of the following defects:
 - (1) Facades which may fall and injure persons or property;
 - (2) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;
 - (3) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration;
 - (4) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors;
 - (5) Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering;
 - (6) Any fault or defect in the building or structure which renders it not properly watertight or structurally unsafe; and
 - (7) Deterioration of any feature as to create a hazardous condition, which could lead to the claim that demolition is necessary for public safety.

Sec. 13-13. Economic Hardship

- (a) After receiving written notification from the Board of the denial of a Certificate of Appropriateness, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Board makes a finding that hardship exists.
- (b) When a claim of economic hardship is made due to the effect of this Ordinance, the owner must prove that:
 - 1. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;

2. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
 3. Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- (c) The applicant shall consult in good faith with the Board, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be shown to the Board.
 - (d) The Board shall hold a public hearing on the hardship application and notify all property owners within the applicable historic district or those within 200 feet of a landmark at which an opportunity will be provided for proponents and opponents of the application to present their views.
 - (e) All decisions of the Board shall be in writing. A copy shall be sent to the applicant by certified mail and a copy filed with the City Secretary's office for public inspection. The Board's decision shall state the reasons for granting or denying the hardship application.

Sec. 13-14. Enforcement.

All work performed pursuant to a Certificate of Appropriateness issued under this Ordinance shall conform to any requirements included therein. The City's Historic Preservation Officer may inspect periodically any such work to assure compliance with the Certificate of Appropriateness. In the event work is found that is not being performed in accordance with the Certificate of Appropriateness, the Historic Preservation Officer shall issue a stop work order to the contractor and property owner, and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. Work may be reinstated, however, upon assurance that compliance will henceforth exist. Irrespective of the provisions in this Ordinance, the City's Building Official or designee may inspect properties to ensure compliance with building regulations, as necessary.

Sec. 13-15. Appeals.

Any person aggrieved by a decision of the Board relating to Economic Hardship or a Certificate of Appropriateness may, within thirty (30) days of receipt of the written decision, file a written application with the City Council, through the office of the City Secretary, for review of the decision and the approval, denial, modification of, or deviation from, the Board's decision. The appeal application shall be set before the City Council at the first available City Council meeting. The City Council shall issue a final decision on all appeals from the Board within sixty (60) days of receiving the appeal. The City Council's decision shall be final.

Sec. 13-16. Tax Incentives

The purpose of this section is to encourage historic preservation by providing tax incentives for the renovation and rehabilitation of properties which are located within a historic district or designated as historic landmarks.

(a) Criteria

In accordance with Section 11.24 of the Texas Tax Code, the owner of a building and/or structure may apply to the City Council for a tax exemption if the following criteria are met:

- (1) The building and/or structure is designated as a historic landmark or located within a historic district; and
- (2) The site has been designated as a local historically significant site in need of tax relief to encourage its preservation; and
- (3) The building and/or structure has been substantially rehabilitated and/or restored as authorized by the Brenham Historic Preservation Board; and
- (4) The building and/or structure is maintained in compliance with all applicable City codes and regulations.

(b) Available Tax Incentives

The period of tax exemption for a building or structure shall run concurrently. Property owners with more than one historic landmark or structure within a historic district may be eligible for multiple exemptions. Eligible properties that meet the criteria established herein shall be entitled to the following municipal tax incentives:

- (1) The increase in appraised value caused directly by eligible improvements completed pursuant to a Certificate of Appropriateness shall not be added to the appraised tax value of the building or structure for municipal tax purposes for a period of three (3) years when the property owner(s) expend \$5,000.00 - \$25,000.00 on eligible improvements;
- (2) The increase in appraised value caused directly by eligible improvements completed pursuant to a Certificate of Appropriateness shall not be added to the appraised tax value of the building or structure for municipal tax purposes for a period of five (5) years when the property owner(s) expend \$25,000.01 - \$50,000.00 on eligible improvements; or
- (3) The increase in appraised value caused directly by eligible improvements completed pursuant to a Certificate of Appropriateness shall not be added to the appraised tax value of the building or structure for municipal tax purposes for a period of seven (7) years when the property owner(s) expend more than \$50,000.00 on eligible improvements

(c) Eligible Improvements

Eligible improvements shall consist of all improvements and work performed on a building or structure, classified as historic landmark or located within a historic district and thereby considered to be a local historically significant site as contemplated by Section 11.24 of the Texas Tax Code, which are completed pursuant to a valid Certificate of Appropriateness.

(d) Application for Tax Incentive

An Application for Tax Incentive shall be filed with the Historic Preservation Board. In the event the Application for Tax Incentive is received and the Board deems the improvements to qualify as eligible improvements under the terms set forth herein, the Historic Preservation Board shall approve the Application for Tax Incentive and forward the Application to the City Council with a recommendation for final approval. The Application for Tax Incentive may be processed concurrently with the application for a Certificate of Appropriateness. Each application shall be signed by the owner(s) of the property and shall include the following:

- (1) The legal description and address of the property;
- (2) Proof of ownership of the property;

- (3) A written statement of the owner describing the historic, cultural, architectural or archeological significance of the structure in need of municipal tax relief to encourage its preservation; and
- (4) Proof that the taxes on the property are not delinquent; and
- (5) A statement of costs for the project that must be validated upon conclusion of the project by the City Building Inspector.

(e) City Council Review

Upon the approval of an Application for Tax Incentive by the Brenham Historic Preservation Board, the City Council shall consider the Application to determine its compliance with the requisites stated herein. In the event the Application is deemed in compliance, the owner(s) of the property shall be entitled to the tax incentive. The tax exemption applies only to City property taxes and not to taxes assessed by or payable to any other taxing units. The property owner(s) will be responsible for obtaining a copy of the documentation, certified by the City Secretary, evidencing the City Council's approval of the Application and submitting that information to the Washington County Appraisal District for processing. Further, in order to receive the tax exemption, the property owner(s) shall be responsible for timely filing an application for tax exemption each year with the Washington County Appraisal District in accordance with the applicable provisions of the Texas Tax Code. The tax exemption runs with the property notwithstanding any change in ownership, provided the property owner(s) comply with the applicable provisions of this Ordinance and the Texas Tax Code.

Sec. 13-17. Penalties.

Failure to comply with any of the provisions of this Ordinance shall be deemed a violation, and the violator shall be liable for a misdemeanor charge and be subject to fine not to exceed \$100.00, and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly. Notwithstanding the preceding sentence, the City may bring a civil action to enjoin any violation of the terms of this Ordinance or an action for mandatory injunction to remove any previous violation hereof.

SECTION 2.

BREHAM DOWNTOWN HISTORIC DISTRICT DESIGN GUIDELINES

The "Design Guidelines for the Brenham Downtown Historic District," attached hereto as Exhibit "A" and incorporated herein for all pertinent purposes, are hereby adopted as the design guidelines governing the maintenance and improvement of structures located in the Brenham Downtown Historic District. The "Design Guidelines for the Brenham Downtown Historic District" shall not be codified in the Code of the Ordinances, City of Brenham, Texas, but may only be amended, altered or repealed by an ordinance adopted by the Brenham City Council.

SECTION 3.

SAVINGS CLAUSE

All provisions of any ordinance, resolution or other action of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances, resolutions or other actions shall remain in full force and effect.

**SECTION 4.
SEVERABILITY**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentences and clauses and phrases remaining should any provision be declared unconstitutional or invalid.

**SECTION 5.
REPEALER**

Any other ordinance or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

**SECTION 6.
EFFECTIVE DATE**

This Ordinance shall become effective upon adoption and publication as required by law.

**SECTION 7.
PROPER NOTICE AND MEETINGS**

It is hereby officially found and determined that the meetings at which this Ordinance was passed were open to the public as required and that public notice of the time, place and purpose of said meetings were given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED and APPROVED on its first reading this the 15th day of July 2021.

PASSED and APPROVED on its second reading this the 5th day of August 2021.

Adonna Saunders
Councilmember

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Design Guidelines

for the

Brenham Downtown

Historic District

Brenham, Texas

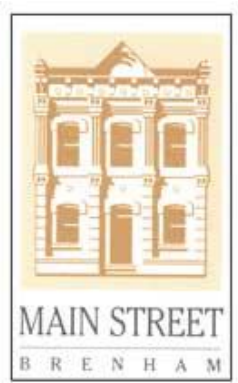


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Introduction

These Guidelines are a mechanism for the maintenance and improvements to the site and buildings of the Brenham Downtown Historic District. It is not the intention of the Guidelines to restrict the use and appearance of each property but rather to preserve the historic character and integrity of the buildings and district through the use of appropriate limits of change. The document is intended to guide the property owner and Historic Preservation Board in making appropriate decisions about maintenance and improvement of the historic structures and surrounding property.

These Guidelines shall be used in conjunction with and shall not supercede the following Codes and Standards:

- All applicable local building codes
- *The Secretary of the Interior's Standards for the Treatment of Historic Properties*
- *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings.*
- State of Texas Historic Preservation Ordinances
- Local Historic Preservation Ordinances

A local tax incentive program is available for major renovation projects. There is also an Incentive Grant Reimbursement Program for exterior finishes and signage. More information is available at the Main Street office at (979) 337-7384.

Many of Brenham historic downtown structures are contributing resources to the Brenham Downtown Historic District listed on the National Register of Historic Places in 2004. In order to be considered contributing, properties must exhibit the applicable National Register criteria:

- Property is associated with events that have made a significant contribution to the broad patterns of our history.
- Property is associated with the lives of persons significant in our past.
- Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic value, or represents a significant and distinguishable entity whose components lack individual distinction.
- Property has yielded, or is likely to yield, information important in prehistory or history.

Properties that have been altered or destroyed since their designation may not be considered as a contributor and will lose eligibility for grants and incentives. A copy of the National Register Application may be viewed at the Main Street office at City Hall.

Properties that are currently listed are eligible for tax incentives. For more information, contact the Texas Historical Commission.

Purpose

The purpose of these Guidelines is to preserve the historic character and integrity of the Brenham Downtown Historic District established in 2004. The structures in the district should be preserved in accordance with The Secretary of the Interior's Standards for the Treatment of Historic Properties and The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings.

The intent of which is to identify, retain, and preserve “the form and detailing of those architectural materials and features that are important in defining the historic character.” It is expected that the property owner will protect and maintain materials and features that are historically significant, repair when character-defining materials warrant additional work, and replace features with new materials where the level of deterioration or damage precludes repair.

This document may be used to guide both the maintenance and improvement of the historic structures. Each of the historically significant features and materials of the structures is outlined in the Guidelines. In conjunction with *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings*, these Guidelines provide specific direction for the replacement of damaged or deteriorated features and other improvements, which are necessary updates for contemporary use and are consistent with the historic character of the original structures.

The Secretary of the Interior's Standards for Preservation

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

<https://www.nps.gov/tps/standards.htm>

The Secretary of the Interior's Standards for Rehabilitation

The Standards (Department of Interior regulations, 36 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

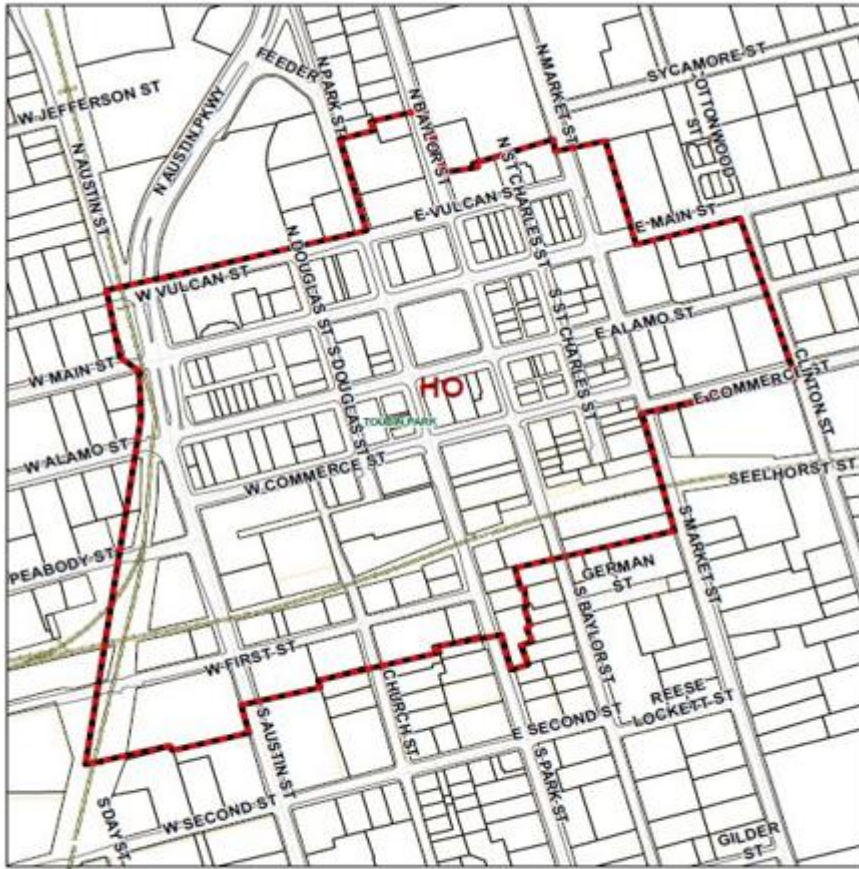
1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

<https://www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm>

Planning for Preservation and Rehabilitation

1. Inspect the existing condition of the structure. Note features and materials that need maintenance or repair. Determine the priorities for work. It is recommended that structural components and integrity of the exterior envelope (roof, walls, windows, doors) be given priority for work prior to proceeding with other repairs or alterations.
2. Confirm features and materials that are character defining and contribute to the historic qualities of the property.
3. Consider the requirements and options to achieve the functional, structural, and aesthetic alterations and additions desired. Choose the options which best preserve the historic character of the property.
4. Confirm applicable codes and standards for the proposed scope of work. Verify impact of codes and standards on the intent of the alterations and consistency with preservation of the historic character of the property.
5. Contact local and state historic preservation offices for further assistance with project compliance.
Local: Main Street Brenham (979) 337-7384
State: Texas Historical Commission (512) 463-6100
Website: www.thc.texas.gov
Email: thc@thc.texas.gov
6. Proceed to develop a plan for project construction in accordance with these Guidelines.

Map of the HPO Overlay District



Downtown Historic Overlay District Map Containing 49.412 Acres

Building Exterior – Masonry

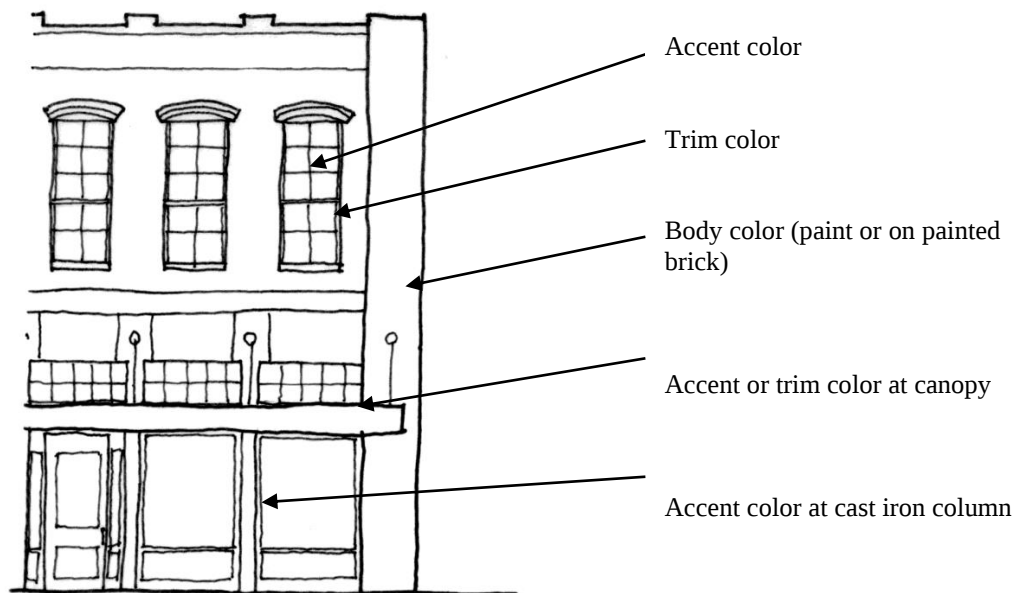
- Existing, unpainted masonry surfaces shall not be painted without receiving a Certificate of Appropriateness.
- Existing masonry surfaces shall be maintained. Damaged materials, when removed, shall be replaced with materials that are the same as or, if approved by the Historic Preservation Officer, similar to the existing masonry.
- Existing concrete surfaces shall be maintained. Damaged materials, when removed, shall be patched and repaired such that the coloration and texture is consistent with the existing concrete.
- Existing, unpainted concrete steps, walls, and floors at the exterior may not be painted without receiving a Certificate of Appropriateness.
- Proper maintenance of exterior masonry surfaces includes:
 - Cleaning with the gentlest method possible to remove dirt and other deleterious materials from the affected surfaces.
 - Ensuring that all surfaces drain properly such that water does not accumulate on any of the surfaces.
- Masonry shall be repointed if necessary. Repointing is the repair of cracks or damaged mortar joints and is considered a significant alteration, requiring an Administrative Certificate of Appropriateness. The new mortar shall be consistent with the original mortar in type, strength, and coloration. In addition, the joint type and thickness should not be modified.

Building Exterior – Wood

- Existing wood surfaces shall be maintained. Damaged materials, when removed, shall be selectively replaced with wood siding and trim that maintain the dimensional, texture, and detail characteristics of the existing materials.
- Proper maintenance of exterior wood surfaces includes:
 - Cleaning surfaces with the gentlest method possible to remove dirt and other deleterious materials from the affected surfaces.
 - Ensuring that all surfaces drain properly such that water does not accumulate on any of the surfaces.
 - Frequently inspecting painted wood surfaces to ensure that the paint will protect the wood from the elements.
- Wood siding and trim may not be replaced or concealed by synthetic wood surfaces such as:
 - Vinyl siding and trim
 - Aluminum siding and trim
 - Cementitious siding and trim

Building Exterior - Paint

- Existing painted surfaces may contain lead. Prior to undertaking any necessary paint removal, refer to the National Park Services *Health and Safety Considerations* for more information.
- Existing painted surfaces shall be maintained. Damaged or deteriorating paint may be removed using the gentlest methods possible. Refer to *Health and Safety Considerations* for more information on paint removal.
- Original masonry surfaces shall be maintained and not painted, unless severe deterioration of the brick or stone can be shown to require painting. If color or texture of replacement brick or stone cannot be matched with existing, painting may be an appropriate treatment.
- Proper maintenance of exterior painted surfaces includes:
 - Cleaning with the gentlest method possible to remove dirt and other deleterious materials from the affected surfaces.
 - Ensuring that all surfaces drain properly such that water does not accumulate on any of the surfaces.
 - Frequently inspecting painted wood surfaces to ensure that the paint will protect the wood from the elements.



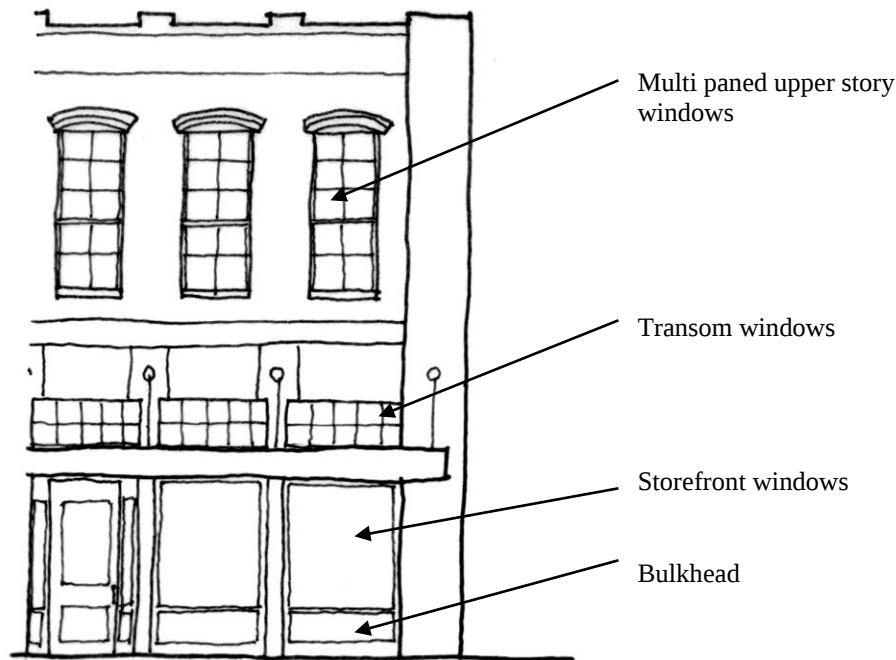
Building Exterior – Architectural Metals

- Existing metals, including gutters and downspouts, decorative railings, and flashings, shall be preserved and maintained. Damaged materials, when removed, shall be replaced with materials that match as closely as possible to the original metalwork.
- Existing exposed copper gutters and downspouts should be cleaned regularly for proper maintenance. If replacement of components is necessary, existing materials, forms, and finishes should be matched.
- Existing concealed gutter and downspout systems shall be retained in their original design and operation. Systems shall be cleaned regularly for proper maintenance. If repair is required, care shall be exercised in the removal and replacement of trim, flashings, and other components. Gutters and downspouts shall be replaced with components of the same material and size to prevent conflicts between incompatible materials.
- Existing decorative metal railings should be repaired and maintained. If replacement is needed, railings may be removed or replaced with metal or wood railings that meet local building code requirements and preserve the historic character of the structure.
- Existing metal flashings, shall be maintained. If new flashings are required to prevent water penetration, the new material shall match the old in type, size, thickness, and installation pattern.
- Proper maintenance of metal surfaces includes:
 - Cleaning with the gentlest method possible to remove dirt and other deleterious materials from the affected surfaces.
 - Ensuring that all surfaces drain properly such that water does not accumulate on any of the surfaces.
- Decorative metals shall be painted with an appropriate coating to protect the element from corrosion.

Building Exterior – Roofs

- Existing exposed roofing materials that are visible from the right of way, shall be maintained. Damaged materials, when removed, shall be replaced with materials that are the same as or, if approved by the Historic Preservation Officer, similar to the existing roof.
- Roof slopes and profiles may not be altered. Damaged or deteriorated roof framing and decking shall be repaired and replaced with materials and methods consistent with the original roof framing system.
- If a new roof is required, the original roof shall be removed in its entirety. No layering of roofing materials will be accepted. Roofing selection shall be appropriate to the roof configuration and slope.
- Replacement roofs may include the following: Color limitation and types are noted as well.
 - Wood Shingle
 - Clay tile –Tile should match existing in size, shape, texture, and coloration.
 - Asphalt Composition Shingle – Composition shingle roofs are not historic in nature but will be accepted as a lower cost, low maintenance, durable roofing product that does not detract from the historic character of the structures.
 - Standing Seam Metal – Metal is an excellent choice for those roof areas that do not achieve the slope required for shingle roofs. New Metal roofs may be used as the main roofing material. Roof framing should be examined for structural integrity.
 - Membrane Roofing – Existing roofs concealed by a parapet wall may be replaced with PVC or TPO membrane roofing. Ensure that parapet caps are retained such that the appearance from the street has not been altered or compromised.
- Proper maintenance of roofing materials includes:
 - Cleaning with the gentlest method possible to remove dirt and other deleterious materials from the affected surfaces.
 - Ensuring that all surfaces drain properly such that water does not accumulate on any of the surfaces.

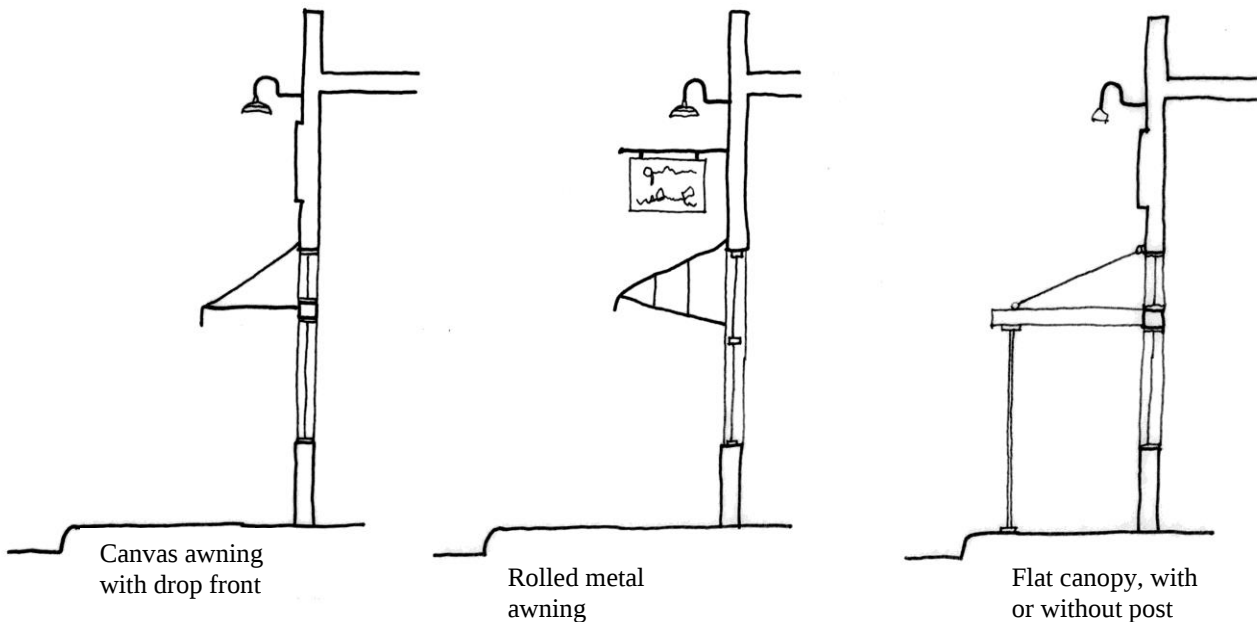
Building Exterior - Windows



- Existing historic windows shall be maintained. Damaged materials, when removed, shall be selectively replaced with materials and components that are the same as, or if approved by the Historic Preservation Officer, similar to the original glass and finish.
- Maintain original elements of the storefront design: cornices, transoms, display windows, cast iron columns, kick plates and spandrels. Maintain recessed entries where they existed. They provide weather-protection, protect pedestrians from opening doors, and add attractive detail to the storefront. Do not recess entire storefront.
- Multiple paned windows are important elements of upper story windows, while storefront windows shall consist of larger sheets of glass to maximize visibility of merchandise. Dark tinted glass is inappropriate for retail space (refer to “Windows,” pg 21).
- If replacement windows are required, they shall match the existing windows in size, operation, configuration and appearance. New windows shall utilize the rough openings of the existing windows. Piecemeal infill of the existing openings is not acceptable. Windows should have the same light patterns and muntin bar dimensions as the original windows. The finish of new and existing windows shall match in coloration.

- All replacement glazing shall be clear. No tinting or reflective film will be accepted.
- Windows should not be replaced solely for energy conservation. Refer to *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings* for strategies to enhance the solar and thermal performance and utilize the existing windows.
- Proper maintenance of windows includes:
 - Cleaning with the gentlest method possible to remove dirt and other deleterious materials from the affected surfaces.
 - Ensuring that all surfaces drain properly such that water does not accumulate on any of the surfaces.

Awnings and Canopies



- Rolled or flat metal canopies, similar to styles formerly seen in Brenham, may be used. Awnings or canopies may be attached either above transoms or between the transoms and display windows.
- Awnings shall be made of canvas or other fabric material. Canvas awnings are typical of historic buildings. Plastic or backlit awnings may not be used.
- Awnings may be a “drop-front” style.
- The modern bubble design, often used on commercial buildings, detracts from historic architectural styles and is typically not appropriate for commercial structures.
- All awnings or canopies shall provide at least 8 feet of clearance above grade.
- Canopies shall be made of metal or wood. Plastic components or other synthetic materials shall not be used.

Awnings and Canopies

- Awnings shall not be continuous across a facade, but rather relate to each bay or window.



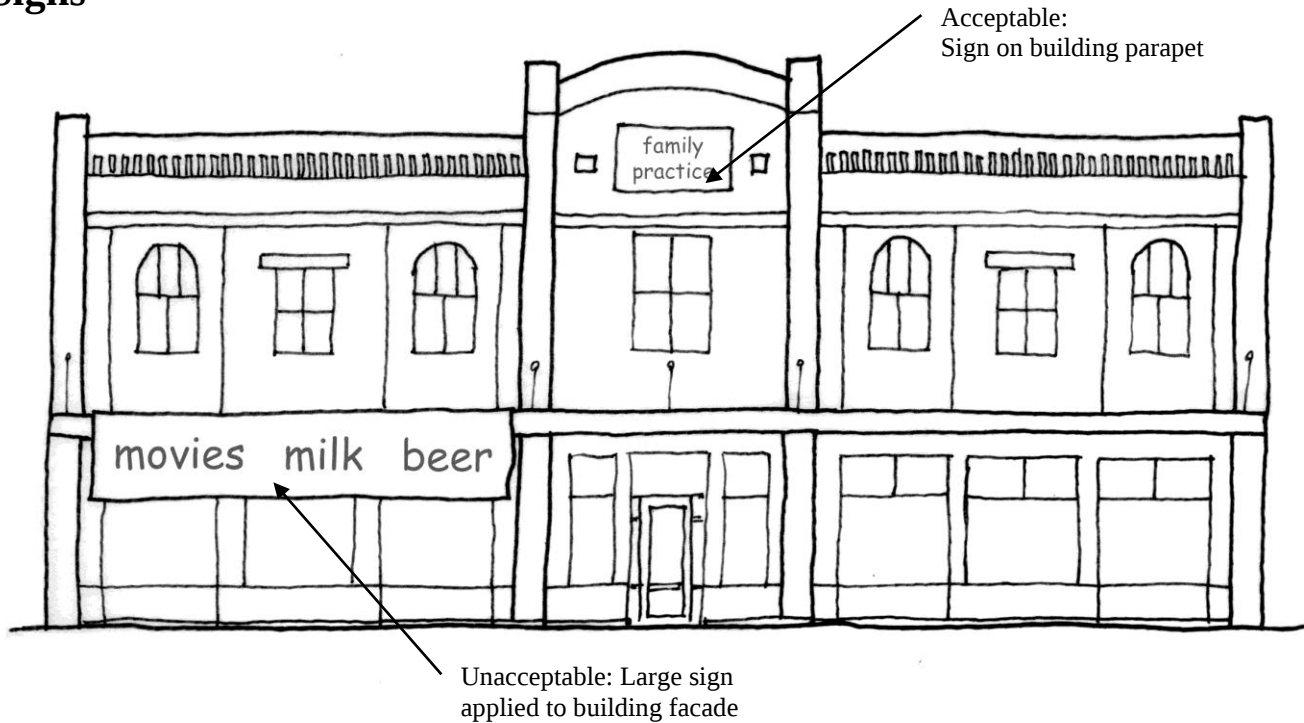
The rhythm of awnings at left is typical of historic commercial styles, and provides greater interest to pedestrians.



This continuous type of awning is unacceptable.

Commercial Awning Rhythm

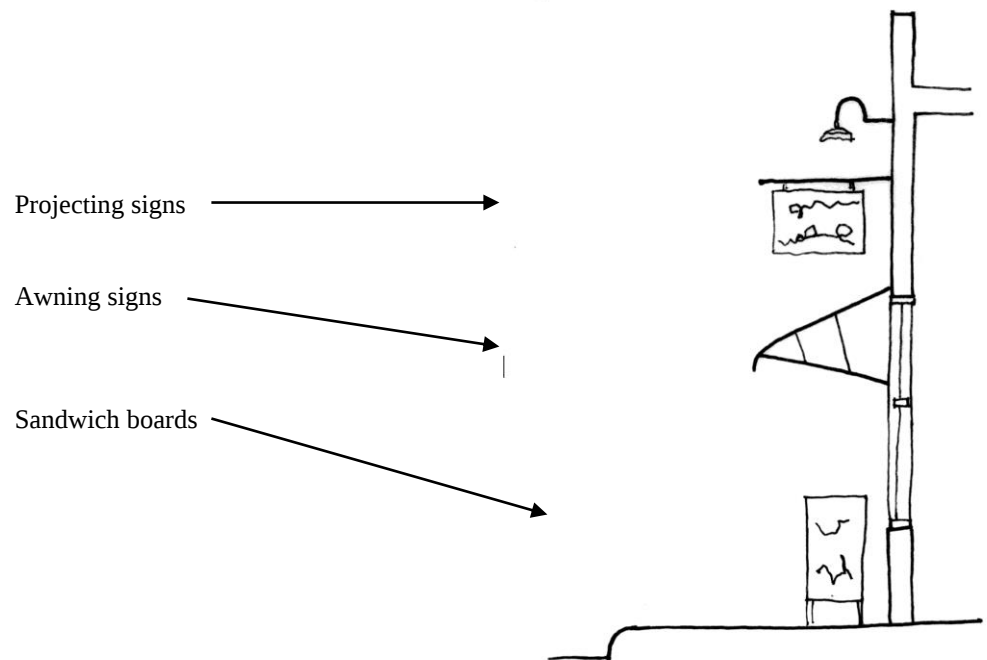
Signs



- In retail areas, focus on merchandise, not signs.
- Signs which compete for attention detract from the Historic District as a whole. Signs shall not cover transoms or historic building features.
- Avoid clutter and limit the number and size of signs.
- In commercial areas, the building itself may be considered part of the sign. The use of awnings and projecting signs are encouraged.
- In general, signs may be small and limited to one per business on buildings with multiple tenants. Avoid garish colors or patterns, but use the detail and style of the building's architecture to speak for the business. Locate signs so they relate to architectural features of the building.
- Typical signs at commercial buildings in the past included parapet signs above storefronts within panels of the parapet and signs painted on windows. Signs for businesses located in residential style buildings with generous front yard setbacks may use an appropriately scaled monument sign. These shall be encouraged.

Signs

- No roof signs, off premise signs, flashing signs and plastic backlit signs may be used. Free-standing signs may be used in front yard areas, when appropriately scaled and placed to minimize visual interference with the significant features of the property.
- Signs must be constructed of painted wood or metal. Plastic signs or letters may not be used. Lighting of signs can be done with incandescent bulbs on the sign, or gooseneck front lighting using fixtures appropriate to the style and period of the building.



- Awnings and projecting signs were common in 19th and early 20th century Brenham. Small projecting signs, at an appropriate scale in relation to the building and the adjacent area are encouraged.
- Sidewalk sandwich boards are typical of the historic retail style, but they must be well maintained and removed after business hours. No changeable letters on tracks may be used. Chalkboards may be used for daily changing messages. Sandwich boards may not be wider than 24", or be placed to extend more than 24" from the building face. The height is restricted to 35". No more than one per building will be allowed.
- Where several businesses share a building, signs may be coordinated and shared.

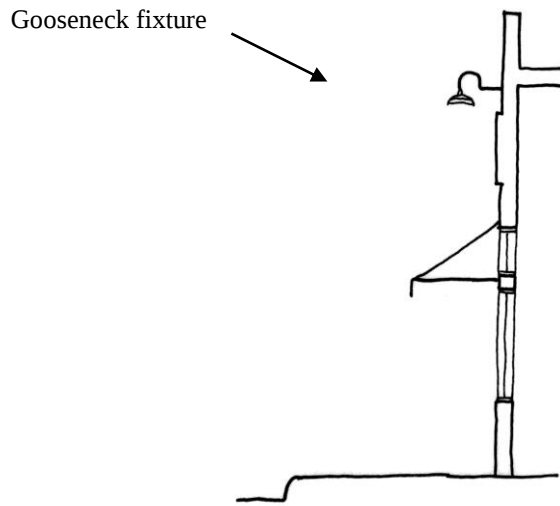
Signs

- Neon can enhance a retail and restaurant area by creating a sense of fun and festivity, but excessive use can also detract from a district. Neon shall be used inside windows only, and occupy a limited amount of space within that window, exception: theatrical uses. Neon marquee signs are allowed only for buildings with theatrical uses.
- Banners of no more than 30 square feet may be hung for a period of no more than 3 months awaiting completion of permanent signs or no more than 2 weeks to advertise special events.

Murals

- Plans for proposed murals including drawings, size, sample colors, must apply for an Administrative Certificate of Appropriateness with the Historic Preservation Officer.

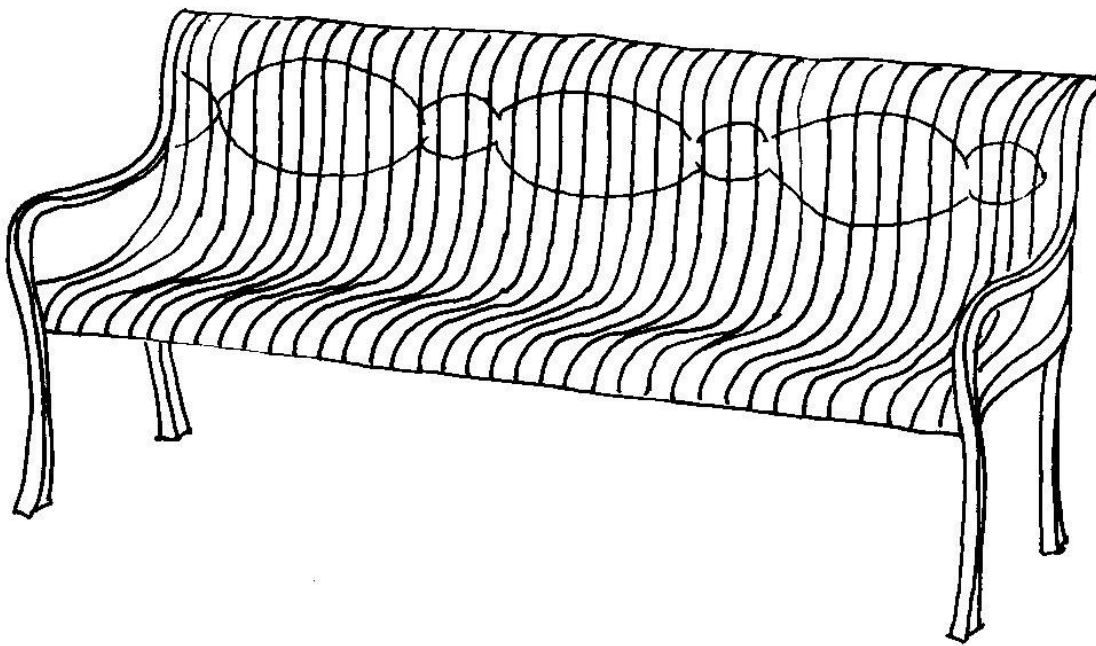
Lighting



- Lighting is an important element in commercial areas. Fixtures shall be consistent with the historic character of the area.
- Fully recessed down lights, gooseneck lights or other incandescent fixtures appropriate to the style and period of the district may be used.
- Avoid exposed lighting of any kind.
- Lighting fixtures are supported in front of the building and may cast light on a sign and highlight the building or offer lighting for pedestrians on sidewalks. The fixtures should be shielded to prevent glare on the street and sidewalk.
- A well-designed window display illuminated at night is more desirable than an illuminated sign.

Sidewalk Furniture

- Includes benches, planters, statues, trash receptacles and objects for sale. Objects on the sidewalk should increase the overall attractiveness of design without impeding the flow of pedestrians on the sidewalks with too many objects, oversized objects or objects placed in the pathway.
- Advertising or promotions on benches is not allowed under any circumstance.
- Planters should match the building architecture in style. Attractive and well-maintained plants should be in the planters. No artificial plants will be allowed. Statues appropriate to the architecture of the building can enhance a building.
- Main Street Brenham will provide a specification for benches, trash cans, planters, and other equipment to match existing downtown sidewalk furniture.



Special Considerations - Energy Conservation

Equipment

The installation of new, more efficient, mechanical equipment, including water heaters, can make the most significant impact on the reduction of energy costs. Solar collectors may be installed in a manner that does not compromise the historic character of the structure nor destroy or obscure any character defining elements.

Windows

The thermal efficiency of the historic windows can be improved through the following methods:

- Regular inspection and maintenance to ensure weather tightness and good operation.
- Installation of insulation at the rough opening. (Trim should be carefully removed and reinstalled.)
- Maintenance and replacement of caulk at joints and openings.
- Installation of weather stripping at all doors and windows.
- Installation of appropriate storm windows as detailed in *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings*.

Windows shall not be tinted or covered with reflective foil or film.

Insulation

Thermal insulation may be installed in attics and basements to increase the efficiency of the mechanical systems. Appropriate materials shall be selected such that historic character defining elements are not concealed or destroyed during installation. Insulation may be added at exterior walls if done so in a manner that does not damage the wall finish at the interior or exterior of the wall.

Special Considerations - New Additions and Infill

Alterations

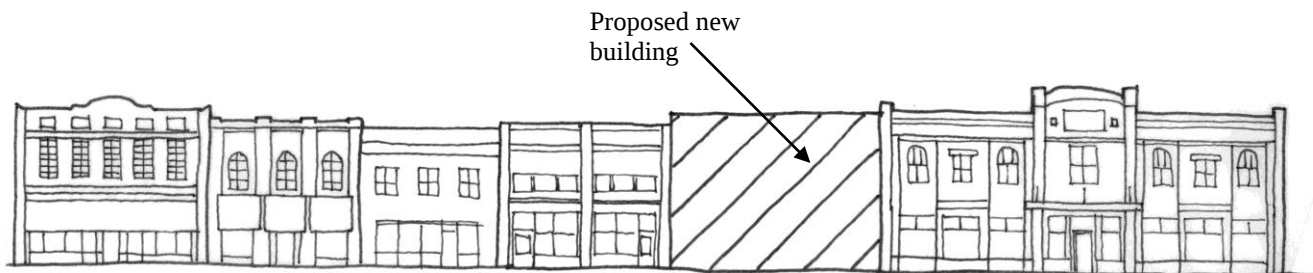
- Removal of previous additions may be undertaken. New exterior finish materials shall match existing in texture, dimension, etc. Detailing of alterations should be such that there is a clear differentiation between the new work and the historic fabric of the structure.

Additions

- Additions shall be subordinate in scale to the existing structure.
- Exterior additions should not be undertaken if the non-character defining interior spaces can be reconfigured to meet the needs of the new use.
- New additions should not obscure or remove character-defining elements such as porches, pediments, etc.

Infill

- New construction proposals and rehabilitation of non-historic buildings will be reviewed by the Historic Preservation Officer and based on these Criteria. Judgment will be based on the compatibility of the design within the context of the property's adjacent and nearby historic buildings.
- Infill construction shall be encouraged. Construction should respect both the height and bay spacing of adjacent buildings. They shall also ensure proportion and continuity of the texture of façade treatments, in terms of cornice lines, window lintels and sills, and kick plates. Flat roofs shall be hidden from view by parapets. The building should be of similar form and materials, but not an actual replication.



Special Considerations – Accessibility Concerns

All commercial properties in Texas must comply with the Texas Accessibility Standards. Copies of the Standards are available through the Texas Department of Licensing and Regulation. In addition, residential units available for lease may be required to be accessible. Check federal fair housing standards for guidelines.

New barrier-free features may be added but should not alter, damage, or destroy the historic character defining features of the structures.

Ramps

If required, a ramp may not replace an existing main stair access to the entrance but rather shall be installed in such a manner that is subordinate in appearance, scale, and location to the main entrance.

Elevators

Elevators may be added provided they do not alter, damage, or destroy historic character defining elements and spaces at the interior or exterior of the structure.

**PROPOSED ADDITIONAL REVISIONS TO
SECOND READING OF HISTORICAL PRESERVATION ORDINANCE**

- I. Add a definition to clarify that the word “day” as used in the Ordinance means a calendar day, not a business day.**

Definitions:

(f) **Day:** A calendar day. In computing the number of days for purposes of this Ordinance, all days will be counted, including Saturdays, Sundays and legal holidays; however, if the final day of any time period falls on a Saturday, Sunday or legal holiday, then the final day will be deemed to be the next day that is not a Saturday, Sunday or legal holiday.

- II. Amend Section 13-4(a) and (c) provide for the nomination of two (2) Historic Preservation Board members by the property owners in the Downtown Historic Preservation District for appointment by the City Council.**

Sec. 13-4. Historic Preservation Board.

There is hereby created a Board to be known as the Brenham Historic Preservation Board, hereinafter sometimes referred to as the “Board,” which shall be charged with the responsibility of assuring that the integrity of designated Historic Landmarks and properties within Historic Districts are protected. The members of this Board shall be subject to all requirements and provisions applicable to all board or committee members as may be established by the City Council, except to the extent such requirements and provisions are in conflict with any provision of this Ordinance.

(a) The Board shall be composed of seven (7) voting members appointed by City Council, and a minimum of four (4) Board members shall be property owners within a Historic District, or an owner of a Historic Landmark. Two (2) of the Board members who are property owners within a Historic District shall be owners of property located within the Brenham Downtown Historic District (“Brenham Downtown Historic District Board Members”), and said two (2) Brenham Downtown Historic District Board Members must be nominated by a vote of the owners of property within the Brenham Downtown Historic District for appointment by the City Council. Each owner of property within the Brenham Downtown Historic District shall have the opportunity to vote for two (2) property owners to serve as Brenham Downtown Historic District Board Members, and the two (2) persons receiving the highest number of votes for the Board positions shall be nominated for appointment by the City Council. The nomination vote shall be administered by the Historic Preservation Officer, and must be completed no later than November 1 of the year in which the term of a Brenham Downtown Historic District Board Member position is expiring. In the event that the property owners in the Brenham Downtown Historic District fail

to timely nominate a person to a Brenham Downtown Historic District Board Member position, the City Council shall appoint a person who is an owner of property located within the Brenham Downtown Historic District to said position. Other members of the Board who are not property owners within a Historic District, or an owner of a Historic Landmark, should be appointed, to the extent possible, from the following categories: architect with historic preservation experience; planner; design professional; historian; licensed real estate broker; attorney; or member of a historic preservation society. A vacancy on the Board occurring prior to the expiration of a Board member's term, no matter the cause for the vacancy, shall be filled by appointment by the City Council.

...

(c) Board members shall serve for staggered terms of three (3) years. For the initial Board, the two (2) Brenham Downtown Historic District Board Members that are nominated by a vote of the owners of property within the Brenham Downtown Historic District for appointment by the City Council shall serve full terms of three (3) years. The nomination process for the two (2) Brenham Downtown Historic District Board Members that are nominated by a vote of the owners of property within the Brenham Downtown Historic District for appointment by the City Council to serve on the initial Board shall be conducted substantially in the same manner as set forth in Section 13-4(a) of this Ordinance, and said nomination process shall be completed as soon as practicable after the effective date of this Ordinance. For the other five (5) Board members, the Historic Preservation Officer shall draw lots to establish the staggered terms with four (4) of the initial Board members serving 2-year terms and one (1) initial Board member serving a full 3-year term. Board membership shall be limited to two (2) full consecutive terms, with a minimum one (1) year absence from the Board before consideration for reappointment.

III. Amend Section 13-8 to clearly state that the guidelines and standards adopted by the HPO shall not apply to the interiors of buildings and Structures.

Sec. 13-8. Criteria for approval of a Certificate of Appropriateness.

In considering an application for a Certificate of Appropriateness or Administrative Certificate of Appropriateness, the Board or Historic Preservation Officer shall be guided by any adopted design guidelines, and the following from *The Secretary of the Interior's Standards for Rehabilitation of Historic Buildings*. Any adopted guidelines and the *Secretary of the Interior's Standards* shall be made available to the public through the office of the Historic Preservation Officer and on the City's website.

The guidelines and standards adopted by this Ordinance shall not apply to the design, construction, and aesthetics of the interiors of buildings and Structures.

- IV. Add a Section requiring that the HPO be reviewed within five (5) years for recommended revisions.**

SECTION 3.

REVIEW OF HISTORIC PRESERVATION ORDINANCE

Within five (5) years after the final adoption of this Ordinance, the City Council, or a subcommittee of the City Council, shall review this Ordinance to determine whether any provision of this Ordinance should be recommended for revision. The failure of the City Council, or subcommittee of the City Council, to review this Ordinance as provided in this section shall not affect the validity of this Ordinance, or any provision hereof.



Regular City Council
AGENDA ITEM 11.

Agenda Item: Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding the Following Pending Litigation/Claims:

- A. City of Brenham v. WGT Gas Marketing, Inc.; Cause No. 37573; 335th Judicial District Court, Washington County, Texas
- B. Roger R. Robinson v. City of Brenham Housing, City of Brenham Police Department, et al; Civil Action No. Case No. 1:20-CV-1182-LY-ML; United States District Court - Western District of Texas - Austin Division
- C. Roger R. Robinson v. City of Brenham Housing, City of Brenham Police Department, et al; Civil Action No. Case No. 1:20-CV-1188-LY-ML; United States District Court - Western District of Texas - Austin Division
- D. Claims Alleged Against the City of Brenham by Ricky Boeker, and Associated Legal Matters

Meeting Type: Regular Meeting-August 05, 2021

Department: Administration

Staff Contact: Cary Bovey, City Attorney

Classification: Executive Session

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RELEVANCE TO COMPREHENSIVE PLAN:

RECOMMENDED ACTION:

No action.