

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on March 21, 2019 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 Andrew Ebel
Councilmember Susan Cantey
Councilmember Danny Goss
Councilmember Keith Herring
Councilmember Albert Wright
Councilmember Clint Kolby

Members absent:

None

Others present:

City Manager James Fisher, City Attorney Cary Bovey, City Secretary – Director of Administrative Services Jeana Bellinger, Deputy City Secretary I Kacey Weiss, Deputy City Secretary II Karen Stack, Comptroller Stacy Hardy, Director of Human Resources Susan Nienstedt, Director of Tourism and Marketing Jennifer Eckermann, Fire Chief Ricky Boeker, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Director Lori Sanguedolce, Stephanie Doland, Kim Hodde, Dant Lange and Caz Muske

Citizens present:

Samantha Medve, Sally Clinton, Brandon Marth, Anthony Smith, Charlie Pyle, Lynnette Sheffield, Adonna Saunders, Barbara Ross and Paul Ehlert

Media Present:

Arthur Hahn, Brenham Banner Press; and Josh Blaschke, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – City Attorney Cary Bovey**

3. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

4. Statutory Consent Agenda

- 4-a. Ordinance No. O-19-013 on Its Second Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District of a 2.539 Acre Tract of Land, Part of the John Long Survey, A156, in Brenham, Washington County, Texas from a Mixed Residential Use (R-2) District to a Commercial Research and Technology Use (B-2) District (Case No. P-19-006)**
- 4-b. Approve a Noise Variance for Jesus Christ is the Answer for a Church Gathering to be Held on April 12, 2019 from 7:00 p.m. – 10:00 p.m. at Fireman’s Park and Authorize the Mayor to Execute Any Necessary Documentation**
- 4-c. Approve a Noise Variance for Covenant Praise Center Church for an Outreach Event to be Held on April 14, 2019 from 10:00 a.m. – 1:00 p.m. at Fireman’s Park and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve the Statutory Consent Agenda Items 4-a., 4-b. and 4-c. 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

WORK SESSION

5. Discussion and Presentation Related to the Renewal of the Microsoft Enterprise Agreement Between the City of Brenham and Microsoft Corporation

Information Technology Manager Kevin Schmidt presented this item. Schmidt explained that the Microsoft Enterprise Agreement (MEA) is a three-year contract allowing the City to

maintain the usage of Microsoft software and licenses. Schmidt stated that this is the 4th renewal of the original MEA, which was signed in 2007. Schmidt advised that this renewal is unique in that it will shift the City from on-premise Microsoft Office licensing to Office 365 subscriptions.

PUBLIC HEARING

6. Public Hearing to Consider Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Amend Part II, Division 1, Section 18 to Establish Exterior Construction Materials for Selected Zoning Districts in Brenham, Washington County, Texas (Case No. P-19-001)

Mayor Tate opened the Public Hearing.

Assistant Director of Development Services Stephanie Doland presented this item. Doland explained that this is the public hearing for a City initiated request to amend the City of Brenham’s Code of Ordinances, Appendix A, Section 18 to establish minimum non-metal façade requirements on residential uses in selected zoning districts. Doland stated that currently the City of Brenham does not regulate exterior construction materials (façade) for properties developed within the City Limits. Doland advised that staff finds that metal façade dwellings, specifically those built with a 100% metal façade, are not compatible adjacent to or within established neighborhoods built primarily of brick, stone, or other non-metallic façades.

Doland stated that on January 28, 2019 City Staff recommended an amendment to the Brenham Planning and Zoning Commission which would prohibit the use of a metal façade on residential uses and accessory structures 120 square feet or greater. Staff received the following feedback from the Commission prior to the item being tabled for consideration:

- complete prohibition of metal may be too restrictive;
- 120 square foot limitation is too restrictive on accessory structures; and
- proposed ordinance may not resolve the issue.

Doland explained that on February 25, 2019 the Planning and Zoning Commission considered the following revised ordinance:

- Require a minimum 75% non-metal façade on exterior wall surfaces facing the right-of-way
- Require a minimum 50% non-metal façade on exterior wall surfaces not facing the right-of-way
- Non-metal façade shall mean brick or brick veneer, stone or stone veneer, stucco, wood, vinyl, or fiber-cement siding or for this section wood or fiber cement like exterior or finish will be considered non-metal façade
- Shall apply to the R-1: Residential Single Family, R-2: Mixed Residential, and B-1: Local Business/Residential Mixed Use District

- Property less than 1 acre in size containing accessory structures 160 square feet or greater in area shall be constructed with at least 50% non-metal façade on each wall or elevation, excluding windows and doors.

Doland advised that during the Public Hearing portion of the meeting on January 28, 2019, two citizens spoke in opposition of the proposed amendment and following the hearing the Commission voted to table the item. During the February 25, 2019 meeting, four citizens spoke in favor and two citizens spoke in opposition of the proposed ordinance. On February 25, 2019, the Planning and Zoning Commission voted unanimously to recommend approval of the ordinance with the following modifications:

- 50% non-metal façade on exterior wall surfaces facing the right-of-way
- 25% non-metal façade on exterior side wall surfaces not facing the right-of-way
- 0% non-metal façade on exterior rear wall surfaces not facing the right-of-way
- No non-metal façade requirements on accessory structures

Councilmember Cantey stated that this could be the beginning of what could be an awful event happening in our town and she is totally against allowing metal façades in Brenham.

Councilmember Herring advised that he is not happy with any of the recommendations and thinks staff needs to look into it further.

Councilmember Kolby noted that he likes the Planning and Zoning Commission's recommendation.

Mayor Pro Tem Ebel stated that he was not in favor of it.

Councilmember Wright advised that he was against it.

Councilmember Goss noted that he is against the Planning and Zoning Commission's recommendation.

Mayor Tate explained that staff needs to look at the percentages and there should be some type of requirement that would include landscaping.

Samantha Medve, owner of the metal homes, addressed Council. Medve explained that residents are looking for affordable homes and metal provides affordable housing options. Medve stated she understands that staff is trying to preserve the look of homes, but feels there is more of a need for affordable housing.

Citizen Lynnette Sheffield stated that she wants to preserve the integrity of the homes and neighborhoods, but reiterated there is a need for affordable housing.

Citizen Sally Clinton, a resident on S. Dixie Street, read a letter to Council. Clinton asked that Council design an ordinance to restrict these types of homes in residential areas.

Citizen Brandon Marth advised Council that he feels it is not ethical for others to give their opinions on what people's homes look like. Marth stated that he is not in favor of percentages and suggested that metal homes be required to add shutters, steeper roof pitches, etc.

Citizen Anthony Smith, a resident at 304 S. Dixie Street, stated that he is disappointed with the look of the homes.

Mayor Tate closed the Public Hearing.

REGULAR SESSION

7. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Part II, Division 1, Section 18 to Establish Exterior Construction Materials for Selected Zoning Districts in Brenham, Washington County, Texas (Case No. P-19-001)

City Manager James Fisher stated that this item would be referred back to the Council sub-committees and assured everyone that it would be on the agenda no later than the second meeting in April.

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to table item 7.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

8. Discuss and Possibly Act Upon a Request for a Noise Variance in Connection with the 2019 Downtown Spring Concert (Cool Nights, Hot Tunes) to be Held from 2:30 p.m. to Midnight on April 13, 2019 and Authorize the Mayor to Execute Any Necessary Documentation

Main Street Manager Caz Muske presented this item. Muske explained that the City of Brenham Main Street program submitted a request for a Noise Variance for the spring concert this year. Muske stated that the date and time included is Saturday, April 13, 2019 from 2:30 p.m. (when sound set-up begins) to Midnight. Muske advised that the concert would have a live band using a sound amplification system.

A motion was made by Councilmember Kolby and seconded by Mayor Pro Tem Ebel to approve a request for a noise variance in connection with the 2019 Downtown Spring Concert (Cool Nights, Hot Tunes) to be held from 2:30 p.m. to Midnight on April, 13, 2019 and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

9. Discuss and Possibly Act Upon Resolution No. R-19-010 Authorizing Execution of an Agreement with TxDOT for the Temporary Closure of State Right-of-Way in Connection with the 2019 Downtown Spring Concert (Cool Nights, Hot Tunes) to be Held on April 13, 2019

Main Street Manager Caz Muske presented this item. Muske explained that Cool Nights, Hot Tunes, is hosted by the City of Brenham and sponsored by local businesses. Muske advised that the concert is April 13, 2019 from 7:00 p.m. – 10:30 p.m. Muske noted that one lane of Alamo Street between Park Street and St. Charles Street would close at 2:30 p.m. for stage setup followed by both lanes of Alamo Street closing between Austin Street and Market Street from 4:30 p.m. to midnight or until the stage is removed.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve Resolution No. R-19-010 authorizing execution of an agreement with TxDOT for the temporary closure of state right-of-way in connection with the 2019 Downtown Spring Concert (Cool Nights, Hot Tunes) to be held on April 13, 2019.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

10. Discuss and Possibly Act Upon a Bid for City of Brenham Project No. 2017-03 Related to the 2017 Schulte Boulevard Storm Damage Repairs and Authorize the Mayor to Execute Any Necessary Documentation

Development Services Director Lori Sanguedolce presented this item. Sanguedolce explained that during the May 2016 flood event, DR-4272 the Schulte Boulevard experienced severe erosion at two culvert crossings. Sanguedolce advised that this project was submitted to FEMA as part of the damage inventory and is considered an eligible project under the disaster declaration DR-4272. Sanguedolce noted that this project is funded at a 75/25 cost share.

A motion was made by Councilmember Wright and seconded by Councilmember Cantey to approve a bid for City of Brenham Project No. 2017-03 to Solid Bridge Construction, LLC, in the amount of \$75,612.50, related to the 2017 Schulte Boulevard Storm Damage Repairs and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

11. Discuss and Possibly Act Upon a Ground-Space Lease Agreement with RIGA Aviation, LLC for Hangar Space at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation

Planning Technician Kim Hodde presented this item. Hodde stated that RIGA Aviation, LLC (Rick Doak) would like to construct a new 60x60 hangar at 3405 Aviation Way. Hodde advised that Mr. Doak's total lease space would be 7,200 square feet. Hodde noted that the lease agreement is the City's standard ground-space lease for \$0.08 cents per square foot and the lease rate may increase up to \$0.02 per square foot in a five-year period as the prevailing rates change.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve a Ground-Space Lease Agreement with RIGA Aviation, LLC for hangar space at the Brenham Municipal Airport and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

12. Discuss and Possibly Act Upon the Termination and Release of a Right-of-Way Easement, Dated November 5, 1997 from Blinn College to the City of Brenham and Authorize the Mayor to Execute Any Necessary Documentation

City Manager James Fisher presented this item. Fisher explained that on January 14, 2019, the City received a request from the Brenham Cemetery Association to release the easement across their property that was granted to the City back in 1997 for the possible future extension of Saeger Street.

Fisher stated that staff met with representatives from Blinn College to discuss how the extension of Saegar Street would affect traffic in and around the College. Fisher noted that after further discussion, it was determined that an extension of Saeger Street would not divert traffic away from the Blinn campus; therefore, it would be beneficial to the College. Fisher advised that staff is recommending the termination and release of this right-of-way.

Fisher stated that the timeframe to complete the expansion is November 2022.

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby to approve the Termination and Release of a Right-of-Way Easement, Dated November 5, 1997 from Blinn College to the City of Brenham and authorize the Mayor to execute any necessary documentation.

Councilmember Goss questioned why staff wants to terminate the easement now when staff is in the process of working on a thoroughfare plan. Goss stated that he thinks Council should wait for the thoroughfare plan to be completed before making any decisions. Assistant Director of Development Services Stephanie Doland stated that the thoroughfare plan is on the same schedule as the comprehensive plan and that is proposed for adoption in the fall of this year.

Paul Ehlert, representing the Brenham Cemetery Association, addressed Council. Ehlert stated that the cemetery association wants to extend the cemetery and needs the property to do so.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to table item item 12.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	No
Councilmember Susan Cantey	No
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	No
Councilmember Clint Kolby	No

Mayor Tate called for a vote on the main motion to approve the Termination and Release of a Right-of-Way Easement, Dated November 5, 1997 from Blinn College to the City of Brenham and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	No
Councilmember Keith Herring	No
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

13. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- American Legion's 100th Anniversary Celebration is tonight at 6:30 p.m.
- Spring Clean Up will be today through March 23rd for city residents and April 25th through 27th for county residents
- State of the Community Forum is March 27th from 11:00 a.m. to 1:00 p.m. at the Blinn Student Center
- Employee picnic will be April 9th from 11:00 a.m. to 2:00 p.m. at the All Sports Building
- Cool Nights, Hot Tunes will be April 13th
- Will be considering the Washington County Hazard Mitigation Plan at the April 4th Council meeting

Council adjourned into Executive Session at 2:28 p.m.

EXECUTIVE SESSION

- 14. Section 551.072 – Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding the Possible Acquisition of Real Property in the Downtown Area**

Executive Session adjourned at 2:52 p.m.

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary

