

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on August 20, 2020 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 Keith Herring  
Councilmember Clint Kolby  
Councilmember Adonna Saunders  
Councilmember Albert Wright

### Members absent:

None

### Others present:

City Manager James Fisher, City Attorney Cary Bovey, City Secretary – Director of Administrative Services Jeana Bellinger, Assistant City Manager – Chief Financial Officer Carolyn Miller, Assistant City Manager - Public Services/Utilities Donald Reese, Fire Chief Ricky Boeker, Budget Manager Debbie Gaffey and Captain Dant Lange.

### Citizens present:

Pamela Richardson

### 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 – City Manager James Fisher**
- 3. Proclamation**
  - **Childhood Cancer Awareness Month**

**4. Special Recognition**

- **GFOA Distinguished Budget Presentation Award**
  - *Tenth Consecutive Year*

**5. Citizens Comments**

There were no citizen comments.

**CONSENT AGENDA**

**6. Statutory Consent Agenda**

**6-a. Minutes from the August 6, 2020 Regular City Council Meeting**

**6-b. Ordinance No. O-20-017 on Its Second Reading Amending the Official Zoning Map of the City of Brenham to Change the Zoning District from an Industrial District (I) to a Commercial, Research and Technology District (B-2) on the Following:**

- a. **Approximately 0.849 Acres of Land Located Adjacent to 1303 Prairie Lea Street and 1305 Prairie Lea Street, Being Further Described as Part of Lot No. 2 of the Continental Ribbon and Carbon Company Subdivision Out of the P. H. Coe Survey, A-31, in Brenham, Washington County, Texas; and**
- b. **Approximately 4.236 Acres of Land Addressed as 1303 Prairie Lea Street, Being Further Described as Part of Lot No. 2 of the Continental Ribbon and Carbon Company Subdivision Out of the P. H. Coe Survey, A-31, in Brenham, Washington County, Texas (Case No. P-20-027)**

**6-c. Ordinance No. O-20-018 on Its Second Reading Providing for No Parking Zones in Certain Designated Areas Along W. Second St., Green St., High St., and W. Fifth St. in the City of Brenham**

**6-d. Ordinance No. O-20-019 on Its Second Reading to Grant a Non-Exclusive Franchise to Dillo Disposal Service, LLC to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside the City Limit of the City of Brenham, Texas**

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve the Statutory Consent Agenda Items 4-a. through 6-d. 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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

## **REGULAR SESSION**

### **7. Discuss and Possibly Act Upon RFP No. 20-008 Related to Banking Depository Services and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by City Manager James Fisher. Fisher reported that in June 2020, the City issued RFP No. 20-008 soliciting proposals for bank depository services. Fisher advised the contract would be for a five-year period beginning September 1, 2020. Fisher reported the City received proposals from Bank of Brenham, Brenham National Bank, and Chase Bank.

Fisher explained that the City hired Linda Patterson, of Patterson & Associates, to perform an analysis of the bank depository services proposals. Patterson's analysis pointed out key issues in evaluating bank services include (a) the banking services themselves and automation capabilities; (b) the fees charged for those services; and (c) the earnings potential in and through the bank. After reviewing all of the RFP's, it was recommended by Patterson that the City would be best served by Bank of Brenham.

A motion was made by Councilmember Cantey and seconded by Councilmember Saunders to award RFP No. 20-008 for Banking Depository Services to Bank of Brenham for a period to begin September 1, 2020 and extend through August 31, 2025 and authorize the Mayor to execute any necessary documentation.

Mayor Pro Tem Ebel called for a vote. The motion passed with Council voting as follows:

<b>Mayor Milton Y. Tate, Jr.</b>	<b>Abstain</b>
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**8. Discuss and Possibly Act Upon an Audit Engagement Letter for Seidel Schroeder to Perform an Audit for the Fiscal Year Ending September 30, 2020 and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by City Manager James Fisher. Fisher presented an audit engagement letter from Seidel Schroeder for the fiscal year ending September 2020. Fisher noted that a fee range of \$43,900 to \$45,900 is proposed for the financial statement audit, which is the same as last year. Fisher explained that an additional fee of \$7,000 to \$8,500 is expected based on the assumption that a Single Audit of state and federal grant expenditures, due to outstanding FEMA projects, will be required.

A motion was made by Councilmember Kolby and seconded by Councilmember Cantey to approve an audit engagement letter from Seidel Schroeder to perform an audit for the fiscal year ending September 30, 2020 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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**9. Discuss and Possibly Act Upon the Approval of the FY2020-21 Proposed Budget for the Washington County Appraisal District and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by City Manager Jams Fisher. Fisher explained that the Washington County Appraisal District's (WCAD's) Proposed Budget shows an increase of \$900 over the prior year's budget due to an increase in copier maintenance. The expenses of the WCAD are allocated (based on tax levy) to the nine (9) taxing entities served by the appraisal district. The City of Brenham's share is \$99,429, which is a \$532 increase from the prior year allocation.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve the fiscal year 2020-2021 proposed budget for the Washington County Appraisal District 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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**10. Discuss and Possibly Act Upon a First Amended Ground Space Lease Agreement for Fuel Farm Operation Between the City of Brenham and Aviators Plus, LLC and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by Assistant City Manager – Public Services/Utilities Donald Reese. Reese said the original Ground Space Lease Agreement between Aviators Plus, LLC (Brent Nedbalek) and the City to authorize Aviators Plus to operate a fuel farm at the leased location was specifically for installation of an Avgas fuel storage tank. Mr. Nedbalek installed the Avgas tank but would now like to install a 3,000-gallon Jet-A fuel tank as well. Reese explained that because the original lease agreement referenced Avgas but not Jet-A fuel, an amendment is required. Reese noted that all other provisions of the agreement will remain the same.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Kolby to approve an Amended Ground Space Lease Agreement between Aviators Plus, LLC and the City of Brenham to authorize Aviators Plus, LLC to operate a fuel farm at the leased location 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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**11. Discuss and Possibly Act Upon the Approval of a Ground Space Lease Agreement with Aviators Plus, LLC (Brent Nedbalek) for Construction of a Hangar at the Brenham Municipal Airport (3195 Aviation Way) and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by Assistant City Manager – Public Services/Utilities Donald Reese. Reese explained that Aviators Plus, LLC, would like to construct a new 80x100 airplane hangar at 3195 Aviation Way. The total lease space will be 19,800 square feet. Reese said the lease agreement is the City’s standard ground-space lease for \$0.10 cents per square foot per year 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 Mayor Pro Tem Ebel and seconded by Councilmember Wright to approve a ground space lease agreement with Aviators Plus, LLC (Brent Nedbalek) for construction of a hangar at the Brenham Municipal Airport (3195 Aviation Way) 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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**12. Discuss and Possibly Act Upon Recommendations for Appointments to Various City Boards and Commissions and Authorize the Mayor to Execute Any Necessary Documentation**

City Manager James Fisher presented this item. Fisher said that staff recently received the resignations of Leroy Jefferson from the Planning and Zoning Commission, and Fredericka DeBerry from the Library Advisory Board.

Fisher explained that the Boards and Commissions Subcommittee consisting of Mayor Tate, Councilmember Cantey, and Councilmember Sanders have reviewed the applications and are recommending Council appoint Artis Edwards to the Planning and Zoning Commission and Carol Kiphart to the Library Advisory Board.

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby to approve the appointment of Artis Edwards to the Planning and Zoning Commission for a term to expire on December 31, 2020 and Carol Kiphart to the Library Advisory Board for a term to expire on December 31, 2021 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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**13. Discuss and Possibly Act Upon an Amendment to Restrictive Covenants Governing the Brenham Oak Apartments Development Necessary to Secure Financing Insured by the U.S. Department of Housing and Urban Development, Approval of an Agreement Concerning City's Release from Said Restrictive Covenants, and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by City Attorney Cary Bovey. Bovey said that in 2002, the Brenham Oaks Apartments obtained Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs (“TDHCA”). Bovey explained that as a condition of receiving the tax credits, TDHCA required the developer to record certain restrictive covenants against the property used for the project. In 2007, a 0.88141-acre parcel of this property was conveyed to the City for use as a public right-of-way.

Bovey said that currently, the developer of Brenham Oaks is attempting to obtain new financing for the project that is insured by the U.S. Department of Housing and Urban Development (“HUD”). HUD is requiring, as a condition of insuring the financing of the project, that the lien and covenants required by TDHCA be subordinated to the lien, covenants, and enforcement of the instruments securing the loan. Because the City’s property is technically still subject to the restrictive covenants, the City’s consent to the HUD amendment is required in order for the developer to obtain the financing. Bovey noted that the City’s parcel is not being used to secure financing, so there is no risk of the City’s property being foreclosed on if the developer defaults on the financing.

A motion was made by Councilmember Cantey and seconded by Councilmember Saunders to approve an agreement to amend restrictive covenants governing the Brenham Oaks Apartments, L.P. to secure financing insured by the U.S. Department of Housing and Urban Development, approve of an Agreement concerning the City’s release from said Restrictive Covenants, 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 Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**14. Discussion and Update on the City of Brenham's COVID-19 (Coronavirus) Response and Recovery Efforts**

City Manager James Fisher reported on the following:

- Number of COVID cases are going down
- City Hall will begin opening from 11:00 a.m. to 4:00 p.m. next week. Hoping to return to normal hours in September.

**15. Administrative/Elected Officials Report**

City Manager James Fisher reported on the following:

- Guns and Hoses Blood Drive starts tomorrow.
- BISD returns to school next week.

Councilmember Herring thanked the Street Department for their work on the streets in downtown.

The meeting was adjourned.

*Milton Y. Tate, Jr.*

Mayor

*Jeana Bellinger, TRMC, CMC*

City Secretary

