

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on March 25, 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 Andrew Ebel  
Councilmember Susan Cantey  
Councilmember Keith Herring  
Councilmember Adonna Saunders  
Councilmember Albert Wright

### Members absent:

Councilmember Clint Kolby

### Others present:

City Manager James Fisher, City Attorney Cary Bovey, Deputy City Secretary Karen Stack, Assistant City Manager – Chief Financial Officer Carolyn Miller, Assistant City Manager – Public Services/Utilities Donald Reese, Controller Stacy Hardy, Development Services Director Stephanie Doland, Fire Department Chief Ricky Boeker, Police Chief Ron Parker, Christi Korth, Lt. Kelvin Raven, Det. Kejan Mehlhorn-Hock, Officer Zachary Greig, Officer Grayson Marburger, Lt. Curtiss Shoen, Captain Lloyd Powell, Sgt. Jason Derrick, Jared Campbell, Kevin Boggus, Tammy Jaster, and Officer Marley Mayo.

### Citizens present:

Leigh Linden, Shannan Canales, Michele Kwiatkowski, and Lauren Haevischer

### 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 Wright**

**3. Citizens Comments**

There were no citizen comments.

**4. Service Recognitions**

➤ **Jason Derrick – Police Department, 25 Years**

**5. Special Recognition**

➤ **Detective Kejan Mehlhorn-Hock, Brenham Police Department**

**CONSENT AGENDA**

**6. Statutory Consent Agenda**

**6-a. Approve the Minutes from the February 25, 2021 and March 11, 2021 Regular City Council Meetings and the March 18, 2021 Emergency Special Meeting of Council**

**6-b. Approve a Joint Election Services Agreement Between the City of Brenham, Washington County, and Brenham Independent School District (BISD) Related to Election Responsibilities for the Washington County, City of Brenham, and BISD's May 1, 2021 Elections and Authorize the Mayor to Execute Any Necessary Documentation**

**6-c. Approve a Noise Variance for the City of Brenham for a Pop-Up Play Day to be Held on March 27, 2021 from 10:00 a.m. - 12:00 p.m. at Jerry Wilson Park and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Cantey and seconded by Councilmember Saunders to approve the Statutory Consent Agenda Item 6-a. through 6-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 Keith Herring	Yes
<b>Councilmember Clint Kolby</b>	<b>Absent</b>
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

## WORK SESSION

### 7. Discuss and Review the FY2019-20 Fourth Quarter Financial Report

This item was presented by Assistant City Manager – Chief Financial Officer Carolyn Miller. Miller reviewed the fourth quarter performance of the General Fund and six major utility funds. Miller reported that the General Fund, the Electric Fund, the Water Fund, and the Drainage Fund all experienced favorable actual to budget net revenues for the fiscal year. The Gas Fund, the Wastewater Fund, and the Sanitation Fund experienced unfavorable actual to budget net revenues. Miller noted that from a financial perspective, the City has weathered the impact of COVID-19 better than expected.

## REGULAR SESSION

### 8. Discuss and Possibly Act Upon Approval of An Assignment of Lease and Memorandum of Understanding Regarding the Simon Theater Facility from Simon Theater Master Tenant, LLC to Brenham Main Street Historical Preservation, Inc. and Authorize the Mayor to Execute Any Necessary Documentation

This item was presented by Assistant City Manager – Chief Financial Officer Carolyn Miller. Miller explained that the City was notified of the dissolution of the tax credit entities related to the Simon Theater restoration project. The City Attorney has reviewed the documents of dissolution and found everything to be in order. Miller said this item is the City's acknowledgment of the assignment of the Memorandum of Understanding and Lease Agreement to the Brenham Main Street Historical Preservation, Inc.

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve the Assignment of Lease and Memorandum of Understanding regarding the Simon Theater Facility from Simon Theater Master Tenant, LLC to Brenham Main Street Historical Preservation, Inc. 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
<b>Councilmember Clint Kolby</b>	<b>Absent</b>
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**9. Discuss and Possibly Act Upon a Fitness Center Services Agreement Between the City of Brenham and American Specialty Health Fitness, Inc. Related to the Silver and Fit Program at the Blue Bell Aquatic Center and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by Aquatic Superintendent Tammy Jaster. Jaster said that the Agreement presented is an American Specialty Health Fitness, Inc. agreement between Silver and Fit and the Blue Bell Aquatic Program. Jaster explained the agreement would allow Silver & Fit members from Baylor, Scott, and White to use the Aquatic Center at no charge to them. The City of Brenham would be paid directly by the Silver and Fit Program for the pool use by members at a rate of \$3.50 per day. The agreement has an initial term of twelve (12) months and will automatically renew for 1-year periods unless terminated by either party.

A motion was made by Councilmember Saunders and seconded by Councilmember Herring to approve a Fitness Center Services Agreement between the City of Brenham and American Specialty Health Fitness, Inc., related to the Silver and Fit Program at the Blue Bell Aquatic Center 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
<b>Councilmember Clint Kolby</b>	<b>Absent</b>
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**10. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Sledge Engineering, LLC Related to a Strategic Facility Plan and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by Public Works Director Dane Rau. Rau said that when evaluating the City's infrastructure and facilities, it is important to know all the details that are related to each building the City owns. In the past, the City has attempted to budget for aging infrastructure or mechanical components related to facilities. The City has also considered upgrades to older facilities that do not meet today's codes such as ADA accessibility. Rau explained that this planning has been based on staff's best knowledge of the facilities and the maintenance history of the facilities.

Rau said that in order to accurately plan and budget for the City's facilities long term, staff recommend that the City should contract for a Strategic Facility Plan through Sledge Engineering, LLC. This plan will provide recommendations for improvements including short term (5 years) and long term (20 years) objectives. The plan will look at 38 City facilities, totaling approximately 250,000 sq feet. The plan will evaluate needs for each facility such as accessibility, grounds, drainage, parking, structural concerns, mechanical components, electrical, plumbing, safety, and energy efficiency. The assessment would take approximately six (6) months and will cost \$47,000. Rau said he believes the agreement will allow the City's budget team to proactively budget these facility costs rather than be surprised in the middle of a budget year with unforeseen expenses.

Rau noted that this item was not budgeted in the 2020-21 budget but in order to prepare a Capital Improvement Plan for next year's budget, the study will need to be started soon. The cost of this agreement will come from ABNR in the 2020-21 budget which is Above Budget Net Revenue which derives from savings or vacancies throughout the year.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve a Professional Services Agreement with Sledge Engineering, LLC in the amount of \$47,000.00 related to a Strategic Facility Plan 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
<b>Councilmember Clint Kolby</b>	<b>Absent</b>
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**11. Discuss and Possibly Act Upon an Ordinance on Its First Reading Authorizing the Placement of A Stop Sign on Vineyard Pass at Its Intersection with State Highway 36 North and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by Public Works Director Dane Rau. Rau said that after conducting a final walk-through of the Vintage Farms Subdivision, staff noticed that it would be best to place a stop sign at the exit of Vineyard Pass as it connects to Highway 36N. Rau said that it is customary for vehicles to stop before entering on Highway 36N while exiting from the Vintage Farms Subdivision, but staff would like to have a physical sign so that the Police Department will have the authority to write a citation if needed.

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to approve an ordinance on its first reading authorizing the placement of a stop sign on Vineyard Pass at its intersection with Highway 36 North 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
<b>Councilmember Clint Kolby</b>	<b>Absent</b>
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**12. Discuss and Possibly Act Upon an Ordinance on Its First Reading Authorizing the Placement of A Stop Sign on Ava Drive at Its Intersection with Old Masonic Road and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by Public Works Director Dane Rau. Rau said that staff have received several citizen requests to place a stop sign on Ava Drive at its intersection with Old Masonic Road. Staff believe that due to Old Masonic Road being a non-residential street, Ava Drive needs a stop sign prior to entering onto Old Masonic Road. Rau noted that while most citizens treat this as a stopping point, due to lack of a physical sign some drivers are simply yielding or rolling through the intersection.

A motion was made by Councilmember Wright and seconded by Councilmember Herring to approve an ordinance on its first reading authorizing the placement of a stop sign on Ava Drive at its intersection with Old Masonic Road 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
<b>Councilmember Clint Kolby</b>	<b>Absent</b>
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**13. Discuss and Possibly Act Upon the Acceptance of the Audit from Seidel Schroeder for Fiscal Year 2020**

Seidel Schroeder Audit Partner, Michele Kwiatkowski, presented this item. Kwiatkowski advised Council that state law requires that all general-purpose local governments publish, within six months of the close of the fiscal year, a complete set of financial statements presented in conformity with generally accepted accounting principles (GAAP) and audited in accordance with generally accepted auditing standards by a firm of licensed certified public accountants.

Kwiatkowski advised the financial statements present fairly, in all material aspects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Brenham, Texas. Kwiatkowski stated that pursuant to state requirements, and on behalf of the Finance Department, she would like to present the Comprehensive Annual Financial Report (CAFR) of the City of Brenham for the fiscal year ended September 30, 2020.

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to accept the audit from Seidel Schroeder for Fiscal Year 2020.

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
<b>Councilmember Clint Kolby</b>	<b>Absent</b>
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

#### 14. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- Next week the vaccine SubHub will receive 5,000 COVID-19 vaccines. Anyone over the age of 18 is now eligible. To date, a total of 26,654 first shots have been administered at the SubHub, as well as 13,655 second doses. 809 BISD staff have been vaccinated.
- City Council candidate training will take place on March 30<sup>th</sup> at 5:00 pm.
- Washington County Emergency Communications will have a 30-year celebration on April 1<sup>st</sup>.
- The Brazos River Authority has requested water conservation due to drought conditions. Therefore, the Splashpad will be operating on reduced hours of 2pm-7pm for the first 30 days.
- TxDOT will be releasing information soon regarding the 290/SH 36 Interchange project. TxDOT will be recommending Revised Concept B, which was endorsed by the City.
- The City’s annual report has been provided around the dais. This is a department-level report that is provided as a compliment to the annual audit.
- The annual Fire Department Fish Fry will take place on March 26, from 5pm – 7pm.

**17. Discuss and Possibly Act Upon a Lease Agreement with Aviators Plus, LLC to Lease and Occupy the Terminal Building located at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by Development Services Director Stephanie Doland. Doland said this item is a lease agreement between the City of Brenham and Aviators Plus for the terminal building that was vacated last year. The lease will allow Aviators Plus to provide Fixed-Base Operator (FBO) services and open the restaurant. The initial lease term is ten (10) years. The annual rent is \$2,500, with a requirement of \$2,000 per year in donations by Aviators Plus for airport enhancements and landscaping. Aviators plus will pay for utilities and maintaining the interior of the building. The City will maintain the building exterior.

Doland reported that both the Facilities Subcommittee and the Airport Advisory Board met earlier in the month and discussed this lease. Due to the ongoing interest by the Aviation and overall community in the restaurant facility, much of the discussion centered around the urgency of opening the restaurant to the public in a timely manner. The Airport Advisory Board requested the lease include performance measures related to the restaurant, including a requirement that an initial application for a building permit would be received within 3 months of contract execution, and issued within 5 months of execution.

Councilmember Saunders asked why the rent was only \$2,500 per year. Saunders noted the average rent for commercial space in Brenham is about a dollar per square foot. Doland replied that the total is actually \$4,500 annually, but \$2,000 is earmarked as a “donation” because the lessor wanted to ensure that some of the rent money was being used for airport improvements. Saunders said the rent is too low and she does not agree with it. Assistant City Manager – Public Services/Utilities Donald Reese noted that the prior tenant of this building paid \$50 per month in rent. Staff felt this amount should be increased but wanted to ensure the restaurant would have an opportunity to succeed.

Mayor Tate asked what other airports were charging for similar buildings. Doland replied that the closest comparison was in Galveston, which has FBO space but not a restaurant. It is common that the FBO of an airport would lease ground space and build a terminal themselves; therefore, it is challenging to find comparable lease rates.

Doland noted that the FBO agreement with Aviators Plus gave them the first opportunity to locate in the terminal building. Doland further noted that a proposal for Aviators Plus to build its own FBO space on the ramp was tabled by the Airport Advisory Board. Thus, the current agreement represents an opportunity for the City to adhere to its FBO agreement and allow for a location on the ramp, which is desired by the City. Saunders said the members of the Airport Advisory Board disagree with this plan. Doland said there were multiple ideas presented but the board unanimously voted to recommend approval.



Councilmember Wright asked what expenses the City would have under this lease. Doland replied expenses related to the exterior, for example the backup generator, would be the responsibility of the City. Doland added that the airport fund, which includes funds from fees and ground space leases, is a dedicated fund that can only be used for airport expenses. Therefore, if there were a significant expense related to the exterior of the terminal building, there would be funds available to assist with repairs. Reese added that the presented lease has an insurance requirement, so if catastrophic damage happened in relation to FBO operations in the building, the City would be covered.

Councilmember Saunders asked whether Aviators Plus would be able to sublease the building. Doland replied that there is the opportunity to sublease, but the sublease would need to be approved by the City. Doland added that Aviators Plus as already expressed its intention to sublease the restaurant portion of the building.

A motion was made by Councilmember Herring and seconded by Councilmember Wright to table this item.

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
<b>Councilmember Clint Kolby</b>	<b>Absent</b>
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

**18. Discuss and Possibly Act Upon Amendment of the Existing Agreement between Aviators Plus, LLC and the City of Brenham to Authorize Aviators Plus, LLC to Operate as a Fixed Base Operator at the Brenham Municipal Airport, and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to table this item.

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
<b>Councilmember Clint Kolby</b>	<b>Absent</b>
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

Mayor Tate advised that Council no longer needs to discuss Item 15 in Executive Session. Council adjourned into Executive Session at 2:16 p.m. to discuss item 16 only.

## EXECUTIVE SESSION

15. **Section 551.071 - Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Lease Agreement with Aviators Plus, LLC to Lease and Occupy the Terminal Building Located at the Brenham Municipal Airport**
16. **Section 551.086 Texas Government Code - Utility Competitive Matters - City of Brenham Gas Utility System - Gas Sales Contract Between WTG Gas Marketing, Inc. and City of Brenham, Texas and Associated Issues**

Executive Session adjourned at 2:36 p.m.

The meeting was adjourned.

*Milton Y. Tate, Jr.*

Mayor

*Karen Stack*

Deputy City Secretary

