

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on April 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 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 Jeana Bellinger, Assistant City Manager – Public Services/Utilities Donald Reese, Controller Stacy Hardy, Fire Department Chief Ricky Boeker, Police Chief Ron Parker, Director Public Works Dane Rau, Director of Human Resources Susan Nienstedt, Crystal Locke, Ande Bostain, and Officer Marley Mayo.

Citizens present:

Margie Young, David Ferguson, Terry Folsam and Shannan Canales

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 Keith Herring**
- 3. Citizens Comments**

4. Proclamations

- Brenham Safe Digging Month

CONSENT AGENDA

5. Statutory Consent Agenda

- 5-a. Approve Ordinance No. O-21-008 on Its Second Reading Authorizing the Placement of a Stop Sign on Vineyard Pass at Its Intersection with State Highway 36 North**
- 5-b. Approve Ordinance No. O-21-009 on Its Second Reading Authorizing the Placement of a Stop Sign on Ava Drive at Its Intersection with Old Masonic Road**
- 5-c. Approve the Final Payment on Contract No. 65C-46 to 5-T Utilities, Inc. in the Amount of \$93,770.58 for the Baker Katz Sanitary Sewer Improvements and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-d. Approve Amendment No. 2 to a Lease Agreement Between the City of Brenham and Wells Fargo Bank Texas for the Lease of the Motorbank and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve the Statutory Consent Agenda Item 5-a. through 5-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

WORK SESSION

6. Discussion and Presentation of the Nancy Carol Roberts Memorial Library Annual Report

Librarian Andria Heiges presented the 2020 Annual Report for the Nancy Carol Roberts Memorial Library to Council with included the following information:

- The Library’s response to the COVID-19 Pandemic and services offered during the pandemic.

- An overview and introduction to various grants received.
- A review of the statistics reported to the Texas State Library and Archives Commission for 2020.
- A quick summary of upcoming programs for 2021.

7. Discussion and Presentation on the City of Brenham's Little Free Library Program

Community Services Specialist Crystal Locke presented this item to Council. Locke explained that Little Free Libraries (LFL) is the world's largest book sharing movement with the goal to build community, inspire readers, and expand book access for all.

Locke stated that the City will have LFLs in three (3) City parks (Jerry Wilson, Hattie Mae Flowers and Jackson Street) and that the City has partnered with the Fortnightly Club to help purchase materials required for installation of the LFL, provide books for the LFL, and to maintain the books at each library, checking them a minimum of one time per month

REGULAR SESSION

8. 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

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to remove Items 8 and 9 from the table.

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

This item was presented by the Director of Development Services Stephanie Doland. Doland advised Council that in 2001 the City of Brenham received funding support through TXDOT Aviation for the construction of a terminal building on the public RAMP at the Brenham Municipal Airport. Since the construction was completed Jack and Janet Hess of Southern Flyer have occupied the space as an FBO and Diner. In August of 2020 Southern Flyer terminated their contract with the City and later vacated the building.

Doland explained that this item is for Council to consider a new lease agreement with Aviators Plus, LLC to occupy the terminal building with the following requirements and terms of the lease:

- Initial term of the lease shall be 10 years;
- Lessee shall be pay rent of \$2,500 annually for the first five years with an increase of \$300 automatically at the five-year mark. Additionally, lessee agrees to donate \$2,000 annually to the City of Brenham for landscaping/ entrance improvements, and airside maintenance such as pavement markings;
- Lessee shall be responsible for all utilities;
- Lessee shall maintain all interior portions of the building and the City shall be responsible for any exterior portions of the building;
- Lessee shall open and operate a restaurant no later than 270 days from the date of contractual execution. Restaurant may be subleased, with the City's written approval, and shall be open at least four days a week for eight hours each day;
- Terminal building and restaurant may be remodeled at the Lessee's expense; however, the building shall remain available to the public, maintain a pilot's lounge and sleeping room, public restrooms and FBO office;
- Additional lease terms include mandatory insurance requirements, compliance with applicable adopted local, state and FAA restrictions.

Doland advised that the Facilities Subcommittee of Council met and due to the ongoing interest in the restaurant facility much of the discussion centered around the urgency of opening the restaurant to the public in a timely manner. The Subcommittee requested additional performance measures be added to the lease. The Subcommittee's recommendations were presented to and approved by the Airport Advisory Board. The additional measures included:

- Building permit application for renovations to the restaurant received within 3 months of contract execution.
- Building permit issued for renovations to the restaurant within 5 months of contract execution.
- Performance Evaluation at the 1-year anniversary date of the restaurant grand opening with Aviators Plus, LLC and sublessor (if applicable) to be held by the Facilities Subcommittee of Council and Chair of the Airport Advisory Board Chair.
- Further revisions were recommended by the Airport Advisory Board to the proposed lease, including:
- Recommendation to change wording throughout from "City Approval" to "City Manager Approval" for clarification purposes.
- Request to remove from the contract: "If the Lessee does not assist in aircraft parking, restaurant employees will be allowed to do so."

A motion was made by Councilmember Saunders and seconded by Councilmember Kolby to accept the changes to the terminal lease as recommended by the Airport Advisory Board with the addition of the Vice Chair of the Airport Advisory Board be included in the performance evaluation at the 1-year anniversary date of the restaurant grand opening and to amend the lease to require Aviators Plus to provide “*blank*” dollars (said “blank” amount to be determined by City Council during discussion of the motion) in improvements to the terminal building, within 1-year of lease execution, for the annual rent of \$2,500.00 and an annual \$2,000.00 donation. If the said dollar amount contingency is not met, then the annual rent shall increase to “*blank*” (said “blank” amount to be determined by City Council during discussion of the motion).

City Attorney Cary Bovey clarified the intent of Councilmember Saunders motion as follows:

- To add the Vice Chair of the Airport Advisory Board to the performance review committee.

Doland further explained that the Airport Advisory Board thought it would be helpful to have another aviation experienced person on the performance review committee. Adding the Vice Chair would put five people on this committee; two of which would have airport/aviation experience.

- To require the completion of a certain dollar amount of improvements to the terminal building within 1-year after the execution of the lease and if that provision is met then the annual rent would remain at \$2,500.00, plus the \$2,000.00 donation. However, if that dollar amount of improvements were not done, the annual rent would go up to a certain dollar amount.

Bovey explained that there are two blanks for the Council to consider: (1) the dollar amount of improvements to the building during the first year of the lease; and (2) the new rent amount if the improvements are not done.

Councilmember Herring asked if the Airport Advisory Board provided any recommendation as to the dollar amount of improvements to require. Doland advised that the Board did not discuss any specific improvement amounts.

Citizen Gary Snow addressed the Council and questioned what the criteria of the performance evaluation would be. Snow expressed his concerns about not having the criteria of the evaluation in writing prior to the lease being approved and signed. Bovey explained that the evaluation would be based upon being in compliance with the terms and conditions of the lease, as executed.

Brent Nedbalek owner of Aviator’s Plus addressed the Council and expressed his thoughts regarding the lease and provided some general information and his opinions about the operation of the airport. Nedbalek stated that his goal is to help the airport grow, create more jobs, and help the airport be successful.

After further discussion, Councilmember Cantey called the question. Bovey explained that even though there is a motion and second, it is not complete; therefore, there is not a complete motion being discussed.

Mayor Tate recommended the lease agreement go back to the Facilities Subcommittee for a recommendation and if Council needs to have a special work session to work out the details, he would be in agreement to do that.

Councilmember Saunders withdrew her motion; the withdrawal was agreeable to Councilmember Kolby, who had seconded the motion made by Councilmember Saunders; therefore, the motion was withdrawn.

Citizen Gary Snow addressed the Council about various issues at the airport. He advised that he has two hangars at the airport and over the Thanksgiving and Christmas holidays he was not able to fly his plane due to the airport not having any fuel on site. Snow expressed his frustration with having planes at the airport and not being able to use them. Snow requested that if the City was going to put an evaluation in place, they City should have the criteria of said evaluation clearly stated.

Mayor Tate advised that a work session be scheduled within the next few weeks so that the Council can discuss the improvement criteria and rent. Mayor Tate stated that members of the Airport Board and other persons involved in the airport would be notified of the work session so that they can attend and participate in the discussion.

City Manager James Fisher recommended there be a joint work session with the Airport Advisory Board and the City Council to work through all the various challenges at the airport. The City Council agreed with Fisher's recommendation.

9. 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

No action taken on this item.

10. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- A special meeting of the City Council will be held on April 8th.
- All City offices will be closed on April 2nd in observation of Good Friday Holiday.
- The splashpad will open on April 15th.

Council convened into Executive Session at 2:02 p.m.

EXECUTIVE SESSION

- 11. **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**
- 12. **Section 551.071 - Texas Government Code - Consultation with City Attorney and Section 551.072 - Texas Government Code – Deliberation Regarding Real Property - Consultation with City Attorney and Deliberation Regarding the Possible Acquisition of the Barnhill Center at the Historic Simon Theater, and Associated Matters**

Executive Session adjourned at 3:20 p.m.

RE-OPEN REGULAR SESSION

- 13. **Discuss and Possibly Act Upon an Amendment to the Existing Gas Sales Contract Between WTG Gas Marketing, Inc. and the City of Brenham Regarding Gas Delivery Points and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Kolby and seconded by Councilmember Saunders to approve the amendment to the existing Gas Sales Contract between WTG Gas Marketing, Inc. and the City of Brenham regarding gas delivery points 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. Discuss and Possibly Act Upon the Development, Operations, Funding and Possible Acquisition of the Barnhill Center at the Historic Simon Theater and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Cantey and seconded by Councilmember Saunders to authorize the City Manager and City Attorney to develop a Memorandum of Understanding with Brenham Main Street Historic Preservation, Inc. to evaluate the possible acquisition of the Barnhill Center at the Historic Simon Theater, and to further authorize the expenditure of up to \$35,000.00 for interest payments to facilitate the possible acquisition.

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

Mayor Milton Y. Tate, Jr.	Abstain
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

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary

