

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on November 18, 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:

Interim City Manager – Chief Financial Officer Carolyn Miller; City Attorney Cary Bovey; City Secretary Jeana Bellinger; Deputy City Secretary Karen Stack; Budget Officer – Interim GM of Public Utilities Debbie Gaffey; Budget Manager Jennifer Hill  
Director of Finance Stacy Hardy; Human Resources Director Susan Nienstedt; Tourism and Marketing Director Jennifer Eckermann; Kevin Boggus; Katherine Briscoe; Interim Fire Chief – Fire Marshal Roger Williams; Captain Dant Lange; Captain Lloyd Powell; Director of Public Works Dane Rau; Aquatics Supervisor Tammy Jaster; Community Services Specialist Crystal Locke; Director of Development Services Stephanie Doland; Director of Public Utilities Alton Sommerfield; Director of Economic Development Susan Cates

### Citizens/Others Present:

Michele Bright; Mindy Canion; John Startz; Scott Caggiario; Natalie Gonzalez; Roy F. Nolan; Mark Denson; Brent Nedbalek

### 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 Atwood Kenjura**
- 3. Special Recognitions**
  - Brenham Police Department Promotion – Jimmy Ha, Corporal
- 4. Citizens Comments**

No citizen comments were heard.

#### **CONSENT AGENDA**

- 5. Statutory Consent Agenda**
  - 5-a. Approve the Minutes from the October 21, 2021 Regular City Council Meeting**
  - 5-b. Approve a License Agreement Between the City of Brenham and Country Sunshine and Authorize the Mayor to Execute Any Necessary Documentation**
  - 5-c. Approve a License Agreement Between the City of Brenham and HSF Market and Authorize the Mayor to Execute Any Necessary Documentation**
  - 5-d. Approve Ordinance No. O-21-032 on Its Second Reading Authorizing and Allowing, Under the Act Governing the Texas Municipal Retirement System, 'Updated Service Credits' in Said System on an Annual Basis for Service Performed by Qualifying Members of Such System Who at the Effective Date of the Allowance Are Members of the City of Brenham; and Providing for Increased Prior and Current Service Annuities for Retirees and Beneficiaries of Deceased Retirees of the City**
  - 5-e. Approve the Painting of Seventeen (17) Carousel Horses and the Exterior of the Antique Carousel in Fireman's Park by CR Systems, Inc., Through The Interlocal Purchasing System (TIPS) Contract No. 18110 in the Amount of \$57,950.00 and Authorize the Mayor to Execute Any Necessary Documentation**
  - 5-f. Approve the Appointment of Delbert Boeker to the Brazos Valley Council of Governments (BVCOG) Solid Waste Advisory Committee and Authorize the Mayor to Execute Any Necessary Documentation**
  - 5-g. Award Bid No. 22-001 for Caustic Soda to Univar Solutions in the Amount of \$345.00 per Liquid Ton and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Wright and seconded by Mayor Pro Tem Kolby to approve the Statutory Consent Agenda Items 5.a. thru 5.g. 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 |

## **WORK SESSION**

### **6. Presentation and Discussion Concerning A Potential Skydiving Operation, Known as Skydive Freedom, at the Brenham Municipal Airport**

Director of Development Services Stephanie Doland presented this item to Council. Doland explained Anthony (Tony) Cascino and Austin Ely of Egidio Sky, LLC dba as Skydive Freedom contacted City Staff about opening a Skydiving business at the Brenham Municipal Airport. Staff presented the request by Skydive Freedom during a Council Facilities Subcommittee meeting held on November 2nd. The Subcommittee discussed the proposed Parachute Landing Zones, FAA requirements, the reporting procedures, and all required notices in conjunction with safe tandem jump operations. Doland stated that staff has also worked with TXDOT Aviation, the United States Parachute Association (USPA), and additional Airport Managers at similarly sized Airports to research the industry standards, best practices, and procedures to ensure a safe and business-friendly operation at the Airport. The terms of the ground space lease agreement would include a one-year initial term with an automatic option to renew for a period of five years. The lease agreement would require Skydive Freedom to maintain the 3.59-acre land lease in a clean and orderly manner (shredding/ mowing).

In addition to the presentation by City Staff, the following airport patrons addressed the City Council:

- Tony Cascino, Managing Partner – Skydive Freedom
- Austin Ely, Managing Partner – Skydive Freedom
- Brandon Green, Director of Flight Operations – Skydive Freedom
- Chuck Akers, President and Regional Director – United States Parachute Association

## REGULAR SESSION

### **7. Discuss and Possibly Act Upon a License Agreement Between the City of Brenham and 100 Alamo Investments, LLC. and Authorize the Mayor to Execute Any Necessary Documentation**

Tourism and Marketing Director Jennifer Eckermann presented this item to Council. Eckermann explained Miguel Ramos and Alix Fox are the owners of the Historic Grand Leader Building at 100 E. Alamo. A project is underway to renovate the space to become the new home of Mescalito Coffee in the front, and Ballad of the Bird Dog in the back. The two businesses are planned to be connected by a ramp, compliant with accessibility standards, from the front of the store into the back to accommodate the change in floor elevation. Eckermann explained that the City's Fire Code requires a second egress for the dual spaces; therefore, the addition of a staircase on Commerce Street has been proposed. The Main Street Board voted on October 4<sup>th</sup> to recommend approval of a License to Encroach for this project. The design of the staircase uses the first parking space in front of the building on Commerce Street, allowing for continued pedestrian use of the sidewalk and office frontage for the rental property on the first floor.

A motion was made by Councilmember Kenjura and seconded by Mayor Pro Tem Kolby to approve a License Agreement between the City of Brenham and 100 Alamo Investments, LLC. for an encroachment at 100 E. Alamo Street, contingent upon the approval of a Certificate of Appropriateness by the Historic Preservation Board, and authorize the Mayor to execute the necessary documentation, once approved in its final form by the City Attorney.

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 |

### **8. Discuss and Possibly Act Upon a Lease Agreement with Canion Kountry Bakery & Restaurant, Inc. to Lease and Occupy the Restaurant Located Within the Terminal Building at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation**

Director of Development Services Stephanie Doland presented this item to Council. Doland explained that in August 2020 Southern Flyer Restaurant terminated their contract with the City and later vacated the restaurant at the Airport.

Doland advised that a Request For Proposals was issued for the Airport Terminal Building/Restaurant and City-Owned Fuel Farm; however, the RFP returned no proposals. Doland stated that on September 27, 2021, Mindy Canion of Canion Kountry Bakery submitted a Non-Binding Letter of Intent for the restaurant space at the airport. Since then staff has been working a lease agreement for the restaurant with the following terms:

- Initial term of the lease shall be one year; with the option to renew in one-year increments automatically for two years.
- Lessee shall be pay rent of \$6,000 annually for the first year.
- After the initial year the lessee shall pay in addition to annual rent 3% of the net income from all food and beverage sales.
- 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 sixty days from the date the contract is signed.
- Restaurant shall be open at least five days a week for eight hours each day.
- The restaurant may be remodeled at the Lessee's expense.
- The lease agreement may be terminated by the City upon entering into a lease agreement with a Fixed Based Operator for the Terminal Building provided the lessee be provided 30 days prior written notice.
- Additional lease terms include mandatory insurance requirements, compliance with applicable adopted local, state and FAA restrictions.

A motion was made by Councilmember Canales and seconded by Mayor Pro Tem Kolby to Approve of a Lease Agreement with Canion Kountry Bakery & Restaurant, Inc. to lease and occupy the restaurant in the Terminal Building located 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 Clint Kolby     | Yes |
| Councilmember Shannan Canales | Yes |
| Councilmember Leah Cook       | Yes |
| Councilmember Atwood Kenjura  | Yes |
| Councilmember Adonna Saunders | Yes |
| Councilmember Albert Wright   | Yes |

**9. Discuss and Possibly Act Upon a Professional Services Agreement with Strand Associates, Inc. for Engineering Services Related to the Blue Bell Aquatic Center Therapy Pool Parking Lot and Authorize the Mayor to Execute Any Necessary Documentation**

Director of Public Works Dane Rau presented this item to Council. Rau explained that BCDC funds would be allocated to add an additional parking lot on the southeast side of the Aquatic Center for patrons that utilize the Therapy Pool. BCDC has allocated \$250,000 for the parking lot and door access from this side of the facility. Strand has provided a Professional Services Agreement in the amount of \$56,500 for services such as preliminary design, final design, bidding related services and construction related services. Expected additional work totaling \$8,000 includes construction and staking services for the contractor that is chosen along with Part Time project representative inspections to make sure work is performed to the design and local codes. The total Professional Services Agreement will be \$64,500. This parking lot will have 12 designated spaces with 6 of those being ADA spaces.

A motion was made by Councilmember Kenjura and seconded by Councilmember Wright to approve a Professional Services Agreement with Strand Associates, Inc. for engineering services related to the Blue Bell Aquatic Center Therapy Pool Parking Lot, in an amount not to exceed \$64,500.00 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 Clint Kolby     | Yes |
| Councilmember Shannan Canales | Yes |
| Councilmember Leah Cook       | Yes |
| Councilmember Atwood Kenjura  | Yes |
| Councilmember Adonna Saunders | Yes |
| Councilmember Albert Wright   | Yes |

**10. Discuss and Possibly Act Upon the Temporary Resale Amendment to the System Water Availability Agreement Between Brazos River Authority (BRA) and the City of Brenham and Authorize the Mayor to Execute Any Necessary Documentation**

Director of Public Utilities Alton Sommerfield presented this item to Council. Sommerfield explained on September 1, 2019, an agreement was entered into by and between Brazos River Authority (BRA), a river authority of the State of Texas, and the City of Brenham (Purchaser). BRA made available and Purchaser agreed to purchase 774 acre-feet of raw water per fiscal year for municipal purposes. Sommerfield explained that this amendment is so that the resell purchaser can temporarily resell any excess water to a third party.

A motion was made by Councilmember Kenjura and seconded by Councilmember Canales to approve the Temporary Resale Amendment to the System Water Availability Agreement between Brazos River Authority and 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 Clint Kolby     | Yes |
| Councilmember Shannan Canales | Yes |
| Councilmember Leah Cook       | Yes |
| Councilmember Atwood Kenjura  | Yes |
| Councilmember Adonna Saunders | Yes |
| Councilmember Albert Wright   | Yes |

**11. Discuss and Possibly Act Upon Resolution No. R-21-032 Related to the Award of RFP No. 21-012 for Professional Grant Administration and/or Planning Services for the American Rescue Plan (ARP) Act**

City Secretary Jeana Bellinger presented this item to Council. Bellinger explained the City Council approved the submission of documentation to receive funds from the American Rescue Act Plan (ARPA) on July 21, 2021. The City's total allocation is \$4,426,200 (we have already received the first allocation of \$2,213,100). The City issued RFP No. 21-032 on September 21, 2021 for professional administrative services related to ARPA; and received four proposals. As required by the Act, each proposal was scored individually on things such as experience, prior work performance, capacity to perform and cost. Due to the total points received, it is staff's recommendation that GrantWorks be selected as the ARPA grant administrator for the City.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Canales to approve Resolution No. R-21-032 related to the award of RFP No. 21-012 for Professional Grant Administration and/or Planning Services for the American Rescue Plan (ARP) Act.

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 |

**12. Administrative/Elected Officials Report**

- **Community Services Update - Crystal Locke**
  - Improvements at Jerry Wilson Park
  - Brenham Boo Bash
  - Pop-Up Play Days.

The City Attorney Cary Bovey advised the City Council that there was no new information to update them on related to the City of Brenham vs. WTG Gas Marketing, Inc. Bovey advised that the Executive Session was not needed.

**EXECUTIVE SESSION**

- 13. Section 551.071 – Texas Government Code – Consultation with Attorney - Consultation with City Attorney Regarding City of Brenham v. WTG Gas Marketing, Inc.; Cause No. 37573; 335th Judicial District Court, Washington County, Texas**

The meeting was adjourned.

***Milton Y. Tate, Jr.***

Mayor

***Jeana Bellinger, TRMC, CMC***

City Secretary