

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on June 7, 2018 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

### Members absent:

Councilmember Charlie Pyle  
Councilmember Weldon Williams, Jr.

### Others present:

City Manager James Fisher, City Attorney Cary Bovey, Deputy City Secretary Kacey Weiss, Comptroller Stacy Hardy, Human Resources Director Susan Nienstedt, Sara Parker, Debbie Gaffey, Kaci Konieczny, Cynthia Longhofer, Crystal Locke, Fire Chief Ricky Boeker, Dant Lange, Jared Campbell, Public Works Director Dane Rau, Casey Redman, Assistant City Manager of Public Utilities Lowell Ogle, City Engineer Lori Lakatos, Darlene Konieczny, Angeline Howard, Kristi Jackson, Christi Korth, Victor Ortiz, Kyle Branham, Brett Schroeder, Betty Loesch, Steven Gerhard, Carrie Derkowski, Andrew Jozwiak, Brent Folsom, Chase Jones, Jody Kapchinski and Erin O'Malley

### Citizens present:

Randi Branham and Jennifer Schroeder

### Media Present:

Arthur Hahn, Brenham Banner Press; Josh Blaschke, KWHI; and Tom D. Whitehead, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Cantey**

- 3. **Service Recognitions**
  - **Kyle Branham, Central Warehouse**      **10 Years**
  - **Victorino Ortiz, Parks**                      **15 Years**
  - **Brett Schroeder, Fire**                      **15 Years**

4. **Citizens Comments**

There were no citizen comments.

**CONSENT AGENDA**

5. **Statutory Consent Agenda**

5-a. **Minutes from the May 3, 2018 Regular City Council Meeting**

5-b. **Ordinance No. O-18-007 on Its Second Reading Authorizing the Placement of Stop Signs on S. Saeger Street at Its Intersection with Old Mill Creek Road**

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve the Statutory Consent Agenda Items 5-a. and 5-b. 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
<b>Councilmember Charlie Pyle</b>	<b>Absent</b>
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**WORK SESSION**

6. **Discussion and Update on a Lease Agreement Between the City of Brenham and the Brenham Heritage Museum, Inc. Regarding Premises Located at 105 South Market Street**

City Attorney Cary Bovey presented this item. Bovey gave an update on a revised draft lease agreement between the City and the Brenham Heritage Museum. Bovey explained the new lease would have a 50 year term which would allow the Museum some stability regarding additions and alterations they would want to make to the building.

Bovey advised Council that the City would also have two representatives on the Museum Board. Bovey also explained that the Museum would be responsible for the building structure, while the City would be responsible for the roof and foundation. Bovey stated that the lease also provides a provision that requires the museum to be open by October 1, 2021 with construction beginning no later than April 1, 2020. Bovey explained that once Council is comfortable with the recommended changes to the agreement, staff would enter into discussions with the Museum Board regarding the revised lease agreement.

**7. Discussion and Update on a Lease Agreement Between the City of Brenham and Simon Theater Master Tenant, LLC Regarding the Barnhill Center at the Historic Simon Theater**

City Attorney Cary Bovey presented this item. Bovey gave Council an update on a revised lease agreement between the City and Simon Theater Master Tenant, LLC for the Barnhill Center at the Historic Simon Theater. Bovey stated that if the lease agreement can be approved by July 1<sup>st</sup>, the initial term would be for three months and then it would be on a fiscal year basis beginning October 1<sup>st</sup> through September 30<sup>th</sup> as an annual lease. Bovey explained that either party could terminate the lease with a sixty-day notice prior to the end of the term. Bovey advised that the Simon non-profit group is requesting that any renewals of the agreement be limited to five years so that they can stay within the confines of the state tax credit regulations.

Councilmember Goss requested that the Council be included in any discussions with the Simon non-profit group regarding decisions related to the lease.

**REGULAR SESSION**

**8. Discuss and Possibly Act Upon Authorization of Final Payment to TankEz Coatings, Inc. for the 2016 TxCDBG Church Street Elevated Storage Tank Rehabilitation Project and Authorize the Mayor to Execute Any Necessary Documentation**

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle explained that TankEz Coatings, Inc. has completed the rehabilitation work at the Church Street Elevated Storage Tank. Ogle noted that the final cost for the construction portion of the project was \$346,000. Ogle stated that in July 2016, the city accepted a \$275,000 grant (the maximum allowed) from the Texas Department of Agriculture to assist with the Church Street Elevated Storage Tank rehabilitation.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve final payment to TankEz Coatings, Inc. for the 2016 TxCDBG Church Street Elevated Storage Tank Rehabilitation Project in the amount of \$34,600.00 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
<b>Councilmember Charlie Pyle</b>	<b>Absent</b>
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**9. Discuss and Possibly Act Upon a Request for a Noise Variance in Connection with the 2018 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be Held from 2:30 p.m. to Midnight on July 7, 14, 21 and 28, 2018 and Authorize the Mayor to Execute Any Necessary Documentation**

Deputy City Secretary Kacey Weiss presented this item. Weiss explained that the City of Brenham Community Programs submitted a request for a Noise Variance for the 4-night concert series this year. The dates and times include Saturday, July 7; Saturday, July 14; Saturday, July 21; and Saturday, July 28, 2018; from 2:30 p.m. (when sound set-up begins) to Midnight. Weiss stated there will be bands using sound amplification systems.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve a request for a noise variance in connection with the 2018 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held from 2:30 p.m. to Midnight on July 7, 14, 21 and 28, 2018 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
<b>Councilmember Charlie Pyle</b>	<b>Absent</b>
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**10. Discuss and Possibly Act Upon Resolution No. R-18-009 Authorizing Execution of an Agreement with TxDOT for the Temporary Closure of State Right-of-Way in Connection with the 2018 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be Held on July 7, 14, 21 and 28, 2018**

Community Services Specialist Crystal Locke presented this item. Locked explained that the Downtown Summer Concert Series (Hot Nights, Cool Tunes) is hosted by the City of Brenham and sponsored by local businesses. Locke advised that this year’s concerts will be held on July 7, 14, 21, and 28, 2018 from 7:00 p.m. – 10:30 p.m. Locke noted that one lane of Alamo Street between Park Street and St. Charles Street will close at 2:30 p.m. for stage setup. Locke stated that both lanes of Alamo Street will be closed between Austin Street and Market Street from 4:30 p.m. to midnight.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve Resolution No. R-18-009 authorizing execution of an agreement with TxDOT for the temporary closure of state right-of-way in connection with the 2018 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held on July 7, 14, 21 and 28, 2018 and to amend the contract to end at 12:00 a.m.

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
<b>Councilmember Charlie Pyle</b>	<b>Absent</b>
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**11. Administrative/Elected Officials Report**

City Manager James Fisher reported on the following:

- Progress is being made on the restroom project at Fireman’s Park

Council adjourned into Executive Session at 1:46 p.m.

**EXECUTIVE SESSION**

**12. Section 551.071 – Texas Government Code – Consultation with Attorney Regarding Legal Issues Related to a Lease Agreement Between the City of Brenham and the Brenham Heritage Museum, Inc. Regarding Premises Located at 105 South Market Street**

13. **Section 551.071 – Texas Government Code – Consultation with Attorney Regarding Legal Issues Related to a Lease Agreement Between the City of Brenham and Simon Theater Master Tenant, LLC Regarding the Barnhill Center at the Historic Simon Theater**
14. **Section 551.074 – Texas Government Code – Personnel Matters – Evaluation of the City Attorney**

Executive Session adjourned at 1:57 p.m.

The meeting was adjourned.

*Milton Y. Tate, Jr.*  
Mayor

*Jeana Bellinger, TRMC, CMC*  
City Secretary

