NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, MAY 5, 2022 AT 01:00 PM
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN STREET
BRENHAM, TEXAS

1. **Call Meeting to Order**

2. **Invocation and Pledges to the US and Texas Flags - Councilmember Leah Cook**

3. **Citizens Comments**

4. **Proclamations**

   - **Municipal Clerks Week**

5. **Special Recognitions**

   - **Chief's Commendation - Officer Grayson Marburger**

6. **Service Recognitions**

   - **John Arnold, Jr., Street Department - 5 Years**
   - **Stephen Draehn, Maintenance - 10 Years**
   - **Shawn Bolenbarr, Public Works - 15 Years**

CONSENT AGENDA

7. **Statutory Consent Agenda**

   The Statutory Consent Agenda includes non-controversial and routine items that Council may act on with one single vote. A councilmember may pull any item from the Consent Agenda in order that the Council discuss and act upon it individually as part of the Regular Agenda.

   7-a. Approve the Minutes from the April 7, 2022 and April 20, 2022 Regular City Council Meetings

7-b. Approve Ordinance No. O-22-008 on Its Second Reading Amending Appendix A - 'Zoning' of the Code of Ordinances and the Official Zoning Map of the City of Brenham to Change the Zoning District from a Mixed Residential Use District (R-2) to a Local Business Residential Mixed Use District (B-1) on 1.202-Acres of Land Currently Addressed as 1003 Hasskarl Drive and Being Further Described as Lot 1 of Fairview Terrace Subdivision, Out of the Arrabella Harrington Survey, Abstract No. 55 in Brenham, Washington County, Texas (Case No. P-22-004)

7-c. Approve a Noise Variance Request From Mount Rose Missionary Baptist Church for a Church Picnic at Henderson Park on May 7, 2022 from 9 A.M. to 6 P.M.

7-d. Approve a Noise Variance Request from Lone Star Circle of Life Bike Tour for an Awareness Event for Blood, Organ, and Tissue Donors at Fireman's Park on May 11, 2022 from 2:30 P.M. to 5:30 P.M.

WORK SESSION

8. Discussion and Presentation of the City of Brenham Downtown Parklet Manual

REGULAR SESSION

9. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 2, Administration, of the Code of Ordinances of the City of Brenham, Texas by Repealing Article VII, Library Advisory Board, and Providing for a New Article VII, Reserved, for Future Amendments to Chapter 2, Administration

10. Discuss and Possibly Act Upon a Gift Deed to the City of Brenham From the Kruse Martial Trust Conveying 1.5 Acres of Land Adjacent to the Brenham Family Park and Authorize the Mayor to Execute Any Necessary Documentation

11. Discuss and Possibly Act Upon Award of Bid No. 2021-05 for the Construction of an Additional Parking Lot at the Blue Bell Aquatic Center and Authorize the Mayor to Execute Any Necessary Documentation

12. Discuss and Possibly Act Upon the Purchase and Installation of Two (2) HVAC Units for the City of Brenham Police Department, Using BuyBoard Contract No. 631-20, and Authorize the Mayor to Execute Any Necessary Documentation

13. **Discuss and Possibly Act Upon a Financing Proposal from Brenham National Bank for the Purchase of Two (2) HVAC Units for the Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation**

14. **Discuss and Possibly Act Upon a Contract Between the City of Brenham and EVOQUA Water Technologies, Inc. for the Purchase of Chlorine Dioxide for the City of Brenham Water Treatment Plant and Authorize the Mayor to Execute Any Necessary Documentation**

15. **Administrative/Elected Officials Report**

Administrative/Elected Officials Reports: Reports from City Officials or City staff regarding items of community interest, including expression of thanks, congratulations or condolences; information regarding holiday schedules; honorary or salutary recognitions of public officials, public employees or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that have arisen after the posting of the agenda.

EXECUTIVE SESSION

16. **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**
17. **Section 551.086 - Texas Government Code - Utility Competitive Matters - City of Brenham Gas Utility System - Gas Supply and Transportation Arrangements and Agreements, and Associated Matters**
18. **Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding a U. S. Department of Housing and Urban Affairs Discrimination Complaint**
19. **Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Legal Issues Concerning the City of Brenham Lake Somerville Raw Water Intake Structure, the Federal Emergency Management Agency, and Associated Matters**

RE-OPEN REGULAR SESSION

Adjourn

Executive Sessions: The City Council for the City of Brenham reserves the right to convene into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas Government Code, Chapter 551, including but not limited to §551.071 - Consultation with Attorney, §551.072 - Real Property, §551.073 - Prospective Gifts, §551.074 - Personnel Matters, §551.076 - Security Devices, §551.086 - Utility Competitive Matters, and §551.087 - Economic Development Negotiation

CERTIFICATION

I certify that a copy of the May 05, 2022 agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan St., Brenham, TX on Monday, May 2, 2022 at 10:30 a.m.

Jeana Bellinger, TRMC, CMC
City Secretary

Disability Access Statement: This meeting is wheelchair accessible. The accessible entrance is located at the Vulcan Street entrance to the City Administration Building. Accessible parking spaces are located adjoining the entrance. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours before the meeting) by calling (979) 337-7567 for assistance.

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the _____ day of _____, 2022 at _____ AM PM.

_____ _____
Signature Title

PROCLAMATION

WHEREAS, The Office of the Municipal Clerk is a time honored and vital part of local government; and

WHEREAS, The Municipal Clerk is the oldest among public servants, dating back to Biblical times (Acts 19:35); and

WHEREAS, The Municipal Clerk provides the professional link between the citizens, the local governing body, and other agencies of government; and

WHEREAS, Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, Clerks serve as the information center on functions of local government and the community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of local government through networking, certifications, and participating in seminars, workshops, and annual meetings of their state and international organizations; and

WHEREAS, It is most appropriate that we recognize the accomplishments of the City of Brenham's Office of the City Secretary and to all municipal clerks for the vital services they perform and for their dedication to the communities they serve;

NOW, THEREFORE, I, Milton Y. Tate, Jr., Mayor of the City of Brenham, do hereby proclaim May 1-7, 2022 as

MUNICIPAL CLERKS WEEK

In Witness, Whereof, I have set my hand and affixed the Seal of Brenham.

_____

Milton Y. Tate, Jr.
Mayor

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, April 7, 2022 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:

City Manager Carolyn Miller, City Attorney Cary Bovey, City Secretary Jeana Bellinger, General Manager of Public Utilities Debbie Gaffey, Assistant General Manager of Public Utilities Alton Sommerfield, Director of Public Works Dane Rau, Director of Development Services Stephanie Doland, Director of Economic Development Susan Cates, Director of Finance Stacy Hardy, Police Chief Ron Parker, Fire Chief Roger Williams, Human Resources Director Susan Nienstedt, Director of Water and Wastewater Bobby Keene, Deputy City Secretary Alyssa Faykus, Karen Stack, Kevin Schmidt, Shawn Bolenbarr, Shauna Laauwe, Kyle Branham, and Debra Pinto.

Citizens/Others Present:

No citizens were present.

Media Present:

Trace Harris, Brenham Banner-Press; and Josh Blaschke, KWHI

1. Call Meeting to Order

2. Invocation and Pledges to the US and Texas Flags – Mayor Pro Tem Clint Kolby

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3. Proclamations

- **Safe Digging Month**

4. Service Recognitions

- **Andrew Jozwiak, Fire Department – 15 Years**

5. Citizens Comments

CONSENT AGENDA

6. Statutory Consent Agenda

6-a. Approve the Minutes from the March 17, 2022 Regular City Council Meeting, the March 22, 2022 Emergency City Council Meeting, and the March 29, 2022 Special City Council Meeting

6-b. Approve Ordinance No. O-22-006 on Its Second Reading Amending the FY 2021-22 Adopted Budget

6-c. Approve Resolution No. R-22-017 Repealing Resolution No. R-20-038 Related to Procurement Procedures for Expenditures Related to Gas and Electric Utilities

6-d. Approve a Ratification of the Award of Bid No. 22-002 Related to Janitorial Services, to Kustom Klean Janitorial Services, in the Amount of $1,169.88 and Authorize the Mayor to Execute Any Necessary Documentation

6-e. Approve the Ratification of a Purchase from Smith Pump Company in the Amount of $53,293.22 Related to Emergency Pump Repairs at the Intake Structure at Lake Somerville and Authorize the Mayor to Execute Any Necessary Documentation

6-f. Award Bid No. 22-005 for Chlorine Dioxide to EVOQUA Water Technologies, Inc. Related to the Water Treatment Plant in the Amount of $0.975 Per Pound and Authorize the Mayor to Execute Any Necessary Documentation

Mayor Tate advised the City Council that Consent Agenda Item 6-f would be moved to the Regular Agenda for discussion and possible action.

A motion was made by Councilmember Kenjura and seconded by Councilmember Saunders to approve the Statutory Consent Agenda Items 6.a. thru 6.e. as presented.

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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

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

7. Public Hearing, Discussion, and Possible Action on an Ordinance on Its First Reading Amending Appendix A - 'Zoning' of the Code of Ordinances of the City of Brenham, Part I, Section 5.02, Definitions; Part II, Division 1, Section 14.03(3) Limitations on Home Occupations; and Part II, Division 1, Section 14.04, Specifically Prohibited as Home Occupations (Case No. P-22-012)

City Planner Shauna Laauwe presented this item. Laauwe explained that in the fall of 2021, a resident requested additional electrical amperage for a single-family home to support a large computer system needed for their Digi coin trading hobby. Utility billing verified with Development Services that the proposed use was allowable in the given zoning district (R-1).

Laauwe stated that Development Services and Electric Department staff met with the property owner to discuss the additional electrical upgrades for the proposed use to allow 1200 amps of electrical service to the standard 200 amps. The use was approved, and the electrical meters were installed and passed an electrical inspection. Since installation, it has come to staff's attention that the electricity load for the residential property is excessive (similar to some commercial electric contracts).

Laauwe said after some research by staff, it appears that any new addition of cryptocurrency mining within the city could quickly overload the electrical infrastructure. Laauwe explained that Development Services is proposing a text amendment to the Zoning Ordinance to provide new definitions related to cryptocurrency mining, and language to Section 14 – Home Occupations, that would prohibit future requests from being allowed as a home occupation or hobby.

The public hearing was opened, and no comments were received.

A motion was made by Councilmember Canales and seconded by Mayor Pro Tem Kolby to approve an Ordinance on its first reading amending Appendix A - 'Zoning' of the Code of Ordinances of the City of Brenham, Part I, Section 5.02, Definitions; Part II, Division 1, Section 14.03(3) Limitations on Home Occupations; and Part II, Division 1, Section 14.04, Specifically Prohibited as Home Occupations (Case No. P-22-012).

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

8. Presentation and Discussion on the Upcoming Brenham Independent School District's Bond Election

Brenham ISD Superintendent Dr. Tylor Chaplin presented this item. Dr. Chaplin discussed the following topics related to the the upcoming bond election for Brenham ISD:

- Age of BISD facilities.
- History of BISD bonds and tax rates.
- 2022 tax rate comparison of other neighboring entities.
- Bond Planning Committee's recommendation to the BISD School Board.
- Finalized prioritization and the single proposition of the bond.
- New grade level alignment.

9. Presentation by Bickerstaff, Heath Delgado Acosta, LLP and Discussion of the Initial Assessment Regarding the Need to Redistrict the City Councilmember Wards Based on Recently Issued 2020 Census Data

City Secretary Jeana Bellinger introduced the speaker for this item, Syd Falk from Bickerstaff, Heath Delgado Acosta, LLC. Falk presented the initial assessment, which covered:

- Redistricting laws
- Acceptable deviation
- Voting Rights Act, including the 14th Amendment and "one person – one vote"
- The need for adopting criteria for redistricting
- A proposed redistricting timeline

Falk advised that at the May 5th Special Council Meeting he would assist the Council with the preparation of draft redistricting plans to present to the citizens for review and input.

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10. Discussion and Update on the Hours of Operation for Brannon Industrial Group at the City of Brenham's Transfer Station

Director of Public Works Dane Rau presented this item. Rau said staff had received a request form the Brannon Industrial Group to reduce the hours of operation at the Brenham Collection Station from 8 a.m. to 4 p.m. to 8 a.m. to 1 p.m. on Saturdays.

According to management at the collection station, very few users come between 1 p.m. at 4 p.m. and nearly 95% of customers use the station between 8 a.m. and 1 p.m.

The change will be effective May 7, 2022.

REGULAR SESSION

6-f. Award Bid No. 22-005 for Chlorine Dioxide to EVOQUA Water Technologies, Inc. Related to the Water Treatment Plant in the Amount of $0.975 Per Pound and Authorize the Mayor to Execute Any Necessary Documentation

Purchasing Supervisor Kyle Branham presented this item. Branham said the advertisement for the solicitation of bids was not published correctly in the newspaper; therefore, the City must reject the bid due to not being compliant with state purchasing laws. Branham explained that staff will assess the situation and bring this bid back to Council at a later date.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to reject all bids received in response to Bid No. 22-005 for Chlorine Dioxide 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-22-018 Adopting Criteria for Use in the 2021 Redistricting Process

City Secretary Jeana Bellinger presented this item. Bellinger explained that the City must pass a Resolution adopting criteria that will be used in the 2021 redistricting process. The criteria includes things such as:

- Easily identifiable geographic boundaries.
- Maintaining communities and avoiding splitting neighborhoods.
- Wards should be composed of whole voting precincts and splitting Census blocks should be avoided, if possible.
- Wards must be configured so they are relatively equal in population.
- The plan should avoid racial gerrymandering.
- The plan should not fragment geographically compact minority communities.

A motion was made by Councilmember Canales and seconded by Mayor Pro Tem Kolby to approve Resolution No. R-22-018 adopting criteria for use in the 2021 Redistricting Process.

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. Discuss and Possibly Act Upon Resolution No. R-22-019 Establishing Guidelines for Persons Submitting Specific Redistricting Proposals and Providing Comments

City Secretary Jeana Bellinger presented this item. Bellinger stated that in order to provide for proper consideration and evaluation of any redistricting plans submitted to City Council by citizens and/or special interest groups, the City must adopt specific guidelines. This Resolution outlines the steps to be followed by others in presenting a proposed redistricting plan to Council.

The guidelines include things such as:

- Proposed plans must be submitted in writing and be legible.
- Plans must show the total population and voting age foe African Americans, Hispanics, Asians, Anglo/Other for each proposed council ward based on the 2020 Census data.
- Plans should redistrict the entire City.
- Plans should conform to the same redistricting criteria the Council will be using.
- Persons providing comments and those submitting proposed plans must identify themselves by full name and home address and provide a phone number and, if available, an email address.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve Resolution No. R-22-019 establishing guidelines for persons submitting specific redistricting proposals and providing comments.

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

13. Discuss and Possibly Act Upon the Purchase of a Tractor/Shredder for the City of Brenham Street Department and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Manager Shawn Bolenbarr presented this item. Bolenbarr said during the 2021-22 budget process new equipment needs were identified. Bolenbarr explained that the purchase of two tractors were presented to the City Council on March 17, 2022, and it was the direction of the Council that at least one of the tractors be purchased from WC Tractor, a local vendor.

A motion was made by Councilmember Kenjura and seconded by Councilmember Canales to approve the purchase of a Kubota M6-111 tractor from WC Tractor in Brenham, in the amount of $99,824.52, 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

14. Discuss and Possibly Act Upon Change Order No. 2 and Final Payment to Brazos Paving, Inc. for Project No. 2020-02 Related to Old Chappell Hill Road Improvements and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau said on February 4, 2021, City Council awarded the Old Chappel Hill Road Improvement Project to Brazos Paving, Inc. This project consisted of right-of-way widening, drainage improvements, and upgrading to a concrete driving surface.

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Rau explained that there were several obstacles for this project, resulting in the need for Change Order No. 2 for $4,567.55 which covers field additions/adjustments. The project total costs came in at $728,612.05 and all invoices have been paid to date, except for the final payment of $62,010.82.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Cook to approve Change Order No. 2 and Final Payment to Brazos Paving, Inc., in the amount of $62,010.82, for Project No. 2020-02 related to Old Chappell Hill Road Improvements 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

15. Discuss and Possibly Act Upon the Renewal of the Microsoft Enterprise Agreement with Microsoft Corporation Affiliate SHI Government Solutions, and Authorize the Mayor to Execute Any Necessary Documentation

Director of Information and Technology Kevin Schmidt presented this item. Schmidt said the Microsoft Enterprise Agreement is a three-year contract which allows the City to maintain usage of Microsoft software and licenses. Schmidt advised that the total cost of the agreement is $94,948.80 per year for three years, to be paid annually.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve the renewal of a three-year Microsoft Enterprise Agreement with Microsoft Corporation Affiliate SHI Government Solutions, in the amount of $94,948.80 per year, 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

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16. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- The television show "The Texas Bucket List" will be in Fireman's Park on April 19th filming an episode of their show.

Director of Development Services Stephanie Doland introduced the new Airport Manager, Debra Pinto.

Council adjourned into Executive Session at 3:10 p.m.

EXECUTIVE SESSION

17. Texas Government Code - Section 551.086 - Utility Competitive Matters - City of Brenham Electric Utility System - Power Supply and Associated Competitive Matters

18. Texas Government Code Section 551.071 – Consultation with Attorney – Executive Session for the Purpose of Consultation with Legal Counsel Regarding the City's Redistricting Obligations

Executive Session adjourned at 3:35 p.m.

RE-OPEN REGULAR SESSION

The meeting was adjourned.

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Milton Y. Tate, Jr.
Mayor

_____

Jeana Bellinger, TRMC, CMC
City Secretary

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Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Wednesday, April 20, 2022 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:

City Manager Carolyn Miller, City Attorney Cary Bovey, City Secretary Jeana Bellinger, General Manager of Public Utilities Debbie Gaffey, Assistant General Manager of Public Utilities Alton Sommerfield, Director of Public Works Dane Rau, Director of Development Services Stephanie Doland, Director of Economic Development Susan Cates, Tourism and Marketing Director Jennifer Eckermann, Nancy Joiner, Crystal Locke, Director of Finance Stacy Hardy, Human Resources Director Susan Nienstedt, Deputy City Secretary Alyssa Faykus, Karen Stack, Shawn Bolenbarr, City Planner Shauna Laauwe, Purchasing Supervisor Kyle Branham, Kevin Boggus, and Debra Pinto.

Citizens/Others Present:

Ben Menjares, Melinda Faubion, Billy Sutherland, James S. Brown, Doug Peck, and Margie Young.

Media Present:

Trace Harris, Brenham Banner-Press; and Josh Blaschke, KWHI

1. Call Meeting to Order

DRAFT

2. Invocation and Pledges to the US and Texas Flags – Councilmember Adonna Saunders

3. Proclamations

- **National Day of Prayer**

4. Citizens Comments

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Approve Ordinance No. O-22-007 on Its Second Reading Amending Appendix A – 'Zoning' of the Code of Ordinances of the City of Brenham, Part I, Section 5.02, Definitions; Part II, Division 1, Section 14.03(3) Limitations on Home Occupations; and Part II Division 1, Section 14.04, Specifically Prohibited as Home Occupations (Case No. P-22-012)

5-b. Approve Change Order No. 2 and Final Payment for Project No. 63C-14C to Maguire Iron, Inc. in the Amount of $30,625.00 for the Atlow Elevated Storage Tank Rehabilitation Project and Authorize the Mayor to Execute Any Necessary Documentation

5-c. Approve the Appointment of Rachel Eckert Nordt to Fill a Vacancy on the Historic Preservation Board, for an Unexpired Term to Expire on December 31, 2023 and Authorize the Mayor to Execute Any Necessary Documentation

5-d. Approve a Noise Variance from the Washington County Ministerial Association for a National Day of Prayer Event to be held on May 5, 2022 at the Washington County Courthouse Gazebo from 11:30 A.M. to 1:15 P.M.

5-e. Approve a Noise Variance from the Brenham Maifest Association for the 132nd Maifest Celebration on May 6th and 7th at Fireman's Park from 11 A.M. to Midnight

5-f. Approve a Noise Variance from the Texas Department of Family Protective Services, Washington County Child Welfare Board, and CASA South Central Texas for a Child Abuse Awareness Vigil to be Held on April 24, 2022 at the Washington County Courthouse from 5 P.M. to 7:30 P.M.

A motion was made by Councilmember Wright and seconded by Councilmember Cook to approve the Statutory Consent Agenda Items 5.a. thru 5.f. as presented.

DRAFT

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. Discussion and Presentation of the City of Brenham Downtown Parklet Manual

Director of Tourism and Marketing Jennifer Eckermann presented this item. Eckermann presented the following information to the City Council:

- Introduction of Parklets
- Parklet process overview and eligibility requirements
- Parklet license agreement
- Parklet design standards
- Parklet sponsor responsibilities
- Parklet eligibility checklist
- Parklet application form and process

Councilmember Saunders asked how many parking spots a parklet sponsor would be allowed to use. Eckermann said three diagonal parking spots or two parallel parking spots.

Councilmember Canales asked how the committee would choose who gets a parklet on one block if two businesses wanted a parklet. Eckermann said it would be decided on a case-by-case basis, but whomever put in their application first may be a deciding factor.

Mayor Pro Tem Kolby asked what happens if a business that has a parklet shuts down. Eckermann said the business owner would have five days to remove the parklet before the city removes it. Eckermann also clarified that if a business sells to another owner, ownership of the parklet may be retained by the new owner if they pay the applicable permit fees.

Councilmember Canales asked about allowing umbrellas to have corporate sponsors, such as an umbrella a beer distributor gives to a business for free. Eckermann said allowing advertisement on umbrellas could have been written into the parklet manual, but staff was hesitant due to the city's current sign ordinance. Eckermann stated that staff was concerned a corporation could take advantage of this advertising space and felt that not allow advertising of any kind within the parklet to match would be best.

Several other concerns were discussed among councilmembers including things such as: allowing disposable dinnerware in parklets, allowing live music/amplification of music in a parklet, having city-provided trash cans at each parklet, and contingency plans for parklets.

7. Discussion and Update on the City of Brenham Comprehensive Plan

Director of Development Services Stephanie Doland presented this item. Doland stated that staff wanted to update City Council on various projects underway, yet to be completed, or completed from Plan 2040, which was adopted in 2019.

Doland covered the following topics:

- Purpose of Plan 2040
- Land Use and Development
- Growth Capacity
- Economic Outlook
- Transportation Goals
- Parks and Recreation
- Strategic Action Priorities

REGULAR SESSION

8. Discuss and Possibly Act Upon Approving Resolution No. R-22-020 Adopting the City of Brenham Downtown Parklet Manual

Director of Tourism and Marketing Jennifer Eckermann presented this item. Eckermann said this was the Resolution to adopt the parklet manual as presented in the Work Session.

After much deliberation among Council and recommended revisions to the Manual, City Attorney Cary Bovey reviewed the suggested changes that included: a parklet taking up a maximum of two parallel parking spaces or three diagonal parking spaces; prohibition of advertising on umbrellas; prohibition of amplified music; and requirement to use non-disposable dishes would be limited to dine-in service only.

A motion was made by Councilmember Kenjura and seconded by Councilmember Wright to table the item due to there being lots of changes being recommended and pushing it back another week would allow City Council more time to review and consider this Manual.

DRAFT

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 An Ordinance on Its First Reading Amending Appendix A – 'Zoning' of the Code of Ordinances and the Official Zoning Map of the City of Brenham to Change the Zoning District from a Mixed Residential Use District (R-2) to a Local Business Residential Mixed Use District (B-1) on 1.202-Acres of Land Currently Addressed as 1003 Hasskarl Drive and Being Further Described as Lot 1 of Fairview Terrace Subdivision, Out of the Arrabella Herrington Survey, Abstract No. 55 in Brenham, Washington County, Texas

City Planner Shauna Laauwe presented this item. Laauwe said the property is an existing 1.202-acre property addressed as 1003 Hasskarl Drive with a current use as a 6,500 square foot community center for the Brenham Housing Authority's property, Fairview Terrace.

Laauwe explained that the applicant desired to lease approximately 1,400 square feet of the existing 6,000 square foot community center facility for office use and the proposed use is in line with the proposed B-1, Local Business Residential Mixed-Use District. Laauwe also explained that the Public Hearing related to this zoning change request was held on March 17, 2022 and there were no citizen comments made at the hearing.

A motion was made by Councilmember Canales and seconded by Mayor Pro Tem Kolby to approve an ordinance on its first reading amending Appendix A – 'Zoning' of the Code of Ordinances and the Official Zoning Map of the City of Brenham to change the zoning district from a Mixed Residential Use District (R-2) to a Local Business Residential Mixed Use District (B-1) on 1.202-acres of land currently addressed as 1003 Hasskarl Drive and being further described as Lot 1 of Fairview Terrace Subdivision, out of the Arrabella Harrington Survey, Abstract No. 55 in Brenham, Washington County, Texas (Case No. P-22-004).

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	**Absent**
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

DRAFT

10. Discuss and Possibly Act Upon an Agreement Between the City of Brenham and Fifth Asset, Inc. d/b/a DebtBook for the Purchase of Lease and Debt Accounting Software Application and Support Services and Authorize the Mayor to Execute Any Necessary Documentation

Director of Finance Stacy Hardy presented this item. Hardy said effective with the fiscal year ending September 30, 2022, the City will be required to implement Governmental Accounting Standards Board (GASB) Statement No. 87 – Leases. This requires governmental entities to consolidate lease agreements (lessee and lessor – copiers, vehicles, real estate, airport hangars, water towers, etc.), test each agreement to determine whether it is subject to reporting requirements, calculate lease beginning balances and schedules, and update financial statements and note disclosures with this new information.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve an agreement between the City of Brenham and Fifth Asset, Inc. d/b/a DebtBook for the purchase of lease and debt accounting software application and support services for a three-year subscription at an annual cost of $9,750.00 per year 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	**Absent**
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

11. Discuss and Possibly Act Upon a License Agreement Between the City of Brenham and Stylecraft Builders Inc. Related to Parking Within the Public Right-of-Way, Along Trellis Pass, in the Vintage Farms Subdivision and Authorize the Mayor to Execute Any Necessary Documentation

Director of Development Services Stephanie Doland presented this item. Doland said in December of 2018, a Planned Development District (PDD) zoning ordinance amendment was approved by City Council for the Vintage Farms Subdivision, being developed by Stylecraft. Stylecraft is in Phases 4 and 5 of development, which includes 2.3 acres of land dedicated to a multiple family development in the form of townhomes.

Stylecraft asked the city to allow the development nine parking spots partially in the city right-of-way for this development.

DRAFT

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve a license agreement between the City of Brenham and Stylecraft Builders, Inc. for right-of-way parking at Trellis Pass, located within the Vintage Farms Subdivision, with the following modifications to the agreement: (1) denote the intended use of the parking in the ROW is for short-term use, primarily visitors, and is not for long-term use by the residents; (2) install signage at the cost of Stylecraft stating the above usage requirements; and (3) signage shall be maintained and parking enforced by the HOA and authorize 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	**Absent**
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

12. Administrative/Elected Officials Report

There were no reports given.

The meeting was adjourned.

_____
Milton Y. Tate, Jr.
Mayor

_____
Jeana Bellinger, TRMC, CMC
City Secretary

DRAFT

ORDINANCE NO. O-22-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES, AND THE OFFICIAL ZONING MAP OF THE CITY OF BRENHAM, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FROM MIXED RESIDENTIAL DISTRICT (R-2) TO A LOCAL BUSINESS/RESIDENTIAL MIXED-USE DISTRICT (B-1) ON A 1.202 ACRE TRACT OF LAND AS FURTHER DESCRIBED IN THIS ORDINANCE.

WHEREAS, the Brenham Housing Authority, property owner(s) of the 1.202 acres of land generally located on south side of E. Blue Bell Road and on the southwest corner of the Hasskarl Drive and E. Blue Bell Road intersection and addressed as 1003 Hasskarl Drive, and being further described as Lot 1 of the Fairview Terrace Subdivision out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas, (the "Property"), have requested that the Property be rezoned; and

WHEREAS, the City of Brenham has adopted Appendix A – "Zoning" of the City of Brenham Code of Ordinances, as amended, which divides the City of Brenham into various zoning districts; and

WHEREAS, Appendix A – "Zoning" of the City of Brenham Code of Ordinance authorizes the City Council to grant zoning changes by adopting ordinances amending Appendix A for each individual permanent zoning change; and

WHEREAS, at least ten (10) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the Planning and Zoning Commission held a public hearing on the requested rezoning; and

WHEREAS, this amendment was recommended for approval by the City of Brenham Planning and Zoning Commission in its final report during its regular meeting on February 28, 2022; and

WHEREAS, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested rezoning, the City Council held the public hearing for the requested rezoning and the City Council considered the final report of the Planning & Zoning Commission; and

WHEREAS, the City Council deems it appropriate to grant such proposed change in the zoning district classification of the Property;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, THAT APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AND THE OFFICIAL ZONING MAP BE AMENDED IN THE FOLLOWING MANNER:

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham are hereby amended by changing the zoning district classification from a Mixed Residential District (R-2) to Local Business/Residential Mixed Use District (B-1) on approximately 1.202 acres of land addressed as 1003 Hasskarl Drive, and further described as Lot 1 of the Fairview Terrace Subdivision out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas, said area of land being further described and depicted on Exhibit "A" attached hereto and incorporated herein for all pertinent purposes.

SECTION 2. This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

PASSED and APPROVED on its first reading this the 20th day of April 2022.

PASSED and APPROVED on its second reading this the 5th day of May 2022.

_____
Milton Y. Tate, Jr.
Mayor

ATTEST:

_____
Jeana Bellinger, TRMC, CMC
City Secretary

Exhibit "A"

Aerial Map
1003 Hasskarl Dr
Zone Change Request
R-2 to B-1

City of BRENHAM

1 Inch = 133 feet

Regular City Council
AGENDA ITEM 7-C.

Agenda Item: **Approve a Noise Variance Request From Mount Rose Missionary Baptist Church for a Church Picnic at Henderson Park on May 7, 2022 from 9 A.M. to 6 P.M.**

Meeting Type: Regular Meeting-May 05, 2022

Department: Recreation

Staff Contact: Crystal Locke

SUMMARY STATEMENT:

The Mount Rose Missionary Baptist Church is planning a Church Picnic on May 7, 2022, from 9 a.m. to 6 p.m. The event will take place at the kitchen/covered pavilion at Henderson Park, and the organizer has requested a Noise Variance to play music.

ATTACHMENTS:

(1) Noise Variance Request

RECOMMENDED ACTION:

Approve a noise variance request from Mount Rose Missionary Baptist Church for a Church Picnic at Henderson Park on May 7, 2022 from 9 a.m. to 6 p.m.

Noise Variance Request

For: Church Picnic

Name of sponsoring organization: Mount Rose Missionary Baptist Church

Your Contact Information

Name: Cheryl DaBera

Phone: 979-661-0782 **Email:** cdabera@att.net

Event Details

Event Name: Church Picnic

Purpose: Fun and Fellowship

Location: Henderson Park-kitchen/pavillion area

Date: 2022-05-07

Time: 11:00 am - 5:00 pm

Setup From: 9:00 am**To:** 11:00 am

Clean up From: 5:00 pm**To:** 6:00 pm

Types of activities planned and any additional information specific to this event: Games included but not limited to: cards, dominos, relay/sack races, and games using balls and/or other non-dangerous tossed items.

Describe activities at this event that require the variance to the noise ordinance: Music played on cd player.

Will you use sound amplification equipment? Yes

Cleanup Provisions: Wipe down surfaces, sweep/mop as needed, pick up trash and/or other disposable materials, retrieve all game and other equipment

Have you ever been found guilty of a criminal offense involving crimes against property, moral turpitude, and/or a felony by any court? No

Please identify the offence, State of conviction and penalty imposed:

Regular City Council
AGENDA ITEM 7-D.

Agenda Item: **Approve a Noise Variance Request from Lone Star Circle of Life Bike Tour for an Awareness Event for Blood, Organ, and Tissue Donors at Fireman's Park on May 11, 2022 from 2:30 P.M. to 5:30 P.M.**

Meeting Type: Regular Meeting-May 05, 2022

Department: Recreation

Staff Contact: Crystal Locke

SUMMARY STATEMENT:

The Lone Star Circle of Life Bike Tour is planning an Awareness Event to educate Texans about the need for life-saving donations of blood, marrow, organ, and tissues. Twelve cyclists will travel throughout the state from May 7 to May 13 and plan to stop in Brenham on Wednesday, May 11, 2022, from 2:30 p.m. to 5:30 p.m. The event will take place at Fireman's Park, and the organizer has requested the use of a speaker and microphone. Due to the use of amplified sound equipment, a noise variance is required.

ATTACHMENTS:

(1) Noise Variance Request-Lone Star Circle of Life Bike Tour
(2) 2022 Bike Tour Info Sheet

RECOMMENDED ACTION:

Approve a noise variance from Lone Star Circle of Life Bike Tour for an Awareness Event for blood, organ, and tissue donors at Fireman's Park on May 11, 2022 from 2:30 p.m. to 5:30 p.m.

Noise Variance Request

For: Outreach Ministry

Name of sponsoring organization: Outreach Ministry

Your Contact Information

Name: Minnie Dabera

Phone: 979-551-2895 **Email:** n/a

Event Details

Event Name: Outreach Ministry

Purpose: Community Outreach

Location: Fireman's Park

Date: 2022-07-02

Time: 7 am - 2 pm

Setup From: 6 am**To:** 7 am

Clean up From: 2 pm**To:** 3 pm

Types of activities planned and any additional information specific to this event: Praise and worship, guest speaker, live music

Describe activities at this event that require the variance to the noise ordinance: Live music, musicals instruments,

Will you use sound amplification equipment? Yes

Cleanup Provisions: The event organizer will leave the park in good condition.

Have you ever been found guilty of a criminal offense involving crimes against property, moral turpitude, and/or a felony by any court? No

Please identify the offence, State of conviction and penalty imposed:

What is the Lone Star Circle of Life Bike Tour?

A team of twelve cyclists ride throughout Texas one week this May to educate and promote donation of blood, marrow, stem cells, organs and tissues.

Each rider's life has been touched by donation in a very special way. Each day of the tour, the riders honor local individuals who have been a donor, a recipient, or someone who is searching for a matched donor.

Purpose:

To raise awareness throughout Texas of the critical need for life-saving donations of blood, marrow, organ, and tissues.

Bike Tour Honorees

Each day of the tour, the team riders will ride in honor of a local donor or recipient of blood, marrow/stem cell or organ/tissue.

The honoree's donation story will be shared on the tour website and social media to encourage others to consider being a donor. They will also be recognized at the event.

For information on submitting a person to be an honoree, visit htpps://LSCOL.com

Where the Spring 2022 tour is going:

May 7 – the kick-off event in **Waco** to Groesbeck
May 8 ~ Groesbeck to Jacksonville
Ride Day – no event
May 9 ~ Jacksonville to **Nacogdoches**
May 10 ~ Nacogdoches to **Huntsville**
May 11 ~ Huntsville to **Brenham**
May 12 ~ Brenham to **Austin**
May 13 ~ Austin to **Temple** for the finale event

Bolded locations are where events will be held.
Locations for tour events subject to change.
Check on the tour website often for updates.

The Lone Star Cycling Team:

The riders chosen for the Lone Star Team are not only accomplished cyclists, but each have had their lives touched by donation. Some of the team have actually had their lives saved by organ, marrow or blood donations. Others have been donors of blood, marrow, organ or tissues, recipients or have worked to support these donations.

More information on the rider team can be found on at htpps://LSCOL.com

For more information

http://lscol.com
LSCOL17@yahoo.com, or
contact the tour coordinator at 254-760-9311

The Need:

One in **three people** will need a blood transfusion in their lifetime. Many times there is not enough blood to fill the need.

Over **30,000** new patients are diagnosed each year with a life-threatening disease that may be cured with a marrow or stem cell transplant.

An average of **22** people die EACH DAY while waiting for an organ for transplantation.

Regular City Council
AGENDA ITEM 8.

Agenda Item: **Discussion and Presentation of the City of Brenham Downtown Parklet Manual**

Meeting Type: Regular Meeting-May 05, 2022

Department: Administration

Staff Contact: Carolyn Miller

SUMMARY STATEMENT:

At the Wednesday, April 20, 2022, City Council meeting, Tourism and Marketing Director Jennifer Eckermann, presented a Downtown Parklet Manual in Work Session for your consideration. Due to the Council needing more information, Councilmember Kenjura recommended, and it was approved, that the Manual be tabled until the May 5th meeting to allow for additional discussion.

Last week, staff met with Councilmember Canales to not only discuss her concerns but to brainstorm the other issues voiced by other members of the City Council. Also last week, Jennifer Eckermann met with the Economic Vitality Committee of the Main Street Board to discuss the Manual and some possible revisions. After these successful meetings, several revisions to the manual are being recommended and all of them will be discussed with Council in work session.

ATTACHMENTS:

(1) Recommended Revisions
(2) Parklet Manual as Presented on April 20, 2022

RECOMMENDED ACTION:

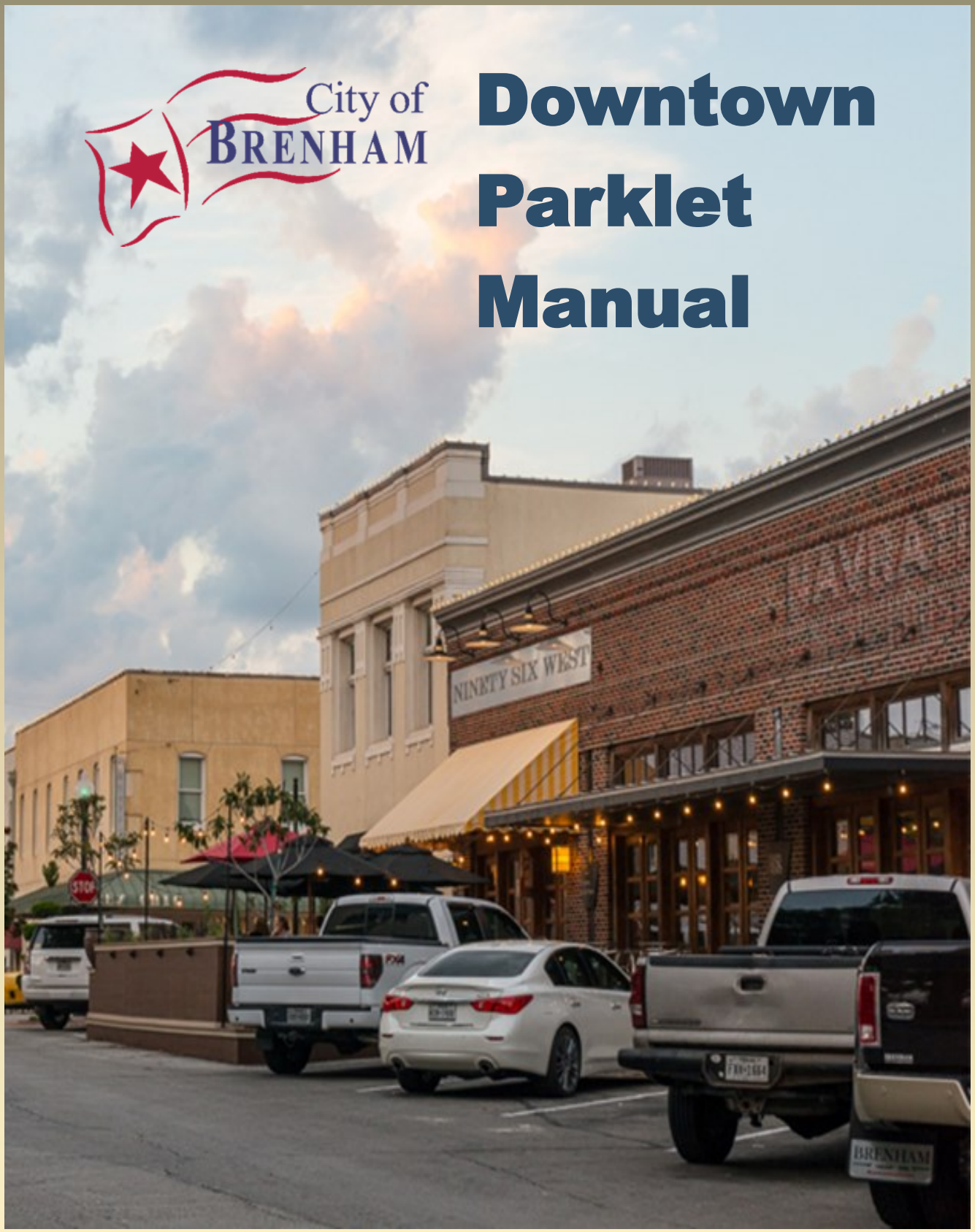
No action; discussion only.

Areas of Concern	Suggested Revisions
The use of non-disposable dinnerware being prohibited.	Any downtown business, not just restaurants, will be eligible to sponsor a parklet; therefore, the restriction on types of dinnerware will be removed.
Better explanation and clarification of the terms "public" parklet and "private" parklet.	➢ The "public" or "private" type of parklet will be removed. There will be a $500 fee for each parklet. ➢ All parklets can be reserved by the sponsor during their hours of operation; all other times, the parklet will be open to the public.
How will 96 West's parklet will be handled in the future if there are fees for other parklets?	Upon renewal of any existing parklet agreements, the $500 fee will be charged.
There being no limit to the number of parklets allowed in the downtown area.	There will be a limit of six (6) parklets in the downtown area.
The number of parking spaces being taken for a parklet.	No more than two (2) parallel spaces and three (3) angled spaces can be taken for a parklet.
Who would ultimately be responsible for the parklet – the property owner or the business owner?	The application will require signatures of both the sponsor and the property owner if they are not one in the same.
The use of amplified sound in a parklet.	Amplified sound will not be allowed – this is in accordance with a current City ordinance.
Specific advertising requirements in a parklet.	No advertising will be allowed in or on any parklet.
The use and design of umbrellas.	➢ The term "umbrella" will be replaced with "shade structure". ➢ A shade structure could be an umbrella, an awning, a tree, or some other kind of structure to provide shelter from the heat. ➢ All shade structures would have to be approved by the Development Services Department. ➢ Downtown parklet improvements including the purchase and/or replacement of shade structures, up to $1,500, would be eligible for funding through the Main Street Economic Impact and Innovation Grant Program.

Receipt, handling, and processing of parklet applications.	➢ The initial round of applications will be processed through the City Secretary's office. ➢ For the initial round, there will be a 60-day application period (July 1 thru August 30). ➢ The application period will be advertised in the media, pushed out on social media, and put on the City's website. ➢ Main Street Board will review all applications received and make a recommendation to a Council Subcommittee before presenting the application(s) to the City Council for consideration. ➢ Once an application is approved, the sponsor will have six (6) months to meet with the Development Services Department and begin the parklet project.

City of BRENHAM

Downtown Parklet Manual



TOURISM & MARKETING/MAIN STREET

INTRODUCTION

The City of Brenham has created a downtown parklet initiative that provides a public-private partnership for streetscape improvements in the public realm.

Parklets convert curbside parking into vibrant community spaces. They contribute to the aesthetics of the streetscape, provide an economical solution to the need for increased public spaces, and provide amenities such as seating and landscaping.

While parklets are funded and maintained by businesses, they provide benefits to the entire community, as well as to visitors and adjacent businesses. Parklets generate community and economic development by attracting more people to downtown where they shop, eat, relax and experience all Downtown Brenham has to offer.

Two types of parklet opportunities are offered – a Private Parklet that allows a restaurant to reserve the space during business hours, and a Public Parklet that is available for public use at all times.

PARKLET PROCESS OVERVIEW

PERMITTING PROCESS

Step 1: Complete and submit a Parklet Eligibility Checklist Form

After reviewing this manual, the parklet sponsor/applicant must prepare and submit a Parklet Eligibility Checklist Form.

Step 2: Eligibility Determined

Once the Parklet Eligibility Checklist Form is evaluated, City staff will notify the sponsor of the determination of eligibility.

Step 3: Complete Building Permit Application and the Parklet Application

Once the notification of eligibility is received, the sponsor shall submit a Building Permit Application and the Parklet Application, along with the required supporting documents listed on the application.

All parklet designs are required to comply with the Parklet Design Standards found in this Parklet Manual.

PARKLET PROCESS OVERVIEW

Step 4: Review and Approval of Parklet License Agreement

Once the Parklet Application is reviewed by City staff, a Parklet License Agreement will be sent to the sponsor for review.

Once the sponsor has reviewed the Agreement, a date will be set for City Council approval.

Step 5: Issuance of Permit and Scheduling of Field Inspection

Once the Parklet License Agreement is approved by City Council, Development Services will issue the Building Permit and schedule an inspection.

FEES:

Building Permit Fee	TBD based on cost of project
Annual Parklet Fee	
Private Parklet:	$500
Public Parklet:	$250

ELIGIBILITY REQUIREMENTS

AN ELIGIBILITY CHECKLIST FORM IS AVAILABLE ONLINE AT:

WWW.CITYOFBRENHAM.COM/MAINSTREET (insert the correct link here!)

The requirements include:

- **The parklet must be located in the Downtown Brenham Historic Overlay District.**
- **The parklet will not be located on TxDOT right-of-way (Main and Alamo Streets).**
- **The parklet is associated with a business that primarily sells food and/or beverages.**
- **The parklet is located adjacent to the establishment where on-street parking spaces exist and is less than, or equal to, the footprint of the establishment.**
- **There is no other parklet on the block (only one is allowed per block face).**
- **The parklet is within a dedicated parking lane in the right-of-way and will occupy a minimum of two and a maximum of three parking spaces.**
- **The parklet will not impede the flow of drainage.**
- **The parklet will not impede pedestrian or vehicular traffic.**
- **The parklet must not be placed in a manner that restricts access to any dumpsters, garbage receptacles, private or public utilities (e.g. electrical poles, streetlights, underground utility access, electrical transformer vaults, etc.) nor be places over any utility appurtences, fire hydrants, valves, manholes, meters, etc.**
- **The parklet will not create a site distance/visibility problem for vehicular traffic.**
- **The sponsor is in good standing with any required payment with the City of Brenham.**

LICENSE AGREEMENT

Each License Agreement is for a period of one year, with 4 years of extensions allowed.

The Annual Parklet Fee may be paid in full for the 5-year length of the Agreement at a 20% discount. There will be no refund if the sponsor does not adhere to the Agreement, and the Parklet is required to be removed.

Only one permit is required; however, if paying annually, each Agreement extension must be requested in writing to Main Street by no later than ten (10) working days prior to the end of each year. Once a written request is received, Main Street will initiate a brief department review to determine if an extension will be issued. A permit extension will be considered if there are no issues or violations. Extensions may be subject to additional requirements and/or restrictions. The permit extension request must be submitted via email to info@downtownbrenham.com

The Annual Parklet Fee is required prior to extension approvals.

The permit will be null and void if all applications and design requirements are not met.

All elements of the parklet must be removed within five (5) business days after the expiration of the permit or within five (5) business days after the cessation of the business associated with the permit, whichever occurs first.

A LICENSE AGREEMENT MUST BE APPROVED BY CITY COUNCIL BEFORE AN APPLICATION WILL BE APPROVED

DESIGN STANDARDS

A parklet typically consists of a platform, protective enclosure (protective elements such as planters and railings), and amenities (e.g. benches, chairs, tables, lighting, umbrellas, landscaping). All approved parklets are considered temporary installations. A parklet design that requires a poured concrete platform or drilling into the surface of the street, curb or sidewalk is prohibited. Installation must not damage the street, curb, sidewalk, or any aspect of the public right-of-way.

1. Parklet Platform Standards:

- **T**he design of the platform must accommodate the crown of the road to provide a level walking surface for the parklet.
- The parklet must be ADA accessible.
- Parklet designs must maintain a visual connection to the street and not obstruct seated sightlines to existing businesses and signage.
- The platform may not have more than a ½" gap from the curb to permit easy access and to avoid tripping hazards.
- The platform must not impede the flow of curbside stormwater drainage.
- Design considerations should include measures to prevent debris buildup beneath the deck.

2. Protective Enclosure of the Parklet:

The parklet must have a continuous protective enclosure along each side, with the exception of the side adjacent to the curb (three sides total). This enclosure will serve as a buffer to users and make the parklet visible to traffic. Enclosures can consist of planters, railings, and/or other visible protective edgings as approved by City staff in the application process. The enclosure should include architectural elements and must be between three (3) feet and four (4) feet in height, measured from the walking surface of the parklet. While not visible from the sidewalk, the parklet's back is highly visible from across the street.

DESIGN STANDARDS

3. Protective (buffering) Elements Between the Parklet and Adjacent Parking Spaces:

The parklet must be buffered from vehicles parking on adjacent parking spaces using wheel stops or planter boxes, which must be placed 4 feet from the parklet. Planter boxes should have a height of 3 feet. At no point should plants in the planter boxes obstruct visibility to moving traffic and parking cars. These wheel stops or planter boxes act as bollards to protect against parking maneuvers.

4. Projections Beyond the Parklet:

No element of the parklet, including umbrellas, is permitted to extend beyond the footprint of the parklet.

5. Advertising:

Any type of advertising in the parklet area, including advertising on umbrellas, is prohibited. No sign permits will be used for parklets.

6. Durability of Parklet Materials:

The parklet should be durable and designed to be outdoors and able to withstand wind stress.

7. ADA Requirements:

Parklets shall be constructed and/or installed to conform to the applicable provisions, rules, regulations, and guidelines of the Americans with Disabilities Act (ADA) and Texas Accessibility Standards (TAS). Parklets may not occupy a designated ADA-accessible parking space.

8. **Power and Water Connections:**

The design of the parklet must not require power and/or water connections.

PARKLET SPONSOR RESPONSIBILITIES

Parklet sponsors are responsible for the following:

- Keep the parklet well-maintained and in good repair with daily cleaning.
- Keep the parklet free of debris, grime, and graffiti.
- Water and maintain all parklet vegetation.
- Provide pest control as needed.
- Amplified music is prohibited in parklets.
- In Private Parklets:

  Alcohol is allowed if proper TABC licenses are provided.

  Food can be served if the kitchen facilities are permitted and in good standing.

  Food trays, carts, receptacles for dirty dishes, etc. shall not be placed or stored on any portion of the sidewalk or parklet.

  Non-disposable dishes, silverware, and linens must be used to prevent items from blowing off tables.

  Cooking equipment is prohibited within the parklet.

PARKLET ELIGIBILITY CHECKLIST FORM

Submittal Instructions: After completing the Parklet Eligibility Checklist, email this form as an attachment to info@downtownbrenham.com. Also include a photo or aerial image of the site, identifying the specific parking spaces on which you are proposing to install the parklet. Once the eligibility of a site has been determined, City staff will email the parklet sponsor instructions on how to submit the Parklet Application.

CONTACT INFORMATION

Name of persons and business sponsoring the parklet: _____

_____

Phone number and email of parklet sponsor: _____

_____

Name and address of business: _____

_____

Phone number of business (establishment) associated with parklet: _____

_____

At this point of the process, drawings of the proposed parklet are not required. However, some information regarding the installation site of the parklet is needed to determine the eligibility of the proposal prior to submitting a Parklet Application with supporting documents. The standards set forth below are minimum standards and eligibility is determined based on the site meeting all requirements as verified by City staff. Place a checkmark in the box next to each standard to indicate the site is in full compliance.

- ☐ The parklet must be located in the Downtown Brenham Historic Overlay District
- ☐ The parklet is not located on TxDOT right-of-way (Main and Alamo Streets)
- ☐ The parklet is associated with a business that primarily sells food and/or beverages
- ☐ The parklet is located adjacent to the establishment where on-street parking spaces exist and is less than or equal to the footprint of the establishment
- ☐ There is no parklet on the block (only one is allowed per block face)
- ☐ The parklet is within a dedicated parking lane in the right-of-way and will occupy a minimum of two and a maximum of three parking spaces.

PARKLET ELIGIBILITY CHECKLIST FORM

- ☐ The parklet will not impede the flow of drainage
- ☐ The parklet will not impede pedestrian or vehicular traffic
- ☐ The parklet must not be placed in a manner that restricts access to any dumpsters, garbage receptacles, private or public utilities (e.g. electrical poles, street lights, underground utility access, electrical transformer vaults, etc.) nor be placed over any utility appurtenances, fire hydrants, valves, manholes, meters, etc.
- ☐ The parklet will not create a site distance/visibility problem for vehicular traffic
- ☐ The sponsor is in good standing with any required payment with the City of Brenham

Please indicate the number and type (parallel or angled) of parking spaces that will be occupied by the proposed parklet: _____ parking spaces

Also indicate the size (length, width, and height) of the proposed parklet: _____

_____

Once completed, print, date sign, and send the form as an attachment to

info@downtownbrenham.com

Signature: **Date:**

_____

PARKLET APPLICATION FORM

Submittal Instructions: After completing the Parklet Application, email this form with all required supporting documents as attachments to info@downtownbrenham.com. Once the application has been reviewed, City staff will email the Parklet License Agreement for the sponsor to review. Once the Parklet License Agreement is approved by City Council, the sponsor will be emailed instructions on how to obtain the Building Permit from Development Services and how to schedule a field inspection.

NOTE: Every application will be subject to a determination of completeness. The responsible city official is not required to review an application unless it is complete.

CONTACT INFORMATION

Name of persons and business sponsoring the parklet:

_____

Phone number and email of parklet sponsor:

_____

Name and address of business:

_____

_____

Phone number of business (establishment) associated with parklet:

_____

PARKLET INFORMATION

Number of parking spaces (min. 2 spaces, max. 3 spaces) to be taken for the parklet installation:

_____

Estimated cost of the project: _____

Is this parklet: _____ Private _____ Public

If Private, list days and times the parklet will be reserved for business:

Days: _____

Hours: _____

PARKLET APPLICATION FORM

REQUIRED SUPPORTING DOCUMENTS CHECKLIST:

- ☐ **Proof of Liability Insurance:** Workers Compensation and Employers Liability, and General Liability Insurance is required as detailed in the License Agreement. The policy must include the parklet installation and must be kept in full force throughout the full term of the Parklet Agreement, which begins on the date the permit is issued.
- ☐ **Proof of Consent:** this is a letter with a statement asserting that the owner of the property where the establishment associated with the parklet is located has been in contact and they fully support the proposed parklet installation. The statement must include the name(s) and contact information (i.e. phone number and email address) of the property owner.
- ☐ **Site Plan:** The site plan must demonstrate full compliance with the standards in the Parklet Eligibility Checklist form and the Parklet Design Standards found in the Parklet Manual. A site plan includes but is not limited to showing the location of the business frontage (business associated with the parklet), the width of the existing adjacent sidewalk, width and depth of the parklet, location, and material of the parklet protective elements. Also, show with dash lines the location of parking spaces to be occupied by the parklet installation. Please note that the site plan must be computer-generated, drawn to scale, and stamped by a licensed architect, landscape architect, or engineer. Also, note that all distances and dimensions must be in feet and inches.
- ☐ **Parklet Elevations:** Elevation drawings should identify parklet design, heights, and materials.
- ☐ **Statement of Purpose:** A written statement identifying the purpose of the parklet (e.g. dining, lounging, etc.) and providing parklet installation costs and schedule (number of days it would take to complete the installation once a Building Permit is issued.
- ☐ **A written description of parklet materials and proposed parklet amenities:** (e.g. chairs, tables, benches, umbrellas, landscaping, etc.)

PARKLET APPLICATION FORM

PARKLET SPONSOR RESPONSIBILITIES

The parklet sponsor has an obligation to meet the following responsibilities:

- **Maintain insurance required**
- **Pay for all costs associated with the parklet permits, insurance, installation, maintenance, and eventual removal, as well as the repairs to any elements of the right-of-way that may sustain damages due to the installation, use, or removal of the parklet**
- **Regular maintenance of the parklet. Maintenance includes but is not limited to the following:**

  Daily removal of trash and debris from the parklet

  Removal of grime and graffiti on the parklet as needed

  Removal of trash and debris under the parklet, as needed

  Watering any landscaping

  Pest control

  Repairs as needed to restore the parklet to its original state

- **Sound amplification systems in the parklet are prohibited**
- **No elements or amenities of the parklet are to be stored on the sidewalk or the street**
- **Removal of all the parklet elements within five (5) business days after the expiration of the Parklet License Agreement or within five (5) business days after the cessation of the business associated with the Parklet License Agreement, whichever occurs first.**

Any material misrepresentation or fraudulent information makes this application null and void.

Once completed, print, date sign, and send the form as an attachment to

info@downtownbrenham.com

Signature: _____ **Date:** _____

Regular City Council
AGENDA ITEM 9.

Agenda Item: **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 2, Administration, of the Code of Ordinances of the City of Brenham, Texas by Repealing Article VII, Library Advisory Board, and Providing for a New Article VII, Reserved, for Future Amendments to Chapter 2, Administration**

Meeting Type: Regular Meeting-May 05, 2022

Department: Administration

Staff Contact: Karen Stack

SUMMARY STATEMENT:

In December of 2021, City Council adopted the current version of the Policies and Procedures for Boards and Commissions. This Policy is designed to govern all City of Brenham boards, including the Library Advisory Board.

Chapter 2 of the Code of Ordinances, Article VII, also governs the Library Board. This is a housekeeping item to rescind the ordinance, and allow the Policy to govern the Library Board. Because the Library Board is already operating under the provisions of the Policy, this ordinance will have no impact on the current membership or activities of the board.

ATTACHMENTS:

(1) Ordinance

RECOMMENDED ACTION:

Approve an ordinance on its first reading amending Chapter 2, Administration, of the Code of Ordinances of the City of Brenham, Texas by repealing Article VII, Library Advisory Board, and providing for a new Article VII, Reserved, for future amendments to Chapter 2, Administration

ORDINANCE NO. O-22-

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS BY REPEALING ARTICLE VII, LIBRARY ADVISORY BOARD; PROVIDING FOR A NEW ARTICLE VII, RESERVED, FOR FUTURE AMENDMENTS TO CHAPTER 2; PROVIDING FOR A REPEALER AND SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND OPEN MEETINGS

WHEREAS, pursuant to Texas Local Government Code, Section 51.001, the City has the authority to adopt ordinances and regulations that are for good government, peace and order of the City; and

WHEREAS, as a home-rule municipality, Texas Local Government Code, Section 51.072 confirms that the City has the full power of local self-government; and

WHEREAS, the City Council desires that the Library Advisory Board be governed by its the City of Brenham Policies and Procedures for Boards and Commissions; and

WHEREAS, the City Council finds that Chapter 2, Administration, Article VII, Library Advisory Board, of the City of Brenham's Code of Ordinances is no longer needed; and

WHEREAS, the City Council desires that Article VII be repealed in its entirety, and replaced with reservation wording for future amendments to Chapter 2; and

WHEREAS, the City Council hereby finds that the best interests of the City will be promoted by the enactment of this Ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, THAT:

SECTION 1.

Chapter 2, Administration, Article VII, Library Advisory Board, of the Code of Ordinances of the City of Brenham is hereby repealed.

SECTION 2.

Chapter 2 of the Code of Ordinances of the City of Brenham is hereby amended to read as follows:

ARTICLE VII. RESERVED

Sec. 2-70 – 2-89. RESERVED.

SECTION 3.
SAVINGS CLAUSE

All provisions of any ordinance, resolution or other action of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances, resolutions or other actions shall remain in full force and effect.

SECTION 4.
SEVERABILITY

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentences and clauses and phrases remaining should any provision be declared unconstitutional or invalid.

SECTION 5.
REPEALER

Any other ordinance or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

SECTION 6.
EFFECTIVE DATE

This Ordinance shall become effective upon adoption and publication as required by law.

SECTION 7.
PROPER NOTICE AND MEETINGS

It is hereby officially found and determined that the meetings at which this Ordinance was passed were open to the public as required and that public notice of the time, place and purpose of said meetings were given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED and APPROVED on its first reading this the _____ day of _____ 2022.

PASSED and APPROVED on its second reading this the _____ day of _____ 2022.

_____
Milton Y. Tate, Jr.
Mayor

ATTEST:

_____
Jeana Bellinger, TRMC, CMC
City Secretary

Regular City Council
AGENDA ITEM 10.

Agenda Item: **Discuss and Possibly Act Upon a Gift Deed to the City of Brenham From the Kruse Martial Trust Conveying 1.5 Acres of Land Adjacent to the Brenham Family Park and Authorize the Mayor to Execute Any Necessary Documentation**

Meeting Type: Regular Meeting-May 05, 2022

Department: Public Works

Staff Contact: Dane Rau

SUMMARY STATEMENT:

While going through the design for the Brenham Family Park and specifically looking at the retention pond/recreation lake structure, it was noted that additional land in that area would be best to achieve a more desirable retention pond/recreation lake layout. City Staff along with Jones|Carter (now Quiddity) looked at the shape of the retention pond/recreational lake structure, depth of lake, berm areas, and greenspace around the lake that will make it a more user-friendly and easier-to-maintain amenity.

Staff approached the Kruse family because the lake placement will be adjacent to their property off S. Chappell Hill Street, which is currently undeveloped but will serve as a means of detention for the east side of S. Chappell Hill Street when developed. As the Kruse family has done in the past, they worked with the city to deed an additional 1.5 acres of land to the City of Brenham, which will allow the retention pond/lake structure to meet its needs.

We are very grateful for this gift deed. It is needed in order to make the most out of the lake structure amenity, which will be the first true recreation lake in our City Parks. This is a great partnership and without the Kruse Family this would not be possible.

We would respectfully ask that Council accept this gift deed of 1.5 acres. Once the Council accepts the gift deed, staff will file with the Washington County Courthouse and property lines will be changed to reflect the new ownership. The gift deed was drafted up by City Attorney Cary Bovey, signed by Ms. Kruse, and reviewed by her attorney, Wesley Hall.

ATTACHMENTS:

(1) Gift Deed
(2) Program Development Plan

RECOMMENDED ACTION:

Approve a gift deed to the City of Brenham from the Kruse Martial Trust conveying 1.5 acres of land adjacent to the Brenham Family Park and authorize the Mayor to execute any necessary documentation.

GIFT DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATIONFROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Date: April 6, 2022

Grantor: Evelyn D. Kruse as Trustee of the Kruse Marital Trust, the terms of which are set forth in Article III of the Last Will and Testament of Edward F. Kruse, Deceased, admitted to probate in Cause No. 2015-137 in the County Court at Law of Washington County, Texas.

Grantee: The City of Brenham, a Texas home-rule municipal corporation

Grantee's Mailing Address: P.O. Box 1059
Brenham, Texas 77834-1059

Consideration: For the purpose of making a gift and donation from Grantor to Grantee of the following described Property for park, recreational, drainage and other purposes and uses associated therewith.

Property (including any improvements)

All that certain 1.500 acre tract of land situated in the Hiram Lee Survey, Abstract No. 76 in Washington County, Texas, and being a portion of the remainder of a called 158.376 acre tract ("Tract Two") described in a Correction Warranty Deed dated November 9, 2016 from Evelyn D. Kruse individually and as Independent Executrix of the Estate of Edward F. Kruse, Deceased, to Evelyn D. Kruse as Trustee of the Kruse Marital Trust, recorded in Volume 1640, Page 293 of the Official Records of Washington County, Texas, more particularly described in Exhibit "A" attached hereto and incorporated herein for all pertinent purposes.

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made by Grantor and accepted by Grantee subject to the following exception(s) from conveyance and warranty, but only to the extent, if any, that the same are valid, subsisting and relate to and are enforceable against the Property (reference to each of the following instruments being hereby made for all pertinent purposes):

Covenants, conditions, reservations, easements, building lines and restrictions as set forth in instrument recordedin Volume 1458, page 164, Volume 1479, page 371, Volume 1479, page 373, and Volume 1616, page 49 of the Official Records of Washington County, Texas.

Easement and Right of Way dated December 2, 1925, executed by Will Kolwes to Texas Public Utilities Company, recorded in Volume 83, page 389 of the Deed Records of Washington County, Texas, together with all rights incident thereto.

Right of Way Grant dated October 7, 1963, executed by Dorothy Pohlmeyer and husband, Melvin Pohlmeyer to Texas Southeastern Gas Company, recorded in Volume 249, page 590 of the Deed Records of Washington County, Texas, together with all rights incident thereto.

Right of Way Grant dated December 31, 1965, executed by Melvin Pohlmeyer and wife, Dorothy Kolwes Pohlmeyer to Texas Southeastern Gas Company, recorded in Volume 263, page 410 of the Deed Records of Washington County, Texas, together with all rights incident thereto.

Right of Way Grant dated December 31, 1965, executed by H. F. Kolwes and wife, Alice Kolwes to Texas Southeastern Gas Company, recorded in Volume 263, page 401 of the Deed Records of Washington County, Texas, together with all rights incident thereto.

Right of Way Grant dated June 22, 1972, executed by H. F.Kolwes and wife, Alice Kolwes to Texas Southeastern Gas Company, recorded in Volume 323, page 805 of the Deed Records of Washington County, Texas, together with all rights incident thereto.

Pipeline Easement dated July 10, 2010, executed by Alice Kolwes to Aquila Southwest Pipeline Corporation, recorded in Volume 979, page 465 of the Official Records of Washington County, Texas, together with all rights incident thereto.

Ordinance 0-05-014 dated August 18, 2005, adopted by the City Council of the City of Brenham, Texas, recorded in Volume 1179, page 313 of the Official Records of Washington County, Texas, together with all rights incident thereto.

Easement dated March 9, 2006, executed by Mrs. H. F. Kolwes to Bluebonnet Electric Cooperative, Inc., recorded in Volume 1212, page 383 of the Official Records of Washington County,Texas, together with all rights incident thereto.

Paid Up Oil and Gas Lease dated November 3, 1994, executed by Alice Kolwes to Chesapeake Operating, Inc., recorded in Volume 762, page 71 of the Official Records of Washington County, Texas, together with all rights incident thereto.

Paid Up Oil and Gas Lease dated November 1, 1994, executed by Dorothy E. Pohlmeyer and husband, Melvin Pohlmeyer to Chesapeake Operating, Inc., recorded in Volume 762, page 34 of the Official Records of Washington County, Texas, together with all rights incident thereto.

Amendment and Extension of Oil and Gas Lease dated June 14, 1999, executed by Alice Kolwes to Chesapeake Operating, Inc., recorded in Volume 934, page 566 of the Official Records of Washington County, Texas, together with all rights incident thereto.

Amendment and Extension of Oil and Gas Lease dated September 29, 1999, executed by Dorothy E. Pohlmeyer to Chesapeake Operating, Inc., recorded in Volume 942, page 293 of the Official Records of Washington County, Texas, together with all rights incident thereto.

Ordinance 0-06-026, adopted by the City Council of the City of Brenham, Texas, recorded in Volume 1230, page 319 of the Official Records of Washington County, Texas, together with all rights incident thereto.

Memorandum of Development Agreement dated December 26, 2013, executed by and between City of Brenham, Texas and Ed F. Kruse and wife, Evelyn Kruse, recorded in Volume 1458, page 164 of the Official Records of Washington County, Texas, together with all rights incident thereto.

Memorandum of Addendum to and Modification of Development Agreement effective August 18, 2014, executed by and between City of Brenham, Texas and Ed F. Kruse and wife, Evelyn Kruse, recorded in Volume 1459, page 371 of the Official Records of Washington County, Texas, together with all rights incident thereto.

Addendum to and Modification of Development Agreement dated August 18, 2014, executed by and between City of Brenham, Texas and Ed F. Kruse and wife, Evelyn Kruse, recorded in Volume 1459, page 373 of the Official Records of Washington County, Texas, together with all rights incident thereto.

Development Agreement dated December 18, 2013, executed by and between City of Brenham, Texas and Ed F. Kruse and wife, Evelyn Kruse, recorded in Volume 1616, page 49 of the Official Records of Washington County, Texas, together with all rights incident thereto.

Any claim, right or assertion, including rights of ingress and egress, in and to the telephone cable marker and telephone pedestal as shown on survey plat dated March 5, 2018, prepared by Christopher E. Curtis, R.P.L.S. No. 6111.

General right of Grantor to utilize the City of Brenham drainage and detention improvements located on the Property and the adjacent parkland owned by the City of Brenham for drainage of surface water and storm water from nearby tracts currently owned by Grantor, subject to and in conformance with the drainage and detention capacity of said improvements and any applicable development ordinances and regulations of the City of Brenham, Texas.

There is reserved from this conveyance, and Grantor HEREBY RESERVES AND RETAINS for Grantor and Grantor's heirs, successors and assigns forever,

Grantor's interest, if any, in and to all of the oil, gas and other minerals that are in, on and under and that may be produced from the Property. Neither Grantor nor Grantor's heirs, successors or assigns shall have any right of ingress or egress on, over or across the surface of the Property for the purpose of exploration, development, or production of oil, gas or other minerals covering any portion of the mineral estate contained in, on or under the Property, or for any other purpose; and all future oil, gas and mineral leases executed by Grantor and Grantor's heirs, successors and assigns on any portion of the mineral estate contained in, on or under the Property shall be deemed so limited. The relinquishment of surface rights by Grantor contained herein shall not affect the rights held by a holder of a currently valid and existing lease or the rights and interests held in minerals (including, without limitation, surface access) by any predecessors in title to Grantor. Nothing contained herein shall preclude the exploration for or the development and production of oil, gas or other minerals by utilizing slant well drilling, horizontal drilling, directional drilling or any other subsurface extraction techniques through, under or beneath the Property which do not require utilization of the surface of the Property for such exploration, development activities or production; provided that the borehole of any such well shall enter below the Property at a depth of at least seven hundred fifty (750) feet below the surface of the Property.

Grant and Warranty:

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

Evelyn D. Kruse

EVELYN D. KRUSE as Trustee of the Kruse Marital Trust

Acknowledgment

STATE OF TEXAS §
COUNTY OF BRAZOS §

This instrument was acknowledged before me on APRIL 6, 2022 by Evelyn D. Kruse as Trustee of the Kruse MaritalTrust.

WESLEY HALL
Notary Public - State of Texas
ID# 213813-6
My Comm. Expires 09-25-2025

Notary Public, State of Texas

Kruse Marital Trust
1.500 Acres

EXHIBIT "A" - Page 1 of 2

Hiram Lee Survey
Abstract No. 76

STATE OF TEXAS §

COUNTY OF WASHINGTON §

A **METES & BOUNDS** description of a certain 1.500 acre tract situated in the Hiram Lee Survey, Abstract No. 76 in Washington County, Texas, being a portion of the remainder of a called 158.376 acre tract, conveyed by Correction Warranty Deed to Trustee of the Kruse Marital Trust, recorded in Volume 1640, Page 293 of the Official Records of Washington County, Texas (ORWC), more particularly described as follows with all bearings based on the Texas Coordinate System of 1983, Central Zone;

BEGINNING at a found 5/8-inch iron rod (with cap stamped "JonesCarter") marking a southeast corner of said remainder of 158.376 acre tract, the northeast corner of a called 74.30 acre tract conveyed by Deed to The City of Brenham, Texas, recorded in Volume 1457, Page 6 of the ORWC, and lying in the west line of a called 156.71 acre tract conveyed by Warranty Deed to Kolwes land LTD., recorded in Volume 807, Page 231 of the ORWC;

THENCE South 47°29'13" West, 487.79 feet, along the common line of said remainder of 158.376 acre tract, and said 74.30 acre tract, to a point for corner marking the beginning of a non-tangent curve to the right in the northeast line of a called 6.424 acre tract conveyed by Deed to The City of Brenham, Texas, recorded in Volume 1457, Page 17 of the ORWC;

THENCE along said curve to the right, having a radius of 970.00 feet, an arc length of 331.63 feet, a delta angle of 19°35'20", and a chord bearing of North 32°43'07" West, 330.02 feet to a point for corner;

THENCE over and across said remainder of 158.376 acre tract the following three (3) courses and distances:

1. North 60°16'44" East, 105.83 feet to a point for corner marking the beginning of a non-tangent curve to the left;
2. Along said curve to the left, having a radius of 865.00 feet, an arc length of 230.03 feet, a delta angle of 15°14'11", and a chord bearing of South 29°42'46" East, 229.35 feet to a point for corner;
3. North 47°29'13" East, 428.70 feet to a point for corner lying in the east line of said remainder of 158.376 acre tract being common with the west line of aforementioned 156.71 acre tract, from which a found 5/8-inch iron rod (with cap stamped "JonesCarter") marking the southeast corner of a called 3.00 acre tract conveyed by Warranty Deed to The City of Brenham, Texas, recorded in Volume 1647, Page 269 of the ORWC bears North 10°11'03" West, 1207.95 feet;

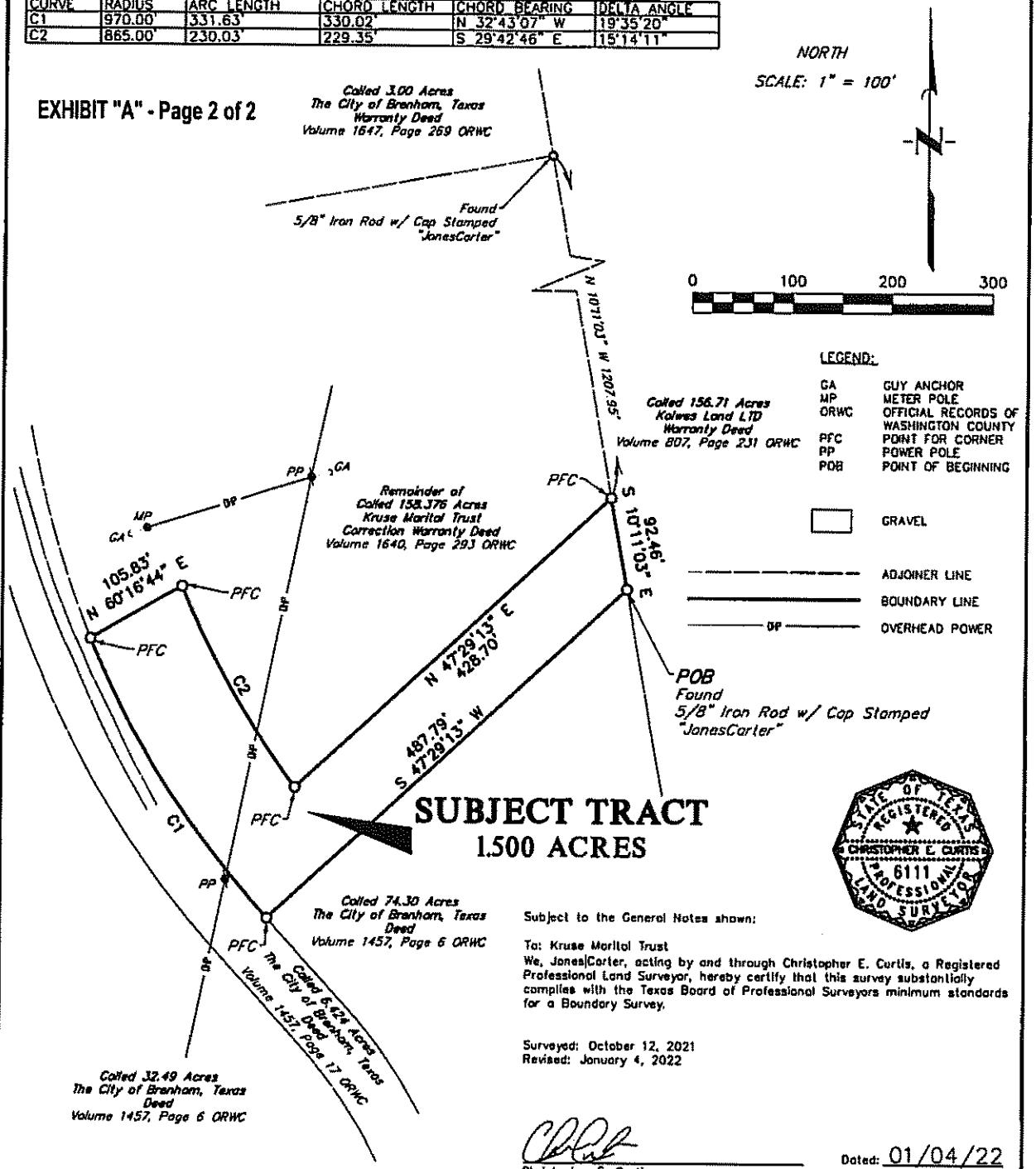
THENCE South 10°11'03" East, 92.46 feet along the common line of said remainder of 158.376 acre tract and said 156.71 acre tract to the **POINT OF BEGINNING, CONTAINING** 1.500 acres of land in Washington County, Texas, as shown on Dwg No. 16630, filed in the offices of Jones|Carter in College Station, Texas.

1/4/22

STATE OF TEXAS
REGISTERED
CHRISTOPHER E. CURTIS
6111
PROFESSIONAL
LAND SURVEYOR

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	970.00'	331.63'	330.02'	N 32°43'07" W	19°35'20"
C2	865.00'	230.03'	229.35'	S 29°42'46" E	15°14'11"

EXHIBIT "A" - Page 2 of 2



Subject to the General Notes shown:

To: Kruse Marital Trust

We, Jones|Carter, acting by and through Christopher E. Curtis, a Registered Professional Land Surveyor, hereby certify that this survey substantially complies with the Texas Board of Professional Surveyors minimum standards for a Boundary Survey.

Surveyed: October 12, 2021
Revised: January 4, 2022

STATE OF TEXAS
REGISTERED
CHRISTOPHER E. CURTIS
6111
PROFESSIONAL
LAND SURVEYOR

Dated: 01/04/22

Christopher E. Curtis
Registered Professional Land Surveyor
No. 6111
ccurtis@jonescarter.com

GENERAL NOTES:

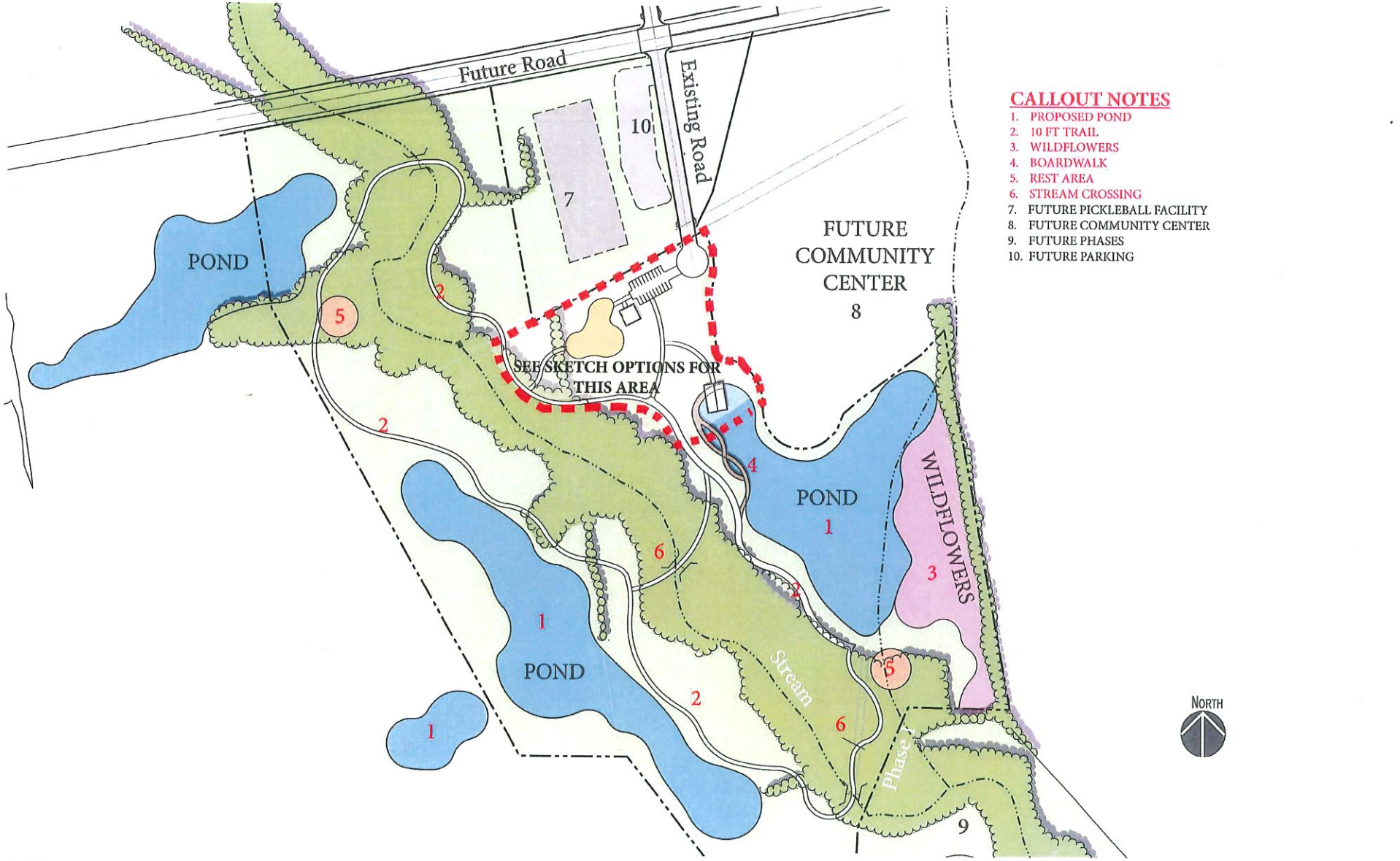
1. Bearings shown hereon are based on the Texas Coordinate System of 1983, Central Zone (4203).
2. A separate legal description of equal date was written in conjunction with this survey.
3. Determination of the ownership, location, or development of minerals related to the Subject Tract fall outside the scope of this survey. Such matters should be directed by the client to an expert consultant.
4. This survey does not provide a determination concerning wetlands, fault lines, toxic waste or any other environmental issues. Such matters should be directed by the client or prospective purchaser to an expert consultant.
5. The surveyor has not been provided with construction plans showing the location of underground utilities. Underground utilities may exist which are not shown hereon.
6. Visible improvements were not located with this survey; no subsurface probing, excavation or exploration was performed for this survey. Improvements may exist which are not shown hereon.

BOUNDARY SURVEY
OF
1.500 ACRE TRACT
OF
KRUSE MARITAL TRUST
OUT OF THE
HIRAM LEE SURVEY, A-76
WASHINGTON COUNTY, TEXAS
JANUARY 2022

JONES|CARTER
Texas Board of Professional Land Surveying Firm Registration No. 100461-07
Texas Board of Professional Engineers Firm Registration No. F-439
150 Venture Drive, Suite 100 • College Station, Texas 77845 +979.731.8000

K:\B0039\B0039-0033-01 Brenham Family Park Surveying Invoice Ph1 Surveying Phase\CAD Files\Plat Dwg\B0039-0033-01 1.5 Ac Survey V2.dwg Jan 04,2022 - 2:11pm WRE

CEC/wre JOB No. B0039-0033-01 DWG. No. 16630 v2



CALLOUT NOTES

1. PROPOSED POND
2. 10 FT TRAIL
3. WILDFLOWERS
4. BOARDWALK
5. REST AREA
6. STREAM CROSSING
7. FUTURE PICKLEBALL FACILITY
8. FUTURE COMMUNITY CENTER
9. FUTURE PHASES
10. FUTURE PARKING

JONES | CARTER

PROGRAM DEVELOPMENT PLAN

MARCH 30, 2021

M2L

Regular City Council
AGENDA ITEM 11.

Agenda Item: **Discuss and Possibly Act Upon Award of Bid No. 2021-05 for the Construction of an Additional Parking Lot at the Blue Bell Aquatic Center and Authorize the Mayor to Execute Any Necessary Documentation**

Meeting Type: Regular Meeting-May 05, 2022

Department: Public Works

Staff Contact: Dane Rau

SUMMARY STATEMENT:

In the 2021-22 Budget, BCDC approved the new construction of a 12-bay parking lot that would serve the therapy pool users in a more convenient way. Staff has worked with Strand Associates to design a parking lot that meets City code, Texas Department of Transportation requirements, and the needs of the Aquatic Center as it relates to a secondary access. City Staff has seen over the years that it would serve the therapy pool users best by having direct access and a shorter route to the therapy pool, as many of our users are elderly and many are just coming out of rehabilitation.

BCDC allocated $250,000 for these improvements. With engineering coming in at $64,500 this left us $185,500 for construction and door security access. Bids were opened on April 19, 2022 based on the plans and specifications. Five bids were received. They were semi-competitive with MBCM Management Inc. from Navasota, TX submitting the lowest bid. That bid came in at $153,728 once computed by Strand Engineering.

We are excited to get this project started in late May (after school lets out) which will not affect the Brenham Middle School. With this project, an access easement had to be obtained from BISD so a shared driveway off of FM 577 could be utilized. This has been granted and we are ready for construction once all documents are approved.

We would respectfully ask for Council approve this bid by MBCM Management Inc. so that we can move forward and complete another infrastructure project. The project has a 90-day completion time once notice to proceed is given. This will be an all-concrete parking lot with six handicap spots and six regular spots.

ATTACHMENTS:

(1) Bid Tabulation and Recommendation Letter
(2) Project Rendering

RECOMMENDED ACTION:

Award Bid No. 2021-05 to MBCM Management in the amount of $153,728.00 for the construction of an additional parking lot at the Blue Bell Aquatic Center and authorize the Mayor to execute any necessary documentation.

STRAND ASSOCIATES®

Strand Associates, Inc.®
1906 Niebuhr Street
Brenham, TX 77833
(P) 979-836-7937

April 22, 2022

Mr. Dane Rau, Public Works Director
City of Brenham
200 West Vulcan
Brenham, TX 77833

Re: Blue Bell Aquatic Center Additional Parking
Project No. 2021-05
City of Brenham, Texas

Dear Dane,

Bids for the above-referenced Project were opened on April 19, 2022. Five Bids were received with the resulting Bid tabulation enclosed.

MBC Management of Navasota, Texas, was the apparent low Bidder at $153,727.83. The Bid included a Bid Bond for 5 percent. The Bid is deemed to be responsive.

Strand Associates, Inc.® has previously worked with MBC Management on previous projects. For those projects, the owners determined MBC Management to be responsible.

If you determine that MBC Management is a responsible Bidder after your evaluation of their qualifications, we recommend proceeding with award of the Contract in accordance with Article 16 of the Instructions to Bidders.

Sincerely,

STRAND ASSOCIATES, INC.®

Dwayne E. Gajewski

Enclosure

Bids Received: 2:00 P.M.
April 19, 2022

STRAND ASSOCIATES, INC.®
TBPE No. F-8405
TBPLS No. 10030000
1906 Niebuhr Street
Brenham, TX 77833

CITY OF BRENHAM, TEXAS
BLUE BELL AQUATIC CENTER ADDITIONAL PARKING
PROJECT NO. 2021-05

BID TABULATION SUMMARY

Bidder and Address	Bid Bond	Addenda Acknowledged	Total Base Unit Price
MBCM Management, Inc. dba MBC Management 7984 Highway 6 Navasota, TX 77868	5%	NA	$153,727.83 *$153,728.00
Solid Bridge Construction 3104 Interstate 45 South New Waverly, TX 77358	5%	NA	$158,806.75
LAC Services, LLC 7999 Hansen Road, Unit 310 Houston, TX 77061	5%	NA	$192,640.00
Collier Construction, LLC 1601 Highway 290 West Brenham, TX 77833	5%	NA	$199,415.00
Texcon General Contractors 1061 Innovation Drive Bryan, TX 77808	5%	NA	$221,257.99

* CONTRACTOR'S COMPUTED TOTAL

Reviewed by: _____

Bids Received: 2:00 P.M.
April 19, 2022

STRAND ASSOCIATES, INC.®
TBPE No. F-8405
TBPLS No. 10030000
1906 Niebuhr Street
Brenham, TX 77833

CITY OF BRENHAM, TEXAS
BLUE BELL AQUATIC CENTER ADDITIONAL PARKING
PROJECT NO. 2021-05

BID TABULATION BREAKDOWN

				MBCM Management, Inc. dba MBC Management 7984 Highway 6 Navasota, TX 77868		Solid Bridge Construction 3104 Interstate 45 South New Waverly, TX 77358		LAC Services, LLC 7999 Hansen Road, Unit 310 Houston, TX 77061		Collier Construction, LLC 1601 Highway 290 West Brenham, TX 77833		Texcon General Contractors 1061 Innovation Drive Bryan, TX 77808	
No.	Description	Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1.	Mobilization	1	LS	$ 2,000.00	$ 2,000.00	$ 6,000.00	$ 6,000.00	$ 20,000.00	$ 20,000.00	$ 10,192.00	$ 10,192.00	$ 35,000.00	$ 35,000.00
2.	Remove and Replace Existing Swing Gate	1	EA	$ 12,000.00	$ 12,000.00	$ 4,000.00	$ 4,000.00	$ 10,000.00	$ 10,000.00	$ 9,672.00	$ 9,672.00	$ 8,600.00	$ 8,600.00
3.	Remove and Dispose of Existing Concrete Sidewalk	255	SY	$ 13.72	$ 3,498.60	$ 10.00	$ 2,550.00	$ 15.00	$ 3,825.00	$ 20.00	$ 5,100.00	$ 30.00	$ 7,650.00
					*$ 3,500.00								
4.	Sawcut, Remove and Dispose of Existing 2-Feet Wide Concrete Strip and Curb	60	LF	$ 46.66	$ 2,799.60	$ 10.00	$ 600.00	$ 30.00	$ 1,800.00	$ 21.00	$ 1,260.00	$ 15.00	$ 900.00
					*$ 2,800.00								
5.	Remove and Dispose of Existing Dual 18-Inch CMP and Sloped End Treatments	1	LS	$ 1,500.00	$ 1,500.00	$ 3,000.00	$ 3,000.00	$ 2,000.00	$ 2,000.00	$ 2,329.00	$ 2,329.00	$ 1,660.00	$ 1,660.00
6.	Construct Concrete Curb	294	LF	$ 7.00	$ 2,058.00	$ 7.00	$ 2,058.00	$ 10.00	$ 2,940.00	$ 35.00	$ 10,290.00	$ 7.00	$ 2,058.00
7.	Construct 6-Inch Thick Reinforced Concrete Pavement	910	SY	$ 60.00	$ 54,600.00	$ 72.00	$ 65,520.00	$ 63.00	$ 57,330.00	$ 66.50	$ 60,515.00	$ 69.80	$ 63,518.00

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				MBCM Management, Inc. dba MBC Management 7984 Highway 6 Navasota, TX 77868		Solid Bridge Construction 3104 Interstate 45 South New Waverly, TX 77358		LAC Services, LLC 7999 Hansen Road, Unit 310 Houston, TX 77061		Collier Construction, LLC 1601 Highway 290 West Brenham, TX 77833		Texcon General Contractors 1061 Innovation Drive Bryan, TX 77808	
No.	Description	Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
8.	Construct 4-Inch Thick Reinforced Concrete Sidewalk	225	SY	$ 72.44	$ 16,299.00	$ 63.00	$ 14,175.00	$ 63.00	$ 14,175.00	$ 105.00	$ 23,625.00	$ 63.58	$ 14,305.50
					*$ 16,300.00								
9.	Lime or Lime/Fly-Ash Stabilized Subgrade to 6-Inch Depth	1,085	SY	$ 0.74	$ 802.90	$ 5.75	$ 6,238.75	$ 7.00	$ 7,595.00	$ 5.00	$ 5,425.00	$ 18.45	$ 20,018.25
					*$ 800.00								
10.	Lime (6% By Weight)	16	TON	$ 300.00	$ 4,800.00	$ 200.00	$ 3,200.00	$ 250.00	$ 4,000.00	$ 398.00	$ 6,368.00	$ 317.00	$ 5,072.00
11.	Install 12-Inch RCP Storm Sewer by Open Cut	7	LF	$ 135.71	$ 949.97	$ 175.00	$ 1,225.00	$ 55.00	$ 385.00	$ 211.00	$ 1,477.00	$ 97.85	$ 684.95
					*$ 950.00								
12.	Install 18-Inch RCP Storm Sewer by Open Cut	47	LF	$ 138.30	$ 6,500.10	$ 80.00	$ 3,760.00	$ 70.00	$ 3,290.00	$ 97.00	$ 4,559.00	$ 111.77	$ 5,253.19
					*$ 6,500.00								
13.	Construct 4:1 Sloped End Treatment on 12-Inch RCP	1	EA	$ 2,250.00	$ 2,250.00	$ 1,000.00	$ 1,000.00	$ 3,000.00	$ 3,000.00	$ 2,044.00	$ 2,044.00	$ 1,545.00	$ 1,545.00
14.	Construct 4:1 Sloped End Treatment on 18-Inch RCP	1	EA	$ 2,500.00	$ 2,500.00	$ 1,200.00	$ 1,200.00	$ 4,000.00	$ 4,000.00	$ 2,083.00	$ 2,083.00	$ 1,610.00	$ 1,610.00
15.	Construct Sloped End Treatment on Two 18-Inch RCP With Energy Dissipator Blocks	1	EA	$ 3,500.00	$ 3,500.00	$ 3,000.00	$ 3,000.00	$ 7,000.00	$ 7,000.00	$ 4,589.00	$ 4,589.00	$ 4,050.00	$ 4,050.00
16.	Construct Outfall Restrictor Structure	1	EA	$ 3,000.00	$ 3,000.00	$ 6,000.00	$ 6,000.00	$ 2,000.00	$ 2,000.00	$ 7,091.00	$ 7,091.00	$ 7,500.00	$ 7,500.00

				MBCM Management, Inc. dba MBC Management 7984 Highway 6 Navasota, TX 77868		Solid Bridge Construction 3104 Interstate 45 South New Waverly, TX 77358		LAC Services, LLC 7999 Hansen Road, Unit 310 Houston, TX 77061		Collier Construction, LLC 1601 Highway 290 West Brenham, TX 77833		Texcon General Contractors 1061 Innovation Drive Bryan, TX 77808	
No.	Description	Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
17.	Construct ADA Curb Ramp (Includes Removal of Adjacent Existing Concrete Curb)	1	EA	$ 2,000.00	$ 2,000.00	$ 1,150.00	$ 1,150.00	$ 3,500.00	$ 3,500.00	$ 1,274.00	$ 1,274.00	$ 800.00	$ 800.00
18.	Install Handicap Accessible Parking Sign	3	EA	$ 200.00	$ 600.00	$ 350.00	$ 1,050.00	$ 300.00	$ 900.00	$ 318.00	$ 954.00	$ 595.00	$ 1,785.00
19.	Install Handicap Van Accessible Parking Sign	3	EA	$ 200.00	$ 600.00	$ 400.00	$ 1,200.00	$ 300.00	$ 900.00	$ 318.00	$ 954.00	$ 595.00	$ 1,785.00
20.	Unclassified Excavation	590	CY	$ 7.63	$ 4,501.70	$ 6.00	$ 3,540.00	$ 20.00	$ 11,800.00	$ 25.00	$ 14,750.00	$ 5.88	$ 3,469.20
					*$ 4,500.00								
21.	Embankment	220	CY	$ 15.90	$ 3,498.00	$ 12.00	$ 2,640.00	$ 25.00	$ 5,500.00	$ 38.00	$ 8,360.00	$ 39.00	$ 8,580.00
					*$ 3,500.00								
22.	Remove and Dispose of Unclassified Spoils	370	CY	$ 30.00	$ 11,100.00	$ 20.00	$ 7,400.00	$ 20.00	$ 7,400.00	$ 7.00	$ 2,590.00	$ 18.17	$ 6,722.90
23.	Install Concrete Wheelstops	12	EA	$ 133.33	$ 1,599.96	$ 250.00	$ 3,000.00	$ 150.00	$ 1,800.00	$ 153.00	$ 1,836.00	$ 100.00	$ 1,200.00
					*$ 1,600.00								
24.	Perform Striping	1	LS	$ 770.00	$ 770.00	$ 4,750.00	$ 4,750.00	$ 1,000.00	$ 1,000.00	$ 860.00	$ 860.00	$ 845.00	$ 845.00
25.	Site Restoration, Seeding, and Cleanup	1	LS	$ 2,500.00	$ 2,500.00	$ 3,750.00	$ 3,750.00	$ 5,000.00	$ 5,000.00	$ 1,911.00	$ 1,911.00	$ 5,450.00	$ 5,450.00
26.	Construction Entrance/Exit	1	EA	$ 3,500.00	$ 3,500.00	$ 2,500.00	$ 2,500.00	$ 5,000.00	$ 5,000.00	$ 3,376.00	$ 3,376.00	$ 3,476.00	$ 3,476.00

				MBCM Management, Inc. dba MBC Management 7984 Highway 6 Navasota, TX 77868		Solid Bridge Construction 3104 Interstate 45 South New Waverly, TX 77358		LAC Services, LLC 7999 Hansen Road, Unit 310 Houston, TX 77061		Collier Construction, LLC 1601 Highway 290 West Brenham, TX 77833		Texcon General Contractors 1061 Innovation Drive Bryan, TX 77808	
No.	Description	Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
27.	Install Silt Fence and Inlet Protection	1	LS	$ 2,000.00	$ 2,000.00	$ 1,500.00	$ 1,500.00	$ 4,500.00	$ 4,500.00	$ 1,994.00	$ 1,994.00	$ 2,720.00	$ 2,720.00
28.	Traffic Control	1	LS	$ 2,000.00	$ 2,000.00	$ 2,800.00	$ 2,800.00	$ 2,000.00	$ 2,000.00	$ 3,937.00	$ 3,937.00	$ 5,000.00	$ 5,000.00
ENGINEER'S COMPUTED TOTAL ITEMS NO. 1 THROUGH 28					$ 153,727.83		$158,806.75		$192,640.00		$199,415.00		$221,257.99
CONTRACTOR'S COMPUTED TOTAL ITEMS NO. 1 THROUGH 28					*$ 153,728.00		$158,806.75		$192,640.00		$199,415.00		$221,257.99

* CONTRACTOR'S COMPUTED TOTAL

Reviewed by _____

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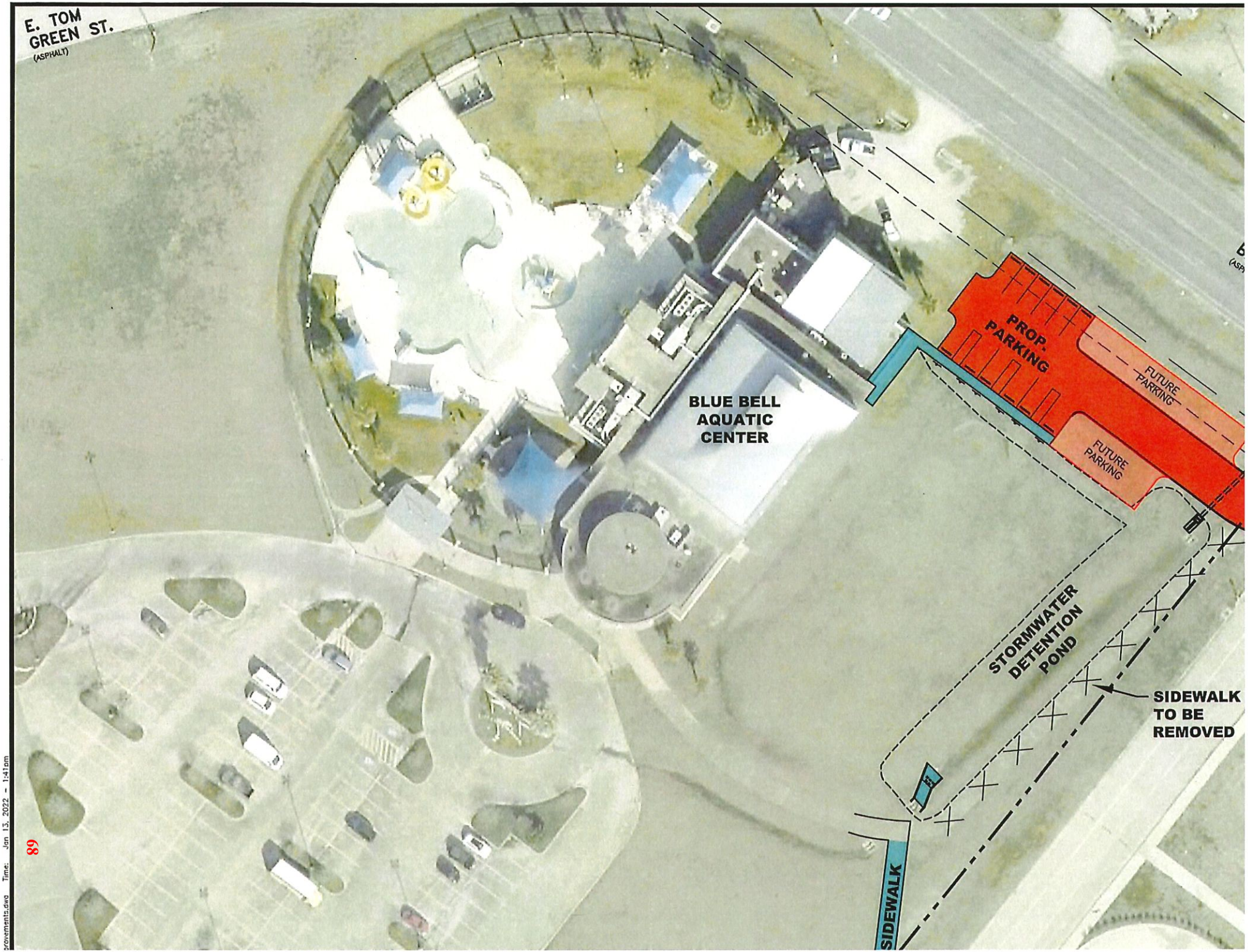

provements.dwg Time: Jan 13, 2022 - 1:41pm

Regular City Council
AGENDA ITEM 12.

Agenda Item: **Discuss and Possibly Act Upon the Purchase and Installation of Two (2) HVAC Units for the City of Brenham Police Department, Using BuyBoard Contract No. 631-20, and Authorize the Mayor to Execute Any Necessary Documentation**

Meeting Type: Regular Meeting-May 05, 2022

Department: Public Works

Staff Contact: Shawn Bolenbarr

SUMMARY STATEMENT:

On April 19, 2022, the City of Brenham received a quote from MLN Service Company for the replacement of two HVAC units for the City of Brenham Police Department located at 1800 Longwood Drive. The quote was for the purchase and installation of a Carrier 60 Ton HVAC unit and a Carrier 60 Ton Split System HVAC unit. The cost for the Carrier 60 Ton Package HVAC unit was $118,187.00, and the cost for the 60 Ton Split System HVAC unit was $134,315.00. Both costs combined equal a total cost of $252,502.00. The quote that was received from MLN Service Company was through Buy Board, Contract #631-20. We also received a quote from R.E.C. Industries, Inc. to replace the Carrier 60 Ton HVAC unit on July 19, 2019, and the quote at that time was for $158,128.24.

The Carrier 60 Ton Package HVAC unit is a direct replacement for the 2009 Carrier HVAC Unit that controls the temperature of the 1st Floor of the City of Brenham Police Department. In October of 2021 the compressor on the existing HVAC unit had complete failure and had to be replaced costing $16,750.00. Along with this issue we have had numerous issues with this unit that pertains to Carrie Control Board failures, Circuit Breaker failure, 60-AMP Contactor failure, and the current compressor failures. On February 15, 2022, the City of Brenham Maintenance Department received a call stating that the HVAC was not working at the City of Brenham Police Department. Upon investigation it was found that the HVAC unit had complete compressor failure and was no longer capable of cooling. Currently this HVAC unit has both compressors bypassed to allow the fans to run only with no cooling capability. Portable HVAC units have been purchased by Maintenance and installed for the first floor of the City of Brenham Police Department. This unit is in the Capital Plans for FY2023, but due to current issues and the expected cost for repairs along with full replacement recommendations from the City of Brenham Maintenance Department and Licensed A/C Technicians, we feel that it is best to replace the unit now in FY2022.

The Carrier 60 Ton Package unit is a direct replacement for the 2009 Split System Carrier HVAC unit that controls the temperature of the 2nd floor of the City of Brenham Police Department. We have had numerous issues with this unit that pertains to Compressor failure, Condenser Fan failure, and Freon leaks on both condenser coils. On February 28, 2022, the City of Brenham Maintenance Department found that Circuit A compressor failed and is no longer working. This HVAC unit is currently running solely off the Circuit B compressor. With the unit having leaks on both condenser coils and the need to continually add Freon to this unit, this could become very costly over time due to these units running on R-22 refrigerant which costs between $150 and $200 per pound. The unit holds 89 lbs. This unit is in the Capital Plans for FY2023 but due to current issues and the expected cost for repairs along with full replacement recommendations from the City of Brenham Maintenance Department and Licensed A/C Technicians, we feel that it is best to replace the unit now in FY2022.

It is very important for staff to get these unit ordered and replaced so that the City of Brenham Police Department has reliable A/C during the hot summer months. We plan to expedite the units after we have a P.O. issued and approved.

ATTACHMENTS:

(1) MLN Proposal for City of Brenham PD Carrier RTU Replacement and Carrier Split System Replacement Combined 4-19-2022

RECOMMENDED ACTION:

Approve the emergency purchase and installation of two (2) HVAC units for the City of Brenham Police Department from MLN Service Company for $252,502.00, using BuyBoard Contract No. 631-20 for $252,502.00 and authorize the Mayor to execute any necessary documentation.

MLN

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April 19, 2022

Proposal

Stephen Draehn
City of Brenham
Brenham, TX 77834

RE: Police Department – Combined Proposals for the Replacement of the Carrier 60 ton Package RTU with "like in kind" Carrier Package RTU and the Replacement for the Carrier 60 ton split system M# 38AH064621 S# 1809Q28167 per Buy Board #631-20

Scope of work: Replacement of the Carrier 60 ton Package RTU with "like in kind" Carrier Package RTU

- Receive delivery of the new Carrier Roof Top Packaged Unit, Model (50P7-0556404YZH0YZ) packaged unit from Carrier Corporation and deliver to jobsite.
  Carrier Model (50P7-0556404YZH0YZ)
  460v-3ph-60hz, vertical supply and return, no heat, aluminum Micro Channel condenser coil w/ E-Coat, digital compressor, high-capacity evaporator with hot gas bypass, standard filter drier, low leak economizer w/ barometric relief, 2" merv. 8 pleated filters, VFD with bypass, Non fused disconnect, BACnet controls interface, controls expansion module and phase monitor,
  Including 5 years parts and labor warranty on entire unit providing proper scheduled maintenance has been maintained.
- LOTO and disconnect the existing power to the RTU for removal.
- Provide crane and rigging service to remove existing RTU from the roof and set new unit in place on the existing roof curb.
- Reconnect the power to the new unit.
- Provide start up and operational check.
- Clean up jobsite, haul away debris and old RTU.
- All work to be during normal business hours, Monday thru Friday from 7:00 am to 4:30 pm

Should any additional service and or repairs become necessary, you will be notified and upon your approval, the additional repairs will be performed at an additional cost.

Scope of work: Replacement of the Carrier 60 ton split system M# 38AH064621 S# 1809Q28167 per Buy Board #631-20

- LOTO, disconnect the existing power to the condenser and AHU for removal.
- Provide crane and rigging service to remove existing condenser and set new condenser in place on the existing condenser pad.
- Provide labor and materials to dismantle and remove the existing AHU and install the new AHU.
- Provide and install canvas connectors and sheet-metal transitions as needed from the new AHU to the existing ductwork.
- Provide labor and materials to flush the existing line sets, reconnect the existing refrigerant line sets to the new equipment.

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- Reconnect the existing electrical supply to the new equipment.
- Check for leaks on new piping, evacuate system and charge to proper levels
- Provide start up and operational check.
- Clean up jobsite, haul away debris and old equipment.

Replacement of the existing Carrier RTU per Buy Board	$115,787.00
Option 1 – Add Hail Guard and Coat condenser coils to minimize risk of corrosion and deterioration	$2,400.00
Total for RTU Replacement	**$118,187.00**

Replacement of the Carrier 60 ton split system per Buy Board	$131,915.00
Option 1 – Add Hail Guard and Coat condenser coils to minimize risk of corrosion and deterioration	$2,400.00
Total for Split System Replacement	**$134,315.00**
Total For Both Replacements	**$252,502.00**

Clarifications:

- Coordination, scheduling and delivery of the new equipment provided by MLN.
- All work will be performed on a concurrent schedule.
- Scrap, refrigerant and salvage value has been factored into this quote.
- No additional work beyond specified work scope will be performed by MLN Service Company unless written approval is received.
- Any controls work (disconnect- reconnect programming, etc.) provided by customer.
- No equipment and or/ materials will be ordered until submittals are approved.
- All agreements are contingent on strikes, accidents and delays beyond our control.
- Project start is contingent upon a mutual agreeable contract.
- Labor is based on regular hours.
- This proposal may be withdrawn if not approved within (30) days of proposal date.
- MLN terms and conditions apply.

This proposal and any subsequent contract price for the work or project covered by this proposal shall be subject to time and cost adjustment for any delay or price increase arising out of or relating to the effects of the recent Coronavirus (COVID-19) outbreak.

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Exclusions:

- Taxes.
- Ductwork repair or replacement.
- Roofing repairs or replacement.
- City permits and inspections.
- Overtime hours.
- Payment or performance bonds.
- Structural engineering, MEP design, drawings, or alterations.
- Correction of existing code violations.
- Asbestos or hazardous material testing, removal or disposal.

Once again, thank you for this opportunity to be of service. Please feel free to contact me if you have any questions or if you need additional information.

Respectfully,

Tim Dawson
Account Manager
MLN Company

MLN Service Company

By: Tim Dawson

Title: Account Manager

City of Brenham

By: _____

Print Name: _____

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TERMS AND CONDITIONS

By accepting this proposal, Purchaser agrees to be bound by the following terms and conditions:

1 **SCOPE OF WORK.** This proposal is based upon the use of straight time labor only. Structural alterations, patching and painting are excluded. Purchaser agrees to provide MLN with required field utilities (electricity, toilets, drinking water, project hoist, elevator service, etc.) without charge. MLN agrees to keep the job site clean of debris arising out of its own operations. Purchaser shall not back charge MLN for any costs or expenses without MLN's written consent.

Unless specifically noted in the statement of the scope of work or services undertaken by MLN under this agreement, MLN's obligations under this agreement expressly exclude any work or service of any nature associated or connected with the identification, abatement, clean up, control, removal, or disposal of environment Hazards or dangerous substances, to include but not be limited to asbestos or PCBS, discovered in or on the premises. Any language or provision of the agreement elsewhere contained which may authorize or empower the Purchaser to change. Modify, or alter the scope of work or services to be performed by MLN shall not operate to compel MLN to perform any work relating to Hazards without MLN's express written consent.

2. **INVOICING & PAYMENTS.** MLN may invoice Purchaser monthly for all materials delivered to the job site or to an off-site storage facility and for all work performed on-site and off-site. Purchaser shall pay MLN hereunder and purchaser agrees to pay MLN on additional amounts invoiced upon receipt of the invoice. Waivers of lien will be furnished upon request, as the work progresses; to the extent payments are received. If MLN's invoice is not paid within 30 days of its issuance, it is delinquent.

3. **MATERIALS.** If the materials or equipment included in this proposal become temporarily or permanently unavailable for reasons beyond the control and without the fault of MLN, then in the case of such temporary unavailability, the time for performance of the work shall be extended to the extent thereof, and in the case of permanent unavailability, MLN shall (a) be excused from furnishing said materials or equipment, and (b) be reimbursed for the difference between the cost of the materials or equipment permanently unavailable and the cost of a reasonably available substitute there for.

4. **WARRANTY-NEW INSTALLATION.** MLN warrants that new equipment furnished shall be free from defects in material and workmanship arising from normal usage for a period of one (1) year from delivery of said equipment, or if installed by MLN, for a period of one (1) year from installation. MLN warranty for equipment furnished and/or installed but not manufactured by MLN, MLN will extend the same warranty terms and conditions which MLN receives from the manufacturer of said equipment. For equipment installed by MLN, if Purchaser provides written notice to MLN of any such defect within thirty (30) days after the appearance or discovery of such defect, MLN shall, at its option, repair or replace the defective equipment, if said equipment is still under original warranty period. For equipment not installed by MLN, MLN warrants its workmanship or that of its agents in relationship to installation of equipment and/or system repairs for a period of ninety (90) days from date of installation and/or service. Customer shall bear all labor costs associated with replacement of failed equipment, parts and/or materials still under MLN's equipment warranty or the original manufacturer's warranty, but outside the terms of this express labor warranty. All transportation charges incurred in connection with the warranty for equipment not installed by MLN shall be borne by Purchaser. With regard to any materials or equipment not furnished by MLN, MLN shall have no warranty obligations and customer will be responsible for handling any and all warranty issues directly with the supplier and/or manufacturer. All warranty work will be performed during regular hours. These warranties do not extend to any equipment which has been repaired by others, abused, altered or misused, or which has not been properly and reasonably maintained. THESE WARRANTIES ARE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THOSE OF MERCHANTABILITY AND FITNESS FOR A SPECIFIC PURPOSE.

5. **LIABILITY.** MLN shall not be liable for any special, indirect or consequential damages arising in any manner from the equipment or material furnished or the work performed pursuant to this agreement.

6. **TAXES.** The price of this proposal does not include duties, sales, use, excise, or other similar taxes, unless required by federal, state or local law. Purchaser shall pay, in addition to the stated price; all taxes not legally required to be paid by MLN or, alternatively, shall provide MLN with acceptable tax exemption certificates. MLN shall provide Purchaser with any tax payment certificate upon request and after completion and acceptance of the work.

7. **DELAYS.** MLN shall not be liable for any delay in the performance of the work resulting from or attributed to acts or circumstances beyond MLN's control, including, but not limited to, acts of God, fire, riots, labor disputes, conditions of the premises, acts or omissions of the Purchaser, Owner, or other Contractors or delays caused by suppliers or subcontractors of MLN.

8. **COMPLIANCE WITH LAWS.** MLN shall comply with all applicable federal, state and local laws and regulations and shall obtain all temporary licenses and permits required for the prosecution of the work. Licenses and permits shall be procured and paid for by the Purchaser. Work required to upgrade system to comply with current or future laws and /or building codes shall be the responsibility of the purchaser and is not included.

9. **DISPUTES.** All disputes involving more than $15,000 shall be resolved by arbitration in accordance with the rules of the American Arbitration Association. The prevailing party shall recover all legal costs and attorney's fees incurred as a result. Nothing here shall limit any rights under construction lien laws.

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10. **INSURANCE.** Insurance coverage in excess of MLN's standard limits will be furnished when requested and required. No credit will be given or premium paid by MLN for insurance afforded by others.
11. **INDEMNITY.** The Parties hereto agree to indemnify each other from any and all liabilities, claims, expenses, losses or damages, including attorneys' fees, which may arise in connection with the execution of the work herein specified and which are caused, in whole or in part, by the negligent act or omission of the-indemnifying Party.
12. **OCCUPATIONAL SAFETY AND HEALTH.** The Parties hereto agree to notify each other immediately upon becoming aware of an inspection under, or any alleged violation of, the Occupational Safety and Health Act relating in any way to the project or project site.
13. **ENTIRE AGREEMENT.** This proposal, upon acceptance, shall constitute the entire agreement between the parties and supersedes any prior representations or understandings.
14. **CHANGES.** No change or modification of any of the terms and conditions stated herein shall be binding upon MLN unless accepted by MLN in writing.

Regular City Council
AGENDA ITEM 13.

Agenda Item: **Discuss and Possibly Act Upon a Financing Proposal from Brenham National Bank for the Purchase of Two (2) HVAC Units for the Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation**

Meeting Type: Regular Meeting-May 05, 2022

Department: Finance

Staff Contact: Stacy Hardy

SUMMARY STATEMENT:

This is a companion item for the financing of two HVAC units for the Brenham Police Department as presented by Shawn Bolenbarr. In order to proceed with and fund this emergency purchase, City Staff obtained three financing proposals (see below) for a seven-year note with a principal amount of $252,502.00 and annual payments beginning in Fiscal Year 2023. Principal and interest payments will be factored into the upcoming FY23 budget for the Debt Service Fund. The proposal offering the lowest interest rate is Brenham National Bank at 3.45%. We recommend the approval of the financing proposal with Brenham National Bank.

- Citizens State Bank 6.50% (WSJ Prime + 2%) - subject to change with market conditions
- Bank of Brenham 3.85%
- Brenham National Bank 3.45%

ATTACHMENTS:

None

RECOMMENDED ACTION:

Approve an equipment financing proposal with Brenham National Bank in the amount of $252,502.00 with a seven-year note and an interest rate of 3.45% for the purchase of two HVAC units for the Brenham Police Department and authorize the Mayor to execute any necessary documentation.

Regular City Council
AGENDA ITEM 14.

Agenda Item: **Discuss and Possibly Act Upon a Contract Between the City of Brenham and EVOQUA Water Technologies, Inc. for the Purchase of Chlorine Dioxide for the City of Brenham Water Treatment Plant and Authorize the Mayor to Execute Any Necessary Documentation**

Meeting Type: Regular Meeting-May 05, 2022

Department: Purchasing

Staff Contact: Kyle Branham

SUMMARY STATEMENT:

Evoqua currently provides the equipment that is used in the generation of chlorine dioxide at the lake intake structure. Evoqua Water Technologies has been our chlorine dioxide provider for 20 plus years. The equipment itself, the maintenance, and inspection are services and goods that are provided in the cost of the chemical. If the City of Brenham were to switch vendors, the chlorine dioxide treatment system would need to be taken offline to allow removal of Evoqua's equipment and then installation and calibration of a new vendor's equipment which could possess a potential safety hazard.

The purchase of this chemical was not put out for competitive bidding due to it being considered an emergency purchase as it is necessary to preserve or protect the public health and safety of the City's residents (Chapter 252 of the Local Government Code). Staff reached out to Evoqua and obtained a quote of $0.075/LB for one year, with four (4) optional one-year renewals. Pricing will be subject to annual review prior to renewal.

ATTACHMENTS:

None

RECOMMENDED ACTION:

Approve a one-year contract, with four optional one-year renewals, between the City of Brenham and EVOQUA Water Technologies, Inc. for the emergency purchase, as outlined in Chapter 252 of the Local Government Code, of chlorine dioxide for the City of Brenham's Water Treatment Plant in the amount of $0.075/lb., and authorize the Mayor to execute any necessary documentation.

Regular City Council
AGENDA ITEM 16.

Agenda Item: **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**

Meeting Type: Regular Meeting-May 05, 2022

Department: Utilities

Staff Contact: Debbie Gaffey

SUMMARY STATEMENT:

Executive Session item.

ATTACHMENTS:

None

RECOMMENDED ACTION:

To be discussed in Executive Session.

Regular City Council
AGENDA ITEM 17.

Agenda Item: **Section 551.086 - Texas Government Code - Utility Competitive Matters - City of Brenham Gas Utility System - Gas Supply and Transportation Arrangements and Agreements, and Associated Matters**

Meeting Type: Regular Meeting-May 05, 2022

Department: Public Utilities

Staff Contact: Debbie Gaffey

SUMMARY STATEMENT:

Executive Session item.

ATTACHMENTS:

None

RECOMMENDED ACTION:

No action - discussion only.

Regular City Council
AGENDA ITEM 18.

Agenda Item: **Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding a U. S. Department of Housing and Urban Affairs Discrimination Complaint**

Meeting Type: Regular Meeting-May 05, 2022

Department: Administration

Staff Contact: Carolyn Miller

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDED ACTION:

To be discussed in Executive Session.

Regular City Council
AGENDA ITEM 19.

Agenda Item: **Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Legal Issues Concerning the City of Brenham Lake Somerville Raw Water Intake Structure, the Federal Emergency Management Agency, and Associated Matters**

Meeting Type: Regular Meeting-May 05, 2022

Department: Administration

Staff Contact: Carolyn Miller

SUMMARY STATEMENT:

Executive Session item.

ATTACHMENTS:

None

RECOMMENDED ACTION:

To be discussed in Executive Session.