



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, MARCH 2, 2023 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 Shannan Canales**
- 3. Citizens Comments**
- 4. Service Recognitions**
 - ♦ **Terry Fielder, Water Construction Department - 35 Years**
 - ♦ **Angeline Howard, Municipal Court - 10 Years**

CONSENT AGENDA

- 5. 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.

 - 5-a. Approve the Minutes from the January 19, 2023 and February 2, 2023 Regular City Council Meetings**
 - 5-b. Approve a Noise Variance Request from the City of Brenham and Boys & Girls Club of Washington County for Pop-up Play Day to be Held on March 11, 2023, at Jerry Wilson Park from 10:00 a.m. - 12:00 p.m.**

5-c. Approve the Purchase of a RapidView IBAK Trailer Mounted Pipeline Inspection System for the City of Brenham's Sewer Construction Department from Essential Equipment Through Sourcewell Contract No. 120721-RVL, in the Amount of \$181,807.73, and Authorize the Mayor to Execute Any Necessary Documentation

5-d. Approve an Equipment Financing Proposal from the Bank of Brenham with a Five-Year Note and an Interest Rate of 4.95 Percent, for the Purchase of a RapidView IBAK Trailer Mounted Pipeline Inspection System for the Brenham Wastewater Construction Department in the Amount of \$181,807.73, and Authorize the Mayor to Execute Any Necessary Documentation

WORK SESSION

6. Discussion and Presentation of the FY2022-2023 First Quarter Financial Report

REGULAR SESSION

7. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Kendig Keast Collaborative Related to the Development of a Brenham Family Park Small Area Plan and Authorize the Mayor to Execute Any Necessary Documentation

8. Discuss and Possibly Act Upon an Amendment to the Election Services Contract Between the City of Brenham and Washington County Related to Election Responsibilities for the May 6, 2023 Election and Authorize the Mayor to Execute Any Necessary Documentation

9. 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 salutory 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

10. Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Aviators Plus, LLC v. City of Brenham, Texas; Cause No. 37896; 21st Judicial District Court, Washington County, Texas

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

RE-OPEN REGULAR SESSION

13. **Discuss and Possibly Act Upon the Development, Operations, Funding and Possible Acquisition of the Barnhill Center at the Historic Simon Theatre and Associated Matters, and Authorize the Mayor to Execute Any Necessary Documentation**

CERTIFICATION

I certify that a copy of the March 02, 2023 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, February 27, 2023 at 12:00 p.m..

Jeana Bellinger, TRMC, CMC

City Secretary

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
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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 _____, 2023 at _____ AM PM.

Signature

Title

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, January 19, 2023 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, Deputy General Manager of Public Utilities Alton Sommerfield, Human Resources Director Susan Nienstedt, Fire Chief Roger Williams, Police Chief Ron Parker, Director of Public Works Dane Rau, Director of Development Services Stephanie Doland, Director of Economic Development Susan Cates, Karen Stack, Kelvin Raven, Kyle Branham, Cherry Cash Prewitt, Shawn Bolenbarr, Shauna Laauwe, and Debra Pinto

Citizens/Others Present:

Paige Keaton, Keith Hofmann, Dayna Heine, Margie Young, Michael Fogel, Cynthia Timpa, Cindy Wells, Doug Peck, Sherry Harber, Rusty Summar, Gail Peck, Spencer Peck, Tiffany Howard, Tyler Howard, Jeny Nguyen, Jared Anderson, Clarissa Bass, David Nowowiejski, Donna Corbett, James Corbett, Leigh Linden, Paul LaRoche, Lindsay Bilbry, Terri Harris, Mark Feldhale, Kasia Chovanec, Jeff Chovanec, Pete Simpson, Jennifer Simpson, Kathleen Matthews, Coleen Broussard, Steve Suders, Randy Hodge, Katie Burch, Lisa Maysler, Elizabeth Price, Melinda Faubion, and Tiffany Morisak

Media Present:

Jason May, Brenham Banner-Press; and Josh Blaschke, KWHI

1. **Call Meeting to Order**
2. **Invocation and Pledges to the US and Texas Flags – Councilmember Adonna Saunders**
3. **Citizens Comments**

No citizen comments were heard.

CONSENT AGENDA

4. **Statutory Consent Agenda**
 - 4-a. **Approve Ordinance No. O-23-003 on Its Second Reading Amending Appendix A-Zoning of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Chris and Deanna Marek Deanna Marek to Allow an Accessory Dwelling Unit (ADU) as an Accessory Use to Uses Permitted in a Mixed Residential Use Zoning District (R-2) on Approximately 0.386 Acres of Land Located at 604 S. Baylor Street, and Further Described as Lot E Part 3A, E Part 4A, Block 91, of the Original Town Addition in Brenham, Washington County, Texas (Case No. P-22-027)**
 - 4-b. **Approve Ordinance No. O-23-004 on Its Second Reading Amending Appendix A - 'Zoning' of the Code of Ordinances of the City of Brenham for an Amendment to the City of Brenham's Official Zoning Map to Change the Zoning District From a Local Business Residential Mixed Use District (B-1) to an Industrial Use District (I) on Approximately 3.77 Acres, Which is a Portion of a 6.899 Acre Tract of Land, Currently Addressed as 1150 Dixie Road and Being Further Described as Tract 51 (WCAD) Out of the Phillip Coe Survey, A-0031 in Brenham, Washington County, Texas (Case No. P-22-026)**
 - 4-c. **Approve a Multi-Year Contract Between the City of Brenham and Pitney Bowes Global Financial Services, LLC Related to the Lease of the Postage Machine in the Amount of \$81,557.40 and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve the Statutory Consent Agenda Items 4.a. and 4.b. and amend Item 4-c. to correct the amount of the multi-year contract price with Pitney Bowes Global Financial Services, LLC from \$81,557.40 to \$96,873.60.

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

5. Discussion and Presentation Related to An Application with the Texas Department of Housing and Community Affairs (TDHCA) by Trinity Housing Development for the Housing Tax Credit Program and The Multifamily Direct Loan Program

Economic Development Director Susan Cates introduced this item. Cates explained that Trinity Housing Development is making an application for the Low Income Housing Tax Credit (LIHTC) Program and possibly the Multifamily Direct Loan Program with the Texas Department of Housing and Community Affairs (TDHCA) to be located on the North side of US Hwy 290, west of Westwood Lane. Cates stated that the development will include 48, non-age restricted, units with half of the units at full market rate.

Cates then introduced Michael Fogel, Vice President of Trinity Housing Development. Fogel explained that this Work Session was to provide information to the City Council so they would have time to consider the merits of the project before being asked to approve a Resolution in support of the project in early March.

Fogel provided the Council with the following information about the housing development:

- Site location off Highway 290 West
 - Location is currently zoned B2 (Commercial, Research and Technology District) and in an area to score well for tax credits.
- Photos of other Trinity tax-credit properties; including Brenham Trails at Market Square.
- Explained how housing tax credits work
 - Funding mechanism that provides equity for residential development
 - Credits awarded annually by the Texas Department of Housing & Community Affairs in a competitive process
 - Tenants subject to criminal background screening and credit checks
 - Not public housing or Section 8
 - Not a property tax exemption
 - A Resolution of support from the City is required to apply for tax credit housing – deadline is March 1, 2023

- Project specifics
 - 48 units; 1, 2 and 3 bedrooms
 - Non-senior property – open to all ages
 - Mix of units bound to tax credit rent and income restrictions, and market rate units
 - Targeting 24 tax credit units and 24 market rate units
- Income and rent limits of the units
- Unit mix – 50% of units at market rate
- Other Trinity Development projects within the State

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

6. Public Hearing, Discussion and Possible Action to Approve an Ordinance on Its First Reading Amending the Thoroughfare Plan 2022, a Supplement of the City of Brenham’s Comprehensive Plan “Historic Past, Bold Future: Plan 2022 (Case No. P-22-031

Mayor Tate opened the Public Hearing.

City Planner, Shauna Laauwe, presented this item. Laauwe stated the property owner, Mr. David Klingler, owns 140-acres of land outside of the city limits, but within the City’s Extraterritorial Jurisdiction (ETJ). Laauwe explained the location of the subject tract of land is located near the northeast city limits of Brenham, abutting the city limits line along the east side of Old Masonic Road, and being north of Brookside Drive and west of FM 2935.

Laauwe explained that Klingler wishes to plat a 10.60-acre portion of his tract for the development of four (4) residential lots and with the property being within the ETJ, the proposed plat would be approved through the Planning and Zoning Commission. Laauwe further stated, during a preliminary review, it was found that the City’s 2022 Thoroughfare Plan Map shows a proposed collector street going through the tract and Klingler is requesting that the proposed collector street be removed from the Thoroughfare Map as adopted in February 2022, as he believes it could potentially reduce the property’s value of the proposed platted lots.

Laauwe advised that the Planning and Zoning Commission held a public hearing and discussed this item at their meeting on December 19, 2022 and that they were unanimously in support of Klingler’s request. Laauwe also advised that staff is in support of this change.

Mayor Tate called for citizen comments; there were no citizen comments heard. Mayor Tate closed the public hearing.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve the Ordinance on its first reading amending the Thoroughfare Plan 2022, a supplement to the City of Brenham’s Comprehensive Plan “Historic Past, Bold Future: Plan 2040” (Case No. P-22-031).

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

REGULAR SESSION

11. Discuss and Possibly Act Upon A License Agreement Between the City of Brenham and Mescalito Coffee LTD Co. Related to the Construction of a Downtown Parklet Adjacent to 100 E. Alamo Street, Brenham, Texas and Authorize the Mayor to Execute Any Necessary Documentation

Director of Economic Development Susan Cates presented this item. Cates explained that on June 16, 2022 City Council adopted the Downtown Parklet Manual, regulating parklets within the Downtown Brenham District. Cates confirmed following the approval of the Parklet Manual, the initial window for parklet applications was July 1st - August 30th. Cates stated the window was allowed for all businesses meeting the criteria set by City Council in the manual and wishing to install a parklet adjacent to their business would have time to apply and have a fair and even chance to seek approval. Cates noted during this initial application period only one (1) application was received from the owners of Mescalito Coffee, Jared Anderson and Kathleen Matthews.

Cates stated the application was reviewed by staff, all questions were researched and answered appropriately by Anderson, and staff agrees the application meets all criteria as established by the Parklet Manual. Cates explained that if approved, the parklet will be open for public use anytime and will not be limited to Mescalito customers. Mescalito will also be responsible for the cleaning the parklet and performing any needed maintenance as outlined in the Parklet License Agreement.

Cates stated that a petition opposing the removal of public parking for the construction of parklets was submitted to by downtown business owner, Sherry Harber. The petition contained twenty-three signatures. Harber explained that her opposition to this parklet is due to the following:

- Parklets take away parking from other businesses and parking is critical to the success of retail businesses.
- Allowing parklets shows favoritism for one business at the expense of others.
- Mescalito currently has outdoor seating available for their customers.

Several citizens addressed the City Council in support of the parklet mentioning the following:

- Parklets benefit the entire community and make downtown more welcoming.
- Allowing food trucks to occupy parking spaces is not any different than allowing the construction of a parklet in parking spaces.
- This parklet will be open to the public at all times and the City will not be responsible for the cleaning and/or maintenance of the parklet.

A motion was made by Councilmember Cook and seconded by Mayor Tate to approve a License Agreement between the City of Brenham and Mescalito Coffee LTD Co. related to the construction of a downtown parklet adjacent to 100 E. Alamo Street, Brenham, Texas and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion failed 5-2 with City Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	No
Councilmember Shannan Canales	No
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	No
Councilmember Adonna Saunders	No
Councilmember Albert Wright	No

7. Discuss and Possibly Act Upon a Noise Variance Request from Tara Royer Steele Related to Live Outdoor Music at Fireman’s Park Pavilion on Various Dates Between January 21, 2023 and June 30, 2023 and Authorize the Mayor to Execute Any Necessary Documentation

Legal and Legislative Services Manager Karen Stack presented this item. Stack explained that Gather n Grace will be hosting family dinners every Monday, beginning January 16, 2023 through Monday, June 30, 2023 at Fireman’s Park Pavilion from 6:00 p.m. – 8:00 p.m. and it is anticipated there will be approximately 100 attendees with music playing during the meal. Stack explained that due to the length of time of the request, and the use of amplified sound a Noise Variance was required.

A motion was made by Councilmember Saunders and seconded by Councilmember Canales to approve a Noise Variance for music to be held every Monday through June 30, 2023, beginning January 16th, at the Fireman's Park Pavilion from 6:00 p.m. to 8:00 p.m.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

8. Discuss and Possibly Act Upon a Noise Variance Request from Brazos Valley Brewing Company Related to Live Outdoor Music at 206 S. Jackson Street, Brenham, Texas on Various Dates Between January 20, 2023 and June 30, 2023 and Authorize the Mayor to Execute Any Necessary Documentation

Legal and Legislative Services Manager Karen Stack presented this item. Stack stated a request from Joshua Bass, owner of the Brazos Valley Brewing Company (BVBC) was received for a Noise Variance allowing BVBC to hold live outdoor music at their business location, 206 S. Jackson Street, beginning January 20, 2023 and lasting through June 30, 2023. Stack noted the music will be provided by various bands and will take place from 6:00 p.m. to 9:00 p.m. on Fridays and Saturdays, and that BVBC is located in an Industrial Zone where live music is an allowed used.

Stack advised that a petition opposing live music at BVBC was submitted to by citizen Steve Sudors, who lives at 801 W. Main Street. The petition contained eleven signatures. Sudors addressed the City Council and explained that due to BVBC's live music he is unable to enjoy his back yard and porch because the music is so loud and can be clearly heard at his residence. Another citizen addressed Council and explained that he lives a block from BVBC and the music is not bothersome to him at all and the few times he has been able to hear it, he sits on his porch and enjoys it.

The owner of BVBC, David Nowowiejski, advised that in order to be a good neighbor BVBC has done several things to help mitigate the noise from their live music events. Nowowiejski explained that they have relocated their stage to an area on their property furthest from residential homes and have installed some barriers to help block the sound. Nowowiejski stated that Brenham is a music friendly city and that live music is imperative to the success of BVBC's business.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve a Noise Variance request from Brazos Valley Brewing Company (BVBC) for live outdoor music at 206 S. Jackson Street, for various dates between January 20, 2023 through June 30, 2023, and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

9. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham, Brenham Independent School District (BISD) and Blinn College for the May 6, 2023 Election and Authorize the Mayor to Execute Any Necessary Documentation

City Secretary/Director of Administrative Services Jeana Bellinger presented this item. Bellinger explained that both Brenham Independent School District (BISD) and Blinn College are required by law to have joint elections and share common polling places with the City.

Bellinger stated that as in previous years the City, BISD and Blinn will all contract with Washington County for election services and equipment; this Interlocal Agreement (ILA) addresses various election-related issues and outlines what each entity will be responsible for during the May 6, 2023 Election.

Bellinger advised the word “Deputy” in Item 6 of the ILA needs to be removed as the County now has an Elections Administrator (EA) and the EA will serve as the Early Voting Clerk. Bellinger requested that the ILA be approved with the amendment to Item 6 as discussed.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve an Interlocal Agreement between the City of Brenham, Brenham Independent School District (BISD) and Blinn College for the May 6, 2023 Election, with the removal of the word “Deputy” in Item 6, and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed, with the change, with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

10. Discuss and Possibly Act Upon an Election Services Contract Between the City of Brenham and Washington County Related to Election Responsibilities for the May 6, 2023 Election and Authorize the Mayor to Execute Any Necessary Documentation

City Secretary/Director of Administrative Services Jeana Bellinger presented this item. Bellinger explained that the City will be contracting with Washington County to provide various election services and election equipment for the May 6, 2023 election.

Bellinger advised the word “Deputy” in Section 4 the ILA needs to be removed as the County now has an Elections Administrator (EA) and the EA will serve as the Early Voting Clerk. Bellinger requested that the ILA be approved with the amendment to Section 4 as discussed.

A motion was made by Councilmember Kenjura and seconded by Councilmember Saunders to approve the Election Services Contract between the City of Brenham and Washington County related to election responsibilities for the May 6, 2023 election, with the removal of the word “Deputy” in Section 4, and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed, with the change, 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 the Termination of the License Agreement Between the City of Brenham and Country Sunshine Related to the Mobile Kitchen Located Adjacent to 110 West Main Street and Authorize the Mayor to Execute Any Necessary Documentation

Economic Development Director Susan Cates presented this item. Cates explained that Country Sunshine had relocated their mobile kitchen to the Brazos Valley Brewing Company (BVBC) property on August 17, 2022. Cates advised Country Sunshine is now requesting the City allow another mobile kitchen, La Jefe, to utilize their previous location at 110 West Main Street. Cates explained that after a meeting with the Economic Development Sub-committee it was determined that allowing the transfer would not be in the spirit of the original agreement; therefore, La Jefe would locate wholly on a site which is zoned for mobile kitchens, subject to applicable permitting.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve the termination of the License Agreement between the City of Brenham and Country Sunshine related to the mobile kitchen located adjacent to 110 West Main Street 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

13. Discuss and Possibly Act Upon the Award of RFP No. 23-001 for the Supply of Aviation Fuel and Associated Services at the Brenham Municipal Airport, Including Approval of Associated Contract(s), and Authorize the Mayor to Execute Any Necessary Documentation

Development Services Director Stephanie Doland presented this item. Doland stated that a Request for Proposals (RFP) had been issued on October 4, 2022 for a provider to supply aviation fuel to the Brenham Municipal Airport. The RFP was opened on October 18, 2022 and three (3) proposals were received. All of the proposals were reviewed and evaluated by a RFP Selection Committee based on weighted criterion.

Doland advised that Titan Aviation Fuels scored the highest of the three (3) proposals received will provide competitive fuel pricing and will be an excellent partner in fuel sales at the Airport due to their numerous support services.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to award of RFP No. 23-001 for the supply of aviation fuel and associated services at the Brenham Municipal Airport to Titan Aviation Fuels, upon acceptance of a final fuel agreement and refueler lease agreement by the City Attorney, and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed contingent on the City Attorney's approval on the final format of the agreement 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 Resolution No. R-23-002 Related to the Installation of a Changeable Electronic Variable Message Sign (CEVMS) to be Located at 1007 Walter Schwartz Way, Brenham, Texas

City Planner Shauna Laauwe presented this item. Laauwe stated that Blinn College had formally requested to replace their existing electronic message signage for the Student Center located at 1007 Walter Schwartz Way. Laauwe explained that the City's sign ordinance regulates Changeable Electronic Variable Message Signs (CEVMS) and requires approval by City Council. Laauwe stated that Blinn's request meets all the required criteria and would not be against the spirit and intention of the sign ordinance.

A motion was made by Councilmember Canales and seconded by Councilmember Kenjura to approve Resolution No. R-23-002 related to the installation of a Changeable Electronic Variable Message sign (CEVMS) to be located at 1007 Walter Schwartz Way, Brenham, Texas.

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 Submission of a Grant Application Through the Community Development Partnership Program (CDPP) Offered by the Lower Colorado River Authority (LCRA) for the Purchase of Two (2) Electronic Message Boards for the City of Brenham and Authorize the Mayor to Execute Any Necessary Documentation

Director of Public Works Dane Rau presented this item. Rau explained the Lower Colorado River Authority (LCRA) offers a competitive Community Development Partnership Program (CDPP) Grant up to \$50,000.00 to communities for capital improvement projects. Rau went on to say grants greater than \$5,000.00 require a minimum match of twenty percent of the total cost of the project. Rau advised that Public Works is seeking Council's permission to submit for a CDPP grant in the amount of \$25,000.00 to purchase two (2) electronic message boards for usage with the Street Department, Fire Department, Police Department, and for use during special events in downtown and around the City.

Rau stated the total project cost is estimated to be \$33,840.00, \$25,000 from CDPP grant and the remaining amount, \$8,840.00, would be considered the city's match.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve the submission of a grant application through the Community Development Partnership Program (CDPP) offered by the Lower Colorado River Authority (LCRA) for the purchase of two (2) electronic message boards for the City of Brenham and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

16. Discuss and Possibly Act Upon an Addendum to the Contract for Participation in the City of Brenham's Rotation Log for Non-Consent Tows and Authorize the City Manager to Execute Any Necessary Documentation

Police Chief Ron Parker presented this item. Parker stated in December 2022 staff met with the Non-Consent Tow Task Force to review and discuss the Non-Consent Tow Contract. Parker explained that these contracts are an annual agreement between the City and various tow companies that provide non-consent tow services.

Parker stated that the Task Force is only recommending two changes to the contract:

1. Slight increase in permissible charges for towing:
 - Regular Tows: From \$225.00 to \$255.00
 - Medium Tows: From \$275.00 to \$350.00
 - Heavy Tows: From \$550.00 to \$600.00
2. Require that the tow company and/or the operator have been in service in Washington County for at least twelve (12) months prior to applying to be added to the non-consent tow rotation

A motion was made by Councilmember Kenjura and seconded by Councilmember Cook to approve an addendum to the contract for participation in the City of Brenham's rotation log for non-consent tow, as presented, 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

17. Discuss and Possibly Act Upon the Appointment of Nine Members (Places 1 Through 9) to Serve on the Tax Increment Reinvestment Zone No. 1 Board of Directors for a Period of Two Years Beginning January 1, 2023 and Authorize the Mayor to Execute Any Necessary Documentation

City Manager Carolyn Miller presented this item. Miller explained that in 2019 the full City Council was appointed to serve on the TIRZ Board in Places 1-7, BCDC Board member Gary Crocker was appointed to Place 8 and Main Street Board member Tom Whitehead was appointed to Place 9. Miller stated that all of these appointments expired on December 31, 2022 and that this item is to reappoint the same nine members for a term of 2 years, expiring on December 31, 2024.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve the appointment of the Mayor and all Councilmembers (Wards 1 through 4 and At Large Places 5 and 6) to Places 1-7, and Gary Crocker to Place 8 and Tom Whitehead to Place 9 of the Tax Increment Reinvestment Zone No. 1 Board for a period of two (2) years beginning on January 1, 2023 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

18. Discuss and Possibly Act Upon the Appointment of a Board Member to Serve as Chairman of the Tax Increment Reinvestment Zone No. 1 Board of Directors for a Period of One Year Beginning January 1, 2023 and Authorize the Mayor to Execute Any Necessary Documentation

City Manager Carolyn Miller presented this item. Miller explained that when the TIRZ Board was created in 2018 it allowed for the appointment of nine members with the member appointed to Place 1 also being appointed as Chairman of the TIRZ Board, for a term of one year. Miller stated that at that time, Mayor Tate was appointed by Council to Place 1, and has served as Chairman of the Board ever since.

Miller advised that this agenda item is to appoint a Chairman for the TIRZ Board to serve for calendar year 2024.

A motion was made by Councilmember Kenjura and seconded by Councilmember Cook to appoint Clint Kolby as Chairman of the Tax Increment Reinvestment Zone No. 1 Board of Directors for a period of one (1) year beginning January 1, 2023 and ending on December 31, 2023 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

19. Administrative/Elected Officials Report

There were no administrative/elected officials reports given.

Council adjourned into Executive Session at 3:23 p.m.

EXECUTIVE SESSION

- 20. 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**
- 21. Section 551.071 Texas Government Code – Consultation with Attorney – Consultation with City Attorney Regarding Aviators Plus, LLC v. City of Brenham, Texas; Cause No. 37896; 21st Judicial District Court, Washington County, Texas**
- 22. 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**
- 23. Section 551.074 Texas Government Code – Personnel Matters – Annual Evaluation of the City Manager and Associated Matters**

Executive Session adjourned at 5:10 p.m.

RE-OPEN REGULAR SESSION

- 24. Discuss and Possibly Act Upon the Annual Evaluation of the City Manager and Associated Matters and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders that City Manager Carolyn Miller's annual salary be increased to \$180,000.00, effective immediately.

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

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, February 2, 2023 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 Luke Cochran; City Secretary Jeana Bellinger; General Manager of Public Utilities Debbie Gaffey; Director of Finance Stacy Hardy; Human Resources Director Susan Nienstedt; Director of Public Works Dane Rau; Director of Development Services Stephanie Doland; Director of Economic Development Susan Cates; Deputy General Manager of Public Utilities Alton Sommerfield; Karen Stack; Kyle Branham; Cherry Cash Prewitt; Tammy Jaster; Sgt. Steven Eilert; Kevin Schmidt; JoAnne Hynes; Robin Hutchens; Will Felder; Debra Pinto; Kelsey Toy; Shawn Bolenbarr

Citizens/Others Present:

Jon Davies; Tim Webb; Susan McCulley; Nath Wade; Easton Wade; Paul LaRoche; Cary Todd; Susan Karoch; Heather Dallmeyer; Alex Dallmeyer; Marie Surovik; James Bethany; Natalie Lange; Mary Ann Chelf; Cynthia Timpa; Thaddeus Adams; Jennifer Young; Bill Odom; Rexa Pennelton; Chris Pennelton; Caroline Nowicki; Kelly Hajek

Media Present:

Jason May, Brenham Banner-Press; Josh Blaschke, KWHI; and T. Merritt, KBTX

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Albert Wright**
- 3. Service Recognitions**
 - Will Felder, Central Warehouse – 15 Years
- 4. Special Recognition**
 - Jennifer Young, American Red Cross Executive Director of the Heart of Texas Chapter
- 5. Citizens Comments**

Several local pastors and members of the Brenham Ministerial Alliance addressed the City Council in opposition to a drag queen show being held at Floyd’s Wine Lounge in downtown.

CONSENT AGENDA

- 6. Statutory Consent Agenda**
 - 6-a. Approve the Minutes from the January 5, 2023 Regular Meeting**
 - 6-b. Approve Ordinance No. O-23-005 on Its Second Reading to Amend the 2022 Thoroughfare Plan, A Supplement to the City of Brenham Comprehensive Plan “Historic Past, Bold Future: Plan 2040”**
 - 6-c. Approve a Noise Variance Request from Top Floor Cars for a Car Show to be Held Saturday, April 8, 2023, in Downtown Brenham from 9:00 a.m. to 1:00 p.m. and Authorize the Mayor to Execute Any Necessary Documentation**
 - 6-d. Approve a Ground-Space Lease Agreement Between the City of Brenham and DTR Flying Service LLC (Daniel and Tracy Carroll) for Hangar Space at the Brenham Municipal Airport (3301 Aviation Way) and Authorize the Mayor to Execute Any Necessary Documentation**
 - 6-e. Approve Resolution No. R-23-005 Authorizing the Submission of a Grant Application to the Office of the Governor, Public Safety Office, Homeland Security Grants Division, FY2023 State Homeland Security Program, LETPA Projects (SHSP-I) for the Purchase of Forty (40) Sets of 24” RatKit Breaching Equipment**
 - 6-f. Approve Resolution No. R-23-006 Authorizing the Submission of a Grant Application through the Office of the Governor, Public Safety Office, Criminal Justice Division, FY2024 Criminal Justice Program for the Purchase of One (1) R.A.T. Breaching Door**

6-g. Approve Resolution No. R 23-007 Authorizing the Submission of a Grant Through the Office of the Governor, Public Safety Office, Homeland Security Grants Division, FY2023 State Homeland Security Program – Regular Projects (SHSP-R) for the Purchase of Two (2) Trinity Innovative Solutions Portable Surveillance Kits

6-h. Purchase of a F-750 Ford Truck for the City of Brenham’s Electric Department and Authorize the Mayor to Execute Any Necessary Documentation

6-i. Approve an Equipment Financing Proposal for a Ford F-750 Truck for the City of Brenham Electric Department and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Wright and seconded by Councilmember Canales to approve the Statutory Consent Agenda Items 6-a. thru 6-g. as presented.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

WORK SESSION

7. Discussion and Presentation on the City of Brenham’s Noise Ordinance

Legal and Legislative Services Manager Karen Stack presented this item. Stack explained that the Economic Development Subcommittee met in January to discuss possible changes to Section 17-8, Noise Nuisance, of the City’s Code of Ordinances. Stack stated that she took decibel readings around the City and presented the following options to the Subcommittee for discussion:

- Removing noise provisions from the Zoning Ordinance
- Adding decibel limits to the Noise Nuisance Ordinance
- Determining appropriate decibel limits for different zones and times of day
- Measuring noise level at the receiving property’s property line rather than the property line of the noise maker

Stack explained that four (4) issues were revealed during the meeting with the Subcommittee and these issues are being presented to Council for consideration:

1. How should the nuisance ordinance account for noise created by traffic?
2. How should the ordinance address noises which are annoying, but are still under the applicable decibel limits?
3. What standard should be applied when neighboring properties are in two (2) different zones?
4. What steps must be taken to protect music tourism and Brenham's "Music Friendly Community" designation?

Stack advised Council that the goal of rewriting the noise nuisance ordinance was to have clear standards about what constitutes a noise nuisance, remove the current conflicts between noise nuisances and zoning ordinances, and make enforcement easier on Police Department.

Several citizens addressed the Council about noise related concerns in their neighborhoods. Some of the concerns voiced were:

- Not just loud noises are a nuisance but the consistency of the noise.
- No real enforcement for recurring noise complaints.
- Noise is not always taken care of by limiting decibel levels.
- Adding specific time requirements for certain noise levels – not before 7:00 a.m. or after 10:00 p.m.

Economic Development Director Susan Cates reminded Council of local businesses that run multiple shifts. Cates stated that any time-specific requirements for noise that is put into an ordinance could potentially affect those businesses and their employees.

REGULAR SESSION

- 8. Discuss and Possibly Act Upon an Order Calling a General Election to be Held on May 6, 2023 for the Purpose of Electing One Mayor; One Council Member for Place 2 – Ward 2; and One Council Member for Place 4 – Ward 4, Each for Four (4) Year Terms**

Discutir y posiblemente actuar por una orden exigiendo Elecciones Generales el 6 de mayo de 2023 con el proposito de la eleccion de un alcalde, un miembro de consejo para Lugar 2 - Distrito Electoral 2, y un miembro de consejo para Lugar 4 - Distrito Electoral 4, cada uno para terminos de cuatro (4) anos

City Secretary/Director of Administrative Services Jeana Bellinger presented this item. Bellinger explained that in accordance with Texas Election Law and the City of Brenham's Charter, the City must hold a General Election on Saturday, May 6, 2023 to elect a Mayor; one Councilmember for Place 2 – Ward 2; and one Councilmember for Place 4 – Ward 4. Bellinger advised that the term for each of these positions is four (4) years.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve an Order calling a General Election to be held on May 6, 2023 for the purpose of electing one Mayor; one Council Member for Place 2 – Ward 2; one Council Member for Place 4 – Ward 4, each for four (4) year terms.

Mayor Tate called for a vote. The motion was 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 Order Calling for a Special Election to be Held on May 6, 2023 for the Purpose of Electing One (1) Councilmember to Fill the Unexpired Term of Place 3 – Ward 3**

Discutir y posiblemente actuar sobre una orden que convoque una elección especial que se celebrará el 6 de mayo de 2023 con el propósito de elegir a un (1) concejal para llenar el período no vencido del Lugar 3 - Distrito 3

City Secretary/Director of Administrative Services Jeana Bellinger presented this item. Bellinger stated that due to Councilmember Kenjura's decision to run for Mayor in the General Election a vacancy has been created in Kenjura's current position of Place 3 – Ward 3 Councilmember. Bellinger explained that the Texas Constitution mandates when an elected official announces their candidacy for any public office other than the office currently held, the announcement constitutes an automatic vacancy of their current position; and requires a Special Election to fill the vacancy be ordered and held within 120 days after the vacancy occurs.

Bellinger advised Council the Special Election presented to Council officially orders the Election for Place 3 – Ward 3 vacancy and would be held in conjunction with the General Election on May 6, 2023. Bellinger stated that the candidate filing period for the Special Election will be 8:00 a.m. on Friday, February 3, 2023 through 5:00 p.m. Monday, March 6, 2023.

A motion was made by Councilmember Canales and seconded by Mayor Pro Tem Kolby to approve an Order calling for a Special Election to be held on May 6, 2023 for the purpose of electing one (1) Councilmember to fill the unexpired term of Place 3 – Ward 3.

Mayor Tate called for a vote. The motion was passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

10. Discuss and Possibly Act Upon Resolution No. R23-001 Authorizing the Submission of a Grant Application to the Texas General Land Office (GLO) (Including All Supporting Documentation As May Be Required by GLO) for the Community Development Block Grant-Mitigation (CDBG-MIT) Regional Method of Distribution (MOD) Program for Road and Drainage Improvements on Lott Lane and Shepard Lane within the City of Brenham

Director of Public Works Dane Rau presented this item. Rau advised that the City has received \$1,044,500.00 in grant funding from the Community Development Block Grant-Mitigation (CDBG-MIT) Program to help mitigate issues that stemmed from past flood events. Rau explained that one of the requirements to receive these funds, the City is required to pass a Resolution authorizing the submission of the grant application for the funds.

Rau explained to Council that the funds are intended to be used to improve two (2) roadways and drainage in the area of Lott Lane and Shepherd Lane off of Old Chappell Hill Road to include wider asphalt and concrete curb and gutter. Rau stated this area has had only minor improvements since the annexation in 2008 and the improvements will bring these roadways up to city standards.

A motion was made by Councilmember Kenjura and seconded by Councilmember Saunders to approve Resolution No. R-23-01 authorizing the submission of a grant application to the Texas General Land Office (GLO) (including all supporting documentation as may be required by GLO) for the Community Development Block Grant-Mitigation (CDBG-MIT) Regional Method of Distribution (MOD) Program for road and drainage improvements on Lott Lane and Shepard Lane within the City of Brenham.

Mayor Tate called for a vote. The motion was 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 an Ordinance on Its First Reading Authorizing the Placement of a Stop Sign on Marjorie Street at Its Intersection with Atlow Drive

Director of Public Works Dane Rau presented this item. Rau stated the “T” intersection of Marjorie Street should have a stop sign to coincide with all other intersections on Marjorie Street and allow the City to have a controlled intersection where vehicular traffic stops on Marjorie Street and Atlow Drive has a right-of-way. Rau explained that Public Works has received several requests about placement of a stop sign at this intersection.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve an Ordinance on its first reading authorizing the placement of a stop sign on Marjorie Street at its intersection with Atlow Drive.

Mayor Tate called for a vote. The motion was 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-23-003 Authorizing the Acceptance of Public Infrastructure Improvements in the Vintage Farms Subdivision, Phase 5

Director of Development Services Stephanie Doland presented this item. Doland explained the subject property was approximately 15.946-acre tract of vacant land located west of the intersection of Confederate Lane and Dixie Road and is platted as the Vintage Farms Phase Five Subdivision.

Doland stated that Phase 5 consists of 63 lots for single-family home construction, dedication of public roadway, and five (5) common areas for streetscaping, sidewalks, and community landscaping and will be maintained in perpetuity by the Homeowner’s Association (HOA). Doland further advised the public infrastructure improvements (water, sanitary sewer, streets, sidewalks, and storm drainage) have been constructed and inspected according to the City’s ordinances and regulations and are ready for acceptance with a one-year maintenance period beginning on January 16, 2023 upon Council’s approval of the infrastructure acceptance.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Wright to approve an Resolution No. R-23-003 authorizing the acceptance of public infrastructure improvements in the Vintage Farms Subdivision, Phase 5.

Mayor Tate called for a vote. The motion was 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 Resolution No. R-23-004 Authorizing the Acceptance of a Grant from the Office of the Governor, Public Safety Office, Criminal Justice Division for the 2023 bullet-Resistant Shield Grant Program

Sgt. Steven Eilert presented this item. Eilert explained that the City has received confirmation of the award of grant funding in the amount of \$20,106.10 for Grant No. 4663201 for the purchase of five (5) bullet-resistant shields. The Resolution being presented is a requirement of the grant.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve Resolution No. R-23-004 authorizing the acceptance a grant from the Office of the Governor, Public Safety Office, Criminal Justice Division for the 2023 Bullet-Resistant Shield Grant Program.

Mayor Tate called for a vote. The motion was 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 an Amendment to Professional Services Agreement with Strand and Associates for Engineering Services Related to Water Source Evaluation and Water Treatment Plant Expansion and Authorize the mayor to Execute Any Necessary Documentation

Project Manager for Public Utilities Shawn Bolenbarr presented this item. Bolenbarr stated that the City had entered into an agreement with Strand and Associates, Inc. in July 2022 for water source evaluation and a water treatment plant expansion plan at the cost of \$110,000.00

Bolenbarr stated that early in the evaluation, it was determined based on population growth to 2042, that the water treatment plant capacity would need to be expanded from 6.98 million gallons per day (MGD) to 12.70 MGD. Bolenbarr advised Council that due to the expected growth of the City and the increase in MGDs, the cost of the water treatment plant expansion could be as high as \$100 million. The Utilities Subcommittee determined that the plant expansion was not an affordable option at this time.

Bolenbarr explained that this Amendment redefines the scope of services and provides for an evaluation of local well sites with treatment at the site directly into the water distribution system, as well as, local, ground water well feeds into the water plant, supplementing lake water feed. The cost for this revised scope of services will be \$35,000.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve an amendment to the Professional Services Agreement with Strand and Associates, Inc. for engineering services related to water source valuation and water treatment plant expansion in an amount not to exceed \$35,000.00 and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion was 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. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- Sgt. Steven Eilert was named Brenham Police Officer of the Year
- Washington County Chamber of Commerce Banquet is at 5:30 p.m. tonight
- Washington County Day at the Capital in Austin is on Monday, February 7th

Council adjourned into Executive Session at 2:41 p.m.

16. **Section 551.071 – Texas Government Code – Consultation with City 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 551.071 – Texas Government Code – Consultation with City Attorney – Consultation with City Attorney Regarding Aviators Plus, LLC v. City of Brenham, Texas; Cause No. 37896; 21st Judicial District Court, Washington County, Texas**
18. **Section 551.071 – Texas Government Code – Consultation with City Attorney – Consultation with City Attorney Regarding the Texas Public Information Act, the Texas Open Meetings Act, and Associated Legal Matters**

Executive Session adjourned at 3:36 p.m.

RE-OPEN REGULAR SESSION

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



Regular City Council
AGENDA ITEM 5-B.

Agenda Item: Approve a Noise Variance Request from the City of Brenham and Boys & Girls Club of Washington County for Pop-up Play Day to be Held on March 11, 2023, at Jerry Wilson Park from 10:00 a.m. - 12:00 p.m.

Meeting Type: Regular Meeting-March 02, 2023

Department: Parks and Recreation

Staff Contact: JoAnne Hynes

SUMMARY STATEMENT:

This is a noise variance request from City Staff and Boys & Girls Club of Washington County for Pop-Up Play Day, which brings free outdoor play for all ages. The event will be held in Jerry Wilson Park on Saturday, March 11th, from 10:00 a.m. – 12:00 p.m. The free event promotes connecting kids and families to our local parks and will feature basketball, reading/story time, lawn games, open play with jump ropes, hula hoops, and more. Staff plans to use a portable PA system for music and announcements throughout the event, therefore, a noise variance is required.

ATTACHMENTS:

- (1) Noise Variance Request
- (2) Pop Up Play Day Flyer

RECOMMENDED ACTION:

Approve a noise variance from the City of Brenham and Boys & Girls Club of Washington Club for Pop-up Play Day to be held on March 11, 2023, at Jerry Wilson Park from 10:00 a.m. - 12:00 p.m.



Noise Variance Request

For: Pop Up Play Day - bringing free outdoor play for all ages

Name of sponsoring organization: City of Brenham & Boys and Girls Club of Washington County

Your Contact Information

Name: Tammy Jaster

Phone: 979-337-7246

Email: tjaster@cityofbrenham.org

Event Details

Event Name: Pop Up Play Day - bringing free outdoor play for all ages

Purpose: bringing free outdoor play for all ages

Location: Jerry Wilson Park

Date: 2023-03-11

Time: 10am - 12pm

Setup From: 830am **To:** 10am

Clean up From: 12pm **To:** 1pm

Types of activities planned and any additional information specific to this event: Lawn Games, Open play with jump ropes, hula hoops, balls, etc. Basketball, Reading/Storytime, music (still finalizing the list of activities)

Describe activities at this event that require the variance to the noise ordinance: Portable PA System

Will you use sound amplification equipment? Yes

Cleanup Provisions: will clean up park after event is over

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:

Approved by City Council on the day of March 2023



POP-UP PLAY DAY

MEET US AT THE PARK

March 11 | 10am-12pm
Jerry Wilson Park
900 E. Alamo Street

Basketball, Open Play,
Story time, Lawn Games,
and More

cityofbrenham.org/popup

designed by  freepik.com





Regular City Council
AGENDA ITEM 5-C.

Agenda Item: Approve the Purchase of a RapidView IBAK Trailer Mounted Pipeline Inspection System for the City of Brenham's Sewer Construction Department from Essential Equipment Through Sourcewell Contract No. 120721-RVL, in the Amount of \$181,807.73, and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-March 02, 2023

Department: Public Utilities

Staff Contact: Alton Sommerfield

SUMMARY STATEMENT:

During the 2022-2023 budget process, Council approved the purchase of a replacement CCTV (close-circuit television) and video equipment for the Sewer Construction Department in the amount of \$225,000.00

The new equipment includes an enclosed cargo style trailer equipped with a tv monitor and remote-control camera capable of entering a minimum size 6" sewer pipe. Crew uses the system for maintenance inspection of pipe condition and aid in identifying problem sewer clogs.

Staff located an HD Premium trailer with HD camera tractor, lowering claw, 14 x 8 Inspection Trailer, 19" Industrial PC with 12 month of technical support and a 1 day equipment training at Essential Equipment via Sourcewell, Contract #120721-RVL at a cost of \$177,807.73 and delivery fee of \$4,000.00 for a total cost of \$181,807.73 with April delivery. This allows for a savings of \$43,192.27.

ATTACHMENTS:

- (1) Essential Equipment Photos
- (2) Essential Equipment Proposal

RECOMMENDED ACTION:

Approve the purchase of a RapidView IBAK Trailer Mounted Pipeline Inspection System for the City of Brenham's Wastewater Construction Department from Essential Equipment through Sourcewell Contract No. 120721-RVL, in the amount of \$181,807.73, and authorize the Mayor to execute any necessary documentation.

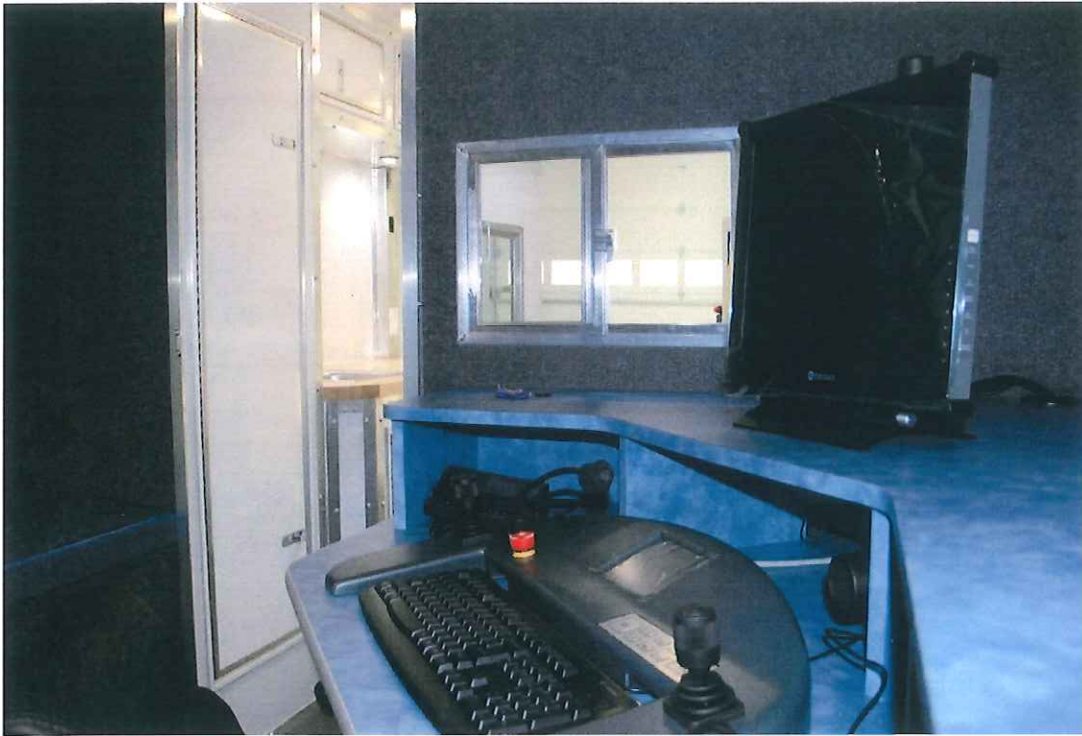
Rapidview Premium Trailer Build



Dual axle trailer w/ Custom built



Full workspace with toolbox, storage, sink & step up bumper



Climate controlled studio for the operator



Comes with generator and custom enclosure



**ESSENTIAL
EQUIPMENT**

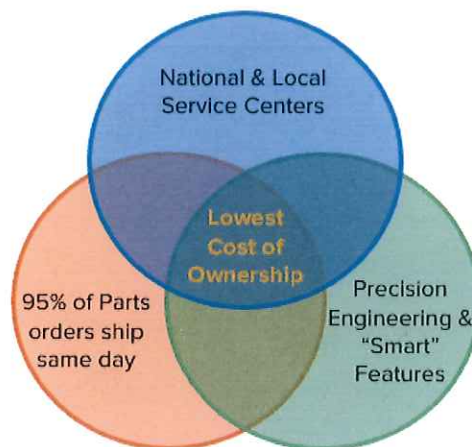


CCTV Inspection System Proposal

**Essential Equipment is pleased to be able to provide this
proposal for the purchase of a new RapidView IBAK Trailer
Mounted Pipeline Inspection System**

As the sole authorized dealer in the states of Texas & Oklahoma, our proposal is based on the RapidView/IBAK inspection system. Detailed specifications of the specific system designed to fit your individual needs are provided herein.

When compared to other systems, the IBAK and Essential Equipment partnership provides the best quality, value and service available in the marketplace.



Sourcewell 

Overview of Key Features & Benefits

ATC - Automatic Tilt Compensation

This feature detects when your tractor is not riding in the bottom of the pipe and automatically corrects it for you by reducing power to the wheels on either side of the tractor. This keeps the camera tractor in the invert of the pipe and protects it from rolling over.

Transmitter Installed in Tractor and Cameras

Utilizing any locator, you can locate the exact position and depth of the tractor and camera using different frequencies.

Auto Upright

The Camera comes with an auto-up righting or self-leveling feature standard allowing the operator to focus on the pipe and not constantly adjusting equipment, improving the overall inspection.



Built in safety with Air Pressure detection

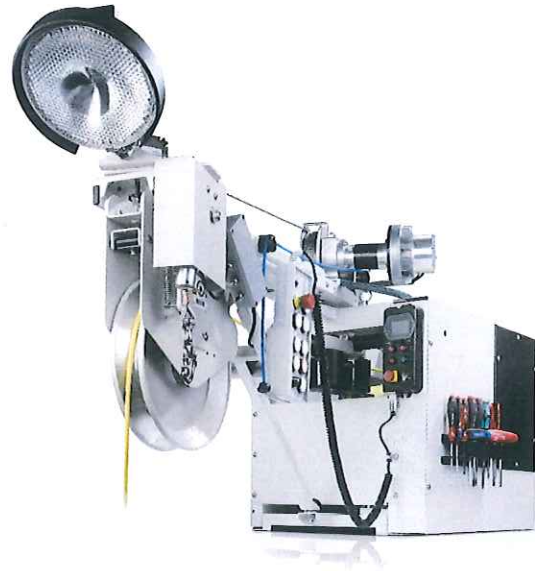
The system is charged with dry air, no nitrogen or Co2 to purchase. The air is dried and pumped into the equipment using the provided pump. The air pressure is independently monitored in the tractor, camera and accessories. If any component of the system has reduced pressure it automatically alerts the operator with a visible alert at the controller and an audible tone. This feature also will shut the lights off on the tractor to discourage using the system when there is the potential of moisture ingress.

Truly Synchronized Reel

The only reel that detects the slack in the line and will not let the tractor back over the cable. There are no levers or clutches to engage this feature, simply back the tractor up and the synchronized reel detects the lack of tension in the cable and reels the cable in.

Auto Stop

The crawler will automatically start slowing down on the way back when it reaches 18ft. and at 15ft. the crawler will stop in its place. This is an awesome safety feature because it makes the operator re-focus on manually bringing the crawler back those last 15 ft.



Service and Support

Essential Equipment employs certified technicians and has two locations to keep your equipment working for you. In addition to our service centers in Houston and Oklahoma City, we offer on-site equipment repair using our Mobile Repair Unit.

Minimum 10 Year Parts Support

RapidView/IBAK manufactures 89% of the equipment in house including circuit boards. No third party. Let's say in 8 years you need a new circuit board, we will provide you with the newest technology.

12 Month Warranty

RapidView/IBAK features a 12 month warranty on all IBAK components. This warranty covers parts, labor and one-way shipping to repair all manufacturing defects.

We know you have choices in equipment vendors, so we took the time to make this proposal unique for The City of Brenham and specific for mainline inspection work. There are key features and equipment in this system chosen to **reduce downtime** and increase your yearly inspection footage.

ISO 9001 Certification

ISO 9001 specifies the requirements for a quality management system where an organization needs to demonstrate its ability to consistently provide product that meets customer and applicable regulatory requirements and aims to enhance customer satisfaction through the effective application of the system, including processes for continual improvement of the system and the assurance of conformity to customer and applicable regulatory requirements. The ISO9001 certification signifies a global benchmark in customer satisfaction, product quality, and leads to significant reduction in defect levels. The standard recognizes that the word "product" applies to services, processed material, hardware and software intended for, or required by your customer.

All Ibak equipment is manufactured in an ISO9001 certified facility.

HD Orion Cameras - inspect 4" and up in 1080P Quality

T66 / T76 Tractors for 4" to 60" pipe inspections

Fiber Optic Video Cable - Kevlar Reinforced 1640 Ft

Fully Synchronized and Motorized Cable Reel

BS7 Controllers for ease of control

Remote Camera Elevator for easy centering of camera

Rack-mounted Industrial grade PC

IKAS Mini Inspection Software

Essential Equipment LLC

21195 Blair Rd Building 17
Conroe, TX 77385 US
+1 7138290802
anne@essentialequipment.com
www.essentialequipment.com



Estimate

ADDRESS	SHIP TO	SHIP VIA	Delivery	ESTIMATE	1989
City of Brenham	City of Brenham			DATE	01/26/2023
1105 S. Austin	1105 S. Austin				
Brenham, Tx 77833	Brenham, Tx 77833				

SALES REP	PROJECT NAME
Nick	HD Prem. Trailer T66 Sourcewell

SKU	ITEM	DESCRIPTION	QTY	RATE	AMOUNT
	MISC NOTES	Sourcewell	1	0.00	0.00T
		Contract #120721-RVL			
		\$7,409.16 Sourcewell Discount shown at bottom			
V0494050	V0494050 ORION 3.0 Zoom HD	ORION 3.0 Zoom HD/SD Adaptive PAN & TILT CAMERA Pan, Tilt and Zoom for 4" and up May be used on tractor or pushrod Auto-uprighting, LED Lighting and 33 kHz Transmitter for locate High resolution and superior picture quality Laser diameter, deformation, defect and object measurement (third party software required - not included)	1	21,489.00	21,489.0 0T
901601040	901601040 - Pressure Test Set	901601040 Pressure Test Set	1	516.24	516.24T
V9052009	V9052009 T66.1 HD Camera Tractor	V9052009 T66.1 HD Camera Tractor For use with HD camera cable/systems For camera operation in pipelines 4" and larger Zero turn radius, full steering with ATC (Automatic Tilt Compensation) Incl. test adapter, tool set and lowering claw Includes 4", 6" and 8" wheelsets REQUIRES Camera Connection (Sold Separately)	1	13,177.00	13,177.0 0T
905235001	905235001 CC 2.1 T66.1	Camera Connection TYPE 2.1 for T66.1 HD with NON-HD Cameras	1	1,758.00	1,758.00 T
905211031	905211031 Additional Weight for T66	905211031 Additional Weight for T66 * For 6" and up * Light and heavy weights included * Additional weight = additional traction = greater distance	1	762.00	762.00T
905253031	905253031 T66 Lowering Claw Used	905253031 T66 Lowering Claw Used With Pole Adapter	1	340.00	340.00T

	With Pole Adapter				
905216291	905216291 T66 Wheels Tungston Carbide 5"	Tungsten Carbide Wheels for T66 in 5" and up	1	1,021.00	1,021.00 T
905212491	905212491 Treaded Wheel set for 6" pipe for T66 / 8" for PANORAMO 150 (SOFT)	905212491 Treaded Wheel set for 6" pipe for T66 / 8" for PANORAMO 150 (SOFT)	1	913.00	913.00T
905210991	905210991 T66 Treaded Wheelset 8" pipe	Treaded Wheel set for 8" pipe for T66 / 10" for PANORAMO 150 (HARD)	1	1,247.00	1,247.00 T
	CLAWADAPTER	Adapter for poles to connect to tractor lift hook	1	225.00	225.00T
V1976007	V1976007 BS7 Control Unit (EDI)	BS7 Control Unit (EDI) -For operation of the camera and the tractor functions -For permanent installation in a vehicle in 19" technology -Separate control panel type BP7 (u-console) with color LCD display for status information, 2 joysticks, emergency stop, microphone for intercom -Video in and out, S-video out -Including data display generator and RS232 interface -Operating voltage 100/120/240 VAC +-10% -Integrated box A for extension kit -PANORAMO operation	1	33,383.00	33,383.0 0T
V8029020	V8029020 KW505 FO2 4K SYNC POWER REEL	KW505 FO2 4K Synchronized Power Cable Reel -Designed for use with 00/12 FO2 X2 fiber optic cable required for PANORAMO 4K systems -Synchronized cable payout and retraction -Automatic level wind -Requires vehicle installation -Includes remote control pendant and LED boom light -Distance counter with rear display -Holds up to 2000' on 00/12 FO2 X2 fiber optic cable -Includes integrated tractor lowering winch and control	1	37,422.00	37,422.0 0T
80071900	80071900 FO4 Camera Cable Type 00/12	FO4 HD Camera Cable Type 00/12 - 1640 ft	1	14,935.00	14,935.0 0T
904350020	904350020 Cable Deflection Pulley KUV 2.7	Cable Deflection Pulley KUV 2.7	1	737.64	737.64T
802617031	802617031 Cable Deflect Pulley KW305/505	Cable Deflect Pulley KW305/505	1	1,123.20	1,123.20 T
VZ000312	VZ000312 KW Reel Cabinet (Standard) with 3 sliding/locking aluminum drawers. (no LISY drum platform)	VZ000312 KW Reel Cabinet (Standard) with 3 sliding/locking aluminum drawers. (no LISY drum platform)	1	2,637.00	2,637.00 T
VZFPB-4	VZFPB-4 Pole Holder - Build Option	Fiberglass Pole holder	1	312.00	312.00T
STD-6	STD-6 Fiberglass Ext Poles 6ft	Fiberglass Ext Poles 6ft	1	887.00	887.00T
vz000762	vz000762 14x8 Premium Inspection Trailer	14x8 Premium Inspection Trailer	1	41,221.00	41,221.0 0T
	Onan EFI Gen Upgrade	Onan EFI Gen Upgrade	1	812.50	812.50T
Equip sales - Monitor	Additional office monitor	17" Monitor for Office	1	820.3125	820.31T

v0001017	v0001017 19" Industrial PC	These specifications or greater: Ruggedized Rack Mount Cabinet - Intel Quad Core Processor - 16 GB RAM - 256 GB Solid State Drive for Applications / OS - 2 TB Hard Drive for Data - DVD-R/CD-RW drive - Keyboard and Optical Mouse - Operating system Windows 10 Professional - 17" VGA LCD Monitor when purchased with vehicle conversion - NO Video Capture Device Included (to be supplied by software vendor)	1	3,640.00	3,640.00	T
V0001019	V0001019 VMC-7440 Encoder Board for video	V0001019 VMC-7440 Encoder Board for video Only sold for use with IKAS Evolution. If using a 3rd party software, please contact your software vendor. *APPROVAL FROM ISAAC OR REX IS NEEDED PRIOR TO SHIPPING	1	3,510.00	3,510.00	T
VSP00011	VSP00011 IKAS Mini	IKAS Mini For simple inspections no import/export or data interface not PACP compliant	1	2,160.00	2,160.00	T
	IKAS Mini Support	12 months of Technical Support for IKAS Mini Software	1	168.00	168.00	T
	CCTV Equipment Training - 1 Day	Includes review of operation and maintenance of supplied equipment. Additional days of training can be added at \$1750.00 per day. Training is no charge at RapidView's facility in Rochester, Indiana.	1	0.00	0.00	T

SUBTOTAL	185,216.89
DISCOUNT	-7,409.16
TAX	0.00
SHIPPING	4,000.00
TOTAL	\$181,807.73

Accepted By

Accepted Date



Regular City Council
AGENDA ITEM 5-D.

Agenda Item: Approve an Equipment Financing Proposal from the Bank of Brenham with a Five-Year Note and an Interest Rate of 4.95 Percent, for the Purchase of a RapidView IBAK Trailer Mounted Pipeline Inspection System for the Brenham Wastewater Construction Department in the Amount of \$181,807.73, and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-March 02, 2023

Department: Finance

Staff Contact: Stacy Hardy

SUMMARY STATEMENT:

This is a companion item for the financing of a mounted pipeline inspection system for the City of Brenham Wastewater Construction Department as presented by Alton Sommerfield. In order to proceed with and fund this purchase, City Staff obtained three financing proposals (see below) for a five-year note with a principal amount of \$181,807.73 and annual payments beginning in Fiscal Year 2023. Principal and interest payments are factored into the FY23 budget for the Wastewater Fund. The proposal offering the lowest interest rate is Bank of Brenham at 4.95%. We recommend the approval of the financing proposal with Bank of Brenham.

- Citizens State Bank 7.75%
- Brenham National Bank 6.5%
- Bank of Brenham 4.95%

ATTACHMENTS:

None

RECOMMENDED ACTION:

Approve an equipment financing proposal from Bank of Brenham with a five-year note and an interest rate of 4.95% for the purchase of a RapidView IBAK Trailer Mounted Pipeline Inspection System for the City of Brenham Wastewater Construction Department in the amount of \$181,807.73, and authorize the Mayor to execute any necessary documentation.



Regular City Council
AGENDA ITEM 6.

Agenda Item: Discussion and Presentation of the FY2022-2023 First Quarter Financial Report

Meeting Type: Regular Meeting-March 02, 2023

Department: Finance

Staff Contact: Tim McRoberts

SUMMARY STATEMENT:

See attached Financial Reports for General Fund (excluding sub-funds) and six major utility funds.

ATTACHMENTS:

(1) Brenham Quarterly Report 12-31-22

RECOMMENDED ACTION:

Discussion Only.



MEMORANDUM

To: Mayor, Council and City Manager

From: Tim McRoberts, Strategic Budget Officer

Subject: FY 22-23 Year-To-Date First Quarter Financial Report

Date: March 2, 2023

The Finance Division is pleased to provide financial performance reports for the quarter ending December 31, 2022. The General Fund (excluding sub-funds) and the six major utility funds are presented.

Just as a general note, when looking at municipal financial reports, it is important to take into account the seasonality of both revenues and expenditures. A quarterly report is a snapshot in time, and may not reflect some of the heaviest revenue or expenditure cycles that typically occur later in the fiscal year. This is why this report is presented in terms of trends and comparisons and has less focus on actual net revenue/loss. All financials include comparisons of year-to-date first quarter actual results versus year-to-date first quarter prior year. In addition, year-to-date first quarter actual results are compared to the current adopted annual budget.

A few examples of the seasonality include General Fund ad valorem property tax revenue, which is collected by Jan 31, while sales tax revenue typically lags behind due to State reporting, collection and remittance lead times. General Fund expenditures on the other hand typically have the heaviest spending in Spring and Summer when the weather allows for Park activities and Public Works projects. On the Utility side, Electric and Water have heaviest revenues at the height of the Summer, while Gas typically has heaviest revenues in Winter due to heating costs.

Actual to Budget Comparison

All funds experienced favorable actual to budget net revenues for year-to-date first quarter FY 22-23. Most of these favorable positions are due to capital expenditures or significant debt payments that have not yet been disbursed. We continue to watch our operational budgets closely to monitor the effects persistent inflation is having on maintenance, supplies and labor. Details on each fund are explained below.

FINANCIAL PERFORMANCE SUMMARY

Fund	For Period Ending December 31, 2022				
	YTD Revenues & Other Sources	YTD Expenditures & Other Uses	Actual Net Revenues (Loss)	Budgeted Net Revenues (Loss)	Actual to Budget Comparison Fav/(Unfav)
General	\$8,336,955	\$4,721,515	\$3,615,440	-	\$3,615,440
Electric Distribution	\$1,863,407	\$1,668,646	\$194,761	(\$27,698)	\$222,459
Gas Distribution	\$395,185	\$386,419	\$8,767	(\$4,379)	\$13,146
Water	\$1,655,076	\$1,019,384	\$635,692	(\$24,904)	\$660,596
Wastewater	\$1,020,454	\$639,868	\$380,586	\$54,047	\$326,540
Sanitation	\$628,714	\$471,097	\$157,617	(\$32,884)	\$190,500
Drainage	\$172,586	\$59,130	\$113,456	-	\$113,456

GENERAL FUND

The General Fund posted an actual year-to-date first quarter net income of \$3,615,440 which compared favorably to a budgeted net revenue of (\$0) for that same period. As mentioned in the preamble to this report, this figure is skewed due to most of the ad valorem property tax already being collected. Revenues and other financing sources look to be on track to meet or exceed the yearly budget. A few revenue highlights include:

- Many General Fund revenues are essentially fixed, and where the budget is set is typically what will be received. A few examples of these types of revenues include ad valorem taxes, intergovernmental contract revenues, franchise taxes, and payment from component units. These revenues, while stable, will not vary much from the budget.
- A few of the revenues that tend to have the most fluctuation from budget are sales tax revenues and licenses & permits. The FY 22-23 budget was set conservatively in regards to both of these categories, which is proving to be prudent as we are seeing a slowdown in both categories. Permit revenues are down in comparison to 1st quarter of FY 22 and the month of January, while not the focus of this report, was down as well. Sales tax reflects an overall increase dollar wise but most of this due to the effects of inflation. November and December sales tax have been almost flat.
- Investment Income is coming in very strong due to higher market interest rates.
- Transfers in from Utility Funds were lower than budget due to lower spending in General Fund shared service departments.

Year-to-date first quarter operating expenditures and other financing uses were favorable (lower) than budget appropriations by \$633,048.

- Personnel costs were favorable to budget by \$687,497 due to turnover and vacancies. This actually exceeds the overall net favorable position, as inflation continues to take its toll on our operating budgets.
- Supplies, Maintenance, and Services categories are all currently tracking slightly below budget, however due to timing variances for certain expenditures we expect some of these to eventually meet or possibly exceed budget projections in some cases.

ELECTRIC FUND

The Electric Distribution Fund posted a year-to-date net income of \$194,761 which was \$222,459 favorable to the budgeted net loss of (\$27,698). Highlights for the first quarter include:

- Adjusted for seasonal usage, revenues from charges for services were lower than budget but should be on track as KWH sales are above prior year at this time;
- Department operating expenditures were favorable (lower) to budget by \$300,911 with savings realized in all expenditure categories except contractual services; and
- Transfers to the General Fund were lower than budget due to lower spending in General Fund shared service departments.

GAS FUND

For year-to-date first quarter, the Gas Distribution Fund posted actual net revenues of \$8,767, which was favorable by \$13,146 to a budgeted net loss of (\$4,379). Highlights for the quarter include:

- Revenues from charges for services were slightly lower than budget by \$25,610;
- Department operating expenditures were favorable (lower) to budget by \$36,502;
- The Gas Fund has no debt service; and
- Transfers to the General Fund and Electric Fund were lower than budget because of shared service department savings.

WATER FUND

The Water Fund posted year-to-date first quarter net revenue of \$635,692 which was favorable to projected net loss of (\$24,904) by \$660,596. Highlights for the first quarter include:

- Revenues from charges for services are tracking higher than budget on higher billed gallons of consumption due to drought conditions;
- Department operating expenditures were unfavorable (higher) than budget in the supplies, gross revenue tax and miscellaneous categories, partially offsetting savings in personnel and maintenance. Overall, operating expenditures look to be on track with budget.
- A significant debt payment will be made in August, thus skewing the net position more favorably in the first quarter.
- Transfers-out to the General Fund and the Electric Fund for shared service cost reimbursements were favorable to budget by \$8,705.

WASTEWATER FUND

Year-to-date first quarter FY22-23 net revenue for the Wastewater Fund was \$380,586. Highlights for the first quarter include:

- Revenues from charges for services were slightly more than budget estimates at \$24,397;
- Operating expenditures were favorable to budget by \$302,143, driven mostly by personnel savings and a significant debt payment that will be made in August that skews the net position.
- Transfers-out to the General Fund and the Electric Fund for shared service cost reimbursements were favorable to budget by \$8,586.

SANITATION FUND

The Sanitation Fund posted actual year-to-date first quarter net increase of 157,617, compared to budget net loss of (\$32,884), a favorable variance of \$190,500. Highlights for the first quarter include:

- Revenues from charges for services are tracking higher than budget;
- Operating expenditures were favorable to budget by \$120,456 due to the timing of pass through disbursement entries.
- Transfers-out to the General Fund and the Electric Fund for shared service cost reimbursements that were favorable to budget by \$9,309.

DRAINAGE FUND

The Drainage Fund posted actual year-to-date first quarter FY22-23 net income of \$113,456, which was favorable to a budgeted net neutral position. Highlights for the first quarter include:

- Expenditures are lower than budget due to capital costs budgeted but not yet incurred, and a \$84,022 transfer out to drainage capital projects that has not yet been disbursed.

CONCLUSION

For year-to-date first quarter of FY 22-23, the City experienced favorable performance in all seven funds relative to budget. While favorable, most of these positions are due to capital expenditures or significant debt payments that have not yet been disbursed. Revenues remain on track to meet or exceed budgets; however, unlike prior years, we are not seeing the type of positive variances in categories like sales tax and licenses & permits. We continue to watch our operational expenditure budgets closely to monitor the effects persistent inflation is having on maintenance, supplies and labor. After you have reviewed this financial performance report, should you have any questions or comments prior to the council meeting, please do not hesitate to contact us directly.

CITY OF BRENHAM
GENERAL FUND 101
MONTHLY FINANCIALS - FY23 ACTUALS OCTOBER THROUGH DECEMBER

REVENUES - ALL

IN \$	1ST QTR FY 22	1ST QTR FY 23	FY23 BUDGET (A)	YTD AS % BUDGET (A)
TAXES	6,178,699	7,191,868	15,414,460	46.7%
LICENSES AND PERMITS	120,098	115,372	368,939	31.3%
INTERGOVERNMENTAL	8,833	39,224	537,079	7.3%
CHARGES FOR SERVICES	102,584	67,004	575,437	11.6%
FINES AND FORFEITURES	129,265	115,658	689,153	16.8%
INVESTMENT INCOME	10,531	106,486	114,802	92.8%
PMT FROM BCDC	-	-	144,400	0.0%
MISCELLANEOUS	50,799	55,770	366,113	15.2%
TOTAL REVENUES	6,600,809	7,691,383	18,210,383	42.2%

REVENUES - TAXES ONLY

IN \$	1ST QTR FY 22	1ST QTR FY 23	FY23 BUDGET (A)	YTD AS % BUDGET (A)
TAX RECEIPTS-GENERAL FUND	3,875,017	4,724,425	5,950,153	79.4%
PENALTY AND INTEREST/TAX	2,300	4,579	42,473	10.8%
PENALTY FOR LATE RENDITION	3,104	2,365	3,890	60.8%
CITY SALES TAX	1,671,359	1,795,518	6,346,697	28.3%
UTIL FRANCHISE TAXES	611,190	646,413	2,646,390	24.4%
GROSS RECPTS/FRANCHISE TAX	-	-	248,607	0.0%
SANITATION FRANCHISE TAX	5,772	7,225	36,385	19.9%
MIXED BEVERAGES TAX RECPT	9,952	11,276	77,866	14.5%
PHONE ACCESS LINE FEES	5	67	61,999	0.1%
TOTAL TAXES	6,178,699	7,191,868	15,414,460	46.7%

EXPENDITURES BY CATEGORY

OUT \$	1ST QTR FY 22	1ST QTR FY 23	FY23 BUDGET (A)	YTD AS % BUDGET (A)
PERSONNEL	2,817,493	2,910,063	14,390,242	20.2%
SUPPLIES	289,972	228,021	1,372,856	16.6%
MAINTENANCE	175,061	192,158	1,093,480	17.6%
SERVICES	716,921	697,511	2,898,652	24.1%
CAPITAL OUTLAY	6,000	264,220	363,336	72.7%
SUNDRIES	487,627	359,542	1,034,228	34.8%
TOTAL EXPENDITURES BY CATEGORY	4,493,074	4,651,515	21,152,794	22.0%

CITY OF BRENHAM
GENERAL FUND 101
MONTHLY FINANCIALS - FY23 ACTUALS OCTOBER THROUGH DECEMBER

EXPENDITURES BY DEPARTMENT

OUT \$	1ST QTR FY 22	1ST QTR FY 23	FY23 BUDGET (A)	YTD AS % BUDGET (A)
DEPT 049 MKTING & PR	106,840	98,542	392,334	25.1%
DEPT 100 NON-DEPT DIRECT	232,233	250,932	436,625	57.5%
DEPT 110 NON-DEPT MISC	11,520	13,944	149,165	9.3%
DEPT 121 ADMINISTRATION	311,878	263,001	982,593	26.8%
DEPT 122 DEVELOPMENT SVCS	203,293	216,876	1,137,396	19.1%
DEPT 123 HUMAN RESOURCES	56,018	80,580	395,213	20.4%
DEPT 125 MAIN STREET	-	29,369	165,940	17.7%
DEPT 131 MAINTENANCE	171,322	189,034	898,009	21.1%
DEPT 133 FINANCE	274,054	235,128	1,058,754	22.2%
DEPT 135 PURCHASING/WHSE	87,949	88,441	337,008	26.2%
DEPT 141 STREETS	277,314	243,070	1,317,299	18.5%
DEPT 144 PARKS & RECREATION	280,694	300,661	1,431,381	21.0%
DEPT 146 LIBRARY	132,712	136,956	565,634	24.2%
DEPT 149 AQUATICS	178,202	219,794	1,121,863	19.6%
DEPT 151 POLICE	1,268,475	1,308,615	5,706,308	22.9%
DEPT 152 FIRE	498,485	558,533	2,915,112	19.2%
DEPT 154 ANIMAL SERVICES	127,989	114,502	606,605	18.9%
DEPT 155 MUNICIPAL COURT	89,471	98,543	404,920	24.3%
DEPT 167 GENERAL GOVT SVCS	42,549	70,398	311,479	22.6%
DEPT 172 INFORMATION TECHNOLOGY	142,074	134,742	819,156	16.4%
TOTAL EXPENDITURES BY DEPT	4,493,074	4,651,515	21,152,794	22.0%

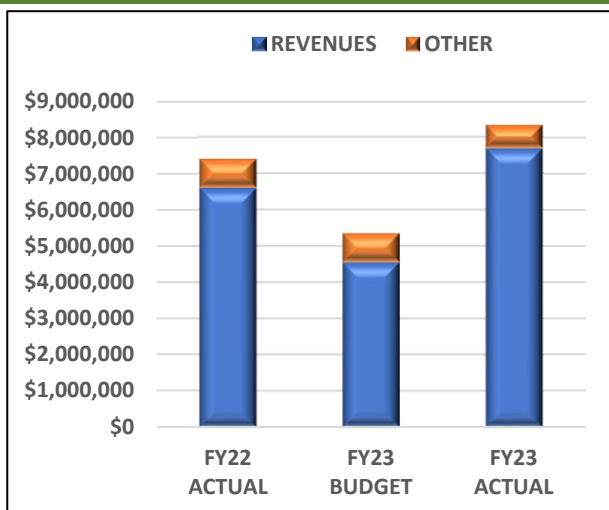
OTHER FINANCING SOURCES (USES)

TRANSFERS IN	794,811	645,572	3,207,868	20.1%
TRANSFERS OUT	-	(70,000)	(265,456)	26.4%
TOTAL OTHER FINANCING	794,811	575,572	2,942,412	19.6%

NET REV, EXP, & OTHER	2,902,546	3,615,440	-	
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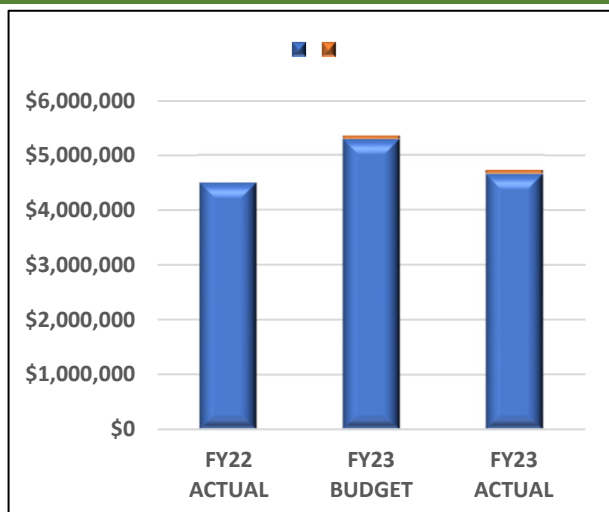
FUND BALANCES - BEGINNING	5,881,552	6,247,094	6,247,094	100.0%
NET CHANGE IN FUND BALANCE	2,902,546	3,615,440	-	
FUND BALANCES - ENDING	8,784,098	9,862,534	6,247,094	157.9%

REVENUES AND OTHER FINANCING SOURCES



For the first quarter of fiscal year 22-23, \$8,336,955 of actual revenues and other financing sources exceeded budget projections and prior year of \$7,395,620 million. Revenues are ahead of budget projections for property tax, sales tax, licenses & permits, and investment income.

EXPENDITURES AND OTHER USES OF FINANCING SOURCES



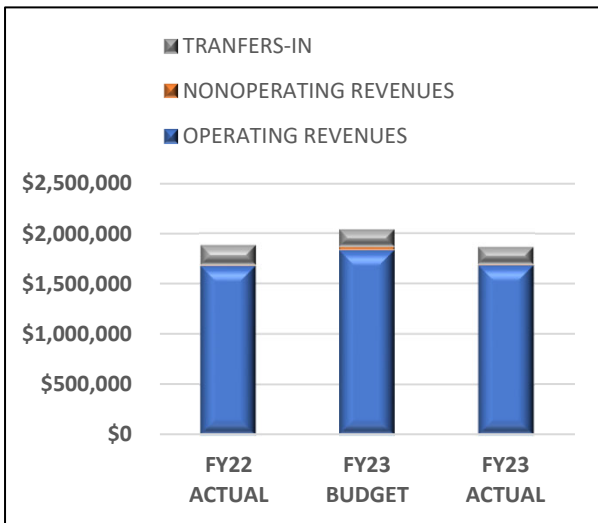
For year-to-date first quarter of fiscal year 22-23, actual expenditures and other uses of resources were lower than budget by \$633,048 but higher than prior year by \$228,441.

Expenditures are running favorable to budget in the personnel category by \$687,497, but offset by increases in other areas most affected by inflationary factors.

CITY OF BRENHAM
ELECTRIC FUND 102 - DISTRIBUTION OPERATIONS
MONTHLY FINANCIALS - FY23 ACTUALS OCTOBER THROUGH DECEMBER

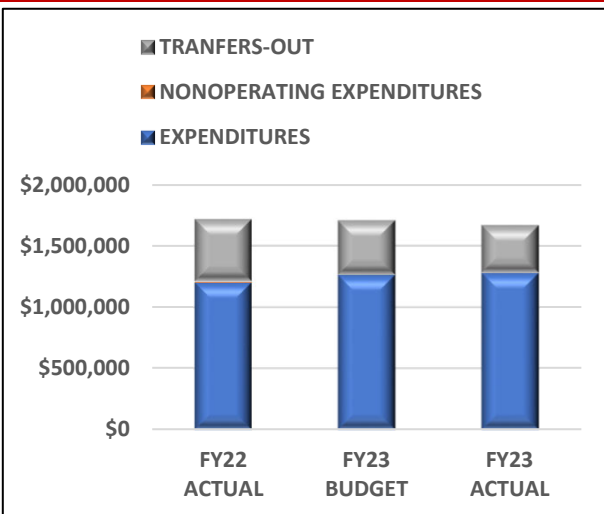
<i>IN \$</i>	1ST QTR FY 22	1ST QTR FY 23	FY23 BUDGET (A)	YTD AS % BUDGET (A)
OPERATING REVENUES				
CHARGES FOR SERVICES	1,676,260	1,683,504	7,329,285	23.0%
TOTAL REVENUES	1,676,260	1,683,504	7,329,285	23.0%
OPERATING EXPENDITURES				
SALARIES	529,748	565,180	2,606,719	21.7%
SUPPLIES	45,181	41,058	223,418	18.4%
MAINTENANCE	16,147	27,231	121,700	22.4%
CONTRACTUAL SERVICES	147,539	127,007	495,361	25.6%
CAPITAL OUTLAY (NET BOND PROJECTS) a.	40,546	104,436	985,059	10.6%
GROSS REVENUE TAX	366,073	364,323	1,654,860	22.0%
MISCELLANEOUS	55,778	47,002	221,478	21.2%
TOTAL OPERATING EXPENDITURES	1,201,013	1,276,237	6,308,594	20.2%
OPERATING INCOME (LOSS)	475,247	407,267	1,020,691	39.9%
NONOPERATING REVENUES (EXPENDITURES)				
DEBT SERVICE:				
INT/FISCAL CHARGES (FEB & AUG)	-	-	(66,204)	0.0%
PRINCIPAL RETIREMENT (AUG)	-	-	(106,778)	0.0%
ISSUANCE COSTS	-	-	-	-
INTERGOVERNMENTAL	-	-	-	-
INVESTMENT INCOME (NET BOND INV INT) b.	(9,016)	5,936	108,845	5.5%
GAIN ON SALE OF CAPITAL ASSETS	-	-	-	-
MISCELLANEOUS, NET	5,861	847	26,874	3.2%
TOTAL NONOPERATING REVENUES (EXP)	(3,155)	6,783	(37,263)	-18.2%
INCOME (LOSS) BEFORE CONTRIBUTIONS AND TRANSFERS	472,092	414,049	983,429	42.1%
TRANSFERS IN	198,752	173,120	682,113	25.4%
TRANSFERS OUT	(506,786)	(392,409)	(1,776,332)	22.1%
TOTAL TRANSFERS IN/(OUT)	(308,034)	(219,289)	(1,094,219)	20.0%
CHANGE IN NET POSITION DISTRIBUTION	164,058	194,760	(110,791)	-175.8%
WHOLESALE POWER COST (PASS-THROUGH)				
TOTAL CHARGES FOR SERVICES	3,704,080	3,670,824	17,013,134	21.6%
TOTAL PURCHASE POWER COSTS	3,661,285	3,936,816	17,013,134	23.1%
CHANGE IN NET POSITION ENERGY	42,795	(265,992)	-	-

REVENUES AND OTHER FINANCING SOURCES



For the first quarter in fiscal year 22-23, actual distribution revenues, other financing sources, and transfers-in of \$1,863,407 were tracking slightly above budget projections, adjusted for seasonal usages. For revenues, actual kWh consumption at 64.15 million was higher than FY22 kWh consumption of 63.13 million. It is important to note that electrical consumption can be seasonal and weather dependent, and can skew typical quarterly analysis as heaviest usage typically comes during the last fiscal quarter.

EXPENDITURES AND OTHER USES OF FINANCING SOURCES

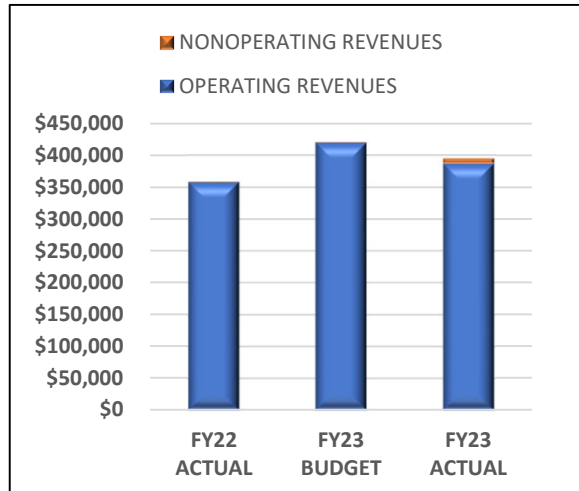


For the first quarter in fiscal year 22-23, actual distribution operating expenditures, uses of other financing sources, and transfers-out of \$1,668,646 million were slightly lower than budget of \$1,705,802 and tracking well with prior year actual of \$1,716,815.

CITY OF BRENHAM
GAS FUND 103 - DISTRIBUTION OPERATIONS
MONTHLY FINANCIALS - FY23 ACTUALS OCTOBER THROUGH DECEMBER

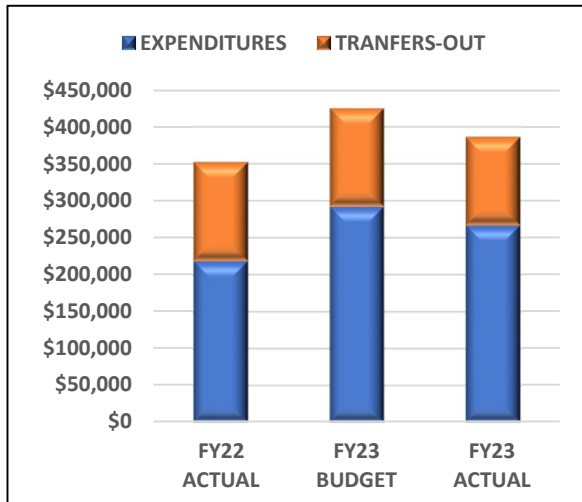
<i>IN \$</i>	1ST QTR FY 22	1ST QTR FY 23	FY23 BUDGET (A)	YTD AS % BUDGET (A)
OPERATING REVENUES				
CHARGES FOR SERVICES	358,009	387,242	1,678,902	23.1%
TOTAL REVENUES	358,009	387,242	1,678,902	23.1%
OPERATING EXPENDITURES				
SALARIES	101,314	127,518	526,861	24.2%
SUPPLIES	5,515	7,345	50,910	14.4%
MAINTENANCE	2,758	3,716	40,900	9.1%
CONTRACTUAL SERVICES	7,147	4,582	101,238	4.5%
CAPITAL OUTLAY	29,613	30,658	203,192	15.1%
GROSS REVENUE TAX	68,459	83,287	223,042	37.3%
MISCELLANEOUS	3,593	9,621	21,855	44.0%
TOTAL OPERATING EXPENDITURES	218,399	266,727	1,167,998	22.8%
OPERATING INCOME (LOSS)	139,610	120,516	510,904	23.6%
NONOPERATING REVENUES (EXPENDITURES)				
DEBT SERVICE:				
INT/FISCAL CHARGES (FEB & AUG)	-	-	(12,500)	0.0%
PRINCIPAL RETIREMENT (AUG)	-	-	-	-
ISSUANCE COSTS	-	-	-	-
INTERGOVERNMENTAL	-	-	-	-
INVESTMENT INCOME	83	7,943	3,095	256.6%
GAIN ON SALE OF CAPITAL ASSETS	-	-	-	-
MISCELLANEOUS, NET	591	-	1,181	0.0%
TOTAL NONOPERATING REVENUES (EXP)	674	7,943	(8,223)	-96.6%
INCOME (LOSS) BEFORE CONTRIBUTIONS AND TRANSFERS	140,284	128,459	502,680	25.6%
TRANSFERS IN	-	-	5,515	0.0%
TRANSFERS OUT	(133,726)	(119,692)	(525,711)	22.8%
TOTAL TRANSFERS IN/(OUT)	(133,726)	(119,692)	(520,196)	23.0%
CHANGE IN NET POSITION DISTRIBUTION	6,558	8,767	(17,516)	-50.1%
NATURAL GAS SUPPLY COST (PASS-THROUGH)				
TOTAL CHARGES FOR SERVICES	631,561	818,376	4,323,939	18.9%
TOTAL PURCHASE POWER COSTS	956,640	771,527	4,323,939	17.8%
CHANGE IN NET GAS SUPPLY COST	(325,079)	46,849	-	-

REVENUES AND OTHER FINANCING SOURCES



For the first quarter of fiscal year 22-23, actual distribution revenues and other financing sources were lower than the budget forecast by (\$25,610) but higher than prior year actuals by \$36,502. Actual mcf consumption at 92,655 was higher than the than FY 21-22 mcf consumption of 84,552.

EXPENDITURES AND OTHER USES OF FINANCING SOURCES



For the first quarter of fiscal year 22-23, actual distribution operating expenditures and transfers-out were less than budget by (\$38,755) but more than prior year by \$34,294. Transfers-out to the General Fund and the Electric Fund were lower than budget on shared service cost savings.

YTD
12/31/22

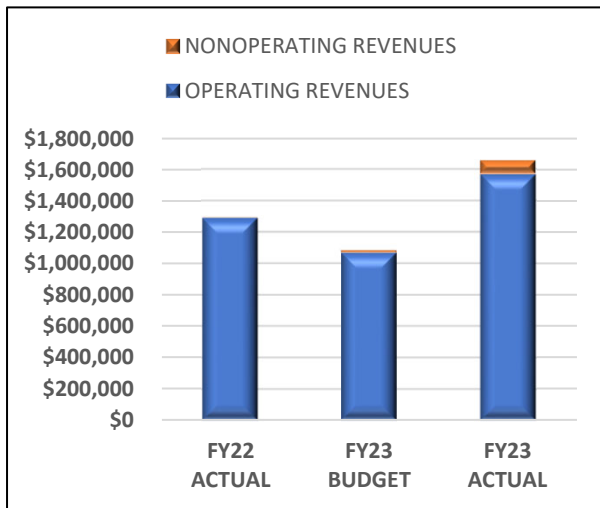
GAS FUND - FINANCIAL RESULTS - DISTRIBUTION

FUND 103

CITY OF BRENHAM
WATER FUND 104 - TREATMENT & CONSTRUCTION OPERATIONS
MONTHLY FINANCIALS - FY23 ACTUALS OCTOBER THROUGH DECEMBER

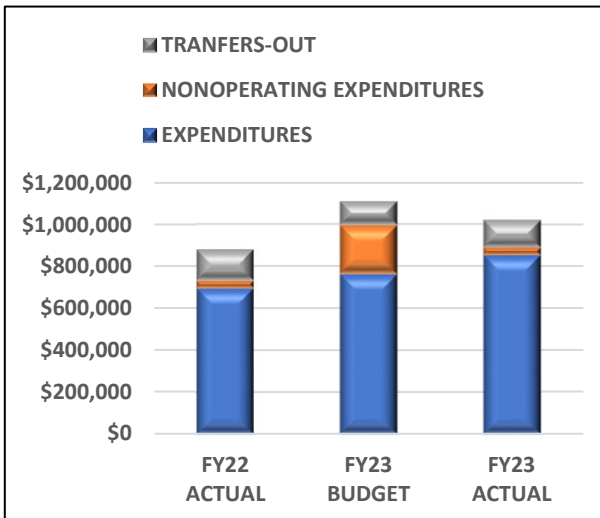
<i>IN \$</i>	1ST QTR FY 22	1ST QTR FY 23	FY23 BUDGET (A)	YTD AS % BUDGET (A)
OPERATING REVENUES				
CHARGES FOR SERVICES	1,290,755	1,569,399	5,347,249	29.3%
TOTAL REVENUES	1,290,755	1,569,399	5,347,249	29.3%
OPERATING EXPENDITURES				
COST OF SALES AND SERVICES	103,211	109,428	437,247	25.0%
SALARIES	184,163	223,774	1,066,125	21.0%
SUPPLIES	111,769	241,955	819,484	29.5%
MAINTENANCE	44,183	38,806	242,560	16.0%
CONTRACTUAL SERVICES	118,631	104,499	438,591	23.8%
CAPITAL OUTLAY (NET FEMA & BOND PROJ) a.	35,708	14,092	404,640	3.5%
GROSS REVENUE TAX	87,644	106,556	363,446	29.3%
MISCELLANEOUS	8,775	11,545	31,876	36.2%
TOTAL OPERATING EXPENDITURES	694,083	850,654	3,803,969	22.4%
OPERATING INCOME (LOSS)	596,672	718,744	1,543,280	46.6%
NONOPERATING REVENUES (EXPENDITURES)				
DEBT SERVICE:				
INT/FISCAL CHARGES (FEB & AUG)	(1,769)	(896)	(298,155)	0.3%
PRINCIPAL RETIREMENT (AUG)	(34,988)	(35,851)	(875,860)	4.1%
ISSUANCE COSTS	-	-	-	-
INTERGOVERNMENTAL (NET FEMA) c.	-	-	-	-
INVESTMENT INCOME (NET BOND INT) b.	55	1,615	1,440	112.2%
GAIN ON SALE OF CAPITAL ASSETS	-	-	-	-
MISCELLANEOUS, NET	1,895	84,062	73,347	114.6%
TOTAL NONOPERATING REVENUES (EXP)	(34,806)	48,930	(1,099,228)	-4.5%
INCOME (LOSS) BEFORE CONTRIBUTIONS AND TRANSFERS				
	561,866	767,674	444,052	172.9%
TRANSFERS IN	-	-	19,079	0.0%
TRANSFERS OUT	(147,976)	(131,982)	(562,748)	23.5%
TOTAL TRANSFERS IN/(OUT)	(147,976)	(131,982)	(543,669)	24.3%
CHANGE IN NET POSITION OPERATIONS	413,890	635,692	(99,617)	-638.1%

REVENUES AND OTHER FINANCING SOURCES



For the first quarter of fiscal year 22-23, actual revenues and other financing sources of \$1,655,076 are tracking above budget projections and higher than prior year's results \$1,292,705 at this same point. 231,150,300 gallons of water were billed for the three months in the fiscal year compared to 200,141,800 gallons for the same period in the prior year. Most of this additional water usage can be attributed to drought conditions in the first quarter of the fiscal year.

EXPENDITURES AND OTHER USES OF FINANCING SOURCES

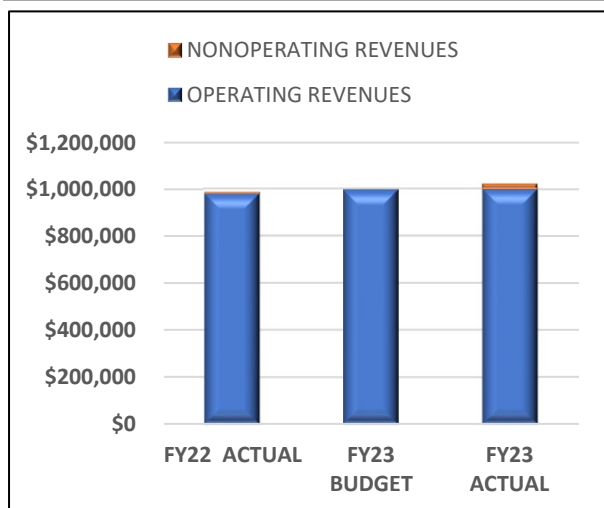


For the first quarter of fiscal year 22-23, actual operating expenditures, nonoperating expenditures, and transfers-out of \$1,019,383 were \$88,763 less than budget and \$140,567 more than prior year. The variance between actual and budget is attributed to a significant debt principal payment that will be made until August.

CITY OF BRENHAM
WASTEWATER FUND 105 - TREATMENT & CONSTRUCTION OPERATIONS
MONTHLY FINANCIALS - FY23 ACTUALS OCTOBER THROUGH DECEMBER

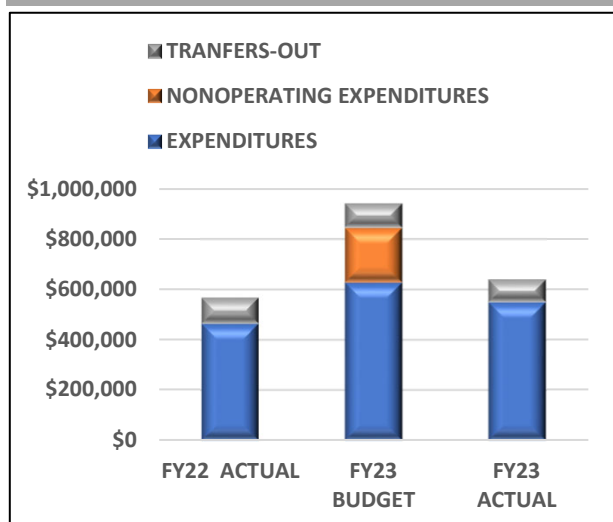
<i>IN \$</i>	1ST QTR FY 22	1ST QTR FY 23	FY23 BUDGET (A)	YTD AS % BUDGET (A)
OPERATING REVENUES				
CHARGES FOR SERVICES	979,937	997,977	3,981,631	25.1%
TOTAL REVENUES	979,937	997,977	3,981,631	25.1%
OPERATING EXPENDITURES				
SALARIES	141,576	155,046	848,988	18.3%
SUPPLIES	32,259	44,521	266,232	16.7%
MAINTENANCE	40,593	63,545	225,150	28.2%
CONTRACTUAL SERVICES	125,924	168,070	775,971	21.7%
CAPITAL OUTLAY (NET FEMA & BOND PROJ) a.	15,312	2,041	81,041	2.5%
GROSS REVENUE TAX	64,775	64,101	255,454	25.1%
MISCELLANEOUS	42,725	51,564	53,898	95.7%
TOTAL OPERATING EXPENDITURES	463,163	548,889	2,506,734	21.9%
OPERATING INCOME (LOSS)	516,774	449,088	1,474,897	30.4%
NONOPERATING REVENUES (EXPENDITURES)				
DEBT SERVICE:				
INT/FISCAL CHARGES (FEB & AUG)	-	-	(138,334)	0.0%
PRINCIPAL RETIREMENT (AUG)	-	-	(733,726)	0.0%
ISSUANCE COSTS	-	-	-	-
INTERGOVERNMENTAL (NET FEMA) c.	-	-	-	-
INVESTMENT INCOME (NET BOND INT) b.	29	6,977	130	5375.2%
GAIN ON SALE OF CAPITAL ASSETS	-	-	-	-
MISCELLANEOUS, NET	6,432	15,500	2,468	628.1%
TOTAL NONOPERATING REVENUES (EXP)	6,461	22,477	(869,463)	-2.6%
INCOME (LOSS) BEFORE CONTRIBUTIONS AND TRANSFERS	523,235	471,565	605,434	77.9%
TRANSFERS IN	-	-	9,012	0.0%
TRANSFERS OUT	(103,789)	(90,979)	(398,260)	22.8%
TOTAL TRANSFERS IN/(OUT)	(103,789)	(90,979)	(389,248)	23.4%
CHANGE IN NET POSITION OPERATIONS	419,446	380,586	216,186	176.0%

REVENUES AND OTHER FINANCING SOURCES



For the first quarter of fiscal year 22-23, actual revenues and other financing sources of \$1,020,454 were slightly higher than both the \$996,057 budget forecast and prior year's results of \$986,398.

EXPENDITURES AND OTHER USES OF FINANCING SOURCES



For the first quarter of fiscal year 22-23, actual operating expenditures, nonoperating expenditures, and transfers-out of \$639,868 were lower than budget by \$302,143. Most of the operating expenditure savings have been due to vacancies in personnel, however like the water department there is also a significant debt payment that will not occur until August which skews the financial position.

CITY OF BRENHAM
SANITATION FUND 106
MONTHLY FINANCIALS - FY23 ACTUALS OCTOBER THROUGH DECEMBER

<i>IN \$</i>	1ST QTR FY 22	1ST QTR FY 23	FY23 BUDGET (A)	YTD AS % BUDGET (A)
OPERATING REVENUES				
CHARGES FOR SERVICES	519,393	594,174	2,104,063	28.2%
TOTAL REVENUES	519,393	594,174	2,104,063	28.2%
OPERATING EXPENDITURES				
SALARIES	366	-	- -	
SUPPLIES	-	-	- -	
MAINTENANCE	-	-	- -	
CONTRACTUAL SERVICES	346,269	402,086	2,090,168	19.2%
CAPITAL OUTLAY	-	-	- -	
GROSS REVENUE TAX	-	-	- -	
MISCELLANEOUS	3,483	381	900	42.3%
TOTAL OPERATING EXPENDITURES	350,118	402,467	2,091,068	19.2%
OPERATING INCOME (LOSS)	169,275	191,707	12,995	1475.2%
NONOPERATING REVENUES (EXPENDITURES)				
DEBT SERVICE:				
INT/FISCAL CHARGES	-	-	- -	
PRINCIPAL RETIREMENT	-	-	- -	
ISSUANCE COSTS	-	-	- -	
INTERGOVERNMENTAL	-	-	- -	
INVESTMENT INCOME	39	3,769	22,456	16.8%
GAIN ON SALE OF CAPITAL ASSETS	-	-	- -	
MISCELLANEOUS, NET	40,771	30,771	144,771	21.3%
TOTAL NONOPERATING REVENUES (EXP)	40,810	34,540	167,227	20.7%
INCOME (LOSS) BEFORE CONTRIBUTIONS AND TRANSFERS				
	210,085	226,247	180,222	125.5%
TRANSFERS IN	-	-	- -	
TRANSFERS OUT	(101,286)	(68,630)	(311,757)	22.0%
TOTAL TRANSFERS IN/(OUT)	(101,286)	(68,630)	(311,757)	22.0%
CHANGE IN NET POSITION DISTRIBUTION	108,799	157,617	(131,535)	-119.8%

CITY OF BRENHAM
DRAINAGE FUND 107
MONTHLY FINANCIALS - FY23 ACTUALS OCTOBER THROUGH DECEMBER

<i>IN \$</i>	1ST QTR FY 22	1ST QTR FY 23	FY23 BUDGET (A)	YTD AS % BUDGET (A)
OPERATING REVENUES				
CHARGES FOR SERVICES	170,701	172,586	686,400	25.1%
TOTAL REVENUES	170,701	172,586	686,400	25.1%
OPERATING EXPENDITURES				
SALARIES	24,432	28,803	115,996	24.8%
SUPPLIES	6,992	3,040	25,300	12.0%
MAINTENANCE	21,634	23,329	152,100	15.3%
CONTRACTUAL SERVICES	5,413	875	17,100	5.1%
CAPITAL OUTLAY (EXCLUDES DEBT FUNDED) a.	-	-	218,335	0.0%
GROSS REVENUE TAX	-	-	-	-
MISCELLANEOUS	2,062	3,083	2,330	132.3%
TOTAL OPERATING EXPENDITURES	60,533	59,130	531,161	11.1%
OPERATING INCOME (LOSS)	110,168	113,456	155,239	73.1%
NONOPERATING REVENUES (EXPENDITURES)				
DEBT SERVICE:				
INT/FISCAL CHARGES	-	-	(4,794)	0.0%
PRINCIPAL RETIREMENT	-	-	(67,793)	0.0%
ISSUANCE COSTS	-	-	-	-
INTERGOVERNMENTAL	-	-	-	-
INVESTMENT INCOME	-	-	-	-
GAIN ON SALE OF CAPITAL ASSETS	-	-	-	-
MISCELLANEOUS, NET	175	-	1,370	0.0%
TOTAL NONOPERATING REVENUES (EXP)	175	-	(71,217)	0.0%
INCOME (LOSS) BEFORE CONTRIBUTIONS AND TRANSFERS	110,343	113,456	84,022	135.0%
TRANSFERS IN	-	-	-	-
TRANSFERS OUT	-	-	(84,022)	0.0%
TOTAL TRANSFERS IN/(OUT)	-	-	(84,022)	0.0%
CHANGE IN NET POSITION OPERATIONS	110,343	218,631	-	-



Regular City Council
AGENDA ITEM 7.

Agenda Item: Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Kendig Keast Collaborative Related to the Development of a Brenham Family Park Small Area Plan and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-March 02, 2023

Department: Development Services

Staff Contact: Stephanie Doland

SUMMARY STATEMENT:

On June, 24, 2022 the Tax Increment Reinvestment Zone Board met and considered a special project and long-range planning document known as a Small Area Plan around the Brenham Family Park. Generally, the subject area is bounded by the Brenham Business Center to the east, US Highway 290 to the north, the State Supported Living Center to the South and State Highway 36 to the west. The subject properties have a combined area of approximately 600 acres and are zoned a combination of R-1, Single-Family Residential, R-2, Residential Mixed-Use, B-1 Local Business Mixed, and B-2, Commercial Business and Technology.

Included in the adopted City of Brenham Comprehensive Plan, *Historic Past Bold Future: Plan 2040* (completed by Kendig Keast Collaborative) is the recommendation to complete a Small Area Plan for these 600 acres as the area is one of the few remaining large developable tracts within Brenham. However, Plan 2040 notes that there are not clear land use designations for the subject acreage and additional consideration is needed to determine road alignments within the Small Area Plan to clarify the development potential and encourage compatible growth.

During their summer 2022 meeting, the TIRZ Board provided direction to Staff to include the expenses for a Small Area Plan in the Fiscal Year 2022-2023 Budget to be funded by the TIRZ. Attached for reference is the Memorandum to the TIRZ Board further outlining the history the Small Area Plan in relation to Plan 2040, the Future Land Use Map, and recent development in the area which staff believes will increase the speed of development of these 600 acres.

Attached for Council consideration is a Professional Services Agreement with Kendig Keast Collaborative (KKC) to produce a Small Area Plan for the 600 acres as described above. Included in Attachment A – Scope of Services to the attached Professional Services Agreement is detailed report of the project tasks and deliverables. The project is anticipated to be completed in seven months and is not to exceed \$70,000. Included in the anticipated project costs is a sub-contract with Strand Associates to complete the engineering services associated with the project, including the design and alignment of the proposed extension of Blue Bell Road (arterial roadway classification) which is shown on the City's adopted Thoroughfare Plan to connect through the subject area from the BBC to SH 36.

KKC and the City of Brenham are both participants in the HGACBuy Cooperative program which is a government procurement service. Being that KKC produced the award-winning Comprehensive Plan for the City of Brenham in 2019, staff finds that entering into a second agreement with KKC for the completion of a additional planning study will produce favorable results. Staff commends KKC for their thorough approach to include the property owners of the subject 600+ acreage in the creation of the Small Area Plan through the creation of a Project Working Group made up of property owners, City Staff and public officials.

Staff recommends approval of the Professional Services Agreement with Kendig Keast Collaborative for their consulting services to produce the Brenham Family Park Small Area Plan.

ATTACHMENTS:

-
- (1) Professional Services Agreement
(2) Memorandum to TIRZ Board - June 24, 2022

RECOMMENDED ACTION:

Approve a Professional Services Agreement between the City of Brenham and Kendig Keast Collaborative in an amount not to exceed \$70,000 related to the development of a Brenham Family Park Small Area Plan and authorize the Mayor to execute any necessary documentation.
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**PROFESSIONAL SERVICES AGREEMENT
FOR
CONSULTING SERVICES
RELATED TO
BRENHAM FAMILY PARK SMALL AREA PLAN**

**THE STATE OF TEXAS §
 §
COUNTY OF WASHINGTON §**

THIS AGREEMENT made on the _____ day of _____, 2023 entered into, and executed by and between the City of Brenham, Texas (the "City"), a municipal corporation of the State of Texas, and Kendig Keast Collaborative ("Consultant").

WITNESSETH:

WHEREAS, the Consultant represents that it is capable of providing and qualified to provide professional services to the City and Consultant desires to perform the same; and

WHEREAS, the City desires to complete a Brenham Family Park Small Area Plan (the "Project"); and

NOW, THEREFORE, the City and Consultant, in consideration of the mutual covenants and agreements herein contained, do mutually agree as follows:

**SECTION I
SCOPE OF AGREEMENT**

Consultant agrees to perform certain professional services as outlined and defined in Attachment "A" attached hereto and made a part hereof for all purposes, hereinafter sometimes referred to as "Scope of Services," and for having rendered such services, the City agrees to pay Consultant compensation as stated in Section VII.

**SECTION II
CHARACTER AND EXTENT OF SERVICES**

Consultant shall do all things necessary to render the services and perform the Scope of Services with professional skill and in a workmanlike manner. It is expressly understood and agreed that Consultant is an Independent Contractor in the performance of the services agreed to herein. It is further understood and agreed that Consultant shall not have the authority to obligate or bind the City, or make representations or commitments on behalf of the City or its officers or employees without the express prior written approval of the City. The City shall be under no obligation to pay for services

rendered not identified in Attachment “A” without prior written authorization from the City Manager.

SECTION III OWNERSHIP OF WORK PRODUCT

Consultant agrees that the City shall have the right to use all exhibits, maps, reports, analyses and other documents prepared or compiled by Consultant pursuant to this Agreement. The City shall be the absolute and unqualified owner of all studies, exhibits, maps, reports, analyses, determinations, recommendations, computer files, and other documents prepared or acquired pursuant to this Agreement with the same force and effect as if the City had prepared or acquired the same.

SECTION IV TIME FOR PERFORMANCE

The time for performance of the Scope of Services is seven (7) calendar months beginning from the execution date of this Agreement. Upon written request of Consultant, the City Manager may grant time extensions to the extent of any delays caused by the City or other agencies with which the services must be coordinated, and over which Consultant has no control.

SECTION V COMPLIANCE AND STANDARDS

Consultant agrees to perform the services hereunder in accordance with generally accepted standards applicable thereto and shall use that degree of care and skill commensurate with the Consultant’s profession. Consultant shall comply with all applicable state, federal, and local laws, ordinances, rules, and regulations relating to the services to be performed hereunder and Consultant’s performance.

SECTION VI INDEMNIFICATION

Consultant shall and does hereby agree to indemnify, release, hold harmless, and defend the City, its officers, agents, and employees from any and all damages, loss, costs, or against claim of any kind whatsoever, including but not limited to reasonable attorney’s fees, by reason of death or injury to property or persons caused by any negligent act or omission, or willful misconduct, of Consultant, its officers, agents, employees, contractors, invitees, or other persons for whom it is legally liable, with regard to the performance of this Agreement, and Consultant will, at its sole cost and expense, indemnify, release, hold harmless, defend, pay on behalf of, and protect the City and its officers, agents, and employees against any and all such claims and demands. Such indemnity shall apply where the suits, actions, legal proceedings, claims, demands, costs, expenses, and attorney’s fees arise in whole or in part from any negligent act or omission, or willful misconduct, of Consultant.

SECTION VII CONSULTANT'S COMPENSATION

For and in consideration of the services rendered by Consultant pursuant to this Agreement, the City shall pay Consultant only for the actual services performed under the Scope of Services, on the basis set forth in Attachment "A," up to an amount not to exceed seventy thousand and no/100 dollars (\$ 70,000.00). This amount is inclusive of all associated labor and direct expense costs, professional fees, and fees to be paid to subconsultant Strand Associates, Inc. for technical advisory services.

SECTION VIII TERMINATION

The City may terminate this Agreement at any time by giving written notice to Consultant. Upon receipt of such notice, Consultant shall discontinue all services in connection with the performance of this Agreement and shall proceed to promptly cancel all existing orders and contracts insofar as such orders or contracts are chargeable to the Agreement. As soon as practicable after receipt of notice of termination, Consultant shall submit a sworn statement, showing in detail the services performed under this Agreement to the date of termination. The City shall then pay Consultant for such services performed under this Agreement as those services bear to the total services called for under this Agreement, less such payments on account of the charges as have been previously made. Copies of all completed or partially completed designs, maps, studies, documents and other work product prepared under this Agreement shall be delivered to the City when and if this Agreement is terminated.

SECTION IX ADDRESSES, NOTICES AND COMMUNICATIONS

All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, to Consultant at the following address:

Kendig Keast Collaborative
77 Sugar Creek Center Boulevard, Suite 600
Sugar Land, TX 77478
Attn: Gary Mitchell, President

All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, to the City at the following address:

City of Brenham
200 W Vulcan Street
Brenham, TX 77834
Attn: Stephanie Doland, Director of Development Services

SECTION X LIMIT OF APPROPRIATION

Prior to the execution of this Agreement, Consultant has been advised by the City and Consultant clearly understands and agrees, such understanding and agreement being of the absolute essence to this Agreement, that the City shall have available only those sums as expressly provided for under this Agreement to discharge any and all liabilities which may be incurred by the City and that the total compensation that Consultant may become entitled to hereunder and the total sum that the City shall become liable to pay to Consultant hereunder shall not under any conditions, circumstances, or interpretations hereof exceed the amounts as provided for in this Agreement.

SECTION XI SUCCESSORS AND ASSIGNS

The City and Consultant bind themselves and their successors and assigns to the other party of this Agreement and to the successors and assigns of such other party, in respect to all covenants of this Agreement. Consultant shall not assign, sublet, or transfer its interest in this Agreement without the written consent of the City. Nothing herein shall be construed as creating any personal liability on the part of any officer, employee or agent of the City or any public body which may be a party hereto.

SECTION XII MODIFICATIONS

This instrument, including all Attachments hereto, contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. To the extent there is a conflict between the provisions of this Agreement and the provisions of the Attachments hereto, this Agreement shall control. Any oral or written representations or modifications concerning this Agreement shall be of no force and effect excepting a subsequent modification in writing signed by both parties hereto.

SECTION XIII ADDITIONAL SERVICES OF CONSULTANT

If authorized in writing by the City Manager, Consultant shall furnish, or obtain from others, Additional Services that may be required because of significant changes in the scope, extent or character of the portions of the Project designed or specified by the Consultant, as defined in Attachment "A." These Additional Services, will be paid for by the City on the basis set forth in Attachment "A," up to the amount authorized in writing by the City Manager.

SECTION XIV CONFLICTS OF INTEREST

Pursuant to the requirements of the Chapter 176 of the Texas Local Government Code, Consultant shall fully complete and file with the City Secretary a Conflict of Interest Questionnaire.

SECTION XV PAYMENT TO CONSULTANT FOR SERVICES

Invoices for Basic and Additional Services will be prepared in accordance with Consultant's standard invoicing practices and will be submitted to the City by Consultant at least monthly. Invoices are due and payable thirty (30) days after receipt by the City.

SECTION XVI INSURANCE

Consultant shall procure and maintain insurance in accordance with the terms and conditions set forth in Attachment " B," for protection from workers' compensation claims, claims for damages because of bodily injury, including personal injury, sickness or disease or death, claims or damages. because of injury to or destruction of property including loss of use resulting therefrom and claims of errors and omissions.

SECTION XVII MISCELLANEOUS PROVISIONS

A. This Agreement is subject to the provisions of the Texas Prompt Payment Act, Chapter 2251 of the Texas Government Code. The approval or payment of any invoice shall not be considered to be evidence of performance by Consultant or of the receipt of or acceptance by the City of the services covered by such invoice.

B. This Agreement and any dispute arising out of or in connection with this Agreement shall be governed by and construed under the laws of the State of Texas, without regard to the principles of conflict of laws. Venue for any legal actions arising out of this Agreement shall lie exclusively in the federal and state courts of Washington County, Texas.

C. This Agreement is for sole benefit of the City and Consultant, and no provision of this Agreement shall be interpreted to grant or convey to any other person any benefits or rights.

D. Consultant further covenants and agrees that it does not and will not knowingly employ an undocumented worker. An "undocumented worker" shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to

the United States, or (b) authorized by law to be employed in that manner in the United States.

E. In accordance with Chapter 2270, Texas Government Code, a governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. The signatory executing this Agreement on behalf of Consultant verifies that the Consultant does not boycott Israel and will not boycott Israel during the term of this Agreement.

F. Pursuant to Texas Government Code Chapter 2252, Subchapter F, Consultant affirms that it is not identified on a list created by the Texas Comptroller of Public Accounts as a company known to have contracts with or provide supplies or services to a foreign terrorist organization.

G. Consultant shall comply with the requirements of Section 2252.908 of the Texas Government Code which provides that a governmental entity may not enter in certain contracts with a business entity unless the business entity submits a Disclosure of Interested Parties to the governmental entity. The law applies only to a contract that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed; or (2) has a value of at least \$1 million. Compliance with the law requires that the Consultant utilize the Texas Ethics Commission website to enter the required information on Form 1295 and print a copy of the complete form. The form must be signed, notarized and submitted to the contracting government entity. The City, in the case of contracts formalized by written agreement, will notify the Consultant of award by City Council and request the completed Form 1295 within five (5) working days thereafter.

H. If this Agreement has a value of \$100,000 or more, and if Consultant has more than 10 full-time employees, Consultant's signature herein below shall constitute written verification that the Consultant: (1) does not boycott energy companies; and (2) will not boycott energy companies during the term of this Agreement.

I. If this Agreement has a value of \$100,000 or more, and if Consultant has more than 10 full-time employees, Consultant's signature herein below shall constitute written verification that Consultant: (a) does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (b) will not discriminate during the term of this Agreement against a firearm entity or firearm trade association.

IN WITNESS WHEREOF, the City of Brenham has lawfully caused this Agreement to be executed by the City Council of said City and attested by the City Secretary and Kendig Keast Collaborative, acting by and through its duly authorized officer/representative, does now sign, execute, and deliver this instrument.

EXECUTED on this ____ day of _____, 2023.

CONSULTANT:

Kendig Keast Collaborative

By: 
Name: Bret C. Keast
Title: CEO

CITY OF BRENHAM, TEXAS

Milton Y. Tate Jr., Mayor

ATTEST:

Jeana Bellinger, City Secretary

ATTACHMENT “A”
SCOPE OF SERVICES
BRENHAM FAMILY PARK SMALL AREA PLAN
Exhibit “A”
Scope of Services

Under the auspices of the HGACBuy procurement program, through which the City of Brenham is an end user and Kendig Keast Collaborative (KKC) is a pre-qualified firm for Community Planning Services, KKC will provide professional urban planning services to the City to prepare a **Brenham Family Park Small Area Plan** (Plan) as recommended in the City’s Comprehensive Plan adopted in September 2019. The Plan purpose is to help establish a consensus vision for this soon-to-develop area of the city, anchored by the pending new Brenham Family Park, and recommend strategies for achieving more predictable and quality development outcomes before specific development proposals emerge. The Plan effort will focus on an approximate 600-acre area, including the 106-acre City park, generally bounded by the Brenham Business Center to the east, US Highway 290 to the north, the State Supported Living Center to the South and State Highway 36 to the west.

KKC will be assisted in this effort by subconsultant **Strand Associates, Inc.**, building on KKC and Strand’s previous collaboration on the City’s current Comprehensive Plan, plus Strand’s ongoing consulting role with the City. Given limitations on significant new technical analysis within the available project budget, Strand Associates will primarily provide advisory support for the municipal infrastructure and transportation aspects of the planning effort. KKC and Strand will also rely on City departments and key personnel for technical inputs and considerations within the Plan based on their unique knowledge.

KKC’s project involvement and facilitation will be carried out according to this Scope of Services and contingent upon the Client Support items below to make best use of the available consultant budget. The City’s Project Director will manage the overall process and direct KKC in performing the project services. KKC will build upon and coordinate with other recent and concurrent planning efforts and studies to complete these tasks. KKC will coordinate with area property owners, stakeholders and other agencies and entities, as appropriate, in conjunction with the City.

As indicated below under Project/Client Coordination, KKC will coordinate with the City to establish a detailed and feasible project schedule for the execution and completion of this Scope of Services. The intent is to work toward official consideration of a final proposed Plan within approximately **7 months** from the date KKC receives Notice to Proceed from the City, depending on the pace of necessary stakeholder coordination and their availability to provide input and feedback at key milestone points. KKC will coordinate with City officials and staff to meet this timeline. This will require steady progress on the tasks in this Scope of Services; timely receipt of necessary data and information and other input; and prompt review and feedback on KKC’s interim and final work products. It is also noted that the extent, scheduling and completion of any public hearings and final plan approval are a client prerogative and not under KKC’s control.

Additional or Continuing Services

During the course of or at the conclusion of the project, the City may deem it necessary to schedule more meetings, request further background or issues research, or otherwise engage consultant personnel in additional work efforts not anticipated at project initiation and through the Scope of Services currently outlined. Any such additional services shall be specifically authorized by the City and documented through a written amendment to the Scope of Services and approval of a

corresponding increase in the compensation amount — and, if necessary, the time of performance — of the original professional services agreement.

CLIENT SUPPORT

The **City of Brenham** will provide administrative and technical support services to assist KKC in performing the Scope of Services including:

- Identifying a single individual as the City’s Project Director, who will serve as the City’s primary point of contact and source of day-to-day work program direction for this collaborative planning effort involving both City and consultant personnel, resources and capabilities.
- Providing to KKC all data, maps, aerial imagery, previous reports/plans/studies and other information that is available to the City in digital or printed format and is pertinent and necessary for development of the plan document. The City will reproduce all hard-copy materials, to the extent feasible, such that they will not require return upon project completion. PDFs or other electronic files are preferred whenever available.
- Immediately upon project initiation, providing KKC a detailed list of spatial data and mapping that the City can make available for the project, including data sets and layers/GIS coverages already developed/maintained by the City for the planning area or readily available to the City from other sources. (KKC can also accept AutoCAD layers, as useful and appropriate, although GIS is preferred.)
- Ensuring that key City personnel, board/commission members and elected officials will participate as needed in the planning process and be available upon request, through arrangements made by the City’s Project Director, to provide information and referrals and offer opinions, insights and suggestions that are necessary for the project. This will include potential formal or informal meetings and briefings with local officials as specified in this Scope of Services.
- Making initial contacts with key persons, agencies and organizations to facilitate data collection and coordination, arrange meetings as needed, and make these individuals and entities aware of the planning process.
- Providing ongoing administrative support for a City-established “Project Working Group” comprised of area property owners/representatives, City staff, and other key stakeholders or agencies/organizations, as appropriate (i.e., arranging meeting locations, preparing and distributing meeting notices, preparing and reproducing agendas and other handouts including those prepared by KKC, providing folders or binders for members to maintain their project materials, etc.).
- Distributing project materials and draft plan content to Project Working Group (PWG) members, key City staff members and other project participants as appropriate, as well as providing periodic status reports at City Council or other board/commission meetings at appropriate milestone points.

- Committing the necessary resources to adequately prepare for and promote attendance at and media coverage of any significant community outreach events. The City's responsibilities will include:
 - (a) Securing a meeting location with adequate setup for large gatherings and presentations (sound system, screen or white wall, reduced lighting, extension cord and power strip for multiple three-prong plugs for laptop, projector, etc.).
 - (b) Providing public and news media notification;
 - (c) Preparing and reproducing meeting and handout materials, including those prepared by KKC;
 - (d) Providing sign-in sheets and otherwise documenting meeting attendance, as appropriate;
 - (e) Providing refreshments as appropriate; and
 - (f) Inviting City officials, board/commission members and representatives of other key agencies and community organizations to attend public meetings related to the planning process.
- Hosting all project-related digital interfaces, including posting of content on the City website, social media posts and other electronic community outreach efforts, including any content prepared by KKC.
- Providing such public notice of meetings and hearings as is required by law or deemed desirable by the City.
- Providing KKC updates or written summaries, as available, from any project-related meetings not attended by KKC, and copies of any handouts/materials.

PROJECT / CLIENT COORDINATION

KKC will complete project management activities in coordination with the City's Project Director to ensure schedule adherence, cost control and quality assurance. These activities will include:

- Monthly submittal of brief written **progress reports** in conjunction with each monthly invoice. These reports will describe the project status, document significant work accomplished and activities scheduled for the next progress report period, and note any difficulties encountered and steps taken to address them.
- Preparation and maintenance throughout the project of a **detailed project schedule**, including due dates for all deliverables, anticipated meeting dates, plus specified review/comment timeframes to ensure adequate time for client review/approval of deliverables. The schedule will be set during the Project Start-Up phase below.
- Periodic **communication and coordination with the City's Project Director** by email, phone, online conferencing or written correspondence, as appropriate.

PHASE 1 – Project Start-Up and Early Engagement

Project Kick-Off Meeting

Following receipt of written Notice to Proceed from the City, KKC will complete a project kick-off meeting with City staff (via online conferencing) to recap the Scope of Services, flesh out a detailed schedule, coordinate on data/information needs, and cover other project logistics, including interaction with the Project Working Group and other planned outreach activities. Then, on each scheduled visit to the community, KKC will meet with City staff as needed for project planning discussions and/or in-depth work sessions on particular plan topics. Outreach and engagement activities are itemized within each phase of this Scope of Services where they occur.

Compilation of Information Resources

KKC will coordinate with City staff to identify and acquire available data, mapping and other information resources for the planning effort, from local and other sources; including:

- Physical features (topography, water, soils, etc.).
- Environmental surveys (floodplain, wells, etc.).
- Traffic counts.
- Plans/schematics of pending and proposed projects in vicinity.
- Market data, as available.

KKC will also coordinate with City staff to identify key project contacts and relevant agencies and entities.

Site Visit 1 Activities

KKC will complete a series of engagement activities to expand on and lay out next steps based on priorities and issues for the planning area raised in the citywide Comprehensive Plan and ongoing discussions, such as:

- Lack of consensus on possible land use outcomes for the area beyond a general desire for “Planned Development,” but the potential for a variety of uses, including single-family detached residential in various forms, attached residential types and high-amenity multi-family, complementary retail and commercial services, and public/institutional uses that could include Brenham Independent School District needs with population growth. The residential components must also be considered in the context of the Comprehensive Plan emphasis on meeting local housing needs in support of both residents and area employers, including the opportunity to provide “missing middle housing” (traditional and varied housing forms that in the past provided a range of lifestyle and price point options between larger-lot single-family detached homes and large multi-family developments).
- The essential need to protect the substantial public investment being made in Brenham Family Park, while promoting the area’s long-term livability for future residents.
- The potential for a sizable master-planned development encompassing much of the planning area, with Brenham Family Park as a focal point, but likely occurring in phases over an uncertain timeframe. However, the need to be prepared if more piecemeal development proposals occur, to ensure cohesive, consistent and quality outcomes.
- Roadway and utility extensions needed to support the area’s clear development potential, but also the implications for the City’s infrastructure capacity and the costs of providing

adequate transportation access and connectivity, depending on how the area may develop (uses, mix, intensity, etc.) and its terrain (e.g., drainage, bridge needs, etc.).

- Compatibility of the area’s development pattern and character with what is intended to be a largely passive “nature park,” including the design of key roadways to calm traffic speeds, promote pedestrian and bicycle safety, accommodate storm drainage through non-structural methods where possible, and enhance area aesthetics (such as through a “parkway” cross section and “complete street” approach rather than a standard arterial roadway design).
- Brenham’s minimal experience with true mixed-use development, and the opportunity to explore development models with a “New Urbanism” approach to both development layout and street design, often with a mix of housing types and other uses.
- Potential mechanisms for achieving preferred area development, street and infrastructure provision, and financing, including public/private partnership opportunities and coordination with other key agencies (e.g., Texas Department of Transportation, U.S. Army Corps of Engineers, etc.), especially for major elements such as connection of Blue Bell Road through the planning area to State Highway 36.

1. Meeting with City staff.
2. Work session with PWG.
3. Real estate professional roundtable (brokers, realtors, developers, bankers).
4. Property owner and stakeholder interviews (up to 10).
5. Public information meeting to raise awareness of the plan effort and invite early input.

Deliverables

- Working base map, reflecting current site constraints.
- Summary memorandum of consensus development objectives and general development program. This will include coverage of what “mixed-use development” could mean in the context of this planning area and small area plan, how to improve the City’s ability to guide and respond to such development proposals, and several examples of zoning districts and/or provisions other cities have in place for mixed-use development scenarios.

PHASE 2 – Conceptual Plan Development

Based on its Phase 1 background work and stakeholder input to this point, KKC will develop two alternative site concept designs through this phase for presentation, feedback and further direction.

Phase 2 Engagement Activities

1. Presentation to and work session with PWG and City staff on alternative concept designs (at an approximate 10% level of detail) for initial reaction and further refinement prior to public viewing.
2. **OPTIONAL:** City staff provide public notice of the availability of draft concept plan alternatives for review online, for a 30-day comment period. City staff then collect and distill the public comments to share the findings with KKC.

Deliverables

- Two different general site schematics showing alternative site organization/layout plans, including internal street layouts (beyond the Thoroughfare Plan alignments covered below), land use arrangements, major building group locations/densities, open space features, public facilities and other organizing elements. The concepts will be presented in Powerpoint format with stock illustrations of overall development character and scale, including building types and densities and model street sections, along with enhancement considerations such as wayfinding, lighting and other streetscape elements in coordination with designs already in process for Brenham Family Park.
- As part of the two general site schematics above, alignment options for two future proposed streets through the planning area as shown on the City's Thoroughfare Plan: (1) an arterial-level westward extension of Blue Bell Road across to SH 36; and (2) a collector-level street to provide additional circulation to and from the arterial street and another connection to SH 36. Given the scope and available fee for this project, this is not intended to rise to the level of a full roadway alignment study, with detailed technical analysis and field evaluation. Rather, the work on the schematics above will integrate land use and transportation planning and also require consideration of area constraints, all of which will help clarify alignment possibilities and allow for closer evaluation of their positives and negatives.

PHASE 3 – Draft Plan Presentation

KKC will assimilate the feedback and recommended changes from Phase 2 into preparation of a single preferred draft design alternative. This will still be at an intermediate (25%) level of detail for obtaining further feedback through the same process as in Phase 2, and for confirming consensus to proceed into detailed design in Phase 4.

Phase 3 Engagement Activities

1. Presentation to and work session with PWG and City staff.
2. Virtual presentation for live streaming, or a pre-recorded presentation for posting on the City website along with a mechanism for accepting public comments.

Deliverables

- Preliminary annotated Draft Plan, with accompanying PowerPoint presentation.
- As part of the preliminary annotated Draft Plan above, a refined alignment for each of the two future proposed streets through the planning area as shown on the City's Thoroughfare Plan.

PHASE 4 – Final Plan Development

Based on all feedback to this point, KKC will prepare a final proposed (90%) plan version for official presentation and any last potential adjustments.

Phase 4 Engagement Activities

1. Presentation to and work session with PWG and City staff to confirm plan is ready for official presentation.
2. Presentation and consideration of final proposed plan at a joint session of the City Council and Planning & Zoning Commission, with Board members of Tax Increment Reinvestment Zone No. 1 invited to attend, as appropriate.

Deliverables

- Final proposed illustrated plan, prepared in a poster format, with accompanying PowerPoint presentation. Then incorporation of any further revisions agreed upon by the City Council as part of its official approval of the plan. KKC will deliver one master printed original and a master Adobe PDF file of the same, along with all electronic files associated with the final deliverable (in their native formats in Microsoft Office Suite or Adobe InDesign, and with all GIS/map-related files in ESRI-compatible formats as specified by the City).
- Implementation memorandum (review draft and then a final iteration), containing recommended actions for realizing the plan that City staff can pursue in more detail and through interaction with prospective development applicants (e.g., suggested changes to zoning and/or subdivision regulatory strategy and standards; official mapping and potential Thoroughfare Plan refinement; utility provision and general cost considerations; and incentives structures and public funding strategies).

Consolidated Review and Revision

Whenever KKC submits draft deliverables, it will be the responsibility of the City's Project Director to coordinate, compile and forward to KKC in a consolidated manner all review comments on and requested/suggested revisions to such deliverables. As part of each review phase, guidance from the Project Director should be included, as needed, on whether and how KKC should address certain comments which may be for information only (e.g., comments from outside reviewers) versus those involving specific, client-recommended revisions.

The project budget assumes original drafting of each deliverable and one consolidated revision round upon receipt of compiled comments from the City's Project Director. Only minor revisions will be made following Plan approval to produce the final as-approved Plan version. Extensive substantive revisions that arise at the final approval phase may require additional services depending on their nature and the budget status at that final stage of the project.

PROJECT COST

Below are the costs for each phase outlined in the above Scope of Services, inclusive of all associated labor and direct expense costs plus professional fee.

PHASE 1 – Start-Up & Early Engagement (Months 1-2+)	\$16,500
› Kick-Off Meeting (via online conferencing)	
› Coordination on data/mapping needs, engagement logistics	
› Monthly progress reporting and ongoing staff coordination	
<u>Phase 1 Meetings</u>	
› Meet with City staff	
› Work Session 1 with PWG	
› Real estate professional roundtable	
› Property owner and stakeholder interviews	
› Public information meeting	
PHASE 2 – Conceptual Plan Development (Months 3-4)	\$25,500
<u>Phase 2 Meetings</u>	
› Work Session 2 with PWG	
› Debrief meeting with City staff	
PHASE 3 – Draft Plan Presentation (Months 5-6)	\$16,000
<u>Phase 3 Meetings</u>	
› Work Session 3 with PWG	
› Debrief meeting with City staff	
› Live-streamed or pre-recorded public presentation	
PHASE 4 – Final Plan Development (Months 6-7)	\$12,000
<u>Phase 4 Meetings</u>	
› Work Session 4 with PWG ahead of final presentation	
› Joint City Council/Planning & Zoning Commission presentation	
› Debrief meeting with City staff	
TOTAL	\$70,000
<u>Cost Allocation</u>	
Kendig Keast Collaborative	\$60,000
Strand Associates, Inc.	\$10,000*
* Up to \$10,000 for technical advisory role depending on extent of meeting attendance and ultimate project involvement.	

OPTIONAL TASK ACTIVITIES

Requiring further clarification of expectations and level of effort

None specified in this initial Scope of Services.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/21/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Texas Associates Insurors 1120 Capital of TX Hwy South Bldg 3-300 Austin, TX 78746	CONTACT NAME: PHONE (A/C, No, Ext): (512) 328-7676 FAX (A/C, No): (512) 327-8337 E-MAIL ADDRESS:
	INSURER(S) AFFORDING COVERAGE INSURER A: Continental Casualty Company INSURER B: National Fire Insurance Company of Hartford INSURER C: The Continental Insurance Company INSURER D: Allied World Surplus Lines Insurance Company INSURER E: INSURER F:
INSURED Kendig Keast Collaborative 1415 Hwy 6 South #A300 Sugar Land, TX 77478	NAIC # 20443 20478 35289 24319

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC OTHER:			4017981888	1/16/2023	1/16/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
B	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY			4017981891	1/16/2023	1/16/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$ 10,000			4017983253	1/16/2023	1/16/2024	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000
C	☒ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y / N If yes, describe under DESCRIPTION OF OPERATIONS below		N / A	4017979512	1/16/2023	1/16/2024	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D	Errors & Omissions			03052601	1/16/2023	1/16/2024	Limit 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

City of Brenham
200 W Vulcan Street
Brenham, TX 77834

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



MEMORANDUM

To: Tax Increment Reinvestment Zone Board

CC: Carolyn D. Miller, City Manager
Jeana Bellinger, City Secretary – Director of Administrative Services

From: Stephanie Doland, Director of Development Services

Subject: Small Area Plan

Date: June 24, 2022

On September 19, 2019 the City of Brenham Adopted the Comprehensive Plan, *Historic Past Bold Future: Plan 2040* which was written by planning consultant Kendig Keast Collaborative (KKC). Plan 2040 includes a Comprehensive look at the current state of the community and a 20-year outlook of the future direction, needs, and priorities of the community.

One of the main subject areas of the Plan includes Land Use and Development and the creation of a Future Land Use Map (Page 29). The Future Land Use Map is one of the most referenced documents within the Comprehensive Plan as it serves as a guiding document for City Staff, the Planning and Zoning Commission and the Brenham City Council to make informed decisions when considering development and land use applications like a rezoning request or specific use permit. The Map provides a parcel specific recommendation on the most appropriate use designation for each property in Brenham and areas located within the ETJ. Shown on the Future Land Use Map is the standard use classifications such as residential, commercial and industrial. Additional uses such as Corridor Mixed Use and Brenham Family Park Special Area Plan are shown and represent areas in need of further planning studies to determine a more suitable zoning district and unique development criteria (See Exhibit A).

Included in Plan 2040 and enclosed (Exhibit B), is a description of the area referenced on the Future Land Use Map as the Brenham Family Park Special Area Plan. During the plan development, KKC, City Staff and community members who participated in the plan formation agreed that “the area around the Brenham Family Park is one of the primary large developable tracts within Brenham” though no consensus could be reached on the exact mix of land uses. The plan notes that the largely undeveloped area is suitable for a Planned Development District Zoning and likely a sizeable Master Planned Community with a variety of uses including Single-Family Residential, Multiple-Family Housing, Retail, and Commercial Uses. Plan 2040 recommends the

creation of a Small Area Plan prior to receiving a development proposal to help establish the vision for the area and outline more predictable quality development outcomes.

Generally, the subject area is bounded by the Brenham Business Center to the east, US Highway 290 to the north, the State Supported Living Center to the South and State Highway 36 to the west. The subject properties have a combined area of approximately 600 acres and are zoned a combination of R-1, Single-Family Residential, R-2, Residential Mixed-Use, B-1 Local Business Mixed, and B-2, Commercial Business and Technology. The 600 acres is located immediately adjacent to the Brenham Crossing (Baker Katz) retail development which is currently developed with 125,000 square feet of retail space with an additional 100,000 square feet planned. Since the adoption of Plan 2040, the City has received a \$750,000 grant from Texas Parks and Wildlife Commission for the Development of the 106-acre Brenham Family Park. The first phase of the project includes development of 32 acres of land with a projected development cost of \$1.2 million. These public and private investments will likely spur increased interest in further developing these 600 acres of land located between two primary highways within the south sector of the community. However, many of the properties within the plan area are limited in their development potential due to lack of roadway connections between the two major highways and the need to extend utilities.

In an effort to proactively prepare for the growth projected on the 600 acres and to protect the City's investment in the Brenham Family Park, Plan 2040 includes the recommendation to conduct a Small Area Plan on these 600 acres to identify the following project outcomes:

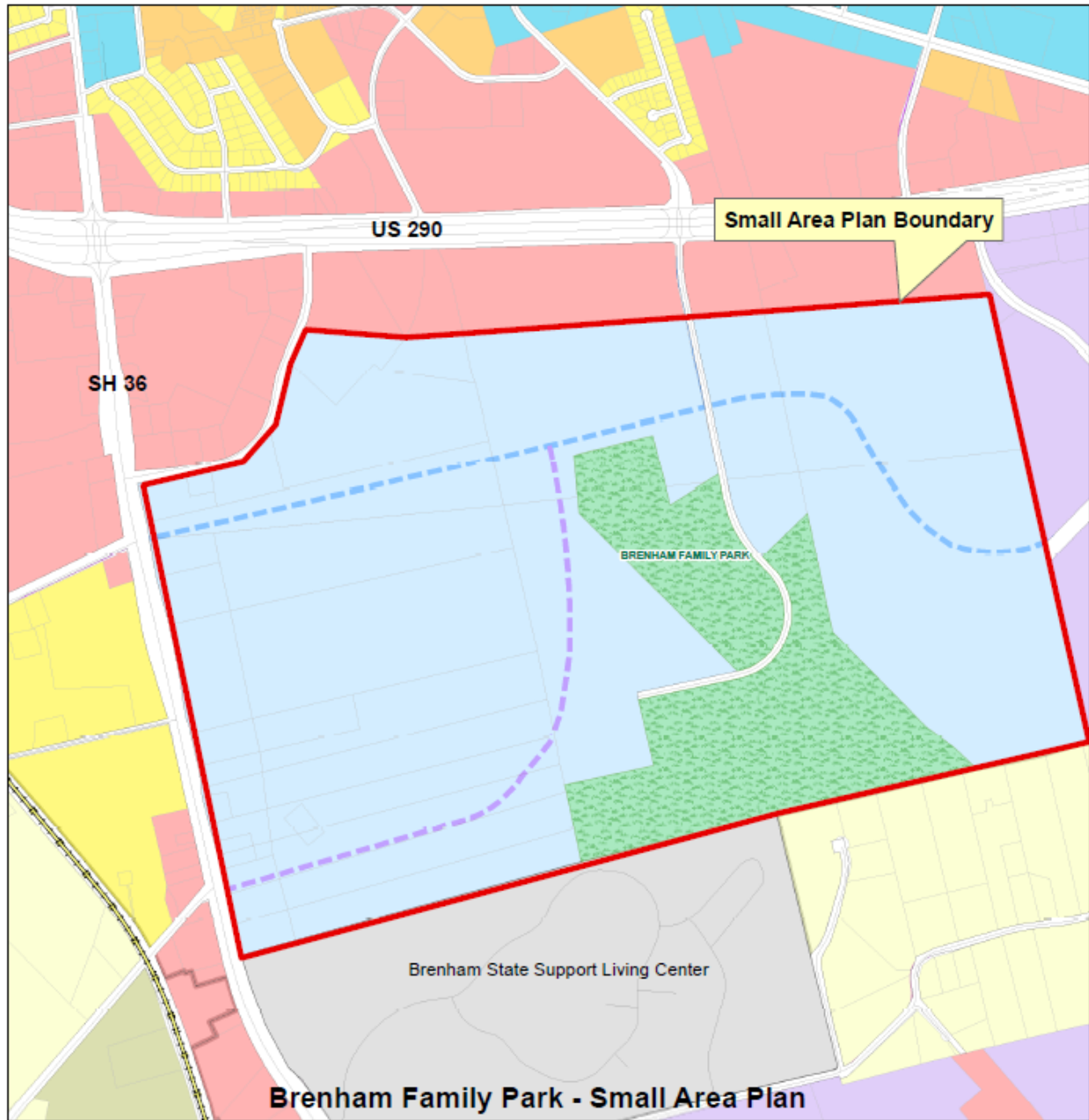
- Establish a unified **Vision** for the development of the current vacant land surrounding the Brenham Family Park. The Comprehensive Plan's Future Land Use Map identifies the area around the Brenham Family Park as Planned Development. Establishing the vision for the area will guide more predictable development outcomes. The Comprehensive Plan's engagement process revealed a current lack of public consensus as to the desired future development outcomes for the area.
- Based on the unified vision, establish a more fine-grain clarification of potential **land use mix and intensities**.
- Identify opportunities to **coordinate public and private improvements** and infrastructure.
- Identify appropriate **road network connections** to future development and the Brenham Family Park and recommend updates to the Thoroughfare Plan.
- Identify **wayfinding, lighting and pedestrian and bicycle infrastructure**, in coordination with the design concepts for the Brenham Family Park.
- Develop **conceptual renderings** of preferred development options.
- Examine any necessary updates to the City's **zoning or development regulations** to implement the unified vision for the area.

Kendig Keast Collaborative has provided a budgetary number of \$70,000 to complete the Small Area Plan. The project would include a significant level of community feedback and will include the involvement of the property owners located within the 600-acre area. ***Staff is requesting the allocation of \$70,000 to fund the Small Area Plan from the TIRZ Board.*** Funding of this plan will allow the community and City Staff to prepare a plan for the area to achieve a quality development that meets the needs of the community. If approved, Staff will work to prepare a

Professional Services Agreement for the Small Area Plan and present the item for additional consideration by the Brenham City Council during fiscal year 2022-2023.

Should there be any questions, comments, or concerns, please contact me by phone at 979-337-7269 or by email at sdoland@cityofbrenham.org.

Exhibit A:
Excerpt Future Land Use Plan



Future Land Use Plan

FLU_FINAL

- Rural
- Open Space
- Park
- Estate Residential
- Single Family Residential
- Manufactured Homes
- Multi-Family Residential
- Mixed Use Blinn Adjacent
- Mixed Use Downtown Adjacent
- Corridor Mixed Use
- Planned Development
- Downtown
- Local Public Facilities
- Commercial
- Industrial
- City Limits

- Layer
 - TxDOT Principal Arterial
 - TxDOT Minor Arterial
 - City Arterial
 - Proposed City Arterial (105-ft ROW)
 - City Collector
 - Proposed City Collector (80-ft ROW)
 - Other TxDOT Major/Minor Collector
- Thoroughfare Plan 2022**

1 inch = 1,042 feet



Exhibit B:
Historic Past, Bold Future: Plan 2040, Excerpt Page 17

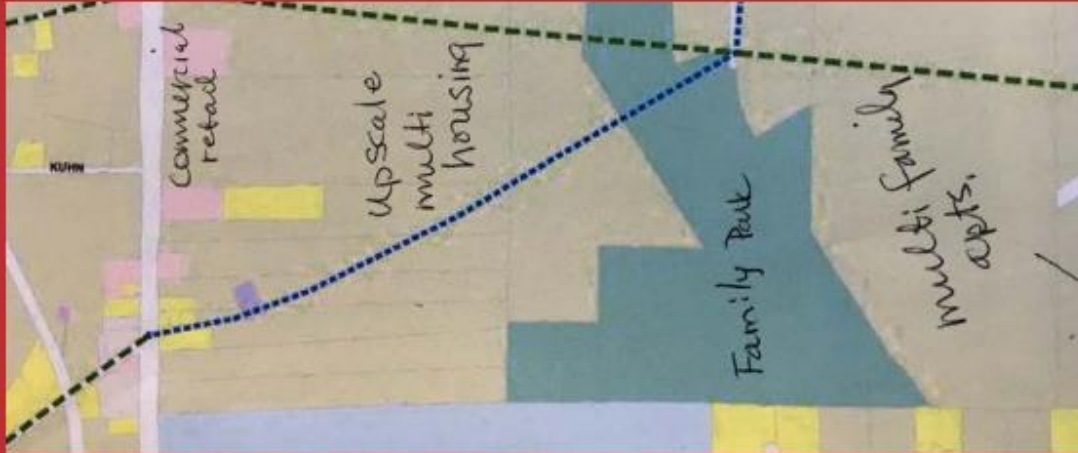


Image: One Town Hall participant's preferred land uses around Future Brenham Family Park area.

Future Brenham Family Park – Special Area Plan

The area around the future Brenham Family Park is one of the primary large developable tracts within Brenham and there is significant public investment that will be made to the Brenham Family Park over the coming years. The Future Land Use Map (see Pg. 29) designates the currently undeveloped area around the Future Brenham Family Park as Planned Development. This designation encourages a master-planned development that will go through a planned development process in coordination with the City.

Development of a Special Area Plan in advance of receiving a development proposal can help establish the vision that is desired for the area which in turn can help guide more predictable development outcomes. During the Plan 2040 planning process, attendees at a Town Hall meeting were asked what type of land uses would be most appropriate for the area. Responses varied widely, from preference of a mixed-use "live, work, play" style development, to low-density large lot estate residential. The lack of current consensus from residents regarding the preferred type of future development suggests that a Special Area Plan will be beneficial. The Special Area Plan may address the following elements:

- ▶ Coordinating public and private improvements and infrastructure
- ▶ Developing a unified vision for the future development of the area
- ▶ Integration of future development with the Brenham Family Park
- ▶ Integration with thoroughfare system, including pedestrian and bicycle infrastructure
- ▶ Conceptual renderings of development options



Regular City Council
AGENDA ITEM 8.

Agenda Item: Discuss and Possibly Act Upon an Amendment to the Election Services Contract Between the City of Brenham and Washington County Related to Election Responsibilities for the May 6, 2023 Election and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-March 02, 2023

Department: Administration

Staff Contact: Jeana Bellinger

SUMMARY STATEMENT:

The Texas Election Code (Sec. 271.007) allows for the use of a single ballot in a joint election. Due to the City, Blinn and BISD all having an election in May, the Washington County Elections Administrator requested that there only be one, single, ballot for the election. The use of a single ballot will make it less confusing on the voters and will be more cost effective for all the entities as we will be able to share the costs of printing the ballots and have shared election workers.

Since the City will be sharing a ballot with Blinn and BISD, the Election Services Contract between the City and Washington County needs to be amended. Also, during the review of the Contract, staff found a couple of minor errors that needed to be corrected also. A redline of the amended Contract is included in the packet, the changes are as follows:

- **Duties and Services:** Added language to allow for preparation and use of a single ballot. Corrected two uses of the term "County Clerk" with "Elections Administrator".
- **Post Election:** Amended the section to reflect that, due to the use of one single ballot, the County will be the custodian of the ballots after the election.

ATTACHMENTS:

(1) 2023 Election Contract - Redline Version

RECOMMENDED ACTION:

Approve an amendment to the Election Services Contract between the City of Brenham and Washington County related to election responsibilities for the May 6, 2023 Election and authorize the Mayor to execute any necessary documentation.

**ELECTION SERVICES CONTRACT BETWEEN THE CITY OF
BRENHAM, TEXAS AND WASHINGTON COUNTY, TEXAS
FOR THE MAY 6, 2023 ELECTION**

THE STATE OF TEXAS

COUNTY OF WASHINGTON

This Election Services Contract is made the ____ day of _____, 20____, and is entered into by and between the **City of Brenham**, herein called “City” and **Washington County, Texas**, herein called “County”, with both parties agreeing to share proportional benefit from and responsibility for this Contract, if an election is held, and is based upon the following terms and conditions, to wit:

PURPOSE OF AGREEMENT AND AUTHORITY:

The County and the City have determined that it is in the public interest and the best use of available resources that this Election Services Contract be made and entered into wherein:

Section 1: As authorized by Section 123.032 of the Texas Election Code, the County shall:

- Lease one (1) Automated Electronic Voting System to the City to be used for Early Voting;
- Lease one (1) Automated Electronic Voting System to the City for each polling place on Election Day; and

Section 2: The County shall secure and reserve the Washington County Annex Building located at 100 S. Park Street, and allow the City to conduct early voting by personal appearance at said location as follows:

Early voting by personal appearance each weekday from 8:00 a.m. to 5:00 p.m., which shall begin on Monday, April 24, 2023 and shall end on Tuesday, May 2, 2023.

Section 3: The City shall secure and use the following polling places on Election Day:

Ward 1:	Nancy Carol Roberts Memorial Library 100 W. Martin Luther King, Jr. Pkwy. Brenham, Texas
Ward 2:	Washington County Event Center 1305 E. Blue Bell Road Brenham, Texas
Ward 3:	Brenham VFW Hall 1200 E. Tom Green Street Brenham, Texas
Ward 4:	Blinn Junior College Student Center 1007 Walter Schwartz Way Brenham, Texas

Section 4: The City Secretary will name Carol Jackson, Washington County Elections and Voter Registrar, and Janet Daniel, Washington County Elections Administrator Clerk, as Deputy Early Voting Clerks. The City shall reimburse the County for any overtime compensation paid to Ms. Daniel by the County for City election preparation, Early Voting hours before 8:00 a.m. and after 5:00 p.m. and on the May 6, 2023 Election Day. County will provide documentation of overtime hours worked by Ms. Daniel on City election matters. In the event Brenham Independent School District and/or Blinn College have an election on the same day, the cost for any overtime compensation paid to Ms. Daniel will be shared equally by all entities having an election on the same day.

Section 5: Election Judges will deliver ballot boxes containing voted ballots, supplies and voting equipment to Washington County Courthouse on Election night. The Washington County Election's Office, along with the City Secretary, will arrange for and train Early Voting Clerks, Early Voting Ballot Board and Election Judges and Clerks.

TERM

The rental period for the Automated Electronic Voting System equipment shall commence on April 24, 2023 and include any and all legally required days for Early Voting and shall terminate upon the completion of the May 6, 2023 Election. The Election Judges shall return the equipment to the County immediately following the completion of all election-related procedures and duties requiring the use of the voting system equipment on Election Day.

RENTAL

The City shall pay the County the following rates for use of the Automated Electronic Voting System equipment: \$150.00 per machine for the first day of Early Voting; \$75.00 per machine for each additional day of Early Voting; and \$150.00 per machine on Election Day. In the event Brenham Independent School District or Blinn College have an election on the same day, the rental cost for the Automated Electronic Voting System equipment shall be shared equally by all entities having an election on the same day.

USE

The Automated Electronic Voting System equipment and supplies shall be used in a careful and proper manner. The Automated Electronic Voting Equipment shall be returned the same to the Elections Office of Washington County, Texas immediately after the election for which it is rented.

The City shall comply with the Elections Office's instructions, as well as any instructions provided by the Manufacturer, as to the use and operation of said equipment and any laws, ordinances, and regulations relating to the possession, use and maintenance of the equipment and limit its use only for the purposes of holding the election described herein.

DUTIES AND SERVICES:

The County shall order/provide:

- Order the programming for and program the Automated Electronic Voting System equipment;
- Order an appropriate number of ballots (as determined by the City Secretary and County Election Administrator);
- Order required testing materials from ES&S (Election Systems & Software);
- Use the Official List of Registered Voters for the programming of the Express pollbooks;
- Provide all election forms to be used during Early Voting, on Election Day, Early Voting Ballot board and at the Central Counting Station;
- Provide luggage for transporting supplies and ballots;
- Provide "Vote Here", "Reserved for Voter" parking signs and all handicapped signage, as needed;
- Provide voting booths;
- Provide notices for postings; and
- Provide various other supplies as needed by election workers.

The City and County agree to the preparation and use of a single ballot, at each polling location described herein, for all entities participating in the May 6, 2023 joint election. The County shall be responsible for submitting the ballot order and arranging for programming the ballot(s) into the Automated Electronic Voting System equipment with E S & S (Election Systems & Software). The City shall pay directly to ES&S (Election Systems & Software), all costs of ballots and said programming. The City shall pay directly to the vendor all costs incurred in relation to the election which may include, but not be limited to, programming, ballots, election supplies, and testing materials.

The City acknowledges that the Automated Electronic Voting System equipment requires special programming and shall make no alterations in the leased election equipment without obtaining prior written permission from the ~~County Clerk~~ Elections Administrator of Washington County. The City, at its own cost and expense, shall keep the equipment in good repair, condition, and working order and shall see that the equipment is not subject to careless or rough usage or exposure to harsh weather. The County shall provide all election judges and clerks for the City election (as determined by the City Secretary and ~~County Clerk~~ Elections Administrator) and will conduct a training session for election poll workers on election procedures and the proper handling and use of the Automated Electronic Voting System equipment.

The Washington County Elections Office shall receive and process all applications for mail ballots in accordance with applicable election laws. The Washington County Chief Deputy Elections Clerk shall keep the City Secretary updated weekly on the number of applications received and processed.

Further, the County will arrange for and publish in the local newspaper timely notice of the public test of all electronic equipment. The City shall pay directly to the Brenham Banner Press all costs incurred to publish said notice in the newspaper.

At the conclusion of said election, the County shall submit an itemized invoice to the City for payment of the City's share of election costs. In accordance with Section 31.100(d) of the Election Code, the County shall also include in the itemized invoice an administrative fee of not more than ten percent (10%) of the total cost of the City's elections, payable to the County pursuant to this Contract.

INSPECTION:

The Elections/Voter Registrar shall at all times during the election have the right to enter into the premises where the election is being held for the purposes of inspecting the voting system equipment and observing its use.

LOSS/DAMAGE:

The City assumes all risk of loss of and damage to the County-owned election equipment caused by the City. In the event of loss or damage to the County-owned election equipment caused by the City, the City at the option of the County shall:

- Repair the election equipment, at its cost and expense, subject however to warranty coverage provided by manufacturer; or
- Replace the property with like property in good repair which property shall then become subject to this Contract.

INDEMNITY:

To the extent allowed by law, the City shall indemnify the County against and hold the County harmless from, all claims, actions, proceedings, costs, damages, and liabilities, including attorney's fees, arising out of, connected with, or resulting from the City's use of the County-owned equipment that is the subject of this Contract, including without limitation the selection, delivery, possession, use, operation, or return of the equipment.

DEFAULT:

Noncompliance with any part of this Contract, after ten (10) days written notice of the default to the non-defaulting party, may result in termination of this Contract. Upon occurrence of a default, the County may, after ten (10) days written notice to the City and opportunity to cure the default, take possession of the County-owned equipment if the default is not cured within said ten (10) day period.

POST ELECTION:

The County shall be the General Custodian for all voted ballots, unused ballots, and other election records used in the May 6, 2023 election. Election results and candidate applications for the City shall remain with the City.

~~The City shall take possession of all voted ballots and unused ballots used in the election immediately after the counting of qualified provisional and military voted ballots. In the event of a recount, the voted ballots will remain in possession with the County Elections Administrator until the recount is completed.~~

GENERAL CONDITIONS:

Nothing contained in this Contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the election is to be filed, the place at which any function is to be carried out, the officers who conduct the official canvass of the election returns, the officer to serve as custodian of the voted ballots or any other election records, or any other non-transferable functions specified by §31.096, Texas Election Code, as amended.

The Elections Administrator shall file copies of this Contract with the County Treasurer and the County Auditor of Washington County, Texas.

Nothing contained in this Contract shall be construed to interfere with an election to be conducted in Washington County, Texas.

This Contract cannot be assigned nor may the election equipment be subleased without the written consent of each party. Ownership of the election equipment that is the subject of this Contract is and shall at all times remain the sole property of the County, and the City shall not have a right, title, or interest in said equipment.

This Contract is binding on each party only if the City holds an Election on May 6, 2023. Should the City cancel the May 6, 2023 Election, then this Contract will cease to be enforceable and binding on either party. This contract shall be applicable to: (1) the City's May 6, 2023 General Election; (2) any Special Election ordered by the City Council to take place on May 6, 2023; and (3) any runoff election related to the City's May 6, 2023 General Election or Special Election that is required to be held in the event a candidate does not receive a majority of all votes cast in the Election. The terms "Early Voting" and "Election Day" will be interpreted to mean the early voting period and day of the election for the May 6, 2023 Election, as well as any runoff election related thereto. The City Secretary, in consultation with the Washington County Elections and Voter Registrar, shall determine the dates for the early voting period and the day of the election for any runoff election.

APPLICABLE LAW:

This Contract shall be governed by and construed under the laws of the State of Texas.

Dated this _____ day of _____, 20____.

CITY OF BRENHAM

Milton Y. Tate, Jr.,
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Dated this _____ day of _____, 20____.

WASHINGTON COUNTY, TEXAS

Honorable John L. Durrenberger
County Judge

ATTEST:

Carol Jackson, REO, EA
Elections Administrator



Regular City Council
AGENDA ITEM 10.

Agenda Item: Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Aviators Plus, LLC v. City of Brenham, Texas; Cause No. 37896; 21st Judicial District Court, Washington County, Texas

Meeting Type: Regular Meeting-March 02, 2023

Department: Administration

Staff Contact: Carolyn Miller

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDED ACTION:

No action - Executive Session discussion only.



Regular City Council
AGENDA ITEM 11.

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-March 02, 2023

Department: Administration

Staff Contact: Carolyn Miller

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDED ACTION:

No action - Executive Session discussion only.



Regular City Council
AGENDA ITEM 12.

Agenda Item: Section 551.071 - Texas Government Code - Consultation with City Attorney and Section 551.072 - Texas Government Code - Deliberation Regarding Real Property - Consultation with City Attorney and Discussion Regarding the Barnhill Center at the Historic Simon Theatre, and Associated Matters

Meeting Type: Regular Meeting-March 02, 2023

Department: Administration

Staff Contact: Carolyn Miller

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDED ACTION:

As discussed in Executive Session.



Regular City Council
AGENDA ITEM 13.

Agenda Item: Discuss and Possibly Act Upon the Development, Operations, Funding and Possible Acquisition of the Barnhill Center at the Historic Simon Theatre and Associated Matters, and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-March 02, 2023

Department: Administration

Staff Contact: Carolyn Miller

SUMMARY STATEMENT:

As discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDED ACTION:

No recommended action.