



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, SEPTEMBER 5, 2024 AT 1:00 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 - City Manager Carolyn Miller**
- 3. Police Department Promotions**
 - ◆ **Steven Eilert, Lieutenant**
 - ◆ **Tiffany Anderson, Sergeant**
- 4. Service Recognitions**
 - ◆ **Shauna Laauwe - Development Services, 5 Years**
- 5. Proclamations**
 - ◆ **Clear the Shelter Day**
 - ◆ **Constitution Week**
 - ◆ **Washington County READ**
- 6. Citizen Comments**

CONSENT AGENDA

7. Statutory Consent Agenda

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

- 7.a. Approve the Minutes from the August 15, 2024 Regular City Council Meeting and the August 22, 2024 Special Council Meeting**
- 7.b. Approve the Selection of Randy Criswell - City of Wolfforth (Place 11), Allison Heyward - City of Schertz (Place 12), Harlen Jefferson - City of Burleson (Place 13), and Mike Land - City of Coppell (Place 14) for TML Intergovernmental Risk Pool Board of Trustees and Authorize the Mayor to Execute Any Necessary Documentation**
- 7.c. Approve a Payment to Brazos River Authority in the Amount of \$494,913.00 for the City of Brenham Raw Water Supply and Authorize the Mayor to Execute Any Necessary Documentation**
- 7.d. Approve Change Order No. 2 and Final Payment for Project No. 63C-19C to McDonald Municipal and Industrial in the Amount of \$17,413.60 Related to the Generator at Atlow Booster Pumping Station and Authorize the Mayor to Execute Any Necessary Documentation**
- 7.e. Approve Deductive Change Order No. 2 and Final Payment to Collier Construction, LLC in the Amount of \$19,023.70 Related to the Blue Bell Aquatic Center Locker Room Renovation Project and Authorize the Mayor to Execute Any Necessary Documentation**

PUBLIC HEARING

- 8. Proposed Tax Rate of \$0.4584 per \$100.00 Valuation for Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025**
- 9. Proposed Budget for Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025**
 - The FY2024-25 proposed budget for the City of Brenham will raise more revenue from total property taxes than last year's budget by an amount of \$959,022, which is a 9.42 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$364,048**
- 10. Public Hearing to Consider Amending Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham to Change the Zoning District From a Single-Family Residential Use District (R-1) to a Mixed Residential Use District (R-2) on Property Currently Addressed as 1320 Burleson Street, and Being Further Described as Tract 142 of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas (Case No. P-24-030)**

REGULAR SESSION

- 11. Discuss and Possibly Act Upon an Ordinance on Its First Reading Adopting the Budget for Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025**
- 12. Discussion and Possible Action Upon Ratification of the Property Tax Increase Reflected in the Proposed Budget for Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025, Which Raises More Revenue from Property Taxes than Last Year's Budget**
- 13. Discuss and Possibly Act Upon an Ordinance on Its First Reading Levying Property Taxes for the Tax Year 2024 for the City of Brenham at \$0.4584 per \$100.00 Valuation**
- 14. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham to Change the Zoning District From a Single-Family Residential Use District (R-1) to a Mixed Residential Use District (R-2) on Property Currently Addressed as 1320 Burleson Street, and Being Further Described as Tract 142 of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas (Case No. P-24-030)**
- 15. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the 2023 Thoroughfare Plan Map, Specifically for the Alignment of the Proposed Future Extension of South Blue Bell Road to State Highway 36 South (Case No. P-24-021)**
- 16. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the 2019 Comprehensive Plan and Future Land Use Map, Specifically to Adopt the Small Area Plan Located Generally Around the Brenham Family Park (Case No. P-24-021)**
- 17. Discuss and Possibly Act Upon the Renewal with Texas Municipal League Intergovernmental Risk Pool for the City of Brenham's General Liability, Law Enforcement Liability, Public Official Liability, Mobile Equipment, Airport Liability, Property, Auto Liability and Physical Damage, Crime, and Theft and Worker's Compensation Coverage for the City of Brenham for the Fiscal Year 2024-25 and Authorize the Mayor to Execute Any Necessary Documentation**
- 18. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Texas Municipal League Intergovernmental Risk Pool for Cyber Liability and Data Breach Response Coverage and Authorize the Mayor to Execute Any Necessary Documentation**
- 19. Discuss and Possibly Act Upon Amendment No. 1 to the Professional Services Agreement Between the City of Brenham and Strand Associates,**

Inc. Related to Various Wastewater Projects Funded Through the American Rescue Plan Act (ARPA) and Administered by the United States Department of the Treasury (Treasury), and Authorize the Mayor to Execute Any Necessary Documentation

20. Discuss and Possibly Act Upon an Amendment to the Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. for FY2023-24 On-Call Engineering Services and Authorize the Mayor to Execute Any Necessary Documentation

21. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. for FY2024-25 On-Call Engineering Services and Authorize the Mayor to Execute Any Necessary Documentation

22. Administrative/Elected Officials Report

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

ADJOURN

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

CERTIFICATION

I certify that a copy of the 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 Friday, August 30, 2024 at 3:00 p.m.

Jeana Bellinger, TRMC, CMC
City Secretary

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

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the _____ day of _____, 2024 at _____ a.m./p.m.

Signature

Title

PROCLAMATION

- WHEREAS,** All over the United States, pet intakes at shelters and rescues outweigh the number of adoptions; and
- WHEREAS,** In 2015, Clear the Shelters began as an initiative by NBC and Telemundo affiliates across the nation to partner with local animal shelters and rescues to promote adoption and raise funds for animal welfare; and
- WHEREAS,** Since 2015, Clear the Shelters has helped more than 1 million pets find new homes; and
- WHEREAS,** In 2023, the campaign helped over 150,000 pets find homes while raising more than \$575,000.
- WHEREAS,** The Brenham Pet Adoption and Care Center is devoted to animal welfare, humane education, and spay and neuter awareness, and performs the vital work of caring for vulnerable animals; and
- WHEREAS,** In 2023, 9 dogs and 11 cats were adopted during the Clear the Shelters event at the Brenham Pet Adoption and Care Center; and
- WHEREAS,** The City of Brenham Pet Adoption and Care Center has many dogs and cats available for adoption, and encourages all citizens of Washington County to visit and consider volunteering, donating, or adopting a rescue animal; and
- WHEREAS,** On September 7th 2024, the City of Brenham Pet Adoption and Care Center will hold a Clear the Shelters event from 12:00 PM to 5:00 PM, featuring free microchipping for pets, activities for families, and waived adoption fees.

NOW, THEREFORE I, Atwood C. Kenjura, Mayor of the City of Brenham, Texas do hereby proclaim September 7th as



CLEAR THE SHELTERS DAY

Atwood C. Kenjura, Mayor
City of Brenham

PROCLAMATION

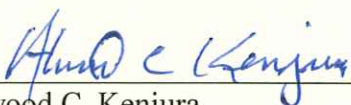
- WHEREAS,** The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and
- WHEREAS,** September 17, 2024, marks the two hundred and thirty-seventh anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and
- WHEREAS,** It is fitting and proper to give official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and
- WHEREAS,** Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE, I, Atwood C. Kenjura, Mayor of the City of Brenham, do hereby proclaim September 17 through September 23, 2024, as

CONSTITUTION WEEK

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





Atwood C. Kenjura
Mayor

PROCLAMATION

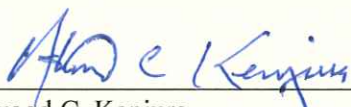
- WHEREAS,** A community read program encourages reading by having all involved read the same book, and
- WHEREAS,** Lifetime Learning, a group of volunteers who have been bringing outstanding speakers and classes to the Washington County area since 2002, has proposed a sixteenth annual Washington County READ, and
- WHEREAS,** On October 8 at 5:30 p.m., Lifetime Learning and Unity Theatre will hold a free community reception, dramatic reading by Unity Theatre actors, remarks and book-signing by Patti Callahan Henry, a New York Times best-selling and award-winning author, and
- WHEREAS,** This endeavor has the support of Unity Theatre, Brenham Independent School District, The Book Nook, Nancy Carol Roberts Memorial Library, Washington County Chamber of Commerce, and many individuals and businesses in the community, and
- WHEREAS,** During the Washington County READ, which begins September 11 and concludes October 9, all residents of Washington County are encouraged to read *ONCE UPON A WARDROBE*, a fictional novel which explores the world of C.S. Lewis' Narnia, and the intertwining of reason and imagination through the eyes of a gravely ill boy and his loving sister, and
- WHEREAS,** It is right and just for the members of the Brenham City Council and the residents of Washington County to join together to applaud the Lifetime Learning volunteers for their dedication to service and their commitment to encourage reading,

NOW, THEREFORE, I, Atwood C. Kenjura, Mayor of the City of Brenham, Texas do hereby proclaim September 11 through October 9 as the official period of

THE WASHINGTON COUNTY READ



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



Atwood C. Kenjura
Mayor

Brenham City Council Minutes

A Regular Meeting of the Brenham City Council was held on Thursday, August 15, 2024 beginning at 1:00 PM in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members Present:

Mayor Atwood Kenjura
Mayor Pro Tem Clint Kolby
Councilmember Shannan Canales
Councilmember Leah Cook
Councilmember Paul LaRoche
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

None

City of Brenham Staff Present:

City Manager Carolyn Miller, City Attorney Cary Bovey, City Secretary/Director of Administrative Services Jeana Bellinger, General Manager of Public Utilities William Bisette, Assistant General Manager of Public Utilities Alton Sommerfield, Police Chief Lloyd Powell, Assistant Police Chief Curtiss Schoen, Economic & Community Development Director Teresa Rosales, Robin Hutchens, Shawn Bolenbarr, Shauna Laauwe, Richard O'Malley, Alex Saenz, and Steven Loving.

Citizens/Others Present:

Lance Weiss, Pamela Richardson, Patrick Jue, and John Gajeske.

Media Present:

Joshua Blaschke with KWHI, and Sarah Forsythe with Brenham Banner Press.

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags - Councilmember Shannan Canales**
- 3. Proclamations**

◆ **Childhood Cancer Awareness**

4. Citizen Comments

Corporal Saenz introduced new Police Officer Danielle Corrado.

CONSENT AGENDA

5. Statutory Consent Agenda

- 5.a. Approve the Minutes from the August 1, 2024 Regular City Council Meeting**
- 5.b. Approve Ordinance No. O-24-018 on Its Second Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Walt Edmunds/WEPROP, LLC for the Property Located at 310 W. Third Street, to Allow an Accessory Dwelling Unit (ADU) Use in an R-1 Single-Family Residential Zoning District on Approximately 0.1948 Acres of Land Addressed as 310 W Third Street, Being Further Described as Key’s First Addition, Block 2, Lot 3C, in Brenham, Washington County, Texas (Case Number P-24-019)**
- 5.c. Approve Ordinance No. O-24-019 on Its Second Reading Amending Chapter 6, Buildings and Structures, of the Code of Ordinance of the City of Brenham, Texas to Provide for the Adoption of the 2021 Editions of the International Building Code, International Fuel Gas Code, International Property Maintenance Code, International Plumbing Code, International Energy Conservation Code, International Mechanical Code, International Residential Code, International Swimming Pool and Spa Code, International Fire Code, and International Existing Building Code and Adopting the 2020 Edition of the National Electrical Code; Amending Article II, Building Code, of Chapter 6, Buildings and Structures, of the Code of Ordinances of the City of Brenham, Texas to Add Shipping Container Construction Requirements; Amending Chapter 8, Fire Protection and Prevention, of the Code of Ordinances of the City of Brenham, Texas to Provide for the Adoption of the 2021 Edition of the International Fire Code**
- 5.d. Approve the Use of Seized Narcotic Funds for the City of Brenham Police Department for the Purchase of One (1) Autel EVO Max 4T Drone, One (1) Autel EVO MAX 4N Drone and the Required Software Licenses, from W.S. Darley & Co, In the Amount of \$32,520.00 and Authorize the Mayor to Execute Any Necessary Documentation**
- 5.e. Approve the Termination of an Interlocal Agreement Between the City of Brenham and Washington County for Emergency Management Coordinator Services and Authorize the Mayor to Execute Any**

Necessary Documentation

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve the Consent Agenda Items 5.a. through 5.e. as presented.

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

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: None

PUBLIC HEARING

6. Public Hearing to Consider Amending the 2022 Thoroughfare Plan Map, Specifically for the Alignment of the Proposed Future Extension of South Blue Bell Road to State Highway 36 South, and Amending the 2019 Comprehensive Plan and Future Land Use Map, Specifically to Adopt the Small Area Plan Located Generally Around the Brenham Family Park (Case No. P-24-021)

City Planner Shauna Laauwe presented this item. Laauwe explain that in March 2023, the City Council approved a Professional Services Agreement between the City of Brenham and KKC for the development of the Brenham Family Park Small Area Plan. Laauwe explained that while the Brenham Family Park Small Area Plan is a concept plan not set in stone, proposed densities, envisioned uses, connectivity, and major roadway alignments help give a foundation for a more intentional development pattern. Laauwe stated that with the Small Area Plan study complete, the first implementation steps to help bring the plan to fruition are to amend the Comprehensive Plan, the Future Land Use Plan and Map, and the 2022 Thoroughfare Map. Laauwe advised that it is critical that these implementation steps are completed to guide interested developers, staff, and appointed and elected officials when a development application is submitted.

No citizen comments were heard.

7. Public Hearing to Consider the Proposed Annexation of Approximately 6.5 Acres of Land Situation in Washington County, Texas and Hereinafter Described as:

- **Section 2024-01: Approximately 1.4 Acres of Land, Called Dixie Road and its Right-of-Way, Situated in Washington County, Texas, from State Highway No. 36 North Extending Northward to the Northeast Corner of Vintage Farms Subdivision**
- **Section 2024-02: Approximately 2.6 Areas of Land, Called Dixie Road and its Right-of-Way, Situated in Washington County, Texas, from the Northeast Corner of Vintage Farms Subdivision, Extending North to the Current City Limit Line**
- **Section 2024-03: Approximately 0.5 Acres of Land, Called Old Masonic Road and Right-of-Way, Situated in Washington County, Texas Extending Northward from the Little Sandy Creek to the Northeast Corner of a 2.869 Acre Tract Owned by OCC Construction Corp**
- **Section 2024-04: Described Generally as a 1.0 Acre Tract Extending Northward on Old Masonic Road from the Northeast Corner of a 2.869 Acre Tract Owned by OCC Construction Corp. to the Northwest Corner of a 2.168 Acre Tract Owned by David Ryan Klinger, et ux**
- **Section 2024-05: Described Generally as a 1.0 Acre Tract Extending Northward on Old Masonic Road from the Northwest Corner of a 2.168 Acre Tract Owned by David Ryan Klinger, et ux to the Existing City Limit Line**

City Secretary/Director of Administrative Services Jeana Bellinger presented this item.

This Public Hearing is for City Council to hear comments and concerns from citizens related to the possible annexation of two (2) county roads and their right-of-way into the city limits:

Dixie Road:

Due to the ongoing development of the Vintage Farms Subdivision off of Highway 36 North, staff is recommending the annexation of Dixie Road from Highway 36 North to the current city limit line. This annexation will give Development Services the ability to provide the developer subdivision accessibility options to ensure the safety of subdivision residents and other traffic traveling along Dixie Road.

Old Masonic Road

This is a clean-up annexation that has been on the city's list since the survey was done in 2020. The area to the west to this roadway was annexed in 1984 and is the Scenic Estates Subdivision. This annexation would move the city limit line from the back of residential properties.

No citizen comments were heard.

REGULAR SESSION

8. Discuss and Possibly Act Upon an Agreement Between the City of Brenham and AJR Media Group Related to Advertising for the City of Brenham's Tourism and Marketing Department (Visit Brenham DMO) and Authorize the Mayor to Execute Any Necessary Documentation

Director of Tourism and Marketing Jennifer Eckermann presented this item. Eckermann explained that AJR Media Group represents the state travel publications, several of which are part of the Visit Brenham marketing plan for 2025. The plan includes advertising with the following products:

- Texas State Travel Guide
- Texas Highways Magazine
- Texas Events Calendar
- TexasHighways.com
- TourTexas.com banners
- Hot & Happening Events eNewsletter

Eckermann advised that this years cost is \$2,500.00 less than last years.

A motion was made by Councilmember Wright and seconded by Mayor Pro Tem Kolby to approve an agreement between the City of Brenham and AJR Media Group, in the amount of \$57,190.86, related to advertising for the City of Brenham's Tourism and Marketing Department (Visit Brenham DMO) and authorize the Mayor to execute any necessary documentation.

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

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: None

9. Discuss and Possibly Act Upon an Agreement Between the City of Brenham and Madden Media Related to Digital Advertising for the City of Brenham's Tourism and Marketing Department (Visit Brenham DMO) and Authorize the Mayor to Execute Any Necessary Documentation

Director of Tourism and Marketing Jennifer Eckermann presented this item.

Eckermann explained that Visit Brenham DMO has worked with Madden Media to develop a proposal for digital marketing for 2025, with the objectives of increasing brand awareness and overnight visitation. Madden will help us accomplish this through the following tactics:

- Programmatic Display – Prospecting
- Meta Prospecting
- Meta Video
- Google Video
- Search Engine marketing (SEM)

Eckermann advised that this cost is down \$15,000.00 from last year.

A motion was made by Councilmember Saunders and seconded by Councilmember Canales to approve an agreement between the City of Brenham and Madden Media, in the amount of \$99,960.00, related to digital advertising for the City of Brenham's Tourism and Marketing Department (Visit Brenham DMO) and authorize the Mayor to execute any necessary documentation.

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

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: None

10. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- August 22nd - Special Council Meeting
- August 29th - Tailgate at Silver Wings Ballroom
- September 2nd - City Observed Holiday
- September 5th - Regular City Council Meeting

Council adjourned into Executive Session at 1:32 p.m.

EXECUTIVE SESSION

11. Section 551.072 - Texas Government Code - Deliberation Regarding Real Property - Deliberation Related to the Lease or Sale of Real Property Located

**at 110 W. Vulcan Street, Brenham, Washington County, Texas and
Associated Matters**

Executive Session adjourned at 2:03 p.m.

ADJOURN

Atwood C. Kenjura
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

Brenham City Council Minutes

A special meeting of the Brenham City Council was held on Thursday, August 22, 2024 beginning at 1:00 PM in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members Present:

Mayor Atwood Kenjura
Mayor Pro Tem Clint Kolby
Councilmember Shannan Canales
Councilmember Paul LaRoche

Members Absent:

Councilmember Leah Cook
Councilmember Adonna Saunders
Councilmember Albert Wright

City of Brenham Staff Present:

City Manager Carolyn Miller, City Attorney Cary Bovey, City Secretary/Director of Administrative Services Jeana Bellinger, General Manager of Public Utilities William Bisette, Chief Financial Officer Julie Flagg, Director of HR and Risk Management Susan Nienstedt, Fire Chief Mark Donovan, Police Chief Lloyd Powell, Robin Hutchens, and Richard O'Malley.

Citizens/Others Present:

None

Media Present:

Joshua Blaschke with KWHI, and Sarah Forsythe with Brenham Banner Press.

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flag - Councilmember Paul LaRoche**
- 3. Citizen Comments**

No citizen comments were heard.

CONSENT AGENDA

4. Statutory Consent Agenda

4.a. Approve the Purchase of One (1) Chevrolet Tahoe for the City of Brenham Fire Department from Caldwell Country Through BuyBoard Contract No. 724-23 in the Amount of \$52,600.00 and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Canales and seconded by Mayor Pro Tem Kolby to approve the Consent Agenda Item 4.a as presented.

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

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember LaRoche

No: None

Absent: Councilmember Cook, Councilmember Saunders, Councilmember Wright

PUBLIC HEARING

5. Public Hearing to Consider the Proposed Annexation of Approximately 6.5 Acres of Land Situation in Washington County, Texas and Hereinafter Described as:

- **Section 2024-01: Approximately 1.4 Acres of Land, Called Dixie Road and its Right-of-Way, Situated in Washington County, Texas, from State Highway No. 36 North Extending Northward to the Northeast Corner of Vintage Farms Subdivision**
- **Section 2024-02: Approximately 2.6 Areas of Land, Called Dixie Road and its Right-of-Way, Situated in Washington County, Texas, from the Northeast Corner of Vintage Farms Subdivision, Extending North to the Current City Limit Line**
- **Section 2024-03: Approximately 0.5 Acres of Land, Called Old Masonic Road and Right-of-Way, Situated in Washington County, Texas Extending Northward from the Little Sandy Creek to the Northeast Corner of a 2.869 Acre Tract Owned by OCC Construction Corp**
- **Section 2024-04: Described Generally as a 1.0 Acre Tract Extending Northward on Old Masonic Road from the Northeast Corner of a 2.869 Acre Tract Owned by OCC Construction Corp. to the Northwest Corner of a 2.168 Acre Tract Owned by David Ryan Klinger, et ux**
- **Section 2024-05: Described Generally as a 1.0 Acre Tract Extending**

Northward on Old Masonic Road from the Northwest Corner of a 2.168 Acre Tract Owned by David Ryan Klinger, et ux to the Existing City Limit Line

City Secretary/Director of Administrative Services Jeana Bellinger presented this item.

This Public Hearing is for City Council to hear comments and concerns from citizens related to the possible annexation of two (2) county roads and their right-of-way into the city limits:

Dixie Road:

Due to the ongoing development of the Vintage Farms Subdivision off of Highway 36 North, staff is recommending the annexation of Dixie Road from Highway 36 North to the current city limit line. This annexation will give Development Services the ability to provide the developer subdivision accessibility options to ensure the safety of subdivision residents and other traffic traveling along Dixie Road.

Old Masonic Road

This is a clean-up annexation that has been on the city's list since the survey was done in 2020. The area to the west to this roadway was annexed in 1984 and is the Scenic Estates Subdivision. This annexation would move the city limit line from the back of residential properties.

No citizen comments were heard.

REGULAR SESSION

6. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- August 29th - Chamber Tailgate at Silver Wings Ballroom
- September 2nd - City Observed Holiday
- September 5th - Regular City Council Meeting

ADJOURN

Atwood C. Kenjura
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

DRAFT



City Council Regular Meeting **AGENDA ITEM 7.b**

Agenda Item: **Approve the Selection of Randy Criswell - City of Wolfforth (Place 11), Allison Heyward - City of Schertz (Place 12), Harlan Jefferson - City of Burleson (Place 13), and Mike Land - City of Coppell (Place 14) for TML Intergovernmental Risk Pool Board of Trustees and Authorize the Mayor to Execute Any Necessary Documentation**

Meeting Date: September 5, 2024

Department: Administration

Staff Contact: Carolyn Miller, City Manager

SUMMARY STATEMENT:

As a member of the Texas Municipal League Intergovernmental Risk Pool, the City of Brenham may participate in the election of members to the Board of Trustees. The votes on the ballot for Trustee must be certified that the ballot was cast in accordance with official action of the City Council at a regular called meeting. Also, as noted on the ballot, each Trustee will serve for a term of six (6) years. Staff would like to recommend the following persons to serve on the Risk Pool Board:

- Place 11: Randy Criswell - City Manager, City of Wolfforth
- Place 12: Allison Heyward - Councilmember, City of Schertz
- Place 13: Harlan Jefferson - Deputy City Manager, City of Burleson
- Place 14: Mike Land - City Manager, City of Coppell

ATTACHMENTS:

1. TML IRP Ballot

RECOMMENDATION:

Approve the selection of Randy Criswell (Place 11), Allison Heyward (Place 12), Harlan Jefferson (Place 13), and Mike Land (Place 14) for TML Intergovernmental Risk Pool Board of Trustees and authorize the Mayor to execute any necessary documentation.

OFFICIAL BALLOT

Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election

This is the official ballot for the election of Places 11 – 14 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool. Each Member of the Pool is entitled to vote for Board of Trustee members. Please record your organization's choices by placing an "X" in the square beside the candidate's name or writing in the name of an eligible person in the space provided. You can only vote for one candidate for each place.

The officials listed on this ballot have been nominated to serve a six-year term on the TML Intergovernmental Risk Pool (Workers' Compensation, Property and Liability) Board of Trustees. The names of the candidates for each Place on the Board of Trustees are listed in alphabetical order on this ballot.

Ballots must reach the office of David Reagan, Secretary of the Board, no later than September 30, 2024. Ballots received after September 30, 2024, cannot be counted. **The ballot must be properly signed, and all pages of the ballot must be mailed to: Trustee Election, David Reagan, Secretary of the Board, P.O. Box 149194, Austin, Texas 78714-9194. If the ballot is not signed, it will not be counted.**

PLACE 11

- ☐ **Randy Criswell.** (Incumbent) Randy Criswell is currently the City Manager of Wolfforth (Region 3), a position he's held since 2022. He has served on the TML Risk Pool Board of Trustees since 2015 and as Chair of the Board from 2020 to 2022. He has been in public service since 1994, having served the City of Canyon in three administrative roles including City Manager, the City of Mineral Wells as City Manager, and his current position. Mr. Criswell has a Bachelor of Science Degree from Texas Tech University in Engineering Technology and is a Certified Public Manager. He is a member of TCMA and a past member of the TCMA Board of Directors. He and his wife Janie have three grown children, and he enjoys golf, his Harley Davidson motorcycle, and spending time with Janie.
- ☐ **Robert S. Davis.** Robert Davis serves as the City Attorney for the City of Bullard (Region 15). He is a Senior Partner at Flowers Davis PLLC in Tyler and oversees the Business and Commercial Litigation, Insurance Defense, Defense of Governmental Entities, Employment Law, and Medical Liability Sections of the law firm. Mr. Davis has extensive experience in representing governmental entities and government officials in all types of litigation. He also has extensive experience in litigation for major insurance carriers and drafting coverage opinions for insurance carriers. Through the years, he has written many papers for and made numerous presentations to Texas Sheriff's Association, Texas Association of Counties, Texas Jail Association, and Texas Chief Deputies' Association.

WRITE IN CANDIDATE:

PLACE 12

- ☐ **Cedric Davis, Sr.** Cedric Davis is the City Manager of the City of Mathis (Region 11). He joined the city's administration team on January 3, 2024, and has more than three decades of experience as a public servant. He served as the City Manager of Mathis for over four years, and is a former Chief of Police and Public Educator. He is a graduate of Law Enforcement Management Institute of Texas and the Advanced Military Academy of Texas. He has a Bachelor of Science degree in Criminal Justice Administration from Sam Houston State University. He is a licensed Master Peace Officer, Police Instructor, Investigator, and holds certifications in Public Management, Smart City Practitioner, and Public Finance Investment Officer. In 2008 he served as Mayor of Balch Springs.
- ☐ **Rocky Hawkins.** Rocky Hawkins is a Councilmember for the City of Gladewater (Region 15), and served as such for four years. He has also served on the Gladewater Lake Board for 10 years, as a Chamber of Commerce Volunteer, as a member of the "Friends of the Library" at the Lee-Bardwell Public Library in Gladewater, and on various boards and committees at First Baptist Church for 30 years. Mr. Hawkins began his career with a brief stint as a Parole Officer for Gregg County; later spent almost 15 years in the Hospitality/Restaurant Business; and finished his career with 30 years at Eastman Chemical Co. He holds an associate's degree in business management from Kilgore College and a B.S. degree in Criminal Justice from Sam Houston State University.
- ☐ **Allison Heyward.** (Incumbent) Allison Heyward has served as Councilmember for the City of Schertz (Region 7) since 2018. She also serves on the TML Board of Directors and is currently the TML President Elect. She previously served in 2022 on the TMLIRP Board as the TML Board representative. In January 2023, she was appointed to Place 12 on the TMLIRP Board to fill a vacancy. She holds a Bachelor's Degree in Accounting from Texas Southern University, and is a 2020 graduate of the Chamber Leadership Core Program. Mrs. Heyward is also a TML Leadership Fellow and a Certified Municipal Officer (CMO), having received the TMLI CMO (Certified Municipal Official Designation) Award of Excellence for maintaining the designation for 5 continuous years. She has also been recognized with the President's Award for being one of the top 2 highest earners of Continuing Education Units.
- ☐ **Rudy Zepeda.** Rudy Zepeda has served as the Finance Director for the City of Santa Fe (Region 14) since 2021. Before joining Santa Fe, Mr. Zepeda served eight years in Dayton, Texas, as Assistant City Manager and Finance Director. He holds a degree in Classics from the University of Arizona and certification in Certified Public Management from Stephen F. Austin University. While Finance Director in Santa Fe, the city earned the Government Finance Officers Association (GFOA) Budget Presentation Award and the Excellence in Financial Reporting award. This year, the city was recognized by the State Comptroller's Office with its Traditional Finances Star Award. Mr. Zepeda's career spans 30 years, with significant experience in both public and private sectors, including 14 years in local government.

WRITE IN CANDIDATE:

PLACE 13

- ☐ **Harlan Jefferson.** (Incumbent) Deputy City Manager for the City of Burleson (Region 13). Mr. Jefferson has been in public service for 41 years, serving as a Risk Manager for the City of Denton early in his career and serving as Town Manager for Flower Mound and Prosper, Texas. Mr. Jefferson is an active member of the Texas City Management Association (TCMA), having served on its Board of Directors and is a Past President of the North Texas City Manager Association. He holds a Bachelor of Arts in Political Science and a Master of Public Administration from the University of North Texas. Additionally, he is an Adjunct Faculty member in the Master of Public Administration Program at the University of North Texas.

- ☐ **James Quin.** City Administrator for the City of Hutchins (Region 13) since March 2022. He served as City Administrator of Haslet for 8 years and City Manager for Richland Hills for 16 years. Mr. Quin earned a Bachelor of Science Education degree and a Master of Public Administration degree from Missouri State University. He is a member of the International City/County Management Association (ICMA) and maintains the ICMA Credentialed Manager (CM) designation. In April 2022, he was awarded the High Performance Leadership Academy Certificate issued by ICMA Professional Development Academy. Also, he is a full member of TCMA, and previously served on the HCA Medical City Alliance Hospital Board for 6 years.

WRITE IN CANDIDATE:

PLACE 14

- ☐ **Mike Land** (Incumbent) City Manager for the City of Coppell (Region 13) since 2017, and Deputy City Manager from 2012-2017. Previously, he was Town Manager for Prosper, City Manager for Gainesville, and Executive Director for the Southwestern Diabetic Foundation. Mr. Land serves on the International City/County Management (ICMA) Board of Directors and is the 2024-25 ICMA President-Elect. Additionally, he serves on the Texas Women's Leadership Institute Advisory Board, the Texas A&M University's Development Industry Advisory Council, and the UTA MPA Advisory Board. He has also served as School Board Trustee for Gainesville Independent School District and as President of TCMA.

WRITE IN CANDIDATE:

Certificate

I certify that the vote cast above has been cast in accordance with the will of the majority of the governing body of the public entity named below.

Witness my hand, this _____ day of _____, 2024.

Signature of Authorized Official

Title

Printed Name of Authorized Official

Printed Name of Political Entity



City Council Regular Meeting **AGENDA ITEM 7.c**

Agenda Item: **Approve a Payment to Brazos River Authority in the Amount of \$494,913.00 for the City of Brenham Raw Water Supply and Authorize the Mayor to Execute Any Necessary Documentation**

Meeting Date: September 5, 2024

Department: Public Utilities

Staff Contact: Jerry Saldivar
Water Treatment Superintendent

SUMMARY STATEMENT:

The City of Brenham has a long-standing agreement with Brazos River Authority (BRA) that allows for the purchase of 4,200 acre-feet of water per year.

In 2019, the City entered into another water availability agreement, also for municipal use, with BRA for an additional 774 acre-feet of raw water.

Brazos River Authority notifies the city each year of the proposed System Rate, established annually by the Board of Directors of Brazos River Authority. The System Rate is calculated by utilizing a Budget Cost of Services Basis, considering all reasonable economic requirements to develop, operate, maintain, protect and/or expand the System.

Each year, the City is invoiced by BRA for these two agreements. Based on this years water rate of \$99.50 per acre foot, the invoice amount is \$494,913.00.

ATTACHMENTS:

1. May 17, 2024, Letter form Brazos River Authority
2. BRA Invoice #21992

RECOMMENDATION:

Approve a payment to Brazos River Authority in the amount of \$494,913.00 for the City of Brenham raw water supply and authorize the Mayor to execute any necessary documentation.

May 17, 2024

Ms. Nancy Stafford
Executive Assistant
City of Brenham
P.O. Box 1059
Brenham, Texas 77834-1059

Dear Ms. Stafford:

The Brazos River Authority (BRA) would like to invite you and your guests to attend our annual water customer meeting. We will host two of these at the times and locations shown below.

Central & Lower Basins:	10:30 a.m. – June 18, 2024 – Legends Event Center in Bryan
Upper Basin:	10:30 a.m. – June 20, 2024 – Cleburne Conference Center

Customer meetings are an opportunity for you to learn more about the programs and services offered by the BRA, our strategic priorities, our proposed fiscal year (FY) 2025 annual budget, the proposed system water rate of \$99.50 and the proposed agricultural water rate of \$69.65. More importantly, we would like to receive your input on our services and provide you an opportunity to ask questions prior to our Board of Directors meeting on July 29, 2024, in our Waco office, where our Directors will finalize the annual budget and adopt the water rates for FY 2025.

The budget and water rate information provided at each meeting will be identical, and we will highlight the most relevant initiatives and projects to each meeting location. You may attend either meeting. Directions to each location are enclosed for your convenience. Both meetings will be recorded, and the videos will be available at <https://brazos.org/> for those who cannot attend in person.

Please complete and return the enclosed reply slip via fax (254/400-2180), e-mail (Kathy.Dickson@brazos.org), or mail by June 7. Lunch will be provided, so please include all guests on the reply slip. If you have any questions, please feel free to call the point of contact listed for the basin on the reply slip. We appreciate your business and look forward to seeing you at our customer meetings.

Sincerely,



DAVID COLLINSWORTH
General Manager/CEO

DC:kld
Enclosures



DEVELOP ★ MANAGE ★ PROTECT
WATER RESOURCES OF THE BRAZOS RIVER BASIN



4600 COBBS DRIVE ★ P.O. BOX 7555 ★ WACO, TEXAS 76714-7555
(254) 761-3100

REMITTANCE SECTION

Customer No. 944
Invoice No. 21992
Invoice Date: 08/15/2024
Due Date: 09/15/2024
Amount Due: \$494,913.00

City of Brenham
Attn: Accounts Payable
P.O. Box 1059
Brenham, TX 77834-1059

Keep lower portion for your records – Please return upper portion with your payment

INVOICE DETAIL

Item / Description	Qty	UOM	Price	Amount
944-03 SYSTEM WATER AVAILABILITY AGRT Annual Invoice	4,200.00	AF	99.50	417,900.00
944-04 SWAA-SYS OPS WATER AGREEMENT Annual Invoice	774.00	AF	99.50	77,013.00

↓ Look ↓ Fast & Easy Pay Option ↓ Look ↓ Total Amount Due: \$ \$494,913.00

Save Postage & Time:

To pay online, visit our website at www.brazos.org and click on 'Doing Business' then select 'Make an Online Payment'

IMPORTANT NOTICE

Questions? Call 254-761-3100

Please remove the above Remittance Section and **return with your payment** to the mailing address listed. If unable to include the remittance section, your customer account number must be written legibly on the check to ensure proper account credit.

Please remit by due date to prevent additional late fees and finance charges.



City Council Regular Meeting **AGENDA ITEM 7.d**

Agenda Item: **Approve Change Order No. 2 and Final Payment for Project No. 63C-19C to McDonald Municipal and Industrial in the Amount of \$17,413.60 Related to the Generator at Atlow Booster Pumping Station and Authorize the Mayor to Execute Any Necessary Documentation**

Meeting Date: September 5, 2024

Department: Public Utilities

Staff Contact: Shawn Bolenbarr, Public Utilities Project Manager

SUMMARY STATEMENT:

On April 20, 2023, City Council awarded Project # 63C-19C (Generator at Atlow Booster Pumping Station) to McDonald Municipal and Industrial. This project consisted of installing a backup generator, automatic transfer switch, and a concrete pad for the generator to be situated upon. The total value of the contract was \$184,136.00.

On August 1, 2024, the City of Brenham Public Utilities Department received a Change Order #2 for Project # 66C-19C (Generator at Atlow Booster Pumping Station). Change order #2 was for the removal of the natural gas utility allowance. This cash allowance was not needed due to the City of Brenham being the natural gas provider for this project location.

Please see the cost amount for each change orders below along with the total project cost:

- Change Order #1 (Deductive): - \$5,000.00
- Change Order #2 (Deductive): - \$5,000.00
- Total Project Cost - \$174,136.00

We are very happy to say that this project has been completed and the final work looks great. A final walk through for the project has been conducted by City staff and Strand Associates Inc. staff and based upon inspection, we have determined that all components were installed correctly and are working properly. The attached documentation shows that the contractor has met all financial obligations by returning the Consent of Surety to Final Payment, Power of Attorney, and Affidavit of Payment of Dept and Claims.

ATTACHMENTS:

1. Change Order No. 2
2. Application of Payment No .6 (Final)

RECOMMENDATION:

Approve Change Order No. 2 and Final Payment for Project No. 63C-19C to McDonald Municipal and Industrial in the amount of \$17,413.60 related to the Generator at Atlow Booster Pumping Station and authorize the Mayor to execute any necessary documentation.



Strand Associates, Inc.®
1906 Niebuhr Street
Brenham, TX 77833
(P) 979.836.7937
www.strand.com

July 18, 2024

CHANGE ORDER NO. 2

PROJECT: ARPA Generator at Atlow Booster Pumping Station
OWNER: City of Brenham, Texas
CONTRACT: 63C-19C
CONTRACTOR: McDonald Municipal and Industrial, a Division of C.F. McDonald Electric, Inc.

Description of Change

2a	Remove Natural Gas Utility Allowance	(DEDUCT)	(\$5,000.00)
TOTAL VALUE OF THIS CHANGE ORDER:		(DEDUCT)	(\$5,000.00)

Contract Price Adjustment

Original Contract Price	\$184,136.00
Previous Change Order Adjustments	(\$5,000.00)
Adjustment in Contract Price this Change Order	(\$5,000.00)
Current Contract Price including this Change Order	\$174,136.00

Contract Final Completion Date Adjustment

Original Contract Final Completion Date	June 25, 2024
Contract Final Completion Date Adjustments due to previous Change Orders	0 Days
Contract Final Completion Date Adjustments due to this Change Order	0 Days
Current Final Contract Completion Dates including all Change Orders	June 25, 2024

TBPE No. F-8405
TBPLS No. 10030000

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City of Brenham—McDonald Municipal and Industrial, a Division of C.F. McDonald Electric, Inc.
Contract 63C-19C, Change Order No. 2
Page 2
July 18, 2024

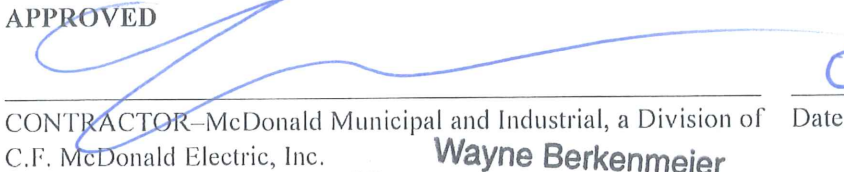
This document shall become a supplement to the Contract and all provisions will apply hereto.

RECOMMENDED


ENGINEER—Strand Associates, Inc.®

7.18.24
Date

APPROVED


CONTRACTOR—McDonald Municipal and Industrial, a Division of C.F. McDonald Electric, Inc.

07-19-24
Date

Wayne Berkenmeier
Vice President Special Projects

APPROVED

OWNER—City of Brenham, Texas

Date

APPLICATION FOR PAYMENT NO. 06

TO OWNER: CITY OF BRENHAM, 200 WEST VULCAN, BRENHAM, TEXAS 77833
FROM CONTRACTOR: McDonald Municipal and Industrial a Division of C.F. McDonald Electric, Inc.
PROJECT: ARPA Generator at Atlow Booster Pumping Station
STRAND PROJECT NO. 3900.268

CONTRACT AWARDED: April 20, 2023
PERIOD FROM: November 30, 2023
CONST. TIME ALLOTTED (Days): 390

NOTICE TO PROCEED: June 1, 2023
PERIOD TO: June 13, 2024
TIME USED (Days): 439

ITEM	BASE BID	CONTRACT QUANTITY	UNIT	PREVIOUS PERIOD	CURRENT PERIOD	TOTAL	UNIT PRICE	TOTAL VALUE OF WORK COMPLETED
1	Mobilization	\$20,000.00	1	\$20,000.00	\$0.00	\$20,000.00	\$20,000.00	\$20,000.00
2	Bonds & Insurance	\$15,000.00	1	\$15,000.00	0.00	\$15,000.00	\$15,000.00	\$15,000.00
3	Remove paving	\$5,000.00	1	\$5,000.00	\$0.00	\$5,000.00	\$5,000.00	\$5,000.00
4	Electrical duct bank	\$20,000.00	1	\$20,000.00	\$0.00	\$20,000.00	\$20,000.00	\$20,000.00
5	Gas line	\$10,000.00	1	\$10,000.00	\$0.00	\$10,000.00	\$10,000.00	\$10,000.00
6	Grounding	\$5,000.00	1	\$5,000.00	\$0.00	\$5,000.00	\$5,000.00	\$5,000.00
7	Guard post	\$5,000.00	1	\$5,000.00	\$0.00	\$5,000.00	\$5,000.00	\$5,000.00
8	Concrete generator & ATS pad	\$20,000.00	1	\$20,000.00	\$0.00	\$20,000.00	\$20,000.00	\$20,000.00
9	Demo MTS, gen plug, utility duct bank	\$10,000.00	1	\$10,000.00	\$0.00	\$10,000.00	\$10,000.00	\$10,000.00
10	Furnish and install natural gas generator	\$45,000.00	1	\$45,000.00	\$0.00	\$45,000.00	\$45,000.00	\$45,000.00
11	Furnish and install SER ATS	\$12,036.00	1	\$12,036.00	\$0.00	\$12,036.00	\$12,036.00	\$12,036.00
12	Conduit and wire	\$10,000.00	1	\$10,000.00	\$0.00	\$10,000.00	\$10,000.00	\$10,000.00
13	5" thick concrete paving	\$2,100.00	1	\$2,100.00	\$0.00	\$2,100.00	\$2,100.00	\$2,100.00
14	ALLOWANCE: Natural gas utility	\$5,000.00	1	\$0.00	\$0.00	\$5,000.00	\$5,000.00	\$0.00
15	Change Order #1	-\$5,000.00	1	-\$5,000.00	\$0.00	-\$5,000.00	-\$5,000.00	\$ (5,000.00)
16								
17								
18								
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24								
25								
26								
27								
28								
29								
30								
31				\$174,136.00	\$0.00	\$179,136.00	\$179,136.00	\$174,136.00
32								

Original Contract: \$ 184,136.00
Plus Additions:
Less Deductions: \$ 5,000.00
Adjusted Contract: \$ 179,136.00

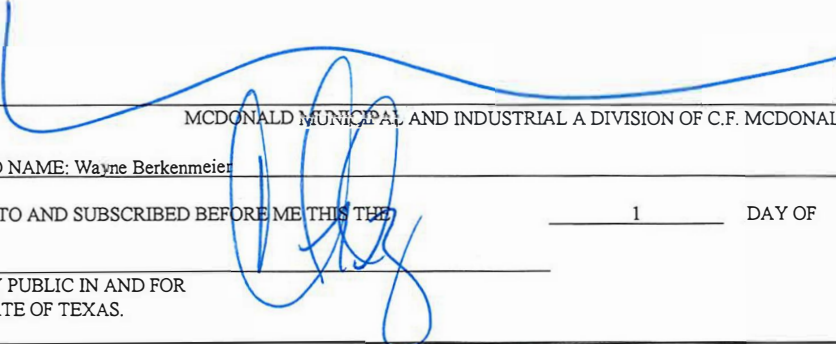
Value of Work Performed to Date \$174,136.00
Plus Materials Stored at Close of Period \$ -
Net Amt Earned to Date \$ 174,136.00
Less 10% Retainage \$ -
Subtotal \$ 174,136.00
Less Previous Pay Applications \$ 156,722.40
Amount Due this Application \$ 17,413.60

AFFIDAVIT & CERTIFICATION OF PAY APPLICATION BY CONTRACTOR

STATE OF TEXAS
COUNTY OF Harris

WHEREAS, the undersigned, Wayne Berkenmeier, who being duly sworn, on oath, says that he is the legal representative of McDonald Municipal and Industrial a Division of C.F. McDonald Electric, Inc., has been employed by City of Brenham to furnish labor and materials for the ARPA Generator at Atlow Booster Pumping Station project in Brenham, Texas.

The undersigned Contractor certifies that: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

BY: 

DATE: 7/1/2024

MCDONALD MUNICIPAL AND INDUSTRIAL A DIVISION OF C.F. MCDONALD ELECTRIC, INC.

PRINTED NAME: Wayne Berkenmeier

TITLE: VP Special Projects

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 1 DAY OF July, 2024

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS.



MICHELLE GUTIERREZ
Notary Public, State of Texas
Commission Expires 08-09-2025
Notary ID 13325681-2

RECOMMENDED BY:  DATE: 8-1-24
STRAND ASSOCIATES, INC.®

APPROVED BY: _____ DATE: _____
CITY OF BRENHAM, TEXAS

INVOICE

 **C.F. McDONALD
ELECTRIC, INC.**

CONTRACTORS • ENGINEERS

5044 Timber Creek • Houston, TX 77017 • (713) 921-1368

Sold To:

City of Brenham
C/O Strand Associates
1906 Niebuhr St
Brenham, TX 77833

Date: 7/01/24

Invoice No.

RECEIVED JUL 31 2024

W025820-6

P.O. NO.	PROJECT NAME AND / OR ADDRESS	ARPA Generator at Atlow Booster Pumping Stations	SUBCONTACT NO. 63C-19C
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NOTICE: Invoice due upon receipt. A Service charge equal to the maximum legal rate of interest allowable per month will be charged on any payment not received within 30 days after date of this invoice.
"Regulated by The Texas Department of Licensing and Regulations, License #18339, P.O. Box 12157, Austin, TX 78711, 1-800-803-9202, 512-463-6599, website: www.license.state.tx.us/complaints"

Base Contract Amount \$174,136.00

10% Retained \$17,413.60

TOTAL THIS INVOICE ----- \$17,413.60

Mail 4 Original Copies

Thank You!



City Council Regular Meeting **AGENDA ITEM 7.e**

Agenda Item: **Approve Deductive Change Order No. 2 and Final Payment to Collier Construction, LLC in the Amount of \$19,023.70 Related to the Blue Bell Aquatic Center Locker Room Renovation Project and Authorize the Mayor to Execute Any Necessary Documentation**

Meeting Date: September 5, 2024

Department: Public Works

Staff Contact: Dane Rau, Director of Public Works

SUMMARY STATEMENT:

On October 19, 2023, the Brenham City Council awarded Collier Construction LLC a contract in the amount of \$387,000 for Locker Room and Restroom Improvements at the Blue Bell Aquatic Center.

We are very happy to say that these improvements have been completed and they look fresh and vibrant. Collier did a great job of completing the improvements just in time for the peak of summer season. We are also happy to say that this project came in under the contract amount by \$6,526. The total project cost for construction was \$380,474. There was one minor change order and also a deductive change order in the amount of \$11,600 for tile testing that was not needed. A final walk-thru and punch list was conducted, and the project is now substantially complete and in full usage.

The scope of work consisted of new lockers, new flooring, new partitions, upgrade to women's vanity, shower upgrades, hand dryers, additional seating options, upgrade of plumbing fixtures and demo of old items. The storefront doors around the restrooms and leading to the hallway were also replaced within this project due to deterioration from the chlorine.

We would like to respectfully ask the Council to approve the final payment to Collier Construction LLC in the amount of \$19,023.70.

ATTACHMENTS:

1. Pay Application No. 7 and Final
2. Change Order
3. Certificate of Completion and Associated Documentation

RECOMMENDATION:

Approve Deductive Change Order No. 2 and Final Payment to Collier Construction, LLC in the amount of \$19,023.70 related to the Blue Bell Aquatic Center Locker Room Renovation Project and authorize the Mayor to execute any necessary documentation.

APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF

2 PAGES

TO OWNER: City of Brenham
200 West Vulcan Street
Brenham, Texas 77833

PROJECT: 2311

Blue Bell Aquatic Center Locker Room Renovaton

APPLICATION NO: #7RET

Distribution to:

☐ OWNER
☐ ARCHITECT
☐ CONTRACTOR

PERIOD TO: 07/31/24

FROM CONTRACTOR:

VIA ARCHITECT:

BBA Architects, LP

Collier Construction, LLC
P.O. Box 1889
Brenham, Texas 77833

CONTRACT FOR:

CONTRACT DATE:

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

for which p
from the Owner
COLL

1. ORIGINAL CONTRACT SUM	\$	387,000.00
2. Net change by Change Orders	\$	(6,526.00)
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$	380,474.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$	380,474.00
5. RETAINAGE:		
a. 0.05% of Completed Work (Column D + E on G703)	\$	0.00
b. % of Stored Material (Column F on G703)	\$	
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$	0.00
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$	380,474.00
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	361,450.30
8. CURRENT PAYMENT DUE	\$	19,023.70
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$	0.00

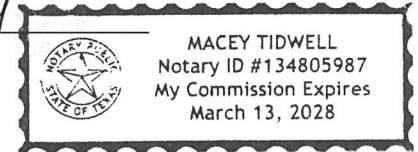
CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	(\$6,526.00)	
Total approved this Month	\$0.00	
TOTALS	(\$6,526.00)	\$0.00
NET CHANGES by Change Order	(\$6,526.00)	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: COLLIER CONSTRUCTION, LLC.

By: Chastia KilianDate: 8/8/2024

State of: Texas County of: Washington
Subscribed and sworn to before me this 8th day of August, 2024
Notary Public: Macey Tidwell
My Commission expires: 3/13/28



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ 19,023.70

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT:

By: Dawn H.Date: 2024-08-12

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

		SCHEDULED VALUE	PREVIOUS APPLICATION	THIS APPLICATION	COMPLETED	%	BALANCE	RETAINAGE
1	DIV.1 GENERAL REQUIREMENTS							
2	Dumpsters	3,500.00	3,500.00	0.00	3,500.00	100%	0.00	175.00
3	Final Cleaning	2,500.00	2,500.00	0.00	2,500.00	100%	0.00	125.00
4	Storage & Security	1,000.00	1,000.00	0.00	1,000.00	100%	0.00	50.00
5	Mobilization	5,000.00	5,000.00	0.00	5,000.00	100%	0.00	250.00
6	DIV.2 EXISTING CONDITIONS							
7	Selective Demolition	20,113.00	20,113.00	0.00	20,113.00	100%	0.00	1,005.65
8	Concrete Patch	1,500.00	1,500.00	0.00	1,500.00	100%	0.00	75.00
9	DIV.4 MASONRY							
10	Masonry	15,543.00	15,543.00	0.00	15,543.00	100%	0.00	777.15
11	DIV.6 WOOD, PLASTICS							
12	Rough Carpentry	15,975.00	15,975.00	0.00	15,975.00	100%	0.00	798.75
13	DIV.8 OPENINGS							
14	Glass & Glazing/Glazed Systems	46,000.00	46,000.00	0.00	46,000.00	100%	0.00	2,300.00
15	DIV.9 FINISHES							
16	Drywall	12,624.00	12,624.00	0.00	12,624.00	100%	0.00	631.20
17	Ceramic Tile	21,783.00	21,783.00	0.00	21,783.00	100%	0.00	1,089.15
18	Floor Protection	500.00	500.00	0.00	500.00	100%	0.00	25.00
19	Epoxy Flooring	35,434.00	35,434.00	0.00	35,434.00	100%	0.00	1,771.70
20	Painting	5,805.00	5,805.00	0.00	5,805.00	100%	0.00	290.25
21	DIV.10 SPECIALTIES							
22	Toilet Partitions & Vanities	16,484.00	16,484.00	0.00	16,484.00	100%	0.00	824.20
23	Toilet Accessories	7,542.00	7,542.00	0.00	7,542.00	100%	0.00	377.10
24	Install Owner Furnished Plastic Lockers	2,125.00	2,125.00	0.00	2,125.00	100%	0.00	106.25
25	Plastic Benches (F&I)	2,490.00	2,490.00	0.00	2,490.00	100%	0.00	124.50
26	DIV.22 PLUMBING							
27	Plumbing	73,320.00	73,320.00	0.00	73,320.00	100%	0.00	3,666.00
28	DIV.26 ELECTRICAL							
29	Electrical	12,210.00	12,210.00	0.00	12,210.00	100%	0.00	610.50
30								
31	Testing & Inspection Allowance	11,600.00	11,600.00	0.00	11,600.00	100%	0.00	580.00
32	General Conditions	26,050.00	26,050.00	0.00	26,050.00	100%	0.00	1,302.50
33	Bonds & Insurance	15,345.00	15,345.00	0.00	15,345.00	100%	0.00	767.25
34	Fee	32,557.00	32,557.00	0.00	32,557.00	100%	0.00	1,627.85
35	SUBTOTALS	387,000.00	387,000.00	0.00	387,000.00	100%	0.00	19,350.00
	Contract Change Order #001 (\$5,074)							
36	PMP #1 Relocate Swimsuit Dryers	395.00	395.00	0.00	395.00	100%	0.00	19.75
37	PMP #2 Water Closet & Urinal Replacement	3,335.00	3,335.00	0.00	3,335.00	100%	0.00	166.75
38	PMP #3 Floor Drain Clamping Collars	1,344.00	1,344.00	0.00	1,344.00	100%	0.00	67.20
	Contract Change Order #002 - Unused Testing Allowance	-11,600.00	-11,600.00	0.00	-11,600.00	100%	0.00	-580.00
40	TOTALS	380,474.00	380,474.00	0.00	380,474.00	100%	0.00	19,023.70
	Application: #7RET							

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Change Order

PROJECT: <i>(Name and address)</i> Blue Bell Aquatic Center Locker Room Renovations 1800 East Tom Green Street, Brenham, Texas 77833	CONTRACT INFORMATION: Contract For: General Construction Date: October 20, 2023	CHANGE ORDER INFORMATION: Change Order Number: 002 Date: July 16, 2024
OWNER: <i>(Name and address)</i> City of Brenham 200 West Vulcan Street, Suite 203, Brenham, Texas 77833	ARCHITECT: <i>(Name and address)</i> BBA Architects, LP 213 West Main Street, Brenham, Texas 77833	CONTRACTOR: <i>(Name and address)</i> Collier Construction, LLC 1601 Highway 290 West, Brenham, Texas 77833

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

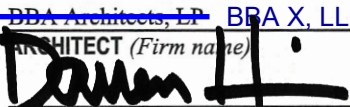
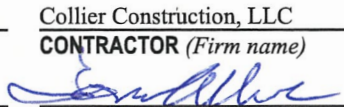
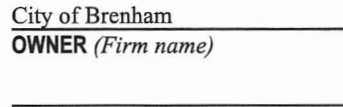
Reduce the contract amount by (\$11,600) for the unused Testing Inspection Allowance.

The original Contract Sum was	\$ 387,000.00
The net change by previously authorized Change Orders	\$ 5,074.00
The Contract Sum prior to this Change Order was	\$ 392,074.00
The Contract Sum will be decreased by this Change Order in the amount of	\$ 11,600.00
The new Contract Sum including this Change Order will be	\$ 380,474.00

The Contract Time will be increased by Zero (0) days

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

BBA Architects, LP BBA X, LLC ARCHITECT <i>(Firm name)</i>	Collier Construction, LLC CONTRACTOR <i>(Firm name)</i>	City of Brenham OWNER <i>(Firm name)</i>
 SIGNATURE	 SIGNATURE	 SIGNATURE
Darren Heine, President PRINTED NAME AND TITLE	Tom Alhus, Vice President PRINTED NAME AND TITLE	Tom Alhus, Vice President PRINTED NAME AND TITLE
August 5, 2024 DATE	7-31-2024 DATE	7-31-2024 DATE

August 12, 2024

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

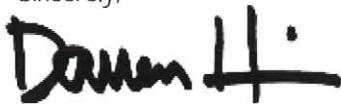
Re: Blue Bell Aquatic Center Locker Room Renovation
Construction Contract with Collier Construction, LLC

Dear Dane,

Attached is Contractor's Application for Payment #17 indicating the renovation to the locker rooms at the Blue Bell Aquatic Center is now 100% complete. BBAX Architects has certified that work has progressed as indicated, the quality of the work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the remaining balance of \$19,023.70 representing the retainage withheld on the project.

Don't hesitate to call if there are questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Darren H.", with a stylized horizontal line extending from the end.

Darren Heine, AIA

DH/jf



AIA®

Document G704® – 2017

Certificate of Substantial Completion**PROJECT:** *(name and address)*

Blue Bell Aquatic Center
Locker Room Renovations
1800 East Tom Green Street
Brenham, Texas 77833

CONTRACT INFORMATION:

Contract For: General Construction

Date: October 20, 2023

CERTIFICATE INFORMATION:

Certificate Number: 001

Date: June 10, 2024

OWNER: *(name and address)*

City of Brenham
200 West Vulcan Street, Suite 203
Brenham, Texas 77833

ARCHITECT: *(name and address)*

BBA X, LLC
213 West Main Street
Brenham, Texas 77833

CONTRACTOR: *(name and address)*

Collier Construction, LLC
1601 Highway 290 West
Brenham, Texas 77833

The Work identified below has been reviewed and found, to the Architect's best knowledge, information, and belief, to be substantially complete. Substantial Completion is the stage in the progress of the Work when the Work or designated portion is sufficiently complete in accordance with the Contract Documents so that the Owner can occupy or utilize the Work for its intended use. The date of Substantial Completion of the Project or portion designated below is the date established by this Certificate.

(Identify the Work, or portion thereof, that is substantially complete.)

Entire Project

BBA X, LLC

ARCHITECT *(Firm Name)*



SIGNATURE

Darren Heine, President

PRINTED NAME AND TITLE

June 10, 2024

DATE OF SUBSTANTIAL COMPLETION

WARRANTIES

The date of Substantial Completion of the Project or portion designated above is also the date of commencement of applicable warranties required by the Contract Documents, except as stated below:

(Identify warranties that do not commence on the date of Substantial Completion, if any, and indicate their date of commencement.)

WORK TO BE COMPLETED OR CORRECTED

A list of items to be completed or corrected is attached hereto, or transmitted as agreed upon by the parties, and identified as follows:

(Identify the list of Work to be completed or corrected.)

A composite punch list combining noted corrective items from the Architect and MEP Engineer is attached attached hereto.

The failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents. Unless otherwise agreed to in writing, the date of commencement of warranties for items on the attached list will be the date of issuance of the final Certificate of Payment or the date of final payment, whichever occurs first. The Contractor will complete or correct the Work on the list of items attached hereto within sixty (60) days from the above date of Substantial Completion.

Cost estimate of Work to be completed or corrected: \$5,000

The responsibilities of the Owner and Contractor for security, maintenance, heat, utilities, damage to the Work, insurance, and other items identified below shall be as follows:

(Note: Owner's and Contractor's legal and insurance counsel should review insurance requirements and coverage.)

Security, maintenance, heat, utilities, damage to the Work, and insurance shall be the responsibility of Owner beyond the Date of Substantial Completion.

The Owner and Contractor hereby accept the responsibilities assigned to them in this Certificate of Substantial Completion:

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User Notes:

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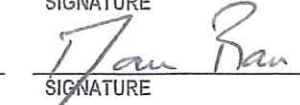
Collier Construction, LLC
CONTRACTOR (Firm
Name)


SIGNATURE

Jan Albas, VP
PRINTED NAME AND TITLE

06/19/2024
DATE

City of Brenham
OWNER (Firm Name)


SIGNATURE

Dan Rau
PRINTED NAME AND TITLE

06/20/2024
DATE



Project: Blue Bell Aquatic Center Locker Renovation
Architect: BBA X, LLC
General Contractor: Collier Construction, LLC

06-10-2024

FOR DISTRIBUTION TO:	
Owner	☒
Civil Engineer	☐
Architect	☒
Structural Engineer	☐
M/E/P Engineer	☒
General Contractor	☒

Architect's Punch List

Items from Walk-Thru performed on 06-10-2024

Architectural General Notes

1. Adjust closers to meet TAS requirements for resistance and for closing speed.
2. Provide silencers at all door frames, three per single door and two per double doors, in accordance with manufacturer recommendations.
3. Notify Architect when building is ready for TAS inspection. Contractor is to accompany TAS inspector during inspection to discuss any areas needing remediation. Any items noted by the TAS inspection necessary for bringing the building into compliance with accessibility guidelines will be added to the punch list.
4. Additional MEP punch list items will be prepared by the engineer and will be considered a part of the overall punch list.
5. Clean all light fixtures including the top and bottom of body and the specular trim.
6. Set proper water temperature at water heater for all faucets and showers.
7. Clean all aerators at faucets / flush water lines.
8. Clean all HVAC registers, replace filters.
9. Clean grout haze from tile using manufacturer's recommended cleaning solution and method.
10. Touch-up paint at all areas where nicked. Make sure all lights are on when performing visual inspection.
11. Perform general cleaning, including cleaning of door frames.
12. Verify thresholds at all exteriors are as specified on architectural documents and meet accessibility requirements.
13. Provide project closeout documents per Section 017700 Closeout Procedures of the specifications. Documents to include, but are not limited to, warranties, operating and maintenance manuals, and HVAC test and balance records.
14. Conduct Training with owner on all building systems.
15. Ensure door bumpers are installed on all interior doors.
16. Conduct CFM test of exhaust fan motors (City of Brenham item)
17. Install Knee Space panels in both Locker Rooms
18. Slip Resistance of Epoxy floor from Spec: Confirm that epoxy flooring complies with spec requirements for slip resistance.
 - Section 096723 (spec for EPOXY-1 for the shower) says under 2.1.A.3 "Slip Resistance: Shall meet or exceed dynamic coefficient of friction for shower floors, per ANSI A326.3."
 - Section 096725 (spec for EPOXY-2 in the restroom and locker areas) says under 2.1.A.3. "Slip Resistance: Shall meet or exceed dynamic coefficient of friction for wet areas, per ANSI A326.3."

Interior Room Specific Items

- 112- Women's Lockers
- Add clear caulk on back side of ledge of mirror wall to seal from water entry between ledge and wall, no caulk on sides of countertop
 - Replace acoustic ceiling tiles with water spots/staining (City of Brenham item)
- 113- Women's Showers
- Secure shower valve escutcheon plates to wall
 - Tighten allen screw at ADA Shower upper arm to wall unit to prevent it from movement
 - Check all shower head filters
- 114- Women's Restrooms
- ADA stall difficult to lock. Adjust
 - Tighten sink faucets to countertops to prevent rotation
- 118- Vending Area
- Clean sealant on aluminum interior storefront at top
 - Clean all new glass at both storefront units
- 121- Men's Restroom
- Repair apparent leak under South Side Sink
 - Verify sink faucets are secured tight to countertops to prevent rotation
- 122- Men's Showers
- Tighten allen screw at ADA Shower upper arm to wall unit to prevent it from movement
 - Check all shower head filters
 - Tighten sink faucets to countertops
 - Secure shower valve escutcheon plates to wall
- 123- Men's Lockers
- Remove markings on countertops

Exterior Items

1. Adjust closers to disallow door to swing beyond 110 degrees to avoid door binding at exterior stone veneer.
 - If closers cannot be adjusted, install door stop at exterior storefront at doors 1 and 4, installed 1 ft off of wall.
2. Paint caulk only at connection between exterior storefront and painted roof deck (not along stone to storefront connection) to match existing gray paint.



3. Door 3, adjust closer to slow close, match speed of door at far west end. Also set closers to pause before shutting completely.

Project Images



Figure 1: Install glass missing from storefront



Figure 2: Clean return air vent in vending area

Mechanical Punch List

1. Electrician to update panel schedules to include labels for all circuits in remodel areas. Panel schedules to be typewritten or neatly handwritten in ink.
2. Refer to Architect's punch list for additional MEP items of corrective work required.



AIA® Document G706®A – 1994

Contractor's Affidavit of Release of Liens

PROJECT: <i>(Name and address)</i> Blue Bell Aquatic Center Locker Room Renovations 1800 East Tom Green Street, Brenham, Texas 77833	ARCHITECT'S PROJECT NUMBER:	OWNER: ☐
TO OWNER: <i>(Name and address)</i> City of Brenham 200 West Vulcan Street, Suite 203, Brenham, Texas 77833	CONTRACT FOR: General Construction CONTRACT DATED: October 20, 2023	ARCHITECT: ☐ CONTRACTOR: ☒ SURETY: ☐ OTHER: ☐

STATE OF: Texas
COUNTY OF: Washington

The undersigned hereby certifies that to the best of the undersigned's knowledge, information and belief, except as listed below, the Releases or Waivers of Lien attached hereto include the Contractor, all Subcontractors, all suppliers of materials and equipment, and all performers of Work, labor or services who have or may have liens or encumbrances or the right to assert liens or encumbrances against any property of the Owner arising in any manner out of the performance of the Contract referenced above.

EXCEPTIONS:

Any undue obligations or claims.

SUPPORTING DOCUMENTS ATTACHED HERETO:

1. Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.
2. Separate Releases or Waivers of Liens from Subcontractors and material and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.

CONTRACTOR: *(Name and address)*

Collier Construction, LLC
1601 Highway 290 West,
Brenham, Texas 77833

BY:



(Signature of authorized representative)

Tom Albus, Vice President

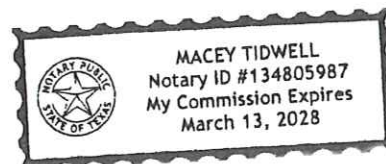
(Printed name and title)

Subscribed and sworn to before me on this date: June 25, 24

Notary Public:



My Commission Expires: 3/13/28



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User Notes:

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AIA® Document G706® – 1994

Contractor's Affidavit of Payment of Debts and Claims

PROJECT: <i>(Name and address)</i> Blue Bell Aquatic Center Locker Room Renovations 1800 East Tom Green Street, Brenham, Texas 77833	ARCHITECT'S PROJECT NUMBER:	OWNER: ☐ ARCHITECT: ☐ CONTRACTOR: ☒ SURETY: ☐ OTHER: ☐
TO OWNER: <i>(Name and address)</i> City of Brenham 200 West Vulcon Street, Suite 203, Brenham, Texas 77833	CONTRACT FOR: General Construction CONTRACT DATED: October 20, 2023	

STATE OF: Texas
COUNTY OF: Washington

The undersigned hereby certifies that, except as listed below, payment has been made in full and all obligations have otherwise been satisfied for all materials and equipment furnished, for all work, labor, and services performed, and for all known indebtedness and claims against the Contractor for damages arising in any manner in connection with the performance of the Contract referenced above for which the Owner or Owner's property might in any way be held responsible or encumbered.

EXCEPTIONS:

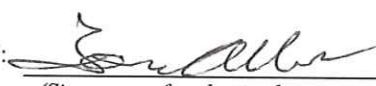
Any undue obligations or claims.

SUPPORTING DOCUMENTS ATTACHED HERETO:

- Consent of Surety to Final Payment. Whenever Surety is involved, Consent of Surety is required. AIA Document G707, Consent of Surety, may be used for this purpose
- Indicate Attachment ☐ Yes ☒ No

CONTRACTOR: *(Name and address)*

Collier Construction, LLC
1601 Highway 290 West,
Brenham, Texas 77833

BY: 
(Signature of authorized representative)

Tom Albus, Vice President
(Printed name and title)

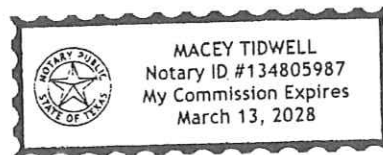
The following supporting documents should be attached hereto if required by the Owner:

- Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.
- Separate Releases or Waivers of Liens from Subcontractors and material and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.
- Contractor's Affidavit of Release of Liens (AIA Document G706A).

Subscribed and sworn to before me on this date:

June 25, 2024

Notary Public: 
My Commission Expires: 3/13/28



**CONSENT OF SURETY
TO FINAL PAYMENT**

AIA Document G707

Bond No. 58S216654

OWNER	☐
ARCHITECT	☐
CONTRACTOR	☐
SURETY	☐
OTHER	☐

TO OWNER:
(Name and address)

City of Brenham
200 West Vulcan Street
Brenham, TX 77833

PROJECT:
(Name and address)

Blue Bell Aquatic Center Locker Room Renovations located at 1800 East Tom Green Street, Brenham, Texas
77833

ARCHITECT'S PROJECT NO.:

CONTRACT FOR: General Construction

CONTRACT DATED: October 20, 2023

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the
(Insert name and address of Surety)

Liberty Mutual Insurance Company
175 Berkeley Street
Boston, MA 02116

, SURETY,

on bond of
(Insert name and address of Contractor)

Collier Construction, LLC
P. O. Box 1889
Brenham, TX 77834-1889

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the Surety of
any of its obligations to
(Insert name and address of Owner)

City of Brenham
200 West Vulcan Street
Brenham, TX 77833

, OWNER,

as set forth in said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: June 14, 2024
(Insert in writing the month followed by the numeric date and year.)

Attest:
(Seal):



Liberty Mutual Insurance Company

(Surety)

By:

(Signature of authorized representative)

Michele Bonnin

Attorney-in-Fact

(Printed name and title)



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint Michele Bonnin all of the city of The Woodlands, state of TX its true and lawful attorney-in-fact, with full power and authority hereby conferred to sign, execute and acknowledge the following surety bond:

Principal Name: Collier Construction, LLC

Obligee Name: City of Brenham

Surety Bond Number: 58S216654

Bond Amount: See Bond Form

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 14th day of June, 2024.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company



By: David M. Carey

David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 14th day of June, 2024, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By: Teresa Pastella

Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, of Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company do hereby certify that this power of attorney executed by said Companies is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 14th day of June, 2024.



By: Renee C. Llewellyn

Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.



City Council Regular Meeting **AGENDA ITEM 8**

Agenda Item: Proposed Tax Rate of \$0.4584 per \$100.00 Valuation for Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025

Meeting Date: September 5, 2024

Department: Finance

Staff Contact: Julie Flagg, Chief Financial Officer

SUMMARY STATEMENT:

The Washington County Appraisal District has certified the taxable values for the 2024 Tax Year with an overall increase in property values of 7.8%. A property tax rate of \$0.4584 per \$100 valuation is being proposed to fund the FY2024-25 budget. Although the proposed rate of \$0.4584 is unchanged from the current rate, due to increased property values, the proposed rate is above the no-new revenue rate and will produce higher tax revenues. Therefore, a public hearing is required so that taxpayers may have the opportunity to express their views on the increase in tax revenues.

ATTACHMENTS:

1. Memo for Public Hearing on Proposed 2024 Tax Rate

RECOMMENDATION:

Receive citizen comments regarding proposed property tax rate.



MEMORANDUM

To: Mayor, Council and City Manager

From: Julie Flagg
Chief Financial Officer

Subject: Public Hearing on Proposed 2024 Tax Rate

Date: September 5, 2024

The proposed FY2024-25 budget was presented to Council at the Budget Workshops held on July 22, 2024. The proposed budget is on the City's website and on file with the City Secretary.

A property tax rate of \$0.4584 per \$100 valuation is proposed to fund the FY2024-25 Budget. Of this rate, \$0.3164 will be for maintenance and operations (M&O). The balance of \$0.1420 is for debt service (interest and sinking or I&S). Based on the certified taxable values of \$2,518,017,543, the no-new revenue tax rate is \$0.4555 and the voter-approval rate is \$0.4666 per \$100 valuation for the 2024 Tax Year.

Although the proposed budget maintains the current property tax rate of \$0.4584, due to increased property values, this proposed tax rate is above the no-new revenue rate and will produce higher tax revenues. The following table compares the taxes imposed on the average residence homestead by the City of Brenham last year to the taxes proposed to be imposed on the average homestead this year.

Comparison Table	Tax Year		Change	
	2024	2025	Dollar	Percent
Total Tax Rate (per \$100 of value)	\$ 0.4584	\$ 0.4584	\$ 0.00	0.00%
Average Homestead Taxable Value	\$ 239,681	\$ 272,061	\$ 32,380	13.51%
Tax on Average Homestead	\$ 1,098.70	\$ 1,247.13	\$ 148.43	13.51%
Total Tax Levy on All Properties	\$ 10,453,880	\$ 11,139,402	\$ 685,522	6.56%

In compliance with the Property Tax Code, a governing body must hold a public hearing to receive citizen comments on a proposed property tax rate. The governing body may adopt the tax rate at the conclusion of the hearing.



City Council Regular Meeting
AGENDA ITEM 9

Agenda Item: **Proposed Budget for Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025**

- The FY2024-25 proposed budget for the City of Brenham will raise more revenue from total property taxes than last year's budget by an amount of \$959,022, which is a 9.42 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$364,048

Meeting Date: September 5, 2024

Department: Finance

Staff Contact: Julie Flagg, Chief Financial Officer

SUMMARY STATEMENT:

The FY2024-25 Proposed Budget for the City of Brenham includes appropriations of operating resources for 36 separate funds and authorizes \$107.6 million in expenditures. For more detailed information, see the attached Proposed FY2024-25 Budget.

ATTACHMENTS:

1. Budget Hearing - Summary Budget
2. Budget Hearing - Budget Change Sheets

RECOMMENDATION:

Receive citizen comments regarding the proposed FY2024-25 budget.

Fund		Revenue	Other Sources	Expenditures	Other Uses	Change in Fund Balance
101	General	21,331,757	3,242,683	24,415,757	158,683	0
215	Airport	653,510	114,933	768,443	0	0
225	PD Equip	3,500	0	164,330	0	(160,830)
226	Public Safety Trng	2,750	0	5,000	0	(2,250)
232	Donations	115,500	0	81,000	0	34,500
236	Capital/NonRoutine Items	0	0	372,630	0	(372,630)
249	Tourism & Marketing	650,700	851,400	1,521,475	0	(19,375)
118	Debt Service	3,185,665	0	3,384,365	0	(198,700)
109	Hotel/Motel	931,000	0	19,600	911,400	0
229	Criminal Law Enforcement	18,000	0	1,292	0	16,708
233	Courts Security/Tech	44,125	0	28,400	15,000	725
244	Water Impact Fees	187,500	0	0	150,000	37,500
245	Wastewater Impact Fees	62,500	0	0	50,000	12,500
260	Brenham Comm Projects	0	0	0	0	0
203	Airport Capital Improv	131,250	43,750	175,000	0	0
234	Parks Capital Improv	24,000	827,000	1,517,280	0	(666,280)
237	Streets/Drainage	60,000	118,000	668,000	0	(490,000)
270	General Govt Cap Improv	123,000	0	7,683,689	0	(7,560,689)
301	TIRZ No. 1	731,236	0	118,605	0	612,631
102/122/132	Electric/Purch Power/Cap	27,113,076	875,206	26,643,698	1,626,784	(282,200)
103/123	Gas/Purch Commodity	3,445,852	0	2,866,896	589,434	(10,478)
104/134	Water/Capital	8,292,543	23,821,000	13,626,833	620,340	17,866,370
105/135	Wastewater/Capital	8,349,384	3,139,000	12,350,726	436,108	(1,298,450)
106	Sanitation	2,713,750	0	2,546,217	138,000	29,533
107/137	Drainage/Capital	3,913,649	0	3,778,910	0	134,739
220	Central Fleet	0	0	9,675	0	(9,675)
240	Vehicle/Equip Replace	113,693	0	113,693	0	0
500	Worker's Comp	152,824	0	126,859	0	25,965
600	Employee Benefits	2,831,081	0	2,829,000	0	2,081
250	BCDC	2,994,082	0	1,276,392	1,717,690	0
252	BCDC Capital	760,000	300,000	500,000	0	560,000
GRAND TOTAL		88,935,927	33,332,972	107,593,765	6,413,439	8,261,695

IN \$	TOTAL GENERAL FUND	DEBT SERVICE FUND	SPECIAL REVENUE FUNDS	CAPITAL PROJECT FUNDS	ENTERPRISE FUNDS	INTERNAL SERVICE FUNDS	BCDC	TOTAL
BEGINNING FUND BALANCE/WRKG CAP	8,898,104	1,021,601	374,633	11,471,309	31,814,936	1,975,554	2,916,200	58,472,337
TOTAL REVENUES	22,757,717	3,185,665	1,243,125	1,069,486	53,828,254	3,097,598	3,754,082	88,935,927
TOTAL EXPENDITURES	27,328,635	3,384,365	49,292	10,162,574	61,813,280	3,079,227	1,776,392	107,593,765
OTHER FINANCING SOURCES (USES)								
TRANSFERS IN	4,189,387	-	-	988,750	935,302	-	300,000	6,413,439
TRANSFERS OUT	(158,683)	-	(1,126,400)	-	(3,410,666)	-	(1,717,690)	(6,413,439)
NOTE PROCEEDS	-	-	-	-	139,904	-	-	139,904
INSURANCE PROCEEDS	19,629							19,629
DEBT PROCEEDS	-	-	-	-	26,760,000	-	-	26,760,000
TOTAL OTHER FINANCING SOURCES (USES)	4,050,333	-	(1,126,400)	988,750	24,424,540	-	(1,417,690)	26,919,533
CHANGE IN FUND BALANCE/NET POSITION	(520,585)	(198,700)	67,433	(8,104,338)	16,439,514	18,371	560,000	8,261,695
ENDING FUND BALANCE/WRKG CAP	8,377,519	822,901	442,066	3,366,971	48,254,450	1,993,925	3,476,200	66,734,032

IN \$	FUND 101 GENERAL GOVT	FUND 215 AIRPORT	FUND 225 PD EQUIP FUND	FUND 226 PUBLIC SAFETY TRAINING FUND	FUND 232 DONATIONS FUND	FUND 236 NON- ROUTINE FUND	FUND 249 TOURISM & MKTING	TOTAL
BEGINNING FUND BALANCE	7,852,171	-	160,830	16,525	375,554	638,027	(145,003)	8,898,104
TOTAL REVENUES	21,331,757	653,510	3,500	2,750	115,500	-	650,700	22,757,717
TOTAL EXPENDITURES	24,415,757	768,443	164,330	5,000	81,000	372,630	1,521,475	27,328,635
OTHER FINANCING SOURCES (USES)								
TRANSFERS IN	3,223,054	114,933	-	-	-	-	851,400	4,189,387
TRANSFERS OUT	(158,683)	-	-	-	-	-	-	(158,683)
PAYMENT TO PRIMARY GOVERNMENT	-	-	-	-	-	-	-	-
INSURANCE PROCEEDS	19,629	-	-	-	-	-	-	19,629
DEBT PROCEEDS	-	-	-	-	-	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	3,084,000	114,933	-	-	-	-	851,400	4,050,333
CHANGE IN FUND BALANCE	-	-	(160,830)	(2,250)	34,500	(372,630)	(19,375)	(520,585)
ENDING FUND BALANCE	7,852,171	-	-	14,275	410,054	265,397	(164,378)	8,377,519

IN \$	FUND 118 DEBT SERVICE FUND
BEGINNING FUND BALANCE (WORKING CAP)	1,021,601
TOTAL REVENUES	3,185,665
TOTAL EXPENDITURES	3,384,365
OTHER FINANCING SOURCES (USES)	
TRANSFERS IN	
TRANSFERS OUT	
PAYMENT TO PRIMARY GOVERNMENT	
DEBT PROCEEDS	
TOTAL OTHER FINANCING SOURCES (USES)	-
CHANGE IN FUND BALANCE	(198,700)
ENDING FUND BALANCE	822,901

IN \$	FUND 109 HOTEL/MOTEL FUND	FUND 229 CRIMINAL LAW ENFORCE	FUND 233 COURTS SECURITY/ TECH	FUND 244 WATER IMPACT FEES	FUND 245 WASTEWTR IMPACT FEES	FUND 260 BRENHAM COMMUNITY PROJECTS	TOTAL SPECIAL REVENUE FUNDS
BEGINNING FUND BALANCE	163,988	125,563	84,074	-	-	1,008	374,633
TOTAL REVENUES	931,000	18,000	44,125	187,500	62,500	-	1,243,125
TOTAL EXPENDITURES	19,600	1,292	28,400	-	-	-	49,292
OTHER FINANCING SOURCES (USES)							
TRANSFERS IN	-	-	-			-	-
TRANSFERS OUT	(911,400)	-	(15,000)	(150,000)	(50,000)	-	(1,126,400)
PAYMENT TO PRIMARY GOVERNMENT	-	-	-			-	-
DEBT PROCEEDS	-	-	-			-	-
TOTAL OTHER FINANCING SOURCES (USES)	(911,400)	-	(15,000)	(150,000)	(50,000)	-	(1,126,400)
CHANGE IN FUND BALANCE	-	16,708	725	37,500	12,500	-	67,433
ENDING FUND BALANCE	163,988	142,271	84,799	37,500	12,500	1,008	442,066

IN \$	FUND 203 AIRPORT CAPITAL	FUND 234 PARKS CAPITAL PROJECTS	FUND 237 STREETS CAPITAL PROJECTS	FUND 270 GEN GOVT CAPITAL PROJECTS 2021	FUND 301 TIRZ NO 1 FUND	TOTAL CAPITAL PROJECT FUNDS
BEGINNING FUND BALANCE	157	764,252	1,616,342	7,560,689	1,529,869	11,471,309
TOTAL REVENUES	131,250	24,000	60,000	123,000	731,236	1,069,486
TOTAL EXPENDITURES	175,000	1,517,280	668,000	7,683,689	118,605	10,162,574
OTHER FINANCING SOURCES (USES)						
TRANSFERS IN	43,750	827,000	118,000	-	-	988,750
TRANSFERS OUT	-	-	-	-	-	-
DEBT PROCEEDS	-	-	-	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	43,750	827,000	118,000	-	-	988,750
CHANGE IN FUND BALANCE	-	(666,280)	(490,000)	(7,560,689)	612,631	(8,104,338)
ENDING FUND BALANCE	157	97,972	1,126,342	(0)	2,142,500	3,366,971

IN \$	FUND 102/122/132 ELECTRIC	FUND 103/123 GAS	FUND 104/134 WATER	FUND 105/135 WASTE- WATER	FUND 106 SANITATION	FUND 107/137 DRAINAGE	TOTAL ENTERPRISE FUNDS
BEGINNING FUND BALANCE (WORKING CAP)	15,988,764	876,575	5,961,188	7,717,260	579,952	691,197	31,814,936
TOTAL REVENUES	27,113,076	3,445,852	8,292,543	8,349,384	2,713,750	3,913,649	53,828,254
TOTAL EXPENDITURES	26,643,698	2,866,896	13,626,833	12,350,726	2,546,217	3,778,910	61,813,280
OTHER FINANCING SOURCES (USES)							
TRANSFERS IN	735,302	-	150,000	50,000	-	-	935,302
TRANSFERS OUT	(1,626,784)	(589,434)	(620,340)	(436,108)	(138,000)		(3,410,666)
NOTE PROCEEDS	139,904	-	-	-	-	-	139,904
DEBT PROCEEDS	-	-	23,671,000	3,089,000	-	-	26,760,000
TOTAL OTHER FINANCING SOURCES (USES)	(751,578)	(589,434)	23,200,660	2,702,892	(138,000)	-	24,424,540
CHANGE IN FUND BALANCE	(282,200)	(10,478)	17,866,370	(1,298,450)	29,533	134,739	16,439,514
ENDING FUND BALANCE (WORKING CAP)	15,706,564	866,097	23,827,558	6,418,810	609,485	825,936	48,254,450

IN \$	FUND 220 CENTRAL FLEET	FUND 240 VERF	FUND 500 WORKERS COMP	FUND 600 EMPLOYEE BENEFITS	TOTAL INTERNAL SERVICE FUNDS
BEGINNING FUND BALANCE	398,575	875,127	181,873	519,979	1,975,554
TOTAL REVENUES	-	113,693	152,824	2,831,081	3,097,598
TOTAL EXPENDITURES	9,675	113,693	126,859	2,829,000	3,079,227
OTHER FINANCING SOURCES (USES)					
TRANSFERS IN	-	-	-	-	-
TRANSFERS OUT	-	-	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	-	-	-	-	-
CHANGE IN FUND BALANCE	(9,675)	-	25,965	2,081	18,371
ENDING FUND BALANCE	388,900	875,127	207,838	522,060	1,993,925

IN \$	FUND 250 BCDC FUND	FUND 252 BCDC CAPITAL FUND	TOTAL BCDC FUNDS
BEGINNING FUND BALANCE	2,194,848	721,352	2,916,200
TOTAL REVENUES	2,994,082	760,000	3,754,082
TOTAL EXPENDITURES	1,276,392	500,000	1,776,392
OTHER FINANCING SOURCES (USES)			
TRANSFERS IN	-	300,000	300,000
TRANSFERS OUT	(1,717,690)	-	(1,717,690)
PAYMENT TO PRIMARY GOVERNMENT	-	-	-
DEBT PROCEEDS	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	(1,717,690)	300,000	(1,417,690)
CHANGE IN FUND BALANCE	-	560,000	560,000
ENDING FUND BALANCE	2,194,848	1,281,352	3,476,200

CITY OF BRENHAM
CHANGES TO DRAFT FY 24-25 GENERAL FUND BUDGET
SINCE PRESENTATION CITY COUNCIL ON JULY 22, 2024

101 - General Fund

ORIGINAL PRESENTATION TO CITY COUNCIL ON JULY 22, 2024

	New Proposed Budget
Beginning Revenues	\$ 21,025,575
Beginning Expenditures	\$ 24,109,575
Transfers (In)/Out	\$ (3,084,000)
Excess/(Use) of Unreserved Fund Balance	\$ -

CHANGES MADE AFTER JULY 22, 2024

REVENUE CHANGES

Revenue projection presented to Council on July 22, 2024	\$ 21,025,575
Adjustments made after Presentation to Council:	
101-4-102.00 Ad Valorem (final NNR & VA tax rate calculations)	\$ 306,182

Total Adjusted Revenues	\$ 21,331,757
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EXPENDITURE CHANGES

Expenditures Presented to Council on July 22, 2024	\$ 24,109,575
Adjustments made after Presentation to Council:	
5-100-402.90 Tax Appraisal District Costs (per WCAD budget)	\$ 23,662
5-110-924.00 Contingency	\$ 267,580
5-154-312.00 Buildings/Appliances (Animal Services - line item correction)	\$ 9,000
5-151-714.00 Radios/Radar/Cameras (Police Department - Axon interface)	\$ 5,940
TOTAL ADDITIONAL BUDGETED EXPENDITURES	\$ 306,182

Total Adjusted Expenditures	\$ 24,415,757
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TRANSFER CHANGES

Transfers presented to Council on July 22, 2024	\$ (3,084,000)
Adjustments made after Presentation to Council:	
	\$ -

Total Adjusted Revenues	\$ (3,084,000)
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PROPOSED BUDGET SUMMARY AS AMENDED AFTER JULY 22, 2024

	New Proposed Budget
Total Revenues	\$ 21,331,757
Total Expenditures	\$ 24,415,757
Transfers (In)/Out	\$ (3,084,000)
Excess/(Use) of Unreserved Fund Balance	\$ -

CITY OF BRENHAM
CHANGES TO DRAFT FY 24-25 BUDGET
SINCE PRESENTATION CITY COUNCIL ON JULY 22, 2024

118 - DEBT

ORIGINAL PRESENTATION TO CITY COUNCIL ON JULY 22, 2024

	Proposed Budget
Beginning Revenues	\$ 3,326,365
Beginning Expenditures	\$ 3,384,365
Transfers (In)/Out	\$ -
Excess/(Use) of Unreserved Fund Balance	\$ (58,000)

CHANGES MADE AFTER JULY 22, 2024

REVENUE CHANGES

Revenue projection presented to Council on July 22, 2024	\$ 3,326,365
Adjustments made after Presentation to Council:	
118-4-183.00 Ad Valorem (final NNR & VA tax rate calculations)	\$ (139,457)
118-4-513.00 Interest	\$ (1,243)
Total Adjusted Revenues	\$ 3,185,665

EXPENDITURE CHANGES

Expenditures Presented to Council on July 22, 2024	\$ 3,384,365
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Adjustments made after Presentation to Council:

Total Adjusted Expenditures	\$ 3,384,365
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TRANSFER CHANGES

Transfers presented to Council on July 22, 2024	\$ -
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Adjustments made after Presentation to Council:

Total Adjusted Revenues	\$ -
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PROPOSED BUDGET SUMMARY AS AMENDED AFTER JULY 22, 2024

	New Proposed Budget
Total Revenues	\$ 3,185,665
Total Expenditures	\$ 3,384,365
Transfers (In)/Out	\$ -
Excess/(Use) of Unreserved Fund Balance	\$ (198,700)

CITY OF BRENHAM
CHANGES TO DRAFT FY 24-25 BUDGET
SINCE PRESENTATION CITY COUNCIL ON JULY 22, 2024

249 - Tourism

ORIGINAL PRESENTATION TO CITY COUNCIL ON JULY 22, 2024

	Proposed Budget
Beginning Revenues	\$ 650,700
Beginning Expenditures	\$ 1,501,475
Transfers (In)/Out	\$ (851,400)
Excess/(Use) of Unreserved Fund Balance	\$ 625

CHANGES MADE AFTER JULY 22, 2024

REVENUE CHANGES

Revenue projection presented to Council on July 22, 2024	\$ 650,700
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Adjustments made after Presentation to Council:

Total Adjusted Revenues	\$ 650,700
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EXPENDITURE CHANGES

Expenditures Presented to Council on July 22, 2024	\$ 1,501,475
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Adjustments made after Presentation to Council:

5-100-409.00 Advertising & Promotion (FY25 half of Geiger approved by Council; funded with FY24 HOT tax transfer)	\$ 20,000
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Total Adjusted Expenditures	\$ 1,521,475
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TRANSFER CHANGES

Transfers presented to Council on July 22, 2024	\$ (851,400)
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Adjustments made after Presentation to Council:

Total Adjusted Revenues	\$ (851,400)
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PROPOSED BUDGET SUMMARY AS AMENDED AFTER JULY 22, 2024

	New Proposed Budget
Total Revenues	\$ 650,700
Total Expenditures	\$ 1,521,475
Transfers (In)/Out	\$ (851,400)
Excess/(Use) of Unreserved Fund Balance	\$ (19,375)

CITY OF BRENHAM
CHANGES TO DRAFT FY 24-25 BUDGET
SINCE PRESENTATION CITY COUNCIL ON JULY 22, 2024

301 - TIRZ

ORIGINAL PRESENTATION TO CITY COUNCIL ON JULY 22, 2024

	Proposed Budget
Beginning Revenues	\$ 714,777
Beginning Expenditures	\$ 118,605
Transfers (In)/Out	\$ -
Excess/(Use) of Unreserved Fund Balance	\$ 596,172

CHANGES MADE AFTER JULY 22, 2024

REVENUE CHANGES

Revenue projection presented to Council on July 22, 2024	\$ 714,777
Adjustments made after Presentation to Council: 301-4-102.00 Ad Valorem (final NNR & VA tax rate calculations)	\$ 16,459
Total Adjusted Revenues	\$ 731,236

EXPENDITURE CHANGES

Expenditures Presented to Council on July 22, 2024	\$ 118,605
Adjustments made after Presentation to Council:	\$ -
Total Adjusted Expenditures	\$ 118,605

TRANSFER CHANGES

Transfers presented to Council on July 22, 2024	\$ -
Adjustments made after Presentation to Council:	\$ -
Total Adjusted Revenues	\$ -

PROPOSED BUDGET SUMMARY AS AMENDED AFTER JULY 22, 2024

	New Proposed Budget
Total Revenues	\$ 731,236
Total Expenditures	\$ 118,605
Transfers (In)/Out	\$ -
Excess/(Use) of Unreserved Fund Balance	\$ 612,631



City Council Regular Meeting **AGENDA ITEM 10**

Agenda Item: **Public Hearing to Consider Amending Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham to Change the Zoning District From a Single-Family Residential Use District (R-1) to a Mixed Residential Use District (R-2) on Property Currently Addressed as 1320 Burleson Street, and Being Further Described as Tract 142 of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas (Case No. P-24-030)**

Meeting Date: September 5, 2024

Department: Development Services

Staff Contact: Shauna Laauwe, City Planner

SUMMARY STATEMENT:

The subject property is a 6.09-acre vacant tract of land addressed as 1320 Burleson Street and generally located on the east side of Burleson Street, north of West Blue Bell Road, and on the west side of Rink Street. Ernest James Nunn, et al., property owner and Jake Carlile of Arete Property group, applicant, are requesting the rezoning from R-1 to R-2 in order to develop the property for higher density residential uses. The R-2 District permits the following residential uses by right: single-family, two-family (duplex/twin homes), zero-lot line dwellings (patio homes), and townhome developments. Furthermore, in the R-2 District, a multifamily apartment request on property greater than 2-acres requires a specific use permit that is heard by the Planning & Zoning Commission and approved by the City Council. Please see the attached Staff Report for a detailed analysis of the request.

The Planning and Zoning Commission held a public hearing on this item on Monday, August 26, 2024. During the public hearing, two citizens spoke against the request. City Staff has received two letters in opposition to the proposed rezoning request which are attached to this report. After the public hearing and discussion, the Planning and Zoning Commission unanimously (6-0) recommended approval of the zoning request.

ATTACHMENTS:

1. Staff Report
2. Citizen Comment - Arroyo
3. Citizen Comment - Capeheart

RECOMMENDATION:

Public hearing only - action item in regular session.

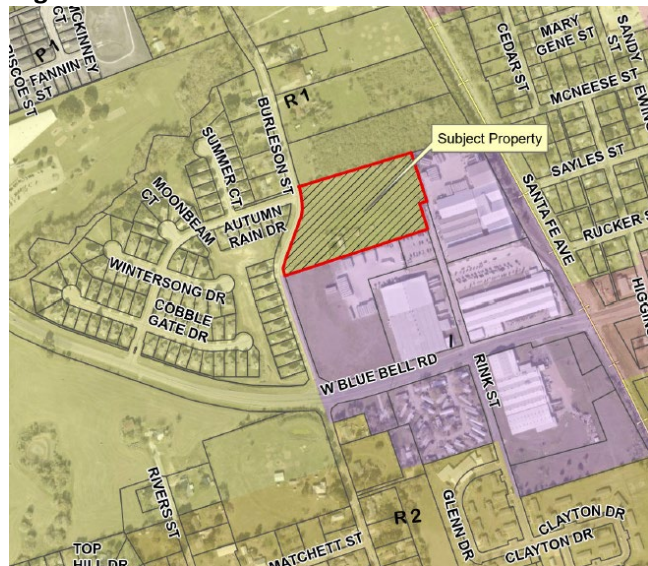
CASE NUMBER P-24-030
ZONE CHANGE REQUEST – 1320 BURLESON STREET

STAFF CONTACT:	Shauna Laauwe, AICP, City Planner
OWNERS/APPLICANTS:	Ernest James Nunn, et al / Jake Carlile of Arete Property Group
ADDRESS/LOCATION:	1320 Burleson Street (Exhibit A)
LEGAL DESCRIPTION:	Tract 142, A. Harrington Survey, A-55
LOT AREA:	Approximately 6.09-acres
ZONING DISTRICT/USE:	R-1, Single Family Residential District / Vacant Land
FUTURE LAND USE:	Estate Residential
REQUEST:	A request to change the zoning classification from Single Family Residential Use District (R-1) to a Mixed Residential Use District (R-2) (Exhibit C)

BACKGROUND:

The subject property is an approximate 6-acre vacant tract that is generally located on the east side of Burleson Street, north of West Blue Bell Road, and on the west side of Rink Street and addressed as 1320 Burleson Street. As shown in Figure 1, the subject tract and adjacent properties to the north and west, across Burleson Street, are currently zoned R-1, Single-Family Residential District. The R-1 District includes the properties to the north along the east side of Burleson Street with the adjacent property being vacant and properties further north being developed as large lot single-family homes. To the west, across Burleson Street, is also zoned R-1 and is the Woodbridge Subdivision that consists of 88 single-family homes. The adjacent property to the south and east is zoned I, Industrial District and developed as a Sealy mattress manufacturing and distribution plant. Further to the south, directly across West Blue Bell Road, is also zoned Industrial district and is developed with a legally nonconforming mobile home park and as Tru-Vision Plastics. The nearest R-2 District is south of West Blue Bell Road and adjacent to the mobile home park and Tru-Vision Plastics.

Figure 1



The applicant wishes to rezone the subject property to R-2, Mixed Residential District to permit additional residential uses to be developed. While the R-1 district solely allows single-family dwellings as a permitted use, the R-2 district allows single-family dwellings, two-family dwellings to include duplexes and twin homes, zero-lot line patio homes, and townhomes units. Manufactured homes are not permitted in the R-2 district and multifamily apartments are only allowed with a Specific Use Permit. Being adjacent to the industrial use puts additional constraints on the subject property with 75-foot bufferyards being required between single-family and industrial uses, while duplexes and townhomes would only require a 25-foot bufferyard. Bufferyards are in addition to the minimum required setback along the affected property line, thus instead of a 25-foot rear yard setback for a single-family home, a 100-foot setback for structures would be required. The bufferyard requirements that are to protect residential uses, make the approximate 6-acre subject tract difficult to develop as a single-family development of more than one unit.

The subject property and the four (4) adjacent properties to the north were rezoned from Industrial to R-1 in 2014. Meeting minutes from the City Council meeting from 10 years ago states that the proposal at the time was due to a request from a property owner. It was deliberated in 2014 by the Commission whether rezoning the properties from Industrial to either R-1 or R-2. Ultimately the Board decided R-1 was appropriate due to nearby single-family residential uses. With the lack of development of the subject property since 2014 and the proximity of the Sealy Plant, single-family residential may not be the only viable use of the tract. Therefore, the applicants are requesting to zone the 6.09-acres from R-1, Single-Family Residential District to R-2, Mixed Residential District.

ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:

The purpose of zoning policies is to provide guidelines for considering future amendments to the zoning ordinance (Part 1, Section 4 of Appendix A – “Zoning” of the Brenham Code of Ordinances). They are as follows:

- (1) The city's zoning should recognize and seek to preserve the small-town attributes that make Brenham a special place for its citizens to live, work and play.

The subject property consists of an unplatted 6.09-acre tract that is addressed as 1320 Burleson Street. The subject property is generally located on the east side of Burleson Street, north of West Blue Bell Road, and on the west side of Rink Street and addressed as 1320 Burleson Street. The subject tract and adjacent properties to the north and west, across Burleson Street, are currently zoned R-1, Single-Family Residential District. The R-1 District includes the properties to the north along the east side of Burleson Street with the adjacent property being vacant and properties further north being 1-acre plus lots that are either vacant or developed as single-family homes. To the west, across Burleson Street, is also zoned R-1 and is the Woodbridge Subdivision that consists of 88 single-family homes and further to the northwest is the Liberty Village Subdivision that is a single-family planned development district. The adjacent property to the south and east is zoned I,

Figure 2



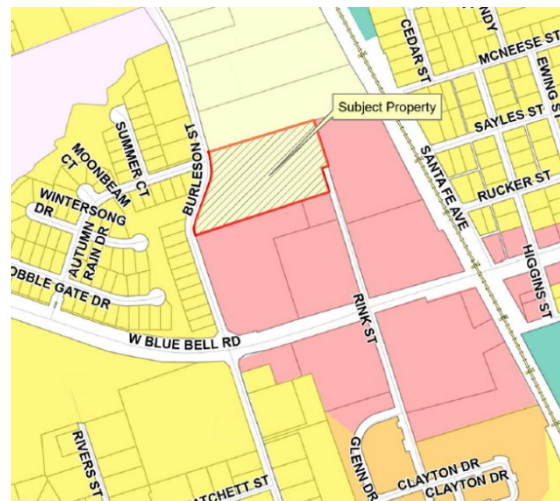
Industrial District and developed as a Sealy mattress manufacturing and distribution plant. Further to the south, directly across West Blue Bell Road, are two properties also zoned Industrial district and developed with a legally nonconforming mobile home park to the west and a Tru-Vision Plastics to the east. The nearest R-2 District is south of West Blue Bell Road and adjacent to the mobile home park and Tru-Vision Plastics.

The proposed R-2 District is typically utilized as a transition zone between neighborhood commercial and mixed residential uses (B-1) and single-family (R-1) uses. The R-2 district affords the availability for a higher density residential as a step down from commercial uses and providing a buffer between commercial uses and standard single-family neighborhoods. Allowing the proposed rezoning request would expand the residential options for the vacant property to allow not only single-family uses, but also two-family and townhome developments. Staff has received several inquiries the last six months regarding rezoning the property for either two-family (duplex/twin home) or townhome development. With the existing adjacent industrial use of the Sealy plant, a single-family development would be required to provide an additional 75-foot bufferyard to the minimum setbacks along the shared property lines of the industrial use to the south and east. Multifamily uses that include two-family and townhome developments require a lesser 25-foot bufferyard between the multifamily and industrial uses. Thus, the bufferyard requirements that protect residential properties from more intense uses, limits the ability to develop the subject tract as a single-family development. The rezoning from R-1 to R-2 will facilitate residential uses that are more compatible next to commercial and industrial uses. Applicable development standards for R-2 uses including bufferyards that require additional setbacks, screening and landscaping, drainage and detention, and on-site parking would be required of future development adjacent to the existing industrial use. The bufferyards will aid in ensuring residential qualities by minimizing potential noise, drainage, glare or other incompatibilities between the different uses. Staff finds that rezoning the proposed tract will meet intent of the zoning ordinance and continue to preserve small-town attributes unique to Brenham.

- (2) The city's zoning should be guided by the future land use plan and other applicable guidelines found in the Comprehensive Plan.

Figure 2

As shown in Figure 2 and in Exhibit "C", the future land use map portion of the Historic Past, Bold Future: Plan 2040 Comprehensive Plan suggests the subject tract and tracts on the east side of Burleson Street, north of the commercial (red area) to State Highway 36, may be appropriate for Estate Residential use. The Comprehensive Plan includes land use policies to help guide land use decisions. Specifically, the Plan finds that Estate Residential is appropriate for areas that "due to public service limitations and/or prevailing rural character should have limited development activity other than large-lot residential. These are typically for areas that may provide a transition between a city's rural fringe and more urbanized in-city development patterns and intensities. The lots along the east side of Burleson Street are large, generally over 1-acre in area, with many of the lots not utilizing city sewer services. With existing adjacent industrial to the south, that is shown as commercial on the Future land Use Map, it is unlikely that the subject property would develop as single-family residential. If the requested zone change to R-2 for the 6.09-acre tract is approved, the zoning regulations would allow for the development of the



permitted uses found in the R-1 and R-2 districts. The R-2 district permits single-family, two-family, townhome, and zero-lot line (patio homes). Due to the subject property being over 2-acres in lot size, a specific use permit would be required for multifamily uses such as fourplexes and apartments. Manufactured homes and manufactured home parks are not permitted in the R-2 district. The requested rezoning from R-1 to R-2 does not align to Future Land Use Plan that calls for large lot residential but would provide a transitional residential district between the adjacent industrial uses to the south and single-family uses to the north and west.

- (3) The city's zoning should be designed to facilitate the more efficient use of existing and future city services and utility systems in accordance with the Comprehensive Plan.

The subject property is undeveloped except for a barn and storage structures and has been primarily utilized as agricultural land. The subject property has access to water and sewer utilities to the east along Rink Street, and water, gas, and sewer availability along Burleson Street.

- (4) The city's zoning should be organized and as straight forward as possible to minimize use problems and enforcement problems.

The proposed zone change, if approved, will be reflected on the City of Brenham zoning map available for citizen viewing on the City of Brenham homepage.

- (5) The city's zoning process should be fair and equitable, giving all citizens adequate information and opportunity to be heard prior to adoption of zoning amendments.

Property owners within 200 feet of the project site were mailed notifications of this request on August 13, 2024. The Notice of Public Hearing was published in the *Brenham Banner* on August 13, 2024. As of the date of this staff report, one written public comment has been received from the property owner of 1301 Burleson, who is opposed to the rezoning request. Any comments submitted to staff will be provided in the Planning & Zoning Commission and City Council during the public hearing.

- (6) The city's zoning should ensure that adequate open space is preserved as residential and commercial development and redevelopment occur.

If approved, the properties will be required to adhere to minimum building setbacks and maximum impervious coverage requirements for the allowed residential uses within the R-2 District. The R-2 District permits single-family, single-family attached units (townhomes), duplexes, twin homes, and patio homes. As the subject property is greater than 2-acres, multifamily development would require approval of a specific use permit by City Council. In addition to minimum building setbacks, the R-2 zoning district establishes maximum impervious coverage limits of 55% for single-family uses, 60% for duplex, twin home and patio home developments, and 80% for townhome developments. Furthermore, development of new two-family and townhome residential uses adjacent to the industrial use will require an additional 25-foot buffer yard requirement along the south and east property lines of the residential use. In addition, a 20-foot bufferyard would be required along the north single-family zoned use property line if multi-family residential is developed on the subject property. Staff finds that the adopted zoning ordinance and building codes will ensure that adequate open spaces are preserved on the subject lots should the property owners desire to further develop the property.

- (7) The city's zoning should ensure Brenham's attractiveness for the future location of business and

housing by preserving an attractive and safe community environment in order to enhance the quality of life for all of its residents.

The requested zoning and associated land uses are appropriate for this location given adjacent zoning designations and existing development within the general vicinity. While the future land use plan does envision the subject tract as large estate residential, rezoning the tract to R-2 would allow for additional more-dense residential development opportunities that may be more appropriate immediately adjacent to industrial property and the arterial Blue Bell Road to the south.

- (8) The city's zoning ordinance should preserve neighborhood culture by retaining and promoting land uses consistent with the community's plan for the development and/or redevelopment of its neighborhoods.

The proposed R-2 District is a more appropriate step down from the adjacent industrial uses than R-1 District as single-family development would require a 75-foot bufferyard from the existing industrial use. The R-2 District allows for greater density housing options and has a reduced bufferyard setback of 25-feet from the adjacent industrial use property line. In addition, Staff finds that the proposed zoning is consistent with the community's Housing Task Force plan to allow for a variety of residential uses that could provide "missing middle" dwellings for existing and future residents.

- (9) The city's zoning should protect existing and future residential neighborhoods from encroachment by incompatible uses.

Staff finds that rezoning the properties will protect and not adversely affect adjacent existing and future residential neighborhoods due to the City's adopted development standards including requirements related to buffer yards, screening, setbacks, drainage, and landscaping.

- (10) The city's zoning should assist in stabilizing property values by limiting or prohibiting the development of incompatible land uses or uses of land or structures that negatively impact adjoining properties.

The existing R-1 district would allow for a single-family development with a cul-de-sac that would increase density and traffic along Burleson Street. If the rezoning to R-2, Mixed Residential District is approved, single-family development is still an option, but additional density and traffic could be realized with the development of more dense development like duplexes or townhomes. Burleson Street is on the City of Brenham's Capital Improvement Program priority list for expansion to a three-lane undivided roadway (two – way with a center turn lane) from FM 577 (Blue Bell Road) to the north city limits line. It is projected that construction will be approved sometime between 2028 and 2030. This future widening will lessen the traffic impacts of the existing Woodbridge and Liberty Village subdivisions as well as future development along the east side of Burleson Street. Thus, staff is unable to determine any long-term destabilizing effects on the neighboring properties should this rezoning request be approved. The proposed R-2 zoning for the subject property would provide an adequate step-down in zoning from the I, Industrial to the south and the single-family uses to the north and west.

- (11) The city's zoning should make adequate provisions for a range of commercial uses in existing and

future locations that are best suited to serve neighborhood, community, and regional markets.

If approved, the proposed rezoning will allow not only single-family residential uses, but two-family, and townhome residential uses as well. Rezoning from a single-family district to a broader mixed residential use district will not reduce the provisions for commercial uses. Vacant, I - Industrial District property is located on the northeast corner of Burleson Street and W. Blue Bell Road, while vacant B-1, Local Business Residential district properties may be found to the east in the general vicinity along E. Blue Bell Road and N. Park Road. Staff believes that the proposed zoning change, if approved, will not negatively affect vacant land classified for commercial uses.

- (12)The city's zoning should give reasonable accommodation to legally existing incompatible uses, but it should be fashioned in such a way that over time, problem areas will experience orderly change through redevelopment that gradually replaces the nonconforming uses.

The subject tract is a legally conforming 6.09-acre vacant lot that is currently utilized for agricultural uses and zoned for single-family development. The requested zoning would allow for the development of single-family, two-family and townhomes in a manner that meets zoning, building and fire codes.

- (13)The city's zoning should provide for orderly growth and development throughout the city.

Staff finds that the proposed rezoning change will allow for the orderly growth and development in the general vicinity and throughout the city.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed zoning from R-1, Single-Family Residential District to R-2, Mixed Residential District for the subject 6.09-acre tract addressed as 1320 Burleson Street.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Future Land Use Map
- D. Cover Letter
- E. Site photos

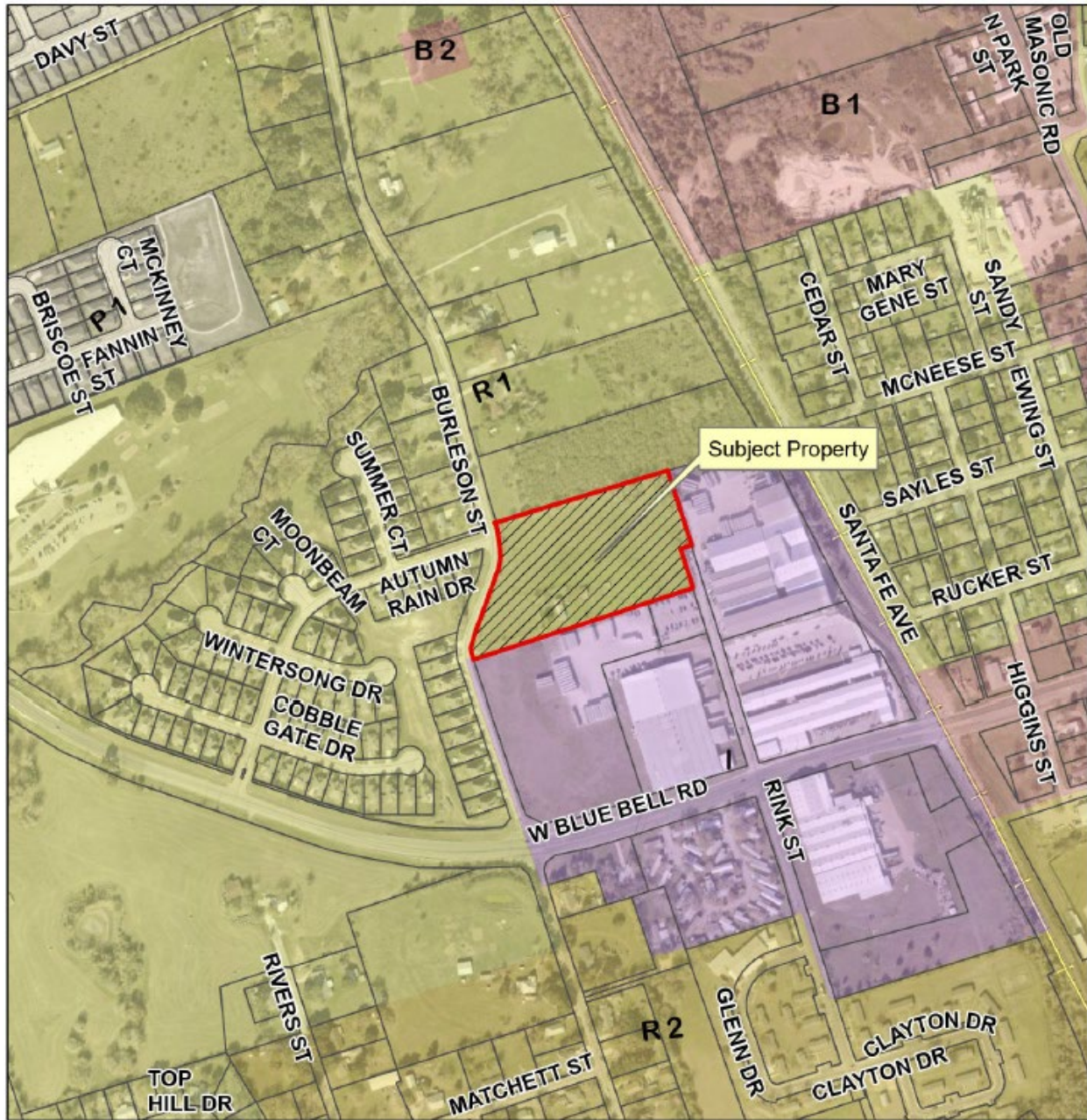
EXHIBIT "A"
AERIAL MAP



Location Map
Rezoning R-1, Single-Family to R-2, Mixed Residential
1320 Burleson Street



EXHIBIT "B"
ZONING MAP



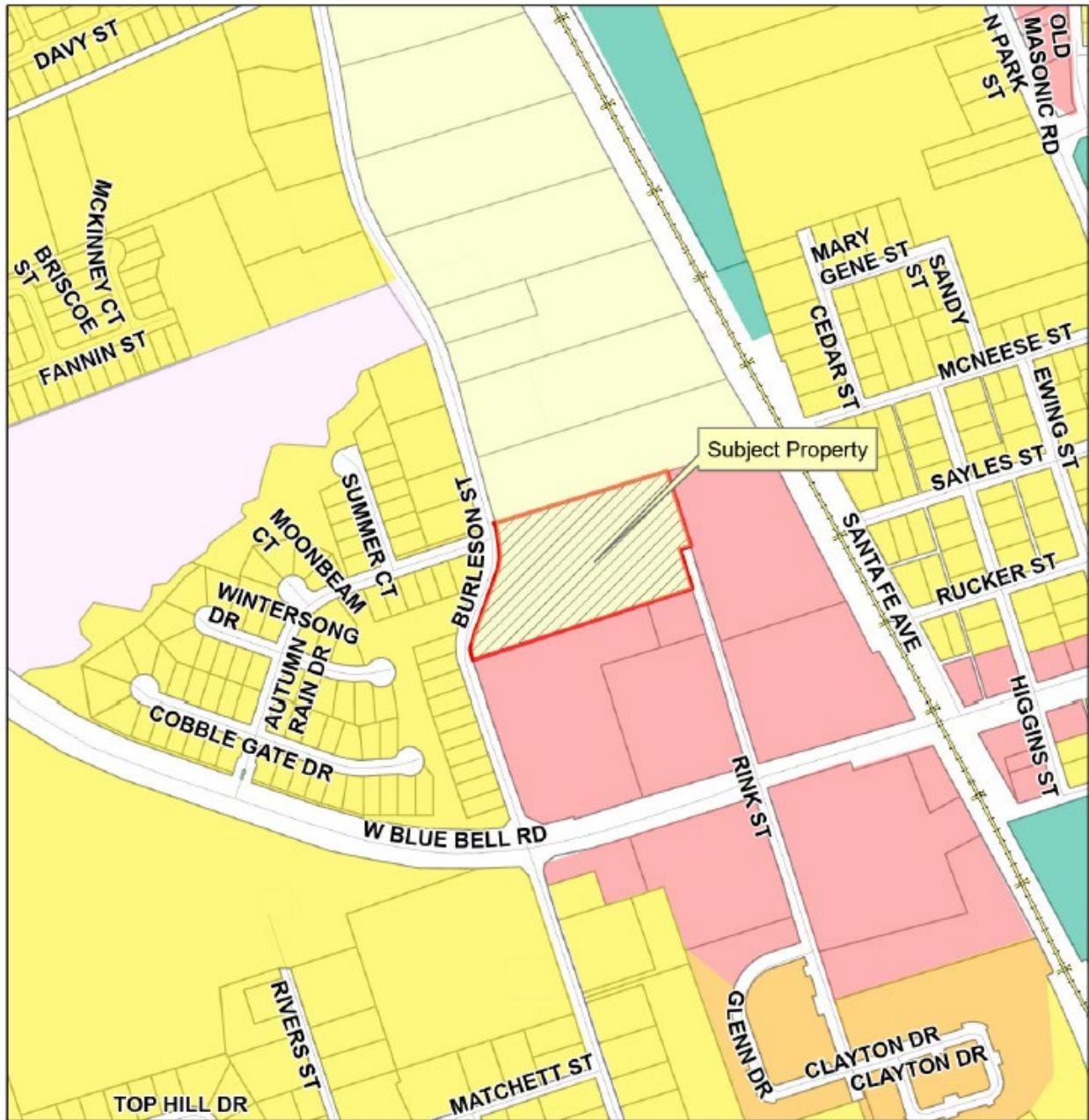
Zoning

- B1 Local Business Mixed
- B2 Commercial Research and Technology
- I Industrial
- P1 Planned Development
- R1 Residential Single Family
- R2 Mixed Residential

Zoning Map
Rezoning R-1, Single-Family to R-2, Mixed Residential
1320 Burleson Street



EXHIBIT "C"
FUTURE LAND USE MAP



Future Land Use Map
Rezoning R-1, Single-Family to R-2, Mixed Residential
1320 Burleson Street

Future Land Use Plan
FLU_FINAL
Open Space
Park
Estate Residential
Single Family Residential

Multi-Family Residential
Local Public Facilities
Commercial
City Parcels
Railroad
City Roads
City Limits

N
1:5,284



EXHIBIT "D"
ZONE CHANGE COVER LETTER



City of Brenham

200 W Vulcan St.

Brenham, TX 77833

Dear Members of the Brenham City Council and Development Team,

I am writing to request a zoning change for the land located at 1320 Burleson St in Brenham. Currently, this property is zoned as R1 (Single-Family Residential). However, the adjacent properties are zoned for industrial use, which no longer aligns with the future land use plan for the area.

To act as a buffer between the existing single-family residential areas and the industrial zones, I propose rezoning 1320 Burleson St to R2 (Moderate-Density Residential). This rezoning would allow for the development of townhomes and potentially duplexes, thereby introducing much-needed rental supply and affordable housing options to the Brenham market.

The future construction plans for 1320 Burleson St include the development of mid-level priced rental units and/or housing units priced under \$250,000. These new housing options are critically needed in our community to provide more affordable living solutions for our residents.

The proposed R2 zoning would not only provide a practical buffer between single-family homes and industrial zones but would also contribute to the overall economic and social wellbeing of our city by increasing the availability of affordable and rental housing. This change aligns with the city's long-term planning goals and would serve to enhance the quality of life for current and future residents of Brenham.

Thank you for considering this request. I am available to discuss this proposal further and provide any additional information required.

Sincerely,

Jake Carlile

Partner, Arete Property Group

(979)-277-5439

jake@aretepg.com

EXHIBIT "E"
SITE PHOTOS



Subject site – 1320 Burleson Street



Subject site – 1320 Burleson Street



Adjacent vacant industrial & Sealy plant



Looking south towards Blue Bell Road



Woodbridge homes directly to the west on Burleson St.



Looking south down Burleson Street

City of Brenham
Development Services Department



PUBLIC COMMENT FORM

All submitted forms will become a part of the public record.

Please return to:

City of Brenham
Attn: Development Services Dept., Case P-24-030
P.O. Box 1059
Brenham, Texas 77834-1059

Name:

(please print)

Address:

Rolando & Jaci Arroyo

1301 Burleson st.

Brenham, TX 77833

Signature:

Date:

I am FOR the requested ZONE CHANGE REQUEST as explained on the attached public notice for P&Z Case P-24-030 (Please state reasons below)

X

I am AGAINST the requested ZONE CHANGE REQUEST as explained on the attached public notice for P&Z Case P-24-030 (Please state reasons below)

Date, Location, & Time of Planning and Zoning Commission meeting:

Monday, August 26, 2024, 5:15 PM

City Council Chambers, 2nd Floor, City of Brenham City Hall
200 West Vulcan Street, Brenham, Texas 77833

Date, Location, & Time of City Council meeting:

Thursday, September 5, 2024, 1:00 PM

City Council Chambers, 2nd Floor, City of Brenham City Hall
200 West Vulcan Street, Brenham, Texas 77833

COMMENTS/REASONS:

There are no other R2 Zones in the proximity shown on the map provided. Logically this makes no sense since it is surrounded majorly by R1 and sits adjacent to industrial. Would love to see a roughdraft of how the roadways would be for this, as I know the fence line is always covered in tall foliage. Which impedes motorist vision, I am concerned for the motorist safety attempting to exit the property. Since people like to take that turn Fast.

You may also submit comments via email to khodde@cityofbrenham.org. Please reference the case number in the subject line.
For questions regarding this proposal, please call the Development Services Department at (979) 337-7220.

Kim Hodde

From: Brooke Capehart <brookecapehart@gmail.com>
Sent: Monday, August 26, 2024 10:54 AM
To: Kim Hodde
Subject: Development on Burleson Rd

Good morning,

I am submitting my comment for consideration to be read at today's meeting 5/26/24, 5:15pm thank you.

As a resident who lives 600 feet of this property development under consideration we are requesting that Before approval is given by the committee on this revoking, is it possible that this be tabled until a detailed impact study on the development of duplexes or apartments provided by the developer to be given to all local residents who live on Burleson street and Woodbridge subdivision?

Are there other similar city of Brenham properties that have been approved and developed that give a precedent of the long term impact to local residents?

What will be the total long term impact of that type of development?

How many units will be built and what is the potential number of new residents?

How will this impact —

- Increased Traffic on Burleson Rd
- Nearby home values if this is to be low income housing
- What economic demographic is targeted for this particular housing
- Utilities
- More Police presence required
- Construction process timeline affecting neighbors who live on this road
- More Postal service required, etc.

With a Liberty village subdivision entrance now on Burleson Rd we are already experiencing much more traffic, more speeding and walking activity. Burleson was a quiet street a few years ago that is quickly becoming a constant flow of commuting traffic.

We ask the committee to please consider the long term impact on their neighbors before approving this.

Thank you,

Paul Capehart
1411 Burleson Rd



City Council Regular Meeting **AGENDA ITEM 11**

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First Reading Adopting the Budget for Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025

Meeting Date: September 5, 2024

Department: Finance

Staff Contact: Julie Flagg, Chief Financial Officer

SUMMARY STATEMENT:

The proposed FY2024-25 budget has been developed in compliance with the Property Tax Code, Local Government Code, and City Charter. The proposed budget includes appropriations of operating resources for 36 separate funds and authorizes \$107.6 million in expenditures. The proposed budget is on the City's website and on file with the City Secretary. This agenda item is for the first reading of the Ordinance to adopt the proposed FY2024-25 budget. **Council must take a record vote on this item.**

ATTACHMENTS:

1. Budget Ordinance with Exhibit A

RECOMMENDATION:

Approve an Ordinance on its first reading adopting the budget for fiscal year beginning October 1, 2024 and ending September 30, 2025.

ORDINANCE NO. O-24-

AN ORDINANCE ADOPTING A BUDGET FOR THE CITY OF BRENHAM, TEXAS FOR THE FISCAL YEAR 2024-25; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Brenham, Texas, has prepared a budget for the fiscal year October 1, 2024 through September 30, 2025 and has filed same with the City Secretary and has held a public hearing on same, all after due notice as required by statute.

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

SECTION I.

That the City Council of the City of Brenham, Texas does hereby adopt the Budget for the City of Brenham, Texas, for the fiscal year October 1, 2024 through September 30, 2025 as shown in the attached Exhibit "A", which is incorporated herein as though copied herein verbatim.

SECTION II.

That authority is hereby given to the City Manager to approve transfers of portions of any item of appropriation within the same department and transfers from one department to another department within the same fund.

SECTION III.

This Ordinance shall become effective as provided by the Charter of the City of Brenham, Texas.

PASSED AND APPROVED on its first reading this the ____ day of September, 2024.

PASSED AND ADOPTED on its second reading this the ____ day of September, 2024.

Atwood C. Kenjura, Mayor

ATTEST:

Jeana Bellinger, TRMC. CMC
City Secretary

Cary Bovey
City Attorney

CITY OF BRENHAM

BUDGET SUMMARY

Fund		Revenue	Other Sources	Expenditures	Other Uses	Change in Fund Balance
101	General	21,331,757	3,242,683	24,415,757	158,683	0
215	Airport	653,510	114,933	768,443	0	0
225	PD Equip	3,500	0	164,330	0	(160,830)
226	Public Safety Trng	2,750	0	5,000	0	(2,250)
232	Donations	115,500	0	81,000	0	34,500
236	Capital/NonRoutine Items	0	0	372,630	0	(372,630)
249	Tourism & Marketing	650,700	851,400	1,521,475	0	(19,375)
118	Debt Service	3,185,665	0	3,384,365	0	(198,700)
109	Hotel/Motel	931,000	0	19,600	911,400	0
229	Criminal Law Enforcement	18,000	0	1,292	0	16,708
233	Courts Security/Tech	44,125	0	28,400	15,000	725
244	Water Impact Fees	187,500	0	0	150,000	37,500
245	Wastewater Impact Fees	62,500	0	0	50,000	12,500
260	Brenham Comm Projects	0	0	0	0	0
203	Airport Capital Improv	131,250	43,750	175,000	0	0
234	Parks Capital Improv	24,000	827,000	1,517,280	0	(666,280)
237	Streets/Drainage	60,000	118,000	668,000	0	(490,000)
270	General Govt Cap Improv	123,000	0	7,683,689	0	(7,560,689)
301	TIRZ No. 1	731,236	0	118,605	0	612,631
102/122/132	Electric/Purch Power/Cap	27,113,076	875,206	26,643,698	1,626,784	(282,200)
103/123	Gas/Purch Commodity	3,445,852	0	2,866,896	589,434	(10,478)
104/134	Water/Capital	8,292,543	23,821,000	13,626,833	620,340	17,866,370
105/135	Wastewater/Capital	8,349,384	3,139,000	12,350,726	436,108	(1,298,450)
106	Sanitation	2,713,750	0	2,546,217	138,000	29,533
107/137	Drainage/Capital	3,913,649	0	3,778,910	0	134,739
220	Central Fleet	0	0	9,675	0	(9,675)
240	Vehicle/Equip Replace	113,693	0	113,693	0	0
500	Worker's Comp	152,824	0	126,859	0	25,965
600	Employee Benefits	2,831,081	0	2,829,000	0	2,081
250	BCDC	2,994,082	0	1,276,392	1,717,690	0
252	BCDC Capital	760,000	300,000	500,000	0	560,000
GRAND TOTAL		88,935,927	33,332,972	107,593,765	6,413,439	8,261,695



City Council Regular Meeting **AGENDA ITEM 12**

Agenda Item: **Discussion and Possible Action Upon Ratification of the Property Tax Increase Reflected in the Proposed Budget for Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025, Which Raises More Revenue from Property Taxes than Last Year's Budget**

Meeting Date: September 5, 2024

Department: Finance

Staff Contact: Julie Flagg, Chief Financial Officer

SUMMARY STATEMENT:

In compliance with Local Government Code, if a municipal budget raises more property taxes than in the previous year's budget, City Council must formally ratify a property tax increase. Although the City is proposing to maintain the same property tax rate of \$0.4584 in the FY2024-25 budget, due to new properties added to the tax roll and an increase in existing property valuations, the FY2024-25 budget will raise more total property taxes than last year's budget. For FY2024-25, the City estimates an increase of \$959,022 (9.42%) in property tax revenue compared to last year's budget, and of that amount, \$364,048 is tax revenue to be raised from new property added to the tax roll. A vote must be taken to ratify the property tax increase reflected in the budget.

ATTACHMENTS:

None

RECOMMENDATION:

Ratify the Property Tax Increase with the following motion:

I move to ratify the property tax increase reflected in the proposed budget for the fiscal year beginning October 1, 2024 and ending September 30, 2025, which raises more revenue from property taxes than the previous year's budget.



City Council Regular Meeting **AGENDA ITEM 13**

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First Reading Levying Property Taxes for the Tax Year 2024 for the City of Brenham at \$0.4584 per \$100.00 Valuation

Meeting Date: September 5, 2024

Department: Finance

Staff Contact: Julie Flagg, Chief Financial Officer

SUMMARY STATEMENT:

The proposed FY2024-25 budget includes a tax rate of \$0.4584 per \$100 valuation which has two components: maintenance and operations (M&O) and interest and sinking (I&S). The proposed tax rate of \$0.4584 will allocate \$0.3164 to the General Fund for maintenance and operations, and the balance of \$0.1420 to the Debt Service Fund for interest and sinking. The City has complied with all the notices and publications as required by the Tax Code. Because the proposed tax rate exceeds the no-new revenue rate, the City Council is required by the Tax Code to take a record vote on this item.

ATTACHMENTS:

1. Tax Levy Ordinance 2024

RECOMMENDATION:

Approve an Ordinance on its first reading adopting a Tax Rate; the required wording of the motion is:
I move that the property tax rate be increased by the adoption of a tax rate of \$0.4584, which is effectively a 0.63% increase in the tax rate.

ORDINANCE NO. _____

AN ORDINANCE LEVYING TAXES FOR THE TAX YEAR 2024 FOR THE CITY OF BRENHAM, TEXAS AND PROVIDING AN EFFECTIVE DATE.

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

SECTION I.

That there be and is hereby levied an ad valorem tax of \$0.3164 on each one hundred dollars worth of property owned and situated within the City Limits of the City of Brenham, Texas, both real and personal and mixed, for General Fund maintenance and operating purposes for the Tax Year 2024.

SECTION II.

That there be and is hereby levied for the use of the City of Brenham, for the Tax Year 2024, an ad valorem tax of \$0.1420 on each one hundred dollars worth of real, personal and mixed property owned and situated in the City Limits of the City of Brenham, Texas, for the payment of principal and interest on all outstanding bonds and lease payments, not otherwise provided for, of the City of Brenham.

SECTION III.

Wherefore, the combined tax rate in accordance with V.T.C.A. Tax Code Section 26.05 shall be \$0.4584 on each one hundred dollars worth of real, personal, and mixed property of owned and situated within the City Limits of the City of Brenham, Texas.

SECTION IV.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

SECTION V.

THIS TAX RATE WILL EFFECTIVELY BE RAISED BY 1.44 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$6.20.

SECTION VI.

This Ordinance shall become effective as provided by the Charter of the City of Brenham, Texas.

PASSED AND APPROVED on its first reading this the ____ day of September, 2024.

PASSED AND ADOPTED on its second reading this the ____ day of September, 2024.

Atwood C. Kenjura, Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Cary Bovey
City Attorney



City Council Regular Meeting **AGENDA ITEM 14**

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham to Change the Zoning District From a Single-Family Residential Use District (R-1) to a Mixed Residential Use District (R-2) on Property Currently Addressed as 1320 Burleson Street, and Being Further Described as Tract 142 of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas (Case No. P-24-030)

Meeting Date: September 5, 2024

Department: Development Services

Staff Contact: Shauna Laauwe, City Planner

SUMMARY STATEMENT:

This is a companion item to Public Hearing Item #10 to consider the first reading of the Ordinance, discussion and possible action on the rezoning request.

The subject property is a 6.09-acre vacant tract of land addressed as 1320 Burleson Street and generally located on the east side of Burleson Street, north of West Blue Bell Road, and on the west side of Rink Street. Ernest James Nunn, et al., property owner and Jake Carlile of Arete Property group, applicant, are requesting the rezoning from R-1 to R-2 in order to develop the property for higher density residential uses. The R-2 District permits the following residential uses by right: single-family, two-family (duplex/twin homes), zero-lot line dwellings (patio homes), and townhome developments. Furthermore, in the R-2 District, a multifamily apartment request on property greater than 2-acres requires a specific use permit that is heard by the Planning & Zoning Commission and approved by the City Council. Please see the attached Staff Report for a detailed analysis of the request.

ATTACHMENTS:

1. Ordinance on its First Reading - 1320 Burleson

RECOMMENDATION:

Approve an Ordinance on its first reading amending Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham to change the Zoning District from a Single-Family Residential Use District (R-1) to a Mixed Residential Use District (R-2) on the property currently addressed as 1320 Burleson Street, and being further described as Tract 142 of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas (Case No. P-24-030).

ORDINANCE NO. O-24-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES, AND THE OFFICIAL ZONING MAP OF THE CITY OF BRENHAM, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FROM SINGLE-FAMILY USE DISTRICT (R-1) TO MIXED RESIDENTIAL USE DISTRICT (R-2) ON 6.09-ACRES OF LAND AS FURTHER DESCRIBED IN THIS ORDINANCE.

WHEREAS, Jake Carlile of Arete Property Group, applicant and Ernest James Nunn, et al., property owner of 1320 Burleson Street, a 6.09-acre tract of land generally located on the east side of Burleson Street, north of West Blue Bell Road, and on the west side of Rink Street and further described as Tract 142 of A. Harrington Survey, A-55 in Brenham, Washington County, Texas, (the "Property"), have requested that the Property be rezoned; and

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

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

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

WHEREAS, this amendment was unanimously recommended for approval by the City of Brenham Planning and Zoning Commission in its final report during its regular meeting on August 26, 2024; and

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

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

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

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham are hereby amended by changing the zoning district classification from a Single-Family Residential Use District (R-1) to Mixed Residential Use District (R-2) on approximately 6.09- acres of land addressed as 1320 Burleson Street, and further described as Tract 142, A. Harrington Survey, A-55, in Brenham, Washington County, Texas, said area of land being further described and depicted on Exhibit "A" attached hereto and incorporated herein for all pertinent purposes.

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

PASSED and APPROVED on its first reading this the__day of September 2024.

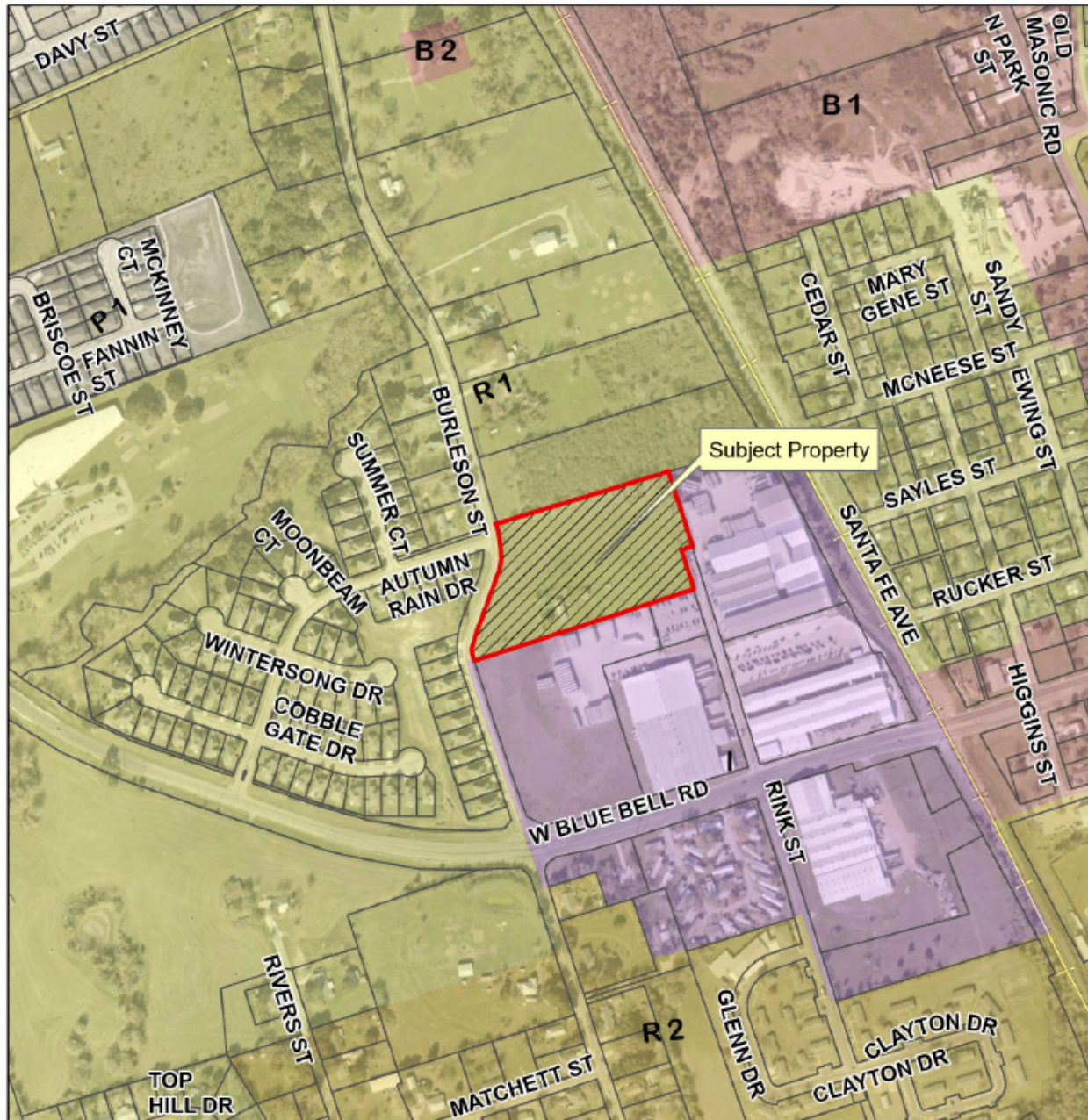
PASSED and APPROVED on its second reading this the ____day of September 2024.

Atwood Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Exhibit "A"



Zoning

- B1 Local Business Mixed
- B2 Commercial
- Research and Technology
- I Industrial
- P1 Planned Development
- R1 Residential Single Family
- R2 Mixed Residential

Zoning Map Rezoning R-1, Single-Family to R-2, Mixed Residential 1320 Burleson Street



1:5,284





City Council Regular Meeting **AGENDA ITEM 15**

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the 2023 Thoroughfare Plan Map, Specifically for the Alignment of the Proposed Future Extension of South Blue Bell Road to State Highway 36 South (Case No. P-24-021)

Meeting Date: September 5, 2024

Department: Development Services

Staff Contact: Shauna Laauwe, City Planner

SUMMARY STATEMENT:

On March 2, 2023, the City Council approved a Professional Services Agreement between the City of Brenham and KKC for the development of the Brenham Family Park Small Area Plan. The attached Staff Memo describes the ensuing process from March 2, 2023, to September 18, 2023, of how a Concept Plan for the 600-acre area around the Brenham Family Park was shaped through a series of project working group meetings, town halls, and public surveys. While the Brenham Family Park Small Area Plan is a concept plan not set in stone, proposed densities, envisioned uses, connectivity, and major roadway alignments help give a foundation for a more intentional development pattern. With the Small Area Plan study complete, the first implementation steps to help bring the plan to fruition are to amend the 2023 Thoroughfare Map, Comprehensive Plan, the Future Land Use Plan and Map. It is critical that these implementation steps are completed to guide interested developers, staff, and appointed and elected officials when a development application is submitted. The proposed amendments to the 2023 Thoroughfare Map includes the proposed realignment of the future arterial extension of Blue Bell Road and a proposed collector street to provide connectivity to the concept design area. The proposed amendments may be found on pages 2-3 of the Staff Memo and the accompanying exhibits.

On August 15, 2024, City Council heard a review of this item and conducted a Public Hearing. On Monday, July 22, 2024, after conducting a Public Hearing, the Planning and Zoning Commission **voted unanimously to recommend approval** of the amendments to the Comprehensive Plan, Future Land Use Plan and Map, and the 2022 Thoroughfare Map.

ATTACHMENTS:

1. Staff Memo
2. Ordinance on its First Reading - 2024 Thoroughfare

RECOMMENDATION:

Approve an Ordinance on its first reading to amend the 2023 Thoroughfare Plan Map, specifically for the alignment of the proposed future extension of South Blue Bell Road to State Highway 36 South (Case No. P-24-021).



MEMORANDUM

To: Planning and Zoning Commission

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

From: Shauna Laauwe, AICP, City Planner

Subject: Amendment to Comprehensive Plan and Future Land Use Plan / Special Area Plan

Date: July 22, 2024

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 C).

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.

The first step of bringing the Brenham Family Park Special Area Plan to fruition was on June 24, 2022, when the Tax Increment Reinvestment Zone Board (TIRZ) 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. On March 2, 2023, this was followed by the City Council approving a Professional Services Agreement between the City of Brenham and Kendig Keast Collaborative (KKC) for the development of the Brenham Family Park Small Area Plan. Subsequently, City Staff met with each of the property owners one-on-one regarding the overall scope of the plan project and learning their visions for their property. Shortly thereafter, Council approved a Project Working Group “The Group” on May 4, 2023, made up of sixteen (16) stakeholders to include the property owners within the Plan area, a Councilmember, a P&Z member, a Park Board representative, TXDOT, architects, and BCDC and TIRZ Board representatives. With the Project Working Group in place, KKC and City Staff facilitated four (4) meetings for the Group between May 19th and September 18, 2023.

Over these four meetings, Kendig Keast Collaborative and the Project Working Group were charged with conducting the Small Area Plan assessment to proactively prepare for the growth anticipated on the 600 acres and to protect the City’s investment in the Brenham Family Park, by identifying 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.
- 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 a unified vision for the area.

During the summer, KKC brought three (3) different concept plans for the Project Working Group based on feedback from the Group, an online survey that was conducted, and from feedback from a public meeting held on August 10, 2023. Through much discussion and deliberation, these concept plans helped the Group to arrive at a unified vision for the 600-acre area, with the selection of Concept Plan #3 that is shown below and in Exhibit A.

Small Area Plan- Concept 3



The Special Area Plan is not set in stone and provides a **concept** plan of the envisioned uses, density and placement, a general layout of connectivity through roadway placement and trails, and the desire for open spaces. With the Small Area Plan study complete, the first implementation steps to help bring the plan to fruition are to amend the Comprehensive Plan, the Future Land Use Plan and Map, and the 2022 Thoroughfare Map. It is critical that these implementation steps are completed to guide interested developers, staff, and appointed and elected officials when a development application is submitted. The Comprehensive and Future Land Use Plans outline the vision of the area around the Brenham Family Park as a Planned Development District that will feature a mixture of uses and public space that is unique to Brenham. The updated Thoroughfare Plan Map lays out the groundwork to request right-of-way dedication. The Comprehensive Plan language needs to be updated on Page 17 to reflect that the recommended Brenham Family Park – Special Area Plan has been completed and to reflect the findings. The Future Land Use Plan

needs to be modified on Page 27 to revise the “Planned Development” section to reflect the new land use name of “Brenham Family Park – Special Area Plan” and minor revisions to the language describing the land use. Lastly, the Future Land Use Map on Page 29 will need to be revised to rename the Planned Development Use area to Brenham Family Park – Small Area Plan, modify the northeast boundary to be at US Hwy 290, and to reflect the revisions to the Thoroughfare Plan. The Thoroughfare Map will be updated to show the proposed alternate Blue Bell Road arterial extension that traverses the planned area from the Brenham Business Center to the east to FM 109 to the southwest and a proposed collector street at Hwy 36, across from Salem Road that would provide a secondary main entry point. The amendments may be found in Exhibits A, B, and C, respectively.

Should there be any questions, comments, or concerns, please contact me by phone at 979-337-7215 or by email at slaauwe@cityofbrenham.org.

Attachments:

- Exhibit A: Comprehensive Plan amendment (Page 17)
- Exhibit B: Future Land Use Plan amendments (Page 27)
- Exhibit C: Future Land Use Plan Map (Page 29)
- Exhibit D: Thoroughfare Map Amendment
- Exhibit E: Special Area Plan Information Poster

Exhibit A:
Comprehensive Plan Amendment (Pg. 17)



Figure : Brenham Family Park- Special Area Plan I

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 Brenham Family Park - Special Area Plan. This designation encourages a master-planned development that will be in character with the Special Area Concept Plan that was adopted in September 2024 and would be approved through the planned development district 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. In 2023, Kendig Keast Collaborative was hired for the development of The Special Area Plan. A sixteen (16) member Project Working Group meeting 4 times over a 4 month period, an online public survey, and town hall meeting, helped to develop a plan that addressed the following elements:

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

With the Small Area Plan study complete, the first implementation steps to help bring the plan to fruition are to amend the Comprehensive Plan, the Future Land Use Plan and Map, and the 2022 Thoroughfare Map. It is critical that these implementation steps are completed to guide interested developers, staff, and appointed and elected officials when a development application is submitted. The Comprehensive and Future Land Use Plans outline the vision of the area around the Brenham Family Park as a Planned Development District that will feature a mixture of uses and public space that is unique to Brenham.

Exhibit B:
Future Land Use Plan Designation Amendment (Pg. 27)

Brenham Family Park - Special Area Plan



This designation is for the Brenham Family Park Special Area Plan. The Special Area Plan is 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. The Special Area Plan encompasses a combined area of approximately 600 acres where the community aspires to see a master-planned development approach and outcome consistent with the concept plan revealed as part of the 2023 Brenham Special Area Plan. As a result, this scale and potential multi-use style of land development is typically vetted and approved through a Planned Unit Development (PUD or PD) procedure as provided for in many municipal zoning ordinances, including in Brenham.

Development Types

- ▶ Single-family detached dwellings
- ▶ Incorporation of small-lot dwellings, patio homes or townhomes to provide a mix of “life-cycle” housing options (and may also include designated senior housing).
- ▶ Multi-family residential component in designated areas such as at the development perimeter or within or near a mixed-use “town center” node
- ▶ Neighborhood centers or other retail/service/office nodes, potentially to the scale of a “town center” or regional-scale retail center that will draw patronage beyond just the development’s residents
- ▶ Public/institutional uses
- ▶ Parks and public space utilizing an internal trail and/or greenway system to link neighborhoods and other destinations within the overall development

Characteristics

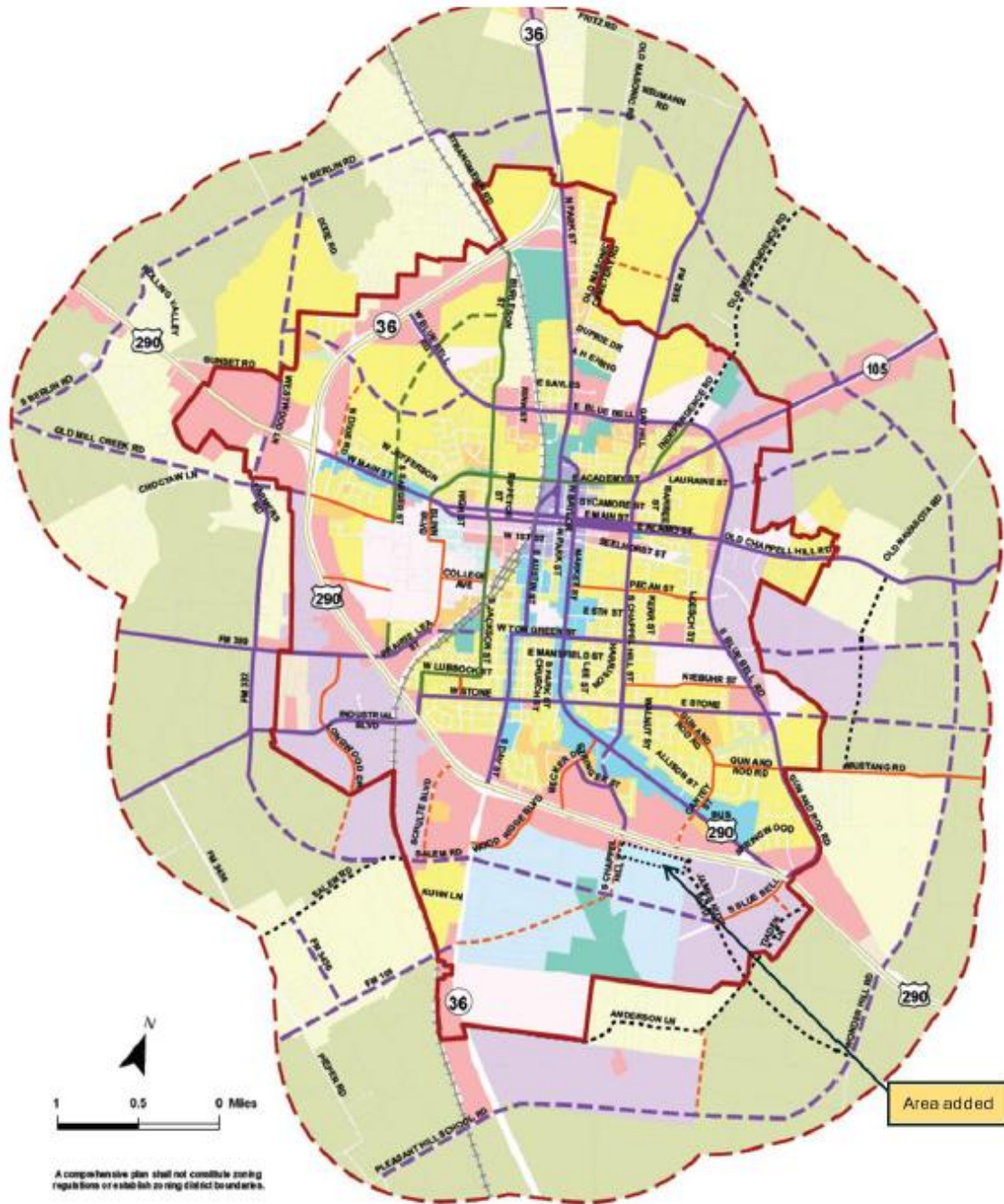
- ▶ Typically involves a series of development “pods” with varying lot sizes and densities, home types/styles, and resulting price points.
- ▶ Often reflects quality land planning that preserves and incorporates pre-existing natural features and other unique site elements, and provides a significant amount of permanent open space for recreation, buffering and aesthetic purposes.
- ▶ Given the site scale and level of land planning, often designed to incorporate natural and/or swale drainage, as well as sophisticated storm water retention/detention features that can also add development value as recreational and aesthetic assets.
- ▶ Given the above characteristics, some PDs include a “town center” component with an urban, mixed-use, pedestrian-oriented character, and some PDs range all the way to the estate and even rural end of the spectrum (e.g., large-lot, equestrian-oriented residential areas).

Industrial



Depending on the standards applied through development regulations, an industrial area can allow for a wide range of uses, from office/warehouse to wholesale, product assembly, and manufacturing. Some communities aim for a more aesthetic business or industrial “park” environment, with specific standards for building arrangement and orientation, building materials and design, extensive landscaping, and especially full screening of loading and outdoor activity/storage areas, if such external activity is even

Exhibit "C" Future Land Use Map Amendment (Pg. 29)



Brenham, TX Future Land Use

Legend

Future Land Use Plan

- | | |
|---------------------------|----------------------------------|
| Rural | Mixed Use Blinn Adjacent |
| Open Space | Mixed Use Downtown Adjacent |
| Park | Center Mixed Use |
| Estate Residential | Brenham Family Park Special Area |
| Single Family Residential | Downtown |
| Manufactured Homes | Local Public Facilities |
| Multi-Family Residential | Commercial |
| | Industrial |



City Limits

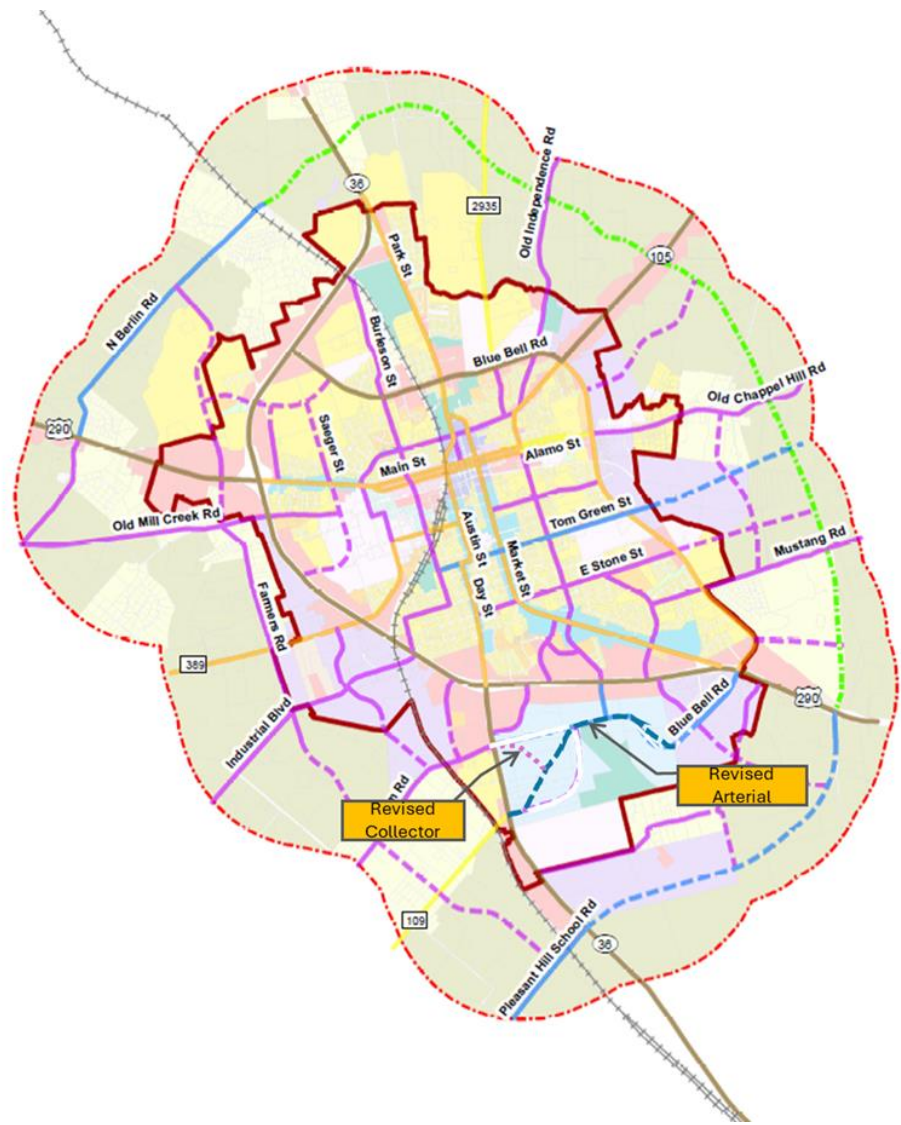
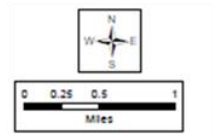
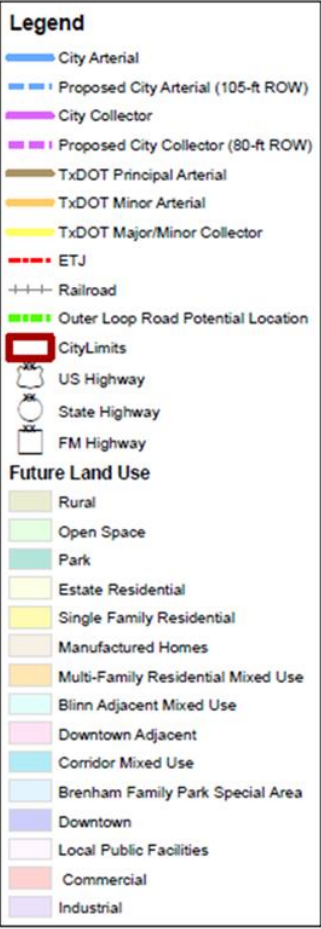


Railroad

2014 Thoroughfare Plan

- | |
|--------------------------|
| Freeway |
| Minor Arterial |
| Minor Arterial Proposed |
| Major Collector |
| Major Collector Proposed |
| Minor Collector |
| Minor Collector Proposed |
| Network Extension |

Exhibit “D” **Thoroughfare Plan Map Amendment**



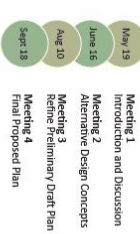


Brenham Family Park Area Plan

Plan Purpose

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.

Process and Timeline (2023)

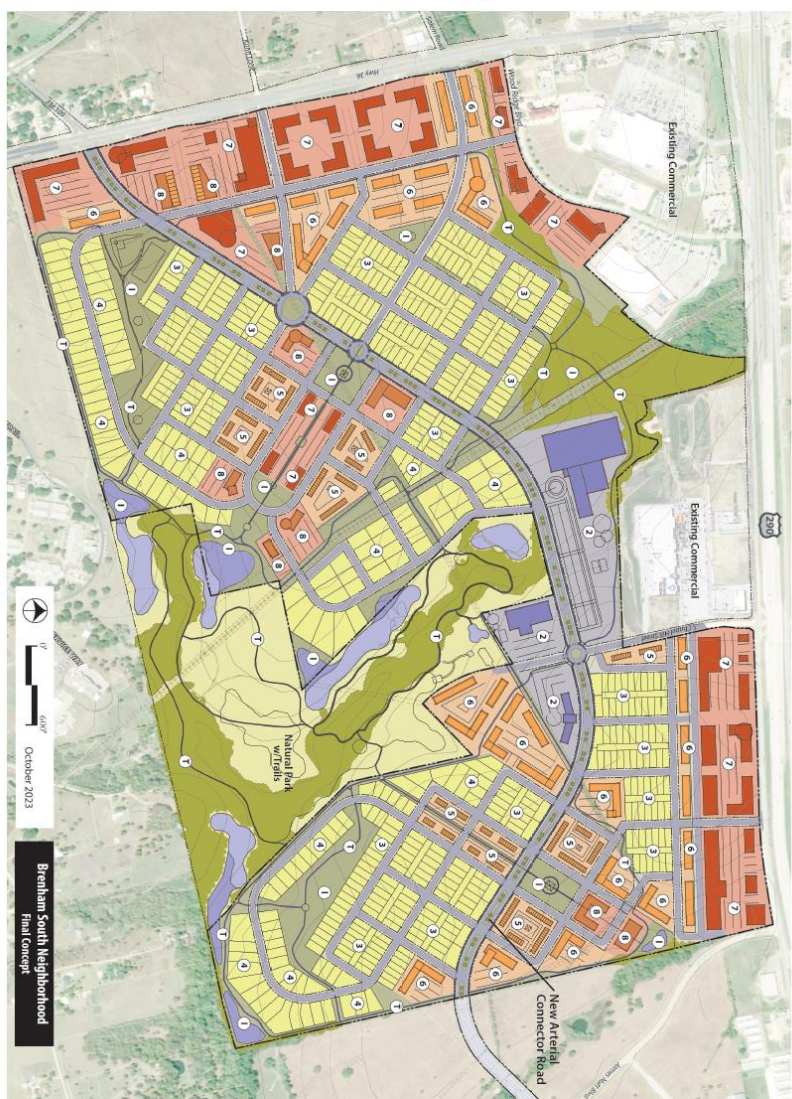


Project Working Group Members

- » Clint Koby - Hen, Clint Koby, Mayor Pro Tem
- » Keith Behrens - Planning & Zoning Commission
- » Gray Crocker - Tax Increment Reinvestment Zone Board
- » Bill Berts - Community Development Corp. & Parks Board
- » William (Dusty) Robinson - Parks & Recreation Board
- » Jeff Miles - Texas Department of Transportation
- » Darren Helms - Architect
- » Darren Rickert - Civil Engineer
- » Pete Simpson
- » Wes Hall - House Family representative
- » Carl Deering - Property owner
- » Ruben Feale - Property owner
- » Mike and Shiley Ogilade - Property owners
- » John Ogilade - Property owner
- » Shanon Ogilade - Property owner
- » Jean Warrine - Property owner
- » Sandra Perry - Property owner

Design Principles

- A Connected streets
- B Shorter, narrower blocks
- C Mixed-use
- D Mixed housing
- E Architectural variety
- F Public amenities
- G Protected sidewalks
- H Open park edge
- I Distributed open space
- J Integrated stormwater management
- K Parking behind and on-street
- L Town Center



Implementation

- » Update Thoroughfare Plan
- » Amend Comprehensive Plan
- » Potential rezoning of "Brenham Family Park Area to special Planned Development District"
- » Update Subdivision Ordinance
- » Engage public in neighborhood naming/branding context
- » Create project website
- » Maintain communications with property-owners
- » Explore funding/incentives options

Funding and Incentives

- » Tax Increment Reinvestment Zone
- » Tax Abatements
- » 380 Agreements
- » Bonding
- » Fee Waivers
- » Utility/Management Districts
- » Economic Development Partnerships

Legend

- ① Total Acreage - Approx. 662 Ac.
- ② Trail
- ③ Open Space / Private Maintained Parks / Stormwater - 213 Ac.
- ④ Institutional - Community, Church - 31 Ac.
- ⑤ Roads / Utilities - 110 Ac.
- ⑥ Single Family Residential
 - Total Acreage - 133 Ac.
 - Single Family Alley-loaded - 73 Ac.
 - No. Small Lots - 407
 - Avg. Size - 7,800 Square Feet (57)
 - Single Family Attached - 60 Ac.
 - No. Large Lots - 166
 - Avg. Size - 15,700 SF
- ⑦ Total No. Lots - 573
 - Avg. Size All Lots - 10,100 SF (10.3 Ac.)
 - Avg. Lots per Acre - 4.31
- ⑧ Multifamily Townhomes - 23 Ac.
 - Total Acreage - 133 Ac.
 - Multifamily Apartments (Type) - 50 Ac.
 - No. Units - 1,969 units
 - (675,000 SF, 3.5 floors, 1,200 SF/unit)
- ⑨ Commercial
 - Total Acreage - Approx. - 82 Ac.
 - Square Footage Bldgs - 985,000 SF
 - Mixed Use - 17 Ac.
 - Office - 10 Ac.
 - Residential - 325 Units
 - (2.5 floors, 1,200 SF/unit)

NOTES: This map was prepared by the City of Brenham Planning and Public Works Department. It is intended for informational purposes only and should not be used for legal or financial decisions. The map is subject to change without notice.

October 2023

ORDINANCE NO. 0-24-00_

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING THE 2023 THOROUGHFARE PLAN MAP, A SUPPLEMENT TO THE CITY OF BRENHAM COMPREHENSIVE PLAN "HISTORIC PAST, BOLD FUTURE: PLAN 2040;" REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR A SEVERABILITY AND SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the 2022 Thoroughfare Plan Map was adopted as part of the City of Brenham 2022 Thoroughfare Plan adopted by Ordinance No. O-22-003 on February 17, 2022; and

WHEREAS, the 2023 Thoroughfare Map was adopted by Ordinance No. O-23-005 on February 2, 2023 and replaced the 2022 Thoroughfare Plan Map in its entirety; and

WHEREAS, the City of Brenham Comprehensive Plan, "Historic Past, Bold Future: Plan 2040" ("Plan 2040") was adopted by the City Council on September 19, 2019; and

WHEREAS, the transportation focus area of Plan 2040 describes the near-term and long-range transportation needs and priorities in and around the City and states that the top focus areas include improving safety and connectivity and relieving congestion; and

WHEREAS, the City and Kendig Keast Collaborative, LLC have conducted a small area plan study on an approximately 600-acre area located generally around the Brenham Family Park, resulting in a new proposed alignment of the proposed future arterial extension of South Blue Bell Road to State Highway 36 South and a new collector from State Highway 36, across from Salem Road, to South Blue Bell Road, thus necessitating amendment of the official 2023 Thoroughfare Plan Map to show the realignment of the proposed future arterial extension of South Blue Bell Road and a new collector from Highway 36, across from Salem Road, to South Blue Bell Road; and

WHEREAS, the existing 2023 Thoroughfare Plan Map should be updated to depict the new proposed arterial alignment and collector roadway to replicate the Brenham Family Park Special Area Plan, reflect the City of Brenham's growth, and provide for current and future needs; and

WHEREAS, the 2022 Thoroughfare Plan report discusses, creates, and refines the existing Brenham Thoroughfare Plan Map, provides typical street sections for new development, highlights priority transportation projects, establishes a current truck routes map, proposes priority bicycle and pedestrian routes via an official map, and initiates a detailed traffic impact analysis guideline discussion for future implementation; and

WHEREAS, the proposed 2024 Thoroughfare Plan Map amendment was considered and recommended for approval by the City of Brenham Planning & Zoning Commission in its final report during its regular meeting on July 22, 2024; and

WHEREAS, the City Council, following a public hearing regarding the adoption of the proposed 2024 Thoroughfare Plan Map amendment, hereby finds and determines the adoption of this Ordinance will promote sound development of the City of Brenham, and further promotes the public health, safety and welfare; and

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

SECTION 1.

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2.

The City of Brenham 2024 Thoroughfare Plan Map, attached hereto as Exhibit "A" and incorporated herein for all purposes, shall be and is hereby adopted and made the official thoroughfare plan map of the City of Brenham, Texas, hereinafter designated as the "City of Brenham 2024 Thoroughfare Plan Map."

SECTION 3.

The 2024 Thoroughfare Plan Map is a policy guide for the City Council, City Boards and Commissions, City staff and the public for evaluating and reviewing the physical and infrastructure development of the City and such regulations as may be utilized to implement the goals and policies of the Comprehensive Plan.

SECTION 4.

The 2022 Thoroughfare Plan shall not constitute zoning or subdivision regulations or establish zoning district boundaries. In particular, the 2024 Thoroughfare Plan Map, Thoroughfare Future Land Use Map, Priority Projects Map, Truck Routes Map, and Bicycle and Pedestrian Map shall not be, nor shall it be considered, a zoning map, nor constitute zoning regulations or establish zoning boundaries.

SECTION 5.

Any provision of any prior ordinance of the City, whether codified or uncoded, which are in conflict with any provision of this Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect. The 2024 Thoroughfare Plan Map adopted by this Ordinance expressly repeals, supersedes and replaces the City of Brenham 2023 Thoroughfare Plan Map in its entirety.

SECTION 6.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

SECTION 7.

Notice of the time and place, where and when said Ordinance would be considered by the City Council at any and all public meetings was given in accordance with applicable law, prior to the time designated for meeting.

SECTION 8.

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

PASSED and **APPROVED** on its first reading this the ____ day of September 2024.

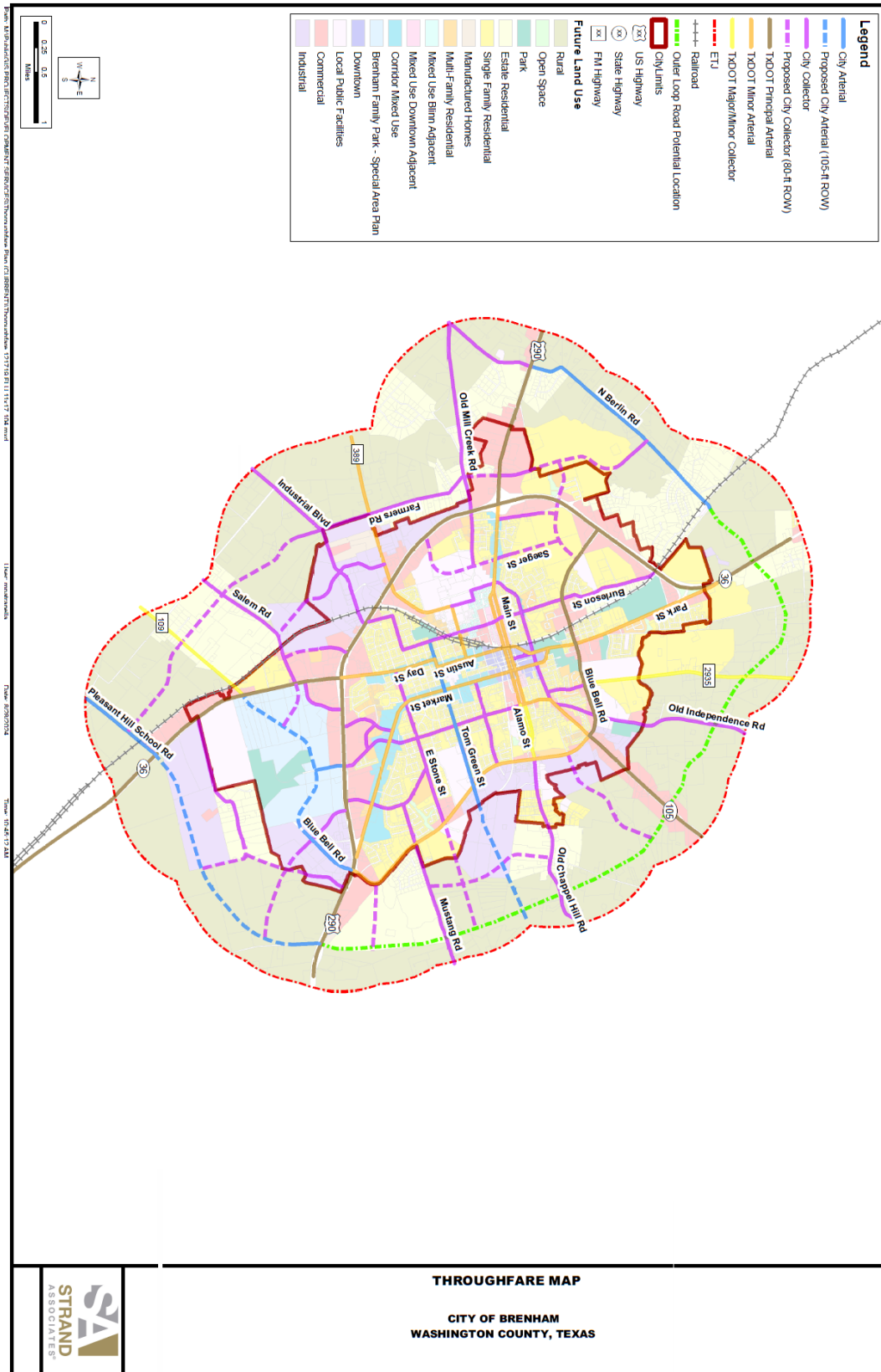
PASSED and **APPROVED** on its second reading this the ____ day of September 2024.

Atwood Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT "A"





City Council Regular Meeting **AGENDA ITEM 16**

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the 2019 Comprehensive Plan and Future Land Use Map, Specifically to Adopt the Small Area Plan Located Generally Around the Brenham Family Park (Case No. P-24-021)

Meeting Date: September 5, 2024

Department: Development Services

Staff Contact: Shauna Laauwe, City Planner

SUMMARY STATEMENT:

In March 2023, City Council approved a Professional Services Agreement between the City of Brenham and KKC for the development of the Brenham Family Park Small Area Plan. The attached Staff Memo describes the process of how a Concept Plan for the 600-acre area around the Brenham Family Park was shaped through a series of project working group meetings, town halls, and public surveys. While the Brenham Family Park Small Area Plan is a concept plan not set in stone, proposed densities, envisioned uses, connectivity, and major roadway alignments help give a foundation for a more intentional development pattern. With the Small Area Plan study complete, the first implementation steps to help bring the plan to fruition are to amend the Comprehensive Plan, the Future Land Use Plan and Map, and the 2023 Thoroughfare Map. It is critical that these implementation steps are completed to guide interested developers, staff, and appointed/elected officials when a development application is submitted.

The accompanying ordinance provides for amendments to the Comprehensive Plan and Future Land Use Map to include updating the language to reflect the findings of the Small Area Plan and renaming the current 'Planned Development District' to "Brenham Family Park-Special Area Plan." The Future Land Use Map will redefine the concept area and change the name notation.

On August 15, 2024, City Council conducted a Public Hearing and a review of this item. On July 22, 2024, after conducting a Public Hearing, the Planning and Zoning Commission **voted unanimously to recommend approval** of the amendments to the Comprehensive Plan, Future Land Use Plan and Map, and the 2023 Thoroughfare Map.

ATTACHMENTS:

1. Staff Memo - Comprehensive Plan
2. Ordinance on its First Reading - 2024 Comprehensive Plan Amendment

RECOMMENDATION:

Approve an ordinance on its first reading to amend the 2019 Comprehensive Plan and Future Land Use Map, specifically to adopt the Small Area Plan located generally around the Brenham Family Park (Case No. P-24-021).



MEMORANDUM

To: Planning and Zoning Commission

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

From: Shauna Laauwe, AICP, City Planner

Subject: Amendment to Comprehensive Plan and Future Land Use Plan / Special Area Plan

Date: July 22, 2024

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 C).

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.

The first step of bringing the Brenham Family Park Special Area Plan to fruition was on June 24, 2022, when the Tax Increment Reinvestment Zone Board (TIRZ) 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. On March 2, 2023, this was followed by the City Council approving a Professional Services Agreement between the City of Brenham and Kendig Keast Collaborative (KKC) for the development of the Brenham Family Park Small Area Plan. Subsequently, City Staff met with each of the property owners one-on-one regarding the overall scope of the plan project and learning their visions for their property. Shortly thereafter, Council approved a Project Working Group “The Group” on May 4, 2023, made up of sixteen (16) stakeholders to include the property owners within the Plan area, a Councilmember, a P&Z member, a Park Board representative, TXDOT, architects, and BCDC and TIRZ Board representatives. With the Project Working Group in place, KKC and City Staff facilitated four (4) meetings for the Group between May 19th and September 18, 2023.

Over these four meetings, Kendig Keast Collaborative and the Project Working Group were charged with conducting the Small Area Plan assessment to proactively prepare for the growth anticipated on the 600 acres and to protect the City’s investment in the Brenham Family Park, by identifying 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.
- 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 a unified vision for the area.

During the summer, KKC brought three (3) different concept plans for the Project Working Group based on feedback from the Group, an online survey that was conducted, and from feedback from a public meeting held on August 10, 2023. Through much discussion and deliberation, these concept plans helped the Group to arrive at a unified vision for the 600-acre area, with the selection of Concept Plan #3 that is shown below and in Exhibit A.

Small Area Plan- Concept 3



The Special Area Plan is not set in stone and provides a **concept** plan of the envisioned uses, density and placement, a general layout of connectivity through roadway placement and trails, and the desire for open spaces. With the Small Area Plan study complete, the first implementation steps to help bring the plan to fruition are to amend the Comprehensive Plan, the Future Land Use Plan and Map, and the 2022 Thoroughfare Map. It is critical that these implementation steps are completed to guide interested developers, staff, and appointed and elected officials when a development application is submitted. The Comprehensive and Future Land Use Plans outline the vision of the area around the Brenham Family Park as a Planned Development District that will feature a mixture of uses and public space that is unique to Brenham. The updated Thoroughfare Plan Map lays out the groundwork to request right-of-way dedication. The Comprehensive Plan language needs to be updated on Page 17 to reflect that the recommended Brenham Family Park – Special Area Plan has been completed and to reflect the findings. The Future Land Use Plan

needs to be modified on Page 27 to revise the “Planned Development” section to reflect the new land use name of “Brenham Family Park – Special Area Plan” and minor revisions to the language describing the land use. Lastly, the Future Land Use Map on Page 29 will need to be revised to rename the Planned Development Use area to Brenham Family Park – Small Area Plan, modify the northeast boundary to be at US Hwy 290, and to reflect the revisions to the Thoroughfare Plan. The Thoroughfare Map will be updated to show the proposed alternate Blue Bell Road arterial extension that traverses the planned area from the Brenham Business Center to the east to FM 109 to the southwest and a proposed collector street at Hwy 36, across from Salem Road that would provide a secondary main entry point. The amendments may be found in Exhibits A, B, and C, respectively.

Should there be any questions, comments, or concerns, please contact me by phone at 979-337-7215 or by email at slaauwe@cityofbrenham.org.

Attachments:

- Exhibit A: Comprehensive Plan amendment (Page 17)
- Exhibit B: Future Land Use Plan amendments (Page 27)
- Exhibit C: Future Land Use Plan Map (Page 29)
- Exhibit D: Thoroughfare Map Amendment
- Exhibit E: Special Area Plan Information Poster

Exhibit A:
Comprehensive Plan Amendment (Pg. 17)



Figure : Brenham Family Park- Special Area Plan I

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 Brenham Family Park - Special Area Plan. This designation encourages a master-planned development that will be in character with the Special Area Concept Plan that was adopted in September 2024 and would be approved through the planned development district 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. In 2023, Kendig Keast Collaborative was hired for the development of The Special Area Plan. A sixteen (16) member Project Working Group meeting 4 times over a 4 month period, an online public survey, and town hall meeting, helped to develop a plan that addressed the following elements:

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

With the Small Area Plan study complete, the first implementation steps to help bring the plan to fruition are to amend the Comprehensive Plan, the Future Land Use Plan and Map, and the 2022 Thoroughfare Map. It is critical that these implementation steps are completed to guide interested developers, staff, and appointed and elected officials when a development application is submitted. The Comprehensive and Future Land Use Plans outline the vision of the area around the Brenham Family Park as a Planned Development District that will feature a mixture of uses and public space that is unique to Brenham.

Exhibit B:
Future Land Use Plan Designation Amendment (Pg. 27)

Brenham Family Park - Special Area Plan



This designation is for the Brenham Family Park Special Area Plan. The Special Area Plan is 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. The Special Area Plan encompasses a combined area of approximately 600 acres where the community aspires to see a master-planned development approach and outcome consistent with the concept plan revealed as part of the 2023 Brenham Special Area Plan. As a result, this scale and potential multi-use style of land development is typically vetted and approved through a Planned Unit Development (PUD or PD) procedure as provided for in many municipal zoning ordinances, including in Brenham.

Development Types

- ▶ Single-family detached dwellings
- ▶ Incorporation of small-lot dwellings, patio homes or townhomes to provide a mix of "life-cycle" housing options (and may also include designated senior housing).
- ▶ Multi-family residential component in designated areas such as at the development perimeter or within or near a mixed-use "town center" node
- ▶ Neighborhood centers or other retail/service/office nodes, potentially to the scale of a "town center" or regional-scale retail center that will draw patronage beyond just the development's residents
- ▶ Public/institutional uses
- ▶ Parks and public space utilizing an internal trail and/or greenway system to link neighborhoods and other destinations within the overall development

Characteristics

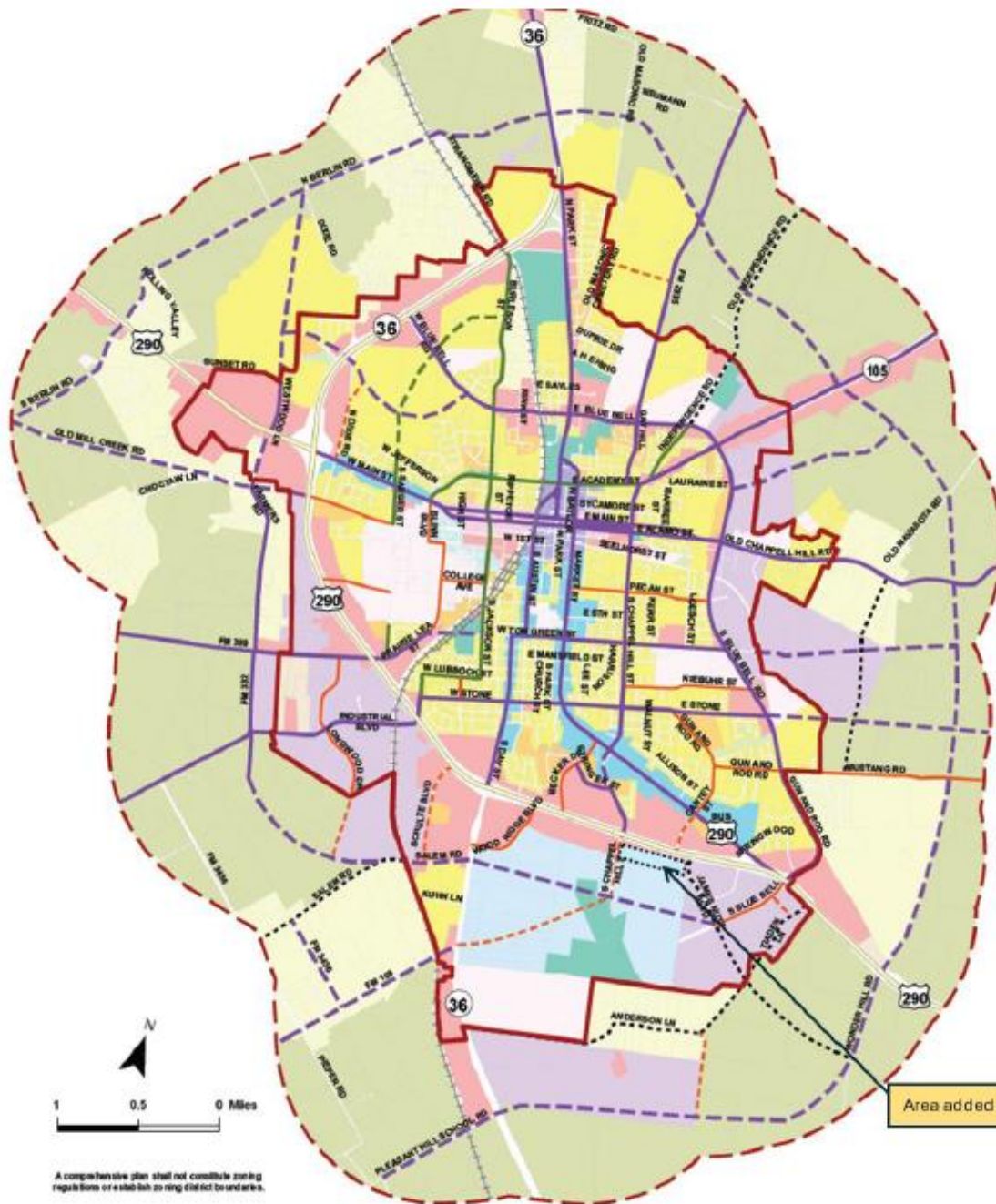
- ▶ Typically involves a series of development "pods" with varying lot sizes and densities, home types/styles, and resulting price points.
- ▶ Often reflects quality land planning that preserves and incorporates pre-existing natural features and other unique site elements, and provides a significant amount of permanent open space for recreation, buffering and aesthetic purposes.
- ▶ Given the site scale and level of land planning, often designed to incorporate natural and/or swale drainage, as well as sophisticated storm water retention/detention features that can also add development value as recreational and aesthetic assets.
- ▶ Given the above characteristics, some PDs include a "town center" component with an urban, mixed-use, pedestrian-oriented character, and some PDs range all the way to the estate and even rural end of the spectrum (e.g., large-lot, equestrian-oriented residential areas).

Industrial



Depending on the standards applied through development regulations, an industrial area can allow for a wide range of uses, from office/warehouse to wholesale, product assembly, and manufacturing. Some communities aim for a more aesthetic business or industrial "park" environment, with specific standards for building arrangement and orientation, building materials and design, extensive landscaping, and especially full screening of loading and outdoor activity/storage areas, if such external activity is even

Exhibit "C" Future Land Use Map Amendment (Pg. 29)



Brenham, TX Future Land Use

Legend

Future Land Use Plan

- | | |
|---------------------------|----------------------------------|
| Rural | Mixed Use Blinn Adjacent |
| Open Space | Mixed Use Downtown Adjacent |
| Park | Corridor Mixed Use |
| Estate Residential | Brenham Family Park Special Area |
| Single Family Residential | Downtown |
| Manufactured Homes | Local Public Facilities |
| Multi-Family Residential | Commercial |
| | Industrial |

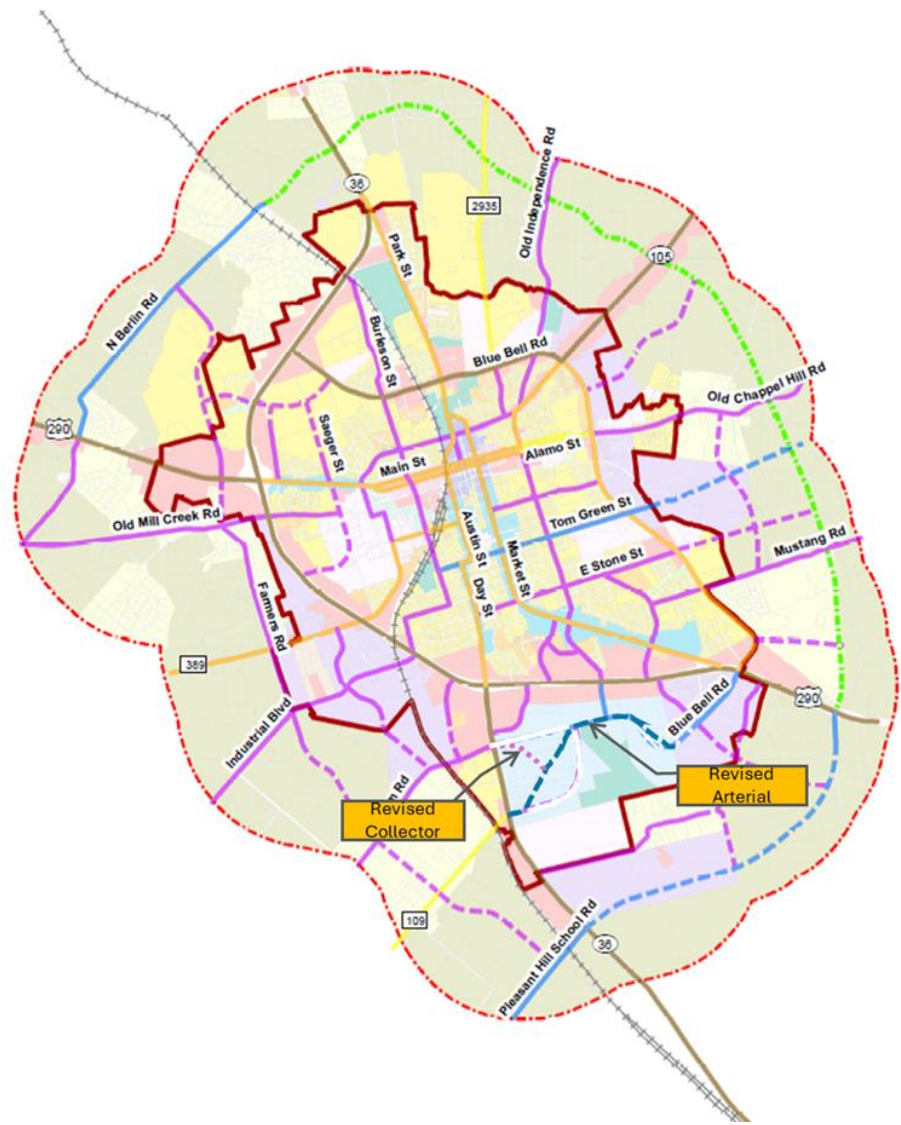
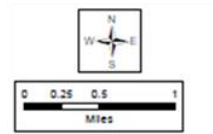
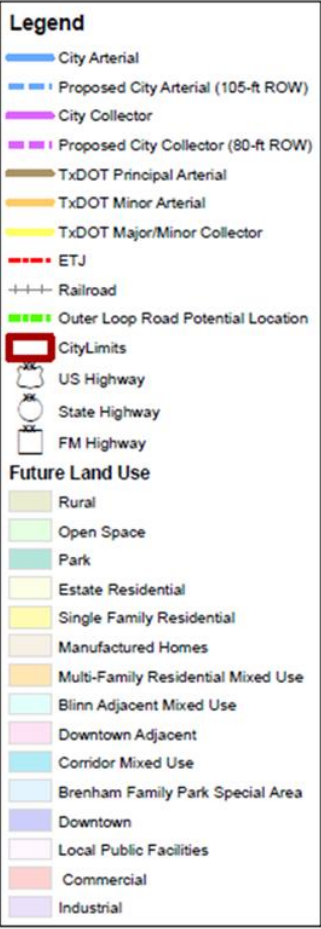
ETJ

- City Limits
- Railroad

2014 Thoroughfare Plan

- Freeway
- Minor Arterial
- Minor Arterial Proposed
- Major Collector
- Major Collector Proposed
- Minor Collector
- Minor Collector Proposed
- Network Extension

Exhibit “D” **Thoroughfare Plan Map Amendment**



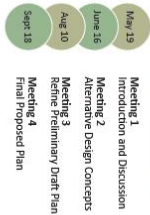


Brenham Family Park Area Plan

Plan Purpose

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.

Process and Timeline (2023)

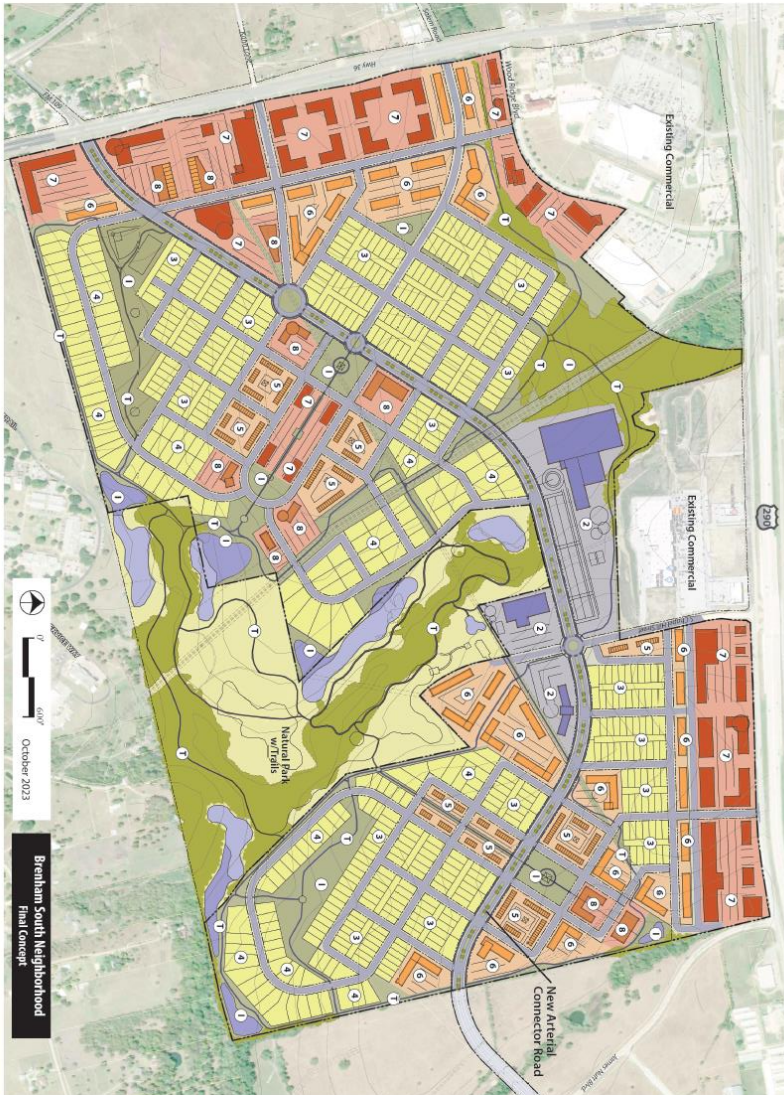


Project Working Group Members

- » Clint Koby - Hen, Clint Koby, Mayor Pro Tem
- » Keith Behrens - Planning & Zoning Commission
- » Gray Crocker - Tax Increment Reinvestment Zone Board
- » Bill Berts - Community Development Corp. & Parks Board
- » William (Dusty) Robinson - Parks & Recreation Board
- » Jeff Miles - Texas Department of Transportation
- » Darren Heine - Architect
- » Darren Rickert - Civil Engineer
- » Pete Simpson
- » Wes Hall - House Family representative
- » Carl Deering - Property owner
- » Ruben Feale - Property owner
- » Mike and Shiley Gagliardi - Property owners
- » John Gagliardi - Property owner
- » Sharon Gagliardi - Property owner
- » Jean Warrine - Property owner
- » Sandra Perry - Property owner

Design Principles

- A Connected streets
- B Shorter, narrower blocks
- C Mixed-use
- D Mixed housing
- E Architectural variety
- F Public amenities
- G Protected sidewalks
- H Open park edge
- I Distributed open space
- J Integrated stormwater management
- K Parking behind and on-street
- L Town Center



Implementation

- » Update Thoroughfare Plan
- » Amend Comprehensive Plan
- » Potential rezoning of "Brenham Family Park Area to special Planned Development District"
- » Update Subdivision Ordinance
- » Engage public in neighborhood naming/branding contest
- » Create project website
- » Maintain communications with property-owners
- » Explore funding/incentives options

Funding and Incentives

- » Tax Increment Reinvestment Zone
- » Tax Abatements
- » 380 Agreements
- » Bonding
- » Fee Waivers
- » Utility/Management Districts
- » Economic Development Partnerships

Legend

- ① Total Acreage - Approx. 662 Ac.
- ② Trail
- ③ Open Space / Private Maintained Parks / Stormwater - 213 Ac.
- ④ Institutional - Community, Church - 31 Ac.
- ⑤ Roads / Utilities - 110 Ac.
- ⑥ Single Family Residential
 - Total Acreage - 133 Ac.
 - Single Family Alley-loaded - 73 Ac.
 - No. Small Lots - 407
 - Avg. Size - 7,200 Square Feet (57)
 - Single Family Attached - 60 Ac.
 - No. Large Lots - 166
 - Avg. Size - 15,700 SF
- ⑦ Total No. Lots - 573
- ⑧ Avg. Size All Lots - 10,100 SF (10.23 Ac.)
- ⑨ Avg. Lots per Acre - 4.31
- ⑩ Multifamily Townhomes - 23 Ac.
 - Total Acreage - 133 Ac.
 - Multifamily Apartments (Type) - 50 Ac.
 - No. Units - 1,969 units
 - (675,000 SF, 3.5 floors, 1,200 SF/unit)
- ⑪ Commercial
 - Total Acreage - Approx. - 82 Ac.
 - Square Footage Bldgs - 985,000 SF
 - Mixed Use - 17 Ac.
 - Residential - 325 Units
 - (2.5 floors, 1,200 SF/unit)

NOTES: This map was prepared by the City of Brenham Planning and Public Works Department. It is intended for informational purposes only and does not constitute a contract or warranty of any kind. The City of Brenham Planning and Public Works Department is not responsible for any errors or omissions in this map.

October 2023

ORDINANCE NO. 0-24-__

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING THE CITY OF BRENHAM COMPREHENSIVE PLAN "HISTORIC PAST, BOLD FUTURE: PLAN 2040;" AND THE ASSOCIATED FUTURE LAND USE PLAN MAP; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR A SEVERABILITY AND SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Texas Local Government Code, Section 213.002, authorizes municipalities to adopt a comprehensive plan for the long-range development of the municipality; and

WHEREAS, the City of Brenham Comprehensive Plan, "Historic Past, Bold Future: Plan 2040" ("Plan 2040") was adopted by the City Council on September 19, 2019; and

WHEREAS, the Small Area Plan Project Working Group (PWG) was appointed by the Brenham City Council to represent citizen boards and commissions, affected property owners, citizens of Brenham, and other local entities and to oversee the preparation and public input into the proposed Brenham Family Park Special Area Plan; and

WHEREAS, throughout the planning process the City staff provided coordination and guidance to the planning consulting firm, Kendig Keast Collaborative, LLC that conducted a small area plan study with the input of the PWG on an approximately 600-acre area located generally around the Brenham Family Park and bounded by State Highway 36 to the west, US Highway 290 to the north, the Brenham Business Center to the east, and the State Supported Living Center to the south; and

WHEREAS, during further review, it became evident that the existing Comprehensive Plan should be updated to reflect the recommendations to replicate the Brenham Family Park Special Area Plan, reflect the City of Brenham's growth, and provide for current and future needs; and

WHEREAS, these recommended updates resulted in a request for amendments to the Comprehensive Plan and associated maps to update the language concerning the Brenham Family Park and an amendment of the Future Land Use Map to revise the boundaries and classification of the 600-acre area; and

WHEREAS, the future land use plan component of the Comprehensive Plan discusses, creates, and refines land use classifications, provides applicable guidelines for the placement of determined land uses, highlights planning projects, and establishes a future land use map; and;

WHEREAS, the Comprehensive Plan amendment was considered and recommended for approval by the City of Brenham Planning & Zoning Commission in its final report during its regular meeting on July 22, 2024: and

WHEREAS, the City Council, following a public hearing regarding the adoption of the proposed Comprehensive Plan and Future Land Use Map amendment, hereby finds and determines the adoption of this Ordinance will promote sound development of the City of Brenham, and further promotes the public health, safety and welfare;

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

SECTION 1.

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2.

The section ‘Planned Development’ in the City of Brenham Comprehensive Plan is amended to add the land use designation of “Brenham Family Park-Special Area Plan” and associated descriptions, as shown in Exhibit A, as well as the description of the Brenham Family Park Special Area Plan planning process described in Exhibit B, both Exhibits A and B being attached hereto and incorporated herein for all purposes.

SECTION 3.

The Future Land Use Map in the City of Brenham Comprehensive Plan is amended to reclassify the ‘Planned Development’ moniker to “Brenham Family Park Special Area” and to extend a portion of the area to US Highway 290, as shown in Exhibit C, attached hereto and incorporated herein for all purposes.

SECTION 4.

The Comprehensive Plan is a policy guide for the City Council, City Boards and Commissions, City staff and the public for evaluating and reviewing land use and the physical development of the City and such regulations as may be utilized to implement the goals and policies of the Comprehensive Plan.

SECTION 4.

The Comprehensive Plan shall not constitute zoning or subdivision regulations or establish zoning district boundaries. In particular, the Future Land Use Map shall not be nor shall it be considered a zoning map, nor constitute zoning regulations or establish zoning boundaries, and shall not be site nor parcel specific and shall only be used to illustrate generalized policies.

SECTION 5.

Any provision of any prior ordinance of the City, whether codified or uncoded, which are in conflict with any provision of this Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect. The Comprehensive Plan adopted by this Ordinance expressly repeals, supersedes and replaces the City of Brenham 2019 Comprehensive Plan in its entirety.

SECTION 6.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

SECTION 7.

Notice of the time and place, where and when said Ordinance would be considered by the City Council at any and all public meetings was given in accordance with applicable law, prior to the time designated for meeting.

SECTION 8.

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

PASSED and **APPROVED** on its first reading this the ____ day of September 2024.

PASSED and **APPROVED** on its second reading this the ____ day of September 2024.

Atwood Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT A

Brenham Family Park - Special Area Plan



This designation is for the Brenham Family Park Special Area Plan is 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. The Special Area Plan encompasses a combined area of approximately 600 acres where the community aspires to see a master-planned development approach and outcome consistent with the concept plan revealed as part of the 2023 Brenham Special Area Plan. As a result, this scale and potential multi-use style of land development is typically vetted and approved through a Planned Unit Development (PUD or PD) procedure as provided for in many municipal zoning ordinances, including in Brenham.

Development Types

- ▶ Single-family detached dwellings
- ▶ Incorporation of small-lot dwellings, patio homes or townhomes to provide a mix of "life-cycle" housing options (and may also include designated senior housing).
- ▶ Multi-family residential component in designated areas such as at the development perimeter or within or near a mixed-use "town center" node
- ▶ Neighborhood centers or other retail/service/office nodes, potentially to the scale of a "town center" or regional-scale retail center that will draw patronage beyond just the development's residents
- ▶ Public/institutional uses
- ▶ Parks and public space utilizing an internal trail and/or greenway system to link neighborhoods and other destinations within the overall development

Characteristics

- ▶ Typically involves a series of development "pods" with varying lot sizes and densities, home types/styles, and resulting price points.
- ▶ Often reflects quality land planning that preserves and incorporates pre-existing natural features and other unique site elements, and provides a significant amount of permanent open space for recreation, buffering and aesthetic purposes.
- ▶ Given the site scale and level of land planning, often designed to incorporate natural and/or swale drainage, as well as sophisticated storm water retention/detention features that can also add development value as recreational and aesthetic assets.
- ▶ Given the above characteristics, some PDs include a "town center" component with an urban, mixed-use, pedestrian-oriented character, and some PDs range all the way to the estate and even rural end of the spectrum (e.g., large-lot, equestrian-oriented residential areas).

Industrial



Depending on the standards applied through development regulations, an industrial area can allow for a wide range of uses, from office/warehouse to wholesale, product assembly, and manufacturing. Some communities aim for a more aesthetic business or industrial "park" environment, with specific standards for building arrangement and orientation, building materials and design, extensive landscaping, and especially full screening of loading and outdoor activity/storage areas, if such external activity is even

EXHIBIT B



Figure : Brenham Family Park- Special Area Plan 1

Future Brenham Family Park – Special Area Plan

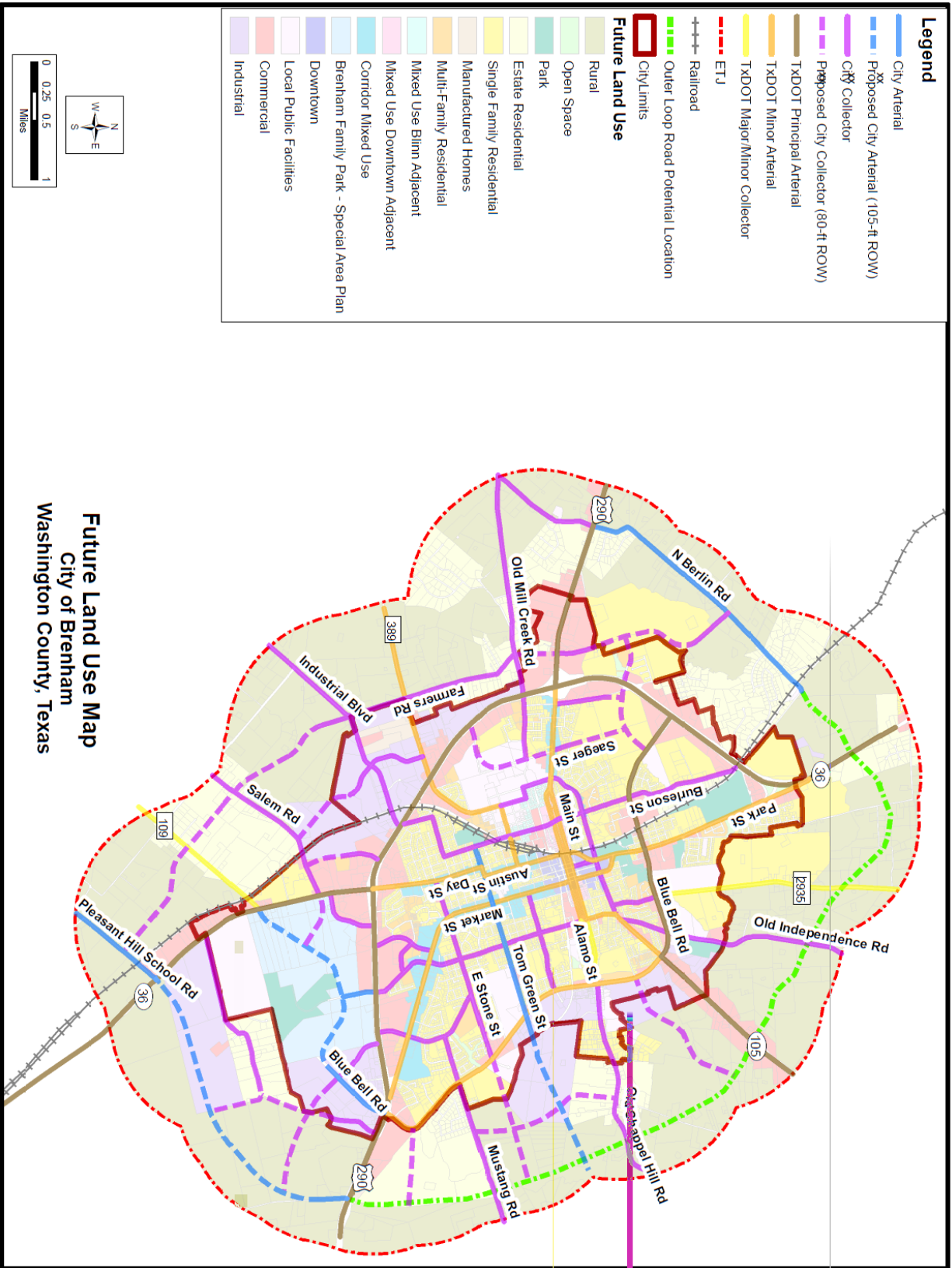
The area around the future Brenham Family Park is one of the primary large developable tracts within Brenham and there is significant public investment that will be made to the Brenham Family Park over the coming years. The Future Land Use Map (see Pg. 29) designates the currently undeveloped area around the Future Brenham Family Park as Brenham Family Park - Special Area Plan. This designation encourages a master-planned development that will be in character with the Special Area Concept Plan that was adopted in September 2024 and would be approved through the planned development district 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. In 2023, Kendig Keast Collaborative was hired for the development of The Special Area Plan. A sixteen (16) member Project Working Group meeting 4 times over a 4 month period, an online public survey, and town hall meeting, helped to develop a plan that addressed the following elements:

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

With the Small Area Plan study complete, the first implementation steps to help bring the plan to fruition are to amend the Comprehensive Plan, the Future Land Use Plan and Map, and the 2022 Thoroughfare Map. It is critical that these implementation steps are completed to guide interested developers, staff, and appointed and elected officials when a development application is submitted. The Comprehensive and Future Land Use Plans outline the vision of the area around the Brenham Family Park as a Planned Development District that will feature a mixture of uses and public space that is unique to Brenham.

EXHIBIT C





City Council Regular Meeting
AGENDA ITEM 17

Agenda Item: Discuss and Possibly Act Upon the Renewal with Texas Municipal League Intergovernmental Risk Pool for the City of Brenham's General Liability, Law Enforcement Liability, Public Official Liability, Mobile Equipment, Airport Liability, Property, Auto Liability and Physical Damage, Crime, and Theft and Worker's Compensation Coverage for the City of Brenham for the Fiscal Year 2024-25 and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Date: September 5, 2024

Department: HR and Risk Management

Staff Contact: Susan Nienstedt, Director of Human Resources and Risk Management

SUMMARY STATEMENT:

See attached Memo from the Director of HR and Risk Management, Susan Nienstedt.

This is a companion item for the next item to be presented.

ATTACHMENTS:

1. TML Liability and Property Rerate 2024-25 Memo

RECOMMENDATION:

Approve the renewal with Texas Municipal League Intergovernmental Risk Pool for the City of Brenham's General Liability, Law Enforcement Liability, Public Official Liability, Mobile Equipment, Airport Liability, Property, Auto Liability and Physical Damage, Crime, and Theft and Worker's Compensation Coverage for the City of Brenham for the Fiscal Year 2024-25 and authorize the Mayor to execute any necessary documentation.



MEMORANDUM

To: Mayor, City Council and City Manager

From: Susan Nienstedt
Director of Human Resources & Risk Management

Subject: Renewal of Property and Liability Coverage with TML Intergovernmental Risk Pool for FY2024-25

Date: August 20, 2024

As a member of the TML Intergovernmental Risk Pool (TMLIRP) we benefit from the mission statement of the Pool which is to provide stable source of risk financing and rates. Local, state, national and global conditions, such as inflation, supply chain issues, natural disasters, and reinsurance costs impact our rates. Despite claims and cost pressures, TMLIRP is able to provide comparable rates to the commercial insurance market and their competitors. The renewal rates from TMLIRP for FY2024-25 are shown on the table below with a comparison to the previous fiscal year coverage.

Our liability coverage includes general liability, law enforcement liability, errors and omissions, as well as automobile and aviation liability insurance. An increase in all liability lines of coverage is due in part to an increase our experience modifier from .88 to 1.01 due to an increase in the number of liability claims brought against the City, as well as increased inflation costs for automobile repairs. Experience modifier calculations are based on a state adopted formula comparing expected losses to actual losses over the previous three years.

Property coverage includes real and personal property, mobile equipment, crime and cybersecurity liability coverage. Increases include the application of an inflationary factor of on all the scheduled property values due to the continued rise in cost of materials and labor for reconstruction. Additionally, an inflationary factor of three percent was applied to the value of all scheduled contents in our facilities. The City's property schedule was also adjusted by staff reviewing listed properties and making the necessary adjustments to their values, as well as adding new property to our schedule.

Workers' Compensation rates for the categories of workers in Streets, Parks, Police, and Fire will all see a decrease in the rate, and all other categories will remain the same. The City's experience modifier for workers' compensation will also remain the same at .30.

Cybersecurity coverage continues to change quickly as cybercrime increases for municipalities. Cybercrime costs statewide are increasing due to the expertise, knowledge, and skills needed to mitigate these high-cost disruptive claims. In 2016, TML Risk Pool recognized the cyber liability exposure and provided complimentary coverages to all members. As the number of cyber claims rise, and the costs associated with these claims increase the TML Risk Pool has established a new Cyber Fund to ensure the viability of the Pool's cyber coverage. To become a part of the new Cyber Fund the City of Brenham will need to execute the Cyber Liability and Data Breach Response Interlocal Agreement with Texas Municipal League Intergovernmental Risk Pool. The contribution for this coverage will increase to \$1,250 for the plan year beginning October 1, 2024. As the City continues to protect our vital data and infrastructure by conducting training and following our internal policies, we will be evaluating the needs of additional cyber liability coverage through a formal assessment provided by the Risk Pool.

Coverage Description	2023-24 Contribution	2024-25 Contribution
General Liability	\$25,611	\$30,191
Law Enforcement Liability	\$46,681	\$40,417
Errors & Omissions Liability	\$57,514	\$67,399
Automobile Liability	\$47,166	\$57,740
Automobile Physical Damage	\$60,045	\$69,802
Aviation Liability	\$6,488	\$6,488
Subtotal Liability	\$243,505	\$272,037
Real & Personal Property	\$185,607	\$242,409
Mobile Equipment	\$25,857	\$27,486
Crime & Cybersecurity	\$3,184	\$4,187
Subtotal Property	\$214,648	\$274,082
Workers' Compensation	\$120,329	\$116,387
Total All Coverages	\$578,482	\$662,506

The TML Risk Pool provides excellent staff and services that are familiar with the challenges faced by local government officials and employees. The best way a city can help control costs is to practice risk mitigation, and TMLIRP provides specialized services such as surveys of gas and electric utilities, and aquatic facilities to make safety recommendations and assessments.

The overall budget impact is an increase of \$70,774, which includes a 2% reduction the City receives for early payment of the annual costs if paid by October 31 which totals.

Recommendation

We are recommending approval of the TMLIRP renewal rates for liability, property and workers' compensation effective October 1, 2024 at the rates shown on the above schedule.



City Council Regular Meeting
AGENDA ITEM 18

Agenda Item: Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Texas Municipal League Intergovernmental Risk Pool for Cyber Liability and Data Breach Response Coverage and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Date: September 5, 2024

Department: HR and Risk Management

Staff Contact: Susan Nienstedt, Director of Human Resources and Risk Management

SUMMARY STATEMENT:

Interlocal Agreement between the City of Brenham and Texas Municipal League Intergovernmental Risk Pool for Cyber Liability and Data Breach Response coverage for the purpose of providing coverage against risks which are inherent in operating a political subdivision.

This is a companion item to the previous item presented.

ATTACHMENTS:

1. TML Cyber ILA 9-2024

RECOMMENDATION:

Approve an Interlocal Agreement between the City of Brenham and Texas Municipal League Intergovernmental Risk Pool for Cyber Liability and Data Breach Response coverage and authorize the Mayor to execute any necessary documentation.

Texas Municipal League Intergovernmental Risk Pool

1821 Rutherford Lane, First Floor • Austin, Texas 78754

CYBER LIABILITY AND DATA BREACH RESPONSE INTERLOCAL AGREEMENT

This Contract and Interlocal Agreement is entered into by and between political subdivisions of this state (hereinafter referred to as "Pool Members") to form a joint self-insurance pool to be named the Texas Municipal League Joint Cyber Liability and Data Breach Response Self-Insurance Fund (hereinafter referred to as the "Fund") for the purpose of providing coverages against risks which are inherent in operating a political subdivision.

WITNESSETH:

The undersigned Pool Member, in accordance with Chapter 2259, Texas Government Code, the Interlocal Cooperation Act, Tex. Gov't Code § 791.001, et seq., and the interpretation thereof by the Attorney General of the State of Texas (Opinion #MW-347, May 29, 1981), and in consideration of other political subdivisions executing like agreements, does hereby agree to become one of the Pool Members of this self-insured pool. The conditions of membership agreed upon by and between the parties are as follows:

1. Definitions of terms used in this Interlocal Agreement.
 - a. Board. Refers to the Board of Trustees of the Fund.
 - b. Fund Year. 12:01 a.m. October 1 through 12:01 a.m. the following October 1.
 - c. Manual Rates. The basic rates applicable to each cyber liability and data breach response classification promulgated by the Insurance Service Office or the Board.
 - d. Texas Municipal League Cyber Liability and Data Breach Response Self-Insurance Plan. The Cyber Liability and Data Breach Response Coverage Document that sets forth in exact detail the coverages provided as part of the overall plan.
 - e. Adjustments. Refers to any offsets to manual premium that may result from the Pool Member's election of deductibles, loss experience, or Fund Modifier which reflects the savings to the Pool Member by entering into this Interlocal Agreement.
 - f. Premium and Contribution. Used interchangeably in some parts of this Interlocal Agreement. Any reference at any time in this Interlocal Agreement to an insurance term not ordinarily a part of self-insurance shall be deemed for convenience only and is not construed as being contrary to the self-insurance concept except where the context clearly indicates no other possible interpretation such as but not limited to the reference to "reinsurance."
 - g. Reimbursable Deductible. The amount that was chosen by this Pool Member to be applicable to the first monies paid by the Fund to effect judgment or settlement of any claim or suit. The Pool Member, upon notification of the action taken, shall promptly reimburse the Fund for all or such part of the deductible amount as has been paid by the Fund. Further, however, the Fund's obligation to pay damages shall be subject to the limits of liability stated in the Declarations of Coverage or Endorsements to this Interlocal Agreement less the stated deductible amount.
 - h. Fund Modifier. A percentage figure that is applied to the manual rates by the Fund to reflect the savings to the Pool Member by entering into this Interlocal Agreement.
 - i. Agreement Period. The continuous period since the Pool Member first became a member of this Fund excluding, however, any period or periods of time therein that the member did not participate as a member of the Pool.
 - j. Declarations of Coverage. The specific indication of the coverages, limits, deductibles, contributions, and special provisions elected by each individual Pool Member. The Declarations of Coverages may be modified by Endorsement.
2. The Board, acting through its agents and Fund staff, is responsible for the administration of all Fund business on behalf of the Pool Members.
3. In consideration of the execution of this Interlocal Agreement by and between the Pool Member and the Fund and of the contributions of the Pool Member, the coverage elected by the Pool Member is afforded according to the terms of the Texas Municipal League Cyber Liability and Data Breach Response Self-Insurance Plan. The affirmative declaration of contributions and limits of liability in the Declarations of Coverage and Endorsements determine the applicability of the Self-Insurance Plan.

The Pool Member agrees to pay the annual contribution to the Fund in four (4) equal quarterly installments, in advance, commencing at the beginning of this Interlocal Agreement with subsequent installments due the first quarter thereafter. In the event this Interlocal Agreement is terminated as herein provided, the Fund shall promptly repay to the Pool Member any such unearned annual contribution prorated as of the date of termination and the Pool Member agrees during the term of this Interlocal Agreement to promptly pay all reimbursable deductibles upon receipt of statement.

At the end of each and every Fund Year, the Fund may require the Pool Member to submit the actual data requested on the exposure summary as reflected by the books and records of the Pool Member. The Fund reserves the right to audit the records of any Pool Member and adjust contributions accordingly.

In the event that the Pool Member fails or refuses to make the payments, including accrued interest, as herein provided, the Fund reserves the right to terminate such Pool Member by giving them ten (10) days' written notice and to collect any and all amounts that are earned pro rata for the period preceding contract termination. If the amounts owed, including reimbursable deductibles, must be collected by suit, the Pool Member agrees to pay attorneys' fees and costs incurred in such suit.

7. The Fund shall maintain adequate protection from catastrophic losses to protect its financial integrity. Aggregate protection shall also be maintained. The Member's contributions shall be limited to that amount as calculated under this Interlocal Agreement. Notwithstanding anything to the contrary, the total combined aggregate limit of liability of the Fund for all Pool Members in any Fund Year, regardless of the number of occurrences or claims, shall be limited to the amount of money contained in the Fund. As to the Pool annual aggregate limits or the amount of money in the Fund, the Board of Trustees, in its sole discretion, may determine an allocation methodology among affected Pool Members should the Pool annual aggregate limit be reached, or should the money in the Fund be exhausted.
8. Notwithstanding the provisions of the foregoing paragraph, it is agreed the Board shall have the right to adjust the financial protection outlined above and/or amend coverages as it finds available or deems necessary to maintain the fiscal soundness of the Fund at the beginning of or during any Fund Year.
9. The Fund will make available loss control services to the Pool Members to assist them in following a plan of loss control that may result in reduced losses. The Pool Member agrees that it will cooperate in instituting any and all reasonable loss control recommendations. In the event that the recommendations submitted seem unreasonable, the Pool Member has a right to appeal to the Board. The Board shall hear the objections of the Pool Member at its next regularly scheduled meeting and its decisions will be final and binding on all parties. Any Pool Member who does not agree to follow the decision of the Board shall be withdrawn from the Fund immediately.
10. The Pool Member agrees that it will appoint a contact of department head rank, and the Fund shall not be required to contact any other individual except this one person. Any notice to or any agreements with the contact shall be binding upon the Pool Member. The Pool Member reserves the right to change the contact from time to time by giving written notice to the Fund.
11. The Fund agrees to handle all cyber liability and data breach response claims, and provide a defense for any and all cyber liability and data breach response claims covered under this Interlocal Agreement after prompt notice has been given. The Pool Member hereby appoints the Fund staff and Contractors as its agents to act in all matters pertaining to processing and handling of claims covered under this Interlocal Agreement and shall cooperate fully in supplying any information needed or helpful in settlement or defense of such claims. As respects cyber liability and data breach response claims, the Fund staff and Contractors shall carry on all negotiations with the claimant and his/her attorney, when applicable, and negotiate within authority previously granted by the Fund. If a personal appearance by the Pool Member or an employee is necessary, the expense of this appearance will not be the responsibility of the Fund. With the advice and consent of the Fund, the Fund staff and the Contractors will retain and supervise legal counsel for the prosecution and defense of any litigation. All decisions on individual cases shall be made by the Fund through the Fund staff and the Contractors, which include, but are not limited to, the decision to appeal or not to appeal, settlement negotiations, the decision of whether to settle, and other litigation tactics. However, any Pool Member shall have the right in any case to consult with the Fund on any decision made by the Fund staff or Contractors. The Board shall hear the objections of the Pool Member at its next regularly scheduled meeting and its decision will be final and binding on all parties. Any suit brought or defended by the Fund shall be brought or defended only in the name of the Pool Member and/or its officers or employees. There shall be supplied periodically to each Pool Member a computer printout involving a statement of claims. As respects the Texas Municipal League Cyber Liability and Data Breach Response Self-Insurance Plan, the Fund shall have priority in enforcing its subrogation claims against the claims of Pool Member.
12. The Pool Member acknowledges that it has received a copy of the Bylaws of the Fund and agrees to abide by the Bylaws and any amendments thereto.
13. The Fund agrees that all Fund transactions will be annually audited by a nationally recognized certified public accounting firm.
14. If legally required, the Fund shall cause to be filed the necessary tax forms with the Internal Revenue Service.



City Council Regular Meeting **AGENDA ITEM 19**

Agenda Item: Discuss and Possibly Act Upon Amendment No. 1 to the Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. Related to Various Wastewater Projects Funded Through the American Rescue Plan Act (ARPA) and Administered by the United States Department of the Treasury (Treasury), and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Date: September 5, 2024

Department: Public Utilities

Staff Contact: Shawn Bolenbarr, Public Utilities Project Manager

SUMMARY STATEMENT:

On October 13, 2022, the City of Brenham entered into a Professional Services Agreement with Strand Associates for engineering services related to Project 66C-16C (Rehabilitation of old Wastewater Treatment Plant), Project 66C-17C (Rehabilitation of the Process Aeration Blowers), and Project 66C-18C (UV Light disinfection System). Please note that these projects are part of the American Rescue Plan Act (ARPA). Also, all projects are located at the Wastewater Treatment Plant.

Per the terms of this agreement, Strand was to perform permitting, topographic survey, design, bidding-related, and construction-related service for each project for an amount not to exceed \$391,000.00. Strand Associates has requested an Amendment to the Professional Services Agreement for additional services that were provided for each project.

Below is a cost breakdown for additional services and a description of the additional services:

Additional design related to replacement of 6th aeration blower - \$15,000

- Added to the project design, demolition of the existing 350 HP blower (PACB-1) and replacement with a new 300 HP blower. The design scope includes preparing the blower equipment specification for a new blower, providing information request to blower manufacturer, reviewing and updating the cost opinion, and preparing drawings showing blower and air piping demolition, new blower, air piping modifications, and electrical design.
- The original design scope was based upon rehabilitation of all 6 blowers, but after completion of the initial blower evaluation the City staff decided the best option for the 6th blower was to replace it instead of rehabbing it.

Additional design related to the relocation of reclaimed water system components to account for UV implementation - \$5,000

- The added design scope includes updates to the drawings to show relocated piping, pumps, and wall mountings for reclaimed water system. The current system is being relocated to account for channel modifications to incorporate the UV system.

Additional design related to improvements on old lab room for RAS pump VFDs - \$3,500

- The added design scope includes updating the drawings and specifications to include

improvements (new HVAC system) to the existing lab building adjacent to Treatment Unit No. 1 to meet cooling requirements for the RAS pump VFDs.

- By approving Amendment Number 1 of the personnel service agreement, it will increase the total engineering cost by \$23,500.00 bring the total engineering cost to \$414,500.00Staff respectfully ask Council to approve the Amendment to the Professional Services Agreement with Strand Associates for engineering services related to Project 66C-16C (Rehabilitation to Wastewater Treatment Plant Module 1), Project 66C-17C (Rehabilitation of the Process Aeration Blowers), and Project 66C-18C (UV Light disinfection System).

ATTACHMENTS:

- | |
|---|
| 1. Amendment No. 1 - ARPA WWTP Improvements |
|---|

RECOMMENDATION:

Approve Amendment No. 1 to the Professional Services Agreement between the City of Brenham and Strand Associates, Inc related to various wastewater projects, in an amount not to exceed \$23,500.00, funded through the American Rescue Plan Act (ARPA) and administered by the United States Department of the Treasury (Treasury), and authorize the Mayor to execute any necessary documentation.

**AMENDMENT NO. 1 TO THE OCTOBER 13, 2022
AMERICAN RESCUE PLAN ACT (ARPA)
AGREEMENT FOR ENGINEERING SERVICES**

WHEREAS, the City and Firm agree to amend the referenced Agreement as follows:

Under PART I–AGREEMENT, Item No. 6 Compensation and Method of Payment, CHANGE \$391,000 to “\$414,500.”

PART II–SCOPE OF SERVICES, Design Services,

Under Item No. 5,

Item a., CHANGE “six” to “five.”

Add the following:

- “f. Replacement of one existing aeration tank centrifugal blower.
- g. Relocation of existing reclaimed water system pumps and site piping to accommodate installation of a new UV disinfection system.
- h. Modifications to existing Laboratory Room adjacent to Treatment Unit No. 1 consisting of a new Heating, Ventilation, and Air Conditioning system.”

IN WITNESSETH WHEREOF, the parties hereto have made and executed this Amendment.

BY: _____
(Local City Official)

Atwood C. Kenjura
(Printed Name)

Mayor
(Title)

BY: Joseph M. Bunker 8/28/2024
(Firm's Authorized Representative)

Joseph M. Bunker
(Printed Name)

Corporate Secretary
(Title)



City Council Regular Meeting **AGENDA ITEM 20**

Agenda Item: Discuss and Possibly Act Upon an Amendment to the Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. for FY2023-24 On-Call Engineering Services and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Date: September 5, 2024

Department: Development Services

Staff Contact: Stephanie Doland, Director of Development Services

SUMMARY STATEMENT:

The City of Brenham wishes to amend an existing Professional Services Agreement with Strand Associates, Inc. (Strand) to continue 'On-Call' engineering support services to the City. On September 1, 2023 the City entered into an agreement with Strand Associates, Inc. (Strand) for services including Development Review Services, Floodplain Administration Services, and Part-Time Resident Project Representative Services for Developments involving the construction of infrastructure to be dedicated to the City, assistance preparing Opinion of Probable Cost estimates for Capital Improvement Projects, design and inspection of repairs to City infrastructure, and overall general engineering services. The agreement detailed the City will pay Strand only for actual services performed in the amount not to exceed \$120,000.

Since Strand began providing on-call services in 2020, the monthly average for services has typically averaged around \$10,000 per month. However, there have been several months during the current budget year which have exceeded this average. Staff finds that the increase in on-call services is likely attributable to the increase in development meetings, plat applications and development permit applications due to the impact fee implementation deadline of July 1, 2024. Below includes a summary of the monthly and cumulative expenditures for the current fiscal year.

Invoice Period	Invoice Amount	Cumulative Amount
October 2023	\$12,498.75	\$12,498.75
November 2023	\$10,350.00	\$22,848.75
December 2023	\$6,711.25	\$29,560.00
January 2024	\$18,251.25	\$47,811.25
February 2024	\$9,092.50	\$56,903.75
March 2024	\$7,571.25	\$64,475.00
April 2024	\$10,817.50	\$75,292.50
May 2024	\$16,805.00	\$92,097.50
June 2024	\$17,532.50	\$109,630.00
July 2024	\$8,920.00	\$118,550.00

Staff requests approval from Council to amend the existing On-Call agreement for an additional \$20,000 to allow Strand to continue to provide on-call support services for the remainder of the budget year.

ATTACHMENTS:

1. Amendment No.1 FY24 Strand On-Call Services Agreement
2. Brenham - FY 2024 On-Call Engineering Services - Invoice Support Summary

RECOMMENDATION:

Approve an amendment to the Professional Services Agreement between the City of Brenham and Strand Associates, Inc., in the amount of \$20,000.00, for FY2023-24 On-Call Engineering Services and authorize the Mayor to execute any necessary documentation.

**AMENDMENT NO. 1 TO THE SEPTEMBER 1, 2023
PROFESSIONAL SERVICES AGREEMENT
FOR
ENGINEERING SERVICES
RELATED TO
CITY OF BRENHAM
FY 2024 ON-CALL ENGINEERING SERVICES**

WHEREAS, the City and Engineer agree to amend the referenced Agreement as follows:

Under **SECTION VII, ENGINEER'S COMPENSATION**, CHANGE \$120,000 to "\$140,000."

Under **Part B–Basis of Compensation and Reimbursable Expenses**, CHANGE \$120,000 to “\$140,000.”

IN WITNESS WHEREOF, the City of Brenham has lawfully caused this Amendment to be executed by the Mayor of said City and attested by the City Secretary and Strand Associates, Inc.[®], acting by and through its duly authorized officer/representative, does now sign, execute, and deliver this instrument.

EXECUTED on this _____ day of _____, 20____.

ENGINEER:

STRAND ASSOCIATES, INC.®

DRAFT

Joseph M. Bunker
Corporate Secretary

CITY OF BRENHAM, TEXAS

DRAFT

Atwood C. Kenjura
Mayor

ATTEST:

DRAFT

Jeana Bellinger
City Secretary

FY 2024 On-Call Engineering Services - Invoice Support (3900.245)

Invoice Period - October 1, 2023 through October 31, 2023

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	BILLING CLASSIFICATIONS AND COMMENTS
Development Services	General Tasks	\$ -		
	Plan Reviews and Meetings	\$ 3,217.50	1) Weekly Plan Review Meetings 2) Bain Warehouse, 401 W Blue Bell Road 3) Bluebonnet Electric Coop 4) Brenham Hotel, Cantey Street 5) La Quinta/Hawthorne Hotel 6) Squeaky Clean Car Wash 7) Ted & Rosa Dean, Residential Replat 8) Valmont Expansion 9) Washington Park Addition 10) Wilkins Valley Subdivision	SA1 (1.5 hrs), SPM (1.25 hrs), SET (9.5 hrs), GE2 (7 hrs), and Admin (0.75 hrs) to attend plan review meetings, perform plan and plat reviews, and provide comments.
	Pre-Development Meetings	\$ 1,627.50	1) Car Wash, 1607 S Blue Bell Road 2) DR Horton, 1402 W Jefferson Street 3) Intersection of FM 577 & Stone Street 4) Intersection of SH 36 & W Blue Bell Road (NE Corner) 5) Intersection of Market Street & Cantey Street 6) Potential Children's Museum, Reka Pennington 7) Townhomes, S Market Street & FM 577	SET (10.5 hrs) to prepare for and attend pre-development meetings.
	Pre-Submittal Questions	\$ 77.50	1) Brookside Drive (R37196), Floodplain Regulations 2) First Baptist Church Properties, Detention Questions	SET (0.5 hrs) to address questions and provide follow-up information.
	Construction Meetings and Observation	\$ 826.25	1) HEB Storm Sewer Conflicts 2) Market Square Brenham	PM2 (0.25 hrs) and SET (5 hrs) to attend construction meetings, perform part-time RPR services, and provide daily observation reports to the City for its records.
Public Utilities	General Tasks	\$ 5,261.25	1) CGG Data Center 2) Heritage Oaks, Phase 2 3) Saeger Subdivision 4) Squeaky Clean Car Wash	SPM (7.75 hrs), GE3 (1.5 hrs), GE1 (16.25 hrs), SCADD (3.5 hrs), and 2MFP (3 hrs) to perform water and wastewater studies to determine ability to serve utilities to proposed developments. CGG and Saeger also required a sewer survey.
	Water Utility	\$ 998.75	1) HEB Retaining Wall and Water Main Break	SPM (2.5 hrs) and GE3 (2.75 hrs) to perform a site visit, assess options to reroute the damaged water main, and attend meeting at City Hall.
	Wastewater Utility	\$ -		
	Natural Gas Utility	\$ -		
	Electric Utility	\$ -		
Public Works	General Tasks	\$ -		
	Streets Tasks	\$ -		
	Drainage Tasks	\$ 490.00	1) South Market Street at O'Reilly Auto Parts Store	PM2 (0.5 hrs) and SET (2.5 hrs) to evaluate drainage improvement options.
	Parks Tasks	\$ -		

Total this Invoice: \$ 12,498.75

FY 2024 On-Call Engineering Services - Invoice Support (3900.245)

Invoice Period - November 1, 2023 through November 30, 2023

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	BILLING CLASSIFICATIONS AND COMMENTS
Development Services	General Tasks	\$ 500.00	1) Airport Taxiway Lighting OPCs	GE2 (2.5 hrs) and Admin (1.5 hrs) to prepare cost opinions.
	Plan Reviews and Meetings	\$ 4,148.75	1) Weekly Plan Review Meetings 2) Bluebonnet Electric Coop 3) Brenham Car Wash 4) Brenham Market Square 5) Center Stage Dance Studio 6) Express Fuel Truck Stop & Gas Station 7) Fairview Terrace Subdivision, Residential Replat 8) Lotline, Sayles Street, Residential Replat 9) Squeaky Clean Car Wash 10) Ted & Rosa Dean, Residential Replat	SA1 (3.5 hrs), SPM (1 hr), SET (12.25 hrs), GE2 (7.5 hrs), and Admin (0.50 hrs) to attend plan review meetings, perform plan and plat reviews, and provide comments.
	Pre-Development Meetings	\$ 426.25	1) Food Truck Park, SE Corner of Brookside and N Park Street	SET (2.75 hrs) to prepare for and attend pre-development meetings.
	Pre-Submittal Questions	\$ 658.75	1) Car Wash, Highway 36 South, Drainage Questions 2) Comcast Brenham, Drainage and Detention Questions	SET (4.25 hrs) to address questions and provide follow-up information.
	Construction Meetings and Observation	\$ 930.00	1) Brenham Market Square 2) Squeaky Clean Car Wash 3) Vintage Farms, Phase 4 and Townhomes	SET (6 hrs) to attend construction meetings, perform part-time RPR services, and provide daily observation reports to the City for its records.
Public Utilities	General Tasks	\$ 701.25	1) Brenham Car Wash	SPM (0.25 hrs) and GE1 (4.75 hrs) to perform a water and wastewater study to determine ability to serve utilities to a proposed development.
	Water Utility	\$ 408.75	1) HEB Water Model Check	SPM (1.25 hrs) and GE3 (0.75 hrs) for modeling to determine impacts of taking the water main out of service and possible tie-in options.
	Wastewater Utility	\$ -		
	Natural Gas Utility	\$ -		
	Electric Utility	\$ -		
Public Works	General Tasks	\$ 2,498.75	1) Progress and Valley Drives Drainage	PM2 (2 hrs), SET (13.25 hrs), and GE2 (0.25 hrs) to evaluate drainage options.
	Streets Tasks	\$ -		
	Drainage Tasks	\$ 77.50	1) Allison Street Drainage between Will and Shea Streets	SET (0.5 hrs) to evaluate drainage improvement options.
	Parks Tasks	\$ -		

Total this Invoice: \$ 10,350.00

FY 2024 On-Call Engineering Services - Invoice Support (3900.245)

Invoice Period - December 1, 2023 through December 31, 2023

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	BILLING CLASSIFICATIONS AND COMMENTS
Development Services	General Tasks	\$ 77.50	1) Scenic Estates, 405 Tanglewood Drive, Drainage Assistance	SET (0.5 hr) to participate in drainage discussions.
	Plan Reviews and Meetings	\$ 3,492.50	1) Weekly Plan Review Meetings 2) Center Stage Dance Studio 3) Express Fuel Truck Stop & Gas Station 4) La Quinta & Hawthorn Suites 5) Mangolandla, LLC 6) Murphy Oil USA 7) TxDOT Engineer and Maintenance Facility	SA1 (3.5 hrs), SPM (1 hr), SET (7.5 hrs), GE2 (8.25 hrs), and Admin (0.25 hrs) to attend plan review meetings, perform plan and plat reviews, and provide comments.
	Pre-Development Meetings	\$ -		
	Pre-Submittal Questions	\$ 426.25	1) Car Wash, Highway 36 South, Drainage Questions	SET (2.75 hrs) to address questions and provide follow-up information.
	Construction Meetings and Observation	\$ 361.25	1) Brenham Market Square 2) Squeaky Clean Car Wash 3) Vintage Farms, Townhomes	PM2 (0.25 hrs) and SET (2 hrs) to attend construction meetings, perform part-time RPR services, and provide daily observation reports to the City.
Public Utilities	General Tasks	\$ 1,837.50	1) Brenham Car Wash 2) Quick Quack Car Wash	SPM (1.75 hrs) and GE1 (10.5 hrs) to perform a water and wastewater study to determine ability to serve utilities to a proposed development.
	Water Utility	\$ -		
	Wastewater Utility	\$ -		
	Natural Gas Utility	\$ -		
	Electric Utility	\$ -		
Public Works	General Tasks	\$ 51.25	1) TxDOT's Pecan Street Easements at Hogg Branch	PM2 (0.25 hrs) to assist with easements on TxDOT's Pecan Street project.
	Streets Tasks	\$ -		
	Drainage Tasks	\$ 465.00	1) Allison Street Drainage between Will and Shea Streets	SET (3 hrs) to evaluate drainage improvement options.
	Parks Tasks	\$ -		

Total this Invoice: \$ 6,711.25

FY 2024 On-Call Engineering Services - Invoice Support (3900.245)

Invoice Period - January 1, 2024 through January 31, 2024

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	BILLING CLASSIFICATIONS AND COMMENTS
Development Services	General Tasks	\$ -		
	Plan Reviews and Meetings	\$ 4,011.25	1) Weekly Plan Review Meetings 2) Center Stage Dance Studio 3) Express Fuel Truck Stop & Gas Station 4) La Quinta & Hawthorn Suites 5) Mangolandia, LLC 6) Murphy Oil USA 7) Warehouse (Trevor & Magen Bain)	SA1 (2.5 hrs), SPM (1 hr), SET (16.75 hrs), and GE2 (3.75 hrs) to attend plan review meetings, perform plan and plat reviews, and provide comments.
	Pre-Development Meetings	\$ 736.25	1) Grace Lutheran Church Board, Saeger Street Extension 2) Wilkins Valley Subdivision	SET (4.75 hrs) to prepare for and attend pre-development meetings.
	Pre-Submittal Questions	\$ 608.75	1) Brenham Market Square, Dental Office 2) Patio Homes at FM 577 and Stone 3) Quick Quack Car Wash (Highway 36S) 4) Wilkins Valley Subdivision	SA1 (1 hr) and SET (2.25 hrs) to address questions and provide follow-up information.
	Construction Meetings and Observation	\$ 1,756.25	1) Brenham Market Square 2) Ebenezer Development 3) Premier Metal Buyers 4) Squeaky Clean Car Wash 5) Vintage Farms, Phase 5	PM2 (0.25 hrs) and SET (11 hrs) to attend construction meetings, perform part-time RPR services, and provide daily observation reports to the City.
Public Utilities	General Tasks	\$ 3,991.25	1) Quick Quack Car Wash	SPM (2.75 hrs), GE2 (2 hrs), GE1 (11.25 hrs), SCADD (0.5 hrs), Survey (9.5 hrs), and 2MFP (1.75 hrs) to perform a water and wastewater study to determine ability to serve utilities to a proposed development. Additional survey was needed to locate manholes, confirm invert elevations, and confirm no reverse grades.
	Water Utility	\$ 2,630.00	1) FY24 Water Main and Sanitary Sewer Replacements OPC 2) Henderson Park Lift Station Generator OPC	SPM (9.5 hrs) and Admin (3.5 hrs) to prepare OPCs to replace aging sections of water mains and sanitary sewers, and to group the replacement into potential projects that could be advanced by one or more contractors. Also, to prepare an OPC to install a permanent generator at the Henderson Park Lift Station.
	Wastewater Utility			
	Natural Gas Utility	\$ -		
	Electric Utility	\$ -		
Public Works	General Tasks	\$ 3,922.50	1) TxDOT's Pecan Street Easements at Hogg Branch	Survey (26.75 hrs) and 2MFP (3.75 hrs) to perform survey and prepare easements associated with TxDOT's Pecan Street project.
	Streets Tasks	\$ -		
	Drainage Tasks	\$ 595.00	1) Allison Street Drainage between Will and Shea Streets	SA1 (0.5 hrs) and SET (3 hrs) to evaluate drainage improvement options.
	Parks Tasks	\$ -		

Total this Invoice: \$ 18,251.25

FY 2024 On-Call Engineering Services - Invoice Support (3900.245)

Invoice Period - February 1, 2024 through February 29, 2024

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	BILLING CLASSIFICATIONS AND COMMENTS
Development Services	General Tasks	\$ 232.50	1) Fire Truck Turning Radius at Shepard Street	SET (1.5 hrs) to perform turning radius evaluation.
	Plan Reviews and Meetings	\$ 4,670.00	1) Weekly Plan Review Meetings 2) Chick-Fil-A Restaurant 3) Dhillon Taqueria 4) Express Fuel Truck Stop & Gas Station 5) Liberty Village, Common Area No. 6 6) Mangolandia, LLC 7) Murphy Oil USA 8) TxDOT Maintenance Facility 9) Valmont	SA1 (3 hrs), SPM (1.25 hrs), PE1 (1 hr), SET (12 hrs), and GE2 (11.25 hrs) to attend plan review meetings, perform plan and plat reviews, and provide comments.
	Pre-Development Meetings	\$ 387.50	1) Brenham Repair Center 2) Quest Specialty	SET (2.5 hrs) to prepare for and attend pre-development meetings.
	Pre-Submittal Questions	\$ -		
	Construction Meetings and Observation	\$ 361.25	1) Ebenezer Development 2) Premier Metal Buyers	PM2 (0.25 hrs) and SET (2 hrs) to attend construction meetings, perform part-time RPR services, and provide daily observation reports to the City.
Public Utilities	General Tasks	\$ -		
	Water Utility	\$ -		
	Wastewater Utility	\$ -		
	Natural Gas Utility	\$ -		
	Electric Utility	\$ -		
Public Works	General Tasks	\$ 2,395.00	1) TxDOT's Pecan Street Easements at Hogg Branch	RPLS (1 hr), ET (2 hrs), and Survey (15.5 hrs) to perform survey and staking, and prepare easements associated with TxDOT's Pecan Street project.
	Streets Tasks	\$ 232.50	1) Downtown Parking at Courthouse	SET (1.5 hrs) to update the downtown parking exhibit.
	Drainage Tasks	\$ 813.75	1) Allison Street Drainage between Will and Shea Streets	SET (5.25 hrs) to prepare exhibit to send to the USACE.
	Parks Tasks	\$ -		

Total this Invoice: \$ 9,092.50

FY 2024 On-Call Engineering Services - Invoice Support (3900.245)

Invoice Period - March 1, 2024 through March 31, 2024

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	BILLING CLASSIFICATIONS AND COMMENTS
Development Services	General Tasks	\$ 1,267.50	1) Saeger Street Realignment	PM2 (4 hrs), SET (1.25 hrs), and ET (1.75 hrs) to attend meetings and prepare alignments and exhibits.
	Plan Reviews and Meetings	\$ 4,733.75	1) Monthly Plan Review Meeting 2) Express Fuel Truck Stop & Gas Station 3) Liberty Village, Amending Plat 4) Murphy Oil USA 5) Quick Quack Car Wash 6) TxDOT Maintenance Facility 7) Valmont	SA1 (7 hrs), SPM (1 hr), and SET (17.25 hrs) to attend plan review meetings, perform plan and plat reviews, and provide comments.
	Pre-Development Meetings	\$ 697.50	1) Adult and Teen Challenge 2) Brenham Repair Center 3) C-Store at 804 E Blue Bell Road 4) C-Store at Brenham Market Square 5) Progress Drive-Planned Development District	SET (4.5 hrs) to prepare for and attend pre-development meetings.
	Pre-Submittal Questions	\$ 155.00	1) Brenham Fire Station No. 2	SET (1 hr) to respond to sanitary sewer and drainage questions.
	Construction Meetings and Observation	\$ 477.50	1) Ebenezer Development	PM2 (0.25 hrs) and SET (2.75 hrs) to attend construction meetings, perform part-time RPR services, and provide daily observation reports to the City.
Public Utilities	General Tasks	\$ -		
	Water Utility	\$ 240.00	1) Washington County EMS at Lake Somerville	SPM (1 hr) review raw water main easement agreement and offer suggestions for proposed improvements constructed across the easement.
	Wastewater Utility	\$ -		
	Natural Gas Utility	\$ -		
	Electric Utility	\$ -		
Public Works	General Tasks	\$ -		
	Streets Tasks	\$ -		
	Drainage Tasks	\$ -		
	Parks Tasks	\$ -		

Total this Invoice: \$ 7,571.25

FY 2024 On-Call Engineering Services - Invoice Support (3900.245)

Invoice Period - April 1, 2024 through April 30, 2024

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	BILLING CLASSIFICATIONS AND COMMENTS
Development Services	General Tasks	\$ 196.25	1) Saeger Street Realignment	PM2 (0.25 hr) and ET (1 hr) to prepare alignments and exhibits.
	Plan Reviews and Meetings	\$ 7,422.50	1) Monthly Plan Review Meeting 2) Brenham Family Park 3) Grocer Supply Company 4) Heritage Oaks Subdivision, Section 2 5) Murphy Oil USA 6) Quick Quack Car Wash 7) Scenic Estates, Food Truck Site 8) Townplace Suites 9) TxDOT Maintenance Facility 10) Valmont 11) Vintage Farms, Sections 6 and 7 12) Washington County Tractor 13) Wilkins Valley Subdivision	SA1 (8.5 hrs), SPM (1.75 hrs), GE3 (0.25 hr), GE2 (3.25 hrs), and SET (27.75 hrs) to attend plan review meetings, perform plan and plat reviews, and provide comments.
	Pre-Development Meetings	\$ 736.25	1) Del Sol Expansion/Remodel 2) IQ Carwash 3) Oak Alley Subdivision 4) Progress Drive-Planned Development District	SET (4.75 hrs) to prepare for and attend pre-development meetings.
	Pre-Submittal Questions	\$ 77.50	1) Brenham Fire Station No. 2	SET (0.5 hr) to respond to sanitary sewer and drainage questions.
	Construction Meetings and Observation	\$ 787.50	1) Ebenezer Development 2) Premier Metal Buyers	PM2 (0.25 hrs) and SET (4.75 hrs) to attend construction meetings, perform part-time RPR services, and provide daily observation reports to the City.
Public Utilities	General Tasks	\$ 1,248.75	1) TxDOT Maintenance Facility	SPM (4.75 hrs) and GE3 (0.75 hr) to perform a water and wastewater study to determine ability to serve utilities to a proposed development.
	Water Utility	\$ -		
	Wastewater Utility	\$ -		
	Natural Gas Utility	\$ -		
	Electric Utility	\$ -		
Public Works	General Tasks	\$ -		
	Streets Tasks	\$ -		
	Drainage Tasks	\$ 348.75	1) Allison Street Drainage between Will and Shea Streets 2) Valley Drive, Upstream Channel Flooding	SET (2.25 hrs) to perform site visit and evaluate drainage improvement options.
	Parks Tasks	\$ -		

Total this Invoice: \$ 10,817.50

FY 2024 On-Call Engineering Services - Invoice Support (3900.245)

Invoice Period - May 1, 2024 through May 31, 2024

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	BILLING CLASSIFICATIONS AND COMMENTS
Development Services	General Tasks	\$ 1,728.75	1) Brenham-Y Discussion 2) Saeger Street Realignment	PM2 (7.5 hrs), SET (1 hr), and ET (0.25 hr) to prepare alignments and exhibits, answer drainage questions, and attend meetings.
	Plan Reviews and Meetings	\$ 12,623.75	1) Plan Review Meetings 2) Brenham Family Park 3) Express Fuel 4) Heritage Oaks Subdivision, Section 2 5) Minarcik Quest Specialties 6) Oakridge Heights Patio Homes 7) Quick Quack Car Wash 8) Vintage Farms, Sections 6 and 7 9) Wilkins Valley Subdivision 10) Plat-503 W Alamo 11) Plat-704 Cottonwood 12) Plat-1403 W Main Street	SA1 (24.5 hrs), SPM (1 hr), GE2 (7.25 hrs), and SET (32.25 hrs) to attend plan review meetings, perform plan and plat reviews, and provide comments.
	Pre-Development Meetings	\$ 1,550.00	1) Brenham Fire Station No. 2 2) Del Sol Expansion/Remodel 3) Heritage Oaks Subdivision, Section 2 4) Oakridge Heights Patio Homes	SET (10 hrs) to prepare for and attend pre-development meetings.
	Pre-Submittal Questions	\$ -		
	Construction Meetings and Observation	\$ 902.50	1) Ebenezer Development 2) Premier Metal Buyers 3) Squeaky Clean Car Wash 4) Vintage Farms, Section 4 and Townhomes	PM2 (1 hr) and SET (4.5 hrs) to attend construction meetings, perform part-time RPR services, and provide daily observation reports to the City.
Public Utilities	General Tasks	\$ -		
	Water Utility	\$ -		
	Wastewater Utility	\$ -		
	Natural Gas Utility	\$ -		
	Electric Utility	\$ -		
Public Works	General Tasks	\$ -		
	Streets Tasks	\$ -		
	Drainage Tasks	\$ -		
	Parks Tasks	\$ -		

Total this Invoice: \$ 16,805.00

FY 2024 On-Call Engineering Services - Invoice Support (3900.245)

Invoice Period - June 1, 2024 through June 30, 2024

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	BILLING CLASSIFICATIONS AND COMMENTS
Development Services	General Tasks	\$ 2,133.75	1) Brenham-Y Roundabout Alternatives Design 2) Saeger Street Realignment	PM2 (4.5 hrs), SPE (0.5 hr), GE1 (7.25 hrs), and ET (1 hr) to prepare alignments and exhibits, answer drainage questions, and attend meetings.
	Plan Reviews and Meetings	\$ 12,620.00	1) Plan Review and Accela-Digiplan Training Meetings 2) Brenham Car Wash 3) Kunkel (1225 Industrial Boulevard) 4) Mangolandia 5) Medical Court Retaining Wall 6) Minarcik Quest Specialties 7) Oakridge Heights Twin Homes 8) Quick Quack Car Wash 9) Townplace Suites Hotel 10) Valmont 11) Vintage Farms, Sections 6 and 7 12) Wilkins Valley Subdivision 13) Plat-604 Hall Street 14) Plat-Appel Business Park, Lots 2A and 3 15) Plat-Arete Property 16) Plat-Brenham Market Square 17) Plat-Pecan Townhomes, Lots 5-7 18) Plat-Vintage Farms, Section 6 and Detention Pond	SA2 (4 hrs), SA1 (12.5 hrs), GE2 (14.5 hrs), and SET (40 hrs) to attend plan review meetings, perform plan and plat reviews, and provide comments.
	Pre-Development Meetings	\$ 465.00	1) Brenham Fire Station No. 2 2) North Park Apartments 3) The Cannery Kitchen	SET (3 hrs) to prepare for and attend pre-development meetings.
	Pre-Submittal Questions	\$ 38.75	1) New Church, SPE Engineering, Drainage Questions	SET (0.25 hr) to respond to pre-submittal questions.
	Construction Meetings and Observation	\$ 387.50	1) Brenham Market Square, Section 4 2) Ebenezer Development 3) Squeaky Clean Car Wash 4) Vintage Farms, Townhomes	SET (2.5 hrs) to attend construction meetings, perform part-time RPR services, and provide daily observation reports to the City.
Public Utilities	General Tasks	\$ 1,117.50	1) Oakridge Heights Twin Homes	SPM (1 hr) and GE3 (6.5 hrs) to perform a water and wastewater study to determine ability to serve utilities to a proposed development.
	Water Utility	\$ -		
	Wastewater Utility	\$ 692.50	1) TxDOT Maintenance Facility, Lift Station Re-Review	SPM (0.75 hr) and PM2 (2.5 hrs) to perform a re-review of a sanitary lift station as part of an early ability to serve utilities study.
	Natural Gas Utility	\$ -		
	Electric Utility	\$ -		
Public Works	General Tasks	\$ -		
	Streets Tasks	\$ -		
	Drainage Tasks	\$ 77.50	1) Drainage Concern at Market Street and East 6th Street	SET (0.5 hr) to perform on-site meeting with City to review drainage concern.
	Parks Tasks	\$ -		

Total this Invoice: \$ 17,532.50

FY 2024 On-Call Engineering Services - Invoice Support (3900.245)

Invoice Period - July 1, 2024 through July 31, 2024

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	BILLING CLASSIFICATIONS AND COMMENTS
Development Services	General Tasks	\$ 975.00	1) Brenham-Y Roundabout Alternatives Design	PM3 (1 hrs) and GE3 (5 hrs) to prepare alignments and exhibits, answer drainage questions, and attend meetings.
	Plan Reviews and Meetings	\$ 6,278.75	1) Plan Review Meetings 2) Brenham Family Park 3) Heritage Oaks Subdivision, Section 2 4) Kunkel (1225 Industrial Boulevard) 5) North Saeger Street 6) Silversage Brenham Assisted Living 7) Valmont 8) Wilkins Valley Subdivision 9) Plat-Brenham Market Square 10) Plat-Sycamore Hills Subdivision	SA1 (6.5 hrs), PM3 (1 hr), GE4 (1.5 hrs), and SET (24.25 hrs) to attend plan review meetings, perform plan and plat reviews, and provide comments.
	Pre-Development Meetings	\$ -		
	Pre-Submittal Questions	\$ -		
	Construction Meetings and Observation	\$ 543.75	1) Ebenezer Development 2) Vintage Farms, Townhomes	PM1 (0.25 hr) and SET (3 hrs) to attend construction meetings, perform part-time RPR services, and provide daily observation reports to the City.
Public Utilities	General Tasks	\$ 1,122.50	1) Vintage Farms, Phases 6 & 7	SPM (1 hr) and GE3 (5.75 hrs) to perform a water and wastewater study to determine ability to serve utilities to a proposed development.
	Water Utility	\$ -		
	Wastewater Utility	\$ -		
	Natural Gas Utility	\$ -		
	Electric Utility	\$ -		
Public Works	General Tasks	\$ -		
	Streets Tasks	\$ -		
	Drainage Tasks	\$ -		
	Parks Tasks	\$ -		

Total this Invoice: \$ 8,920.00



City Council Regular Meeting **AGENDA ITEM 21**

Agenda Item: Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. for FY2024-25 On-Call Engineering Services and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Date: September 5, 2024

Department: Development Services

Staff Contact: Stephanie Doland, Director of Development Services

SUMMARY STATEMENT:

The City of Brenham wishes to obtain engineering services from Strand Associates, Inc. (Strand) to provide 'On-Call' engineering support services to the City. The City first began to consult third-party engineering services in 2020 with the absence of a full-time City Engineer position in the Development Services Department and increased development in Brenham. These services would include, but are not limited to, General Engineering Services, Development Review Services, Floodplain Administration Services, and Part-Time Resident Project Representative Services for Developments involving the construction of infrastructure to be dedicated to the City.

In general, the services will be to attend meetings to discuss engineering-related matters, prepare opinions of probable construction costs for budgetary purposes, review preliminary and final plats submitted, review water, sanitary sewer, paving, and drainage construction plans in accordance with the Public Infrastructure Design Manual and Brenham Code of Ordinances, and to communicate with the City regarding floodplain administration, and part-time observation of development construction. All services to be provided by Strand are further detailed in Exhibit A of the agreement. The City will pay Strand only for actual services performed in the amount not to exceed \$120,000.

ATTACHMENTS:

1. FY25 PSA On-Call Agreement Strand Associates

RECOMMENDATION:

Approve a Professional Services Agreement between the City of Brenham and Strand Associates, Inc., in the amount of \$120,000.00, for FY2024-25 On-Call Engineering Services and authorize the Mayor to execute any necessary documentation.

**PROFESSIONAL SERVICES AGREEMENT
FOR
ENGINEERING SERVICES
RELATED TO
CITY OF BRENHAM
FY 2025 ON-CALL ENGINEERING SERVICES**

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

THIS AGREEMENT made on the _____ day of _____, 2024, entered into, and executed by and between the City of Brenham, Texas (the "City"), a municipal corporation of the State of Texas, and Strand Associates, Inc.[®] ("Engineer").

WITNESSETH:

WHEREAS, the City desires to obtain on-call engineering services, as further described in Part A of Attachment "A" (the "Project"); and

WHEREAS, the services of a professional engineering firm are necessary to provide on-call engineering services; and

WHEREAS, the Engineer represents that it is fully capable and qualified to provide professional engineering services to the City;

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

**SECTION I
SCOPE OF AGREEMENT**

Engineer agrees to perform certain professional engineering services as 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 Engineer compensation as stated in Section VII.

**SECTION II
CHARACTER AND EXTENT OF SERVICES**

Engineer shall do all things necessary to render the engineering services and perform the Scope of Services with the professional skill and care ordinarily provided by competent engineers practicing in the same or similar locality and under the same or similar circumstances and professional license. It is expressly understood and agreed

that Engineer is an Independent Contractor in the performance of the services agreed to herein. It is further understood and agreed that Engineer 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.

SECTION III OWNERSHIP OF WORK PRODUCT

Engineer agrees that the City shall have the right to use all exhibits, maps, reports, analyses and other documents prepared or compiled by Engineer 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. The City's use of any work product prepared by the Engineer for purposes other than for the intended project shall be at the City's sole risk and without liability to the Engineer.

SECTION IV TIME FOR PERFORMANCE

The time for performance shall begin on October 1, 2024. Services are scheduled for completion on September 30, 2025.

SECTION V COMPLIANCE AND STANDARDS

Engineer 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 applicable profession to comply with all applicable state, federal, and local laws, ordinances, rules, and regulations relating to the services to be performed hereunder and Engineer's performance.

SECTION VI INDEMNIFICATION

To the fullest extent permitted by Texas Local Government Code Section 271.904, Engineer shall and does hereby agree to indemnify, hold harmless and defend the City, its officers, agents, and employees against liability for damage caused by or resulting from an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the Engineer, the Engineer's agent, consultant under contract, or another entity over which the Engineer exercises control.

SECTION VII ENGINEER'S COMPENSATION

For and in consideration of the services rendered by Engineer pursuant to this Agreement, the City shall pay Engineer 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 \$120,000, as identified in Attachment "A."

SECTION VIII TERMINATION

The City may terminate this Agreement at any time by giving written notice to Engineer. Upon receipt of such notice, Engineer 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, Engineer shall submit a sworn statement, showing in detail the services performed under this Agreement to the date of termination. The City shall then pay Engineer 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 Engineer at the following address:

Strand Associates, Inc.®
1906 Niebuhr Street
Brenham, TX 77833
Attn: Ryan D. Tinsley, P.E., ENV SP

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
P.O. Box 1059
Brenham, TX 77834
Attn: City Manager

SECTION X LIMIT OF APPROPRIATION

Prior to the execution of this Agreement, Engineer has been advised by the City and Engineer 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 Engineer may become entitled to hereunder and the total sum that the City shall become liable to pay to Engineer 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 Engineer 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. Engineer 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 or agent of the City or any public body which may be a party hereto.

SECTION XII MODIFICATIONS

This instrument, including Attachment "A," 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 Attachment "A," this Agreement shall control. Any oral or written representations or modifications concerning this instrument shall be of no force and effect excepting a subsequent modification in writing signed by both parties hereto.

SECTION XIII ADDITIONAL SERVICES OF ENGINEER

If authorized in writing by the City Manager, Engineer 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 Engineer, as defined in Attachment "A." These Additional Services, plus reimbursable expenses, 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.

SECTION XIV CONFLICTS OF INTEREST

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

SECTION XV PAYMENT TO ENGINEER FOR SERVICES AND REIMBURSABLE EXPENSES

Invoices for Basic and Additional Services and reimbursable expenses will be prepared in accordance with Engineer's standard invoicing practices and will be submitted to the City by Engineer at least monthly. Invoices are due and payable thirty (30) days after receipt by the City. Non-payment within 45 days of receipt of invoice by the City, may at Engineers option, result in suspension of services upon 5 days written notice to the City. Upon receipt of payment in full Engineer will resume services without liability to City for such suspension.

SECTION XVI INSURANCE

Engineer 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 Engineer or of the receipt of or acceptance by the City of the services covered by such invoice.

B. 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 Engineer, and no provision of this Agreement shall be interpreted to grant or convey to any other person any benefits or rights.

D. Engineer 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

IN WITNESS WHEREOF, the City of Brenham has lawfully caused this Agreement to be executed by the Mayor of said City and attested by the City Secretary and Strand Associates, Inc.[®], acting by and through its duly authorized officer/representative, does now sign, execute, and deliver this instrument.

DRAFT

Date _____

CITY OF BRENHAM, TEXAS

DRAFT

DRAFT

Date _____

ATTACHMENT “A”

PART A–SCOPE OF SERVICES

CITY OF BRENHAM FY 2025 ON-CALL ENGINEERING SERVICES

Description of Project

Engineer will provide on-call engineering support services to the City as directed and authorized by the City Manager in writing. City may request that Engineer establish a scope and fee for specific services for review and approval prior to starting services or may direct Engineer in writing to proceed with defined services without preset limits.

General Engineering Services

1. Attend meetings with City to discuss engineering-related matters.
2. Respond to City’s engineering-related questions.
3. Prepare opinions of probable construction costs for budgetary purposes.
4. Provide engineering, scientific, hydraulic modeling, and computer-aided design services.

Development Review Services

1. Communicate with City, the developer, and developer’s engineer.
2. Review preliminary and final plats submitted by developer in accordance with the City’s Code of Ordinances and Design Standards and Specifications.
3. Review water, sanitary sewer, paving, and drainage construction drawings in accordance with the City’s Code of Ordinances and Design Standards and Specifications.
4. Provide written comments on plats, construction drawings, and drainage reports to the City’s Development Services Director.

Floodplain Administration Services

1. Communicate with City regarding its floodplain administration.

2. Provide floodplain administration services, including review of floodplain permits for new construction and substantial improvements in accordance with the City's Code of Ordinances and Design Standards and Specifications.

Part-Time Resident Project Representative (RPR) Services for Developments

Upon written request of the City, provide RPR for part-time observation of development construction. In furnishing observation services, Engineer's efforts will be directed toward determining for City that the completed project will, in general, conform to the Contract Documents; but Engineer will not supervise, direct, or have control over the contractor's work and will not be responsible for the contractor's construction means, methods, techniques, sequences, procedures, or health and safety precautions or programs, or for the contractor's failure to perform the construction work in accordance with the Contract Documents. Engineer will communicate with the City on the progress of the work, will document visits to the project site, and will furnish copies of such documentation to the City.

PART B–BASIS OF COMPENSATION AND REIMBURSABLE EXPENSES

CITY OF BRENHAM FY 2025 ON-CALL ENGINEERING SERVICES

The following represents the estimated maximum compensation for the scope of services documented in Attachment A, Part A of this Agreement. If services beyond those specifically identified are determined necessary during the Project, Engineer shall not proceed with those services until such time written approval of the scope and any additional fees are approved by the City Manager.

City shall compensate Engineer for on-call engineering services on an hourly rate basis at the rates shown in the Schedule of Charges, not to exceed \$120,000.

SCHEDULE OF CHARGES

Compensation for engineering services shall be on an hourly basis at the rates set forth below which are subject to change annually on July 1.

<u>Engineering Services Classification</u>	<u>Hourly Billing Rates*</u>
Principal Engineer	\$360
Senior Associate 3	\$320
Senior Associate 2	\$300
Senior Associate 1	\$280
Senior Project Manager	\$260
Project Manager 4	\$240
Project Manager 3	\$225
Project Manager 2	\$210
Project Manager 1	\$195
Senior Project Engineer	\$180
Project Engineer 4	\$175
Project Engineer 3	\$170
Project Engineer 2	\$165
Project Engineer 1	\$160
Graduate Engineer 4	\$155
Graduate Engineer 3	\$150
Graduate Engineer 2	\$145
Graduate Engineer 1	\$140
Senior Engineering Technician	\$165
Engineering Technician	\$150
Junior Engineering Technician	\$ 75
Senior Computer-Aided Design and Drafting (CADD) Operator	\$125
CADD Operator	\$ 85
Administrative	\$110

* Updated annually on July 1

Compensation for surveying services shall be on an hourly basis at the rates set forth below which are subject to change annually on July 1.

<u>Surveying Services Classification</u>	<u>Hourly Billing Rates*</u>
Registered Professional Land Surveyor	\$ 260
Senior Surveying Technician	\$ 125
Surveying Technician	\$ 75
Laser Scanner (Half Day)	\$1,000
Laser Scanner (Full Day)	\$1,800
Global Positioning System (GPS) Equipment (Half Day)	\$ 210
GPS Equipment (Full Day)	\$ 325
Robotic Total Station (Half Day)	\$ 135
Robotic Total Station (Full Day)	\$ 220

* Updated annually on July 1

Subcontract costs shall be billed at invoice cost plus 10 percent for handling.

ATTACHMENT "B"

INSURANCE

CITY OF BRENHAM FY 2025 ON-CALL ENGINEERING SERVICES