



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, NOVEMBER 19, 2020 AT 01:00 PM
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN STREET
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags - Councilmember Wright**
- 3. Citizens Comments**

CONSENT AGENDA

4. 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.

- 4-a. Approve the Minutes from the October 15, 2020 Special City Council Meeting and the October 15, 2020 and November 5, 2020 Regular City Council Meetings**
- 4-b. Approve Ordinance No. O-20-027 on Its Second Reading Amending the FY2020-21 Adopted Budget**
- 4-c. Approve Ordinance No. O-20-028 on Its Second Reading Amending the City of Brenham's Official Zoning Map in Appendix A - 'Zoning' of the Code of Ordinances of the City of Brenham to Amend the Planned Development District Ordinance No. O-20-013 to Correct an Error in Section IV for the Lakes at Vintage Farms, Being Approximately 52.428 Acres of Land Being Located South and West of Dixie Road and Further Described as Tract 7 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas (Case No. P-20-036)**

- 4-d. Approve Change Order No. 1 and Final Payment on Contract No. 62C-70C/65C-49C to J&D Construction in the Amount of \$26,205.31 for the 2020 Burleson Street Utility Extension and Authorize the Mayor to Execute Any Necessary Documentation**
- 4-e. Approve Change Order No. 1 and Final Payment on Contract No. 2017-13 to South Central Texas Excavation and Construction, LLC in the Amount of \$31,729.65 for the Southwest Industrial Park, Section III, Detention Pond Improvement Project and Authorize the Mayor to Execute Any Necessary Documentation**
- 4-f. Approve the Purchase of Regulators from Puffer Sweiven, LP in the Amount of \$53,908.00 for the City of Brenham's Gas Department and Authorize the Mayor to Execute Any Necessary Documentation**
- 4-g. Approve a Noise Variance for the Brenham Maifest Association for an Event to be Held Immediately Following the City of Brenham's Christmas Parade, Until 10:00 p.m., on December 5, 2020 on Douglas Street Between Main Street and Commerce Street and Authorize the Mayor to Execute Any Necessary Documentation**
- 4-h. Approve a Noise Variance from Christ Lutheran Church for an Outdoor Movie Showing to be Held on Friday, November 20, 2020 from 6:00 p.m. to 10:00 p.m. at Christ Lutheran Church and Authorize the Mayor to Execute Any Necessary Documentation**

WORK SESSION

- 5. Discussion and Update on Cost of Service Study for Various City of Brenham Water and Wastewater Utility Services**

REGULAR SESSION

- 6. Discuss and Possibly Act Upon Resolution No. R-20-036 Adopting a New Fee Schedule for the City of Brenham's Parks and Recreation Department**
- 7. Discuss and Possibly Act Upon a Memorandum of Understanding Between the City of Brenham and Texas Music Office within the Office of the Governor Related to Brenham Being Named a Texas Music Friendly Community and the Maintenance of the Texas Music Industry Directory and Authorize the Mayor to Execute Any Necessary Documentation**
- 8. Discuss and Possibly Act Upon Resolution No. R-20-037 Providing for the Adoption of Rules Governing the Receipt of Electronic Bids or Proposals**

9. Administrative/Elected Officials Report

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

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 November 19, 2020 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 November 16, 2020 at 12:45 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 _____, 2020 at _____ AM PM.

Signature

Title

Brenham City Council Minutes

A special meeting of the Brenham City Council was held on October 15, 2020 beginning at 11:00 a.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Andrew Ebel
Councilmember Susan Cantey
Councilmember Keith Herring
Councilmember Clint Kolby
Councilmember Adonna Saunders
Councilmember Albert Wright

Members absent:

None

Others present:

City Attorney Cary Bovey, City Manager James Fisher, City Secretary – Director of Administrative Services Jeana Bellinger

Citizens present:

None

Media Present:

None

1. Call Meeting to Order

2. Citizens Comments

There were no citizen comments heard.

Council adjourned into Executive Session at 11:06 a.m.

EXECUTIVE SESSION

3. Section 551.074 – Texas Government Code – Personnel Matters – City Manager’s Employment Agreement and Related Issues

Executive Session adjourned at 12:46 p.m.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on October 15, 2020 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Andrew Ebel
Councilmember Susan Cantey
Councilmember Keith Herring
Councilmember Clint Kolby
Councilmember Adonna Saunders
Councilmember Albert Wright

Members absent:

None

Others present:

City Manager James Fisher, City Attorney Cary Bovey, City Secretary – Director of Administrative Services Jeana Bellinger, Assistant City Manager – Chief Financial Officer Carolyn Miller, Human Resources Director Susan Nienstedt, Public Works Director Dane Rau, Assistant City Manager of Public Services and Utilities Donald Reese, Development Services Director Stephanie Doland, Economic Development Director Susan Cates, and Police Chief Ron Parker.

Citizens present:

Kathe Forrest

Media Present:

Alyssa Faykus, Brenham Banner Press; and Josh Blaschke, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Pro Tem Ebel**

3. Citizens Comments

Kathe Forrest

CONSENT AGENDA

4. Statutory Consent Agenda

- 4-a. Minutes from the October 1, 2020 Regular City Council Meeting
- 4-b. Approve Ordinance No. O-20-022 on Its Second Reading Amending the FY2019-20 Adopted Budget
- 4-c. Approve Ordinance No. O-20-023 on Its Second Reading Amending Chapter 25, Article II, of the Code of Ordinances of the City of Brenham, Regulating Speed Limits in Designated School Crossing Zones
- 4-d. Approve Ordinance No. O-20-024 on Its Second Reading Granting a Variance to Section 23-21(3)(a) and (3)(c) of the City of Brenham Code of Ordinances, Chapter 23, Subdivisions, (Case No. P-20-029)
- 4-e. Approve the Ratification of a Contract Between Pitney Bowes Global Financial Services, LLC and the City of Brenham and Authorize the Mayor to Execute Any Necessary Documentation
- 4-f. Approve the Purchase and Installation of Playground Equipment for Jerry Wilson Park from GameTime Total Recreation Products, Inc., Through BuyBoard Contract No. 592-19, in the Amount of \$72,455.12 and Authorize the Mayor to Execute Any Necessary Documentation
- 4-g. Approve Change Order No. 1 and Final Payment on Contract No. 2017-11 to Dudley Construction, Ltd. in the Amount of \$49,975.00 for the Rehabilitation of Fireman's Park Stone Bridge and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to approve the Statutory Consent Agenda Item 4-a. through 4-g. as presented.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

WORK SESSION

5. Discussion and Update on City of Brenham Parks and Recreation Projects

This item was presented by Public Works Director Dane Rau. Rau explained to Council that the Brenham Community Development Corporation (BCDC) approved \$1,019,500 for various park and recreation projects and events as well as any required matching grant funds for the Brenham Family Park. Some of the notable parks and recreation approved projects include:

- Blue Bell Aquatic Center (BBAC) Roof replacement
- New Playground at Jerry Wilson Park
- Tennis court resurfacing
- Replacement of outfield wall at Fireman's Park
- Refurbish big yellow slide at BBAC
- Splashpad – Phase II
- Covered basketball courts at Jackson Street Park
- Various park improvements at Jerry Wilson Park
- ADA upgrades to competition pool at BBAC

Rau advised the Council that on August 20, 2020 the City was notified that the Texas Parks and Wildlife Commission approved a grant for Phase I of the Brenham Family Park in the amount of \$750,000. Rau advised that a tentative timeline has been completed with construction to begin in August 2021 with a projected completion date for Phase I in February 2023.

REGULAR SESSION

12. Discuss and Possibly Act Upon the City Manager's Employment Agreement and Related Issues and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Kolby and seconded by Councilmember Cantey to approve the City Manager's Employment Agreement for an additional one year period, making the agreement effective through January 10, 2022 and to increase the City Manager's annual base salary to \$166,000.00.

Councilmember Cantey said she wants citizens of Brenham to know how lucky they are to have a fine City Manager who has led the City through uncharted and dicey waters. Cantey thanked City Manager James Fisher for all his efforts.

Councilmember Herring was also complimentary of Fisher and noted that Fisher sometimes drives a hard bargain but it is always in the best interest of the City. Mayor Tate said that Fisher has done a great job and that he has confidence in Fisher.

Mayor Pro Tem Ebel said he thinks the City is blessed to have James Fisher as its City Manager.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

6. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 23 – “Subdivisions” of the Code of Ordinances of the City of Brenham

This item was presented by Development Services Director Stephanie Doland. Doland said the proposed Amendments to Chapter 23 includes two significant changes from the current ordinance.

Firstly, the proposed ordinance would require all development, both commercial and residential, to place all utilities within the development underground. Doland noted that this requirement currently only applies to residential developments.

Secondly, Doland explained that the proposed amendments include a re-write of the fiscal security provisions, which detail the required processes for a private developer to construct public infrastructure within a subdivision. Doland explained that the existing language concerning infrastructure acceptance via a fiscal security is outdated and lacking in clarity. Doland said the proposed amendment clarifies the required processes as well as the fiscal security options available.

Doland advised that on September 28, 2020 the Planning and Zoning Commission met and unanimously recommended approval of the proposed ordinance amendments. During the Public Hearing no citizen comments were received. Doland noted that notice of the Public Hearing was posted in Brenham Banner and advertised by KWHI prior to the meeting.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve an ordinance on its first reading amending Chapter 23 – “Subdivisions” of the Code of Ordinances of the City of Brenham.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

7. Discuss and Possibly Act Upon Resolution No. R-20-029 Authorizing the Submission of a Grant Application to the Texas General Land Office (GLO) (Including All Supporting Documentation As May Be Required by the GLO) for the Community Development Block Grant-Mitigation (CDBG-MIT) Program (Floods of 2016 - DR-4266, DR-4269, DR-4272)

This item was presented by Public Works Director Dane Rau. Rau said that the Texas General Land Office (GLO) has developed a \$147.6 million competition for the impacted regions associated with the flooding events of 2016. The program allocation is split between the HUD Most Impacted and Distressed and the State Most Impacted and Distressed. Rau explained that for the City of Brenham this means the competition will be within the State Most Impacted and Distressed for \$73.8 million.

Rau reported that on June 11, 2020, Council awarded Bid No. 20-005 related to the grant administration and/or planning services for the Community Development Block Grant - Mitigation (CDBG-MIT) program to Public Management. On August 6, 2020, Council awarded RFQ No. 20-006 related to engineering/architectural/surveying services for the CDBG-MIT program to Strand Associates. City staff and both parties met mid-August to collaborate and discuss mitigation projects that will reduce the risks and impacts of future natural disasters pertaining to the 2016 Flood State Competition.

Rau explained the proposed project consists of major drainage improvements pertaining to the Hog Branch tributary throughout the central area of the City. On September 25, the City of Brenham gave notice of the City's intent to apply to the Texas General Land Office (GLO) for a Texas CDBG-MIT Program. The City requested public comments for fourteen (14) days from the date of the posting which ended October 9. No comments were received.

Rau said the local match (1%) commitment has been allocated to the construction activity and will be expected to be expended at the start of construction. The match is committed by the City of Brenham from the Drainage Utility Fund.

Rau said that staff learned recently that the GLO is requiring a signed engineering contract to be included in the application for funding. Unfortunately, due to the complexity of these projects and time constraints for the application Strand Associates does not have the ability to write a comprehensive scope to associate with the specific projects. Due to the lack of project specific scope, the fees are not being included on the contract. The language regarding the 15% engineering fee cap is included on the contract. The contract is written so that the detailed scope and fee can be addressed by amendment when the project receives funding. The engineering contract has been prepared using the GLO contract template. The engineering fees for the 2016 Floods grant are currently \$414,800.

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to approve Resolution No. R-20-029 authorizing the submission of a grant application to the Texas General Land Office (GLO) (including all supporting documentation as may be required by the GLO) for the Community Development Block Grant-Mitigation (CDBG-MIT) Program (Floods of 2016-DR-4266, DR-4269, DR-4272) upon City Attorney's approval of changes to the engineering contract provided by Strand Associates.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

8. Discuss and Possibly Act Upon Resolution No. R-20-030 Authorizing the Submission of a Grant Application to the Texas General Land Office (GLO) (Including All Supporting Documentation As May Be Required by the GLO) for the Community Development Block Grant - Mitigation (CDBG-MIT) Program (Hurricane Harvey - DR-4332)

This item was presented by Public Works Director Dane Rau. Rau said that the Texas General Land Office (GLO) has developed a \$2.1 billion competition for the 49-County Harvey impacted area. Rau explained that the program allocation is split between the HUD Most Impacted and Distressed and the State Most Impacted and Distressed, and that for the City of Brenham, this means the competition will be within the State Most Impacted and Distressed for \$1 billion.

Rau reported that on June 11, 2020, Council awarded Bid No. 20-005 related to the grant administration and/or planning services for the Community Development Block Grant - Mitigation (CDBG-MIT) program to Public Management. On August 6, 2020, Council awarded RFQ No. 20-006 related to engineering/architectural/surveying services for the CDBG-MIT program to Strand Associates. City staff and both parties met mid-August to collaborate and discuss mitigation projects that will reduce the risks and impacts of future natural disasters pertaining to the Hurricane Harvey State Mitigation Competition.

Rau explained that the proposed project consists of major drainage improvements in multiple locations throughout the central area of the City. On September 25, the City of Brenham gave notice of the City's intent to apply to the Texas General Land Office (GLO) for a Texas CDBG-MIT Program. The City requested public comments for fourteen (14) days from the date of the posting which ended October 9. No comments were received.

The 1% local match commitment has been allocated to the construction activity and will be expected to be expended at the start of construction. The match is committed by the City of Brenham from the Drainage Utility Fund.

Rau said that staff recently learned that the GLO is requiring a signed engineering contract to be included in the application for funding. Unfortunately, due to the complexity of these projects and time constraints for the application Strand Associates does not have the ability to write a comprehensive scope to associate with the specific projects. Due to the lack of project specific scope, the fees are not being included on the contract. The language regarding the 15% engineering fee cap is included on the contract. The contract is written so that the detailed scope and fee can be addressed by amendment when the project receives funding. The engineering contract has been prepared using the GLO contract template. The engineering fees for the Hurricane Harvey grant are currently \$610,100.

A motion was made by Councilmember Kolby and seconded by Councilmember Saunders to approve Resolution No. R-20-30 authorizing the submission of a grant application to the Texas General Land Office (GLO) (including all supporting documentation as may be required by the GLO) for the Community Development Block Grant – Mitigation (CDBG-MIT) Program (Hurricane Harvey – DR-43332). upon City Attorney's approval of changes to the engineering contract provided by Strand Associates.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

9. Discuss and Possibly Act Upon an Ordinance on Its First Reading Providing for Increased Prior and Current Service Annuities in the Texas Municipal Retirement System ('TMRS') for Retirees and Beneficiaries of Deceased Retirees of the City of Brenham and Electing to Make Current Service and Prior Service Contributions to the City's TMRS Benefit Accumulation Fund at the Actuarially Determined Rate of Total Employee Compensation

This item was presented by Human Resources Director Susan Nienstedt. Nienstedt said that for many years, City Council has approved, on an annual basis, an ordinance providing for an increase in retirement annuities of 70% of the CPI as provided through the Texas Municipal Retirement System. Nienstedt explained that in order to make any changes in the City's plan provisions, an ordinance must be approved by Council each year. Nienstedt said the funding rate for the City of Brenham will increase from 10.01% to 10.38% which is included in the FY20-21 budget.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve an ordinance on its first reading providing for increased prior and current service annuities in the Texas Municipal Retirement System ('TMRS') for retirees and beneficiaries of deceased retirees of the City of Brenham and electing to make current service and prior service contributions to the City's TMRS Benefit Accumulation Fund at the actuarially determined rate of total employee compensation and related provisions effective January 1, 2021 and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

10. Discuss and Possibly Act Upon an Amendment to the Gas Sales Contract Between WTG Gas Marketing, Inc. and the City of Brenham and Authorize the Mayor to Execute Any Necessary Documentation

City Attorney Cary Bovey requested that the City Council discuss this item in Executive Session as allowed by Section 551.086 of the Texas Government Code, Utility Competitive Matters.

Mayor Tate advised that this item would be discussed in Executive Session immediately following Item 11 on the agenda.

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

This item was presented by Assistant City Manager – Public Services/Utilities Donald Reese. Reese said that on September 1, 2019, an agreement was entered into by and between Brazos River Authority (BRA), a river authority of the State of Texas, and the City of Brenham (Purchaser). BRA made available and Purchaser agreed to purchase 774 acre-feet of raw water per fiscal year for municipal purposes. The intent of this agreement was to secure additional water to sustain long-term future growth for the City of Brenham. The term of the Agreement began September 1, 2019 and shall end on August 31, 2045. Purchase price of the 774 acre-feet was \$79/acre-foot or \$61,146.00 annually. The 774 acre-feet of water is in addition to the City's primary water availability agreement for 4,200 acre-feet, of which, 2,777 acre-feet are used annually on average. While securing this water for future use is prudent, the additional water is not needed at this time.

Reese noted this is the same amendment that was approved by Council on May 7th, 2020. Reese said that if the agreement is approved, staff will come back to Council for consideration of an agreement between the City and Dow Chemical for the resale of the raw water.

Councilmember Kolby expressed his concerns with selling water not knowing what the Summer of 2021 could bring.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Wright to approve an amendment to the System Water Availability Agreement between Brazos River Authority (BRA) and the City of Brenham and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	No
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

Council adjourned into Executive Session at 1:44 p.m.

EXECUTIVE SESSION

- 10. Section 551.086 – Texas Government Code – Utility Competitive Matters – Consultation with City Attorney Regarding the Gas Sales Contract Between WTG Gas Marketing, Inc. and the City of Brenham**

Executive Session adjourned at 2:37 p.m.

REGULAR SESSION

- 10. Discuss and Possibly Act Upon an Amendment to the Gas Sales Contract Between WTG Gas Marketing, Inc. and the City of Brenham and Authorize the Mayor to Execute Any Necessary Documentation**

No action was taken on this item.

- 13. Administrative/Elected Officials Report**

City Manager James Fisher reported on the following:

- City Hall is now open regular hours: 8:00 a.m. to 5:00 p.m.
- Community Picnic is scheduled for Sunday, November 1st

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on November 5, 2020 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Andrew Ebel
Councilmember Susan Cantey
Councilmember Keith Herring
Councilmember Clint Kolby
Councilmember Adonna Saunders
Councilmember Albert Wright

Members absent:

None

Others present:

City Manager James Fisher, City Attorney Cary Bovey, City Secretary – Director of Administrative Services Jeana Bellinger, Fire Chief Ricky Boeker, Public Works Director Dane Rau, Assistant City Manager of Public Services and Utilities Donald Reese, Alton Sommerfield, Development Services Director Stephanie Doland, Director of Tourism & Marketing Jennifer Eckermann, Economic Development Director Susan Cates, Tiwanna Brown, Crystal Locke, Captain Dant Lange, and Police Chief Ron Parker.

Citizens present:

None.

Media Present:

Alyssa Faykus, Brenham Banner Press; and Josh Blaschke, KWHI

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

3. Citizens Comments

There were no citizen comments heard.

CONSENT AGENDA

4. Statutory Consent Agenda

- 4-a. Approve Ordinance No. O-20-025 on Its Second Reading Providing for Increased Prior and Current Service Annuities in the Texas Municipal Retirement System ('TMRS') for Retirees and Beneficiaries of Deceased Retirees of the City of Brenham and Electing to Make Current Service and Prior Service Contributions to the City's TMRS Benefit Accumulation Fund at the Actuarially Determined Rate of Total Employee Compensation**
- 4-b. Approve Ordinance No. O-20-026 on Its Second Reading Amending Chapter 23 – “Subdivisions” of the Code of Ordinances of the City of Brenham**
- 4-c. Approve an Ordinance on Its First Reading Amending the FY2020- 21 Adopted Budget**
- 4-d. Approve the Purchase of a Mustang CAT M318F Wheeled Excavator for the City of Brenham Street and Drainage Departments from Mustang CAT, Through BuyBoard Contract No. 515-06, in the Amount of \$298,200.00 and Authorize the Mayor to Execute Any Necessary Documentation**
- 4-e. Approve an Equipment Financing Proposal with Citizens State Bank in the Amount of \$298,200.00, with a Seven-Year Note and an Interest Rate of 1.48 Percent and Authorize the Mayor to Execute Any Necessary Documentation**
- 4-f. Approve a Contract Between the City of Brenham and the Lower Colorado River Authority (LCRA), In the Amount of \$141,674.78, for Tree Trimming Services and Authorize the Mayor to Execute Any Necessary Documentation**
- 4-g. Approve the Purchase of a Kubota Skid Steer for the City of Brenham's Electric Department from Washington County Tractor, Through Sourcewell Contract No. 1809913, in the Amount of \$73,965.20 and Authorize the Mayor to Execute Any Necessary Documentation**
- 4-h. Approve the Purchase of a Bucket Truck for the City of Brenham Electric Department from Terex Utilities, Inc., Through Sourcewell Contract No. 012418-TER, in the Amount of \$141,743.00 and Authorize the Mayor to Execute Any Necessary Documentation**
- 4-i. Approve Change Order No. 1 and Final Payment on Contract No. 2017-03 to Barclays Premier Utility Services, LLC in the Amount of \$70,792.50 for the Industrial Blvd Drainage Repairs and Authorize the Mayor to Execute Any Necessary Documentation**

- 4-j. Acceptance of a Grant from the Hancher Foundation in the Amount of \$15,000.00 for the Nancy Carol Roberts Memorial Library and Authorize the Mayor to Execute Any Necessary Documentation**
- 4-k. Approve the City of Brenham 2021 Holiday Calendar and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve the Statutory Consent Agenda Item 4-a. through 4-k as presented.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

- 5. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham's Official Zoning Map in Appendix A - 'Zoning' of the Code of Ordinances of the City of Brenham to Amend the Planned Development District Ordinance No. O-20-013 to Correct an Error in Section IV for the Lakes at Vintage Farms, Being Approximately 52.428 Acres of Land Being Located South and West of Dixie Road and Further Described as Tract 7 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas (Case No. P-20-036)**

Mayor Tate opened the Public Hearing.

This item was presented by Development Services Director Stephanie Doland. Doland stated that the subject property is located generally south and west of Dixie Road and north of Muscadine Trail. The property is currently vacant land and was annexed into the City on May 21, 2020 and assigned the zoning distinction of Planned Development District. The subject tract is north of the existing Vintage Farms Subdivision which is currently under construction by Stylecraft Builders.

Doland explained that the proposed rezoning is scheduled for consideration because it came to staff's attention that the original Ordinance contains an error. The adopted Ordinance contains six sections which outline development standards for the proposed subdivision. However, Section VI (4) of the adopted ordinance should not have been included with this Planned Development District Ordinance.

Doland explained that Planned Development District Ordinances can only be amended by re-writing and re-adopting a new Ordinance; therefore, staff is initiating a rezoning to correct the scrivener's error, specifically to remove Section VI.

Doland reported that The Planning and Zoning Commission met on October 26, 2020 and unanimously recommend approval of the proposed rezoning to correct a scrivener's error, by removing Section VI of Ordinance No. O-20-013 for a Planned Development District (PD) on a 52.428-acre tract known as the Lakes of Vintage Farms Planned Development. Doland noted that no citizen comments were received.

There were no citizen comments. Mayor Tate closed the Public Hearing.

A motion was made by Councilmember Kolby and seconded by Councilmember Saunders to approve an Ordinance on its first reading amending the City of Brenham's Official Zoning Map in Appendix A - 'Zoning' of the Code of Ordinances of the City of Brenham to amend the Planned Development District Ordinance No. O-20-013 to correct an error in Section IV for the Lakes at Vintage Farms, being approximately 52.428 acres of land being located south and west of Dixie Road and further described as Tract 7 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas (Case No. P-20-036)

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

WORK SESSION

7. Presentation of 4th Quarter Tourism Report by Visit Brenham

This item was presented by Tourism and Marketing Director Jennifer Eckermann. Eckermann presented information including updates in the areas of:

- Visitor Journey Arrival to Departure ("A2D") Classes and visitor kiosks
- Tourism website
- Visitor Center and newsletter
- Social media, professional videography, and "Happenings This Week" flyers
- Group sales, advertising/outreach
- The Barnhill Center and Texas Music Friendly City

6. Presentation of the FY2019-20 Municipal Court Statistics

This item was presented by Municipal Court Administrator Tiwana Brown. Brown reviewed the report and discussed the following:

- In FY2020, there were 4,209 cases filed in Municipal Court. This number represents a decrease from FY2019 due to the COVID-19 pandemic.
- There were 100 juvenile cases filed and 3,414 warrants issued.
- Total municipal court revenue collected was \$868,886, with \$254,936 remitted to the State.

Councilmember Herring asked why the number of warrants issued had increased significantly compared to FY2019. Brown stated that the increase was due to a recent warrant audit performed by municipal court staff.

8. Presentation of 4th Quarter Economic Development Report

This item was presented by Economic Development Director Susan Cates. Cates provided updates on the following development opportunities and activities:

- Business Attraction
- Project Silver Crayon and Black Stamp
- Marketing Efforts
- Partnerships
- Special Recognitions

9. Discussion and Update on 2020 Holiday Events and COVID-19 Restriction and Recovery Efforts

This item was presented by Community Services Specialist Crystal Locke. Locke reported that per the Governor's Executive Order, outdoor gatherings with 10 or more people require the approval of the Mayor or County Judge. Locke listed upcoming Holiday Events, including:

- The Farmers Market
- Christmas Stroll & Lighted Parade
- Three (3) concerts at the Barnhill Center
- Holiday House Craft & Bake Sale for Brenham Pet Adoption
- Friends, Family, & Fun Inflatables at the Blue Bell Aquatic Center
- Adoption Event & Gift Wrapping for Brenham Pet Adoption Center
- Holiday Open House at Blue Bell Aquatic Center

City Manager James Fisher noted that the City is beginning to get many requests for special event permits. Fisher said staff are working hard to ensure these gatherings can be held safely.

Fisher noted that these efforts have included temporarily closing the Blue Bell Aquatic Center for deep cleaning after a staff member there tested positive for COVID-19. Fisher said that while County Judge John Durrenberger has received permission from the Governor's Office to lift the face mask requirements for Washington County, the City of Brenham will continue to require the use of masks in City facilities.

REGULAR SESSION

10. Discuss and Possibly Act Upon a Joint Proclamation Between the City of Brenham and Washington County Related to the 2020 Christmas Stroll and Lighted Parade to be held on December 4-5, 2020 and Authorize the Mayor to Execute Any Necessary Documentation

This item was presented by City Manager James Fisher. Fisher said the Proclamation is showing the joint support of the City and County for this event and their mutual agreement to do what is necessary to make the event successful and safe.

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to approve a Joint Proclamation between the City of Brenham and Washington County related to the 2020 Christmas Stroll and Lighted Parade to be held on December 4-5, 2020 and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

11. Discuss and Possibly Act Upon Resolution No. R-20-031 Authorizing the Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 2020 Lighted Christmas Parade to be held on Saturday, December 5, 2020

This item was presented by Community Services Specialist Crystal Locke. Locke said the City hosts the annual Christmas Stroll and Lighted Parade on the first weekend in December. Locke reported that the City is requesting from TxDOT the closure of Alamo Street and Main Street from Market Street to Austin Street from 2:00p.m. to 9:00 p.m. on Saturday, December 5, 2020.

City Manager James Fisher thanked Locke for her work on Hot Nights, Cool Tunes and other events, and said the success of this and other events shows that the City can provide events safely.

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve Resolution No. R-20-031 authorizing the execution of an agreement with TxDOT for the temporary closure of state right of way in connection with the 2020 Lighted Christmas Parade to be held on Saturday, December 5, 2020 and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

12. Discuss and Possibly Act Upon Resolution No. R-20-032 Amending Resolution No. R-20-008 Approving the Submission of a Grant Application to the Office of the Governor Criminal Justice Division for the Rifle-Resistant Body Armor Grant Program

This item was presented by Police Captain Dant Lange. Lange explained that the City Council approved Resolution No. R-20-008 on February 6, 2020 authorizing staff to submit an application to the Office of the Governor Criminal Justice Division for the Rifle-Resistant Body Armor Grant Program. After approval by the Council, staff submitted the Resolution and all other documentation to the Governor's Office.

Lange said that on October 12, 2020 staff was advised by the Grant Manager that Resolution No. R-20-008 needed to be amended to include some additional language. The recommended actions were added and are ready for Council approval.

A motion was made by Councilmember Saunders and seconded by Councilmember Herring to approve Resolution No. R-20-032 amending Resolution No. R-20-008 approving the submission of a grant application to the Office of the Governor Criminal Justice Division for the Rifle-Resistant Body Armor Grant Program.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

13. Discuss and Possibly Act Upon Resolution No. R-20-033 for the Acceptance a Grant in the Amount of \$28,696.35 from the Office of the Governor Criminal Justice Division for the Rifle-Resistance Body Armor Grant Program

This item was presented by Police Captain Dant Lange. Lange said the Police Department is requesting the acceptance of a grant in the amount of \$28,696.35 from the Criminal Justice Division of the Governor's Office for the Rifle Resistant Body Armor Program. Lange noted there is no requirement for matching City funds on this grant.

A motion was made by Councilmember Wright and seconded by Councilmember Cantey to approve Resolution No. R-20-033 for the acceptance a grant in the amount of \$28,696.35 from the Office of the Governor Criminal Justice Division for the Rifle-Resistance Body Armor Grant Program and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

14. Discuss and Possibly Act Upon a Master Subscription Service Agreement between City of Brenham and MUNIRevs, Inc. for the MUNIRevs Vacation Rental Compliance Module, LODGINGRevs, and Authorize the Mayor to Execute Any Necessary Documentation

This item was presented by Development Services Director Stephanie Doland. Doland explained that the City was approached by a local hotelier concerning a Short-Term Rental Ordinance. The Tourism and Marketing Subcommittee determined that such an ordinance would not be appropriate in Brenham at this time but was receptive to the idea of a hotel occupancy tax collection software.

Doland stated that staff has met multiple times with LodgingRevs, a division of MuniRevs, which offers Short Term Rental Detection and Compliance monitoring. Doland explained that the software will significantly reduce staff time to track and collect monthly hotel occupancy taxes from short-term rentals, bed and breakfasts, and hotels/motels within the City limits. Doland noted that LodgingRevs anticipates that there are around 100 short-term rentals located within the City limits alone and will assist the City in customizing forms and notifications to bring these rentals that do not currently report and pay occupancy tax into compliance.

Doland says LodgingRevs has prepared a contract with both the City of Brenham and Washington County to provide their online portal and aid both entities in tax collection. The cost for each entity is \$8,000 the first year and \$6,000 thereafter. Doland said that the annual contract fees are not included in the FY2020-21 budget, but the contract will be paid with operational efficiencies from outsourcing this function.

A motion was made by Councilmember Kolby and seconded by Councilmember Saunders to approve a Master Subscription Service Agreement between City of Brenham and MUNIREvs, Inc. for the MUNIREvs Vacation Rental Compliance Module, LODGINGRevs, and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

15. Discuss and Possibly Act Upon Resolution No. R-20-034 Consenting to the Creation of the Pecan Glen Road District Within the Extraterritorial Jurisdiction of the City of Brenham

This item was presented by City Attorney Cary Bovey. Bovey said that the Pecan Glen Subdivision is located in Washington County. The roads in the Subdivision, which are private, have deteriorated, and the property owners wish to finance the reconstruction of the roads through the formation of a road district. Bovey explained that State law permits the Washington County Commissioners Court to create such a road district, but because part of the Subdivision is in Brenham's Extraterritorial Jurisdiction, consent of Council is required. Bovey said that once the district is created, it may issue bonds to construct, purchase, maintain, or operate roads. Bovey noted that future annexation of the Subdivision by the City is unlikely.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Cantey to approve Resolution No. R-20-034 consenting to the creation of the Pecan Glen Road District within the extraterritorial jurisdiction of the City of Brenham.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

Council adjourned into Executive Session at 2:06 p.m.

EXECUTIVE SESSION

- 16. Section 551.087 - Texas Government Code - Economic Development Negotiations - Discuss and Deliberate Project BK Regarding Commercial or Financial Information that the City Has Received from a Business Prospect and the Offer of Financial or Other Incentives to a Business Prospect that the City Seeks to Have Locate, Stay or Expand In or Near the City of Brenham and With Which the City is Conducting Economic Development Negotiations**

Executive Session adjourned at 2:44 p.m.

RE-OPEN REGULAR SESSION

- 17. Discuss and Possibly Act Upon Resolution No. R-20-035 Approving the Amendment of the Chapter 380 Economic Development Agreement Between the City of Brenham and BK Stringer, Ltd.**

A motion was made by Councilmember Herring and seconded by Councilmember Wright to approve Resolution No. R-20-035 approving the amendment of the Chapter 380 Economic Development Agreement between the City of Brenham and BK Stringer, Ltd. and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

18. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- The Fire Hydrant Restoration Project is beginning.
- Salem Road project is underway; should be complete by May, 2021.
- Old Chappell Hill Road improvements are scheduled to take place April through August, 2021.
- City Secretary Jeana Bellinger has been named a Trustee on the Executive Board of the Texas Municipal Clerks Association.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

ORDINANCE NO. O-20-027

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING THE FY20-21 ADOPTED BUDGET; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Brenham, Texas has previously approved a budget for the fiscal year ending September 30, 2021, after having filed the same with the City Secretary and after holding public hearings on same, all after due notice as required by statute; and

WHEREAS, due to unforeseen circumstances and/or conditions, the City Council finds it is necessary to amend the FY20-21 Budget for municipal purposes; and

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 amend the budget for the City of Brenham, Texas for the fiscal year ending September 30, 2021, as shown on Exhibit A.

SECTION II.

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

PASSED and APPROVED on its first reading this the 5th day of November 2020.

PASSED and APPROVED on its second reading this the 19th day of November 2020.

ATTEST:

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT A

FUND 107 - DRAINAGE FUND

GL#	ACCOUNT NAME	ACCOUNT TYPE	AMENDMENT ACTION	CURRENT BUDGET	AMENDMENT	AMENDED BUDGET	REASON
1.	5-041-815.41	OTHER CAPITAL	EXPENDITURE	INC/(DEC)	-	187,000	187,000
1. Budget amendment is set up expenditure authorization for Hickory Lane Drainage Improvements. Estimated engineering costs are \$31,500 and estimated construction costs are \$147,500. An additional \$8,000 is for contingencies.							

ORDINANCE NO. O-20-028

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES BY AMENDING ORDINANCE NO. O-20-013 WHICH ESTABLISHED A PLANNED DEVELOPMENT (PD) DISTRICT ON APPROXIMATELY 52.428 ACRES OF LAND LOCATED SOUTH AND WEST OF DIXIE ROAD, BEING FURTHER DESCRIBED AS TRACT 7 OF THE PHILLIP COE SURVEY, A-31, IN BRENHAM, WASHINGTON COUNTY, TEXAS; ADOPTING A MASTER DEVELOPMENT PLAN AND REGULATIONS APPLICABLE TO THIS PLANNED DEVELOPMENT (PD) DISTRICT.

WHEREAS, the 52.428 acres of land generally located south and west of Dixie Road, being further described as Tract 7 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas, (the "Property"), was annexed into the City of Brenham and assigned the zoning classification of Planned Development (PD) District; and

WHEREAS, the previously assigned Ordinance contained a scrivener's error and therefore the City has initiated a rezoning to correct said error; and

WHEREAS, at least ten (10) days after publication in the official newspaper of the City of the time and place of the public hearing and at least ten (10) days written notice of that hearing to the owners of the land within two hundred feet (200') of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the proposal to rezone the Property to a Planned Development (PD) District; and

WHEREAS, the Planning & Zoning Commission recommended on October 26, 2020 that City Council grant such request to amend the Planned Development (PD) District zoning designation; and

WHEREAS, the City Council deems it appropriate to grant such proposed 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, BE AMENDED AS FOLLOWS:

That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, is hereby amended to change property currently zoned as Planned Development (PD) District to correct a scrivener's error in the regulations applicable to the Planned Development (PD) District, said District being approximately 52.428 acres of land generally located south and west of Dixie Road, being further described as Tract 7 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas, said area of land being further described and depicted in Exhibits "A" and "B" attached hereto and incorporated herein for all purposes.

SECTION I.

PURPOSE AND INTENT. The Lakes at Vintage Farms Planned Development District (“The Lakes PD”) is intended to guide land use and physical development of the subject property. This development plan is enacted as a means to provide the City of Brenham and the Developer with alternative standards set forth by the City for their mutual benefit. The Lakes PD is intended to add this approximately 52.428 acre tract of land to the existing Vintage Farms Subdivision (“Vintage Farms”) development by incorporating the existing design and feel of Vintage Farms while providing new elements which will differentiate The Lakes at Vintage Farms as unique. Additionally, The Lakes PD looks to improve property utilization by facilitating the highest and best uses, provide quality cost-efficient housing, strengthen the area economy, and enhance the general welfare of the surrounding community. The Lakes PD reflects the goals of the City’s adopted Comprehensive Plan - Historic Past, Bold Future: Plan 2040 which establishes recommendations for developing quality neighborhood design. To this end, The Lakes at Vintage Farms shall include public amenities such as, but not limited to, sidewalks, landscaping, and parkland which exceed City of Brenham subdivision standards and are intended to provide a valuable product for the Brenham community. The Lakes PD shall allow only single-family residential uses on approximately 52.428 acres of land out of the Phillip Coe Survey, being generally west of Dixie Road and State Highway 36 (Concept Plan - Exhibit A).

SECTION II.

LAND USE AND PHYSICAL DEVELOPMENT.

The Lakes at Vintage Farms by Stylecraft Builders will be managed and maintained by the existing Vintage Farms Homeowners Association (“HOA”) but shall be subject to a separate Declaration of Covenants, Conditions and Restrictions from the current Declaration pertaining to Vintage Farms. Nothing herein shall modify or amend the existing ordinances or Declaration applicable to Vintage Farms.

- A. No floor plan shall be repeated on the lot directly across the street, diagonally across the street, or within two (2) lots on either side of the subject lot.
- B. Minimum square footage of each home shall be 1,200 square feet exclusive of garages, porches, patios and areas of the home that are not conditioned space (heat/AC). This square footage minimum matches the existing restrictions in Vintage Farms.
- C. Each single-family dwelling shall include, at a minimum, a two-car private, enclosed garage.
- D. Each home in Planning Area 1 (Exhibit A) shall have a minimum of 60% masonry on its front face exclusive of windows, doors, eaves, gables, trim work, walls above roof lines, and entryways/porches/patios.
- E. Each home in Planning Area 2 (Exhibit A) shall have a minimum of 20% masonry on its front face exclusive of windows, doors, eaves, gables, trim work, walls above roof lines, and entryways/porches/patios.

- F. The required minimum right-of-way shall be a 55-foot wide publicly dedicated right-of-way with 30-foot wide pavement, measured back-of-curb to back-of-curb.
- G. A minimum of 4,500 linear feet of five foot (5') wide concrete sidewalks and concrete trails shall be constructed within the residential area, and a minimum of 2,800 linear feet of eight foot (8') wide concrete sidewalks shall be constructed in the greenspace/common areas. The Developer shall provide:
 - a. Minimum of 4,500 linear feet of five foot (5') wide concrete sidewalks on one side of the streets, which shall correspond with the same look and feel of the design and layout of Vintage Farms.
 - b. Minimum of 2,800 linear feet of eight foot (8') wide concrete trails within the greenspace around the lakes and common areas throughout the development to be consistent with the trail system of Vintage Farms. The final location of the trail system may differ from what is shown on Exhibit A because the exact location and design shall be determined by the topography and location of preserved trees.
 - c. Pedestrian connectivity to the existing phase of Vintage Farms sidewalks and trails, as shown on Exhibit A.
 - d. Five (5) pedestrian access points connecting the greenspace trails to the neighborhood sidewalk system.
- H. Landscape/Fencing
 - a. Perimeter fencing shall be installed along Dixie Road, and shall be stained, capped and trimmed wooden privacy fence with steel posts to match the existing perimeter fence in Vintage Farms, Phase 1. This fencing will be maintained by the HOA.
 - b. Ten (10) masonry columns shall be installed in the perimeter fencing installed along Dixie Road, and shall be maintained by the HOA.
 - c. Each lot shall be landscaped and irrigated, at a minimum, with full sod in the front yard.
 - d. Single-family residential lots shall have at least one (1) two inch (2") or larger caliper (measured six inches (6") above the tree base) canopy or shade tree or two (2) non-canopy ornamental trees, as well as a minimum of five (5) one-gallon shrubs, planted in the front yard of the residence prior to the Certificate of Occupancy being issued by the City.
 - e. Community Trees - Prior to the first Certificate of Occupancy being issued by the City for each phase of the development, community trees shall be planted throughout the development at a ratio of at least one-half (1/2) of the total number of lots in each phase as reflected on the final plat. Required trees shall be planted in common areas, greenspace, along trails and sidewalks and other areas viewable to the public. Fifty percent (50%) of the required trees shall be canopy trees measuring at least six feet (6') tall and two inches (2") in caliper when measured six inches (6") from the ground.
 - f. Preservation of trees – In accordance with Appendix A - Zoning, Part II, Division 1, Section 12.05 (3) of the City of Brenham Code of Ordinances, developer shall receive credit for each existing tree that is preserved towards the number of community trees that are required by Section II (H)(e) herein above.

I. Greenspace

- a. Developer shall reserve a minimum of fifteen (15) acres of greenspace and common area for neighborhood use, including four (4) acres of lakes, all of which shall be maintained by the HOA.
- b. Developer shall install signage around the lakes with posted rules and warnings regarding usage and safety. This signage shall be maintained and updated by the HOA.
- c. Developer shall provide at minimum a 400 square foot pavilion in the greenspace/park area with the location and size to be determined based on topography, location of preserved trees, and final design of trail system. Pavilion and associated landscaping shall be maintained by the HOA.

SECTION III.

SUBDIVISION OF LAND. The development of land within The Lakes at Vintage Farms includes two different single-family dwelling products. Dwellings located in Planning Area 1 (Exhibit A) shall comply with the development standards applicable to properties in a Single-Family Residential (R-1) zoning district, and dwellings located in Planning Area 2 (Exhibit A) shall comply with the development standards applicable to properties in a Mixed Residential (R-2) zoning district, except as follows:

A. Planning Area 1 - The Lakes at Vintage Farms – Single-Family Residential Detached Homes

- a. 100% of the lots shall be a minimum of 6,600 square feet.
- b. 35% of the lots shall be a minimum of 7,000 square feet.
- c. Minimum lot width shall be 55 feet except for radial lots which shall be a minimum 50 feet measured at the front setback.
- d. Minimum lot depth shall be 120 feet (determined by the average of the two side lot lines) except for radial lots which shall have an average minimum lot depth of 110 feet.
- e. Front yards shall be setback a minimum of 25 feet as per current City development requirements.
- f. Side yards shall be setback a minimum of 7.5 feet unless adjacent to a side street in which case the minimum shall be 15 feet.
- g. Rear yards shall be setback a minimum of 20 feet.

B. Planning Area 2 - The Cove at Vintage Farms – Patio Homes

- a. 100% of the lots shall be a minimum of 4,400 square feet.
- b. 30% of the lots shall be a minimum of 5,700 square feet.
- c. Minimum lot width shall be 40 feet.
- d. Minimum lot depth shall be 120 feet (determined by the average of the two side lot lines). Three lots shall be permitted to have a minimum lot depth of 100 feet, as established in current City development requirements.
- e. Front yards shall be setback a minimum of 20 feet.

- f. Side yards shall be setback a minimum of 5 feet unless adjacent to a side street in which case the minimum shall be 15 feet. Distances between adjacent patio homes shall not be less than 10 feet. Lots adjacent to common areas shall maintain the 5 foot side setback.
- g. Rear yards shall be setback a minimum of 15 feet.

SECTION IV.

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

SECTION V.

This Ordinance shall in no manner amend, change, supplement or revise any portion of any ordinance of the City, save and except the change in zoning classification for the Property provided herein subject to the regulations, restrictions, terms and conditions of the Planned Development District provided for herein.

PASSED and APPROVED on its first reading this the 5th day of November 2020.

PASSED and APPROVED on its first reading this the 19th day of November 2020.

Milton Y. Tate, Jr.
Mayor

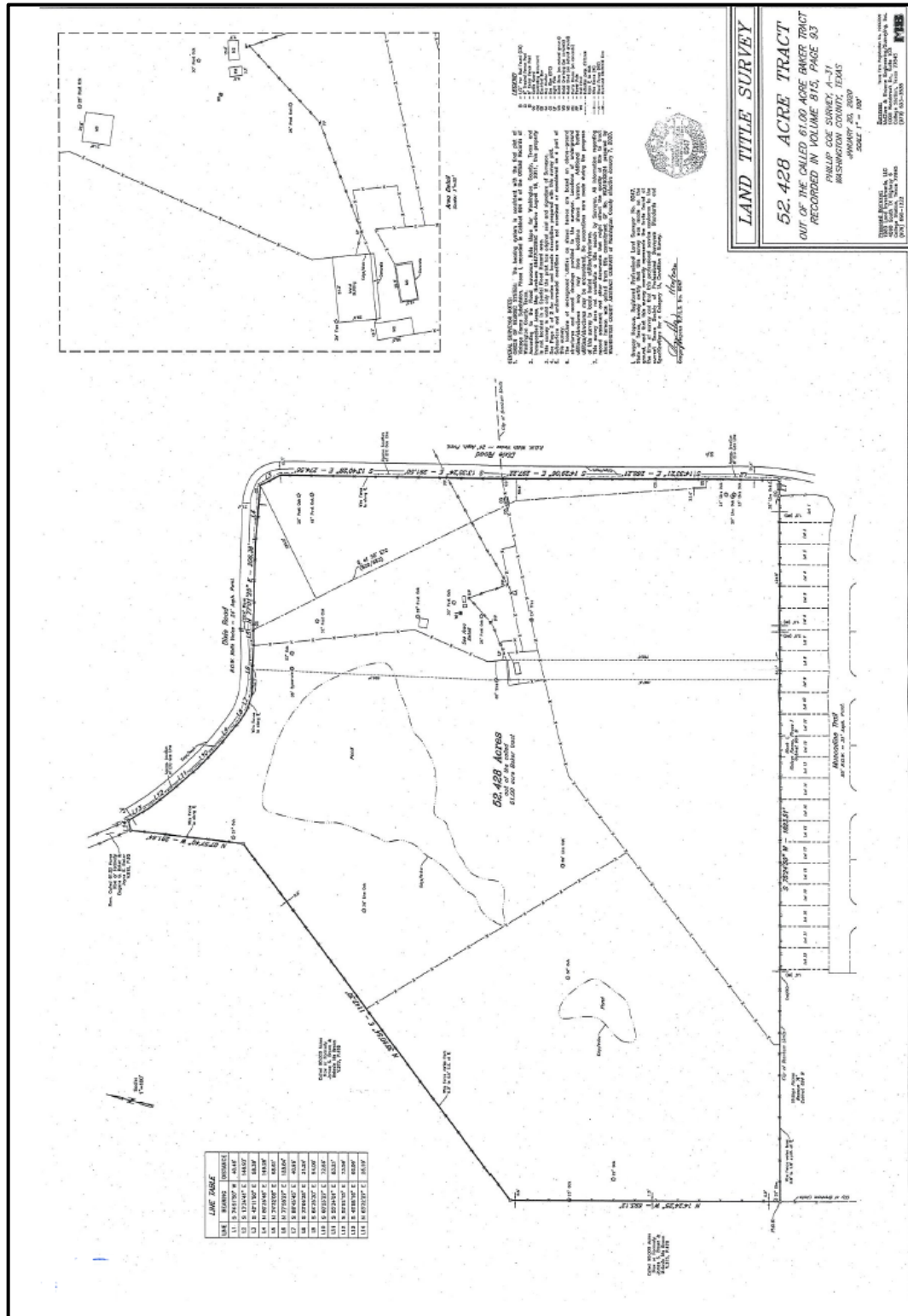
ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT A



EXHIBIT B





Regular City Council
AGENDA ITEM 4-D.

Agenda Item: Approve Change Order No. 1 and Final Payment on Contract No. 62C-70C/65C-49C to J&D Construction in the Amount of \$26,205.31 for the 2020 Burleson Street Utility Extension and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-November 19, 2020

Department: Public Utilities

Staff Contact: Donald Reese

Classification: Consent

SUMMARY STATEMENT:

On June 4, 2020, City Council awarded J&D Construction the bid in the amount of \$170,464.54 for the 2020 Burleson Street Utility Extensions Project.

The extensions have been completed. The work consisted of providing gas and sewer utility extensions along the 1700 block of Burleson St. The project also included one Change Order in the amount of \$4,619.58 due to item quantity changes and an additional added item, making the final payment \$26,205.31. The total project amount was \$175,084.12.

ATTACHMENTS:

- (1) Application for Payment No. 6 & Final
- (2) Change Order No. 1
- (3) Certificate of Final Completion
- (4) Certification of Payment to Subcontractors and Suppliers
- (5) Consent of Surety to Final Payment

RELEVANCE TO COMPREHENSIVE PLAN:

Growth Capacity Goal GC 3: Balancing infrastructure investment and other public service needs of new development with reinvestment/rehabilitation needs of existing developed areas.

RECOMMENDED ACTION:

Approve Change Order No. 1 and final payment to J&D Construction in the amount of \$26,205.31 for the 2020 Burleson Street Utility Extensions Project and authorize the Mayor to execute any necessary documentation.

APPLICATION FOR PAYMENT NO. 06 (FINAL)

TO OWNER: CITY OF BRENNHAM, 200 WEST VULCAN, BRENNHAM, TEXAS 77833
 FROM CONTRACTOR: Texas J&D Construction, Ltd., 4930 FM 1751, Bronson, TX, 75930
 PROJECT: 2020 BURLESON STREET UTILITY EXTENSIONS
 STRAND PROJECT NO. 3900.246

CONTRACT AWARDED: June 24, 2020
 PERIOD FROM: October 1, 2020
 CONST. TIME ALLOTTED (Days): 90

NOTICE TO PROCEED: July 24, 2020
 PERIOD TO: October 20, 2020
 TIME USED (Days): 89

ITEM	BASE BID	CONTRACT QUANTITY	UNIT	PREVIOUS PERIOD	CURRENT PERIOD	TOTAL	UNIT PRICE	TOTAL VALUE OF WORK COMPLETED
1	Mobilization	1	LS	0.5	0.5	1	\$ 12,500.00	\$ 12,500.00
2	Install 5-LF of 6-IN ASTM D-2241 SDR 26 PVC Sanitary Sewer Stub out and Install 6-IN Cap by Open Cut, Complete in Place.	1	LS	1	0	1	\$ 556.89	\$ 556.89
3	Tie Proposed 8-IN Sanitary Sewer to Existing Manhole, Complete in Place.	1	EA	1	0	1	\$ 613.20	\$ 613.20
4	8-IN ASTM D-2241 SDR 26 PVC Sanitary Sewer by Open Cut, Depths 0- to 6-FT, Complete in Place.	54	LF	54	0	54	\$ 31.88	\$ 1,721.52
5	8-IN ASTM D-2241 SDR 26 PVC Sanitary Sewer by Open Cut, Depths 6- to 8-FT, Complete in Place.	352	LF	352	0	352	\$ 31.88	\$ 11,221.76
6	8-IN ASTM D-2241 SDR 26 PVC Sanitary Sewer by Open Cut, Depths 8- to 10-FT, Complete in Place.	801	LF	801	0	801	\$ 33.88	\$ 27,137.88
7	8-IN ASTM D-2241 SDR 26 PVC Sanitary Sewer by Open Cut, Depths Greater than 10-FT, Complete in Place.	356	LF	356	0	356	\$ 35.88	\$ 12,773.28
8	Construct 4-FT Diameter Precast Concrete Manhole, Standard Depth 0- to 6-FT, Complete in Place.	6	EA	6	0	6	\$ 2,523.94	\$ 15,143.64
9	Construct Additional Vertical Depth in Feet above 6-FT Standard Manhole Depth, Complete in Place.	18.2	VF	18.2	0	18.2	\$ 178.82	\$ 3,254.52
10	Trench Safety for Depths Less than 10-FT, Complete in Place.	1207	LF	1207	0	1207	\$ 1.00	\$ 1,207.00
11	Trench Safety for Depths Greater than 10-FT, Complete in Place.	356	LF	356	0	356	\$ 1.00	\$ 356.00
12	Site Restoration, Seeding, and Cleanup, Complete in Place.	1	LS	0	1	1	\$ 5,000.00	\$ 5,000.00
13	Install 4-IN PVC Service Line Lead, with 8-IN x 4-IN Tee, 4-IN Service Cleanout in Side Meter Box at the Property Boundary, Complete in Place.	12	EA	12	0	12	\$ 1,000.00	\$ 12,000.00
14	Perform Flexible and Base Backfill Repair in City Streets.	1683	LF	1683	0	1683	\$ 10.00	\$ 16,830.00
15	Provide Traffic Control in Accordance with TMUTCD, Complete in Place.	1	LS	0	1	1	\$ 2,500.00	\$ 2,500.00
ITEM	ALTERNATIVE BID 1	CONTRACT QUANTITY	UNIT	PREVIOUS PERIOD	CURRENT PERIOD	TOTAL	UNIT PRICE	TOTAL VALUE OF WORK COMPLETED
1	2-IN ASTM 2513 SDR-11 Polyethylene Gas Pipe with Trace Wire by Open Cut, Complete in Place.	2640	LF	2640	0	2640	\$ 11.90	\$ 31,416.00
2	2-IN ASTM 2513 SDR-11 Polyethylene Gas Pipe with Trace Wire by Bore, No Casing, Complete in Place.	620	LF	620	0	620	\$ 11.90	\$ 7,378.00
3	2-IN ASTM 2513 SDR-11 Polyethylene Gas Pipe with Trace Wire by Directional Bore, Complete in Place.	350	LF	350	0	350	\$ 11.90	\$ 4,165.00
4	2-IN Polyethylene Valve and Valve Box, Complete in Place.	3	EA	3	0	3	\$ 395.90	\$ 1,187.70
5	2-IN Polyethylene 90° Bend, Complete in Place.	4	EA	4	0	4	\$ 130.10	\$ 520.40
6	Tie-In New 2-IN Polyethylene to Existing 2-IN Polyethylene Line, Complete in Place.	1	EA	1	0	1	\$ 150.00	\$ 150.00
7	Make 2-IN Hot Tap on Existing 4-IN Poly Gas Line, Complete in Place.	1	EA	1	0	1	\$ 2,831.75	\$ 2,831.75

ITEM	CHANGE ORDER NO. 1	CONTRACT QUANTITY	UNIT	PREVIOUS PERIOD	CURRENT PERIOD	TOTAL	UNIT PRICE	TOTAL VALUE OF WORK COMPLETED
1	8-IN ASTM D-2241 SDR 26 PVC Sanitary Sewer by Open Cut, Depths 6- to 8-FT, Complete in Place.	3	LF	0	3	3	\$ 31.88	\$ 95.64
2	Construct 4-FT Diameter Precast Concrete Manhole, Standard Depth 0- to 6-FT, Complete in Place.	1	EA	0	1	1	\$ 2,523.94	\$ 2,523.94
3	Core New FL OUT of Manhole No. 1, Plug Existing Hole, and Re-grout Invert, Complete in Place.	1	LS	0	1	1	\$ 2,000.00	\$ 2,000.00

Original Contract: \$ 170,464.54
Plus Additions: \$ 4,619.58
Less Deductions: \$ -
Adjusted Contract: \$ 175,084.12

Value of Work Performed to \$ 175,084.12
Plus Materials Stored at Close of \$ -
Net Amt Earned to Date \$ 175,084.12
Less 5% Retainage \$ -
Subtotal \$ 175,084.12
Less Previous Pay Applications \$ 148,878.81
Amount Due this Application \$ 26,205.31

AFFIDAVIT & CERTIFICATION OF PAY APPLICATION BY CONTRACTOR

STATE OF TEXAS
COUNTY OF San Augustine

WHEREAS, the undersigned, Curtis Hall, who being duly sworn, on oath, says that he is the legal representative of Texas J&D Construction, Ltd., has been employed by City of Brenham to furnish labor and materials for the installation of the Bursen Street Utility Extensions 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: Curtis Hall DATE: 10-21-2020
Texas J&D Construction, Ltd.

PRINTED NAME: Curtis Hall TITLE: President

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 21 DAY OF October, 20 20
Cary L Hanzel
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS.
CARY L HANZEL
NOTARY PUBLIC
ID# 131135044
State of Texas
Comm. Exp. 05-19-2021

RECOMMENDED BY:

Cash Thirtie

DATE: 10/26/2020

STRAND ASSOCIATES, INC.

APPROVED BY:

DATE:

CITY OF BRENNHAM

**Strand Associates, Inc.®**

1906 Niebuhr Street
Brenham, TX 77833
(P) 979-836-7937

October 20, 2020

CHANGE ORDER NO. 1

PROJECT: 2020 Burleson Street Utility Extensions
OWNER: City of Brenham, Texas
CONTRACT: 62C-70C/65C-49C
CONTRACTOR: Texas J&D Construction, Ltd.

Description of Change

1a	Increase of Base Bid Item No. 5 quantity from 352 linear feet (LF) to 355 LF.	ADD	\$95.64
1b	Increase of Base Bid Item No. 8 quantity from 6 each (EA) to 7 EA.	ADD	\$2,523.94
1c	Add New Base Bid Item with quantity of 1 lump sum (LS) "Core New FL OUT of Manhole No. 1, Plug Existing Hole, and Re-grout Invert, Complete in Place."	ADD	\$2,000.00
TOTAL VALUE OF THIS CHANGE ORDER:			ADD \$4,619.58

Contract Price Adjustment

Original Contract Price	\$170,464.54
Previous Change Order Adjustments	\$0.00
Adjustment in Contract Price this Change Order	\$4,619.58
Current Contract Price including this Change Order	\$175,084.12

Contract Final Completion Date Adjustment

Original Contract Final Completion Date	October 22, 2020
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	October 22, 2020

CCC:cdj\SA\BRE\3900--3999\3900\246\Construction\Change Orders\Change Order No. 1 - Water Line Conflicts\2020 Burleson Street Utility Ext. - Change Order No. 1.docx

TBPE No. F-8405
TBPLS No. 10030000

City of Brenham-Texas J&D Construction
Contract 62C-70C/65C-49C, Change Order No. 1
Page 2
October 20, 2020

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

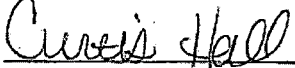
RECOMMENDED



ENGINEER-Strand Associates, Inc.®

10-26-2020
Date

APPROVED



CONTRACTOR-Texas J&D Construction, Ltd.

10-21-2020
Date

APPROVED

OWNER-City of Brenham, Texas

Date

Document 00641

CERTIFICATE OF FINAL COMPLETION

CERTIFICATE OF FINAL COMPLETION OF: 2020 Burleson Street Utility Extensions

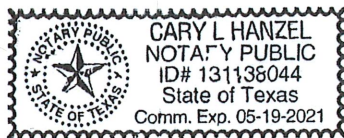
Project No.: 62C-70C/65C-49C

Contract Dated: [Contract Date] July 24, 2020

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Curtis Hall who, being by me duly sworn, on his oath says that he or she represents J&O Construction, the Contractor who has performed a contract with the City of Brenham for the construction of the Work described above, and is duly authorized to make this affidavit; that he or she has personally examined the Work described above as required by the Contract documents; that said Work and all items thereof have been completed and all known defects made good; that all surplus material, refuse, dirt and rubbish have been cleaned up and removed or disposed of; that all parts of Work are in a neat, tidy, finished condition and ready in all respects for acceptance by the City; that all gravel or shell roadway surfaces removed during the course of the Work have been replaced in accordance with the Specifications, that rates of pay for all labor employed on said Work have not been below the minimum set out in "Labor Classification and Minimum Wage Scale" in the Contract documents and that within the knowledge of affiant all just bills for labor and material and for the rental or use of any equipment or apparatus, used in, on, or in connection with the Work have been paid in full by the Contractor.

Curtis Hall
Affiant's Signature

SWORN AND SUBSCRIBED before me on 10-29-2020
Date



Caryl Hanzel-Schmidt
Notary Public in and for the State of TEXAS

Caryl Hanzel Schmidt
Print or type name

My Commission Expires: 5-19-2021
Expiration Date

THIS IS TO CERTIFY that I have ~~thoroughly inspected~~ **observed** the Work performed by the above named Contractor on the above described Contract and find all things in accordance with the Contract documents governing this Work to the best of my knowledge and belief.

Cul. Chiti 11/03/2020
Inspector Resident Project Representative

Approved:

2/K 11/03/2020
[Project Manager or Construction Manager]

[Title of Approval Authority], [Contracting Department]

END OF DOCUMENT

CITY OF BRENHAM
STANDARD SPECIFICATION

CERTIFICATION OF PAYMENT
TO SUBCONTRACTORS AND SUPPLIERS

Document 00642

CERTIFICATION OF PAYMENT
TO SUBCONTRACTORS AND SUPPLIERS

The undersigned, Curtis Hall, states that he is the Senior Partner,
of J & D Construction
AffiantTitle
Contractor

and that he is duly authorized to execute this Certification of Payment to Subcontractors and Suppliers; that Contractor has made payments to Subcontractors and Suppliers for all labor, materials, equipment, and services furnished to date for Work on Project No. 62C-70C/65C-49C in the amounts for which Contractor has been paid; that the labor, materials, equipment, and services covered by this Certificate of Payment have been furnished in accordance with and all in compliance with the Contract Documents; that no sums have been withheld by Contractor for Subcontractors and Suppliers as a result of any allegations of deficiencies in the Work; and that such payments were made in accordance with the Contract Documents and with the laws of the State of Texas.

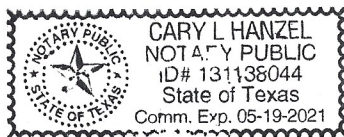
Curtis Hall

Affiant's Signature

SWORN AND SUBSCRIBED before me on

10-29-2020

Date



Cary Hanzel-Schmidt

Notary Public in and for the State of TEXAS

Cary Hanzel-Schmidt

Print or type name

My Commission Expires: 5-19-21

Expiration Date

END OF DOCUMENT

00642-1
04-01-2017

**CONSENT OF SURETY
TO FINAL PAYMENT**

ALA Document G707

OWNER	☐
ARCHITECT	☐
CONTRACTOR	☒
SURETY	☒
OTHER	☐

Bond No. GS29200035

TO OWNER:

(Name and address)

City of Brenham
200 West Vulcan Street
Brenham, TX 77833

ARCHITECT'S PROJECT NO.: 3900.246

CONTRACT FOR: Street Utility Extensions

PROJECT:

(Name and address)

2020 Burleson Street Utility Extensions

CONTRACT DATED: June 24, 2020

Brenham, TX 77833

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

The Gray Casualty & Surety Company
P.O. Box 6202
Metairie, LA 70009-6202

, SURETY,

on bond of

(Insert name and address of Contractor)

Texas J&D Construction, Ltd.
4930 FM 1751
Bronson, TX 75930

, 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

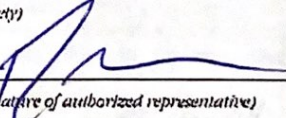
, OWNER,

as set forth in said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: October 28, 2020
(Insert in writing the month followed by the numeric date and year.)

The Gray Casualty & Surety Company

(Surety)

By: 

(Signature of authorized representative)

Douglas N. McElveen Attorney-in-Fact

(Printed name and title)

Attest:


(Seal): Susan McElveen

THE GRAY INSURANCE COMPANY
THE GRAY CASUALTY & SURETY COMPANY

GENERAL POWER OF ATTORNEY

Bond Number: GS29200035 Principal: Texas J&D Construction, LLC

Project: 2020 Burleson Street Utility Extension

KNOW ALL BY THESE PRESENTS, THAT The Gray Insurance Company and The Gray Casualty & Surety Company, corporations duly organized and existing under the laws of Louisiana, and having their principal offices in Metairie, Louisiana, do hereby make, constitute, and appoint Douglas N. McElveen, Amanda B. McElveen, Christine Baker, Benjamin Stine, and Kathy Peters of Lake Charles, Louisiana jointly and severally on behalf of each of the Companies named above its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its deed, bonds, or other writings obligatory in the nature of a bond, as surety, contracts of suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed the amount of \$10,000,000.00.

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both The Gray Insurance Company and The Gray Casualty & Surety Company at meetings duly called and held on the 26th day of June, 2003.

"RESOLVED, that the President, Executive Vice President, any Vice President, or the Secretary be and each or any of them hereby is authorized to execute a power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Company bonds, undertakings, and all contracts of surety, and that each or any of them is hereby authorized to attest to the execution of such Power of Attorney, and to attach the seal of the Company; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be binding upon the Company now and in the future when so affixed with regard to any bond, undertaking or contract of surety to which it is attached.

IN WITNESS WHEREOF, The Gray Insurance Company and The Gray Casualty & Surety Company have caused their official seals to be hereinto affixed, and these presents to be signed by their authorized officers this 12th day of September, 2011.



By:

Michael T. Gray
Michael T. Gray
President, The Gray Insurance Company
and
Vice President,
The Gray Casualty & Surety Company

Attest:

Mark S. Manguno
Mark S. Manguno
Secretary,
The Gray Insurance Company,
The Gray Casualty & Surety Company



State of Louisiana

ss:

Parish of Jefferson

On this 12th day of September, 2011, before me, a Notary Public, personally appeared Michael T. Gray, President of The Gray Insurance Company and Vice President of The Gray Casualty & Surety Company, and Mark S. Manguno, Secretary of The Gray Insurance Company and The Gray Casualty & Surety Company, personally known to me, being duly sworn, acknowledged that they signed the above Power of Attorney and affixed the seals of the companies as officers of, and acknowledged said instrument to be the voluntary act and deed, of their companies.



Lisa S. Millar

Lisa S. Millar, Notary Public, Parish of Orleans
State of Louisiana
My Commission is for Life

I, Mark S. Manguno, Secretary of The Gray Insurance Company and The Gray Casualty & Surety Company, do hereby certify that the above and forgoing is a true and correct copy of a Power of Attorney given by the companies, which is still in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Companies, this 28 day of October, 2020.



Mark S. Manguno

Mark S. Manguno, Secretary
The Gray Insurance Company
The Gray Casualty & Surety Company



Regular City Council
AGENDA ITEM 4-E.

Agenda Item: Approve Change Order No. 1 and Final Payment on Contract No. 2017-13 to South Central Texas Excavation and Construction, LLC in the Amount of \$31,729.65 for the Southwest Industrial Park, Section III, Detention Pond Improvement Project and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-November 19, 2020

Department: Public Works

Staff Contact: Dane Rau

Classification: Consent

SUMMARY STATEMENT:

On October 17, 2019 City Council awarded South Central Texas Excavation and Construction LLC the bid in the amount of \$269,245.48 for the Southwest Industrial Park Section III Detention Pond Improvement Project.

The improvements to the pond have been completed. The work consisted of additional excavation of the current detention pond which will serve a larger area, vegetation removal, outfall improvements and sloped concrete additions. This project involved one Change Order which did not require changes to quantities or prices, it did however require the addition of 136 calendar days to the contract time due to weather delays that were not anticipated. The final payment due is \$31,729.65.

With the recent improvements to Industrial Blvd Channel Crossing and the newly modified detention pond this area looks great and is ready for development. This project was funded by BCDC in the 2019-20 budget.

ATTACHMENTS:

- (1) Application for Payment No. 5 & Final
- (2) Change Order No. 1
- (3) Certificate of Substantial Completion
- (4) Affidavit of Bills Paid/Guarantee
- (5) Consent of Surety to Final Payment

RELEVANCE TO COMPREHENSIVE PLAN:

Growth Capacity Goal GC 3: Balancing infrastructure investment and other public service needs of new development with reinvestment/rehabilitation needs of existing developed areas.

RECOMMENDED ACTION:

Approve Change Order No. 1 and final payment to South Central Texas Excavation and Construction LLC in the amount of \$31,729.65 for the Southwest Industrial Park Section III Detention Pond Improvements Project and authorize the Mayor to execute any necessary documentation.

PROGRESS PAYMENT NO. 5 (FINAL)

OWNER: Brenham Community Development Corporation, P.O. Box 1059, Brenham, TX 77834-1059
 CONTRACTOR: South Central Texas Excavation and Construction, LLC, 1669 Smith-Rau Rd., Columbus, TX 78934
 ENGINEER: Jones & Carter, Inc., 150 Venture Drive, Suite 100, College Station, TX 77845
 PROJECT: Southwest Industrial Park, Section III, Detention Pond Improvements
 JOB NOS.: Brenham Project No. E2017-13; JJC No. 15692-0001-00

CONTRACT TIME - 120 CALENDAR DAYS (REVISED TO 256 IN CHANGE ORDER NO. 1)
 FROM 12/23/2019 TO 4/21/2020
 ORIGINAL 12/23/2019 256 Calendar Days
 REVISED 12/23/2019 9/4/2020
 THIS EST. 6/25/2020 72 Calendar Days

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	THIS ESTIMATE		PREVIOUS ESTIMATE		TOTAL TO DATE		REMARKS
					QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	
1.	BASE BID Mobilization, including bonds, insurance, move-in, move-out and related work.	L.S.	1	\$12,500.00	10%	\$1,250.00	90%	\$11,250.00	100%	\$12,500.00	100.0%
2.	Prepare a Storm Water Pollution Prevention Plan, issue and/or post all required notices; pay all required permit fees; perform all required inspections; maintain all required records; install, maintain and remove all necessary erosion control measures; reestablish vegetation on all disturbed areas.	L.S.	1	\$1,500.00	0%	\$0.00	100%	\$1,500.00	100%	\$1,500.00	100.0%
3.	Furnish and install silt fence.	L.F.	2,626	\$1.23	0	\$0.00	2,626	\$3,229.98	2,626	\$3,229.98	100.0%
4.	Furnish and install inlet protection.	Ea.	4	\$50.00	0	\$0.00	4	\$200.00	4	\$200.00	100.0%
5.	Perform specified demolition of existing pond outlet structure.	L.S.	1	\$3,000.00	0%	\$0.00	100%	\$3,000.00	100%	\$3,000.00	100.0%
6.	Perform all specified pond draining and mucking out work.	L.S.	1	\$3,000.00	0%	\$0.00	100%	\$3,000.00	100%	\$3,000.00	100.0%
7.	Perform all fire hydrant grade adjustment work.	L.S.	1	\$500.00	0%	\$0.00	100%	\$500.00	100%	\$500.00	100.0%
8.	Revegetate all disturbed areas by the hydromulch method.	Ac.	10.90	\$1,850.00	0.00	\$0.00	10.90	\$20,165.00	10.90	\$20,165.00	100.0%
9.	Perform all specified pond excavation work, including moisture adjustment and compaction.	C.Y.	18,590	\$4.60	0	\$0.00	18,590	\$85,514.00	18,590	\$85,514.00	100.0%
10.	Perform all specified pond embankment work, including moisture adjustment and compaction.	C.Y.	9,707	\$2.50	0	\$0.00	9,707	\$24,267.50	9,707	\$24,267.50	100.0%

44



PROGRESS PAYMENT NO. 5 (FINAL)

OWNER: Brenham Community Development Corporation, P.O. Box 1059, Brenham, TX 77834-1059	CONTRACT TIME - 120 CALENDAR DAYS (REVISED TO 256 IN CHANGE ORDER NO. 1)	USED
CONTRACTOR: South Central Texas Excavation and Construction, LLC, 1669 Smith-Rau Rd., Columbus, TX 78934	FROM 12/23/2019 TO 4/21/2020	
ENGINEER: Jones & Carter, Inc., 150 Venture Drive, Suite 100, College Station, TX 77845	ORIGINAL 12/23/2019 256 Calendar Days	
PROJECT: Southwest Industrial Park, Section III, Detention Pond Improvements	REVISED 6/25/2020 72 Calendar Days	
JOB NOS.: Brenham Project No. E2017-13; J/C No. 15692-0001-00	THIS EST. 6/25/2020	

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	THIS ESTIMATE		PREVIOUS ESTIMATE		TOTAL TO DATE		REMARKS
					QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	
11.	Construct a 6' wide concrete flume.	L.F.	1,687	\$47.00	87	\$4,089.00	1,600	\$75,200.00	1,687	\$79,289.00	100.0%
12.	Construct 5" concrete sloped paving structure.	S.Y.	131	\$85.00	0	\$0.00	131	\$11,135.00	131	\$11,135.00	100.0%
13.	Furnish and install 18" ASTM E-76 Class III reinforced concrete pipe.	L.F.	221	\$45.00	0	\$0.00	221	\$9,945.00	221	\$9,945.00	100.0%
14.	Furnish and install 4' Type E area inlet.	Ea.	4	\$3,200.00	0	\$0.00	4	\$12,800.00	4	\$12,800.00	100.0%
15.	Furnish and install precast 18" 4:1 reinforced concrete SET.	Ea.	4	\$550.00	0	\$0.00	4	\$2,200.00	4	\$2,200.00	100.0%

PROGRESS PAYMENT NO. 5 (FINAL)

OWNER: Brenham Community Development Corporation, P.O. Box 1059, Brenham, TX 77834-1059
 CONTRACTOR: South Central Texas Excavation and Construction, LLC, 1669 Smith-Rau Rd., Columbus, TX 78934
 ENGINEER: Jones & Carter, Inc., 150 Venture Drive, Suite 100, College Station, TX 77845
 PROJECT: Southwest Industrial Park, Section III, Detention Pond Improvements
 JOB NOS.: Brenham Project No. E2017-13; JIC No. 15692-0001-00

CONTRACT TIME - 120 CALENDAR DAYS (REVISED TO 256 IN CHANGE ORDER NO. 1)
 FROM 12/23/2019 TO 4/21/2020
 12/23/2019 TO 9/4/2020
 6/25/2020 TO 9/4/2020
 256 Calendar Days
 72 Calendar Days

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	THIS ESTIMATE		PREVIOUS ESTIMATE		TOTAL TO DATE		REMARKS
					QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	
CHANGE ORDER PLUS/MINUS											
Change Order No. 1											
TOTAL CONTRACT MODIFICATIONS											
	Subtotal (Line Items)				\$5,339.00			\$263,906.48		\$269,245.48	
	Materials on Hand				\$0.00			\$0.00		\$0.00	
	Subtotal (Materials on Hand/Line Items)				\$5,339.00			\$263,906.48		\$269,245.48	
	Less Retainage (0%)				(\$26,390.65)			\$26,390.65		\$0.00	
	Total				\$31,729.65			\$237,515.83		\$269,245.48	
	Less Previous Estimates									\$237,515.83	
	Due this Estimate									\$31,729.65	
100%	Complete by Time					\$269,245.48					
100%	Complete by Value					\$0.00					
	Total Contract Amount					\$269,245.48					
	Construction Remaining					\$0.00					
	Amount Approved					\$31,729.65					

CERTIFIED AS CORRECT PAYMENT DUE CONTRACTOR

Jones & Carter, Inc.

Brian Dabjanski
 Brian P. Dabjanski, PE
 Project Manager
 Date: October 7, 2020

APPROVED BY CONTRACTOR

South Central Texas Excavation and Construction, LLC

[Signature]
 Name Printed: Scott Dennis
 Title Printed: President
 Date: 10/22/2020

APPROVED BY OWNER

Brenham Community Development Corporation

Name Printed: _____
 Title Printed: _____
 Date: _____



JONES | CARTER

150 Venture Drive, Suite 100
College Station, Texas 77845
Tel: 979.731.8000
Fax: 979.846.2893
www.jonescarter.com

CHANGE ORDER NO. 1 (RECONCILIATION)

DATE: SEPTEMBER 4, 2020

Project: Southwest Industrial Park, Section III
Detention Pond Improvements

J|C Job No.: 15692-0001-00

Owner: Brenham Community Development
Corporation, P.O. Box 1059,
Brenham, TX 77834

Contractor: South Central Texas Excavation & Construction, LLC
1669 Smith-Rau Rd., Columbus, TX 78934

Description of Changes: 136 calendar days added to contract time.

Reason for Changes: To reconcile to final contract time.

Change in Contract price and time summary:

	<u>COST</u>	<u>TIME</u>
Original Contract:	\$269,245.48	120 Calendar Days
Net previous change(s):	\$0.00	0 Calendar Days
Contract prior to this change order:	\$269,245.48	120 Calendar Days
Net increase from this change order:	\$0.00	136 Calendar Days
Revised Contract Amount:	\$269,245.48	256 Calendar Days
Cumulative % Change in Contract:	0.00%	113.3 %
Completion Date:	Original: April 21, 2020	Revised: September 4, 2020

RECOMMENDED BY:

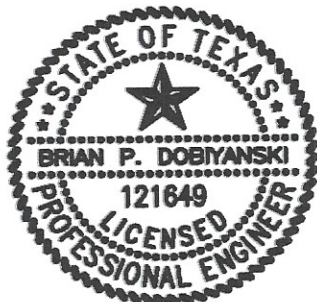
Jones & Carter, Inc.

Brian Dobiynski

Brian P. Dobiynski, PE, Project Manager

10/7/2020

Date



ACCEPTED BY:

Contractor: South Central Texas Excavation & Construction, LLC

Scott Orange

Scott Orange, President

10/21/2020

Date

APPROVED BY:

Owner: Brenham Community Development Corporation

James Fisher, President

Date

**Construction of the Brenham Community Development Corporation
Southwest Industrial Park, Section III Detention Pond Improvements
J|C No. 15692-0001-00**

To implement payment for this work, the following revisions are made to the Item/Quantity Sheets:

Item No.	Description	Unit	Unit Price	Revised Unit Price	Bid Quantity	Revised Quantity	Previous Amount	Revised Amount	Net Change
There were no changes to quantities or prices.									

Contract time revised to 256 calendar days with a completion date of September 4, 2020.

**CERTIFICATE OF SUBSTANTIAL COMPLETION FOR
CONSTRUCTION OF THE
BRENHAM COMMUNITY DEVELOPMENT CORPORATION
SOUTHWEST INDUSTRIAL PARK, SECTION III
DETENTION POND IMPROVEMENTS
BRENHAM PROJECT NO. E2017-13**

October 7, 2020

OWNER: Mr. James Fisher
President
Brenham Community Development Corporation
P.O. Box 1059
Brenham, TX 77834-1059

CONTRACTOR: Mr. Scott Orange
President
South Central Texas Excavation and Construction, LLC
1669 Smith-Rau Road
Columbus, TX 78934

CONTRACT: Brenham Community Development Corporation
Southwest Industrial Park, Section III
Detention Pond Improvements
Brenham Project No. E2017-13
J|C No. 15692-0001-00

Dear Mr. Fisher and Mr. Orange:

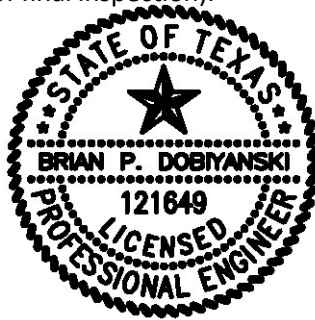
Jones & Carter, Inc. (J|C) has observed the subject project constructed by the **CONTRACTOR** and finds it to be substantially complete in accordance with the approved plans and specifications.

J|C recommends that the **OWNER** issue the **CONTRACTOR** a Certificate of Acceptance of the Work, and that final payment be made to the **CONTRACTOR**. J|C also recommends that the Contractor's guarantee period of one year begin on September 4, 2020 (date of final inspection).

Respectfully,



Brian P. Dobiyanski, PE
Project Manager



BPD/ebr

K:\15692\15692-0001-00 SWIP III Detention Pond\3 Construction Phase\Closing Documents\Certificate of Substantial Completion BCDC SWIP3 Detention 20201007.doc



Texas Board of Professional Engineers Registration No. F-439
Texas Board of Professional Land Surveying Registration No. 10046107

150 Venture Drive, Suite 100, College Station, Texas 77845-4514
Telephone 979.731.8000 Fax 979.846.2893

AFFIDAVIT
OF
BILLS PAID

STATE OF TEXAS §

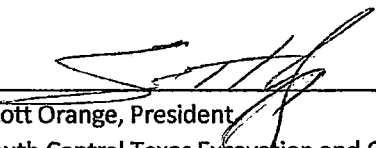
COUNTY OF COLORADO §

Before me, a Notary Public in and for the State of Texas, on this day personally appeared Scott Orange, President of South Central Texas Excavation and Construction, LLC, well known to me to be the person making this affidavit, who, being by me first duly sworn and deposed did say:

I am Scott Orange, President of South Central Texas Excavation and Construction, LLC and have personal knowledge of the matter stated in this affidavit. South Central Texas Excavation and Construction, LLC has paid all of the labor and material costs in connection with construction for Brenham Community Development Corporation known as the Southwest Industrial Park, Section III Detention Pond Improvements, JIC No. 15692-0001-00, and as of this date, there are no unpaid bills for labor performed upon or materials or supplies delivered to or used in connection with such job.

This affidavit is made in connection with Progress Payment No. 5 (Final) under the contract between Brenham Community Development Corporation and South Central Texas Excavation and Construction, LLC and with the knowledge that it will be relied upon in making such payment and that such payment would not be made except upon the truth of the matter contained in this affidavit.

DATE: 10/21/20

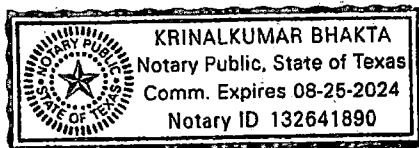
By: 
Scott Orange, President
South Central Texas Excavation and Construction, LLC

STATE OF TEXAS §

COUNTY OF Harris §

BEFORE ME, the undersigned, a Notary Public, in and for the State of Texas, on this day personally appeared Scott Orange known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 21st day of Oct, A.D., 2020.




Notary Public Signature

(Notary Seal)

AFFIDAVIT
OF
GUARANTEE

STATE OF TEXAS §
COUNTY OF COLORADO §

Before me, a Notary Public in and for the State of Texas, on this day personally appeared Scott Orange, President of South Central Texas Excavation and Construction, LLC, well known to me to be the person making this affidavit, who, being by me first duly sworn and deposed did say:

I am Scott Orange, President of South Central Texas Excavation and Construction, LLC and have personal knowledge of the matter stated in this affidavit. South Central Texas Excavation and Construction, LLC does hereby give notice to the Owner, Brenham Community Development Corporation, that work for the Owner, known as the Southwest Industrial Park, Section III Detention Pond Improvements, JLC No. 15692-0001-00 has been substantially completed. In accordance with the provisions of General Condition 5.07, Guarantee, of the General Conditions, South Central Texas Excavation and Construction, LLC, does hereby guarantee all of the work under the contract for a period of one (1) year to be free from faulty materials and improper workmanship in every particular, and against injury from proper and usual wear; and agrees to replace or re-execute without cost to the Owner such work as may be found to be improper or imperfect, and to make good all damage caused to other work or materials due to such required replacement or recompletion of all work under this contract, as evidenced by the Engineer's Certificate of Substantial Completion.

This affidavit is made in connection with the final payment under the contract between Brenham Community Development Corporation and South Central Texas Excavation and Construction, LLC and with the knowledge that it will be relied upon in making such payment and that such payment would not be made except upon the truth of the matter contained in this affidavit.

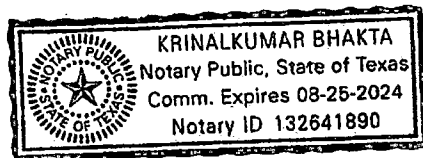
DATE: 10/21/20

By: [Signature]
Scott Orange, President
South Central Texas Excavation and Construction, LLC

STATE OF TEXAS §
COUNTY OF Harris §

BEFORE ME, the undersigned, a Notary Public, in and for the State of Texas, on this day personally appeared Scott Orange known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 21st day of Oct, A.D., 2020.



(Notary Seal)

[Signature]
Notary Public Signature

AIA[®] Document G707[™] – 1994

Consent of Surety to Final Payment

PROJECT: *(Name and address)*

Brenham Community Development Corporation
Southwest Industrial Park, Section III Detention Pond
Improvements

ARCHITECT'S PROJECT NUMBER:

Bond No. PB12543400059

OWNER ☒

CONTRACT FOR:

General Construction.

ARCHITECT ☐

CONTRACTOR ☐

SURETY ☐

OTHER ☐

TO OWNER: *(Name and address)*

Brenham Community Development Corporation

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

Philadelphia Indemnity Insurance Company
One Bala Plaza Suite 100 Bala Cynwyd, PA 19004

, SURETY,

on bond of

(Insert name and address of Contractor)

South Central Texas Excavation, LLC
1669 Smith-Rau Road Columbus, TX 78934

, 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)

Brenham Community Development Corporation

, OWNER,

as set forth in said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: September 23, 2020

(Insert in writing the month followed by the numeric date and year.)

Philadelphia Indemnity Insurance Company

(Surety)

(Signature of authorized representative)

Justin McQuain, Attorney-in-fact

(Printed name and title)

Attest:

(Seal)

Megan Liescheski, Surety Witness

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

PHILADELPHIA INDEMNITY INSURANCE COMPANY

One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint **Justin McQuain and/or Brian P. Herrera of M Surety Services, LLC** its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$50,000,000.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14th of November, 2016.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 27TH DAY OF OCTOBER, 2017.

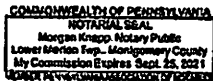


(Seal)

A handwritten signature in black ink, appearing to read "Robert D. O'Leary Jr.".

Robert D. O'Leary Jr., President & CEO
Philadelphia Indemnity Insurance Company

On this 27th day of October, 2017, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



(Notary Seal)

Notary Public:

A handwritten signature in black ink, appearing to read "Morgan Knapp".

residing at:

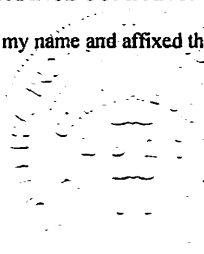
Bala Cynwyd, PA

My commission expires:

September 25, 2021

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and the Power of Attorney issued pursuant thereto on the 27th day of October, 2017 are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 23rd day of September, 20 20.



A handwritten signature in black ink, appearing to read "Edward Sayago".

Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY



Regular City Council
AGENDA ITEM 4-F.

Agenda Item: Approve the Purchase of Regulators from Puffer Sweiven, LP in the Amount of \$53,908.00 for the City of Brenham's Gas Department and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-November 19, 2020

Department: Public Utilities

Staff Contact: Donald Reese

Classification: Consent

SUMMARY STATEMENT:

This item is for the purchase of equipment needed to install and operate a second gas supply station in the City of Brenham. The City is currently served by a single gas supply station. This could present a major issue should the existing gas supply line fail.

The addition of a second feed gives the City the ability to provide gas from a separate location from a different supply line in case of an emergency.

The current gas supply line was installed in the 1950s and is due to be tested. The Railroad Commission has indicated to the owner of the gas supply line, Energy Transfer, that since there has been no history of failures of the line and the fact that it has been well maintained they could hold off testing the existing line until the second feed is available. The pressure testing of this line requires a shutdown of the system which should take place in late spring or early summer of 2021.

Gate Station #2 will be located in the area of N Blue Bell Rd and FM 105 and will tie into a 6' gas main loop currently being installed.

ATTACHMENTS:

(1) Regulator Quote-Puffer Sweiven, LP

RELEVANCE TO COMPREHENSIVE PLAN:

GC1. Growth Capacity - continued investment in maintenance and upgrades to City-owned utilities and facilities.

RECOMMENDED ACTION:

Approve the purchase of regulators from Puffer Sweiven, LP in the amount of \$53,908.00 for the City of Brenham's Gas Department and authorize the Mayor to execute any necessary documentation.

Quotation Summary

Customer: CITY OF BRENHAM
Contact: ADEN BOSTAIN
Customer Reference:

Puffer Sweiven Inc
Contact:
Sales Office Reference:
Quote: **009-NB-200107-0283597**
Date Last Modified: **01/09/2020**

Rev: A

For orders destined for installation in the European Union, some products on this order may be considered outside of the scope of European Directive 2011/65/EU. Please refer to www.emerson.com/compliance for up-to-date product information.

Item	Rev	Qty	Description/Tags	Unit Price(USD)	Total Price(USD)	Est. Lead Time
1		2	NPS 2 EZH 252 Tag: Presure reducing	\$9,775	\$19,550	8-10 weeks
2		2	NPS 2 EZH 252 Tag: Presure reducing	\$9,775	\$19,550	8-10 weeks
Total Base Bid (USD):					\$39,100	

Quotation Summary

Customer: CITY OF BRENHAM
Contact: ANDE BOSTAIN
Customer Reference:

Puffer Sweiven Inc
Contact:
Sales Office Reference:
Quote: **009-NB-200107-0283597**
Date Last Modified: **01/09/2020**

Rev: A

For orders destined for installation in the European Union, some products on this order may be considered outside of the scope of European Directive 2011/65/EU. Please refer to www.emerson.com/compliance for up-to-date product information.

Item	Rev	Qty	Description/Tags	Unit Price(USD)	Total Price(USD)	Est. Lead Time
3		2	NPS 2 EZR 252 Tag: Monitor	\$3,702	\$7,404	8-10 weeks
4		2	NPS 2 EZR 252 Tag: Worker	\$3,702	\$7,404	8-10 weeks
Total Base Bid (USD):					\$ 14,808	



Regular City Council
AGENDA ITEM 4-G.

Agenda Item: Approve a Noise Variance for the Brenham Maifest Association for an Event to be Held Immediately Following the City of Brenham's Christmas Parade, Until 10:00 p.m., on December 5, 2020 on Douglas Street Between Main Street and Commerce Street and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-November 19, 2020

Department: Administration

Staff Contact: Karen Stack

Classification: Consent

SUMMARY STATEMENT:

This item is a request by the Maifest Association for a noise variance. The proposed event will take place on Douglas Street, between Main Street and Commerce Street immediately following the Christmas parade. The event will last until 10:00 p.m. and feature snow and refreshments for children. The event will also include a DJ; therefore, a noise variance is required.

ATTACHMENTS:

(1) Noise Variance Request

RELEVANCE TO COMPREHENSIVE PLAN:

Guiding Principle Five: Brenham will be collaborative by pursuing and maintaining partnerships in all arenas, including housing, transportation, infrastructure, economic development, emergency response, and arts and culture.

RECOMMENDED ACTION:

Approve a noise variance for the Brenham Maifest Association for an Event to be held immediately following the City of Brenham's Christmas Parade, until 10:00 p.m., on December 5, 2020 on Douglas Street between Main Street and Commerce Street and Authorize the Mayor to Execute any necessary documentation.

NOISE VARIANCE REQUEST

Application Fee \$10.00

1. Name of sponsoring organization: Brenham Maifest Association
2. Name and address of individual making application on behalf of sponsoring organization: Catherine Kenjura 418 N Park, Brenham
3. Purpose of the Event: after stroll parade fun for youth ^{music & stroll}
4. Location of Event: parking at Douglas and Alamo
5. Date of the event: 12/5/2020
6. Time of Event: after parade - 10 pm
7. Event Set-up: From: 2:00 pm To: 5:00 pm
- Event Clean-up: From: 10:00 pm To: 11:00 pm
8. You are required to describe the following:
 - a) Types of Activities Planned and any additional information specific to this event: DJ music, snow, refreshments
 - b) Bands/Musical Instruments: DJ
 - c) Sound amplification equipment: DJ equipment
 - d) Cleanup provisions: _____

Catherine Kenjura, President
Name of Applicant (Printed or Typed)

Date: 11-2-2020

[Signature]
Applicant or Authorized Person's Signature

Phone: 979-277-5124

Have you ever been found ☒ guilty of a criminal offense involving crimes against property, moral turpitude, and/or a felony by any Court? ☐ Yes ☒ No. If "Yes", please identify the offense, State of conviction and penalty imposed (attach additional sheets if necessary):



Regular City Council
AGENDA ITEM 4-H.

Agenda Item: Approve a Noise Variance from Christ Lutheran Church for an Outdoor Movie Showing to be Held on Friday, November 20, 2020 from 6:00 p.m. to 10:00 p.m. at Christ Lutheran Church and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-November 19, 2020

Department: Administration

Staff Contact: Karen Stack

Classification:

SUMMARY STATEMENT:

This event is a movie night being held as a fundraiser at Christ Lutheran Day School. The movie will be shown on November 20, 2020 from 6:00 p.m. to 10:00 p.m. in the parking lot of Christ Lutheran Church. Audio will be provided using outdoor speakers; therefore, a noise variance is required.

ATTACHMENTS:

(1) Noise Variance Request

RELEVANCE TO COMPREHENSIVE PLAN:

Guiding Principle Five: Brenham will be collaborative by pursuing and maintaining partnerships in all arenas, including housing, transportation, infrastructure, economic development, emergency response, and arts and culture.

RECOMMENDED ACTION:

Approve a Noise Variance Request from Christ Lutheran Church for an Outdoor Movie Showing to be Held on Friday, November 20, 2020 from 6:00 p.m. to 10:00 p.m. at Christ Lutheran Church Parking Lot and Authorize the Mayor to Execute Any Necessary Documentation

NOISE VARIANCE REQUEST

Application Fee \$10.00

1. Name of sponsoring organization: Christ Lutheran Day School - CLASS
2. Name and address of individual making application on behalf of sponsoring organization: Kristen Schroeder
2250 McNeely Ln Burton TX 77835
3. Purpose of the Event: CLASS Fundraiser
4. Location of Event: Christ Lutheran Church - Parking lot
5. Date of the event: Nov. 20, 2020
6. Time of Event: 6:00pm
7. Event Set-up: From: 6:00pm To: 6:30pm
Event Clean-up: From: 9:00pm To: 9:30pm
8. You are required to describe the following:
 - a) Types of Activities Planned and any additional information specific to this event: Outdoor movie being shown - House Wouds down
 - b) Bands/Musical Instruments: _____
 - c) Sound amplification equipment: Speakers for the movie
 - d) Cleanup provisions: _____

Kristen Schroeder

Name of Applicant (Printed or Typed)

Kristen Schroeder

Applicant or Authorized Person's Signature

Date: 11-12-2020

Phone: 979-277-4400

Have you ever been found guilty of a criminal offense involving crimes against property, moral turpitude, and/or a felony by any Court? Yes ☒ No. If "Yes", please identify the offense, State of conviction and penalty imposed (attach additional sheets if necessary):

rec'd
KES 11/2/2020



Regular City Council
AGENDA ITEM 5.

Agenda Item: Discussion and Update on Cost of Service Study for Various City of Brenham Water and Wastewater Utility Services

Meeting Type: Regular Meeting-November 19, 2020

Department: Public Utilities

Staff Contact: Donald Reese

Classification: Work Session

SUMMARY STATEMENT:

City staff has conducted a review and cost study of all the various water and wastewater services that are provided by City staff and found that the majority of these services or being provided either free of charge or at a fee that is considerably less than the actual cost of the service.

The purpose of this work session is to layout the results of the cost of service study for Council, so that they can see the impact on the Water and Wastewater Fund.

Included with this memo is a Cost Comparison Summary and an "Un-recouped Cost" summary for work performed in FY 2019 on the more common types of work done by the Water and Wastewater Construction Crews.

ATTACHMENTS:

- (1) Comparison Study - Attachment A
- (2) Un-recouped Cost Study - Attachment B

RELEVANCE TO COMPREHENSIVE PLAN:

N/A

RECOMMENDED ACTION:

Staff recommends raising the fees for these services by phasing the increases in over three years. Should Council agree and direct staff to do so, we will come back with an ordinance revision for consideration.

City of Brenham
FY 2021 Cost of Service Study - PAGE 1 of 2
Attachment A - Comparison of Current Price to Actual Cost

Water Service Fees:

Fee for City to Tap a Main to Provide a Water Service (Not Pre-Stubbed):
Includes Installation of Service Tap, Service Line, & Meter

Meter Size	Current Price	Actual Cost	Difference
1 Inch	\$ 494.00	\$ 2,100.00	\$ 1,606.00
1 1/2 Inch	\$ 627.00	\$ 3,340.00	\$ 2,713.00
2 Inch	\$ 727.00	\$ 3,690.00	\$ 2,963.00
3 Inch	\$ 877.00	\$ 5,030.00	\$ 4,153.00
4 Inch	None	\$ 5,930.00	\$ 5,930.00

Fee for Installation of Split Service If Done at Same Time as New Service Installation:

Meter Size	Current Price	Actual Cost	Difference
1 Inch x 1 Inch	\$ 150.00	\$ 500.00	\$ 350.00
1 Inch x 1 1/2 Inch	\$ 150.00	\$ 525.00	\$ 375.00
1 Inch x 2 Inch	\$ 150.00	\$ 570.00	\$ 420.00

Fee for Installation of Split Service Is Done after New Service Installation:

Meter Size	Current Price	Actual Cost	Difference
1 Inch x 1 Inch	\$ 150.00	\$ 830.00	\$ 680.00
1 Inch x 1 1/2 Inch	\$ 150.00	\$ 855.00	\$ 705.00
1 Inch x 2 Inch	\$ 150.00	\$ 900.00	\$ 750.00

Fee for City to Connect a Meter to a Pre-Stubbed Water Service:
Most of the cost is for the actual meter

Meter Size	Current Price	Actual Cost	Difference
1 Inch	\$ 200.00	\$ 380.00	\$ 180.00
1 1/2 Inch	\$ 300.00	\$ 1,340.00	\$ 1,040.00
2 Inch	\$ 350.00	\$ 1,430.00	\$ 1,080.00
3 Inch	\$ 400.00	TBD	TBD

Fee for Tapping Existing Water Mains for the Purpose of Extending New Water Mains: (Only includes the actual tapping of the existing main.)

Existing Main Size (Inches)	New Main Size (Inches)	Current Fee	Actual Cost	Difference
6	4	None	\$ 2,520.00	\$ 2,520.00
6	6	None	\$ 2,810.00	\$ 2,810.00
8	4	None	\$ 2,615.00	\$ 2,615.00
8	6	None	\$ 2,760.00	\$ 2,760.00
8	8	None	\$ 3,315.00	\$ 3,315.00
10	4	None	\$ 2,500.00	\$ 2,500.00
10	6	None	\$ 2,840.00	\$ 2,840.00
10	8	None	\$ 3,255.00	\$ 3,255.00
10	10	None	\$ 4,320.00	\$ 4,320.00
12	4	None	\$ 2,910.00	\$ 2,910.00
12	6	None	\$ 3,155.00	\$ 3,155.00
12	8	None	\$ 3,505.00	\$ 3,505.00
12	10	None	\$ 4,400.00	\$ 4,400.00
12	12	None	\$ 5,170.00	\$ 5,170.00

Fees Charged by Other Cities for Comparison

	City of Victoria	City of Sequim	City of Grapevine
\$	\$ 1,840.00	\$ 2,000.00	\$ 850.00
\$	\$ 2,375.00	\$ 2,600.00	\$ 2,050.00
\$	\$ 3,610.00	\$ 3,500.00	\$ 2,500.00
\$	\$ 6,045.00	Actual Cost	Actual Cost
\$	\$ 6,780.00	Actual Cost	Actual Cost

	City of Victoria	City of Sequim	City of Grapevine
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

	City of Victoria	City of Sequim	City of Grapevine
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

	City of Victoria	City of Sequim	City of Grapevine
\$	\$ 470.00	\$ 630.00	\$ 125.00
\$	\$ 765.00	\$ 915.00	\$ 875.00
\$	\$ 1,220.00	Actual Cost	\$ 1,200.00
\$	\$ 2,860.00	Actual Cost	Actual Cost

	City of Victoria	City of Sequim	City of Grapevine
\$	\$ 2,520.00	\$ 2,275.00	N/A
\$	\$ 2,810.00	\$ 2,675.00	N/A
\$	\$ 2,615.00	\$ 2,290.00	N/A
\$	\$ 2,760.00	\$ 2,645.00	N/A
\$	\$ 3,315.00	\$ 3,360.00	N/A
\$	\$ 2,500.00	\$ 2,770.00	N/A
\$	\$ 2,840.00	\$ 3,140.00	N/A
\$	\$ 3,255.00	\$ 3,800.00	N/A
\$	\$ 4,320.00	\$ 5,160.00	N/A
\$	\$ 2,910.00	\$ 3,265.00	N/A
\$	\$ 3,155.00	\$ 3,640.00	N/A
\$	\$ 3,505.00	\$ 4,285.00	N/A
\$	\$ 4,400.00	\$ 5,640.00	N/A
\$	\$ 5,170.00	\$ 7,050.00	N/A

City of Brenham
FY 2021 Cost of Service Study - PAGE 2 of 2
Attachment A - Comparison of Current Price to Actual Cost

Fee for Moving Meter at Customer's Request:

Meter Size	Moving Meter up to 15 Feet Current Fee	Moving Meter up to 15 Feet Actual Cost	Moving Meter Between 15 and 30 Feet - Current Fee	Moving Meter Between 15 and 30 Feet - Actual Cost
1 Inch	None	\$ 680.00	None	\$ 1,100.00
1 1/2 Inch	None	\$ 860.00	None	\$ 1,285.00
2 Inch	None	\$ 945.00	None	\$ 1,380.00

	City of Victoria	City of Seguin	City of Grapevine
	\$515.00 / \$760.00	N/A	Actual Cost
	\$970.00 / 1,020.00	N/A	Actual Cost
	\$1,380.00 / \$1,935.00	N/A	Actual Cost

Fee for Raising or Adjusting a Meter at Customer's Request:

Meter Size	Current Fee	Actual Cost
1 Inch	None	\$ 210.00
1 1/2 Inch	None	\$ 625.00
2 Inch	None	\$ 802.00

	City of Victoria	City of Seguin	City of Grapevine
	\$ 300.00	N/A	Actual Cost
	\$ 955.00	N/A	Actual Cost
	\$ 1,030.00	N/A	Actual Cost

Fee for replacing a curb stop broken by other than City personnel:

Meter Size	Current Fee	Actual Cost
1 Inch	None	\$ 95.00

	City of Victoria	City of Seguin	City of Grapevine
	\$ 225.00	N/A	100.00

Fee for Downsizing Meter:

Meter Size	Current Fee	Actual Cost
1 Inch - 2 Inch	None	\$ 50.00
3 Inch and Larger	None	\$ 300.00

	City of Victoria	City of Seguin	City of Grapevine
	\$ 50.00	N/A	N/A
	\$ 300.00	N/A	N/A

Fee for Turning Water Service Off/On for Repairs at Customer's Request:

Current Fee	Actual Cost
None	\$ 50.00

	City of Seguin	City of Grapevine
	\$ 10.00	N/A

Sewer Service Fees:

Fee for City to Tap a Main to Provide a Sewer Service (Not Pre-Stubbed):

Tap Size (Inches)	Current Price	Actual Cost	Difference
4	\$ 450.00	\$ 1,160.00	\$ 710.00
6	\$ 450.00	\$ 1,345.00	\$ 895.00
8	None	\$ 2,380.00	\$ 2,380.00

	City of Victoria	City of Seguin	City of Grapevine
	\$ 1,425.00	\$ 1,200.00	\$ 725.00
	\$ 1,785.00	\$ 1,200.00	\$ 1,000.00
	\$ 2,980.00	\$ 1,200.00	\$ 1,375.00

Fee for City to Connect Sewer Service to a Pre-Stubbed Sewer Service:

Connection Size	Current Price	Actual Cost	Difference
4	\$ 200.00	\$ 200.00	\$ -
6	\$ 350.00	\$ 350.00	\$ -
8	None	\$ 450.00	\$ 450.00

	City of Victoria	City of Seguin	City of Grapevine
	\$ 100.00	\$ 500.00	\$ 40.00
	\$ 100.00	\$ 500.00	\$ 40.00
	\$ 100.00	\$ 500.00	\$ 40.00

Fee to Install a Clean-out at Customer's Request

Current Fee	Actual Cost	Difference
None	\$ 960.00	\$ 960.00

	City of Victoria	City of Seguin	City of Grapevine
	N/A	N/A	N/A

City of Brenham
Cost of Service Study
Attachment B - Un-Recouped Cost Sample
Based on FY 2019 Water / Wastewater Work Orders

	Number of Individual WOs	Service Cost not Being Charged	Un-Recouped Cost
Water:			
Off for Repairs	99	\$ 50.00	\$ 4,950.00
Off for Repairs (After Hours)	95	\$ 75.00	\$ 7,125.00
Install New 1" Service	23	\$ 1,606.00	\$ 36,938.00
Install 1" Split Service	6	\$ 680.00	\$ 4,080.00
Sub-Total Water			\$ 53,093.00
Sewer:			
New 4" Service Installation	17	\$ 710.00	\$ 12,070.00
New 6" Service Installation	2	\$ 895.00	\$ 1,790.00
Sub-Total Wastewater			\$ 13,860.00
Grand Total W & WW			\$ 66,953.00



Regular City Council
AGENDA ITEM 6.

Agenda Item: Discuss and Possibly Act Upon Resolution No. R-20-036 Adopting a New Fee Schedule for the City of Brenham's Parks and Recreation Department

Meeting Type: Regular Meeting-November 19, 2020

Department: Parks and Recreation

Staff Contact: Dane Rau, Director of Public Works

Classification: Regular

SUMMARY STATEMENT:

Per Chapter 19, Parks and Recreation, of the Code of Ordinances of the City of Brenham fees for all parks and recreation activities shall be set by resolution of the City Council. All such fees shall be posted, where applicable, and kept on file with the City Secretary.

At the October 14, 2020, Parks and Recreation Advisory Board (PARB) meeting, staff reviewed the current Parks and Recreation Fee Schedule with the Board and recommended the following changes:

- eliminate the field light fee of \$50 per field per day and increase the cost per field rental by \$25
- increase the cost of Henderson Field from \$100 to \$200 per day; this is consistent with the cost of Schulte Field
- clarify League fee language

Rates were discussed and approved by the PARB and are reflected in the attached 2021 Parks and Recreation Fee Schedule.

The City of Brenham publishes an annual Guide for residents as a reference for the City's recreational offerings. While many of the Parks and Recreation amenities and programs are offered to the public at no cost, there are fees for services such as facility rentals, admission to the Blue Bell Aquatic Center (BBAC), swim lessons and classes, and recreational programming.

ATTACHMENTS:

- (1) 2021 Parks and Recreation Fee Schedule_redline
- (2) Resolution No. R-20-036
- (3) 2021 Parks and Recreation Fee Schedule_final

RELEVANCE TO COMPREHENSIVE PLAN:

A continued provision of high-quality park space and recreational programming to meet the needs of residents and visitors.

RECOMMENDED ACTION:

Approve Resolution NO. R-20-036 adopting a new fee schedule for the City of Brenham Parks and Recreation Department

2021 Parks and Recreation Fee Schedule

Facility Rentals

	Half day	Whole day
All Sports Building		\$200
Fireman's Kitchen	\$100	\$150
add Finke Pavilion		\$300
Fireman's Rock Room	\$60	\$100
Henderson Kitchen	\$60	\$100
Jackson Street Kitchen	\$60	\$100
Amphitheatre	\$100	\$150
Half days are 7am - 2pm or 3pm - 10pm		
Whole days are 7am - 10pm		
All rentals require a \$100 deposit		
Carousel	\$1/rider or \$40 min/hour	

Field Rentals

Tournament Reservations		
Baseball/Softball Field per day		\$100 \$125
Schulte Baseball Field per day		\$175 \$200
Henderson Baseball Field per day		\$200 \$275
Fireman's Baseball Field per day		\$250 \$275
Additional Field Prep per game		\$35
Multi-use Field per day		\$75 \$100
Rankin Field per day		\$250 \$275
Fields require a \$50 deposit per field		
Access lights for \$50 per field per day		
Insurance required for tournaments, league play, and select teams		
Field Reservations - recreational use		\$75
Recreational use per day		\$100
Coaching Lessons per year		\$10
Local League fee per player		\$250
Select Team per year		

Blue Bell Aquatic Center

	Non-Summer	Summer
Daily Admission	\$4	\$5
Children 3 & under	\$2	\$3
Annual		
Individual	\$250	\$85
Seniors (55+)	\$200	\$65
Family	\$450	\$145
Single Add-On	\$150	\$48
15 Visit Card	\$60	\$75
Blinn Semester	\$100/semester	

*Family (max 6): Family consists of two adults and children in the same house.

Private Party Rentals

Therapy	\$200
Competition	\$250
Outdoor Leisure	\$300
Bring your own food	\$50

Regular Party Rentals

Spring/Fall (Comp Pool Only): Basic	\$75
add-on inflatable package starting at \$75-\$150	
Summer Packages:	
Splash	\$125
Surfside	\$150
Tidalwave	\$175
Packages Include:	
Admission for 8 people	
6 tables & 16 Chairs (Pavilion has 8 Picnic Tables)	
Set up & tear down of Tables	
30 minutes of prep time	
Extras:	
Bring your own food: \$50	
Extra time: \$60/3hrs	
Extra Tables: \$5/table (if available)	

Locker Rentals

	Large Locker	Small Locker
Year	\$150	\$100
Semester	\$65	\$45
Month	\$15	\$10

Programs

Water Works	\$20 + pool pass
AquaCARDIO	\$20 + pool pass
Beginning Wellness	\$20 + pool pass
Aquatics for Arthritis	\$55 (senior/month)
	\$65 (individual/month)

Swim Lessons	
Spring & Fall	\$25
Summer	\$35

Water Babies	
Spring & Fall	\$25
Summer	\$35

Private Swim Lessons	\$70/4 lessons
Lifeguard Training	\$200
Lifeguard Instructor	\$250
Lifeguard Recertification	\$100
Athletic Programs	\$35
Splash Splash Spring Break	\$10/week
Camp CASCADE	\$100
Junior Guard	\$100
Breakfast with Santa	\$10



RESOLUTION NO. R-20-036

A RESOLUTUION OF THE CITY OF BRENHAM, TEXAS ADOPTING A NEW FEE SCHEDULE FOR THE CITY OF BRENHAM'S PARKS AND RECREATION

WHEREAS, Chapter 19, Parks and Recreation, of the Code of Ordinances authorizes the City Council to adopt fees for all parks and recreation activities; and

**NOW THERFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF BRENHAM TEXAS AS FOLLOWS:**

The City Council hereby adopts the 2021 Parks and Recreation Fee Schedule, to be effective January 1, 2021 and attached hereto as Exhibit A fee schedule for park facilities and recreation programs.

PASSED and **APPROVED** on the 19th day of November 2020.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

2021 Parks and Recreation Fee Schedule

Facility Rentals

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add Finke Pavilion		\$300
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Amphitheatre	\$100	\$150
Half days are 7am - 2pm or 3pm - 10pm		
Whole days are 7am - 10pm		
All rentals require a \$100 deposit		
Carousel	\$1/rider or \$40 min/hour	

Field Rentals

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Schulte Baseball Field per day	\$200
Henderson Baseball Field per day	\$200
Fireman's Baseball Field per day	\$275
Additional Field Prep per game	\$35
Multi-use Field per day	\$100
Rankin Field per day	\$275
Fields require a \$50 deposit per field	
Insurance required for tournaments, league play, and select teams	
Field Reservations - recreational use	
Recreational use per day	\$75
Coaching Lessons per year	\$100
Local League fee per player	\$10
Select Team per year	\$250

Blue Bell Aquatic Center

	Non-Summer	Summer
Daily Admission	\$4	\$5
Children 3 & under	\$2	\$3
Individual	\$250	\$85
Seniors (55+)	\$200	\$65
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Bring your own food	\$50

Regular Party Rentals

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add-on inflatable package starting at \$75-\$150	
Summer Packages:	
Splash	\$125
Surfside	\$150
Tidalwave	\$175
Packages Include:	
Admission for 8 people	
6 tables & 16 Chairs (Pavilion has 8 Picnic Tables)	
Set up & tear down of Tables	
30 minutes of prep time	
Extras:	
Bring your own food:	\$50
Extra time:	\$60/3hrs
Extra Tables:	\$5/table (if available)

Locker Rentals

	Large Locker	Small Locker
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Aquatics for Arthritis	\$55 (senior/month)
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Swim Lessons	
Spring & Fall	\$25
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Summer	\$35

Private Swim Lessons	\$70/4 lessons
Lifeguard Training	\$200
Lifeguard Instructor	\$250
Lifeguard Recertification	\$100
Athletic Programs	\$35
Splash Splash Spring Break	\$10/week
Camp CASCADE	\$100
Junior Guard	\$100
Breakfast with Santa	\$10





Regular City Council
AGENDA ITEM 7.

Agenda Item: Discuss and Possibly Act Upon a Memorandum of Understanding Between the City of Brenham and Texas Music Office within the Office of the Governor Related to Brenham Being Named a Texas Music Friendly Community and the Maintenance of the Texas Music Industry Directory and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-November 19, 2020

Department: Tourism & Marketing

Staff Contact: Jennifer Eckermann

Classification: Regular

SUMMARY STATEMENT:

The attached MOU between the City of Brenham and the Texas Music Office, is the final requirement for our certification as a Texas Music Friendly Community. In the MOU, the City agrees to: 1) assist in maintaining the Brenham Music Industry dataset; 2) to review and update exported entries into the dataset; 3) to update and export the Brenham dataset twice annually in January and July; and 4) to promote public awareness of the Brenham Music Industry dataset and encourage utilization by industry members.

ATTACHMENTS:

(1) MOU with Texas Music Office

RELEVANCE TO COMPREHENSIVE PLAN:

RECOMMENDED ACTION:

Approve a Memorandum of Understanding between the City of Brenham and Texas Music Office within the Office of the Governor related to Brenham being named a Texas Music Friendly Community and the maintenance of the Texas Music Industry Directory and authorize the Mayor to execute any necessary documentation.

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
TEXAS MUSIC OFFICE WITHIN THE OFFICE OF THE GOVERNOR
AND THE
CITY OF BRENHAM, TEXAS
FOR MAINTENANCE OF THE TEXAS MUSIC INDUSTRY DIRECTORY**

This Memorandum of Understanding (“MOU”) for ongoing maintenance of the Brenham dataset of the Texas Music Directory is entered into by and between the Texas Music Office within the Office of the Governor (“OOG”) and the City of Brenham, a Texas home-rule municipal corporation (“City”). The OOG and City shall be referred to collectively as the “Parties.”

I. PURPOSE

The purpose of the MOU is to document the responsibilities of the Parties for export and maintenance of the Brenham dataset within the Texas Music Industry Directory (the “Directory”). The Directory consists of listings of recording studios, music venues, booking agents, producers, musicians, and other music businesses and is published on the State-owned and managed website, TexasMusicOffice.com. The Directory will be matched and updated from the correlating City-owned dataset of Brenham-area music businesses with the (979) area code.

This MOU encourages mutual cooperation of the Parties to maintain the accuracy of the information within the Brenham dataset to help the OOG meet its legislative mandate of promoting the development of the music industry in Texas by informing members of that industry and the public about the resources available in the state for music production. Additional information on the websites, dataset format, and the primary contacts assigned to maintain those datasets are described in this MOU. In addition, this MOU permits the City to use information exported from the Directory to create and maintain a Brenham Music Industry dataset to promote the development of the Brenham music industry.

The Parties, in consideration of the mutual covenants and agreements to be performed as set forth in this MOU, agree as follows:

II. TERM

Upon execution by the Parties, this MOU shall commence effective upon the signature of the last Party to sign this MOU (“Effective Date”), and shall remain in effect for a period of one year, unless extended by option of the Parties or terminated earlier pursuant to the terms of this MOU. This MOU may be extended by agreement of the Parties in any increment of months, for up to thirty-six (36) months.

III. SCOPE

The Brenham dataset will be exchanged between the Parties twice a year. Both Parties shall have the ability to receive updated dataset information from the other Party. Maintenance includes the exporting, updating and monitoring of the Brenham dataset of the Directory. The Parties will cooperate in good faith at all times to comply with all applicable laws. The Parties shall cooperate when developing priorities and

performing maintenance activities with respect to the Brenham dataset, and will share information to create a more accurate Texas Music Industry Directory for the mutual benefit of both Parties.

The Parties shall identify primary contacts for all ongoing correspondence and communication related to this MOU. Requests for the twice-a-year export of the dataset and questions about information within the dataset will be managed by these contacts.

The Parties acknowledge that the directory is a priority and agree to dedicate staff time as necessary to perform the tasks required to ensure proper maintenance of the Brenham dataset of the Directory.

IV. MANAGING PARTIES

CITY OF BRENHAM VISIT BRENHAM

Jennifer Eckermann
Tourism & Marketing Director
Visit Brenham
PO Box 1059
Brenham, TX, 77834
979-337-7384
jeckermann@cityofbrenham.org

TEXAS MUSIC OFFICE WITHIN THE OFFICE OF THE GOVERNOR

Brendon Anthony
Department Director
Texas Music Office
1100 San Jacinto Boulevard
Austin, Texas 78701
(512) 284-1999
brendon.anthony@gov.texas.gov

V. OOG RESPONSIBILITIES

The OOG shall undertake the following activities during the term of the MOU term:

1. Export the current Brenham Music Industry dataset twice annually during the months of January and July as an Excel spreadsheet or tab-delimited file. The dataset includes and is limited to: business name, business sort code (how the business is sorted alphabetically), business address, business phone number, contact name & contact job title, business email address, business website URL, genre businesses work within, business category, year business was established, and a business description. The OOG contact will then email an Excel spreadsheet and/or tab-delimited file of the export to the City so that the City may create a Brenham Music Industry dataset to be published on the City's website, and so that the City may research the accuracy of the dataset.
2. Ensure that the City is kept aware of any website changes that may affect the Brenham database.
3. Establish and maintain communication with businesses in the Texas Music Industry Directory to assist in the updating of the current listings as necessary.

VI. CITY RESPONSIBILITIES

The City shall undertake the following activities during the term of the MOU term:

1. Assist the OOG in maintaining the Brenham Music Industry dataset, located at:
<https://gov.texas.gov/apps/music/directory/results/All/p1/city/brenham>
2. Review and update where possible all exported entries within the Brenham Music Industry dataset.

3. Update and export the Brenham dataset twice annually during the months of January and July, to be sent to the OOG for update of the online Directory within three (3) months of receiving the exported dataset from the OOG.
4. Promote public awareness of the Brenham Music Industry dataset and encourage utilization by industry members.

VII. TEXAS PUBLIC INFORMATION ACT

The exchange of information by the Parties is not a release of information to the general public, but rather a transfer of records for an official purpose. Notwithstanding any provisions of this MOU, the Parties acknowledge that they are subject to the Texas Public Information Act, Texas Government Code Chapter 552 (the "PIA"), and that this MOU and any information created or exchanged in connection with this MOU is subject to the PIA. The Parties agree to notify each other in writing within a reasonable time from receipt of a request for information covering the subject matter of this MOU. The OOG, in consultation with the City, will make a determination whether to submit a request received by the OOG for a ruling under the PIA to the Attorney General.

VIII. AMENDMENT

This MOU may be amended only upon written agreement signed by the Parties.

IX. TERMINATION

The Parties understand that participation in this MOU is voluntary and may be terminated by either Party by giving thirty (30) days' written notice to the other Party of its intention to terminate. Within a reasonable time prior to the final termination of this MOU, the Parties will cooperate with each other to ensure that each Party receives the most current Brenham Music Industry dataset.

X. COSTS

Each Party will bear its own costs in performing its obligations under this MOU.

SIGNATORIES. IN WITNESS WHEREOF, the Parties have executed this MOU as of the Effective Date stated above.

CITY OF BRENHAM

**TEXAS MUSIC OFFICE,
OFFICE OF THE GOVERNOR**

MILTON Y. TATE, MAYOR

CHIEF OF STAFF OR DESIGNEE

DATE

DATE



Regular City Council
AGENDA ITEM 8.

Agenda Item: Discuss and Possibly Act Upon Resolution No. R-20-037 Providing for the Adoption of Rules Governing the Receipt of Electronic Bids or Proposals

Meeting Type: Regular Meeting-November 19, 2020

Department: Purchasing

Staff Contact: Jeana Bellinger

Classification: Regular

SUMMARY STATEMENT:

The City issued a Request for Proposal (RFP No. 21-003) related to the City's group basic term life, accidental death and dismemberment, and long-term disability insurance coverage back on October 22, 2020. During this RFP process, several vendors have reached out to the City to inquire about submitting their proposals electronically due to various COVID-19 restrictions. All of the vendors are reportedly working from remote locations that makes it difficult, if not impossible, to print, sign and mail responsive documents.

In accordance with Section 252.0415 of the Texas Local Government Code, receiving competitive bids and/or proposals via electronic submission is allowed if the governing body adopts rules to ensure the identification, security and confidentiality of electronic bids and proposals. Due to the requests from the vendors, staff began looking into ways that the City could offer electronic bid/proposal submissions and found a product called Citrix Sharefile. Staff met with Citrix representatives on November 12th and feel that this product will provide the security and confidentiality needed for our bids/proposals.

ATTACHMENTS:

- (1) Resolution No. R-20-037
- (2) Rules for Electronic Bidding

RELEVANCE TO COMPREHENSIVE PLAN:

RECOMMENDED ACTION:

Approve Resolution No. R-20-037 providing for the adoption of rules governing the receipt of electronic bids or proposals.

RESOLUTION NO: R-20-037

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, PROVIDING FOR THE ADOPTION OF RULES GOVERNING THE RECEIPT OF ELECTRONIC BIDS OR PROPOSALS UNDER SECTION 252.0415 OF THE TEXAS LOCAL GOVERNMENT CODE.

WHEREAS, under and in accordance with the purchasing laws of the State of Texas relating to municipalities, the City of Brenham, Texas (“City”) is subject to competitive procurement requirements for certain contracts involving the expenditure of municipal funds in excess of \$50,000.00; and

WHEREAS, the City is authorized under Section 252.0415 of the Texas Local Government Code to receive competitive bids or proposals through electronic transmission if the City Council adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals, and to ensure that the electronic bids or proposals remain effectively unopened until the proper time; and

WHEREAS, the increased use of electronic communications and procedures by businesses and government entities due to the COVID-19 pandemic necessitates the ability for the City to accept bids or proposals through electronic transmission; and

WHEREAS, the City Council finds it is necessary and in the best interests of the City to adopt procedures for receipt of electronic bids or proposals;

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

1. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.
2. That in order for the City to receive bids or proposals submitted pursuant to Chapter 252 of the Texas Local Government Code through electronic transmission, the City Council, as authorized by Section 252.0415, Texas Local Government Code, hereby adopts the “Rules and Procedures Governing the Receipt of Electronic Bids or Proposals,” attached hereto as Exhibit “A” and incorporated herein for all pertinent purposes (the “Rules”).
3. That the City Manager or designee is hereby authorized to accept electronic submissions for future procurement solicitations, so long as all processes and procedures comply with the Rules.

4. That the Rules shall take effect immediately upon adoption of this Resolution.

Passed and approved on this 19th day of November 2020.

ATTEST:

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

CITY OF BRENHAM
RULES AND PROCEDURES GOVERNING THE RECEIPT OF
ELECTRONIC BIDS OR PROPOSALS
Adopted November 19, 2020

POLICY STATEMENT:

This document establishes the rules and procedures of the City of Brenham (the "City") governing the receipt of electronic bids or proposals (the "Rules") in accordance with Section 252.0415, Texas Local Government Code to ensure the identification, security, and confidentiality of electronic bids or proposals, and to ensure that the electronic bids or proposals remain effectively unopened until the proper time. The Rules will apply to both bids and proposals that are submitted to the City pursuant to the requirements of Chapter 252, Texas Local Government Code, as well as those contracts and procurements for which the City has voluntarily elected to follow the competitive processes outlined in Chapter 252, Texas Local Government Code.

ADMINISTRATION:

The City Manager shall have the authority to adopt procedures as necessary to further implement and comply with these Rules. The procedures will be implemented by the Director of Administrative Services, who shall:

- Administer the City's electronic solicitation processes in accordance with the City's procurement procedures, local policy and ordinances, and state law;
- Ensure that City staff responsible for assisting with electronic solicitation understand and comply with these Rules;
- Provide adequate notice of any modifications or amendments of these Rules to all participants in the City's electronic solicitation process;
- Report any violation of these Rules by City staff to the City Manager, and
- Administer the electronic document repository (the "System"), including assigning the appropriate System access to both vendors and City staff.

ELECTRONIC BID OR PROPOSAL PROCESS

Invitations to Bid and Requests for Proposals will be advertised and issued in accordance with statutory requirements. A notification will be added to the City's bid/proposal documents advising that vendors may submit responses electronically through the City's service provider. Vendors wishing to submit a bid or proposal electronically will be required to contact the Purchasing Department for their individual link to the System.

Vendors that request to submit bids and/or proposals electronically will be provided an e-mail with a link to access the System repository. This link will only work if opened from the e-mail address to which the link is assigned. Vendors will be required to enter specific usernames and passwords to access the System repository. Vendors will only be able to view their own submitted documents; they will not be able to view the identity or submissions of other vendors.

Vendors may add documents to the System repository until the designated bid or proposal submittal deadline date and time. Access to the repository will be disabled at that time, and no further documents may be added to the repository. All System folders will be locked and inaccessible by City staff until the designated bid or proposal opening date and time.

BID OR PROPOSAL OPENING AND CONFIDENTIALITY:

At the specified bid or proposal opening date and time, a password-enabled City staff member in the Purchasing Department will open, download, and print all responsive documents in the System. The printing shall occur in the controlled environment of the Purchasing Services Department.

Purchasing staff will then read aloud all bid or proposal responses (electronically submitted or otherwise) received by the deadline of the bid or proposal opening time to any interested parties present at the in-person opening. All bids or proposals submitted will be considered and evaluated as outlined in the bid or proposal documents.

SECURITY:

To ensure the security of bids and proposals that are submitted through electronic transmission, the System used for receiving bids and proposals shall comply with all of the following specifications:

- Access Rights. The System shall require input of a valid username and password in order to exercise access rights.
- Encryption. The System shall keep all passwords, bids, and proposals encrypted utilizing best practices for algorithmic encryption.
- Record Retention. The System shall maintain an electronic log and audit trail that can be retrieved for the minimum required retention period.