



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, OCTOBER 1, 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 - Mayor Milton Y. Tate, Jr.**
- 3. Citizens Comments**
- 4. Proclamations**
 - ♦ **Think Pink Thursday**
 - ♦ **Fire Prevention Week**

CONSENT AGENDA

- 5. Statutory Consent Agenda**

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

 - 5-a. Minutes from the September 17, 2020 Regular City Council Meeting**
 - 5-b. Approve the Purchase and Installation of a New Roof for the Blue Bell Aquatic Center from CR Systems, Inc., Through The Interlocal Purchasing System (TIPS) Contract No. 10102116, in the Amount of \$70,380.00 and Authorize the Mayor to Execute Any Necessary Documentation**
 - 5-c. Approve Resolution No. R-20-028 Reauthorizing an Investment Policy for the City of Brenham**

- 5-d. Acceptance of a Donation from The Dorothy Elaine O'Connor Living Trust in the Amount of \$2,500.00 for the Nancy Carol Roberts Memorial Library and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-e. Approve Change Order No. 1 and Final Payment on Contract No. 2016-03 to Angel Brothers Enterprises Ltd in the Amount of \$71,443.81 for Burleson Road Culvert Replacement and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-f. Approve Change Order No. 1 and Final Payment on Contract No. 2016-04 to Lonnie Lischka Company, LP in the Amount of \$21,690.32 for the Brenham Business Center Detention Pond Improvements Project and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-g. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the FY2019-20 Adopted Budget**

REGULAR SESSION

- 6. Discuss and Possibly Act Upon an Ordinance on Its First 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)**
 - 7. Discuss and Possibly Act Upon the Appointment of Members to Serve on the City of Brenham's Historic Preservation Ordinance Committee and Authorize the Mayor to Execute Any Necessary Documentation**
 - 8. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 25, Article II, of the Code of Ordinances of the City of Brenham, Regulating Speed Limits in Designated School Crossing Zones**
 - 9. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Infrastructure Management Services Related to the 2020 Pavement Data Collection and Analysis Services and Authorize the Mayor to Execute Any Necessary Documentation**
 - 10. Discuss and Possibly Act Upon a Noise Variance for the City of Brenham's Community Picnic to be Held on November 1, 2020 from 4:00 p.m. to 6:00 p.m. at Henderson Park and Authorize the Mayor to Execute Any Necessary Documentation**
 - 11. Administrative/Elected Officials Report**
-

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

Adjourn

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

CERTIFICATION

I certify that a copy of the October 01, 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 September 28, 2020 at 10:15 a.m.

Jeana Bellinger, TRMC, CMC

City Secretary

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

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the _____ day of _____, 2020 at _____ AM PM.

Signature

Title

PROCLAMATION

- WHEREAS,** One in eight women will be diagnosed with breast cancer in their lifetime; and
- WHEREAS,** 276,480 new cases of invasive breast cancer will be diagnosed in 2020 along with 48,530 cases of non-invasive breast cancer; and
- WHEREAS,** Breast cancer is the 2nd leading cause of cancer death in women, exceeded only by lung cancer; and
- WHEREAS,** 85% of all breast cancer diagnosed have no family history; and
- WHEREAS,** In 2020 there are over 3.5 million breast cancer survivors living in the U.S.; and
- WHEREAS,** 42,170 women will lose their life to breast cancer this year. The risk of breast cancer increases as women grow older; and
- WHEREAS,** On average, every 2 minutes a woman is diagnosed with breast cancer in the U.S.; and
- WHEREAS,** 30% of all new cancers diagnosed in women this year will be breast; and
- WHEREAS,** The best available method to detect breast cancer early to increase survival rates is a mammography screening. The color pink elevates the awareness that *"the best protection is early detection"*; and
- WHEREAS,** Baylor Scott & White - The Brenham Clinic calls upon all citizens to observe this day by wearing the color pink along with participating in appropriate programs, activities and ceremonies; and

NOW, THEREFORE, I, Milton Y. Tate Jr., Mayor of The City of Brenham, do hereby proclaim Thursday, October 29, 2020, as

THINK PINK THURSDAY

Milton Y. Tate, Jr.
Mayor

PROCLAMATION

- WHEREAS,** the City of Brenham, Texas is committed to ensuring the safety and security of all those living in and visiting Brenham; and
- WHEREAS,** cooking is the leading cause of home fires in the United States where fire departments responded to more than 173,200 annually between 2013 and 2017; and
- WHEREAS,** two of every five home fires start in the kitchen with 31% of these fires resulting from unattended cooking; and
- WHEREAS,** Brenham's residents should stay in the kitchen when frying food on the stovetop, keep a three-foot kid-free zone around cooking areas and keep anything that can catch fire away from stove tops; and
- WHEREAS,** residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and
- WHEREAS,** working smoke alarms cut the risk of dying in reported home fires in half; and
- WHEREAS,** Brenham's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and
- WHEREAS,** Brenham's residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and
- WHEREAS,** the 2020 Fire Prevention Week theme™, "Serve Up Fire Safety in the Kitchen!" effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

NOW THEREFORE, I Milton Y. Tate Jr., Mayor of the City of Brenham do hereby proclaim October 4-10, 2020 as:

FIRE PREVENTION WEEK 2020

Milton Y. Tate Jr.
Mayor

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on September 17, 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, Deputy City Secretary II Karen Stack, Assistant City Manager – Chief Financial Officer Carolyn Miller, Assistant City Manager - Public Services/Utilities Donald Reese, Police Chief Ron Parker, Development Services Director Stephanie Doland, Human Resources Director Susan Nienstedt, Captain Dant Lange, Steven Eilert, Rolando Arroyo, Seth Klem, Christi Korth, Alton Sommerfield, and Curtiss Schoen.

Citizens present:

Andy Adams, Tiffany Morisak, and Dr. Lee Panko

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 Kolby**
- 3. Proclamations**
 - **Constitution Week**
 - **K9 Robbie**

4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

- 5-a. Approve the Minutes from the August 20, 2020 and September 3, 2020 Regular City Council Meetings and the September 3, 2020 Special Workshop Meeting**
- 5-b. Award ITB No. 20-010 Related to the Sale of Surplus Property to MC Property Holdings, LLC and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-c. Approve a Three-Year Contract with UBEO East Texas, Inc. for Service, Maintenance and Supplies for Office Automation Equipment and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-d. Approve a Contract Between the City of Brenham and the Texas State Library and Archives Commission for the Acceptance of \$24,258.00 from the TSLAC CARES - Cycle 1 Grant Program (CAR1-21024) and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-e. Approve the Purchase of Materials in the Amount of \$92,598.25, for the Copper Conductor Replacement Project - Section 6, from Techline, Inc. Through the Lower Colorado River Authority (LCRA) Materials Program and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-f. Approve Final Payment to Aggieland Construction in the Amount of \$24,821.55 for Henderson Park Phase II and Phase III Improvements and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-g. Approve Renewal with Texas Municipal League Intergovernmental Risk Pool for General Liability, Law Enforcement Liability, Public Officials Liability, Mobile Equipment, Airport Liability, Property, Auto Liability and Physical Damage, Crime, Animal Mortality and Theft, and Workers' Compensation Coverage for the City of Brenham for Fiscal Year 2020-21 and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve the Statutory Consent Agenda Items 5-a. through 5-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

6. Discussion and Presentation on the City of Brenham's Policies and Procedures for Boards and Commissions

City Manager James Fisher presented this item. Fisher explained that of the approximately 90 seats on citizen advisory boards, more than 50 are up for reappointment at the end of this year. Fisher said that completing so many re-appointments by December 31st would be a monumental task; therefore, staff is asking Council to consider extending all terms expiring December 31, 2020 one (1) year. If members are not willing or able to serve another year, the Boards and Commissions Subcommittee of Council will make recommendations on replacement members to the City Council in November.

Fisher also reported that the Council Subcommittee met on September 16th and is recommending several changes to the Policies and Procedures for Boards and Commissions. The Subcommittee would like term lengths to be increased from two (2) years to three (3) years and re-stagger terms in 2021, so that each year one-third of each board's positions would be due for reappointment. The Subcommittee also recommends amending the Policy to require specialized training for the Brenham Community Development Corporation (BCDC) board members and the Planning and Zoning Commission, and to prohibit City Council members from serving on citizen advisory boards. After further discussion, the City Council expressed agreement with the recommended changes to the Policy.

Fisher questioned whether term limits for board members should be changed. Councilmember Kolby stated he feels term limits should be removed or increased because institutional knowledge and experience possessed by long-serving members is valuable. Councilmember Cantey said she feels term limits should continue. The City Council agreed the best solution would be to leave term limits in the Policy, but increase the limit from two (2) terms to three (3), for a total of nine (9) years of continued service. Fisher advised that staff will make the requested changes and bring an amended Policy to the City Council for consideration in January 2021.

7. Discussion and Presentation on Possible Amendments to Chapter 23 - Subdivisions of the Code of Ordinances of the City of Brenham, Texas

This item was presented by Development Services Director Stephanie Doland. Doland stated that due to the increase in both commercial and residential development, staff has identified two sections of the subdivision ordinance (Chapter 23) that are outdated and need to be revised.

Doland explained that staff would like to require all new developments, both commercial and residential, to place all utilities within the development underground. Doland noted that currently only residential developments are required to have utilities underground; however, staff feels that the same should apply to commercial developments. Doland also explained that staff would like to add a fiscal security provision section in the current ordinance to clarify options and requirements.

Councilmember Kolby asked whether existing developments would need to place utilities underground after renovation in order to be compliant with the proposed revisions. City Attorney Cary Bovey advised if there was a complete demolition and rebuild of the development, the proposed revision to Chapter 23 would require the placement of utilities to be underground. Councilmember Herring asked whether the proposed revisions would apply to the Market Square or Baker-Katz development. City Manager James Fisher replied that they would not, because those developments are already underway. Bovey added that developers are vested in the rules that were in place at the time the permit application was filed.

Councilmember Kolby asked Doland whether there had been input from Planning & Zoning or from private developers. Doland stated that there had not, but the item would be placed on the upcoming Planning & Zoning Commission agenda so that comments could be received.

8. Discuss and Review the FY2019-20 Third Quarter Financial Report

This item was presented by Assistant City Manager – Chief Financial Officer Carolyn Miller. Miller reported that the third quarter actual to budget comparison was favorable for all utility funds except the Sanitation fund. Miller explained that the Sanitation fund was unfavorable due to early retirement of debt that was necessary for the sale of the tub grinder as part of the outsourcing of sanitation services.

Miller said that the City's General Fund is on trend to complete the fiscal year favorable to budget, with a probable surplus of approximately \$600,000. Miller said that with Council's approval, the City will be able to reinstate a week of vacation to employees who took leave, without pay, to mitigate potential COVID-19 revenue shortfalls. Those employees will be offered a buy-back option to make them financially whole.

REGULAR SESSION

9. Discuss and Possibly Act Upon Ordinance No. O-20-020 on Its Second Reading Adopting the Budget for Fiscal Year Beginning October 1, 2020 and Ending September 30, 2021

This item was presented by Assistant City Manager – Chief Financial Officer Carolyn Miller. Miller stated that the proposed FY2020-21 budget has been developed in compliance with the Property Tax Code, the Local Government Code, and the City Charter. Miller said the proposed budget includes appropriations of operating resources for thirty (30) separate funds and authorizes \$68.4 million in expenditures. Miller advised that the proposed budget is on the City's website and on file with the City Secretary, and that Council is required to take a record vote on this item.

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to approve Ordinance No. O-20-020 on its second reading adopting the budget for Fiscal Year beginning October 1, 2020 and ending September 30, 2021.

Mayor Tate called for a record 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 Ordinance No. O-20-021 on Its Second Reading Levying Property Taxes for the Tax Year 2020 for the City of Brenham at \$0.5040 per \$100 Valuation

This item was presented by Assistant City Manager – Chief Financial Officer Carolyn Miller. Miller reported that the proposed FY2020-21 budget includes a tax rate of \$0.5040 per \$100 valuation which has two components: Maintenance and operations (M&O) and interest and sinking (I&S). The proposed tax rate of \$0.5040 will allocate \$0.3200 to the General fund for M&O, and the balance of \$0.1840 to the Debt Service Fund for I&S. Miller noted that the City has complied with all notices and publications as required by the Tax Code. Miller explained that because the proposed tax rate does not exceed the no-new revenue rate this year, the City is not required by the Tax Code to take a record vote. Nevertheless, Miller advised taking a record vote for transparency and consistency.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve Ordinance No. O-20-021 on its second reading levying taxes for the Tax Year 2020 for the City of Brenham at \$0.5040 per \$100 valuation.

Mayor Tate called for a record 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 a Contract Between the City of Brenham and DBT Transportation Services, LLC Related to the Support and Maintenance of the Automated Weather Observation System (AWOS) Located at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation

This item was presented by City Manager James Fisher. Fisher said that in September 2017, Council authorized a three-year agreement with DBT Transportation Services, LLC for the Automated Weather Observation System (AWOS) maintenance and support services at the Brenham Municipal Airport at an annual cost of \$5,966. This maintenance cost has not increased since 2014. Fisher explained that the execution of the proposed agreement would lock in this rate for an additional five years. Fisher noted that DBT has provided excellent service in the past. This expense is eligible for 50% reimbursement under the TxDOT's annual RAMP Grant Program.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to approve the Aviation Support and Maintenance Services Agreement with DBT Transportation Services, LLC for a five-year term beginning September 1, 2020 at an annual cost of \$5,966.00 and authorize the Mayor to execute any necessary documentation.

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

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

12. Discuss and Possibly Act Upon the Continuation of the Mayoral Declaration of Local Disaster Due to a Public Health Emergency Related to the COVID-19 (Coronavirus) Pandemic

This item was presented by City Manager James Fisher. Fisher explained that staff would like the City Council to consider continuing the current Mayoral Declaration of Local Disaster due to the COVID-19 Pandemic. Staff is also recommending the Declaration be amended to prohibit the issuance of any solicitor permits within the City.

Fisher explained that staff is currently receiving requests for solicitor's permits, and that during the Pandemic, staff feels door-to-door solicitation activity should not take place. City Attorney Cary Bovey advised that this prohibition would not apply to canvassing, such as political or religious activity. Bovey also noted that Chapter 14 of the Texas Government Code gives the Mayor the authority to suspend solicitation as part of a Disaster Declaration. Fisher explained that the suspension of solicitor permit issuance would only be in effect while the Disaster Declaration was in place.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to extend the Mayoral Declaration of Local Disaster, with Resolution No. R-20-019-A being amended to suspend the issuance of solicitor permits, as approved by the City Attorney.

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. Discussion and Update on the City of Brenham's COVID-19 (Coronavirus) Response and Recovery Efforts

City Manager James Fisher reported on the following:

- The Governor held a press conference today regarding COVID-19.
 - Regions with hospitalization rates of less than 15% can re-open more. This includes Brenham.
 - Most businesses other than bars can open at 75% capacity on Monday September 21, 2020. Bars will remain closed.
 - Elective surgeries can resume on September 21, 2020.
 - On September 24, 2020, visitation may resume at nursing homes.
- Beginning in October, the City will reinstate utility late fees and cutoffs.

14. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- The Community Picnic will be November 1st, 2020 from 4:00pm to 6:00pm at Henderson Park.
- Community Services Funding is reinstituted, and letters will be sent to community organizations, allowing them until the end of October to send their applications for funding. All awards will be contingent upon availability of financial resources.
- City employees are encouraged to take flu shots, which will be provided by the City in October.
- The airport hump bump repair project will be back underway on September 21st.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Karen Stack
Deputy City Secretary II



Regular City Council
AGENDA ITEM 5-B.

Agenda Item: Approve the Purchase and Installation of a New Roof for the Blue Bell Aquatic Center from CR Systems, Inc., Through The Interlocal Purchasing System (TIPS) Contract No. 10102116, in the Amount of \$70,380.00 and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-October 01, 2020

Department: Public Works

Staff Contact: Dane Rau

Classification: Consent

SUMMARY STATEMENT:

SUMMARY: Due to this facility being 20 years old we have seen and experienced quite a few roof leaks that we have put band-aids on over the last few years. The BBAC consists of two different roof materials. The main portion of the roof is a flat rock/asphalt design that consists of asphalt and pea gravel. This is the area that has caused the most issues. The work will consist of removing the pea gravel, applying a foam material to the existing flat roof sections, and adding a thin layer of sand/grit to the coating. This will seal the flat roof sections and add life to the roof basically protecting it for many years. This has been done at City Hall and other buildings around town and has worked well. This comes with a 10-year warranty and then after 10 years we can have the option to re-coat for 1/3 of the initial costs with an additional 10-year warranty to follow that. The cost of this project is \$70,380 and budget was \$73,500.

This item was presented at the 2020 BCDC funding meeting and they approved funding this project. Once council gives approval, we will issue a PO and plan to have this work conducted in October. We have used CR Systems in the past and they are very responsive, meet our insurance needs and honor their work.

ATTACHMENTS:

(1) TIPS Contract 10102116

RELEVANCE TO COMPREHENSIVE PLAN:

Growth Capacity Goal GC 1: Continued investment in maintenance and upgrades to City-owned facilities.

RECOMMENDED ACTION:

Approve Contract with CR Systems Inc pertaining to Rehabilitation of Flat Roof at Blue Bell Aquatic Center under The Interlocal Purchasing System (TIPS) Contract #10102116 in the amount of \$70,380 and Authorize the Mayor to Execute Any Necessary Documentation.



To: City of Brenham

Address:

Job Name: Aquatics Center Roof

Attention:

Date: 5/1/2019

WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES FOR

Scope of Work:

Provide all fall protection and safety equipment as necessary to complete job
Remove all loose gravel and debris
Clean and prepare surface for SPF roofing
Apply UV protectant coatings at a rate of 24 DFT.
Embed granules into final top coat for extra wearability
Clean and remove all roofing debris
Supply ten year leak free warranty

TIPS Contract #10102116

TIPS fee \$ 1,380.00

Total Base Bid: \$ 70,380.00
Plus Applicable Taxes

***** This price does not include raising of curbs*****

Exclusions: Mechanical, electrical, and plumbing work

*****If a Tax Resale or a Tax Exempt Certificate can be furnished to CR Systems, Inc, the tax may be deducted from the total bid amount.***

PAYABLE AS FOLLOWS:

Balance Due Upon Completion

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alterations or deviation from above specifications involving extra cost will be executed upon written order, and will become an extra charge over and above the estimate, all agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature **Rayne Knight**

Note: This proposal may be withdrawn by us if not accepted within 30 days.

ACCEPTANCE OF PROPOSAL-----

The prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature: _____

Date: _____



Regular City Council
AGENDA ITEM 5-C.

Agenda Item: Approve Resolution No. R-20-028 Reauthorizing an Investment Policy for the City of Brenham

Meeting Type: Regular Meeting-October 01, 2020

Department: Finance

Staff Contact: Carolyn Miller

Classification: Consent

SUMMARY STATEMENT:

In 1987, the Texas Legislature adopted the Public Funds Investment Act (PFIA) which established guidelines for local governments. This Act requires that a local government adopt a written investment policy and reauthorize the policy annually. We are asking Council to reauthorize the policy with no changes.

ATTACHMENTS:

- (1) Resolution No. R-20-028
- (2) Investment Policy

RELEVANCE TO COMPREHENSIVE PLAN:

Plan 2040 implementation is supported by compliance with investment guidelines for cash balances essential to fund capital projects and annual priorities.

RECOMMENDED ACTION:

Approve Resolution No. R-20-028 reauthorizing an Investment Policy for the City of Brenham.

RESOLUTION NO. R-20-028

A RESOLUTION REAUTHORIZING AN INVESTMENT POLICY FOR THE CITY OF BRENHAM

WHEREAS, in the 1987 session the Texas Legislature adopted the Public Funds Investment Act, “the Act”, which established guidelines for local government investments; and

WHEREAS, the Act requires that a local government adopt a written investment policy; and

WHEREAS, the Act requires the governing body of a local government to reauthorize the written investment policy annually; and

WHEREAS, the policy dated October 1, 2020 complies with the provision of the Act; and

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

Section 1: The City of Brenham Investment Policy attached hereto as “Exhibit A” is hereby reauthorized as the investment policy of the City of Brenham effective October 1, 2020.

Section 2: This Resolution shall take effect immediately upon its passage.

APPROVED on this _____ day of _____, 2020.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



INVESTMENT POLICY

I. POLICY

It is the policy of the City of Brenham that all available funds shall be invested in conformance with these legal and administrative guidelines with consideration for anticipated cash flow requirements and consideration of the safety and risk of investments. The City shall seek to optimize interest earnings to the extent possible based on these risk parameters.

Effective cash management is recognized as essential to good fiscal management. Investment interest is a source of revenue to City of Brenham funds. The City of Brenham's investment portfolio shall be designed and managed in a manner designed to obtain the highest reasonable earnings from this revenue source, to be responsive to public trust, and to be in compliance with legal requirements and limitations.

Investments shall be made with the primary objectives of:

- **Safety** and preservation of principal
- Maintenance of sufficient **liquidity** to meet operating needs
- Diversification to avoid concentrated risk
- **Public trust** from prudent investment activities
- Optimization of **interest earnings** on the portfolio

The Investment Policy addresses the methods, procedures and practices that must be exercised to ensure effective and judicious fiscal management of the City of Brenham's funds. This Policy serves to satisfy the statutory requirements of the Public Funds Investment Act, the "Act", (Texas Government Code, Chapter 2256) in defining and adopting a formal investment policy and strategy. The policy and strategy shall be reviewed by the Audit / Investment Committee and adopted by resolution of the City Council no less than annually. Any modifications to the Policy will be noted in the written resolution.

II. SCOPE

This Investment Policy shall govern the investment of all financial assets of the City of Brenham. These funds are accounted for in the City of Brenham's Comprehensive Annual Financial Report (CAFR) and include:

- General Fund
- Special Revenue Funds
- Capital Projects Funds
- Enterprise Funds
- Trust and Agency Funds, to the extent not required by law or existing contract to be kept segregated and managed separately
- Debt Service Funds, including reserves and sinking funds, to the extent not required by law or existing contract to be kept segregated and managed separately
- Brenham Community Development Corporation Funds
- Internal Service Funds
- Self-Insurance Funds
- Any new fund created by the City of Brenham, unless specifically exempted from this Policy by the City Council or by law.

The City of Brenham may consolidate cash balances from all funds for investment purposes and efficiencies. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles. The consolidated portfolio will address the varying needs, goals, and objectives of each fund.

This Investment Policy shall apply to all transactions involving the financial assets and related activity for all the foregoing funds. However, this Policy does not apply to the assets administered for the benefit of the City of Brenham by outside agencies or under deferred compensation programs.

III. INVESTMENT OBJECTIVES

The City of Brenham shall manage and invest its cash with five primary objectives, listed in order of priority: **safety, liquidity, diversification, public trust, and yield**. The safety of the principal invested always remains the primary objective. All investments shall be designed and managed in a manner responsive to the public trust and consistent with state and local law.

The City of Brenham shall maintain a comprehensive cash management program, which includes timely collection of account receivables, vendor payments in accordance with invoice terms, and prudent investment of funds. Cash management is defined as the process of managing monies in order to ensure cash availability and reasonable market earnings on the City's assets.

SAFETY

Safety of principal is the foremost objective of the investment program. Investments of the City of Brenham shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. Competitive bidding and perfected ownership of investments will be in place at all times. The objective will be to mitigate credit and interest rate risk. Each investment transaction shall be conducted in a manner to control the risk of capital loss by investing in high credit quality securities.

- Credit Risk – The Entity will minimize credit risk, the risk of loss due to the failure of the issuer or backer of the investment, by:
 - o Limiting investments to the highest credit quality investments
 - o Pre-qualifying the financial institutions and broker/dealers with which the City of Brenham transacts business
 - o Perfecting City ownership by delivery versus payment settlement, and
 - o Diversifying the investment portfolio so that potential credit or market risk is minimized.
- Market Risk – the City will minimize the risk from interest rate volatility by:
 - o Structuring the investment portfolio to meet cash requirements for ongoing operations, thereby avoiding the need to liquidate investments prior to maturity.
 - o Investing operating funds in laddered securities and maintaining a liquidity portion to cover unanticipated expenses.

LIQUIDITY

The City of Brenham investment portfolio shall be structured in a ladder of maturities to match expected liabilities along with a liquidity portion to meet unanticipated liabilities. Securities will have active secondary markets.

PUBLIC TRUST

All participants in the City of Brenham's investment process shall seek to act responsibly as custodians of the public trust. Investment officers shall avoid any transaction that might impair public confidence in the City of Brenham's ability to govern effectively.

DIVERSIFICATION

The portfolio will be diversified by market sector and maturity based on the cash flow and risk tolerances of the City.

YIELD

The City of Brenham investment portfolio shall be designed with the objective of attaining a reasonable market yield throughout budgetary and economic cycles, taking into account the City's investment risk constraints and the cash flow characteristics of the portfolio. Yield is secondary to the safety and liquidity objectives described above.

Based upon the cash flow of the City the maximum dollar-weighted average maturity of the consolidated portfolio shall be six months. The benchmark used to determine whether reasonable yields are being achieved shall be the six month U.S. Treasury Bill.

IV. INVESTMENT STRATEGY

The City of Brenham maintains a consolidated portfolio which is designed to address the unique characteristics of the fund groups represented in the portfolio.

Operating Funds: The primary objective for operating funds is to assure anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure which will experience minimal volatility during economic cycles. This may be accomplished by purchasing high credit quality, short to medium term securities in a ladder structure. The maximum dollar weighted average maturity of six months reflects the expenditure cash flow of operating funds and will be calculated using the stated final maturity dates of each security.

Capital Project Funds: Funds for capital projects or special purposes should be invested based on anticipated cash flows and allow for flexibility and unanticipated project outlays. At no time will the stated final maturity dates of investments exceed the estimated project completion date on capital project funds.

Debt Service Funds: Debt service funds shall be invested with the primary objective of funding debt service obligations on the required payment date. Priority will be given to funding the next debt service due before any extensions are made in the funds.

Debt Service Reserve Funds: Debt Service Reserves should be invested to generate a dependable revenue stream from securities with a low degree of volatility. Securities should be short to medium term maturities and of high credit quality.

The City primarily utilizes a passive “buy and hold” portfolio strategy. Maturity dates are primarily matched with cash flow requirements and investments are purchased with the intent to be held until maturity. However, investments may be liquidated prior to maturity for the following reasons:

- An investment with declining credit may be liquidated early to minimize loss of principal.
- Cash flow needs require that the investment be liquidated.
- Market conditions present an opportunity to benefit from the trade.

V. RESPONSIBILITY AND CONTROL

CITY COUNCIL RESPONSIBILITIES

The City Council, in accordance with the Act, shall:

- Designate Investment Officers by resolution
- Receive and review quarterly investment reports
- Annually review and approve the City's broker/financial institution certification list – *As noted in Section VIII, the governing body has designated this responsibility to the Audit & Investment Committee*
- Review and adopt the investment policy and strategy at least annually
- Provide for investment training for investment officers

INVESTMENT OFFICERS

The Chief Financial Officer and the City Manager are hereby designated as "Investment Officers" pursuant to the Act. Investment Officers are delegated authority to invest the funds on behalf of the City and such authorization shall remain in effect until rescinded by the City Council or until the Officer resigns or is terminated. The Investment Officers are authorized to execute investment transactions on behalf of the City. No person may engage in an investment transaction or the management of City of Brenham funds except as provided under the terms of this Investment Policy as approved by the City Council.

Investment Officers shall:

- Obtain training as defined by the Act and this Policy
- Prepare, sign, and submit quarterly investment reports to Council
- Maintain compliance files on all counter-parties (brokers) and provide the list for Council approval at least annually
- Provide for competitive bidding
- Disclose personal business relationships in accordance with policy
- Maintain full and complete records of the City's portfolio and transactions.

QUALITY AND CAPABILITY OF INVESTMENT MANAGEMENT

The Investment Officers shall obtain training in investments. The seminars should be offered by professional organizations, associations, and other independent sources approved by Council. The training is to insure the quality and capability of investment management in compliance with the Act.

In accordance with the Act, the designated Investment Officers shall attend 10 hours of investment training session within 12 months of their designation and every successive two fiscal years shall attend eight hours of training. A newly appointed Investment Officer must attend a training session of at least 10 hours of instruction within twelve months of the date the officer took office or assumed the officer's duties. For purposes of this policy, an "independent source" from which investment training shall be obtained shall include a professional organization, an institution of higher education or any other sponsor other than a business organization with whom the City of Brenham may engage in an investment transaction.

INTERNAL CONTROLS

The Chief Financial Officer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management.

The Chief Financial Officer shall establish a process for a compliance audit on policies and procedures. The internal controls shall address the following points at a minimum.

- Control of collusion.
- Separation of transactions authority from accounting and record keeping.
- Custodial safekeeping.
- Clear delegation of authority to subordinate staff members.
- Written confirmation for all transactions for investments and wire transfers.
- Review of wire transfer agreements with the depository bank or third party custodian.
- Review of compliance with the Act and this Policy.

The Chief Financial Officer shall monitor, on no less than a monthly basis, the credit rating on all authorized investments in the portfolio based upon independent information from a nationally recognized rating agency. If any security falls below the minimum rating required by Policy, the Investment Officer shall notify the City Manager of the loss of rating, conditions affecting the rating and possible loss of principal with liquidation options available, within three days after notification of the loss of the required rating.

PRUDENCE

The standard of prudence to be applied to all transactions shall be the "prudent person rule". This rule states that "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

In determining whether an Investment Officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

- The investment of all funds, or funds under the City's control, over which the Officer had responsibility rather than a consideration as to the prudence of a single investment.
- Whether the investment decision was consistent with the written approved Investment Policy of the City.

INDEMNIFICATION

The Investment Officer, acting in accordance with written procedures and exercising due diligence, shall not be held personally liable for a specific investment's credit risk or market price changes, provided that these deviations are reported immediately and the appropriate action is taken to control adverse developments.

ETHICS AND CONFLICTS OF INTEREST

All participants in the investment process shall seek to act responsibly as custodians of the public trust. Investment officers shall avoid any transaction that might impair public confidence in the City's ability to govern effectively. Officers and employees involved in the investment process shall refrain from personal business activity that would conflict with the proper execution and management of the investment program, or that would impair their ability to make impartial decisions.

Council members, employees and Investment Officers shall disclose to the Texas Ethics Commission and the City Manager, and the City Manager discloses to the City Council if:

- a) The officer has a personal business relationship with a business organization offering to engage in an investment transaction with the City; or
- b) The officer is related within the second degree by affinity of consanguinity, as determined under Chapter 573 of the Texas Government Code, to an individual seeking to transact investment business with the City; or
- c) The officer has any material interests in financial institutions with which they conduct business; or
- d) The officer has any personal financial/investment positions that could be related to the performance of the investment portfolio.

Employees and officers shall refrain from undertaking personal investment transactions with the same individual with which business is conducted on behalf of the City of Brenham.

VI. SUITABLE AND AUTHORIZED INVESTMENTS

City funds may be invested only in the instruments described below, all of which are authorized and further defined by the Act. The City will not be required to liquidate an investment that becomes unauthorized subsequent to its purchase.

I. AUTHORIZED INVESTMENTS

1. Obligations of the United States of America, its agencies and instrumentalities with stated maturities not to exceed three (3) excluding mortgage backed securities.
2. Obligations of the this State or any State or agency thereof including political subdivisions having been rated as investment quality by two nationally recognized investment rating firm, and having received a rating of not less that "AA" or its equivalent with maturities not to exceed three (3) years.

3. Fully insured or collateralized Certificates of Deposit issued by a bank doing business in Texas insured by the Federal Deposit Insurance Corporation or its successor or secured by obligations in a manner provided for by this Policy and state law with maturities not to exceed 12 months.
4. Constant dollar, local government investment pools, which 1) are created under and conform to the requirements of the Act, 2) are rated no lower than AAA or an equivalent rating by at least one nationally recognized rating service, 3) seek to maintain a \$1.00 net asset value, and 4) are authorized by resolution or ordinance by the City Council.
5. Fully insured or collateralized interest bearing or money market account in any bank in Texas.
6. AAA rated money market funds which strive to maintain a \$1 net asset value and comply with SEC Rule 2a-7.

II. UN-AUTHORIZED INVESTMENTS

The Act and this Policy prohibits investment in the following investment instruments:

- Obligations whose payment represents the coupon payments of the outstanding principal balance of the underlying mortgage-backed security collateral and pay no principal (Interest Only mortgage backed securities);
- Obligations whose payment represents the principal stream of cash flow from underlying mortgage-backed security collateral and bear no interest (Principal only mortgage backed securities);
- Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years;
- Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index; and

The practice of “leveraging” whereby funds are borrowed for the sole purpose of investing is prohibited.

VII. INVESTMENT PARAMETERS

MAXIMUM MATURITIES

The longer the maturity of investments, the greater their price volatility; therefore, it is the City’s policy to concentrate its investment portfolio in shorter-term securities in order to limit principal risk caused by changes in interest rates.

The City shall attempt to match its investments with anticipated cash flow requirements. The City will not directly invest in securities maturing more than three (3) years from the date of purchase; however, the above described obligations, certificates, or agreements may be collateralized using longer dated investments.

The consolidated portfolio will have a maximum dollar-weighted average maturity of six months. This dollar-weighted average will be calculated using the stated final maturity dates of each security.

DIVERSIFICATION

The City of Brenham recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Risk is controlled through portfolio diversification that shall be achieved by the following general guidelines:

- Limiting investments to avoid over concentration in investments from a specific issuer or business,
- Limiting investment in investments that have higher credit risks
- Investing in investments with varying maturities, and
- Continuously investing a portion of the portfolio in readily available funds such as local government investment pools (LGIPs), or money market funds to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

VIII. SELECTION OF BANKS AND DEALERS

DEPOSITORY

As required by the City of Brenham Charter, every five (5) years a banking services depository shall be selected through a competitive process, which shall include a formal request for proposal (RFP) and be consistent with state law. The selection of a depository will be determined by competitive bid and evaluation of bids will be based on the following selection criteria:

- The ability to qualify as a depository for public funds in accordance with state law.
- The ability to provide required services.
- The ability to meet all requirements in the banking RFP.
- The lowest net banking service cost, consistent with the ability to provide an appropriate level of service.
- The credit worthiness and financial stability of the bank.

All banks will execute a written depository agreement in accordance with FIRREA¹ designating authorized collateral.

AUTHORIZED BROKERS/DEALERS

The City Audit/Investment Committee shall, at least annually, review, revise, and adopt a list of qualified broker/dealers and financial institutions (banks and pools) authorized to engage in securities transactions with the City. Those firms that request to become qualified bidders for securities transactions will be required to provide information for the City's questionnaire that provides information regarding creditworthiness, contact information, and experience; and 2) the City's certification stating the firm has

¹The Financial Institutions Resource and Recover Enforcement Act governs the actions of the FDIC in cases of bank default.

received, read and understood the City of Brenham's Investment Policy and have in place controls to prohibit selling the City any security not authorized by that Policy.

The City shall have a minimum of three broker/dealers to assure competitive bidding. Authorized firms may include primary dealers or regional dealers and qualified depositories. All investment providers, including financial institutions, banks, and local government investment pools, must sign the City's certification.

COMPETITIVE BIDS

All transactions will be made on a competitive basis. The Chief Financial Officer shall develop and maintain procedures for ensuring a competition in the investment of the City funds.

DELIVERY VS. PAYMENT

Securities shall be purchased only using the **delivery vs. payment** method with the exception of investment pools and mutual funds. Funds will be released after notification that the purchased security has been received by the custodian.

IX. SAFEKEEPING OF SECURITIES AND COLLATERAL

SAFEKEEPING AND CUSTODIAN AGREEMENTS

The City of Brenham shall contract with a depository for the safekeeping of securities owned by the City of Brenham as part of its investment portfolio or approve the custodial agreement for collateral to secure demand or time deposits. Securities owned by the City of Brenham shall be held in the City's name as evidenced by safekeeping receipts of the institution holding the securities.

Collateral for deposits will be held by an independent third party custodian outside of the pledging bank and evidenced by original safekeeping receipts of the pledging institution with which the collateral is deposited. Original safekeeping receipts and monthly collateral reports shall be delivered to the City.

COLLATERAL POLICY

Consistent with the requirements of the Public Funds Collateral Act, it is the policy of the City to require collateralization of City funds in time and demand deposit with any depository bank. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be 102% of market value of principal and accrued interest on the deposits or investments less an amount insured by the FDIC. At its discretion, the City of Brenham may require a higher level of collateralization for certain investment securities.

Securities pledged as collateral shall be held by an independent third party outside the holding company of the pledging bank with whom the City has a current custodial agreement. The Chief Financial Officer is responsible for entering into or approving collateralization agreements with custodians. The agreements

are to specify the acceptable investment securities for collateral, including provisions relating to possession of the collateral, the substitution or release of investment securities, ownership of securities, and the method of valuation of securities. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to and retained by the City. Collateral shall be priced weekly at a minimum and to assure that the market value of the pledged securities is adequate.

Any substitution of collateral shall require prior City approval. The substituted security's market value will be equal to or greater than the required security value. Written notification of the substitution must be provided to the bank or safekeeping agent prior to any security release.

COLLATERAL DEFINED

The Entity shall accept only the following types of collateral:

- Obligations of the United States or its agencies and instrumentalities including mortgage backed securities
- Direct obligations of the state of Texas or its agencies and instrumentalities rated as to investment quality by a nationally recognized rating firm not less than A or its equivalent
- Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized rating firm not less than A or its equivalent

SUBJECT TO AUDIT

All collateral shall be subject to inspection and audit by the Chief Financial Officer or the City of Brenham's independent auditors.

X. PERFORMANCE

PERFORMANCE STANDARDS

The City of Brenham's investment portfolio will be managed in accordance with the parameters specified within this Policy. The portfolio shall be designed with the objective of obtaining a reasonable yield throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow requirements of the City.

PERFORMANCE BENCHMARK

It is the policy of the City of Brenham to purchase investments with maturity dates coinciding with cash flow needs. Through this strategy, the City shall seek to optimize interest earnings utilizing allowable investments available on the market at that time. Market value will be calculated on a monthly basis on all securities owned and compared to current book value. The City of Brenham's portfolio shall be designed with the objective of regularly meeting or exceeding the period average yield on the six month

U.S. Treasury Bill which is comparable to the City's maximum weighted average maturity in days based on its cash flow analysis.

XI. REPORTING

METHODS

The Investment Officer shall prepare an internal investment report on a monthly basis and on a quarterly basis for Council that summarizes investment strategies employed in the most recent quarter and describes the portfolio in terms of investment securities, maturities including the yield for the quarter.

The quarterly investment report shall be in compliance with the Act and include a summary statement of investment activity prepared in compliance with generally accepted accounting principles. This summary will be prepared in a manner that will allow the City Audit/Investment Committee to ascertain whether investment activities during the reporting period have conformed to the Investment Policy. The report will be provided to the City Council for review. The report will include the following:

- A listing of individual securities held at the end of the reporting period.
- Unrealized gains or losses as calculated on the beginning and ending book and market value of securities for the period.
- Additions and changes to the market value during the period.
- Average weighted yield of portfolio as compared to the City's benchmark.
- Listing of investments by maturity date.
- Fully accrued interest and earnings for the reporting period
- The percentage of the total portfolio that each type of investment represents.
- Any additional reporting information as required by the Act.
- Statement of compliance of the City of Brenham's Investment Policy and the Act.

Month-end market prices on each security are to be obtained from nationally recognized security databases (e.g., The Wall Street Journal, Bloomberg, etc.).

An independent auditor will perform an annual formal review of the quarterly reports with the results reported to the governing body.

MONITORING MARKET VALUE

Market value of all securities in the portfolio will be determined on a monthly basis. These values will be obtained from a reputable and independent source reported in the quarterly report.

XII. INVESTMENT POLICY ADOPTION

The City of Brenham's Investment Policy shall be adopted no less than annually by resolution of the City Council. The City of Brenham's Investment Policy shall be subject to revisions consistent with changing laws, regulations, and needs of the City but any such changes must be adopted by the Council before use. The resolution adopting the policy and strategies must include any changes or modifications to the Policy.

AUTHORITY/DATE ISSUED:

City Council Resolution # R-07-026	November 15, 2007
City Council Resolution # R-08-037	October 16, 2008
City Council Resolution # R-09-024	October 15, 2009
City Council Resolution # R-10-025	November 4, 2010
City Council Resolution # R-11-020	November 3, 2011
City Council Resolution # R-12-021	November 29, 2012
City Council Resolution # R-13-017	November 7, 2013
City Council Resolution # R-14-022	October 9, 2014
City Council Resolution # R-15-024	October 1, 2015
City Council Resolution # R-16-027	October 13, 2016
City Council Resolution # R-17-018	October 12, 2017
City Council Resolution #R-18-015	October 4, 2018
City Council Resolution #R-19-026	October 3, 2019
City Council Resolution #R-20-028	October 1, 2020



Regular City Council
AGENDA ITEM 5-D.

Agenda Item: **Acceptance of a Donation from The Dorothy Elaine O'Connor Living Trust in the Amount of \$2,500.00 for the Nancy Carol Roberts Memorial Library and Authorize the Mayor to Execute Any Necessary Documentation**

Meeting Type: Regular Meeting-October 01, 2020

Department: Finance

Staff Contact: Andria Heiges

Classification:

SUMMARY STATEMENT:

Dorothy Elaine O'Conner graciously gifted the Nancy Carol Roberts Memorial Library with a living trust. Following the liquidation of property owned by the Trust, the Trustee is making a final distribution of the Trust assets to the Library in the amount of \$2,500.

ATTACHMENTS:

(1) Letter from Attorney

RELEVANCE TO COMPREHENSIVE PLAN:

RECOMMENDED ACTION:

Accept a donation from The Dorothy Elaine O'Connor Living Trust in the amount of \$2,500.00 for the Nancy Carol Roberts Memorial Library and authorize the Mayor to execute any necessary documentation

MOORMAN TATE, LLP

R. HAL MOORMAN*†
LAURA UPCHURCH
WENDY YATES*
ANDREW J. HEFFERLY

CHRISTOPHER S. HARDY
EMILY DE YOUNG

ATTORNEYS AT LAW
207 EAST MAIN STREET
BRENHAM, TEXAS 77833
P.O. BOX 1808
BRENHAM, TEXAS 77834-1808
(979) 836-5664
FAX (979) 830-0913
www.moormantate.com

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September 14, 2020

Nancy Carol Roberts Memorial Library
c/o Andria Heiges
100 Martin Luther King, Jr. Parkway
Brenham, Texas 77833

RE: Dorothy Elaine O'Connor Living Trust, established February 19, 1997 (the "Trust")

Dear Ms. Heiges:

This is a follow-up to my letters to you dated October 30, 2019, and April 28, 2020, in regard to a gift made to the Nancy Carol Roberts Memorial Library from the Trust established by the late Dorothy Elaine O'Connor. Following the liquidation of property owned by the Trust, the Trustee is now preparing to make a final distribution of the Trust assets. The Library's beneficial share of that distribution will be \$2,500.00.

As before, the Trustee will require a signed receipt for the distribution, acknowledging the Library's acceptance of this gift. The enclosed form must be signed before a notary and returned to this office. The distribution check will then be delivered to you by certified mail or personal delivery.

Please contact me or my legal assistant, Jill Landry, if you have any questions about this gift from the Trust. However, I remind you that I represent Bill Burhans, as Trustee of the Trust, and cannot provide any legal or accounting advice to you about this matter.

Very truly yours,



Laura Upchurch

Enclosure: Receipt and Release for Partial Distribution

cc: Bill Burhans, Trustee

RECEIPT

On behalf of Nancy Carol Roberts Memorial Library, a non-profit organization ("Organization"), I acknowledge receipt of the following assets of The Dorothy Elaine O'Connor Living Trust ("Trust"), in full satisfaction of that portion of the Trust Estate to which the Organization is entitled, by virtue of the terms of the Trust Declaration, executed by Dorothy Elaine O'Connor, as settlor, on February 19, 1997, as amended on December 8, 2014: **\$2,500.00.**

I warrant and represent that the Organization, nor anyone on its behalf, has not assigned any interest which it had, have or may have in this distribution; that there is no lien against any interest therein; and I am the person with authorization to receive this distribution on behalf of the Organization. The Organization agrees to indemnify and hold harmless the Trust, William J. Burhans, Successor Trustee, and all persons acting for or on behalf of the Trust and the Trustee, against anyone claiming by, through or under the Organization, in connection with this partial distribution.

This instrument is binding upon the Organization and its officers, employees, agents, assigns and legal representatives, and shall inure to the benefit of the Trust, the Successor Trustee, and the Successor Trustee's successors and assigns.

DATED this _____ day of _____, 2020.

NANCY CAROL ROBERTS MEMORIAL LIBRARY

By: _____

Name: _____

Title: _____

STATE OF TEXAS §
COUNTY OF WASHINGTON §

SUBSCRIBED AND SWORN TO BEFORE ME, on _____, 2020,
by _____, the _____ of
Nancy Carol Roberts Memorial Library, a non-profit organization, on behalf of that organization,

Notary Public, State of Texas



Regular City Council
AGENDA ITEM 5-E.

Agenda Item: Approve Change Order No. 1 and Final Payment on Contract No. 2016-03 to Angel Brothers Enterprises Ltd in the Amount of \$71,443.81 for Burleson Road Culvert Replacement and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-October 01, 2020

Department: Public Works

Staff Contact: Dane Rau

Classification: Consent

SUMMARY STATEMENT:

On October 03, 2019 City Council awarded Angel Brothers Enterprises Ltd the bid in the amount of \$1,075,216.80 for the Burleson Road Culvert Replacement.

The improvements have been completed. The work consisted of adding a bridge structure, rip-rock, wing walls, demo existing infrastructure, relocation of water lines, culverts and asphalt. There was one Change Order which consisted of the increase/deletion of several bid items, resulting in a credit of (\$56,987.62). The final payment due is \$71,443.81. The total project amount was \$1,018,229.18.

This project was approved through FEMA's Hazard Mitigation Grant Program (HMGP). Steps are currently being followed to request eligible reimbursement.

ATTACHMENTS:

- (1) Application for Payment No. 7 & 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 investments with reinvestment/rehabilitation needs of existing developed areas.

RECOMMENDED ACTION:

Approve Change Order No. 1 and final payment to Angel Brothers Enterprises Ltd in the amount of \$71,443.81 for the Burleson Road Culvert Replacement and authorize the Mayor to execute any necessary documentation.

Angel Brothers Enterprises, Ltd.
23990 State Highway 6
Navasota, Texas 77868

Phone: 936.825.0118
www.angelbrothers.com



September 18, 2020

City of Brenham
Burleson Street Culvert Replacement
Project Bid No. E2016-03
GUNDA Project No. 16025-00
11750 Katy Freeway, Suite 300
Houston, Texas 77079

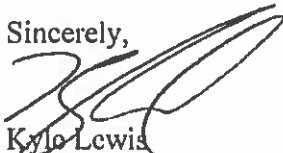
Re: LTO-015R – Pay Estimate #7 Request – Revised & Final

Dear Mr. Bertrand,

I have attached our Pay Estimate #7 Request, which is our final application including release of retainage. Please review and let me know if you have any questions.

Please do not hesitate to contact me at (936) 825-0118 should any questions arise or further information be required.

Sincerely,



Kyle Lewis
Project Manager

CITY OF BRENHAM
Burleson Street Culvert Replacement

ESTIMATE AND CERTIFICATE FOR
PAYMENT, UNIT PRICE WORK

Document 00643

ESTIMATE AND CERTIFICATE FOR PAYMENT, UNIT PRICE WORK

Estimate No. 7 & Final
Cut off Date: August 31, 2020
Estimate Date:

Project Name: Burleson Street Culvert Replacement
Contractor: Angel Brothers Enterprises, LTD
Address: 23990 State Hwy 6
Navasota, Tx 77868

Contract No.: E2016-03
Project No.: -
Ordinance No.: N/A

Contract Date: November 4, 2019
Start Date: January 13, 2020
Current Contract Completion Date: August 24, 2020
Substantial Completion Date: August 6, 2020
Percentage: By Time 92.00% **In Place** 100.00%

CONTRACT TIME IN CALENDER DAYS

Original Contract Time: 120 **Days**
Approved Extensions: 105 **Days**
Total Contract Time: 225 **Days**
Days Used to Date: 207 **Days**
Days Remaining to Date: 18 **Days**

Date Insurance Exp. 10-01-2020 **Drug Policy Due** _____

Current MWBE % N/A **Schedule Update Received** 8-6-2020

CONTRACT AMOUNT TO DATE:

1. Original Contract Price:		<u>\$1,075,216.80</u>
2. Approved Change Orders: <u>No./Description</u>	<u>Amount</u>	
<u>1</u> <u>Project Closeout & Weather Days</u>	<u>-\$56,987.62</u>	
	<u>\$0.00</u>	
	<u>\$0.00</u>	
	<u>\$0.00</u>	
	<u>\$0.00</u>	
	<u>\$0.00</u>	
Total Change Orders to Date:	<u>+\$0.00</u>	
TOTAL CONTRACT AMOUNT:	<u>-\$56,987.62</u>	<u>\$1,018,229.18</u>

A. EARNINGS TO DATE:

1. Work Completed to Date:	<u>100.00% complete</u>	<u>\$1,018,229.18</u>
2. Materials Stored on Site:	<u>\$0.00</u>	
3. Materials Stored in Place:	<u>\$0.00</u>	
4. Balance - Materials Accepted, Not in Work:	<u>\$0.00</u>	
TOTAL EARNINGS TO DATE:		<u>\$1,018,229.18</u>

B. DEDUCTIONS:

1. Retainage: <u>0.00%</u> of <u>\$1,018,229.18</u>	<u>\$0.00</u>
2. Add: Retainage Deduction:	<u>\$0.00</u>
3. Total Retainage:	<u>\$0.00</u>
4. Liquidated Damages: <u>Days @</u>	<u>\$0.00</u>
5. Quality Control Retest Cost:	<u>\$0.00</u>
6. Sunday/Holiday Overtime Cost:	<u>\$0.00</u>
TOTAL DEDUCTIONS:	<u>\$0.00</u>

C. AMOUNT DUE THIS PERIOD:

1. Total Earnings to Date:	<u>\$1,018,229.18</u>
2. Total Deductions:	<u>\$0.00</u>
3. Total Payments Due:	<u>\$1,018,229.18</u>
4. Less Previous Payments:	<u>\$946,785.37</u>
5. Restoration Adjustment:	<u>\$0.00</u>
TOTAL AMOUNT DUE THIS DATE:	<u>\$71,443.81</u>

Prepared By: _____ **Date:** _____ **Checked By:** Brian P. Adams **Date:** 9/21/20
(Construction Manager/Inspector)

Submitted By: _____ **Date:** _____ **Approved:** David C. Williams **Date:** 09/18/2020
(Consultant - Gunda Corp)

Approved: _____ **Date:** _____
(Director Public Works Department)

END OF DOCUMENT

00643-1
09-18-2020

To	Gunda Corporation on behalf of the	Application Period:	August 1, 2020 to August 31, 2020	Application Date:	9/18/2020
(Owner):	City of Brenham	From (Contractor):	ANGEL BROTHERS ENTERPRISES, LTD	Via (Engineer):	GUNDA CORPORATION
Project:	BURLESON STREET CULVERT REPLACEMENT	Contract:			
Owner's Contract No.:	E2016-03	Contractor's Project No.:	1971	Engineer's Project No.:	16025-00

Application For Payment Change Order Summary

Approved Change Orders				
Number	Additions	Deductions		
1	\$21,355.40	\$78,343.02		
TOTALS	\$21,355.40	\$78,343.02		

1.	ORIGINAL CONTRACT PRICE.....	\$	\$1,075,216.80
2.	Net change by Change Orders.....	\$	-556,987.62
3.	Current Contract Price (Line 1 ± 2).....	\$	\$1,018,229.18
4.	TOTAL COMPLETED AND STORED TO DATE (Column G total on Progress Estimates).....	\$	\$1,018,229.18
5.	RETAINAGE 5%.....	\$	\$0.00
6.	AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5).....	\$	\$1,018,229.18
7.	LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$	\$946,785.37
8.	AMOUNT DUE THIS APPLICATION.....	\$	\$71,443.81
9.	BALANCE TO FINISH (Line 3 - Line 6).....	\$	\$0.00

NET CHANGE BY CHANGE ORDERS	-56,987.62
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Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

- (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 the Work covered by prior Applications for Payment;
- (2) Title to 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,

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

(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 the Work covered by prior Applications for Payment.

(2) Title to 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,

Contractor Signature 

By:  Date: 9/18/2020

Payment of: \$ 71,443.81 (Line 8 or other - attach explanation of the other amount)

is recommended by:  (Engineer) 09-18-2020 (Date)

Payment of: \$ 71,443.81 (Line 8 or other - attach explanation of the other amount)

is approved by: _____ (Owner Representative) _____ (Date)

Progress Estimate

For (Contract): BURLERSON STREET CULVERT REPLACEMENT

7

Application Period: August 1, 2020 to August 31, 2020

Application Number:

9/18/2020

A			B				C		D		E		F		G	
Bid Item	Item Description	Contract Information	Unit		Total Value of Item (\$)	Previous Quantity	Quantity This Est	Quantity to date	Value of Work this Period	Value of Work Installed to Date	Value of Work this Period	Value of Work Installed to Date	Value of Work this Period	Value of Work Installed to Date	Value of Work this Period	Value of Work Installed to Date
			Item Quantity	Unit Price												
1	Mobilization Including Performance and Payment Bond		1.00	LS	\$15,000.00	1.00		1.00	\$0.00	\$15,000.00	\$0.00	\$15,000.00	\$0.00	\$15,000.00	\$0.00	\$15,000.00
2	Restoration of Site Improvements		570.00	LF	\$10.00	0.00	570.00	570.00	\$5,700.00	\$5,700.00	\$0.00	\$5,700.00	\$0.00	\$5,700.00	\$0.00	\$5,700.00
3	Sawcut (Asphalt Paving), Including Disposal,		208.00	LF	\$3.00	208.00		208.00	\$624.00	\$624.00	\$0.00	\$624.00	\$0.00	\$624.00	\$0.00	\$624.00
4	Remove Asphalt Paving, Including Disposal		1,097.00	SY	\$10.00	1,097.00		1,097.00	\$10,970.00	\$10,970.00	\$0.00	\$10,970.00	\$0.00	\$10,970.00	\$0.00	\$10,970.00
5	Remove Exist Rip Rap, Including Disposal		88.00	SY	\$25.00	88.00		88.00	\$2,200.00	\$2,200.00	\$0.00	\$2,200.00	\$0.00	\$2,200.00	\$0.00	\$2,200.00
6	Remove Existing Wingwall Structure,		4.00	EA	\$1,500.00	4.00		4.00	\$6,000.00	\$6,000.00	\$0.00	\$6,000.00	\$0.00	\$6,000.00	\$0.00	\$6,000.00
7	Remove Existing Headwall Structure,		2.00	EA	\$1,500.00	2.00		2.00	\$3,000.00	\$3,000.00	\$0.00	\$3,000.00	\$0.00	\$3,000.00	\$0.00	\$3,000.00
8	Remove Existing Pipes (36" & 72"), Including		160.00	LF	\$75.00	160.00		160.00	\$12,000.00	\$12,000.00	\$0.00	\$12,000.00	\$0.00	\$12,000.00	\$0.00	\$12,000.00
9	Remove Gravel Driveway		103.00	SY	\$30.00	103.00		103.00	\$3,090.00	\$3,090.00	\$0.00	\$3,090.00	\$0.00	\$3,090.00	\$0.00	\$3,090.00
10	Embankment and Backfill		1,185.00	CY	\$40.00	1,185.00		1,185.00	\$47,400.00	\$47,400.00	\$0.00	\$47,400.00	\$0.00	\$47,400.00	\$0.00	\$47,400.00
11	Clearing and Grubbing, Complete in Place		1.00	LS	\$20,000.00	1.00		1.00	\$20,000.00	\$20,000.00	\$0.00	\$20,000.00	\$0.00	\$20,000.00	\$0.00	\$20,000.00
12	Regrade Roadside Swales, Complete in Place		820.00	LF	\$6.00	820.00		820.00	\$4,920.00	\$4,920.00	\$0.00	\$4,920.00	\$0.00	\$4,920.00	\$0.00	\$4,920.00
13	Remove and Relocate Existing Sign, Complete		0.00	EA	\$560.00	0.00		0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
14	BLOCK SODDING, Complete in Place		1,510.00	SY	\$4.00	0.00	1,510.00	1,510.00	\$6,040.00	\$6,040.00	\$8,040.00	\$8,040.00	\$0.00	\$8,040.00	\$0.00	\$8,040.00
15	Roadway Excavation		45.00	CY	\$50.00	45.00		45.00	\$2,250.00	\$2,250.00	\$0.00	\$2,250.00	\$0.00	\$2,250.00	\$0.00	\$2,250.00
16	Proposed 2" Asphalt (w/ 6"Flex Base)		132.00	SY	\$60.00	132.00		132.00	\$7,920.00	\$7,920.00	\$0.00	\$7,920.00	\$0.00	\$7,920.00	\$0.00	\$7,920.00
17	PLANE ASPH CONC PAV (2")		172.00	SY	\$30.00	172.00		172.00	\$5,160.00	\$5,160.00	\$0.00	\$5,160.00	\$0.00	\$5,160.00	\$0.00	\$5,160.00
18	D-GR HMA TY-D SAC-B PG70-22		139.81	TON	\$170.00	139.81		139.81	\$23,767.70	\$23,767.70	\$0.00	\$23,767.70	\$0.00	\$23,767.70	\$0.00	\$23,767.70
19	ASPHALT STAB BASE (GR 2)(PG 64)		643.47	TON	\$110.00	643.47		643.47	\$70,781.70	\$70,781.70	\$0.00	\$70,781.70	\$0.00	\$70,781.70	\$0.00	\$70,781.70
20	PRIME COAT MC-30 (0.30 G/SY)		0.00	GAL	\$10.00	0.00		0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
21	TACK COAT RC-250 OR SS-1 (0.10 G/SY)		118.00	GAL	\$10.00	118.00		118.00	\$1,180.00	\$1,180.00	\$0.00	\$1,180.00	\$0.00	\$1,180.00	\$0.00	\$1,180.00
22	Remove and Replace Existing 24" RR Pavement		22.00	LF	\$30.00	22.00		22.00	\$660.00	\$660.00	\$0.00	\$660.00	\$0.00	\$660.00	\$0.00	\$660.00
23	Remove & Replace Existing RR Crossing Pavement Mar		1.00	LS	\$2,000.00	1.00		1.00	\$2,000.00	\$2,000.00	\$0.00	\$2,000.00	\$0.00	\$2,000.00	\$0.00	\$2,000.00
24	Thermoplastic Pavement Marking, Class II, 4"		1,100.00	LF	\$2.00	1,100.00		1,100.00	\$2,200.00	\$2,200.00	\$0.00	\$2,200.00	\$0.00	\$2,200.00	\$0.00	\$2,200.00
25	Thermoplastic Pavement Marking, Class II, 4"		875.00	LF	\$2.50	875.00		875.00	\$2,187.50	\$2,187.50	\$0.00	\$2,187.50	\$0.00	\$2,187.50	\$0.00	\$2,187.50
26	Thermoplastic Pavement Marking, Class II, 4"		225.00	LF	\$2.50	225.00		225.00	\$562.50	\$562.50	\$0.00	\$562.50	\$0.00	\$562.50	\$0.00	\$562.50
27	Proposed 18 x 18 Warning Sign W13-1P (25MPH)		2.00	EA	\$200.00	0.00	2.00	2.00	\$400.00	\$400.00	\$400.00	\$400.00	\$0.00	\$400.00	\$0.00	\$400.00
28	Proposed W1-8 Chevron Alignment Signs		8.00	EA	\$800.00	0.00	8.00	8.00	\$6,400.00	\$6,400.00	\$6,400.00	\$6,400.00	\$0.00	\$6,400.00	\$0.00	\$6,400.00
29	MTL W-BEAM GD FEN (TIM POST)		597.00	LF	\$97.00	597.00		597.00	\$57,909.00	\$57,909.00	\$0.00	\$57,909.00	\$0.00	\$57,909.00	\$0.00	\$57,909.00
30	RIPRAP (MOWSTRIPK4 IN)		30.00	CY	\$700.00	30.00		30.00	\$21,000.00	\$21,000.00	\$0.00	\$21,000.00	\$0.00	\$21,000.00	\$0.00	\$21,000.00
31	DRILL SHAFT (24 IN)		320.00	LF	\$210.00	320.00		320.00	\$67,200.00	\$67,200.00	\$0.00	\$67,200.00	\$0.00	\$67,200.00	\$0.00	\$67,200.00
32	Cement Stabilized Sand		67.00	CY	\$200.00	67.00		67.00	\$13,400.00	\$13,400.00	\$0.00	\$13,400.00	\$0.00	\$13,400.00	\$0.00	\$13,400.00
33	Lime (8%)		8.70	TON	\$300.00	8.70		8.70	\$2,610.00	\$2,610.00	\$0.00	\$2,610.00	\$0.00	\$2,610.00	\$0.00	\$2,610.00
34	Fly Ash (4%)		4.40	TON	\$300.00	4.40		4.40	\$1,320.00	\$1,320.00	\$0.00	\$1,320.00	\$0.00	\$1,320.00	\$0.00	\$1,320.00
35	LIMEFLY ASH TRT APPROACH SLAB(SUBGRADE)(6")		408.00	SY	\$20.00	408.00		408.00	\$8,160.00	\$8,160.00	\$0.00	\$8,160.00	\$0.00	\$8,160.00	\$0.00	\$8,160.00
36	CL C CONC (ABUT)(MOD)		47.70	CY	\$1,500.00	47.70		47.70	\$71,550.00	\$71,550.00	\$0.00	\$71,550.00	\$0.00	\$71,550.00	\$0.00	\$71,550.00
37	REINF CONC SLAB (8" DECK)		1,895.00	SF	\$30.00	1,895.00		1,895.00	\$56,850.00	\$56,850.00	\$0.00	\$56,850.00	\$0.00	\$56,850.00	\$0.00	\$56,850.00
38	APPROACH SLAB		81.00	CY	\$550.00	81.00		81.00	\$44,550.00	\$44,550.00	\$0.00	\$44,550.00	\$0.00	\$44,550.00	\$0.00	\$44,550.00
39	PRESTR CONC SLAB BEAM (4SB15)		100.00	LF	\$230.00	100.00		100.00	\$23,000.00	\$23,000.00	\$0.00	\$23,000.00	\$0.00	\$23,000.00	\$0.00	\$23,000.00
40	PRESTRS SLAB BEAM (5SB15)		300.00	LF	\$230.00	300.00		300.00	\$69,000.00	\$69,000.00	\$0.00	\$69,000.00	\$0.00	\$69,000.00	\$0.00	\$69,000.00
41	ELASTOMERIC BEARING PAD (SB 2)		32.00	EA	\$25.00	32.00		32.00	\$800.00	\$800.00	\$0.00	\$800.00	\$0.00	\$800.00	\$0.00	\$800.00
42	RAIL (TY C402)		150.00	LF	\$250.00	150.00		150.00	\$37,500.00	\$37,500.00	\$0.00	\$37,500.00	\$0.00	\$37,500.00	\$0.00	\$37,500.00
43	BRIDGE SEALED EXPANSION JOINT (4 INHSEJ-A)		78.00	LF	\$100.00	76.00		76.00	\$7,600.00	\$7,600.00	\$0.00	\$7,600.00	\$0.00	\$7,600.00	\$0.00	\$7,600.00
44	WING WALL		4.00	EA	\$1,200.00	4.00		4.00	\$4,800.00	\$4,800.00	\$0.00	\$4,800.00	\$0.00	\$4,800.00	\$0.00	\$4,800.00
45	EXCAVATION (CHANNEL)		306.00	CY	\$30.00	306.00		306.00	\$9,180.00	\$9,180.00	\$0.00	\$9,180.00	\$0.00	\$9,180.00	\$0.00	\$9,180.00
46	6.5 FT VERTICAL CONCRETE CHANNEL		734.00	SF	\$44.00	734.00		734.00	\$32,296.00	\$32,296.00	\$0.00	\$32,296.00	\$0.00	\$32,296.00	\$0.00	\$32,296.00

CITY OF BRENHAM
BURLESON STREET CULVERT REPLACEMENT

CONTRACTOR'S CERTIFICATION
OF FINAL COMPLETION

Document 00641

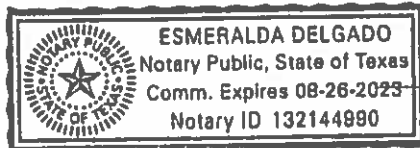
CONTRACTOR'S CERTIFICATION OF FINAL COMPLETION

CERTIFICATE OF FINAL COMPLETION OF: Burleson Street Culvert Replacement
Project No.: E2016-03
Contract Dated: _____

Kyle Lewis BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Angel Brothers Enterprises, Ltd. who, being by me duly sworn, on his oath says that he or she represents 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 as directed by the City Engineer; 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.

SWORN AND SUBSCRIBED before me on

[Signature]
Affiant's Signature
9/18/2020
Date



Esmeralda Delgado
Notary Public in and for the State of TEXAS

Esmeralda Delgado
Print or type name

My Commission Expires: 08-26-2023
Expiration Date

THIS IS TO CERTIFY that I have thoroughly inspected 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.

Brave Field
Inspector

Approved: _____

[Project Manager or Construction Manager]

[Title of Approval Authority], [Contracting Department]

END OF DOCUMENT

00641-1
09-16-2020

CITY OF BRENHAM
BURLESON STREET CULVERT REPLACEMENT

CHANGE ORDER

CHANGE ORDER / C.O. No. 1

PROJECT: Burleson Street Culvert Replacement
CONTRACT No.: _____ PROJECT No.: E2016-03

TO: Angel Brothers
Contractor and 23990 State Highway 6
Address for Written Notice Navasota, TX 77868

REFERENCE RFIs/RFPs: Project Closeout & Weather Days

1.01 DESCRIPTION OF CHANGES

		CONTRACT CHANGE		
		UNIT COST	AMOUNT	TIME
ITEM 1 SCOPE:	Delete Bid Item 13, Remove and Relocate Existing Sign, 2 EA	\$500.00 /EA	(\$1,000.00)	0 Days
JUSTIFICATION:	Item not used; City to install			
ITEM 2 SCOPE	Increase Bid Item 14, Block Sodding, Complete in Place, 334 SY	\$4.00 /SY	\$1,336.00	0 Days
JUSTIFICATION:	Larger area required to be sodded			
ITEM 3 SCOPE	Increase Bid Item 18, HMAC Pvmnt - D-GR HMA TY-D SAC-B PG70-22, 18.81 TON	\$170.00 /TON	\$3,197.70	0 Days
JUSTIFICATION:	Additional HMAC for superelevation transition			
ITEM 4 SCOPE	Increase Bid Item 19, Asphalt Stabilized Base (GR 2)(PG 64), 17.47 TON	\$110.00 /TON	\$1,921.70	0 Days
JUSTIFICATION:	Additional base for superelevation transition			
ITEM 5 SCOPE	Delete Bid Item 20, Prime Coat - MC-30 (0.30 G/SY), 335 Gal	\$10.00 /Gal	(\$3,350.00)	0 Days
JUSTIFICATION:	Item not used			
ITEM 6 SCOPE	Increase Bid Item 21, Tack Coat - RC-250 OR SS-1 (0.10 G/SY), 6 Gal	\$10.00 /Gal	\$60.00	0 Days
JUSTIFICATION:	Additional Tack Coat for overlap			
ITEM 7 SCOPE	Increase Bid Item 30, Mow Strip (4-inch thick), 6.5 CY	\$700.00 /CY	\$4,550.00	0 Days
JUSTIFICATION:	Additional Mow strip for irregular bridge widening			
ITEM 8 SCOPE	Increase Bid Item 32, Cement Stabilized Sand (1.5 Sack), 24 CY	\$200.00 /CY	\$4,800.00	0 Days
JUSTIFICATION:	Additional CSS for Abutment/Vertical Wall backfill (RFI 1)			
ITEM 9 SCOPE	Increase Bid Item 48, Riprap (Gradation 1) (18-IN), 30.5 CY	\$180.00 /CY	\$5,490.00	0 Days
JUSTIFICATION:	Additional Riprap for Channel (RFI 3)			

CITY OF BRENNHAM
BURLESON STREET CULVERT REPLACEMENT

CHANGE ORDER

ITEM 10 SCOPE	Decrease Bid Item 58, Remove & Relocate Exist Steel Pipe Rail Fence 6" outside of Future R.O.W. (not including gate), 43 LF	\$50.00 /LF	(\$2,150.00)	0 Days
JUSTIFICATION:	Remainder Fence not required			
ITEM 11 SCOPE	Delete Bid Item 70, CEMENT TRT (SUBGRADE) (6-IN), 408 SY	\$3.60 /SY	(\$1,468.80)	0 Days
JUSTIFICATION:	Extra Work bid Item not required			
ITEM 12 SCOPE	Delete Bid Item 71, Extra Well Points, 180 LF	\$50.00 /LF	(\$9,000.00)	0 Days
JUSTIFICATION:	Extra Work bid Item not required			
ITEM 13 SCOPE	Delete Bid Item 72, Extra Backfill, 300 CY	\$5.00 /CY	(\$1,500.00)	0 Days
JUSTIFICATION:	Extra Work bid Item not required			
ITEM 14 SCOPE	Delete Bid Item 73, Extra Hand Excavation, 250 CY	\$25.00 /CY	(\$6,250.00)	0 Days
JUSTIFICATION:	Extra Work bid Item not required			
ITEM 15 SCOPE	Delete Bid Item 74, Extra Machine Excavation, 250 CY	\$30.00 /CY	(\$7,500.00)	0 Days
JUSTIFICATION:	Extra Work bid Item not required			
ITEM 16 SCOPE	Delete Bid Item 75, Extra Bank Sand Backfill, 400 CY	\$18.00 /CY	(\$7,200.00)	0 Days
JUSTIFICATION:	Extra Work bid Item not required			
ITEM 17 SCOPE	Delete Bid Item 76, Extra Cement-Stabilized Sand, 400 CY	\$22.00 /CY	(\$8,800.00)	0 Days
JUSTIFICATION:	Extra Work bid Item not required			
ITEM 18 SCOPE	Decrease Bid Item 77, Extra 4-Inch Nonstructural Concrete Seal Slab, 136.9688 SY	\$25.00 /SY	(\$3,424.22)	0 Days
JUSTIFICATION:	Remainder Extra Work bid Item not required			
ITEM 19 SCOPE	Delete Bid Item 78, Extra 12" PVC Waterline, including restrained joints and appurtenances, Complete in Place, 560 LF	\$37.50 /LF	(\$21,000.00)	0 Days
JUSTIFICATION:	Extra Work bid Item not required			
ITEM 20 SCOPE:	Delete Bid Item 79, Extra 18" Steel Casing, including spacers and appurtenances, Complete in Place, 76 LF	\$75.00 /LF	(\$5,700.00)	0 Days
JUSTIFICATION:	Extra Work bid Item not required			
ITEM 21 SCOPE:	Time Extension Request due to weather days and limited material availability, Increase		\$0.00	105 Days
JUSTIFICATION:	See attached Contractor Request			

TOTALS: (\$56,987.62) 105 Days

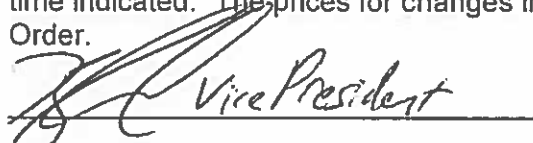
00941-2
09-17-2020

CITY OF BRENHAM
BURLESON STREET CULVERT REPLACEMENT

CHANGE ORDER

1.02 ACCEPTANCE BY CONTRACTOR

Contractor agrees to perform change(s) included in this Change Order for the price and time indicated. The prices for changes include all costs associated with this Change Order.


Contractor Signature and Title

9/17/2020
Date

1.03 ACCEPTANCE BY THE CITY OF BRENHAM


Project Manager – 9/21/20
Date


Public Works Director – Dane Rau 9/20/20
Date


Engineering Consultant - Gunda Corporation 09/18/2020
Date

[Mayor – Required for COs to City Council]
Date

END OF DOCUMENT

cc: Kyle A. Bertrand, P.E. – Gunda Corporation

CITY OF BRENHAM
BURLESON STREET CULVERT REPLACEMENT

CHANGE ORDER

EXECUTIVE SUMMARY

C.O. No. 1 Contract No.: _____ Proj. No.: E2016-03

1.01	CONTRACT PRICE SUMMARY	DOLLAR AMOUNT	PERCENT
A.	Original Contract Price	\$1,075,216.80	100.00%
B.	Previous Change Orders	\$0.00	0.00%
C.	This Change Order	(\$56,987.62)	-5.30%
D.	Contract Price	\$1,018,229.18	94.70%

		Date of Commencement of the Work:	Monday, January 13, 2020
1.02	CONTRACT TIME SUMMARY	DURATION	COMPLETION DATE
A.	Original Contract Time	120 Days	Tuesday, May 12, 2020
B.	Previous Change Orders	0 Days	Tuesday, May 12, 2020
C.	This Change Order	105 Days	
D.	Contract Time	225 Days	Monday, August 24, 2020

- 1.03 TOTAL VALUE OF INCREASES OUTSIDE OF GENERAL SCOPE OF WORK
A. Including this Change Order, the following table is provided to track conditions related to Paragraph 7.1.2.3 of Document 00700 - General Conditions.

CHANGE ORDER NO.	AMOUNT ADDED	PERCENT OF ORIGINAL CONTRACT PRICE
1	(\$56,987.62)	-5.30%
TOTALS	(\$56,987.62)	-5.30%

END OF SUMMARY

**CITY OF BRENHAM
BURLESON STREET CULVERT REPLACEMENT**

**CERTIFICATE OF
FINAL COMPLETION**

Document 00650

CERTIFICATE OF FINAL COMPLETION

PROJECT: Burleson Street Culvert Replacement
CONTRACT No.: N/A PROJECT No.: E2016-03

TO: Angel Brothers Enterprises, Ltd.
Contractor and 23990 State Hwy 6
Address for Written Notice Navasota, Texas 77868

1.01 DATE OF FINAL COMPLETION

The Work performed under the Contract was inspected on September 5, 2020 and found to be complete. The date of final completion of the Work is hereby established as September 5, 2020.

1.02 PUNCH LIST

Contractor certified in Document 00641 – Contractor's Certification of Final Completion that all Punch List items were completed or corrected. Failure to identify incomplete work items or requirements of the Contract prior to issuance of this Certificate does not alter the responsibility of Contractor to comply with all provisions of the Contract.

1.03 ACCEPTANCE OF THE WORK

Based on inspection and to the best of our knowledge, information and belief, the Work has been completed in accordance with the terms and conditions of the Contract and we recommend acceptance of the Work by City Council or their delegated authority.

Brent Fields, P.E.
Inspector

Brent Fields
Signature

9/17/20
Date

David R. Castellano, P.E.
Project Manager/Consultant (Gunda Corp.)

David Castellano
Signature

09/16/2020
Date

[Intermediate Authority]
Dane Rau
Public Works Director

[Signature]
Dane Rau
Signature

Date
9/20/20
Date

1.04 TRANSITION OF RESPONSIBILITIES

Except as provided in the Contract documents attached hereto, Public Works accepts the Work as complete and accepts responsibility for security, maintenance, heating, ventilating, air conditioning, utilities, damage to the Work, and insurance, that has not been previously transferred from Contractor.

END OF DOCUMENT

cc: Kyle Bertrand, P.E., Gunda
Kyle Lewis, V.P. – Angel Brothers Enterprises, Ltd.
File

00650-1
09-16-2020

CITY OF BRENHAM

BURLESON STREET CULVERT REPLACEMENT

CERTIFICATION OF PAYMENT TO
SUBCONTRACTORS AND SUPPLIERS

Document 00642

CERTIFICATION OF PAYMENT
TO SUBCONTRACTORS AND SUPPLIERS

The undersigned, Kyle Lewis, states that he is the Vice President,
Affiant Title
of Angel Brothers Enterprises, Ltd.
Contractor

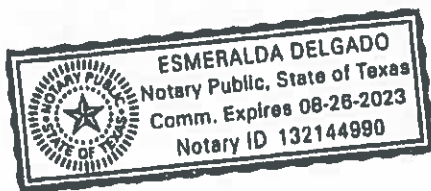
and that he is duly authorized to execute this Certification of Payment to Subcontractors and Suppliers;
that Contractor has made payments to Subcontractors and Suppliers for all labor, materials, equipment,
and services furnished to date for Work on Project No. E2016-03 Burleson Street Culvert Replacement
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.

[Signature]
Affiant's Signature

SWORN AND SUBSCRIBED before me on ____.

Date 9/17/2020

[Signature]
Notary Public in and for the State of TEXAS



Esmeralda Delgado
Print or type name

My Commission Expires: 08-26-2023
Expiration Date

END OF DOCUMENT



2200 Renaissance Blvd., Suite 400
King of Prussia, PA 19406-2755
Ph. (610) 832-8240

CONSENT OF SURETY TO FINAL PAYMENT

To: (Obligee or Obligee's representative)
City of Brenham

RE:

Principal: Angel Brothers Enterprises, Ltd.
3003 Kilgore Parkway, Building A
Baytown, TX 77523

Obligee: City of Brenham

Contract Number:

Contract Date:

Contract/Project Description:

Burleson Street Culvert Replacement

In accordance with the provisions of the contract between the Obligee and the Principal described above, LIBERTY MUTUAL FIRE INSURANCE COMPANY, a company organized under the laws of the state of Wisconsin, as Surety (the "Surety"), on the Principal's bond number 58S212845 (the "Bond") hereby consents to the final payment to the Principal by the Obligee and agrees that final payment to the Principal shall not relieve the Surety of any of its obligations to Obligee as set forth in the Bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand and seal this 23rd day of September, 2020,

LIBERTY MUTUAL FIRE INSURANCE COMPANY

(Surety)

By:


Lauren O. Moudy

Attorney-in-Fact

(Seal)

Surety Phone No. 617-357-9500



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

Liberty Mutual Fire Insurance Company
Wausau, Wisconsin

Certificate No: **8202693 - 971801**

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: Liberty Mutual Fire Insurance Company, being a Wisconsin Corporation having its principal office in the City of Wausau, State of Wisconsin does hereby make, constitute and appoint Ashley Britt, Alyson Carmichael, Robert C. Davis, Tabitha Dorman, Nikole Jeannette, Lacey Mayfield, Barry K. McCord, David T. Miclette, Lauren O. Moudy, Heather Noles, Robert M. Overbey, Jr.

all of the city of Houston state of TX each individually if there be more than one named, its true and lawful attorney(s)-in-fact, with full power and authority hereby conferred in their/its name, place and stead, to sign, execute, acknowledge and deliver in their/its behalf, and as their/its act and deed, without power of redelegation, as follows:

bonds, undertakings, recognizances, contracts of indemnity, and all other surety obligations, as required, unlimited as to Dollar amount

and to bind the Company(ies) making this appointment thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the Company(ies), and all the acts of said attorney(s), pursuant to the authority herein given, are hereby ratified and confirmed.

AUTHORITY FOR MAKING APPOINTMENT OF ATTORNEYS-IN-FACT

Appointment of Attorneys-in-Fact by Liberty Mutual Fire Insurance Company are made pursuant to Article V, Section 10 of Liberty Mutual Fire Insurance Company's By-Laws, as amended and by Unanimous Consent of the Board of Directors dated May 21st, 2013. Further, the President of Liberty Mutual Fire Insurance Company, executed a Delegation of Authority and authorized the assistant secretary signing below to appoint attorneys-in-fact as may be necessary to act on behalf of Liberty Mutual Fire Insurance Company to make execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances, and other surety obligations.

IN WITNESS WHEREOF, Liberty Mutual Fire Insurance Company has caused these presents to be signed by its authorized representatives, and its Corporate Seal to be hereto affixed, this 5th day of December, 2019.



Liberty Mutual Fire Insurance Company

By: David M. Carey
David M. Carey, Assistant Secretary

Attest: Lisa Love
Lisa Love

State of PENNSYLVANIA
County of MONTGOMERY ss

The foregoing instrument was acknowledged before me this 5th day of December, 2019 by David M. Carey, an authorized representative of Liberty Mutual Fire Insurance Company.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, an Assistant Secretary of Liberty Mutual Fire Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney was one of the officers or officials specially authorized by the Board of Directors to appoint attorneys-in-fact as provided in the Unanimous Consent and Vote of the Board of Directors of Liberty Mutual Fire Insurance Company dated May 21, 2013.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the Board of Directors of Liberty Mutual Fire Insurance Company evidenced by the Unanimous Consent and Vote of the Board of Directors dated June 28, 2006 wherein it was

VOTED that the signatures 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 and facsimile seal shall be valid and binding upon the Company when so affixed and in the future with respect to any surety undertakings, bonds, recognizances and other surety obligations to which it is attached.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, affixed, this 23rd day of September 2020.



By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

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

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.



TEXAS IMPORTANT NOTICE

To obtain information or make a complaint:

You may call toll-free for information or to make a complaint at
1-877-751-2640

You may also write to:

2200 Renaissance Blvd., Ste. 400
King of Prussia, PA 19406-2755

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at
1-800-252-3439

You may write the Texas Department of Insurance Consumer Protection (111-1A)
P. O. Box 149091
Austin, TX 78714-9091
FAX: (512) 490-1007
Web: <http://www.tdi.texas.gov>
E-mail: ConsumerProtection@tdi.texas.gov

PREMIUM OR CLAIM DISPUTES:

Should you have a dispute concerning your premium or about a claim you should first contact the agent or call 1-800-843-6446. If the dispute is not resolved, you may contact the Texas Department of Insurance.

ATTACH THIS NOTICE TO YOUR POLICY:

This notice is for information only and does not become a part or condition of the attached document.

TEXAS AVISO IMPORTANTE

Para obtener informacion o para someter una queja:

Usted puede llamar al numero de telefono gratis para informacion o para someter una queja al
1-877-751-2640

Usted tambien puede escribir a:

2200 Renaissance Blvd., Ste. 400
King of Prussia, PA 19406-2755

Puede comunicarse con el Departamento de Seguros de Texas para obtener informacion acerca de companias, coberturas, derechos o quejas al
1-800-252-3439

Puede escribir al Departamento de Seguros de Texas Consumer Protection (111-1A)
P. O. Box 149091
Austin, TX 78714-9091
FAX # (512) 490-1007
Web: <http://www.tdi.texas.gov>
E-mail: ConsumerProtection@tdi.texas.gov

DISPUTAS SOBRE PRIMAS O RECLAMOS:

Si tiene una disputa concerniente a su prima o a un reclamo, debe comunicarse con el agente o primero. Si no se resuelve la disputa, puede entonces comunicarse con el departamento (TDI)

UNA ESTE AVISO A SU POLIZA:

Este aviso es solo para proposito de informacion y no se convierte en parte o condicion del documento adjunto.



Regular City Council
AGENDA ITEM 5-F.

Agenda Item: Approve Change Order No. 1 and Final Payment on Contract No. 2016-04 to Lonnie Lischka Company, LP in the Amount of \$21,690.32 for the Brenham Business Center Detention Pond Improvements Project and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-October 01, 2020

Department: Public Works

Staff Contact: Dane Rau

Classification: Consent

SUMMARY STATEMENT:

On October 17, 2019 City Council awarded Lonnie Lischka Company LP the bid in the amount of \$382,916.34 for the Brenham Business Center Regional Detention Pond Improvements Project.

The improvements have been completed. The work consisted of excavation & installation of concrete pipe, wingwalls, sloped paving, soil retention, seeding and sediment control fencing. There was one Change Order which consisted of the removal of several bid items, resulting in a credit of (\$21,310). The final payment due is \$21,690.32. The total project amount was \$361,606.34.

ATTACHMENTS:

- (1) Application for Payment No. 4 & 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 Lonnie Lischka Company LP in the amount of \$21,690.32 for the Brenham Business Center Regional Detention Pond Improvements Project and authorize the Mayor to execute any necessary documentation.

APPLICATION FOR PAYMENT NO. 4 & FINAL

TO OWNER: CITY OF BRENHAM, 200 WEST VULCAN STREET, BRENHAM, TEXAS 77833
 FROM CONTRACTOR: LONNIE LISCHKA COMPANY, LP, PO BOX 806, BELLVILLE, TEXAS 77418
 PROJECT: 2017 REGIONAL DETENTION POND
 STRAND PROJECT NO. 3921.011

CONTRACT AWARDED: November 1, 2019
 PERIOD FROM: June 12, 2020
 CONST. TIME ALLOTTED: 180

NOTICE TO PROCEED: December 1, 2019
 PERIOD TO: August 31, 2020
 TIME USED: 275

Item No.	Description	Contract Quantity	Completed Quantity			Unit Price	Total Value of Work Completed
			Previous Period	Current Period	Total		
BASE BID							
1	MOBILIZATION	1 LS	1	0	1	\$ 16,650.00	\$ 16,650.00
2	EXCAVATION	21,360 CY	21,360	0	21,360	\$ 3.50	\$ 74,760.00
3	EMBANKMENT WITH DENSITY CONTROL	13,515 CY	13,515	0	13,515	\$ 0.01	\$ 135.15
4	REINFORCED CONCRETE OUTLET STRUCTURE	1 EA	1	0	1	\$ 16,114.80	\$ 16,114.80
5	72-INCH REINFORICED CONCRETE PIPE	70 LF	70	0	70	\$ 481.00	\$ 33,670.00
6	48-INCH REINFORCED CONCRETE PIPE	266 LF	266	0	266	\$ 181.00	\$ 48,146.00
7	18-INCH REINFORCED CONCRETE PIPE	78 LF	78	0	78	\$ 50.00	\$ 3,900.00
8	FLARED WINGWALL WITH DISSIPATERS (72-INCH RCP)	1 EA	1	0	1	\$ 8,800.00	\$ 8,800.00
9	FLARED WINGWALL WITH DISSIPATERS (48-INCH RCP)	2 EA	2	0	2	\$ 3,600.00	\$ 7,200.00
10	THROAT INLET/JUNCTION BOX	4 EA	4	0	4	\$ 8,600.00	\$ 34,400.00
11	CONCRETE SLOPE PAVING (5-INCH)	105 SY	105	0	105	\$ 95.00	\$ 9,975.00
12	CONCRETE PILOT CHANNEL (4-INCH)	210 SY	210	0	210	\$ 85.00	\$ 17,850.00
13	STABILIZED CONSTRUCTION EXIT	1 LS	1	0	1	\$ 2,500.00	\$ 2,500.00
14	SOIL RETENTION BLANKETS	280 SY	280	0	280	\$ 4.00	\$ 1,120.00
15	SEEDING	26,000 SY	26,000	0	26,000	\$ 0.55	\$ 14,300.00
16	VEGETATIVE WATERING	406 MG	0	0	0	\$ 50.00	\$ -
17	SEDIMENT CONTROL FENCE	1,860 LF	1,757	0	1,757	\$ 2.50	\$ 4,392.50
ALTERNATE BID NO. 1							
A.1	EXCAVATION	600 CY	600	0	600	\$ 4.00	\$ 2,400.00
A.2	EMBANKMENT WITH DENSITY CONTROL	55 CY	55	0	55	\$ 0.01	\$ 0.55
A.3	30-INCH REINFORCED CONCRETE PIPE	203 LF	203	0	203	\$ 71.50	\$ 14,514.50
A.4	THROAT INLET/JUNCTION BOX	1 EA	1	0	1	\$ 8,600.00	\$ 8,600.00
A.5	SEEDING	950 SY	950	0	950	\$ 0.55	\$ 522.50
A.6	VEGETATIVE WATERING	15 MG	0	15	15	\$ 50.00	\$ 750.00
A.7	SEDIMENT CONTROL FENCE	68 LF	0	0	0	\$ 2.50	\$ -
ALTERNATE BID NO. 2							
A.1	REMOVE AND DISPOSE OF 24-INCH HDPE PIPE	28 LF	28	0	28	\$ 7.00	\$ 196.00
A.2	EMBANKMENT WITH DENSITY CONTROL	3,034 CY	3,034	0	3,034	\$ 0.01	\$ 30.34
A.3	30-INCH REINFORCED CONCRETE PIPE	376 LF	376	0	376	\$ 71.50	\$ 26,884.00

Item No.	Description	Contract Quantity	Completed Quantity			Unit Price	Total Value of Work Completed
			Previous Period	Current Period	Total		
A.4	THROAT INLET/JUNCTION BOX	1 EA	1	0	1	\$ 8,600.00	\$ 8,600.00
A.5	SEEDING	3,900 SY	3,900	0	3,900	\$ 0.55	\$ 2,145.00
A.6	VEGETATIVE WATERING	61 MG	0	61	61	\$ 50.00	\$ 3,050.00
A.7	SEDIMENT CONTROL FENCE	233 LF	0	0	0	\$ 2.50	\$ -

Original Contract: \$	382,916.34	Value of Work Performed to Date	\$ 361,606.34
Plus Additions:		Plus Materials Stored at Close of Period	\$ -
Less Deductions: \$	21,310.00	Net Amt Earned to Date	\$ 361,606.34
Adjusted Contract: \$	361,606.34	Less 5% Retainage	\$ -
		Subtotal	\$ 361,606.34
		Less Previous Pay Applications	\$ 339,916.02
		Amount Due this Application	\$ 21,690.32

AFFIDAVIT & CERTIFICATION OF PAY APPLICATION BY CONTRACTOR

STATE OF TEXAS
COUNTY OF WASHINGTON

WHEREAS, the undersigned, JUSTIN LISCHKA, who being duly sworn, on oath, says that he is the legal representative of Lonnie Lischka Company, LP, has been employed by the City of Brenham to furnish labor and materials for the installation of the 2017 Regional Detention Pond project in Brenham, Texas.

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

BY: Justin Lischka
LONNIE LISCHKA COMPANY, LP

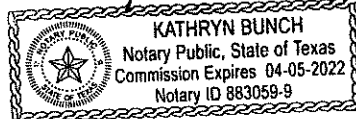
DATE: 9/9/2020

PRINTED NAME: JUSTIN LISCHKA

TITLE: VICE-PRESIDENT

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 9 DAY OF September, 2020

Kathryn Bunch
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS.



RECOMMENDED BY: Hollie Jansen
STRAND ASSOCIATES, INC.®

DATE 9-9-2020

APPROVED BY: _____
CITY OF BRENHAM, TEXAS

DATE _____



Strand Associates, Inc.*

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

September 4, 2020

CHANGE ORDER NO. 1

PROJECT: 2017 Regional Detention Pond
OWNER: City of Brenham, Texas
CONTRACT: 1-2019
CONTRACTOR: Lonnie Lischka Company, LP

Description of Change

1a	Cost adjustment to remove Bid Item No. 16.	(DEDUCT)	(\$20,300.00)
1b	Cost adjustment to reduce quantity of Bid Item No. 17.	(DEDUCT)	(\$257.50)
1c	Cost adjustment to remove Bid Item No. A.7 of Alternate Bid No. 1.	(DEDUCT)	(\$170.00)
1d	Cost adjustment to remove Bid Item No. A.7 of Alternate Bid No. 2,	(DEDUCT)	(\$582.50)
TOTAL VALUE OF THIS CHANGE ORDER:			(DEDUCT) (\$21,310.00)

Contract Price Adjustment

Original Contract Price	\$382,916.34
Previous Change Order Adjustments	\$0.00
Adjustment in Contract Price this Change Order	(\$21,310.00)
Current Contract Price including this Change Order	\$361,606.34

Contract Final Completion Date Adjustment

Original Contract Final Completion Date	May 29, 2020
Contract Final Completion Date Adjustments due to previous Change Orders	0 Days
Contract Final Completion Date Adjustments due to this Change Order	80 Days
Current Final Contract Completion Dates including all Change Orders	August 17, 2020

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

RECOMMENDED

Hollie Janicka 9-9-2020
ENGINEER—Strand Associates, Inc.* Date

APPROVED

Lonnie Lischka 9/9/2020
CONTRACTOR—Lonnie Lischka Company, LP Date

APPROVED

OWNER—City of Brenham, Texas Date

H:\cd\IS\BRE\3900-3999\3921\011\Wrd\Construction\Pay Request\No. 4 and Final\Reconciliation Change Order.docx

TBPE No. F-8405
TBPLS No. 10030000

CITY OF BRENHAM
STANDARD SPECIFICATION

CERTIFICATE
OF FINAL COMPLETION

Document 00641

CERTIFICATE OF FINAL COMPLETION

CERTIFICATE OF FINAL COMPLETION OF: 2017 Regional Detention Pond

Project No.: 2016-04

Contract Dated: November 1, 2019

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Jacoby Lischka, who, being by me duly sworn, on his oath says that he or she represents Lonnie Lischka Company, LP, 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

[Signature]
Affiant's Signature

SWORN AND SUBSCRIBED before me on

August 31, 2020

Date



[Signature]
Notary Public in and for the State of TEXAS

Kathryn Bunch

Print or type name

My Commission Expires 04/05/2022
Expiration Date

THIS IS TO CERTIFY that I have 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

Resident Project Representative

[Project Manager or Construction Manager]

Approved

[Title of Approval Authority], [Contracting Department]

END OF DOCUMENT

00641-1
04-01-2017

CITY OF BRENHAM
STANDARD SPECIFICATION

CERTIFICATION OF PAYMENT
TO SUBCONTRACTORS AND SUPPLIERS

Document 00642

CERTIFICATION OF PAYMENT
TO SUBCONTRACTORS AND SUPPLIERS

I, the undersigned, Jacoby Lischka, states that he is the Vice-President
of Lonnie Lischka Company, LP
Affiant 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. 2016-04 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.

Jacoby Lischka
Affiant's Signature

SWORN AND SUBSCRIBED before me on August 31, 2020
Date



Kathryn Bunch
Notary Public in and for the State of TEXAS

Kathryn Bunch
Print or type name

My Commission Expires: 04/05/2022
Expiration Date

END OF DOCUMENT

00642-1
04-01-2017

Estimate No. 4 (Final) - August 31, 2020
City of Brenham - 2017 Regional Detention Pond

Item No.	Description of Work	Contract Quantity	Unit	Quantity To Date	Previous Quantity	Current Quantity	Unit Price	Previous Applications	Work in Place This Period	Stored Mat'l. This Period	Total Complete Stored to Date	% Comp	Retainage
B1	Mobilization	1.00	LS	1.00	1.00	0.00	16,650.00	16,650.00	0.00	0.00	16,650.00	100%	0.00
B2	Excavation	21,360.00	CY	21,360.00	21,360.00	0.00	3.50	74,760.00	0.00	0.00	74,760.00	100%	0.00
B3	Embankment with Density Control	13,515.00	EA	13,515.00	13,515.00	0.00	0.01	135.15	0.00	0.00	135.15	100%	0.00
B4	Reinforced Concrete Outlet Structure	1.00	EA	1.00	1.00	0.00	16,114.80	16,114.80	0.00	0.00	16,114.80	100%	0.00
B5	72-in Reinforced Concrete Pipe	70.00	LF	70.00	70.00	0.00	481.00	33,670.00	0.00	0.00	33,670.00	100%	0.00
B6	48-in Reinforced Concrete Pipe	266.00	LF	266.00	266.00	0.00	181.00	48,146.00	0.00	0.00	48,146.00	100%	0.00
B7	18-in Reinforced Concrete Pipe	78.00	LF	78.00	78.00	0.00	50.00	3,900.00	0.00	0.00	3,900.00	100%	0.00
B8	Flared Wingwall w/Dispersers (72" RCP)	1.00	EA	1.00	1.00	0.00	8,800.00	8,800.00	0.00	0.00	8,800.00	100%	0.00
B9	Flared Wingwall w/Dispersers (48" RCP)	2.00	EA	2.00	2.00	0.00	3,600.00	7,200.00	0.00	0.00	7,200.00	100%	0.00
B10	Throat Inlet/Junction Box	4.00	EA	4.00	4.00	0.00	8,800.00	34,400.00	0.00	0.00	34,400.00	100%	0.00
B11	Concrete Slope Paving (5')	105.00	SY	105.00	105.00	0.00	95.00	9,975.00	0.00	0.00	9,975.00	100%	0.00
B12	Concrete Pilot Channel (4')	210.00	SY	210.00	210.00	0.00	85.00	17,850.00	0.00	0.00	17,850.00	100%	0.00
B13	Stabilized Construction Exit	1.00	LS	1.00	1.00	0.00	2,500.00	2,500.00	0.00	0.00	2,500.00	100%	0.00
B14	Soil Retention Blankets	280.00	SY	280.00	280.00	0.00	4.00	1,120.00	0.00	0.00	1,120.00	100%	0.00
B15	Seeding	26,000.00	SY	26,000.00	26,000.00	0.00	0.55	14,300.00	0.00	0.00	14,300.00	100%	0.00
B16	Vegetative Watering	406.00	MG	0.00	0.00	0.00	50.00	0.00	0.00	0.00	0.00	0%	0.00
B17	Sediment Control Fences	1,860.00	LF	1,757.00	1,757.00	0.00	2.50	4,392.50	0.00	0.00	4,392.50	94%	0.00
E1	Excavation	600.00	CY	600.00	600.00	0.00	4.00	2,400.00	0.00	0.00	2,400.00	100%	0.00
E2	Embankment w/Density Control	55.00	CY	55.00	55.00	0.00	0.01	0.55	0.00	0.00	0.55	100%	0.00
E3	30-in Reinforced Concrete Pipe	203.00	LF	203.00	203.00	0.00	71.50	14,514.50	0.00	0.00	14,514.50	100%	0.00
E4	Throat Inlet/Junction Box	1.00	EA	1.00	1.00	0.00	8,800.00	8,800.00	0.00	0.00	8,800.00	100%	0.00
E5	Seeding	950.00	SY	950.00	950.00	0.00	0.55	522.50	0.00	0.00	522.50	100%	0.00
E6	Vegetative Watering	15.00	MG	15.00	0.00	0.00	50.00	0.00	750.00	0.00	750.00	100%	0.00
E7	Sediment Control Fence	68.00	LF	0.00	0.00	0.00	2.50	0.00	0.00	0.00	0.00	0%	0.00
F1	Remove & Dispose of 24-in HDPE Pipe	28.00	LF	28.00	28.00	0.00	7.00	196.00	0.00	0.00	196.00	100%	0.00
F2	Embankment w/Density Control	3,034.00	CY	3,034.00	3,034.00	0.00	0.01	30.34	0.00	0.00	30.34	100%	0.00
F3	30-in Reinforced Concrete Pipe	376.00	LF	376.00	376.00	0.00	71.50	26,884.00	0.00	0.00	26,884.00	100%	0.00
F4	Throat Inlet/Junction Box	1.00	EA	1.00	1.00	0.00	8,800.00	8,800.00	0.00	0.00	8,800.00	100%	0.00
F5	Seeding	3,900.00	SY	3,900.00	3,900.00	0.00	0.55	2,145.00	0.00	0.00	2,145.00	100%	0.00
F6	Vegetative Watering	61.00	MG	61.00	0.00	0.00	50.00	0.00	3,050.00	0.00	3,050.00	100%	0.00
F7	Sediment Control Fence	233.00	LF	0.00	0.00	0.00	2.50	0.00	0.00	0.00	0.00	0%	0.00
								357,806.34	3,800.00	0.00	361,606.34		0.00

By: Lorraine Ulschka Company, LP

Jacoby Ulschka, Vice-President



Original Contract Amount \$362,916.34
Net Change by Change Order 0.00
Contract Sum to Date: \$362,916.34
Total Completed & Stored to Date: \$361,806.34
Retainage: 0.00
Total Earned Less Retainage: \$361,806.34
Less Previous Estimates: 339,916.02
Payment Due This Estimate: \$21,890.32

**CONSENT OF SURETY
TO FINAL PAYMENT**

AIA Document G707

OWNER	☐
ARCHITECT	☐
CONTRACTOR	☐
SURETY	☒
OTHER	☐

Bond No. PRF9285598

TO OWNER:

(Name and address)

City of Brenham
200 West Vulcan St.
Brenham, TX 77833

ARCHITECT'S PROJECT NO.:

CONTRACT FOR: \$361,606.34

PROJECT:

(Name and address)

CONTRACT DATED:

2017 Regional Detention Pond

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

Colonial American Casualty and Surety Company
1299 Zurich Way, 5th Floor
Schaumburg, IL 60196-1056

, SURETY,

on bond of

(Insert name and address of Contractor)

Lonnie Lischka Company, L.P.
P.O. Box 806
Bellville, TX 77418

, 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 St.
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: September 2, 2020

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

Attest:

(Seal):

Maria Rinehart, Witness



Colonial American Casualty and Surety Company

(Surety)

By:

(Signature of authorized representative)

Stephanie Lynn Gunderson Attorney-in-Fact

(Printed name and title)

Surety Phone No. 847-605-6000

Bond Number PRF9285598

Obligee City of Brenham

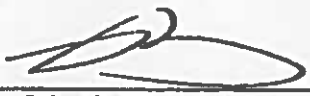
**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by Robert D. Murray, Vice President, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint Stephanie Lynn Gunderson, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York, the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland, and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland, in their own proper persons.

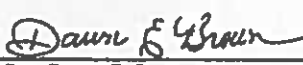
The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 19th day of June, A.D. 2019.

ATTEST:
ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND


By: Robert D. Murray
Vice President



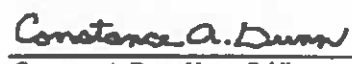

By: Dawn E. Brown
Secretary

State of Maryland
County of Baltimore

On this 19th day of June, A.D. 2019, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, Robert D. Murray, Vice President and Dawn E. Brown, Secretary of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposed and said, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.




Constancia A. Dunn, Notary Public
My Commission Expires: July 9, 2023

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, ~~Attorneys-in-Fact~~. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 2nd day of September, 2020.



Brian M. Hodges, Vice President

TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:

Zurich Surety Claims
1299 Zurich Way
Schaumburg, IL 60196-1056
www.reportsfclaims@zurichna.com
800-626-4577



Regular City Council
AGENDA ITEM 5-G.

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the FY2019-20 Adopted Budget

Meeting Type: Regular Meeting-October 01, 2020

Department: Finance

Staff Contact: Carolyn Miller

Classification: Consent

SUMMARY STATEMENT:

See attached memo from Strategic Budget Officer

ATTACHMENTS:

- (1) Memo from Budget Strategic Budget Officer
- (2) Ordinance for First Reading
- (3) Exhibit A

RELEVANCE TO COMPREHENSIVE PLAN:

Plan 2040 implementation is made possible by the City's adherence to the annual budget which identifies how essential capital projects and annual priorities will be funded and maintained.

RECOMMENDED ACTION:

Approve an Ordinance in its first reading amending the FY2019-20 adopted budget.



MEMORANDUM

To: Mayor and Council

From: Debbie Gaffey, Strategic Budget Officer

Subject: FY19-20 Budget Amendment #1

Date: October 1, 2020

The FY19-20 Budget is being amended for the following:

- a. COVID-19 – Fund 260 - Brenham Community Project Fund was established during the fiscal year to account for City and donation funds earmarked for COVID relief programs. Amendment #1 establishes the fund, records donations received and accounts for the use of donation proceeds. The City’s donation of \$40,000 was transferred from excess reserves in Fund 101 – General Fund to Fund 260. Not included in this amendment was \$10,000 transfer from the Electric Fund (Fund 102) to the General Fund (Fund 101) for “reopen Brenham” expenditures which could be absorbed in the budgeted transfers already established between the two funds.
- b. \$1M in BCDC Conduit Debt – The FY19-20 Budget included \$1,000,000 in debt issued for detention ponds constructed at the Brenham Business Center and the Southwest Industrial Park. The debt payment was to be made by BCDC via a transfer-in to the Fund 118 – Debt Service Fund. Project expenditures were budgeted in Fund 252 – BCDC Capital Projects Fund. After adoption of the FY19-20 Budget, it was determined that the debt purpose was disallowable. BCDC were substituted as the funding mechanism for the detention ponds. The amendment reverses all debt related activity between Fund 101 – General Fund, Fund 118 – Debt Service Fund, Fund 250 – BCDC Fund and Fund 252 – BCDC Capital Projects Fund, moving all project expenditures to Fund 250 and recognizing property owner contributions to partially pay for the detention ponds.
- c. Utilities Bonds Funded CIP Projects – With governmental funds, accounting and budgeting for bond funded CIP projects are recorded in funds separate from the funds used for operations. In the enterprise (utilities) funds, the transactions have been comingled creating difficulties in deciphering operating results and true cost-of-service basis used for utility rate analysis. An attempted work around was to budget CIP

projects “net” of related bond proceeds purposed for the projects. Amendment #1 reverts project expenditures to “before” use of bond proceeds. For Fund 102 – Electric Fund, the Copper Replacement Project which is 100% bond funded is amended from \$0 to \$1,444,439. The same issue arose in Fund 104 – Water Fund but reduced project costs and delays masked the impact. In the future, bond (and grant) funded projects will be shown in separate utility CIP funds to improve transparency on utilities operations and budgets.

- d. Unplanned/Unbudgeted Projects – The Gas Fund (Fund 103) and Wastewater Fund (Fund 105) are being amended for the Burleson Street Utility Extension Project. The Gas Fund is also being amended for the extension of the gas main to the new 2nd Gate but is partially offset by deferral of another project.
- e. Utility Project Delays/Carryovers - The Water Fund (Fund 104) is being amended to reflect fiscal year carryover costs in the amount of \$243,545 for AC/CI Replacement Project (100% bond funded); fiscal year carryover costs for the Protective Coating Project offset by savings for the plant bridge and auger and the “pause” on the Lake Intake Project. The amendment defers FEMA reimbursements for the Lake Intake and updates the reimbursement amount for the Lake Line Lowering Project. In the Wastewater Fund (Fund 105), the budget is amended for FEMA reimbursements for Munz and Ralston Creek Lift Stations due to deferral of projects into FY20-21. The amendment eliminates FEMA balance payment for completion on the Wastewater Treatment/Hog Branch Project.
- f. Airport Project Delays/Carryovers - The Airport Capital Fund (Fund 203) is being amended to reflect deferral of the Airport Master Plan and to update runway repair costs and related TXDOT Grant proceeds.
- g. Streets/Drainage Project Budget Amendments – Construction costs for Industrial Blvd were budgeted in Fund 237 – Streets-Capital Improvement Fund. The amendment moves the budget to Fund 227-FEMA-Disaster Relief Fund where engineering for Industrial Blvd was recorded. In Fund 237, the amendment defers expenditures for Salem Road and Old Chappell Hill Road into FY20-21. The transfer-out to from Fund 237 to Fund 227 is amended for the movement of Industrial Blvd construction costs and higher costs on Burleson/Little Sandy. 2020 bond proceeds were diverted from other street projects to Burleson/Little Sandy which qualified for bond use. Fund 227 is amended for lower FEMA reimbursements and higher project costs for Fireman’s Park bridge repair; Industrial Blvd; and Burleson/Little Sandy.
- h. Sanitation/VERF – Amendment #1 transfers \$200,000 from asset sales proceeds from closeout of business lines within the Sanitation Fund to the Vehicle Equipment Replacement Fund.
- i. Other – The Donations Fund (Fund 232) is amended for an increase in donations revenues and uses of donations. The Parks Capital Improvements Fund (Fund 234) is amended for the HEB grant and use of the grant for the City splashpad.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING THE
FY2019-20 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, 2020, 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 FY2019-20 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, 2020, 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 ____ day of _____, 2020.

PASSED and APPROVED on its second reading this the ____ day of _____, 2020.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

CITY OF BRENHAM
FY2019-20 ADOPTED BUDGET
BUDGET AMENDMENT #1
EXHIBIT A

FUND	AMENDMENT PAGE #	OPERATING REVENUES (INC)/DEC	GRANT REVENUES (INC)/DEC	TRANSFERS-IN (INC)/DEC	BOND/LEASE PROCEEDS (INC)/DEC	OPERATING EXPENDITURES (INC)/DEC	GRANT/BOND CAP PROJ INC/(DEC)	TRANSFERS-OUT INC/(DEC)	NET CHANGE TO FUND (INC)/DEC
101 GENERAL FUND	1	-	-	-	1,000,000	-	-	(960,000)	40,000
102 ELECTRIC FUND	2	-	-	-	-	-	1,444,439	10,000	1,454,439
103 GAS FUND	3	-	-	-	-	89,184	-	-	89,184
104 WATER FUND	4	-	995,752	-	-	-	(193,455)	-	802,297
105 WASTEWATER FUND	5	-	2,033,704	-	-	155,266	-	-	2,188,970
106 SANITATION FUND	6	-	-	-	-	(200,000)	-	200,000	-
118 DEBT SERVICE FUND	8	-	-	80,000	-	(80,000)	-	-	-
203 AIRPORT CAPITAL FUND	9	-	27,954	-	-	-	(31,060)	-	(3,106)
227 FEMA DISASTER-RELIEF FUND	10	-	341,549	(639,970)	-	-	614,429	-	316,008
232 DONATIONS FUND	11	(116,465)	-	-	-	76,303	-	-	(40,162)
234 PARKS CAPITAL IMPROVEMENT FD	12	-	-	(50,000)	-	50,000	-	-	-
237 STREET CAPITAL IMPROVE FUND	13	-	-	-	-	82,433	(3,311,185)	639,970	(2,588,782)
240 VEHICLE/EQUIPMENT REP FUND	14	-	-	(200,000)	-	-	-	-	(200,000)
250 BCDC FUND	16	(131,697)	-	-	-	665,485	-	(80,000)	453,788
252 BCDC CAPITAL PROJECTS FUND	17	-	-	1,000,000	-	-	(1,000,000)	-	-
260 BRENHAM COMMUNITY PROJ FD	18	(119,020)	-	(50,000)	-	119,020	-	50,000	-
TOTAL		(367,182)	3,398,959	140,030	1,000,000	957,691	(2,476,832)	(140,030)	2,512,636



Regular City Council
AGENDA ITEM 6.

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First 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)

Meeting Type: Regular Meeting-October 01, 2020

Department: Development Services

Staff Contact: Shauna Laauwe, AICP Project Planner

Classification: Regular

SUMMARY STATEMENT:

The subject property is an 8.156-acre lot within the City of Brenham's Extraterritorial Jurisdiction (ETJ) generally located southeast of the Old Mill Creek Road and S. Berlin Road intersection and addressed as 1093 S. Berlin Road. To accommodate two existing residences and accessory structures, the owner/applicant, Christine Stovall, wishes to subdivide the property into two tracts, Tract 1 being 0.75-acres and Tract 2 being 7.41-acres. However, the proposed division is not in compliance with the City's subdivision ordinance, specifically Chapter 23-21(3)(a) which requires that rural lots to have a minimum width of one hundred twenty-five (125) feet at the building line; and Chapter 23-21(3)(c) that requires rural lots to have a minimum area of 43,560 square feet (1.0-acres).

For Tract 2, the applicant is proposing a twenty-five-foot (25') frontage and building line width at South Berlin Road that would give the residue tract direct and immediate road frontage in lieu of an easement for access. The 25-foot in width portion of land is proposed along the south property line of Tract 1 and then runs east approximately 312 feet until reaching the larger portion of the 7.41-acre Tract 2. Thus, the first variance request is for a 100-foot reduction in the minimum required lot width of 125 feet at the building line. However, the accommodation of the requested 25'x 312' frontage access strip for Tract 2 results in Tract 1 being reduced to 0.75-acres, less than the minimum rural lot size requirement of 43,560 square feet (1.0 acres). Thus, the applicant is also requesting a second variance to allow for a 0.25-acre reduction in the minimum required rural lot size. The variance requests for a reduction in lot width at the building line and a reduction in the minimum lot size appear to be reasonable. For further analysis, please refer to the Staff Report.

This item is scheduled to be heard by the Planning and Zoning Commission for recommendations on the requested variances at the September 28, 2020 meeting. Staff will update the Planning and Zoning Commission's recommendation prior to the October 1, 2020 Council meeting. If City Council approves the proposed variances, the applicant will be required to formally plat the property into the proposed lot configuration.

ATTACHMENTS:

- | |
|---|
| (1) Ordinance for First Reading
(2) Staff Report |
|---|

RELEVANCE TO COMPREHENSIVE PLAN:

The future land use map portion of the Envision 2020 Comprehensive Plan suggests the subject property will likely remain rural residential property within the ETJ. The requested variances should not interfere with the orderly growth of the rural area and aligns with the goals and land use policies established in the Comprehensive Plan.

RECOMMENDED ACTION:

Approve an Ordinance on its first 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)
--

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, GRANTING A VARIANCE TO SECTION 23-21(3)(a) AND (3)(c) OF THE CITY OF BRENHAM CODE OF ORDINANCES, CHAPTER 23, SUBDIVISIONS, PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, the City of Brenham Code of Ordinances, Chapter 23, Subdivisions, provides for standards and regulations regarding subdivisions within the corporate boundaries and Extraterritorial Jurisdiction (ETJ) of the City of Brenham; and

WHEREAS, Chapter 23, Section 23-21(3)(a) states that rural residential lots shall have a minimum width of one hundred and twenty-five (125) feet at the building line; and (3)(c) states that rural lots have a minimum area of 43,560 square feet (1 acre) as follows:

Rural lots. Notwithstanding provisions for urban lots as provided in subsection (1), rural lot subdivisions may be approved in the extraterritorial jurisdiction for residential development that is to be served by individual water wells, by an individual sewage disposal system or by county roads, provided said development conforms to applicable state law, and other applicable codes and ordinances of the City of Brenham and Washington County. Standards that apply to rural residential lots are as follows:

a. Minimum width: One hundred twenty-five (125) feet. Radial lots to have minimum width of one hundred (100) feet with a minimum width of one hundred twenty-five (125) feet at the building line.

c. Minimum area: 43,560 square feet.

WHEREAS, in accordance with City of Brenham Code of Ordinances, Chapter 23, Subdivisions, Section 23-34, as the legislative body of the City of Brenham, the City Council of the City of Brenham, Texas has the authority to grant variances from the terms of the City of Brenham Code of Ordinances, Chapter 23, Subdivisions; and

WHEREAS, the owner of the property described as Tract 93 of the Isaac Jameison Survey, A-67, in Washington County, Texas, located at 1093 South Berlin Road, has requested a variance from City of Brenham Code of Ordinances, Chapter 23, Subdivisions, Section 23-21(3)(a) and (3)(c); and

WHEREAS, the requested variance was recommended for approval by the City of Brenham Planning and Zoning Commission during its regular meeting on September 28, 2020; and

WHEREAS, the property is in compliance with the City of Brenham Comprehensive Plan;
and

WHEREAS, the City Council finds that by granting the variance, the spirit of the City of Brenham Code of Ordinances, Chapter 23, Subdivisions is observed; and

WHEREAS, the City Council further finds that granting the variance is not contrary to the public interest;

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

1. **Findings of Fact:** All of the above premises are hereby found to be true and correct findings of the City Council of the City of Brenham and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.
2. **Variance Granted:** The City Council, for the property described as Tract 93 of the Isaac Jameison Survey, A-67, located at 1093 South Berlin Road, hereby grants the request for a variance from the provisions of the City of Brenham Code of Ordinances, Chapter 23, Section 23-21(3)(a) and (3)(c) to allow a subdivision of land in the City of Brenham's Extraterritorial Jurisdiction (ETJ) to allow Tract 1 to have a lot size of .75-acre of land instead of the required 1-acre (43,560 square feet), and to allow Tract 2 to have a width of twenty-five feet (25') at the road instead of the required one hundred twenty-five (125') feet.
3. **Conflict with Prior Ordinances:** In the case of a conflict between this Ordinance and any provision or clause of previous Ordinances adopted by the City of Brenham, the provisions of this Ordinance shall prevail.
4. **Severability:** Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are severable.
5. **Effective Date:** This Ordinance shall become effective immediately upon and after its passage and publication as may be required by governing law.
6. **Proper Notice and Meeting:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED and APPROVED on its first reading this the ____ day of _____, 2020.

PASSED and APPROVED on its second reading this the ____ day of _____, 2020.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



CASE P-20-029

Variance Requests: Section 23-21(3)(a) and (3)(c) of Article III of the Subdivision Ordinance - 1093 S. Berlin Road (in ETJ)

OWNER/APPLICANT: Christine Stovall/Jon E. Hodde, Hodde & Hodde Land Surveying, Inc.

ADDRESS/LOCATION: 1093 S. Berlin Road, Brenham, Texas 77833 (Exhibit "A")

LEGAL DESCRIPTION: Tract 93 of the Isaac Jameison Survey, A-67, in Washington County, Texas

LOT AREA: Approximately 8.156 acres

ZONING DISTRICT/USE: Not applicable / Single-family residences with accessory structures (Exhibit "B")

COMP PLAN FUTURE LAND USE: Rural

REQUEST: A request for a variance to Section 23-21(3)(a) and (3)(c) of Article III of the Subdivision Ordinance to allow a subdivision of land in the City of Brenham's Extraterritorial Jurisdiction (ETJ) to allow **Tract 1** to have a lot size of .75-acre of land instead of the required 1-acre (43,560 square feet), and to allow **Tract 2** to have a width of twenty-five feet (25') at the road instead of the required one hundred twenty-five (125') feet. (Exhibit "C")

SUMMARY:

Christine Stovall, the owner/applicant, owns the subject property located within the City of Brenham's extraterritorial jurisdiction (ETJ). The applicant wishes to subdivide the approximate 8.156-acre property into two tracts of land, a .75-acre lot, and a 7.41-acre lot, respectfully. However, the proposed division (Exhibit "C") is not in compliance with the City's subdivision ordinance, specifically Chapter 23-21(3)(a) and (3)(c) Article III, which states:

Sec. 23-21. - Lots.

All lots shown on any plat will be for residential purposes unless otherwise noted.

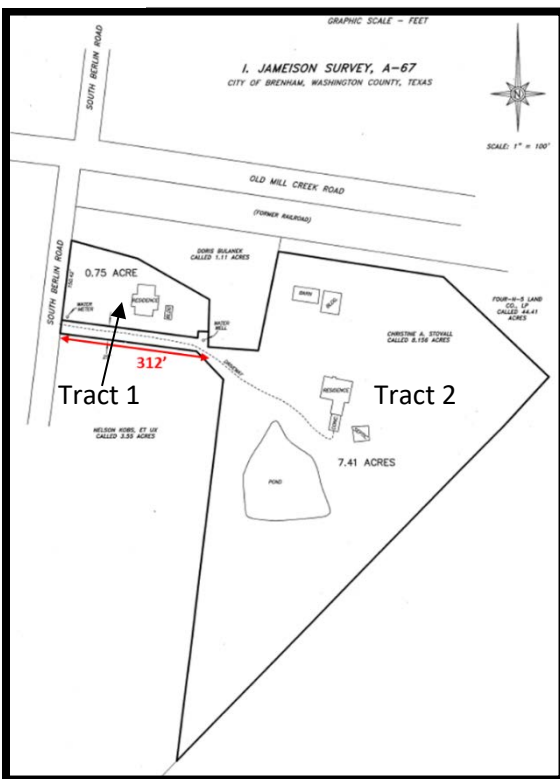
- (3) *Rural lots.* Notwithstanding provisions for urban lots as provided in subsection (1), rural lot subdivisions may be approved in the extraterritorial jurisdiction for residential development that is to be served by individual water wells, by an individual sewage disposal system or by county roads, provided said development conforms to applicable state law, and other applicable codes and ordinances of the City of Brenham and Washington County. Standards that apply to rural residential lots are as follows:

- a. Minimum width: One hundred twenty-five (125) feet. Radial lots to have minimum width of one hundred (100) feet with a minimum width of one hundred twenty-five (125) feet at the building line.
- c. Minimum area: 43,560 square feet.

The applicant is specifically asking for these variances to allow for a subsequent subdivision of the 8.16-acre property into two tracts, Tract 1 being 0.75-acres and Tract 2 being 7.41-acres, to accommodate the existing residences and structures. Please refer to the Site Map and Aerial Map below for reference. For Tract 2, the applicant is proposing a twenty-five-foot (25') frontage and building line width at South Berlin Road that would give the residue tract direct and immediate road frontage in lieu of an easement for access. The 25-foot in width portion of land is proposed along the south property line of Tract 1 and then runs east approximately 312 feet until reaching the larger portion of the 7.41-acre Tract 2. Thus, the first variance request is for a 100-foot reduction in the minimum required lot width of 125 feet at the building line.

Furthermore, the accommodation of the requested 25'x 312' frontage access strip for Tract 2 results in Tract 1 being reduced to 0.75-acres, less than the minimum rural lot size requirement of 43,560 square feet (1.0 acres). Thus, the applicant is also requesting a second variance to allow for a 0.25-acre reduction in the minimum required rural lot size.

Site Map



Aerial Map



The Planning and Zoning Commission is charged with making recommendations to City Council on variances to the Subdivision Ordinance as described in the following section of the Subdivision Ordinance:

Sec. 23-34. Variances

Where in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the city council may upon recommendation by the planning commission, in specific cases, at a

regular meeting of the city council and subject to appropriate conditions and safeguards, authorize, by ordinance, a variance to the subdivision regulations in order to permit reasonable development and improvement of property where the literal enforcement of these regulations would result in an unnecessary hardship. A variance may only be granted by ordinance upon finding that such variance is in accord with the comprehensive plan of the City of Brenham and that the probable effect of such variance will not create adverse impacts in the vicinity. No written public notice shall be required prior to the granting of the variances provided for in this section, except as required by the Texas Open Meetings Law.

STAFF ANALYSIS AND RECOMMENDATION:

As outlined in Section 23-21 above, the Subdivision Ordinance requires rural platted lots in the City and ETJ to meet certain standards as follows:

- a. Minimum width: One hundred twenty-five (125) feet. Radial lots to have minimum width of one hundred (100) feet with a minimum width of one hundred twenty-five (125) feet at the building line.
- c. Minimum area: 43,560 square feet.

Staff finds that the variance requests for a reduction in lot width at the building line and a reduction in the minimum lot size to be reasonable. The only road access available for the existing residence located on proposed Tract 2 is via a gravel driveway to South Berlin Road along the south boundary of proposed Tract 1. Allowing for the frontage width to be 25 feet at South Berlin Road will enable proposed Tract 2 to have direct access to South Berlin Road by deed rather than a travel easement. Travel easements grant permission for access on adjacent property and while may be shown on a plat, rely on good faith from owner to owner and may be less reliable over time. Staff also finds that a lot size of 0.75-acres is a minimal and reasonable reduction in the required 1.0-acre lot requirement which results from lessening a hardship on an adjacent property. Lastly, the Washington County Engineer performed an environmental and developmental review of the variance requests and has no objections. Following consideration and approval of the proposed variances by the Planning and Zoning Commission and City Council, the applicant will be required to formally plat the property into the proposed lot configuration.

For the reasons explained above, staff supports the proposed variance and **recommends approval.**

EXHIBITS:

- A. Aerial Map
- B. Cover Letter to the Commission
- C. Draft of Proposed Preliminary Division of the Tract
- D. Washington County Letter of Support

EXHIBIT "A"
AERIAL MAP



Subdivision Variance Request - ETJ
1903 S Berlin Road

1 inch = 229 feet



EXHIBIT "B"
COVER LETTER TO THE COMMISSION



HODDE & HODDE
LAND SURVEYING, INC.
Professional Land Surveying & Engineering
613 E. Blue Bell Road
Brenham, Texas 77833-2411

OFFICE PHONE: (979) 836-5681
FAX: (979) 836-5683
www.hoddesurveying.com
TBPE&LS SURVEY FIRM REG NO. 10018800
TBPE&LS ENGINEERING FIRM REG NO. F-18046

August 20, 2020

City of Brenham
Attn: Planning and Zoning Commission
200 West Vulcan Street
Brenham, TX 77833

RE: VARIANCE REQUEST

Dear Members,

The purpose of this letter is to formally request the approval of a Variance for 1093 S. Berlin Road. Section 23-21(3)(a)(c) of the Code of Ordinances requires that rural lots have a minimum width of 125 feet and a minimum area of 43,560 square feet. Our proposed division is to survey 0.75 acre out of the Christine Stovall property called 8.156 acres (R61852), which would have 150 feet of road frontage and leave 25 feet of road frontage for the residue tract which will contain approximately 7.41 acres. The purpose of the variance is for the residue tract to have road frontage in fee instead of an easement for access. This results in the 0.75 acre tract being less than the 1 acre minimum. Both proposed tracts are being served by a community water system. I am requesting that the Members approve a variance from the Subdivision Ordinance that would allow me to perform the division as requested. I appreciate your time for consideration of approving the variance for this property as requested.

Respectfully submitted,

John E. Hodde, RPLS No. 5197
Hodde & Hodde Land Surveying, Inc.

EXHIBIT "C"
DRAFT OF PROPOSED PRELIMINARY DIVISION



EXHIBIT "D"
WASHINGTON COUNTY ENGINEERING & DEVELOPMENT LETTER OF SUPPORT



**WASHINGTON COUNTY
ENGINEERING AND DEVELOPMENT**
J. Ross McCall, P.E., County Engineer
3650 SH 36, Brenham, Texas 77833
Phone: (979)277-6275 Fax: (979)277-6276
Email: wcrbOffice@wacounty.com

September 21, 2020

City of Brenham Planning and Zoning Commission
c/o Ms. Stephanie Doland
Development Services Director

via Email: Sdoland@cityofbrenham.org

Re: Stovall Plat Variance Request, 8.156 Acres (R61852)
S. Berlin Road at Old Mill Creek Road (Pct. 4), I. Jameison Survey, A-67

Ms. Doland,

We are in receipt of a subdivision plat variance request for the referenced property. The majority of the property being divided lies within the City's ETJ, and as a result, will require City approval. The remainder of the property lies within the County's jurisdiction and has frontage on a county maintained road. In addition, Washington County has responsibility to ensure compliance with OSSF septic requirements.

To expedite the review process, we discussed having the County submit a no objection letter to the City and acknowledge that the City would process this variance request. We have performed an environmental and developmental review of the variance request and offer no objection. For your further handling, please see attached submittal.

Please let me know if any changes are made following the City's review, so that we have an opportunity to ensure compliance with county regulations. If you have any additional questions, please let me know.

Thank you,

J. Ross McCall, P.E.
Washington County Engineer

cc: Mr. Jon Hodde, RPLS, Hodde & Hodde Surveying, Inc.
Commissioner Joy Fuchs, Precinct 4
Mr. Mark Marzahn, Environmental Health Director



Regular City Council
AGENDA ITEM 7.

Agenda Item: Discuss and Possibly Act Upon the Appointment of Members to Serve on the City of Brenham's Historic Preservation Ordinance Committee and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-October 01, 2020

Department: Tourism & Marketing

Staff Contact: Jennifer Eckermann

Classification: Regular

SUMMARY STATEMENT:

Following the well-attended public meeting on February 5 to discuss a Historic Preservation Ordinance, City Manager James Fisher and ACM Carolyn Miller and I met with Councilmembers Susan Cantey and Clint Kolby to review recommendations for citizens to serve on a committee to develop an Historic Preservation Ordinance for the City of Brenham. Although the pandemic has delayed the process of getting started on this task, we have a group of citizens who are ready to get started once we receive your approval.

The members who have agreed to serve, include:

- **City Council Representatives:** Susan Cantey and Clint Kolby
- **P&Z Commission Representatives:** Deanna Alfred and Cayte Neil
- **Main Street Board Representatives:** Jim Moser and John Hermann
- **Public Representatives:** Mary Thornhill, Katie Burch, Tina Henderson, Ed Owens and Tami Redshaw

Stephanie Doland and Shauna Laauwe will, of course, be working with the group to develop the ordinance.

I believe we are all ready to get to work, and request your approval of the recommended members to serve on this committee.

ATTACHMENTS:

None

RELEVANCE TO COMPREHENSIVE PLAN:

Preservation of our historic downtown and local landmarks.

RECOMMENDED ACTION:

Approve the appointment of eleven (11) members, as recommended by staff, to the Historic Preservation Ordinance Committee, as recommended by staff.



Regular City Council
AGENDA ITEM 8.

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 25, Article II, of the Code of Ordinances of the City of Brenham, Regulating Speed Limits in Designated School Crossing Zones

Meeting Type: Regular Meeting-October 01, 2020

Department: Public Works

Staff Contact: Dane Rau

Classification: Regular

SUMMARY STATEMENT:

It was brought to our attention by BISD and a local citizen asking about establishing a school zone on W. Tom Green St. between S. Market St. and S. Austin St near the Alton Elementary campus. After reviewing Chapter 25 Section 25-20 it was noted that this section of roadway was not on the school zone list that was established in 2009. We believe this was due to the school being dormant or in another use during this time-period, when the ordinance was established or modified. Since 2009, this campus has been re-activated and is fully functioning as Alton Elementary. Since the City is in control of W. Tom Green St we would like to recommend that this section of roadway be added to Section 25-20 as a school crossing zone which will drop the speed limit to 20 mph during the hours of 7:30 am – 8:30 am and 2:45 pm – 4:00 pm as is the case with all other campuses.

Due to the amount of buses, pedestrian activity, and usage of driveways by BISD we want to take the same approach as we have done with school zones around other campuses which are located adjacent to city owned streets. The school zone on S. Market St is a TXDOT established school zone and is active therefore no changes on S. Market are needed.

If approved on 1st and 2nd readings, we will move forward with erecting signs and enforcing a school zone along W. Tom Green St from S. Market St to S. Austin St. This will lower the speed limit to 20 mph during the hours listed above and stated in the ordinance. The only other revision to Section 25-20 would be to change the name of (1) Alton Elementary to Brenham Early Childhood Learning Center. This change will reflect the appropriate location of the school zone under (1) since BISD renamed this campus since 2009.

ATTACHMENTS:

-
- (1) Brenham School Zone Ordinance-1st Reading
 - (2) Proposed School Zone Map
 - (3) School Zone Sign Example

RELEVANCE TO COMPREHENSIVE PLAN:

RECOMMENDED ACTION:

Approve an Ordinance on its first reading amending Chapter 25, Article III, of the Code of Ordinances of the City of Brenham regulating speed limits in designated school crossing zones

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING CHAPTER 25, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS REGULATING SPEED LIMITS IN DESIGNATED SCHOOL CROSSING ZONES; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR SEVERABILITY, REPEALING AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; FINDING OF PROPER NOTICE AND MEETINGS.

WHEREAS, the City of Brenham, Texas is a Home Rule municipality incorporated and operating under the Laws of the State of Texas; and

WHEREAS, Section 51.001, Texas Local Government Code, authorizes the City Council of the City of Brenham to adopt ordinances for the good government, peace, safety, and order of the municipality; and

WHEREAS, the Texas Transportation Code authorizes the City to adopt laws and ordinances to regulate traffic within the corporate limits of the City of Brenham, Texas; and

WHEREAS, the City Council finds that in order to protect the public health, safety, and welfare, especially of school-aged children, it is necessary to adopt an ordinance regulating the speed in designated school crossing zones;

NOW, THEREFORE, be it ordained by the City Council of the City of Brenham, Texas that:

SECTION 1

Chapter 25, Article II, Speed Limits, Section 25-20, Generally, Subsection 25-20(d)(1), of the Code of Ordinances, City of Brenham, Texas shall be amended to read as follows:

- (1) Brenham Early Childhood Learning Center – Twenty (20) miles per hour during the aforementioned times:
- a) On S. Chappell Hill Street from E. Alamo Street to Seelhorst Street;
 - b) On E. Alamo Street from S. Chappell Hill Street to Barbee Street;
 - c) On Kerr Street from E. Alamo Street to Seelhorst Street;
 - d) On Mangrum Street from S. Chappell Hill Street to the east terminus of Mangrum Street; and
 - e) On Seelhorst Street from Kerr Street to S. Chappell Hill Street.

SECTION 2

Chapter 25, Article II, Speed Limits, Section 25-20, Generally, of the Code of Ordinances, City of Brenham, Texas shall be amended to add Subsection 25-20(d)(6) to read as follows:

6. Alton Elementary – Twenty (20) miles per hour during the aforementioned times:
 - a) On W. Tom Green Street from S. Austin Street to S. Market Street.

SECTION 3 **PENALTY**

Any person violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding two hundred dollars (\$200.00).

SECTION 4 **SAVINGS CLAUSE**

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5 **SEVERABILITY**

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

SECTION 6 **REPEALER**

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

SECTION 7
EFFECTIVE DATE

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

SECTION 8
PROPER NOTICE AND MEETING

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

PASSED AND APPROVED, on its first reading on the ____ day of October, 2020.

PASSED AND APPROVED, on its second reading on the ____ day of October, 2020.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



Existing School Zone
Proposed School Zone

1 inch = 318 feet







Regular City Council
AGENDA ITEM 9.

Agenda Item: Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Infrastructure Management Services Related to the 2020 Pavement Data Collection and Analysis Services and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-October 01, 2020

Department: Public Works

Staff Contact: Donald Reese

Classification: Regular

SUMMARY STATEMENT:

In the past, street conditions were collected using the 'windshield observation' method. This meant that all streets are individually driven, and conditions were judged from viewing the top surface area only of the street with no knowledge of the condition of the subsurface. The streets were then logged as Poor (P), Fair (F) or Good (G).

IMS offers a service that will collect data using a Laser Crack Measurement System. This system completes a 3D millimeter-level scanning of the pavement surfaces and collects data on pavement distresses and structural strength as well as pavement elevation (range and intensity) and identifies cracking, rutting, roughness, potholes, and bleeding. A Pavement Management Report, with detailed analysis and surveys, will be submitted to the city complete with budget and pavement condition forecasts, recommended rehabilitation strategies and GIS maps of the surveyed network. The cost of this service is \$77,828.00. The City's road network is its' largest asset by dollar value. It is more cost effective to maintain the asset than to let it deteriorate and rebuild.

ATTACHMENTS:

- (1) Professional Services Agreement
- (2) Quotation for Professional Services
- (3) Statement of Qualifications

RELEVANCE TO COMPREHENSIVE PLAN:

GOALS-TRANSPORTATION: A street system that is in good repair and is safe and inviting for all users (vehicles, bicyclists, and pedestrians), utilizing the 'Complete Streets' concept whenever feasible.

RECOMMENDED ACTION:

Approve a Professional Services Agreement between the City of Brenham and Infrastructure Management Services, in the amount of \$77,828.00, for the 2020 Pavement Data Collection and Analysis Services and authorize the Mayor to execute any necessary documentation

**PROFESSIONAL SERVICES AGREEMENT
FOR
CONSULTING SERVICES
RELATED TO
2020 PAVEMENT DATA COLLECTION AND ANALYSIS SERVICES**

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

THIS AGREEMENT made on the _____ day of _____, 2020 entered into, and executed by and between the City of Brenham, Texas (the "City"), a municipal corporation of the State of Texas, and IMS Infrastructure Management Services, LLC (IMS) ("Consultant").

WITNESSETH:

WHEREAS, the City desires to collect and analyze data on City pavement distresses and structural strength; and

WHEREAS, the services of a professional consulting firm are necessary to provide this collection data and analysis service; and

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

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

**SECTION I
SCOPE OF AGREEMENT**

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

**SECTION II
CHARACTER AND EXTENT OF SERVICES**

Consultant shall do all things necessary to render the consulting services and perform the Scope of Services with the professional skill and care ordinarily provided by competent consultant practicing in the same or similar locality and under the same or similar circumstances and/or professional license. It is expressly understood and agreed that Consultant is an Independent Contractor in the performance of the services agreed to herein. It is further understood and agreed that Consultant shall not have the authority to obligate or bind the City, or

make representations or commitments on behalf of the City or its officers or employees without the express prior written approval of the City Manager. The City shall be under no obligation to pay for services rendered not identified in Attachment "A" without prior written authorization from the City Manager.

SECTION III OWNERSHIP OF WORK PRODUCT

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

SECTION IV TIME FOR PERFORMANCE

The time for performance of the Scope of Services is 180 calendar days beginning from the execution date of this Agreement. Upon written request of Consultant, the City Manager may grant time extensions to the extent of any delays caused by the City or other agencies with which the services must be coordinated, and over which Consultant has no control.

SECTION V COMPLIANCE AND STANDARDS

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

SECTION VI INDEMNIFICATION

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

SECTION VII CONSULTANT'S COMPENSATION

For and in consideration of the services rendered by Consultant pursuant to this Agreement, the City shall pay Consultant only for the actual services performed under the Scope of Services, on the basis set forth in Attachment "A," up to an amount not to exceed \$77,828.00 as further identified in Attachment "A."

SECTION VIII TERMINATION

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

SECTION IX ADDRESSES, NOTICES AND COMMUNICATIONS

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

IMS Infrastructure Management Services, LLC
8380 S Kyrene Rd, Ste 101
Tempe, AZ 85284
Attn: Jeff Myers, MSA, Client Services Manager

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

City of Brenham
200 W. Vulcan St.
Brenham, TX 77833
Attn: Donald Reese

SECTION X LIMIT OF APPROPRIATION

Prior to the execution of this Agreement, Consultant has been advised by the City and Consultant clearly understands and agrees, such understanding and agreement being of the absolute essence to this Agreement, that the City shall have available only those sums as expressly provided for under this Agreement to discharge any and all liabilities which may be

incurred by the City and that the total compensation that Consultant may become entitled to hereunder and the total sum that the City shall become liable to pay to Consultant hereunder shall not under any conditions, circumstances, or interpretations hereof exceed the amounts as provided for in this Agreement.

SECTION XI SUCCESSORS AND ASSIGNS

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

SECTION XII MODIFICATIONS

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

SECTION XIII ADDITIONAL SERVICES OF CONSULTANT

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

SECTION XIV CONFLICTS OF INTEREST

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

SECTION XV PAYMENT TO CONSULTANT FOR SERVICES AND REIMBURSABLE EXPENSES

Invoices for Basic and Additional Services and reimbursable expenses will be prepared in accordance with Consultant's standard invoicing practices and will be submitted to the City by

Consultant at least monthly. Invoices are due and payable thirty (30) days after receipt by the City.

SECTION XVI INSURANCE

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

SECTION XVII MISCELLANEOUS PROVISIONS

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

B. Venue for any legal actions arising out of this Agreement shall lie exclusively in the federal and state courts of Washington County, Texas.

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

D. Consultant further covenants and agrees that it does not and will not knowingly employ an undocumented worker. An "undocumented worker" shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States, or (b) authorized by law to be employed in that manner in the United States.

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

EXECUTED on this _____ day of _____, 2020.

CONSULTANT:

IMS Infrastructure Management Services, LLC

By: _____

Name: Derek Turner

Title: CEO _____

CITY OF BRENHAM, TEXAS

Milton Y. Tate Jr., Mayor

ATTEST:

Jcana Bellinger, City Secretary

ATTACHMENT “A”

PART A - SCOPE OF SERVICES 2020 PAVEMENT DATA COLLECTION AND ANALYSIS SERVICES

Description of Project

The Project generally is described as pavement data collection and analysis services

Pavement and Asset Data Collection and Analysis Services

INCLUDED

Survey the arterial and collector roadways in each direction resulting in a survey mileage of approximately 118 miles

3-D millimeter-level scanning of pavement surfaces and data collection on pavement distresses and structural strength

Pavement elevation identifying cracking, rutting, roughness, potholes, and bleeding

Pavement Management Report with detailed analysis and surveys complete with budget and pavement condition forecasts

PART B – BASIS OF COMPENSATION AND REIMBURSABLE EXPENSES
2020 PAVEMENT DATA COLLECTION AND ANALYSIS SERVICES

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

City shall compensate Consultant for the professional services performed pursuant to this Agreement in an amount not to exceed \$77,828.00.

ATTACHMENT “B”

INSURANCE



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

9/22/2020

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

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

PRODUCER The Arizona Group 1125 East Southern Avenue Suite 101 Mesa AZ 85204	CONTACT NAME: Krystle Hodge PHONE (A/C, No, Ext): 480-892-8755 E-MAIL ADDRESS: krystle.hodge@arizonagroup.com FAX (A/C, No): 480-892-7625
INSURED Infrastructure Management Services LLC 8380 S Kyrene Rd #101 Tempe AZ 85284	INSURER(S) AFFORDING COVERAGE INSURER A: Atlantic Specialty Ins Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
IMSINFR-01	NAIC # 27154

COVERAGES

CERTIFICATE NUMBER: 850982969

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC OTHER:			711-01-70-64-0000	3/26/2020	3/26/2021	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY			711-01-70-64-0000	3/26/2020	3/26/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$ 10,000			711-01-70-64-0000	3/26/2020	3/26/2021	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000 \$
A	☒ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	406-04-67-20-0000	4/19/2020	4/19/2021	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

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

CERTIFICATE HOLDER**CANCELLATION**

City of Brenham
200 W. Vulcan St
Brenham TX 77833
United States

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

AUTHORIZED REPRESENTATIVE

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Quotation for Professional Services

IMS
Infrastructure Management Services
8380 S Kyrene Rd, Suite 101
Tempe, Arizona 85284
IMSanalysis.com; (480) 839-4347

To: Donald Reese, Assistant City Manager	Date: September 3, 2020
From: Jeff Myers, MSA, Client Services Manager	Project: City of Brenham, TX
Subject: 2020 Pavement Data Collection	Project No.: N/A

Thank you for taking the time to review the pavement and asset data collection services offered by IMS Infrastructure Management Services. IMS excels in pavement and asset management solutions and can provide a full suite of data collection and software services.

As we understand, the City of Brenham currently maintains approximately 98 centerline miles of roadway and alleys. IMS has performed objective pavement data collection for similar agencies such as Grand Prairie, Grapevine, Euless, Huntsville, Weatherford, Flower Mound, Denton, Denton County, Keller, The Colony TX, and others in the Region. To ensure adequate coverage across the network, the RST will survey the arterial and collector roadways in each direction while testing the residential roadways in a single direction, resulting in a survey mileage of approximately **118 miles**.



IMS collects all data in accordance with the U.S. Army Corps of Engineers data protocols, commonly referred to as ASTM D6433. In addition, we deliver all data in industry standard formats such as Excel, Access, Geodatabases, shape files, and even Google Earth KMZ files. While IMS can implement and load data into any software application the city chooses, IMS has also engineered a simple to use spreadsheet tool called Easy Street Analysis (ESA). We use this tool to incorporate cost benefit activities. We are confident that this tool can serve as an excellent pavement management tool for the City.

Our approach, and key service differentiator, is based on three, time proven fundamentals:

Answer the questions that are being asked – don't over-engineer the system or make it needlessly complicated. Databases and the application of technology are meant to simplify asset management, not make it more difficult.

Service and quality are paramount to success – the right blend of technically correct data, condition rating, and reporting will provide the agency with a long-term, stable solution. Service to the client remains our top priority.

Local control and communications are key – it is important that all stakeholders understand the impacts of their decisions and have the system outputs react accordingly. We excel in making ourselves readily available.

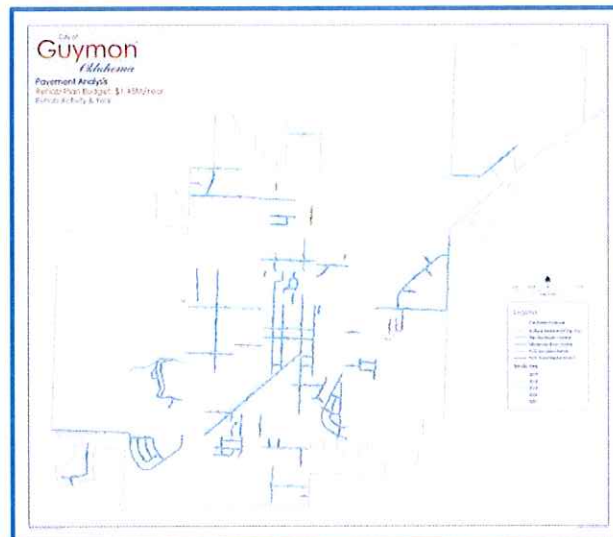
Data Collection

IMS is unique to the industry, as an objective and repeatable data collection effort will be completed. The LCMS2 RST will be used to perform a surface condition assessment of all City streets. Instead of using the subjective feet on ground or windshield sampling method, all data will be collected continuously and recorded in 15-foot intervals in the form of a detailed database complete with GPS coordinates. The data will also be aggregated to the section level, following the sectioning and referencing methodology determined after IMS and City review.



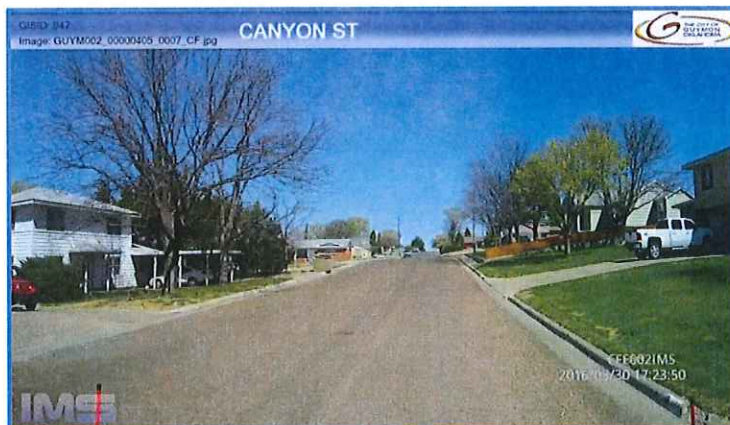
GIS and Pavement Management Linkage

The role of GIS in pavement management cannot be overstated. It is a powerful tool that provides the capability to handle and present vast amounts of data in an efficient manner. IMS can provide a link between the City's GIS environment and the pavement management data to enable the City to display and generate color-coded maps based upon existing pavement conditions, street rehabilitation plans or most of the data in the pavement management program. An output of a 5-year maintenance prioritization program is illustrated in the adjacent image.



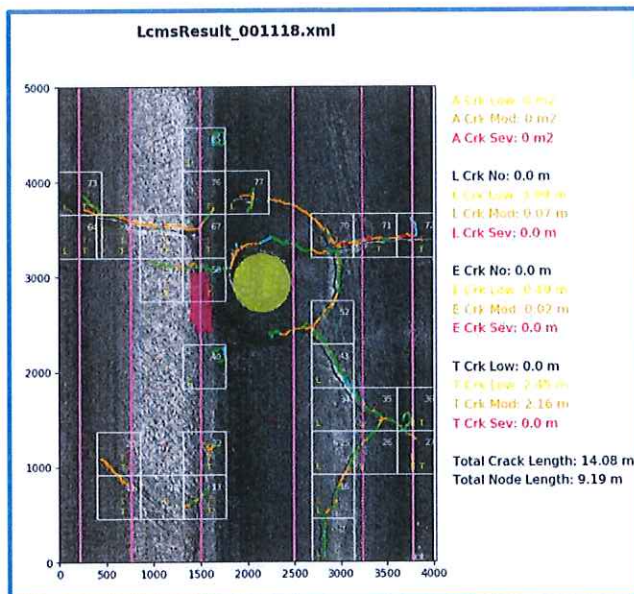
Digital Imagery & ROW Asset Inventories

The LCMS2 RST utilizes up to four GPS-referenced HD camera views (4112x3008) for our QA/QC program, ROW asset inventory development, virtual drives, and/or other supplemental image deliverables. For the City of Brenham, IMS will utilize two HD cameras that will be proofed out prior to data collection and a single forward view can be processed as a deliverable to the City. IMS can then utilize the HD imagery collected by the LCMS2 RST to inventory many Right of Way assets that the City maintains.



Objective Distress Identification & Quantification (ASTM D6433)

The IMS Laser Crack Measurement System (LCMS2) is one of the most technologically advanced devices available for pavement performance assessments. The 2-sensor array completes a 3D millimeter-level scanning of the pavement surfaces that pass below the laser array. With a high-speed 1-millimeter resolution, this means the LCMS2 device deploys a continuous scan of laser points (approximately 3,657) across a mere 12 feet of pavement, making it one of the highest resolution pavement laser scanners available. The onboard processing software further amplifies its capabilities by analyzing pavement elevation (range and intensity) and automatically identifying cracking, rutting, and roughness in the form of IRI, potholes, and bleeding.

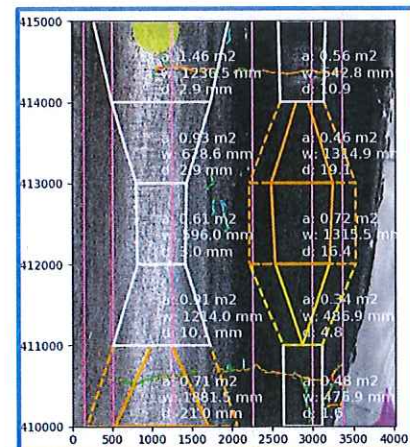


While any engineering firm could deploy the LCMS2 equipment for data collection, processing the information for distress quantification requires a complete understanding of automated technologies, GIS mapping, and distress measurement protocols found in standards such as ASTM D6433. Simply reviewing the LCMS cracking vectors (colored cracks) with the human eye dilutes the objectivity of the equipment.

IMS engineers and technologists have developed a computerized processing application that automatically applies an 18"x18" grid to the LCMS downward images (FIS files) and uses pre-programmed geometric algorithms to classify and quantify distresses by

type. These automated processing routines result in an unparalleled level of objectivity and efficiency in distress pattern recognition analysis. The image above illustrates the quantity of several distresses as well as the presence of a manhole, which was automatically scrubbed from the dataset.

In addition to the auto-quantification and classification of ASTM D6433 distresses, the LCMS2 device also operates as a Class I profile device that collects longitudinal profile (in the form of the International Roughness Index) and transverse profile (rutting) using **advanced 3D profile laser scanning technology**. The system is not subject to vehicle wander like other automated technologies, and it compensates for variation in driver ability. The adjacent images show the processing software's ability to calculate rutting width and depth following the AASHTO Taut Wire methodology. The solid white lines indicate there was no rutting in the left wheel path and that rutting was detected and measured in the right wheel path. Filters can also be applied to account for rehabilitation activity overlap, which can be as much as a ¼ inch depending on the application.



Cracking, Faulting, Texture, Bleeding, & Potholes – The LCMS2 allows IMS to conduct an objective distress survey, thus increasing the accuracy of an otherwise subjective manual survey. High-speed lasers and an onboard processing computer accurately measure the surface profile of the road. Included in this profile are all cracks and faults as small as 1/8" (2 mm) wide that pass beneath the lasers. Processing software then reduces and filters this information to determine the *total number of cracks, crack width/depth, as well as the crack interval*, plus faulting information. From this information, quantified crack data can be determined at both the sample and summary intervals. Crack identification includes all cracking such as alligator, transverse, longitudinal, map, and edge cracking (where applicable).

The LCMS2 device is also capable of automatically collecting, identifying, and reporting supplemental distresses such as bleeding and potholes on asphalt roadways.

Rutting – The LCMS device collects continuous 3D transverse profile data at 1-millimeter resolution at highway speed. This configuration is far superior to other types of vehicles that utilize three lasers or sonic transducers to calculate "relative rutting." Even five sensor units are sensitive to driver error since it is essential in that case that the driver keep the data collection vehicle's wheel exactly in the rutted wheel tracks (assuming that they fit).

The Taut Wire method is used to calculate the rut depth in both the right and left wheel track on a continuous basis. Either the right or deeper of the two-wheel path ruts may be used for rut depth calculations with the average rut depth for that wheel path reported for each section. *Rut depth results, quantified by 3-4 severity thresholds (with break points at user-defined levels such as 0.25, 0.50 and 0.65 inches) and percentage of section will be provided for every segment.*

Roughness – International Roughness Index (IRI) data is calculated in real time from continuous longitudinal profile data collected by the LCMS2's 3D profile device. To determine the road profile, data is simultaneously obtained from three devices: a pulse transducer-based distance-measuring instrument (DMI), high-speed 3D laser sensors operating at 112 MHz, and an accelerometer in conformance with ASTM E 950. The LCMS2 unit conforms to a Class I profiling device, and it can also "pause" over non-valid roadway sections such as localized maintenance activities, railroad crossings, or brick inlays and not affect the overall IRI value.

Distortions, Raveling, Patching, & Other Custom Attributes – While the LCMS automatically collects the majority of ASTM D6433 distresses, the LCMS platform can be configured to collect the remaining distresses (raveling, distortions, and patching) using the integrated touchscreen. By means of a touchscreen-based tablet computer, highly trained IMS technicians input changes in observed distress severities and extents or identify specific roadway assets or attributes such as curb reveal or lip of gutter information. The touchscreen is integrated into the data flow through time code, GPS, DMI distance and inventory control. The data is then post-processed in the office to generate extent quantities for each observed distress severity level throughout every surveyed road section.



Optional Sub-Surface Distress Investigations

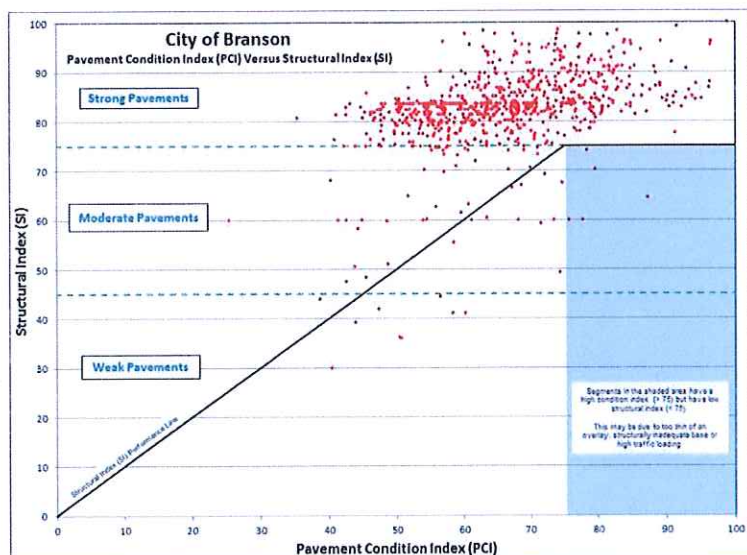
Subsurface distress investigations are a valuable tool to assess the sub-grade condition of a roadway. If added to the scope, IMS can integrate the Structural Index (SI) as a component of each roadway's final PCI score. To assess the subgrade strength of a roadway, a Dynaflect Device would be utilized for Asphalt and Concrete roadways in accordance with **ASTM** standards.

While deflection testing can be conducted on all roadways, generally IMS recommends that network-level testing be completed on the high traffic routes such as arterials and collectors. Deflection testing is typically completed at least once in each direction on every street segment (every 300 - 500 feet) along the outside lanes of the roadway. Testing shall be altered to an inside lane when it appears to be in a worse condition than the outside lane of the segment based on site observations. IMS will record the readings of a series of geophones for inclusion in the overall pavement condition rating. These readings will then be used to determine the pavement strength, load transfer capabilities, and identify properties of the base and sub-grade.



Upon completion of the deflection survey a structural analysis is performed. Dynaflect's apply a known load to the pavement and measure the pavement's response to the load. The structural adequacy of a road is expressed as a 0 to 100 score with several key ranges: roadways with a Structural Index greater than 75 are deemed to be structurally adequate for the loading and may be treated with lightweight surface treatments or thin overlays. Those between 50 and 75 typically reflect roads that require additional pavement thickness; and scores below 50 typically require reconstruction and increased base and pavement thickness.

The adjacent graph presents a sample structural adequacy plot of a recent client's roadway network against its average pavement condition. The diagonal blue line separates roadways that are performing above expectations (above the line), from those that are not, (below the line). The small number of roadways falling below the diagonal line indicates this particular City, Branson, Missouri, has a low percentage of roadways that are structurally inadequate for their design load. This is typically the result of insufficient base and structural materials during the original construction, or the application of overlays that were too thin during the lifetime of the roadway.



PCI Development, Analysis Configuration & Multi-Year Plan

Immediately following the completion of the field survey's IMS will begin processing the pavement distress severity and extent scores in an effort to develop a Pavement Condition Index (PCI) for each roadway segment. The condition results are analyzed by a team of IMS engineers, who then develop the City's multi-year pavement management plan. This section provides a brief summary of the functionality of the IMS pavement analysis in order to emphasize our implementation expertise as well as the abilities and constraints within a pavement analysis.

The purpose of pavement management is to produce cost effective maintenance programs that maximize available resources and roadway life. By incorporating key components of a cost benefit analysis into the analysis operating parameters, we can develop a game plan that is optimized to meet the needs of the City of Brenham. In addition, the analysis operating parameters described within this section will be delivered in an easy to use Interactive Excel Spreadsheet (ESA) including the segment PCI data, pavement deterioration curves, triggers (priority weighting factors), and the prioritized multi-year rehabilitation plan. Everything is linked to GIS in the form of simple shape files or even a personal geodatabase.

Field Inspection Data and Pavement Condition Index (PCI)

The IMS analysis allows you to store information regarding your pavements, including surface types, number of lanes, patching estimates, cross slopes, and sidewalk & curb types with replacement estimates. Pavement condition data including surface distress, roughness, and deflection results can be stored and analyzed. Using an in-house Pavement Manager Setup module, we can develop customized condition elements, distress types (load & non-load), Indices (SDI, RI, & SI), weightings, and overall PCI calculations.

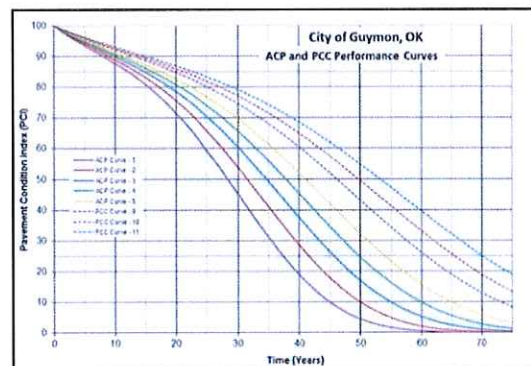
In addition to the yearly programs, the net impact each budget scenario has on the expected condition of the road network over time can be determined. This budget impact can be illustrated both in terms of the yearly increase or decrease in the average network PCI score, PCI distribution, or % Backlog of roads that were not selected by the budgets. IMS converts the difficult to understand FHWA and ASTM D6433 data to a 0-10 distress rating scale with distress weighted factors (DWF), where $DWF = \{\text{Area under D6433 deduct curves}/3000\}$.

Modeling and Performance Curves

With an IMS analysis, you can forecast various budget scenarios to help you determine your ideal maintenance and rehabilitation schedule. The IMS approach will help you decide what rehab activities should be performed, when and where to perform them, and an ideal budget for your system to maintain it at a specific level of service.

IMS engineers use pavement deterioration models that can be customized to reflect the climatic conditions and structural characteristics of the Brenham road network.

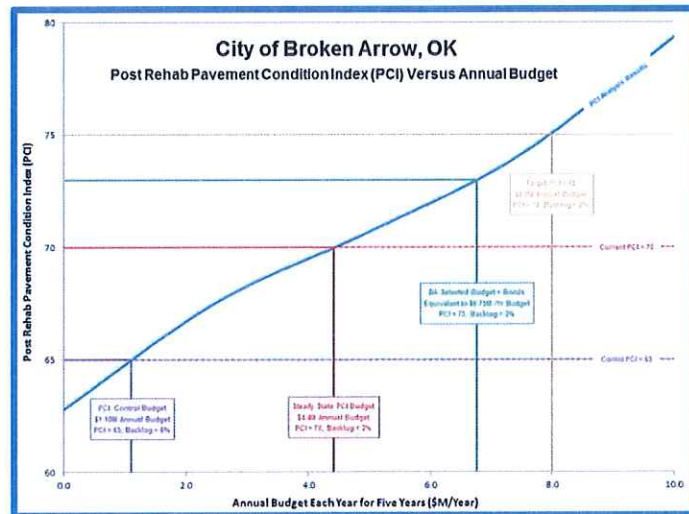
As a result, performance curves can be developed on factors such as functional class, pavement type and sub-grade strength.



Rehabilitation Analysis

An unlimited number of pavement maintenance and rehabilitation strategies can be defined within our system. An analysis is then run, incorporating the performance curves, set points, filter criteria and rehab alternatives to identify the overall need in terms of rehab strategies and costs for the City's road network, for today as well as year on year for the next 5 to 10 years.

The IMS approach allows you to input any number of "what if" budget scenarios and produce prioritized yearly rehab programs based on those funding levels over a 5-year analysis period. Typical budget scenarios include Budget \$/Year, Unlimited Budget \$, "Do Nothing" Budget, and a Target PCI Budget.



What is included in an IMS analysis & report?

- *Street ownership and inventory/attribute report*
- *Present condition ranking* – detailed and summary condition data including; Good/Fair/Poor, Load Associated Distresses (LAD), Non-LAD, and Project reviews of each street in the network, as well as the network as a whole.
- *Fix all budget analysis* – this identifies the upper limit of spending by rehabilitating all streets assuming unlimited funding.
- *Do nothing analysis* – this identifies the effects of not performing roadway rehabilitation projects.
- *Steady state rehabilitation life cycle analysis* – this identifies the minimum amount of rehabilitation that must be completed in order to maintain the existing level of service over 3, 5, or 10 years.
- *PCI & funding levels* – what funding will be necessary to maintain a PCI of 75, 80, & 85.
- *Plus or minus 50% and other additional runs* – additional budget runs are completed at rates of +50% and -50% of the suggested steady state analysis. Up to 10 budget scenarios will be run.
- *Integration of capital projects and Master Plans* – ongoing and proposed projects that affect roadway rehabilitation planning will be incorporated into the analysis.
- *Draft multi-year rehabilitation and prioritized paving plans* – based on need, available budget and level of service constraints; a minimum of three budget runs will be completed.
- *Final prioritized paving plan* – incorporating feedback from stakeholder departments and utilities, complete with budget and level of service constraints.

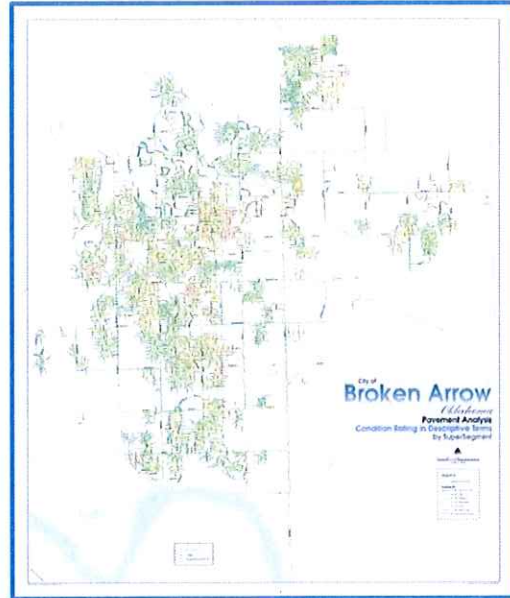
An IMS pavement management program is comprehensive, from the data collection process to the implementation of software, and ensures that the City of Brenham will have the capability to utilize the pavement condition data for the implementation of real-world maintenance and construction programs.

GIS Integration & Mapping

The role of GIS in asset management cannot be overstated. It is a powerful tool that provides the ability to handle and present vast amounts of data in an efficient manner. Not only does GIS allow an agency to visually plot textural data, it also establishes an easy access portal to the data through an efficient integration with many 3rd party asset management applications.

IMS kicks off every project by completing a brief review of the agency's GIS environment to assess suitability for network referencing, survey map preparation, and pavement management purposes. Our team will consume the City's existing GIS files and use the GIS as the basis for developing the network segmentation on a logical block-to-block or intersection-to-intersection basis. If the City retains an existing pavement inventory linked to an asset management system, no changes will be made unless approved by City staff.

The data collected by IMS is linked to the existing GIS environment and is supplied as a personal geodatabase, spatial database engine, Auto CAD files, or a series of shape files. IMS collects XY coordinates for all data elements using GPS technology coupled with inertial navigation and integrates with most 3rd party GIS applications, including ESRI.



At a minimum, the GIS supplied by the City should have an ownership attribute, functional classifications, contiguous line work, and be in a digital format such as shape files and/or personal/file geodatabases. As a supplemental task, IMS also offers full service "GIS Clean-Up" and "Functional Class Review" activities for agencies that require additional GIS development above and beyond standard network referencing activities. IMS can also compare the existing roadway inventory within any current asset management system to the City's GIS environment. If they do not match and a one-to-one relationship is required, IMS has the team available to develop the correct referencing information. This remains an optional activity to be conducted at the discretion of City staff.

For this assignment, GIS will be used in four key areas of work:

1. GIS will be used to verify the streets to be surveyed and to create the routing maps for use during the field surveys.
2. The survey productivity will be tracked through the plotting of the GPS data collected during the field surveys. This will allow IMS to review all streets that have been covered, identify anomalies in the referencing, and spot missed streets.
3. GIS will be used in processing the distress and inventory data. By plotting the data, we can QA the data and identify data exceptions in addition to proofing out the GIS.
4. Personal geodatabases, spatial database engines, shape and/or KML files, can be created for the visual presentation of condition data and analysis results.

Brenham, TX
2020 Pavement Data Collection

Easy Street Analysis (ESA) Spreadsheet

While the results of the survey will certainly be documented and bound into a final report that illustrates the findings of the survey, it is imperative that City staff have access to the pavement condition and analysis results without having to become software experts. While IMS is a leading expert with most 3rd party pavement management applications as mentioned in the previous section, we have engineered a simple, and easy to use Excel spreadsheet that utilizes the core metrics of any great pavement management system such as the ability to prioritize and optimize the multi-year plans.

The Easy street Analysis (ESA) spreadsheet will be programmed to develop a multi-year maintenance and rehabilitation plan using "cost of deferral" as a rehabilitation candidate selection constraint in an effort to introduce cost-benefit techniques into the City's pavement management plan. This will allow Brenham to provide and demonstrate the most effective use of available funds. In addition, the ESA spreadsheet will have referenced deterioration curves for each functional classification, pavement type, and even pavement strength rating. The power of having the data in such an open architecture fashion allows the City to utilize 3rd party software in the future if desired. The spreadsheet will also contain a full suite of maintenance and rehabilitation techniques, unit rates, and associated PCI resets. The parameters of the analysis (Priority Weighting Factors) can also be modified and reprioritized on the fly, as well as being able to prioritize the top ten streets needing reconstruction or major rehabilitation. This will allow the City's data to evolve with the priorities of elected officials and department staff. Programmed priority weighting factors include functional classification, pavement type, and pavement strength while actual candidate selection is based on the incremental cost of deferral.

As seen in the image below, the analysis data in the spreadsheet is supplemented with many cells highlighted in yellow. The yellow highlighted cells simply indicate that they are "HOT" and can be modified by the end user. Two of the yellow cells shown below represent the Annual Budget and the Project ID. The Annual Budget cell can be modified with a new budget and the 5-year plan will automatically re-prioritize on the fly. While IMS will have already aggregated the City's segments (intersection-to-intersection) into viable projects (multiple segments strung together to form a logical project), the user has the ability to aggregate additional segments into a project or even remove a segment from a project without having to become a software expert.

The screenshot displays the 'Easy Street Analysis (ESA) Spreadsheet' for the City of Brenham, TX. The interface includes a top navigation bar with tabs for 'Project Summary', 'Data Entry', 'Analysis', 'Reporting', and 'Help'. The main data table lists street segments with columns for Project ID, Segment ID, Street Name, Functional Classification, Pavement Type, and various analysis metrics. A yellow highlight is visible on the 'Project ID' column, and a redacted area is present on the right side of the table. The bottom of the spreadsheet shows a summary of the data, including a total project count and a total project value.

ESA Functionality: Project Completion and PCI Overrides

The spreadsheet also allows the City to refresh the 5-year plan by entering the maintenance and rehabilitation work completed. As seen in the image below, the spreadsheet is supplemented with "PCI Override" functionality. When work is completed on a particular segment, the user simply inserts the override PCI value along with a date. The spreadsheet then removes the segment from the 5-year plan and updates all referenced network PCI averages.

Pavement Condition Summary

Today: 3/30/2015								
Current Network PCI: 74								
Surface Distress Index (SDI)	PCI: 76							
Roughness Index (RI)								
Pavement Condition Index (PCI)								
PCI Survey Date								
Strength Rating								
Condition Rating								
Load Associated Deducts (LADD)								
Non-Load Associated Deducts (NLAD)								
PCI Override								
PCI Override Date								
Current PCI								
74	53	67	6/1/2014	MOD	Good	0	0	66
55	63	57	6/1/2014	MOD	Fair	27	18	55
70	63	68	6/1/2014	MOD	Good	19	10	66

Other features of the IMS Easy Street Analysis spreadsheet are as follows:

- Red triangle tips that trigger a dialogue box explaining cell contents.
- Ability to add new road segments and attributes on the fly.
- Modifiable distress indices for Brenham field inspections.
- Input work completed and override segment level PCI scores.
- Prioritize by neighborhoods, zones, or districts.
- Ability to modify project lengths – includes aggregating and splits.
- Commit projects and force "Must Do's" or "Must Never Do".
- Program varying annual budgets over a 5-year horizon.
- Commit a percentage of the budget to surface treatments if desired.
- Automated rehab plan prioritization and optimization.
- Macros that automatically sort and filter simple rehab and inventory lists.
- Ability to sync the spreadsheet with the Data Viewer through a .CSV file export.

While the spreadsheet is not meant to replace pavement management systems, it is an alternative for agencies that do not want to maintain the resources or staff to maintain a dedicated application. If a dedicated system is still desired, IMS will assess all other available 3rd party solutions. The ESA data integrates with GIS and is also easily exportable to be tied into PAVER, RoadManager, Lucity, Cartegraph, BeeHive, Cityworks or other software solutions.

Brenham, TX
2020 Pavement Data Collection

Additional Sample Images of the ESA Interactive Spreadsheet Functionality:

Running a budget model within ESA is as easy as typing in your annual budget each year for the next 5-years. After doing so the application will automatically run the model and develop an optimized 5-year rehabilitation plan that identifies the selected rehab candidates, their year of selection, and their cost.

Network Analysis Summary - Five Year Rehab Plan Development

Current PCI Date: 9/11/2019 Annual Budget Increase (%/yr): 0.00 % of Budget Dedicated to Surface Treatments: 0.000
 Analysis Start Date: 1/1/2020 (MM/DD/YYYY) Unit Rate Inflation (%/yr): 4.00 Restore PCI to This Date: 9/11/2019

Program Year	Annual Budget (\$)	Calendar Year	Block Count	Annual Expenditure (\$)	Pavement Costs (\$)	Peripheral Concrete Costs (\$)	Miles (mi)	PCI	Backlog (%)	
Avg:	900,000	900	2019	763	11,017,050	10,328,490	688,560	70.1	72	4.6
1	900,000	2020	33	894,707	840,698	54,009	2.6	71		
2	900,000	2021	30	897,743	806,515	91,228	2.7	72		
3	900,000	2022	28	898,363	830,775	67,588	2.7	72		
4	900,000	2023	26	898,909	860,797	38,112	2.5	72		
5	900,000	2024	27	890,205	783,339	106,866	2.1	71	3.6	
Totals:			144	4,479,927	4,122,124	357,803	12.7			

Buttons: Update PCI, Restore \$ Formula, Run 10X Profile, Run Control Analysis, Need Year Analysis

IMS Logo: Create Inventory, Rehab Plan By Seg, Rehab Plan By Year

Projects are multiple segments/blocks that have been aggregated together to form a logical project within the pavement management system. While changing the limits or size of a project is often difficult in many pavement management applications, doing so in ESA is as simple as entering in a new "Project ID". Nothing more is necessary.

Projects Pavement Condition Summary (Based on PCI Aged to Current PCI Date)

Project ID	Project Description	Project Block Count	Project Length (ft)	Project Area (yd2)	Project PCI (CPCI)	Project Cndtn Rating	Project Strength Code	Project FunCI Code	Project Pavetype Code
3700	3700 - Village Rd + Others	11	4,268	15,672	83	V Good	2	3	1
1360	1360 - Highland Dr + Others	3	1,418	4,001	56	Fair	2	3	1
3440	3440 - Andover Rd + Others	5	2,680	21,801	80	V Good	2	1	2
3700	3700 - Village Rd + Others	11	4,268	15,672	83	V Good	2	3	1
1500	1500 - Minneha Ave + Others	4	1,341	5,228	80	V Good	2	2	1
3820	3820 - Westview Cir + Others	2	1,490	4,444	53	Fair	2	3	1

The ESA application is configured with the City's appropriate rehabilitation activities and represents a very comprehensive pavement management program in the form of an Excel Spreadsheet. A full demo of the ESA application can be scheduled with City staff if desired.

Texas References

City of Grand Prairie, TX

Contact: Dane Stovall, Street Services Manager

Email: dstovall@gptx.org

Phone: (972) 237-8526

In 2016, IMS performed a data collection project for the City of Grand Prairie. Our team surveyed the entire network consisting of 360 survey miles. We loaded the data into the city's MicroPAVER software, and configured the data into the correct Cityworks format. The project was completed with a full pavement analysis and report given as a deliverable to city staff.

City of Denton

Contact: Jeremy Schultz, Project Coordinator

Email: jeremy.schultz@cityofdenton.com

Phone: (940) 349-9439

Since 2008, IMS has been the City's dedicated pavement management consultant. IMS tested approximately 525 test miles of roadway and completed the upload, configuration and training for Cartegraph Navigator. In 2009, IMS also completed a right of way asset inventory of curb/gutter, sidewalks and barriers complete with three views of GIS linked images for loading and delivery. The pavement condition survey also included ground penetrating radar testing, roughness survey, and falling weight deflection testing. IMS completed another survey in 2015 on the entire Denton road inventory, including airport roads and parking lots. IMS configured and loaded all the data into the City's Cartegraph software. IMS also completed a total Sidewalk assessment for the City in 2019.

City of Keller

Contact: Alonzo Liñán, PTOE, PE, MPA, Director of Public Works

Email: alinan@cityofkeller.com

Phone: (817) 743-4081

Since 2004, IMS has performed three data collection projects with the City of Keller. IMS surveys approximately 260 miles of roadway. The IMS team has also completed deflection testing on the City's arterial and collector network for each project. To maintain the continuity of the data, IMS utilized the same ASTM D6433 data protocols and matched the City's existing Lucy database segmentation in each project. The City's Lucy pavement management module was configured to best meet the City's needs for maintenance and rehab operations. A detailed Lucy analysis and report was developed for City review. The City is currently under contract for a fourth project, which will also include the development of ROW asset databases, and ongoing IMS management of the Keller Lucy pavement management module.

City of Pearland

Contact: Norbert Gonzalez, Streets Administrator

Phone: 281.652.1910

Email: NGonzalez@pearlandtx.gov

In 2014 and most recently in late 2017, IMS performed a data collection project for the City of Pearland. Our team surveyed the entire network consisting of 360 survey miles. We loaded the data into the city's MicroPAVER software, and configured the data into the correct Cityworks format. The project was completed with a full pavement analysis and report given as a deliverable to city staff recently for approval.

Brenham, TX
2020 Pavement Data Collection

Proposed Project Budget

The detailed budget presented below is based on the IMS work plan and deliverables. It represents a realistic budget to complete the work, and we are confident we can maintain an on-time, on-budget approach to the assignment.

Task	Activity	Quant	Units	Unit Rate	Total
Project Initiation					
1	Project Initiation	1	LS	\$3,000.00	\$3,000.00
2	Network Referencing & GIS Linkage	118	T-Mi	\$17.00	\$2,006.00
3	Network Inventory Checks & Survey Map Development	118	T-Mi	\$7.00	\$826.00
Field Surveys					
4	RST Mobilization/Calibration	1	LS	\$3,000.00	\$3,000.00
5	RST Field Data Collection - Pavements	118	T-Mi	\$120.00	\$14,160.00
6	Dynaflect Mobilization	1	LS	\$2,500.00	\$2,500.00
	a. Deflection Testing (Arterials & Collectors and Residentials)	118	T-Mi	\$190.00	\$22,420.00
Data Management					
7	Data QA/QC, Processing, Format, & Supply (Excel, Shapefile, KML)	118	T-Mi	\$22.00	\$2,596.00
8	Pavement Condition Data Load to ESA	1	LS	\$3,000.00	\$3,000.00
9	Pavement Analysis, Budget Development, & Final Report	1	LS	\$8,000.00	\$8,000.00
	a. "ESA - Easy Street Analysis" Pavement Management Spreadsheet Software			Included in Base Activities	
	b. Customizable Prioritization & Cost-Benefit Analysis			Included in Base Activities	
	c. Online ESA Spreadsheet Training via WebEx			Included in Base Activities	
10	Project Management	1	LS	\$4,820.00	\$4,820.00

Project Total: \$66,328.00

Supplemental Activities:

11	Provision of Digital Images at 15-20-foot Intervals (Per View)	118	T-Mi	\$16.00	\$1,888.00
12	ESA GIS Auto Sync Configuration	1	LS	\$8,000.00	\$8,000.00
13	Functional Class Review	118	T-Mi	\$12.00	\$1,416.00
14	GIS Clean-Up Services	12	HR	\$175.00	\$2,100.00
15	Functional Classification Review	118	T-Mi	\$15.00	\$1,770.00
16	Right-of-Way Asset Data Collection (GPS & ROW Imagery)	118	T-Mi	\$20.00	\$2,360.00
	a. Pavement Markings & Stripings Database (Linear Features)	118	T-Mi	\$60.00	\$7,080.00
	b. Curb & Gutter Database	118	T-Mi	\$50.00	\$5,900.00
	c. Signs & Support Database	118	T-Mi	\$100.00	\$11,800.00
	d. ADA Ramp & Obstructions Database	118	T-Mi	\$60.00	\$7,080.00
	e. Street Lights Database	118	T-Mi	\$50.00	\$5,900.00
	f. Sidewalk & Obstructions Database	118	T-Mi	\$50.00	\$5,900.00
17	Council Presentation	1	LS	\$3,500.00	\$3,500.00
18	Web Hosted Digital Image Viewer	1	LS	\$7,000.00	\$7,000.00

Thank you for considering IMS as a viable solution to your pavement management needs. We will strive to become an asset and extension of the City staff and team. If any questions arise, please do not hesitate to contact me at (417) 372-7021 or jmyers@imsanalysis.com.

Regards,

IMS Infrastructure Management Services



Jeff Myers,
Client Services Manager

STATEMENT OF QUALIFICATIONS – INFRASTRUCTURE MANAGEMENT SERVICES (IMS)

1.0 IMS MANAGEMENT

1.1 EXECUTIVE SUMMARY

Since 1985 IMS Infrastructure Management Services (IMS) has operated as the premier pavement and right-of-way (ROW) asset management firm in the Central US, with recently completed projects in Flower Mound, Denton, Huntsville, Euless, Beaumont, Carrollton, Keller, Grand Prairie, Weatherford, TX; and many others listed throughout the proposal. IMS is a dedicated pavement management consulting firm that operates a fleet (7 Road Surface Testers) of advanced mobile data collection vehicles equipped with millimeter level scanning devices called the Laser Crack Measurement System (LCMS). Our team completes 70-80 pavement and asset management implementations across North America annually, and we stand second to none in our ability to establish cost-effective maintenance management programs for large and small agencies alike.



While IMS has a large national footprint, we also have a local mindset resulting from pavement management assignments throughout the State of Texas. As a result of our experience across Texas and the rest of the United States, the IMS team has an unparalleled understanding of Central US roadway conditions, web hosted pavement management solutions, customized prioritization techniques, and the City's desire to develop a World Class Pavement Management Program.

The IMS team will ensure the deliverable provided to the City maximizes available resources by utilizing defensible and objective pavement performance data that has been designed around the ASTM D6433 data collection protocols. Our team also recognizes that many agencies simply do not have the resources to operate dedicated software, nor does every application meet the needs of its users. Accordingly, IMS has developed a user-friendly interactive spreadsheet (Easy Street Analysis) that enhances the typical pavement analysis through intuitive project development, integration of both roughness and roadway strength, user-defined Priority Weighting Factors (PWF), and cost-benefit optimization using cost of deferral techniques.

We would like to highlight the following activities:

- Innovative and objective approach to **ASTM D6433** data collection through LCMS2 technology.
- Web hosted or on premise **Easy Street Analysis (ESA)** solution with priority factors that can be modified to evolve with City staff and elected officials.
- Collaboration with City staff and an **iterative analysis process** designed to fine-tune the results to meet the City's specific level of service needs.
- Fully automated and completely **objective process** for classifying and measuring data, resulting in the most effective pavement condition assessment for the City.

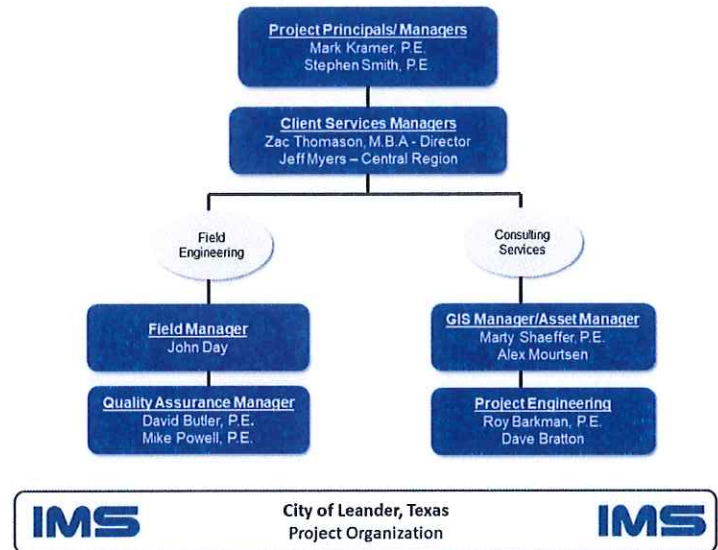
1.2 TECHNICAL STAFF QUALIFICATIONS

Team Member	Project Role & Experience
Mark Kramer, P.E. Project Principal & Vice President of Operations <u>Summary</u> 1 Year with IMS 17 years of Engineering Automated Data: Yes Pavement Mgt.: Yes Software Evaluation: Yes ROW Assets: Yes Software Implementation: Yes	Mark works closely with Principal Stephen Smith, P.E. to ensure technical resources are available for the data collection and processing. He is also involved with the analysis and reporting phase of the project. Mark will be integral, using his 17 years of pavement management experience to benefit the City. • <i>B.S. and M.S. in civil engineering</i> • <i>Over 17 years specializing in infrastructure management, software implementation, analysis, & training.</i> • <i>Over 17 years of GIS integration experience in relation to infrastructure management.</i> Recent projects: Denton, Friendswood, Huntsville, Hurst, Grapevine, Euless, Grand Prairie, Flower Mound, Pearland, Denton, Carrollton, Farmers Branch, Keller, Beaumont, Richardson, Weatherford, Cleburne, TX
Zac Thomason, M.B.A. Director of Client Services <u>Summary</u> 13 Years with IMS 3rd Party Software: Yes Automated Data: Yes Pavement Management: Yes ROW Assets: Yes	Zac is responsible for overall project and client management activities. He develops the project scope, schedule, team, and he ensures the scope is adhered to throughout the project. Zac works very closely with the Project Principal, and he is considered a primary point of contact for our clients during all phases of the project. • <i>B.S. in global business from Arizona State University</i> • <i>Master of Business Administration (M.B.A.)</i> • <i>13+ years of project management experience in the engineering industry, leading over 250 successful pavement management assignments.</i> Recent projects: Denton, Friendswood, Huntsville, Hurst, Grapevine, Euless, Grand Prairie, Flower Mound, Pearland, Denton, Carrollton, Farmers Branch, Keller, Beaumont, Richardson, Weatherford, Cleburne, TX
David Butler, P.E. Project Engineer Quality Assurance Manager <u>Summary</u> 32 Years with IMS ASTM D6433: Yes Automated Data: Yes Texas PE: Yes PE Proof of Licensure: PE# 68845 Pavement Mgt.: Yes ROW Assets: Yes Software Implementation: Yes	David is a registered Texas PE and is responsible for ensuring the quality of the inventory and performance data that will be reviewed during the initial stages of the project. David will also be involved in the setup of the protocols and QA/QC program. • <i>B.S. in civil engineering, over 30 years engineering experience.</i> • <i>25 years specializing in pavement & ROW asset condition surveys, software implementation, analysis, and training.</i> • <i>Data collection, inspection & QA/QC of over 300,000 miles of roadways.</i> • <i>Participation in ASTM sub-committee E1741, TRB sub-committee AFD20 on pavement monitoring, valuation.</i> Recent projects: Denton, Friendswood, Huntsville, Hurst, Grapevine, Euless, Grand Prairie, Flower Mound, Pearland, Denton, Carrollton, Farmers Branch, Keller, Beaumont, Richardson, Weatherford, Cleburne, TX

1.3 IMS TEAM ORGANIZATION & LEADERSHIP

IMS has been providing agencies with state-of-the-art pavement management programs for the last 35 years. The IMS team is built around a core group of key project members who stay with the project from inception through delivery of the final results. This core group assesses decisions, implements them, and completes necessary follow-up. The core team, led by Project Principal Mark Kramer, P.E. includes Marty Shaeffer, P.E. as the GIS Manager, Zac Thomason, M.B.A. as the Client Services Director, and Jeff Myers, M.S.A. as the Client Services Manager.

The team has been structured into two streams that follow the logical work activities and flow of the project. Each work stream is headed by a specialist in their respective field of practice. For this assignment, activities relating to the QA/QC program and PCI development will be undertaken and managed by David Butler (a Texas P.E.). David was selected for this role due to his 300+ assignments and over 30 years dedicated to pavement management and roadway design. In addition, David has over 15 years of FHWA and ASTM reporting and compliance experience.



Activities that relate to field surveys will be managed by John Day, while Marty Shaeffer, P.E. will act as the GIS Manager and handle image processing.

The entire team will operate under the direction of Principal Engineers Stephen Smith, P.E. and Mark Kramer, P.E. With the exception of the addition of Mark, this project organization has been intact at IMS for over 15 years, providing a team approach that is proven and effective in delivering customized pavement management programs.

The IMS team is organized around the following mission-critical items:

- The Principals can bring on additional resources as necessary and react to ongoing project challenges in a timely fashion. While Stephen Smith has a strong background in pavement design and prioritization, Mark Kramer has a strong background in application and database integration across all municipal departments (i.e. Information Technology, Public Works, etc.).
- Over 30 years of engineering and project management experience with a focus on pavement and right-of-way asset data collection projects. IMS staff has experience in roadway design, construction, municipal engineering and pavement analysis, putting us in a strong position to develop real-world solutions and budgets.
- IMS staff understands the needs and constraints of the modern public agency. Our knowledge of industry software options, application integration, and database reconciliation will provide the City with a unique perspective on the implementation of a World Class Pavement Management System.

1.4 RELEVANT EXPERIENCE & PROJECT PROFILES

IMS has developed long-term partnerships with clients large and small across the United States. As such, our projects take us to the Central US and other regions with similar climatic conditions across the Country. IMS performs 70 to 80 pavement management projects annually. On all assignments, the IMS team utilized our Laser RST to perform a network-wide pavement performance evaluation and HD digital image surveys. The Laser RST,



equipped with an array of lasers, high-definition cameras, GPS, and a touchscreen tablet, drove the agencies roadways in an effort to update the pavement distresses and collect images for optional ROW asset inventory data. LCMS2 vans are currently in Texas and Missouri completing surveys.

As illustrated in the adjacent map, our extensive reach throughout Texas provides IMS with a unique understanding of the pavement deterioration curves for similar climates. IMS utilizes this knowledge in combination with local maintenance practices and capabilities to develop and provide ten-year maintenance management programs. IMS is the only pavement management consultant who has enough local, regional, and national expertise to offer such a wide-ranging comparison across multiple software platforms for PCI reporting.

City of Carrollton, TX: Since 1998, IMS has been the City of Carrollton's dedicated pavement management consultant. We have completed 7 data collection cycles with the most recent project awarded in February of 2018. The Laser RST technology is continuously used on the City's 710-mile street network and collects a full range of concrete and asphalt surface distress defects. After the data is collected, it is processed, formatted, and loaded to the City's ESA Interactive Spreadsheet. The data and the pavement management software are linked to the City's existing GIS environment. IMS also performed a complete SST Sidewalk assessment for the City in 2015.

City of Pearland, TX:

In late 2017, IMS performed a data collection project for the City of Pearland. Our team surveyed the entire network consisting of 360 survey miles. We loaded the data into the city's MicroPAVER software, and configured the data into the correct Cityworks format. The project was completed with a full pavement analysis and report given as a deliverable to city staff recently for approval.

Additional Regional projects recently performed by IMS include:

- | | | |
|-------------------|-----------------------|--------------------|
| • Denton, TX | • Farmer's Branch, TX | • Longview, TX |
| • The Colony, TX | • Beaumont, TX | • Hurst, TX |
| • Friendswood, TX | • Cleburne, TX | • Richardson, TX |
| • Euless, TX | • Grand Prairie, TX | • Grapevine, TX |
| • Weatherford, TX | • Keller, TX | • Flower Mound, TX |
| • Huntsville, TX | • NCTCOG, TX | • Southlake, TX |

1.5 REFERENCES

City of Weatherford, TX (2006, 2009, 2012, & 2019)

Contact: Manny Palacios, Public Works Director: 802 East Oak Street, Weatherford, TX 76086

Phone: (817) 598-4241

Email: mpalacios@weatherfordtx.gov

Since 2006, IMS has performed three pavement condition surveys and provided a comprehensive pavement management analysis and report to the City for each project. IMS has also updated the City's **Cartegraph Navigator** software for each cycle. The 2012-13 project included a full network, pavement condition survey, including the development of a sign inventory for loading into Cartegraph PAVEMENTview and SIGNview modules as well as delivering images at 25-foot increments and a City Council presentation. The RST surveyed approximately 180 test miles for each of the data collection assignments. The City of Weatherford contracted again with IMS in December 2019 for a new assessment.

City of Denton, TX (2008, 2014, 2018, 2020)

Contact: Jeremy Schultz, Project Coordinator

Phone: (940)-349-8439

Email: jeremy.schultz@cityofdenton.com

Since 2008, IMS has been the City's dedicated pavement management consultant. IMS tested approximately 525 test miles of roadway and completed the upload, configuration, and training for Cartegraph Navigator. In 2009, IMS also completed a right of way asset inventory of curb/gutter, sidewalks, and barriers complete with three views of GIS linked images for loading and delivery. The pavement condition survey also included ground penetrating radar testing, roughness survey, and falling weight deflection testing. IMS completed another survey in 2015 on the entire Denton road inventory, including airport roads and parking lots. IMS configured and loaded all data into the City's Cartegraph software. IMS also completed a complete Sidewalk assessment for the City in 2019, and is currently under contract for a pavement assessment in 2020.

City of Grand Prairie, TX (2017)

Contact: Dane Stovall, Street Services Manager

Phone: (972) 237-8526

Email: dstovall@gptx.org

In 2016, IMS performed a data collection project for the City of Grand Prairie. Our team surveyed the entire network consisting of 360 survey miles. IMS updated and cleaned up the City's GIS, loaded the data into the city's MicroPAVER software, and configured the data into the correct Cityworks format. The project was completed with a full pavement analysis and report given as a deliverable to city staff. We anticipate an update analysis being performed in 2020.

City of Keller, TX (2006, 2010, 2015, 2020)

Contact: Alonzo Liñán, PE, PTOE, MPA, Director of Public Works

Phone: (817) 743-4081

Email: alinan@cityofkeller.com

Since 2004, IMS has performed three data collection projects with the City of Keller. IMS surveys approximately 260 miles of roadway using the RST equipped with lasers, digital cameras, touch screen event boards, and inertial navigation. The IMS team has also completed deflection testing of the City's arterial network for each project. To maintain continuity of the data, IMS utilizes the same ASTM D6433 data collection protocols for each project. The Lucity pavement management module was configured to best meet the City's needs for maintenance and rehabilitation operations. A detailed Lucity analysis and report was also developed for City review. IMS completed a comprehensive update for the City again in 2015, and is contracted with the City for an assessment in 2020.

2.0 AVAILABLE RESOURCES AND CONSULTANT LOCATION

IMS Infrastructure Management Services, LLC is a pavement management limited liability company with over 30 years of direct experience in the industry. From our headquarters in Arizona, 54 IMS staff serve as the premier automated pavement management firm servicing Texas and the United States as a whole. We have satellite offices in Illinois, Massachusetts, and British Columbia. As a professional engineering firm that is 100% dedicated to pavement and asset management, we perform the work according to our philosophy on project ownership. Every project is assigned a team of dedicated professionals, with the core group comprised of a Project Principal, a Project Engineer, and a Client Services Manager. We can ensure successful project ownership because each member of the IMS team understands who is accountable for each phase of the project. Dave Butler is a certified Texas PE and will be on board to assist with QA/QC for the City.



Since 1985, IMS has progressively developed new technologies together with real-world software applications to become a recognized international leader in the field of pavement and infrastructure management. Our software solutions provide the tools required to meet the complex challenges within modern urban and rural environments.

IMS's 54 professionals complete 70 to 80 pavement and asset management projects across the U.S. annually, and we have served as the pavement management firm for the nearby agencies of Denton County, Farmers Branch, Cleburne, Huntsville; and many more throughout the Texas.

IMS is owned and operated by CEO Derek Turner and the point of contact is Jeff Myers, Central Region Client Services Manager. He can be reached by phone at (417) 372-7021, by email at jmyers@imsanalysis.com, or by mail at 3830 S. Kyrene Road, Suite 101, Tempe, AZ 85284.

Since 2004, IMS has completed more than 1,000 pavement management assignments for government agencies and private-sector companies throughout North America. IMS's achievements include the following:

- Development of 19 data collection platforms since our inception and a current fleet of 7 LCMS2 Road Surface Testers.
- Certified for **ASTM D6433** data collection and participation in *ASTM sub-committee E1741* and *TRB subcommittee AFD20* on pavement monitoring and valuation.
- Awarded projects by 1,000 City and County agencies plus 25 large-scale public works departments.
- Collected data for more than 15 different software platforms, ranging from our own proprietary systems to third-party programs including PAVER, Lucity, Cartegraph, Cityworks, and others.
- Developed the data collection tools that set the standard for automated, objective surveys.
- Developed a turn-key sidewalk and ramp collection and analysis solution.

3.0 METHODOLOGY

3.1 PROJECT LEVEL

Our local experience in the State of Texas and throughout the North America has resulted in an unparalleled level of in-house pavement management expertise that focuses on exceeding client expectations, not simply meeting them.

Street Network Inventory & GIS Integration – IMS performs a linear pavement distress survey on 100% of the paved roadway network. IMS will survey all arterial and collector roadways with 2 passes. Though the LCMS2 RST will validate roadways' lengths in the field, IMS also validates all segment lengths and widths using aerial photography prior to the field data collection. IMS uses this method to cross-check all measurements and guarantee accuracy.

IMS will begin the project by developing the City's pavement segmentation from City-provided GIS in an effort to prepare the survey inventory for field data collection. New roads will be added, and the City's pavement inventory will be reviewed to ensure it meets pavement management requirements. The IMS surveys **are tightly coupled** with the City's existing GIS environment, resulting in a seamless transition of data that is linked to a unique identifier in the City's GIS.

Objective Pavement Distress Survey & Technology – *IMS is unique to the industry, as an objective and repeatable ASTM D6433 data collection effort will be completed.* All data will be collected continuously and recorded in 15-foot intervals in the form of a detailed database complete with GPS coordinates. The detailed data will then be summarized at the segment level (intersection-to-intersection) to develop the pavement condition index for each roadway segment.

Testing Vehicles & Equipment: Pavements -- For this project, IMS will utilize one of our LCMS2 RST vans. The LCMS2 van is capable of collecting automated pavement condition data and a full suite of right-way asset information in a single pass. The LCMS2 incorporates lasers, distance-measuring instruments, accelerometers and rate gyroscopes, HD cameras positioned for 360-degree views, and inertial navigation-based GPS. The LCMS2 RST captures a 3D profile, range, and intensity with a two-laser array. With these units, IMS can meet ASTM, FHWA, LTPP, PASER, and other standards.

HD Imagery – The LCMS2 RST utilizes up to four GPS referenced HD camera views (4112x3008) for our QA/QC program, ROW asset inventory development, virtual drives, and/or other supplemental image deliverables. For most projects, IMS will utilize all four HD cameras that will be proofed out prior to data collection.

Data Processing, Formatting, and City Review – Prior to software integration and loading activities the condition data will be delivered to City staff into an easy to navigate Excel Spreadsheet, complete with graphs and descriptive terms such as Good/Fair/Poor. The detailed PCI extent and severity distress data is also aggregated into an easy to understand 0-10 index to assist in City review. The condition data is delivered as a Personal Geodatabase, a series of shape files, and KMZ files to ensure City staff comfort with the data outputs prior to software implementation.

Pavement Analysis Configuration – While the parameters of the pavement analysis are largely driven by the City's needs and survey data, the focus of this project is to develop a comprehensive multi-year rehabilitation plan that targets the City's maintained roadways, allowing City staff to prioritize roadways based on the need and priority. This function aids in allocating the correct funds to the streets that need rehabilitation the most. Section 4.7 of this proposal provides the detailed IMS analysis process.

Multiyear Pavement Management Report & Council Presentation– With the analysis complete and approved by City staff, IMS will aggregate the information into a bound report that reviews the concepts of pavement management, PCI calculations, condition results, network value, operating parameters of the analysis, budget scenarios, and five-year pavement management reports. The analysis and report will go through several iterations of review before being finalized and presented to City staff. IMS will also provide an onsite council presentation/workshop that educates elected officials on the benefits of pavement management and preventative maintenance. The IMS presentation reviews the results of the survey in a comprehensible manner such that all attendees can follow the logic of the project without having to be an expert. The idea is to simplify pavement management, not make it needlessly complicated and difficult to understand.

3.2 IMS WORK PLAN

Over the course of implementing and collecting roadway and asset data for well over 1,000 transportation and municipal assignments, IMS has developed a logical sequence of activities to effectively obtain the greatest efficiency for each project. IMS will use a series of **Task Activities** and **Milestones** to define a work plan and then assign appropriate resources to fulfill the contractual requirements.



For most assignments, we have developed seven milestones as follows:

- 1.) **Project Kickoff** – This task will set the tone for the overall assignment and document the scope, deliverables, and formats to ensure the City's comfort with the IMS deliverables and approach.
- 2.) **GIS Cleanup & Inventory ID** – This task will start with acquiring the City's existing pavement database and GIS linked centerlines. A survey map will be developed to confirm coverage.
- 3.) **Data Collection** – All activities relating to the field surveys will be initiated and completed.
- 4.) **Process Data** – All data collected in the field will be aggregated and processed using IMS tools that have been designed around automated data collection and the ASTM D6433 PCI scores.
- 5.) **Analyze Data & Project Planning** – Existing projects, rehab activities, performance curves, prioritization methodology, and project commitments will be updated within the pavement management program.
- 6.) **Final Report & Optional Presentation** – A final report will be developed and all hard copies requested in the RFP will be delivered to City staff for review and acceptance.
- 7.) **Project Completion** – Upon completion of an iterative analysis process, collaboration with City staff and delivery of the final report, the project will be closed out.

3.3 AUTOMATED PAVEMENT DISTRESS ASSESSMENT

The IMS fleet of pavement performance equipment includes seven Laser Road Surface Testers, four of which are outfitted with the LCMS 2 technology. IMS also has access to two Dynaflect Devices and four Sidewalk Surface Testers. For this survey, we propose to use one LCMS 2 - enhanced Road Surface Tester (RST) coupled with HD digital imagery and GPS capabilities. The LCMS 2 based RST, with its 2-sensor array is capable of collecting a full



suite of ASTM compliant pavement condition data complete with high accuracy GPS coordinates and multiple view HD digital images for both rigid and flexible pavements (in real time). The LCMS 2 equipment provides three dimensional high-speed, mm-level scanning and pattern recognition analysis. Specialized data processing, using GIS as its backbone, allows the pavement data to be quickly checked for completeness and quality.

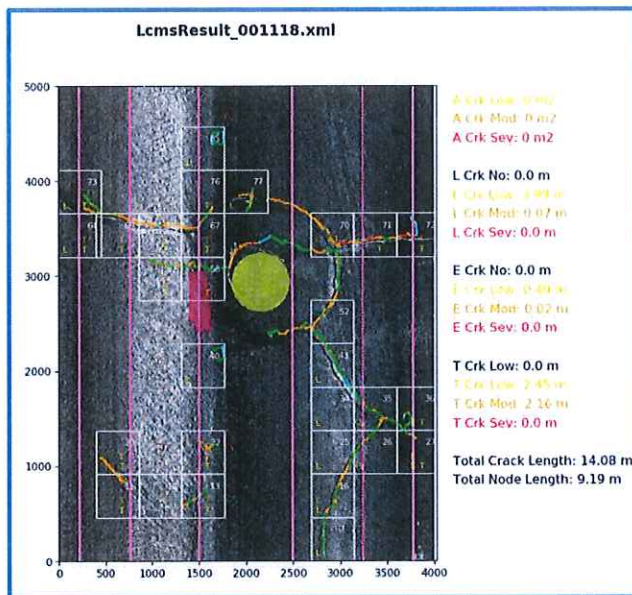
The main components of the LCMS-enhanced RST are:

- A 2-sensor, 3D LCMS array coupled with 2 IMU's (inertial measurement unit) are utilized to measure pavement roughness, rutting, cracking, potholes, bleeding, geometrics, and many other common ASTM D6433 surface distresses.
- Automated crack profiling and production of extent-severity based pavement distresses through the 3D crack profile software.
- Up to 4 HD digital cameras are mounted for forward, side, rear, and right-of-way views.
- Ability to collect dual wheel path roughness to International Roughness Index (IRI) standards using 3D profile technology.
- High accuracy Global Positioning System (GPS) receiver with OXTS inertial navigation for geo-locating of pavement and asset information with excellent accuracy.
- Dual distance measuring instruments to measure linear distances to within +/- 0.5%.
- Built-in software and on-board processors to develop roadway inventories, time code integration, and system monitors.
- Integrated touchscreen event board used for capturing additional roadway attributes on the fly or even expanding the roadway distress data to be captured. The touchscreen is programmed with a mobile mapping device to ensure navigation and routing is as efficient as possible. All inputs can be programmed for acquisition using a standard extent and severity format.

The Laser Crack Measuring System 2 (LCMS) also automatically collects transverse cracking, block cracking, alligator cracking, longitudinal cracking, rutting, potholes, faulting, roughness, geometrics, and texture. The LCMS technology automatically detects cracks and minute variances in the pavement surface using a horizontal resolution of 1mm. Thus, the LCMS 2 greatly diminishes the subjective nature of PCI data collection performed by image-based surveys or even point lasers.

3.4 OBJECTIVE DISTRESS IDENTIFICATION & QUANTIFICATION (ASTM D6433)

The IMS Laser Crack Measurement System (LCMS2) is one of the most technologically advanced devices available for pavement performance assessments. The 2-sensor array completes a 3D millimeter-level scanning of the pavement surfaces that pass below the laser array. With a high-speed 1-millimeter resolution, this means the LCMS2 device deploys a continuous scan of laser points (approximately 3,657) across a mere 12 feet of pavement, making it one of the highest resolution pavement laser scanners available. The onboard processing software further amplifies its capabilities by analyzing pavement elevation (range and intensity) and automatically identifying cracking, rutting, roughness in the form of IRI, potholes, and bleeding.

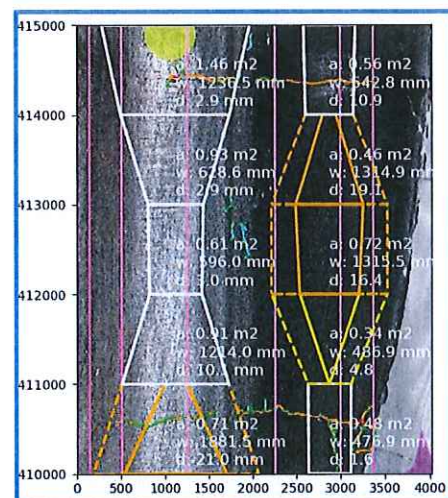


While any engineering firm could deploy the LCMS2 equipment for data collection, processing the information for distress quantification requires a complete understanding of automated technologies, GIS mapping, and distress measurement protocols found in standards such as ASTM D6433. Simply reviewing the LCMS cracking vectors (colored cracks) with the human eye dilutes the objectivity of the equipment.

IMS engineers and technologists have developed a computerized processing application that automatically applies an 18"x18" grid to the LCMS downward images (FIS files) and uses pre-programmed geometric algorithms to classify and quantify

distresses by type. These automated processing routines result in an unparalleled level of objectivity and efficiency in distress pattern recognition analysis. The image above illustrates the quantity of several distresses as well as the presence of a manhole, which was automatically scrubbed from the dataset.

In addition to the auto-quantification and classification of ASTM D6433 distresses, the LCMS2 device also operates as a Class I profile device that collects longitudinal profile (in the form of the International Roughness Index) and transverse profile (rutting) using **advanced 3D profile laser scanning technology**. The system is not subject to vehicle wander like other automated technologies, and it compensates for variation in driver ability. The adjacent images show the processing software's ability to calculate rutting width and depth following the AASHTO Taut Wire methodology. The solid white lines indicate there was no rutting in the left wheel path and that rutting was detected and measured in the right wheel path. Filters can also be applied to account for rehabilitation activity overlap, which can be as much as a ¼ inch depending on the application.



3.5 CAMERAS & EQUIPMENT CONFIGURATION

The IMS RST can mount up to four HD cameras on the platform depending on the required views or roadside assets to be inventoried. Prior to commencing the field surveys, our team will confirm the pavement and/or right-of-way views for collection. As an example of pavement image quality, the image to the right illustrates the pavement view from the LCMS2 RST during a recent assignment.



IMS uses a configuration of **all four HD video cameras** as depicted in the LCMS image below. The camera views should be proofed out at the calibration stage, as it may be desirable to relocate or change the orientation of a camera. The four ROW views will be processed and linked to the City's existing GIS centerline and provided as a personal geodatabase with image hyperlinks. The HD imagery is processed and collected in 20-foot intervals.

IMS utilizes AVT Manta G-1236 B/C GigE high-resolution cameras. With these cameras deployed, The City can rest assured that the image quality will be state-of-the-art, directly integrated into the RST's DMI unit. The AVT Manta cameras are capable of capturing images at 4112 x 3008 resolution and up to 125 frames per second.



The adjacent image illustrates the proposed camera configuration for this project:



Camera 1 – Left Front: View offers a forward-facing view that is angled toward the centerline of the roadway with the right side of the camera view overlapping with Camera 2 for full coverage.

Camera 2 – Right Front: This angle is used for 180-degree forward view and for right-of-way asset data extraction. Camera is oriented to capture most signs and not too much horizon. The left side of the camera view is calibrated to overlap with Camera 1 for full coverage.

Camera 3 – Right Rear: View is oriented to capture a downward pavement view used in the IMS QA/QC process and final engineering review.

Camera 4 – Left Rear: View is oriented to collect reverse-facing signs, markings images, sidewalks, and many other assets on the adjacent side of the roadway.

3.6 QUALITY ASSURANCE & FIELD SAFETY

Each step in the IMS data collection process has been designed to require the data to pass a certain standard or validation before moving on to the next stage. If the data doesn't pass, it is returned to the source for correction. The LCMS2 is a Class I profile device that allows for the auto-quantification and -classification of most ASTM D6433 distresses. The system is not subject to vehicle wander like other automated technologies, and it compensates for variation in driver ability through the automated detection of pavement edge, curb/gutter, and centerline striping.



The summary of the IMS QC plan is as follows:

- *Inventory Preparation* – A coverage map is prepared for review to ensure all roadways desired for survey are captured. This map is eventually loaded into the RST for survey.
- *Data Collection* – The equipment is calibrated on a daily basis and it is also paused over “events” that would cause erroneous data to be collected (e.g. railroad tracks, speed humps, valley gutters, etc.). A field survey daily report is also sent to the Crew Chief and reviewed by a Senior Technologist for approval.
- *Processing Filters* – Processing tools are extensive, and they allow for erroneous data (e.g. manholes, curb lines, tool marks, rehab activity overlap, striping, macrotexture for intended rehab designs, etc.) to be filtered out of the data stream.
- *LCMS Image Review* – All 16-foot LCMS image and cracking vectors are reviewed by a qualified inspector in the office to ensure there are no discrepancies in the data stream or the auto-classification and -quantification of distress densities.
- *Project Engineer Review* – Before any data enters the analysis phase, the assigned Project Engineer reviews the forward HD imagery collected in the field and compares that to the processed PCI data. If it doesn't pass the QC tolerance test, it is sent back for further processing.

In conjunction with the IMS Employee Policy Manual, all field operators are required to implement the following field safety procedures when operating the RST survey vehicle:

- All IMS RST vehicles must be fitted with seat belts, safety lights (flashing and/or strobe), vertical guide sticks on the front bar, “Caution” sign placard, and fire extinguisher.
- Daily RST “circle checks” are to be conducted to ensure equipment maintenance.
- RST is to travel at or near posted speed limits so as not to impede traffic, and the survey is to be conducted in the curb or shoulder lane. Lane changes are only made when absolutely necessary.
- Avoid collecting data during high peak times on heavily traveled roadways.
- Cease survey operations during rain, snow, cold (less than 32°F) or other poor weather conditions.
- Ensuring consistent quality of pavement condition data is just as important as collecting the data. Each step in the data collection process has been designed to require the data to pass a certain standard or validation before moving on to the next stage, or be returned to the source for correction.



Regular City Council
AGENDA ITEM 10.

Agenda Item: Discuss and Possibly Act Upon a Noise Variance for the City of Brenham's Community Picnic to be Held on November 1, 2020 from 4:00 p.m. to 6:00 p.m. at Henderson Park and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-October 01, 2020

Department: Parks and Recreation

Staff Contact: Tammy Jaster

Classification: Regular

SUMMARY STATEMENT:

The Brenham Community Picnic a picnic to encourage members of the community to come together and just get to know others in the community including City and County Officials, Peace Officers, and other first responders. We will be having a DJ, hot dogs and encouraging the community to bring their own yard games. This event is Sunday, November 1st, 2020 from 4:00pm to 6:00pm. Because this event involves amplified music, staff are requesting that Council approve the attached noise variance request.

ATTACHMENTS:

(1) Noise Variance Request

RELEVANCE TO COMPREHENSIVE PLAN:

Parks & Recreation Strategic Action Priority 4: Continue popular parks and recreation programming and identify any gaps in residents served.

RECOMMENDED ACTION:

Approve a Noise Variance for the City of Brenham's Community Picnic to be held on November 1, 2020 from 4:00 p.m. to 6:00 p.m. at Henderson Park and authorize the mayor to execute any necessary documentation.

NOISE VARIANCE REQUEST

Application Fee \$10.00

1. Name of sponsoring organization:
City of Brenham
2. Name and address of individual making application on behalf of sponsoring organization: _____
Tammy Jaster, 200 W Vulcan St, Brenham, TX 77833
3. Purpose of the Event: Brenham Community Picnic
4. Location of Event: Henderson Park
5. Date of the event: July 19th, 2020
6. Time of Event: Sunday, November 1st, 2020
7. Event Set-up: From: 12:00pm To: 4:00pm
Event Clean-up: From: 6:00pm To: 10:00pm
8. You are required to describe the following:
 - a) Types of Activities Planned and any additional information specific to this event: _____
Hot dogs, bring your own yard games, meet your community leaders, law enforcement and first responders
 - b) Bands/Musical Instruments: DJ setup
 - c) Sound amplification equipment:
yes
 - d) Cleanup provisions: Working with City Departments

Tammy Jaster

Name of Applicant (Printed or Typed)



Applicant or Authorized Person's Signature

Date: 9-15-20

Phone: 979-451-0436

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