



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, DECEMBER 7, 2023 AT 1:00 PM
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN STREET
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags - Councilmember Shannan Canales**
- 3. Service Recognitions**
 - ◆ Corda "Joe" Pattison, Maintenance - 10 Years**
- 4. Citizen Comments**

CONSENT AGENDA

5. Statutory Consent Agenda

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

- 5.a. Approve the Minutes from the October 19, 2023 Regular City Council Meeting, October 20, 2023 Special City Council Meeting, the November 2, 2023 Regular City Council Meeting, and the November 16, 2023 Regular City Council Meeting**
- 5.b. Approve Final Payment to D&S Contracting, Inc. for Project No. 65C-53C, and Project No. 65C-54C, In the Amount of \$92,811.70, Related to the FY2022 Sanitary Sewer Improvements - Ralston Creek Crossing, and Stone Hollow Force Main And Gravity Sewer and Authorize the Mayor to Execute Any Necessary Documentation**
- 5.c. Ratify a Grant Payment in the Amount of \$147,128.62 to Baker Katz, LLC. as Outlined in the Chapter 380 Economic Development Agreement Between the City of Brenham, Texas and Baker Katz, LLC and Authorize**

the Mayor to Execute Any Necessary Documentation

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

- 6. Public Hearing, Discussion and Possible Action on an Ordinance on Its First Reading Amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Calvary Baptist Church to Allow Construction of an Open-Air Pavilion Behind the Existing Church Building (Church Auxiliary Use) in an R-1, Single-Family Residential Zoning District on Approximately 2.5443 Acres of Land Located at 1100 Niebuhr Street, and Further Described as Tract 241 of the Arabella Harrington Survey in Brenham, Washington County, Texas (Case No. P-23-040)**

REGULAR SESSION

- 7. Discuss and Possibly Act Upon an Ordinance on Its First Reading to Grant a Non-Exclusive Franchise to Only 1 Rentals, LLC to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits**
- 8. Discuss and Possibly Act Upon an Ordinance on Its First Reading Providing for a No Parking Zone on the West Side of Blinn Boulevard Between College Avenue and West Fifth Street in the City of Brenham**
- 9. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham's FY22-23 Adopted Budget**
- 10. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham's FY23-24 Adopted Budget**
- 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.

EXECUTIVE SESSION

- 12. Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Commonwealth Development, Inc. v. City of Brenham, Texas; Fair Housing Case No. 06-22-3294-8**
- 13. Section 551.071 Texas Government Code - Consultation with Attorney -**

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

ADJOURN

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

CERTIFICATION

I certify that a copy of the agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan St., Brenham, TX on Monday, December 4, 2023, at 11:30 AM.

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 _____, 2023 at _____ a.m./p.m.

Signature

Title

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on October 19, 2023, beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members Present:

Mayor Atwood C. Kenjura
Mayor Pro Tem Clint Kolby
Councilmember Shannan Canales
Councilmember Leah Cook
Councilmember Dr. Paul F. LaRoche, III
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

None

City of Brenham Staff present:

City Manager Carolyn Miller, City Secretary/Director of Administrative Services Jeana Bellinger, General Manager of Public Utilities Debby Gaffey, Assistant General Manager of Public Utilities Alton Sommerfield, Director of Finance Stacy Hardy, Strategic Budget Officer Tim McRoberts, Budget Analyst Jessica Perez, Director of HR and Risk Management Susan Nienstedt, Director of Tourism and Marketing Jennifer Eckermann, Asst. Police Chief Lloyd Powell, Public Works Director Dane Rau, Tiwanna Brown, Karen Stack, Kyle Branham, Robin Hutchens, Nancy Stafford, Daniel McCracken, Jason Lange, Nancy Joiner, Steven Eilert, Tammy Jaster, Jim Halley, Leigh Linden

Citizens/Others Present:

Bobby Schubert, Brenda Schultz, Sue Hewitt, Sherry Harber, Greg Rybarski, Art Rodek

Media Present:

Jason May, Lucas Banda, and Leslie Fuentes, Brenham Banner-Press; and Josh Blaschke, KWHI

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

3. **Proclamations**
 - **Paint the Town Pink**
 - **Washington County READ**
4. **Special Recognition**
 - **Tiwanna Brown, Municipal Court Administrator**
5. **Citizen Comments**

Citizen Sherry Harber addressed the City Council. Harber advised that this year eight downtown businesses have closed due to not being able to sustain the changes being made for downtown businesses. Harber stated that parking is already an issue, but bars and night clubs do not have to worry about that since parking is not an issue after regular business hours. Harber also expressed her concern that City Council's changes to the zoning ordinance are creating problems that exist in places similar to Austin at 6th Street.

CONSENT AGENDA

6. **Statutory Consent Agenda**
 - 6-a. **Approve the Minutes from the September 7, 2023, Regular City Council Meeting, the September 18, 2023 Special Workshop Meeting, the September 21, 2023 Regular City Council Meeting, and the October 2, 2023 Special Meeting**
 - 6.b. **Approve the Ratification of the Submission of an Airport Terminal Program (ATP) Grant Application to the Federal Aviation Administration (FAA) for Qualified Infrastructure Improvements at the Brenham Municipal Airport and Authorize the City Manager to Execute Any Necessary Documentation**
 - 6.c. **Approve Ordinance No. O-23-026 on Its Second Reading Amending the Rate Tariff Schedule for the City of Brenham's Water Rates**
 - 6.d. **Approve Ordinance No. O-23-027 on Its Second Reading Amending the Rate Tariff Schedule for the City of Brenham's Electric Rates**
 - 6.e. **Approve Resolution No. R-23-037 Authorizing the Execution of an Agreement with TXDOT for the Temporary Closure of State Right-Of-Way in Connection with the 2023 Lighted Christmas Parade to be Held on Saturday, December 2, 2023**
 - 6.f. **Approve Amendment No. 1 to the Professional Services Agreement Between the City of Brenham and Strand Associates, Inc., In An Amount Not To Exceed \$3,500.00 Related to the 2023 Brenham Business Center Sanitary Sewer Extension (Project No. 65C-56C) and Authorize the Mayor to Execute Any Necessary Documentation**

- 6-g. Approve Change Order No. 2 for Project No. 2021-06-B to D&S Contracting, Inc. in the Amount of \$5,854.00 for the 2022 Sanitary Sewer Improvements - Stone Hollow Force Main and Ralston Creek Gravity Sewer Crossing and Authorize the Mayor to Execute Any Necessary Documentation**
- 6-h. Approve Change Order No. 1 for Project No. 64C-68C to Capital Underground Utilities, LLC in the Amount of -\$34,218.00 for the ARPA Air Release Valves on the Raw Water Main (Lake Line) and Authorize the Mayor to Execute Any Necessary Documentation**
- 6.i. Approve the Appointment of Cyndee Smith to the City of Brenham's Planning and Zoning Commission for an Unexpired Term Ending December 31, 2023, and Authorize the Mayor to Execute Any Necessary Documentation**

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

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

Mayor Atwood C. Kenjura	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

WORK SESSION

7. Presentation and Update on the Smithsonian's Museum on Main Street Program

Director of Tourism and Marketing Jennifer Eckermann began by informing the Council that the Smithsonian is coming to Brenham!

Eckermann stated that Brenham has been selected by the Texas Historical Commission as one of 7 towns (out of 53 applicants) in the state to host Museum on Main Street (MoMS), a program of the Smithsonian Institution that brings traveling exhibits to rural communities across the country. The exhibit, "Crossroads: Change in Rural America", will be traveling the state in 2024 and 2025 and will be in Brenham December 7, 2024 – January 19, 2025.

Eckermann stated that along with our applicant partners David Thomas, Director of the Brenham Heritage Museum, and Dr. Tina Henderson with Texas Ten Historical Explorers, plans are already underway to create a cultural, educational, and unifying experience that will impact our community for years to come.

REGULAR SESSION

- 8. Discuss and Possibly Act Upon Discuss and Possibly Act Upon Ordinance No. O-23-028 on Its Second Reading Amending Appendix A – Zoning of the Code of Ordinances of the City Brenham in Washington County, Texas (Case No, P-23-026) to Include:**
- a. Revision of the Permitted and Specific Use Provisions of the R-2 (Mixed Residential) Zoning District Found in Part 2, Division 2, Sections 1 and 2 Respectively;**
 - b. Deletions to Part 2, Division 1, Section 11 – Performance Standards; and**
 - c. Deletions to Part IV, Division 2, Section 2 Pertaining to Conditions on Variances**

City Planner Shauna Laauwe presented this item. Laauwe advised that this item is the 2nd Reading for the Ordinance for the proposed text amendments to the R-2 District, Performance Standards regarding the noise regulations, and conditions on variances.

Laauwe stated that in August, after the scheduled Public Hearing and Council discussion, some of the proposed zoning text amendments were tabled due to concerns about the definition of “Food Truck Site” and revisions to the Specific Use provisions of the R-1, Single-Family residential zoning district.

Laauwe explained that this ordinance being presented for second reading only includes the following:

- R-2 Specific Uses and Permitted Uses (Section 2.02 and 2.03)
 - Added ADUs and Twin Homes as Permitted Uses
 - Removed ADUs as a Specific Use
- R-2 Area Regulations (Section 2.05)
 - Amended side setbacks from twenty feet to fifteen feet
 - Added utility access provision for townhomes
 - Added regulations for duplexes and twin homes
 - Increased front yard setback to twenty-five feet for duplexes

A motion was made by Pro Tem Mayor Kolby and seconded by Councilmember Canales to approve Ordinance No. O-23-028 on its second reading amending Appendix A – Zoning of the Code of Ordinance of the City of Brenham in Washington County, Texas (Case No, P-23-026) to include:

- a) Revision of the Permitted and Specific Use Provisions of the R-2 (Mixed Residential) Zoning District Found in Part 2, Division 2, Sections 1 and 2 Respectively;
- b) Deletions to Part 2, Division 1, Section 11 – Performance Standards; and
- c) Deletions to Part IV, Division 2, Section 2 Pertaining to Conditions on Variance

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

Mayor Atwood C. Kenjura	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

9. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – Zoning of the Code of Ordinances of the City Brenham in Washington County, Texas (Case No, P-23-026) to Include:

a. Revision of the Specific Use Provisions for the R-1 (Single Family Residential) Zoning District Found in Part 2, Division 2, Sections 1 and 2

City Planner Shauna Laauwe presented this item. Laauwe advised that this item is the 1st Reading of the Ordinance regarding the text amendment to the R-1 District to allow duplexes and twin homes as a specific use on lots with a minimum size of 7,500 square feet.

Lauuwe explained that in September the City Council approved this change to the R-1 District with a condition that the minimum lot size be 7500 sq ft and that a specific use permit would have to be approved on a case by case business. Lauuwe explained that the specific use permit would require a Public Hearing, legal notices in the Banner, and written notification of surrounding property owners. Lauuwe stated that both the Planning and Zoning Commission and City Council would have to approve the permit.

Mayor Kenjura voiced his concern that the long-time established neighborhoods would become denser and create issues due to the lack of parking. Mayor Kenjura stated he does not want to impose more government on residents and with this change to the R1 district he feels that is what Council would be doing.

Bobby Schubert addressed the City Council requesting that this ordinance not be approved because it will affect property values in a negative way.

Art Rodek addressed the City Council regarding affordable housing. Rodek stated that after purchasing land, building materials, and associated items that would no longer be affordable housing. Rodek stated that currently his neighborhood is quiet, there is not a lot of people parking on the street and there is not a lot of traffic. Rodek advised if the proposed R1 changes are adopted this will change the dynamic of his neighborhood along with property value. Rodek stated he respectfully requests this not be approved by Council.

Sherry Harber addressed City Council stating that she recently purchased a home on Peabody Street. Harber stated that she and the other neighbors wanted to change the zoning to R1 after someone came in and changed an older home into a rental property with four sections, this caused septic issues that disrupted the neighborhood. Harber stated why do you take away the property value of the existing people who bought their home who thought they were protected from living next door to duplexes and apartments. Harber also stated you cannot have someone deciding on a case-by-case basis. Sherry asked the council why change it from R1.

Greg Rybarski addressed the City Council stating he believes that the City will not be inundated with applications for these permits. Rybarski stated that when he bought his property, he knew what he was getting, why does Council want to change it now.

Jason Lange address council stating he lives in a neighborhood on a corner lot and if they were to take away these long-standing homes you would be taking away part of Brenham's heritage. Lange stated he believes that tearing down homes and putting in duplexes would cause long time citizens to leave.

City Manager Carolyn Miller stated she and others attended a workshop at the TML conference last week that addressed some zoning changes that the legislature is looking at making some changes to. Miller stated that some of these changes are related to the current changes the city is looking at. Miller stated that when rezoning an important thing to look at is the infrastructure and if it can support new development and density. Miller stated put one with the other, your planning and development with your operations, don't do one without looking at the other.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to table the Ordinance on its first reading amending Appendix A – Zoning of the Code of Ordinances of the City Brenham in Washington County, Texas (Case No, P-23- 026) to include:

- a. Revision of the Specific Use Provisions for the R-1 (Single Family Residential) Zoning District Found in Part 2, Division 2, Sections 1 and 2

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

Mayor Atwood C. Kenjura	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

10. Discuss and Possibly Act Upon RFP No. 23-009 Related to Restroom and Locker Room Improvements at the Blue Bell Aquatic Center and Authorize the Mayor to Execute any Necessary Documentation

Director of Public Works Dane Rau presented this item. Rau advised that in September, City staff and BBA Architects opened request for proposals related to restroom and locker room improvements at the Blue Bell Aquatic Center.

Rau stated that due to this facility being 23 yrs. old, the harsh environment from the chlorine, and older infrastructure, renovations and upgrades are required. The scope of work consists of new lockers, new flooring, new partitions, upgrade to women's vanity, shower upgrades, hand dryers, additional seating options, upgrade of plumbing fixtures and demo of old items.

Rau advised that staff received three proposals and that Collier Construction met all specifications and had a total base bid of \$341,000. Collier also included an additional proposal for replacing the double doors leading to the leisure pool for a cost of \$46,000 making the total cost of the project would be \$387,000.00

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to award RFP No. 23-009 related to Restroom and Locker Room Improvements at the Blue Bell Aquatic Center to Collier Construction in an amount not to exceed \$387,000.00 and authorize the Mayor to execute any necessary documentation.

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

Mayor Atwood C. Kenjura	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

11. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham's FY2023-24 Adopted Budget

Strategic Budget Officer Tim McRoberts presented this item. McRoberts explained that during the July budget workshop meetings, Council was presented with a series of capital and maintenance expenditures to be purchased using FY 22-23 savings.

McRoberts stated that the FY 22-23 budget is projected to have ABNR (Above Budget Net Revenues) in the amount of \$1,551,261. The amendment being presented approves the expenditure of \$488,259 on capital and maintenance items that were postponed during the year.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve an Ordinance on its first reading for the amendment to the City of Brenham FY 2023-24 Adopted Budget.

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

Mayor Atwood C. Kenjura	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

12. Discuss and Possibly Act Upon the Purchase of a Freightliner Dump Truck for the City of Brenham's Wastewater Construction Department Through The Interlocal Purchasing System (TIPS) and Authorize the Mayor to Execute Any Necessary Documentation

Maintenance Supervisor Stephen Draehn presented this item. Draehn advised the Wastewater Construction Department has budgeted to purchase a Freightliner Dump Truck for fiscal year 2024 for use on Sewer/Wastewater Construction projects and day to day operations. Draehn advised this piece of equipment was originally budgeted to be purchased in fiscal year 2023 but has been delayed due to supply chain issues.

Draehn advised staff obtained a quote from Lone Star Freightliner Group using TIPS (a National Cooperative Purchasing Program) contract pricing in the amount of \$109,641.00. The truck will be financed with a five (5) year note from Bank of Brenham and is expected to be delivered in March 2024.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve the purchase of a Freightliner Dump Truck from Lone Star Freightliner Group, LLC; DBA Lone Star Truck Group in the amount of \$109,641.00 through The Interlocal Purchasing System (TIPS) and authorize the Mayor to execute any necessary documentation.

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

Mayor Atwood C. Kenjura	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

13. Discuss and Possibly Act Upon a Financing Proposal from Bank of Brenham for the Purchase of a Freightliner Dump Truck for the City of Brenham's Wastewater Construction Department and Authorize the Mayor to Execute Any Necessary Documentation

Director of Finance Stacy Hardy presented this item. Hardy advised that this item is to secure the financing of the dump truck for the Wastewater Construction Department. Hardy advised that the principal and interest payments are factored into the FY24 budget for the Wastewater Fund and that the Bank of Brenham proposed the lowest interest rate at 6.875%.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve an equipment financing proposal with Bank of Brenham in the amount of \$109,641.00 with a five-year note and an interest rate of 6.875% for the purchase of a dump truck for the City of Brenham Wastewater Construction Department and authorize the Mayor to execute any necessary documentation.

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

Mayor Atwood C. Kenjura	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

14. Discuss and Possibly Act Upon a Temporary Resale Amendment to the System Water Availability Agreement Between the City of Brenham and Brazos River Authority for the Temporary Resale of Water and Authorize the Mayor to Execute Any Necessary Documentation

Deputy General Manager of Public Utilities Alton Sommerfield presented this item. Sommerfield advised in September 2019, Brazos River Authority (BRA) and the City executed an agreement for the City to purchase 774 acre-feet of raw water per fiscal year for municipal purposes. Sommerfield advised that the purchase price of the water is \$93.50 per acre-foot or \$72,369.00 annually. Sommerfield explained that the Temporary Resale Amendment allows the City to elect to resell excess water on a temporary basis to a third party with prior approval of the BRA.

A motion was made by Councilmember Canales and seconded by Councilmember Kolby to approve a Temporary Resale Amendment to the System Water Availability Agreement between the City of Brenham and Brazos River Authority for the temporary resale of water and authorize the Mayor to execute any necessary documentation.

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

Mayor Atwood C. Kenjura	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

15. Discuss and Possibly Act Upon a Water Supply Resale Agreement Between the City of Brenham and the Dow Chemical Company Related to the Temporary Resale of Water and Authorize the Mayor to Execute Any Necessary Documentation

Sommerfield advised that The Dow Chemical Company requested the purchase of 774 acre-feet of the City's excess water. Sommerfield stated that due to the continued drought conditions, the City is willing to sell one-half or 387 acre-feet of the requested amount. Sommerfield advised The Dow Chemical Company will pay to the City \$93.50 per acre-foot or \$36,184.50 for the 387 acre-feet of water within thirty days from the effective date of this Agreement. Sommerfield advised that once drought conditions have ended, the City would consider selling the remaining 387 acre-feet.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve a Water Supply Resale Agreement between the City of Brenham and The Dow Chemical Company related to the temporary resale of water and authorize the Mayor to execute any necessary documentation

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

Mayor Atwood C. Kenjura	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

16. Discuss and Possibly Act Upon Resolution No. R-23-038 Setting A Public Hearing to Consider Land Use Assumptions and a Capital Improvement Plan for the Possible Adoption of Impact Fees

Utility Compliance Manager Daniel McCracken presented this item. McCracken advised that in preparation of the implementation of Impact Fees for future capital improvement projects for water, wastewater, and roadways, two public hearings are required to inform the public on the land use assumption and improvement plans related to impact fees. McCracken stated as per Chapter 395, section 42 of the Texas Local Government Code, the City Council will need to adopt a Resolution to set the date for a public hearing to consider land use assumptions and capital improvements. McCracken advised the date of the public hearing is set for December 7, 2023.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve Resolution No. R-23-038 setting a public hearing to consider land use assumptions and a Capital Improvement Plan for the possible adoption of Impact Fees

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

Mayor Atwood C. Kenjura	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

17. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Bryan, City of College Station, City of Brenham, Brazos County, Washington County, Burleson County, Madison County, Grimes County, and Texas A&M University Relating to the Operation and Maintenance of the Brazos Valley Wide Area Communications System (BVWACS) and Authorize the Mayor to Execute Any Necessary Documentation

City Manager Carolyn Miller presented this item. Miller advised the Brazos Valley Wide Area Communications System (BVWACS) is a regional public safety radio system that enables several Brazos Valley entities to combine resources and communicate with one another during an emergency. Miller stated that the BVWACS partnership was started in 2008 and currently consists of the City of Brenham, the City of Bryan, the City of College Station, Brazos County, Burleson County, Madison County, Grimes County, Washington County, and Texas A&M University.

Miller advised that in 2013 the BVWACS entities agreed to name the Brazos Valley Council of Governments (BVCOG) as the Managing Entity of the BVWACS. Miller stated as the Managing Entity, the BVCOG is responsible for the overall management of the BVWACS, coordination with other radio systems, budget oversight, recordkeeping, project management and several other management-related duties. Miller explained that the ILA, if approved, would allow the BVCOG to remain the managing partner of BVWACS for five more years, expiring on September 30, 2028.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve an Interlocal Agreement between the City of Bryan, City of College Station, City of Brenham, Brazos County, Washington County, Burleson County, Madison County, Grimes County, and Texas A&M University related to the operation and maintenance of the Brazos Valley Wide Area Communications System (BVWACS) and authorize the Mayor to execute any necessary documentation.

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

Mayor Atwood C. Kenjura	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

18. Discuss and Possibly Act Upon the Third Restatement of the Interlocal Agreement for the Construction, Acquisition, Implementation, Operation and Maintenance of the Brazos Valley Wide Area Communications System (BVWACS) and Authorize the Mayor to Execute Any Necessary Documentation

City Manager Carolyn Miller presented this item. Miller stated that the Brazos Valley Wide Area Communications System (BVWACS) is a regional public safety radio system that enables several Brazos Valley entities to combine resources and communicate with one another during an emergency. Miller stated that the BVWACS partnership was started in 2008 and currently consists of the City of Brenham, the City of Bryan, the City of College Station, Brazos County, Burleson County, Madison County, Grimes County, Washington County, and Texas A&M University.

Miller advised that the third restatement of the ILA outlines the implementation, funding, organization and operation of the BVWACS. Miller advised that, if approved, the ILA would allow for the BVCOG to remain in place for five more years, expiring on September 30, 2028.

A motion was made by Councilmember Saunders and seconded by Councilmember Canales to approve the Third Restatement of the Interlocal Agreement for the Construction, Acquisition, Implementation, Operation and Maintenance of the Brazos Valley Wide Area Communications System (BVWACS) and authorize the Mayor to execute any necessary documentation.

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

Mayor Atwood C. Kenjura	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

19. Administrative/Elected Officials Report

City Manager Carolyn Miller presented the following:

- Special City Council Meeting on October 20th 10:00 a.m.
- Arts and Music Festival, October 21, 2023
- Next regular City Council meeting will be on November 2nd

Director of Public Works Dane Rau presented the following:

- Update on the Parks and Recreation Board Meeting
- Kid Fish at the Blue Bell Aquatics Center this Saturday at 9 a.m.

Council adjourned into Executive Session at 2:33 p.m.

EXECUTIVE SESSION

- 20. Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Aviators Plus, LLC v. City of Brenham, Texas; Cause No. 37896; 21st Judicial District Court, Washington County, Texas**
- 21. Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Victor Martinez v. Arch-Con Corporation and City of Brenham, Texas; Cause No. 38137; 335th Judicial District Court, Washington County, Texas**

Executive Session adjourned at 2:45 p.m.

RE-OPEN REGULAR SESSION

The meeting was adjourned.

Atwood C. Kenjura
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

Brenham City Council Minutes

A special meeting of the Brenham City Council was held on October 20th beginning at 10:00 a.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members Present:

Mayor Atwood C. Kenjura
Mayor Pro Tem Clint Kolby
Councilmember Shannan Canales
Councilmember Leah Cook
Councilmember Dr. Paul F. LaRoche, III
Councilmember Albert Wright

Members Absent:

Councilmember Adonna Saunders

City of Brenham Staff present:

City Manager Carolyn Miller, and City Secretary/Director of Administrative Services
Jeana Bellinger

Citizens/Others Present:

Media Present:

Leslie Fuentes, Brenham Banner Press

1. Call Meeting to Order

Council adjourned into Executive Session at 10:00 a.m.

EXECUTIVE SESSION

2. Section 551.071 Texas Government Code – Consultation with Attorney - Consultation with City Attorney Regarding the Brenham Fire Department and Associated Legal Matters

Executive Session adjourned at 10:56 a.m.

RE-OPEN REGULAR SESSION

The meeting was adjourned.

Atwood C. Kenjura
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

Brenham City Council Minutes

A Regular Meeting of the Brenham City Council was held on Thursday, November 2, 2023 beginning at 1:00 PM in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members Present:

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

Members Absent:

Councilmember Leah Cook

City of Brenham Staff Present:

City Attorney Cary Bovey, City Secretary/Director of Administrative Services Jeana Bellinger, General Manager of Public Utilities Debbie Gaffey, Assistant General Manager of Public Utilities Alton Sommerfield, Director of Water/Wastewater Bobby Keene, Director of Finance Stacy Hardy, Director of Public Works Dane Rau, Strategic Budget Officer Tim McRoberts, Director of HR and Risk Management Susan Nienstedt, Economic & Community Development Director Teresa Rosales, Jessica Perez, Kyle Branham and Shawn Bolenbarr

Citizens/Others Present:

Steve Sefcik

Media Present:

Leslie Fuentes-Brenham Banner, Josh Blaschke-KWHI, Jason May-Brenham Independent

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

3. Special Recognition

- ◆ **Brian Scheffer - Retirement, Brenham Fire Department**

4. Service Recognitions

- ◆ **Courtney Dudenhoeffer - Utility Customer Service Supervisor - 5 Years**

5. Citizen Comments

No citizen comments were heard.

CONSENT AGENDA

6. Statutory Consent Agenda

- 6.a. Approve Ordinance No. O-23-029 on Its Second Reading Amending the City of Brenham's FY2023-24 Adopted Budget**
- 6.b. Approve Ordinance No. O-23-030 on Its Second Reading for the Creation of Reinvestment Zone No. 52 Requested by 209 S. Market Street, LLC for Commercial Tax Phase-In Incentive on that Certain 2,646 Square Feet of Land, Generally Located at 209 S. Market Street, Brenham, Texas, Being More Fully Described in Exhibit 'A' of the Ordinance Creating Reinvestment Zone No. 52, and Designating This Property as Qualifying for Tax-Phase-In**
- 6.c. Approve Resolution No. R-23-039 Authorizing the Acceptance of a Grant from the Office of the Governor (OOG), State Homeland Security Grants Division, FY23 State Homeland Security Program - Law Enforcement Terrorism Prevention Activities Projects (SHSP-LETPA), for 40 sets of 24" RatKit Breaching Tools**
- 6.d. Approve Resolution No. R-23-040 Authorizing the Acceptance of a Grant from the Office of the Governor (OOG), State Homeland Security Grants Division, FY23 State Homeland Security Program - Law Enforcement Terrorism Prevention Activities Projects (SHSP-LETPA), for Two (2) Trinity Innovative Solutions Portable Surveillance Kits**
- 6.e. Approve Final Payment to Capital Underground Utilities for Project No. 64C-68C, In the Amount of \$35,517.40, Related to the Air Release Valves on Raw Water Main (Lake Line) And Authorize the Mayor to Execute Any Necessary Documentation**
- 6.f. Approve Final Payment to Larry Young Paving Inc., In the Amount of \$212,716.45, Related to S. Chappell Hill Street and Martin Luther King Street Improvements and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve Consent Agenda Items 6.a. through 6.f. as presented.

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

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

No: None

Absent: Councilmember Cook

REGULAR SESSION

7. Discuss and Possibly Act Upon the Approval of the Routine Airport Maintenance Program (RAMP) Grant Agreement No. M2417BREN with TxDOT for FY 2024 and Authorize the Mayor to Execute Any Necessary Documentation

Planning Technician Kim Hodde presented this item. Hodde stated that this item is for the Airport's annual grant agreement with TxDOT for participation in the Routine Airport Maintenance Program (RAMP) for September 1, 2023, through August 31, 2024.

Hodde stated that this year, TxDOT approved a change to the RAMP program and made it a 90/10 program with the City's share being only a 10% match. The maximum annual reimbursement from the TxDOT is now \$100,000 with the City's match being \$11,111.11 for a total grant amount of \$111,111.11.

A motion was made by Councilmember Saunders and seconded by Councilmember LaRoche to approve the Routine Airport Maintenance Program (RAMP) Grant Agreement No. M2417BREN with TxDOT for FY 2024 and authorize the Mayor to execute any necessary documentation.

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

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

No: None

Absent: Councilmember Cook

8. Discuss and Possibly Act Upon Resolution No. R-23-041 Adopting a

Commercial Tax Phase-In Agreement Between the City of Brenham and 209 S. Market Street, LLC

Director of Community & Economic Development presented this item. Rosales advised that 209 S. Market, LLC is being modernized to become an entertainment and meeting venue and bar in downtown Brenham. When purchased, the building was in need of much needed maintenance including masonry work, window/door sealing, repairing fire suppression system and repairing the patio, wood flooring and interior walls.

Rosales advised the lessee will be named The Southern Folly and expects to have 10 employees. Rosales advised that the total capital investment is estimated at \$185,000.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Wright to approve Resolution No. R-23-041 Adopting a Commercial Tax Phase-In Agreement between the City of Brenham and 209 S. Market Street, LLC.

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

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

No: Councilmember Canales

Absent: Councilmember Cook

9. Discuss and Possibly Act Upon ITB No. 23-013 for an Annual Contract Related to Concrete Work for the City of Brenham and Authorize the Mayor to Execute Any Necessary Documentation

Director of Public Works Dane Rau presented this item. Rau advised that on October 10, 2023, the Purchasing Department along with city staff opened bids regarding annual concrete work. Rau advised there were two responsive bidders on the annual contract. Rau advised that based on the bid amounts and the expenditure on past work, Texas KB Utilities provides the best value to the City.

A motion was made by Councilmember LaRoche and seconded by Councilmember Wright to award Bid No. 23-013 for an annual contract related to concrete work for the City of Brenham to Texas KB Utilities and authorize the Mayor to execute any necessary documentation.

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

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

No: None

Absent: Councilmember Cook

10. Discuss and Possibly Act Upon the Purchase of a Utility Compactor (Street Roller) through Sourcewell Contract No. 032119-CAT for the City of Brenham Street Department and Authorize the Mayor to Execute Any Necessary Documentation

Director of Public Works Dane Rau presented this item. Rau advised a quote was received providing Sourcewell pricing through the local Government Purchasing Program from Mustang CAT. Rau advised \$84,796 was allocated to this roller and the trailer, The total price came in at \$62,900. Rau advised that staff have been very satisfied with the Mustang CAT equipment and have had no issues with repairs. Rau advised that the City currently owns 4-5 other pieces of equipment from Mustang CAT and our mechanics are familiar with them.

Rau advised that this item was originally asked for replacement in FY2022 but was held a year due to ensuring the budget was met. Rau advised that this roller is replacing an older roller that has been in our fleet since 2006.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve the purchase of an Utility Compactor (Street Roller) through Sourcewell Contract No. 032119-CAT in the amount of \$62,900.00 to Mustang CAT for the City of Brenham Street Department and authorize the Mayor to execute any necessary documentation.

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

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

No: None

Absent: Councilmember Cook

11. Administrative/Elected Officials Report

City Secretary Jeana Bellinger presented the following items:

- All City offices will be closed on Friday, November 10th, in observance of

Veterans Day.

- The November 16th City Council Meeting start time will be delayed to 2:00 p.m. due to the Chamber's Legislative Update program.
- TXDOT will be holding a public meeting on November 16th at 4:30 p.m. to discuss raised medians on S. Day Street between Hwy 290 and Stone St. The meeting will be held in the Student Center at Blinn.

Main Street Manager Leigh Linden provided an update on upcoming Main Street activities.

ADJOURN

Atwood C. Kenjura
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

Brenham City Council Minutes

A Regular Meeting of the Brenham City Council was held on Thursday, November 16, 2023 beginning at 2:00 PM in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members Present:

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

Members Absent:

None

City of Brenham Staff Present:

City Manager Carolyn Miller, City Attorney Cary Bovey, City Secretary/Director of Administrative Services Jeana Bellinger, General Manager of Public Utilities Debbie Gaffey, Assistant General Manager of Public Utilities Alton Sommerfield, Director of Water/Wastewater Bobby Keene, Director of Finance Stacy Hardy, Director of Public Works Dane Rau, Strategic Budget Officer Tim McRoberts, Director of HR and Risk Management Susan Nienstedt, Acting Police Chief Lloyd Powell, Economic & Community Development Director Teresa Rosales, Robin Hutchens, Karen Stack, Kyle Branham, Casey Redman, Tammy Jaster, and Shawn Bolenbarr

Citizens/Others Present:

Steve Sefcik

Media Present:

Leslie Fuentes - Brenham Banner Press, Josh Blaschke - KWHI, and Jason May - Brenham Independent

1. Call Meeting to Order

2. Invocation and Pledges to the US and Texas Flags - Councilmember Cook
3. Citizen Comments

CONSENT AGENDA

4. Statutory Consent Agenda

- 4.a. Approve the City of Brenham 2024 Holiday Calendar and Authorize the Mayor to Execute Any Necessary Documentation
- 4.b. Approve a Lease Agreement Between the City of Brenham and Ricoh USA, Inc. for the Leased Office Automation Equipment and Authorize the Mayor to Execute Any Necessary Documentation
- 4.c. Approve Change Order No. 1 and Final Payment to KRPS Contractors LLC. for Project No. 2022-05, In the Amount of \$36,679.21, Related to the Brenham Family Park Main Creek Crossing and Authorize the Mayor to Execute Any Necessary Documentation
- 4.d. Approve Change Order No. 1 to Dudley Construction, LLC. for Project No. 2021-06-A, In the Amount of \$5,705.00, Related to the 2022 Sanitary Sewer Improvements-Stone Hollow Lift Station Replacement and Authorize the Mayor to Execute Any Necessary Documentation
- 4.e. Approve the Ratification of the Award of Bid No. 22-002 Related to FY23 Janitorial Services, to Kustom Klean Janitorial Services, Inc. in the Amount of \$560.00 and Authorize the Mayor to Execute Any Necessary Documentation
- 4.f. Approve an Amendment to Bid No. 22-002 Awarded to Kustom Klean Janitorial Services, Inc. in the Amount of \$840.00 Per Year, for Additional Janitorial Services at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve Consent Agenda Items 4.a. through 4.f. as presented.

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

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

No: None

Absent:

REGULAR SESSION

5. Discuss and Possibly Act Upon Resolution No. R-23-042 Regarding the Election of Members to the Board of Directors of the Washington County Appraisal District

City Secretary Jeana Bellinger presented this item. Bellinger explained that her office received a ballot from Dyann White, Chief Appraiser of the Washington County Appraisal District Board (WCAD) advising that the City needed to submit their ballot for the election of members to serve on the WCAD Board for a two-year term beginning January 1, 2024.

Bellinger explained that the City is afforded a total of 513 votes. These votes can be cast for one candidate or be distributed among any of the candidates. As in year's past, the Resolution being presented distributed the votes evenly among all of the candidates: Joe Antkowiak, Leslie Boehnemann, Douglas Borchardt, Charles Gaskamp, Halee Stark Kalkhake and John Schaer.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve Resolution No. R-23-042 regarding the election of members to the Board of Directors of the Washington County Appraisal District..

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

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

No: None

Absent:

6. Discuss and Possibly Act Upon Bid No. 23-012 Related to the Purchase of Lime for the City of Brenham Water and Wastewater Utility System and Authorize the Mayor to Execute Any Necessary Documentation

Director of Water and Wastewater Bobby Keene presented this item. Keene stated that on July 27, 2023, the City opened bids for an annual price of bulk fine quick lime to be delivered to the wastewater treatment plant. There were three bids received with L'hoist North America of Texas, LLC being the lowest bid at \$307.00/ton. Keene advised that the contract (bid) pricing would be for one (1) year with the option of two (2) one-year renewals under the same terms.

A motion was made by Councilmember Saunders and seconded by Mayor Pro

Tem Kolby to Award Bid No. 23-012 related to the purchase of Lime for the City of Brenham Water and Wastewater Utility System to Lhoist North America of Texas, LLC in the amount of \$307.00/ton and authorize the Mayor to execute any necessary documentation.

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

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

No: None

Absent:

7. Discuss and Possibly Act Upon Resolution No. R-23-043 Adopting a New Fee Schedule for the City of Brenham's Parks and Recreation Facilities and Programs

Director of Public Works Dane Rau presented this item. Rau explained that during the 2023-24 budget meetings, the Parks and Recreation staff were tasked with looking at all facilities and rates that are currently being charged in order to narrow the gap between expenses and revenues.

Rau stated that staff started with the Blue Bell Aquatic Center due to this facility being heavily supported by city taxpayers. Staff is recommending that separate rates be established for city residents and non-city residents. Rau explained that increasing the fees paid by non-city residents would help narrow the gap between expenses and revenues. Rau advised that it has been five years since rates were increased at the Blue Bell Aquatic Center and that the City has experienced much higher chemical costs, higher part-time employee rates to stay competitive with other businesses, and are paying higher rates on required maintenance and other services to keep the facility in great shape. Rau stated that the Aquatic Center has a \$1.1 Million operating budget with revenues only coming in at \$315,000. Rau explained that other rates associated with rental facilities and usage of fields are also being increased slightly.

A motion was made by Councilmember Saunders and seconded by Councilmember Canales to approve Resolution No. 23-043 adopting a new fee schedule for the City of Brenham's Parks and Recreation facilities and programs. .

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

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

Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent:

8. Discuss and Possibly Act Upon Award of Bid for Project No. 2023-01 Related to Progress and Valley Drives Drainage Improvements and Authorize the Mayor to Execute Any Necessary Documentation

Director of Public Works Dane Rau presented this item. Rau stated that on October 31, 2023, City staff along with Strand Associates opened bids regarding drainage work at the end of Progress and Valley Dr. These areas currently drain into private property and with this project we will add inlets, curbing, piping, and a concrete valley to make sure private property is not affected by rain events and make sure that stormwater gets to the main channel more directly.

Rau stated there were none (9) bids received with Texas KB Utilities, LLC being the lowest bidder at \$123,000. Texas KB Utilities are based out of Chappell Hill and have done work for First Baptist and numerous jobs in the Houston area.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to Award Project No. 2023-01 related to Progress and Valley Drives Drainage Improvements to Texas KB Utilities in the amount of \$123,000 and authorize the Mayor to execute any necessary documentation.

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

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

No: None

Absent:

9. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- City offices will be closed on November 23-24 for Thanksgiving holidays
- The downtown Christmas Stroll Parade will be Saturday, December 2nd

ADJOURN

Atwood C. Kenjura
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

DRAFT



City Council Regular Meeting **AGENDA ITEM 5.b**

Agenda Item: **Approve Final Payment to D&S Contracting, Inc. for Project No. 65C-53C, and Project No. 65C-54C, In the Amount of \$92,811.70, Related to the FY2022 Sanitary Sewer Improvements - Ralston Creek Crossing, and Stone Hollow Force Main And Gravity Sewer and Authorize the Mayor to Execute Any Necessary Documentation**

Meeting Date: December 7, 2023

Department: Public Utilities

Staff Contact: Shawn Bolenbarr, Public Utilities Project Manager

SUMMARY STATEMENT:

On February 2, 2023, City Council awarded the FY2022 Sanitary Sewer Improvement Projects - Ralston Creek Crossing, Project #65C-53C and Stone Hollow Force Main and Gravity Sewer, Project #65C-54C, to D&S Contracting, Inc for an amount not to exceed \$924,932.00. There were a total of two change orders during this project. The change orders consisted of one for a deductive cost of \$2,669.00 and the other for a cost increase of \$5,854.00, changing the total cost of the project to \$928,117.00.

D&S Contracting, Inc has completed both projects, and it has been determined by Strand Associates and the City of Brenham that both projects are substantially complete. Based on our inspection, we have determined that all components have been installed correctly and are working properly.

ATTACHMENTS:

1. Letter of Recommendation For Final Payment
2. Application for Payment No. 6 (Final)
3. Consent of Surety to Final Payment
4. Contractor Affidavit of Bills Paid

RECOMMENDATION:

Approve final payment to D&S Contracting, Inc. for Project No. 65C-53C, and Project No. 65C-54C, in the amount of \$92,811.70, related to the FY2022 Sanitary Sewer Improvements - Ralston Creek Crossing, and Stone Hollow Force Main and Gravity Sewer and authorize the Mayor to execute any necessary documentation.



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

November 28, 2023

Mr. Shawn Bolenbarr
City of Brenham
200 West Vulcan Street
Brenham, TX 77833

Re: 2022 Sanitary Sewer Improvements
Stone Hollow Force Main and Ralston Creek Gravity Sewer Crossing
COB Project No. 2021-06-B
City of Brenham, Texas

Dear Shawn,

In accordance with GC-15.06 of the General Conditions, this letter serves as our recommendation of final payment for Contract No. 2021-06-B. Enclosed is a copy of the final Application for Payment and accompanying documentation in accordance with the Contract Documents, including consent of the surety to final payment. A final inspection in accordance with GC-15.05 of the General Conditions occurred on November 27, 2023. Based upon our observation of the Work during construction and final inspection, and our review of the final Application for Payment and accompanying documentation, it appears the Work has been satisfactorily completed. Therefore, we recommend final payment of the amount indicated in the enclosed final Application for Payment.

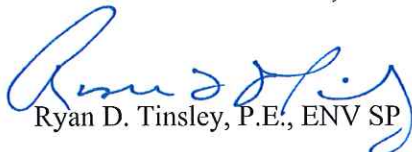
Furthermore, in accordance with GC-15.06 the General Conditions and in support of our recommendation of payment of the final Application for Payment, this letter also provides our written notice to OWNER AND CONTRACTOR (by copy of this letter) that the Work is acceptable, subject to stated limitations in this notice and to the provisions of GC-15.07 of the General Conditions.

The Preliminary Certificate of Substantial Completion fixed the Substantial Completion date at September 26, 2023, and established the Correction Period for the Work, as defined in GC-15.08 of the General Conditions. A review of the Work will be scheduled with OWNER during the Correction Period, or within one year of the date of Substantial Completion, whichever occurs first, to evaluate the Work for items that may require correction under the terms of the Contract.

Please call 979-836-7937 if there are any questions.

Sincerely,

STRAND ASSOCIATES, INC.®



Ryan D. Tinsley, P.E., ENV SP

Enclosures

c/cnc: Matt Yentz, Strand Associates, Inc.®
Tim Smith, D&S Contracting, LLC

TBPE No. F-8405
TBPLS No. 10030000

3900.253\MLM\RDY\cdg\R\BREN\Documents\Specifications\Archive\2023\Brenham, City of\3900.253.2021-06-B.RDT\16) Specification Letters\h) Final Payment and Notice of Acceptability of Work\11282023.docx

APPLICATION FOR PAYMENT NO. 6

TO OWNER: CITY OF BRENHAM, 200 WEST VULCAN, BRENHAM, TEXAS 77833

FROM CONTRACTOR: D&S CONTRACTING, INC.

PROJECT: 2022 SANITARY SEWER IMPROVEMENTS - STONE HOLLOW FORCE MAIN AND RALSTON CREEK GRAVITY SEWER CROSSING

CITY OF BRENHAM PROJECT NO. 2021-06-B

STRAND PROJECT NO. 3900.253

CONTRACT AWARDED: February 16, 2023
 PERIOD FROM: October 1, 2023
 CONST. TIME ALLOTTED (Days): 303

NOTICE TO PROCEED: April 2, 2023
 PERIOD TO: November 21, 2023
 TIME USED (Days): 233

ITEM	BASE BID A - RALSTON CREEK GRAVITY SEWER CROSSING	CONTRACT QUANTITY	UNIT	PREVIOUS PERIOD	CURRENT PERIOD	TOTAL	UNIT PRICE	TOTAL VALUE OF WORK COMPLETED
1.	Mobilization (Not to exceed 10 percent of total contract price excluding mobilization).	1	LS	1	0	1	\$ 17,000.00	\$ 17,000.00
2.	Provide 8-inch American Society for Testing and Materials (ASTM) D-3034 SDR 26 PVC gravity sewer by open cut, all depths.	90	LF	90	0	90	\$ 60.00	\$ 5,400.00
3.	Provide 8-inch ASTM D-3034 SDR 26 PVC sanitary sewer in 16-inch welded steel casing pipe (0.375-inch minimum wall thickness) by aerial crossing.	110	LF	110	0	110	\$ 170.00	\$ 18,700.00
4.	Provide prestressed concrete piles at aerial crossing.	2	EA	2	0	2	\$ 40,875.00	\$ 81,750.00
5.	Provide 4-foot-diameter precast concrete manhole, various depths.	2	EA	2	0	2	\$ 8,500.00	\$ 17,000.00
6.	Elevate existing 4-foot-diameter precast concrete manhole.	1	EA	1	0	1	\$ 1,800.00	\$ 1,800.00
7.	Provide pipe gaurds per the drawings.	2	EA	2	0	2	\$ 4,885.00	\$ 9,770.00
8.	Provide all equipment to perform temporary bypass pumping or storage (limited to tie-ins).	1	LS	1	0	1	\$ 8,100.00	\$ 8,100.00
9.	Remove existing aerial crossing (sanitary sewer and casing pipe).	1	LS	1	0	1	\$ 4,000.00	\$ 4,000.00
10.	Provide trench safety, all depths.	1	LS	1	0	1	\$ 2,000.00	\$ 2,000.00
11.	Provide traffic control according to the Texas Manual on Uniform Traffic Control Devices (TMUTCD).	1	LS	1	0	1	\$ 500.00	\$ 500.00
12.	Provide erosion control, site restoration, seeding, and cleanup.	1	LS	1	0	1	\$ 4,000.00	\$ 4,000.00

ITEM	BASE BID B - STONE HOLLOW FORCE MAIN	CONTRACT QUANTITY	UNIT	PREVIOUS PERIOD	CURRENT PERIOD	TOTAL	UNIT PRICE	TOTAL VALUE OF WORK COMPLETED
1.	Mobilization (Not to exceed 10 percent of total contract price excluding mobilization).	1	LS	1	0	1	\$ 75,000.00	\$ 75,000.00
2.	Provide 12-inch American Water Works Association (AWWA) C-900 Dimensional Ratio (DR) 18 polyvinyl chloride (PVC) force main by open cut.	1849	LF	1849	0	1849	\$ 104.00	\$ 192,296.00
3.	Provide 12-inch AWWA C-900 DR 18 PVC restrained-joint integral-bell (RJIB) force main by bore.	85	LF	85	0	85	\$ 234.00	\$ 19,890.00
4.	Provide all materials and equipment to abandon existing 6-inch clay sanitary sewer line and fill with flowable fill or, when required for installation, remove and dispose of the existing 6-inch clay sanitary sewer line.	1	LS	1	0	1	\$ 20,000.00	\$ 20,000.00
5.	Provide 15-inch ASTM D-3034 Standard Dimension Ratio (SDR) 26 PVC sanitary sewer by direct replacement open cut, 6 to 8-foot depth.	80	LF	80	0	80	\$ 113.00	\$ 9,040.00
6.	Provide 15-inch ASTM D-3034 SDR 26 PVC sanitary sewer by direct replacement open cut, 8 to 10-foot depth.	241	LF	241	0	241	\$ 118.00	\$ 28,438.00
7.	Provide 15-inch ASTM D-3034 SDR 26 PVC sanitary sewer by direct replacement open cut, 10 to 12-foot depth.	214	LF	214	0	214	\$ 123.00	\$ 26,322.00
8.	Provide 15-inch ASTM D-3034 SDR 26 PVC sanitary sewer by direct replacement open cut, 12 to 14-foot depth.	186	LF	186	0	186	\$ 127.00	\$ 23,622.00
9.	Provide 15-inch ASTM D-3034 SDR 26 PVC sanitary sewer by direct replacement open cut, 14 to 16-foot depth.	65	LF	65	0	65	\$ 129.00	\$ 8,385.00
10.	Provide 15-inch ASTM D-3034 SDR 26 PVC sanitary sewer drop interior drop connection.	0	EA	0	0	0	\$ 4,000.00	\$
11.	Provide 16-inch AWWA C900 Dimension Ratio (DR) 25 PVC sanitary sewer by direct replacement open cut, 0 to 8-foot depth.	604	LF	604	0	604	\$ 138.00	\$ 83,352.00
12.	Remove and dispose of existing 6-inch sanitary sewer and provide 6-inch ASTM 3034 SDR 26 PVC sanitary sewer by open, various depths.	20	LF	20	0	20	\$ 179.00	\$ 3,580.00
13.	Remove and dispose of existing 8-inch sanitary sewer and provide 8-inch ASTM 3034 SDR 26 PVC sanitary sewer by open, various depths.	5	LF	5	0	5	\$ 190.00	\$ 950.00
14.	Remove and dispose of existing 10-inch sanitary sewer and provide 10-inch ASTM 3034 SDR 26 PVC sanitary sewer by open, various depths.	0	LF	0	0	0	\$ 190.00	\$
15.	Remove and dispose of existing 12-inch sanitary sewer and provide 12-inch ASTM 3034 SDR 26 PVC sanitary sewer by open, various depths.	5	LF	5	0	5	\$ 204.00	\$ 1,020.00

16.	Provide tracer wire snake pit station on the force main.	4	EA	4	0	4	\$ 700.00	\$ 2,800.00
17.	Remove and dispose of existing concrete manholes.	7	EA	7	0	7	\$ 1,600.00	\$ 11,200.00
18.	Provide 5-foot-diameter precast concrete manholes.	8	EA	8	0	8	\$ 8,845.00	\$ 70,760.00
19.	Provide additional vertical depth for 5-foot-diameter manholes	20.2	VF	20.2	0	20.2	\$ 800.00	\$ 16,160.00
20.	Provide 6-foot-diameter precast concrete manhole.	1	EA	1	0	1	\$ 10,005.00	\$ 10,005.00
21.	Provide 4-inch service lateral, including connection to manhole, cleanout, and cleanout box.	1	EA	1	0	1	\$ 1,500.00	\$ 1,500.00
22.	Provide 4-inch service lateral, including connection to main, cleanout, and cleanout box.	14	EA	14	0	14	\$ 1,450.00	\$ 20,300.00
23.	Provide 8-inch AWWA C-900 DR 18 PVC water line relocation and lowering.	0	LF	0	0	0	\$ 220.00	\$ -
24.	Provide all equipment to perform temporary bypass pumping or storage (throughout sewer direct replacement).	1	LS	1	0	1	\$ 10,000.00	\$ 10,000.00
25.	Remove and replace trench-width asphalt pavement.	1800	LF	1800	0	1800	\$ 46.00	\$ 82,800.00
26.	Provide install trench safety, 5 to 10-feet.	438	LF	522	-84	438	\$ 4.00	\$ 1,752.00
27.	Provide trench safety, +10-feet.	465	LF	465	0	465	\$ 5.00	\$ 2,325.00
28.	Furnish and install traffic control in accordance to the TMUTCD.	1	LS	1	0	1	\$ 19,600.00	\$ 19,600.00
29.	Provide erosion control, site restoration, seeding, and cleanup.	1	LS	1	0	1	\$ 8,000.00	\$ 8,000.00
1a.	Furnish and install cement stabilized sand around MH-9.	1	LS	1	0	1	\$ 600.00	\$ 600.00
1b.	Furnish and install 18-inch American Society for Testing and Materials (ASTM) F-679 PS115 sanitary sewer line by open cut, all depths.	10	LF	10	0	10	\$ 240.00	\$ 2,400.00
1c.	Remove and dispose of concrete pavement underneath existing asphalt.	400	SF	400	0	400	\$ 15.00	\$ 6,000.00

Original Contract: \$ 924,932.00
Plus Additions: \$ 5,854.00
Less Deductions: \$ (2,669.00)
Adjusted Contract: \$ 928,117.00

Value of Work Performed to Date \$ 928,117.00
Plus Materials Stored at Close of Period \$ -
Net Amt Earned to Date \$ 928,117.00
Less 10% Retainage \$ -
Subtotal \$ 928,117.00
Less Previous Pay Applications \$ 835,305.30
Amount Due this Application \$ 92,811.70

AFFIDAVIT & CERTIFICATION OF PAY APPLICATION BY CONTRACTOR

STATE OF TEXAS
COUNTY OF BRAZOS

WHEREAS, the undersigned, DeAnne Moore Smith, who being duly sworn, on oath, says that he is the legal representative of D&S Contracting, Inc., has been employed by City of Brenham to furnish labor and materials for the installation of the Stone Hollow Force Main and Ralston Creek Gravity Sewer Crossing 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: DeAnne Moore Smith
D&S Contracting, Inc.

DATE: 11-22-23

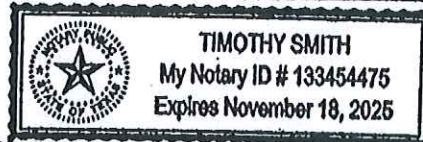
PRINTED NAME: DeAnne Moore Smith

TITLE: President

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE

22nd DAY OF November, 20 23

Timothy Smith
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS.



RECOMMENDED BY:

[Signature]
STRAND ASSOCIATES, INC.®

DATE: 11/28/2023

APPROVED BY:

CITY OF BRENHAM, TEXAS

DATE:



Bond No. 54237544

United Fire & Casualty Company

118 Second Avenue SE PO Box 73909 Cedar Rapids, Iowa 52407-3909

**CONSENT OF SURETY
TO FINAL PAYMENT**

OWNER	☐
ARCHITECT	☐
CONTRACTOR	☐
SURETY	☐
OTHER	☐

TO OWNER: City of Brenham
(Name and address) 200 West Vulcan Street
Suite 206
Brenham, TX 77833

ARCHITECT'S PROJECT NO.:

CONTRACT FOR:

PROJECT: 2022 Sanitary Sewer Improvements-Stone Hollow
(Name and address) Force Main & Ralston Creek Gravity Sewer Crossing

CONTRACT DATED:

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, UNITED FIRE & CASUALTY COMPANY, 118 Second Avenue SE, PO Box 73909 Cedar Rapids, Iowa 52407-3909, SURETY,

on bond of
(Insert name and address of Contractor)

D&S Contracting Inc
PO Box 9100
College Station, TX 77842

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the Surety of any of its obligations to

(Insert name and address of Owner)

City of Brenham
200 West Vulcan Street
Suite 206
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: November 2, 2023
(Insert in writing the month followed by the numeric date and year.)

UNITED FIRE & CASUALTY COMPANY

(Surety)

Donna Beeler

(Signature of authorized representative)

Donna Beeler

(Printed name and title) Donna Beeler
Attorney-in-Fact

Attest:
(Seal):



UNITED FIRE & CASUALTY COMPANY, CEDAR RAPIDS, IA
UNITED FIRE & INDEMNITY COMPANY, WEBSTER, TX
FINANCIAL PACIFIC INSURANCE COMPANY, LOS ANGELES, CA
CERTIFIED COPY OF POWER OF ATTORNEY
(original on file at Home Office of Company - See Certification)

Inquiries: Surety Department
118 Second Ave SE
Cedar Rapids, IA 52401

KNOW ALL PERSONS BY THESE PRESENTS, That United Fire & Casualty Company, a corporation duly organized and existing under the laws of the State of Iowa; United Fire & Indemnity Company, a corporation duly organized and existing under the laws of the State of Texas; and Financial Pacific Insurance Company, a corporation duly organized and existing under the laws of the State of California (herein collectively called the Companies), and having their corporate headquarters in Cedar Rapids, State of Iowa, does make, constitute and appoint

BRADLEY HURT, RODNEY HURT, DONNA BEELER, INDIVIDUALLY

their true and lawful Attorney(s)-in-Fact with power and authority hereby conferred to sign, seal and execute in its behalf all lawful bonds, undertakings and other obligatory instruments of similar nature provided that no single obligation shall exceed \$10,000,000.00 and to bind the Companies thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Companies and all of the acts of said Attorney, pursuant to the authority hereby given and hereby ratified and confirmed.

The Authority hereby granted shall expire the 21st day of December, 2023 unless sooner revoked by United Fire & Casualty Company, United Fire & Indemnity Company, and Financial Pacific Insurance Company.

This Power of Attorney is made and executed pursuant to and by authority of the following bylaw duly adopted by the Boards of Directors of United Fire & Casualty Company, United Fire & Indemnity Company, and Financial Pacific Insurance Company.

"Article VI - Surety Bonds and Undertakings"

Section 2, Appointment of Attorney-in-Fact. "The President or any Vice President, or any other officer of the Companies may, from time to time, appoint by written certificates attorneys-in-fact to act in behalf of the Companies in the execution of policies of insurance, bonds, undertakings and other obligatory instruments of like nature. The signature of any officer authorized hereby, and the Corporate seal, may be affixed by facsimile to any power of attorney or special power of attorney or certification of either authorized hereby; such signature and seal, when so used, being adopted by the Companies as the original signature of such officer and the original seal of the Companies, to be valid and binding upon the Companies with the same force and effect as though manually affixed. Such attorneys-in-fact, subject to the limitations set forth in their respective certificates of authority shall have full power to bind the Companies by their signature and execution of any such instruments and to attach the seal the Companies thereto. The President or any Vice President, the Board of Directors or any other officer of the Companies may at any time revoke all power and authority previously given to any attorney-in-fact.

IN WITNESS WHEREOF, the COMPANIES have each caused these presents to be signed by its vice president and its corporate seal to be hereto affixed this

21st day of December, 2021



UNITED FIRE & CASUALTY COMPANY
UNITED FIRE & INDEMNITY COMPANY
FINANCIAL PACIFIC INSURANCE COMPANY

By:

Dennis J. Richman
Vice President

State of Iowa, County of Linn, ss:

On 21st day of December, 2021, before me personally came Dennis J. Richmann to me known, who being by me duly sworn, did depose and say; that he resides in Cedar Rapids, State of Iowa; that he is a Vice President of United Fire & Casualty Company, a Vice President of United Fire & Indemnity Company, and a Vice President of Financial Pacific Insurance Company the corporations described in and which executed the above instrument; that he knows the seal of said corporations; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporations and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporations.



Judith A. Jones
Iowa Notarial Seal
Commission number 173041
My Commission Expires 4/23/2024

Judith A. Jones
Notary Public
My commission expires: 4/23/2024

I, Mary A. Bertsch, Assistant Secretary of United Fire & Casualty Company and Assistant Secretary of United Fire & Indemnity Company, and Assistant Secretary of Financial Pacific Insurance Company, do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the bylaws and resolutions of said Corporations as set forth in said Power of Attorney, with the ORIGINALS ON FILE IN THE HOME OFFICE OF SAID CORPORATIONS, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

In testimony whereof I have hereunto subscribed my name and affixed the corporate seal of the said Corporations this 2nd day of November, 2023.



By:

Mary A. Bertsch
Assistant Secretary,
UF&C & UF&I & FPIC

BPOA0045 122017

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CONTRACTOR'S AFFIDAVIT OF BILLS PAID

OWNER: City of Brenham

PROJECT: 2022 Sanitary Sewer Improvements-Stone Hollow Force Main &
Ralston Creek Gravity Sewer Crossing; City of Brenham Project
No. 2021-06-B

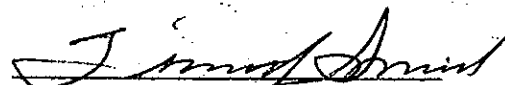
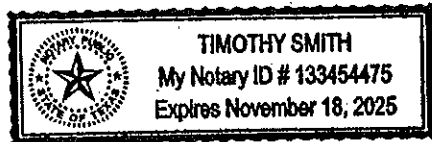
CONTRACTOR: D&S Contracting, Inc.

I certify that all just and lawful bills against the above-named Contractor for labor, material, and expendable equipment employed in the performance of said Project have been paid in full prior to acceptance of this final payment of the Owner to comply with the Contract requirements.



DeAnne Moore Smith, President

Subscribed and sworn to before me, the undersigned authority on this the 15 day of November, 2023.



Notary Public, State of Texas



City Council Regular Meeting
AGENDA ITEM 5.c

Agenda Item: Ratify a Grant Payment in the Amount of \$147,128.62 to Baker Katz, LLC. as Outlined in the Chapter 380 Economic Development Agreement Between the City of Brenham, Texas and Baker Katz, LLC and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Date: December 7, 2023

Department: Finance

Staff Contact: Timothy McRoberts, Strategic Budget Officer

SUMMARY STATEMENT:

In accordance with the terms established in the Chapter 380 Economic Development Agreement, BK Stringer, Ltd. is entitled to receive a percentage share of the City's 1% sales tax revenue generated in the Brenham Crossing shopping center. BK Stringer, Ltd. has satisfied the obligations and duties of this agreement in order to qualify for the first grant payment from the City of Brenham, which was due on December 1, 2023.

ATTACHMENTS:

None

RECOMMENDATION:

Approve the ratification of a grant payment in the amount of \$147,128.62 to Baker Katz, LLC. as outlined in the Chapter 380 Economic Development Agreement between the City of Brenham, Texas and Baker Katz, LLC and authorize the Mayor to execute any necessary documentation.



City Council Regular Meeting **AGENDA ITEM 6**

Agenda Item: **Public Hearing, Discussion and Possible Action on an Ordinance on Its First Reading Amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Calvary Baptist Church to Allow Construction of an Open-Air Pavilion Behind the Existing Church Building (Church Auxiliary Use) in an R-1, Single-Family Residential Zoning District on Approximately 2.5443 Acres of Land Located at 1100 Niebuhr Street, and Further Described as Tract 241 of the Arabella Harrington Survey in Brenham, Washington County, Texas (Case No. P-23-040)**

Meeting Date: December 7, 2023

Department: Development Services

Staff Contact: Shauna Laauwe, City Planner

SUMMARY STATEMENT:

Calvary Baptist Church (applicant/property owner) is requesting approval of a Specific Use Permit to allow the placement of an open-air pavilion for church event use in the rear yard of the approximately 2.5443 acres tract addressed as 1100 Niebuhr Street and generally located on the south side of Niebuhr Street and directly south of Eledra Street.

The subject property is currently zoned as R-1, Single-Family Residential Zoning District. The current R-1 zoning designation allows for single-family dwellings, accessory buildings, and temporary construction buildings by-right. Uses allowed by an approved Specific Use Permit (SUP) include accessory dwelling units, churches and related auxiliary uses, country clubs and golf courses, schools, and farms.

Calvary Baptist Church was constructed in 1969 before Specific Use Permits for church uses were required by the Zoning Ordinance. In 2017, the Church wished to construct a garage accessory structure on the premises. Since the Church did not have a SUP, they were required to apply for one that would allow the Church use, including the existing structure, activities, and the proposed garage. On April 20, 2017, the City Council approved the SUP was granted by Ordinance (O-17-004).

As detailed in the attached Staff Report, Calvary Baptist Church has requested a SUP in order to add an open-air pavilion in the rear yard of the existing site to be utilized for fellowship gatherings, picnic events, National Night Out, Vacation Bible School and similar events. The proposed steel constructed open-air pavilion would be on a concrete

slab and measure 50-feet by 75-feet (3,750 square feet) and approximately 18-feet in height. A separate SUP is required for the enlargement and modification of the original SUP approved in 2017. The structure would be located to the rear and to the southeast side of the church building.

The church property is adjacent to single-family properties to the west, south and east, and thus has an additional 20-foot bufferyard setback requirement to the minimum 10-foot side yard and 25-foot rear yard setbacks for a structure within the R-1 District. The proposed pavilion location is situated to give a 12-foot separation from the main building, an approximate 79-foot east side yard setback and a 54-foot rear yard setback from the south property line. As presented, the proposed location would exceed the minimum 10-foot separation required by the Building and Fire Code and the minimum setback plus bufferyard requirements of a 30-foot side yard and 45-foot rear yard setback.

The purpose of the SUP process is to identify those uses which might be appropriate within a zoning district but, due to either their location, function, or operation, could have a potentially harmful impact on adjacent properties or the surrounding area; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them to mitigate or eliminate such adverse impacts. The proposed Church request for the open-air pavilion would allow for the subject property to develop in a manner that is compatible with existing development and in accordance with the Comprehensive Plan. If the SUP is approved, the proposed development will undergo a planning permit process to ensure that all zoning, building, and fire codes are met.

The Planning and Zoning Commission held a public hearing on this item at the Monday, November 27, 2023, meeting, and unanimously recommended approval of the Specific Use Permit request.

ATTACHMENTS:

- | |
|---|
| <ol style="list-style-type: none">1. Staff Report for SUP Calvary Baptist Church2. Ordinance - SUP - 1100 Niebuhr - Calvary Baptist Church |
|---|

RECOMMENDATION:

Approve an Ordinance on its first reading amending Appendix – A Zoning of the Code of Ordinances of the City of Brenham granting a Specific Use Permit request to allow construction of an open-air pavilion behind the existing church building (Church Auxiliary use) in an R-1, Single-Family Residential Zoning District on approximately 2.5443 acres of land located at 1100 Niebuhr Street, and further described as Tract 241 of the Arabella Harrington Survey in Brenham, Washington County, Texas.
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CASE NUMBER P-23-040
SPECIFIC USE PERMIT REQUEST – 1100 NIEBUHR

STAFF CONTACT:	Shauna Laauwe AICP, City Planner
OWNER:	Calvary Baptist Church
APPLICANTS:	Calvary Baptist Church
ADDRESS/LOCATION:	1100 Niebuhr Street (Exhibit A).
LEGAL DESCRIPTION:	Arrabella Harrington, A-55, Tract 241
LOT AREA:	Approximately 2.5443 acres
ZONING DISTRICT/USE:	R-1 Single Family Use / Church and related auxiliary uses (Exhibit B)
FUTURE LAND USE:	Single-Family Residential (Exhibit C)
REQUEST:	A request for a Specific Use Permit to allow construction of an open-air pavilion behind the existing Church (Church Auxiliary Use) use in a R-1 Single Family Residential Zoning District (Exhibit D).

BACKGROUND:

The subject property is an approximate 2.5-acre tract of land that is located on the south side of Niebuhr Street and directly south of Eledra Street. The property is a large rectangular lot with approximately 438-feet of frontage along Niebuhr Street and 256-feet of lot depth. The subject tract is zoned R-1, Single-Family Residential District and is developed as Calvary Baptist Church. The church, that consists of 16,500 square feet of building and 86 off-street parking spaces, was approved for a Specific Use Permit on April 20, 2017, for a church and related auxiliary uses, including educational and philanthropic uses. Calvary Baptist Church is now proposing to add a 50'x75' (3,750 SF) open air pavilion to the rear of the existing structure. A separate Specific Use Permit is required for the enlargement and modification of the approved Specific Use Permit (SUP).

Figure 1



As shown in Figure 1, the subject site, and surrounding properties to the northwest, south, west, and east, are zoned R-1, Single-Family Residential District. To the northeast, across Niebuhr Street, is zoned B-1 District and developed as the Washington County Appraisal District office, Brenham Junior High School, the Brenham Cub Stadium, and the City of Brenham Blue Bell Aquatic Center.

The applicant has provided a site plan for the proposed open-air pavilion. As shown in Figure 2 and 3, as well as in Exhibit E, the structure would be located to the rear and to the southeast side of the church building. The church property is adjacent to single-family properties to the west, south and east, and thus has an additional 20-foot bufferyard setback requirement to the minimum 10-foot side yard and 25-foot rear yard setbacks for a structure within the R-1 District. The proposed pavilion location is situated to give a 12-foot separation from the main building, an approximate 79-foot east side yard setback and a 54-foot rear yard setback from the south property line. As presented, the proposed location would exceed the minimum 10-foot separation required by the Building and Fire Code and the minimum setback plus bufferyard requirements of a 30-foot side yard and 45-foot rear yard setback.

Figure 2

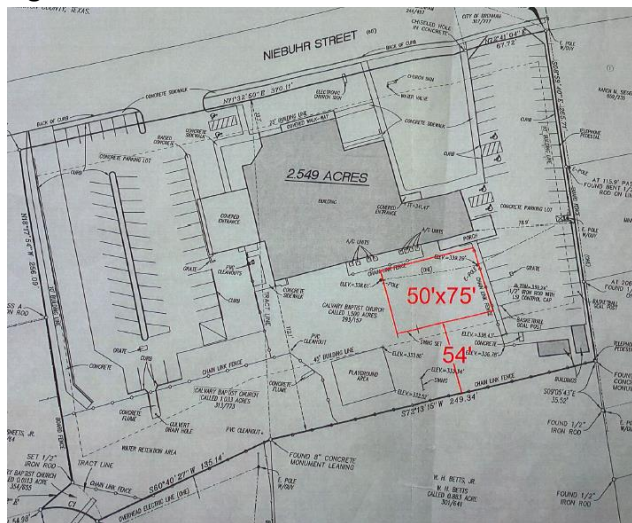
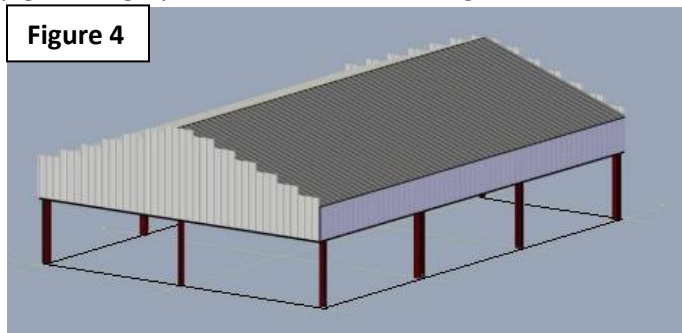


Figure 3



As shown in Figure 4 and according to the application cover letter (Exhibit D), the proposed 50'x75' (3,750 SF) open-air pavilion will be of steel construction on a concrete slab built by Bal-Con Construction. The proposed building would be utilized for fellowship gatherings, picnic events, National Night Out, Vacation Bible School and similar events. Due to the building not being part of the Calvary Baptist Church plans when they received their Specific Use Permit in April 2017, the Church is required to receive an updated Specific Use Permit for the enlargement and addition to the previously approved church use.

Figure 4



ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:

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

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

The 2.5-acre tract of land is located on the south side of Niebuhr Street, directly south of Eledra Street and southwest of Brenham Junior High School. As shown in Figure 1, the subject site, and surrounding properties to the west, north, northwest, and south are zoned R-1, Single-Family Residential District and developed as single-family homes. To the northeast, across Niebuhr Street is zoned B-1, Local Business Mixed Residential District and developed as the Washington County Appraiser District office and the Brenham Junior High School campus.

The applicant proposes to add a 50'x75' open air steel structure in the rear yard of the subject property for the use of fellowship gatherings, picnics, vacation bible school and other events. This is in addition to the approximate 16,500 square foot church structure and uses that were approved for a Specific Use Permit in April 2017. As shown in the site plan in Figure 2 and Exhibit “E”, the open-air structure is situated on the southside of the property behind the main church structure. The structure will be located 12-feet from the southeast wing of the church, 54-feet from the south property line and approximately 79-feet from the east property line. Setbacks are to provide light and air and less density between structures on abutting properties. Bufferyards are to provide additional separation between different land uses. The Zoning Ordinance requires churches and commercial uses to have a 20-foot bufferyard in addition to the minimum required setbacks along property lines that abut residential uses. With the required bufferyards, the proposed structure is required to have a 45-foot rear yard setback and a 30-foot side yard setback. The proposed 54-foot rear yard and 79-foot east side yard setbacks exceeds the setback and bufferyard requirements. The south property line has an existing chain link fence, however in 2019 the bufferyard requirements were amended to require a 6-foot hedge or screening fence along the affected property line. Staff recommends that a 6-foot screening fence be required along the south property line between the church and residential properties.

With the addition of the screening fence along the south property line, Staff finds that the placement and proposed activities will not adversely affect the small-town attributes that make Brenham a special place for its citizens to live, work and play.

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

The future land use map portion of the Envision 2020 Comprehensive Plan suggests the subject property may be appropriate for single-family residential uses. The R-1 District is a district that only permits the following uses by right: single-family dwellings, accessory buildings, and temporary construction buildings. Specific Uses to include accessory dwelling units, churches and related auxiliary uses, country clubs or golf courses, private schools, and farms are allowed with a SUP with the recommendation of the Planning and Zoning Commission and approval by City Council. While the subject property and adjacent properties to the west, east, south, and northwest are currently zoned R-1, nearby properties to the northwest across Niebuhr Street are zoned B-1, Local Business/Residential Mixed-Use District. The B-1 properties are developed as public uses as the Washington County Appraisal District building, the Brenham Junior High School, and the BISD Cub

Stadium. The Calvary Baptist Church has been on the subject property for a number of years without incident or adverse effects to the surrounding neighborhood. Churches, with adequate bufferyards, off-street parking, and attention to noise and light levels, may be suitable as a neighborhood use that aligns with the goals and land use policies established in the Comprehensive Plan.

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

The subject property has existing utilities available along Niebuhr Street and will not require any extension of utility services.

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

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

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

Property owners within 200 feet of the project site were mailed notifications of this request on November 16, 2023. The Notice of Public Hearing was published in the Brenham Banner on November 16, 2023. Any public comments submitted to staff will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

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

If approved, the structure will be required to adhere to minimum building setbacks, maximum impervious coverage requirements, landscaping, and buffer yard requirements. The applicant has submitted a site plan (Exhibit E) which depicts the proposed location of the open-air structure. Staff finds that the site development requirements will ensure that adequate open space is preserved on the subject property.

- (7) The city's zoning should ensure Brenham's attractiveness for the future location of business and housing by preserving an attractive and safe community environment in order to enhance the quality of life for all residents.

Staff finds that the requested additional structure and use for the existing church is appropriate in this location given adjacent zoning designations, existing development in the vicinity, and is consistent with the City's adopted Comprehensive Plan. The proposed development is in line with the Future Land Use Plan, though additional screening along the south property line is needed to mitigate any potential adverse impacts to adjacent residential uses.

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

The subject property and the surrounding properties to the northwest, south, west, and east are located within an R-1 District, with properties to the northeast currently zoned B-1. The R-1 District allows only single-family uses and accessory structures as permitted uses with only a few specific

uses to include churches, schools, country clubs, and farms. The subject property is adjacent to single-family uses to the west, south, east, and directly to the north and northwest (across Niebuhr Street). To the northeast, the properties are zoned B-1 and are development as the Washington County Appraisal District office and Brenham Junior High School. The subject property is a large 2.5-acre tract with ample off-street parking and area for the proposed outdoor structure. The church has been in use for several years without incident. The existing church and the new proposed structure for auxiliary uses is compatible with nearby land uses and consistent with the land policies established in the Comprehensive Plan.

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

Staff finds that approval of the proposed SUP will be consistent with the prior SUP granted in 2017 and that the location and use of the proposed structure will not have an adverse effect to the surrounding residential uses. Due to adjacent residential uses to the south and east, the proposed structure is required to provide an additional 20-feet of bufferyard from the south and east property lines to the minimum setbacks for the R-1 District. This bufferyard provision also requires that screening of either a 6-foot in height fence or hedge be provided along the shared property lines of residential uses. A screening fence currently exists along the east property line, however only a chain link fence is located along the south property line. As part of the building permit approval, a screening fence will also be required along the south property line. The applicant has exceeded the required bufferyard and setback requirements by locating the proposed structure 54-feet from the south rear property line and 79-feet from the east property line. If approved, all building, fire, and zoning requirements will be reviewed during the building permit process.

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

Staff believes that the proposed development will not adversely affect the surrounding area, will be compatible with the residential uses near the subject property, and will be in accordance with the land use policies of Brenham's Comprehensive Plan. The subject property has been developed with a church at this location for several years. The proposed new open-air outdoor structure will be compatible with existing and anticipated uses surrounding the property. With the proposed location, development codes, and bufferyard standards in place, Staff is unable to determine any destabilizing effects on the neighboring properties should this specific use permit request be approved.

- (11) The city's zoning should make adequate provisions for a range of commercial uses in existing and future locations that are best suited to serve neighborhood, community, and regional markets.

The subject site and surrounding area is characterized as single-family residential neighborhoods and public uses. To the east is South Blue Bell Road that has a variety of commercial and industrial uses to include gas stations, restaurants, office uses, car repair, and machine shops. A few vacant commercial properties are located along S. Blue Bell Road. Staff believes that the proposed SUP, if approved, will not negatively affect vacant land classified for commercial uses.

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

The R-1, Single-Family District subject property is currently developed as a church that is a legally conforming use as it was granted a Specific Use Permit in 2017. The applicant's request to build a 3,750 SF accessory open-air structure with a new Specific Use Permit will allow the subject property to develop in a compatible, legally conforming manner.

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

Staff finds approval of the proposed SUP will allow for the orderly growth and development in the general vicinity and throughout the city.

STAFF RECOMMENDATION:

Staff recommends **approval** of a Specific Use Permit to allow an additional 50'x75' (3,750 SF) open-air steel structure to be added to the Calvary Baptist Church use as provided in the application site plan, and written documents in a Single-Family Zoning District for the subject 2.549-acre tract of land that is located at 1100 Niebuhr Street, with the following condition:

1. A screening fence or hedge of at least 6-feet in height shall be built along the south property line that abuts residential uses.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Future Land Use Map
- D. Cover Letter
- E. Proposed Site Plan
- F. Proposed Building Elevation
- G. Site photos

EXHIBIT "A"
AERIAL MAP



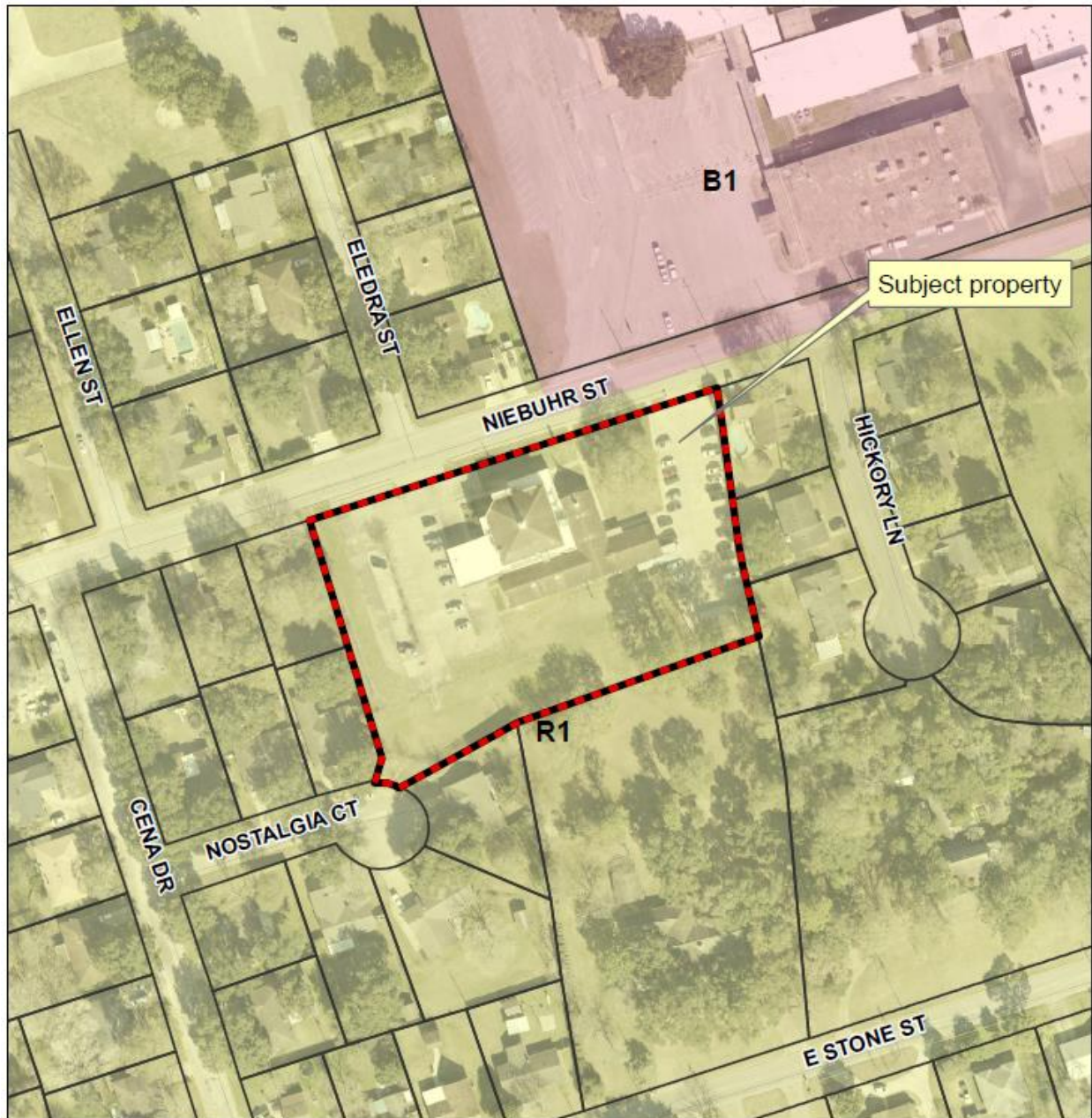
Location Map
Specific Use Permit
1100 Niebuhr Street



1 inch = 133 feet



EXHIBIT "B"
ZONING MAP



Zoning Map
Specific Use Permit
1100 Niebuhr Street

Legend

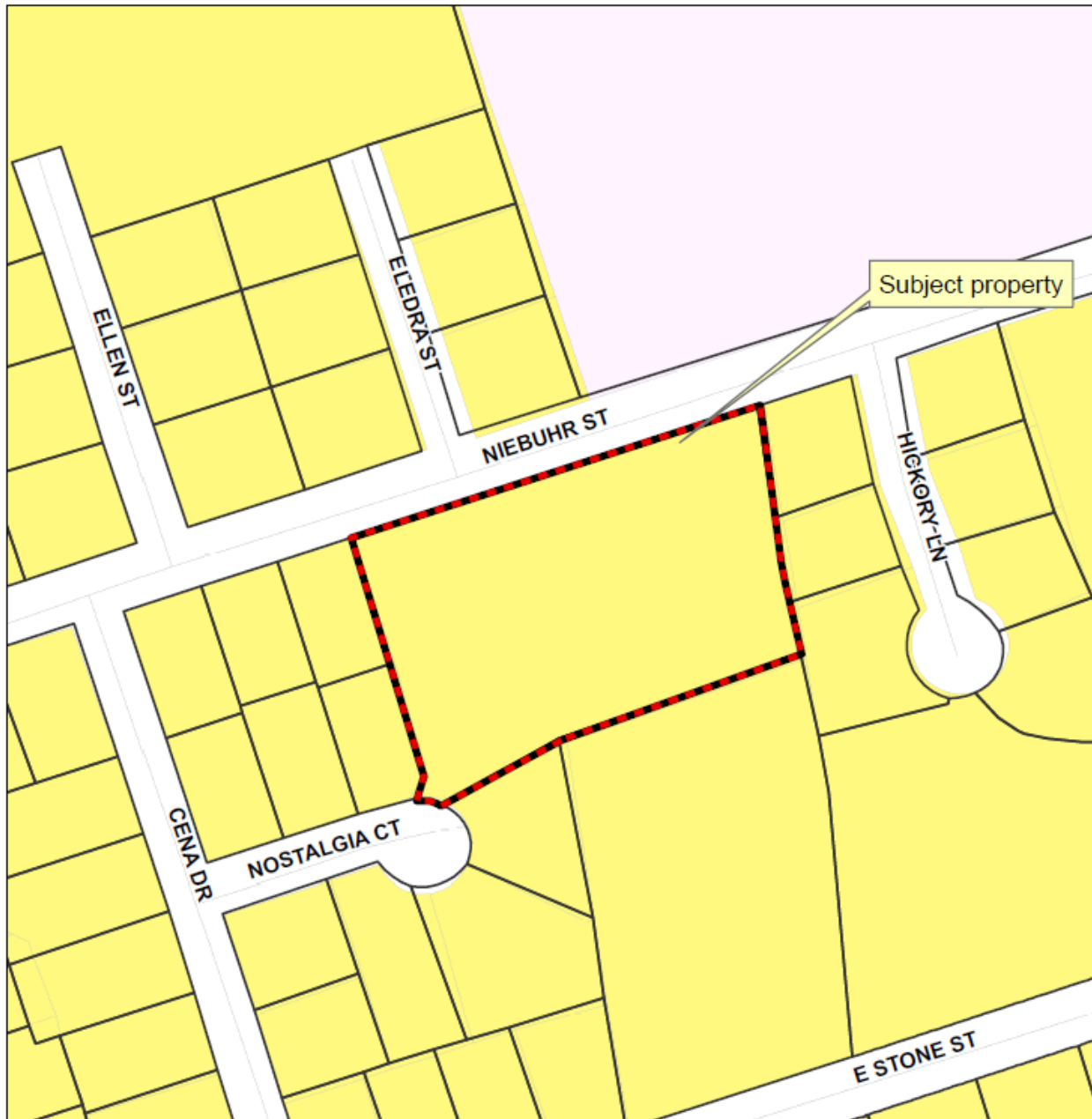
-  B1 Local Business Mixed
-  R1 Residential Single Family



1 inch = 133 feet



EXHIBIT "C"
Future Land Use Map



Future Land Use Map
Specific Use Permit
1100 Niebuhr Street

Future Land Use Plan

FLU_FINAL

- Single Family Residential
- Local Public Facilities



1 inch = 133 feet



EXHIBIT "D"
COVER LETTER



23 October, 2023

City of Brenham
Planning and Zoning Commission
200 W Vulcan St
Brenham, Tx 77833

To whom it may concern;

Calvary is planning to build a 50'x75' open air pavilion of steel construction on a concrete slab within the confines of our property lines. We have recently relocated all overhead powerlines to allow the building to be within 14' of the current original building, and will be 54' from the back property line, within the 45' setback.

Being a commercial building within a residential neighborhood, we understand the need for this application. The building will be used for fellowship gatherings, picnic events, National Night Out, Vacation Bible School and similar events.

The building will be built by Bal-Con Construction, and we are in the current stages of getting that building permit approved.

Your prompt attention to this matter will be greatly appreciated.

Sincerely,

A handwritten signature in black ink, which appears to be 'B. Sutherland', followed by the date '10/23/23' written in a similar cursive style.

Billy Sutherland, Pastor
Calvary Baptist Church

1100 Niebuhr St Brenham, Texas 77833 • (979) 836-5537 • www.calvarybrenham.org

PROPOSED SITE PLAN

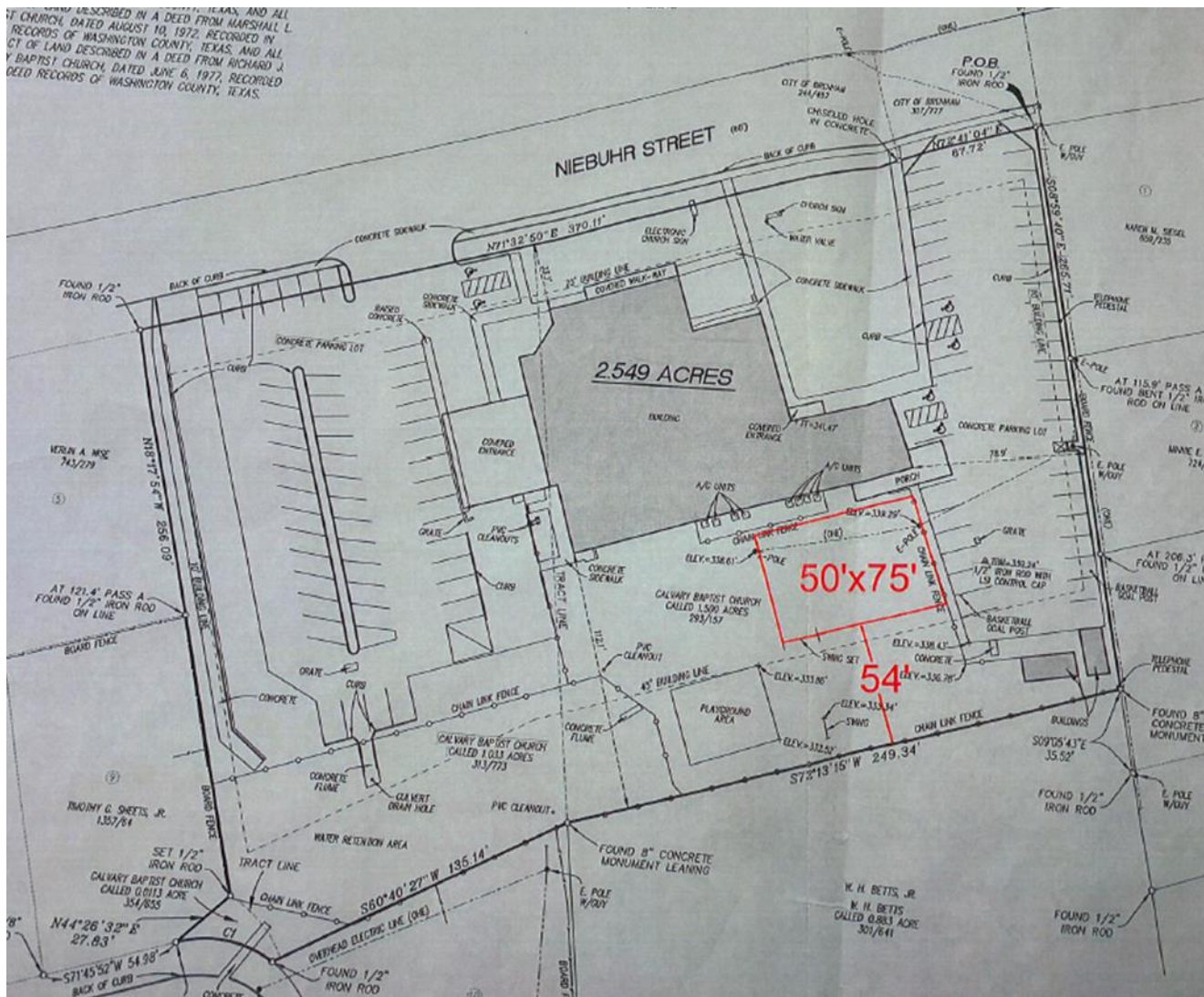


EXHIBIT "F"
SITE ELEVATIONS

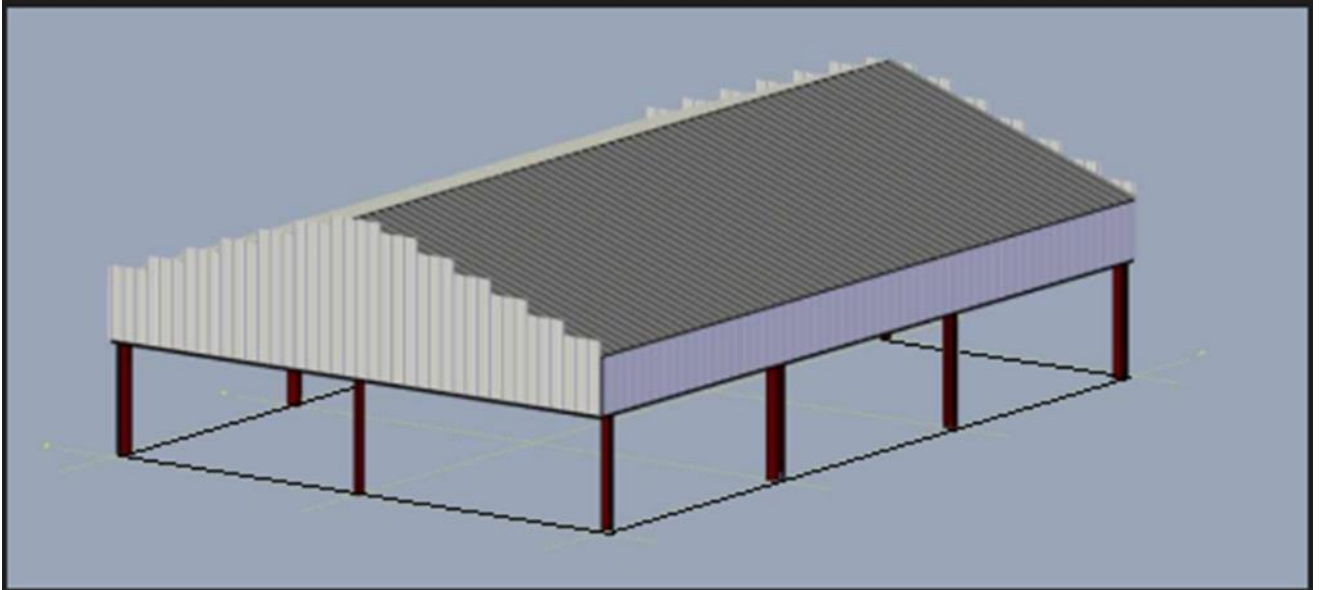


EXHIBIT "G"
SITE PHOTOS



Calvary Baptist Church - Front



Rear Yard

EXHIBIT "G"
SITE PHOTOS



Location of Proposed Structure



Residential to the East



Residential/Open land to the South



Looking East on Niebuhr towards S Blue Bell



Looking West on Niebuhr Street

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BRENHAM GRANTING A SPECIFIC USE PERMIT TO ALLOW CALVARY BAPTIST CHURCH TO PLACE A 50-FOOT BY 75-FOOT (3,750 SQUARE FOOT) OPEN-AIR PAVILION WITHIN THE REAR YARD FOR THE EXISTING CHURCH AND RELATED AUXILIARY USES IN A R-1, SINGLE-FAMILY ZONING DISTRICT, SAID PROPERTY BEING DESCRIBED AS 2.5443 ACRES OUT OF THE ARABELLA HARRINGTON SURVEY, A-55 (WCAD TRACT 241), AND LOCATED AT 1100 NIEBUHR STREET, CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS.

WHEREAS, Calvary Baptist Church and the 2.5443 acres of land generally located on the south side of Niebuhr Street and directly south of Eledra Street and addressed as 1100 Niebuhr Street, being further described as Arabella Harrington Survey, A-55, Tract 241, in Brenham, Washington County, Texas, and being further described on Exhibit “A” attached hereto and incorporated herein for all purposes (the “Property”), have requested that the Property be issued a Specific Use Permit for the placement of an open-air pavilion to the rear of the existing structure in addition to the existing Church and authorized auxiliary uses; and

WHEREAS, Calvary Baptist Church has been located at 1100 Niebuhr Street since 1969 and received a Specific Use Permit for the Church and an accessory garage on April 20, 2017, by Ordinance No. O-17-004; and

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

WHEREAS, Appendix A – “Zoning” of the City of Brenham Code of Ordinances authorizes the City Council to grant specific use permits for specific uses within the various zoning districts; and

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

WHEREAS, this amendment was recommended unanimously for approval by the Brenham Planning and Zoning Commission during its regular meeting on November 27, 2023; and

WHEREAS, the City Council desires to approve this Ordinance granting the specific use permit, as described herein below; and

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

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

SECTION 1. The Official Zoning Map of the City of Brenham is hereby amended to show that a Specific Use Permit is granted to Calvary Baptist Church for an open-air pavilion use to be placed within the rear property as an auxiliary use, more particularly described in Exhibit “B” and Exhibit “C”, attached hereto and incorporated herein for all purposes, in a R-1, Single-Family zoning district on approximately 2.5443 acres of land addressed as 1100 Niebuhr Street, being further described as Arabella Harrington Survey, A-55, Tract 241, in Brenham, Washington County, Texas, said 2.5443 acres of land being further described on Exhibit “A” attached hereto and incorporated herein for all purposes.

SECTION 2. Upon holding a properly notified public hearing, the City Council may amend, change, or rescind the Specific Use Permit granted by this Ordinance if:

- a. There is a violation and conviction of any of the provisions of this Ordinance, or any ordinance of the City of Brenham, that occurs on the Property;
- b. The premises, or Property, used pursuant to the Specific Use Permit granted by this Ordinance are enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alteration, or change;
- c. As otherwise permitted by law and/or Brenham’s Zoning Ordinance, as it exists or may be amended.

SECTION 3. This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

PASSED and APPROVED on its first reading this the ____ day of December 2023.

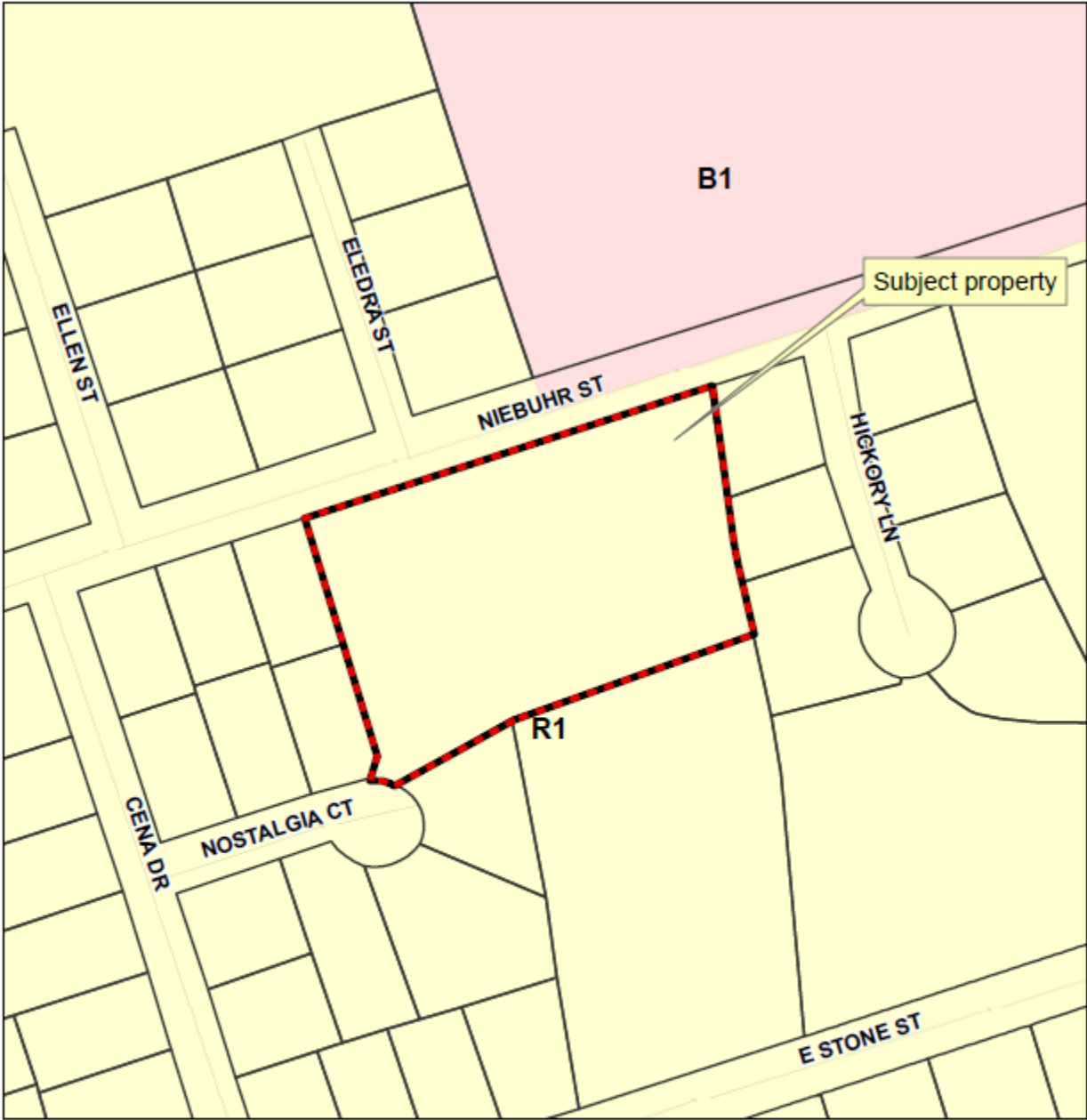
PASSED and APPROVED on its second reading this the ____ day of December 2023.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT "A"



Zoning Map
Specific Use Permit
1100 Niebuhr Street

Legend

-  B1 Local Business Mixed
-  R1 Residential Single Family



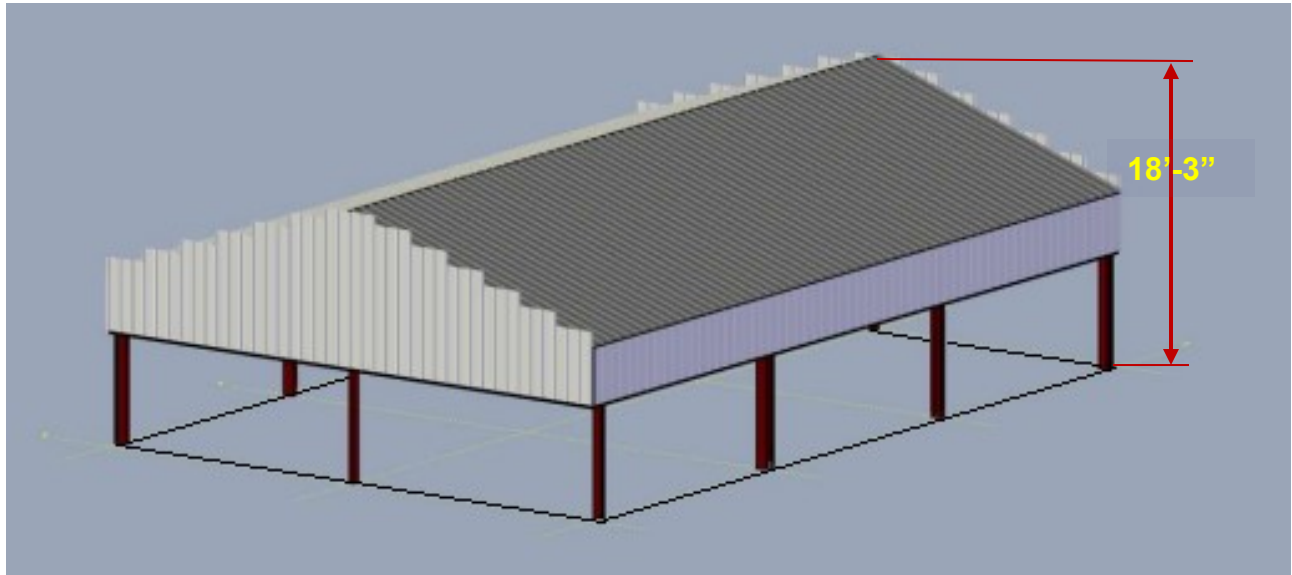
1 inch = 133 feet



EXHIBIT "B"
Site Plan



EXHIBIT "C"
Building Elevation





City Council Regular Meeting **AGENDA ITEM 7**

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First Reading to Grant a Non-Exclusive Franchise to Only 1 Rentals, LLC to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits

Meeting Date: December 7, 2023

Department: Administration

Staff Contact: Dane Rau, Director of Public Works

SUMMARY STATEMENT:

Roll-off dumpster service is the delivery and removal of large (10-40) dumpsters for temporary use on private property. Per Section 11-70 of the Code of Ordinances, providers of roll-off service in the City limits must obtain a franchise agreement from the City. The City currently has franchise agreements with twelve (12) businesses for the provision of roll-off dumpster services within the City limits. Having multiple franchisees allows citizens to request multiple quotes and obtain competitive pricing.

The City was recently contacted by Dillon Hughes, the owner of Only 1 Rentals, LLC, with a request for a franchise. Only 1 Rentals, LLC is based in Navasota and has been in business since 2012. The Ordinance being presented for your consideration grants Only 1 Rentals, LLC a non-exclusive contract. This ordinance provides Only 1 Rentals, LLC the authority to collect demolition/construction debris and/or solid waste from commercial, residential, and industrial sites using roll-off containers and/or commercial containers. A non-franchise fee of 5% gross revenue will be paid monthly. The initial term of the agreement is from execution to September 30, 2024. Thereafter, it will automatically renew every year for a one-year term beginning October 1st.

ATTACHMENTS:

1. Request for Franchise
2. Ordinance for First Reading

RECOMMENDATION:

Approve an Ordinance on its first reading granting a non-exclusive franchise to Only 1 Rentals, LLC to operate a roll-off container service for residents, businesses, and industries inside Brenham city limits.

Request for Non-Exclusive Sanitation Franchise

TO:

City of Brenham c/o Public Works
200 W. Vulcan / PO BOX 1059
Brenham, TX 77833

FROM:

Only 1 Rentals, LLC
9782 S. Business 6
Navasota, TX 77868

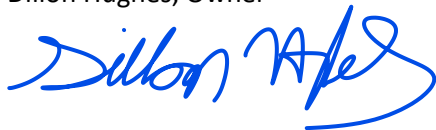
To whom it may concern:

This letter is to formally request that on November 13, 2023, our company, Only 1 Rentals, LLC, be placed on the City's agenda, and be voted on by Brenham city council for the Non-Exclusive Sanitation Franchise between Only 1 Rentals, LLC and the City of Brenham in an effort to provide temporary roll off dumpster services within the city limits of Brenham, TX.

We look forward to the opportunity to provide reliable, safe, and efficient roll off dumpster service.

Kind regards,

Dillon Hughes, Owner



ORDINANCE NO. O-_____

AN ORDINANCE GRANTING ONLY 1 RENTALS, LLC, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE FOR THE PRIVILEGE AND USE OF PUBLIC STREETS, ALLEYS, AND PUBLIC WAYS WITHIN THE CORPORATE LIMITS OF THE CITY OF BRENHAM FOR THE PURPOSE OF ENGAGING IN THE BUSINESS OF COLLECTING SOLID WASTE FROM COMMERCIAL, RESIDENTIAL AND INDUSTRIAL SITES USING ROLL-OFF CONTAINERS AND/OR COMMERCIAL COMPACTORS; PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS, AND LIMITATIONS UNDER WHICH SAID FRANCHISE SHALL BE EXERCISED; PROVIDING FOR THE CONSIDERATION; FOR PERIOD OF GRANT; FOR ASSIGNMENT; FOR METHOD OF ACCEPTANCE; FOR REPEAL OF CONFLICTING ORDINANCES AND FOR PARTIAL INVALIDITY.

WHEREAS, the City of Brenham, by ordinance, provides exclusively all solid waste collection and disposal services for solid waste generated from within the corporate limits of the City of Brenham; and

WHEREAS, the City of Brenham may, by ordinance and charter, grant franchises to other entities for the use of public streets, alleys and thoroughfares within the corporate limits of CITY and for the collection and disposal of solid waste generated from within the corporate limits of the City of Brenham; and

WHEREAS, the City of Brenham desires to exercise the authority provided to it by ordinance and charter to grant a franchise for the collection and disposal of certain solid waste generated from within the corporate limits of the City of Brenham; and

WHEREAS, the City of Brenham hereinafter referred to as “CITY” desires to grant this franchise to Only 1 Rentals, LLC, under the terms of this Agreement as set out below.

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

SECTION 1. DEFINITIONS

Agreement. This contract between the City of Brenham and for the provision of certain roll-off container and/or commercial compactor service within the corporate limits of the City of Brenham under certain terms and conditions set out herein.

City of Brenham. Also referred to as "CITY" in this Agreement.

City Council. Also referred to as "COUNCIL" denoting the governing body of the City of Brenham.

Customers. Those industrial, residential, and/or commercial premises located within the CITY that generates solid waste requiring collection using roll-off containers and/or commercial compactors.

Solid Waste. All putrescible and nonputrescible solid, semi-solid, and liquid wastes, including residential, industrial, commercial and municipal garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes.

Roll-Off Containers. A type of solid waste industry container that is loaded by a winch truck. Also referred to as "container".

Commercial Compactor. A type of solid waste industry container that is loaded by a winch truck and compacts solid waste. Also referred to as "compactor".

Only 1 Rentals, LLC, Herein-after referred to as "FRANCHISEE". The party contracting with the CITY for roll-off container and/or commercial compactor service, which contains demolition/construction debris or solid waste.

SECTION 2. GENERAL DESCRIPTION OF SERVICES TO BE PROVIDED

For and in consideration of the compliance by FRANCHISEE with the covenants and conditions herein set forth, and the Charter, Ordinances and Regulations of the City governing the collection and disposal of solid waste, CITY hereby grants to FRANCHISEE a non-exclusive franchise for use of designated public streets, alleys and thoroughfares within the corporate limits of City for the sole purpose of engaging in the business of collecting solid waste using roll-off containers and/or commercial compactors from commercial, residential and industrial sites within the jurisdictional limits of CITY, as approved by the City Manager or his designee.

SECTION 3.
AUTHORITY FOR TO PROVIDE SERVICE

CITY hereby grants to FRANCHISEE the privilege to collect from commercial, residential, and industrial customers within the City limits solid waste using roll-off containers and/or commercial compactors only.

SECTION 4.
DISPOSAL SITE TO BE USED

Unless approved otherwise in writing by the CITY, FRANCHISEE shall utilize any Type I permitted landfill that FRANCHISEE deems appropriate and is authorized for disposal of all solid waste, which is collected by FRANCHISEE from within the corporate limits of the CITY.

SECTION 5.
RATES TO BE CHARGED

A written Schedule of Rates that FRANCHISEE shall charge for the aforementioned services shall be provided to each customer, and such Schedule of Rates may be revised periodically as agreed by FRANCHISEE and its customers. FRANCHISEE shall immediately provide the CITY with copies of any and all revised Schedule of Rates documents.

SECTION 6.
PAYMENTS TO CITY

For and in consideration of the use of designated streets, alleys, and thoroughfares as well as in consideration of the covenants and agreements contained herein, FRANCHISEE agrees and shall pay to CITY upon acceptance of this Agreement and thereafter during the term hereof, a sum equivalent to five percent (5%) of FRANCHISEE'S monthly gross revenues generated from FRANCHISEE'S provision of solid waste roll-off container collection services within the CITY excluding actual landfill tipping charges.

Any revenue received by FRANCHISEE in excess of the actual landfill tipping charges will be subject to the franchise fee and shall be computed into FRANCHISEE'S monthly gross revenue. Said payment shall be paid monthly to the City of Brenham Attn: City Secretary and must be received by the CITY no later than the twenty-fifth (25th) day of the month following the end of the previous month. If the payment due date falls on a Saturday, Sunday or other holiday designated by the CITY, the payment must be received by the CITY on the next regular business day.

Payments received by the CITY after the due date shall be assessed a ten percent (10%) penalty on the outstanding franchise fee amount owed under this Section.

Failure by FRANCHISEE to pay amounts due under this Agreement, after written notice by CITY, shall constitute Failure to Perform under this Agreement and CITY may invoke the provisions of Section 15 of this Agreement (FAILURE TO PERFORM), and/or any other remedy available to the CITY in law or equity.

SECTION 7. ACCESS TO RECORDS & REPORTING

CITY shall have access to FRANCHISEE'S records, billing records of those customers served by FRANCHISEE and all papers relating to this Agreement and the operation of solid waste roll-off container collection and disposal services within the CITY. Access by CITY to FRANCHISEE'S records shall be provided to CITY within ten (10) business days, after written notice to FRANCHISEE during normal business hours.

The following records and reports shall be filed quarterly with the City Secretary or his/her designee:

- A. Reports of all complaints, investigations, and actions taken by FRANCHISEE with regard to services provided pursuant to this Agreement.
- B. A listing of all FRANCHISEE accounts served and monthly revenue derived from roll-off containers placed in the CITY under the terms of this Agreement. The reports should include: a unique customer identification or account number, frequency of pick-up, size of container and monthly charges.

The CITY is subject to the Texas Public Information Act ("Act"). Generally, the Act requires the release of requested information by the CITY, but there are exceptions. If the requested information meets the criteria outlined in the exceptions, the CITY may decline to release the information for the purpose of requesting a decision from the Texas Attorney General's Office. The Act excepts from public disclosure trade secrets and certain commercial or financial information. The Act states the CITY may withhold:

- A. A trade secret obtained from a person and privileged or confidential by statute or judicial decision; or
- B. Commercial or financial information for which it is determined based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.

Pursuant to Section 552.305 of the Act, the CITY is obligated to make a good faith attempt to contact third parties who have a trade secret interest or a commercial financial interest in the information that's been requested so that the third party has an opportunity to submit reasons to the Texas Attorney General's Office why the information should be withheld or released.

The CITY will comply with Section 552.305 of the Act with regard to any requests for records concerning FRANCHISEE that invoke Section 552.305.

SECTION 8. PLACEMENT OF CONTAINERS

All roll-off containers and/or compactors placed for service within CITY shall be located in such a manner so as not to be a safety or traffic hazard. Under no circumstances shall FRANCHISEE place containers on public streets, alleys and/or thorough fares without the prior written approval of the CITY. CITY reserves the right to specify to FRANCHISEE the exact location and time period allowed for placement of any roll-off container(s) it places for service in CITY.

FRANCHISEE agrees and acknowledges that it shall be liable for any and all damages it causes to any public street, alley and/or thorough fare, and associated improvements and FRANCHISEE will pay CITY's entire construction costs and other expenses associated with repairing and/or replacing the damaged public street, alley and/or through fare, and associated improvements.

SECTION 9. CONTAINER MAINTENANCE

FRANCHISEE agrees to properly maintain as necessary, including but not limited to cleaning and painting, all roll-off containers placed for service within CITY.

SECTION 10.
COMPLAINTS REGARDING SERVICE/SPILLAGE

FRANCHISEE shall receive and directly respond to any complaints pertaining to service from their roll-off containers and/or compactor customers located within CITY. However, any such complaints received by CITY shall be forwarded to FRANCHISEE within twenty four (24) hours of their receipt by CITY. FRANCHISEE shall respond to all complaints within twenty four (24) hours of receiving notice of such complaint from CITY and shall report to CITY as to the action taken. Failure by FRANCHISEE to respond and report to CITY on action taken within this twenty four (24) hour period may subject FRANCHISEE to a \$25.00 per incident charge from CITY payable with the next payment due to CITY under Section 6 of this Agreement.

FRANCHISEE agrees that during transport all vehicles used by FRANCHISEE in the removal of solid waste shall be properly covered to prevent spillage, blowing, or scattering of refuse onto public streets or properties adjacent thereto. All equipment necessary for the performance of this Agreement shall be in good condition and repair. A standby vehicle shall always be available. FRANCHISEE'S vehicles shall at all times be clearly marked with FRANCHISEE'S name in letters not less than three (3) inches in height.

SECTION 11.
OBEISANCE OF LAWS

FRANCHISEE agrees that it shall comply with all laws, policies, rules and regulations of the United States, State of Texas, and CITY. All collections made hereunder shall be made by FRANCHISEE without unnecessary noise, disturbance, or commotion.

SECTION 12.
UNDERSTANDINGS PERTAINING TO NON-EXCLUSIVITY

It is understood by and between the parties that this Agreement executed by and between the parties on the _____ day of _____, 2023, constitutes the only agreement between the parties. It is further understood and agreed that there are no other agreements between these parties with regard to the disposal of commercial, industrial or residential solid waste in the CITY using roll-off containers/compactors and that this Agreement does not authorize FRANCHISEE to utilize the streets, alleys or public ways to dispose of commercial, industrial, or residential solid waste other than demolition and construction debris. Both parties agree and understand that nothing in this Agreement conveys to FRANCHISEE an exclusive franchise for the services described in this Agreement and that this Agreement is non-exclusive.

SECTION 13.
OWNERSHIP OF MATERIALS COLLECTED

Nothing herein shall create or be construed to convey any title to CITY of any solid waste collected pursuant to the provisions of this agreement.

SECTION 14.
INTERRUPTION OF SERVICE OR DEFAULT

A. Termination of Service. In the event that FRANCHISEE terminates service to any customer with the CITY limits for cause, FRANCHISEE must notify the CITY through certified mail within forty-eight (48) hours of termination and state the cause of such termination.

B. Excessive Interruption in Service. If the interruption in service continues for a period of seventy-two (72) hours or more, then it may constitute Failure to Perform under this Agreement and CITY may invoke the provisions of Section 15 of this Agreement (FAILURE TO PERFORM).

SECTION 15.
FAILURE TO PERFORM

It is expressly understood and agreed by the parties that if at any time FRANCHISEE shall fail to perform any of the terms, covenants, or conditions herein set forth, CITY may after a hearing as described herein, revoke and cancel the Agreement by and between the parties and said Agreement shall be null and void. Upon the determination by the staff of CITY that a hearing should be held before the City Council, CITY shall mail notice of the hearing to FRANCHISEE, at the address designated herein or at such address as may be designated from time to time, by registered or certified mail. The notice shall specify the time and place of the hearing and shall include the allegations being asserted for the revocation of this Agreement. The hearing shall be conducted in public before the City Council and FRANCHISEE shall be allowed to present evidence and given an opportunity to answer all reasons for the termination set forth in the notice. In the event that the Council determines that the allegations set forth are true as set forth in the notice it may by majority vote cancel this Agreement between the parties at no penalty to the CITY.

SECTION 16.
INDEMNIFICATION

In the event CITY is damaged due to the act, omission, mistake, fault or default of FRANCHISEE, then FRANCHISEE shall indemnify and hold CITY harmless for such damage.

FRANCHISEE is to indemnify and hold CITY harmless for any disposal of any prohibited material whether intentional or inadvertent.

FRANCHISEE shall indemnify and hold CITY harmless from any and all injuries to or claims of adjacent property owners caused by FRANCHISEE, its agents, employees, and representatives.

FRANCHISEE agrees to and shall indemnify and hold harmless CITY, its officers, agents and employees, from and against any and all claims, losses, damages, causes of action,

suits, and liability of every kind, including all expenses of litigation, court costs, and attorney's fees, for injury to or death of any person, or for damage to any property, arising out of or in connection with the work done by FRANCHISEE under this Agreement, regardless of whether such injuries, death or damages are caused in whole or in part by the negligence, including but not limited to the contractual comparative negligence, concurrent negligence or gross negligence, of CITY.

SECTION 17. INSURANCE

FRANCHISEE shall procure and maintain at its sole cost and expense for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by FRANCHISEE, its agents, representatives, volunteers, employees or subcontractors.

FRANCHISEE'S insurance coverage shall be primary insurance with respect to the CITY, its officials, employees and volunteers. Any insurance or self-insurance maintained by the CITY, its officials, employees or volunteers shall be considered in excess of the FRANCHISEE'S insurance and shall not contribute to it.

FRANCHISEE shall include all subcontractors as additional insured under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverage's for subcontractors shall be subject to all of the requirements stated herein.

Certificates of Insurance and endorsements shall be furnished to CITY and approved by CITY before work commences.

A. STANDARD INSURANCE POLICIES REQUIRED

1. Commercial General Liability Policy
2. Automobile Liability Policy
3. Worker's Compensation Policy

B. GENERAL REQUIREMENTS APPLICABLE TO ALL POLICIES

1. General Liability and Automobile Liability insurance shall be written by a carrier with a better rating in accordance with the current Best Key Rating Guide.
2. Only Insurance Carriers licensed and admitted to do business in the State of Texas will be accepted.
3. Deductibles shall be listed on the Certificate of Insurance and are acceptable only on a per occurrence basis for property damage only.
4. Claims Made Policies will not be accepted.
5. The CITY, its officials, employees and volunteers are to be added as "Additional Insured" to the General Liability and the Automobile Liability policies. The coverage shall contain no special limitations on the scope of protection afforded to the CITY, its officials, employees or volunteers.
6. A Waiver of Subrogation in favor of the CITY with respect to the General Liability, Automobile Liability, and Workers' Compensation insurance must be included.
7. Each insurance policy shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the CITY.
8. Upon request, certified copies of all insurance policies shall be furnished to the CITY.

C. COMMERCIAL GENERAL LIABILITY

1. Minimum Combined Single Limit of \$1,000,000 per occurrence for Bodily Injury and Property Damage.
2. No coverage shall be deleted from the standard policy without notification of individual exclusions being attached for review and acceptance.

D. AUTOMOBILE LIABILITY

1. Minimum Combined Single Limit of \$1,000,000 per occurrence for Bodily Injury and Property Damage.

E. WORKERS' COMPENSATION

1. Employer's Liability limits of \$500,000/\$500,000/ \$500,000 are required.

F. CERTIFICATES OF INSURANCE

1. Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent, and shall contain provisions representing and warranting the following:
 - a. The company is licensed and admitted to do business in the State of Texas.
 - b. The insurance set forth by the insurance company are underwritten on forms which have been approved by the Texas Department of Insurance or ISO.
 - c. Sets forth all endorsements as required above and insurance coverage's as previously set forth herein.
 - d. Shall specifically set forth the notice of cancellation, termination, or change in coverage provisions to the CITY.
 - e. Original endorsements affecting coverage required by this section shall be furnished with the certificates of insurance.

SECTION 18. ASSIGNMENT

This Agreement and the rights and obligations contained herein may not be assigned by FRANCHISEE without the specific prior written approval of the City Council. Any assignment by FRANCHISEE without prior written approval of the City Council shall be null and void.

SECTION 19. SAFETY

FRANCHISEE shall perform the collection in accordance with applicable laws, codes, ordinances and regulations of the United States, State of Texas, Washington County, and CITY and in compliance with OSHA and other laws as they apply to its employees. It is the intent of the parties that the safety precautions are a part of the collection techniques for which FRANCHISEE is solely responsible. In the carrying on of the work herein provided for, FRANCHISEE shall use all proper skill and care, and FRANCHISEE shall exercise all due and proper precautions to prevent injury to any property, person or persons. FRANCHISEE assumes responsibility and liability and hereby agrees to indemnify the CITY from any liability caused by FRANCHISEE'S failure to comply with applicable federal, state or local laws and regulations, touching upon the maintenance of a safe and protected working environment, and the safe use and operation of machinery and equipment in that working environment.

SECTION 20.
AD VALOREM TAXES

FRANCHISEE agrees to render all personal property utilized in its solid waste operation services to Washington County Appraisal District so that said personal property will be the subject of ad valorem taxation for the benefit of CITY.

SECTION 21.
NOTICES

All notices required under the terms of this Agreement to be given by either party to the other shall be in writing, and unless otherwise specified in writing by the respective parties, shall be sent to the parties at the addresses following:

City of Brenham
P.O. Box 1059
Brenham, Texas 77834
ATTN: City Secretary

Only 1 Rentals, LLC
9782 S. Business 6
Navasota, Texas 77868
ATTN: Dillon Hughes, Owner

All notices shall be deemed to have been properly served only if sent by certified mail, to the person(s) at the address designated as above provided, or to any other person at the address which either party may hereinafter designate by written notice to the other party.

SECTION 22.
AMENDMENTS

It is hereby understood and agreed by the parties to this Agreement that no alternation or variation to the terms of this Agreement shall be made unless made in writing, approved by both parties, and attached to this Agreement to become a part hereof.

SECTION 23.
SEVERABILITY

If any section, sentence, clause or paragraph of this Agreement is for any reason held to be invalid or illegal, such invalidity shall not affect the remaining portions of the Agreement.

SECTION 24.
TERM OF AGREEMENT

The term of this Agreement shall be effective beginning on the _____ day of _____, 2023, being the date of acceptance by FRANCHISEE and shall terminate on September 30, 2024.

Thereafter, this Agreement shall automatically renew annually for a subsequent one (1) year terms beginning on October 1 and terminating on the following September 30 unless either party gives written notice of non-renewal by certified mail no later than sixty (60) days prior to the then current termination date. Further, either party may terminate this Agreement without cause at any time by providing the other party with sixty (60) days written notice of termination by certified mail. This section is not intended, nor shall this section be construed, to limit or prohibit a party's ability to terminate this Agreement as otherwise provided in this Agreement.

SECTION 25.
ACCEPTANCE OF AGREEMENT

That FRANCHISEE shall have sixty (60) days from and after the final passage and approval of this Ordinance to file its written acceptance thereof with the City Secretary, and upon such acceptance being filed, this Ordinance shall take effect and be in force from and after the date of its acceptance, and shall effectuate and make binding the agreement provided by the terms hereof.

SECTION 26.
AUTHORIZATION TO EXECUTE

The parties signing this Agreement shall provide adequate proof of their authority to execute this Agreement. This Agreement shall inure to the benefit and is binding upon the parties hereto and their respective successors or assigns, but shall not be assignable by either party without the written consent of the other party.

SECTION 27.
PUBLIC MEETING

It is hereby found and determined that the meeting(s) at which this Ordinance was considered were open to the public, as required by Chapter 551, Texas Government Code, and that advance public notice of time, place, and purpose of said meetings was given in accordance with law.

PASSED and APPROVED on its first reading this ____ day of _____, 2023.

PASSED and APPROVED on its second reading this ____ day of _____, 2023.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



City Council Regular Meeting **AGENDA ITEM 8**

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First Reading Providing for a No Parking Zone on the West Side of Blinn Boulevard Between College Avenue and West Fifth Street in the City of Brenham

Meeting Date: December 7, 2023

Department: Public Works

Staff Contact: Dane Rau, Director of Public Works

SUMMARY STATEMENT:

Upon the request of Blinn College we would like Council to consider approving an ordinance on its first reading establishing a “No Parking” zone on the west side of Blinn Blvd near W. Fifth St. This area is across from the band hall and near a sharp curve. Blinn has recently constructed Parking Lot K (as shown in attachment) which has 154 parking spaces. With removal of 26 parking spaces along Blinn Blvd, Blinn has made a tremendous investment in off street parking which follows their master campus plan. By adopting this “no-parking” zone it also makes it much safer for drivers and pedestrians in the area.

The City of Brenham staff does not have an issue with establishing a “No Parking” zone along Blinn Blvd and will work with Blinn to make this happen once approved.

ATTACHMENTS:

1. Ordinance for First Reading
2. Parking Lot 'K' Images

RECOMMENDATION:

Approve an Ordinance on its first reading providing for a No Parking Zone on the west side of Blinn Boulevard between College Avenue and West Fifth Street in the City of Brenham.

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE PROHIBITION OF PARKING MOTOR VEHICLES, TRAILERS OR OTHER VEHICLES ON CERTAIN DESIGNATED STREETS IN THE CITY OF BRENHAM, AND ASSOCIATED MATTERS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATION THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Texas Local Government Code section 51.001, the City of Brenham, Texas (“City”) has the authority to adopt ordinances and regulations that are for the good government, peace and order of the City; and

WHEREAS, the City Council desires to provide for no parking zones on certain streets within the City of Brenham in order to: prevent accidents, collisions and damages; promote the flow of traffic along and into such streets; and regulate the same; and

WHEREAS, the general welfare, health and safety of the citizens of the City will be promoted by the enactment of this Ordinance; and

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Brenham, Texas:

SECTION I.

That every person, firm, corporation, or other entity shall be prohibited from parking any motor vehicle, trailer, or other vehicle, upon any of the following designated streets or portions thereof, when signs are erected giving notice thereof:

- a. On the west side of Blinn Blvd beginning at College Ave and extending south to W. Fifth Street

SECTION II.

The terms “park” and “parking” shall mean the standing or stopping of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or property.

SECTION III.

In any case when a person, firm, corporation or other entity shall have been charged with a violation of this Ordinance, proof that said motor vehicle, trailer, or other vehicle was, at the date of the offense alleged, owned by the person, firm, corporation or entity charged with the offense, shall constitute prima facie evidence that said motor vehicle, trailer, or other vehicle was stopped, left standing or parked at the place charged by said owner.

SECTION IV.

The provisions of this Ordinance shall not apply to any authorized emergency vehicle or City of Brenham motor vehicle, trailer, or other vehicle.

SECTION V.

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 VI.

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

SECTION VII.

That any person, firm, corporation or other entity violating this Ordinance shall be fined a sum of not less than \$1.00 and not more than \$500.00, plus applicable court costs.

SECTION VIII.

This Ordinance shall take full force and effect from and after its passage and approval.

PASSED and APPROVED on its first reading this the ____ day of _____ 2023.

PASSED and APPROVED on its second reading this the ____ day of _____ 2023.

Atwood C. Kenjura.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

CURRENT



PROPOSED





City Council Regular Meeting **AGENDA ITEM 9**

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham's FY22-23 Adopted Budget

Meeting Date: December 7, 2023

Department: Finance

Staff Contact: Timothy McRoberts, Strategic Budget Officer

SUMMARY STATEMENT:

As the Finance Department prepares the FY22-23 Budget for final close and audit, staff is recommending the following budget amendments to clean up expense anomalies in the financial reports.

Fund 101 General Fund – Net impact \$0

Sales tax rebate to BK Stringer, LTD. At the time of FY 22-23 Budget adoption, the sales tax rebate amount was unknown, so it was reflected in the budget in the form of lower than estimated sales tax revenue. Now that the payments have been received and the portion to rebate has been calculated, a budget amendment is needed to account for this expense. The expense is offset by increased sales tax revenues.

Fund 104 Water Fund – Net Revenue Impact \$0

Increased budget expenditures by \$260,594 due to higher chemical prices and volumes. These expenses are offset by excess revenues.

ATTACHMENTS:

1. MEMORANDUM FY 22-23 Budget Amendment #1
2. Ordinance for 1st Reading
3. Exhibit A FY 22-23 Budget Amendment #1

RECOMMENDATION:

Approve an Ordinance on its first reading for the amendment to the City of Brenham's FY22-23 Adopted Budget.

MEMORANDUM

DATE: December 7, 2023
TO: Mayor, Council and City Manager
FROM: Tim McRoberts, Strategic Budget Officer
SUBJECT: FY22-23 Budget Amendment #1
ATTACHMENT: Budget Amendment #1

1. **Purpose.** The purpose of this memorandum is to summarize FY22-23 Budget Amendment #1.
2. **Summary.** The FY22-23 Budget is being amended for the following:
 - a. Fund 101 General Fund – Net impact \$0
 - 1) Sales tax rebate to BK Stringer, LTD. At the time of FY 22-23 Budget adoption, the sales tax rebate amount was unknown, so it was reflected in the budget in the form of lower than estimated sales tax revenue. Now that the payments have been received and the portion to rebate has been calculated, a budget amendment is needed to account for this expense. The expense is offset by increased sales tax revenues.
 - b. Fund 104 Water Fund – Net Revenue Impact \$0
 - 2) Increased budget expenditures by \$260,594 due to higher chemical prices and volumes. These expenses are offset by excess revenues.
3. **Questions Regarding This Memorandum** ... may be referred to the writer.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING THE
FY2022-23 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, 2023, 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 FY2022-23 Budget for municipal purposes;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Brenham, Texas:

SECTION 1.

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, 2023, 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.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Exhibit A FY 2022-23 Budget Amendment #1

Year	Line Item	Amount	Expenditure
2023	101-4-140.00	\$ (147,128.62)	Sales Tax Revenue
2023	101-5-100-953.40	\$ 147,128.62	Sales Tax Rebate
		\$	-

Year	Line Item	Amount	Expenditure
2023	104-4-603.00	\$ (260,594.00)	Water Utility Revenues
2023	104-5-163-201.00	\$ 260,594.00	Water Treatment Chemicals
		\$	-



City Council Regular Meeting **AGENDA ITEM 10**

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham's FY23-24 Adopted Budget

Meeting Date: December 7, 2023

Department: Finance

Staff Contact: Timothy McRoberts, Strategic Budget Officer

SUMMARY STATEMENT:

The following Budget Amendment is proposed for FY 23-24:

Fund 102 Electric Fund – Net impact \$0

Two major capital projects, MLK Parkway circuit upgrade pole changeout and South Market Street line upgrade, were funded through the adoption of the FY 22-23 budget but not completed. The projects were delayed due to the uncertainty surrounding LCRA contract agreement renewal with vendor Techline. LCRA has since resolved and renewed the contract, and work can begin. Council approved these projects on August 3, 2023. Since these projects were funded, but not completed, the funds rolled back into Electric Fund unreserved fund balance. Staff proposes to Amend the FY 23-24 expenditure budget using this unreserved fund balance.

ATTACHMENTS:

1. MEMORANDUM FY 23-24 Budget Amendment #2
2. Ordinance for 1st Reading
3. Exhibit A FY 23-24 Budget Amendment #2

RECOMMENDATION:

Approve an Ordinance on its first reading for the amendment to the City of Brenham's FY23-24 Adopted Budget.

MEMORANDUM

DATE: December 7, 2023
TO: Mayor, Council and City Manager
FROM: Tim McRoberts, Strategic Budget Officer
SUBJECT: FY23-24 Budget Amendment #2
ATTACHMENT: Budget Amendment #2

1. **Purpose.** The purpose of this memorandum is to summarize FY23-24 Budget Amendment #2.
2. **Summary.** The FY23-24 Budget is being amended for the following:
 - a. Fund 102 Electric Fund – Net impact \$0
 - 1) Two major capital projects, MLK Parkway circuit upgrade pole changeout and South Market Street line upgrade, were funded through the adoption of the FY 22-23 budget but not completed. The projects were delayed due to the uncertainty surrounding LCRA contract agreement renewal with vendor Techline. LCRA has since resolved and renewed the contract, and work can begin. Council approved these projects on August 3, 2023. Since these projects were funded, but not completed, the funds rolled back into Electric Fund unreserved fund balance. Staff proposes to Amend the FY 23-24 expenditure budget using this unreserved fund balance.
3. **Questions Regarding This Memorandum** ... may be referred to the writer.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING THE
FY2023-24 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, 2024, 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 FY2023-24 Budget for municipal purposes;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Brenham, Texas:

SECTION 1.

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, 2024, 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.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Exhibit A FY 2023-24 Budget Amendment #2

Year	Line Item	Amount	Expenditure
2024	102-5-161-804.20	\$ 70,750	MLK Parkway Circuit Upgrade Pole Changeout
2024	102-5-161-804.20	\$ 78,500	South Market Street Line Upgrade
2023		\$ (149,250)	Unreserved Fund Balance
		\$ -	