

## MINUTES

### BRENHAM COMMUNITY DEVELOPMENT CORPORATION

January 28, 2021

A regular meeting of the Brenham Community Development Corporation was held on Thursday, January 28, 2021 at City Hall, Council Chambers, 200 W. Vulcan, Brenham, Texas beginning at 7:30 a.m.

Board members present were Charles Moser, Darrell Blum, Atwood Kenjura, Ken Miller, Gary Crocker, and Bill Betts.

City of Brenham staff members present were James Fisher, Carolyn Miller, Donald Reese, Dane Rau, Casey Redman, Tammy Jaster, Susan Cates and Crystal Locke.

Others in attendance were Mayor Tate, Councilmember Keith Herring, Jim Kolkhorst, Erin Williford, and Jason Smith.

- 1. Chairman Charles Moser called the meeting to order**
- 2. Invocation and Pledges to the U.S. and Texas Flags**
- 3. Discuss and Possibly Act Upon the Election of a Chairperson and Vice Chairperson for 2021**

President James Fisher advised the Board that Article III, Section 3.02 of the Brenham Community Development Corporation By-Laws reads in part “The Board of Directors shall appoint a Chairman and Vice-Chairman of the Board by January 31 of each year. The Chairman of the Board shall be the presiding officer for meetings and the Vice-Chairman shall act in the Chairman’s absence.” Fisher stated that as outlined in the Bylaws, the Board must elect a Chairman and Vice Chairman for 2021.

A motion was made by Bill Betts and seconded by Atwood Kenjura to appoint Charles Moser as Chairman and Darrell Blum as Vice-Chairman.

Chairman Moser called for a vote. The motion passed with the Board voting as follows:

Chairman Charles Moser	Yes
Vice Chairman Darrell Blum	Yes
Board Member Bill Betts	Yes
Board Member Gary Crocker	Yes
Board Member Atwood Kenjura	Yes
Board Member Ken Miller	Yes

#### 4. Discuss and Possibly Act Upon FY2019-20 Fourth Quarter Financial Statements

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item to the Board. Miller explained the following details about the financial statements:

##### Sales Tax Revenue

- Increased sales tax revenue budget by 4.8% over the prior year’s revised annual estimate. Actual sales tax revenue of \$1,755,402 finished the year \$81,036 or 4.41% behind budget. Due to the COVID-19 shutdown in the Spring and the ongoing recovery, this budget decline is better than anticipated. FY20 sales tax revenue finished the year \$16,243 ahead of FY19 actuals of \$1,739,159.

##### Financial Statements – Fund 250

- **Economic Development** operations have an operating surplus of \$33,758 for FY20, increasing fund balance for this operation to \$148,126. Per the terms of a 2014 Performance Agreement, a \$40,000 incentive payment was made to Tempur-Sealy in August 2020. Other Financing Sources show the detention pond construction costs for the Brenham Business Center of \$375,985 and Southwest Industrial Park, Section III of \$270,957 which were completed during FY20. All expenditures are within budget levels.
- **Recreation** operations have an operating deficit of (\$280,687) due to the \$420,465 interfund loan for detention pond construction costs. Fifteen (15) of the 18 approved parks and recreation projects for FY20 were completed. The Jerry Wilson playground, Blinn softball field renovations and Hohlt Park bull pen upgrades were all deferred this year due to revenue concerns during the COVID-19 shutdown.

##### BCDC Capital Projects – Fund 252

- No activity occurred in the BCDC Capital Projects Fund for FY20. Fund balance is \$915,841 for future project expenditures, and we expect to begin utilizing the fund balance along with the \$750,000 Texas Parks and Wildlife Grant for the Southside Family Park as the park project gets underway in FY21.

A motion was made by Atwood Kenjura and seconded by Darrell Blum to approve the FY2019-20 fourth quarter financial statements as presented.

Chairman Moser called for a vote. The motion passed with the Board voting as follows:

Chairman Charles Moser	Yes
Vice Chairman Darrell Blum	Yes
Board Member Bill Betts	Yes
Board Member Gary Crocker	Yes
Board Member Atwood Kenjura	Yes
Board Member Ken Miller	Yes

## **WORK SESSION**

### **5. Presentation and Discussion on the Design and Construction of the Brenham Family Park**

Director of Public Works Dane Rau presented this item to the Board. Rau explained that with the City receiving the \$750,000.00 local parks grant from Texas Parks and Wildlife, staff is moving quickly to meet all the pre-construction deadlines and make decisions related to the lake/detention structure location. Rau stated that the City has also had an archeological survey done for on Phase 1(a), as required by Texas Parks and Wildlife. Rau explained that staff will soon be moving forward with a design agreement with Jones & Carter to being the layout of the Brenham Family Park, Phase 1(a).

Rau asked Erin Williford with Jones-Carter to give the Board an update on the project and explain the new renderings being presented to the Board. Rau said that Williford would be available for questions and comments as the project moves forward and works jointly with the Kruse Family to make this park a reality.

### **6. Presentation and Discussion on the Bylaws of the Brenham Community Development Corporation**

City Manager James Fisher presented this item to the Board. Fisher explained that the BCDC bylaws have not been updated since October 1995 and over the past few years there have been several discussions about the need to update the bylaws. Fisher stated that work session provides the Board an opportunity to discuss the bylaws and any possible revisions.

Fisher stated that in 2013, the BCDC board discussed that the Chair and Vice Chair officer positions should rotate every two years; however, this revision was never taken to City Council for final approval. Fisher also stated that in 2019 the Board approved a bylaw amendment allowing no more than two (2) non-city residents to serve on the BCDC Board and this change was approved by the City Council on May 2, 2019.

Fisher explained that since May 2019, there have been discussions about the number of non-City of Brenham residents that should be allowed to serve on the BCDC board and that most recently there were discussions about increasing the non-city resident members from two (2) to three (3) and/or amending the bylaws to allow for a member of the EDF Board to serve on the BCDC, regardless of their residency (city or county).

Fisher stated that in state law (LGC §505.052), there are restrictions on board membership of Type B corporations authorized by a municipality with a population of less than 20,000 (Brenham). State law mandates that each director (BCDC board member) must:

1. *Be a resident of the municipality.*
2. *Be a resident of the county in which the major part of the area of the municipality is located; or*

3. *Reside:*
  - a. *Within 10 miles of the municipality's boundaries; and*
  - b. *In a county bordering the county in which most of the area of the municipality is located.*

After further discussion, the Board agreed to increase the number of non-city residents allowed to serve on the Board from two (2) members to three (3) members and to allow persons residing within ten (10) miles of Brenham's boundaries to serve. The Board also agreed to stagger the Chari and Vice Chair positions so that both officers would not roll off the Board at the same time. Fisher advised that he would work with the City Attorney Cary Bovey on the wording required for the staggered terms and bring that bylaw amendment back at the next meeting for the Board's consideration.

#### **7. Presentation and Discussion on Possible Funding, Grants and Required Public Hearings for the Following Projects:**

- a) **Traffic Signal Improvements at the Intersection of Chappell Hill Street and the Eastbound and Westbound U. S. Highway 290 Service Roads for the Baker Katz Retail Development Project**
- b) **Improvements to the Brenham Family Park**

Director of Public Works Dane Rau presented this item. Rau stated that the City is preparing to move forward with the following Type B projects in 2021:

- \$750,000.00 for the engineering, design, construction, and other costs related to the improvements of the Brenham Family Park.
- \$250,000.00 for the engineering, design, construction, and other costs related to traffic signal improvements at the intersection of Chappell Hill Street and the eastbound and westbound U. S. Highway 290 Service Road for the Baker Katz Retail Development Project.

Rau explained that as outlined in Section 505 of the Local Government Code, the BCDC must publish notification of and hold a public hearing on any proposed project prior to the expenditure of any funds. Rau advised the Board that the required notices were published in the Banner in December 2020 and that the required Public Hearings for both of these projects is scheduled for Thursday, February 18, 2021 at 7:30 a.m. in Council Chambers at City Hall, 200 W. Vulcan St., Brenham Texas.

#### **8. Update and Discussion on the Interlocal Agreement Between the City of Brenham and Washington County for Economic Development Services**

Director of Economic Development Susan Cates presented this item to the Board. Cates advised that a joint committee comprised of Councilmember Clint Kolby, Councilmember Keith Herring, Commissioner Candice Bullock, Commissioner Kirk Hanath, BCDC Director John Hasskarl, EDF Chairman Tee Dippel, and EDF Chairman-Elect Blake Brannon reviewed the existing interlocal agreement for economic development that was approved in March 2020 and drafted a new agreement.

Cates explained that the new ILA between the City and County was written based on the recommendations from the joint committee and has been approved by both the City Council and the County Commissioners. Some of the notable revisions in this ILA are:

- Formally creates the Brenham | Washington County Economic Development Organization (BWEDO).
- The City Director of Economic Development will serve as the Director of BWEDO.
- The County will contribute \$100,000 annually to the BWEDO.
- Accountability to the City, County, BCDC & EDF by BWEDO with monthly, quarterly, and annual reports.
- Formalize the Project Review Guidelines as Exhibit A of the ILA which outlines the process that BWEDO will follow in engaging community partners regarding potential economic development projects.
- The original ILA is a 3-year agreement with subsequent renewal periods of 2-years.
- Either party must provide the other party 180-day notice of intent to terminate.

## **REGULAR SESSION**

### **9. Discuss and Possibly Act Upon the Approval of the Minutes from the October 7, 2020 Regular Meeting**

A motion was made by Gary Crocker and seconded by Ken Miller to approve the minutes from the October 7, 2020 Regular Meeting.

Chairman Moser called for a vote. The motion passed with the Board voting as follows:

Chairman Charles Moser	Yes
Vice Chairman Darrell Blum	Yes
Board Member Bill Betts	Yes
Board Member Gary Crocker	Yes
Board Member Atwood Kenjura	Yes
Board Member Ken Miller	Yes

### **10. Discuss and Possibly Act Upon Amendments to the Bylaws of the Brenham Community Development Corporation and Authorize the Chairman to Execute Any Necessary Documentation**

A motion was made by Atwood Kenjura and seconded by Ken Miller to amend the bylaws increase the number of non-city residents allowed to serve on the Board from two (2) members to three (3) members and to allow persons residing within ten (10) miles of Brenham's boundaries to serve.

Chairman Moser called for a vote. The motion passed with the Board voting as follows:

Chairman Charles Moser	Yes
Vice Chairman Darrell Blum	Yes
Board Member Bill Betts	Yes
Board Member Gary Crocker	Yes
Board Member Atwood Kenjura	Yes
Board Member Ken Miller	Yes

**11. Discuss and Possibly Act Upon the Termination of the 2016 Economic Development Services Agreement Between the City of Brenham, the Brenham Community Development Corporation (BCDC) and the Economic Development Foundation of Brenham, Inc. that Created the Greater Brenham Economic Development Alliance and Authorize the Chairman to Execute Any Necessary Documentation**

City Manager James Fisher presented this item. Fisher explained that due to the adoption of the new ILA between the City of Brenham and Washington County for economic development services, the 2016 agreement that created the Greater Brenham Economic Development Alliance (the "Alliance") needs to be terminated by the cooperating entities (City of Brenham, BCDC and the Economic Development Foundation of Brenham (EDF)).

Fisher advised that the City Attorney prepared a Mutual Termination of the Agreement Creating the Greater Brenham Economic Development Alliance for all entities to approve and sign. Fisher explained that the BCDC is the first entity to consider this mutual agreement; however, the City Council will consider it their February 4, 2021 City Council meeting. Fisher stated that once approved by the BCDC and the City, he will coordinate with EDF Chairman Tee Dippel to get it on an upcoming EDF agenda for their consideration and execution.

A motion was made by Darrell Blum and seconded by Gary Crocker to approve the termination of the 2016 Economic Development Services Agreement between the City of Brenham, the Brenham Community Development Corporation (BCDC) and the Economic Development Foundation of Brenham, Inc. that created the Greater Brenham Economic Development Alliance and authorize the Chairman to execute any necessary documentation.

Chairman Moser called for a vote. The motion passed with the Board voting as follows:

Chairman Charles Moser	Yes
Vice Chairman Darrell Blum	Yes
Board Member Bill Betts	Yes
Board Member Gary Crocker	Yes
Board Member Atwood Kenjura	Yes
Board Member Ken Miller	Yes

**12. Discuss and Possibly Act Upon an Engineering Services Proposal from Jones Carter for Phase I(a) of the Brenham Family Park and Authorize the President to Execute Any Necessary Documentation**

Director of Public Works Dane Rau presented this item to the Board. Rau stated that with the Brenham Family Park getting closer to final funding approval from Texas Parks and Wildlife (TP&W), the City needs to move forward with design, permitting, amenity additions, construction services, and bidding. Rau explained that over the last few years, staff has worked with Jones-Carter, specifically Erin Williford, regarding the Brenham Family Park Master Plan and the coordination between the Kruse Family and other governmental agencies.

Rau stated that the City has received a proposal from Jones-Carter for Phase I (a) which will allow staff to work with Jones-Carter while funding is approved at the federal level through TP&W. Jones-Carter will also assist with environmental reports, design decisions, amenity locations, bidding services, and construction services.

Rau advised that the proposal is valued at \$252,500 but that the TP&W grant maximum for professional services is \$158,000. Rau explained that of the \$158,000, fifty percent (\$79,000) will be covered by TP&W and fifty percent (\$79,000) will come from BCDC funds already set aside for the grant match. There will be additional charges of \$94,500 which will need to be funded by BCDC outside of the grant match.

A motion was made by Bill Betts and seconded by Atwood Kenjura to approve an Engineering Services Proposal from Jones Carter for Phase I(a) of the Brenham Family Park, in the amount of \$252,500.00, and authorize the President to execute any necessary documentation.

Chairman Moser called for a vote. The motion passed with the Board voting as follows:

Chairman Charles Moser	Yes
Vice Chairman Darrell Blum	Yes
Board Member Bill Betts	Yes
Board Member Gary Crocker	Yes
Board Member Atwood Kenjura	Yes
Board Member Ken Miller	Yes

**13. Discuss and Possibly Act Upon the Reallocation of FY20-21 Contingency Funds for an Archeological Study Related to Phase I(a) Construction of the Brenham Family Park and Authorize the President to Execute Any Necessary Documentation**

Director of Public Works Dane Rau presented this item to the Board. Rau stated that staff has begun working with Texas Parks & Wildlife (TP&W) on funding for the Brenham Family Park and that staff had to meet a timeline regarding an archeological study on Phase I (a).

Rau explained that this study was needed in order for TP&W to receive funds from the federal government. Rau stated that staff selected SWCA Environmental Consultants from Austin, TX to conduct the study for \$11,530. Rau stated that the study did not have any significant findings pertaining to historical significance in the area; however, it did give staff some information to consider during design phases. The study is currently under review by THC.

Rau advised the Board that they would need to re-allocate \$11,530 from FY20-21 contingency funds to cover the survey as it is not covered by the grant.

A motion was made by Darrell Blum and seconded by Gary Crocker to reallocate \$11,530.00 from FY20-21 contingency funds for an archeological study related to Phase I(a) construction of the Brenham Family Park and authorize the President to execute any necessary documentation.

Chairman Moser called for a vote. The motion passed with the Board voting as follows:

Chairman Charles Moser	Yes
Vice Chairman Darrell Blum	Yes
Board Member Bill Betts	Yes
Board Member Gary Crocker	Yes
Board Member Atwood Kenjura	Yes
Board Member Ken Miller	Yes

#### **14. Discussion on Upcoming 2021 Meeting Dates**

City Manager James Fisher presented the following meeting dates for 2021:

- Thursday, January 28, 2021 at 7:30 am
- Thursday, February 18, 2021 at 7:30 am
- Thursday, April 15, 2021 at 7:30 am
- Thursday, June 17, 2021 at 7:30 am
- Thursday, July 8, 2021 at 7:30 am
- Thursday, September 16, 2021 at 7:30 am
- Thursday, November 18, 2021 at 7:30 am

#### **15. Board and Staff Updates**

- **Joint Economic Development Committee**
  - No update given
- **Economic Development – Susan Cates**
  - Provided the Board with Business Development Report
  - Currently reviewing price per acre for land in business parks – will bring that back to the Board at an upcoming meeting



- **Parks & Recreation - Dane Rau**
  - Splash Pad – Phase II improvements have been started
  - Working on conceptual plan for future improvements at the Blue Bell Aquatic Center
- **Administration – James Fisher**
  - Brenham Regional Sub-HUB for COVID vaccines – under Kevin Deramus leadership

The Board convened into Executive Session at 9:10 a.m.

**EXECUTIVE SESSION**

**16 Texas Government Code Section 551.087 Economic Development Negotiations and Texas Government Code Section 551.072 Deliberation Regarding Real Property – Discussion and Deliberation on Project Miranda Regarding Possible Sale of Real Property, Land Acquisition, and/or Other Economic Development Incentives to a Business Prospect Seeking to Locate, Stay or Expand into the City of Brenham**

Executive Session adjourned at 9:20 a.m.

**RE-OPEN REGULAR SESSION**

**17 Discuss and Possibly Act Upon a Real Estate Contract and/or an Economic Incentive Agreement Between the Brenham Community Development Corporation (BDCD) and Project Miranda and Authorize the President, or His Designee, to Negotiate and Execute Any Necessary Documentation**

A motion was made by Ken Miller and seconded by Darrell Blum to enter into a Real Estate Contract and/or an Economic Incentive Agreement between the Brenham Community Development Corporation (BDCD) and Project Miranda, as discussed in Executive Session, and authorize the President, or his designee, to negotiate and execute any necessary documentation.

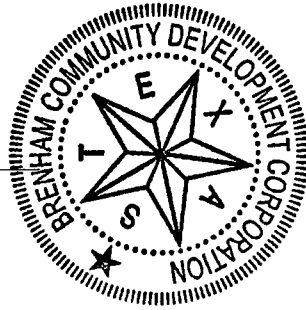
Chairman Moser called for a vote. The motion passed with the Board voting as follows:

Chairman Charles Moser	Yes
Vice Chairman Darrell Blum	Yes
Board Member Bill Betts	Yes
Board Member Gary Crocker	Yes
Board Member Atwood Kenjura	Yes
Board Member Ken Miller	Yes

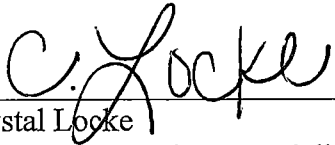
The meeting was adjourned.



Charles Moser  
Chairman

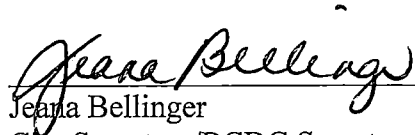


**ATTEST:**



Crystal Locke  
Community Services Specialist

**APPROVED AS TO FORM:**



Jeana Bellinger  
City Secretary/BCDC Secretary