NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, MARCH 7, 2019 AT 1:00 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN ST.
BRENHAM, TEXAS

1. Call Meeting to Order

2. Invocation and Pledges to the US and Texas Flags – Mayor Milton Y. Tate, Jr.

3. Citizens Comments

CONSENT AGENDA

4. Statutory Consent Agenda

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

4-a. Minutes from the February 21, 2019 Special City Council Meeting and February 21, 2019 Regular City Council Meeting

4-b. Approve a Noise Variance for the City of Brenham for a Pop-Up Play Day to be Held on March 9, 2019 from 11:00 a.m. – 2:00 p.m. at Hattie Mae Flowers Park and Authorize the Mayor to Execute Any Necessary Documentation

Pages 1-19

PUBLIC HEARING

5. Public Hearing to Consider an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning District of a 2.539 Acre Tract of Land, Part of the John Long Survey, A156, in Brenham, Washington County, Texas from a Mixed Residential Use (R-2) District to a Commercial Research and Technology Use (B-2) District (Case No. P-19-006)

Pages 20-30

REGULAR SESSION

6. **Discuss and Possibly Act Upon the Acceptance of the Audit from Seidel Schroeder for Fiscal Year 2018** **Page 31**

7. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District of a 2.539 Acre Tract of Land, Part of the John Long Survey, A156, in Brenham, Washington County, Texas from a Mixed Residential Use (R-2) District to a Commercial Research and Technology Use (B-2) District (Case No. P-19-006)** **Pages 32-38**

8. **Discuss and Possibly Act Upon Ordinance No. O-19-012 on Its Second Reading Amending Appendix A – "Zoning" of the Code of Ordinances of the City of Brenham, Texas by Amending Part 1, Sec. 5.02 Definitions, to Redefine Accessory Building or Use, Garage Apartment and Establish a New Definition for Accessory Dwelling Units (ADU); Part II, Division 1, Section 10 – Accessory Structures and Uses to Establish Standards Related to the Development of Such Uses; Part II, Division 1, Section 17 – Height and Area Exceptions of General Applicability; and Part II, Division 2 – Zoning District Regulations, to Allow Accessory Dwelling Units by Specific Use Permit in the Residential (R-1), Mixed Residential (R-2), and Manufactured Home Residential (R-3) Zoning Districts and By-Right in the Local Business/Residential Mixed Use (B-1) Zoning District (Case No. P-18-025)** **Pages 39-51**

9. **Discuss and Possibly Act Upon Ordinance No. O-19-010 on Its Second Reading Providing for the Abandonment of a 1,517 Square Foot Portion and a 137 Square Foot Portion of a 12-Foot Wide Alley in Block 6 of Hurt's Addition, Bounded on the North by West First Street, Bounded on the East by the Brenham Wholesale Grocery Co., Inc., Called 10,999 Square Foot Tract, Bounded on the South by the Remainder of the 12-Foot Alley, and Being Bounded on the West by the Brenham Wholesale Grocery Co., Inc. Called 0.4726 Acre Tract and the Susan Crawford Called 0.37 Acre Tract, Situated in Brenham, Washington County, Texas, Out of the A. Harrington Survey, Abstract No. 55 and Authorize the Mayor to Execute Any Necessary Documentation** **Pages 52-61**

10. **Discuss and Possibly Act Upon a Bid for City of Brenham Project No. 2017-15 Related to the 2018 Downtown Drainage and Sidewalk Project and Authorize the Mayor to Execute Any Necessary Documentation** **Pages 62-69**

11. **Discuss and Possibly Act Upon the Consent of City of Brenham, Texas to the Assignment of the Small Commercial Waste Collection Service (Non-Residential) Agreement Between the City of Brenham and Waste Connections Lone Star, Inc. (formerly known as Progressive Waste Solutions of TX, Inc.) and Authorize the Mayor to Execute any Necessary Documentation** **Pages 70-74**

12. **Discuss and Possibly Act Upon Recommendations for Appointments and/or Re-Appointments to Various City Boards and Committees** **Pages 75-79**

13. Administrative/Elected Officials Report

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

Adjourn

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

CERTIFICATION

I certify that a copy of the March 7, 2019 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, Brenham, Texas on March 4, 2019 at **12:35 PM**.

Kacey A. Weiss, TRMC
Deputy City Secretary I

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 _____, 2019 at _____ AM PM.

_____ _____
Signature Title

Brenham City Council Minutes

A special meeting of the Brenham City Council was held on February 21, 2019 beginning at 10:00 a.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

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

Members absent:

City Manager James Fisher, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Comptroller Stacy Hardy, Human Resources Director Susan Nienstedt, Director of Tourism and Marketing Jennifer Eckermann, Fire Chief Ricky Boeker, Police Chief Allwin Barrow, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Melinda Gordon, Kevin Boggus and Jessica Barnes.

Citizens present:

Third grade students from Alton Elementary Kaylee Roznovsky, Sarah Shelnutt, Abby Hefferly and Andy Hefferly.

Media Present:

Arthur Hahn, Brenham Banner Press.

1. Call Meeting to Order

2. Invocation and Pledges to the US and Texas Flags – Councilmember Kolby

3. Citizens Comments

DRAFT

WORK SESSION

4. Presentation and Discussion Regarding the Basics of City Planning and Template City Projects for Alton Elementary School Third Grade Students

Assistant Director of Development Services Stephanie Doland presented this item. Doland advised that the current population of Brenham is 16,968 and that Brenham covers 12.9 square miles. Doland the students to consider the following when creating their City:

- Think about landscaping, walkability, land uses and public amenities.
- Where should schools, restaurants and movie theaters go?
- Where should parks and houses be built?
- Think about roads, railroads and creeks will affect your city.

Doland explained that the students would be separated into seven groups with each group consisting of four students. The students, along with the help of a council member and a city staff member would talk, brainstorm and design their perfect City and then present their city ideas to the full City Council in the next agenda item.

5. Discussion and Presentation of Template City Projects by Alton Elementary School Third Grade Students

The third grade students from Alton Elementary presented their template city projects to the City Council.

The meeting was adjourned.

_____

Milton Y. Tate, Jr.
Mayor

_____

Jeana Bellinger, TRMC, CMC
City Secretary

DRAFT

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on February 21, 2019 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

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

Members absent:

None

Others present:

City Manager James Fisher, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary I Kacey Weiss, Deputy City Secretary II Karen Stack, Comptroller Stacy Hardy, Human Resources Director Susan Nienstedt, Strategic Budget Officer Debbie Gaffey, Fire Chief Ricky Boeker, Police Chief Allwin Barrow, Dant Lange, Todd Ashorn, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Director Lori Sanguedolce, Stephanie Doland, Kim Hodde, Kyle Branham, Melinda Gordon, Kevin Boggus, and Robin Hutchens

Citizens present:

Kathleen Rooker, Perry Thomas, Mary Thornhill, Robert Stark, Elizabeth Price, and Dorothy Morgan

Media Present:

Arthur Hahn, Brenham Banner Press; and Josh Blaschke, KWHI

1. Call Meeting to Order

2. Invocation and Pledges to the US and Texas Flags – Councilmember Herring

DRAFT

3. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

4. Statutory Consent Agenda

4-a. Minutes from the January 17, 2019 and February 7, 2019 Regular City Council Meetings

4-b. Ordinance No. O-19-008 on Its Second Reading Amending Chapter 5, Animal and Fowl, of the Code of Ordinances of the City of Brenham

4-c. Ordinance No. O-19-009 on Its Second Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District of a 51.119 Acre Tract of Land, Described as R20290 (WCAD), John Long Survey, A156, in Brenham, Washington County, Texas from a Mixed Residential Use (R-2) District to a Commercial Research and Technology Use (B-2) District (Case No. P-19-005)

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve the Statutory Consent Agenda Items 4-a. through 4-c. as presented.

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

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

WORK SESSION

5. Discussion and Presentation of the 2018 Annual Report and Crime Analysis for the City of Brenham Police Department

Police Chief Allwin Barrow presented this item. Barrow explained that the report gives comparative statistical data and information on various police programs. Barrow stated the Police Department has completed the transition from Uniformed Crime Report (UCR) reporting to a National Incident-Based Reporting System (NIBRS) which can easily skew the crime report numbers due to how crime information is captured in the NIBRS system.

DRAFT

The new NIBRS reporting system is able to generate reliable information for use in law enforcement administration, operation and management. The NIBRS software provides greater specificity in reporting offenses, collects more detailed information, helps give context to specific crime problems and provides greater analytic flexibility.

After explaining the new reporting system, Barrow advised the Council of some basic statistical information for the Department and updated the Council on major accomplishments, specialized functions and training for the Department. Chief Barrow also provided an update on the School Resource Officer Program and the Department's goals for 2019.

REGULAR SESSION

6. Discuss and Possibly Act Upon Approval of an Ordinance of the City of Brenham, Texas, Authorizing the Issuance and Sale of City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2019; Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Purchase Agreement and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto

City Manager James Fisher presented this item and introduced the City's Financial Advisor, Garry Kimball of Specialized Public Finance. Fisher explained that the proceeds from the sale of these Certificates of Obligation will be used for: (1) renovation of and improvements to the City's water utility systems and facilities; (2) construction of street and drainage improvements and the acquisition of land and rights-of-ways in connection with the renovation and improvements to the water system; (3) professional services of attorneys, engineers, financial advisors and other professionals in connection with the Project; and (4) to pay any fees associated with the issuance of the Certificates.

Mr. Kimball stated Standard and Poor's reaffirmed that the City has an AA- Bond Rating. Kimball explained that rating agencies look at ten year amortization percentages and stated that the city has an extremely high amortization percentage within the next ten years and that is why the City was able to get a fixed interest rate of 2.9% over a twenty year period.

A motion was made by Councilmember Herring and seconded by Councilmember Wright to approve an Ordinance of the City of Brenham, Texas, authorizing the issuance and sale of City of Brenham, Texas, Certificates of Obligation, Series 2019 to FTN Financial Capital Markets as presented by Garry Kimball.

DRAFT

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

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

7. Discuss and Possibly Act Upon the Racial Profiling Report for the City of Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation

Police Chief Allwin Barrow presented this item. Barrow explained that the report provides details on traffic stops, citations issued, arrests made and searches conducted by the Brenham Police Department.

A motion was made by Councilmember Kolby and seconded by Mayor Pro Tem Ebel to approve the Racial Profiling Report for the City of Brenham Police Department and authorize the Mayor to execute any necessary documentation.

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

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

8. Discuss and Possibly Act Upon the 2018 Use of Force Report for the City of Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation

Police Chief Allwin Barrow presented this item. Barrow stated that officers were involved in 18 scenarios requiring use of force to effectively resolve various situations. Barrow explained that in review of the use of force incidents for years 2016, 2017 and 2018 there had been a decrease every year.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve the 2018 Use of Force Report for the City of Brenham Police Department and authorize the Mayor to execute any necessary documentation.

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

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

9. Discuss and Possibly Act Upon the 2018 Pursuit Report for the City of Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation

Police Chief Allwin Barrow presented this item. Barrow stated that during the calendar year of 2018, the department was involved in four vehicle pursuits. Barrow noted that in review of vehicle pursuits for the year 2018 in comparison to 2017, there was an increase by three.

A motion was made by Councilmember Herring and seconded by Councilmember Kolby to approve the 2018 Pursuit Report for the City of Brenham Police Department and authorize the Mayor to execute any necessary documentation.

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

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

10. Discuss and Possibly Act Upon Resolution No. R-19-009 Adopting a New Fee Schedule for the City of Brenham Animal Control Services and Brenham Pet Adoption & Care Center

Captain Dant Lange and Animal Services Specialist Robin Hutchens presented this item. Lange explained that the proposed fee schedule contains changes that will allow Animal Services to have a set standard for fees, which are not presently in place. Lange discussed the daily boarding fee, rabies quarantine, rabies testing and surrender fee.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve Resolution No. R-19-009 adopting a new fee schedule for the City of Brenham Animal Control Services and Brenham Pet Adoption & Care Center with a correction on the fee schedule to remove the “per day” wording for rabies quarantine,

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

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

11. Discuss and Possibly Act Upon Ordinance No. O-19-010 on Its Second Reading Providing for the Abandonment of a 1,517 Square Foot Portion and a 137 Square Foot Portion of a 12-Foot Wide Alley in Block 6 of Hurt's Addition, Bounded on the North by West First Street, Bounded on the East by the Brenham Wholesale Grocery Co., Inc., Called 10,999 Square Foot Tract, Bounded on the South by the Remainder of the 12-Foot Alley, and Being Bounded on the West by the Brenham Wholesale Grocery Co., Inc. Called 0.4726 Acre Tract and the Susan Crawford Called 0.37 Acre Tract, Situated in Brenham, Washington County, Texas, Out of the A. Harrington Survey, Abstract No. 55 and Authorize the Mayor to Execute Any Necessary Documentation

Development Services Director Lori Sanguedolce presented this item. Sanguedolce explained that Brenham Wholesale Grocery Co., Inc. and Richard and Susan Crawford have requested that a portion of the unimproved alley, located off of West First Street be abandoned Sanguedolce advised that both requestors ask that they get their respective portion of the alley. Sanguedolce advised that the abandonment of this alley does not create an undue burden on traffic or on utilities.

Dr. Robert Stark, owner of property at 507 Jackson Street, addressed Council. Stark stated that he uses the alleyway to access the back of his property and that if the alley was abandoned he would only be able to access the storage building in his back yard from behind another neighboring property owner.

Brad Trochta from Brenham Wholesale Grocery Company, stated that the request was made in part to protect the safety of neighboring property owners that use the alley. Trochta explained that the way their property sits, people using the alley have to drive across their private property and around the security keypad for their company parking lot. Trochta stated that having people drive around the keypad could be a liability issue for them if one of their truck drivers were to hit someone.

Public Works Director Dane Rau stated that old alleyways provide a liability to the city. Rau noted that they are burdensome to the City because staff has to maintain them but they can be beneficial to the property owners.

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to table Item 11.

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

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

12. Discuss and Possibly Act Upon the Rejection of Bids Related to City of Brenham Project No. 2018-04 for the 2018 Louanna Estates Subdivision Drainage Improvements and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau stated that bids for this project were opened on February 12, 2019, by staff and representatives from Strand Associates. Rau explained that due to errors related to the bid quantities, which were not caught by all bidders, Strand along with staff would like to recommend the Council reject the bids.

A motion was made by Councilmember Herring and seconded by Councilmember Kolby to approve the rejection of bids related to City of Brenham Project No. 2018-04 Related to the 2018 Louanna Estates Subdivision Drainage Improvements and authorize the Mayor to execute any necessary documentation.

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

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

DRAFT

13. Discuss and Possibly Act Upon a One Year Contract Extension, in Accordance with Bid No. 18-007, for Mowing and Cleanup Services for Various City Departments and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau stated that on March 8, 2018, City Council awarded the annual mowing and cleanup services contract to Gene's Services. Rau explained that the contract was for one year with the option to renew, if both parties agreed, for an additional year, totaling up to 3 years. Rau advised that Gene's Services has done an outstanding job over the last year and so staff is recommending that Council approve a one-year extension to Bid No. 18-007.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to approve a one year contract extension, in accordance with Bid No. 18-007, with Gene's Services for mowing and cleanup services for various city departments, at the same price as bid in 2018, and authorize the Mayor to execute any necessary documentation.

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

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

14. Discuss and Possibly Act Upon a One Year Contract Extension, in Accordance with Bid No. 17-005, for the Purchase of Refuse Bags for the Sanitation Department and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau stated that on March 2, 2017, bids were opened for the purchase of refuse bags for the Sanitation Department. Rau explained that Houston Poly was the low bidder on the 14,000 refuse bags at $5.97/roll and provides the best value and product to the City of Brenham. Rau stated that in the contract staff has the option to renew for an additional year if both parties agree. Rau advised that Houston Poly has indicated that they would honor the price of $5.97 per roll for 2019 as they bid in 2017.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve a one year contract extension, in accordance with Bid No. 17-005, for the purchase of 14,000 refuse bags from Houston Poly Bag in the amount of $5.97/roll for the Sanitation Department and authorize the Mayor to execute any necessary documentation.

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

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

15. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – "Zoning" of the Code of Ordinances of the City of Brenham, Texas by Amending Part 1, Sec. 5.02 Definitions, to Redefine Accessory Building or Use, Garage Apartment and Establish a New Definition for Accessory Dwelling Units (ADU); Part II, Division 1, Section 10 – Accessory Structures and Uses to Establish Standards Related to the Development of Such Uses; Part II, Division 1, Section 17 – Height and Area Exceptions of General Applicability; and Part II, Division 2 – Zoning District Regulations, to Allow Accessory Dwelling Units by Specific Use Permit in the Residential (R-1), Mixed Residential (R-2), and Manufactured Home Residential (R-3) Zoning Districts and By-Right in the Local Business/Residential Mixed Use (B-1) Zoning District (Case No. P-18-025)

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby to remove this item from the table.

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

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

Assistant Director of Development Services Stephanie Doland presented this item. Doland explained that this request was initiated by Mary Thornhill to amend the zoning ordinance to allow accessory dwelling units (ADUs) uses within various residential zoning districts and to establish use specific standards for such uses. Doland stated that on February 7, 2019 Council held a Public Hearing and considered a similar item. Doland noted that no citizen comments were made during the public hearing. Doland advised that during the regular agenda item, Council directed staff to conduct additional research on the topic and the item was tabled for future consideration at the February 21st, 2019 Council Meeting.

Doland explained that staff researched the original proposed wording and is recommending the following revisions:

- Revise the definition of Accessory Building or Use;
- Adopt a definition of Accessory Dwelling Unit;
- Revise the definition of Garage Apartment;
- Delete the definition of Servants' Quarters;
- Revise use-specific standards for Accessory Structures and Uses;
- Adopt use-specific standards for ADUs;
- Allow ADUs by Specific Use Permit in R-1, R-2, and R-3; and,
- Allow ADUs by-right in B-1.

Doland stated that on January 28, 2019, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the proposed text amendment with the following conditions:

- That all detached accessory structures in residential districts shall be located in the rear yard (which is to the rear of a lot line connecting the midpoints of the two (2) opposite side lot lines) and shall have a side and rear yard of not less than (5) feet; and
- To remove height restrictions of sixty (60) feet pertaining to Accessory Dwelling Units.

Councilmember Goss requested that the second reading of this Ordinance be placed on the Regular Agenda on March 7th instead of the Consent Agenda so that Council can discuss if needed.

A motion was made by Councilmember Kolby and seconded by Mayor Pro Tem Ebel to approve an Ordinance on its first reading amending Appendix A: Zoning, Part 1, Sec. 5.02 Definitions, to redefine Accessory Building or Use, Garage Apartment and establish a new definition for Accessory Dwelling Units (ADU); to amend Part 2, Division 1, Section 10 – Accessory Structures and Uses to establish standards related to the development of such uses; to amend Part 2, Division 1, Section 17 – Height and Area Exceptions of General Applicability; and Part 2, Division 2 – Zoning District Regulations, to allow Accessory Dwelling Units by Specific Use Permit in the Residential (R-1), Mixed Residential (R-2), and Manufactured Home Residential (R-3) Zoning Districts and by-right in the Local Business/Residential Mixed Use (B-1) Zoning District with the removal of the sixty (60) foot height requirement as recommended by the Planning and Zoning Commission.

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

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

16. Discuss and Possibly Act Upon the Purchase of a Backhoe and Mini Excavator for Central Fleet Using Sourcewell Cooperative Contract Number 032515-JDC and Authorize the Mayor to Execute Any Necessary Documentation

Central Warehouse and Fleet Supervisor Kyle Branham presented this item. Branham explained that during the budget process, Council approved the purchase of a new backhoe and mini excavator in Central Fleet. Branham stated that these two items would be available for rent by all departments through the program. Branham advised that the backhoe would replace a 2002 model and a 1998 model both of which continue to have maintenance issues due to wear and age. Branham noted that the new mini excavator would possibly replace a 2006 model. Branham stated that these two units would be sold via Govdeals.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to approve the purchase of a backhoe and mini excavator from RDO Equipment Co., in the amount of $143,888.18, for Central Fleet using Sourcewell Cooperative Number 032515-JDC and authorize the Mayor to execute any necessary documentation.

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

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

17. Discuss and Possibly Act Upon a Ground Space Lease Agreement with Mark T. and Elaine Denson for Hangar Space at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation

Planning Technician Kim Hodde presented this item. Hodde stated that Al Miller sold his hangar to Mark T. and Elaine Denson and therefore, a new lease agreement needs to be executed with Mr. and Mrs. Denson.

Hodde advised that execution of this new lease agreement would terminate the previous lease agreement with Mr. Miller. Hodde explained that the lease agreement is the City's standard ground-space lease for $0.08 cents per square foot and the lease rate may increase up to $0.02 per square foot in a five-year period as the prevailing rates change.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Wright to approve a Ground-Space Lease Agreement with Mark T. and Elaine Denson for hangar space at the Brenham Municipal Airport and authorize the Mayor to execute any necessary documentation.

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

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

18. Discuss and Possibly Act Upon a Ground Space Lease Agreement with Aviators Plus, LLC for Hangar Space at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation

Planning Technician Kim Hodde presented this item. Hodde stated that A.J. Foyt sold his hangar located at 2901 Aviation Way to Aviators Plus (Brent Nedbalek) and therefore, a new lease agreement should be executed with Mr. Nedbalek. Hodde advised that execution of this new lease agreement would terminate the previous lease agreement with Mr. Foyt. Hodde noted that the lease agreement is the City's standard ground-space lease for $0.08 cents per square foot and the lease rate may increase up to $0.02 per square foot in a five-year period as the prevailing rates change.

Hodde stated that Mr. Foyt's original lease agreement was for 12,000 square feet. Hodde explained that however, improvements have been made over the years that are not within the existing lease area so this new lease area remedies this situation as well as meets Mr. Nedbalek's request for an expanded lease area. Hodde noted that the Airport Advisory Board met on February 12, 2019 and recommends expanding the lease area to 45,846 square feet.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve a Ground Space Lease Agreement, to include the expanded lease area of 45,846 square feet, with Aviators Plus, LLC (Brent Nedbalek) for hangar space at the Brenham Municipal Airport and authorize the Mayor to execute any necessary documentation.

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

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

19. Discuss and Possibly Act Upon City of Brenham Project No. 64C-50C Related to FY19 Water Main Replacements and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle stated that this project would replace approximately 11,000 linear feet of existing water main. Ogle explained that on February 7, 2019, bids for the construction phase were opened by Strand Associates, Inc. and staff. Ogle noted that three bids were received for the rehabilitation project. Ogle advised that the low bidder, Barclays Premier Utility Services, LLC is qualified and experienced in this type of work and has been recommended by Strand Associates, Inc.

A motion was made by Councilmember Herring and seconded by Councilmember Kolby to award City of Brenham Project No. 64C-50C to Barclays Premier Utility Services, LLC, in the amount of $1,355,430 and includes Bid Alternates H and I, 5% Bid Bond, and Addendum No. 1, related to FY19 Water Main Replacements and authorize the Mayor to execute any necessary documentation.

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

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

DRAFT

20. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. for Services Related to the Water Line Extension to New Washington County Road and Bridge Building and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle stated that this extension would begin near the intersection of TX-36 North and N. Park Street and head north approximately 3,840 linear feet. Ogle explained that the services to be provided include, but are not limited to, performing topographic field surveys, review preliminary regulatory permit requirements, distribute bidding documents, attend pre-bid meeting, attend bid opening, and provide contract administration services including review of contractor's drawing submittals, review of contractor's periodic pay request, and provide record drawings. Ogle noted that this extension is outside of the city limits and Washington County has agreed to reimburse the City for the cost of this extension, which, including engineering is $393,970.

A motion was made by Councilmember Kolby and seconded by Councilmember Wright to approve a Professional Services Agreement between the City of Brenham and Strand Associates, Inc., not to exceed $55,000, for Services Related to the Water Line Extension to New Washington County Road and Bridge Building and authorize the Mayor to execute any necessary documentation.

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

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

21. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- Washington County Day at the Capitol is February 26th
- Joint Council meeting with the Planning and Zoning Commission and Board of Adjustment to discuss the Comprehensive Plan is February 28th at 11:00 a.m.
- A public Open House on the Comprehensive Plan is scheduled for February 28th at 6:30 p.m. at the Barnhill Center
- Staff met with Federal Emergency Management Agency (FEMA) and Texas Division of Emergency Management (TDEM) officials to discuss various projects

The meeting was adjourned.

_____
Milton Y. Tate, Jr.
Mayor

_____
Jeana Bellinger, TRMC, CMC
City Secretary

DRAFT

NOISE VARIANCE REQUEST

Application Fee $10.00

1. Name of sponsoring organization:
   City of Brenham and Boys & Girls Club of Washington County

2. Name and address of individual making application on behalf of sponsoring organization:
   Crystal Locke - City of Brenham; Angelica Gamboa - Boys & Girls Club of Washington County

3. Purpose of the Event: Pop-up Play Day - bringing free outdoor play for all ages

4. Location of Event: Hattie Mae Flowers Park - 700 Martin Luther King Jr. Pwky

5. Date of the event: Saturday, March 9, 2019

6. Time of Event: 11am-2pm

7. Event Set-up: From: 9am To: 11am

   Event Clean-up: From: 2pm To: 3pm

8. You are required to describe the following:

   a) Types of Activities Planned and any additional information specific to this event:

   Basketball activities utilizing the court; tour first responder vehicles, games, open play area with jump ropes, hula hoops, balls, etc. music, and food.

   b) Bands/Musical Instruments: No band

   c) Sound amplification equipment:
   Portable PA system for music and announcements throughout the event

   d) Cleanup provisions:

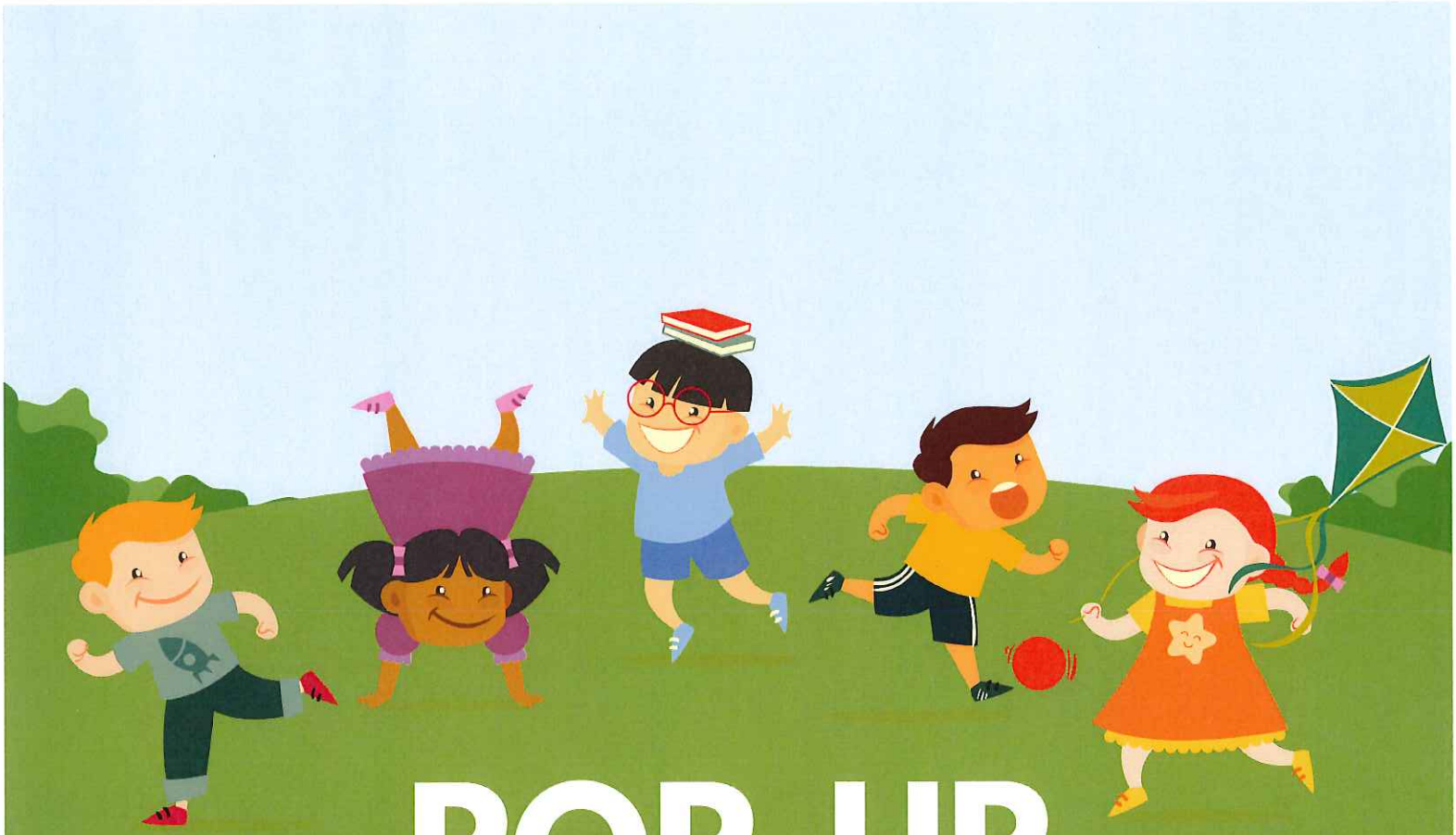
Crystal Locke
Name of Applicant (Printed or Typed)

C Locke
Applicant or Authorized Person's Signature

Date: 02/25/2019

Phone: 979-337-7254

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



POP-UP PLAY DAY

MEET US AT THE PARK

March 9 | 11am-2pm
Hattie Mae Flowers Park
700 MLK Jr. Pkwy

Basketball, Zumba, Food,
First Responders, Games,
Music, and Fun

BOYS & GIRLS CLUB
OF WASHINGTON COUNTY

City of
BRENHAM

cityofbrenham.org/parks

designed by freepik.com

AGENDA ITEM 5

DATE OF MEETING: March 7, 2019	**DATE SUBMITTED:** March 1, 2019
DEPT. OF ORIGIN: Development Services	**SUBMITTED BY:** Stephanie Doland

MEETING TYPE:	**CLASSIFICATION:**	**ORDINANCE:**
☒ **REGULAR**	☒ **PUBLIC HEARING**	☐ **1ST READING**
☐ **SPECIAL**	☐ **CONSENT**	☐ **2ND READING**
☐ **EXECUTIVE SESSION**	☐ **REGULAR**	☐ **RESOLUTION**
	☐ **WORK SESSION**	

AGENDA DESCRIPTION: Public Hearing to Consider an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning District of a 2.539 Acre Tract of Land, Part of the John Long Survey, A156, in Brenham, Washington County, Texas from a Mixed Residential Use (R-2) District to a Commercial Research and Technology Use (B-2) District (Case No. P-19-006)

SUMMARY STATEMENT: John Hermann and Gregg Appel are the property owners of a vacant 2.539-acre tract of land located west of the intersection of South Market Street and Cantey Street. The applicants are requesting the property be rezoned from a combination of Mixed Residential Use District (R-2) and Commercial Research and Technology Use District (B-2) to Commercial Research and Technology Use District (B-2) to allow the entire tract to contain a uniform zoning district for marketability and redevelopment purposes.

The proposed rezoning request is in accordance with land use policies adopted in Envision 2020, the City of Brenham Comprehensive Plan which recommends the City consider multiple-family uses near major arterials as well as commercial and retail uses along highly traveled roadways.

No public comments were made during the public hearing portion of the meeting.

On Monday, February 25, 2019, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommended approval of the rezoning request.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS:

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference): N/A

ATTACHMENTS: (1) Staff Report for Case No. P-19-006

FUNDING SOURCE (Where Applicable): N/A
RECOMMENDED ACTION: Discussion only
APPROVALS: James Fisher

City of Brenham
Planning and Zoning Commission
Staff Report
February 25, 2019

CASE NUMBER P-19-006
ZONE CHANGE REQUEST – 2412 S. Market Street

STAFF CONTACT:	Stephanie Doland, Assistant Director of Development Services
OWNERS/APPLICANTS:	John Hermann and Gregg Appel
ADDRESS/LOCATION:	2412 S. Market Street. Located west of the intersections of South Market Street, Cantey Street and US Highway 290 E (Exhibit A).
LEGAL DESCRIPTION:	2.539 acres of land being part of the John Long Survey, A -156
LOT AREA:	Approximately 2.539 acres
ZONING DISTRICT/USE:	Mixed Residential Use District (R-2) and B-2 Commercial Research and Technology District / Vacant (Exhibit B)
FUTURE LAND USE:	Multiple-Family
REQUEST:	A request to change the zoning classification from a combination of Mixed Residential Use District (R-2) and Commercial Research and Technology Use District (B-2) to Commercial Research and Technology Use District (B-2) (Exhibit C).

BACKGROUND:

The subject property is currently zoned as a combination of R-2, Mixed Residential Use District and B-2, Commercial Research and Technology District. The property owners/applicants, John Hermann and Gregg Appel, would like to have consistent zoning on this tract for future development. The applicants have requested that the portion of the property currently zoned R-2 be rezoned such that the entire property be zoned B-2.

ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:

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

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

The subject property is currently undeveloped vacant land. The subject property is adjacent to S. Market Street to the north, located to the east is zoned a combination of B-2 and R-2 and developed with a single-family home, the west is zoned B-2 with the northern tract being a commercial

development and the tract to the west and south undeveloped. The applicant desires to have consistent B-2 zoning on this tract instead of a mix of R-2 and B-2 zoning. Allowing the proposed rezoning request would allow the tract to develop as a mixed-use development and would be in keeping with the development pattern in the general vicinity.

(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 (Plan) suggests the subject property may be appropriate for multiple-family uses. However, the Plan also includes land use policies to help guide land use decisions. Specifically the Plan recommends that the City consider permitting commercial and retail uses along highly traveled roadways such as Business Highway 290. Additionally, the land use policies include the recommendation that multiple-family housing shall be located near major arterials "towards the periphery of the community." If the requested zone change were approved, the subject property would allow for the development of both multiple-family housing developments two acres or greater in size in addition to office, retail and commercial uses. Staff believes that the proposed request aligns with the goals and land use polices 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 is vacant; however, existing utility services are located along the right-of-ways for S. Market Street and can be extended to serve the proposed development on the property.

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

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

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

Property owners within 200 feet of the project site were mailed notifications of this request on February 14, 2019. The Notice of Public Hearing was published in the Brenham Banner on February 15, 2019. 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 insure that adequate open space is preserved as residential and commercial development and redevelopment occur.

If approved, the property will be required to adhere to minimum building setbacks and maximum impervious coverage requirements for property zoned B-2, Commercial Research and Technology. Staff finds that the aforementioned requirements will ensure that adequate open space is preserved on the subject property.

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

Staff believes that the requested zoning and associated land uses are appropriate in this location given adjacent zoning designations, existing development in the vicinity, and conformance with the City's adopted future land use map.

(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.

Rezoning the subject property to B-2 will allow the subject property to develop in a similar manner to property in the general vicinity. On January 28, 2019, the Planning and Zoning Commission recommended approval of a similar rezoning request for the approximately 52-acre tract of land located south east of the subject tract. The 52-acre tract rezoning request was approved by the Brenham City Council for a B-2 zoning distinction on February 21, 2019. The subject tract is located adjacent to an arterial roadway, which is capable of handling traffic associated with uses allowed in the B-2 district. Adjacent property to the west and the south is zoned B-2, and the property to the east is zoned a combination of B-2 and R-2 and developed with a single-family dwelling. The applicants, John Hermann and Gregg Appel, will be required to adhere to minimum buffer yard requirements. Buffer yard requirements are established to preserve existing neighborhoods and ensure adjacent property develops in a manner compatible to nearby land uses.

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

Staff finds that rezoning the property will protect adjacent existing and future residential neighborhoods due to the City adopted development standards including requirements related to buffer yards, screening, setbacks, drainage and landscaping.

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

Staff is unable to determine any destabilizing effects on the neighboring properties should this rezoning 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.

If approved, the proposed rezoning will allow construction of a mixture of land uses, including multiple-family, retail, office, and commercial. Vacant commercial property surrounds the subject tract to the north, east, west, and south. Staff believes that the proposed zoning change, if approved, will not negatively affect vacant land classified for commercial uses.

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

The property is vacant, and staff is not aware of any hindrances on the property created by legally existing incompatible uses. The applicant's request will allow the subject property to develop with a mixture of land uses and if approved, will allow for compatible, legally conforming development.

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

Staff finds that the proposed rezoning change will allow for the orderly growth and development in the general vicinity and throughout the city. Furthermore, the proposed rezoning is in accordance with the City's adopted Future Land Use Map and Comprehensive Plan.

STAFF RECOMMENDATION:

Staff recommends **approving** the proposed rezoning to the B-2, Commercial Research and Technology zoning use district for the subject 2.539-acre tract.

EXHIBITS:

A. Aerial Map
B. Zoning Map
C. Zone Change Application
D. Site photos

EXHIBIT "A"
AERIAL MAP

EXHIBIT "B"
ZONING MAP

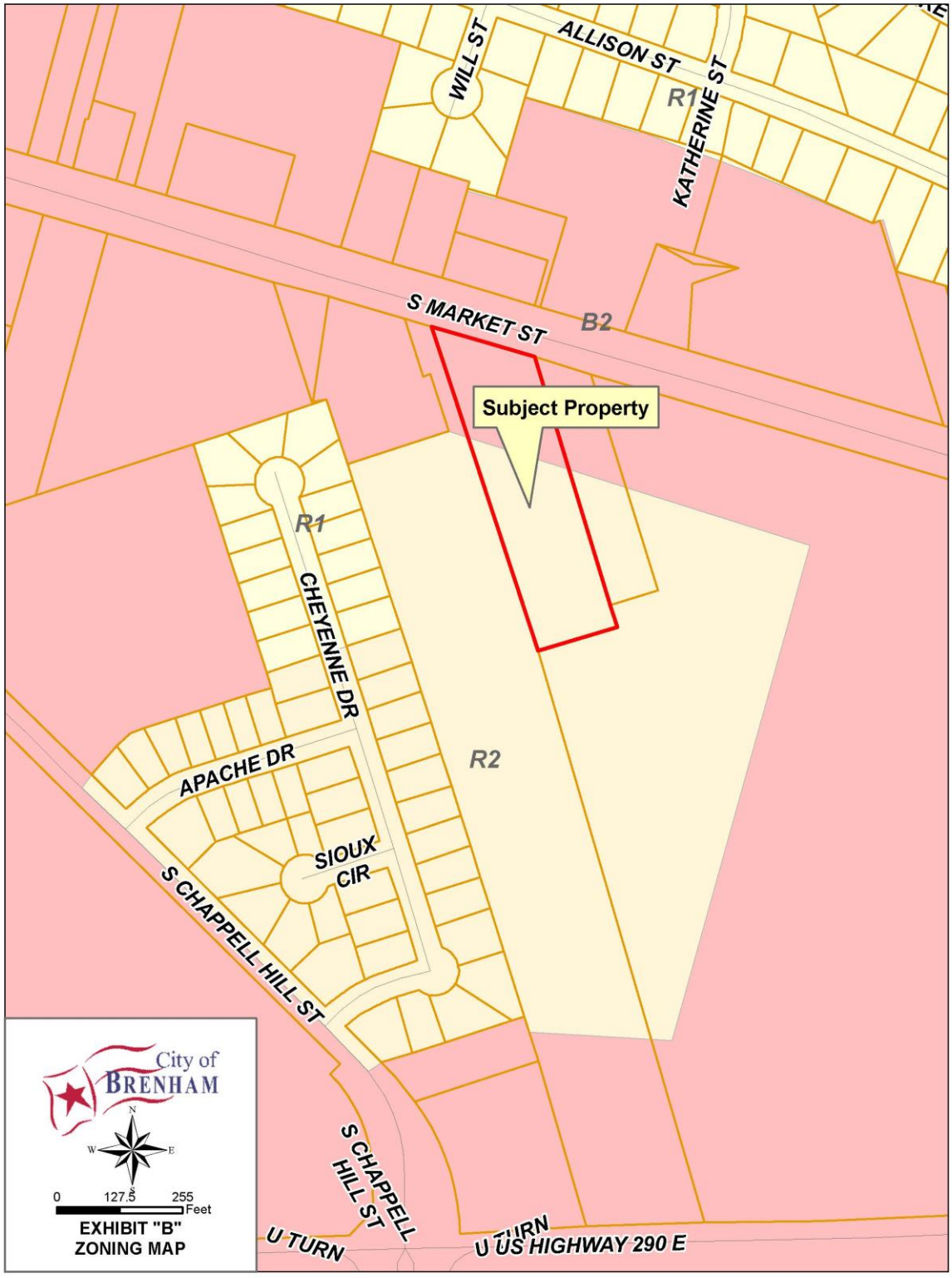


EXHIBIT "C"
ZONE CHANGE APPLICATION

City of BRENHAM

For office use only
APPLICATION NO._____
MEETING DATE:_____
DATE SUBMITTED:_____

CITY OF BRENHAM

GENERAL APPLICATION

Type of Application

- ☐ Variance from Appendix A: Zoning
- ☒ Zone Change
- ☐ Specific Use Permit
- ☐ Plan Review
- ☐ Preliminary Plat
- ☐ Final Plat/Replat/Amending Plat
- ☐ Variance from Chapter 21: Signs
- ☐ Other: _____

Property Owners Information

Name John A Hermann, Gregg Appel

Principal Officers (If Corporation) President _____

Secretary _____

Address 2502 Chevi Ln, Brenham Texas 77833

Telephone Number 979-451-0136 E-mail Address gregg@hyundai.brenham.com

Applicant Information

Name Gregg Appel

Address 2502 Chevi Ln, Brenham Tx 77833

Telephone Number 979-451-0136 E-mail Address gregg@hyundai.brenham.com

Agent or Engineer Information

Name _____

Address _____

Telephone Number _____ E-mail Address _____

RECEIVED
FEB - 1 2019

Location of Property

Street Address: 2412 S Market St, Brenham Tx 77833

Legal Description (attach metes and bounds description if not subdivided): see attached

Subdivision: John Lang Abstract Block(s): 156 Lot(s): tract 52

Zoning Information

Existing Zoning : ½ B2 and ½ R2

Proposed Zoning: B2 for entire tract

Reasons for requesting zone change:* all surrounding tracts are B2

Variance Information

Section of Code from which variance is described:*

Describe variance requested:*

Reasons for requesting variance:*

Proposed Property Use

Describe in detail the proposed operation at this location:*

to make property all commercial

Construction Value $

Site plans are required for variance, special use, and plan review requests; please see Ordinance No. 0-05-007 for minimum site plan requirements.

I, Gregg Appel, being the owner (or authorized agent) of the above described property, do hereby certify the information set forth above is true and correct. I further request that the Planning & Zoning Commission/Board of Adjustments/Plan Review Committee review this matter and take appropriate action.

Gregg Appel

Owner

Agent

EXHIBIT "D"
SITE PHOTOS

AGENDA ITEM 6

DATE OF MEETING: March 7, 2019	**DATE SUBMITTED:** March 4, 2019
DEPT. OF ORIGIN: Finance	**SUBMITTED BY:** Carolyn D. Miller

MEETING TYPE:	**CLASSIFICATION:**	**ORDINANCE:**
☒ **REGULAR**	☐ **PUBLIC HEARING**	☐ **1ST READING**
☐ **SPECIAL**	☐ **CONSENT**	☐ **2ND READING**
☐ **EXECUTIVE SESSION**	☒ **REGULAR**	☐ **RESOLUTION**
	☐ **WORK SESSION**	

AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Acceptance of the Audit from Seidel Schroeder for Fiscal Year 2018

SUMMARY STATEMENT: State law requires that all general-purpose local governments publish, within six months of the close of the fiscal year, a complete set of financial statements presented in conformity with generally accepted accounting principles (GAAP) and audited in accordance with generally accepted auditing standards by a firm of licensed certified public accountants.

Pursuant to that requirement, and on behalf of the Finance Department, I am proud to issue the comprehensive annual financial report (CAFR) of the City of Brenham for the fiscal year ended September 30, 2018. At Thursday's council meeting, Michele Kwiatkowski, audit partner with Seidel Schroeder, will present the annual audit.

A bound copy of the CAFR was distributed to Mayor and City Council Members. This report will be on file for review in the City Secretary's Office. A copy can also be downloaded from the City of Brenham's website at www.cityofbrenham.org.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS:

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference): N/A

ATTACHMENTS: None

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: Accept the audit from Seidel Schroeder for Fiscal Year 2018

APPROVALS: James Fisher

AGENDA ITEM 7

DATE OF MEETING: March 7, 2019	**DATE SUBMITTED:** March 1, 2019
DEPT. OF ORIGIN: Development Services	**SUBMITTED BY:** Stephanie Doland

MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
☒ REGULAR	☐ PUBLIC HEARING	☒ 1ST READING
☐ SPECIAL	☐ CONSENT	☐ 2ND READING
☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION
	☐ WORK SESSION	

AGENDA DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District of a 2.539 Acre Tract of Land, Part of the John Long Survey, A156, in Brenham, Washington County, Texas from a Mixed Residential Use (R-2) District to a Commercial Research and Technology Use (B-2) District (Case No. P-19-006

SUMMARY STATEMENT: John Hermann and Gregg Appel are the property owners of a vacant 2.539-acre tract of land located west of the intersection of South Market Street and Cantey Street. The applicants are requesting the property be rezoned from a combination of Mixed Residential Use District (R-2) and Commercial Research and Technology Use District (B-2) to Commercial Research and Technology Use District (B-2) to allow the entire tract to contain a uniform zoning district for marketability and redevelopment purposes.

The proposed rezoning request is in accordance with land use policies adopted in Envision 2020, the City of Brenham Comprehensive Plan which recommends the City consider multiple-family uses near major arterials as well as commercial and retail uses along highly traveled roadways.

No public comments were made during the public hearing portion of the meeting.

On Monday, February 25, 2019, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommended approval of the rezoning request.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items): On February 25, 2019, the Planning and Zoning Commission unanimously voted to recommend approval of this rezoning request to Commercial Research and Technology Use District (B-2).

A. PROS: Allowing the proposed rezoning request would be in keeping with the development pattern in the general vicinity of the subject 2.539 acres.

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference):

1. Approve the requested zoning change, as recommended by the Planning and Zoning Commission;
2. Deny the requested zoning change.

ATTACHMENTS: (1) Ordinance for first reading

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: Approve an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District of a 2.539 Acre Tract of Land, Part of the John Long Survey, A156, in Brenham, Washington County, Texas from a Mixed Residential Use (R-2) District to a Commercial Research and Technology Use (B-2) District (Case No. P-19-006

APPROVALS: James Fisher

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES, AND THE OFFICIAL ZONING MAP OF THE CITY OF BRENHAM, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FROM A COMBINATION OF MIXED RESIDENTIAL USE DISTRICT (R-2) AND COMMERCIAL RESEARCH AND TECHNOLOGY USE DISTRICT (B-2) TO COMMERCIAL RESEARCH AND TECHNOLOGY USE DISTRICT (B-2) ON 2.539 ACRES OF LAND BEING PART OF THE JOHN LONG SURVEY, ABSTRACT 156, IN BRENHAM, WASHINGTON COUNTY, TEXAS.

WHEREAS, the owner(s) of approximately 2.539 acres of land generally located west of the intersection of South Market Street and Cantey Street, being part of the John Long Survey, Abstract 156 in Brenham, Washington County, Texas (the "Property"), have requested that the Property be rezoned; and

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

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

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

WHEREAS, this amendment was recommended for approval by the City of Brenham Planning and Zoning Commission in its final report during its regular meeting on February 25, 2019; and

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

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

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

SECTION 1.

That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham is hereby amended by changing the zoning district classification from a Combination of Mixed Residential Use District (R-2) and Commercial Research and Technology Use District (B-2) to Commercial Research and Technology Use District (B-2) on 2.539 acres of land being part of the John Long Survey, Abstract 156, in Brenham, Washington County, Texas, said area of land being more particularly described and depicted on Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION 2.

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

PASSED and APPROVED on its first reading this the ___ day of March, 2019.

PASSED and APPROVED on its second reading this the ___ day of March, 2019.

_____
Milton Y. Tate, Jr.
Mayor

ATTEST:

_____
Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT "A"

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

OFFICE PHONE: (979) 836-5681
FAX: (979) 836-5683
www.hoddesurveying.com
TEXAS FIRM REGISTRATION NO. 10018800

W. O. No. 6874

THE STATE OF TEXAS

DOROTHY M. KITOWSKI, ET AL

COUNTY OF WASHINGTON

SURVEYOR'S LEGAL DESCRIPTION

2.539 ACRES

All that certain tract or parcel of land, lying and being situated in the City of Brenham, Washington County, Texas, part of the John Long Survey, A-156, being a resurvey of the same land referred to as the Market Street tract as conveyed in the partition deed from Dorothy M. Kitowski, as Independent Executrix of the Estate of Vincent P. Kitowski, Deceased, et al to Dorothy M. Kitowski, et al, dated April 27, 2007, as recorded in Volume 1242, Page 665, in the Official Records of Washington County, Texas, or being a resurvey of the same land described as 2.46 acres (First Tract) and One Quarter acre (Second Tract), Less a 20.8 feet wide strip along the Highway, in the deed from W. F. Brown, et ux to Albert Kitowski, dated May 4, 1943, as recorded in Volume 134, Page 301, in the Deed Records of Washington County, Texas, and being more fully described by metes and bounds as follows, To-Wit:

BEGINNING at a 1/2 inch iron rod found with cap (not legible) on the South right of way line of South Market Street (Loop 318-U. S. Highway 290-Business Route) for the Northwest corner hereof and of the residue of said original tract called One Quarter acre (Second Tract), being the Northeast corner of The First Baptist Church of Brenham, Texas tract called 9.255 acres as described in Volume 1232, Page 165, in said Official Records of Washington County, Texas;

THENCE along a portion of the South right of way line of said South Market Street for the North line hereof, being along the North line of said residue of original tract called One Quarter acre (Second Tract) and along a North line of the residue of said original tract called 2.46 acres (First Tract), S 71°43'16" E 219.85 feet to a 3/8 inch iron rod found at the base of a 3 inch cedar post on the South right of way line of said South Market Street for the Northeast corner hereof and of said residue of original tract called 2.46 acres (First Tract), being the Northwest corner of the Russell Schrader, et ux tract called 1.071 acres as described in Volume 1461, Page 274, in said Official Records;

THENCE along a portion of the West line of said Russell Schrader, et ux tract called 1.071 acres for the East line hereof and of said residue of original tract called 2.46 acres, being partially along or near existing fence remains, S 15°22'08" E 548.27 feet to a 3/8 inch iron rod found near a railroad tie post on the West line of said Russell Schrader, et ux tract for the Southeast corner hereof and of said original tract called 2.46 acres (First Tract) common with a Northeast corner of Lot 1 (called 38.799 acres) of T & L Business Park, Section 4, a map or plat of said subdivision being of record in Plat Cabinet File Slide No. 462-B, in the Plat Records of Washington County, Texas;

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

OFFICE PHONE: (979) 836-5681
FAX: (979) 836-5683
www.hoddesurveying.com
TEXAS FIRM REGISTRATION NO. 10018800

THENCE along a North line of said Lot 1 (called 38.799 acres) of said T & L Business Park, Section 4 for the South line hereof and of said original tract called 2.46 acres (First Tract), being along or near existing fence remains, in part, S 74°49'31" W 180.58 feet to a 3/8 inch iron rod found near fence line on the East line of said First Baptist Church of Brenham, Texas tract called 9.255 acres for the Southwest corner hereof and of said original tract called 2.46 acres (First Tract), common with a Northwest corner of said Lot 1 (called 38.799 acres), a 1-1/4 inch iron pipe found bears N 12°40'16" W 2.58 feet;

THENCE along a portion of the East line of said First Baptist Church tract for the West line hereof, being along the West line of said original tract called 2.46 acres (First Tract) and along the West line of said residue of original tract called One Quarter acre (Second Tract), being partially along or near an existing fence, N 15°34'38" W 669.48 feet to the Place of Beginning and containing 2.539 acres of land.

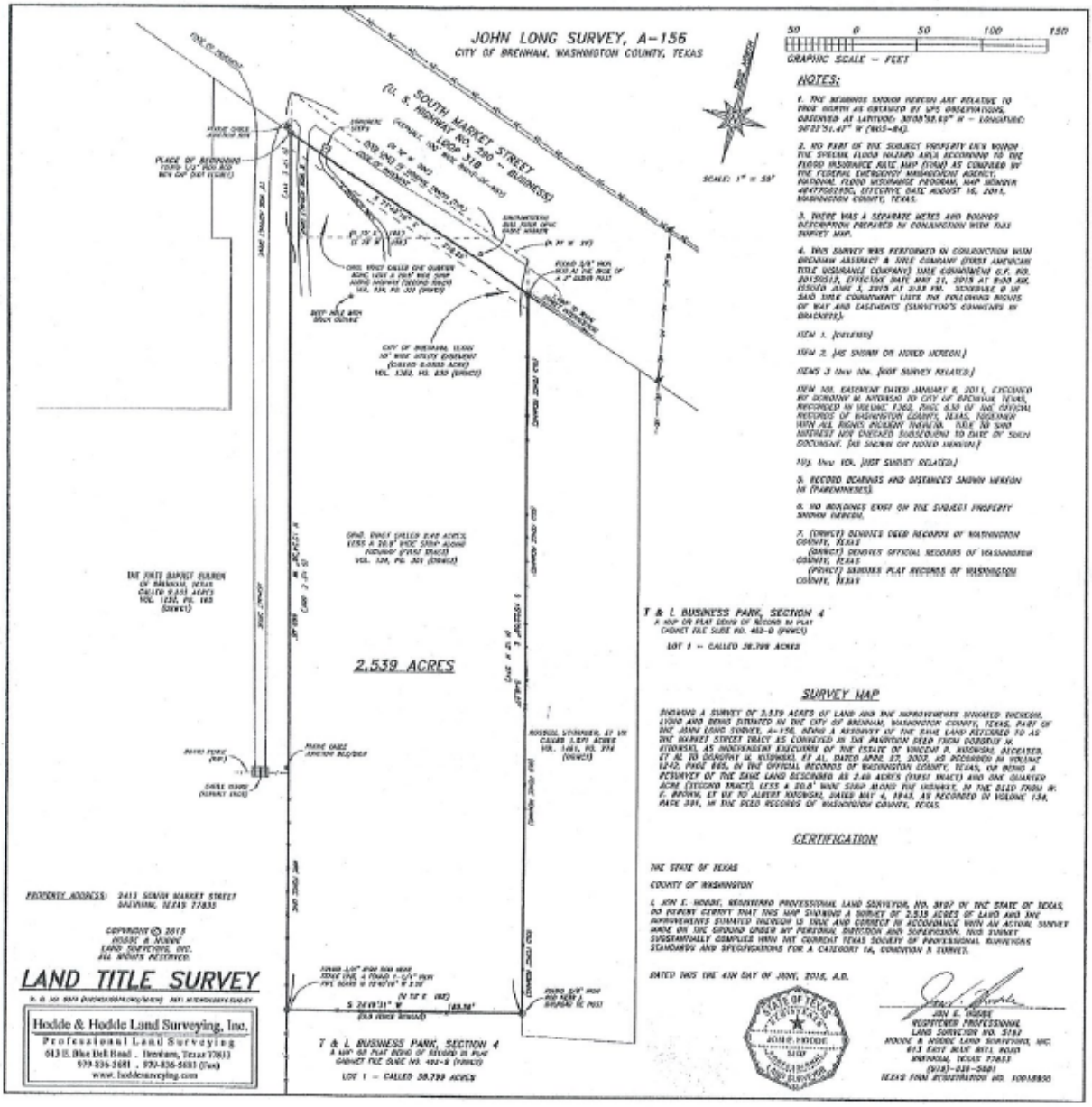
The bearings stated herein are relative to True North as obtained by GPS Observations, observed at Latitude: 30°08'52.60" N – Longitude: 96°22'51.47" W (WGS-84).

There was a separate survey map prepared in conjunction with this metes and bounds description.

I, Jon E. Hodde, Registered Professional Land Surveyor No. 5197 of the State of Texas, do hereby certify that the foregoing legal description describing 2.539 acres of land is true and correct in accordance with an actual survey made on the ground under my personal direction and supervision.

Dated this the 4th day of June, 2015, A. D.

Jon E. Hodde
Registered Professional
Land Surveyor No. 5197


JOHN LONG SURVEY, A-156
CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS
(U. S. SOUTH MARKET STREET HIGHWAY NO. 290 - BUSINESS) LOOP 318
2,539 ACRES
T & L BUSINESS PARK, SECTION 4
LOT 1 - CALLED 38.799 ACRES
SURVEY MAP
CERTIFICATION
NOTES:
LAND TITLE SURVEY
Hodde & Hodde Land Surveying, Inc.
Professional Land Surveying
613 E. Blue Bell Road . Brenham, Texas 77833
979-836-3681 . 979-836-5681 (Fax)
www.hoddesurveying.com

AGENDA ITEM 8

DATE OF MEETING: March 7, 2019	**DATE SUBMITTED:** March 1, 2019
DEPT. OF ORIGIN: Development Services	**SUBMITTED BY:** Stephanie Doland

MEETING TYPE:	**CLASSIFICATION:**	**ORDINANCE:**
☒ **REGULAR**	☐ **PUBLIC HEARING**	☐ **1ST READING**
☐ **SPECIAL**	☐ **CONSENT**	☒ **2ND READING**
☐ **EXECUTIVE SESSION**	☒ **REGULAR**	☐ **RESOLUTION**
	☐ **WORK SESSION**	

AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Ordinance No. O-19-012 on Its Second Reading Amending Appendix A – "Zoning" of the Code of Ordinances of the City of Brenham, Texas by Amending Part 1, Sec. 5.02 Definitions, to Redefine Accessory Building or Use, Garage Apartment and Establish a New Definition for Accessory Dwelling Units (ADU); Part II, Division 1, Section 10 – Accessory Structures and Uses to Establish Standards Related to the Development of Such Uses; Part II, Division 1, Section 17 – Height and Area Exceptions of General Applicability; and Part II, Division 2 – Zoning District Regulations, to Allow Accessory Dwelling Units by Specific Use Permit in the Residential (R-1), Mixed Residential (R-2), and Manufactured Home Residential (R-3) Zoning Districts and By-Right in the Local Business/Residential Mixed Use (B-1) Zoning District (Case No. P-18-025)

SUMMARY STATEMENT: This is a request initiated by Mary Thornhill to amend the zoning ordinance to allow accessory dwelling units (ADUs) uses within various residential zoning districts and to establish use specific standards for such uses. On February 7, 2019 the City Council held a Public Hearing and no citizen comments were made. During the regular agenda item Council directed staff to conduct additional research on the topic and the item was tabled for future consideration at the February 21, 2019 Council Meeting.

On February 21, 2019 Council reconsidered the request and unanimously voted to recommend approval of the staff proposed text amendment, with the condition the Planning and Zoning Commission recommendation be upheld and the height restriction be removed.

The proposed text amendment is included as the second reading per the request of the Council at the time of the motion on February 21, 2019. Attached is a revised ordinance which includes the removal of height restrictions for accessory dwelling units and language clarifying the requirement that accessory structures and dwelling units be located to the rear or side of the principle structure.

A more detailed and comprehensive analysis of the proposed amendment as recommended by staff and the Planning and Zoning Commission is provided in the attached Staff Report.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items): Staff recommends amending, Appendix A – Zoning of the Brenham Code of Ordinances to refine language related to Accessory Structures and Uses, adopt a definition for Accessory Dwelling Units and establish use specific standards for such uses.

A. PROS:

- Approving the proposed amendment will eliminate inconsistencies in the Zoning Ordinance pertaining to the definition, use, location, and regulation of garage apartments and accessory structures and uses.
- Defining "Accessory Dwelling Unit" will make it possible to regulate the development of this type of housing through the proposed use-specific standards.
- Approving the proposed amendment will allow Accessory Dwelling Units with prior approval of a Specific Use Permit in residential zoning districts and by-right in the B-1, Local Business Mixed District.
- Allowing "Accessory Dwelling Units" with prior approval of a Specific Use Permit in residential zoning districts will allow the City to apply standards intended to encourage neighborhood compatibility and preserve established Brenham neighborhoods.

B. CONS:

- Approval of the proposed amendment may increase the number of Specific Use Permit cases considered by the Planning and Zoning Commission and City Council.
-

ALTERNATIVES (In Suggested Order of Staff Preference):

1. Approve the proposed amendment, as recommended by City Staff and the Planning and Zoning Commission;
2. Deny the proposed text amendment.

ATTACHMENTS: (1) Ordinance No. O-19-012; and (2) Staff Report

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: Approve Ordinance No. O-19-012 on Its Second Reading Amending Appendix A – "Zoning" of the Code of Ordinances of the City of Brenham, Texas by Amending Part 1, Sec. 5.02 Definitions, to Redefine Accessory Building or Use, Garage Apartment and Establish a New Definition for Accessory Dwelling Units (ADU); Part II, Division 1, Section 10 – Accessory Structures and Uses to Establish Standards Related to the Development of Such Uses; Part II, Division 1, Section 17 – Height and Area Exceptions of General Applicability; and Part II, Division 2 – Zoning District Regulations, to Allow Accessory Dwelling Units by Specific Use Permit in the Residential (R-1), Mixed Residential (R-2), and Manufactured Home Residential (R-3) Zoning Districts and By-Right in the Local Business/Residential Mixed Use (B-1) Zoning District (Case No. P-18-025)

APPROVALS: James Fisher

ORDINANCE NO. O-19-012

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING APPENDIX A – "ZONING" OF THE CODE OF ORDINANCES BY PROVIDING FOR THE AMENDMENT OF PART I, SECTION 5.02, DEFINITIONS TO REDEFINE "ACCESSORY BUILDING OR USE" AND "GARAGE APARTMENT," AND TO ADD A DEFINITION FOR "ACCESSORY DWELLING UNIT (ADU)"; PROVIDING FOR THE AMENDMENT OF PART 2, DIVISION 1, SECTION 10 – ACCESSORY STRUCTURES AND USES TO ESTABLISH STANDARDS RELATED TO THE DEVELOPMENT OF SUCH USES; PROVIDING FOR THE AMENDMENT OF PART 2 DIVISION 1, SECTION 17 – HEIGHT AND AREA EXCEPTIONS OF GENERAL APPLICABILITY, AND PART 2 DIVISION 2 – ZONING DISTRICT REGULATIONS, TO ALLOW ACCESSORY DWELLING UNITS BY SPECIFIC USE PERMIT IN THE R-1 (RESIDENTIAL), R-2 (MIXED RESIDENTIAL), AND R-3 (MANUFACTURED HOME RESIDENTIAL) ZONING DISTRICTS AND AS A PERMITTED USE BY RIGHT IN THE B-1 (LOCAL BUSINESS/RESIDENTIAL MIXED USE) ZONING DISTRICT.

WHEREAS, the City of Brenham has requested that Appendix A – "Zoning" of the Code of Ordinances be amended; and

WHEREAS, the Planning & Zoning Commission and the City Council of the City of Brenham, Texas, have published notice and conducted public hearings regarding the request to amend Appendix A – "Zoning" of the Code of Ordinances; and

WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

WHEREAS, these amendments were recommended for approval by the City of Brenham Planning & Zoning Commission in its final report during its regular meeting January 28, 2019; and

WHEREAS, the City Council deems it appropriate to approve the requested amendments to Appendix A – "Zoning" of the Code of Ordinances; Now Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS THAT APPENDIX A – "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS BE AMENDED IN THE FOLLOWING MANNER:

SECTION 1.

That Appendix A – "Zoning" of the Code of Ordnances of the City of Brenham, Texas Part I, Section 5.02, Definitions, is hereby amended by removing all numbering and removing the existing definition for "Servants' quarters" (116).

SECTION 2.

That Appendix A – "Zoning" of the Code of Ordinances of the City of Brenham, Texas Part I, Section 5.02, Definitions, is hereby amended by adding or revising the following definitions to read as follows:

Accessory Structure or Use: A subordinate structure located on the same lot as the main structure or a portion of the main structure, where the use of such structure is incidental and subordinate to the principal use.

Accessory Dwelling Unit (ADU): A room or suite of rooms or secondary single-family dwelling unit within an accessory structure that is clearly incidental to a principal use, excluding two-family and multifamily dwellings and is permitted only in conjunction with the main structure. A guest house, mother-in-law quarters or garage apartment are examples of accessory dwelling units.

Garage, apartment: See "Accessory dwelling unit (ADU)".

SECTION 3.

That Appendix A – "Zoning" of the Code of Ordinances of the City of Brenham, Texas Part II, Division 1, Section 10, Accessory Uses and Structures, is hereby amended to read as follows:

(Sec.10.01) Authorization. Accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district, provided that all accessory structures or uses shall meet the development regulations for the zoning district in which the structure or use is located.

(Sec.10.02) Accessory structures, location and regulation:

(1) All detached accessory structures in any residential district shall be located behind the closest point of the primary structure to the front property line and shall have a side and rear yard of not less than five (5) feet.

(2) On a building lot having an area of less than one (1) acre no accessory structure shall exceed the height of the principal structure to which it is an accessory. Notwithstanding the provisions of this section an amateur radio tower designed in conformance with FCC regulations shall be permitted as an accessory use to a maximum height of sixty (60) feet. This section shall not apply to Accessory Dwelling Units.

(3) All accessory structures or uses shall be subordinate to and supportive of the principal use and structure.

(4) Additional standards pertaining to Accessory Dwelling Units (ADUs):

a) Should the primary use be a single-family dwelling, the property owner's primary residence shall be the single-family dwelling or ADU.

b) An ADU must be designed and constructed keeping with the general architecture and building material of the principal structure.

c) An attached ADU shall be subject to the regulations affecting the principal structure. A detached ADU shall have side yards of not less than the required side yard for the principal structure and rear yards of not less than ten (10) feet.

d) One (1) on-site parking space, located to the side or rear of the primary structure, shall be provided for the ADU in addition to the required parking for the principal structure.

e) The maximum habitable area of an ADU is limited to either one-half (1/2) of the habitable area of the principal structure, or one thousand (1000) square feet, whichever is smaller.

f) ADUs shall not be a HUD-code manufactured home or mobile home.

SECTION 4.

That Appendix A – "Zoning" of the Code of Ordinances of the City of Brenham, Texas Part II, Division 1, Section 17, Height and Area Exceptions of General Applicability, (Sec.17.03) Side yards, is hereby amended to read as follows:

(17.03) Side Yards:

(1) On a reverse frontage interior or corner lot, the width of the yard along the side street shall not be less than any required front yard on the same side of such street between intersecting streets; provided, however, that the buildable width of a lot of record shall not be reduced to less than thirty (30) feet.

(2) For the purpose of side yard regulations, a two-family dwelling or multifamily dwelling shall be considered as one building occupying one lot.

(3) Where a lot of record at the time of the effective date of this sec. 17.03 is less than fifty (50) feet in width the required side yard may be reduced to provide a minimum buildable width of thirty (30) feet, provided, however, that no side yard shall be less than five (5) feet.

(4) The area required in a yard shall be open to the sky, unobstructed except for the ordinary projections of window sills, belt courses, cornices or other ornamental features.

(5) A roof overhang, an open fire escape or an outside stairway may project not more than three (3) feet into a required side yard, but no closer than three (3) feet to a property line.

(Sec.17.04) Reserved.

SECTION 5.

That Appendix A – "Zoning" of the Code of Ordinances of the City of Brenham, Texas Part II, Division 2, Section 1 – R-1, Residential District, is hereby amended by removing subsection 1.02(3)(c).

SECTION 6.

That Appendix A – "Zoning" of the Code of Ordinances of the City of Brenham, Texas Part II, Division 2, Section 1 – R-1, Residential District, (Sec. 1.03) Specific uses, is hereby amended to read as follows:

(1.03) Specific Uses:

(1) Accessory Dwelling Unit.
(2) Churches and related auxiliary uses, including educational or philanthropic uses.
(3) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
(4) Private and accredited elementary and secondary schools.
(5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than normal household pets shall be housed within one hundred (100) feet of any property line.

SECTION 7.

That Appendix A – "Zoning" of the Code of Ordinances of the City of Brenham, Texas Part II, Division 2, Section 2 – R-2, Mixed Residential District, (Sec. 2.02) Permitted uses and (Sec. 2.03) Specific uses are hereby amended to read as follows:

(2.02) Permitted Uses:

(1) Any permitted use in district "R-1."

(2) Cluster housing in accordance with cluster housing development provisions of the subdivision ordinance of the City of Brenham.

(3) Group residential uses as provided by state law, such as "family homes."

(4) Multifamily dwellings, including dormitories for students and fraternity or sorority houses, on sites of less than two (2) acres.

(5)Two-family dwellings or duplexes, but not including mobile homes or manufactured homes.

(6) Single-family attached dwellings, (townhouses) in accordance with townhouse development provisions of the subdivision ordinance of the City of Brenham.

(7) Zero lot line housing development, in accordance with zero lot line development provisions of the Subdivision Ordinance of the City of Brenham.

(8) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business.

(Sec. 2.03) Specific uses:

(1) Accessory Dwelling Unit.

(2) Bed and breakfast house.

(3) Churches and related auxiliary uses, including educational or philanthropic uses.

(4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.

(5) Multifamily development, including dormitories for students and fraternity or sorority houses, that meets the standard density requirements for the R-2 District, and that is proposed for a development site of two (2) acres or more.

(6) Private and accredited elementary and secondary schools.

(7) Retirement villages with site areas of two (2) acres or more.

SECTION 8.

That Appendix A – "Zoning" of the Code of Ordinances of the City of Brenham, Texas Part II, Division 2, Section 2.1 – R-3, Manufactured Home Residential, (Sec. 2.1.03) Specific uses, is hereby amended to read as follows:

(2.1.03) Specific Uses:

(1) Accessory Dwelling Unit.

(2) Bed and breakfast house.

(3) Churches and related auxiliary uses including educational and philanthropic uses.

(4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.

(5) Multifamily development, including dormitories for students and fraternity and sorority houses that meet the standard density requirement for the R-3 District and that is proposed for a development site of two (2) acres or more.

(6) Private and accredited elementary and secondary schools.

(7) Retirement villages with sites of two (2) acres or more.

SECTION 9.

That Appendix A – "Zoning" of the Code of Ordinances of the City of Brenham, Texas Part II, Division 2, Section 3 – B-1, Local Business/Residential Mixed Use, (Sec. 3.02) Permitted uses, is hereby amended to read as follows:

(Sec. 3.02) Permitted uses:

(Residential uses)

(1) Accessory Dwelling Units.

(2) Any permitted use in R-2.

(3) Bed and breakfast house.

(4) Boarding and lodging houses.

(5) Multifamily development, including dormitories for students and fraternity or sorority houses on a development site of two (2) acres or more.

SECTION 10.

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 21st day of February, 2019.

PASSED and **APPROVED** on its second reading this the 7th day of March, 2019.

_____
Milton Y. Tate, Jr.
Mayor

ATTEST:

_____
Jeana Bellinger, TRMC, CMC
City Secretary

City of Brenham
City Council
Staff Report
February 7, 2019

CASE NUMBER P-18-025
TEXT AMENDMENT – Accessory Dwelling Units (ADU's)

REQUEST:

The applicant, Mary Thornhill, is requesting the City of Brenham consider an amendment to Brenham's Code of Ordinances, Appendix A: Zoning, Part II, Division 2, Section 1.02 Permitted Uses – to allow accessory dwelling units (ADU) as a permitted use in the R-1, R-2, and B-1 Zoning Districts and to define accessory dwelling unit (ADU) in Appendix A, Part I, Section 5.02.

BACKGROUND:

In August of 2018, staff met with Ms. Thornhill to discuss the construction of an accessory dwelling unit on her property at 311 E Main Street currently zoned B-1, Local Business Mixed Use District. At that time it was identified that the current zoning ordinance allows garage apartments by-right but does not allow accessory dwelling units to be constructed that are not attached a garage.

Staff provided Ms. Thornhill with the option of applying for a zoning text amendment which would allow the applicant to request the ordinance be amended to include the use of accessory dwelling units. On October 30th, 2018 Ms. Thornhill submitted a zoning text amendment application asking staff to bring forward an amendment to allow accessory dwelling units within different zoning districts. The request was originally scheduled for consideration during the November 26th, 2018 Planning and Zoning Commission meeting and with the applicants' approval was rescheduled for consideration during the January 28th, 2019 meeting.

APPLICANT REQUESTED AMENDMENTS:

Part I, (Sec. 5.02) - Definitions

(2)* *Accessory Dwelling Unit (ADU):* An ADU is a room or suite of rooms that is an accessory building for a single-family dwelling that is designed, built, rented, or let for occupancy as a home or a place of residence by a family or individual occupying the single-family dwelling unit to which it is an accessory building.

Part II, Division 2, (Sec. 1.02) – Permitted uses

(d.) Accessory dwelling unit (ADU).

*Addition of a definition would require renumbering of subsequent definitions in Appendix A of the zoning ordinance.

PLANNING AND ZONING COMMISSION RECOMMENDED AMENDMENTS:

During the Planning and Zoning Commission meeting on January 28th, 2019, the Commission unanimously voted to recommend approval of the proposed text amendment, as presented by staff, with the exception that no height restrictions be established.

The currently adopted Brenham Zoning Ordinance includes the following height restrictions language:

> *No accessory structure or use shall exceed the height of the principal structure to which it is accessory or the height of an existing accessory structure or use on property immediately adjacent thereto. Whichever of the two is the greater height shall control the maximum allowable height of the subject accessory structure. Notwithstanding the provisions of this section an amateur radio tower designed in conformance with FCC regulations shall be permitted as an accessory use to a maximum height of sixty (60) feet.*

The Staff recommendation includes the following height restrictions language:

> *No accessory structure or use shall exceed the height of the principal structure to which it is an accessory. Notwithstanding the provisions of this section an amateur radio tower designed in conformance with FCC regulations shall be permitted as an accessory use to a maximum height of sixty (60) feet.*

In summary, staff reviewed the existing Zoning Ordinance and determined that maintaining the restriction that no accessory structure or use could exceed the height of the principal structure was a favorable practice that would help preserve neighborhood integrity.

The Planning and Zoning Commission expressed that accessory dwelling units (ADUs), specifically garage apartments, in most cases exceed the height of the primary structure if the primary structure were a single-story home and the ADU were a two-story garage apartment. With their motion, the Commission stated in this particular situation an ADU exceeding the height of the primary structure was not harmful and should be permitted. Therefore, if Council were interested in upholding the Commission's recommendation two options exist:

1. Approve the proposed text amendment with the complete removal of height restrictions on accessory structures and uses (including ADUs and garage apartments); or
2. Approve the proposed text amendment with the provision that accessory dwelling units attached to a garage may exceed the height of the principal structure if the principal structure is a single-story dwelling.

STAFF ANALYSIS AND FINDINGS:

The City of Brenham currently allows accessory structures and garage apartments by-right in the R-2, R-3, and B-1 zoning districts. A garage with living space or servants' quarters is allowed by-right in R-1, R-2, R-3, and B-1 zoning districts. Such uses are currently subject to certain restrictions based on if the accessory structure is attached or detached to the main dwelling. Attached accessory structures, such as a carport structure, are subject to the same setback standards as the main dwelling unit. Detached accessory structures are subject to the following:

- Be located in the rear of the lot
- Be 3-feet from any side interior property line, alley or easement
- Be 5-feet from any rear interior property line
- Be 10-feet from the main building if larger than 100 square feet
- Adhere to the required side yard requirements for the principal building and rear yards of not less than ten feet that have living space
- Adhere to impervious coverage requirements (55% maximum)

The aforementioned development standards concerning garage apartments and accessory dwelling uses are referenced and cross referenced in four locations throughout the zoning ordinance. While considering the requested text amendment, staff identified a need to amend the ordinance such that all standards relating to the same land use type be referenced in a more concise manner for clarity and enforcement purposes. A more detailed analysis of the proposed housekeeping amendments are detailed below.

As stated by the applicant in the application, the current language is uncommon, limiting, and outdated. While garage apartments are currently permitted by-right with development requirements, accessory dwelling units that are not attached to a garage are not currently permitted by-right or by specific use permit in the City of Brenham. In simpler terms, in order to obtain a building permit for an accessory dwelling unit in Brenham, the unit is required to be attached to a garage.

Staff finds that an amendment to the zoning ordinance to allow ADU's could be favorable to the community. Accessory dwelling units are commonly viewed as beneficial to communities and neighborhoods for many reasons, including:

- Provide a wider variety of housing options
- Allow a more efficient use of existing infrastructure
- Offer additional housing units at a lower cost of development
- Offer young adults and aging populations ability to live near family with added privacy
- Provide homeowners extra income

Accessory dwelling units can be beneficial to the community, tenants, and landlords alike, however factors such as size, location, parking, appearance, and compatibility should be considered. Some best practices adopted by other jurisdictions include adopting specific use standards related to:

- Architectural design
- Additional parking requirements
- Size restrictions (by square feet or bedroom)
- Owner occupancy
- Maximum unit occupancy
- Number of units per lot and/or impervious coverage restrictions
- Location of unit in relation to main dwelling unit and/or lot lines (setbacks)
- Water and sewer connections

PROPOSED AMENDMENTS (as supported by Staff):

Staff recommends **approval** of an amendment to the zoning ordinance to define and conditionally allow the use of ADU's (based on zoning district) with the establishment of additional use-specific standards.

Approval of a Specific Use Permit is an existing procedure which identifies uses which may be appropriate within a given zoning district, but due to their location, function or operation, could have a potentially harmful impact on adjacent properties. Staff suggests allowing ADUs in residential zoning districts (R-1, R-2, and R-3) with prior approval of a Specific Use Permit. Specific Use Permits are considered by the Planning and Zoning Commission and City Council. Additionally, staff recommends allowing ADUs by-right in the B-1 Local Business/Residential Mixed Use District.

The following amendments are proposed to the definitions portion of the Zoning ordinance:

- Revise accessory building to:
    - *Accessory Structure or Use*: A subordinate structure located on the same lot as the main structure or a portion of the main structure, where the use of such structure is incidental and subordinate to the principal use.

- Establish accessory dwelling unit (ADU):
    - *Accessory Dwelling Unit*: A room or suite of rooms or secondary single-family dwelling unit within an accessory structure that is clearly incidental to a principal use, excluding two-family and multifamily dwellings and is permitted only in conjunction with the main structure. A guest house, mother-in-law quarters or garage apartment are examples of accessory dwelling units.
- Revise garage apartment to:
    - *Garage Apartment*: See "accessory dwelling unit (ADU)".
- Remove Servants' Quarters:
    - ~~*Servants' Quarters: A servants' quarters is an accessory building or portion of a main building located on the same lot as the principal building, occupied by such persons and their families as are employed full time in the home by the occupants of the principle residence.*~~

The following amendments are proposed to adopt use-specific standards for accessory dwelling units and structures:

(1) All detached accessory structures in any residential district shall be located in the rear yard (which is to the rear of a lot line connecting the midpoints of the two (2) opposite side lot lines) and shall have a side and rear yard of not less than five (5) feet.

(2) No accessory structure or use shall exceed the height of the principal structure to which it is an accessory. Notwithstanding the provisions of this section an amateur radio tower designed in conformance with FCC regulations shall be permitted as an accessory use to a maximum height of sixty (60) feet.

(3) All accessory structures or uses shall be subordinate to and supportive of the primary use and structure.

(4) Additional standards pertaining to Accessory Dwelling Units (ADUs):

a) Should the primary use be a single-family dwelling, the property owner's primary residence shall be the single-family dwelling or accessory dwelling unit.

b) An ADU must be designed and constructed keeping with the general architecture and building material of the principal structure.

c) An attached ADU shall be subject to the regulations affecting the principal structure. A detached ADU shall have side yards of not less than the required side yard for the principal structure and rear yards of not less than ten feet.

d) One (1) on-site parking space, located to the side or rear of the primary structure, shall be provided for the ADU in addition to the required parking for the principal structure.

e) The maximum habitable area of an ADU is limited to either one half (1/2) of the habitable area of the principal structure, or one thousand (1,000) square feet, whichever is smaller.

f) ADUs shall not be a HUD-Code manufactured home or mobile home.

PUBLIC COMMENTS:

The Notice of Public Hearing was originally published in the paper on November 15, 2018 for the November 26th Planning and Zoning Commission meeting. Due to the item being postponed for later consideration, an additional Notice of Public Hearing was republished on January 17th, 2019 for the January 28th, 2019 Planning and Zoning Commission meeting. Since the public notices were published, staff has received a citizen request for more information about the proposed amendments. Upon providing additional information the citizen stated that they were also interested in building an ADU and expressed support to adopt standards to allow ADUs.

During the Public Hearing portion of the Planning and Zoning Commission one person spoke in favor of the proposed text amendment, specifically in favor of the proposed use-specific standards.

STAFF RECOMMENDATION:

Staff recommends **approval** of the proposed text amendments as presented to the Planning and Zoning Commission on January 28, 2019, which includes height limitations on accessory structures and uses, and an ordinance to:

- Revise the existing definition and development standards concerning garage apartments;
- Adopt a definition for accessory dwelling unit (ADU);
- Delete the definition of servants' quarters;
- Establish use-specific standards for the construction of an accessory dwelling unit (ADU); and
- Allow ADU's by-specific use permit in the R-1, R-2, and R-3 districts, and by-right in the B-1 district.

AGENDA ITEM 9

DATE OF MEETING: March 7, 2019	**DATE SUBMITTED:** February 27, 2019
DEPT. OF ORIGIN: Development Services	**SUBMITTED BY:** Lori Sanguedolce

MEETING TYPE:	**CLASSIFICATION:**	**ORDINANCE:**
☒ **REGULAR**	☐ **PUBLIC HEARING**	☒ **1ST READING**
☐ **SPECIAL**	☐ **CONSENT**	☐ **2ND READING**
☐ **EXECUTIVE SESSION**	☒ **REGULAR**	☐ **RESOLUTION**
	☐ **WORK SESSION**	

AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Ordinance No. O-19-010 on Its Second Reading Providing for the Abandonment of a 1,517 Square Foot Portion and a 137 Square Foot Portion of a 12-Foot Wide Alley in Block 6 of Hurt's Addition, Bounded on the North by West First Street, Bounded on the East by the Brenham Wholesale Grocery Called 10, 999 Square Foot Tract, Bounded on the South by the Remainder of the 12-Foot Alley, and Being Bounded on the West by the Brenham Wholesale Grocery Called 0.4726 Acre Tract and the Susan Crawford Called 0.37 Acre Tract, Situated in Brenham, Washington County, Texas, Out of the A. Harrington Survey, Abstract No. 55 and Authorize the Mayor to Execute Any Necessary Documentation

SUMMARY STATEMENT: Brenham Wholesale and Richard and Susan Crawford have requested that a portion of the unimproved alley, located off of West First Street be abandoned. Brenham Wholesale submitted the alley abandonment request on December 21, 2018 and the Crawford's submitted their request on January 9, 2019. Both requestors ask they get their respective portion of the alley.

This item is not on the consent agenda as there are citizens that wanted to discuss this item.

This ordinance is being presented to abandon the portion of the alley as shown in the exhibit by metes and bounds with exhibit. The abandonment of this alley does not create an undue burden on traffic or on utilities.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS:

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Ordinance No. O-19-010; and (2) Request Letters

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: Approve Ordinance No. O-19-010 on its Second Reading Providing for the Abandonment of a 1,517 Square Foot Portion and a 137 Square Foot Portion of a 12-Foot Wide Alley in Block 6 of Hurt's Addition, Bounded on the North by West First Street, Bounded on the East by the Brenham Wholesale Grocery Called 10, 999 Square Foot Tract, Bounded on the South by the Remainder of the 12-Foot Alley, and Being Bounded on the West by the Brenham Wholesale Grocery Called 0.4726 Acre Tract and the Susan Crawford Called 0.37 Acre Tract, Situated in Brenham, Washington County, Texas, Out of the A. Harrington Survey, Abstract No. 55 and authorize the Mayor to execute any necessary documentation

APPROVALS: James Fisher

ORDINANCE NO. O-19-010

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A 1,517 SQUARE FOOT PORTION AND A 137 SQUARE FOOT PORTION OF A 12-FOOT WIDE ALLEY IN BLOCK 6 OF HURT'S ADDITION, BOUNDED ON THE NORTH BY WEST FIRST STREET, BOUNDED ON THE EAST BY THE BRENHAM WHOLESALE GROCERY CO., INC. CALLED 10,999 SQUARE FOOT TRACT, BOUNDED ON THE SOUTH BY THE REMAINDER OF THE 12-FOOT ALLEY, AND BEING BOUNDED ON THE WEST BY THE BRENHAM WHOLESALE GROCERY CO., INC. CALLED 0.4726 ACRE TRACT AND THE SUSAN CRAWFORD CALLED 0.37 ACRE TRACT, SITUATED IN BRENHAM, WASHINGTON COUNTY, TEXAS, OUT OF THE A. HARRINGTON SURVEY, ABSTRACT NO. 55

WHEREAS, the City of Brenham has ownership of the 12-foot wide alley right-of-way in Block 6 of the Hurt's Addition, bounded on the north by West First Street, bounded on the East by the Brenham Wholesale Grocery Co., Inc. called 10,999 square foot tract, bounded on the south by the remainder of the 12-foot alley, and being bounded on the West by the Brenham Wholesale Grocery Co., Inc. called 0.4726 acre tract and the Susan Crawford called 0.37 acre tract, situated in Brenham, Washington County, Texas, out of the A. Harrington Survey, Abstract No. 55; and

WHEREAS, the adjoining property owners have requested the abandonment and closing of a portion of this 12-foot alley right-of-way; and

WHEREAS, the adjoining property owners requesting the abandonment of a portion of 12-foot wide alley own the adjoining tracts, more fully described in a deed to Brenham Wholesale Grocery Co., Inc. dated November 4, 1994, recorded in Volume 851, Page 524, Official Records of Washington County, Texas, a deed to Brenham Wholesale Grocery Co., Inc. dated February 11, 1986, recorded in Volume 529, Page 805, Official Records of Washington County, Texas, and a deed to Susan Crawford dated October 30, 2018, recorded in Volume 1653, Page 332, Official Records of Washington County; and

WHEREAS, the abandonment and closing of the portion of the alley right-of-way as shown on Exhibit "A", attached hereto and incorporated herein for all purposes, will not create an undue burden on traffic; and

WHEREAS, the City of Brenham has no need or use for the portion of the alley right-of-way as shown on Exhibit "A" as a public thoroughfare, and said portion of the alley right-of-way remains undeveloped, unimproved and unused; and

WHEREAS, the City Council of the City of Brenham desires to abandon and close the portion of the alley right-of-way as shown on Exhibit "A" as a public thoroughfare, said closure and abandonment being in the best interest of the citizens of Brenham;

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

SECTION I.

That the portion of the 12-foot alley right-of-way as shown on Exhibit "A" is hereby abandoned and closed as a public thoroughfare.

SECTION II.

This alley right-of-way to be closed and abandoned is currently undeveloped and unimproved, and any existing or future maintenance by the City of Brenham will cease.

SECTION III.

The Mayor of the City of Brenham is hereby authorized to execute any documents necessary for the conveyance of the portions of the alley right-of-way as shown on Exhibit "A", attached hereto and incorporated herein for all purposes, to the adjoining property owners.

SECTION IV.

This Ordinance shall take full force and effect immediately from and after its passage and approval on second reading and approval by the Planning and Zoning Commission of a replat of the abandoned right-of-way parcels into conforming lots.

PASSED and **APPROVED** on its first reading this the 7th day of February, 2019.

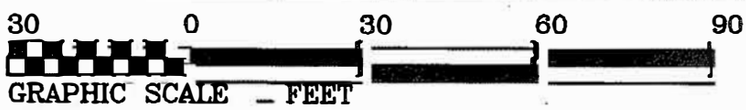
PASSED and **APPROVED** on its second reading this the 7th day of March, 2019.

_____
Milton Y. Tate
Mayor

ATTEST:

_____
Jeana Bellinger, TRMC, CMC
City Secretary

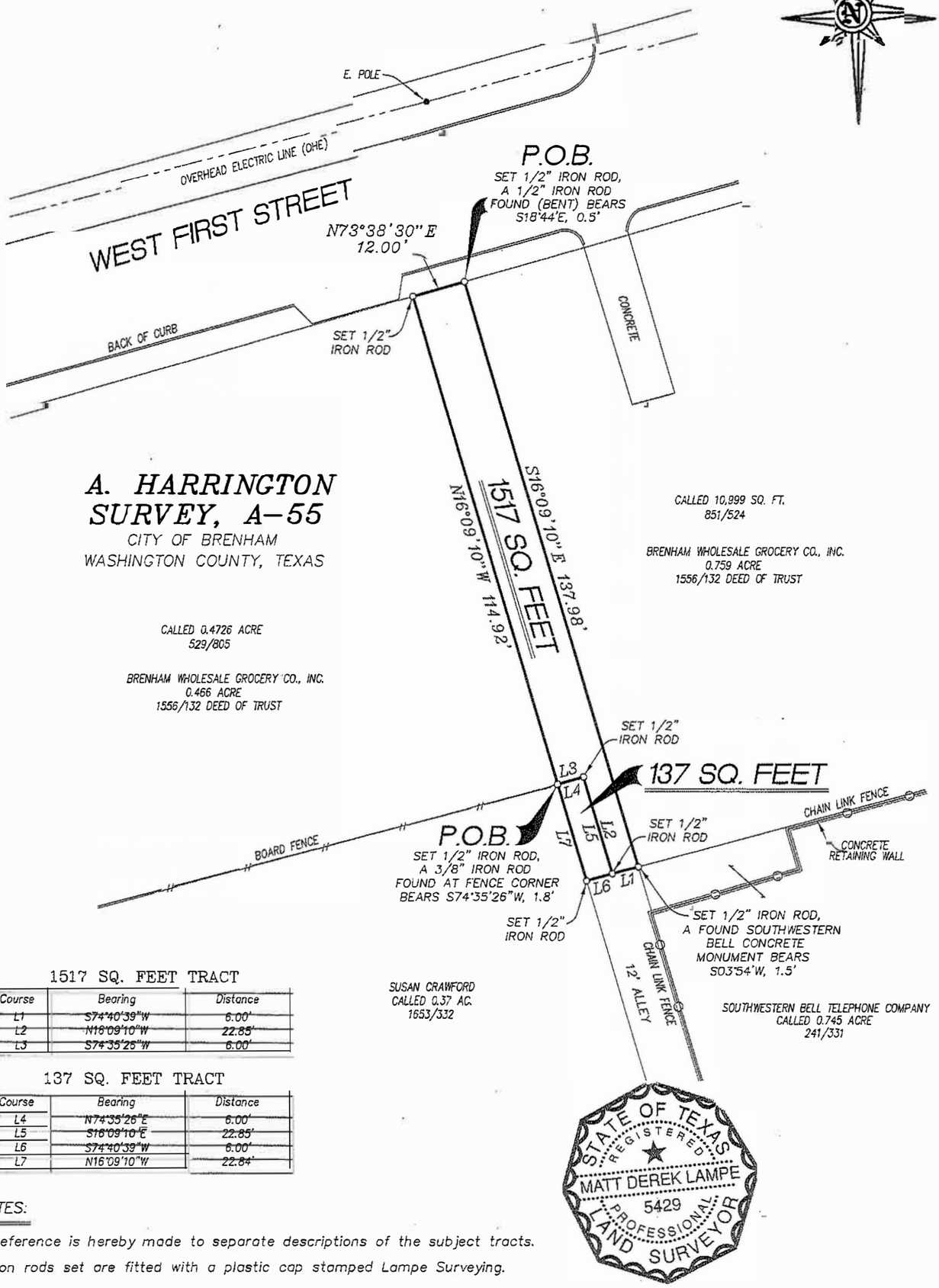
Exhibit A



Bearings are based on the Texas Coordinate System of 1983–Central Zone as obtained by GPS observations.

SURVEY PLAT OF

1517 SQUARE FEET AND 137 SQUARE FEET OF LAND, LYING AND BEING SITUATED IN THE CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS IN THE A. HARRINGTON SURVEY, A–55, BEING PART OF A 12' WIDE ALLEY OF BLOCK 6 OF HURT'S ADDITION TO THE CITY OF BRENHAM, TEXAS.



1517 SQ. FEET TRACT

Course	Bearing	Distance
L1	S74°40'39"W	6.00'
L2	N16°09'10"W	22.85'
L3	S74°35'26"W	6.00'

137 SQ. FEET TRACT

Course	Bearing	Distance
L4	N74°35'26"E	6.00'
L5	S16°09'10"E	22.85'
L6	S74°40'39"W	6.00'
L7	N16°09'10"W	22.84'

NOTES:

- Reference is hereby made to separate descriptions of the subject tracts.
- Iron rods set are fitted with a plastic cap stamped Lampe Surveying.

STATE OF TEXAS
REGISTERED
MATT DEREK LAMPE
5429
PROFESSIONAL
LAND SURVEYOR

I, Matt D. Lampe, Registered Professional Land Surveyor No. 5429 of the State of Texas, do hereby certify that this plat accurately represents the results of an on the ground survey made under my direction.

Dated this the 24th day of January, 2019.

Matt D. Lampe
R.P.L.S. No. 5429
Lampe Surveying, Inc

LAMPE SURVEYING, INC
PROFESSIONAL LAND SURVEYORS
1408 WEST MAIN STREET
P. O. BOX 2037
BRENHAM, TEXAS 77834
(979) 836–6677 * FAX (979) 836–1177
TEXAS LICENSED SURVEYING FIRM NO. 10040700
W.O. 3088 3088S10.DWG 3088BWG.CGC

LAMPE SURVEYING, INC
PROFESSIONAL LAND SURVEYORS
Texas Licensed Surveying Firm No. 10040700
P. O. Box 2037 - 1408 West Main Street
Brenham, Texas 77833
(979) 836-6677 - Fax (979) 836-1177

3088-19

THE STATE OF TEXAS

COUNTY OF WASHINGTON

SURVEYOR'S DESCRIPTION

1,517 SQUARE FEET

BRENHAM WHOLESALE GROCERY COMPANY, INC.

All that certain tract or parcel of land, lying and being situated in the City of Brenham, Washington County, Texas in the A. Harrington Survey, A-55, being part of a 12' wide alley of Block 6 of Hurt's Addition to the City of Brenham, Texas, being bounded on the east by the same land described as 10,999 square feet of land in a deed from Winnie Nunn to Brenham Wholesale Grocery Co., Inc., dated March 7, 1997, recorded in Volume 851, Page 524, Official Records of Washington County, Texas (851/524, O.R.W.C.,Tx.), and bounded on the north by West First Street, and being more fully described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2" iron rod previously set at the intersection of the east line of said alley with the south margin of West First Street for the northeast corner hereof and for the northwest corner of said Brenham Wholesale Grocery Co., Inc. tract called 10,999 sq. ft. which now is included within a Brenham Wholesale Grocery Co., Inc. 0.759 acre tract (1556/132, O.R.W.C.,Tx.), a 1/2" iron rod found (bent) bears South 18 degrees 44 minutes East, 0.5 feet;

THENCE along the east line of said alley, being the west line of said 0.759 acre tract, South 16 degrees 09 minutes 10 seconds East, 137.98 feet to a 1/2" iron rod previously set on the east line of said 12' wide alley for the southeast corner hereof and for the southwest corner of said 0.759 acre tract, being the northwest corner of a Southwestern Bell Telephone Company tract called 0.745 acre (241/331, D.R.W.C.,Tx.), a Southwestern Bell concrete monument found bears South 03 degrees 54 minutes West, 1.5 feet;

THENCE, South 74 degrees 40 minutes 39 seconds West, 6.00 feet to a 1/2" iron rod set in said alley for the lower southwest corner hereof and for the southeast corner of a portion of said alley surveyed this date to contain 137 sq. ft.;

THENCE in said alley, as follows:
North 16 degrees 09 minutes 10 seconds West, 22.85 feet to a 1/2" iron rod set for an interior corner hereof and for the northeast corner of said 137 sq. ft. tract; and
South 74 degrees 35 minutes 26 seconds West, 6.00 feet to a 1/2" iron rod previously set on the west line of said alley and for the southeast corner of a Brenham Wholesale Grocery Co., Inc., 0.466 acre tract (1556/132, O.R.W.C.,Tx.), being the northwest corner of said 137 sq. ft. tract and the northeast corner of a Susan Crawford tract called 0.37 acre (1653/332, O.R.W.C.,Tx.);

THENCE along the west line of said alley, North 16 degrees 09 minutes 10 seconds West, 114.92 feet to a 1/2" iron rod previously set on the west line of said alley at its intersection with the south margin of West First Street for the northeast corner of said 0.466 acre tract, being the northwest corner hereof;

THENCE along the south margin of West First Street, North 73 degrees 38 minutes 30 seconds East, 12.00 feet to the PLACE OF BEGINNING and containing 1,517 Square Feet of land, more or less.

Prepared in conjunction with a separate survey plat.
Iron rods set are fitted with plastic cap stamped Lampe Surveying.
Bearings are based on the Texas Coordinate System of 1983-Central Zone, as obtained by GPS observations.

I, Matt D. Lampe, Registered Professional Land Surveyor No. 5429 of the State of Texas, do hereby certify that this description accurately represents the results of an on the ground survey made under my direction.

Dated this the 24th day of January, 2019.

Matt D. Lampe
R.P.L.S. No. 5429
Lampe Surveying, Inc

3088-19
3088BWG.10

LAMPE SURVEYING, INC
PROFESSIONAL LAND SURVEYORS
Texas Licensed Surveying Firm No. 10040700
P. O. Box 2037 - 1408 West Main Street
Brenham, Texas 77833
(979) 836-6677 - Fax (979) 836-1177

3088-19

THE STATE OF TEXAS

SURVEYOR'S DESCRIPTION

SUSAN CRAWFORD

COUNTY OF WASHINGTON

137 SQUARE FEET

All that certain tract or parcel of land, lying and being situated in the City of Brenham, Washington County, Texas in the A. Harrington Survey, A-55, being part of a 12' wide alley in Block 6 of Hurt's Addition to the City of Brenham, Texas, and being bounded on the west by a Susan Crawford tract called 0.37 acre, deed recorded in Volume1653, Page 332, Official Records of Washington County, Texas, (1653/332, O.R.W.C.,Tx.), and being more fully described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2" iron rod previously set on the west line of said alley for the southeast corner of a Brenham Wholesale Grocery Company, Inc 0.466 acre tract (1556/132, O.R.W.C.,Tx.), being the northeast corner of the Susan Crawford tract (1653/332, O.R.W.C.,Tx.) and the northwest corner of this tract, and being South 16 degrees 09 minutes 10 seconds East, 114.92 feet from a 1/2" iron rod previously set on the south margin of West First Street for the northeast corner of said 0.466 acre tract and for the northwest corner of said 12' wide alley and of the 1,517 sq. ft. tract of said alley surveyed this date;

THENCE through said alley, as follows:
North 74 degrees 35 minutes 26 seconds East, 6.00 feet to a 1/2" iron rod set for the northeast corner hereof and for an interior corner of said 1,517 sq. ft. tract;
South 16 degrees 09 minutes 10 seconds East, 22.85 feet to a 1/2" iron rod set for the southeast corner hereof and for the lower southwest corner of said 1,517 sq. ft. tract; and
South 74 degrees 40 minutes 39 seconds West, 6.00 feet to a 1/2" iron rod set on the west line of said alley for the southwest corner hereof, being on the east line of said Crawford tract;

THENCE along the west line of said alley, common with the east line of said Crawford tract, North 16 degrees 09 minutes 10 seconds West, 22.84 feet to the PLACE OF BEGINNING and containing 137 Square Feet of land, more or less.

Prepared in conjunction with a separate survey plat.
Iron rods set are fitted with plastic cap stamped Lampe Surveying.
Bearings are based on the Texas Coordinate System of 1983-Central Zone, as obtained by GPS observations.

I, Matt D. Lampe, Registered Professional Land Surveyor No. 5429 of the State of Texas, do hereby certify that this description accurately represents the results of an on the ground survey made under my direction.

Dated this the 24th day of January, 2019.

Matt D. Lampe
R.P.L.S. No. 5429
Lampe Surveying, Inc

3088-19
3088BWG10C

December 21, 2018

ATTN: City Manager, City of Brenham, Texas, USA

From: Adam Griffin
Brenham Wholesale Grocery Company, Inc.
602 W First St
Brenham, TX 77833

RE: Request for abandonment of old alley

Dear Mr. Fisher

It has come to our attention that a piece of property that we own at the southeast corner of West First St and Jackson St has a 12' alley running through the middle of two tracts we own. We use these two tracts very heavily six days out of the week for employee parking and delivery truck storage.

This letter is a formal request to have the City Council consider an official abandonment of the alley with the entirety of it to remain included in our property (see attached survey).

Thank you for your consideration. Please feel free to reach out to me for any additional information that could be used to assist in your decision. I can be reached at 979-251-0507.

Warmest Regards,

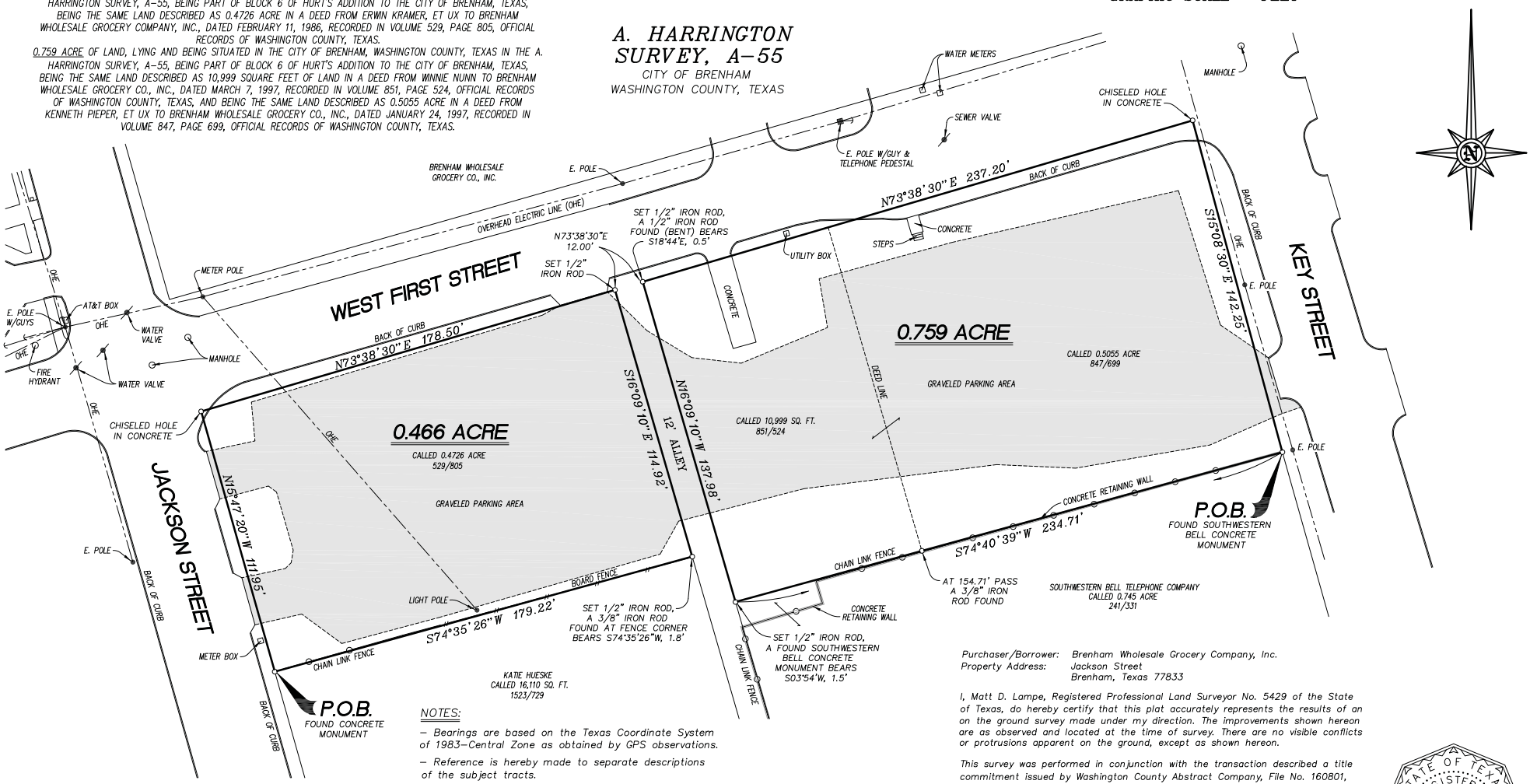
Adam Griffin

SURVEY PLAT OF

0.466 ACRE OF LAND, LYING AND BEING SITUATED IN THE CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS IN THE A. HARRINGTON SURVEY, A-55, BEING PART OF BLOCK 6 OF HURT'S ADDITION TO THE CITY OF BRENHAM, TEXAS, BEING THE SAME LAND DESCRIBED AS 0.4726 ACRE IN A DEED FROM ERWIN KRAMER, ET UX TO BRENHAM WHOLESALE GROCERY COMPANY, INC., DATED FEBRUARY 11, 1986, RECORDED IN VOLUME 529, PAGE 805, OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS.

0.759 ACRE OF LAND, LYING AND BEING SITUATED IN THE CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS IN THE A. HARRINGTON SURVEY, A-55, BEING PART OF BLOCK 6 OF HURT'S ADDITION TO THE CITY OF BRENHAM, TEXAS, BEING THE SAME LAND DESCRIBED AS 10,999 SQUARE FEET OF LAND IN A DEED FROM WINNIE NUNN TO BRENHAM WHOLESALE GROCERY CO., INC., DATED MARCH 7, 1997, RECORDED IN VOLUME 851, PAGE 524, OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS, AND BEING THE SAME LAND DESCRIBED AS 0.5055 ACRE IN A DEED FROM KENNETH PIEPER, ET UX TO BRENHAM WHOLESALE GROCERY CO., INC., DATED JANUARY 24, 1997, RECORDED IN VOLUME 847, PAGE 699, OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS.

40 0 40 80 120
GRAPHIC SCALE – FEET



NOTES:

– Bearings are based on the Texas Coordinate System of 1983–Central Zone as obtained by GPS observations.

– Reference is hereby made to separate descriptions of the subject tracts.

– Iron rods set are fitted with a plastic cap stamped Lampe Surveying.

– According to Flood Insurance Rate Map (F.I.R.M.), compiled by the Federal Emergency Management Agency, Map No. 48477C0295C, Washington County, Texas, effective date of August 16, 2011, the subject property does not lie within the Special Flood Hazard Area.

—o—o— = Chain Link Fence

Purchaser/Borrower: Brenham Wholesale Grocery Company, Inc.
Property Address: Jackson Street
Brenham, Texas 77833

I, Matt D. Lampe, Registered Professional Land Surveyor No. 5429 of the State of Texas, do hereby certify that this plat accurately represents the results of an on the ground survey made under my direction. The improvements shown hereon are as observed and located at the time of survey. There are no visible conflicts or protrusions apparent on the ground, except as shown hereon.

This survey was performed in conjunction with the transaction described a title commitment issued by Washington County Abstract Company, File No. 160801, effective date of August 5, 2016.
USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK, AND THE UNDERSIGNED SURVEYOR IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM.

Dated this the 21st day of September, 2016.

Matt D. Lampe
R.P.L.S. No. 5429
Lampe Surveying, Inc

STATE OF TEXAS
REGISTERED
MATT D. LAMPE
5429
PROFESSIONAL LAND SURVEYOR

LAMPE SURVEYING, INC
PROFESSIONAL LAND SURVEYORS
1408 WEST MAIN STREET
P. O. BOX 2037
BRENHAM, TEXAS 77834
(979) 836-6677 * FAX (979) 836-1177
TEXAS LICENSED SURVEYING FIRM NO. 10040700

W.O. 3088 3088S5.DWG 3088BWG.CGC

January 9, 2019

ATTN: City Manager, City of Brenham, Texas, USA

From: Richard and Susan Crawford
505 S Jackson St
Brenham, TX 77833

RE: Request for abandonment of old alley

Dear Mr. Fisher

It has come to our attention that a piece of property that we own at 505 S Jackson St has an old alley that runs along the back of our property.

This letter is a formal request to have the City Council consider an official abandonment of the alley with the entirety of it to remain included in our property.

Thank you for your consideration. Please feel free to reach out to me for any additional information that could be used to assist in your decision. I can be reached at 832-656-7593.

Warmest Regards,

Susan Crawford

AGENDA ITEM 10

DATE OF MEETING: March 7, 2019	**DATE SUBMITTED:** February 27, 2019
DEPT. OF ORIGIN: Public Works	**SUBMITTED BY:** Dane Rau

MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
☒ **REGULAR**	☐ **PUBLIC HEARING**	☐ **1ST READING**
☐ **SPECIAL**	☐ **CONSENT**	☐ **2ND READING**
☐ **EXECUTIVE SESSION**	☒ **REGULAR**	☐ **RESOLUTION**
	☐ **WORK SESSION**	

AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon a Bid for City of Brenham Project No. 2017-15 Related to the 2018 Downtown Drainage and Sidewalk Project and Authorize the Mayor to Execute Any Necessary Documentation

SUMMARY: On February 12, 2019, bids were opened regarding Downtown Drainage and Streetscape Improvements related to S. Park St and Church St. There were 4 bids received and bids were very competitive.

With this section of downtown growing it was decided by staff to correct old infrastructure related to drainage and add accessible streetscape amenities to promote growth. These improvements consist of inlets, increasing the drainage under the railroad right-of-way and placing drainage structures underground rather than allowing storm water to flow all the way down Park St. This project will also add sidewalks, lighting, and landscaping as seen in the downtown area. This will spur development that has been waiting for these improvements to occur.

These improvements will be funded with 2017 Certificates of Obligations at $302,000 with an additional $150,000 coming from BCDC dedicated towards the streetscape improvements portion. Total amount allocated was $452,000, which also covered engineering costs. With engineering coming in at $71,280 the remaining funds for construction was $380,720.

As seen on the bid tabulation, M&C Fonseca Construction Company Inc. from Granite Shoals, TX was the low bidder at $368,776.25 with the base bid. Due to staying within budget, we have decided not to award the alternate bid. The alternate bid consisted of additional sidewalk and handicap ramps near the intersection of Park St. and 2nd St. We can complete this in the future as this is in residential area at the end of Park St and will require coordination with those property owners.

Staff recommends awarding the 2018 Downtown Drainage and Sidewalk Project to M&C Fonseca Construction Company, Inc. in the amount of $368,776.25 for the base bid. .

STAFF ANALYSIS (For Ordinances or Regular Agenda Items): **A. PROS:** Right under budget and will improve this area greatly. **B. CONS:** None at this point
ALTERNATIVES (In Suggested Order of Staff Preference):
ATTACHMENTS: (1) Recommendation Letter; and (2) Bid Tabulation
FUNDING SOURCE (Where Applicable): 2017 Certificates of Obligation and BCDC
RECOMMENDED ACTION: Approve a bid for City of Brenham Project No. 2017-15 to M&C Fonseca Construction Company, Inc., in the amount of $368,776.25, related to the 2018 Downtown Drainage and Sidewalk Project and authorize the Mayor to execute any necessary documentation
APPROVALS: James Fisher

Strand Associates, Inc.®
1906 Niebuhr Street
Brenham, Texas 77833
(P) 979-836-7937

February 19, 2019

Mrs. Lori Sanguedolce, City Engineer
City of Brenham
200 West Vulcan
Brenham, TX 77833

Re: 2018 Downtown Drainage and Sidewalk Project
City of Brenham Project No. 2017-15
City of Brenham, Texas

Dear Lori,

Bids for the above-referenced project were opened on February 12, 2019. Four bids were received with the resulting bid tabulation enclosed. The low base bid was $368,776.25.

M&C Fonseca Construction Company of Granite Shoals, Texas, was the apparent low bidder at $368,776.25. The bid included a bid bond for 5 percent and Addendum No. 1 was acknowledged.

Strand Associates, Inc.® has not had previous experience with M&C Fonseca Construction Company. After receiving several reviews from engineers who previously worked with them, no issues were found. Based on the information received from outside sources, Strand offers no objection to awarding the contract to M&C Fonseca Construction Company for this project.

We suggest that you consider evaluating M&C Fonseca Construction Company's financial status prior to award and other information.

Sincerely,

STRAND ASSOCIATES, INC.®

Roddy J. Williams, Ph.D., P.E.

Enclosure

STATE OF TEXAS
RODDY J. WILLIAMS
124441
LICENSED
PROFESSIONAL ENGINEER
2/19/19

3900.209\RJW:mds\R:\BRE\Documents\Specifications\Active\Brenham, City of\3900.209.6-2018.JSR\(16) Specification Letters\(a) Resulting Bid Tabulation\021919.docx

Bids Received: 02:00 PM
February 12, 2019

STRAND ASSOCIATES, INC.®
1906 Niebuhr Street
Brenham, TX 77833

2018 DOWNTOWN DRAINAGE AND SIDEWALK PROJECT
PROJECT NO. 2017-15
CITY OF BRENHAM, TEXAS

BID TABULATION SUMMARY

Bidder and Address	Bid Bond	Addenda Acknowledged	Schedule 1 Base Bid	Schedule 2 Alternate Bid	Total Bid Price
M & C Fonseca Construction Company, Inc. 1901 Prairie Creek Road Granite Shoals, TX 78654	5%	Yes	$368,776.25	$52,588.50	$421,364.75
Gulf Coast Limestone, Inc. DBA Excel Paving Company, LLC 1402 3rd Street Seabrook, TX 77586	5%	Yes	$372,730.58 *$369,110.58	$36,631.06	$405,741.64 *$405,441.64
Texcon General Contractors P.O. Box 138 Kurten, TX 77862	5%	Yes	$400,297.00	$34,945.00	$435,242.00
Palasota Contracting, LLC P.O. Box 5409 Bryan, TX 77805	5%	Yes	$424,892.50	$25,714.00	$450,606.50

* CONTRACTOR'S COMPUTED TOTAL

Reviewed by _____

STATE OF TEXAS
RODDY J. WILLIAMS
124441
LICENSED
PROFESSIONAL ENGINEER
2/19/19

Bids Received: 02:00PM, February 12, 2019

STRAND ASSOCIATES, INC.®
1906 Niebuhr Street
Brenham, TX 77833

2018 DOWNTOWN DRAINAGE AND SIDEWALK PROJECT
PROJECT NO. 2017-15
CITY OF BRENHAM, TEXAS

BID TABULATION BREAKDOWN

				M&C Fonseca Construction Company, Inc. 1901 Prairie Creek Road Granite Shoals, TX 78654		Gulf Coast Limestone, Inc. DBA Excel Paving Co., LLC 1402 3rd Street Seabrook, TX 77586		Texcon General Contractors P.O. Box 138 Kurten, TX 77862		Palasota Contracting, LLC P.O. Box 5409 Bryan, TX 77805	
No.	Description	Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1.	Mobilization	1	LS	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 52,000.00	$ 52,000.00	$ 60,000.00	$ 60,000.00
2.	Erosion Control	1	LS	$ 4,000.00	$ 4,000.00	$ 4,960.00	$ 4,960.00	$ 5,300.00	$ 5,300.00	$ 3,000.00	$ 3,000.00
3.	Remove & Dispose of existing grate inlet	2	EA	$ 600.00	$ 1,200.00	$ 3,720.00	$ 7,440.00	$ 750.00	$ 1,500.00	$ 1,000.00	$ 2,000.00
							*$3,720.00				
4.	Remove & Dispose of Existing Pavement	620	SY	$ 40.00	$ 24,800.00	$ 23.20	$ 14,384.00	$ 35.00	$ 21,700.00	$ 10.00	$ 6,200.00
5.	Remove & Dispose of Existing Curb Inlet	1	EA	$ 600.00	$ 600.00	$ 868.00	$ 868.00	$ 750.00	$ 750.00	$ 1,000.00	$ 1,000.00
6.	Remove & Dispose of Existing Junction Box	1	EA	$ 600.00	$ 600.00	$ 868.00	$ 868.00	$ 750.00	$ 750.00	$ 1,000.00	$ 1,000.00
7.	Remove & Dispose of Existing Curb	100	LF	$ 13.00	$ 1,300.00	$ 37.20	$ 3,720.00	$ 20.00	$ 2,000.00	$ 20.00	$ 2,000.00
8.	Remove & Dispose of Existing Storm Sewer Pipe	80	LF	$ 35.00	$ 2,800.00	$ 65.10	$ 5,208.00	$ 30.00	$ 2,400.00	$ 100.00	$ 8,000.00
9.	Grout Fill and Abandon Existing Storm Sewer	80	LF	$ 40.00	$ 3,200.00	$ 96.10	$ 7,688.00	$ 30.00	$ 2,400.00	$ 100.00	$ 8,000.00
10.	Excavation Safety	575	LF	$ 4.25	$ 2,443.75	$ 11.21	$ 6,445.75	$ 1.00	$ 575.00	$ 10.00	$ 5,750.00
11.	Jack, Boring, or Tunneling Pipe (24-inch RCP)	62	LF	$ 325.00	$ 20,150.00	$ 504.00	$ 31,248.00	$ 464.00	$ 28,768.00	$ 500.00	$ 31,000.00
12.	Reinforced Concrete Pipe (18-inch)	30	LF	$ 68.00	$ 2,040.00	$ 165.33	$ 4,959.90	$ 85.00	$ 2,550.00	$ 150.00	$ 4,500.00
13.	Reinforced Concrete Pipe (30-inch)	363	LF	$ 95.00	$ 34,485.00	$ 143.79	$ 52,195.77	$ 140.00	$ 50,820.00	$ 200.00	$ 72,600.00

99

No.	Description	Quantity	Unit	M&C Fonseca Construction Company, Inc. 1901 Prairie Creek Road Granite Shoals, TX 78654		Gulf Coast Limestone, Inc. DBA Excel Paving Co., LLC 1402 3rd Street Seabrook, TX 77586		Texcon General Contractors P.O. Box 138 Kurten, TX 77862		Palasota Contracting, LLC P.O. Box 5409 Bryan, TX 77805	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
14.	Reinforced Concrete Pipe (36-inch)	182	LF	$ 115.00	$ 20,930.00	$ 226.53	$ 41,228.46	$ 150.00	$ 27,300.00	$ 250.00	$ 45,500.00
15.	Cement Stabilized Sand	540	CY	$ 130.00	$ 70,200.00	$ 16.65	$ 8,991.00	$ 65.00	$ 35,100.00	$ 50.00	$ 27,000.00
16.	Reinforced Concrete Pavement (6-inch-thick)	390	SY	$ 148.00	$ 57,720.00	$ 79.40	$ 30,966.00	$ 100.00	$ 39,000.00	$ 70.00	$ 27,300.00
17.	Reinforced Concrete Curb	320	LF	$ 30.00	$ 9,600.00	$ 23.25	$ 7,440.00	$ 10.00	$ 3,200.00	$ 25.00	$ 8,000.00
18.	Concrete Sidewalk (4-inch-thick)	175	SY	$ 85.50	$ 14,962.50	$ 81.48	$ 14,259.00	$ 85.00	$ 14,875.00	$ 50.00	$ 8,750.00
19.	Sidewalk ramps	1	EA	$ 3,200.00	$ 3,200.00	$ 1,240.00	$ 1,240.00	$ 1,500.00	$ 1,500.00	$ 1,000.00	$ 1,000.00
20.	Curb Inlet (5-foot)	1	EA	$ 5,500.00	$ 5,500.00	$ 4,860.00	$ 4,860.00	$ 7,000.00	$ 7,000.00	$ 5,000.00	$ 5,000.00
21.	Curb Inlet (10-foot)	2	EA	$ 6,500.00	$ 13,000.00	$ 9,920.00	$ 19,840.00	$ 5,500.00	$ 11,000.00	$ 6,500.00	$ 13,000.00
							*$18,840.00				
22.	Curb Inlet (15-foot)	2	EA	$ 8,000.00	$ 16,000.00	$ 12,400.00	$ 24,800.00	$ 7,000.00	$ 14,000.00	$ 7,500.00	$ 15,000.00
23.	Grate Inlet	1	EA	$ 5,200.00	$ 5,200.00	$ 3,720.00	$ 3,720.00	$ 5,000.00	$ 5,000.00	$ 7,500.00	$ 7,500.00
24.	Reinforced Concrete Junction Box	1	EA	$ 5,800.00	$ 5,800.00	$ 6,200.00	$ 6,200.00	$ 9,500.00	$ 9,500.00	$ 7,500.00	$ 7,500.00
25.	Antique Street Lamps	4	EA	$ 4,200.00	$ 16,800.00	$ 9,300.00	$ 37,200.00	$ 4,940.00	$ 19,760.00	$ 4,000.00	$ 16,000.00
26.	1-1/2-inch Sch 40 PVC Water Line (Incl. Fittings)	265	LF	$ 10.00	$ 2,650.00	$ 16.38	$ 4,340.70	$ 35.00	$ 9,275.00	$ 45.00	$ 11,925.00
27.	8-inch x 4-inch Tapping Sleeve and Valve	1	EA	$ 6,500.00	$ 6,500.00	$ 4,340.00	$ 4,340.00	$ 7,000.00	$ 7,000.00	$ 5,000.00	$ 5,000.00
28.	Plated Trench Drain	31	LF	$ 195.00	$ 6,045.00	$ 120.00	$ 3,720.00	$ 304.00	$ 9,424.00	$ 300.00	$ 9,300.00
29.	Broadcast Seeding	8	SY	$ 20.00	$ 160.00	$ 15.50	$ 124.00	$ 250.00	$ 2,000.00	$ 10.00	$ 80.00
30.	Handrails	44	LF	$ 125.00	$ 5,500.00	$ 124.00	$ 5,456.00	$ 150.00	$ 6,600.00	$ 200.00	$ 8,800.00
31.	12-inch Steel Casing on Ex. 6-inch San. Sewer	5	LF	$ 78.00	$ 390.00	$ 248.00	$ 1,240.00	$ 500.00	$ 2,500.00	$ 200.00	$ 1,000.00
32.	14-inch Steel Casing on Ex. 8-inch Water Line	10	LF	$ 88.00	$ 880.00	$ 248.00	$ 2,480.00	$ 400.00	$ 4,000.00	$ 200.00	$ 2,000.00

No.	Description	Quantity	Unit	M&C Fonseca Construction Company, Inc. 1901 Prairie Creek Road Granite Shoals, TX 78654 Unit Price	M&C Fonseca Construction Company, Inc. 1901 Prairie Creek Road Granite Shoals, TX 78654 Total Price	Gulf Coast Limestone, Inc. DBA Excel Paving Co., LLC 1402 3rd Street Seabrook, TX 77586 Unit Price	Gulf Coast Limestone, Inc. DBA Excel Paving Co., LLC 1402 3rd Street Seabrook, TX 77586 Total Price	Texcon General Contractors P.O. Box 138 Kurten, TX 77862 Unit Price	Texcon General Contractors P.O. Box 138 Kurten, TX 77862 Total Price	Palasota Contracting, LLC P.O. Box 5409 Bryan, TX 77805 Unit Price	Palasota Contracting, LLC P.O. Box 5409 Bryan, TX 77805 Total Price
33.	5-inch Thick Concrete Slope Paving	8	SF	$ 16.00	$ 120.00	$ 40.00	$ 300.00	$ 100.00	$ 750.00	$ 25.00	$ 187.50
ENGINEER'S COMPUTED TOTAL ITEMS NO. 1 THROUGH 33					$ 368,776.25		$ 372,730.58		$ 400,297.00		$ 424,892.50
CONTRACTOR'S COMPUTED TOTAL ITEMS NO. 1 THROUGH 33					$ 368,776.25		$369,110.58		$ 400,297.00		$424,892.50

* CONTRACTOR'S COMPUTED TOTAL

Reviewed by _____

Bids Received: 02:00PM, February 12, 2019

STRAND ASSOCIATES, INC.®
1906 Niebuhr Street
Brenham, TX 77833

2018 DOWNTOWN DRAINAGE AND SIDEWALK PROJECT
PROJECT NO. 2017-15
CITY OF BRENHAM, TEXAS

ALTERNATE BID TABULATION BREAKDOWN

				M&C Fonseca Construction Company, Inc. 1901 Prairie Creek Road Granite Shoals, TX 78654		Gulf Coast Limestone, Inc. DBA Excel Paving Co., LLC 1402 3rd Street Seabrook, TX 77586		Texcon General Contractors P.O. Box 138 Kurten, TX 77862		Palasota Contracting, LLC P.O. Box 5409 Bryan, TX 77805	
No.	Description	Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1.	Remove & Dispose of Existing Curb	75	LF	$ 13.00	$ 975.00	$ 34.66	$ 2,599.50	$ 20.00	$ 1,500.00	$ 23.00	$ 1,725.00
2.	Remove & Dispose of Existing Pavement	92	SY	$ 40.00	$ 3,680.00	$ 70.65	$ 6,499.80	$ 35.00	$ 3,220.00	$ 11.50	$ 1,058.00
3.	Reinforced Concrete Pavement (6-inch-thick) (Driveways)	42	SY	$ 148.00	$ 6,216.00	$ 77.38	$ 3,249.96	$ 100.00	$ 4,200.00	$ 80.50	$ 3,381.00
4.	Concrete Sidewalk (4-inch-thick)	105	SY	$ 85.50	$ 8,977.50	$ 37.14	$ 3,899.70	$ 85.00	$ 8,925.00	$ 57.50	$ 6,037.50
5.	Concrete Sidewalk (6-inch- thick)	45	SY	$ 148.00	$ 6,660.00	$ 77.38	$ 3,482.10	$ 100.00	$ 4,500.00	$ 80.50	$ 3,622.50
6.	Sidewalk Ramps	8	EA	$ 3,200.00	$ 25,600.00	$ 1,625.00	$ 13,000.00	$ 1,500.00	$ 12,000.00	$ 1,150.00	$ 9,200.00
7.	Block Sodding	30	SY	$ 16.00	$ 480.00	$ 130.00	$ 3,900.00	$ 20.00	$ 600.00	$ 23.00	$ 690.00
ENGINEER'S COMPUTED TOTAL ITEMS NO. 1 THROUGH 7					$ 52,588.50		$ 36,631.06		$ 34,945.00		$ 25,714.00
CONTRACTOR'S COMPUTED TOTAL ITEMS NO. 1 THROUGH 7					$ 52,588.50		$36,631.06		$ 34,945.00		$25,714.00

Reviewed by _____

69

AGENDA ITEM 11

DATE OF MEETING: March 7, 2019	**DATE SUBMITTED:** February 27, 2019
DEPT. OF ORIGIN: Public Works	**SUBMITTED BY:** Dane Rau

MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
☒ REGULAR	☐ PUBLIC HEARING	☐ 1ST READING
☐ SPECIAL	☐ CONSENT	☐ 2ND READING
☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION
	☐ WORK SESSION	

AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Consent of City of Brenham, Texas to the Assignment of the Small Commercial Waste Collection Service (Non-Residential) Agreement Between the City of Brenham and Waste Connections Lone Star, Inc. (formerly known as Progressive Waste Solutions of TX, Inc.) and Authorize the Mayor to Execute any Necessary Documentation

SUMMARY: On January 28, 2019, we were notified that Waste Connections (formally Progressive Waste) was interested in assigning the Brenham Small Commercial Waste Collection Service Agreement to Frontier Waste Solutions. This is due to a combination of changes with both Waste Connections and Frontier. Recently Frontier has taken over the City of Hearne and this is where Waste Connections has serviced the City of Brenham contract out of related to its home base. Waste Connections offered Frontier other contracts that were serviced out of Hearne and the City of Brenham was one of them and the largest customer.

City of Brenham staff is familiar with Frontier Waste Solutions as their Sales and Marketing Manager Brian Uptmor was the Sales and Marketing Manager for Progressive Waste when the 2016 contract was awarded. Brian was very service orientated and really took care of Brenham. We expect the same with Frontier. Frontier Waste Solutions currently serves 16 Texas cities with Liberty, West, Calvert, and Hearne being the largest. Frontier representatives have many years of experience in the Solid Waste business and in 2017 partnered together to create Frontier Waste Solutions.

This assignment will not change any aspect of our current contract it will only obligate Frontier to provide the same service and honor the terms of the current contract. The City of Brenham is well protected with the contract and both parties have the option to opt out with 90 days at any given point. The contract currently runs until March 2021.

Frontier has plans to use the current dumpsters, which are 3 yrs. old and they have 2 new trucks that will service Brenham. Both Waste Connections and Frontier would like to make the assignment effective March 11th in order to begin a new week.

Staff does not have an issue with this assignment.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items): **A. PROS:** Newer company that is eager to prove their business. **B. CONS:** Transition pertaining to billing and paperwork.
ALTERNATIVES (In Suggested Order of Staff Preference):
ATTACHMENTS: (1) Assignment of Agreement
FUNDING SOURCE (Where Applicable):
RECOMMENDED ACTION: Approve the Consent of City of Brenham, Texas to the Assignment of the Small Commercial Waste Collection Service (Non-Residential) Agreement between the City of Brenham and Waste Connections Lone Star, Inc. (formerly known as Progressive Waste Solutions of TX, Inc.) and authorize the Mayor to execute any necessary documentation
APPROVALS: James Fisher

CONSENT OF CITY OF BRENHAM, TEXAS

TO ASSIGNMENT OF AGREEMENT

Waste Connections Lone Star, Inc. (f/k/a Progressive Waste Solutions of TX, Inc. and Eagle Disposal Company, Inc.) to Frontier Access, LLC

This Consent of City of Brenham, Texas to Assignment of Agreement (this "**Consent**") is executed by the **City of Brenham, Texas**, a Texas home-rule municipal corporation, of Washington County, Texas ("the "**City**"), **Waste Connections Lone Star, Inc. (f/k/a Progressive Waste Solutions of TX, Inc. and Eagle Disposal Company, Inc.)**, a Texas corporation ("**Assignor**"), and **Frontier Access, LLC**, a Texas limited liability company ("**Assignee**") to be effective as of the ____ day of _____, 2019 (the "**Effective Date**").

WHEREAS, Assignor and the City entered into that certain Agreement for Small Commercial Waste Collection Service (Non-Residential), dated March 22, 2016 to be effective on May 23, 2016 (the "**Agreement**"), attached hereto as Exhibit "A" and incorporated herein for all purposes pertinent; and

WHEREAS, Assignor has recently agreed to sell certain of its assets (the "**Sale**") to Assignee, and the Agreement is identified above is among the assets proposed to be sold to Assignee as part of the Sale; and

WHEREAS, in this regard, Assignor desires to assign to Assignee all right, title and interest in and to the Agreement, and Assignee desires to accept such assignment and to assume all of the duties and obligations of Assignor under the Agreement; and

WHEREAS, the City, by its signature below, desires to consent to such Assignment;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City, Assignor and Assignee agree as follows:

1. Assignment. As of the Effective Date, Assignor hereby assigns, sells, transfers, and conveys to Assignee all of Assignor's right, title and interest in and to the Agreement, and Assignee does hereby accept such assignment.

2. Assumption. As of the Effective Date, Assignee expressly agrees to assume and does hereby assume all duties, liabilities and obligations of the Assignor in connection with the Agreement arising from and after the Effective Date.

3. Counterparts. This Assignment may be executed in counterparts, each of which shall be deemed an original, and both of which together shall constitute one and the same instrument.

4. Attorneys' Fees. If any action or proceeding is commenced by either party to enforce its rights under this Assignment, the substantially prevailing party in such action or proceeding shall be awarded all reasonable costs and expenses incurred in such action or

proceeding, including reasonable attorneys' fees and costs (including appeals), in addition to any other relief awarded by the court.

5. Applicable Law. This Assignment shall be governed by and interpreted in accordance with the laws of the State of Texas. All obligations of the parties created hereunder are performable in Washington County, Texas. In the event of litigation, or other claim or dispute arising out of or involving this Agreement, exclusive venue shall lie in a court of competent jurisdiction in Washington County, Texas.

6. Binding Effect. This Assignment shall be binding upon and inure to the benefit of the parties hereto and their respective transferees, successors, and assigns.

7. Failure to Consummate Sale. In the event the Sale is not consummated for any reason by _____, 2019, this Consent will terminate and cease to have effect, be null and void, and the Agreement will remain in effect between Assignor and the City in accordance with its terms.

8. Purchase Agreement Supersedes. The parties hereto acknowledge and agree that the representations, warranties, covenants, agreements and indemnities contained in the agreement evidencing the Sale (the "**Purchase Agreement**") shall not be superseded hereby but shall remain in full force and effect to the full extent provided therein. In the event of any conflict or inconsistency between the terms of the Purchase Agreement and the terms hereof, the terms of the Purchase Agreement shall govern.

[Remainder of page intentionally left blank; signature page to follow]

EXECUTED to be effective as of the day and year first written above.

ASSIGNOR:

Waste Connections Lone Star, Inc. (f/k/a Progressive Waste Solutions of TX, Inc. and Eagle Disposal Company, Inc.), a Texas corporation

By:_____
Greg Brown, Division Vice President

ASSIGNEE:

Frontier Access, LLC, a Texas limited liability company

By: Tim Henderson, V.P.
[Name, Title]

BY ITS EXECUTION BELOW, THE CITY HEREBY EVIDENCES ITS ACCEPTANCE OF, AND CONSENT TO, THE TERMS AND PROVISIONS OF THIS ASSIGNMENT AND ITS AGREEMENT TO BE BOUND BY SUCH ASSIGNMENT.

CITY OF BRENHAM

By:_____
Name: Milton Y. Tate, Jr.
Title: Mayor
Date:_____

AGENDA ITEM 12

DATE OF MEETING: March 7, 2019 **DEPT. OF ORIGIN:** Administration	**DATE SUBMITTED:** February 28, 2019 **SUBMITTED BY:** Karen Stack

MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
☒ REGULAR	☐ PUBLIC HEARING	☐ 1ST READING
☐ SPECIAL	☐ CONSENT	☐ 2ND READING
☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION
	☐ WORK SESSION	

AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Recommendations for Appointments and/or Re-Appointments to Various City Boards and Committees

SUMMARY STATEMENT: See attached memo from Karen Stack.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS:

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Memo from Karen Stack; and (2) Summary of appointments for each Board

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: Approve the recommendations for appointments and/or re-appointments to various City boards and committees

APPROVALS: James Fisher

To: Mayor and City Council

From: Karen Stack, Deputy City Secretary II

Subject: Advisory Board Recommendations for 2019

Date: February 28, 2019

According to the City of Brenham's Policies and Procedures for Boards and Commissions, a Subcommittee of City Council is to review applications for appointment to Boards and Commissions, and make recommendations to the full Council.

The Subcommittee comprised of Mayor Tate, Councilmember Cantey, and Councilmember Goss met February 28, 2019 to discuss applications for appointment and re-appointment for Building Standards Commission, Board of Adjustments, and the newly-formed Animal Shelter Advisory Board. Their recommendations are shown below:

Building Standards:

- Members Walt Edmunds and Stoney Lacina are recommended for reappointment.
- Arlen Thielemann is being recommended for appointment to the vacant position. Mr. Thielemann has 45 years of construction experience.

Board of Adjustments:

- Member Jon Hodde is recommended for reappointment.
- Mary Lou Winkelmann is recommended for appointment. Mrs. Winkelmann has lived in Brenham for 49 years and has served as Chair of the Washington County Chamber of Commerce.
- Walt Edmunds and Johanna Fatheree are recommended for appointment as alternate members.

Animal Shelter Advisory Board: In order to stagger terms, some individuals are recommended for 1-year terms and some are recommended for 2-year terms.

- Dr. Lee Panko is recommended for appointment to the Veterinarian position, with a term ending in 2020. Dr. Panko is the owner of the Brenham Veterinary Hospital.
- Councilmember Susan Cantey is recommended for appointment to the County/City Official position, with a term ending in 2020.
- Animal Services Manager Alison Harper is recommended for appointment to the Shelter Worker position, with a term ending in 2020.
- Robert Davis is recommended for appointment to the Animal Welfare Representative position, with a term ending in 2019. Mr. Davis is Chairman of Animal Friends of Washington County.
- Jerry Jares is recommended for appointment to a citizen position, with a term ending in 2020. Ms. Jares is an active volunteer at the Brenham Pet Adoption and Care Center.
- Phyllis McMahon is recommended for appointment to a citizen position, with a term ending in 2019. Ms. McMahon has been Chairperson of the City of Austin Natural Resources Commission, and has worked with the Texas Department of Commerce.
- Sally Blackie-Sengel is recommended for appointment to a citizen position, with a term ending in 2019. Mrs. Blackie-Sengel is very involved with the Brenham Pet Adoption and Care Center and has co-chaired fundraisers.

BOARD OF ADJUSTMENTS

Term of Office: Two Years
Meeting Schedule: Monthly, 2nd Monday @ 5:15 p.m.
Responsible Staff Member: Lori Lakatos/Kim Hodde

Position	Board Member	Term Expiration
1	MaLisa Hampton	December, 2019
2	Arlen Thielemann	December, 2019
3	Jon Hodde	December, 2020
4	Thomas Painter	December, 2019
5	Mary Lou Winkelmann	December, 2020

Position	Alternate Member	Term Expiration
A-1	Walt Edmunds	December, 2020
A-2	Johanna Fatheree	December, 2020
A-3	Vacant	December, 2019
A-4	Vacant	December, 2019

P3: Jon Hodde: Requested re-appointment
P5. Mary Lou Winkelmann: Requested appointment
A1: Walt Edmunds: Requested appointment
A2. Johanna Fatheree: Requested re-appointment

BUILDING STANDARDS COMMISSION

Term of Office: Two Years
Meeting Schedule: As Needed, Council Chambers
Responsible Staff Member: Lori Lakatos, Sara Hill

Position	Board Member	Term Expiration
1	Arlen Thielemann	December, 2020
2	Walt Edmunds	December, 2020
3	Jason Kiemsteadt	December, 2019
4	Stoney Lacina	December, 2020
5	Lloyd Pieper	December, 2019

P1: Arlen Thielemann requested appointment to vacant position
P2. Walt Edmunds: requested reappointment
P4. Stoney Lacina: Requested re-appointment

ANIMAL SHELTER ADVISORY COMMITTEE

Term of Office: Two Years
Meeting Schedule: As Needed
Responsible Staff Member: Robin Hutchins/Dant Lange

Position No.	Board Member	Position	Term Expiration
1	Dr. Lee Panko	Veterinarian	December, 2020
2	Susan Cantey	County or City Official	December, 2020
3	Alison Harper	Animal Shelter Worker	December, 2020
4	Robert Davis	Animal Welfare Representative	December, 2019
5	Jerry Jares	Citizen	December, 2020
6	Phyllis McMahon	Citizen	December, 2019
7	Sally Blackie-Sengel	Citizen	December, 2019