



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, FEBRUARY 3, 2022 AT 01:00 PM
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN STREET
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags - Councilmember Leah Cook**
- 3. Service Recognitions**
 - ♦ **Jason Kasprowicz, Police Department - 5 Years**
 - ♦ **Grayson Marburger, Police Department - 5 Years**
 - ♦ **Debra Gaffey, Finance Department - 15 Years**
- 4. Citizens Comments**

CONSENT AGENDA

5. Statutory Consent Agenda

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

- 5-a. Approve the Minutes from January 6, 2022 Regular City Council Meeting and the January 10, 2022 Workshop Meeting**
- 5-b. Approve the Purchase of Playground Equipment for Hattie Mae Flowers Park from May Recreation Equipment and Design L.P. Through Buyboard Contract No. 512-16 in the Amount of \$71,880.00 and Authorize the Mayor to Execute Any Necessary Documentation**

- 5-c. Approve Change Order No. 1 for City of Brenham Project No. 63C-14C in the Amount of \$48,000.00 Related to the Contract with Maguire Iron, Inc. for the Atlow Elevated Storage Tank Rehabilitation Project and Authorize the Mayor to Execute Any Necessary Documentation**

WORK SESSION

- 6. Discussion and Presentation on Applications Received from the Texas Department of Housing and Community Affairs for Possible Funding Through the Competitive Housing Tax Credit Program**

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

- 7. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Adopting the 2022 Thoroughfare Plan, A Supplement to the City of Brenham Comprehensive Plan 'Historic Past, Bold Future: Plan 2040'**

REGULAR SESSION

- 8. Discuss and Possibly Act Upon Approval of Ordinance No. O-22-002 of the City of Brenham, Texas, Authorizing the Issuance and Sale of City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2022, 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**
- 9. Discuss and Possibly Act Upon an Amendment to the Professional Services Agreement with Hodde & Hodde Land Surveying, Inc. Related to Project No. 62C-67 for the City of Brenham 6" Gas Main Loop NE and Authorize the Mayor to Execute Any Necessary Documentation**
- 10. Discuss and Possibly Act Upon an Amendment to the Professional Services Agreement with Hodde & Hodde Land Surveying, Inc. Related to the City of Brenham Raw Water Intake System and Authorize the Mayor to Execute Any Necessary Documentation**
- 11. Discuss and Possibly Act Upon Bid No. 22-004 Related to the Ralston Creek Lift Station Pumps and Authorize the Mayor to Execute Any Necessary Documentation**

12. Administrative/Elected Officials Report

• Development Services Update

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

EXECUTIVE SESSION

- 13. Section 551.071 - Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding TWCCRD Charge No. 1B21220, EEOC Charge No. 31C-2021-01178, Former Fire Chief, and Associated Claims and Legal Issues**
- 14. Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding City of Brenham v. WTG Gas Marketing, Inc.; Cause No. 37573; 335th Judicial District Court, Washington County, Texas**

RE-OPEN REGULAR SESSION

- 15. Discuss and Possibly Act Upon Mediation of TWCCRD Charge No. 1B21220, EEOC Charge No. 31C-2021-01178, Former Fire Chief, and Associated Claims, and Authorize the City Manager to Approve Mediation Settlement (If Any) and Execute Any Necessary Documentation**

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 February 03, 2022 agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan St., Brenham, TX on Monday, January 31, 2022 at 11:45 a.m.

Jeana Bellinger, TRMC, CMC

City Secretary

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

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the _____ day of _____, 2022 at _____ AM PM.

Signature

Title

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on January 6, 2022 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 Clint Kolby
Councilmember Shannan Canales
Councilmember Leah Cook
Councilmember Atwood Kenjura
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

None

City of Brenham Staff present:

Interim City Manager Carolyn Miller; City Attorney Cary Bovey; City Secretary Jeana Bellinger; Director of Public Works Dane Rau; Director of Development Services Stephanie Doland; Director of Public Utilities Alton Sommerfield; Director of Finance Stacy Hardy; Police Chief Ron Parker; Fire Chief Roger Williams; Human Resources Director Susan Nienstedt; Strategic Budget Officer Debbie Gaffey; Information Technology Manager Kevin Schmidt; Alyssa Faykus; Kelvin Raven; Carrie Derkowski; Curtiss Schoen; Gregory Nienstedt; Bobby Keene; Lloyd Powell; Shauna Laauwe

Citizens/Others Present:

Renea Mueller

Media Present:

Alison Bryce, Brenham Banner-Press; and Josh Blaschke, KWHI

1. Call Meeting to Order

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

3. Special Recognitions:

- **Roger Williams, Fire Chief**

4. Service Recognitions:

- **Rolando Arroyo, Information Technology – 5 Years**
- **Joe Hinds, Fire Department – 5 Years**
- **Chase Jones, Fire Department – 5 Years**
- **Rhye Moschak, Fire Department – 5 Years**
- **Joe Merkley, Police Department – 20 Years**

5. Special Recognition of Volunteers Retiring from the Brenham Fire Department:

- **Robert Aguilar – 12 Years**
- **Kenneth Neumann – 30 Years**
- **John Schulze – 33 Years**
- **Karl Goessler – 35 Years**

6. Citizens Comments

There were no citizens comments heard.

CONSENT AGENDA

7. Statutory Consent Agenda

- 7-a. Approve the Minutes from the November 4, 2021 and November 18, 2021 Regular Meetings and the November 19, 2021 Special Meeting**
- 7-b. Approve a Water Supply Resale Agreement Between the City of Brenham and Dow Chemical Company for the Sale of 774-Acre Feet of Water, in the Amount of \$64,242.00 and Authorize the Mayor to Execute Any Necessary Documentation**
- 7-c. Accept the 2021 Audit of the Washington County Appraisal District by Seidel, Schroeder & Company and Authorize the Mayor to Execute Any Necessary Documentation**
- 7-d. Approve Resolution No. R-22-001 Appointing Alyssa Faykus as Deputy City Secretary**

A motion was made by Councilmember Wright and seconded by Mayor Pro Tem Kolby to approve the Statutory Consent Agenda Items 7-a. thru 7-d. 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 Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

WORK SESSION

8. Discuss and Review the FY2020-21 Fourth Quarter Financial Report

Budget Director/Interim GM Of Public Utilities Debra Gaffey presented this item. Gaffey explained the preliminary results of the General Fund, Electric Distribution Fund, Gas Distribution Fund, Water Fund, Wastewater Fund, Sanitation Fund and Drainage Fund. All financials included comparisons of the fiscal year 2020-21 actual results versus prior fiscal year 2019-20.

- General Fund: Fourth quarter revenues and other sources exceeded budget projections by \$672,529, with a net revenue of \$926,764.
- Electric Fund: Posted a net revenue of \$122,384, which was \$371,302 favorable to the budgeted net loss of \$248,918.
- Gas Fund: Posted year-to-date fourth quarter loss \$27,857, which was favorable by \$295,242 to a budgeted loss of \$323,099.
- Water Fund: Posted year-to-date fourth quarter net loss of \$1,697,140 which was favorable to projected net loss of \$1,769,331 by \$72,191. The loss is due to payoff of a Bank of Brenham loan to partially bridge-fund Lake Intake repairs, while waiting on reimbursement bond proceeds from a planned February 2022 issuance.
- Wastewater Fund: Fourth quarter year-to-date net loss of \$38,274, which was \$172,531 favorable to budgeted net loss of \$210,805.
- Sanitation Fund: Posted actual year-to-date fourth quarter net loss of \$165,667 compared to budget net loss of \$229,635, creating a favorable variance of \$63,968.
- Drainage Fund: posted actual year-to-date fourth quarter fiscal year 2020-21 net revenues of \$144,026 compared to budget net revenues of \$142,337, creating a favorable variance of \$1,698.

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

Project Planner Shauna Laauwe presented this item. According to Laauwe, TNT Carwash (applicant) and property owners Todd Felder and Tyson Felder requested approval of a Specific Use Permit for an automated automobile (car) wash on approximately 0.61 acres of land addressed as 1413 West Main Street and generally located on the south side of W. Main Street, west of South Saeger Street and east of Munz Street.

Two comments from the public were received on December 22, 2021, with one in favor of the request and one against. The one in favor stated that the redevelopment would benefit the area with new construction and that they did not believe that traffic would increase. The public comment against the request did not feel that a new car wash was needed in Brenham and suggested a grocery store or clothing retail. The comment also stated that the streets in Dixie Addition and S. Market Street needed to be improved.

Councilmembers discussed their concerns with queuing on West Main Street. Laauwe said with the way the development is laid out, it will be able to fit multiple cars and did not think there would be many instances where traffic would be backed up. Director of Development Services Stephanie Doland said they would monitor the situation, as well as other queuing problems around town.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve the ordinance on its first reading amending Appendix – A “Zoning” of the Code of Ordinances of the City of Brenham granting a Specific Use Permit request to allow an automobile (car) wash in the B-1, Local Business/Residential Mixes Use Zoning District on Approximately 0.61 acres of land addressed as 1413 W. Main Street and further described as Tract 186 of the Phillip Coe Survey in Brenham, Washington County, Texas.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

REGULAR SESSION

10. Discuss and Possibly Act Upon Bid No. 22-003 Related to Sludge Removal and Digester Thickener Cleaning at the City of Brenham's Wastewater Treatment Plant and Authorize the Mayor to Execute Any Necessary Documentation

Public Utilities Director Alton Sommerfield presented this item. Sommerfield explained that this part of the plant was taken out of service after the Cotton Mill closed. It was briefly used in 2016 when flooded wet fields shut down the bio-solid sludge production. Sommerfield stated that an increase in wastewater load/demand support reactivating this Digester and the thickener tank. Sommerfield advised Council that on December 9, 2021, sealed bids were opened with a total of six (6) bids being received and that staff is recommending the award go to Mobile Solid Solutions for \$87,000.

A motion was made by Councilmember Kenjura and seconded by Councilmember Cook to award Bid No. 22-003 related to sludge removal and digester thickener cleaning at the City of Brenham's Wastewater Treatment Plant to Mobile Solid Solutions in the amount of \$87,000.00 and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

City Council adjourned into Executive Session at 2:03 p.m.

EXECUTIVE SESSION

11. Texas Government Code Section 551.072 – Real Property and Section 551.087 – Economic Development Negotiations: Deliberation Regarding the Possible Sale, Exchange, Transfer and/or Acquisition of Real Property in the City of Brenham; and Deliberation Regarding Commercial or Financial Information That the City Has Received From a Business Prospect That the City Seeks to Have Locate In the City of Brenham and With Which the City is Conducting Economic Development Negotiations

12. Section 551.071 – Texas Government Code – Consultation with City Attorney and Section 551.072 – Texas Government Code – Deliberation Regarding Real Property: Consultation with City Attorney and Deliberation Regarding Possible Acquisition of the Barnhill Center at the Historic Simon Theater, and Associated Matters

13. Section 551.071 Texas Government Code – Consultation with Attorney – Consultation with City Attorney Regarding City of Brenham v. WTG Gas Marketing, Inc.: Cause No. 37573; 335th Judicial District Court, Washington County, Texas

14. Section 551.074 – Texas Government Code – Personnel Matters – Deliberation Regarding Appointment of a City Manager and Related Issues

Executive Session adjourned at 3:15 p.m.

RE-OPEN REGULAR SESSION

15. Discuss and Possibly Act Upon the Appointment of a City Manager and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Kenjura and seconded by Councilmember Saunders to hire Carolyn Miller as the City Manager with an annual salary of \$166,000.00, an annual auto allowance of \$9,000.00, four (4) weeks of vacation (which is due to her longevity with the City), two (2) additional weeks of vacation due to her position as City Manager which will be added at the beginning of each calendar year, and other applicable employment benefits as provided for all other full-time City employees, and per Ms. Miller's request, no employment contract.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

16. Discuss and Possibly Act Upon the Development, Operations, Funding and Possible Acquisition of the Barnhill Center at the Historic Simon Theater, Including But Not Limited to an Addendum to the Memorandum of Understanding Between the City of Brenham and Brenham Main Street Historical Preservation, Inc., and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Wright to amend the Addendum To and Modification of Memorandum of Understanding between the City of Brenham and the Brenham Main Street Historical Preservation, Inc. (BMSHP) be extended until July 1, 2022 to allow for reimbursement of interest-only payments made by BMSHP on the existing loans encumbering the Barnhill Center in a total amount not to exceed \$18,000.00 and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

17. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- Special Monday, January 10th, in joint session with the Brenham Planning & Zoning Commission to review the City's Thoroughfare Plan.
- The afternoon of January 10th, staff will be giving the City Council a tour of the Brenham Municipal Airport.
- Grand Opening of the restaurant at the Brenham Municipal Airport next Wednesday, January 12th, at 10:00 a.m.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

Brenham City Council Minutes

A workshop meeting of the Brenham City Council and the City of Brenham Planning and Zoning Commission was held on January 10, 2022 beginning at 11:30 a.m. in Morris Hall at the Barnhill Center, 111 W. Main Street, Brenham, Texas.

City of Brenham City Council Members present:

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

Members Absent:

Mayor Milton Y. Tate, Jr.

City of Brenham Planning & Zoning Commission Members present:

Marcus Wamble
Deanna Alfred
Calvin Kossie

Members absent:

Keith Behrens
Catharyne Neil
Artis Edwards, Jr.
Calvin Kossie

City of Brenham Staff present:

City Manager Carolyn Miller; City Secretary Jeana Bellinger; Director of Public Works Dane Rau; Director of Development Services Stephanie Doland; Fire Chief Roger Williams; Deputy City Secretary Alyssa Faykus; Kim Hodde, and Monique Breaux.

Citizens present:

Molly Goff

Media Present:

Jason May, KWHI; and Mark Whitehead, Banner Press

1. Call Meeting to Order

2. Discussion and Presentation on the City of Brenham's Thoroughfare Plan

Director of Development Services Stephanie Doland presented the following information related to the City of Brenham's Thoroughfare Plan:

- History and timeline
- Purpose and usage
- Motor vehicle network
- Road classifications
- Development and dedication
- Texas Department of Transportation update
- City of Brenham planned projects
- Priority projects per citizen feedback
- Explanation of various roadway sections
- A multi-modal plan
- Truck routes
- Traffic impact analysis
- Next steps
 - Public Hearing at P&Z meeting on January 24, 2022
 - City Council consideration on February 3, 2022 and February 17, 2022

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary



Regular City Council
AGENDA ITEM 5-B.

Agenda Item: Approve the Purchase of Playground Equipment for Hattie Mae Flowers Park from May Recreation Equipment and Design L.P. Through Buyboard Contract No. 512-16 in the Amount of \$71,880.00 and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-February 03, 2022

Department: Public Works

Staff Contact: Dane Rau

SUMMARY STATEMENT:

During the 2021-22, BCDC funding meeting new playground equipment for Hattie Mae Flowers Park was approved for purchase. This equipment will be replacing a 20 yr. old playground which has gotten to its end of life according to our replacement plan. With this new addition we will add a 4-bay swing set that will have 2 toddler swings and 2 belt swings. The playscape will be for ages 2-12 yrs. old and includes 4 slides, vertical climbers, platforms, spiral spinners and elevated viewpoints. These also include and full border with engineered wood fibers for fall protection. Renderings are attached.

In the 2021-22 budget, BCDC allocated \$72,100 for the purchase of this equipment. The total price falls right below that amount at \$71, 880. These items can be purchased through May Recreation and Design L.P. which is a member of Buy board and has met the competitive bidding procurement guidelines. By adding these units, it will upgrade the amenities at Hattie Mae Flowers Park and give all park users a new vibrant play structure to use.

We would like to ask council to approve the purchase of playground equipment from May Recreation Equipment and Design. L.P. in the amount of \$71,880.

ATTACHMENTS:

- (1) Hattie Mae Playground
- (2) Buy Board

RECOMMENDED ACTION:

Approve the purchase of playground equipment for Hattie Mae Flowers Park from May Recreation Equipment and Design LP. through Buyboard Contract No. 512-16 in the amount of \$71,880.00 and authorize the Mayor to execute any necessary documentation.

MAY recreation



we speak playground

25 YEARS OF SERVICE

Pride in our past, Faith in our future

City of Brenham

Designed by May Recreation and Jeff Bigbie





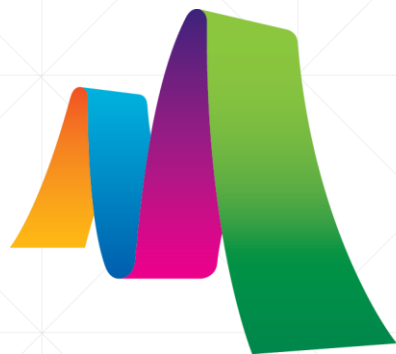




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Color Options

Rock-ite® Plastic Color Choice

Roofs, Slides, Big Timber® Components, Crawl Tubes, Bongos™, Bumpers and Panels.



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Posts, Arches, Swings and Accents (Railings & Climbers).



Miracle Swing Seat Colors



Textured Mira-Therm™ Color Choices

Mira-Therm™ coatings for Decks, Steps, Ramps, Bridges and Cargo Climbers are available in either orthophthalate-free Mira-Therm™ 2 (vinyl) or Mira-Therm™ PE (polyethylene)-based coatings with anti-microbial enhancements.



Mira-Lene™ Panel Color Choices



Antimicrobial Painted Metal Colors

This proprietary treatment helps prevent bacterial, mold, algae growth and stains.



Thank You



We look forward to working with you on your project!



May Recreation Equipment & Design, L.P.

Park and Playground Design, Supply and Installation

"We Speak Playground!"

Tyler, Texas

bigbie@mayrecreation.com www.mayrecreation.com

Toll Free: (800) 964.6301 • Phone: (903) 539.9992 • Fax: (888) 349.9146

Today's Date:	1-18-22
Project Name:	Hattie May Flowers Park
Client Name:	City of Brenham
Contact Name:	Casey Redmon
Phone:	979.451.1441

May Recreation Equipment & Design, L.P. is pleased to present the following job estimate based upon plans and/or requests made by the client listed above.

Quantity	Description	Extended
1	New Playground Area including: - #714S664J Kids Choice Play Structure - 2-12yr rated - 70-80 capacity - 39' x 48' protective area - #718854S 2-bay Arched Swing - 2 Belt Seats & 2 Tot Seats - ADA Ramp & Border Timbers - Engineered Wood Fiber Safety Surfacing Material	\$71,880.00
(*)	Pricing includes shipping to site and professional installation labor & materials	
	BuyBoard Contract 512-16	
	Shipping address: 804 Old North Market Brenham, TX 77833	

TOTAL PROJECT ESTIMATE: \$ 71,880.00

Please Note: This proposal is valid for **(30)** days from today's date. Pricing is subject to change without notice thereafter.

Payments will be made according to the following and will be determined by credit information received from customer:

Amount due with acceptance of proposal	PO
Amount due upon completion of project	\$71,880.00

Proposal Acceptance

I hereby authorize Miracle Recreation Equipment Co. (c/o May Recreation Equipment & Design, L.P.) to ship the equipment listed above for which I agree to pay the total amount specified. Payment is due upon receipt of invoice unless otherwise specified. Non-taxable customers will provide proper tax exemption certificate to Miracle Recreation upon request. Purchase orders and payments should be made payable to the order of Miracle Recreation Equipment Co. Purchase orders made out to Miracle Recreation Equipment Co. are required for all orders placed.

Quote Prepared by: *Jeff Bigbie* (May Recreation Equipment & Design, L.P.)

Client Signature	Date
------------------	------

Notes for project: Unless otherwise noted, this proposal does **not** include taxes, site preparation, surfacing or installation. We will make every effort to avoid damaging underground utilities (i.e. cable, water, electric, fax/data lines, and irrigation systems). However, we will not be held responsible for any damages to these items.

Please sign and fax all pages of this proposal to (888) 349-9146

We also offer the following products for your project

- **Playground Equipment**
- **Pavilion Shelters/Gazebos**
- **Engineered Wood Fiber Surfacing**
- **Soccer Goals/Nets**
- **Picnic Tables/Benches**
- **Bicycle Racks**
- **Splash Pads/Spray Grounds**
- **Rubberized Playground Surfacing**
- **Drinking Fountains**
- **Waterslides**
- **Park Grills**
- **Shade Structures**





Regular City Council
AGENDA ITEM 5-C.

Agenda Item: Approve Change Order No. 1 for City of Brenham Project No. 63C-14C in the Amount of \$48,000.00 Related to the Contract with Maguire Iron, Inc. for the Atlow Elevated Storage Tank Rehabilitation Project and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-February 03, 2022

Department: Public Utilities

Staff Contact: Alton Sommerfield

SUMMARY STATEMENT:

On 1-6-2022 City Staff and Strand Associates met with Maguire Iron, Inc. to discuss the discrepancies in the fill pipe of the tank. Staff reviewed the condition of the fill pipe and with more than one location on the fill pipe showing holes it is likely that the whole pipe is in this kind of condition. The constant consumption and filling to/from the tank causes great velocities which result in deterioration from the inside out. This fill pipe is critical and has been in service since 1965, so replacing the fill pipe is recommended over repairing it.

The cost to replace the fill pipe from the flange to the bottom of the tank bowl and installing a 12" drain valve is \$ 48,000.00.

- Budget: \$375,000.00
- Maguire: \$229,750.00
- Change Order: \$48,000.00
- Engineering: \$59,100.00
- TOTAL: \$336,850.00

ATTACHMENTS:

(1) Change Order #1 from Strand

RECOMMENDED ACTION:

Approve change order No. 1 for the City of Brenham Project No. 63C-14C, in the amount of \$48,000.00 related to the contract with Maguire Iron, Inc. for the Atlow Elevated Storage Tank Rehabilitation Project and authorize the Mayor to execute any necessary documentation.



January 14, 2022

CHANGE ORDER NO. 1

PROJECT: Atlow Elevated Storage Tank Rehabilitation
OWNER: City of Brenham, Texas
CONTRACT: 63C-14C
CONTRACTOR: Maguire Iron, Inc.

Description of Change

1a	Replacement of the fill pipe from the flange to the bottom of the tank bowl and Babco valve (45 feet of 12-inch schedule 40 steel pipe, 12-inch flange, 2 3/4-inch couplers to include ball valve, pressure gauge, and sample tap, 12-inch expansion joint, and Babco valve plumbed from the belly of the tank to overflow).	ADD	\$48,000.00
TOTAL VALUE OF THIS CHANGE ORDER:		ADD	\$48,000.00

Contract Price Adjustment

Original Contract Price	\$229,750.00
Previous Change Order Adjustments	\$0.00
Adjustment in Contract Price this Change Order	\$48,000.00
Current Contract Price including this Change Order	\$277,750.00

Contract Substantial Completion Date Adjustment

Original Contract Substantial Completion Date	April 12, 2022
Contract Substantial Completion Date Adjustments due to previous Change Orders	0 Days
Contract Substantial Completion Date Adjustments due to this Change Order	0 Days
Current Substantial Contract Completion Dates including all Change Orders	April 12, 2022

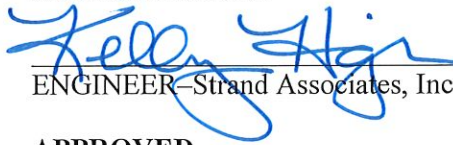
Contract Final Completion Date Adjustment

Original Contract Final Completion Date	April 12, 2022
Contract Final Completion Date Adjustments due to previous Change Orders	0 Days
Contract Final Completion Date Adjustments due to this Change Order	0 Days
Current Final Contract Completion Dates including all Change Orders	April 12, 2022

City of Brenham, Texas–Maguire Iron, Inc.
Contract 63C-14C, Change Order No. 1
Page 2
January 14, 2022

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

RECOMMENDED



ENGINEER–Strand Associates, Inc.®

1/14/2022

Date

APPROVED

CONTRACTOR–Maguire Iron, Inc.

Date

APPROVED

OWNER–City of Brenham, Texas

Date



Regular City Council
AGENDA ITEM 6.

Agenda Item: Discussion and Presentation on Applications Received from the Texas Department of Housing and Community Affairs for Possible Funding Through the Competitive Housing Tax Credit Program

Meeting Type: Regular Meeting-February 03, 2022

Department: Economic Development

Staff Contact: Susan Cates

SUMMARY STATEMENT:

On January 17, 2022, the Texas Department of Housing and Community Affairs (TDHCA) sent a letter to the Mayor with notification of two Competitive Housing Tax Credit preliminary applications for projects in Brenham. Trinity has decided not to pursue the tax credit award this cycle, therefore only the KCG project is proceeding to application. State law provides an opportunity for local jurisdictions to affect the scoring of applications by issuing a resolution of "support for the project" or "no objection to the project." The application receives the highest points for support and a lesser number for no objection in the competitive scoring process. Local jurisdictions may also choose not to issue a resolution in which case the application would receive no points for this section of the application. It is important to note that once the resolution has been issued (no later than March 1, 2022 for this round of applications) it may not be withdrawn or amended.

This work session is intended to provide information from the Brenham CDS ResIntel Housing Study 2021, TDHCA, Texas Workforce Commission, and the specific project application to assist City Council as you deliberate and determine an action in response to application presented in the 2022 cycle of applications for the Competitive Housing Tax Credit Program.

ATTACHMENTS:

None

RECOMMENDED ACTION:

No action - discussion only.



Regular City Council **AGENDA ITEM 7.**

Agenda Item: Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Adopting the 2022 Thoroughfare Plan, A Supplement to the City of Brenham Comprehensive Plan 'Historic Past, Bold Future: Plan 2040'

Meeting Type: Regular Meeting-February 03, 2022

Department: Development Services

Staff Contact: Shauna Laauwe, AICP

SUMMARY STATEMENT:

On Monday, January 24, 2022, the Planning and Zoning Commission met to hold a discussion and public hearing regarding the 2022 Thoroughfare Plan. During the public hearing, Mr. Ronnie Becker of 1350 FM 2935, stated that the proposed Little Sandy Creek Path on the Bike/Pedestrian Routes Map (shown as a dashed blue line on a portion of the northeast city limits line), went through his property. The path shown on the Bike/Pedestrian Routes Map presented at the January 10th joint workshop showed the path as along Little Sandy Creek and serving as a connection between Linda Anderson Park to Hohlt Park. Mr. Becker stated that a sewer line and easement are located along the route, but that it ran through his property, not on public land. He suggested and provided an alternate route that runs along the southern boundary of his property, along Higgins Branch, that is shared with the Washington County Fairgrounds and is fully on public land. The alternate route is also beneficial as it would connect Linda Anderson Park to the Fairgrounds and could be utilized as a route to the proposed path on FM 2935 (green line) that is adjacent to Brenham High School. Please see Exhibit C for the revised Bike/Pedestrian Routes Map.

Please refer to the attached Memorandum for a summary of the proposed 2022 Thoroughfare Plan and updates that have been made since the joint City Council and Planning and Zoning Commission workshop on January 10, 2022.

After conducting a public hearing and having an in-depth discussion regarding the proposed maps and details of the Plan, the Planning and Zoning Commission voted unanimously to recommend approval of the 2022 Thoroughfare Plan.

ATTACHMENTS:

-
- (1) Ordinance for First Reading
 - (2) 2022 Thoroughfare Plan
 - (3) Exhibit A: Staff Report
 - (4) Exhibit C: Revised Bike/Pedestrian Routes Map
 - (5) Exhibit D: Received citizen emails

RECOMMENDED ACTION:

Approve an Ordinance on its first reading adopting the 2022 Thoroughfare Plan, a supplement to the City of Brenham Comprehensive Plan 'Historic Past, Bold Future: Plan 2040.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, ADOPTING THE 2022 THOROUGHFARE PLAN, A SUPPLEMENT TO THE CITY OF BRENHAM COMPREHENSIVE PLAN “HISTORIC PAST, BOLD FUTURE: PLAN 2040;” REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY AND SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Brenham’s first Thoroughfare Plan was first considered by the City Council during a workshop on January 8, 2009; and

WHEREAS, the 2009 thoroughfare map was amended in conjunction with the City of Brenham “Envision 2020” Comprehensive Plan adopted by Resolution No. R-13-010 on June 17, 2013; and

WHEREAS, the City of Brenham Comprehensive Plan, “Historic Past, Bold Future: Plan 2040” (“Plan 2040”) was adopted by the City Council on September 19, 2019; and

WHEREAS, during public engagements for Plan 2040, it became clear that the existing 2014 Thoroughfare Plan should be updated to reflect the City of Brenham’s growth and provide for current and future needs; and

WHEREAS, City Council approved adding a supplement Thoroughfare Plan to accompany Plan 2040; and

WHEREAS, the transportation focus area of Plan 2040 describes the near-term and long-range transportation needs and priorities in and around the City and states that the top focus areas include improving safety and connectivity and relieving congestion; and

WHEREAS, the 2022 Thoroughfare Plan report discusses, creates, and refines the existing Brenham Thoroughfare Plan Map, provides typical street sections for new development, highlights priority transportation projects, establishes a current truck routes map, proposes priority bicycle and pedestrian routes via an official map, and initiates a detailed traffic impact analysis guideline discussion for future implementation; and

WHEREAS, the thoroughfare plan was considered and recommended for approval by the City of Brenham Planning & Zoning Commission in its final report during its regular meeting on January 24, 2022; and

WHEREAS, the City Council, following a public hearing regarding the adoption of the proposed 2022 Thoroughfare Plan, hereby finds and determines the adoption of this Ordinance will promote sound development of the City of Brenham, and further promotes the public health, safety and welfare; and

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

SECTION 1.

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2.

The City of Brenham 2022 Thoroughfare Plan, attached hereto as Exhibit “A” and incorporated herein for all purposes, shall be and is hereby adopted and made the official thoroughfare plan of the City of Brenham, Texas, hereinafter designated as the “City of Brenham 2022 Thoroughfare Plan” or “2022 Thoroughfare Plan.”

SECTION 3.

The 2022 Thoroughfare Plan is a policy guide for the City Council, City Boards and Commissions, City staff and the public for evaluating and reviewing the physical and infrastructure development of the City and such regulations as may be utilized to implement the goals and policies of the Comprehensive Plan.

SECTION 4.

The 2022 Thoroughfare Plan shall not constitute zoning or subdivision regulations or establish zoning district boundaries. In particular, the Thoroughfare Map, Thoroughfare Future Land Use Map, Priority Projects Map, Truck Routes Map, and Bicycle and Pedestrian Map shall not be, nor shall it be considered, a zoning map, nor constitute zoning regulations or establish zoning boundaries, and shall not be site nor parcel specific and shall only be used to illustrate generalized policies.

SECTION 5.

Any provision of any prior ordinance of the City, whether codified or uncoded, which are in conflict with any provision of this Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect. The 2022 Thoroughfare Plan adopted by this Ordinance expressly repeals, supersedes and replaces the City of Brenham 2014 Thoroughfare Plan in its entirety.

SECTION 6.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

SECTION 7.

Notice of the time and place, where and when said Ordinance would be considered by the City Council at any and all public meetings was given in accordance with applicable law, prior to the time designated for meeting.

SECTION 8.

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 ____, 2022.

PASSED and **APPROVED** on its second reading this the __ day of ____, 2022.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

The title is centered and features a blue five-pointed star positioned between the two lines of text. Several blue wavy lines, resembling stylized waves or ribbons, are scattered around the text, adding a dynamic feel to the design.

Thoroughfare Plan

DRAFT

Acknowledgments

City Council

Mayor **Milton Tate, Jr.**

Mayor Pro Tem **Clint Kolby** (Position 5 – At Large)

Councilmember **Shannan Canales** (Ward 1)

Councilmember **Albert Wright** (Ward 2)

Councilmember **Atwood C. Kenjura** (Ward 3)

Councilmember **Adonna Saunders** (Ward 4)

Councilmember **Leah Cook** (Position 6 – At Large)

Planning and Zoning Commission

Keith Behrens – Chairman

Marcus Wamble

Dr. Deanna Alfred

Calvin Kossie

Cayte Neil

Artis Edwards, Jr

Christopher Cangelosi

Board of Adjustment

Arlen Thielemann – Chairman

Jon Hodde

Thomas Painter

Mary Lou Winkelmann

Danny Goss

Walt Edmunds (Alternate)

MaLisa Hampton (Alternate)

Comprehensive Plan Advisory Committee

Bryan Butler – Airport Advisory Board Representative

Michele Bright – Airport Advisory Board Alternate

Thomas Painter – Board of Adjustment Representative

MaLisa Hampton – Board of Adjustment Alternate

William (Bill) Betts – Brenham Community Development Corporation (BCDC) Representative

Atwood Kenjura – Brenham Community Development Corporation (BCDC) Alternate

Lu Hollander – Library Advisory Board Representative

Lillian Marshall – Library Advisory Board Alternate

Jim Moser – Main Street Board Representative

Tiffany Morisak – Main Street Board Alternate

Paula Buls – Parks and Recreation Board Representative

Ginger Bosse – Parks and Recreation Board Alternate

Keith Behrens – Planning and Zoning Commission Representative

Lynnette Sheffield – Planning and Zoning Commission Alternate

Keith Herring – City Council Representative

Susan Cantey – City Council Alternate

Jessica Johnston – Brenham Independent School District Representative

Rebekah Chovanec – Brenham Independent School District Student Representative

Landon Rhoden – Brenham Independent School District Student Representative

Dr. John Turner – Blinn College Representative

Shelby Sheets – Blinn College Student Representative

Shirley Harris-Jackson – City Council Appointee

Allan Colvin – City Council Appointee

Mary Lou Winkelmann – City Council Appointee

City Staff Leadership Team

Carolyn Miller – City Manager

Jeana Bellinger – City Secretary

Roger Williams – Fire Chief

Ron Parker – Police Chief

Stacy Hardy – Finance Director

Susan Nienstedt – Director of Human Resources, Risk Management, & Technology

Dane Rau – Public Works Director

Jennifer Eckermann – Tourism & Marketing Director

Debbie Gaffey – Strategic Budget Officer

Susan Cates – Economic Development Director

Stephanie Doland – Development Services Director

Cary Bovey – City Attorney

Key City Staff

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Kim Hodde – Planning Technician

Sarah Hill – Development Services Administrative Assistant

Allen Jacobs – Building Official

David Doelitsch – Assistant Building Official

Crystal Locke – Community Services Specialist

Kevin Boggus – Technical Specialist

Melinda Gordon – Communication and Public Relations Manager

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Kendig Keast Collaborative

Bret Keast, AICP – CEO | Owner

Gary Mitchell, AICP – President

Meredith Dang, AICP – Senior Associate (Project Manager)

Janis Burall, AICP – Senior Associate

Sharon Cadena – Communication Design Associate

Luis Nunez – Senior Associate

Kate Wythe – Senior Associate

Strand Associates, Inc.® (Strand)

Jeff Held, P.E., PTOE – Project Manager, Senior Associate

Craig Kankel, P.E. – Project Engineer

Tom Hart, P.E. – Project Engineer

Kelly Hajek, P.E. – Project Engineer

Ryan Tinsley, P.E. – Project Engineer

DRAFT

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Introduction

A community's thoroughfare system is vital to its ability to grow in a positive manner as transportation is linked to land use. The Brenham Comprehensive Plan, *Historic Past, Bold Future: Plan 2040* (Plan 2040), was adopted by the City of Brenham (City) City Council on September 19, 2019. This Brenham Thoroughfare Plan (T-Plan) updates the 2014 Thoroughfare Plan and serves as a second step and implementation tool for Plan 2040 by providing information, analysis, and recommendations that supplement Plan 2040.

Plan 2040 “serves as a framework for thoughtful community discussion on the real and perceived challenges facing Brenham currently and in the future. Through long-range planning efforts, the community can accommodate its projected growth and revitalization in a manner that preserves its history, culture, and overall quality of life for current and future residents.” Plan 2040 includes five focus areas consisting of:

- ▶ Land Use and Development
- ▶ Growth Capacity
- ▶ Economic Opportunity
- ▶ Transportation
- ▶ Parks and Recreation

The transportation focus area of Plan 2040 describes near-term and long-range transportation needs and priorities in and around the City. It notes that top focus areas include improving safety and connectivity and relieving congestion.

Highlights:

- ▶ Thoroughfare Plan Maps (Pgs. 5-7)
- ▶ Priority Projects (Pgs. 13-16)
- ▶ Typical Street Sections (Pgs. 17-25)
- ▶ Truck Routes Maps (Pgs. 26-29)
- ▶ Recommendations (Pgs. 43-44)

Plan 2040 provides the following Guiding Principles (GP) related to transportation:

- ▶ GP1: Brenham will be ACTIVE by enabling healthy living through offering quality and safe City parks and recreational opportunities, by prioritizing the ability to walk and bicycle safely, and by committing to maintain high levels of public safety services.
- ▶ GP2: Brenham will be COLLABORATIVE by pursuing and maintaining partnerships in all arenas, including housing, transportation, infrastructure, economic development, emergency response, and arts and culture.

Plan 2040 provides the following Transportation Goals:

- ▶ Goal T1: Improved traffic flow, safety, and cross-town connectivity.
- ▶ Goal T2: Increased opportunities for Brenham's residents and visitors to safely walk and bike within the City, whether for work, shopping, or recreation.
- ▶ Goal T3: A street system that is in good repair and is safe and inviting for all users (vehicles, bicyclists, and pedestrians), using the "Complete Streets" concept whenever feasible.
- ▶ Goal T4: Enhanced partnerships and collaborative relationships with the Texas Department of Transportation (TxDOT), Union Pacific Railroad, and other transportation partners.

It is with these multimodal Guiding Principles and Transportation Goals in mind that this report discusses, creates, or refines the Brenham Thoroughfare Plan Map, provides Typical Sections for New Development, highlights Priority Transportation Projects, Truck Routes Map, Bicycle and Pedestrian Priority Routes Map, and Traffic Impact Analysis Guidelines discussion.

The T-Plan is divided and detailed into four sections:

- ▶ Section 1 The Motor Vehicle Network.
- ▶ Section 2 The Bicycle and Pedestrian Network.
- ▶ Section 3 Traffic Impact Analysis Guidelines.
- ▶ Section 4 Summary of the report recommendations.



College Avenue



Austin Street, Business 36



Tom Green & Market Street

Section 1

Motor Vehicle Network

1.01 Thoroughfare Plan Map and Discussion

An essential element of the Transportation Plan is a street network that establishes a long-range vision for a highly connected, multimodal street system throughout the City of Brenham. The first listed transportation goal in Plan 2040 is to improve traffic flow, safety, and cross-town connectivity. The Brenham Thoroughfare Plan Map identifies the street network as a hierarchy of highways and streets that serve motor vehicles within and surrounding the City of Brenham (City) by utilizing the concept of **Functional Classification**. Functional classification refers to road categories according to the character of service they provide in relation to the total road network. Brenham's functional classifications include arterial and collector roads that are further categorized into principal, major, minor levels. All roadways serve a mix of two functions: mobility and access. **Mobility** refers to traveling from one place to another or from a trip's beginning point (origin) to its ending point (destination), whether to serve a neighborhood or to move traffic from one side of the community to the other in a short amount of time. **Access** refers to the ability to reach the land uses that lie along a route. Other factors to consider are the number of driving lanes, speed limits, and the number of access points along the roadway.

The functional classification of roads in Brenham ranges from local roads to interstates. Roadways with the highest mobility have the lowest access. Roads such as interstate highways and other controlled

access freeways maximize mobility by eliminating direct access (driveways or other cross streets). Roadways with the highest access have the lowest mobility. These include local or neighborhood streets where frequent driveways provide excellent access but impede mobility. For example, a neighborhood cul-de-sac provides access only and no mobility for through traffic.

The Brenham Thoroughfare Plan Map is shown in Figures 1.01-1 and 1.01-2 and identifies the following functional classifications, listed from highest mobility and lower access to lower mobility and highest access:

Texas Department of Transportation (TxDOT)

Principal Arterial (Brown): A state-maintained roadway which carries a high volume of vehicular traffic (range of 20,000 Vehicles Per Day (VPD) to 60,000 VPD) and which is intended to move traffic in, out, or around the City. Principal Arterials typically have six lanes of traffic and do not allow bicycle lanes.



Example: US 290 and TX Hwy 36)

Legend

- TxDOT Principal Arterial
- TxDOT Minor Arterial
- City Arterial
- Proposed City Arterial (105-ft ROW)
- City Collector
- Proposed City Collector (80-ft ROW)
- Other TxDOT Major/Minor Collector
- ETJ
- Railroad City
- Outer Loop Road Potential Location
- City Limits
- US Highway
- State Highway
- FM Highway

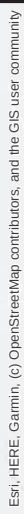
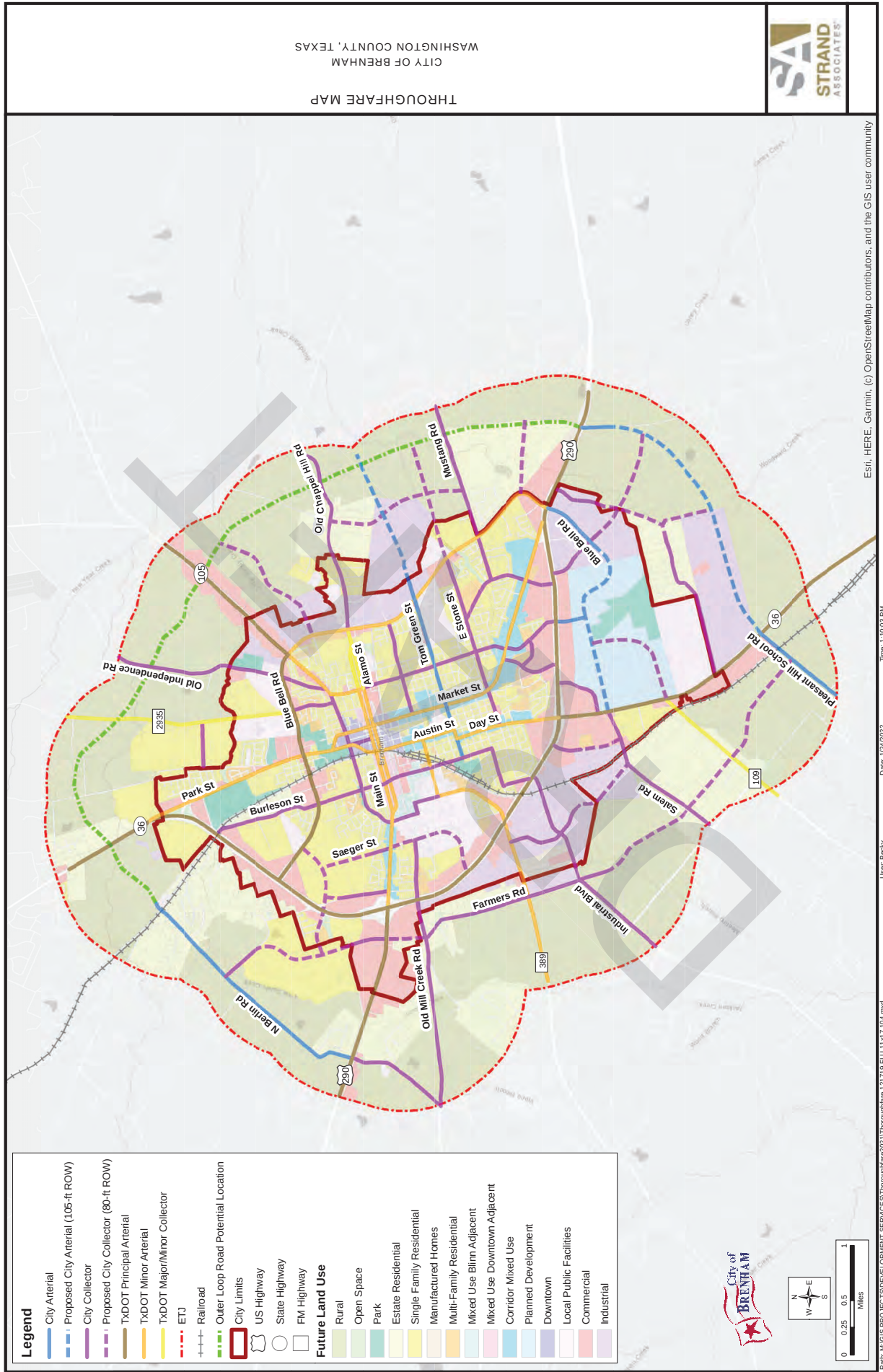


Figure 1.01-2 Thoroughfare Plan Map

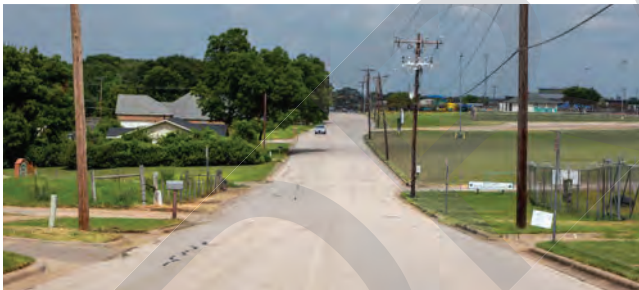


TxDOT Minor Arterial (Orange): A state-maintained roadway that carries moderate volumes of vehicular traffic (range of 5,000 VPD to 30,000 VPD) and which is intended to move traffic around the City. Minor arterials are typically four lanes wide and may be divided or undivided. Minor arterials may also include bicycle lanes.



Example: FM 577, Blue Bell Road

City Arterial (Blue): A City of Brenham maintained roadway similar to a minor arterial that carries a moderate volume of vehicular traffic and is intended to move traffic around the City. Minor arterials are typically four lanes wide and may be divided or undivided. Minor arterials may also include bicycle lanes. (Example: E. Tom Green Street, Old Chappel Hill, N. Berlin Road)



TxDOT Major and Minor Collector (Yellow): A state-maintained roadway that primarily carries vehicular traffic from residential streets and other collectors to arterials (range of 5,000 VPD to 10,000 VPD). A collector is typically three or four lanes wide and may also include bicycle lanes. (Example: Austin Street, South Day Street)

City Collector (Purple): A city-maintained roadway that primarily carries vehicular traffic from residential streets and other collectors to arterials. Typically, three or four lanes and may include bicycle lanes.



Example: East Academy Street, South Jackson Street

Local Street (not identified): Streets that are not identified as one of the classifications listed above are considered Local Streets, which provide the lowest mobility and highest access levels. For example, streets that service a neighborhood are local streets. (Example: Gun n Rod Road) While local streets are not specified on the T-Plan, subdivision design is of utmost importance and dictates local street layout. To help reduce speeds and give high levels of access, the City of Brenham's subdivision ordinance institutes traffic calming measures. These measures include limiting extra-long roadways by restricting block lengths to a maximum of twelve hundred (1200) feet, suggesting pinch-points and pedestrian crossings at high pedestrian traffic areas, and limiting the street width. In addition to helping with traffic calming, limiting block lengths also increases the number of access points and lowers mobility. Another way that the subdivision ordinance encourages higher access is by limiting the maximum cul-de-sac length to six hundred (600) feet.



Example: Muscadine Trail

A. Application of Thoroughfare Plan

The primary goal of the Thoroughfare Plan is to establish a mechanism for growth and development and to be a long-range declaration of public policy. As discussed in Section 1.01, the City of Brenham's transportation system consists of a street network made of several different functional classifications.

The Thoroughfare Plan Map (Figure 1.01-1), shown on page 5, identifies by color existing arterials and collectors with solid lines and proposed extensions, new streets, and a potential outer loop by dashed lines. It is imperative to identify major streets that will likely need an extension and proposed streets for future connections to facilitate positive future growth and connectivity. It is also important to identify existing streets that need widening, multimodal additions or other improvements to accommodate current growth. Early and planned identification of these roadways is crucial as once the alignment and right-of-way of major streets are established and adjacent properties developed, it is difficult to retroactively acquire additional right-of-way without significant costs.

Having new connections on the officially adopted Thoroughfare Plan Map will facilitate and give City Staff a basis to require developers to dedicate right-of-way for these roadways on platting documents before development occurs. At the time a Preliminary or Final Plat is submitted to the Development Services Department, a review of the subdivision is conducted to identify if any additional right-of-way dedication is needed per the adopted Thoroughfare Plan map (Figure 1.01-1). In the case of existing streets, the developer is typically required to dedicate additional right-of-way width for eventual road widening by the City or TxDOT. In the case of new roadways on larger undeveloped tracts of land the developer would be required to dedicate the right-of-way and construct the street network in accordance with applicable City design standards.

One exception to the right-of-way dedication requirement exists on the proposed Thoroughfare

Plan. Shown in Figure 1.01-1 (Page 5) is a large green "outer-loop" around the east side of the City limits and located in the City's Extraterritorial Jurisdiction. This outer loop represents a long-term vision to dedicate a freeway or arterial roadway that would open the eastern side of the community for development as well as provide a connection with minimal to no stops along the route. Currently, SH 36/US 290 serves as the City's western loop and FM 577 serves as the eastern loop. Both thoroughfares are already developed with multiple traffic signals and controlled intersections. It is anticipated that in the next 10-20 years additional traffic signals will be installed along these roadways to account for the increased vehicle traffic and congestion which stems from the rapidly growing community. An additional loop will need to be considered as the City grows out from the core of the Downtown area, east to the currently more rural or underdeveloped areas. The green outer loop, as shown in Figure 1.01-1, represents a conceptual location of the eventual thoroughfare and additional analysis and studies are needed to determine the finalized location and alignment based on topography, property lines, existing roadways, and waterways. Therefore, no right-of-way dedication will be required at the time of platting properties located along the green outer loop. Following a more detailed and thorough study of the proposed road alignment, the City and County should work together with TxDOT to advocate for the right-of-way acquisition to develop the proposed thoroughfare.

The Thoroughfare Plan also includes maps for City of Brenham priority projects, truck routes, and for bicycle and pedestrian routes. As development proposals arise, each of the adopted maps within the Thoroughfare Plan will be consulted to find opportunities for both the developer and City to make improvements and/or dedications at the initial stages of the process before construction occurs.

B. TxDOT Programmed Projects

TxDOT is currently developing design concepts to improve the interchange at US 290/SH 36 (the cloverleaf interchange). The cloverleaf interchange has been funded and will serve as an vital local, regional, and statewide roadway connection. The goals of TxDOT's redesign project are to improve safety, reduce congestion, improve mobility, maintain connectivity, and provide a viable major evacuation route. The primary focus of the project is to construct a new interchange that will provide a continuous US 290 route, maintain two lanes in each direction, and maintain access to local roads. At the time of this report, specific alternatives have not been finalized. TxDOT has narrowed down the list of design concepts to three primary choices. All the design concepts include expanding the US 290/SH 36 connection from one to two lanes, completing the conversion to one-way frontage roads, updating entrance and exit ramps, and accommodating bicyclists and pedestrians within urban settings. The proposed interchange would, subject to the concept selected and final design considerations, require additional right-of-way and potential displacements.

On November 19, 2020, TxDOT held a virtual public meeting at the Barnhill Center to discuss the proposed US 290/SH 36 interchange project options. TxDOT detailed five different options and received feedback from Councilmembers, County Commissioners, potentially affected business owners and homeowners, and the public. These five preliminary design concepts are shown in Figure (TxDOT map with all concepts). The presentation, both audio and visual components, was available online to the public from November 19, 2020, to December 4, 2020. TxDOT received comments from the local officials and attendees of the meeting as well as written comments from the public submitted by mail on or before December 4, 2020.

To help evaluate each concept, a scoring matrix was utilized by TxDOT (Figure 1.01-5), that gave a relative concept score for each of the six primary goals: Provide continuous flow on US 290, Minimize property

impacts, Preserve local access, Improve safety, Reduce congestion, and Improve statewide and local mobility.

Based on the scoring matrix and public comment, Concept B was shown to be the preferred concept, with Concepts A and C ruled completely out. The remaining concepts (B, D, & E) will now undergo a further environmental review of constraints within the study area. Typical environmental constraints are community facilities, residential/commercial structures, hazardous materials sites, historical markers and structures, oil and gas wells, archaeological sites, parkland, streams, wetlands, floodplains, and protected species.

An additional public hearing is anticipated in between 2021 to 2023, followed by environmental clearance. Right-of-way acquisition will start in 2022, with utility relocations and construction plans completed by 2025. Depending on approval and available funding, construction is estimated to begin in 2026, with completion in 2 to 3 years.

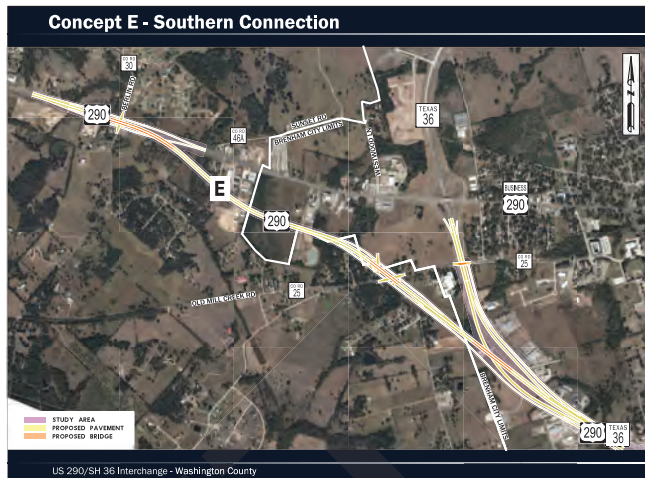
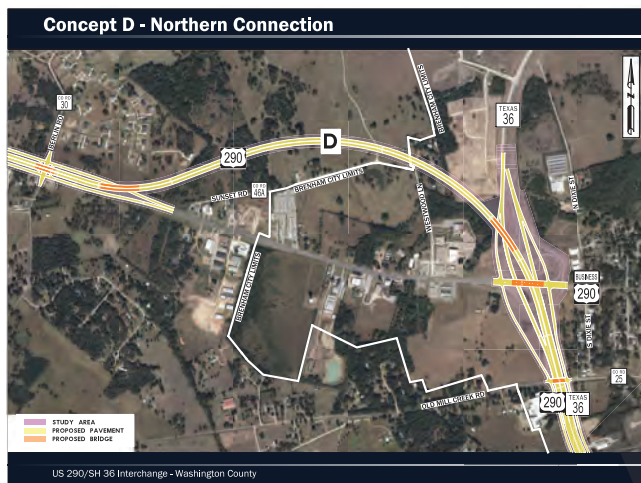
Concept B

Concept B provides a direct, free flow connection for US 290 through traffic while maintaining the existing freeway/free flow connection for traffic traveling northbound US 290 to northbound SH 36 and southbound SH 36 to southbound US 290. Concept B has more substantial impacts, primarily southwest of the existing cloverleaf interchange. See figure 1.01-4.

Concept D

Concept D is termed the Northern Connection and reroutes both the westbound and eastbound travel lanes to the north. The purple shading identifies the study area, the yellow shading identifies the proposed pavement, and the orange shading identifies proposed bridges/overpasses. This concept constructs a new two-lane roadway alignment in each direction north of the existing US 290/SH 36 Intersection, includes an uninterrupted direct

connection providing continuous flow along US 290, provides a direct connect tie-in near Berlin Road, and features an overpass at Berlin Road with U-turns for improved safety and connectivity, and includes a frontage road connection between Business 290 and Old Mill Creek Road to accommodate local access. This concept would necessitate acquiring right-of-way.



Concept E

Concept E is an additional concept that was presented at the public meeting in November 2020. This concept is referred to as the Southern Connection. Concept E constructs a new two-lane roadway alignment in each direction south of the existing US 290/SH 36 Intersection. This concept also includes an uninterrupted direct connection providing continuous flow along US 290 and provides a direct connect tie-in near Berlin Road that consists of an overpass with U-turns for improved safety and connectivity, as well as an overpass at Old Mill Creek Road with U-turns, as needed. In addition, it maintains the existing US 290/SH 36 intersection to accommodate local traffic. Regional main lane traffic will continue on US 290 through the direct connect, thereby reducing the traffic on the existing US 290/SH 36 intersection and improving its operation. Concept E will also require the acquiring of a large amount of right-of-way.

Conclusion

The project team recommends that the City be proactive in working with TxDOT as the US 290/SH 36 interchange (the cloverleaf) improvement concepts are refined, and the impacts come into sharper focus. The City should advocate for the concept that best advances Plan 2040's Guiding Principle 2 by considering impacts to housing, transportation, infrastructure, economic development, emergency response, and arts and culture.

Figure 1.01-4 US 290/SH 36 TxDOT Concept B – Southern Direct Connect Source: Txdot.gov



Figure 1.01-5 Concept Scoring Matrix

	Concept A Diverging Diamond Interchange	Concept B Central Direct Connect	Concept C Split northern Connection	Concept D Northern Connection	Concept E Souther Connection
Provide Continuous Flow on US 290	●	●	●	●	●
Minimize Property Impacts	●	●	●	●	●
Preserve Local Access	●	●	●	●	●
Improve Safety	●	●	●	●	●
Reduce Congestion	●	●	●	●	●
Improve Statewide and Local Mobility	●	●	●	●	●

Relative Concept Score:

Poor ●

Good ●

Best ●

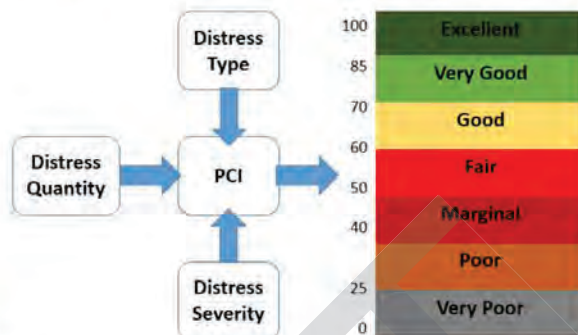
C. City Planned Projects

In late 2020 the City of Brenham partnered with Infrastructure Management Services (IMS), a full-service consulting firm that performs pavement condition surveys, right-of-way asset surveys, and creates pavement rehabilitation plans, to conduct an in-depth street condition inventory survey utilizing state of the art scientific equipment to evaluate the City's street network. Based on the resulting survey and report, that consisted of gathering data and analyzing over 94 centerline miles of the street network, it was found that the City's streets had an overall Pavement Condition Index (PCI) of 59. This is slightly below average, with a goal of reaching a PCI of 70. With the results of the in-depth inventory data, the City of Brenham is now able to plan, budget, and react efficiently to our street network needs.

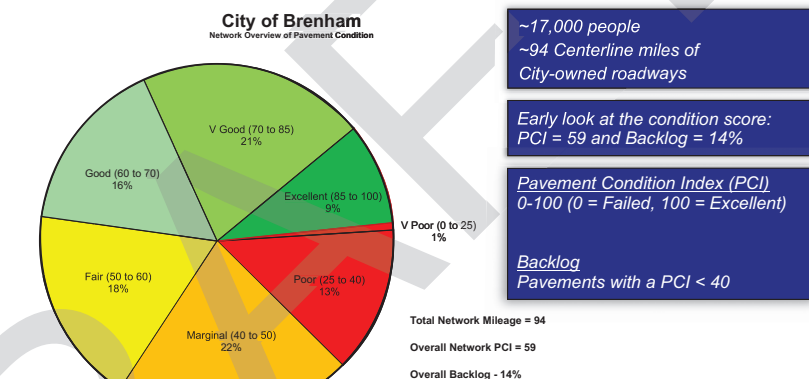
The resulting data enables the City of Brenham to properly identify its needs related to each street and react accordingly. The City may now efficiently and effectively conduct a great deal of work in-house to include crack sealing, performing overlays on "good" and "fair" streets, and dedicating additional funds for mill and overlay projects, sealant additions, and total reconstruction based on each street's characteristics.

To this end, over the next five years, the City of Brenham has dedicated over \$2.5 million dollars toward street projects. These projects include specifically dedicating \$250,000 to seal coat projects that will extend the life of GOOD and FAIR streets in our system and dedicating over \$600,000 to in-house street projects that will concentrate on residential streets for mill and overlay improvements as well as reconstruction of streets that fall below 40 PCI. Another \$1.7 million is dedicated towards contractor

Pavement Condition Index



Overview of Pavement Conditions



projects that will help tackle larger sections of streets that fall below a PCI of 50. With these three tactics and dedicated funding, the City of Brenham will improve the overall PCI rating of the street network.

The City of Brenham has also identified several large Capital Improvement Projects that pertain to street widening and drainage improvements. The following identified streets are listed below:

Burleson St (FM 577-Benton Dr.)	\$3,915,000
Gun and Rod Road (East)	\$1,873,000
Gun and Rod Road (West)	\$1,929,500
Jake Pickle Drive Extension (South)	\$894,000
Old Chappell Hill Rd.	\$2,052,500
Old Mill Creek Rd.	\$2,351,000
<u>South Blue Bell Rd Extension</u>	<u>\$7,987,000</u>
Total	\$21,002,000

A. The Burleson Street project

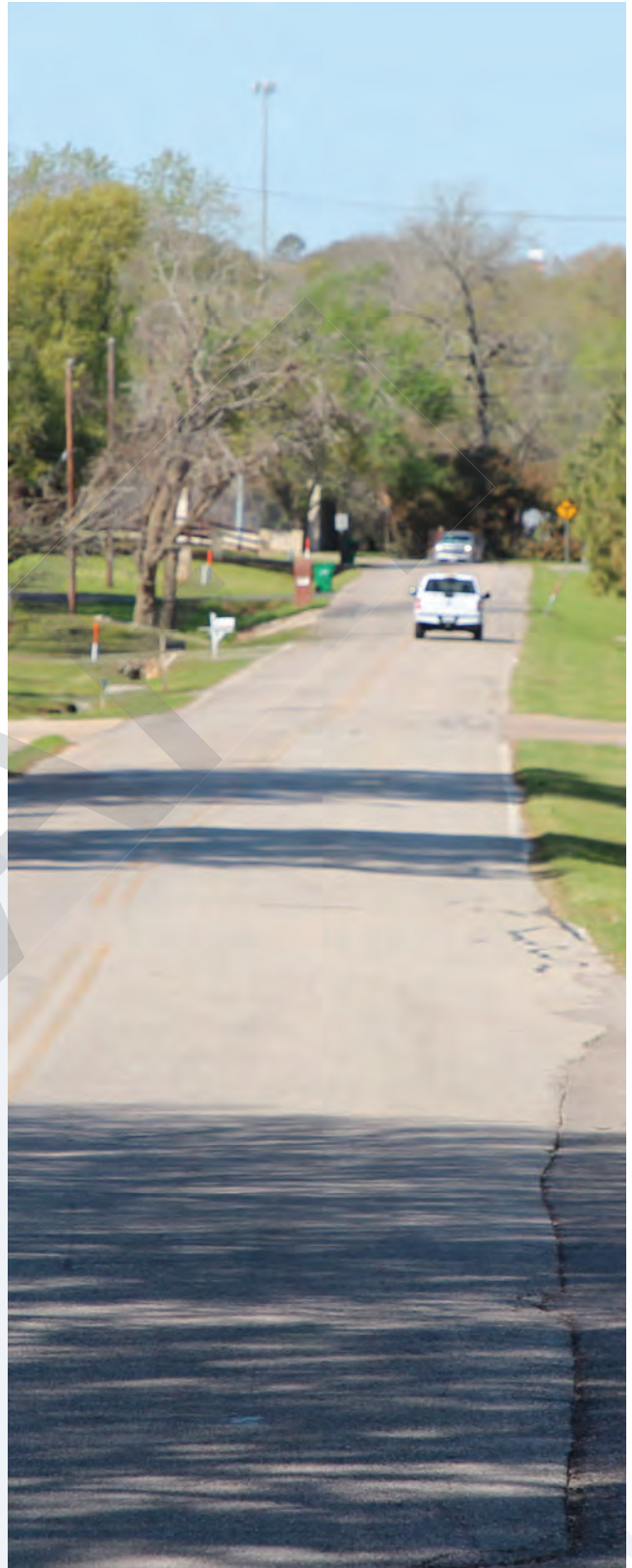
Located at FM 577 and Benton Drive, includes a pavement section with concrete curb and gutter with storm sewer and three lanes that total 40-foot wide from back-of-curb to back-of-curb with two driving lanes and a center turn lane. The project also includes a sidewalk on one side and street lighting. Special considerations to note is that the area may require detention, resulting in the need for the City to purchase additional land.

B. The Gun and Rod Road (East) project

Includes a pavement section with concrete curb and gutter with storm sewer and three lanes that total 40-foot wide from back-of-curb to back-of-curb with two driving lanes and a center turn lane. The project also includes a 12-foot multi-use sidewalk path and lighting. Special considerations to note are landscaping in the right-of-way on the north side will likely be impacted, and the City may want to upgrade the downstream storm sewer lines with both east and west improvements for Gun and Rod Estates.

C. The Gun and Rod Road (West) project

Includes a pavement section with concrete curb and gutter with storm sewer and three lanes that total 40-foot wide from back-of-curb to back-of-curb with two driving lanes and a center turn lane. The project also includes a multi-use sidewalk path and lighting. Special considerations include that the City may need additional right-of-way for the multi-use path, the City may want to upgrade the downstream storm sewer lines with both east and west improvements for Gun and Rod Estates, and possible replacement of all corrugated metal pipe (CMP) that currently exists underneath the pavement section.



Gun and Rod Road (West)

D. The Jake Pickle Drive extension project

Includes a pavement section with concrete curb and gutter with storm sewer and three lanes that total 40-foot wide from back-of-curb to back-of-curb with two driving lanes and a center turn lane and lighting on one side. Special considerations for this project are the extension may require modifications to the existing drainage channel and the construction of a bridge.

140-feet of additional right-of-way acquisition along the length of the street. Several special considerations for this project comprise of the extension, that may require detention if the park ponds do not have adequate capacity, a bridge, or two smaller bridges, will also need to be constructed, and the extension will cross under overhead transmission lines. Lastly, a signal at the intersection of Highway 36 will be necessary.

E. The Old Chappell Hill Road project

Consists of a pavement section with a concrete curb and gutter with storm sewer and three lanes that total 40-foot wide from back-of-curb to back-of-curb with two driving lanes and a center turn lane and verifying spacing of existing lighting and adding or modifying as needed. The special considerations for this project include the removal of the existing bridge and the construction of either a new bridge or a culvert crossing.

F. The Old Mill Creek Road project

Includes a pavement section with concrete curb and gutter with storm sewer and three lanes that total 40-foot wide from back-of-curb to back-of-curb with two driving lanes and a center turn lane, a sidewalk on the north side, and lighting.

G. South Blue Bell Road extension (Salem Road tie-in) project

Includes a pavement section with concrete curb and gutter with storm-sewer; a four-lane boulevard with a grass median and left-turn bays, where needed. The total pavement section is 70-foot-wide back-of-curb to back-of-curb. In addition, decorative lighting on both sides and two sidewalks are included, with a 10-foot multi-use path on one side and a 4-foot sidewalk on the other. This project does include approximately

1.02 Priority Projects Map

To move forward, it is important to include an assessment of existing transportation conditions to see areas of concern and of opportunity. In this vein, the development of Plan 2040 included documentation of existing transportation conditions and needs within the Existing City Report portion of the Plan. One tool utilized to gather input during a community engagement process was a mapping exercise conducted in January 2019. Participants marked areas in need of improvement of connectivity and/or traffic flow on maps of Brenham's road network. The areas of consensus from multiple maps included:

- ▶ Areas needing improved connectivity:
 - ▷ SH 36 north of the cloverleaf interchange with US 290
 - ▷ The area west of Blinn College approaching US 290
 - ▷ US 290 at the BNSF Railroad crossing
 - ▷ The US 290/SH 36 intersection (shopping area with HEB and Wal-Mart)
 - ▷ The SH 36 at intersection with the BNSF Railroad, near Hohlt Park
 - ▷ The area south of US 290 near Brenham Family Park where the Chappell Hill Street extension is planned
- ▶ Areas needing improved traffic flow:
 - ▷ The US 290/SH36 cloverleaf interchange
 - ▷ Day Street, in commercial areas both north and south of the US-290 interchange
 - ▷ US 290 west of the SH 36 intersection, at the Westwood Shopping Center area
 - ▷ The area around Brenham High School
 - ▷ The area around Brenham Post Office
 - ▷ Downtown
 - ▷ Crossing Streets near the BNSF Railroad line

when trains are present; particularly Main Street

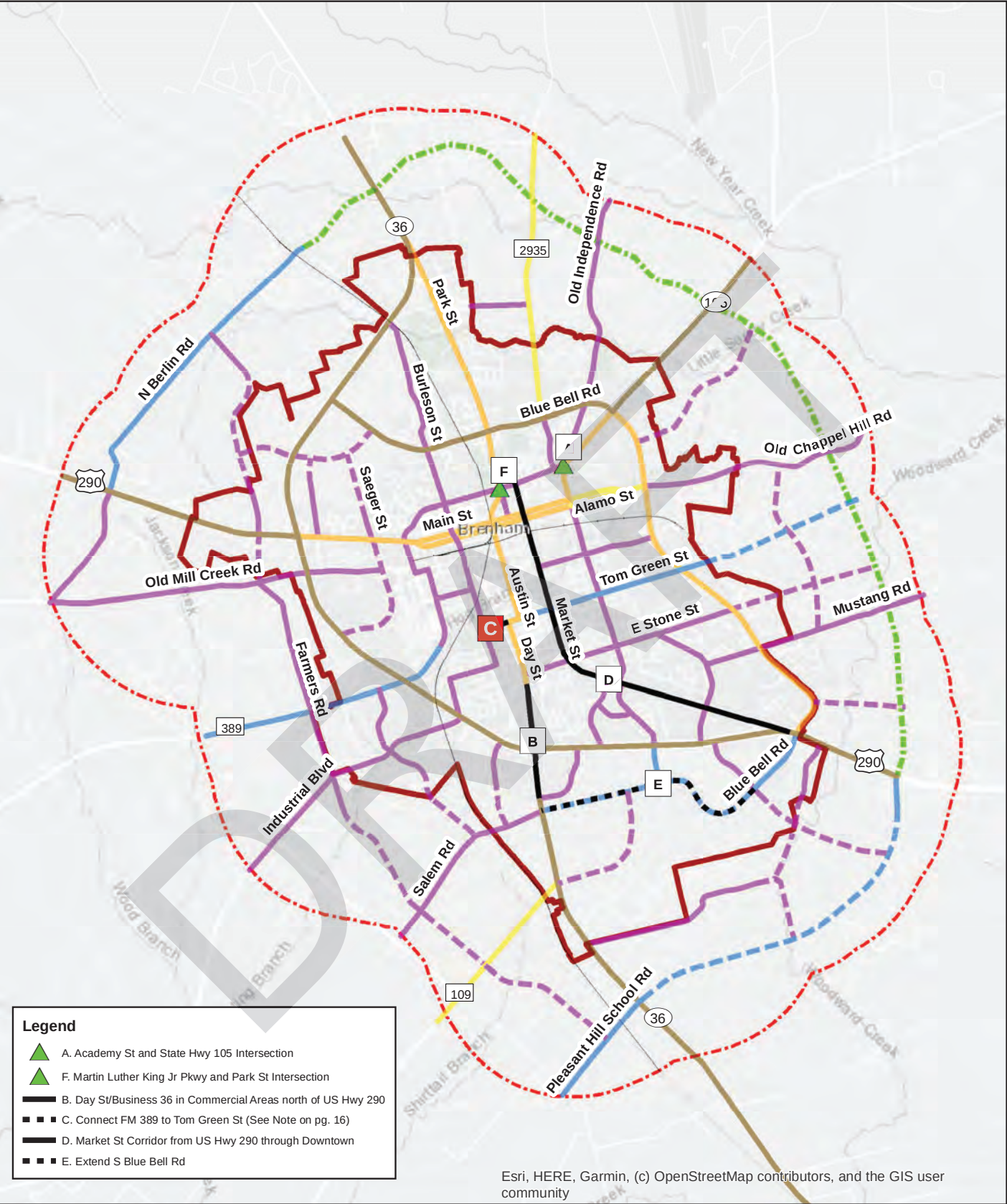
- ▷ The intersection of Blue Bell Road and SH 105

Plan 2040 indicates on page 66 that "Overall, there are no significant traffic concerns based on projected population growth and development." While existing congestion is modest compared to larger metropolitan areas, there are several current and future trip generators that will increase traffic volumes on the streets and highways that serve them, including:

- ▶ New commercial developments along US 290, which is expected to remain the highest volume traffic facility
- ▶ New commercial developments along SH 36
- ▶ Brenham Family Park, which, when developed, may serve as a regional trip attractor, especially as a mix of complementary uses develop around it
- ▶ Market Street, Day and Austin Streets, and West Main Street, identified as corridor mixed use on the Future Land Use Map
- ▶ Downtown
- ▶ Blinn College
- ▶ Blue Bell Creameries
- ▶ Industrial business parks (particularly for truck traffic)

Based on the needs identified in the Existing City Report, the locations of current and future trip generators, discussion with City staff and other stakeholders, local knowledge, and professional judgment, the team identified and prioritized six future projects in Plan 2040. Figure 1.02-1 (page 16) shows the priority projects. These future projects include: the Academy Street and SH 105 intersection, Day Street/ BUS 36 in commercial areas north of US 290 through downtown, connecting FM 389 to Tom Green Street, Market Street corridor from US 290 through downtown, extending South Blue Bell Road, and the Martin Luther King Jr. Parkway and Park Street intersection.

Figure 1.01-2 Priority Projects



**City of Brenham
Priority Projects**



Each of these future projects was identified in Plan 2040 as a strategic action and capital investment priority with focused implementation in the short to mid-term, and to be incorporated into the Capital Improvements Program (CIP). These future projects, why they are needed, and possibilities for improvements are detailed following Figure 1.02-1.

A. Intersection of Academy Street and SH 105

This “Y” intersection is near a curve in the Academy Street roadway and is complicated by the nearby Thiel Street tee intersection to the east. The project should reconfigure the intersection to improve safety, reduce driver confusion, and mitigate congestion.

Possible improvements to be investigated could include removing the Thiel Street connection to SH 105 or converting the street to one-way eastbound to eliminate conflicts created by westbound Thiel Street traffic; conversion to all-way stop control; and/or geometric modifications and land acquisition to construct a roundabout.



Academy Street & Chappell Hill Street

B. Day Street/BUS 36 in Commercial Areas North and South of US 290

The commercial area along SH 36/Day Street north and south of US 290 experiences congestion and vehicle queuing concerns. This area was noted within the Existing City portion of Plan 2040 as an area that was in need of improved traffic flow. The high number of closely spaced driveways on both sides of the street results in conflicting movements and often unsafe driving behavior. Safety improvements and access management to improve safety, reduce

congestion, and provide more orderly movement of vehicles are recommended.

Possible improvements to be investigated include eliminating driveway access points on Day Street for properties that currently have more than one; extending the raised median on Day Street north of US 290 to the north to eliminate left-out movements near the Frontage Road/interchange signal; and/or providing cross access between businesses fronting Day Street/BUS 36, possibly with the addition of a consolidated, signalized access point.



Day Street, Business 36

C. Connect FM 389 to Tom Green Street

Providing a connection between FM 389/Prairie Lea Street and Tom Green Street would significantly improve connectivity and mobility on the south side of the City by creating a continuous east-west City Arterial corridor. This was initially determined to be a priority as there is currently only one way to cross the railroad tracks, which is detrimental to Fire and EMS as well as if an evacuation ever needs to take place. However, with the proposed development of Fire Station Number 2 and multiple EMS stations, emergency personnel will be capable of serving all areas of town efficiently without this connection. After additional consideration and research, this project has been deemed cost-prohibitive. Furthermore, the new US Hwy 290 and SH 36 interchange concepts all incorporate one-way frontage roads that will likely alleviate the necessity for this connection.

D. Market Street Corridor from US 290 Through Downtown

The Market Street corridor is a TxDOT Minor Arterial

that is a primary north-south connection for the City, particularly for travelers coming from or going to the east on US 290. Currently, the corridor varies in character along its length. The street section along the corridor consists of a three-lane section (one travel lane in each direction with a center-turn lane) on the southern portion and a traditional two-lane section closer to Downtown. Development and implementation of a Corridor Improvement Plan are recommended to create a more cohesive and welcoming transportation corridor.



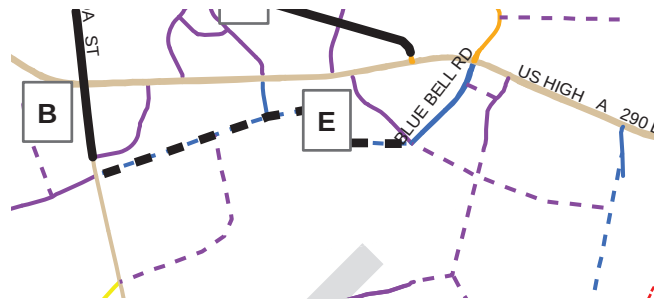
Market Street

Possible improvements to be investigated could include installation of a raised median within the three-lane portions of the corridor where there is a lack of driveways or side streets and, therefore, no need for a left-turn refuge area; enhanced crosswalks and/or sidewalks; investigation of on-street bike accommodations; and/or streetscaping elements such as decorative lighting, landscaping, wayfinding signage, etc.

E. Extend South Blue Bell Road South of SH 36

Blue Bell Road is an important arterial route providing a high level of mobility throughout the City. Continuing South Blue Bell Road from its current terminus south of US 290 to connect with SH 36 is a high priority. The vital need for this connection was also highlighted in Plan 2040 as it would further improve connectivity on the south side of the City. A variety of land uses could be developed with an extension. The Future Land Use Map shows this area as a Planned Development where an additional study is needed for proposed realignment and adjacent land uses. This connection is shown as a dashed line

on the Thoroughfare Plan map running north of the proposed Brenham Family Park area.



excerpt of Figure 1.02-1

F. Intersection of Martin Luther King Jr. Parkway and Park Street (by the Library)

The intersection of Martin Luther King Jr. Parkway, Academy Street, BUS 36, and Park Street has a traffic signal and marked turn lanes on the northbound and southbound approaches. However, no lane designations are marked on the eastbound or westbound approaches. This often results in vehicle operations resembling a single lane functioning for left-turn, through, and right-turn movements. Intersection improvements are recommended to reduce congestion at this location.

Possible improvements to be investigated include providing separate left-turn and shared through/right-turn lanes on the eastbound (Martin Luther King Jr. Parkway), and westbound (Academy Street) approaches; updating the traffic signal phasing and/or timings; and/or providing improved pedestrian crosswalks.



Academy Street to Dr. MLK Jr. & North Park Street

1.03 Typical Sections

Plan 2040 recommends that the City integrate “Complete Streets” concepts into local projects. Complete Streets concepts seek to better accommodate all road users, including pedestrians, bicyclists, transit users, and motorists. The

recommended typical sections have been developed with this concept in mind.

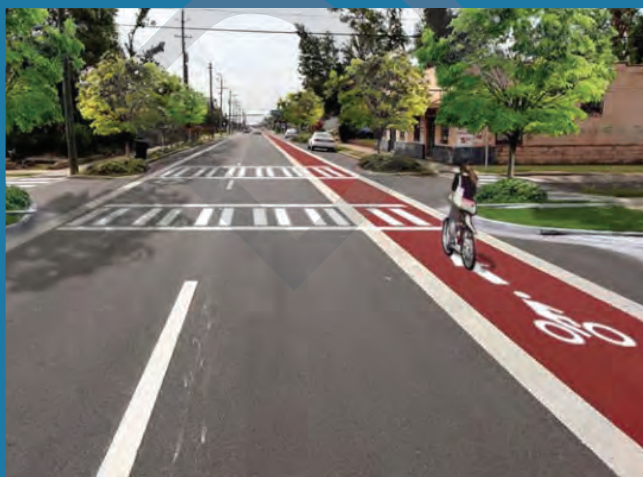
The typical sections are intended to guide City decisions when new or retrofit street projects are undertaken. Adjustments to the dimensions and/or amenities can be made based on project specific considerations.

Lane Widths:

The 13-foot wide travel lanes shown in the Local Alternatives L1 and L2 sections match the City’s current standards. Narrower lanes are being used by many communities to help calm traffic and reduce travel speeds. 11-foot lanes have become commonplace for local streets, with some communities going even narrower. This is another item the City should monitor, and if appropriate, sometime in the future, consider revising the Local Alternatives L1 and L2 typical sections to provide narrower motor vehicle travel lanes.

Bike Accommodations:

The project team discussed the pros and cons of providing a wider on-street bike area. The industry trend is toward wider accommodations, sometimes with a painted buffer area. This is something the City should monitor, and if appropriate, sometime in the future consider revising the Collector Alternative C2 typical section to provide wider on-street bicycle space, similar to the Arterial Alternative A2 section.



Source: Active Transport Alliance – activetrans.org



Source: Boulder County – bouldercounty.org

A. City Arterial Streets

Arterial streets provide a high level of mobility. These streets are intended to move 5,000 to 30,000 vehicles per day through and around the City efficiently, with access points generally being from collector streets. Arterial streets typically have speeds of 40 to 50 mph, with greater driveway spacing and fewer driveways allowed per lot. The recommended typical sections depict a four-lane street. If traffic volumes on an arterial corridor do not warrant a four-lane street section, the City could select a typical section from the City Collector category.



Prairie Lee Street

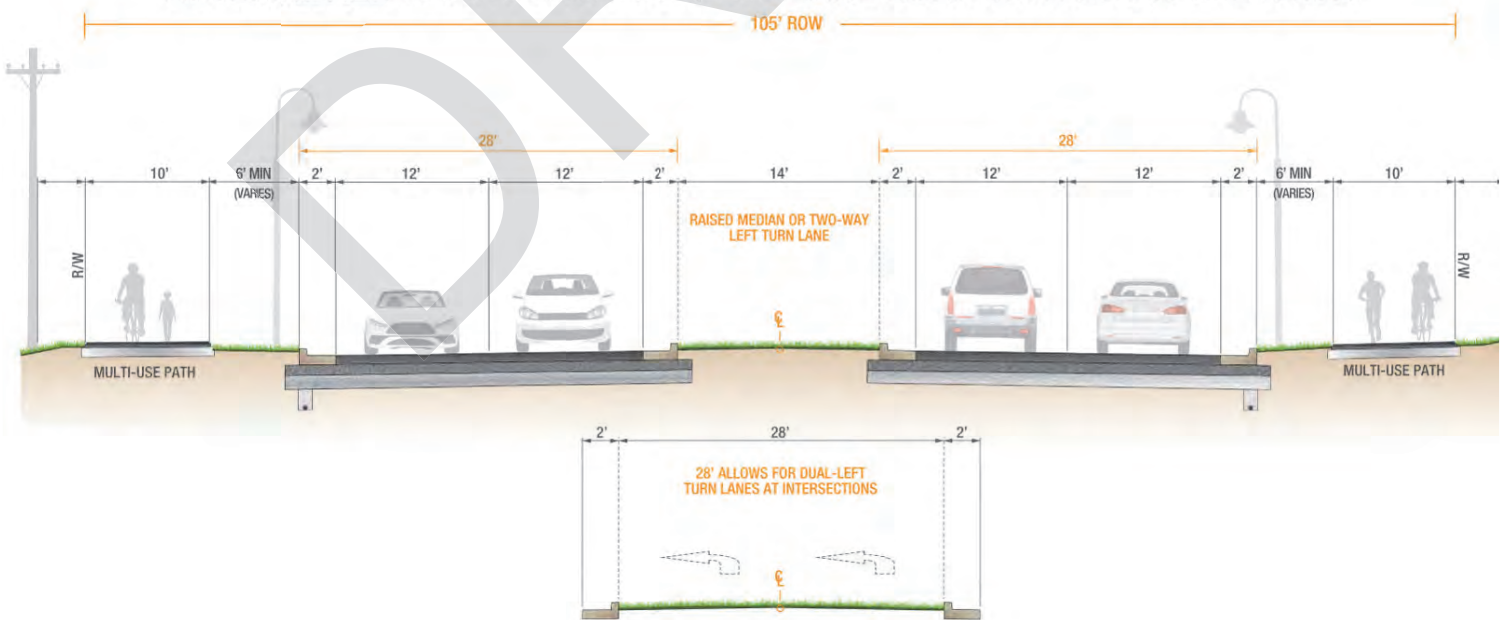
1. Arterial Alternative A1: Four- or Five-Lane Road with Multi-use Paths

Typical section Arterial Alternative A1 provides two travel lanes in each direction. Between intersections, a Two-Way Left-Turn Lane (TWLTL) or a raised center median could be provided, depending on the presence or absence of driveways. A multi-use path is provided on each side of the road to accommodate bicyclists and pedestrians. The total right-of-way (ROW) width between the major intersections is 105 feet. At some busier intersections, additional ROW may be needed to accommodate dual left-turn lanes.

This section is suitable along City Arterial streets that are also designated as Higher or Medium/Lower Priority Bicycle/Pedestrian Routes (see report Section 2). The Arterial Alternative A1 section is shown in Figure 1.03-1.

Figure 1.03-1 Arterial Alternative A1

ARTERIAL ALTERNATIVE A1: FOUR/FIVE-LANE ROAD WITH MULTI-USE PATHS



2. Arterial Alternative A2: Four- or Five-Lane Road with Buffered Bike Lanes

Typical section Arterial Alternative A2 provides two travel lanes in each direction. Between intersections, a Two-Way Left-Turn Lane or a raised center median can be provided, depending on the presence or absence of driveways. Sidewalks are provided on each side of the road to accommodate pedestrians. In addition, on-street, buffered bicycle lanes are also provided in each direction. The total ROW width between major intersections is 105 feet. At some busier intersections, additional ROW may be needed to accommodate dual left-turn lanes.

This section is suitable along City Arterial streets that are also designated as Higher or Medium/Lower Priority Bicycle/Pedestrian Routes (see report Section 2). The Arterial Alternative A2 section is shown in Figure 1.03-2.

B. City Collector Streets

Collector streets provide a moderate level of mobility while allowing more frequent direct access than arterial streets. Collector streets typically allow speeds of 30-40 mph and provide travel through corridors and provide a connection to arterial streets. The recommended typical sections depict both two- or three-lane streets and two-lane only streets.

1. Collector Alternative C1: Two- or Three-Lane Road with Path and Sidewalk

Typical section Collector Alternative C1 provides one travel lane in each direction. Between intersections, a Two-Way Left-Turn Lane or a raised center median can be provided, depending on the presence or absence of driveways. A sidewalk is provided on one side, with a multi-use path provided on the other. The total ROW width is 80 feet.

Figure 1.03-2 Arterial Alternative A2

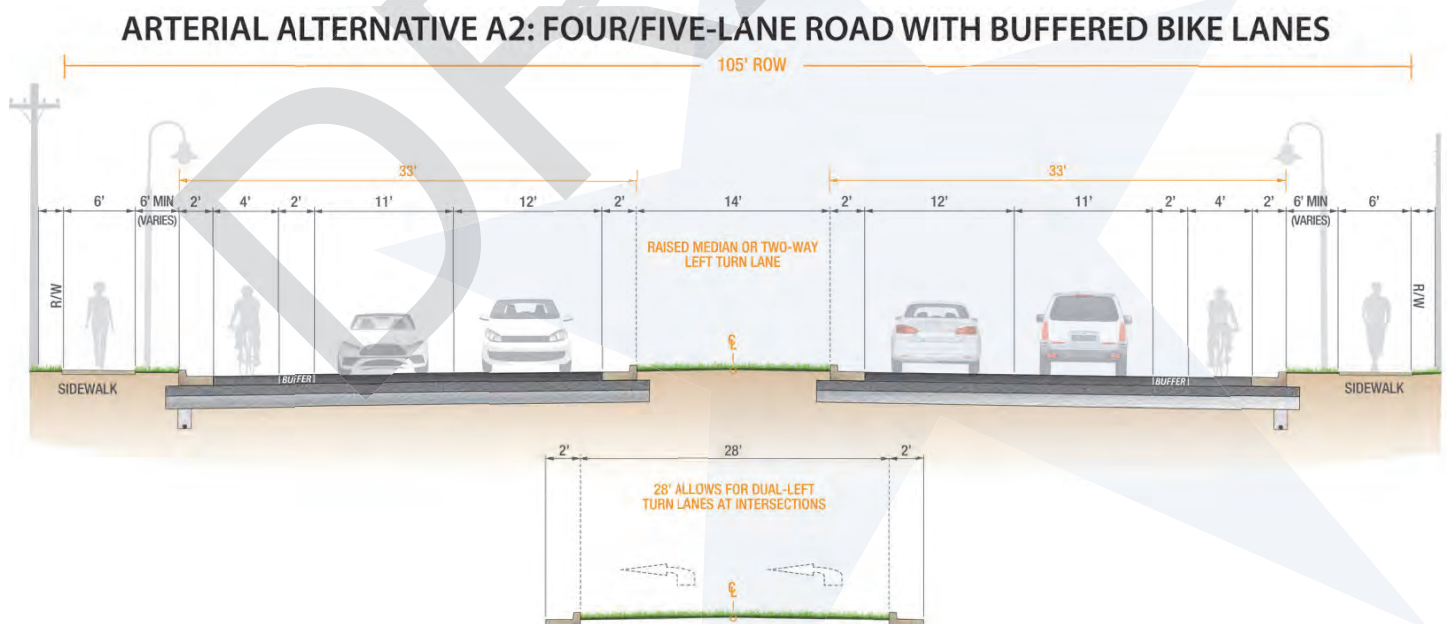


Figure 1.03-3 Collector Alternative C1

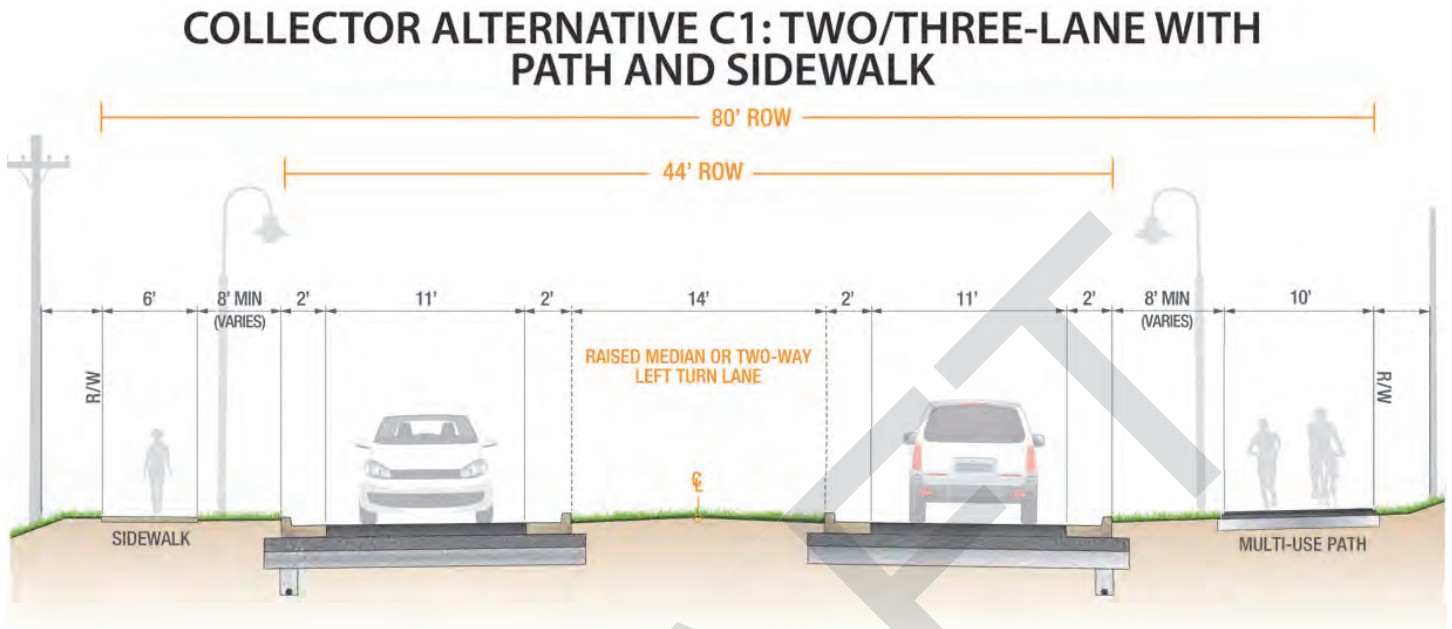
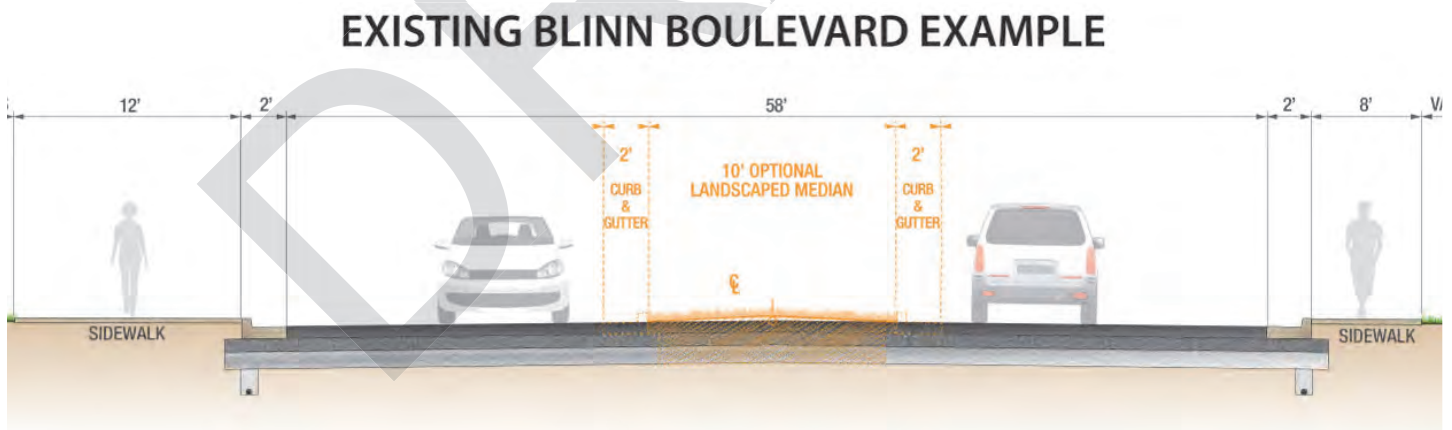


Figure 1.03-4 Existing Blinn Boulevard Example



This section is designed such that it accommodates a variety of City Collector street segments as well as Bicycle/Pedestrian Routes (see report Section 2). The Collector Alternative C1 section is shown in Figure 1.03-3. This section features a sidewalk or multi-use path on each side of the street for pedestrians and bicyclists, as well as a raised median or Two-Way Left-Turn Lane. The right-of-way for this section is 60-80 feet. The existing Blinn Boulevard section is also shown for reference in figure 1.03-4.



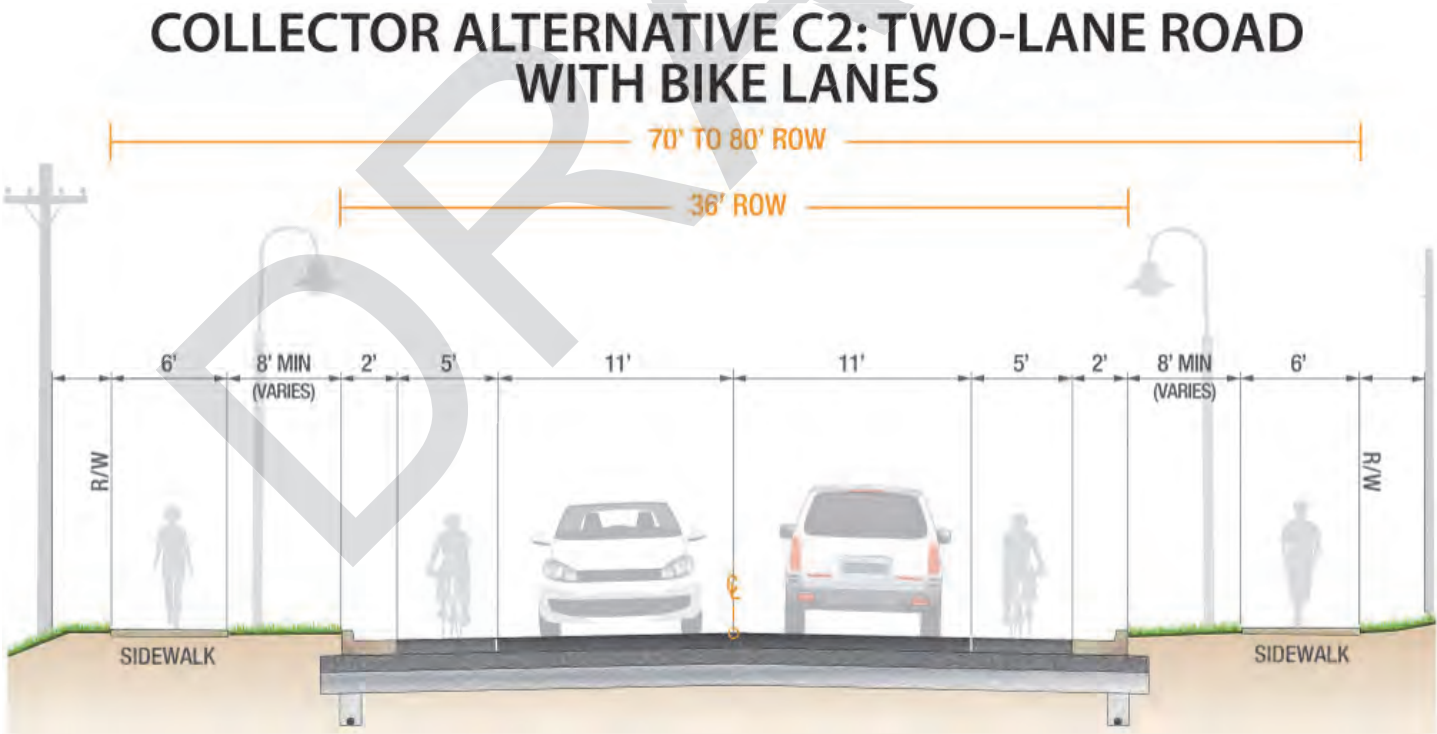
Blinn Boulevard

Figure 1.03-5 Collector Alternative C2

2. Collector Alternative C2: Two-Lane Road with Bike Lanes

Typical section Collector Alternative C2 provides one travel lane in each direction and no area for a raised median or a Two-Way Left-Turn Lane. The benefits of this cross-section are that a sidewalk is provided on both sides in addition to on-street bike lanes. The total ROW width is 70 to 80 feet.

This section is suitable along City Collector streets that are also designated as Medium/Lower Priority Bicycle/Pedestrian Routes (see report Section 2). The Collector Alternative C2 section is shown in Figure 1.03-5.



C. City Local Streets

All streets that are not functionally classified by TxDOT or as a City Arterial or City Collector can be considered local streets. Local streets provide a lower level of mobility with a very high level of access. These streets typically have speeds of 15–30 mph. The recommended typical sections depict two-lane streets.

1. Local Alternative L1: Two-lane Urban Section with Path

Typical section Local Alternative L1 provides one travel lane in each direction. A multi-use path is provided on one side. The total ROW width is 55 feet.

This section is suitable along local streets that are also designated as High or Medium/Lower Priority Bicycle/Pedestrian Routes (see report Section 2). The Local Alternative L1 section is shown in *Figure 1.03-6*.

2. Local Alternative L2: Two-Lane Urban Section with Sidewalks

Typical section Local Alternative L2 provides one travel lane in each direction. A sidewalk is provided on both sides. The total ROW width is 55 feet.

This section is suitable along local streets that are not designated as High or Medium/Lower Priority Bicycle/Pedestrian Routes (see report Section 2). The Local Alternative L2 section is shown in *Figure 1.03-7*.



Fannin Street

Figure 1.03-6 Local Alternative L1

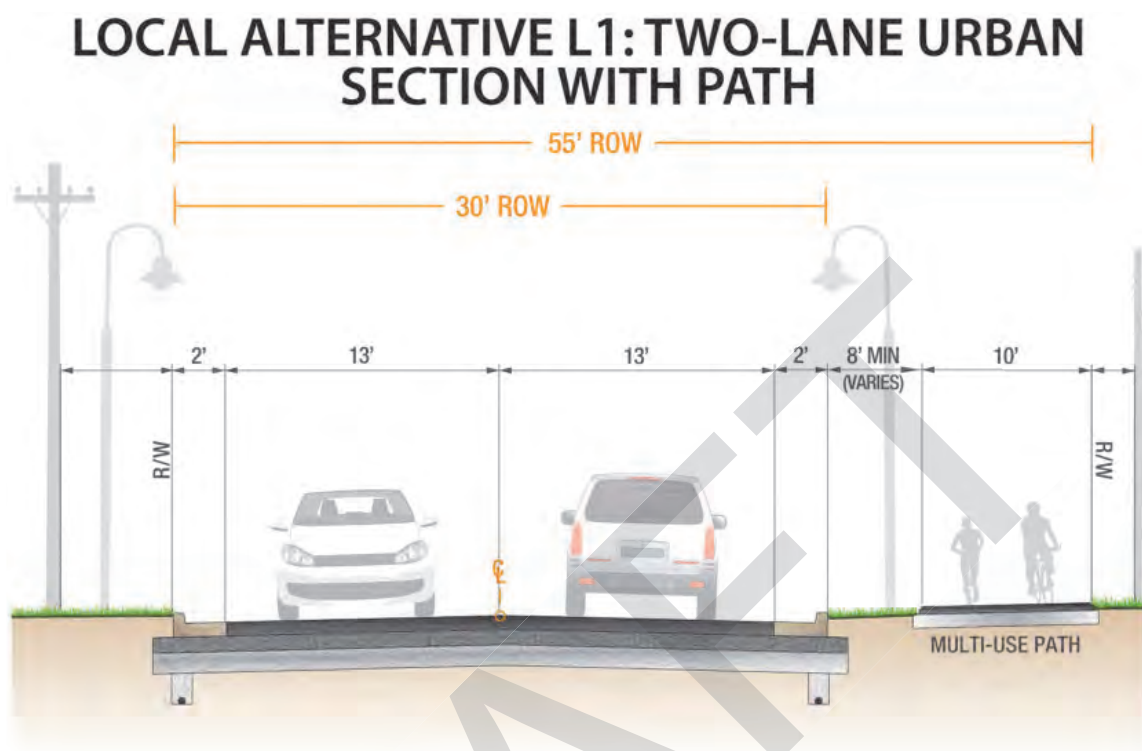
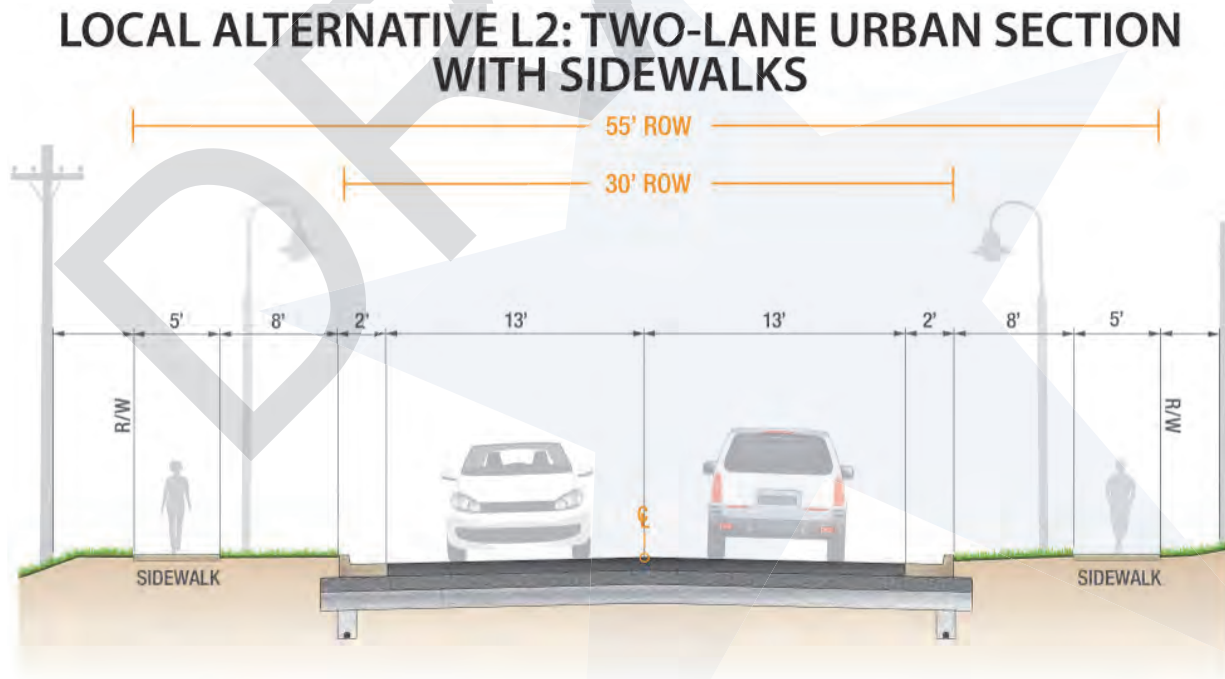


Figure 1.03-7 Local Alternative L1



1.04 Truck Routes Map and Discussion

The City of Brenham's Code of Ordinances outlines Traffic Regulations in Chapter 25 to include Truck and Hazardous Materials Routes in Article IV, Sections 25-90 through 25-95. Article IV establishes and creates certain truck and hazardous materials routes in, through, and around the City of Brenham for all trucks, semitrailers, road tractors, and truck tractors or any vehicle or conveyance carrying hazardous materials entering or exiting the city. These routes are shown on the Truck Routes Map in Figure 1.04-1. The primary purpose of the Truck Routes Map is to easily identify the preferred routes for trucks with business in the City to use between their destinations and the TxDOT Freight Network.

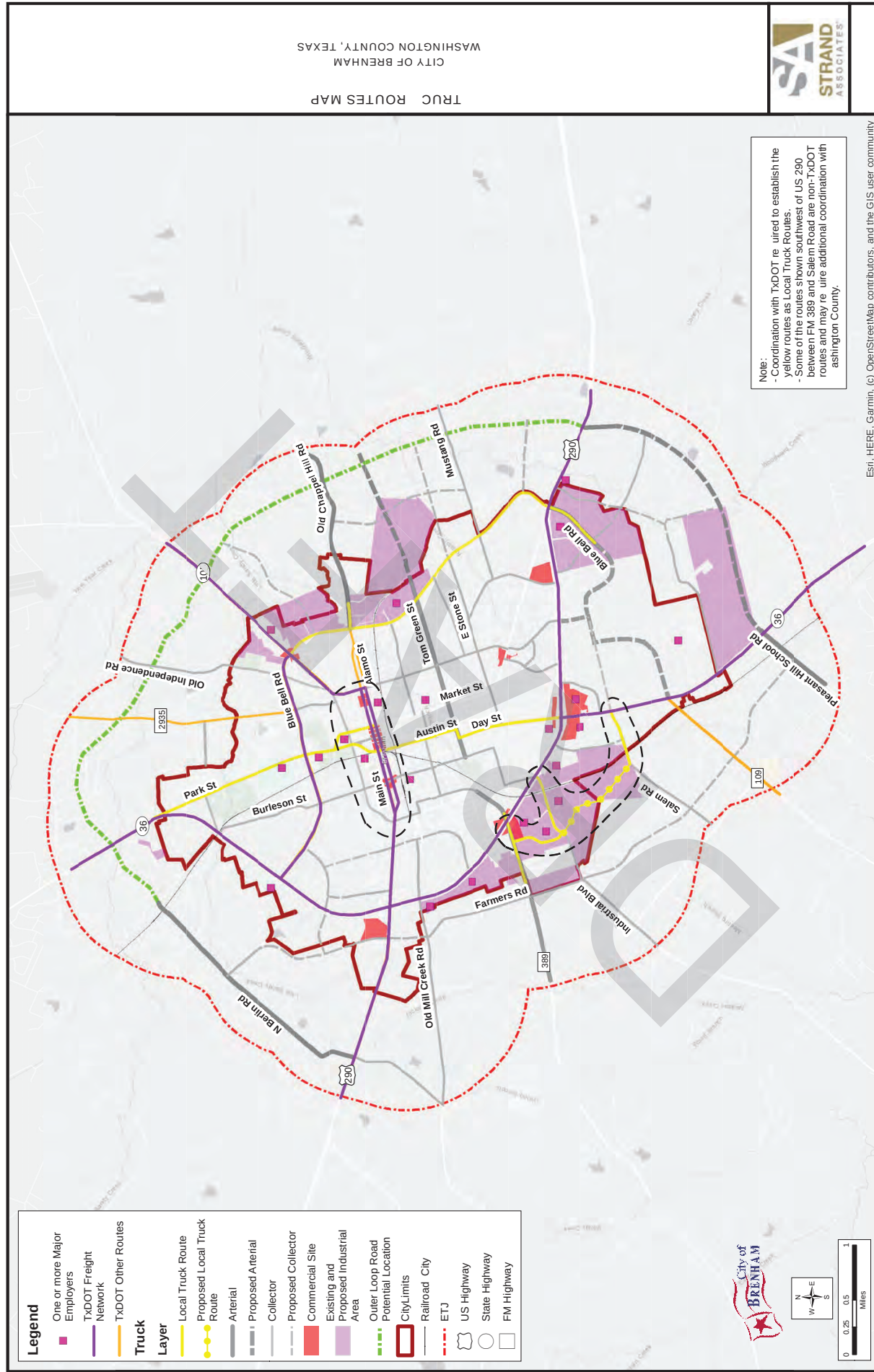
The Truck Routes Map identifies some of the larger employers in the City that are likely to receive truck deliveries and/or service. It also highlights some of the commercial land use areas where truck traffic is more frequent. The TxDOT Freight Network is shown in purple, while the recommended Local Truck Routes are shown in yellow.

Additional coordination with TxDOT and Washington County regarding the establishment of local truck routes is warranted. The City should also consider coordinating with TxDOT to investigate eliminating or relocating the portion of the TxDOT Freight Network that uses the Main Street and Alamo Street one-way pair through downtown. Regional trucks that do not have a downtown destination should be encouraged to use SR 36/Blue Bell Road/SR 105 instead. Another option would be to relocate the TxDOT Freight Network route from Main Street and Alamo Street to Martin Luther King Jr. Parkway and Academy Street. Due to residential land uses along that route as well as the Park Street intersection (a priority project location), potential adverse impacts would need to be further evaluated.



US 290 – Truck Route

Figure 1.0 -1 Truck Routes Map



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Section 2

Bicycle and Pedestrian Network

2.01 Bicycle and Pedestrian Routes Map and Discussion

The Brenham Bicycle and Pedestrian Routes Map identifies the streets that best connect a number of community features. To promote an active lifestyle and increase overall community accessibility, it is desirable to make it easier to walk and bike to destinations such as churches, parks, and schools. Currently, the only designated bike route in the City is located on FM 389/Prairie Lea Street. The routes identified on the map should be prioritized for future bicycle and pedestrian improvement projects.

The Brenham Bicycle and Pedestrian Routes Map identifies bike and pedestrian routes in the following categories:

1. Recommended Higher Priority Bicycle and Pedestrian Routes on Existing Streets
2. Recommended Higher Priority Bicycle and Pedestrian Routes on Future Streets
3. Recommended Medium to Lower Priority Bicycle and Pedestrian Routes on Existing Streets
4. Recommended Medium to Lower Priority Bicycle and Pedestrian Routes on Future Streets

The Bicycle and Pedestrian Routes Map is shown in Figure 2.01

Discussion among the project team during the development of the bike/pedestrian map identified a few areas worth noting where the City should further investigate opportunities for improvements. First, there are no pedestrian or bicycle accommodations along or across Park Street/BUS 36 at Brenham High School. This is something that the City should consider improving.

Another challenging area occurs north of US 290 on Day Street/BUS 36. Bicyclists choosing to use the recommended Higher Priority route along Austin Street east of Day Street will need to use Hillcrest Lane to connect to Day Street where Austin Street ends. TxDOT is planning sidewalk improvements on portions of Austin Street and Day Street in 2022. The City should consider planning for or advocating for a multi-use path along the east side of Day Street from Hillcrest Lane traveling to the south, ideally through the US 290 interchange and beyond.

Adequately accommodating bicycles along the crossing streets at many of the US 290 interchanges will be particularly challenging. The City will need to coordinate with TxDOT on any desired improvements.



Bicyclist on Tom Green Street

Sidewalk Improvements:

As noted in Plan 2040, the City should develop a sidewalk improvement program to repair, replace, or install new sidewalks, crosswalks, and curb cuts, in high pedestrian use areas adjacent to, and leading to and from schools, near and adjacent to public buildings and spaces (including parks), and other areas with the potential for high sidewalk usage. It is encouraging that new subdivisions such as Vintage Farms and Liberty Village, both Planned Development Districts, have provided sidewalks and pedestrian trails for their residents. For example, Davy Street located within the under-construction Liberty Village Subdivision, provides sidewalks, a crosswalk, and a pinch point to calm traffic and increase pedestrian safety



2.02 Bicycle and Pedestrian Routes Map and Discussion

The following is a list of federal, state, and other grant and low-interest loan options to help fund Bicycle and Pedestrian projects in the City. This information is from a variety of sources, including the Houston Galveston Area Council. Grants for which the City does not meet eligibility requirements are not listed. Additional information under the Local Programs subsection can be found here:

<https://link.cityofbrenham.org/hgac-2040-ped>



A. Federal Programs

1. Surface Transportation Block Grant Program (STBGP)

Offered By:	Federal Highway Administration (FHA), via TxDOT and local Metropolitan Planning Organizations(MPO) (where applicable).
Eligible Entities:	Municipal government entities. Generally, it may not be used to improve roads classified as local roads.
Total Program Funding:	\$1.01 billion.

Min-Max Award per Project:	None specified.
Local Match:	State or Local 20 percent.
Application Due Date:	February of each year.

2. Transportation Alternatives Set-Aside (TA)

Offered By:	FHWA, via TxDOT and local MPO (where applicable). The TA program is part of the STBG program.
Eligible Entities:	Municipal government entities, among others.
Total Program Funding:	\$10.6 million FY 2019 to 2020.
Min-Max Award per Project:	None specified.
Local Match:	20 percent.
Application Due Date:	Preliminary application in April of odd numbered years.

3. Safe Routes to School (SRTS)

Offered By:	FHWA, via TxDOT and local MPO (where applicable). The TA program is part of the STBG program.
Eligible Entities:	Municipal government entities, amongst others
Total Program Funding:	\$8.7 million FY 2019 to 2020
Min-Max Award per Project:	None specified.
Local Match:	0 percent.
Application Due Date:	Preliminary application in April of odd numbered years.

4. Recreational Trails Program

Offered By:	HWA, via the Texas Parks and Wildlife Department.
Eligible Entities:	Municipal government entities, among others.
Total Program Funding:	Varies year to year approximately \$4 million.
Min-Max Award per Project:	From \$4,000 up to \$200,000 for non-motorized trails and \$400,000 for motorized (off highway vehicle) trails.
Local Match:	20 percent.
Application Due Date:	February 1 each year.

5. Highway Safety Improvements Program (HSIP)

Offered By:	FHWA, via TxDOT and local MPO (where applicable).
Eligible Entities:	Municipal government entities, among others.
Total Program Funding:	\$216 million.
Min-Max Award per Project:	None specified.
Local Match:	10 percent state or local.
Application Due Date:	Last call for projects concluded in August 2018. according to HSIP's Website, TxDOT is currently developing process improvements to the HSIP program in lieu of a 2019 program call.

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6. Better Utilizing Investments to Leverage Development (BUILD), formerly known as Transportation Investment Generating Economic Recovery (TIGER).

Offered By:	United States Department of Transportation (DOT).
Eligible Entities:	Municipal government entities, among others.
Total Program Funding:	Varies year to year approximately \$4 million.
Min-Max Award per Project:	From \$1 million in rural areas and \$5 million in urban areas up to \$25 million maximum. No more than \$100 million to a single state.
Local Match:	20 percent in urban areas, 0 percent in rural areas.
Application Due Date:	May 18, 2020.

B. Local Programs

1. Capital Improvement Programs

To the extent possible, the City should coordinate the implementation of pedestrian and bicycle improvements as part of larger roadway projects, particularly along the routes identified as Higher and Medium/Lower priority corridors on the Bike/Pedestrian Routes Map.

2. Bond Initiatives

Voters may authorize local governments to sell bonds to fund capital improvements, including bicycle and pedestrian facilities. In November 2012, Houston voters approved a major bond referendum supporting the Bayou Greenways Initiative. The City agreed to provide up to \$100 million to build shared use paths along its waterways.

3. Developer-funded Facilities

The City could consider adopting policies that encourage or require developers to construct bicycle and pedestrian accommodations. This could be included in any Traffic Impact Analysis guidelines that the City chooses to implement (see

Section 3 of this report).

4. Volunteers

Volunteers can help maintain pedestrian and bicyclist facilities, reducing localities' upkeep costs. These volunteers can help pick up trash, remove debris, maintain plantings, and partake in other activities to keep shared use paths, bicycle lanes, and other infrastructure safe, attractive, and in good repair. The Woodlands Township near Houston has an adopt-a-path program where interested residents volunteer to clean a path or park at least once per quarter.

5. Businesses

Businesses may be interested in providing financial support to help construct or maintain pedestrian and bicyclist infrastructure. For example, Blue Cross and Blue Shield of Texas provided \$750,000 to support Houston B-Cycle, the City's bike-share program. In New York City, Citigroup paid \$41 million to be the lead sponsor of New York City's bike-share program for five years.

6. Private Foundations

- ▶ Several non-profit organizations and private foundations provide funding to support the planning and construction of pedestrian and bicycle facilities:
- ▶ The American Hiking Society: National Trails Fund offers grants (\$500 to \$5,000) to member organizations for projects that improve hiking trails.
- ▶ The PeopleForBikes: Community Grant Program provides grants to help construct bicycle infrastructure and support large-scale bicycle advocacy initiatives.
- ▶ Advocacy Advance: Rapid Response Grants provide funding to organizations that are part of the League of American Bicyclists and the Alliance for Biking & Walking to support campaigns aimed at increasing or preserving funding for active transportation infrastructure.

Section 3

Traffic Impact Analysis Guidelines

3.01 Introduction

This section outlines examples of existing Traffic Impact Analysis (TIA) guidance for ten (10) Texas communities to aid the City in creating TIA guidelines. The following list summarizes each of the researched communities' TIA guidelines to include when a TIA is required and, in some instances, the content to be provided. Note that there are certainly additional communities in Texas with some form of guidance for a TIA that is not listed here. This section concludes with a discussion of TIA guidelines considerations and potential policies.

A. TIA Guidelines Discussion

Many of the TIA guidelines the team reviewed not only provide a list of recommended methodology and content to include in the TIA report, but they also typically include recommendations for determining whether a TIA is required to be completed as part of the approval process. Many of the guidelines directly state a development-generated trip threshold (whether for peak hour trips, daily trips, or both). For generated peak hour trips, this threshold was typically approximately **100 vehicle trips per hour**. Not as many of the guidelines provide a threshold for daily generated trips, and the range of values varies more than for generated peak-hour trips. A typical range of **1,000 to 5,000 trips per day** was seen in the reviewed TIA guidelines. For the trip generation methodology to calculate the number of generated trips for the development, most of the TIA guidelines recommend the use of the latest ITE Trip Generation Manual trip generation tables. Some municipalities or

government entities have their own trip generation worksheet for the development team to fill out and require the submittal of this worksheet for their own review to determine whether a TIA will be required during the approvals process.

If a TIA is required, most guidelines outline some items that are expected to be included in the analysis/report. There are some minor differences between different TIA guidelines, but the following list shows a typical TIA outline.

1. Introduction

- a. Study Purpose
- b. Study Objectives

2. Study Area and Proposed Development

- a. Overview of Study Area
- b. Description of the Proposed Development Including Site Plan, Land Uses, and Lot Sizes
- c. Description of Existing Land Uses
- d. Nearby Anticipated Development

3. Existing Conditions

- a. Current Thoroughfare System
- b. Existing Geometrics
- c. Existing Traffic Volumes
- d. Projected Traffic Volumes without the Development

4. Trip Generation

- a. Trip Generation

- b. Trip Distribution and Assignment
- c. Development Traffic Volumes

5. Traffic Analysis (LOS and Queuing)

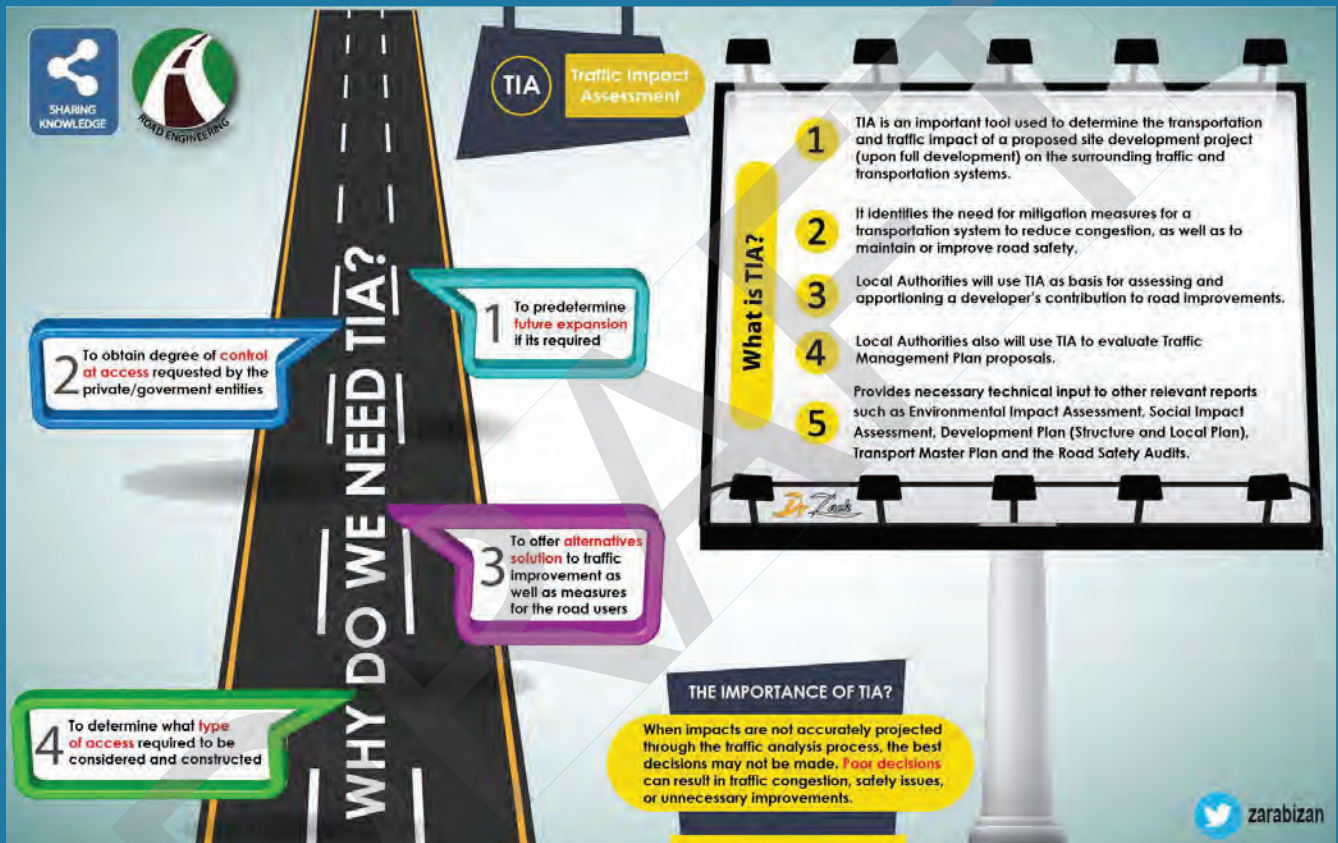
- a. Existing Operations
- b. Projected Operations with the Existing System and without the Development
- c. Existing System with the Development Traffic

Operations, Signal Warrants

- d. Improved System with the Development Traffic Operations

6. Conclusions and Recommendations

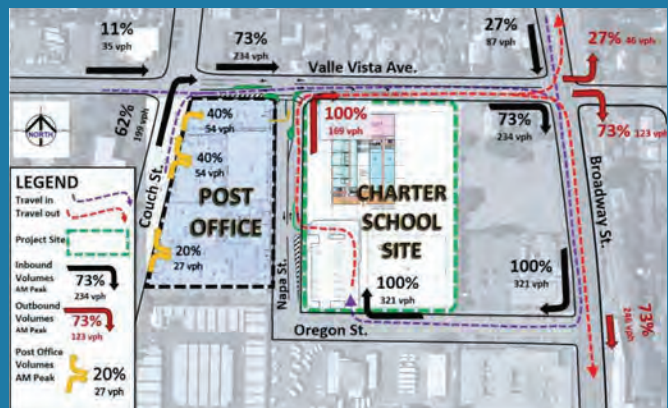
- a. Summarize the Analysis and Results
- b. Recommend Needed Improvements to Maintain the Desired LOS/Operations



Graphic by Dr. Zara Bizan - twitter.com/zarabizian

TIA Benefits:

Effectively written and enforced TIA guidelines allow a community to understand the transportation and traffic impacts of a proposed development as it moves through the approvals process. An effective TIA clearly identifies the existing conditions, the number of trips that a proposed site will generate and the modes of travel, and identifies the improvements needed to mitigate the transportation impacts. The TIA can also be used to allocate the cost of prudent improvements between the City, developer, and other managing agencies or interests.



PRISM Engineering Traffic Engineering

- c. Calculate the Developer's Share of the Cost for the Needed Improvements (sometimes this is a standalone effort and not included in the TIA)

In Summary

The ability of cities within Texas to establish guidelines for the use of TIA as a condition of project approvals is well established. The project team recommends the City develop official TIA guidelines to ensure the traffic impacts associated with proposed development and redevelopment projects are identified, and the responsibilities of the interested parties regarding necessary improvements to accommodate the generated traffic are clearly defined. The TIA guidelines should include a requirement that Planned Development Districts (PDD) complete a TIA.

B. Examples of TIA Guidelines

This section provides a summary of TIA guidelines from the following sample of ten Texas communities.

1. Boerne, Texas (Population [Pop.]: 17,106)
2. Sugar Land, Texas (Pop: 88,485)
3. Seagoville, Texas (Pop: 16,878)
4. Fort Bend County, Texas (County Pop: 585,375)
5. Buda, Texas (Pop: 16,449)
6. Plano, Texas (Pop: 286,143)
7. Addison, Texas (Pop: 15,458)
8. College Station, Texas (Pop: 124,710)
9. Kerrville, Texas (Pop: 23,370)
10. Melissa, Texas (Pop: 9,212)

1. Boerne, Texas (Pop: 17,106)

- a. TIA requirements:
 - i. 75 or less trips per peak hour require a Peak Hour Trip (PHT) Generation Form. Only 101 to 250 trips per peak hour requires a Level 1 TIA.
 - ii. **251 to 1,000 trips per peak hour** requires a Level 2 TIA.

- iii. **1,001 trips per peak hour** or more requires a Level 3 TIA.

b. TIA Level 2 and Level 3 Content

- i. Traffic Analysis Map (land uses, proposed site, etc.)
- ii. Trip Generation and Design Hour Volumes
- iii. Trip Distribution
- iv. Trip Assignment
- v. Existing and Projected Traffic Volumes
- vi. Capacity Analysis
- vii. Conclusions and Requirements
- viii. Administrative Requirements

2. Sugar Land, Texas (Pop: 88,485)

a. TIA required if:

- i. Site generates **approximately 100 trips per peak hour or approximately 1,000 trips per day** *The city has a trip generation worksheet pre-made to fill out and submit for review.
- ii. Site involves **100 acres or more of development**
- iii. Planned Development (PD) requests
- iv. Zoning or Rezoning requests
- v. Conditional Use (CUP) requests
- vi. Proposed Amendments to the City's Major Roadway Plan

b. TIA Content:

- i. Executive Summary (Key Findings, Recommendations)
- ii. Introduction (Proposed Development, Study Purpose and Methodology, Traffic Operations Analysis, Anticipated Hours of Operation)
- iii. Existing Conditions (Existing Network, Existing Land Use, Existing Volumes, Existing Conditions Analysis, Project Specific Conditions)
- iv. Trip Generation and Distribution (Proposed Development, Trip Generation, Adjusted Trips, Trip Distribution)
- v. Pre- and Post-Development Comparative

- Analysis (Background Traffic Operations, No-Build Traffic Operations, and Total Traffic with Improvements Operations)
- vi. Conclusions (Key Findings, Recommendations, Map Exhibit with Proposed Improvements)

3. Seagoville, Texas (Pop: 16,878)

- a. TIA Required if:
 - i. Site generates more than **500 trips per day**
- b. TIA Content:
 - i. General Site Description
 - ii. Proposed Capital Improvements
 - iii. Roadway Impact Analysis
 - iv. Trip Generation
 - v. Trip Distribution
 - vi. Adequacy Determination (Maintain Level of Service [LOS] C or better operations)
 - vii. Intersection Analysis (LOS analysis, adequacy determination)
 - viii. Effect of Adequacy Determinations (developer agrees to pay for improvements needed, reduces density, etc.)

4. Fort Bend County, Texas (County Pop: 585,375)

- a. TIA Required if:
 - i. Site generates **5,000 trips per day or 100 trips per peak hour**
- b. TIA Content:
 - i. Introduction (Proposed Development, Land Use & Access Points, Adjacent Roadway Network and Nearby Development, Study Area, Data Sources, Design Standards Used)
 - ii. Analysis and Background Traffic (Describes analyses used to determine existing and future traffic conditions, outlines background and horizon years for each phase and final build-out)
 - iii. Trip Generation (Trip Rates, Trip Reductions)

- iv. Trip Distribution/Assignment (Described distribution methodology and defines directional distribution percentages for trip assignment)
- v. Capacity Analysis (Capacity and LOS analysis for existing and forecasted conditions (with and without development)
- vi. Recommendations (Improvements needed to achieve LOS D or a LOS that matches existing no-development conditions)

5. Buda, Texas (Pop: 16,449)

- a. TIA Required if:
 - i. Site Generates **100 trips per peak hour or 2,000 trips per day**
- b. TIA Content:
 - i. Existing Condition Survey
 - ii. Traffic Volumes
 - iii. Capacity Analysis
 - iv. Future without development
 - v. Future with development
 - vi. Mitigation Plan

6. Plano, Texas (Pop: 286,143)

- a. TIA Required if:
 - i. Site generates **8,000 trips/day**
- b. TIA Content (Rezoning):
 - i. Study Area Maps
 - ii. Existing Traffic Volumes
 - iii. Proposed Trip Generation
 - iv. Existing Zoning
 - v. Net Increase Trip Generation and Distribution
 - vi. Proposed Zoning
 - vii. LOS Analysis
 - viii. Thoroughfare Network
 - ix. Conclusions
- c. TIA Content (Site Plan):
 - i. Study Area Maps
 - ii. Trip Distribution and Assignment
 - iii. Existing Zoning and Development

- iv. LOS Analysis
- v. Proposed Development Zoning
- vi. Thoroughfare Network
- vii. Mitigation
- viii. Conclusions

7. Addison, Texas (Pop: 15,458)

- a. TIA Required if:
 - i. Site Generates **150 trips per peak hour** or **1,000 trips per day**
 - ii. The following land uses are present: **school, restaurant with drive-through, movie theater**
 - iii. The following roads are involved: Belt Line Road, Dallas Parkway service roads, Marsh Lane, Midway Road
- b. TIA Content (Methodology Required):
 - i. Site Location and Characteristics
 - ii. Study Area Boundaries
 - iii. Existing Zoning
 - iv. Existing Development
 - v. Proposed Zoning
 - vi. Proposed Development
 - vii. Existing Transportation System
 - viii. City's Master Transportation Plan
 - ix. Planned Transportation Improvements and Timing
 - x. Existing Traffic Volumes
 - xi. Projected Traffic Volumes
 - xii. Existing Site Trip Generation
 - xiii. Proposed Site Trip Generation
 - xiv. Net Change In Trip Generation
 - xv. Trip Distribution and Traffic Assignment
 - xvi. Intersection/Turn Lane Analysis
 - xvii. Driveway and Turn Lane Analysis
 - xviii. Queuing Analysis, if Appropriate
 - xix. Level Of Service Evaluation
 - xx. Traffic Signal Evaluation
 - xxi. Proposed Mitigation Measures
 - xxii. Conclusions
 - xxiii. Recommendations

- c. TIA Content (Report Format):
 - i. Introduction
 - ii. Executive Summary
 - iii. Existing and Proposed Land Use
 - iv. Existing and Proposed Transportation System
 - v. Site Traffic Characteristics
 - vi. Traffic Analysis
 - vii. Proposed Mitigation Measures
 - viii. Conclusions
 - ix. Recommendations
 - x. Appendices

8. College Station (Pop: 124,710)

- a. TIA Required if:
 - i. Zoning request, Preliminary Plan, or Site Plan generates **150 trips per peak hour**.
 - ii. Peaking characteristics could have a detrimental impact on the transportation system as determined by the Administrator.
- b. TIA Content:
 - i. Study Area
 - ii. Existing Zoning description
 - iii. Proposed Zoning
 - iv. Roadway Network
 - v. Impact Determination
 - a. Proposed Trip Generation
 - b. Existing Trip Generation
 - c. Net increased Trip Distribution and Assignment
 - d. Level of Service Analysis
 - e. Neighborhood Traffic Analysis
 - f. Conclusions
 - vi. Mitigation
 - vii. Cost of Mitigation
- c. Criteria for Approval
 - i. Design Requirement
 - ii. Level of Service
 - iii. Determination of Adequate Mitigation

9. Kerrville, Texas (Pop: 23,370)

- a. TIA Required if:
 - i. On-street parking is requested in a commercial area.
 - ii. A traffic light is desired.
 - iii. Access onto an arterial or collector
 - iv. Proposed development would generate **1,000 or more net new vehicle trips per day.**
- v. Development would generate **150 or more trips** during the AM or PM peak hour.
- b. TIA Content:
 - i. Not yet determined. Subdivision Ordinance is currently under 2021 update.

10. Melissa, Texas (Pop: 9,212)

Analysis Category	Site Trips Generated at Full Build-Out	TIA Analysis Periods ¹	Design Considerations Appendices
I	>50 peak hour driveway trips; or 100–500 total peak hour trips	Existing year Opening ² Five years after opening	All site access drives All signalized interactions and/or major un-signalized interactions within 0.5 miles to 1 mile of site boundary
II	>500 total peak hourtrips	1. Existing year 2. Opening year of each phase 3. Five years after initial opening 4. Ten years after final opening with full build-out	1. All site access drives 2. All signalized intersections and/or major un-signalized intersections within 1.5 miles of site boundary
1. Analysis periods shall include build and no-build scenarios. Assume full occupancy when each phase opens. 2. Assume full build-out.			

- a. TIA Required if:
- b. TIA Requirements (Report Outline):
 - i. Executive Summary
 - ii. Introduction (Purpose, Methodology)
 - iii. Existing and Proposed Land Use (Site Location and Study Area, Existing Zoning, Existing Development, Proposed Zoning)
 - iv. Existing and Proposed Transportation System (Thoroughfare System, Existing Traffic Volumes, Projected Traffic Volumes)
 - v. Site Traffic Characteristics (Trip Generation, Trip Distribution, Trip Assignment)
 - vi. Traffic Analysis (LOS Evaluations, Traffic Signal Evaluations)
 - vii. Mitigation
 - viii. Conclusions
 - ix. Recommendations
 - x. Appendices

Section 4

Summary and Recommendations

4.01 Summary

This Brenham Thoroughfare Plan Report provides information, analysis, and recommendations that supplement Plan 2040, the Brenham Comprehensive Plan. This report uses Plan 2040's multimodal Guiding Principles and Transportation Goals as guidance to create or refine the Brenham Thoroughfare Plan Map, Typical Sections for New Development, Priority Transportation Projects, Truck Routes Map, Bicycle and Pedestrian Priority Routes Map, and Traffic Impact Analysis Guidelines discussion. The following is a summary of the recommendations from Sections 1, 2, and 3 of this report.

4.02 Recommendations

A. Motor Vehicle Network

1. The City should be proactive in working with TxDOT as the US 290/SH 36 Interchange (the cloverleaf) improvement concept is refined, and the impacts come into sharper focus. The City should advocate that the chosen concept will best utilize Plan 2040's Guiding Principle 2 by considering impacts to housing, transportation, infrastructure, economic development, emergency response, and arts and culture.
2. Seek to advance improvements and new street connections to the City Arterial and City Collector streets shown in the Thoroughfare Plan Map by adequately providing funding through the Capital

Improvements Program (CIP). In particular, seek to advance the following priority projects:

- a. Intersection of Academy Street and SH 105
 - b. Day Street/BUS 36 in commercial areas north and south of US 290
 - c. Extend South Blue Bell Road south of SH 36
 - d. Intersection of Martin Luther King Jr. Parkway and Park Street (by the Library)
3. Use this Report's Typical Sections as guidance for all new streets and street retrofit or reconstruction projects.
 - a. Arterial Alternative A1: Four- or Five-Lane Road with Multi-Use Paths
 - b. Arterial Alternative A2: Four- or Five-Lane Road with Buffered Bike Lanes
 - c. Collector Alternative C1: Two- or Three-Lane Road with Path and Sidewalk
 - d. Collector Alternative C2: Two-Lane Road with Bike Lanes
 - e. Local Alternative L1: Two-Lane Urban Section with Path
 - f. Local Alternative L2: Two-Lane Urban Section with Sidewalks
 4. Local Truck Routes
 - a. Coordinate with TxDOT and Washington County regarding the establishment of local truck routes to identify and communicate the preferred routes for trucks with business in the City to use between their destinations and the TxDOT Freight Network.
 - b. Consider coordinating with TxDOT to investigate eliminating or relocating the

portion of the TxDOT Freight Network that uses the Main Street and Alamo Street one-way pair through downtown.

B. Pedestrian and Bicycle Network

1. Seek to advance improvements to bicycle and pedestrian infrastructure on the streets shown in the Bike/Pedestrian Routes Map. In particular, seek to advance the following priority projects:
 - a. Consider improving pedestrian and bicycle accommodations along and/or across Park Street/BUS 36 at Brenham High School.
 - b. Consider providing a multi-use path along the east side of Day Street from Hillcrest Lane traveling to the south, ideally through the US 290 interchange and beyond.
 - c. Coordinate with TxDOT to improve bicycle and pedestrian crossings of US 290 and SH 36.
 - d. Coordinate with TxDOT to establish bicycle lanes when possible as state street improvements are designed.
 - e. Promote community volunteer opportunities to build and maintain walking paths.
 - f. Seek funding opportunities for bike lanes and pedestrian trails through local, state, and federal grants programs.

C. TIA Guidelines

- a. The City should develop official TIA guidelines to ensure the traffic impacts associated with proposed development and redevelopment projects are identified, and the responsibilities of the interested parties regarding necessary improvements to accommodate the generated traffic are clearly defined.
- b. The TIA guidelines should include a requirement that PDD complete a TIA.

Appendix

Plan 2040 Reference

This reference is from page 114–116 in the City's Plan 2040 – The Future City Comprehensive Plan.

Implementation Action Agena

Transportation

Plan SAP List Number	Item Priority High – 1 Medium – 2 Low – 3	TRANSPORTATION Strategic Action Priorities	Years			Involved Entities
			1-2 Years	3-9 Years	10+ Years	
Capital Investments						
1	1	Focused implementation of short to mid-term projects identified in the 2019 Thoroughfare Plan, and incorporated into a formalized Capital Improvements Program (CIP).				City Public Works Department
2	1	Conduct pro-active preventative maintenance on streets and sidewalks and schedule targeted reconstruction in locations with deteriorated street conditions.				City Public Works Department
3	2	Develop a sidewalk improvement program to repair, replace, or install new sidewalks, crosswalks, and curb cuts, in high pedestrian use areas adjacent to, and leading to and from schools, near and adjacent to public buildings and spaces (including parks) and other areas with the potential for high sidewalk usage.				City Public Works Department, City Development Services Department

Plan SAP List Number	Item Priority High – 1 Medium – 2 Low – 3	TRANSPORTATION Strategic Action Priorities	Years			Involved Entities
			1-2 Years	3-9 Years	10+ Years	
Programs and Initiatives						
4	2	Encourage traffic demand management strategies to anticipate and mitigate traffic congestion.			City Public Works Department, local employers	
5	3	Preserve traffic capacity by implementing access management and other Transportation Systems Management (TSM) provisions in the city.			City Public Works Department	
6	3	Emphasize resiliency in future transportation network planning, including both redundancy in systems as well as protection from potential hazards and threats.			City Public Works Department	
7	2	Implement temporary, low-cost, tactical transportation improvements to demonstrate the need and/or effectiveness of transportation projects.			City Public Works Department, City Development Services Department	
8	3	Integrate the “Complete Streets” concept into local transportation planning and projects.			City Public Works Department	
9	3	Continue to plan for future transportation technology advancements such as more widespread use of electric vehicles, automated vehicles, and ride sharing.			City Public Works Department	
Regulations and Standards						
10	1	Update design and construction standards to reflect changes in street classification system included in 2019 Thoroughfare Plan.			City Public Works Department	
Partnerships and Coordination						
11	1	Continue active partnership and dialogue with Texas Department of Transportation (TxDOT) to ensure that TxDOT projects and roadways reflect the City’s desires and needs.			 City Public Works Department, TxDOT	

Legend



Programs & Initiatives



Regulations & Standards



Partnerships & Coordination



Targeted Planning/Studies



Capital Investments

Plan SAP List Number	Item Priority High – 1 Medium – 2 Low – 3	TRANSPORTATION Strategic Action Priorities	Years			Involved Entities
			1-2 Years	3-9 Years	10+ Years	
12	1	Establish uniform street construction standards in partnership with Washington County and potential cooperation for cost-share in construction projects that are mutually beneficial, particularly in the City's ETJ.				City Public Works Department, Washington County
13	1	Work with BNSF Railroad to identify railroad crossings that need safety improvements, including those associated with industrial facilities for worker and visitor safety.				City Public Works Department, Union Pacific Railroad
14	3	Consider establishing and hosting a formal quarterly meeting of key transportation related officials in Brenham to facilitate better coordination of transportation planning goals and projects.				City Public Works Department, BISD, BVCOG, BTM, TxDOT
15	2	Explore public transportation needs and potential means to address them in coordination with Brazos Transit District and BVCOG.				City Development Services Department, BTM, BVCOG
16	1	Actively participate during regional transportation planning and funding processes to secure transportation funding and advance projects of regional significance.				City Public Works Department, TxDOT, BVCOG
Targeted Planning/Studies						
17	3	Keep pedestrian and bicycle components of Thoroughfare Plan up to date.				City Development Services Department, City Public Works Department
18	1	Keep newly created Thoroughfare Plan up to date, following a similar update schedule to that of the Comprehensive Plan.				City Development Services Department, City Public Works Department

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DRAFT



KENDIG KEAST
COLLABORATIVE





CASE NUMBER P-22-001

Thoroughfare Plan Adoption

REQUEST:

The City of Brenham initiated this request to update the existing 2014 Thoroughfare Plan to meet the current and future growth and development needs of the City.

BACKGROUND AND ANALYSIS:

The Brenham Comprehensive Plan, Historic Past, Bold Future: Plan 2040 (Plan 2040) was adopted by the City Council on September 19, 2019. As part of the Comprehensive Plan process, several town halls and open houses were held in 2019 to gauge and receive feedback from the community. During these public engagements, it became clear that the existing 2014 Thoroughfare Plan should be updated to reflect the City of Brenham's growth and provide for current and future needs. At the time, City Council approved adding a supplement Thoroughfare Plan to accompany Plan 2040. Strand Associates provided deliverables in March 2020, however the Pandemic hit that spring and the update was put on hold. On November 19, 2020, the Texas Department of Transportation (TXDOT) held a virtual town hall meeting to discuss five (5) concept plans for the proposed US 290/SH 36 interchange project. With this key information and public input, the Development Services Department renewed their focus in 2021 on the Thoroughfare Plan update. This update to the existing 2014 Thoroughfare Plan will serve as a second step and implementation tool for Plan 2040 by providing information, analysis, and recommendations that supplement Plan 2040.

Plan 2040 includes five focus areas consisting of: Land Use and Development, Growth Capacity, Economic Opportunity, Transportation, and Parks and Recreation. The transportation focus area of Plan 2040 describes the near-term and long-range transportation needs and priorities in and around the City. Plan 2040 notes that the top focus areas include improving safety and connectivity and relieving congestion. The proposed Brenham 2022 Thoroughfare Plan expands on the guiding principles and transportation goals outlined in Plan 2040. The Thoroughfare Plan report discusses, creates, and refines the existing Brenham Thoroughfare Plan Map, provides typical street sections for new development, highlights priority transportation projects, establishes a current truck routes map, proposes priority bicycle and pedestrian routes via an official map, and initiates a detailed traffic impact analysis guideline discussion for future implementation.

For an introductory first-look of the draft 2022 Thoroughfare Plan, the City Council and Planning and Zoning Commission held a joint workshop on January 10, 2022, in order for City Staff to brief the Councilmembers and Commissioners on the Plan, to include enlarged copies of the supplemental maps. The general principals of the Plan were presented as well as a draft copy of the Plan in order to initiate discussion, direction, and public input. Based on the input and discussion, some minor changes were made to the document and maps. These corrections included: a proposed collector street off of Burleson Street was removed as it was erroneously present on each of the maps; based on a comment from a property owner- moving the outer green line to follow a property line instead of through the property;

and, an edit that TXDOT has already begun right-of-way acquisition discussions in 2022 instead of the projected start date of 2024 as stated on page 9.

Since the workshop, we have received two emails (Exhibit B) from a resident, Mr. Allan Oberrender, that expressed the need for bike lanes and a bike rack requirement for apartment complexes and businesses and also the need for a bus/shuttle system in Brenham. In addition, an anonymous commenter expressed the need to look at East Stone Street from South Day to South Market Street as they are in need of repair.

In summary, a community's thoroughfare system is vital to its ability to grow in a positive manner as transportation is inherently linked to land use. The proposed 2022 Thoroughfare Plan is provided by a community-wide participation effort and written in collaboration with City Staff, Kendig Keast Collaborative, and Strand Associates, is a document that City of Brenham stakeholders can reference and implement as a guiding document for both current and long-rang decisions for the next 20+ years. The plan elements that include proposed maps detailing the Thoroughfare Plan, Priority Projects, Truck Routes, and Bicycle and Pedestrian routes, in addition to recommendations and an implementation action agenda, provides Brenham with the plan needed to achieve the goals and vision voiced by the Brenham community. The Planning and Zoning Commission meeting on January 24, 2022, will serve as a public hearing and for a recommendation to the City Council. The 2022 Thoroughfare Plan is scheduled for Council Consideration on February 3rd and 17th, 2022.

STAFF RECOMMENDATION:

Staff recommends **approval** of the adoption of the Brenham Thoroughfare Plan which serves as a guiding document for the Brenham community to make decisions carried out through:

1. Targeted programs and expenditures prioritized through the City's annual budget process, including routine, but essential, functions;
2. Major public improvements and land acquisitions with large developments financed through the City's capital improvements program (CIP) and related bond initiatives;
3. New and amended City ordinances and regulations closely linked to thoroughfare plan objectives (and associated review and approval procedures in the case of land development, subdivisions, and zoning matters);
4. Departmental work plans and staffing in key areas;
5. Support for ongoing planning and studies that will further clarify needs and strategies, including the City Council's own strategic planning;
6. The pursuit of external grant funding to supplement local budgets and/or expedite certain projects;
7. Initiatives pursued in conjunction with other public and private partners to leverage resources and achieve successes neither could accomplish alone.

EXHIBITS:

1. Exhibit A – Brenham Thoroughfare Plan <https://cityofbrenham.online/thoroughfare-plan>
2. Exhibit B – Emails from Mr. Oberrender

Exhibit B- Citizen Emails

From: allan oberrender <allanoberrender@hotmail.com>

Sent: Tuesday, January 11, 2022 4:19 AM

To: Sarah Hill <SHill@cityofbrenham.org>

Subject: hello, message from a concerned citizen

Is it just me, or is Brenham is starting to get a little too big for the roads it currently has? I've been noticing a lot of roads being widened, and this is a problem that will never go away. But I wanted to share a few videos for the planning department that I believe could alleviate the pressure of needing to claim immanent domain, or annoying roadwork just to widen it. We all know that adding more lanes, just means more people will fill up those lanes. We can look at the katy freeway as a perfect example of that, or the widened college station avenues too.

I think that US cities need to factor in;

Bike lanes, I beleve should be on any secondary local, all the way up to collector and arterials. Maybe not highway, but the highways should have 2 bike roads that run adjacent and have plenty of safe crossover/crossunders. Either way, adding a bike lane and allowing for various bike-adjacent transportation would help alleviate traffic.

Bus lanes, bus routes. (brenham could even have some 15 seat passenger busses that could shuttle people around 24/7. Could probably do one or two 15 seat vans for that. Why not also just have the ability to hail a bus or 15 seat van from the airport too? This isn't a far fetched idea. It's pretty basic stuff. Wouldn't it be cool to have more tourism zones other than just down town? Wouldn't it be cool to have more people be able to go to work without having to get in their car and take up extra space on the road if they don't want to?

Trams, why wouldn't you have trams? Before the 1940s, there were trams in any city worth a damn with more than 2,000 people. You put a tram on the major collectors or arterials and you'll help so many people live their lives free of congestion. Less cars on the roads means less car deaths, which means a less overworked fire or EMS, which means they'd have time to not get PTSD as quickly or often.

Anyways, please forward this and the following videos to relevant city planning people. I'd love to chat with anyone interested in hearing what I have to say.

The easiest things would be the bike lanes (minus the arterial and highway ones... save that for another day), and floating the 24/7 15 seat shuttle around.

The cities with the best transportation have the lowest poverty and the best tourism.

Video 1, Wendover: <https://youtu.be/-cjfTG8DbwA>

Video 2, Not Just Bikes (on Houston tx) <https://youtu.be/uxykI30fS54>

Video 3, not just bikes (2) <https://youtu.be/7IsMeKI-SvQ>

Please feel free to contact me here for any question.

Thanks,
Allan o

From: [allan oberrender](#)
To: [Shauna Laauwe](#)
Subject: RE: hello, message from a concerned citizen
Date: Friday, January 14, 2022 12:32:01 PM
Attachments: [image002.png](#)
[4920AFC13A744CD6B5172C7556BEAD51.png](#)

I wont be able to show up to the meeting because I have to go in to work, to do the night shift at my job. I hope in good faith they could be made aware of my original email. There are varying degrees of wishfulness and practicality with the different ideas in it. I tried to keep it down to earth by mainly focusing on bike lanes or maybe just bike priority.

An easy thing could be, along with bike lanes and light personal transpo, could be lowering parking lot size minimum requirements, and requiring bike racks in most apartment complexes and businesses, and maybe someday, hopefully not TOO far off, we could figure out some way to cross 290 and 36.

I appreciate your understanding and experience on the idea that cars are not the end all be all of transportation. Hopefully brenham can make a change to share the roads sooner rather than later.

Figure 2.01-1 Bike and Pedestrian Routes Map

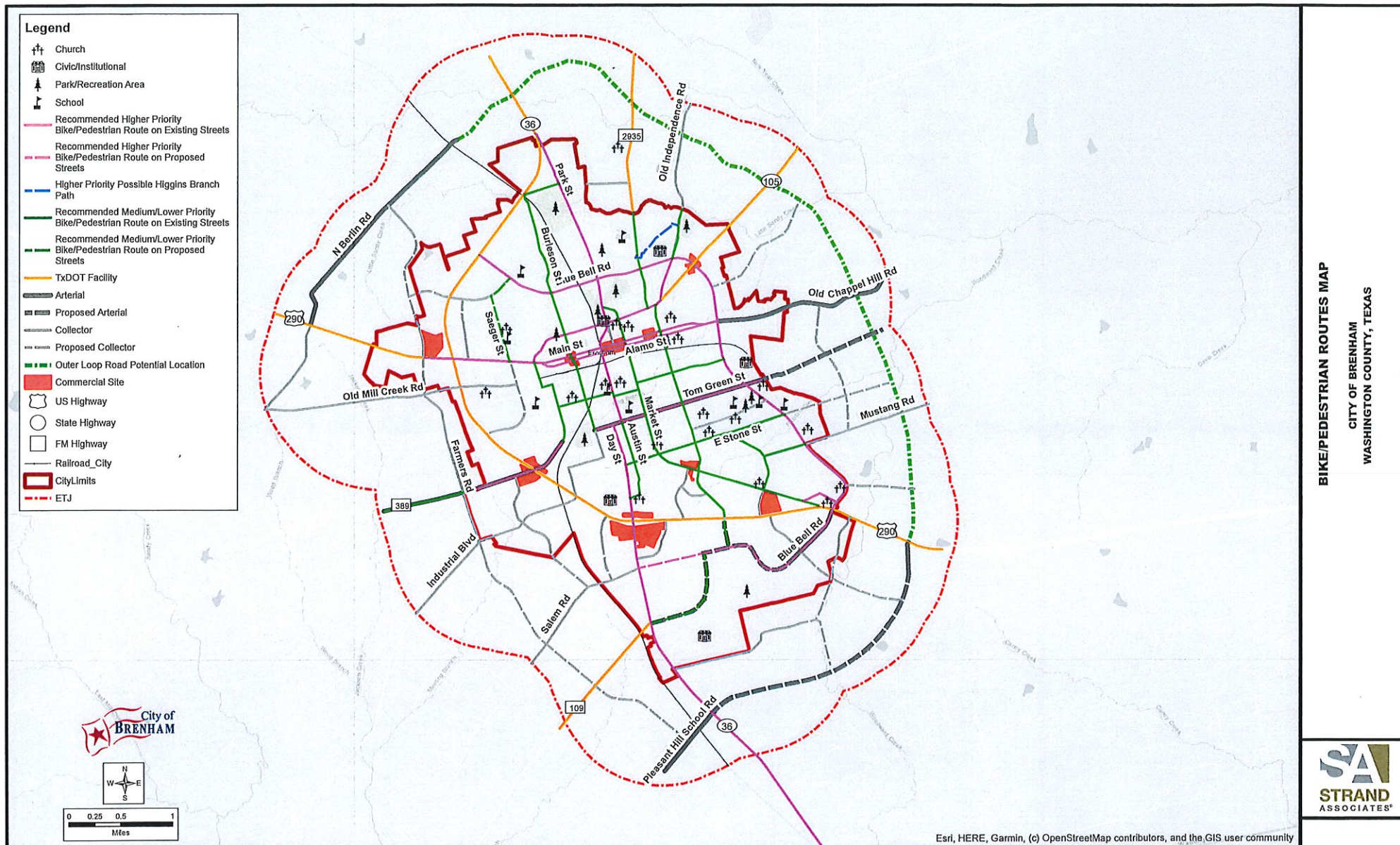


Exhibit D- Citizen Emails

From: allan oberrender <allanoberrender@hotmail.com>

Sent: Tuesday, January 11, 2022 4:19 AM

To: Sarah Hill <SHill@cityofbrenham.org>

Subject: hello, message from a concerned citizen

Is it just me, or is Brenham is starting to get a little too big for the roads it currently has? I've been noticing a lot of roads being widened, and this is a problem that will never go away. But I wanted to share a few videos for the planning department that I believe could alleviate the pressure of needing to claim immanent domain, or annoying roadwork just to widen it. We all know that adding more lanes, just means more people will fill up those lanes. We can look at the katy freeway as a perfect example of that, or the widened college station avenues too.

I think that US cities need to factor in;

Bike lanes, I beleve should be on any secondary local, all the way up to collector and arterials. Maybe not highway, but the highways should have 2 bike roads that run adjacent and have plenty of safe crossover/crossunders. Either way, adding a bike lane and allowing for various bike-adjacent transportation would help alleviate traffic.

Bus lanes, bus routes. (brenham could even have some 15 seat passenger busses that could shuttle people around 24/7. Could probably do one or two 15 seat vans for that. Why not also just have the ability to hail a bus or 15 seat van from the airport too? This isn't a far fetched idea. It's pretty basic stuff. Wouldn't it be cool to have more tourism zones other than just down town? Wouldn't it be cool to have more people be able to go to work without having to get in their car and take up extra space on the road if they don't want to?

Trams, why wouldn't you have trams? Before the 1940s, there were trams in any city worth a damn with more than 2,000 people. You put a tram on the major collectors or arterials and you'll help so many people live their lives free of congestion. Less cars on the roads means less car deaths, which means a less overworked fire or EMS, which means they'd have time to not get PTSD as quickly or often.

Anyways, please forward this and the following videos to relevant city planning people. I'd love to chat with anyone interested in hearing what I have to say.

The easiest things would be the bike lanes (minus the arterial and highway ones... save that for another day), and floating the 24/7 15 seat shuttle around.

The cities with the best transportation have the lowest poverty and the best tourism.

Video 1, Wendover: <https://youtu.be/-cjfTG8DbwA>

Video 2, Not Just Bikes (on Houston tx) <https://youtu.be/uxykI30fS54>

Video 3, not just bikes (2) <https://youtu.be/7IsMeKI-SvQ>

Please feel free to contact me here for any question.

Thanks,
Allan o

From: [allan oberrender](#)
To: [Shauna Laauwe](#)
Subject: RE: hello, message from a concerned citizen
Date: Friday, January 14, 2022 12:32:01 PM
Attachments: [image002.png](#)
[4920AFC13A744CD6B5172C7556BEAD51.png](#)

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An easy thing could be, along with bike lanes and light personal transpo, could be lowering parking lot size minimum requirements, and requiring bike racks in most apartment complexes and businesses, and maybe someday, hopefully not TOO far off, we could figure out some way to cross 290 and 36.

I appreciate your understanding and experience on the idea that cars are not the end all be all of transportation. Hopefully brenham can make a change to share the roads sooner rather than later.

From: Ronnie & Cindy Becker <rcbecker1985@sbcglobal.net>
Sent: Tuesday, January 25, 2022 9:24 AM
To: Stephanie Doland <sdoland@cityofbrenham.org>
Subject: Re: Thoroughfare Plan Public Meeting

Good morning Stephanie,

It was nice to meet with you and the P&Z Board last night. As I said at the meeting, attached is the sketch I prepared of an alternate route to consider in lieu of the proposed Little Sandy Hike & Bike Path.

The orange shape is an approx. outline of my family's property. A portion of our north property line is the centerline of Little Sandy Creek. A majority of our southern property line is the centerline of Higgins Branch Creek.

As I said last night, I believe the reason this Little Sandy Path was proposed is because there is a sanitary sewer line easement along Little Sandy Creek. However, this easement is not at the edge of the creek in our property. The red line shown is the approximate location of the sewer line. If the thought was to construct this path within the limits of the sanitary sewer easement, it would split our property and make a portion of it unusable for cattle grazing and pecan harvesting, which we currently do in this area.

My suggested alternative path is shown in blue, which is along and inside of the Washington County's Expo Center north property line, from Old Independence to FM 2935. At FM 2935, my suggestion would be to turn north and cross Higgins Branch, either inside of the FM 2935 ROW, or if that is not allowed by TxDOT, we would allow for it just inside of our property, far enough north to get past the metal beam guard fence along FM 2935, then turn west to cross the roadway and into the BISD property.

Once on BISD property, I see two options. One (shown in purple) would be to continue along Higgins Branch, then along FM 577 and connecting to the existing Hike & Bike path along the BISD west property line. A second option (shown in green) would be to turn north, along the east BISD property line, over the hill and down to Little Sandy Creek, connecting back to the proposed Little Sandy Path in the current thoroughfare plan.

I feel that my suggested alternative, with Option 2, not only achieves the connection of Linda Anderson Park with Hohlt Park, it also provides a hike and bike connection to other public attractions such as the Expo Center, Alumni Softball Field and Brenham High School/JROTC Building.

I hope this change can be made. If you have any questions, please let me know, either by email or you can call me at 979/277-8647.

Thank you,

Ronnie

Becker Alternate Route Proposal





Regular City Council
AGENDA ITEM 8.

Agenda Item: Discuss and Possibly Act Upon Approval of Ordinance No. O-22-002 of the City of Brenham, Texas, Authorizing the Issuance and Sale of City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2022, 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

Meeting Type: Regular Meeting-February 03, 2022

Department: Finance

Staff Contact: Stacy Hardy

SUMMARY STATEMENT:

The City Council approved Resolution No. R-21-034 on December 2, 2021 giving notice of intention to issue Certificates of Obligation at the meeting today. The Notice was published for two consecutive weeks in the local newspaper and has been posted continuously on the City's website for at least forty-five (45) days before the passage of the ordinance authorizing the issuance of the Certificates. The City has complied with all public notices and the Council can consider action of this item.

The proceeds from the sale of these Certificates of Obligation in the amount not to exceed \$10 million will be used for the following purposes: (1) construction of, and improvements to, City streets, sidewalks and drainage, including in each case the acquisition of land and rights-of-way in connection therewith; (2) improvements to City sanitary sewer facilities, including in each case the acquisition of land and rights-of-way in connection therewith; (3) improvements to the City's waterworks system, including in each case the acquisition of land and rights-of-way in connection therewith; (4) improvements and renovations to the existing City airport facilities; (5) acquisition of a new fire truck; (6) acquisition of heavy equipment for street improvement and maintenance purposes; and (7) professional services incurred in connection with items (1) through (6), and to pay the costs incurred in connection with the issuance of the Certificates.

The City's financial advisor, Jennifer Ritter, of Specialized Public Finance, will bring a presentation summarizing the official bids for the sale of the bonds. Our bond counsel, Bracewell, LLP, will also have the Ordinance complete with pricing. An ordinance involved with financing only requires a single reading.

ATTACHMENTS:

-
- (1) Ordinance No. O-22-002
 - (2) Resolution No. R-21-034

RECOMMENDED ACTION:

Approve Ordinance No. O-22-002 of the City of Brenham, Texas, authorizing the issuance and sale of City of Brenham, Texas, Certificates of Obligation, Series 2022.

ORDINANCE NO. O-22-002

AUTHORIZING THE
ISSUANCE OF

CITY OF BRENHAM, TEXAS
COMBINATION TAX AND REVENUE
CERTIFICATES OF OBLIGATION,
SERIES 2022

Adopted: February 3, 2022

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF BRENHAM, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2022; 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

WHEREAS, under the provisions of Subchapter C, Chapter 271, Texas Local Government Code, as amended, the City of Brenham, Texas (the "City"), is authorized to issue certificates of obligation for the purposes specified in this Ordinance and for the payment of all or a portion of the contractual obligations for professional services, including that of engineers, attorneys, and financial advisors in connection therewith, and to sell the same for cash as herein provided; and

WHEREAS, the City is authorized to provide that such obligations will be payable from and secured by the levy of a direct and continuing ad valorem tax against all taxable property within the City, in combination with all or a part of certain surplus revenues of the City's combined utility system remaining after payment of any obligations of the City payable in whole or in part from a lien or pledge of such revenues that would be superior to the obligations to be authorized herein as authorized by Chapter 1502, Texas Government Code; and

WHEREAS, the City Council has found and determined that it is necessary and in the best interest of the City and its residents that it issue such certificates of obligation authorized by this Ordinance; and

WHEREAS, pursuant to a resolution heretofore passed by this governing body, notice of intention to issue certificates of obligation of the City payable as provided in this Ordinance was published in a newspaper of general circulation in the City and posted on the City's website in accordance with the laws of the State of Texas; and

WHEREAS, no petition of any kind has been filed with the City Secretary, any member of the City Council or any other official of the City, protesting the issuance of such certificates of obligation; and

WHEREAS, this City Council is now authorized and empowered to proceed with the issuance of said certificates of obligation and to sell the same for cash; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and the public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended;

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

ARTICLE I

DEFINITIONS AND OTHER PRELIMINARY MATTERS

Section 1.01. Definitions.

Unless otherwise expressly provided or unless the context clearly requires otherwise in this Ordinance, the following terms shall have the meanings specified below:

“Business Day” means any day which is not a Saturday, Sunday or legal holiday, or day on which banking institutions in the State of Texas or the city in which the Designated Payment/Transfer Office is located are generally authorized or obligated by law or executive order to close.

“Certificate” means any of the Certificates.

“Certificates” means the City’s obligations authorized to be issued by Section 3.01 of this Ordinance and designated as “City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2022.”

“City” means the City of Brenham, Texas.

“Closing Date” means the date of the initial delivery of and payment for the Certificates.

“Code” means the Internal Revenue Code of 1986, as amended, and, with respect to a specific section thereof, such reference shall be deemed to include (a) the Regulations promulgated under such section, (b) any successor provision of similar import hereafter enacted, (c) any corresponding provision of any subsequent Internal Revenue Code and (d) the regulations promulgated under the provisions described in (b) and (c).

“Dated Date” means the date of the Certificates designated in Section 3.02(a).

“Designated Payment/Transfer Office” means, with respect to the initial Paying Agent/Registrar named herein, its office in Dallas, Texas, or at such other location designated by the Paying Agent/Registrar and (ii) with respect to any successor Paying Agent/Registrar, the office of such successor designated and located as may be agreed upon by the City and such successor.

“DTC” means The Depository Trust Company of New York, New York, or any successor securities depository.

“DTC Participant” means brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

“Event of Default” means any event of default as defined in Section 10.01 of this Ordinance.

“Financial Obligation” means a (i) debt obligation, (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation, or (iii) guarantee of a debt obligation or any such derivative instrument; provided that “financial obligation” shall not include municipal securities as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

“Fiscal Year” means such fiscal year as shall from time to time be set by the City Council.

“Initial Certificate” means the Initial Certificate authorized by Section 3.04 of this Ordinance.

“Interest and Sinking Fund” means the interest and sinking fund established by Section 2.02 of this Ordinance.

“Interest Payment Date” means the date or dates on which interest on the Certificates is scheduled to be paid until their respective dates of maturity or prior redemption, such dates being February 15 and August 15, commencing _____, 2022.

“MSRB” means the Municipal Securities Rulemaking Board.

“Net Revenues” means the gross revenues of the System less the expenses of operation and maintenance as said expenses are defined by Chapter 1502, Texas Government Code, as amended.

“Owner” means the person who is the registered owner of a Certificate or Certificates, as shown in the Register.

“Paying Agent/Registrar” means initially, The Bank of New York Mellon Trust Company, National Association, Dallas, Texas, or any successor thereto as provided in this Ordinance.

“Prior Lien Bonds” means any and all bonds or other obligations of the City presently outstanding or that may be hereafter issued, payable from and secured by a first lien on and pledge of the Net Revenues or by a lien on and pledge of the Net Revenues subordinate to a first lien and pledge of such Net Revenues but superior to the lien and pledge of the Surplus Revenues made for the Certificates.

“Project” means the purposes for which the Certificates are issued as set forth in Section 3.01.

“Purchaser” means the purchaser of the Certificates identified in Section 7.01(a).

“Record Date” means the last Business Day of the month next preceding an Interest Payment Date.

“Register” means the bond register specified in Section 3.06(a) of this Ordinance.

“Regulations” means the applicable proposed, temporary or final Treasury Regulations promulgated under the Code or, to the extent applicable to the Code, under the Internal Revenue Code of 1954, as such regulations may be amended or supplemented from time to time.

“Rule” means SEC Rule 15c2-12, as amended from time to time.

“SEC” means the United States Securities and Exchange Commission.

“Special Payment Date” means the Special Payment Date prescribed by Section 3.03(b) of this Ordinance.

“Special Record Date” means the Special Record Date prescribed by Section 3.03(b) of this Ordinance.

“Surplus Revenues” means the Net Revenues of the System in an amount equal to \$1,000 remaining after payment of all debt service, reserve, and other requirements in connection with the City’s Prior Lien Bonds.

“System” as used in this Ordinance means the City’s combined utility system, including all present and future additions, extensions, replacements, and improvements thereto.

“Unclaimed Payments” means money deposited with the Paying Agent/Registrar for the payment of principal of or interest on the Certificates as the same come due and payable or money set aside for the payment of Certificates duly called for redemption prior to maturity and remaining unclaimed by the Owners of such Certificates after the applicable payment or redemption date.

Section 1.02. Findings.

The declarations, determinations and findings declared, made and found in the preamble to this Ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Section 1.03. Table of Contents, Titles and Headings.

The table of contents, titles and headings of the Articles and Sections of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof and shall never be considered or given any effect in construing this Ordinance or any provision hereof or in ascertaining intent, if any question of intent should arise.

Section 1.04. Interpretation.

(a) Unless the context requires otherwise, words of the masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa.

(b) Any action required to be taken on a date which is not a Business Day shall be taken on the next succeeding Business Day and have the same effect as if taken on the date so required.

(c) This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of this Ordinance.

(d) Article and section references shall mean references to articles and sections of this Ordinance unless otherwise designated.

ARTICLE II

SECURITY FOR THE CERTIFICATES; INTEREST AND SINKING FUND

Section 2.01. Tax Levy.

(a) Pursuant to the authority granted by the Texas Constitution and the laws of the State of Texas, there shall be levied and there is hereby levied for the current year and for each succeeding year thereafter while any of the Certificates or any interest thereon is outstanding and unpaid, an ad valorem tax on each one hundred dollars valuation of taxable property within the City, at a rate sufficient, within the limit prescribed by law, to pay the debt service requirements of the Certificates, being (i) the interest on the Certificates, and (ii) a sinking fund for their redemption at maturity or a sinking fund of two percent per annum (whichever amount is greater), when due and payable, full allowance being made for delinquencies and costs of collection.

(b) The ad valorem tax thus levied shall be assessed and collected each year against all property appearing on the tax rolls of the City most recently approved in accordance with law, and the money thus collected shall be deposited as collected to the Interest and Sinking Fund.

(c) Said ad valorem tax, the collections therefrom, and all amounts on deposit in or required hereby to be deposited to the Interest and Sinking Fund are hereby pledged and committed irrevocably to the payment of the principal of and interest on the Certificates when and as due and payable in accordance with their terms and this Ordinance.

(d) The amount of taxes to be provided annually for the payment of principal of and interest on the Certificates shall be determined in the manner provided in this Section 2.01.

(e) The City's annual budget shall reflect (i) the amount of debt service requirements to become due on the Certificates in the next succeeding Fiscal Year, (ii) the amount on deposit in the Interest and Sinking Fund, as of the date such budget is prepared (after giving effect to any payments required to be made during the remainder of the then current Fiscal Year), and (iii) the amount of Surplus Revenues estimated and budgeted to be available for the payment of such debt service requirements on the Certificates during the next succeeding Fiscal Year.

(f) The amount required to be provided in the succeeding Fiscal Year from ad valorem taxes shall be the amount, if any, the debt service requirements to be paid on the Certificates in the next succeeding Fiscal Year exceeds the sum of (i) the amount shown to be on

deposit in the Interest and Sinking Fund (after giving effect to any payments required to be made during the remainder of the then current Fiscal Year) at the time the annual budget is prepared, and (ii) the Surplus Revenues shown to be budgeted and available for payment of said debt service requirements.

(g) Following the final approval of the annual budget of the City, the governing body of the City shall, by ordinance, set an ad valorem tax at a rate sufficient to produce taxes in the amount determined in paragraph (b) above, to be utilized for purposes of paying the principal of and interest on the Certificates in the next succeeding Fiscal Year.

(h) The City hereby covenants and agrees that the Surplus Revenues are hereby irrevocably pledged equally and ratably to the payment of the principal of and interest on the Certificates, as the same become due.

Section 2.02. Interest and Sinking Fund.

(a) The City hereby establishes a special fund or account to be designated the "City of Brenham, Texas Combination Tax and Revenue Certificates of Obligation, Series 2022, Interest and Sinking Fund" (the "Interest and Sinking Fund"), said fund or account to be maintained at an official depository bank of the City separate and apart from all other funds and accounts of the City.

(b) Money on deposit in or required by this Ordinance to be deposited to the Interest and Sinking Fund shall be used solely for the purpose of paying the interest on and principal of the Certificates when and as due and payable in accordance with their terms and this Ordinance.

ARTICLE III

AUTHORIZATION; GENERAL TERMS AND PROVISIONS REGARDING THE CERTIFICATES

Section 3.01. Authorization.

The City's certificates of obligation to be designated "City of Brenham, Texas Combination Tax and Revenue Certificates of Obligation, Series 2022," are hereby authorized to be issued and delivered in accordance with the laws of the State of Texas, specifically Subchapter C, Chapter 271, Texas Local Government Code. The Certificates shall be issued in the aggregate principal amount of \$_____ for the purpose of paying contractual obligations to be incurred for the following purposes, to wit: (a)(1) construction of, and improvements to, City streets, sidewalks and drainage, including in each case the acquisition of land and rights-of-way in connection therewith; (2) improvements to City sanitary sewer facilities, including in each case the acquisition of land and rights-of-way in connection therewith; (3) improvements to the City's waterworks system, including in each case the acquisition of land and rights-of-way in connection therewith; (4) improvements and renovations to existing airport facilities; (5) acquisition of a new fire truck; (6) acquisition of heavy equipment for street improvement and maintenance purposes (collectively, the "Project"); and (7) professional services incurred in connection with items (1) through (6), and to pay the costs incurred in connection with the issuance of the Certificates.

Section 3.02. Date, Denomination, Maturities and Interest.

(a) The Certificates shall be dated _____, 2022. The Certificates shall be issued in fully registered form, without coupons, in authorized denominations of \$5,000 or any integral multiple thereof, and shall be numbered separately from one (1) upward or such other designation acceptable to the City and the Paying Agent/Registrar, except the Initial Certificate, which shall be numbered T-1.

(b) The Certificates shall mature on August 15 in the years and in the principal amounts and shall bear interest at the per annum interest rates set forth in the following schedule:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2022	\$ _____	_____ %	2033	\$ _____	_____ %
2023			2034		
2024			2035		
2025			2036		
2026			2037		
2027			2038		
2028			2039		
2029			2040		
2030			2041		
2031			2042		
2032					

(c) Interest shall accrue and be paid on each Certificate respectively until its maturity or prior redemption, from the later of the Closing Date or the most recent Interest Payment Date to which interest has been paid or provided for at the rates per annum for each respective maturity specified in the schedule contained in subsection (b) above. Such interest shall be payable on each Interest Payment Date until maturity or prior redemption. Interest on the Certificates shall be calculated on the basis of a three hundred sixty (360) day year composed of twelve (12) months of thirty (30) days each.

Section 3.03. Medium, Method and Place of Payment.

(a) The principal of and interest on the Certificates shall be paid in lawful money of the United States of America.

(b) Interest on the Certificates shall be payable to the Owners as shown in the Register at the close of business on the Record Date; provided, however, that in the event of nonpayment of interest on a scheduled Interest Payment Date and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date," which date shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) Business Days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each Owner of a Certificate

appearing in the Register at the close of business on the last Business Day next preceding the date of mailing of such notice.

(c) Interest on each Certificate shall be paid by check, dated as of the Interest Payment Date, and mailed on or before such Interest Payment Date, by first class United States mail, postage prepaid, by the Paying Agent/Registrar to each Owner at the address of each Owner as it appears in the Register, or by such other customary banking arrangements acceptable to the Paying Agent/Registrar and the Owner; provided, however, that such Owner shall bear all risk and expense of such other customary banking arrangements.

(d) The principal of each Certificate shall be paid to the Owner thereof on the due date (whether at the maturity date or the date of prior redemption thereof) upon presentation and surrender of such Certificate at the Designated Payment/Transfer Office of the Paying Agent/Registrar.

(e) If the date for the payment of the principal of or interest on the Certificates is not a Business Day, the date for such payment shall be the next succeeding Business Day, and payment on such date shall have the same force and effect as if made on the original date payment was due and no additional interest shall be due by reason of nonpayment on the date on which such payment is otherwise stated to be due and payable.

(f) Unclaimed Payments of amounts due hereunder shall be segregated in a special account and held in trust, uninvested by the Paying Agent/Registrar, for the account of the Owner of the Certificates to which such Unclaimed Payments pertain. Subject to Title 6 of the Texas Property Code, any Unclaimed Payments remaining unclaimed by the Owners entitled thereto for three (3) years after the applicable payment or redemption date shall be applied to the next payment or payments on the Certificates thereafter coming due and, to the extent any such money remains after the retirement of all outstanding Certificates, such money shall be paid to the City to be used for any lawful purpose. Thereafter, neither the City, the Paying Agent/Registrar nor any other person shall be liable or responsible to any holders of such Certificates for any further payment of such unclaimed moneys or on account of any such Certificates, subject to Title 6 of the Texas Property Code.

Section 3.04. Execution and Registration of Certificates.

(a) The Certificates shall be executed on behalf of the City by the Mayor and the City Secretary, by their manual or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Such facsimile signatures on the Certificates shall have the same effect as if each of the Certificates had been signed manually and in person by each of said officers, and such facsimile seal on the Certificates shall have the same effect as if the official seal of the City had been manually impressed upon each of the Certificates.

(b) In the event that any officer of the City whose manual or facsimile signature appears on the Certificates ceases to be such officer before the authentication of such Certificates or before the delivery thereof, such manual or facsimile signature nevertheless shall be valid and sufficient for all purposes as if such officer had remained in such office.

(c) Except as provided below, no Certificate shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Certificate of Paying Agent/Registrar substantially in the form provided herein, duly authenticated by manual execution by an officer or duly authorized signatory of the Paying Agent/Registrar. It shall not be required that the same officer or authorized signatory of the Paying Agent/Registrar sign the Certificate of Paying Agent/Registrar on all of the Certificates. In lieu of the executed Certificate of Paying Agent/Registrar described above, the Initial Certificate delivered at the Closing Date shall have attached thereto the Comptroller's Registration Certificate substantially in the form provided herein, manually executed by the Comptroller of Public Accounts of the State of Texas, or by his duly authorized agent, which certificate shall be evidence that the Initial Certificate has been duly approved by the Attorney General of the State of Texas and that it is a valid and binding obligation of the City, and that it has been registered by the Comptroller of Public Accounts of the State of Texas.

(d) On the Closing Date, one Initial Certificate representing the entire principal amount of all Certificates, payable in stated installments to the Purchaser, or its designee, executed by the manual or facsimile signature of the Mayor and City Secretary of the City, approved by the Attorney General, and registered and manually signed by the Comptroller of Public Accounts, will be delivered to the Purchaser or its designee. Upon payment for the Initial Certificate, the Paying Agent/Registrar shall cancel the Initial Certificate and deliver to DTC on behalf of the Purchaser one registered definitive Certificate for each year of maturity of the Certificates in the aggregate principal amount of all Certificates for such maturity bearing interest at the same per annum rate, registered in the name of Cede & Co., as nominee of DTC.

Section 3.05. Ownership.

(a) The City, the Paying Agent/Registrar and any other person may treat the person in whose name any Certificate is registered as the absolute owner of such Certificate for the purpose of making and receiving payment of the principal thereof and for the further purpose of making and receiving payment of the interest thereon, and for all other purposes (except interest will be paid to the person in whose name such obligation is registered on the Record Date or Special Record Date, as applicable), whether or not such Certificate is overdue, and neither the City nor the Paying Agent/Registrar shall be bound by any notice or knowledge to the contrary.

(b) All payments made to the Owner of a Certificate shall be valid and effectual and shall discharge the liability of the City and the Paying Agent/Registrar upon such Certificate to the extent of the sums paid.

Section 3.06. Registration, Transfer and Exchange.

(a) So long as any Certificates remain outstanding, the City shall cause the Paying Agent/Registrar to keep at the Designated Payment/Transfer Office a register (the "Register") in which, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Certificates in accordance with this Ordinance.

(b) The ownership of a Certificate may be transferred only upon the presentation and surrender of the Certificate at the Designated Payment/Transfer Office with such endorsement or

other evidence of transfer as is acceptable to the Paying Agent/Registrar. No transfer of any Certificate shall be effective until entered in the Register.

(c) The Certificates shall be exchangeable upon the presentation and surrender thereof at the Designated Payment/Transfer Office of the Paying Agent/Registrar for a Certificate or Certificates of the same maturity and interest rate and in any denomination or denominations of any integral multiple of \$5,000 and in an aggregate principal amount equal to the unpaid principal amount of the Certificates presented for exchange. The Paying Agent/Registrar is hereby authorized to authenticate and deliver Certificates exchanged for other Certificates in accordance with this Section.

(d) Each exchange Certificate delivered by the Paying Agent/Registrar in accordance with this Section shall constitute an original contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Certificate or Certificates in lieu of which such exchange Certificate is delivered.

(e) No service charge shall be made to the Owner for the initial registration, subsequent transfer, or exchange for a different denomination of any of the Certificates. The Paying Agent/Registrar, however, may require the Owner to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection with the registration, transfer or exchange of a Certificate.

(f) Neither the City nor the Paying Agent/Registrar shall be required to issue, transfer, or exchange any Certificate called for redemption, in whole or in part, within forty-five (45) calendar days prior to the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the Owner of the uncalled principal balance of a Certificate.

Section 3.07. Cancellation.

All Certificates paid or redeemed before scheduled maturity in accordance with this Ordinance, and all Certificates in lieu of which exchange Certificates or replacement Certificates are authenticated and delivered in accordance with this Ordinance, shall be cancelled and proper records shall be made regarding such payment, redemption, exchange or replacement. The Paying Agent/Registrar shall dispose of cancelled Certificates in accordance with the record retention policies of the Paying Agent/Registrar.

Section 3.08. Temporary Certificates.

(a) Following the delivery and registration of the Initial Certificate and pending the preparation of definitive Certificates, the proper officers of the City may execute and, upon the City's request, the Paying Agent/Registrar shall authenticate and deliver, one or more temporary Certificates that are printed, lithographed, typewritten, mimeographed or otherwise produced, in any authorized denomination, substantially of the tenor of the definitive Certificates in lieu of which they are delivered, without coupons, and with such appropriate insertions, omissions, substitutions and other variations as the officers of the City executing such temporary Certificates may determine, as evidenced by their signing of such temporary Certificates.

(b) Until exchanged for Certificates in definitive form, such Certificates in temporary form shall be entitled to the benefit and security of this Ordinance.

(c) The City, without unreasonable delay, shall prepare, execute and deliver to the Paying Agent/Registrar the Certificates in definitive form; thereupon, upon the presentation and surrender of the Certificates in temporary form to the Paying Agent/Registrar, the Paying Agent/Registrar shall cancel the Certificates in temporary form and shall authenticate and deliver in exchange therefor Certificates of the same maturity and series, in definitive form, in the authorized denomination, and in the same aggregate principal amount, as the Certificates in temporary form surrendered. Such exchange shall be made without the making of any charge therefor to any Owner.

Section 3.09. Replacement Certificates.

(a) Upon the presentation and surrender to the Paying Agent/Registrar of a mutilated Certificate, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a replacement Certificate of like tenor and principal amount, bearing a number not contemporaneously outstanding. The City or the Paying Agent/Registrar may require the Owner of such Certificate to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection therewith and any other expenses connected therewith.

(b) In the event that any Certificate is lost, apparently destroyed or wrongfully taken, the Paying Agent/Registrar, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Certificate has been acquired by a bona fide purchaser, shall authenticate and deliver a replacement Certificate of like tenor and principal amount, bearing a number not contemporaneously outstanding, provided that the Owner first:

(i) furnishes to the Paying Agent/Registrar satisfactory evidence of his or her ownership of and the circumstances of the loss, destruction or theft of such Certificate;

(ii) furnishes such security or indemnity as may be required by the Paying Agent/Registrar to save it and the City harmless;

(iii) pays all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Paying Agent/Registrar and any tax or other governmental charge that is authorized to be imposed; and

(iv) satisfies any other reasonable requirements imposed by the City and the Paying Agent/Registrar.

(c) If, after the delivery of such replacement Certificate, a bona fide purchaser of the original Certificate in lieu of which such replacement Certificate was issued presents for payment such original Certificate, the City and the Paying Agent/Registrar shall be entitled to recover such replacement Certificate from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost or expense incurred by the City or the Paying Agent/Registrar in connection therewith.

(d) In the event that any such mutilated, lost, apparently destroyed or wrongfully taken Certificate has become or is about to become due and payable, the Paying Agent/Registrar, in its discretion, instead of issuing a replacement Certificate, may pay such Certificate if it has become due and payable or may pay such Certificate when it becomes due and payable.

(e) Each replacement Certificate delivered in accordance with this Section shall constitute an original additional contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Certificate or Certificates in lieu of which such replacement Certificate is delivered.

Section 3.10. Book-Entry Only System.

The definitive Certificates shall be initially issued in the form of a separate typewritten fully registered Certificate for each of the maturities thereof bearing interest at the same per annum rate. Upon initial issuance, the ownership of such Certificates shall be registered in the name of Cede & Co., as nominee of DTC, and except as provided in Section 3.11 hereof, all of the outstanding Certificates shall be registered in the name of Cede & Co., as nominee of DTC.

With respect to Certificates registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such a DTC Participant holds an interest in the Certificates. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Certificates, (ii) the delivery to any DTC Participant or any other person, other than an Owner, as shown on the Register, of any notice with respect to the Certificates, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than an Owner, as shown in the Register of any amount with respect to principal of or interest on the Certificates. Notwithstanding any other provision of this Ordinance to the contrary, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Certificate is registered in the Register as the absolute owner of such Certificate for the purpose of payment of principal of and interest on the Certificates, for the purpose of all matters with respect to such Certificate, for the purpose of registering transfer with respect to such Certificate, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Certificates only to or upon the order of the respective owners, as shown in the Register as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of and interest on the Certificates to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Register, shall receive a certificate evidencing the obligation of the City to make payments of amounts due pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

Section 3.11. Successor Securities Depository; Transfer Outside Book-Entry Only System.

In the event that the City or the Paying Agent/Registrar determines that DTC is incapable of discharging its responsibilities described herein and in the representations letter of the City to DTC, or in the event DTC discontinues the services described herein, the City or the Paying Agent/Registrar shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Certificates to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Certificates and transfer one or more separate Certificates to DTC Participants having Certificates credited to their DTC accounts. In such event, the Certificates shall no longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Certificates shall designate, in accordance with the provisions of this Ordinance.

Section 3.12. Payments to Cede & Co.

Notwithstanding any other provision of this Ordinance to the contrary, so long as any Certificates are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of and interest on such Certificates, and all notices with respect to such Certificates, shall be made and given, respectively, in the manner provided in DTC's then current operational procedures.

ARTICLE IV

REDEMPTION OF CERTIFICATES BEFORE MATURITY

Section 4.01. Limitation on Redemption.

The Certificates shall be subject to redemption before their scheduled maturity only as provided in this Article IV.

Section 4.02. Optional Redemption.

(a) The City reserves the option to redeem Certificates maturing on and after August 15, 20__, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof before their respective scheduled maturity dates, on August 15, 20__, or on any date thereafter, such redemption date or dates to be fixed by the City, at a price equal to the principal amount of the Certificates so called for redemption plus accrued interest to the date of redemption.

(b) If less than all of the Certificates are to be redeemed pursuant to an optional redemption, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot the Certificates, or portions thereof, within such maturity or maturities and in such principal amounts for redemption.

(c) The City, at least forty-five (45) days before the redemption date, unless a shorter period shall be satisfactory to the Paying Agent/Registrar, shall notify the Paying Agent/Registrar of such redemption date and of the principal amount of Certificates to be redeemed.

Section 4.03. Mandatory Sinking Fund Redemption.

(a) The Certificates stated to mature on August 15, 20__ (the "Term Certificates") are subject to scheduled mandatory redemption and will be redeemed by the City, in part at a price equal to the principal amount thereof, without premium, plus accrued interest to the redemption date, out of moneys available for such purpose in the Interest and Sinking Fund, on August 15 in the years and in the respective principal amounts as set forth in the following schedule:

Term Certificates Maturing August 15, 20__

Redemption Date (August 15)	Principal Amount
20__	\$ _____
20__*	_____

* Stated maturity.

(b) At least forty-five (45) days prior to each scheduled mandatory redemption date, the Paying Agent/Registrar shall select for redemption by lot, or by any other customary method that results in a random selection, a principal amount of Term Certificates equal to the aggregate principal amount of such Term Certificates to be redeemed, shall call such Term Certificates for redemption on such scheduled mandatory redemption date, and shall give notice of such redemption, as provided in Section 4.05.

(c) The principal amount of the Term Certificates required to be redeemed on any redemption date pursuant to subparagraph (a) of this Section 4.03 shall be reduced, at the option of the City, by the principal amount of any Term Certificates which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Term Certificates plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.

Section 4.04. Partial Redemption.

(a) A portion of a single Certificate of a denomination greater than \$5,000 may be redeemed, but only in a principal amount equal to \$5,000 or any integral multiple thereof. If such a Certificate is to be partially redeemed, the Paying Agent/Registrar shall treat each \$5,000 portion of the Certificate as though it were a single Certificate for purposes of selection for redemption.

(b) Upon surrender of any Certificate for redemption in part, the Paying Agent/Registrar, in accordance with Section 3.06 of this Ordinance, shall authenticate and

deliver an exchange Certificate or Certificates in an aggregate principal amount equal to the unredeemed portion of the Certificate so surrendered, such exchange being without charge, notwithstanding any provision of Section 3.06 to the contrary.

Section 4.05. Notice of Redemption to Owners.

(a) The Paying Agent/Registrar shall give notice of any redemption of Certificates by sending notice by United States mail, first class, postage prepaid, not less than 30 days before the date fixed for redemption, to the Owner of each Certificate (or part thereof) to be redeemed, at the address shown in the Register at the close of business on the Business Day next preceding the date of mailing such notice.

(b) The notice shall state the redemption date, the redemption price, the place at which the Certificates are to be surrendered for payment, and, if less than all the Certificates outstanding are to be redeemed, an identification of the Certificates or portions thereof to be redeemed.

(c) The City reserves the right to give notice of its election or direction to redeem Certificates under Section 4.02 conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date, or (ii) that the City retains the right to rescind such notice at any time on or prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected Owners. Any Certificates subject to a conditional notice of redemption where redemption has been rescinded shall remain Outstanding, and the rescission shall not constitute an Event of Default. Further, in the case of a conditional notice of redemption, the failure of the City to make moneys and/or authorized securities available in part or in whole on or before the redemption date shall not constitute an Event of Default.

(d) Any notice so mailed shall be conclusively presumed to have been duly given, whether or not the registered owner receives such notice. Notice having been so given and subject, in the case of an optional redemption, to any rights or conditions reserved by the City in the notice, the Certificates called for redemption shall become due and payable on the specified redemption date, and notwithstanding that any obligation or portion thereof has not been surrendered for payment, interest on such obligation or portion thereof shall cease to accrue.

Section 4.06. Payment Upon Redemption.

(a) Before or on each redemption date, the City shall deposit with the Paying Agent/Registrar money sufficient to pay all amounts due on the redemption date and the Paying Agent/Registrar shall make provision for the payment of the Certificates to be redeemed on such date by setting aside and holding in trust an amount from the Interest and Sinking Fund or

otherwise received by the Paying Agent/Registrar from the City and shall use such funds solely for the purpose of paying the principal of, and accrued interest on the Certificates being redeemed.

(b) Upon presentation and surrender of any Certificate called for redemption at the Designated Payment/Transfer Office of the Paying Agent/Registrar on or after the date fixed for redemption, the Paying Agent/Registrar shall pay the principal of, redemption premium, if any, and accrued interest on such Certificate to the date of redemption from the money set aside for such purpose.

Section 4.07. Effect of Redemption.

(a) Notice of redemption having been given as provided in Section 4.05 of this Ordinance, and subject to the provisions of Section 4.05(c), the Certificates or portions thereof called for redemption shall become due and payable on the date fixed for redemption and, unless the City fails to make provision for the payment of the principal thereof or accrued interest thereon, such Certificates or portions thereof shall cease to bear interest from and after the date fixed for redemption, whether or not such Certificates are presented and surrendered for payment on such date.

(b) If the City shall fail to make provision for payment of all sums due on a redemption date, or rescinds the notice of redemption, then any Certificate or portion thereof called for redemption shall continue to bear interest at the rate stated on the Certificate until due provision is made for the payment of same by the City.

ARTICLE V

PAYING AGENT/REGISTRAR

Section 5.01. Appointment of Initial Paying Agent/Registrar.

The Bank of New York Mellon Trust Company, National Association, is hereby appointed as the initial Paying Agent/Registrar for the Certificates.

Section 5.02. Qualifications.

Each Paying Agent/Registrar shall be a commercial bank, a trust company organized under the laws of the State of Texas, or any other entity duly qualified and legally authorized to serve as and perform the duties and services of paying agent and registrar for the Certificates.

Section 5.03. Maintaining Paying Agent/Registrar.

(a) At all times while any Certificates are outstanding, the City will maintain a Paying Agent/Registrar that is qualified under Section 5.02 of this Ordinance. The Mayor is hereby authorized and directed to execute an agreement with the Paying Agent/Registrar specifying the duties and responsibilities of the City and the Paying Agent/Registrar in substantially the form presented at this meeting, the form, terms and provisions of which are hereby approved.

(b) If the Paying Agent/Registrar resigns or otherwise ceases to serve as such, the City will promptly appoint a replacement, provided no such resignation shall be effective until a successor Paying Agent/Registrar has accepted the duties of Paying Agent/Registrar for the Certificates.

Section 5.04. Termination.

The City, upon not less than sixty (60) days' notice, reserves the right to terminate the appointment of any Paying Agent/Registrar by delivering to the entity whose appointment is to be terminated written notice of such termination, provided, that such termination shall not be effective until a successor Paying Agent/Registrar has been appointed and has accepted the duties of Paying Agent/Registrar for the Certificates.

Section 5.05. Notice of Change to Owners.

Promptly upon each change in the entity serving as Paying Agent/Registrar, the City will cause notice of the change to be sent to each Owner by first class United States mail, postage prepaid, at the address in the Register, stating the effective date of the change and the name and mailing address of the replacement Paying Agent/Registrar.

Section 5.06. Agreement to Perform Duties and Functions.

By accepting the appointment as Paying Agent/Registrar and executing the Paying Agent/Registrar Agreement, the Paying Agent/Registrar is deemed to have agreed to the provisions of this Ordinance and that it will perform the duties and functions of Paying Agent/Registrar prescribed thereby.

Section 5.07. Delivery of Records to Successor.

If a Paying Agent/Registrar is replaced, such Paying Agent/Registrar, promptly upon the appointment of the successor, will deliver the Register (or a copy thereof) and all other pertinent books and records relating to the Certificates to the successor Paying Agent/Registrar.

ARTICLE VI

FORM OF THE CERTIFICATES

Section 6.01. Form Generally.

(a) The Certificates, including the Registration Certificate of the Comptroller of Public Accounts of the State of Texas to accompany the Initial Certificate, the Certificate of the Paying Agent/Registrar, and the Assignment form to appear on each of the Certificates, (i) shall be substantially in the form set forth in this Article, with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance, and (ii) may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including any reproduction of an

opinion of counsel) thereon as, consistently herewith, may be determined by the City or by the officers executing such Certificates, as evidenced by their execution thereof.

(b) Any portion of the text of any Certificates may be set forth on the reverse side thereof, with an appropriate reference thereto on the face of the Certificates.

(c) The definitive Certificates shall be typewritten, printed, lithographed, or engraved, and may be produced by any combination of these methods or produced in any other similar manner, all as determined by the officers executing such Certificates, as evidenced by their execution thereof.

(d) The Initial Certificate submitted to the Attorney General of the State of Texas may be typewritten and photocopied or otherwise reproduced.

Section 6.02. Form of the Certificates.

The form of the Certificates, including the form of the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, to accompany the Initial Certificate, the form of Certificate of the Paying Agent/Registrar and the form of Assignment appearing on the Certificates, shall be substantially as follows:

(a) Form of Certificates.

REGISTERED

No. _____

REGISTERED

\$ _____

United States of America
State of Texas

CITY OF BRENHAM, TEXAS
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION,
SERIES 2022

INTEREST RATE	MATURITY DATE	CLOSING DATE	DATED DATE	CUSIP NUMBER
_____ %	August 15, 20__	_____	_____, 2021	_____

The City of Brenham, Texas (the "City"), in the County of Washington, State of Texas, for value received, hereby promises to pay to

or registered assigns, on the Maturity Date specified above, the sum of

_____ DOLLARS

unless this Certificate shall have been sooner called for redemption and the payment of the principal hereof shall have been paid or provided for, and to pay interest on such principal amount from the later of the Closing Date specified above or the most recent interest payment date to which interest has been paid or provided for until payment of such principal amount has been paid or provided for, at the per annum rate of interest specified above, computed on the basis of a three hundred sixty (360) day year of twelve (12) thirty (30) day months, such interest to be paid semiannually on February 15 and August 15 of each year, commencing _____, 20__, until stated maturity or prior redemption.

The principal of this Certificate shall be payable without exchange or collection charges in lawful money of the United States of America upon presentation and surrender of this Certificate at the designated office in Dallas, Texas, of The Bank of New York Mellon Trust Company, National Association, as Paying Agent/Registrar (the "Designated Payment/Transfer Office"), or, with respect to a successor paying agent/registrar, at the Designated Payment/Transfer Office of such successor. Interest on this Certificate is payable by check dated as of the interest payment date, and will be mailed on or before such interest payment date, by first class United States mail, postage prepaid, by the Paying Agent/Registrar to the registered owner at the address shown on the registration books kept by the Paying Agent/Registrar, or by such other customary banking arrangements acceptable to the Paying Agent/Registrar and the person to whom interest is to be paid; provided, however, that such person shall bear all risk and expense of such other customary banking arrangements. For the purpose of the payment of interest on this Certificate, the registered owner shall be the person in whose name this

Certificate is registered at the close of business on the "Record Date," which shall be the last business day of the month next preceding such interest payment date; provided, however, that in the event of nonpayment of interest on a scheduled interest payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date," which date shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) Business Days (as hereinafter defined) prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each registered owner of a Certificate appearing on the books of the Paying Agent/Registrar at the close of business on the last Business Day next preceding the date of mailing of such notice.

If the date for the payment of the principal of or interest on this Certificate is not a Business Day, the date for such payment shall be the next succeeding day which is not a Saturday, Sunday or legal holiday, or day on which banking institutions in the State of Texas or the city in which the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are generally authorized or obligated by law or executive order to close (a "Business Day"), and payment on such date shall for all purposes be deemed to have been made on the original date payment was due.

This Certificate is one of a series of fully registered obligations specified in the title hereof issued in the aggregate principal amount of \$_____ (herein referred to as the "Certificates"), dated as of _____, 2022, issued pursuant to a certain ordinance of the City (the "Ordinance") for the purpose of paying contractual obligations to be incurred for authorized public improvements (the "Project"), as described in the Ordinance, and to pay the contractual obligations for professional services of attorneys, financial advisors and other professionals in connection with the Project and the issuance of the Certificates.

The City has reserved the option to redeem the Certificates maturing on or after August 15, 20__ in whole or in part before their respective scheduled maturity dates, on August 15, 20__ or on any date thereafter, at a price equal to the principal amount of the Certificates so called for redemption plus accrued interest to the date fixed for redemption. If less than all of the Certificates are to be redeemed, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot the Certificates, or portions thereof, within such maturity and in such principal amounts, for redemption.

The Certificates stated to mature on August 15, 20__ (the "Term Certificates") are subject to scheduled mandatory redemption and will be redeemed by the City, in part at a price equal to the principal amount thereof, without premium, plus accrued interest to the redemption date, out of moneys available for such purpose in the Interest and Sinking Fund, on August 15 in the years and in the respective principal amounts as set forth in the Ordinance.

At least forty-five (45) days prior to each scheduled mandatory redemption date, the Paying Agent/Registrar shall select for redemption by lot, or by any other customary method that results in a random selection, a principal amount of Term Certificates equal to the aggregate

principal amount of such Term Certificates to be redeemed and shall call such Term Certificates for redemption on such scheduled mandatory redemption date.

The principal amount of the Term Certificates required to be redeemed on any mandatory sinking fund redemption date shall be reduced, at the option of the City, by the principal amount of any Term Certificates which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Term Certificates plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to an optional redemption and not previously credited to a mandatory sinking fund redemption.

Notice of such redemption or redemptions shall be given by first class mail, postage prepaid, not less than thirty (30) days before the date fixed for redemption, to the registered owner of each of the Certificates to be redeemed in whole or in part. Notice having been so given, the Certificates or portions thereof designated for redemption shall become due and payable on the redemption date specified in such notice; and, from and after such date, notwithstanding that any of the Certificates or portions thereof so called for redemption shall not have been surrendered for payment, interest on such Certificates or portions thereof shall cease to accrue.

In the Ordinance, the City reserves the right, in the case of an optional redemption, to give notice of its election or direction to redeem Certificates conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date, or (ii) that the City retains the right to rescind such notice at any time on or prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected Owners. Any Certificates subject to a conditional notice of redemption and such redemption has been rescinded shall remain Outstanding, and the rescission of such redemption shall not constitute an Event of Default. Further, in the case of a conditional notice of redemption, the failure of the City to make moneys and/or authorized securities available in part or in whole on or before the redemption date shall not constitute an Event of Default. Any notice so mailed shall be conclusively presumed to have been duly given, whether or not the registered owner receives such notice. Notice having been so given and subject, in the case of an optional redemption, to any rights or conditions reserved by the City in the notice, the certificates called for redemption shall become due and payable on the specified redemption date, and notwithstanding that any obligation or portion thereof has not been surrendered for payment, interest on such obligation or portion thereof shall cease to accrue.

As provided in the Ordinance, and subject to certain limitations therein set forth, this Certificate is transferable upon surrender of this Certificate for transfer at the Designated Payment/Transfer Office of the Paying Agent/Registrar with such endorsement or other evidence of transfer as is acceptable to the Paying Agent/Registrar; thereupon, one or more new fully

registered Certificates of the same stated maturity, of authorized denominations, bearing the same rate of interest, and for the same aggregate principal amount will be issued to the designated transferee or transferees.

Neither the City nor the Paying Agent/Registrar shall be required to issue, transfer or exchange any Certificate called for redemption where such redemption is scheduled to occur within forty-five (45) calendar days of the transfer or exchange date; provided, however, such limitation shall not be applicable to an exchange by the registered owner of the uncalled principal balance of a Certificate.

The City, the Paying Agent/Registrar, and any other person may treat the person in whose name this Certificate is registered as the owner hereof for the purpose of receiving payment as herein provided (except interest shall be paid to the person in whose name this Certificate is registered on the "Record Date" or "Special Record Date," as applicable) and for all other purposes, whether or not this Certificate be overdue, and neither the City, nor the Paying Agent/Registrar nor any other person shall be affected by notice to the contrary.

IT IS HEREBY CERTIFIED AND RECITED that the issuance of this Certificate and the series of which it is a part is duly authorized by law and that all acts, conditions and things required to be done precedent to and in the issuance of the Certificates have been properly done and performed and have happened in regular and due time, form and manner, as required by law; and that ad valorem taxes upon all taxable property in the City have been levied for and pledged to the payment of the debt service requirements of the Certificates, within the limit prescribed by law; that, in addition to said taxes, further provisions have been made for the payment of the debt service requirements of the Certificates by pledging to such purpose Surplus Revenues, as defined in the Ordinance, derived by the City from the operation of its water and wastewater system in an amount limited to \$1,000; that when so collected, such taxes and Surplus Revenues shall be appropriated to such purposes; and that the total indebtedness of the City, including the Certificates, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City has caused this Certificate to be executed by the manual or facsimile signature of the Mayor of the City and countersigned by the manual or facsimile signature of the City Secretary of the City, and the official seal of the City has been duly impressed or placed in facsimile on this Certificate.

City Secretary
City of Brenham, Texas

Mayor
City of Brenham, Texas

[SEAL]

(b) Form of Comptroller's Registration Certificate.

The following Comptroller's Registration Certificate may be deleted from the definitive Certificates if such certificate on the Initial Certificate is fully executed.

REGISTRATION CERTIFICATE OF
COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER §
OF PUBLIC ACCOUNTS §
OF THE STATE OF TEXAS §

REGISTER NO. _____

I hereby certify that this Certificate has been examined, certified as to validity, and approved by the Attorney General of the State of Texas and that this Certificate has been registered by the Comptroller of public Accounts of the State of Texas.

Witness my hand and seal of office at Austin, Texas, _____.

Comptroller of Public Accounts
of the State of Texas

[SEAL]

(c) Form of Certificate of Paying Agent/Registrar.

The following Certificate of Paying Agent/Registrar may be deleted from the Initial Certificate if the executed Comptroller's Registration Certificate appears thereon.

CERTIFICATE OF PAYING AGENT/REGISTRAR

The records of the Paying Agent/Registrar show that the Initial Certificate of this series of certificates of obligation was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas, and that this is one of the Certificates referred to in the within-mentioned Ordinance.

THE BANK OF NEW YORK MELLON
TRUST COMPANY, NATIONAL
ASSOCIATION,
as Paying Agent/Registrar

Dated: _____

By: _____
Authorized Signatory

(d) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto (Print or typewrite name, address and zip code of transferee): _____

(Social Security or other identifying number: (_____))
the within Certificate and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Certificate on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____
Signature Guaranteed By: _____

Authorized Signatory

NOTICE: The signature on this Assignment must correspond with the name of the registered owner as it appears on the face of the within Certificate in every particular and must be guaranteed in a manner acceptable to the Paying Agent/Registrar.

(e) The Initial Certificate shall be in the form set forth in paragraphs (a), (b) and (d) of this Section, except for the following alterations:

(i) immediately under the name of the Certificate, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As Shown Below" and the words "CUSIP NUMBER" deleted; and

(ii) in the first paragraph of the Certificate, the words "on the Maturity Date specified above, the sum of _____ DOLLARS" shall be deleted and the following will be inserted: "on August 15 in each of the years, in the principal installments and bearing interest at the per annum rates set forth with the following schedule:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
(Information to be inserted from schedule in Section 3.02 of this Ordinance)		

Section 6.03. CUSIP Registration.

The City may secure identification numbers through the CUSIP Service Bureau Division of Standard & Poor's Corporation, New York, New York, and may authorize the printing of such numbers on the face of the Certificates. It is expressly provided, however, that the presence or absence of CUSIP numbers on the Certificates shall be of no significance or effect as regards the

legality thereof and neither the City nor the attorneys approving said Certificates as to legality are to be held responsible for CUSIP numbers incorrectly printed on the Certificates.

Section 6.04. Legal Opinion.

The approving legal opinion of Bracewell LLP, Bond Counsel, may be attached to or printed on the reverse side of each Certificate over the certification of the City Secretary of the City, which may be executed in facsimile.

Section 6.05. Statement of Insurance.

A statement relating to a municipal bond insurance policy, if any, to be issued for the Certificates may be printed on or attached to each Certificate.

ARTICLE VII

SALE AND DELIVERY OF CERTIFICATES;
DEPOSIT OF PROCEEDS; OFFICIAL STATEMENT

Section 7.01. Sale of Certificates.

(a) The Certificates are hereby sold and awarded and shall be delivered to _____ (the "Purchaser") at the price equal to the principal amount thereof plus a cash premium of \$ _____. It is hereby found and determined that the bid of the Purchaser conforms to the requirements of the conditions for sale and produces the lowest true interest cost rate to the City. The Certificates shall be initially registered in the name of the Purchaser or its designee.

(b) All officers of the City are authorized to execute such documents, certificates and receipts, and to make such elections with respect to the tax-exempt status of the Certificates, as they may deem appropriate in order to consummate the delivery of the Certificates. Further, in connection with the submission of the record of proceedings for the Certificates to the Attorney General of the State of Texas for examination and approval of such Certificates, the appropriate officer of the City is hereby authorized and directed to issue a check of the City payable to the Attorney General of the State of Texas as a nonrefundable examination fee in the amount required by Chapter 1202, Texas Government Code (such amount to be the lesser of (i) 1/10th of 1% of the principal amount of the Certificates or (ii) \$9,500.

(c) The obligation of the Purchaser to accept delivery of the Certificates is subject to the Purchaser being furnished with the final, approving opinion of Bracewell LLP, Bond Counsel for the City, which opinion shall be dated and delivered on the Closing Date.

Section 7.02. Deposit of Proceeds.

Proceeds from the sale of the Certificates shall, promptly upon receipt by the City, be applied as follows:

(a) Certificate proceeds in the amount of \$ _____ shall be used for the purposes set forth in Section 3.01.

(b) Certificate proceeds in the amount of \$ _____ shall be used to pay the costs of issuance provided that any amount remaining after the payment of paying costs of issuance shall be deposited for the purposes described in subsection (a) above.

(c) Any Certificate proceeds not used for the purposes described in subsections (a) and (b) above shall be deposited to the Interest and Sinking Fund.

Section 7.03. Control and Delivery of Certificates.

(a) The Mayor of the City is hereby authorized to have control of the Initial Certificate and all necessary records and proceedings pertaining thereto pending investigation, examination and approval of the Attorney General of the State of Texas, registration by the Comptroller of Public Accounts of the State of Texas and registration with, and initial exchange or transfer by, the Paying Agent/Registrar.

(b) After registration by the Comptroller of Public Accounts of the State of Texas, delivery of the Certificates shall be made to the Purchaser under and subject to the general supervision and direction of the Mayor, against receipt by the City of all amounts due to the City under the terms of sale.

(c) In the event the Mayor or City Secretary is absent or otherwise unable to execute any document or take any action authorized herein, the Mayor Pro Tem and the Assistant City Secretary, respectively, shall be authorized to execute such documents and take such actions, and the performance of such duties by the Mayor Pro Tem and the Assistant City Secretary shall for the purposes of this Ordinance have the same force and effect as if such duties were performed by the Mayor and City Secretary, respectively.

Section 7.04. Official Statement.

The form and substance of the Preliminary Official Statement, and any addenda, supplement or amendment thereto, and the final Official Statement (the "Official Statement") presented to and considered at this meeting, are hereby in all respects approved and adopted, and the Preliminary Official Statement is hereby deemed final as of its date (except for the omission of pricing and related information) within the meaning and for the purposes of paragraph (b)(1) of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended. The Mayor and City Secretary of the City are hereby authorized and directed to execute the same and to deliver or cause to be delivered appropriate numbers of copies thereof to the Purchaser. The Official Statement as thus approved and delivered, with such appropriate variations as shall be approved by the Mayor of the City and the Purchaser, may be used by the Purchaser in the public offering and sale thereof. The use and distribution of the Preliminary Official Statement in the public offering of the Certificates by the Purchaser is hereby ratified, approved and confirmed. The City Secretary is hereby authorized and directed to include and maintain a copy of the Official Statement and any addenda, supplement or amendment thereto thus approved among the permanent records of this meeting. The use and distribution of the Official

Statement and the preliminary public offering of the Certificates by the Purchaser is hereby ratified, approved and confirmed.

ARTICLE VIII

INVESTMENTS

Section 8.01. Investments.

(a) Money in the Interest and Sinking Fund created by this Ordinance, at the option of the City, may be invested in such securities or obligations as permitted under applicable law as in effect on the date of the investment.

(b) Any securities or obligations in which money in the Interest and Sinking Fund is so invested shall be kept and held in trust for the benefit of the Owners and shall be sold and the proceeds of sale shall be timely applied to the making of all payments required to be made from the Interest and Sinking Fund.

Section 8.02. Investment Income.

(a) Interest and income derived from investment of the Interest and Sinking Fund shall be credited to such Fund.

(b) Interest and income derived from the investment of funds deposited pursuant to Section 7.02 hereof shall be credited to the fund or account where deposited until completion of the Project; thereafter, to the extent such interest and income are present, such interest and income shall be deposited to the Interest and Sinking Fund.

ARTICLE IX

PARTICULAR REPRESENTATIONS AND COVENANTS

Section 9.01. Payment of the Certificates.

On or before each Interest Payment Date for the Certificates and while any of the Certificates are outstanding and unpaid, there shall be made available to the Paying Agent/Registrar, out of the Interest and Sinking Fund, money sufficient to pay such interest on and principal of the Certificates as will accrue or mature on the applicable Interest Payment Date, maturity date or date of prior redemption.

Section 9.02. Other Representations and Covenants.

(a) The City will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance and in each Certificate; the City will promptly pay or cause to be paid the principal of and interest on each Certificate on the dates and at the places and manner prescribed in such Certificate; and the City will, at the times and in the manner prescribed by this Ordinance, deposit or cause to be deposited the amounts of money specified by this Ordinance.

(b) The City is duly authorized under the laws of the State of Texas to issue the Certificates; all action on its part for the creation and issuance of the Certificates has been duly and effectively taken; and the Certificates in the hands of the Owners thereof are and will be valid and enforceable obligations of the City in accordance with their terms.

Section 9.03. Federal Income Tax Matters.

(a) General. The City covenants not to take any action or omit to take any action that, if taken or omitted, would cause the interest on the Certificates to be includable in gross income for federal income tax purposes. In furtherance thereof, the City covenants to comply with sections 103 and 141 through 150 of the Code and the provisions set forth in the Federal Tax Certificate executed by the City in connection with the Certificates.

(b) No Private Activity Bonds. The City covenants that it will use the proceeds of the Certificates (including investment income) and the property financed, directly or indirectly, with such proceeds so that the Certificates will not be "private activity bonds" within the meaning of section 141 of the Code. Furthermore, the City will not take a deliberate action (as defined in section 1.141-2(d)(3) of the Regulations) that causes the Certificates to be "private activity bonds" unless it takes a remedial action permitted by section 1.141-12 of the Regulations.

(c) No Federal Guarantee. The City covenants not to take any action or omit to take any action that, if taken or omitted, would cause the Certificates to be "federally guaranteed" within the meaning of section 149(b) of the Code, except as permitted by section 149(b)(3) of the Code.

(d) No Hedge Bonds. The City covenants not to take any action or omit to take action that, if taken or omitted, would cause the Certificates to be "hedge bonds" within the meaning of section 149(g) of the Code.

(e) No Arbitrage Bonds. The City covenants that it will make such use of the proceeds of the Certificates (including investment income) and regulate the investment of such proceeds of the Certificates so that the Certificates will not be "arbitrage bonds" within the meaning of section 148(a) of the Code.

(f) Required Rebate. The City covenants that, if the City does not qualify for an exception to the requirements of section 148(f) of the Code, the City will comply with the requirement that certain amounts earned by the City on the investment of the gross proceeds of the Certificates, be rebated to the United States.

(g) Information Reporting. The City covenants to file or cause to be filed with the Secretary of the Treasury an information statement concerning the Certificates in accordance with section 149(e) of the Code.

(h) Record Retention. The City covenants to retain all material records relating to the expenditure of the proceeds (including investment income) of the Certificates and the use of the property financed, directly or indirectly, thereby until three years after the last Certificate is redeemed or paid at maturity (or such other period as provided by subsequent guidance issued by

the Department of the Treasury) in a manner that ensures their complete access throughout such retention period.

(i) Registration. If the Certificates are “registration-required bonds” under section 149(a)(2) of the Code, the Certificates will be issued in registered form.

(j) Favorable Opinion of Bond Counsel. Notwithstanding the foregoing, the City will not be required to comply with any of the federal tax covenants set forth above if the City has received an opinion of nationally recognized bond counsel that such noncompliance will not adversely affect the excludability of interest on the Certificates from gross income for federal income tax purposes.

(k) Continuing Compliance. Notwithstanding any other provision of this Ordinance, the City’s obligations under the federal tax covenants set forth above will survive the defeasance and discharge of the Certificates for as long as such matters are relevant to the excludability of interest on the Certificates from gross income for federal income tax purposes.

(l) Official Intent. For purposes of section 1.150-2(d) of the Regulations, to the extent that an official intent to reimburse has not previously been adopted by the City, this Ordinance serves as the City’s official declaration of intent to use proceeds of the Certificates to reimburse itself from proceeds of the Certificates issued in the maximum amount for certain expenditures paid in connection with the projects set forth herein. Any such reimbursement will only be made (i) for an original expenditure paid no earlier than 60 days prior to the date hereof and (ii) not later than 18 months after the later of (A) the date the original expenditure is paid or (B) the date of with the project to which such expenditure relates is placed in service or abandoned, but in to event more than three years after the original expenditure is paid.

Section 9.04. Qualified Tax-Exempt Obligations.

The City hereby designates the Certificates as “qualified tax-exempt obligations” for purposes of section 265(b) of the Code. In connection therewith, the City represents (a) that the aggregate amount of tax-exempt obligations issued by the City during calendar year 2022, including the Certificates, that have been designated as “qualified tax-exempt obligations” under section 265(b)(3) of the Code does not exceed \$10,000,000, and (b) that the reasonably anticipated amount of its tax-exempt obligations that will be issued by the City during calendar year 2022, including the Certificates, will not exceed \$10,000,000. For purposes of this Section 9.04, the term “tax-exempt obligations” does not include (i) “private activity bonds” within the meaning of section 141 of the Code, other than “qualified 501(c)(3) bonds” within the meaning of section 145 of the Code or (ii) obligations issued to currently refund any obligation to the extent that the amount of the refunding obligation does not exceed the outstanding amount of the refunded obligation. In addition, for purposes of this Section 9.04, the City includes all entities that are aggregated with the City under the Code.

ARTICLE X

DEFAULT AND REMEDIES

Section 10.01. Events of Default.

Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Certificates when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, which default materially and adversely affects the rights of the Owners, including but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of sixty (60) days after notice of such default is given by any Owner to the City.

Section 10.02. Remedies for Default.

(a) Upon the happening of any Event of Default, then any Owner or an authorized representative thereof, including but not limited to, a trustee or trustees therefor, may proceed against the City for the purpose of protecting and enforcing the rights of the Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Owners hereunder or any combination of such remedies.

(b) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Owners of Certificates then outstanding.

Section 10.03. Remedies Not Exclusive.

(a) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Certificates or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Certificates shall not be available as a remedy under this Ordinance.

(b) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

ARTICLE XI

DISCHARGE

Section 11.01. Discharge.

The Certificates may be refunded, discharged or defeased in any manner permitted by applicable law.

ARTICLE XII

CONTINUING DISCLOSURE UNDERTAKING

Section 12.01. Annual Reports.

(a) The City shall provide annually to the MSRB within six (6) months after the end of each Fiscal Year, financial information and operating data with respect to the City of the general type included in the final Official Statement, being the information described in Exhibit A hereto. Any financial statements so to be provided shall be (i) prepared in accordance with the accounting principles described in Exhibit A hereto, and (ii) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within such period, then the City shall provide notice that audited financial statements are not available and shall provide unaudited financial statements for the applicable Fiscal Year to the MSRB. Thereafter, when and if audited financial statements become available, the City shall provide such audited financial statements as required to the MSRB.

(b) If the City changes its Fiscal Year, it will notify the MSRB of the change (and of the date of the new Fiscal Year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

(c) The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC.

Section 12.02. Event Notices.

(a) The City shall provide notice of any of the following events with respect to the Certificates to the MSRB in a timely manner and in not more than 10 business days after the occurrence of the event:

- (i) principal and interest payment delinquencies;
- (ii) nonpayment related defaults, if material;

(iii) unscheduled draws on debt service reserves reflecting financial difficulties;

(iv) unscheduled draws on credit enhancements reflecting financial difficulties;

(v) substitution of credit or liquidity providers, or their failure to perform;

(vi) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Certificates, or other material events affecting the tax status of the Certificates;

(vii) modifications to rights of Owners, if material;

(viii) bond calls, if material and tender offers;

(ix) defeasance;

(x) release, substitution, or sale of property securing repayment of the Certificates, if material;

(xi) rating changes;

(xii) bankruptcy, insolvency, receivership, or similar event of the City, which shall occur as described below;

(xiii) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of its assets, other than in the ordinary course of business, the entry into of a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;

(xiv) appointment of a successor or additional paying agent/registrar or the change of name of a paying agent/registrar, if material;

(xv) incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and

(xvi) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

For these purposes, (A) any event described in the immediately preceding clause (xii) in this Section is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or

governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets of business of the City, and (B) the City intends the words used in the immediately preceding clauses (xv) and (xvi) in this Section and in the definition of Financial Obligation in Section 1.01 to have the meanings ascribed to them in SEC Release No. 34-83885 dated August 20, 2018.

(b) The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with Section 12.01 of this Ordinance by the time required by such Section.

Section 12.03. Limitations, Disclaimers and Amendments.

(a) The City shall be obligated to observe and perform the covenants specified in this Article for so long as, but only for so long as, the City remains an “obligated person” with respect to the Certificates within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with Article XI that causes Certificates no longer to be Outstanding.

(b) The provisions of this Article are for the sole benefit of the Owners and beneficial owners of the Certificates, and nothing in this Article, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Article and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City’s financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Article or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE OWNER OR BENEFICIAL OWNER OF ANY CERTIFICATE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS ARTICLE, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(c) No default by the City in observing or performing its obligations under this Article shall comprise a breach of or default under the Ordinance for purposes of any other provisions of this Ordinance.

(d) Nothing in this Article is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(e) The provisions of this Article may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (i) the provisions of this Article, as so amended, would have permitted a purchaser to purchase or sell Certificates in the primary offering of the Certificates in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (ii) either (A) the Owners of a majority in aggregate principal amount (or any greater amount required by any other provisions of this Ordinance that authorizes such an amendment) of the Outstanding Certificates consent to such amendment or (B) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Owners and beneficial owners of the Certificates. The provisions of this Article may also be amended from time to time or repealed by the City if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the City's right to do so would not prevent the underwriter of the initial public offering of the Certificates from lawfully purchasing or selling Certificates in such offering. If the City so amends the provisions of this Article, it shall include with any amended financial information or operating data next provided in accordance with Section 12.02 an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

ARTICLE XIII

AMENDMENTS TO ORDINANCE

Section 13.01. Amendments of Ordinance.

The City may, without the consent of or notice to the Owners, from time to time and at any time amend this Ordinance in any manner not detrimental to the interests of the Owners, including the curing of any ambiguity, inconsistency, or formal defect or omission herein. In addition, the City may, with the written consent of the Owners of a majority in aggregate principal amount of the Certificates then outstanding, amend, add to or rescind any of the provisions of this Ordinance; provided, that, without the consent of the Owners of all Certificates then outstanding, no such amendment, addition, or rescission shall:

- (a) affect the rights of the Owners of less than all of the Certificates then outstanding;
- (b) make any change in the maturities of the Certificates;
- (c) reduce the rate of interest borne by any of the Certificates;
- (d) reduce the amount of the principal payable on the Certificates;

(e) modify the terms of payment of principal of or interest on the Certificates or impose any conditions with respect to such payment; or

(f) change the minimum percentage of the principal amount of Certificates necessary for consent to such amendment.

Certificates owned or held by or for the account of or for the benefit of the City shall not be deemed to be outstanding for the purpose of amending this Ordinance.

Section 13.02. Notice and Adoption of Amendment.

If the City desires to amend this Ordinance and such amendment requires the consent of the Owners pursuant to Section 13.01, the City shall cause notice of the proposed amendment to be given in writing to each Owner of Certificates then outstanding. If, within thirty (30) days, or such longer period as shall be prescribed by the City, following the giving of such notice, the Owners of Certificates then outstanding in the aggregate principal amount required by Section 13.01 shall have consented to the amendment as herein provided, no Owner of a Certificate shall have any right to object to any of the terms and provisions contained therein, or in any manner to question the propriety of the execution thereof, and all the rights of all Owners of Certificates shall thereafter be determined, exercised, and enforced hereunder subject in all respects to such amendment.

Section 13.03. Consent of Owner Irrevocable.

Any consent given by any Owner of a Certificate pursuant to the provisions of this Article shall be irrevocable and binding on all future Owners of the same Certificates from the date of such consent.

Section 13.04. Nonsubstantive Changes.

The Mayor and the City Manager, in consultation with the City's Bond Counsel, is hereby authorized and directed to approve such nonsubstantive changes to this Ordinance as may be required by the Attorney General of Texas in his approval of the Certificates herein authorized.

ARTICLE XIV

ADDITIONAL MATTERS

Section 14.01. Effective Immediately.

Notwithstanding any provision of the City Charter, this Ordinance shall become effective immediately upon its adoption at this meeting pursuant to Section 1201.028, Texas Government Code.

Section 14.02. Governing Law.

This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 14.03. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 14.04.

Open to the Public. It is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public and that public notice of the time, place and purpose of said meeting was given as required by law.

PASSED, APPROVED AND ADOPTED this _____, 20 ____.

Milton Y. Tate, Jr.
City of Brenham, Texas

ATTEST:

Jeana Bellinger, TRMC, City Secretary
City of Brenham, Texas

EXHIBIT A

DESCRIPTION OF ANNUAL DISCLOSURE OF FINANCIAL INFORMATION

The following information is referred to in Article XII of this Ordinance.

Annual Financial Statements and Operating Data

The financial information and operating data with respect to the City to be provided annually in accordance with such Article are as specified (and included in the Appendix or other headings of the Official Statement referred to) below:

1. The portions of the financial statements of the City appended to the Official Statement as Appendix B, but for the most recently concluded Fiscal Year.
2. Statistical and financial data set forth in Tables numbered 1 through 4 and 6 through 9, each inclusive.

Accounting Principles

The accounting principles referred to in such Article are the accounting principles described in the notes to the financial statements referred to in Paragraph 1 above.

RESOLUTION NO. R-21-034

A RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF

WHEREAS, the City Council of the City of Brenham, Texas (the “City”), deems it advisable to issue certificates of obligation (the “Certificates”) of the City in accordance with the notice hereinafter set forth;

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

Section 1. The findings, definitions and recitations set out in the preamble to this resolution are found to be true and correct and are hereby adopted by City Council and made a part hereof for all purposes.

Section 2. The City Secretary is hereby authorized and directed to cause to be published in the manner required by law and in substantially the form attached hereto as Exhibit A, a notice of the City’s intention to issue the Certificates (the “Notice”).

Section 3. The Notice shall be published once a week for two (2) consecutive weeks in a newspaper which is of general circulation in the City, the date of the first publication to be at least forty-six (46) days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates. In addition, the Notice shall be posted continuously on the City’s website for at least forty-five (45) days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates.

Section 4. For the purposes of the Notice, the City hereby designates as self-supporting those public securities listed in the attached Exhibit B, the debt service on which the City currently pays from sources other than ad valorem tax collections. The City plans to continue to pay these public securities based on this practice; however, there is no guarantee this practice will continue in future years.

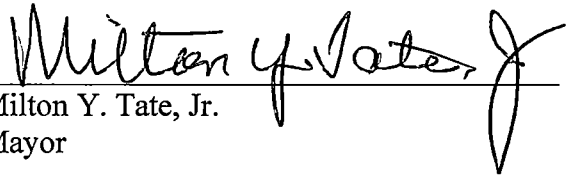
Section 5. The Chief Financial Officer and all other appropriate officials of the City, the City’s financial advisor, Specialized Public Finance, Inc., and bond counsel, Bracewell LLP, are authorized and directed to proceed with the preparation of all necessary documents and to make all necessary arrangements for the authorization and sale of the Certificates at a future meeting of the City Council of the City.

Section 6. The Mayor, the Chief Financial Officer, City Secretary, and all other officers and agents of the City are hereby authorized and directed to do any and all things necessary or desirable to carry out the provisions of this resolution.

Section 7. This resolution shall take effect immediately from and after its passage by the City Council of the City.

PASSED AND APPROVED this 2nd day of December, 2021.




Milton Y. Tate, Jr.
Mayor

ATTEST:


Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT A

NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Brenham, Texas (the “City”), will meet at 200 W. Vulcan, Brenham, Texas at 1:00 p.m. on the 3rd day of February, 2022, which is the time and place tentatively set for the passage of an ordinance and such other action as may be deemed necessary to authorize the issuance of the City’s certificates of obligation (the “Certificates”), in the maximum aggregate principal amount not to exceed TEN MILLION DOLLARS (\$10,000,000), payable from ad valorem taxes and from a limited pledge of certain surplus revenues of the City’s combined utility system in an amount not to exceed \$1,000, bearing interest at any rate or rates not to exceed the maximum interest rate authorized by law, as shall be determined within the discretion of the City Council of the City at the time of issuance of the Certificates, and maturing over a period not to exceed forty (40) years from the date of issuance, for the purposes of evidencing the indebtedness of the City for all or any part of the costs associated with the (1) construction of, and improvements to, City streets, sidewalks and drainage, including in each case the acquisition of land and rights-of-way in connection therewith; (2) improvements to City sanitary sewer facilities, including in each case the acquisition of land and rights-of-way in connection therewith; (3) improvements to the City’s waterworks system, including in each case the acquisition of land and rights-of-way in connection therewith; (4) improvements and renovations to existing City airport facilities; (5) acquisition of a new fire truck; (6) acquisition of heavy equipment for street improvement and maintenance purposes; and (7) professional services incurred in connection with items (1) through (6), and to pay the costs incurred in connection with the issuance of the Certificates. The estimated combined principal and interest required to pay the Certificates on time and in full is \$12,728,222.22. Such estimate is provided for illustrative purposes only, and is based on an assumed interest rate of 2.5%. Market conditions affecting interest rates vary based on a number of factors beyond the control of the City, and the City cannot and does not guarantee a particular interest rate associated with the Certificates. As of the date of this notice, the aggregate principal amount outstanding of tax-supported debt obligations of the City (excluding public securities secured by an ad valorem tax but designated by the City as self-supporting a resolution adopted by City Council on December 2, 2021, which resolution is available from the City upon request) is \$15,503,064, and based on the City’s expectations, as of the date of this notice the combined principal and interest required to pay all of the outstanding tax-supported debt obligations of the City (excluding public securities secured by an ad valorem tax but designated by the City as self-supporting) on time and in full is \$19,000,290.64.

WITNESS MY HAND, this 2nd day of December, 2021.

Jeana Bellinger, TRMC, CMC, City Secretary
City of Brenham, Texas

EXHIBIT B

SELF-SUPPORTING DEBT

**Principal Amount
Designated as Self
Supporting**

Series Designation

\$10,736,936

Series 2011 and 2016 General Obligation Refunding Bonds, and portions of Series 2016, 2017, 2019 and 2020 Certificates of Obligation



Regular City Council
AGENDA ITEM 9.

Agenda Item: Discuss and Possibly Act Upon an Amendment to the Professional Services Agreement with Hodde & Hodde Land Surveying, Inc. Related to Project No. 62C-67 for the City of Brenham 6" Gas Main Loop NE and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-February 03, 2022

Department: Public Utilities

Staff Contact: Alton Sommerfield

SUMMARY STATEMENT:

On March 30, 2020, the City of Brenham entered into a Professional Services Agreement with Hodde & Hodde Land Surveying, Inc. in the amount of \$22,925.00 for engineering services related to the construction and installation of a six-inch (6") gas line along the west side of FM 577 from East Alamo Street to Brown Street which allowed connection to the second gate station.

The remaining work on this project entails completion of the gas loop by extending approximately 3,000 linear feet of six-inch (6") gas pipe along FM 577, from Brown Street to Gay Hill Street. This loop will improve control of gas pressure.

We are requesting an Amendment to the Professional Services Agreement with Hodde & Hodde Land Surveying, Inc., increasing the lump sum amount from \$22,925.00 to \$57,425.00. This is an increase of \$34,500.00 for services related to the completion of the six-inch (6") gas loop.

ATTACHMENTS:

- (1) Amendment to PSA for Gas Line Loop
- (2) Hodde and Hodde FM 577 Gas Line Proposal Phase 2

RECOMMENDED ACTION:

Approve an amendment related to the Professional Services Agreement with Hodde & Hodde Land Surveying, Inc. related to Project No. 62C-67 for the City of Brenham 6' Gas Main Loop NE, in the amount of \$34,500.00, and authorize the Mayor to execute any necessary documentation.

**AMENDMENT NO. 1 TO THE MARCH 30, 2020
PROFESSIONAL SERVICES AGREEMENT
FOR
ENGINEERING SERVICES
RELATED TO
PROJECT NO. 62C-67
6" GAS MAIN LOOP NE**

WHEREAS, the City of Brenham and Hodde & Hodde Land Surveying, Inc. agree to amend the referenced Agreement as follows:

Under Section VII, Engineer's Compensation, change the lump sum amount of \$22,925.00 to \$57,425.00 due to increasing the project scope which entails connecting and completing a 6" gas loop along FM 577, from Brown Street to Gayhill Street, to improve control of gas pressure.

Except as expressly amended hereby, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the City of Brenham has lawfully caused this Amendment to be executed by the Mayor of said City and attested by the City Secretary and Hodde & Hodde Land Surveying, Inc., acting through its duly authorized representative, does now sign, execute and deliver this instrument.

EXECUTED on this ____ day of _____, 2022.

**ENGINEER:
HODDE & HODDE LAND SURVEYING, INC.**

Jon E. Hodde
Vice President

Date

CITY OF BRENHAM, TEXAS

Milton Y. Tate, Jr.
Mayor

Date

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

January 31, 2022

Debbie Gaffey
Interim General Manager
Public Utilities
City of Brenham
200 West Vulcan Street
Brenham, Texas 77833

Re: Proposal for FM 577 Gas Line Extension, Phase 2

Ms. Gaffey,

Hodde and Hodde Land Surveying, Inc. (Hodde) is pleased to submit this proposal to the City of Brenham (Client) for services related to the construction of approximately 3,000 linear feet of 6" natural gas line along Blue Bell Road (FM 577) from Brown Street to Gay Hill Street in Brenham, Texas. The gas line will be installed within Texas Department of Transportation (TxDOT) right of way and will include a cased bore under State Highway 105 at its intersection with FM Highway 577. Portions of the gas line will also be constructed in private easement. The areas in private easement will include the City of Brenham Street Department equipment yard and from Old Independence to Armbrister. Other existing easements are available from Armbrister to Gay Hill. There is potential to utilize these existing easements in lieu of installing in TxDOT right of way.

SCOPE

Hodde will provide the following scope of services: a topographic survey of the project area, establishing TxDOT right of way, easement documents for the street department tract and the area between Old Independence and Armbrister, gas line plan and profile sheets, details, assistance with TxDOT permitting and assistance in bidding the project. It is anticipated that the client will perform most of the installation themselves and will solicit quotes for any required bores. Hodde will also provide part-time construction observation during the project. Geotechnical engineering is not anticipated for this project.

The project is anticipated to contain 6 bores*:

- Cased bore under State Highway 105 and Simon Street – 250 Linear Feet
- Slick bores under all concrete driveways (5 total) – 250 Linear Feet

*City streets will be open cut to allow for tie-ins to existing gas lines

FEE

The fees for the above services are LUMP SUM as follows:

Topographic and Easement Survey - \$19,500

Engineering Design - \$12,000

TxDOT Permitting - \$3,000

We appreciate the opportunity to provide services for this project. If you have any questions, please contact me at 979-836-5681 or jon@hoddesurveying.com.

Respectfully,

A handwritten signature in black ink, appearing to read "Jon E. Hodde". The signature is fluid and cursive, with a large initial "J" and "H".

Jon E. Hodde, RPLS



Regular City Council
AGENDA ITEM 10.

Agenda Item: Discuss and Possibly Act Upon an Amendment to the Professional Services Agreement with Hodde & Hodde Land Surveying, Inc. Related to the City of Brenham Raw Water Intake System and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-February 03, 2022

Department: Public Utilities

Staff Contact: Alton Sommerfield

SUMMARY STATEMENT:

On October 15, 2021, the City of Brenham entered into a Professional Services Agreement with Hodde & Hodde Land Surveying, Inc. in an amount not to exceed \$35,000.00 for surveying services related to the renewal of Easement No. DACW63-2-72-0334 with the Department of Army, U.S. Army Corps of Engineers for the City of Brenham raw water intake structure and associated facilities at Lake Somerville. The easement is scheduled to expire on April 11, 2022.

We are requesting an Amendment to the Professional Services Agreement with Hodde & Hodde Land Surveying, Inc., increasing the amount not to exceed from \$35,000.00 to \$42,500.00. This is an increase of \$7,500.00 for additional research and work required for updating easements in place, improving monumentation and adding easements for lake intake structures, such as gabions.

ATTACHMENTS:

(1) Amendment to PSA for Lake Line Survey

RECOMMENDED ACTION:

Approve an amendment related to the Professional Services Agreement with Hodde & Hodde Land Surveying, Inc. related to the City of Brenham Raw Water Intake System, in the amount of \$7,500.00, and authorize the Mayor to execute any necessary documentation.

**AMENDMENT NO. 1 TO THE OCTOBER 15, 2021
PROFESSIONAL SERVICES AGREEMENT
FOR
SURVEYING SERVICES
RELATED TO
CITY OF BRENHAM RAW WATER INTAKE SYSTEM**

WHEREAS, the City of Brenham and Hodde & Hodde Land Surveying, Inc. agree to amend the referenced Agreement as follows:

Under Section VII, Surveyor's Compensation, change the lump sum amount of \$35,000.00 to \$42,500.00 due to added research and work required for updating easements in place, improving monumentation and adding easements for lake intake structures, such as gabions.

Except as expressly amended hereby, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the City of Brenham has lawfully caused this Amendment to be executed by the Mayor of said City and attested by the City Secretary and Hodde & Hodde Land Surveying, Inc., acting through its duly authorized representative, does now sign, execute and deliver this instrument.

EXECUTED on this _____ day of _____, 2022.

**ENGINEER:
HODDE & HODDE LAND SURVEYING, INC.**

Jon E. Hodde
Vice President

Date

CITY OF BRENHAM, TEXAS

Milton Y. Tate, Jr.
Mayor

Date

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



Regular City Council
AGENDA ITEM 11.

Agenda Item: Discuss and Possibly Act Upon Bid No. 22-004 Related to the Ralston Creek Lift Station Pumps and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-February 03, 2022

Department: Public Utilities

Staff Contact: Alton Sommerfield

SUMMARY STATEMENT:

On January 25, 2022, the Purchasing Department opened bids for the replacement of 2 existing 60 HP submersible pumps and motor units. These 2 units were scheduled to be rebuilt during the Ralston Creek Lift Station Project last year. During the Lift Station Project, the motors were deemed to be outdated and could not be rebuilt. To keep the Lift Station Project on schedule we continued to use the existing pumps.

There were three (3) bids received for this project:

- Hahn Equipment Co., Inc. - \$94,400.00
- Smith Pump Company - \$63,414.00
- Wastewater Solutions, LLC - \$49,806.00

The bid submitted by Hahn Equipment Co., Inc. in the amount of \$94,400.00 was not the lowest but is considered the best as both Smith Pump Company and Wastewater Solutions submitted alternative products that failed to meet the required bid specifications and the requirements/demands of the Ralston Creek Lift Station along with other factors (e.g., lead time and warranty).

Budget savings from the Digester Project will be used to augment the Lift Station Budget and cover this expenditure.

ATTACHMENTS:

(1) ITB- Ralston Creek Lift Station Pumps

RECOMMENDED ACTION:

Award Bid No. 22-004 related to the Ralston Creek Lift Station Pumps to Hahn Equipment Co., INC. in the amount of \$94,400.00 and authorize the mayor to execute any necessary documentation.



BID TABULATION FORM

BID OPENING DATE: Tuesday, January 25, 2022 **BID OPENING TIME:** 10:00:00 AM Conf. 1C

BID NAME/NO: 22-004 Ralston Creek Lift Station Pumps

WITNESSED BY: Kyle Branham & Bobby Keene

ITEM	BIDDERS		
	Smith Pump Co. 1/25/22 9:50am	Wastewater Solutions 1/21/22 6:38pm	Hahn Equipment 1/24/22 11:35am
Lump Sum Price	\$63,414.00	\$49,806.00	\$94,400.00
Warranty Price	6 year warranty @ no cost	N/A	5 year warranty @ no cost
Other Items: Freight	ARO 140 days	ARO 126-140 days	ARO 95 days
Total Firm Fixed Amount	\$63,414.00	\$49,806.00	\$94,400.00



Regular City Council
AGENDA ITEM 13.

Agenda Item: Section 551.071 - Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding TWCCRD Charge No. 1B21220, EEOC Charge No. 31C-2021-01178, Former Fire Chief, and Associated Claims and Legal Issues

Meeting Type: Regular Meeting-February 03, 2022

Department: Administration

Staff Contact: Cary Bovey, City Attorney

SUMMARY STATEMENT:

Executive Session discussion.

ATTACHMENTS:

None

RECOMMENDED ACTION:

No action.



Regular City Council
AGENDA ITEM 14.

Agenda Item: Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding City of Brenham v. WTG Gas Marketing, Inc.; Cause No. 37573; 335th Judicial District Court, Washington County, Texas

Meeting Type: Regular Meeting-February 03, 2022

Department: Administration

Staff Contact: Cary Bovey, City Attorney

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDED ACTION:

No action.



Regular City Council
AGENDA ITEM 15.

Agenda Item: Discuss and Possibly Act Upon Mediation of TWCCRD Charge No. 1B21220, EEOC Charge No. 31C-2021-01178, Former Fire Chief, and Associated Claims, and Authorize the City Manager to Approve Mediation Settlement (If Any) and Execute Any Necessary Documentation

Meeting Type: Regular Meeting-February 03, 2022

Department: Administration

Staff Contact: Cary Bovey

SUMMARY STATEMENT:

As discussed in Executive Session

ATTACHMENTS:

None

RECOMMENDED ACTION:

As discussed in Executive Session.