



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, SEPTEMBER 19, 2024 AT 1:00 PM
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN STREET
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags - Mayor Atwood C. Kenjura**
- 3. New Employee Introduction**
 - ◆ David Cella - Assistant Fire Chief**
- 4. Citizen Comments**

CONSENT AGENDA

5. Statutory Consent Agenda

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

- 5.a. Approve the Minutes from the September 5, 2024 Regular City Council Meeting**
- 5.b. Approve Ordinance No. O-24-020 on Its Second Reading Amending Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham to Change the Zoning District From a Single-Family Residential Use District (R-1) to a Mixed Residential Use District (R-2) on Property Currently Addressed as 1320 Burleson Street, and Being Further Described as Tract 142 of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas (Case No. P-24-030)**
- 5.c. Approve Ordinance No. O-24-021 on Its Second Reading Amending the 2023 Thoroughfare Plan Map, Specifically for the Alignment of the**

Proposed Future Extension of South Blue Bell Road to State Highway 36 South (Case No. P-24-021)

- 5.d. Approve Ordinance No. O-24-022 on Its Second Reading Amending the 2019 Comprehensive Plan and Future Land Use Map, Specifically to Adopt the Small Area Plan Located Generally Around the Brenham Family Park (Case No. P-24-021)**
- 5.e. Approve Resolution No. R-24-012 Reauthorizing the Investment Policy and Strategy for the City of Brenham**
- 5.f. Approve a Ground-Space Lease Agreement Between the City of Brenham and Gary Snoe for Hangar Space at the Brenham Municipal Airport (3307 Aviation Way) and Authorize the Mayor to Execute Any Necessary Documentation**
- 5.g. Approve the Allocation of the Brenham Community Development Corporation's Sales Tax Revenue of Fifty Percent (50%) to Parks and Recreation Projects and Fifty Percent (50%) to Economic Development Projects and Authorize the Mayor to Execute Any Necessary Documentation**
- 5.h. Approve Change Order No. 1 and Final Payment for Project No. 62C-81C to Wampole-Miller, Inc. dba Miller Bros in the Amount of \$49,223.23 Related to Gas Main Line Pressure Test and Authorize the Mayor to Execute Any Necessary Documentation**

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

- 6. Public Hearing, Discussion and Possible Action on an Ordinance on Its First Reading Amending Appendix A – Zoning of the Code of Ordinances of the City of Brenham, in Washington County, Texas (Case No. P-24-031) to Include:**
 - a. Appendix A: Zoning, Part II, Division 1, Accessory Uses and Structures, Section 10.02(1) Regarding the Placement of Detached Accessory Structures on Corner Lots; and Appendix A: Zoning, Part II, Division**
 - b. Accessory Uses and Structures, Section 10.02(4)(A) Regarding the Property Owner Residence Requirement for an Accessory Dwelling Unit**
- 7. Public Hearing, Discussion and Possible Action on an Ordinance on Its First Reading Amending Chapter 23: Subdivisions of the Code of Ordinances, of the City of Brenham, Texas Article III, Design Standards, Section 23-17 to Allow Alleys in Townhome Developments (Case No. P-24-031)**

REGULAR SESSION

- 8. Discuss and Possibly Act Upon Ordinance No. O-24-023 on Its Second Reading Adopting the Budget for Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025**
- 9. Discuss and Possibly Act Upon Ordinance No. O-24-024 on Its Second Reading Levying Property Taxes for the Tax Year 2024 for the City of Brenham at \$0.4584 per \$100.00 Valuation**
- 10. Discuss and Possibly Act Upon an Ordinance on Its First Reading Annexing the Hereinafter Described Territory into the City of Brenham and Adopting a Service Plan:**
 - Section 2024-01: Approximately 1.4 Acres of Land, Called Dixie Road and its Right-of-Way, Situated in Washington County, Texas, from State Highway No. 36 North Extending Northward to the Northeast Corner of Vintage Farms Subdivision**
 - Section 2024-02: Approximately 2.6 Areas of Land, Called Dixie Road and its Right-of-Way, Situated in Washington County, Texas, from the Northeast Corner of Vintage Farms Subdivision, Extending North to the Current City Limit Line**
 - Section 2024-03: Approximately 0.5 Acres of Land, Called Old Masonic Road and Right-of-Way, Situated in Washington County, Texas Extending Northward from the Little Sandy Creek to the Northeast Corner of a 2.869 Acre Tract Owned by OCC Construction Corp**
 - Section 2024-04: Described Generally as a 1.0 Acre Tract Extending Northward on Old Masonic Road from the Northeast Corner of a 2.869 Acre Tract Owned by OCC Construction Corp. to the Northwest Corner of a 2.168 Acre Tract Owned by David Ryan Klingler, et ux**
 - Section 2024-05: Described Generally as a 1.0 Acre Tract Extending Northward on Old Masonic Road from the Northwest Corner of a 2.168 Acre Tract Owned by David Ryan Klingler, et ux to the Existing City Limit Line**
- 11. Discuss and Possibly Act Upon Resolution No. R-24-013 Relating to a Request for Financial Assistance from the Texas Department of Transportation for the Installation of an Automated Weather Observing System (AWOS) at the Brenham Municipal Airport**
- 12. Discuss and Possibly Act Upon Amendment No. 1 to the Professional Services Agreement Between the City of Brenham and Burditt Consultants, LLC Related to Jackson Street Park Improvements and Authorize the Mayor to Execute Any Necessary Documentation**

- 13. Discuss and Possibly Act Upon the Purchase of Playground Equipment for Jackson Street Park through BuyBoard Contract No. 679-22 and Authorize the Mayor to Execute Any Necessary Documentation**
- 14. Discuss and Possibly Act Upon Award of Bid for the Industrial Boulevard Pumping Station Replacement, Project No. 66C-15C and Authorize the Mayor to Execute Any Necessary Documentation**
- 15. Administrative/Elected Officials Report**

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

EXECUTIVE SESSION

- 16. Section 551.071 Texas Government Code - Consultation with City Attorney Regarding the Brenham Police Department and Associated Legal Matters**

ADJOURN

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

CERTIFICATION

I certify that a copy of the agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan St., Brenham, TX on Monday, September 16, 2024 at 12:00 p.m.

Robin Hutchens

Deputy 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

_____, 2024 at _____ a.m./p.m.

Signature

Title

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, September 5, 2024 beginning at 1:00 PM in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members Present:

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

Members Absent:

None

City of Brenham Staff Present:

City Manager Carolyn Miller, City Attorney Cary Bovey, City Secretary/Director of Administrative Services Jeana Bellinger, General Manager of Public Utilities William Bisette, Assistant General Manager of Public Utilities Alton Sommerfield, Director of Finance Stacy Hardy, Director of Public Works Dane Rau, Chief Financial Officer Julie Flagg, Director of HR and Risk Management Susan Nienstedt, Fire Chief Mark Donovan, Police Chief Lloyd Powell, Assistant Police Chief Curtiss Schoen, Development Services Director Stephanie Doland, Robin Hutchens, Kyle Branham, Shawn Bolenbarr, Jessica Perez, Shauna Laauwe, Allen Jacobs, David Doelitsch, Mark Pierce, Cody Sorenson, Sarah Hill, Richard O'Malley, Steven Eilert, Tiffany Anderson, Kelvin Raven, and Jerry Saldivar.

Citizens/Others Present:

Stephanie Kinghorn, Eryn Davoody, Sue Hewitt, Brenda Schultz, Carol Muegge, Bonnie Brinkmeyer, Bryan Butler, Roy Finke, Jake Carlile, and Shirley Herring.

Media Present:

Joshua Blaschke with KWHI, and Sarah Forsythe with Brenham Banner Press.

1. Call Meeting to Order

2. Invocation and Pledges to the US and Texas Flags - City Manager Carolyn Miller

3. Police Department Promotions

- ◆ Steven Eilert, Lieutenant
- ◆ Tiffany Anderson, Sergeant

4. Service Recognitions

- ◆ Shauna Laauwe - Development Services, 5 Years

5. Proclamations

- ◆ Clear the Shelter Day
- ◆ Constitution Week
- ◆ Washington County READ

6. Citizen Comments

No citizen comments were heard.

CONSENT AGENDA

7. Statutory Consent Agenda

- 7.a. Approve the Minutes from the August 15, 2024 Regular City Council Meeting and the August 22, 2024 Special Council Meeting**
- 7.b. Approve the Selection of Randy Criswell - City of Wolfforth (Place 11), Allison Heyward - City of Schertz (Place 12), Harlen Jefferson - City of Burleson (Place 13), and Mike Land - City of Coppell (Place 14) for TML Intergovernmental Risk Pool Board of Trustees and Authorize the Mayor to Execute Any Necessary Documentation**
- 7.c. Approve a Payment to Brazos River Authority in the Amount of \$494,913.00 for the City of Brenham Raw Water Supply and Authorize the Mayor to Execute Any Necessary Documentation**
- 7.d. Approve Change Order No. 2 and Final Payment for Project No. 63C-19C to McDonald Municipal and Industrial in the Amount of \$17,413.60 Related to the Generator at Atlow Booster Pumping Station and Authorize the Mayor to Execute Any Necessary Documentation**

7.e. Approve Deductive Change Order No. 2 and Final Payment to Collier Construction, LLC in the Amount of \$19,023.70 Related to the Blue Bell Aquatic Center Locker Room Renovation Project and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve Consent Agenda Items 7.a. through 7.e. as presented.

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

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

No: None

Absent: None

PUBLIC HEARING

8. Proposed Tax Rate of \$0.4584 per \$100.00 Valuation for Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025

Chief Financial Officer Julie Flagg presented this item. Flagg advised that the Washington County Appraisal District has certified the taxable values for the 2024 Tax Year with an overall increase in property values of 7.8%. A property tax rate of \$0.4584 per \$100 valuation is being proposed to fund the FY2024-25 budget. Although the proposed rate of \$0.4584 is unchanged from the current rate, due to increased property values, the proposed rate is above the no-new revenue rate and will produce higher tax revenues.

No citizen comments were heard.

9. Proposed Budget for Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025

- **The FY2024-25 proposed budget for the City of Brenham will raise more revenue from total property taxes than last year's budget by an amount of \$959,022, which is a 9.42 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$364,048**

Chief Financial Officer Julie Flagg presented this item. Flagg stated that the FY2024-25 Proposed Budget for the City of Brenham includes appropriations of operating resources for 36 separate funds and authorizes \$107.6 million in expenditures.

No citizen comments were heard.

10. Public Hearing to Consider Amending Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham to Change the Zoning District From a Single-Family Residential Use District (R-1) to a Mixed Residential Use District (R-2) on Property Currently Addressed as 1320 Burleson Street, and Being Further Described as Tract 142 of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas (Case No. P-24-030)

City Planner Shauna Laauwe presented this item. Laauwe explained that the subject property is a 6.09-acre vacant tract of land addressed as 1320 Burleson Street and generally located on the east side of Burleson Street, north of West Blue Bell Road, and on the west side of Rink Street. Laauwe stated that Ernest James Nunn, et al., property owner and Jake Carlile of Arete Property group, applicant, are requesting the rezoning from R-1 to R-2 in order to develop the property for higher density residential uses. Laauwe advised that the R-2 District permits the following residential uses by right: single-family, two-family (duplex/twin homes), zero-lot line dwellings (patio homes), and townhome developments. Laauwe stated that furthermore, in the R-2 District, a multifamily apartment request on property greater than 2-acres requires a specific use permit that is heard by the Planning & Zoning Commission and approved by the City Council.

Laauwe advised that Planning and Zoning Commission held a Public Hearing on this item on Monday, August 26, 2024, and unanimously (6-0) recommended approval of the zoning request. During the Public Hearing, two citizens spoke against the request. City Staff has received two letters in opposition to the proposed rezoning request.

Comments were heard by Brian Butler with HDL Research Labs and Roy Finke with Sealy Mattress. Both parties explained their concerns for the condition and width of Rink Street, the drainage issues that cause flooding on Blue Bell Road, and tractor/trailers coming in and out of the area causing a lot of noise.

Finke expressed his concern for the noise ordinance if there were to be a neighborhood added next to Sealy Mattress. Finke asked if the business would be grandfathered in or if there would be continuous complaints against the business.

Jake Carlile with Arete Property advised Council that this property would be used for townhomes, for sale or rent, and would be in the \$250,000.00 range for thriving, working families. Carlile advised that there would be up to 50 townhomes placed in this area if approved.

REGULAR SESSION

11. Discuss and Possibly Act Upon an Ordinance on Its First Reading Adopting the Budget for Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025

Chief Financial Officer Julie Flagg presented this item. Flagg stated that the proposed FY2024-25 budget has been developed in compliance with the Property Tax Code, Local Government Code, and City Charter. The proposed budget includes appropriations of operating resources for 36 separate funds and authorizes \$107.6 million in expenditures. The proposed budget is on the City's website and on file with the City Secretary. This agenda item is for the first reading of the Ordinance to adopt the proposed FY2024-25 budget. Flagg advised Council must take a record vote on this item.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve an Ordinance on its first reading adopting the budget for fiscal year beginning October 1, 2024 and ending September 30, 2025.

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

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

No: None

Absent: None

12. Discussion and Possible Action Upon Ratification of the Property Tax Increase Reflected in the Proposed Budget for Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025, Which Raises More Revenue from Property Taxes than Last Year's Budget

Chief Financial Officer Julie Flagg presented this item. Flagg advised that in compliance with Local Government Code, if a municipal budget raises more property taxes than in the previous year's budget, City Council must formally ratify a property tax increase. Although the City is proposing to maintain the same property tax rate of \$0.4584 in the FY2024-25 budget, due to new properties added to the tax roll and an increase in existing property valuations, the FY2024-25 budget will raise more total property taxes than last year's budget. For FY2024-25, the City estimates an increase of \$959,022 (9.42%) in property tax revenue compared to last year's budget, and of that amount, \$364,048 is tax revenue to be raised from new property added to the tax roll. A vote must be taken to ratify the property tax increase reflected in the budget.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to ratify the property tax increase reflected in the proposed budget for the fiscal year beginning October 1, 2024 and ending September 30, 2025, which raises more revenue from property taxes than the previous year's budget.

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

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

No: None

Absent: None

13. Discuss and Possibly Act Upon an Ordinance on Its First Reading Levying Property Taxes for the Tax Year 2024 for the City of Brenham at \$0.4584 per \$100.00 Valuation

Chief Financial Officer Julie Flagg presented this item. Flagg advised that the proposed FY2024-25 budget includes a tax rate of \$0.4584 per \$100 valuation which has two components: maintenance and operations (M&O) and interest and sinking (I&S). The proposed tax rate of \$0.4584 will allocate \$0.3164 to the General Fund for maintenance and operations, and the balance of \$0.1420 to the Debt Service Fund for interest and sinking. The City has complied with all the notices and publications as required by the Tax Code. Because the proposed tax rate exceeds the no-new revenue rate, the City Council is required by the Tax Code to take a record vote on this item.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Wright that the property tax rate be increased by the adoption of a tax rate of \$0.4584, which is effectively a 0.63% increase in the tax rate.

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

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

No: None

Absent: None

14. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham to Change the Zoning District From a Single-Family Residential Use District (R-1) to a Mixed Residential Use District (R-2) on Property Currently Addressed as 1320 Burleson Street, and Being Further Described as Tract 142 of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas (Case No. P-24-030)

City Planner Shauna Laauwe presented this item. Laauwe stated that this item is a companion item to Public Hearing Item #10 to consider the first reading of the Ordinance, discussion and possible action on the rezoning request.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve an Ordinance on its first reading amending Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham to change the Zoning District from a Single-Family Residential Use District (R-1) to a Mixed Residential Use District (R-2) on the property currently addressed as 1320 Burleson Street, and being further described as Tract 142 of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas (Case No. P-24-030).

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

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

No: None

Absent: None

15. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the 2023 Thoroughfare Plan Map, Specifically for the Alignment of the Proposed Future Extension of South Blue Bell Road to State Highway 36 South (Case No. P-24-021)

City Planner Shauna Laauwe presented this item. Laauwe explained that in March 2023, City Council approved a Professional Services Agreement between the City of Brenham and Kendig Keast Collaborative (KKC) for the development of the Brenham Family Park Small Area Plan. Laauwe explained that while the Brenham Family Park Small Area Plan is a concept plan not set in stone, proposed densities, envisioned uses, connectivity, and major roadway alignments help give a foundation for a more intentional development pattern. With the Small Area Plan study complete, the first implementation steps to help bring the plan to fruition are to amend the 2023 Thoroughfare Map, Comprehensive Plan, the Future Land Use Plan and Map. It is

critical that these implementation steps are completed to guide interested developers, staff, and appointed and elected officials when a development application is submitted. The proposed amendments to the 2023 Thoroughfare Map includes the proposed realignment of the future arterial extension of Blue Bell Road and a proposed collector street to provide connectivity to the concept design area.

Laauwe advised that in August 2024, City Council heard a review of this item and conducted a Public Hearing and in July 2024, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the amendments to the Comprehensive Plan, Future Land Use Plan and Map, and the 2022 Thoroughfare Map.

A motion was made by Councilmember LaRoche and seconded by Councilmember Cook to approve an Ordinance on its first reading to amend the 2023 Thoroughfare Plan Map, specifically for the alignment of the proposed future extension of South Blue Bell Road to State Highway 36 South (Case No. P-24-021).

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

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

No: None

Absent: None

16. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the 2019 Comprehensive Plan and Future Land Use Map, Specifically to Adopt the Small Area Plan Located Generally Around the Brenham Family Park (Case No. P-24-021)

City Planner Shauna Laauwe presented this item. Laauwe explained that in March 2023, City Council approved a Professional Services Agreement between the City of Brenham and Kendig Keast Collaborative (KKC) for the development of the Brenham Family Park Small Area Plan. While the Brenham Family Park Small Area Plan is a concept plan not set in stone, proposed densities, envisioned uses, connectivity, and major roadway alignments help give a foundation for a more intentional development pattern. With the Small Area Plan study complete, the first implementation steps to help bring the plan to fruition are to amend the Comprehensive Plan, the Future Land Use Plan and Map, and the 2023 Thoroughfare Map. It is critical that these implementation steps are completed to guide interested developers, staff, and appointed/elected officials when a development application is submitted.

Laauwe advised that in August 2024, City Council conducted a Public Hearing

and a review of this item and in July 2024, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the amendments to the Comprehensive Plan, Future Land Use Plan and Map, and the 2023 Thoroughfare Map.

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve an ordinance on its first reading to amend the 2019 Comprehensive Plan and Future Land Use Map, specifically to adopt the Small Area Plan located generally around the Brenham Family Park (Case No. P-24-021).

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

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

No: None

Absent: None

17. Discuss and Possibly Act Upon the Renewal with Texas Municipal League Intergovernmental Risk Pool for the City of Brenham's General Liability, Law Enforcement Liability, Public Official Liability, Mobile Equipment, Airport Liability, Property, Auto Liability and Physical Damage, Crime, and Theft and Worker's Compensation Coverage for the City of Brenham for the Fiscal Year 2024-25 and Authorize the Mayor to Execute Any Necessary Documentation

Director of Human Resources and Risk Management Susan Nienstedt presented this item. Nienstedt stated that the liability coverage includes general liability, law enforcement, errors and omissions, as well as automobile and aviation liability insurance. An increase in all liability lines of coverage is due in part to an increase the City's experience modifier from .88 to 1.01 due to an increase in the number of liability claims brought against the City, as well as increased inflation costs.

Nienstedt advised that property coverage includes real property and personal property, mobile equipment, crime and cybersecurity liability coverage. Nienstedt advised that Workers' Compensation rates for the categories of workers in Streets, Parks, Police, and Fire will all see a decrease in the rate, and all other categories will remain the same. Nienstedt advised that Cybersecurity cover continues to change quickly as cybercrime increases for municipalities causing statewide costs to increase.

Nienstedt advised that the overall budget impact is an increase of \$70,774, which includes a 2% reduction the City receives for early payment of the annual costs if paid by October 31.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve the renewal with Texas Municipal League Intergovernmental Risk Pool for the City of Brenham's General Liability, Law Enforcement Liability, Public Official Liability, Mobile Equipment, Airport Liability, Property, Auto Liability and Physical Damage, Crime, and Theft and Worker's Compensation Coverage for the City of Brenham for the Fiscal Year 2024-25 and authorize the Mayor to execute any necessary documentation.

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

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

No: None

Absent: None

18. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Texas Municipal League Intergovernmental Risk Pool for Cyber Liability and Data Breach Response Coverage and Authorize the Mayor to Execute Any Necessary Documentation

Director of Human Resources and Risk Management Susan Nienstedt presented this item. Nienstedt stated that this is an Interlocal Agreement between the City of Brenham and Texas Municipal League Intergovernmental Risk Pool for Cyber Liability and Data Breach Response coverage for the purpose of providing coverage against risks which are inherent in operating a political subdivision. This is a companion item to the previous item presented.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve an Interlocal Agreement between the City of Brenham and Texas Municipal League Intergovernmental Risk Pool for Cyber Liability and Data Breach Response coverage and authorize the Mayor to execute any necessary documentation.

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

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

No: None

Absent: None

19. Discuss and Possibly Act Upon Amendment No. 1 to the Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. Related to Various Wastewater Projects Funded Through the American Rescue Plan Act (ARPA) and Administered by the United States Department of the Treasury (Treasury), and Authorize the Mayor to Execute Any Necessary Documentation

Public Utilities Project Manager Shawn Bolenbarr presented this item. Bolenbarr explained that in October 2022, the City of Brenham entered into a Professional Services Agreement with Strand Associates for engineering services related to Project 66C-16C (Rehabilitation of old Wastewater Treatment Plant), Project 66C-17C (Rehabilitation of the Process Aeration Blowers), and Project 66C-18C (UV Light disinfection System), which are part of the American Rescue Plan Act (ARPA). Strand Associates has requested an Amendment to the Professional Services Agreement for additional services that were provided for each project. Cost breakdown for additional services as follows:

- Additional design related to replacement of 6th aeration blower - \$15,000
- Additional design related to the relocation of reclaimed water system components to account for UV implementation - \$5,000
- Additional design related to improvements on old lab room for RAS pump VFDs - \$3,500

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve Amendment No. 1 to the Professional Services Agreement between the City of Brenham and Strand Associates, Inc related to various wastewater projects, in an amount not to exceed \$23,500.00, funded through the American Rescue Plan Act (ARPA) and administered by the United States Department of the Treasury (Treasury), and authorize the Mayor to execute any necessary documentation.

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

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

No: None

Absent: None

20. Discuss and Possibly Act Upon an Amendment to the Professional Services

Agreement Between the City of Brenham and Strand Associates, Inc. for FY2023-24 On-Call Engineering Services and Authorize the Mayor to Execute Any Necessary Documentation

Director of Development Services Stephanie Doland presented this item. Doland advised that since Strand began providing on-call services in 2020, the monthly average for services has typically averaged around \$10,000 per month. However, there have been several months during the current budget year which have exceeded this average. City staff finds that the increase in on-call services is likely attributable to the increase in development meetings, plat applications and development permit applications due to the impact fee implementation deadline of July 1, 2024.

A motion was made by Councilmember Wright and seconded by Councilmember Canales to approve an amendment to the Professional Services Agreement between the City of Brenham and Strand Associates, Inc., in the amount of \$20,000.00, for FY2023-24 On-Call Engineering Services and authorize the Mayor to execute any necessary documentation.

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

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

No: None

Absent: None

21. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. for FY2024-25 On-Call Engineering Services and Authorize the Mayor to Execute Any Necessary Documentation

Director of Development Services Stephanie Doland presented this item. Doland explained that the City of Brenham wishes to obtain engineering services from Strand Associates, Inc. (Strand) to provide 'On-Call' engineering support services to the City. The City first began to consult third-party engineering services in 2020 with the absence of a full-time City Engineer position in the Development Services Department and increased development in Brenham. These services would include, but are not limited to, General Engineering Services, Development Review Services, Floodplain Administration Services, and Part-Time Resident Project Representative Services for Developments involving the construction of infrastructure to be dedicated to the City.

Doland explained that in general, the services will be to attend meetings to

discuss engineering-related matters, prepare opinions of probable construction costs for budgetary purposes, review preliminary and final plats submitted, review water, sanitary sewer, paving, and drainage construction plans in accordance with the Public Infrastructure Design Manual and Brenham Code of Ordinances, and to communicate with the City regarding floodplain administration, and part-time observation of development construction.

A motion was made by Councilmember Saunders and seconded by Mayor Pro Tem Kolby to approve a Professional Services Agreement between the City of Brenham and Strand Associates, Inc., in the amount of \$120,000.00, for FY2024-25 On-Call Engineering Services and authorize the Mayor to execute any necessary documentation.

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

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

No: None

Absent: None

22. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- September 10th - Speaker Series at the Barhill
- September 14th - Washington County Fair Parade
- September 19th - Regular City Council Meeting

ADJOURN

Atwood C. Kenjura
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

ORDINANCE NO. O-24-020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES, AND THE OFFICIAL ZONING MAP OF THE CITY OF BRENHAM, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FROM SINGLE-FAMILY USE DISTRICT (R-1) TO MIXED RESIDENTIAL USE DISTRICT (R-2) ON 6.09-ACRES OF LAND AS FURTHER DESCRIBED IN THIS ORDINANCE

WHEREAS, Jake Carlile of Arete Property Group, applicant and Ernest James Nunn, et al., property owner of 1320 Burleson Street, a 6.09-acre tract of land generally located on the east side of Burleson Street, north of West Blue Bell Road, and on the west side of Rink Street and further described as Tract 142 of A. Harrington Survey, A-55 in Brenham, Washington County, Texas, (the "Property"), have requested that the Property be rezoned; and

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

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

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

WHEREAS, this amendment was unanimously recommended for approval by the City of Brenham Planning and Zoning Commission in its final report during its regular meeting on August 26, 2024; and

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

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

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

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham are hereby amended by changing the zoning district classification from a Single-Family Residential Use District (R-1) to Mixed Residential Use District (R-2) on approximately 6.09- acres of land addressed as 1320 Burleson Street, and further described as Tract 142, A. Harrington Survey, A-55, in Brenham, Washington County, Texas, said area of land being further described and depicted on Exhibit "A" attached hereto and incorporated herein for all pertinent purposes.

SECTION 2. This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

PASSED and APPROVED on its first reading this the 5th day of September 2024.

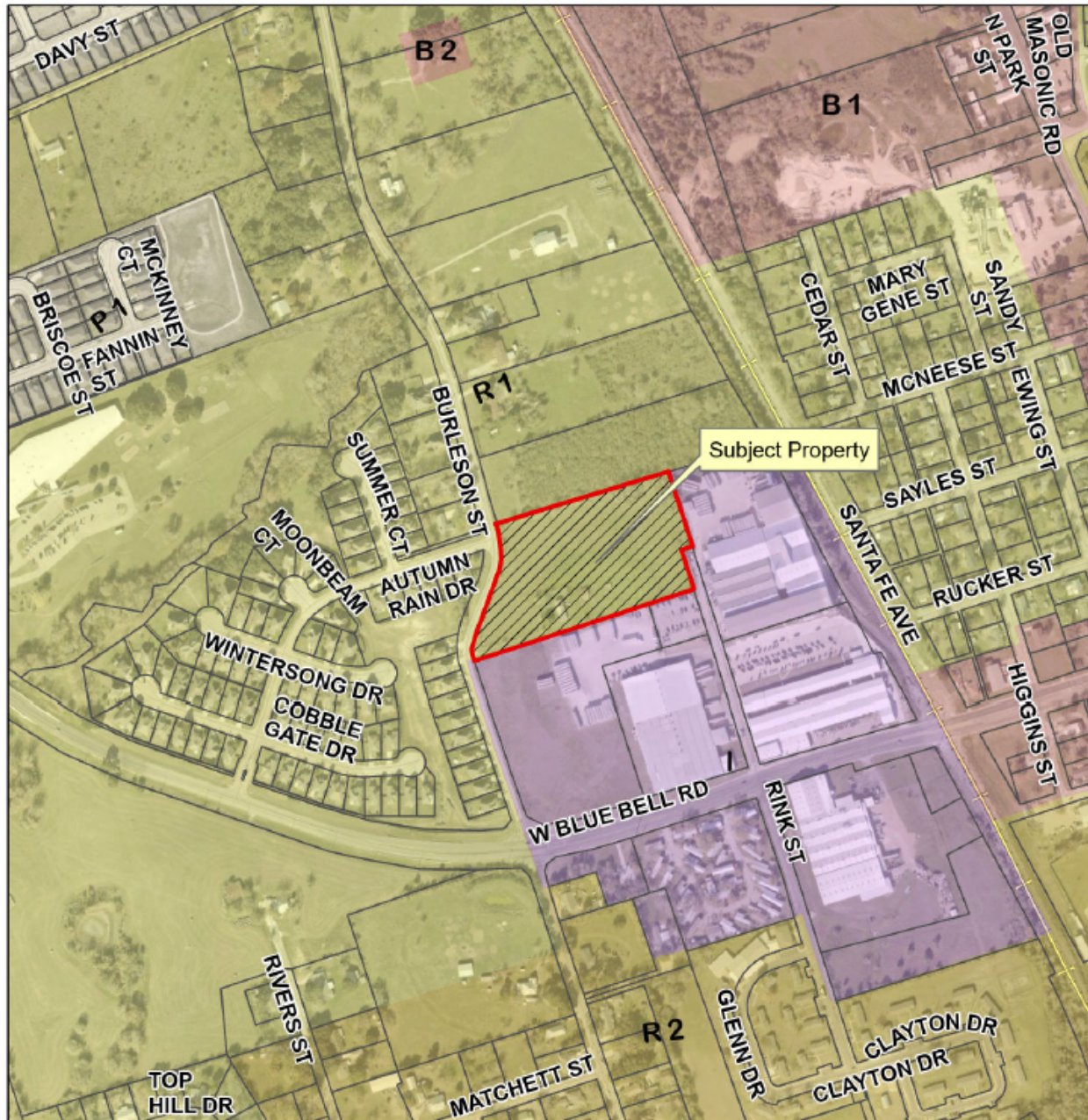
PASSED and APPROVED on its second reading this the 19th day of September 2024.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Exhibit "A"



Zoning

- B1 Local Business Mixed
- B2 Commercial
- Research and Technology
- I Industrial
- P1 Planned Development
- R1 Residential Single Family
- R2 Mixed Residential

Zoning Map Rezoning R-1, Single-Family to R-2, Mixed Residential 1320 Burleson Street



ORDINANCE NO. O-24-021

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING THE 2023 THOROUGHFARE PLAN MAP, 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 2022 Thoroughfare Plan Map was adopted as part of the City of Brenham 2022 Thoroughfare Plan adopted by Ordinance No. O-22-003 on February 17, 2022; and

WHEREAS, the 2023 Thoroughfare Map was adopted by Ordinance No. O-23-005 on February 2, 2023 and replaced the 2022 Thoroughfare Plan Map in its entirety; 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, 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 City and Kendig Keast Collaborative, LLC have conducted a small area plan study on an approximately 600-acre area located generally around the Brenham Family Park, resulting in a new proposed alignment of the proposed future arterial extension of South Blue Bell Road to State Highway 36 South and a new collector from State Highway 36, across from Salem Road, to South Blue Bell Road, thus necessitating amendment of the official 2023 Thoroughfare Plan Map to show the realignment of the proposed future arterial extension of South Blue Bell Road and a new collector from Highway 36, across from Salem Road, to South Blue Bell Road; and

WHEREAS, the existing 2023 Thoroughfare Plan Map should be updated to depict the new proposed arterial alignment and collector roadway to replicate the Brenham Family Park Special Area Plan, reflect the City of Brenham's growth, and provide for current and future needs; 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 proposed 2024 Thoroughfare Plan Map amendment was considered and recommended for approval by the City of Brenham Planning & Zoning Commission in its final report during its regular meeting on July 22, 2024: and

WHEREAS, the City Council, following a public hearing regarding the adoption of the proposed 2024 Thoroughfare Plan Map amendment, 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 2024 Thoroughfare Plan Map, attached hereto as Exhibit "A" and incorporated herein for all purposes, shall be and is hereby adopted and made the official thoroughfare plan map of the City of Brenham, Texas, hereinafter designated as the "City of Brenham 2024 Thoroughfare Plan Map."

SECTION 3.

The 2024 Thoroughfare Plan Map 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 2024 Thoroughfare Plan 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.

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 2024 Thoroughfare Plan Map adopted by this Ordinance expressly repeals, supersedes and replaces the City of Brenham 2023 Thoroughfare Plan Map 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 5th day of September 2024.

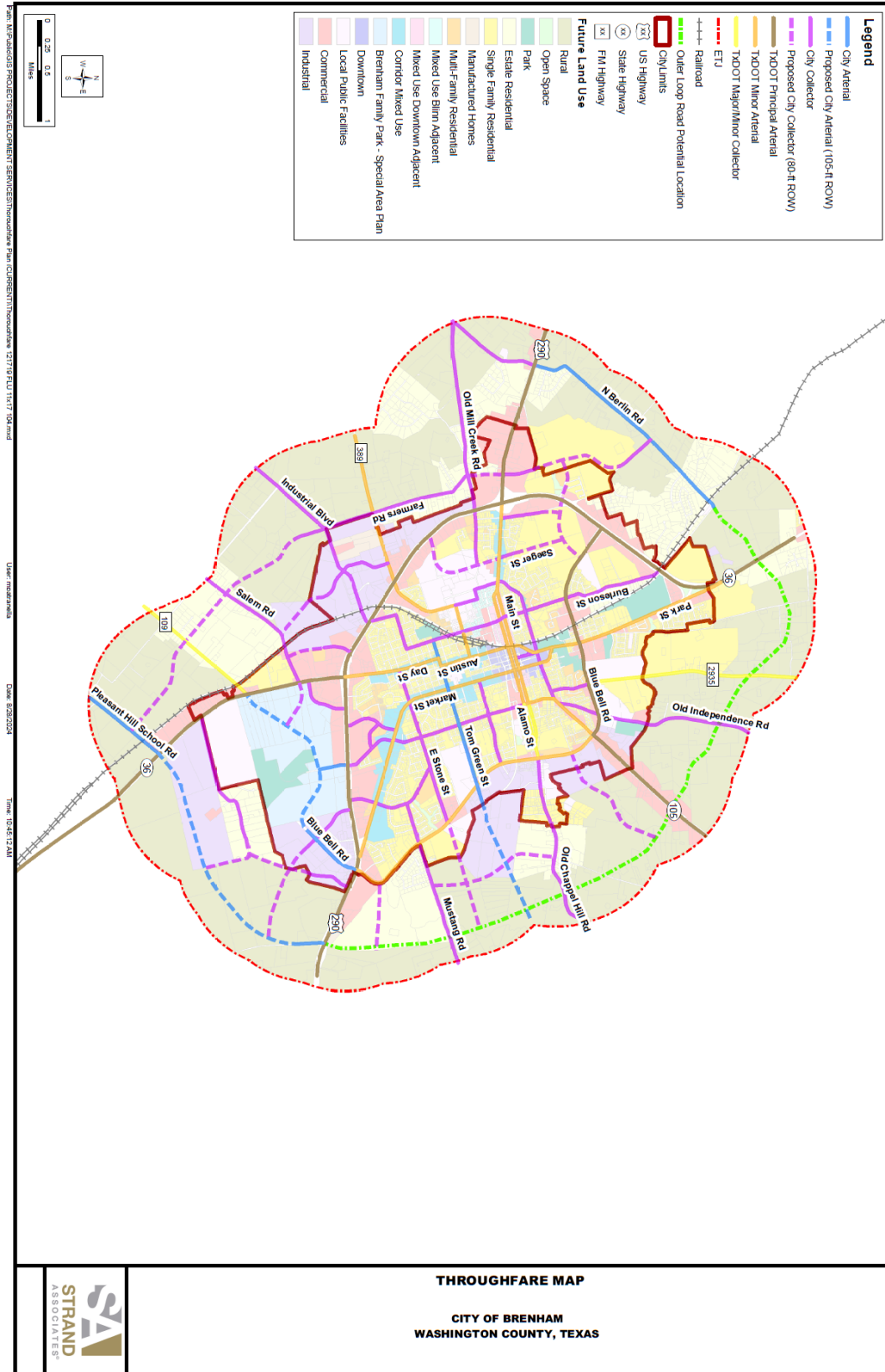
PASSED and APPROVED on its second reading this the 19th day of September 2024.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT "A"



ORDINANCE NO. O-24-022

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING THE CITY OF BRENHAM COMPREHENSIVE PLAN "HISTORIC PAST, BOLD FUTURE: PLAN 2040;" AND THE ASSOCIATED FUTURE LAND USE PLAN MAP; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR A SEVERABILITY AND SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Texas Local Government Code, Section 213.002, authorizes municipalities to adopt a comprehensive plan for the long-range development of the municipality; 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, the Small Area Plan Project Working Group (PWG) was appointed by the Brenham City Council to represent citizen boards and commissions, affected property owners, citizens of Brenham, and other local entities and to oversee the preparation and public input into the proposed Brenham Family Park Special Area Plan; and

WHEREAS, throughout the planning process the City staff provided coordination and guidance to the planning consulting firm, Kendig Keast Collaborative, LLC that conducted a small area plan study with the input of the PWG on an approximately 600-acre area located generally around the Brenham Family Park and bounded by State Highway 36 to the west, US Highway 290 to the north, the Brenham Business Center to the east, and the State Supported Living Center to the south; and

WHEREAS, during further review, it became evident that the existing Comprehensive Plan should be updated to reflect the recommendations to replicate the Brenham Family Park Special Area Plan, reflect the City of Brenham's growth, and provide for current and future needs; and

WHEREAS, these recommended updates resulted in a request for amendments to the Comprehensive Plan and associated maps to update the language concerning the Brenham Family Park are and amendment of the Future Land Use Map to revise the boundaries and classification of the 600-acre area; and

WHEREAS, the future land use plan component of the Comprehensive Plan discusses, creates, and refines land use classifications, provides applicable guidelines for the placement of determined land uses, highlights planning projects, and establishes a future land use map; and

WHEREAS, the Comprehensive Plan amendment was considered and recommended for approval by the City of Brenham Planning & Zoning Commission in its final report during its regular meeting on July 22, 2024: and

WHEREAS, the City Council, following a public hearing regarding the adoption of the proposed Comprehensive Plan and Future Land Use Map amendment, 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;

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 section ‘Planned Development’ in the City of Brenham Comprehensive Plan is amended to add the land use designation of “Brenham Family Park-Special Area Plan” and associated descriptions, as shown in Exhibit A, as well as the description of the Brenham Family Park Special Area Plan planning process described in Exhibit B, both Exhibits A and B being attached hereto and incorporated herein for all purposes.

SECTION 3.

The Future Land Use Map in the City of Brenham Comprehensive Plan is amended to reclassify the ‘Planned Development’ moniker to “Brenham Family Park Special Area” and to extend a portion of the area to US Highway 290, as shown in Exhibit C, attached hereto and incorporated herein for all purposes.

SECTION 4.

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

SECTION 5.

The Comprehensive Plan shall not constitute zoning or subdivision regulations or establish zoning district boundaries. In particular, the Future Land Use 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 6.

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 Comprehensive Plan adopted by this Ordinance expressly repeals, supersedes and replaces the City of Brenham 2019 Comprehensive Plan in its entirety.

SECTION 7.

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 8.

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 9.

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 5th day of September 2024.

PASSED and APPROVED on its second reading this the 19th day of September 2024.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT A

Brenham Family Park - Special Area Plan



This designation is for the Brenham Family Park Special Area Plan is generally bounded by the Brenham Business Center to the east, US Highway 290 to the north, the State Supported Living Center to the south and State Highway 36 to the west. The Special Area Plan encompasses a combined area of approximately 600 acres where the community aspires to see a master-planned development approach and outcome consistent with the concept plan revealed as part of the 2023 Brenham Special Area Plan. As a result, this scale and potential multi-use style of land development is typically vetted and approved through a Planned Unit Development (PUD or PD) procedure as provided for in many municipal zoning ordinances, including in Brenham.

Development Types

- ▶ Single-family detached dwellings
- ▶ Incorporation of small-lot dwellings, patio homes or townhomes to provide a mix of "life-cycle" housing options (and may also include designated senior housing).
- ▶ Multi-family residential component in designated areas such as at the development perimeter or within or near a mixed-use "town center" node
- ▶ Neighborhood centers or other retail/service/office nodes, potentially to the scale of a "town center" or regional-scale retail center that will draw patronage beyond just the development's residents
- ▶ Public/institutional uses
- ▶ Parks and public space utilizing an internal trail and/or greenway system to link neighborhoods and other destinations within the overall development

Characteristics

- ▶ Typically involves a series of development "pods" with varying lot sizes and densities, home types/styles, and resulting price points.
- ▶ Often reflects quality land planning that preserves and incorporates pre-existing natural features and other unique site elements, and provides a significant amount of permanent open space for recreation, buffering and aesthetic purposes.
- ▶ Given the site scale and level of land planning, often designed to incorporate natural and/or swale drainage, as well as sophisticated storm water retention/detention features that can also add development value as recreational and aesthetic assets.
- ▶ Given the above characteristics, some PDs include a "town center" component with an urban, mixed-use, pedestrian-oriented character, and some PDs range all the way to the estate and even rural end of the spectrum (e.g., large-lot, equestrian-oriented residential areas).

Industrial



Depending on the standards applied through development regulations, an industrial area can allow for a wide range of uses, from office/warehouse to wholesale, product assembly, and manufacturing. Some communities aim for a more aesthetic business or industrial "park" environment, with specific standards for building arrangement and orientation, building materials and design, extensive landscaping, and especially full screening of loading and outdoor activity/storage areas, if such external activity is even

EXHIBIT B



Figure : Brenham Family Park- Special Area Plan 1

Future Brenham Family Park – Special Area Plan

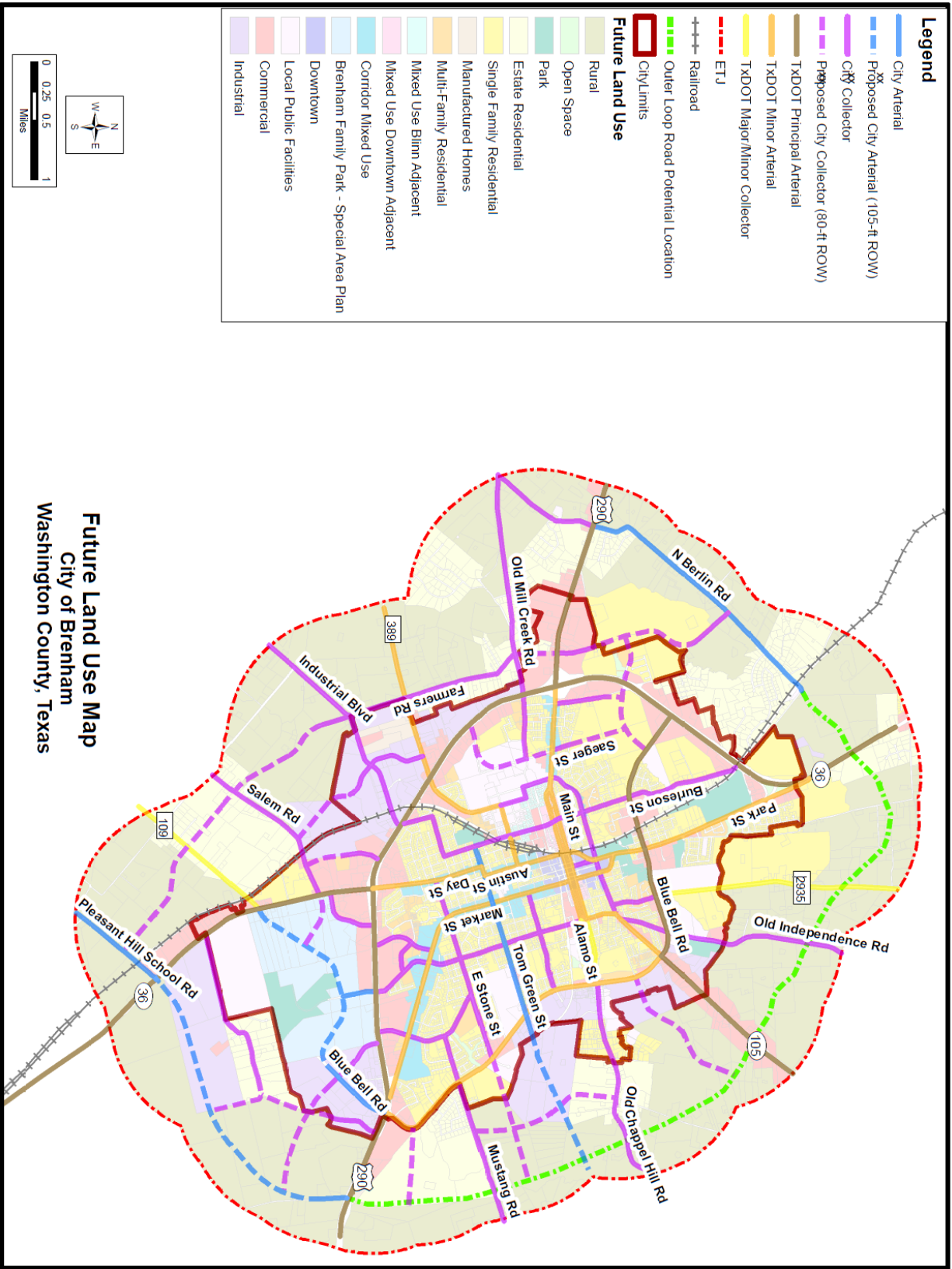
The area around the future Brenham Family Park is one of the primary large developable tracts within Brenham and there is significant public investment that will be made to the Brenham Family Park over the coming years. The Future Land Use Map (see Pg. 29) designates the currently undeveloped area around the Future Brenham Family Park as Brenham Family Park - Special Area Plan. This designation encourages a master-planned development that will be in character with the Special Area Concept Plan that was adopted in September 2024 and would be approved through the planned development district process in coordination with the City.

Development of a Special Area Plan in advance of receiving a development proposal can help establish the vision that is desired for the area which in turn can help guide more predictable development outcomes. In 2023, Kendig Keast Collaborative was hired for the development of The Special Area Plan. A sixteen (16) member Project Working Group meeting 4 times over a 4 month period, an online public survey, and town hall meeting, helped to develop a plan that addressed the following elements:

- ▶ Coordinating public and private improvements and infrastructure
- ▶ Developing a unified vision for the future development of the area
- ▶ Mixture of land uses and density
- ▶ Integration of future development with the Brenham Family Park
- ▶ Integration with thoroughfare system, including pedestrian and bicycle infrastructure
- ▶ Conceptual rendering of development options

With the Small Area Plan study complete, the first implementation steps to help bring the plan to fruition are to amend the Comprehensive Plan, the Future Land Use Plan and Map, and the 2022 Thoroughfare Map. It is critical that these implementation steps are completed to guide interested developers, staff, and appointed and elected officials when a development application is submitted. The Comprehensive and Future Land Use Plans outline the vision of the area around the Brenham Family Park as a Planned Development District that will feature a mixture of uses and public space that is unique to Brenham.

EXHIBIT C





City Council Regular Meeting
AGENDA ITEM 5.e

Agenda Item: Approve Resolution No. R-24-012 Reauthorizing the Investment Policy and Strategy for the City of Brenham

Meeting Date: September 19, 2024

Department: Finance

Staff Contact: Stacy Hardy, Finance Director

SUMMARY STATEMENT:

In 1987, the Texas Legislature adopted the Public Funds Investment Act (PFIA) which established guidelines for local governments. This Act requires that a local government adopt a written investment policy and reauthorize the policy annually. Working with Linda Patterson of Patterson-Meeder Investment Group, we have reviewed the current policy and have no changes for this year.

ATTACHMENTS:

1. Resolution No. R-24-012 - 2024 Investment Policy
2. Investment Policy 2024

RECOMMENDATION:

Approve Resolution No. R-24-012 reauthorizing the Investment Policy and Strategy for the City of Brenham.

RESOLUTION NO. R-24-012

A RESOLUTION ADOPTING INVESTMENT POLICY AND STRATEGY FOR THE CITY OF BRENHAM

WHEREAS, the Public Funds Investment Act (Texas Government Code, Chapter 2256) governs local government investment; and

WHEREAS, the Public Fund Investment Act (Section 2256.005a) requires the City Council to adopt an investment policy and investment strategies by rule, order, ordinance or resolution governing the investment of funds under its control; and

WHEREAS, the Public Fund Investment Act (Section 2256.005e), requires the resolution approving the policy and strategy to record any changes made thereto; and

WHEREAS, the City has chosen to not make any changes to the Policy.

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

The City has complied with the requirements of the Public Funds Investment Act and the Investment Policy and Strategy, attached hereto, is hereby adopted as the Investment Policy of the City.

RESOLVED on this 19th day of September 2024.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



INVESTMENT POLICY

I. POLICY

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

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

Investments shall be made with the primary objectives of:

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

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

INVESTMENT POLICY

II. SCOPE

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

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

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

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

III. INVESTMENT OBJECTIVES

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

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

INVESTMENT POLICY

SAFETY

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

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

LIQUIDITY

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

PUBLIC TRUST

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

DIVERSIFICATION

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

YIELD

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

INVESTMENT POLICY

Based upon the cash flow of the City the maximum dollar-weighted average maturity of the consolidated portfolio shall be one (1) year. The benchmark used to determine whether reasonable yields are being achieved shall be the one year U.S. Treasury Bill.

IV. INVESTMENT STRATEGY

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

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

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

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

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

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

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

INVESTMENT POLICY

V. RESPONSIBILITY AND CONTROL

CITY COUNCIL RESPONSIBILITIES

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

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

INVESTMENT OFFICERS

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

Investment Officers shall:

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

QUALITY AND CAPABILITY OF INVESTMENT MANAGEMENT

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

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

INVESTMENT POLICY

INTERNAL CONTROLS

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

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

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

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

PRUDENCE

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

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

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

INVESTMENT POLICY

INDEMNIFICATION

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

ETHICS AND CONFLICTS OF INTEREST

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

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

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

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

VI. SUITABLE AND AUTHORIZED INVESTMENTS

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

I. AUTHORIZED INVESTMENTS

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

INVESTMENT POLICY

3. Fully insured or collateralized Certificates of Deposit issued by a bank doing business in Texas insured by the Federal Deposit Insurance Corporation or its successor or secured by obligations in a manner provided for by this Policy and state law with maturities not to exceed 12 months.
4. Local government investment pools, which 1) are created under and conform to the requirements of the Act, 2) are rated no lower than AAA or an equivalent rating by at least one nationally recognized rating service, 3) seek to maintain a \$1.00 net asset value, and 4) are authorized by resolution or ordinance by the City Council.
5. Fully insured or collateralized interest bearing or money market account in any bank in Texas collateralized in accordance with this Policy.
6. AAA rated money market funds which strive to maintain a \$1 net asset value and comply with SEC Rule 2a-7.
7. Commercial paper rated A1/P1 or the equivalent by two national rating agencies no longer than 270 days to maturity. No more than 20% of the portfolio may be held in commercial paper.

II. UN-AUTHORIZED INVESTMENTS

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

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

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

VII. INVESTMENT PARAMETERS

MAXIMUM MATURITIES

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

The City shall attempt to match its investments with anticipated cash flow requirements. The City will not directly invest in securities maturing more than three (3) years from the date of purchase; however, the

INVESTMENT POLICY

above described obligations, certificates, or agreements may be collateralized using longer dated investments.

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

DIVERSIFICATION

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

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

Securities which lose their policy or State required credit rating must be liquidated in a reasonable period of time.

Securities which become *unauthorized* under State law or by a change in City Policy, do not require liquidation but after maturity funds must be re-invested in authorized securities.

VIII. SELECTION OF BANKS AND DEALERS

DEPOSITORY

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

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

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

AUTHORIZED BROKERS/DEALERS

The City Audit/Investment Committee shall, at least annually, review, revise, and adopt a list of qualified broker/dealers authorized to engage in securities transactions with the City. Those firms that request to become qualified bidders for securities transactions will be required to provide information for the City's questionnaire that provides information regarding creditworthiness, contact information, and experience. They must be registered with the Texas State Securities Board. All local government pools in which the City participates shall provide the City with certification stating the pools have received, read and understood the City of Brenham's Investment Policy and have in place controls to prohibit selling the City any security not authorized by that Policy.

The City shall have a minimum of three broker/dealers to assure competitive bidding. Authorized firms may include primary dealers or regional dealers and qualified depositories. All local government investment pools, must sign the City's certification. Every provider will be furnished the City's Investment Policy.

COMPETITIVE BIDS

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

DELIVERY VS. PAYMENT

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

IX. SAFEKEEPING OF SECURITIES AND COLLATERAL

SAFEKEEPING AND CUSTODIAN AGREEMENTS

Securities owned by the City. The City of Brenham shall contract with a depository for the safekeeping/custody of securities owned by the City of Brenham as part of its investment portfolio. Securities owned by the City of Brenham shall be held in the City's name as evidenced by safekeeping receipts of the institution holding the securities.

Collateral pledged to the City. Collateral for time and demand deposits will be held by an independent third party custodian designated by the depository and approved by the City outside of the pledging bank

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

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and evidenced by original safekeeping receipts of the pledging institution with which the collateral is deposited. Original safekeeping receipts and monthly collateral reports shall be delivered to the City.

COLLATERAL POLICY

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

Securities pledged as collateral shall be held by an independent third party outside the holding company of the pledging bank with whom the City has a current depository agreement. The depository agreement must be written and is to specify the acceptable investment securities for collateral, including provisions relating to possession of the collateral, the substitution or release of investment securities, ownership of securities, and the method of valuation of securities. The bank must provide evidence that the collateral has been approved by action of the Bank Board or bank's Loan Committee. Clearly marked evidences of ownership (safekeeping receipts) must be supplied to and retained by the City. Collateral shall be priced weekly at a minimum to assure that the market value of the pledged securities is adequate.

The Director of Finance is responsible for all substitutions and the substitution process. The substituted security's market value will be equal to or greater than the required security value. Written notification of the substitution must be provided by the bank or custodian .

COLLATERAL DEFINED

The Entity shall accept only the following types of collateral:

- Obligations of the United States or its agencies and instrumentalities including mortgage backed securities and collateralized mortgage obligations (CMO) which pass the Federal Reserve bank test
- Direct obligations of the state of Texas or its agencies and instrumentalities rated as to investment quality by a nationally recognized rating firm not less than A or its equivalent
- Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized rating firm not less than A or its equivalent
- FHLB Irrevocable letters of credit

Preference will be given to pledged securities.

INVESTMENT POLICY

SUBJECT TO AUDIT

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

X. PERFORMANCE

PERFORMANCE STANDARDS

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

PERFORMANCE/RISK BENCHMARK

It is the policy of the City of Brenham to purchase investments with maturity dates coinciding with cash flow needs. Through this strategy, the City shall seek to optimize earnings utilizing allowable investments available on the market at that time. Market value will be calculated on a monthly basis on all securities owned and compared to current book value. The City of Brenham's portfolio shall be designed with the objective of regularly meeting or exceeding the period average yield on the one year U.S. Treasury Bill which is comparable to the City's maximum weighted average maturity in days based on its cash flow analysis.

XI. REPORTING

METHODS

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

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

- A listing of individual securities held at the end of the reporting period.
- Unrealized gains or losses as calculated on the beginning and ending book and market value of securities for the period.
- Additions and changes to the market value during the period.

INVESTMENT POLICY

- Average weighted yield of portfolio as compared to the City's benchmark.
- Listing of investments by maturity date.
- Fully accrued interest and earnings for the reporting period
- The percentage of the total portfolio that each type of investment represents.
- Any additional reporting information as required by the Act.
- Statement of compliance of the City of Brenham's Investment Policy and the Act.

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

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

XII. INVESTMENT POLICY ADOPTION

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

PRIOR AUTHORITY/DATE ISSUED:

City Council Resolution #R-23-035

September 21, 2023



City Council Regular Meeting
AGENDA ITEM 5.f

Agenda Item: **Approve a Ground-Space Lease Agreement Between the City of Brenham and Gary Snoe for Hangar Space at the Brenham Municipal Airport (3307 Aviation Way) and Authorize the Mayor to Execute Any Necessary Documentation**

Meeting Date: September 19, 2024

Department: Development Services

Staff Contact: Kim Hodde, Planning Technician

SUMMARY STATEMENT:

Bob Handley sold his 3,600 square feet (60' x 60') box hangar at 3307 Aviation Way to Gary Snoe; therefore, a new ground space lease agreement needs to be executed with Gary Snoe. Execution of this new lease agreement will terminate the previous lease agreement with Bob Handley.

Gary Snoe's total lease space will be 8,8000 square feet. The lease agreement is the City's standard ground-space lease for \$0.10 cents per square foot and the lease rate may increase up to \$0.02 per square foot in a five-year period as the prevailing rates change. The standard term for ground space leases is 30-years; therefore, if approved, this lease will terminate on March 1, 2054 unless extended or transferred prior to the termination date. The initial annual rental rate will be \$880 annually.

ATTACHMENTS:

1. Bill of Sale
2. Hangar Lease - 3307 Aviation Way

RECOMMENDATION:

Approve a Ground-Space Lease Agreement between the City of Brenham and Gary Snoe for hangar space (3307 Aviation Way) at the Brenham Municipal Airport and authorize the Mayor to execute any necessary documentation.

BILL OF SALE

Date Sold: 3-1-2024

SELLER'S

Printed Name: Robert Handley

Address: 1839 Old Independence

City: Brenham

State: TX Zip: 77833

Home Phone: _____

Cell Phone: 936-537-6751

Work: _____

BUYER'S

Printed Name: Gary SWE

Address: 6909 FM 60 E

City: Somerville

State: TX Zip: 77879

Home Phone: _____

Cell Phone: 713-898-5073

Work: 979-567-0808

INFORMATION ON ITEM THAT WAS SOLD

Hanger 11R
3307 Aviation Way
Brenham TX,

For the sum of \$ 85,000⁰⁰
(Item's Value)

I, THE UNDERSIGNED, HEREBY SWEAR OR AFFIRM THAT I THE SELLER OF THE ITEM DESCRIBED HEREIN AND THAT THE INFORMATION PROVIDED IN THIS BILL OF SALE IS TRUE AND CORRECT TO THE BEST OF MY BELIEF.

Signature of Seller: R Handley

Date: 3-1-24

Signature of Buyer: Gary SWE

Date: 3-1-2024

LEASE AGREEMENT: CITY OF BRENHAM, TEXAS TO AND WITH GARY SNOE

THE STATE OF TEXAS
COUNTY OF WASHINGTON

This Lease Agreement made and entered into by and between CITY OF BRENHAM, a Texas Home Rule Municipal Corporation, hereinafter called "Lessor" and GARY SNOE, hereinafter called "Lessee":

WITNESSETH:

Lessor, in consideration of the premises and the covenants and agreements herein undertaken to be kept and performed by Lessee does lease unto said Lessee the following described property situated in Washington County, Texas, to have and to hold all and singular the said premises and improvements thereon, together with the rights, privileges and appurtenances thereunto belonging unto said Lessee under the following terms and provisions:

ARTICLE I – PREMISES AND PRIVILEGES

A. DESCRIPTION OF PREMISES.

For and in consideration of the terms, conditions and covenants of this Lease to be performed by Lessee, all of which Lessee accepts, City hereby leases to Lessee the premises being an area located on the City of Brenham Municipal Airport, north of the CITY OF BRENHAM, TEXAS and being a space of land located as shown on the attached "EXHIBIT A".

Lessee accepts the premises in their present condition subject to and including all defects and Lessee will, without expense to City, repair and maintain any installations thereon and remove, or cause to be removed, any debris, buildings or improvements to the extent required for Lessee's use thereof.

B. TERM.

The term of said lease is for a period of thirty (30) years commencing March 1, 2024, and terminating March 1, 2054. The rent for the first year shall be ten (\$.10) cents per square foot per year for 8,800 square feet, payable annually on the anniversary hereof. Any rental fee not paid by the tenth of the month is subject to a late fee of five (\$5) dollars. The Lessee acknowledges and agrees that the City reserves the right to adjust the Lease rental rate in an amount not to exceed an increase of two (\$.02) cents per square foot in a five (5) year period.

C. ACCESS.

Upon paying the rental hereunder and performing the requirements of this Lease, Lessee shall have the right of access to and from said premises over such roadway(s), as may be designed for that purpose and the right of access to and from the landing area for airplanes over taxiways and aircraft parking ramps as provided by City at its sole discretion. Said roadway(s), aircraft parking ramps and taxiways shall be used jointly with other airport tenants, and may be used for the conduct of authorized business, however Lessee's use of the aircraft parking ramps and taxiways shall not interfere with the

rights and privileges of other persons or firms using said facilities and shall be subject to such weight and type use restrictions as the City Council deems necessary.

D. OBJECTS AND PURPOSES OF LEASE.

Lessee is hereby granted the right and privilege to use the leased area for aviation related activities, being those provided by a Corporate Hangar Operator. Lessee shall have the uses and rights to build a private, corporate hangar to house its own privately-owned aircraft, all of which shall be subject to the terms set forth herein:

Lessee shall not use the premises for any purposes other than those authorized herein, without the prior written consent of City. Specifically, Lessee will not store fuel, nor do any aircraft maintenance on aircraft other than the aircraft owned or contracted by Lessee.

It is understood and agreed that nothing herein shall be construed to grant or authorize the granting of an exclusive right within the meaning of Section 308(a) of the Federal Aviation Act of 1958, [49 USCA Chapter 471 or successor statute].

E. CITY'S RESERVED RIGHTS.

1. Development. City, at its sole discretion, reserves the right to further develop or improve the aircraft operating area of the airport as it sees fit and to take action it considers necessary to protect the aerial approaches of the Airport against obstructions, together with the right to prevent Lessee from erecting or permitting to be erected, any building or other structure on the Airport which, in the opinion of the City, would limit the usefulness of the Airport or constitute a hazard to aircraft.

2. Oil, Gas, Mineral Interests. It is understood and agreed that this Lease is made subject and subordinate to the terms of any oil, gas, and other mineral interest; leases; or right-of-way easements of any nature that may have been executed heretofore.

City agrees that (1) if it should, as a mineral owner under the premises, develop all or part of the Airport for oil, gas or other mineral purposes, no well will be drilled or other operations conducted on the leased premises, and (2) in the event it should hereafter execute an oil, gas or other mineral lease in favor of a third party covering the Airport area, or a portion thereof, it will cause such lease to contain a provision that the Lessee therein will not conduct any of its drilling or other operations on the land covered by this Lease, or in a manner which would unreasonably interfere with Lessee's use and enjoyment of the premises.

3. Other Contracts. This lease shall be subordinate to the provisions of any existing or future agreement between the City and the United States, relative to the operation or maintenance of the airport, the terms and execution of which have been or may be required as a condition precedent to the expenditure or reimbursement to City of federal funds for the development of the Airport

4. Other Leases. Nothing herein contained shall limit City with respect to granting of leases to other aviation tenants under other terms as herein set forth or to granting of leases for non-commercial aviation or non-aviation purposes at terms different from those set forth herein.

F. PROHIBITED USES.

Lessee shall not use or permit the use of any part of the premises in any other manner than set out in Section D of this Lease. Some specific activities prohibited are as follows:

1. Auto rental service.
2. Food sales (except the sale of confections and refreshments prepared and packaged off the leased premises through either coin-operated vending machines or over-the-counter or in the waiting area, and other foods prepared and packaged off the leased premises for food trays for private or charter flights) at the leased premises.
3. No person may utilize living quarters on Airport Property, including on the leased premises, as a permanent residence.
4. Sales of alcoholic beverages at the leased premises, except with City approval.
5. Sales, advertisement, or storage of non-aviation products.
6. Storage, transfer, or sale of fuel.
7. Any sublease which allows further sublease by Lessee's tenant
8. Any use prohibited by law.

G. EXPIRATION.

Upon the expiration of this Lease,

1. The City may purchase building and improvements on the leased premises at a fair market value as determined by an Independent Appraiser mutually agreeable to the City and the Lessee, all fees for such appraisal services to be paid by the Lessee, or
2. The City may enter into a new lease agreement for the leased premises.

H. DEFAULT.

Any of the following events constitutes default:

1. An act of the Lessee which is in variation with the site plan and is not corrected after 30 days' notice by Lessor to Lessee of said default,

2. The nonperformance by Lessee of any other covenant or condition of this lease which is not cured within thirty (30) days after written notice thereof from Lessor, or
3. The subjection of any of Lessee's property to any levy, seizure, assignment, application, or sale for or by any creditor or governmental agency.

I. LESSOR'S RIGHTS UPON DEFAULT.

On the occurrence of any of the events defined as constituting "default", Lessor may without notice to or demand on Lessee, take possession of the leased premises and lease the same or any portion thereof, for such period and such rental, and to such persons, as Lessor shall elect.

J. MORTGAGE OF LEASEHOLD INTEREST.

Lessee shall have the right subject to City Manager approval to place a first mortgage lien upon its leasehold. Any approved lender shall notify City of all action taken by it in the event payments on such loans shall become delinquent.

ARTICLE II – OBLIGATIONS OF LESSEE

A. NET LEASE: MAINTENANCE AND OPERATION.

The use and occupancy of the leased premises by Lessee will be without cost or expense to City. It shall be the sole responsibility of Lessee to construct, maintain, repair and operate the entirety of the leased premises and any improvements and facilities constructed thereon at Lessee's sole cost and expense except as specifically set forth in this article.

Lessee shall maintain the leased premises at all times in a safe, neat, and attractive condition and shall not permit the accumulation of any trash or debris on the premises. Lessee shall repair all damages to said premises caused by its employees, patrons, or its operation thereon; shall maintain and repair all buildings, pavements, equipment, and improvements; and shall repaint the buildings, as necessary. Lessee shall pay all taxes against the property and indemnify City from any tax lien.

City reserves the right to make periodic inspection of leased premises and improvements and equipment therein during normal business hours.

City, in its reasonable discretion, shall be the sole judge of the quality of maintenance that shall uniformly apply to all airport tenants. Upon written notice by City to Lessee, Lessee shall be required to perform whatever reasonable maintenance City deems necessary. If said maintenance is not undertaken by Lessee within ten (10) days after receipt of written notice, City shall have the right to enter upon the leased premises and perform the necessary maintenance, the cost of which shall be borne by Lessee.

B. ALTERATIONS TO AND CONDITIONS OF PREMISES.

Any change in exterior paint colors shall be subject to the prior written approval of the City of Brenham. Lessee agrees not to construct, install, remove and/or materially modify any of the buildings or premises leased hereunder without prior written approval of the City of Brenham subject to the conditions considered by City to be necessary.

Lessee shall not remove or demolish, in whole or in part, any improvements upon the premises without the prior written consent of City, which may, at its discretion, condition such consent upon the obligation of Lessee to replace the same by an improvement specified in such consent.

C. TRASH, GARBAGE, LANDSCAPING.

Lessee shall provide a complete and proper arrangement of the adequate sanitary handling and disposal, away from the Airport, of all trash, garbage, and other refuse caused as a result of the operation of its business. Lessee shall provide and use approved receptacles for all such garbage, trash, and other refuse. Piling of boxes, cartons, barrels, or other similar items in an unattractive or unsafe manner, on or about the leased premises, is prohibited.

Lessee shall be responsible for maintaining suitably attractive yard-appearance, as follows: Lessee shall be responsible for grounds keeping and shall screen any outside storage or work areas by the use of an opaque fence or other suitable opaque barrier so that such storage or work areas shall be hidden from public view from the street.

Lessee is specifically responsible for mowing (and to ensure that weed or grass growth is never allowed in excess of that allowed by City weed ordinance requirements) and removal of weeds from around fences and buildings for the area within ten feet of the property shown on the attached Exhibit "A". Lessee is encouraged to provide additional landscaping beyond the minimum required by City to assist in enhancing Airport appearance.

D. SIGNS.

Lessee may not install identifying signs on the leased premises except with the written permission of City Manager.

E. UTILITIES.

Lessee shall assume and pay for all costs or charges for utility services furnished to Lessee during the term hereof; provided, however, that Lessee shall have the right to connect to any and all storm and sanitary sewers and water and utility outlets at its own cost and expense; and Lessee shall pay for any and all service charges incurred therefor.

F. FIELD USE CHARGES.

Nothing herein shall be deemed to relieve Lessee and its tenants, sublessees, patrons, invitees, and others from field landing fees, nor its guests from fuel flowage fees, as are levied by City or the Fixed Base Operator.

G. PAYMENTS DUE.

Lessee agrees that no payments owed by Lessee of any nature whatsoever to City, including payment in advance for service charges, such as garbage collection, or any other sums of any character whatsoever, shall become delinquent or in arrears.

H. COMPLIANCE WITH RULES.

Lessee will comply with any and all federal or state laws, rules and regulations, and all regulations made by the City of Brenham and approved by the City Council.

I. NONDISCRIMINATION/FEDERALLY REQUIRED ASSURANCES.

Lessee, for itself, its personal representatives, successors in interest, and assigns, as part of the consideration hereof, does hereby agree that "as a covenant running with the land" (1) no person on the grounds of race, color, sex, creed, national origin, or handicapped status shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, or in the construction of any improvements on, or under such land, or the furnishing of services thereof, and (2) that Lessee shall use the premises in compliance with and conduct its operations in accordance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, or Section 504 of the Rehabilitation of 1973 (23 USC 794) and 49 CFR Part 27 and as said regulations may be amended, and that Lessee will comply with such enforcement procedures as the United States might demand that City take.

J. FAA AND OTHER APPROVAL OF USE.

Lessee agrees to secure approval from the Federal Aviation Administration concerning the height and location of all buildings or improvements or modifications thereof which may be constructed or installed on the leased premises and to satisfy any applicable environment or other requirements of federal, state, and local authorities as to noise, smoke, fumes emissions, storm water, or other hazards or potential hazards or other offensive uses, if any, which may occur as a result of Lessee's operations on the premises.

K. NON-INTERFERENCE WITH OPERATION OF AIRPORT/EASEMENTS.

1. Lessee, by accepting this Lease, expressly agrees for itself, its successors and assigns that it will not make use of the premises in any manner which might interfere with the landing and taking off of aircraft at Airport or otherwise constitute a hazard. If Lessee violates this, City reserves the right to enter upon the premises and remove the interference at the expense of the Lessee.
2. City shall maintain and keep in good repair the landing area of the Airport and shall have the right to direct and control all activities of the Lessee in this regard.

3. City shall retain an easement over, above and on the premises in relation to aircraft noise and the utilization of the air space for the purposes of the operation of said Airport.

L. LESSEE AUTHORITY.

If applicable, the officers of the Lessee which execute this lease represent and promise that they are duly authorized by corporate resolution or other appropriate authorization to execute the same on behalf of Lessee.

ARTICLE III – OTHER CONDITIONS

- A. Lessee agrees to pay all public utility charges that may be assessed, including charges for gas, electric, water and any other utility charge.
- B. Any holding over by Lessee or his successors, at the expiration or termination of this lease, in whatever manner its termination may be brought about, shall not operate as a renewal of this lease, but during the period of such holding over Lessee shall be a tenant at the will of Lessor.
- C. Lessee shall maintain property and casualty insurance in amounts satisfactory with Lessor and shall provide for public liability insurance in the amount of ONE MILLION AND NO/100 (\$1,000,000.00) DOLLARS in order to protect Lessor against claims arising because of the operation of Lessee. Lessee shall give evidence of insurability. CITY OF BRENHAM, TEXAS shall always be shown as an addition insured. Provided, however, if CITY OF BRENHAM, TEXAS so elects, it may take out said insurance and then prorate said costs to Lessee and any Sublessees on an equitable basis, as determined by CITY OF BRENHAM, TEXAS. The CITY OF BRENHAM reserves the right to require that the amount of any and all types of insurance may be increased upon the CITY OF BRENHAM giving thirty (30) days notice to Lessee or any sublessee.
- D. The CITY OF BRENHAM requires that Lessee and users of Lessee's premises shall agree to be bound by all of the regular rules and regulations as may be set out by the F.A.A. as to pilots and their conduct and that they agree to abide by any and all local rules that may be approved by the City Council of the CITY OF BRENHAM, TEXAS, for pilots at the CITY OF BRENHAM MUNICIPAL AIRPORT. Lessee shall agree that in the event he is found not to have abided by the rules or does not correct a situation required to be corrected by the City of Brenham, then and in that event, he may lose his privilege to occupy the Hangar that is located on property being leased by the CITY OF BRENHAM, TEXAS.
- E. This Lease is governed by the laws of the State of Texas and venue shall lie exclusively in Washington County, Texas.
- F. If any provision herein is held to be invalid in a court of law, the invalidity of such provision shall in no way affect the validity of any other provision.

- G. Any notice required herein shall be effective upon mailing to the address described herein by depositing said notice in the mail, certified mail – return receipt requested.

APPROVED this the ____ day of _____, 2024

CITY OF BRENHAM (LESSOR)

Atwood C. Kenjura, Mayor
City of Brenham
P. O. Box 1059
Brenham, TX 77834-1059

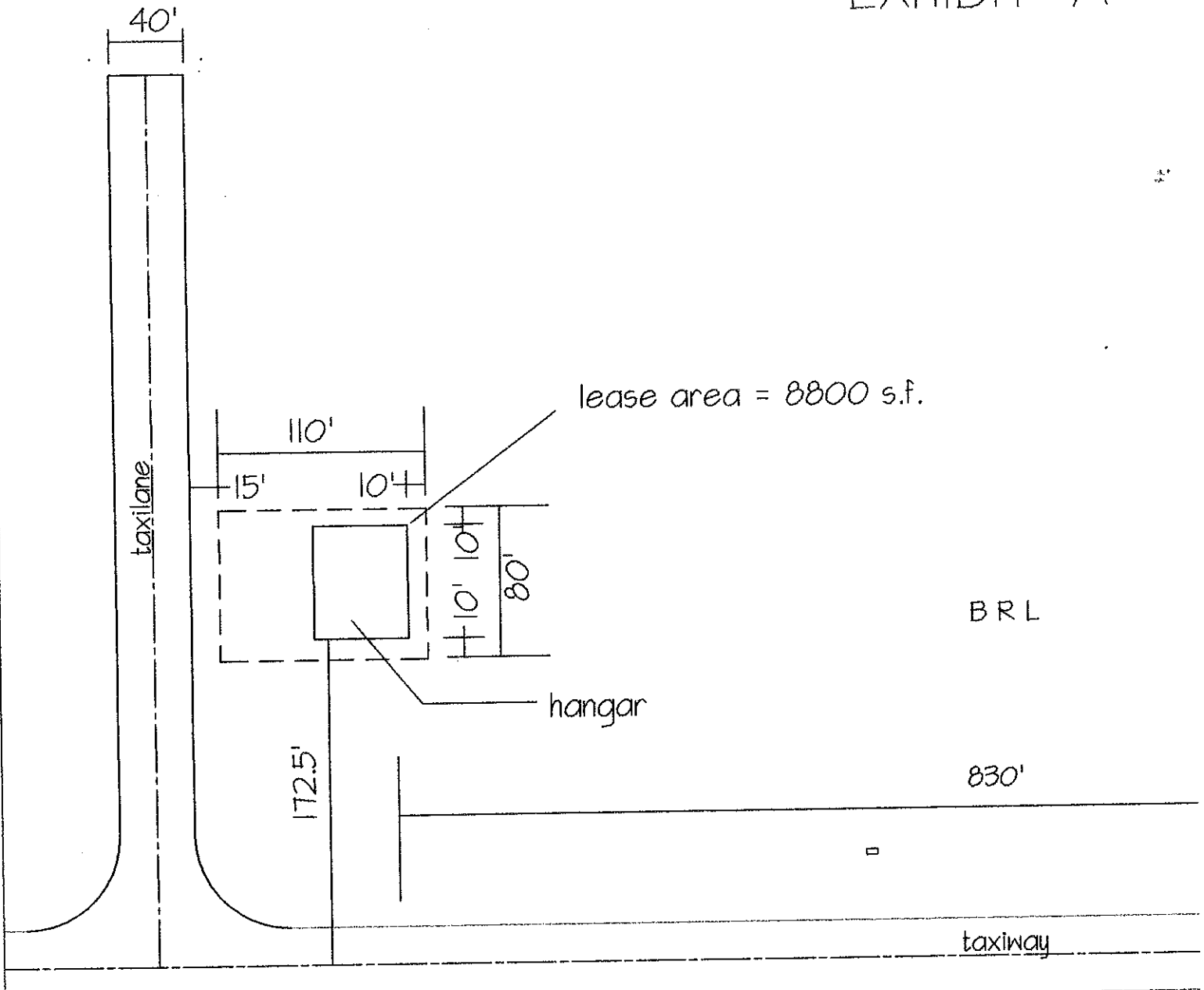
ATTEST:

Jeana Bellinger, City Secretary

GARY SNOE (LESSEE)

Gary Snoe
6909 FM 60 E
Somerville, Texas 77879
979-567-0808
Gary.snoe@snoeinc.com

EXHIBIT "A"





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

Agenda Item: **Approve the Allocation of the Brenham Community Development Corporation's Sales Tax Revenue of Fifty Percent (50%) to Parks and Recreation Projects and Fifty Percent (50%) to Economic Development Projects and Authorize the Mayor to Execute Any Necessary Documentation**

Meeting Date: September 19, 2024

Department: Administration

Staff Contact: Carolyn Miller, City Manager

SUMMARY STATEMENT:

In December 1996, the City Council approved allocating the Brenham Community Development Corporation's (BCDC's) sales tax revenue as sixty-five percent (65%) to parks and recreation projects and thirty-five percent (35%) to economic development projects.

During the FY24-25 budget process, the recommendation was made to divide the sales tax revenue evenly at 50% to parks and recreation projects and 50% to economic development projects. The BCDC Board feels that it is important to equally fund both initiatives.

ATTACHMENTS:

None

RECOMMENDATION:

Approve the allocation of the Brenham Community Development Corporation's sales tax revenue of fifty percent (50%) to Parks and Recreation projects and fifty percent (50%) to Economic Development projects and authorize the Mayor to execute any necessary documentation.



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

Agenda Item: **Approve Change Order No. 1 and Final Payment for Project No. 62C-81C to Wampole-Miller, Inc. dba Miller Bros in the Amount of \$49,223.23 Related to Gas Main Line Pressure Test and Authorize the Mayor to Execute Any Necessary Documentation**

Meeting Date: September 19, 2024

Department: Public Utilities

Staff Contact: Shawn Bolenbarr, Public Utilities Project Manager

SUMMARY STATEMENT:

On May 16, 2024, City Council awarded Project # 62C-81C (Gas Main Line Pressure Test) to Wampole-Miller Inc. dba Miller Bros. This project consists of removing six service taps, two valves, and pressure testing approximately 5,000 ft of 4" steel gas main at 750 PSI. The total value of the contract was \$44,813.00.

On September 9, 2024, the City of Brenham Public Utilities Department received Change Order #1 for Project #62C-81C (Gas Main Line Pressure Test). Change Order #1 is for additional work and materials needed to complete one of the gas valve removals. Upon excavation of the gas valve, it was found that approximately 15ft of additional pipe was needed along with a 4"x4"x4" tee and a 4" 90-degree bend in order to successfully splice in a new section of pipe.

Please see the cost amount for Change Order #1 below along with the total project cost:

- Change Order #1 - \$4,410.23
- Total Project Cost - \$49,223.23

We are very happy to say that this project has been completed. Staff has inspected the work and it has been determined all components were installed correctly and are working properly.

ATTACHMENTS:

1. Change Order No. 1
2. Pay Application No. 1 - FINAL

RECOMMENDATION:

Approve Change Order No. 1 and Final Payment for Project No. 62C-81C to Wampole-Miller, Inc. dba Miller Bros in the amount of \$49,223.23 related to Gas Main Line Pressure Test and authorize the Mayor to execute any necessary documentation.

APPLICATION AND CERTIFICATE FOR SUBCONTRACTOR PAYMENT

Page 1 of 2

TO OWNER:
City of Brenham
200 W. Vulcan
Brenham, TX 77833

PROJECT: **RFP-24-001**
Gas Main Line Pressure Test

APPLICATION NO. **2-F**
PERIOD TO: **August 31, 2024**
Invoice No: **BREN-1000**

☒ OWNER
☐ ARCHITECT
☐ CONTRACTOR

Contract Date: **6/7/2024**

FROM CONTRACTOR: **Wampole-Miller, Inc. dba Miller Bros.**
301 Alan Wood Rd
Conshohocken PA 19428

CONTRACT FOR:

CONTRACTOR'S APPLICATION FOR PAYMENT

1. ORIGINAL CONTRACT SUM	\$	44,813.00
2. Net change by Change Orders	\$	4,410.23
3. CONTRACT SUM TO DATE (Line 1+2)	\$	49,223.23
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$	49,223.23
5. RETAINAGE		
a. 0 % of Completed Work (Columns D+E on G703)	\$	-
b. 0 % of Stored Material (Column F on G703)	\$	-
Total Retainage (Line 5a+5b or Total in Column 1 of G703)	\$	-
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total)	\$	49,223.23
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	44,813.00
8. CURRENT PAYMENT DUE	\$	4,410.23
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$	-

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$ -	\$ -
Total approved this Month	\$ 4,410.23	\$ -
TOTALS	\$ 4,410.23	\$ -
NET CHANGES by Change Order	\$ 4,410.23	

The undersigned Contractor certifies that to the best of the Contractors knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR:

By:

Date:

State of: Pennsylvania

County of: Montgomery

Subscribed and sworn to before me this

Notary Public:

My Commission expires:

Commonwealth of Pennsylvania - Notary Seal
SANDRA A WINNER - Notary Public
Montgomery County
My Commission Expires September 12, 2025
Commission Number 1214445

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED:

\$

ARCHITECT:

By:

Date:

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

<u>ITEM #</u>	<u>Description</u>	<u>Scheduled Value</u>	<u>From Previous Application (D+E)</u>	<u>This Period</u>	<u>Materials Presently Stored (NOT IN D OR E)</u>	<u>Total Completed & Stored To Date (D+E+F)</u>	<u>% (G/C)</u>	<u>Balance To Finish (C-G)</u>	<u>Retainage</u>
1	Gas Main Line Pressure Test	\$ 44,813.00	\$ 44,813.00	\$ -	\$ -	\$ 44,813.00	100%	\$ -	\$ -
CO #1	Change Order 1 - Added pipe and welding	\$ 4,410.23	\$ -	\$ 4,410.23	\$ -	\$ 4,410.23	100%	\$ -	\$ -
	TOTAL	\$ 49,223.23	\$ 44,813.00	\$ 4,410.23	\$ -	\$ 49,223.23		\$ -	\$ -

APPLICATION AND CERTIFICATE FOR SUBCONTRACTOR PAYMENT

Page 1 of 2

TO OWNER:
City of Brenham
200 W. Vulcan
Brenham, TX 77833

PROJECT: **RFP-24-001**
Gas Main Line Pressure Test

APPLICATION NO. **1**
 PERIOD TO: **August 31, 2024**
 Invoice No: **BREN-1000**

☒ OWNER
☐ ARCHITECT
☐ CONTRACTOR

Contract Date: **6/7/2024**

FROM CONTRACTOR: **Wampole-Miller, Inc. dba Miller Bros.**
301 Alan Wood Rd
Conshohocken PA 19428

CONTRACT FOR:

CONTRACTOR'S APPLICATION FOR PAYMENT

1. ORIGINAL CONTRACT SUM	\$	44,813.00
2. Net change by Change Orders	\$	-
3. CONTRACT SUM TO DATE (Line 1+2)	\$	44,813.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$	44,813.00
5. RETAINAGE		
a. 0 % of Completed Work (Columns D+E on G703)	\$	-
b. 0 % of Stored Material (Column F on G703)	\$	-
Total Retainage (Line 5a+5b or Total in Column 1 of G703)	\$	-
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total)	\$	44,813.00
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	-
8. CURRENT PAYMENT DUE	\$	44,813.00
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$	-

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$ -	\$ -
Total approved this Month	\$ -	\$ -
TOTALS	\$ -	\$ -
NET CHANGES by Change Order	\$ -	

The undersigned Contractor certifies that to the best of the Contractors knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR:

By:

Date:

State of: Pennsylvania

County of: Montgomery

Subscribed and sworn to before
me this

Notary Public:

My Commission expires:

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED:

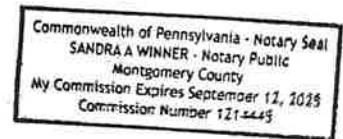
\$

ARCHITECT:

By:

Date:

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.



<u>ITEM #</u>	<u>Description</u>	<u>Scheduled Value</u>	<u>From Previous Application (D+E)</u>	<u>This Period</u>	<u>Materials Presently Stored (NOT IN D OR E)</u>	<u>Total Completed & Stored To Date (D+E+F)</u>	<u>% (G/C)</u>	<u>Balance To Finish (C-G)</u>	<u>Retainage</u>
1	Gas Main Line Pressure Test	\$ 44,813.00	\$ -	\$ 44,813.00	\$ -	\$ 44,813.00	100%	\$ -	\$ -
	TOTAL	\$ 44,813.00	\$ -	\$ 44,813.00	\$ -	\$ 44,813.00		\$ -	\$ -



City Council Regular Meeting **AGENDA ITEM 6**

Agenda Item: **Public Hearing, Discussion and Possible Action on an Ordinance on Its First Reading Amending Appendix A – Zoning of the Code of Ordinances of the City of Brenham, in Washington County, Texas (Case No. P-24-031) to Include:**

- a. **Appendix A: Zoning, Part II, Division 1, Accessory Uses and Structures, Section 10.02(1) Regarding the Placement of Detached Accessory Structures on Corner Lots; and Appendix A: Zoning, Part II, Division**
- b. **Accessory Uses and Structures, Section 10.02(4)(A) Regarding the Property Owner Residence Requirement for an Accessory Dwelling Unit**

Meeting Date: September 19, 2024

Department: Development Services

Staff Contact: Shauna Laauwe, City Planner

SUMMARY STATEMENT:

The Zoning Ordinance is a living document that requires revisions from time to time to reflect new codes, make corrections, to revise/add new definitions, to allow for new uses or perhaps remove uses that are no longer seen as compatible within a particular zoning district or development pattern. In the past year, the Development Services Staff has made note of several revisions to be considered by the Planning & Zoning Commission (P&Z) and City Council.

Development Services proposes to amend the City of Brenham's Code of Ordinances, Appendix A: Zoning, Section 10 to include:

1. A revision of the Accessory Dwelling Unit standard provision regarding the residency requirement found in Part 2, Division 1, Section 10 – Accessory Structures, location and regulations; and
2. A revision of the Accessory Structure setback provisions found in Part 2, Division 1, Section 10 – Accessory Structures, location and regulations to require accessory structures on corner lots to be setback behind the front façade of the principal structure on the nearest adjacent lot.

The proposed amendments were presented and discussed as a Workshop item to City Council on July 11, 2024. With guidance from the Council, the proposed amendments were brought forth to P&Z on August 26, 2024. After a public hearing, P&Z unanimously recommended approval.

ATTACHMENTS:

1. Staff Report
2. Ordinance on Its First Reading - Zoning Text Amendments

RECOMMENDATION:

Approve an Ordinance on Its First Reading Amending Appendix A – Zoning of the Code of Ordinances of the City of Brenham, in Washington County, Texas (Case No. P-24-031) to Include:

- a. Appendix A: Zoning, Part II, Division 1, Accessory Uses and Structures, Section 10.02(1) Regarding the Placement of Detached Accessory Structures on Corner Lots; and
- b. Appendix A: Zoning, Part II, Division 1, Accessory Uses and Structures, Section 10.02(4)(A) Regarding the Property Owner Residence Requirement for an Accessory Dwelling Unit



CASE NUMBER P-24-031

TEXT AMENDMENTS TO ZONING & SUBDIVISION REGULATIONS

REQUEST:

The City of Brenham initiated this request to amend the City of Brenham's Code of Ordinances, Appendix A: Zoning to amend two (2) different provisions of Section 10, Accessory uses and structures, and Chapter 23 of the Subdivision regulations regarding alleys to include:

- Appendix A: Zoning, Part II, Division 1, Section 10.02(1) regarding the placement of detached accessory structures for corner lots; and
- Appendix A: Zoning, Part II, Division 1, Section 10.02(4)(A) regarding the requirement for the property owner's primary residence to be in either the single-family dwelling or the ADU; and
- Chapter 23: Subdivisions, Article III, Section 23-17 to allow alleys in townhome developments to facilitate the design of garages and parking to the rear of the lots.

BACKGROUND:

The Zoning Ordinance and Subdivision Regulations are living documents that require revisions from time to time to reflect new codes, make corrections, to revise/add new definitions, to allow for new uses or perhaps remove uses that are no longer seen as compatible within a particular zoning district or development pattern. In the past year, the Development Services Staff has made note of several revisions to be considered by the Planning & Zoning Commission and City Council. These include amending Section 10, that provides regulations for accessory structures. Proposed revisions include removing the Accessory Dwelling Unit (ADU) requirement that the property owner live in either the principal structure or ADU and revising the setback standards for accessory structures such as detached garages, carports and sheds. A revision is also recommended for the Subdivision Ordinance that is Chapter 23 of the Code of Ordinances, specifically Section 23-17 that prohibits alleys in new subdivisions. Please see below for a summary of the reasoning behind each amendment and the attached Exhibits for the proposed ordinance edits to include deletions and additions.

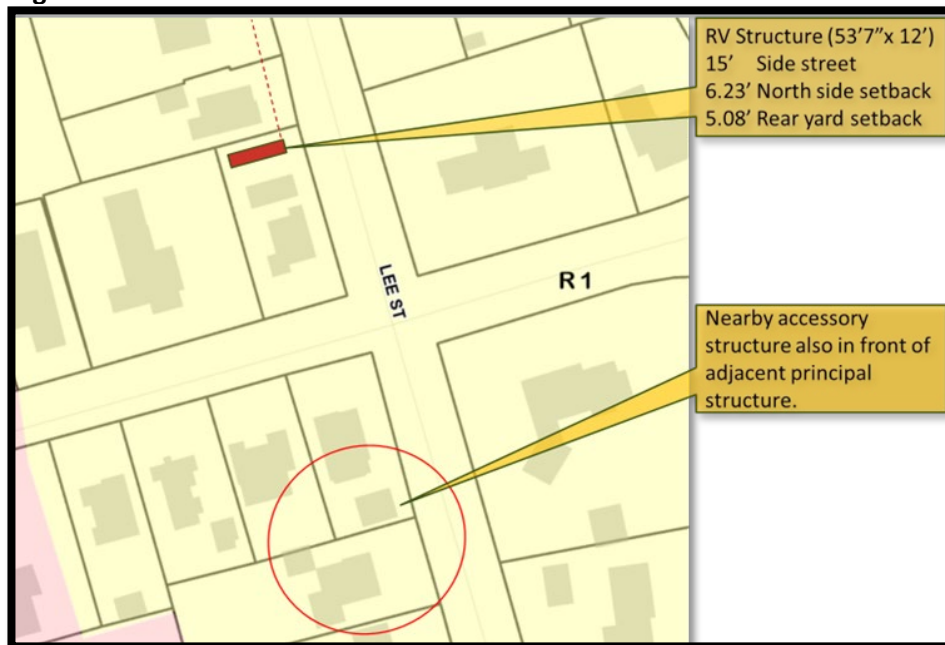
Proposed Amendments:

Appendix A Zoning, Part 2, Section 10 – Accessory structures, location and regulations. Accessory structure setbacks, Section 10.02(1). The current regulation states that "All detached accessory structures in any residential district shall be located *behind the closest point of the primary structure to the front property line* and shall have a side and rear yard of not less than five (5) feet. The intent of the regulation is to ensure that accessory structures are not located closer to the roadway than the principal structure and to give a uniform setback along said roadway. This provision works well for interior lots, however corner lots have two street frontages with different setbacks resulting in instances where detached structures are located as much as 10-feet in front of the principal structure of an adjacent lot.

For corner lots, the front yard is considered for the street frontage of which the front door faces and has a 25-foot front yard setback, and the secondary street has a side street setback of 15-feet.

As shown in Figure 1 below, a property on the northwest corner of Lee Street and Lubbock Street constructed a recreational vehicle shade structure on the Lee Street side of the property. The adjacent property owner approached city staff in January 2024 questioning if the structure was in violation and stated that the accessory structure blocks the view of the south windows of his home and creates a nuisance by blocking the line of sight of his front yard. The corner property has a front yard setback of 25-feet along Lubbock Street and a 15-foot side street setback along Lee Street. The accessory shade structure met all the zoning regulations as it was behind the façade of the principal structure on the subject property and met the minimum 5-foot rear and side yard setbacks. The red dashed line symbolizes the 15-foot side street setback and shows how the structure is positioned closer to the street than the principal structure located on the adjacent north lot. A similar situation is circled on the opposite southwest corner of the same intersection. City Staff recommends revising the regulation to state ***“Detached accessory structures in any residential district shall be located behind the closest point to the front property line of the primary structure of both the subject property and adjacent properties and shall have a side and rear yard of not less than five (5) feet.”*** The detailed revision to the Section 10.02, to include Section 10.02(1) may be found in Exhibit “A”.

Figure 1



Appendix A Zoning, Part 2, Section 10 – Accessory structures, location and regulation. Accessory Dwelling Unit Standards, Section 10.02(4)(A). Under Section 10.02(4) an additional six (6) standards are listed pertaining to accessory dwelling units (ADUs). The first standard, Section 10.02(4)(A) states *“Should the primary use be a single-family dwelling, the property owner’s primary residence shall be the single-family dwelling or ADU.”* When the ADU regulations were adopted on March 7, 2019, ADUs were a permitted use in the B-1, Local Business/Residential Mixed-Use District and allowed in the R-1, Single-Family Residential District and the R-2, Mixed Residential District with a Specific Use Permit following a public hearing before the Planning & Zoning Commission and a public hearing and approval by the City Council. In September 2023, a text amendment revised the regulations to allow an ADU as a permitted use in both the B-1 and R-2 districts as two-family and multifamily uses were allowed within the districts, however the specific use permit process remains for proposed ADUs in R-1 districts. This past year, property owners of rental properties have requested constructing ADUs on their properties that have

existing single-family dwellings. These requests were denied as it would violate the standard 10.02(4)(A) as the property owner would not be residing in either the principal structure or the ADU. It has been by requested by rental property owners that the City consider a text amendment to the regulations to strike the residency requirement for ADUs within the R-2 and B-1 districts. City Staff recommends the following text amendment to Section 10.02(4)(A): ***“Should the primary use be a single-family dwelling in a R-1 District, the property owner’s primary residence shall be the single-family dwelling or the ADU.”*** The detailed revision to Section 10.02 Accessory structures, location and regulation, to include Section 10.02(4)(A) may be found in Exhibit “A”.

Chapter 23: Subdivisions, Article III, Section 23-17 Alleys. As developers seek additional housing types to provide moderate priced homes to meet the Housing Task Force Objectives and needs of the citizens of Brenham, several proposed townhome developments have been presented to City Staff with two being approved in the past year. While reviewing townhome proposals, it has proved difficult for the placement of driveways, utilities, and trash receptacles all within the public right-of-way. The current Section 23-18 Easements regulation within the Subdivision Ordinance simply states, “Alleys are prohibited in new subdivisions.” Townhome developments would benefit from alleys to allow rear garage and parking access as well as a location for trash receptacles. Alleys would allow the front doors of townhomes to face the public right-of-way, and it would allow for guest parking along the curb and for utilities to be placed without being under driveways and/or transformers being placed in narrow side yards. The proposed text amendment to Section 23-17 is recommended: ***“Alleys are encouraged in townhome developments to facilitate the design of garages and parking to the rear of lots and utilities along the public right-of-way.”*** The detailed revision to Chapter 23, Section 23-17 may be found in Exhibit “B”.

ANALYSIS:

As cited in the city’s adopted Zoning Ordinance, site development standards are established for the purpose of promoting and protecting the health, safety, morals and general welfare of the residents, citizens, and inhabitants of the City of Brenham and for the protection and preservation of the small-town character of Brenham, including historical places, places of cultural importance and places that reflect the predominant community values as reflected in the City’s Comprehensive Plan. However, staff finds that from time-to-time it is necessary to update the Zoning Ordinance and Subdivision Regulations, including existing site development standards to accommodate development and modernize development requirements.

PUBLIC COMMENTS:

The Notice of Public Hearing for the proposed Text Amendment was published in the Brenham Banner on August 15, 2024. Any public comments submitted to staff will be provided prior to the Planning and Zoning Commission and City Council prior to their decision on the matter.

STAFF RECOMMENDATION:

Staff recommends **approval** to amend Appendix A – Zoning of the Brenham Code of Ordinances, Appendix A: Zoning, Part II, Division 1, Section 10.02(1) regarding the placement of detached accessory structures for corner lots; Appendix A: Zoning, Part II, Division 1, Section 10.02(4)(A) regarding the requirement for the property owner’s primary residence to be in either the single-family dwelling or the ADU; and Chapter 23: Subdivisions, Article III, Section 23-17 to allow alleys in townhome developments to facilitate the design of garages and parking to the rear of lots.

Attachments:

1. Exhibit “A”: Part II, Division 1, Section 10.02(1) and Section 10.02(4)(A)
2. Exhibit “B”: Chapter 23: Subdivisions, Article III, Section 23-17

EXHIBIT "A"

Appendix A: Zoning, Part II, Division 1, Section 10.02 Accessory structures, location and regulations

Please note: Only the two proposed amendments for Section 10.02(1) and 10.02(4) are shown, all other 10.02(2) and 10.02(3) are unaffected. Proposed revisions are shown below in **bold purple.

§ 10. Accessory uses and structures.

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

- (1) All detached accessory structures in any residential district shall be located behind the closest point of the primary structure to the front property line. **For corner lots, accessory structures shall also be located behind the closest point of the adjacent primary structure front property line.** Accessory structures shall have a side and rear yard of not less than five (5) feet.
- (4) Additional standards pertaining to accessory dwelling units (ADUs):
 - (A) Should the primary use be a single-family dwelling, **in a R-1 District**, the property owner's primary residence shall be the single-family dwelling or ADU.
 - (B) An ADU must be designed and constructed keeping with the general architecture and building material of the principal structure.
 - (C) An attached ADU shall be subject to the regulations affecting the principal structure. A detached ADU shall have side yards of not less than the required side yard for the principal structure and rear yards of not less than ten (10) feet.
 - (D) One (1) on-site parking space, located to the side or rear of the primary structure, shall be provided for the ADU in addition to the required parking for the principal structure.
 - (E) The maximum habitable area of an ADU is limited to either one-half (1/2) of the habitable area of the principal structure, or one thousand (1,000) square feet, whichever is smaller.
 - (F) ADUs shall not be a HUD-code manufactured home or mobile home.

EXHIBIT "B"
Chapter 23: Subdivisions, Article III, Section 23-17

Proposed revisions are shown below in **bold purple.

Chapter 23- Subdivisions.

Sec. 23-17. Alleys

~~Alleys are prohibited in new subdivisions.~~

Alleys are encouraged in townhome developments to facilitate the design of garages and parking to the rear of lots.

ORDINANCE NO. O-24-__

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING APPENDIX A – “ZONING”, OF THE CODE OF ORDINANCES BY AMENDING PART 2, DIVISION 1, ACCESSORY USES AND STRUCTURES, SECTION 10.02(1) REGARDING THE PLACEMENT OF DETACHED ACCESSORY STRUCTURES ON CORNER LOTS; AMENDING PART II, DIVISION 1, ACCESSORY USES AND STRUCTURES, SECTION 10.02(4)(A) REGARDING THE PROPERTY OWNER RESIDENCE REQUIREMENT FOR AN ACCESSORY DWELLING UNIT; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

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

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

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

WHEREAS, these amendments were recommended for approval by the City of Brenham Planning and Zoning Commission in its final report during its regular meeting August 26, 2024; and

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

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

SECTION 1.

That Appendix A- "Zoning" of the Code of Ordinances of the City of Brenham, Texas Part II, Division 1, Section 10.02(1), Accessory structures, location and regulation, is hereby amended to read as follows:

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

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

SECTION 2.

That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas Part II, Division 1, Section 10.02(4)(A), Accessory structures, location and regulation, is hereby amended to read as follows:

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

(4) Additional standards pertaining to accessory dwelling units (ADUs):

- (A) Should the primary use be a single-family dwelling, in a R-1 District, the property owner's primary residence shall be the single-family dwelling or ADU.
- (B) An ADU must be designed and constructed keeping with the general architecture and building material of the principal structure.
- (C) An attached ADU shall be subject to the regulations affecting the principal structure. A detached ADU shall have side yards of not less than the required side yard for the principal structure and rear yards of not less than ten (10) feet.
- (D) One (1) on-site parking space, located to the side or rear of the primary structure, shall be provided for the ADU in addition to the required parking for the principal structure.
- (E) The maximum habitable area of an ADU is limited to either one-half (1/2) of the habitable area of the principal structure, or one thousand (1,000) square feet, whichever is smaller.
- (F) ADUs shall not be a HUD-code manufactured home or mobile home.

SECTION 3.

All provisions of any ordinance, resolution or other action of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances, resolutions or other actions shall remain in full force and effect.

SECTION 4.

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

SECTION 5.

This Ordinance shall become effective upon adoption and publication as required by law. However, notwithstanding the immediately preceding sentence, Section 2 of this Ordinance shall become effective only upon the adoption of Ordinance No. O-24-____ on its second reading, and Section 2 of this Ordinance shall become effective on the same date as Ordinance No. O-24-____.

PASSED and APPROVED on its first reading this the ____ day of September 2024.

PASSED and APPROVED on its second reading this the ____ day of October 2024.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



City Council Regular Meeting **AGENDA ITEM 7**

Agenda Item: **Public Hearing, Discussion and Possible Action on an Ordinance on Its First Reading Amending Chapter 23: Subdivisions of the Code of Ordinances, of the City of Brenham, Texas Article III, Design Standards, Section 23-17 to Allow Alleys in Townhome Developments (Case No. P-24-031)**

Meeting Date: September 19, 2024

Department: Development Services

Staff Contact: Shauna Laauwe, City Planner

SUMMARY STATEMENT:

The Subdivision Ordinance is a living document that requires revisions from time to time to reflect new codes, make corrections, to revise/add new definitions, to allow for updated practices to facilitate a development pattern. In the past year, the Development Services Staff has made note of several revisions to be considered by the Planning & Zoning Commission and City Council.

Development Services proposes to amend the City of Brenham's Code of Ordinances, Chapter 23, Subdivisions, to include:

1. A revision to Section 23-17 that prohibited alleys in new subdivisions.

Revise language to encourage the use of alleys in townhome developments (garage access). The proposed amendment was presented and discussed as part of a Development Services Workshop item to City Council on July 11, 2024. With guidance from the Council, the proposed amendment was brought forth to the Planning & Zoning Commission on August 26, 2024. After a public hearing, the Planning & Zoning Commission unanimously recommended approval of the amendment to Section 23-17 of the Subdivision Regulations.

ATTACHMENTS:

1. Staff Report
2. Ordinance on Its First Reading - Subdivision Text Amendments

RECOMMENDATION:

Approve an Ordinance on its first reading amending Chapter 23: Subdivisions of the Code of Ordinances, of the City of Brenham, Texas Article III, Design Standards, Section 23-17 to allow alleys in townhome developments (Case No. P-24-031).



CASE NUMBER P-24-031

TEXT AMENDMENTS TO ZONING & SUBDIVISION REGULATIONS

REQUEST:

The City of Brenham initiated this request to amend the City of Brenham's Code of Ordinances, Appendix A: Zoning to amend two (2) different provisions of Section 10, Accessory uses and structures, and Chapter 23 of the Subdivision regulations regarding alleys to include:

- Appendix A: Zoning, Part II, Division 1, Section 10.02(1) regarding the placement of detached accessory structures for corner lots; and
- Appendix A: Zoning, Part II, Division 1, Section 10.02(4)(A) regarding the requirement for the property owner's primary residence to be in either the single-family dwelling or the ADU; and
- Chapter 23: Subdivisions, Article III, Section 23-17 to allow alleys in townhome developments to facilitate the design of garages and parking to the rear of the lots.

BACKGROUND:

The Zoning Ordinance and Subdivision Regulations are living documents that require revisions from time to time to reflect new codes, make corrections, to revise/add new definitions, to allow for new uses or perhaps remove uses that are no longer seen as compatible within a particular zoning district or development pattern. In the past year, the Development Services Staff has made note of several revisions to be considered by the Planning & Zoning Commission and City Council. These include amending Section 10, that provides regulations for accessory structures. Proposed revisions include removing the Accessory Dwelling Unit (ADU) requirement that the property owner live in either the principal structure or ADU and revising the setback standards for accessory structures such as detached garages, carports and sheds. A revision is also recommended for the Subdivision Ordinance that is Chapter 23 of the Code of Ordinances, specifically Section 23-17 that prohibits alleys in new subdivisions. Please see below for a summary of the reasoning behind each amendment and the attached Exhibits for the proposed ordinance edits to include deletions and additions.

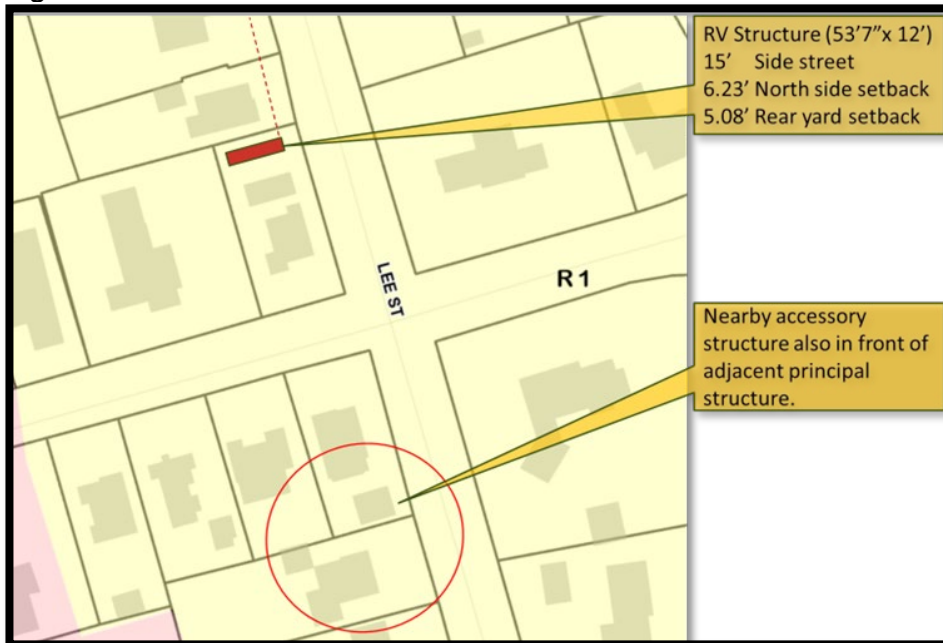
Proposed Amendments:

Appendix A Zoning, Part 2, Section 10 – Accessory structures, location and regulations. Accessory structure setbacks, Section 10.02(1). The current regulation states that "All detached accessory structures in any residential district shall be located *behind the closest point of the primary structure to the front property line* and shall have a side and rear yard of not less than five (5) feet. The intent of the regulation is to ensure that accessory structures are not located closer to the roadway than the principal structure and to give a uniform setback along said roadway. This provision works well for interior lots, however corner lots have two street frontages with different setbacks resulting in instances where detached structures are located as much as 10-feet in front of the principal structure of an adjacent lot.

For corner lots, the front yard is considered for the street frontage of which the front door faces and has a 25-foot front yard setback, and the secondary street has a side street setback of 15-feet.

As shown in Figure 1 below, a property on the northwest corner of Lee Street and Lubbock Street constructed a recreational vehicle shade structure on the Lee Street side of the property. The adjacent property owner approached city staff in January 2024 questioning if the structure was in violation and stated that the accessory structure blocks the view of the south windows of his home and creates a nuisance by blocking the line of sight of his front yard. The corner property has a front yard setback of 25-feet along Lubbock Street and a 15-foot side street setback along Lee Street. The accessory shade structure met all the zoning regulations as it was behind the façade of the principal structure on the subject property and met the minimum 5-foot rear and side yard setbacks. The red dashed line symbolizes the 15-foot side street setback and shows how the structure is positioned closer to the street than the principal structure located on the adjacent north lot. A similar situation is circled on the opposite southwest corner of the same intersection. City Staff recommends revising the regulation to state ***“Detached accessory structures in any residential district shall be located behind the closest point to the front property line of the primary structure of both the subject property and adjacent properties and shall have a side and rear yard of not less than five (5) feet.”*** The detailed revision to the Section 10.02, to include Section 10.02(1) may be found in Exhibit “A”.

Figure 1



Appendix A Zoning, Part 2, Section 10 – Accessory structures, location and regulation. Accessory Dwelling Unit Standards, Section 10.02(4)(A). Under Section 10.02(4) an additional six (6) standards are listed pertaining to accessory dwelling units (ADUs). The first standard, Section 10.02(4)(A) states *“Should the primary use be a single-family dwelling, the property owner’s primary residence shall be the single-family dwelling or ADU.”* When the ADU regulations were adopted on March 7, 2019, ADUs were a permitted use in the B-1, Local Business/Residential Mixed-Use District and allowed in the R-1, Single-Family Residential District and the R-2, Mixed Residential District with a Specific Use Permit following a public hearing before the Planning & Zoning Commission and a public hearing and approval by the City Council. In September 2023, a text amendment revised the regulations to allow an ADU as a permitted use in both the B-1 and R-2 districts as two-family and multifamily uses were allowed within the districts, however the specific use permit process remains for proposed ADUs in R-1 districts. This past year, property owners of rental properties have requested constructing ADUs on their properties that have

existing single-family dwellings. These requests were denied as it would violate the standard 10.02(4)(A) as the property owner would not be residing in either the principal structure or the ADU. It has been by requested by rental property owners that the City consider a text amendment to the regulations to strike the residency requirement for ADUs within the R-2 and B-1 districts. City Staff recommends the following text amendment to Section 10.02(4)(A): ***“Should the primary use be a single-family dwelling in a R-1 District, the property owner’s primary residence shall be the single-family dwelling or the ADU.”*** The detailed revision to Section 10.02 Accessory structures, location and regulation, to include Section 10.02(4)(A) may be found in Exhibit “A”.

Chapter 23: Subdivisions, Article III, Section 23-17 Alleys. As developers seek additional housing types to provide moderate priced homes to meet the Housing Task Force Objectives and needs of the citizens of Brenham, several proposed townhome developments have been presented to City Staff with two being approved in the past year. While reviewing townhome proposals, it has proved difficult for the placement of driveways, utilities, and trash receptacles all within the public right-of-way. The current Section 23-18 Easements regulation within the Subdivision Ordinance simply states, “Alleys are prohibited in new subdivisions.” Townhome developments would benefit from alleys to allow rear garage and parking access as well as a location for trash receptacles. Alleys would allow the front doors of townhomes to face the public right-of-way, and it would allow for guest parking along the curb and for utilities to be placed without being under driveways and/or transformers being placed in narrow side yards. The proposed text amendment to Section 23-17 is recommended: ***“Alleys are encouraged in townhome developments to facilitate the design of garages and parking to the rear of lots and utilities along the public right-of-way.”*** The detailed revision to Chapter 23, Section 23-17 may be found in Exhibit “B”.

ANALYSIS:

As cited in the city’s adopted Zoning Ordinance, site development standards are established for the purpose of promoting and protecting the health, safety, morals and general welfare of the residents, citizens, and inhabitants of the City of Brenham and for the protection and preservation of the small-town character of Brenham, including historical places, places of cultural importance and places that reflect the predominant community values as reflected in the City's Comprehensive Plan. However, staff finds that from time-to-time it is necessary to update the Zoning Ordinance and Subdivision Regulations, including existing site development standards to accommodate development and modernize development requirements.

PUBLIC COMMENTS:

The Notice of Public Hearing for the proposed Text Amendment was published in the Brenham Banner on August 15, 2024. Any public comments submitted to staff will be provided prior to the Planning and Zoning Commission and City Council prior to their decision on the matter.

STAFF RECOMMENDATION:

Staff recommends **approval** to amend Appendix A – Zoning of the Brenham Code of Ordinances, Appendix A: Zoning, Part II, Division 1, Section 10.02(1) regarding the placement of detached accessory structures for corner lots; Appendix A: Zoning, Part II, Division 1, Section 10.02(4)(A) regarding the requirement for the property owner’s primary residence to be in either the single-family dwelling or the ADU; and Chapter 23: Subdivisions, Article III, Section 23-17 to allow alleys in townhome developments to facilitate the design of garages and parking to the rear of lots.

Attachments:

1. Exhibit “A”: Part II, Division 1, Section 10.02(1) and Section 10.02(4)(A)
2. Exhibit “B”: Chapter 23: Subdivisions, Article III, Section 23-17

EXHIBIT "A"

Appendix A: Zoning, Part II, Division 1, Section 10.02 Accessory structures, location and regulations

Please note: Only the two proposed amendments for Section 10.02(1) and 10.02(4) are shown, all other 10.02(2) and 10.02(3) are unaffected. Proposed revisions are shown below in **bold purple.

§ 10. Accessory uses and structures.

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

- (1) All detached accessory structures in any residential district shall be located behind the closest point of the primary structure to the front property line. **For corner lots, accessory structures shall also be located behind the closest point of the adjacent primary structure front property line.** Accessory structures shall have a side and rear yard of not less than five (5) feet.
- (4) Additional standards pertaining to accessory dwelling units (ADUs):
 - (A) Should the primary use be a single-family dwelling, **in a R-1 District**, the property owner's primary residence shall be the single-family dwelling or ADU.
 - (B) An ADU must be designed and constructed keeping with the general architecture and building material of the principal structure.
 - (C) An attached ADU shall be subject to the regulations affecting the principal structure. A detached ADU shall have side yards of not less than the required side yard for the principal structure and rear yards of not less than ten (10) feet.
 - (D) One (1) on-site parking space, located to the side or rear of the primary structure, shall be provided for the ADU in addition to the required parking for the principal structure.
 - (E) The maximum habitable area of an ADU is limited to either one-half (1/2) of the habitable area of the principal structure, or one thousand (1,000) square feet, whichever is smaller.
 - (F) ADUs shall not be a HUD-code manufactured home or mobile home.

EXHIBIT "B"
Chapter 23: Subdivisions, Article III, Section 23-17

Proposed revisions are shown below in **bold purple.

Chapter 23- Subdivisions.

Sec. 23-17. Alleys

~~Alleys are prohibited in new subdivisions.~~

Alleys are encouraged in townhome developments to facilitate the design of garages and parking to the rear of lots.

ORDINANCE NO. O-24-

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING CHAPTER 23 – “SUBDIVISIONS” OF THE CODE OF ORDINANCES BY AMENDING ARTICLE III, DESIGN STANDARDS, SECTION 23-17 TO ALLOW ALLEYS IN TOWNHOME DEVELOPMENTS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Brenham has requested that Chapter 23- “Subdivisions” of the Code of Ordinances be amended; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Brenham, Texas, have published notice and conducted public hearings regarding the request to amend Chapter 23 – “Subdivisions” of the Code of Ordinances; and

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

WHEREAS, the amendment was recommended for approval by the City of Brenham Planning and Zoning Commission in its final report during its regular meeting August 26, 2024; and

WHEREAS, the City Council deems it appropriate to approve the requested amendment to Chapter 23– “Subdivisions” of the Code of Ordinances;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS THAT CHAPTER 23 – “SUBDIVISIONS” OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS BE AMENDED IN THE FOLLOWING MANNER:

SECTION 1.

That Chapter 23 - "Subdivisions" of the Code of Ordinances of the City of Brenham, Texas, Article III, Design Standards, Section 23-17, Alleys, is hereby amended to read as follows:

Sec. 23-17. Alleys

Alleys are encouraged in townhome developments to facilitate the design of garages and parking to the rear of lots.

SECTION 2.

All provisions of any ordinance, resolution or other action of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances, resolutions or other actions shall remain in full force and effect.

SECTION 3.

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

SECTION 4.

This Ordinance shall become effective upon adoption and publication as required by law. However, notwithstanding the immediately preceding sentence, Section 1 of this Ordinance shall become effective only upon the adoption of Ordinance No. O-24-____ on its second reading, and Section 1 of this Ordinance shall become effective on the same date as Ordinance No. O-24-____.

PASSED and APPROVED on its first reading this the ____ day of September 2024.

PASSED and APPROVED on its second reading this the ____ day of October 2024.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



City Council Regular Meeting **AGENDA ITEM 8**

Agenda Item: Discuss and Possibly Act Upon Ordinance No. O-24-023 on Its Second Reading Adopting the Budget for Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025

Meeting Date: September 19, 2024

Department: Finance

Staff Contact: Julie Flagg, Chief Financial Officer

SUMMARY STATEMENT:

The proposed FY2024-25 budget has been developed in compliance with the Property Tax Code, Local Government Code, and City Charter. The proposed budget includes appropriations of operating resources for 36 separate funds and authorizes \$107.6 million in expenditures. The proposed budget is on the City's website and on file with the City Secretary. This agenda item is for the second reading of the Ordinance to adopt the proposed FY2024-25 budget. **Council must take a record vote on this item.**

ATTACHMENTS:

1. Ordinance No. O-24-023 - Adopted Budget FY24

RECOMMENDATION:

Approve Ordinance No. O-24-023 on its second reading adopting the budget for fiscal year beginning October 1, 2024 and ending September 30, 2025.

ORDINANCE NO. O-24-023

AN ORDINANCE ADOPTING A BUDGET FOR THE CITY OF BRENHAM, TEXAS FOR THE FISCAL YEAR 2024-25; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Brenham, Texas, has prepared a budget for the fiscal year October 1, 2024 through September 30, 2025 and has filed same with the City Secretary and has held a public hearing on same, all after due notice as required by statute.

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

SECTION I.

That the City Council of the City of Brenham, Texas does hereby adopt the Budget for the City of Brenham, Texas, for the fiscal year October 1, 2024 through September 30, 2025 as shown in the attached Exhibit "A", which is incorporated herein as though copied herein verbatim.

SECTION II.

That authority is hereby given to the City Manager to approve transfers of portions of any item of appropriation within the same department and transfers from one department to another department within the same fund.

SECTION III.

This Ordinance shall become effective as provided by the Charter of the City of Brenham, Texas.

PASSED AND APPROVED on its first reading this the 5th day of September, 2024.

PASSED AND ADOPTED on its second reading this the 19th day of September, 2024.

Atwood C. Kenjura, Mayor

ATTEST:

Jeana Bellinger, TRMC. CMC
City Secretary

Cary Bovey
City Attorney

CITY OF BRENHAM

BUDGET SUMMARY

Fund		Revenue	Other Sources	Expenditures	Other Uses	Change in Fund Balance
101	General	21,331,757	3,242,683	24,415,757	158,683	0
215	Airport	653,510	114,933	768,443	0	0
225	PD Equip	3,500	0	164,330	0	(160,830)
226	Public Safety Trng	2,750	0	5,000	0	(2,250)
232	Donations	115,500	0	81,000	0	34,500
236	Capital/NonRoutine Items	0	0	372,630	0	(372,630)
249	Tourism & Marketing	650,700	851,400	1,521,475	0	(19,375)
118	Debt Service	3,185,665	0	3,384,365	0	(198,700)
109	Hotel/Motel	931,000	0	19,600	911,400	0
229	Criminal Law Enforcement	18,000	0	1,292	0	16,708
233	Courts Security/Tech	44,125	0	28,400	15,000	725
244	Water Impact Fees	187,500	0	0	150,000	37,500
245	Wastewater Impact Fees	62,500	0	0	50,000	12,500
260	Brenham Comm Projects	0	0	0	0	0
203	Airport Capital Improv	131,250	43,750	175,000	0	0
234	Parks Capital Improv	24,000	827,000	1,517,280	0	(666,280)
237	Streets/Drainage	60,000	118,000	668,000	0	(490,000)
270	General Govt Cap Improv	123,000	0	7,683,689	0	(7,560,689)
301	TIRZ No. 1	731,236	0	118,605	0	612,631
102/122/132	Electric/Purch Power/Cap	27,113,076	875,206	26,643,698	1,626,784	(282,200)
103/123	Gas/Purch Commodity	3,445,852	0	2,866,896	589,434	(10,478)
104/134	Water/Capital	8,292,543	23,821,000	13,626,833	620,340	17,866,370
105/135	Wastewater/Capital	8,349,384	3,139,000	12,350,726	436,108	(1,298,450)
106	Sanitation	2,713,750	0	2,546,217	138,000	29,533
107/137	Drainage/Capital	3,913,649	0	3,778,910	0	134,739
220	Central Fleet	0	0	9,675	0	(9,675)
240	Vehicle/Equip Replace	113,693	0	113,693	0	0
500	Worker's Comp	152,824	0	126,859	0	25,965
600	Employee Benefits	2,831,081	0	2,829,000	0	2,081
250	BCDC	2,994,082	0	1,276,392	1,717,690	0
252	BCDC Capital	760,000	300,000	500,000	0	560,000
GRAND TOTAL		88,935,927	33,332,972	107,593,765	6,413,439	8,261,695



City Council Regular Meeting **AGENDA ITEM 9**

Agenda Item: Discuss and Possibly Act Upon Ordinance No. O-24-024 on Its Second Reading Levying Property Taxes for the Tax Year 2024 for the City of Brenham at \$0.4584 per \$100.00 Valuation

Meeting Date: September 19, 2024

Department: Finance

Staff Contact: Julie Flagg, Chief Financial Officer

SUMMARY STATEMENT:

The proposed FY2024-25 budget includes a tax rate of \$0.4584 per \$100 valuation which has two components: maintenance and operations (M&O) and interest and sinking (I&S). The proposed tax rate of \$0.4584 will allocate \$0.3164 to the General Fund for maintenance and operations, and the balance of \$0.1420 to the Debt Service Fund for interest and sinking. The City has complied with all the notices and publications as required by the Tax Code. **Because the proposed tax rate exceeds the no-new revenue rate, the City Council is required by the Tax Code to take a record vote on this item.**

ATTACHMENTS:

1. Ordinance No. O-24-024 - Tax Levy

RECOMMENDATION:

Approve Ordinance No. O-24-024 on its second reading adopting a Tax Rate; the required wording of the motion is:

I move that the property tax rate be increased by the adoption of a tax rate of \$0.4584, which is effectively a 0.63% increase in the tax rate.

ORDINANCE NO. O-24-024

AN ORDINANCE LEVYING TAXES FOR THE TAX YEAR 2024 FOR THE CITY OF BRENHAM, TEXAS AND PROVIDING AN EFFECTIVE DATE.

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

SECTION I.

That there be and is hereby levied an ad valorem tax of \$0.3164 on each one hundred dollars worth of property owned and situated within the City Limits of the City of Brenham, Texas, both real and personal and mixed, for General Fund maintenance and operating purposes for the Tax Year 2024.

SECTION II.

That there be and is hereby levied for the use of the City of Brenham, for the Tax Year 2024, an ad valorem tax of \$0.1420 on each one hundred dollars worth of real, personal and mixed property owned and situated in the City Limits of the City of Brenham, Texas, for the payment of principal and interest on all outstanding bonds and lease payments, not otherwise provided for, of the City of Brenham.

SECTION III.

Wherefore, the combined tax rate in accordance with V.T.C.A. Tax Code Section 26.05 shall be \$0.4584 on each one hundred dollars worth of real, personal, and mixed property of owned and situated within the City Limits of the City of Brenham, Texas.

SECTION IV.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

SECTION V.

THIS TAX RATE WILL EFFECTIVELY BE RAISED BY 1.44 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$6.20.

SECTION VI.

This Ordinance shall become effective as provided by the Charter of the City of Brenham, Texas.

PASSED AND APPROVED on its first reading this the 5th day of September, 2024.

PASSED AND ADOPTED on its second reading this the 19th day of September, 2024.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Cary Bovey
City Attorney



City Council Regular Meeting **AGENDA ITEM 10**

Agenda Item: **Discuss and Possibly Act Upon an Ordinance on Its First Reading Annexing the Hereinafter Described Territory into the City of Brenham and Adopting a Service Plan:**

- **Section 2024-01: Approximately 1.4 Acres of Land, Called Dixie Road and its Right-of-Way, Situated in Washington County, Texas, from State Highway No. 36 North Extending Northward to the Northeast Corner of Vintage Farms Subdivision**
- **Section 2024-02: Approximately 2.6 Areas of Land, Called Dixie Road and its Right-of-Way, Situated in Washington County, Texas, from the Northeast Corner of Vintage Farms Subdivision, Extending North to the Current City Limit Line**
- **Section 2024-03: Approximately 0.5 Acres of Land, Called Old Masonic Road and Right-of-Way, Situated in Washington County, Texas Extending Northward from the Little Sandy Creek to the Northeast Corner of a 2.869 Acre Tract Owned by OCC Construction Corp**
- **Section 2024-04: Described Generally as a 1.0 Acre Tract Extending Northward on Old Masonic Road from the Northeast Corner of a 2.869 Acre Tract Owned by OCC Construction Corp. to the Northwest Corner of a 2.168 Acre Tract Owned by David Ryan Klingler, et ux**
- **Section 2024-05: Described Generally as a 1.0 Acre Tract Extending Northward on Old Masonic Road from the Northwest Corner of a 2.168 Acre Tract Owned by David Ryan Klingler, et ux to the Existing City Limit Line**

Meeting Date: September 19, 2024
Department: Administration
Staff Contact: Jeana Bellinger, City Secretary

SUMMARY STATEMENT:

This is the first reading of an Ordinance to consider the annexation of the following County roads and rights-of-way into the city limits.

Dixie Road: From Highway 36 North to the current city limit line. This annexation will give Development Services the ability to provide accessibility options to developers to help ensure the safety of residents and other traffic traveling along Dixie Road.

Old Masonic Road: The area to the west of this roadway was annexed in 1984 and is more commonly known as the Scenic Estates Subdivision. This annexation would move the city limit line from the back of residential properties.

As required by law, the City Council has held two (2) public hearings and published notices of the annexation in the newspaper. Staff has not received any feedback from citizens related to this annexation; therefore, staff is recommending the Ordinance be approved on first reading.

ATTACHMENTS:

1. Annexation Ordinance - 1st Reading

RECOMMENDATION:

Approve an Ordinance on its first reading annexing the hereinafter described territory into the City of Brenham and adopting a Service Plan:

- **Section 2024-01:** Approximately 1.4 Acres of Land, Called Dixie Road and its Right-of-Way, Situated in Washington County, Texas, from State Highway No. 36 North Extending Northward to the Northeast Corner of Vintage Farms Subdivision
- **Section 2024-02:** Approximately 2.6 Areas of Land, Called Dixie Road and its Right-of-Way, Situated in Washington County, Texas, from the Northeast Corner of Vintage Farms Subdivision, Extending North to the Current City Limit Line
- **Section 2024-03:** Approximately 0.5 Acres of Land, Called Old Masonic Road and Right-of-Way, Situated in Washington County, Texas Extending Northward from the Little Sandy Creek to the Northeast Corner of a 2.869 Acre Tract Owned by OCC Construction Corp
- **Section 2024-04:** Described Generally as a 1.0 Acre Tract Extending Northward on Old Masonic Road from the Northeast Corner of a 2.869 Acre Tract Owned by OCC Construction Corp. to the Northwest Corner of a 2.168 Acre Tract Owned by David Ryan Klingler, et ux
- **Section 2024-05:** Described Generally as a 1.0 Acre Tract Extending Northward on Old Masonic Road from the Northwest Corner of a 2.168 Acre Tract Owned by David Ryan Klingler, et ux to the Existing City Limit Line

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS FOR THE PURPOSE OF EXTENDING THE CORPORATE LIMITS OF THE CITY OF BRENHAM, TEXAS; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 6.5 ACRES OF LAND, COMPRISED OF FIVE (5) TRACTS HEREINAFTER MORE SPECIFICALLY DESCRIBED, TO THE CITY OF BRENHAM, TEXAS FOR ALL MUNICIPAL PURPOSES; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREAS SHALL BECOME A PART OF THE CITY AND THAT THE INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREINAFTER ADOPTED; PROVIDING FOR A SERVICE PLAN FOR THE ANNEXED AREAS; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL MAP OF THE BOUNDARIES OF THE CITY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETING

WHEREAS, the City of Brenham, Texas is a Texas home-rule municipality; and

WHEREAS, Chapter 43 of the Texas Local Government Code, V.T.C.A., authorizes municipalities to annex territory in accordance with the procedures provided for therein; and

WHEREAS, Article I, Section 3 of the Charter of the City of Brenham authorizes annexation of territory to the City, in accordance with the laws of this State; and

WHEREAS, the hereinafter described property lies within the extraterritorial jurisdiction of the City of Brenham; and

WHEREAS, notice of the required public hearing was published in a newspaper having general circulation in the City of Brenham, Texas and the public hearing was conducted and held in accordance with applicable law; and

WHEREAS, the City of Brenham, Texas prepared a Service Plan for the extension of municipal services into the area to be annexed, said Service Plan being attached hereto as Exhibit "B" and incorporated herein for all purposes; and

WHEREAS, all notices, publications and hearings have been duly given and held as required by law;

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

- Section 1.** That the hereinafter described tract of land is within the extraterritorial jurisdiction of, and is adjacent to and is contiguous to the present corporate limits of the City of Brenham, Texas, be, the same is hereby, annexed to the City of Brenham, Texas for all municipal purposes and the corporate boundaries and limits of the City of Brenham, Texas are hereby extended to embrace the said tract of land, which is more particularly described and attached hereto as Exhibit “A” and “C” and incorporated herein for all purposes.
- Section 2.** That the inhabitants, if any, of the property hereby annexed to the City of Brenham, Texas shall be entitled to all the rights and privileges of said citizens of the City of Brenham, Texas, and shall be bound by the acts, ordinances, codes, resolutions and regulations of the City of Brenham, Texas.
- Section 3.** That the Service Plan which is attached hereto as Exhibit “B” is hereby approved and incorporated herein as part of this Ordinance for all purposes and is applicable to the areas annexed to the City as described herein.
- Section 4.** That the official map and boundaries of the City of Brenham, Texas, heretofore adopted and amended be and is hereby amended so as to include the aforementioned areas as part of the City of Brenham, Texas.
- Section 5.** That the City Secretary is hereby directed and authorized to perform or cause to be performed all acts necessary to amend the official map of the City of Brenham, Texas to add the territory hereby annexed as required by law.
- Section 6.** If any section, subsection, sentence, phrase, word, paragraph or provision of this Ordinance be found to be illegal, invalid or unconstitutional or if any portion of said property is incapable of being annexed by the City of Brenham, Texas, for any reason whatsoever, the adjudication shall not affect any other section, subsection, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, subsection, sentence, phrase, word, paragraph or provision of any other Ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this Ordinance and would have annexed the valid property without the invalid part, and as to this end the provisions of this Ordinance are declared to be severable.
- Section 7.** That this Ordinance shall become effective upon its passage.

Section 8. That the meetings at which this Ordinance was enacted were open to the public as required by the Texas Open Meetings Act, and that notice of the time, place, and subject matter of said meetings was given as required by the Texas Open Meetings Act.

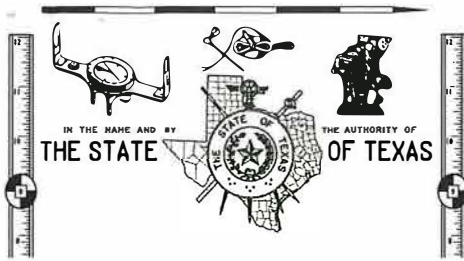
PASSED and APPROVED on its first reading this the ____ day of _____ 2024.

PASSED and APPROVED on its second reading this the ____ day of _____ 2024.

Atwood C. Kenjura
Mayor

ATTEST

Jeana Bellinger, TRMC, CMC
City Secretary



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EXHIBIT "A"

City of Brenham – 2024 Annexation Description - Section 2024-01

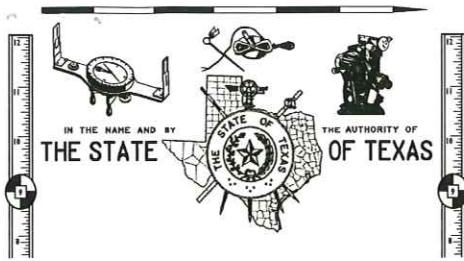
BEGINNING at a 1/2 inch iron rod found on a Northwest right of way line of State Highway No. 36 N. at its intersection with a West margin of Dixie Road, being on a Northwest line of the City of Brenham Annexation (Ordinance Number O-14-019) called approximately 254 acres, as recorded in Volume 1475, Page 419, in the Official Records of Washington County, Texas for the Eastern exterior corner of Reserve B (called 6.927 acres) of the Vintage Farms Subdivision, Phase I, as recorded in Plat Cabinet File Slide Numbers 694B through 696A, in the Plat Records of Washington County, Texas, being the Eastern exterior corner of the City of Brenham Annexation (Ordinance Number O-17-003) called 86.664 acres, as recorded in Volume 1580, Page 705, in said Official Records of Washington County, Texas, being the South or Southwest corner hereof;

THENCE in a Northerly direction, being along West margins of said Dixie Road, being along East lines of said Reserve B (called 6.927 acres) of said Vintage Farms Subdivision, being along East lines of Lots 65, 66, 67, 68 and 69, Block 2 of said subdivision, crossing the East end of Muscadine Trail with West margins of said Dixie Road, also being along East lines of Lot 1, Block 1 of said Vintage Farms Subdivision for West lines hereof to a 1/2 inch iron rod found for the Northeast corner of said Lot 1 of said subdivision, being an exterior angle point of the 1983 Land Investments, LLC tract called 52.428 acres, as recorded in Volume 1732, Page 759, in said Official Records of Washington County, Texas and of the City of Brenham Annexation (Ordinance Number O-20-012) called 52.428 acres, as recorded in Volume 1732, Page 94, in said Official Records of Washington County, Texas, being the Northwest corner hereof;

THENCE in an Easterly direction, being along a South line of said 1983 Land Investments, LLC tract called 52.428 acres and said City of Brenham Annexation (Ordinance Number O-20-012) called 52.428 acres, crossing Dixie Road at its intersection with a projection of a South line of said 1983 Land Investments, LLC tract called 52.428 acres for the North line hereof to a West line of the Marie Surovik tract called 15.37 acres, as recorded in Volume 1162, Page 754, in said Official Records of Washington County, Texas for the Northeast corner hereof;

THENCE in a Southerly and Southeasterly direction, being along East and Northeast margins of said Dixie Road, being along West and Southwest lines of said Surovik tract called 15.37 acres for East and Northeast lines hereof to a concrete monument (highway r/w marker) found on a Northwest right of way line of said State Highway No. 36 N. at its intersection with a Northeast margin of said Dixie Road, being an interior corner of said City of Brenham Annexation (Ordinance Number O-14-019) called approximately 254 acres for the South corner of said Surovik tract called 15.37 acres, being the East corner hereof;

THENCE in a Southwesterly direction, crossing said Dixie Road with a Northwest right of way line of said State Highway No. 36 N., being along Northwest lines of said City of Brenham Annexation (Ordinance Number O-14-019) called approximately 254 acres for the Southeast line hereof to the PLACE OF BEGINNING and containing approximately 1.4 acres of land.



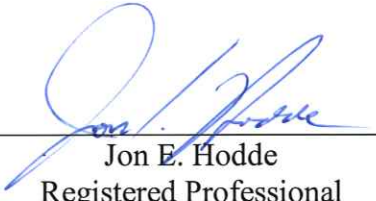
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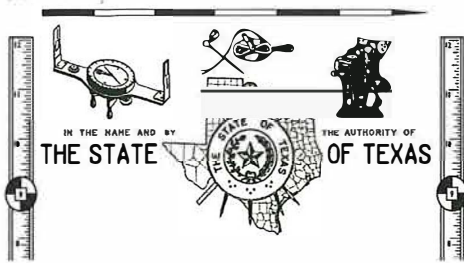
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Dated this the 2nd day of November, 2020, A. D.





Jon E. Hodde
Registered Professional
Land Surveyor No. 5197



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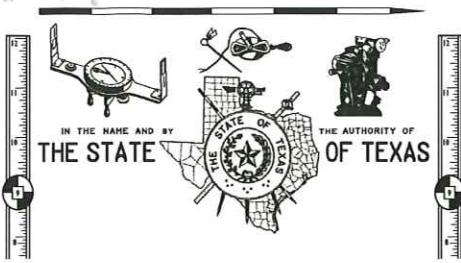
City of Brenham – 2024 Annexation Description - Section 2024-02

BEGINNING at an 8 inch cedar fence post on a Southwest margin of Dixie Road for the North corner of the 1983 Land Investments, LLC tract called 52.428 acres, as recorded in Volume 1732, Page 759, in the Official Records of Washington County, Texas, being the North corner of the City of Brenham Annexation (Ordinance Number O-20-012) called 52.428 acres, as recorded in Volume 1732, Page 94, in said Official Records of Washington County, Texas, also being the East corner of the Dwayne Ray McGee, et ux tract called 12.866 acres, as recorded in Volume 1765, Page 518, in said Official Records of Washington County, Texas, and being the West corner hereof;

THENCE in a Northeasterly direction, crossing said Dixie Road for the Northwest line hereof to the North corner hereof, being a projection of a South line of said McGee tract called 12.866 acres, being on a Northeast margin of said Dixie Road, being on a Southwest line of the Michael H. Hopkins, Jr. and Katherine E. Hopkins tract called 97.6 acres, as recorded in Volume 1745, Page 378, in said Official Records of Washington County, Texas;

THENCE in a Southeasterly and Easterly direction, being along Northeast and North margins of said Dixie Road, being along Southwest and South lines of said Hopkins tract called 97.6 acres, being along South lines of Lot 10 (called 3.029 acres) of Hidden Valley Subdivision, a map or plat being of record in Plat Cabinet File Slide Numbers 191A through 192A, in the Plat Records of Washington County, Texas, crossing the South end of Hidden Valley Drive with a North margin of said Dixie Road for Northeast and North lines hereof to a 1/2 inch iron rod found at the base of an 8 inch fence corner post for the Northwest corner of the Robert C. Coghlan, III tract called 1.000 acres (Tract 1), as recorded in Volume 830, Page 278, in said Official Records of Washington County, Texas, being the Southwest corner of Lot 1 (called 1.500 acres) of said Hidden Valley Subdivision, also being the Southeast corner of said Hidden Valley Drive, and being the Northeast corner hereof,

THENCE in a Southerly direction, being along East margins of said Dixie Road, being along the West line of said Coghlan tract called 1.000 acres, crossing the West end of Horizon Lane with an East margin of said Dixie Road, being along the West line of the R. Brandon Coghlan, et ux tract called 1.000 acres, as recorded in Volume 896, Page 164, in said Official Records of Washington County, Texas, being along the West line of the Abinadat Yanez Bustos, et ux tract called 2.47 acres, as recorded in Volume 1612, Page 438, in said Official Records of Washington County, Texas, crossing the West end of Confederate Lane with an East margin of said Dixie Road, being along the West line of the John L. Choyce, et ux tract called 6.899 acres, as recorded in Volume 1096, Page 541, in said Official Records of Washington County, Texas, being along West lines of the Marie Surovik tract called 15.37 acres, as recorded in Volume 1162, Page 754, in said Official Records of Washington County, Texas for East lines hereof to the Southeast corner hereof, being



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on an East margin of said Dixie Road at its intersection with the projection of the South line of said 1983 Land Investments, LLC tract called 52.428 acres and of said City of Brenham Annexation (Ordinance No. O-20-012) called 52.428 acres, being on a West line of said Surovik tract called 15.37 acres;

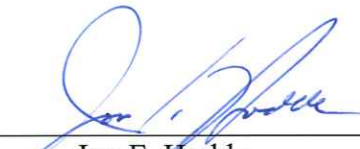
THENCE in a Westerly direction, crossing said Dixie Road for the South line hereof to a 6 inch treated fence post for the Southeast corner of said 1983 Land Investments, LLC tract called 52.428 acres and of said City of Brenham Annexation (Ordinance No. O-20-012) called 52.428 acres, being the Southwest corner hereof;

THENCE in a Northerly, Westerly and Northwesterly direction, being along East, North and Northeast lines of said 1983 Land Investments, LLC tract called 52.428 acres and of said City of Brenham Annexation (Ordinance No. O-20-012) called 52.428 acres for West, South and Southwest lines hereof to the PLACE OF BEGINNING and containing approximately 2.6 acres of land.

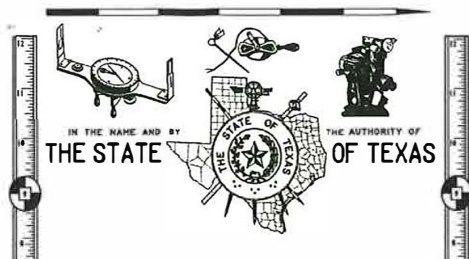
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Dated this the 2nd day of November, 2020, A. D.





Jon E. Hodde
Registered Professional
Land Surveyor No. 5197



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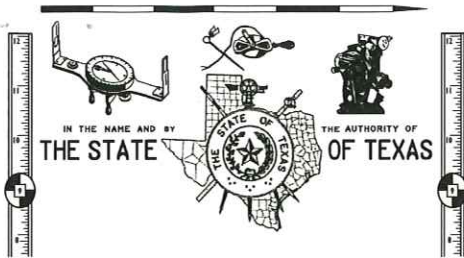
City of Brenham – 2024 Annexation Description - Section 2024-03

BEGINNING at a 5/8 inch iron rod found with Id. cap (Hodde & Hodde Land Surveying) at an exterior angle point of Old Masonic Road, being on an East line of the City of Brenham Annexation Ordinance called 75.671 acres, as recorded in Volume 482, Page 792, in the Official Records of Washington County, Texas for the South corner of the Scenic Investments residue of original tract called 0.685 acre, as recorded in Volume 844, Page 332, in said Official Records of Washington County, Texas and being described as 0.65 acre (2nd Tract) in Volume 149, Page 150, in the Deed Records of Washington County, Texas, being the South corner of the City of Brenham Annexation (Ordinance No. O-19-044) called 0.643 acre (Section 2019-2), being an exterior angle point of Reserve B1b right-of-way parcel (called 0.2187 acre), Block IV of Replat of Reserve B1 & Lot 10, Block IV of Scenic Estates Subdivision, Section 1, a map or plat of said replat being of record in Plat Cabinet File Slide Number 501A, in the Plat Records of Washington County, Texas, and being the Northwest corner hereof;

THENCE in an Easterly direction, crossing said Old Masonic Road, being perpendicular to the East line of said Scenic Investments residue of original tract called 0.685 acre for the North line hereof to the Northeast corner hereof, being on an East margin of said Old Masonic Road, being on a West line of the Lampe Partners, LP tract called 68.818 acres (Tract Ten - Exhibit "I"), as recorded in Volume 1565, Page 265, in said Official Records of Washington County, Texas;

THENCE in a Southerly direction, being along East margins of said Old Masonic Road, being along West lines of said Lampe Partners, LP tract called 68.818 acres for East lines hereof to a Southwest corner of said Lampe Partners, LP tract called 68.818 acres on an East margin of said Old Masonic Road at its intersection with the center of Little Sandy Creek, being on a North line of the City of Brenham Annexation (Ordinance No. O-05-014) called approximately 26.67 acres (Section No. 2005-1), as recorded in Volume 1179, Page 313, in said Official Records of Washington County, Texas, being the Northwest corner of Reserve "A" (called 8.0419 acres) of the Amending Plat of Overlook Estates Subdivision, Section 4, a map or plat being of record in Plat Cabinet File Slide No. 748B, in said Plat Records of Washington County, Texas, and being the Southeast corner hereof;

THENCE in a Westerly direction, crossing said Old Masonic Road for a North line of said City of Brenham Annexation (Ordinance No. O-05-014), being along the center of said Little Sandy Creek, being the South line hereof to the Southeast corner of Reserve B1 (called 2.869 acres), Block IV of said Replat of Reserve B1 & Lot 10, Block IV of Scenic Estates Subdivision, Section 1, being the Northeast corner of the Brenham Housing Authority tract called 5.6682 acres, being the residue of original tract called 20.032 acres, as recorded in Volume 446, Page 314, in said Deed Records of Washington County, Texas, being a Southeast corner of said City of Brenham Annexation Ordinance called 75.671 acres, being a Northeast corner of the City of Brenham Annexation Ordinance called 21.215 acres, as recorded in Volume 365, Page 291, in said Deed Records of Washington County, Texas also being the Southwest corner hereof, and being the Northwest corner of said City of Brenham Annexation (Ordinance No. O-05-014);



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THENCE in a Northerly direction, being along West margins of said Old Masonic Road, being along East lines of said Reserve B1 (called 2.869 acres) of said Replat of Reserve B1 & Lot 10, Block IV of Scenic Estates Subdivision, Section 1, being along an East line of said Reserve B1b (called 0.2187 acre), Block IV, being along East lines of said City of Brenham Annexation Ordinance called 75.671 acres for West lines hereof to the PLACE OF BEGINNING and containing approximately 0.5 acre of land.

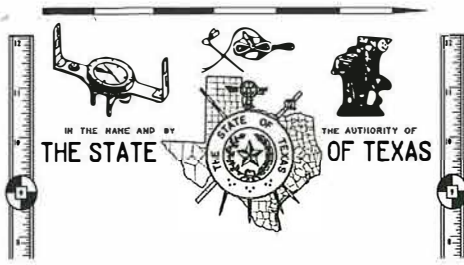
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Dated this the 2nd day of November, 2020, A. D.

Jon E. Hodde

Registered Professional
Land Surveyor No. 5197





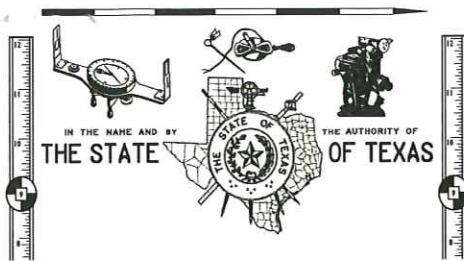
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City of Brenham – 2024 Annexation Description - Section 2024-04

BEGINNING at a 5/8 inch iron rod found with Id. cap (Hodde & Hodde Land Surveying) at an exterior angle point of Old Masonic Road, being on an East line of the City of Brenham Annexation Ordinance called 75.671 acres, as recorded in Volume 482, Page 792, in the Official Records of Washington County, Texas for the South corner of the Scenic Investments residue of original tract called 0.685 acre, as conveyed in Volume 844, Page 332, in said Official Records of Washington County, Texas and being described as 0.65 acre (2nd Tract) in Volume 149, Page 150, in the Deed Records of Washington County, Texas, being the South corner of the City of Brenham Annexation (Ordinance No. O-19-044) called 0.643 acre (Section 2019-2), being an exterior angle point of Reserve B1b right-of-way parcel called 0.2187 acre, Block IV of Replat of Reserve B1 & Lot 10, Block IV of Scenic Estates Subdivision, Section 1, a map or plat of said replat being of record in Plat Cabinet File Slide Number 501A, in said Plat Records of Washington County, Texas, and being the Southwest corner hereof;

THENCE in a Northerly direction, being along West margins of said Old Masonic Road, being along or near the common division line of the A. Harrington Survey, A-55 and the P. & A. Hope Survey, A-62, in part, being along East lines of said City of Brenham Annexation (Ordinance O-19-044) called 0.643 acre (Section 2019-2), being along the East line of said Scenic Investments residue of original tract called 0.685 acre, being along the East line of the Glen D. Goodman and Jetta G. Goodman residue of original tract called 0.65 acre, as recorded in Volume 1239, Page 379, in said Official Records of Washington County, Texas and described in Volume 149, Page 150, in said Deed Records of Washington County, Texas, being along East lines of the Alexis Gail Baker tract called 0.1137 acre, as conveyed in Volume 1337, Page 637, in said Official Records of Washington County, Texas and being part of the original tract called 0.371 acre as described in Volume 1189, Page 778, in said Official Records of Washington County, Texas, being along the East line of the Alois Gurka, et ux tract called 0.3673 acre, as recorded in Volume 926, Page 922, in said Official Records of Washington County, Texas, being along the East line of the James H. McCool, et ux tract called 0.3625 acre, as recorded in Volume 915, Page 504, in said Official Records of Washington County, Texas, also being along the East line of the Lathel Norris tract called 0.356 acre, as recorded in Volume 1413, Page 876, in said Official Records of Washington County, Texas, and being along the East line of the David P. Armentrout, et ux tract called 4,088 square feet (Tract 2), as recorded in Volume 1167, Page 655, in said Official Records of Washington County, Texas for West lines hereof to the Northeast corner of said Armentrout tract called 4,088 square feet, being the Southeast corner of Lot 28, Block IV of Scenic Estates Subdivision, Section 1, a map or plat being of record in Plat Cabinet File Slide Numbers 226A and 226B, in said Plat Records of Washington County, Texas, being a Southeast corner of said City of Brenham Annexation Ordinance called 75.671 acres, also being the Northeast corner of said City of Brenham Annexation (Ordinance No. O-19-044) called 0.643 acre (Section 2019-2), and being the Northwest corner hereof;



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THENCE in an Easterly direction, crossing said Old Masonic Road for the North line hereof to the Northeast corner hereof, being on an East margin of said Old Masonic Road at its intersection with a projection of the North line of said Armentrout tract called 4,088 square feet, being on an East margin of said Old Masonic Road, being on a West line of the David R. Klingler and Kathleen M. Klingler tract called 140.0 acres, as recorded in Volume 1537, Page 762, in said Official Records of Washington County;

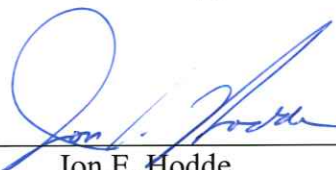
THENCE in a Southerly direction, being along East margins of Old Masonic Road, being along a portion of a West line of said Klingler tract called 140.0 acres, being along West lines of the Lampe Partners, LP tract called 68.818 acres (Tract Ten - Exhibit "I"), as recorded in Volume 1565, Page 265, in said Official Records of Washington County, Texas for East lines hereof to a Southeast corner hereof, being on an East margin of said Old Masonic Road, being on a West line of said Lampe Partners, LP tract called 68.818 acres;

THENCE in a Westerly direction, crossing said Old Masonic Road for the South line hereof, being perpendicular to the East line of said Scenic Investment residue of original tract called 0.685 acre to the PLACE OF BEGINNING and containing approximately 1.0 acre of land.

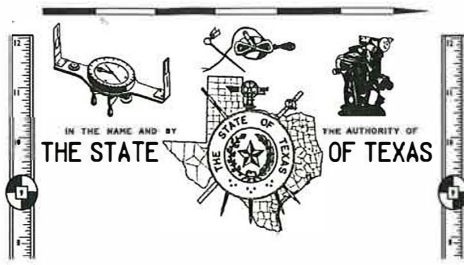
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Dated this the 2nd day of November, 2020, A. D.





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City of Brenham – 2024 Annexation Description - Section 2024-05

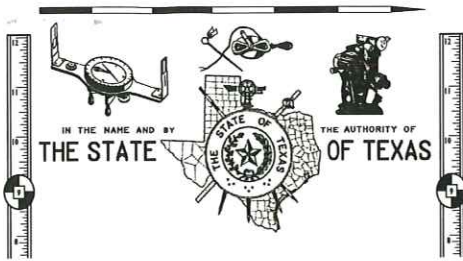
BEGINNING at a 3/8 inch iron rod found on a West margin of Old Masonic Road for the Southeast corner of the Herman Ahrens, Jr. and wife, Joyce Ahrens tract called 3.000 acres, as recorded in Volume 363, Page 373, in the Deed Records of Washington County, Texas, being the Northeast corner of Lot 22, Block III of Scenic Estates Subdivision, Section 1, a map or plat being of record in Plat Cabinet File Slide Numbers 226A and 226B, in the Plat Records of Washington County, Texas, also being a Northeast corner of the City of Brenham Annexation Ordinance called 75.671 acres, as recorded in Volume 482, Page 792, in the Official Records of Washington County, Texas, and being the Northwest corner hereof;

THENCE in an Easterly direction, crossing said Old Masonic Road for the North line hereof to the Northeast corner hereof, being on an East margin of said Old Masonic Road at its intersection with a projection of the North line of said Lot 22, Block III of Scenic Estates Subdivision, Section 1, being on a West line of the David R. Klingler and Kathleen M. Klingler tract called 140.0 acres, as recorded in Volume 1537, Page 762, in said Official Records of Washington County, Texas;

THENCE in a Southerly direction, being along East margins of Old Masonic Road, being along West lines of said Klingler tract called 140.0 acres for East lines hereof to a Southwest corner hereof, being on an East margin of said Old Masonic Road at its intersection with a projection of the North line of the David P. Armentrout, et ux tract called 4,088 square feet (Tract 2), as recorded in Volume 1167, Page 655, in said Official Records of Washington County, Texas;

THENCE in a Westerly direction, crossing said Old Masonic Road for the South line hereof to the Northeast corner of said Armentrout tract called 4,088 square feet, being the Southeast corner of Lot 28, Block IV of said Scenic Estates Subdivision, Section 1, being a Southeast corner of said City of Brenham Annexation Ordinance called 75.671 acres, also being the Northeast corner of the City of Brenham Annexation (Ordinance No. O-19-044) called 0.643 acre (Section 2019-2), and being the Southwest corner hereof;

THENCE in a Northerly direction, being along West margins of said Old Masonic Road, being along East lines of Lots 28, 27, 26, 25, 24 and 23, Block IV of said Scenic Estates Subdivision, Section 1, crossing the East end of Hickory Hollow Lane with a West margin of Old Masonic Road, being along the East line of said Lot 22, Block III of said subdivision for West lines hereof to the PLACE OF BEGINNING and containing approximately 1.0 acres of land.



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

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

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared. Acreages stated herein are approximate.

Dated this the 2nd day of November, 2020, A. D.

Jon E. Hodde
Registered Professional
Land Surveyor No. 5197



EXHIBIT “B”

2024 ANNEXATION SERVICE PLAN

Upon annexation of the areas identified as Sections 2024-01, 2024-02, 2024-03, 2024-04 and 2024-05, the City of Brenham will provide City services utilizing methods by which it extends services to any other equivalent areas of the City.

SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION

Police Protection

The City of Brenham and its Police Department will provide police protection to the newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed areas.

Fire Protection

The City of Brenham and its Fire Department will provide fire protection to the newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Fire Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed areas.

Maintenance of Water and Wastewater Facilities

Any and all water and wastewater facilities owned, operated or maintained by the City of Brenham Public Utilities Department at the time of annexation shall continue to be maintained by Public Utilities. Any and all water and wastewater facilities which may be acquired subsequent to the annexation of the proposed areas shall be operated and maintained by the City’s Public Utilities Department to the extent of the City’s ownership. The now existing City water and wastewater mains at existing locations shall be available for the point of use extension based upon the City’s standard extension policy now existing or as may be amended.

Solid Waste Collection

The City of Brenham, or its authorized franchisees, collect solid waste and refuse within the corporate limits of the City. Solid waste collection will be provided to citizens, if any, in the newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed areas. The City may negotiate with inhabitants, if any, of the annexed areas to allow continued services with an existing solid waste provider. After the second anniversary of the annexation date, the City will impose solid waste collection fees and provide the service.

If areas with private roads and/or gates are arranged so that solid waste may be collected without creating a safety hazard, the City, at its discretion, may collect the solid waste provided proper indemnification is received from the community association or individual property owner(s). The City will then impose solid waste collection fees and provide the service. Solid waste collection locations shall be subject to the approval of the Sanitation Superintendent or other authorized City personnel. In the event the City does not collect solid waste within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

Maintenance of Roads and Streets

Any and all public roads, streets, or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed areas. Private roads will remain under private ownership until dedicated to and accepted by the City, and as such shall be maintained by the property owner(s).

Maintenance of Parks, Playgrounds and Swimming Pools

The City of Brenham is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas of annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas. Private facilities will remain under private ownership and as such, shall be maintained by the owner.

Maintenance of any Publicly Owned Facility, Building or Municipal Service

The City of Brenham is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the annexed areas. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas. Private facilities will remain under private ownership and as such, shall be maintained by the owner.

Other Services

The City of Brenham finds and determines that such services as planning, code enforcement, animal control, library, parks and recreation, municipal court and general administration will be made available after the effective date of the annexation as the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed areas.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE SUBSTANTIALLY COMPLETE WITHIN TWO AND ONE-HALF (2½) YEARS

The City of Brenham will provide full municipal services in the annexed areas no later than 2 ½ years after the effective date of the annexation unless certain services cannot reasonably be provided within that period. In the event the services cannot be provided within two and one-half (2½) years, the City will propose a schedule for providing those services and will include a list of all services to be provided under the plan and a schedule to extend the period of providing certain services. The schedule will provide for the provision of full municipal services no later than four and one-half (4½) years after the effective date of the annexation.

Police Protection, Fire Protection, and Solid Waste Collection

The City of Brenham finds and determines it is not necessary to acquire or construct any capital improvements within two and one-half (2½) years of the effective date of the annexation of the annexed areas for the purpose of providing police protection, fire protection, or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Brenham with like topography, land use and population density as those found within the newly annexed area.

Water and Wastewater Facilities

The City of Brenham finds and determines that there is sufficient capacity for water and wastewater to provide services to the annexed areas pursuant to Public Utilities extension policies. The construction of any capital improvements necessary to extend water and wastewater services to an annexed areas will be substantially complete with within two and one-half (2½) years after the effective date of the annexation unless said time period is extended pursuant to Chapter 43 of the Texas Local Government Code.

Roads and Streets

The City of Brenham finds and determines it is not necessary to acquire or construct any capital improvements within two and one-half (2½) years of the effective date of the annexed areas.

Maintenance of Parks, Playgrounds, Swimming Pools, and Other Publicly Owned Facility, Building or Service

The City of Brenham finds and determines it is not necessary to acquire or construct any capital improvements within two and one-half (2½) years of the effective date of the annexed areas for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

SPECIFIC FINDINGS

The City of Brenham find and determines that this service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the annexed areas' topography, land utilization and population density, the service levels to be provided in the newly annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

TERMS

This Plan shall be valid for a term of ten (10) years. Renewal of this Plan is at the discretion of the City of Brenham.

LEVEL OF SERVICE

Nothing in this Plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

AMENDMENTS

This Plan shall not be amended except in accordance with Chapter 43 of the Texas Local Government Code.



EXHIBIT "C" **City of Brenham Annexation**

1 inch = 300 feet



- Section 2024-1
- Section 2024-2

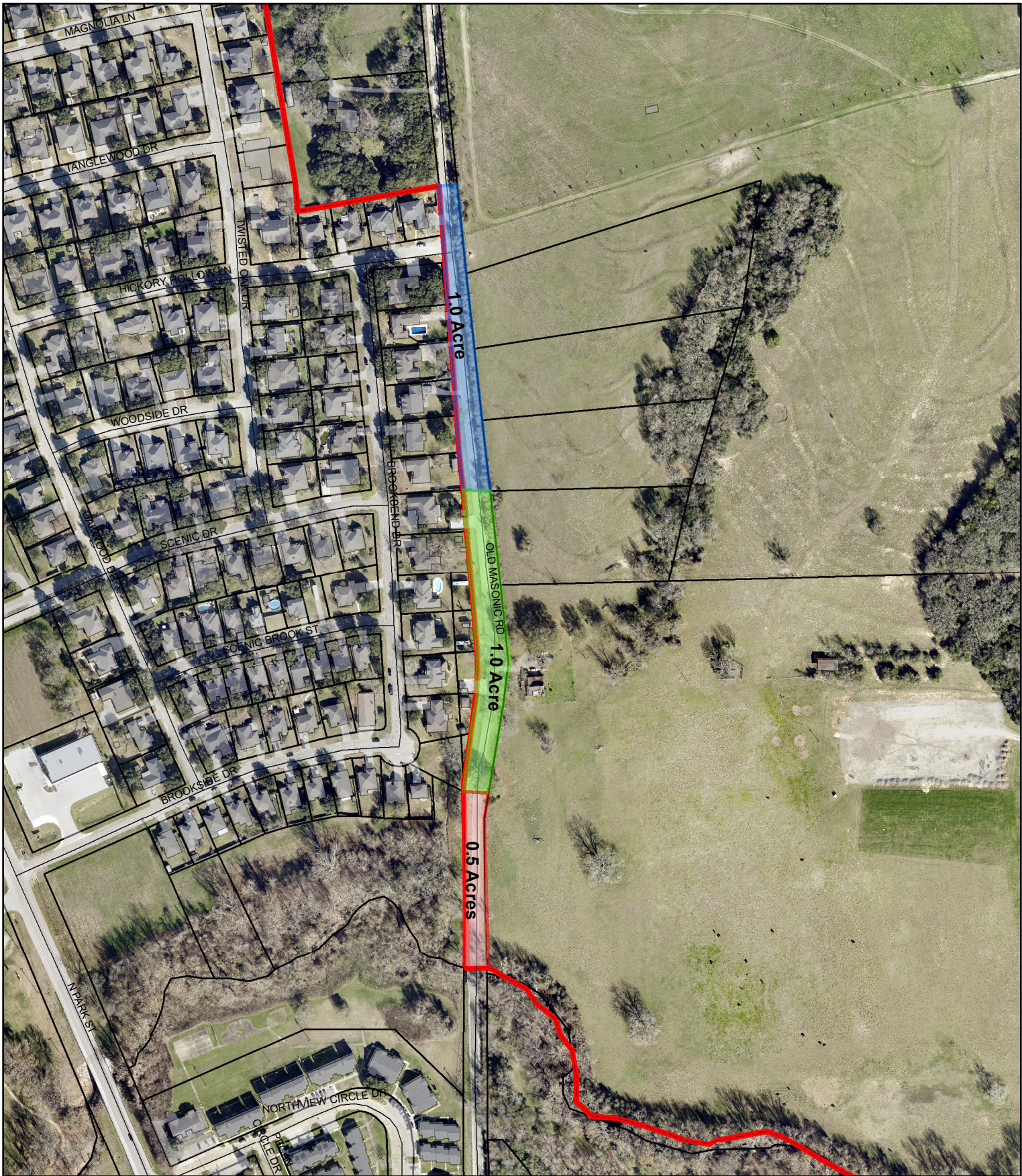


EXHIBIT "C" **City of Brenham Annexation**



City Council Regular Meeting **AGENDA ITEM 11**

Agenda Item: Discuss and Possibly Act Upon Resolution No. R-24-013 Relating to a Request for Financial Assistance from the Texas Department of Transportation for the Installation of an Automated Weather Observing System (AWOS) at the Brenham Municipal Airport

Meeting Date: September 19, 2024

Department: Development Services

Staff Contact: Jim Halley

SUMMARY STATEMENT:

Since 2021, the City of Brenham has been working with TxDOT Aviation to replace the Brenham Municipal Airport's Automated Weather Observing System (AWOS). The existing system is over 20 years old and has recently undergone multiple repairs by our repair vendor DBT Transportation Services. DBT has informed us that multiple parts of the system are failing and nearing the end of our useful life and the City has spent a considerable amount of money in recent years on repairs and replacement parts for the current system.

The proposed Resolution is in support of a AWOS relocation and replacement project with TxDOT Aviation. The total project cost is estimated at \$200,000, however the project is funded as a 90/10 grant and the local match required by the City of Brenham is \$20,000. This Resolution and accompanying paperwork are the first step in the process to allow the project to be included on the Transportation Commission agenda scheduled for October 31, 2024. Once the Transportation Commission grants approval of the project, a grant agreement will be sent to the City of Brenham for execution and then TxDOT will begin the process of soliciting bids for the project, selecting a contractor, awarding the project and scheduling the replacement.

ATTACHMENTS:

1. Resolution No. R-24-013 - TxDOT AWOS Financial Request

RECOMMENDATION:

Approve Resolution No. R-24-013 relating to a request for financial assistance from the Texas Department of Transportation for the installation of an Automated Weather Observing System (AWOS) at the Brenham Municipal Airport.

RESOLUTION NO. R-24-013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, RELATING TO A REQUEST FOR FINANCIAL ASSISTANCE FROM THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF AN AUTOMATED WEATHER OBSERVING SYSTEM (AWOS) AT THE BRENHAM MUNICIPAL AIRPORT

WHEREAS, the City of Brenham intends to make improvements to the Brenham Municipal Airport; and

WHEREAS, the City of Brenham desires to install an Automated Weather Observing System (AWOS) at the Brenham Municipal Airport; and

WHEREAS, the total project cost is estimated to be \$200,000.00; and

WHEREAS, the City of Brenham hereby offers 10% of project costs to match 90% state funds, currently estimated to be \$20,000.00 in local funds; and

WHEREAS, local funds will be available to meet project expenditures; and

WHEREAS, the City of Brenham intends to request financial assistance from the Texas Department of Transportation for installation of the Automated Weather Observing System for these improvements; and

WHEREAS, the City of Brenham names the Texas Department of Transportation as its agent for the purposes of applying for, receiving, and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements.

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

Hereby directs Atwood C. Kenjura, Mayor, to execute on behalf of the City of Brenham, at the appropriate time, and with the appropriate authorizations of this governing body, all contracts and agreements with the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to the Brenham Municipal Airport.

RESOLVED on this 19th day of September 2024.

Atwood C. Kenjura, Mayor
City of Brenham, Texas

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



City Council Regular Meeting **AGENDA ITEM 12**

Agenda Item: Discuss and Possibly Act Upon Amendment No. 1 to the Professional Services Agreement Between the City of Brenham and Burditt Consultants, LLC Related to Jackson Street Park Improvements and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Date: September 19, 2024

Department: Public Works

Staff Contact: Kyle Branham, Purchasing/Public Works Project Manager

SUMMARY STATEMENT:

In January 2024, City Council approved a professional services agreement with Burditt Consultants LLC for the services associated with design, surveying, Geotech work, structural and MEP services, attending several meetings, development of opinion of probable costs, prepare final plans, bidding services, advertising, provide inspection and bringing the project to substantial completion. This was based off the initial \$715,000 that was dedicated to Jackson Street Park Phase 1 Improvements by BCDC. Since this time an additional \$500,000 has been directed toward Jackson St Park so that more amenities can be added and addressed such as better restrooms and electrical upgrades. (trail and field lighting) With this additional funding comes extra work with the above services on the administration side. The amendment is adjusting the original basic services from \$90,607 to \$130,607. This is a \$40,000 addition to the professional services agreement.

By getting the additional funds from BCDC, this will now allow us to streamline the Jackson St Park Improvements by having only one design, one bid and one contractor rather than having to break it up into multiple bids in separate years and working with several general contractors. We anticipate opening bids in October or November 2024 and hope to start on improvements in early 2025.

We respectfully ask Council to approve the First Amendment to the Professional Services Agreement Between the City of Brenham and Burditt Consultants LLC Related to Jackson Street Park Improvements in the revised amount reflected in Attachment "A".

ATTACHMENTS:

1. Amendment No. 1 and Attachment "A"

RECOMMENDATION:

Approve Amendment No. 1 to the Professional Services Agreement between the City of Brenham and Burditt Consultants, LLC related to Jackson Street Park Improvements and authorize the Mayor to execute any necessary documentation.

FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF BRENHAM, TEXAS
AND BURDITT CONSULTANTS, LLC

This "First Amendment to the Professional Services Agreement Between the City of Brenham, Texas and Burditt Consultants, LLC", hereinafter called the "First Amendment" is made and entered into on the ____ day of _____, 2024 by and between the City of Brenham, Texas (the "City"), and Burditt Consultants, LLC, a Texas limited liability company ("Landscape Architect"), collectively referred to herein as the (the "Parties").

WHEREAS, City and Landscape Architect previously entered into the "Professional Services Agreement Between the City of Brenham, Texas and Burditt Consultants, LLC" on January 8, 2024 ("Agreement") for professional landscape architect services related to Jackson Street Park; and

WHEREAS, the City and Landscape Architect desire to amend the Agreement as set forth herein below;

NOW THEREFORE, for and in consideration of the mutual covenants contained in this First Amendment and other good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the City and Landscape Architect contract and agree as follows:

1. The Article 2, Section A is hereby amended to read as follows:

A. All those services set forth in the Scope of Basic Services and Fee Proposal documents, dated December 6, 2023, consisting of the December 6, 2023 proposal letter, July 10, 2024 Exhibit "A" Scope of Work and the 2023 Burditt Consultants Hourly rate Sheet (the Terms and Conditions of the December 6, 2023 and July 10, 2024 proposals are expressly excluded from this Agreement) which are attached hereto and made a part hereof as Attachment "A" (consisting of 6 pages) as if written word for word herein. LANDSCAPE ARCHITECT shall not self-initiate any project or work.

2. The first paragraph of Article 4, Section A is hereby amended to read as follows:

COMPENSATION, BILLING AND PAYMENT: For and in consideration of the professional services to be performed by the LANDSCAPE ARCHITECT herein, the CITY agrees to pay the lump sum amount of One Hundred Thirty Thousand Six Hundred Seven and No/100 Dollars (\$130,607.00) for Basic Services as shown in Attachment "A" which is attached hereto and made a part of this Agreement as if written word for word herein. There will be no expenses charged by LANDSCAPE ARCHITECT for Basic Services. Necessary expenses, such as copies (CAD plots), blue or blackline prints, xerox enlargements, shipping, etc. are already calculated into the Basic Services Fees.

3. The original Attachment A to the Agreement is hereby replaced in its entirety with Attachment A attached to this First Amendment and incorporated herein for all purposes; the original Attachment A to the Agreement shall be of no further effect as of the effective date of this First Amendment.

4. This First Amendment may be executed in multiple counterparts, which, when combined together, shall constitute an original of this First Amendment. In addition, facsimile signatures of the parties shall be effective on all counterparts of this First Amendment.

5. Effect of Amendment. Except as specifically provided in this First Amendment, the terms of the Agreement will continue to govern the rights and obligations of the parties, and all terms of the Agreement remain in full force and effect. If there is any conflict or inconsistency between this First Amendment and the Agreement, this First Amendment will control and modify the Agreement.

IN WITNESS WHEREOF, City and Landscape Architect execute this First Amendment to be effective on _____, 2024.

CITY OF BRENHAM, TEXAS

By: _____
Name: Atwood C. Kenjura
Title: Mayor

STATE OF TEXAS

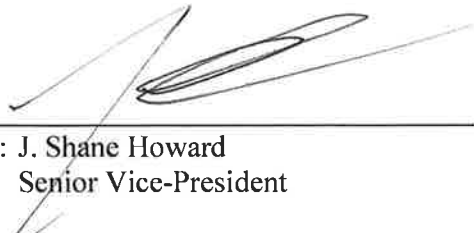
COUNTY OF WASHINGTON

This instrument was acknowledged before me on the ____ day of _____, 2024 by Atwood C. Kenjura, Mayor of the City of Brenham, a Texas home-rule municipal corporation, on behalf of said municipal corporation.

[Notary Seal]

Notary Public, State of Texas

BURDITT CONSULTANTS, LLC

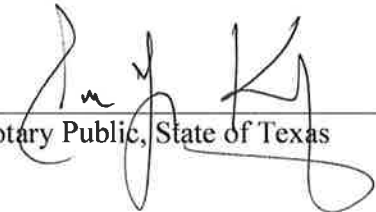
By: 
Name: J. Shane Howard
Title: Senior Vice-President

STATE OF TEXAS

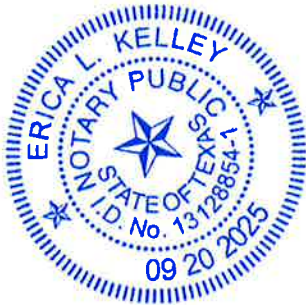
COUNTY OF WASHINGTON

This instrument was acknowledged before me on the 4th day of September, 2024 by J. Shane Howard, Senior Vice-President of Burditt Consultants, LLC, a Texas limited liability company.

[Notary Seal]



Notary Public, State of Texas



ATTACHMENT "A" - Total of 6 Pages

December 6, 2023

Dane Rau
Director of Public Works
200 W. Vulcan
Brenham, TX 77833

Re: Master Plan Phase One – Jackson Street Park

Dear Mr. Rau,

**RE: Proposal for Landscape Architecture Design Services;
Jackson St Park Improvements**

Thank you for the opportunity to provide landscape architecture design services for the Jackson Street Park project.

Based upon our understanding of the project, the attached Exhibit A provides an outline of our proposed Scope of Basic Services and Fees.

Please execute below to approve of this assignment.

We look forward to continuing work together and are available to discuss any questions you have or for comments regarding revisions you suggest as appropriate.

Sincerely,



J. Shane Howard
Sr. Vice President

APPROVED: City of Brenham

By: _____ DATE: _____

Cc: Claudia Walker, RLA, ASLA
Dale K. Clarke, RLA, ASLA

**Attachment: Exhibit "A" Scope of Work
2023 Burditt Consultants Hourly Rate Sheet
Terms and Conditions**

Conroe:
310 Longmire Road
Conroe, Texas 77304

Bryan:
105 N. Main, Ste. 123
Bryan, Texas 77803

www.burditt.com

Conroe 936.756.3041
Bryan 979.977.5846
Fax 936.539.3240

Statement of Jurisdiction:

The Texas Board of Architectural Examiners has jurisdiction over complaints regarding a registrant's professional practices. The Board may be contacted at:

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
P. O. BOX 12337 – AUSTIN, TX 78711-2337

Exhibit A
Phase I Jackson St Park Improvements Project- First Amendment
Scope of Work

PROJECT UNDERSTANDING

We understand from our conversations with you the following work shall be included in this proposal. The project goals are to:

- Provide a refined Schematic Design Plan indicating an overall amenity package providing the best options within budget to get the most value and impact for the Park in this first phase of work. These options will include the design and consideration of an additional pickle ball facility consisting of 4-6 courts.
- Total publicly financed project budget is \$1,215,000 including soft costs of design fees, survey, Geotech, structural and MEP.
- Initial construction budget for the first phase of the park is \$1,042,393.
- Burditt Consultants will have a preliminary design ready to show within three to four weeks upon notice to proceed.

The Jackson St Park Project has been allocated an additional \$500,000 of funds for design and construction of improvements at the Park which is noted in the changes above and included with the first amendment to this Agreement.

The following additional amenities are to be incorporated within the expanded budget which were not part of the original scope of work:

- A Modular restroom and storage to replace existing restroom facility, and
- Electrical and lighting improvements for the fields and trail system.

SCOPE OF BASIC SERVICES

Services provided will proceed according to the tasks outlined below and as identified in a Burditt work plan to be developed upon commencement of the project.

TASK ONE – Preliminary Design Phase

Based on input from City staff, and site conditions, Burditt will develop the proposed Conceptual Design options (up to 3), and initial budgets (Opinions of Probable Costs – OPC). This will include supplements or edits to the plan to include the following:

I. Project Inventory and Conceptual Design:

- A. Initial Meeting to establish project understanding and objectives with City's Project Manager.
- B. Confirm schedule, identify milestones, and target deliverables.
- C. Initial visit to identify sign location opportunities and site constraints.
- D. Collect existing base materials (base maps, easements, utilities, drawings, studies, meeting notes etc.) and site information from the Client
- E. Develop 1-3 design concepts based upon Client input and preferences, existing conditions, materials.
- F. Develop OPC (opinion of probable costs) for each concept.
- G. Attend Parks Board meeting to receive feedback from the Board.
- H. Attend up to two Client meetings for concept review and selection.
- I. Based on client feedback, refine the selected donor wall concept, OPC and location plan and elevations.
- J. Research and review of potential restroom/storage products- Addition to original contract
- K. Adjust original site design with addition of restrooms/storage and field lighting and trail lighting

Conroe:
310 Longmire Road
Conroe, Texas 77304

Bryan:
105 N. Main, Ste. 123
Bryan, Texas 77803

www.burditt.com

Conroe 936.756 3041
Bryan 979.977 5846
Fax 936 539 3240

TASK TWO – Final Design and Construction Phase

Final Design is comprised of Construction Documents, Bidding and Construction Administration phases. Upon authorization, Construction Documentation will be developed based on approved Concept and OPC.

I. Final Design:

- A. Upon authorization, begin Construction Document preparation.
- B. Prepare Final Construction Document Design at specific percentages as directed by Client.
- C. Documents to be reviewed by City and sub-committee at 60%-90%-100%
- D. Update Final Opinion of Probable Costs and review with Client for approval.
- E. Produce Final Sealed Landscape Architecture Plans, Details, and Specifications.
- F. Produce Final Sealed Plans, Details and Specifications.
- G. Assist with Bidding, RFI, and Addendums as needed.
- H. Subconsultants Included in the fees are: Civil, Structural, MEP, and Registered Accessibility Specialist

II. Bid/Award & Construction Observation:

- A. Provide AutoCAD drawings as requested.
- B. Respond to applicable requests for information (RFI) and questions from bidding contractors.
- C. Issue Addenda as required.
- D. Attend the Project Pre-Construction Conference.
- E. Perform Construction Observation site visits at intervals appropriate to the stage of construction as related to project elements.
- F. Issue Observation Reports following site visits.
- G. Provide recommendations to address changed or unforeseeable conditions that may manifest during construction.
- H. Review and make recommendations on, product submittals, test results and other submittals from contractors.
- I. Attend construction progress meetings appropriate to project milestones of project schedule.
- J. Perform Substantial Completion Site Visit to prepare punch list items for completion.
- K. Submit Substantial Completion Observation Report.
- L. Conduct Final Completion Observation/Closeout; deliver Closeout Report.

Based on the proposed Exhibit "A" Scope of Basic Services and general program as currently understood, we propose the following lump sum fees:

FEE PROPOSAL

I. BASIC SERVICES FEE:

A. BASIC SERVICES FEE:

Based on the proposed Scope of Work, we propose the following fee structure for services:

TASK ONE:	Preliminary Conceptual Design and renderings	\$40,674.00
TASK TWO:	Final Design Fee	\$60,285.00
TASK THREE:	Bidding/Construction Administration.....	\$29,648.00
	TOTAL PROJECT FEES	\$130,607.00

II. ADDITIONAL SERVICES & SUPPLEMENTAL SERVICES FEES:

Any relevant Additional Services or Supplemental Services will be discussed with City and followed by a scope and cost proposal from the proposed subconsultant and/or Burditt Consultants. This proposal will be submitted to the City for approval prior to engaging the subconsultant or providing with additional work. Supplemental Services Fees are invoiced to City at actual cost plus an administrative markup fee of 10% to account for tort and performance risk, coordination costs, and administrative costs. These costs will be

Proposal

Design for Phase II of Jackson St Park Improvements

July 10, 2024

Page 2 of 4

invoiced to the City upon receipt of subconsultant invoices with copies of subconsultant invoices included for transparency.

A Supplemental Services budget of \$42,000 is established to provide Survey and Geotechnical assessment. This is inclusive of the 10% administrative markup. Proposals will be submitted to the City for approval.

III. EXPENSES:

All anticipated expenses are included in the Basic Services Fees. Therefore, no anticipated expenses are included within the fees for the current project scope. Additional sub-consultants or services that may be requested by the City in addition to those currently required for the project shall be provided as an Additional Service and shall be

2023 HOURLY RATES

HOURLY RATES APPLY ONLY TO ADDITIONAL SERVICES OR FOR REQUESTS MADE OUTSIDE OF BASIC SERVICES. Hourly Basis Rates for Professional Services not covered under Basic Services and requested by Owner shall be at the following rates:

<u>CLASSIFICATION</u>	<u>HOURLY RATE</u>
Principal	\$225
Program Manager	\$200
Project Manager	\$175
Project Architect/Landscape Architect	\$160
Senior Planner	\$160
Senior Urban Forester	\$160
Wetland Scientist	\$150
Natural Resource Planner/Forester	\$150
Planning Associate	\$150
Licensed Irrigator	\$150
Geographic Information Systems (GIS) Planner	\$135
Architecture/Landscape Architecture Associate	\$115
CAD Designer II	\$ 90
CAD Designer I	\$ 80
Administrative Assistant II	\$ 70
Administrative Assistant I	\$ 55

Invoices are prepared monthly with payments due 30 days of receipt. Interest at the rate of 1 ½ % per month will be charged on all accounts not paid by the 30th day following the billing date. Reimbursable expenses and necessary sub-consultants not currently required by project and approved by Owner shall be invoiced at cost plus ten percent (10%).



City Council Regular Meeting **AGENDA ITEM 13**

Agenda Item: Discuss and Possibly Act Upon the Purchase of Playground Equipment for Jackson Street Park through BuyBoard Contract No. 679-22 and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Date: September 19, 2024

Department: Public Works

Staff Contact: Casey Redman, Parks Supervisor

SUMMARY STATEMENT:

With the anticipation of starting on the Jackson St Park Improvements, we are taking the first step to order a replacement playground and swing set that will be a key feature in the park improvements. In 2023 and 2024, BCDC allocated a total of \$1.2 M to upgrade Jackson St Park as it is one of the oldest parks and the next in line to be upgraded. Many items will be upgraded, such as the lower restrooms, new electrical equipment throughout the park, upgrades to field and trail lighting, improving ADA accessibility, and adding this new play structure and swing sets which includes an expression swing. This is a replacement for an aging play structure that is approaching 20 yrs old and is in need of an upgrade. The total cost, including installation, is \$140,780.53.

Instead of putting this in the project bid and having the general contractor order, we are able to order directly from Cunningham Recreation and save the markup costs. We can also take advantage of Cunningham Recreation's Grant period and save an additional \$45,000. We have worked with Cunningham Recreation in the past, and they have installed several other units in Brenham Parks. They are always prompt and provide excellent service.

Attached you will see a rendering of the playground structure and swing set area that will be installed. This playground will accommodate ages 5–12 yrs old. This will be placed in the middle of the park around the middle parking lot off W. Val Verde St.

ATTACHMENTS:

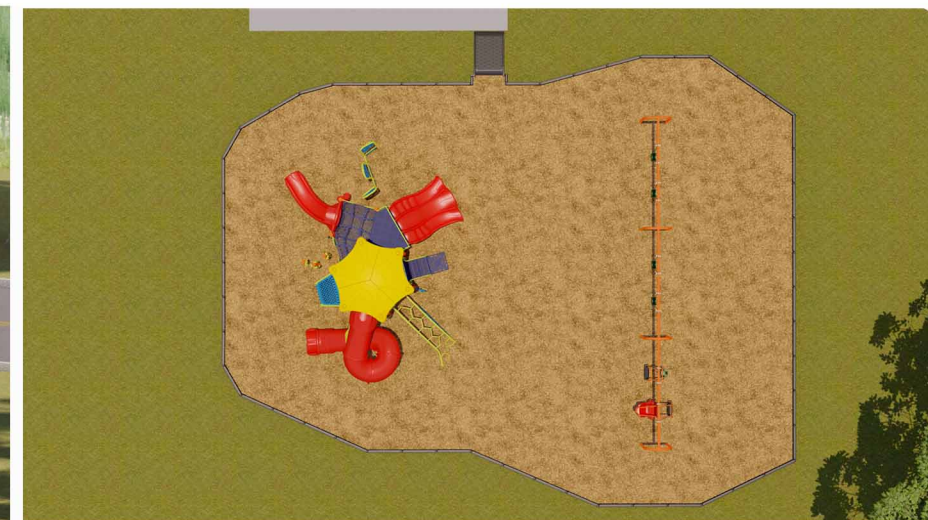
1. Rendering/BuyBoard Quote

RECOMMENDATION:

Approve the purchase of playground equipment for Jackson Street Park from Cunningham Recreation through BuyBoard Contract No. 679-22 in the amount of \$140,780.53 and authorize the Mayor to execute any necessary documentation.

Jackson Street Park Option 3

Design • Build • PLAY!





GameTime c/o Cunningham Recreation
 PO Box 240981
 Charlotte, NC 28224
 800.438.2780
 704.525.7356 FAX

09/05/2024
 Quote #
 170379-01-05

Jackson Street Park - Option 5 (Grant Revised)

City of Brenham
 Attn: Dane Rau
 315 W. Second St
 Brenham, TX 77833
 United States
 Phone: 979-337-7407
 drau@cityofbrenham.org

Ship to Zip 77301

Quantity	Part #	Description	Unit Price	Amount
1	RDU	GameTime - PS23011 Westerly 5-12 Unit [Accent: _____] [Accent2: _____] [HDPE: _____] [Basic: _____] [Deck:Pvc: _____] [FunFormz: _____] [2ColorHDPE: _____] [RotoPlastic: _____] [Arch: _____] [Roof2: _____] [Tube: _____] [Roof: _____]	\$108,993.00	\$108,993.00
		(1) 3952 -- Twist Bearing 20" 2S		
		(3) 5409RP -- ENTRYWAY (MODERN)		
		(1) 5485RP -- Transfer Platform 3' (Modern)		
		(1) 6551RP -- Treetop Traverse		
		(1) 80000 -- 49" Sq Punched Steel Deck		
		(7) 80001 -- 49"Tri Punched Steel Deck		
		(1) 80601 -- 1'-6"Entrance Barrier		
		(1) 80602 -- 2'-0"Entrance Barrier		
		(1) 81669 -- Hand Cycler		
		(1) 81670 -- Crunch Bar		
		(1) 81695 -- Train Whistle		
		(1) 81699 -- Bongos		
		(1) 90157 -- Triple Slide		
		(2) 90269 -- 11' Upright, Alum		
		(1) 90578 -- Swerve Slide		
		(1) 90834 -- 3-in-a-Row Panel		
		(1) 90868 -- Splitter 6'		
		(1) 91139 -- Entryway - Barrier		
		(1) 91303 -- Cliff Wall Climber		
		(1) 91365 -- Sensory Wave Panel w/ stained glass		
		(1) 91592 -- 4' Rung Kickplate		
		(1) 91602 -- HDPE Vertical Ladder 3'0"		
		(6) 91687 -- Umbra Roof Cap		



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Jackson Street Park - Option 5 (Grant Revised)

Quantity	Part #	Description	Unit Price	Amount
		(1) 91751 -- Altus X Tower Foundation		
		(1) 91760 -- Altus ModernTower Steering Whl.Pnl		
		(1) 91761 -- Altus ModernTower Thunderring Panel		
		(1) 91763 -- AltusTower Modern Overlook		
		(1) 91765 -- Altus ModernTower Slide Panel		
		(1) 91766 -- Altus X Tower Spiral Slide		
		(1) 91772 -- Umbra Roof Hex (Tower)		
		(1) 91829 -- 5" Upright Extension w/ Cap 6'		
		(6) 91830 -- 5" Upright Extension w/o Cap 6'		
		(1) G90269 -- 11' Upright, Galv		
		(7) G90273 -- 15' Upright, Galv		
1	178749	GameTime - Owner's Kit	\$89.00	\$89.00
1	RDU	GameTime - 3-Bay Primetime Swings w/ (4) Belt Seats & (2) Expression Swings [Basic: _____] [RotoPlastic: _____]	\$10,632.00	\$10,632.00
		(1) 12583 -- Ada Primetime Swing Frame, 3 1/2" Od		
		(2) 12584 -- Ada Primetime Swing Aab, 3 1/2" Od		
		(4) 8910 -- Belt Seat 3 1/2"Od(8910)		
		(1) 5128 -- Expression Swing 3 1/2" X 8'		
		(1) 5165 -- Expression Swing w Adaptive Seat 3 1/2"		
1	RDU	GameTime - 55 Playcurbs, 1 Ramp, & Geo-Textile Fabric- Textile Fabric Playcurbs Ramp	\$7,679.00	\$7,679.00
		(55) 4862 -- 12" Playground Border		
		(1) 4858 -- Access Playcurb-W/Adap		
		(2) 161290 -- Geo-Textile 2250 Sqft Roll		
1	INSTALL	MISC - Installation of Above Equipment- Install of Playground Equipment and Swingset	\$32,400.00	\$32,400.00
168	EWF	GT-Impax - Engineered Wood Fiber Safety Surfacing (CY)- • Area: 3,396 Sq.Ft. • Thickness (Compacted): 12"	\$23.98	\$4,028.64
1	INSTALL	MISC - Installation of Above Surfacing & Curbs- Install of Playcurbs and EWF	\$2,667.00	\$2,667.00
1	INSTALL	MISC - Site Excavation & Drainage- Site will be excavated and leveled for proper drainage	\$5,600.00	\$5,600.00



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Jackson Street Park - Option 5 (Grant Revised)

Quantity	Part #	Description	Unit Price	Amount
1	2024 GT- Grant	MISC - 2024 Matching Funds Grant- Grant Rules and Limitations: To qualify for up to 100% matching grant, list price of the qualifying playground system must exceed \$75,000, and payment in full must accompany your order. For play systems with a list price of less than \$75,000 and greater than \$25,000 with payment in full, GameTime playground grants are available with matching funds up to 80%. For play systems that exceed \$25,000, and purchased with credit terms, matching funds are available up to 65%. Matching funds are subject to rounding rules and may vary based on qualified purchase. No other offer, discount, or special programs can be used with this grant program. This special matching fund offer applies to PowerScape®, PrimeTime®, Xscape®, and Modern City® systems only. Up to 50% matching funds for select outdoor fitness equipment, including THRIVE®, Challenge Course, KidCourse, and The Stadium®. VistaRope®, freestanding net structures, TuffForms, Landmark Design, GTSymphony freestanding, other freestanding play products, and Play On! non-system events are not eligible for funding. All applications must be received and validated by the project administrator by October 18, 2024. GameTime reserves the right to decline any application for a GameTime grant. GameTime will accept grant orders until October 25, 2024, or until all eligible funds are disbursed, whichever comes first. Customer must be able to receive order by December 31, 2024, subject to transportation availability. GameTime reserves the right to terminate this offer at any time without notice. GameTime playground grants can only be applied to additional GameTime purchases and only in conjunction with the original purchase. Standard policies and warranties as listed in the 2024 GameTime Playground Design Guide apply. Freight and applicable sales tax are extra and not included. Other terms and restrictions may apply. Contact your local GameTime representative for complete details.		
Contract: Buy Board Contract #679-22			Sub Total	\$172,088.64
			Discount	(\$45,316.46)
			Estimated Freight	\$14,008.35
			Total	\$140,780.53

Comments

* Site must be clear, level, free of obstructions, and accessible. Site should permit installation equipment access. Purchaser shall be responsible for unknown conditions such as buried utilities, tree stumps, bedrock or any concealed materials or conditions that may result in additional costs.

* Please be advised, quote contains components that may require an extended lead time.



City Council Regular Meeting **AGENDA ITEM 14**

Agenda Item: Discuss and Possibly Act Upon Award of Bid for the Industrial Boulevard Pumping Station Replacement, Project No. 66C-15C and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Date: September 19, 2024

Department: Public Utilities

Staff Contact: Shawn Bolenbarr, Public Utilities Project Manager

SUMMARY STATEMENT:

On September 4, 2024, the City of Brenham opened bids for Project #66C-15C (Industrial Blvd. Pumping Station Replacement). This project consists of installing a new 620 gallons per minute duplex lift station with capabilities of being expandable to an 875 gallon per minute, electrical controls, supervisory control and data acquisition (SCADA) integration, a quick connect for a portable emergency generator, and approximately 100 linear feet of gravity sanitary sewer and force main.

There was a total of 4 bids received with Dudley Construction, LLC being the lowest bidder at \$1,075,900.00. Bids were very competitive, ranging from \$1,075,900.00 to \$1,350,959.14.00. The City of Brenham does have prior experience with Dudley Construction, LLC on a similar project (Project # 66C-54C, Stone Hollow Lift Station Replacement). Dudley Construction, LLC did a wonderful job on this project and city staff are very pleased with the operation of this lift station.

The City of Brenham Public Utilities Department respectfully ask the council to award Project #66C-15C (Industrial Blvd. Pumping Station Replacement) to Dudley Construction, LLC in the total amount of \$1,075,900.00. Please note that this project will be paid for with FY24 Bond proceeds.

ATTACHMENTS:

1. Bid Tabulation

RECOMMENDATION:

Award bid for the Industrial Boulevard Pumping Station Replacement, Project No. 66C-15C to Dudley Construction, LLC in the amount of \$1,075,900.00 and authorize the Mayor to execute any necessary documentation.



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

September 10, 2024

Mr. William Bisette, Public Utilities General Manager
City of Brenham
200 West Vulcan Street
Brenham, TX 77833

Re: 2024 Industrial Boulevard Lift Station Replacement
City of Brenham Project No. 66C-15C
City of Brenham, Texas

Dear William,

Bids for the above-referenced Project were opened on September 4, 2024. Four Bids were received with the resulting Bid tabulation enclosed. The low Bid of \$1,075,900 was less than ENGINEER's opinion of probable construction cost.

Dudley Construction, LLC of College Station, Texas, was the apparent low Bidder at \$1,075,900. The Bid included a Bid Bond for 5 percent and no Addendum was issued. The Bid is deemed to be responsive.

Strand Associates, Inc.[®] has previously worked with Dudley Construction, LLC on a project for the City of Brenham. For that project, the owner determined Dudley Construction, LLC to be responsible.

If you determine that Dudley Construction, LLC is a responsible Bidder after your evaluation of their qualifications, we recommend proceeding with award of the Contract in accordance with Article 16 of the Instructions to Bidders.

Sincerely,

STRAND ASSOCIATES, INC.[®]

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

Enclosure

TBPE No. F-8405
TBPLS No. 10030000

3900.279\KLI:\R:\BRE\Documents\Specifications\Archive\2024\Brenham, City of\3900.279.66C-15C.LGA\16 Specification Letters\16 Resulting Bid Tabulation\091024.docx

Bids Received: 2 P.M.
September 4, 2024

STRAND ASSOCIATES, INC.®
TBPE No. F-8405
TBPLS No. 10030000
1906 Niebuhr Street
Brenham, TX 77833

CITY OF BRENHAM
2024 INDUSTRIAL BOULEVARD LIFT STATION REPLACEMENT
CITY OF BRENHAM PROJECT NO. 66C-15C

BID TABULATION SUMMARY

Bidder and Address	Bid Bond or Guarantee	Addenda Acknowledged	Total Base Unit Prices
Dudley Construction, LLC 11370 State Highway 30 College Station, TX 77845	5%	NA	\$1,075,900.00
Solid Bridge Construction, LLC 3104 Interstate 45 South New Waverly, TX 77358	5%	NA	\$1,155,500.00
Stolz Mechanical Contractors, LLC 15101 FM 1155 E Washington, TX 77880	5%	NA	\$1,268,000.00
Persons Services Corporation 4474 Halls Mill Road Mobile, AL 36693	5%	NA	\$1,350,959.14

Reviewed by: Kenzie Ihlenfeldt


[Signature]
9/10/2024

Bids Received: 2 P.M., September 4, 2024

STRAND ASSOCIATES, INC.®
TBPE No. F-8405
TBPLS No. 10030000
1906 Niebuhr Street
Brenham, TX 77833

CITY OF BRENHAM
2024 INDUSTRIAL BOULEVARD LIFT STATION REPLACEMENT
CITY OF BRENHAM PROJECT NO. 66C-15C

BID TABULATION BREAKDOWN

				Dudley Construction, LLC 11370 State Highway 30 College Station, TX 77845		Solid Bridge Construction, LLC 3104 Interstate 45 South New Waverly, TX 77358		Stolz Mechanical Contractors, LLC 15101 FM 1155 E Washington, TX 77880		Persons Services Corporation 4474 Halls Mill Road Mobile, AL 36693	
No.	Description	Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1.	Mobilization (Not to exceed 10 percent of total contract price excluding mobilization).	1	LS	\$ 33,000.00	\$ 33,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 117,206.82	\$ 117,206.82
2.	Furnish all materials and equipment to install duplex lift station (expandable to triplex lift station), including, but not limited to, a 10-foot-diameter precast concrete wet well, two submersible pumps, pumping station piping and valves, electrical controls, chainlink fencing, concrete pad, access drive, water service, and dewatering.	1	LS	\$ 917,000.00	\$ 917,000.00	\$ 985,000.00	\$ 985,000.00	\$ 1,140,000.00	\$ 1,140,000.00	\$ 1,029,616.28	\$ 1,029,616.28
3.	Decommission the existing Industrial Boulevard Lift Station and appurtenances, including, but not limited to, the abandonment of existing sanitary sewers and force main.	1	LS	\$ 10,200.00	\$ 10,200.00	\$ 40,000.00	\$ 40,000.00	\$ 10,000.00	\$ 10,000.00	\$ 83,509.38	\$ 83,509.38
4.	Provide excavation and trench safety.	1	LS	\$ 41,500.00	\$ 41,500.00	\$ 10,000.00	\$ 10,000.00	\$ 3,000.00	\$ 3,000.00	\$ 4,357.57	\$ 4,357.57
5.	Provide traffic control according to the TMUTCD.	1	LS	\$ 10,900.00	\$ 10,900.00	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00	\$ 43,575.75	\$ 43,575.75
6.	Provide erosion control, site restoration, seeding, and cleanup.	1	LS	\$ 8,300.00	\$ 8,300.00	\$ 5,500.00	\$ 5,500.00	\$ 5,000.00	\$ 5,000.00	\$ 17,693.34	\$ 17,693.34
7.	Cash Allowance - Coordinate new electrical service with Utility Owner (Bluebonnet Electric).	1	LS	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00

				Dudley Construction, LLC 11370 State Highway 30 College Station, TX 77845		Solid Bridge Construction, LLC 3104 Interstate 45 South New Waverly, TX 77358		Stolz Mechanical Contractors, LLC 15101 FM 1155 E Washington, TX 77880		Persons Services Corporation 4474 Halls Mill Road Mobile, AL 36693	
No.	Description	Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
8.	Cash Allowance - Provide construction materials testing.	1	LS	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
ENGINEER'S COMPUTED TOTAL ITEMS NO. 1 THROUGH 8					\$1,075,900.00		\$ 1,155,500.00		\$ 1,268,000.00		\$1,350,959.14
CONTRACTOR'S COMPUTED TOTAL ITEMS NO. 1 THROUGH 8					\$1,075,900.00		\$ 1,155,500.00		\$ 1,268,000.00		\$1,350,959.14

Reviewed by Kenzie Julenfeldt



City Council Regular Meeting
AGENDA ITEM 16

Agenda Item: **Section 551.071 Texas Government Code - Consultation with City Attorney Regarding the Brenham Police Department and Associated Legal Matters**

Meeting Date: September 19, 2024

Department: Administration

Staff Contact: Carolyn Miller, City Manager

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDATION:

No action - Executive Session discussion only.