



**NOTICE OF A REGULAR MEETING  
THE BRENHAM CITY COUNCIL  
THURSDAY, MAY 1, 2025 AT 1:00 PM  
SECOND FLOOR CITY HALL  
COUNCIL CHAMBERS  
200 W. VULCAN STREET  
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags - Councilmember Leah Cook**
- 3. Service Recognitions**
  - ◆ **Carolyn Miller, City Manager - 20 Years**
- 4. Proclamations**
  - ◆ **National Peace Officers Memorial Week**
- 5. Citizen Comments**

**CONSENT AGENDA**

**6. 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.

- 6.a. Approve the Minutes from the April 17, 2025, Regular City Council Meeting**
- 6.b. Approve Ordinance No. O-25-006 on Its Second Reading Amending the City of Brenham's FY24-25 Adopted Budget**
- 6.c. Approve Ordinance No. O-25-007 on its Second Reading Amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham, Texas (Case No. TEXT AMEND-25-001) to Include:**

- **Appendix A: Zoning, Part I, Division 1, Section 5.02, Definitions, to**

**Define Smoke Shop and Vape Shop Uses, to Include Distance Requirements; and**

- **Appendix A: Zoning, Part II, Division 2, Section 4.02, Permitted Uses Within the B-2 Commercial, Research and Technology District, to Include Smoke Shop and Vape Shop as Permitted Uses**

**6.d. Discuss and Possibly Act Upon Resolution No. R-25-013 Related to an Agreement Between the City of Brenham and the Texas Department of Transportation for the Temporary Closure of the State Right-of-Way in Connection with the 2025 Downtown Summer Concert Series, Hot Nights, Cool Tunes to be Held on July 5, 12, 19, and 26, 2025**

## **REGULAR SESSION**

**7. Discuss and Possibly Act Upon Resolution No. R-25-014 Authorizing the Acceptance of Public Infrastructure Improvements for the Timber Oaks Subdivision, Phase 4**

**8. Administrative/Elected Officials Report**

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

## **ADJOURN**

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

## **CERTIFICATION**

I certify that a copy of the agenda of items to be considered by the City of Brenham City Council on Thursday, May 1, 2025 was posted to the City Hall bulletin board at 200 W. Vulcan St., Brenham, TX on Monday, April 28, 2025 at 9:30 a.m.

*Jeana Bellinger, TRMC, CMC*  
City Secretary

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

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the \_\_\_\_\_ day of \_\_\_\_\_, 2025 at \_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

# PROCLAMATION

- WHEREAS,** There are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the City of Brenham Police Department; and
- WHEREAS,** Since the first recorded death in 1786, more than 24,000 law enforcement officers in the United States have made the ultimate sacrifice and have been killed in the line of duty; and
- WHEREAS,** The names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and
- WHEREAS,** In 2024 there were 165 line of duty deaths of police officers nationwide, with 19 of those deaths occurring in the state of Texas; and
- WHEREAS,** May 15 is designated as National Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff; and
- WHEREAS,** All citizens are urged to make every effort to express heartfelt appreciation to the men and women who risk their lives daily to guard each of us against evildoers;

**NOW, THEREFORE, I,** Mayor Atwood C. Kenjura of the City of Brenham, do hereby proclaim the week of May 11-17, 2025 as

## NATIONAL PEACE OFFICERS MEMORIAL WEEK

In Witness, Whereof, I have set my hand and affixed the Seal of Brenham.



Atwood C. Kenjura, Mayor

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on Thursday, April 17, 2025 beginning at 1:00 PM in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

### Members Present:

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

### Members Absent:

Councilmember Leah Cook

### City of Brenham Staff Present:

City Manager Carolyn Miller, City Attorney Cary Bovey, City Secretary/Director of Administrative Services Jeana Bellinger, General Manager of Public Utilities William Bisette, 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, Assistant Fire Chief David Cella, Interim Police Chief David Gott, Development Services Director Stephanie Doland, Economic & Community Development Director Teresa Rosales, Robin Hutchens, Kyle Branham, Shawn Bolenbarr, Shauna Laauwe, Jerry Saldivar, Stephen Draehn, Casey Redman, Richard O'Malley, Leigh Linden, Kevin Schmidt, Nancy Joiner, Lu Hollander, Kathrine Briscoe, and Kevin Boggus.

### Citizens/Others Present:

Stephanie Wehring, Rick Oldenettel, Jose Canales, Janie Havel, and Tom Whitehead.

### 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 - Councilmember Leah Cook**
- 3. Presentation of the Tourism Friendly Texas Community Certificate by Travel**

## **Texas**

### **4. Special Recognition**

- ◆ **Texas Historical Commission's Anice B. Read Award of Excellence in Heritage Development - Jennifer Eckermann**

### **5. Citizen Comments**

City Manager Carolyn Miller introduced Interim Police Chief David Gott.

No citizen comments were heard.

## **CONSENT AGENDA**

### **6. Statutory Consent Agenda**

#### **6.a. Approve the Minutes from the April 3, 2025 Regular City Council Meeting**

#### **6.b. Approve Ordinance No. O-25-004 on Its Second Reading Amending Ordinance No. O-25-001 Ordering a Special Election on May 3, 2025 for the Purpose of Submitting to the Qualified Voters of Brenham Certain Proposed Amendments to the Existing Charter of the City of Brenham, Texas**

**Aprobar la Ordenanza No. O-25-004 en su segunda lectura que enmienda la Ordenanza No. O-25-001 que ordena una elección especial el 3 de mayo de 2025 con el propósito de presentar a los votantes calificados de Brenham ciertas enmiendas propuestas a la carta constitucional existente de la Ciudad de Brenham, Texas**

#### **6.c. Approve Ordinance No. O-25-005 on Its Second Reading Amending the Rate Tariff Schedules for the City of Brenham Water Services**

#### **6.d. Approve Resolution No. R-25-011 Repealing Resolution No R-25-023 Approving the Submission of a Grant Application through the Office of the Governor (OOG), Public Safety Office, Homeland Security Grants Division for the 2024 State Homeland Security Program - Law Enforcement Terrorism Prevention Activities (LETPA) Projects**

#### **6.e. Approve Resolution No. R-25-012 Amending the Authorized Representatives for TexPool Local Government Investment Pool**

#### **6.f. Approve the Ratification of the Use of Seizure Funds by the City of Brenham Police Department for Intrastate Prisoner Extradition by Lone Star Prisoner Transport, Inc. in the Amount of \$2,500.00 and Authorize**

**the Mayor to Execute Any Necessary Documentation**

- 6.g. Approve the Purchase of a Precision Cut Fairway Mower for the City of Brenham Parks Department from Deere & Company Through Texas BuyBoard Contract No. 706-23 in the Amount of \$88,223.52 and Authorize the Mayor to Execute Any Necessary Documentation**
- 6.h. Approve the Purchase of a Generac Mobile Generator for the City of Brenham Maintenance Department from Clifford Power Through Texas BuyBoard Contract No. 657-21 in the Amount of \$107,270.00 and Authorize the Mayor to Execute Any Necessary Documentation**
- 6.i. Approve the Purchase of a Chevrolet Silverado 3500 Pickup Truck for the City of Brenham Gas Department from Lake Country Chevrolet Through The Interlocal Purchasing System (TIPS) Contract No. 240901 in the Amount of \$75,247.25 and Authorize the Mayor to Execute Any Necessary Documentation**
- 6.j. Approve the Renewal of the Microsoft Enterprise Agreement with Microsoft Corporation Affiliate SHI Government Solutions in the Amount of \$72,052.28, and Authorize the Mayor to Execute Any Necessary Documentation**
- 6.k. Approve the Submission of Documentation to Receive Funds, In the Amount of \$82,000.00, From the Coronavirus Response and Relief Supplemental Appropriation Act (CRRSAA) and American Rescue Plan Act (ARPA) as Administered Through the Texas Department of Transportation Aviation Division and Authorize the Mayor to Execute Any Necessary Documentation**

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

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

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

**No:** None

**Absent:** Councilmember Cook

## **PUBLIC HEARING AND ASSOCIATED ACTION ITEM**

### **7. 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, Texas ( Case No. TEXT AMEND-25-001) to Include:**

- **Appendix A: Zoning, Part I, Division 1, Section 5.02, Definitions, to Define Smoke Shop and Vape Shop Uses, to Include Distance Requirements; and**
- **Appendix A: Zoning, Part II, Division 2, Section 4.02, Permitted Uses Within the B-2 Commercial, Research and Technology District, to Include Smoke Shop and Vape Shop as Permitted Uses**

City Planner Shauna Laauwe presented this item. Laauwe explained that Brenham has seen an increase in the number of permits for vape and smoke shops, with currently seven (7) such businesses that are currently an undefined use and have been simply regarded as a general retail use in all commercial zoning districts to include the B-1, Local Business/Residential Mixed-Use District and the B-3 and B-4 Downtown districts. Laauwe stated that this text amendment request is to add use definitions for smoke shops and vape shops and to designate them as permitted uses in the B-2, Commercial, Research and Technology District.

Laauwe stated that after reviewing the research and considering the needs and opportunities within Brenham, Staff recommends that smoke shops and vape shops should be categorized as defined uses rather than general retail uses. Laauwe explained that this is accomplished by adding a definition for each use and then listing the use as either a permitted or a specific use within a specific Zoning District. Laauwe added that in addition, the proposed definitions also include use distance requirements that are like those imposed by the Texas Alcoholic and Beverage Commission (TABC) for alcohol and liquor sales. Laauwe stated that limitations on the hours of operation are not recommended, and that lounge uses, such as cigar or hookah lounges, are not affected by these proposed regulations, as they are establishments for on-premises consumption by adults that are 21 years of age or older and not solely for the sale of e-cigarettes or tobacco products.

Laauwe explained that, given the health effects and studies showing the prevalence of e-cigarette use in youth, the tendency of such shops to be near one another, and recent State Laws, staff find that smoke shop and vape shop uses should be listed as permitted uses only in the B-2, Commercial, Research, and Technology District and I, Industrial District.

Laauwe also explained that this provision would protect the Historic Downtown and residential areas as smoke and vape shop uses would not be allowed in the B-1, Local Business and Residential Mixed-Use District, or in the downtown Districts that include the B-3, Historical Central Business District and B-4 Neighborhood Business District. Laauwe explained that any existing smoke and vape shops in those Districts

would become legally nonconforming uses.

Laauwe stated that the Planning and Zoning Commission held a Public Hearing on this item during their meeting on Monday, April 7, 2025. During the Public Hearing, no one from the public came forward to speak; therefore, the Planning and Zoning Commission unanimously (6-0) recommended approval of the text amendment request.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve an Ordinance on its first reading amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham, Texas (Case No. TEXT AMEND-25-001) to include:

- Appendix A: Zoning, Part I, Division 1, Section 5.02, Definitions, to define smoke shop and vape shop uses, to include distance requirements; and
- Appendix A: Zoning, Part II, Division 2, Section 4.02, Permitted Uses Within the B-2 Commercial, Research and Technology District, to include smoke shop and vape shop as permitted uses

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

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

**No:** None

**Absent:** Councilmember Cook

## REGULAR SESSION

### 8. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham's FY24-25 Adopted Budget

Director of Finance Stacy Hardy presented this item. Hardy stated that the Finance Department is recommending the following budget amendment to reflect the 2025 bond proceeds and related capital purchases, revenues/transfers/expenditures associated with the Smithsonian Museum on Main Street (MoMS) exhibit, purchases from the Capital/Non Routine Fund, and budget items moved from FY24 to FY25. Hardy explained the following:

- **TOURISM & MARKETING FUND 249** - Net effect is to decrease budgeted fund balance by \$50,100, primarily due to carryover of a FY24 budget item. Budgeted expenditures are increasing due to the Hotel Association billboard expenditure

and due to MoMS expenditures, which were funded by donations and a contribution by the County. Revenues and Transfers In are increasing due to MoMS donations and County funding towards both the MoMS exhibit and the Geiger expenditure. A capital expenditure for AV upgrades at The Barnhill Center is being carried over from the FY24 budget.

- **CAPITAL/NON ROUTINE FUND 236** - Net effect is to decrease budgeted fund balance by \$243,385 due to capital purchases. These purchases are funded by the \$950,000 General Fund 101 FY24 Above Budget Net Revenue (ABNR) that was transferred into this fund.
- **GENERAL GOVERNMENT CAPITAL PROJECTS FUND 270** - Net effect is to increase budgeted fund balance by \$2,016,000, which will be used to fund FY26 and FY27 General Fund capital purchases. This amount is the net of \$3,100,000 in bond proceeds less the FY25 planned capital purchases of \$1,084,000.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Canales to approve an Ordinance on its first reading amending the City of Brenham's FY24-25 adopted 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 LaRoche, Councilmember Saunders, Councilmember Wright

**No:** None

**Absent:** Councilmember Cook

**9. Discuss and Possibly Act Upon the Purchase of the Following Equipment for the City of Brenham's Street Department:**

- A Reclaimer/Stabilizer/Trailer Through Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program, Contract No. SM10-20**
- A Cracksealer 125 Through Texas BuyBoard, Contract No. 685-22**
- A Dump Truck Through Sourcewell, Contract No. 032824-NVS**

**and Authorize the Mayor to Execute Any Necessary Documentation**

Director of Public Works Dane Rau presented this item. Rau explained that during the 2024-25 budget process, staff shared with the Council major equipment needs which were up for replacement according to the Street Department five year capital plan. Rau stated that during the July budget workshop, it was decided that with a large amount of equipment in the replacement plan for the next 5 years, this equipment

would be purchased using CO's (Certificate of Obligation). Rau stated that the CO's were presented and approved at the March 6th Council meeting.

Rau stated that over the last few months, staff has researched, demoed, and worked with vendors to stay within budget with this needed equipment. Rau explained that these units are all replacing older equipment that is in the fleet.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve the purchase of various equipment:

- a. Reclaimer/Stabilizer/Trailer from Asphalt Zipper using Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program Contract No. SM10-20 in the amount of \$362,090.00,
- b. Cracksealer 125 from Crafcro, Inc. using Texas BuyBoard Contract No. 685-22 in the amount of \$90,904.44,
- c. Dump Truck from Hermann International using Sourcewell Contract No. 032824-NVS in the amount of \$114,100.00

for the City of Brenham Street Department for the total expenditure of \$567,094.44 and authorize the Mayor to execute any necessary documentation.

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

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

**No:** None

**Absent:** Councilmember Cook

**10. Discuss and Possibly Act Upon RFP No. 25-005 for the Construction of an Electric Equipment Building for the City of Brenham Electric Department and Authorize the Mayor to Execute Any Necessary Documentation**

Electric Superintendent Jason Lange presented this item. Lange explained that in April 2025, staff opened request for proposals (RFP) regarding the Electric Equipment Building. Lange advised that the scope of work consists of constructing a metal 40ft x 80ft x 17.4ft equipment lean-to-shed with concrete foundation piers. Lange explained that the building will be used to house new equipment such as the backyard bucket, deployment trailer, chipper & chipper truck, as well as multiple trailer-mounted equipment.

Lange advised that there were a total of four companies to submit proposals with the lowest being Brenham Iron Works. Lange advised a committee of city staff

evaluated all four proposals with agreeing that Brenham Iron Works was the top proposal.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve the award of RFP No. 25-005 for the construction of an electric equipment building to Brenham Iron Works in the amount of \$56,856.42 and authorize the Mayor to execute any necessary documentation.

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

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

**No:** None

**Absent:** Councilmember Cook

**11. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Byrne Software Technologies Related to Help Desk Support Services for the Accela Software Application and Authorize the Mayor to Execute Any Necessary Documentation**

Director of Development Services Stephanie Doland presented this item. Doland stated that the Development Services Department began processing online permits and applications through the online permitting portal known as Accela in October 2024. Doland explained that the Accela platform allows customers a single location to login and submit applications for residential and commercial building permits, planning applications, health and food permits, etc. Doland explained that the Accela platform includes functionality that expands beyond Development Services by allowing access by multiple departments such as Public Utilities and Public Works through the Commercial Plan Review Committee.

Doland explained that the functionality of the Accela software is extensive and staff continues to refine and modify workflows and application instructions to improve the experience for the customer and internally to result in an improved project approval process. Doland explained that for changes to the platform that cannot be accomplished by City Staff, a third-party "help desk" consultant is required to make configuration changes and implement new record types.

Doland stated that following evaluation by qualified vendors, staff recommends a five-year support services contract with Byrne Software Technologies to implement changes to the software and to further train city staff on the configuration side of the product. Doland advised that the support contract includes an hourly rate with a not-to-exceed annual scope of 80-hours of labor. Doland stated that staff recommends

approval of this five-year contract to set the rate for the next five years versus a yearly contract which would result in an annual hourly rate increase. Doland advised that the proposed services were included in the current Development Services operating budget and if approved will be included in future department budget requests.

A motion was made by Councilmember Saunders and seconded by Mayor Pro Tem Kolby to approve a Five-Year Professional Services Agreement between the City of Brenham and Byrne Software Technologies related to Help Desk Support Services for the Accela Software Application for an amount not to exceed \$61,200.00 for the five-year period and authorize the Mayor to execute any necessary documentation.

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

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

**No:** None

**Absent:** Councilmember Cook

**12. Discuss and Possibly Act Upon Change Order No. 1 Related to Project No. 63C-22C for the Groundwater Supply-Phase 1 Project and Authorize the Mayor to Execute Any Necessary Documentation**

Director of Municipal Gas and Utilities Shawn Bolenbarr presented this item. Bolenbarr stated that in October 2024, the City Council awarded Project #63C-22C (Groundwater Supply-Phase 1) to Hydro Resources-Mid Continent, Inc. (Hydro Resources) for a total cost of \$1,864,560.00 with the scope of this project to rehabilitate the existing Loesch Street Jasper Aquifer Water Well (Jasper Well) and to construct one new Catahoula Aquifer Water Well (Catahoula Well).

Bolenbarr explained that during the rehab of the Jasper Well, the contractor found multiple holes in the well casing, and discovered that the bottom of the well could not be accessed because gravel packing had fallen into the well via the holes in the casing. Bolenbarr stated that based on these issues, the recommendation was to plug and abandon the Jasper Well with the cost to plug and abandon the well of \$19,518.00 being offset by the savings in rehab costs of \$96,830.00.

Bolenbarr explained that during the Catahoula Well test phase of the project, the contractor and Strand recommended that the City extend the well from 1,150 feet to 1,500 feet, creating a deep zone in the Catahoula Aquifer. Bolenbarr stated that based on that recommendation, the City approved the extension of the Catahoula Well for an additional cost of \$40,950.00. Bolenbarr stated that the City also approved performing additional development and capacity testing in both zones (Jasper and Catahoula) for

an additional cost of \$28,000.00 and lastly, taking additional water samples from both aquifers for an additional cost of \$13,000.00.

Bolenbarr stated that the net cost of all of these changes is an additional \$4,638.00.

A motion was made by Councilmember LaRoche and seconded by Councilmember Wright to approve Change Order No. 1 to Hydro Resources-Mid Continent, Inc. in the amount of \$4,638.00 related to Project No. 63C-22C for the Groundwater Supply-Phase 1 Project and authorize the Mayor to execute any necessary documentation.

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

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

**No:** None

**Absent:** Councilmember Cook

### **13. Administrative/Elected Officials Report**

City Manager Carolyn Miller reported on the following:

- April 18th - City Closed for Good Friday
- April 22nd - Early Voting begins
- May 1st - City Council Meeting

City Secretary/Director of Administrative Services reported on the following:

- Early voting will begin April 22nd
- The City Election website is up to date and includes a voters education guide

## **ADJOURN**

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Atwood C. Kenjura  
Mayor

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Jeana Bellinger, TRMC, CMC  
City Secretary

## **ORDINANCE NO. O-25-006**

### **AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING THE FY2024-25 ADOPTED BUDGET; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Brenham, Texas has previously approved a budget for the fiscal year ending September 30, 2025, after having filed the same with the City Secretary and after holding public hearings on same, all after due notice as required by statute; and

**WHEREAS**, due to unforeseen circumstances and/or conditions, the City Council finds it is necessary to amend the FY2024-25 Budget for municipal purposes;

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

#### **SECTION 1.**

That the City Council of the City of Brenham, Texas, does hereby amend the budget for the City of Brenham, Texas for the fiscal year ending September 30, 2025, as shown on Exhibit A.

#### **SECTION II.**

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

**PASSED and APPROVED** on its first reading this 17th day of April 2025.

**PASSED and APPROVED** on its second reading this 1st day of May 2025.

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Atwood C. Kenjura  
Mayor

**ATTEST:**

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Jeana Bellinger, TRMC, CMC  
City Secretary

**CITY OF BRENHAM**  
**FY2024-25 ADOPTED BUDGET**  
**BUDGET AMENDMENT #1**  
**EXHIBIT A**

| FUND                           | PAGE NUMBER | REVENUES        |           | GRANT    |           | TRANSFERS-IN    |           | OPERATING        |           | TRANSFERS-OUT      |           | NET CHANGE         |           |
|--------------------------------|-------------|-----------------|-----------|----------|-----------|-----------------|-----------|------------------|-----------|--------------------|-----------|--------------------|-----------|
|                                |             | (INC)/DEC       | (INC)/DEC | REVENUES | (INC)/DEC | (INC)/DEC       | (INC)/DEC | EXPENDITURES     | INC/(DEC) | INC/(DEC)          | INC/(DEC) | TO FUND            | (INC)/DEC |
| 249 TOURISM & MARKETING FUND   | 1           | (43,000)        | -         | -        | -         | (45,500)        | -         | 138,600          | -         | -                  | -         | 50,100             | -         |
| 236 CAPITAL/NON ROUTINE FUND   | 2           | -               | -         | -        | -         | -               | -         | 243,385          | -         | -                  | -         | 243,385            | -         |
| 270 GEN GOVT CAP PROJECTS FUND | 3           | -               | -         | -        | -         | -               | -         | 1,120,287        | -         | (3,136,287)        | -         | (2,016,000)        | -         |
| <b>TOTAL</b>                   |             | <b>(43,000)</b> | <b>-</b>  | <b>-</b> | <b>-</b>  | <b>(45,500)</b> | <b>-</b>  | <b>1,502,272</b> | <b>-</b>  | <b>(3,136,287)</b> | <b>-</b>  | <b>(1,722,515)</b> | <b>-</b>  |

**FUND 249 - TOURISM & MARKETING FUND**

**EXHIBIT A, Page 1**

| GL#          | ACCOUNT NAME                         | ACCOUNT TYPE | AMENDMENT ACTION | CURRENT BUDGET | AMENDMENT | AMENDED BUDGET | REASON                                                                 |
|--------------|--------------------------------------|--------------|------------------|----------------|-----------|----------------|------------------------------------------------------------------------|
| 4-590.00     | MISCELLANEOUS REVENUE                | REVENUE      | (INC)/DEC        | (2,000)        | (18,000)  | (20,000)       | County funding for Geiger expenditure                                  |
| 4-519.10     | TOURISM EVENTS REVENUE               | REVENUE      | (INC)/DEC        | (5,000)        | (25,000)  | (30,000)       | MOMS funding from County                                               |
| 6-000-626.00 | INTERFUND TRNSFR-COMM PROJ           | TRANSFER-IN  | (INC)/DEC        | -              | (45,500)  | (45,500)       | MOMS Donations - Transfer from Fund 260                                |
| 5-100-409.00 | ADVERTISING & PROMOTION              | EXPENDITURE  | INC/(DEC)        | 361,000        | 15,600    | 376,600        | Hotel Association sign                                                 |
| 5-100-815.00 | OTHER CAPITAL                        | EXPENDITURE  | INC/(DEC)        | -              | 52,500    | 52,500         | The Barnhill Center AV upgrade - moved from FY24 budget to FY25 budget |
| 5-100-949.30 | TOURISM EVENTS                       | EXPENDITURE  | INC/(DEC)        | 20,000         | 70,500    | 90,500         | MOMS Expenses                                                          |
|              | NET CHANGE TO FUND BALANCE (INC)/DEC |              |                  |                | 50,100    |                |                                                                        |

**FUND 236 - CAPITAL/NON ROUTINE FUND**

**EXHIBIT A, Page 2**

| GL#                                  | ACCOUNT NAME              | ACCOUNT TYPE | AMENDMENT ACTION | CURRENT BUDGET | AMENDMENT | AMENDED BUDGET | REASON                                                                       |
|--------------------------------------|---------------------------|--------------|------------------|----------------|-----------|----------------|------------------------------------------------------------------------------|
| 5-100-715.25                         | OTHER CAPITAL-MAIN ST     | EXPENDITURE  | INC/(DEC)        | -              | 57,590    | 57,590         | Purchase of Christmas Lights for Main Street area of downtown Brenham        |
| 5-100-802.49                         | OTHER CAPITAL-AQUATICS    | EXPENDITURE  | INC/(DEC)        | -              | 51,722    | 51,722         | Purchase of replacement shade structure (damaged by storm in FY24)           |
| 5-100-810.44                         | MACHINERY/EQUIPMENT-PARKS | EXPENDITURE  | INC/(DEC)        | -              | 19,707    | 19,707         | Purchase of replacement Lazer Liner for Park Department                      |
| 5-100-813.51                         | VEHICLES                  | EXPENDITURE  | INC/(DEC)        | -              | 114,366   | 114,366        | 2 Ford F150s on PO24-14439 originally budgeted in FY24 but delivered in FY25 |
| NET CHANGE TO FUND BALANCE (INC)/DEC |                           |              |                  |                | 243,385   |                |                                                                              |

**FUND 270 -GENERAL GOVT CAPITAL PROJECTS FUND**

**EXHIBIT A, Page 3**

| GL#                                  | ACCOUNT NAME                 | ACCOUNT TYPE | AMENDMENT ACTION | CURRENT BUDGET | AMENDMENT   | AMENDED BUDGET | REASON                                                      |
|--------------------------------------|------------------------------|--------------|------------------|----------------|-------------|----------------|-------------------------------------------------------------|
| 6-000-683.00                         | OTHER SOURCES-BOND PROCEEDS  | TRANSFER-IN  | (INC)/DEC        | -              | (3,136,287) | (3,136,287)    | 2025 Bond Proceeds                                          |
| 5-100-421.20                         | BOND ISSUANCE COSTS          | EXPENDITURE  | INC/(DEC)        | -              | 36,287      | 36,287         | 2025 Bond Issuance cost                                     |
| 5-100-813.41                         | VEHICLES/LARGE EQUIP-STREETS | EXPENDITURE  | INC/(DEC)        | -              | 571,000     | 571,000        | Purchase of capital equipment                               |
| 5-100-810.41                         | EQUIPMENT-STREETS            | EXPENDITURE  | INC/(DEC)        | -              | 100,500     | 100,500        | Purchase of capital equipment                               |
| 5-100-813.31                         | VEHICLES/LARGE EQUIP-MAINT   | EXPENDITURE  | INC/(DEC)        | -              | 48,500      | 48,500         | Purchase of capital equipment                               |
| 5-100-810.31                         | EQUIPMENT-MAINTENANCE        | EXPENDITURE  | INC/(DEC)        | -              | 206,000     | 206,000        | Purchase of capital equipment                               |
| 5-100-813.44                         | EQUIPMENT-PARKS & REC        | EXPENDITURE  | INC/(DEC)        | -              | 158,000     | 158,000        | Purchase of capital equipment                               |
| NET CHANGE TO FUND BALANCE (INC)/DEC |                              |              |                  |                |             |                | FUND BALANCE TO BE USED FOR FY26 AND FY27 CAPITAL PURCHASES |
|                                      |                              |              |                  |                |             |                | (2,016,000)                                                 |

## **ORDINANCE NO. O-25-007**

**AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING APPENDIX A – “ZONING”, OF THE CODE OF ORDINANCES BY AMENDING PART I, SECTION 5.02 – DEFINITIONS TO ADD THE DEFINITIONS OF “SMOKE SHOP” AND “VAPE SHOP;” AMENDING PART II, DIVISION 2, SECTION 4.02, REGARDING THE ADDITION OF SMOKE SHOP AND VAPE SHOP TO THE LIST OF PERMITTED USES WITHIN THE B-2, COMMERCIAL, RESEARCH AND TECHNOLOGY DISTRICT ; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND OPEN MEETINGS.**

**WHEREAS**, the City of Brenham has adopted Appendix A – “Zoning” of the Code of Ordinances which regulate land uses and their physical development standards in Brenham; and

**WHEREAS**, the City Council recognizes that the adopted Comprehensive Plan: Historic Past, Bold Future: Plan 2040, Guiding Principle #1 states “Brenham will emphasize QUALITY as it grows, ensuring growth is managed in a way that adds value to the city, while also strengthening existing neighborhoods and commercial areas;” and

**WHEREAS**, the City Council recognizes the need from time to time to amend these regulations to help protect the integrity of Brenham’s historic downtown district and improve commercial corridors; and

**WHEREAS**, the Planning and Zoning Commission and the City Council of the City of Brenham, Texas have published notices 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 full and complete opportunity to be heard; and

**WHEREAS**, this amendment was recommended for approval by the City of Brenham Planning and Zoning Commission during the scheduled meeting held on April 7, 2025; 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:**

## **SECTION 1.**

That Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas Part I, Section 5.02, Definitions, is hereby amended by adding the definitions for “Smoke Shop” and “Vape Shop” to read as follows:

*Smoke Shop:* A retail outlet whose main purpose is selling “tobacco products,” as that term is defined by the Food and Drug Administration in Title 21 C.F.R. § 11.003, as may be amended, and smoking equipment for off-site consumption or use. Smoke Shops shall have a minimum distance (measured in a direct line from the nearest property line to nearest property line) of 300 feet from a single-family residential use; and 1,000 feet from any public or private school, public park, religious facility, public hospital, day care facility, and any Smoke Shop or Vape Shop that is in current operation.

*Vape Shop:* A retail outlet whose main purpose is selling vaping products for off-site consumption or use. Vaping means using a vaporizer or inhalant-type device, also known as an electronic cigarette, that contains a power source and heating element designed to heat a substance for inhaling the vapor of the device directly through the mouth, whether or not the vapor contains nicotine. Vape Shops shall have a minimum distance (measured in a direct line from the nearest property line to nearest property line) of 300 feet from a single-family residential use; and 1,000 feet from any public or private school, public park, religious facility, public hospital, day care facility, and any Vape Shop or Smoke Shop that is in current operation.

## **SECTION 2.**

That Appendix A – Zoning, Part II, Division 2, Section 4.02 of the Code of Ordinances of the City of Brenham, Texas, is hereby amended to read as follows:

### **Sec. 4. B-2 Commercial, Research and Technology District**

(Sec. 4.01) Purpose. The B-2 District is established as a mixed-use district to preserve and to protect appropriate locations for existing light industry. It is also designed to include new high-tech commercial uses such as technical laboratories, computer centers, engineering/ operations and research facilities that will benefit from direct access and/or close proximity to highway routes, while providing safe and convenient locations for multifamily uses through the strict enforcement of performance standards.

(Sec. 4.02) Permitted uses:

...

- (25) Smoke Shop.
- (26) Upholstering shops which may involve furniture manufacturing.
- (27) Vape Shop.
- (28) Veterinarian or animal hospital.
- (29) Wholesale establishments and warehouses.
- (30) Uses similar to the abovementioned permitted uses, provided activities conducted observe applicable performance standards as provided in Part II, Division 2 of this ordinance.
- (31) Accessory buildings and uses customarily incident to any of the above uses, provided that such uses observe applicable performance standards as provided in Part II, Division 2 of this ordinance.

### **SECTION 3.** **REPEALER CLAUSE**

Any other ordinance or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

### **SECTION 4.** **SAVINGS**

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 5.** **SEVERABILITY**

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 6.**  
**EFFECTIVE DATE**

This Ordinance shall become effective upon adoption and publication as required by law.

**SECTION 7.**  
**PROPER NOTICE AND MEETINGS**

It is hereby officially found and determined that the meetings at which this Ordinance was passed were open to the public as required and that public notice of the time, place, and purpose of said meetings were given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PASSED** and **APPROVED** on its first reading this the 17th day of April, 2025.

**PASSED** and **APPROVED** on its second reading this the 1st day of May, 2025.

\_\_\_\_\_  
Atwood C. Kenjura  
Mayor

**ATTEST:**

\_\_\_\_\_  
Jeana Bellinger, TRMC, CMC  
City Secretary



## City Council Regular Meeting **AGENDA ITEM 6.d**

**Agenda Item:** Discuss and Possibly Act Upon Resolution No. R-25-013 Related to an Agreement Between the City of Brenham and the Texas Department of Transportation for the Temporary Closure of the State Right-of-Way in Connection with the 2025 Downtown Summer Concert Series, Hot Nights, Cool Tunes to be Held on July 5, 12, 19, and 26, 2025

**Meeting Date:** May 1, 2025

**Department:** Main Street

**Staff Contact:** Leigh Linden, Main Street Manager

### **SUMMARY STATEMENT:**

The Hot Nights, Cool Tunes summer concert series is hosted by the City of Brenham and sponsored by local businesses. Concerts are on Saturdays, July 5, 12, 19, and 26, 2025, from 7:00 p.m. to 10:00 p.m. These are free public events with live entertainment, food vendors, and a classic car cruise-in. Brenham residents and visitors bring lawn chairs, set them up in the street, and enjoy fellowship and entertainment. One lane of Alamo Street between Park Street and St. Charles Street will close at 1:30 p.m. for stage setup, followed by both lanes of Alamo Street closing between Austin Street and Market Street from 4:00 p.m. to midnight or until the stage is removed. The estimated attendance per weekend is 2,500 people.

### **ATTACHMENTS:**

1. R-25-013 - TxDOT
2. 2025 HNCT - TEA Application

### **RECOMMENDATION:**

Approve Resolution No. R-25-013 related to an agreement between the City of Brenham and the Texas Department of Transportation for the temporary closure of the state right-of-way in connection with the 2025 Downtown Summer Concert Series, Hot Nights, Cool Tunes to be held on July 5, 12, 19, and 26, 2025.

## **RESOLUTION NO. R-25-013**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS APPROVING A MUNICIPAL MAINTENANCE AGREEMENT BETWEEN THE STATE OF TEXAS, THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, AND THE CITY OF BRENHAM, AND AUTHORIZING THE MAYOR TO EXECUTE SAID MUNICIPAL MAINTENANCE AGREEMENT.**

**WHEREAS**, Chapter 311 of the Transportation Code gives the City of Brenham (the “City”) exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through its corporate limits; and

**WHEREAS**, Section 221.002 of the Transportation Code authorizes the State of Texas (the “State”), at its discretion, to enter into an agreement with the City to fix responsibilities for maintenance, control, supervision, and regulation of State of Texas highways within and through the corporate limits of the City; and

**WHEREAS**, the State and the City desire to enter into the Municipal Maintenance Agreement attached hereto as Exhibit “A” and incorporated herein for all purposes (“Agreement”);

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

1. The City Council of the City of Brenham hereby approves the Municipal Maintenance Agreement (“Agreement”) between the State of Texas through the Texas Department of Transportation and the City of Brenham, attached hereto as Exhibit “A” and incorporated herein for all purposes.
2. The Mayor is hereby authorized and directed to execute the Agreement on behalf of the City of Brenham.
3. City Staff is hereby authorized and directed to take any and all action necessary to implement the provisions of this Resolution.
4. This Resolution shall be effective immediately upon and after its passage.

**RESOLVED** this 1<sup>st</sup> day of May, 2025.

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Atwood C. Kenjura  
Mayor

**ATTEST:**

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Jeana Bellinger, TRMC, CMC  
City Secretary

STATE OF TEXAS §

COUNTY OF §

WASHINGTON

**AGREEMENT FOR THE TEMPORARY CLOSURE  
OF STATE RIGHT OF WAY**

**THIS AGREEMENT** is made by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the "State," and the City of Brenham, a municipal corporation, acting by and through its duly authorized officers, hereinafter called the "local government."

**W I T N E S S E T H**

**WHEREAS**, the State owns and operates a system of highways for public use and benefit, including Alamo Street, in Washington, County; and

**WHEREAS**, the local government has requested the temporary closure of Alamo Street (Business 290) for the purpose of 2025 Downtown Summer Concert Series Hot Nights, Cool Tunes, from 1.00pm to 12am as described in the attached "Exhibit A," hereinafter identified as the "Event;" and

**WHEREAS**, the Event will be located within the local government's incorporated area; and

**WHEREAS**, the State, in recognition of the public purpose of the Event, wishes to cooperate with the City so long as the safety and convenience of the traveling public is ensured and that the closure of the State's right of way will be performed within the State's requirements; and

**WHEREAS**, on the 1 st day of May, 2025, the Brenham City Council passed Resolution / Ordinance No. \_\_\_\_\_, attached hereto and identified as "Exhibit B," establishing that the Event serves a public purpose and authorizing the local government to enter into this agreement with the State; and

**WHEREAS**, 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of a segment of the State highway system; and

**WHEREAS**, this agreement has been developed in accordance with the rules and procedures of 43 TAC, Section 22.12;

**NOW, THEREFORE**, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

**A G R E E M E N T**

**Article 1. CONTRACT PERIOD**

This agreement becomes effective upon final execution by the State and shall terminate upon completion of the Event or unless terminated or modified as hereinafter provided.

## **Article 2. EVENT DESCRIPTION**

The physical description of the limits of the Event, including county names and highway numbers, the number of lanes the highway has and the number of lanes to be used, the proposed schedule of start and stop times and dates at each location, a brief description of the proposed activities involved, approximate number of people attending the Event, the number and types of animals and equipment, planned physical modifications of any man-made or natural features in or adjacent to the right of way involved shall be attached hereto along with a location map and identified as "Exhibit C."

## **Article 3. OPERATIONS OF THE EVENT**

**A.** The local government shall assume all costs for the operations associated with the Event, to include but not limited to, plan development, materials, labor, public notification, providing protective barriers and barricades, protection of highway traffic and highway facilities, and all traffic control and temporary signing.

**B.** The local government shall submit to the State for review and approval the construction plans, if construction or modifications to the State's right of way is required, the traffic control and signing plans, traffic enforcement plans, and all other plans deemed necessary by the State. The State may require that any traffic control plans of sufficient complexity be signed, sealed and dated by a registered professional engineer. The traffic control plan shall be in accordance with the latest edition of the Texas Manual on Uniform Traffic Control Devices. All temporary traffic control devices used on state highway right of way must be included in the State's Compliant Work Zone Traffic Control Devices List. The State reserves the right to inspect the implementation of the traffic control plan and if it is found to be inadequate, the local government will bring the traffic control into compliance with the originally submitted plan, upon written notice from the State noting the required changes, prior to the event. The State may request changes to the traffic control plan in order to ensure public safety due to changing or unforeseen circumstances regarding the closure.

**C.** The local government will ensure that the appropriate law enforcement agency has reviewed the traffic control for the closures and that the agency has deemed them to be adequate. If the law enforcement agency is unsure as to the adequacy of the traffic control, it will contact the State for consultation no less than 10 workdays prior to the closure.

**D.** The local government will complete all revisions to the traffic control plan as requested by the State within the required timeframe or that the agreement will be terminated upon written notice from the State to the local government. The local government hereby agrees that any failure to cooperate with the State may constitute reckless endangerment of the public and that the Texas Department of Public Safety may be notified of the situation as soon as possible for the appropriate action, and failing to follow the traffic control plan or State instructions may result in a denial of future use of the right of way for three years.

**E.** The local government will not initiate closure prior to 24 hours before the scheduled Event and all barriers and barricades will be removed and the highway reopened to traffic within 24 hours after the completion of the Event.

**F.** The local government will provide adequate enforcement personnel to prevent vehicles from stopping and parking along the main lanes of highway right of way and otherwise prevent interference with the main lane traffic by both vehicles and pedestrians. The local government will prepare a traffic enforcement plan, to be approved by the State in writing at least 48 hours prior to the scheduled Event. Additionally, the local government shall provide to the State a letter of certification from the law enforcement agency that will be providing traffic control for the Event, certifying that they agree with the enforcement plan and will be able to meet its requirements.

**G.** The local government hereby assures the State that there will be appropriate passage

allowance for emergency vehicle travel and adequate access for abutting property owners during construction and closure of the highway facility. These allowances and accesses will be included in the local government's traffic control plan.

**H.** The local government will avoid or minimize damage, and will, at its own expense, restore or repair damage occurring outside the State's right of way and restore or repair the State's right of way, including, but not limited to, roadway and drainage structures, signs, overhead signs, pavement markings, traffic signals, power poles and pavement, etc. to a condition equal to that existing before the closure, and, to the extent practicable, restore the natural and cultural environment in accordance with federal and state law, including landscape and historical features.

#### **Article 4. OWNERSHIP OF DOCUMENTS**

Upon completion or termination of this agreement, all documents prepared by the local government will remain the property of the local government. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

#### **Article 5. TERMINATION**

**A.** This agreement may be terminated by any of the following conditions:

- (1) By mutual written agreement and consent of both parties.
- (2) By the State upon determination that use of the State's right of way is not feasible or is not in the best interest of the State and the traveling public.
- (3) By either party, upon the failure of the other party to fulfill the obligations as set forth herein.
- (4) By satisfactory completion of all services and obligations as set forth herein.

**B.** The termination of this agreement shall extinguish all rights, duties, obligations, and liabilities of the State and local government under this agreement. If the potential termination of this agreement is due to the failure of the local government to fulfill its contractual obligations as set forth herein, the State will notify the local government that possible breach of contract has occurred. The local government must remedy the breach as outlined by the State within ten (10) days from receipt of the State's notification. In the event the local government does not remedy the breach to the satisfaction of the State, the local government shall be liable to the State for the costs of remedying the breach and any additional costs occasioned by the State.

#### **Article 6. DISPUTES**

Should disputes arise as to the parties' responsibilities or additional work under this agreement, the State's decision shall be final and binding.

#### **Article 7. RESPONSIBILITIES OF THE PARTIES**

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

#### **Article 8. INSURANCE**

**A.** Prior to beginning any work upon the State's right of way, the local government and/or its contractors shall furnish to the State a completed "Certificate of Insurance" (TxDOT Form 1560, latest edition) and shall maintain the insurance in full force and effect during the period

that the local government and/or its contractors are encroaching upon the State right of way.

**B.** In the event the local government is a self-insured entity, the local government shall provide the State proof of its self-insurance. The local government agrees to pay any and all claims and damages that may occur during the period of this closing of the highway in accordance with the terms of this agreement.

### **Article 9. AMENDMENTS**

Any changes in the time frame, character, agreement provisions or obligations of the parties hereto shall be enacted by written amendment executed by both the local government and the State.

### **Article 10. COMPLIANCE WITH LAWS**

The local government shall comply with all applicable federal, state and local environmental laws, regulations, ordinances and any conditions or restrictions required by the State to protect the natural environment and cultural resources of the State's right of way.

### **Article 11. LEGAL CONSTRUCTION**

In case one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions hereof and this agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

### **Article 12. NOTICES**

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified U.S. mail, postage prepaid, addressed to such party at the following respective addresses:

| <b>Local Government:</b> | <b>State:</b>                      |
|--------------------------|------------------------------------|
| City of Brenham          | Texas Department of Transportation |
| PO Box 1059              |                                    |
| Brenham, Tx 77833        |                                    |
|                          |                                    |
|                          |                                    |

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Either party hereto may change the above address by sending written notice of such change to the other in the manner provided herein.

### **Article 13. SOLE AGREEMENT**

This agreement constitutes the sole and only agreement between the parties hereto and supersedes any prior understandings or written or oral agreements respecting the within subject matter.

Agreement No. \_\_\_\_\_

Each party is signing this agreement on the date stated beside that party's signature.

**THE CITY OF** Brenham

Executed on behalf of the local government by:

By \_\_\_\_\_ Date \_\_\_\_\_  
City Official

Typed or Printed Name and Title \_\_\_\_\_  
\_\_\_\_\_

**THE STATE OF TEXAS**

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By \_\_\_\_\_ Date \_\_\_\_\_  
District Engineer

## **Exhibit A**

This request is for the closure of Alamo Street (Business 290) in Brenham, Texas (Washington County) as follows: One lane of Alamo Street (Business 290) from Park Street to St. Charles Street closing at 1:00 pm until 12:00 am; both lanes of Alamo Street (Business 290) from Austin Street to Market Street closing at 4:00 pm until 12:00 am on July 5, 12, 19, and 26 2025.

Streets will be barricaded with traffic control devices and staffed with personnel from the Brenham Police Department and Citizens on Patrol.

The proposed activity that requires these street closures is the Downtown Summer Concert Series, Hot Nights, Cool Tunes held on the four (4) Saturdays in July. These are free concerts for the public with live entertainment, food vendors, and a classic car cruise-in. Brenham residents and visitors bring lawn chairs, set them up in the street, and enjoy fellowship and entertainment.

Estimated attendance per event is approximately 2,500.

The elevated stage, 24'x 16'. will be set up at the intersection of Baylor and Alamo Streets.

**Exhibit B**

Agreement No. \_\_\_\_\_

**Exhibit C**

This request is for the closure of Alamo Street (Business 290) in Brenham, Texas (Washington County) as follows: One lane of Alamo Street (Business 290) from Park Street to St. Charles Street closing at 1:00 pm until 12:00 am; both lanes of Alamo Street (Business 290) from Austin Street to Market Street closing at 4:00 pm until 12:00 am on July 5, 12, 19, and 26 2025.

Streets will be barricaded with traffic control devices and staffed with personnel from the Brenham Police Department and Citizens on Patrol.

The proposed activity that requires these street closures is the Downtown Summer Concert Series, Hot Nights, Cool Tunes held on the four (4) Saturdays in July. These are free concerts for the public with live entertainment, food vendors, and a classic car cruise-in. Brenham residents and visitors bring lawn chairs, set them up in the street, and enjoy fellowship and entertainment.

Estimated attendance per event is approximately 2,500.

The elevated stage, 24'x 16'. will be set up at the intersection of Baylor and Alamo Streets.



1 inch = 220 feet



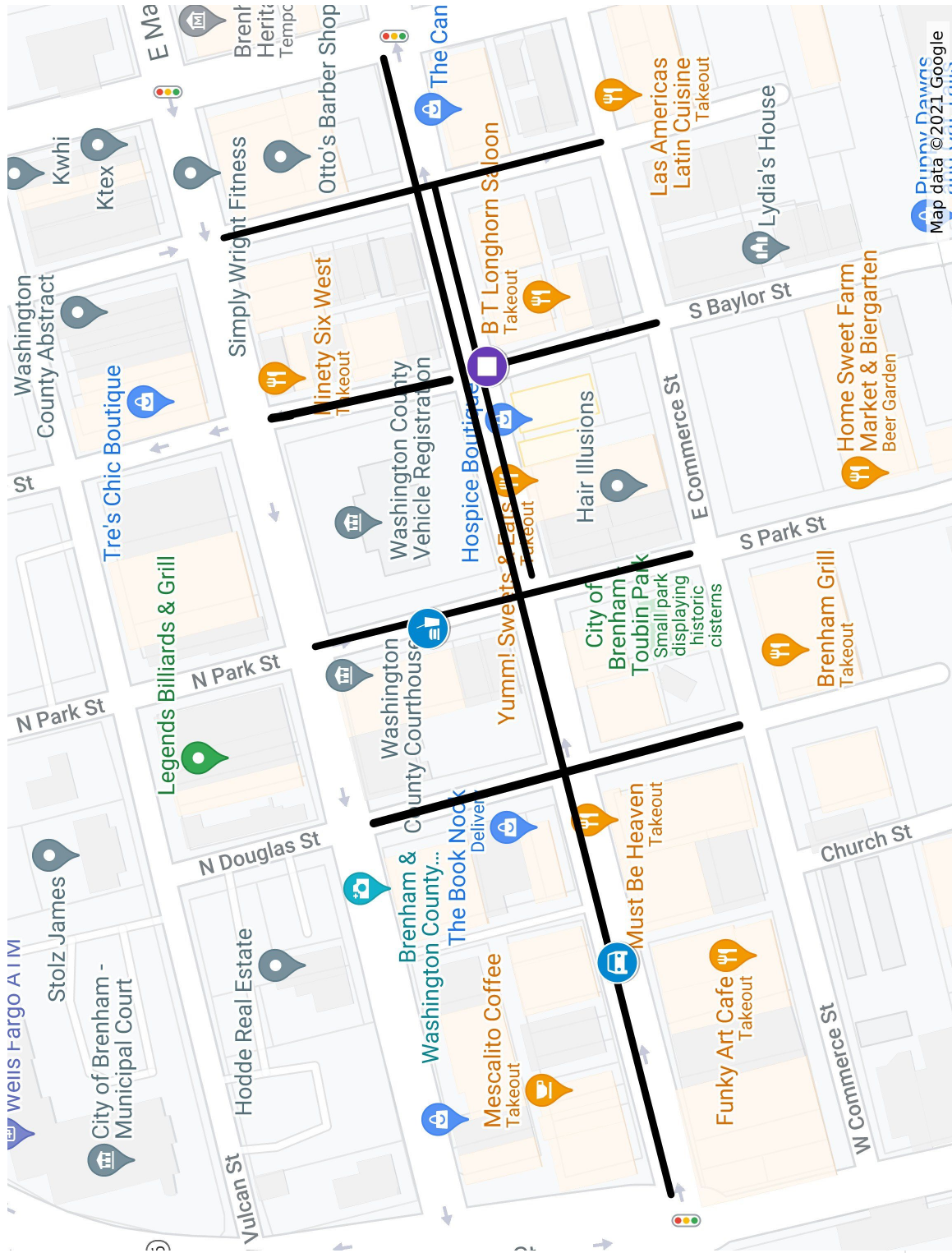
## Hot Nights Cool Tunes Detours



# Hot Nights, Cool Tunes

## Street Closures and Information

-  Alamo (one-lane) from Park to St. Charles closes at 1:00pm
-  Stage
-  Park Street from Commerce Street to Main Street closes at 3pm for food vendors to set-up.
-  Food Vendor Classic
-  Car Cruise-In
-  Douglas Street from Commerce Street to Main Street closes at 3pm.
-  St. Charles closes at 4pm
-  Alamo Street full closure at 4pm
-  Baylor Street from Commerce to Alamo closes at 11:00 am.
-  Baylor Street from Alamo to Main Street closes at 4pm.



**July 5, 12, 19, 26, 2025**

**7:00 pm-10:00 pm**



## City Council Regular Meeting **AGENDA ITEM 7**

**Agenda Item:** Discuss and Possibly Act Upon Resolution No. R-25-014 Authorizing the Acceptance of Public Infrastructure Improvements for the Timber Oaks Subdivision, Phase 4

**Meeting Date:** May 1, 2025

**Department:** Development Services

**Staff Contact:** Stephanie Doland, Director of Development Services

### **SUMMARY STATEMENT:**

Timber Oaks is a residential neighborhood by Gregg Appel and John Hill located southwest of the intersection of Old Mill Creek and Oak Tree Crossing. The subdivision consists of 24 single-family homes and associated infrastructure. In December of 2024 a permit was issued to convert and existing dead-end, "T" intersection into a cul-de-sac. When the original subdivision was designed a "T" intersection was constructed to allow for the extension of streets into an additional phase of the neighborhood. However, since that time the property once planned to be additional Phases of a residential subdivision has been sold to Blinn College for a sports complex. Therefore, the subdivision developer desired to transition the "T" intersection into a cul-de-sac to allow for additional road frontage to plat five additional residential lots.

Following the issuance of a permit for public infrastructure, Collier Construction has completed the paving improvements for the cul-de-sac and an infrastructure acceptance inspection was completed. All infrastructure improvements have now been completed and are ready for acceptance by Council. The recommended infrastructure acceptance is right-of-way paving for the cul-de-sac only as utilities were already in place for this subdivision.

The public infrastructure improvements valued at approximately \$70,230 have been constructed and inspected according to the City of Brenham ordinances and regulations and are ready for acceptance by the City of Brenham.

### **ATTACHMENTS:**

1. Timber Oaks Phase 4 Streets Acceptance Letter
2. Resized FINAL PLAT - Timber Oaks Subn, Section IV
3. R-25-014 Timber Oaks Subdivision Phase 4

### **RECOMMENDATION:**

Motion to approve Resolution No. R-25-014 authorizing the acceptance of Public Infrastructure Improvements for the Timber Oaks Subdivision Phase 4.



## Development Services Department

200 W. Vulcan St.  
Brenham, Texas 77833

P.O. Box 1059  
Brenham, Texas 77834-1059

April 23, 2025

Gregory E. Appel and John J. Appel Rental Partnership  
2502 Cheri Lane  
Brenham, TX 77833  
[gregg@hyundaibrenham.com](mailto:gregg@hyundaibrenham.com)

RE: Acceptance of street right-of-way improvements  
Timber Oaks Subdivision Phase 4

Please be advised that the street right-of-way improvements in the Timber Oaks Phase 4 subdivision have been accepted by the City of Brenham as shown below:

### Streets

| Street            | Traveling Direction | Beginning      |                | Ending         |                | Length (ft) | Pavement Width (ft) | Pavement (sf) | Dollar Value |
|-------------------|---------------------|----------------|----------------|----------------|----------------|-------------|---------------------|---------------|--------------|
|                   |                     | Lat            | Long           | Lat            | Long           |             |                     |               |              |
| Timber Oaks Drive | North               | N<br>30.159522 | W<br>96.418528 | N<br>30.159703 | W<br>96.418767 | Cul-de-sac  | 37.5                | 4,682         | \$70,230     |

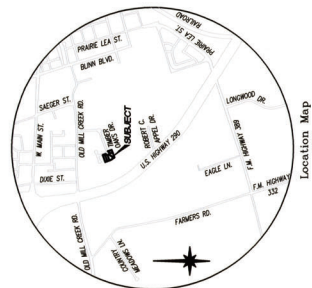
Date of Acceptance: May 1, 2025

One year warranty period begins on **May 1, 2025** and ends on **April 30, 2026** for the infrastructure listed above. One year surface correction warranty period begins on that end date and extends the warranty for surface corrections to streets one additional year.

Sincerely,

Stephanie Doland  
Director of Development Services  
City of Brenham

Cc: Grant Lischka, Lischka Engineering, [grant@lischkaengineering.com](mailto:grant@lischkaengineering.com)  
Steven Ellwood, [steve@collierconstruction.com](mailto:steve@collierconstruction.com)



Property Owner  
Gregory E. Appel and  
John J. Appel Rental  
Partnership  
2502 Cheri Lane  
Brenham, Texas 77833  
(979) 431-0136

Plat Prepared by  
Lampe Surveying, Inc  
P.O. Box 2037  
1408 West Main Street  
Brenham, Texas 77834  
(979) 836-6677

**OWNER DEDICATION**  
Gregory E. Appel and John J. Appel Rental Partnership, owner of the property subdivided in the foregoing map of Timber Oaks Subdivision, Section IV, do hereby make subdivision of said property according to the lines, lots, blocks, and subdivisions shown on the map, and do hereby dedicate the same to the City of Brenham, Washington County, Texas, located in the City of Brenham, Washington County, Texas, and I do hereby warrant and forever defend the title to the easements so dedicated. There is also dedicated for utility and unobstructed aerial easement five (5) feet adjacent to all easements shown hereon.

I/We hereby consent and agree that all lots within the boundaries of this subdivision are for residential purposes unless otherwise noted.

*Gregory E. Appel*  
Gregory E. Appel  
on behalf of Gregory E. Appel and  
John J. Appel Rental Partnership

*John J. Appel*  
John J. Appel  
on behalf of Gregory E. Appel and  
John J. Appel Rental Partnership

THE STATE OF TEXAS  
COUNTY OF WASHINGTON  
This instrument was acknowledged before me on the 2nd  
day of April, 2028 by Gregory E. Appel on behalf of  
Gregory E. Appel and John J. Appel Rental Partnership.

*Frank Ochoa-Ford*  
Notary Public  
State of Texas  
Notary's Name (Printed):  
Notary's Commission  
Expires: 2-15-27

THE STATE OF TEXAS  
COUNTY OF WASHINGTON  
This instrument was acknowledged before me on the 2nd  
day of April, 2028 by John J. Appel on behalf of  
Gregory E. Appel and John J. Appel Rental Partnership.

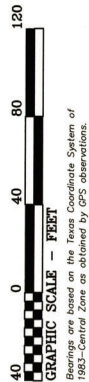
*Frank Ochoa-Ford*  
Notary Public  
State of Texas  
Notary's Name (Printed):  
Notary's Commission  
Expires: 2-15-27

Donald W. Lampe, Registered Professional Land Surveyor No. 1732 of the State of Texas, do hereby certify that this plat accurately represents the results of an on the ground survey made under my direction.

Dated this 29th day of June, 2023.  
Donald W. Lampe  
P.L.S. No. 1732  
Lampe Surveying, Inc

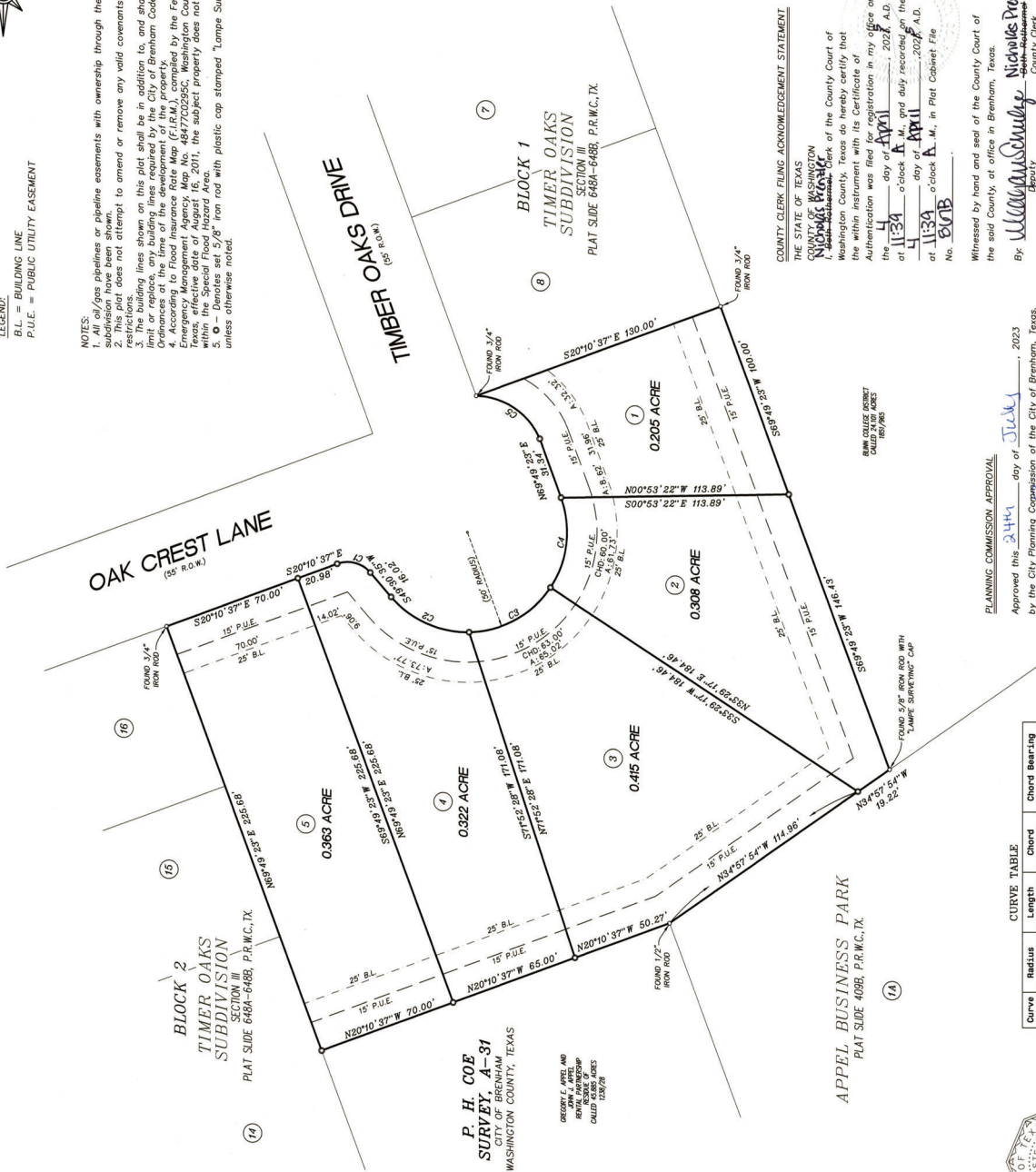
# FINAL PLAT OF TIMBER OAKS SUBDIVISION, SECTION IV

CONSISTING OF 5 LOTS  
BEING A TOTAL OF 1.613 ACRES  
F. H. COE SURVEY, A-31  
CITY OF BRENHAM  
WASHINGTON COUNTY, TEXAS



LEGEND:  
B.L. = BUILDING LINE  
P.U.E. = PUBLIC UTILITY EASEMENT

- NOTES:  
1. All gas, electric, or pipeline easements with ownership through the subdivision have been attempted to amend or remove any valid covenants or restrictions.  
2. This plat does not attempt to amend or remove any valid covenants or restrictions.  
3. The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines established by the City of Brenham Code of Ordinances at the time of the development of the property.  
4. According to Flood Insurance Rate Map (FIRM), compiled by the Federal Emergency Management Agency, Map No. 4847700250C, Washington County, Texas, effective date of 10/20/11, the subject property does not lie within the Special Flood Hazard Area.  
5. O - Denotes set 5/8" iron rod with plastic cap stamped "Lampe Surveying", unless otherwise noted.



| Curve | Radius | Length | Chord  | Chord Bearing |
|-------|--------|--------|--------|---------------|
| C1    | 5.00'  | 18.24' | 17.14' | S14°39'59"W   |
| C2    | 5.00'  | 46.38' | 46.52' | S28°47'08"E   |
| C3    | 50.00' | 46.91' | 45.21' | S85°23'01"E   |
| C4    | 35.62' | 40.48' | 38.34' | N32°53'18"E   |

PLANNING COMMISSION APPROVAL

Approved this 24th day of July, 2023  
by the City Planning Commission of the City of Brenham, Texas.

*Walter*  
Chairman  
*Calvin*  
Secretary

COUNTY CLERK FILING ACKNOWLEDGEMENT STATEMENT  
THE STATE OF TEXAS  
COUNTY OF WASHINGTON  
I, Nicholas Prader, County Clerk of the County Court of Washington County, Texas do hereby certify that the within instrument with its Certificate of Authentication was filed for registration in my office on the 3rd day of April, 2028 A.D.  
at 11:34 o'clock A. M., and duly recorded on the 4th day of April, 2028 A.D.  
at 11:34 o'clock A. M., in Plat Cabinet File No. 0006.

Witnessed by hand and seal of the County Court of the said County at office in Brenham, Texas.

By: *Nicholas Prader*  
County Clerk  
Washington County, Texas

LAMPE SURVEYING, INC  
PROFESSIONAL LAND SURVEYORS

NOTARY PUBLIC  
STATE OF TEXAS  
My Comm. Expires 2/15/27  
1732  
DONALD W. LAMPE  
1732  
Lampe Surveying, Inc  
77834  
Brenham, Texas



**RESOLUTION NO. R-25-014**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, AUTHORIZING THE ACCEPTANCE OF CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE TIMBER OAKS SUBDIVISION, PHASE 4; AND AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTATION.**

**WHEREAS**, the Timber Oaks Subdivision, Phase 4, consists of approximately 1.613-acres of land comprised of five (5) residential lots, and additional dedicated right of way for the cul-de-sac on Timber Oaks Drive, developed by Gregory E. Apple and John J. Appel Rental Partnership (developer); and

**WHEREAS**, the concrete street cul-de-sac improvements (public infrastructure improvements) were constructed by the developer; and

**WHEREAS**, the public infrastructure improvements have been inspected by the City and found to be constructed in accordance with the City's Standards and Specifications; and

**WHEREAS**, the City of Brenham desires to formally accept the street improvements within the Timber Oaks Subdivision Phase 4 depicted on Exhibit "A" attached hereto and incorporated herein for all pertinent purposes.

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

That the City of Brenham hereby accepts the public infrastructure improvements in the Timber Oaks Subdivision, Phase 4, in the City of Brenham, Texas, depicted on Exhibit "A" attached hereto and incorporated herein for all pertinent purposes, and authorizes the Mayor to execute any necessary documentation.

**RESOLVED** this 1<sup>st</sup> day of May 2025.

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Atwood C. Kenjura  
Mayor

**ATTEST:**

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Jeana Bellinger, TRMC, CMC  
City Secretary

**RECORD DRAWING**  
04-9-2025 *SPM*

**TIMBER OAKS SUBDIVISION SECTION IV**

**SITE PLAN**

**Timber Oaks Drive**

**OAK CREST LANE**

**LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16**

**North Arrow**

**Graphic Scale: 1" = 40'**

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