



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, DECEMBER 1, 2022 AT 01:00 PM
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN STREET
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags - City Manager Carolyn Miller**
- 3. Service Recognitions**
 - ♦ Jordan Moehlmann, Street Department - 5 Years**
- 4. Citizens Comments**

CONSENT AGENDA

- 5. Statutory Consent Agenda**

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

 - 5-a. Approve the Minutes from November 3, 2022 Regular Meeting and the November 17, 2022 Regular Meeting**
 - 5-b. Approve Ordinance No. O-22-026 on Its Second Reading Authorizing the Placement of Stop Signs on Prairie Lea Street at Its Intersection with 5th Street**
 - 5-c. Approve Ordinance No. O-22-027 on Its Second Reading Amending the Rate Tariff Schedule for the City of Brenham Electric Rates**

WORK SESSION - DEPARTMENT UPDATE

6. Discussion and Update on the Nancy Carol Roberts Memorial Library

WORK SESSION

7. Discussion and Update on the Texas Recreation and Park Society (TRAPS) Rodeo

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

8. 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 for an Amendment to the City of Brenham's Official Zoning Map to Change the Zoning District From a Local Business Residential Mixed Use District (B-1) to an Industrial Use District (I) on Approximately 3.77 Acres, Which is a Portion of a 6.899 Acre Tract of Land, Currently Addressed as 1150 Dixie Road and Being Further Described as Tract 51 (WCAD) Out of the Phillip Coe Survey, A-0031 in Brenham, Washington County, Texas (Case No. P-22-026)

REGULAR SESSION

9. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham's FY2021-2022 Adopted Budget

10. Discuss and Possibly Act Upon the Use of Felony Forfeiture Funds for Forensic DNA Testing Services and Authorize the Mayor to Execute Any Necessary Documentation

11. Discuss and Possibly Act Upon Award of Project No. 2022-06 Related to Improvements to the Hohlt Park Nature Trail and Authorize the Mayor to Execute Any Necessary Documentation

12. 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 salutory recognitions of public officials, public employees or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that have arisen after the posting of the agenda.

EXECUTIVE SESSION

13. Section 551.072 - Texas Government Code - Deliberation Regarding Real Property - Discussion Regarding the Lease Agreement with Dreamliner Diner Inc. (f/k/a Canion Kountry Bakery & Restaurant Inc.) Related to the Airport Terminal Building, and Associated Issues

14. **Section 551.074 - Texas Government Code - Deliberation Regarding Personnel Matters - Discussion Regarding the Appointment of a Brenham Municipal Court Presiding Judge and Associate Judge, Both for a Two Year Term Ending on December 31, 2024**
15. **Section 551.074 -Texas Government Code - Deliberation Regarding Personnel Matters - Consider Compensation for the Municipal Court Presiding Judge and Associate Judge**
16. **Section 551.086 - Texas Government Code - Utility Competitive Matters - City of Brenham Gas Utility System - Gas Supply and Transportation Arrangements and Agreements, and Associated Matters**
17. **Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding City of Brenham v. WTG Gas Marketing, Inc.; Cause No. 37573; 335th Judicial District Court, Washington County, Texas**
18. **Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Aviators Plus, LLC v. City of Brenham, Texas; Cause No. 37896; 21st Judicial District Court, Washington County, Texas**
19. **Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Legal Issues Concerning the City of Brenham Lake Somerville Raw Water Intake Structure, the Federal Emergency Management Agency, and Associated Matters**

RE-OPEN REGULAR SESSION

20. **Discuss and Possibly Act Upon a Cancellation Agreement with Dreamliner Diner Inc. (f/k/a Canion Kountry Bakery & Restaurant, Inc.) Related to the Lease of the Airport Terminal Building and Associated Issues and Authorize the Mayor to Execute Any Necessary Documentation**
21. **Discuss and Possibly Act Upon the Appointment of a Brenham Municipal Court Presiding Judge and Associate Judge, Both for a Two Year Term Ending on December 31, 2024 and Authorize the Mayor to Execute Any Necessary Documentation**
22. **Discuss and Possibly Act Upon Compensation for the Municipal Court Presiding Judge and Associate Judge and Authorize the Mayor to Execute Any Necessary Documentation**

Adjourn

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

CERTIFICATION

I certify that a copy of the December 01, 2022 agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan St., Brenham, TX on Monday, November 28, 2022 at 11:15 a.m.

Jeana Bellinger, TRMC, CMC

City Secretary

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

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

Signature

Title

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, November 3, 2022 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members Present:

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

Members Absent:

None

City of Brenham Staff present:

City Manager Carolyn Miller, City Attorney Cary Bovey, City Secretary Jeana Bellinger, General Manager of Public Utilities Debbie Gaffey, Deputy General Manager of Public Utilities Alton Sommerfield, Director of Public Works Dane Rau, Director of Development Services Stephanie Doland, Director of Economic Development Susan Cates, Director of Finance Stacy Hardy, Budget Manager Tim McRoberts, Fire Chief Roger Williams, Human Resources Director Susan Nienstedt, Strategic Budget Officer Tim McRoberts, Lloyd Powell, Teresa Howell, Idalia Avezuela, Steven Eilert, Erica Warren, Todd Ashorn, Karen Stack, Kyle Branham, Kevin Boggus and David Dudenhoeffer.

Citizens/Others Present:

William Baker and Lacey Sutton

Media Present:

Jason May, Brenham Banner-Press; and Josh Blaschke, KWHI

1. Call Meeting to Order

2. **Invocation and Pledges to the US and Texas Flags – Councilmember Shannan Canales**

3. **Service Recognitions**

- David Dudenhoeffer, Police Department – 10 years

4. **Citizens Comments**

No citizen comments were heard.

CONSENT AGENDA

5. **Statutory Consent Agenda**

5-a. **Approve the Minutes from October 3, 2022 Special Meeting, October 13, 2022 Regular Meeting and October 20, 2022 Special Meeting**

5-b. **Approve Ordinance No. O-22-025 on its Second Reading Providing for a No Parking Zone Along Prairie Lea Street in the City of Brenham**

5-c. **Acceptance of a Grant from the Hancher Foundation in the Amount of \$31,000.00 for the Nancy Carol Roberts Memorial Library and Authorize the Mayor to Execute Any Necessary Documentation**

5-d. **Approve the City of Brenham 2023 Holiday Calendar and Authorize the Mayor to Execute Any Necessary Documentation**

5-e. **Approve Resolution No. R-22-034 Authorizing the Execution of an Agreement with TxDOT for the Temporary Closure of State Right- of-Way in Connection with the 2022 Lighted Christmas Parade to be Held on Saturday, December 3, 2022**

A motion was made by Councilmember Wright and seconded by Councilmember Cook to approve the Statutory Consent Agenda Items 5.a. thru 5.e. as presented.

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

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

WORK SESSION – DEPARTMENT UPDATE

6. Discussion and Update on the City of Brenham's Economic Development Department

Director of Economic Development Susan Cates provided the following update on the Economic Development Department:

- Staff and responsibilities
- Business attraction statistics
- Housing Task Force
- Business Retention and Expansion Plan, Vision and Outreach
- Workforce Information
- Entrepreneur Support Program
- Economic Development Website and Social Media
- Historic Preservation
- Department Highlights

REGULAR SESSION

7. Discuss and Possibly Act Upon Change Order No. 2 and Final Payment to Clark Construction of Texas, Inc. Related to the 2022 City Street Onyx Resurfacing Project and Authorize the Mayor to Execute Any Necessary Documentation

Director of Public Works Dane Rau presented this item. Rau explained that on July 7, 2022, Council approved the Onyx Sealant Work to Clark Construction with the total project cost at \$230,263.00. Rau advised the project included Spinn, Tison, LJ, Hillside, Clearspring and Robinhood streets.

Rau explained that the total project included an additional 152 square yards of streets than what was originally projected; therefore, Change Order No. 2 is for the additional work and has an additional cost of \$606.48. Rau advised that the work was completed in late September, staff conducted a walk through, and all final documents have been received so staff is recommending approval of final payment and Change Order No. 2.

A motion was made by Councilmember Kenjura and seconded by Mayor Pro Tem Kolby to approve Change Order No. 2 and final payment to Clark Construction of Texas, Inc., in the amount of \$230,869.48, related to the 2022 City Street Onyx Resurfacing Project and authorize the Mayor to execute any necessary documentation.

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

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

8. Discuss and Possibly Act Upon Resolution No. R-22-035 Approving an Advance Funding Agreement with TxDOT for Bridge Replacement or Rehabilitation Off the State System for Bridge Located at Hog Branch Creek and Pecan Street and Authorize the Mayor to Execute Any Necessary Documentation

Director of Public Works Dane Rau presented this item. Rau stated that on September 1, 2022, City Council approved a resolution supporting the partnership with TxDOT related to federal funding through the Highway Bridge Project for Off-System Bridges. The project is in relation to the crossing on Pecan St at the Hog Branch tributary. Rau explained that the City committed to a 10% match of the construction which was valued at \$49,000 and that the total project cost is estimated at \$490,000 which 90% will be funded by TxDOT.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve Resolution No. R-22-035 approving an Advance Funding Agreement with TxDOT for Bridge Replacement or Rehabilitation Off the State System for a bridge located at Hog Branch Creek and Pecan Street and authorize the Mayor to execute any necessary documentation.

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

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

9. Discuss and Possibly Act Upon RFP No. 22-006 Related to Athletic Park Concessions and Authorize the Mayor to Execute Any Necessary Documentation

Purchasing and Fleet Supervisor Kyle Branham presented this item. Branham stated that in June of 2021 request for proposals were opened for the City's concessions in the parks. There were two proposals received: (1) Clarita Sweets and More; and (2) Pegasus Concessions.

Branham advised that a 5-member selection committee reviewed and rated each of the proposals on the following criteria:

- Qualifications (5%)
- Concept (15%)
- Price Structure (25%)
- Experience (45%)
- History (10%)

Branham advised the Council that the Committee's recommendation was to remain Pegasus Concessions. The City and Pegasus have had have a great working relationship and have had minimal issues with the services provided. Pegasus has displayed consistency throughout the last seven (7) years and when operating numerous concessions on the same night throughout multiple parks. Branham stated that staff is recommended the award of RFP No. 22-006 to Pegasus Concessions for a three (3) year contract with the option to extended for up to two additional one-year terms, not to exceed five (5) years in total.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to award RFP No. 22-006 related to athletic parks concessions to Pegasus Concessions, for a three (3) year contract with the option to extend for up to two additional one-year terms, not to exceed five (5) years in total and authorize the Mayor to execute any necessary documentation.

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

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

10. Discuss and Possibly Act Upon Resolution No. R-22-036 Authorizing the Acceptance of Public Infrastructure Improvements in the Vintage Farms Subdivision, Townhome Phase

Director of Development Services Stephanie Doland presented this item. Doland explained that the subject property is an approximate 13.711-acre tract of vacant land generally located southwest of the intersection of State Highway 36 North and Dixie Road and is platted as the Vintage Farms Townhome Phase.

Doland explained that the Townhome Phase consists of 55 lots for single-family home construction, a private alley, and twelve (12) common areas for streetscaping, sidewalks, and community landscaping. The infrastructure related to the private alley, common areas and landscaping shall be maintained in perpetuity by the Homeowners Association. The infrastructure improvements (water, sanitary sewer, streets, sidewalks, and storm drainage) have been completed and have been done in accordance with the City's ordinances and regulations and are ready for acceptance. Doland also advised Council that a one-year maintenance period shall begin on October 25, 2022 upon Council's approval of the infrastructure acceptance.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve Resolution No. R-22-036 authorizing the acceptance of public infrastructure improvements in the Vintage Farms Subdivision, Townhome Phase.

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

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

11. Discuss and Possibly Act Upon Resolution No. R-22-037 Authorizing the Acceptance of Public Infrastructure Improvements in the Vintage Farms Subdivision, Phase 4

Director of Development Services Stephanie Doland presented this item. Doland explained that the subject property is an approximate 12.019-acre tract of vacant land generally located southwest of the intersection of State Highway 36 North and Dixie Road and is platted as the Vintage Farms Phase 4.

Doland explained that Phase 4 consists of 57 lots for single-family home construction, a common area for streetscaping, sidewalks and community landscaping. The infrastructure related to the common areas and landscaping shall be maintained in perpetuity by the Homeowners Association. The infrastructure improvements (water, sanitary sewer, streets, sidewalks, and storm drainage) have been completed and have been done in accordance with the City's ordinances and regulations and are ready for acceptance. Doland also advised Council that a one-year maintenance period shall begin on October 25, 2022 upon Council's approval of the infrastructure acceptance.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Cook to approve Resolution No. R-22-037 authorizing the acceptance of public infrastructure improvements in the Vintage Farms Subdivision, Phase 4.

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

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

12. Discuss and Possibly Act Upon Resolution No. R-22-038 Authorizing the Acceptance of a Grant from the Office of the Governor (OOG), State Homeland Security Program (Regular Projects) for the Purchase of a SEEKERe MDK Detector

Sgt. Steven Eilert presented this item. Eilert stated that on February 17th, 2022, Council authorized the Police Department to apply for a grant from the Governor's Office State Homeland Security Program for funding of a one-time purchase of a SEEKERe MDK handheld explosives and narcotics detector. Eilert advised that the City has been notified that it was awarded the grant in the amount of \$13,624.00 and this Resolution is required for the acceptance of the award.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve Resolution No. R-22-038 authorizing the acceptance of a grant from the Office of the Governor, State Homeland Security Program (Regular Projects) for the purchase of a SEEKERe MDK Detector.

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

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

13. Discuss and Possibly Act Upon Resolution No. R-22-039 Authorizing the Acceptance of a Grant from the Office of the Governor (OOG), Public Safety Office, Criminal Justice Division for the FY2023 Rifle-Resistant Body Armor Grant Program

Sgt. Steven Eilert presented this item. Eilert stated that on February 17th, 2022, Council authorized PD staff to apply for a grant from the Office of the Governor's Public Safety Office, Criminal Justice Division's rifle-resistant body armor program. Eilert advised that the City has been notified that it was awarded the grant in the amount of \$31,413.64 for the one-time purchase of forty-eight (48) 10x12, Shooters Cut, Multi-Curve Rifle-Resistant Plates.

A motion was made by Councilmember Kolby and seconded by Councilmember Cook to approve Resolution No. R-22-039 authorizing the acceptance of a grant from the Office of the Governor, Public Safety Office, Criminal Justice Division in the amount of \$31,413.64 for the FY2023 Rifle-Resistant Body Armor Grant Program and authorize the Mayor to execute any necessary documentation.

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

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

14. Discuss and Possibly Act Upon Resolution No. R-22-040 Authorizing the Acceptance of a Grant from the Office of the Governor (OOG), State Homeland Security Program (LETPA Projects) for 1-ICOR Mini- Caliber Robot

Sgt. Steven Eilert presented this item. Eilert stated that on February 17th, 2022, Council authorized PD staff to apply for a grant from the Office of the Governor's Law Enforcement Terrorism Prevention Activities program. Eilert advised that the City has been notified that it was awarded the grant in the amount of \$55,025.00, to be used to purchase one (1) ICOR Mini Caliber Robot.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve Resolution No. R-22-040 authorizing the acceptance of a grant from the Office of the Governor, State Homeland Security Program, LETPA Projects for one (1) ICOR Mini-Caliber Robot.

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

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

15. Discuss and Possibly Act Upon an Easement Agreement Between the City of Brenham and the Army Corps of Engineers Related to a Pipeline Right-of-Way Easement at Lake Somerville for the Lake Somerville Raw Water Intake Structure and Authorize the Mayor to Execute Any Necessary Documentation

Deputy General Manager of Public Utilities Alton Sommerfield presented this item. Sommerfield explained that the Lake Somerville Intake Pump Station Easement, granted by the Department of the U.S. Army Corps of Engineers, expired April 12, 2022. The renewal of the Lake Somerville Intake Pump Station Easement began October 2021 and required a new survey of the pump station and transmission pipeline easements. The survey was completed and submitted to the U.S. Army Corps of Engineers May 5, 2022.

Sommerfield advised that this easement is for fifty (50) years, beginning April 12, 2022, and ending on April 11, 2072. The total administrative cost to renew the easement is \$1,660.00.

A motion was made by Councilmember Kenjura and seconded by Councilmember Canales to approve an easement agreement between the City of Brenham and the Army Corps of Engineers related to a pipeline right-of-way easement at Lake Somerville for the Lake Somerville Raw Water Intake Structure and authorize the Mayor to execute any necessary documentation.

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

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

Council adjourned into Executive Session at 1:54 p.m.

EXECUTIVE SESSION

- 16. Section 551.071 Texas Government Code – Consultation with Attorney – Consultation with Consultation with Attorney Regarding Aviators Plus, LLC v. City of Brenham, Texas; Cause No. 37896; 21st Judicial District Court, Washington County, Texas**
- 17. Section 551.071 Texas Government Code - Consultation with Attorney – Consultation with City Attorney Regarding Legal Issues Concerning the City of Brenham Lake Somerville Raw Water Intake Structure, the Federal Emergency Management Agency, and Associated Matters**
- 18. Section 551.086 - Texas Government Code - Utility Competitive Matters - City of Brenham Gas Utility System - Gas Supply and Transportation Arrangements and Agreements, and Associated Matters**

Executive Session adjourned at 3:10 p.m.

19. Administrative/Elected Officials Report

No reports were given.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, November 17, 2022 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members Present:

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

Members Absent:

None

City of Brenham Staff present:

City Manager Carolyn Miller, Assistant City Attorney Luke Cochran, City Secretary Jeana Bellinger, General Manager of Public Utilities Debbie Gaffey, Deputy General Manager of Public Utilities Alton Sommerfield, Director of Public Works Dane Rau, Director of Development Services Stephanie Doland, Director of Economic Development Susan Cates, Director of Finance Stacy Hardy, Fire Chief Roger Williams, Cherry Cash Prewitt, Karen Stack, Shawn Bolenbarr, Steven Loving, Kyle Branham, Shauna Laauwe, Kim Hodde, Sarah Hill and Monique Breaux

Citizens/Others Present:

Sherry Harber and Jared Engelke

Media Present:

Jason May, Brenham Banner-Press; and Mark Whitehead, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Atwood Kenjura**

3. Proclamation

- **2022 Richard R. Lillie Planning Excellence Award – Development Services**

4. Citizens Comments

Citizen Sherry Harber addressed the City Council about downtown parklets and advised that she is working on a petition in opposition of downtown parklets.

WORK SESSION – DEPARTMENT UPDATE

5. Discussion and Update on the City of Brenham’s Fire Department

Fire Chief Roger Williams provided an update on the following:

- Fire Department’s Mission and Vision Statements
- Current Staffing
- Coverage Area
- Calls for Service, 2018-2022
- Looking Into the Future and Its Effect on Fire Service
- Other Department Highlights

WORK SESSION

6. Discussion and Update on the City of Brenham Fire Department’s False Alarm Response and Fees

Fire Marshall Steven Loving presented the following information on the Fire Department’s false alarm response policy and fees:

- False alarms are currently only discussed in Chapter 17, Offenses and Miscellaneous Provisions, of the City’s Code of Ordinances.
- As of November 9, 2022 the Brenham Fire Department has responded to the following false alarms:
 - 150 malicious, mischievous calls
 - 79 system malfunction calls
 - 110 unintentional tripping of alarm device
- The City currently does not charge a fee for the first twelve false alarms within a calendar year. After twelve in the same calendar year, a fee of \$35.00 per alarm is charged.
- Presented false alarm fees from several other cities as a comparison.

Loving advised that he is planning to rewrite the current false alarm ordinance and incorporate it into both Chapter 17 and Chapter 8, Fire Protection and Prevention. Loving recommended the following fee schedule for fire-related false alarms:

- Alarm 1 through 5: \$0
- Alarm 6 through 10: \$50.00
- Alarm 11 through 15: \$75.00
- Alarm 16 and subsequent: \$100.00

After further discussion the City Council was in favor of increasing the fees and decreasing the number of alarms allowed before fees are charged. Loving stated that he would adjust the fee schedule accordingly, prepare the Ordinance, and bring it back to Council for their consideration.

REGULAR SESSION

7. Discuss and Possibly Act Upon Resolution No. R-22-041 Authorizing the Acceptance of Funding from the Texas General Land Office (GLO) Regional Mitigation Program Through the Brazos Valley Council of Governments for the State of Texas Community Development Block Grant-Mitigation (CDBG-MIT) Program

Director of Public Works Dane Rau presented this item. Rau explained that on October 25, 2022, BVCOG issued a funding letter to the City of Brenham in which the City could receive \$1,044,500 from the State of Texas Community Development Block Grant Mitigation (CDBG-MIT) Program. Rau stated that staff is recommending this grant funding be used to upgrade streets off Old Chappell Hill Road, specifically Shepard Lane and Lott Lane. Rau stated that this Resolution is required to formally accept the GLO funding from the BVCOG.

A motion was made by Councilmember Wright and seconded by Councilmember Canales to approve Resolution No. R-22-041 authorizing the acceptance of funding from the Texas General Land Office (GLO) Regional Mitigation Program through the Brazos Valley Council of Governments for the State of Texas Community Development Block Grant-Mitigation (CDBG-MIT) Program.

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

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

8. Discuss and Possibly Act Upon a Lease Agreement Between the City of Brenham and Ricoh USA, Inc for Lease Office Automation Equipment and Authorize the Mayor to Execute Any Necessary Documentation

Purchasing and Fleet Supervisor Kyle Branham presented this item. Branham advised Council that the City has had lease agreements with Ricoh USA for several years for copiers and printers in various city facilities. Branham explained that the lease being presented is for equipment in City Hall (2nd Floor/Administration and 1st Floor) and the Fire Department.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve a four (4) year lease contract with Ricoh USA, Inc. for office automation equipment for City Hall 2nd Floor/Administration in the amount of \$5,028.00 per year, City Hall 1st Floor in the amount of \$4,176.00 per year, and Brenham Fire Department in the amount of \$2,712.00 per year (\$11,916.00 per year) and authorize the Mayor to execute any necessary documentation.

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

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

9. Discuss and Possibly Act Upon an Ordinance on Its First Reading Authorizing the Placement of Stop Signs on Prairie Lea Street at Its Intersection with 5th Street

Purchasing and Fleet Supervisor Kyle Branham presented this item. Branham advised that with the recent improvements and additions of infrastructure around the Blinn Campus, mainly the completion of Blinn STEI (Science, Technology, Engineering, and Innovation) Building in 2021, there has been an increase in pedestrian traffic along Prairie Lea St. and 5th St. Branham stated that Blinn College had a traffic impact analysis performed and a multi-way stop at Prairie Lea Street & 5th Street was recommended.

Branham explained that TxDOT, Public Works, along with Fire and PD, reviewed the traffic analysis and has no objection with enhancing this intersection making it a 4-way stop to help regulate north and south bound vehicular traffic.

A motion was made by Councilmember Canales and seconded by Mayor Pro Tem Kolby to approve an Ordinance on its first reading authorizing the placement of stop signs on Prairie Lea Street at Its Intersection with 5th Street.

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

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

10. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Rate Tariff Schedule for the City of Brenham's Electric Rates

Deputy General Manager of Public Utilities Alton Sommerfield presented this item. Sommerfield explained that the City is updating the Distributed Generation Manual which provides guidelines for solar and other types of behind-the-meter electric utility installation. Sommerfield stated that customers with excess generation are reimbursed via billing credits based upon the avoided cost of generation which is calculated at the end of each fiscal year based on exact generation charges.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve an Ordinance on its first reading amending the Rate Tariff Schedule for the City of Brenham's Electric Rates.

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

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

11. Discuss and Possibly Act Upon a Temporary Resale Amendment to the System Availability Agreement Between the City of Brenham and Brazos River Authority for the Temporary Resale of Water and Authorize the Mayor to Execute Any Necessary Documentation

Deputy General Manager of Public Utilities Alton Sommerfield presented this item. Sommerfield stated that on September 1, 2019, an agreement was entered into between Brazos River Authority (BRA) and the City to allow the City to purchase 4,200 acre-feet of raw water per fiscal year for municipal purposes.

Sommerfield explained that the City currently has 774-acre feet of surplus water and if this Temporary Resale Amendment is approved, the City will be able to sell the excess water at a price of \$88.00 per acre foot (\$68,112.00)

A motion was made by Councilmember Kenjura and seconded by Councilmember Saunders to approve a Temporary Resale Amendment to the System Availability Agreement between the City of Brenham and Brazos River Authority for the temporary resale of water and authorize the Mayor to execute any necessary documentation.

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

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

12. Discuss and Possibly Act Upon a Water Supply Resale Agreement Between the City of Brenham and The Dow Chemical Company Related to the Temporary Resale of Water and Authorize the Mayor to Execute Any Necessary Documentation

Deputy General Manager of Public Utilities Alton Sommerfield presented this item. Sommerfield stated that as presented in the previous item, this item is for the City to sell the surplus water to Dow Chemical Company at a price of \$88.00 per acre-foot.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve a Water Supply Resale Agreement between the City of Brenham and The Dow Chemical Company related to the temporary resale of water and authorize the Mayor to execute any necessary documentation.

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

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

13. Administrative/Elected Officials Report

City Manager Carolyn Miller provided an update on the following:

- City offices will be closed November 24th and 25th for the Thanksgiving holidays
- Ladies Night Out is tonight in downtown from 5:00 to 8:00 p.m.

Council adjourned into Executive Session at 2:10 p.m.

EXECUTIVE SESSION

- 14. Section 551.072 Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding the Purchase, Exchange and/or Acquisition of Real Property for City of Brenham Sanitary Sewer Improvements and Facilities**
- 15. Section 551.071 Texas Government Code – Consultation with Attorney – Consultation with City Attorney Regarding City of Brenham v. WTG Gas Marketing, Inc.; Cause No. 37573; 335th Judicial District Court, Washington County, Texas**
- 16. Section 551.071 Texas Government Code - Consultation with Attorney – Consultation with City Attorney Regarding Legal Issues Concerning the City of Brenham Lake Somerville Raw Water Intake Structure, the Federal Emergency Management Agency, and Associated Matters**
- 17. Section 551.071 Texas Government Code – Consultation with Attorney – Consultation with City Attorney Regarding Aviators Plus, LLC v. City of Brenham, Texas; Cause No. 37896; 21st Judicial District Court, Washington County, Texas**

Executive Session adjourned at 3:03 p.m.

RE-OPEN REGULAR SESSION

- 18. Discuss and Possibly Act Upon City of Brenham v. WTG Gas Marketing; Cause No. 37573; 335th Judicial Court, Washington County, Texas and Associated Matters**

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to authorize the City Manager to negotiate and execute the settlement of the City of Brenham v. WTG Gas Marketing, Inc.; Cause No. 37573; 335th Judicial District Court, Washington County, Texas.

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

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

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

ORDINANCE NO. O-22-026

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS REQUIRING THE PLACING OF CERTAIN STOP SIGNS IN THE CITY OF BRENHAM, TEXAS; ESTABLISHING THE LOCATION OF SAID STOP SIGNS; REGULATING THE TRAFFIC AT SAID STOP SIGNS; PROVIDING FOR A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS it is necessary to provide stop signs at certain locations in the City of Brenham to prevent accidents, collisions, and damages; to promote the flow of traffic along and into such streets; and to regulate the same;

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

Section 1. That there shall be established and installed two (2) stop signs on Prairie Lea Street regulating northbound and southbound vehicular traffic, at its intersection with 5th Street.

The stop signs shall be erected at the top of a standard pole, installed in the ground on the right-hand side of the streets identified herein in accordance with the most recent edition of the Texas Manual on Uniform Traffic Control Devices.

Section 2. That every person, firm or corporation, operating a motor vehicle or other vehicle of any kind, in, on, along and into the streets or street intersections designated in Section 1 hereof, upon reaching a stop sign at the location so designated, shall bring said vehicle to a full and complete stop in compliance with the provisions of applicable state law, before proceeding further along said street or into or on said street intersection.

Section 3. That any person, firm or corporation, violating Section 2 hereof, shall be fined a sum of not less than \$1.00 and not more than \$200.00, plus applicable court costs.

Section 4. This Ordinance shall take full force and effect from and after its passage, approval and publication as required by applicable law.

PASSED and APPROVED on its first reading this the 17th day of November, 2022.

PASSED and APPROVED on its second reading this the 1st day of December, 2022.

ATTEST:

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

ORDINANCE NO. O-22-027

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING THE RATE TARIFF SCHEDULES FOR DISTRIBUTED GENERATION, AVOIDED COST OF GENERATION RATE (DG-ACGR) AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council of the City of Brenham, Texas deems it necessary to change the rates for distributed generation, avoided cost of generation (DG-ACGR), to its customers in order to provide for conditions of utility service which promote health, safety, and welfare of the citizens of Brenham, Texas;

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

SECTION 1.

The City Council of the City of Brenham, Texas, does hereby adopt the Distributed Generation Avoided Cost of Generation Rate (DG-ACGR) Schedule as set forth in the attached Exhibit "A", which is made a part hereof for all purposes pertinent, to be effective on or after December 1, 2022.

SECTION 2.

This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas. The implementation of rates as set forth herein and on the attached Exhibit "A" shall be effective on and after December 1, 2022.

PASSED and APPROVED on its first reading this the 17th day of November, 2022.

PASSED and APPROVED on its second reading this the 1st day of December, 2022.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

“EXHIBIT A”

CITY OF BRENHAM

200 WEST VULCAN STREET * P.O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	400	490
TARIFF	SECTION NO.	SHEET NO.
ELECTRIC RATE SCHEDULE	DECEMBER 1, 2022	
SECTION TITLE	EFFECTIVE DATE	

**DISTRIBUTED GENERATION
AVOIDED COST OF GENERATION
RATE (DG-ACGR)**

APPLICABILITY

The DG-ACGR applies to City of Brenham customers with Distributed Generations systems that are interconnected and operate in parallel with the City's electric distribution system, and “send energy” in any metering interval in a given month, to the City's electric distribution system. The DG-ACGR will be reviewed and adjusted annually based on the wholesale cost of generation (energy) from the City's wholesale supplier(s). The annual calculation period for the City of Brenham will be aligned with the City of Brenham Fiscal Year Oct 1 – Sept 30.

CALCULATION OF DISTRIBUTED GENERATION AVOIDED COST OF GENERATION RATE

The DG-ACGR will be calculated annually based on the actual cost(s) of wholesale generation (energy) charges for a 12-month period. The goal is to set the DG-ACGR annually to establish an appropriate rate for the reimbursement of energy received by the City of Brenham's electric distribution system from a distributed generation installation on a City of Brenham retail customer's premises. The formula for establishing the annual DG-ACGR is below:

DG-ACGR = Annual Generation Costs (from monthly wholesale power invoices) for 12 calendar months in a year / total annual energy purchases over the same 12-month period.



Regular City Council
AGENDA ITEM 6.

Agenda Item: Discussion and Update on the Nancy Carol Roberts Memorial Library

Meeting Type: Regular Meeting-December 01, 2022

Department: Library

Staff Contact: Idalia Avezuela

SUMMARY STATEMENT:

Librarian Idalia Avenzuela will be presenting an update on the City of Brenham Nancy Carol Roberts Memorial Library.

ATTACHMENTS:

None

RECOMMENDED ACTION:

No action - discussion only.



Regular City Council
AGENDA ITEM 7.

Agenda Item: Discussion and Update on the Texas Recreation and Park Society (TRAPS) Rodeo

Meeting Type: Regular Meeting-December 01, 2022

Department: Public Works

Staff Contact: Dane Rau

SUMMARY STATEMENT:

On November 9-10th the City of Brenham hosted the Central Region Texas Recreation and Parks Society Rodeo and Workshop. Staff will show a presentation including all activities that took place at Hohlt Park and the Barnhill Center.

It was a great two days that was enjoyed by all and really showed the hard work that the City of Brenham has put into both Hohlt Park and the Barnhill Center. Over 30 different cities were represented throughout our region, and this was the first true “Breakout Workshop” in which the Barnhill Center hosted which utilized Morris Hall, Theatre, and Council Chambers.

ATTACHMENTS:

None

RECOMMENDED ACTION:

No action - discussion only.



Regular City Council
AGENDA ITEM 8.

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 for an Amendment to the City of Brenham's Official Zoning Map to Change the Zoning District From a Local Business Residential Mixed Use District (B-1) to an Industrial Use District (I) on Approximately 3.77 Acres, Which is a Portion of a 6.899 Acre Tract of Land, Currently Addressed as 1150 Dixie Road and Being Further Described as Tract 51 (WCAD) Out of the Phillip Coe Survey, A-0031 in Brenham, Washington County, Texas (Case No. P-22-026)

Meeting Type: Regular Meeting-December 01, 2022

Department: Development Services

Staff Contact: Shauna Laauwe, AICP City Planner

SUMMARY STATEMENT:

The subject property is a 3.77-acre east portion of a 6.899-acre property addressed as 1150 Dixie Road and generally located on the east side of Dixie Road, south of Confederate Lane and abutting the Premier Metal Buyers business property to the east located at 1555 Highway 36 North. Premier Metal Buyers is requesting the rezoning from B-1 to Industrial District in order to expand their existing operations to allow for fleet parking, needed site circulation, and additional storage areas. Please see the attached Staff Report for a detailed analysis of the request.

The Planning and Zoning Commission held a public hearing on this item during their rescheduled meeting on Monday, November 21, 2022. During the public hearing, two people spoke against the request, to include the adjacent property owner, Ms. Surolek. Ms. Surovek provided a written comment that is attached to this report. After the public hearing and discussion, the Planning and Zoning Commission unanimously (4-0) recommended approval of the zoning request.

ATTACHMENTS:

- (1) Ordinance - First Reading
- (2) Staff Report
- (3) Site Plan
- (4) Citizen Comment

RECOMMENDED ACTION:

Staff has no recommendation.

ORDINANCE NO. _____

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 LOCAL BUSINESS/RESIDENTIAL MIXED USE DISTRICT (B-1), TO AN INDUSTRIAL DISTRICT (I), ON A 3.77 ACRE TRACT OF LAND AS FURTHER DESCRIBED IN THIS ORDINANCE

WHEREAS, Brannon Industrial Group, LLC, owner of the 3.77 acres of land that is a portion of a 6.899-acre tract generally located on the east side of Dixie Road, west of Oak Creek Way, south of Confederate Lane and addressed as 1150 Dixie Road, and being further described as Tract 51 (WCAD) of the Phillip Coe Survey, in Brenham, Washington County, Texas (the "Property"), has 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 recommended unanimously for approval by the City of Brenham Planning and Zoning Commission in its final report during its regular meeting on November 21, 2022; 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 Local Business / Residential Mixed Use District (B-1) to Industrial District (I) on an approximate 3.77 acres of land addressed as 1150 Dixie Road, and further described as Tract 51 (WCAD) of the Phillip Coe Survey, in Brenham, Washington County, Texas, said area of land being further described and depicted on Exhibit "A" and Exhibit "B" 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 ____ day of _____ 2022.

PASSED and APPROVED on its second reading this the ____ day of _____ 2022.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Exhibit "A"

Blakey Surveying, LLC

4650 Wilhelm Lane
Burton, Texas 77835-5794

Telephone 979-277-8549

BRANNON INDUSTRIAL GROUP, LLC
3.77 ACRE TRACT

ALL THAT TRACT OR PARCEL OF LAND containing 3.77 acres, situated in Washington County, Texas, being out of the Phillip Coe Survey, Abstract No. 31, and being a portion of a called 6.899 acre tract described in that deed dated June 30, 2022, from John L. Choyce, et ux to Brannon Industrial Group, LLC, recorded in Volume 1848, Page 538 of the Official Records of Washington County, Texas, said 3.77 acre tract being more particularly described as follows:

BEGINNING at a found $\frac{1}{2}$ inch iron rod, lying in the Southeast margin of Confederate Lane (30 ft. private access easement, described in Volume 600, Page 308, Official Records of Washington County, Texas), marking the Northwest corner of the Brannon Industrial Group, LLC called 10.00 acre tract (Volume 1389, Page 0233 of the Official Records of Washington County, Texas), marking the Northeast corner of the original called 6.899 acre tract (hereafter referred to as "original tract"), and marking the Northeast corner of the herein described tract;

THENCE along the West line of the called 10.00 acre tract, with the East line of the original tract, S 14deg 15min 33sec E, 430.65 ft., to a point near fence corner, lying in the North line of the Marie A. Surovik Revocable Trust called 15.37 acre tract (Volume 1672, Page 511, Official Records of Washington County, Texas), marking the Southwest corner of said 10.00 acre tract, marking the Southeast corner of the original tract, and marking the Southeast corner of the herein described tract (a treated fence corner post bears N 14deg 15min 08sec W, 1.5 ft. from this point for reference);

THENCE along a portion of the Northwest line of the Surovik tract, with a portion of the Southeast line of the original tract, S 74deg 19min 34sec W, 398.97 ft., to a point for corner, marking the Southwest corner of the herein described tract (a set $\frac{1}{2}$ inch iron rod, marking the Southwest corner of the original tract, bears S 74deg 19min 34sec W, 300.39 ft. from this point for reference);

THENCE with the West line of the herein described tract, severing the original tract, N 09deg 53min 57sec W, 431.66 ft., to a point at fence corner, lying in the Southeast margin of the aforementioned Confederate Lane, lying in the Northwest line of the original tract, and marking the Northwest corner of the original tract;

THENCE along the Southeast margin of Confederate Lane, N 74deg 09min 43sec E, 366.17 ft., to the **PLACE OF BEGINNING** and containing 3.77 acres of land.

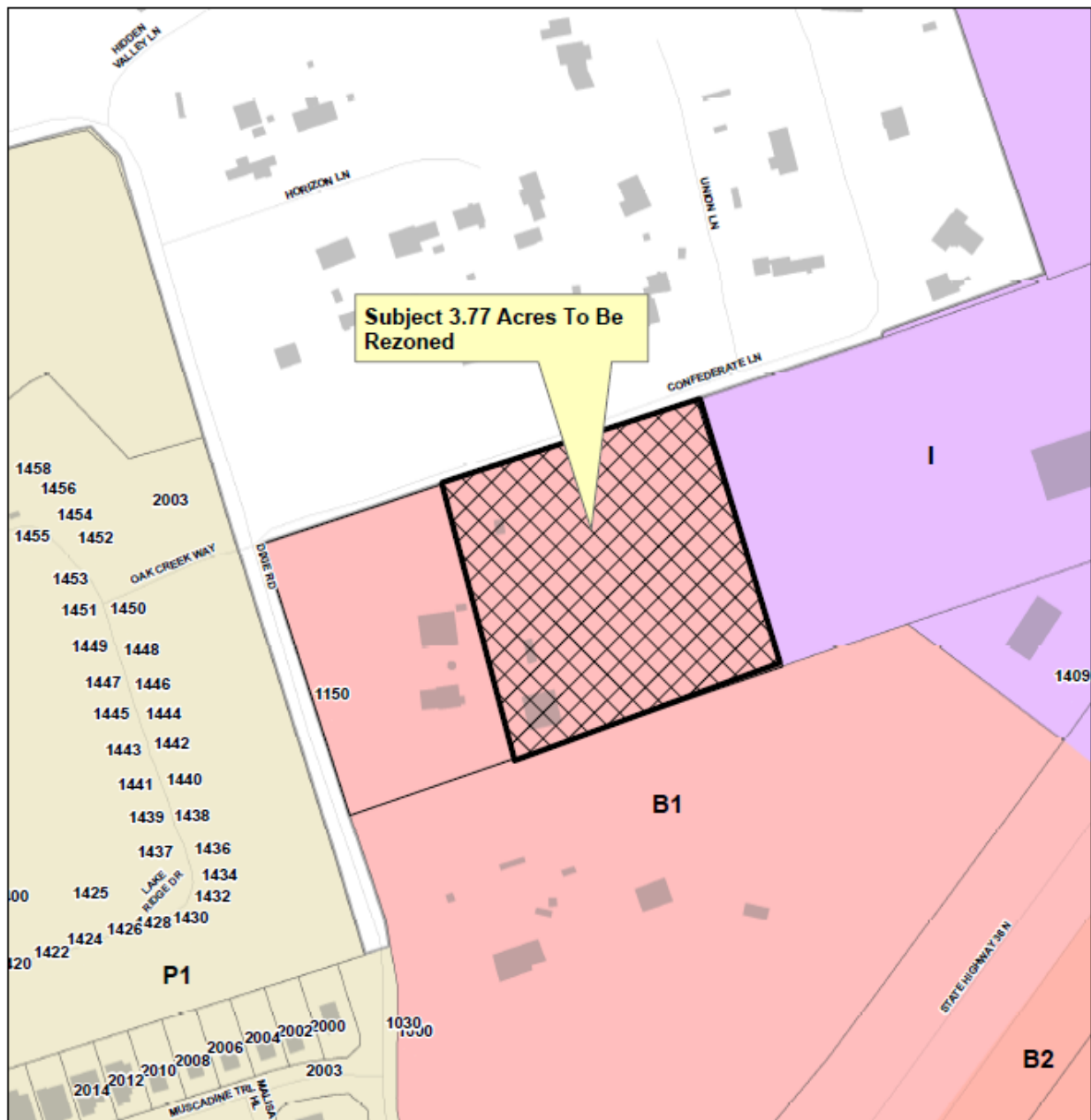
September 14, 2022
W.O.#2022-3353



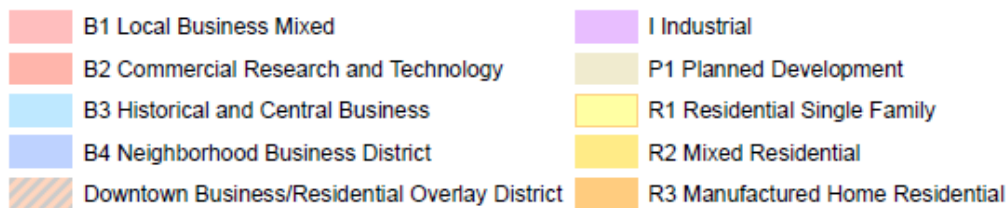
Michael J. Blakey
Registered Professional Land Surveyor No. 5935

I have prepared and made a part of this description.

Exhibit "B"



1150 Dixie Road



1 inch = 200 feet



CASE NUMBER P-22-026
ZONE CHANGE REQUEST – 1150 DIXIE ROAD

STAFF CONTACT:	Shauna Laauwe, AICP, City Planner
OWNERS/APPLICANTS:	Brannon Industrial Group / Premier Metal Buyers
ADDRESS/LOCATION:	1150 Dixie Road (Exhibit A)
LEGAL DESCRIPTION:	Phillip Coe Survey, Tract 51
LOT AREA:	Approximately 3.77-acre portion of a 6.899-acre tract
ZONING DISTRICT/USE:	B-1, Local Business Mixed Residential / Office (Exhibit B)
FUTURE LAND USE:	Estate Residential
REQUEST:	A request to change the zoning classification from a Local Business/Residential Mixed-Use District (B-1) to an Industrial Use District (I) (Exhibit C)

BACKGROUND:

The subject tract consists of a 3.77-acre portion of a 6.899-acre tract addressed as 1150 Dixie Road and generally located on the east side of Dixie Road, south of Confederate Lane and abutting the Premier Metal Buyers business property to the east located at 1555 Highway 36 North. The subject tract is currently zoned as B-1, Local Business Mixed Residential Use District and developed with a single-family home and detached accessory garage. The existing Premier Metal Buyers has been located at 1555 Hwy 36 North since 2011 and consists of 10-acres which was rezoned to the present Industrial District in June 2014. In June 2022, Brannon Industrial Group purchased the subject property to convert the existing residence into an office and to potentially expand the storage and parking area for their adjacent business Premier Metal Buyers. The applicant, Premier Metal Buyers, is at this time requesting a rezoning of a 3.77-acre portion of the 6.899-acre tract (shown within the red-dashed line and diagonal shading in Map 1) from B-1 to I, Industrial District. The rezoning to Industrial would allow the existing metal recycling operation to expand approximately 400-feet to the west towards Dixie Road. The remainder of the tract would remain B-1, Local Business Mixed Residential District and utilized as a business office (Figure 1).

Map 1

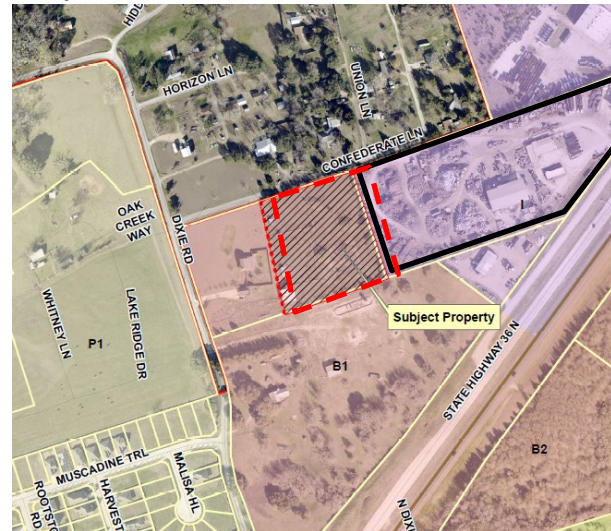
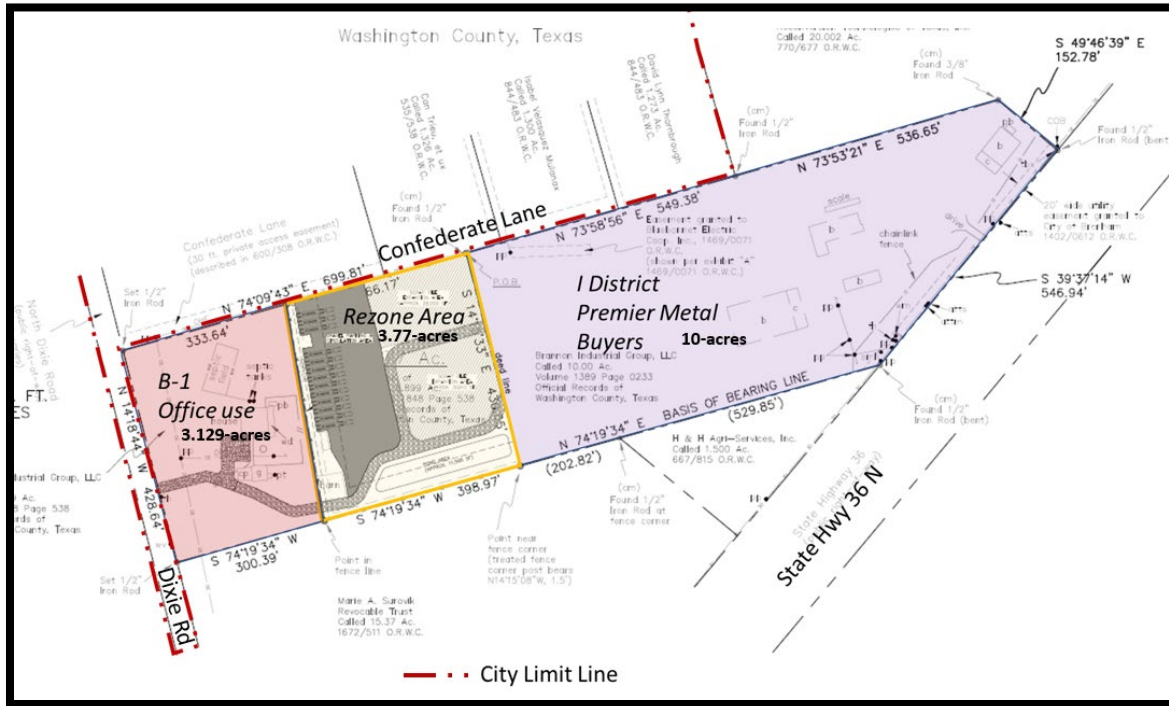
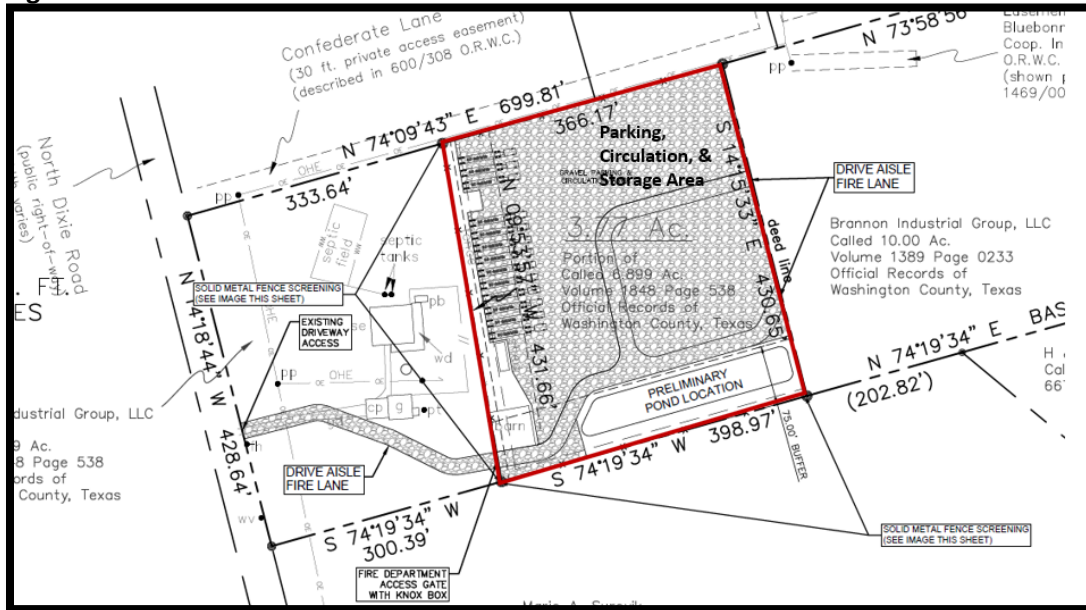


Figure 1



The applicant plans to relocate the existing business operation to a larger location across Brenham but has additional land to purchase and supplementary infrastructure to develop prior to doing so. Until the new site is operational, the applicant states that the business needs the additional 3.77-acres to provide for additional storage area, fleet parking and vehicle/machine circulation in order to keep daily business activities confined within the property and reduce disturbance to the surrounding area. The proposed site plan for the expansion site is shown in Figure 2 below.

Figure 2



The subject property is adjacent and nearby several types of uses. Adjacent to the east and to the northeast is zoned I, Industrial District and developed as Premier Metal Buyers to the east and Allied Waste Services to the northeast located at 1709 Highway 36 North. The north property line of the

subject property shares the city limit line and adjacent to the private access easement for Confederate Lane. The county properties to the north are developed as residential. To the south, is a 15.37-acre tract that is zoned B-1 and is developed as residential, but also has an active oil/gas line easement just south of the subject property line. The abutting property to the west is proposed to remain as B-1 and be redeveloped from a residential use to an office use. Further to the west and southwest, is the Vintage Farms Planned Development District that was approved in two separate rezonings, first the 86.664-acres to the southwest that was approved in April 2017 and the expansion of the development to the west that encompasses 52.428 acres that was approved as a Planned Development District in May 2020. The two Vintage Farms subdivisions currently includes 360 residential lots that have already been constructed or platted. The Vintage Farms development is predominately single-family detached residential but also features future patio home units and 57 townhome units that are currently under construction. To help mitigate the potential negative effects to adjacent and surrounding properties, the applicant is proposing to construct an 8-foot in height metal screening fence along the perimeter of the property, a 75-foot bufferyard along the south property line, and a 50-foot bufferyard along the west property line. Bufferyards are required to provide 20-percent of the total bufferyard area to be landscaped along the property line. No bufferyard has been proposed along the north property line, but Confederate Lane does provide a 30-foot easement between the subject property and residential properties.

The existing subject property and the adjacent properties to west and east are not currently platted. If the rezoning is approved and before any improvements can be made, the subject property and adjacent properties will be required to have a preliminary and final plat submitted and approved by the Planning and Zoning Commission. Furthermore, the subject property will be required to adhere to the zoning requirements of the I, Industrial District and all applicable subdivision, fire, and building codes regulations.

ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:

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

- (1) The city's zoning should recognize and seek to preserve the small-town attributes that make Brenham a special place for its citizens to live, work and play. *Please refer to Map 1 on the previous page for a visual of the current zoning described herein.*

The subject tract consists of a 3.77-acre portion of a 6.899-acre tract addressed as 1150 Dixie Road and generally located on the east side of Dixie Road, south of Confederate Lane and abutting the Premier Metal Buyers property to the east located at 1555 Highway 36 North. The subject property and adjacent property to the south are currently zoned B-1, Local Business Mixed Residential Use District. The subject tract is currently developed as single-family residential and agricultural use, while the property to the south is developed as a single-family home that also has an oil/gas easement area directly to the south of the subject site. Adjacent properties to the north are located outside of the city limits and are generally single-family and agricultural uses. Nearby properties to the west, across Dixie Road are zoned as P1, Vintage Farms Planned Development District and are single-family residential units that are developed and currently under construction. The applicant proposes to subdivide the existing 6.899-acres into two lots, with a 3.129-acre portion that consists of the single-family home to remain zoned as B-1 and redeveloped as office use, with the remainder 3.77-acres is being requested to be rezoned to Industrial District to be later combined with the existing 10-acre Premier Metal Buyers tract to the east. The proposed Industrial District is established to provide for any industrial use that can meet applicable performance standards in

areas that are mostly removed from existing residential and other commercial uses, but that provide good access to major transportation routes. Allowing the proposed rezoning request would allow the approximate 3.77-acre site to be utilized and developed in keeping with the industrial development pattern to the east and northeast. The applicant has proposed additional screening, such as an 8-foot metal fence as opposed to a 6-foot wooden fence and bufferyards to mitigate potential negative effects to nearby residential properties to the south and west.

- (2) The city's zoning should be guided by the future land use plan and other applicable guidelines found in the Comprehensive Plan.

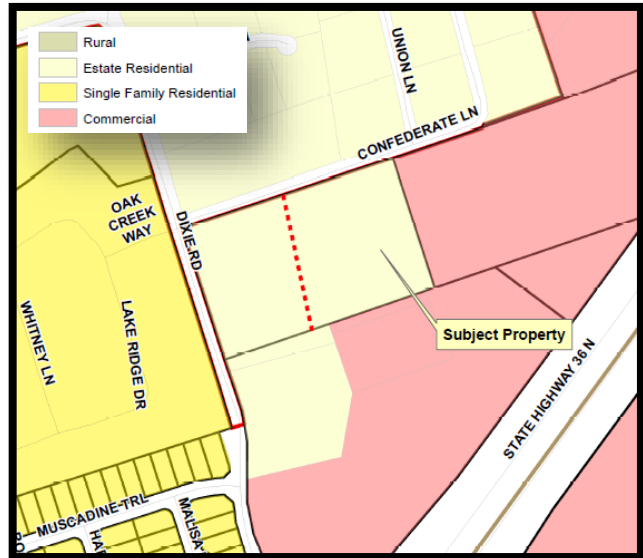
As shown in Map 2, the future land use map portion of the Historic Past, Bold Future: Plan 2040 Comprehensive Plan suggests the subject tract may be appropriate for estate residential. The Comprehensive Plan also includes land use policies to help guide land use decisions. Specifically, the Plan finds that estate residential is appropriate for areas, that due to public service limitations and/or prevailing rural character, should have limited development activity other than large-lot residential. These areas are to provide a transition between the city's rural fringe and more urbanized in-city development patterns and intensities. Lots in this category typically range from one to three or more acres. Perceived

development types for this designation include detached residential dwellings, subdivisions with large acre lots, public/institutional uses, and parks and public spaces. When the Comprehensive Plan 2040 was adopted in September 2019, the entire subject 6.899-acre tract was a large single-family lot as well as the abutting estate residential to the south and the county properties to the north are predominately residential lots of various sizes. If the requested zone change for the 3.77-acre portion of the existing 6.899-acre lot were approved, the zoning regulations would allow for the development of the permitted uses found in the I, Industrial District. Permitted Industrial uses include all permitted uses found in the commercial districts, excluding dwelling units; several types of industrial and manufacturing plants, research laboratories, and wrecking yards. The permitted Industrial uses are a stark contrast from what is envisioned for an Estate Residential area. Since the adjacent 10-acre, Premier Metal Buyers industrial site was in existence at the time of the adoption of the Comprehensive Plan in 2019, it may have been more accurate to envision this area as commercial, but the proposed expanded industrial use still would not align with a commercial designation. Due to the subject tract being adjacent to an Industrial District, the rezoning request is not a spot zoning. As the subject tract is also owned by Premier Metal Buyers and will be replatted to be included in the existing industrial property if the zoning is approved; the requested rezoning is essentially for a 400-foot expansion of the existing Industrial District and use as a metal scrap yard and recycling business.

- (3) The city's zoning should be designed to facilitate the more efficient use of existing and future city services and utility systems in accordance with the Comprehensive Plan.

The subject property is a 3.77-acre portion of a 6.899-acre that has been used as residential and agricultural use. The subject 3.77-acre portion that is part of the rezoning request is currently

Map 2



vacant land listed as agricultural use. The subject site does not have utilities directly to the site and thus, utilities would be required to be extended to the site by the developer. A 12-inch water line is located along Dixie Road to the west, while sewer and gas could be extended from the existing Premier Metal Buyers site from the sewer and gas lines located to the east along State Highway 36 North.

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

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

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

Property owners within 200 feet of the project site were mailed notifications of this request on November 10, 2022. The Notice of Public Hearing was published in the *Brenham Banner* on November 10, 2022. As of the date of this staff report, no written public comments have been received. Any comments submitted to staff will be provided in the Planning & Zoning Commission and City Council during the public hearing.

- (6) The city's zoning should insure that adequate open space is preserved as residential and commercial development and redevelopment occur.

The applicant has not stated additional redevelopment plans at this time, however if approved, the property will be required to adhere to minimum building setbacks and maximum impervious coverage requirements for property zoned I, Industrial Use District. The subject site and the adjacent properties to the west and east are not platted. Before being developed, the subject site and adjacent properties also owned by Brannon Industrial Group, will be required to preliminary and final plat the properties. The property would be platted into two lots, with a 3.122-acre lot to the west that abuts Dixie Road and will be redeveloped to an office use, and a second lot of 13.777 acre lot that would consist of the existing Premier Metal Buyers property (10-acres) to the east and the subject site (3.777-acres). With residential property to the south and office use to the west, buffer yard requirements will be in effect that will ensure adequate open spaces are preserved on the subject property. The applicant will also install an 8-foot in height metal fence around the perimeter to provide screening that exceeds the 6-foot requirement. Staff finds that the requirements will ensure that adequate open spaces is preserved on the subject property.

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

Staff recognizes that the industrial uses, to include scrap metal and recycling, are incompatible to nearby residential. The applicant does however have a long-term plan to relocate near Blue Bell Creamery across town and has taken steps to mitigate some of the negative effects of the industrial business. The property owner/applicant has saved the 3.129-acres that abuts Dixie Road as a B-1 use that will serve as a buffer between the subject tract and the Vintage Farms subdivisions. The applicant has also stated the intention to construct an 8-foot metal screening fence along the perimeter to the north, south and west property lines and to provide bufferyards along the south (75-feet) and west (50-feet) property lines. Within the bufferyards, 20 percent along the forementioned property lines must be landscaped, with the remainder of the buffer being allowed

to be utilized for parking, drive aisles, detention facilities, or green space. Placing the detention pond on the south property line will provide both buffering and green space to the adjacent residential property.

- (8) The city's zoning ordinance should preserve neighborhood culture by retaining and promoting land uses consistent with the community's plan for the development and/or redevelopment of its neighborhoods.

As stated in criteria Number 2 above, the proposed industrial use is not in line with the Future Land Use Plan. Rezoning the approximate 3.77-acre tract of land to Industrial will allow the existing Premier Metal Buyers to provide fleet parking, needed circulation, and additional storage to their current operations. The proposed expansion would bring the industrial business approximately 400-feet closer to Dixie Road to the west and the surrounding residential properties. The applicant is however, with the approximate 3.129-acre portion to remain B-1 and utilized as an office use, providing a minimum 300-foot separation between the subject tract and Dixie Road. Vintage Farms does have an approximate 87-foot platted common area along Dixie Road and the nearest residential lot rear lot line located on Oak Creek Way would be approximately 457-feet from the west property line of the subject property. The proposed 8-foot metal screening fence along the perimeter is higher than the required 6-foot fence and will help provide a visual screen to adjacent and nearby properties. As stated previously, required, and stated bufferyards will also mitigate negative effects of the industrial use. Bufferyard requirements are established to preserve existing neighborhoods and ensure adjacent property develops in a manner compatible to nearby land uses.

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

Staff recognizes that the industrial uses, to include scrap metal and recycling, are incompatible to nearby residential. The applicant does however have a long-term plan to relocate near Blue Bell Creamery across town and has taken steps to mitigate some of the negative effects of the industrial business. The property owner/applicant has saved the 3.129-acres that abuts Dixie Road as a B-1 use that will serve as a buffer between the subject tract and the Vintage Farms subdivisions. The applicant has also stated the intention to construct an 8-foot metal screening fence along the perimeter to the north, south and west property lines and to provide bufferyards along the south (75-feet) and west (50-feet) property lines. Within the bufferyards, 20 percent along the forementioned property lines must be landscaped, with the remainder of the buffer being allowed to be utilized for parking, drive aisles, detention facilities, or green space. Placing the detention pond on the south property line will provide both buffering and green space to the adjacent residential property. As for possible negative noise from the industrial use, the zoning ordinance does have a noise ordinance that is enforced by the Brenham Police Department. For Industrial uses, the noise level is restricted to 85 decibels. Measurements for noise levels may not be for less than 10 minutes or greater than 30 minutes and are measured made on the property line at the point closest to the activity that is generating the noise.

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

Limiting factors of the proposed business expansion use of land or structures that negatively impact adjoining properties are the provided bufferyards of 75-feet to the south and 50-feet to the west that will require 20 percent along the forementioned property lines to be landscaped, with the remainder of the buffer being allowed to be utilized for parking, drive aisles, detention facilities, or

green space. Placing the detention pond on the south property line will provide both buffering and green space to the adjacent residential property. Furthermore, the property owners/applicant is proposing to rezone only 3.77-acres of the 6.899-acre usable property for the expansion of the existing industrial use. Allowing for an approximate 3-acre buffer between the industrial use and Dixie Road right-of-way.

- (11)The city's zoning should make adequate provisions for a range of commercial uses in existing and future locations that are best suited to serve neighborhood, community, and regional markets.

If approved, the proposed rezoning will allow the existing adjacent industrial use to expand their operations to allow for fleet parking, truck circulation and additional storage. The applicant will keep a 3.129-acre portion along Dixie Road of the overall 6.899-acre site to be redeveloped as office use and to serve as a transition between the industrial use and surrounding residential uses. Vacant, B-1 and B-2 commercial properties are in the general vicinity of the subject tract to the east along State Highway 36. Staff believes that the proposed zoning change, if approved, will not negatively affect vacant land classified for commercial uses.

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

The subject tract is an existing legally conforming use and would be developed for a scrap yard industrial use that is a permitted use in the requested I, Industrial District. The requested zoning would allow the existing Premier Metal Buyers to expand their existing scrap metal and recycling business in a manner that meets zoning, building and fire codes.

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

In 2011, Brannon Industrial Group purchased the adjacent property located at 1555 Highway 36 North for their Premier Metal Buyer scrap metal and recycling business. In 2014, the 1555 Highway 36 N location was rezoned from B-2, Commercial Research and Technology District to the existing I, Industrial District. In 2016, Stylecraft purchased 86.664-acres to the southwest for residential development that was approved for a Planned Development District in April 2017. In late 2019 or early 2020, Stylecraft purchased an additional 52.428-acres directly to the east of the subject tract, across Dixie Road, for additional residential development. The Planned Development District for the new subdivision was approved in May 2020. The plat for Vintage Farms Phase V establishes an approximate 87-foot common area along Dixie Road to provide for a buffer area and possible expansion of the Dixie Road right-of-way. Lastly in 2022, Brannon Industrial Group purchased the 6.899-acres that includes the subject tract in order to pursue a rezoning and to establish a new business office. Staff acknowledges the incompatible uses but does recognize that the request is an expansion of an existing industrial district site that is not a new use/business. The applicant may request to rezone to expand Premier Metal Buyers and the proposed rezoning would not be considered a spot zoning. The applicant has provided a written statement and site plan that shows attempts to mitigate the negative impacts of their business on surrounding residential uses. Firstly, the applicant chose to request only a 3.77-acre portion of the newly purchased 6.899-acre tract for a rezoning to Industrial District for the expansion of the existing business. The remaining 3.129-acres would help serve as a buffer between the industrial use and the residential uses in the new Vintage Farms subdivision located at Dixie Road and Oak Creek Way. The applicant has stated that

they will provide an 8-foot metal screening fence along the north, south and west perimeter to serve as a visual barrier to the site. Lastly, the site plan indicates bufferyards of 75-feet along the south property line that will also include the site's detention pond and a 50-foot buffer yard to the west property line. As stated above, 20-percent of bufferyards are required to be landscaped, with the remaining 80-percent being restricted to parking, driveway circulation, detention ponds, and green space. Growth has been rapid in recent years and both the residential and commercial/industrial growth in the area, while incompatible, have taken steps to mitigate the negative effects that may arise from the use.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Future Land Use Map
- D. Cover Letter
- E. Site Plan
- F. Site photos

EXHIBIT "A"
AERIAL MAP

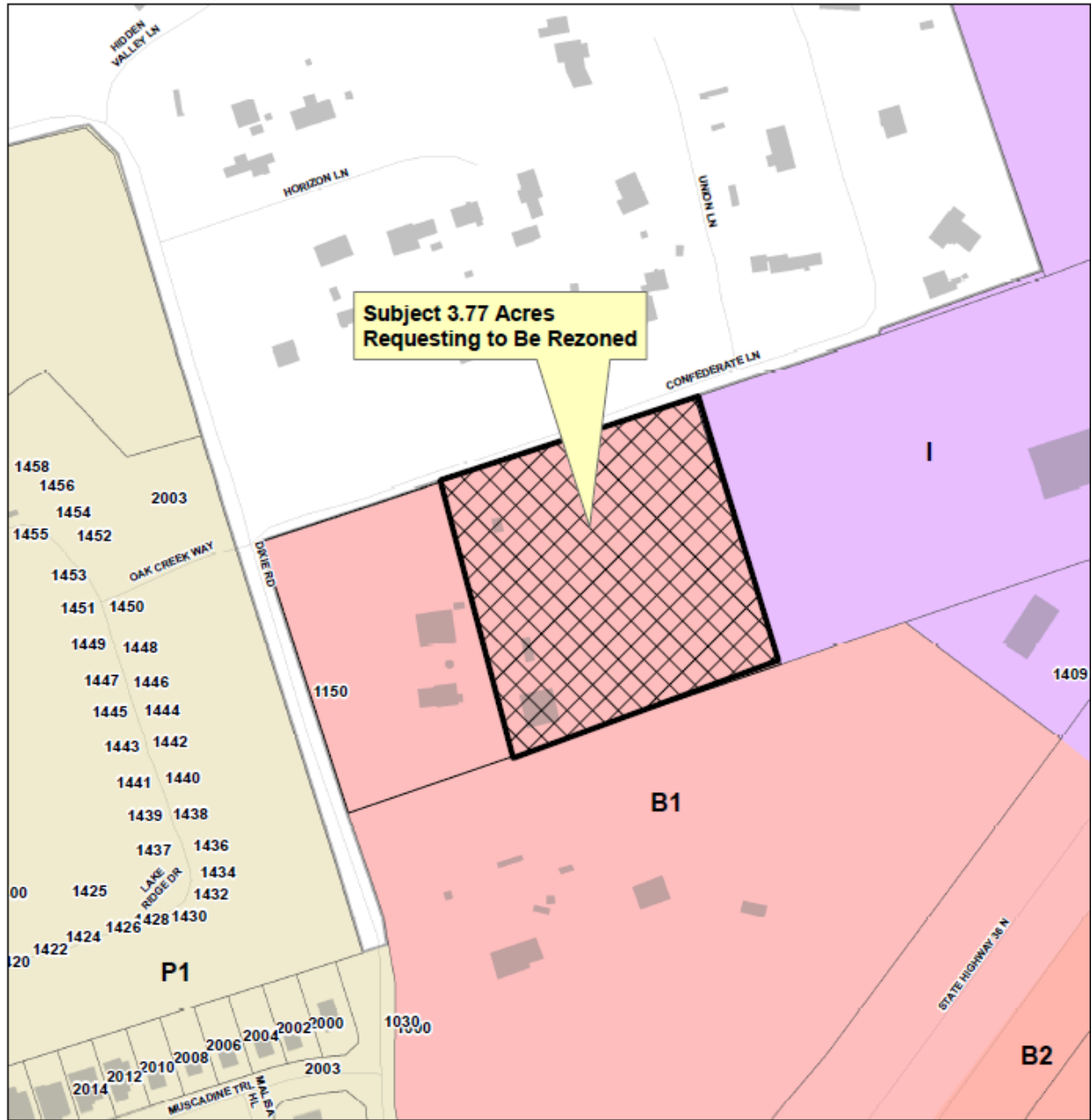


**Aerial Map
Rezoning B-1 to I, Industrial
1150 Dixie Rd**



1 inch = 292 feet

EXHIBIT "B" ZONING MAP



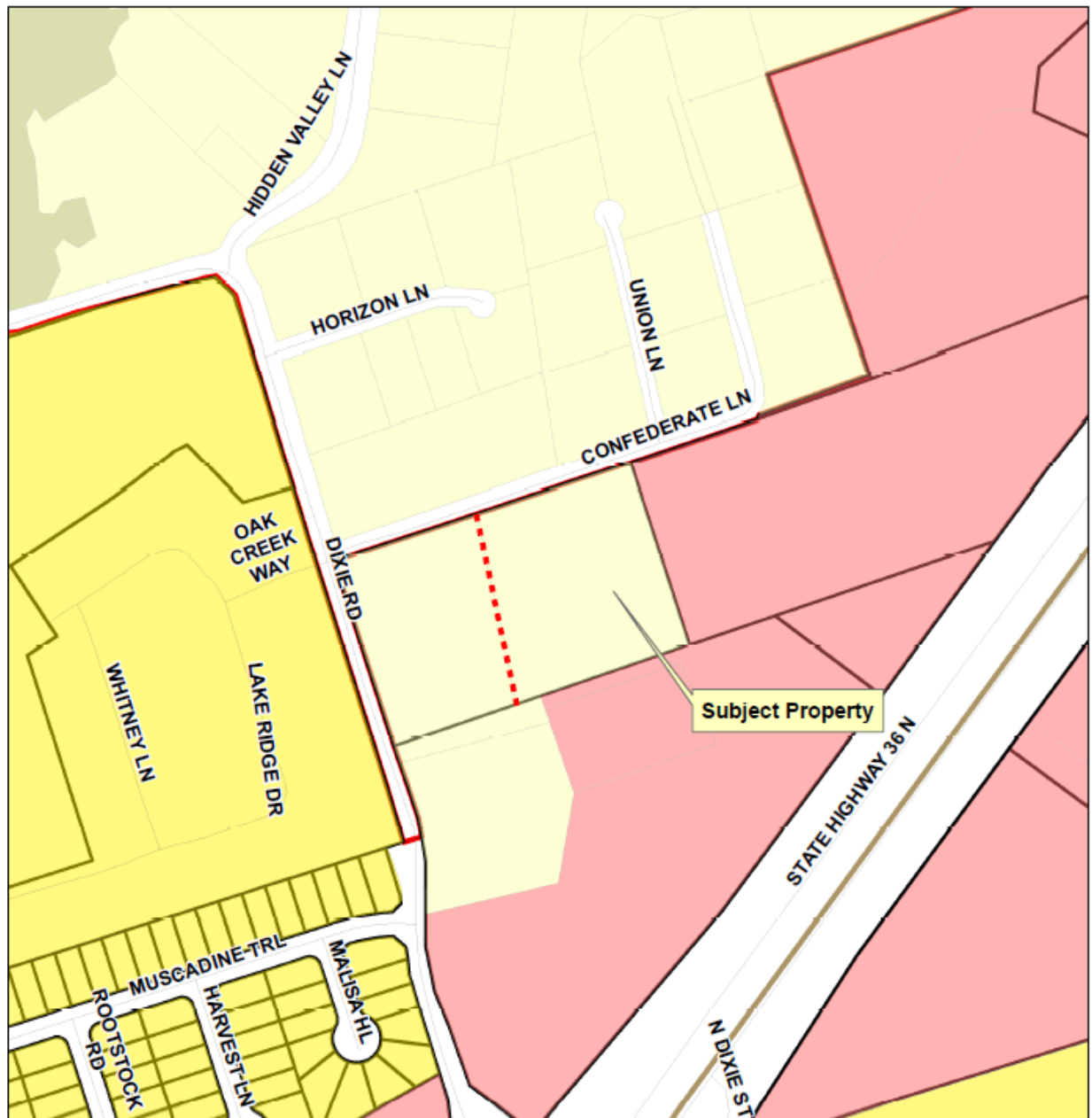
1150 Dixie Road

- | | |
|--|--|
|  B1 Local Business Mixed |  I Industrial |
|  B2 Commercial Research and Technology |  P1 Planned Development |
|  B3 Historical and Central Business |  R1 Residential Single Family |
|  B4 Neighborhood Business District |  R2 Mixed Residential |
|  Downtown Business/Residential Overlay District |  R3 Manufactured Home Residential |

1 inch = 200 feet



EXHIBIT "C"
FUTURE LAND USE MAP



Future Land Use Plan
FLU_FINAL

- Rural
- Estate Residential
- Single Family Residential
- Commercial

Future Land Use Map
Rezoning B-1 to I, Industrial
1150 Dixie Rd



1 inch = 292 feet

EXHIBIT "D"
ZONE CHANGE COVER LETTER



November 15, 2022

City of Brenham
Planning & Zoning Commission
200 W Vulcan
Brenham, TX 77833

Re: Partial Rezoning of Parcel 12307
Premier Metal Buyers Expansion

To whom it may concern:

Parcel 12307 has been purchased by Brannon Industrial Group and the eastern 3.77-acre portion (approximately half the lot) is planned to be used as an expansion of their existing business and will require rezoning efforts to an Industrial (I) zoning category. The rezoning will be from B1 Local Business Mixed to I Industrial. The expansion will provide more area for storage and vehicle/machine circulation to keep daily business activities confined within the property and reducing disturbance to the surrounding areas. The expansion area will provide code compliant setbacks, screening and buffer yards from the adjacent uses. Such screening will be completed by extension of the existing 8-ft tall solid metal, opaque fencing around the perimeter of the expansion area. Buffer yards within the re-zoned parcel will be provided for the subject tract per the allocation below:

- North Parcel Line/Confederate Lane ROW: 0-ft (County/ETJ No Zoning)
- East Parcel Line/Existing Industrial Use: 0-ft (Same Zoning of Industrial)
- South Parcel Line/Oil-Gas Pipeline Pad: 75-ft
 - Oil-Gas Pipeline lease/easement area is immediately adjacent to subject tract's southern property line and possesses a Light Industrial Use, which requires 0-ft buffer yard; however, since adjacent southern property also has a Single-Family Use associated with it approximately 270-ft south of the common property line and being approximately 80-ft beyond (south) the Oil-Gas Pipeline Pad the new use area will provide a 75-ft buffer yard along this common property line.
- West Parcel Line/Common Property: 50-ft
 - The Property along the west parcel line is the remaining portion of Parcel 12307 and owned and operated by Brannon Industrial Group and is not being rezoned as the use planed for the old homestead will be office use and consistent with current B1 zoning regulations.

GarzaEMC | 9106 Wheat Cross Drive | Houston, TX 77095 | 713.491.6039

www.garzaemc.com | TBPE No. F-14629



- The office use adjacent to the Heavy Industrial requires a 50-ft buffer yard, however, there are existing structures that will remain onsite and adjacent to the zoning limits and will be allowed within the buffer yard as existing non-conforming structures. The proposed improvements along this common property line will be for parking of equipment and trucks, which conforms to the buffer yard requirements.

We request your favorable review of this application and look forward to working with the City staff on another local business expansion.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Darren Huckert', written over a horizontal line.

Darren Huckert, P.E., LEED AP
Vice President
GarzaEMC, LLC



11/15/2022

V:\113923-00002\Civil\01-Word Docs\Applications\Zoning Request.docx

EXHIBIT "E"
SITE PHOTOS



Looking towards the site from the West across Dixie Rd



Area to the North (Confederate Lane)



**Looking south from Oak Creek Way to the west (Vintage Farms in background.
Phase V under construction in foreground**

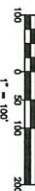


Adjacent Oil/gas easement to the south (part of 1030 Dixie Rd)



Adjacent Residential to the South (1030 Dixie Road)

Reconversion Technologies of Texas, Inc.
Called 20.002 Ac.
770/677 O.R.W.C.

[illegible]

OF 07 SHEET	DRAWN BY:	PREMIER METAL BUYERS EXPANSION 1555 HWY 36 N, BRENNHAM, TEXAS
	DESIGNED BY:	
	QA / QC:	BRANNON INDUSTRIAL GROUP
	PROJECT NO.: 113923-00002	

City of Brenham
Development Services Department



PUBLIC COMMENT FORM

All submitted forms will become a part of the public record.

Please return to:

City of Brenham
Attn: Development Services Dept., Case P-22-026
P.O. Box 1059
Brenham, Texas 77834-1059

Name: MARIE Surovik
(please print)
Address: 1030 Dixie Rd
Brenham, TX 77833
Signature: [Signature]
Date: 11.18.2022

☒ I am FOR the requested REZONING REQUEST as explained on the attached public notice for P&Z Case P-22-026. (Please state reasons below)

☐ I am AGAINST the requested REZONING REQUEST as explained on the attached public notice for P&Z Case P-22-026. (Please state reasons below)

Date, Location, & Time of **Planning and Zoning Commission** meeting:

Monday, November 21, 2022, 5:15 PM
City Council Chambers, 2nd Floor, City of Brenham City Hall
200 West Vulcan Street, Brenham, Texas 77833

Date, Location, & Time of **City Council** meeting:

Thursday, December 1, 2022, 1:00 PM
City Council Chambers, 2nd Floor, City of Brenham City Hall
200 West Vulcan Street, Brenham, Texas 77833

COMMENTS/REASONS:

See Attached

You may also submit comments via email to khodde@cityofbrenham.org. Please reference the case number in the subject line.
For questions regarding this proposal, please call the Development Services Department at (979) 337-7220.



City Of Brenham

Development Services Department

Re: Rezoning of 1150 Dixie Rd, Brenham, TX

I am AGAINST rezoning 1150 Dixie Rd for industrial use for Premier Metal Buyers (PMB)

Reasons:

When my property was annexed by Brenham, I was told that one of the reasons for annexation would be that I would be protected by the Planning and Zoning board so that Premier Metal Buyers could not expand.

Several times I have called about PMB buying part of my property and the city was adamant that he would not be allowed to expand.

I have been told that my place is the buffer for Vintage Farms. I need a noise buffer between me and PMB.

NOISE:

I have been told that there have been numerous noise complaints. Please report those on KWHI or the paper like you report drug arrests. Who in the city is responsible for those complaints? What is done with the complaints? Are there fines for non-compliance, like when a veteran does not mow their lawn?

The noise level is high at Hohlt Park. What is the decibel level at the elementary school?

They ignore the 7A to 10P time frame and usually start around 6:30.

STENCH/SMOKY HAZE:

There are days when the stench is so bad that it makes me sick to my stomach and I cannot be outside in my own yard. Other days there is a smoky haze over my property.

LAWS/RULES:

It is my understanding that while the property under consideration is still under B1 zoning and should not be used for industrial purposes. However, about for the last 2 weeks (as of 11/18) PMB has been storing piles of pipe and bringing in trucks to carry those pipes off the property. During the middle of the first week, the city told me that they were told to get that stuff off the property. Their response, per the city, is they are working on it. What consequences or fines are they given for ignoring the city?

OTHER ISSUES:

There is an active gas well and gas line next to property line. What protections are in place for that?

PMB is a terrible neighbor. They leave trash, plastic bottles and soda cans, next to my fence where their employees take breaks and it washes into my land. They play a radio in their barn that is so loud, I can hear from my back door. They piled their metal against my fence (complaint on file) and tore my fence up.





Regular City Council
AGENDA ITEM 9.

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham's FY2021-2022 Adopted Budget

Meeting Type: Regular Meeting-December 01, 2022

Department: Finance

Staff Contact: Tim McRoberts

SUMMARY STATEMENT:

Highlights of the third and final amendment to the FY2021-22 budget include:

- \$374,379 in General Fund expenditure increases for economic development incentives per Chapter 380 agreement with BK Stringer, LTD.
- \$525,121 increase to Electric WPC Fund expenses to account for higher pass-through purchase costs (offset by higher billed revenues)
- \$2,133,653 increase to Gas WPC Fund revenues to account for higher billed receipts (offset by higher pass-through purchase costs and legal fees \$1,747,605)
- \$265,610 increase to Water Fund revenues based on seasonal demand volumes (offset by higher expenses for chemicals, maintenance and franchise taxes \$284,203)

Utility amendments will have a net neutral impact as they balance out with other revenue/expense/transfer increases and decreases due to natural fluctuations in the budget.

ATTACHMENTS:

(1) Ordinance - First Reading

RECOMMENDED ACTION:

Approve an Ordinance in its first reading amending the City of Brenham's FY2021-22 adopted budget.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING THE
FY2021-22 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, 2022, 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 FY2021-22 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, 2022, 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 the ____ day of December 2022.

PASSED and APPROVED on its second reading this the ____ day of December 2022.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

**CITY OF BRENHAM
FY2021-22 ADOPTED BUDGET
BUDGET AMENDMENT #3
EXHIBIT A**

FUND	AMENDMENT PAGE #	REVENUES (INC)/DEC	GRANT		TRANSFERS-IN (INC)/DEC	OPERATING EXPENDITURES INC/(DEC)	DEBT PAYMENTS INC/(DEC)	GRANT/BOND		NET CHANGE TO FUND (INC)/DEC
			REVENUES (INC)/DEC	ILA REVENUE (INC)/DEC				CAP PROJ INC/(DEC)	TRANSFERS-OUT INC/(DEC)	
101 GENERAL FUND	1	-	-	-	-	374,379	-	-	-	374,379
122 ELECTRIC WPC FUND	2	(525,121)	-	-	-	-	-	-	-	(525,121)
123 GAS WPC FUND	3	(2,133,653)	-	-	-	1,747,605	-	-	-	(386,048)
104 WATER FUND	4	(265,610)	-	-	-	284,203	-	-	-	18,593
TOTAL		(2,924,384)	-	-	-	2,406,187	-	-	-	(518,197)

FUND 101 - GENERAL FUND

GL#	ACCOUNT NAME	ACCOUNT TYPE	AMENDMENT ACTION	CURRENT BUDGET	AMENDMENT	AMENDED BUDGET	REASON
1. 101-5-100-953.40	ECONOMIC DEVELOPMENT INCENTIVES	EXPENDITURE	INC/(DEC)	-	374,379	374,379	1. THIS AMENDMENT IS TO REIMBURSE BK STRINGER, LTD. FOR FACADE IMPROVEMENTS PER THE CHAPTER 380 AGREEMENT AS APPROVED BY CITY COUNCIL ON 9/15/22. FUNDING FOR THIS EXPENSE WILL COME FROM UNRESERVED FUND BALANCE, AND BE OFFSET BY A DECREASE IN FUTURE SALES TAX REVENUE REIMBURSEMENTS TO BK STRINGER, LTD.

FUND 102 - ELECTRIC FUND

GL#	ACCOUNT NAME	ACCOUNT TYPE	AMENDMENT ACTION	CURRENT BUDGET	AMENDMENT	AMENDED BUDGET	REASON
2. 122-5-100-701.00	ELECTRICITY PURCH COST	EXPENDITURE	INC/(DEC)	16,109,684	525,121	16,634,805	2. THIS AMENDMENT IS TO INCREASE THE ELECTRICITY PURCHASE EXPENSE WHICH WHICH IS OFFSET BY EXCESS REVENUES

FUND 123 - GAS FUND

GL#	ACCOUNT NAME	ACCOUNT TYPE	AMENDMENT ACTION	CURRENT BUDGET	AMENDMENT	AMENDED BUDGET	REASON
3. 123-4-611.00	GAS COST ADJUSTMENT	REVENUE	INC/(DEC)	(611,067)	2,133,653	1,522,586	3. THIS BUDGET AMENDMENT IS TO RECOGNIZE HIGHER THAN BUDGET BILLED REVENUES DUE TO HIGHER PASS-THROUGH GAS SUPPLY COSTS. THESE HIGHER REVENUES ARE OFFSET BY INCREASED GAS PURCHASE COSTS AND LEGAL FEES
123-5-100-705.00	GAS PURCHASE COST	EXPENDITURE	INC/(DEC)	1,713,704	1,602,384	3,316,088	
123-5-100-419.00	LEGAL FEES	EXPENDITURE	INC/(DEC)	300,000	145,221	445,221	

FUND 104 - WATER FUND

GL#	ACCOUNT NAME	ACCOUNT TYPE	AMENDMENT ACTION	CURRENT BUDGET	AMENDMENT	AMENDED BUDGET	REASON
4. 104-4-603.00	WATER UTILITY REVENUES	REVENUE	INC/(DEC)	4,872,463	265,610	5,138,073	4. THIS AMENDMENT IS TO ACCOUNT FOR HIGHER BILLED WATER REVENUES DUE TO SEASONAL DEMAND, OFFSET BY INCREASED COSTS IN CHEMICALS & MAINTENANCE.
104-5-163-201.00	CHEMICALS	EXPENDITURE	INC/(DEC)	429,617	202,579	632,196	
104-5-163-311.00	UTILITY PLANTS	EXPENDITURE	INC/(DEC)	156,837	63,031	219,868	
104-5-100-904.00	GROSS REVENUE TAX	EXPENDITURE	INC/(DEC)	341,072	18,593	359,665	
						-	



Regular City Council
AGENDA ITEM 10.

Agenda Item: Discuss and Possibly Act Upon the Use of Felony Forfeiture Funds for Forensic DNA Testing Services and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-December 01, 2022

Department: Police Department

Staff Contact: Ron Parker

SUMMARY STATEMENT:

The Brenham Police Department is seeking approval from City Council to utilize Seized Funds within the police department's budget in order to utilize private laboratory services to test forensic evidence related to criminal case. This expenditure will potentially aid in positively identifying a suspect in a violent crime.

ATTACHMENTS:

None

RECOMMENDED ACTION:

Approve the use of felony forfeiture funds, in the amount of \$6,536.00, for forensic DNA testing services and authorize the Mayor to execute any necessary documentation.



Regular City Council
AGENDA ITEM 11.

Agenda Item: Discuss and Possibly Act Upon Award of Project No. 2022-06 Related to Improvements to the Hohlt Park Nature Trail and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-December 01, 2022

Department: Public Works

Staff Contact: Dane Rau

SUMMARY STATEMENT:

On October 21, 2022, City Staff along with AKLA Architects opened bids regarding the Hohlt Park Nature Trail Improvements. This project was targeted in 2019 in which the City of Brenham received a grant from Texas Parks and Wildlife for partial funding, (\$66,400). Subsequently, BCDC allocated additional funds in back-to-back years to allow the improvements to occur. (2019-\$40,000, 2021-\$100,000, 2022-\$99,017).

There were two bids received with Collier Construction being the low bidder at \$291,517.60. Staff presented this item to BCDC on November 17th and it was approved to move forward with Collier Construction's base bid. We are happy to get this project started and enhance the nature trail for years to come. These improvements will include a boardwalk, educational signage, a 0.59-mile granite looped trail, benches, and numerous plantings that attract butterflies and pollinators (see attachments). This will be known as the 'Crossover Nature Trail'.

All funds are derived from the TP&W Grant or from BCDC which is supported by a portion of local sales tax. We are anxious to get this project started so all visitors to the park can enjoy this amenity. It will add a great attribute to the park and clean up this area.

We respectfully ask Council to approve the bid by Collier construction in the amount of \$291,517.60. If approved, we will have Collier begin the project after the first of the year and projected completion will be in the Spring of 2023.

ATTACHMENTS:

- (1) Bid Tabulation
- (2) Nature Trail Layout and Signage

RECOMMENDED ACTION:

Award Project No. 2022-06 improvements to Hohlt Park Nature Trail to Collier Construction in the amount of \$291,517.60 and authorize the Mayor to execute any necessary documentation.

Bid Tabulation

Hohtl Park Nature Trail Bid Sheet
10/21/2022

Crossover Park Estimate					2022
	Qty	Unit	Per	Extended	
A Clearing and Trimming	1	Day	\$ 6,000.00	\$ 6,000.00	
B Board walk	1000	sf	\$ 80.00	\$ 80,000.00	
C Granite Path to First Crossover 5000 Sf				\$ 55,042.22	
Steel Edging & Stakes	2000	lf	\$ 7.00	\$ 14,000.00	
Flex	87.39	yds	\$ 153.00	\$ 13,370.50	
Granite	66.2	yds	\$ 325.00	\$ 21,516.20	
8x8x24 Limestone Block	13.44	tons	\$ 458.00	\$ 6,155.52	
D Granite Path to Second Crossover 5400 Sf				\$ 64,024.40	
Steel Edging & Stakes	2160	lf	\$ 7.00	\$ 15,120.00	
Flex	85.8	sf	\$ 153.00	\$ 13,127.40	
Granite	71.5	yds	\$ 350.00	\$ 25,025.00	
8x8x24 Limestone Block	26.88	tons	\$ 400.00	\$ 10,752.00	
E Granite Path to Third Crossover 2735 Sf				\$ 31,325.03	
Steel Edging & Stakes	1080	lf	\$ 7.00	\$ 7,560.00	
Flex	43.46	sf	\$ 158.00	\$ 6,866.07	
Granite	36.21	yds	\$ 325.00	\$ 11,769.36	
8x8x24 Limestone Block	11.2	tons	\$ 458.00	\$ 5,129.60	
F Benches					
G Signage	14	tons	\$ 750.00	\$ 10,500.00	
	18	per	\$ 625.00	\$ 11,250.00	

H POLLINATOR PLANT LIST

Plantings Installed					\$
	Qty	Unit	Per	Extended	
Salvia greggii - Autumn Sage	10	1g	\$ 27.50	\$ 275.00	
Hamelia patens - Fire Bush	5	3g	\$ 55.00	\$ 275.00	
Salvia leucantha - Mexican Bush Sage	10	1g	\$ 27.50	\$ 275.00	
Plumbago auriculata - Plumbago	10	1g	\$ 27.50	\$ 275.00	
Tecoma stans - Yellow Bells	5	3g	\$ 55.00	\$ 275.00	
Lantana urticoides - Texas Lantana	10	1g	\$ 27.50	\$ 275.00	
Malvaviscus drummondii - Turk's Cap	10	1g	\$ 27.50	\$ 275.00	
Buddleia davidii - Butterfly Bush	10	1g	\$ 27.50	\$ 275.00	
Prunus Mexicana - Mexican Plum	2	15g	\$ 55.00	\$ 110.00	
Cercis canadensis var. texensis - Texas Redbud	2	15g	\$ 55.00	\$ 110.00	
Viburnum rufidulum - Rusty Blackhaw Viburnum	5	3g	\$ 27.50	\$ 137.50	
Chilopsis linearis - Desert Willow	2	15g	\$ 55.00	\$ 110.00	
Cephalanthus occidentalis - Buttonbush	10	1g	\$ 27.50	\$ 275.00	
Echinacea purpurea - Purple Coneflower	10	1g	\$ 27.50	\$ 275.00	
Rhus lanceolata - Prairie Flameleaf Sumac	2	15g	\$ 225.00	\$ 450.00	

Collier					VE
	Qty	unit	Extended		
	1	\$ 11,245.00	\$ 11,245.00	\$ 11,245.00	
	1000	\$ 77.50	\$ 77,500.00	\$ 77,500.00	\$11,814
	1570	\$ 7.00	\$ 10,990.00	\$ 60,923.20	
	84	\$ 242.00	\$ 20,328.00		
	65	\$ 370.00	\$ 24,050.00		
	11.2	\$ 496.00	\$ 5,555.20		
	2183	\$ 7.00	\$ 15,281.00	\$ 65,937.00	
	90	\$ 242.00	\$ 21,780.00		
	70	\$ 370.00	\$ 25,900.00		
	6	\$ 496.00	\$ 2,976.00	\$ 36,196.40	
	1118	\$ 7.00	\$ 7,826.00		
	46	\$ 242.00	\$ 11,132.00		
	36	\$ 370.00	\$ 13,320.00		
	7.9	\$ 496.00	\$ 3,918.40		
	19.5	\$ 640.00	\$ 12,480.00	\$ 12,480.00	\$7,640
	18	\$ 877.00	\$ 15,786.00	\$ 15,786.00	\$4,374
	10	\$ 22.50	\$ 225.00	\$ 6,025.00	\$296.00
	10	\$ 24.00	\$ 240.00		
	10	\$ 20.00	\$ 200.00		
	5	\$ 54.00	\$ 270.00		
	5	\$ 21.00	\$ 105.00		
	10	\$ 20.00	\$ 200.00		
	10	\$ 19.00	\$ 190.00		
	10	\$ 24.00	\$ 240.00		
	2	\$ 585.00	\$ 1,170.00		
	2	\$ 585.00	\$ 1,170.00		
	5	\$ 27.00	\$ 135.00		
	10	\$ 22.00	\$ 220.00		
	10	\$ 22.00	\$ 220.00		
	10	\$ 27.00	\$ 270.00		
	2	\$ 585.00	\$ 1,170.00		

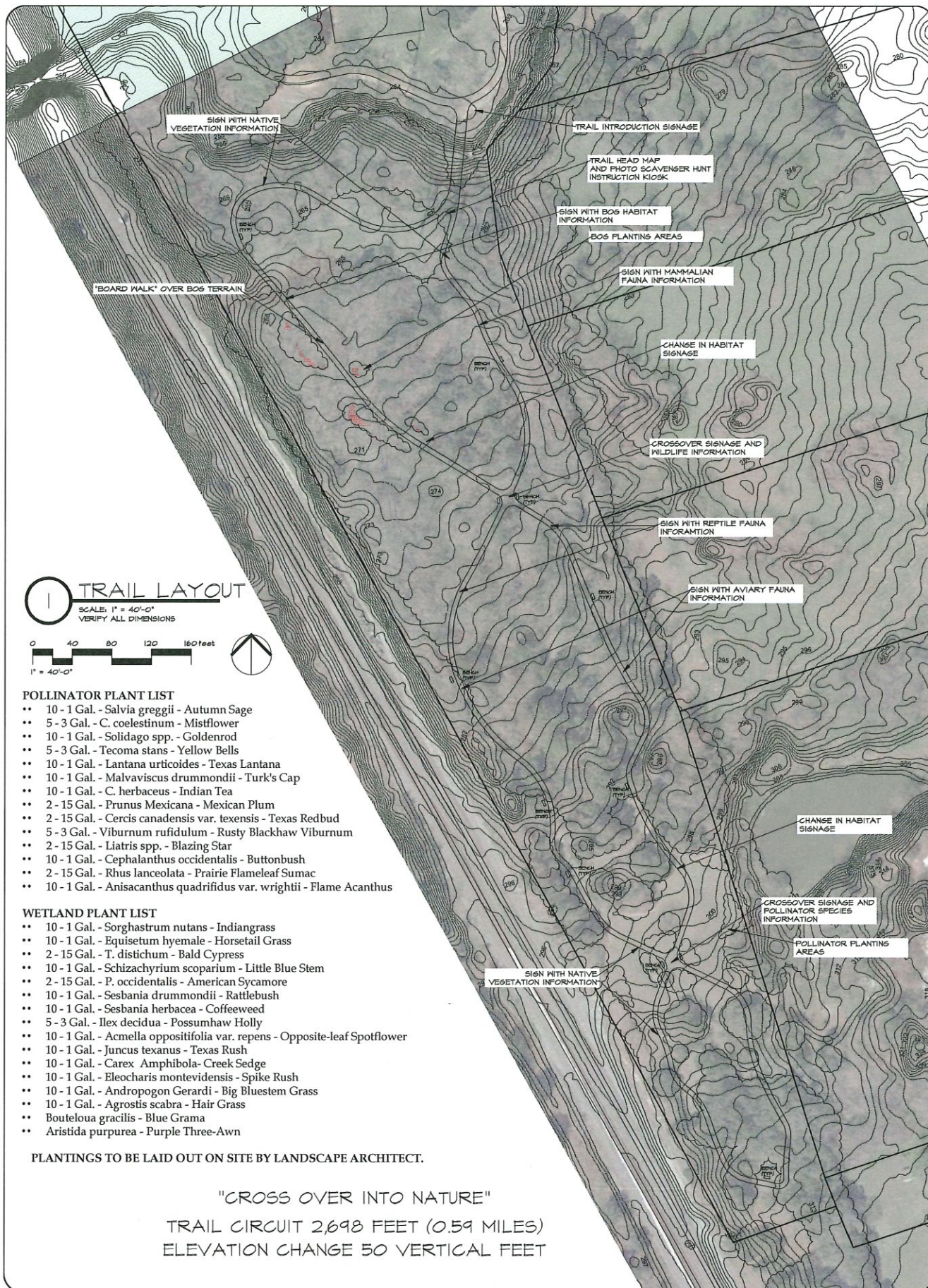
Bid Tabulation

Hohltl Park Nature Trail Bid Sheet
10/21/2022

Crossover Park Estimate										2022		VE					
Qty		Unit	Per	Extended	Qty		unit	Extended	Collier								
WETLAND PLANTS																	
10		1g	\$	27.50	\$	275.00	10	\$	24.00	\$	240.00	10	\$	22.00	\$	220.00	
10		1g	\$	27.50	\$	275.00	10	\$	24.00	\$	240.00	10	\$	23.00	\$	230.00	
2		15g	\$	55.00	\$	110.00	2	\$	400.00	\$	800.00	2	\$	585.00	\$	1,170.00	
10		1g	\$	27.50	\$	275.00	10	\$	24.00	\$	240.00	10	\$	54.00	\$	540.00	
2		15g	\$	55.00	\$	110.00	2	\$	450.00	\$	900.00	2	\$	585.00	\$	1,170.00	
10		1g	\$	27.50	\$	275.00	10	\$	18.00	\$	180.00	10	\$	25.00	\$	250.00	
10		1g	\$	27.50	\$	275.00	10	\$	18.00	\$	180.00	10	\$	25.00	\$	250.00	
5		3g	\$	55.00	\$	275.00	5	\$	54.00	\$	270.00	5	\$	57.00	\$	285.00	
10		1g	\$	27.50	\$	275.00	10	\$	24.00	\$	240.00	10	\$	22.00	\$	220.00	
10		1g	\$	27.50	\$	275.00	10	\$	24.00	\$	240.00	10	\$	23.00	\$	230.00	
10		1g	\$	27.50	\$	275.00	10	\$	24.00	\$	240.00	10	\$	23.00	\$	230.00	
10		1g	\$	27.50	\$	275.00	10	\$	24.00	\$	240.00	10	\$	22.00	\$	220.00	
10		1g	\$	27.50	\$	275.00	10	\$	24.00	\$	240.00	10	\$	22.00	\$	220.00	
10		1g	\$	27.50	\$	275.00	10	\$	24.00	\$	240.00	10	\$	19.00	\$	190.00	
Total										\$	265,329.15	\$	381,089.00	\$	291,517.60	\$	24,124.00
Total										Tab		\$	-	\$	-	\$	291,517.60
										Bid		\$	-	\$	-	\$	291,517.60
												\$	391,997.00	\$	10,908.00		
												\$		\$			
												\$		\$			

All material will be pocket planted.

All material will be pocket planted.
If plant material is unavailable please contact the Landscape Architect for substitutions
All material is to be bid as installed pricing.



1 TRAIL LAYOUT

SCALE: 1" = 40'-0"
VERIFY ALL DIMENSIONS

POLLINATOR PLANT LIST

- 10 - 1 Gal. - *Salvia greggii* - Autumn Sage
- 5 - 3 Gal. - *C. coelestinum* - Mistflower
- 10 - 1 Gal. - *Solidago* spp. - Goldenrod
- 5 - 3 Gal. - *Tecoma stans* - Yellow Bells
- 10 - 1 Gal. - *Lantana urticoides* - Texas Lantana
- 10 - 1 Gal. - *Malvaviscus drummondii* - Turk's Cap
- 10 - 1 Gal. - *C. herbaceus* - Indian Tea
- 2 - 15 Gal. - *Prunus Mexicana* - Mexican Plum
- 2 - 15 Gal. - *Cercis canadensis* var. *texensis* - Texas Redbud
- 5 - 3 Gal. - *Viburnum rufidulum* - Rusty Blackhaw Viburnum
- 2 - 15 Gal. - *Liatris* spp. - Blazing Star
- 10 - 1 Gal. - *Cephalanthus occidentalis* - Buttonbush
- 2 - 15 Gal. - *Rhus lanceolata* - Prairie Flameleaf Sumac
- 10 - 1 Gal. - *Anisacanthus quadrifidus* var. *wrightii* - Flame Acanthus

WETLAND PLANT LIST

- 10 - 1 Gal. - *Sorghastrum nutans* - Indiangrass
- 10 - 1 Gal. - *Equisetum hyemale* - Horsetail Grass
- 2 - 15 Gal. - *T. distichum* - Bald Cypress
- 10 - 1 Gal. - *Schizachyrium scoparium* - Little Blue Stem
- 2 - 15 Gal. - *P. occidentalis* - American Sycamore
- 10 - 1 Gal. - *Sesbania drummondii* - Rattlebush
- 10 - 1 Gal. - *Sesbania herbacea* - Coffeeweed
- 5 - 3 Gal. - *Ilex decidua* - Possumhaw Holly
- 10 - 1 Gal. - *Acmella oppositifolia* var. *repens* - Opposite-leaf Spotflower
- 10 - 1 Gal. - *Juncus texanus* - Texas Rush
- 10 - 1 Gal. - *Carex Amphibola* - Creek Sedge
- 10 - 1 Gal. - *Eleocharis montevidensis* - Spike Rush
- 10 - 1 Gal. - *Andropogon Gerardi* - Big Bluestem Grass
- 10 - 1 Gal. - *Agrostis scabra* - Hair Grass
- *Bouteloua gracilis* - Blue Grama
- *Aristida purpurea* - Purple Three-Awn

PLANTINGS TO BE LAID OUT ON SITE BY LANDSCAPE ARCHITECT.

"CROSS OVER INTO NATURE"

TRAIL CIRCUIT 2,698 FEET (0.59 MILES)
ELEVATION CHANGE 50 VERTICAL FEET

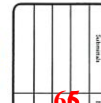


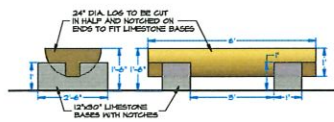
the land design group inc.

547 William D. Hirsch Parkway #108 College Station, Texas 77845 979.846.2775

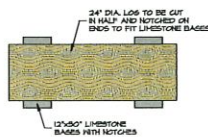
HOHL PARK CROSSOVER NATURE TRAIL

BRENHAM, TX

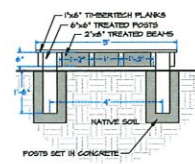
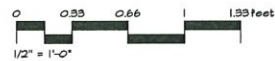




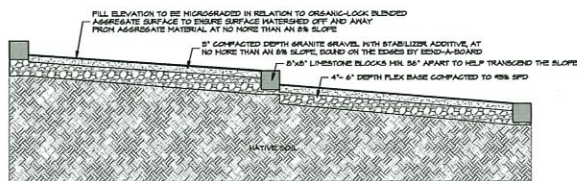
1 BENCH
SCALE: 1/2" = 1'-0"
VERIFY ALL DIMENSIONS



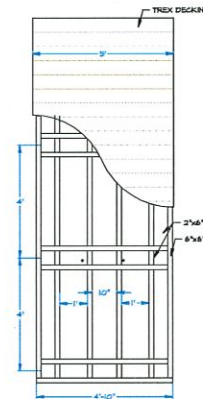
2 GRAVEL TRAIL
SCALE: 1/2" = 1'-0"
VERIFY ALL DIMENSIONS



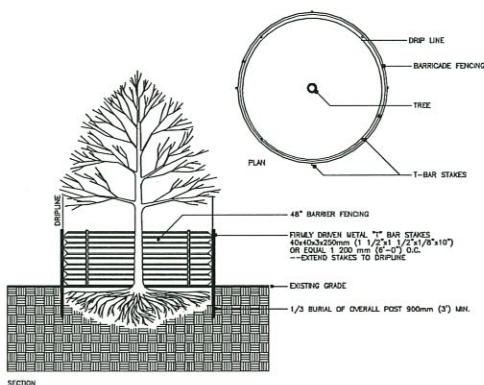
3 BOARDWALK SECTION
SCALE: 1/2" = 1'-0"
VERIFY ALL DIMENSIONS



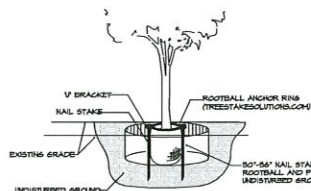
4 GRAVEL TRAIL
SCALE: 1/2" = 1'-0"
VERIFY ALL DIMENSIONS



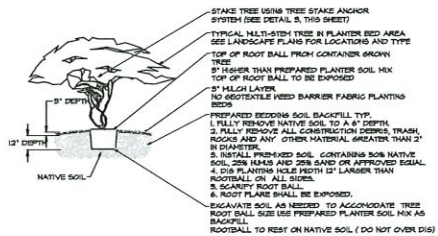
5 BOARDWALK PLAN VIEW
SCALE: 1/2" = 1'-0"
VERIFY ALL DIMENSIONS



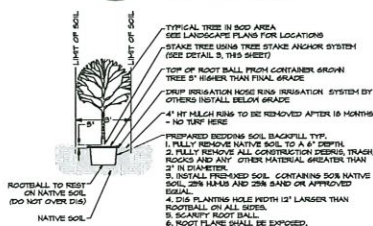
6 TREE PROTECTION
SCALE: 1/4" = 1'-0"
VERIFY ALL DIMENSIONS



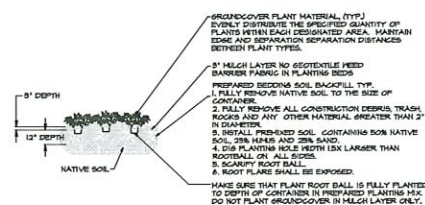
7 ROOTBALL ANCHOR
SCALE: 1/4" = 1'-0"
VERIFY ALL DIMENSIONS



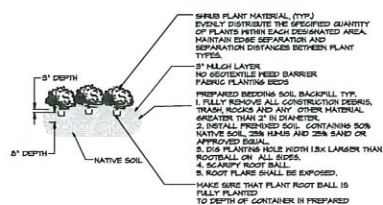
8 NON CANOPY TREE PLANTING
SCALE: 1/4" = 1'-0"
VERIFY ALL DIMENSIONS



9 TREE PLANTING
SCALE: 1/4" = 1'-0"
VERIFY ALL DIMENSIONS



10 GROUNDCOVER PLANTING
SCALE: 1/4" = 1'-0"
VERIFY ALL DIMENSIONS



11 SHRUB PLANTING
SCALE: 1/4" = 1'-0"
VERIFY ALL DIMENSIONS

Hohlt Park - Brenham, Tx

Crossover Nature Trail

WELCOME

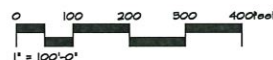
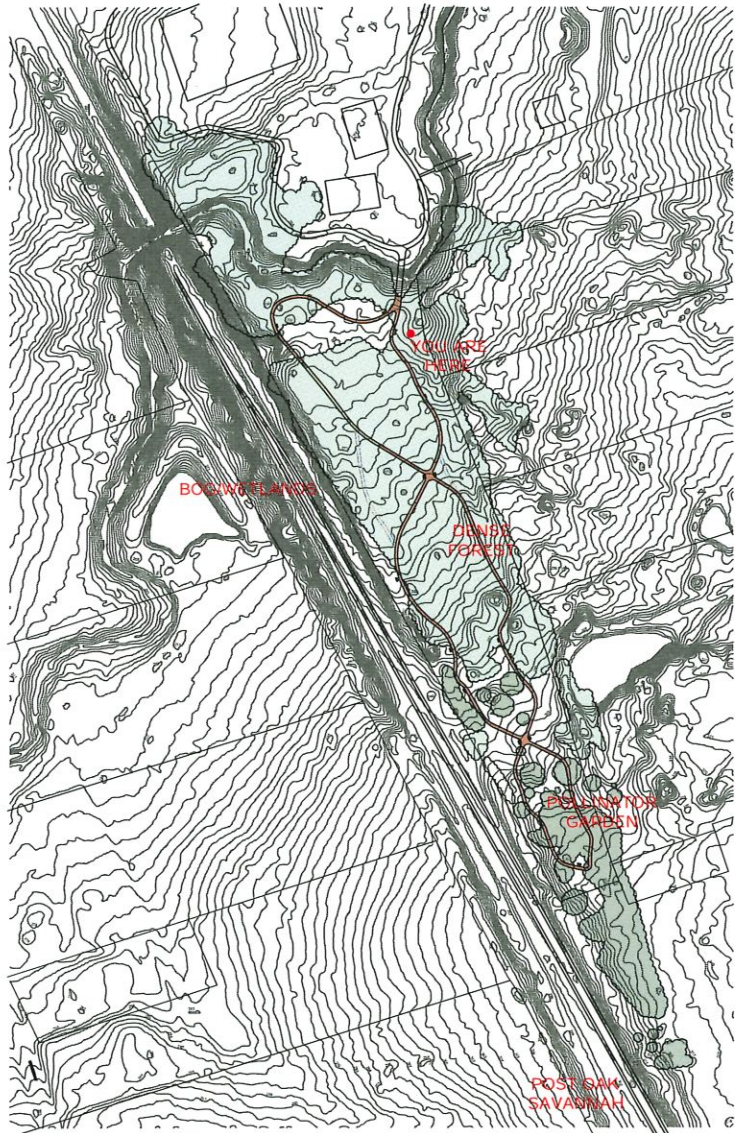
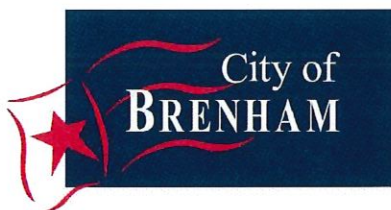
Welcome to Hohlt Park Crossover Nature Trail! There are 2,698 ft (0.59 miles) of trails to enjoy and over 50 vertical feet of rise within the park. This area of the park encompasses over 5 acres of land. There are many environments to explore. Such as bog/wetland areas, grassy fields, forested areas and pollinator gardens. The design of this trail system is for both recreation and educational purposes. You will find signs spread throughout the park that will explain different plants and animals you might see along the trails.



A LOCAL PARK GRANT
PROGRAM PROJECT

Funded in part
from a portion of the state sales tax on
sporting goods

Administered by Texas
Parks & Wildlife Department



Hohlt Park - Brenham, Tx

Crossover Nature Trail

POLLINATORS

In Texas, pollinators include bats, bees, hummingbirds, butterflies, wasps, flies and beetles. Worldwide, up to 80% of all plant species are pollinated. Three quarters of the worlds most common human food crops are pollinated by insects. These include coffee, tea, peppers, berries, tomatoes, fruit and nut trees, spices and vegetables. Additionally, fields of livestock crops like alfalfa and clover are pollinated by insects.

Be on the lookout for these native pollinators:



Delta Flower Scarab
(*Trigonopeltastes delta*)



Common Buckeye
(*Junonia coenia*)



Monarch
(*Danaus plexippus*)



Miner Bee
(*Andrena spp.*)



Pipervine Swallowtail
(*Battus philenor*)



Orchard Bee
(*Osmia spp.*)



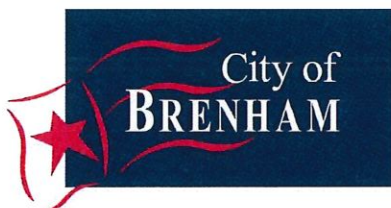
Long-Horned Bee
(*Scastrum obliqua*)



Bumble Bee
(*Bombus pensylvanicus*)



Colorful Foliage Ground Beetles
(*Lebia spp.*)



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Administered by Texas Parks & Wildlife Department

Hohlt Park - Brenham, Tx

Crossover Nature Trail

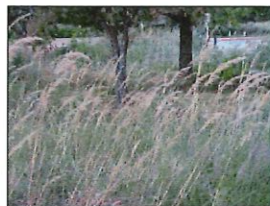
WETLANDS

Wetlands are places where land meets the water. It's a zone of transition that is neither dry nor a pond. Wetland plants are specially adapted to live in the saturated soil. Many of the animal species found in wetlands can be completely aquatic, such as fish. Others require both wet and dry habitats for survival. The ability for so many species to use wetlands makes this kind of ecosystem one of the most biologically diverse on Earth. You can find more kinds of animals and plants in an acre of wetland than in almost any other kind of ecosystem. Wetlands help maintain water quality, recharge aquifers and reduce flood damage, provide habitat, and are great places to go paddling, hunting, birdwatching, and fishing.

Be on the lookout for these native wetland plants:



Big Bluestem Grass
(*Andropogon gerardi*)



Indian Grass
(*Sorghastrum nutans*)



Mistflower
(*Conoclinium* spp.)



Blazing Star
(*Liatris* spp.)



Spike Rush
(*Eleocharis montevidensis*)



Blue Grama
(*Bouteloua gracilis*)



Creek Sedge
(*Carex Amphibola*)



Little Bluestem
(*Schizachyrium scoparium*)



Horsetail Grass
(*Equisetum hyemale*)



Possumhaw Holly
(*Ilex decidua*)



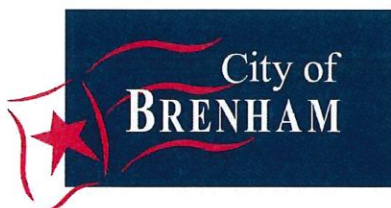
Texas Rush
(*Juncus texanus*)



Goldenrod
(*Solidago* spp.)



Purple Three-Awn
(*Aristida purpurea*)



Opposite-leaf Spotflower (*Acmella oppositifolia* var. *repens*)



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Hohlt Park - Brenham, Tx

Crossover Nature Trail

MAMMALS

Mammals are by definition warm-blooded, air breathing vertebrates (with backbones). They have bodies covered in hair and feed their young milk. Most mammals give birth to miniature versions of themselves. Mammals as a group use every possible form of locomotion. Terrestrial species walk, run, jump, climb, hop, swing, dig, and burrow. Aquatic ones swim, shuffle, and dive. A few even fly. Diet and behavior vary, too. Many carnivores, for example, are top predators that live generally solitary lives, but some live in family groups. Even more social are some of the herbivores, especially hoofed animals like deer. By living in large groups, they

Be on the lookout for these native mammals:



Eastern Gray Squirrel
(*Sciurus carolinensis*)



Raccoon
(*Procyon lotor*)



White-Tailed Deer (*Odocoileus virginianus*)



Virginia Opossum
(*Didelphis virginiana*)



Nine-Banded Armadillo
(*Dasypus novemcinctus*)



Striped Skunk (*Mephitis mephitis*)



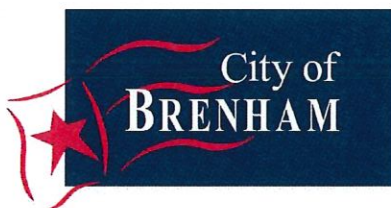
Eastern Cottontail Rabbit
(*Sylvilagus floridanus*)



Big Brown Bat
(*Eptesicus fuscus*)



Coyote (*Canis latrans*)



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Hohlt Park - Brenham, Tx

Crossover Nature Trail

REPTILES

Reptiles are air breathing, cold-blooded vertebrates (with backbones). They depend on the warmth from sunlight to become warm and active. In cold conditions they will become sluggish and inactive. They may even go into a state of hibernation or torpor. They have dry skin covered with scales or bony plates and usually lay soft-shelled eggs. Reptiles give birth to miniature versions of themselves. Most mother reptiles leave the nest once the eggs are laid. The hatchlings are independent from the start and must find their own food and shelter.

Be on the lookout for these native reptiles:



Six-Linked Racerunner
(*Aspidocelis sexlineata*)



Common Snapping Turtle
(*Chelydra serpentina*)



Diamond-Backed Water Snake (*N. rhombifer*)



Common Box Turtle
(*Terrapene carolina*)



Little Brown Skink
(*Scincella lateralis*)



Rough Green Snake (*Ophedrys aestivus*)



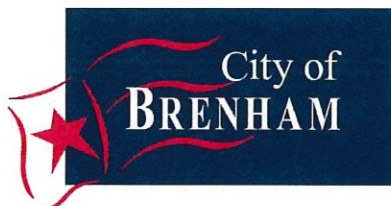
Red-Eared Slider
(*Trachemys scripta elegans*)



Eastern Garter Snake
(*Thamnophis sirtalis*)



Texas Rat Snake (*Pantherophis obsoleta lindheimeri*)



All species
above
are non-venomous
and harmless
to humans!



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Hohlt Park - Brenham, Tx

Crossover Nature Trail

BIRDS

Birds are warm-blooded vertebrates (with backbones) and are the only animals with feathers. Although all birds have wings, a few species can't fly, but many can also run, jump, swim, and dive. Everything about the anatomy of a bird reflects its ability to fly. The wings, for example, are shaped to create lift. The leading edge is thicker than the back edge, and they are covered in feathers that narrow to a point. Even their bones are specialized for flight. The main bone, the humerus, which is similar to the upper arm of a mammal, is hollow instead of solid.

Be on the lookout for these native birds:



Northern Mockingbird
(*Mimus polyglottos*)



American Robin
(*Turdus migratorius*)



Carolina Chickadee
(*Parus carolinensis*)



Common Yellowthroat
(*Geothlypis trichas*)



Great Horned Owl
(*Bubo virginianus*)



Red-Winged Blackbird
(*Agelaius phoeniceus*)



Mississippi Kite
(*Ictinia mississippiensis*)



Red-Tailed Hawk
(*Buteo jamaicensis*)



Ladder-Backed Woodpecker
(*Dryobates scalaris*)



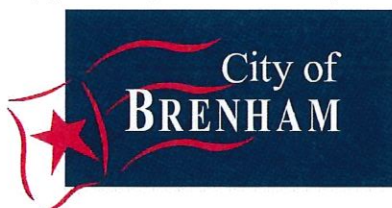
Ruby-Throated Hummingbird
(*A. colubris*)



Tufted Titmouse
(*Baeolophus bicolor*)



Orchard Oriole
(*Icterus spurius*)



Painted Bunting
(*Passerina ciris*)



Blue Jay
(*Cyanocitta cristata*)



Northern Cardinal
(*Cardinalis cardinalis*)



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Regular City Council
AGENDA ITEM 13.

Agenda Item: Section 551.072 - Texas Government Code - Deliberation Regarding Real Property - Discussion Regarding the Lease Agreement with Dreamliner Diner Inc. (f/k/a Canion Kountry Bakery & Restaurant Inc.) Related to the Airport Terminal Building, and Associated Issues

Meeting Type: Regular Meeting-December 01, 2022

Department: Administration

Staff Contact: Carolyn Miller

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDED ACTION:

No action will be taken - Executive Session discussion only.



Regular City Council
AGENDA ITEM 14.

Agenda Item: Section 551.074 - Texas Government Code - Deliberation Regarding Personnel Matters - Discussion Regarding the Appointment of a Brenham Municipal Court Presiding Judge and Associate Judge, Both for a Two Year Term Ending on December 31, 2024

Meeting Type: Regular Meeting-December 01, 2022

Department: Administration

Staff Contact: Carolyn Miller

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDED ACTION:

No action - Executive Session discussion only.



Regular City Council
AGENDA ITEM 15.

Agenda Item: Section 551.074 -Texas Government Code - Deliberation Regarding Personnel Matters - Consider Compensation for the Municipal Court Presiding Judge and Associate Judge

Meeting Type: Regular Meeting-December 01, 2022

Department: Administration

Staff Contact: Carolyn Miller

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDED ACTION:

No action - Executive Session discussion only.



Regular City Council
AGENDA ITEM 16.

Agenda Item: **Section 551.086 - Texas Government Code - Utility Competitive Matters - City of Brenham Gas Utility System - Gas Supply and Transportation Arrangements and Agreements, and Associated Matters**

Meeting Type: Regular Meeting-December 01, 2022

Department: Administration

Staff Contact: Carolyn Miller

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDED ACTION:

No action - Executive Session discussion only.



Regular City Council
AGENDA ITEM 17.

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

Meeting Type: Regular Meeting-December 01, 2022

Department: Administration

Staff Contact: Carolyn Miller

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDED ACTION:

No action - Executive Session discussion only.



Regular City Council
AGENDA ITEM 18.

Agenda Item: Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Aviators Plus, LLC v. City of Brenham, Texas; Cause No. 37896; 21st Judicial District Court, Washington County, Texas

Meeting Type: Regular Meeting-December 01, 2022

Department: Administration

Staff Contact: Carolyn Miller

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDED ACTION:

No action - Executive Session discussion only,



Regular City Council
AGENDA ITEM 19.

Agenda Item: Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Legal Issues Concerning the City of Brenham Lake Somerville Raw Water Intake Structure, the Federal Emergency Management Agency, and Associated Matters

Meeting Type: Regular Meeting-December 01, 2022

Department: Administration

Staff Contact: Carolyn Miller

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDED ACTION:

No action - Executive Session discussion only.



Regular City Council
AGENDA ITEM 20.

Agenda Item: Discuss and Possibly Act Upon a Cancellation Agreement with Dreamliner Diner Inc. (f/k/a Canion Kountry Bakery & Restaurant, Inc.) Related to the Lease of the Airport Terminal Building and Associated Issues and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-December 01, 2022

Department: Administration

Staff Contact: Carolyn Miller

SUMMARY STATEMENT:

On November 17, 2021 Council approved a Lease agreement between Dreamliner Diner, Inc., formerly known as Canion Kountry Bakery & Restaurant, Inc., for the approximately 1,400 square foot restaurant space located in the City of Brenham Airport Terminal Building located at 3001 Aviation Way. On December 17, 2021 the Dreamliner Diner opened its doors and welcomed the aviation community, Brenham and Washington County residents alike for breakfast and lunch five days a week. The City would like to thank Mindy Canion and the Dreamliner Diner staff for their service over the past year.

City Staff recently met with owner Mindy Canion and discussed mutual termination of the lease rather than fulfilling the 1-year renewal term as outlined in the lease agreement. Attached for Council consideration is a proposed Termination Agreement which includes the Dreamliner Diner's last month of operations to be December 2022. The Termination Agreement includes transition of the utilities associated with the Terminal Building to be transitioned to the City of Brenham effective immediately following Council consideration and approval. Additionally, the Termination Agreement includes an additional month, through January 31, 2023, for all property and equipment owned by the Dreamliner Diner to be removed from the lease area and all property owned by the City of Brenham to remain on the premises. A detailed list of equipment is included as Exhibit A to the proposed Agreement.

ATTACHMENTS:

(1) Cancellation Agreement

RECOMMENDED ACTION:

Approve the Cancellation Agreement with Dreamliner Diner Inc. (f/k/a Canion Kountry Bakery & Restaurant, Inc.) related to the lease of the Airport Terminal Building and associated issues and authorize the Mayor to execute any necessary documentation.

CANCELLATION AGREEMENT

This Cancellation Agreement entered into to be effective on the ____ day of _____, 2022 between the CITY OF BRENHAM, TEXAS, referred to herein as "CITY," and DREAMLINER DINER INC. (formerly known as CANION KOUNTRY BAKERY & RESTAURANT INC.), and referred to herein as "DREAMLINER DINER" (the CITY and DREAMLINER DINER also being referred to herein individually as a "Party" and collectively as the "Parties").

RECITALS

WHEREAS, CITY and DREAMLINER DINER entered into an "Airport Terminal Building Lease Agreement" (referred to herein as "Lease Agreement") effective November 18, 2021, with an initial term of one (1) year ending on November 17, 2022 and an automatic additional one (1) year renewal term; and

WHEREAS, CITY and DREAMLINER DINER mutually desire to cancel and terminate the Lease Agreement as provided for in Section XVIII (a) of the Lease Agreement;

NOW THEREFORE, for and in consideration of the mutual obligations and terms stated herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by both parties hereto, the CITY and DREAMLINER DINER agree as follows:

1. Effective as of December 31, 2022 at 11:59pm the Lease Agreement shall hereby be cancelled in its entirety, and both the CITY and DREAMLINER DINER shall be fully released and discharged from any and all obligations, benefits and requirements provided for in the Lease Agreement as of the effective date of this Cancellation Agreement. Furthermore, the last day of operations to the public for restaurant service by the Dreamliner Diner shall be no later than December 31, 2022.
2. DREAMLINER DINER shall terminate the Bluebonnet Electric and Corix utility services associated with the Lease Agreement, said termination to be effective on December 1, 2022. DREAMLINER DINER shall cooperate with the CITY to the extent necessary to facilitate the transfer of utility services for the Terminal Building to the CITY's name.
3. DREAMLINER DINER shall have all of its personal property removed from the CITY-owned facilities at the Brenham Municipal Airport on or before January 31, 2023. A list of DREAMLINER DINER personal property to be removed from the CITY-owned facilities is detailed on Attachment "A." A list of CITY's personal property that will remain at the CITY-owned facilities is also detailed on Attachment "A." The Parties acknowledge and agree that the personal property assigned to either DREAMLINER DINER or the CITY on Attachment "A" is owned by the Party to which the personal property is assigned.
4. Except as otherwise set forth in this Cancellation Agreement, and without any further action of the Parties, the Parties hereby unconditionally release and forever discharge one another and their subsidiaries or affiliated entities, subdivisions, affiliated subdivisions, officials, directors, officers, employees, agents, attorneys, insurers, and representatives, and any and all predecessors, successors or assigns thereof, from any and all potential claims, demands, obligations, judgments, orders, agreements, losses, damages, attorney's

fees, expenses, liabilities or causes of action of any kind, whether known or unknown, arising out of or relating to the Lease Agreement, and neither Party shall bring any claim in any court, before any alternative dispute resolution forum, or with any administrative agency relating to the same.

5. The Parties acknowledge and agree that the City is subject to the Texas Public Information Act and other laws governing the public's access to public records. In the event a copy of this Cancellation Agreement is requested to be disclosed or accessed thereunder, the City is required to comply with such applicable law(s) governing the public's access to records in the possession of the City.
6. The terms of this Cancellation Agreement are contractual and not mere recitals, and each Party has relied on its own belief, judgment, and knowledge as to the nature and extent of its own claims and rights and not on any representation or statement with regard thereto made by or on behalf of any of the other Party.
7. Each Party represents that it has all power and authority necessary to enter into and perform this Cancellation Agreement, and that it has had the opportunity to consult and be represented by counsel of its choice in entering into this Cancellation Agreement.
8. This Cancellation Agreement contains the entire agreement of the Parties with respect to the subject matter hereof, and no other agreement, understanding, or representation of or by the Parties relating to the subject matter hereof made at any time prior to or contemporaneously with the signing of this Cancellation Agreement shall be effective for any purpose except as set forth herein. This Cancellation Agreement shall be governed by the laws of the State of Texas, without regards to its rules on conflicts of law. Exclusive venue for any claim, dispute, lawsuit or other legal proceeding arising out of the Lease Agreement or this Cancellation Agreement shall be in Washington County, Texas.
9. This Cancellation Agreement may be executed in one or more counterparts, each of which will be deemed an original and all of which together constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Cancellation Agreement in the year and day first above written.

CITY OF BRENHAM, TEXAS:

Milton Y. Tate, Jr., Mayor

**DREAMLINER DINER INC. F/K/A
CANION KOUNTRY BAKERY & RESTAURANT INC.:**

Mindy Canion
Title:

Exhibit "A"

Schedule of Property Owned by City

Kitchen:

- Vulcan 6 Burner Restaurant Range with Double Oven, Raised Griddle & Broiler - Including Dormont Gas Connection
- Star Manual Control Gas Griddle - Including Dormont Gas Connection
- True Bottom Refrigerator
- 2 Frymaster Gas Fryers - Including Dormont Gas Connection
- True Double Door Freezer
- True Sandwich / Salad Prep Station
- 2 Advance Tabco Hand Sink - 1 in Kitchen & 1 in Drink Station
- Advance Tabco - Countertop Prep Table
- Advance Tabco - 3 Compartment Regaline Sink - Next to Dishwasher
- True Glass & Plate Chiller
- Hobart Dishwasher
- Global Ice Cream Cooler
- Manitowoc Ice Machine
- Kolpak Walk-in Cooler
- Venting Exhaust & Fire Exhaust System
- All Kitchen Equipment Required for Operating Items Listed Above

Restaurant Area:

- All Seating - Including Tables, Chairs & Booths
- Wooden Cabinet Storage in Wait station
- All Patio furniture and Umbrellas

Schedule of Property Owned by Dreamliner Diner

- Hobart Double Oven
- Double Size Gas Grill
- Gas Stovetop
- Prep Table/Cooler
- Stainless Steel Table (2)
- Microwave (2)
- Bakery Showcase (2)
- Signage and Wall furnishings within the lease area
- Square Register



Regular City Council
AGENDA ITEM 21.

Agenda Item: Discuss and Possibly Act Upon the Appointment of a Brenham Municipal Court Presiding Judge and Associate Judge, Both for a Two Year Term Ending on December 31, 2024 and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-December 01, 2022

Department: Administration

Staff Contact: Carolyn Miller

SUMMARY STATEMENT:

This item will be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDED ACTION:

As discussed in Executive Session.



Regular City Council
AGENDA ITEM 22.

Agenda Item: Discuss and Possibly Act Upon Compensation for the Municipal Court Presiding Judge and Associate Judge and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-December 01, 2022

Department: Administration

Staff Contact: Carolyn Miller

SUMMARY STATEMENT:

This item will be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDED ACTION:

As discussed in Executive Session.