



**NOTICE OF A SPECIAL MEETING
THE BRENHAM CITY COUNCIL
THURSDAY SEPTEMBER 22, 2011 AT 1:00 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Charlie Pyle**
- 3. Citizens Comments**

REGULAR AGENDA

- 4. Discuss and Possibly Act Upon Ordinance No. O-11-014 on its Second Reading Adopting the Budget for Fiscal Year Beginning October 1, 2011 and Ending September 30, 2012**
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- 5. Discuss and Possibly Act Upon Ordinance No. O-11-015 on its Second Reading Levying Taxes for the Tax Year 2011 for the City of Brenham at \$0.5432 per \$100 Valuation**
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- 6. Discuss and Possibly Act Upon Ordinance No. O-11-016 on its Second Reading Approving the Annexation of Approximately 124.44 Acres of Land Located South of and Adjacent to the South Boundary Line of the Southwest Industrial Park, Sections I & II and West of and Including a Portion of the Burlington Northern Santa Fe Railroad Right of Way into the City Limits**
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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.

- 7. Administrative/Elected Officials Report**

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 Negotiations.

CERTIFICATION

I certify that a copy of the September 22, 2011 agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on September 19, 2011 at _____ Am Pm.

Tammy Cook, Deputy City Secretary

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

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the _____ day of _____, 2011 at _____ Am Pm.

Signature

Title



AGENDA FORM

DATE OF MEETING: September 22, 2011	DATE SUBMITTED: September 15, 2011	
DEPT. OF ORIGIN: Finance	SUBMITTED BY: Carolyn D. Miller	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
<input type="checkbox"/> WORK SESSION		
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Ordinance No. O-11-014 on its Second Reading Adopting the Budget for Fiscal Year Beginning October 1, 2011 and Ending September 30, 2012		
SUMMARY STATEMENT: The Fiscal Year 2011-12 Proposed Budget has been developed in compliance with the Property Tax Code, Local Government Code and the City Charter. A property tax rate of \$0.5432 per \$100 valuation is necessary to fund the proposed budget, which is on file with the City Secretary, the Washington County Clerk, and at the Nancy Carol Roberts Memorial Library.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Ordinance No. O-11-014		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Approve Ordinance No. O-11-014 on its Second Reading Adopting the Budget for Fiscal Year beginning October 1, 2011 and Ending September 30, 2012.		
APPROVALS: Carolyn D. Miller		

ORDINANCE NO. O-11-014

AN ORDINANCE ADOPTING A BUDGET FOR THE CITY OF BRENHAM, TEXAS FOR THE FISCAL YEAR 2011-2012; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Brenham, Texas, has prepared a budget for the fiscal year October 1, 2011 through September 30, 2012 and has filed same with the City Secretary and has held public hearings on same, all after due notice as required by statute.

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

SECTION I.

That the City Council of the City of Brenham, Texas does hereby adopt the Budget for the City of Brenham, Texas, for the fiscal year October 1, 2011 through September 30, 2012 as shown in the attached Exhibit "A", which is incorporated herein as though copied herein verbatim.

SECTION II.

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

SECTION III.

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

PASSED AND APPROVED on its first reading this the 15th day of September, 2011.

PASSED AND ADOPTED on its second reading this the 22nd day of September, 2011.

Milton Y. Tate, Jr., Mayor

ATTEST:

Jeana Bellinger, City Secretary

Cary Bovey, City Attorney

	GENERAL	DEBT	HOTEL/ MOTEL	HOTEL/ TAX COTY	EQUIP- MENT	STREET DRAINAGE	EMER MGMT	PUBLIC SAFETY	CRIM LAW ENFORCE	DONA- TIONS	COURTS TECH	PARKS CAP IMPRO	290 PASS THRU	AIRPORT CAPITAL
BEGINNING BALANCE	\$2,991,115	\$164,145	\$115,253	\$1,396	\$247,099	\$0	\$9,286	\$7,487	\$32,390	\$211,480	\$113,961	\$91,957	\$5,350,833	\$20,782
REVENUES														
AD VALOREM TAX	3,388,235	2,029,232												
SALES TAX	3,797,644													
FRANCHISE TAX	3,034,859													
OTHER TAX	25,000		420,000	64,000										
LICENSES AND PERMITS	71,975													
INTERGOVERNMENTAL (1)	398,607	250,000												
CHARGES FOR SERVICES	399,033										63,100			
FINES AND FORFEITURES	761,018													
INVESTMENT EARNINGS	6,400	55,850											4,000	
CONTRIBUTIONS AND DONATIONS							1,000			35,120				
MISCELLANEOUS REVENUE	289,286				25,000				5,000					247,500
TRANSFERS IN	3,311,508	573,217			247,236							18,000		14,000
DEBT/LEASE PROCEEDS						1,200,000								
TOTAL OPERATING RESOURCES	\$15,483,565	\$2,908,299	\$420,000	\$64,000	\$272,236	\$1,200,000	\$1,000	\$0	\$5,040	\$35,120	\$63,100	\$18,000	\$4,000	\$261,500
DEPARTMENT EXPENDITURES														
COMMUNITY DEVELOPMENT	234,485													
RECREATION	290,906													
AQUATIC CENTER	568,992													
PARKS (1)	1,154,207													
LIBRARY (1)	455,034													
ADMINISTRATION	971,858													
HR/RISK MANAGEMENT	238,507													
MAIN ST/COMMUNITY DEV	163,667													
MAINTENANCE	699,893													
FINANCE	773,705													
PURCHASING/WAREHOUSE	236,269													
INFORMATION TECHNOLOGY (1)	647,921													
MUNICIPAL COURT	360,749													
PUBLIC WORKS	419,116													
ANIMAL SHELTER/CONTROL (1)	300,598													
STREETS	1,343,257													
AIRPORT	85,998													
COMMUNICATIONS	1,126,941													
POLICE (1)	3,495,267													
FIRE (1)	1,419,595													
HOTEL/MOTEL			368,000	64,000										
EQUIPMENT					513,750									
STREETS AND DRAINAGE						1,200,000								
EMERGENCY MANAGEMENT							3,000							
POLICE TRAINING								5,500						
CRIMINAL LAW ENFORCEMENT									1,200					
DONATIONS										24,500				
COURTS TECHNOLOGY/SECURITY											50,600			
PARKS SPECIAL REVENUE												109,957		
US 290 PASS THRU FINANCE													5,325,000	
AIRPORT														275,000
BCDC														
BCDC CAPITAL PROJECT														
UTILITY CUSTOMER SERVICE														
PUBLIC UTILITIES														
ELECTRIC														
GAS														
WATER TREATMENT														
WATER CONSTRUCTION														
WASTEWATER CONSTRUCTION														
WASTEWATER TREATMENT														
TRANSFER STATION														
COLLECTION STATION														
RECYCLING CENTER														
COLLECTION														
MEDICAL INSURANCE														
WORKERS' COMPENSATION														
SUBTOTAL DEPARTMENT	14,986,965	0	368,000	64,000	513,750	1,200,000	3,000	5,500	1,200	24,500	50,600	109,957	5,325,000	275,000
OTHER EXPENDITURES														
SOURCE COST														
FRANCHISE TAX														
DEBT SERVICE		2,908,299												
NON-DEPT AND MISC	234,881													
SUBTOTAL OTHER	234,881	2,908,299	0	0	0	0	0	0	0	0	0	0	0	0
TRANSFERS OUT	261,236	0	52,000	0	0	0	0	0	0	0	24,000	0	0	0
TOTAL EXPENDITURES	\$15,483,082	\$2,908,299	\$420,000	\$64,000	\$513,750	\$1,200,000	\$3,000	\$5,500	\$1,200	\$24,500	\$74,600	\$109,957	\$5,325,000	\$275,000
CHANGE IN FUND BALANCE	483	0	0	0	(241,514)	0	(2,000)	(5,500)	3,840	10,620	(11,500)	(91,957)	(5,321,000)	(13,500)
ENDING FUND BALANCE	\$2,991,598	\$164,145	\$115,253	\$1,396	\$5,585	\$0	\$7,286	\$1,987	\$36,230	\$222,100	\$102,461	\$0	\$29,833	\$7,282

(1) Intergovernmental includes inter-local agreements that are budgeted as contra-expenses in departments.

	BCDC	BCDC CAP PROJ	ELECTRIC	GAS	WATER	WASTE- WATER	SANI- TATION	MEDICAL INS	WORKER'S COMP	TOTAL
BEGINNING BALANCE	\$907,579	\$713,104	\$5,393,806	\$960,557	\$1,460,274	\$634,469	\$744,480	\$0	\$221,870	\$20,393,323
REVENUES										
AD VALOREM TAX										5,417,467
SALES TAX	1,265,881									5,063,525
FRANCHISE TAX										3,034,859
OTHER TAX										509,000
LICENSES AND PERMITS										71,975
INTERGOVERNMENTAL (1)										648,607
CHARGES FOR SERVICES			25,689,823	3,427,082	4,719,963	3,684,471	3,434,854	2,228,238	130,566	43,777,130
FINES AND FORFEITURES										761,018
INVESTMENT EARNINGS	2,000	500								68,790
CONTRIBUTIONS AND DONATIONS										36,120
MISCELLANEOUS REVENUE										566,786
TRANSFERS IN			516,362					2,962		4,683,285
DEBT/LEASE PROCEEDS										1,200,000
TOTAL OPERATING RESOURCES	\$1,267,881	\$500	\$26,206,185	\$3,427,082	\$4,719,963	\$3,684,471	\$3,434,854	\$2,231,200	\$130,566	\$65,838,562
DEPARTMENT EXPENDITURES										
COMMUNITY DEVELOPMENT										234,485
RECREATION										290,906
AQUATIC CENTER										568,992
PARKS (1)										1,154,207
LIBRARY (1)										455,034
ADMINISTRATION										971,858
HR/RISK MANAGEMENT										238,507
MAIN ST/COMMUNITY DEV										163,667
MAINTENANCE										699,893
FINANCE										773,705
PURCHASING/WAREHOUSE										236,269
INFORMATION TECHNOLOGY (1)										647,921
MUNICIPAL COURT										360,749
PUBLIC WORKS										419,116
ANIMAL SHELTER/CONTROL (1)										300,598
STREETS										1,343,257
AIRPORT										85,998
COMMUNICATIONS										1,126,941
POLICE (1)										3,495,267
FIRE (1)										1,419,595
HOTEL/MOTEL										432,000
EQUIPMENT										513,750
STREETS AND DRAINAGE										1,200,000
EMERGENCY MANAGEMENT										3,000
POLICE TRAINING										5,500
CRIMINAL LAW ENFORCEMENT										1,200
DONATIONS										24,500
COURTS TECHNOLOGY/SECURITY										50,600
PARKS SPECIAL REVENUE										109,957
US 290 PASS THRU FINANCE										5,325,000
AIRPORT										275,000
BCDC	717,917									717,917
BCDC CAPITAL PROJECT		711,341								711,341
UTILITY CUSTOMER SERVICE			551,768							551,768
PUBLIC UTILITIES			582,222							582,222
ELECTRIC			2,647,313							2,647,313
GAS				785,883						785,883
WATER TREATMENT					1,135,623					1,135,623
WATER CONSTRUCTION					1,389,116					1,389,116
WASTEWATER CONSTRUCTION						968,512				968,512
WASTEWATER TREATMENT						1,120,863				1,120,863
TRANSFER STATION							786,075			786,075
COLLECTION STATION							327,466			327,466
RECYCLING CENTER							168,140			168,140
COLLECTION							1,595,273			1,595,273
MEDICAL INSURANCE								2,231,200		2,231,200
WORKERS' COMPENSATION									116,250	116,250
SUBTOTAL DEPARTMENT	717,917	711,341	3,781,303	785,883	2,524,739	2,089,375	2,876,954	2,231,200	116,250	38,762,434
OTHER EXPENDITURES										
SOURCE COST			19,346,234	2,114,584	265,650					21,726,468
FRANCHISE TAX			1,759,595	238,564	299,726	252,152	55,539			2,605,576
DEBT SERVICE			9,564	2,033	1,085,423	1,131,286	75,318			5,211,923
NON-DEPT AND MISC			42,100		818					277,799
SUBTOTAL OTHER	0	0	21,157,493	2,355,181	1,651,617	1,383,438	130,857	0	0	29,821,766
TRANSFERS OUT	791,217		1,701,563	503,077	488,665	483,560	375,005		2,962	4,683,285
TOTAL EXPENDITURES	\$1,509,135	\$711,341	\$26,640,359	\$3,644,141	\$4,665,021	\$3,956,373	\$3,382,816	\$2,231,200	\$119,212	\$73,267,486
CHANGE IN FUND BALANCE	(241,254)	(710,841)	(434,174)	(217,059)	54,942	(271,902)	51,809	0	11,354	(7,428,924)
ENDING FUND BALANCE	\$666,325	\$2,263	\$4,959,632	\$743,498	\$1,515,216	\$362,567	\$796,289	\$0	\$233,224	\$12,964,399

(1) Intergovernmental includes inter-lc



AGENDA FORM

DATE OF MEETING: September 22, 2011	DATE SUBMITTED: September 15, 2011	
DEPT. OF ORIGIN: Finance	SUBMITTED BY: Carolyn D. Miller	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
<input type="checkbox"/> WORK SESSION		
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Ordinance No. O-11-015 on its Second Reading Levying Taxes for the Tax Year 2011 for the City of Brenham at \$0.5432 per \$100 Valuation.		
<p>SUMMARY STATEMENT: The FY2011-12 Proposed Budget includes a tax rate of \$0.5432 per \$100 valuation. As you know, the tax rate is comprised of two components: maintenance and operations (M&O) and interest and sinking (I&S). The proposed tax rate of \$0.5432 will allocate \$0.3420 to the General Fund for M&O expenditures and the balance of \$0.2012 will be allocated to the Debt Service Fund for principal and interest obligations. The proposed tax rate of \$0.5432 is above the effective rate of \$0.5048, but below the rollback rate of \$0.5755.</p> <p>The City has complied with all of the notices, publications, and public hearings as required by the Tax Code. The Tax Code does specify that the motion to adopt the tax rate be made in the following form:</p> <p style="text-align: center;">“I move that property taxes be increased by the adoption of a tax rate of \$0.5432 per \$100 valuation, which is effectively a 7.6% increase in the tax rate.”</p> <p style="text-align: center;">COUNCIL MUST TAKE A RECORD VOTE ON THIS ITEM</p>		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Ordinance No. O-11-015		
FUNDING SOURCE (Where Applicable):		

RECOMMENDED ACTION: Approve Ordinance No. O-11-015 on its Second Reading Levying Taxes for the Tax Year 2011 for the City of Brenham at \$0.5432 per \$100 Valuation.

APPROVALS: Carolyn D. Miller

ORDINANCE NO. O-11-015

AN ORDINANCE LEVYING TAXES FOR THE TAX YEAR 2011 FOR THE CITY OF BRENHAM, TEXAS AND PROVIDING AN EFFECTIVE DATE.

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

SECTION I.

That there be and is hereby levied an ad valorem tax of \$0.3420 on each one hundred dollars worth of property owned and situated within the City Limits of the City of Brenham, Texas, both real and personal and mixed, for General Fund maintenance and operating purposes for the Tax Year 2011.

SECTION II.

That there be and is hereby levied for the use of the City of Brenham, for the Tax Year 2011, an ad valorem tax of \$0.2012 on each one hundred dollars worth of real, personal and mixed property owned and situated in the City Limits of the City of Brenham, Texas, for the payment of principal and interest on all outstanding bonds and lease payments, not otherwise provided for, of the City of Brenham.

SECTION III.

Wherefore, the combined tax rate in accordance with V.T.C.A. Tax Code Section 26.05 shall be \$0.5432 on each one hundred dollars worth of real, personal, and mixed property of owned and situated within the City Limits of the City of Brenham, Texas.

SECTION IV.

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

SECTION V.

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

PASSED AND APPROVED on its first reading this the 15th day of September, 2011.

PASSED AND ADOPTED on its second reading this the 22nd day of September, 2011.

Milton Y. Tate, Jr., Mayor

ATTEST:

Jeana Bellinger, City Secretary

Cary Bovey, City Attorney



AGENDA FORM

DATE OF MEETING: September 22, 2011		DATE SUBMITTED: September 15, 2011	
DEPT. OF ORIGIN: Public Works		SUBMITTED BY: Doug Baker	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING	
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> 2 ND READING	
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION	
<input type="checkbox"/> WORK SESSION			
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Ordinance No. O-11-016 on its Second Reading Approving the Annexation of Approximately 124.44 Acres of Land Located South of and Adjacent to the South Boundary Line of the Southwest Industrial Park, Sections I & II and West of and Including a Portion of the Burlington Northern Santa Fe Railroad Right of Way into the City Limits			
SUMMARY STATEMENT: As required by law, the City Council of the City of Brenham held two public hearings – the first one on August 4, 2011 and the second one on August 18, 2011 to receive public comments on the proposed annexation proceedings. The Annexation Ordinance includes the service plan, a metes and bounds description and a map of the area being proposed for annexation.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS:			
B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: (1) Ordinance No. O-11-016; (2) Service plan; (3) Annexation Description (metes and bounds); and (4) Map			
FUNDING SOURCE (Where Applicable):			
RECOMMENDED ACTION: Approve Ordinance No. O-11-016 on its second reading approving the annexation of approximately 124.44 acres of land located south of and adjacent to the south boundary line of the Southwest Industrial Park, Sections I & II and west of and including a portion of the Burlington Northern Santa Fe Railroad right of way into the city limits			
APPROVALS: Doug Baker			

ORDINANCE NO. O-11-016

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS FOR THE PURPOSE OF EXTENDING THE CORPORATE LIMITS OF THE CITY OF BRENHAM, TEXAS; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 124.44 ACRES OF LAND, HEREINAFTER MORE SPECIFICALLY DESCRIBED, TO THE CITY OF BRENHAM, TEXAS FOR ALL MUNICIPAL PURPOSES; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREINAFTER ADOPTED; PROVIDING FOR A SERVICE PLAN; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL MAP OF THE BOUNDARIES OF THE CITY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETING.

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

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

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

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

WHEREAS, the area hereinafter described contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract, in accordance with Subsection 43.052(h)(1), Texas Local Government Code; and

WHEREAS, notice of the appropriate public hearings was published in a newspaper having

general circulation in the City of Brenham, Texas and the public hearings were conducted and held in accordance with applicable law; and

WHEREAS, the City of Brenham, Texas prepared a service plan for the extension of municipal services into the area to be annexed, said service plan being attached hereto as Exhibit “A” and incorporated herein for all purposes; and

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

WHEREAS, institution of annexation proceedings and the presentation and introduction of this Ordinance in such form as it may be finally passed occurred within the periods of time as prescribed by law; Now Therefore,

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

Section 1. That the hereinafter described tract of land is within the extraterritorial jurisdiction of, and is adjacent to and is contiguous to the present corporate limits of the City of Brenham, Texas, be, the same is hereby, annexed to the City of Brenham, Texas for all municipal purposes and the corporate boundaries and limits of the City of Brenham, Texas are hereby extended to embrace the said tract of land, which is more particularly described and attached hereto as Exhibit “B,” and incorporated herein for all purposes.

Section 2. That the inhabitants, if any, of the property hereby annexed to the City of Brenham, Texas shall be entitled to all the rights and privileges of said citizens of the City of Brenham, Texas, and shall be bound by the acts, ordinances, codes, resolutions and regulations of the City of Brenham, Texas.

Section 3. That the Service Plan which is attached hereto as Exhibit “A” is hereby approved and incorporated herein as part of this Ordinance for all purposes, and is applicable to the areas annexed to the City as described herein.

Section 4. That the official map and boundaries of the City of Brenham, Texas, heretofore adopted and amended be and is hereby amended so as to include the aforementioned area as part of the City of Brenham, Texas.

Section 5. That the City Secretary is hereby directed and authorized to perform or cause to be performed all acts necessary to amend the official map of the City of Brenham, Texas to add the territory hereby annexed as required by law.

Section 6. If any section, subsection, sentence, phrase, word, paragraph or provision of this Ordinance be found to be illegal, invalid or unconstitutional or if any portion of said property is incapable of being annexed by the City of Brenham, Texas, for any reason whatsoever, the adjudication shall not affect any other section, subsection, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, subsection, sentence, phrase, word, paragraph or provision of any other Ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this Ordinance and would have annexed the valid property without the invalid part, and as to this end the provisions of this Ordinance are declared to be severable.

Section 7. That this Ordinance shall become effective upon its passage.

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

PASSED and APPROVED on its first reading this the _____ day of September, 2011.

PASSED and APPROVED on its second reading this the _____ day of September, 2011.

Milton Y. Tate, Jr.,
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

Exhibit "A"

2011 ANNEXATION SERVICE PLAN

SERVICE PLAN FOR 2011 ANNEXATION AREAS

Upon annexation of the area identified on Exhibit "B", the City of Brenham will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION

1. Police Protection

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

2. Fire Protection Services

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

3. Maintenance of Water and Wastewater Facilities

Any and all water or wastewater facilities owned, operated or maintained by the City of Brenham Public Utilities at the time of the annexation shall continue to be maintained by Public Utilities. Any and all water and wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be operated and maintained by the City's Public Utilities Department to the extent of the City's ownership. The now existing water and wastewater mains at existing locations shall be available for the point of use extension based upon the City's standard extension policy now existing or as may be amended. On-site sewage systems may be maintained in accordance with the City Code of Ordinances and other applicable regulations.

4. Solid Waste Collection

The City of Brenham, Texas, or its authorized franchisees, collect solid waste and refuse within the corporate limits of the City. Solid waste collection will be provided to citizens and businesses in the newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use

and density as those found within the newly annexed area. The City may negotiate with annexed areas to allow continued services with an existing solid waste management provider. After the second anniversary of the annexation date, the City will impose solid waste collection fees and provide the service. If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is received from the community association or individual property owners. The City will then impose solid waste collection fees and provide the service. Solid Waste collection locations shall be subject to the approval of the Sanitation Superintendent. In the event the City does not collect garbage within the area with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

5. Maintenance of Roads and Streets

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

6. Maintenance of Parks, Playgrounds, and Swimming Pools

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

7. Maintenance of any Publicly owned Facility, Building or Municipal Service

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

8. Other Services

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

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE SUBSTANTIALLY COMPLETE WITHIN 2 ½ YEARS

The City of Brenham will provide full municipal services in the annexed area no later than 2-1/2 years after the effective date of the annexation unless certain services cannot reasonably be provided within that period. In the event the services cannot be provided within 2-1/2 years, the City will propose a schedule for providing those services, and will include a list of all services to be provided under the plan and a schedule to extend the period for providing certain services. The schedule will provide for the provision of full municipal services no later than 4-1/2 years after the effective date of the annexation.

1. Police and Fire Protection and Solid Waste Collection

The City of Brenham, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed area for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Brenham, Texas with like topography, land use and population density as those found within the newly annexed area.

2. Water and Wastewater Facilities

The Brenham Community Development Corporation awarded a contract for the extension of water and wastewater facilities into the area proposed for annexation on July 11, 2011. The work will be completed in approximately seven months. Upon the completion of the construction of these water and wastewater facilities, they will be dedicated to the City of Brenham and the City of Brenham will assume the responsibility of operating and maintaining them.

3. Roads and Streets

The Brenham Community Development Corporation awarded a contract for the extension of streets and drainage facilities into the area proposed for annexation on July 11, 2011. The work will be completed in approximately seven months. Upon completion of the construction of these street and drainage facilities, they will be dedicated to the City of Brenham and the City of Brenham will assume the responsibility of operating and maintaining them.

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

The City of Brenham, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed area for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

SPECIFIC FINDINGS

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

TERMS

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

LEVEL OF SERVICE

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

AMENDMENTS

The service plan shall not be amended except in accordance with Chapter 43 of the Texas Local Government Code.

EXHIBIT "B"

2011 ANNEXATION DESCRIPTION

Beginning at the southwest corner of Southwest Industrial Park, Section II as recorded in Plat File No. 298A P.R.W.C., said southwest corner also being an interior corner of the existing city limit as established by the annexation of 71.485 acres of land on April 1st, 1980, said beginning point also being in the north line of Industrial Boulevard;

Thence departing from the north line of Industrial Boulevard and proceeding in an easterly direction with the existing city limit line, crossing the Industrial Boulevard right of way, and continuing to an interior corner in a Residue of Brenham Industrial Foundation, Inc. called 2.917 Ac. (410/872 D.R.W.C.), said corner being in the west line of an old county road and being in a west line of the a 52.914 acre tract of land annexed into the City of Brenham on October 28, 1993;

Thence departing from the city limit line described in the 71.485 acre annexation tract and proceeding in a southerly direction with the city limit line as described in the annexation of the 52.914 acre tract of land to a point for corner in the south line of the Ladja Properties, Ltd. 0.425 acre tract (1127/283 O.R.W.C.);

Thence in an easterly direction with the existing city limit line and the south line of the 0.425 acre Ladja Properties, Ltd. tract to a point for corner, said point being the southwest corner of the Industrial Boulevard Subdivision (Plat Cabinet File No. 500B, P.R.W.C.);

Thence in an easterly direction with the south boundary of the Industrial Boulevard Subdivision and the existing city limit line to the southeast corner of the Industrial Boulevard Subdivision;

Thence continuing in an easterly direction with the existing city limit line to a point for corner in the east line of the B.N.S.F. railroad right of way;

Thence in southerly direction with the existing city limit line and the east right of way line of the B.N.S.F. railroad to a point for corner in the survey line separating the Phillip Coe Survey, A-31, Washington County, Texas and the J. Carrington Survey, A-120, Washington County, Texas;

Thence in a southwesterly direction with the existing city limit line, the survey line, and the railroad right of way line to a point for corner;

Thence departing from the existing city limit line and the east line of the railroad right of way and continuing in a southwesterly direction with said survey line to a point for corner in the west right of way line of the B.N.S. F. railroad, said corner being the most easterly corner of Southwest Industrial Park, Section III (Plat Cabinet File No. 605A, P.R.W.C.), said corner also being in the northern boundary of the Milton F. Hueske tract (Called 47.258 acres, 972/451 O.R.W.C.);

Thence continuing in a southwesterly direction with said survey line and the southern boundary of Southwest Industrial Park, Section III and the northern boundary of the Milton F. Hueske tract to a point for corner, said point being the northwest corner of the Milton F. Hueske tract and being a corner in the northeastern boundary of the Carol Lauter Winkler tract (Called 18.779 acres, 1038/907 O.R.W.C.);

Thence departing from the survey line and the northern boundary of the Milton F. Hueske tract and proceeding in a northwesterly direction with the southern boundary line of Southwest Industrial Park, Section III and the northern boundary of the Carol Lauter Winkler tract to the southeast corner of the Darrell Wayne Lauter tract (Called 15.551 acres, 1038/911 O.R.W.C.);

Thence continuing in a northwesterly direction with the southern boundary of Southwest Industrial Park, Section III and the northern boundary of the Darrell Wayne Lauter tract to a point for corner, said corner being the southeast corner of the Eugene Fritz tract (Called 2.250 acres, 529/686 O.R.W.C.);

Thence continuing in a northwesterly direction with the western boundary of Southwest Industrial Park, Section III and the east boundary of the Eugene Fritz 2.250 acre tract to a point for corner, said corner being the southwest corner of the Eugene E. Fritz, et ux tract (Called 1.00 acres, 224/272 O.R.W.C.);

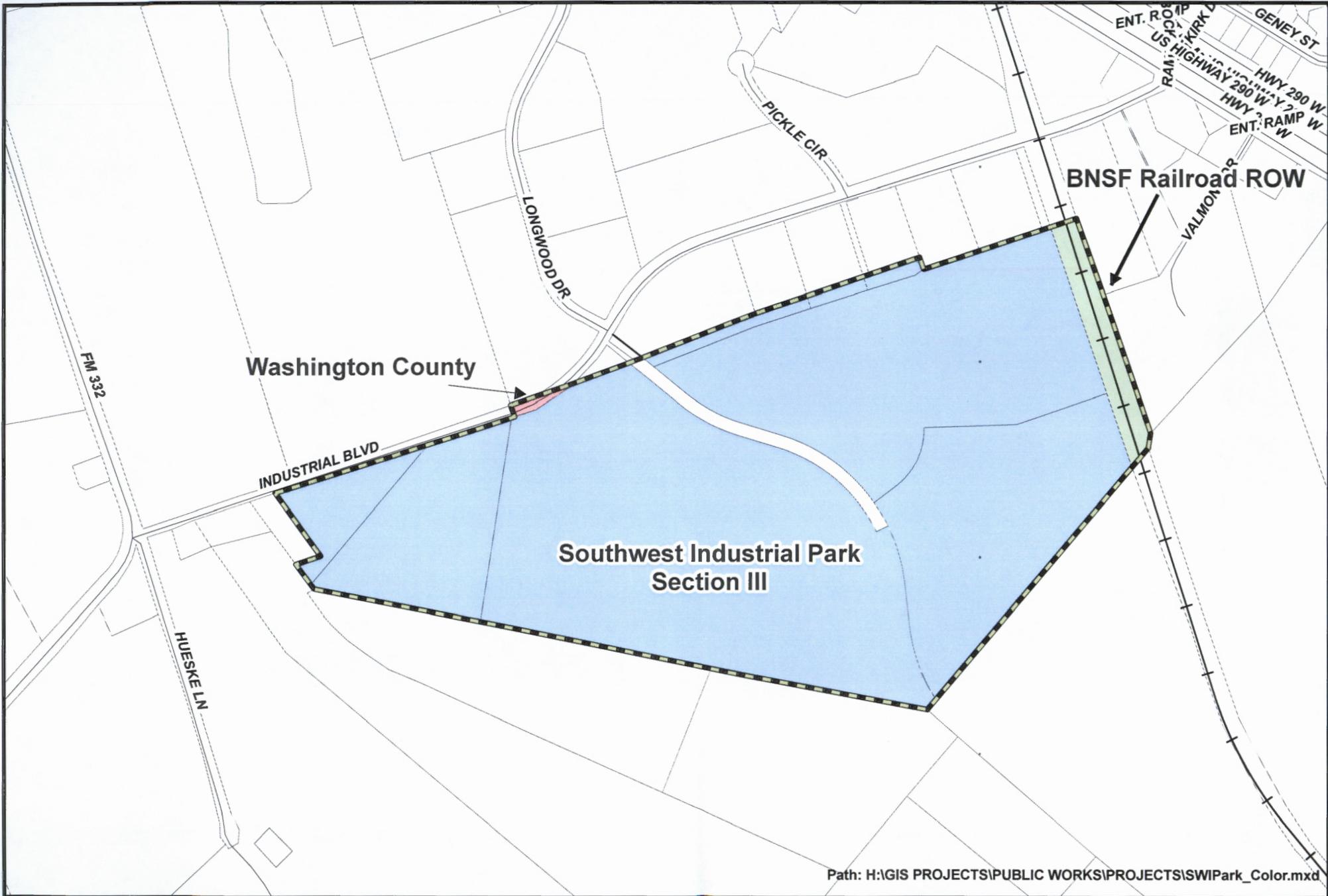
Thence departing from the east line of the Eugene Fritz 2.250 acres tract and proceeding in an easterly direction with the western boundary of Southwest Industrial Park, Section III and the southern boundary of the Eugene E. Fritz, et ux 1.00 acre tract to the southeast corner of the Eugene E. Fritz, et ux 1.00 acres tract;

Thence in a northwesterly direction with the western boundary of Southwest Industrial Park, Section III and the eastern boundary of the Eugene E. Fritz tract to the northeast corner of the Eugene E. Fritz tract, said corner being in the south right of way line of Industrial Boulevard;

Thence in an easterly direction with the northern boundary of Southwest Industrial Park, Section III and the south right of way line of Industrial Boulevard to the northeast corner of 11.57 acre Reserve B, Detention of the Southwest Industrial Park, Section III;

Thence departing from the northern boundary of Southwest Industrial Park, Section III and the south right of way line of Industrial Boulevard and proceeding in a northerly direction across Industrial Boulevard to the Place of Beginning;

Containing approximately 124.44 acres of land.



Path: H:\GIS PROJECTS\PUBLIC WORKS\PROJECTS\SWIPark_Color.mxd

1 inch = 600 feet



Legend

- BNSF Railroad
- Washington County
- Southwest Industrial Park Sec III