



**NOTICE OF A REGULAR MEETING OF  
THE BRENHAM CITY COUNCIL  
THURSDAY, JUNE 5, 2014 AT 1:00 P.M.  
SECOND FLOOR CITY HALL  
COUNCIL CHAMBERS  
200 W. VULCAN  
BRENHAM, TEXAS**

**A PORTION OF THIS REGULAR CITY COUNCIL MEETING  
(AGENDA ITEMS 4, 5 AND 6)  
WILL BE HELD IN A JOINT SESSION WITH THE  
CITY OF BRENHAM PLANNING AND ZONING (P&Z) COMMISSION**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Pro Tem Nix**
- 3. Discuss and Possibly Act Upon an Ordinance on Its First Reading Annexing the Hereinafter Described Territory into the City of Brenham and Adopting a Service Plan: (*City Council Action Item Only*)** **Page 1-44**

**Section 2014-1: Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burleson Street; tracts with frontage along State Highway 36th North and Dixie Street; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the ‘cloverleaf’ intersection of Highway 290 West and State Highway 36 North.**

**Section 2014-2: Approximately 30.512 acres of land situated in Washington County, Texas, out of the John Carrington Survey, Abstract No. A0120, generally consisting of tracts with frontage along the western right-of-way line of State Highway 36 beginning at the current City limits and proceeding in a southerly direction to approximately Anderson Lane (located on the eastern side of State Highway 36 South).**

**Section 2014-3:** Approximately 45.366 acres of land situated in Washington County, Texas, out of the Isaac Lee Survey, Abstract No. A0077, generally consisting of tracts that abut the current City limits between South Blue Bell Road and Tiaden Lane and tracts that abut US Highway 290 East from Blue Bell Road to approximately 500 feet east of Tiaden Lane.

**Section 2014-4:** Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard

**JOINT SESSION OF THE BRENHAM CITY COUNCIL AND  
PLANNING AND ZONING COMMISSION**

**JOINT SESSION - PUBLIC HEARING**

- 4. Public Hearing to Consider Amending Appendix A – “Zoning” of the Code of Ordinances to Assign Zoning District Classifications to the Properties Being Annexed into the City of Brenham, Said Properties Being More Specifically Described Below: Page 45-46**

**Section 2014-1:** Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burleson Street; tracts with frontage along State Highway 36th North and Dixie Street; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the ‘cloverleaf’ intersection of Highway 290 West and State Highway 36 North.

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**Section 2014-4:** Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard

#### **JOINT SESSION - REGULAR AGENDA**

5. **Discuss and Possibly Act Upon Recommendation to City Council Concerning Amendment of Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Establish Zoning District Classifications to Properties Being Annexed into the City of Brenham and More Specifically Described Below: (*Planning & Zoning Commission Action Item Only*)** **Page 47-48**

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**Section 2014-4: Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard**

- 6. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Establish Zoning District Classifications to Properties Being Annexed into the City of Brenham and More Specifically Described Below: (*City Council Action Item Only*)**

**Page 49-59**

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**Section 2014-4: Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard**

## **CITY COUNCIL – REGULAR AGENDA**

### **7. Service Recognitions**

- Rex Phelps – Police Department – 5 years
- Dustin Wendler – Street Department – 5 years
- Jennifer Eckermann – Main Street – 15 years
- Patrick Draehn – Maintenance/Central Warehouse – 20 years

### **8. Citizens Comments**

## **CONSENT AGENDA**

### **9. 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.

#### **9-a. Minutes from the May 1, 2014 and May 15, 2014 City Council Meetings**

**Page 60-81**

## **WORK SESSION**

- 10. Discussion and Presentation Regarding the Simon Theater Facility and Associated Project Improvements, Status of Project, and Possible Future Uses and Ownership of Said Facility**

**Page 82-87**

## **PUBLIC HEARING**

- 11. Public Hearing Concerning the Approval of A Request for a Specific Use Permit to Allow a Bed and Breakfast within an R-2 Mixed Residential Zoning District on Property Located at 1002 S. Day Street, and Specifically Being a 0.497 Acre Tract Described as Block 3, Lot S½ Lot 2 of the W.G. Wilkins Addition in the City of Brenham, Washington County, Texas**

**Page 88**

- 12. Public Hearing Concerning the Approval of An Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning from an Industrial (I) District to a Residential Single Family (R-1) District on the Following Five (5) Tracts of Land Located on Burleson Street:**

**Page 89**

- a. 1320 Burleson Street (Tract 142, Arrabella Harrington)
- b. Burleson Street [Leggett & Platt, Inc.] (Tract 232, Arrabella Harrington)
- c. 1406 Burleson Street (Tract 235, Arrabella Harrington)
- d. 1408 Burleson Street (Tract 230, Arrabella Harrington)
- e. 1414 Burleson Street (Tract 369, Arrabella Harrington)

## REGULAR AGENDA

13. **Discuss and Possibly Act Upon the Approval of a Request for a Specific Use Permit to Allow a Bed and Breakfast within an R-2 Mixed Residential Zoning District on Property Located at 1002 S. Day Street, and Specifically Being a 0.497 Acre Tract Described as Block 3, Lot S ½ Lot 2 of the W.G. Wilkins Addition in the City of Brenham, Washington County, Texas** **Page 90-97**
  
14. **Discuss and Possibly Act Upon the Approval of an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning from an Industrial (I) District to a Residential Single Family (R-1) District on the Following Five (5) Tracts of Land Located on Burleson Street:** **Page 98-105**
  - a. 1320 Burleson Street (Tract 142, Arrabella Harrington)
  - b. Burleson Street [Leggett & Platt, Inc.] (Tract 232, Arrabella Harrington)
  - c. 1406 Burleson Street (Tract 235, Arrabella Harrington)
  - d. 1408 Burleson Street (Tract 230, Arrabella Harrington)
  - e. 1414 Burleson Street (Tract 369, Arrabella Harrington)
  
15. **Discuss and Possibly Act Upon a Memorandum of Understanding Between the City of Brenham and the Nancy Carol Roberts Memorial Library 501(c)(3) Board Related to the Board's Financial Participation in the Renovation, Modernization and Expansion of the City's Public Library and Authorize the Mayor to Execute Any Necessary Documentation** **Page 106-112**
  
16. **Discuss and Possibly Act Upon a Request for a Noise Variance in Connection with the Nancy Carol Roberts Memorial Library's 2014 Summer Reading Program to be Held from 9:00 A.M. to 5:00 P.M. on June 10, 2014** **Page 113-115**
  
17. **Discuss and Possibly Act Upon a Request for a Noise Variance in Connection with Hot Nights, Cool Tunes 2014 Summer Concert Series to be Held from 4:00 P.M. to 11:00 P.M. on July 5, 12, 19, and 26, 2014** **Page 116-118**
  
18. **Discuss and Possibly Act Upon Resolution No. R-14-015 Authorizing Execution of an Agreement with TxDOT for the Temporary Closure of State Right-of-Way in Connection with the 2014 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be Held on July 5, 12, 19, and 26, 2014** **Page 119-130**
  
19. **Discuss and Possibly Act Upon Resolution No. R-14-014 in Support of TxDOT's Turnback Program, or Similar Program, Concerning Conveyance of TxDOT FM 389 Right-of-Way from Business 36 South to FM 332 to the City of Brenham** **Page 131-133**

**20. Discuss and Possibly Act Upon the Acceptance of a 2014 BAE Caimen Mine Resistant Ambush Protected (MRAP) Vehicle for Use by the Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation**

**Page 134-137**

**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.

**21. 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 June 5, 2014 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 June 2, 2014 at **11:52 AM**.

***Amanda Klehm***

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 \_\_\_\_\_, 2014 at \_\_\_\_\_ AM PM.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title



### AGENDA ITEM 3

<b>DATE OF MEETING:</b> June 5, 2014	<b>DATE SUBMITTED:</b> May 28, 2014	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Julie Fulgham	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon an Ordinance on Its First Reading Annexing the Hereinafter Described Territory into the City of Brenham and Adopting a Service Plan: (City Council Action Item Only)		
<p>Section 2014-1: Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burleson Street; tracts with frontage along State Highway 36th North and Dixie Street; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the ‘cloverleaf’ intersection of Highway 290 West and State Highway 36 North.</p> <p>Section 2014-2: Approximately 30.512 acres of land situated in Washington County, Texas, out of the John Carrington Survey, Abstract No. A0120, generally consisting of tracts with frontage along the western right-of-way line of State Highway 36 beginning at the current City limits and proceeding in a southerly direction to approximately Anderson Lane (located on the eastern side of State Highway 36 South).</p> <p>Section 2014-3: Approximately 45.366 acres of land situated in Washington County, Texas, out of the Isaac Lee Survey, Abstract No. A0077, generally consisting of tracts that abut the current City limits between South Blue Bell Road and Taden Lane and tracts that abut US Highway 290 East from Blue Bell Road to approximately 500 feet east of Taden Lane.</p> <p>Section 2014-4: Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard</p>		
<b>SUMMARY STATEMENT:</b> Attached is an annexation ordinance to annex 491.06 acres of land into the City of Brenham. Included within the proposed ordinance is a service plan, as required by state law, and metes and bounds description of the areas for annexation, prepared by Hodde & Hodde Land Surveying, Inc.		

**STAFF ANALYSIS (For Ordinances or Regular Agenda Items):**

**A. PROS:**

**B. CONS:**

**ALTERNATIVES (In Suggested Order of Staff Preference):** N/A

**ATTACHMENTS:** (1) Ordinance with Exhibits

**FUNDING SOURCE (Where Applicable):** N/A

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

Section 2014-1: Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burleson Street; tracts with frontage along State Highway 36th North and Dixie Street; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the 'cloverleaf' intersection of Highway 290 West and State Highway 36 North.

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**APPROVALS:** Terry K. Roberts

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS FOR THE PURPOSE OF EXTENDING THE CORPORATE LIMITS OF THE CITY OF BRENHAM, TEXAS; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 491.06 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 properties lie within the extraterritorial jurisdiction of the City of Brenham; and

**WHEREAS**, the areas hereinafter described contain 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 tracts of land are within the extraterritorial jurisdiction of, and are adjacent to and are contiguous to the present corporate limits of the City of Brenham, Texas, be, the same are 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 tracts of land, which are more particularly described and attached hereto as Exhibits “B – Metes and Bounds Description,” and “C – Maps” 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 areas as part of the City of Brenham, Texas.
- Section 5.** That the City Secretary is hereby directed and authorized to perform or cause to be performed all acts necessary to amend the official map of the City of Brenham, Texas to add the territories 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 5<sup>th</sup> day of June, 2014.

**PASSED and APPROVED** on its second reading this the 19<sup>th</sup> day of June, 2014.

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Milton Y. Tate, Jr.  
Mayor

**ATTEST**

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Jeana Bellinger, TRMC  
City Secretary

## **EXHIBIT A – Service Plan**

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### **2014 ANNEXATION SERVICE PLAN**

#### **SERVICE PLAN FOR 2014 ANNEXATION AREAS**

Upon annexation of the areas identified on maps within Exhibit A, 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 newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed areas.

##### 2. Fire Protection Services

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

##### 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 areas 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 in the newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed areas. The

City may negotiate with 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. Garbage collection locations shall be subject to the approval of the Sanitation Superintendent. In the event the City does not collect garbage within the areas 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 areas of annexation. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas. Private facilities will remain under private ownership and as such, shall be maintained by the owner.

#### 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 areas 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 areas.

#### 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 areas.

## **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 areas 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 areas 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 areas.

### 2. Water and Wastewater Facilities

The City of Brenham finds and determines that there is sufficient capacity for water and wastewater to provide services to the annexed areas pursuant to Public Utilities' extension policies. The construction of any capital improvements necessary to extend water and wastewater services to an annexed area will be substantially complete within 2-1/2 years after the effective date of the annexation unless said time period is extended pursuant to Chapter 43 of the Texas Local Government Code, as amended.

### 3. Roads and Streets

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 areas.

### 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 areas 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 areas being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation areas' topography, land utilization and population density, the service levels to be provided in the newly annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

## **TERMS**

This plan shall be valid for a term of ten (10) years. Renewal of 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 – Metes and Bounds Description**

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### City of Brenham 2014 Annexation Description – Section I-A

BEGINNING at the Northeast corner of the F. C. Kugel and wife, Paula F. Kugel tract called 4.6991 acres, as described in Volume 267, Page 383, in the Deed Records of Washington County, Texas, being on a West right-of-way line of State Highway 36 North, being the Southeast corner of the Jeffrey C. Grimm, et ux tract called 21.500 acres, as described in Volume 739, Page 309, in the Official Records of Washington County, Texas and being a Northeast corner hereof;

THENCE in a Southerly direction, along an East line of said Kugel tract, being along a West right-of-way line of said Highway a distance of 375.20 feet (Deed Call Distance) to an exterior angle point of said Kugel tract, being on a West right-of-way line of said Highway;

THENCE in an Easterly direction, crossing said State Highway 36 North to the Northwest corner of the Iglesia Pentecostal Unida de Brenham, Inc. tract called 3.696 acres, as described in Volume 1298, Page 548, in said Official Records of Washington County, Texas, being on a Northeast right-of-way line of said Highway and being a Northwest corner of the existing City Limits (Ordinance No. O-05-014, Section 2005-10);

THENCE in a Southeasterly direction, along a Southwest line of said existing City Limits, being along a Northeast right-of-way line of said Highway to an interior corner of said existing City Limits, being a Southeast corner hereof;

THENCE in a Southwesterly direction, crossing said Highway, being along a North line of said existing City Limits to a lower Northwest corner of said existing City Limits (Section 2005-10), being on the Southwest right-of-way line of said Highway at an offset of same also being a Northeast corner of the existing City Limits (Ordinance No. O-05-014, Section 2005-9);

THENCE continuing in a Southwesterly direction, being along a Southeast right-of-way line of said Highway at an offset of same, common with a Northwest line of said existing City Limits (Section 2005-9) to a South corner hereof, being an interior corner of said existing City Limits (Section 2005-9);

THENCE in a Northwesterly, Westerly and Southwesterly direction, along Southwest, South and Southeast right-of-way lines of said State Highway 36 North, being along Northeast, North and Northwest lines of said existing City Limits (Section 2005-9) to the West or Southwest corner of said existing City Limits (Section 2005-9), being on the South margin of Lounge Road at its intersection with a Southeast right-of-way line of said Highway, being a Northwest corner of an existing City Limits Annexation;

THENCE in a Southwesterly direction, along the Southeast right-of-way line of said Highway, being along a Northwest line of the existing City Limits, crossing the Burlington Northern & Santa Fe (BNSF) Railroad and Burleson Street to the North corner of the Benton Schulze Land & Cattle Company, LLC tract called 1.723 acres, as described in Volume 1235, Page 779, in said Official Records of Washington County, Texas, being on the Southwest margin of said Burleson Street at its intersection with the Southeast right-of-way line of said Highway, being a West corner of the existing City Limits (Ordinance No. O-08-023, Section 2008-1);

THENCE in a Southeasterly and Southerly direction, along Southwest and West margins of said Burleson Street, being along Southwest and West lines of said existing City Limits (Section 2008-1), being along Northeast and East lines of said Schulze tract called 1.723 acres and along an East line of the Benton Schulze Land & Cattle Company LLC tract called 0.363 acre, as described in Volume 1235, Page 779, in said Official Records of Washington County, Texas, to the Southeast corner of said Schulze tract called 0.363 acre, being on a West margin of said Burleson Street, also being an interior corner of said existing City Limits (Section 2008-1);

THENCE in a Westerly and Southwesterly direction, being along a portion of the South line of said Schulze tract called 0.363 acre, being along the Southeast line of the Benton Schulze Land & Cattle Company LLC tract called 2.751 acres, as described in Volume 1235, Page 779, in said Official Records of Washington County, Texas, being along North and Northwest lines of said existing City Limits (Section 2008-1) to the South corner of said Schulze tract called 2.751 acres, being an interior corner of said existing City Limits (Section 2008-1);

THENCE in a Northwesterly direction, along the Southwest line of said Schulze tract called 2.751 acres, being along a Northeast line of said existing City Limits (Section 2008-1) to the West corner of said Schulze tract called 2.751 acres, being on the Southeast right-of-way line of said State Highway 36 North, being a North corner of said existing City Limits (Section 2008-1);

THENCE in a Southwesterly and Southerly direction, along Southeast and East right-of-way lines of said Highway for Southeast and East lines hereof, passing a west corner of said existing City Limits (Section 2008-1), common with the North corner of the existing City Limits (Ordinance No. O-06-025, Section 2006-4), passing the intersection of West Blue Bell Road and North Dixie Street to the Southwest corner of said existing City Limits (Section 2006-4), being on the East right-of-way line of said State Highway 36 North, also being on a North line of the existing City Limits (Ordinance No. O-08-023, Section 2008-4);

THENCE in a Westerly direction, crossing said State Highway 36 North, being along a North line of said existing City Limits (Section 2008-4) for a South line hereof to a Southwest corner hereof, being on a West right-of-way line of said State Highway 36 North and being a Southeast corner of the WOLFF- Washington County Partners, LTD tract called 86.664 acres (Tract I), as described in Volume 1299, Page 210, in said Official Records of Washington County, Texas;

THENCE in a Northerly and Northeasterly direction, along West and Northwest right-of-way lines of said Highway to the South corner of the Marie Surovik tract called 15.37 acres, as described in Volume 1162, Page 754, in said Official Records of Washington County, Texas, being on a Northeast margin of Dixie Road at its intersection with the Northwest right-of-way line of said Highway for an interior corner hereof;

THENCE in a Northwesterly and Northerly direction, along Northeast and East margins of said Dixie Road, being along Southwest and West lines of said Surovik tract called 15.37 acres to the Northwest corner of said Surovik tract, being on an East margin of said Dixie Road;

THENCE in an Easterly direction, along a portion of the North line of said Surovik tract called 15.37 acres to the Southwest corner of the Brannon Industrial Group, LLC tract called 10.00 acres, as described in Volume 1389, Page 233, in said Official Records of Washington County, Texas;

THENCE in a Northerly direction, along the West line of said Brannon Industrial Group, LLC tract to the Northwest corner of said Brannon Industrial Group, LLC tract called 10.00 acres, being on the South margin of Confederate Lane;

THENCE in an Easterly direction, along a portion of the North line of said Brannon Industrial Group, LLC tract to the Southwest corner of Reconversion Technologies of Texas, Inc. residue of original tract called 20.000 acres, as conveyed in Volume 770, Page 677, in said Official Records of Washington County, Texas;

THENCE in a Northerly direction, along the West line of said Reconversion Technologies of Texas, Inc. residue of original tract called 20.000 acres to the Northwest corner of said Reconversion Technologies of Texas, Inc. residue of original tract called 20.000 acres, being a Northwest corner hereof;

THENCE in an Easterly direction, along the North line of said Reconversion Technologies of Texas, Inc. residue of original tract called 20.000 acres to the Northeast corner of said Reconversion Technologies of Texas, Inc. residue of original tract called 20.000 acres, being on the West line of the Larry Tegeler tract called 6.393 acres, as described in Volume 968, Page 756, in said Official Records of Washington County, Texas;

THENCE in a Northerly direction, along a portion of the West line of said Tegeler tract to the Northwest corner of said Tegeler tract called 6.393 acres, being on the South line of Zientek Lane;

THENCE in an Easterly direction, along a North line of said Tegeler tract called 6.393 acres to a Northeast corner of said Tegeler tract called 6.393 acres, being on the South line of said Zientek Lane, being the Northwest corner of the Megan Schmidt tract called 1.78 acres, as described in Volume 1152, Page 656, in said Official Records of Washington County, Texas;

THENCE in an Easterly direction, along a portion of the North line of said Schmidt tract called 1.78 acres to an interior corner hereof, being on the South line of said Zientek Lane, being at the intersection of the projection of the West line of the Alois J. Zientek, et ux tract called 2.009 acres, as described in Volume 422, Page 842, in said Deed Record of Washington County, Texas, with the South line of said Zientek Lane;

THENCE in a Northerly direction, crossing said Zientek Lane to the South corner of said Zientek, et ux tract called 2.009 acres;

THENCE continuing in a Northerly direction, being along the West line of said Zientek, et ux tract called 2.009 acres to the Northwest corner of said Zientek, et ux tract called 2.009 acres, being on the South line of Lot 6 of Pecanwood Subdivision, a map or plat of said Subdivision recorded in Plat Cabinet File Slide No. 153A and 153B, in the Plat Records of Washington County, Texas;

THENCE in an Easterly direction, along a portion of the common division line of said Lot 6 and said Zientek, et ux 2.009 acres tract to the Southeast corner of said Lot 6, being an interior corner hereof, also being the Southwest corner of the Alois J. Zientek, et ux tract called 0.763 acre, as described in Volume 362, Page 683, in said Deed Records of Washington County, Texas;

THENCE in a Northerly direction, along the common division line of said Lot 6 and said Zientek, et ux tract called 0.763 acre to the Northeast corner of said Lot 6, being the Northwest corner of said Zientek, et ux tract called 0.763 acre and being on the South right-of-way line of Karen Lane;

THENCE in an Easterly and Southeasterly direction, along South and Southwest right-of-way lines of said Karen Lane, being along the North line of said Zientek, et ux tract called 0.763 acre, along Northeast lines of the Alois J. Zientek, et ux residue of original tract called 5.00 acres, as described in Volume 238, Page 99, in said Deed Records of Washington County, Texas and along a Northeast line of the Alois J. Zientek, et ux residue of original tract called 0.721 acre, as described in Volume 278, Page 67, in said Deed Records of Washington County, Texas to the East corner of said Zientek, et ux residue of original tract called 0.721 acre, being on the Southwest right-of-way line of said Karen Lane at its intersection with a Northwest right-of-way line of State Highway 36 North;

THENCE in a Northeasterly direction, along the Northwest right-of-way line of said Highway passing the Northeast right-of-way line of said Karen Lane to an interior corner of said Highway right-of-way, being an exterior corner of Lot 7 of said Pecanwood Subdivision;

THENCE in a Westerly direction, along South right-of-way lines of said Highway, common with North lines of said Lot 7 to a Southwest corner of said Highway right-of-way, being an interior corner of said Lot 7;

THENCE in a Northerly direction, along a West right-of-way line of said Highway, common with an East line of said Lot 7 to a Northwest corner of said Highway right-of-way, being an interior corner of said Lot 7;

THENCE in an Easterly direction, along North right-of-way lines of said Highway, common with South lines of said Lot 7 to a Southern exterior corner of said Lot 7, being an interior corner of said Highway right-of-way;

THENCE in a Northeasterly direction, being along a Southeast line of said Lot 7 and along the Southeast end of Benton Drive as shown on said map of Pecanwood Subdivision and crossing said Burlington Northern & Santa Fe (BNSF) Railroad and crossing Strangmeier Road, being along a Northwest right-of-way line of said Highway to its intersection with the Northeast margin of Strangmeier Road for an interior corner hereof;

THENCE in a Northwesterly direction, along Northeast margins of said Strangmeier Road, being along Southwest lines of the Carl W. Albers, et al residue of original tract called 88.06 acres, as conveyed in Volume 1144, Page 1085, in said Official Records of Washington County, Texas to the West corner of said Albers, et al tract;

THENCE in an Easterly direction, along a North line of said Albers, et al tract to an interior corner hereof and said Albers, et al tract;

THENCE in a Northerly direction, along the West line of said Albers, et al tract to the Northwest corner of said Albers, et al tract, being a Northwest corner hereof;

THENCE in an Easterly direction, along a North line of said Albers, et al tract, passing a Southwest corner of said Jeffrey C. Grimm, et ux tract called 21.500 acres, Volume 739, Page 309 to the Northeast corner of said Albers, et al tract, being an interior corner of said Grimm tract;

THENCE in a Southerly direction, along a portion of an East line of said Albers, et al tract, being along a West line of said Grimm tract to a Southwest corner of said Grimm tract, being the Northwest corner of said F. C. Kugel, et ux tract called 4.6991 acres, Volume 267, Page 383;

THENCE in an Easterly direction, along the North line of said Kugel tract called 4.6991 acres to the PLACE OF BEGINNING.

Containing approximately 254 acres of land.

City of Brenham  
2014 Annexation Description – Section I-B

BEGINNING at the Northeast corner of the Rita Krause Hugo tract called 0.8775 acre, as described in Volume 489, Page 464, in the Official Records of Washington County, Texas, being on a West right-of-way line of the Burlington Northern & Santa Fe (BNSF) Railroad and being an interior corner of the existing City Limits (Ordinance No. O-08-023, Section 2008-1) said existing City Limits surrounds and adjoins this tract;

THENCE in a Southeasterly direction, along the East line of said Hugo tract, common with a West line of said BNSF Railroad right-of-way and along a West line of said existing City Limits to the Southeast corner of said Hugo tract called 0.8775 acre, being an interior corner of said existing City Limits;

THENCE in a Westerly direction, leaving said BNSF Railroad right-of-way and along the South line of said Hugo tract called 0.8775 acre, being along a North line of said existing City Limits to the Southwest corner of said Hugo tract called 0.8775 acre, being on the East margin of Burleson Street, being an interior corner of said existing City Limits;

THENCE in a Northerly direction, along the West line of said Hugo tract called 0.8775 acre, being along an East margin of said Burleson Street and being along an East line of said existing City Limits to the Northwest corner of said Hugo tract called 0.8775 acre, being an interior corner of said existing City Limits;

THENCE in an Easterly direction, leaving the East margin of said Burleson Street, being along the North line of said Hugo tract called 0.8775 acre, being along a South line of said existing City Limits to the PLACE OF BEGINNING.

Containing approximately 0.88 acre of land.

City of Brenham  
2014 Annexation Description – Section I-C

BEGINNING at the Northeast corner of the Margaret Krause Brinkmeyer tract called 1.6819 acres, as described in Volume 489, Page 456, in the Official Records of Washington County, Texas, being on the West right-of-way line of the Burlington Northern & Santa Fe (BNSF) Railroad and being an interior corner of the existing City Limits (Ordinance No. O-08-023, Section 2008-1);

THENCE in a Southeasterly direction, along the East line of said Brinkmeyer tract, common with a portion of the West right-of-way line of said BNSF Railroad, being along a West line of said existing City Limits to the Southeast corner of said Brinkmeyer tract, being the Northeast corner of the Mary Krause Horak tract called 0.8775 acre, as described in Volume 489, Page 460, in said Official Records of Washington County, Texas;

THENCE in a Southeasterly direction, along the East line of said Horak tract called 0.8775 acre and along an East line of the Mary K. Horak tract called 5.00 acres, as described in Volume 567, Page 347, in said Official Records of Washington County, Texas, common with a portion of the West right-of-way line of said BNSF Railroad, being along a West line of said existing City Limits to a Southeast corner of said Horak tract called 5.00 acres, being an interior corner of said existing City Limits and of said BNSF Railroad right-of-way;

THENCE in a Westerly direction, along a South line of said Horak tract called 5.00 acres, common with a North right-of-way line of said BNSF Railroad, being along a North line of said existing City Limits to an interior corner of said Horak tract called 5.00 acres, being an exterior corner of said BNSF Railroad right-of-way and of said existing City Limits;

THENCE in a Southerly direction, along an East line of said Horak tract called 5.00 acres, common with a West right-of-way line of said BNSF Railroad, being along a West line of said existing City Limits to an interior corner of said Horak tract called 5.00 acres, being exterior corner of said BNSF Railroad right-of-way and of said existing City Limits;

THENCE in an Easterly direction, along a North line of said Horak tract called 5.00 acres, common with a South right-of-way line of said BNSF Railroad, being along a South line of said existing City Limits to an exterior corner of said Horak tract called 5.00 acres, being an interior corner of said BNSF Railroad right-of-way and of said existing City Limits (Ordinance No. O-08-023);

THENCE in a Southeasterly direction, along an East line of said Horak tract called 5.00 acres, common with a portion of the West right-of-way line of said BNSF Railroad and of said existing City Limits, to the Southeast corner of said Horak tract called 5.00 acres,

THENCE in a Westerly direction, leaving said BNSF Railroad right-of-way, being along a South line of said Horak tract called 5.00 acres, being along a North line, in part, of said existing City Limits (Ordinance No. O-08-023, Section 2008-1) to the Southwest corner of said Horak tract

called 5.00 acres, being on the East margin of Burleson Street, and being on an East line of said existing City Limits;

THENCE in a Northerly direction, along a portion of a West line of said Horak tract called 5.00 acres, being along a portion of the East margin of said Burleson Street and along an East line of said existing City Limits to an interior corner of said existing City Limits;

THENCE in an Easterly direction, leaving the East margin of said Burleson Street, being along a South line of said existing City Limits to a Southeast corner of said existing City Limits;

THENCE in a Northerly direction, along an East line of said existing City Limits to a Northeast corner of said existing City Limits, being on the South line of said Brinkmeyer tract called 1.6819 acres, common with the North line of said Horak tract called 0.8775 acre and being an interior corner hereof;

THENCE in a Westerly direction, along a portion of the South line of said Brinkmeyer tract, common with a portion of the North line of said Horak tract called 0.8775 acre, being along a North line of said existing City Limit to the Southwest corner of said Brinkmeyer tract, being the Northwest corner of said Horak tract called 0.8775 acre, being an interior corner of said existing City Limits and being on the East margin of said Burleson Street;

THENCE in a Northerly direction, along the West line of said Brinkmeyer tract called 1.6819 acres, being along a portion of the East margin of said Burleson Street and being along an East line of said existing City Limits to the Northwest corner of said Brinkmeyer tract, being an interior corner of said existing City Limits;

THENCE in an Easterly direction, leaving the East margin of said Burleson Street, being along the North line of said Brinkmeyer tract, also being along a South line of said existing City Limits to the PLACE OF BEGINNING.

Containing approximately 6.7 acres of land.

City of Brenham  
2014 Annexation Description – Section I-D

BEGINNING at the Northeast corner of the Daniel C. Krause tract called 5.00 acres, as described in Volume 633, Page 213, in the Official Records of Washington County, Texas, being on the West right-of-way line of the Burlington Northern & Santa Fe (BNSF) Railroad and being on a West line of the existing City Limits (Ordinance No. O-08-023, Section 2008-1);

THENCE in a Southeasterly direction, along the East line of said Krause tract, common with a portion of the West right-of way line of said BNSF Railroad, being along a West line of said existing City Limits to the Southeast corner of said Krause tract called 5.00 acres, being the Northeast corner of Willie Brinkmeyer and wife, Margaret Esther Brinkmeyer tract called 5.266 acres, as described in Volume 336, Page 54, in the Deed Records of Washington County, Texas;

THENCE in a Southeasterly direction, along the East line of said Brinkmeyer tract, common with a portion of the West right-of-way line of said BNSF Railroad, being along a West line of said existing City Limits to the Southeast corner of said Brinkmeyer tract, being the Northeast corner of the Rita Krause (Hugo) tract called 5.00 acres, as described in Volume 269, Page 272, in said Deed Records of Washington County, Texas;

THENCE in a Southeasterly direction, along the East line of said Rita Krause tract called 5.00 acres, common with a portion of the West right-of-way line of said BNSF Railroad, being along a West line of said existing City Limits to the Southeast corner of said Rita Krause tract called 5.00 acres, being a Southwest corner of said existing City Limits and being on a North line of an existing City Limits Annexation;

THENCE in a Westerly direction, leaving the West right-of-way line of said BNSF Railroad, being along a portion of the South line of said Rita Krause tract called 5.00 acres, being along a North line of said existing City Limits Annexation to a Southeast corner of said existing City Limits (Ordinance No. O-08-023, Section 2008-1) for a Southwest corner hereof, being on the South line of said Rita Krause tract called 5.00 acres;

THENCE in a Northerly direction, along an East line of said existing City Limits (Section 2008-1) for a West line hereof to a Northeast corner of said existing City Limits (Section 2008-1) for an interior corner hereof, being on the South line of said Brinkmeyer tract called 5.266 acres, common with a North line of said Rita Krause tract called 5.00 acres;

THENCE in a Westerly direction, along a portion of the South line of said Brinkmeyer tract called 5.266 acres, common with a portion of the North line of said Rita Krause tract called 5.00 acres, being along a North line of said existing City Limits (Section 2008-1) for a South line hereof to an interior corner of said existing City Limits (Section 2008-1), being a Southwest corner hereof;

THENCE in a Northerly direction, along an East line of said existing City Limits (Section 2008-1) for a West line hereof to a Northeast corner of said existing City Limits (Section 2008-1) for

an interior corner hereof, being on the South line of said Daniel C. Krause tract called 5.00 acres, common with the North line of said Brinkmeyer tract called 5.266 acres;

THENCE in a Westerly direction, along a North line of said existing City Limits (Section 2008-1), being along a portion of the South line of said Daniel C. Krause tract called 5.00 acres, common with a portion of the North line of said Brinkmeyer tract called 5.266 acres to the Southwest corner of said Daniel C. Krause tract called 5.00 acres, being the Northwest corner of said Brinkmeyer tract called 5.266 acres, being on the East margin of Burleson Street and being an interior corner of said existing City Limits (Section 2008-1);

THENCE in a Northerly direction, along West lines of said Daniel C. Krause tract called 5.00 acres, being along East margins of said Burleson Street and being along East lines of said existing City Limits (Section 2008-1) to the Northwest corner of said Daniel C. Krause tract called 5.00 acres;

THENCE in an Easterly direction, leaving the East margin of said Burleson Street, being along a portion of the North line of said Daniel C. Krause tract called 5.00 acres to the Northwest corner of the Daniel C. Krause homestead parcel, which is a portion of said Daniel C. Krause tract called 5.00 acres, and was called 0.25 acre and included in said existing City Limits (Ordinance No. O-08-023, Section 2008-1) and being a Northwest corner of said existing City Limits;

THENCE in a Southerly direction, along the West line of said Krause homestead parcel, common with a West line of said existing City Limits (Section 2008-1) to the Southwest corner of said Krause homestead parcel, being a Southwest corner of said existing City Limits (Section 2008-1);

THENCE in an Easterly direction, along the South line of said Krause homestead parcel being along a South line of said existing City Limits (Section 2008-1) to Southeast corner of said Krause homestead parcel, being a Southeast corner of said existing City Limits (Section 2008-1);

THENCE in a Northerly direction, along the East line of said Krause homestead parcel, being along an East line of said existing City Limits (Section 2008-1) to the Northeast corner of said Krause homestead parcel, being a Northeast corner of said existing City Limits (Section 2008-1), also being on the North line of said Daniel C. Krause tract called 5.00 acres;

THENCE in an Easterly direction, along a portion of the North line of said Daniel C. Krause tract called 5.00 acres to the PLACE OF BEGINNING.

Containing approximately 13 acres of land.

City of Brenham  
2014 Annexation Description – Section I-E

BEGINNING at the Northeast corner of the Charlotte Beth Woods Smith tract called 26.691 acres (Tract II), as described in Volume 588, Page 862, in the Official Records of Washington County, Texas, being on a West right-of-way line of State Highway 36 North and being a Northwest corner of the existing City Limits (Ordinance No. O-08-023, Section 2008-4);

THENCE in a Southerly direction, along East lines of said Smith tract, common with West lines of said existing City Limits, being along West right-of-way lines of said State Highway 36 North to a Southeast corner hereof, being an interior corner of said existing City Limits;

THENCE in a Westerly direction, leaving the West right-of-way line of said State Highway 36 North, along a North line of said existing City Limits for a South line hereof to an interior corner of said existing City Limits;

THENCE in a Northwesterly direction, along a Southwest line hereof, being along a Northeast line of said existing City Limits to an exterior corner of said existing City Limits, being an interior corner hereof;

THENCE in a Westerly direction, along a North line of said existing City Limits for a South line hereof to a Southwest corner hereof, being an interior corner of said existing City Limits, being on an East margin of Westwood Lane, and being on a West line of said Smith tract called 26.691 acres;

THENCE in a Northerly direction, along an East margin of said Westwood Lane for a West line hereof, being along an East line of said existing City Limits and along a West line of said Smith tract called 26.691 acres to a Northeast corner of said existing City Limits, being on the East margin of said Westwood Lane and being the Northwest corner of said Smith tract called 26.691 acres;

THENCE in a Westerly direction, crossing said Westwood Lane, being along a North line of said existing City Limits for a South line hereof to a Northwest corner of said existing City Limits, being an interior corner hereof, being on the West margin of said Westwood Lane and being on an East line of the Vivian R. Mason Trustee of the Mason Family Trust tract called 29.77 acres, as conveyed in Volume 1240, Page 125, in said Official Records of Washington County, Texas;

THENCE in a Southwesterly direction, along Southeast lines of said Mason Family Trust tract called 29.77 acres, common with Northwest lines of said existing City Limits to a Southeast corner of said Mason Family Trust tract, being an interior corner of said existing City Limits;

THENCE in a Westerly direction, along a portion of a South line of said Mason Family Trust tract called 29.77 acres, common with a North line of said existing City Limits to a Northwest corner of said existing City Limits, being the Northeast corner of the Vivian R. Mason Trustee of the Mason Family Trust tract called 1.00 acre (Second Tract), as conveyed in Volume 1240, Page 125, in said

Official Records of Washington County, Texas;

THENCE in a Southerly direction, along the East line of said Mason Family Trust tract called 1.00 acre, common with a West line of said existing City Limits to the South corner of said Mason Family Trust tract called 1.00 acre, being on the North right-of-way line of US Highway 290 West, being the Southeast corner of the Vivian R. Mason Trustee of the Mason Family Trust tract called 3 acres, as conveyed in Volume 1240, Page 125, in said Official Records of Washington County, Texas and being an interior corner of said existing City Limits;

THNECE in a Westerly direction, along a portion of the North right-of-way line of said US Highway 290 West for a South line hereof, being along a North line of said existing City Limits to a Southwest corner hereof, being an interior corner of said existing City Limits, and being the Southeast corner of the Mason Family Trust homestead parcel called 0.5 acre in said (Ordinance No. O-08-023, Section 2008-4);

THENCE in a Northerly direction, leaving the North right-of-way line of said US Highway 290 West, being along an East line of said Mason Family Trust homestead parcel, being along an East line of said existing City Limits to the Northeast corner of said Mason Family Trust homestead parcel and said existing City Limits, being an interior corner hereof;

THENCE in a Westerly direction, along the North line of said Mason Family Trust homestead parcel, being along a North line of said existing City Limits to the Northwest corner of said Mason Family Trust homestead parcel, being a Northwest corner of said existing City Limits, being an interior corner hereof;

THENCE in a Southerly direction, along the West line of said Mason Family Trust homestead parcel, being along a West line of said existing City Limits to the Southwest corner of said Mason Family Trust homestead parcel, being an interior corner of said existing City Limits for a Southeast corner hereof, and being on the North right-of-way line of said US Highway 290 West;

THENCE in a Westerly direction, along a portion of the North right-of-way line of said US Highway 290 West for a South line hereof, being along a North line of said existing City Limits to the Southwest corner of said Mason Family Trust tract called 3 acres for a Southwest corner hereof, being an interior corner of said existing City Limits;

THENCE in a Northerly direction, leaving the North right-of-way line of said US Highway 290 West, being along the West line of said Mason Family Trust tract called 3 acres and being along the West line of said Mason Family Trust tract called 29.77 acres, being along an East line of said existing City Limits to a Northwest corner hereof, being on a South margin of Sunset Road, at its intersection with the West line of said Mason Family Trust tract called 29.77 acres and being a Northeast corner of said existing City Limits;

THENCE in an Easterly direction, along South margins of said Sunset Road for North lines hereof to the intersection of the South margin of said Sunset Road with the West margin of said Westwood Lane;

THENCE continuing in an Easterly direction, crossing said Westwood Lane with a North line hereof to the East margin of said Westwood Lane for an interior corner hereof, being on the occupied West line of the Lorea Myrick tract called 4.09 acres, as conveyed in Volume 1037, Page 335, in said Official Records of Washington County, Texas;

THENCE in a Northerly direction, being along a portion of the East margin of Westwood Lane to an interior corner hereof, being the Southwest corner of the Amador Rodriguez, et ux tract called 0.524 acre (First Tract), as conveyed in Volume 1107, Page 587, in said Official Records of Washington County, Texas, being at the Northeast corner of said road where the East margin of said Westwood Lane intersect the North margin of said Sunset, also being the Southeast corner of a called 0.183 acre Easement tract, as described in Volume 445, Page 703, in the Deed Records of Washington County, Texas;

THENCE in a Westerly direction, along a portion of the North margin of said Sunset Road, being along the South line of said 0.183 acre Easement tract to the Southwest corner of said Easement tract, being the South corner of the Tyler Engeling tract called 1.217 acres, as described in Volume 1345, Page 821, in said Official Records of Washington County, Texas for a Southwest corner hereof;

THENCE in a Northerly direction, leaving the North margin of said Sunset Road, being along the West line of said Engeling tract called 1.217 acres to the Northwest corner of said Engeling tract for a Northwest corner hereof;

THENCE in an Easterly direction, along the North line of said Engeling tract called 1.217 acres to the Northeast corner of said Engeling tract, common with the Northwest corner of the Tommy A. Brown tract called 1.718 acres, as described in Volume 1227, Page 908, in said Official Records of Washington County, Texas;

THENCE in an Easterly direction, along the North line of said Brown tract called 1.718 acres to the Northeast corner of said Brown tract for a Northeast corner hereof;

THENCE in a Southerly direction, along the East line of said Brown tract called 1.718 acres to the Southeast corner of said Brown tract, common with the Northeast corner of the Claire K. Land tract called 0.883 acre, as described in Volume 1248, Page 292, in said Official Records of Washington County, Texas;

THENCE in a Southerly direction, along the East line of said Land tract called 0.883 acre to the Southeast corner of said Land tract, common with the Northeast corner of said Myrick tract called 4.09 acres;

THENCE in a Southerly direction, along the East line of said Myrick tract called 4.09 acres to the Southeast corner of said Myrick tract, being on a Northeast line of said Charlotte Beth Woods Smith tract called 26.691 acres, being an interior corner hereof;

THENCE in a Southeasterly and Easterly direction, along Northeast and North lines of said Smith tract called 26.691 acres for Northeast and North lines hereof to the PLACE OF BEGINNING.

Containing approximately 50 acres of land.

City of Brenham  
2014 Annexation Description – Section I-F

BEGINNING at the most Western Northwest corner of the Charlotte Beth Woods Smith residue of original tract called 55.181 acres (Tract I), as recorded in Volume 588, Page 862, in the Official Records of Washington County, Texas and being on a South line of the existing City Limits (Ordinance No. O-08-023, Section 2008-4)

THENCE in an Easterly direction, along North lines of said Smith residue of original tract called 55.181 acres, common with South lines of said existing City Limits to an interior corner of said Smith residue of original tract called 55.181 acres;

THENCE continuing in an Easterly direction, along South lines of said existing City Limits to the apparent Southeast corner of the Charlotte Beth Woods tract called 2 acres, as conveyed in Volume 276, Page 411, in the Deed Records of Washington County, Texas, also being a Southeast corner of said existing City Limits and an interior corner hereof;

THENCE in a Northerly direction, along an East line of said existing City Limits, being along a West line hereof to an interior corner of said existing City Limits, being on a Southwest right-of-way line of US Highway 290 West and being on a Northeast line of said Smith residue of original tract called 55.181 acres;

THENCE in a Southeasterly direction, along Northeast lines of said Smith residue of original tract called 55.181 acres, being along Southwest lines of said existing City Limits and Southwest right-of-way lines of said US Highway 290 West to the Southeast corner of said Smith residue of original tract called 55.181 acres, being on a West right-of-way line of said US Highway 290 West, being on a West line of said existing City Limits and being on an apparent North right-of-way line of the former Southern Pacific Railroad right-of-way;

THENCE in a Southerly direction, crossing said former Southern Pacific Railroad right-of-way to a Southwest corner of said existing City Limits (Section 2008-4), being on a North line of an existing City Limits Annexation and being on a North margin of Old Mill Creek Road;

THENCE in a Westerly direction, along North margins of said Old Mill Creek Road, being along apparent South right-of-way lines of said Railroad, being partly along a North line of said existing City Limits Annexation to a Southwest corner hereof;

THENCE in a Northwesterly direction, crossing said Railroad right-of-way to a Southwest corner of said Smith residue of original tract called 55.181 acres;

THENCE in a Northerly direction, along a Southwest line of said Smith residue of original tract called 55.181 acres to an interior corner of said Smith residue of original tract called 55.181 acres, being an interior corner hereof;

THENCE in a Westerly direction, along South lines of said Smith residue of original tract called 55.181 acres to a Southwest corner of said Smith residue of original tract called 55.181 acres, being a Southwest corner hereof;

THENCE in a Northerly direction, along a West line of said Smith residue of original tract called 55.181 acres to an interior corner of said Smith residue of original tract called 55.181 acres, being an interior corner hereof;

THENCE in a Westerly direction, along a South line of said Smith residue of original tract called 55.181 acres to a Southwest corner of said Smith residue of original tract called 55.181 acres, being a Southwest corner hereof;

THENCE in a Northerly direction, along the most Western line of said Smith residue of original tract called 55.181 acres to the PLACE OF BEGINNING.

Containing approximately 44.5 acres of land.

City of Brenham  
2014 Annexation Description – Section II-A

BEGINNING at the Northeast corner of the Mack W. Morris and wife, Betty Ann Morris tract called 0.580 acre, as described in Volume 304, Page 684, in the Deed Records of Washington County, Texas, being on the West right-of-way line of State Highway 36 South, being on a West line of the existing City Limits (Ordinance Date June 22, 1970) and being the Southeast corner of the existing City Limits (Ordinance O-06-025, Section 2006-3, 3-B);

THENCE in a Southerly direction, along the East line of said Morris tract, common with a portion of the West right-of-way line of said Highway, being along a portion of said existing City Limits (Ordinance Date June 22, 1970) to the Southeast corner of said Morris tract called 0.580 acre, being on the West right-of-way line of said Highway and a West line of said existing City Limits (Ordinance Dated June 22, 1970);

THENCE in a Westerly direction, leaving said Highway right-of-way, being along the South line of said Morris tract to the Southwest corner of said Morris tract called 0.580 acre;

THENCE in a Northerly direction, along the West line of said Morris tract to the Northwest corner of said Morris tract called 0.580 acre, being on a South line of said existing City Limits (Section 2006-3, 3-B);

THENCE in an Easterly direction, along the North line of said Morris tract called 0.580 acre, being along a portion of the South line of said existing City Limits (Section 2006-3, 3-B) to the PLACE OF BEGINNING.

Containing approximately 0.58 acre of land.

City of Brenham  
2014 Annexation Description – Section II-B

BEGINNING at the Northeast corner of the Delbert Ladewig and wife, Helen Ladewig tract called 0.50 acre, as described in Volume 362, Page 453, in the Deed Records of Washington County, Texas, being on the West right-of-way line of State Highway 36 South and being on a West line of the existing City Limits (Ordinance Dated June 22, 1970);

THENCE in a Southerly direction, along the East line of said Ladewig tract, common with a portion of the West right-of-way line of said Highway and a West line of said existing City Limits to the Southeast corner of said Ladewig tract called 0.50 acre, being the Northeast corner of the Barbara Maurer and Bonnie Winkelmann tract called 6.00 acres, as conveyed in Volume 1394, Page 179, in the Official Records of Washington County, Texas;

THENCE in a Southerly direction, along East lines of said Maurer and Winkelmann tract, common with West right-of-way lines of said Highway and West lines of said existing City Limits to the Southeast or East corner of said Maurer and Winkelmann tract called 6.00 acres, being the North corner of the Allen R. Stolz and wife Mary A. Stolz tract called 4.00 acres, as described in Volume 878, Page 746, in said Official Records of Washington County, Texas;

THENCE in a Southeasterly direction, along Northeast lines of said Stolz tract, common with Southwest right-of-way lines of said Highway and Southwest lines of said existing City Limits to the East corner of said Stolz tract called 4.00 acres, being the North corner of the Warren Douglas Averitt and Roberta Hoover Averitt Trustees tract called 2.125 acres, as conveyed in Volume 1456, Page 94, in said Official Records of Washington County, Texas, being Tract 1 of Kobs Division, a map or plat being of record in Plat Cabinet File Slide No. 473A, in the Plat Record of Washington County, Texas;

THENCE in a Southeasterly direction, along Northeast lines of said Averitt Trustees tract, common with Southwest right-of-way lines of said Highway and Southwest lines of said existing City Limits to the East corner of said Averitt Trustees tract called 2.125 acres common with the North corner of the Devin L. Holum and wife Aylene C. Holum tract, as conveyed in Volume 1285, Page 1029, in said Official Records of Washington County, Texas, being Lot 2A, called 2.918 acres of the Kobs Division Replat of Tract 2, a map or plat being of record in Plat Cabinet File Slide No. 583A, in said Plat Record of Washington County, Texas;

THENCE in a Southeasterly direction, along the Northeast line of said Holum tract, common with a portion of the Southwest right-of-way line of said Highway and a Southwest line of said existing City Limits to the East corner of said Holum tract called 2.918 acres, common with the North corner of the Douglas L. Nichols, Jr. and wife Jennifer A. Nichols tract, as conveyed in Volume 1373, Page 445, in said Official Records of Washington County, Texas, being Lot 2B, called 2.663 acres of said Kobs Division Replat of Tract 2;

THENCE in a Southeasterly direction, along the Northeast line of said Nichols tract, common with a portion of the Southwest right-of-way line of said Highway and a Southwest line

of said existing City Limits to the East corner of said Nichols tract called 2.663 acres, common with the North corner of the A-Allsorts Storage tract, as conveyed in Volume 1225, Page 336, in said Official Records of Washington County, Texas, being Lot 2C, called 4.486 acres of said Kobs Division Replat of Tract 2;

THENCE in a Southeasterly direction, along the Northeast line of said A-Allsorts Storage tract, common with a portion of the Southwest right-of-way line of said Highway and a Southwest line of said existing City Limits to the East corner of said A-Allsorts Storage tract called 4.486 acres, common with the North corner of Elen Pharr Moncrieff and G. M. Mike McWhorter, Co-Trustees of the Albert and Elen Pharr Moncrieff Article 6 Family Trust tract called 7.24 acres, as described in Volume 1359, Page 170, in said Official Records of Washington County, Texas;

THENCE in a Southeasterly direction, along the Northeast line of said Moncrieff and McWhorter, Co-Trustees tract, being along the Southwest line of said existing City Limits, in part, and being along a portion of the Southwest right-of-way line of said Highway to the East corner of said Moncrieff and McWhorter, Co-Trustees tract called 7.24 acres and being the East corner hereof;

THENCE in a Southwesterly direction, leaving said Highway right-of-way, being along the Southeast line of said Moncrieff and McWhorter, Co-Trustees tract to the South corner of said Moncrieff and McWhorter, Co-Trustees tract called 7.24 acres, being on the Northeast right-of-way line of the Burlington Northern & Santa Fe (BNSF) Railroad;

THENCE in a Northwesterly direction, along Southwest lines of said Moncrieff and McWhorter, Co-Trustees tract, common with Northeast right-of-way lines of said BNSF Railroad to a West corner of said Moncrieff and McWhorter, Co-Trustees tract called 7.24 acres and being an interior corner of said BNSF Railroad right-of-way;

THENCE in a Northeasterly direction, along a Northwest line of said Moncrieff and McWhorter, Co-Trustees tract, common with a Southeast right-of-way line of said BNSF Railroad to an interior corner of said Moncrieff and McWhorter, Co-Trustees tract called 7.24 acres and being an exterior corner of said BNSF Railroad right-of-way;

THENCE in a Northwesterly direction, along a Southwest line of said Moncrieff and McWhorter, Co-Trustees tract, common with a Northeast right-of-way line of said BNSF Railroad to the most Northern West corner of said Moncrieff and McWhorter, Co-Trustees tract called 7.24 acres, common with the South corner of said A-Allsorts Storage tract called 4.486 acres;

THENCE in a Northwesterly direction, along the Southwest line of said A-Allsorts Storage tract, common with a portion of the Northeast right-of-way line of said BNSF Railroad to the West corner of said A-Allsorts Storage tract called 4.486 acres, common with the South or Southwest corner of said Holum tract called 2.918 acres;

THENCE in a Northwesterly direction, along the West line of said Holum tract, common with a portion of the East right-of-way line of said BNSF Railroad to the Northwest corner of said Holum tract called 2.918 acres, common with the Southwest corner of said Averitt Trustees tract called 2.125 acres;

THENCE in a Northwesterly direction, along the West line of said Averitt Trustees tract, common with a portion of the East right-of-way line of said BNSF Railroad to the Northwest corner of said Averitt Trustees tract called 2.125 acres, common with the Southwest corner of said Stolz tract called 4.00 acres;

THENCE in a Northwesterly direction, along West lines of said Stolz tract, common with East right-of-way lines of said BNSF Railroad to the Northwest corner of said Stolz tract called 4.00 acres, being an exterior corner of said BNSF Railroad right-of-way, also being on the Southeast line of said Maurer and Winkelmann tract called 6.00 acres;

THENCE in a Southwesterly direction, along a portion of the Southeast line of said Maurer and Winkelmann tract, common with a Northwest right-of-way line of said BNSF Railroad to the South or Southwest corner of said Maurer and Winkelmann tract called 6.00 acres, being an interior corner of said BNSF Railroad right-of-way;

THENCE in a Northerly direction, along the West line of said Maurer and Winkelmann tract, common with a portion of the East right-of-way line of said BNSF Railroad to the Northwest corner of said Maurer and Winkelmann tract called 6.00 acres;

THENCE in a Northeasterly direction, leaving said right-of-way line of said BNSF Railroad, being along a portion of the North line of said Maurer and Winkelmann tract called 6.00 acres to the Southwest corner of said Ladewig tract called 0.50 acre;

THENCE in a Northwesterly direction, along the West line of said Ladewig tract to the Northwest corner of said Ladewig tract called 0.50 acre;

THENCE in a Northeasterly direction, along the North line of said Ladewig tract called 0.50 acre to the PLACE OF BEGINNING.

Containing approximately 29.9 acres of land.

City of Brenham  
2014 Annexation Description – Section III

BEGINNING at the Northwest corner of the Allen J. Beckendorf tract called 0.615 acre, as described in Volume 462, Page 632, in the Official Records of Washington County, Texas, being on the Southwest right-of-way line of US Highway 290 East and being a South corner of the existing City Limits (Ordinance No. O-05-014, Section 2005-6), also being a Northeast corner of an existing City Limits Annexation;

THENCE in a Southeasterly direction, along the Northeast line of said Beckendorf tract, common with a portion of the Southwest right-of-way line of said Highway to the Northeast corner of said Beckendorf tract called 0.615 acre, being the Northwest corner of the Allen J. Beckendorf tract called 0.248 acre, as described in Volume 530, Page 295, in said Official Records of Washington County, Texas;

THENCE in a Southeasterly direction, along the Northeast line of said Beckendorf tract called 0.248 acre, common with a portion of the Southwest right-of-way line of said Highway to the Northeast corner of said Beckendorf tract called 0.248 acre, being the Northwest corner of the Casey P. Stephens and spouse, Jimmie L. Stephens tract called 1.372 acres, as described in Volume 1037, Page 12, in said Official Records of Washington County, Texas;

THENCE in a Southeasterly direction, along the Northeast lines of said Stephens tract, common with Southwest right-of-way lines of said Highway to the Northeast corner of said Stephens tract called 1.372 acres, being the Northwest corner of the Casey P. Stephens and spouse, Jimmie L. Stephens tract called 0.463 acre, as described in Volume 1090, Page 346, in said Official Records of Washington County, Texas;

THENCE in a Southeasterly direction, along the Northeast line of said Stephens tract called 0.463 acre, common with a portion of the Southwest right-of-way line of said Highway to the Northeast corner of said Stephens tract called 0.463 acre, being the Northwest corner of the John F. Beckendorf, Individually and as Independent Executor of the Estate of Fritz W. Beckendorf, Deceased and as Trustee of the Beckendorf Family Trust residue of original tract called 183.08 acres, as conveyed in Volume 1131, Page 711, in said Official Records of Washington County, Texas;

THENCE in a Southeasterly direction, along the Northeast line of said Beckendorf Family Trust tract, common with a portion of the Southwest right-of-way line of said Highway to the East or Northeast corner of said Beckendorf Family Trust residue of original tract called 183.08 acres, being the Northwest corner of the Charlyn Rosenbaum Schoenvogel tract, as conveyed in Volume 1419, Page 72 (Tract 3-B), in said Official Records of Washington County, Texas and described as 3.981 acres (Tract One) in Volume 405, Page 225, in the Deed Records of Washington County, Texas;

THENCE in a Southwesterly direction, leaving said Highway right-of-way, along a Southeast and East line of said Beckendorf Family Trust residue of original tract called 183.08 acres, common with the Northwest line of said Schoenvogel tract called 3.981 acres and a West line of the Charlyn

Rosenbaum Schoenvogel tract, as conveyed in Volume 1419, Page 72, in said Official Records of Washington County, Texas and described as 157-1/2 acres in Volume 208, Page 65, in said Deed Records of Washington County, Texas to a Southwest corner of said Schoenvogel tract called 157-1/2 acres, also being the Northwest corner of the Charlyn Rosenbaum Schoenvogel tract, as described in Volume 1419, Page 72 (Tract 3-B), in said Official Records of Washington County, Texas and described as 7.066 acres (Tract Two) in Volume 405, Page 225, in said Deed Records of Washington County, Texas, being on an East line of said Beckendorf Family Trust residue of original tract called 183.08 acres;

THENCE in a Southerly direction, along a portion of an East line of said Beckendorf Family Trust residue of original tract called 183.08 acres, common with the West line of said Schoenvogel tract called 7.066 acres, to the Southwest corner of said Schoenvogel tract called 7.066 acres, being the Southeast corner of said Beckendorf Family Trust residue of original tract called 183.08 acres, also being on a Northeast line of the Paul Kruse tract called 39.936 acres, as described in Volume 1141, Page 437, in said Official Records of Washington County, Texas;

THENCE in a Northwesterly direction, along the Southwest lines of said Beckendorf Family Trust residue of original tract called 183.08 acres, common with Northeast lines of said Kruse tract called 39.936 acres to the most Western corner of said Kruse tract called 39.936 acres, being on a Southwest line of said Beckendorf Family Trust residue of original tract called 183.08 acres, being the North corner of the Paul Kruse tract called 63.131 acres, as described in Volume 1141, Page 432, in said Official Records of Washington County, Texas, being an East corner of the Curtis D. Ignasiak Successor Trustee tract called 22.237 acres, as described in Volume 1037, Page 710, in said Official Records of Washington County, Texas, being an exterior corner of the existing City Limits (Ordinance No. O-96-012);

THENCE in a Northwesterly direction, along a Southwest line of said Beckendorf Family Trust residue of original tract called 183.08 acres, being along a Northeast line of said Ignasiak tract called 22.237 acres, being along a Northeast line of said existing City Limits (Ordinance No.

O-96-012) to a West corner of said Beckendorf Family Trust residue of original tract called 183.08 acres, being an interior corner of the Ignasiak tract called 22.237 acres and being an interior corner of said existing City Limits (Ordinance No. O-96-012);

THENCE in a Northeasterly direction, along Northwest and West lines of said Beckendorf Family Trust residue of original tract called 183.08 acres, common with Southeast and East lines of said Ignasiak tract called 22.237 acres and said existing City Limits (Ordinance No. O-96-012) to the Southeast corner of the George Klatt and wife, Doris Helen Klatt tract called 3.00 acres, as described in Volume 317, Page 148, in said Deed Records of Washington County, Texas, being the North or Northeast corner of said Ignasiak tract called 22.237 acres and being an exterior corner of said existing City Limits (Ordinance No. O-96-012);

THENCE in a Southwesterly direction, along the South line of said Klatt tract, common with a North line of said Ignasiak tract called 22.237 acres, being along a North line of said existing City Limits (Ordinance No. O-96-012) to the Southwest corner of said Klatt tract called 3.00 acres, being an interior corner of said Ignasiak tract called 22.237 acres and being an interior corner of said

existing City Limits (Ordinance No. O-96-012);

THENCE in a Northwesterly direction, along the Southwest line of said Klatt tract, along a Southwest line of said Beckendorf Family Trust residue of original tract called 183.08 acres, common with a Northeast line of said Ignasiak tract called 22.237 acres, being along a Northeast line of said existing City Limits (Ordinance No. O-96-012) to the most Western corner of said Beckendorf Family Trust residue of original tract called 183.08 acres, being the most Northern corner of said Ignasiak tract called 22.237 acres, being on a Southeast line of Lot Two of Reserve "B" of Brenham Business Center, Phase I, a map or plat being of record in Plat Cabinet File Slide No. 518A, in the Plat Records of Washington County, Texas, being an exterior corner of said existing City Limits (Ordinance No. O-96-012), also being an exterior corner of another existing City Limit Annexation;

THENCE in a Northeasterly direction, along Northwest lines of said Beckendorf Family Trust residue of original tract called 183.08 acres, common with Southeast lines of said Lot Two of Reserve "B", being along Southeast lines of said existing City Limits Annexation to a Northwest corner of said Beckendorf Family Trust residue of original tract called 183.08 acres, being on an East line of said Lot Two of Reserve "B", also being a Southwest corner of the John F. Beckendorf tract called 5.200 acres, as described in Volume 1131, Page 705, in said Official Records of Washington County, Texas and being on an East line of said existing City Limits Annexation;

THENCE in a Northerly direction, along West lines of said Beckendorf tract called 5.200 acres, in part, being along East lines of said existing City Limits Annexation, passing an interior corner of said Beckendorf tract called 5.200 acres to an exterior corner of said existing City Limits Annexation, being an interior hereof;

THENCE in a Southwesterly direction, along a North line of said existing City Limits Annexation to an interior corner of said Beckendorf tract called 5.200 acres, being a Southwest corner hereof and an interior corner of said existing City Limits Annexation;

THENCE in a Northerly direction, along a West line of said Beckendorf tract called 5.200 acres to a Northwest corner of said Beckendorf tract called 5.200 acres, being an interior corner of said existing City Limits Annexation and being a Northwest corner hereof;

THENCE in an Easterly direction, along a North line of said Beckendorf tract called 5.200 acres, being along a South line of said existing City Limits Annexation to a Northeast corner of said Beckendorf tract called 5.200 acres, being a Southeast corner of said existing City Limits Annexation, being on the West line of said Allen J. Beckendorf tract called 0.615 acre, Volume 462, Page 632, being an interior corner hereof;

THENCE in a Northerly direction, along a portion of the West line of said Allen J. Beckendorf tract called 0.615 acre for West line hereof, being along an East line of said existing City Limits Annexation to the PLACE OF BEGINNING.

Containing approximately 44.5 acres of land.

City of Brenham  
2014 Annexation Description – Section IV

BEGINNING at a Northeast corner of the Adolph Charles Wehmeyer residue of original tract called 43.3 acres (Second Tract), as conveyed in Volume 719, Page 548, in the Official Records of Washington County, Texas, being the Northwest corner of the Eight Star Corporation tract called 13.847 acres, as described in Volume 1418, Page 539, in said Official Records of Washington County, Texas, being on the South right-of-way line of F.M. Highway 389 and being an exterior corner of the existing City Limits (Ordinance No. O-08-023, Section 2008-3);

THENCE in a Southerly direction, along East lines of said Wehmeyer residue tract, common with West lines of said Eight Star Corporation tract for East lines hereof and being along West lines of said existing City Limits (Section 2008-3) to an interior corner of said Eight Star Corporation tract;

THENCE continuing in a Southerly direction, along a West line of said existing City Limits (Section 2008-3) for an East line hereof, severing a portion of said Eight Star Corporation tract to an interior corner of said Eight Star Corporation tract;

THENCE continuing in a Southerly direction, along a West line of said existing City Limits (Section 2008-3) to a Southwest corner of said Eight Star Corporation tract, being a Southwest corner of said existing City Limits (Section 2008-3) and being an interior corner hereof;

THENCE in an Easterly direction, along North lines of said Wehmeyer residue tract, common with South lines of said Eight Star Corporation tract and being along South lines of said existing City Limits (Section 2008-3) to a Southeast corner of said Eight Star Corporation tract, being an interior corner of said Wehmeyer residue tract and being a Southeast corner of said existing City Limits (Section 2008-3);

THENCE in a Northerly direction, along West lines of said Wehmeyer residue tract, common with East lines of said Eight Star Corporation tract, and being along East lines of said existing City Limits (Section 2008-3) to an interior corner of said existing City Limits (Section 2008-3), being on an East line of said Eight Star Corporation tract, common with a West line of said Wehmeyer residue tract, being a Northwest corner hereof;

THENCE in an Easterly direction, along a South line of said existing City Limits (Section 2008-3), severing a portion of said Eight Star Corporation tract to a Southwest corner of said Eight Star Corporation tract;

THENCE continuing in an Easterly direction, along South lines of said Eight Star Corporation tract, being along South lines of said existing City Limits (Section 2008-3), common with North lines of said Wehmeyer residue tract called 43.3 acres and the Adolph Charles Wehmeyer residue of original tract called 16 acres (First Tract), as conveyed in Volume 719, Page 548, in said Official Records of Washington County, Texas to a Southeast corner of said Eight Star Corporation

tract, being a Southeast corner of said existing City Limits (Section 2008-3), being a Northeast corner of said Wehmeyer residue of original tract called 16 acres, being on the West line of Lot 1 of Southwest Industrial Park Section II, recorded in Plat Cabinet File Slide No. 298A, in the Plat Records of Washington County, Texas, also being on the West line of the existing City Limits (Ordinance No. O-92-007);

THENCE in a Southerly direction, along an East line of said Wehmeyer residue of original tract called 16 acres, common with a portion of the West line of said Lot 1 of Southwest Industrial Park Section II, and common with a West line of the James Newell Cato tract called 8.6850 acres, as described in Volume 1214, Page 237, in said Official Records of Washington County, Texas, being along West lines of said existing City Limits (Ordinance No. O-92-007) to the Southwest corner of said Cato tract, being an interior corner of said Wehmeyer residue of original tract called 16 acres and being an interior corner hereof;

THENCE in an Easterly direction, along a North line of said Wehmeyer residue of original tract called 16 acres, common with a portion of the South line of said Cato tract, being along a portion of the South line of said existing City Limits (Ordinance No. O-92-007) to a Northeast corner of said Wehmeyer residue of original tract called 16 acres, common with the Northwest corner of Tract A-1 of Southwest Industrial Park Section II, recorded in Plat Cabinet File Slide No. 495B, in said Plat Record of Washington County, Texas, also being a Northwest corner of the existing City Limits Annexation (Dated April 1, 1980);

THENCE in a Southerly direction, along East lines of said Wehmeyer residue of original tract called 16 acres, common with the West line of said Tract A-1 and the West line of the RPH Investments LLC tract called 7.293 acres, as described in Volume 1224, Page 32, in said Official Records of Washington County, Texas, being along West lines of said existing City Limits Annexation (Dated April 1, 1980) to the Southwest corner of said RPH Investments LLC tract, being on the North right-of-way line of Industrial Boulevard and being the Southeast corner of said Wehmeyer residue of original tract called 16 acres;

THENCE continuing in a Southerly direction, crossing said Industrial Boulevard to the Southeast corner hereof, being on the South right-of-way line of said Industrial Boulevard, being a Southwest corner of said existing City Limits Annexation (Dated April 1, 1980), also being on a North line of the existing City Limits (Ordinance No. O-11-016);

THENCE in a Westerly direction, along the South right-of-way line of said Industrial Boulevard, being along a portion of a North line of said existing City Limits (Ordinance No. O-11-016) for the South line hereof to the Southwest corner hereof, being on the South right-of-way line of said Industrial Boulevard;

THENCE in a Northerly direction, crossing said Industrial Boulevard to the Southwest corner of said Wehmeyer residue of original tract called 43.3 acres, common with the Southeast corner of the Washington County tract called 0.2951 acre, as described in Volume 1408, Page 356, in said Official Record of Washington County, Texas, being on the North right-of-way line of said Industrial Boulevard;

THENCE in a Northerly direction, along West lines of said Wehmeyer residue of original tract called 43.3 acres, and along the West line of the Adolph C. Wehmeyer tract called 1.000 acre, as described in Volume 303, Page 305, in the Deed Records of Washington County, Texas, common with the East lines of said Washington County tract, the Ethel Witte Gurrech tract called 8.835 acres, as described in Volume 349, Page 183, in said Deed Records of Washington County, Texas, and the Ethel Witte Gurrech residue of original tract called 45.21 acres, as described in Volume 398, Page 560, in said Deed Records of Washington County, Texas to the Northwest corner of said Wehmeyer tract called 1.000 acre, being on the South right-of-way line of said F.M. Highway 389, being the Northeast corner of said Gurrech residue of original tract called 45.21 acres, being a Northwest corner hereof;

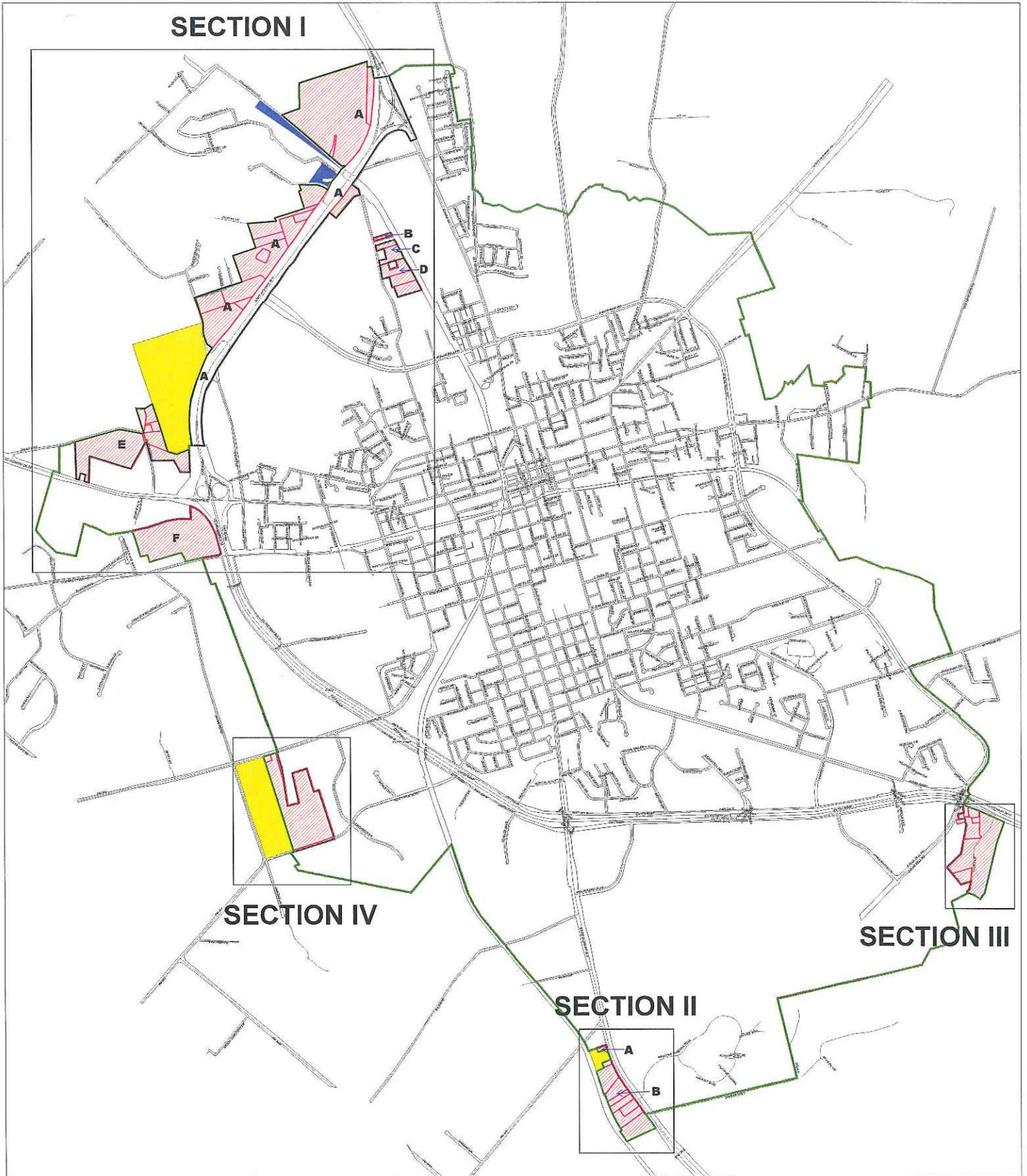
THENCE in an Easterly direction, along the South right-of-way line of said F.M. Highway 389, being along the North line of said Wehmeyer tract called 1.000 acre, and along a North line of said Wehmeyer residue of original tract called 43.3 acres to the PLACE OF BEGINNING.

Containing approximately 47 acres of land.

**EXHIBIT C – Maps**

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# SECTION I



## Legend

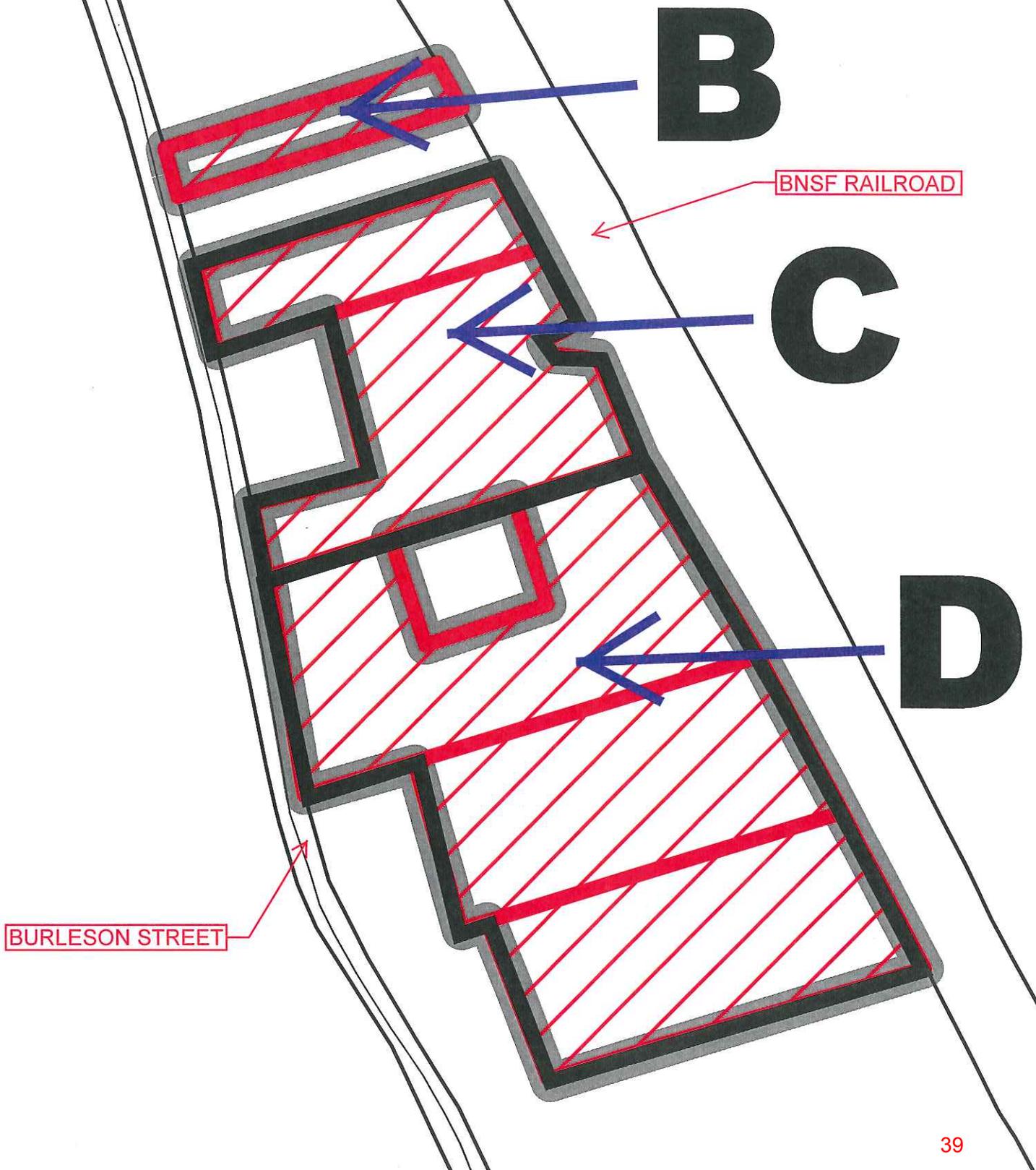
-  City Limits
-  Proposed City Limits
-  Properties Notified & NOT Proposed for Annexation
-  Annexation 2014
-  2014 Development Agreements

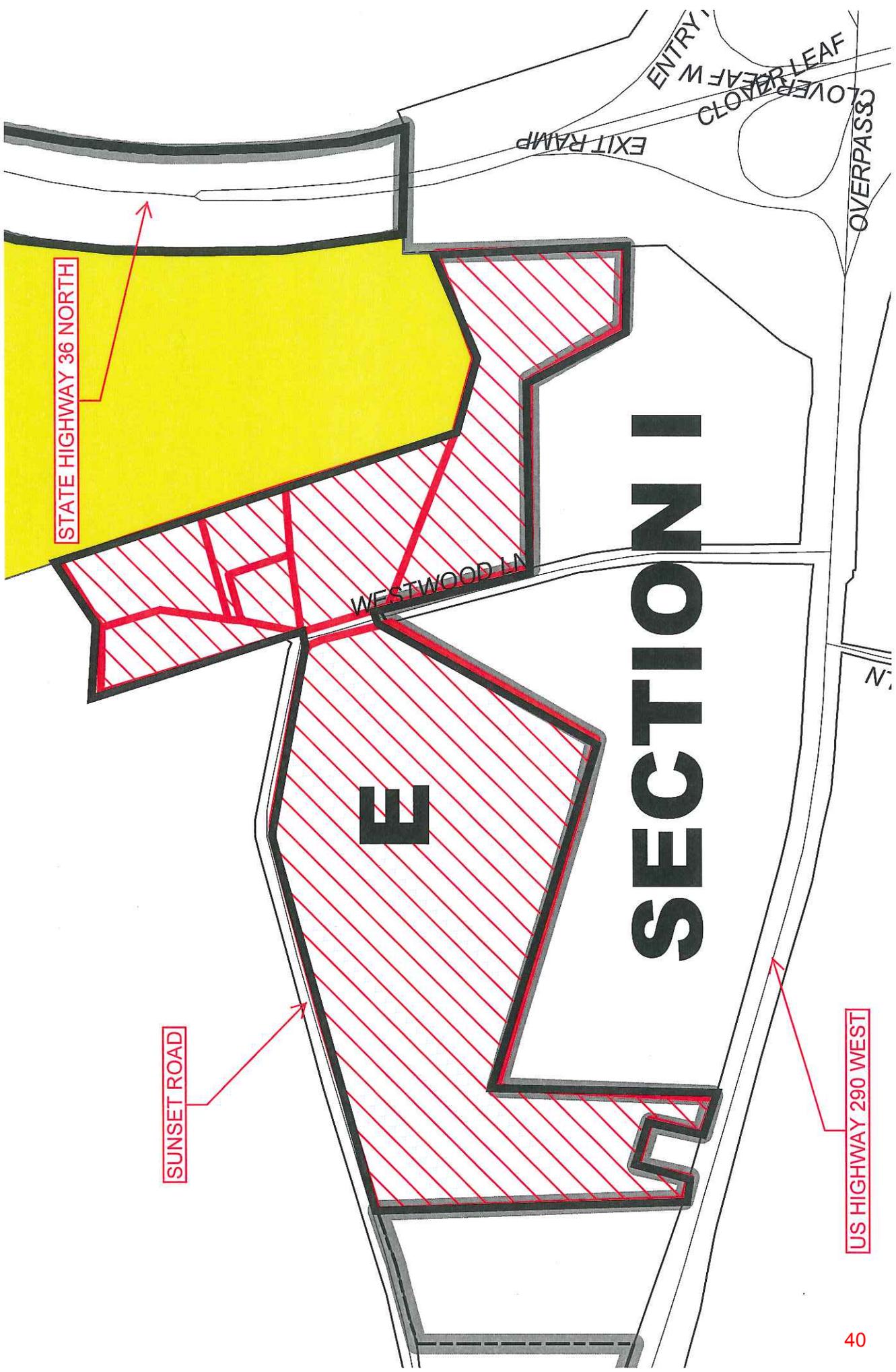
1 inch = 900 feet



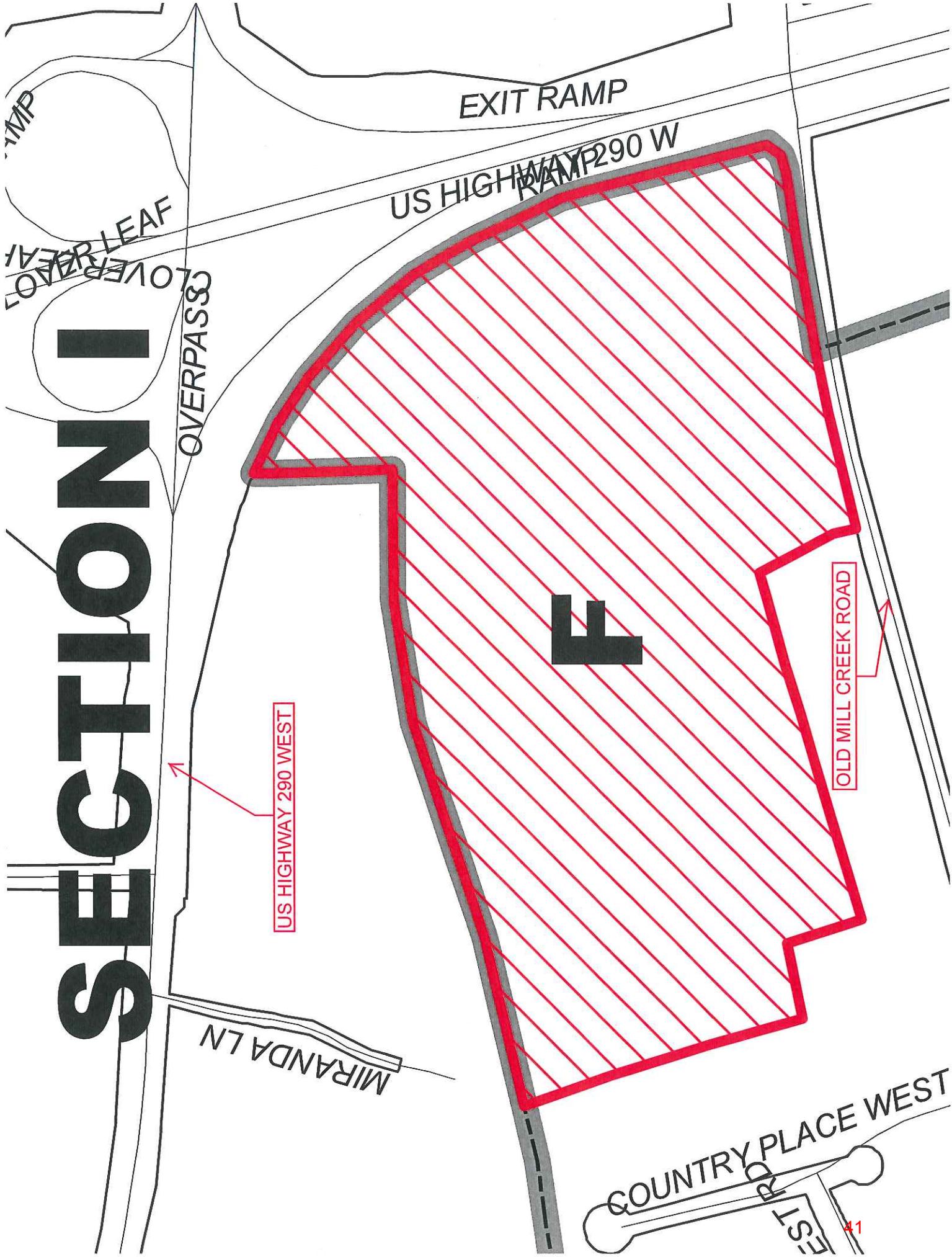


# SECTION I





# SECTION 1

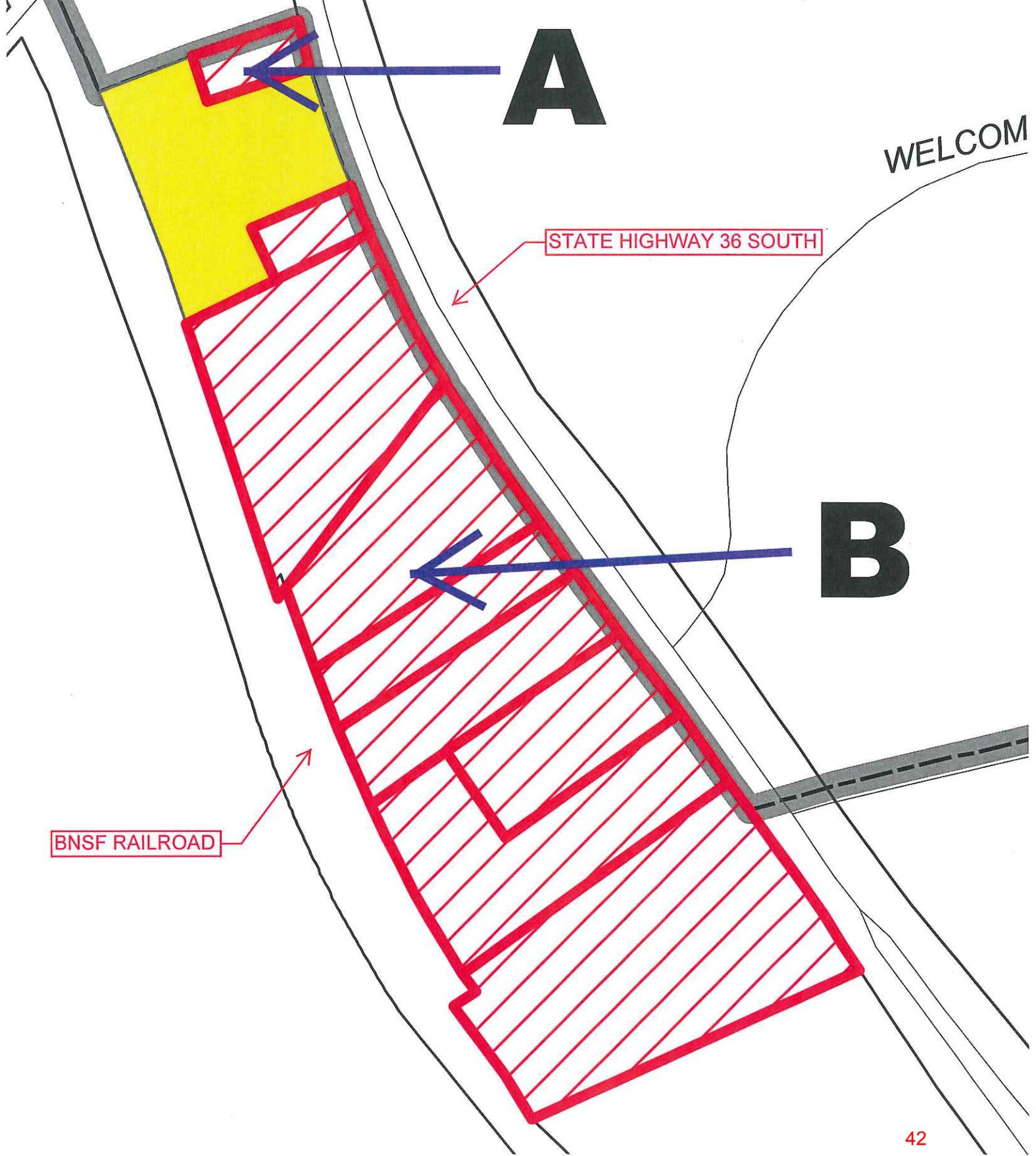


US HIGHWAY 290 WEST

OLD MILL CREEK ROAD

COUNTRY PLACE WEST

# SECTION II



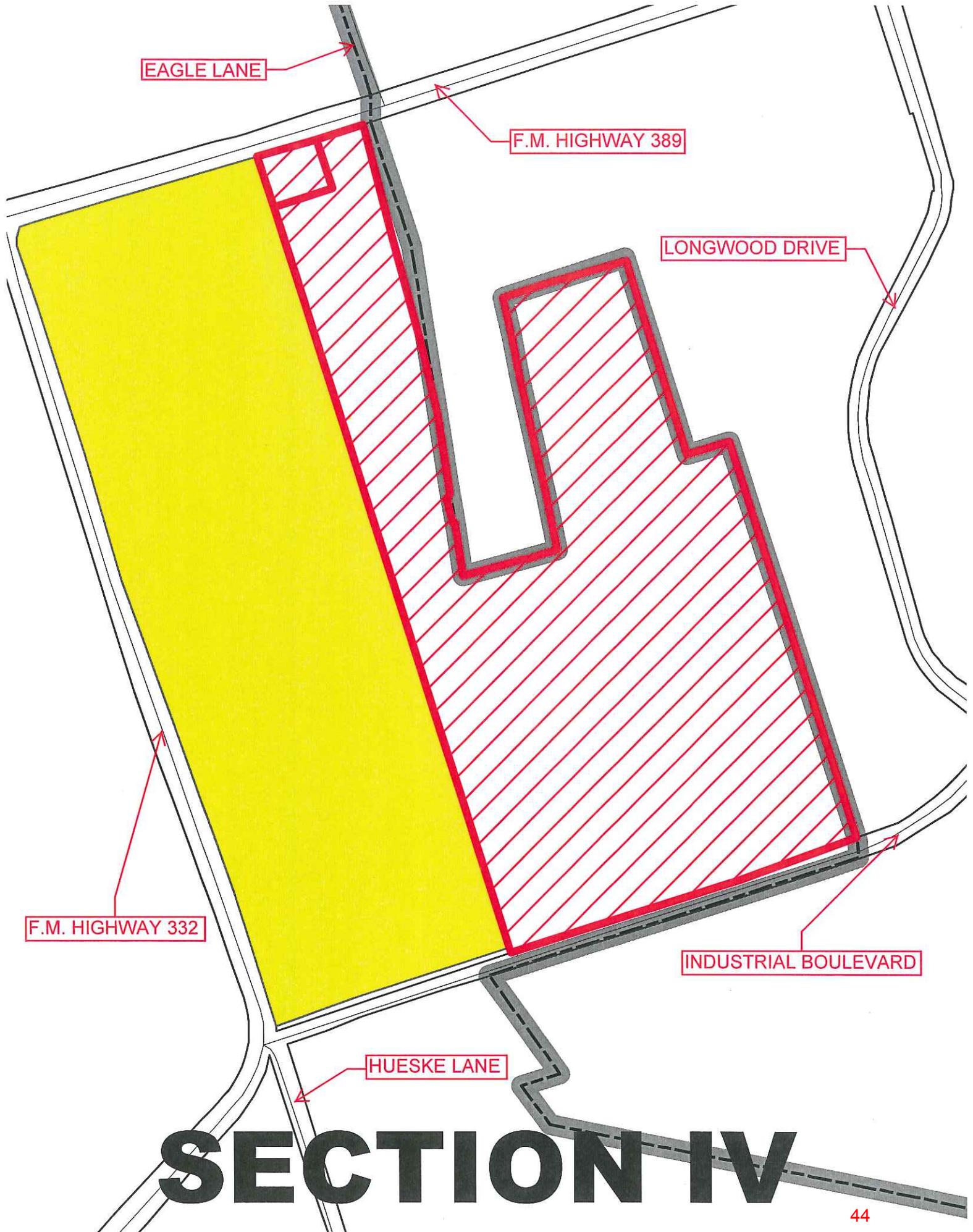
ENTRANCE

US HIGHWAY 290 E

S. BLUE BELL ROAD

TIADEN LN

# SECTION III



EAGLE LANE

F.M. HIGHWAY 389

LONGWOOD DRIVE

F.M. HIGHWAY 332

INDUSTRIAL BOULEVARD

HUESKE LANE

# SECTION IV



## AGENDA ITEM 4

<b>DATE OF MEETING:</b> June 5, 2014	<b>DATE SUBMITTED:</b> May 29, 2014	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Julie Fulgham	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING – Joint Session	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<p><b>AGENDA ITEM DESCRIPTION:</b> Public Hearing to Consider Amending Appendix A – “Zoning” of the Code of Ordinances to Assign Zoning District Classifications to the Properties Being Annexed into the City of Brenham, Said Properties Being More Specifically Described Below:</p> <p style="margin-left: 40px;">Section 2014-1: Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burleson Street; tracts with frontage along State Highway 36th North and Dixie Street; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the ‘cloverleaf’ intersection of Highway 290 West and State Highway 36 North.</p> <p style="margin-left: 40px;">Section 2014-2: Approximately 30.512 acres of land situated in Washington County, Texas, out of the John Carrington Survey, Abstract No. A0120, generally consisting of tracts with frontage along the western right-of-way line of State Highway 36 beginning at the current City limits and proceeding in a southerly direction to approximately Anderson Lane (located on the eastern side of State Highway 36 South).</p> <p style="margin-left: 40px;">Section 2014-3: Approximately 45.366 acres of land situated in Washington County, Texas, out of the Isaac Lee Survey, Abstract No. A0077, generally consisting of tracts that abut the current City limits between South Blue Bell Road and Tiaden Lane and tracts that abut US Highway 290 East from Blue Bell Road to approximately 500 feet east of Tiaden Lane.</p> <p style="margin-left: 40px;">Section 2014-4: Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard</p>		

**SUMMARY STATEMENT:** A public hearing will be held to hear comments regarding zoning regulations of the approximately 491.06 acres of land being annexed.

**STAFF ANALYSIS (For Ordinances or Regular Agenda Items):**

**A. PROS:**

**B. CONS:**

**ALTERNATIVES (In Suggested Order of Staff Preference):**

**ATTACHMENTS:** None.

**FUNDING SOURCE (Where Applicable):** N/A

**RECOMMENDED ACTION:** Discussion only.

**APPROVALS:** Terry K. Roberts



## AGENDA ITEM 5

<b>DATE OF MEETING:</b> June 5, 2014	<b>DATE SUBMITTED:</b> May 30, 2014	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Julie Fulgham	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon Recommendation to City Council Concerning Amendment of Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Establish Zoning District Classifications to Properties Being Annexed into the City of Brenham and More Specifically Described Below: <i>(Planning &amp; Zoning Commission Action Item Only)</i>		
<p style="margin-left: 40px;">Section 2014-1: Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burleson Street; tracts with frontage along State Highway 36th North and Dixie Street; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the ‘cloverleaf’ intersection of Highway 290 West and State Highway 36 North.</p> <p style="margin-left: 40px;">Section 2014-2: Approximately 30.512 acres of land situated in Washington County, Texas, out of the John Carrington Survey, Abstract No. A0120, generally consisting of tracts with frontage along the western right-of-way line of State Highway 36 beginning at the current City limits and proceeding in a southerly direction to approximately Anderson Lane (located on the eastern side of State Highway 36 South).</p> <p style="margin-left: 40px;">Section 2014-3: Approximately 45.366 acres of land situated in Washington County, Texas, out of the Isaac Lee Survey, Abstract No. A0077, generally consisting of tracts that abut the current City limits between South Blue Bell Road and Tiaden Lane and tracts that abut US Highway 290 East from Blue Bell Road to approximately 500 feet east of Tiaden Lane.</p> <p style="margin-left: 40px;">Section 2014-4: Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard</p>		

**SUMMARY STATEMENT:**

**\*\*\*The Planning and Zoning Commission Action Item ONLY\*\*\***

**STAFF ANALYSIS (For Ordinances or Regular Agenda Items):**

**A. PROS:**

**B. CONS:**

**ALTERNATIVES (In Suggested Order of Staff Preference):**

**ATTACHMENTS:** None.

**FUNDING SOURCE (Where Applicable):** N/A

**RECOMMENDED ACTION:** None.

**APPROVALS:** None.



## AGENDA ITEM 6

<b>DATE OF MEETING:</b> June 5, 2014	<b>DATE SUBMITTED:</b> May 29, 2014	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Julie Fulgham	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<p><b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Establish Zoning District Classifications to Properties Being Annexed into the City of Brenham and More Specifically Described Below: (<i>City Council Action Item Only</i>)</p> <p style="margin-left: 40px;">Section 2014-1: Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burleson Street; tracts with frontage along State Highway 36th North and Dixie Street; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the ‘cloverleaf’ intersection of Highway 290 West and State Highway 36 North.</p> <p style="margin-left: 40px;">Section 2014-2: Approximately 30.512 acres of land situated in Washington County, Texas, out of the John Carrington Survey, Abstract No. A0120, generally consisting of tracts with frontage along the western right-of-way line of State Highway 36 beginning at the current City limits and proceeding in a southerly direction to approximately Anderson Lane (located on the eastern side of State Highway 36 South).</p> <p style="margin-left: 40px;">Section 2014-3: Approximately 45.366 acres of land situated in Washington County, Texas, out of the Isaac Lee Survey, Abstract No. A0077, generally consisting of tracts that abut the current City limits between South Blue Bell Road and Tiaden Lane and tracts that abut US Highway 290 East from Blue Bell Road to approximately 500 feet east of Tiaden Lane.</p> <p style="margin-left: 40px;">Section 2014-4: Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard</p>		

**SUMMARY STATEMENT:** A joint subcommittee comprised of 3 City Council members and 3 Planning and Zoning Commission members, as well as staff, recommend assigning the permanent zoning classifications as shown on Exhibit A of the proposed ordinance to the 491.06 acres of land included within the 2014 annexation proceedings. The subcommittee considered the existing land uses, the permitted uses within each district, the long term vision of the areas, and the compatibility of both existing uses and desired future uses in formulating this recommendation.

**STAFF ANALYSIS (For Ordinances or Regular Agenda Items):**

**A. PROS:**

**B. CONS:**

**ALTERNATIVES (In Suggested Order of Staff Preference):**

**ATTACHMENTS:** (1) Ordinance with Exhibit A

**FUNDING SOURCE (Where Applicable):** N/A

**RECOMMENDED ACTION:** Approve an Ordinance on its first reading amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to establish Zoning District Classifications to properties being annexed into the City of Brenham and more specifically described below:

Section 2014-1: Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burleson Street; tracts with frontage along State Highway 36th North and Dixie Street; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the ‘cloverleaf’ intersection of Highway 290 West and State Highway 36 North.

Section 2014-2: Approximately 30.512 acres of land situated in Washington County, Texas, out of the John Carrington Survey, Abstract No. A0120, generally consisting of tracts with frontage along the western right-of-way line of State Highway 36 beginning at the current City limits and proceeding in a southerly direction to approximately Anderson Lane (located on the eastern side of State Highway 36 South).

Section 2014-3: Approximately 45.366 acres of land situated in Washington County, Texas, out of the Isaac Lee Survey, Abstract No. A0077, generally consisting of tracts that abut the current City limits between South Blue Bell Road and Taden Lane and tracts that abut US Highway 290 East from Blue Bell Road to approximately 500 feet east of Taden Lane.

**APPROVALS:** Terry K. Roberts

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP TO ASSIGN PERMANT ZONING CLASSIFICATIONS FOR APPROXIMATELY 491.06 ACRES OF LAND TO BE ANNEXED INTO THE CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS.**

**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;

**WHEREAS**, Appendix A – “Zoning” of the City of Brenham Code of Ordinance authorizes the City Council to assign a permanent zoning classification to tracts of land within the various zoning districts; and

**WHEREAS**, this amendment was recommended for approval by the Brenham Planning and Zoning Commission during a joint public hearing and meeting with the Brenham City Council on June 5, 2014;

**NOW, THEREFORE, BE IT ORDAINED BY 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 is hereby amended by assigning the following zoning districts to the following tracts of land, and being more accurately depicted on Exhibit “A”:

Legal Description:	Zoning Classification:
1.78 acres being Tract 308 of the Arrabella Harrington Survey	B-1 Local Business/Residential Mixed Use District
6.393 acres being Tract 193 of the Arrabella Harrington Survey	B-1 Local Business/Residential Mixed Use District
6.899 acres being Tract 51 of the Phillip Coe Survey	B-1 Local Business/Residential Mixed Use District
45.73 acres being Tract 211 of the Phillip Coe Survey	B-1 Local Business/Residential Mixed Use District
15.37 acres being Tract 200 of the Phillip Coe Survey	B-1 Local Business/Residential Mixed Use District
1.372 acres being Tract 162 of the Isaac Lee Survey	B-1 Local Business/Residential Mixed Use District

0.709 (0.246 + 0.463) acres being Tract 162.1 of the Isaac Lee Survey	B-1 Local Business/Residential Mixed Use District
5.2 acres being Tract 177 of the Isaac Lee Survey	B-1 Local Business/Residential Mixed Use District
Approximately 21.66 acres being a portion of Tract 2 of the Isaac Lee Survey being the portion that abuts US Highway 290 East right-of-way and extending for a depth along Taden Lane for approximately 900-950 feet and more particularly shown on Exhibit A	B-1 Local Business/Residential Mixed Use District
4.70 acres being Tract 164 of the Arrabella Harrington Survey	B-1 Local Business/Residential Mixed Use District
4.837 acres being Tract 175 of the Arrabella Harrington Survey	B-2 Commercial, Research, and Technology District
8.691 acres being Tract 17 of the Phillip Coe Survey	B-2 Commercial, Research, and Technology District
4.00 acres being Tract 145 of the John Carrington Survey	B-2 Commercial, Research, and Technology District
2.125 acres being Tract 64 (Kobs Tract 1) of the John Carrington Survey	B-2 Commercial, Research, and Technology District
4.486 acres being Tract 2C of the Kobs Subdivision	B-2 Commercial, Research, and Technology District
2.663 acres being Tract 2B of the Kobs Subdivision	B-2 Commercial, Research, and Technology District
0.58 acres being Tract 77 of the John Carrington Survey	B-2 Commercial, Research, and Technology District
0.5 acres being Tract 51 of the John Carrington Survey	B-2 Commercial, Research, and Technology District
6.00 acres being Tract 24 of the John Carrington Survey	B-2 Commercial, Research, and Technology District
7.24 acres being Tract 147 of the John Carrington Survey	B-2 Commercial, Research, and Technology District
2.918 acres (Kobs Division, Tract 2A-Plat 583A) being Tract 161 of the John Carrington Survey	B-2 Commercial, Research, and Technology District
4.93 acres being a portion of Tract 8 of the Phillip Coe Survey and continuing the zoning district as it runs parallel to US Highway 290 West for a depth of 680 feet	B-2 Commercial, Research, and Technology District

29.90 acres being the remainder of Tract 196 of the Phillip Coe Survey that is not within the Country Side Manufactured Home Community master plan	I Industrial District
18.038 acres being Tract 287 of the Phillip Coe Survey	I Industrial District
1.964 acres being Tract 394 of the Phillip Coe Survey	I Industrial District
10.00 acres being Tract 401 of the Phillip Coe Survey	I Industrial District
1.5 acres being Tract 201 of the Phillip Coe Survey	I Industrial District
Approximately 12.5 acres being a portion of Tract 2 of the Isaac Lee Survey and starting approximately 900-950 from the US Highway 290 right-of-way and more particularly shown on Exhibit A	R-1 Residential District
28.34 acres being the portion of Tract 8 of the Phillip Coe Survey that abuts Sunset Road	R-1 Residential District
7.07 acres includes Mobile Home Park being Tract 209 of the Arrabella Harrington Survey	R-1 Residential District
1 acres (Part of 5.27 ac) being of Tract 228 of the Arrabella Harrington Survey	R-1 Residential District
4.09 acres being Tract 116 of the Phillip Coe Survey	R-1 Residential District
88.06 acres being Tract 138 of the Arrabella Harrington Survey	R-1 Residential District
9.61 acres being Tract 300 of the Phillip Coe Survey	R-1 Residential District
3.625 acres being Tract 382 of the Phillip Coe Survey	R-1 Residential District
.878 acres being Tract 94 of the Arrabella Harrington Survey	R-1 Residential District
1.682 acres being Tract 168 of the Arrabella Harrington	R-1 Residential District
0.878 acres (Part of 5.878 ac) being Tract 231 of the Arrabella Harrington Survey	R-1 Residential District
0.25 acres (Part of 5 ac) being Tract 234 of the Arrabella Harrington Survey	R-1 Residential District
1 acre (Portion of 5 ac) being Tract 233 of the Arrabella Harrington Survey	R-1 Residential District

1.718 acres being Tract 289 of the Phillip Coe Survey	R-1 Residential District
1.22 acres being Tract 241 of the Phillip Coe Survey	R-1 Residential District
0.89 acres being Tract 314 of the Phillip Coe Survey	R-1 Residential District
0.524 acres being Tract 71 of the Phillip Coe Survey	R-1 Residential District
3 acres being Tract 46 of the Isaac Lee Survey	R-1 Residential District
15.55 acres being a portion of Tract 196 of the Phillip Coe Survey and as filed on the master plan of the Country Side Manufactured Home Community	R-3 Manufactured Home Residential
1.00 acres being Tract 27 of the Phillip Coe Survey	R-3 Manufactured Home Residential

*SECTION 2.* That the Official Zoning Map of the City of Brenham is hereby amended with the above described assignments of permanent zoning classifications and all rights-of-ways shall be including within the zoning district that abuts it. When two zoning districts abut a right-of-way, the centerline of said right-of-way shall serve as the boundary line for the zoning districts.

*SECTION 3.* 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 5<sup>th</sup> day of June, 2014.

**PASSED and APPROVED** on its second reading this the 19<sup>th</sup> day of June, 2014.

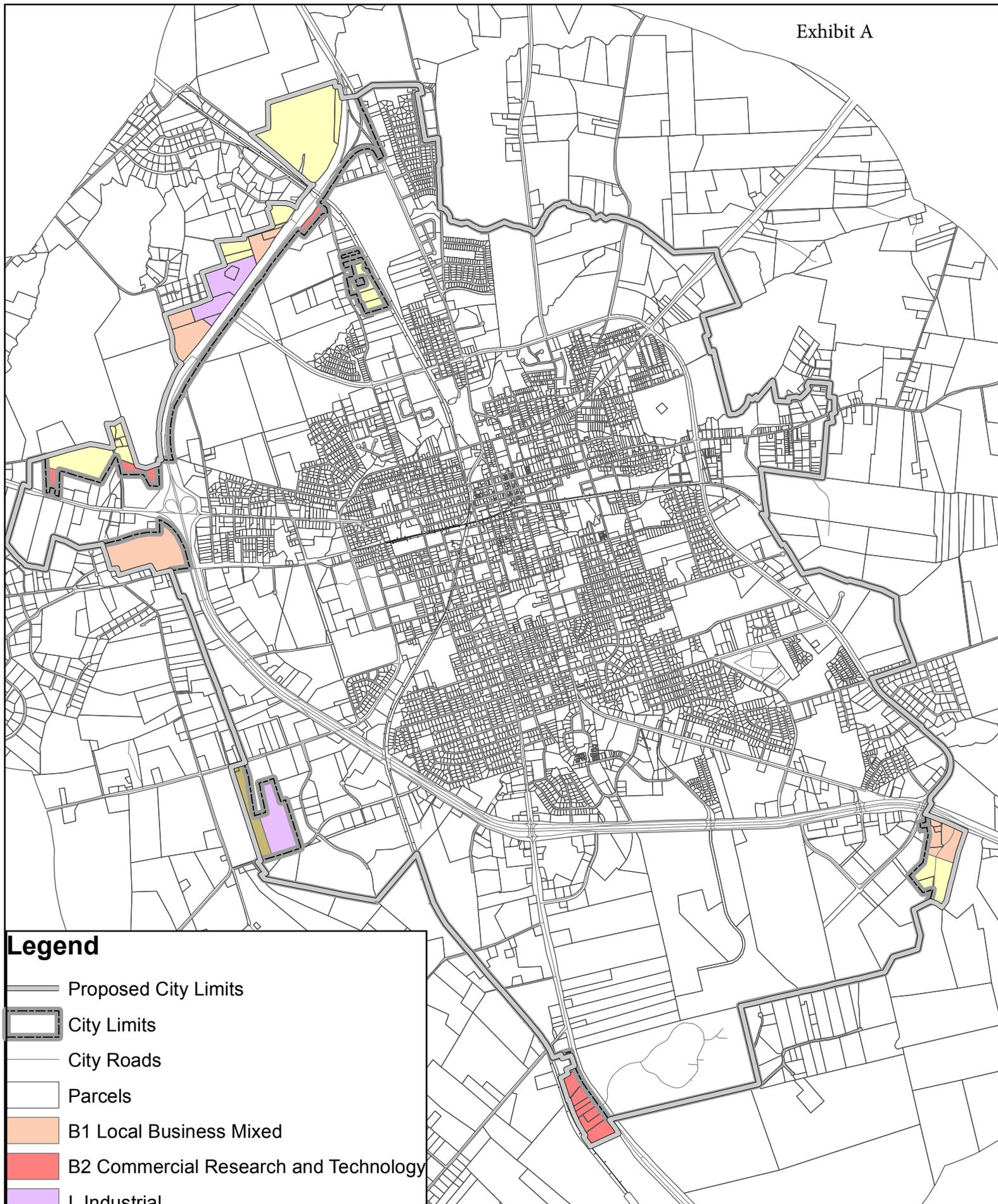
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Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

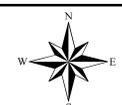
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Jeana Bellinger, TRMC  
City Secretary



**Legend**

- Proposed City Limits
- City Limits
- City Roads
- Parcels
- B1 Local Business Mixed
- B2 Commercial Research and Technology
- I Industrial
- R1 Residential Single Family
- R3 Manufactured Home Residential

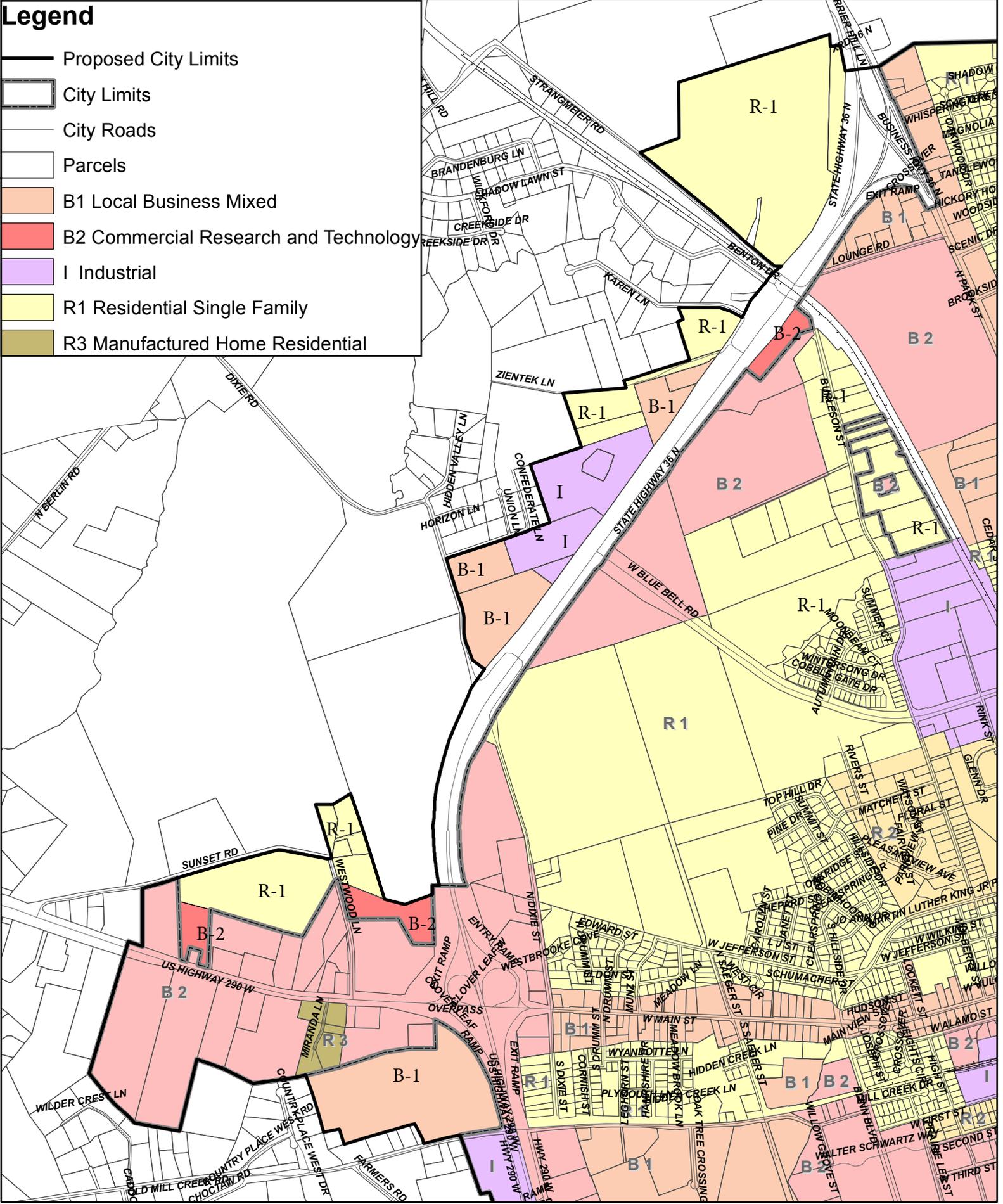


1 inch = 3,150 feet



# Legend

-  Proposed City Limits
-  City Limits
-  City Roads
-  Parcels
-  B1 Local Business Mixed
-  B2 Commercial Research and Technology
-  I Industrial
-  R1 Residential Single Family
-  R3 Manufactured Home Residential



1 inch = 1,400 feet

## Section I

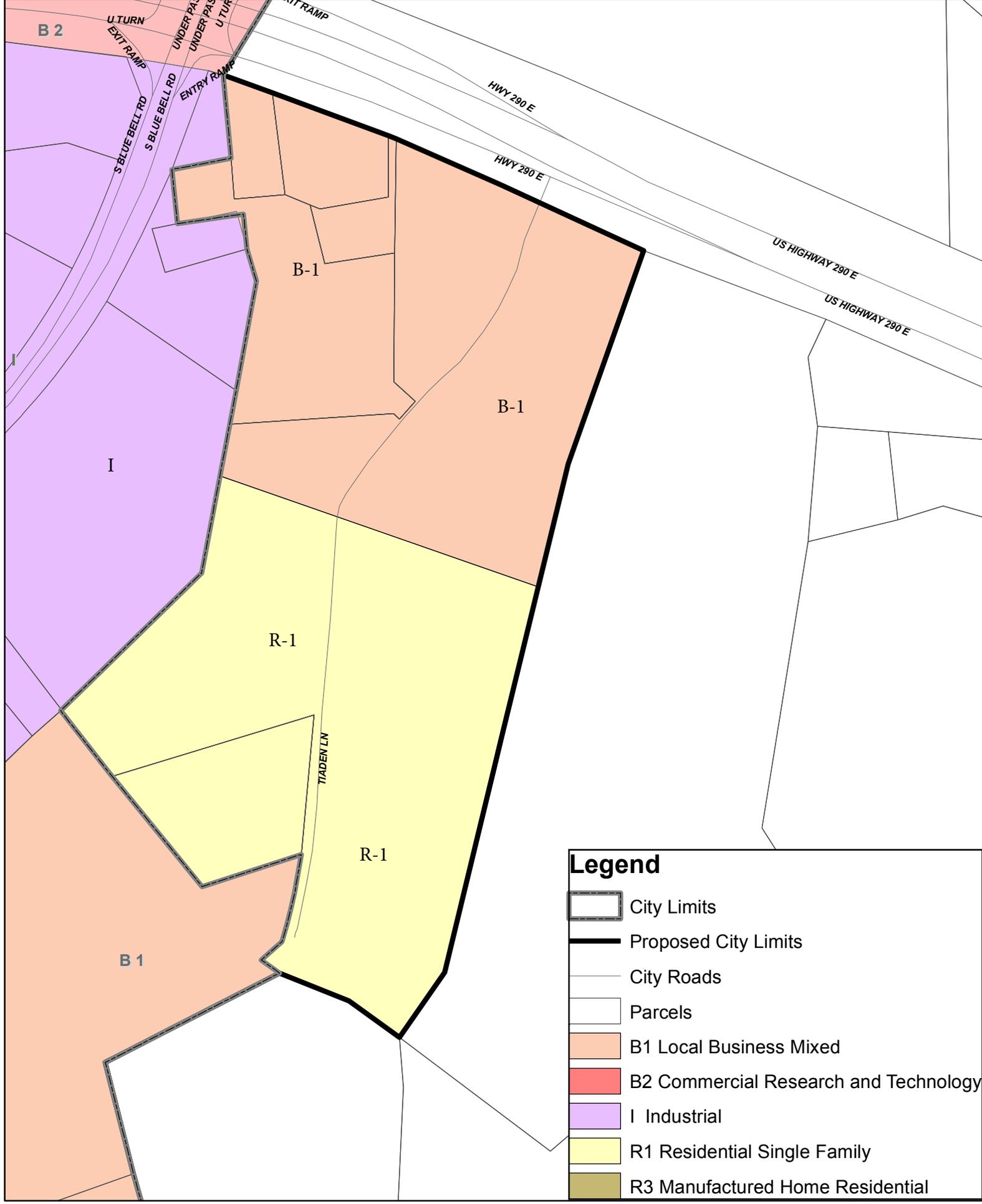




1 inch = 250 feet

# Section II





**Legend**

- City Limits
- Proposed City Limits
- City Roads
- Parcels
- B1 Local Business Mixed
- B2 Commercial Research and Technology
- I Industrial
- R1 Residential Single Family
- R3 Manufactured Home Residential

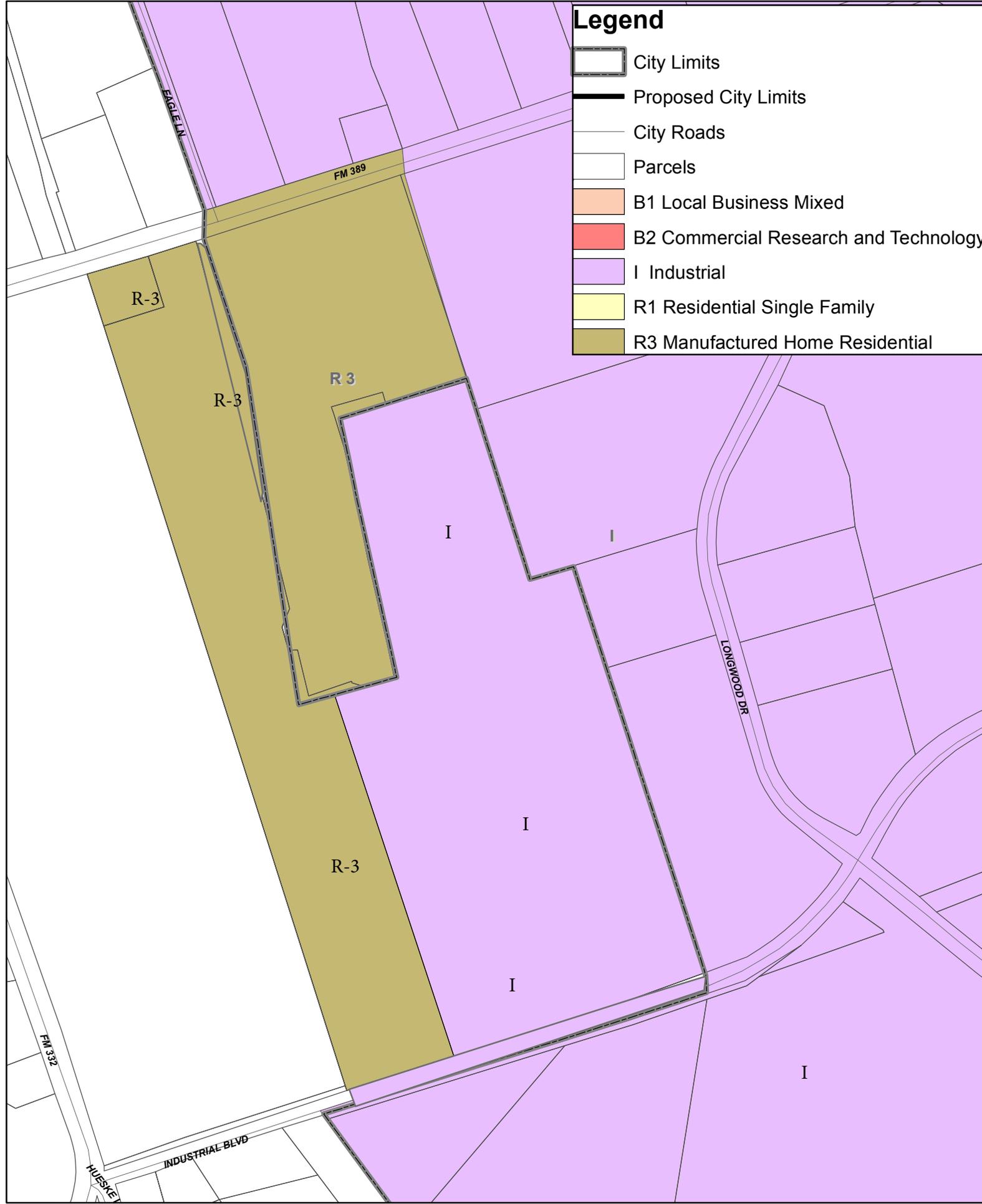
1 inch = 300 feet

# Section III



# Legend

-  City Limits
-  Proposed City Limits
-  City Roads
-  Parcels
-  B1 Local Business Mixed
-  B2 Commercial Research and Technology
-  I Industrial
-  R1 Residential Single Family
-  R3 Manufactured Home Residential



1 inch = 350 feet

## Section IV



## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on May 1, 2014 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 Gloria Nix  
Councilmember Andrew Ebel  
Councilmember Danny Goss  
Councilmember Keith Herring  
Councilmember Mary E. Barnes-Tilley  
Councilmember Weldon Williams, Jr.

### Members absent:

None

### Others present:

City Manager Terry K. Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Amanda Klehm, Chief Financial Officer Carolyn Miller, Stacy Hardy, Kaci Konieczny, Darlene Konieczny, Wende Ragonis, Susan Nienstedt, Cyndi Longhofer, Fire Chief Ricky Boeker, Deputy Fire Chief Alan Finke, Police Chief Rex Phelps, Development Services Director Julie Fulgham, Public Works Director Dane Rau, Leslie Kelm, Bobby Branham, Nancy Stafford, Public Utilities Director Lowell Ogle, Dane Bybee, Ande Bostain, Bobby Keene, Kevin Boggus, Kyle Branham, and Grant Lischka

### Citizens present:

Joe Baker, Cheri Baker, Elizabeth Mason, Daniel Mason, Vivian Mason, Casey Stephens, John Beckendorf, Larry Tegeler, John T. Muegge, Kay Schulze Domel

### Media Present:

Arthur Hahn, Brenham Banner Press; Mark Whitehead and Frank Wagner, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – City Manager Terry Roberts**

**3. 3-a. Service Recognitions**

- Eliborio Villarreal – Streets – 10 years
- James Antkowiak – Electric Department – 15 years
- Daniel McCracken – Public Utilities – 15 years
- Colleen Latham – Transfer Station – 20 years
- Alfredo Garcia – Street Department – 25 years
- Lowell Ogle, Jr. – Public Utilities – 30 years

**3-b. New Employees**

- Sara Parker – Purchasing Supervisor
- Richard DePhillippis III – Street Department

**4. Proclamation**

- **Municipal Secretaries Week – May 5–9, 2014**

Mayor Tate read a proclamation designating May 5-9, 2014 as Municipal Secretaries Week. The Proclamation was accepted by City Secretary Jeana Bellinger and Deputy City Secretary Amanda Klehm.

**5. Citizens Comments**

There were no citizen comments.

**CONSENT AGENDA**

**6. Statutory Consent Agenda**

**6-a. Minutes from the April 3, 2014 City Council Meeting**

**6-b. Ordinance No. O-14-015 on Its Second Reading for the Placement of Stop Signs at Multiple Street Intersections within the Ralston Creek Subdivision**

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve the Statutory Consent Agenda Item 6-a. and 6-b.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

## WORK SESSION

### 7. Presentation, Discussion and Overview of the Annexation Process and Proposed Areas to be Annexed

Development Services Director Julie Fulgham presented this item. Fulgham presented an overview of the annexation process, tracts proposed for annexation, and process for assigning permanent zoning classifications for land to be annexed.

Fulgham advised of the following important upcoming dates for annexation proceedings are:

- May 1, 2014 – 1<sup>st</sup> public hearing
- May 15, 2014 – 2<sup>nd</sup> public hearing
- June 5, 2014 – 1<sup>st</sup> reading of annexation ordinance, joint P&Z and Council meeting, Public Hearing regarding zoning or land to be annexed, 1<sup>st</sup> reading of zoning ordinance (zoning of land to be annexed)
- June 19, 2014 – 2<sup>nd</sup> reading of annexation ordinance, 2<sup>nd</sup> reading of zoning ordinance (zoning of land to be annexed)

Fulgham explained all services will be provided immediately upon annexation. Fulgham advised the zoning classification will be determined and they will assign a permanent zoning classification at a joint meeting with the City Council and the Planning and Zoning Commission on June 5<sup>th</sup>. Fulgham stated notifications will go out in the main to property owners.

Mayor Tate questioned which are the tracts that were annexed in 2008 and whom accepted Development Agreements. Fulgham stated the Wehmeyer, Vivian Mason and Smith tracts along with various property owners will not be offered subsequent Development Agreements in the Donut Hole. Mayor Tate questioned where the Donut Hole was located. Fulgham explained the Donut Hole is located off of Burleson Street.

Citizen Daniel Mason questioned if the motion was or was not passed. Mayor Tate explained there is not a formal vote because this is just a work session to discuss.

Mayor Tate questioned if the City can furnish utilities to all properties being annexed. Fulgham explained yes, the properties can easily get utilities, which was reviewed by her department. Mayor Tate questioned the time frame is two and a half years. Fulgham stated that was correct.

Citizen Daniel Mason questioned what if the property owners do not want City services. Fulgham explained the City does not require water or sewer unless their septic system fails. Fulgham advised if they maintain their status quo, then they do not have to accept City services.

Citizen Vivian Mason questioned regarding road maintenance. Mason stated the City is only annexing property on one side of the road yet if they maintain the entire road then it is not fair to fix the entire road the City's expense if both sides of the road are not annexed. Fulgham advised the City will annex some roadways, but will not on others.

## **PUBLIC HEARING**

### **8. Proposed Annexation of Four Areas of Land into the City Limits and Explanation of Service Plan for Each Area Proposed for Annexation**

**Section 2014-1: Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burleson Street; tracts with frontage along State Highway 36th North and Dixie Street; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the 'cloverleaf' intersection of Highway 290 West and State Highway 36 North.**

**Section 2014-2: Approximately 30.512 acres of land situated in Washington County, Texas, out of the John Carrington Survey, Abstract No. A0120, generally consisting of tracts with frontage along the western right-of-way line of State Highway 36 beginning at the current City limits and proceeding in a southerly direction to approximately Anderson Lane (located on the eastern side of State Highway 36 North).**

**Section 2014-3: Approximately 45.366 acres of land situated in Washington County, Texas, out of the Isaac Lee Survey, Abstract No. A0077, generally consisting of tracts that abut the current City limits between South Blue Bell Road and Taden Lane and tracts that abut US Highway 290 East from Blue Bell Road to approximately 500 feet east of Taden Lane.**

**Section 2014-4: Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard.**

Development Services Director Julie Fulgham presented this item. Fulgham stated a public hearing is required by State Law to hear comments regarding annexation.

Citizen Daniel Mason stated the limitations to the use of the property is what he has the biggest problem with because his family has used the land for farming purposes for many generations. Mason stated the property has been in their family for generations and he is not comfortable with the City taking up all of his property that he runs cattle on.

Citizen Kay Schulze-Domel stated she has had an ag exemption on her property for many years and she wants to know if she will lose the exemption when the annexation takes place. Mayor Tate advised her to speak with Willy Dilworth at the Appraisal District, but she should not lose that exemption. Domel advised that she has property on Peach Wood and wants to know if the City has plans to annex it in the future. Fulgham explained that the City has no plans to annex any additional property in the future as of now.

Citizen John Muegge advised that he is a representative for the Beckendorf interest on Section 3 of the annexation. Muegge advised that he does not have an objection to the annexation process; however, the annexation paperwork does not include when the citizens will be eligible to register to vote. Muegge explained the access to the property off of Blue Bell Road is another concern and they are asking for access to the property. Muegge questioned the initial zoning is proposed to be R1, but that is not an appropriate zoning classification for that area. Muegge stated he thinks it should be zoned I (Industrial) because it is the least restrictive. Muegge advised that these matters need to be considered before they go to other links.

Citizen Larry Tegeler stated that he does not have problem with his property being annexed, but he does have a problem with the R1 zoning classification. Tegeler stated that he has plans for a Mobile Home Park and will need water and sewer, but he won't have access to the land because TxDOT is not putting in a feeder street with the new highway. Tegeler stated he thinks they need feeder streets on both sides of the new highway and feels that the City needs to work with the State on this matter. Fulgham advised the Ordinance stated that Staff needed to temporarily designate a zoning classification of R1 to the properties until a permanent classification is designated at the joint meeting. Roberts explained a subcommittee of City Council and the Planning and Zoning Commission are looking at the properties to determine the appropriate zoning classification by each property. Roberts stated the land owners will be notified by mail of the proposed zoning classification prior to the June 5 joint meeting.

Muegge questioned if they have issues, how they can get the information or position to those who are the decision making persons. Mayor Tate stated they should get the information to Fulgham, Roberts or Dannhaus and they will route the information to the appropriate people.

**REGULAR AGENDA**

**9. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 8, Fire Protection and Prevention, Articles I, III, and V, of the Code of Ordinances of the City of Brenham**

City Secretary Jeana Bellinger presented this item. Bellinger stated for the past several months she has been working with Staff to update and re-write Chapter 8 (Fire Protection and Prevention) in the Code of Ordinance. Bellinger explained Article IV (Substandard Buildings or Structures) was rewritten and adopted by Council in July, 2013. Bellinger advised Article II (Fire Prevention Code) was rewritten and adopted by Council in February, 2014. Bellinger stated the only articles needing review were I, III and V. Bellinger explained that most of the changes are simply to get the Ordinance in compliance with current State Law or to match policies and procedures currently being followed by Staff. Bellinger explained that some sections of these articles have not been updated since the mid-1980s; with a handful being on the books since the early 1800's.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Williams to approve an Ordinance on its first reading amending Chapter 8, Fire Protection and Prevention, Articles I, III and V, of the Code of Ordinances of the City of Brenham

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**10. Discuss and Possibly Act Upon Bid #1006.082-WG/WH for 2014 Water Distribution System Improvements and Authorize the Mayor to Execute Any Necessary Documentation**

Public Utilities Director Lowell Ogle presented this item. Ogle stated on March 25, 2014 bids were opened by O'Malley Engineers and City of Brenham Staff regarding water distribution system improvements. Ogle explained these are the line replacements Staff has been contracting out each year to replace aging AC water lines in areas where Staff is having numerous leaks.

Ogle advised the base bid included the installation of approximately 2,700 linear feet of 6” C-900 PVC to replace existing AC water lines and related appurtenances and street repair on the following streets:

- Drumm St from Eldon to Edward
- Edward St from Eldon to Drumm
- Eldon St from Munz to west cul-de-sac

Ogle stated Alternate Bid A included the installation of approximately 900 linear feet of 6” C-900 PVC to replace existing AC water lines and related appurtenances and street repair on the following streets:

- Munz from Meadow Lane to Jefferson
- Meadow Lane from Jefferson to Munz

Ogle explained Deductive Alternate Bid B would have deducted the cost of the 1.5 inches of asphalt from the pavement repair. Ogle stated that repair would then be done in-house by City crews because the contractor’s pricing is very cost effective, Staff does not recommend the Deductive Alternate. Ogle explained the contractors bid for that work is a deduction of (\$13,750.00).

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternate Bid A</u>	<u>Ded Alternate Bid B</u>
Supak Construction, Inc..	\$200,200.00	\$ 66,952.50	\$(13,750.00)
Elliott Construction, LLC	\$228,365.00	\$ 81,882.50	\$(24,750.00)
M&C Fonseca Const Col, Inc., Granite Shoals, TX	\$268,775.00	\$100,290.00	\$(13,200.00)
Kieschnick Contractors Wellborn, TX	\$299,000.00	\$102,700.00	\$(19,250.00)

Ogle advised City Staff would like to recommend that council award the Base Bid and the Additive Alternate Bid A, but do not accept Deductive Alternate Bid B to Supak Construction, Inc. in the amount of \$267,152.50.

Councilmember Williams questioned which method they use to determine the extent of a leak and to repair or replace. Ogle stated they repair every leak they find, but, in some geographic areas, it makes more sense to replace the old A/C lines.

Councilmember Barnes-Tilley questioned if Supak is a local company and they are \$100,000 under budget on this project. Ogle stated that Supak is located just south of Sealy and yes, in the neighborhood of \$100,000 under budget.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to award Bid #1006.082-WG/WH Base Bid plus Alternate Bid A to Supak Construction, Inc. for the water line replacement along Drumm, Edward, Eldon, Munz streets and Meadow Lane in the amount of \$267,152.50 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 Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

## **WORK SESSION**

### **11. Presentation and Update Regarding the Charter Review**

City Secretary Jeana Bellinger presented this item. Bellinger laid a redlined version of suggested changes to Articles I and II around the Dias. Bellinger stated the City Attorney and she are in the process of going through each section of the Charter and will be bringing regular updates to Council as they progress through the document. Bellinger presented recommended changes to Article II (Powers) of the Charter. Bellinger explained there are still four or five more sections in Article II that have not been reviewed yet because they are still working through them.

City Attorney Cary Bovey stated the first four pages are current provisions in the first six sections where there was unnecessary verbiage. Bovey advised as a Home Rule City, all unwritten and innumerate powers are given by statutes under State Law; therefore, they do not need to be included in the Charter. Bovey explained these changes will cut down on the length and still put the City in a position to exercise rights and powers granted by the State and Federal Law. Bovey stated the City already adopted a Resolution to operate under State Law in regards to competitive bidding. Bovey advised the City is reserving self-governing by the Home-Rule City designation.

Councilmember Barnes-Tilley questioned if the City has an electronic version of the Charter. Councilmember Barnes-Tilley suggested providing an appropriate link to appropriate documents to show the State or Federal Law designations if someone were to be looking at the Charter. Bellinger stated that she will check with Municode to see if it is doable to cross-reference those links.

### **12. Discussion and Update on the Restroom Renovations at the City of Brenham Fire Station**

Assistant City Manager Kyle Dannhaus presented this item. Dannhaus stated the restroom in the fire station quarter's area is in need of repairs and renovation. Dannhaus explained this is the original facility from 1978, the year that the fire station was built. Dannhaus advised normal wear and tear has taken a toll on the floors, walls and fixtures. Dannhaus stated based on the preliminary quotes during budget preparation for the FY13-14 budget year, \$34,480 was requested and approved for the upgrades.

Dannhaus explained current estimates by the project architect (Keese & Assoc.) indicate that the actual cost will exceed that amount. Dannhaus advised BFD Staff agrees with the architect that if properly funded, the renovation of the restroom area will result in facilities that will last decades longer. Dannhaus advised when the major remodeling of the former Community Hall into fire administrative offices and EOC (emergency operations center) was done in 2008; the commitment was made to maintain the fire station at the current location for the foreseeable future. Dannhaus explained this renovation project will result in better utilization of existing space for the current staffing level of 4 per shift, which is double that of the 1978 staffing level, which was two people per shift.

Mayor Tate questioned at the time of the construction of the original building, there were only two people per shift. Fire Chief Ricky Boeker stated yes, that is correct, but now the Fire Department has up to four people per shift plus volunteers that are riding out.

Councilmember Goss questioned the cost of the project. Dannhaus stated the architect will cost approximately \$6,000 and the construction will cost approximately \$50,000. Councilmember Goss questioned if the City has any extra money in the budget for the remodel. Chief Financial Officer Carolyn Miller stated there is \$30,000 in the Equipment Fund that was allotted in the current year's budget for shelving units at the Library that is not being used, but some of those funds will have to go towards the remaining balance that was not paid by insurance on the wrecked police vehicles. Councilmember Goss questioned that since we are almost at the end of the budget cycle, would it be better to wait until next budget year to do remodel. Miller stated that is an option. Miller explained the City could transfer the money from the Equipment Fund into next year and the surplus in the General Fund for next year. Councilmember Goss suggests the City postpones the remodel until the next budget year. Mayor Tate questioned the difference since the remodels will have to be made and the money will be spent regardless of the time of budget year. Councilmember Barnes-Tilley questioned how much extra would be needed over what was originally budgeted. Dannhaus advised they need an additional approximately \$21,000, but they will not know the exact amount until they complete the bid process. Councilmember Herring questioned how much the bid process will cost. Dannhaus stated it should not be much because it's basically just Staff time.

Councilmember Barnes-Tilley questioned if it is possible to start with the project now and budget for next year. Councilmember Barnes-Tilley questioned if there is anything that can be done now or if it is all or nothing. Dannhaus stated it is pretty much all or nothing, but could have the bid process done and then the City has 30 days to act upon the bid. Mayor Tate questioned the time table for the remodel. Dannhaus stated it will probably be 4-6 weeks, but up to two months.

Councilmember Barnes-Tilley questioned if it would make sense to coordinate for separate bathrooms for possible anticipated female firefighters. Boeker stated that the Fire Department really does not have the room to segregate bathrooms. Boeker stated the space is not ideal, but they are going to make do with what they have. Boeker explained with the renovations, they will be able to lock the doors when females go to take showers or go to the bathroom. Boeker advised the remodel will make help the situation.

Councilmember Williams stated to go ahead and do the remodel now. Councilmember Ebel advised to bid and then we can see what options are available. Councilmember Herring stated move forward with the bid process and remodel. Dannhaus stated Staff must bring the contract before Council for approval.

Councilmember Barnes-Tilley questioned how much is in the Equipment Fund and how much are the anticipated costs for the police cars. Miller explained there is \$30,000 in the Equipment Fund and Staff is estimating the police cars to cost approximately \$9,000-\$10,000. Miller advised that Staff can update Council of purchases at the time that the bid is brought back to Council for a better idea of where the City stands at that point.

### **13. Presentation of the 2013 Annual Report by the Public Utilities Department**

Public Utilities Director Lowell Ogle presented this report. He provided an overview of each department within the Public Utilities Department including: SCADA, Backflow Prevention, FOG, Mapping, Utility Compliance, Utility Customer Service, Electric, Gas, Water Systems, Water Distribution, Wastewater Systems, and Wastewater Treatment. He recognized the department's accomplishments and expressed appreciation for his Staff.

There were no questions.

### **14. Presentation of the 2013 Annual Report by the Administration Department**

Assistant City Manager Kyle Dannhaus presented this item. Dannhaus stated the achievements of the Administration Department throughout the year, which included: Interlocal Agreements, Kruse Park, and Transportation Projects. Dannhaus highlighted the responsibilities, accomplishments, and objectives of each of his departments including: City Engineering, Information Technology, and Brenham Emergency Communications. Dannhaus recognized his Staff and expressed his appreciation for their hard work.

There were no questions.

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

City Manager Terry Roberts reported on the following:

- Refreshments will be served after the meeting in celebration of Mayor Tate's birthday.
- Councilmembers are welcome to take a tour of the Library after the Council meeting.

Administrative Services Manager Wende Ragonis reported on the following:

- Staff is currently putting shelves together and books in boxes have arrived at City Hall and are currently being put up.
- All City Staff has been relocated except Library Staff.
- May 12<sup>th</sup> – the Library will reopen at City Hall.
- The facility accessibility has improved and the Library Staff has set up an area for children's computers (under 16 years old) and access groups.

- Councilmember Barnes-Tilley said it should be telling for the usage of computers by the youth.
- The books were broken into 4 categories: keep, store, loan, and discard.

City Manager Terry Roberts reported on the following:

- 2<sup>nd</sup> reading for abandonment of Don Boecker property will be at an upcoming Council meeting. Staff is waiting to receive the replat from Mr. Boecker.
- Maifest is this weekend. The parade is Saturday morning.

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Jeana Bellinger, TRMC  
City Secretary

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on May 15, 2014 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

### Members present:

Mayor Pro Tem Gloria Nix  
Councilmember Andrew Ebel  
Councilmember Danny Goss  
Councilmember Keith Herring  
Councilmember Mary E. Barnes-Tilley

### Members absent:

Mayor Milton Y. Tate, Jr.  
Councilmember Weldon Williams, Jr.

### Others present:

City Manager Terry K. Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Amanda Klehm, Chief Financial Officer Carolyn Miller, Kaci Konieczny, Fire Chief Ricky Boeker, Deputy Fire Chief Alan Finke, Police Chief Rex Phelps, Development Services Director Julie Fulgham, Jennifer Eckermann, Public Works Director Dane Rau, Public Utilities Director Lowell Ogle, and Grant Lischka

### Citizens present:

Perry Thomas, Charlie Pyle, Don Boecker, Page Michel, John Muegge, Alan Hutson, Felicia Green, Rhonda Lee, Nancy Low, and Clint Kolby

### Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner and Mark Whitehead, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – City Attorney Cary Bovey**

**3. Proclamation**

➤ **2014 Motorcycle Safety and Awareness Month – May 2014**

Felicia Green and Rhonda Lee with Steel Heels were present to receive the Proclamation.

**4. Citizens Comments**

There were no citizen comments.

**CONSENT AGENDA**

**5. Statutory Consent Agenda**

**5-a. Minutes from the April 24, 2014 City Council Meeting**

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Goss to approve the Statutory Consent Agenda Item 5-a.

Mayor Pro Tem Nix called for a vote. The motion passed with Council voting as follows:

<b>Mayor Milton Y. Tate, Jr.</b>	<b>Absent</b>
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**PUBLIC HEARING**

**6. Proposed Annexation of Four Areas of Land into the City Limits and Explanation of Service Plan for Each Area Proposed for Annexation**

**Section 2014-1: Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burleson Street; tracts with frontage along State Highway 36th North and Dixie Street; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the ‘cloverleaf’ intersection of Highway 290 West and State Highway 36 North.**

**Section 2014-2: Approximately 30.512 acres of land situated in Washington County, Texas, out of the John Carrington Survey, Abstract No. A0120, generally consisting of tracts with frontage along the western right-of-way line of State Highway 36 beginning at the current City limits and proceeding in a southerly direction to approximately Anderson Lane (located on the eastern side of State Highway 36 North).**

**Section 2014-3: Approximately 45.366 acres of land situated in Washington County, Texas, out of the Isaac Lee Survey, Abstract No. A0077, generally consisting of tracts that abut the current City limits between South Blue Bell Road and Taden Lane and tracts that abut US Highway 290 East from Blue Bell Road to approximately 500 feet east of Taden Lane.**

**Section 2014-4: Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard.**

Development Services Director Julie Fulgham presented this item. Fulgham stated a public hearing is required by State Law to hear comments regarding annexation. Fulgham explained the Ordinance will come to Council on June 5 and June 19 for approval. Fulgham advised the 2014 Annexation Service Plan is available in the agenda packet as well as handouts in the back of Council Chambers.

There were no citizen comments.

## **REGULAR AGENDA**

- 7. Discuss and Possibly Act Upon Approval of Ordinance O-14-016 Providing for the Issuance and Sale of City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2014; in the Aggregate Principal Amount of \$4,075,000; Levying a Tax in Payment Thereof; Prescribing the Terms and Provision of said Certificates; Awarding the Sale Thereof; and Enacting Other Provisions Relating to the Subject**

The City's financial advisor with Specialized Public Finance Garry Kimball presented this item. Kimball explained the proceeds from the sale of these Certificates of Obligation will be used for the following purposes: (a)(i) the acquisition of land for the construction of a fire substation and the acquisition of a fire rescue truck and a fire pumper truck for the City, (ii) the construction and equipping of a new City animal shelter, and (iii) the expansion, renovation and equipping of the City library (collectively, the "Project"), and (b) to pay professional services of attorneys, engineers, financial advisors and other professionals in connection with the Project and to pay the costs associated with the issuance of the Certificates.

Kimball summarized the official bids for the sale of the bonds. Kimball advised the bid came in under budget at 2.91% from BOSC, Inc. for a 20 year fixed rate and tax exempt. Kimball stated the savings will be \$330,000 over the duration of the note. Kimball explained an ordinance involved with financing only requires a single reading.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve Ordinance No. O-14-016 of the City of Brenham, Texas, authorizing the issuance and sale of City of Brenham, Texas, Certificates of Obligation, Series 2014.

Mayor Pro Tem Nix called for a vote. The motion passed with Council voting as follows:

<b>Mayor Milton Y. Tate, Jr.</b>	<b>Absent</b>
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**8. Discuss and Possibly Act Upon Ordinance No. O-14-017 on Its Second Reading Authorizing the Abandonment of the Unimproved Right-of-Way as Shown on the Ewing Subdivision Plat and Located Near the Intersection of Old Chappell Hill Road and Carrington Lane in Brenham, Texas**

Development Services Director Julie Fulgham presented this item. Fulgham explained Donald Boecker, Ernest Lott, Peggy Williams, Danny Wilson, and Mabel Wills own property that abuts an unimproved right-of-way named Ewing Street on the W. R. Ewing subdivision plat filed on April 12, 1919. Fulgham stated that all property owners listed above also have frontage on Carrington Lane or Old Chappell Hill Road. Fulgham explained these property owners have submitted a request to abandon this unimproved right-of-way, as depicted on Exhibit "A" of the attached ordinance. Fulgham advised that Staff recommends approving this abandonment subject to a replat being filed to include the abandoned right-of-way as well as the rear yards (and separately platted lots) of the platted lots owned by the requestors being submitted to match property ownership lines. Fulgham explained the Ordinance will take effect once a subdivision replat meeting this criterion is approved by the Planning and Zoning Commission.

Fulgham stated this is the second reading of the abandonment. Fulgham explained Council wished to delay the second reading until the replat, required of the abandonment, could be prepared. Fulgham advised that with this abandonment, the Planning and Zoning Commission will consider the proposed replat for approval at their next meeting. Fulgham explained the replat meets all applicable ordinances and regulations.

A motion was made by Councilmember Herring and seconded by Councilmember Goss to approve Ordinance No. O-14-017 on its second reading authorizing the abandonment of the unimproved right-of-way as shown on the Ewing Subdivision Plat and located near the intersection of Old Chappell Hill Road and Carrington Lane in Brenham, Texas.

Mayor Pro Tem Nix called for a vote. The motion passed with Council voting as follows:

<b>Mayor Milton Y. Tate, Jr.</b>	<b>Absent</b>
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**9. Discuss and Possibly Act Upon Resolution No. R-14-013 Amending Resolution No. R-14-006 and Modifying the Company Name Shown on the Nomination to the Office of the Governor Economic Development and Tourism for Designation as an Enterprise Project Under the Texas Enterprise Zone Program from Tempur Sealy International, Inc. to Sealy Texas Management, Inc. and Authorize the Mayor to Execute Any Necessary Documentation**

Project Manager with the Brenham Economic Development Foundation, Clint Kolby, presented this item. Kolby stated the corporate office at Tempur Sealy International, Inc. is currently in the process of applying for the Texas Enterprise Zone Program for their proposed expansion here in Brenham, and City Council passed a Resolution to nominate them for this state sales tax incentive at their February 6, 2014 meeting. Kolby explained that they have requested that we modify the company name in the Resolution from Tempur Sealy International, Inc. to Sealy Texas Management, Inc.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve Resolution No. R-14-013 amending Resolution No. R-14-006 and modifying the company name shown on the nomination to the Office of the Governor Economic Development and Tourism for designation as an Enterprise Project under the Texas Enterprise Zone Program for Tempur Sealy International, Inc. to Sealy Texas Management, Inc. and authorize the Mayor to execute any necessary documentation.

Mayor Pro Tem Nix called for a vote. The motion passed with Council voting as follows:

<b>Mayor Milton Y. Tate, Jr.</b>	<b>Absent</b>
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**10. Discuss and Possibly Act Upon Ordinance No. O-14-018 on Its Second Reading Amending Chapter 8, Fire Protection and Prevention, Articles I, III, and V, of the Code of Ordinances of the City of Brenham**

City Secretary Jeana Bellinger presented this item. Bellinger stated at the May 1<sup>st</sup> Council meeting, she presented updates to Articles I, III and V of Chapter 8 (Fire Protection and Prevention) in the Code of Ordinance. Bellinger advised after further review of these articles as well as Article II that was adopted by Council in February, it was discovered that three different persons/boards would have jurisdiction over appeals: the City Manager (Article III, Section 8-44), the City Council (Article II, Section 8-26), and the Board of Appeals (Section 108 of the International Fire Code, 212 Edition). Bellinger explained in an effort to clear up the discrepancies the City Attorney, Cary Bovey, recommended the City Manager hear all appeals related to Chapter 8 and that Articles II and II be amended accordingly. Bellinger stated that Mr. Bovey also recommended that the City enact a local amendment deleting Section 108 from the International Fire Code, 2012 Edition, as adopted by the City.

Councilmember Barnes-Tilley questioned if there was any particular reason the Mayor was included before and is not currently. City Attorney Cary Bovey stated the appeals were written out to be heard by several different entities, so it needed to be cleaned up to just one appeals person for uniformity purposes. Bovey explained that he is not sure why it was originally set up that way. Bovey advised they looked at three provisions and recommended one entity to be City Manager or his designee as the Board of Appeals. Bovey stated there is no legal reason other than to clean up the verbiage and consolidate wording. Bovey explained the designee is up to the City of Brenham’s discretion.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to approve Ordinance No. O-14-018 on its second reading amending Chapter 8, Fire Protection and Prevention, Articles I, III and V, of the Code of Ordinances of the City of Brenham.

Mayor Pro Tem Nix called for a vote. The motion passed with Council voting as follows:

<b>Mayor Milton Y. Tate, Jr.</b>	<b>Absent</b>
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**11. Discuss and Possibly Act Upon a Recommendation from the Main Street Board Related to a Request for a Reserved Parking Space in Downtown Brenham**

Main Street Manager Jennifer Eckermann presented this item. Eckermann stated Bebe Hayward submitted a Request For Reserved Parking Space to the Main Street Board and it was presented at the April meeting. Eckermann explained the request asked that the first space on the side of her building at 101 W. Alamo be reserved to load and unload merchandise, using the sidewalk as a dock. Eckermann advised City Engineer Grant Lischka wrote a memo to the Board with the recommendation that the space not be used for a loading dock, due to unsafe conditions. Eckermann stated based on his recommendation and the prominent location of this particular space, the Board recommends Council deny this reserved parking space request. Eckermann stated the Board is currently discussing whether the reserved parking space section of the ordinance should be abolished, so be aware that recommendation may come to Council this summer.

Councilmember Barnes-Tilley questioned if the Hospice Boutique was the only reserved parking space that Council has approved. Eckermann stated there have been others that have been approved in previous years, but Hospice is the only current one that has been approved. Councilmember Barnes-Tilley agrees that the policy needs to be reviewed because if numerous requests get approved then it opens up for everyone Downtown business owner to request reserved parking in front of their businesses. Eckermann stated that the Hospice Boutique is only for one half a day space. Eckermann explained the Main Street Board is worried about setting a precedent, which may start a lot of requests.

Councilmember Barnes-Tilley questioned if loading and unloading is a problem in the Downtown area. Eckermann stated that yes, it is a problem, but, for this particular request, they would be loading and unloading in the wrong direction on the street. Eckermann stated the Board advised Ms. Hayward that she could bring the request back to the Board for consideration if she removed the part about the loading and unloading specification.

Councilmember Goss questioned if Ms. Hayward had access from the rear of her store. Eckermann stated she does not have access from the rear.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to deny a request for a reserved parking space in Downtown Brenham by Bebe Hayward.

Mayor Pro Tem Nix called for a vote. The motion passed with Council voting as follows:

<b>Mayor Milton Y. Tate, Jr.</b>	<b>Absent</b>
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**12. Discuss and Possibly Act Upon Resolution No. R-14-014 in Support of TxDOT's Turnback Program, or Similar Program, Concerning Conveyance of TxDOT Right-of-Way FM 389 from US 290 West to FM 332 to the City of Brenham**

This item was passed until the next meeting when all Councilmembers are present to discuss and act upon the item. Bovey explained the discrepancies with the agenda wording as well. Bovey stated it should include FM 332 to Business 36.

**13. Discuss and Possibly Act Upon One-Year Extensions of Three (3) Contracts, in Accordance with Bid #13-007, for Bulk Water and Wastewater Treatment Chemicals and Authorize the Mayor to Execute Any Necessary Documentation**

Public Utilities Director Lowell Ogle presented this item. Ogle stated the City of Brenham solicited bids for a one (1) year supply of bulk water and wastewater treatment chemicals to be delivered to the Brenham Water and Wastewater Plants. Ogle explained the contracts are set to expire in the near future. Ogle advised the service provided by the vendors has been very good and each has agreed to extend their contract for an additional year at the current prices. Ogle stated the Operations Staff and Purchasing agree that the extension of these contacts would be a good value for the City of Brenham and recommend approval of the extensions.

Ogle explained the table below shows the vendor name along with the original bid price and the extension price:

<b>Company</b>	<b>Chemical</b>	<b>Bid Price</b>	<b>Extension Price</b>
Chemtrade Chemicals	Caustic Soda	251.80/ton	251.80/ton
Brenntag Southwest	Liq Alum Sulfate	194.45/ton	194.45
DXI Industries	Chlorine	\$530.50/cylinder (ton) \$0.26525/lb	\$530.50/cylinder (ton) \$0.26525/lb

Ogle advised the estimated total amount of Liquid Aluminum Sulfate used per year is 350 dry tons, Caustic Soda is 300 tons and Chlorine is 162,000 pounds.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve one-year extensions of three (3) contracts, in accordance with Bid #13-007 to Brenntag Southwest for Liquid Aluminum Sulfate in the amount of \$194.45/dry ton, General Chemical for Caustic Soda in the amount of \$251.80/liquid ton and DXI Inc. for Chlorine in the amount of \$0.26525 per pound and authorize the Mayor to execute any necessary documentation.

Mayor Pro Tem Nix called for a vote. The motion passed with Council voting as follows:

<b>Mayor Milton Y. Tate, Jr.</b>	<b>Absent</b>
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**14. Discuss and Possibly Act Upon a Request for a Noise Variance from St. Mary's Immaculate Conception Catholic Church for the 100 Days of Summer Festival to be Held on May 18, 2014 from 9:00 a.m. – 6:00 p.m. at 701 Church Street and Authorize the Mayor to Execute Any Necessary Documentation**

Deputy City Secretary Amanda Klehm presented this item. Klehm stated Suzanne Limb with the St. Mary's Immaculate Conception Catholic Church is requesting a Noise Variance for their annual 100 Days of Summer Festival to be Held on May 18, 2014 from 9:00 a.m. – 6:00 p.m. at 701 Church Street. Klehm explained they will have a sound amplification system, which requires a Noise Variance. Klehm stated the Brenham Police Department and the Brenham Fire Department have approved the noise variance request.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve a request for a noise variance from St. Mary's Immaculate Conception Catholic Church for the 100 Days of Summer Festival to be held on May 18, 2014 from 9:00 a.m. – 6:00 p.m. at 701 Church Street and authorize the Mayor to execute any necessary documentation.

Mayor Pro Tem Nix called for a vote. The motion passed with Council voting as follows:

<b>Mayor Milton Y. Tate, Jr.</b>	<b>Absent</b>
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

Council adjourned into Executive Session at 1:32pm.

## EXECUTIVE SESSION

- 15. Section 551.072 - Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding Potential Sale of Approximately 204.925 Acres In the Silas Clark Survey (A028), Tract 18, As Recorded in Volume 496, Page 800 of the Official Records of Washington County and Located at 5525 Caney Creek Road in Chappell Hill, Texas and More Commonly Identified as the Old Landfill Property**

Executive Session adjourned at 2:06pm.

## RE-OPEN REGULAR SESSION

- 16. Discuss and Possibly Act Upon the Sale of Approximately 204.925 Acres In the Silas Clark Survey (A028), Tract 18, As Recorded in Volume 496, Page 800 of the Official Records of Washington County and Located at 5525 Caney Creek Road in Chappell Hill, Texas and More Commonly Identified as the Old Landfill Property and Authorize the Mayor to Execute Any Necessary Documentation**

This item was passed.

- 17. Administrative/Elected Officials Report**

Police Chief Rex Phelps reported on the following:

- Tomorrow at 2pm on the Courthouse Square, there will be a memorial ceremony for National Police Day.

City Manager Terry Roberts reported on the following:

- Tomorrow at 3pm at the Brenham State School, there will be a 40 year anniversary ceremony for Brenham Supported State Living
- May 27<sup>th</sup> at 10:30am and 1:30pm, the Masons will be setting the cornerstones for the Elementary School and the updated Middle School.

Chief Financial Officer Carolyn Miller reported on the following:

- The Library opened on Monday and went smoothly. The large print, periodicals, newspapers, and the children's section are available at City Hall.
- The new Library relocation provides easy access to patrons.
- Mayor Pro Tem Nix questioned if the Genealogy section was going to the Museum. Miller stated the movers are coming back next week to move that section to the Museum due to the rain this week.

City Manager Terry Roberts reported on the following:

- Rex and the Animal Shelter Task Force are currently fundraising.

- Councilmember Herring and Mayor Tate are currently working with the Fortnightly Group regarding their contribution of \$1-\$1.5 million for renovations to the Library. A Memorandum of Understanding will be brought before Council at the June 5<sup>th</sup> meeting.
- June 5<sup>th</sup> at 8:30am – Pre-Budget Workshop
- June 5<sup>th</sup> at 1:00pm – Regular Council meeting with Joint meeting with Planning and Zoning Commission.

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Jeana Bellinger, TRMC  
City Secretary



## AGENDA ITEM 10

<b>DATE OF MEETING:</b> June 5, 2014	<b>DATE SUBMITTED:</b> May 30, 2014	
<b>DEPT. OF ORIGIN:</b> Main Street	<b>SUBMITTED BY:</b> Jennifer Eckermann	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input checked="" type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discussion and Presentation Regarding the Simon Theater Facility and Associated Project Improvements, Status of Project, and Possible Future Uses and Ownership of Said Facility		
<b>SUMMARY STATEMENT:</b> Hal Moorman, Chairman of Brenham Main Street Historical Preservation, Inc., the 501(c)(3) non-profit that owns the Simon Theater, will be attending the June 5 meeting to update Council on the progress of the building renovation, and the plans for it to become a downtown conference center. He will review the work accomplished to-date and the plans for completing the project. In addition, the Board will share with Council their plans for the continuing management of operations of the facility.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
A. PROS:		
B. CONS:		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A		
<b>ATTACHMENTS:</b> (1) Letter from Brenham Main Street Historical Preservation, Inc.; and (2) Simon Theater Project Timeline		
<b>FUNDING SOURCE (Where Applicable):</b> N/A		
<b>RECOMMENDED ACTION:</b> Discussion only		
<b>APPROVALS:</b> Terry K. Roberts		

# BRENHAM MAIN STREET HISTORICAL PRESERVATION, INC.

May 30, 2014

Mayor Milton Y. Tate  
City Council  
City of Brenham  
P. O. Box 1059  
Brenham, Texas 77834

Dear Mayor Tate and Council:

The Board of Brenham Main Street Historical Preservation, Inc. (BMSHP) – a 501(c)(3) non-profit corporation – sincerely appreciates the opportunity to report on the progress of the renovation of the historic Simon Theater at the upcoming April 3 Council meeting.

The Board has worked through the years to renovate this downtown landmark as a conference center, to draw meetings and workshops to town on weekdays, and to use the facility on weekends for a variety of social, cultural and educational purposes – many not currently available in the area.

Working with an established business plan filled with timely strategies, policies and management tools, and a preliminary operating and revenue forecast, the Board would like to discuss the future management, operations and ownership of the completed facility.

Completion of the project is in sight, and we want to share with you our vision of how the Barnhill Conference Center at the Historic Simon Theater will contribute to the economic and cultural vitality of our community for many years to come.

In advance of the meeting, or after, we would like to offer tours of the facility to you and Council members to see work currently underway, and to share the plan for the bright future of this historic downtown landmark.

Sincerely,

R. Hal Moorman  
Chairman



## **Simon Theater Project Timeline**

### **2003-2004**

- Non-profit application prepared, submitted and formal approval received. The 1925 Simon Theatre building is purchased.
- Asbestos abatement coordinated and accomplished.
- Clean-up and demolition begins-the building had been neglected for years; modifications to the building were made such as living cubicles in the ballroom and balcony, years of grease trap drainage filled the basement, kitchen appliances, debris, etc. were throughout the building, etc. Coordinated with construction company, City officials and contractors.
- Coordinated several Town Hall meetings conducted with focus groups of community representatives. Prepared Press releases and media publicity.
- Worked with Venuetech, the leading consultant in the US for adaptive reuse and economic development of historic theatres to develop Business Plan. Compiled and gathered information needed for consultant.
- Preliminary architectural plans developed with local architect based on meetings with community representatives, and board members.
- Campaign materials developed and printed.
- Website developed.
- Acquisition of original architecture blueprints from Houston Public Library.
- Historical designation of building.
- Applications and grant proposals were submitted and follow-up with a number of foundations.
- Fundraising begins with lead gift donor solicitation. Coordinated weekly committee meetings, provided administrative support for volunteers, coordinated events, conducted tours and supported and coordinated personal solicitation for donations.

### **2005**

- Formal lead gift committee formed. Coordinated weekly committee meetings, provided administrative support for volunteers, coordinated events, conducted tours and supported and coordinated personal solicitation for donations.
- In December 2005, The Simon Campaign reached the \$1 million mark.

## **2006**

- Jan-April-Preparation and submission of SAFETEA-LU TXDOT grant application. Major grant preparation, letters of support, coordination with state representatives, and architectural plan submission coordination.
- May-December - Campaign stalled in anticipation of the announcement of grant recipients-the grant funds were pulled and none of the entities that applied received funding.
- Contacted two fund-raising consulting firms to revitalize Save Our Simon campaign.
- Contracted with ARCHITEXAS – Texas’ largest preservation-based architecture firm – to develop Master Plan Scope and construction and restoration budget.

## **2007**

- April-Contracted with The Dini Partners to work on a fundraising campaign.
- Recruited and organized new lead Gift committee. Coordinated weekly committee meetings, provided administrative support for volunteers, coordinated events, conducted tours and supported and coordinated personal solicitation for donations.
- Publicity, newsletter, and press releases were distributed.
- Coordinated and conducted extensive meetings with architect and restoration specialists.

## **2008**

- Coordinated a Mayor’s Luncheon in the Ballroom with John Nau (Texas Historical Commission Chairman) as the speaker. Invited potential donors and past donors.
- Replaced the roof on the Simon Theatre, finalized architectural plans for the front façade (front) and finalized bids for the restoration of the façade. Construction for front façade began in 6.2008.
- Coordinated meetings with architect, restoration specialists and Construction Company.
- Renovation of the building’s exterior is accomplished.
- A gift is received from the estate of Roberta L. Johnson of cash and stocks worth \$1M. Stock market plummet delays fundraising during a struggling economy. Board members continued to fundraise.

## **2009**

- Completion of the front façade. Lighted sign was installed and lit for the first time in November. Hosted major event for donors, prospective donors and community officials. Architect and general contractor finalized the plans after numerous meetings with subcontractors, restoration specialists and Convention and Visitor Bureau representatives for the lobby, Visitors Center and retail space.

- Began plans for Phase I construction – renovation of the lobby and original retail spaces 1 & 2, the areas facing Main Street.

### **2010**

- Work began on the inside. Continued public awareness of project through newsletters, events, tours and media articles.
- A restoration paint analysis was done to determine the original paint palate in the lobby, balcony and theatre.
- Phase I completed and officially open to the public on December 1<sup>st</sup>.
- Group contracts with Gensler Architects to complete plans for the rest of the facility, including the ballroom and theatre.

### **2011**

- A group comes together to name the project. It becomes the Jane and John Barnhill Conference Center in the Historic Simon Theatre – or the Barnhill Conference Center, with more than \$2 million raised through personal letters from Board members, tours, and meetings with individual donors.

### **2012**

- BMSHP purchases the Kugel property next door to the Simon on Douglas Street for restrooms and additional meeting room space for the facility, thereby retaining the historic character of the theatre. Pursuit of Historic Tax credits begins, in cooperation with the Texas Historical Commission, the National Park Service, and a Historic Tax Credit Consultant.
- New Market tax credit opportunity halts any expenditure/construction on building until closing.
- Board members devote countless hours with legal expertise, financial compilation, coordination of meetings with twenty other consultants/attorneys/investors/accountants/bank examiners, etc.
- Continued planning meetings with Gensler architects to complete working plans for the Simon Theatre.

### **2013**

- The Board approves final architectural plans for the Bullock Ballroom, theater and “Hall” to be constructed on the newly purchased property.
- Extensive work continues to obtain approval of architectural plans by the Texas Historical Commission and the National Park Service.
- New Market Tax credit becomes unattainable after investor pulls out of all pending projects including the Simon Theatre.
- Work continues with consulting firm on obtaining investors for the historic tax credits.

## **2014**

- Continued fundraising and Campaign passes the \$5M mark in funds raised.
- Met with state representatives and continued coordination with Texas Historical Commission as new State Historic Tax program is developed.
- Work on Phase II begins on construction of the Bullock Ballroom. Frequent meetings with architecture and construction representatives.
- Extensive financial compilation and documentation for Tax Credit closing.
- Raised funds needed through contributions and tax credits, to begin work on the theatre and restrooms required to receive Certificate of Occupancy by end of the year.

### **Synopsis**

For 10+ years a group of individuals has met at a minimum on a monthly basis for Board Meetings and many times more frequently throughout the month with committee meetings, Architect/Contractor/Consultant/Construction meetings, as well as fundraising events or tours to continue the process of fundraising to restore the 1925 theatre and ballroom.

Along with the many meetings, there has been extensive administrative and professional support of the project on legal matters/preparation, compilation of tax and accounting records, grant preparation, publicity, as well as overseeing maintenance and repairs of the building.

A nationally acclaimed attorney, a retired Marketing Executive from Blue Bell Creameries, a Father-Son duo with worldwide architectural expertise, and two individuals with Marketing/Tourism/City Government/Main Street expertise provided professional, administrative and campaign support to reach the goal of turning the Simon Theatre into a first class event/conference/visitor center facility. This expertise was donated by this handful of volunteers.

The tenacity of this group has prevailed all these years in order to restore the most significant historic building in downtown Brenham and develop an economic stimulus for the area. A dollar amount for the time donated all these years does not begin to measure the commitment of this small group to the non-profit project.



## AGENDA ITEM 11

<b>DATE OF MEETING:</b> June 5, 2014	<b>DATE SUBMITTED:</b> May 30, 2014	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Julie Fulgham	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Public Hearing Concerning the Approval of A Request for a Specific Use Permit to Allow a Bed and Breakfast within an R-2 Mixed Residential Zoning District on Property Located at 1002 S. Day Street, and Specifically Being a 0.497 Acre Tract Described as Block 3, Lot S½ Lot 2 of the W.G. Wilkins Addition in the City of Brenham, Washington County, Texas		
<b>SUMMARY STATEMENT:</b> Prior to considering an ordinance to allow a bed & breakfast establishment at 1002 Day Street, a public hearing must be held to hear input regarding this proposed amendment.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
A. PROS:		
B. CONS:		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b> None.		
<b>FUNDING SOURCE (Where Applicable):</b> N/A		
<b>RECOMMENDED ACTION:</b> Discussion only		
<b>APPROVALS:</b> Terry K. Roberts		



**AGENDA ITEM 12**

<b>DATE OF MEETING:</b> June 5, 2014		<b>DATE SUBMITTED:</b> May 30, 2014	
<b>DEPT. OF ORIGIN:</b> Development Services		<b>SUBMITTED BY:</b> Julie Fulgham	
<b>MEETING TYPE:</b>		<b>CLASSIFICATION:</b>	
<input checked="" type="checkbox"/> REGULAR		<input checked="" type="checkbox"/> PUBLIC HEARING	
<input type="checkbox"/> SPECIAL		<input type="checkbox"/> CONSENT	
<input type="checkbox"/> EXECUTIVE SESSION		<input type="checkbox"/> REGULAR	
		<input type="checkbox"/> WORK SESSION	
<b>ORDINANCE:</b>			
<input type="checkbox"/> 1 <sup>ST</sup> READING			
<input type="checkbox"/> 2 <sup>ND</sup> READING			
<input type="checkbox"/> RESOLUTION			
<b>AGENDA ITEM DESCRIPTION:</b> Public Hearing Concerning the Approval of An Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning from an Industrial (I) District to a Residential Single Family (R-1) District on the Following Five (5) Tracts of Land Located on Burleson Street:			
<ul style="list-style-type: none"> <li>a. 1320 Burleson Street (Tract 142, Arrabella Harrington)</li> <li>b. Burleson Street [Leggett &amp; Platt, Inc.] (Tract 232, Arrabella Harrington)</li> <li>c. 1406 Burleson Street (Tract 235, Arrabella Harrington)</li> <li>d. 1408 Burleson Street (Tract 230, Arrabella Harrington)</li> <li>e. 1414 Burleson Street (Tract 369, Arrabella Harrington)</li> </ul>			
<b>SUMMARY STATEMENT:</b> Prior to considering an ordinance to amend the zoning districts of these 5 tracts, a public hearing must be held to hear input regarding this proposed amendment.			
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>			
A. PROS:			
B. CONS:			
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>			
<b>ATTACHMENTS:</b> None.			
<b>FUNDING SOURCE (Where Applicable):</b> N/A			
<b>RECOMMENDED ACTION:</b> Discussion only.			
<b>APPROVALS:</b> Terry K. Roberts			



### AGENDA ITEM 13

<b>DATE OF MEETING:</b> June 5, 2014	<b>DATE SUBMITTED:</b> May 30, 2014	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Julie Fulgham	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon the Approval of a Request for a Specific Use Permit to Allow a Bed and Breakfast within an R-2 Mixed Residential Zoning District on Property Located at 1002 S. Day Street, and Specifically Being a 0.497 Acre Tract Described as Block 3, Lot S ½ Lot 2 of the W.G. Wilkins Addition in the City of Brenham, Washington County, Texas		
<b>SUMMARY STATEMENT:</b> This is a request for a specific use permit to allow a Bed and Breakfast on a site that is approximately 0.497 acres within an R-2 Mixed Residential Zoning District located at 1002 S. Day Street in the City of Brenham. A specific use is required for operation of a Bed and Breakfast in this zoning district. Staff believes the proposed use is compatible with the list of permitted uses within this district. Bed and Breakfast are similar in nature to Boarding houses and must be approved by a specific use. These are residential type uses; however they are not completely compatible with traditional single family uses. The current location is in a residential area with a mixture of housing types and should not be incompatible in this area. Therefore, the guidelines in the Comprehensive plan such as providing different types of housing and protecting residential neighborhoods should be followed with this request. Staff recommends approving the specific use permit, placing the condition that auxiliary uses shall not include special events (such as showers, tea's or similar events). The Planning and Zoning Commission also recommended approval of this specific use permit at their May 5, 2014 regular meeting.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<p style="margin-left: 40px;">A. <b>PROS:</b> The use is compatible with the comprehensive plan and zoning policies.</p> <p style="margin-left: 40px;">B. <b>CONS:</b> The structure was constructed as a single-family residence and not as a lodging house.</p>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> 1. Approve request, with the condition that special events are not allowed as an ancillary use 2. Modify request 3. Deny request		
<b>ATTACHMENTS:</b> (1) Ordinance; and (2) Staff Report to P&Z Commission		
<b>FUNDING SOURCE (Where Applicable):</b> N/A		

**RECOMMENDED ACTION:** Approve an Ordinance on its first reading for a Specific Use Permit to allow a Bed and Breakfast (short term rental), and excluding special events as ancillary uses, within an R-2 Mixed Residential Zoning District on property located at 1002 S. Day Street, and specifically being a 0.497 acre tract described as Block 3, Lot S ½ Lot 2 of the W.G. Wilkins Addition in the City of Brenham, Washington County, Texas

**APPROVALS:** Terry K. Roberts

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP TO GRANT A SPECIFIC USE PERMIT FOR A BED & BREAKFAST (SHORT TERM RENTAL) IN AN R-2 (MIXED RESIDENTIAL) ZONING DISTRICT AND BEING LOCATED ON THE SOUTH ½ OF LOT 2 IN BLOCK 3 OF THE W.G. WILKINS ADDITION TO THE CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS.**

**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;

**WHEREAS**, Appendix A – “Zoning” of the City of Brenham Code of Ordinance authorizes the City Council to grant specific use permits for specific uses within the various zoning districts; and

**WHEREAS**, this amendment was recommended for approval by the Brenham Planning and Zoning Commission during its regular meeting on May 5, 2014;

**NOW, THEREFORE, BE IT ORDAINED BY 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 is hereby amended to grant a specific use permit for a bed & breakfast (short term rental) in an R-2 (Mixed Residential) zoning district and being located on the south ½ of Lot 2 in Block 3 of the W.G. Wilkins Addition to the City of Brenham, Washington County, Texas. Furthermore, the specific use permit approval is for bed & breakfast (short term rental) uses only and ancillary uses shall not include special events (such as showers, teas, or similar events).

*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 5<sup>th</sup> day of June, 2014.

**PASSED and APPROVED** on its second reading this the 19<sup>th</sup> day of June, 2014.

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Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

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Jeana Bellinger, TRMC  
City Secretary



## Specific Use Request: Bed & Breakfast for Susan McGee

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**STAFF CONTACT:** Julie Fulgham, Director of Development Services

**OWNERS/APPLICANTS:** Susan McGee & Craig R. Johnson

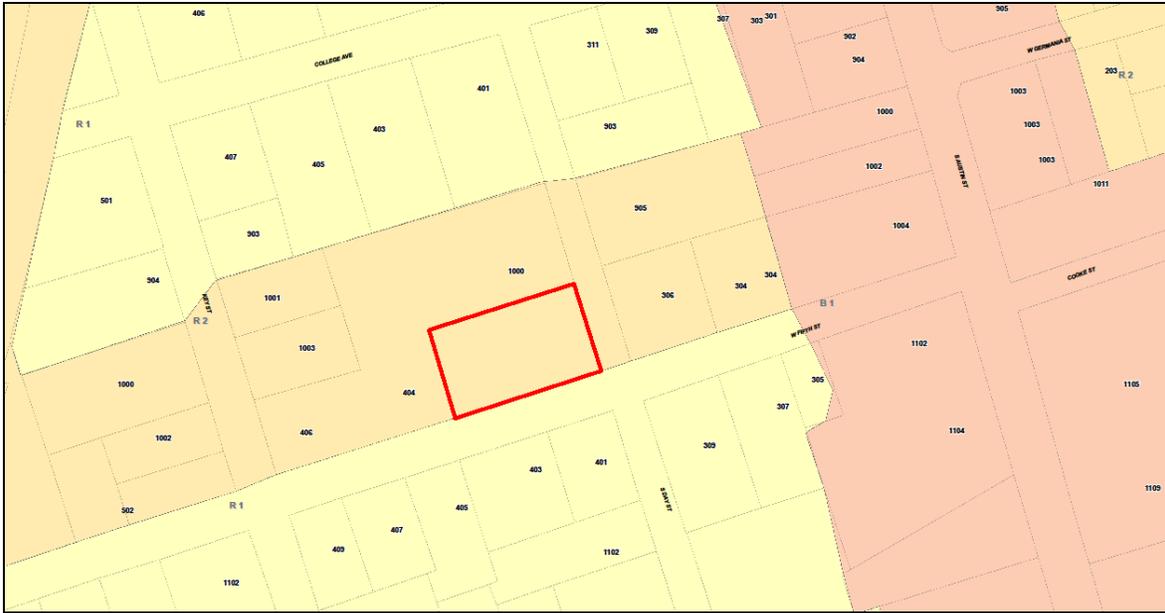
**LEGAL DESCRIPTION:** 0.497 acres described as Block 3, Lot S ½ Lot 2 in the W.G. Wilkins Addition in the City of Brenham, Washington County, Texas

**REQUEST:** A request for a specific use permit to allow a Bed and Breakfast on a site that is approximately 0.497 acres within an R-2 Mixed Residential Zoning District located at 1002 S. Day Street in the City of Brenham

### SUMMARY RECOMMENDATION:



Aerial photograph



Zoning map

**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.**

This request should have no effect on the small town attributes that make Brenham a unique community. The area is currently developed with many multi-family units and the nature of a bed and breakfast is similar to multi-family developments.

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

This request is for property within an R-2 District. A specific use is required for operation of a Bed and Breakfast in this zoning district. Staff believes the proposed use is compatible with the list of permitted uses within this district. Bed and Breakfast are similar in nature to Boarding houses and must be approved by a specific use. These are residential type uses; however they are not completely compatible with traditional single family uses. The current location is in a residential area with a mixture of housing types and should not be incompatible in this area. Therefore, the guidelines in the Comprehensive plan such as providing different types of housing and protecting residential neighborhoods should be followed with this request.

- (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.**

This property is currently developed as a multi-family structure and this request should not place any strain on city services.

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

Properties within the area are zoned within the R-2, R-1 District or B-2 District and conflicts between existing and proposed uses should not arise because of the development patterns that exist.

**(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.**

All notification requirements were met with this application and a copy of this staff report was provided to the property owners.

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

The zoning ordinance limits the amount of impervious coverage allowed on a lot at the time of development. All performance criteria are met for this site.

**(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.**

The property's use as a bed and breakfast and related auxiliary uses should not impact the future location of businesses or housing within this area.

**(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.**

Residential neighborhoods nearby should be preserved by the low impact (in terms of traffic, noise, or undesired activity nearby residential uses) of a bed and breakfast of this size.

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

Bed and breakfast establishments are small scale transient housing and there should not be any negative effects on the surrounding neighborhood, which is currently comprised of many different types of housing.

**(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 which negatively impact adjoining properties.**

This property is currently surrounded by R-2 and the continuation of this same zoning district on this tract will not negatively impact adjoining properties.

**(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.**

A large scale commercial zoning district is not appropriate at this location and this request preserves the residential zoning on this property. The scale of this development is compatible with nearby residential 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.**

This property is developed and conversion of the site to a bed and breakfast will not create incompatible uses. All uses in the area appear to conform to the regulations within the zoning ordinance.

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

This property is in an established residential neighborhood with many different types of housing. Staff believes a bed and breakfast and related auxiliary uses is compatible with the area and would provide orderly growth.

**STAFF RECOMMENDATION:**

Staff recommends **approving** the specific use permit, placing the condition that auxiliary uses shall **not** include special events (such as showers, tea's or similar events).



## AGENDA ITEM 14

<b>DATE OF MEETING:</b> June 5, 2014	<b>DATE SUBMITTED:</b> May 30, 2014	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Julie Fulgham	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon the Approval of an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning from an Industrial (I) District to a Residential Single Family (R-1) District on the Following Five (5) Tracts of Land Located on Burleson Street:		
<ul style="list-style-type: none"> <li>a. 1320 Burleson Street (Tract 142, Arrabella Harrington)</li> <li>b. Burleson Street [Leggett &amp; Platt, Inc.] (Tract 232, Arrabella Harrington)</li> <li>c. 1406 Burleson Street (Tract 235, Arrabella Harrington)</li> <li>d. 1408 Burleson Street (Tract 230, Arrabella Harrington)</li> <li>e. 1414 Burleson Street (Tract 369, Arrabella Harrington)</li> </ul>		
<b>SUMMARY STATEMENT:</b> The Planning and Zoning Commission held a workshop session regarding land use patterns in the area around Burleson Street at their February 3rd meeting and directed staff to initiate zone change proceedings for the above listed tracts. With the development of the Woodbridge Subdivision, land use patterns along Burleson Street have changed and residential zoning is most appropriate for tracts with frontage along Burleson Street. Staff recommends approving this requested zone change finding it conforms to the principles outlined in the Comprehensive Plan. The Planning and Zoning Commission recommended approval of this zone change at their May 5, 2014 regular meeting.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<ul style="list-style-type: none"> <li><b>A. PROS:</b> Protects single-family residential neighborhoods in the area, a guiding principal of the Comprehensive Plan.</li> <li><b>B. CONS:</b> Restricts the potential for commercial activity on these tracts.</li> </ul>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> 1. Approve zone change 2. Deny zone change		
<b>ATTACHMENTS:</b> (1) Ordinance; and (2) P&Z Staff Report		
<b>FUNDING SOURCE (Where Applicable):</b> N/A		

**RECOMMENDED ACTION:** Approve an Ordinance on its first reading for an amendment to the Official Zoning Map of the City of Brenham, to change the zoning from an Industrial (I) District to a Residential Single Family (R-1) District on the following five (5) tracts of land located on Burleson Street:

- a. 1320 Burleson Street (Tract 142, Arrabella Harrington)
- b. Burleson Street [Leggett & Platt, Inc.] (Tract 232, Arrabella Harrington)
- c. 1406 Burleson Street (Tract 235, Arrabella Harrington)
- d. 1408 Burleson Street (Tract 230, Arrabella Harrington)
- e. 1414 Burleson Street (Tract 369, Arrabella Harrington)

**APPROVALS:** Terry K. Roberts

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP FROM AN INDUSTRIAL DISTRICT (I) TO A RESIDENTIAL DISTRICT (R-1) ON TRACTS 142, 232, 235, 230 AND 369 OF THE ARRABELLA HARRINGTON SURVEY LOCATED ON BURLESON STREET AND BEING LOCATED IN BRENHAM, WASHINGTON COUNTY, TEXAS.**

**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;

**WHEREAS**, Appendix A – “Zoning” of the City of Brenham Code of Ordinance authorizes the City Council to grant specific use permits for specific uses within the various zoning districts; and

**WHEREAS**, this amendment was recommended for approval by the Brenham Planning and Zoning Commission during its regular meeting on May 5, 2014;

**NOW, THEREFORE, BE IT ORDAINED BY 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 is hereby amended by changing an Industrial (I) District to a Residential (R-1) District on the following tracts:

1. Tract 142, Arrabella Harrington Survey at 1320 Burleson Street;
2. Tract 232, Arrabella Harrington Survey being 5 acres on Burleson Street;
3. Tract 235, Arrabella Harrington Survey at 1406 Burleson Street;
4. Tract 230, Arrabella Harrington Survey at 1408 Burleson Street; and
5. Tract 369, Arrabella Harrington Survey at 1414 Burleson Street

*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 5<sup>th</sup> day of June, 2014.

**PASSED and APPROVED** on its second reading this the 19<sup>th</sup> day of June, 2014.

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Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

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Jeana Bellinger, TRMC  
City Secretary



## Zone Change: Burleson Street Properties

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**STAFF CONTACT:** Julie Fulgham, Director of Development Services

**OWNERS:**

- (1) Ernest James Nunn, et al
- (2) Leggett & Platt, Inc. (Texas Fibers Division)
- (3) Weidemann Revocable Living Trust, Marvin L. Weidemann, Trustee
- (4) Mrs. Natalie Jasinski
- (5) Tina L. Heritage and Raymond Heritage

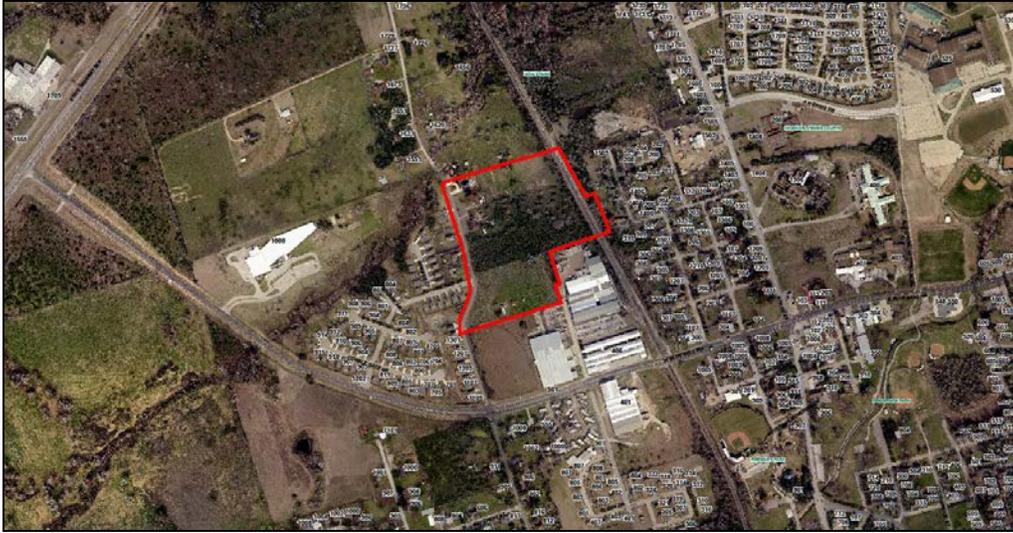
**LEGAL DESCRIPTION:**

- (1) 1320 Burleson Street (Tract 142, Arrabella Harrington);
- (2) Burleson Street [Leggett & Platt, Inc.] (Tract 232, Arrabella Harrington);
- (3) 1406 Burleson Street (Tract 235, Arrabella Harrington);
- (4) 1408 Burleson Street (Tract 230, Arrabella Harrington);
- (5) 1414 Burleson Street (Tract 369, Arrabella Harrington);

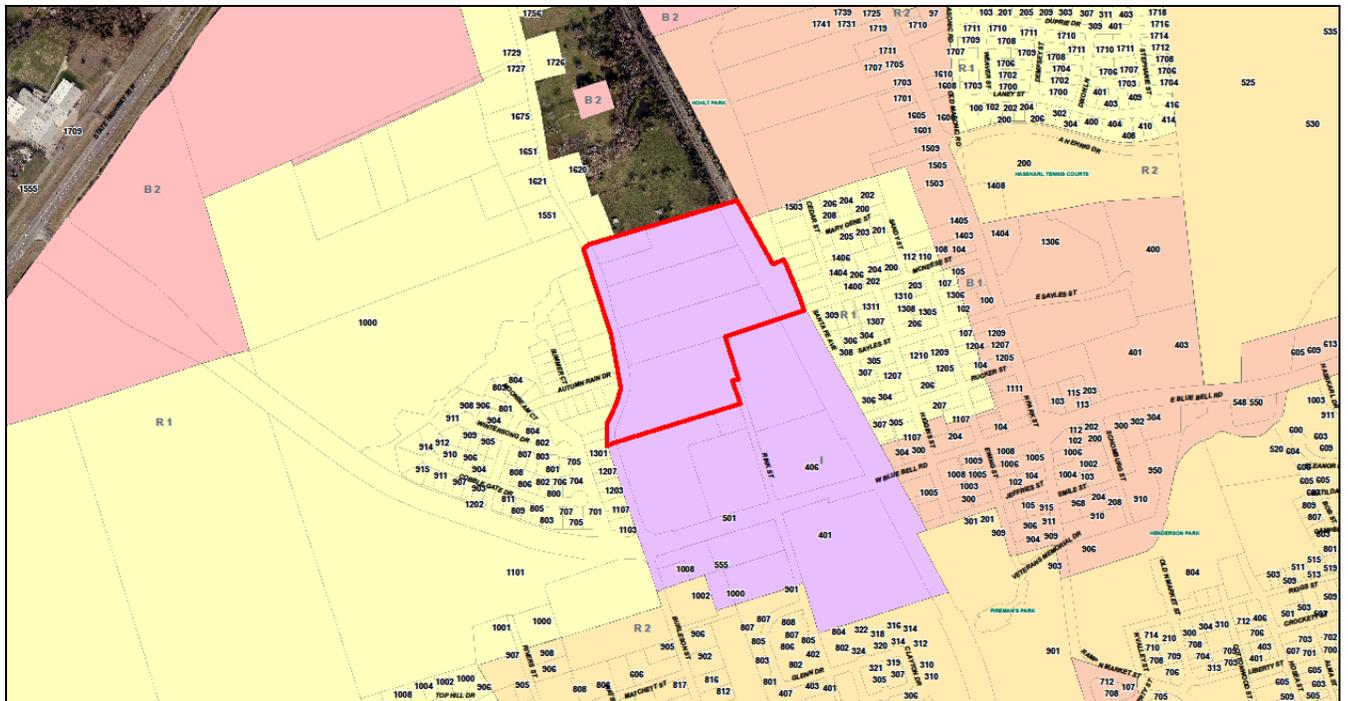
**REQUEST:** A City-initiated request to change the zoning from and Industrial (I) District to a Single Family Residential (R-1)

### SUMMARY RECOMMENDATION:

The Planning and Zoning Commission held a workshop session regarding land use patterns in the area around Burleson Street at their February 3<sup>rd</sup> meeting and directed staff to initiate zone change proceedings for the above listed tracts. With the development of the Woodbridge Subdivision, land use patterns along Burleson Street have changed and residential zoning is most appropriate for tracts with frontage along Burleson Street. Staff recommends approving this requested zone change finding it conforms to the principles outlined in the Comprehensive Plan.



**AERIAL**



**ZONING MAP**

**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.**

This zone change should have no effect on the small town attributes that make Brenham a unique community.

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

This proposed zone change protects single-family residential neighborhoods from incompatible uses locating nearby, which is a policy outlined within the Comprehensive Plan. Furthermore, this proposed zone change does not contradict any portion of the Comprehensive Plan.

**(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.**

Most of this property is currently undeveloped and is located on a local street, not designed to carry commercial traffic counts. There are adequate utilities surrounding the site that residential development can utilize.

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

Surrounding properties are zoned within the R-1 and I District; this proposed rezoning is to minimize incompatible uses along Burleson Street.

**(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.**

All notification requirements were met with this application and a copy of this staff report is provided to the property owners.

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

The zoning ordinance limits the amount of impervious coverage allowed on a lot at the time of development. All performance criteria must be met as these tracts develop.

**(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.**

The proposed rezoning will protect and enhance the nearby residential neighborhoods. All development on the tracts must conform to current regulations which will insure quality and attractive development.

- (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.**

Residential neighborhoods nearby should be protected and preserved by this rezoning. The vacant land within this request must be developed in conformance to the standards within the R-1 District, if this rezoning is approved.

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

This request will not place incompatible commercial uses within nearby existing neighborhoods and the purpose of this rezoning is to prevent any incompatible uses from developing on Burleson Street.

- (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 which negatively impact adjoining properties.**

This property is currently surrounded by residential uses and the rezoning should have a positive impact on residential home values within the area.

- (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.**

Rezoning this industrial tract to residential can protect the surrounding residential neighborhoods within the vicinity. Industrial uses should be located away from residential neighborhoods, whenever possible, and along major thoroughfares or within industrial parks with easy access to major thoroughfares.

- (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 majority of these properties are vacant; however residential structures do exist on one of these tracts and are currently legally nonconforming structures. This rezoning will legitimize these structures.

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

Locating industrial and commercial uses adjacent in close proximity to residential neighborhoods does not promote orderly growth and development.



**AGENDA ITEM 15**

<b>DATE OF MEETING:</b> June 5, 2014		<b>DATE SUBMITTED:</b> June 2, 2014	
<b>DEPT. OF ORIGIN:</b> Administration		<b>SUBMITTED BY:</b> Terry Roberts	
<b>MEETING TYPE:</b>		<b>CLASSIFICATION:</b>	
<input checked="" type="checkbox"/> REGULAR		<input type="checkbox"/> PUBLIC HEARING	
<input type="checkbox"/> SPECIAL		<input type="checkbox"/> CONSENT	
<input type="checkbox"/> EXECUTIVE SESSION		<input checked="" type="checkbox"/> REGULAR	
		<input type="checkbox"/> WORK SESSION	
<b>ORDINANCE:</b>			
<input type="checkbox"/> 1 <sup>ST</sup> READING			
<input type="checkbox"/> 2 <sup>ND</sup> READING			
<input type="checkbox"/> RESOLUTION			
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon a Memorandum of Understanding Between the City of Brenham and the Nancy Carol Roberts Memorial Library 501(c)(3) Board Related to the Board's Financial Participation in the Renovation, Modernization and Expansion of the City's Public Library and Authorize the Mayor to Execute Any Necessary Documentation			
<b>SUMMARY STATEMENT:</b> Please see attached memo from the City Manager.			
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>			
A. PROS:			
B. CONS:			
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A			
<b>ATTACHMENTS:</b> (1) Memo from City Manager; and (2) Memorandum of Understanding Between the City of Brenham and the Nancy Carol Roberts Memorial Library with Exhibits A & B			
<b>FUNDING SOURCE (Where Applicable):</b> N/A			
<b>RECOMMENDED ACTION:</b> Approve a Memorandum of Understanding between the City of Brenham and the Nancy Carol Roberts Memorial Library 501(c)(3) Board related to the Board's financial participation in the renovation, modernization and expansion of the City's Public Library and authorize the Mayor to execute any necessary documentation.			
<b>APPROVALS:</b> Terry K. Roberts			



To: Mayor and City Council

From: Terry K. Roberts, City Manager

Subject: **Proposed Library Memorandum of Understanding**

Date: June 2, 2014

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The Fortnightly Club has been a major supporter of library services in Brenham and Washington County for more than a century. The Club also established a non-profit entity entitled Nancy Carol Roberts Memorial Library (NCRML) that has received assets that can be used to assist with capital improvement projects at the library. Because of donations and bequests that have been made, the NCRML Board has assets they wish to contribute to the renovation and expansion project.

At the Board's request, the City prepared a memorandum of understanding (MOU) between our two entities regarding participation in the planned renovation and expansion. The Board had questions about how decisions concerning the project and its funding would be handled. We addressed those in the MOU.

The MOU ensures a significant voice for the Fortnightly Club and its leadership of the NCRML Board. It guarantees the funding from both the City and the NCRML Board will be committed to the project. The Library Advisory Board, consisting of Fortnightly members, Councilmembers and citizens at large, will make the final recommendation to the Council regarding architectural plans and any substantive changes. They, along with the Library management staff, will be the policy team for decision making about the project.

The MOU does not mandate any additional fundraising for the project but does give the Library Advisory Board and Fortnightly the opportunity to consider it. The City has received donations for various city projects in the past and can provide the donor the necessary paperwork for IRS filing. We are grateful to the Fortnightly Club and its non-profit affiliate for this substantial support of the library renovation and expansion project. The contribution will be for just under \$1.5 million with a distribution schedule attached to the MOU. We have also included an attachment detailing the budget for the project.

**MEMORANDUM OF UNDERSTANDING (MOU)  
BETWEEN THE CITY OF BRENHAM AND  
THE NANCY CAROL ROBERTS MEMORIAL LIBRARY**

The 501(c)(3) Board of the Nancy Carol Roberts Memorial Library (herein after referred to as the “NCRML Board”, which was established by the Fortnightly Club) desires to enter into this Memorandum of Understanding (“MOU”) with the City of Brenham, Texas (herein after referred to as the “City”) regarding the NCRML Board’s financial participation in a planned major renovation, modernization, and expansion of the City’s public library (herein after referred to as the “Project”).

The intent of this MOU is to clarify the NCRML Board’s involvement in the Project, both financially and in terms of having a voice in the design. This MOU also clarifies the City’s commitment to the partnership and provides written assurance that the funds donated by the NCRML Board to the City will be exclusively dedicated to the Project.

As to this partnership, the parties agree to the following:

- A. The funds committed by the City and the funds committed by the NCRML Board shall be placed in a separate capital improvements fund solely dedicated to the Project.
- B. Expenditures from the fund shall be used to pay for architectural services, building renovation and expansion, furnishings and paving materials. These improvements will enable the library facility to be modernized and provide enhanced programming and technology to our library patrons.
- C. The NCRML Board will have a significant voice in the planning of the Project, including items such as internal layout, space utilization, décor, theme, design colors and style as well as the design and use of materials for the exterior. Five members of the NCRML Board also serve on the City’s Library Advisory Board (herein after referred to as the “Library Board”). The City looks to the Library Board (including the five NCRML Board members), along with the library management staff, as the policy team that serves as the sounding board for decisions about the Project. The Library Board will be involved in the decision making process on both the architectural plans and any substantive changes.
- D. All meetings of the Library Board are posted public meetings affording the NCRML Board, the Fortnightly membership and the general public an opportunity for input during the design process. The NCRML Board currently represents a quorum of the Library Board and as required under the Open Meetings Act, any meeting where there will be discussion of the Project will require a posting of that meeting to allow for public input.

- E. By way of this document, the City affirmatively stipulates that 100% of any funds made available by the NCRML Board for the Project shall be placed in a restricted account and used only for that purpose. The City's \$1.5 million dedicated to the basic library Project, the \$92,139 previously received as capital projects library donations to the City and the requested \$1,407,861 contribution from the NCRML Board would all be placed in a restricted and dedicated fund. The City will establish a fund entitled "2014 Capital Projects Fund – Library Renovation and Expansion Project". A copy of this fund's budget is attached as Exhibit A showing the funding sources and the projected expenditures.
- F. The NCRML Board hereby acknowledges and agrees that it will liquidate all shares of stock and redeem the certificate of deposit ("CD") described in Exhibit B attached hereto and incorporated herein for all purposes, and the NCRML Board shall pay all proceeds of said stock liquidation and CD redemption to the City in accordance with the funds transfer schedule set out in Exhibit B.
- G. The NCRML Board will not have any responsibility for cost overruns in the renovation and refurbishing of the library. It is the City's plan to handle the entire Project within the \$3 million budget.
- H. If there is interest in additional funds being raised, it could become a source to fund enhancement projects that would upgrade the facility even more. Regardless of the amount of additional funds raised, it would be beneficial to give the community opportunities to contribute toward further enhancements to the Project. The City government is not skilled in fund raising for projects but will work with our Library Board partners to make the opportunity to contribute a convenient and pleasant opportunity for such a worthwhile project.
- I. Additional fund raising toward the Project would be beneficial and desirable but is not something that is being mandated by the City or formally addressed in this MOU. Any additional fundraising can be received directly by the City or through additional donations for the Project through the Fortnightly membership. The Library Board shall determine if additional fund raising should be pursued.
- J. Upon execution of this MOU, the City can authorize the architect to begin work on the final plans for a project of this financial scope. The architect will continue to work through this phase with the advice and input of the Library Board, including the NCRML Board, and library management staff. The Library Board was established by action of the City Council to provide advice on library matters. The City Council represents the City as owner of the Project and provides the annual budget for library operations (currently \$442,500). Therefore ultimately, the City's governing body, the City Council, will have final approval of all plans for the Project.

- K. Library operations are in the process of being relocated to City Hall while the existing facility is being renovated and expanded. After the architect begins its detailed design work, the Project should be ready for bid roughly four months later. If commitments can be made in accordance with this MOU, the Project can be ready for a building contractor to be selected before the close of 2014.
  
- L. To help with the cost of the Project, the City is willing to provide some in-kind labor and equipment support toward the Project. The City will contribute labor and equipment associated with the parking lot construction, provide the labor to install information technology cabling within the building and provide City labor to install landscaping. The City will not charge those expenses to the capital projects fund. Additionally, all costs associated with the temporary relocation of the library to City Hall and back to the renovated facility will be paid from the library's operating budget and not charged to the capital funds assigned to the Project.

The City of Brenham and the Fortnightly Club have had a strong partnership for many decades providing library services to this community. The Fortnightly Club had the foresight more than 100 years ago to initiate library services in this community for which the City is grateful.

This Memorandum of Understanding has been prepared to ensure clarity of our working relationship on this worthwhile public endeavor.

Executed by the duly authorized undersigned officers of the parties to this Memorandum of Understanding to be effective on the 5<sup>th</sup> day of June, 2014.

**City of Brenham**

**Nancy Carol Roberts Memorial  
Library Board**

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Milton Y. Tate, Jr.  
Mayor

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Betty Fortner  
President

**ATTEST:**

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Jeana Bellinger, TRMC  
City Secretary

CITY OF BRENHAM  
2014 CAPITAL PROJECTS FUND #218  
LIBRARY RENOVATION AND EXPANSION PROJECT  
AS OF 4/30/2014

	Budget	Total to Date	Fav (Unfav)	Public/Private Partnership Funding	
				Private	Bond Proceeds (Public)
<b>Bond Proceeds</b>				1,500,000	1,500,000
Bond Proceeds-Library Portion	1,500,000		(1,500,000)		
<b>Private Partnership Funds</b>					
Transfer from Donations Fund	92,139		(92,139)		
Contribution from Library 501(C)3	1,407,861	-	(1,407,861)		
	1,500,000		(1,500,000)		
<b>Total Proceeds</b>	<u>3,000,000</u>	<u>-</u>	<u>(3,000,000)</u>		
<b>Use of Proceeds</b>					
<b>Library Renovation and Expansion</b>					
<b>Architectural Services</b>					
Design Fee	275,737		275,737		
10% Design Contingency	27,574		27,574		
TAS Filing Fee	175		175		
TAS Review and Inspection	1,000		1,000		
<b>Construction</b>					
Building	1,540,000		1,540,000		
Addition	648,000		648,000		
Construction Contingency	218,800		218,800		
Paving/Furnishings	250,000		250,000		
10% Furnishings Contingency	25,000		25,000		
Project Contingency	13,714		13,714		
<b>Total Uses</b>	<u>3,000,000</u>	<u>-</u>	<u>3,000,000</u>		
<b>Other Sources/(Uses)</b>					
Estimated Additional Contribution from Library 501(C)3	80,636		80,636		
Estimated Contingency for Enhancement Projects	(80,636)		(80,636)		
	-	-	-		
<b>Fund Balance</b>	-	-	-		

Note A - Additional contribution from Library 501(C)3 organization is based on values as of 4/29/14.

NCRML 501(c)3  
Value of Stocks Accounts and CD  
April 29, 2014

Exxon Mobil	#Shares 6768.568	Value on 102.12	4/29/14 \$691,206.18
General Electric	23,722.0379	26.68	\$632,903.94
BBVA Compass CD	Maturity Date 12/13/2015	Interest Rate 0.846%	Purchase Value \$164,387.10
Total Stocks and CD	4/29/14 \$1,488,497.20		

Schedule for Transferring Funds to the City

July 1, 2014      Exxon Mobil Stocks and BBVA Compass CD

August 15, 2014    General Electric Stocks



## AGENDA ITEM 16

<b>DATE OF MEETING:</b> June 5, 2014	<b>DATE SUBMITTED:</b> May 14, 2014	
<b>DEPT. OF ORIGIN:</b> Administration	<b>SUBMITTED BY:</b> Amanda Klehm	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon a Request for a Noise Variance in Connection with the Nancy Carol Roberts Memorial Library's 2014 Summer Reading Program to be Held from 9:00 A.M. to 5:00 P.M. on June 10, 2014		
<b>SUMMARY STATEMENT:</b> Andria Heiges with the Nancy Carol Roberts Memorial Library is requesting a Noise Variance for the 2014 Summer Reading Program to be Held on June 10, 2014 from 9:00 a.m. – 5:00 p.m. at Hohlt Park Pavilion. They will have a sound amplification system, which require a Noise Variance. The Brenham Police Department and the Brenham Fire Department have approved the noise variance request; therefore, I ask the City Council to approve the noise variance request.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
A. PROS:		
B. CONS:		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A		
<b>ATTACHMENTS:</b> (1) Noise Variance Request		
<b>FUNDING SOURCE (Where Applicable):</b> N/A		
<b>RECOMMENDED ACTION:</b> Approve a request for a noise variance in connection with Nancy Carol Roberts Memorial Library's 2014 Summer Reading Program to be held from 9:00 A.M. to 5:00 P.M. on June 10, 2014.		
<b>APPROVALS:</b> Terry K. Roberts		

NOISE VARIANCE REQUEST

Application Fee \$10.00

1. Name of sponsoring organization:  
Nancy Carol Roberts Memorial Library

2. Name and address of individual making application on behalf of sponsoring organization: \_\_\_\_\_  
Andria Heiges  
207 N. Drumm St. Brenham, TX 77833

3. Purpose of the Event: Library Summer Reading Program

4. Location of Event: Hohlt Park Pavilion

5. Date of the event: Tuesday June 10, 2014

6. Time of Event: 10:00 AM & 2:00 PM

7. Event Set-up: From: 09:00 AM To: 10:00 AM

Event Clean-up: From: 04:00 PM To: 5:00 PM

8. You are required to describe the following:

a) Types of Activities Planned and any additional information specific to this event: \_\_\_\_\_

A representative of the Capital of Texas Zoo is bringing zoo animals and will conduct a reading program for approximately 100 children. Refreshments will be served.

b) Bands/Musical Instruments: NA

c) Sound amplification equipment: PA system will be used

d) Cleanup provisions: Trashbags

Andria Heiges  
Name of Applicant (Printed or Typed)

Date: 05/29/2014

Andria Heiges  
Applicant or Authorized Person's Signature

Phone: 979-337-7202

Have you ever been found guilty of a criminal offense involving crimes against property, moral turpitude, and/or a felony by any Court? Yes X No. If "Yes", please identify the offense, State of conviction and penalty imposed (attach additional sheets if necessary):

CITY STAFF REVIEW

Date received: \_\_\_\_\_

\*\*\*\*\*

APPROVED

DENIED

Date: 5/30/2014

\_\_\_\_\_  
Rex Phelps, Chief of Police

Comments/Reason for Denial:

\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

APPROVED

DENIED

Date: 5/30/2014

\_\_\_\_\_  
Ricky Boeker, Chief of Fire Department

Comments/Reason for Denial: \_\_\_\_\_

\_\_\_\_\_

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Noise Variance Approved by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Date: \_\_\_\_\_

\_\_\_\_\_  
Milton Y. Tate, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Jeana Bellinger, City Secretary

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**AGENDA ITEM 17**

<b>DATE OF MEETING:</b> June 5, 2014		<b>DATE SUBMITTED:</b> May 14, 2014	
<b>DEPT. OF ORIGIN:</b> Administration		<b>SUBMITTED BY:</b> Amanda Klehm	
<b>MEETING TYPE:</b>		<b>CLASSIFICATION:</b>	
<input checked="" type="checkbox"/> REGULAR		<input type="checkbox"/> PUBLIC HEARING	
<input type="checkbox"/> SPECIAL		<input type="checkbox"/> CONSENT	
<input type="checkbox"/> EXECUTIVE SESSION		<input checked="" type="checkbox"/> REGULAR	
		<input type="checkbox"/> WORK SESSION	
<b>ORDINANCE:</b>			
<input type="checkbox"/> 1 <sup>ST</sup> READING			
<input type="checkbox"/> 2 <sup>ND</sup> READING			
<input type="checkbox"/> RESOLUTION			
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon a Request for a Noise Variance in Connection with Hot Nights, Cool Tunes 2014 Summer Concert Series to be Held from 4:00 P.M. to 11:00 P.M. on July 5, 12, 19, and 26, 2014			
<b>SUMMARY STATEMENT:</b> Main Street Brenham submitted a request for a Noise Variance for the 4-night concert series this year. The dates and times include Saturday, July 5; Saturday, July 12; Saturday, July 19; and Saturday, July 26, 2014; from 2:30 p.m. (when sound set-up begins) until 12:00 a.m. when clean-up is through. There will be a free concert, children’s activities, food and beverage sales, and a classic car cruise-in. They will have bands and a sound amplification system, which require a Noise Variance. The Brenham Police Department and the Brenham Fire Department have approved the noise variance request; therefore, I ask the City Council to approve the noise variance request.			
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>			
A. PROS:			
B. CONS:			
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A			
<b>ATTACHMENTS:</b> (1) Noise Variance Request			
<b>FUNDING SOURCE (Where Applicable):</b> N/A			
<b>RECOMMENDED ACTION:</b> Approve a request for a noise variance in connection with Hot Nights, Cool Tunes Summer Concert Series to be held from 4:00 P.M. to 11:00 P.M. on July 5, 12, 19, and 26, 2014.			
<b>APPROVALS:</b> Terry K. Roberts			

NOISE VARIANCE REQUEST

Application Fee \$10.00

1. Name of sponsoring organization: Main Street Brenham

2. Name and address of individual making application on behalf of sponsoring organization: Jennifer Eckermann; City of Brenham; 200 N Vulcan; Brenham, Texas 77833

3. Purpose of the Event: Summer Concert Series

4. Location of Event: Downtown Brenham

5. Date of the event: July 5, 12, 19, 26

6. Time of Event: 7:00 pm - 10:30 pm

7. Event Set-up: From: 3:00 pm To: 7:00 pm

Event Clean-up: From: 10:00 pm To: 12:00 am

8. You are required to describe the following:

a) Types of Activities Planned and any additional information specific to this event: free concert; food vendors; children's activities

b) Bands/Musical Instruments: yes, up to 8-piece band

c) Sound amplification equipment: yes, same as previous years

d) Cleanup provisions: working with city crews, as in past

Jennifer Eckermann

Date: 5-12-14

Name of Applicant (Printed or Typed)

Jennifer Eckermann  
Applicant or Authorized Person's Signature

Phone: 979-337-7384

Have you ever been found guilty of a criminal offense involving crimes against property, moral turpitude, and/or a felony by any Court? Yes  No. If "Yes", please identify the offense, State of conviction and penalty imposed (attach additional sheets if necessary):

CITY STAFF REVIEW

Date received: \_\_\_\_\_

\*\*\*\*\*

APPROVED

DENIED

Date: 5/14/2014

\_\_\_\_\_  
Rex Phelps, Chief of Police

Comments/Reason for Denial:  
\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

APPROVED

DENIED

Date: 05/14/2014

\_\_\_\_\_  
Ricky Boeker, Chief of Fire Department

Comments/Reason for Denial: \_\_\_\_\_  
\_\_\_\_\_

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Noise Variance Approved by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Date: \_\_\_\_\_

\_\_\_\_\_  
Milton Y. Tate, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Jeana Bellinger, City Secretary

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**AGENDA ITEM 18**

<b>DATE OF MEETING:</b> June 5, 2014		<b>DATE SUBMITTED:</b> May 14, 2014	
<b>DEPT. OF ORIGIN:</b> Administration		<b>SUBMITTED BY:</b> Amanda Klehm	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>	
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING	
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING	
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> RESOLUTION	
	<input type="checkbox"/> WORK SESSION		
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon Resolution No. R-14-015 Authorizing Execution of an Agreement with TxDOT for the Temporary Closure of State Right-of-Way in Connection with the 2014 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be Held on July 5, 12, 19, and 26, 2014			
<b>SUMMARY STATEMENT:</b> The Downtown Summer Concert Series (Hot Nights, Cool Tunes) is sponsored by Main Street Brenham. These are free concerts for the public. This year’s concerts will be held on July 5, 12, 19, and 26, 2014 from 7:00 pm – 11:00 pm. One lane of Alamo Street will be closed between Austin Street and Market Street from 4:30pm – 11:30pm. Food and beverage booths and kids’ activities will be set up along the street as well as classic car cruise-in with people sitting and enjoying the entertainment.			
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>			
A. PROS:			
B. CONS:			
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A			
<b>ATTACHMENTS:</b> (1) Resolution R-14-015; (2) Agreement with TxDOT for the Temporary Closure of State Right-of-Way; and (3) Application for Event Permit			
<b>FUNDING SOURCE (Where Applicable):</b> N/A			
<b>RECOMMENDED ACTION:</b> Approve Resolution No. R-14-015 authorizing execution of an Agreement with TxDOT for the Temporary Closure of State Right-of-Way in connection with the 2014 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held on July 5, 12, 19, and 26, 2014.			
<b>APPROVALS:</b> Terry K. Roberts			

**RESOLUTION R-14-015**

**WHEREAS**, the Texas Department of Transportation operates certain state highways within the City limits of the City of Brenham;

**WHEREAS**, the City of Brenham has received requests for street closings involving a portion of the state highway system within the City of Brenham;

**WHEREAS**, the Texas Department of Transportation and the City of Brenham have agreed to certain terms and conditions regarding the closing of a portion of the state highway system within the City limits for the purpose of said closings;

**WHEREAS**, the City Council of the City of Brenham has considered the foregoing and the aforesaid agreement and have agreed to be bound by the provisions thereof for the purpose of closing said streets for the 2014 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held on **July 5, 12, 19, and 26, 2014**.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS**, the Mayor of Brenham, acting on behalf of the City Council of the City of Brenham is hereby authorized to execute the attached agreement with the Texas Department of Transportation in connection with the closure of a portion of the state highway system within the City of Brenham associated with the 2014 Downtown Summer Concert Series (Hot Nights, Cool Tunes). This resolution is effective upon its adoption.

**PASSED AND APPROVED** this the 5<sup>th</sup> of June, 2014.

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

ATTEST:

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Jeana Bellinger, TRMC  
City Secretary

STATE OF TEXAS §

COUNTY OF TRAVIS §

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

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

**WITNESSETH**

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

**WHEREAS**, the local government has requested the temporary closure of Alamo Street (Business 290) for the purpose of the 2014 Downtown Summer Concert Series (Hot Nights, Cool Tunes), from 2:30 pm to 11:30 pm on July 5, 12, 19, and 26, 2014 as described in the attached "Exhibit A," hereinafter identified as the "Event;" and

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

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

**WHEREAS**, on the 5<sup>th</sup> day of June, 2014, the Brenham City Council passed Resolution/ Ordinance No. R-14-015, attached hereto and identified as "Exhibit B," establishing that the Event serves a public purpose and authorizing the local government to enter into this agreement with the State; and

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

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

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

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

**Article 1. CONTRACT PERIOD**

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

**Article 2. EVENT DESCRIPTION**

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

**Article 3. OPERATIONS OF THE EVENT**

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

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

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

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

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

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

**G.** The local government hereby assures the State that there will be appropriate passage allowance for emergency vehicle travel and adequate access for abutting property owners during construction and closure of the highway facility. These allowances and accesses will be included in the local government's traffic control plan.

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

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

Upon completion or termination of this agreement, all documents prepared by the local government will remain the property of the local government. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use.

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

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

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

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

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

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

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

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

**Article 8. INSURANCE**

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

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

**Article 9. AMENDMENTS**

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

**Article 10. COMPLIANCE WITH LAWS**

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

**Article 11. LEGAL CONSTRUCTION**

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

**Article 12. NOTICES**

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

<b>Local Government:</b>	<b>State:</b>
Milton Y. Tate, Jr. , Mayor City of Brenham P.O. Box 1059 Brenham, Texas 77834-1059	Texas Department of Transportation  <u>Catherine Hejl, P.E.</u> <u>District Engineer</u> <u>1300 North Texas Avenue</u> <u>Bryan, Texas 77803-2760</u>

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

**Article 13. SOLE AGREEMENT**

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

**IN TESTIMONY WHEREOF**, the parties hereto have caused these presents to be executed in duplicate counterparts.

**THE CITY OF BRENHAM**

Executed on behalf of the local government by:

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

Typed or Printed Name and Title: Milton Y. Tate, Jr.  
Mayor

**THE STATE OF TEXAS**

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

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

## Exhibit A

This request is for closure of Alamo Street from Market Street to Austin Street as follows: \_\_\_\_\_

One lane of Alamo Street from Park Street to Market Street closed at 2:30 pm; Both lanes of Alamo Street from Austin Street to Market Street closed at 4:30pm

\_\_\_\_\_ on July 5, 12, 19, and 26, 2014 \_\_\_\_\_

### Date and Time of Closure

One lane of Alamo Street from Park Street to Market Street to be closed from 2:30 p.m. until 11:30 p.m. then both lanes of Alamo Street from Austin Street to Market Street to be closed from 4:30 pm to 11:30 pm on July 5, 12, 19, and 26, 2014.

All streets will be barricaded with traffic control devices and will be staffed with personnel from the Brenham Police Department.

The proposed activity that requires these street closures is the

2014 Downtown Summer Concert Series (Hot Nights, Cool Tunes) \_\_\_\_\_

**Exhibit B**

**RESOLUTION R-14-015**

**WHEREAS**, the Texas Department of Transportation operates certain state highways within the City limits of the City of Brenham;

**WHEREAS**, the City of Brenham has received requests for street closings involving a portion of the state highway system within the City of Brenham;

**WHEREAS**, the Texas Department of Transportation and the City of Brenham have agreed to certain terms and conditions regarding the closing of a portion of the state highway system within the City limits for the purpose of said closings;

**WHEREAS**, the City Council of the City of Brenham has considered the foregoing and the aforesaid agreement and have agreed to be bound by the provisions thereof for the purpose of closing said streets for the 2014 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held on **July 5, 12, 19, and 26, 2014**.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS**, the Mayor of Brenham, acting on behalf of the City Council of the City of Brenham is hereby authorized to execute the attached agreement with the Texas Department of Transportation in connection with the closure of a portion of the state highway system within the City of Brenham associated with the 2014 Downtown Summer Concert Series (Hot Nights, Cool Tunes). This resolution is effective upon its adoption.

**PASSED AND APPROVED** this the 5<sup>th</sup> of June, 2014.

\_\_\_\_\_  
Milton Y. Tate, Jr., Mayor  
City of Brenham, Texas

ATTEST:

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

## Exhibit C

The Downtown Summer Concert Series (Hot Nights, Cool Tunes) is sponsored by Main Street Brenham. These are free concerts for the public with food and beverage booths, kid's activities as well as a classic car cruise-in. People will bring their lawn chairs and set them up in the street and enjoy the fellowship and entertainment. This year's concerts will be held on July 5, 12, 19, and 26, 2014. One lane of Alamo Street between Park Street and Market Street will be closed beginning at 2:30 pm then both lanes of Alamo Street will be closed between Austin Street and Market Street from 4:30 pm to 11:30 pm.

APPLICATION FOR EVENT PERMIT (WITH STREET CLOSURES)

1. Name of sponsoring organization: Main Street Brenham

2. Name of individual making application on behalf of sponsoring organization: Jennifer Eckermann

3. Proposed date(s) of event: July 5, 12, 19, 26

4. Purpose of the event: free summer concert series

5. Proposed street closures for the event: Alamo Street from Austin to Market at 4:30 pm; one lane starting @ Park Street @ 2:30 pm

6. Proposed times of street closures (allowing for assembly/set-up and breakdown/cleanup):

Proposed closure date and time: July 5, 12, 19 + 26 @ 4:30 pm

Closure requested until: 12:00 am (or until stage is moved)

7. Event start date and time: July 5, 12, 19 + 26 @ 7:00 pm

8. Event termination date and time: July 5, 12, 19 + 26 @ 10:30 pm

9. Describe types of activities planned (entertainment, food booths, theme of items for sale, etc):

concert, food vendors, children's activities, classic car cruise-in

10. Estimated attendance (event organizers and spectators): 1,000 - 1500 / night

11. Special Requests and/or additional information peculiar to this event: We will need

Park Street between Main and Alamo Streets; and Baylor, between Commerce and Alamo, closed @ 2:30 pm too; please

Jennifer Eckermann  
Name of Applicant (typed or printed)

Date: 5/12/14

Jennifer Eckermann  
Applicant or Authorized Person's Signature

979-337-7384  
Telephone Number

EVENT PERMIT (WITH STREET CLOSURES)

1. Street Closure Times: Beginning at July 5, 12, 19, 26 @ 4:30 pm (Date and time)
Ending at July 5, 12, 19, 26 @ 12:00 am (Date and time) (Or until stage is removed)

2. Street Closings: Alamo Street from Austin to Market @ 4:30pm
Alamo Street (overlaw) from Park to St. Charles St @ 2:30pm
Park Street from Main to Alamo @ 2:30pm
Baylor Street from Commerce to Alamo @ 2:30pm

Exceptions/additional information:

3. Event set-up times: From 2:30 pm to 7:00 pm

4. Event start time: 7:00 pm

5. Event closing time: 10:30 - 11:00 pm

6. Breakdown/cleanup: From 10:30 to 12:00 am (Or until stage is removed)

7. Permittee agrees to advise all participants (other than the general public), either orally or by written notice, of the terms and conditions of the ordinance and permit prior to the commencement of such event.

CITY OF BRENHAM

By: Director of Public Works

Jennifer Eckermann Applicant

Date:

Date: 5/12/14



## AGENDA ITEM 19

<b>DATE OF MEETING:</b> June 5, 2014	<b>DATE SUBMITTED:</b> May 16, 2014	
<b>DEPT. OF ORIGIN:</b> Public Works	<b>SUBMITTED BY:</b> Grant Lischka	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon Resolution No. R-14-014 in Support of TxDOT's Turnback Program, or Similar Program, Concerning Conveyance of TxDOT FM 389 Right-of-Way from Business 36 South to FM 332 to the City of Brenham		
<b>SUMMARY STATEMENT:</b> As discussed in an earlier City Council meeting, City staff has been approached by TxDOT regarding the maintenance and ownership of FM 389. Currently TxDOT maintains the entire length of FM 389 within the City limits. Prairie Lea Street from U.S. Hwy 290 to College Avenue and College Avenue from Prairie Lea Street to Business Hwy 36 (South Day Street) are currently maintained by TxDOT as FM 389. Outside of U.S. Hwy 290, FM 389 travels in a westerly direction out of the City, intersects with FM 332 and then continues on. The length of roadway inside and outside of U.S. Hwy 290 (up to FM 332) is approximately 6,600' and 3,600' respectively. This comes to a total of approximately 2 miles. Inside U.S. Hwy 290, the road is a curb and gutter section, while outside it is a 2-lane open ditch section. In discussions with TxDOT, they have tentatively offered to upgrade the section outside of U.S. Hwy 290 to a curb and gutter, 2-lane with center turn lane section. As a condition of the upgrade, TxDOT would turn over ownership and maintenance responsibilities to the City for the entire length from FM 332 to South Day Street.		
As of this time TxDOT is not proposing any improvements inside of U.S. Hwy 290. Staff has inspected this portion of FM 389 and feels that the current condition is in the Good or Satisfactory classification, as per the rating system used for the 2013 Street Inventory. Other than minor maintenance and crack sealing, staff feels that this portion of FM 389 would not be a maintenance liability for the next 10-15 years.		
Staff recommends that Council approve this resolution so that TxDOT has assurance that the City is willing to negotiate the terms of the turnback.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
A. <b>PROS:</b> Will allow the City to regulate items within the right-of-way (signs, utilities, parking, etc.)		
B. <b>CONS:</b> Will add mileage to the City street system, which the City will now have to maintain.		

<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A
<b>ATTACHMENTS:</b> (1) Resolution No. R-14-014
<b>FUNDING SOURCE (Where Applicable):</b> N/A
<b>RECOMMENDED ACTION:</b> Approve Resolution No. R-14-014 in support of TxDOT's Turnback Program, or similar program, concerning conveyance of TxDOT FM 389 right-of-way from Business 36 South to FM 332 to the City of Brenham.
<b>APPROVALS:</b> Terry K. Roberts

**RESOLUTION NO. R-14-014**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS IN SUPPORT OF TEXAS DEPARTMENT OF TRANSPORTATION'S VOLUNTARY TURNBACK PROGRAM, OR SIMILAR PROGRAM, CONCERNING THE POSSIBLE CONVEYANCE OF TXDOT RIGHT-OF-WAY FM 389 FROM US 290 WEST TO FM 332**

**WHEREAS**, the State of Texas owns and operates a system of roadways throughout Washington County, which includes FM 389; and

**WHEREAS**, a portion of FM 389 is located within the city limits of Brenham; and

**WHEREAS**, the State of Texas plans to improve the section of FM 389 from US 290 West to FM 332 to an urban roadway design; and

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

The City Council of the City of Brenham (City) supports the Texas Department of Transportation's (TXDOT's) voluntary turnback program, or similar program, concerning the possible conveyance to the City of TxDOT right-of-way FM 389 from US 290 West to Business 36, and wishes to enter into discussions and negotiations with TXDOT regarding said possible conveyance and the City's possible acceptance and maintenance of said section of FM 389 within the city limits of Brenham, from FM 332 to Business 36.

**APPROVED** on this the 5<sup>th</sup> day of June, 2014

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Milton Y. Tate, Jr.  
Mayor

**ATTEST**

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Jeana Bellinger, TRMC  
City Secretary



## AGENDA ITEM 20

<b>DATE OF MEETING:</b> June 5, 2014	<b>DATE SUBMITTED:</b> May 29, 2014	
<b>DEPT. OF ORIGIN:</b> Police	<b>SUBMITTED BY:</b> Rex Phelps	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon the Acceptance of a 2014 BAE Caimen Mine Resistant Ambush Protected (MRAP) Vehicle for Use by the Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation		
<b>SUMMARY STATEMENT:</b> The federal government offers a program (1033 program) to supply local law enforcement agencies with equipment at no cost that has application to local law enforcement. Currently the Brenham Police Department's Tactical Team does not have the benefit of an armored protection vehicle. These vehicles are very costly and they have the service life of many years. Their costs can be several hundred thousand dollars. The 1033 program has afforded the Brenham Police Department to acquire such a vehicle. This vehicle is ballistic and explosive resistant. In fact, it will withstand and protect officers in a tactical situation from virtually all domestic type weaponry. It could potentially allow the tactical team the ability to get close enough to stop a deadly situation and protect not only themselves but the community at large. The 1033 program makes it possible for smaller agencies with limited budgets to have equipment that is standard to larger agencies. The vehicle called a Caiman MRAP (Mine Resistant Ambush Protected Vehicle). Many law enforcement agencies across the country have opted to utilize these vehicles because they work well for law enforcement tactical operations. The vehicles in this program are well maintained with little to no use due to a government surplus.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<p><b>A. PROS:</b> Enhance officer safety and equip the tactical team to more safely and more rapidly end potential critical incidents involving active shooter scenarios. The ability to train with equipment designed for such application and prepare for the possibility of such incidents.</p> <p><b>B. CONS:</b> None identified</p>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> Eventually purchase such a vehicle in the future. However, due to costs it will most likely be substandard to the MRAP.		
<b>ATTACHMENTS:</b> (1) MRAP Specs with Pictures; and (2) Picture of MRAP		

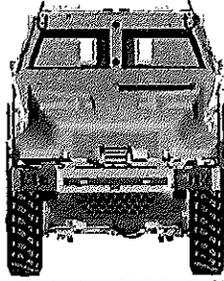
**FUNDING SOURCE (Where Applicable):** 1033 Federal Program

**RECOMMENDED ACTION:** Approve acceptance of a 2014 BAE Caimen Mine Resistant Ambush Protected (MRAP) Vehicle for use by the Brenham Police Department and authorize the Mayor to execute any necessary documentation.

**APPROVALS:** Terry K. Roberts

**Caiman MRAP**

The smooth-riding Caiman MRAP vehicles are based on technologies developed by subsidiaries of BAE Systems, with an intricate corporate history. The Caiman 6x6 was originally developed by Stewart & Stevenson Tactical Vehicle Systems (TVS), from its military LULV trucks. The Tactical Vehicle Systems division of Stewart & Stevenson was acquired by Armor Holdings, Inc. in 2006. Armor Holdings was then acquired by BAE Systems in July 2007, who renamed the group BAE Systems Global Tactical Systems (GTS).



Front view, BAE Systems Caiman 6x6 MRAP. Image: BAE Systems.

Today in WW II: 9 Apr 1940 Germany occupies Denmark and invades Norway. Operation Weserübung II, Norway.

[Addresses](#) | 
 [German Military](#) | 
 [Mrap](#) | 
 [6 Vehicle](#) | 
 [6 Speed Manual](#)

**Caiman Mine Resistant Ambush Protected Vehicle (MRAP)**

The Caiman MRAP incorporates features and automotive components from the Family of Medium Tactical Vehicles (FMTV) and the Low Signature Armored Cab (LSAC) crew protection kit for the FMTV. The original Caiman design was a 6x6 vehicle for MRAP Category II requirements. The 6x6 was joined in October 2008 by the 4x4 Caiman Light variant. The MRAP II program required protection against Explosively Formed Penetrators (EFP), a requirement met by the Caiman Plus, an improved version of the Caiman Light wrapped with applique armor boxes on its sides.

Three versions of the Caiman were procured by the U.S. military:

- MRAP Category I
  - XM1220 Caiman 4x4 (Caiman Light)
  - XM1230 Caiman Plus 4x4 (Mama Bear)
- MRAP Category II
  - Caiman 6x6

The Caiman Light (4x4 variant of the 6x6 Caiman MRAP) is only two-thirds the weight of the larger Caiman, but offers equivalent protection. With optional all-wheel steering, the Caiman Light achieves outstanding maneuverability with its turning radius of less than 20 feet. There is 85 percent parts commonality between the 4x4 and 6x6 Caiman vehicles as well as with the tens of thousands of fielded FMTVs.

Production of the Caiman MRAP vehicles was completed on 20 November 2008 with a total of 2,868 Caiman vehicles delivered to the US military since January 2007. In 2010 about 1,800 Caiman MRAP vehicles were upgraded under a contract with BAE Systems.

**Caiman Mine Resistant Ambush Protected Vehicle (MRAP) Characteristics**

	Caiman 4x4	Caiman 6x6
Personnel Capacity	5	10
Length	6,522mm (257 in)	7,727mm (304 in)
Width	2,596mm (102 in)	2,471mm (97 in)
Height (Operational)	3,099mm (122 in)	2,819mm (111 in)
Curb Weight (w/fuel)	13,835kg (30,500 lb)	16,825kg (37,092 lb)
Payload		2,450kg (5,400 lb)
GVWR	19,505kg (46,000lb)	
Maximum Speed (governed)	105km/h (65 mph)	105km/h (73 mph)
Engine	Caterpillar C7 6cyl TurboDiesel	Caterpillar C7 6cyl TurboDiesel
Transmission	Allison 3700SP 7-speed Auto	Allison 3700SP 7-speed Auto
Fording (w/o kit)	915mm (36 in)	915mm (36 in)

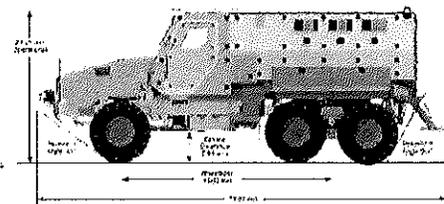
Source: BAE Systems. Weight and other characteristics vary according to variant, equipment etc.

Manuals for the Caiman Mine Resistant Ambush Protected Vehicle (MRAP) include:

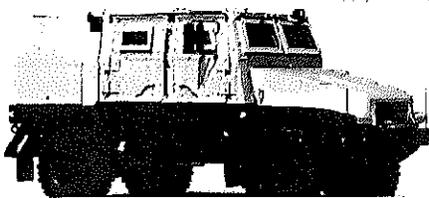
- TM 9-2355-107-10 Caiman
- TM 9-2355-319-10 Caiman Plus (Nov 2008)



BAE Systems Caiman 6x6 MRAP.



BAE Systems Caiman 6x6 MRAP. Image: BAE SYSTEMS.



[Back](#)

4 of 4

