



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, FEBRUARY 3, 2011 AT 1:00 P. M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Milton Y. Tate, Jr.**
- 3. Service Recognitions**

Nadine Layton	Utility Billing	5 Years
Terry Roberts	Administration	10 Years
- 4. Citizens Comments**

CONSENT AGENDA

5. Statutory Consent Agenda

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

- 5-a. Minutes from the December 16, 2010, January 6, 2011, and January 20, 2011 Council Meetings and December 16, 2010 Joint Meeting with Washington County Commissioners Court**

REGULAR AGENDA

- 6. Discuss and Possibly Act Upon Ordinance No. O-11-002 on its Second Reading Amending Chapter 17 of the City of Brenham's Code of Ordinances to Include Article VI. Prohibiting Smoking Paraphernalia and Smoking Products**

7. **Discuss and Possibly Act Upon an Order Calling an Election on May 14, 2011 for the Purpose of Electing a Mayor (an at large position) and One Council Member for Place 4 - Ward 4**

Considerar y Posiblemente Actuar Sobre una Orden para una Elección el 14 de Mayo, 2011 Con el Propósito de Elegir un Alcalde (posición en general) y un Concejal para Posición 4 – Distrito 4.

8. **Discuss and Possibly Act Upon Bid #1006.057-UA-UB for Utility Line Extensions Along State Highway 36 North and Authorize the Mayor to Execute Any Necessary Documentation**
9. **Discuss and Possibly Act Upon Authorization of Final Payment to M-W-D Construction Co., Inc. for the West Side Water System Improvemens, Phase II and Authorize the Mayor to Execute any Necessary Documentation**
10. **Discuss and Possibly Act Upon a Contract Extension with Brenham Cleaning Solutions Inc. for Janitorial Services and Authorize the Mayor to Execute any Necessary Documentation**
11. **Discuss and Possibly Act Upon a Proposal for Janitorial Services for Police and Fire Facilities and Authorize the Mayor to Execute any Necessary Documentation**
12. **Discuss and Possibly Act Upon Resolution No. R-11-002 Supporting a Traffic Signal at Westwood Lane and U.S. Highway 290 and Authorize the Mayor to Execute any Necessary Documentation**
13. **Discuss and Possibly Act Upon an Amendment to the Pass Through Agreement For Payment of Pass-Through Tolls by TxDOT For the U.S. Highway 290 Project and Authorize the Mayor to Execute any Necessary Documentation**

CLOSE REGULAR AGENDA

WORK SESSION AGENDA

14. **a. Presentation of the 2010 Annual Report by the Finance Department**
b. Presentation of the 2010 Annual Report by the Police Department
c. Presentation of the 2010 Annual Report by the Fire Department
d. Presentation of the 2010 Annual Report by the Administration Department

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.

15. 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 February 3, 2011 agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on January 31, 2011 at _____ Am Pm.

Tammy Cook, Deputy City Secretary

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

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

Signature

Title

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on December 16, 2010, 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 Keith Herring
Council member Andrew Ebel
Councilmember Charlie Pyle
Councilmember Weldon Williams, Jr.

Members absent:

Councilmember Danny Goss

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Administrative Assistant Tammy Cook, Chief Financial Officer Carolyn Miller, Fire Chief Ricky Boeker, Deputy Chief Alan Finke, Police Chief Rex Phelps, Public Works Director Doug Baker, Kim Hodde, Leslie Kelm, Public Utilities Director Lowell Ogle, Dane Rau, Community Services Director Wesley Brinkmeyer, Jamie Maurer, Lin Hartstack, Angela Hahn, Janie Mehrens, Kevin Boggus, and Crystal Dahlquist.

Citizens present:

Kenneth Goesler, Page Michel, Clint Kolby, Paul Kruse

Media Present:

Arthur Hahn, Brenham Banner Press

- 1. Mayor Tate called the meeting to order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilman Keith Herring**

3. Special Recognition

Recognition of the Parks and Recreation Department’s Marketing Award

Community Services Director Wesley Brinkmeyer introduced this item. He announced that the City of Brenham had won the award for Best Marketing Program for Regions 5 & 7 from the Texas Recreation and Parks Society. Regions 5 & 7 include all of the Austin, Bryan-College Station, and San Antonio areas. It was judged on the program’s creativity, innovation, creation, and promotion. It is the program as a whole that is used to promote the parks and recreation here in the city of Brenham. He then asked Kevin Boggus, Crystal Dahlquist, and Jamie Maurer to come up and present the award to the Mayor.

4. Citizen Comments

There were no citizen comments.

5. Consent Agenda

Statutory Consent Agenda

5-a. Minutes from the November 18, 2010, November 22, 2010, and December 2, 2010 Council Meetings

The City Secretary noted that there were two corrections to the minutes. On page 604 of the November 18th minutes, Item No. 14, there is a correction on the second. On page 609 of the December 2nd minutes, there is a correction to the name of the representative from TML-IRP.

A motion was made by Councilmember Herring and seconded by Councilmember Pyle to approve Consent Agenda Item 5a with the corrections outlined by the City Secretary.

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 Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Absent

5-b. Second Reading of Ordinance No. O-10-024 Amending the FY2009-10 Adopted Budget

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve on its second reading Ordinance No. O-10-024 Amending the FY2009-10 Adopted Budget

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 Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Absent

WORK SESSION

6. Presentation of the Economic Development Foundation FY2009-10 End of Year Report

Page Michel, President of the Economic Development Foundation (EDF), presented their 2009-10 End of Year Report to Council. Chairman of the Board Paul Kruse and Project Manager Clint Kolby were also with her. Ms. Michel stated that it was a banner year. She advised Council of the following EDF highlights:

- BrenhamProspector.com received the International Economic Development Council Website Award for Best Special Purpose Website.
- Advanced Data Storage received the tax phase-in incentive and began construction of their new facility in the Brenham Business Center. They will be creating at least 12 jobs when they open.
- The EDF began marketing the newly re-acquired 8.5 acres of land in the Southwest Industrial Park next to Longwood Industries.
- New board officers were elected: Paul Kruse, Chair; Barbara Maurer, Vice Chair; William Krueger, Secretary; Billy Holle, Treasurer; and Luther Hueske, Immediate Past Chair.
- The Business Retention and Expansion Program (BREP) continued formally this year with numerous meetings held with local business leaders and immediate efforts to address their various concerns.
- Construction of the A.W. Hodde, Jr. Technical Education Center at Blinn College was completed and its doors opened for employee training.

- The EDF helped facilitate the Texas Enterprise Zone project nomination process for Blue Bell Creameries.
- The EDF and BCDC boards held their second annual joint meeting to discuss their partnership on projects, current market indicators, and trends in economic development. Introduced the targeting of entrepreneurs, in addition to recruiting prospects and assisting existing business expansions, as a core component of marketing efforts.
- After four years of service, Wesley Brinkmeyer left the EDF to become the Community services Director with the City of Brenham. Clint Kolby was hired to become the new Project Manager with the EDF.
- Teacher tours were again held in the summer with Brenham ISD, as an important part of the Workforce Maximization effort.
- Stanpac USA received the tax phase-in incentive and began renovations to the Mount Vernon Mills facility for its relocation to Brenham from Dallas. Stanpac USA will be creating at least 90 jobs when it becomes fully operational.
- Blue Bell Creameries received the tax phase-in incentive for a proposed expansion plan, which will create up to 10 new jobs.
- Quest Chemical received the tax phase-in incentive and identified the former Navisa plant (Cleaners Hangers) for its relocation to Brenham from Houston. It will be creating up to 100 jobs in its first year of operation.
- The EDF's New Industrial Land Search Committee identified a desirable tract for Project Poll next to the Southwest Industrial Park, and then facilitated negotiations for the purchase of the land. The City of Brenham/BCDC financed the purchase of over 119 acres for new unrestricted industrial sites, including Project Poll.
- Project 45 (Diamond Manufacturing) signed an earnest money contract for the 8.5 acres in SWIP, and the EDF staff worked with the company for over four months to plan construction of their new 40,000 sq. foot facility and help them become approved for the tax phase-in incentive. Unfortunately, they terminated the contract when the construction process stretched too long and they found an existing building in N.E. Houston.

7. Discuss and Review FY2009-10 Fourth Quarter Financial Report

Chief Financial Officer Carolyn Miller presented the Fourth Quarter Financial Report. She advised that, for FY2009-10, the City experienced favorable performance in the General Fund and all utility funds posted net revenues over expenditures.

CLOSE WORK SESSION

REGULAR AGENDA

8. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending Chapter 26 of the City of Brenham's Code of Ordinances to Include Article VI. Grease, Grit, and Oil Control

This item was presented by Assistant Public Utilities Director Dane Rau. Mr. Rau stated that, since this ordinance was discussed in work session, they took some of Council's recommendations regarding grit and incorporated them into the ordinance. They also worked with the City Attorney to modify the Administrative Review section.

Mr. Rau advised that they had met with some of the haulers in town and showed them the proposed ordinance. The haulers are familiar with the program and are in favor of it.

A motion was made by Councilmember Pyle and seconded by Councilmember Herring to approve on its first reading an Ordinance Amending Chapter 26 of the City of Brenham's Code of Ordinances to include Article VI. Grease, Grit, and Oil Control

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 Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Absent

9. Discuss and Possibly Act Upon a Rate Increase Proposed by Texas Commercial Waste for Commercial Sanitation Services and Authorize the Mayor to Execute Any Necessary Documentation

This item was presented by Mr. Rau. He stated that, back in October when the city passed a rate increase, they were anticipating this increase. Texas Commercial Waste is asking for a five (5) percent increase due to increased operating costs. Mr. Rau said they had spoken with a representative from Texas Commercial Waste and, unless a dramatic increase is seen in either fuel or tipping fees within the next two years, all indications are that these rates should remain firm.

A motion was made by Councilmember Herring and seconded by Councilmember Williams to approve the five percent (5%) rate increase proposed by Texas Commercial Waste for commercial sanitation services 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 Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Absent

10. Discuss and Possibly Act Upon Renewal of the Police Protection Agreement between the City of Brenham and the Brenham Housing Authority and Authorize the Mayor to Execute any Necessary Documentation

Police Chief Rex Phelps presented this item. The BHA and the City of Brenham have an ongoing agreement regarding police services. Brenham Police Department provides a fulltime police officer for the routine utilization of policing in and around the public housing areas. This proactive approach reduces crime and helps keep the patrol and investigative divisions balanced as it relates to police response to the entire Brenham community. In return, the BHA reimburses the city the costs related to personnel. Chief Phelps advised that this program works out very well for both sides.

A motion was made by Councilmember Williams and seconded by Mayor Pro Tem Nix to approve the renewal of the Police Protection Agreement between the City of Brenham and the Brenham Housing Authority 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 Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Absent

11. Discuss and Possibly Act Upon the Annual Election to be Exempt from Certain Requirements of the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and Authorize the Mayor to Execute any Necessary Documentation

This item was presented by Janie Mehrens who advised that this is an annual election which has been done for the past thirteen years since the opt-out provision for non-Federal government plans was established.

A motion was made by Councilmember Pyle and seconded by Councilmember Ebel to approve the annual election to be exempt from certain requirements of the Health Insurance Portability and Accountability Act (HIPAA) of 1996 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 Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Absent

12. Discuss and Possibly Act Upon the Continuation of Coverage Administrative Agreement Beginning January 1, 2011 with Texas Municipal League Intergovernmental Employee Benefits Pool and Authorize the Mayor to Execute any Necessary Documentation

Ms. Mehrens presented this item. She advised that Texas Municipal League Intergovernmental Employees Benefits Pool (TML IEBP) is now requiring an annual administrative agreement for providing services to manage continuation of group medical coverage administration. Continuation of coverage is available to those employees who terminate employment with the City of Brenham and are eligible to purchase group health coverage for a period of time. This is commonly referred to as COBRA coverage.

A motion was made by Councilmember Herring and seconded by Councilmember Williams to approve the Continuation of Coverage Administrative Agreement beginning January 1, 2011 with Texas Municipal League Intergovernmental Employee Benefits Pool 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 Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Absent

13. Discuss and Possibly Act Upon Bid No. 11-005 for the Foundation, Roofing, Block Work, and Plumbing for the All Sports Building in Hohlt Park and Authorize the Mayor to Execute any Necessary Documentation

Assistant City Manager Kyle Dannhaus presented this item. He advised that the city is acting as the contractor on this building. They went out for bids on the named components to try to get the building dried in. This is for work they could not do in-house. They were able to get two bids on each of the components; most of those who bid were local contractors. Mr. Dannhaus stated that they are pretty confident that this building can be completed as budgeted.

Staff is recommending that Council approve the following bids:

- LaBu, Inc. for the building foundation in the amount of \$28,775.00
- KW Construction for the roofing in the amount of \$48,533.50
- R. W. Pfeffer Masonry for the block work in the amount of \$28,306.00
- Thielman Construction for the plumbing in the amount of \$16,102.00

A motion was made by Councilmember Pyle and seconded by Councilmember Ebel to approve Bid No. 11-005 for the foundation, roofing, block work, and plumbing as recommended by staff for the All Sports Building in Hohlt Park and authorize the Mayor to execute the necessary documentation.

Councilmember Pyle stated that there is only \$164 difference in the two bids for the block work. He questioned why, with that small a difference it would not be given to a local contractor. Mr. Dannhaus replied that they were going with the low bids and just continued that way. He stated that they have all of the confidence in the world in Mr. Pfeffer; he has done a lot of work in Brenham, but it is council's call on who to award the bid to. Mayor Pro Tem Nix then asked why there was such a large difference in the bids for the building foundation. Mr. Dannhaus replied that he could not answer that question; he did not question the contractors about their bids. He said LaBu has the contract with the city for contract work and he feels certain that they did not underbid what they needed to have. It was noted that all of the contractors except Thielman also have a discount for payment within ten or fifteen days. After these discussions, Councilmember Pyle stated that he was comfortable with his motion.

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 Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Absent

Council adjourned into Executive Session at 1:36 p.m.

EXECUTIVE SESSION

- 14. Texas Government Code Section 551.071 – Consultation with Attorney – Executive Session for the Purpose of Consultation with Legal Counsel Concerning Cause No. 34398; In the 21st Judicial District Court, Washington County, Texas; *Big Texas Fireworks, LTD and Monster Sales, Inc. v. The City of Brenham***
- 15. Section 551.072, Texas Government Code – Deliberation Regarding Real Property – Discuss and Consider the Exchange, Acquisition and Conveyance of Land in the Southwest Industrial Park for the Longwood Drive Extension**
- 16. Texas Government Code Section 551.086 – Utility Competitive Matters – Discuss and Consider Financial, Operational, and Staffing Matters Related to Electric Utility Operation**

Council adjourned into Regular Session at 2:08 p.m.

RE-OPEN REGULAR SESSION

- 17. Discuss and Possibly Take Action Regarding Cause No. 34398; In the 21st Judicial District Court, Washington County, Texas; *Big Tex Fireworks, LTD and Monster Sales, Inc. v. The City of Brenham***

A motion was made by Councilmember Herring and seconded by Councilmember Pyle to approve the Settlement and Release Agreement with Big Tex Fireworks, LTD and Monster Sales, Inc. vs. 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 Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Absent

19. Administrative/Elected Officials Report

There were no Administrative/Elected Officials reports.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on January 6, 2011, 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 Keith Herring
Council member Andrew Ebel
Councilmember Danny Goss
Councilmember Charlie Pyle
Councilmember Weldon Williams, Jr.

Others present:

City Manager Terry Roberts, Att. City Manager Kyle Dannhaus, City Attorney Cary Bovey, Administrative Assistant Tammy Cook, Chief Financial Officer Carolyn Miller, Debbie Gaffey, Fire Chief Ricky Boeker, Public Works Director Doug Baker, Public Utilities Director Lowell Ogle, Dane Rau, Community Services Director Wesley Brinkmeyer, Lin Hartstack, Jennifer Eckermann, Angela Hahn, Danny Romo.

Citizens present:

Connie Hall, Tom Whitehead, Joy Fuchs

Media Present:

Arthur Hahn, Brenham Banner Press

- 1. Mayor Tate called the meeting to order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Charlie Pyle**
- 3. New Employee Recognitions**

Danny Romo introduced the following new employee:

Sean Church Maintenance Department

4. Citizen Comments

Connie Hall addressed Council regarding the upcoming Tourism Forum. She briefly outlined the topics and speakers they will have and encouraged all city officials to attend.

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Second Reading of Ordinance No. O-11-001 Amending Chapter 26 of the City of Brenham's Code of Ordinances to Include Article VI. Grease, Grit, and Oil Control

A motion was made by Councilmember Pyle and seconded by Councilmember Herring to approve the Statutory Consent Agenda.

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 Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

WORK SESSION

6. Discuss Chapter 4, Ambulance Services, of the City of Brenham's Code of Ordinances

Since this item had previously been tabled, a motion was made by Councilmember Ebel and seconded by Councilmember Pyle to bring it back from the table.

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 Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

This item was presented by Terry Roberts. He went over some of the background for this item. He said that, in summing up the additional research performed by the City Secretary and Angela Hahn, the overriding feeling was that the cities contacted did not get involved in the detailed regulation of these ambulances, primarily because they are state regulated. They do not mandate MICU service, but the services must get a franchise, and then it is left up to the state to make sure they operate properly.

During discussion, Councilmember Goss asked the City Attorney a question that Mr. Bovey felt was better discussed in Executive Session. To that end, the Mayor announced that the Council would go into Executive Session.

Council convened into Executive Session at 1:13 p.m.

EXECUTIVE SESSION

Texas Government Code Section 551.071 – Consultation with Attorney – Discuss Chapter 4, Ambulance Services, of the City of Brenham’s Code of Ordinances

Council returned to Work Session at 1:29 p.m.

WORK SESSION

There was lengthy discussion on this issue, covering various aspects. Angela Hahn was asked to clarify a point based on some of her research.

REGULAR AGENDA

7. Discuss and Possibly Act Upon Ordinance No. O-10-022 on its Second Reading Amending Chapter 4, Ambulance Services, of the City of Brenham’s Code of Ordinances

A motion was made by Councilmember Ebel and seconded by Councilmember Williams to approve Ordinance No. O-10-022 on its second reading amending Chapter 4, Ambulance Services, of the City of Brenham’s Code of Ordinances.

For clarification purposes, City Manager Terry Roberts went over the wording that was included in the ordinances. It essentially requires Mobile Intensive Care service for the equipment and the vehicles and the Standards of Operation; personnel shall be certified at the MICU level; private ambulance must operate within the Brenham city limits; requires a Brenham address and Brenham business telephone number; requires the applicant to have a physician serving as Medical Director who is licensed to practice in Texas and registered as a Washington County physician; requires franchise holder to respond to non-emergency calls within thirty minutes.

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	No
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	No
Councilmember Weldon Williams	Yes

8. Discuss and Possibly Act Upon Resolution No. R-11-001 Regarding the Exchange of Washington County's Undivided One-Half (1/2) Interest in the Linda Anderson Property for the City's Release of Certain Conditions on Conveyance to the County of the Public Health Facility Property Located at 100 S. Chappell Hill Street

City Manager Terry Roberts introduced this item. He advised that this follow-up from the joint meeting with Washington County in December in which both entities were of the general consensus that this exchange was fair and equitable.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve Resolution No. R-11-001 regarding the exchange of Washington County's undivided one-half (1/2) interest in the Linda Anderson property for the City's release of certain conditions on the conveyance to the County of the Public Health Facility property located at 100 S. Chappell Hill Street.

Councilmember Goss asked if the County agrees to participate in the operation and maintenance of Linda Anderson Park. Mr. Roberts responded that they had expressed that in the meeting and they agreed to that in the Interlocal Agreement, which is a two-year agreement.

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 Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

9. Discuss and Possibly Act Upon RFP No. 11-004 for the Purchase of Automated Meter Reading Equipment and Authorize the Mayor to Execute any Necessary Documentation

This item was presented by Public Utilities Director Lowell Ogle. He stated that this is an item they have been discussing for awhile. They would like to award part of the RFP now and then come back in a couple of weeks with a more detailed plan on how they are going to phase the meter purchasing in and the funding for that. Right now there are a couple of pieces of equipment they need to purchase to continue using the meters they have installed and continue moving forward with this system. They are recommending the purchase of the Tower Gateway Base (TGB) system and the Regional Network Interface (RNI) from Aqua Metric Sales Co. for \$70,000. They are recommending that this be funded out of reserves from the four utility funds.

A motion was made by Councilmember Pyle and seconded by Councilmember Herring to approve Resolution RFP No. 11-004 for the purchase of automated meter reading equipment from Aqua Metric Sales Co. for \$70,000.00 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 Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

10. Discuss and Possibly Act Upon Bid No. 11-006 for the Purchase of a 48' Aluminum Refuse Trailer along with an Extra Rim and Spare Tire and Authorize the Mayor to Execute any Necessary Documentation

This item was presented by Assistant Public Works Director Dane Rau. He stated that in November they went out for bids and only received one, which was from Travis Body & Trailer. This purchase was budgeted in combination with the rehabilitation of the Collection Station improvements to allow us to haul all of our non-compacted waste rather than pay a third party to haul waste utilizing roll-offs. They are recommending that Council approve the bid from Travis Body and Trailer for the purchase of a 48' aluminum refuse trailer along with an extra rim and tire for \$56,922.00.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to award Bid No. 11-006 for the purchase of a 48' aluminum refuse trailer along with an extra rim and spare tire to Travis Body and Trailer for \$56,922.00 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 Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

11. Discuss and Possibly Act Upon Authorization of Final Payment to Matula & Matula Construction, Inc. for the West Side Water System Improvements, Phase II and Authorize the Mayor to Execute any Necessary Documentation

This item was presented by Public Utilities Director Lowell Ogle. He advised that Matula & Matula Construction, Inc. has completed their work on the West Side Water System Improvements, Distribution System Improvements, Phase II. They have satisfactorily completed the work according to the design; staff is happy with their performance and is asking council to approve final payment in the amount of \$185,479.38.

A motion was made by Councilmember Herring and seconded by Councilmember Pyle to authorize final payment to Matula & Matula Construction, Inc. in the amount of \$185,479.38 for the West Side Water System Improvements, Phase II 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 Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

Council convened into Executive Session at 2:17 p.m.

EXECUTIVE SESSION

12. Section 551.072, Texas Government Code – Deliberation Regarding Real Property – Discuss and Consider the Acquisition of Real Property for the U.S. Highway 290 Project and Acquisition of Right-Of-Way on and in the Vicinity of U.S. Highway 290 West

Council returned to Regular Session at 3:23 p.m.

RE-OPEN REGULAR SESSION

Mayor adjourned briefly, and then re-opened for Administrative Report.

13. Administrative/Elected Officials Report

- Terry Roberts mentioned the Tourism forum on January 27th
- Firemen's Appreciation dinner also on January 27th
- Mr. Roberts reminded Council that Ron Cox will be here on January 27th to visit with them, one-on-one, in preparation for the upcoming retreat

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jean Bellinger, TRMC
City Secretary

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on January 20, 2011, 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
Council member Andrew Ebel
Councilmember Danny Goss
Councilmember Keith Herring
Councilmember Charlie Pyle
Councilmember Weldon Williams, Jr.

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Administrative Assistant Tammy Cook, Chief Financial Officer Carolyn Miller, Debbie Gaffey, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Public Works Director Doug Baker, Kim Hodde, Public Utilities Director Lowell Ogle, Community Services Director Wesley Brinkmeyer, Jamie Maurer, Lin Hartstack, Casey Redman, Pam Ruemke, Angela Hahn.

Citizens present:

Clint Kolby

Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner, KWHI

- 1. Mayor Tate called the meeting to order**
- 2. Invocation and Pledges to the US and Texas Flags – City Manager Terry Roberts**
- 3. Citizen Comments**

There were no citizen comments

4. Statutory Consent Agenda

4-a. Minutes from the December 16, 2010 and January 6, 2011 Council Meetings and December 16, 2010 Joint Meeting with Washington County Commissioners Court

Mayor Tate advised that, due to technical difficulties, the minutes are not available so this item would be passed and they would move on to the work session.

WORK SESSION

5. Presentation and Discussion Related to Ralston Creek Erosion Issues

This item was presented by Public Works Director Doug Baker. He gave some background on this issue stating that the condition of the Ralston Creek's Drainage channel has been a problem at least since 1983. That's when O'Malley Engineers did a drainage study to determine what needed to be done to control the erosion that was occurring in the channel. The study focused on the section of the creek from Market Street to approximately 200 feet below Walnut Street. O'Malley determined that the excessive velocity of the water in the channel was causing the erosion and that a series of "drop structures" would reduce the velocity. In 1984 a series of "drop structures" were constructed in the channel, and we have not experienced any significant erosion problems along that portion of Ralston Creek since then.

Mr. Baker further stated that the portion of Ralston Creek below Walnut Street was relatively undeveloped at that time and there was no need to make improvements there. Today, however, the section of Ralston Creek below Walnut Street is completely developed, and we are experiencing the same problems that prompted the study in 1983. The bottom of the channel is getting deeper because of erosion, and as it does, the banks of the channel widen. When that happens, the banks get closer to back yard fences and the property owners call the city expecting us to do something about it. The street department has done something about it – many times, but it's a losing battle. The erosion continues in spite of our efforts to control it, and the abutting property is now fully developed to the extent that repairing the channel banks as we have done in the past is almost impossible.

Mr. Baker said that, in his opinion, it's time to consider a more permanent solution to the erosion problem. Considering the problem with access to the creek, he does not know what that solution might be. That's why he is recommending that the City engage the services of an engineering company to survey the creek and present us with some options that, if implemented, would eliminate the erosion problem.

Mr. Baker commented that Councilmember Williams had asked before about water on Jefferson Street; they are going to try to put in a partial lining to solve the problem to eliminate standing water and mosquitoes. Councilmember Williams commented that the water on Jefferson runs on off so it doesn't erode. He asked where the Ralston Creek water runs to. Mr. Baker replied that it runs behind Kruse Village and then between Krause Elementary and Brenham Christian Academy. Mr. Williams further commented that the water needs to be slowed down in Ralston Creek; the water from Jefferson Street doesn't come through there fast so it doesn't create the erosion problem.

Councilmember Ebel asked if the center line of the creek is the property line for all of that property. Upon Mr. Baker's affirmative response, Mr. Ebel asked if that is typical of creeks throughout Brenham. Again Mr. Baker's reply was affirmative. There was discussion of the process when the City has to go do some work out there since it is on private property.

Councilmember Goss asked for clarification of where Mr. Baker is talking about below Walnut Street. He also inquired if they could possibly look to the jail system for assistance in getting in there to clean out the vegetation since they can't get equipment in there to do it. Mr. Baker replied that they probably could but the vegetation is not the real problem. It is that there is no room on the banks of the creek to work.

Councilmember Pyle said that the \$19,500 cost seemed high and asked Mr. Baker if they had talked to any other engineering firms to get figures. Mr. Baker replied that they had not.

Mayor Tate announced that the Work Session was closed and they would move on to the regular agenda.

REGULAR AGENDA

6. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending Chapter 12 of the City of Brenham's Code of Ordinances to Include Article VII. Prohibiting Smoking Paraphernalia and Smoking Products

Police Chief Rex Phelps presented this item. He advised that, in May of 2010, the National Drug Intelligence Center alerted law enforcement and public health officials to a substance potentially being abused that has significantly harmful side effects. The substance is made up of synthetic chemicals that are a danger to users and the substance is not categorized as a controlled substance under the federal or state guidelines. The substances are commonly referred to by many different labels and local law enforcement have started to see these dangerous products in the possession of community members and particularly with young people. There have been a number of local youth and young adults that have suffered harmful side effects needing medical attention.

Chief Phelps advised that many other cities of this region have already passed city ordinances prohibiting these substances. It is anticipated that there will be a state law forthcoming but, until it is passed, the cities do not feel that they can wait to pass ordinances regulating this type of substance.

A motion was made by Councilmember Herring and seconded by Councilmember Goss to approve the Ordinance on its first reading amending Chapter 12 of the City of Brenham's Code of Ordinances to include Article VII. Prohibiting Smoking Paraphernalia and Smoking Products

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 Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

7. Discuss and Possibly Act Upon an Agreement with First Southwest Asset Management, Inc., an Affiliate of First Southwest Company, for Arbitrage Rebate Compliance Services Regarding Outstanding Bond and Lease Obligations and Authorize the Mayor to Execute any Necessary Documentation

Chief Financial Officer Carolyn Miller presented this item. She advised that In December 2007, Council approved a contract with First Southwest Asset Management, Inc. (FSAM) for arbitrage rebate compliance services. Although that agreement automatically renews annually for an additional one (1) year term unless either party gives written notice of termination, FSAM has presented us with a revised agreement which includes a reduced fee schedule for the contract renewal period. As Colby Jackson, vice president with FSAM stated in his cover letter to her, "In the current economic environment, investment options and strategies have become less complex. This translates to a reduced level of difficulty in the rebate calculations and less time on our part to produce them. We believe that the City deserves to share in this benefit of the less time required; thus, we are passing the cost savings directly to you."

It is anticipated that the fees will be around \$12,000 for the proposed agreement. This is an increase due to the new debt issued in October 2010. Ms. Miller stated that there were some changes to the agreement that City Attorney had asked for and those had been done.

A motion was made by Councilmember Goss and seconded by Councilmember Pyle to approve the agreement with First Southwest Asset Management, Inc., an affiliate of First Southwest Company, for Arbitrage Rebate Compliance Services Regarding Outstanding Bond and Lease Obligations 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 Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

8. Discuss and Possibly Act Upon a Memo of Understanding with GovDeals, Inc. for the Sale of Surplus Assets and Inventory Via an Online Auction System and Authorize the Mayor to Execute any Necessary Documentation

Chief Financial Officer Carolyn Miller presented this item. She stated that, at the recent Texas Municipal League Conference, assistant City Manager, Kyle Dannhaus had the opportunity to visit the vendor booth for GovDeals, Inc. a company which provides services to various government agencies that allow them to sell surplus and confiscated items via the internet. In the past, the City has used Mark Switzer Auction Services in Sealy, Texas. Surplus assets or inventory had to be hauled to Bellville and if unsold, had to be hauled back to Brenham. In contrast, an online auction system would allow us to post photos along with a description of the item. Potential customers could come to the City of Brenham to view the items if desired.

Ms. Miller advised that many cities are going to this type of program. They researched other internet auction companies and, after checking references of several existing GovDeals, Inc. customers, they are recommending GovDeals for an internet auction site for the City. They are recommending the 7.5 percent commission structure, which is lower than what the City paid Switzer Auction. There is a minimum \$5.00 commission price but they are planning to bundle things so it would never be below that \$5.00 amount. Ms. Miller said they would also like for GovDeals to collect the proceeds electronically for the City. There is a 5 per cent fee for the electronic payment capture, which is standard.

Ms. Miller said they have visited the site and it is very easy to navigate. They plan to have two administrators, Adam Griffin who will help on the finance side and Kyle Branham from public utilities will help with the photos and descriptions because some of the obsolete inventory has to do with a lot of their project inventory items.

Councilmember Goss inquired about on-line auctions versus in-person; if you got more exposure, etc. Ms. Miller asked Adam Griffin to respond. Mr. Griffin said he had visited with a lady from Bastrop County about this. As an example, she said they had a dump truck to sell. She had someone local bidding on it and then she also had someone from California and someone from New York. The person from New York wound up getting it and Bastrop County got twice the money they had anticipated.

Councilmember Herring asked why they were recommending Option B2 instead of B1. The difference in the two is a shift in the amount of fees between the buyer and seller. Ms. Miller said that, with making the buyer's premium lower, they anticipate seeing more bid activity and maybe a higher net auction price. Also, a 5 percent buyer's premium is more common in this area than 7 ½ percent.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve the Memo of Understanding with GovDeals, Inc. for the sale of surplus assets and inventory via an on-line auction system using Pricing Option B1 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 Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

9. Discuss and Possibly Act Upon: 1) a Participation Agreement Authorizing the City of Brenham to Participate in the Texas Payment Card Consortium; and 2) a Cooperative Purchasing Agreement Between the City of Fort Worth, Texas and the City of Brenham and Authorize the Mayor to Execute any Necessary Documentation

This item was presented by Chief Financial Officer Carolyn Miller. She advised that, in August, 2010, they were notified by the Texas Comptroller of Public Accounts that the State of Texas had awarded the contract for Procurement and Corporate Travel Charge Card Services to Citibank and would be terminating the current contract with JPMorgan Chase (Chase) effective February 28, 2011. Subsequently, Barbara Maurer, our local relationship manager, called to let us know that if we desired to stay with Chase, we could join the Texas Payment Card Consortium anchored by the City of Fort Worth. The Texas Payment Card Consortium is a competitively bid commercial card contract, anchored by the City of Fort Worth, which has a piggyback clause allowing governments and not-for-profits to participate at their discretion. This Texas Payment Card Consortium contract began in 2007 and is a 3 year contract with 2 one-year renewals. The first renewal was exercised beginning August 31, 2010, and the contract will expire on August 31, 2012.

Ms. Miller further stated that, since implementing the Procurement Card program with the State of Texas and Chase in April of 2007, they have been pleased with the program, services and flexibility. They are recommending that the City of Brenham join the Texas Payment Card Consortium and approve the cooperative purchasing agreement with the City of Fort Worth. By approving these agreements, the City would incur no costs of changing procurement card providers. No further action is required on the part of our Purchasing or Accounting departments, and the enrollment process for new cards will not change. Our employees will keep their current card and card number and replacement cards will not be issued until the current ones expire or if they are lost or stolen.

Councilmember Goss stated that these were the pros to staying with JPMorgan Chase. Were there cons? Ms. Miller stated that she did not think there were. They are happy with the service they have received. If they change to Citibank, there only two or three representatives statewide to handle all of these cities and universities, while Chase has hundreds. They feel there would be a decline in services if they changed to Citibank.

Ms. Miller also stated that there is no cost to changing; it is just a matter of going through and signing all of the agreements. City Attorney Cary Bovey advised that is the same program they have previously had with Chase; it is just piggy-backed with the City of Fort Worth.

A motion was made by Councilmember Goss and seconded by Councilmember Pyle to approve 1) a Participation Agreement authorizing the City of Brenham to participate in the Texas Payment Card Consortium; and 2) a Cooperative Purchasing Agreement between the City of Fort Worth, Texas and the City of Brenham 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	Abstain
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

10. Discuss and Possibly Act Upon an Agreement Between the City of Brenham and Dr. Wilfred Dietrich for the Amphitheater Project in Hohlt Park and Authorize the Mayor to Execute any Necessary Documentation

City Manager Terry Roberts presented this item. He advised that the City Staff and City Attorney have been working to create an agreement with Dr. Dietrich that will ensure completion of the project through a developer's agreement. That agreement would allow Dr. Dietrich to construct an amphitheater project at a specific location in the park in accordance with a set of plans and specifications approved in advance by the City. Mr. Roberts said that the biggest advantage to the City of Brenham of having the Developer's Agreement is that, contained in the agreement, is the assurance that the amphitheatre, as approved by the city, will be built for the \$250,000. The restrooms are a separate issue, not part of the amphitheatre project per se, and the non-climate controlled facilities are being funded by the BCDC.

Mr. Roberts stated that Dr. Dietrich has opened an account at a local bank with the funds set aside specifically for the purpose of building the amphitheater project. They are just trying to make sure all of the financial security is there and they are fine-tuning the letter of credit.

There was general discussion on different aspects of the project.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve the Agreement between the City of Brenham and Dr. Wilfred Dietrich for the Amphitheater Project in Hohlt Park contingent upon the City Attorney approving the language related to the letter of credit 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 Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

11. Administrative/Elected Officials Report

- Mr. Roberts advised that Tammy had prepared a Calendar of Events to try to keep up with all of the activities and events coming up. He went over some of the events on the calendar.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jean Bellinger, TRMC
City Secretary

Brenham City Council Special Meeting Minutes

A special meeting of the Brenham City Council and the Washington County Commissioners was held on December 16, 2010, beginning at 9:00 a. 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 Keith Herring
Council member Andrew Ebel
Councilmember Charlie Pyle
Councilmember Weldon Williams, Jr.

Members absent:

Councilmember Danny Goss

Washington County Commissioners Court Members present:

Judge Dorothy Morgan
Commissioner Zeb Heckmann
Commissioner Donald Ray Ahrens
Commissioner Kirk Hanath
Commissioner Joy Fuchs

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Chief Financial Officer Carolyn Miller, Stacy Hardy, Rhonda Kuehn, Debbie Gaffey, Fire Chief Ricky Boeker, Deputy Fire Chief Alan Finke, Police Chief Rex Phelps, Public Works Director Doug Baker, Community Services Director Wesley Brinkmeyer, Lin Hartstack, Charles Suessmuth, Angela Hahn

Citizens present:

Ken Goessler, Luther Hueske, John Brieden, Clint Kolby, Dr. Boehm

Media Present:

None

- 1. Mayor Tate and Judge Morgan each called the meeting to order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Tate**
- 3. Discuss and Possibly Act Upon a Request from Washington County Offering Its Undivided One-Half (1/1) Interest in the Linda Anderson Park Property in Exchange for the City’s Release of Certain Conditions on Conveyance to the County of the Public Health Facility Property Located at 100 S. Chappell Hill Street (City Action Only)**

City Manager Terry Roberts introduced this item. He advised that what is on the agenda is just discussion of these items. No documents are ready. If it is the consensus of the City Council and County Commissioners to do this exchange, then the City Attorney will work with the County Attorney to draft the necessary documents to complete it.

Mr. Roberts gave a brief overview on the history of the two properties. Back in April 2009, the City and County entered into an Interlocal Agreement related to the conveyance, use and operation of a public health facility – to be housed in the City’s old police station. As outlined in the Agreement, the County has the title to the former police station property as long as the facility remains a public health clinic. However, if that type of operation ceased the County would either relinquish the building back to the City or pay the City \$25,000 for the property.

In July 2010, Judge Morgan offered an exchange of the County’s half-interest in Linda Anderson Park (which was deeded to them in 1980) for termination of the City’s remaining interest in the old PD building, which has been converted, by the County, into a public health clinic. Research turned up records that showed the City and County acquired the real estate for Linda Anderson Park jointly at a cost of roughly \$50,000 each.

Given the amount of renovations undertaken on the old PD building through grants and donations, the County would prefer to pay the \$25,000 release that was reserved when deeding the property to the county. Judge Morgan stated that she felt sure it would continue to function as a public health facility but it would just be a cleaner operation if it was a County owned building. Judge Morgan further stated that the County is still willing to jointly participate in the operation and maintenance of Linda Anderson Park.

Mayor Tate said he personally sees no problem in exchanging the property, especially in light of the fact that the County is still willing to contribute toward the operation and maintenance of Linda Anderson Park.

A motion was made by Councilmember Ebel and seconded by Mayor Pro Tem Nix to move forward in preparing the documents to complete the exchange of property. In discussion, Mayor Tate reiterated that this was with the understanding that the County would continue to help with the upkeep of the Park.

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	Absent
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

4. a. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Animal Shelter Services and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)

Before discussion of any of the Interlocal Agreements began, City Manager Terry Roberts gave a brief history and overview of the work done by the Interlocal Agreement Task Force. He then asked any members of the Task Force who wished to make comments on the process to do so.

Judge Morgan said that one of the questions that had come up was where does the tax money go that is collected by the County from citizens who live in the city. She had prepared some figures showing the County's budget, the amount of taxes that are collected and the portion of that which comes from city residents. She then broke down expenditures to try to show where the funds went.

Commissioner Hanath said there are many counties and cities across the state who envy the City of Brenham and Washington County for their ability to get along and work for the good of the citizens.

Councilmember Williams said he feels that the County has less risk than the city in some areas and that, as they go forward with the Interlocal Agreements, they should work to make sure each entity pays its fair share.

City Manager Roberts spoke briefly about the County review of Fire Services. He explained that the County has adjusted the amount they will contribute to the City for this although it is not the amount recommended by City staff. The feeling is that a workable Interlocal Agreement needs to be adopted and then they can get continue to work on it but it will involve more than one budget year.

Commissioner Fuchs stated that she feels the County is very frugal and does not enter into a project until they have investigated the financial aspects very closely.

Commissioner Hanath said he feels they need to take a closer look, a panoramic view of the County's budget, and see if there are iniquities.

Councilmember Williams said that he doesn't feel the City can tell the County what it has to do to be frugal and vice versa. What is important is that they work together and each pay their fair share.

Mr. Roberts then introduced the Agreement for Animal Shelter Services. The prior Agreement had Animal Shelter Services and Animal Control Services combined. Now each service will have its own agreement. The Agreement for Animal Shelter Services calls for funding from the county in the amount of \$45,600, which represents roughly 26% of the \$175,000 budget. These are two year agreements, one year initial term and then an automatic renewal of one year with termination provisions.

A motion was made by Councilmember Herring and seconded by Councilmember Pyle to approve the Interlocal Agreement between the City of Brenham and Washington County for Animal Shelter Services 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	Absent
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

b. Discuss and Possibly Act Upon an Interlocal Agreement Between Washington County and the City of Brenham for Animal Shelter Services and Authorize the Judge to Execute Any Necessary Documentation (County Action Item Only)

Judge Morgan presented the item to the Commissioners. Commissioner Heckmann made the motion, seconded by Commissioner Ahrens, to approve the Interlocal Agreement between Washington County and the City of Brenham for Animal Shelter Services and authorize the Judge to execute any necessary documentation.

Judge Morgan called for a vote. The motion passed with Commissioners voting as follows:

Judge Morgan	Yes
Commissioner Heckmann	Yes
Commissioner Ahrens	Yes
Commissioner Hanath	Yes
Commissioner Fuchs	Yes

5. a. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Animal Control Services and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)

City Manager Roberts introduced this item. He advised that the Animal Control agreement calls for an increase of \$15 per call from \$50 to \$65. The first three calls each month are not included in the billing. Earlier the City and County worked out an administrative change to charge \$175 per call for bite cases due to the higher cost of providing that type of call. Again, this is a two-year agreement.

Judge Morgan said that they had discussed the mileage but felt that that would have been too hard. Going up the extra \$15 should cover the mileage.

A motion was made by Councilmember Pyle and seconded by Councilmember Williams to approve the Interlocal Agreement between the City of Brenham and Washington County for Animal Control Services 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	Absent
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

b. Discuss and Possibly Act Upon an Interlocal Agreement Between Washington County and the City of Brenham for Animal Control Services and Authorize the Judge to Execute Any Necessary Documentation (County Action Item Only)

Judge Morgan presented the item to the Commissioners. Commissioner Heckmann made the motion, seconded by Commissioner Fuchs, to approve the Interlocal Agreement between Washington County and the City of Brenham for Animal Control Services and authorize the Judge to execute any necessary documentation.

Judge Morgan called for a vote. The motion passed with Commissioners voting as follows:

Judge Morgan	Yes
Commissioner Heckmann	Yes
Commissioner Ahrens	Yes
Commissioner Hanath	Yes
Commissioner Fuchs	Yes

6. a. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Library Services at the Nancy Carol Roberts Memorial Library and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)

City Manager Terry Roberts introduced this item. He explained that the current agreement needed to be changed because, in the past, the County dealt with the former Fort Nightly appointed Library Board and the City Librarian. The agreement needs to be between the County and the City because it is a city department and operation. Historically the County budget allocates \$30,000 for this purpose. The total operating budget for the Library is \$485,000. The \$30,000 contribution from the County represents 6% of the budget.

A motion was made by Councilmember Ebel and seconded by Mayor Pro Tem Nix to approve the Interlocal Agreement between the City of Brenham and Washington County for library services at the Nancy Carol Roberts Memorial Library 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	Absent
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

b. Discuss and Possibly Act Upon an Interlocal Agreement Between Washington County and the City of Brenham for Library Services at the Nancy Carol Roberts Memorial Library and Authorize the Judge to Execute Any Necessary Documentation (County Action Item Only)

Judge Morgan clarified that any capital improvements where the County would be sharing costs would have to be approved by both entities. She then asked for a motion.

Commissioner Fuchs made the motion, seconded by Commissioner Hanath, to approve the Interlocal Agreement Between Washington County and the City of Brenham for library services at the Nancy Carol Roberts Memorial Library and authorize the Judge to execute any necessary documentation.

Judge Morgan called for a vote. The motion passed with Commissioners voting as follows:

Judge Morgan	Yes
Commissioner Heckmann	Yes
Commissioner Ahrens	Yes
Commissioner Hanath	Yes
Commissioner Fuchs	Yes

7. a. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Health Inspection Services and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)

Mr. Roberts introduced this item. He advised that the County contracts with the City for the City's health inspector to inspect food handling establishments in the rural areas of Washington County. The County pays 20% of his salary and benefits as well as out of pocket expenses related to his County Service. This arrangement covers the City's cost of providing the service. Again, this is a two-year contract with a sixty-day cancellation clause.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Pyle to approve the Interlocal Agreement between the City of Brenham and Washington County for Health Inspection Services 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	Absent
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

b. Discuss and Possibly Act Upon an Interlocal Agreement Between Washington County and the City of Brenham for Health Inspection Services and Authorize the Judge to Execute Any Necessary Documentation (County Action Item Only)

Judge Morgan presented the item to the Commissioners. She advised that the only major change that was made was to require the inspector to give a report every six months of ALL inspections performed within the county.

Commissioner Hanath made the motion, seconded by Commissioner Ahrens, to approve the Interlocal Agreement between Washington County and the City of Brenham for Health Inspection Services and authorize the Judge to execute any necessary documentation.

Judge Morgan called for a vote. The motion passed with Commissioners voting as follows:

Judge Morgan	Yes
Commissioner Heckmann	Yes
Commissioner Ahrens	Yes
Commissioner Hanath	Yes
Commissioner Fuchs	Yes

8. a. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County Related to the Operation of and Improvements to Linda Anderson Park and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)

Mr. Roberts introduced this item. He advised that this agreement was never memorialized in an interlocal agreement. The arrangement was established in a joint meeting of the City Council and Commissioners Court almost 30 years ago. The agreement reached at that time was for a 50/50 split of the costs. Again, this is a two-year agreement with a sixty-day cancellation clause.

A motion was made by Councilmember Williams and seconded by Councilmember Herring to approve the Interlocal Agreement between the City of Brenham and Washington County Related to the Operation of and Improvements to Linda Anderson Park 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	Absent
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

b. Discuss and Possibly Act Upon an Interlocal Agreement Between Washington County and the City of Brenham Related to the Operation of and Improvements to Linda Anderson Park and Authorize the Judge to Execute Any Necessary Documentation (County Action Item Only)

Commissioner Heckmann made the motion, seconded by Commissioner Fuchs, to approve the Interlocal Agreement between Washington County and the City of Brenham related to the Operation of and Improvements to Linda Anderson Park and authorize the Judge to execute any necessary documentation.

Judge Morgan called for a vote. The motion passed with Commissioners voting as follows:

Judge Morgan	Yes
Commissioner Heckmann	Yes
Commissioner Ahrens	Yes
Commissioner Hanath	Yes
Commissioner Fuchs	Yes

9. a. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Jail Services and 9-1-1 Emergency Communication Services and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)

Mr. Roberts presented this item. He stated that the jail for emergency communications barter arrangement started in 1995 when the City opted to close its city jail facilities located in the Police Station in favor of taking all Class C misdemeanor prisoners to the County jail. In exchange, the City agreed to expand its emergency communications operation to take over all dispatch for both City and County agencies.

Mr. Roberts further stated that he cannot find any documentation from the Chief in 1995 outlining the anticipated cost of each. He does not believe an analysis of costs has ever been done, either in the beginning or throughout the years of the arrangement until the year.

Mr. Roberts said that the Task Force did not really go into the barter arrangement, but basically agreed to move forward with memorializing the current arrangement with an Interlocal Agreement. The agreement basically says the County will provide Jail Service to the City and the City will provide emergency communications to the County. No reference is made to equity and fairness. It just states what is in practice right now.

Judge Morgan advised that she does not agree with all of the numbers but she has not had the time to go through them. The Sheriff does not agree with all of the numbers. She offers her time to the new County Judge to work on this. Mayor Tate also said they would work on it.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve the Interlocal Agreement between the City of Brenham and Washington County for Jail Services and 9-1-1 Emergency Communication Services 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	Absent
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

b. Discuss and Possibly Act Upon an Interlocal Agreement Between Washington County and the City of Brenham for Jail Services and 9-1-1 Emergency Communication Services and Authorize the Judge to Execute Any Necessary Documentation

Commissioner Ahrens made the motion, seconded by Commissioner Fuchs, to approve the Interlocal Agreement between Washington County and the City of Brenham for Jail Services and 9-1-1 Emergency Communication Services and authorize the Judge to execute any necessary documentation.

Judge Morgan called for a vote. The motion passed with Commissioners voting as follows:

Judge Morgan	Yes
Commissioner Heckmann	Yes
Commissioner Ahrens	Yes
Commissioner Hanath	Yes
Commissioner Fuchs	Yes

10. a. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Fire Protection and Fire Rescue Services and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)

Mayor Tate stated that the two sides don't necessarily agree with the numbers but are willing to continue to work with the county and come to some agreement as time goes on. He said they have put in the agreement the \$20,500 that the County put in their budget for this year.

Judge Morgan said that she as well does necessarily agree with the numbers and she offers her services to the new County Judge to work on this.

Mr. Roberts said that this is another case like the library. The Auditor recommends that, any time money goes out to another agency, there needs to be some paperwork to cover that. Apparently the first one that was signed by the Fire Chief was when he was a volunteer Fire Chief. This is just bringing the agreements in line with others, in terms of who it needs to be with. The number put in it is the amount the County budgeted for this year. They stand ready to work with the County to go through that analysis and try to reach a consensus as to what is fair and equitable.

A motion was made by Councilmember Ebel and seconded by Councilmember Williams to approve the Interlocal Agreement between the City of Brenham and Washington County for Fire Protection and Fire Rescue Services 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	Absent
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

b. Discuss and Possibly Act Upon an Interlocal Agreement Between Washington County and the City of Brenham for Fire Protection and Fire Rescue Services and Authorize the Judge to Execute Any Necessary Documentation (County Action Item Only)

Judge Morgan told the Commissioners that this is what was discussed during budget. She knows that this will be a continuing conversation for next year but, for right now, they can get this implemented for next year.

Commissioner Fuchs made the motion, seconded by Commissioner Ahrens, to approve the Interlocal Agreement between Washington County and the City of Brenham for Fire Protection and Fire Rescue Services and authorize the Judge to execute any necessary documentation.

Judge Morgan called for a vote. The motion passed with Commissioners voting as follows:

Judge Morgan	Yes
Commissioner Heckmann	Yes
Commissioner Ahrens	Yes
Commissioner Hanath	Yes
Commissioner Fuchs	Yes

Judge Morgan thanked City Council for all of the years she has been able to work with them. She said they have not always agreed but they have respectfully disagreed. She feels they have a great relationship and she hopes the next City Council and the next Commissioner's Court can continue this relationship.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jean Bellinger, TRMC
City Secretary



AGENDA FORM

DATE OF MEETING: February 3, 2011	DATE SUBMITTED: January 31, 2011	
DEPT. OF ORIGIN: Police Department	SUBMITTED BY: Chief Rex Phelps	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> 2ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Ordinance No. O-11-002 on its Second Reading Amending Chapter 17 of the City of Brenham's Code of Ordinances to Include Article VI. Prohibiting Smoking Paraphernalia and Smoking Products		
SUMMARY STATEMENT: The first reading of this ordinance, January 20, 2011, originally placed this item into Chapter 12 of the City of Brenham's Code of Ordinances, however, after discussion with the City Attorney, it was determined that this ordinance shall be placed in Chapter 17 of the City of Brenham's Code of Ordinances. The purpose of this ordinance is to promote public health, safety, and welfare of the citizens this city. In May of 2010, the National Drug Intelligence Center alerted law enforcement and public health officials to a substance potentially being abused that has significantly harmful side effects. The substance is made up of synthetic chemicals that are a danger to users and the substance is not categorized as a controlled substance under the federal or state guidelines. The substances are commonly referred to by many different labels and local law enforcement have started to see these dangerous products in the possession of community members and particularly with young people. There have been a number of local youth and young adults that have suffered harmful side effects needing medical attention. Many other cities of this region have already passed city ordinances prohibiting these substances.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS: Promote and Improve community safety, equip law enforcement officers the authority to confiscate and enforce.		
B. CONS: None identified		
ALTERNATIVES (In Suggested Order of Staff Preference): N/A		
ATTACHMENTS: (1) Ordinance No. O-11-002		
FUNDING SOURCE (Where Applicable): N/A		

RECOMMENDED ACTION: Approve an ordinance on its first reading amending Chapter 17 of the City of Brenham's Code of Ordinances to include Article VI, prohibiting smoking paraphernalia and smoking products

APPROVALS: Terry Roberts

ORDINANCE NO. O-11-002

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 17 OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM BY ADDING ARTICLE VI. “PROHIBITED SMOKING PARAPHERNALIA AND SMOKING PRODUCTS” AND REGULATING FOR PUBLIC HEALTH PURPOSES THE USE, PURCHASE, POSSESSION, AND SALE OF SYNTHETIC CANNABINOIDS AND RELATED PARAPHERNALIA; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY AND A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETINGS.

WHEREAS, on May 18, 2010, the National Drug Intelligence Center of the United States Department of Justice issued EWS Report 000006, a document that alerted law enforcement and public health officers to potential substance abuse problems and harmful side effects related to the use of products containing synthetic cannabinoids, salvia divinorum, or related chemicals products; and

WHEREAS, the federal government and the State of Texas have not designated synthetic cannabinoids, salvia divinorum, or related chemicals as controlled substances; and

WHEREAS, the City Council finds that the use of these products is a danger to the public health, safety and welfare because of the adverse side effects on a person from their use, including panic attacks, vomiting, tachycardia, elevated blood pressure, pallor, numbness and tingling, and in some cases, tremors and seizures;

WHEREAS, in order to promote the public health, safety, and welfare of the citizens of this City, products containing synthetic cannabinoids, salvia divinorum, or related chemicals and paraphernalia should be prohibited in the City of Brenham;

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

**SECTION 1
CHAPTER 17 OF THE CODE OF ORDINANCES IS HEREBY AMENDED BY ADDING ARTICLE VI TO READ AS FOLLOWS:**

ARTICLE VI. PROHIBITED SMOKING PARAPHERNALIA AND SMOKING PRODUCTS

Sec. 17-76. Purpose.

The purpose of this Article is to prohibit the use, possession, sale, ingestion, or smoking of illegal smoking products and the use, possession, or sale of illegal smoking paraphernalia, hereinafter defined, within the city limits of the City of Brenham, Texas.

Sec. 17-77. Definitions.

Illegal smoking paraphernalia means any equipment, material, object, or product that is used or intended for use in ingesting, inhaling, or otherwise introducing an illegal smoking product into the human body, including: a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with or without a screen, permanent screen, hashish head, or punctured metal bowl; a water pipe; a carburetion tube or device; a smoking or carburetion mask; a chamber pipe; a carburetor pipe; an electric pipe; an air-driven pipe; a chillum; a bong; or an ice pipe or chiller.

Illegal smoking product means any plant or other substance, whether described as tobacco, herbs, incense, spice, or any blend thereof, regardless of whether the substance is marketed for the purpose of being smoked, that includes any one or more of the following substances or chemicals:

- (1) salvia divinorum or salvinorin A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts or similar structural analogs;
- (2) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol (also known as CP47,497) and homologues or similar structural analogs;
- (3) (6aS,10aS)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10, 10a-tetrahydrobenzo[c]chromen-1-ol (also known as HU-211 or dexanabinol) or similar structural analogs;
- (4) 1-pentyl-3-(1-naphthoyl) indole (also known as JWH-018) or similar structural analogs;
- (5) 1-butyl-3-(1-naphthoyl) indole (also known as JWH-073) or similar structural analogs; or
- (6) 4-methoxynaphthalen-1-yl-(1-pentyndol-3-yl) (also known as JWH-081) or similar structural analogs.

Illegal smoking products include products marketed under the following commercial names: Blaze, Dascents, Diablo, Fire N' Ice, Genie, K-2, K-2 Summit, K-2 Sex, KO Knock-Out 2, Mojo, Pandora Potpourri, Pep Spice, Sage, Salvia Divinorum, Sense, Silver, Skunk, Solar Flare, Spice, Spice Cannabinoid, Spice Diamond, Spice Gold, Spicy Green, Yucatan Fire, and Zohai.

Person means an individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business, or any other entity.

Sec. 17-78. Offenses.

A person commits an offense if the person:

- (1) uses, possesses, purchases, barter, gives, delivers, publicly displays, sells, or offers for sale any illegal smoking product; or
- (2) uses or possesses any illegal smoking paraphernalia with the intent to inject, ingest, inhale, or otherwise introduce into the human body an illegal smoking product.

Sec. 17-79. Affirmative Defenses.

It shall be an affirmative defense for a person charged with an offense that:

- (1) the use or possession was pursuant to the direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act;
- (2) the sale or possession of salvinorin A was in conjunction with ornamental landscaping and used solely for that purpose; or
- (3) the use or possession was by an employee or agent of a governmental entity, including a licensed peace officer, who is acting in the course and scope of the employee's or agent's duties and whose use or possession is in compliance with the applicable procedures established by the governmental entity for the use or possession of the product.

SECTION 2.
SAVINGS CLAUSE

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violations occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 3.
SEVERABILITY

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

SECTION 4.
PENALTY

Any person violating any provision of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined up to \$2,000.00 per violation and each day that a violation continues or each occurrence shall be considered a separate offense and punished accordingly.

SECTION 5.
REPEALER

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

SECTION 6.
EFFECTIVE DATE

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

SECTION 7.
PROPER NOTICE AND MEETINGS

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

PASSED AND APPROVED, on its first reading at the meeting of the City Council held on this the _____ day of _____, 2011.

PASSED AND APPROVED, on its second reading at the meeting of the City Council held on this the _____ day of _____, 2011.

Milton Y. Tate, Jr., Mayor

ATTEST:

Jeana Bellinger, TRMC, City Secretary



AGENDA FORM

DATE OF MEETING: February 3, 2011	DATE SUBMITTED: January 28, 2011	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Jeana Bellinger	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Order Calling an Election on May 14, 2011 for the Purpose of Electing a Mayor (an at large position) and one Council Member for Place 4 – Ward 4		
SUMMARY STATEMENT: Attached is the English and Spanish versions of the Election Order for the May 14, 2011 City of Brenham General Election. The positions are Mayor and Councilmember Place 4 – Ward 4.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Election Order in English; and (2) Election Order in Spanish		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Approve the Order calling an election on May 14, 2011 for the purpose of electing a mayor (an at large position) and one Council Member for Place 4 – Ward 4		
APPROVALS: Terry K. Roberts		

ORDER

AN ORDER PROVIDING FOR AN ELECTION TO BE HELD ON SATURDAY, MAY 14, 2011, FOR THE PURPOSE OF ELECTING A MAYOR AND ONE COUNCILMEMBER FOR THE CITY OF BRENHAM, TEXAS

A general election is hereby ordered to be held on **MAY 14, 2011**, the same being the second Saturday in May, for the purpose of:

ELECTING A MAYOR AND ONE COUNCILMEMBER FOR A POSITION TO THE CITY COUNCIL: MAYOR, AND COUNCILMEMBER PLACE 4 - WARD 4.

Early voting by personal appearance will be conducted every weekday at the **Washington County Annex Building, 100 S. Park Street, Brenham, Texas**, as follows:

Monday, May 2, 2011 through Tuesday, May 10, 2011 from 8:00 a.m. to 5:00 p.m., provided, however, that Early Voting shall be conducted for twelve (12) hours on the following weekdays:

Monday, May 9, 2011 and Tuesday, May 10, 2011 from 8:00 a.m. to 8:00 p.m.

All applications for ballots by mail should be mailed to:

**Jeana Bellinger
Early Voting Clerk & City Secretary
City of Brenham
P. O. Box 1059
Brenham, Texas 77834-1059**

Applications for ballot by mail must be received no later than the close of business on **April 29, 2011**.

Said election shall be held at the following designated voting places in the City of Brenham, Texas, for voters of the particular Wards:

Ward 1: Nancy Carol Roberts Memorial Library
100 West Academy
Brenham, Texas

Ward 2: Alton Elementary School Gymnasium
304 Kerr Street
Brenham, Texas

Ward 3: Brenham Junior High Band Hall
1200 Carlee Drive
Brenham, Texas

Ward 4: Blinn Jr. College Gymnasium
902 College Avenue
Brenham, Texas

The City shall provide at least one AutoMARK v. 1.0. Voting System in each polling place in every polling location used to conduct this election.

PASSED AND APPROVED by the City Council of the City of Brenham on this the _____ day of _____, 2011.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



FORMULARIO DE AGENDA

FECHA DE REUNION: 3 de Febrero, 2011		FECHA DE PRESENTACIÓN: 28 de Enero, 2011	
DEPT. DE ORIGIN: Administracion		PRESENTADA POR: Jeana Bellinger	
TIPO DE REUNION:	CLASIFICACIÓN:	ORDENANZA:	
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> AUDIENCIA PUBLICA	<input type="checkbox"/> 1 ^{RA} LECTURA	
<input type="checkbox"/> ESPECIAL	<input type="checkbox"/> CONSENTIMIENTO	<input type="checkbox"/> 2 ^{DA} LECTURA	
<input type="checkbox"/> SESSION EJECUTIVA	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUCIÓN	
<input type="checkbox"/> SESSION DE TRABAJO			
DESCRIPCIÓN DE ASUNTO EN AGENDA: Considerar y posiblemente actuar sobre una orden para una elección el 14 de Mayo, 2011 con el propósito de elegir un Alcalde (posición en general) y un Concejal para Posición 4 – Distrito 4.			
DECLARACIÓN DE RESUMEN: Adjunto esta las versiones en ingles y en español de la orden de elección para el 14 de Mayo, 2011 para la elección general de la ciudad de Brenham. Las posiciones son Alcalde y Concejal Posición 4- Distrito 4.			
ANÁLISIS POR EL PERSONAL (DE ORDENANZAS O ASUNTOS REGULARES DE AGENDA):			
A. PROS:			
B. CONTRAS:			
ALTERNATIVAS (EN ORDEN DE PREFERENCIA SUGERIDA POR EL PERSONAL):			
ADJUNTAMIENTOS: (1) Orden de elección en Ingles; y (2) Orden de elección en Español.			
PROCEDENCIA DE FONDOS (CUANDO APLICABLE):			
ACCIÓN RECOMENDADA: Aprobar la orden autorizando el llamamiento de una elección para las posiciones de Alcalde y Concejal Posición 4 – Distrito 4 en la elección general de la ciudad de Brenham el 14 de Mayo, 2011.			
APROBACIONES: Terry K. Roberts			

ORDEN

UNA ORDEN PROVEYENDO PARA UNA ELECCION QUE TENDRA LUGAR EL SABADO, 14 DE MAYO, 2011 CON EL PROPOSITO DE ELEGIR UN ALCALDE Y UN CONSEJAL PARA LA CIUDAD DE BRENHAM, TEXAS

Por este medio esta ordenada una elección general para el 14 de Mayo, 2011, el mismo siendo el segundo Sábado en Mayo con el propósito de:

ELEGIR UN ALCALDE Y UN CONCEJAL PARA POSICION EN EL CONCILIO: ALCALDE Y CONCEJAL POSICIÓN CUATRO – PARA DISTRITO CUATRO.

Votación temprana efectuada en persona será conducida cada día entre semana en el **Washington County Annex Building, 100 S. Park Street, Brenham, Texas** como sigue:

Lunes, 2 de Mayo, 2011 al Martes, 10 de Mayo, 2011 de las 8:00 a.m. hasta las 5:00 p.m., sin embargo, proveyendo que Votación Temprana se lleve a cabo por doce (12) horas consecutivas en los siguientes días de la semana:

Lunes, 9 de Mayo, 2011 y Martes, 10 de Mayo, 2011 de las 8:00 a.m. a las 8:00 p.m.

Aplicaciones para votacion por correo deben ser enviadas a:

**Jeana Bellinger
Early Voting Clerk & City Secretary
City of Brenham
P. O. Box 1059
Brenham, Texas 77834-1059**

Aplicaciones para votacion por correo tienen que recibirse a no tardar el **29 de Abril, 2011** antes de la hora de cerrar la oficina.

Dicha elección se efectuara en lugares designados para votar por cada distrito particular de la ciudad de Brenham, Texas como sigue:

Distrito 1: Nancy Carol Roberts Memorial Library
100 West Academy
Brenham, Texas

Distrito 2: Alton Elementary School Gymnasium
304 Kerr Street
Brenham, Texas

Distrito 3: Brenham Junior High Band
1200 Carlee Drive
Brenham, Texas

Distrito 4: Blinn Jr. Collage Gymnasium
9902 College Avenue
Brenham, Texas

La ciudad proveerá por lo menos un Auto MARK v. 1.0 Sistema de Votar en cada lugar de votar en toda localidad usada para conducir esta elección.

ACEPTADO Y APROBADO en este día por el Concilio de el Municipio de Brenham en este ____ día de _____, 2011.

MILTON Y. TATE, JR., Alcalde
Ciudad de Brenham

ATESTIGUAR:

JEANA BELLINGER, TRMC
Secretario de Ciudad
Ciudad de Brenham



AGENDA FORM

DATE OF MEETING: 2/3/11	DATE SUBMITTED: 1/27/11										
DEPT. OF ORIGIN: Public Utilities	SUBMITTED BY: Lowell Ogle Jr.										
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:									
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING									
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING									
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION									
	<input type="checkbox"/> WORK SESSION										
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Bid #1006.057-UA-UB for Utility Line Extensions Along State Highway 36 North and Authorize the Mayor to Execute Any Necessary Documentation											
<p>SUMMARY STATEMENT: On January 12, 2011 bids were opened by O'Malley Engineers and City of Brenham staff regarding utility line extensions along State Highway 36 North. The base bid included the installation of approximately 1,925 feet of 12" water line with an alternate bid of installing 1,825 feet of 6" sewer pipe. These installations will serve 9 parcels of land and multiple dwellings starting at Lounge Rd northward to the Pentecostal Church. This area was annexed in 2005. These extensions do require multiple bores under trees, driveways, communication junction boxes, etc. Construction of these utility lines will occur within the state right-of-way and in easements that were gained by the City of Brenham from the property owners who will receive future water, sewer, and gas services from the City. This bid will allow for both water and sewer to be extended by the contractor with gas being extended at a future date by the City of Brenham Gas Department.</p> <p>Two bids were received on the project with Mercer Construction Co. submitting the low bid for both the base bid and the alternate bid as follows.</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;"><u>Bidder</u></th> <th style="text-align: left; border-bottom: 1px solid black;"><u>Base Bid</u></th> <th style="text-align: left; border-bottom: 1px solid black;"><u>Alternate Bid</u></th> </tr> </thead> <tbody> <tr> <td>Mercer Construction Co.</td> <td style="text-align: right;">\$110,275.25</td> <td style="text-align: right;">\$91,472.50</td> </tr> <tr> <td>JSL Construction Firm, L.L.C.</td> <td style="text-align: right;">\$119,206.80</td> <td style="text-align: right;">\$149,159.50</td> </tr> </tbody> </table> <p>An alternate bid was recommended by City staff due to another project within the sewer fund and its uncertainty of costs. Just recently that project was estimated and it was determined that funds within the 2010-2011 budget would be enough to complete both of the projects and still be within budget. Therefore City Staff would like to recommend that council award the base bid and the alternate bid to Mercer Construction Co. in the amount of \$201, 747.75.</p>			<u>Bidder</u>	<u>Base Bid</u>	<u>Alternate Bid</u>	Mercer Construction Co.	\$110,275.25	\$91,472.50	JSL Construction Firm, L.L.C.	\$119,206.80	\$149,159.50
<u>Bidder</u>	<u>Base Bid</u>	<u>Alternate Bid</u>									
Mercer Construction Co.	\$110,275.25	\$91,472.50									
JSL Construction Firm, L.L.C.	\$119,206.80	\$149,159.50									

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS: Will be extending utilities to newly annexed areas and will gain customers on the utility side

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Recommendation of Award; and (2) Bid Tabulation

FUNDING SOURCE (Where Applicable): 105-5-165-804.00 & 104-5-164-804.00

RECOMMENDED ACTION: Approve bid #1006.057-UA-UB for utility line extensions along State Highway 36 North and Authorize the Mayor to Execute Any Necessary Documentation

APPROVALS: Lowell Ogle Jr.



O'Malley Engineers, L.L.P.

TBPE No. F-3244

Craig Kankel, P.E.
Robert C. Schmidt, P.E.
Ed Addicks, P.E.

January 19, 2011

Mr. Lowell Ogle
City of Brenham
P.O. Box 1059
Brenham, Texas 77834

Re: City of Brenham
SH 36/North Park Utility Extension
OE Job No. 1006.057 UA/UB
RECOMMENDATION OF AWARD

Dear Mr. Ogle:

We have reviewed the bids received on January 12, 2011 for the referenced project and have listed the bids below in order from the lowest to the highest base bid:

	<u>Base Bid</u>	<u>Add. Alt. Bid A</u>
1. Mercer Construction Co., Edna, TX	\$110,275.25	\$91,472.50
2. JSL Construction Firm, L.L.C., Brenham, TX	\$119,206.80	\$149,159.50

The low bidder, Mercer Construction Co., is qualified and experienced in this type of work.

Therefore, based upon review of the above bids, we recommend award to the lowest bidder, Mercer Construction Co., for their Base Bid plus Additive Alternate Bid A in the amount of \$201,747.75.

Sincerely,

Kelly M. Hajek, P.E.
Project Engineer

:KMH

CITY OF BRENHAM
 SH 36/NORTH PARK UTILITY EXTENSION
 OE JOB NO. 1006.057-UA/UB
 BIDS OPENED: JANUARY 12, 2011 AT 2:00 P.M.

			Mercer Construction Co. P.O. Box 888 Edna, TX 77957		JSL Construction Firm, L.L.C. 406 FM 2679 Brenham, TX 77833		
Item No.	Description	Estimated Quantity		Unit Price	Total Price	Unit Price	Total Price
1	Furnish and install 12" Class 150 AWWA C-900 PVC water line by open cut, with trace wire	1,455	LF	\$ 34.05	\$ 49,542.75	\$ 26.50	\$ 38,557.50
2	Furnish and install 12" Class 150 AWWA C-900 PVC water line by bore, with trace wire	370	LF	63.75	23,587.50	85.00	31,450.00
3	Furnish and install 12" Class 150 AWWA C-900 PVC water line in 20" DR-25 AWWA C-905 PVC casing by open cut, with trace wire	80	LF	78.75	6,300.00	120.00	9,600.00
4	Furnish and install 12" Class 150 AWWA C-900 PVC water line in 20" DR-25 AWWA C-905 PVC casing by bore, with trace wire	20	LF	100.00	2,000.00	220.00	4,400.00
5	Furnish and install 12" gate valve and valve box	2	EA	2,000.00	4,000.00	3,200.00	6,400.00
6	Furnish and install fire hydrant unit	4	EA	3,300.00	13,200.00	3,800.00	15,200.00
7	Furnish and install automatic flush valve unit per detail	1	EA	2,875.00	2,875.00	4,730.00	4,730.00
8	Furnish all labor and materials and make wet connection to existing 10" water line	1	EA	750.00	750.00	1,750.00	1,750.00
9	Furnish and install ductile iron fittings	1.1	TON	5,500.00	6,050.00	1,363.00	1,499.30
10	Furnish all labor and materials to remove and dispose of existing flush valve unit	1	EA	100.00	100.00	550.00	550.00
11	Furnish all labor and materials to remove and dispose of existing air release valve, including cap/plug on existing lead to main line	1	LS	550.00	550.00	550.00	550.00
12	Perform trench safety per Technical Specification Section 02229, all depths	10	LF	2.00	20.00	2.00	20.00

			Mercer Construction Co. P.O. Box 888 Edna, TX 77957		JSL Construction Firm, L.L.C. 406 FM 2679 Brenham, TX 77833		
Item No.	Description	Estimated Quantity		Unit Price	Total Price	Unit Price	Total Price
13	Furnish materials and perform traffic control in accordance with the TxDOT permit and Texas MUTCD	1	LS	500.00	500.00	3,000.00	3,000.00
14	Perform seeding in all areas disturbed by construction	1	LS	800.00	800.00	1,500.00	1,500.00
TOTAL BASE BID (TOTAL ITEMS 1-14)					110,275.25		119,206.80

ADDITIVE ALTERNATE BID A: SANITARY SEWER							
A1	Furnish and install 6" ASTM D-2241 SDR-26 PVC sanitary sewer, with trace wire, 0-6' cut	55	LF	23.00	1,265.00	22.00	1,210.00
A2	Furnish and install 6" ASTM D-2241 SDR-26 PVC sanitary sewer, with trace wire, 6-8' cut	224	LF	25.00	5,600.00	28.00	6,272.00
A3	Furnish and install 6" ASTM D-2241 SDR-26 PVC sanitary sewer, with trace wire, 8-10' cut	120	LF	28.00	3,360.00	35.00	4,200.00
A4	Furnish and install 6" ASTM D-2241 SDR-26 PVC sanitary sewer, with trace wire, 10-12' cut	55	LF	31.00	1,705.00	48.00	2,640.00
A5	Furnish and install 6" ASTM D-2241 SDR-26 PVC sanitary sewer, with trace wire, 12' and over cut	26	LF	35.00	910.00	60.00	1,560.00
A6	Furnish and install 6" ASTM D-2241 SDR-26 PVC sanitary sewer by bore, with trace wire, all depths	445	LF	60.00	26,700.00	75.00	33,375.00
A7	Furnish and install 6" ASTM D-3034 SDR-26 PVC sanitary sewer, with trace wire, 0-6' cut	27	LF	23.00	621.00	20.00	540.00
A8	Furnish and install 6" ASTM D-3034 SDR-26 PVC sanitary sewer, 6-8' cut	350	LF	25.00	8,750.00	25.00	8,750.00
A9	Furnish and install 6" ASTM D-3034 SDR-26 PVC sanitary sewer, 8-10' cut	278	LF	28.00	7,784.00	30.00	8,340.00
A10	Furnish and install 6" ASTM D-3034 SDR-26 PVC sanitary sewer, 10-12' cut	65	LF	31.00	2,015.00	40.00	2,600.00

			Mercer Construction Co. P.O. Box 888 Edna, TX 77957		JSL Construction Firm, L.L.C. 406 FM 2679 Brenham, TX 77833		
Item No.	Description	Estimated Quantity		Unit Price	Total Price	Unit Price	Total Price
A11	Furnish and install 6" ASTM D-3034 SDR-26 PVC sanitary sewer by bore, with trace wire, all depths	180	LF	60.00	10,800.00	75.00	13,500.00
A12	Furnish and install pre-cast concrete manhole	7	EA	2,300.00	16,100.00	7,250.00	50,750.00
A13	Furnish and install extra depth for manhole	13.9	VF	175.00	2,432.50	325.00	4,517.50
A14	Furnish and install drop connection on manhole	2	EA	450.00	900.00	800.00	1,600.00
A15	Furnish and install extra depth for drop connection	1.5	VF	30.00	45.00	40.00	60.00
A16	Furnish all labor and materials to tie existing sanitary sewer into new manhole	1	EA	150.00	150.00	3,200.00	3,200.00
A17	Furnish and install main line cleanout	1	EA	350.00	350.00	750.00	750.00
A18	Furnish all labor and materials to remove and dispose of existing sanitary sewer and cleanout	1	LS	75.00	75.00	825.00	825.00
A19	Perform trench safety per Technical Specification Section 02229, 5-10' cut	1,110	LF	1.00	1,110.00	2.00	2,220.00
A20	Perform trench safety per Technical Specification Section 02229, 10' and over cut	150	LF	2.00	300.00	5.00	750.00
A21	Perform additional seeding in all areas disturbed by additional construction work for sanitary sewer	1	LS	500.00	500.00	1,500.00	1,500.00
TOTAL ADDITIVE ALTERNATE BID A (ITEMS A1 - A21)					91,472.50		149,159.50
TOTAL BASE BID PLUS ADD. ALT. BID A					201,747.75		268,366.30

O'MALLEY ENGINEERS, L.L.P.
BRENHAM, TEXAS
TBPE NO. F-3244



Kelly Hajek
1.17.2011

Kelly M. Hajek, P.E.
Project Engineer



AGENDA FORM

DATE OF MEETING: February 3, 2011	DATE SUBMITTED: January 26, 2011	
DEPT. OF ORIGIN: Public Utilities	SUBMITTED BY: Lowell Ogle	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Authorization of Final Payment to M-W-D Construction Co., Inc. for the West Side Water System Improvements, Phase II and Authorize the Mayor to Execute Any Necessary Documentation.		
SUMMARY STATEMENT: M-W-D Construction Co., Inc. has completed their work on the West Side Water System Improvements, Phase II, Atlow Pump Station. Their contract consisted of performing all site preparation and site grading work; constructing reinforced concrete driveway approach, reinforced concrete curb and gutter and pump station building; installing eight (8) inch thick crushed limestone base, yard piping, horizontal split case pumps, electrical equipment, control equipment and chain link fencing and demolishing the existing booster pump equipment and building at the Atlow Tower site.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS: Allows Brenham to have two distinct pressure planes and upgraded the Atlow Tower site.		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Certificate of Substantial Completion; (2) Change Order No. 4 (Reconciliation); (3) Affidavit of Guarantee; (4) Affidavit of Bills Paid; (5) Progress Payment No. 17 (Final); (6) Certificate of Acceptance; and (7) Consent of Surety		
FUNDING SOURCE (Where Applicable.)		

RECOMMENDED ACTION: Approve final payment to M-W-D Construction Co., Inc. for the West Side Water System Improvements, Phase II and authorize the Mayor to execute any necessary documentation.

APPROVALS: Terry Roberts

**CERTIFICATE OF SUBSTANTIAL COMPLETION FOR
CONSTRUCTION OF WEST SIDE WATER SYSTEM IMPROVEMENTS
ATLOW PUMP STATION**

January 18, 2011

OWNER: The Honorable Milton Y. Tate, Jr.
Mayor
City of Brenham
P.O. Box 1059
Brenham, Texas 77834-1059

CONTRACTOR: Mr. Jerry Drabek, Jr.
President
M-W-D Construction Co., Inc.
P.O. Box 874
Hempstead, Texas 77445-0874

CONTRACT: City of Brenham
West Side Water System Improvements
Atlow Pump Station
J&C No. B0039-002-00

Gentlemen:

Jones & Carter, Inc. (J&C) has observed the subject project constructed by the **CONTRACTOR** and finds it to be substantially complete in accordance with the approved plans and specifications.

J&C recommends that the **OWNER** issue the **CONTRACTOR** a Certificate of Acceptance of the Work, and that final payment be made to the **CONTRACTOR**. J&C also recommends that the Contractor's guarantee period of one (1) year begin on January 18, 2011.

Very truly yours,



Wm. R. Krueger, P.E.
Vice President
Brenham Operations Manager

E:\Project Files\Documents\Brenham\07 West Side Water\Atlow Pump\Closing Documents.doc

JC JONES & CARTER, INC
ENGINEERS • PLANNERS • SURVEYORS
Texas Board of Professional Engineers Registration No. F-439
1500 South Day Street, Brenham, Texas 77833
(979) 836-6631

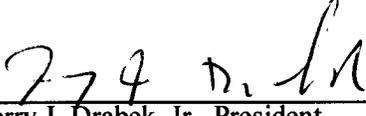
CHANGE ORDER NO. 4 (RECONCILIATION)

DATE: JANUARY 18, 2011

Project: Construction of West Side Water System Improvements Atlow Pump Station	J&C Job No.: B0039-002-00
Owner: City of Brenham P.O. Box 1059, Brenham, TX 77834-1059	Contractor: M-W-D Construction Co., Inc. P.O. Box 874, Hempstead, Texas 77445

Description of Changes: Adjustment to final contract time.
Reason for Changes: To reconcile to final contract time.

<u>Change in Contract price and time summary:</u>	<u>COST</u>	<u>TIME</u>
Original Contract:	<u>\$443,675.00</u>	<u>330</u> Calendar Days
Net previous change(s):	<u>\$9,558.00</u>	<u>0</u> Calendar Days
Contract prior to this change order:	<u>\$453,233.00</u>	<u>330</u> Calendar Days
Net increase from this change order:	<u>\$0.00</u>	<u>388</u> Calendar Days
Revised Contract Amount:	<u>\$453,233.00</u>	<u>718</u> Calendar Days
Cumulative % Change in Contract:	<u>2.15 %</u>	<u>117.58 %</u>

<p>RECOMMENDED BY: Jones & Carter, Inc.</p> <p style="text-align: center;"> _____ Wm. R. Krueger, P.E., Vice President 1/18/2011 Date</p>	<p>ACCEPTED BY: Contractor: M-W-D Construction Co., Inc.</p> <p style="text-align: center;"> _____ Jerry J. Drabek, Jr., President 1/18/2011 Date</p>
<div style="text-align: center;">  </div>	<p>APPROVED BY: Owner: City of Brenham, Texas</p> <p style="text-align: center;">_____ Milton Y. Tate, Jr., Mayor 1/18/2011 Date</p>

AFFIDAVIT
OF
GUARANTEE

STATE OF TEXAS §

COUNTY OF WALLER §

Before me, a Notary Public in and for the State of Texas, on this day personally appeared Jerry Drabek, Jr. of **M-W-D CONSTRUCTION CO., INC.**, well known to me to be the person making this affidavit, who, being by me first duly sworn and deposed did say:

I am Jerry Drabek, Jr. of **M-W-D CONSTRUCTION CO., INC.** and have personal knowledge of the matter stated in this affidavit. **M-W-D CONSTRUCTION CO., INC.** does hereby give notice to the Owner, **CITY OF BRENHAM**, that work for the Owner, known as J&C No. B0039-002-00, Construction of West Side Water System Improvements Atlow Pump Station has been substantially completed. In accordance with the provisions of Supplementary Condition 24, Guaranty Against Defective Work, of the Supplementary Conditions, **M-W-D CONSTRUCTION CO., INC.** does hereby guarantee all of the work under the contract to be free from faulty materials and improper workmanship in every particular, and against injury from proper and usual wear; and agrees to replace or re-execute without cost to the Owner such work as may be found to be improper or imperfect, and to make good all damage caused to other work or materials due to such required replacement or recompletion of all work under this contract, as evidenced by the Engineer's Certificate of Substantial Completion.

This affidavit is made in connection with the final payment under the contract between **CITY OF BRENHAM** and **M-W-D CONSTRUCTION CO., INC.** and with the knowledge that it will be relied upon in making such payment and that such payment would not be made except upon the truth of the matter contained in this affidavit.

Date: 1/24/11

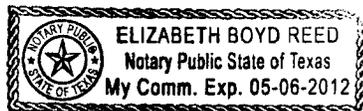
By: 
Jerry Drabek, Jr., President

STATE OF TEXAS §

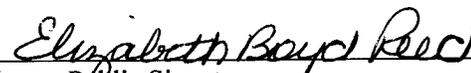
COUNTY OF WALLER §

BEFORE ME, the undersigned, a Notary Public, in and for the State of Texas, on this day personally appeared, Jerry Drabek, Jr. known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 24th day of January,
A.D., 2011.



(Notary Seal)


Notary Public Signature

AFFIDAVIT

OF

BILLS PAID

STATE OF TEXAS §

COUNTY OF WALLER §

Before me, a Notary Public in and for the State of Texas, on this day personally appeared Jerry Drabek, Jr. of **M-W-D CONSTRUCTION CO., INC.**, well known to me to be the person making this affidavit, who, being by me first duly sworn and deposed did say:

I am Jerry Drabek, Jr. of **M-W-D CONSTRUCTION CO., INC.** and have personal knowledge of the matter stated in this affidavit. **M-W-D CONSTRUCTION CO., INC.** has paid all of the labor and material costs in connection with construction for the **CITY OF BRENHAM**, known as J&C No. B0039-002-00, Construction of West Side Water System Improvements Atlow Pump Station, and as of this date, there are no unpaid bills for labor performed upon, or materials or supplies delivered to or used in connection with such job.

This affidavit is made in connection with the final payment under the contract between the **CITY OF BRENHAM** and **M-W-D CONSTRUCTION CO., INC.** and with the knowledge that it will be relied upon in making such payment and that such payment would not be made except upon the truth of the matter contained in this affidavit.

Date: 1/24/11

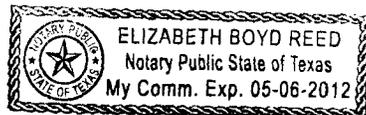
By: Jerry Drabek, Jr.
Jerry Drabek, Jr., President

STATE OF TEXAS §

COUNTY OF WALLER §

BEFORE ME, the undersigned, a Notary Public, in and for the State of Texas, on this day personally appeared, Jerry Drabek, Jr. known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 24th day of January, A.D., 2011.



Elizabeth Boyd Reed
Notary Public Signature

(Notary Seal)

JONES & CARTER, INC.
 1500 SOUTH DAY ST.
 BRENHAM, TEXAS 77833

OWNER: City of Brenham, P.O. Box 1059, Brenham, Texas 77834-1059				PROGRESS PAYMENT NO. 17 (FINAL)								
PROJECT: West Side Water System Improvements, Atlow Pump Station				FROM	TO	USED						
				ORIGINAL	31-Jan-09	26-Dec-09	330 Calendar Days					
JOB NO.: B0039-002-00				REVISED	31-Jan-09	18-Jan-11	718 Calendar Days					
CONTRACTOR: M-W-D Construction Co., Inc., P O. Box 874, Hempstead, Texas 77445				THIS EST.	01-Jun-10	18-Jan-11	202 Calendar Days					
ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	THIS ESTIMATE		PREVIOUS ESTIMATE		TOTAL TO DATE		REMARKS	
					QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT		
	BASE BID											
1.	Mobilization, including bonds, insurance, move-in, move-out and related work.	L.S.	1	20,000.00	0%	\$0.00	100%	\$20,000.00	100%	\$20,000.00	100.0%	
2.	Prepare a Storm Water Pollution Prevention Plan, issue and/or post all required notices; pay all required permit fees; perform all required inspections; maintain all required records; install, maintain and remove all necessary erosion control measures and re-establish vegetation upon completion of construction.	L.S.	1	1,500.00	0%	\$0.00	100%	\$1,500.00	100%	\$1,500.00	100.0%	
3.	Perform all site preparation, including erection, maintenance and removal of barricades, signs and traffic control devices; perform all required clearing and grubbing; perform all required demolition; dispose of all cleared and/or demolished materials.	L.S.	1	2,500.00	0%	\$0.00	100%	\$2,500.00	100%	\$2,500.00	100.0%	
4.	Perform all required site grading work, including furnishing and placing the select fill under the building.	L.S.	1	16,400.00	0%	\$0.00	100%	\$16,400.00	100%	\$16,400.00	100.0%	
5.	Construct reinforced concrete driveway approach.	Ea.	2	3,200.00	0.0	\$0.00	2.0	\$6,400.00	2.0	\$6,400.00	100.0%	
6.	Construct reinforced concrete curb and gutter. *** Change Order No. 3	L.F.	0	15.00	0.0	\$0.00	0.0	\$0.00	0.0	\$0.00	0.0%	
7.	8" minimum thickness crushed limestone base (Type A, Grade 2). *** Change Order No. 3	S.Y.	0	18.00	0.0	\$0.00	0.0	\$0.00	0.0	\$0.00	0.0%	

JONES & CARTER, INC.
 1500 SOUTH DAY ST.
 BRENHAM, TEXAS 77833

OWNER: City of Brenham, P.O. Box 1059, Brenham, Texas 77834-1059			PROGRESS PAYMENT NO. 17 (FINAL)									
PROJECT: West Side Water System Improvements, Atlow Pump Station			ORIGINAL		FROM		TO		USED			
JOB NO.: B0039-002-00			31-Jan-09		31-Jan-09		26-Dec-09		330 Calendar Days			
CONTRACTOR: M-W-D Construction Co., Inc., P.O. Box 874, Hempstead, Texas 77445			REVISED		31-Jan-09		18-Jan-11		718 Calendar Days			
			THIS EST.		01-Jun-10		18-Jan-11		202 Calendar Days			
ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	THIS ESTIMATE		PREVIOUS ESTIMATE		TOTAL TO DATE		REMARKS	
					QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT		
8.	All required yard piping, including the piping within the pump building.	L.S.	1	108,600.00	0%	\$0.00	100%	\$108,600.00	100%	\$108,600.00	100.0%	
9.	Construct the pump station building.	L.S.	1	120,000.00	0%	\$0.00	100%	\$120,000.00	100%	\$120,000.00	100.0%	
10.	Horizontal split case pumps.	L.S.	1	38,000.00	0%	\$0.00	100%	\$38,000.00	100%	\$38,000.00	100.0%	
11.	All electrical equipment and wiring.	L.S.	1	75,600.00	0%	\$0.00	100%	\$75,600.00	100%	\$75,600.00	100.0%	
12.	All control equipment.	L.S.	1	26,300.00	0%	\$0.00	100%	\$26,300.00	100%	\$26,300.00	100.0%	
13.	All chain link fencing.	L.S.	1	6,000.00	0%	\$0.00	100%	\$6,000.00	100%	\$6,000.00	100.0%	
14.	Demolish the existing booster pump equipment and building.	L.S.	1	10,000.00	0%	\$0.00	100%	\$10,000.00	100%	\$10,000.00	100.0%	
15.	Addition of a time delay switch (5-minute) to prevent backup control from engaging during short (less than 5 minutes) loss of communications with the City SCADA system; addition of control relay, alarm card and alarm light for west side tower overflow status and addition of loop powered indicator to display Atlow tower level on auto-sensory panel in new pump station.	L.S.	1	1,330.00	0%	\$0.00	100%	\$1,330.00	100%	\$1,330.00	100.0%	
	*** Change Order No. 1											
16.	Move the point of tie-in for the new 12-inch water line approximately 30 feet toward Lubbock Street. *** Change Order No. 2	L.S.	1	3,298.00	0%	\$0.00	100%	\$3,298.00	100%	\$3,298.00	100.0%	

JONES & CARTER, INC.
 1500 SOUTH DAY ST.
 BRENHAM, TEXAS 77833

OWNER: City of Brenham, P.O. Box 1059, Brenham, Texas 77834-1059 **PROGRESS PAYMENT NO. 17 (FINAL)**

PROJECT: West Side Water System Improvements, Atlow Pump Station FROM TO USED
 ORIGINAL 31-Jan-09 26-Dec-09 330 Calendar Days
 JOB NO.: B0039-002-00 REVISED 31-Jan-09 18-Jan-11 718 Calendar Days
 CONTRACTOR: M-W-D Construction Co., Inc., P.O. Box 874, Hempstead, Texas 77445 THIS EST. 01-Jun-10 18-Jan-11 202 Calendar Days

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	THIS ESTIMATE		PREVIOUS ESTIMATE		TOTAL TO DATE		REMARKS
					QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	
17.	5" thick concrete paving, including 6" concrete curb doweled onto concrete pavement. *** Change Order No. 3	L.S.	1	17,305.00	0%	\$0.00	100%	\$17,305.00	100%	\$17,305.00	100.0%

MATERIALS ON HAND

HD Supply Inv. #SE32994986.001	(\$3,256.88)	\$3,256.88	\$0.00
HD Supply Inv. #SE32995081.001	(\$1,815.00)	\$1,815.00	\$0.00
Weimar Manufacturing Inv. #3667	(\$50,450.00)	\$50,450.00	\$0.00
Total Materials on Hand	(\$55,521.88)	\$55,521.88	\$0.00

JONES & CARTER, INC.
 1500 SOUTH DAY ST.
 BRENHAM, TEXAS 77833

OWNER: City of Brenham, P.O. Box 1059, Brenham, Texas 77834-1059 **PROGRESS PAYMENT NO. 17 (FINAL)**

PROJECT: West Side Water System Improvements, Atlow Pump Station

	FROM	TO	USED
ORIGINAL	31-Jan-09	26-Dec-09	330 Calendar Days
REVISED	31-Jan-09	18-Jan-11	718 Calendar Days
THIS EST.	01-Jun-10	18-Jan-11	202 Calendar Days

JOB NO.: B0039-002-00
 CONTRACTOR: M-W-D Construction Co., Inc., P.O. Box 874, Hempstead, Texas 77445

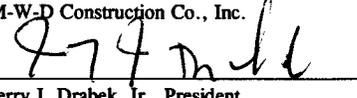
ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	THIS ESTIMATE		PREVIOUS ESTIMATE		TOTAL TO DATE		REMARKS
					QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	
CHANGE ORDER PLUS/MINUS											
	Change Order No. 1				\$1,330.00					\$1,330.00	
	Change Order No. 2				\$3,298.00					\$3,298.00	
	Change Order No. 3				\$4,930.00					\$4,930.00	
										<u>\$9,558.00</u>	
TOTAL CONTRACT MODIFICATIONIS											
	Subtotal (Line Items)				\$0.00			\$453,233.00		\$453,233.00	
	Materials on Hand				\$0.00			\$0.00		\$0.00	
	Subtotal (Materials on Hand/Line Items)				\$0.00			\$453,233.00		\$453,233.00	
	Less Retainage (0%)				(\$22,661.65)			\$22,661.65		\$0.00	
	Total				(\$22,661.65)			\$430,571.35		\$453,233.00	
	Less Previous Estimates									\$430,571.35	
	Due this Estimate									\$22,661.65	
100% Complete by Time	Orig. Contract Amount				\$443,675.00						
100% Complete by Construction	Contract Modifications				\$9,558.00						
	Total Contract Amount				\$453,233.00						
	Construction Remaining				\$0.00						
	Amount Approved				\$22,661.65						

CERTIFIED AS CORRECT PAYMENT DUE

Jones & Carter, Inc.

 Wm. R. Krueger, P.E., Vice President
 Date: January 18, 2011

APPROVED BY CONTRACTOR

M-W-D Construction Co., Inc.

 Jerry J. Drabek, Jr., President
 Date: January 18, 2011

APPROVED BY OWNER

City of Brenham, Texas

 Milton Y. Tate, Jr., Mayor
 Date: January 18, 2011

January 18, 2011

Construction Progress Report No. 17 (Final)
Period From July 1, 2010 to January 18, 2011

Construction of the City of Brenham West Side Water System Improvements, Atlow Pump Station

- A. Contractor: M-W-D Construction Co., Inc.
- B. Contract Date: December 23, 2008
- C. Authorization to Proceed: January 31, 2009
- D. Contract Time: 718 Calendar Days
- E. Contract Time Used: 718 Calendar Days

I. General

During this period, the Contractor completed the project.

II. Change Orders

Change Order No. 4 was issued on January 18, 2011 to reconcile the final contract time.

III. Completion Report

A. Estimated Cost as of this Report Period

1.	Contract Bid Price	\$443,675.00
2.	Change Orders	<u>\$ 9,558.00</u>
3.	Total Estimated Contract Price	\$453,233.00

B. Actual Cost as of this Report \$453,233.00

C. Amount Paid Contractor

1.	Amount Paid	\$430,571.35
2.	Amount Due this Progress Payment	<u>\$ 22,661.65</u>
3.	Total Amount Paid Contractor	\$453,233.00

D. Amount Retained (0% of B.) \$ 0.00

E. Estimated Cost Remaining (A.3. - B.) \$ 0.00

F. Construction Complete (B/A.3) 100%

IV. Frequency of Observation

- A. Field Representative - Periodically, Multiple Visits per Week
- B. Engineer Observation - Once Weekly

V. Problems

No problems this report.



Mayor
Milton Y. Tate, Jr.

Council Members
Gloria Nix, Mayor Pro Tem
Andrew Ebel
Danny Goss
Keith Herring
Charlie Pyle
Weldon C. Williams, Jr.

January 18, 2011

Mr. Jerry Drabek, Jr.
President
M-W-D Construction Co., Inc.
P.O. Box 874
Hempstead, Texas 77445-0874

Re: City of Brenham
West Side Water System Improvements
Atlow Pump Station
J&C No. B0039-002-00

Dear Mr. Drabek:

This is to certify that the **CITY OF BRENHAM** accepts the subject project on the basis of the Certificate of Substantial Completion issued by our engineers, Jones & Carter, Inc., and understands that a guarantee shall cover a period of one (1) year beginning on January 18, 2011.

CITY OF BRENHAM

By: _____
Milton Y. Tate, Jr.
Mayor

**CONSENT OF SURETY TO REDUCTION IN
OR PARTIAL RELEASE OF RETAINAGE**

Conforms with the American Institute of
Architects, AIA Document G707A

Bond #22765751

OWNER
ARCHITECT
CONTRACTOR
SURETY
OTHER

TO OWNER:
(Name and address)

City of Brenham

ARCHITECT'S PROJECT NO:

CONTRACT FOR:

PROJECT:
(Name and address)

West Side Water System Improvements, Atlow Pump Station

CONTRACT DATED:

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the
(Insert name and address of Surety)

Western Surety Company
5151 San Felipe, Ste. 1800
Houston, TX 77056
on bond of

, SURETY,

(Insert name and address of Contractor)

M-W-D Construction Company, Inc.
P.O. Box 874
Hempstead, TX 77445

, CONTRACTOR,

hereby approves the reduction in or partial release of retainage to the Contractor as follows:

The Surety agrees that such reduction in or partial release of retainage to the Contractor shall not relieve the Surety of any of its obligations to
(Insert name and address of Owner)

City of Brenham

, OWNER,

as set forth in said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: January 25, 2011

(Insert in writing the month followed by the numeric date and year.)

Western Surety Company

(Surety)



(Signature of authorized representative)

Kenneth L. Meyer

(Printed name and title)

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Charles A Mc Clure, Kenneth L Meyer, Individually

of Houston, TX, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 26th day of January 2009



WESTERN SURETY COMPANY

Paul T. Bruflatt

Paul T. Bruflatt, Senior Vice President

State of South Dakota }
County of Minnehaha } ss

On this 26th day of January 2009 before me personally came Paul T. Bruflatt, to me known, who, being by me duly sworn, did depose and say that he resides in the City of Sioux Falls, State of South Dakota, that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation, that the seal affixed to the said instrument is such corporate seal, that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation

My commission expires

November 30, 2012



D. Krell

D. Krell, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 25th day of January, 2011



WESTERN SURETY COMPANY

L. Nelson

L. Nelson, Assistant Secretary



- **IMPORTANT NOTICE**

To obtain information or make a complaint:

- You may call Western Surety Company's toll-free telephone number for information or to make a complaint at

1-800-233-8800

- You may also write to Western Surety Company at
P. O. Box 655908
Dallas TX 75265-5908
or
P. O. Box 5077
Sioux Falls, SD 57117-5077

- You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at

1-800-252-3439

- You may write the Texas Department of Insurance
P.O. Box 149104
Austin, TX 78714-9104
FAX # (512) 475-1771

- **PREMIUM OR CLAIM DISPUTES:**

Should you have a dispute concerning your premium or about a claim, you should contact the agent first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

- **ATTACH THIS NOTICE TO YOUR POLICY OR BOND:**

This notice is for information only and does not become a part or condition of the attached document.



AGENDA FORM

DATE OF MEETING: February 3, 2011	DATE SUBMITTED: January 31, 2011	
DEPT. OF ORIGIN: Purchasing Services	SUBMITTED BY: Carolyn D. Miller	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon a Contract Extension with Brenham Cleaning Solutions, Inc. for Janitorial Services and Authorize the Mayor to Execute any Necessary Documentation		
SUMMARY STATEMENT:		
<i>SEE ATTACHED MEMO FROM CFO FOR BACKGROUND INFORMATION ON THIS ITEM</i>		
As discussed in the attached memo from the CFO, the janitorial services contract for the Library and City Hall was awarded to Brenham Cleaning Solutions, Inc. on 12/17/2009 for a period commencing on January 1, 2010 through December 31, 2010. Upon completion of the term of the original contract and mutual agreement of both parties, this contract may be extended for up to one (1) additional year (two (2) years total). Stein Larson, president of Brenham Cleaning Solutions, Inc. is willing to accept the one (1) year extension at the current contract pricing.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Memo from CFO; and (2) Executed contract with Brenham Cleaning Solutions, Inc.		
FUNDING SOURCE (Where Applicable): Operating budgets for Library and City Hall have this expense budgeted for FY11.		

RECOMMENDED ACTION: Approve the contract extension for one year with Brenham Cleaning Solutions, Inc. for janitorial services at the Library and City Hall at the current contract pricing and authorize the Mayor to execute any necessary documentation.

APPROVALS: Carolyn D. Miller



MEMORANDUM

To: Mayor, Council and City Manager

From: Carolyn D. Miller
Chief Financial Officer

Subject: Council Agenda Items 10 and 11 for Janitorial Services

Date: January 31, 2011

Your council agenda has two items related to the janitorial services for City facilities. This memo is being written to provide some background information and to explain the differences in the two items.

Background

On December 17, 2009, Council awarded the janitorial services cleaning contract to two vendors as noted below. The contract period was from January 1, 2010 through December 31, 2010 with a one (1) year extension for two (2) years total.

<u>Brenham Cleaning Solutions, Inc.</u>	<u>Annual Bid</u>
City Hall	\$47,063
Library	\$18,063
<u>Coverall Cleaning Concepts</u>	<u>Annual Bid</u>
Police Department	\$31,200
Fire Department	\$ 5,200

However, on April 8, 2010, Council voted to terminate the contract with Coverall Cleaning Concepts. In finding a replacement vendor, the City asked Brenham Cleaning Solutions to provide a quotation for janitorial services for the remaining **nine** months in calendar year 2010. We were able to do this and still be in compliance with State purchasing laws because the annual expenditure amount was under the \$50,000 competitive bidding requirement threshold. Brenham Cleaning Solutions gave us a quotation for janitorial services for the Police Department of \$30,712.50 (\$3,412.50 monthly) and Fire Department of \$4,263.75 (\$473.75 monthly).

Agenda Item 10

Discuss and Possibly Act Upon a Contract Extension with Brenham Cleaning Solutions Inc. for Janitorial Services and Authorize the Mayor to Execute any Necessary Documentation

This agenda item allows us to extend the contract with Brenham Cleaning Solutions for one more year under the terms of the original contract at the current contract pricing. This would be for janitorial services for City Hall and the Library.

Agenda Item 11

Discuss and Possibly Act Upon a Proposal for Janitorial Services for Police and Fire Facilities and Authorize the Mayor to Execute any Necessary Documentation

At the end of 2010, we solicited quotations for janitorial services for the Police and Fire Departments. This item is being proposed so that Council can award the quotation to one of two vendors who responded to the solicitation. Those vendors were Brenham Cleaning Solutions and GCA Services Group.

Closing Remarks

In late fall of this year, we will be preparing a competitive bid for all the City buildings which will be presented to in Council in December 2011. If you have any questions or need additional prior to Thursday's council meeting, do not hesitate to contact me directly at 979-337-7566.

ISSUED BY: Gerry Hartstack PURCHASING AGENT - CITY HALL CITY OF BRENHAM, BRENHAM, TEXAS	DATE ISSUED: Nov. 10, 2009	PAGE NO. 1	NO OF PAGES 38
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INVITATION FOR BIDS

ACCOUNT NO. (S)	REQN. NO. (S)
-----------------	---------------

Sealed bids in Duplicate subject to the Terms and Conditions of this Invitation for Bids and the accompanying Schedule such other contract provisions, specifications, drawings or other data as are attached or incorporated by reference in the Schedule, will be received at the office of the Purchasing Agent, City Hall, Brenham, Texas until 2:00 P.M., Central Time December 8, 2009 and at that time publicly opened, for furnishing the supplies or services described in the accompanying Schedule. Performance deposit in the amount of na % of the total amount of the bid shall be furnished by the successful bidder. Re Par 11 of Terms and Conditions. The City of Brenham hereby reserves the right to accept or reject any or all bids and to waive all formalities and technicalities.

SCHEDULE

Bid No. 10-004
Janitorial Services

Bid may be delivered to: City of Brenham
200 West Vulcan St.
Brenham, TX. 77833
Attn: Gerry Hartstack

PLEASE COMPLETE THE FOLLOWING

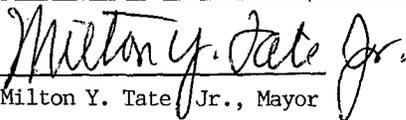
Delivery will be completed within _____ calendar days after acceptance by City Commission (Delivery time must be shown or bids will be rejected).
 Prompt Payment Discount: _____ % _____ days. (If left blank, Net 30 will apply)
 Bid Basis: _____ All or None _____ Low Item (if left blank, low item will apply)

Please check the following blanks which apply to your company:

Ownership of firm (51% or more): Non Minority Hispanic _____ Black _____ Other Minority _____
 (Specify) _____ Female owned _____

Handicapped owned _____ Small Business (less than \$1 000 000 annual receipts or 100 Employees)

NAME AND ADDRESS OF BIDDER: BRENHAM CLEANING SOLUTIONS, INC P.O. Box 2484 BRENHAM TX, 77834	SIGNATURE OF PERSON AUTHORIZED TO SIGN UP 	DATE OF BID: Dec 8, 2009
BIDDER TO INDICATE STATUS AS TO PARTNERSHIP "CORPORATION" "SOLE PROPRIETORSHIP" ETC Federal ID/1099 No. 20-5111795	TYPE OR PRINT SIGNER'S NAME, TITLE AND PHONE NO (979) STEVE LARSON, PRESIDENT, 451-0445	
FOR CITY USE ONLY	AWARD	
ITEMS ACCEPTED A. City Hall B. Nancy Carol Roberts Memorial Library	ORDINANCE NO DATE December 17, 2009	AMOUNT A. \$47,063.08 B. \$18,063.04
Not to exceed budgeted funds		

APPROVED: 
Milton Y. Tate Jr., Mayor

CITY OF BRENHAM



AGENDA FORM

DATE OF MEETING: February 3, 2011	DATE SUBMITTED: January 31, 2011																			
DEPT. OF ORIGIN: Purchasing Services	SUBMITTED BY: Carolyn D. Miller																			
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AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon a Proposal for Janitorial Services for Police and Fire Facilities and Authorize the Mayor to Execute any Necessary Documentation																				
SUMMARY STATEMENT:																				
<i>SEE ATTACHED MEMO FROM CFO FOR BACKGROUND INFORMATION ON THIS ITEM</i>																				
<p>On December 17, 2009, City Council awarded the janitorial contract for the Police Department and the Fire Department to Coverall Cleaning Concepts, Inc. However, on April 8, 2010, City Council voted to terminate the contract and for the remaining months in the calendar year, the City accepted a quote from Brenham Cleaning Solutions for this work.</p> <p>Now that the original one year period has expired and in the absence of a formal contract for these two facilities, the purchasing agent requested proposals for janitorial services for the calendar year 2011. We sent out four (4) proposals and we received two (2) as follows:</p>																				
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Brenham Cleaning Solutions</u></th> <th style="text-align: left;"><u>Annual Price</u></th> <th style="text-align: left;"><u>Monthly Price</u></th> </tr> </thead> <tbody> <tr> <td>Police Department</td> <td>\$40,950</td> <td>\$3,412.50</td> </tr> <tr> <td>Fire Department</td> <td>\$ 5,685</td> <td>\$ 473.75</td> </tr> </tbody> </table>	<u>Brenham Cleaning Solutions</u>	<u>Annual Price</u>	<u>Monthly Price</u>	Police Department	\$40,950	\$3,412.50	Fire Department	\$ 5,685	\$ 473.75	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>GCA Services Group</u></th> <th style="text-align: left;"><u>Annual Price</u></th> <th style="text-align: left;"><u>Monthly Price</u></th> </tr> </thead> <tbody> <tr> <td>Police Department</td> <td>\$26,551</td> <td>\$2,212.58</td> </tr> <tr> <td>Fire Department</td> <td>\$ 4,551</td> <td>\$ 379.25</td> </tr> </tbody> </table>	<u>GCA Services Group</u>	<u>Annual Price</u>	<u>Monthly Price</u>	Police Department	\$26,551	\$2,212.58	Fire Department	\$ 4,551	\$ 379.25	
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Fire Department	\$ 4,551	\$ 379.25																		
<p>The monthly price submitted by Brenham Cleaning Solutions is the same monthly amount that was quoted to the City for the interim work in 2010 - they have held their prices. GCA has submitted the lowest proposal which is contingent on being awarded both facilities.</p>																				

We received very positive feedback from our reference checks. GCA has been providing janitorial services for BISD for three years and Blinn College for two years. Both BISD and Blinn spoke highly of this company. They use proper cleaning equipment and commercial grade cleaners. Both stressed to us that GCA always strives to ensure that everything is functioning properly and although they have had minor issues, management is quick to respond and correct the problem. Neither one has had any problems with missing items from the classrooms or dormitories that are cleaned on a daily basis. As far as the company, GCA has over 20,000 employees that service over 500 million square feet of space every day, and they have maintained an exceptional client retention rate of 94%.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS:

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Memo from CFO; (2) Proposal from Brenham Cleaning Solutions; and (3) Proposal from GCA Services Group

FUNDING SOURCE (Where Applicable): Operating budgets for Police and Fire have this expense budgeted for FY11

RECOMMENDED ACTION: Approve the proposal from GCA Services Group for janitorial services at the Police Department for \$2,212.58 monthly, and the Fire Department for \$379.25 monthly, and authorize the Mayor to execute any necessary documentation.

APPROVALS: Carolyn D. Miller



MEMORANDUM

To: Mayor, Council and City Manager

From: Carolyn D. Miller
Chief Financial Officer

Subject: Council Agenda Items 10 and 11 for Janitorial Services

Date: January 31, 2011

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Closing Remarks

In late fall of this year, we will be preparing a competitive bid for all the City buildings which will be presented to in Council in December 2011. If you have any questions or need additional prior to Thursday's council meeting, do not hesitate to contact me directly at 979-337-7566.

5. Quote Form

A. Police Department – Approximately 17,600 Square Feet

Daily Service Cost \$ 112.19
Per Square Foot \$.006 DOLLARS/FT²

Monthly Service Cost \$ 3412.50
Per Square Foot \$.19

Quarterly Service Cost \$ 10,237.50
Per Square Foot \$.58

Annual Bid Amount \$ 40,950.00

Special Cleaning

Carpet Cleaning (Extraction Method)
Per Square Foot \$.125

Services beyond this contract will be at \$ 22.50 per hour.

Prompt Payment Discount: 0 % within 10 days (e.g. 1%, 2%, 5%)

Authorized Signature Sten Larson

Company Name BRENNAN CLEANING SOLUTIONS, INC.

Date 1/10/11

B. Central Fire Station – Approximately 3,017 Square Feet

Weekly Service Cost \$ 109.33
Per Square Foot \$.036

Monthly Service Cost \$ 473.75
Per Square Foot \$.157

Annual Bid Amount \$ 5685.00

Special Cleaning

Carpet Cleaning (Extraction Method)
Per Square Foot \$.15

Clean Office windows (inside and out)
Per window \$ 20⁰⁰ PER WINDOW

Complete maintenance of all resilient floors
Per Square Foot \$ N/A

Services beyond this contract will be at \$ 22.50 per hour.

Prompt Payment Discount: % within 10 days (e.g. 1%, 2%, 5%)

Authorized Signature Stein Larson

Company Name BRENNAN CLEANING SOLUTIONS, INC.

Date 1/10/11

6. VENDOR INFORMATION

"The undersigned affirms that they are duly authorized to execute this contract, that this company, corporation, firm, partnership or individual has not prepared this bid in collusion with any other bidder, and that the contents of this bid as to prices, terms and conditions of said bid have not been communicated by the undersigned nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this bid."

Company Name BRENNAN CLEANING SOLUTIONS, INC.

Address 701 W. ALAMO ST.

City BRENNAN State Tx Zip 77834

Federal Tax ID/SSN Number 20-5111795

Authorized Signature 

Signature Typed or Printed STEVEN LARSON Title PRESIDENT

Telephone No. 979 251-9902 Fax No. 979 251-9902 Date 1/10/11



Corporate Profile:

GCA Services Group, Inc. is a leading national provider of quality facility services, including janitorial/custodial services, contamination control for cleanroom manufacturing, facilities maintenance, grounds management, in-sourced production staffing and labor management, other staffing services, and more. We hold numerous Fortune 100 companies as our clients and maintain an exceptional client retention rate of 94 percent.

GCA's over 20,000 employees service over 500 million square feet of space every day. GCA clients span numerous industries, including higher education, K-12 schools, manufacturing, nuclear power, aviation, bio-pharmaceutical, and more.

Our Mission:

GCA's vision is to be the premier national provider of facility services to educational facilities and select specialty industrial markets by providing the highest quality of service.

Our Goals:

- To be the best in quality of work and in service
- To act with integrity
 - To exceed commitments to our employees and clients
- To enable our people to grow in skills and achievement
- To grow as rapidly as possible consistent with achieving the above goals and earning a fair return for our investors

Our Driving Philosophy:

First, provide top quality service, then profits will follow.

Please accept our bid for:

1800 Longwood Drive

Brenham, TX 77833

And

1010 North Chappell Hill Street

Brenham, TX 77833

Should you have any questions, you may direct them to Ron Matten, Regional Manager, rmatten@gcaservices.com, or (713)542-7494.



KEY PERSONNEL

Buddy Helton – Education Division President



Mr. Helton is the President of GCA Services Group's Education Division. Under Mr. Helton's leadership, this division has enjoyed double-digit growth. Mr. Helton's background includes over 28 years experience. Beginning his career with a large, regional contract-cleaning firm, he served as Vice-President of the Education and Industrial Division for over 10 years. Prior to joining GCA Services Group, Mr. Helton was President and owner of Southern Building Service, a building custodial firm specializing in K-12 school systems and universities. Southern Building Service was acquired by GCA in January 2004.

Mr. Helton graduated from The University of Tennessee with honors and holds a Bachelors Degree in Business Administration. He has also attained the distinction of Certified Building Service Executive (C.B.S.E.) from BSCAI.

Tim Henson – Regional Vice President, Texas



Tim Henson has been in the contract cleaning business since 1971. He began his career in contract cleaning during his days at Baylor University. He later served as District Manager and Vice President for two national cleaning companies. In 1987, Mr. Henson founded Dallas based TGH Companies, Inc. TGH Companies quickly established a reputation as a high quality regional provider. The company grew to become the largest provider of facility services to K-12 schools in the North Texas market. GCA Services Group acquired TGH Companies in May of 2005. Mr. Henson continues to oversee operations and sales for all K-12 schools in the state of Texas.

Rosemary Henson - Senior Regional Manager for GCA Services Group of Texas, LP.



Rosemary received her B.A. from Baylor University and her M.Ed. from Stephen F. Austin State University with extensive post graduate work at the University of North Texas. Rosemary was employed by the Garland Independent School District for 21 years as a teacher and an administrator. She joined TGH Companies, Inc. in June 1995 as a Quality Control Manager. Currently, Rosemary is primarily responsible for operations, quality control, and public relations. She, as well as other senior management staff, is directly involved in the bid process including site visits, and proposed staffing/costing development.



John W. "Dub" Spencer - Senior Regional Manager for GCA Services Group of Texas, LP.



Dub, a graduate of Dallas Baptist College, has been involved with facility management and commercial real estate operations since 1968. Prior to joining TGH Companies in 1995, he was affiliated with Property Management Systems and Gerald D. Hines Interest of Houston as a senior property manager. Southland Financial Corporation, the original developer of Las Colinas as Vice President of Property Management, and the Travelers Realty Investment Company as a Senior Vice President and General Manager for the Southwest United States. He has earned both the Certified Property Manager (CPM) and the Real Property Administrator (RPA) designations. He is a past President of the Dallas Building and Managers Association (BOMA).

Robert Quintero - Senior Regional Manager of Operations



Robert Quintero has 35 years of floor care and cleaning experience. Robert takes part in all of GCA's custodial client start ups and leads the floor care training involving the latest chemicals and equipment available. Robert has responsibility for overseeing general cleaning, training and proper floor care (of all types) in all of GCA's 17 K-12 client locations. Robert's vast knowledge, experience, patience and relationship skills ensure GCA can offer clients consistent, high quality cleaning programs statewide. Robert continues to work with major chemical and equipment manufacturers such as JohnsonDiversey, Advance, Noble, Eagle, Tennant, Windsor, and SC Johnson to test and improve new chemical formulation and equipment design prior to market launch. Robert looks forward to the opportunity of improving the floor care and overall cleaning quality of Judson ISD schools and support buildings.

5. Quote Form

A. Police Department – Approximately 17,600 Square Feet

Daily Service Cost \$ 102.00
Per Square Foot \$ 0.0058

Monthly Service Cost \$ 2,212.58
Per Square Foot \$ 0.1258

Quarterly Service Cost \$ 6,637.75
Per Square Foot \$ 0.3773

Annual Bid Amount \$ **26,551**

Special Cleaning

Carpet Cleaning (Extraction Method)
Per Square Foot \$ 0.14

Services beyond this contract will be at \$ 17.86 per hour.

Prompt Payment Discount: .005 % within 10 days (e.g. 1%, 2%, 5%)

Authorized Signature *Wally D. An*

Company Name The TGH Companies, Inc./GCA Services Group Inc

Date 1-7-11

*Contract prices are contingent upon being award 1800 Longwood Drive and 101 North Chappell Hill Street.

15

B. Central Fire Station – Approximately 3,017 Square Feet

Weekly Service Cost \$ 87.52
Per Square Foot \$.0290

Monthly Service Cost \$ 379.25
Per Square Foot \$ 0.1257

Annual Bid Amount \$ **4,551.00**

Special Cleaning

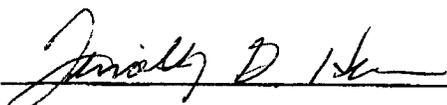
Carpet Cleaning (Extraction Method)
Per Square Foot \$ 0.14

Clean Office windows (inside and out)
Per window \$ 2.55

Complete maintenance of all resilient floors
Per Square Foot \$ 0.25

Services beyond this contract will be at \$ 17.86 per hour.

Prompt Payment Discount: .005 % within 10 days (e.g. 1%, 2%, 5%)

Authorized Signature 

Company Name The TGH Companies, Inc./GCA Services Group Inc.

Date 1-7-11

*Contract prices are contingent upon being award 1800 Longwood Drive and 101 North Chappell Hill Street.

6. VENDOR INFORMATION

"The undersigned affirms that they are duly authorized to execute this contract, that this company, corporation, firm, partnership or individual has not prepared this bid in collusion with any other bidder, and that the contents of this bid as to prices, terms and conditions of said bid have not been communicated by the undersigned nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this bid."

Company Name The TGH Companies, Inc./GCA Services Group Inc.

Address 11651 Plano Road Suite #200

City Dallas State TX Zip 75243

Federal Tax ID/SSN Number 75-2233516

Authorized Signature *Timothy G. Henderson*

Signature Typed or Printed Timothy G. Henderson Title vice president

Telephone No. 214-355-7000 Fax No. 214-355-1099 Date 11/7/2011



AGENDA FORM

DATE OF MEETING: February 3, 2011	DATE SUBMITTED: January 28, 2011	
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Doug Baker	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
<input type="checkbox"/> WORK SESSION		
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-11-002 Supporting a Traffic Signal at Westwood Lane and U.S. Highway 290 and Authorize the Mayor to Execute any Necessary Documentation		
SUMMARY STATEMENT: This adoption of this resolution is the City's formal request to the Texas Department of Transportation for the installation of a traffic signal at the intersection of US Hwy 290 and Westwood Ln. In addition to the signal, a raised median will be constructed in the existing turning lane for a distance of approximately 650 feet in both directions from the signalized intersection. The purpose of the median is to prevent crossovers from one side of the highway to the other. As previously discussed, O'Malley Engineers is in the process of determining how much additional right of way will be needed for a widening of Westwood Ln. between the Dairy Queen Restaurant and Westwood Gifts. They are also preparing schematic drawings and cost estimates for the construction of a 39 feet wide collector street that would extend from Hwy 290 northward approximately 500 feet.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Resolution No. R-11-002		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Approve Resolution No. R-11-002 supporting a traffic signal at Westwood and U.S. Highway 290 and authorize the mayor to execute any necessary documentation		

APPROVALS: Terry Roberts

RESOLUTION NO. R-11-002

A RESOLUTION IN SUPPORT OF THE PLACEMENT OF A TRAFFIC SIGNAL AT THE INTERSECTION OF WESTWOOD LANE AND U.S. HIGHWAY 290 WEST

WHEREAS, there is a high volume of motor vehicle traffic on U.S. Highway 290 West, both eastbound and westbound near its intersection with Westwood Lane; and

WHEREAS, the high volume of traffic is very difficult to navigate and potentially unsafe for drivers trying to enter or cross U.S. Highway 290 West from the establishments along U.S. Highway 290 West in the Westwood area; and

WHEREAS, the City Council of the City of Brenham believes that the placement of a traffic signal at the intersection of Westwood Lane and U.S. Highway 290 West is in the best interest of the community and promotes the health, safety and welfare of the public;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brenham, Texas that it supports the placement of a traffic signal at the intersection of Westwood Lane and U.S. Highway 290 West.

PASSED and APPROVED by the City Council of the City of Brenham, Texas on this the _____ day of February, 2011.

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

ATTEST:

Jeana Bellinger, City Secretary
City of Brenham



AGENDA FORM

DATE OF MEETING: February 3, 2011	DATE SUBMITTED: January 28, 2011	
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Doug Baker	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Amendment to the Pass Through Agreement for Payment of Pass-Through Tolls by TxDOT For the U.S. Highway 290 Project and Authorize the Mayor to Execute any Necessary Documentation		
<p>SUMMARY STATEMENT: Our Pass Through Toll Agreement with the Texas Department of Transportation was executed in 2008. It does not include the extension of Handley Street to Nutt Blvd. nor does it include the construction of a grade separation at Stringer Street. TxDot's decision to connect S. Market St. to US Hwy 290 at Handley St. made it apparent that the existing street needed to be extended to Nutt Blvd. to eliminate the dead end. A grade separation at Stringer St. became a reality because of the availability of excess funds appropriated for the pass through project. Both additions will improve mobility along the US Hwy 290 corridor.</p> <p>The amendment does not affect the city's financial involvement in the construction of the project nor does it affect the terms of the agreement pertaining to reimbursement by the Department of Transportation. As stated in Mr. Appleton's letter, the amendment only replaces Attachment A, the project location map, and Attachment B, the scope of work.</p> <p>As has been previously discussed, this additional work requires additional right of way at both locations, and it is the city's responsibility to obtain that right of way.</p>		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) TxDot Letter; and (2) Amendment Number 1		
FUNDING SOURCE (Where Applicable):		

RECOMMENDED ACTION: Approve an amendment to the Pass Through agreement for payment of Pass-Through tolls by TxDOT for the U.S. Highway 290 Project and authorize the mayor to execute any necessary documentation

APPROVALS:



Texas Department of Transportation

1300 N TEXAS AVE • BRYAN TX 77803-2760 • (979) 778-2165

January 18, 2011

The Honorable Milton Y. Tate, Jr.
Mayor, City of Brenham
P.O. Box 1059
Brenham, Texas 77834-1059

AMENDMENT TO PASS THROUGH TOLL AGREEMENT FOR US 290 IN BRENHAM

Dear Mayor Tate:

Per discussions with your city's staff, TxDOT added an extension of Handley Street and an interchange at Stringer Street to this US 290 project. This changes the scope of the work sufficiently to require an amendment to the agreement. Please find enclosed two original duplicate copies of the Amendment to Pass-Through Agreement for Payment of Pass-Through Tolls by the Department. The amendment replaces Attachment A, the project location map, and Attachment B, the scope of work so both now include the additional work. The remainder of the agreement remains as it is.

If you and your city council find the agreement satisfactory, please sign and date both original copies and return both to my office for further handling. Once TxDOT fully executes the amendment in Austin, I will return one original copy to the city.

The Bryan District is glad to work with you and your staff to meet the transportation needs of the City of Brenham and Washington County and looks forward to the successful completion of this project. Please call me at (979) 778-9707 if you have any questions about this subject.

Sincerely,

Robert A. Appleton, P.E.
Director of Transportation
Planning and Development

Enclosures

cc: Mr. Terry Roberts
City Manager

STATE OF TEXAS §

COUNTY OF TRAVIS §

**AMENDMENT TO
PASS-THROUGH AGREEMENT FOR PAYMENT
OF PASS-THROUGH TOLLS BY THE DEPARTMENT**

Amendment Number 1

THIS AMENDMENT to the Pass-Through Agreement for Payment of Pass-Through Tolls by and between the State of Texas acting by and through the Texas Department of Transportation, (the Department), and The City of Brenham (the Developer), and becomes effective when fully executed by both parties.

BACKGROUND

The Department and the Developer executed an agreement on the July 2, 2008. Subsequently the parties have decided to add to the Project the extension of Handley Street from its current terminus to Nutt Boulevard to improve traffic operations at the proposed grade separation interchange of US 290 with FM 577 and with BS 290. Also add a grade separation interchange at the intersection of US 290 and Stringer Street as a separate project CSJ 0186-06-075.

AGREEMENT

The Department and the Developer agree that the contract is amended as follows:

- 1. Attachment A and Attachment B of the original contract are deleted in their entirety and replaced with Attachment A-1 and Attachment B-1 contained herein.

All other terms and conditions of the above numbered agreement not hereby amended remain in full force and effect.

Texas Department Of Transportation

City of Brenham
Developer's Name

Authorized Signature

Authorized Signature

Amadeo Saenz, Jr., P.E.
Executive Director
Texas Department of Transportation

Type Or Printed Name And Title

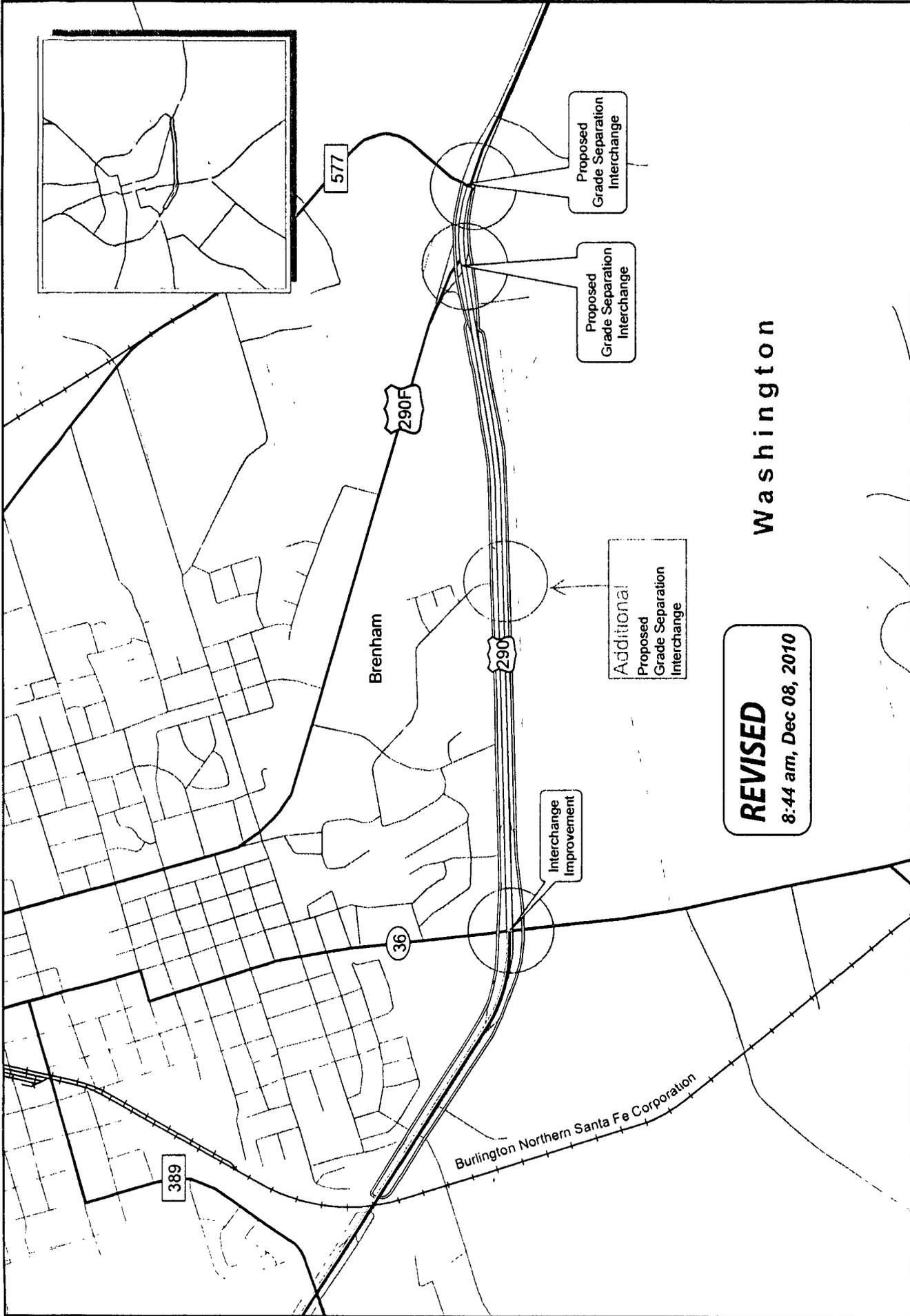
Milton Y. Tate, Jr.
Mayor
City of Brenham

Typed Or Printed Name And Title

Date:

Date:

Attachment A-1 Project Location



REVISED
8:44 am, Dec 08, 2010

Washington



Prepared by
TPP - DATA MANAGEMENT
Analysis, Mapping and Reporting Branch
September 6, 2006

PT2006-010-01

Main Lane Improvement
Convert Frontage Road to one-way



ATTACHMENT B-1

Scope of Work

The Department and the Developer propose interchange improvements to US 290 at FM 577. This interchange is at the confluence of US 290, FM 577, and Business US 290. The improvements to US 290 will allow the free flow of traffic along US 290, a hurricane evacuation route, instead of the current signalized intersection.

Additional improvements in this program include frontage road and entrance and exit ramp improvements along US 290 from FM 577 to the Burlington Northern Santa Fe Railroad turnaround, and improvements at the intersection of US 290 and SH 36, including frontage road turnarounds. The improvements include the extension of Handley Street from its current terminus to Nutt Boulevard to improve traffic operations at the proposed grade separation interchange of US 290 with FM 577 and with BS 290. It also includes the addition of a grade separation interchange at the intersection of US 290 and Stringer Street CSJ 0186-06-075. The frontage road improvement will include conversion to one-way operations between FM 577 and the Burlington Northern Santa Fe Railroad turnaround.

The Developer shall provide funding for the Project in the amount of \$15 million. The Developer will make three equal \$5 million payments to the Department; the first 60 days prior to the Project letting date, the second six months after the letting date, and the third one year after the letting date.

The Department will produce the environmental document, the preliminary geometric design schematic, and conduct all public involvement for the Project. Upon receiving environmental clearance for the Project, the Department will develop, or cause the development of, the right-of-way map and other acquisition documents, and the plans, specifications, and estimates (PS&E) for construction of the Project. Upon completion of the right-of-way map and other acquisition documents, and the plans, specifications, and estimates for the construction of the Project, including any changes or updates to said documents, the Department shall provide a copy of said documents to the Developer. The Department will acquire any additional rights of way that may be necessary for the construction of the Project. The Department will let the Project for construction through the TxDOT statewide bid process and then inspect and administer the Project during construction.



AGENDA FORM

DATE OF MEETING: February 3, 2011	DATE SUBMITTED: January 28, 2011	
DEPT. OF ORIGIN: Finance	SUBMITTED BY: Carolyn Miller	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input checked="" type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Presentation of the 2010 Annual Report by the Finance Department		
SUMMARY STATEMENT: In order to be more cost efficient, a copy of the annual report is not included in the agenda packet. However, a bound copy of each report will be distributed to Mayor and City Council Members. A bound copy of the 2010 Finance Department Annual Report is on file for review in the City Secretary's Office. A copy can also be downloaded from the City of Brenham's website at www.cityofbrenham.org . If you are interested in obtaining a hard copy, please call the City Secretary at 979-337-7567		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: NA		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: NA		
APPROVALS: Terry Roberts		



FINANCE GAMEDAY

2010 SEASON

Finance Division 2010 Season

Every Saturday morning in the fall, many of our televisions are tuned to College Gameday. We intently listen to the commentators and marvel at every detail and factoid about the featured teams. Even though the college football season has ended, this **Finance Gameday** report features our fantastic Finance Team. The past several annual reports have discussed major accomplishments of the Finance Division including our bond rating improvements and the ADP payroll implementation. But not once have we disclosed our statistics. Well this is the year. We have a great story to tell, and this Finance Gameday report says it all.

Finance Team Coaches

The head coach of our Finance Team is the Chief Financial Officer, Carolyn Miller. A 1980 graduate of Texas A&M University, Carolyn joined the City in 2005. Under her leadership, the City has received back-to-back **Certificates of Achievement for Excellence in Financial Reporting** from the Government Finance Officer's Association (GFOA) for our annual financial report. But as you know, the head coach is only as successful as the assistant head coaches and the players, and we have a stellar lineup.

❖ **Assistant Head Coach, Rhonda Kuehn**

Rhonda is our veteran assistant head coach and she has been with the City almost 15 years. She is a 1996 graduate of Sam Houston University and is our Municipal Court Administrator. We can learn a lot from Rhonda as she exhibits a supreme **execution** of the game. With her guidance and support, all three of our Municipal Court clerks have obtained their Level II certification. Rhonda continues her commitment to the profession as a faculty member for the Texas Municipal Courts Education Center.

❖ **Assistant Head Coach, Stacy Hardy**

Stacy was recruited by the City in 2006 and is a 1997 graduate of Texas A&M University. As our Accounting Manager, Stacy practices the **fundamentals** of the game. She keeps us on track by managing 35 governmental and proprietary funds and 17 active grants. Last year, we prepared, processed and approved over 1,340 journal entries to maintain accurate financial information.

❖ **Assistant Head Coach, Christi Korth**

Christi is our newest assistant head coach and she graduated from Sam Houston State University in 1990. She began her career with the City in 2009 as our Accounting Supervisor. Christi is skilled at maintaining the **momentum**. Her responsibilities include processing the biweekly payroll for over 250 employees with a total payroll on average of \$277,000. Christi also oversees the vendor payment functions of the City.

❖ Assistant Head Coach, Debbie Gaffey

In early 2007, Debbie traded her City of Seabrook jersey for the City of Brenham. Debbie holds a degree from the University of Kentucky where she graduated in 1982. As our Budget Officer, she prepares our **game plan** which includes the annual operating and capital budgets, close scrutiny of utility rate models, and quarterly financial reports. Under her coaching, the City received the **Distinguished Budget Presentation Award** from the Government Finance Officer's Association (GFOA) for our fiscal year beginning October 1, 2009. Debbie has submitted our current fiscal year budget, and we anticipate a victory for this one as well.

Finance Team Roster

Our team is comprised of veterans, rookies and of course, **Legends of the Game**. Our Legends of the Game have over 20 years; our Veterans have 10-19 years of service while our Rookies have less than 10. We did not have any new recruits this year and we survived our season with no turnovers.

FINANCE TEAM ROSTER

<u>Designation</u>	<u>Player</u>	<u>Years</u>	<u>Position</u>
Legend	Doris Krolczyk	37	Special Projects
Legend	Darlene Konieczny	25	Accounting Clerk III
Legend	Gerry Hartstack	23	Purchasing Agent
Legend	Larry Thomas	23	City Marshall
Veteran	Florence Bentke	14	Accounting Clerk I
Veteran	Judy Wagner	12	Accounting Clerk II
Veteran	Diane Juarez	11	Court Clerk II
Rookie	Julian Weisler	9	Presiding Judge
Rookie	Robert Wright	5	Associate Judge
Rookie	Wanda Whitener	4	Court Clerk II
Rookie	Norma Rodriguez	2	Court Clerk II
Rookie	Adam Griffin	1	Budget Assistant

Team Stats

The following section will showcase some of our team stats for the last four years.

FINANCE STATISTICS				
	<u>FY07</u>	<u>FY08</u>	<u>FY09</u>	<u>FY10</u>
Vendor Payables				
A/P Checks	6,585	6,504	6,532	6,174
1099s	167	186	169	160
Payroll Checks	7,056	7,178	7,239	7,538
W2s Issued	381	363	372	373
Procurement Card Reports	40	228	196	153
Purchasing				
Purchase Orders	876	778	816	857
Total Purchase Orders	\$ 4,596,718	\$ 5,454,121	\$ 6,019,763	\$ 5,740,625
Specific Purpose Bids	14	9	11	4
Annual Bids	9	6	8	6
Financial Reporting				
G/L Funds Managed	34	35	34	35
Journal Entries	1,837	1,799	1,544	1,349
Grants Managed	14	13	15	17
A/R Billings	3,601	4,641	4,186	4,144
Financial Reports	4	4	4	4
Budget Amendments	3	2	4	2
Fixed Assets				
Capital Projects	48	49	69	82
Capital & Non-capital	6,195	6,496	5,714	5,917
New Asset Additions	110	174	182	223

MUNICIPAL COURT STATISTICS				
	<u>FY07</u>	<u>FY08</u>	<u>FY09</u>	<u>FY10</u>
Traffic Misdemeanors				
Non-Parking	2,388	3,726	5,138	5,174
Parking	2,333	237	454	55
Dispositions Prior to Trial	4,100	2,217	2,824	2,800
Dispositions at Trial	130	97	88	95
Cases Dismissed	1,384	2,130	2,670	2,808
Non-Traffic Misdemeanors				
State Law	2,277	2,961	2,842	2,492
City Ordinance	150	129	167	117
Dispositions Prior to Trial	1,136	1,385	1,269	1,152
Dispositions at Trial	132	149	102	132
Cases Dismissed	145	113	232	243
Juvenile Activity	240	188	218	226
Warrants Issued	575	1,000	806	1,849
Total Revenue Collected	\$ 622,147	\$ 872,451	\$ 1,090,569	\$ 1,172,525
Total Remitted to State	\$ 229,200	\$ 318,685	\$ 422,383	\$ 412,989
General Gov't Revenues	\$ 392,947	\$ 553,766	\$ 668,186	\$ 759,536

Season Summary

I am privileged to coach a great team of professionals who strive to meet the day-to-day challenges. They are true champions and practice core values such as integrity, hard work, and honesty. We have a solid team and each member has a passion for what they do.

We sincerely appreciate Council's support and encouragement and we pledge to continue to serve the citizens of Brenham with overall excellence in performance.

Respectfully submitted,



Carolyn D. Miller
Head Coach and CFO



AGENDA FORM

DATE OF MEETING: February 3, 2011	DATE SUBMITTED: January 28, 2011	
DEPT. OF ORIGIN: Police Department	SUBMITTED BY: Rex Phelps	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input checked="" type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Presentation of the 2010 Annual Report by the Police Department		
SUMMARY STATEMENT: In order to be more cost efficient, a copy of the annual report is not included in the agenda packet. However, a bound copy of each report will be distributed to Mayor and City Council Members. A bound copy of the 2010 Police Department Annual Report is on file for review in the City Secretary's Office. A copy can also be downloaded from the City of Brenham's website at www.cityofbrenham.org . If you are interested in obtaining a hard copy, please call the City Secretary at 979-337-7567		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: NA		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: NA		
APPROVALS: Terry Roberts		

Brenham Police Department

2010 Annual Report



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Opening Remarks

The Brenham Police Team appreciates the support and direction given by the Mayor, the City Council Members, and the citizens of Brenham. It has been a challenging but effective and efficient year as the attached data will communicate.

This was the first full year occupying and working from our new police facility on Longwood Drive. There is no doubt that city leaders, Mayor, Council, and members of Crime Board have a vision for this community and that the new police building fits into the vision for the future. The facility is being utilized as it was designed. It provides a very professional and functional working environment for our law enforcement professionals and communicates the community's high expectations.

The new building has already made our public service more effective and more efficient. This improvement has been made in virtually all areas of service from evidence chain of custody to interview and interrogation. In addition, we are able to provide a community room for city leaders and civic organizations to meet and plan for a better tomorrow.

The new facility has provided office space, which has been ergonomically designed to strike the balance between workplace privacy and transparent government. Administrators, investigators, and officers can conduct simultaneous phone conversations, interviews, meetings and briefings. The old building did not provide the optimal office space, conference areas, or interview rooms.

The Mayor, City Council Members, City Administration, and the Brenham Community supported our crime reduction strategy this past year. Due to that support we were able to accomplish a double digit Part 1 Crime reduction that exceeded all expectations. This is especially notable during an economic downturn.

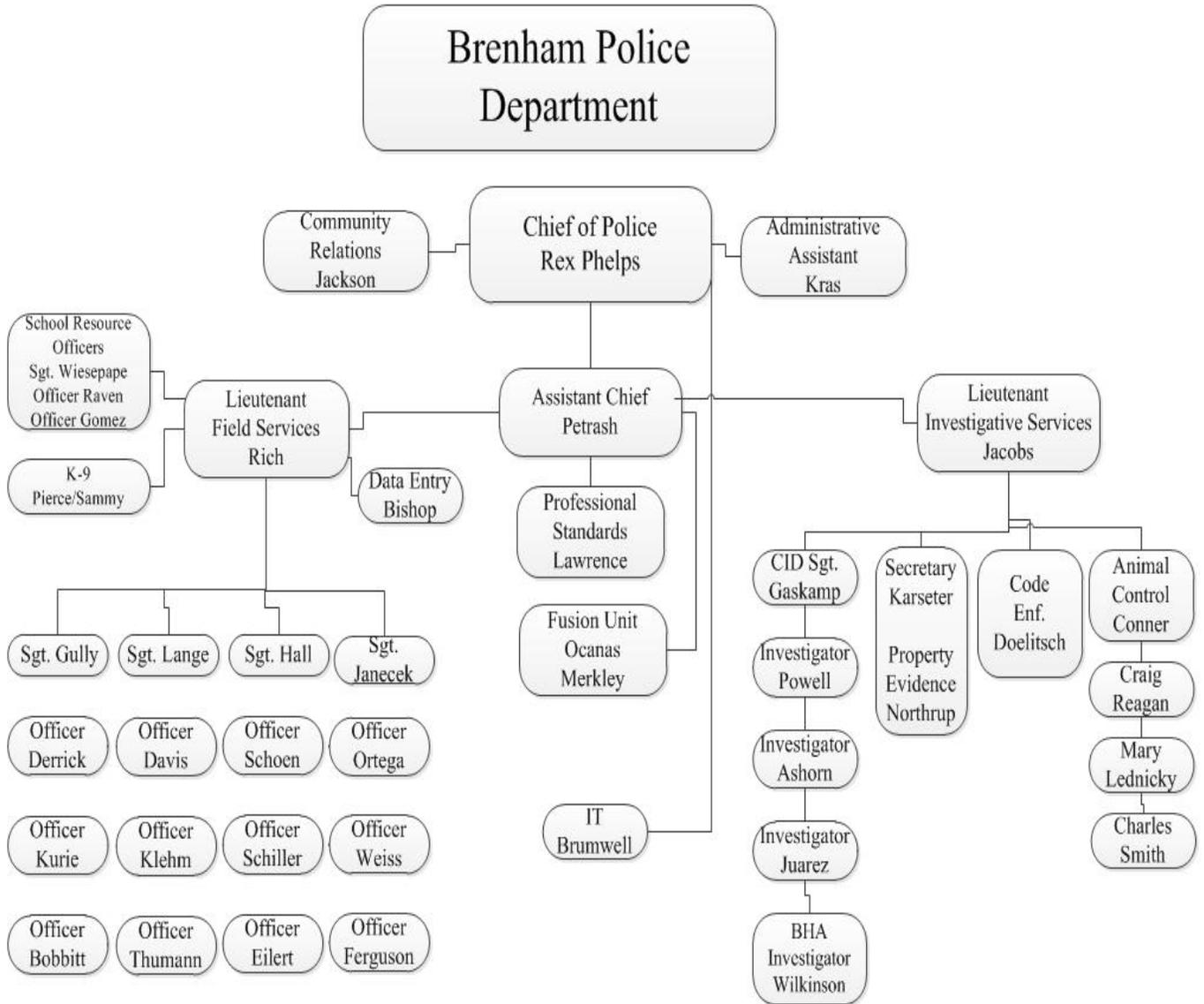
Mission Statement

The Brenham Police Department is a value-driven organization that will base its relationships and objectives on empathy, edification, enthusiasm, and excellence to continuously make Brenham a safer and better place to live, visit, and conduct business.

Core Values

- Empathy - Listen, value diversity, see things from the views of others, seek win – win propositions, share information exhaustively, be open, be mature, forgive
- Edification - Build partnership relationships, sell vision then empower, recognize others, be a team member, create value to receive value, honor the absent
- Enthusiasm - serve others as customers, improve quality of life for all stakeholders, adapt to change, take ownership, be passionate
- Excellence - Have high expectations, take pride, have high performance and ethical standards, be accountable, be problem-resolution oriented, be quality driven





Productivity and Activity (Performance Stats and Data)

It is with great pleasure that we report the Part 1 Crime Rate has dropped by **16%** compared to the previous year. The Part 1 Crime rate is the measure the federal government utilizes in its Uniformed Crime Reporting (UCR). The UCR is a mandated compilation of specific crimes that compare communities and regions. I am especially proud of our public safety team considering the fact that crime usually takes an upturn during economic downturns. This decrease is very significant.

As you will see in the report below we had 25,646 calls for service and activity in 2010. The calls for service include both dispatched calls and officer initiated activity. The police department made over 1,100 arrests of adults and juveniles in 2010. All sections of the department have become more effective and efficient as the Part 1 Crime Rate clearly communicates.

We are connecting the dots and analyzing crime much more accurately. The decrease in “Part I Crime” is because your police team is working smarter and not just harder. As you may recall from last year’s crime reduction strategy we added the fusion unit and the K-9 unit. The fusion unit was started on June 7, 2010. It consists of two officers that work covertly and proactively on identifying and apprehending both narcotic traffickers and habitual felony offenders. They do not routinely respond to calls. They are highly motivated by having the autonomy to conduct crime analysis, serve warrants, investigate drug traffickers, conduct surveillance, and operate covertly.

Since June 7th the unit has arrested well over 100 habitual felony offenders. We have learned that 15% – 20% of the population commit over 90% of the felony offenses. It should be understood that when habitual offenders are in jail that is intervention, prevention and apprehension all at the same time.

We were able to deploy the fusion unit and the K-9 unit because of three additional officers approved in the 2009 – 2010 budget. The Mayor, Council Members, and city administrators understood the need to invest in law enforcement. It should be understood that anytime the economy takes a downturn crime will inherently take an upturn, unless proactive measures are taken. This department could not have been proactive without the support and direction of the Mayor and Council.



The K-9 (Sammy) and his handler, Officer Mark Pierce trained throughout most of the year. The Citizen Police Academy Alumni among numerous other civic organizations like the rotary clubs raised the necessary funds to purchase Sammy from an overseas K-9 training facility.

Officer Pierce and his K-9 Partner "Sammy" completed the Harris County Narcotic K-9 Handler Course on scent discrimination on May 4, 2010 and the K-9 patrol certification course on June 16, 2010. They were able to receive their NNDDA "National Narcotic Detection Dog Association" certificate ahead of schedule.

During their training, Sammy and Officer Pierce logged over 146 training hours and successfully located over 100 narcotic hides. In order to stay proficient in both narcotic detection and patrol work the team trains weekly for a minimum of 4 hours.

Since completing their training, Sammy has been deployed approximately 50 times for narcotic detection. Sammy has been utilized approximately 12 times in a patrol capacity. Sammy and Officer Pierce have assisted in the capture of 5 people who were wanted on felony charges. The team has also been utilized to assist other officers in serving non-felony warrants when the subjects have a history of being violent or have fled from police. Sammy and Officer Pierce have served the Community in public relation duties as well. For example, they have given numerous demonstrations to students at schools and children at summer camps.



Patrol officers conducted approximately 13,000 traffic stops. Most criminals are apprehended on traffic stops. Criminals can pick and choose the place and time of their crime. However, they cannot control the roadways to and from their crimes. This is where investigative patrol officers seize opportunities to catch drug traffickers, burglars, and wanted persons. Patrol officers in the field not only respond to calls they also solve and prevent a significant number of crimes. In addition, they responded to more than 12,000 other calls for service.



The Brenham Police Department had a 2010, case clearance rate of 63%. It should be noted this rate includes arrests made for offenses on view by all department officers. Our criminal

investigators have a combined law enforcement experience of over 115 years. They investigate, mitigate, solve, and prepare cases for criminal prosecution.

The criminal investigation division also processes crime scenes, conducts interviews, interrogates suspects, and assists victims of crime. The division is made up of five investigators and each have specialized training to augment the team.

Part 1 Crime Rate

The objective of the Uniform Crime Reporting (UCR) program is to produce reliable crime statistics for law enforcement administration, operation, and management. This information is also available as a measure of the fluctuations in the type and volume of crime in Texas. The means utilized to obtain these objectives are: to measure the extent, fluctuation, distribution, and nature of crime through the collection of data on the eight serious Crime Index Offenses; to measure the total volume of serious crime known to police; to show the activity and coverage of law enforcement agencies through arrest counts and police employee strength data.

The below eight Part 1 categories are used by law enforcement professionals to compare a community’s quality of life as it pertains to crime. **This year the Part 1 Crime Rate dropped significantly by 16%!**

BRENHAM POLICE DEPARTMENT Yearly 2010 CASE SUMMARY					
PART I CRIMES	2007 # OF OFFENSES	2008 # OF OFFENSES	2009 # of OFFENSES	2010 # of OFFENSES	% CHANGE 2009 & 2010
MURDER/MANSLAUGHTER BY NEGLIGENCE	2	2	1	0	-100%
FORCIBLE RAPE (INCLUDES ATTEMPTS)	8	15	3	2	-33%
ROBBERY	8	10	12	12	0%
ASSAULTS (AGGRAVATED & SIMPLE)	277	260	294	274	-7%
BURGLARY	172	181	173	127	-27%
THEFT	278	292	392	368	-6%
MOTOR VEHICLE THEFT	44	25	28	26	-7%
ARSON	1	0	0	0	0%
TOTAL PART 1 CRIMES	790	785	903	759	-16%

<u>CASES FILED</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
Municipal Court Cases, Traffic Violations-----	6,444	8,036	6,230
Municipal Court Cases, Criminal Cases-----	362	450	563
Washington County Court Cases-----	431	423	472
District Court Cases-----	202	201	174
Juvenile Cases (Citations and Arrests) -----	108	145	92
TOTAL CASES FILED-----	7,547	9,255	7,531

COMMUNICATIONS REPORT – POLICE DEPT. ONLY

911 Emergency Calls-----	3,416	3,233	3,504
Total Office / Phone Calls-----	91,804	95,187	81,426
Total Radio Calls-----	205,467	207,656	257,642
TOTAL CALLS HANDLED BY EMERGENCY DISPATCHERS-----	300,687	306,076	342,572

PERFORMANCE SERVICE REPORT

Officer Incident Based Activity-----	25,094	26,346	25,646
Traffic – Injuries-----	128	111	123
Traffic – Non Injuries-----	325	364	350
Traffic Fatalities-----	2	0	3
Warning Tickets Issued-----	3,426	4,274	7,493
Mileage on Police Department Units-----	296,382	478,017	422,313
False Alarms Answered By Officers-----	1,063	977	867
Adult Arrest-----	1,155	1,131	1,051

The injury accident rate has increased 11%. We attribute this increase to the loss of the S.T.E.P. (selective traffic enforcement program) grant due to lack of state funding. The S.T.E.P. program has helped us in the past fund overtime for off-duty officers to work traffic enforcement details in problematic areas. Without this state funded grant we simply cannot deploy as many traffic details. We will watch the traffic accident rate closely and direct efforts accordingly to enhance safety wherever possible.

PART II CRIMES					
FORGERY	26	24	39	24	-38%
FRAUD	47	6	8	3	-63%
CRIMINAL MISCHIEF	109	151	100	132	32%
WEAPONS: CARRYING, POSSESSING	10	5	11	16	45%
SALE OF DRUGS (6 MONTH TIME FRAME)	1	3	35	38	8%
POSSESSION OF DRUGS	87	158	194	161	-17%
KIDNAPPING	2	0	1	0	-100%
DISORDERLY CONDUCT	52	54	69	65	-6%
MISCELLANEOUS OFFENSES	186	301	321	376	17%
D.W.I.	48	39	46	48	4%
LIQUOR LAWS (ARRESTS)	42	31	42	59	40%
PUBLIC INTOXICATION (ARRESTS)	90	88	50	107	114%
TRAFFIC ARRESTS (INSTANTER & WARRANT ARRESTS)	144	401	238	554	133%
TOTAL PART II CRIMES	520	702	1154	1575	36%

The entire team increased self-initiated (Part II Crime Rate) by 36%. This increase (working harder) combined with the new deployments of the K-9 and the Fusion Unit (working smarter) was two of the keys to this year’s success.

The “Part II” Crime Index lists the areas where officers initiate the activity that leads to the arrest and/or discovery of crimes. There is always a link (in part) between thefts, burglaries, robberies, assaults and the prevalence of illegal drug activity. As you can see there has been a substantial increase in officer initiated activity. Consequently, there is a decrease in the Part I Crime Rate. We feel without the significant drug enforcement burglaries, thefts, and assaults would not have decreased.

The department’s personnel conducted 113 lawful searches. Of these searches, 38 were consent searches and 75 were made as probable cause searches. In 76 of these searches narcotics and or paraphernalia were found.

New Fusion Unit Activity (Habitual Offender Apprehension)

This unit was started on June 7, 2010 and has arrested over 100 habitual felony offenders. We have learned that 15% – 20% of the population commit over 90% of the felony offenses. It should be understood that when habitual offenders are in jail that is intervention, prevention and apprehension all at the same time. The following table communicates the Fusions Unit’s activity since June of 2010.

Fusion Unit Activity	Probation	Parole	Violation	Warrant Arrest	Habitual Offender
False report				Y	Y
Municipal charges - Traffic Wrnts				Y	Y
Assault B/I FV				Y	Y
Sell, dist, harmful mat minor	Y		Y	Y	Y
Poss marj	Y				Y
Municipal charges				Y	
Poss marj 1/2 lb					
Evading arrest w/vehicle	Y			Y	Y
Prohibited weapon					Y
Unlawful carry weapon					
theft of firearm					
Poss drug paraphernalia					
Injury to child sbi/death				Y	Y
Hinder apprehension/murder				Y	Y
Poss. Contr. Sub-meth		Y			Y
Evading arrest w/vehicle		Y		Y	
Burglary of building x 2	Y		Y	Y	Y
DWI				Y	
Theft/stolen property \$100,000				Y	Y
Forgery	Y		Y	Y	Y
Burglary of habitation				Y	
Burlary of habitation	Y		Y	Y	
Assault B/I FV					
Interference w/911 call					
Agg asslt. sbi/weapon				Y	Y
Home invasion suspect					
Felon poss.firearm					Y
Poss cs. PG3					Y
DWLI					Y
Robbery		Y	Y	Y	Y
Poss. Contr. Sub-dangerous drugs		Y	Y	Y	Y
Secure Execution of Doc. 20k<100k				Y	
Parole Violation (Cocaine)		Y	Y	Y	Y

D.W.I. - Probation Violation	Y		Y	Y	
Mental Health Warrant				Y	
Fraud	Y		Y	Y	Y
Walk on Wrong Side of Roadway					y
PCS - Probation Violation	Y		Y	Y	Y
Injury to child sbi				Y	Y
Injury to child sbi	Y		Y	Y	
Theft by Check	Y		Y	Y	Y
Possession of Child Porn	Y		Y	Y	Y
Criminal Trespass					Y
Possession of Controlled Substance	Y		Y	Y	Y
DWI	Y		y	Y	Y
Assault FV	y			Y	Y
Delivery of a Controlled Substance	Y			Y	Y
Delivery of a Controlled Substance	y			Y	Y
Delivery of a Controlled Substance			Y	Y	Y
Delivery of a Controlled Substance			Y	Y	Y
Evading arrest w/vehicle			Y	Y	Y
Assault / PI / Traffic X 2				Y	Y
Possession of Marijuana					Y
WRNTS X 8				Y	Y
Burglary of Habitation & Building				Y	Y
Burglary of Habitation & Building				Y	Y
Possession of Marijuana	Y		Y	Y	Y
Criminal Trespass				Y	Y
Credit Card Abuse				Y	Y
Burglary of Habitation				Y	Y
Poss Marijuana 2oz < 4oz / UCW					
PCS - w/ Intent to deliver x 4				Y	Y
Sexual Assault of Child / Indecency				Y	
Indecency w/ a Child - Sexual Cont				Y	
Sexual Assault of Child x 4				Y	Y
Possession of Marijuana				Y	
Poss. Drug Paraphernalia / WRNT x3					

Poss. Drug Paraphernalia					Y
Hinder Apprehension/Sex Offender				Y	
Tamper with Witness				Y	
Parole Violation (Cocaine)		Y	Y	Y	Y
Tamper with Evidence				Y	
Possession of Marijuana				Y	Y
DWI X 2 / DWLI				Y	Y
Assult family member Impede Breath				Y	
Assault Cause Bodily Injury				Y	
Delivery of a Controlled Substance	Y		Y	Y	Y
Possession of Controlled Substance					Y
Possession of Controlled Substance					Y
Unlawful carry weapon					Y
Possession of Controlled Substance					Y
Possession of Controlled Substance	Y		Y		Y
Delivery of a Controlled Substance	Y		Y	Y	Y
Illegal Dumping				Y	
P.I. / Fail to appear				Y	Y
IBC X 7				Y	Y
IBC X 2				Y	Y
DWI 2ND				Y	Y
Possession of Drug Paraphernalia					Y
Obstruction of Highway/Passageway			Y	Y	
Theft / IBC X 5				Y	Y
Theft \$1,500 < \$20,000				Y	Y
Public Intoxication					Y
Criminal Non-Support				Y	Y
Tampering W/ Evidence				Y	Y
Traffic X 3				Y	Y
PCS / POM / Food Stamp Fraud				Y	Y
Fail to ID-Fugitive / Theft by Check X 6				Y	Y

POM / Criminal Trespass				Y	Y
Possession Controlled Substance				Y	Y
Possession of Marijuana				Y	Y
Criminal Non-Support				Y	Y
Criminal Trespass					Y
Possession of Marijuana				Y	Y
Criminal Non-Support	Y		Y	Y	Y
Driving While Intoxicated				Y	Y
Possession of Marijuana					Y
Possession of Marijuana			Y	Y	Y
Criminal Trespass			Y	Y	Y
Possession of Marijuana					Y
Tamperin w/ ID Numbers					
Possession of Controlled Sub 1g < 4g					Y
Poss cs. PG3 < 28g					Y
Theft - Felony			Y	Y	Y
Possession of Controlled Sub 1g					Y
Possession of Marijuana 4oz < 5lbs					Y
Possession of Dangerous Drugs					Y
Agg asslt. sbi/weapon	Y		Y	Y	Y
Assault FV - Impede Breath				Y	Y
Criminal Non-Support				Y	Y
City WRNTS X 12				Y	Y
Sex Assault of a Child				Y	Y
Criminal Non-Support X 2				Y	Y
Traffic X 3					
Possession of Marijuana < 2oz					Y
DWLI X 2			Y	Y	Y
Possession of Marijuana < 2oz			Y	Y	Y
Criminal Trespass					Y
Burglary of a Building X 4				Y	Y
Theft of Property < \$20,000 X 3				Y	Y
Evading arrest w/vehicle w/ Previous					Y
Reckless Driving / POM					Y
Transfer of unregistered Firearm - ATF				Y	Y

23 6 31 92 103

Employee Retention and Recruiting

In the (2009 – 2010) budget, the Council and Mayor approved three new police officers and all the training and equipment to support the initiative. It took three quarters of the year just to get the testing backgrounds, police academy, and field training completed for these three recruits.

In addition, we also had to recruit and hire five (sworn and non-sworn) replacement personnel from vacancies throughout the year. Fortunately, at this time the department is fully staffed. The field training officers deserve so much credit for getting all of our new team members trained and fully deployed. On average a police officer takes about 10 months to recruit, hire, and train before full deployment.

Training

During the past year police personnel have greatly benefited from both in-house training and training that was outsourced to various other facilities. Police personnel attended 507 hours of training. Courses included accident investigation, DWI Detection, narcotic investigation, criminal investigation, computer investigation, SFST (standardized field sobriety testing) updates, rifle courses, ATV theft & recovery, cultural diversity, leadership skills, Glock armor course and taser certification, SRO (school resource officer) training, FTO (field training officer) training, Investigation and Interrogation, tactical training, accident reporting, street survival and internal affairs.

Numerous officers were able to advance their level of TCLEOSE (Texas Commission Law Enforcement Office Standards and Education) certifications from basic to intermediate and some to advance. All employees completed the mandated training necessary to maintain certification and commission, including firearm qualifications.

Use of Force, Pursuits, and Uncooperative Suspects

Unfortunately, there are always those who fail to comply with lawful requirements despite our attempts to gain voluntary compliance. Although, resistance can be ugly we felt our officers

acted appropriately, lawfully, and professionally during these incidents. Many of these subjects were intoxicated, drug impaired, or driven by raw emotions.

In 2010, there were a total of 45 incidents where force was used by our officers. All 45 force incidents were within policy and no complaints were filed against any officer for force used. Shootings involving use of force were investigated by a shooting review board (per policy) and found to be within policy. Listed below is a breakdown of the types of force used by officers, it is noted that in some incidents more than one type of force was used to control a suspect and affect an arrest.

Police Firearm

Weapon Displayed: 13
 Weapon Discharged: 5 [deer (humane cause), 2 vicious dogs destroyed, and vehicle tires shot]

Taser:

Displayed only: 9
 Contact Stun: 3
 Full Deployment: 8

Baton: 0

Pepper Spray 1 (Display)

In 2010, Brenham police officers were involved in five vehicle pursuits. Three pursuits ended in less than one mile. One pursuit traveled outside of Washington County. The remaining 4 were all within the city limits. All suspects were male's between the ages of 18 to 35. Alcohol was a factor in one pursuit.

The officers and supervisors are trained to evaluate the conditions, environment, traffic congestion, etc. along with the reason for the pursuit. The suspects were arrested and charged for a variety of multiple offenses.

Internal Affairs Investigations

During 2010, the department had a total of eight official complaints against officers. Three of these complaints were considered sustained, one was not sustained. Three were considered to be unfounded. One officer resigned to avoid possible discipline.

A shooting review board investigated an officer discharging his department issued handgun. The review board found that the firearm discharge was within department policy.

Community Volunteers Programs and Special Events



The Citizens Police Academy Alumni Association (CPAAA) has well-over 150 members. The CPAAA did a fantastic job volunteering as community greeters and assisting in numerous community events. They were also very active in raising the donations of over \$21,000 to start the upcoming canine (K-9) program.

The Citizens on Patrol (COPS) program is made up of 45 members. The COPS logged 5,233 man hours patrolling the city and assisting the patrol officers with equipment and resource support. They have been instrumental with increasing visibility in our parks, business districts and neighborhoods. Their efforts and visibility help heighten the sense of well being within our community.

The volunteers have been instrumental in providing volunteer services to the many community events we have each year. The City of Brenham is known for its numerous parades, Hot Nights Cool Tunes, fun runs, and other civic events. If it were not for these volunteers the city simply could not afford the extra duty costs associated with overtime from full-time employees. It is because of their efforts this cost is not passed on to the individual entities responsible for each event. In addition, their efforts free up police officers to concentrate on crime prevention, intervention, and apprehension.

The explorer program has experienced a very successful year winning numerous events at the various state and local competitions. This program serves as an outlet to mentor our local youth. Many explorers go on to become police officers or leaders within the community. It is important that we work to build positive relationships with these youth. This past year the Brenham Post Explorers won first place in the state competitions.



COP EVENTS 2010

- | | |
|-------------|--|
| January 25 | COP Banquet |
| February 21 | Elks Fundraiser |
| February 25 | Blinn Tech. Center Grand Opening |
| March 3 | First Baptist Helicopter Landing |
| March 5 | First Baptist Church School Fundraiser |
| March 23 | COP Training/Meeting |
| March 24 | Blinn Special Assignment |

April 7	Sr. Citizens Day at Firemans Training Cnt.
April 7	Fundraiser at Citizens St. Bank
April 17	Blue Bell Fun Run
April 17	Bicycle Rodeo Walmart
April 21	COP Training/Meeting
April 22	Fitness Walk
April 24	Country Flavors Festival
May 1	Diabetes Testing Walmart
May 2	Elks Fundraiser
May 6	Blinn Baseball
May 11	Basic COP Training
May 11	Drive Thru at Jackson St Park
May 7/8	Maifest Parades
May 13	Basic COP Training
May 13	Accident Reconstruction
May 14	Blinn Graduation
May 18	Basic COP Training
May 22	Walmart Fingerprinting
May 26	COP Training/Meeting
May 27	Special Olympics Torch Run
May 28	Kruse Village Parade
May 29	Project Graduation
June 17/18/19	COP Conference Granbury Texas
June 19	Junteenth Parade
June 23	Training at Fire Department
June 30	MDA Lock Up
July 3	Hot Nights Cool Tunes
July 15	Fire Downtown- Traffic control
July 10	Hot Nights Cool Tunes
July 17	Hot Nights Cool Tunes
July 17/18	TLOFT Training in Brenham
July 24	Hot Nights Cool Tunes
July 31	Hot Nights Cool Tunes
July	FBC Youth Conference
August 1	Camp Periwinkle Escort
August 11	Kids Day Fingerprinting
August 13	BHS Band March
August 28	Blinn Football
August 29	Salem Fire Dept Drive Thru
September 3	Blinn Football
September 11	Fair Parade
September 15/16/17/18	Fair Traffic Control
September 25	Adams Angels 5K
September 30	St Pauls Fund Raiser
October 1	MHMR Walk in Scenic Estates
October 5	National Night Out
October 6	Homecoming Parade
October 30	Blinn Football
November 6	Blinn Playoff Game
November 10	Veterans Memorial Service
November 10	Fire
December 3 / 4	Christmas Stroll

December 4 Jingle Bell Run
December 4 Stroll Parade
December 15 Training
December 18 Good fellows Gift Distribution

School Resource Officers



As you are aware the Brenham Independent School District and the City of Brenham have an agreement which allows three Brenham police officers to be assigned to the district. The school district reimburses the city for two of the three positions. Two of the resource officers are assigned to the high school and one is assigned to the junior high school. It should be noted the school resource officers respond to all school complaints or calls regardless of where they office. The resource officers responded to 796 calls for service within the district. This includes both dispatched calls for service and self-initiated activity. These calls include everything from conflict resolution to calls that led to the arrest of suspects. The call breakdown per school is as follows;

- Brenham High School ----- 257 calls
- Brenham Jr. High ----- 104 calls

- Brenham Middle ----- 53 calls
- Brenham Elementary ----- 257 calls
- Brenham Alternative ----- 49 calls
- Krause Elementary ----- 30 calls
- Alton Elementary ----- 29 calls

The school resource officers made 116 arrests, issued 720 citations, and wrote 194 warning citations. In addition, to the enforcement aspect the resource officers spend much of their time performing intervention, mentoring and prevention duties. Their presence and work within the school district enhances school campus safety. Their efforts free patrol officers from responding to the aforementioned 796 calls for service. This results in the improvement of deployment balance. Officers spend more time in neighborhoods and traffic enforcement curtailing crime and enhancing public safety.

Racial Profiling Report

The department had no racial profiling complaints in 2010. When considering the below data to population there were 2,615 blacks stopped and 7,216 whites stopped. Therefore, 36% of the vehicles stopped were occupied by African Americans as opposed to vehicles occupied by Caucasians. Considering the 2010 census demographic information Brenham has a 4,109 African American population and a 10,664 Caucasian population, which means that Brenham is 38% African American. This statistic would suggest that the Brenham Police Department is impartial and not engaging in illegal racial profiling.

It should also be noted that it is difficult to evaluate without considering the demographic **(population comparison city and county)** breakdown of the population in and around Washington County. Brenham is the county seat of Washington County and the hub of activity and trade. It should also be noted that most traffic stops are made on individuals that do not reside in Brenham or Washington County. This city experiences many commuters because we are between the communities of Houston and the Austin areas, located on the major highways of 290 and 36. There is no doubt that the area has become more diversified since the last census of ten years ago.

According to the numbers white drivers are much more likely to receive a citation than other races. It should be noted that every arrest involves a search or inventory by policy and industry wide standards due to safety and liability requirements. It should also be understood that most arrests regarding traffic stops were conducted due to outstanding arrest warrants as opposed to traffic violations or reason for the traffic stop.

In 2010, a total of 113 searches were conducted by officers of the Brenham Police Department. Listed below is a breakdown of the searches, including probable cause and consent. These are the total searches, whether suspects were cited or not.

- Probable Cause Searches 75
- Consent Searches 38
- Narcotics or Contraband Found 76
- Cases Filed From Search 76

Listed below is a breakdown of the subjects involved in the search.

- White Male 41
- White Female 12
- Black Male 37
- Black Female 7
- Hispanic Male 14
- Hispanic Female 2

Of the 113 searches 47 were residents of Brenham and 66 resided outside the City Limits. After reviewing the data and considering all the known circumstances it is my sincerest belief that this department nor any member of this department are engaging in illegal or improper racial profiling.

The reports on the next few pages were generated from a vendor who provides the technology for automated ticket writers. This data is downloaded electronically from the field to provide an efficient and effective manner to process data. It is also a system that reduces human error. These reports were printed directly from the vendor's, Brazos Technology system.

Brenham PD (PS)

CONFIDENTIAL

1/1/2010 - 12/31/2010

Racial Profile Tier 1 HB3389

Number of Motor Vehicle Stops			
1.	11329	Citations only	
2.		Arrest only	
3.	306	Citations and Arrests	
4.	11635	Total	
Race or Ethnicity			
5.	2562	African	
6.	193	Asian	
7.	7163	Caucasian	
8.	1269	Hispanic	
9.	9	Middle Eastern	
10.	20	Native American	
11.	11635	Total	
Race or Ethnicity known prior to stop?			
12.	1437	Yes	
13.	10198	No	
14.	11635	Total	
Search conducted?			
15.	50	Yes	
16.	11585	No	
17.	11635	Total	
Was search consented?			
18.	12	Yes	
19.	38	No	
20.	50	Total	

Brenham PD (PS)

CONFIDENTIAL

1/1/2010- 12/31/2010



Tier 1 Stop Results Statistics

		CITATION	WARNING	Total
A	F	40	21	61
	M	95	37	132
B	F	524	539	1063
	M	821	730	1551
	U	1		1
H	F	233	182	415
	M	515	341	856
I	F	3	1	4
	M	5	11	16
M	F	1		1
	M	5	3	8
O	F	13	9	22
	M	51	30	81
	U	2		2
U	F	62	27	89
	M	167	45	212
	U	42		42
W	F	1475	1779	3254
	M	2079	1880	3959
	U	1	2	3
Total		6135	5637	11772

Brenham PD (PS)

CONFIDENTIAL

1/1/2010- 12/31/2010



Tier 1 Search Statistics

		CONSENT (WITHOUT PC)	INCIDENT TO ON-SITE ARREST	NO SEARCH	NONE	PROBABLE CAUSE	Total
A	F			61			61
	M			132			132
B	F			1059		4	1063
	M		2	1536		13	1551
	U			1			1
H	F			414		1	415
	M	2		854			856
I	F			4			4
	M			16			16
M	F			1			1
	M			8			8
O	F			22			22
	M			81			81
	U			2			2
U	F			89			89
	M			212			212
	U			40	2		42
W	F	2		3248		4	3254
	M	10		3933		16	3959
	U			3			3
Total		14	2	11716	2	38	11772

Code Enforcement

Health

Permits were issued to one hundred and eighty-one (181) fixed food service establishments (i.e. restaurants, day cares, nursing homes, hospitals, schools, and hotels) in the city and county. Unannounced inspections are conducted on these establishments two times each year. Approximately three hundred and sixty-eight (368) inspections were conducted during 2010, which includes follow-up inspections that were carried out to observe compliance with Texas Food Establishment Rules (TFER) violations discovered during the routine inspections.

One hundred and fifteen (115) Temporary Food Establishment and Mobile Food Establishment permits were issued to mobile (roadside) vendors, or vendors participating in special events such as the Maifest, Cotton Gin Festival, Bluebonnet Festival, Scarecrow Festival, and the Washington County Fair. Inspections of these vendors were conducted during the events.

Code Enforcement

Code Enforcement addressed one hundred and seventy-one (171) properties that were in violation of the City of Brenham's Health and Sanitation ordinance. These violations included unclean premises, illegal signs (i.e. off-site commercial signs and advertising signs on utility poles), swimming pool violations, and dilapidated fences.

In addition, one hundred and one (101) junked vehicle violations were addressed in 2010. No vehicles were towed this year as compliance (either updating the vehicle tags or removing the vehicle(s) from the property) was achieved in all cases.

Examples of violations documented and corrected in 2010:





Animal Control and Shelter



	CITY surrender	COUNTY surrender	CITY IMPOUND	COUNTY IMPOUND	ADOPTED	RECLAIMS	RELOCATE	DIED	EUTHANIZED
JAN	16	29	24	8	17	25		4	27
FEB	40	31	25	1	16	13	5	15	36
MAR	28	69	26	12	17	12	1	2	89
APR	22	79	52	13	47	15	10	20	53
MAY	61	73	38	7	28	6	6	9	104
JUN	53	79	72	8	31	5	13	13	194
JUL	39	51	20	8	27	6	10	3	76
AUG	38	75	59		27	11	14	8	84
SEPT	51	70	60	14	13	23	17	25	108
OCT	36	83	57	3	53	32	24	15	96
NOV	24	69	34	7	22	14	2	7	88
DEC	33	26	31	6	45	10	10	18	27
TOTAL	441	734	498	87	343	172	112	139	982

The total number of animals processed in 2010 through the shelter and animal control sections was **17,760**. This is a significant number considering the animal control and shelter have a total of four employees.

These are dedicated employees that work hard to ensure each animal is treated humanely. They care deeply and are often involved in community projects using animals to bring joy to the community. They prepare and transport animals to nursing homes for pet therapy where the animals give the elderly companionship and love. This has become a highlight in the life of many. Additionally, the animal control team conducts adoption drives and provides community education regarding the proper way to care for animals. They ensure the animals are spayed or neutered to help control the over population of unwanted or aggressive animals.



These team members nurse sick animals back to health. They serve as first responders to capture and quarantine dangerous animals. Their job can be dangerous and heroic. They are dedicated servants of this city and surrounding areas. They serve both the City of Brenham and Washington County.

Due to the growth, the age and inadequacy of the shelter facilities we will be planning for a new facility or an expansion/refurbishment of the current facility. We will be looking for direction from the City Council regarding this necessity in the near future.

Strategy for Upcoming Year

The first thing is that we will maintain a continuous improvement philosophy based on empathy, edification, enthusiasm, and excellence. It is something we call "E to the 4th Power." It is a mindset that moves us from being strictly policy-driven to being value-driven. It is a philosophy not designed to protect us from others. It is a philosophy designed to protect us from ourselves.

We will continue to be public servants that have authoritative duties and not authoritarians who have servant duties. This philosophy will assist officers and personnel in exercising officer discretion with the appropriate balance. As we become more proactive to deter crime and apprehend criminals we will utilize this philosophy to ensure our community relations stay positive.

We will maintain the benefit and assistance of our CPAAA and COPS volunteers. These volunteers have become crucial to our success. They commonly perform the support services for the department, which frees up police personnel to conduct police work.

It is our strategy to make even more citizen contacts and even more traffic stops. Traffic stops are crucial to maintaining a low crime rate. Most criminals are apprehended from traffic stops whether they are wanted persons, drug traffickers, burglars, etc. Most intelligence is gathered from traffic stops. These stops also increase visibility, which has positive effects on the motoring safety. Criminals may pick and choose the time and place of their crimes but they cannot control the roadways traveling to and from their crimes.

We are going to continue the success of the Fusion Unit and capitalize on the use of the K-9 Unit. We will become more proactive catching criminals and seizing their ill-gotten gains. These seizures should help pay for some of the needed law enforcement tools. This program will also help us with apprehending drug traffickers and seizing illegal drugs.

We will start a routine habitual offender check. This program will make us aware of warrants from other jurisdictions on career criminals residing within Brenham and Washington County. Once we are aware of the warrant we will serve the warrants jailing habitual offenders. This is the key to lowering crime rate. When habitual offenders are in jail it is intervention, prevention, and apprehension all at the same time.

As most understand there is a correlation between illicit drugs and property crimes. There is also a correlation to these offenses and career criminals currently on parole or probation. Historically, the state parole officers, probation officers, and local officials have not communicated well. This fusion unit will be responsible for knowing who is on parole and probation in Washington County. As soon as a warrant is issued for probation revocation or

parole violation these officers will be responsible for locating and arresting career criminals on these said warrant(s) as soon as possible.

We have seen far too many examples of a suspect that has had a parole violation warrant outstanding for numerous years. During this prolonged period these wanted suspects have committed dozens of crimes. If we arrest these wanted criminals expeditiously we can prevent many of these crimes. We should not wait to we just happen to run across them on a traffic stop or arrest them in a subsequent incident. This unit will ensure someone is tracking movements, keeping intelligence files, coordinating efforts, analyzing crime reports, and making arrest. At any given time Washington County has between 500 – 700 convicts on parole or probation. At any given time Washington County has over 5,000 outstanding warrants.

We will also make some adjustments in training. Due to our rural setting we must maintain a tactical unit. It is critical that this unit trains adequately and consistently due to the high risk nature of tactical deployment. There will be a gradual increase in training for this unit.

Recently, the police department was assigned the management of both the animal control officers and shelter along with the code enforcement and health inspections. The animal shelter was recently disinfected and cleaned thoroughly. The ceiling tiles and ceiling insulation was removed to abate any opportunity for rodent nesting and mold growth. The animal control officers took custody and care of 1,760 animals. Many of these animals were neutered or spayed and adopted out to good homes. Unfortunately, there were many that had to be euthanized as well. In the not too distant future the animal shelter will have to be refurbished and expanded to accommodate growth, meet state mandates, and community demands.

We will continue the focus on cleaning up our great city by enforcing code violations. The quality of life, community health, crime rates, and property valuations are negatively impacted from eye sores like unsightly material, tall grass, inoperable vehicles, fences and structures in disrepair, etc. When areas become dilapidated crime grows, especially youth crime. When standards are expected and enforced dilapidation is minimized. This will always result in a better quality of life to all concerned.

It should be noted that this department will not be stagnate just doing things on the premise of, “that is what we have always done.” We will adapt, change, and adjust efforts to meet the community’s needs as the community itself changes. We will consider things such as the crime rate, the accident rate, the population growth, and changing trends with criminal activity.

We will also continue to communicate in a very respectful and appropriate way with the prosecutorial officials and court system. We stand ready to do whatever is humanly and legally possible to investigate effectively and prepare cases for prosecution. We will remain extremely responsive to the court system and the community at large.

Closing

Please know that your police department is a busy police department that strives to maintain the balance between effectiveness and efficiency. We are honored to serve as public safety professionals in Brenham, Texas. It has been an eventful year for the Brenham Police Department.

I am very proud of this police team. The men and women of this department worked over 30% harder this past year regarding self-initiated activity. They also worked smarter reducing the Part 1 Crime Rate by 16%.

We will remain as transparent as possible to keep the public's trust. Citizens with comments, suggestions, or complaints are welcome and encouraged to contact our personnel and/or myself. We understand how important it is to avoid misunderstandings, perform self-evaluation, admit mistakes, and to be open for improvement opportunities.

The members of this department truly feel honored and blessed to serve this community. The members of your police department care deeply for this city and its residents. I know at any given moment these officers would make the ultimate sacrifice to protect the innocent. I personally want to express that I am honored to serve this police team and this community as the Chief of Police. And, I cannot thank the City Manager, Mayor, and Council enough for giving me the opportunity to serve here in Brenham. I can say without hesitation that the members of this public safety team, both sworn and non-sworn personnel have my complete respect and admiration.

Respectfully and Sincerely,

Chief Rex L. Phelps



AGENDA FORM

DATE OF MEETING: February 3, 2011	DATE SUBMITTED: January 28, 2011	
DEPT. OF ORIGIN: Fire Department	SUBMITTED BY: Ricky Boeker	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input checked="" type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Presentation of the 2010 Annual Report by the Fire Department		
SUMMARY STATEMENT: In order to be more cost efficient, a copy of the annual report is not included in the agenda packet. However, a bound copy of each report will be distributed to Mayor and City Council Members. A bound copy of the 2010 Fire Department Annual Report is on file for review in the City Secretary's Office. A copy can also be downloaded from the City of Brenham's website at www.cityofbrenham.org . If you are interested in obtaining a hard copy, please call the City Secretary at 979-337-7567		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: NA		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: NA		
APPROVALS: Terry Roberts		

Brenham Fire Department

2010 Annual Report



Serving Proudly Since 1867



Services Provided

The Brenham Fire Department provides first-responder fire suppression, technical rescue and hazardous materials mitigation services within its primary response district, which includes the area within the City limits of Brenham and an unincorporated area roughly twice that size lying outside of the City limits.

The Brenham Fire Department also provides first responder rescue services to all of Washington County and lends automatic mutual aid assistance to the six (6) adjacent rural Fire Departments on all structure fire calls. Mutual aid is provided to all ten (10) county Fire Departments, when requested.

The Brenham Fire Department maintains the level of staff training and equipment needed to respond to calls for cardiac emergencies in the event that Washington County EMS and County First Responder resources are unavailable. It should be noted that this level of response has occurred very infrequently in the past and that no such responses were needed in 2010.

Brenham Fire Department personnel also perform smoke detector service checks, home fire safety assessments, pre-incident planning surveys, fire prevention & fire safety education programs, and flood water removal services within the City.

The Brenham Fire Marshal's Office provides fire inspection services, fire code enforcement, construction plan review, fire prevention education programs and juvenile fire setter intervention services to the community. As a law enforcement agency, the Fire Marshal's Office conducts investigations of criminal activity related to fires & explosions and enforces state and local statutes on arson, criminal mischief, fire-related offenses and fireworks violations. The Fire Marshal's Office has three (3) licensed Texas Peace Officers who are currently commissioned as Arson Investigators.

In addition to the duties related to operating a full service emergency response agency, the members of the Brenham Fire Department also own and operate the Fireman's Training Center. This popular facility provides an important service to the community and is utilized year-round for social and business events.

Brenham Fire Department operations are closely allied with the City's emergency management system, with the Fire Chief also serving as the Emergency Management Coordinator for the City. The designated emergency operations center (EOC) for both the City and County is housed within the Brenham Fire Department Administrative Offices (see Emergency Management below).

Staffing

During calendar year 2010, staffing of the Brenham Fire Department included **15** full time employees and approximately **45** volunteer members. The staffing structure of the Fire Department is a well integrated mix of full time employees and non-salaried volunteer members.

The Brenham Fire Department operates under the direction of Fire Chief Ricky Boeker, a 22 year BFD veteran. In addition to his duties as head of the Fire Department, Boeker also serves as Emergency Management Coordinator for the City of Brenham.

The Deputy Fire Chief/Fire Marshal performs a combination of administrative and operations-related duties under the direction of the Fire Chief, while also performing the duties of City Fire Marshal which include fire code enforcement, plans review, public fire education, fire prevention inspections, and fire & arson investigations. The Brenham Fire Marshal's Office is a law enforcement agency as defined by Texas statutes and has three (3) licensed Texas peace officers who are commissioned as arson investigators, including the Fire Marshal, one shift Captain and one volunteer firefighter.

There are twelve (12) full-time uniformed staff members who are assigned to shift duty at the fire station. A Captain and three (3) Apparatus Operators are assigned to each of three shifts, working a 48 hour on/96 hour off duty schedule. Shifts are fully staffed (4 on duty) approximately 65% of the time. The minimum staffing level is three (3) paid staff members on duty.

The number of on-duty paid staff members increased from three per shift to four per shift in January of 2010 when three (3) additional Apparatus Operators were hired. **In June of 2009, Brenham was awarded \$325,140 in matching funds for hiring three additional full time personnel.** This increase in personnel is partially funded under the 2008 Staffing for Adequate Fire and Emergency Response (S.A.F.E.R.) grant from FEMA. These new positions represent the first increase in full time paid staff since 1978.

The Fire Department secretary works a normal business schedule (8-5, M-F) in the Fire Department administrative office and handles various office duties as well as serving as the receptionist.

The Brenham Fire Department is chartered by the State of Texas for a maximum of fifty (50) volunteer members. Volunteer firefighter membership normally runs between 40 and 45 at any given time. Within the volunteer membership, four members are elected annually to tactical officer positions (2 Assistant Chiefs and 2 District Chiefs) along with a Secretary-Treasurer, Assistant Secretary-Treasurer, Chaplain and Mascot.

Funding

Brenham Fire Department operations are supported in large part by the General Fund of the City of Brenham. The annual budget appropriation for the Fire Department in fiscal year 2009-10 was \$1,431,034. Donations from the community, along with grant funding, help to supplement these budgeted funds and allow for the purchase of additional equipment, supplies and services.

The Brenham Fire Department has historically received an annual sum of \$5,500 from Washington County in consideration of fire suppression and rescue services provided in the County, outside of the City of Brenham. During their annual budget preparation process in 2010, the County Commissioners Court approved an increase in that amount to \$20,500 for the current County fiscal year (2011).

Fundraisers such as the annual Fireman's Fiesta and Fish Fry are other sources of supplemental revenue. Additionally, the BFD Ladies Auxiliary has been a long-time source of support to the Fire Department. Over the years, the Auxiliary has donated a major portion of their proceeds from the annual cheese log sales and other fund raising activities. These donations have funded numerous projects ranging from the purchase of training materials for the firefighters, equipment for the Training Center and equipment for the Emergency Operations Center. The latest donation from the Ladies Auxiliary was in December of 2010 when a check in the amount of \$5,000 was presented to the BFD membership.

Much of the support from the public is in the form of rental fees for the Fireman's Training Center for social and business events. Revenue generated by this member-owned non-profit enterprise is frequently used to supplement the budgeted resources of the Fire Department.

In 2010 the Fireman's Training Center operation, which has long been a significant source of supplemental funding for various Fire Department projects, was dealt a significant blow when mold was discovered on the walls. The building was shut down during August and September while remediation and remodeling was performed. During this time, nine booked events were moved to other venues. The closure resulted in a loss of rental revenue of \$9,000. The BFD members incurred debt totaling over \$96,000 for the mold remediation and repair work. The cost of this repair work was not covered by insurance. No tax dollars or other public funds were expended on the repairs, as the Training Center is a non-profit entity which is owned by the membership and not a City of Brenham operation.

In addition to the problem of lost rental fees during August and September and the cost of repair work, there was much concern over the further negative revenue impact the closure of the Training Center would have on the annual Brenham Fireman's Fiesta in August.

Fireman's Fiesta 2010

With a building that could not be used and repairs projected to take many months, the forecast for the 2010 Fiesta appeared bleak at best. The Fire Department's goal of generating enough revenue to cover the purchase of a replacement **thermal imaging camera** was in jeopardy. Thermal imaging devices allow firefighters to see in dark and smoky environments and are an invaluable tool when searching for trapped victims inside burning buildings.

The decision was made by the membership to move forward with the Fiesta, although in a much abbreviated format. A one-day event was held on the first Saturday in August and included a BBQ cook-off, antique tractor show & parade, and water polo for those who wanted to beat the August heat.

Due to the support of those who paid to participate in the "mini-Fiesta" and to the generosity of those who supported the event through donations and sponsorships, the Fire Department succeeded in raising enough money to fund the new thermal imaging device in the amount of \$10,500.



Pre-incident Planning Program Exceeds 500 For 2010

Pre-fire planning (“pre-planning”) is a pro-active information oriented activity in which members of the Fire Department visit commercial and industrial occupancies within the City for the purpose of gathering and disseminating information. Pre-planning activities are conducted by on-duty Fire Department staff members, usually during normal business hours.

Pre-planning serves multiple purposes. First, and perhaps most significant, pre-planning allows the Fire Department to gain first-hand knowledge about building construction, the nature of the contents, and the presence of special hazards or specific challenges that firefighters might face during any future emergency response to the location. Information about the building, such as construction type, age, and condition is recorded. Entry points, adjacent exposures, utility connection locations and nearby fire hydrant locations are identified. After-hours contact information is obtained or updated. All of this information is then entered into the master data management system (New World) where it can be accessed by all BFD personnel and shared with other agencies. During a response to a fire or other emergency, the information previously gathered can be accessed via the mobile data terminals on board BFD fire apparatus and command vehicles, providing a higher level of effectiveness and a greater degree of safety for building occupants and for first responders.

Also, during pre-plan tours firefighters share important fire safety information with business operators. Fire Department personnel are often able to inform and advise business operators on a variety of fire safety issues including how to report an emergency, how to properly maintain fire safety systems (such as extinguishers, fire alarm and fire sprinkler systems), and how to identify and mitigate fire hazards that the business operator might not have been aware of. Many times, fire safety issues are pointed out and taken care of right away. At other times, serious hazards or code violations are reported to the Fire Marshal for abatement.

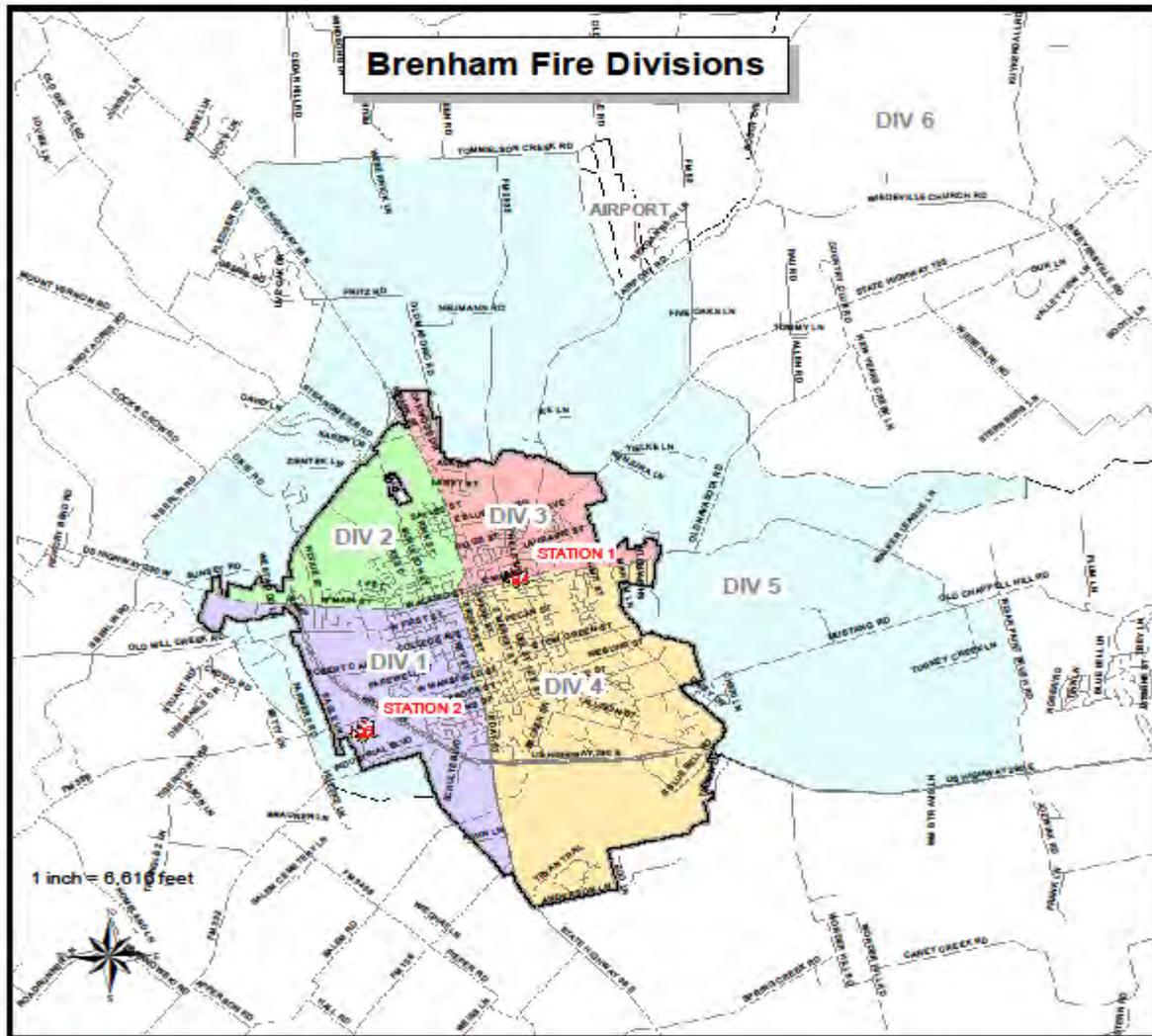
Pre-planning also helps to improve community relations. By its very nature, pre-planning brings firefighters and business operators together in a non-emergency setting where they can discuss the value of fire prevention and fire safety in the business environment.

The pre-planning program also plays a very important role in helping to maintain the City of Brenham’s very low (very good) **Class 3 ISO status**. A low ISO classification has a positive effect on insurance rates for property located within the City limits.

During the ISO study commissioned by the Fire Department in 2005, the consulting fire protection engineer detailed the value of an active pre-fire planning program and indicated that a significant gain in points on the ISO Fire Suppression Rating Schedule could be achieved by such a program. **In 2010, Brenham Fire Department personnel gathered and processed pre-plan information on 562 of the approximately 1,900 businesses and commercial buildings within the City of Brenham.**

Area Served by the Brenham Fire Department

The Brenham Fire Department's **primary response area** covers **36.95** square miles, including 12.28 sq. mi. inside of the City limits and 24.67 sq. mi. of unincorporated Washington County. Divisions 1-4 are inside of the City limits. Division 5 and Division 6 are in unincorporated Washington County. Division 7 is outside of the County. Brenham F.D. is the designated first responding fire department for Divisions 1 through 5.



Brenham
 Square Miles: 12.28
 Acres: 7,862.90

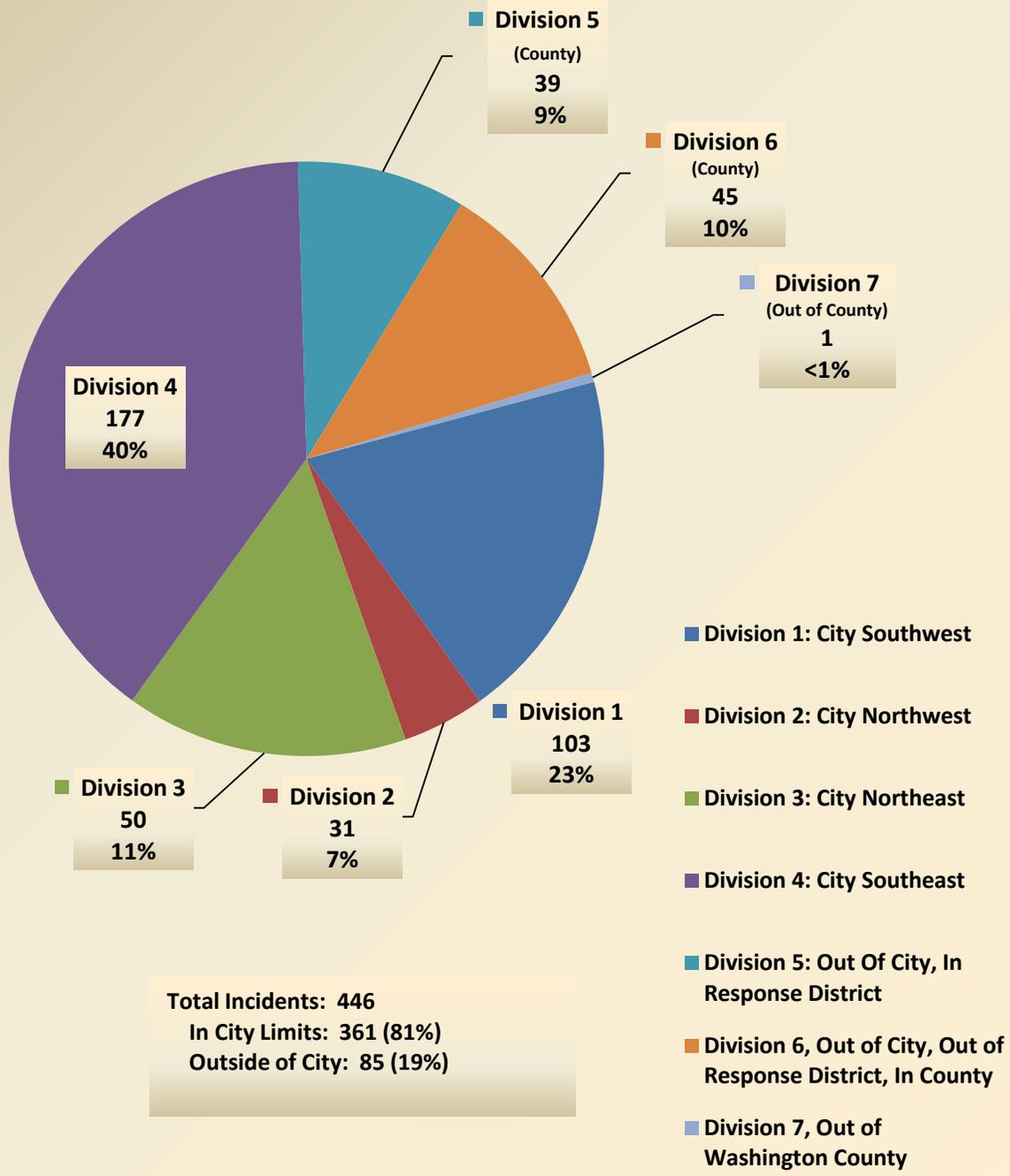
Brenham Fire Primary Coverage in Washington Co.
 Square Miles: 24.4
 Acres: 15,627.06

Airport
 Square Miles: 0.27
 Acres: 173.08

Brenham Fire Department 2010

446 Total Incidents

By Response Division



Total Incidents: 446
In City Limits: 361 (81%)
Outside of City: 85 (19%)

Calls by Type of Incident Found

Dispatched & cancelled en-route	70
Smoke removal	10
Water removal	4
Hazardous materials	31
Alarm system activation – legitimate	35
False alarms, malfunctions, honest mistakes	97
Smoke scares	26
Medical assists to EMS (other than vehicle crashes)	5
Trash, grass, brush, dumpster fires	37
Vehicle fires	12
Building fires	15
Vehicle crash rescue calls	17
Unauthorized burning	7
Miscellaneous	<u>80</u>
Total	446

County Responses

The Brenham Fire Department responded to **84** incidents in the County in 2010 including fires and rescue calls. Of these, **39 (46%) were to Division 5** as the first responding agency for fires and/or rescues and **45 (54%) were to Division 6** providing mutual aid to other fire departments or for rescue calls. One (1) out of County call was made in 2010, for a car crash rescue in Grimes County.

Total elapsed time for these calls, from the time of dispatch to the time that the Brenham truck(s) arrived back at the fire station was **4,880 minutes**. Additional time needed to return the trucks to service, clean, re-fuel, restore equipment and complete incident reports added an **additional 5,040 minutes** at 60 minutes per call. The grand total of time spent on the 84 County calls was **9,920 minutes**. This comes to **118.10 minutes or 1.96 hours per call**.

Fire Loss Estimates in City in 2010

Fire Loss – City	2006	2007	2008	2009	2010
	\$975,250	\$119,150	\$1,061,600	\$450,200	\$300,687

NOTE: Arriving at accurate fire loss value is difficult. When possible, loss figures obtained from insurance carriers (adjusters) are used, and these are considered the most accurate. At other times, loss figures are based on the knowledge and experience of fire investigators. All fire loss figures shown are approximate.

Downtown Building Fire in July



A near century-old downtown landmark was destroyed by fire in the early morning hours of July 15, 2010. The two-story General Production building was located at 111 South St. Charles Street and was part of a block-long string of commercial buildings extending from Alamo to Main Streets and Market to St. Charles Streets.

Despite an aggressive interior attack being halted by a well developed fire involving a large amount of combustible material, BFD firefighters were able to contain the fire to the building of origin. Three of Brenham's "big guns": Ladder 1, Ladder 2 and Engine 4, with a combined pumping capacity of 5,000 gallons per minute, were used to apply heavy streams of water to the fire for nearly 8 hours. Without this type of heavy-duty fire fighting apparatus and the excellent downtown water distribution system to support it, there is little doubt that the fire would have spread through the entire block.

The Berlin and Salem Volunteer Fire Departments answered the call for mutual aid assistance and provided additional manpower to supplement Brenham firefighters. Personnel from the City of Brenham, EMS, Citizens Emergency Response Team, Citizens On Patrol, BFD Ladies Auxiliary, and others assisted throughout the night and the next day. Out of safety concerns for the general public and the risk of damage to other structures from uncontrolled collapse, the owner and insurance carrier agreed to have the building demolished immediately. No civilian injuries were reported and only minor injuries were sustained by firefighters.

Emergency Vehicle Technician Certification Program

For the past 10 years, the Fire Department has invested in specialized training and certification of key personnel in the field of emergency vehicle service and repair. This on-going training initiative, originally conceived by Capt. Allan Hinze the BFD fleet manager, has yielded substantial cost savings when repairs are needed to our fleet of emergency vehicles. This program has saved the City many thousands of dollars in repair and maintenance costs by allowing our certified personnel to make most needed repairs in Brenham. Having to drive or tow fire apparatus to Houston for repair has proven to be extremely costly in the past, as well as involving extended down time, personnel costs for delivery and pick up, and the inherent risk of damage when towing large vehicles in traffic.

"The **Emergency Vehicle Technician Certification Commission, Inc.** is a nonprofit corporation dedicated to improving the quality of emergency vehicle service and repair throughout the United States and Canada by means of a certification program that will provide technicians recognition for the education, training, and experience they have in the service and repair of emergency vehicles."
- <http://evtcc.org/>



The EVTCC Fire Apparatus Technician Certification training program is for technicians who service and maintain fire department pumpers, squads, aerial devices, tankers, wild land apparatus, etc. This training curriculum has three (3) levels of certification, Level 1, Level 2 and Master. Each of the three levels requires the technicians to pass detailed written examinations covering fire apparatus design, performance standards, specialized systems, equipment, and accepted practices used in the service and maintenance of fire apparatus.

The EVTCC program is endorsed by the International Association of Fire Chiefs and the National Institute for Automotive Service Excellence, and meets applicable standards of the National Fire Protection Association for motorized fire apparatus.

During 2010, the Fire Department funded approximately \$2,500 in training for our two (2) EVT-certified personnel which resulted in a saving to the City of just over \$17,000 in repair costs during FY09-10.

Texas Forest Service Rural Volunteer F.D. Assistance Program

This program was created by the 77th Texas Legislature (HB 2604). The Rural VFD Assistance Program provides grants for equipment and training. The Texas Rural Volunteer Fire Department Assistance Program is a cost-share program funded by the Texas State Legislature. It provides funding to rural volunteer fire departments for the acquisition of firefighting vehicles, fire and rescue equipment, protective clothing, county fire radio system components, dry-hydrants, computer systems and firefighter training. Any chartered, non-profit volunteer fire department operated by its members is eligible. Any part-paid/part-volunteer fire department is also eligible provided the number of paid members is 20 or less.

In 2010 we applied for funds to enhance our training library and we received \$6,765 for that project. The Department also received \$4,505 towards the Workers Compensation Coverage for the Volunteers. The Department also received \$4,425 in tuition reimbursement from the Texas Forest Service. The total we received from the Texas Forest Service in 2010 was \$15,695.

The Fire Department continually looks for ways to supplement the annual budget. While the additional revenue sources mentioned above are not huge when viewed in comparison to the overall BFD budget, they demonstrate how the Brenham Fire Department tries to reduce operating costs to our citizens.

S.A.F.E.R. Grant Adds Additional Shift Personnel

In 2008, the Brenham Fire Department was given approval by City Council to submit an application for funds from the "Staffing for Adequate Fire and Emergency Response" (S.A.F.E.R.) Grant Program of the Department of Homeland Security. The application was not immediately successful, but during a second round of S.A.F.E.R. Grant awards in the summer of 2009, Brenham was awarded funding in the amount of \$325,140 to be matched by City funds on a five year sliding scale plan. The grant award allowed the City of Brenham to add three (3) additional full-time Apparatus Operators in January of 2010. These additional positions brought the normal duty crew at the fire station up from three to four per shift. This was the first increase in on-duty staff since 1978.

Fire Substation Project

In 2006, City Council authorized a capital improvement project which included a fire sub-station, a new police station and an additional water tower. While the police station and water tower projects both moved to completion, the proposed fire sub-station was not constructed. In 2009, the Fire Department applied for federal grant funding for the sub-station under the Department of Homeland Security "Fire Station Construction Grant Program". An architect was selected and a project budget in the amount of \$2,020,818 was developed. Design work and construction plans were completed for a 7,820 sq. ft. facility, and a site was secured next door to the new police building. However, as of January 2011, no funds for construction have been awarded to Brenham under the grant request, and the project remains unfunded.

Brazos Valley Wide Area Communications System (BVWACS)

In 2008 the City of Brenham joined with Washington County, the cities of College Station and Bryan, A&M University and Brazos County to form the Brazos Valley Wide Area Communication System (BVWACS). The State has mandated that public safety agencies be able to communicate through an interoperability system by the year 2013. BVWACS was formed for the purpose of meeting that mandate. Federal grant funding was used to purchase a portion of the equipment needed to support that system although the majority of the equipment was funded with local City and County funds.

The BVWACS system came on line locally in November of 2010 and as of January 2011 the system is operational for Brenham and Washington County emergency services and other public sector service providers such as road & bridge, utilities, etc. (see Emergency Management below).

No Change in Brenham's ISO "Public Protection Classification"

Brenham's "Public Protection Classification" remained at "3" during 2010. The Insurance Services Office, Inc. (ISO) provides information to the insurance industry concerning a community's ability to deal with fire. ISO surveys communities in order to establish a "public protection classification" number on a scale from 1 to 10. The lower the ISO classification number the better and lower ISO classifications lead to reduced fire and homeowner's insurance premiums for the rated area.

Numerous items such as fire apparatus, fire department staffing, firefighter training, fire and arson investigation capability, fire codes adopted, water production capability, water main distribution, fire hydrant placement/maintenance, fire alarm receiving and fire dispatching capabilities are surveyed.

Brenham has not been officially surveyed by ISO in nearly ten years, but a mock grading performed by a fire protection consultant in 2005 indicated that without the addition of a fire sub-station on the City's southwest side, the next ISO survey will in all likelihood result in a higher Public Protection Classification rating and subsequent increases in insurance premiums paid in the community.

To date, the City of Brenham has implemented nearly all of the recommendations made in the 2005 study, with the exception of a staffed fire sub-station and the addition of an additional Fire Inspector (Deputy Fire Marshal).

Response Time and Staffing Levels in 2010

It is a major goal of the Brenham Fire Department to have fire engines and sufficient personnel on the scene and ready to commence rescue and fire attack operations within 4 to 9 minutes of being dispatched. This time frame is critical to enabling first-arriving firefighters to rescue trapped or incapacitated occupants of a burning building prior to flash-over of the fire. Flash-over is the point at which all surfaces within a room (or rooms) ignite in vigorous combustion and survival of any trapped occupants cannot be expected. Flash-over can occur in as little 3 to 6 minutes after a fire breaks out in an ordinary non-sprinklered building or home. [Note: buildings equipped with a fire sprinkler system typically never reach the point of flash-over due to the rapid interruption of the fire by the water spray from the sprinklers].

This performance goal is consistent with the National Fire Protection Association (NFPA) 1710 and 1720 standards on staffing and deployment of fire suppression forces. The 1710 standard is applicable to fully staffed fire departments and the 1720 standard is geared to all-volunteer or rural departments. The Brenham Fire Department, being a combination paid and volunteer organization, lies somewhere between the two standards, with elements of both being applicable and attainable.

Response time is defined by NPFA as the time interval between completion of the dispatching process and the arrival of the first fire apparatus on scene, AND with sufficient personnel to begin rescue or fire attack operations (a minimum of 1 engine and 4 personnel arriving within 4 minutes). The minimum staffing level for a full first alarm assignment to a structure fire is no less than 2 engines and 16 personnel, all arriving on the scene within 9 minutes, 90% of the time. In 2010, the Fire Department was able to achieve 4-minute response times only about 50% of the time, which is consistent with figures from the past several years.

In 2010, **77% of in-city responses were to Divisions 1 and 4**, which lie in the southern portion of the City. This area of sustained growth and development has long been the acknowledged target area for construction of a fire sub-station which would serve to reduce the travel distance required to reach the busiest fire response areas in town and thereby reduce the response time to those locations.

It should be noted that as residential development such as houses, apartments and hotels continues to increase in the southwest (Division 1) and southeast (Division 4) quadrants of the city, the challenge of maintaining effective response times will become more difficult. Long response times due to distance from the fire station reduce our ability to perform effective rescues of trapped occupants and increases the likelihood of encountering well developed fires upon arrival. Rapid intervention is the key to successful rescue and effective fire suppression; the key to rapid intervention is to have fire suppression resources dispersed throughout the community rather than housed in a single fire station. In Brenham's case, the need for the southwest fire sub-station has been well documented for decades, and the proposed location remains a viable one.

Fire Prevention, Code Enforcement, Investigations

The following is a summary of fire prevention, public fire education, code enforcement, and fire/arson investigation activity for the year 2010.

Public Fire Prevention Education Programs

The combination of public fire education presentations by the Fire Marshal and other BFD staff members, fire station tours, County Fair presentations, National Night Out visits, fire prevention programs in the schools, requests for employee training from businesses and industries, and other such programs, resulted in approximately 7,500 public contacts in 2010. The bulk of the public contacts were school children in grades Pre-K through 3rd. Virtually all school children in Brenham from Pre-K through the 3rd grade were participants in live fire safety programs presented by the Fire Marshal and other BFD staff members, at various times during the year. Most programs are presented in October as National Fire Prevention Month is observed.

Fire Prevention Poster Contest

The annual State Fireman's & Fire Marshal's Association of Texas (SFFMA) fire prevention poster contest was held in April. The poster contest involves all grades from Pre-K through the 12th grade. Local winners in the various age divisions move to the district level and are judged during the Central Texas District SFFMA spring conference in May. Winners at the district level then move up to the state level and are judged during the SFFMA Annual Training Conference held each June. Brenham had 8 posters place at the district conference in early May and those posters moved on to state level competition in June. Unfortunately, none of the Brenham entries placed at that level.

Inspection, Investigation & Enforcement Activities by Fire Marshal

Fire prevention inspections	234
Requests for code research or ruling	56
Construction plans reviewed	39

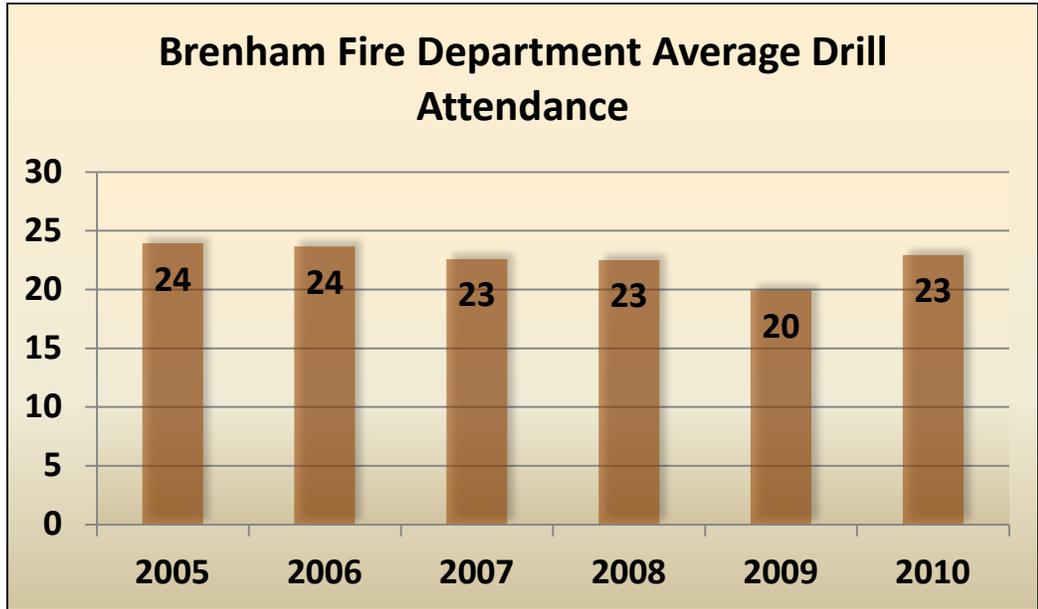
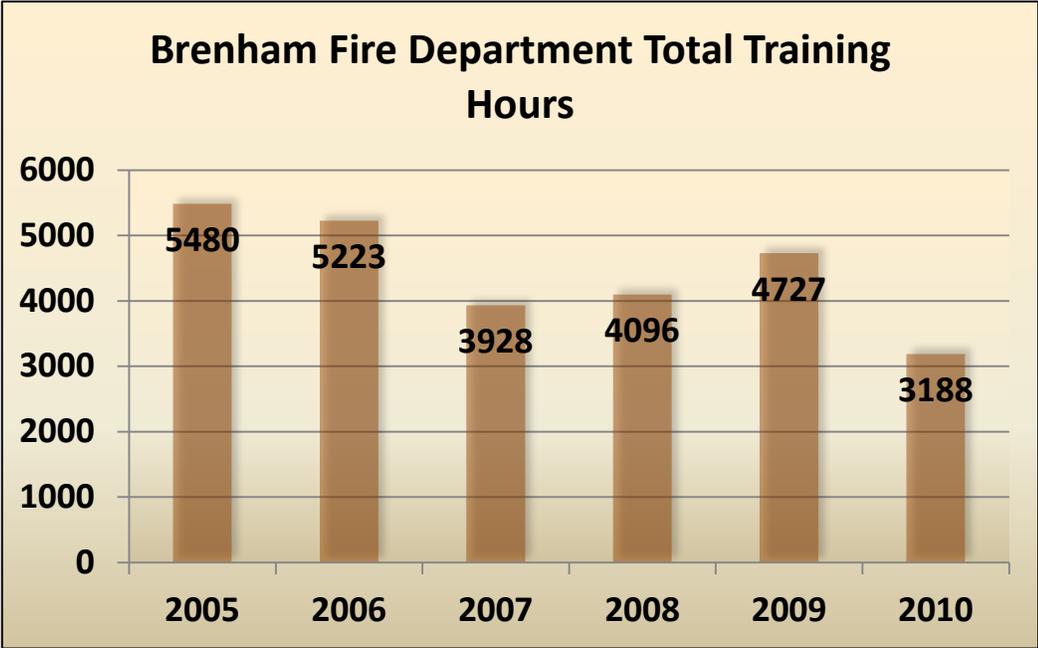
There were no significant arson cases reported to the Fire Marshal in 2010.

2010 Year End Training Report

3188 Total Training Hours for the Department

- 5 Members had 100 hours or more of Training
- 2134 hours trained by Volunteers
- 1054 hours trained by the Career staff.
- 12 Drills held here in Brenham
- **Outside Schools attended by BFD members**
 - Texas Emergency Vehicle Technician Conference – Ft Worth Texas, TX
 - Texas Arson Investigators Seminar – Austin, TX
 - Southwest Fire & Rescue Conference – Galveston, TX
 - Texas Fireman’s Spring Training School – College Station, TX
 - Texas Fireman’s Summer Training School – College Station, TX
 - Fayette County Firefighters Association Training Day – La Grange, TX
 - SFFMA Training Conference & Convention – Corpus Christie, TX
 - Swift Water Rescue Technician Training – New Braunfels, TX
 - Katy Extrication School – Katy, TX
 - Online Training: EMT, Fire Officer I, Fire Office II, Instructor I, Driver Operator
- **BFD Hosted Schools**
 - NIMS Compliance Classes for City, County, & Private Industry
 - Washington County Junior Leadership
 - Brenham Police Department Citizens Police Academy
 - Fire Extinguisher classes for local businesses
 - National Fire Academy Report Writing Class
 - New World Training
 - Washington County Leadership
 - CPR Classes
 - Hurrevac Software Training
 - Emergency Management Group Training
 - City of Brenham Hazard Assessment for Water & Waste Water Treatment Plants
 - Scott & White Emergency Management Training Drill
- **Training Funds Dispersed**

Fiscal Year 09-10 Budgeted Funds	\$22,500.00
Expenses (travel, tuition, memberships, etc.)	<u>20,089.61</u>
Balance	\$2,410.39
Grant Revenue Received	\$3,825.00
Balance	<u>\$6,235.39</u>





The Emergency Management Division provides protection for the health, safety and welfare of the citizens of Brenham, particularly in times of disaster. This is accomplished through:

- Effective contingency planning.
- Coordination of local agencies
- Education of the public
- Provision of emergency information services
- Renovating of Emergency Operation Center
- Training of staff in disaster preparedness

The City's Emergency Management Division is responsible for coordinating all components of the emergency management system in the city. These include fire, police, public works, public utilities, volunteers and other groups contributing to the management of major emergencies or disasters. The EMC also works closely with county agencies and organizations, Emergency Medical Services, the Washington County Sheriff's Office and state agencies to coordinate emergency management services and to ensure the safety of all residents within the city and county.



Weather was once again on the forefront for Emergency Management in 2010. While the city didn't see some of the natural disasters it has dealt with in the past few years, extremely dry conditions again threatened the area, with Washington County being included in a statewide disaster declaration. A day prior to the declaration, 11 fire departments spend over 12 hours battling a fire that eventually consumed 122 bales of hay.

Two important goals of Emergency Management were met this past year, both designed to improve the department's ability to communicate with the public and first responders.

In February, the City contracted with Blackboard Connect, an online notification system designed to communicate with citizens through phones, emails and text messaging. The system, which can be used to notify residents of everything from an imminent disaster to road closures, adds one more tool for ensuring public safety.

The long awaited area-wide communications system was implemented in November, bringing to fruition a project that is designed to improve radio interoperability within the County and region. The communications system will allow local emergency responders to talk with their counterparts in the Brazos Valley as well as Harris County.

And while the Emergency Operations Center was not called upon to be used for its primary function, it still saw action this past year. A total of 62 events were held there, from emergency management meetings to city and fire department training classes. In addition, the Fire Department's conference room was used 18 times for general meetings.





AGENDA FORM

DATE OF MEETING: February 3, 2011	DATE SUBMITTED: January 28, 2011	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Kyle Dannhaus	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input checked="" type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Presentation of the 2010 Annual Report by the Administration Department		
SUMMARY STATEMENT: In order to be more cost efficient, a copy of the annual report is not included in the agenda packet. However, a bound copy of each report will be distributed to Mayor and City Council Members. A bound copy of the 2010 Administration Department Annual Report is on file for review in the City Secretary's Office. A copy can also be downloaded from the City of Brenham's website at www.cityofbrenham.org . If you are interested in obtaining a hard copy, please call the City Secretary at 979-337-7567		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: NA		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: NA		
APPROVALS: Terry Roberts		

City of Brenham Administration Annual Report 2010



Seated left to right, Council member Andrew Ebel, Mayor Milton Tate, Mayor Pro Tem Gloria Nix, Council member Weldon Williams; Standing left to right, City Manager Terry Roberts, Council member Keith Herring, Council member Charlie Pyle, Council member Danny Goss, Assistant City Manager Kyle Dannhaus

- 1. Administration*
- 2. Brenham Emergency Communications*
- 3. City Secretary*
- 4. Facility Maintenance*
- 5. Information Technology*
- 6. Public Information*
- 7. Human Resources*

City Administration



Terry Roberts
City Manager

The Brenham City Council, along with City Manager Terry Roberts and Assistant City Manager Kyle Dannhaus, oversee a complex organization that does everything from making sure the lights come on to providing parkland for fun and recreation. The veteran leadership ensures that services for citizens are provided in the most efficient and effective way possible.



Kyle Dannhaus
Assistant
City Manager

With a staff of over 200 employees and a \$73 million budget, the City still maintains a “hometown” atmosphere. The doors at City Hall are always open and community input is sought on a regular basis. Under the leadership of Roberts and Dannhaus, the City saw a great deal of progress on projects that were set as priorities by the Council and the community. A recap of those are listed below:

- **Quiet Zone:** A major topic of conversation which both started and ended 2010. An engineering study concluded the zone could be established at an estimated cost of \$99,500 including materials, labor and engineering/survey work, and horns could be silenced by the end of the year. However, stumbling blocks for moving forward were hit when it was discovered that needed improvements at two of the intersections might preclude them from being included in the overall plan. City staff continues to work with both railroad and TxDOT officials to implement the zone.



- **City Finances:** Despite a sluggish economy, this past year was a good year for both the city and economic development. While the Finance Department has always been recognized internally as outstanding, that belief was affirmed in March when Brenham received the Government Finance Officers Association’s Distinguished Budget Presentation Award. The award is considered the highest form of recognition in governmental budgeting and represents significant achievement by the department.
- The City saw an all time record set for building permits for new construction in 2010. The city issued 337 permits totaling over \$45 million. The previous record was set in 2007. About one-third of the permit value was due to major construction projects on the Blinn campus.
- Restructuring added a new face to the city team, with Wesley Brinkmeyer hired as the Community Services Director to oversee the newly created division of Community Services. The department of Parks and Recreation, Main Street, Community Development

and the Library were moved into that division, as well as the five different city boards that work with them. Restructuring was done to better streamline services and align functions in a more logical manner. No net increase in staffing was seen, due to the elimination of a vacant position.

- Public safety continued to be a priority, with the implementation of two new communications systems and the development of the Police Department's Fusion Unit. The City contracted with Blackboard Connect to provide an online notification system to communicate with citizens while the long awaited Brazos Valley Wide Area Communication System was implemented.

- BCDC land expansion of the Southwest Industrial Park: A time consuming but rewarding project, the acquisition of land for expansion of the Southwest Industrial Park involved long and sometimes tedious negotiations. However, increasing the space within the park will allow for more industrial development - definitely a plus for the economic development of the City.



- The U.S. 290 project: The state and local highway project which is expected to greatly improve transportation mobility and safety for the citizens gained speed in 2010. While the City and County are equal financial partners for the local match, the City serves as the administrative partner. Working closely with TxDOT officials and Rep. Lois Kolkhorst, the City negotiated the contract; coordinated the project with engineers; and worked with the financial advisor and rating agency on financing. With that working partnership in place, TxDOT has agreed to add the extension of Handley Street at an estimated cost to the State of \$300,000; accelerated the design of the project from a 2012 bid letting date to January 2011; and has added an additional overpass \$8 million at Stringer Street which greatly enhances the total project.



- The Joint Hotel-Motel Tax Board: Passage of the county wide hotel occupancy tax allowed for the establishment of a single board to oversee the funds for tourism promotion. The new Board consists of seven city representatives and two county representatives. City staff worked to develop an interlocal agreement and details for the administration of the funds. One of the major recommendations made by the Board has already come to fruition - the Convention and Visitors Bureau is now occupying offices in the newly remodeled first floor of the Simon Theater. This move brings the CVB downtown and allows visitors and residents alike the chance to see what's happening with the Simon.

- Definitely one of the most challenging accomplishments for City administration this year was the work done involving the some 20 City and County interlocal agreements. Again the majority of the work updating these agreements was done by City staff, who put in long and tedious hours. The goal of all

that work was to ensure that services shared by both entities were funded equally and that the taxpayers received the biggest bang for their buck. The work that was done has laid a foundation for continued discussions with the County.

Service Recognition



Pam Ruemke
25 Years

New Employees



Tammy Cook
May 2010

City Secretary

The Office of the City Secretary provides support, assistance and information to the City Council; preserves and improves access to municipal records and historical documents; safeguards the municipal election and records management processes; encourages public participation in the municipal government process; and provides daily assistance to all Administrative departments of the City of Brenham.

During 2009-2010, City Secretary's office met the following goals:

- Completed a comprehensive review, research and update of all Interlocal Agreements between the City and Washington County
- Researched and amended three chapters of the Code of Ordinances which included Parks and Recreation, Vehicles for Hire and Occupational Licenses
- Conducted Open Government training classes for supervisors and department heads in conjunction with Public Information
- Maintained Texas Registered Municipal Clerk (TRMC) certification
- Completed Supervisory Leadership Training Program



Goals for 2010-2011 include:

- Complete a comprehensive review and update of all Interlocal Agreements with other entities
- Research and complete four more chapter reviews of the Code of Ordinances
- Conduct Records Management training class for supervisors and department heads
- Research the City's Charter and form a Charter Review Committee to determine what changes are needed and review the possibility of hold a Charter Election in 2010
- Maintain Texas Registered Municipal Clerk (TRMC) certification
- Obtain Certified Municipal Clerk (CMC) certification from International Institute of Municipal Clerks

Brenham Emergency Communications



Brenham Emergency Communications Department dispatches for all public safety agencies located within Washington County. BEC answers all 9-1-1 emergency and non-emergency calls as well as all radio and mobile traffic. The Communications Center is staffed 24 hours a day, seven days a week including all holidays.

Communications maintains records on all calls for service, non-emergency calls, 9-1-1 calls and radio traffic. It is responsible for five local radio channels and monitors communications on several others.

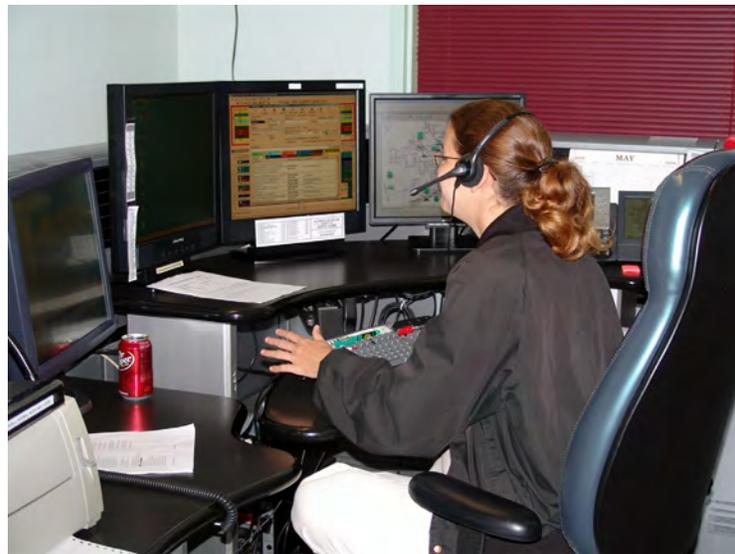
Calls for service and radio traffic continue to grow within the county. During 2010, Communications responded to 30,388 911 calls; 136,461 telephone and office calls and 576,305 radio transmissions for a total of 743,145 calls. While the total number of calls were down from 2009's approximate 750,000 calls, the number of emergency calls to the center were up. With most of the public safety agencies now using mobile data terminals, traditional radio traffic has decreased. Officers in the field can now get certain motor vehicle information online, which frees up dispatchers to handle more emergencies.

Goals met for 2009-2010:

- ProQA EMD call accuracy 95%
- Implemented Brazos Valley Wide Area Communications Radio System in conjunction with other local emergency responders
- Implemented Blackboard Connect emergency notification system in conjunction with Public Information

Goals for 2010 - 2011:

- Implement Quality Assurance program for non-emergency calls handled by operators
- Increase ProQA EMD call accuracy goal to 98%
- Upgrade New World Systems Mobile and Records Management Software to version 9X
- Promote/fill currently vacant shift supervisor position
- Fill current vacant telecommunications operator position
- Installation of backup Communications Radio System at Brenham Fire Department and Emergency Operations Center.



Facility Maintenance



The City of Brenham Maintenance/Central Warehouse Department consists of three maintenance technicians, two vehicle maintenance technicians, one central warehouse clerk, one assistant supervisor and one supervisor. This department is responsible for the maintaining and construction of all city owned facilities, maintaining and repairing of all city fleet vehicles and equipment, for all shipping, receiving and ordering and distribution of departmental supplies, and public utilities materials needed in the day to day construction and repair operations.

The following is a compilation of projects completed or near completion by the maintenance/central warehouse department:

Airport:

- Maintain Terminal Building
- Maintain all runway lighting, electrical equipment, weather observation tower, and other systems at all time
- Repair and reinforce electronic gated entrance
- Rebuild wooden storage and dumpster fence
- Maintain proper operation of emergency backup generator

Animal Shelter:

- Assist and maintaining with proper upkeep in order to comply with state regulations
- Repair kennels and rebuild kennel gates with stainless steel doors
- Upgrade lighting fixtures in kennel area
- Assist in moving portable building and portable storage container to animal shelter location

Aquatic Center:

- Assist with maintaining the day to day operations of facility
- Prepare leisure pool for KIDFISH event
- During shut down week perform all tasks that are required such as, pump motors pumps, chlorine system, HVC maintenance, lighting, etc.
- Assist with Movie in the Park events at Hohlt Park

Boys & Girls Club:

- Install and repair new lamps and fixtures in basketball gym with assistance of electrical department aerial lift unit and personal
- Routine HVAC plumbing and lighting maintenance

Facility Maintenance

Central Warehouse:

- Install new garage roll up door and construct new unloading ramp for additional inventory storage area
- Replace warehouse storage area HVAC compressor and condenser system
- Install new 400 watt flood lamps throughout inventory supply areas

City Hall:

- Construct IT Computer Audio Video Control Station
- Replace three damaged air condition compressors for three separate HVAC rooftop units
- Reconstruct and build new offices for Community Services Director

Collection Station:

- Construct new sanitation collection station booth

Gas Department:

- Remove all wood frame work(due to rotting), insulation and exterior galvanized sheets on north side wall of department shop area and replace with all new materials

Southwest Industrial Park (1800 Longwood Drive)

- Oversee construction of brick foundation for Industrial Park Sign
- Oversee design , construction and installation of industrial Park Sign

Main Street:



- Assist staff with downtown events including Country Flavor Festival, Christmas Stroll, set up and take down concert stage for Hot Nights, Cool Tunes

Nancy Carol Roberts Memorial Library:

- Oversee recaulking of all exterior walls and joints of building
- Remove all interior lighting fixtures and replace with new energy efficient lighting fixtures

Parks Department

- Assist with maintenance and repairs on various parks facilities
- Assist parks staff in replacing rotted building fascia at Jerry Wilson Park
- Assist parks staff with removal of rotted plywood fence backing at BHS Tennis Courts

Facility Maintenance

Police Department:

- Assist with concrete and carport installation

Water Treatment Plant:

- Install new HVAC rooftop unit at treatment plant laboratory
- Relocate and install electrical wiring and gate operators for plant entrance

Vehicle Maintenance Department



- Vehicle and Equipment services: 95
- Vehicles and Equipment water pump repairs: 9
- Repair Alternators, fan belts, & tensioners: 21
- Transmission services: 15
- Fuel pump replacements: 9
- State vehicle inspections: 153

Other Various Projects:

- Install police unit emergency light bars ,laptop computer brackets, gun racks, etc
- Hydraulic leak repairs
- Repair vehicle electrical problems
- Welding repairs on various projects and equipment

Major Projects and Repair Work Consists Of the Following:

- Relocate vehicle maintenance shop from 1011 South Austin to 506 South Austin
- Repair galvanized poles for electric department
- Install equipment for K-9 unit patrol vehicle
- Fabricate and install ladder for rooftop access at Aquatic Center
- Fabricate storm drain covers for various locations
- Install hydraulic jack hammer attachment on backhoe unit#273
- Replace oil pan and support cradle on police unit #246
- Overhaul central warehouse generator engine unit #78
- Replace clutch & rear seal on unit # 112
- Replace head gasket on Gradall unit #4



Central Warehouse

- Processing of daily inventory being issued out for all public utility department projects and repairs
- Issuing of inventory supplies for all department request orders.
- Processing of purchasing procedure(submitting price quotes, purchase orders, receiving and restocking of warehouse inventory items)
- Receiving and verifying shipments ordered by all other departments via parcel delivery.

Information Technology



Information Technology - it is the mission of the Information Technology Department to manage the City's information systems in an effective and efficient manner; to provide service and support to all City departments, assisting users in the most effective utilization of the system; ensure that information and system resources are accessible and usable by maintaining system uptime and availability; and ensure the integrity of applications and data by maintaining strong security and system continuity procedures.

I.T. Department Responsibilities:

The Information Technology Department is primarily responsible for the maintenance and management of the city's fiber optics, copper and wireless networks, servers, computers, VoIP telephone system, surveillance cameras and user support. In addition to hardware, the IT department also supports and maintains such systems as Microsoft Exchange, Outlook Web Access and the S2 building security system. The IT department also runs daily backups of data and ensures the security of the entire network.

2009-2010 Significant Accomplishments

The following is a summary of the department's activities in the 2009-2010 budget year. Although the list is not all-inclusive, it does reflect the department's major accomplishments.

- Expanded the wireless mesh network across the City and installed new fiber from the EMS Station 2 to the Dixie Street distribution box (completing the fiber ring for redundant connectivity to the Police Station), from Central Warehouse to the Recycling Center, and from EMS Station 1 to the County's Road and Bridge and several Fair Grounds buildings.
- Provided quality service and support for 260 user accounts, 214 Desktop Computers, 79 Laptops, 80 printers, 280 VoIP phones and devices, 57 servers and various systems.
- Worked with Washington County to draft and approve an Inter-Local Agreement for the support of 8 EMS MDT's and 7 Sheriff's Office MDT's.
- Migrated all computers to Microsoft Office 2010.
- Upgraded the VoIP phone system and our email server to Exchange 2007.
- Installed a new virtual server hardware and SAN (Storage Area Network) and migrated data from old file server to the SAN.
- Expanded the S2 Building Security System to Communications, Central Warehouse and the Public Utilities buildings.

2010-2011 Major Objectives

The following is a summary of the department's major objectives in 2010-2011. Although the list is not all-inclusive, it does reflect the department's major goals.

- Establish a standard seven-year maintenance replacement program for all network switches and network equipment by replacing an average of 10 switches per year.



- Establish a standard six-year maintenance replacement program for all network UPS's by replacing an average of 6 UPS's per year and battery replacement for 6 UPS's per year
- Provide quality service and support for 290 users, 214 PCs, 79 Laptops, 80 printers, and 57 servers.
- Respond to approximately 1,500 service requests during the year. Complete all critical service requests within three hours, complete all high priority requests within one working day, all normal priority requests within three working days.
- Continue the expansion of the wireless mesh network which allows more efficient and real-time access to the city's information systems in a number of applications such as mobile data for Emergency Responders, security cameras, traffic control, wireless IP phones and wireless hot spots.
- Continue the expansion of a city-wide keycard access system. The S2 System already exists in City Hall, Communications, Fire Department, Central Warehouse and Public Utilities and if funded will expand to the Aquatic Center and the Library.

- Upgrade of the City's VoIP phone system server software.
- Migration to Microsoft Exchange 2010. This must be done in conjunction with the Unity voicemail system upgrade that is part of the VoIP phone system upgrade.
- Finalize plans and create a new Inter-Local Agreement to expand the fiber optic network from the South Sub Station to the new Blinn Technology Center. This will provide a network presence in that area of town and a Wireless presence at the 577/290 intersection. Public Safety has requested this for surveillance cameras to be used at the intersection and during the 290 construction project.
- Installation of network cabling and equipment at the new Recreation building at Hohlt Park.
- Installation of network cabling and equipment at the new Sanitation Booth. Implementation of a video conferencing solution. This solution will be used at the EOC, and by Municipal Court for video arraignments and will be expandable to various other buildings, including the Police Department and EOC.
- Installation of Microsoft SharePoint server and creation of new extranet.

Public Information

Public Information provides information about City services to visitors and citizens. The department is responsible for media relations, promoting special events, desktop publishing services and graphics for internal departments and serves as a liaison between the City and its citizens.

Accomplishments for 2009-2010 include:

- Assumed responsibility for responding to Open Records Requests
- Assumed responsibility for grant administration in conjunction with the Chief Financial Officer
- Completed the four core classes of the Grants Management Certification program, a nationally recognized grants management certification process
- Coordinated implementation of Blackboard Connect notification system in conjunction with Brenham Emergency Communications
- Launched City of Brenham Facebook page
- Conducted training on Open Government for supervisory leadership classes in conjunction with City Secretary
- Conducted tours for Travel Writers

Human Resources/Risk Management

2010 Annual Report



Janie Mehrens
HR/Risk Management
Manager

Susan Nienstedt
Assistant HR Manager

Joyce Mahanay
HR Assistant

Leadership and Loss Prevention Training

“Thanks, I needed that.” “I didn’t know how the budget was put together and this session opened my eyes to its complexity.” “Good information for supervisors at all levels.” “What’s your color?”

Participants in the Supervisor Leadership Classes shared these comments on their evaluations of the three six-week courses coordinated by the Human Resources/Risk Management Department in 2010. After a hiatus of five or so years, the Supervisor Leadership Course was revamped and reinstated in 2010 with Assistant HR Manager Susan Nienstedt serving as the course coordinator and also as a presenter. A total of 34 supervisors participated in workshops on a wide variety of topics presented by City staff and outside instructors. Debbie Gaffey, Budget Officer,



presented an overview of the local government budget **process and the supervisor’s role in the** development of the departmental budgets; Jeana Bellinger and Angela Hahn provided information on Records Retention, Open Meetings and Open Records Requests; and Chief Rex Phelps shared his organizational philosophy he has developed titled **“E to the 4th Power.”** Additional sessions were presented by Susan Nienstedt and Janie Mehrens of the HR Department, local professionals and staff members from TML IRP and the Employee Assistance Program.

In addition to the “hard” skills of gaining knowledge of Fair Labor Standards Act, Family and Medical Leave Act and EEOC rules and regulations, supervisors participated in a number of “soft” skill exercises to develop communication, organization and motivational competencies. One presentation by the Employee Assistance Program trainer was the **personality assessment instrument called “True Colors.”** In this exercise personality traits are grouped into the colors orange, green, blue and gold. The driving force behind administering a personality assessment is to open up lines of communication and bring participants together to have a higher appreciation for one another. A personality assessment can provide guidance to instructors to help determine what teaching strategies will be the most effective for their students. Because the course participants are from multiple City departments, the interaction between staff members has been of great benefit in building understanding and rapport. Interestingly all three members of the HR/Risk Management Department are **“Greens”** whose shining attributes include problem-solver, independent, tenacious, witty sense of humor, logical and analytical.

Computer training classes were taught by Susan Nienstedt throughout the year with 42 employees completed the classes offered.

Through her qualification as a Certified Microsoft Trainer Susan was able to have the Computer **Training Program designated as a Continuing Professional Education sponsor for CPA’s** so that in-house training will count toward continuing education credits.

Policy & Procedures

After many months of work by committee, individuals and attorneys, the totally revised Human Resources Policy Manual was approved by City Council and became effective March 1, 2010. The previous manual had been totally revised in 1992 with numerous revisions to individual sections in the intervening years.

Also after many months of work, primarily by the Finance Department, all functions of the ADP payroll system were fully operational by midyear. The final section to be added in August was the Single Sign On option for the ADP Portal. **The ADP Portal now serves as the City's Intranet where employee's can sign on through one login to access their electronic timesheets, personal financial information such as current and prior year W-2's, copies of pay stubs, tax withholding (W-4) information and the like. ADP populates the personal financial information on the Portal from the payroll data generated each pay period.**



Also available on the ADP Portal and managed by Susan Nienstedt is information of particular interest to City of Brenham employees. This includes internal forms such as travel reimbursement, check request, and supervisor reporting forms as well as the Human Resources Policy Manual, group health plan booklets and schedules of benefits and links to frequently used sites such as Texas Municipal Retirement System, TML IEBP (Group Health Plan), and supplemental coverage providers.

Risk Management

The renewal in September of various property and liability coverage with Texas Municipal League Intergovernmental Risk Pool for FY 2011 showed a significant decrease in cost while maintaining the same limits of liability and deductibles as FY2010.

Because of a strong financial position and lower claims for TML IRP, most categories of coverage show a significant rate reduction for FY11. Liability rates were reduced 15.7% for General Liability, 12.0% for **Public Officials' Liability, and 10.0% for Aviation Liability while there were no rate reductions for Automobile Liability and Law Enforcement Liability.** This resulted in an overall liability rate reduction of **6.3%. Workers' Compensation rates went down an average of 12.7% and the 10.0% reduction in Property rates was extended through FY11.** Because of the City's favorable claim experience, the modifier change also resulted in a contribution reduction.

These rate reductions and favorable experience modifiers resulted in an overall decrease of \$53,507 in the FY11 contribution.

The only new coverage added during 2010 was Animal Mortality and Theft to cover the Police Canine Unit. This coverage includes loss of use, veterinary fees and surgical fees as well as death or theft of the animal according to the adopted schedule.

In addition, TML IRP determined that the City of Brenham as a current member of the Pool would be eligible for an equity return on FY 2009-2010 contributions of \$50,957 which was received in December 2010. Since 2004, the City has received more than \$290,000 in equity returns.

Although coordinated by the Human Resources/Risk Management Department, risk management can only attain a successful outcome through the cooperation of all the City departments in adhering to established safety practices and requirements. Managers are responsible for providing a place of employment that is free from recognized hazards that could result in accidents or injuries. They must ensure that all supervisors and employees are trained and are aware of their safety responsibilities. To achieve that goal, the City avails itself of the Loss Prevention Services offered through TML IRP, LCRA, and other organizations that provide such services as well as presenting in-house training sessions.

For nearly all of 2010 and into 2011, the entire country has been in the throes of dealing with the **Health Reform Act and the mandates that affect group health plans such as the City of Brenham's plan**. This has necessitated attending multiple seminars and consultations covering these changes that became effective when our plan renewed January 1, 2011 and well as changes that will not take place for several years. City staff worked closely with TML IEBP staff in revising the group medical schedule of benefits to meet the new Federal requirements. **Because of the City's emphasis for a number of years on preventative care**, the group medical plan did not see the number of changes that many plans needed to incorporate because of the preventative care requirements mandated by federal law and therefore did not see a significant increase in estimated funding rates because of health care reform mandates. However, because of continued large claims in 2010 and increases in the general stop loss market, the stop loss premiums as well as funds needed to pay claims increased significantly. These increases made **it necessary to increase the City's contributions and the employees' contributions to the group health plan by 10% for 2011**.

Despite the unfavorable climate in the health care area, the City of Brenham has been able to maintain the same benefits and out-of-pocket costs for its employees and their covered dependents for a number of years.

HUMAN RESOURCES/RISK MANAGEMENT DEPARTMENT STATISTICAL REPORT CALENDAR 2010

- Held 3 six-week Supervisor Leadership Courses with 34 participants
- Provided computer training classes for 42 employees
- Qualified Computer Training Program for CPE Sponsor for Certified Public Accountants
- Processed 70 new hires including 29 full time (includes 3 new positions each in Central Communications, Police and Fire authorized in FY10 Budget) and 41 part time. This includes
 - Accepting applications
 - Advertising
 - Interviewing
 - Testing
 - Arranging for physicals and drug screens
 - Processing new hire paperwork
- Processed 60 terminations including 23 full time and 37 part time. This includes resignations, retirements, discharges and the like.
- Processed 853 applications for employment
- Worked closely with Chief Financial Officer in to complete implementation of ADP payroll processing system, electronic timesheet system and ADP Portal
- Human Resources Policy Manual approved by City Council effective March 1, 2010
- Assisted with budget projections for remainder of FY10 and FY11 salaries and benefits
 - Coordinated special events and activities: Holiday Party in January 2010 and Employee Lunch in June
- Coordinated annual enrollment for cafeteria plan
- Coordinated annual health fair with over 260 employees, spouses and volunteers participating
- Coordinated random drug testing program for CDL drivers and Gas Department
- **Coordinated with City Manager's office service recognitions for employees**
- **Processed 21 Workers' Compensation claims.**
- Coordinated property/auto claims with insurance companies, claimants and City Staff.
- Handled employee requests for assistance with medical, dental, and miscellaneous insurance claims and/or questions.
- Conducted purchase and implementation of all insurance coverage for FY11 (general liability, **public officials' liability, etc. and group health**)
- Prepared various reports and schedules as requested by city personnel, outside auditors; completed surveys and requests for information from other cities and entities.
- Represented the City of Brenham at various events including Brenham High School Career Fair and Job Partnership Training.