



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY AUGUST 4, 2011 AT 1:00 P. M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Weldon Williams**
- 3. Service Recognitions**
David Nowak Communications 20 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 July 7, 2011 Council Meeting, the July 7, 2011 Public Hearing, and the July 19-21, 2011 Budget Workshop Meetings** Pages 1 - 18
- 5-b. Second Reading of Ordinance No. O-11-010 Reducing the Speed Limit from 65 mph to 60 mph for Traffic Moving in both Directions on the Portion of U.S. Highway 290 Beginning at its Intersection with State Highway 36 and Extending Southward 0.341 Miles** Pages 19 - 20
- 5-c. Second Reading of Ordinance No. O-11-011 Reducing the Speed Limit from 70 mph to 60 mph for Traffic Moving in both Directions on the Portion of State Highway 36 from the City Limit Southward 0.505 Miles to the Intersection with U.S. Highway 290** Pages 21 - 22

PUBLIC HEARING

- 6. Proposed Annexation of Approximately 124.44 Acres of Land Located South of and Adjacent to the South Boundary Line of Southwest Industrial Park, Sections I & II and West of and Including a Portion of the Burlington Northern Santa Fe Railroad Right of Way into the City Limits**

Pages 23 - 29

REGULAR AGENDA

- 7. Discuss and Possibly Act Upon the Assignment of the Agreement for Development and Tax Phase-in in Reinvestment Zone No. 32 from Quest Chemical Corporation to Bellville Holdings, L.L.C. and Quest Vapco Corporation**

Pages 30 - 41

- 8. Discuss and Possibly Act Upon Resolution No. R-11-009 Approving Participation in the Brazos Valley/Washington County HOME Consortium and Authorizing the Mayor to Execute an Inter-local Agreement Regarding the Brazos Valley/Washington County HOME Consortium**

Pages 42 - 46

- 9. Discuss and Possibly Act Upon Ordinance No. O-11-012 on its Second Reading Adopting a Final Redistricting Plan and Authorizing Legal Counsel to Seek Voting Rights Act – Section 5 Preclearance of the Adopted Plan**

Pages 47 - 52

- 10. Discuss and Possibly Act Upon Ordinance No. O-11-013 on Its Second Reading Authorizing the Closure of the Railroad Crossing on Vulcan Street at its Intersection with BNSF Railway between North Austin Parkway and North Austin Street**

Pages 53 - 56

- 11. Discuss and Possibly Act Upon a Proposal to Adopt a Tax Rate of \$0.5432 per \$100 Valuation for the 2011 Tax Year, Take Record Vote and Set the Public Hearings on the Proposed Tax Rate in Accordance with State Law**

Pages 57 - 59

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.

- 12. 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 August 4, 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 August 1, 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 July 7, 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 Pro Tem Gloria Nix
Councilmember Andrew Ebel
Councilmember Danny Goss
Councilmember Keith Herring
Councilmember Charlie Pyle
Councilmember Weldon Williams, Jr.

Members Absent:

Mayor Milton Y. Tate, Jr.

Others present:

City Manager Terry Roberts, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Administrative Assistant Tammy Cook, Chief Financial Officer Carolyn Miller, Christi Korth, Brandon Plumb, Fire Chief Ricky Boeker, Alan Finke, Allen Hinze, Andrew Jozwiak, Josh Sebastian, Chad Dismukes, Cecil Wright, Police Chief Rex Phelps, Assistant Police Chief Jay Petrash, Chris Jackson, Kelvin Raven, Public Works Director Doug Baker, Kim Hodde, Leslie Kelm, Public Utilities Director Lowell Ogle, Community Services Director Wesley Brinkmeyer, Angela Hahn, and Becky Squyres

Citizens present:

Amanda Dismukes, Susan Spencer, Sara Spencer, Steven Spencer, Annie Jackson, Mary Chavarria, Rachael Lynch, Josh Clover

Media Present:

Arthur Hahn, Brenham Banner Press; Ed Pothul, KWHI

- 1. Mayor Pro Tem Nix called the meeting to order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Pro Tem Gloria Nix**

3. Proclamations

- Mayor Pro Tem Nix read a proclamation designating Thursday, July 7, 2011 as Texas Vietnam War Veterans Day. No one accepted this proclamation.
- Mayor Pro Tem Nix read a proclamation designating July 8, 2011 as Red Shirt Friday. The proclamation was accepted by the Red Shirt Friday Organization. Councilmember Goss expressed his appreciation to Mary Chavarria for all she has done in establishing this organization.

4. a. Service Recognitions

Service Recognitions were presented to the following employees:

Casey Redman	Parks	10 years
Chad Dismukes	Fire	10 years
Kelvin Raven	Police	15 years

Chief Phelps thanked Kelvin Raven for his service to the Police Department.

b. New Employees

Lowell Ogle introduced the following new employees:

Andrew “Mikey” Wancho	Wastewater Department
Eric Sommerfield	Water Department

Carolyn Miller introduced the following new employee:

Brandon Plumb	Finance Department
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5. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

6. Statutory Consent Agenda

6-a. Minutes from the June 16, 2011 Council Meeting

A motion was made by Councilmember Herring and seconded by Councilmember Pyle to approve the Statutory Consent Agenda Item 6-a. minutes from the June 16, 2011 council meeting.

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

Mayor Milton Y. Tate, Jr.	Absent
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

7. Discuss Chapter 8½, Flood Damage Prevention, of the City of Brenham's Code of Ordinances

Allen Jacobs presented this item. He gave a brief explanation of the amended flood damage prevention ordinance. The Federal Emergency Management Agency (FEMA) recently provided revised flood hazard data to the community. The City is now required to amend its existing regulations to reference the new flood map and flood study.

Mr. Jacobs explained that property owners within the community benefit because they can participate in the National Flood Insurance Program (NFIP). Property owners are allowed to purchase insurance for protection against flood losses in exchange for compliance of state and community flood plain management regulations.

REGULAR AGENDA

8. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending Chapter 8½, Flood Damage Prevention, of the City of Brenham’s Code of Ordinances

A motion was made by Councilmember Pyle and seconded by Councilmember Williams to approve an ordinance on its first reading amending Chapter 8 ½, Flood Damage Prevention, of the City of Brenham’s Code of Ordinances

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

Mayor Milton Y. Tate, Jr.	Absent
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	Yes

9. Discuss and Possibly Act Upon RFP No. 11-011 for Bank Depository Services and Authorize the Mayor to Execute any Necessary Documentation

This item was presented by Chief Financial Officer Carolyn Miller. Ms. Miller explained that the City recently solicited requests for proposals (RFP) for bank depository services for a two year period in accordance with the City Charter. Electronic RFP’s were sent to six local banks. Of these six banks, Brenham National Bank and Citizens State Bank submitted notices of non-participation and JP Morgan Chase and Wells Fargo submitted proposals.

Ms. Miller noted, as in the past, Patterson & Associates assisted in the process of bidding services and the analysis of bank depository service proposals. The completed analysis was given to councilmembers. This analysis indicated both JP Morgan Chase and Wells Fargo were essentially equal in service capabilities. However, JP Morgan Chase offered lower monthly average fees as well as a 1% floor rate for the earnings credit rate (ECR). The calculated earnings help pay the bank fees and the rate helps determine the amount of funds required to be left in the bank as a compensating balance. Ms. Miller outlined the rates and balance requirement from each bank proposal. JP Morgan Chase proposed an ECR of 1% with a balance requirement of \$1,544,776 and Wells Fargo proposed an ECR of 0.36% with a balance requirement of \$4,354,430. Ms. Miller informed council of the recommendation made by Patterson & Associates to remain with JP Morgan Chase and use the 1% floor rate.

A motion was made by Councilmember Pyle and seconded by Councilmember Goss to Approve RFP No. 11-011 for bank depository services and authorize the Mayor Pro Tem to execute any necessary documentation.

Councilmember Pyle questioned the number of requests that were sent and the number of proposals received. He inquired of the number of proposals received and asked if it is typical to receive only two. Ms. Miller noted the last time RFP's went out for Bank Depository Services, only two submitted proposals as well.

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

Mayor Milton Y. Tate, Jr.	Absent
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Keith Herring	Abstain
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Yes

10. Discuss and Possibly Act Upon an Agreement with Survalent Technology for SCADA System Software and Support and Authorize the Mayor to Execute any Necessary Documentation

This item was presented by Public Utilities Director Lowell Ogle. Mr. Ogle explained this agreement is for the annual Software Support and Maintenance of the Supervisory Control and Data Acquisition (SCADA) system. In the past this support and maintenance was purchased on an annual basis. However, this agreement was discussed in last year's budget process and presented in a decision package. Survalent Technology is offering a multi-year discount if a five (5) year support agreement is purchased. Mr. Ogle noted an approximate \$12,000 savings over the five (5) year period.

A motion was made by councilmember Williams and seconded by Councilmember Pyle to approve an agreement with Survalent Technology for SCADA System Software and Support in the amount of \$35,437.50 and authorize the Mayor Pro Tem to execute any necessary documentation.

Councilmember Goss confirmed this was a budgeted item. Mr. Ogle explained during the budget process last year council was given the option to budget for one year of service or budget the entire amount of \$35,437.50 for five years of service, council chose to budget the five year amount. Councilmember Goss further questioned why this item is being presented to council at this time, if it was approved previously. Mr. Ogle explained that this is an agreement over \$25,000 and according to financial policies any agreement over \$25,000 must have council's approval. Although council approved the funding last year, they now have to approve the actual agreement.

Councilmember Williams inquired about the capability of integrating this system with the automated meter readers that are currently used within in the city’s utilities department. Mr. Ogle stated they are looking into ways to integrate the SCADA system with the others currently in use.

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

Mayor Milton Y. Tate, Jr.	Absent
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	Yes

11. Discuss and Possibly Act Upon an Agreement for Assignment of the Final Payment Related to the Henderson Park Lift Station Improvements Project Between The Guarantee Company of North America USA, Brazos Valley Services, and the City of Brenham, and Authorize the Mayor to Execute Any Necessary Documentation

City Attorney Cary Bovey presented this item. Mr. Bovey gave council a brief update of the Henderson Park Lift Station project. The project was completed by Brazos Valley Services and there were no issues pertaining to the improvements made, but there were issues regarding payment of subcontractors on the project. In accordance with direction from Council the City pursued the contractor to assign final payment to the Guarantee Company of North America USA. The agreement presented is a three party agreement that would be executed by the Contractor, Brazos Valley Services, The Surety Company, Guarantee Company of North America USA, and the City of Brenham. This agreement will authorize the City to make payment to the surety company. The contractor and the surety company would then indemnify the city for any issues related to the payment to the surety company instead of the contractor. This agreement would also constitute acceptance of the project and approval of final payment. With the exception of one addition to the agreement, the surety company has approved the agreement. Mr. Bovey explained the last sentence in item five (5) of the agreement is still pending a response from the surety company. He feels there will be no objection to this addition of wording, but he has not received confirmation at this time. Mr. Bovey turned the discussion over to Josh Clover, attorney for Brazos Valley Services.

Mr. Clover recommended this agreement to his clients, Brazos Valley Services, but there has been no response at this time. However in order to put things in motion Council must approve the acceptance of the project.

A motion was made by Councilmember Williams and seconded by Councilmember Pyle to approve an agreement for assignment of the final payment related to the Henderson Park Lift Station improvement project between the Guarantee Company of North America USA, Brazos Valley Services, and the City of Brenham subject to the surety company and contractor signing and approving agreement and authorize the Mayor Pro Tem to execute after any minor changes to agreement.

Councilmember Goss asked if the contractor could place a lien on this property. Mr. Bovey explained as a public entity the property is not subject to a lien. There is a payment bond on the project, so if a subcontractor has a claim this bond protects the city. There is also a time limit that a contractor has to file a claim and this time limit has elapsed.

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

Mayor Milton Y. Tate, Jr.	Absent
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	Yes

12. Administrative/Elected Officials Report

- Councilmember Pyle thanked everyone for their support in the Hot Nights Cool Tunes (HNCT) concert
- City Manager Terry Roberts updated council on the Railroad Quiet Zone
- Mr. Roberts also reminded council and citizens of the Public Hearing this evening on Redistricting
- Mayor Pro Tem Nix expressed her appreciation to the Red Shirt Friday Organization

Council convened into Executive Session at 1:37 p.m.

EXECUTIVE SESSION

- 13. Texas Government Code 551.072 – Deliberation Regarding Real Property – Discuss and Consider the Acquisition of Street Right-of-Way for the Longwood Drive Extension Project**

(Note: The City Council will convene in Room 2A, 2nd Floor of City Hall, for Executive Session item 14)

- 14. Texas Government Code 551.071 – Consultation with City Attorney Regarding Chapter 16, Occupational Licenses and Business Regulations, of the City of Brenham’s Code of Ordinances to Provide for the Regulation of Sexually Oriented Businesses within the City Limits**

Executive Session adjourned at 3:02 p.m.

RE-OPEN REGULAR SESSION

- 15. Discuss and Possibly Act Upon Resolution No. R-11-007 Determining the Public Need and Necessity for the Acquisition of Street Right-of-Way for the Construction, Repair and Maintenance of Street Improvements Incidental to the Longwood Drive Extension Project, Authorizing the City Manager to Agree on Amounts to be Paid to the Property Owner(s) as Compensation for Said Street Right-of-Way, and Authorizing the City Attorney to Institute Condemnation Proceedings, If Necessary, to Acquire Said Street Right-of-Way Across Land Lying in the City of Brenham, Washington County, Texas in the Phillip Coe Survey A-31 Owned by RPH Investments, L.L.C.**

A motion was made by Councilmember Pyle and seconded by Councilmember Herring to approve Resolution No. R-11-007 determining the public need and necessity for the acquisition of street right-of-way for the construction repair and maintenance of street improvements incidental to the Longwood Drive Extension Project, authorizing the city manager to agree on amounts to be paid to the property owner(s) as compensation for said street right-of-way, and authorizing the city attorney to institute condemnation proceedings, if necessary, to acquire said street right-of-way across land lying in the City of Brenham, Washington County, Texas in the Phillip Coe Survey A-31 owned by RPH Investments, L.L.C.

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

Mayor Milton Y. Tate, Jr.	Absent
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	Yes

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeanne Bellinger, TRMC
City Secretary

Brenham Public Hearing Minutes

A public hearing was held on July 7, 2011 beginning at 6:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

City Council Members present:

Mayor Pro Tem Gloria Nix

City of Brenham staff present:

City Manager Terry Roberts, City Secretary Jeana Bellinger, Deputy City Secretary Tammy Cook, Chief Financial Officer Carolyn Miller, Angela Hahn

Others present:

Syd Falk

Citizens present:

Nathaniel Evans

Media present:

Arthur Hahn, Brenham Banner Press; Ed Pothul, KWHI

- 1. Mayor Pro Tem Nix called the meeting to order**
- 2. Public Hearing and Receipt of Comments from the Public Regarding the City's Redistricting Illustrative Plan Proposing Possible New Boundaries for City of Brenham's City Council Wards.**

The Brenham City Council will Only Receive Comments from the Public, They will not Discuss the Plan or It's Relative Merits During the Public Hearing

City Manager Terry Roberts presented this item and explained this meeting would allow citizens to make comments or ask questions regarding the City of Brenham's Illustrative Redistricting Plan. Mr. Roberts introduced Syd Falk, attorney with Bickerstaff Heath Delgado Acosta to further explain the redistricting process, go over the proposed plan and respond to any questions from the general public.

Mr. Falk explained that the most populous and least populous wards cannot be more than a 10% difference in population and that currently a 14.23% population deviation exists between all the wards. He explained that Ward Four is over populated by 7.92% and Ward One is under populated by 6.31% thus creating the need to redistrict.

Mr. Falk then presented the Illustrative Plan adopted by Council on June 16, 2011. He explained that the Illustrative Plan involves a transfer of population from Ward Four to Ward One within the central portion of the city, East of Blinn College and that this Plan would create a deviation of 3.54%, which is also well below the 10% deviation standard that is required. He also explained there were two (2) minor clean-up changes involving moving a single census block, approximately 43 residents, from Ward One to Ward Two, and a population shift of about 85 residents from Ward Four would be transferred to Ward Three.

Mr. Falk opened the floor to questions. Arthur Hahn questioned if the county had to follow the city lines. Mr. Falk explained that the County can draw their justice precinct lines and commissioner court lines any way they choose. It is the election precincts that must follow the city limit lines and city ward lines.

There was one citizen in attendance but he asked no questions.

The meeting was adjourned.

Gloria Nix
Mayor Pro Tem

Jeana Bellinger, TRMC
City Secretary

Brenham City Council Budget Workshop Minutes

A budget workshop meeting of the Brenham City Council was held on July 19, 2011 beginning at 8:30 a.m. in the Brenham City Hall in Conference Room 2-A, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Gloria Nix
Councilmember Andrew Ebel
Councilmember Danny Goss
Councilmember Keith Herring
Councilmember Charlie Pyle
Councilmember Weldon Williams, Jr.

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, Chief Financial Officer Carolyn Miller, Budget Officer Debbie Gaffey, Budget Assistant Brandon Plumb, City Secretary Jeana Bellinger, Police Chief Rex Phelps, Fire Chief Ricky Boeker, Director of Public Utilities Lowell Ogle, Community Services Director Wesley Brinkmeyer, Alan Finke, Charles Suessmuth, Pam Ruemke, and Janie Mehrens

Citizens present:

None

Media Present:

Arthur Hahn, Brenham Banner Press

1. Mayor Tate called the meeting to order

2. **FY2011-12 Budget Workshop Discussion**

City Manager Terry Roberts opened the workshop. He briefly discussed the following:

Economic Factors:

Property Valuations: Preliminary taxable property valuations have grown from \$975,630,262 (adjusted) last year to \$987,172,161 this year or 1.2% which includes \$27,761,688 in new improvements. This will provide a very small increase in tax revenues for FY12.

Sales Tax Revenue: Sales tax which is the largest revenue source for funding for funding General Fund operations is expected to grow 2.2% in FY11. While a 4% growth estimate was used in the 5-Year Model, only a 1% increase is planned for the FY12 Budget due to Highway 290 construction and its potential, temporary interference with ease of access to important retail areas, as well as, falling gas prices which tend to increase discretionary spending outside of Brenham.

Construction Zone Fines: Some of the reduction in sales tax growth will be offset by an increase in court and traffic fine revenue because fines double within the Highway 290 construction zone. Patrol presence in the area remains the same as the pre-construction period unless accident rates increase. We are not projecting any increase in the number of moving violations.

Budget Priorities:

1. Maintain public service levels and find capital funding without increasing the O&M property tax rate.
2. Replenish the General Fund reserve in accordance with the 90-Day policy.
3. Reduce General Fund expenditures in non-core service areas to provide for funding of important capital requests.
4. Debt service funding for the Highway 290 transportation project.
5. Debt service funding for the Street Overlay project.
6. Completion of the AMR Meter Replacement Project.

Mr. Roberts then turned the meeting over to Budget Officer Debbie Gaffey to present the FY2011-12 Budget.

The following departmental budgets were presented:

- General Fund Overview
- Police
- Animal Shelter and Animal Control
- Fire
- Parks
- Aquatics and Recreation
- Library
- Main Street
- Community Services
- Streets
- Airport
- Public Works

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

Brenham City Council Budget Workshop Minutes

A budget workshop meeting of the Brenham City Council was held on July 20, 2011 beginning at 8:30 a.m. in the Brenham City Hall in Conference Room 2-A, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Gloria Nix
Councilmember Andrew Ebel
Councilmember Danny Goss
Councilmember Keith Herring
Councilmember Charlie Pyle
Councilmember Weldon Williams, Jr.

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, Chief Financial Officer Carolyn Miller, Budget Officer Debbie Gaffey, Budget Assistant Brandon Plumb, City Secretary Jeana Bellinger, Fire Chief Ricky Boeker, Public Works Director Doug Baker, and Public Utilities Director Lowell Ogle

Citizens present:

None

Media Present:

None

1. Mayor Tate called the meeting to order

2. FY2011-12 Budget Workshop Discussion

City Manager Terry Roberts welcomed Council and then turned the meeting over to Budget Officer Debbie Gaffey to present the FY2011-12 Budget.

The following departmental budgets were presented:

- Debt Service
- Electric Fund
- Gas Fund
- Water Fund
- Wastewater Fund
- Sanitation Fund
- Finance
- Purchasing/Central Warehouse
- Municipal Court/Court Security-Technology
- Communications
- Maintenance
- Information Technology
- HR/Risk Management

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

Brenham City Council Budget Workshop Minutes

A budget workshop meeting of the Brenham City Council was held on July 21, 2011 beginning at 8:30 a.m. in the Brenham City Hall in Conference Room 2-A, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Gloria Nix
Councilmember Andrew Ebel
Councilmember Danny Goss
Councilmember Keith Herring
Councilmember Charlie Pyle
Councilmember Weldon Williams, Jr.

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, Chief Financial Officer Carolyn Miller, Budget Officer Debbie Gaffey, Budget Assistant Brandon Plumb, City Secretary Jeana Bellinger, Fire Chief Ricky Boeker, Public Works Director Doug Baker and Public Utilities Director Lowell Ogle

Citizens present:

None

Media Present:

None

1. Mayor Tate called the meeting to order

2. FY2011-12 Budget Workshop Discussion

City Manager Terry Roberts welcomed Council and then turned the meeting over to Budget Officer Debbie Gaffey to present the FY2011-12 Budget.

The following departmental budgets were presented:

- Administration
- Tax Rate (presented by Willy Dilworth from Washington County)
- Special Revenue Funds

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

ORDINANCE NO. O-11-010

AN ORDINANCE RELATING TO SPEED ZONES WHICH SPECIFICALLY DESIGNATES ADDITIONAL AREAS IN THE CITY OF BRENHAM IN WHICH RATES OF SPEED OF THIRTY (30) MILES PER HOUR OR MORE ARE AUTHORIZED; RESCINDING ALL PARTS OF ORDINANCES IN CONFLICT HEREWITH

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

SECTION 1. That any and all conflicting ordinances or parts of ordinances relating to speed zones on US 290 in the City of Brenham are hereby rescinded, and the following are additional specifically designated areas in which a rate of speed of thirty (30) miles per hour or more is authorized.

- A) U.S. 290, for traffic moving an easterly direction for 0.341 miles from the intersection with SH 36, the speed limit shall be sixty (60) miles per hour.
- B) U.S. 290, for traffic moving in a westerly direction for 0.341 miles to the intersection with SH 36, the speed limit shall be sixty (60) miles per hour.

SECTION 2. This Ordinance shall be effective from and after the date of its passage and publication as provided by applicable law.

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

APPROVED AS TO FORM:

City Attorney, City of Brenham

THE STATE OF TEXAS X

COUNTY OF WASHINGTON X

I, _____ City Secretary of the City of Brenham, County of Washington, State of Texas, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance passed and approved on second reading by the _____ of said City on the _____ day of _____, 2011, and is now in file in my office and notice is hereby given of the passage of the same in the manner and for the length of time as required by the Charter of the City of Brenham.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2011.

City Secretary, City of Brenham

ORDINANCE NO. O-11-011

AN ORDINANCE RELATING TO SPEED ZONES WHICH SPECIFICALLY DESIGNATES ADDITIONAL AREAS IN THE CITY OF BRENHAM IN WHICH RATES OF SPEED OF THIRTY (30) MILES PER HOUR OR MORE ARE AUTHORIZED; RESCINDING ALL PARTS OF ORDINANCES IN CONFLICT HEREWITH

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

SECTION 1. That any and all conflicting ordinances or parts of ordinances relating to speed zones on SH 36 in the City of Brenham are hereby rescinded, and the following are additional specifically designated areas in which a rate of speed of thirty (30) miles per hour or more is authorized.

- A) SH 36, for traffic moving in a southerly direction for 0.505 miles from the Brenham northern city limit to the intersection with U.S. 290, the speed limit shall be sixty (60) miles per hour.
- B) SH 36, for traffic moving in a northerly direction for 0.505 miles from the intersection with U.S. 290 to the Brenham northern city limit, the speed limit shall be sixty (60) miles per hour.

SECTION 2. This Ordinance shall be effective from and after the date of its passage and publication as provided by applicable law.

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

APPROVED AS TO FORM:

City Attorney, City of Brenham

THE STATE OF TEXAS X

COUNTY OF WASHINGTON X

I, _____ City Secretary of the City of Brenham, County of Washington, State of Texas, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance passed and approved on second reading by the _____ of said City on the _____ day of _____, 2011, and is now in file in my office and notice is hereby given of the passage of the same in the manner and for the length of time as required by the Charter of the City of Brenham.

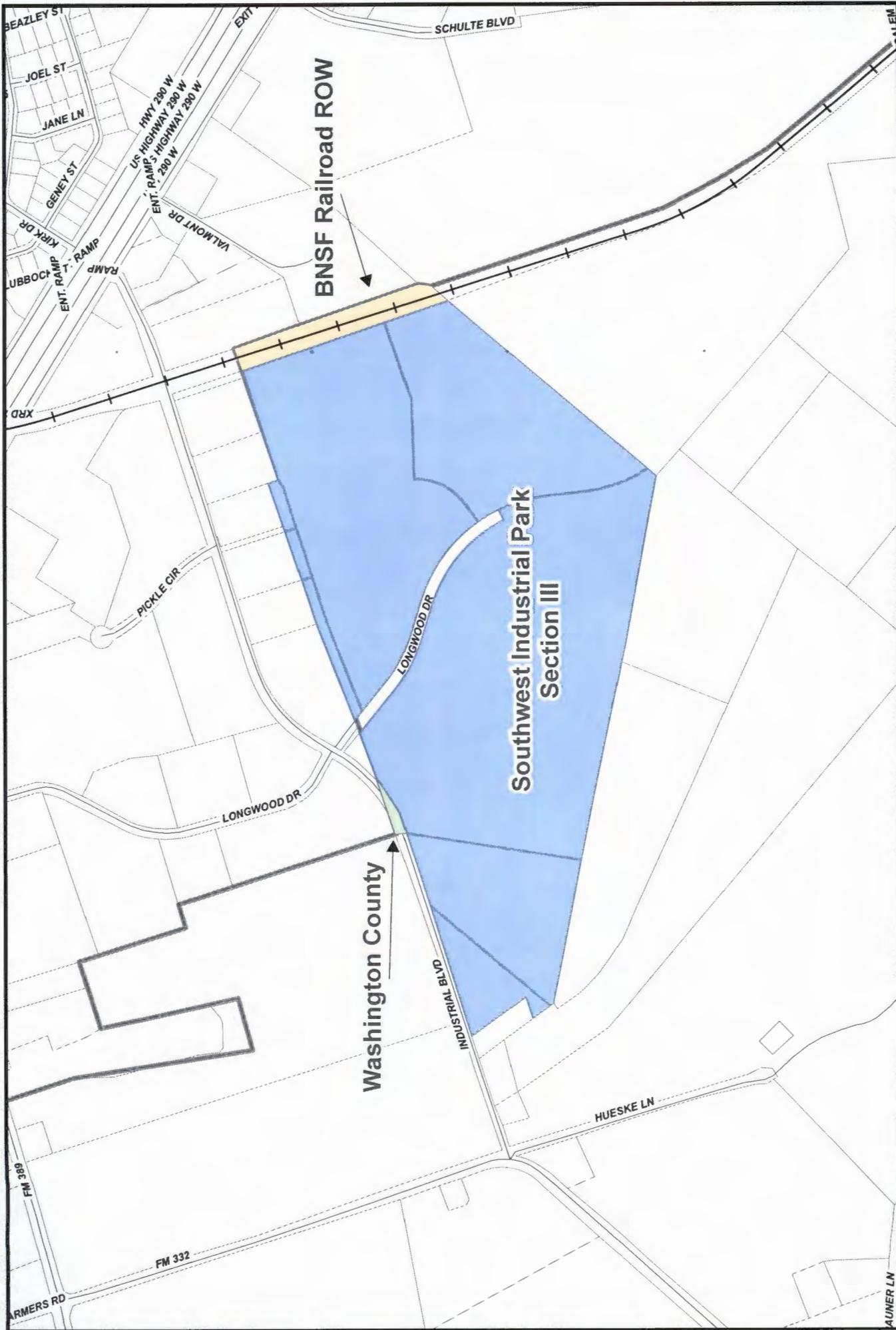
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2011.

City Secretary, City of Brenham



AGENDA FORM

DATE OF MEETING: August 4, 2011		DATE SUBMITTED: July 28, 2011	
DEPT. OF ORIGIN: Public Works		SUBMITTED BY: Doug Baker	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	
<input checked="" type="checkbox"/> REGULAR	<input checked="" 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 type="checkbox"/> WORK SESSION			
AGENDA ITEM DESCRIPTION: Proposed Annexation of Approximately 124.44 Acres of Land Located South of and Adjacent to the South Boundary Line of Southwest Industrial Park, Sections I & II and West of and Including a Portion of the Burlington Northern Santa Fe Railroad Right of Way into the City Limits			
SUMMARY STATEMENT: This is the first of two legally required public hearings for the annexation of the approximately 124.44 acres of land located south of and adjacent to the south boundary line of the Southwest Industrial Park, Sections I & II and west of and including a portion of the Burlington Northern Santa Fe Railroad right of way into the city limits as shown on the attached map. Notices were mailed to every property owner of record in each of these areas on June 27, 2011. Included herewith is a copy of the notice along with the service plan. The purpose of this of this hearing is to receive comments from those affected by the proposed annexation.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS:			
B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: (1) Map of proposed area to be annexed; (2) Notice of Annexation sent to Property Owners; and (3) 2011 Annexation Service Plan			
FUNDING SOURCE (Where Applicable):			
RECOMMENDED ACTION: Hold a public hearing to solicit input on the proposed annexion			
APPROVALS: Doug Baker			



1 inch = 700 feet





Mayor
Milton Y. Tate, Jr.

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

June 27, 2011

Bluebonnet Electric Cooperative, Inc.
P.O. Box 729
Bastrop, Texas 78602

NOTICE OF ANNEXATION

Notice is hereby given of the intention to annex the following tract of land adjacent to the present city limit of the City of Brenham, Washington County, Texas, to wit:

Approximately 124.38 acres of land located south of and adjacent to the south boundary line of Southwest Industrial Park, Sections I & II and west of and including a portion of the Burlington Northern Santa Fe Railroad right of way.

Your property is encompassed within the bounds of the 124.38 acre tract of land. The boundary of the 124.38 acre tract is shown on the enclosed map.

The City Council of the City of Brenham, Texas, will hold the first public hearing in the Council Chambers at the Municipal Building at 200 W. Vulcan Street, Brenham, Texas, on **Thursday, August 4th, 2011 at 1:00 P.M.** for the purpose of receiving public comments on the proposed initiation of annexation proceedings of the 124.38 acre tract of land.

The City Council of the City of Brenham, Texas, will hold the second public hearing in the Council Chambers at the Municipal Building at 200 W. Vulcan Street, Brenham, Texas, on **Thursday, August 18th, 2011 at 1:00 P.M.** for the purpose of receiving public comments on the proposed initiation of annexation proceedings of the 124.38 acre tract of land.

If you have any questions, please contact Doug Baker at (979) 337-7594.

Exhibit "A"

2011 ANNEXATION SERVICE PLAN

SERVICE PLAN FOR 2011 ANNEXATION AREAS

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

SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION

1. Police Protection

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

2. Fire Protection Services

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

3. Maintenance of Water and Wastewater Facilities

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

4. Solid Waste Collection

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

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

5. Maintenance of Roads and Streets

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

6. Maintenance of Parks, Playgrounds, and Swimming Pools

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

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

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

8. Other Services

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

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

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

1. Police and Fire Protection and Solid Waste Collection

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

2. Water and Wastewater Facilities

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

3. Roads and Streets

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

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

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

SPECIFIC FINDINGS

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

TERMS

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

LEVEL OF SERVICE

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

AMENDMENTS

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



AGENDA FORM

DATE OF MEETING: August 4, 2011	DATE SUBMITTED: July 26, 2011	
DEPT. OF ORIGIN: Economic Development Foundation of Brenham	SUBMITTED BY: Clint Kolby	
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 the Assignment of the Agreement for Development and Tax Phase-in in Reinvestment Zone No. 32 from Quest Chemical Corporation to Bellville Holdings, L.L.C. and Quest Vapco Corporation		
<p>SUMMARY STATEMENT: In August of 2010, Carl Hubble applied and received the tax phase-in incentive from the City of Brenham and Washington County for the relocation of his business from Houston to the Cleaners Hangers Building located at 2001 Tom Green Street. To purchase this building, Carl and his wife formed Bellville Holdings, LLC. Earlier this year, Quest Chemical Corporation merged with Garman Corporation, and the name of the new business is now called QuestVapco Corporation.</p> <p>Bellville Holdings, LLC owns the real estate and buildings and has entered into a lease with QuestVapco Corporation, which owns the equipment, inventory, and employs the personnel operating the Brenham facility.</p> <p>Carl is requesting that the City Council approve the assignment of the tax phase-in agreement from Quest Chemical Corporation to Bellville Holdings, LLC and QuestVapco Corporation. The \$4.4 million capital investment and the 100 jobs to be created will remain the same in the tax phase-in agreement.</p>		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Partial Assignment and Assumption of Agreements from Quest Chemical Corporation to Bellville Holdings, LLC; (2) Partial Assignment and Assumption of Agreements from Quest Chemical Corporation to Quest Vapco Corporation; and (3) Certificate of Merger and Interest Exchange		

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: Approve the assignment of the agreement for development and tax phase-in in Reinvestment Zone No. 32 from Quest Chemical Corporation to Bellville Holdings, L.L.C. and Quest Vapco Corporation

APPROVALS: Terry Roberts



July 19, 2011

Mayor Milton Tate, Jr. & City Council
City of Brenham
P.O. Box 1059
Brenham, Texas 77834-1059

Dear Mayor Tate & Members of the City Council:

We have appreciated and enjoyed working with the City of Brenham and Washington County, and would appreciate your approval of a request to assign the tax phase-in agreement you currently have with Quest Chemical Corporation to Quest Vapco Corporation and Bellville Holdings LLC.

During the initial process of our company's work with the Economic Development Foundation of Brenham, Quest Chemical Corporation was the entity seeking a new location. When the decision was made to purchase the former Cleaners Hangers Building on Tom Green, we were in the process of consolidating with another company but all involved felt the tax phase-in incentive application should continue under the Quest Chemical Corporation name.

Quest Chemical Corporation was owned by Carl and Beverley Hubble (70%) and Tom Culp (30%).

Tom was planning to retire at the age of 75, so when Quest Chemical Corporation and Garman Corporation of Valley Park, Missouri agreed to a consolidation, Tom decided to retire. The consolidation was completed on December 29, 2010. The new company QuestVapco Corporation will be moving into the building in the fall of 2011. The former owner of Garman, Scott Garner, is an employee and stockholder of QuestVapco (20%). Beverley and I own the rest of the stock.

To purchase the building, Beverley and I formed Bellville Holdings LLC. This company owns the building and has entered into a lease with QuestVapco Corporation.

Bellville Holdings LLC will own the real estate and buildings. QuestVapco Corporation will own the equipment, inventory and employ the personnel operating the Brenham facility.

Thank you for your consideration.

Sincerely,

QuestVapco Corporation

A handwritten signature in black ink, appearing to read "Carl Hubble", is written over a thin, curved line that serves as a separator between the name and the typed name below.

Carl Hubble
CLH:dmc

Houston, TX • St. Louis, MO
P.O. Box 624 • Brenham, TX 77834 • 713.896.8188 • 800.231.0454

PARTIAL ASSIGNMENT AND ASSUMPTION OF AGREEMENTS

(Quest to Bellville Holdings)

This Assignment and Assumption Agreement (this "**Assignment**") is executed by **QUEST CHEMICAL CORPORATION**, a Texas corporation ("**Assignor**"), in favor of **BELLVILLE HOLDINGS, LLC**, a Texas limited liability company ("**Assignee**") to be effective as of the 4th day of August, 2011 (the "**Effective Date**").

WHEREAS, Assignor and the City of Brenham, Texas, a Texas home-rule municipal corporation, of Washington County, Texas ("the "**City**") entered into that certain Agreement for Development and Tax Phase-In In Reinvestment Zone No. 32 City of Brenham for Commercial Tax Phase-In, City of Brenham, Texas, dated effective September 23, 2010 (the "**City Agreement**");

WHEREAS, Assignor and Washington County, Texas ("the "**County**") entered into that certain Agreement for Development and Tax Phase-In In Reinvestment Zone No. 32 Washington County for Commercial Tax Phase-In, Washington County, Texas dated effective September 7, 2011 (the "**County Agreement**");

WHEREAS, the City Agreement and the County Agreement are sometimes collectively referred to herein as the "**Agreements**";

WHEREAS, the subject matter of the Agreements is certain land located at 2001 E. Tom Green Street, Brenham, Texas, as more particularly described in the Agreements (said land being referred to in the Agreements and herein as the "**Premises**");

WHEREAS, Assignee, an affiliate of Assignor, has acquired fee simple title to that portion of the Premises consisting of real property, including, without limitation, the land making up the Premises, together with all buildings, improvements, and related appurtenances constituting, or in the nature of, real property and situated on, or appurtenant to, the land making up the Premises (collectively, all of such items, including the land, being referred to as the "**Real Property**");

WHEREAS, in this regard, Assignor desires to assign to Assignee all right, title and interest in and to the Agreements as the same pertain to the Real Property, and Assignee desires to accept such assignment and to assume all of the duties and obligations of Assignor under the Agreements as the same pertain to the Real Property;

WHEREAS, each of the City and the County, by their signature below, desire to consent to such Assignment;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor and Assignee agree as follows:

1. Assignment. As of the Effective Date, Assignor hereby assigns, sells, transfers, and conveys to Assignee all of Assignor's right, title and interest in and to the Agreements as the same pertain to the Real Property, and Assignee does hereby accept such assignment.

2. Assumption. As of the Effective Date, Assignee expressly agrees to assume and does hereby assume all duties, liabilities and obligations of the Assignor in connection with the Agreements arising from and after the Effective Date as the same pertain to the Real Property.

3. Counterparts. This Assignment may be executed in counterparts, each of which shall be deemed an original, and both of which together shall constitute one and the same instrument.

4. Attorneys' Fees. If any action or proceeding is commenced by either party to enforce its rights under this Assignment, the substantially prevailing party in such action or proceeding shall be awarded all reasonable costs and expenses incurred in such action or proceeding, including reasonable attorneys' fees and costs (including the cost of in-house counsel and appeals), in addition to any other relief awarded by the court.

5. Applicable Law. This Assignment shall be governed by and interpreted in accordance with the laws of the State of Texas. All obligations of the parties created hereunder are performable in Washington County, Texas. In the event of litigation, or other claim or dispute arising out of or involving this Agreement, exclusive venue shall lie in a court of competent jurisdiction in Washington County, Texas.

6. Binding Effect. This Assignment shall be binding upon and inure to the benefit of the parties hereto and their respective transferees, successors, and assigns.

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PARTIAL ASSIGNMENT AND ASSUMPTION OF AGREEMENTS

(Quest to Quest Vapco)

This Partial Assignment and Assumption of Agreements (this "**Assignment**") is executed by **QUEST CHEMICAL CORPORATION**, a Texas corporation ("**Assignor**"), in favor of **QUEST VAPCO CORPORATION**, a Texas corporation ("**Assignee**") to be effective as of the 4th day of August, 2011 (the "**Effective Date**").

RECITALS:

WHEREAS, Assignor and the City of Brenham, Texas, a Texas home-rule municipal corporation, of Washington County, Texas ("the "**City**") entered into that certain Agreement for Development and Tax Phase-In in Reinvestment Zone No. 32 City of Brenham for Commercial Tax Phase-In, City of Brenham, Texas, dated effective September 23, 2010 (the "**City Agreement**");

WHEREAS, Assignor and Washington County, Texas ("the "**County**") entered into that certain Agreement for Development and Tax Phase-In In Reinvestment Zone No. 32 Washington County for Commercial Tax Phase-In, Washington County, Texas, dated effective September 7, 2010 (the "**County Agreement**");

WHEREAS, the City Agreement and the County Agreement are sometimes collectively referred to herein as the "**Agreements**";

WHEREAS, the subject matter of the Agreements is certain land located at 2001 E. Tom Green Street, Brenham, Texas, as more particularly described in the Agreements (said land being referred to in the Agreements and herein as the "**Premises**");

WHEREAS, Assignor, pursuant to a corporate reorganization, has distributed all of its assets and liabilities to Assignee;

WHEREAS, Assignee is leasing the Premises from Bellville Holdings, LLC, the owner of the Premises (and an affiliate of Assignor), and Assignee is operating a business at the Premises;

WHEREAS, in this regard, Assignor desires to assign to Assignee all right, title and interest in and to the Agreements other than as the same pertain to portions of the Premises consisting of real property, and Assignee desires to accept such assignment and to assume all of the duties and obligations of Assignor under the Agreements, other than as the same pertain to portions of the Premises consisting of real property;

WHEREAS, each of the City and the County, by their signature below, desire to consent to such Assignment;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor and Assignee agree as follows:

1. Assignment. As of the Effective Date, Assignor hereby assigns, sells, transfers, and conveys to Assignee all of Assignor's right, title and interest in and to the Agreements other than as the same pertain to portions of the Premises consisting of real property, and Assignee does hereby accept such assignment.

2. Assumption. As of the Effective Date, Assignee expressly agrees to assume and does hereby assume all duties, liabilities and obligations of the Assignor in connection with the Agreements arising from and after the Effective Date, other than as the same pertain to portions of the Premises consisting of real property. For the avoidance of doubt, Assignee expressly assumes the obligations of Assignor pursuant to Section 8 of each of the Agreements.

3. Counterparts. This Assignment may be executed in counterparts, each of which shall be deemed an original, and both of which together shall constitute one and the same instrument.

4. Attorneys' Fees. If any action or proceeding is commenced by either party to enforce its rights under this Assignment, the substantially prevailing party in such action or proceeding shall be awarded all reasonable costs and expenses incurred in such action or proceeding, including reasonable attorneys' fees and costs (including the cost of in-house counsel and appeals), in addition to any other relief awarded by the court.

5. Applicable Law. This Assignment shall be governed by and interpreted in accordance with the laws of the State of Texas. All obligations of the parties created hereunder are performable in Washington County, Texas. In the event of litigation, or other claim or dispute arising out of or involving this Agreement, exclusive venue shall lie in a court of competent jurisdiction in Washington County, Texas.

6. Binding Effect. This Assignment shall be binding upon and inure to the benefit of the parties hereto and their respective transferees, successors, and assigns.

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CERTIFICATE OF MERGER AND INTEREST EXCHANGE
COMBINATION MERGER
BUSINESS ORGANIZATIONS CODE

Parties to the Merger

Pursuant to Chapter 10 of the Texas Business Organizations Code, and the title applicable to each domestic filing entity identified below, the undersigned parties submit this Certificate of Merger and Interest Exchange.

The name, organizational form, state of incorporation or organizations, and file number, if any, issued by the secretary of state for each organization that is a party to the merger are as follows:

Party 1: **Quest Chemical Corporation.** Quest Chemical Corporation is organized under the laws of the State of Texas, USA. The file number is 63231600. Its principal place of business is 12255 FM 529, Northwoods Industrial Park, Houston, TX 77041. The organization will survive the merger.

Party 2: **QVHC Holdings, Inc.** QVHC Holdings, Inc. is organized under the laws of the State of Texas, USA. The file number is 801213973. Its principal place of business is 12255 FM 529, Northwoods Industrial Park, Houston, TX 77041. The organization will survive the merger.

Party 3. **QuestVapco Corporation.** QuestVapco Corporation is organized under the laws of the State of Texas, USA. The file number 801213978. Its principal place of business is 12255 FM 529, Northwoods Industrial Park, Houston, TX 77041. The organization will survive the merger.

Party 4. **Garner Holdings, Inc.** Garner Holdings, Inc, is organized under the laws of the State of Missouri, USA. The charter number is 00080552. Its principal place of business is 401 Marshall Road, Valley Park, MO 63088. The organization will not survive the merger.

Party 5. **Garman Company, Incorporated.** Garman Company, Incorporated is organized under the laws of the State of Missouri, USA. The charter number is 00488608. Its principal place of business is 401 Marshall Road, Valley Park, MO 63088. The organization will not survive the merger.

Plan of Merger and Alternative Statements

In lieu of providing the plan of merger, each domestic filing entity certifies that:

1. A signed plan of merger is on file at the principal place of business of each surviving, acquiring, or new domestic entity or non-code organization that is named in this form as a party to the merger or an organization created by the merger.

2 On written request, a copy of the plan of merger will be furnished without cost by each surviving, acquiring, or new domestic entity or non-code organization to any owner or member of any domestic entity that is a party to or created by the plan of merger and, if the certificate of merger identifies multiple surviving domestic entities or non-code organizations, to any creditor or obligee of the parties to the merger at the time of the merger if a liability or obligation is then outstanding.

Amendments to the Certificate of Formation

1. The Certificate of Formation of Quest Chemical Corporation (Party 1) will remain unamended.

2. The Certificate of Formation of QVHC Holdings, Inc. (Party 2) will be amended as follows:

(a) the registered agent shall be Carl Hubble;

(b) the registered address shall be 12255 FM 529, Northwoods Industrial Park, Houston, Texas 77041;

(c) the principal office shall be 12255 FM 529, Northwoods Industrial Park, Houston, Texas 77041.

3. The Certificate of Formation of QuestVapco Corporation will be amended as follows:

(a) the registered agent shall be Carl Hubble;

(b) the registered address shall be 12255 FM 529, Northwoods Industrial Park, Houston, Texas 77041;

(c) the principal office shall be 12255 FM 529, Northwoods Industrial Park, Houston, Texas 77041.

4. No new organizations will be created by the merger.

Approval of the Plan of Merger

The plan of merger has been approved as required by the laws of the jurisdiction of formation of each organization that is a party to the merger and by the governing documents of those organizations.

Effectiveness of Filing

This document becomes effective December 31, 2010.

Tax Certificate

In lieu of providing the tax certificate, one or more of the surviving, acquiring or newly created organizations will be liable for the payment of the required franchise taxes.

Execution

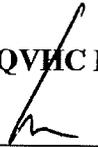
The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument. The undersigned certifies that the statements contained herein are true and correct, and that the person signing is authorized under the provisions of the Business Organizations Code, or other law applicable to and governing the merging entity, to execute the filing instrument.

DATED: DECEMBER 29, 2010.

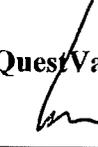
Party 1: Quest Chemical Corporation

by: 
Carl Hubble, President

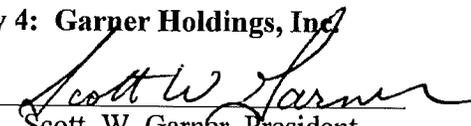
Party 2: QVIC Holdings, Inc.

by: 
Carl Hubble, President

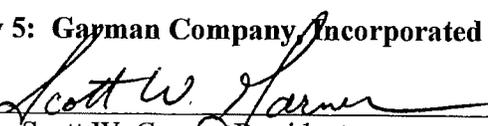
Party 3: Quest Vapco Corporation

by: 
Carl Hubble, President

Party 4: Garner Holdings, Inc.

by: 
Scott W. Garner, President

Party 5: Garman Company, Incorporated

by: 
Scott W. Garner, President



AGENDA FORM

DATE OF MEETING: August 4, 2011	DATE SUBMITTED: July 28, 2011	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Terry Roberts	
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 checked="" type="checkbox"/> RESOLUTION
<input type="checkbox"/> WORK SESSION		
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-11-009 Approving Participation in the Brazos Valley/Washington County HOME Consortium and Authorizing the Mayor to Execute an Interlocal Agreement with Brazos Valley/Washington County HOME Consortium		
SUMMARY STATEMENT: The City of Brenham has been a participant in this program since 2003; the last renewal was done in June 2010 for a three (3) year qualification period beginning on October 1, 2010. At the time the consortia was trying to change the lead entity to Burleson County from Washington County to alleviate a new judge from assuming the responsibility. Unfortunately HUD did not accept the transfer but is allowing the consortia to renew under Washington County again but has required new agreements be executed. Each participating entity would need to agree to the execution of a three year agreement as well as provide a resolution to give the authority of the elected official to sign the agreement. These funds have been used in the past to fund the construction of homes with Brenham High School, aid families with down payment assistance and home repair.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Resolution No. R-11-009; and (2) Interlocal Cooperation Agreement for the HOME Consortium		
FUNDING SOURCE (Where Applicable): Grant funding; no City funding required.		
RECOMMENDED ACTION: Approve Resolution No. R-11-009 approving participation in the Brazos Valley/Washington County HOME Consortium and authorizing the mayor to execute an interlocal agreement with Brazos Valley/Washington County HOME Consortium		
APPROVALS: Terry Roberts		

RESOLUTION NO. R-11-009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS APPROVING PARTICIPATION IN THE BRAZOS VALLEY/WASHINGTON COUNTY HOME CONSORTIUM AND AUTHORIZING THE EXECUTION OF THE INTER-LOCAL COOPERATION AGREEMENT

WHEREAS, The National Affordable Housing Act of 1990, as amended, created the HOME Investment Partnership Program; and

WHEREAS, the Act provides that units of general local governments that are geographically contiguous may form a consortium for the purpose of qualifying for a HOME formula grant allocation; and

WHEREAS, the City of Brenham, Texas, desires to enter into a legally binding Cooperation Agreement with other eligible contiguous local governments in the Brazos Valley Council of Governments jurisdiction and surrounding region; and

WHEREAS, Washington County has agreed to serve as Lead Entity and contract with the Brazos Valley Council of Governments (BVCOG) to serve as Program Administrator to serve the multi county region of the Consortium.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Brenham, Texas approves the participation of the City of Brenham, Texas, in the Washington County HOME Consortium; and

BE IT FURTHER RESOLVED that the City Council of Brenham, Texas authorizes the Mayor to execute the HOME Consortium Inter-Local Cooperation Agreement as presented with automatic renewal provisions for successive qualification periods.

ADOPTED this ____ day of _____, 2011.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

Washington County HOME Consortium
a.k.a
Brazos Valley HOME Consortium
a.k.a.
Greater East Texas HOME Consortium

Inter-Local Cooperation Agreement

WHEREAS, the National Affordable Housing Act of 1990, as amended, authorized the HOME Investment Partnership Program; and

WHEREAS, the HOME Investment Partnership Program authorizes the U. S. Department of Housing and Urban Development to allocate funds by formula among eligible states and local governments to provide affordable housing; and

WHEREAS, the National Affordable Housing Act of 1990, as amended, provides that units of local governments that are geographically contiguous may form a consortium for the purpose of receiving a funding allocation as a participating jurisdiction in the HOME Investment Partnership Program; and

WHEREAS, the authority granted through the Interlocal Cooperation Act, Texas Government Code, Chapter 791 permits local units of government to contract with other localities to perform any service or activity for which they are authorized to perform by law and to cooperate with other localities on a basis of mutual advantage;

NOW, THEREFORE, the parties identified below mutually agree as follows:

1. To continue participating as a member of the HOME Consortium established in 2002 for the purpose of qualifying as a participating jurisdiction for receipt of federal funds through the HOME Investment Partnership Program.
2. The parties agree to cooperate to undertake or to assist in undertaking affordable housing activities for the HOME Program.
3. Washington County shall continue in the role of Lead Entity and shall contract with the Brazos Valley Council of Governments (BVCOG) to serve as Program Administrator and act in a representative capacity for all member units of general local government and both entities shall assume overall responsibility for ensuring that the Consortium's HOME Program is carried out in compliance with federal rules, regulations and requirements of the HOME Program, including requirements concerning a Consolidated Plan.
4. The parties agree to affirmatively further fair housing.

5. The parties agree that the term of this agreement shall be that period of time necessary to do and perform all activities that will be funded from HOME funds awarded for the period of three Federal fiscal years commencing with the Federal Fiscal Year beginning October 1, 2012 and all parties are prohibited from withdrawing from the Cooperation Agreement during said period and until HOME funds from each of the Federal fiscal years of the agreement's specified qualification period, and each successive qualification period for which the agreement is renewed, are expended on eligible activities.
6. The members of the Consortium will not be required to provide matching funds for the proposed programs unless approved by the jurisdiction's authorizing public body. However, each participating unit of government agrees to assist the Consortium in identifying eligible matching funds when available.
7. The Consortium and participating members' program year are the same for CDBG, HOME, ESG, and HOPWA Programs.
8. This agreement shall automatically be renewed for the Consortium's participation in successive qualification periods of three Federal fiscal years each. No later than the date specified by HUD's consortia designation notice or HOME Consortia web page, the Program Administrator or Lead Entity shall notify each Consortium Member in writing of its right to decide not to participate in the Consortium for the next qualification period and the Lead Entity shall send a copy of each notification to the HUD Field Office.

If a Consortium Member decides not to participate in the Consortium for the next qualification period, the Consortium Member shall notify the Lead Entity and the Lead Entity shall notify the HUD Field Office, before the beginning of the new qualification period.

Before the beginning of each new qualification period, the Lead Entity shall submit to the HUD Field Office a statement of whether or not any amendments have been made to this agreement, a copy of each amendment to this agreement, and, if the Consortium's membership has changed, the state certification required under 24 C.F.R. § 92.101(a)(2)(i).

The automatic renewal of the agreement will be void if: Program Administrator or the Lead Entity fails to notify a Consortium member or the HUD field office as required under this automatic renewal provision; a new Consortium member is added for the first year of a new qualification period; or the Lead Entity fails to submit a copy of each amendment to this agreement as required under this automatic renewal provision.

9. The Consortium will adopt any amendment to the agreement incorporating changes necessary to meet the requirements for cooperative agreements set forth in a HUD issued Consortia Qualification Notice applicable for a subsequent three-year Consortia qualification period and the Program Administrator and Lead Entity are authorized to make other modifications as needed to aid in the efficient and affective administration of programs to be funded under this agreement. Notice of any such amendment will be provided in writing to each member government of the Consortium.

10. In the event new members wish to join the HOME Consortium during the initial or subsequent three year qualification period, other than the first year of a three year qualification period, the County Judge of the Lead Entity or the Executive Director of the Brazos Valley Council of Governments may amend this inter local cooperation agreement to accommodate the new members and will provide notice in writing to all existing members of such changes.

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one and the same instrument.

In witness whereof, the parties hereto have caused this Inter-Local Cooperation Agreement to be executed by their duly authorized officers.

CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS

Date

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



AGENDA FORM

DATE OF MEETING: August 4, 2011	DATE SUBMITTED: July 26, 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 checked="" type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
<input type="checkbox"/> WORK SESSION		
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Ordinance No. O-11-012 on its Second Reading Adopting a Final Redistricting Plan and Authorizing Legal Counsel to Seek Voting Rights Act – Section 5 Preclearance of the Adopted Plan		
SUMMARY STATEMENT: The Illustrative Plan was adopted by Council on June 16 th and presented for public comments on July 7 th . There were no citizen comments heard during the Public Hearing; therefore, this Ordinance was presented and approved on first reading at the July 21 st council meeting. If this ordinance is approved on second reading, the Illustrative Plan will become the Final Redistricting Plan and will be submitted to the Department of Justice for their approval.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Ordinance No. O-11-012 (with Exhibit “A” and “B” as attachments)		
FUNDING SOURCE (Where Applicable): N/A		
RECOMMENDED ACTION: Approve Ordinance No. O-11-012 on its second reading adopting a final redistricting plan and authorizing legal counsel to seek Voting Rights Act – Section 5 Preclearance of the adopted plan		
APPROVALS: Terry Roberts		

ORDINANCE NO. O-11-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, APPROVING THE REDISTRICTING OF THE CITY'S COUNCIL WARDS AND ESTABLISHING NEW WARD BOUNDARY LINES BASED ON 2010 CENSUS DATA FOR BRENHAM CITY COUNCIL ELECTIONS; DIRECTING THE CITY'S REDISTRICTING CONSULTANT TO SUBMIT THE ADOPTED PLAN FOR PRECLEARANCE UNDER SECTION 5 OF THE FEDERAL VOTING RIGHTS ACT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the results of the 2010 Federal Census have been considered and indicate that the City of Brenham's council wards are sufficiently out of population balance to require redistricting in order to comply with the "one-person, one-vote" (equal population) principle established by the U.S. Constitution; and

WHEREAS, the City of Brenham ("City") engaged the law firm of Bickerstaff Heath Delgado Acosta LLP to act as the City's redistricting consultant, including advising and assisting the City Council in preparation of a new redistricting plan in compliance with applicable requirements of state and federal law; and

WHEREAS, on April 21, 2011, the City Council adopted redistricting criteria to assist the City and the public in developing redistricting plans which comply with applicable federal and state laws, and the adopted redistricting criteria were applied in the development of the City's new redistricting plan; and

WHEREAS, on April 21, 2011, the City Council also adopted redistricting guidelines regarding the submission of comments and proposed plans by the public, to ensure the ability of the City to timely receive and adequately consider them; and

WHEREAS, during the redistricting process the City provided notice to the public of its proposed discussions and development of a redistricting plan through meeting agendas posted in compliance with the Texas Open Meetings Act including posting on the City's website; notices on the City's website including notices of the public hearing; and publication of newspaper notices regarding public hearings; and

WHEREAS, the City Council considered the proposed redistricting plan at a City Council meeting on June 16, 2011, and at a public hearing held on July 7, 2011, and has considered reports from the City's redistricting consultant, and various proposed plans regarding the appropriate reconfiguration of the City's council wards; and

WHEREAS, the City Council finds that the attached council ward redistricting plan is in the best interest of the citizens of the City, complies with the adopted redistricting criteria, and is believed to comply with all state and federal requirements, including requirements for preclearance under Section 5 of the federal Voting Rights Act;

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

A. That the existing council ward boundary lines for the City of Brenham are hereby amended, and the new districting plan depicted on the map attached hereto as **Exhibit A**, denominated Illustrative Plan 1, defining new wards, as such new wards are further described in the tables attached hereto as **Exhibit B** reporting populations and demographic statistics for each such new ward, is hereby adopted and designated to define the City's four (4) council wards from and after the Effective Date; that **Exhibits A and B** are incorporated by reference in and made a part of this ORDINANCE, and shall be kept on file in the City Secretary's Office; and, further, that the City's redistricting consultant is hereby authorized and directed to submit the adopted plan to the United States Department of Justice for preclearance under the Section 5 of the Voting Rights Act.

B. That this ORDINANCE shall take and be given effect immediately upon preclearance of the adopted plan under Section 5 of the Voting Rights Act; and that thereafter all Brenham City Council elections shall be held under and in accordance with the new ward districting plan here adopted by the City Council and precleared by the Department of Justice, until such time as a subsequent lawfully-enacted districting plan shall be adopted to replace this plan and has been precleared under Section 5 or its successor statute, as applicable.

PASSED AND APPROVED on its first reading this the ____ day of _____, 2011.

PASSED AND APPROVED on its second reading this ____ day of _____, 2011.

CITY OF BRENHAM, TEXAS

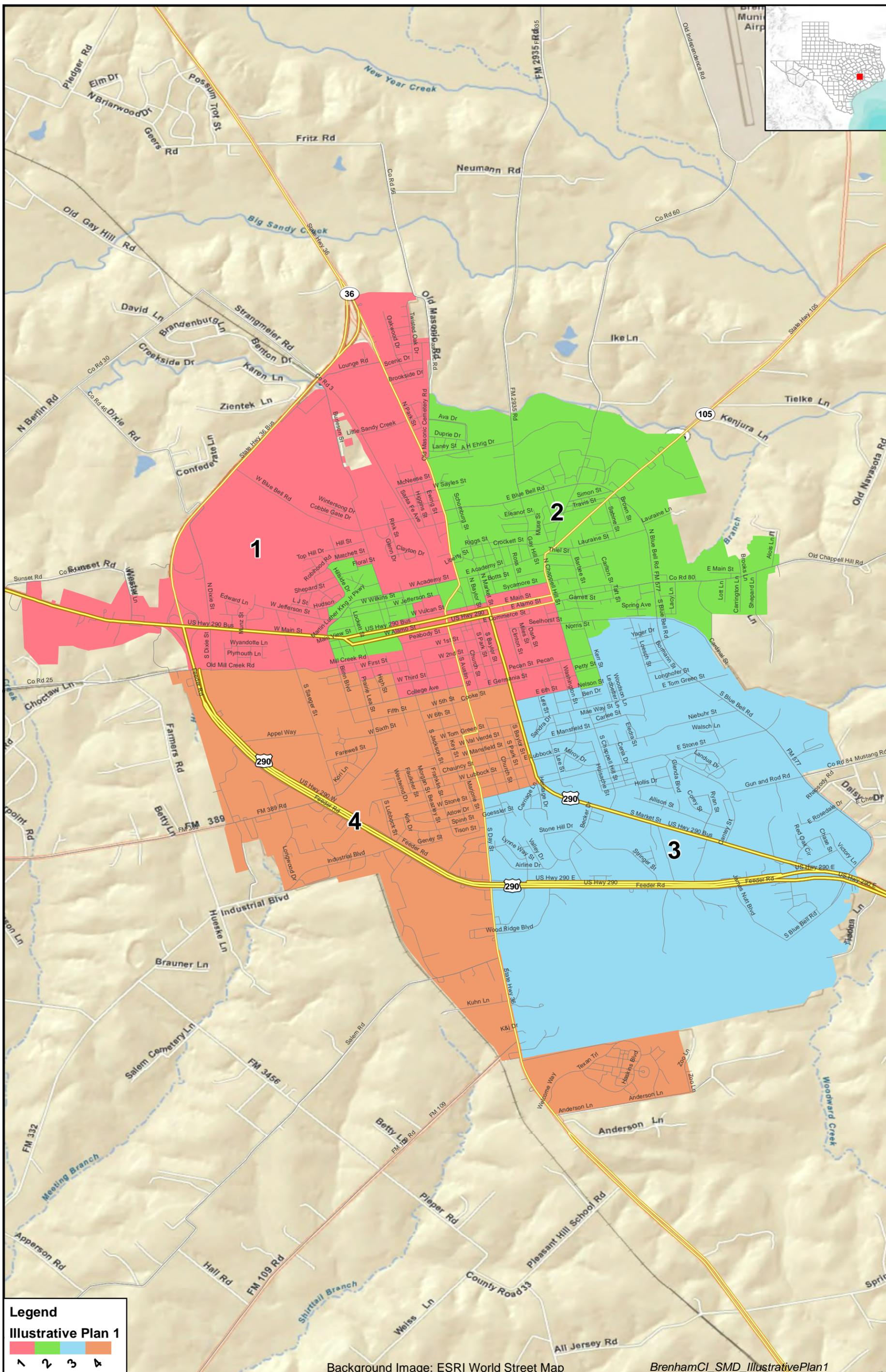
Hon. Milton Y. Tate, Jr.
MAYOR

ATTEST:

Hon. Jeana Bellinger
CITY SECRETARY

APPROVED AS TO FORM:

Cary Bovey
CITY ATTORNEY



Legend

Illustrative Plan 1

1 2 3 4

Background Image: ESRI World Street Map

BrenhamCI_SMD_IllustrativePlan1

0 0.35 0.7 1.4 Miles

Coordinate System: GCS North American 1983;
Datum: North American 1983; Created:7/21/2011

City of Brenham
City Council Wards
Illustrative Plan 1

© 2011 Bickerstaff Heath Delgado Acosta LLP
Data Source: Roads, Water and other features obtained from the 2010 Tiger/line files, U.S. Census Bureau



City of Brenham

Illustrative Plan 1

2010 Census Total and Voting Age Population

District	Persons	Deviation	Hispanic % of Total Population	Non-Hispanic Anglo % of Total Population	Non-Hispanic Black % of Total Population	Non-Hispanic Asian % of Total Population	Non-Hispanic Other % of Total Population
1	3,906	-0.59%	17.00%	59.88%	17.82%	3.71%	1.59%
2	3,893	-0.92%	19.50%	31.54%	47.34%	0.54%	1.08%
3	4,028	2.52%	8.44%	78.13%	10.55%	1.66%	1.22%
4	3,889	-1.02%	16.30%	63.56%	17.79%	1.13%	1.21%
Totals	15,716		15.25%	58.45%	23.26%	1.76%	1.27%

Ideal Size = $15,716 / 4 = 3,929$ per district.

Total Maximum Deviation = $2.52\% - (-1.02\%) = 3.54\%$

Some percentages may be subject to rounding error.

District	Total VAP*		Hispanic % of Total VAP	Non-Hispanic Anglo % of Total VAP	Non-Hispanic Black % of Total VAP	Non-Hispanic Asian % of Total VAP	Non-Hispanic Other % of Total VAP
1	2,897		13.81%	65.48%	15.84%	3.69%	1.17%
2	2,896		16.92%	35.43%	46.48%	0.55%	0.62%
3	3,193		6.30%	83.06%	8.08%	1.63%	0.94%
4	3,250		13.26%	66.00%	18.37%	1.20%	1.17%
Totals	12,236		12.44%	63.09%	21.74%	1.75%	0.98%

*Voting Age Population

Some percentages may be subject to rounding error.

City of Brenham Illustrative Plan 1

2010 Census Total and Voting Age Population

District	Persons	Ideal Size	Deviation	Hispanic	% of Total Hispanic Population	Anglo	% of Total Anglo Population	Black	% of Total Black Population	American Indian	% of Total American Indian Population	Asian	% of Total Asian Population	Hawaiian-Pacific Islander	% of Total Hawaiian-Pacific Islander Population	Other	% of Total Other Population	Two or More	% of Total Two or More Population
1	3,906	3,929	-0.59%	664	17.00%	2,339	59.88%	696	17.82%	9	0.23%	145	3.71%	0	0.00%	8	0.20%	45	1.15%
2	3,893	3,929	-0.92%	759	19.50%	1,228	31.54%	1,843	47.34%	5	0.13%	21	0.54%	0	0.00%	3	0.08%	34	0.87%
3	4,028	3,929	2.52%	340	8.44%	3,147	78.13%	425	10.55%	7	0.17%	67	1.66%	5	0.12%	7	0.17%	30	0.74%
4	3,889	3,929	-1.02%	634	16.30%	2,472	63.56%	692	17.79%	6	0.15%	44	1.13%	1	0.03%	3	0.08%	37	0.95%
Totals	15,716			2,397	15.25%	9,186	58.45%	3,656	23.26%	27	0.17%	277	1.76%	6	0.04%	21	0.13%	146	0.93%

Ideal Size = 15,716 / 4 = 3,929 per district.

Some percentages may be subject to rounding error.

District	Total VAP*	Hispanic VAP	% of Total Hispanic VAP	Anglo VAP	% of Total Anglo VAP	Black VAP	% of Total Black VAP	American Indian VAP	% of Total American Indian VAP	Asian VAP	% of Total Asian VAP	Hawaiian-Pacific Islander VAP	% of Total Hawaiian-Pacific Islander VAP	Other VAP	% of Total Other VAP	Two or More VAP	% of Total Two or More VAP
1	2,897	400	13.81%	1,897	65.48%	459	15.84%	8	0.28%	107	3.69%	0	0.00%	4	0.14%	22	0.76%
2	2,896	490	16.92%	1,026	35.43%	1,346	46.48%	2	0.07%	16	0.55%	0	0.00%	1	0.03%	15	0.52%
3	3,193	201	6.30%	2,652	83.06%	258	8.08%	5	0.16%	52	1.63%	4	0.13%	3	0.09%	18	0.56%
4	3,250	431	13.26%	2,145	66.00%	597	18.37%	6	0.18%	39	1.20%	1	0.03%	1	0.03%	30	0.92%
Totals	12,236	1,522	12.44%	7,720	63.09%	2,660	21.74%	21	0.17%	214	1.75%	5	0.04%	9	0.07%	85	0.69%

*Voting Age Population

Some percentages may be subject to rounding error.



AGENDA FORM

DATE OF MEETING: August 4, 2011	DATE SUBMITTED: July 29, 2011	
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Doug Baker	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Ordinance No. O-11-013 on Its Second Reading Authorizing the Closure of the Railroad Crossing on Vulcan Street at its Intersection with BNSF Railway between North Austin Parkway and North Austin Street		
SUMMARY STATEMENT: On its first reading, this ordinance was adopted contingent upon a reimbursement of \$25,000 from BNSF in exchange for the closure of the crossing. As of this date I have not heard from BNSF. I recommend approving the ordinance on its second reading with the contingency provision.		
As I said in my previous memo, we still qualify for a quiet zone without the closure of Vulcan Street. I think we should proceed with the implementation of the quiet zone without the inclusion of the Vulcan Street closure in the equation. However, I also think we should proceed with the steps necessary for the closure of the Vulcan Street crossing. This can be done concurrently with the implementation of the quiet zone. A three party closure agreement (the City of Brenham, BNSF, and TxDot) will be necessary. The time required for all parties to execute the agreement could take 60 days. All work required for the closure (construct concrete curb and gutter, remove asphalt pavement, erect barricades) cannot begin until after the agreement is executed. If we wait until all this is completed before submitting the Notice Of Establishment, the horns may not stop blowing until November or December. If we all agree on this approach, the approval of the Notice of Establishment will be on the August 18 th agenda.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Ordinance No. O-11-013		
FUNDING SOURCE (Where Applicable):		

RECOMMENDED ACTION: Approve Ordinance No. O-11-013 on its second reading authorizing the closure of the railroad crossing on Vulcan Street at its intersection with BNSF Railway between North Austin Parkway and North Austin Street contingent upon a cash reimbursement, for an amount no less than \$25,000, from BNSF to the City of Brenham.

APPROVALS: Terry Roberts

ORDINANCE NO. O-11-013

AN ORDINANCE PROVIDING FOR CLOSING OF THE VULCAN STREET BNSF RAILROAD CROSSING TO ESTABLISH A QUIET ZONE; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH CLOSURE; AUTHORIZING THE MAYOR TO EXECUTE ANY DOCUMENTS NECESSARY TO CLOSE THE VULCAN STREET RAILROAD CROSSING.

WHEREAS, the silencing of the train horns within the corporate limits of the City of Brenham, Texas will improve the quality of life for the citizens of Brenham; and

WHEREAS, the train horns can be silenced by the establishment of a Railroad Quiet Zone; and

WHEREAS, certain safety measures must be taken in accordance with federal law and regulations governing the establishment of a Railroad Quiet Zone; and

WHEREAS, Vulcan Street is divided into two sections by the Burlington Northern Santa Fe Railroad (BNSF); and

WHEREAS, the City Council of the City of Brenham hereby finds that the closing of the Vulcan Street BNSF Railroad Crossing is in the best interest of the citizens of Brenham promotes the health, safety and general welfare;

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

SECTION 1: That the Vulcan Street BNSF Railroad Crossing be and the same is hereby closed and shall no longer be used by the public as a thoroughfare for vehicles or pedestrians.

SECTION 2: That this Ordinance does not release or convey any right, title or interest in or to any portion of Vulcan Street. The City of Brenham retains and reserves all right, title and interest in Vulcan Street.

SECTION 3: That the City Council does hereby authorize the City Manager or his designee to take any appropriate action to close the Vulcan Street BNSF Railroad Crossing to establish a Railroad Quiet Zone, and further does hereby authorize the Mayor to execute any and all documents necessary to close the Vulcan Street BNSF Railroad Crossing as authorized by this Ordinance.

SECTION 4: That all ordinances that are in conflict with the provisions of this Ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5: Should any paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 6: This Ordinance shall take effect immediately from and after its passage and publication as required by law; however, notwithstanding any other provisions herein, this Ordinance shall not be effective unless BNSF provides a cash reimbursement to the City of Brenham in exchange for the closing of the Vulcan Street BNSF Railroad Crossing in an amount not less than \$25,000

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: August 4, 2011		DATE SUBMITTED: July 29, 2011	
DEPT. OF ORIGIN: Finance		SUBMITTED BY: Debbie Gaffey	
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 Proposal to Adopt a Tax Rate of \$0.5432 per \$100 Valuation for the 2011 Tax Year, Take Record Vote and Set the Public Hearings on the Proposed Tax Rate in Accordance with State Law			
SUMMARY STATEMENT: See separate memo from Budget Officer on this item.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS:			
B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: (1) Memo from Budget Officer			
FUNDING SOURCE (Where Applicable):			
RECOMMENDED ACTION: See wording for motion on separate memo from Budget Officer			
APPROVALS: Carolyn D. Miller			



MEMORANDUM

To: Mayor, Council and City Manager

From: Debbie Gaffey, Budget Officer

Subject: Discuss Proposed Property Tax Rate

Date: August 4, 2011

During the week of July 18, 2011, Council Budget Workshops were held to review and finalize the proposed FY2011-12 budget. As discussed, we will be increasing the property tax rate to fund transportation projects for Hwy 290 improvements and City streets. A tax rate of \$0.5432 per \$100 valuation will be necessary to fund the FY2011-12 Budget. Of this rate, \$0.3420 will be for maintenance and operations, which is the same M&O rate that the City has maintained for four consecutive fiscal years including FY2011-12. The balance for debt service (interest and sinking) is being increased by \$0.0390 from \$0.1622 to \$0.2012 to cover the transportation projects mentioned above.

The Washington County Appraisal District has certified taxable values of \$998,947,118 for the 2011 Tax Year. This represents a 2.36% increase in total taxable values of \$23,554,116 over the 2010 (adjusted) values, which is a combination of a .3% decrease in property values offset by an increase of 2.68% of new properties and improvements. Specific amounts are noted below:

- \$26,167,485 new properties and new improvements
- (\$2,613,369) decreased property values;

Although the proposed budget maintains the current M&O tax rate of \$0.3420, the increase in property values will generate additional tax revenue over the current year. The tax levy for maintenance and operations is projected to increase \$78,944.

In accordance with the Tax Code, Council must now take a **RECORD VOTE** to place a proposal to adopt the proposed property tax rate on the agendas of future meetings. At this time, Council must also schedule two public hearings on the proposed tax rate. A separate public hearing on the proposed budget will be held during the regular Council Meeting on September 15, 2011.

Enacted in 2009, HB 2291 provides the specific motion to be made for the record vote on the proposed tax rate. Since the proposed tax rate of \$0.5432 per \$100 valuation is above the effective tax rate of \$0.5048 and will produce higher revenues, this necessitates that the motion for the record vote be made as follows:

“Propose to place a proposal to adopt a property tax rate of \$0.5432 per \$100 valuation on the agendas of the September 15, 2011 and September 22, 2011 meetings and to schedule public hearings on the proposed tax rate for August 18, 2011 and September 1, 2011.”