



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

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

Jeana Bellinger	Administration	5 Years
Stacy Hardy	Finance	5 Years
Kevin Post	Water Treatment	5 Years
Florence Bentke	Finance	15 Years
- 4. Proclamations**
 - **American Indian Heritage Month**
 - **Pancreatic Cancer Awareness Month**
 - **History of Hermann Furniture – 135 Years**
- 5. Citizens Comments**

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CONSENT AGENDA

6. 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.

6-a. Minutes from the October 20, 2011 Council Meeting

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6-b. Second Reading of Ordinance No. O-11-018 Providing for Taxation of Goods-in-Transit that are Otherwise Exempted from Taxation by Texas Tax Code Section 11.253

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REGULAR AGENDA

- 7. Discuss and Possibly Act Upon Ordinance No. O-11-019 on its Second Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas; Amending the Official Zoning Map to Change Property Currently Zoned as R-1, Single-Family Residential District to B-1, Local Business/Residential Mixed Use District Located At or Near the 1600 Block of Longhofer Street (Vacant Lot) with a Legal Description Being Altman’s Subdivision, Lot 4, 0.254 Acres to Construct a Professional Office on this Property**

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- 8. Discuss and Possibly Act Upon Ordinance No. O-11-020 on its Second Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas; Amending the Official Zoning Map to Allow a Specific Use Permit at 1404 North Park Street (Legal Description Being O’Malley Subdivision, Section 1, Lot 1-B), for the Operation of a Full Service Car Wash, Car Detail, and Lube Center**

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- 9. Discuss and Possibly Act Upon Ordinance No. O-11-021 on its Second Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas to Provide for Sexually Oriented Businesses as Specific Uses in I – Industrial Districts, in Accordance with the Specific Use Permit Approval Process and Chapter 16, Brenham Code of Ordinances Regulating Occupational Licenses and Business Regulations**

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- 10. Discuss and Possibly Act Upon Ordinance No. O-11-022 on its Second Reading Amending Chapter 16, Occupational Licenses and Business Regulation, of the City of Brenham’s Code of Ordinances to Provide for the Regulation of Sexually Oriented Businesses within the City Limits**

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- 11. Discuss and Possibly Act Upon Resolution No. R–11-020 Reauthorizing an Investment Policy for the City of Brenham**

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- 12. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending the FY2010-11 Adopted Budget**

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- 13. Discuss and Possibly Act Upon Resolution No. R-11-021 Authorizing Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 2011 Christmas Stroll to be Held on Friday, December 2, 2011**

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- 14. Discuss and Possibly Act Upon Final Payment to Glasco & Co. Landscaping, Inc. for Work at Toubin Park and Authorize the Mayor to Execute any Necessary Documentation**

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15. **Discuss and Possibly Act Upon Bid No. 11-017 for Hohlt Park Restrooms Located Near the Dr. Bobbie M. Dietrich Memorial Amphitheater and Authorize the Mayor to Execute any Necessary Documentation** Page 90 - 94
16. **Discuss and Possibly Act Upon Recommendation for Self-Insured Medical Funding Rates for Calendar Year 2012 for the Group Health Plan Effective January 1, 2012 and Authorize the Mayor to Execute any Necessary Documentation** Page 95 - 98
17. **Discuss and Possibly Act Upon the 2012 Holiday Schedule** Page 99 - 100
18. **Discuss and Possibly Act Upon Ratification of a BVWACS/BVCOG Contract Amendment with Motorola Solutions, Inc. for Additional Infrastructure Equipment and Services and Authorize the Mayor to Execute any Necessary Documentation** Page 101

EXECUTIVE SESSION

19. **Texas Government Code Section 551.072 – Deliberation Regarding Real Property – Discussion Regarding Potential New Park Land** Page 102
20. **Texas Government Code Section 551.072 – Deliberation Regarding Real Property – Discuss and Consider the Acquisition of Property for the Handley Street Extension Segment of the U.S. Hwy 290 Project** Page 103

RE-OPEN REGULAR AGENDA

21. **Discuss and Possibly Act Upon Resolution No. R-11-022 Determining the Public Need and Necessity for the Acquisition of Certain Real Property for the Public Uses of Construction, Widening, Improvements, Use, Repair, and Maintenance of Street Improvements as Part of the Handley Street Extension Segment of the U.S. Hwy 290 Project, Authorizing the City Manager to Agree on Amounts to be Paid to the Property Owner(s) as Compensation for Said Property, and Authorizing the City Attorney to Institute Condemnation Proceedings, (Use of Eminent Domain), If Necessary, to Acquire Said Property situated in the City of Brenham, Washington County, Texas out of the Isaac Lee Survey A-77 Owned by J.R. Enterprises** Page 104 - 107

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.

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

Tammy Cook, Deputy City Secretary

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

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

Signature

Title

PROCLAMATION

WHEREAS, National American Indian Heritage Month was established to honor and recognize the original peoples of this land; and

WHEREAS, Throughout our history, American Indian and Alaska Native peoples have been an integral part of the American character; they have endured against all odds and remain a vital presence; and

WHEREAS, The American Indian people have brought to this country certain values and ideas that have become ingrained in the American spirit, including the knowledge that humans can thrive and prosper without destroying the natural environment and that it takes people from different and diverse backgrounds to build a great country; and

WHEREAS, It is right and just for the City Council and the residents of Brenham to join together to recognize the contributions made to this nation by the American Indian people and to celebrate American Indian Heritage Month

Now, THEREFORE I, Milton Y. Tate Jr., Mayor of the City of Brenham, Texas do Hereby Proclaim the month of November 2011 as

American Indian Heritage Month

In Witness, Whereof, I have set my hand and affixed the Seal of Brenham.

Milton Y. Tate Jr., Mayor
City of Brenham

PROCLAMATION

- WHEREAS,** In 2011, an estimated 44,000 people will be diagnosed with pancreatic cancer in the United States and over 37,000 will die from the disease; and
- WHEREAS,** Pancreatic cancer is one of the deadliest cancers and is the fourth leading cause of cancer deaths in this country; there is no cure nor have there been any significant improvements in survival rates in the last 40 years; and
- WHEREAS,** Pancreatic cancer research constitutes only approximately two percent of the National Cancer Institute's federal research funding; the Pancreatic Cancer Action Network is focusing its efforts on research funding, patient services and public awareness programs; and
- WHEREAS,** It is right and just for the City Council and the residents of Brenham to join together with the Pancreatic Cancer Action Network to search for a cure to this and all cancers;

Now, THEREFORE I, Milton Y. Tate Jr., Mayor of the City of Brenham, Texas do Hereby Proclaim November, 2011 as

PANCREATIC CANCER AWARENESS MONTH

In Witness, Whereof, I have set my hand and affixed the Seal of Brenham.

Milton Y. Tate Jr., Mayor
City of Brenham

PROCLAMATION

WHEREAS, The Hermann Family is celebrating a milestone this year, marking their 135th anniversary living the American dream and operating G. Hermann Furniture; and

WHEREAS, Five generations ago, Gottlieb Hermann, a German immigrant, moved to Washington County where he earned his citizenship and became a Texan; and

WHEREAS, Using skills he learned in the old country, he perfected his trade and in 1876 opened Hermann Furniture; he believed in the importance of customer service, a belief the Hermann Family hold to this day; and

WHEREAS, Hermann Furniture is located in the same downtown building today in which it started, although through the family's diligence and hard work, the company has expanded; and

WHEREAS, Through the efforts of all the Hermann family, including John, the fourth generation and Jennifer, the fifth generation to operate the business, Hermann Furniture continues to be an integral part of Brenham's history and future; and

WHEREAS, It is right and just for the City Council and the residents of Brenham to join together to commend the Hermann Family for their commitment to this community and each other; and to applaud them for this remarkable achievement;

Now, THEREFORE I, Milton Y. Tate Jr., Mayor of the City of Brenham, Texas do Hereby Proclaim Thursday, November 3, 2011 as

Hermann Family Day

In Witness, Whereof, I have set my hand and affixed the Seal of Brenham.

Milton Y. Tate Jr., Mayor
City of Brenham

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on October 20, 2011 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

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

Members Absent:

Councilmember Keith Herring

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Chief Financial Officer Carolyn Miller, Stacy Hardy, Adam Griffin, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Public Works Director Doug Baker, Kim Hodde, Leslie Kelm, Allen Jacobs, Casey Redman, Public Works Director Lowell Ogle, Assistant Public Utilities Director Dane Rau, Jamie Maurer, Lin Hartstack

Citizens present:

Ted Telford, Page Michel, Clint Kolby, Willy Dilworth, Milton Bosse, Kathy Miller

Media Present:

Allison Smith, Brenham Banner Press; Frank Wagner, KWHI

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

There were no citizen comments.

CONSENT AGENDA

4. Statutory Consent Agenda

4-a. Minutes from the September 29, 2011 Council Meeting

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve the Statutory Consent Agenda Item 4-a. minutes from the September 29, 2011 council meeting.

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

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

REGULAR AGENDA

5. Discuss and Possibly Act Upon Ordinance No. O-11-017 on its Second Reading for the Creation of Reinvestment Zone Number 33 Requested by Valmont Industries for Commercial-Industrial Tax Phase-In Incentive on Certain Real Property Containing 80.088 Acres, More or Less, Being Located at 2551 Valmont Drive, Brenham, Texas, with Boundaries Further Described in Exhibit "A" of Said Ordinance, and Designating This Property as Qualifying for Tax Phase-In

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve Ordinance No. O-11-017 on its second reading for the creation of Reinvestment Zone Number 33 requested by Valmont Industries for Commercial-Industrial Tax Phase-In Incentive on certain real property containing 80.088 acres, more or less, being located at 2551 Valmont Drive, Brenham, Texas, with boundaries further described in Exhibit "A" of said ordinance, and designating this property as qualifying for Tax Phase-In

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

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

6. Discuss and Possibly Act Upon Resolution No. R-11-016 Authorizing the Execution of Tax Phase-In Agreement Between the City of Brenham and Valmont Industries

A motion was made by Councilmember Goss and seconded by Councilmember Williams to approve Resolution No. R-11-016 authorizing the execution of Tax Phase-In agreement between the City of Brenham and Valmont Industries.

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

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

7. Discuss and Possibly Act Upon Resolution No. R-11-017 Nominating Valmont Industries to the Office of the Governor, Economic Development and Tourism for Designation as a Texas Enterprise Project

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve Resolution No. R-11-017 nominating Valmont Industries to the Office of the Governor, Economic Development and Tourism for designation as a Texas Enterprise Project.

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

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

8. Public Hearing Regarding a Request for a Zoning District Change for Property Currently Zoned as R-1, Single-Family Residential District to B-1, Local Business/Residential Mixed Use District Located At or Near the 1600 Block of Longhofer Street (A Vacant Lot) with a Legal Description Being Altman's Subdivision, Lot 4, 0.254 Acres to Construct a Professional Office on this Property

Allen Jacobs presented a proximity map to mayor and councilmembers. On October 3, 2011 the Planning and Zoning Commission held a regularly scheduled meeting. At this meeting a public hearing was held in reference to a request for a change of zoning at this location from an R-1 zone to a B-1 zone in order to construct a professional office building. Mr. Jacobs indicated no objections to this request were heard during the public hearing.

Mayor Tate went into a public hearing at 1:08 p.m.

Citizen Milton Bosse cited no objections and approved the request on condition that only a professional office is constructed at this location.

Mayor Tate closed the public hearing at 1:10 p.m.

9. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas; Amending the Official Zoning Map to Change Property Currently Zoned as R-1, Single-Family Residential District to B-1, Local Business/Residential Mixed Use District Located At or Near the 1600 Block of Longhofer Street (Vacant Lot) with a Legal Description Being Altman’s Subdivision, Lot 4, 0.254 Acres to Construct a Professional Office on this Property

A motion was made by Councilmember Goss and seconded by Councilmember Williams to approve an Ordinance on its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas; Amending the Official Zoning Map to Change Property Currently Zoned as R-1, Single-Family Residential District to B-1, Local Business/Residential Mixed Use District Located At or Near the 1600 Block of Longhofer Street (Vacant Lot) with a Legal Description Being Altman’s Subdivision, Lot 4, 0.254 Acres to Construct a Professional Office on this Property

Councilmember Williams requested the addition of specific language to this ordinance indicating only the construction of a professional building be permitted on this site.

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

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

10. Public Hearing Regarding a Request for Specific Use Permit at 1404 North Park Street (Legal Description Being O'Malley Subdivision, Section 1, Lot 1-B), to Operate a Full Service Car Wash, Car Detail, and Lube Center Business

Allen Jacobs presented a proximity map to mayor and councilmembers. A public hearing was held during the Planning and Zoning Commission on October 3, 2011 in reference to a request for a specific use permit to allow for a full service car wash and car detail business at 1404 North Park Street. Mr. Jacobs indicated no objections to this request were heard during the public meeting.

Mayor Tate questioned traffic related conflicts related to the school entrance. Mr. Jacobs informed the Mayor no site plans have been submitted at this time, but they will address these concerns if they arise.

City Manager Terry Roberts asked Mr. Jacobs to explain the process and need for a specific use permit. Mr. Jacobs explained the City of Brenham's Zoning ordinance in the B-1 local district has many allowable uses, but the specific uses outlined in the ordinance require a public hearing and council approval. Upon request of a specific use permit, notice is given to all property owners within 200 feet so they have an opportunity to approve or object the request.

Mayor Tate went into a public hearing at 1:16 p.m.

No Comments were heard.

Mayor Tate closed the hearing at 1:21 p.m.

11. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas; Amending the Official Zoning Map to Allow a Specific Use Permit at 1404 North Park Street (Legal Description Being O’Malley Subdivision, Section 1, Lot 1-B), for the Operation of a Full Service Car Wash, Car Detail, and Lube Center

City Attorney Cary Bovey suggested additional language be included in the ordinance for second reading concerning the hours of operation.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve an ordinance on its first reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas; amending the official zoning map to allow a specific use permit at 1404 North Park Street (Legal Description Being O’Malley Subdivision, Section 1, Lot 1-B), for the operation of a full service car wash, car detail, and lube center.

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

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

12. Public Hearing Regarding Amendment of Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, to Provide for Sexually Oriented Businesses as Specific Uses in I – Industrial Districts, in Accordance with the Specific Use Permit Approval Process and Chapter 16, Occupational Licenses and Business Regulations, City of Brenham Code of Ordinances

Mr. Jacobs informed council of the public hearing held at the October 3, 2011 Planning and Zoning Commission in reference to a request for additional language to the City of Brenham Zoning Ordinance. This is submitted in an effort to include terminology that complements the City of Brenham’s Occupational Licenses and Business Regulations specifically related to Sexually Oriented Businesses. In addition sexually oriented businesses shall be allowed as a specific use in the I-Industrial District, in accordance with the specific use permit approval process.

Mayor Tate went into a public hearing at 1:25 p.m.

No comments were heard.

Mayor Tate closed the public hearing at 1:26 p.m.

13. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas to Provide for Sexually Oriented Businesses as Specific Uses in I – Industrial Districts, in Accordance with the Specific Use Permit Approval Process and Chapter 16, Brenham Code of Ordinances Regulating Occupational Licenses and Business Regulations

A motion was made by Councilmember Williams and seconded by Councilmember Goss to approve an Ordinance on its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas to provide for sexually oriented businesses as specific uses in I – Industrial Districts, in accordance with the specific use permit approval process and Chapter 16, Brenham Code of Ordinances regulating occupational licenses and business regulations

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

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

14. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending 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

City Secretary Jeana Bellinger presented this item. Ms. Bellinger reminded council of the Ordinance amending Chapter 16, providing for the regulation of sexually oriented businesses that was approved by council at the July 25, 2011 council meeting. Since the adoption of this Ordinance, staff determined a few more regulations were needed. This new ordinance will add additional regulations and language as follows:

- Adds hotels and other similar commercial establishments to protected classes and a detailed explanation of the term “family oriented recreation facility” to Sec. 16-25;
- Adds language to allow certain forms of nudity when it is in conjunction with a modeling class operated by a state licensed school, college, junior college, or university;
- Adds exemption language for certain medical treatments and massage therapy programs; and
- Adds a new section allowing for amortization (Sec. 16-45) for any existing sexually oriented businesses that are annexed into the city limits.

Ms. Bellinger asked city attorney Cary Bovey to explain the amortization section of the new ordinance. Mr. Bovey explained if the city engages in a re-zoning action where the sexually oriented business is no longer allowed it would be considered a non-conforming use. The amortization clause would allow the city to approve a permit for that business, on a contingent basis, in an effort for that business to recoup its investment for a period of time. At the end of that period the business would have to re-locate and terminate the use of that location as a sexually oriented business.

A motion was made by Councilmember Williams and seconded by Councilmember Ebel to approve an Ordinance on its First Reading Amending 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.

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

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

15. Discuss and Possibly Act Upon an Order Calling a Special Election to be Held on January 21, 2012 for the Purpose of Electing One (1) Council Member to fill the Unexpired Term for the Place 5 – At Large Position

Considerar y Posiblemente Actuar Sobre una Orden para una Elección Especial que se efectuara el 21 de Enero, 2012 Con el Propósito de Elegir Un (1) miembro del Concejal para llenar el resto del termino de Lugar 5-Distrito Abierto.

City Secretary Jeana Bellinger presented this item. Due to the recent resignation of the Place 5 At Large Councilmember, a Special Election is required to fill this vacancy. Ms. Bellinger presented the proposed election calendar with an election date set for Saturday January 21, 2012.

Ms. Bellinger pointed out a minor change in polling places for this special election. The Ward 4 polling place has been moved to the Blinn Student Center. Ms. Bellinger also discussed the possibility of this location becoming the permanent Ward 4 polling place for future elections, pending approval from the Department of Justice (DOJ).

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve an order calling a special election to be held on January 21, 2012 for the purpose of electing one (1) council member to fill the unexpired term for the Place 5 – At Large Position.

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

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

16. Discuss and Possibly Act Upon Resolution No. R-11-018 Nominating Candidates for Election to the Washington County Appraisal District Board of Directors

City Manager Terry Roberts presented this item. Mr. Roberts informed council of the vacancies on the Washington County Appraisal District Board. Of the five current members, three have expressed their willingness to serve another term (Delton Keorth, Johanna Fatheree, and John Schaer) and two members (John Garnett and Albert Wright) do not want to be considered for re-election. Charles Gaskamp and Joel Romo are the candidates, in addition to those willing to stay on the board, being presented for consideration. Both have been contacted and are willing to have their names placed for nomination.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve Resolution No. R-11-018 nominating candidates, as presented, for election to the Washington County Appraisal District Board of Directors

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

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

17. Discuss and Possibly Act Upon an Ordinance on its First Reading Providing for Taxation of Goods-in-Transit that are Otherwise Exempted from Taxation by Texas Tax Code, Section 11.253

Chief Financial Officer Carolyn Miller presented this item. In November 2007, the city council approved Ordinance O-07-027 providing for the taxation of goods-in-transit that are otherwise exempted from taxation by Tax Code Section 11.253. However, the 82nd Legislature recently enacted Senate Bill 1, amending Property Tax Code Section 11.253. The definition of goods-in-transit has been narrowed and in order to continue taxing these, another Ordinance must be approved.

Ms. Miller advised council of a joint public hearing held on October 11, 2011 by all taxing units in Washington County for the purpose of hearing opinions expressed by citizens on the subject. No citizen comments were made.

Ms. Miller turned the presentation over to Chief Appraiser, Willy Dilworth. Mr. Dilworth informed council that five (5) of the seven (7) Washington County taxing units have opted for the taxation of goods-in-transit. Unlike House Bill 621 in 2007, Senate Bill 1 allows the option to tax goods-in-transit and at a future date, if an entity changes their decision, they can opt out at that time. Mr. Dilworth further explained if an entity decides not to tax, but changes their decision at a later date, a public hearing must first be held.

A motion was made by Councilmember Williams and seconded by Councilmember Ebel to approve an ordinance on its first reading providing for Taxation of Goods-in-Transit that are otherwise exempt from taxation by Texas Tax Code, Section 11.253

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

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

18. Discuss and Possibly Act Upon Bid No. 12-002 for the Purchase of Road Base Materials for the Street Department and Authorize the Mayor to Execute any Necessary Documentation

Leslie Kelm presented this item. Two bids were received for road base materials (crushed limestone). Staff is recommending the road base material contract be awarded to Lhoist North America who submitted the lowest bid in the amount of \$16.50 per ton.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve bid No. 12-002 and award contract to Lhoist North America for the purchase of road base materials at \$16.50 per ton for the street department and authorize the mayor to execute any necessary documentation.

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

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

19. Discuss and Possibly Act Upon Bid No. 12-001 for Concrete Work for the Street Department and Authorize the Mayor to Execute any Necessary Documentation

Leslie Kelm presented this item. Two bids were submitted for the 2011-2012 annual concrete work contract. Staff is recommending the concrete work contract be awarded to lowest bidder, LaBu, Inc.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve Bid No. 12-001 for concrete work for the street department to LaBu, Inc. and authorize the mayor to execute any necessary documentation.

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

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

20. Discuss and Possibly Act Upon Resolution No. R-11-019 for Approval and Acceptance of the Dr. Bobbie M. Dietrich Memorial Amphitheater and Authorize the Mayor to Execute any Necessary Documentation

Public Works Director Doug Baker presented this item. Mr. Baker advised council of Dr. Dietrich's request to turn ownership, operation and maintenance of the amphitheater over to the City of Brenham. The Bill of Sale, Affidavit of All Bills Paid, and Release of Lien were included in the documents presented to council. The plans and specifications have been met and staff is recommending the acceptance of the Dr. Bobbie M. Dietrich Memorial Amphitheater.

A motion was made by Councilmember Williams and seconded by Mayor Pro Tem Nix to approve Resolution No. R-11-019 for approval and acceptance of the Dr. Bobbie M. Dietrich Memorial Amphitheater and authorize the mayor to execute any necessary documentation.

Councilmember Goss questioned the O&M cost on this facility. Mr. Baker said an annual amount has not been calculated, but maintenance should be relatively low.

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

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

21. Discuss and Possibly Act Upon a Recommendation from the Parks and Recreation Advisory Board for Rental Rates of the Dr. Bobbie M. Dietrich Memorial Amphitheater

Jamie Maurer presented this item. Ms. Maurer noted a typo in the memo regarding the rate for a full day rental. The full day rental recommendation is \$125.00 and half day rental is \$75.00. The Parks and Advisory Board looked at various options including profit vs. nonprofit rates and determined it would be best to start basic and reevaluate rates every 6-8 months of use after determining how the facility will be most used.

A motion was made by Councilmember Williams and seconded by Councilmember Ebel to approve rental rates for the Dr. Bobbie M. Dietrich Memorial Amphitheater as stated above with the understanding that the rates will be reevaluated in 6-8 months.

Councilmember Goss questioned the city's noise ordinance and if approval will be needed for events extending beyond 10:00 p.m. Ms. Maurer responded the parks operating hours are until 11:00 p.m. and Ms. Bellinger informed council an amendment to the current noise ordinance will be presented at a future meeting, creating an exemption for events held at the amphitheater pertaining to noise variances.

Mayor Pro Tem Nix inquired about increased security during events. Ms. Maurer indicated discussions have been held with the Police Department and an agreement is being considered for different security levels at certain events.

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

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

22. Discuss and Possibly Act Upon Final Payment to Mercer Construction Company for the Utility Line Extensions Along State Highway 36 North and Authorize the Mayor to Execute any Necessary Documentation

Public Utilities Director Lowell Ogle presented this item. Property along State Highway 36 North was recently annexed and the property owners requested water and sewer services. During the last budget year, bids were submitted and Mercer Construction was awarded the contract for these utility line extensions. Mr. Ogle asked for final payment in the amount of \$19,035.61 to Mercer Construction Company for their completion of this project.

A motion was made by Councilmember Goss and seconded by Councilmember Williams to approve final payment to Mercer Construction Company in the amount of \$19,035.61 for the utility line extensions along state highway 36 north and authorize the mayor to execute any necessary documentation.

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

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

23. Discuss and Possibly Act Upon Bid No. 12-003 for the Purchase of a 53' Aluminum Refuse Trailer and Authorize the Mayor to Execute any Necessary Documentation

Assistant Public Utilities Director Dane Rau presented this item. On October 11, 2011 bids were opened for the purchase of an aluminum refuse trailer. Travis Body & Trailer was the only bid received.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Ebel to approve Bid No. 12-003 and award contract to Travis Body & Trailer in the amount of \$60,653 for the purchase of a 53' aluminum refuse trailer along with options #3, #4, #5, and #6 and authorize the mayor to execute any necessary documentation.

Councilmember questioned where the funds would come from since the bid was slightly over budget. Mr. Rau indicated the sanitation fund would be used to make up the difference. He also noted an increased savings with the use of the Austin landfill as opposed to the College Station landfill. The Austin landfill is currently \$10/ton less than College Station.

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

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

24. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- Vulcan Street Railroad Crossing Closure Update
- Amphitheater Dedication – October 28, 2011
- Toubin Park Dedication – November 8, 2011
- Drought/ Lake Level Update

Chief Financial Officer Carolyn Miller reported on the following:

- The City of Brenham was recently awarded, for the third straight year, the certificate of achievement for excellence in financial reporting. Ms. Miller credited Stacy Hardy with her help in achieving this award.
- Audit begins the week of Thanksgiving

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

ORDINANCE NO. O-11-018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS PROVIDING FOR TAXATION OF GOODS-IN-TRANSIT THAT ARE OTHERWISE EXEMPT FROM TAXATION BY TEXAS TAX CODE §11.253

WHEREAS, The 82nd Texas Legislature during its Special Session enacted Senate Bill 1 which amended Tex. Tax Code §11.253, under which personal property consisting of goods-in-transit, as newly defined, are exempt from taxation; and

WHEREAS, a new subsection (j-1) was added to §11.253 by Senate Bill 1, which provides for a local option under which a taxing unit may tax such goods-in-transit otherwise exempt, if the governing body of such taxing unit after a public hearing takes official action to tax such personal property; and

WHEREAS, On October 11, 2011, the governing body of the City of Brenham held a public hearing at which members of the public were permitted to speak for or against the taxation of certain goods-in-transit personal property; and

WHEREAS, following the public hearing, the governing body of the City of Brenham has determined that such goods-in-transit personal property, as exempted by Tex. Tax Code §11.253, should be subject to taxation by the City of Brenham for tax year 2012 and all subsequent years.

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

SECTION I

All of the above recitals are incorporated herein and made a part of this Ordinance.

SECTION II

All such goods-in-transit personal property as defined by the amendments to Tex. Tax Code §11.253 under Senate Bill 1, shall be, and are hereby declared to be, taxable by the City of Brenham for tax year 2012 and for every year thereafter, all as provided for and in accordance with Texas Tax Code §11.253.

SECTION III

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION IV

It is the intention of the City Council that this Ordinance and every provision thereof shall be considered severable and the invalidity of any section, clause, or provision, or portion of any section, clause or provision of this Ordinance shall not affect the validity of any other portion or provisions of this Ordinance.

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

PASSED AND APPROVED on its second reading this the _____ day of November 2011.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 7

DATE OF MEETING: November 3, 2011	DATE SUBMITTED: October 28, 2011	
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Allen Jacobs	
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 type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Ordinance No. O-11-019 on its Second Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas; Amending the Official Zoning Map to Change Property Currently Zoned as R-1, Single-Family Residential District to B-1, Local Business/Residential Mixed Use District Located At or Near the 1600 Block of Longhofer Street (Vacant Lot) with a Legal Description Being Altman’s Subdivision, Lot 4, 0.254 Acres to Construct a Professional Office on this Property		
SUMMARY STATEMENT: The Planning & Zoning Commission held a meeting on Monday, October 3, 2011. A Public Hearing was held in reference to a request for a Change of Zoning at the 1600 Block of Longhofer Street (vacant lot); legal description being, Altman’s Subdivision, Lot 4, and being 0.254 Acres. This property is presently zoned as R-1, Residential District (Single Family Residential). The applicant is requesting a change of zoning to the B-1, Local Business/Residential Mixed Use District. The Change of Zoning request is being made in an effort to construct a single story professional office on this property. The exterior construction of the proposed professional office shall be wood and masonry, and similar to the existing professional office buildings in the immediate vicinity of this property. After discussion, the Public Hearing was closed and the Planning and Zoning Commission unanimously approved this recommendation to approve the request for this Change of Zoning. A recommendation is being made to approve this ordinance on the second reading to allow the change of zoning for the use of this property for a professional office as requested.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS: Change of Zoning will allow a New Business for our City.		
B. CONS: No comments voiced at Public Hearing.		
ALTERNATIVES (In Suggested Order of Staff Preference): None		

ATTACHMENTS: (1) Ordinance No. O-11-019; (2) Map of property at 1600 Block of Longhofer Street; and (3) Final Report to City Council

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: Approve Ordinance No. O-11-019 on its second reading amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas; Amending the Official Zoning Map to Change Property Currently Zoned as R-1, Single-Family Residential District to B-1, Local Business/Residential Mixed Use District Located At or Near the 1600 Block of Longhofer Street (Vacant Lot) with a Legal Description Being Altman’s Subdivision, Lot 4, 0.254 Acres to Construct a Professional Office on this Property

APPROVALS: Doug Baker

ORDINANCE NO. O-11-019

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP TO CHANGE PROPERTY CURRENTLY ZONED AS R-1, SINGLE FAMILY RESIDENTIAL DISTRICT TO B-1, LOCAL BUSINESS/RESIDENTIAL MIXED USE DISTRICT LOCATED AT OR NEAR THE 1600 BLOCK OF LONGHOFFER STREET (VACANT LOT) WITH THE LEGAL DESCRIPTION BEING ALTMAN'S SUBDIVISION, LOT 4, AND BEING 0.254 ACRES, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY OF BRENHAM, TEXAS, THAT APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AND THE OFFICIAL ZONING MAP BE AMENDED IN THE FOLLOWING MANNER:

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the existing City of Brenham Official Zoning Map is hereby amended to change property currently zoned as R-1, Single Family Residential District to the B-1, Local Business/Residential Mixed Use District. This Property is located at or near the 1600 Block of Longhofer Street (Vacant Lot) with a Legal Description being Altman's Subdivision, Lot 4, and being 0.254 Acres. The change of zoning will allow the use of this Property for a single story professional office, as requested by Applicant. The Applicant has stated that the exterior construction of this single story professional office shall be wood and masonry, and similar to the existing professional office buildings in the immediate vicinity of this Property.

SECTION 2. This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

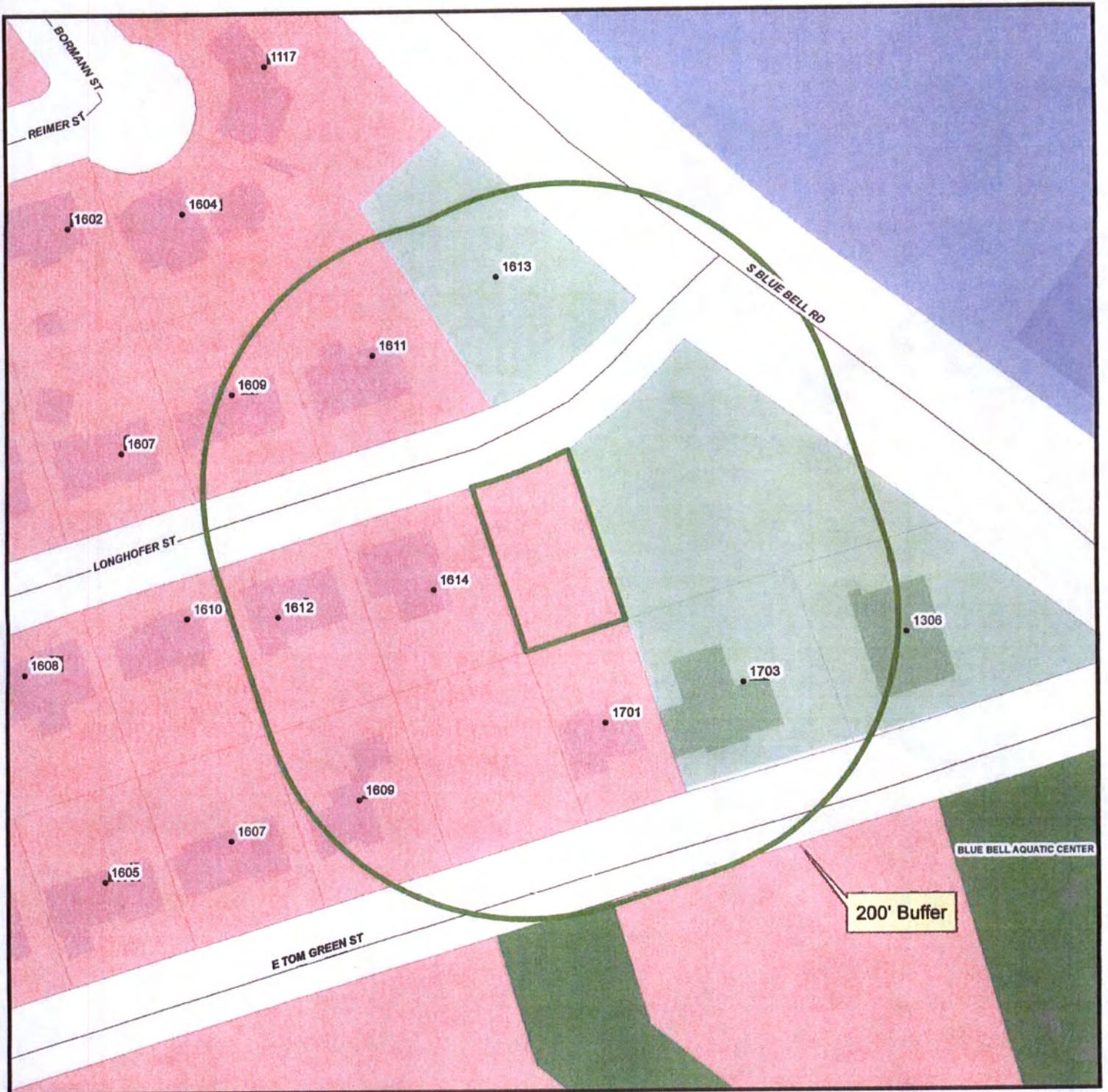
PASSED and APPROVED on its first reading this the _____ day of October, 2011.

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

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



Legend

- B1 Local Business Mixed
- B2 Commercial Research & Technology
- B3 Historical & Central Business
- I Industrial
- R1 Residential
- R2 Mixed Residential
- R3 Manufactured Home Residential

1 inch = 100 feet



**Final Report to City Council Regarding
Proposed Amendment of the City of Brenham Zoning Ordinance
To Provide for a Change of Zoning District Request
and Related Regulations**

A public hearing was conducted by the Planning & Zoning Commission, in the City Council Chambers, Brenham City Hall, 200 Vulcan Street, Brenham, Texas at 5:15 p.m., Monday, October 3, 2011.

The Public Hearing was conducted for the purpose of receiving testimony regarding the proposed amendment of the City of Brenham Zoning Ordinance to provide for a Change of Zoning District Request and related regulations. This being for a request being made at the 1600 Block of Longhofer Street (vacant lot), legal description being, Altman's Subdivision, Lot 4, consisting of 0.254 acres.

The Planning & Zoning Commission has reviewed the proposed amendment of the City of Brenham Zoning Ordinance to provide for a Change of Zoning District Request and related regulations, and makes the following findings and observations:

The Planning and Zoning Commission unanimously agreed to recommend that the City of Brenham Zoning District Map be amended as follows in an effort to change an existing R-1, Single Family Residential District property/lot to the B-1, Local Business/Residential Mixed Use District. This being for the particular property as described as follows:

1600 Block of Longhofer Street (vacant lot), legal description being, Altman's Subdivision, Lot 4, consisting of 0.254 acres.

The recommended change of zoning adjoins an existing B-1, Local Business/Residential Mixed Use District. This change of zoning will compliment this adjoining B-1, Local Business/Residential Mixed Use District.

The Planning & Zoning Commission hereby adopts and issues this final report in accordance with Section 211.007, Texas Local Government Code, and recommends to the City Council that the proposed amendment of the Zoning Ordinance be approved / approved with conditions / denied.

Sincerely,



Chairman
Planning & Zoning Commission

Dated: 10-13, 2011.



AGENDA ITEM 8

DATE OF MEETING: November 3, 2011	DATE SUBMITTED: October 28, 2011	
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Allen Jacobs	
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-11-020 on Its Second Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas, Amending the Official Zoning Map to allow a Specific Use Permit at 1404 North Park Street; (Legal Description Being O’Malley Subdivision, Section1, Lot 1-B) for the Operation of a Full Service Car Wash, Car Detail Center, and Lube Center at this property.		
SUMMARY STATEMENT: The Planning & Zoning Commission held a meeting on Monday, October 3, 2011. A Public Hearing was held in reference to a request for a Specific Use Permit at 1404 North Park Street to allow a Full Service Wash and Car Detail Business, and also a Lube Center (Automotive Quick Lube) at this property. The Specific Use Permit Request was for this full service car wash, car detail business, and lube center with the hours of operation being Monday-Saturday, 8am – 6pm. There will be a common business lobby that will be shared with a sandwich shop that will have the hours of operation being Monday-Sunday, 8am – 9pm. The Zoning District of this property is B-1, Local Business/Residential Mixed Use District, and requires a Specific Use Permit to allow for this type of business in the B-1, Local Business/Residential Mixed Use District After discussion, the Public Hearing was closed and the Planning and Zoning Commission unanimously approved this recommendation to approve the request for this Specific Use Permit.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS: New Business for our City.		
B. CONS: No comments voiced at Public Hearing.		
ALTERNATIVES (In Suggested Order of Staff Preference): None		
ATTACHMENTS: (1) Ordinance No. O-11-020; (2) Map of property at 1404 North Park Street; and (3) Final Report to City Council		
FUNDING SOURCE (Where Applicable): N/A		

RECOMMENDED ACTION: Approve Ordinance No. O-11-020 on its second reading amending Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, amending the Official Zoning Map to allow a Specific Use Permit at 1404 North Park Street; (Legal Description Being O'Malley Subdivision, Section 1, Lot 1-B) for the Operation of a Full Service Car Wash, Car Detail Center, and Lube Center at this property. The Specific Use Permit Request was for this full service car wash, car detail business, and lube center with the hours of operation being Monday-Saturday, 8am – 6pm. There will be a common business lobby that will be shared with a sandwich shop that will have the hours of operation being Monday-Sunday, 8am – 9pm.

APPROVALS: Doug Baker

ORDINANCE NO. O-11-020

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP TO ALLOW A SPECIFIC USE PERMIT AT 1404 NORTH PARK STREET; (LEGAL DESCRIPTION BEING O'MALLEY SUBDIVISION, SECTION 1, LOT1-B), FOR THE OPERATION OF A FULL SERVICE CAR WASH, CAR DETAIL, AND LUBE CENTER AT THIS EXISTING PROPERTY. THIS PROPERTY IS LOCATED IN THE B-1, LOCAL BUSINESS/RESIDENTIAL MIXED USE DISTRICT AND REQUIRES THE APPROVAL OF A SPECIFIC USE PERMIT, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY OF BRENHAM, TEXAS, THAT APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AND THE OFFICIAL ZONING MAP BE AMENDED IN THE FOLLOWING MANNER:

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map is hereby amended to allow a Specific Use Permit at 1404 North Park Street; (Legal description being O'Malley Subdivision, Section 1, Lot 1-B), to allow a Full Service Car Wash, Car Detail, and Lube Center at this property, in accordance with the City of Brenham adopted Building Codes and Zoning Ordinance. The hours of operation for this full service car wash, car detail business, and lube center, shall be Monday thru Saturday, 8 am – 6 pm. This property is located in the B-1, Local Business/Residential Mixed Use District and requires the approval of a Specific Use Permit.

SECTION 2. This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

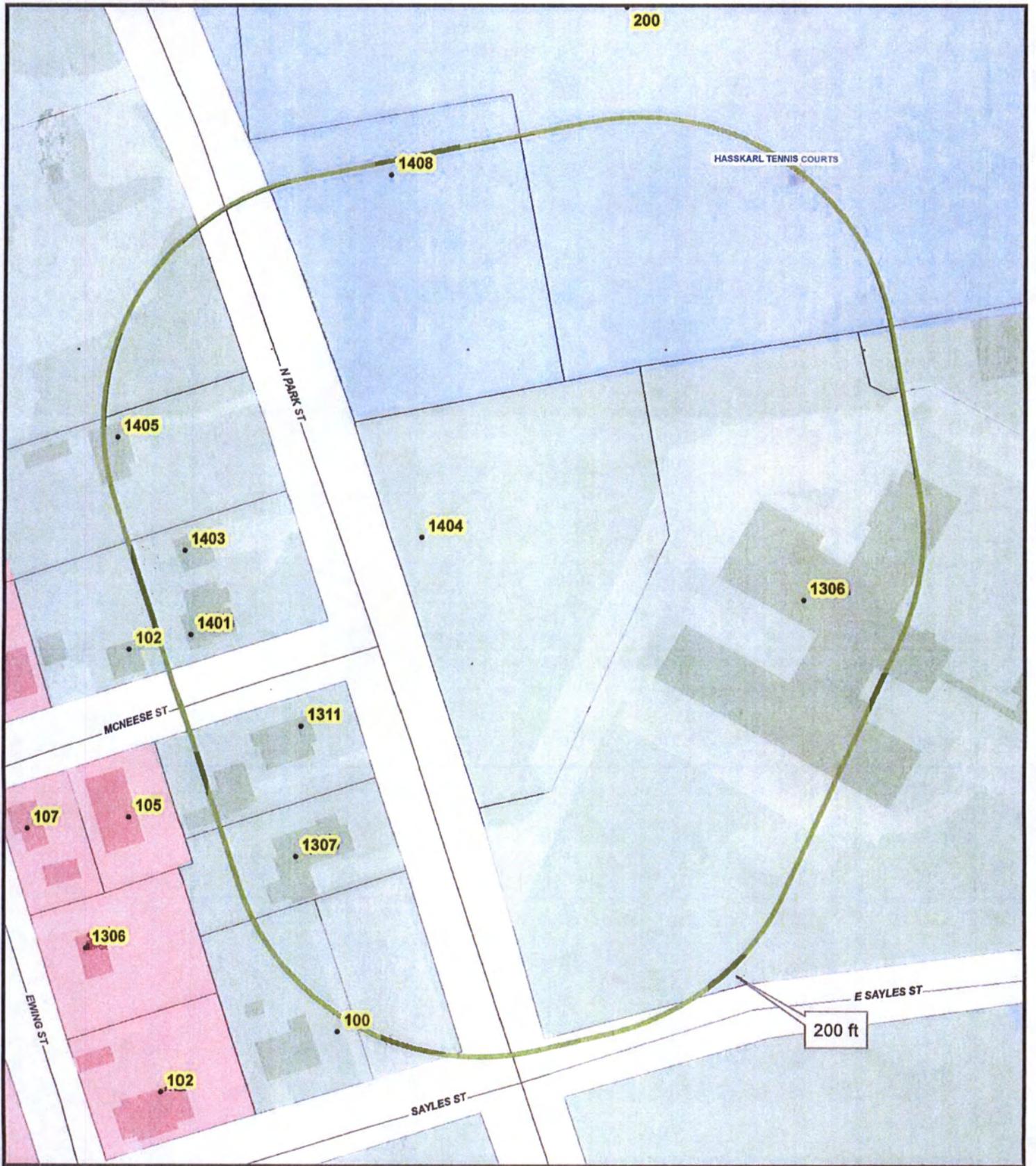
PASSED and APPROVED on its first reading this the _____ day of October, 2011.

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

ATTEST:

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary



1 inch = 101 feet

1404 N Park St



**Final Report to City Council Regarding
Proposed Amendment of the City of Brenham Zoning Ordinance
To Provide for a Specific Use Permit Request
and Related Regulations**

A public hearing was conducted by the Planning & Zoning Commission, in the City Council Chambers, Brenham City Hall, 200 Vulcan Street, Brenham, Texas at 5:15 p.m., Monday, October 3, 2011.

The Public Hearing was conducted for the purpose of receiving testimony regarding the proposed amendment of the City of Brenham Zoning Ordinance to provide for a Specific Use Permit Request and related regulations. This being for a request being made at 1404 North Park Street; legal description being, O'Malley Subdivision, Section 1, Lot 1-B, for the operation of a full service car wash, car detail, and lube center at this property.

The Planning & Zoning Commission has reviewed the proposed amendment of the City of Brenham Zoning Ordinance to provide for a Specific Use Permit Request and related regulations, and makes the following findings and observations:

The Planning and Zoning Commission unanimously agreed to recommend that the City of Brenham Zoning District Map be amended as follows in an effort to allow a Specific Use Permit for a full service car wash, car detail, and lube center at this property as described as follows:

1404 North Park Street; legal description being, O'Malley Subdivision, Section 1, Lot 1-B.

Specific use permit will have car wash and lube center with operating hours of Monday thru Saturday, 8 am – 6 pm. There is a common business lobby that will be shared with a sandwich shop that will have operating hours of Monday – Sunday, 8 am – 9pm.

The Planning & Zoning Commission hereby adopts and issues this final report in accordance with Section 211.007, Texas Local Government Code, and recommends to the City Council that the proposed amendment of the Zoning Ordinance be approved / approved with conditions / denied.

Sincerely,



Chairman
Planning & Zoning Commission

Dated: 10-13, 2011.



AGENDA ITEM 9

DATE OF MEETING: November 3, 2011	DATE SUBMITTED: October 28, 2011	
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Allen Jacobs	
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-11-021 on its Second Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas to Provide for Sexually Oriented Businesses as Specific Uses in I – Industrial Districts, in Accordance with the Specific Use Permit Approval Process and Chapter 16, Brenham Code of Ordinances Regulating Occupational Licenses and Business Regulations		
SUMMARY STATEMENT: The Planning & Zoning Commission held a regularly scheduled meeting on Monday, October 3, 2011. A Public Hearing was held in reference to a request for a proposed change of text (this being an addition to the text) of the City of Brenham Zoning Ordinance. The Planning and Zoning Commission agreed to make this recommendation to the City of Brenham City Council. The recommendation for this amendment is being submitted for approval in an effort to include terminology in the City of Brenham Zoning Ordinance that compliments the City of Brenham Occupational Licenses and Business Regulations. After discussion, the Public Hearing was closed and the Planning and Zoning Commission unanimously approved this recommendation. Amendment is as follows: Section 6 Industrial District (Sec. 602.1) Specific uses: (1) Sexually Orientated Business (a) A sexually orientated business shall be allowed as a Specific Use in the I-Industrial District, in accordance with the Specific Use Permit Approval Process and Chapter 16, Brenham Code of Ordinances Regulating Occupational Licenses and Business Regulations.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS: Recommendation will complement the City of Brenham Occupational Licenses and Business Regulations		
B. CONS: None		

ALTERNATIVES (In Suggested Order of Staff Preference): None
ATTACHMENTS: (1) Ordinance No. O-11-021; and (2) Final Report to City Council
FUNDING SOURCE (Where Applicable): N/A
RECOMMENDED ACTION: Approve Ordinance No. O-11-021 on its second reading amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas to Provide for Sexually Oriented Businesses as Specific Uses in I – Industrial Districts, in accordance with the specific use permit approval process and Chapter 16, Brenham Code of Ordinances Regulating Occupational Licenses and Business Regulations
APPROVALS: Doug Baker

ORDINANCE NO. O-11-021

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, TO PROVIDE FOR SEXUALLY ORIENTED BUSINESSES AS SPECIFIC USES IN I-INDUSTRIAL DISTRICTS, IN ACCORDANCE WITH THE SPECIFIC USE PERMIT APPROVAL PROCESS AND CHAPTER 16, BRENHAM CODE OF ORDINANCES REGULATING OCCUPATIONAL LICENSES AND BUSINESS REGULATIONS, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY OF BRENHAM, TEXAS, THAT APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AND THE OFFICIAL ZONING MAP BE AMENDED IN THE FOLLOWING MANNER:

SECTION 1. That Pt. II, Div. 2, Sec. 6 of Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, is hereby amended to provide for Sexually Oriented Businesses as Specific Uses in I-Industrial Districts, in accordance with the Specific Use Permit approval process and Chapter 16, Brenham Code of Ordinances Regulating Occupational Licenses and Business Regulations.

SECTION 2. Section 6.02 (Specific Uses) shall be amended to add a classification entitled Sexually Oriented Businesses and shall read as follows:

(Sexually Oriented Businesses)

1. A sexually oriented business shall be allowed as a Specific Use in I-Industrial Districts, in accordance with the Specific Use Permit Approval Process and Chapter 16, Brenham Code of Ordinances Regulating Occupational Licenses and Business Regulations.

SECTION 3. This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

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

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

ATTEST:

Milton Y. Tate, Jr., Mayor

Jeana Bellinger, TRMC
City Secretary

**Final Report to City Council Regarding
Proposed Amendment of the City of Brenham Zoning Ordinance
To Provide for a Designated Zoning District for a Sexually Orientated Business
and Related Regulations**

A public hearing was conducted by the Planning & Zoning Commission, in the City Council Chambers, Brenham City Hall, 200 Vulcan Street, Brenham, Texas at 5:15 p.m., Monday, October 3, 2011.

The Public Hearing was conducted for the purpose of receiving testimony regarding the proposed amendment of the City of Brenham Zoning Ordinance to provide for a designated zoning district for a Sexually Orientated Business (SOB) and related regulations.

The Planning & Zoning Commission has reviewed the proposed amendment of the City of Brenham Zoning Ordinance to provide for a designated zoning district for a Sexually Orientated Business (SOB) and related regulations, and makes the following findings and observations:

The Planning and Zoning Commission unanimously agreed to recommend that the City of Brenham Zoning Ordinance be amended as follows in an effort to compliment the City of Brenham Occupational Licenses and Business Regulations; particularly, that being those regulations pertaining to Sexually Orientated Businesses. The following information shall be included in the City of Brenham Zoning Ordinance, Part II, Division 2, Section 6:

Section 6 Industrial District

(Sec. 602.1) Specific uses:

(1) Sexually Orientated Business

(a) In accordance to the City of Brenham Code of Ordinances for Occupational Licenses and Business Regulations. This being Chapter 16 of the City of Brenham Code of Ordinances.

The Planning & Zoning Commission hereby adopts and issues this final report in accordance with Section 211.007, Texas Local Government Code, and recommends to the City Council that the proposed amendment of the Zoning Ordinance be approved / approved with conditions / denied.

Sincerely,



Chairman

Planning & Zoning Commission

Dated: 10-13, 2011.



AGENDA ITEM 10

DATE OF MEETING: November 3, 2011		DATE SUBMITTED: October 31, 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-11-022 on its Second Reading Amending 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			
SUMMARY STATEMENT: At the October 20 th council meeting, I advised Council of some additional language being added to Chapter 16 of the City’s Code of Ordinances related to the regulation of sexually oriented businesses. However, upon review of the ordinance for 2 nd reading, I realized the section numbering was incorrect. Therefore, the only changes being made from 1 st reading to 2 nd reading are the renumbering of sections 16-45 and 16-46.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: (1) Redlined copy of the Ordinance indicating changes being made at 2 nd reading; and (2) a clean version of Ordinance No. O-11-022			
FUNDING SOURCE (Where Applicable): N/A			
RECOMMENDED ACTION: Approve Ordinance No. O-11-022 amending 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.			
APPROVALS: Terry K. Roberts			

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS; PROVIDING FOR THE REGULATION OF SEXUALLY ORIENTED BUSINESSES WITHIN THE CITY LIMITS OF THE CITY OF BRENHAM, TEXAS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A SEVERABILITY, REPEALER AND SAVINGS CLAUSE; AND PROVIDING FOR PROPER NOTICE AND OPEN MEETINGS.

WHEREAS, the City of Brenham (“City”) is a home rule municipality located in Washington County, Texas, acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, pursuant to Texas Local Government Code section 51.001, the City of Brenham, Texas (“City”) has the authority to adopt ordinances and regulations that are for the good government, peace and order of the City; and

WHEREAS, Section 243.003 of the Texas Local Government Code authorizes municipalities to adopt regulations for Sexually Oriented Businesses; and

WHEREAS, the City Council desires to minimize and control the adverse secondary effects associated with sexually oriented businesses and thereby protect the health, safety and welfare of the citizenry, preserve the quality of life, preserve property values and the character of surrounding neighborhoods and to deter the spread of urban blight; and

WHEREAS, the City of Brenham finds that the amendments to Chapter 16, Occupational Licenses and Business Regulations of the Brenham Code of Ordinances, constitute effective tools for addressing the adverse secondary effects associated with sexually oriented businesses; and

WHEREAS, Chapter 16, Occupational Licenses and Business Regulations, of the Code of Ordinances of the City of Brenham, Texas shall be amended as follows; and

WHEREAS, the general welfare, health, morals and safety of the citizens of the City will be promoted by the enactment of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Brenham, Texas, that:

SECTION 1

Chapter 16, Section 16-25, Location requirements, of the Code of Ordinances shall be amended to read as follows:

Sec. 16-25. Location requirements.

A person commits a violation if the person operates or causes to be operated a sexually oriented business in any zoning district other than an industrial zoning district as defined in the City's zoning ordinance.

A person commits a violation if the person operates or causes to be operated a sexually oriented business within one thousand, three hundred and twenty (1,320) feet of:

- (1) A religious institution including a church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities;
- (2) A public or private educational facility or child care facility, including but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities. The term school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
- (3) A boundary of a residential zoning district as defined in the City's zoning ordinance;
- (4) A public park or recreational area which has been designated for park or recreational activities, including but not limited to, a park, playground, nature trail, swimming pool, athletic field, basketball, or tennis court, pedestrian/bicycle path, or other similar public land within the City, or its ETJ;
- (5) The property line of a lot or parcel devoted to a residential use as defined in the City's zoning ordinance;
- (6) A family oriented recreation facility including but not limited to a roller skating rink, amusement park, ice skating rink, go-kart track, miniature golf course, or a facility used primarily for youth or children's recreational, entertainment or athletic activities;
- (7) Any premise licensed pursuant to the alcoholic beverage control regulations of the State of Texas, or an agency thereof;
- (8) A public library; or
- (9) A hotel, motel or similar establishment in which members of the public obtain sleeping accommodations for consideration. The term includes without limitation a hotel, motel, inn, or bed and breakfast or similar establishment. The term does not include:
 - (a) a hospital, sanitarium, or nursing home; or
 - (b) a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education as those terms are defined by Section 61.003, Education Code, used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution.

A person commits a violation if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand, three hundred and twenty (1,320) feet of another sexually oriented business.

A person commits a violation if that person causes or permits the operation, establishment or maintenance of more than one sexually oriented business in the same building structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

Measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in Items (1) through (9) above. The presence of a City, county or other political subdivision boundary shall be irrelevant for the purposes of calculating and applying the distance requirements of this section.

The distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

SECTION 2.

Chapter 16, Section 16-39, Additional regulations concerning public nudity, of the Code of Ordinances shall be amended to add the following:

It is a defense to prosecution that a person appearing in a state of nudity did so in a modeling class operated:

- (1) By a proprietary school, licensed by the state; a college, junior college, or university supported entirely or partly by taxation;
- (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:
 - (a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - (b) Where in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
 - (c) Where no more than one (1) nude model is on the premises at any one time.

SECTION 3.

Chapter 16, Section 16-42, Exemptions, of the Code of Ordinances shall be amended to read as follows:

Sec 16-42. Exemptions.

Any business activity or service that by federal or state law is required to be operated by or employing licensed psychologists, licensed physical therapists, registered massage therapists, registered nurses, licensed pharmacists or licensed athletic trainers engaged in practicing such licensed profession as generally recognized within their profession, including:

- a) A state-registered massage establishment that employs only state-registered massage therapists to perform massage therapy; conforming to all requirements of state law and other applicable law;
- b) A state-registered massage school with at least two registered massage therapists that teaches the course of instruction required for registration as a massage therapist or a school approved by the Texas Department of State Health Services, or successor agency, or that is otherwise approved by the state;
- c) A state-registered massage therapy instructor who instructs one or more students in any section of the course of instruction required for registration as a massage therapist;
- d) A business operated by or that employs a licensed physical therapist whose activities fall under the control of The Executive Council of Physical Therapy and Occupational Therapy Examiners or a license of another state agency performing health care service within the scope of the applicable licensing act who performs the activities for or on behalf of the business or commercial enterprise;
- e) Any business operated by or employing licensed physicians or licensed chiropractors engaged in practicing the healing arts as its sole business; or
- f) Any activity conducted or sponsored by any Texas independent school district, licensed or accredited private school, or public or private college or university.

SECTION 4.

Chapter 16, Section 16-45, Amortization, of the Code of Ordinances is hereby **added** amended to read as follows:

Sec 16-45. Amortization.

If, due to annexation, rezoning, or other reason, an existing sexually oriented business is in violation of the location requirements in Sec. 16-25, the sexually oriented business may submit verified proof that the business has not recouped the owner's investment prior to the date of annexation, rezoning, or other reason for the location violation.

The required documentation shall include at a minimum, but is not limited to, the following:

- 1) The amount of the owner's investment in the existing enterprise to the date the proof is submitted;
- 2) The life expectancy of the enterprise;
- 3) The existence or nonexistence of lease obligations, as well as any contingency clauses therein permitting termination of the lease;
- 4) Proof of the income of the enterprise since it commenced operations and a projection of yearly income. Proof of income may be in the form of tax returns or reliable financial statements; and
- 5) A proposed schedule for amortization of the investment, to be considered in light of the intent of this section.

Upon evaluation of the proof and a finding that the proposed amortization is reasonable under the circumstances, the City Council shall approve a contingent sexually oriented business permit. The contingent sexually oriented business permit shall specifically state the reasons that the sexually oriented business permit would have been denied but for the fact that the enterprise was in existence prior to being annexed into the city limits, rezoned, or for other appropriate reasons.

The contingent sexually oriented business permit shall be renewed annually only through the end of the amortization period. No sexually oriented business permit shall be issued for that location beyond that the amortization period unless circumstances change so as to bring the enterprise into compliance with this article. The contingent sexually oriented business permit shall be subject to revocation and suspension pursuant to this article.

Upon a finding that the proposal is not reasonable under the circumstances, the City Manager, or his designee, shall make a counter-proposal or recommendation and the applicant may resubmit a revised proposal within fifteen (15) days of the City Manager's determination and counter-proposal. The City Council shall make a final determination using the counter-proposal.

SECTION 5.

Chapter 16, Section 16-46, Notice of violation, is hereby added to read as follows:

Sec. 16-46. Notice of violation.

The City shall provide to a sexually oriented business written notice of each citation issued to an operator or employee of the business for an alleged violation of this article. The notice may be sent by certified mail, return receipt requested, to the business address of the sexually oriented business as it appears on its license application, to the attention of the licensee, as it appears on the license application, or may be personally delivered to the licensee. A failure of the City to provide such notice is not a violation of this article, and shall not affect or invalidate the citation

SECTION 6

Sec. 16-47 – 16-49. RESERVED

SECTION 57.
SAVINGS CLAUSE

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

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SECTION 68.
SEVERABILITY

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

|

SECTION 79.
REPEALER

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

|

SECTION 810.
EFFECTIVE DATE

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

|

SECTION 911.
PROPER NOTICE AND MEETINGS

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

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

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

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

ORDINANCE NO. O-11-022

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS; PROVIDING FOR THE REGULATION OF SEXUALLY ORIENTED BUSINESSES WITHIN THE CITY LIMITS OF THE CITY OF BRENHAM, TEXAS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A SEVERABILITY, REPEALER AND SAVINGS CLAUSE; AND PROVIDING FOR PROPER NOTICE AND OPEN MEETINGS.

WHEREAS, the City of Brenham (“City”) is a home rule municipality located in Washington County, Texas, acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, pursuant to Texas Local Government Code section 51.001, the City of Brenham, Texas (“City”) has the authority to adopt ordinances and regulations that are for the good government, peace and order of the City; and

WHEREAS, Section 243.003 of the Texas Local Government Code authorizes municipalities to adopt regulations for Sexually Oriented Businesses; and

WHEREAS, the City Council desires to minimize and control the adverse secondary effects associated with sexually oriented businesses and thereby protect the health, safety and welfare of the citizenry, preserve the quality of life, preserve property values and the character of surrounding neighborhoods and to deter the spread of urban blight; and

WHEREAS, the City of Brenham finds that the amendments to Chapter 16, Occupational Licenses and Business Regulations of the Brenham Code of Ordinances, constitute effective tools for addressing the adverse secondary effects associated with sexually oriented businesses; and

WHEREAS, Chapter 16, Occupational Licenses and Business Regulations, of the Code of Ordinances of the City of Brenham, Texas shall be amended as follows; and

WHEREAS, the general welfare, health, morals and safety of the citizens of the City will be promoted by the enactment of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Brenham, Texas, that:

SECTION 1

Chapter 16, Section 16-25, Location requirements, of the Code of Ordinances shall be amended to read as follows:

Sec. 16-25. Location requirements.

A person commits a violation if the person operates or causes to be operated a sexually oriented business in any zoning district other than an industrial zoning district as defined in the City's zoning ordinance.

A person commits a violation if the person operates or causes to be operated a sexually oriented business within one thousand, three hundred and twenty (1,320) feet of:

- (1) A religious institution including a church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities;
- (2) A public or private educational facility or child care facility, including but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities. The term school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
- (3) A boundary of a residential zoning district as defined in the City's zoning ordinance;
- (4) A public park or recreational area which has been designated for park or recreational activities, including but not limited to, a park, playground, nature trail, swimming pool, athletic field, basketball, or tennis court, pedestrian/bicycle path, or other similar public land within the City, or its ETJ;
- (5) The property line of a lot or parcel devoted to a residential use as defined in the City's zoning ordinance;
- (6) A family oriented recreation facility including but not limited to a roller skating rink, amusement park, ice skating rink, go-kart track, miniature golf course, or a facility used primarily for youth or children's recreational, entertainment or athletic activities;
- (7) Any premise licensed pursuant to the alcoholic beverage control regulations of the State of Texas, or an agency thereof;
- (8) A public library; or
- (9) A hotel, motel or similar establishment in which members of the public obtain sleeping accommodations for consideration. The term includes without limitation a hotel, motel, inn, or bed and breakfast or similar establishment. The term does not include:
 - (a) a hospital, sanitarium, or nursing home; or
 - (b) a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education as those terms are defined by Section 61.003, Education Code, used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution.

A person commits a violation if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand, three hundred and twenty (1,320) feet of another sexually oriented business.

A person commits a violation if that person causes or permits the operation, establishment or maintenance of more than one sexually oriented business in the same building structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

Measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in Items (1) through (9) above. The presence of a City, county or other political subdivision boundary shall be irrelevant for the purposes of calculating and applying the distance requirements of this section.

The distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

SECTION 2.

Chapter 16, Section 16-39, Additional regulations concerning public nudity, of the Code of Ordinances shall be amended to add the following:

It is a defense to prosecution that a person appearing in a state of nudity did so in a modeling class operated:

- (1) By a proprietary school, licensed by the state; a college, junior college, or university supported entirely or partly by taxation;
- (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:
 - (a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - (b) Where in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
 - (c) Where no more than one (1) nude model is on the premises at any one time.

SECTION 3.

Chapter 16, Section 16-42, Exemptions, of the Code of Ordinances shall be amended to read as follows:

Sec 16-42. Exemptions.

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- a) A state-registered massage establishment that employs only state-registered massage therapists to perform massage therapy; conforming to all requirements of state law and other applicable law;
- b) A state-registered massage school with at least two registered massage therapists that teaches the course of instruction required for registration as a massage therapist or a school approved by the Texas Department of State Health Services, or successor agency, or that is otherwise approved by the state;
- c) A state-registered massage therapy instructor who instructs one or more students in any section of the course of instruction required for registration as a massage therapist;
- d) A business operated by or that employs a licensed physical therapist whose activities fall under the control of The Executive Council of Physical Therapy and Occupational Therapy Examiners or a license of another state agency performing health care service within the scope of the applicable licensing act who performs the activities for or on behalf of the business or commercial enterprise;
- e) Any business operated by or employing licensed physicians or licensed chiropractors engaged in practicing the healing arts as its sole business; or
- f) Any activity conducted or sponsored by any Texas independent school district, licensed or accredited private school, or public or private college or university.

SECTION 4.

Chapter 16, Section 16.45, Amortization, of the Code of Ordinances is hereby amended to read as follows:

Sec 16-45. Amortization.

If, due to annexation, rezoning, or other reason, an existing sexually oriented business is in violation of the location requirements in Sec. 16-25, the sexually oriented business may submit verified proof that the business has not recouped the owner's investment prior to the date of annexation, rezoning, or other reason for the location violation.

The required documentation shall include at a minimum, but is not limited to, the following:

- 1) The amount of the owner's investment in the existing enterprise to the date the proof is submitted;
- 2) The life expectancy of the enterprise;
- 3) The existence or nonexistence of lease obligations, as well as any contingency clauses therein permitting termination of the lease;
- 4) Proof of the income of the enterprise since it commenced operations and a projection of yearly income. Proof of income may be in the form of tax returns or reliable financial statements; and
- 5) A proposed schedule for amortization of the investment, to be considered in light of the intent of this section.

Upon evaluation of the proof and a finding that the proposed amortization is reasonable under the circumstances, the City Council shall approve a contingent sexually oriented business permit. The contingent sexually oriented business permit shall specifically state the reasons that the sexually oriented business permit would have been denied but for the fact that the enterprise was in existence prior to being annexed into the city limits, rezoned, or for other appropriate reasons.

The contingent sexually oriented business permit shall be renewed annually only through the end of the amortization period. No sexually oriented business permit shall be issued for that location beyond that the amortization period unless circumstances change so as to bring the enterprise into compliance with this article. The contingent sexually oriented business permit shall be subject to revocation and suspension pursuant to this article.

Upon a finding that the proposal is not reasonable under the circumstances, the City Manager, or his designee, shall make a counter-proposal or recommendation and the applicant may resubmit a revised proposal within fifteen (15) days of the City Manager's determination and counter-proposal. The City Council shall make a final determination using the counter-proposal.

SECTION 5.

Chapter 16, Section 16-46, Notice of violation, is hereby added to read as follows:

Sec. 16-46. Notice of violation.

The City shall provide to a sexually oriented business written notice of each citation issued to an operator or employee of the business for an alleged violation of this article. The notice may be sent by certified mail, return receipt requested, to the business address of the sexually oriented business as it appears on its license application, to the attention of the licensee, as it appears on the license application, or may be personally delivered to the licensee. A failure of the City to provide such notice is not a violation of this article, and shall not affect or invalidate the citation

SECTION 6

Sec. 16-47 – 16-49. RESERVED

SECTION 7. **SAVINGS CLAUSE**

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

SECTION 8. **SEVERABILITY**

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

SECTION 9. **REPEALER**

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

SECTION 10.
EFFECTIVE DATE

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

SECTION 11.
PROPER NOTICE AND MEETINGS

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

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

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

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 11

DATE OF MEETING: November 3, 2011		DATE SUBMITTED: October 27, 2011	
DEPT. OF ORIGIN: Finance		SUBMITTED BY: Carolyn D. Miller	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING	
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND 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-11-020 Reauthorizing an Investment Policy for the City of Brenham			
SUMMARY STATEMENT: In 1987, the Texas Legislature adopted the Public Funds Investment Act (PFIA) which established guidelines for local governments. This Act requires that a local government adopt a written investment policy and reauthorize the policy annually. The 82 nd Legislative session approved HB 2226 which modified several sections of the PFIA. One change includes a requirement for the Investment Officer to monitor the credit rating on all authorized investments. This change to the City's Investment Policy is reflected under the Internal Controls Section (page 6) and is presented in italicized text which is also printed in red. Other changes to the PFIA are not applicable to the City of Brenham as they related specifically to School Districts and Ports and Navigations Districts. Also on the last page, I have added a section showing the Council Resolutions and approval dates for each fiscal year.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS:			
B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: (1) Resolution No. R-11-020 ; and (2) Investment Policy as Amended November 3, 2011			
FUNDING SOURCE (Where Applicable):			
RECOMMENDED ACTION: Approve Resolution No. R-11-020 Reauthorizing the Investment Policy for the City of Brenham Amended November 3, 2011.			
APPROVALS: Carolyn D. Miller			

RESOLUTION NO. R-11-020

A RESOLUTION REAUTHORIZING AN INVESTMENT POLICY FOR THE CITY OF BRENHAM

WHEREAS, in the 1987 session the Texas Legislature adopted the Public Funds Investment Act, “the Act”, which established guidelines for local government investments; and

WHEREAS, the Act requires that a local government adopt a written investment policy; and

WHEREAS, the Act requires the governing body of a local government to reauthorize the written investment policy annually; and

WHEREAS, the amended policy dated November 3, 2011 complies with the provision of the Act; and

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

Section 1: The City of Brenham Investment Policy, as amended, attached hereto as “Exhibit A” is hereby reauthorized as the investment policy of the City of Brenham effective November 3, 2011.

Section 2: This Resolution shall take effect immediately upon its passage.

APPROVED on this _____ day of _____, 2011.

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

ATTEST:

Jeana Bellinger, TRMC
City Secretary



INVESTMENT POLICY

I. POLICY

It is the policy of the City of Brenham that all available funds shall be invested in conformance with these legal and administrative guidelines with consideration for anticipated cash flow requirements and consideration of the safety and risk of investments. The City shall seek to optimize interest earnings to the extent possible based on these risk parameters.

Effective cash management is recognized as essential to good fiscal management. Investment interest is a source of revenue to City of Brenham funds. The City of Brenham's investment portfolio shall be designed and managed in a manner designed to obtain the highest reasonable earnings from this revenue source, to be responsive to public trust, and to be in compliance with legal requirements and limitations.

Investments shall be made with the primary objectives of:

- * **Safety** and preservation of principal
- * Maintenance of sufficient **liquidity** to meet operating needs
- * Diversification to avoid concentrated risk
- * **Public trust** from prudent investment activities
- * Optimization of **interest earnings** on the portfolio

The Investment Policy addresses the methods, procedures and practices that must be exercised to ensure effective and judicious fiscal management of the City of Brenham's funds. This Policy serves to satisfy the statutory requirements of the Public Funds Investment Act, the "Act", (Texas Government Code, Chapter 2256) in defining and adopting a formal investment policy and strategy. The policy and strategy shall be reviewed by the Audit / Investment Committee and adopted by resolution of the City Council no less than annually. Any modifications to the Policy will be noted in the written resolution.

II. SCOPE

This Investment Policy shall govern the investment of all financial assets of the City of Brenham. These funds are accounted for in the City of Brenham's Comprehensive Annual Financial Report (CAFR) and include:

- General Fund
- Special Revenue Funds
- Capital Projects Funds
- Enterprise Funds
- Trust and Agency Funds, to the extent not required by law or existing contract to be kept segregated and managed separately
- Debt Service Funds, including reserves and sinking funds, to the extent not required by law or existing contract to be kept segregated and managed separately
- Brenham Community Development Corporation Funds
- Internal Service Funds
- Self-Insurance Funds
- Any new fund created by the City of Brenham, unless specifically exempted from this Policy by the City Council or by law.

The City of Brenham may consolidate cash balances from all funds for investment purposes and efficiencies. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles. The consolidated portfolio will address the varying needs, goals, and objectives of each fund.

This Investment Policy shall apply to all transactions involving the financial assets and related activity for all the foregoing funds. However, this Policy does not apply to the assets administered for the benefit of the City of Brenham by outside agencies or under deferred compensation programs.

III. INVESTMENT OBJECTIVES

The City of Brenham shall manage and invest its cash with five primary objectives, listed in order of priority: **safety, liquidity, diversification, public trust, and yield**. The safety of the principal invested always remains the primary objective. All investments shall be designed and managed in a manner responsive to the public trust and consistent with state and local law.

The City of Brenham shall maintain a comprehensive cash management program, which includes timely collection of account receivables, vendor payments in accordance with invoice terms, and prudent investment of funds. Cash management is defined as the process of managing monies in order to ensure cash availability and reasonable market earnings on the City's assets.

Safety

Safety of principal is the foremost objective of the investment program. Investments of the City of Brenham shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. Competitive bidding and perfected ownership of investments will be in place at all times. The objective will be to mitigate credit and interest rate risk. Each investment transaction shall be conducted in a manner to control the risk of capital loss by investing in high credit quality securities.

- Credit Risk – The Entity will minimize credit risk, the risk of loss due to the failure of the issuer or backer of the investment, by:
 - Limiting investments to the highest credit quality investments
 - Pre-qualifying the financial institutions and broker/dealers with which the City of Brenham transacts business
 - Perfecting City ownership by delivery versus payment settlement, and
 - Diversifying the investment portfolio so that potential credit or market risk is minimized.

- Market Risk – the City will minimize the risk from interest rate volatility by:
 - Structuring the investment portfolio to meet cash requirements for ongoing operations, thereby avoiding the need to liquidate investments prior to maturity.
 - Investing operating funds in laddered securities and maintaining a liquidity portion to cover unanticipated expenses.

Liquidity

The City of Brenham investment portfolio shall be structured in a ladder of maturities to match expected liabilities along with a liquidity portion to meet unanticipated liabilities. Securities will have active secondary markets.

Public Trust

All participants in the City of Brenham's investment process shall seek to act responsibly as custodians of the public trust. Investment officers shall avoid any transaction that might impair public confidence in the City of Brenham's ability to govern effectively.

Diversification

The portfolio will be diversified by market sector and maturity based on the cash flow and risk tolerances of the City.

Yield

The City of Brenham investment portfolio shall be designed with the objective of attaining a reasonable market yield throughout budgetary and economic cycles, taking into account the City's investment risk constraints and the cash flow characteristics of the portfolio. Yield is secondary to the safety and liquidity objectives described above.

Based upon the cash flow of the City the maximum dollar- weighted average maturity of the consolidated portfolio shall be six months. The benchmark used to determine whether reasonable yields are being achieved shall be the six month U.S. Treasury Bill.

IV. INVESTMENT STRATEGY

The City of Brenham maintains a consolidated portfolio which is designed to address the unique characteristics of the fund groups represented in the portfolio.

Operating Funds: The primary objective for operating funds is to assure anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure which will experience minimal volatility during economic cycles. This may be accomplished by purchasing high credit quality, short to medium term securities in a laddered structure. The maximum dollar weighted average maturity of six months reflects the expenditure cash flow of operating funds and will be calculated using the *stated* final maturity dates of each security.

Capital Project Funds: Funds for capital projects or special purposes should be invested based on anticipated cash flows and allow for flexibility and unanticipated project outlays. At no time will the stated final maturity dates of investments exceed the estimated project completion date on capital project funds.

Debt Service Funds: Debt service funds shall be invested with the primary objective of funding debt service obligations on the required payment date. Priority will be given to funding the next debt service due before any extensions are made in the funds.

Debt Service Reserve Funds: Debt Service Reserves should be invested to generate a dependable revenue stream from securities with a low degree of volatility. Securities should be short to medium term maturities and of high credit quality.

The City primarily utilizes a passive “buy and hold” portfolio strategy. Maturity dates are primarily matched with cash flow requirements and investments are purchased with the intent to be held until maturity. However, investments may be liquidated prior to maturity for the following reasons:

- An investment with declining credit may be liquidated early to minimize loss of principal.
- Cash flow needs require that the investment be liquidated.
- Market conditions present an opportunity to benefit from the trade.

V. RESPONSIBILITY AND CONTROL

City Council Responsibilities

The City Council, in accordance with the Act, shall:

- Designate Investment Officers by resolution
- Receive and review quarterly investment reports

- Annually review and approve the City's broker/financial institution certification list – *As noted in Section VIII, the governing body has designated this responsibility to the Audit & Investment Committee*
- Review and adopt the investment policy and strategy at least annually

Investment Officers

The Chief Financial Officer and the City Manager are hereby designated as "Investment Officers" pursuant to the Act. Investment Officers are delegated authority to invest the funds on behalf of the City and such authorization shall remain in effect until rescinded by the City Council or until the Officer resigns or is terminated. The Investment Officers are authorized to execute investment transactions on behalf of the City. No person may engage in an investment transaction or the management of City of Brenham funds except as provided under the terms of this Investment Policy as approved by the City Council.

Investment Officers shall:

- Obtain training as defined by the Act and this Policy
- Prepare, sign, and submit quarterly investment reports to Council
- Maintain compliance files on all counter-parties (brokers) and provide the list for Council approval at least annually
- Provide for competitive bidding
- Maintain full and complete records of the City's portfolio and transactions.

Quality and Capability of Investment Management

The Investment Officers shall obtain training in investments. The seminars should be offered by professional organizations, associations, and other independent sources approved by Council. The training is to insure the quality and capability of investment management in compliance with the Act.

In accordance with the Act, the designated Investment Officers shall attend 10 hours of investment training session within 12 months of their designation and every successive two years. A newly appointed Investment Officer must attend a training session of at least 10 hours of instruction within twelve months of the date the officer took office or assumed the officer's duties. For purposes of this policy, an "independent source" from which investment training shall be obtained shall include a professional organization, an institution of higher education or any other sponsor other than a business organization with whom the City of Brenham may engage in an investment transaction.

Internal Controls

The Chief Financial Officer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management.

The Chief Financial Officer shall establish a process for a compliance audit on policies and procedures. The internal controls shall address the following points at a minimum.

- Control of collusion.
- Separation of transactions authority from accounting and record keeping.
- Custodial safekeeping.
- Avoidance of physical delivery securities.
- Clear delegation of authority to subordinate staff members.
- Written confirmation for telephone (voice) transactions for investments and wire transfers.
- Development of a wire transfer agreement with the depository bank or third party custodian.
- Review of compliance with the Act and this Policy.

The Chief Financial Officer shall monitor, on no less than a monthly basis, the credit rating on all authorized investments in the portfolio based upon independent information from a nationally recognized rating agency. If any security falls below the minimum rating required by Policy, the Investment Officer shall notify the City Manager of the loss of rating, conditions affecting the rating and possible loss of principal with liquidation options available, within two weeks after the loss of the required rating.

Prudence

The standard of prudence to be applied to all transactions shall be the “prudent person rule”. This rule states that “Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.”

In determining whether an Investment Officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

- The investment of all funds, or funds under the City’s control, over which the Officer had responsibility rather than a consideration as to the prudence of a single investment.
- Whether the investment decision was consistent with the written approved Investment Policy of the City.

Indemnification

The Investment Officer, acting in accordance with written procedures and exercising due diligence, shall not be held personally liable for a specific investment’s credit risk or market price changes, provided that these deviations are reported immediately and the appropriate action is taken to control adverse developments.

Ethics and Conflicts of Interest

All participants in the investment process shall seek to act responsibly as custodians of the public trust. Investment officers shall avoid any transaction that might impair public confidence in the City’s ability to govern effectively. Officers and employees involved in the investment process shall refrain from personal business activity that would conflict with

the proper execution and management of the investment program, or that would impair their ability to make impartial decisions.

Council members, employees and Investment Officers shall disclose to the Texas Ethics Commission and the City Manager, and the City Manager discloses to the City Council if:

- a) The officer has a personal business relationship with a business organization offering to engage in an investment transaction with the City; or
- b) The officer is related within the second degree by affinity of consanguinity, as determined under Chapter 573 of the Texas Government Code, to an individual seeking to transact investment business with the City; or
- c) The officer has any material interests in financial institutions with which they conduct business; or
- d) The officer has any personal financial/investment positions that could be related to the performance of the investment portfolio.

Employees and officers shall refrain from undertaking personal investment transactions with the same individual with which business is conducted on behalf of the City of Brenham.

VI. SUITABLE AND AUTHORIZED INVESTMENTS

City funds may be invested only in the instruments described below, all of which are authorized and further defined by the Act. The City will not be required to liquidate an investment that becomes unauthorized subsequent to its purchase.

I. Authorized Investments

1. Obligations of the United States of America, its agencies and instrumentalities with stated maturities not to exceed three (3) excluding mortgage backed securities.
2. Obligations of the this State or any State or agency thereof including political subdivisions having been rated as investment quality by two nationally recognized investment rating firm, and having received a rating of not less than "AA" or its equivalent with maturities not to exceed three (3) years.
3. Fully insured or collateralized Certificates of Deposit issued by a bank doing business in Texas insured by the Federal Deposit Insurance Corporation or its successor or secured by obligations in a manner provided for by this Policy and state law with maturities not to exceed 12 months .
4. Fully collateralized direct repurchase agreements as defined by the Act with a defined termination date. Collateral shall be pledged to the City, held in the City's name, and deposited with a third party approved by the City. Repurchase agreements must be purchased through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution

doing business in Texas. A Bond market Association Master Repurchase Agreement must be executed prior to investment. All repurchase agreement transactions will be on a delivery vs. payment basis. Securities received for repurchase agreements must have a continuous market value equal to or greater than 102%. Repurchase agreements shall not have maturities over 3 months. Flex repurchase agreements used exclusively for capital project funds may exceed three months but may not be for a period longer than the expected expenditure of the bond proceeds.

5. AAA-rated money market mutual funds that are 1) registered and regulated by the Securities and Exchange Commission, 2) have a dollar weighted average stated maturity of 90 days or less, 3) are rated AAA by at least one nationally recognized rating service, and 4) seek to maintain a net asset value of \$1.00 per share.
6. Constant dollar, local government investment pools, which 1) are created under and conform to the requirements of the Act, 2) are rated no lower than AAA or an equivalent rating by at least one nationally recognized rating service, 3) seek to maintain a \$1.00 net asset value, and 4) are authorized by resolution or ordinance by the City Council.

II. Un-authorized Investments

The Act and this Policy prohibits investment in the following investment instruments:

- Obligations whose payment represents the coupon payments of the outstanding principal balance of the underlying mortgage-backed security collateral and pay no principal (Interest Only mortgage backed securities);
- Obligations whose payment represents the principal stream of cash flow from underlying mortgage-backed security collateral and bear no interest (Principal only mortgage backed securities);
- Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years;
- Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index; and

The practice of “leveraging” whereby funds are borrowed for the sole purpose of investing is prohibited.

VII. INVESTMENT PARAMETERS

Maximum Maturities

The longer the maturity of investments, the greater their price volatility; therefore, it is the City’s policy to concentrate its investment portfolio in shorter-term securities in order to limit principal risk caused by changes in interest rates.

The City shall attempt to match its investments with anticipated cash flow requirements. The City will not directly invest in securities maturing more than three (3) years from the date of purchase; however, the above described obligations, certificates, or agreements may be collateralized using longer dated investments.

The consolidated portfolio will have a maximum dollar-weighted average maturity of six months. This dollar-weighted average will be calculated using the stated final maturity dates of each security.

Diversification

The City of Brenham recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Risk is controlled through portfolio diversification that shall be achieved by the following general guidelines:

- Limiting investments to avoid over concentration in investments from a specific issuer or business,
- Limiting investment in investments that have higher credit risks
- Investing in investments with varying maturities, and
- Continuously investing a portion of the portfolio in readily available funds such as local government investment pools (LGIPs), or money market funds to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

The following maximum limits, by instrument, are established for the City of Brenham’s total portfolio:

1. U.S. Treasury Securities	90 %
2. Agencies and Instrumentalities	80 %
3. Certificates of Deposit	20 %
4. Repurchase Agreements*	80 %
5. Money Market Mutual Funds.....	20 %
6. Authorized Pools	100 %

*Excluding flexible repurchase agreements for bond proceeds investments

VIII. SELECTION OF BANKS AND DEALERS

Depository

As required by the City of Brenham Charter, every two (2) years a banking services depository shall be selected through a competitive process, which shall include a formal request for proposal (RFP) and be consistent with state law. The selection of a depository will be determined by competitive bid and evaluation of bids will be based on the following selection criteria:

- The ability to qualify as a depository for public funds in accordance with state law.
- The ability to provide required services.
- The ability to meet all requirements in the banking RFP.
- The lowest net banking service cost, consistent with the ability to provide an appropriate level of service.
- The credit worthiness and financial stability of the bank.

All banks will execute a written depository agreement in accordance with FIRREA¹ designating authorized collateral.

Authorized Brokers/Dealers

The City Audit/Investment Committee shall, at least annually, review, revise, and adopt a list of qualified broker/dealers and financial institutions (banks and pools) authorized to engage in securities transactions with the City. Those firms that request to become qualified bidders for securities transactions will be required to provide information for the City's questionnaire that provides information regarding creditworthiness, contact information, and experience; and 2) the City's certification stating the firm has received, read and understood the City of Brenham's Investment Policy and have in place controls to prohibit selling the City any security not authorized by that Policy.

The City shall have a minimum of three broker/dealers to assure competitive bidding. Authorized firms may include primary dealers or regional dealers and qualified depositories. All investment providers, including financial institutions, banks, and local government investment pools, must sign the City's certification

Competitive Bids

All transactions will be made on a competitive basis. The Chief Financial Officer shall develop and maintain procedures for ensuring a competition in the investment of the City funds.

Delivery vs. Payment

Securities shall be purchased only using the **delivery vs. payment** method with the exception of investment pools and mutual funds. Funds will be released after notification that the purchased security has been received by the custodian.

IX. SAFEKEEPING OF SECURITIES AND COLLATERAL

Safekeeping and Custodian Agreements

The City of Brenham shall contract with a depository for the safekeeping of securities either owned by the City of Brenham as part of its investment portfolio or held as collateral to secure demand or time deposits. Securities owned by the City of Brenham shall be held in the City's name as evidenced by safekeeping receipts of the institution holding the securities.

Collateral for deposits will be held by an independent third party custodian outside of the pledging bank and evidenced by original safekeeping receipts of the pledging institution with which the collateral is deposited. Original safekeeping receipts shall be delivered to the City.

¹ The Financial Institutions Resource and Recover Enforcement Act governs the actions of the FDIC in cases of bank default.

Collateral Policy

Consistent with the requirements of the Public Funds Collateral Act, it is the policy of the City to require collateralization of City funds in time and demand deposit with any depository bank. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be 102% of market value of principal and accrued interest on the deposits or investments less an amount insured by the FDIC. At its discretion, the City of Brenham may require a higher level of collateralization for certain investment securities.

Securities pledged as collateral shall be held by an independent third party outside the holding company of the pledging bank with whom the City has a current custodial agreement. The Chief Financial Officer is responsible for entering into collateralization agreements with custodians. The agreements are to specify the acceptable investment securities for collateral, including provisions relating to possession of the collateral, the substitution or release of investment securities, ownership of securities, and the method of valuation of securities. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to and retained by the City. Collateral shall be priced weekly at a minimum and to assure that the market value of the pledged securities is adequate.

Any substitution of collateral shall require prior City approval. The substituted security's market value will be equal to or greater than the required security value. Written notification of the substitution must be provided to the bank or safekeeping agent prior to any security release.

Collateral Defined

The Entity shall accept only the following types of collateral:

- Obligations of the United States or its agencies and instrumentalities including mortgage backed securities
- Direct obligations of the state of Texas or its agencies and instrumentalities rated as to investment quality by a nationally recognized rating firm not less than A or its equivalent
- Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized rating firm not less than A or its equivalent

Subject to Audit

All collateral shall be subject to inspection and audit by the Chief Financial Officer or the City of Brenham's independent auditors.

X. PERFORMANCE

Performance Standards

The City of Brenham's investment portfolio will be managed in accordance with the parameters specified within this Policy. The portfolio shall be designed with the objective of obtaining a reasonable yield throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow requirements of the City.

Performance Benchmark

It is the policy of the City of Brenham to purchase investments with maturity dates coinciding with cash flow needs. Through this strategy, the City shall seek to optimize interest earnings utilizing allowable investments available on the market at that time. Market value will be calculated on a monthly basis on all securities owned and compared to current book value. The City of Brenham's portfolio shall be designed with the objective of regularly meeting or exceeding the period average yield on the six month U.S. Treasury Bill which is comparable to the City's maximum weighted average maturity in days based on its cash flow analysis.

XI. REPORTING

Methods

The Investment Officer shall prepare an internal investment report on a monthly basis and on a quarterly basis for Council that summarizes investment strategies employed in the most recent quarter and describes the portfolio in terms of investment securities, maturities including the yield for the quarter.

The quarterly investment report shall be in compliance with the Act and include a summary statement of investment activity prepared in compliance with generally accepted accounting principals. This summary will be prepared in a manner that will allow the City Audit/Investment Committee to ascertain whether investment activities during the reporting period have conformed to the Investment Policy. The report will be provided to the City Council for review. The report will include the following:

- A listing of individual securities held at the end of the reporting period.
- Unrealized gains or losses as calculated on the beginning and ending book and market value of securities for the period.
- Additions and changes to the market value during the period.
- Average weighted yield of portfolio as compared to the City's benchmark.
- Listing of investments by maturity date.
- Fully accrued interest and earnings for the reporting period
- The percentage of the total portfolio that each type of investment represents.
- Any additional reporting information as required by the Act.
- Statement of compliance of the City of Brenham's Investment Policy and the Act

Month-end market prices on each security are to be obtained from nationally recognized security databases (e.g., The Wall Street Journal, Bloomberg, etc.).

An independent auditor will perform an annual formal review of the quarterly reports with the results reported to the governing body.

Monitoring Market Value

Market value of all securities in the portfolio will be determined on a monthly basis. These values will be obtained from a reputable and independent source reported in the quarterly report.

XII. INVESTMENT POLICY ADOPTION

The City of Brenham’s Investment Policy shall be adopted no less than annually by resolution of the City Council. The City of Brenham’s Investment Policy shall be subject to revisions consistent with changing laws, regulations, and needs of the City but any such changes must be adopted by the Council before use. The resolution adopting the policy and strategies must include any changes or modifications to the Policy.

Authority/Date Issued:

<i>City Council Resolution # R-07-026</i>	<i>November 15, 2007</i>
<i>City Council Resolution # R-08-037</i>	<i>October 16, 2008</i>
<i>City Council Resolution # R-09-024</i>	<i>October 15, 2009</i>
<i>City Council Resolution # R-10-025</i>	<i>November 4, 2010</i>



AGENDA ITEM 12

DATE OF MEETING: November 3, 2011	DATE SUBMITTED: October 31, 2011	
DEPT. OF ORIGIN: Finance	SUBMITTED BY: Carolyn D. Miller	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
<input type="checkbox"/> WORK SESSION		
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on its First Reading Amending the FY2010-11 Adopted Budget		
SUMMARY STATEMENT: The proposed Ordinance will be our third and final amendment to the FY2010-11 budget. The General Fund revenues are being increased for Gov Deals online auction funds, increased Court Traffic fines and insurance proceeds. Expenditures are being reduced by \$50,000 due to the Downtown Master Plan being deferred until fiscal year 2011-12. Other expenditure amendment items, whether increases or (decreases), are offset by transfers (in)/out. The last item in the General Fund column is related to the ABNR transfer-out to the Equipment Fund. The other amendment items are for BCDC activity, the AMR smart meter project and year-end budget realignment (clean-up). Also, the last two columns reflect the Worker's Comp Fund transfer to the Medical Self-Insurance Fund to ensure a balanced fund.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Ordinance; and (2) Exhibit A (Amendment Number 3)		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Approve an Ordinance on its first reading amending the FY2010-11 Budget.		
APPROVALS: Carolyn D. Miller		

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING THE FY2011-12 ADOPTED BUDGET; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Brenham, Texas has previously approved a budget for the fiscal year ending September 30, 2011, after having filed the same with the City Secretary and after holding public hearings on same, all after due notice as required by statute; and

WHEREAS, due to unforeseen circumstances and/or conditions, the City Council finds it is necessary to amend the FY2010-11 Budget for municipal purposes;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Brenham, Texas:

SECTION I.

That the City Council of the City of Brenham, Texas, does hereby amend the budget for the City of Brenham, Texas for the fiscal year ending September 30, 2011, as shown on Exhibit A.

SECTION II.

This Ordinance shall take effect as provided by State Law and the Charter of the City of Brenham, Texas.

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

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

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

**CITY OF BRENHAM
EXHIBIT A
AMENDMENT NUMBER 3
FISCAL YEAR 09-30-11**

	General Fund	Electric Fund	Equipment Fund	Streets & Drainage Fund	BCDC Fund	BCDC Capital Projects	Wastewater Fund	Donations Fund	Utility Capital Improvements	Worker's Comp Fund	Medical Self Insurance	TOTAL
REVENUES (INC) DEC												
Gov Deals Online Auction Revenue	\$ (35,600)											\$ (35,600)
Court Traffic Fines	(86,481)											(86,481)
Insurance Proceeds	(38,500)											(38,500)
BCDC - POA Detention Pond Contribution from BBEC					(100,409)							(100,409)
BISD Contribution												
Aquatic Center - Touch Pads 50%	(2,000)											(2,000)
TOTAL BUDGETED REVENUES	(162,581)	-	-	-	(100,409)	-	-	-	-	-	-	(262,990)
EXPENDITURES INC (DEC)												
Street Lights/Signal Infrastructure Maintenance	(10,000)	10,000										-
Streets/Inlets/Curbs Maintenance Budget	(42,010)											(42,010)
Hillside Curb & Gutter Reconstruction				42,010								42,010
Public Safety Virtual Server Project			23,844									23,844
Reduce Info Technology Expenditure Budget	(6,905)											(6,905)
Reduce Communications Expenditure Budget	(6,000)											(6,000)
Reduce Police Department Expenditure Budget	(7,300)											(7,300)
Reduce Fire Department Expenditure Budget	(3,639)											(3,639)
Hohlt Park Improvements - Bridge for Amphitheater	3,000											3,000
Aquatic Center - Lounge Chairs	4,000											4,000
Aquatic Center - Lift Chair	7,500											7,500
Aquatic Center - Touch Pads	4,000											4,000
BCDC Contingency Fund												
Bridge for Amphitheater					(3,000)							(3,000)
Aquatic Center - Lounge Chairs					(4,000)							(4,000)
Aquatic Center - Lift Chair					(7,500)							(7,500)
Aquatic Center - Touch Pads 50%					(2,000)							(2,000)
Downtown Master Plan Deferred Until FY11-12	(50,000)											(50,000)
Bond Issue Costs - Limited Tax Notes						21,095						21,095
Utility Infrastructure Materials - Water Line						35,491						35,491
Drainage Improvements in Belle's Alley								10,365				10,365
AMR Meter Project									884,600			884,600
TOTAL BUDGETED EXPENDITURES	(107,354)	10,000	23,844	42,010	(16,500)	56,586		10,365	884,600		-	903,552
BUDGETED TRANSFERS												
Street Lights/Signal Infrastructure Maintenance	10,000	(10,000)										-
Hillside Curb & Gutter Reconstruction	42,010			(42,010)								-
Public Safety Virtual Server Project	23,844		(23,844)									-
BCDC Transfers												-
Bridge for Amphitheater	(3,000)				3,000							-
Aquatic Center Other Non-Capital Items	(13,500)				13,500							-
Downtown Master Plan Deferred Until FY11-12	25,000				(25,000)							-
Bond Proceeds - Limited Tax Notes						(772,558)						(772,558)
Transfer from Wastewater Fund for Belle's Alley							10,365	(10,365)				-
FY11-12 Budget Workshop Funding Decisions												-
Equipment Fund Transfer per FY11-12 Decision Packages Fun	155,957		(155,957)							115,092	(115,092)	-
Portion of W/C Fund Bal to Med Self Insurance												-
TOTAL BUDGETED TRANSFERS	240,311	(10,000)	(179,801)	(42,010)	(8,500)	(772,558)	10,365	(10,365)	-	115,092	(115,092)	(772,558)
CHANGE IN BUDGETED FUND BALANCE (INC) DEC	\$ (29,624)	\$ -	\$ (155,957)	\$ -	\$ (125,409)	\$ (715,972)	\$ 10,365	\$ 0	\$ 884,600	\$ 115,092	\$ (115,092)	\$ (131,996)

NOTES

- A - Insurance proceeds for Aquatic Center Canopy, Library A/C Unit, Roof Repairs at Sign Shop/Parks Warehouse and several vehicles.
- B - At the June 23, 2011 meeting, the BCDC Board Allocated \$16,500 of recreation contingency funds for these items. BISD agreed to pay 50% of the swimming touch pads.
- C - Although budgeted as a non-departmental expenditure in the General Fund, street light maintenance should be charged to the Electric Fund who owns the infrastructure. The General Fund makes a corresponding transfer-in to offset the expenditure.
- D - The curb and gutter reconstruction expenditures for the Hillside Subdivision should be combined with the street reconstruction expenditures in the Street & Drainage Fund.
- E - Rather than purchase individual servers in these General Fund departments, the decision was made to combine funds and purchase a Public Safety Virtual Server. The budgeted amount is being transferred to the Equipment Fund for capitalization.
- F - At the September 29, 2011 meeting, Council awarded a contract to MESA for the Downtown Master Plan. As no work was performed in FY10-11, we are reducing the expenditures and the transfer-in from BCDC.
- G - At the October 7, 2010 meeting, Council approved Ordinance No. O-10-014 issuing Limited Tax Notes for infrastructure improvements at the new SWIP.
- H - Drainage improvements at Belle's Alley were constructed as part of utility infrastructure improvements to redirect rainfall underground, and are being shown as a transfer-in to the Donations Fund for the capital project.
- I - During FY12 budget workshops, it was decided to transfer projected FY10-11 ABNR to the Equipment Fund to help fund decision packages in the upcoming FY11-12 budget year.
- J - During the FY12 budget workshops, it was decided to transfer an amount from the WC Fund to the Medical Self Insurance Fund to ensure the fund ended FY11 at a break-even point. See WC and Medical Ins Fund summaries.
- K - At the January 6, 2011 meeting, Council awarded RFP No. 11-004 for the purchase of automated meter reading equipment from Aqua Metric Sales Co. While the project is tracked in Fund 108, expenditures will be reported in each Utility Fund.
- L - At the July 26, 2011 meeting, the BCDC Board approved an amendment to the FY10-11 budget for the Property Owner's Association (POA) detention pond payment from Bluebonnet Electric Cooperative.



AGENDA ITEM 13

DATE OF MEETING: November 3, 2011	DATE SUBMITTED: October 27, 2011	
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Kim Hodde	
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 checked="" type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-11-021 Authorizing Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 2011 Christmas Stroll to be Held on Friday, December 2, 2011		
SUMMARY STATEMENT: The 2011 Christmas Stroll is sponsored by Main Street Brenham. Their goal is to attract shoppers to the downtown area. This year's stroll will be held on December 2, 2011 from 5:00 pm until 10:00 pm. Main and Alamo Streets will be closed between Market Street and Austin Street from 4:00 pm until 10:00 pm. There will be entertainment, Farmer's Market and vendors, kids' activities, choirs and bands.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Agreement with TxDOT for the Temporary Closure of State Right of Way including Resolution R-11-021 (identified as Exhibit "B")		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Approve Resolution R-11-021 authorizing execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 2011 Christmas Stroll to be held on December 2, 2011		
APPROVALS: Doug Baker, Police Department, Fire Department		

STATE OF TEXAS §

COUNTY OF TRAVIS §

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

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

WITNESSETH

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

WHEREAS, the local government has requested the temporary closure of Alamo and Main Streets (Business 290) for the purpose of the 2011 Christmas Stroll, from 4:00 pm to 10:00 pm on Friday, December 2, 2011, as described in the attached "Exhibit A," hereinafter identified as the "Event;" and

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

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

WHEREAS, on the 3rd day of November, 2011, the Brenham City Council passed Resolution/ Ordinance No. _____, attached hereto and identified as "Exhibit B," establishing that the Event serves a public purpose and authorizing the local government to enter into this agreement with the State; and

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

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

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

AGREEMENT

Article 1. CONTRACT PERIOD

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

Article 2. EVENT DESCRIPTION

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

Article 3. OPERATIONS OF THE EVENT

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

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

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

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

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

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

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

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

Article 4. OWNERSHIP OF DOCUMENTS

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

Article 5. TERMINATION

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

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

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

Article 6. DISPUTES

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

Article 7. RESPONSIBILITIES OF THE PARTIES

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

Article 8. INSURANCE

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

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

Article 9. AMENDMENTS

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

Article 10. COMPLIANCE WITH LAWS

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

Article 11. LEGAL CONSTRUCTION

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

Article 12. NOTICES

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

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

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

Article 13. SOLE AGREEMENT

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

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

THE CITY OF BRENHAM

Executed on behalf of the local government by:

By _____ Date _____
City Official

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

THE STATE OF TEXAS

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

By _____ Date _____
District Engineer

Exhibit A

This request is for closure of Alamo and Main Streets from Market Street to Austin Street

(See attached map)

on December 2, 2011

Date and Time of Closure

Streets are to be closed from 4:00 pm until 10:00 pm on Friday, December 2, 2011

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

Attached is a map showing the location of street closures and the detour routes from thru traffic.

The proposed activity that requires these street closures is the

2011 Christmas Stroll

Exhibit B

RESOLUTION NO. _____

THE STATE OF TEXAS

COUNTY OF WASHINGTON

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

WHEREAS, the City of Brenham has received requests for street closings along state highways within the City of Brenham;

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

WHEREAS, the City Council of the City of Brenham has considered the foregoing and the aforesaid contract and have agreed to be bound by the provisions thereof for the purpose of closing said streets for the 2010 Christmas Stroll.

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

The Mayor of Brenham, acting on behalf of the City Council of the City of Brenham is hereby authorized to execute the attached agreement with the Texas Department of Transportation in connection with the closure of state highways within the City of Brenham associated with the 2011 Christmas Stroll. This resolution is effective upon its adoption.

Adopted this the 3rd day of November, 2011

Milton Y. Tate, Jr., Mayor

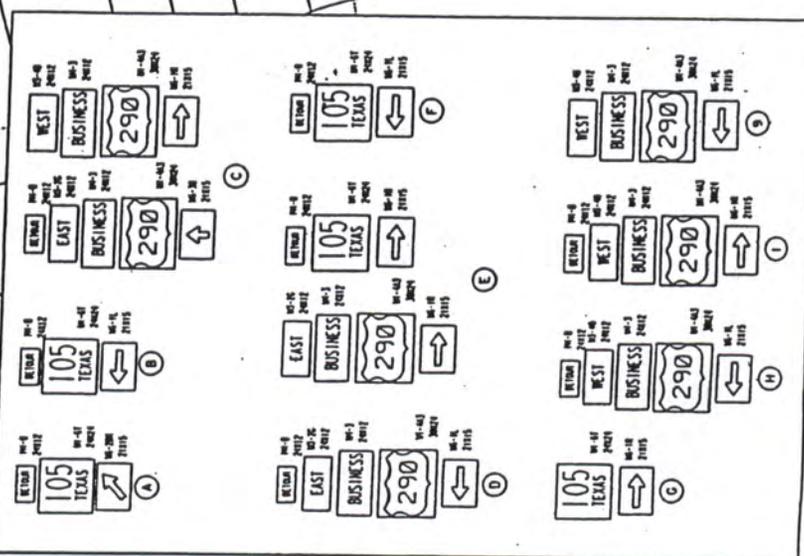
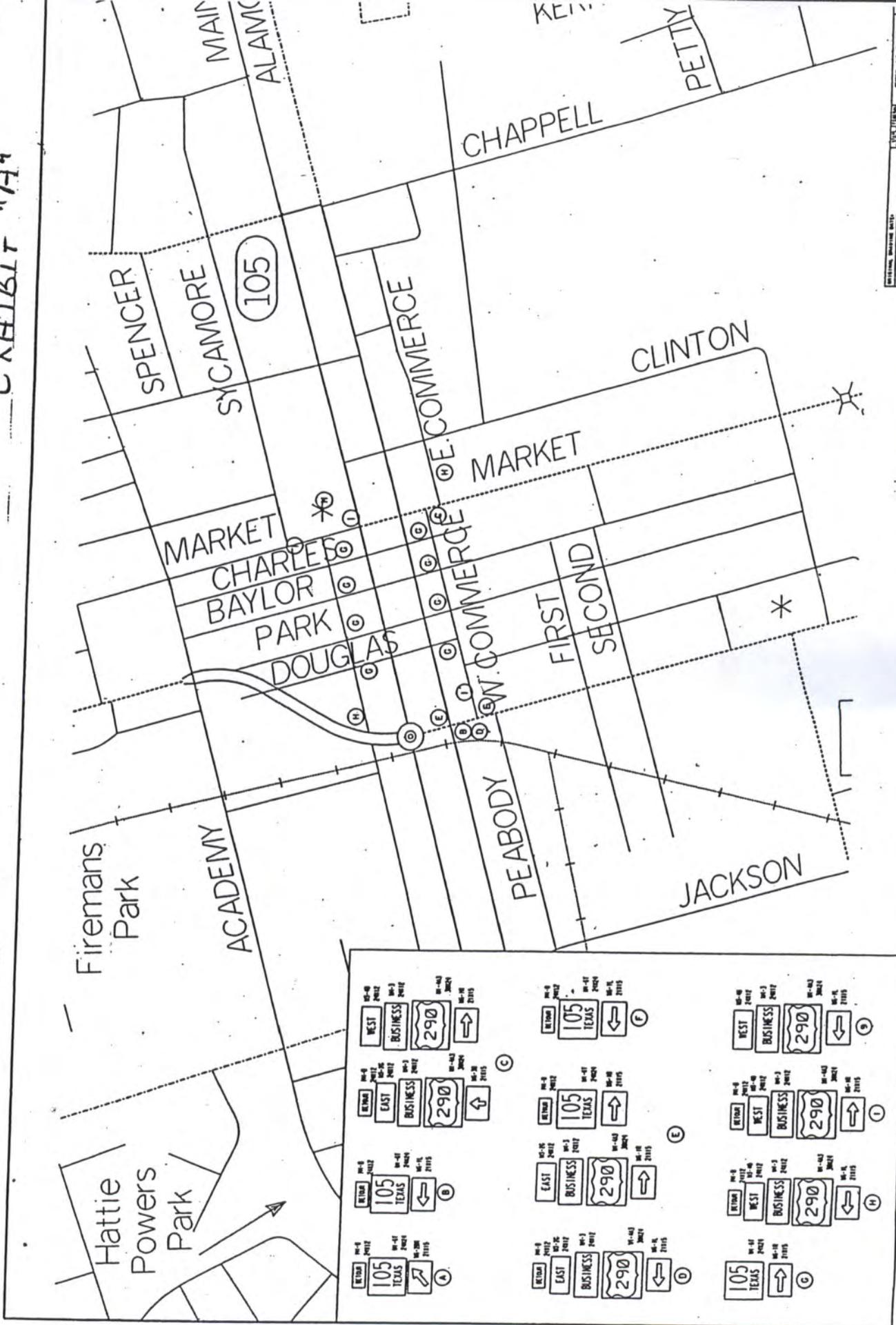
ATTEST:

Jeanna Bellinger, City Secretary

Exhibit C

The **2011 Christmas Stroll** occurs on Friday, December 2, 2011 and is sponsored by Main Street Brenham. Main and Alamo streets will be closed between Market Street and Austin Street from 4:00 p.m. until 10:00 p.m. Main and Alamo streets will feature entertainment, parade, vendors, kids' activities, bands and choirs.

EXHIBIT "A"



DATE	TIME	OFFICER	UNIT

USFNAME	REF. FILE	DATE

APPLICATION FOR EVENT PERMIT (WITH STREET CLOSURES)

1. Name of sponsoring organization: Main Street Brenham
2. Name of individual applying on behalf of above organization: Jennifer Eckermann
3. Proposed date(s) of event: Friday, December 2, 2011
4. Purpose of the event: Christmas Stroll & Parade
5. Proposed street closures for the event: Main Street (Market → Austin); Alamo Street (Market → Austin); Park Street (Vulcan to Commerce - Commerce open - closed Commerce → RR track); Douglas, Baylor & St Charles (Vulcan to Commerce)
6. Proposed times of street closures (allowing for assembly/set-up and breakdown/cleanup):
Proposed closure date and time: 4:00pm; Friday, December 2, 2011.
Closure requested until: 10:00 pm of same day.
7. Event start date and time: 5:00pm; Friday, December 2, 2011
8. Event termination date and time: 10:00pm; Friday, December 2, 2011.
9. Describe types of activities planned (entertainment, food booths, theme of items for sale, etc):
Entertainment; parade; farmers market & vendors on Park past Commerce, Chorus & bands
10. Estimated attendance (event organizers and spectators): 1500
11. Special Requests and/or additional information peculiar to this event: _____

Jennifer Eckermann
Name of Applicant (typed or printed)

Date: 10-17-11

Jennifer Eckermann
Signature of Applicant or Authorized Person

979-337-7384
Telephone Number

EVENT PERMIT (WITH STREET CLOSURES)

1. Street Closure Times: Beginning at Friday, December 2; 4:00pm
(Date and time)

Ending at Friday, December 2; 10:00pm
(Date and time)

*
2. Street Closings:

Main from Market to Austin

Alamo from Market to Austin

St. Charles from Vulcan to Commerce

Baylor from Vulcan to Commerce

Park from Vulcan to Commerce

Douglas from Vulcan to Commerce

Commerce to RR tracks for Farmers Market

Exceptions/additional info: _____

3. Event set-up times: From 4:00pm to 5:00pm

4. Event start time: 5:00pm

5. Event closing time: 10:00pm

6. Breakdown/cleanup: From 9:30pm to 10:00pm

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

CITY OF BRENHAM

By: [Signature]
Director of Public Works

[Signature]
Applicant

Date: 10-26-11

Date: 10-18-2011

* Market from Alamo to Main
in front of Museum so that fire truck
can give rides around downtown square.

CITY STAFF REVIEW

Date received: 10-18-11

APPROVED/DENIED:



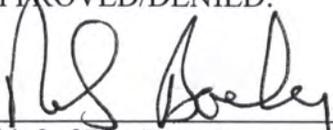
Chief of Police

Date: 10-25-11

City support requirements and rates, if any: _____

Comments: _____

APPROVED/DENIED:



Chief of Fire Department

Date: 10-25-11

City support requirements and rates, if any: _____

Comments: _____

APPROVED/DENIED:

Traffic Operations

Date: _____

City support requirements and rates, if any: _____

Comments: _____



AGENDA ITEM 14

DATE OF MEETING: November 3, 2011		DATE SUBMITTED: October 26, 2011	
DEPT. OF ORIGIN: Administration		SUBMITTED BY: Kyle Dannhaus	
MEETING TYPE:		CLASSIFICATION:	
<input checked="" type="checkbox"/> REGULAR		<input type="checkbox"/> PUBLIC HEARING	
<input type="checkbox"/> SPECIAL		<input type="checkbox"/> CONSENT	
<input type="checkbox"/> EXECUTIVE SESSION		<input checked="" type="checkbox"/> REGULAR	
		<input type="checkbox"/> WORK SESSION	
ORDINANCE:			
<input type="checkbox"/> 1 ST READING			
<input type="checkbox"/> 2 ND READING			
<input type="checkbox"/> RESOLUTION			
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Final Payment to Glasco & Co. Landscaping, Inc. for Work at Toubin Park and Authorize the Mayor to Execute any Necessary Documentation			
SUMMARY STATEMENT:			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS:			
B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: (1) Invoice from Glasco & Co. Landscaping, Inc.			
FUNDING SOURCE (Where Applicable):			
RECOMMENDED ACTION: Approve final payment to Glasco & Co. Landscaping, Inc. in the amount of \$32,461.95 for work at Toubin Park and authorize the mayor to execute any necessary documentation.			
APPROVALS: Terry Roberts			



P. O. BOX 1542
 601 N. BLUE BELL RD.
 BRENHAM, TEXAS 77834-1542
 OFF (979) 836-7036
 FAX (979) 836-3022
 www.glascolandscape.com

Invoice

Date	Invoice #
10/11/2011	40071

Bill To

OCT 19 2011

City of Brenham
 Attn: Gerry Hartstack
 200 W. Vulcan
 Brenham, TX 77834-1059

Qty	Description	Due Date	<i>Thank You For Your Business</i>
		Due on receipt	
		Rate	Amount
	TOUBIN PARK PROJECT - PHASE 1 Drainage Water Feature Cistern Cover		
	1. DRAINAGE		
	8" SDR PVC Pipe plus Fittings		
	1 - 12" NDS Catchbasins with fittings and cast-iron grates		
	1 - 18" NDS Catchbasin with fittings and cast-iron grate		
	Materials	1,960.39	1,960.39
	Labor, Landscape	3,080.00	3,080.00
	Subtotal		5,040.39
	2. WATER FEATURE		
	Brick and concrete basins		
	Submersible pump in cistern to supply water to recirculating water features: antique downspout and antique hand pump		
2.5	cu. yd. Prepared Concrete	110.00	275.00
260	li ft 1/2" rebar	0.50	130.00
300	Bricks - antique Red D'Hanis	1.00	300.00
1	Cu. Yd. Mortar Sand	44.00	44.00
We appreciate your business!		Total	

Page 1
 1-1/2% Finance charge will be charged monthly on any balance of 30 days past due.
 1-1/2% per month is an annual rate of 18%.



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Invoice

Date	Invoice #
10/11/2011	40071

Bill To

City of Brenham
 Attn: Gerry Hartstack
 200 W. Vulcan
 Brenham, TX 77834-1059

OCT 19 2011

Qty	Description	Due Date	<i>Thank You For Your Business</i>
		Due on receipt	
		Rate	Amount
10	80 lb. bag Masonry Cement	10.75	107.50
20	li. ft. 4" SDR Drain Pipe - Sleeves	1.50	30.00
0.5	cu. yd. 1-1/2" Washed Gravel	44.00	22.00
1	5000 GPH submersible pump	802.50	802.50
	Pipe, fittings, floor drains	125.00	125.00
2	1" Gate Valve brass	15.00	30.00
1	Antique Downspout - DONATION	0.00	0.00
	Allotment, installation for antique downspout (to be determined at site)	750.00	750.00
	Labor, Landscape	3,720.00	3,720.00
	Subtotal		6,336.00
	3. CISTERN		
	FOUNDATION and BRICK SURROUND		
14	cu. yd. Prepared Concrete	110.00	1,540.00
	Rebar, #3 stirrups, #5 bends, #5 bars	1,354.61	1,354.61
	Lumber for concrete forms	160.80	160.80
20	li. ft. 4" SDR Drain Pipe for Sleeves	1.50	30.00
1,000	Bricks - antique Red D'Hanis	1.00	1,000.00
4	Cu. Yd. Mortar Sand	44.00	176.00
40	80 lb. bag Masonry Cement	10.75	430.00
1.5	cu. yd. 1-1/2" Washed Gravel	44.00	66.00
	COVER		

We appreciate your business! **Total**

Page 2
 1-1/2% Finance charge will be charged monthly on any balance of 30 days past due.
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Sept



P. O. BOX 1542
601 N. BLUE BELL RD.
BRENHAM, TEXAS 77834-1542
OFF (979) 836-7036
FAX (979) 836-3022
www.glascolandscape.com

Invoice

Date	Invoice #
10/11/2011	40071

Bill To

City of Brenham
Attn: Gerry Hartstack
200 W. Vulcan
Brenham, TX 77834-1059

OCT 19 2011

Due Date	Thank You For Your Business
Due on receipt	

Qty	Description	Rate	Amount
	Steel Framework, as designed by engineer	43,245.85	43,245.85
	Reinforced Glass - 24 pieces 1.5" thick, laminated tempered glass	20,720.00	20,720.00
	Standing Seam Metal Roof	1,750.00	1,750.00
8	LIGHTING (cistern interior)	150.00	1,200.00
300	LED low-voltage light fixtures	0.80	240.00
1	li ft 12-2 Low Voltage Lighting Wire	281.00	281.00
	VistaPro Transformer MT-300-SS		
	CONNECTION TO WATER SOURCE		
	SCH 40 PVC Pipe and Fittings	15.00	15.00
	LABOR		
	Labor, Landscape	10,861.95	10,861.95
	Retainer Applied - Check #38577 (06/02/2011)	-30,000.00	-30,000.00
	Retainer Applied - Check #85986 (08/04/2011)	-31,985.65	-31,985.65

10/11/11
Pay Sept
per Kyle per
Tammy

11-07482

PURCHASE ORDER _____
 PRICE QTY TERMS OK _____
 INV. QTY & RECEIVER OK _____
 INV. EXT & ADD OK _____
 REGULAR MONTH EXP _____
 AUTHORIZED APPROVAL _____
 CHECKED BY _____

APPROVED

BY: [Signature]

DATE: 10/20/11

We appreciate your business!	Total	\$32,461.95
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Page 3

1-1/2% Finance charge will be charged monthly on any balance of 30 days past due.
 1-1/2% per month is an annual rate of 18%.



AGENDA ITEM 15

DATE OF MEETING: November 3, 2011	DATE SUBMITTED: October 26, 2011	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Kyle Dannhaus	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 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 Bid No. 11-017 for Hohlt Park Restrooms Located Near the Dr. Bobbie M. Dietrich Memorial Amphitheater and Authorize the Mayor to Execute any Necessary Documentation		
SUMMARY STATEMENT: On September 8, 2011 the Purchasing Department opened bids for the Restrooms located in Hohlt Park near the Dr. Bobbie M. Dietrich Memorial Amphitheater. Twelve bidders requested packets and eleven completed and returned bids. Please see attached Bid Information and Tabulation Sheet.		
Staff is recommending that council award the bids to the following:		
<ul style="list-style-type: none"> ➤ LaBu, Inc. for Foundation work in the amount of \$14,000 ➤ Mark Buck for the Roofing System in the amount of \$15,076.64 ➤ R.W. Pfeffer Masonry for the Block/Rock work in the amount of \$49,945 ➤ American Drain & Plumbing for Plumbing work in the amount of \$17,800 ➤ David Herman Electric for Electrical work in the amount of \$5,205 ➤ Mike Pohl for Mechanical work in the amount of \$5,750 		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Bid Information and Tabulation Sheet; (2) Pro Forma Financial		
FUNDING SOURCE (Where Applicable): BCDC Funding, Donations, Pledges, and Parks Capital Projects Residual Funds		

RECOMMENDED ACTION: Approve Bid No. 11-017 for the Foundation, Roofing System, Block/Rock Work, Plumbing, Electrical, and Mechanical and award contracts, as presented, for the Hohlt Park Restrooms located near the Dr. Bobbie M. Dietrich Memorial Amphitheater and authorize the mayor to execute any necessary documentation

APPROVALS: Terry Roberts



Bid Information Sheet

September 8, 2011

Request for Bid No. 11-017

For: Hohlt Park Restrooms Located Near Amphitheater

Number of bidders requesting bid packet: 12

Number of completed bids returned to Purchasing: 11



**Hohlt Park Restrooms
Located Near Amphitheater
Bid No. 11-017**

	Item 1. Foundation	Item 2. Roofing System	Item 3. Block/Rock Work	Item 4. Plumbing	Item 5. Electrical	Item 6. Mechanical
<u>Bidders</u>						
LaBu, Inc. Brenham, TX. Prompt Payment -	\$14,000.00					

R.W. Pfeffer Masonry Bryan, TX.			* \$64,727.00			

Moeller Electric Brenham, TX,					\$7,500.00	

Dahlquist Plumbing Brenham, TX.				\$29,850.00		

Mark Buck Brenham, TX.		\$15,076.64				

McManus & Haddox Caldwell, TX. Prompt Payment		\$21,500.00				
		2% 10 days				

Mike Pohl Four Seasons HVAC Brenham, TX.						\$5,750.00

Lakeway Air Brenham, TX.						\$7,125.00

David Herrman Elec. Brenham, TX.					\$5,205.00	

American Drain & Plumbing Brenham, TX.				\$17,800.00		

Brenham Heating & Air Brenham, TX.						\$7,830.00

*** Deduct from base bid \$14,782 using smooth face CMU in lieu of slick face (ground face) = \$49,945.00**

**Hohlt Park Restroom Capital Project
Near Amphitheater
Pro-Forma Financial**

	Budget
Revenues	
BCDC Funding	\$ 90,000
Donations	1,250
Pledges	12,500
Parks Capital Projects Residual Funds	<u>13,181</u> See Note A
Total Revenues	116,931
 Expenditures	
Architect Fees	8,000
Foundation	14,000
Roofing System	15,077
Masonry	49,945
Plumbing	17,800
Electrical	5,205
Mechanical	<u>5,750</u>
Total Expenditures	115,777
Revenues over Expenditures	<u><u>\$ 1,154</u></u>

Improvements not in Formal Bid Process

Sidewalk	4,000 See Note B
Miscellaneous Work	3,600 See Note B

Note A

Over the past few years, BCDC has funded parks capital improvement projects, and residual funds were remaining . Those projects included improvements to Jackson Street Park, Hohlt Park and Greenwade Field.

Note B These expenditures will be offset by private donations, and if not, the General Fund will transfer-in the matching funds.



AGENDA ITEM 16

DATE OF MEETING: November 3, 2011		DATE SUBMITTED: October 28, 2011	
DEPT. OF ORIGIN: Human Resources/Risk Management		SUBMITTED BY: Janie Mehrens	
MEETING TYPE:		CLASSIFICATION:	
<input checked="" type="checkbox"/> REGULAR		<input type="checkbox"/> PUBLIC HEARING	
<input type="checkbox"/> SPECIAL		<input type="checkbox"/> CONSENT	
<input type="checkbox"/> EXECUTIVE SESSION		<input checked="" type="checkbox"/> REGULAR	
		<input type="checkbox"/> WORK SESSION	
ORDINANCE:			
<input type="checkbox"/> 1 ST READING			
<input type="checkbox"/> 2 ND READING			
<input type="checkbox"/> RESOLUTION			
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Recommendation for Self-Insured Medical Funding Rates for Calendar Year 2012 for the Group Health Plan Effective January 1, 2012 and Authorize the Mayor to Execute any Necessary Documentation			
SUMMARY STATEMENT: Please see attached memo.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS:			
B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: Memo, Spreadsheets with Detailed Information			
FUNDING SOURCE (Where Applicable): Funds are budgeted in each department in FY12 Budget.			
RECOMMENDED ACTION: Approve recommendation as presented.			
APPROVALS: Terry Roberts			



MEMORANDUM

TO: MAYOR AND COUNCILMEMBERS

CC: TERRY ROBERTS

FROM: JANIE MEHRENS

DATE: OCTOBER 28, 2011

SUBJECT: FUNDING RATES FOR SELF-INSURED GROUP HEALTH PLAN FOR
CALENDAR YEAR 2012

During the budgeting process for FY 2011, a 10% funding increase for group health plan contributions was included in the budget based on medical trending and claims information available at the time. Because of the continuing rising cost of general medical services and for our group, of large claims, the Self-Insured Medical Fund will show a negative fund balance for the fiscal year. It is anticipated that a transfer of over \$115,000 from the Workers' Compensation Fund will need to be made in order to balance the medical fund.

Although the cost of prescription drugs has decreased, medical claims are still rising. A small number of very large claims continue to make up the greatest percentage of paid claims, including one claimant with a \$200,000 stop-loss deductible. Total claims for FY12 are estimated at \$1,860,000, including prescription claims, or 9.4% higher than FY11 projected claims. Fixed costs are expected to increase because of rising costs for stop-loss coverage.

With the anticipated plan changes and absent a salary schedule increase, staff is recommending an increase in group medical funding rates of 11.6% as shown on the attached schedule for all categories: Employee, City share, COBRA and Retiree. The 11.6% increase is based on national trending information, rate structure recommendations by Holmes Murphy and Associates and estimated fund expenses.

Although the actual costs for stop loss coverage and anticipated claims costs will not be final until December, it is necessary to approve the funding rates at this council meeting so the rates will be available to employees to make their decisions for dependent coverage during open enrollment which begins November 15, 2011.

The rates would go into effect January 1, 2012.

CITY OF BRENHAM

RATES EFFECTIVE JANUARY 1, 2011 WITH 10% INCREASE

CATEGORY	MO. PREMIUM	CITY SHARE		TOTAL CITY SHARE	EMPLOYEE SHARE	BIWEEKLY RATE	INCREASE PER MONTH EMPLOYEE	INCREASE PER MONTH CITY
		EMPLOYEE	DEPENDENT					
EMP ONLY	\$ 494.25	\$ 469.41	\$ -	\$ 469.41	\$ 24.84	\$ 12.42	\$2.26	\$42.67
EMP & SP	\$ 957.76	\$ 469.41	\$ 272.40	\$ 741.81	\$ 215.95	\$ 107.97	\$19.63	\$67.44
EMP & CHILD	\$ 836.55	\$ 469.41	\$ 200.44	\$ 669.86	\$ 166.69	\$ 83.35	\$15.15	\$60.90
EMP & FAM	\$ 1,301.77	\$ 469.41	\$ 474.56	\$ 943.97	\$ 357.80	\$ 178.90	\$32.53	\$85.82

COBRA RATES			
	MO PREMIUM	2% ADMIN FEE	TOTAL
EMP ONLY	\$ 494.25	\$ 9.89	\$504.14
EMP & SP	\$ 957.76	\$ 19.16	\$976.91
EMP & CHILD	\$ 836.55	\$ 16.73	\$853.28
EMP & FAM	\$ 1,301.77	\$ 26.04	\$1,327.81

RETIREE RATES	
EMP ONLY	\$ 469.41
EMP & SP	\$ 957.76
EMP & CHILD	\$ 836.55
EMP & FAM	\$ 1,301.77

PROPOSED GROUP MEDICAL RATES

RATES EFFECTIVE JANUARY 1, 2012 WITH 11.6% INCREASE

CATEGORY	MO. PREMIUM	CITY SHARE		TOTAL CITY SHARE	EMPLOYEE SHARE	BIWEEKLY RATE	INCREASE PER MONTH EMPLOYEE	INCREASE PER MONTH CITY	# UNITS	ANNUAL INCREASE	
		EMPLOYEE	DEPENDENT								
EMP ONLY	\$ 551.60	\$ 523.88		\$ 523.88	\$ 27.72	\$ 13.86	\$ 2.88	\$ 54.47	104	\$ 3,595	\$ 67,974
EMP & SP	\$ 1,068.86	\$ 523.88	\$ 303.99	\$ 827.86	\$ 241.00	\$ 120.50	\$ 25.05	\$ 86.05	20	\$ 6,012	\$ 20,652
EMP & CHILD	\$ 933.60	\$ 523.88	\$ 223.68	\$ 747.56	\$ 186.04	\$ 93.02	\$ 19.35	\$ 77.70	44	\$ 10,215	\$ 41,028
EMP & FAM	\$ 1,452.78	\$ 523.88	\$ 529.58	\$ 1,053.46	\$ 399.32	\$ 199.66	\$ 41.52	\$ 109.49	40	\$ 19,927	\$ 52,555
									208	\$ 39,749	\$ 182,209
										\$	\$ 221,959

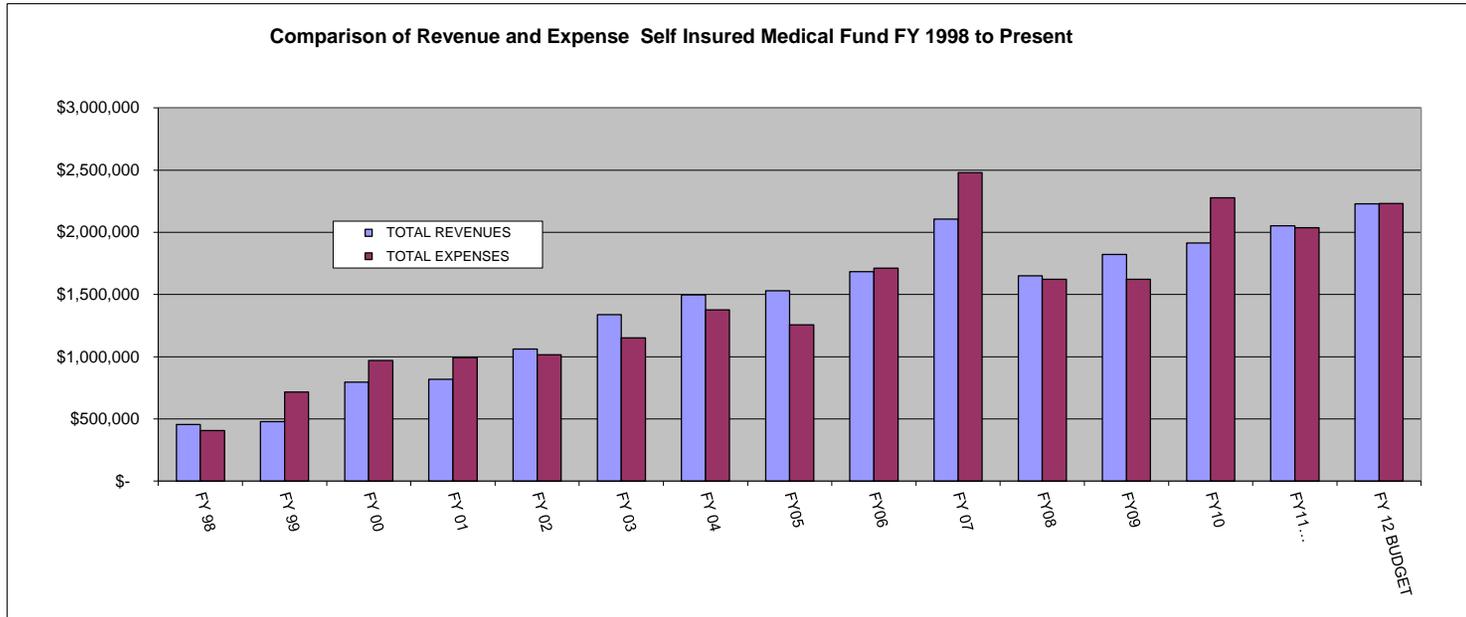
COBRA RATES			
	MO PREMIUM	2% ADMIN FEE	TOTAL
EMP ONLY	\$ 551.60	\$ 11.03	\$562.63
EMP & SP	\$ 1,068.86	\$ 21.38	\$1,090.24
EMP & CHILD	\$ 933.60	\$ 18.67	\$952.27
EMP & FAM	\$ 1,452.78	\$ 29.06	\$1,481.83

RETIREE RATES	
EMP ONLY	\$ 523.88
EMP & SP	\$ 1,068.86
EMP & CHILD	\$ 933.60
EMP & FAM	\$ 1,452.78

SUMMARY OF INCOME AND EXPENSES IN SELF-INSURED MEDICAL FUND
1998-PRESENT

	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	FY05	FY06	FY 07	FY08	FY09	FY10	FY11 PROJECTION	FY 12 BUDGET
REVENUES															
STOP LOSS REIMB						\$ -	\$ 37,417	\$ 220,133	\$ 605,355	\$ 33,821	\$ 151,256	\$ 129,656	\$ 126,861	\$ 75,000	
PREMIUM CONTRIBUTION	\$ 438,208	\$ 450,696	\$ 780,056	\$ 785,363	\$ 1,055,870	\$ 1,333,128	\$ 1,484,145	\$ 1,493,103	\$ 1,440,823	\$ 1,488,731	\$ 1,612,208	\$ 1,671,438	\$ 1,784,043	\$ 1,925,111	\$ 2,153,188
INTEREST/MISC	\$ 17,369	\$ 26,768	\$ 14,421	\$ 33,068	\$ 6,632	\$ 6,230	\$ 13,379	\$ 5,746	\$ 19,117	\$ 10,827	\$ 3,244	\$ 376	\$ 891	\$ 38	\$ 50
GAIN(LOSS) ON INVEST								\$ (5,796)	\$ 2,440						
TOTAL REVENUES	\$ 455,577	\$ 477,464	\$ 794,477	\$ 818,431	\$ 1,062,502	\$ 1,339,357	\$ 1,497,524	\$ 1,530,470	\$ 1,682,513	\$ 2,104,913	\$ 1,649,273	\$ 1,823,070	\$ 1,914,589	\$ 2,052,010	\$ 2,228,238
EXPENSES															
FIXED COSTS	\$ 96,703	\$ 96,298	\$ 153,105	\$ 142,417	\$ 193,418	\$ 236,954	\$ 238,712	\$ 219,302	\$ 212,935	\$ 226,116	\$ 313,823	\$ 353,664	\$ 290,545	\$ 298,000	\$ 321,000
CLAIMS	\$ 295,386	\$ 585,003	\$ 800,134	\$ 858,983	\$ 807,535	\$ 903,006	\$ 1,131,412	\$ 1,033,828	\$ 1,426,421	\$ 2,151,505	\$ 1,338,907	\$ 1,236,577	\$ 1,877,688	\$ 1,690,000	\$ 1,860,000
MISC	\$ 14,096	\$ 35,829	\$ 16,159	\$ (9,406)	\$ 13,643	\$ 11,240	\$ 6,180	\$ 3,825	\$ 72,736	\$ 102,771	\$ (31,526)	\$ 33,125	\$ 108,423	\$ 50,196	\$ 50,200
TOTAL EXPENSES	\$ 406,185	\$ 717,130	\$ 969,398	\$ 991,994	\$ 1,014,596	\$ 1,151,199	\$ 1,376,304	\$ 1,256,955	\$ 1,712,092	\$ 2,480,392	\$ 1,621,204	\$ 1,623,367	\$ 2,276,655	\$ 2,038,196	\$ 2,231,200
TRANSFER -OTHER SOURCES													\$ 47,071	\$ 115,092	\$ 2,962
NET INCOME(LOSS)	\$ 49,392	\$ (239,666)	\$ (174,921)	\$ (173,563)	\$ 47,905	\$ 188,158	\$ 121,220	\$ 273,515	\$ (29,580)	\$ (375,479)	\$ 28,068	\$ 199,703	\$ (314,995)	\$ 128,906	\$ -

FIXED COSTS INCLUDE CLAIMS ADMINISTRATION, ISL AND ASL PREMIUMS, ETC.
MISCELLANEOUS INCLUDES OUR WELLNESS PROGRAM, EAP, CONSULTANT FEES, IBNR, LEGAL NOTICES, PUBLICATIONS, ETC.





AGENDA ITEM 17

DATE OF MEETING: November 3, 2011		DATE SUBMITTED: October 27, 2011	
DEPT. OF ORIGIN: Human Resources/Risk Management		SUBMITTED BY: Janie Mehrens	
MEETING TYPE:		CLASSIFICATION:	
<input checked="" type="checkbox"/> REGULAR		<input type="checkbox"/> PUBLIC HEARING	
<input type="checkbox"/> SPECIAL		<input type="checkbox"/> CONSENT	
<input type="checkbox"/> EXECUTIVE SESSION		<input checked="" type="checkbox"/> REGULAR	
		<input type="checkbox"/> WORK SESSION	
ORDINANCE:			
<input type="checkbox"/> 1 ST READING			
<input type="checkbox"/> 2 ND READING			
<input type="checkbox"/> RESOLUTION			
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the 2012 Holiday Schedule			
SUMMARY STATEMENT: The Holiday Schedule for 2012 is presented for approval by the City Council. The schedule provides for the same number of holidays approved for 2011.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS:			
B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: (1) Memo from Janie Mehrens with proposed 2012 Holiday Schedule			
FUNDING SOURCE (Where Applicable): Funding for holiday pay is provided in FY12 budget.			
RECOMMENDED ACTION: Approve 2012 Holiday Schedule as presented.			
APPROVALS: Terry Roberts			



Memorandum

TO: MAYOR AND COUNCILMEMBERS
 FROM: JANIE MEHRENS
 DATE: October 27, 2011
 SUBJECT: 2012 HOLIDAY SCHEDULE

The 2012 proposed holiday schedule is presented for discussion and approval at the Council meeting on November 3, 2011.

The holiday calendar is the same as approved for 2011, allowing for 2 days at Christmas, for a total of 12 holidays plus the floating birthday holiday.

2012 PROPOSED

2011 APPROVED

	DAY	DATE	DAY	DATE
NEW YEARS DAY	SUNDAY (24 HR DEPTS – OT PAY)	JANUARY 1, 2012	FRIDAY (Observed)	DECEMBER 31, 2010
	MONDAY (Observed)	JANUARY 2, 2012	SATURDAY (24 HR DEPTS)	JANUARY 1, 2011
MARTIN LUTHER KING DAY	MONDAY	JANUARY 16	MONDAY	JANUARY 17
GOOD FRIDAY/EASTER	FRIDAY	APRIL 6	FRIDAY	APRIL 22
	SUNDAY (24 HR DEPTS)	APRIL 8	SUNDAY (24 HR DEPTS)	APRIL 24
MEMORIAL DAY	MONDAY	MAY 28	MONDAY	MAY 30
INDEPENDENCE DAY	WEDNESDAY	JULY 4	MONDAY	JULY 4
LABOR DAY	MONDAY	SEPTEMBER 3	MONDAY	SEPTEMBER 5
VETERANS DAY	SUNDAY (24 HR DEPTS)	NOVEMBER 11	FRIDAY	NOVEMBER 11
	MONDAY (OBSERVED)	NOVEMBER 12		
THANKSGIVING	THURSDAY	NOVEMBER 22	THURSDAY	NOVEMBER 24
	FRIDAY	NOVEMBER 23	FRIDAY	NOVEMBER 25
CHRISTMAS	MONDAY	DECEMBER 24	FRIDAY (OBSERVED)	DECEMBER 23
	TUESDAY	DECEMBER 25	SATURDAY (24 HR DEPTS)	DECEMBER 24
			SUNDAY (24 HR DEPTS)	DECEMBER 25
			MONDAY (OBSERVED)	DECEMBER 26
BIRTHDAY	FLOATING		FLOATING	



AGENDA ITEM 18

DATE OF MEETING: November 3, 2011	DATE SUBMITTED: October 26, 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 type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Ratification of a BVWACS/BVCOG Contract Amendment with Motorola Solutions, Inc. for Additional Infrastructure Equipment and Services and Authorize the Mayor to Execute any Necessary Documentation		
SUMMARY STATEMENT: The governing board of the Brazos Valley Wide Area Communication System (BVWACS) has approved an amendment to their contract with Motorola Solutions, Inc. for additional equipment and services to upgrade and enhance their system. The cost of the upgrade to the system is \$204,607.50. All costs of the system are shared proportionally. This equates to our 12.9% of the total cost which is \$26,394.37 of the total cost of the upgrade. 12.9% is our percentage of ownership in the BVWACS system. No additional funding from the participating entities is required. Unspent budgeted funds each year have been kept in the BVWAC capital fund in the event system upgrades are needed. The participating agencies in the BVWACS system include Bryan, College Station, Brenham, Brazos County, Washington County, and Texas A&M University. Mayor Tate is the City's representative to the governing board.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS:		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Approve the Ratification of a BVWACS/BVCOG Contract Amendment with Motorola Solutions, Inc. for Additional Infrastructure Equipment and Services and Authorize the Mayor to Execute any Necessary Documentation		
APPROVALS: Terry Roberts		



AGENDA ITEM 19

DATE OF MEETING: November 3, 2011		DATE SUBMITTED: October 28, 2011
DEPT. OF ORIGIN: Administration		SUBMITTED BY: Kyle Dannhaus
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input 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 checked="" type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Texas Government Code Section 551.072 – Deliberation Regarding Real Property – Discussion Regarding Potential New Park Land		
SUMMARY STATEMENT: Executive Session		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS:		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Discussion Only		
APPROVALS: Terry Robert		



AGENDA ITEM 20

DATE OF MEETING: November 3, 2011	DATE SUBMITTED: October 28, 2011	
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Doug Baker	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input 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 checked="" type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Texas Government Code Section 551.072 – Deliberation Regarding Real Property – Discuss and Consider the Acquisition of Property for the Handley Street Extension Segment of the U.S. Hwy 290 Project		
SUMMARY STATEMENT: Executive Session		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS:		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Discussion Only		
APPROVALS: Terry Robert		



AGENDA FORM 21

DATE OF MEETING: November 3, 2011	DATE SUBMITTED: October 28, 2011	
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Doug Baker	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> RESOLUTION
<input type="checkbox"/> WORK SESSION		
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-11-022 Determining the Public Need and Necessity for the Acquisition of Certain Real Property for the Public Uses of Construction, Widening, Improvements, Use, Repair, and Maintenance of Street Improvements as Part of the Handley Street Extension Segment of the U.S. Hwy 290 Project, Authorizing the City Manager to Agree on Amounts to be Paid to the Property Owner(s) as Compensation for Said Property, and Authorizing the City Attorney to Institute Condemnation Proceedings, (Use of Eminent Domain), If Necessary, to Acquire Said Property situated in the City of Brenham, Washington County, Texas out of the Isaac Lee Survey A-77 Owned by J.R. Enterprises		
SUMMARY STATEMENT: As Discussed in Executive Session		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Resolution R-11-022		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: I move that the City of Brenham authorize the use of the power of eminent domain to acquire a 0.0575 parcel of land situated in the City of Brenham, Washington County, Texas out of the Isaac Lee Survey A-77, and owned by J.R. Enterprises, for the public uses of construction, widening, improvement, use, repair, and maintenance of street improvements as part of the Handley Street Extension segment of the U.S. Hwy 290 Project, by the adoption of Resolution No. R-11-022		
APPROVALS: Terry Roberts		

RESOLUTION NO. R-11-022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, DETERMINING THE NECESSITY OF ACQUIRING CERTAIN REAL PROPERTY NEEDED FOR THE PUBLIC USES OF CONSTRUCTION, WIDENING, IMPROVEMENT, USE, REPAIR, AND MAINTENANCE OF STREET IMPROVEMENTS AS PART OF THE HANDLEY STREET EXTENSION SEGMENT OF THE US HWY 290 PROJECT FOR THE CITY OF BRENHAM, TEXAS; AUTHORIZING THE CITY MANAGER TO AGREE ON COMPENSATION FOR SAID REAL PROPERTY; AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS (USE OF EMINENT DOMAIN), IF NECESSARY, TO ACQUIRE SAID PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Brenham is authorized by Chapter 251, Texas Local Government Code, Chapter 21, Texas Property Code, and Art. II, Sec. 3 of the Brenham City Charter to acquire property by condemnation to extend, straighten, widen, or otherwise improve any public street; and

WHEREAS, the City Council of the City of Brenham hereby finds and determines that public need and necessity require the City of Brenham to acquire fee simple title to certain real property for the public uses of construction, widening, improvement, use, repair and maintenance of street improvements as part of the Handley Street Extension Segment of the US Hwy 290 Project, in the City of Brenham, Washington County, Texas, as described herein and as further described in Exhibit "A" attached hereto and made a part hereof for all purposes (hereinafter the "Property"); and

WHEREAS, the City Council hereby finds and determines that the Property described herein is suitable for such public uses and that it is necessary to acquire said Property for the Handley Street Extension Segment of the US Hwy 290 Project to provide for improved traffic flow in the City of Brenham, Texas;

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

Section 1. The facts and recitals set forth in the preamble of this Resolution are hereby found to be true and correct, and are incorporated herein for all purposes.

Section 2. The City Council of the City of Brenham hereby finds and determines that public need and necessity require the City of Brenham to acquire the following described Property for the public uses of construction, widening, improvement, use, repair and maintenance of street improvements as part of the Handley Street Segment of the US Hwy 290 Project:

Being all that 0.0575 acre tract or parcel of land situated in the City of Brenham, Washington County, Texas out of the Isaac Lee Survey A-77 and being a portion of the tract of land called 1.000 acre in a deed dated August 13, 2002 from Bynum's Plumbing Service, Inc. d/b/a Roto-Rooter of Brenham to J.R. Enterprises as recorded in Volume 1042, Page 627 of the Official Records of Washington County, said 0.0575 acre parcel being more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

Section 3. The City Manager is hereby authorized on behalf of the City of Brenham to take all appropriate actions to attempt to agree on compensation and damages, if any, to be paid to the owner(s), and any others having any interest in the Property, for the acquisition of the Property, including but not limited to the authority to make bona fide final offers to the owner(s) of the Property, in accordance with the laws of the State of Texas, for the acquisition of the Property as herein described. In the event the City Manager determines that an agreement as to compensation and damages, if any, cannot be reached, then the City Attorney is hereby authorized and directed to file, against the owner(s) and any interested parties, condemnation proceedings (proceedings in eminent domain) to acquire fee simple title to the Property described herein and to conduct all parts of the condemnation in accordance with the laws and procedures of the State of Texas.

Section 4. The Property is needed for the public uses of construction, widening, improvement, use, repair and maintenance of street improvements as part of the Handley Street Extension Segment of the US Hwy 290 Project to improve traffic flow in the City of Brenham, Texas.

Section 5. It is the intent of the City Council that this Resolution authorizes the condemnation of all property required for the public uses of construction, widening, improvement, use, repair and maintenance of street improvements as part of the Handley Street Extension Segment of the US Hwy 290 Project. If it is later determined that there are any errors in the descriptions contained herein or if later surveys contain more accurate revised descriptions, the City Attorney is authorized to have such errors corrected or revisions made without the necessity of obtaining a new City Council resolution authorizing the condemnation of the corrected or revised property.

Section 6. This Resolution shall become effective immediately from and after its approval.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Brenham, Texas this the 3rd day of November, 2011.

Milton Tate
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary