



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY JANUARY 5, 2012 AT 1:00 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Andrew Ebel**
- 3. Service Recognitions**

Luke Ongudu – Electric Department	5 years
Joseph Merkley – Police Department	10 years

4. Citizens Comments

CONSENT AGENDA

5. Statutory Consent Agenda

Page 4 - 17

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

- 5-a. Minutes from the December 15, 2011 Council Meeting**
- 5-b Ordinance No. O-12-001 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 the Zoning of Lot 1 and Lot 2
of the Trinity Care Center Subdivision and also Tract 120 of the Arrabella
Harrington Survey from R-2, Mixed Residential District to a B-1, Local
Business/Residential Mixed Use District**

WORK SESSION

- 6. Discussion on New Policies and Procedures for All City of Brenham Boards and Commissions**

Page 18 - 27

REGULAR AGENDA

- 7. Discuss and Possibly Act Upon Ordinance No. O-12-002 on its Second Reading Amending the Rate Tariff Schedule, Section 1005, Related to Residential Customer Deposits for All City-Owned Utilities and Authorize the Mayor to Execute Any Necessary Documentation**

Page 28 - 31

- 8. Discuss and Possibly Act Upon a Recommendation from the Parks and Recreation Advisory Board Approving Admission Rates at the Blue Bell Aquatic Center**

Page 32 - 37

- 9. Discuss and Possibly Act Upon Resolution No. R-12-001 Renaming Pickle Circle to Jake Pickle Drive**

Page 38 - 44

- 10. Discuss and Possibly Act Upon Resolution No. R-12-002 Authorizing the Acceptance of Public Improvements in the Timber Oaks Subdivision, Section One, and Authorize the Mayor to Execute Any Necessary Documentation**

Page 45 - 50

EXECUTIVE SESSION

- 11. Texas Government Code Section 551.072 – Deliberation Regarding Real Property – Discuss and Consider the Acquisition of Property for the Westwood Lane Improvements Project**

Page 51

RE-OPEN REGULAR AGENDA

- 12. Discuss and Possibly Act Upon Resolution No. R-12-003 Approving the Acquisition of Certain Real Property for the Westwood Lane Improvements Project, Authorizing the Mayor to Act on Behalf of the City in All Matters Pertaining Thereto, and Authorizing the Mayor to Execute Any Necessary Documentation**

Page 52 - 56

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.

13. 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 January 5, 2012 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 December 30, 2011 at _____ Am Pm.

Jeana Bellinger, 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 _____, 2012 at _____ Am Pm.

Signature

Title

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on December 15, 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 Keith Herring
Councilmember Weldon Williams, Jr.

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Chief Financial Officer Carolyn Miller, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Public Works Director Doug Baker, Public Utilities Director Lowell Ogle, Gerry Hartstack, Allen Jacobs, Leslie Kelm, Kim Hodde, Dane Rau, Danny Romo, Pam Ruenke, and Janie Mehrens

Citizens present:

Mary Barnes-Tilley, Jason Kiemsteadt, Page Michel, Clint Kolby, Wesley Brinkmeyer, Virginia Boeker, Glenn Whorton, Craig Kankel, Lete Phillips, Karen Marek (for C.H. Harvey), and Doss H. Pruitt

Media Present:

Allison Smith, Brenham Banner Press; Frank Wagner, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Danny Goss**

3. Citizens Comments

Karen Marek read a letter on behalf of C.H. Harvey indicating that TFE previously issued two checks for donations to the Washington County Healthy Living Association “Meals on Wheels” on behalf of Mayor Tate and Keith Herring. Another check has been issued as a donation on behalf of Gloria Nix. Mr. Harvey commended Danny Goss for his contribution and support of the WCHLA. The three checks were presented to Lete Phillips. Mrs. Phillips thanked Mr. Harvey for his donation and support.

CONSENT AGENDA

4. Statutory Consent Agenda

4-a. Minutes from the December 1, 2011 Council Meetings

4-b. Ordinance No. O-11-026 on Its Second Reading Related to the Organizational Structure, Operations and Best Practices of City Boards and Commissions; Continuation of Service of Current Board and Commission Members During Said Review Period; Repeal of the Term Limits Applicable to City Boards and Commissions; and Related Matters

A motion was made by Keith Herring and seconded by Weldon Williams to approve the Statutory Consent Agenda Items 4-a – minutes from the December 1, 2011 and 4-b – Ordinance No. O-11-026 on its second reading Related to the Organizational Structure, Operations and Best Practices of City Boards and Commissions; Continuation of Service of Current Board and Commission Members During Said Review Period; Repeal of the Term Limits Applicable to City Boards and Commissions; and Related Matters

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

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

PUBLIC HEARING

5. Public Hearing Regarding a Request for a Change of Zoning for Lots 1 and 2 of the Trinity Care Center Subdivision and also Tract 120 of the Arrabella Harrington Survey from R-2, Mixed Residential District to a B-1, Local Business/Residential Mixed Use District

Allen Jacobs informed City Council that the Planning and Zoning Commission held a scheduled meeting on Monday, December 5, 2011. A Public Hearing was held in reference to a Request for a Change of Zoning District for the property with Legal Descriptions as follows: Lot 1 and Lot 2 of the Trinity Care Center Subdivision (400 Block of Sayles Street) and also Tract 120 of the Arrabella Harrington Survey (400 Block of East Blue Bell Road). The properties are presently classified as the R-2, Mixed Residential District and the request is to change the Zoning District to the B-1, Local Business/Residential Mixed Use District. The Change of Zoning District Request is being submitted in an effort to accommodate existing property uses as located on these properties; to thereby make the present uses existing conforming uses. The existing property uses are nursing and convalescent homes. This proposed Zoning District Change abuts an existing B-1, Local Business/Residential Mixed Use District. The P&Z received no objections. After discussion, the Public Hearing was closed and the Planning and Zoning Commission Unanimously made the recommendation to approve the Request for the Change of Zoning District Classification as submitted.

There was no citizen comments made regarding this item.

CLOSE PUBLIC HEARING

6. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending Appendix A- "Zoning" of the Code of Ordinances of the City of Brenham, Texas; Amending the Official Zoning Map to Change the Zoning of Lots 1 and 2 of the Trinity Care Center Subdivision and also Tract 120 of the Arrabella Harrington Survey from R-2, Mixed Residential District to a B-1, Local Business/Residential Mixed Use District

A motion was made by Weldon Williams and seconded by Gloria Nix 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 the Zoning of Lots 1 and 2 of the Trinity Care Center Subdivision and also Tract 120 of the Arrabella Harrington Survey from R-2, Mixed Residential District to B-1, Local Business/Residential Mixed Use District.

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

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

7. Discuss and Possibly Act Upon Resolution No. R-11-025 Re-Adopting the Guidelines and Criteria for Granting Tax Phase-In in a Reinvestment Zone Created in the City of Brenham

Clint Kolby presented this item to City Council. Every two years the Tax Phase-In Policy needs to be reviewed and readopted. The EDF’s Incentives Review Committee has reviewed the current policy and has recommended that the minimum average base salary of \$30,000 including benefits be raised to \$33,000 including benefits in order to better promote quality jobs in the City of Brenham. According to the Texas Workforce Commission, the average annual wage for employees in the private sector in Washington County is about \$33,000, and the Committee feels that is an appropriate baseline to go by for the policy. Also, the Committee suggested that “2006” in Section VIII(a) on page 7 be changed to say “even numbered years” in regards to appointing people to the Compliance Review Committee.

Danny Goss asked if the new wage requirements would also apply to the former agreements or just new ones. Mr. Kolby clarified that the new requirement would only apply to new agreements not ones already in place.

A motion was made by Keith Herring and seconded by Andrew Ebel to approve Resolution No. R-11-024 re-adopting the guidelines and criteria for granting Tax Phase-In in a Reinvestment Zone created in the City of Brenham.

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

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

8. Discuss and Possibly Act Upon an Agreement with O’Malley Engineers, L.L.P. for 2012 Water Distribution System Improvements and Authorize the Mayor to Execute any Necessary Documentation

Lowell Ogle presented this item to City Council. He presented an agreement from O’Malley Engineers, L.L.P. for engineering services related to improvements within the Water Distribution System, especially in areas where the most water leaks occur. These improvements will involve replacing old asbestos concrete water lines with new C-900 PVC pipe. Approximately 5,096 feet of main water line will be replaced on Longhofer, Bormann, Reimer, Windy Dr., Windswept and a portion of S. Day. Replacements of service lines leading up to the meter will also be replaced on each of these sections. Based on the engineering curve “A” it is estimated that approximately \$31,000 is for basic engineering. Additional services are \$6,500 for surveying and approximately \$2,000 for TxDOT Traffic Control, but Mr. Ogle has talked with the Engineer and would like to change the traffic control amount to \$1,000. Actual costs will be billed to the City of Brenham.

A motion was made by Danny Goss and seconded by Andrew Ebel to approve an agreement with O’Malley Engineers, L.L.P. for 2012 Water Distribution System Improvements that includes the \$1,000 change to the traffic control amount and authorize the Mayor to execute any necessary documentation.

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

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

9. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending the Rate Tariff Schedule, Section 1005, Related to Residential Customer Deposits for All City Owned Utilities

Kyle Dannhaus presented this item to City Council. During a recent meeting of the City of Brenham Audit Committee, the subject of customer deposits came up. The committee asked the staff to research the possibility of refunding residential deposits and develop a policy. Staff has researched the issue and determined that a large number of cities who own their electric distribution systems refund deposits based on some criteria.

After reviewing those policies, staff is recommending that if a residential customer has no more than two late payments, no disconnects for non-payment or returned checks during their most recent twelve (12) month billing period, their deposit would be credited to their utility bill. If the customer is disconnected for non-payment any time after their deposit is refunded, they will be required to put up a new deposit determined by the policy in effect at that time.

It will take several months to credit the deposits to utility accounts if approved by council because each account will have to be reviewed to see if it meets the criteria. These changes will not apply or effect commercial accounts.

Danny Goss asked that the renters be excluded from this policy due to the greater possibility of renters leaving owing the City money. Weldon Williams stated that he thought “good” rental customers should be treated the same as homeowners. Mr. Williams asked for some statistics regarding the renter and homeowner customers. Kyle stated that they would analyze the data and bring the information back to the next meeting.

A motion was made by Keith Herring and seconded by Danny Goss to approve an Ordinance on its first reading amending the Rate Tariff Schedule, Section 1005, related to Residential Customer Deposits for all city owned utilities.

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

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

10. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending Section 17-8, Noise Nuisances, of the Code of Ordinances of the City of Brenham

Cary Bovey respectfully asked that this item be tabled until some additional wording changes could be completed.

A motion was made by Andrew Ebel and seconded by Gloria Nix to table this Ordinance on its first reading amending Section 17-8, Noise Nuisances, of the Code of Ordinances of the City of Brenham.

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

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

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

Police Chief Rex Phelps presented this item to City Council. He stated that the BHA and the City of Brenham have an ongoing agreement regarding police services. The Brenham Police Department provides a fulltime police officer for the routine utilization of policing in and around the public housing areas. This proactive approach reduces crime and helps keep the patrol and investigative divisions balanced as it relates to police response to the entire Brenham community. In return, the BHA reimburses the city the costs related to personnel. Since Ray Wilkinson retired, Lloyd Powell will be the new liaison. BHA pays the City of Brenham not to exceed \$44,000 annually. Any extra duty work is paid directly to the officer at the off-duty rate. Mr. Goss asked that we make sure that this is adequate compensation. It was suggested that this be looked into for next year's budget since the budget for the BHA has already been set.

A motion was made by Gloria Nix and seconded by Weldon Williams to approve the renewal of the Police Protection Agreement between the City of Brenham and the Brenham Housing Authority and authorize the Mayor to execute any necessary documentation.

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

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

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

Janie Mehrens presented this item to City Council. Ms. Mehrens stated that the provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) went into effect for the City of Brenham group medical plan effective October 1, 1997. This plan imposes a number of regulations on group health plans; however, it also allows non-Federal government plans such as the City of Brenham's plan to be exempt from any or all of this legislation. Because of the administrative complexity, the severe penalties for non-compliance and the unknown financial impact of the legislation, the City of Brenham has elected to be exempt from all provisions of HIPAA for the current contract year and re-evaluate the provisions prior to October 1 each year. This exemption must be elected each year for the effective contract year.

A motion was made by Gloria Nix and seconded by Keith Herring to approve the annual election to be exempt from certain criteria requirements of the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and authorize the Mayor to execute any necessary documentation.

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

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

13. Discuss and Possibly Act Upon the Purchase of Group Stop Loss Coverage for Calendar Year 2012 and Authorize the Mayor to Execute any Necessary Documentation

Janie Mehrens presented this item to City Council. She stated that this item is for stop loss coverage for our group medical coverage. Stop loss coverage limits the City's liability for individual claims as well as the total aggregate.

Holmes Murphy and Associates obtained viable quotes from three stop loss carriers: the current carrier ING, Fairmont Specialty and HCC Life. Each carrier provided quotes for the current \$75,000 individual stop loss deductible (ISL) and for \$85,000 individual stop loss deductible. The individual stop loss deductible limits the City's exposure for each claim to the stated deductible. However, ING, the current carrier, has attached a larger ISL, called a laser, to one individual because of past catastrophic claims and future prognosis. ING has attached a \$250,000 laser or \$175,000 over the group ISL. ING attached a laser of \$200,000 for one individual for 2011 which was met during the current calendar year.

In evaluating the quotes, several factors in addition to the stated premium costs need to be considered. Based on these factors, the recommendation is to place stop loss coverage for 2012 with ING with a \$75,000 ISL.

A motion was made by Danny Goss and seconded by Keith Herring to approve the purchase of Group Stop Loss coverage for calendar year 2012 and authorize the Mayor to execute any necessary documentation.

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

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

14. Discuss and Possibly Act Upon the Purchase of Group Term Life/AD&D and Group Long Term Disability Coverage for Calendar Year 2012 and Authorize the Mayor to Execute any Necessary Documentation

Janie Mehrens presented this item to City Council. As part of the request for proposal conducted by Holmes Murphy and Associates this past summer, quotes were sought for Group Term Life and AD&D and Group Long Term Disability coverage for eligible City of Brenham employees. Due to the lack of viable quotes, new quotes were pursued through a second RFP. This process produced only one quote from Lincoln Financial. The City has been with Prudential since 2009 but Prudential did not submit a quote. The quote from Lincoln Financial matches the current rates and policy provisions and provides for an annual renewal of two years after the initial 12 month term. Lincoln Financial will provide an Employee Assistance Program (EAP) and TravelConnect as an additional value to the Life Plan for no additional cost to the City.

A motion was made by Weldon Williams and seconded by Gloria Nix to approve the purchase of Group Term Life/AD&D and Group Long Term Disability coverage for calendar year 2012 and authorize the Mayor to execute any necessary documentation.

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

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

15. Discuss and Possibly Act Upon Bid No. 12-004 for Janitorial Services for Various City Facilities and Authorize the Mayor to Execute any Necessary Documentation

Kyle Dannhaus presented this item to City Council. The City requested bids on November 22, 2011 for janitorial services for several city facilities. Last year the janitorial services were split up but this year we decided to bid them all together this year. Six Bid Packets were requested and three completed bids were received. Staff evaluated the bids and the low bidder was Callie Korth (Brenham Cleaning Solutions) from Brenham. After evaluating all of the bids, staff is recommending awarding the bid to Callie Korth (Brenham Cleaning Solutions). Carlos with C& S Janitorial services thanked the City for opportunity to submit a bid and stated that even though they are not a local company, they do hire local people. Ms. Korth thanked the City for allowing her to do work with them. Mayor Tate asked how many employees Ms. Korth has. She stated that she currently has 5 employees but will be hiring another person as well as a machine that will help out greatly. If she sees that she needs additional personnel, she will hire more. Mr. Dannhaus stated that we have had a great working relationship with Brenham Cleaning Solutions and her employees.

A motion was made by Keith Herring and seconded by Danny Goss to approve Bid No. 12-004 for janitorial services for various city facilities and authorize the Mayor to execute any necessary documentation.

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

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

16. Discuss and Possibly Act Upon Resolution No. R-11-026 Authorizing the Submission of Grant Application to the Brazos Valley Council of Governments under the Solid Waste Grant Program for the Purchase of 500 (18) Gallon Recycling Bins and 25 (60) Gallon Stand-alone Recycling Containers

Dane Rau presented this item to City Council. Each year the Brazos Valley Council of Governments Solid Waste Committee provides an opportunity for municipalities, counties, schools, and organizations to apply for grant funds issued by the State of Texas. This year the City of Brenham will be applying for a grant for the purchase of 500-(18) gallon recycling bins and 25-(60) gallon standalone recycling containers. If the grant is received, the City will distribute the 500 recycling bins out to the general public on Earth Day on April 22, 2012 and the 25-(60) gallon standalone recycling containers will be used in our local attractions such as the Blue Bell Aquatic Center, Hohlt Park, Fireman’s Park Kitchen and Pavilion along with other sites that currently do not offer the option to recycle. The grant requested will be in the amount of \$7,435.21. Currently the TCEQ has approved \$51,672.00 for distribution through the BVCOG for these grants.

Grant applications are due on December 16, 2011. Funds were budgeted for this purchase so if the Grant is denied, budgeted funds will be used to pay for the recycling containers. Mr. Rau clarified that the grant is for the purchase of (25) 60-gallon stand-alone recycling containers not (15) as the agenda stated in error.

A motion was made by Gloria Nix and seconded by Andrew Ebel to approve Resolution No. R-11-026 Authorizing the Submission of Grant Application to the Brazos Valley Council of Governments under the Solid Waste Grant Program for the purchase of 500 - 18 gallon recycling bins and 25 – 60 gallon stand-alone recycling containers.

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

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

EXECUTIVE SESSION

17. Texas Government Code Section 551.072 – Deliberation Regarding Real Property – Discuss and Consider the Acquisition of Property for Westwood Drive Improvements

RE-OPEN REGULAR AGENDA

- 18. Discuss and Possibly Act Upon Resolution No. R-11-027 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 Westwood Drive Improvements, 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 Phillip H. Coe Survey, A-31, Owned by Glenn & Eloisa Whorton**

Doug Baker presented this item to City Council for consideration as discussed in Executive Session.

A motion was made by Gloria Nix and seconded by Keith Herring to approve Resolution No. R-11-027 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 Westwood Lane Improvements, 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 Phillip H. Coe Survey, A-31, owned by Glenn & Eloisa Whorton.

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

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

19. Administrative/Elected Officials Report

Terry Roberts reported on the following:

- Cupcakes in foyer for Keith Herring and Gloria Nix birthdays
- Holiday Party – January 27, 2011
- Cary Bovey Christmas Party – December 16, 2011

Danny Goss reported on the following:

- Former City of Brenham Fireman Jimmy Fathauer's funeral – December 16th at 2:00 pm

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

ORDINANCE NO. O-12-001

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-2, MIXED RESIDENTIAL DISTRICT TO B-1, LOCAL BUSINESS/RESIDENTIAL MIXED USE DISTRICT WITH LEGAL DESCRIPTION BEING: LOT 1 AND LOT 2 OF THE TRINITY CARE CENTER SUBDIVISION (6.30 ACRES AND 4.32 ACRES) AND ALSO TRACT 120 OF THE ARRABELLA HARRINGTON SURVEY (6.76 ACRES). THIS PROPERTY HAS THE PHYSICAL LOCATION AT THE 400 BLOCK OF EAST SAYLES STREET, AND THE 400 BLOCK OF EAST BLUE BELL ROAD.

WHEREAS, 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 amend the existing City of Brenham Zoning Map to change property currently zoned as R-2 Mixed Residential to the B-1, Local Business/Residential Mixed Use District. This property having Legal Description as: Lot 1 and Lot 2 of the Trinity Care Center Subdivision (6.30 acres and 4.32 acres) and also Tract 120 of the Arrabella Harrington Survey (6.76 acres). This property has the physical location at the 400 Block of East Sayles Street, and the 400 Block of East Blue Bell Road.

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 15th day of December, 2011.

PASSED and APPROVED on its second reading this the 5th day of January, 2012.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 6

DATE OF MEETING: January 5, 2012		DATE SUBMITTED: December 29, 2011	
DEPT. OF ORIGIN: Administration		SUBMITTED BY: Jeana Bellinger	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING	
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING	
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION	
	<input checked="" type="checkbox"/> WORK SESSION		
AGENDA ITEM DESCRIPTION: Discussion on New Policies and Procedures for All City of Brenham Boards and Commissions			
SUMMARY STATEMENT: On December 15, 2011 the Council passed Ordinance No. O-11-026 allowing for the evaluation and possible reorganization of the city's ten (10) boards and commissions. This work session item is to evaluate the changes being recommended by staff and get Council's direction on several issues. The documents attached to this Form will be discussed in more detail during the meeting:			
<p>(1) <u>Outline of Policies and Procedures for Boards and Commissions:</u> This is a brief outline of a Policies and Procedures document that will be prepared for each board/commission. While all the various items will be discussed to some degree, the items highlighted in yellow are things that specific direction from Council is needed. The language on the outline is just a recommendation and can be amended as needed.</p> <p>(2) <u>City of Brenham's Human Resources Policy Manual, Page 79:</u> In reviewing other city's requirements for board/commission member eligibility, it seems that most cities have restrictions on family members of the Council serving on boards/commissions. This policy has not been followed in the past; however, staff would like to get Council's thoughts on enacting a Nepotism Policy, like that found in our HR Policy Manual, for our boards/commissions.</p> <p>(3) <u>Board Member Selection Process:</u> The board member selection process needed to be revised. In the past board members and/or staff found people to fill vacant board positions and presented the names to Council. In the new policy, it is staff's recommendation that people wanting to volunteer submit their name (and credentials) for consideration by the Council. Board members and staff will still be encouraged to find people to apply but the final decision on appointments will be up to the Council.</p> <p>(4) <u>Request for Appointment to City of Brenham Boards and Commissions:</u> This is somewhat of an "application" form that will be required of all persons wishing to serve on a city board. There can be some discussion about whether or not incumbent members would need to submit the entire application prior to their reappointment.</p>			

After direction is received from Council, staff will proceed with finalizing the new policy, meeting with all of the boards/commissions to clarify Council's wishes and explain any new procedures. I will also begin writing ordinances specific to the set-up and organization of each board.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS: This process hasn't been revised for at least 15 years and publicity on a new process may garner interest from new volunteers. The new process will allow the City to develop a pool of candidates for Council to choose from and find the best board "fit" for each candidate. The new process may also eliminate the perception of "cronyism" on boards. It will also ensure the person(s) requesting/applying for appointment has a better understanding of the time commitment required to service.

B. CONS: An application process might discourage people from applying. The new process may increase the amount of time it takes to fill vacancies.

ALTERNATIVES (In Suggested Order of Staff Preference): None.

ATTACHMENTS: (1) Outline of Policies and Procedures for Boards and Commissions; (2) City of Brenham's Human Resources Policy Manual, Page 79; (3) Board Member Selection Process; and (4) Request for Appointment to City of Brenham Boards and Commissions form

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: Discussion only – no action required.

APPROVALS: Terry K. Roberts

OUTLINE OF POLICIES AND PROCEDURES FOR BOARDS AND COMMISSIONS

PURPOSE AND SCOPE

A brief introduction explaining the purpose of the new policy.

MEMBER ELIGIBILITY

Applicant qualifications include the following:

- a) Must be a resident of Washington County for at least one (1) year;
- b) Some boards require City of Brenham residency for at least one (1) year;
- c) City Council can set specific skills and experience, if so desired, for each board;
- d) Must be a registered voter;
- e) Must not be in arrears in the payment of any taxes or other liability due to the City;
- f) Regular, full-time, City employees are not eligible unless required by State statute;
- g) No persons within the third degree by blood or within the second degree by marriage to any member of the City Council are eligible to become a member of a board or commission; and
- h) Councilmember may not be appointed to a Board/Commission unless by special appointment by the Mayor.

RECRUITMENT

Explain that the City will solicit qualified candidates in a variety of ways, including, but not limited to:

- a) posting of notice on official bulletin board;
- b) press releases;
- c) utility billing inserts;
- d) website advertisements;
- e) social media resources; and
- f) nomination by invitation

APPLICATION PROCESS

- a) Applications for all boards will be accepted by the City Secretary's Office;
- b) The application will ask information about the applicant's background, including current and past occupations and involvement in and knowledge of issues related to the subject of the board to which they are applying;
- c) Applicants will be encouraged to also submit a short bio or resume;
- d) Applicants can apply for more than 1 board;
- e) Applicants can be appointed to more than one board; and
- f) Incumbents must reapply.

SELECTION/APPOINTMENT PROCESS

- a) Board members and/or city staff may offer recommendations for appointments; however, all persons wishing to be considered will be required to follow the application process;
- b) All applications must be received in the City Secretary's office by October 1st;
- c) City Manager will review all applications and provide Council a report of all applications received;
- d) The Mayor and/or City Manager will make recommendations for appointment to the Council – the Council will be provided copies of the recommended member's applications;
- e) The Council will appoint members at the 2nd meeting in December; and
- f) City Secretary shall notify, in writing, each person appointed, or not

TERM OF OFFICE

- a) Board members shall serve a term of three (3) years, staggered; three (3) consecutive term limits;
- b) Board members of the Brenham Community Development Corporation (BCDC), Planning & Zoning Commission, and the Board of Adjustments and Appeals shall serve for two years; no term limits
- c) All terms expire on December 31; and
- d) In the event that appointments are not made prior to the expiration of the member's term, the board member shall continue to serve until their successor is appointed by Council.

MID TERM APPOINTMENTS

- a) If a board member is unable to finish his term or is removed by the City Council, the vacant position must be filled by a mid-term appointee who will serve out the remainder of the term.

NEW MEMBERS

- a) New members will be furnished copies of pertinent telephone numbers of other members, and applicable information and regulations that govern that board;
- b) New members will be required to attend specialized training on the Open Meetings Act, Public Information Act and any other State statutes pertinent to their position on the board within three (3) months of their appointment; and
- c) Members of all boards who are considered by State statute to be an officer (quasi-judicial authority) of the City must be administered a Statement of Officer and must receive the Oath of Office upon induction.

DUTIES OF BOARD AND COMMISSIONS GENERALLY:

- a) All boards and commissions shall act in an advisory capacity to the City Council; and
- b) As outlined in our Charter, certain actions of the BCDC, Board of Adjustments and Appeals and the Planning and Zoning Commission are final.

ATTENDANCE AT MEETINGS

- a) Three (3) consecutive absences from regular sessions, or absence from more than twenty-five percent (25%) of the meetings in any six month period, shall cause the board liaison to report the member's attendance record to the City Manager; and
- b) The City Manager will review each situation and, in consultation with the Mayor, determine if the board member should be recommended to Council for removal, due to excessive absences.

ROLE OF STAFF LIAISON

- a) A staff member/liaison will be assigned, by the City Manager, to each board or commission;
- b) The staff liaison will act as a communication conduit between the City Council, City Administration, and the board or commission;
- c) The staff liaison may take part in the board or commission discussions but has no voting authority;
- d) The staff liaison will perform support services, provide technical data, prepare agendas, post notices of meetings, prepare minutes of the meetings, and other related functions; and
- e) The staff liaison shall provide copies of all board agendas, agenda packets and minutes to the City Manager and City Secretary.

CONDUCT OF MEETINGS

- a) A Chair Person and Vice-Chair Person shall be elected annually (at the first meeting of the calendar year) by a majority vote of the members present;
- b) The Chair Person shall preside at all meetings; in his/her absence, the Vice-Chair Person will preside;
- c) The Board may only address items listed on the agenda;
- d) Roberts Rule of Order shall be used as a guideline to conduct all meetings; and
- e) All meetings will be held in compliance with the Open Meetings Act.

RECORD OF MEETINGS

- a) A record of all meetings is to be kept;
- b) Agendas must be posted in accordance with the Open Meetings Act and on the city's website;
- c) The staff liaison will keep minutes of all meetings; and
- d) The minutes will also track attendance.

NEPOTISM

In order to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information, it is the policy of the City that:

Applicants

- An applicant related to the City Manager or Department Directors by blood within the third degree or marriage within the second degree according to the Texas Government Code shall not be employed by the City.
- An applicant related within the third degree by blood or within the second degree by marriage to any member of the City Council shall not be employed by the City.
- Under no circumstances will an applicant be employed in a department in which he or she may directly or indirectly supervise or be supervised by a member of his or her immediate family. Immediate family includes spouse, parents, children, brother or sister and in-laws of immediate family as noted.

CONSANGUINITY (By Blood)

First Degree	Second Degree	Third Degree
Father	Sister	Uncle
Mother	Brother	Aunt
Daughter	Grandson	Niece
Son	Grandfather	Nephew
	Grandmother	Great-grandson
	Granddaughter	Great-granddaughter
		Great-grandfather
		Great-grandmother

AFFINITY (By Marriage)

First Degree	Second Degree
Spouse	Spouse's Sister
Son-in-Law	Spouse's Brother
Daughter-in-law	Spouse's Grandson
Mother-in-law	Spouse's Granddaughter
Father-in-Law	Spouse's Grandfather
	Spouse's Grandmother
	Sister's Spouse
	Brother's Spouse

BOARD MEMBER SELECTION PROCESS

On or before August 1st the City Secretary shall mail to each eligible board member with an expiring term a letter and application requesting their intent to serve another term. All application will be due on October 1st.

The City Secretary will also post information on the city's official bulletin board and the website pertaining to any openings on all Boards and Commissions beginning August 1st.

The City Secretary will receive the Applications for Appointment for submission to the City Manager.

The City Manager will review all applications. If the City Manager and/or the Mayor wish to interview any of the applicants, the City Secretary will contact the member(s) and arrange a time and place for an interview. The City Manager will provide Council a report of all applications received.

At the first council meeting in December, the Mayor and/or City Manager will make a recommendation of Board and Commission appointments to the City Council. The City Manager shall also provide the Council with copies of the recommended member's applications.

The City Council will appoint members to the Boards and Commissions at the second meeting in December. In the event that appointments are not made at this meeting, members will continue to serve until their successor is appointed by Council.

The next business day, after the City Council makes the appointments, the City Secretary shall prepare and mail letters to each person appointed to a board and to each applicant not selected for service.

Appointment letters shall state the name of the board the member has been appointed to, the term of service, and Council's appreciation for their service to the citizens of Brenham.



**REQUEST FOR APPOINTMENT TO
CITY OF BRENHAM
BOARDS AND COMMISSIONS**

Name of Board or Commission in which you have an interest:

- | | |
|---|--|
| <input type="checkbox"/> Airport Advisory Board | <input type="checkbox"/> Board of Adjustments and Appeals |
| <input type="checkbox"/> Brenham Community Development Corp. | <input type="checkbox"/> Brenham Housing Authority |
| <input type="checkbox"/> Building Standards Commission | <input type="checkbox"/> Hotel Occupancy Tax Board |
| <input type="checkbox"/> Library Advisory Board | <input type="checkbox"/> Main Street Board |
| <input type="checkbox"/> Parks & Recreation Board | <input type="checkbox"/> Planning & Zoning Board |

(Composition, terms, duties and responsibilities are outlined on the Attachment)

Name: _____
(Title) (Last) (First) (Middle)

Residence Address: _____
(Street) (City) (State) (Zip)

Mailing Address: (If different from above)

(Street) (City) (State) (Zip)

Preferred Phone and Fax: _____
(Phone) (Fax)

Email Address: _____

Occupation: _____

Employer: _____

Are you a registered voter in Washington County? ____ Yes ____ No

Are you a resident of the City of Brenham? ____ Yes ____ No Length of residency: _____

Are you a resident of Washington County? ____ Yes ____ No Length of residency: _____

Do you, your spouse or your employer have any financial interest, directly or indirectly, in matters that might come before the Board to which you seek appointment?

____ Yes ____ No If yes, explain: _____

Applicant Name: _____

BACKGROUND

Education/Training: _____

Areas of Interest: _____

Current or Past Volunteer Experience/Community Service:

Please specify current or past volunteer experience/community service, if any, on Boards, Commissions, Corporations, Non-Profit Entities, Agencies, or other Entities. Additional information may be attached.

Organization: _____

Organization: _____

Organization: _____

Organization: _____

Reasons for seeking appointment: Please attach a brief narrative outlining your interests and qualifications for seeking this appointment. You may also add a resume or any additional documentation.

I have read and understand the instructions and appointment process. I certify that all statements that I have made on this application and other supplementary materials are true and correct. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

Signature

Date

FILE THIS COMPLETED APPLICATION ALONG WITH THE CONSENT FOR FELONY BACKGROUND HISTORY FORM WITH CITY SECRETARY’S OFFICE ON OR BEFORE 5:00 P.M. ON OCTOBER 1ST

City of Brenham - City Secretary
P. O. Box 1059
Brenham, Texas 77834-1059
Phone: 979-337-7567
Fax: 979-337-7568

(Original copy will be kept on file in the City Secretary’s office for 12 months from the date of submission)



AGENDA ITEM 7

DATE OF MEETING: 1/5/12	DATE SUBMITTED: 12/29/11	
DEPT. OF ORIGIN: Public Utilities	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 checked="" 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 Ordinance No. O-12-002 on its Second Reading Amending the Rate Tariff Schedule, Section 1005, Related to Residential Customer Deposits for All City Owned Utilities and Authorize the Mayor to Execute Any Necessary Documentation.		
SUMMARY STATEMENT: As discussed in the last Council meeting, staff has researched the possibility of establishing a policy regarding refunding residential utility deposits. Per Council's request, staff discussed whether renters should be included or excluded from this policy. Since the eligibility criteria for a refund is determined by payment history, staff would recommend that this policy apply to residential renters as well as homeowners who meet the requirements of no more than two late payments, no disconnects for non-payment or returned checks during their most recent twelve (12) month billing period. The customer's deposit would be credited to their utility bill. If the customer is disconnected for non-payment any time after their deposit is refunded, they will be required to put up a new deposit determined by the policy in effect at that time. It will take several months to credit the deposits to utility accounts if approved by council because each account will have to be reviewed to see if it meets the criteria. These changes will not apply or effect commercial accounts.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS: Return deposits to customers.		
B. CONS: Lose a small amount of revenue (interest on deposits).		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Ordinance amending the Rate Tariff Schedule, Section 1005		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION Approve Ordinance No. O-12-002 on its second reading amending the rate tariff schedule, Section 1005, related to residential customer deposits for all city owned utilities and authorize the Mayor to execute any necessary documentation.		
APPROVALS: Terry Roberts		

ORDINANCE NO. O-12-002

AN ORDINANCE AMENDING THE RATE TARIFF SCHEDULE, SECTION 1005, FOR THE CITY OF BRENHAM, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council of the City of Brenham, Texas deems it necessary to amend the Rate Tariff Schedule, Section 1005.

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

SECTION I.

The City Council of the City of Brenham, Texas, does hereby adopt the Rules and Regulations Rate Tariff Schedule, Section 1005 related to residential customer deposits as set forth in the attached Exhibit "A", which is made a part hereof for all purposes pertinent, to be effective January 1, 2012.

SECTION II.

This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas. The implementation of rates as set forth herein and on the attached Exhibit "A" shall be effective January 1, 2012.

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

PASSED AND APPROVED on its second reading this the 5th day of January, 2012.

Milton Y. Tate, Jr., Mayor

ATTEST:

Jeana Bellinger, City Secretary

ALL SERVICES

1000

1014

TARIFF

SECTION NO.

SHEET NO.

RULES AND REGULATIONS

JANUARY 1, 2012

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Charge effective 11/08/2006)

1005 DEPOSITS

All users of City-owned utilities shall be required to make a deposit prior to obtaining utility service as follows:

Residential Customers

Residential customers who are owner-occupants with any City owned utility service shall pay a cash deposit of \$150. All other residential customers, e.g. renter, shall pay cash deposit of \$250. Temporary service for a period not to exceed 14 days may be obtained without a deposit. A \$300 deposit will be required if service extends past 14 days.

If a residential customer has service at the effective date of this policy, said customer shall not be required to increase his deposit unless service is disconnected. The customer will be responsible for a fee of \$15 as a transfer fee. No interest will be paid on deposits.

Residential Customers:

- a. Owner, Permanent Structure \$150.00
- b. Non-Owner, Permanent Structure 250.00
- c. Non-Owner, Permanent Structure without Electric or Gas Service 145.00
- d. Temporary Service is granted to a customer for 14 days without a deposit. A \$300 deposit will be required if service extends past 14 days.
- e. Contractor's deposit for each new construction 100.00

REFUNDS (NEW)

Any required deposit may be refunded to Customer by crediting the customer's bill if all of the following conditions are met:

- a. The deposit has been held by the City for at least twelve (12) months; and
- b. Customer has not had any collection activity occurrence (including not honored and returned checks, disconnect notices or more than 2 late penalties) in the prior 12 months; and
- c. There is no "Past Due" bill currently owed for the applicable service accounts.

Notwithstanding the foregoing provisions, upon disconnection of service, deposits will be applied to the final bill and the excess, if any, shall be refunded to the Customer.

Commercial and Industrial Customers:

Commercial customers shall pay a deposit equal to twice the highest cost of service for two months as calculated by the Utility Billing Department, or \$300, whichever is greater. Commercial customers shall provide to the City as a deposit:

ALL SERVICES

1000

1015

TARIFF

SECTION NO.

SHEET NO.

RULES AND REGULATIONS

JANUARY 1, 2012

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Charge effective 10/22/2001)

- a. Cash;
- b. for deposits under \$1,000, a certificate of deposit in the name of the customer which is automatically renewable with a valid assignment of the certificate on the file with bank, or;
- c. for deposits of \$1,000 and over, the money shall be deposited with the City of Brenham with interest being paid to the customer once yearly based on the rate of interest determined by the City.

In lieu of a cash deposit, the customer may elect to provide any of the following as security for utility service:

- a. irrevocable letter of credit from a financial institution acceptable to the City with a term over five years, or;
- b. irrevocable bond by an insurance company acceptable to the City with a term over five years, or;
- c. real estate utility lien.

The City will release its lien on the funds in writing to the bank upon payment in full of the account and all other sums due the City.

A. Amount Required to Re-Establish Credit

The amount of deposit required to re-establish credit for a former customer whose service has been discontinued for failure to pay his bills as provided in Section 1006 will be in accordance with Section 1005. All balances due the City of Brenham must be paid.

1006 DISCONTINUANCE OF SERVICE

A. Customer's request

A customer may request service to be discontinued at any time unless there is a provision to the contrary in the service contract or applicable rate schedule. The customer is responsible for any use of service until the City has had a reasonable time to secure a final reading or to remove the meter. Services will be disconnected only at the written request of the customer.

B. Non-Payment of Bills or Non-Compliance with Service Contract

The City for failure of the customer to pay bills in accordance with the provisions of Section 1009 or for failure to comply with the terms of his service contract or these rules and regulations may discontinue Service. The account will be finalized 7 days after disconnection and all deposits will be applied. A new deposit will be required in accordance with Section 1005.



AGENDA ITEM 8

DATE OF MEETING: January 5 th , 2011	DATE SUBMITTED: December 29 th , 2011	
DEPT. OF ORIGIN: Aquatics 149	SUBMITTED BY: Jamie Maurer	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon a Recommendation from the Parks and Recreation Advisory Board Approving Admission Rates at the Blue Bell Aquatic Center		
<p>SUMMARY STATEMENT: The Blue Bell Aquatic Center (BBAC) has been operating for over 10 years and during that time admission rates have remained the same with the exception of implementing a \$1 charge for children 3 and under. Operating expenses and maintenance continue to increase annually. Attached you will find current daily admission rates and pass rates along with the rate increases as recommended by the Parks Advisory Board.</p> <p>The increased rates would become effective 2/1/2012.</p> <p>Note that the proposed daily admission rates are \$4.00 for non-summer and \$5.00 for summer. Current rate is \$3 year round. We will also have a daycare rate of \$4 for our local daycares, including Boys & Girls Club, that come weekly.</p> <p>At current time, Aquatic Center revenues are covering a third of operating expenditures. The resulting shortfall requires annual subsidies from BCDC (\$200,000) and City tax payers (\$200,000). BCDC plans to curtail its annual Aquatic Center subsidy so that its' funds can be re-directed to other needed park and recreation projects.</p> <p>To minimize the possibility of an O&M tax increase to offset the loss of the BCDC subsidy, City staff has identified several objectives that include raising BBAC revenue through rate adjustments; increasing BBAC patronage, specifically in non-summer months; improving BBAC operating efficiencies leading to a reduction in expenditures; and improving operating efficiencies in other core service departments so that realized saving can be shifted to Aquatic Center support.</p>		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
<p>A. PROS: Increased admission rates will increase admission revenues</p> <p>B. CONS: Given the current economic environment, there may be some resistance to increases in Aquatic Center fees; Daily attendance may decrease</p>		

ALTERNATIVES (In Suggested Order of Staff Preference):

1. Increase Daily Admission to \$4.00 year round with the recommended pass increases
2. No rate increases

ATTACHMENTS: (1) Current rates and recommended rate increases; (2) 2011 daily admission and pass numbers & potential additional revenue; (3) Other pool rates

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: Approve rate increases for the Blue Bell Aquatic Center as recommended by the Parks and Recreation Advisory Board

APPROVALS: Kyle Dannhaus

Entry Option	Current Rate	Proposed Rate	Increase
Daily Admission	\$3.00	\$4.00 or \$5.00	\$1 or \$2 per visit
Children 3 and Under	\$1.00	\$2.00	\$1 per visit
Senior Citizen Month Pass	\$18.50	\$25.00	\$6.50 per month
Senior Citizen Annual Pass - monthly bank draft	\$13.00	\$20.00	\$7 per month
Senior Annual Pass - paid in full	\$150.00	\$200.00	\$50 per year
Individual Month Pass	\$25.00	\$35.00	\$10 per month
Individual Annual Pass- monthly bank draft	\$18.00	\$28.00	\$10 per month
Individual Annual Pass - paid in full	\$200.00	\$250.00	\$50 per year
Individual Summer Pass	\$75.00	\$85.00	\$10 per month
Family Month Pass	\$45.00	\$55.00	\$10 per month
Family Annual Pass - monthly bank draft	\$35.00	\$45.00	\$10 per month
Family Annual Pass - paid in full	\$400.00	\$450.00	\$50 per year
Family Summer Pass	\$125.00	\$145.00	\$20.00
Discount Day	Sunday	Monday	

Entry Option	Current Rate	Cost per visit*	Proposed Rate	Cost per visit*
Daily Admission	\$3.00	\$3.00	\$4.00 or \$5.00	\$4.00 or \$5.00
Children 3 and Under	\$1.00	\$1.00	\$2.00	\$2.00
Senior Citizen Month Pass	\$18.50	\$1.08	\$25.00	\$1.25
Senior Citizen Annual Pass - monthly bank draft	\$13.00	\$0.65	\$20.00	\$1.00
Senior Annual Pass - paid in full	\$150.00	\$0.63	\$200.00	\$. 83
Individual Month Pass	\$25.00	\$1.25	\$35.00	\$1.75
Individual Annual Pass- monthly bank draft	\$18.00	\$0.90	\$28.00	\$1.40
Indivudal Annual Pass - paid in full	\$200.00	\$0.83	\$250.00	\$1.04
Individual Summer Pass	\$75.00	\$0.85	\$85.00	\$1.41
Family Month Pass	\$45.00	\$2.25	\$55.00	\$2.75
Family Annual Pass - monthly bank draft	\$35.00	\$1.75	\$45.00	\$2.25
Family Annual Pass - paid in full	\$400.00	\$1.60	\$450.00	\$1.88
Family Summer Pass	\$125.00	\$2.08	\$145.00	\$2.41

*for passes, based off of 20 visits per month

Potential Additional Admission Revenue

** based on no attendance change**

Entry Option	Current Rate	Proposed Rate	Increase	#'s Jan - Nov 2011	Additional Revenue
Daily Admission - non summer	\$3.00	\$4.00	\$1 per visit	1,353	\$ 1,353.00
Daily Admission - summer	\$3.00	\$5.00	\$2 per visit	19,493	\$ 38,986.00
Children 3 and Under - summer	\$1.00	\$3.00	\$2.00	2772	\$ 5,544.00
Senior Citizen Month Pass	\$18.50	\$25.00	\$6.50 per month	615	\$ 3,997.50
Senior Citizen Annual Pass - monthly bank draft	\$13.00	\$20.00	\$7 per month	13	\$ 91.00
Senior Annual Pass - paid in full	\$150.00	\$200.00	\$50 per year	65	\$ 3,250.00
Individual Month Pass	\$25.00	\$35.00	\$10 per month	263	\$ 2,630.00
Individual Annual Pass- monthly bank draft	\$18.00	\$28.00	\$10 per month	5	\$ 50.00
Individual Annual Pass - paid in full	\$200.00	\$250.00	\$50 per year	4	\$ 200.00
Individual Summer Pass	\$75.00	\$85.00	\$10 per month	10	\$ 100.00
Family Month Pass	\$45.00	\$55.00	\$10 per month	278	\$ 2,780.00
Family Annual Pass - monthly bank draft	\$35.00	\$45.00	\$10 per month	7	\$ 70.00
Family Annual Pass - paid in full	\$400.00	\$450.00	\$50 per year	4	\$ 200.00
Family Summer Pass	\$125.00	\$145.00	\$20.00	74	\$ 1,480.00

Total additional Revenue: \$60,731

SUMMER DAILY ADMISSION REVENUE:

2011 Summer TOTAL Daily Admission Revenue:	\$61,251
Projected Summer 2012 Daily Admission Revenue w/ no attendance change	\$105,781
Projected Summer 2012 Daily Admission Revenue w/ 20% decrease in attendance	\$84,629

Other Pool Rates

City of:	GENERAL DAILY ADMISSION			PASS RATES					
	Adults	Kids	Under	Individual Yr	Individual Month	Individual Summer	Family Yr	Family Month	Family Summer
Navasota	\$3.00	\$2.00							
Adamson Lagoon (College Station)	\$6.00	\$6.00	2 under Free			\$125.00			\$250 up to 5 people \$25 additional
Elgin	\$2.00	\$2.00	\$2.00						
Sequin	\$5.00	\$4.00				\$75.00			\$125.00 max 6
Bryan	\$3.00	\$2.00		\$180.00 resident \$216.00 non		\$85.00 resident non \$102	\$350.00 resident \$420.00 non		\$150.00 resident \$180.00 non family of 4 add \$10
La Grange	\$2.00	\$1.00	0-4 FREE						
Hallettsville	\$8.00 with member					\$165.00			\$200.00 up to 5
Conroe				\$200.00 resident \$250.00 non	\$22.00 resident \$28.00 non	\$79.00 resident \$99.00 non	\$400.00 resident \$500.00 non family of 4	\$50.00 resident \$62.00 non family of 4	\$158.00 resident \$198.00 non Family of 4
Hunstville	\$2.00	\$1.50				\$40.00 adult \$30.00 youth			\$100.00 up to 4 \$20.00 additional
Tomball	\$4.00	\$2.00 under 12		\$240.00 adult \$160.00 child			\$400.00 family of 4		
Rockport	\$4.00	\$4.00	\$1.00 2 and under			\$75.00			\$75.00 first person \$25.00 each additional
Waco	\$6.00	\$4.00	\$4.00						
San Marcos	\$3.00	\$2.00	\$2.00						
Brenham - current	\$3.00	\$3.00	\$1.00	\$200.00	\$25.00	\$75.00	\$400.00	\$45.00	\$125.00
Brenham - proposed	\$5.00	\$5.00	\$3.00	\$250.00	\$35.00	\$85.00	\$450.00	\$55.00	\$145.00



AGENDA ITEM 9

DATE OF MEETING: January 5, 2012		DATE SUBMITTED: December 28, 2011	
DEPT. OF ORIGIN: Public Works		SUBMITTED BY: Doug Baker	
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"/> 1ST READING			
<input type="checkbox"/> 2ND READING			
<input checked="" type="checkbox"/> RESOLUTION			
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-12-001 Renaming Pickle Circle to Jake Pickle Drive.			
SUMMARY STATEMENT: Congressman Jake Pickle was instrumental in helping to secure grants and funding for the new Southwest Industrial Park that is now home to over a dozen major employers. A street in the SW Industrial Park was named Pickle Circle in honor of Congressman Pickle.			
As indicated in the attached letter, the EDF board requests changing the name of Pickle Circle to Jake Pickle Drive to more properly honor the late Congressman. Pickle Circle is abutted by five separate properties and all of the property owners support the request. This show of support meets the requirements of our street renaming policy.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS:			
B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: (1) Letters from abutting property owners; and (2) Resolution No. R-12-001			
FUNDING SOURCE (Where Applicable):			
RECOMMENDED ACTION: Approval of Resolution No. R-12-001 renaming Pickle Circle to Jake Pickle Drive.			
APPROVALS: Terry Roberts			

2011 Board of Directors

William Krueger, Chair
Jones & Carter, Inc.

Barbara Maurer, Vice Chair
Chase

Vance Hamilton, Secretary
Bluebonnet Electric Cooperative

Billy Holle, Treasurer
Seidel, Schroeder & Company

Paul Kruse, Past Chair
Blue Bell Creameries

David Bockhorn
Bank of Brenham

Cory Flencher
Citizens State Bank

Steven Haley
*Moorman Tate Moorman
Urquhart & Haley*

Jon Hill
Appel Ford Mercury

Stephen Miller
*Brenham Wholesale
Grocery Company*

G. Mike Shoup
Antique Rose Emporium

Brett Smith
Lee Anderson Company

Arlen Thielemann
Thielemann Construction Company

Donald E. Voelter, Ph.D.
Blinn College, Retired

Gary Weiss
Germania Insurance

David Yeager
DLY Services

Staff

Page Michel
President & CEO

Clint Kolby
Project Manager

December 22, 2011

Mr. Doug Baker
Director of Public Works
City of Brenham
200 W. Vulcan St.
Brenham, TX 77833

Dear Mr. Baker,

Regarding the city street named "Pickle Circle" in the Southwest Industrial Park, I am writing on behalf of the EDF board to respectfully request to have the name changed to "Jake Pickle Drive."

The proposed name change will more properly honor the memory of the much-beloved Texas congressman who was instrumental in the development of the industrial park, James "Jake" Pickle (1913-2005). Congressman Pickle helped to secure grants and funding for the industrial park that now boasts over a dozen major employers, and there is room for continued growth.

The current street does not have any businesses located on it that use Pickle Circle for their mailing address, so none would be adversely affected by a street name change. We did visit with all property owners adjacent to the street and they are supportive of this name change. Thus, we have not found any obstacles for this proposed change. We have enclosed the letters of support from the property owners.

After you have had a chance to review this, please let us know what the next step is in the process to approve this street name change request.

If you have any questions or would like any further information, please let us know.

Sincerely,



Page Michel

Enclosures



TFE COMPANY INC.
INDUSTRIAL FLUOROCARBON PRODUCTS
Since 1963

November 23, 2011

Mayor Milton Tate
City of Brenham
P.O. Box 1059
Brenham, TX 77834

Dear Mayor Tate and Council Members:

Regarding the city street named Pickle Circle in the Southwest Industrial Park, we approve of the effort by the Brenham Economic Development Foundation to have it renamed "Jake Pickle Drive."

The proposed name change will more properly honor the memory of James "Jake" Pickle, who provided great assistance from the State of Texas to develop this industrial park in Brenham.

As a landowner adjacent to Pickle Circle, TFE Company endorses this street name change.

Sincerely,

A handwritten signature in black ink, appearing to read 'C.H. Harvey', with a long, sweeping underline that extends to the right.

C.H. Harvey
TFE Company Inc.
President and Owner



Longwood Elastomers, Inc.
1901 Longwood Drive
Brenham, TX 77833
Tel: 979-830-1111

MEMORANDUM

October 20, 2011

Mayor Milton Tate
City of Brenham
P.O. Box 1059
Brenham, TX 77834

Dear Mayor Tate and Council Members:

Regarding the city street named Pickle Circle in the Southwest Industrial Park, we approve of the effort by the Brenham Economic Development Foundation to have it renamed "Jake Pickle Drive."

The proposed name change will more properly honor the memory of James "Jake" Pickle, who provided great assistance from the State of Texas to develop this industrial park in Brenham.

As a landowner adjacent to Pickle Circle, our company endorses this street name change.

Sincerely,

John Yackey
Longwood Elastomers
Plant Manager



Bassett
BEDDING™

SEALY MATTRESS COMPANY

1201 Hwy 290 West • Brenham, Texas 77833 • USA
Telephone: 979/836-6644 • Fax: 979/836-1370

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

Dear Mayor Tate and Council Members:

Regarding the city street named Pickle Circle in the Southwest Industrial Park, we approve of the effort by the Brenham Economic Development Foundation to have it renamed "Jake Pickle Drive."

The proposed name change will more properly honor the memory of James "Jake" Pickle, who provided great assistance from the State of Texas to develop this industrial park in Brenham.

As a landowner adjacent to Pickle Circle, our company endorses this street name change.

Sincerely,

Brad Beach
Director of Manufacturing

From: Dennis Kocian [mailto:dj.kocian@hlind.com]
Sent: Thursday, October 06, 2011 6:34 PM
To: 'Page C. Michel'
Subject: Hi-Line Industries

Page:

I left you a voicemail concerning our approval of the renaming of Pickle Circle. If you have any questions please do not hesitate to contact me.

Hope your conference was enjoyable and worthwhile. I look forward to seeing you out and about soon.

**Regards –
Dennis J. Kocian**

979.836.2661 ext.104



www.HI-LINEindustries.com

Manufacturers of Custom Machinery and Equipment • ISO 9001: Compliant

**1208 Industrial Blvd. • Brenham, Texas 77833 • P.O. Box 673 • 77834 • Fax
979.836.8557**

CONFIDENTIALITY NOTICE: This e-mail message including attachments, if any, is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

RESOLUTION NO. R-12-001

A RESOLUTION CHANGING THE NAME OF PICKLE CIRCLE TO JAKE PICKLE DRIVE

WHEREAS, Congressman Jake Pickle helped to secure grants and funding for the Southwest Industrial Park that now boasts over a dozen major employers; and

WHEREAS, a street in the Southwest Industrial Park was named Pickle Circle in honor of Congressman Jake Pickle; and

WHEREAS, changing the street name from Pickle Circle to Jake Pickle Drive will more properly honor the memory of Congressman Jake Pickle; and

WHEREAS, the City of Brenham desires to change the name of Pickle Circle to Jake Pickle Drive in the City of Brenham;

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

The name of Pickle Circle is hereby changed to Jake Pickle Drive. The City Manager or his designee is hereby authorized to take any and all administrative action necessary to implement this Resolution. This Resolution shall take effect on the thirtieth (30th) day after its passage.

ADOPTED this 5th day of January, 2012.

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

ATTEST:

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 10

DATE OF MEETING: January 5, 2012		DATE SUBMITTED: December 27, 2011
DEPT. OF ORIGIN: Public Works		SUBMITTED BY: Doug Baker
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-12-002 Authorizing the Acceptance of Street, Drainage, Water and Sewer Improvements in the Timber Oaks Subdivision, Section One, and Authorize the Mayor to Execute Any Necessary Documentation		
SUMMARY STATEMENT: The street, drainage, water, and sewer improvements in Timber Oaks Subdivision, Section One have been constructed by the developer, Gregory A. Appel and John J. Appel, Rental Partnership, in accordance with the City's standards and specifications. There are no lots in this subdivision. The plat and the improvements extend from Old Mill Creek Road to Blinn's driveway into their new Ag Building site. The right of way and the improvements will be extended southward as future sections of the subdivision are developed. The developer is responsible for any defects in materials and workmanship that may occur in the above described improvements for a period of one year, beginning on the date of acceptance by the City. It is our recommendation that you accept these improvements for inclusion into the City's capital assets and for permanent maintenance by the City, exclusive of defects in materials and workmanship for a period of one 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-12-002; (2) Certificate of Completion; and (3) Map		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Approve Resolution No. R-12-002 authorizing the acceptance of street, drainage, water, and sewer improvements in Timber Oaks Subdivision, Section One, and authorize the Mayor to execute any necessary documentation.		
APPROVALS: Terry Roberts		

RESOLUTION NO. R-12-002

A RESOLUTION PROVIDING FOR THE ACCEPTANCE OF PUBLIC IMPROVEMENTS IN THE TIMBER OAKS SUBDIVISION, SECTION ONE

WHEREAS, Timber Oaks Subdivision, Section One is a subdivision developed by Gregory A. Appel and John J. Appel, Rental Partnership (Developer); and

WHEREAS, water, sewer, street, and storm drainage improvements were constructed by the Developer; and

WHEREAS, said water, sewer, street, and storm drainage improvements have been offered by the Developer for dedication to public use forever; and

WHEREAS, the water, sewer, street, and storm drainage improvements have been inspected by the City and found to be constructed in accordance with the City's Standards and Specifications; and

WHEREAS, Developer shall be responsible for any defects in materials or workmanship that may occur in the above described improvements for a period of one year, beginning on the date of acceptance by the City.

WHEREAS, the City of Brenham desires to formally accept the water, sewer, street, and storm drainage improvements in the Timber Oaks Subdivision, Section One;

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

The City of Brenham hereby accepts the water, sewer, street, and storm drainage improvements in the Timber Oaks Subdivision, Section One in the City of Brenham, Texas, for inclusion into the City's capital assets and for permanent maintenance by the City, exclusive of defects in materials and workmanship for a period of one year which will be the Developer's responsibility, and authorizes the Mayor to execute any necessary documentation.

ADOPTED this 5th day of January, 2012.

Milton Y. Tate, Jr.
Mayor

ATTEST

Jeana Bellinger, TRMC
City Secretary

December 22, 2011

Mr. Doug Baker, P.E.
Director of Public Works
City of Brenham
P.O. Box 1059
Brenham, Texas 77834-1059

Re: Timber Oaks Subdivision, Section One
City of Brenham
Washington County, Texas
J&C No. B0095-001-00

Dear Doug:

Please be advised that the utilities, paving and drainage work for the Timber Oaks Subdivision, Section One has been substantially completed as evidenced by the attached Certificate of Substantial Completion. Formal acceptance of the dedication of the utilities, paving and drainage improvements is hereby requested on behalf of the developer. Also, formal authorization to file the final plat is requested.

For accounting purposes, the value of the improvements being dedicated is as follows:

Water System Improvements	\$ 23,892.32
Sanitary Sewer System Improvements	6,073.09
Paving Improvements	169,523.07
Drainage Improvements	<u>12,513.48</u>
Total – All Improvements	\$212,001.96

Should you have any questions regarding these items, please advise us accordingly.

Respectfully,



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

WRK/ebr

P:\PROJECTS\B0095 Appel Rental Partnership\001 Street Project\Construction\Letters\collier construction me.ltr.doc
cc/enc: Mr. Greg Appel, 2502 Cheri Ln., Brenham, Texas 77833

**CERTIFICATE OF SUBSTANTIAL COMPLETION FOR
CONSTRUCTION OF OAK TREE CROSSING DRIVE
TIMBER OAKS SUBDIVISION, SECTION ONE
CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS**

November 4, 2011

OWNER: Mr. Gregory E. Appel and
Mr. John J. Appel
Rental Partnership
2502 Cheri Lane
Brenham, Texas 77833

CONTRACTOR: Mr. Tom Albus
Vice President
Collier Construction, LLC
P.O. Box 1889
Brenham, Texas 77834-1889

CONTRACT: Oak Tree Crossing Drive
Timber Oaks Subdivision, Section One
City of Brenham
Washington County, Texas
J&C No. B0095-001-00

Gentlemen:

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

J&C recommends that the **OWNER** issue the **CONTRACTOR** a Certificate of Acceptance of the Work, and that final payment be made to the **CONTRACTOR**. J&C also recommends that the Contractor's guarantee period of one (1) year begin on November 4, 2011.

Very truly yours,



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

P:\PROJECTS\B0095 Appel Rental Partnership\001 Street Project\Construction\Letters\Closing Documents.doc

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

Gregory E. and John J Appel Rental Partnership
2502 Cheri Ln
Brenham, Texas 77833
979-277-7577

December 27, 2011

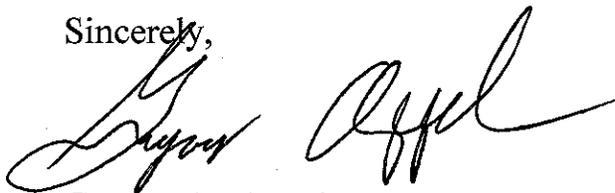
City of Brenham
P. O. Box 1059
Brenham, Texas 77834-1059

Re: Timber Oaks Subdivision
Section One

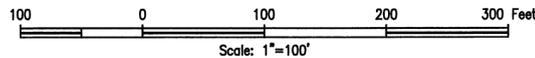
Gentlemen:

Pursuant to the requirements of Section 23-10 (b) (4) f of the City of Brenham's Code of Ordinances, the Gregory E. Appel and John J. Appel Rental Partnership, the developer of the above referenced subdivision, does hereby guarantee that all workmanship and materials incorporated into the improvements dedicated to the City shall be free of defects for a period of one (1) year from the date of acceptance by the City of Brenham.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory Appel", written in a cursive style.

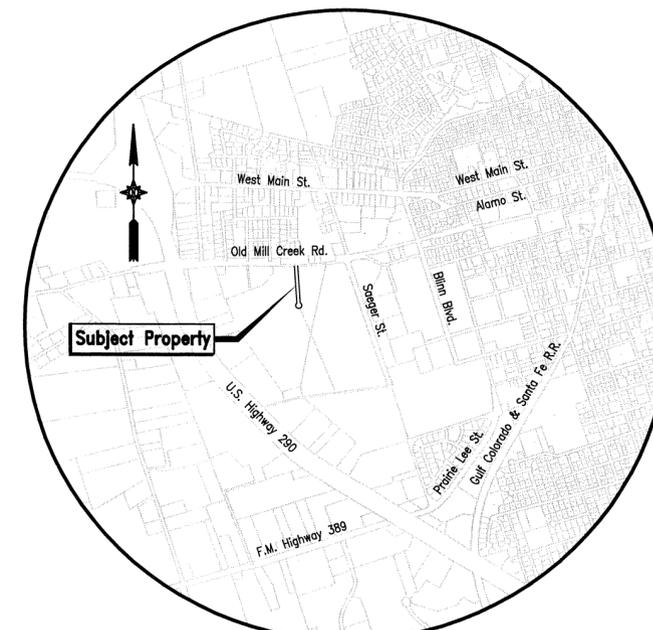
Gregory E. Appel
Managing Partner



FINAL PLAT OF TIMBER OAKS SUBDIVISION SECTION ONE OAK TREE CROSSING DRIVE

City of Brenham
Phillip Coe Survey A-31
Washington County, Texas

The purpose of this plat is to create a 55 feet wide right-of-way containing 0.522 acres and a 55 feet wide easement containing 0.420 acres out of a portion of the tract of land called 45.885 acres in Warranty Deed dated March 16, 2007 from the Estate of Gus Anton Wehring, Deceased to the Gregory E. Appel and John J. Appel Rental Partnership, a Texas General Partnership as recorded in Volume 1238, Page 028 of the Official Records of Washington County, Texas.



Location Map
1"=2000'

Property Owner

Gregory A. Appel
and John J. Appel
Rental Partnership
1880 Highway 290 West
Brenham, Texas 77833
TEL: (979) 451-0136

Plat Prepared By

Jones & Carter, Inc.
1500 South Day Street
Brenham, Texas 77833
TEL: (979) 836-6631

OWNER ACKNOWLEDGMENT

Gregory E. Appel and John J. Appel Rental Partnership, a Texas General Partnership, the owner of the property described hereon, whose name is subscribed hereto, does hereby offer, adopt and acknowledge the addition of said property in accordance with the plat shown hereon.

Gregory E. Appel
Gregory E. Appel
Partner of the Gregory E. Appel
and John J. Appel Partnership

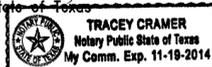
John J. Appel
John J. Appel
Partner of the Gregory E. Appel
and John J. Appel Partnership

STATE OF TEXAS
COUNTY OF WASHINGTON

This instrument was acknowledged before me on the 13th day of April, 2011 by Gregory E. Appel, Partner of the Gregory E. Appel and John J. Appel Partnership, on behalf of said partnership.

Tracey Cramer
Notary Public
State of Texas

Tracey Cramer
Notary's Name (Printed):
Notary's Commission
Expires: 11-19-2014

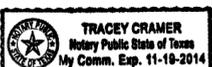


STATE OF TEXAS
COUNTY OF WASHINGTON

This instrument was acknowledged before me on the 13th day of April, 2011 by John J. Appel, Partner of the Gregory E. Appel and John J. Appel Partnership, on behalf of said partnership.

Tracey Cramer
Notary Public
State of Texas

Tracey Cramer
Notary's Name (Printed):
Notary's Commission
Expires: 11-19-2014



LIEN HOLDER ACKNOWLEDGMENT

Citizens State Bank, owner and holder of a lien against the property described in the Timber Oaks Subdivision shown hereon, said lien being evidenced by instrument recorded in Volume 1238, Page 038 of the Official Records of Washington County, Texas, does hereby in all things subordinate to said plat said lien, and hereby confirms that it is the present owner of said lien and has not assigned the same nor any part thereof.

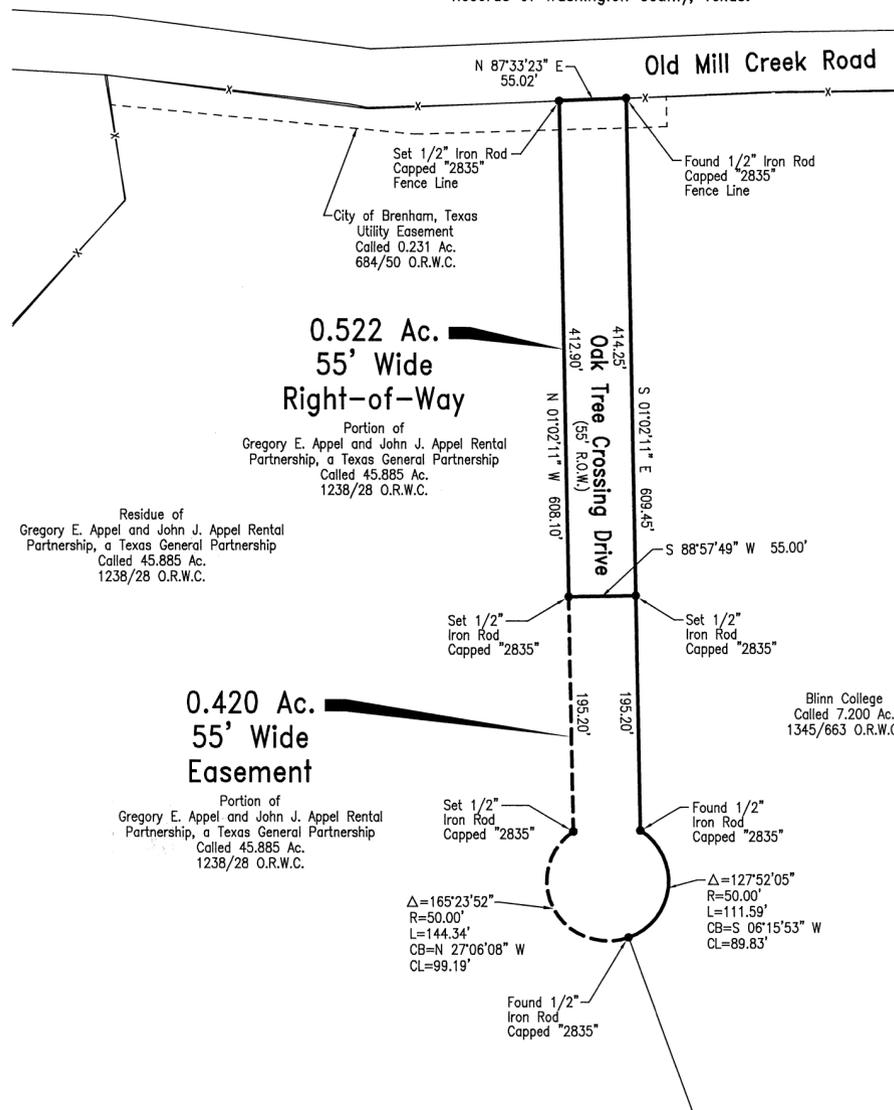
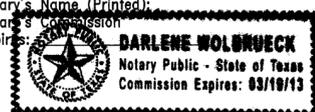
Ervin B. Flencher, Jr.
Ervin B. Flencher, Jr.
Trustee for Citizens State Bank

STATE OF TEXAS
COUNTY OF Burleson

This instrument was acknowledged before me on the 12th day of April, 2011 by Ervin B. Flencher, Jr., Trustee for Citizens State Bank.

Darlene Wolunbeck
Notary Public
State of Texas

Notary's Name (Printed):
Notary's Commission
Expires: 03/19/13



NOTES

Bearings shown hereon are based on the Gregory E. Appel and John J. Appel Rental Partnership tract called 45.885 acres as recorded in Volume 1238, Page 028 of the Official Records of Washington County, Texas.

The subject property shown hereon is currently zoned B-1 (Local Business/Residential Mixed Use District).

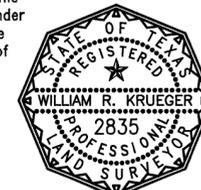
FLOOD HAZARD STATEMENT

According to the Flood Hazard Boundary Map compiled by the U. S. Department of Housing and Urban Development F.I.A., Community Panel No. 481188 0006A Washington County, Texas, dated May 24, 1977 (converted by letter effective 12/1/2007), it appears that the subject property does not fall within the Special Flood Hazard Area.

SURVEYOR CERTIFICATION

I, William R. Krueger, Registered Professional Land Surveyor, do hereby certify that this plat represents the results of an on the ground survey made under my direction and supervision, that all corners are marked as shown, and the plat is, to the best of my knowledge, true and correct.

William R. Krueger
William R. Krueger
Registered Professional Land Surveyor No. 2835
March 30, 2011



PLANNING COMMISSION APPROVAL

Approved this 7th day of March, 2011
by the Planning Commission of the City of Brenham, Texas.

Chairman
Chairman

Calvin Kessie
Attest:
Secretary

COUNTY CLERK CERTIFICATE

THE STATE OF TEXAS
COUNTY OF WASHINGTON

I, Beth Rothermel, County Clerk in and for said County, hereby certify that the foregoing instrument with its Certificate of Authentication was filed in my office this _____ day of _____, 2011, A.D. at _____ o'clock _____ M., and duly recorded the day of _____, 2011, A.D. at _____ o'clock _____ M., in the Plat Records in File No. _____ Witnessed by hand and seal of the County Court of the said County, at office in Brenham, Texas.

By: _____ Beth Rothermel
Deputy County Clerk
Washington County, Texas

FINAL PLAT OF
TIMBER OAKS SUBDIVISION
SECTION ONE
OAK TREE CROSSING DRIVE

JC JONES & CARTER, INC.
ENGINEERS • PLANNERS • SURVEYORS

1500 South Day Street
Brenham, Texas 77833
(979) 836-6631 Fax: (979) 836-5686
www.jonescarter.com

Surveyor	William R. Krueger	County	Washington	Field Crew	L.H. & A.G.
R.P.L.S. No.	2835	Survey	Phillip Coe A-31	Computations	M.A.M.
Date	3/30/11	City	Brenham	Drafting	M.A.M.
Update		Addition	Timber Oaks Subdivision	Work Order	80095-001-00



AGENDA ITEM 11

DATE OF MEETING: January 5, 2012		DATE SUBMITTED: December 28, 2011	
DEPT. OF ORIGIN: Public Works		SUBMITTED BY: Doug Baker	
MEETING TYPE:		CLASSIFICATION:	
<input type="checkbox"/> REGULAR		<input type="checkbox"/> PUBLIC HEARING	
<input type="checkbox"/> SPECIAL		<input type="checkbox"/> CONSENT	
<input checked="" 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: Texas Government Code Section 551.072 – Deliberation Regarding Real Property – Discuss and Consider the Acquisition of Property for the Westwood Lane Improvements Project			
SUMMARY STATEMENT: Executive Session discussion			
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 Roberts			



AGENDA ITEM 12

DATE OF MEETING: January 5, 2012		DATE SUBMITTED: December 28, 2011	
DEPT. OF ORIGIN: Public Works		SUBMITTED BY: Doug Baker	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING	
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING	
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> RESOLUTION	
	<input type="checkbox"/> WORK SESSION		
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-R-12-003 Authorizing the Acquisition of 0.1087 Acres Certain Real Property for the Westwood Lane Improvements Project; Authorizing the Mayor to Act on Behalf of the City in all Matters Pertaining Thereto; and Authorizing the Mayor to Execute Any Necessary Documentation.			
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 No. R-12-003; and (2) Exhibit "A"			
FUNDING SOURCE (Where Applicable):			
RECOMMENDED ACTION: Approval of Resolution No. R-12-003 authorizing the acquisition of 0.1087 acres of certain real property for the Westwood Lane Improvements Project; authorizing the Mayor to act on behalf of the City in all matters pertaining thereto; and authorizing the Mayor to execute any necessary documentation.			
APPROVALS: Terry Roberts			

RESOLUTION NO. R-12-003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS AUTHORIZING THE ACQUISITION OF 0.1087 ACRES CERTAIN REAL PROPERTY FOR THE WESTWOOD LANE IMPROVEMENTS PROJECT; AUTHORIZING THE MAYOR TO ACT ON BEHALF OF THE CITY IN ALL MATTERS PERTAINING THERETO; AND AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTATION

WHEREAS the City of Brenham (“City”) desires to acquire a 0.1087 acre tract of real property from Terry Smith Enterprises, Inc., being further described in Exhibit “A” attached hereto and incorporated herein for all purposes (the “Property”), for the Westwood Lane Improvements Project; and

WHEREAS, the owner(s) of the Property desires to convey the Property to the City of Brenham; and

WHEREAS, the City Council desires to authorize the Mayor of the City to act on behalf of the City in all matters pertaining to the City’s purchase of the Property and to execute any and all documents and instruments related to the purchase and acquisition of said Property by the City of Brenham for the purposes stated hereinabove;

NOW THEREFORE, be it resolved by the City Council of the City of Brenham, Texas that:

Section 1: The City Council hereby approves the purchase and acquisition of the Property, as described in Exhibit “A” and incorporated herein for all purposes, from Terry Smith Enterprises, Inc. for the Westwood Lane Improvements Project; and

Section 2: The City Council hereby authorizes and directs the Mayor to act on behalf of the City of Brenham in all matters pertaining to the purchase and acquisition of the Property, including without limitation the amounts to be paid to the owner by the City as compensation for the purchase of said Property; and

Section 3: Mayor Milton Y. Tate, Jr., is hereby authorized to execute any and all documents and instruments necessary and appropriate for said purchase and acquisition; and

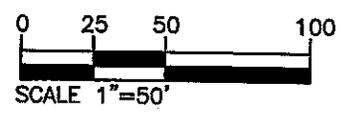
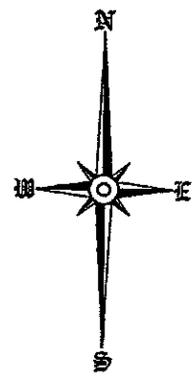
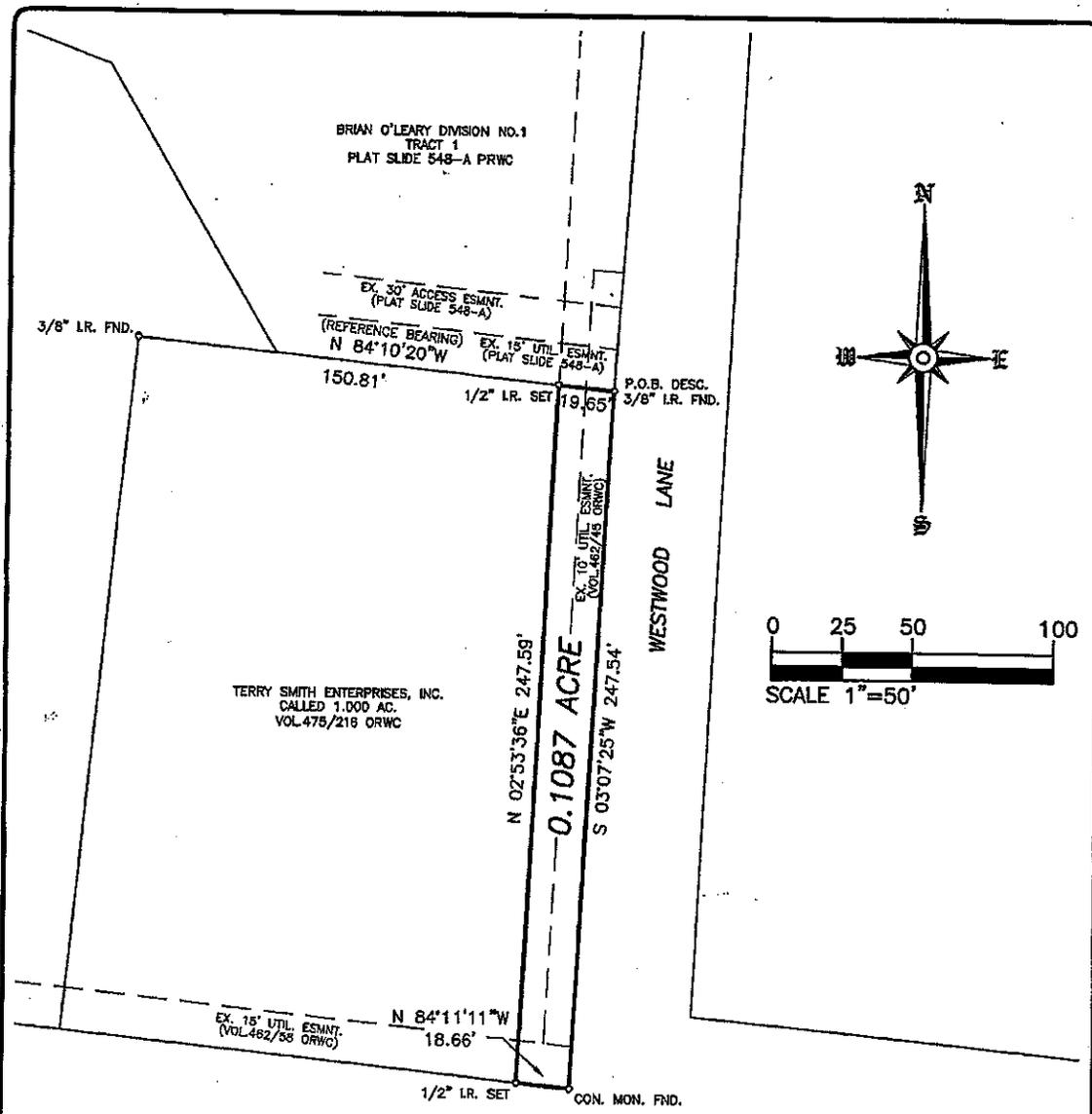
Section 4: This Resolution shall take effect immediately from and after its passage and approval.

PASSED and APPROVED by the City Council of the City of Brenham, Texas on this the 5th day of January, 2012.

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

ATTEST:

Jeana Bellinger, TRMC, City Secretary
City of Brenham

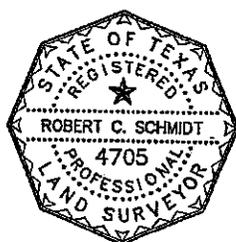


NOTES:

1. Bearings are based on the south line of Tract 1 of the Brian O'Leary Division No. 1 as recorded on Plat Slide 548-A, Plat Records of Washington County (P.R.W.C.).
2. The surveyor has not abstracted the property. This survey was performed without the benefit of a current abstract of property or title report and may be subject to any conditions, easements, restrictions, additions, or exceptions that a current title opinion might disclose.
3. All set 1/2" Iron rods are marked with a cap stamped "RPLS 4705".
4. This survey is valid only if it bears the seal and original signature of the surveyor.
5. This plat is accompanied by a metes and bounds description of even date herewith.

The information shown on this plat is based on a survey performed on the ground under my supervision and completed March 16, 2011. It is my professional opinion that this map represents the facts as found.

Robert C. Schmidt
Robert C. Schmidt, RPLS
Texas Registered Professional
Land Surveyor No. 4705



Plat showing survey of a 0.1087 acre tract or parcel of land lying and being situated in the P.H. Coe Survey, Abstract 31, Washington County, Texas, being out of a tract said to contain 1,000 acre conveyed to Terry Smith Enterprises, Inc. as recorded in Volume 475, Page 216, et seq. Official Records of Washington County (O.R.W.C.).

O'MALLEY ENGINEERS
203 S. JACKSON ST. BRENNAM, TEXAS
(979) 836-7937 FAX (979) 836-7936

JOB NO.1006.68 MD DWG. NO. PARCEL2.DWG

EXHIBIT "A" TOP

rcs



STATE OF TEXAS)
COUNTY OF WASHINGTON)

ALL THAT CERTAIN 0.1087 acre tract or parcel of land lying and being situated in the P.H. Coe Survey, Abstract 31, Washington County, Texas, being out of a tract said to contain 1.000 acre conveyed to Terry Smith Enterprises, Inc. by deed recorded in Volume 475, Page 216, et seq. of the Official Records of Washington County (O.R.W.C.). Said 0.1087 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8 inch iron rod found in the west margin of Westwood Lane for the northeast corner of said parent tract and the southeast corner of Tract 1 of the Brian O'Leary Division No.1 as recorded on Plat Slide 548-A of the Plat Records of Washington County (P.R.W.C.);

THENCE with the west margin of Westwood Lane, South 03°07'25" West, a distance of 247.54 feet to a concrete monument found in the north right of way of U.S. Highway 290;

THENCE with the north right of way of U.S. Highway 290, North 84°11'11" West, a distance of 18.66 feet to a 1/2 inch iron rod set;

THENCE severing said parent tract, North 02°53'36" East, a distance of 247.59 feet to a 1/2 inch iron rod set in the north line of said parent tract and the south line of said Tract 1 of the Brian O'Leary Division No.1, from which a 3/8 inch iron rod found for the northwest corner of said parent tract bears North 84°10'20" West, a distance of 150.81 feet;

THENCE with the north line of said parent tract and the south line of said Tract 1 of the Brian O'Leary Division No.1, South 84°10'20" East (reference bearing), a distance of 19.65 feet to the Place of Beginning and containing 0.1087 acre of land.

Notes:

1. Bearings are based on the south line of Tract 1 of the Brian O'Leary Division No. 1 as recorded on Plat Slide 548-A, Plat Records of Washington County (P.R.W.C.).
2. All set 1/2 inch iron rods are marked with a cap stamped "RPLS 4705".
3. This survey is valid only if it bears the seal and original signature of the surveyor.
4. This description is accompanied by a plat of even date herewith.

March 16, 2011.

Robert C. Schmidt

Robert C. Schmidt, TX RPLS No. 4705



EXHIBIT "A"
2 of 2