



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY APRIL 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 Danny Goss**
- 3. 3-a. Service Recognitions**

Andrew Jozwiak – Fire Department	5 years
Shane Winkler – Street Department	5 years
Sheryl Lednicky – Recreation	10 years

3-b. New Employees

Mandy Hodde – Central Communications
Elizabeth Menjares – Utility Billing
Melissa Wilkerson – Utility Billing
- 4. Proclamation
Relay For Life – Paint the Town Purple** **Page 1**
- 5. Citizens Comments**

CONSENT AGENDA

6. Statutory Consent Agenda

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

- 6-a. Minutes from the March 22, 2012 Council Meeting**

Page 2-10

REGULAR AGENDA

7. **Discuss and Possibly Act Upon the Acceptance of the 2011 Audit of Washington County Appraisal District by Seidel, Schroeder & Company** **Page 11-12**
8. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Granting a Specific Use Permit to the Washington County Healthy Living Association for a Senior Citizens Center (Philanthropic Use) to be Located at Block I, Lot 5 of the Kenjura Subdivision, Section I (Said Property Consisting of 4.482 Acres and Being Situated at the Northwest Corner of East Tom Green Street and Loesch Street), in an R-1, Residential District** **Page 13-16**
9. **Discuss and Possibly Act Upon the Award of a Contract for Westwood Drive Improvements and Authorize the Mayor to Execute Any Necessary Documentation** **Page 17-22**
10. **Discuss and Possibly Act Upon Ordinance No. O-12-005 on Its Second Reading Amending Chapter 24, Taxation, of the Code of Ordinances of the City of Brenham Providing for the Powers, Duties, Organization, Operation, Board Membership and Additional Matters Related to the Brenham-Washington County Hotel Occupancy Tax Board** **Page 23-33**

EXECUTIVE SESSION

11. **Texas Government Code Section 551.071 – Consultation with the City Attorney Regarding Legal Issues Involved with a Building Set Back Encroachment to the Saeger Street Right Of Way** **Page 34**

RE-OPEN REGULAR SESSION

12. **Discuss and Possibly Take Action Regarding a Building Set Back Encroachment to the Saeger Street Right Of Way** **Page 35**

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 April 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 April 2, 2012 at _____ AM PM.

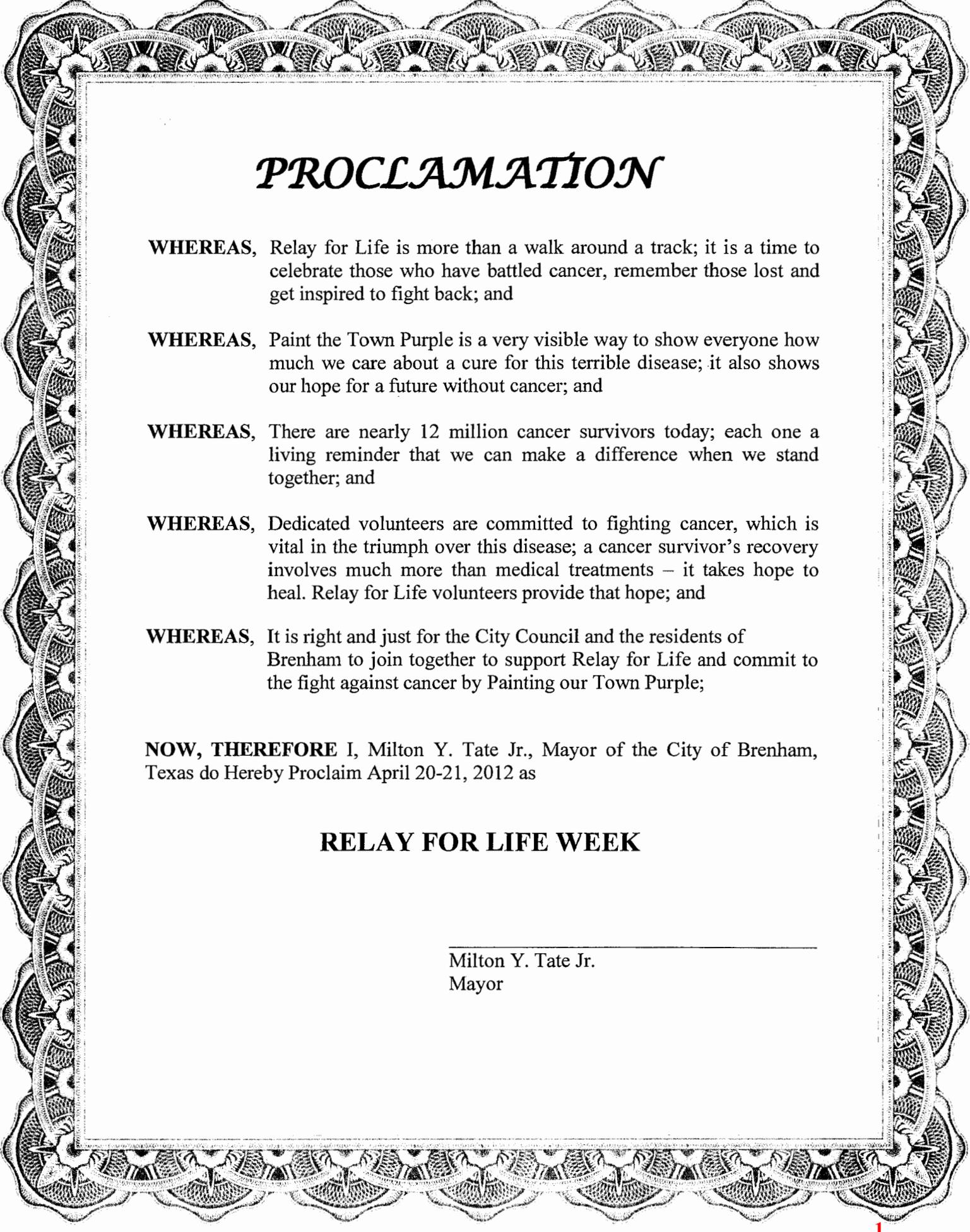
Jeana Bellinger, TRMC,
City Secretary

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



PROCLAMATION

WHEREAS, Relay for Life is more than a walk around a track; it is a time to celebrate those who have battled cancer, remember those lost and get inspired to fight back; and

WHEREAS, Paint the Town Purple is a very visible way to show everyone how much we care about a cure for this terrible disease; it also shows our hope for a future without cancer; and

WHEREAS, There are nearly 12 million cancer survivors today; each one a living reminder that we can make a difference when we stand together; and

WHEREAS, Dedicated volunteers are committed to fighting cancer, which is vital in the triumph over this disease; a cancer survivor's recovery involves much more than medical treatments – it takes hope to heal. Relay for Life volunteers provide that hope; and

WHEREAS, It is right and just for the City Council and the residents of Brenham to join together to support Relay for Life and commit to the fight against cancer by Painting our Town Purple;

NOW, THEREFORE I, Milton Y. Tate Jr., Mayor of the City of Brenham, Texas do Hereby Proclaim April 20-21, 2012 as

RELAY FOR LIFE WEEK

Milton Y. Tate Jr.
Mayor

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on March 22, 2012 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 Mary E. Barnes-Tilley
Councilmember Andrew Ebel
Councilmember Danny Goss
Councilmember Keith Herring
Councilmember Weldon Williams, Jr.

Others present:

City Manager Terry K. Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Jennifer Salsgiver, Chief Financial Officer Carolyn Miller, Adam Griffin, Debbie Gaffey, Fire Chief Ricky Boeker, Alan Finke, Police Chief Rex Phelps, Development Services Director Julie Fulgham, Public Works Director Doug Baker, Kim Hodde, Allen Jacobs, Leslie Kelm, Public Utilities Director Lowell Ogle, Dane Rau, Angela Hahn, Pam Ruemke, Susan Nienstedt, and Allan Hinze

Citizens present:

Clint Kolby, Jim Kruse, Don Voelter, Karen Voelter, Peter Emerson, Doug Price, Steve Miller, Toy Kurtz, Bill Rankin, Zeb Heckmann, Amador Rodriguez, Robert Mikeska, Frank Blizzard, Jim Rothermel, Dorothy Ann Rothermel, Monica Perez, Keudrice Smith, Page Michel, and Doss Pruitt

Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner, KWHI

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

3. Service Recognition

Allan Hinze – Fire Department

40 years

Allan Hinze thanked Mayor, Council, and City staff for their support.

4. Special Presentation and Recognition

- Introduction of the New Brenham Heritage Museum Curator

Commissioner Zeb Heckmann introduced Museum Director Doug Price to Mayor and City Council. Price expressed his enthusiasm for the Brenham Heritage Museum’s future and museum membership.

5. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

6. Statutory Consent Agenda

6-a. Minutes from the March 8, 2012 Council Meeting

6-b. Ordinance No. O-12-003 Amending Chapter 17, Noise Nuisances, of the Code of Ordinances of the City of Brenham

6-c. Ordinance No. O-12-004 Amending the City of Brenham Water Rate Tariff Schedule for Temporary Construction Service (W-D) and Adding a Water Rate Tariff Schedule for Reclaimed Wholesale Water (W-R)

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve the Statutory Consent Agenda Item 6-a. Minutes from the March 8, 2012 Council meeting, 6-b. Ordinance No. O-12-003, and 6-c. Ordinance No. O-12-004.

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 Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

In an effort to accommodate the many visitors in the audience, Mayor Tate delayed the Work Session Item and moved to the Public Hearing and several Regular Agenda items.

PUBLIC HEARING

8. Public Hearing to Consider Granting a Specific Use Permit to the Washington County Healthy Living Association for a Philanthropic Use (Senior Citizens Center) to be Located at Block I, Lot 5 of the Kenjura Subdivision, Section I (Said Property Consisting of 4.482 Acres and Being Situated at the Northwest Corner of East Tom Green Street and Loesch Street), in an R-1, Residential District

Public Works Director Doug Baker opened the Public Hearing.

Baker stated that after the Public Hearing staff will need Council's direction on the preparation of an ordinance for the approval of this Specific Use Permit for the operation of a Senior Citizens Center on Lot 5 of Block 1 of Kenjura Subdivision, Section I. Baker explained that the Planning and Zoning Commission approved the permit with stipulations concerning the hours of operation and drive-way access points.

Don Voelter, Chairman of the Washington County Healthy Living Association, gave Council a short presentation on the Senior Citizens Program and pictures of what the new Center will look like. Voelter requested that Council approve the Specific Use Permit and addressed each of the concerns posed by the Planning and Zoning Commission. Voelter explained that special events held after hours and on weekends are concluded by 10:00 p.m. and expressed the organization's intention to be a good neighbor to those citizens living around the new Center. Voelter presented plans that showed two (2) drive-way entrances designed to ease traffic flow in and around the Center.

The public hearing was closed.

REGULAR AGENDA

9. Discuss and Consider Granting a Specific Use Permit to the Washington County Healthy Living Association for a Philanthropic Use (Senior Citizens Center) to be Located at Block I, Lot 5 of the Kenjura Subdivision, Section I (Said Property Consisting of 4.482 Acres and Being Situated at the Northwest Corner of East Tom Green Street and Loesch Street), in an R-1, Residential District

A motion was made by Councilmember Goss and seconded by Mayor Pro Tem Nix to grant a Specific Use Permit to the Washington County Healthy Living Association for a philanthropic use (Senior Citizens Center) to be located at Block I, Lot 5 of the Kenjura Subdivision, Section I (said property consisting of 4.482 acres and being situated at the northwest corner of East Tom Green Street and Loesch Street), in an R-1, residential district to include: two (2) access points, no restrictions on the hours of operation; and with the Council reserving the right to review any complaints and make amendments if necessary.

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 Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

12. Discuss and Possibly Act Upon Resolution No. R-12-008 Authorizing the Execution of a Tax Phase-In Agreement Between the City of Brenham and Blue Bell Creameries, L.P.

Clint Kolby, Economic Development Foundation Project Manager, presented a request for a Tax Phase-In Agreement between the City of Brenham and Blue Bell Creameries. He explained that Blue Bell Creameries is proposing an estimated \$13,000,000 investment in capital and plans to create 50 new jobs with the project. Jim Kruse, Blue Bell Creameries Comptroller, provided Council an overview of the expansion.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve Resolution No. R-12-008 authorizing the execution of a Tax Phase-In Agreement between the City of Brenham and Blue Bell Creameries, L.P.

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

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

10. Discuss and Possibly Act Upon Resolution No. R-12-007 Requesting the Texas Department of Transportation’s Consideration of a Higher Ranking for the Project Described as “Reconstruction of the Cloverleaf at SH 36/US 290 W/BU 290” on the Texas Rural Transportation Plan – Preliminary Project Rankings by District Report

Public Works Director Doug Baker presented a Resolution requesting the Texas Department of Transportation’s consideration of a higher ranking for the reconstruction of the cloverleaf at SH 36/US 290 W/BU 290.

Baker explained that the cloverleaf was identified as a pinch point after Hurricane Rita and the reconstruction of the cloverleaf would improve mobility as well as connectivity between Austin and Houston.

Councilmember Barnes-Tilley questioned if additional data, such as accident reports and congestion statistics, could strengthen the Resolution. Baker stated that providing evidence of community support would encourage fruition of this project.

A motion was made by Councilmember Herring and seconded by Councilmember Goss to approve Resolution No. R-12-007 requesting the Texas Department of Transportation's consideration of a higher ranking for the project described as "Reconstruction of the Cloverleaf at SH 36/US 290 W/BU 290" on the Texas Rural Transportation Plan – Preliminary Project Rankings by District Report.

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 Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

11. Discuss and Possibly Act Upon a Request for the Extension of Sewer Services Outside City Limits to 340 Westwood Lane and Authorize the Mayor to Execute Any Necessary Documentation

Public Utilities Director Lowell Ogle explained that he had received a request from the Perez family, who live outside the city limits, that sewer service be extended to their house. Ogle advised Council that the family is having septic system issues that cannot be repaired and therefore, he is asking that sewer services be provided to them.

The proposed extension would require the City install a six inch line - with materials costing \$4,800. This six inch line would enable the City to service others in the future. Ogle explained that Ms. Perez has agreed to sign a petition for annexation and contribute \$4,000 to the project. The \$4,000 contribution matches a quote for a new septic system that the City asked Ms. Perez to obtain prior to bringing this item to Council.

Councilmember Goss questioned what labor costs the City will incur and Ogle responded that labor costs would be around \$5,000-\$6,000. Councilmember Goss questioned if Ms. Perez would be willing to pay for all the materials. Ms. Perez advised Council that she would.

Mayor Pro Tem Nix questioned why the drawing presented showed the sewer line crossing the road twice. Ogle explained that the opposite side of the road was cleaner and would be easier for city staff to work in and having the line cross the road closer to the Perez property would not be a problem.

Councilmember Barnes-Tilley expressed her wish for consistency with extensions and requested information concerning funding and the 36 north extension. Ogle confirmed that both extensions will come from the same budget line item.

A motion was made by Councilmember Goss and seconded by Councilmember Williams to approve the extension of sewer services outside city limits to 340 Westwood Lane with the understanding that the Perez family will pay for all materials and the city will provide the labor to install those materials 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 Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

13. Discuss and Possibly Act Upon a Recommendation from the Fortnightly Club for Appointments to the Library Board

City Manager Terry Roberts explained that the Fortnightly Club nominates five Library Board members and Mary Whigham and Gloria Joswiak's terms expired on December 31, 2011. Fortnightly Club President Cathy Lewis notified City staff that Betty Fortner and Jody Tyson are recommended for appointment by the City Council for a 3 year term expiring on December 31, 2014 to replace the members whose terms expired in 2011.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Barnes-Tilley to approve the recommendation from the Fortnightly Club for the appointment of Betty Fortner and Jody Tyson to a 3 year term expiring on December 31, 2014 to the City of Brenham Library Board.

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 Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

14. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 24, Taxation, of the Code of Ordinances of the City of Brenham Providing for the Powers, Duties, Organization, Operation, Board Membership and Additional Matters Related to the Brenham-Washington County Hotel Occupancy Tax Board

City Secretary Jeana Bellinger presented an ordinance that outlines the Brenham-Washington County Hotel Occupancy Tax (HOT) Board duties and sets up staggering terms for its members. Bellinger noted that upon approval of the 2nd reading, HOT Board members will draw for staggering terms at the next scheduled meeting and she will present the official appointments to Council once member names are assigned to each staggered term.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Herring to approve an ordinance on its first reading amending Chapter 24, Taxation, of the Code of Ordinances of the City of Brenham providing for the powers, duties, organization, operation, board membership and additional matters related to the Brenham-Washington County Hotel Occupancy Tax Board.

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 Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

WORK SESSION

7. Discuss and Review the FY2011-12 First Quarter Financial Report

Chief Financial Officer Carolyn Miller presented this item. She advised that the General Fund and the five major utility funds in the report are presented in the format developed by budget officer, Debbie Gaffey, which includes a comparison of the 1st quarter actual versus the prior year and a comparison to the budget.

Miller advised that, for the first quarter, the City experienced favorable performance in the General Fund and all utility funds posted positive net revenues over expenditures, with the exception of the Gas Fund which posted a small net loss for the quarter. Miller provided an overview of the General Fund and the five major utility funds.

Councilmember Goss question why the Gas Fund experienced a small net loss for the quarter. Public Utilities Director Lowell Ogle explained that the mild winter lead to a decrease in gas consumption, producing this minor financial loss since operation costs do not decrease with less usage.

Council adjourned into Executive Session at 2:23 p.m.

EXECUTIVE SESSION

15. Texas Government Code Section 551.072 – Deliberation Regarding Real Property – Discussion Regarding Disposition of the Real Property Located at 210 N. Park Street, Including the Former Municipal Building

Executive Session adjourned at 2:52 p.m.

RE-OPEN REGULAR SESSION

16. Discuss and Possibly Take Action Regarding Disposition of the Real Property Located at 210 N. Park Street, Including the Former Municipal Building

No action was taken on this item.

17. Administrative/Elected Officials Report

Terry Roberts reported on the following:

- TML Region 10 meeting on April 25th at 6:00 p.m. at Ant Street Inn
- Advised Council that he had provided them a memo updating the information from the Executive Session held March 8th 2012
- Reminded Council of the Fire Department's Fish Fry on Friday, March 30th

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 7

DATE OF MEETING: April 5, 2012	DATE SUBMITTED: March 26, 2012	
DEPT. OF ORIGIN: Finance	SUBMITTED BY: Carolyn D. Miller	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Acceptance of the 2011 Audit of Washington County Appraisal District by Seidel, Schroeder & Company		
SUMMARY STATEMENT: The City has received a copy of the Washington County Appraisal District's (WCAD) audited financial statement for the fiscal year ending August 31, 2011. A copy is in the CFO's office for your review. I have attached the transmittal letter from Mr. Willy Dilworth and he will be attending the Council meeting to present the information and to answer any questions that may arise.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Transmittal letter from Willy Dilworth, Chief Appraiser		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Accept the 2011 Audit of Washington County Appraisal District by Seidel, Schroeder & Company.		
APPROVALS: Carolyn D. Miller		

WASHINGTON COUNTY APPRAISAL DISTRICT

1301 NIEBUHR
P. O. BOX 681
BRENHAM, TX 77834-0681
(979) 277-3740

March 12, 2012

City of Brenham
Mr. Terry Roberts
PO Box 1059
Brenham, TX 77834-1059

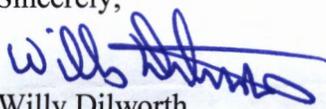
Dear Mr. Roberts;

The audit for the WCAD budget year ending on August 31, 2011 is attached. The audit was performed by Seidel, Schroeder & Company and found nothing significant to report.

They did find that the appraisal district came in under the budgeted amount for the year. We would like to wait until the budget committee (to be appointed) has met to try and come up with the best uses for that money. Those proposals will then be presented to you for approval or other recommendations from you.

Please let me know if you have questions about the audit.

Sincerely;



Willy Dilworth
Chief Appraiser



AGENDA ITEM 8

DATE OF MEETING: April 5, 2012	DATE SUBMITTED: March 27, 2012	
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Doug Baker	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Granting a Specific Use Permit to the Washington County Healthy Living Association for a Senior Citizens Center (Philanthropic Use) to be Located at Block I, Lot 5 of the Kenjura Subdivision, Section I (Said Property Consisting of 4.482 Acres and Being Situated at the Northwest Corner of East Tom Green Street and Loesch Street), in an R-1, Residential District		
SUMMARY STATEMENT: This ordinance approves a specific use permit to the Washington County Healthy Living Association for a philanthropic use (Senior Citizen Center) to be located at Block 1, Lot 5 of the Kenjura Subdivision, Section I. The ordinance does not include any stipulation or restriction on the use of the property. In accordance with the motion that was approved following the public hearing, the ordinance states that 1) there will be two entrance/exit locations, 2) there will be no restriction on the hours of operation, and 3) Council reserves the right of the city to review complaints and amend the ordinance as necessary.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Ordinance		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Approve an Ordinance on its first reading granting a Specific Use Permit to the Washington County Healthy Living Association for a Senior Citizens Center (philanthropic use) to be located at Block I, Lot 5 of the Kenjura Subdivision, Section I (said property consisting of 4.482 acres and being situated at the Northwest Corner of East Tom Green Street and Loesch Street), in an R-1, residential district		
APPROVALS: Terry K. Roberts		

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AND AMENDING THE OFFICIAL ZONING MAP GRANTING A SPECIFIC USE PERMIT FOR THE 4.482 ACRE TRACT LOCATED AT THE NORTHWEST CORNER OF EAST TOM GREEN STREET AND LOESCH STREET (LEGAL DESCRIPTION BEING BLOCK 1, LOT 5 OF THE KENJURA SUBDIVISION, SECTION I); PROVIDING FOR CONDITIONS RELATED TO THE SPECIFIC USE PERMIT; PROVIDING FOR THE AMENDMENT OR RECISSION OF THE SPECIFIC USE PERMIT; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY OF BRENHAM, TEXAS THAT APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AND THE OFFICIAL ZONING MAP ARE HEREBY 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 are hereby amended to grant a Specific Use Permit to the Washington County Healthy Living Association ("WCHLA") for the construction and operation of a Senior Citizens Center (philanthropic use) on the 4.482 acre tract located at the northwest corner of East Tom Green Street and Loesch Street (Legal description being Block 1, Lot 5 of the Kenjura Subdivision, Section I) (hereinafter "Property") in accordance with the City of Brenham adopted Building Codes, Zoning Ordinance, and other applicable ordinances and regulations. This Property is located in the R-1, Residential District and requires the approval of a Specific Use Permit for a philanthropic use.

SECTION 2. The development of the Property shall be in accordance with the following special conditions, restrictions and regulations:

- a. The development shall be in conformance with the Site Plan, attached hereto as Exhibit "A," providing for access to and from the Senior Citizens Center at two entrance/exit locations, one allowing ingress/egress from Loesch Street and one allowing ingress/egress from East Tom Green Street.

SECTION 3. Upon holding a properly notified public hearing, the City Council may amend, change, or rescind the Specific Use Permit granted by this Ordinance if:

- a. There is a violation and conviction of any of the provisions of this Ordinance, or any ordinance of the City of Brenham, that occurs on the Property;
- b. The building, premises, or Property used pursuant to the Specific Use Permit granted by this Ordinance are enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alteration, or change;
- c. There is a violation of any provision of the terms and conditions of the Specific Use Permit granted by this Ordinance; or
- d. As otherwise permitted by law and/or Brenham's Zoning Ordinance, as it exists or may be amended.

SECTION 4. This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas and applicable law.

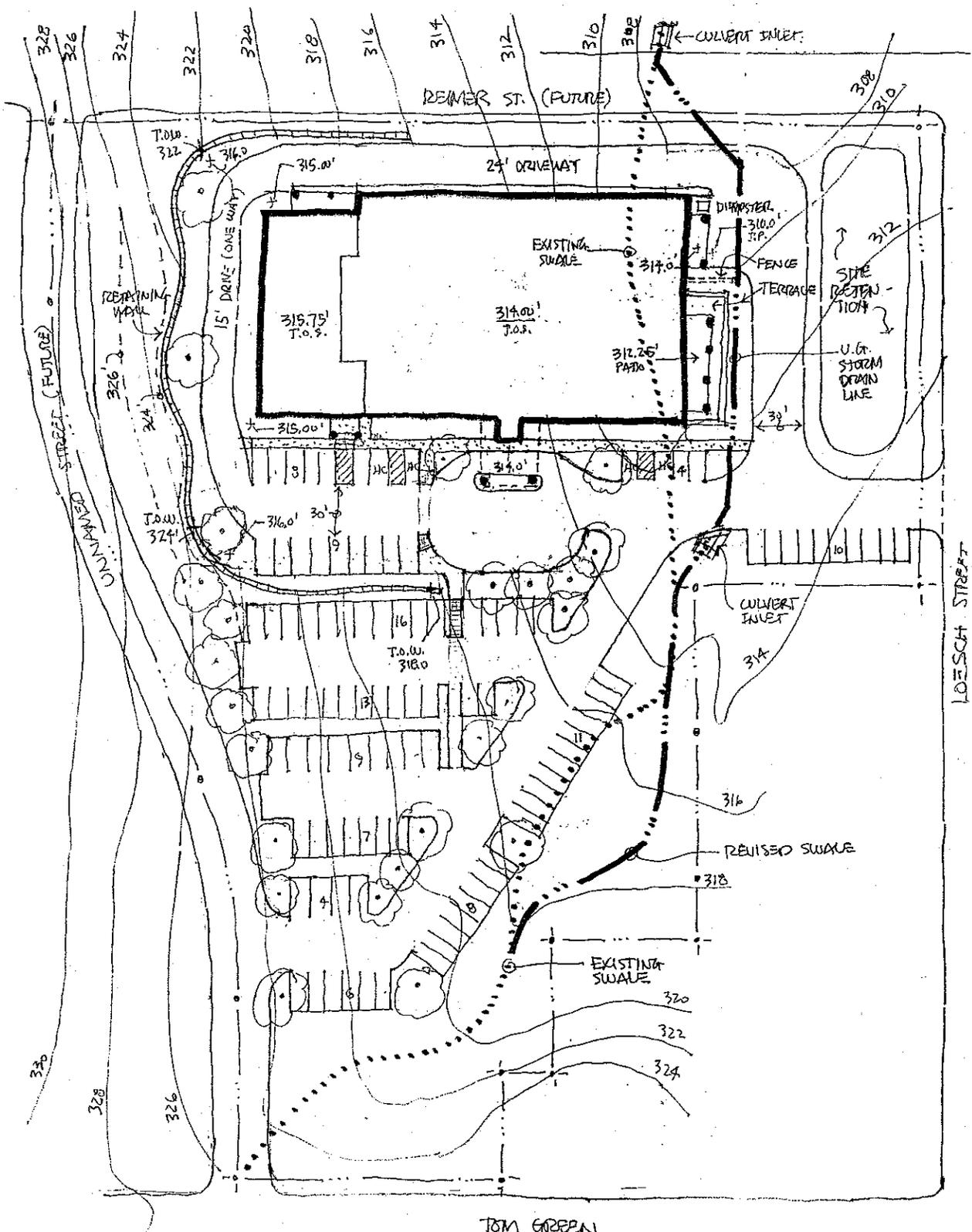
PASSED and APPROVED on its first reading this the 5th day of April, 2012

PASSED and APPROVED on its second reading this the 19th day of April, 2012.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



TOM GREEN

WCHLA - SITE PLAN

1:50

9/26/11



AGENDA ITEM 9

DATE OF MEETING: April 5, 2012	DATE SUBMITTED: March 27, 2012	
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Doug Baker	
MEETING TYPE: <input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> SPECIAL <input type="checkbox"/> EXECUTIVE SESSION	CLASSIFICATION: <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT <input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> WORK SESSION	ORDINANCE: <input type="checkbox"/> 1 ST READING <input type="checkbox"/> 2 ND READING <input type="checkbox"/> RESOLUTION
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Award of a Contract for Westwood Drive Improvements and Authorize the Mayor to Execute Any Necessary Documentation		
SUMMARY STATEMENT: On the following page you will find a tabulation of the four bids received for the construction of Westwood Drive. Collier Construction, LLC is the low bidder, having submitted a bid of \$257,140.00. Collier Construction, LLC is the contractor on the Longwood Extension project. As stated in Mr. Becker's letter, Collier Construction, LLC is qualified and experienced in this type of construction work. I recommend awarding this construction contract to Collier Construction, LLC for their bid in the amount of \$257,140.00. The funds for the project included \$265,000 out of the \$450,000 as set aside for US 290 related projects. This is a breakdown of the cost of the total project. Construction: \$257,140.00 Engineering: \$53,500.00 Right of Way: \$58,950.00		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Bid Tabulation; and (2) O'Malley Engineers, L.L.P. letter		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Award a contract to Collier Construction, L.L.C. in the amount of 257,140.00 for Westwood Drive improvements and authorize the Mayor to execute any necessary documentation.		
APPROVALS: Terry K. Roberts		

CITY OF BRENHAM, 200 WEST VULCAN, BRENHAM, TEXAS 77833
CITY OF BRENHAM, WESTWOOD LANE PAVING IMPROVEMENTS
OE JOB NO. 1006.068 PA/PB
BIDS OPENED: March 27, 2012 AT 11:30 A.M.

			Collier Construction, LLC P.O. Box 1889 Brenham, TX 77834-1889		Glenn Fuqua Inc. P.O. Box 589 Navasota, TX 77868		AAA Asphalt Paving, Inc. 10526 Tanner Rd. Houston, TX 77041		Civil Constructors, Inc. 1707 Graham Rd. College Station, TX 77845	
Item No.	Description	Estimated Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
BASE BID										
1	Furnish labor and equipment to perform all excavation associated with roadway, driveway, and parking lot improvements and disposal of excess material	2,640 CY	\$ 9.50	\$ 25,080.00	\$ 8.00	\$ 21,120.00	\$ 13.00	\$ 34,320.00	\$ 15.00	\$ 39,600.00
2	Furnish labor and equipment to perform all embankment (fill) with density control associated with roadway, driveway, and parking lot improvements	282 CY	\$ 6.50	\$ 1,833.00	\$ 10.00	\$ 2,820.00	\$ 15.00	\$ 4,230.00	\$ 12.00	\$ 3,384.00
3	Furnish labor and equipment for the removal and disposal of existing asphalt pavement	1,870 SY	\$ 3.00	\$ 5,610.00	\$ 10.00	\$ 18,700.00	\$ 4.00	\$ 7,480.00	\$ 10.00	\$ 18,700.00
4	Furnish labor and equipment for the removal and disposal of existing concrete pavement, curbs and sidewalks	1,074 SY	\$ 5.00	\$ 5,370.00	\$ 20.00	\$ 21,480.00	\$ 5.00	\$ 5,370.00	\$ 22.00	\$ 23,628.00
5	Furnish labor and material to construct 6" minimum thickness lime stabilized subgrade	5,003 SY	\$ 5.00	\$ 25,015.00	\$ 5.00	\$ 25,015.00	\$ 6.00	\$ 30,018.00	\$ 5.50	\$ 27,516.50
6	Furnish labor and materials to construct 6" minimum thickness reinforced concrete pavement	812 SY	\$ 35.00	\$ 28,420.00	\$ 45.00	\$ 36,540.00	\$ 69.00	\$ 56,028.00	\$ 45.00	\$ 36,540.00

Item No.	Description	Estimated Quantity	Collier Construction, LLC P.O. Box 1889 Brenham, TX 77834-1889		Glenn Fuqua Inc. P.O. Box 589 Navasota, TX 77868		AAA Asphalt Paving, Inc. 10526 Tanner Rd. Houston, TX 77041		Civil Constructors, Inc. 1707 Graham Rd. College Station, TX 77845	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
7	Furnish labor and materials to construct 4" thick, 4' wide reinforced concrete sidewalk	88 LF	\$ 16.00	\$ 1,408.00	\$ 30.00	\$ 2,640.00	\$ 25.00	\$ 2,200.00	\$ 16.00	\$ 1,408.00
8	Furnish labor and materials to place 6" minimum thickness Type A, Grade 2 base material	3,930 SY	\$ 13.00	\$ 51,090.00	\$ 11.00	\$ 43,230.00	\$ 15.75	\$ 61,897.50	\$ 11.50	\$ 45,195.00
9	Furnish labor and materials to install 1 1/2" minimum thickness Type D hot mix asphaltic concrete (HMAC) pavement, including prime/tack coat	3,796 SY	\$ 10.00	\$ 37,960.00	\$ 7.75	\$ 29,419.00	\$ 8.25	\$ 31,317.00	\$ 11.50	\$ 43,654.00
10	Furnish labor and materials to construct standard concrete curb and gutter	690 LF	\$ 7.00	\$ 4,830.00	\$ 14.00	\$ 9,660.00	\$ 30.00	\$ 20,700.00	\$ 15.00	\$ 10,350.00
11	Furnish labor and materials to construct reinforced concrete curb on concrete pavement as detailed	463 LF	\$ 7.00	\$ 3,241.00	\$ 14.00	\$ 6,482.00	\$ 5.00	\$ 2,315.00	\$ 10.00	\$ 4,630.00
12	Furnish labor and materials to construct typical valley gutter with curb returns	64 SY	\$ 24.00	\$ 1,536.00	\$ 50.00	\$ 3,200.00	\$ 50.00	\$ 3,200.00	\$ 54.00	\$ 3,456.00
13	Furnish labor and materials to construct 10' reinforced concrete curb inlet	1 EA	\$ 8,000.00	\$ 8,000.00	\$ 10,000.00	\$ 10,000.00	\$ 3,100.00	\$ 3,100.00	\$ 5,000.00	\$ 5,000.00
14	Furnish labor and materials to construct 5' reinforced concrete curb inlet	1 EA	\$ 8,900.00	\$ 8,900.00	\$ 6,500.00	\$ 6,500.00	\$ 2,700.00	\$ 2,700.00	\$ 4,500.00	\$ 4,500.00
15	Furnish labor and materials to construct area inlet	1 EA	\$ 6,000.00	\$ 6,000.00	\$ 5,000.00	\$ 5,000.00	\$ 3,450.00	\$ 3,450.00	\$ 5,000.00	\$ 5,000.00
16	Furnish labor and materials to install 24" RCP storm sewer	214 LF	\$ 92.00	\$ 19,688.00	\$ 75.00	\$ 16,050.00	\$ 60.00	\$ 12,840.00	\$ 65.00	\$ 13,910.00

Item No.	Description	Estimated Quantity	Collier Construction, LLC P.O. Box 1889 Brenham, TX 77834-1889		Glenn Fuqua Inc. P.O. Box 589 Navasota, TX 77868		AAA Asphalt Paving, Inc. 10526 Tanner Rd. Houston, TX 77041		Civil Constructors, Inc. 1707 Graham Rd. College Station, TX 77845	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
17	Furnish labor and materials to construct concrete riprap	183 SY	\$ 18.00	\$ 3,294.00	\$ 46.00	\$ 8,418.00	\$ 72.00	\$ 13,176.00	\$ 50.00	\$ 9,150.00
18	Furnish labor and materials to install concrete wheel stops	38 EA	\$ 32.00	\$ 1,216.00	\$ 125.00	\$ 4,750.00	\$ 65.00	\$ 2,470.00	\$ 100.00	\$ 3,800.00
19	Furnish labor and materials to apply all pavement markings as shown on the plans	600 SF	\$ 14.00	\$ 8,400.00	\$ 7.50	\$ 4,500.00	\$ 5.50	\$ 3,300.00	\$ 16.70	\$ 10,020.00
20	Furnish labor and materials to remove existing 4" wide parking lot markings	220 LF	\$ 5.00	\$ 1,100.00	\$ 4.00	\$ 880.00	\$ 3.15	\$ 693.00	\$ 4.55	\$ 1,001.00
21	Furnish labor and materials to perform traffic control in accordance with the TxDOT permit, Texas MUTCD, plans, and specifications	1 LS	\$ 2,921.00	\$ 2,921.00	\$ 10,000.00	\$ 10,000.00	\$ 9,000.00	\$ 9,000.00	\$ 50,000.00	\$ 50,000.00
22	Furnish labor and materials to install proposed traffic control signage as indicated on the plans	1 EA	\$ 500.00	\$ 500.00	\$ 1,500.00	\$ 1,500.00	\$ 650.00	\$ 650.00	\$ 1,000.00	\$ 1,000.00
23	Perform trench safety per technical specification section 31 50 00, 5' and over cut	214 LF	\$ 1.00	\$ 214.00	\$ 10.00	\$ 2,140.00	\$ 3.00	\$ 642.00	\$ 2.00	\$ 428.00
24	Furnish labor and materials to install hydromulch seeding on all disturbed areas	2,514 SY	\$ 1.00	\$ 2,514.00	\$ 0.50	\$ 1,257.00	\$ 0.85	\$ 2,136.90	\$ 3.00	\$ 7,542.00

		Collier Construction, LLC P.O. Box 1889 Brenham, TX 77834-1889		Glenn Fuqua Inc. P.O. Box 589 Navasota, TX 77868		AAA Asphalt Paving, Inc. 10526 Tanner Rd. Houston, TX 77041		Civil Constructors, Inc. 1707 Graham Rd. College Station, TX 77845		
Item No.	Description	Estimated Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
25	Furnish labor and materials to perform storm water pollution prevention plan in accordance with technical specification section 31 25 13	1 LS	\$ 3,000.00	\$ 3,000.00	\$ 5,000.00	\$ 5,000.00	\$ 2,000.00	\$ 2,000.00	\$ 30,000.00	\$ 30,000.00
TOTAL BASE BID (ITEMS 1 - 25)				\$ 257,140.00	\$ 296,301.00	\$ 315,233.40	\$ 399,412.50			



O'Malley Engineers, L.L.P.
TBPE No. F-3244
Brenham, Texas

Ronald W. Becker, P.E.

3-27-12



O'Malley Engineers, L.L.P.

TBPE No. F-3244

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

March 27, 2012

Mr. Doug Baker, P.E.
City of Brenham
P.O. Box 1059
Brenham, Texas 77834

Re: City of Brenham
Westwood Lane Paving Improvements
OE Job No. 1006.68-PA/PB
RECOMMENDATION OF AWARD

Dear Doug:

We have reviewed the bids received on this date for the referenced project and have listed the bids below in order from the lowest to the highest base bid:

- | | | |
|----|---|--------------|
| 1. | Collier Construction, LLC, Brenham, Texas | \$257,140.00 |
| 2. | Glenn Fuqua Inc., Navasota, Texas. | \$296,301.00 |
| 3. | AAA Asphalt Paving, Inc., Houston, Texas | \$315,233.40 |
| 4. | Civil Constructors, Inc., College Station, Texas..... | \$399,412.50 |

The lowest bidder, Collier Construction LLC of Brenham, Texas is qualified and experienced in this type construction work.

Therefore, based upon review of the above bids, we recommend award to the lowest, responsive bidder, Collier Construction LLC for their base bid in the amount of \$257,140.00.

Sincerely,

Ronald W. Becker, P.E.
Project Engineer

RWB



AGENDA ITEM 10

DATE OF MEETING: April 5, 2012	DATE SUBMITTED: March 23, 2012	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Jeana Bellinger	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Ordinance No. O-12-005 on Its Second Reading Amending Chapter 24, Taxation, of the Code of Ordinances of the City of Brenham Providing for the Powers, Duties, Organization, Operation, Board Membership and Additional Matters Related to the Brenham-Washington County Hotel Occupancy Tax Board		
SUMMARY STATEMENT: At the March 22 nd meeting, this ordinance was adopted on first reading. However, when reviewing the ordinance prior to 2 nd reading, I am recommending two (2) minor changes:		
<ol style="list-style-type: none"> 1. <u>Sec. 24-36. Establishment of Member Positions.</u> This change was made so that there would be a minimum number of members having to draw for a short term (to expire on December 31, 2012). By changing Member Position 7 to a term expiration date of December 31, 2013 it will create board member staggering of: 2 in 2012, 3 in 2013, and 2 in 2014. 2. <u>Sec. 24-37. Officers.</u> The current by-laws allow only for a “temporary presiding officer”. I would like to recommend this board’s officers be consistent with the other city boards and appoint a Vice-Chairman to serve as the presiding officer of the board should the Chairman be absent for any reason. 		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Redline of Page 5 from the ordinance presented at 1 st reading showing the two (2) suggested changes; and (2) Ordinance No. O-12-005 (with changes accepted)		
FUNDING SOURCE (Where Applicable): N/A		

RECOMMENDED ACTION: Approve Ordinance No. O-12-005 on its second reading amending Chapter 24, Taxation, of the Code of Ordinances of the City of Brenham providing for the powers, duties, organization, operation, board membership and additional matters related to the Brenham-Washington County Hotel Occupancy Tax Board.

APPROVALS: Terry K. Roberts

Sec. 24-36. Establishment of Member Positions.

For the purpose of establishing three (3) year staggered terms of Board members appointed by the City Council, each member shall be assigned a Member Position by drawing lots or similar method. After the members' initial appointment and the expiration of the initial term, all positions will thereafter be appointed for three (3) year terms.

The following Member Positions and initial terms of appointment for City of Brenham Board appointees are hereby established:

- Member Position 1: 1 year term, expiring December 31, 2012
- Member Position 2: 2 year term, expiring December 31, 2013
- Member Position 3: 3 year term, expiring December 31, 2014
- Member Position 4: 1 year term, expiring December 31, 2012
- Member Position 5: 2 year term, expiring December 31, 2013
- Member Position 6: 3 year term, expiring December 31, 2014
- Member Position 7: 1 year term, expiring December 31, 2013

Member Positions 8 and 9 are to be appointed by the Commissioners Court of Washington County, Texas to two (2) year terms and are hereby established:

- Member Position 8: 2 year term, expiring December 31, 2012
- Member Position 9: 2 year term, expiring December 31, 2013

Sec. 24-37. Officers.

A Chairperson and Vice Chairperson shall be elected annually by the members of the Board. The Chairperson shall preside at all meetings of the Board and shall perform such duties as may be assigned by the Board, or by the City Council and the Commissioners Court. The Chairperson shall have the power to appoint subcommittees, as he/she deems necessary to achieve the objectives of the Board. In the event there is a vacancy in the Chairperson position, or the Chairperson is otherwise unable to act, the Vice Chairperson shall perform the duties of Chairperson until such time as a Chairperson is elected by the members of the Board to fill such vacancy, or is otherwise able to act.

In the absence of the Chairperson from a meeting of the Board, the Vice Chairperson shall serve as the presiding officer during the meeting. If both the Chairperson and Vice Chairperson are absent from a meeting of the Board, the remaining Board members present at the meeting shall elect a member of the Board to serve as the temporary presiding officer during the meeting.

Resignation of the Chairperson from the Chairperson position shall be by letter to all other Board members. If the Chairperson resigns from the Chairperson position but continues to serve on the Board, the members shall elect a new Chairperson as soon as practicable.

Comment [JB1]: As discussed, to set up a minimum number of members to draw the short term -December, 2012 expiration date. This change will create a 2-3-2 staggering of members appointed by the City Council.

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Comment [JB2]: Would like to discuss with Council the possibility of changing this to a Vice-Chairman position. I have not found where any other board has a temporary presiding officer position. Also, if the Chairman should resign...it makes it difficult on the staff liaison having to work with a different board member for each meeting.

Deleted:

Deleted: to serve as Chairperson

Comment [JB3]: If Council prefers to keep the "temporary presiding officer"; maybe the wording could be amended to read something like: "until such time as the member position once held by the Chairman can be re-appointed and the full membership of the Board elects a new Chairperson."

ORDINANCE NO. O-12-005

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 24, TAXATION, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS PROVIDING FOR THE POWERS, DUTIES, ORGANIZATION, OPERATION, BOARD MEMBERSHIP AND ADDITIONAL MATTERS RELATED TO THE BRENHAM-WASHINGTON COUNTY HOTEL OCCUPANCY TAX BOARD; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETINGS

WHEREAS, The City of Brenham (“City”) is a Texas home-rule municipality; and

WHEREAS, pursuant to Texas Local Government Code, Section 51.001, the City has the authority to adopt ordinances and regulations that are for good government, peace and order of the City; and

WHEREAS, as a home-rule municipality, Texas Local Government Code, Section 51.072 confirms that the City has the full power of local self-government; and

WHEREAS, the City has created multiple boards and commissions in furtherance of the exercise of the City’s powers and functions; and

WHEREAS, the City and Washington County (“County”) desire to work together to promote tourism and the convention and hotel industry in Brenham and Washington County, Texas as authorized by applicable state law; and

WHEREAS, in May, 2010 the City and County entered into an Interlocal Agreement to jointly establish a nine (9) member board to advise the City and County and to make recommendations regarding the allocation and administration of hotel occupancy tax funds; and

WHEREAS, the City Council hereby finds that the best interests of the City will be promoted by the enactment of this Ordinance;

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

SECTION 1.
FINDINGS

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2.

That the Code of Ordinances, Chapter 24, TAXATION, is hereby amended by adding ARTICLE III, to read as follows:

ARTICLE III

BRENHAM-WASHINGTON COUNTY HOTEL OCCUPANCY TAX BOARD

Sec. 24-30. Name.

The Board shall be named and referred to as the “Brenham-Washington County Hotel Occupancy Tax Board,” (“Board”) and shall be comprised of members appointed by the City of Brenham (“City”) City Council and Washington County (“County”) Commissioners Court in accordance with this Article III.

Sec. 24-31. Purpose and Responsibility.

The purpose and responsibility of the Board shall include, but not be limited to, the following:

- A. To recommend allocation of hotel occupancy tax funds for general promotion and development of tourism, the implementation of programs to attract visitors, and conventions for Brenham and Washington County as authorized by the Texas Tax Code, Chapters 351 and 352.
- B. To receive and review applications from organizations requesting funds from hotel occupancy taxes collected by the City and County.
- C. To recommend to the City Council and Commissioners Court allocation of hotel occupancy tax funds through the submission of a proposed annual budget, no later than July 1st each year, providing for a twelve (12) month fiscal period from October 1 through September 30. The Board may also recommend amendments to the budget by presentation to and approval from the City Council and/or Commissioners Court, depending on which entity the funds pertain to.

- D. To review the actual expenditures of hotel occupancy tax funds to be certain that the funds are being used to promote tourism and the convention and hotel industry, as authorized by applicable state law, in Brenham and Washington County.

Sec. 24-32. Scope of Authority.

The Brenham-Washington County Hotel Occupancy Tax Board shall serve in an advisory capacity. All recommendations of the Board regarding policies, procedures, and/or funding allocations of hotel occupancy tax funds shall be presented to the City Council and/or County Commissioners for final approval, as applicable.

The Board shall be subject to and comply with all applicable local, state or federal laws, rules, regulations, acts or mandates.

Sec. 24-33. Membership Requirements.

The membership requirements of the Board are as follows:

- A. Members must be residents of Washington County, Texas for at least one (1) year prior to their appointment.
- B. Members must be qualified voters of Washington County, Texas.
- C. Members must not be in arrears in the payment of any taxes or other liability due to the City of Brenham or Washington County.
- D. As near as practical, five (5) members of the Board should be representatives of the hotel/motel, bed and breakfast, and/or tourism industry in Washington County, Texas.

Sec. 24-34. Member Selection.

All persons interested in serving as a City appointee on the Board must complete an application which shall include information about the applicant's background, current and past occupations, involvement in and knowledge of issues related to the Board, and any other information deemed appropriate by the City. All applications must be submitted to the City Secretary by October 1st of each year.

The Mayor and City Manager will review all submitted applications and make recommendations to the City Council regarding appointments to the Board. Appointments to the Board will be made by the City Council in December of each year.

Sec. 24-35. Organization.

The Board shall consist of nine (9) members. Seven (7) members shall be appointed by the City Council of the City of Brenham, Texas. Two (2) members shall be appointed by the Commissioners Court of Washington County, Texas.

Members appointed by the City Council will serve staggered terms of three (3) years. Members appointed by the County Commissioners will serve staggered terms of two (2) years.

The authority vested in the Board shall be exercised only at a meeting of a quorum of its members. Five (5) members of the Board shall constitute a quorum. Any action taken by the Board shall be by simple majority vote of the members present at a properly constituted meeting. A Board member may cast only a single vote on any issue. Proxy votes are prohibited. Alternate and ex-officio members shall not vote.

The Board members serve at the pleasure of the governing body that appointed the member to the Board. The City Council retains the right to remove any Board member appointed by said governing body at any time and for any reason.

The terms of the members and officers of the Board shall be on a calendar year basis, i.e. terms shall begin on January 1 and end on December 31. All Board member terms will expire on December 31st of each year. In the event that appointments are not made prior to the expiration of a member's term, such member shall continue to serve until his/her successor is appointed by the City Council or the Commissioners Court, as applicable.

Resignations from the Board shall be submitted in writing to the Board Chairperson, Mayor, and County Judge. Vacancies resulting from resignation, or any other cause, will be filled by the City Council or the Commissioners Court, depending on whether the vacant position is a City-appointed member or County-appointed member. Any person appointed to fill a vacancy shall serve for the remaining unexpired term of the position to which the person is appointed.

Members of this Board shall not use their position for a purpose that is or gives the appearance of being a conflict of interest. In the event that a member becomes aware of a conflict of interest, or potential conflict of interest, with regard to any particular item being considered by the Board, they shall immediately notify the Chairman and shall abstain from the consideration of and voting on the item, unless the Board determines that no conflict of interest exists. A "conflict of interest" is generally defined as a situation in which a Board member's personal interests might be served or financial benefits gained as a result of, or relating to, a decision of the Board.

In the event that a Board member is also a member, officer or organizer of a group, entity or event requesting hotel occupancy tax funds, said Board member shall abstain from any recommendation or vote as it pertains to that group, entity or event.

Sec. 24-36. Establishment of Member Positions.

For the purpose of establishing three (3) year staggered terms of Board members appointed by the City Council, each member shall be assigned a Member Position by drawing lots or similar method. After the members' initial appointment and the expiration of the initial term, all positions will thereafter be appointed for three (3) year terms.

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In the absence of the Chairperson from a meeting of the Board, the Vice Chairperson shall serve as the presiding officer during the meeting. If both the Chairperson and Vice Chairperson are absent from a meeting of the Board, the remaining Board members present at the meeting shall elect a member of the Board to serve as the temporary presiding officer during the meeting.

Resignation of the Chairperson from the Chairperson position shall be by letter to all other Board members. If the Chairperson resigns from the Chairperson position but continues to serve on the Board, the members shall elect a new Chairperson as soon as practicable.

Sec. 24-38. Staff.

The City Manager of the City of Brenham shall designate a City staff member to serve as a communications liaison between the Board and the City. The staff liaison will perform support services, provide technical data, prepare agendas for the meetings, post notices of the meetings, prepare minutes of the meetings, and any other functions as requested by the City Council. The staff liaison shall be considered a non-voting, ex-officio member of the Board.

The Chief Financial Officer for the City of Brenham, as directed by the Board, will prepare budget projections, track expenses and disburse hotel occupancy tax funds collected within the city limits of the City of Brenham.

The Washington County Treasurer's office will track all hotel occupancy tax funds collected by the County and disburse the approved funds, by December 31st of each year, to the City of Brenham.

Sec. 24-39. Meetings and Communication.

The Board shall meet as needed, upon the direction of the Chairperson, or on request of a majority of the members of the Board.

An agenda of issues to be considered at each Board meeting shall be posted on the external bulletin board at City Hall and on the bulletin board of the Washington County Court House at least seventy-two (72) hours prior to the meeting time. All meetings of the Board will be held in compliance with the provisions of the Texas Open Meetings Act and shall be open to the public, except as may otherwise be allowed by law.

Robert's Rules of Order shall govern all matters of parliamentary procedure in conducting Board meetings.

Emergency meetings to address matters of an urgent nature may be called provided each member is notified by telephone or by personal contact, provided notice is posted at least two (2) hours prior to the meeting time, and provided said meeting is held in compliance with the applicable provisions of the Texas Open Meetings Act.

An agenda of each meeting and minutes of the meeting shall be delivered to each member of the Board, the City Manager, and the County Judge.

Sec. 24-40. Attendance Requirements.

Members of the Board are required to maintain regular attendance at all meetings. Members who cannot attend a meeting should, as soon as possible, notify the Chairman or staff liaison prior to the meeting.

Three (3) consecutive absences from regular meetings, or absences from more than twenty-five percent (25%) of the meetings in a six month period, shall cause the staff liaison to report a City-appointed Board member's attendance record to the City Manager.

The City Manager shall review the circumstances of the absences and determine if the City-appointed Board member should be recommended to the City Council for removal.

A Board member who misses fifty percent (50%) of the scheduled meetings in a one (1) year period shall not be eligible for reappointment to the Board.

Sec. 24-41. Member Training.

All Board members shall be required to attend training on the Texas Open Meetings Act, the Texas Public Information Act, and any state statues pertaining to the Board. Such training must be held within ninety (90) days of the member's appointment to the Board.

Sec. 24-42. – Sec. 24-50. RESERVED.

SECTION 3.
SAVINGS CLAUSE

All provisions of any ordinance, resolution or other action of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances, resolutions or other actions shall remain in full force and effect.

SECTION 4.
SEVERABILITY

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

SECTION 5.
REPEALER

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

SECTION 6.
EFFECTIVE DATE

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

SECTION 7.
PROPER NOTICE AND MEETINGS

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

PASSED AND APPROVED on its first reading this the _____ day of _____, 2012.

PASSED AND APPROVED on its second reading this the _____ day of _____, 2012.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 11

DATE OF MEETING: April 5, 2012	DATE SUBMITTED: March 23, 2012	
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Doug Baker	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input checked="" type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Texas Government Code Section 551.071 – Consultation with the City Attorney Regarding Legal Issues Involved with a Building Set Back Encroachment to the Saeger Street Right Of Way		
SUMMARY STATEMENT: N/A		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: N/A		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Discussion only.		
APPROVALS: Terry K. Roberts		



AGENDA ITEM 12

DATE OF MEETING: April 5, 2012		DATE SUBMITTED: March 23, 2012	
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"/> 1 ST READING			
<input type="checkbox"/> 2 ND READING			
<input type="checkbox"/> RESOLUTION			
AGENDA ITEM DESCRIPTION: Discuss and Possibly Take Action Regarding a Building Set Back Encroachment to the Saeger Street Right Of Way			
SUMMARY STATEMENT: To be discussed in Executive Session.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS:			
B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: None			
FUNDING SOURCE (Where Applicable):			
RECOMMENDED ACTION: As discussed during Executive Session.			
APPROVALS: Terry K. Roberts			