



**NOTICE OF A REGULAR MEETING  
THE BRENHAM CITY COUNCIL  
THURSDAY JUNE 7, 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 – City Manager Terry Roberts**
- 3. 3-a. Service Recognitions**

|                                      |          |
|--------------------------------------|----------|
| Shawn Bolenbarr – Water Construction | 5 years  |
| Chad Westerfeld – Maintenance        | 5 years  |
| Brenda Stelwagen – Aquatics Center   | 10 years |
| Bobby Branham, Jr. – Sanitation      | 20 years |
- 3-b. New Employees**

Jeff Betts – Information Technologies
- 4. Citizens Comments**

**CONSENT AGENDA**

**5. Statutory Consent Agenda**

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

- 5-a. Minutes from the May 17, 2012 Pre-Budget Planning Meeting and Regular Council Meeting** **Page 1-9**
- 5-b. Second Reading of Ordinance O-12-011 Amending Chapter 2, Administration, of the Code of Ordinances of the City of Brenham Providing for the Organization and Re-numbering of the Chapter** **Page 10-14**

## **WORK SESSION**

6. **Presentation of the Quarterly Report by the Washington County Convention and Visitors Bureau** **Page 15-17**
7. **Discussion and Presentation Regarding the Expansion of Water Service to Valmont Industries, Inc.** **Page 18**

## **PUBLIC HEARING**

8. **Public Hearing Considering the Amendment of Appendix A - “Zoning” of the Code of Ordinances of the City of Brenham to Provide for the Creation of Planned Development Districts within the City Limits** **Page 19**
9. **Public Hearing Considering the Amendment of Appendix A - “Zoning” of the Code of Ordinances of the City of Brenham Permitting the Placement of Manufactured Homes on Individual Lots in the Manufactured Home Residential (R-3) District and Prohibiting Manufactured Home Subdivisions within the Commercial, Research and Technology (B-2) District** **Page 20**

## **REGULAR AGENDA**

10. **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 by Amending Part II, District Regulations, Section 1 and Division 2 to Add a Section 7, Planned Development District, to Provide for the Establishment of Planned Development Districts within the City Limits** **Page 21-29**
11. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A - “Zoning” of the Code of Ordinances of the City of Brenham, Texas to Provide for Amended Regulations in the Manufactured Home Residential (R-3) Zoning District and the Commercial, Research and Technology (B-2) Zoning District** **Page 30-43**
12. **Discuss and Possibly Act Upon the Approval of a Participation Agreement between the City of Brenham and Valmont Industries, Inc. to Expand Water Service for the Improvement of Fire Protection at Valmont Industries, Inc. and Authorize the Mayor to Execute Any Necessary Documentation** **Page 44-52**
13. **Discuss and Possibly Act Upon the Approval of a Request from the Washington County Appraisal District to Spend \$46,073 out of the Total FY2010-11 Accumulated Funds of \$48,671, the City of Brenham’s Portion being \$5,701, for New Aerial Photography and Return the Remaining \$2,598 to the WCAD Fleet Replacement Fund** **Page 53-57**

14. **Discuss and Possibly Act Upon the Approval of the FY2012-13 Preliminary Budget for the Washington County Appraisal District** **Page 58-61**
15. **Discuss and Possibly Act Upon Resolution R-12-010 Authorizing Execution of an Agreement with TxDOT for the Temporary Closure of State Right-of-Way in Connection with the 2012 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be Held on July 7, 14, 21, and 28, 2012** **Page 62-74**
16. **Discuss and Possibly Act Upon a Request for a Noise Variance in Connection with Hot Nights, Cool Tunes Summer Concert Series to be Held from 4:00 P.M. to 11:00 P.M. on July 7, 14, 21, and 28, 2012** **Page 75-77**
17. **Discuss and Possibly Act Upon a Request for a Noise Variance from Kendrick Shepard for Revival Services to be Held at Hattie Mae Flowers Park from 6:30 P.M. to 8:30 P.M. on June 15, 16, and 17, 2012** **Page 78-80**
18. **Discuss and Possibly Act Upon an Ordinance on Its First Reading to Amend Chapter 2, Administration, of the Code of Ordinances of the City of Brenham for the Purpose of Repealing Article II, Planning and Zoning Commission, and Providing for a New Article II, Reserved, for Future Amendments to Chapter 2** **Page 81-84**
19. **Discuss and Possibly Act Upon Resolution R-12-010 Authorizing the Acceptance of a 2011 Ford F-550 4x4 Booster Truck from the Brenham Fire Department Members** **Page 85-88**
20. **Discuss and Possibly Act Upon the Election by Council of Mayor Pro Tem** **Page 89-90**

**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.

## 21. **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 June 7, 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 June 4, 2012 at 12:50 P.M.

*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

## **Brenham City Council Workshop Minutes**

A workshop meeting of the Brenham City Council was held on May 17, 2012 beginning at 1:00 p.m. in the Brenham City Hall, Conference Room 2-A, at 200 W. Vulcan Street, Brenham, Texas.

### Members present:

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

### Members absent:

Councilmember Mary E. Barnes-Tilley  
Councilmember Weldon Williams, Jr.

### Others present:

City Manager Terry K. Roberts, Assistant City Manager Kyle Dannhaus, City Secretary Jeana Bellinger, Chief Financial Officer Carolyn Miller, Debbie Gaffey, Brandon Plumb, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Development Services Director Julie Fulgham, Public Works Director Doug Baker, Pam Puemke, and Janie Mehrens

### Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner, KWHI

- 1. Call Meeting to Order**
- 2. FY 2012-13 Pre-Budget Planning**

City Manager, Terry Roberts, welcomed everyone and explained that the budget team has taken a strategic look at where the City is financially as we head into the FY2012-13 budget. He advised Council that Budget Officer, Debbie Gaffey, has assembled a significant amount of financial data to help Council better understand the City's position. He then turned the presentation over to Ms. Gaffey.

Ms. Gaffey presented her FY2012-13 Pre-Budget Report to Council. She explained that the workshop was to give Council an idea of what to expect during the FY12-13 budget process. Gaffey discussed the following topics:

- Revenues;
- Expenditures;
- Capital Funding;
- O&M Funding Requests
- O&M/Reserves Funding Requests
- Debt Capacity;
- I&S Funding Requests; and
- Debt Capacity Gap

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Jeana Bellinger, TRMC  
City Secretary

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on May 17, 2012 beginning at 5:00 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

### Members absent:

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, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Development Services Director Julie Fulgham, Public Works Director Doug Baker, Leslie Kelm, Public Utilities Director Lowell Ogle, and Pam Ruemke

### Citizens present:

Jeremy Klinker, Dillon Hagemann, Blaine Tamez, Kaden Miller, Kendall Swonke, Tyler Lewis, Jake Gaskamp, John Schocodez, Ed Muensler, Kathryn Tamez, Sheila Hagemann, Gene Swonke, Landon Krase, Henry Kettler, Ryan Middleton, Doug Middleton, Tim Robertson, Kelly Hajek, Michael Willez, Valene Willez, Zebulon McCorkle, Kimberly McCorkle, Hank Dawson, and George Dawson

### 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 Barnes-Tilley**

Mayor Tate welcomed the Boy Scouts in attendance.

### **3. Proclamation**

#### **➤ Hurricane Preparedness Week**

Mayor Tate read a proclamation designating May 27 – June 2, 2012 as Hurricane Preparedness Week. It was accepted by Fire Chief Ricky Boeker.

### **4. Citizens Comments**

There were no citizen comments.

## **CONSENT AGENDA**

### **5. Statutory Consent Agenda**

**5-a. Minutes from the April 19, 2012 and May 3, 2012 Council Meetings**

**5-b. Second Reading of Ordinance O-12-008 Amending Chapter 2 of the Code of Ordinances of the City of Brenham for the Purpose of Achieving Best Practices Recognition Status from the Texas Police Chief Association's Law Enforcement Best Practices Recognition Program**

**5-c. Second Reading of Ordinance O-12-009 Repealing Ordinance O-07-016 Relating to a Non-Exclusive Franchise with Complete Container Service, LLC to Operate a Roll-off Container Service for Residents, Businesses and Industries Inside Brenham City Limits**

**5-d. Second Reading of Ordinance O-12-010 Granting a Non-Exclusive Franchise to A&K Waste Removal, Inc. to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits**

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve the Statutory Consent Agenda Items 5-a. Minutes from the April 19, 2012 and May 3, 2012 Council Meetings; 5-b. Ordinance O-12-008; 5-c. Ordinance O-12-009; and 5-d. Ordinance O-12-010.

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           |
| <b>Councilmember Weldon Williams</b> | <b>Absent</b> |

## REGULAR AGENDA

**6. Discuss and Possibly Act Upon a Request for a Noise Variance from Diane Lindsey for the Ebony Class of 1974 to Hold a Gospel Fest Scholarship Fundraiser at Jackson Street Park on June 2, 2012**

Deputy City Secretary Jennifer Salsgiver presented a request from the Ebony Class of 1974 for a noise variance for their scholarship fundraiser gospel fest to be held at Jackson Street Park on June 2. Salsgiver recommended approving the noise variance since the Brenham Police Department and the Brenham Fire Department do not object to granting the variance.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve a request for a noise variance from Diane Lindsey for the Ebony Class of 1974 to hold a gospel fest scholarship fundraiser at Jackson Street Park on June 2, 2012.

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           |
| <b>Councilmember Weldon Williams</b> | <b>Absent</b> |

**7. Discuss and Possibly Act Upon Bid No. 12-007 and Award an Annual Contract for the Purchase of Refuse Bags for the Sanitation Department and Authorize the Mayor to Execute Necessary Documentation**

Public Utilities Director Lowell Ogle presented the bids received for refuse bags. Ogle recommended that Council award the bid to Central Poly, Inc., the lowest bidder, for the purchase of 11,000 rolls at \$6.95 each for a total expenditure of \$76,450.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Ebel to award Bid No. 12-007, for the purchase of refuse bags for the Sanitation Department, to Central Poly, Inc. for 11,000 rolls at \$6.95 each and authorize the Mayor to execute 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           |
| <b>Councilmember Weldon Williams</b> | <b>Absent</b> |

**8. Discuss and Possibly Act Upon Bid No. 12-008 and Award an Annual Contract for Bulk Water Treatment Chemicals for the Water Plant and Authorize the Mayor to Execute Any Necessary Documentation**

Public Utilities Director Lowell Ogle presented the bids received for bulk water treatment chemicals. Ogle recommended that Council award an annual contract to Altivia Corporation, the lowest bidder, for Liquid Aluminum Sulfate for \$204.80 per dry ton.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to award Bid No. 12-008 and an annual contract for bulk water treatment chemicals for the water plant to Altivia Corporation for \$204.80 per dry ton 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           |
| <b>Councilmember Weldon Williams</b> | <b>Absent</b> |

**9. Discuss and Possibly Act Upon Bid No. 1006.073-WG/WH for Water Distribution System Improvements and Authorize the Mayor to Execute Any Necessary Documentation**

Public Utilities Director Lowell Ogle presented the bids received for water distribution system improvements. Ogle presented the base bid to replace existing 6” AC water lines with 6” PVC water lines along Bormann Street, Reimer Street, Longhofer Street, Westwind Drive, and Windy Drive. Ogle explained that the alternate bid, which would replace an existing 8” AC water line along South Day Street with a new 8” PVC water line, came in higher than expected. Ogle recommended not awarding the alternate bid; however, he explained that staff narrowed the project’s scope and prepared a change order to replace the worst sections. Ogle recommended that Council award the base bid to Supak Construction Inc. in the amount of \$299,978.50 for water distribution system improvements.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to award Bid No. 1006.073-WG/WH for water distribution system improvements to Supak Construction in the amount of \$299,978.50 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           |
| <b>Councilmember Weldon Williams</b> | <b>Absent</b> |

**10. Discuss and Possibly Act Upon Change Order No. 1 for Water Distribution System Improvements and Authorize the Mayor to Execute Any Necessary Documentation**

Public Utilities Director Lowell Ogle presented Change Order No. 1 for water distribution system improvements along South Day Street. Ogle explained that the alternate bid, as presented in Item 9, came in higher than anticipated so staff narrowed the project’s scope to replace the worst sections while remaining within the budget. The City obtained a change order from Supak Construction Inc. to replace the main line between Spinn Street and Atlow.

A motion was made by Councilmember Goss and seconded by Councilmember Barnes-Tilley to approve Change Order No. 1 for \$36,892.50 with Supak Construction for water distribution system improvements 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           |
| <b>Councilmember Weldon Williams</b> | <b>Absent</b> |

**11. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 2, Administration, of the Code of Ordinances of the City of Brenham Providing for the Organization and Renumbering of the Chapter**

City Secretary Jeana Bellinger explained that Chapter 2, Administration, of the Code of Ordinances needed to be renumbered and re-organized to accommodate adding Ordinance O-12-008 (Consent Item 5b) to Chapter 2. Bellinger noted that the Ordinance in this agenda form is nothing more than renumbering and re-organizing all of Chapter 2 to make it consistent with other parts of the Code.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve an Ordinance on its first reading amending Chapter 2, Administration, of the Code of Ordinances of the City of Brenham providing for the organization and renumbering of the Chapter.

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           |
| <b>Councilmember Weldon Williams</b> | <b>Absent</b> |

## 12. Administrative/Elected Officials Report

Terry Roberts reported on the following:

- Thanked the Boy Scouts for their attendance.
- Valmont water extension will be discussed during work session and regular session at the next meeting.
- Reminded Council about the election of a Mayor Pro Tem at the next meeting.
- Thanked Council and staff for their participation in the FY2012-12 budget kick-off.
- Advised Council that there were cupcakes in the lobby to celebrate Mayor Tate's birthday.

Mayor Tate also thanked the Boy Scouts for their attendance.

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Jeana Bellinger, TRMC  
City Secretary

## **ORDINANCE O-12-011**

### **AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING CHAPTER 2, ADMINISTRATION OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS FOR THE PURPOSE OF MODIFYING SECTION NUMBERING AND FORMATTING; PROVIDING FOR A REPEALER AND SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND OPEN MEETINGS**

**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**, Texas Local Government Code, Section 53.001(a), authorizes the City of Brenham to adopt by ordinance a codification of its civil and criminal ordinances, together with appropriate penalties for the violation of the ordinances; and

**WHEREAS**, Texas Local Government Code, Section 53.003, provides that a code of municipal ordinances may be subdivided into chapters, titles, articles, or sections at the discretion of the City Council; and

**WHEREAS**, the changes made by Section 1 of this Ordinance to Chapter 2, Administration, of the City of Brenham's Code of Ordinances are intended only to modify the numbering of sections and the formatting of this Chapter; and

**WHEREAS**, no changes to the substantive content of Chapter 2, Administration are intended by Section 1 of this Ordinance; 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.**

Chapter 2 of the Code of Ordinances of the City of Brenham is hereby amended by modifying the section numbering and formatting to read as follows:

**CHAPTER 2  
ADMINISTRATION**

**ARTICLE I.  
ADMINISTRATIVE POWERS AND DUTIES**

**Sec. 2-1. Emergency powers of mayor--Generally; calling special police force.**

**Sec. 2-2. Same--Closing public places.**

**Sec. 2-3. Appointment, etc., of officers--City manager.**

**Sec. 2-4. Same--Other officers.**

**Sec. 2-5. City secretary--Duties generally.**

**Sec. 2-6. Same--Register of bonds and all evidence of debt; other duties.**

**Sec. 2-7. City attorney--Office created; deputy city attorneys.**

**Sec. 2-8. Same--Duties.**

**Sec. 2-9. RESERVED**

**ARTICLE II.  
PLANNING AND ZONING COMMISSION**

**Sec. 2-10. Planning and zoning commission--Created and established; composition; qualifications; terms.**

**Sec. 2-11. Same--Organization.**

**Sec. 2-12. Same--Powers and duties; comprehensive plan.**

**Sec. 2-13 – 2-19. RESERVED.**

**ARTICLE III.  
MUNICIPAL COURT**

**Sec. 2-20. Municipal court.**

**Sec. 2-21. Municipal Court Technology Fund.**

**Sec. 2-22. Establishment of the office of city marshal.**

**Sec. 2-23. Municipal court juvenile case manager fund.**

**Sec. 2-24. Municipal court; collection services contracts and fees.**

**Sec. 2-25 – 2-29. RESERVED**

**ARTICLE IV.  
LIABILITY OF CITY**

**Sec. 2-30. Liability of city for property damage or personal injury.**

**Sec. 2-31 – 2-39. RESERVED.**

**ARTICLE V.  
OPEN RECORDS & RECORDS MANAGEMENT**

**Sec. 2-40. Open records charges.**

**Sec. 2-41. Records management.**

**Sec. 2-42 – 2-49. RESERVED.**

**ARTICLE VI.  
AUTHORITY, JURISDICTION, AND POWERS OF THE CHIEF OF POLICE  
AND THE POLICE DEPARTMENT**

**Sec. 2-50. Purpose.**

**Sec. 2-51. Creation of department; jurisdiction.**

**Sec. 2-52. Certification; compliance with state requirements.**

**Sec. 2-53. Chief of Police.**

**Sec. 2-54. Authority and duties of police officers.**

**Sec. 2-55. Reserve police force established.**

**Sec. 2-56. Appointment and removal of reserve members.**

**Sec. 2-57. Number of reserve members.**

**Sec. 2-58. Benefits for reserve members.**

**Sec. 2-59. Training of standards for reserve members.**

**Sec. 2-60. Local Standards.**

**Sec. 2-61 – 2-69. RESERVED.**

**ARTICLE VII.  
LIBRARY ADVISORY BOARD**

**Sec. 2-70. Purpose.**

**Sec. 2-71. Scope and membership.**

**Sec. 2-72. Organization**

**Sec. 2-73 – 2.79. RESERVED.**

**SECTION 2.  
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 3.  
SEVERABILITY**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. 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 4.  
REPEALER**

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

**SECTION 5.**  
**EFFECTIVE DATE**

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

**SECTION 6.**  
**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 17<sup>th</sup> day of May, 2012.

**PASSED AND APPROVED** on its second reading this the 7<sup>th</sup> day of June, 2012.

\_\_\_\_\_  
Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

\_\_\_\_\_  
Jeana Bellinger, TRMC  
City Secretary



## AGENDA ITEM 6

|  |  |  |
|--|--|--|
| <b>DATE OF MEETING:</b> June 7, 2012   | <b>DATE SUBMITTED:</b> June 1, 2012            |  |
| <b>DEPT. OF ORIGIN:</b> Convention and Visitors Bureau   | <b>SUBMITTED BY:</b> Seneca McAdams            |  |
| <b>MEETING TYPE: CLASSIFICATION: ORDINANCE:</b>  |  |  |
| <input checked="" type="checkbox"/> <b>REGULAR</b>   | <input type="checkbox"/> <b>PUBLIC HEARING</b> | <input type="checkbox"/> <b>1<sup>ST</sup> READING</b> |
| <input type="checkbox"/> <b>SPECIAL</b>  | <input type="checkbox"/> <b>CONSENT</b>        | <input type="checkbox"/> <b>2<sup>ND</sup> READING</b> |
| <input type="checkbox"/> <b>EXECUTIVE SESSION</b>  | <input type="checkbox"/> <b>REGULAR</b>        | <input type="checkbox"/> <b>RESOLUTION</b>             |
| <input checked="" type="checkbox"/> <b>WORK SESSION</b>  |  |  |
| <b>AGENDA ITEM DESCRIPTION:</b> Presentation of the Quarterly Report by the Washington County Convention and Visitors Bureau |  |  |
| <b>SUMMARY STATEMENT:</b> See attached report  |  |  |
| <b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>  |  |  |
| <b>A. PROS:</b>  |  |  |
| <b>B. CONS:</b>  |  |  |
| <b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A  |  |  |
| <b>ATTACHMENTS:</b> (1) 1 <sup>st</sup> and 2 <sup>nd</sup> Quarter Report – Convention and Visitors Bureau                  |  |  |
| <b>FUNDING SOURCE (Where Applicable):</b> N/A  |  |  |
| <b>RECOMMENDED ACTION:</b> N/A   |  |  |
| <b>APPROVALS:</b> Terry K. Roberts   |  |  |

# WCCC Convention & Visitors Bureau

## First Quarter Report - October-December 2011

### October Highlights

#### Statistics:

Walk-in visitors - 2,530  
 Visitor information mailed - 1,464  
 Web site unique visitors - 3,251  
 Web site total pages viewed - 18,117

#### Visiting Groups

Glidden Car Tour advance visit  
 Texas Czech Geneology

#### Advertising Placements:

*Austin Monthly* magazine, *Texas Highways*,  
*MyFoxHouston.com*, *Small Market Meetings*

#### Editorial Coverage included:

Features about Blinn sports, Hermann Furniture anniversary, Round Top Antiques Fair, roses mentioning Antique Rose Emporium

#### Regional/Civic Meetings included:

Meeting Planners Showcase, College Station;  
 high school class tours of Simon;  
**Lackland AFB travel show**

### November Highlights

#### Statistics:

Walk-in visitors - 614\*  
 Visitor information mailed - 1,743  
 Web site unique visitors - 2,460  
 Web site total pages viewed - 10,630

#### Visiting Groups:

Mississippi Master Gardeners, Texas Recreation & Parks Society, Gillespie wedding party

#### Advertising Placements:

*San Antonio* magazine, *Austin Monthly*,  
*Louisiana Life*, *Austin American-Statesman*  
 full page color co-op

#### Editorial Coverage:

Several sports features, feature about holiday traditions mentions Poinsettia Celebration, feature about Hermann Furniture anniversary, feature about holiday celebrations mentions Washington-on-the-Brazos

#### Regional/Civic Meetings:

**Downtown Master Plan**, HOT quarterly, **Toubin Park dedication**, high school marketing class tour

\*Visitor door count was changed to manual counting.

### December Highlights

#### Statistics:

Walk-in visitors - 622  
 Visitor information mailed - 1,639  
 Web site unique visitors - 1,895  
 Web site total pages viewed - 7,806

#### Visiting Groups

Texas Parks & Wildlife regional meeting, **TCU Golden Frogs group tour**

#### Advertising Placements:

*Texas Parks & Wildlife*, *San Antonio* magazine, *Texas Highways*, *Group Travel Leader*

#### Editorial Coverage included:

Several sports features, feature about poinsettia care names Ellison's Greenhouse, feature about the Texas wine industry

#### Regional/Civic Meetings included:

**Christmas Stroll & Lighted Parade, B & B familiarization tour**, KSAT-TV conference call, several sports features

### Visitation Totals 2010, 2011

| Attraction              | 2010    | 2011        |
|-------------------------|---------|-------------|
| Blue Bell Creameries    | 174,000 | 176,000     |
| Wash.-on-the-Brazos     | 124,300 | 107,629     |
| Antique Rose Emporium   | 47,000  | 49,000      |
| Star of the Rep. Museum | 30,000  | 30,000      |
| Visitor Center          | 16,390  | 18,527      |
| Pleasant Hill Winery    | 7,600   | 8,073       |
| Chappell Hill Lavender  | 7,100   | 5,736       |
| Ellison's Greenhouses   | 10,254  | 11,352      |
| Lavande Lavender Farm   | 750     | 1,400       |
| Independence V. C.      | 2,325   | 2,219       |
| Unity Theatre           | 6,192   | 6,836       |
| Westwood Cinema 6       |         | 200,432     |
| <b>Festivals</b>        |         |             |
| Blue Bell Spring Break  | 14,000  | 14,210      |
| Bluebonnet Festival     | 4,000   | 3,100/8,000 |
| Blue Bell Fun Run       | 4,000   | 3,000       |
| Burton Cotton Gin Fest  | 3,500   | 3,000       |
| Maifest                 | 2,000   | 5,000       |
| Hot Nights              | 12,700  | 14,000      |
| Wash. County Fair       | 51,600  | 54,199      |
| Scarecrow Festival      | 20,000  | 10,000      |

# WCCC Convention & Visitors Bureau

## Second Quarter Report - January-March 2012

### January Highlights

#### Statistics:

Walk-in visitors - 578\*

Visitor information mailed - 3,275

Web site unique visitors - 2,948

Web site total pages viewed - 12,273

#### Major Tourism Events

Uptown Stroll, Brenham Winter Antiques Show

#### Visiting Groups

Austin Diocesan Council of Catholic Women

Multiple baseball tournaments, Education

Extension Association

#### Advertising Placements:

Ride Texas magazine, Texas Society of Association Executives directory, TourTexas.com enhanced listing, TripAdvisor.com full page

#### Editorial Coverage included:

Multiple features about Evangelicals meeting in the Brenham area, sports features about Malcolm Brown and Timothy Cole, severe weather coverage on multiple Houston TV stations

#### Regional/Civic Meetings included:

American Bus Association Annual Conference, AAA Houston South travel show, Everything Weddings Expo

### February Highlights

#### Statistics:

Walk-in visitors - 425

Visitor information mailed - 385

Web site unique visitors - 2,941

Web site total pages viewed - 14,563

#### Major Tourism Events

Unity Theatre production, Wine & Chocolate Trail, Fortnightly Used Book Sale, James Dick concert at Festival Hill

#### Visiting Groups:

EMS Adventure Run, Ebenezer Baptist Church

#### Advertising Placements:

San Antonio magazine, Group Travel Leader

#### Editorial Coverage:

Several sports features, feature about Chappell Hill Caramel Candy Company, travel feature

mentions Washington-on-the-Brazos, feature about local actress gaining the role of Annie on stage in Houston

#### Regional/Civic Meetings:

Meeting with journalist from the U.K., fiscal year-end reports to City Council, County Commissioners, HOT Board, Texas Travel Industry Association workshops and Unity Dinner

### March Highlights

#### Statistics:

Walk-in visitors - 1,826

Visitor information mailed - 1,273

Web site unique visitors - 10,827

Web site total pages viewed - 56,486

#### Major Tourism Events

Texas Independence Day celebration, Spring Break, Head for the Hills Bike Ride, Antiques Weeks, Burton Crawfish Boil

#### Visiting Groups

Poor Boy Model A Car Tour, Relay for Life, four weddings

#### Advertising Placements:

Southern Living, Texas Highways, Houston Chronicle, Louisiana Life, San Antonio, AAA Home & Away (Oklahoma), Austin American-Statesman

#### Editorial Coverage included:

Multiple features about bluebonnets, Texas Independence Day, bike riding, Blue Bell ice cream, sports

#### Regional/Civic Meetings included:

KBTX-TV interviews about Spring Break activities, bluebonnets, staffing Information table at Blue Bell during Spring Break, National Forest Service interview about wildflower economic impact

\*Visitor door count was changed to manual counting.



## AGENDA ITEM 7

|   |  |  |
|---|--|--|
| <b>DATE OF MEETING:</b> June 7, 2012  | <b>DATE SUBMITTED:</b> June 1, 2012            |  |
| <b>DEPT. OF ORIGIN:</b> Administration  | <b>SUBMITTED BY:</b> Kyle Dannhaus             |  |
| <b>MEETING TYPE: CLASSIFICATION: ORDINANCE:</b>   |  |  |
| <input checked="" type="checkbox"/> <b>REGULAR</b>  | <input type="checkbox"/> <b>PUBLIC HEARING</b> | <input type="checkbox"/> <b>1<sup>ST</sup> READING</b> |
| <input type="checkbox"/> <b>SPECIAL</b>   | <input type="checkbox"/> <b>CONSENT</b>        | <input type="checkbox"/> <b>2<sup>ND</sup> READING</b> |
| <input type="checkbox"/> <b>EXECUTIVE SESSION</b>   | <input type="checkbox"/> <b>REGULAR</b>        | <input type="checkbox"/> <b>RESOLUTION</b>             |
| <input checked="" type="checkbox"/> <b>WORK SESSION</b>   |  |  |
| <b>AGENDA ITEM DESCRIPTION:</b> Discussion and Presentation Regarding the Expansion of Water Service to Valmont Industries, Inc.  |  |  |
| <b>SUMMARY STATEMENT:</b> Staff has been evaluating the options on the 12 inch water line extension for Valmont Fire Protection. This extension will also provide the City additional water service capacity in the Highway 36 South area. The original plan to go on the east side of the railroad track is not possible due to space limitations. The option we feel that is the most beneficial and cost effective would be to place the line on the west side of the railroad tracks and bore under the tracks to Valmont. This would increase the contractor cost estimate, but Staff feels we can keep the costs in line with the original estimate by doing the offsite extensions with our Water Department personnel. If Council agrees with our recommendation, the original Participation Agreement will on this project. A map of the proposed water line project is attached in the Formal Session Agenda Item on the Valmont Cost Participation Agreement |  |  |
| <b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>   |  |  |
| A. <b>PROS:</b>   |  |  |
| B. <b>CONS:</b>   |  |  |
| <b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>   |  |  |
| <b>ATTACHMENTS:</b> None  |  |  |
| <b>FUNDING SOURCE (Where Applicable):</b> N/A   |  |  |
| <b>RECOMMENDED ACTION:</b> Discussion Only  |  |  |
| <b>APPROVALS:</b> Terry K. Roberts  |  |  |



## AGENDA ITEM 8

|  |   |  |
|--|---|--|
| <b>DATE OF MEETING:</b> June 7, 2012   | <b>DATE SUBMITTED:</b> June 1, 2012   |  |
| <b>DEPT. OF ORIGIN:</b> Development Services   | <b>SUBMITTED BY:</b> Julie Fulgham  |  |
| <b>MEETING TYPE:</b><br><input checked="" type="checkbox"/> REGULAR<br><input type="checkbox"/> SPECIAL<br><input type="checkbox"/> EXECUTIVE SESSION  | <b>CLASSIFICATION:</b><br><input checked="" type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> CONSENT<br><input type="checkbox"/> REGULAR<br><input type="checkbox"/> WORK SESSION | <b>ORDINANCE:</b><br><input type="checkbox"/> 1 <sup>ST</sup> READING<br><input type="checkbox"/> 2 <sup>ND</sup> READING<br><input type="checkbox"/> RESOLUTION |
| <b>AGENDA ITEM DESCRIPTION:</b> Public Hearing Considering the Amendment of Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham to Provide for the Creation of Planned Development Districts within the City Limits |   |  |
| <b>SUMMARY STATEMENT:</b> To receive public comments during a public hearing regarding the creation of Planned Development Districts within the City of Brenham.   |   |  |
| <b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b><br><br>A. PROS:<br><br>B. CONS:  |   |  |
| <b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A  |   |  |
| <b>ATTACHMENTS:</b> None   |   |  |
| <b>FUNDING SOURCE (Where Applicable):</b> N/A  |   |  |
| <b>RECOMMENDED ACTION:</b> Discussion only   |   |  |
| <b>APPROVALS:</b> Terry K. Roberts   |   |  |



## AGENDA ITEM 9

|   |  |  |
|---|--|--|
| <b>DATE OF MEETING:</b> June 7, 2012  | <b>DATE SUBMITTED:</b> June 1, 2012                |  |
| <b>DEPT. OF ORIGIN:</b> Development Services  | <b>SUBMITTED BY:</b> Julie Fulgham                 |  |
| <b>MEETING TYPE:</b>  | <b>CLASSIFICATION:</b>                             | <b>ORDINANCE:</b>                                |
| <input checked="" type="checkbox"/> REGULAR   | <input checked="" type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> 1 <sup>ST</sup> READING |
| <input type="checkbox"/> SPECIAL  | <input type="checkbox"/> CONSENT                   | <input type="checkbox"/> 2 <sup>ND</sup> READING |
| <input type="checkbox"/> EXECUTIVE SESSION  | <input type="checkbox"/> REGULAR                   | <input type="checkbox"/> RESOLUTION              |
|   | <input type="checkbox"/> WORK SESSION              |  |
| <b>AGENDA ITEM DESCRIPTION:</b> Public Hearing Considering the Amendment of Appendix - A, "Zoning" of the Code of Ordinances of the City of Brenham; Permitting the Placement of Manufactured Homes on Individual Lots in the Manufactured Home Residential (R-3) District and Prohibiting Manufactured Home Subdivisions within the Commercial, Research and Technology (B-2) District |  |  |
| <b>SUMMARY STATEMENT:</b> To receive public comments during a public hearing regarding manufactured home regulations within the City of Brenham.  |  |  |
| <b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>   |  |  |
| A. PROS:  |  |  |
| B. CONS:  |  |  |
| <b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A   |  |  |
| <b>ATTACHMENTS:</b> None  |  |  |
| <b>FUNDING SOURCE (Where Applicable):</b> N/A   |  |  |
| <b>RECOMMENDED ACTION:</b> Discussion only  |  |  |
| <b>APPROVALS:</b> Terry K. Roberts  |  |  |



## AGENDA ITEM 10

|   |   |   |
|---|---|---|
| <b>DATE OF MEETING:</b> June 7, 2012  | <b>DATE SUBMITTED:</b> June 1, 2012         |   |
| <b>DEPT. OF ORIGIN:</b> Development Services  | <b>SUBMITTED BY:</b> Julie Fulgham          |   |
| <b>MEETING TYPE:</b>  | <b>CLASSIFICATION:</b>                      | <b>ORDINANCE:</b>   |
| <input checked="" type="checkbox"/> REGULAR   | <input type="checkbox"/> PUBLIC HEARING     | <input checked="" type="checkbox"/> 1 <sup>ST</sup> READING |
| <input type="checkbox"/> SPECIAL  | <input type="checkbox"/> CONSENT            | <input type="checkbox"/> 2 <sup>ND</sup> READING            |
| <input type="checkbox"/> EXECUTIVE SESSION  | <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> RESOLUTION                         |
|   | <input type="checkbox"/> WORK SESSION       |   |
| <b>AGENDA ITEM DESCRIPTION:</b> 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 by Amending Part II, District Regulations, Section 1 and Division 2 to Add a Section 7, Planned Development District, to Provide for the Establishment of Planned Development Districts within the City Limits   |   |   |
| <b>SUMMARY STATEMENT:</b> City staff has been approached by a developer to consider the use of Planned Development Districts (PDD) within the City of Brenham. A PDD is a customized zoning district that allows greater flexibility than your standard zoning districts/ordinance may allow. A PDD is the adoption of land regulations that follow a master development plan. A PDD can focus only on a mix of land uses that may be compatible on a certain tract of land to the development of regulations concerning all aspects of land development such as land uses, setbacks, lot size, building materials, open space, thoroughfare design and dedication, parking standards, and etcetera.<br><br>Staff recommends the Brenham City Council approve this ordinance finding this zoning tool could attract a variety of housing choices within the City of Brenham as well as protect and enhance community appearance, which are goals and recommendations of the City of Brenham’s “Envision 2020” Comprehensive Plan. |   |   |
| <b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>   |   |   |
| <p><b>A. PROS:</b> Approving the allowance of PDDs within the City of Brenham may attract a variety of innovative development projects within the City and allow for greater flexibility in development.</p> <p><b>B. CONS:</b> There is potential for abuse of the flexibility PDD’s grant if the guidelines within the ordinance are not strictly adhered to.</p>   |   |   |
| <b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>   |   |   |
| <ol style="list-style-type: none"> <li>1. Approve the proposed PDD ordinance</li> <li>2. Deny the proposed PDD ordinance</li> </ol>   |   |   |

**ATTACHMENTS:** (1) Proposed PDD Ordinance; (2) Staff Report to P&Z; and (3) Draft Minutes of the P&Z Meeting

**FUNDING SOURCE (Where Applicable):** N/A

**RECOMMENDED ACTION:** Approve an Ordinance on its first reading amending Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas by amending Part II, District Regulations, Section 1 and Division 2 to add a Section 7, Planned Development District, to provide for the establishment of planned development districts within the city limits.

**APPROVALS:** Terry K. Roberts

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING PART II. DISTRICT REGULATIONS, SECTION 1 AND DIVISION 2 BY ADDING SECTION 8, PLANNED DEVELOPMENT DISTRICT, PROVIDING FOR THE ESTABLISHMENT OF PLANNED DEVELOPMENT DISTRICTS.**

**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 are hereby amended as follows:

**Part II. DISTRICT REGULATIONS**

**DIVISION 1. REGULATIONS OF GENERAL APPLICABILITY**

**Sec. 1. Establishment of districts.**

For the purposes of this ordinance, the city is hereby divided into **eight (8)** districts as follows:

(Residential Districts)

District R-1. Single-Family Residential District

District R-2. Mixed Residential District

District R-3. Manufactured Home Residential

(Mixed Residential and Commercial Districts)

District B-1. Local Business/Residential Mixed Use District

District B-2. Business, Research and Technology District

District B-3. Historical Central Business District

(Exclusive Commercial District)

District I. Industrial

(Special Districts)

District PD. Planned Development District

**DIVISION 2.**

**ZONING DISTRICT REGULATIONS**

**Sec. 8. PD Planned Development District.**

(Sec. 8.01) Purpose. The Planned Development District accommodates new or innovative concepts in land utilization not permitted by other standard zoning districts of the City of Brenham. Greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, however regulations should be established to ensure against the misuse of increased flexibility. The Planned Development District's purpose is to

promote more efficient use of land and public services, encourage creative and innovative site design, and provide an increased level of amenities and aesthetic enhancement. Planned Development Districts are individually designed for a specific site in order to more appropriately address the unique physical and locational features associated with the property. Permitted uses and development standards are established by the Planned Development District ordinance and may include just one, or a broad range of activities and uses.

(Sec. 8.02) Planned Development District requirements:

- (1) Requests for Planned Development District designations shall be processed as a rezoning request and shall follow the procedures outlined elsewhere in this ordinance. Each Planned Development District is designed according to a detailed development plan, which must be approved as part of the ordinance. A required development plan shall include, but not be limited to: the location of the Planned Development District, proposed uses; number and density of dwelling or other units per acre; lot area; lot width; lot depth; yard depths and widths; building height; building elevations; coverage; floor area ratio; ingress and egress; parking; existing and proposed streets, alleys, easements and lot lines; sidewalks; screening; landscaping; accessory buildings; signs; lighting; utilities and related facilities; fire lanes; fire hydrants; topography drainage; project phasing or scheduling; property management associations; and other development data or requirements as the City may deem appropriate to adequately describe the development.
- (2) The minimum acreage of a Planned Development District shall be one (1) acre.

(Sec. 8.03) Permitted uses: Any use or combination of uses authorized by an ordinance approved by City Council is permitted in a Planned Development District if the uses and Development are consistent with the principals outlined in the adopted Comprehensive Plan.

(Sec. 8.04) Height regulations: specified in the PD Ordinance

(Sec. 8.05) Area regulations:

- (1) Size of yards: specified in the PD Ordinance
  - (a) Front yard: specified in the PD Ordinance
  - (b) Side yard: specified in the PD Ordinance
  - (c) Rear yard: specified in the PD Ordinance
- (2) Size of lot: specified in the PD Ordinance
  - (a) Lot area: specified in the PD Ordinance
  - (b) Lot width: specified in the PD Ordinance
  - (c) Lot depth: specified in the PD Ordinance
- (3) Lot coverage: specified in the PD Ordinance

(Sec. 8.06) Regulations of General Applicability:

- (1) Regulations of general applicability are as provided in the sections included within Part II, Division 1 of the Zoning Ordinance unless otherwise specified within the PD Ordinance.
- (2) Arrangements or provisions, approved by the City of Brenham, must be made for providing, operating, and maintaining common areas or facilities allowed in the development plan.
- (3) Unless otherwise specified in the approved development plan, the granting of the Planned Development District shall not relieve the property owner from responsibility for complying with all other applicable codes and ordinance of the City of Brenham, unless such relief is specified in the approved PD Ordinance and development plan.

(Sec. 8.07) General guidelines:

- (1) A Planned Development District shall conform to applicable regulations and standards established by this ordinance;
- (2) A Planned Development District should be compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features;
- (3) A Planned Development District shall not create unfavorable effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of the planned development;
- (4) A Planned Development District shall not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed development and other uses reasonably anticipated in the area considering existing zoning and land uses in the area;
- (5) A Planned Development District must reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts;
- (6) A Planned Development District shall not adversely affect traffic control or adjacent properties by inappropriate location, lighting, or types of signs; and
- (7) A Planned Development District must protect the public health, safety, or welfare, and shall not be materially injurious to properties or improvements in the vicinity.

(Sec. 8.08) Zoning district map.

All Planned Development District approved in accordance with the provisions of this ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the zoning district map, and a list of such Planned Development Districts, together with the category of uses permitted therein, shall be kept on file in the office of the City Secretary or his or her designee.

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

**PASSED and APPROVED** on its first reading this the \_\_\_\_\_ day of May, 2012.

**PASSED and APPROVED** on its second reading this the \_\_\_\_\_ day of May, 2012.

\_\_\_\_\_  
Milton Y. Tate, Jr.  
Mayor

ATTEST:

\_\_\_\_\_  
Jeana Bellinger, TRMC  
City Secretary



## Text Amendment: Planned Development Districts

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**STAFF CONTACT:** Julie Fulgham, Director of Development Services

**REQUEST:**

City staff has been approached by a developer to consider the use of Planned Development Districts (PD) within the City of Brenham. A PD district is a customized zoning district that allows greater flexibility than your standard zoning districts/ordinance may allow. A PD district is the adoption of land regulations that follow a master development plan. A PD district can focus only on a mix of land uses that may be compatible on a certain tract of land to the development of regulations concerning all aspects of land development such as, but not limited to, setbacks, lot size, building materials, open space, thoroughfare design and dedication, and parking standards.

**STAFF RECOMMENDATION:**

Staff recommends forwarding the proposed ordinance to City Council with a positive recommendation finding this zoning tool could attract a variety of housing choices within the City of Brenham as well as protect and enhance community appearance, which are goals and recommendations of the City of Brenham's "Envision 2020" Comprehensive Plan.

**Excerpt of Draft Meeting Minutes from the May 7, 2012 P&Z Meeting:**

**4. Public Hearing, Discussion and Possible Action Concerning the Approval of a Text Amendment to Appendix “A” (Zoning) of the City of Brenham’s Code of Ordinances, Authorizing the Creation of Planned Development Districts (Commission makes recommendation: City Council has final approval).**

Chairman Picone asked for a staff report for agenda item number 4 and opened the public hearing. Julie Fulgham addressed the Commission and apologized for not being able to attend the previous P&Z Meeting due to a prior commitment. She stated that she was bringing back this ordinance with more detailed background information. Approval of this text amendment is the enabling legislation for Planned Development Districts (PDD). This action would authorize the Planning and Zoning Commission to consider a PDD. A PDD request would follow the same process as a zone change in the City of Brenham. It very closely resembles a specific use license with a specific development plan and specific written rules and regulations in ordinance form. The P&Z would consider the item and then make a recommendation to City Council. City Council would have to approve the Ordinance on a first and second reading.

Commissioner Low stated that the Commission would like to see a preliminary and a final plat. Mrs. Fulgham assured the Commission that a PDD does not exempt the developer from the platting process. Developers would have to submit an application with a development plan and a proposed ordinance. The Planning and Zoning Commission would then consider whether to make a recommendation to approve or deny the proposed PDD. This would be the first step prior to proceeding with the planned development process. A PDD must comply with the following general guidelines:

- (1) A Planned Development District shall conform to applicable regulations and standards established by this ordinance;
- (2) A Planned Development District should be compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features;
- (3) A Planned Development District shall not create unfavorable effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of the planned development;
- (4) A Planned Development District shall not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed development and other uses reasonably anticipated in the area considering existing zoning and land uses in the area;
- (5) A Planned Development District must reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts;
- (6) A Planned Development District shall not adversely affect traffic control or adjacent properties by inappropriate location, lighting, or types of signs; and
- (7) A Planned Development District must protect the public health, safety, or welfare, and shall not be materially injurious to properties or improvements in the vicinity.

Once City Council approves the zone change, the next step in the process would be to come to the P&Z Commission with a preliminary plat and then follow up with the final plat. Commissioner Sheffield stated that the attached Zone Change Process Flow Chart explains the process and shows that the P&Z Commission would have at least two opportunities to review the information. Mrs. Fulgham further stated that the Commission always has the option to approve something with certain restrictions or to table the item and give the applicant a chance to make changes.

PDD's cannot be requested on an area containing less than one (1) acre of land and must include a detailed development plan that must be approved as part of the ordinance. The required development plan shall include, but not be limited to: the location of the Planned Development District; proposed uses; number and density of dwelling or other units per acre; lot area; lot width; lot depth; yard depths and widths; building height; building elevations; coverage; floor area ratio; ingress and egress; parking; existing and proposed streets, alleys, easements and lot lines; sidewalks; screening; landscaping; accessory buildings; signs; lighting; utilities and related facilities; fire lanes; fire hydrants; topography drainage; project phasing or scheduling; property management associations; and other development data or requirements as the City may deem appropriate to adequately describe the development.

Commissioner Low asked why one (1) acre was the magic number. Mrs. Fulgham replied that one (1) acre is basically the industry standard. It also prevents spot zoning as well as triggers other development regulations such as drainage and detention, etc. Mrs. Fulgham stated that in the future the Commission needs to make sure that they try and tie their decisions to the Comprehensive Plan.

Chairman Picone asked for citizen comments. Since there were no citizen comments, Chairman Picone closed the Public Hearing and asked for consideration of the agenda item.

Commissioner Kossie made a motion to approve a Text Amendment to Appendix "A" (Zoning) of the City of Brenham's Code of Ordinances, Authorizing the Creation of Planned Development Districts (Commission makes recommendation: City Council has final approval). Commissioner Kossie seconded the motion. Chairman Picone called for a vote. The motion to approve the proposed Amendment to the Text of the Zoning Ordinance was unanimous.



## AGENDA ITEM 11

|   |   |   |
|---|---|---|
| <b>DATE OF MEETING:</b> June 7, 2012  | <b>DATE SUBMITTED:</b> June 1, 2012         |   |
| <b>DEPT. OF ORIGIN:</b> Development Services  | <b>SUBMITTED BY:</b> Julie Fulgham          |   |
| <b>MEETING TYPE:</b>  | <b>CLASSIFICATION:</b>                      | <b>ORDINANCE:</b>   |
| <input checked="" type="checkbox"/> REGULAR   | <input type="checkbox"/> PUBLIC HEARING     | <input checked="" type="checkbox"/> 1 <sup>ST</sup> READING |
| <input type="checkbox"/> SPECIAL  | <input type="checkbox"/> CONSENT            | <input type="checkbox"/> 2 <sup>ND</sup> READING            |
| <input type="checkbox"/> EXECUTIVE SESSION  | <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> RESOLUTION                         |
|   | <input type="checkbox"/> WORK SESSION       |   |
| <b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A - “Zoning” of the Code of Ordinances of the City of Brenham, Texas to Provide for Amended Regulations in the Manufactured Home Residential (R-3) Zoning District and the Commercial, Research and Technology (B-2) Zoning District  |   |   |
| <b>SUMMARY STATEMENT:</b> This ordinance aligns the manufactured home definition with state law as well as allows manufactured homes to be placed on individual lots, in addition to manufactured home parks and subdivisions in the R-3 zoning district. This change allows for more options in housing development. Additionally, this ordinance prohibits manufactured home subdivisions to be located in the B-2 districts. This prohibition is to eliminate residential uses within a commercial district. This ordinance provides for more housing opportunities in the R-3 District and further restricts residential uses in the B-2 District.<br><br>Staff recommends approval of this ordinance finding this amendment allows for a greater variety of housing choices within the City of Brenham as well as requires manufactured home subdivisions, a residential use, to be located in residential zoning districts. |   |   |
| <b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>   |   |   |
| <p><b>A. PROS:</b> Approving the allowance of manufactured homes on individual lots is equal to allowing site built homes on individual lots. Both housing types in this setting are considered single-family residential uses.</p> <p><b>B. CONS:</b> The amount of land available for Manufactured Home Subdivisions will decrease with this ordinance because these types of subdivisions will be prohibited in the B-2 District.</p>  |   |   |
| <b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>   |   |   |
| <ol style="list-style-type: none"> <li>1. Approve the proposed manufactured home regulations</li> <li>2. Deny the proposed manufactured home regulations</li> </ol>   |   |   |

**ATTACHMENTS:** (1) Proposed Ordinance Concerning Manufactured Home Regulations; and (2) Minutes from the November 7, 2011 P&Z Meeting

**FUNDING SOURCE (Where Applicable):** N/A

**RECOMMENDED ACTION:** Approve an Ordinance on its first reading amending Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas to provide for amended regulations in the Manufactured Home Residential (R-3) Zoning District and the Commercial, Research and Technology (B-2) Zoning District.

**APPROVALS:** Terry K. Roberts

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING PART II, DISTRICT REGULATIONS, DIVISION 2, PROVIDING FOR AMENDED REGULATIONS IN THE MANUFACTURED HOME RESIDENTIAL (R-3) ZONING DISTRICT AND THE COMMERCIAL, RESEARCH AND TECHNOLOGY (B-2) ZONING DISTRICT REGARDING MANUFACTURED HOMES WITHIN THE CITY OF BRENHAM; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

**BE IT ORDAINED BY THE CITY COUNCIL OF 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, Part I, General Provisions, Division 1, Sec. 5, definitions related to "manufactured housing," "mobile home" and "mobile home and/or manufactured home park or subdivision" are hereby amended to read as follows:

- (91) *Manufactured home:* A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is at least eight body feet in width or at least 40 body feet in length, or, when erected on site, is at least 320 square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems of the home. The term does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).
  
- (93) *Mobile home:* A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is at least eight body feet in width or at least 40 body feet in length, or, when erected on site, is at least 320 square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems of the home. Mobile home structures are prohibited within the corporate limits of the City of Brenham.
  
- (94) *Manufactured home park or subdivision:* A parcel of land upon which two or more manufactured homes are placed or located for purposes of occupancy.

**SECTION 2.** That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, Part II, District Regulations, Division 1, Sec. 1 is hereby amended to read as follows:

**Sec. 1. Establishment of districts.**

For the purposes of this ordinance, the city is hereby divided into seven (7) districts as follows:

(Residential Districts)

District R-1. Single-Family Residential District

District R-2. Mixed Residential District

District R-3. Manufactured Home Residential

(Mixed Residential and Commercial Districts)

District B-1. Local Business/Residential Mixed Use District District B-2. Commercial, Research and Technology District

District B-3. Historical Central Business District

(Exclusive Commercial District)

District I. Industrial

**SECTION 3.** That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, Part II, District Regulations, Division 2, Sec. 2.1 is hereby amended to read as follows:

**DIVISION 2.**

**ZONING DISTRICT REGULATIONS**

**Sec. 2.1. R-3 Manufactured Home Residential.**

(Sec. 2.1.01) *Purpose.* The R-3 Manufactured Home Residential District is established to provide locations for manufactured homes, manufactured home parks and manufactured home subdivisions.

- (1) Manufactured home shall mean a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is at least eight body feet in width or at least 40 body feet in length, or, when erected on site, is at least 320 square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems of the home. The term does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).
- (2) A Mobile Home shall mean a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is at least eight body feet in width or at least 40 body feet in length, or, when erected on site, is at least 320 square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems of the home. Mobile home structures are prohibited within the corporate limits of the City of Brenham.

(Sec. 2.1.02) *Permitted uses:*

- (1) Any permitted use in district "R-2."
- (2) Manufactured home parks.
- (3) Manufactured home subdivisions.
- (4) Manufactured Homes in which all of the following conditions exist.
  - (a) The lot is an existing lot in the R-3 District or the new lot complies with the minimum lot standards for the R-1 District; and
  - (b) Size of yards complies with the R-1 District Standards.

(Sec. 2.1.03) *Specific uses:*

- (1) Bed and breakfast house.
- (2) Churches and related auxiliary uses including educational and philanthropic uses.
- (3) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.

- (4) Multifamily development, including dormitories for students and fraternity and sorority houses that meet the standard density requirement for the R-3 district and that is proposed for a development site of two (2) acres or more.
- (5) Private and accredited elementary and secondary schools.
- (6) Retirement villages with sites of two (2) acres or more.

(Sec. 2.1.04) *Height regulations.* No building shall exceed forty (40) feet or two and one-half (2 1/2) stories in height, except that a multifamily (apartment) building shall not exceed forty-five (45) feet or three (3) stories in height.

(Sec. 2.1.05) *Area regulations:\**

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\*In the event that new development is adjacent to a use that falls within a different use category, a bufferyard shall be added to the applicable yard regulations (Part II, Division 1, Section 12, Table 3).

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- (1) *Single-family detached units:*
  - (a) *Size of yard*--Same as R-2 District.
  - (b) *Size of lot*--Same as R-2 District.
  - (c) *Lot coverage*--Same as R-2 District.
- (2) *Single-family attached units (townhouses):*
  - (a) *Minimum site area*--Same as R-2 District.
  - (b) *Size of yards*--Same as R-2 District.
  - (c) *Size of lots*--Same as R-2 District.
  - (d) *Lot coverage*--Same as R-2 District.
- (3) *Zero lot line (patio homes):*
  - (a) *Minimum site area*--Same as R-2 District.
  - (b) *Size of yards*--Same as R-2 District.
  - (c) *Size of lots*--Same as R-2 District.

- (d) *Lot coverage*--Same as R-2 District.
  - (e) *Opening prohibited*--Same as R-2 District.
- (4) *Multi-family units (apartments):*
- (a) *Minimum site area*--Same as R-2 District.
  - (b) *Size of yards*--Same as R-2 District.
  - (c) *Size of lots*--Same as R-2 District.
  - (d) *Lot coverage*--Same as R-2 District.
- (5) *Manufactured home parks:*
- (a) *Minimum site area:* The minimum site area for a manufactured home park shall be four (4) acres.
  - (b) *Size of lots:* Each manufactured home in a manufactured home park shall have not less than five thousand (5,000) square feet of gross area per mobile home site.
  - (c) *Size of yards:*
    - (i) *Front yard:* There shall be a front yard of twenty (20) feet measured from the edge of pavement to the outermost point of the side(s) of the manufactured home that faces the pavement. All structures in a manufactured home park shall be set back a minimum of thirty (30) feet from any existing public street right of way that abuts the park.
    - (ii) *Side yard:* There shall be a minimum clearance of twenty (20) feet between manufactured homes that are parked end-to-end or side-to-side.
    - (iii) *Rear yard:* There shall be a minimum clearance of twenty (20) feet between manufactured homes that are parked end to end or side to side.
  - (d) *Lot coverage:* In no case shall more than sixty (60) percent of the total lot area be covered by the combined area of the manufactured home plus accessory buildings, attachments or carports.

(6) *Manufactured home subdivisions:*

- (a) *Minimum site area:* The minimum site area for a manufactured home subdivision shall be four (4) acres.
- (b) *Size of yards:*
  - (i) *Front yard:* There shall be a front yard having a depth of not less than twenty (20) feet. Double frontage lots shall be prohibited.
  - (ii) *Side yard:* There shall be one side yard having a width of not less than five (5) feet. The combined widths of the lot's two side yards shall not be less than twenty (20) feet.
  - (iii) *Rear yard:* There shall be a rear yard having a depth of not less than twenty (20) feet.
- (c) *Distance between manufactured homes:* Manufactured homes shall be so located on each lot that there shall be at least twenty (20) feet separation between the homes.

(d) *Size of lots:*

|                    | Single-Wide Lots | Double-Wide Lots |
|--------------------|------------------|------------------|
| Minimum lot area:  | 6,000 s.f.       | 6,000 s.f.       |
| Minimum lot width: | 50 ft.           | 70 ft.           |
| Minimum lot depth: | 120 ft.          | 86 ft.           |

- (e) *Subdivision density ratio:* No less than sixty (60) percent of the total number of lots in a manufactured home subdivision shall be designed for double-wide homes. The remaining lots may be designed for single-wide homes.
- (f) *Lot coverage:* In no case shall more than sixty (60) percent of the total lot area be covered by the combined area of the manufactured home, accessory building, and other impervious surfaces, excluding pools.

(7) *Nonresidential uses:*

- (a) *Size of yard--*Same as R-2 District.
- (b) *Size of lot--*Same as R-2 District.

(c) *Lot coverage*--Same as R-2 District.

(Sec. 2.1.06) *Parking and loading regulations:*

(a) Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Part II, Division 1, Section 15 and Section 16 of the Zoning Ordinance.

(Sec. 2.1.07) *Screening and fencing regulations:*

(a) As provided in Part II, Division 1, Section 12 and Section 13 of the Zoning Ordinance.

(Ord. of 4-17-97, § 2; Ord. of 4-1-99, § 1)

**SECTION 4.** That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, Part II, District Regulations, Division 2, Sec. 4 is hereby amended to read as follows:

**Sec. 4. B-2 Commercial, Research and Technology District.**

(Sec. 4.01) *Purpose.* The B-2 District is established as a mixed use district to preserve and to protect appropriate locations for existing light industry. It is also designed to include new high-tech commercial uses such as technical laboratories, computer centers, engineering/operations and research facilities that will benefit from direct access and/or close proximity to highway routes, while providing safe and convenient locations for multifamily uses through the strict enforcement of performance standards.

(Sec. 4.02) *Permitted uses:*

(Residential uses)

- (1) Multifamily, including dormitories for students and fraternity or sorority houses on sites of two (2) acres or more.
- (2) Reserved.
- (3) Retirement villages with site areas of two (2) acres or more.
- (4) Accessory residential uses.

(Nonresidential uses)

- (1) Permitted uses in B-1.
- (2) Apparel and other products assembled from finished textiles.
- (3) Automobile/vehicular uses (including boats, mobile home, motorcycles, motor homes, camper trailers, and other vehicles) such as:
  - (a) Paint and body shops or upholstery shops.
  - (b) Automobile (car) wash.
  - (c) Parts sales.
  - (d) Service stations.
  - (e) Repair and service garage.
  - (f) Tire sales.
  - (g) Vehicular sales and rentals.
  - (h) Vehicular storage.
- (4) Bakeries, wholesale.
- (5) Building material storage yards or lumber yards.
- (6) Candy and jewelry manufacturing.
- (7) Carpentry, painting, tinsmithing or welding shops.
- (8) Cemeteries.
- (9) Cleaning, dyeing plants and laundry.
- (10) Creamery, ice cream manufacturing and dairy operations.
- (11) Drugs and pharmaceutical products manufacturing.
- (12) Educational institutions (private).
  - (a) Business and trade schools.

- (b) Accredited elementary and secondary schools.
- (c) Colleges and universities.
- (13) Electronic products manufacturing.
- (14) Farm implement display and salesroom.
- (15) Hospitals, acute and/or chronic care, nursing homes or convalescent homes, assisted living facilities and medical clinics.
- (16) Mini-storage lots, enclosed.
- (17) Plumbing shops for retail or wholesale distribution of fixtures, fittings and bathroom accessories, and similar uses involving stone, clay and blocks, etc. that require outside storage generally as permitted in the B-2 District (see applicable performance standards in Part II, Division 1, Section 11(5), Open Storage).
- (18) Printing, engraving and newspaper plants.
- (19) Private clubs on a site of three (3) acres or more.
- (20) Research, development labs and offices.
- (21) Retirement villages on site areas of two (2) acres or more.
- (22) Radio or television broadcasting towers and stations or studios.
- (23) Shopping centers, retail stores, general sales and services, on a site of three (3) acres or more.
- (24) Upholstering shops which may involve furniture manufacturing.
- (25) Veterinarian or animal hospital.
- (26) Wholesale establishments and warehouses.
- (27) Uses similar to the abovementioned permitted uses, provided activities conducted observe applicable performance standards as provided in Part II, Division 2 of this ordinance.
- (28) Accessory buildings and uses customarily incident to any of the above uses, provided that such uses observe applicable performance standards as provided in Part II, Division 2 of this ordinance.

(Sec. 4.03) *Specific uses:*

- (1) Licensed kindergartens/nursery schools.

(Sec. 4.04) *Height regulations:*

- (1) No residential or nonresidential building shall exceed fifty-two (52) feet or four (4) stories.
- (2) Broadcasting and communication towers shall be limited to one hundred fifty (150) feet in height.

(Sec. 4.05) *Reserved.*

(Sec. 4.06) *Area regulations (applicable to multifamily residential and nonresidential lots):\**

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\*All new multifamily development is subject to bufferyard requirements as provided in Part II, Division 1, Section 12, Table 3.

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(1) *Size of yards:*

- (a) *Front yard:* For all uses permitted in this district, there shall be a front yard having a minimum depth of twenty-five (25) feet.
- (b) *Side yard:* For multifamily uses, an interior side yard of not less than ten (10) feet is required, except as required for bufferyards. For nonresidential uses, no interior side yard is required, except as required for bufferyards. For all uses permitted in this district, a side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street.
- (c) *Rear yard:* For all uses permitted in this district, a rear yard of not less than ten (10) feet in depth shall be provided, except as required for buffer yards.

(2) *Size of lot:*

- (a) *Lot area:* No nonresidential building shall be constructed on any lot of less than five thousand (5,000) square feet. There shall be a minimum of one thousand eight hundred (1,800) square feet of lot area per multifamily dwelling unit in this district.

- (b) *Lot width:* The width of any lot shall not be less than fifty (50) feet at the front building line nor shall its average width be less than fifty (50) feet.
  - (c) *Lot depth:* The average depth of any lot shall not be less than one hundred (100) feet.
  - (d) *Legally existing nonconforming lots:* Where lots having less area, width, and/or depth than herein required existed in separate ownership upon the effective date of this ordinance, the above regulations shall not prohibit the erection of a nonresidential building thereon, provided the applicable setbacks as provided above shall be maintained.
- (3) *Lot coverage:* In no case shall more than eighty-five (85) percent of the total lot area be covered by the combined area of the main buildings, and accessory buildings and other impervious surfaces.

(Sec. 4.07) *Parking and loading regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Part II, Division I, Sections 15 and 16 of this ordinance.

(Sec. 4.08) *Screening and fencing regulations.* As provided in Part II, Division I, Section 12 and Section 13 of this ordinance.

**SECTION 5.** This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

**PASSED and APPROVED** on its first reading this the \_\_\_\_\_ day of June, 2012.

**PASSED and APPROVED** on its second reading this the \_\_\_\_\_ day of June, 2012.

\_\_\_\_\_  
Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

\_\_\_\_\_  
Jeana Bellinger, TRMC  
City Secretary

## EXCERPT FROM THE NOVEMBER 7, 2011 P&Z REGULAR MEETING MINUTES:

The sixth item on the agenda was a public hearing with respect to proposed changes of the City of Brenham Zoning Ordinance for Manufactured Home residential Requirements. Chairman Picone opened the public hearing. The City of Brenham Zoning Staff explained the following: The B-2, Commercial, Research, and Technology District needs to have certain omissions made that do not make sense due to the making of the R-3, Manufactured Home District, several years ago. Also the R-3, Manufactured Home District needs to have an allowance for a manufactured home allowance in the event that the lot is located in the R-3 District but not specifically in a Manufactured Home Park or Manufactured Home platted subdivision. This request is being made as a result of the City of Brenham receiving several requests from property owners within the R-3 District that want to have a manufactured home on their property. The insertion of verbiage in the R-3, Manufactured Home Residential District was discussed that would allow only manufactured homes constructed on or after June 15, 1976 and would allow manufactured homes to be placed in the R-3, Manufactured Home Residential District on lots when compliance to the building setbacks are equal or greater than that what is required in the R-1 District

Standards; this being a 25 ft. front yard and rear yard, and a 10 ft. side yard or 15 ft. side yard if located on a corner lot. Additionally, the size of lot must also meet or exceed the standards as required in the R-1 District. At the present time there are R-3 Districts located predominantly on the east side of our city on Old Chappell Hill Road and there are several manufactured homes that are located on properties that are located in the R-3, Manufactured Home Residential District. These homes were annexed into the City of Brenham and the zoning district classification was approved as the R-3, Manufactured Home Residential District. This ordinance change will allow additional manufactured homes in this R-3, Manufactured Home Residential District, without the requirement of an amended plat of the various properties, by the property owners, as a manufactured home subdivision. This ordinance will require building setbacks equal to a site built house for the placement of a manufactured house on a single lot in the R-3, Manufactured Home Residential District. Upon the completion of all discussions, Chairman Picone closed the public hearing.

The seventh item on the agenda was for the consideration of the proposed changes of the City of Brenham Zoning Ordinance for Manufactured Home residential Requirements. Chairman Picone requested a motion. Commissioner Sheffield made a motion to approve and to recommend to the City Council that the proposed changes be made to the ordinance as submitted and discussed. Commissioner Kossie seconded the motion. The motion to approve and to recommend to the City Council that the proposed changes be made to the ordinance as submitted and discussed for the City of Brenham Zoning Ordinance for Manufactured Home residential Requirements was unanimous by the Planning and Zoning Commission.



## AGENDA ITEM 12

|   |   |  |
|---|---|--|
| <b>DATE OF MEETING:</b> June 7, 2012  | <b>DATE SUBMITTED:</b> June 1, 2012         |  |
| <b>DEPT. OF ORIGIN:</b> Administration  | <b>SUBMITTED BY:</b> Kyle Dannhaus          |  |
| <b>MEETING TYPE:</b>  | <b>CLASSIFICATION:</b>                      | <b>ORDINANCE:</b>                                |
| <input checked="" type="checkbox"/> REGULAR   | <input type="checkbox"/> PUBLIC HEARING     | <input type="checkbox"/> 1 <sup>ST</sup> READING |
| <input type="checkbox"/> SPECIAL  | <input type="checkbox"/> CONSENT            | <input type="checkbox"/> 2 <sup>ND</sup> READING |
| <input type="checkbox"/> EXECUTIVE SESSION  | <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> RESOLUTION              |
|   | <input type="checkbox"/> WORK SESSION       |  |
| <b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon the Approval of a Participation Agreement between the City of Brenham and Valmont Industries, Inc. to Expand Water Service for the Improvement of Fire Protection at Valmont Industries, Inc. and Authorize the Mayor to Execute Any Necessary Documentation  |   |  |
| <b>SUMMARY STATEMENT:</b> Attached is a Cost Participation Agreement with Valmont Industries to improve water flow capacity to the Valmont plant for enhanced fire protection. You may recall Valmont recently undertook a major plant expansion and added 100 jobs to their Brenham facility.  |   |  |
| <p>The attached map depicts a proposed expansion of the water system within their complex to significantly improve fire protection. Recently, Valmont commissioned an engineering study to evaluate fire flows within their complex. As a result of this analysis they want to undertake a major upgrade of their internal water system to achieve their objective of better fire protection.</p> <p>To achieve the recommended flow a 12 inch water line is needed. Valmont is currently served by two 8 inch lines fed from a 10 inch main along the US 290 frontage road. The system improvements they want to make within their plant will not achieve the desired flow capacity results without a larger supply main in the City's system. The most cost effective route to supply Valmont from a 12 inch main is via Industrial Blvd. The attached map shows a recommended 12 inch main (red colored line) that begins at Industrial Blvd. and runs to the Valmont property line. The 12 inch main continues across the back of their property running along the railroad right of way (aqua colored line) and serves as the backbone for the rest of the improvements.</p> <p>If this project is accomplished, Valmont would propose to dedicate the 12 inch "backbone" to the City and it would become part of the City's distribution system. The City would have the option of extending utility service along Salem Road either from the 10 inch main in S.H. 36 South or the new 12 inch trunk main constructed in the utility easement across Valmont's back property line. Since the new 12 inch main (red and aqua lines) will have some benefit to the general area and not just to Valmont, it would be staff's recommendation we accept responsibility for funding the offsite 12 inch line and accept the balance of the 12 inch trunk (constructed at Valmont's full cost) as a part of the City's water distribution system.</p> |   |  |

The estimated cost of the offsite extension from Industrial Blvd. to the Valmont property line is \$53,000. The cost of the water system improvements by Valmont within their property boundaries is estimated to cost several hundred thousand dollars. We believe it is reasonable for the City to participate in this project since our existing lines to the industry are inadequate to meet their recommended fire flow levels. It also does provide some enhancement to our distribution system in the area.

The participation agreement calls for Valmont to reimburse the City for 100% of the cost for improvements on their property and it limits our maximum participation in this endeavor to \$53,000 which is the projected cost of the offsite improvements from Industrial Blvd. to the Valmont property line. We emailed you a summary of the project about six weeks ago along with a copy of the aerial color coded map. If you have specific questions about the project before the meeting, Kyle or Lowell will be happy to meet with you.

**STAFF ANALYSIS (For Ordinances or Regular Agenda Items):**

- A. PROS:** Project will provide additional water flows to the Valmont complex to enhance fire protection and provide some water system enhancements in the southern part of the City.
  
- B. CONS:**

**ALTERNATIVES (In Suggested Order of Staff Preference):**

**ATTACHMENTS:** (1) Water Line Cost Participation Agreement

**FUNDING SOURCE (Where Applicable):** Water fund reserves.

**RECOMMENDED ACTION:** Approve of a participation agreement between the City of Brenham and Valmont Industries, Inc. to expand water service for the improvement of fire protection at Valmont Industries, Inc. and authorize the Mayor to execute any necessary documentation.

**APPROVALS:** Terry K. Roberts

## **WATER LINE COST PARTICIPATION AGREEMENT**

This Agreement is entered into this the \_\_\_\_\_ day of \_\_\_\_\_, 2012, by and between the **City of Brenham**, a Texas home rule municipal corporation (hereinafter "CITY"), and **Valmont Industries, Inc.**, a Delaware corporation, (hereinafter "OWNER").

**WHEREAS**, OWNER owns and has developed property within the City of Brenham, more particularly described as 65.2 acres located in the John Carrington Survey, Abstract 1, Washington County, Texas, being out of Tract 1 (hereinafter "Property") which is located at 2551 Valmont Drive, Brenham, Texas 77833-5418, and CITY and OWNER desire to extend a twelve inch (12") water line for purposes of improving the CITY's water utility system and improving fire flow to various facilities of the OWNER located in Brenham, Texas as further described on **Exhibit A**, attached hereto and incorporated herein for all purposes; and

**WHEREAS**, the CITY and the OWNER agree that the twelve inch (12") water line improvements described in **Exhibit A** would enhance and improve the CITY'S water utility system and the CITY'S ability to serve additional customers and related development in the future; and

**WHEREAS**, the CITY shall construct the improvements as provided for in this Agreement and the OWNER shall participate in the costs of the public improvements; and

**WHEREAS**, the total estimated cost of the project is \$385,000.00, and the OWNER desires to pay all project costs except for the CITY's share of the project costs in the amount of \$53,000.00; and

**WHEREAS**, the OWNER has reviewed the data, plans, and cost estimate provided by CITY's engineer and OWNER desires to enter into this Agreement;

**NOW, THEREFORE**, for and in consideration of the recitations above and the promises and covenants herein expressed, the parties hereby agree as follows:

### **I. DEFINITIONS**

- 1.1. Approved Plans means the plans and specifications that meet the requirements of this Water Line Cost Participation Agreement, the City of Brenham Codes and Ordinances and any other applicable laws, and that have been submitted to, reviewed and approved by the City of Brenham Public Utilities Department.
- 1.2. CITY of Brenham means the City of Brenham, a Texas home rule municipal corporation located at 200 W. Vulcan, Brenham, Texas 77833.

- 1.3. Certificate of Acceptance: A certificate issued by the City stating that the construction of the Project conforms to the plans, specifications and standards contained in or referred to in all applicable codes, ordinances, or laws.
- 1.4. Effective Date. The date on which this Agreement is signed by the last party whose signing makes the Agreement fully executed.
- 1.5. Final Completion. The term "Final Completion" means that all the work on the Project has been completed, all final punch list items have been inspected and satisfactorily completed, all payments to material men and subcontractors have been made, all documentation, and all closeout documents have been executed and approved by the CITY, a Certificate of Completion and Acceptance have been issued for the Project, and CITY has fully performed any other requirements contained herein or as otherwise required by law.
- 1.6. OWNER means Valmont Industries, Inc., a Delaware corporation, whose principal office is located at 1 Valmont Plaza, Fifth Floor, Omaha, NE 68154-5215.
- 1.7. Property means more particularly described as 65.2 acres located in the John Carrington Survey, Abstract 1, Washington County, Texas, being out of Tract 1, which is located at 2551 Valmont Drive, Brenham, Texas 77833-5418, and to which CITY and OWNER desire to extend a twelve inch (12") water line for purposes of improving the CITY's water utility system and improving fire flow to various facilities of the OWNER located in Brenham, Texas as further described on as Exhibit A attached hereto and incorporated herein by reference.
- 1.8. Project means the construction of the twelve inch (12") water line improvements as described in **Exhibit A** attached hereto and incorporated herein by reference.

## **II. COST PARTICIATION**

CITY agrees to cost participate to construct the twelve inch (12") water line improvements as follows:

- 2.1. The estimated total cost of the project is \$385,233.00, which includes \$334,986.00 for construction and \$50,248.00 for engineering, surveying, and testing. CITY agrees to cost participate with OWNER (for construction and engineering) in an amount not to exceed \$53,000.00. CITY's participation shall not under any circumstances exceed \$53,000.00. The CITY shall construct this project in accordance with applicable bidding and procurement laws.

- 2.2. The CITY agrees that it will construct the project improvements in accordance with the plans, drawings and specifications approved by the CITY in the design phase of the project. The parties hereto understand and agree that the actual costs related to the project may change during the project due to unforeseen circumstances, and are subject to any change orders approved by the CITY. CITY'S funding of cost participation pursuant to this Agreement shall not exceed \$53,000.00 under any circumstances.
- 2.3. OWNER shall reimburse the CITY for all costs incurred by the CITY associated with the construction and engineering of the project (except for the \$53,000.00 to be paid by the CITY), and said amounts must be paid by the OWNER as the project progresses. CITY shall submit invoices to the OWNER monthly, and said amounts must be paid to the CITY by the OWNER within ten (10) days of the OWNER's receipt of said invoices. CITY shall not provide water utility services to the OWNER utilizing the improvements constructed pursuant to this Agreement until all amounts due to the CITY under this Agreement have been paid by the OWNER.
- 2.4. OWNER and CITY acknowledge and agree that the improvements and facilities constructed pursuant to this Agreement shall be part of the CITY's utility system, and CITY shall be the owner of said project improvements. OWNER is further required to provide all necessary easements as may be required by the CITY, at no cost to the CITY.
- 2.5. Reports, books and other records. CITY shall make its books and other records related to the Project available for inspection by OWNER. CITY shall submit to OWNER any and all information or reports requested to verify the expenditures submitted for cost participation eligibility including but not limited to bid documents, payment applications, including any supporting information, cancelled checks, copies of construction and engineering documents for the verification of the cost estimate of the infrastructure. The submission of these reports and information shall be the responsibility of the CITY and shall be certified by CITY's Licensed Professional Engineer at CITY's expense.

### **III. GOVERNMENTAL IMMUNITY, INDEMNIFICATION AND RELEASE**

- 3.1 **CITY is a political subdivision of the state and enjoys governmental immunity. By entering into this Agreement, CITY does not consent to suit; waive its governmental immunity, or the limitations as to damages under the Texas Tort Claims Act or any other applicable law.**

3.2 **OWNER agrees to and shall indemnify, hold harmless, and defend CITY and its officers, agents, and employees from and against any and all claims, losses, damages, causes of action, suits, and liability of every kind, including all expenses of litigation, court costs, expert fees and attorney's fees, for injury to or death of any person, or for damage to any property, or for breach of contract, arising out of or in connection with any act, omission or willful misconduct by OWNER.**

#### **IV. PROJECT AND CONSTRUCTION**

- 4.1. Right to Inspect the Work. The City Public Utilities Director or his designee will inspect the improvements for compliance with the Approved Plans during construction and will issue Certificate of Acceptance and Completion if the work performed and materials furnished hereunder are in strict accordance with the Approved Plans and this Agreement.
- 4.2. Independent Contractor. CITY shall be solely responsible for selecting, supervising, and paying the construction contractor(s) or subcontractors and for complying with all applicable laws, including but not limited to all requirements concerning workers compensation and construction retainage.
- 4.3. Payment for materials and labor. CITY is solely and exclusively responsible for compensating any of its contractors, employees, subcontractors, material men and/or suppliers on this project.
- 4.4. Performance Bond. CITY shall execute a performance and payment bond for the construction of the improvements as required by applicable law.
- 4.5. This Agreement does not alter, amend, modify or replace any other requirements contained in the Code of Ordinances, or other applicable law.

#### **V. GENERAL PROVISIONS**

- 5.1. Amendments. No amendment to this Agreement shall be effective and binding unless and until it is reduced to writing and signed by duly authorized representatives of both parties.
- 5.2. Choice of law and Venue. This Agreement has been made under and shall be governed by the laws of the State of Texas. Performance and all matters related thereto shall be in Washington County, Texas, United States of America. Exclusive venue for any claim, lawsuit, or other proceeding arising out of or involving this Agreement shall be in Washington County, Texas.

- 5.3. Authority to enter into Agreement. Each party represents that it has the full power and authority to enter into and perform this Agreement. The person executing this Agreement on behalf of each party has been properly authorized and empowered to enter into this Agreement. The person executing this Agreement on behalf of OWNER represents that he or she is authorized to sign on behalf of OWNER and agrees to provide proof of such authorization to CITY upon request.
- 5.4. Agreement read. The parties acknowledge that they have read, understand and intend to be bound by the terms and conditions of this Agreement.
- 5.5. All notices and documents required herein shall be sent and provided to the parties at the addresses and telephone numbers listed below:

**Valmont Industries, Inc.**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**City of Brenham**

Public Utilities Director  
 P.O Box 1059  
 Brenham, Texas 77834-1059

With copies to: City Manager and City Attorney  
 P.O. Box 1059  
 Brenham, Texas 77834-1059

All notices and documents shall be deemed received when mailed with sufficient postage and deposited in a regular mailbox of the United States Post Office. The parties may change addresses upon thirty (30) days' written notice sent certified mail, return receipt requested.

- 5.6. Assignment. This Agreement and the rights and obligations contained herein may not be assigned by OWNER without the prior written approval of CITY.
- 5.7. Default. In the event of a breach of this Agreement by OWNER, and such default is not cured within thirty (30) days after written notice from CITY to OWNER, CITY may terminate this Agreement and exercise any and all legal remedies available to it.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**VALMONT INDUSTRIES, INC.**

**CITY OF BRENHAM, TEXAS**

\_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_

\_\_\_\_\_  
 Hon. Milton Y. Tate, Jr. Mayor

**THE STATE OF TEXAS** §

**ACKNOWLEDGEMENT**

**COUNTY OF WASHINGTON** §

Before me, the undersigned authority, on this day personally appeared **MILTON Y. TATE, JR.**, Mayor of the City of Brenham, Texas, a Texas Home-rule Municipal Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public in and for the State of Texas

**THE STATE OF TEXAS** §

**ACKNOWLEDGEMENT**

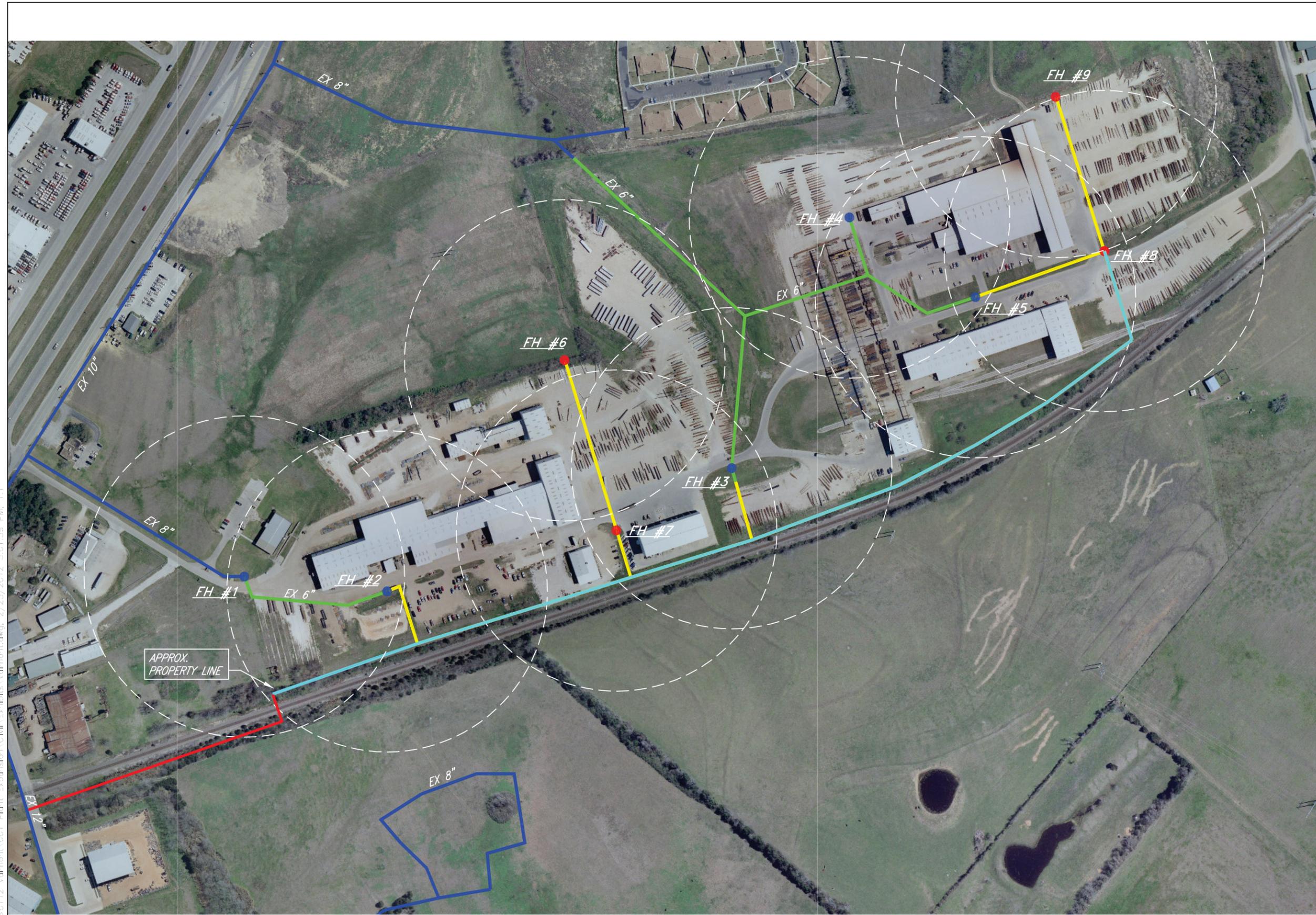
**COUNTY OF \_\_\_\_\_** §

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, \_\_\_\_\_ of Valmont Industries, Inc. a Delaware corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public in and for the State of Texas

Exhibit A



- LEGEND**
- EXISTING FIRE HYDRANT
  - PROPOSED FIRE HYDRANT
  - EXISTING WATER LINE (CITY)
  - EXISTING WATER LINE (VALMONT)
  - 8" WATER LINE
  - 12" WATER LINE (VALMONT)
  - 12" WATER LINE (CITY)

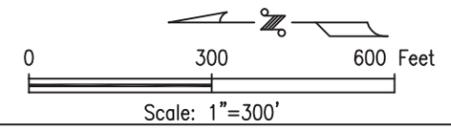
| NO. | DATE | REVISIONS | APP. |
|-----|------|-----------|------|
|     |      |           |      |
|     |      |           |      |
|     |      |           |      |

VALMONT  
BRENNHAM, TEXAS

VALMONT FIRE FLOW STUDY  
OPTION 2

**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

|                  |                  |
|------------------|------------------|
| SCALE: 1"=300'   | DGN. BY: GLL     |
| DATE: 02-20-2012 | DWN. BY: CGM     |
| JOB NO. _____    | DWG. NO. VALMONT |
| SUBMITTED: _____ | SURV. BY: _____  |
|                  | F.B. NO. _____   |



P:\PROJECTS\B0112\_Valmont\001\_Plan\Exam\Station\Civil\Ex\Plans\Valmont.dwg, 2/23/2012, 5:01:39 PM, 1:1



### AGENDA ITEM 13

|  |   |  |
|--|---|--|
| <b>DATE OF MEETING:</b> June 7, 2012   | <b>DATE SUBMITTED:</b> May 30, 2012         |  |
| <b>DEPT. OF ORIGIN:</b> Finance  | <b>SUBMITTED BY:</b> Carolyn D. Miller      |  |
| <b>MEETING TYPE:</b>   | <b>CLASSIFICATION:</b>                      | <b>ORDINANCE:</b>                                |
| <input checked="" type="checkbox"/> REGULAR  | <input type="checkbox"/> PUBLIC HEARING     | <input type="checkbox"/> 1 <sup>ST</sup> READING |
| <input type="checkbox"/> SPECIAL   | <input type="checkbox"/> CONSENT            | <input type="checkbox"/> 2 <sup>ND</sup> READING |
| <input type="checkbox"/> EXECUTIVE SESSION   | <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> RESOLUTION              |
|  | <input type="checkbox"/> WORK SESSION       |  |
| <b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon the Approval of a Request from the Washington County Appraisal District to Spend \$46,073 out of the Total FY2010-11 Accumulated Funds of \$48,671, the City of Brenham's Portion being \$5,701, for New Aerial Photography and Return the Remaining \$2,598 to the WCAD Fleet Replacement Fund  |   |  |
| <b>SUMMARY STATEMENT:</b> 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.<br><br>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. |   |  |
| <b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b><br><br>A. PROS:<br><br>B. CONS:  |   |  |
| <b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>  |   |  |
| <b>ATTACHMENTS:</b> (1) Transmittal letter from Willy Dilworth, Chief Appraiser  |   |  |
| <b>FUNDING SOURCE (Where Applicable):</b>  |   |  |
| <b>RECOMMENDED ACTION:</b> Approve a request from the Washington County Appraisal District to spend \$46,073 out of the total FY2010-11 accumulated funds of \$48,671, the City of Brenham's portion being \$5,701, for new aerial photography and return the remaining \$2,598 to the WCAD fleet replacement fund.  |   |  |
| <b>APPROVALS:</b> Carolyn D. Miller  |   |  |

# WASHINGTON COUNTY APPRAISAL DISTRICT

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

May 17, 2012

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

Dear Mr. Roberts,

You recently accepted the financial audit for the Washington County Appraisal District for the year ended August 31, 2011. This audit, as you will remember, indicated that the appraisal district had managed to save \$48,671. A worksheet showing each entity's share of this money is attached.

The Budget Committee appointed by the taxing entities has met on three different occasions and worked with me to help formulate a budget and needs assessment for both the short term and the long term. A list of members of this committee is also attached.

Based on the results of our discussions I would like to request that the appraisal district be allowed to retain the above mentioned \$48,671 for two purposes. The first purpose will be for a future flight for new aerial photography for the county. The second need is to put money back into our fleet replacement fund.

In 2011 we had aerial photography done by Pictometry. We used \$46,073 of the \$50,000 we had set aside for that. It is requested that we be allowed to replenish that fund back to \$50,000 for a future flight. It should be noted that we will be going from having new aerals done every two years to every three years. This will result in flights that would have been flown in 2013 and 2015 (if allowed by you) moving to 2014 and 2017.

We would like to take the remaining \$2,598 and add it back to our fleet replacement fund. This fund was reduced from \$60,000 to \$41,171 when we spent \$18,829 on new computers in the office. This allows for four (4) trucks at \$15,000 each.

If this request is approved by the taxing entities of Washington County it will result in the appraisal district having the following assigned funds:

1. Legal Fund: \$50,000
2. 2014 Pictometry Flight: \$50,000
3. 2017 Pictometry Flight: \$50,000
4. Fleet Replacement: \$43,769

Thank you in advance for your consideration of our request to retain the \$48,671 from our 2010-2011 budget.

Sincerely;

A handwritten signature in black ink, appearing to read 'Willy Dilworth', written over a horizontal line.

Willy Dilworth  
Chief Appraiser

# **WASHINGTON COUNTY APPRAISAL DISTRICT**

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

March 27, 2012

2012-2013 Budget Committee Members

City of Brenham- Stacy Hardy  
City of Burton-Bob Brouillette  
Brenham ISD- Kim Horne  
Burton ISD- Sheila Ripple  
Giddings ISD-  
Oak Hill Freshwater District-  
Washington County- Zeb Heckmann  
Blinn College- Dr. Van Miller  
WCAD BOD- Charles Gaskamp

Meeting:

## Washington County Appraisal District

### 2010-2011 Excess Budget

Tuesday May 22, 2012

**Amount \$ 48,671**

%Total= 2011 Levy/\$46,289,393

Budget Allocation= % Total Levy x \$ **48,671**

| Entity/ Appraisal Allocation | 2010 Levy     |         | Refund Amount |
|------------------------------|---------------|---------|---------------|
| Brenham ISD                  | \$ 23,231,849 | 50.19%  | \$ 24,427     |
| Burton ISD                   | \$ 4,266,432  | 9.22%   | \$ 4,486      |
| City of Brenham              | \$ 5,422,315  | 11.71%  | \$ 5,701      |
| City of Burton               | \$ 81,835     | 0.18%   | \$ 86         |
| Oak Hill FWD                 | \$ 111,233    | 0.24%   | \$ 117        |
| Washington County General    | \$ 7,906,357  | 17.08%  | \$ 8,313      |
| Washington County F&M        | \$ 3,616,794  | 7.81%   | \$ 3,803      |
| Blinn College                | \$ 1,479,882  | 3.20%   | \$ 1,556      |
| Giddings ISD                 | \$ 172,696    | 0.37%   | \$ 182        |
|                              | \$ 46,289,393 | 100.00% | \$ 48,671.00  |



## AGENDA ITEM 14

|  |   |  |
|--|---|--|
| <b>DATE OF MEETING:</b> June 7, 2012   | <b>DATE SUBMITTED:</b> May 30, 2012         |  |
| <b>DEPT. OF ORIGIN:</b> Finance  | <b>SUBMITTED BY:</b> Carolyn D. Miller      |  |
| <b>MEETING TYPE:</b>   | <b>CLASSIFICATION:</b>                      | <b>ORDINANCE:</b>                                |
| <input checked="" type="checkbox"/> REGULAR  | <input type="checkbox"/> PUBLIC HEARING     | <input type="checkbox"/> 1 <sup>ST</sup> READING |
| <input type="checkbox"/> SPECIAL   | <input type="checkbox"/> CONSENT            | <input type="checkbox"/> 2 <sup>ND</sup> READING |
| <input type="checkbox"/> EXECUTIVE SESSION   | <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> RESOLUTION              |
|  | <input type="checkbox"/> WORK SESSION       |  |
| <b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon the Approval of the FY2012-13 Preliminary Budget for the Washington County Appraisal District  |   |  |
| <b>SUMMARY STATEMENT:</b> The City has received a copy of the Washington County Appraisal District (WCAD) FY2012-2013 Preliminary Budget. The WCAD preliminary budget is higher by 5.42% due primarily to a proposed new position to facilitate succession planning due to impending retirements. The impact for the City of Brenham is an increase of \$8,796 for FY12-13 which will be budgeted in the General Fund. |   |  |
| 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.   |   |  |
| <b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>  |   |  |
| A. PROS:   |   |  |
| B. CONS:   |   |  |
| <b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>  |   |  |
| <b>ATTACHMENTS:</b> (1) Transmittal letter from Willy Dilworth, Chief Appraiser  |   |  |
| <b>FUNDING SOURCE (Where Applicable):</b> N/A  |   |  |
| <b>RECOMMENDED ACTION:</b> Approve the FY2012-13 preliminary budget for the Washington County Appraisal District.  |   |  |
| <b>APPROVALS:</b> Carolyn D. Miller  |   |  |

# WASHINGTON COUNTY APPRAISAL DISTRICT

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

May 17, 2012

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

Dear Mr. Roberts,

The preliminary budget for the Washington County Appraisal District 2012-2013 fiscal year is attached. The total amount of this budget is \$694,331. This requested preliminary budget reflects an increase over the prior year budget of \$35,737 or 5.42%.

The primary cause of this increase is a proposed new position with estimated total costs being \$35,000. This position is needed because of the potential for significant staffing changes due to employee retirements within the next few years. There are twelve staff members at this time. Of these twelve staff members two can retire at any time. Each of them is a key employee, one being the deputy chief appraiser. It is also possible that a total of six of the twelve will retire within the next five years. The new position will allow for cross-training of the new employee. The position is also needed to help keep up with ever-growing needs regarding reporting and compliance issues related to appraisal districts.

Estimated salaries are based on an estimated 2% raise.

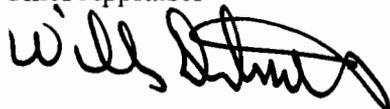
Another change in the budget reflects an increase of \$1,021 for annual maintenance from our software provider. There is a \$3,904 change for annual licensing for mapping software. The final increase for \$100 is for increased janitorial expenses.

The one decrease in the budget is a \$1,500 reduction in equipment repair.

This budget reflects the work and input of the budget committee appointed by the governing bodies to address both short term and long term needs. Please review the budget and offer suggestions. The goal will be to try and adopt this at the June 26, 2012 or the July 24, 2012 board of directors meeting.

Sincerely;

Willy Dilworth  
Chief Appraiser



**Washington County Appraisal District  
2012-2013 Budget  
Proposed  
May 22, 2012**

41 General Administration

**6100 Payroll Costs**

|                             |                  | 2010-2011         | 2011-2012         | 2012-2013         |
|-----------------------------|------------------|-------------------|-------------------|-------------------|
| Professional Personnel      | 6119.00-952-0-99 | \$ 54,194.00      | \$ 54,194.00      | \$ 55,794.00      |
| Para Professional Personnel | 6129.00-952-0-99 | \$ 335,025        | \$ 335,025        | \$ 339,805        |
| In District Travel          | 6139.00-952-0-99 | \$ 1,200          | \$ 1,200          | \$ 1,200          |
| FIMM Medicare               | 6141.00-952-0-99 | \$ 4,260          | \$ 4,260          | \$ 37,227.68      |
| Health Insurance            | 6142.00-952-0-99 | \$ 33,200         | \$ 33,200         |                   |
| Workers Comp.               | 6143.00-952-0-99 | \$ 1,100          | \$ 1,100          |                   |
| Unemployment Comp.          | 6145.00-952-0-99 | \$ 300            | \$ 300            |                   |
| Teacher Retirement          | 6146.00-952-0-99 | \$ 2,200          | \$ 2,200          |                   |
| New Staff Member            |                  |                   |                   | \$ 35,000         |
| <b>Payroll Costs</b>        |                  | <b>\$ 431,479</b> | <b>\$ 435,794</b> | <b>\$ 469,027</b> |

78% of Estimated Total X 1.05

**6200 Professional & Contracted Services**

|   |                  | 2010-2011         | 2011-2012         | 2012-2013         |
|---|------------------|-------------------|-------------------|-------------------|
| Legal Services                                | 6211.00-952-0-99 | \$ 1,200          | \$ 1,200          | \$ 1,200          |
| Arbitration                                   | 6212.00-952-0-99 | \$ 5,000          | \$ 5,000          | \$ 5,000          |
| Audit Services                                | 6212.00-952-0-99 | \$ 5,250          | \$ 5,500          | \$ 5,500          |
| Tax Evaluation- T.Y. Pickett                  | 6213.00-952-0-99 | \$ 47,000         | \$ 48,700         | \$ 48,700         |
| Data Processing Services                      | 6218.00-952-0-99 | \$ 5,000          | \$ 5,000          | \$ 5,000          |
| Appraisal Review Board                        | 6219.00-952-0-99 | \$ 6,000          | \$ 6,000          | \$ 6,000          |
| Contracted Services- Software                 | 6249.00-952-0-99 | \$ 42,100         | \$ 42,100         | \$ 43,121         |
| Equipment Repair                              | 6249.01-952-0-99 | \$ 3,000          | \$ 3,000          | \$ 1,500          |
| Contracted Maintenance- MAP                   | 6249.P2-952-0-99 | \$ 2,500          | \$ 2,500          | \$ 5,383          |
| Contracted Maintenance- Copier                | 6249.P5-952-0-99 | \$ 1,750          | \$ 1,850          | \$ 1,850          |
| Building Rental                               | 6269.01-952-0-99 | \$ 20,000         | \$ 20,000         | \$ 20,000         |
| <b>Professional &amp; Contracted Services</b> |                  | <b>\$ 138,800</b> | <b>\$ 140,850</b> | <b>\$ 143,254</b> |

**6300 Supplies & Materials**

|                                 |                  | 2010-2011        | 2011-2012        | 2012-2013        |
|---------------------------------|------------------|------------------|------------------|------------------|
| Vehicle Supplies                | 6311.00-952-0-99 | \$ 8,000         | \$ 8,000         | \$ 8,000         |
| Books & Magazines               | 6329.00-952-0-99 | \$ 2,000         | \$ 2,000         | \$ 2,000         |
| Computer Supplies               | 6397.00-952-0-99 | \$ 4,000         | \$ 4,000         | \$ 4,000         |
| General Supplies                | 6399.00-952-0-99 | \$ 13,000        | \$ 13,000        | \$ 13,000        |
| <b>Supplies &amp; Materials</b> |                  | <b>\$ 27,000</b> | <b>\$ 27,000</b> | <b>\$ 27,000</b> |

**6400 Other Operating Costs**

|                              |                  | 2010-2011        | 2011-2012        | 2012-2013        |
|------------------------------|------------------|------------------|------------------|------------------|
| Travel                       | 6411.00-952-0-99 | \$ 3,000         | \$ 3,000         | \$ 3,000         |
| Insurance & Bonding Expenses | 6429.00-952-0-99 | \$ 9,000         | \$ 9,000         | \$ 9,000         |
| Fees & Dues                  | 6499.00-952-0-99 | \$ 5,500         | \$ 5,500         | \$ 5,500         |
| Misc. Expenses               | 6499.01-952-0-99 | \$ 3,000         | \$ 3,000         | \$ 3,000         |
| <b>Other Operating Costs</b> |                  | <b>\$ 20,500</b> | <b>\$ 20,500</b> | <b>\$ 20,500</b> |

**6500 Debt Service**

|                       |                  | 2010-2011   | 2011-2012   | 2012-2013   |
|-----------------------|------------------|-------------|-------------|-------------|
| Computer Note Payment | 6512.00-952-0-99 | \$ -        | \$ -        | \$ -        |
| Interest on Loan      | 6522.00-952-0-99 | \$ -        | \$ -        | \$ -        |
| <b>Debt Service</b>   |                  | <b>\$ -</b> | <b>\$ -</b> | <b>\$ -</b> |

**6600 Capital Outlay- Land, Buildings & Equip.**

|   |                  | 2010-2011        | 2011-2012        | 2012-2013        |
|---|------------------|------------------|------------------|------------------|
| Vehicles  | 6631.00-952-0-99 | \$ -             | \$ -             | \$ -             |
| Fixed Assets- >\$5000                               | 6638.00-952-0-99 | \$ -             | \$ -             | \$ -             |
| Fixed Assets  | 6639.00-952-0-99 | \$ -             | \$ -             | \$ -             |
| Fixed Assets- Unit<\$5000                           | 6649.00-952-0-99 | \$ 11,000        | \$ 11,000        | \$ 11,000        |
| Capital Outlay-Special Projects                     | 6649.SP-952-0-99 | \$ -             | \$ -             | \$ -             |
| <b>Capital Outlay- Land, Buildings &amp; Equip.</b> |                  | <b>\$ 11,000</b> | <b>\$ 11,000</b> | <b>\$ 11,000</b> |

51 Plant Maintenance and Operations

**6200 Professional & Contracted Services(51)**

|   |                  | 2010-2011        | 2011-2012        | 2012-2013        |
|---|------------------|------------------|------------------|------------------|
| Servicemaster                                     | 6248.00-952-0-99 | \$ 5,500         | \$ 5,500         | \$ 5,600         |
| Water   | 6255.00-952-0-99 | \$ 1,000         | \$ 1,000         | \$ 1,000         |
| Telephone   | 6256.00-952-0-99 | \$ 3,600         | \$ 3,000         | \$ 3,000         |
| Electricity                                       | 6257.00-952-0-99 | \$ 12,000        | \$ 12,000        | \$ 12,000        |
| Garbage & Sewer                                   | 6259.00-952-0-99 | \$ 1,200         | \$ 1,200         | \$ 1,200         |
| Natural Gas                                       | 6258.00-952-0-99 | \$ 750           | \$ 750           | \$ 750           |
| <b>Professional &amp; Contracted Services(51)</b> |                  | <b>\$ 24,050</b> | <b>\$ 23,450</b> | <b>\$ 23,550</b> |

**Budget                      2010-2011                      2011-2012                      2012-2013**

**Washington County Appraisal District  
2012-2013 Budget  
Proposed  
May 22, 2012**

|   |  |                   |                   |                   |
|---|--|-------------------|-------------------|-------------------|
| <b>Payroll Costs</b>                                |  | \$ 431,479        | \$ 435,794        | \$ 469,027        |
| <b>Professional &amp; Contracted Services (41)</b>  |  | \$ 138,800        | \$ 140,850        | \$ 143,254        |
| <b>Supplies &amp; Materials</b>                     |  | \$ 27,000         | \$ 27,000         | \$ 27,000         |
| <b>Other Operating Costs</b>                        |  | \$ 20,500         | \$ 20,500         | \$ 20,500         |
| <b>Debt Service</b>                                 |  | \$ -              | \$ -              | \$ -              |
| <b>Capital Outlay- Land, Buildings &amp; Equip.</b> |  | \$ 11,000         | \$ 11,000         | \$ 11,000         |
| <b>Professional &amp; Contracted Services(51)</b>   |  | \$ 24,050         | \$ 23,450         | \$ 23,550         |
| <b>Totals</b>                                       |  | <b>\$ 652,829</b> | <b>\$ 658,594</b> | <b>\$ 694,331</b> |

| <b>Entity/ Appraisal Allocation</b> | <b>2011 Levy</b> |        | <b>Entity Cost</b> |
|-------------------------------------|------------------|--------|--------------------|
| Brenham ISD                         | \$ 23,231,849    | 50.17% | \$ 348,338         |
| Burton ISD                          | \$ 4,266,432     | 9.21%  | \$ 63,971          |
| City of Brenham                     | \$ 5,422,315     | 11.71% | \$ 81,302          |
| City of Burton                      | \$ 81,835        | 0.18%  | \$ 1,227           |
| Oak Hill FWD                        | \$ 111,233       | 0.24%  | \$ 1,668           |
| Washington County General           | \$ 7,906,357     | 17.07% | \$ 118,548         |
| Washington County F&M               | \$ 3,616,794     | 7.81%  | \$ 54,230          |
| Blinn College                       | \$ 1,479,882     | 3.20%  | \$ 22,189          |
| Giddings ISD                        | \$ 190,550       | 0.41%  | \$ 2,857           |
|                                     | \$ 46,307,247    | 100%   | \$ 694,331         |

%Total= 2011 Levy/\$46,307,247

Budget Allocation= % Total Levy x \$ 694,331

| <b>Entity/ Appraisal Allocation</b> | <b>2012 Cost</b> | <b>2011 Cost</b> | <b>Change</b> |                             |
|-------------------------------------|------------------|------------------|---------------|-----------------------------|
| Brenham ISD                         | \$ 348,338       | \$ 330,784       | \$ 17,554     |                             |
| Burton ISD                          | \$ 63,971        | \$ 63,546        | \$ 425        |                             |
| City of Brenham                     | \$ 81,302        | \$ 72,506        | \$ 8,796      |                             |
| City of Burton                      | \$ 1,227         | \$ 1,052         | \$ 175        |                             |
| Oak Hill FWD                        | \$ 1,668         | \$ 1,494         | \$ 174        |                             |
| Washington County General           | \$ 118,548       | \$ 112,669       | \$ 5,879      |                             |
| Washington County F&M               | \$ 54,230        | \$ 52,776        | \$ 1,454      |                             |
| Blinn College                       | \$ 22,189        | \$ 21,224        | \$ 965        |                             |
| Giddings ISD                        | \$ 2,857         | \$ 2,543         | \$ 315        |                             |
|                                     |                  | \$ 35,737        |               | <b>Increase<br/>5.4262%</b> |



**AGENDA ITEM 15**

|   |   |  |
|---|---|--|
| <b>DATE OF MEETING:</b> June 7, 2012  |   | <b>DATE SUBMITTED:</b> May 24, 2012              |
| <b>DEPT. OF ORIGIN:</b> Public Works  |   | <b>SUBMITTED BY:</b> Kim Hodde                   |
| <b>MEETING TYPE:</b>  | <b>CLASSIFICATION:</b>                      | <b>ORDINANCE:</b>                                |
| <input checked="" type="checkbox"/> REGULAR   | <input type="checkbox"/> PUBLIC HEARING     | <input type="checkbox"/> 1 <sup>ST</sup> READING |
| <input type="checkbox"/> SPECIAL  | <input type="checkbox"/> CONSENT            | <input type="checkbox"/> 2 <sup>ND</sup> READING |
| <input type="checkbox"/> EXECUTIVE SESSION  | <input checked="" type="checkbox"/> REGULAR | <input checked="" type="checkbox"/> RESOLUTION   |
|   | <input type="checkbox"/> WORK SESSION       |  |
| <b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon Resolution R-12-010 Authorizing Execution of an Agreement with TxDOT for the Temporary Closure of State Right-of-Way in Connection with the 2012 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be Held on July 7, 14, 21, and 28, 2012   |   |  |
| <b>SUMMARY STATEMENT:</b> The Downtown Summer Concert Series (Hot Nights, Cool Tunes) is sponsored by Main Street Brenham. These are free concerts for the public. This year's concerts will be held on July 7, July 14, July 21, and July 28, 2012 from 7:00 pm - 10:30-11:00 pm. One lane of Alamo Street will be closed between Park Street and Market Street from 2:30 pm to 11:30 pm then all of Alamo Street will be closed between Austin Street and Market Street from 4:30 pm to 11:30 pm. Food and beverage booths and kids activities will be set up along the street as well as a classic car cruise-in with people sitting and enjoying the entertainment. |   |  |
| <b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>   |   |  |
| A. PROS:  |   |  |
| B. CONS:  |   |  |
| <b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A   |   |  |
| <b>ATTACHMENTS:</b> (1) Resolution R-12-010; (2) Agreement with TxDOT for the Temporary Closure of State Right-of-Way; and (3) Application for Event Permit   |   |  |
| <b>FUNDING SOURCE (Where Applicable):</b> N/A   |   |  |
| <b>RECOMMENDED ACTION:</b> Approve Resolution R-12-010 authorizing execution of an agreement with TxDOT for the temporary closure of state right-of-way in connection with the 2012 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held on July 7, 14, 21, and 28, 2012.   |   |  |
| <b>APPROVALS:</b> Doug Baker, Rex Phelps, and Ricky Boeker  |   |  |

**RESOLUTION R-12-010**

THE STATE OF TEXAS

COUNTY OF WASHINGTON

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

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

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

WHEREAS, the City Council of the City of Brenham has considered the foregoing and the aforesaid contract and have agreed to be bound by the provisions thereof for the purpose of closing said streets for the 2012 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held on July 7, July 14, July 21, and July 28, 2012.

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

The Mayor of Brenham, acting on behalf of the City Council of the City of Brenham is hereby authorized to execute the attached agreement with the Texas Department of Transportation in connection with the closure of state highways within the City of Brenham associated with the 2012 Downtown Summer Concert Series (Hot Nights, Cool Tunes). This resolution is effective upon its adoption.

Adopted this the 7<sup>th</sup> day of June, 2012.

\_\_\_\_\_  
Milton Y. Tate, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Jeana Bellinger, City Secretary

STATE OF TEXAS           §  
COUNTY OF TRAVIS       §

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

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

**W I T N E S S E T H**

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

**WHEREAS**, the local government has requested the temporary closure of Alamo Street (Business 290) for the purpose of the 2012 Downtown Summer Concert Series (Hot Nights, Cool Tunes), from 2:30 pm to 11:30 pm on July 7, July 14, July 21 and July 28, 2012 as described in the attached "Exhibit A," hereinafter identified as the "Event;" and

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

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

**WHEREAS**, on the 7<sup>th</sup> day of June, 2012, the Brenham City Council passed Resolution/ Ordinance No. \_\_\_\_\_, attached hereto and identified as "Exhibit B," establishing that the Event serves a public purpose and authorizing the local government to enter into this agreement with the State; and

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

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

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

**A G R E E M E N T**

**Article 1. CONTRACT PERIOD**

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

## **Article 2. EVENT DESCRIPTION**

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

## **Article 3. OPERATIONS OF THE EVENT**

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

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

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

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

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

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

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

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

#### **Article 4. OWNERSHIP OF DOCUMENTS**

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

#### **Article 5. TERMINATION**

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

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

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

#### **Article 6. DISPUTES**

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

#### **Article 7. RESPONSIBILITIES OF THE PARTIES**

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

**Article 8. INSURANCE**

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

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

**Article 9. AMENDMENTS**

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

**Article 10. COMPLIANCE WITH LAWS**

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

**Article 11. LEGAL CONSTRUCTION**

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

**Article 12. NOTICES**

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

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

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

**Article 13. SOLE AGREEMENT**

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

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

**THE CITY OF BRENHAM**

Executed on behalf of the local government by:

By \_\_\_\_\_ Date \_\_\_\_\_  
City Official

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

**THE STATE OF TEXAS**

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

By \_\_\_\_\_ Date \_\_\_\_\_  
District Engineer

## Exhibit A

This request is for closure of Alamo Street from Market Street to Austin Street as follows:

One lane of Alamo Street from Park Street to Market Street closed at 2:30 pm; Both lanes of Alamo Street from Austin Street to Market Street closed at 4:30pm

on July 7, July 14, July 21, and July 28, 2012

### Date and Time of Closure

One lane of Alamo Street from Park Street to Market Street to be closed from 2:30 p.m. until 11:30 p.m. then both lanes of Alamo Street from Austin Street to Market Street to be closed from 4:30 pm to 11:30 pm on July 7, July 14, July 21, and July 28, 2012

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

The proposed activity that requires these street closures is the

2012 Downtown Summer Concert Series (Hot Nights, Cool Tunes)

## Exhibit B

RESOLUTION NO. \_\_\_\_\_

THE STATE OF TEXAS

COUNTY OF WASHINGTON

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

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

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

WHEREAS, the City Council of the City of Brenham has considered the foregoing and the aforesaid contract and have agreed to be bound by the provisions thereof for the purpose of closing said streets for the 2012 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held on July 7, July 14, July 21, and July 28, 2012.

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

The Mayor of Brenham, acting on behalf of the City Council of the City of Brenham is hereby authorized to execute the attached agreement with the Texas Department of Transportation in connection with the closure of state highways within the City of Brenham associated with the 2012 Downtown Summer Concert Series (Hot Nights, Cool Tunes). This resolution is effective upon its adoption.

Adopted this the 7<sup>th</sup> day of June, 2012.

\_\_\_\_\_  
Milton Y. Tate, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Jeana Bellinger, City Secretary

## **Exhibit C**

The Downtown Summer Concert Series (Hot Nights, Cool Tunes) is sponsored by Main Street Brenham. These are free concerts for the public with food and beverage booths, kid's activities as well as a classic car cruise-in. People will bring their lawn chairs and set them up in the street and enjoy the fellowship and entertainment. This year's concerts will be held on July 7, July 14, July 21 and July 28, 2012. One lane of Alamo Street between Park Street and Market Street will be closed beginning at 2:30 pm then both lanes of Alamo Street will be closed between Austin Street and Market Street from 4:30 pm to 11:30 pm.

APPLICATION FOR EVENT PERMIT (WITH STREET CLOSURES)

1. Name of sponsoring organization: Main Street Brenham

2. Name of individual making application on behalf of sponsoring organization: \_\_\_\_\_

Jennifer Eckermann; P.O. Box 1059; Brenham, Tx 77833

3. Proposed date(s) of event: July 7, July 14, July 21 & July 28, 2012

4. Purpose of the event: Summer Concert Series

5. Proposed street closures for the event: Alamo Street from Austin to Market at 4:30 pm; one lane, starting @ Park Street @ 2:30 pm.

6. Proposed times of street closures (allowing for assembly/set-up and breakdown/cleanup):

Proposed closure date and time: July 7, July 14, July 21, July 28 @ 4:30 pm

Closure requested until: 11:30 pm (or until stage is removed)

7. Event start date and time: July 7, July 14, July 21, July 28 @ 7:00 pm

8. Event termination date and time: July 7, July 14, July 21, July 28 @ 10:45 pm

9. Describe types of activities planned (entertainment, food booths, theme of items for sale, etc):

Free concerts, food & beverage booths, kids activity, Classic Car Cruise-In.

10. Estimated attendance (event organizers and spectators): 3,000 each night

11. Special Requests and/or additional information peculiar to this event: We will need Park St, between Main + Alamo Streets closed at 2:30 too, please.

Jennifer Eckermann  
Name of Applicant (typed or printed)

Jennifer Eckermann  
Applicant or Authorized Person's Signature

Date: 5-3-12

979-337-7384  
Telephone Number

EVENT PERMIT (WITH STREET CLOSURES)

1. Street Closure Times: Beginning at July 7, July 14, July 21, July 28 @ 4:30pm (Date and time), Ending at July 7, July 14, July 21, July 28 @ 11:30pm (Date and time) (or until stage is removed)

2. Street Closings: Alamo Street from Austin St. to Market St. @ 4:30pm, Alamo Street from Park St. to St. Charles @ 2:30pm, Park Street from Main St. to Alamo St. @ 2:30pm

Exceptions/additional information:

3. Event set-up times: From 2:30pm to 7:00pm

4. Event start time: 7:00pm

5. Event closing time: 10:30 - 11:00pm

6. Breakdown/cleanup: From 10:30 to 11:30 (or until stage removed)

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

CITY OF BRENHAM

By: Director of Public Works

Jennifer Eckermann Applicant

Date:

Date: 5-3-12

CITY STAFF REVIEW

Date received: 5-7-12

\*\*\*\*\*

APPROVED/DENIED:

  
\_\_\_\_\_  
Chief of Police

Date: \_\_\_\_\_

City support requirements and rates, if any: \_\_\_\_\_

Comments: \_\_\_\_\_

\*\*\*\*\*

APPROVED/DENIED:

  
\_\_\_\_\_  
Chief of Fire Department

Date: 5-15-12

City support requirements and rates, if any: \_\_\_\_\_

Comments: \_\_\_\_\_

\*\*\*\*\*

APPROVED/DENIED:

\_\_\_\_\_  
Traffic Operations

Date: \_\_\_\_\_

City support requirements and rates, if any: \_\_\_\_\_

Comments: \_\_\_\_\_

\*\*\*\*\*



## AGENDA ITEM 16

|   |   |  |
|---|---|--|
| <b>DATE OF MEETING:</b> June 7, 2012  | <b>DATE SUBMITTED:</b> May 30, 2012         |  |
| <b>DEPT. OF ORIGIN:</b> Public Works  | <b>SUBMITTED BY:</b> Kim Hodde              |  |
| <b>MEETING TYPE:</b>  | <b>CLASSIFICATION:</b>                      | <b>ORDINANCE:</b>                                |
| <input checked="" type="checkbox"/> REGULAR   | <input type="checkbox"/> PUBLIC HEARING     | <input type="checkbox"/> 1 <sup>ST</sup> READING |
| <input type="checkbox"/> SPECIAL  | <input type="checkbox"/> CONSENT            | <input type="checkbox"/> 2 <sup>ND</sup> READING |
| <input type="checkbox"/> EXECUTIVE SESSION  | <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> RESOLUTION              |
|   | <input type="checkbox"/> WORK SESSION       |  |
| <b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon a Request for a Noise Variance in Connection with Hot Nights, Cool Tunes Summer Concert Series to be Held from 4:00 P.M. to 11:00 P.M. on July 7, 14, 21, and 28, 2012  |   |  |
| <b>SUMMARY STATEMENT:</b> I received a request from Main Street Brenham for a variance to the Noise Ordinance for the 4-night concert series this year. The dates and times include Saturday, July 7; Saturday, July 14; Saturday, July 21; and Saturday, July 28; from 2:30 p.m. (when sound set-up begins) until 11:30 p.m. when clean-up is through. There will be a free concert, children's activities, food and beverage sales and a classic car cruise-in. |   |  |
| <b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>   |   |  |
| A. PROS:  |   |  |
| B. CONS:  |   |  |
| <b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A   |   |  |
| <b>ATTACHMENTS:</b> Noise Variance Request  |   |  |
| <b>FUNDING SOURCE (Where Applicable):</b> N/A   |   |  |
| <b>RECOMMENDED ACTION:</b> Approve a request for a noise variance in connection with Hot Nights, Cool Tunes Summer Concert Series to be held from 4:00 P.M. to 11:00 P.M. on July 7, 14, 21, and 28, 2012.  |   |  |
| <b>APPROVALS:</b> Doug Baker, Rex Phelps, and Ricky Boeker  |   |  |

NOISE VARIANCE REQUEST

Application Fee \$10.00

1. Name of sponsoring organization: Main Street Brenham

2. Name and address of individual making application on behalf of sponsoring organization: Jennifer Eckermann; P.O. Box 1059; Brenham, Tx 77834

3. Purpose of the Event: Downtown Summer Concert Series

4. Location of Event: Downtown Brenham

5. Date of the event: July 7, July 14, July 21, July 28 2012

6. Time of Event: 7:00 pm

7. Event Set-up: From: 2:30 pm To: 7:00 pm

Event Clean-up: From: 10:30 pm To: 11:30 pm (or until stage removed)

8. You are required to describe the following:

a) Types of Activities Planned and any additional information specific to this event: Free concert; kids activity; food + beverage sales; classic car Cruise-In.

b) Bands/Musical Instruments: yes

c) Sound amplification equipment: yes

d) Cleanup provisions: yes

Jennifer Eckermann  
Name of Applicant (Printed or Typed)

Date: 5-3-12

Jennifer Eckermann  
Applicant or Authorized Person's Signature

Phone: 973-337-7384

Have you ever been found guilty of a criminal offense involving crimes against property, moral turpitude, and/or a felony by any Court? Yes  No. If "Yes", please identify the offense, State of conviction and penalty imposed (attach additional sheets if necessary):

CITY STAFF REVIEW

Date received: 5-7-12

\*\*\*\*\*

[Signature]  
APPROVED

\_\_\_\_\_ DENIED

\_\_\_\_\_  
Rex Phelps, Chief of Police

Date: \_\_\_\_\_

Comments/Reason for Denial:  
\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

APPROVED

\_\_\_\_\_ DENIED

[Signature]

\_\_\_\_\_  
Ricky Becker, Chief of Fire Department

Date: 5-15-12

Comments/Reason for Denial: \_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

Noise Variance Approved by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Milton Y. Tate, Jr., Mayor

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Jeana Bellinger, City Secretary

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**AGENDA ITEM 17**

|  |   |  |  |
|--|---|--|--|
| <b>DATE OF MEETING:</b> June 7, 2012   |   | <b>DATE SUBMITTED:</b> May 30, 2012              |  |
| <b>DEPT. OF ORIGIN:</b> Public Works   |   | <b>SUBMITTED BY:</b> Kim Hodde                   |  |
| <b>MEETING TYPE:</b>   | <b>CLASSIFICATION:</b>                      | <b>ORDINANCE:</b>                                |  |
| <input checked="" type="checkbox"/> REGULAR  | <input type="checkbox"/> PUBLIC HEARING     | <input type="checkbox"/> 1 <sup>ST</sup> READING |  |
| <input type="checkbox"/> SPECIAL   | <input type="checkbox"/> CONSENT            | <input type="checkbox"/> 2 <sup>ND</sup> READING |  |
| <input type="checkbox"/> EXECUTIVE SESSION   | <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> RESOLUTION              |  |
|  | <input type="checkbox"/> WORK SESSION       |  |  |
| <b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon a Request for a Noise Variance from Kendrick Shepard for Revival Services to be Held at Hattie Mae Flowers Park from 6:30 P.M. to 8:30 P.M. on June 15, 16, and 17, 2012   |   |  |  |
| <b>SUMMARY STATEMENT:</b> Kendrick Shepard of “All Souls Are Mine Holy Ghost Revivals” has requested a variance to the noise ordinance for revival services preaching the word of God that are being held at Hattie Mae Flowers Park on June 15, 16, & 17, 2012 from 6:30 am to 8:30 pm. They will be using sound amplification equipment and musical instruments. The Brenham Police Department does not object to granting the variance, and therefore, asks the City Council to approve the variance request. |   |  |  |
| <b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>  |   |  |  |
| A. PROS:   |   |  |  |
| B. CONS:   |   |  |  |
| <b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A  |   |  |  |
| <b>ATTACHMENTS:</b> Noise Variance Request   |   |  |  |
| <b>FUNDING SOURCE (Where Applicable):</b> N/A  |   |  |  |
| <b>RECOMMENDED ACTION:</b> Approve a request for a noise variance from Kendrick Shepard for revival services to be held at Hattie Mae Flowers Park from 6:30 P.M. to 8:30 P.M. on June 15, 16, and 17, 2012.   |   |  |  |
| <b>APPROVALS:</b> Doug Baker, Rex Phelps, and Ricky Boeker   |   |  |  |

NOISE VARIANCE REQUEST

Application Fee \$10.00

1. Name of sponsoring organization: All Souls Are Mine Holy Ghost Revivals

2. Name and address of individual making application on behalf of sponsoring organization: Kendrick Shepard  
701 W. Wilkins St Brenham, TX 77833

3. Purpose of the Event: Preach the word of God

4. Location of Event: Hattie Mae Flowers ~~Annie Mae~~ Park off MLK St.

5. Date of the event: ~~5-25, 26, 27 2012~~ June 15, 16, 17, 2012 \*  
per Mr Shepard 5/15/12

6. Time of Event: 6:30 to 8:30pm

7. Event Set-up: From: no set up just pulling up a Truck. To:

Event Clean-up: From: NA To: NA

8. You are required to describe the following:

a) Types of Activities Planned and any additional information specific to this event: Nothing but just speaking the word of God

b) Bands/Musical Instruments: NA

c) Sound amplification equipment: yes. I will have microphone and speakers

d) Cleanup provisions: nothing will be sold

Kendrick Shepard  
Name of Applicant (Printed or Typed)

Date: 5-14-12

Kendrick Shepard  
Applicant or Authorized Person's Signature

Phone: (979) 525-6030

Have you ever been found guilty of a criminal offense involving crimes against property, moral turpitude, and/or a felony by any Court? Yes  No. If "Yes", please identify the offense, State of conviction and penalty imposed (attach additional sheets if necessary):

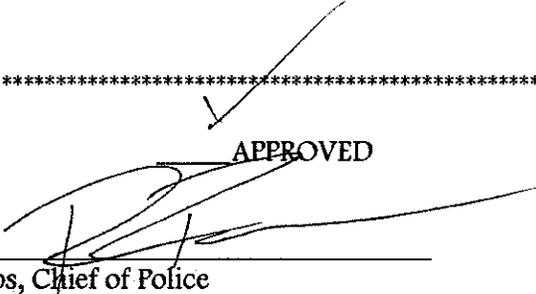
CITY STAFF REVIEW

Date received: 5-14-12

\*\*\*\*\*

APPROVED

DENIED



Date: 5-18-12

Rex Phelps, Chief of Police

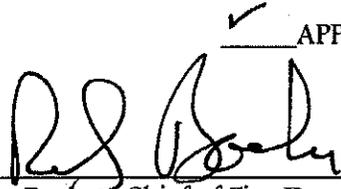
Comments/Reason for Denial:

\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

APPROVED

DENIED



Date: 5-24-12

Ricky Boeker, Chief of Fire Department

Comments/Reason for Denial:

\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

Noise Variance Approved by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Milton Y. Tate, Jr., Mayor

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Jeana Bellinger, City Secretary

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## AGENDA ITEM 18

|   |   |   |
|---|---|---|
| <b>DATE OF MEETING:</b> June 7, 2012  | <b>DATE SUBMITTED:</b> June 1, 2012         |   |
| <b>DEPT. OF ORIGIN:</b> Administration  | <b>SUBMITTED BY:</b> Jeana Bellinger        |   |
| <b>MEETING TYPE:</b>  | <b>CLASSIFICATION:</b>                      | <b>ORDINANCE:</b>   |
| <input checked="" type="checkbox"/> REGULAR   | <input type="checkbox"/> PUBLIC HEARING     | <input checked="" type="checkbox"/> 1 <sup>ST</sup> READING |
| <input type="checkbox"/> SPECIAL  | <input type="checkbox"/> CONSENT            | <input type="checkbox"/> 2 <sup>ND</sup> READING            |
| <input type="checkbox"/> EXECUTIVE SESSION  | <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> RESOLUTION                         |
|   | <input type="checkbox"/> WORK SESSION       |   |
| <b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon an Ordinance on Its First Reading to Amend Chapter 2, Administration, of the Code of Ordinances of the City of Brenham for the Purpose of Repealing Article II, Planning and Zoning Commission, and Providing for a New Article II, Reserved, for Future Amendments to Chapter 2  |   |   |
| <b>SUMMARY STATEMENT:</b> While renumbering and reorganizing Chapter 2, I discovered there was language related to the Planning and Zoning Commission that did not belong in Chapter 2 and was possibly a duplication of wording already contained in the Zoning section of the Code.<br><br>Community Development Director, Julie Fulgham, reviewed the wording and verified it was duplication and the City Attorney agreed that the wording could be removed from Chapter 2. |   |   |
| <b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>   |   |   |
| A. PROS:  |   |   |
| B. CONS:  |   |   |
| <b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>   |   |   |
| <b>ATTACHMENTS:</b> (1) Draft of new Ordinance amending Chapter 2   |   |   |
| <b>FUNDING SOURCE (Where Applicable):</b> N/A   |   |   |
| <b>RECOMMENDED ACTION:</b> Approve an Ordinance on its first reading to amend Chapter 2, Administration, of the Code of Ordinances of the City of Brenham for the purpose of repealing Article II, Planning and Zoning Commission, and providing for a new Article II, Reserved, for future amendments to Chapter 2.  |   |   |
| <b>APPROVALS:</b> Terry K. Roberts  |   |   |

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS FOR THE PURPOSE OF REPEALING ARTICLE II, PLANNING AND ZONING COMMISSION; PROVIDING FOR A NEW ARTICLE II, RESERVED, FOR FUTURE AMENDMENTS TO CHAPTER 2; PROVIDING FOR A REPEALER AND SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND OPEN MEETINGS**

**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**, Article II, Planning and Zoning, in Chapter 2, Administration, of the City of Brenham’s Code of Ordinances shall be repealed and replaced with reservation wording for future amendments to Chapter 2; 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.**

Article II, Planning and Zoning Commission, in Chapter 2, Administration, of the Code of Ordinances of the City of Brenham is hereby repealed:

**SECTION 2.**

Chapter 2, Administration, of the Code of Ordinances of the City of Brenham shall be amended to read as follows:

**ARTICLE II.  
RESERVED**

**Sec. 2-10 - 2-19. 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 7<sup>th</sup> day of June, 2012.

**PASSED AND APPROVED** on its second reading this the 21<sup>st</sup> day of June, 2012.

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Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

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Jeana Bellinger, TRMC  
City Secretary



## AGENDA ITEM 19

|  |   |  |
|--|---|--|
| <b>DATE OF MEETING:</b> June 7, 2012   | <b>DATE SUBMITTED:</b> May 31, 2012         |  |
| <b>DEPT. OF ORIGIN:</b> Fire   | <b>SUBMITTED BY:</b> Ricky Boeker           |  |
| <b>MEETING TYPE:</b>   | <b>CLASSIFICATION:</b>                      | <b>ORDINANCE:</b>                                |
| <input checked="" type="checkbox"/> REGULAR  | <input type="checkbox"/> PUBLIC HEARING     | <input type="checkbox"/> 1 <sup>ST</sup> READING |
| <input type="checkbox"/> SPECIAL   | <input type="checkbox"/> CONSENT            | <input type="checkbox"/> 2 <sup>ND</sup> READING |
| <input type="checkbox"/> EXECUTIVE SESSION   | <input checked="" type="checkbox"/> REGULAR | <input checked="" type="checkbox"/> RESOLUTION   |
|  | <input type="checkbox"/> WORK SESSION       |  |
| <b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon Resolution R-12-011 Authorizing the Acceptance of a 2011 Ford F-550 4x4 Booster Truck from the Brenham Fire Department Members   |   |  |
| <b>SUMMARY STATEMENT:</b> The membership of the Brenham Fire Department which is a 501 (c)(4) organization has purchased the last three booster fire trucks for the City of Brenham. The membership has always mandated that the Department have the best and most dependable equipment available. This is why they continue to purchase these trucks. Our 2001 Booster truck was starting to have some maintenance issues which we had repaired. The membership decided to apply for a Texas Forest Service Grant for a replacement instead of repairing it again. The membership felt that with the grant and the sale of the old truck we would come very close to being able to replace it with a new truck and if there were any short falls the membership would make up the difference. The Brenham Fire Department Membership has completed this project and wishes to give to the City of Brenham a 2011 Ford F550 4X4 Booster Truck with assorted tools for Wildland firefighting. It is because of our members and the support that we get from our community that we are able to keep the tradition going by giving this truck to the Citizens of Brenham. |   |  |
| <b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>  |   |  |
| A. PROS:   |   |  |
| B. CONS:   |   |  |
| <b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A  |   |  |
| <b>ATTACHMENTS:</b> (1) Resolution R-12-011, and (2) Bill of Sale  |   |  |
| <b>FUNDING SOURCE (Where Applicable):</b> N/A  |   |  |
| <b>RECOMMENDED ACTION:</b> Approve Resolution R-12-011 authorizing the acceptance of a 2011 Ford F-550 4x4 booster truck from the Brenham Fire Department Members.   |   |  |
| <b>APPROVALS:</b> Ricky Boeker   |   |  |

**RESOLUTION R-12-011**

**A RESOLUTION OF THE CITY OF BRENHAM, TEXAS AUTHORIZING THE ACCEPTANCE OF A 2011 FORD F-550 4X4 BOOSTER TRUCK FROM THE BRENHAM FIRE DEPARTMENT MEMBERS**

**WHEREAS**, on April 21, 2011 the City Council voted to sell the Brenham Fire Department's 2001 Ford F-550 4x4 Booster Truck and designate the proceeds as matching funds for a Texas Forest Service Grant for the acquisition of a new booster truck; and

**WHEREAS**, the City Council agreed that the Brenham Fire Department Members would apply for the Texas Forest Service Grant and, therefore, the proceeds from the sale of the truck would be provided to the members for the acquisition of a new booster truck; and

**WHEREAS**, on March 1, 2012 the Chappell Hill Volunteer Fire Department purchased the truck from the City of Brenham for \$32,000; and

**WHEREAS**, on February 3, 2012 the Brenham Fire Department Members purchased a 2011 Ford F-550 4x4 Booster Truck using proceeds from the sale of the 2001 booster truck (\$32,000), the Texas Forest Service Grant (\$78,000) and volunteer fire department organization funds; and

**WHEREAS**, the Brenham Fire Department Members desire to donate the 2011 Ford F-550 4x4 Booster Truck to the City of Brenham, and the City Council desires to accept the donation of the 2011 Booster Truck and acquire full and unencumbered title and all rights of ownership pertaining to the 2011 Booster Truck;

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

The City of Brenham hereby accepts the 2011 Ford F-550 4x4 Booster Truck asset valued at \$103,940.31, acquires full and unencumbered title and all rights of ownership pertaining to the 2011 Booster Truck, and authorizes the Mayor to execute any necessary documentation.

**PASSED and APPROVED** on this 7<sup>th</sup> day of June, 2012.

\_\_\_\_\_  
Milton Y. Tate, Jr., Mayor

**ATTEST**

\_\_\_\_\_  
Jeana Bellinger, TRMC  
City Secretary

## Bill of Sale

**Date:** June \_\_\_\_\_, 2012

**Seller:** Brenham Fire Department

**Seller's Mailing Address:**

Brenham Fire Department  
101 N. Chappell Hill Street  
Brenham, TX 77833  
Washington County

**Buyer:** City of Brenham, a Texas home-rule municipality

**Buyer's Mailing Address:**

P.O. Box 1059  
Brenham, TX 77834-1059  
Washington County

**Consideration:**

Seller's intention to make a gift, as a charitable contribution under applicable income tax laws and regulations.

**Transferred Property:**

2011 Ford F550 4x4 Booster Truck  
VIN# 1FDUF5HT7BEC95711

**Reservations from Transfer:**

None.

**Exceptions to Transfer and Warranty:**

None.

Seller, for the Consideration and subject to the Reservations from Transfer and the Exceptions to Transfer and Warranty, sells, transfers, and delivers the Transferred Property to Buyer, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Buyer and Buyer's heirs, successors, and assigns forever.

**SELLER HAS MADE NO AFFIRMATION OF FACT OR PROMISE RELATING TO THE TRANSFERRED PROPERTY THAT HAS BECOME ANY BASIS OF THIS BARGAIN, AND FURTHER, SELLER HAS MADE NO AFFIRMATION OF FACT OR PROMISE RELATING TO THE TRANSFERRED PROPERTY THAT WOULD CONFORM TO ANY SUCH AFFIRMATION OR PROMISE. SELLER DISCLAIMS ANY WARRANTY OF FITNESS FOR ANY PARTICULAR PURPOSE WHATSOEVER WITH RESPECT TO THE TRANSFERRED PROPERTY. THE TRANSFERRED PROPERTY IS SOLD ON AN "AS IS" BASIS.**

When the context requires, singular nouns and pronouns include the plural.

**Seller: Brenham Fire Department**

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Buyer: City of Brenham, Texas**

\_\_\_\_\_  
Milton Y. Tate, Jr., Mayor



**AGENDA ITEM 20**

|   |   |  |
|---|---|--|
| <b>DATE OF MEETING:</b> June 7, 2012  | <b>DATE SUBMITTED:</b> June 1, 2012         |  |
| <b>DEPT. OF ORIGIN:</b> Administration  | <b>SUBMITTED BY:</b> Terry K. Roberts       |  |
| <b>MEETING TYPE:</b>  | <b>CLASSIFICATION:</b>                      | <b>ORDINANCE:</b>                                |
| <input checked="" type="checkbox"/> REGULAR   | <input type="checkbox"/> PUBLIC HEARING     | <input type="checkbox"/> 1 <sup>ST</sup> READING |
| <input type="checkbox"/> SPECIAL  | <input type="checkbox"/> CONSENT            | <input type="checkbox"/> 2 <sup>ND</sup> READING |
| <input type="checkbox"/> EXECUTIVE SESSION  | <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> RESOLUTION              |
|   | <input type="checkbox"/> WORK SESSION       |  |
| <b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon the Election by Council of Mayor Pro Tem  |   |  |
| <p><b>SUMMARY STATEMENT:</b> Article III, Section 12 of the City Charter sets forth the powers and duties of the Mayor Pro Tem. The appointment of the Mayor Pro Tem typically takes place at the first meeting following the May election cycle. With passage of election changes as a result of Senate Bill 100, the municipal elections are now typically held only in odd numbered years. We deferred action to this meeting since we know there would not be full attendance at the last meeting.</p> <p>The Charter language reads as follows: “The city Council shall elect one of their members as Mayor pro-tempore, who in the absence or inability of the Mayor to act may exercise all the powers and authority appertaining to the office of the Mayor.”</p> <p>The Mayor’s duties are set forth in the same section. I have included a copy of that page of the Charter in your agenda packet for review.</p> |   |  |
| <b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>   |   |  |
| <p><b>A. PROS:</b></p> <p><b>B. CONS:</b></p>   |   |  |
| <b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A   |   |  |
| <b>ATTACHMENTS:</b> (1) Section from City Charter dealing with duties of the Mayor and Mayor Pro.   |   |  |
| <b>FUNDING SOURCE (Where Applicable):</b> N/A   |   |  |
| <b>RECOMMENDED ACTION:</b> Appoint a member of City Council to serve as Mayor Pro.  |   |  |
| <b>APPROVALS:</b> Terry K. Roberts  |   |  |

**Sec. 10. [Regular election days].**

The regular municipal elections of the City of Brenham shall be held on the first Saturday in May every year.

(Char. Amend. of 5-6-89, § 2)

**Sec. 10A. Runoff elections.**

In the event any candidate for the Council (including the Mayor) fails to receive a majority of all votes cast for his particular office, at any regular or special election, the Mayor or, if he fails to do so, the Council shall on the first day following the completion of the official count of ballots cast the first election order a runoff election to be held within thirty (30) days following the preceding election, at which election the two (2) candidates receiving the highest number of votes cast for such particular office in the first election at which no one was elected to such office by receiving a majority of all votes cast for all candidates for such particular office shall be voted on again, and the candidate who receives the majority of the votes cast for the particular office in the runoff election shall be elected to such office and shall take office as soon thereafter as he is qualified. In runoffs for the office of Mayor or Councilmembers elected at large, the registered voters of the city as a whole shall vote. In runoffs of Councilmembers for single wards, being any of the Councilmembers from Ward One, Ward Two, Ward Three or Ward Four, only those registered voters in the particular ward shall vote in the runoff election for that particular position.

(Char. Amend. of 4-6-85, § 1; Char. Amend. of 5-6-89, § 9)

**Sec. 11. [Special elections; state election laws control elections].**

All elections provided for in this Charter, except the regular election held on the first Saturday in May of every year, shall be called special elections, and all elections shall be conducted and results canvassed and announced by the election authorities as prescribed by the general election laws of the State of Texas relating to cities and towns, and said general election laws shall control in all municipal elections, except as otherwise herein provided.

(Char. Amend. of 5-6-89, § 5)

**Sec. 12. [General powers and duties of Mayor; Mayor pro tempore].**

The Mayor of the City shall be the presiding officer of the City Council. He shall vote as a member of the City Council on all matters coming before the body; sign all bonds, warrants and other official documents; be the official head of the City, and exercise all powers and perform all duties imposed upon him by this Charter and by the ordinances of the City, and resolutions of the City Council.

The City Council shall elect one of their number as Mayor pro tempore, who in the absence or inability of the Mayor to act, may exercise all the powers and authority appertaining to the office of Mayor.

(Char. Amend. of 5-6-89, § 9)