



**NOTICE OF A REGULAR MEETING  
THE BRENHAM CITY COUNCIL  
THURSDAY AUGUST 2, 2012 AT 1:00 P.M.  
SECOND FLOOR CITY HALL  
COUNCIL CHAMBERS  
200 W. VULCAN  
BRENHAM, TEXAS**

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

Christopher Bugaj – Gas Department	5 years
Denise Pappas – Utility Customer Service	5 years
William Herrin – Street Department	10 years
Lloyd Powell, Jr. – Police Department	15 years
Roger Kmiec – Wastewater Treatment	30 years
- 3-b. New Employees**

Michael Bee – Sanitation
David Herzog – Street Department
Justin Bennett – Water Department
Ryan Pollard – Water Department
- 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. **Discuss and Possibly Act Upon Ordinance O-12-017 Amending the Code of Ordinances of the City of Brenham, Chapter 2, Administration, Article VII, Library Advisory Board, to Provide for the Powers, Duties, Organization, Operation, Board Membership and Additional Matters Related to the Library Advisory Board** **Page 1-8**

## **WORK SESSION**

6. **Presentation of the Quarterly Report by the Washington County Convention and Visitors Bureau** **Page 9-20**

## **REGULAR AGENDA**

7. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 16, Occupational Licenses and Business Regulations, of the Code of Ordinances of the City of Brenham, to Provide for the Regulation of Boarding Homes Located Inside the City Limits** **Page 21-47**
8. **Discuss and Possibly Act Upon a Proposal to Adopt a Tax Rate of \$0.5432 per \$100 Valuation for the 2012 Tax Year, Take Record Vote and Set the Public Hearings on the Proposed Tax Rate in Accordance with State Law** **Page 48**
9. **Discuss and Possibly Act Upon a Request from the Main Street Board Approving the Renewal of a Reserved Parking Space for Hospice Boutique** **Page 49-52**
10. **Discuss and Possibly Act Upon a Contract with J. Stowe & Co. LLC for a Utility Rate and Cost of Service Study for City of Brenham Utilities and Authorize the Mayor to Execute Any Necessary Documentation** **Page 53-62**

**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.

11. **Administrative/Elected Officials Report**

## **Adjourn**

**Executive Sessions:** The City Council for the City of Brenham reserves the right to convene into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas Government Code, Chapter 551, including but not limited to §551.071 – Consultation with Attorney, §551.072 – Real Property, §551.073 – Prospective Gifts, §551.074 - Personnel Matters, §551.076 – Security Devices, §551.086 - Utility Competitive Matters, and §551.087 – Economic Development Negotiations.

**CERTIFICATION**

I certify that a copy of the August 2, 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 July 30, 2012 at 12:20 PM.

*Jeana Bellinger, TRMC*  
*City Secretary*

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

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the \_\_\_\_\_ day of \_\_\_\_\_, 2012 at \_\_\_\_\_ AM PM.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

**ORDINANCE O-12-017**

**AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VII, LIBRARY ADVISORY BOARD, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS PROVIDING FOR THE POWERS, DUTIES, ORGANIZATION, OPERATION, BOARD MEMBERSHIP AND ADDITIONAL MATTERS RELATED TO THE LIBRARY ADVISORY BOARD; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETINGS**

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

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

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

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

**WHEREAS**, the City, Washington County (“County”) and the Brenham Fortnightly Club (“Fortnightly”) desires to provide the best library possible to the citizens of Brenham and Washington County; and

**WHEREAS**, the Library Advisory Board was established to make recommendations regarding the planning and operations of the Nancy Carol Roberts Memorial Library (“Library”) to ensure the library services provided are the best possible; and

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

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

**SECTION 1.**  
**FINDINGS**

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

**SECTION 2.**

The Code of Ordinances of the City of Brenham, Texas, Chapter 2, ADMINISTRATION, Article VII, LIBRARY ADVISORY BOARD is hereby amended to read as follows:

**ARTICLE VII**  
**LIBRARY ADVISORY BOARD**

**Sec. 2-70. Name.**

The Board shall be named and referred to as the Library Advisory Board (“Board”) of the Nancy Carol Roberts Memorial Library (“Library”) and shall be comprised of members appointed by the City of Brenham (“City”) City Council, Washington County (“County”) Commissioners Court and the Brenham Fortnightly Club (“Fortnightly”) in accordance with this Article.

**Sec. 2-71. Purpose and Responsibility.**

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

- A. To counsel library staff on establishing, reviewing and updating library policies.
- B. To monitor existing library operations.
- C. To recommend fee schedules for library services and facilities.
- D. To consider ways to better utilize the existing facilities and provide input and recommendations for future development of the Library.

**Sec. 2-72. Scope of Authority.**

The Library Advisory Board shall serve in an advisory capacity. Recommendations of the Board regarding policies, procedures, or improvements to the Library shall be presented to the City Council for its consideration and final approval.

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

**Sec. 2-73. Membership Requirements.**

The membership requirements of the Board are as follows:

- A. Members must be residents of Washington County, Texas.
- B. Members must be qualified voters of Washington County, Texas.
- C. Members must not be in arrears in the payment of any taxes or other liability due to the City of Brenham or Washington County.

A member must meet all membership requirements at the time of appointment to the Board, and shall maintain said qualifications during the member's term on the Board. A member who fails to remain qualified to serve on the Board shall be removed from the Board and another person shall be appointed to the disqualified member's position for the remainder of the member's unexpired term.

**Sec. 2-74. Member Selection.**

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

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

## **Sec. 2-75. Organization.**

The Board shall consist of nine (9) members. Five (5) members shall be nominated by the Fortnightly from its membership; three (3) members are to be nominated by the City, and one (1) member shall be nominated by the County.

All nominated members shall be approved by the City Council and appointed to staggered three (3) year terms, expiring on December 31<sup>st</sup> of each calendar year.

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

The Board members serve at the pleasure of the entity that appointed and/or nominated the member to the Board. The City Council retains the right to remove any Board member at any time and for any reason.

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

Resignations from the Board shall be submitted in writing to the Board Chairperson, Mayor, Brenham Fortnightly Club President and County Judge. Vacancies resulting from resignation, or any other cause, will be filled by nomination by the City Council, Brenham Fortnightly Club or the Commissioners Court, depending on which entity nominated the member. Nominations to fill vacancies on the Board must be approved by the City Council. A person appointed to fill a vacancy shall serve for the remaining unexpired term of the position to which the person is appointed.

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

**Sec. 2-76. Establishment of Member Positions.**

For the purpose of establishing and maintaining three (3) year staggered terms of Board members, each member shall be assigned a Member Position.

The following Member Positions are City representatives:

- Member Position 1: Expiring December 31, 2014
- Member Position 2: Expiring December 31, 2012
- Member Position 3: Expiring December 31, 2012

The following Member Position is the County representative:

- Member Position 4: Expiring December 31, 2013

The following Member Positions are Fortnightly Club representatives:

- Member Position 5: Expiring December 31, 2012
- Member Position 6: Expiring December 31, 2013
- Member Position 7: Expiring December 31, 2014
- Member Position 8: Expiring December 31, 2014
- Member Position 9: Expiring December 31, 2013

**Sec. 2-77. Officers.**

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

In the absence of the Chairperson from a meeting of the Board, the Vice Chairperson shall serve as the presiding officer during the meeting. If both the Chairperson and Vice Chairperson are absent from a meeting of the Board, the Board members in attendance shall choose a member to serve as the presiding officer during the meeting.

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

**Sec. 2-78. Staff.**

The City Librarian shall be an ex-officio member of the Board.

A Staff Liaison will be designated by the City Manager and shall serve as a communications liaison between the Board and the City. The Staff Liaison will perform support services, provide technical data, prepare agendas for the meetings, post notices of the meetings, prepare minutes of the meetings, and any other functions as requested by the Board or the City.

**Sec. 2-79. Meetings and Communication.**

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

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

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

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

An agenda of each meeting and the minutes shall be delivered to each member of the Board and the City Secretary's Office.

**Sec. 2-80. Attendance Requirements.**

Members of the Board are required to maintain regular attendance at all meetings. Members who cannot attend a meeting should notify the Chairman or Staff Liaison of his/her absence as soon as possible prior to the meeting.

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

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

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

**Sec. 2-81. Member Training.**

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

**Sec. 2-82. – Sec. 2-89. 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 19<sup>th</sup> day of July, 2012.

**PASSED AND APPROVED** on its second reading this the 2<sup>nd</sup> day of August, 2012.

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Gloria Nix  
Mayor Pro Tem

**ATTEST:**

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Jeana Bellinger, TRMC  
City Secretary



## AGENDA ITEM 6

<b>DATE OF MEETING:</b> August 2, 2012	<b>DATE SUBMITTED:</b> July 27, 2012	
<b>DEPT. OF ORIGIN:</b> Convention and Visitors Bureau	<b>SUBMITTED BY:</b> Lu Hollander	
<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 type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input checked="" type="checkbox"/> WORK SESSION	
<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>		
A. PROS:		
B. CONS:		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A		
<b>ATTACHMENTS:</b> (1) 3 <sup>rd</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

Third Quarter Report - April-June 2012

## April Highlights

### Statistics:

Walk-in visitors - 1,075  
Visitor information mailed - 2,227  
Web site unique visitors - 6,448  
Web site total pages viewed - **27,457**

### Major Tourism Events

Round Top Antiques Fair, Official Bluebonnet Festival, Burton Cotton Gin Festival, Special Olympics Games, Pleasant Hill's 15th Anniversary celebration

### Visiting Groups

Blue Bell Fun Run, Kissin' Kuzzins Square Dancers, Dan Dipert Tour, **10 weddings**

### Advertising Placements:

Texas Highways magazine, San Antonio magazine, Texas Parks & Wildlife magazine, See Texas First travel insert in 27 newspapers

### Editorial Coverage included:

Multiple features about bluebonnets

### Television Coverage: Channel 13 feature about bluebonnets for evening newscasts, KBTX-TV interview

### Regional/Civic Meetings included:

Downtown Master Plan, TTIA Travel Fair, Social Media Marketing Workshop

## May Highlights

### Statistics:

Walk-in visitors - 768  
Visitor information mailed - 1,808  
Web site unique visitors - 3,648  
Web site total pages viewed - **17,717**

### Major Tourism Events

122nd Brenham Maifest & Country Flavors, *The Fantasticks* at Unity Theatre

### Visiting Groups:

Two day trips from Houston area

### Advertising Placements:

Austin Monthly magazine, San Antonio magazine

### Editorial Coverage:

Features about Blue Bell, Olympics Torch Run, several sports-related features

### Television Coverage: The Junk Gypsies

filmed in Warrenton, Round Top and Brenham; segments have been shown several times on HGTV

### Geiger Coverage:

*Organic Gardening* feature about the area registers an advertising equivalency of \$58,000

### Regional/Civic Meetings:

Submit HOT application for 2012-13, AAA Glidden Car Tour event run-through, Texas Independence Trail Region strategic planning

## June Highlights

### Statistics:

Walk-in visitors - 623  
Visitor information mailed - 4,292  
Web site unique visitors - 4,552  
Web site total pages viewed - 22,228

### Major Tourism Events

Round Top Music Festival, Brenham Summer Antiques Show, Juneteenth Celebration, *The Miracle Worker* at Unity Theatre

### Visiting Groups

Texas Junior Brangus Breeders Association, Statewide Main Street Workshop

### Advertising Placements:

Small Market Meetings, *click2houston* summer website campaign,

### Editorial Coverage included:

*Texas Highways* feature about "farmcation" includes local venues, *Travel & Leisure* magazine interview with Heritage Museum Director Doug Price, *Southern Living* magazine feature about Texas Ranch Life

### Regional/Civic Meetings included:

HOT application allocations, Washington County Rotary presentation



**Chappell Hill Bluebonnet Festival**  
 April 14-15  
 979-836-6033



**122nd Brenham Maifest/Country Flavors**  
 May 4-5  
 979-836-3339

# BRENHAM

*Washington County*

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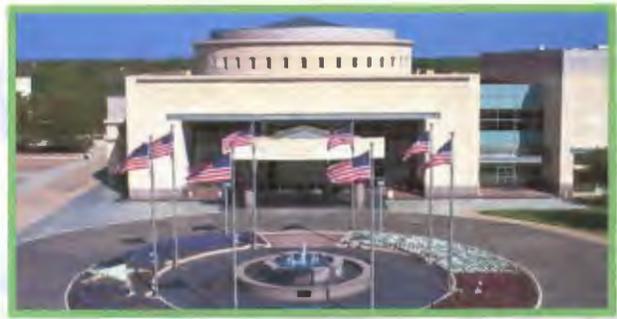
**23rd Annual Burton Cotton Gin Festival**  
 April 20 -21 • 979-289-3378



**Pleasant Hill Winery**  
 Taste, Tour, Shop - Sat.-Sun.  
 979-830-8463



**Unity Theatre**  
 The Fantastiks, Apr. 18-May 6  
 979-830-8358



**George Bush Presidential Library and Museum**  
 College Station, Texas  
 979-691-4000



**Antiques & Fine Lodging**  
 at the Stagecoach Inn  
 979-830-8861



**Funky Art Café & Catering**  
 Where good, fun food evolves  
 979-836-5220



**Saddlehorn Winery**  
 On 360 Acres in Burton  
 979-289-3858



**Downtown Art Gallery**  
 Local Artists, Affordable  
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# BRENHAM

## Washington County



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OL. BRENHAM/WASHINGTON COUNTY Blue Bell, Washington-on-the-Brazos, antiques, roses, historic villages, shopping, dining, lodging, Hwy. 290, between Houston and Austin. 888-BRENHAM, VisitBrenhamTexas.com

See Texas First brochure Travel insert in 27 newspapers - April 2012

San Antonio magazine  
 1/4 page color April 2012

Small Market Meetings magazine  
 1/3 page color June 2012

Austin Monthly magazine  
 1/4 page color May 2012



# BRENHAM

## Washington County

**Fresh Air & Fun for Everyone!**

- April 3-7: The Original Round Top Antiques Show
- April 14-15: Chappell Hill Bluebonnet Festival
- April 20-21: Burton Cotton Gin Festival
- May 4-5: Brenham Maifest presents "Country Flavors"
- July 4: Celebrate at Washington-on-the-Brazos State Historic Site and other locations in the area
- July 7, 14, 21, 28: Hot Nights Cool Tunes Free Outdoor Concert Series, Downtown Brenham

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# BRENHAM

## Washington County

**Fresh Air & Fun for Everyone!**

- April 19-May 6: "The Fantasticks" at Unity Theatre
- May 4-5: Brenham Maifest presents "Country Flavors"
- June - July: Round Top Music Festival
- July 4: Celebrate at Washington-on-the-Brazos State Historic Site and other area locations
- July 7, 14, 21, 28: Hot Nights Cool Tunes Free Outdoor Concert Series, Downtown Brenham
- July 21-22, 28-29, Aug. 4-5, 11-12: Crush for Fun, Harvest Grape Stomp

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*Clockwise from top left: A branding iron at Texas Ranch Life. • Field of bluebonnets. • Riding the range at TRL. • The Antique Rose Emporium.*

## Bluebonnet Country

In spring, rural Washington County, Texas, and its environs float on a sea of bluebonnets. Families from Austin, Houston, and beyond flock to its waves of azure flowers, often as a backdrop for family portraits. Every March, parades and celebrations commemorate the fact that the county was the birthplace of Texas independence in 1836.

Farmers Jenny and Brad Stufflebeam espouse “righteous food” on their 22-acre Home Sweet Farm near Brenham, growing heirloom vegetables and herbs. Farm tours, workshops, and a popular Community-Supported Agriculture program are only some of the ways the young couple brings the organic message to this part of Texas.

With a downtown on the National Register of Historic Places, Brenham has never lost that small-town-America feel. Its main street welcomes strolling, shopping, and visiting.

An homage to music through wood, the jewel in the Round Top Festival Institute’s crown is its concert hall, hand-built by craftsmen to be not



## GREEN GETAWAYS

only visually jaw-dropping but also acoustically sublime. The classical music festival in June and July is the Institute's raison d'être, though the 210-acre campus now hosts events most of the year. Outdoors, the organic MacAshen Gardens are reason alone to visit, with acres of rare and unusual plants flourishing amid "ruins" of Texas limestone.

You'd expect J.R. Ewing to be standing on the porch of **Lillian Farms**. He wouldn't find the place lacking, and you won't either. Run by the gracious Barbara Segal, this light-filled bed-and-breakfast is cozy yet luxurious—beds so lofty, they have their own stairs—and the hospitality is as big as the Lone Star state itself. For guests who never travel without their horses, there's a stable for them to enjoy the good life, as well.

There's a rumor that **Royers Round Top Cafe** offers fare besides pie, but diners are forgiven for not seeing past the butterscotch chip, pecan, and coconut chess treats that make Royers famous. Bud "The Pieman" Royer and his family serve up Texas-style contemporary comfort food with good-natured attitude. Oh, and when dessert comes, "Remember the Alamo." Bud charges extra for pie without ice cream.

A visit to the famed **Antique Rose Emporium** in Independence is on any respectable rose fanatic's bucket list. Hundreds of heirloom roses "rustled" from oblivion grow on the grounds and are available at the nursery. Besides the acres of roses and perennials, the gardens are peppered with wry vignettes; don't forget to pay your respects at the cemetery of cracked pots.

If Provence isn't in the budget, a day wandering Lavande's purple hills harvesting your own lavender is a mighty nice consolation prize. This lavender and olive farm makes its own sachets and bath products, too.

Give your inner cowboy free rein at **Texas Ranch Life**, a working cattle ranch that offers horseback riding, roping, and cattle drives of those famous Texas longhorns. Spend the night in one of the restored historic buildings, eat cowboy grub, and marvel at how beautiful 1,800 secluded acres can be.

—*Therese Ciesinski*

For more information, see *Find It Here*, p. 101.

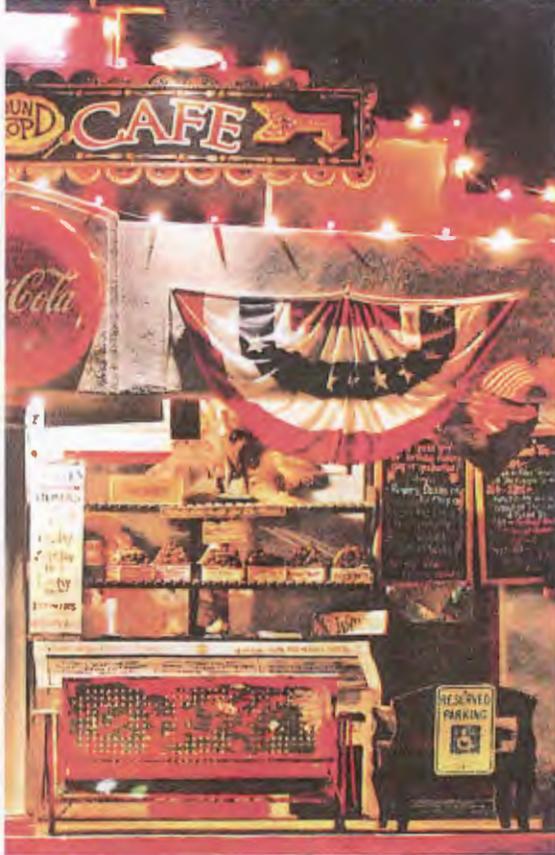


CLOCKWISE FROM TOP LEFT: MIKE SHOUPI/ANTIQUE ROSE EMPORIUM, TK, PAT SULLIVAN/AP PHOTO, TK



*Clockwise from top left: Antique Rose Emporium.*

- Pecan pie.
- A Texas longhorn amid bluebonnets.
- Royers Round Top Cafe, where the "welcome" sign reads, "Oh No Not You Again."



# Travelling the Texas Independence Trail



**SAN ANTONIO, Texas** — If you enjoy your history up close and personal, Texas is great place to hang your Stetson when you're planning your next trip south.

Recreational destinations are a big hit with Canadian tourists, but there's a lot more than golf courses, ocean beaches and big cities awaiting the curious traveller.

Heritage travel routes, designed by the Texas Historical Commission, working with other state agencies including the Texas State Parks system, provide historical touchstones back to the colourful and dramatic past of Texas. One of the more fascinating routes is the Texas Independence Trail, a travel route that focuses on guiding travellers back to some of the most tumultuous times in the state's history.

Spread over 1,200 kilometres of highways and back roads in south-central Texas are sites and battlefields where Texas independence unfolded.

From the Alamo to the battlefield of San Jacinto, near the present-day Houston, the Independence Trail offers a drivable journey through Texas history.

While the Alamo puts the Texas revolution in some context, there were even more significant battles and events that shaped Texas' independence from its Mexican rulers.

As the Alamo was being surrounded by General Santa Anna's Mexican army in 1836, a group of about 60 delegates had crowded into a rough timber-framed meeting hall, just 230 kilometres away from the siege, to create a document that would make Texas a nation.

The ink was barely dry on the Texas Declaration of Independence by the time the 4,000-strong Mexican army overran the Alamo defenders back in San Antonio. The fledgling republic had a harrowing road ahead before it finally defeated Santa Anna.

At Washington-on-the-Brazos State Historical Park, a reconstructed replica of the actual meeting hall where the Texas Constitution was written takes centre stage. Also located in the extensive grounds of the park is the Star of the Republic Museum, a rich storehouse of memorabilia from Texas' past. There's also Barrington Living History Farm, a working farm where staff and volunteers dress in period costume and demonstrate what Texas life was like in the 1800s.

To the west, on the road towards San Antonio, the tranquil and tidy community of Gonzales was the spot where the first shots of the Texas Revolution were fired in October 1835, as colonists turned back the attacking Mexican army.

Straight south of Gonzales, you'll find the walled bastion of Presidio La Bahia close to the town of Goliad. It was here, on March 27, 1836, where a captured force of more than 340 Texan soldiers under Col. James Fannin were executed along with their commander.

After the setbacks and defeats at the Alamo and Goliad, the Texas army led by Sam Houston rallied and defeated the Mexicans at San Jacinto in April 1836. In an 18-minute bloody fight, the Texans, who had surprised the encamped larger Mexican army, completely routed their enemy and the captured Santa Anna was forced to negotiate the surrender.

The battlefield is located on the outskirts of modern-day Houston, where a huge 185-metre-high monument acts as a museum and memorial to the battle. A 40-second elevator ride transports visitors to the top of the monument, which offers great views of the surrounding battlefield.

While at San Jacinto, make sure you see the moving audio-visual presentation 'Texas Forever' (shown each hour in the museum's theatre). The 35-minute show dramatically portrays the human drama



A tour guide explains the famous Battle of the Alamo to visitors outside the landmark site in San Antonio.

and passion that powered the Texas War of Independence. If You Go:

The major Texas cities of Houston, San Antonio and Austin are all good jumping off points to follow various parts of the Independence Trail. However, smaller cities such as Brenham and Victoria, which lie at strategic points along the route, offer an excellent range of accommodation, and restaurants as well as other off-the-beaten-track tourist attractions. To order a brochure of the Texas Independence Trail, or to download a PDF version of the brochure, visit <http://www.texasindependencetrail.com>.

## Mayor's Prayer Breakfast set for April 14

Tara Campbell  
Saskatoon Express

Less than two years after being rescued from a Chilean mine, Jose Henriquez will be in Saskatoon speaking at the Mayor's Prayer Breakfast.

Henriquez was one of 33 miners trapped for 69 days, nearly 700 metres underground after a cave-in inside northern Chile's San Jose copper-gold mine. As an evangelical preacher, Henriquez was looked to for daily prayer during the ordeal.

Since the rescue, Henriquez has been touring the world sharing his story.

One of his earliest speaking engagements came in Washington, D.C., in 2010, when he joined President Barack Obama as an honoured guest at the National Prayer Breakfast. He recalled the feeling of desperation in the mine.

"We realized, however, that we had only one alternative," Henriquez told the Christian Broadcasting Network. "And that was God himself."

Henriquez explained they had many needs underground, and that they were running out of food.

"So we decided that unless God did a miracle, there would be no way out," he said.

Henriquez will be bringing his message to Saskatoon when he speaks at the mayor's breakfast on April 14.

He will be joined by his wife, Bianca Hetis, and Rev. Alfredo Cooper, chaplain to Chilean president Sebastian Pinera. Cooper was alongside the families and friends of the miners throughout the rescue.

The Mayor's Prayer Breakfast will be held on April 14 at 7:30 a.m. at Prairieland Park (Hall A).

Tickets are \$35 and available through [ticketmaster.ca](http://ticketmaster.ca), or by calling 1-800-970-7328 or 938-7800 (within Saskatoon).

## WestWorldTours

**THE BLACK HILLS**  
July 16 - 21, 2012

All Breakfasts and Dinners, Chateau De Mores, Pitchfork Fondue, Medora Musical, Tour of North Dakota Badlands, Deadwood City Tour including Mount Moriah, Homestead Mine Tour, Tetons, Crazy Horse Memorial, Mount Rushmore, Fort Hays Chuckwagon Dinner & Show, Reptile Gardens, Bear Country, Farewell Dinner

**VICTORIA IN THE SPRING** April 30 - May 11, 2012  
Evening night city and look from Inner Harbour in Victoria, Tour to Salt Spring Island, Murals of Camosun, Butchart Gardens, Cathedral Grove, Victoria Buttery Gardens, Winery & Cider Tour and tasting, Farewell Dinner

**ALASKA: JUNE DEPARTURES**  
All Coach - 20 Days • Cruise & Coach - 20 Days • Fly Coach - 12 Day  
White Pass & Yukon Route Railroad, Fantastic Follies, Riverboat Discovery, Salmon Lake Dinner, Sitka Lake Slooping Forest, Gold Panning, Diamond Tooth Gerties, the "Midnight Diner", City Tour, Farewell Dinner, WestWorld Alaska

**QUEEN CHARLOTTE ISLANDS (HAIDA GWAI)** July 9 - 20, 2012  
Mead Robson, Kean Historical Village and Museum, North Pacific Cannery Village Museum, Haidaan Provincial Park including Sitka Hole, Agate Beach and North Beach, The Balanced Rock, St. Mary's Spring, Haida Heritage Centre, Old Haidaan Forestry Museum - Port Clements, 3 Lunches, Traditional Haida Feast - Skidegate, Farewell Dinner

**NEWFOUNDLAND & LABRADOR BUS TOUR** July 16 - 26, 2012  
Gros Morne National Park, Viking Dinner & Show, Anchors Aweigh Band, Lobster Cove Head Lighthouse, L'Anse aux Meadows National Historic Site, The North Atlantic Aviation Museum, Terra Nova National Park, Cape Bonaville Lighthouse Provincial Historic Site, Bay of Fundy, Signal Hill National Historic Site, Prince Barth Historic Fishing Village, Witless Bay Ecological Reserve Whale & Puffin Tour, Cape Spear National Historic Site, Signal Witness Memorial, Three Dinners, All Breakfasts, Scotch in & Map up

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# Southern Living

◀ Return to Texas Ranch Life

## Texas Ranch Life

This rustic, refined escape, in Chappell Hill, Texas, is where fresh, local food delivers a vibrant sense of place.



Texas Ranch Life owner John Elick shows off his skills to *Southern Living* editor Paula Disbrowe. Jody Horton



Preparing dinner at Texas Ranch Life Jody Horton

If wide-open spaces and herds of contented longhorn cattle turn your thoughts to dinner—as in fat, sizzling rib eyes and juicy hamburgers—then pack your appetite (and expandable trousers) and head to Texas Ranch Life. Set on a lush 1,800-acre property an hour west of Houston, this is our sort of dude ranch. Guests not only get their own house on the prairie but also have the option of their own chef to boot.

When it comes to lodging, visitors choose from among nine homes, seven of which are restored historic houses that date back to the 1850s. Each has its own unique style, including original paint and stenciling and Texas antiques. For the most privacy and magnificent views of rolling hills and a Spanish courtyard, consider the Hacienda, located on the other side of the ranch from the busy main lodge.

Lawyers Taulia and John Elick have operated Texas Ranch Life for 12 years, and recently developed six lush vegetable gardens (the area boasts a rich, fertile black soil) and expanded their beef operation. Depending on what's in season, guests can feast on beets, carrots, Swiss chard, broccoli, and leeks straight from the garden, or order "the healthiest hamburger in the world," made from the ranch's own grass-fed beef (rich in healthy omega-3 and low in fat) and topped with homemade mayo prepared from richly flavored ranch eggs, homegrown tomato, lettuce, and pickles made from the garden's cucumbers. Upon arrival, kick off a happy hour (or two) with complimentary cheese, wine, sausage, and pickled chile peppers in the show barn and stables.

If you're lucky, John might show off his lasso skills or custom saddle collection. (His ranch work demos and trail rides are among the most popular activities with guests.) Between sips of Tempranillo and bites of local venison sausage, you can plan your weekend's activities that might include mountain biking, fishing in a stocked pond, and steet shooting.

For dinner, you can purchase the Elicks' own steaks and ground beef, as well as vegetables from their garden, and prepare everything in the privacy of your own ranch house. Or sit back, take the night off, and let the ranch chef put his personal, Texas-style spin on dinner. We guarantee his grilled steak with crispy nopallito (cactus) fries will be the highlight of your meat-lover's weekend. Rates from \$140 for a historic home, \$275 for a Hacienda room, 10848 Cactus Lane, texasranchlife.com or 979/865-3649

Article: Paula Disbrowe | From the June 2012 Magazine Issue



**Rustic Texas Escapes**  
Check out these three rustic, refined Texas escapes with their local food delivers a vibrant sense of place.



Montesino Ranch

Onion Creek Kitchens at Juniper Hills Farm



5

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**Monday, June 25, 2012**

## **Blue Bell Introduces Newest Flavor: Summer Strawberry Pie**

*posted by Layne Lynch at 10:00 AM*

Cushioned in the middle of Brenham, Texas, amongst the rolling hills of bluebonnets stands a deliciously creative corporation named Blue Bell Creameries. For over one-hundred years, Blue Bell has been a force behind some of the most beloved ice creams on the market today, including Homemade Vanilla, Cookies & Cream, Mint Chocolate Chip, and numerous other flavors.

The dessert corporation doesn't stop with its signature line of flavors, however. Every two months, Blue Bell rolls out a new flavor for customers to scoop and sample. The few lucky ice creams that gather a devoted following are sometimes even invited to stick around permanently. This July, which happens to be National Ice Cream Month, Blue Bell introduces its newest flavor, Summer Strawberry Pie, to dessert lovers around the state. TEXAS MONTHLY talked with Brenda Valera, director of research and development for Blue Bell, about the creamery's newest flavor, the flavor creation process, and the return of Christmas Cookies... in July.

**Tell me how about the new flavor Summer Strawberry Pie.**

The ice cream is similar to a traditional strawberry pie. It's a play on those pies people make with fresh strawberries and whipped cream. We made a strawberry ice cream, put some pie crust in it, and incorporated a whipped topping swirl.



**Touch on the flavor-creation process for me.**

We think about new flavors all the time. It's part of what we do. Whenever we are in restaurants or looking at dessert menus, looking at food blogs, food journals, cookbooks, or what's popular these days, we come up with ideas. We have a program where we gather around two-hundred ideas, and from amongst those we take about twenty-five ideas and start working on samples. From those twenty-five samples, we narrow them down to about ten or twelve samples to submit to meetings that our staff force has to evaluate for use in the coming year. From those ten to twelve, we narrow it down to five or six new flavors for the coming year. We have a new flavor coming about every two months.

**You guys once came up with a pickle ice cream. Did that make its way to production?**

I've been here over thirty years, and that happened before I came. I don't know how that all played out, actually. [Laughs].

**One flavor I was surprised to hear didn't take off was the Peanut Butter & Jelly. I thought that would be a huge hit.**

It was actually a very good tasting ice cream, but for some reason the name just wasn't appealing. I think people didn't buy it because they related it to peanut butter and jelly sandwiches. It had a great flavor to it, but it just did not sell.

**Are there any other new flavors, beside the Summer Strawberry Pie, that are coming out soon?**

Another flavor that's coming out in July is called Christmas Cookies in July, and it's only going to be available in the month of July. When we released it this last fall, it was called Christmas Cookies. It has three different types of cookies in it – chocolate chip, snickerdoodle, and sugar cookie – with red candy cane sprinkles, and a green icing swirl. People loved it so much that we knew we had to bring it back.



## AGENDA ITEM 7

<b>DATE OF MEETING:</b> August 2, 2012	<b>DATE SUBMITTED:</b> July 30, 2012	
<b>DEPT. OF ORIGIN:</b> Police	<b>SUBMITTED BY:</b> Rex Phelps/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 Amending Chapter 16, Occupational Licenses and Business Regulations, of the Code of Ordinances of the City of Brenham, to Provide for the Regulation of Boarding Homes Located Inside the City Limits		
<b>SUMMARY STATEMENT:</b> On June 21, 2012 and July 19, 2012, Council discussed the possibility of regulating boarding home facilities not being regulated by the State to ensure health, safety and cleanliness.  The increase in boarding homes opening in Brenham led to an increase in police services involving a significant number of non-police related calls. These for-profit businesses provide housing to three or more disabled or elderly persons, who are unrelated to the owner of the house.  During the 81 <sup>st</sup> Legislature, House Bill 216 was adopted, which grants local municipalities the authority to regulate boarding home facilities. The Legislature directed the Health and Human Services Commission (HHSC) to develop and publish model standards for local counties and municipalities that choose to require boarding homes to obtain a permit to operate and HHCS's model policy was used as a guide in writing this ordinance.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<p><b>A. PROS:</b> Possibly enhance health, safety and sanitation for residents with disabilities, reduce non-police related calls for service, and ensure inspection and investigative procedures for accountability and monitoring.</p> <p><b>B. CONS:</b> None identified.</p>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> Staff suggests passing an Ordinance to ensure residents with disabilities and the elderly residents of local boarding homes have adequate facilities in terms of health, safety and sanitation standards.		
<b>ATTACHMENTS:</b> (1) Boarding Home Ordinance		

**FUNDING SOURCE (Where Applicable):**

**RECOMMENDED ACTION:** Approve an ordinance on its first reading amending Chapter 16, Occupational Licenses and Business Regulations, of the Code of Ordinances of the City of Brenham, to provide for the regulation of boarding homes located inside the city limits.

**APPROVALS:** Rex Phelps

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

**AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 16, OCCUPATIONAL LICENSES AND BUSINESS REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS FOR THE PURPOSE OF PROVIDING FOR A NEW ARTICLE III, REGULATION OF BOARDING HOME FACILITIES, REQUIRING PERMITS AND PAYMENT OF FEES, ADOPTING STANDARDS REGARDING CONSTRUCTION AND REMODELING OF BOARDING HOMES; SANITARY AND RELATED CONDITIONS; REQUIRING THE REPORTING AND INVESTIGATION OF INJURIES, INCIDENTS, AND UNUSUAL ACCIDENTS AND THE ESTABLISHMENT OF POLICIES AND PROCEDURES TO ENSURE RESIDENT HEALTH AND SAFETY; SETTING FORTH PROCEDURES FOR ASSISTANCE WITH SELF-ADMINISTERING OF MEDICATION; REQUIRING IN-SERVICE EDUCATION OF THE FACILITY'S STAFF, CRIMINAL HISTORY RECORD CHECKS, ASSESSMENT AND PERIODIC MONITORING OF RESIDENTS; PROVIDING FOR PENALTIES, REVOCATION OF PERMIT, AND APPEALS PROCESS; 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**, Chapter 260 of the Texas Health and Safety Code provides for local regulation of boarding home facilities by municipalities; and

**WHEREAS**, a boarding home facility is defined in Chapter 260 of the Texas Health and Safety Code as an establishment that furnishes lodging to three or more persons with disabilities or elderly persons who are unrelated to the owner of the establishment by blood or marriage and provides community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication but does not provide personal care services, as defined herein; and

**WHEREAS**, it has been the experience of the City of Brenham that unregulated and unlicensed boarding home facilities for the disabled or elderly persons may not provide adequately for the health and safety of the residents; and

**WHEREAS**, residents residing in a boarding home facility are especially vulnerable to abuse and exploitation, and therefore the City recognizes the need to regulate businesses and persons providing boarding home facility services; and

**WHEREAS**, Chapter 260 of the Texas Health and Safety Code prohibits the City from restricting boarding home facilities from residentially zoned areas if the boarding home facility complies with the regulatory requirements established by the City; and

**WHEREAS**, the City of Brenham City Council has determined that the regulation of boarding home facilities within the City is in the best interest of the public and will promote the general health, safety, and welfare of the public;

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

**SECTION 1.**

Chapter 16 of the Code of Ordinances of the City of Brenham, Texas is hereby amended by adding Article III to read as follows:

**ARTICLE III.  
REGULATION OF BOARDING HOME FACILITIES**

**Sec. 16-50. Purpose.**

The purpose of this Article is to implement the provisions of Chapter 260, Texas Health and Safety Code, as amended, which allows the City to establish regulations for the protection of the health and safety of persons residing in boarding home facilities. In the event of a conflict, this Article must be construed so as to comply with Chapter 260, Texas Health and Safety Code. It is the intent and purpose of the City to administer and enforce this Article to ensure quality care and the protection of the health and safety of boarding home facility residents by establishing standards, requiring permits and requiring boarding home facilities operating within the City limits to comply with these regulations.

**Sec. 16-51. Scope.**

This Article applies to all boarding home facilities within the City of Brenham. This Article does not apply to:

1. Home and community support services licensed under Chapter 142 of the Texas Health and Safety Code;
2. Convalescent and nursing homes and related institutions licensed under Chapter 242 of the Texas Health and Safety Code;
3. Continuing care facilities licensed under Chapter 246 of the Texas Health and Safety Code;

4. Assisted living facilities licensed under Chapter 247 of the Texas Health and Safety Code;
5. Intermediate care facilities for the mentally retarded licensed under Chapter 252 of the Texas Health and Safety Code;
6. A person that provides home health, hospice, or personal assistance services only to persons enrolled in a program funded wholly or partly by the Texas Department of State Health Services (DSHS) or the Texas Department of Aging and Disability Services (DADS) or their designated local authorities in accordance with state standards;
7. An establishment conducted by or for the adherents of a well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend exclusively on prayer or spiritual means for healing, without the use of any drug or material remedy, if the establishment complies with safety, sanitary, and quarantine laws and rules;
8. A retirement community;
9. A monastery or convent;
10. A child-care facility as defined by Section 42.002 of the Texas Human Resources Code;
11. Family violence shelter center as defined by Section 51.002 of the Texas Human Resources Code;
12. A sorority or fraternity house or other dormitory associated with an institution of higher education; or
13. A hotel as defined by Section 156.001, Texas Tax Code.

**Sec. 16-52. Definitions.**

A. **“Boarding home facility”** means an establishment that:

1. Furnishes, in one or more buildings, lodging to three or more persons with disabilities or elderly persons who are unrelated to the owner of the establishment by blood or marriage; and
2. Provides community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication but does not provide personal care services to those persons.

“Boarding home facility” is a separate term unrelated to the terms “boardinghouse,” “lodginghouse,” and “roominghouse” as defined and used in the Zoning Ordinance, set out in Appendix A of the City’s Code of Ordinances.

B. **“Personal care services”** means:

1. Assistance with meals, dressing, movement, bathing, or other personal needs or maintenance;
2. The administration of medication by a person licensed to administer medication or the assistance with or supervision of medication; or
3. General supervision or oversight of the physical and mental well-being of a person who needs assistance to maintain a private and independent residence in an assisted living facility or who needs assistance to manage the person's personal life, regardless of whether a guardian has been appointed for the person.

C. **“Assistance with self-administration of medication”** means assisting a resident by reminding the resident to take medication, opening and removing medications from a container, placing medication in a resident’s hand or in/on a clean surface such as a pill cup or a medication reminder box and reminding the resident when a prescription medication needs to be refilled.

D. **“Resident”** means a person who is residing in a boarding home facility.

E. **“Elderly person”** means a person who is 65 years of age or older.

F. **“Person with a disability”** means a person with a mental, physical, or developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection and

1. Who is 18 years of age or older; or
2. Under 18 years of age and who has had the disabilities of minority removed.

G. **“An injury, incident or unusual accident”** is an event that resulted in a change in the resident's physical or mental status that occurred in the boarding home facility or on the grounds of the boarding home facility that requires intervention by a private or public entity responsible for physical or mental health services, or an event that requires the facility taking resident safety and protection measures including:

1. An allegation of abuse, neglect, or exploitation;
2. Death;
3. A resident’s absence from the facility when circumstances place the resident’s health, safety or welfare at risk;
4. Fire;
5. Criminal acts; and
6. Altercations between residents.

**H. “Abuse, neglect and exploitation”** is defined in the Texas Human Resource Code Section 48.002 as the following:

1. “Abuse” means:

- (a) The negligent or willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical or emotional harm or pain to an elderly or disabled person by the person's caretaker, family member, or other individual who has an ongoing relationship with the person; or
  - (b) Sexual abuse of an elderly or disabled person, including any involuntary or nonconsensual sexual conduct that would constitute an offense under Section 21.08, Penal Code (indecent exposure) or Chapter 22, Penal Code (assaultive offenses), committed by the person's caretaker, family member, or other individual who has an ongoing relationship with the person.
2. "Exploitation" means the illegal or improper act or process of a caretaker, family member, or other individual who has an ongoing relationship with the elderly or disabled person using the resources of an elderly or disabled person for monetary or personal benefit, profit, or gain without the informed consent of the elderly or disabled person.
3. "Neglect" means the failure to provide for one's self the goods or services, including medical services, which are necessary to avoid physical or emotional harm or pain or the failure of a caretaker to provide such goods or services.

**Sec. 16-53. Permit required and fee.**

- A. After the effective date of this Article, no person shall operate a boarding home facility, as defined in this Article, without first obtaining a permit from the City and paying the established fee for such permit. The Office of the City Secretary is the responsible department for issuance of a permit. A permit issued under this Article shall authorize the permittee to engage in the operation of a boarding home facility, provided that the permittee is in compliance with all other provisions of this Article.
- B. Permit fees collected shall be used for the administration of the City's permitting program, to include permitting, renewal of the permit and inspections, or for purposes directly related to providing boarding facility services or other assisted living facility services to elderly persons or persons with disabilities.
- C. Boarding home facility owners/operators will be required to provide documentation of any applicable construction or remodeling permits as part of the boarding home facility operational permitting process.

All permits received from the City must be prominently displayed in the boarding home facility.

**Sec. 16-54. Restrictions on number of residents, location, and number of vehicles.**

- A. A boarding home facility shall at all times maintain a minimum supervisor/resident ratio of at least one (1) supervisor per three (3) residents
- B. After the effective date of this Article, a boarding home facility may not be established within one-half mile of an existing boarding home facility.
- C. Except as otherwise provided by municipal ordinance, the residents of a boarding home facility may not keep for the use of the residents of the facility, either on the premises of the facility or on a public right-of-way adjacent to the facility, motor vehicles in numbers that exceed the number of bedrooms in the boarding home facility.

**Sec. 16-55. Inspections.**

A boarding home facility must pass all required inspections and the owner/operator must keep a current file of reports and other documentation needed to demonstrate compliance with applicable laws and regulations. The inspections must be signed, dated, and free of any outstanding corrective actions. Proof that all required inspections have been completed must be provided to the Office of the City Secretary prior to the issuance of a permit. The following inspections are required:

- 1. Annual fire inspection by the local Fire Marshal, or his designee.
- 2. Annual health inspection by the local Health Inspector.
- 3. Annual inspection of liquefied petroleum gas systems by an inspector certified by the Texas Railroad Commission, if applicable.

The City may conduct any inspection, survey, or investigation that it considers necessary and may enter the premises of a boarding home facility at reasonable times to make an inspection, survey, or investigation. The City is entitled to access to books, records, and other documents maintained by or on behalf of a boarding home facility to the extent necessary to enforce the standards and provisions of this Article.

**Sec. 16-56. Construction/remodeling.**

- A. Each owner/operator of a boarding home facility must ensure the residents' health, safety, comfort and protection through the following standards that address the construction or remodeling of a boarding home facility, including plumbing, heating, lighting, ventilation and other housing conditions.
- B. Each facility must meet the following applicable codes and regulations: local zoning and building codes; state and local fire codes; state and local health and safety codes; and federal and state accessibility regulations.

- C. Mobile homes and manufactured homes shall not be permitted for use as boarding home facilities or additions to existing boarding home facilities.
- D. Interior doors to living spaces, bedrooms, bathrooms and toilet rooms must fit the openings in which they are hung, be properly equipped with hardware, and be maintained in good working condition. Doors with locking devices must be provided where necessary to provide privacy and protection of the resident.
  - 1. Every closet door latch will be such that it can be readily opened from the inside in case of an emergency.
  - 2. Every bathroom door or door lock must permit the opening of the locked door in case of an emergency.
- E. Public pathways and stairways in buildings must maintain a minimum unobstructed width concurrent with applicable fire codes and must be provided with convenient light switches controlling an adequate lighting system.
- F. Boarding home facilities must be supplied with electric service and fixtures that are properly installed and maintained in safe working condition and connected to a source of electrical power.
- G. Every boarding home facility must have heating and cooling equipment that are properly installed, vented, and maintained in a safe, good working condition. The temperature of rooms intended for human occupancy will remain at a temperature between sixty-eight (68) and eighty-two (82) degrees Fahrenheit.
- H. Every boarding home facility must have water heating facilities that are properly installed, vented, in good working condition, and are properly connected with hot and cold water lines. The temperature of water drawn at every required sink, lavatory basin, bathtub or shower will remain at a temperature between one hundred and ten (110) and one hundred and twenty (120) degrees Fahrenheit.
- I. Every habitable room must have at least one window that can be easily opened, or such other device as will ventilate the room. Locks that can be easily opened manually from the inside must be provided on all exterior doors. All windows must be capable of being opened without tools. The window opening must meet local codes for emergency egress. The bottom of the window opening must not be more than forty-four (44) inches above the floor.
- J. Sleeping rooms must have:
  - 1. At least seventy (70) square feet of floor space in single-occupancy rooms;
  - 2. At least sixty (60) square feet of floor space for each occupant in multi- occupancy rooms;
  - 3. Beds spaced at least three feet (3') apart when placed side by side or end-to-end;

4. At least a seven feet, six inches (7'6") ceiling height;
  5. Required accessibility for non-ambulatory residents and residents with conditions that substantially limit ambulation and/or mobility;
  6. Beds at least six feet (6') long and three feet (3') wide equipped with supportive springs in good condition and a clean supportive mattress in good condition, and a mattress cover that prevents bodily fluids from soiling the mattress;
  7. At least one pillow with a clean pillowcase, two (2) clean sheets, and a cover such as a blanket or quilt, in good condition, per bed, cleaned weekly or more often if soiled;
  8. Extra bed linens, including sheets, pillowcase and blankets must be available to each resident;
  9. At least one (1) chest of drawers or equivalent, in good condition having a sufficient number of drawers or other areas to contain all necessary items of clothing and personal belongings of each resident that can be locked/secured;
  10. At least one (1) chair in good condition in each sleeping room;
  11. At least one (1) end table in good condition located adjacent to each bed in each sleeping room;
  12. Sufficient hanging space to allow clothes not stored in drawers to be hung. Clothing must not be stored on the floor;
  13. Bath towels, washcloths, soap, individual comb and toothbrush must be available at all times and in quantity sufficient to meet the needs of the residents; and
  14. Access to emergency exit without passing through another sleeping room.
- K. All equipment, fixtures, furniture, and furnishings, including windows, draperies, curtains, and carpets, must be kept clean and free of dust, dirt, vermin, and other contaminants, and must be maintained in good order and repair.
- L. Water closets, lavatories, and bathtubs or showers must be:
1. Available on each floor when not provided in each individual room;
  2. Provided in the ratio of one (1) toilet and one (1) lavatory, and one (1) bathtub or shower for every six (6) residents, or fraction thereof; and
  3. Accessible to the residents without going outside of the building or without going through a sleeping room of another resident.
- M. A telephone must be available, twenty-four (24) hours per day, must be easily accessible, and must afford privacy for use by residents.
1. A listing of emergency telephone numbers, including the numbers of the local police, fire department, ambulance, the office of the local governmental entity that issued the boarding house permit, the Texas Department of Family and Protective Services (DFPS), the Local Mental Health Authority, and the Texas Information and Referral

Network must be placed in plain view on or next to the telephone and accessible to persons who are visually or hearing impaired, as needed.

N. Each boarding home facility must provide:

1. A washer and dryer for every ten (10) residents, or fraction thereof that is properly vented to the outside. Washer or dryer must be in a utility room/ area that are not in the kitchen area.
2. A sitting/communal/recreational room for the common use of all residents. Furniture must include comfortable chairs and tables, and lamps in good repair and appearance.
3. A dining room located on the same floor as the communal kitchen and must:
  - (a) Be as nearly adjacent to the communal kitchen as practicable;
  - (b) Be accessible to the residents, without going through a sleeping room or sleeping dormitory of another resident;
  - (c) Contain not less than seventy (70) square feet of floor area; and
  - (d) Be supplied with one (1) dining chair and two (2) linear feet of dining table space for each resident of a boarding home facility.
4. A kitchen that:
  - (a) Is accessible to the residents sharing the use without going through a sleeping room of another resident;
  - (b) Has a food preparation area with a total of not less than six (6) square feet;
  - (c) Contains a minimum floor space of sixty (60) square feet for dining area or, each kitchen with dining attached must be at least one hundred (100) square feet;
  - (d) Has a minimum two (2) compartment sink for manual dishwashing;
  - (e) Has a cooking stove fueled by gas or electricity;
  - (f) Contains at least one (1) cabinet of adequate size, suitable for storage of food and utensils; and
  - (g) Is properly equipped to allow for the preparation of meals.

O. Fire precautions must include:

1. Providing suitable fire escapes/exits that must be kept in good repair and accessible at all times;
2. Having a written fire and evacuation plan that sets forth responsibilities and steps to be taken by staff and residents in the event of fire or other emergency;
3. Posting an emergency evacuation plan throughout the facility; and
4. Not storing gasoline operated maintenance equipment, lawn care equipment, and flammable supplies inside the boarding home facility.

P. Fire precautions must also include the following:

1. At least one (1) all-purpose dry chemical fire extinguisher rated no less than 2A:10B:C must be properly installed in each dwelling unit, checked at least monthly by the owner/operator of the boarding home facility, and must be inspected annually by a service provider who is properly licensed by the State Fire Marshal to perform fire extinguisher installation and maintenance.
  2. All fire protection measures must be in accordance with requirements of the local fire authority.
  3. In new boarding home facilities or in existing dwellings newly converted to boarding home facility use, functional hard-wired smoke detectors shall be present in each bedroom, in corridors or hallways on each floor, and in laundry and basement areas. Such smoke detectors shall be powered by the building's electrical system and interconnected so that any active detector will activate all of the detectors simultaneously, providing an audible alarm from each detector. Excepted from this rule are existing boarding home facilities using single-station, battery-powered smoke detectors, providing the detectors are installed in each location listed above and each detector is fully functional.
  4. If a boarding home facility has a resident who is hearing impaired, a boarding home facility owner/operator must install a visual smoke detector that is capable of alerting a person with a hearing impairment of the presence of fire or smoke.
  5. At least one functional carbon monoxide detector shall be installed in each dwelling unit, and located near sleeping areas, with one exception: all-electric dwellings with no natural gas or LP gas service to the building are exempt from this requirement.
- Q. All residents must be shown how to use all emergency exits from the facility within twenty-four (24) hours of arrival to the facility.
- R. The boarding home facility and associated site must pass all required inspections and the owner/operator must keep a current file of reports and other documentation on-site needed to demonstrate compliance with applicable laws and regulations. The inspections must be signed, dated, and free of any outstanding corrective actions. The following inspections are required:
1. Annual inspection by the local Fire Marshal, or his designee;
  2. Where a full fire detection and alarm system is installed, the fire alarm system shall be inspected annually by a service provider who is licensed by the State Fire Marshal to perform installation and maintenance of fire alarm systems;
  3. Annual health inspection by the local Health Inspector;
  4. Gas pipe pressure test once every three (3) years by a licensed plumber;
  5. Annual inspection and maintenance of fire extinguishers by a service provider who is licensed by the State Fire Marshal to perform these duties; and
  6. Annual inspection of liquefied petroleum gas systems by an inspector certified by the Texas Railroad Commission, if applicable.

**Sec. 16-57. Sanitary and related conditions.**

- A. Each owner/operator of a boarding home facility must be responsible for maintaining the dwelling and premises in a clean and sanitary condition.
- B. Every boarding home facility must be kept in good repair, and so maintained as to promote the health, comfort, safety and well-being of residents.
- C. Interior walls, ceilings and floors must be capable of affording privacy and must be maintained free of holes, cracks, loose or deteriorated material, or any other condition that constitutes a hazard to the residents or is a harborage for insects, pests or vermin.
- D. Every window, exterior door and basement hatchway must be weather tight, watertight, insect and rodent-proof and must be kept in good working condition.
- E. The water supply must be of safe, sanitary quality, suitable for use, and adequate in quantity and pressure. The water must be obtained from a water supply system approved by the Texas Commission on Environmental Quality (TCEQ).
- F. Every plumbing fixture, water pipe and waste pipe must be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions and properly connected to an approved sewage disposal system.
- G. Every boarding home facility utilizing well water must provide water samples at least annually to the permit issuing entity. If the sample results show coliform present, a resample must be taken within seven (7) days of receipt of the results.
- H. All garbage and refuse must be kept in watertight, covered containers. The garbage and refuse area must be kept in a clean and sanitary condition. A sufficient number of garbage receptacles must be provided by the boarding home facility. All garbage, trash and refuse must be removed from the premises frequently to prevent nuisance and unsightly conditions.
- I. Each owner/operator must be responsible for the extermination of any insects, rodents or other pests in the rooms occupied by residents, storage areas, attics or on the premises and yard.
- J. Water closets, lavatories, and bathtubs or showers must be:
  - 1. Kept clean and in good repair and must be well-lighted and ventilated;
  - 2. Adequately supplied with toilet paper, soap, and hand towels for each bathroom; and
  - 3. Supplied with non-slip surfaces in bathtub or shower, and curtains or other safe enclosures for privacy.
- K. Each kitchen in a boarding home must:
  - 1. Be kept in a clean and sanitary condition;

2. Have a food preparation area with a surface area that is smooth, impermeable, free of cracks and easily cleanable, that shall not be used for eating; and
3. Have a refrigerator that is equipped with a thermometer and is maintained in an operational, clean and sanitary condition that is adequate to maintain foods at the required temperature.

L. Each facility shall meet all applicable state and local sanitary codes.

M. All linens and laundry shall be

1. Bagged or placed in a hamper before being transported to the laundry area;
2. Properly identified to prevent loss; and
3. Not be transported through, sorted, processed, or stored in kitchens, food preparation areas, or food storage areas, if soiled.

N. Poisonous, toxic, and flammable materials shall

1. Be stored and maintained away from bed linens, towels, or kitchen equipment;
2. Be prominently and distinctly labeled for easy identification of contents; and
3. Not be used in a way that contaminates food equipment or utensils, or in a way that constitutes a hazard to employees or residents.

O. After each usage, all eating and drinking utensils shall be thoroughly washed and sanitized in hot water containing a suitable soap or synthetic detergent and rinsed in clean hot water. In the event a mechanical dishwasher is used, dish detergent is required.

P. All food and drink shall be:

1. Clean, free from spoilage, pathogenic organisms, toxic chemicals, and other harmful substances;
2. Prepared, stored, handled, and served so as to be safe for human consumption;
3. Maintained at a temperature of 41 degrees Fahrenheit or below for foods subject to spoilage;
4. Maintained at 135 degrees Fahrenheit or above at all times for hot foods ready to serve;
5. Maintained in the freezer at a temperature of 0 degrees Fahrenheit or below for foods stored as frozen; and
6. Stored in food containers that are appropriately labeled, dated, and protected from flies, insects, rodents, dust, and moisture.

Q. Meals provided by the facility shall be nutritionally balanced and shall provide the USDA recommended daily allowances of vitamins, minerals and calories.

R. With the exception of service animals for persons with disabilities, birds, cats, dogs or other animals are not permitted in areas in which food is prepared, stored or where utensils are

washed or stored.

S. Meals shall be served:

1. At least three (3) times per day;
2. In sufficient quantity and quality to meet the nutritional needs of the residents;
3. Daily at regular hours, with at least one (1) hot meal per day;
4. With no more than fourteen (14) hours between the beginning of the evening meal and the beginning of the morning meal; and
5. With alternative selections for residents on medically prescribed diets.

T. A time schedule of meals shall be posted daily.

U. Employees or residents engaged in food handling shall

1. Observe sanitary methods, including hand washing as appropriate; and
2. Not be assigned to preparing foods for others at the facility if carrying a disease that can be transmitted to others.

V. Regardless of the number of residents, each boarding home facility shall hold a valid food establishment permit issued by the applicable local or state regulatory authority in the name of the owner/operator and for the specific boarding home facility.

W. If preparing meals for residents, staff must have a food-handler's permit.

X. Each boarding home facility shall maintain a minimum food and water supply sufficient for all residents as recommended by the American Red Cross.

Y. Each boarding home facility shall be equipped with a first aid kit as recommended by the American Red Cross.

**Sec. 16-58. Reporting and investigation of injuries, incidents, and unusual accidents and the establishment of other policies and procedures to ensure resident health and safety.**

A. Each owner/operator of a boarding home facility must develop and implement policies and procedures for investigating and documenting injuries, incidents and unusual accidents that involve residents. Owners/operators must also establish policies and procedures necessary to ensure resident health and safety.

1. Minimum requirements for the documentation of injuries, incidents or unusual accidents should include, but are not limited to:
  - (a) Date and time of the injury, incident or unusual accident occurred;
  - (b) Description of the injury, incident or unusual accident;
  - (c) Description of any medical or mental health treatment the resident received;

- (d) Steps taken by the owner/operator to prevent future injuries, incidents or unusual accidents if a problem at the boarding home facility resulted in the injury, incident or unusual accident.
    - (e) When the residents' legal guardian or legally authorized representative was notified about the injury, incident or unusual accident.
  - 2. Residents, the resident's guardian, or legally authorized representatives should be given access to the inspection records as described in A (1) within forty-eight (48) hours of requesting the records from the owner/operator.
- B. In addition to investigating and documenting injuries, incidents or unusual accidents, an owner/operator must report any allegations of abuse, neglect or exploitation of an adult age sixty-five (65) years or older or an adult with a disability to the Texas Department of Family and Protective Services. Failure to report suspected abuse, neglect or exploitation of an elderly adult or adult with a disability is a Class A misdemeanor.
  - 1. Each owner/operator should ensure that each resident has access to a telephone twenty-four (24) hours per day that is easily accessible and affords privacy for use by residents.
  - 2. The owner/operator shall ensure that no resident is harassed, retaliated against, threatened or intimidated at any time for making a report of abuse, neglect or exploitation.
  - 3. Owner/operators will provide each resident with a copy of the definitions of abuse, neglect or exploitation as outlined in Chapter 48 of the Human Resources Code.
  - 4. Owner/operators will allow law enforcement personnel, emergency medical and fire personnel access to the boarding home facility when these professionals are responding to a call at the owner/operator's room and board facility.
- C. A boarding home facility must have sufficient available staff – either owner/operator of the boarding home facility or employee – on-call at all times to promptly assist residents with services provided by the boarding home facility.
- D. No owner/operator or other employee of a boarding home facility shall provide services or engage in behavior that constitutes a financial conflict of interest including but not limited to:
  - 1. Borrowing from or loaning money to residents;
  - 2. Witnessing wills in which the owner/operator or employee is a beneficiary;
  - 3. Co-mingling the resident's funds with the owner's/operator's or other residents' funds; or
  - 4. Becoming the guardian, conservator or power of attorney for a resident.
- E. If an owner/operator becomes the representative payee for a resident or assists a resident with general money management, the owner/operator shall:
  - 1. Maintain separate financial records for each resident for which the owner/operator is the representative payee for the entire period of time the owner/operator is the resident's representative payee and continue to maintain the resident's records for at least one

- (1) year after the last calendar day the owner/operator is the resident's representative payee;
  2. Include in the records an itemized list of expenditures that the owner/operator has made on behalf of the resident, including the charges that are assessed by the owner/operator;
  3. Maintain receipts for all expenditures in addition to the itemized documentation;
  4. Develop a budget with the resident outlining routine expenditures and ensure that expenditures that are not routine are discussed with the resident before the resident's funds are expended; and
  5. The owner/operator will allow the resident, the resident's guardian, or legally authorized representative access to the resident's financial records that are maintained by the owner/operator within 48 hours of receiving a request.
- F. An owner/operator of a boarding home facility shall develop a service agreement with each resident and maintain a copy of the agreement signed by the resident.

**Sec. 16-59. Assistance with self-administration of medication.**

- A. Assistance with self-administration of medication may be provided to adult residents who can identify their medication and know when their medication should be taken but require assistance with self-administration. Assistance with self-administration of medication may not be provided to minors.
- B. Assistance with self-administration of medication is limited to:
1. Reminding the resident to take medication;
  2. Opening a container, removing medication from a container, and placing medication in a resident's hand or in/on a clean surface, such as a pill cup or medication reminder box, for the resident's self-administration; and
  3. Reminding the resident when a prescription needs to be refilled.
- C. All residents' medication must be stored in a locked area. The boarding home facility must provide a central locked storage or individual locked storage areas for each resident's medication.
1. If the boarding home facility uses a central medication storage area, a boarding home facility employee must be available to provide access at all times and each resident's medication must be stored separately from other residents' medications within the storage area.
  2. If a resident's medication requires refrigeration, the boarding home facility must provide a refrigerator with a designated and locked storage area or a refrigerator inside a locked medication room.

3. Medications labeled for “external use only” must be stored separately within the locked area.
  4. Poisonous substances must be labeled, stored safely, and stored separately from medications within a locked area.
  5. If a boarding home facility stores controlled drugs, the facility must adopt and enforce a written policy for preventing the diversion of the controlled drugs.
- D. A boarding home facility must have sufficient available staff – either owner/operator of the boarding home facility or employee – on-call at all times to promptly assist with self-administration of medication.
- E. Medication that remains in the boarding home facility after a resident is no longer lodging in the facility must be properly disposed of by the owner/operator in accordance with applicable legal requirements.

#### **Sec. 16-60. Posting requirements.**

The boarding home facility must prominently and conspicuously post the following for display in a public area that is readily available to residents, the operator, employees, and visitors:

1. The permit issued by the City;
2. A sign prescribed by the City specifying how ordinance violation complaints may be registered with the City;
3. A notice in a form prescribed by the City stating that inspection and related reports are available at the facility for public inspection and providing a telephone number that may be used to obtain information concerning the boarding home facility;
4. A concise summary of the most recent inspection report relating to the boarding home facility; and
5. A notice in a form prescribed by the City that lists the name, location, and contact information for:
  - (a) The closest local public health services agency in the proximity of the boarding home facility; and
  - (b) A local organization or entity that represents, advocates, or serves elderly persons or persons with disabilities, including any related toll-free contact information for reporting emergencies to the organization or entity.

#### **Sec. 16-61. Requirements for in-service education of facility’s staff.**

- A. Each owner/operator and employee is subject to the following initial training requirements prior to contact with residents:

1. Employer rules and policies;
2. Recognizing and reporting abuse, neglect and exploitation;
3. Resident's rights, including all applicable rights from the following:
  - (a) Texas Human Resource Code, Chapter 102, Rights of the Elderly;
  - (b) Texas Human Resource Code, Chapter 112, Developmental Disabilities;
  - (c) Texas Property Code, Chapter 301, Fair Housing Practices; and
  - (d) Texas Property Code, Chapter 92, Residential Tenancies.
4. Policies and procedures for contacting emergency personnel when the assistance of the owner/operator, employee or on-call staff is insufficient to eliminate the risk presented to a resident's health or safety;
5. Complaint process specific to the City and the boarding home facility;
6. Assistance with self-administration of medication;
7. Prevention of injuries, incidents and unusual accidents;
8. Emergency, evacuation and disaster plan; and
9. Service specific orientation that includes, but is not limited to:
  - (a) Nutrition, including meal preparation and dietary needs;
  - (b) Sanitation;
  - (c) Laundry; and
  - (d) Housework.

- B. Each owner/operator and employee is subject to the following ongoing training requirements:
1. Updates and changes in any policies and procedures within ten (10) days of the owner, operator or employee becoming aware of the change.
  2. Orientation specific to the needs of each new resident within one (1) day of the resident moving into the home.
  3. Orientation specific to the needs of a resident whose needs have changed due to injury, illness, hospitalization or other circumstances which affect the resident's needs within one (1) day of the owner, operator, or employee becoming aware of the change.

**Sec. 16-62. Criminal background history checks.**

- A. A boarding home facility owner/operators permit to operate a boarding home may be denied, revoked, suspended, or denied for renewal if the owner/operator has been convicted of a criminal offense listed in subsection C or D of this section, or if the owner/operator has in its employ any person convicted of a criminal offense listed in subsection C or D.

- B. The owner/operator must complete any state or federal request and release forms that are required to obtain a criminal history report for the owner/operator. In addition to the permit fee, the owner/operator will provide funding to the appropriate agency in a manner specified by the appropriate agency to cover any fees imposed by state or federal agencies for the report.
- C. The following histories will disqualify an owner/operator from obtaining a permit to operate a boarding home facility or will serve as a bar to being employed by a boarding home facility:
1. An offense under Chapter 19, Penal Code (criminal homicide);
  2. An offense under Chapter 20, Penal Code (kidnapping and unlawful restraint);
  3. An offense under Section 21.02, Penal Code (continuous sexual abuse of young child or children), or Section 21.11, Penal Code (indecent with a child);
  4. An offense under Section 22.011, Penal Code (sexual assault);
  5. An offense under Section 22.02, Penal Code (aggravated assault);
  6. An offense under Section 22.04, Penal Code (injury to a child, elderly individual, or disabled individual);
  7. An offense under Section 22.041, Penal Code (abandoning or endangering child);
  8. An offense under Section 22.08, Penal Code (aiding suicide);
  9. An offense under Section 25.031, Penal Code (agreement to abduct from custody);
  10. An offense under Section 25.08, Penal Code (sale or purchase of a child);
  11. An offense under Section 28.02, Penal Code (arson);
  12. An offense under Section 29.02, Penal Code (robbery);
  13. An offense under Section 29.03, Penal Code (aggravated robbery);
  14. An offense under Section 21.08, Penal Code (indecent exposure);
  15. An offense under Section 21.12, Penal Code (improper relationship between educator and student);
  16. An offense under Section 21.15, Penal Code (improper photography or visual recording);
  17. An offense under Section 22.05, Penal Code (deadly conduct);
  18. An offense under Section 22.021, Penal Code (aggravated sexual assault);
  19. An offense under Section 22.07, Penal Code (terroristic threat);
  20. An offense under Section 33.021, Penal Code (online solicitation of a minor);
  21. An offense under Section 34.02, Penal Code (money laundering);
  22. An offense under Section 35A.02, Penal Code (Medicaid fraud);
  23. An offense under Section 42.09, Penal Code (cruelty to animals);

24. An offense under Section 30.02, Penal Code (burglary);
  25. An offense under Chapter 31, Penal Code (theft), that is punishable as a felony; or
  26. A conviction under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed in this subsection.
- D. A person may not own or operate a boarding home facility or be employed in a position the duties of which involve direct contact with a resident in a boarding home facility before the fifth (5<sup>th</sup>) anniversary of the date the person is convicted of any felony offense not listed in subsection C of this section or any of the following non-felony offenses:
1. An offense under Section 22.01, Penal Code (assault), that is punishable as a Class A misdemeanor;
  2. An offense under Section 32.45, Penal Code (misapplication of fiduciary property or property of a financial institution), that is punishable as a Class A misdemeanor;
  3. An offense under Section 32.46, Penal Code (securing execution of a document by deception), that is punishable as a Class A misdemeanor;
  4. An offense under Section 37.12, Penal Code (false identification as peace officer);
  5. An offense under Section 42.01(a)(7), (8), or (9), Penal Code (disorderly conduct); or
  6. A conviction under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed in this subsection.
- E. The owner/operator must ensure that all employees, including volunteers who are not residents, have had a background check of conviction records, pending charges and disciplinary board decisions completed within the past thirty (30) days, and is repeated annually thereafter, and that the individual is not disqualified under the provisions of Subsections C and D of this section.

The owner/operator or each boarding home facility shall submit an affidavit to the City with its original application and annual renewal certifying that the owner has performed criminal history background check on each owner/operator, employee and volunteer, and that no owner/operator, employee or volunteer has been convicted of a disqualifying criminal offense set forth in this section. The owner/operator will immediately discharge any employee or volunteer whose criminal history check reveals conviction of a criminal offense that bars employment or volunteer service with the boarding home facility. Further, if an owner/operator, employee, or volunteer is convicted of a disqualifying criminal offense during the period that a permit is in effect; the owner/operator must report such conviction to the City within ten (10) calendar days of such conviction.

**Sec. 16-63. Assessment and periodic monitoring of residents.**

- A. Owners/operators of a boarding home facility or their designee will complete and document an annual assessment and conduct periodic monitoring to ensure that a resident is capable of self-administering medication and completing basic elements of personal care as listed in Subsection B and C of this section. The assessment will be used as a tool to determine if the needs of the resident can be addressed in a boarding home facility or if the resident needs personal care services and/or medication administration that cannot be provided by the boarding home facility.
- B. Elements of the self-administration of medication to be assessed by the boarding home facility owner/operator or designee include the ability to perform each of the following tasks with little assistance:
1. Identifying the name of the medication;
  2. Providing a reason for the medication (the owner/operator cannot force the resident to disclose a health condition that is the basis for the medication if the resident refuses);
  3. Distinguishing color or shape;
  4. Preparing correct number of pills (dosage);
  5. Confirming the time to take medication(s); and
  6. Reading labels.
- C. Elements of personal care to be assessed by the boarding home facility owner/operator include the residents ability to:
1. Eat independently;
  2. Bathe without assistance;
  3. Dress without assistance; and
  4. Move and transfer independently.
- D. As a result of an assessment, if an owner/operator finds that a resident is in a state of possible self-neglect due to no longer being able to perform basic elements of personal care as listed in Subsection C of this section and believes that a higher level of care is needed, the owner/operator is responsible for the following:
1. Contacting DFPS by phoning the Statewide Intake division at 1-800-252- 5400;
  2. Notifying the resident's guardian or legally authorized representative; and
  3. Contacting the appropriate health or human services authority to advise that the resident requires services beyond what can be provided by the boarding home facility

E. A state of self-neglect does not exist if the resident receives outside professional services that meet the resident's need for personal care or self-administration of medication. In these cases, the resident can remain in the boarding home facility provided that all needs for personal care and self-administration of medication are met.

**Sec. 16-64. Required reports to the Health and Human Services Commission.**

With the exception of the year this chapter is adopted, each year thereafter, prior to September 30, the City Secretary shall submit a report to the Health and Human Services Commission. The report shall contain the following information:

1. The total number of boarding home facilities permitted during the preceding state fiscal year (September 1 – August 31);
2. The total number of boarding home facility applications denied permitting, including a summary of cause for denial;
3. The total number of boarding home facility permits active on August 31 of the preceding state fiscal year;
4. The total number of residents reported housed in each boarding home facility reported;
5. The total number of inspections conducted at each boarding home facility by the City;
6. The total number of permits revoked or suspended as a result of an inspection; and
7. A summary of the outcome for the residents displaced by revocation or suspension of a permit.

**Sec. 16-65. Expiration and renewal of permits.**

Sixty (60) days prior to the expiration date of a boarding home facility permit, the owner/operator shall contact the Code Enforcement Officer to schedule the facility's renewal inspection. An owner/operator that fails to timely renew its permit shall forfeit the right to operate the boarding home facility within the City until such time as the renewal is approved.

**Sec. 16-66. Suspension, denial or revocation of permit.**

The Code Enforcement Officer shall issue a written notice of intent to suspend, deny or revoke a boarding home facility permit if the City Secretary's Office determines that an owner/operator has:

- (1) Violated or is not in compliance with any provision of this Article; or
- (2) Refused or failed to allow an inspection of the boarding home facility as authorized by this Article.

## **Sec. 16-67. Denial, suspension and revocation procedures.**

If the Code Enforcement Officer determines that facts exist for denial, suspension or revocation of a permit under this Article, the City Secretary shall notify the owner/operator (respondent) in writing of the intent to deny, suspend or revoke the permit, including the grounds therefor, by personal delivery, or by certified mail.

The notification shall be directed to the owner/operator at the most current business address of the boarding home facility on file with the City. Within five (5) business days of receipt of such notice, the respondent may provide to the City Secretary, in writing, a response that shall include a statement of reasons why the permit should not be denied, suspended or revoked. Within ten (10) business days of the receipt of respondent's written response, the City Secretary shall notify respondent in writing of the hearing date on respondent's denial, suspension or revocation proceeding.

Within fifteen (15) business days of the City Secretary's receipt of respondent's written response, the City Manager shall conduct a hearing at which respondent shall have the opportunity to be represented by counsel and present evidence and witnesses on his or her behalf. If a response is not received by the City Secretary in the time stated above or, if after the hearing, the City Manager finds that grounds as specified in this Article exist for denial, suspension or revocation, then such denial, suspension, or revocation shall become final five (5) business days after the hearing unless within that time the City Manager sends, by certified mail, written notice that the permit has been denied, suspended, or revoked or if the permit will be issued or allowed to remain in effect. If the permit is denied, suspended or revoked such notice shall include a statement advising the applicant or permittee of the right to appeal such decision to a court of competent jurisdiction.

If after a hearing, the City Manager finds that insufficient grounds exist for the denial, suspension or revocation of a permit, then within five (5) business days after the hearing, the City Manager shall withdraw the intent to deny, suspend or revoke the permit, and shall so notify the respondent in writing of such action by certified mail and shall contemporaneously issue the permit or allow the permit to remain in effect, as applicable.

When a decision to deny, suspend, or revoke a permit becomes final, the applicant or permittee (aggrieved party) whose application for a permit has been denied, or whose permit has been suspended or revoked, shall have the immediate right to appeal such action to a court of competent jurisdiction. Until the court of competent jurisdiction issues its final judgment, the decision to deny, suspends or revoke a permit shall remain in effect and be enforced.

A boarding home facility which is directly or indirectly a part of civil litigation, an administrative hearing, or procedures regarding the denial, suspension or revocation of the permit, such permit shall not be transferred, sold or given to another person during the pendency of the judicial or administrative processes.

**Sec. 16-68. Transfer of permit.**

A person commits a violation if the person transfers a permit or permits to another person the operation of a boarding home facility under the authority of a permit at any place other than the address designated on the permit. A transfer of a permit is deemed to have occurred if there is a transfer of ownership or control of the boarding home facility.

**Sec. 16-69. Offenses and criminal penalties.**

Any person who shall violate any provision of this Article shall be deemed guilty of a misdemeanor and punished by a fine not less than one dollar (\$1.00) and not exceeding two thousand dollars (\$2,000.00) ; and if such violation shall continue from day to day, each day's violation shall constitute a separate offense.

**Sec. 16-70. Notice of violation.**

The City shall provide to the boarding home written notice of each alleged violation of this Article. The notice may be sent by certified mail, return receipt requested, to the owner/operator at the business address of the boarding home facility as it appears on its permit application, to the attention of the permittee, as it appears on the permit application, or may be personally delivered to the permittee. Failure of the City to provide such notice is not a violation of this Article, and shall not affect or invalidate any subsequent prosecution of a violation of this Article.

**Sec. 16-71-79. 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 \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

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

**ATTEST:**

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



## AGENDA ITEM 8

<b>DATE OF MEETING:</b> August 2, 2012	<b>DATE SUBMITTED:</b> July 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 a Proposal to Adopt a Tax Rate of \$0.5432 per \$100 Valuation for the 2012 Tax Year, Take Record Vote and Set the Public Hearings on the Proposed Tax Rate in Accordance with State Law		
<b>SUMMARY STATEMENT:</b> Staff requests that this item be <u>passed</u> due to 2012 Truth-In-Taxation requirements.		
<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> None		
<b>FUNDING SOURCE (Where Applicable):</b>		
<b>RECOMMENDED ACTION:</b> Pass the adoption of a tax rate until the August 16, 2012 council meeting due to the 2012 Truth-In-Taxation publication requirements.		
<b>APPROVALS:</b> Carolyn D. Miller		



## AGENDA ITEM 9

<b>DATE OF MEETING:</b> August 2, 2012	<b>DATE SUBMITTED:</b> July 30, 2012	
<b>DEPT. OF ORIGIN:</b> Main Street	<b>SUBMITTED BY:</b> Jennifer Eckermann	
<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 from the Main Street Board Approving the Renewal of a Reserved Parking Space for Hospice Boutique		
<b>SUMMARY STATEMENT:</b> New requests for reserved downtown parking spaces and annual renewals of those reserved spaces come before the Main Street Board for recommendation to Council. The Main Street Board met Monday, June 4, and discussed a request for a renewal of the free, reserved parking space by Hospice Boutique, located at 101 E. Main Street. The current reserved space is on the side of their building (Park Street), and is only reserved for afternoons from 1 – 5 p.m. for donation drop-off. The Main Street Board recommends Council to continue this agreement for the period June 2012 through May 2013.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<p style="margin-left: 20px;"><b>A. PROS:</b> Provides an unloading/loading zone for a non-profit.</p> <p style="margin-left: 20px;"><b>B. CONS:</b> Restricts parking in this area.</p>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> (1) Approve request; or (2) Deny request		
<b>ATTACHMENTS:</b> (1) Request for Reserved Parking Space by Hospice Boutique; and (2) Minutes from Main Street Board		
<b>FUNDING SOURCE (Where Applicable):</b>		
<b>RECOMMENDED ACTION:</b> Approve a request from the Main Street Board approving the renewal of a reserved parking space for Hospice Boutique.		
<b>APPROVALS:</b> Julie Fulgham		

# REQUEST FOR RESERVED PARKING SPACE

Date: 6-1-12

**Person Making Request** (Please type or print neatly):

Name: Karen Gardner Business Name: Hospice Boutique

Mailing Address:  
101 E. Main St Brenham Tx 77833  
City State Zip

Phone Number(s): (979) 277-9623 ( ) \_\_\_\_\_

**Please indicate the reason for this request** (Please note that the Code of Ordinances, Chapter 25, Article III, Section 25-57 reads that reserved parking shall not be allowed except in cases of extreme necessity and that each request will be reviewed by the Main Street Board and presented to City Council for approval.):

for unloading donations made to  
Hospice Brazos Valley

I understand and agree to timely pay all fees and charges related to each reserved parking space approved by the City of Brenham. I understand and agree that the fees and charges may be changed from time to time by the City of Brenham, and I am responsible for the full payment of any and all fees and charges as may be assessed by the City. Furthermore, I understand and agree that the reserved parking space may be revoked for non-payment of fees and charges, or as provided for in Chapter 25, Article III, Section 25-57 of the Code of Ordinances of the City of Brenham.

Karen Gardner  
Requestor Signature

FOR CITY OF BRENHAM USE ONLY	
Date Received: <u>6/1/12</u>	Received By: Mail Fax Email <u>In Person</u>
Date Request Presented to Main Street Board: <u>June 4, 2012</u>	
Main Street Board Recommendations: <u>the board recommends approval of the request.</u>	
Date Presented to City Council: _____	Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No
IF APPROVED	
Location of Reserved Space: _____	
Monthly Fee To Be Invoiced: _____ (per City Council action)	
Date Sign Requested: _____	By: _____



## Main Street Board

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A meeting of the **Main Street Board** was held on **Monday, June 4, 2012** beginning at **4:00 p.m.** in **Conference room 2A of City Hall.**

Members Present: Chairman Traci Pyle, Tommy Upchurch, Margie Young, Leslie Harrell, Mark Schneider, Jay Alexander, John Hermann and Karen Holle.

Unable to attend: Jon Hill.

Others Present: Director of Development Services Julie Fulgham, Main Street Manager Jennifer Eckermann, Bebe Hayward and Seneca McAdams.

- 1. Call Meeting to Order.** Chairman Pyle called the meeting to order.
- 2. Citizen/Visitor Comments.** There were none.
- 3. Approval of Minutes from May 7, 2012 Meeting.** Hermann made a motion to approve the May 7, 2012 minutes, with a second by Holle. The motion passed.
- 4. Discuss and Consider Approval of Recommendation to Planning and Zoning Commission and City Council to Adopt Downtown Master Plan.** Upchurch said he hoped that all of the members present were planning to attend the Planning and Zoning Commission this evening to show support for the Downtown Master Plan. Fulgham will present a staff report to the Commissioners and ask that they recommend adoption of the plan by City Council. Young made a motion to approve a recommendation to Planning and Zoning Commission and City Council to adopt the Downtown Master Plan, with a second from Holle. The motion passed.
- 5. Discuss and Consider Re-Approval of Reserved Parking Space at No Charge for Hospice Boutique.** Upchurch recommended that the board needs to discuss how to address requests for reserved parking spaces. A previous request from Hayward for a space was tabled as the master planning process got underway. Because Hospice is a not-for-profit charity, and has a half-day reserved place already, Alexander made a motion to approve the request for the half-day reserved parking space at no charge for Hospice Boutique, with a second by Hermann. The motion passed.
- 6. Update on Brenham's Hosting of Texas Main Street Summer Training.** Eckermann said that things are in place for the June 12-15 conference. The organization committee has been helping to prepare items that are needed, and will be helping with the registration table. The board was again invited to participate, but need to sign up for dinners they might like to attend by the end of the week.
- 7. Discuss and Consider Approval of Revised Hot Nights, Cool Tunes Policies and Procedures.** Eckermann reported that City Attorney Cary Bovey reviewed changes that were discussed at last month's meeting and made suggestions for improvement. The changes were

presented to the Board. Hermann made a motion to approve the changes to the policies and procedures, and a second was made by Young. The motion passed.

**8. Update on 2012 Hot Nights , Cool Tunes Summer Concert Series, Including T-Shirt Design and Non-Profit Group Interest.** Pyle shared the design of the 2012 Hot Nights t-shirt and said the promotion committee was happy with the design. The committee is changing some of the beverage booth prices but feels it is past time to do that. Eckermann said that she only has 2 non-profit groups signed up to help, but that we can count on city employees to be available when needed. Herman said the Miracle Farm was asked about interest they might have in participating but the serving of alcohol at the function would not work well for them. Eckermann said there are two nights open if any board members knew of other groups to approach.

**9. Washington County Chamber of Commerce and Convention and Visitors Bureau Report, Including Recent Promotional Activities and Special Events.** McAdams said the numbers of hits to VisitBrenhamTexas.com continues to improve, and the number of pages viewed continues to rise. The E-News list is growing and weddings for groups is exploding. The Jr. Brangus Breeders group will be here in June and a National Car Tour will be coming the in August. 200 cars are expected. The Chamber's Tailgate event will be Thursday, August 30.

**10. Staff Report to Include Summer harvest Celebration at the Farmers Market; Downtown Business/Property Update, Including Beaumier Iron Works.** Eckermann said the Summer harvest Celebration and Veggie contest will be held Saturday, June 16. She has met with Tyson Voelkel who is very supportive of the Master Plan and was hoping to attend the P&Z meeting this evening. He and his family have been working on the Iron Works property.

**11. Next Meeting – Monday, July 2.**

**12. Adjourn.**

---

Jennifer Eckermann

---

Date



## AGENDA ITEM 10

<b>DATE OF MEETING:</b> August 2, 2012	<b>DATE SUBMITTED:</b> July 30, 2012	
<b>DEPT. OF ORIGIN:</b> Public Utilities	<b>SUBMITTED BY:</b> Lowell Ogle	
<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 Contract with J. Stowe & Co. LLC for a Utility Rate and Cost of Service Study for City of Brenham Utilities and Authorize the Mayor to Execute Any Necessary Documentation		
<b>SUMMARY STATEMENT:</b> During the recent budget meetings with Council we discussed the need for cost of service study on our Electric and Gas distribution systems. These systems have not had a cost of service review for several years. During this time the electric and gas distribution systems have lost significant industrial load and had some changes to other classes. Also, since that time, the way we are billed by our electric wholesale provider has changed.  The cost for the Electric study is \$45,000 and \$27,500 for the Gas study. We would also like to update our current Water and Wastewater models. The cost for these studies would be \$5,000.  The Staff feels that these studies should be completed to verify allocation of cost and equity between rate classes, as well as full recovery of wholesale cost.  The total cost to provide these tasks is \$77,500. However, if the Electric and Gas studies are done concurrently, they will perform the Water and Wastewater updates at no charge thereby reducing the total cost for these studies to \$72,500, including out of pocket expenses.  Staff is recommending that Council approve the Agreement with J. Stowe & Co.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<p style="margin-left: 40px;"><b>A. PROS:</b> Verify allocation and equity amongst rate classes as well as full recovery of wholesale cost.</p> <p style="margin-left: 40px;"><b>B. CONS:</b></p>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		

**ATTACHMENTS:** (1) Agreement for Electric, Gas, Water and Wastewater Cost of Service and Rate Design Assistance.

**FUNDING SOURCE (Where Applicable):** Departmental operating budgets.

**RECOMMENDED ACTION:** Approve a contract with J. Stowe & Co. LLC for a utility rate and cost of service study for City of Brenham utilities and authorize the Mayor to execute any necessary documentation.

**APPROVALS:** Lowell Ogle Jr.



1300 E Lookout Drive, Ste 100  
Richardson, TX 75082  
t 972 680 2000  
f 972 680 2007

515 Congress Avenue, Ste 1515  
Austin, TX 78701  
t 512 479 7900  
f 512 479 7905

July 2, 2012

Mr. Terry Roberts  
City Manager  
City of Brenham  
200 West Vulcan  
Brenham, Texas 77834-1059

**RE: REQUESTED ELECTRIC, GAS, WATER, AND WASTEWATER COST OF SERVICE AND RATE DESIGN ASSISTANCE**

Dear Mr. Roberts:

Based on previous conversations, J. Stowe & Co. LLC ("J. Stowe & Co.") is pleased to submit our proposed Engagement Letter to the City of Brenham ("City") to provide Cost of Service and Rate Design Assistance for the City's Electric, Gas, Water, and Wastewater Utilities. The following letter outlines our proposed Scope of Services, Project Team, estimated Project Timeline, and proposed Project Fees.

**Scope of Services**

It is our understanding that due to the loss of system load associated with the Cotton Gin, which has ceased operations, the City's customer electric and gas load profiles have most likely significantly shifted necessitating the performance of a new Cost of Service study for the Electric and Gas Utilities to ensure rates and cost recovery is fair and reasonable for each customer class. Additionally, it has been sometime since the City has performed an in-depth Cost of Service Study to insure costs are properly assigned and recovered. It is also our understanding that the City desires that J. Stowe & Co. review and critique the City's existing Water and Wastewater Rate Model and, based on this review and further input from City staff, modify the functionality of the Model to refine and enhance its' capabilities.

**Proposed Project Team**

Mr. Jack Stowe will serve as the Project Director responsible for the successful completion of the proposed engagement and will serve as the central contact for communications with the City and the Project Team. Ms. Connie Cannady will serve as the Project Manager for the Electric and Gas Cost of Service and Rate Design Study and will be responsible for the data collection and cost/rate analysis. Mr. Chris Ekrut will serve as the Project Manager for the Water and Wastewater Rate Model Review and will be responsible for water and wastewater model modifications.

**Environmental Economists**

[www.jstoweco.com](http://www.jstoweco.com)

Mr. Terry Roberts

July 2, 2012

Page 2

Ms. Kim Bostik will assist Ms. Cannady in the performance of the Electric and Gas Utility Cost of service and Rate Design Study while Mr. Justin Rasor will assist Mr. Ekrut in the performance of the Water and Wastewater Rate Model Update. Resumes of the proposed Project Team are available upon request.

#### **Project Timeline**

J. Stowe & Co. estimates that the proposed engagement can be completed in approximately twelve (12) weeks from acceptance of this proposed Engagement Letter and receipt of notice to proceed. Assuming an August 2012 start date, we would expect a Draft Report to be issued in early November 2012 with a public presentation to the City Council shortly thereafter.

#### **Proposed Project Fees**

To perform the Electric Cost of Service and Rate Design Study, including the supportive rate model and staff training, we estimate total Professional Fees including out of pocket expenses to be \$45,000.00. We estimate the total Professional Fees and out of pocket expenses to perform the Gas Utility Cost of Service and Rate Design Study, including the supportive rate model and staff training to be \$27,500.00. We estimate the total Professional Fees and out of pocket expenses to perform the review and update the Water and Wastewater model to be \$5,000.00. In the event the City desires J. Stowe & Co. to perform the three studies conjunctively, we would agree to do so at a not to exceed total price of \$72,500.00 plus out of pocket expenses, which represents a \$5,000.00 discount and would reduce overall out-of-pocket expenses.

J. Stowe & Co., invoices monthly for actual hours worked at our standard hourly billing rates plus out of pocket expenses incurred at cost. Our standard hourly billing rates for the remainder of 2012 are as follows:

- President \$ 245.00
- Directors \$ 185.00 - \$200.00
- Managers \$ 150.00 - \$175.00
- Senior Consultants \$ 125.00 - \$150.00
- Staff Consultants \$ 75.00 - \$120.00
- Administrative Assistants \$ 50.00

This agreement is subject to cancellation with thirty (30) days prior written notice provided to J. Stowe & Co. In the event of cancellation, all labor and expense charges incurred by J. Stowe & Co. through the date of cancellation will be considered due at the time notice of cancellation is delivered, regardless of work product and/or engagement status.

All payments made under this engagement should be remitted to:

J. Stowe & Co, LLC.  
1300 E. Lookout Dr., Ste. 100  
Richardson, Texas 75082

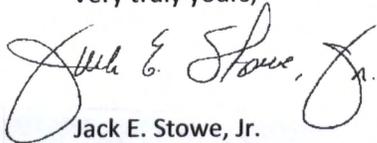
Mr. Terry Roberts

July 2, 2012

Page 3

Again, it is our pleasure to propose our assistance to the City and we appreciate the opportunity to continue our long standing relationship with the City of Brenham. If this letter and its terms and conditions are acceptable, please execute one copy and return to our Richardson, Texas office. If you should have any questions regarding this letter and/or require additional information, please feel free to contact me at 512.479.7900 or via e-mail at [jstowe@jstoweco.com](mailto:jstowe@jstoweco.com). We appreciate the opportunity to propose our assistance and we look forward to working with you in this engagement.

Very truly yours,



Jack E. Stowe, Jr.  
President and Founder  
J. Stowe & Co., LLC.

**All Studies - Electric, Gas, Water and Wastewater (\$72,500.00)**

Accepted By: \_\_\_\_\_

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

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

**Electric Cost of Service and Rate Design Study (\$45,000.00)**

Accepted By: \_\_\_\_\_

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

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

**Gas Utility Cost of Service and Rate Design Study (\$27,500.00)**

Accepted By: \_\_\_\_\_

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

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

Mr. Terry Roberts

July 2, 2012

Page 4

**Water and Wastewater Model Update (\$5,000.00)**

Accepted By: \_\_\_\_\_

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

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

1300 E Lookout Drive, Ste 100  
Richardson, TX 75082  
t 972 680 2000  
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July 2, 2012

Mr. Terry Roberts  
City Manager  
City of Brenham  
200 West Vulcan  
Brenham, Texas 77834-1059

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#### **Proposed Project Team**

Mr. Jack Stowe will serve as the Project Director responsible for the successful completion of the proposed engagement and will serve as the central contact for communications with the City and the Project Team. Ms. Connie Cannady will serve as the Project Manager for the Electric and Gas Cost of Service and Rate Design Study and will be responsible for the data collection and cost/rate analysis. Mr. Chris Ekrut will serve as the Project Manager for the Water and Wastewater Rate Model Review and will be responsible for water and wastewater model modifications.

Environmental Economists  
[www.jstoweco.com](http://www.jstoweco.com)

Mr. Terry Roberts

July 2, 2012

Page 2

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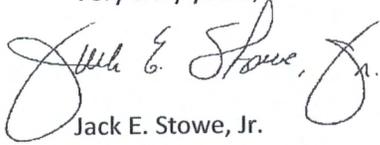
Mr. Terry Roberts

July 2, 2012

Page 3

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President and Founder  
J. Stowe & Co., LLC.

**All Studies - Electric, Gas, Water and Wastewater (\$72,500.00)**

Accepted By: \_\_\_\_\_

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

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

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Accepted By: \_\_\_\_\_

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

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

**Gas Utility Cost of Service and Rate Design Study (\$27,500.00)**

Accepted By: \_\_\_\_\_

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

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

Mr. Terry Roberts

July 2, 2012

Page 4

**Water and Wastewater Model Update (\$5,000.00)**

Accepted By: \_\_\_\_\_

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

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