



**NOTICE OF A REGULAR MEETING  
THE BRENHAM CITY COUNCIL  
THURSDAY FEBRUARY 21, 2013 AT 1:00 P.M.  
SECOND FLOOR CITY HALL  
COUNCIL CHAMBERS  
200 W. VULCAN  
BRENHAM, TEXAS**

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

**CONSENT AGENDA**

**4. 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.

- 4-a. Minutes from the January 10, 2013, January 31, 2013, and February 7, 2013  
City Council meetings**

**Page 1-22**

**REGULAR AGENDA**

- 5. Discuss and Possibly Act Upon a Contract with Ricoh for Leased Office Automation  
Equipment and Authorize the Mayor to Execute Any Necessary Documentation**

**Page 23-28**

- 6. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending  
Chapter 2, Administration, of the Code of Ordinances of the City of Brenham to  
Repeal Article V, Open Records and Records Management and Provide for a New  
Article V, Records Management and Public Information**

**Page 29-42**

7. **Discuss and Possibly Act Upon the Purchase of a 2013 International 7400 Chassis with a Debris Vacuum for the City of Brenham's Wastewater Treatment Department from the Houston Galveston Area Council Cooperative and Authorize the Mayor to Execute Any Necessary Documentation** **Page 43-44**
8. **Discuss and Possibly Act Upon Bid No 13-004 for 2013 Mowing and Cleanup Services for Various City Departments and Authorize the Mayor to Execute Any Necessary Documentation** **Page 45-49**
9. **Discuss and Possibly Act Upon Bid No 13-005 for the Purchase of Refuse Bags for the Sanitation Department and Authorize the Mayor to Execute Necessary Documentation** **Page 50-53**
10. **Discuss and Possibly Act Upon the Purchase of a 2012 John Deere Cab Tractor with a 2012 Diamond Boom Mower for the City of Brenham's Parks Department from the Houston Galveston Area Council and the Buy Board Local Government Purchasing Cooperatives and Authorize the Mayor to Execute Any Necessary Documentation** **Page 54-59**
11. **Discuss and Possibly Act Upon a Variance Request from Adolph Wehmeyer from Section 21-25(3), Subdivision Ordinance of the Code of Ordinances to Allow the Development of a New Mobile Home Park on Approximately 19.3 Acres Located on FM 389 and Situated Directly West of the Eight Star Corporation's Mobile Home Park (Formerly Known as Wehmeyer Mobile Home Park)** **Page 60-66**

#### **CLOSE REGULAR SESSION**

#### **WORK SESSION**

12. **Presentation of the First Quarter Report by the Washington County Convention and Visitors Bureau** **Page 67-68**
13. **Presentation of the 2012 Annual Report by the Administration Department** **Page 69**
14. **Presentation of the 2012 Annual Report by the Finance and Administrative Services Division** **Page 70**
15. **Presentation of the 2012 Annual Report by the Development Services Department** **Page 71**

**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.

## 16. 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 February 21, 2013 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 February 18, 2013 at **11:30 AM**.

*Jeana Bellinger, TRMC*

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 \_\_\_\_\_, 2013 at \_\_\_\_\_ AM PM.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on Thursday January 10, 2013 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

### Members present:

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

### Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Chief Financial Officer Carolyn Miller, Stacy Hardy, Susan Nienstedt, Development Services Director Julie Fulgham, Fire Chief Ricky Boeker, Jerred Eschete, Josh Sebastian, Brian Scheffer, Cecil Wright, Andrew Jozwiak, Police Chief Rex Phelps, David Doelitsch, Public Works Director Dane Rau, Lin Hartstack, Bobby Branham, Linda Soeken, Grant Lischka, Public Utilities Director Lowell Ogle, Cindy Turnbow, Casey Redman, Leslie Kelm, Jamie Maurer, Darlene Konieczny, Kaci Konieczny, Keenan Hale, Joshua Homan, Trevor Eckert, Doug Baker and Paula Shields

### Citizens present:

Barbara Ross and Danny Ross

### Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner, KWHI

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

**3. 3-a. Service Recognitions**

Service recognitions were presented to the following employees:

- David Doelitsch 5 years
- Cindy Turnbow 10 years
- Lin Hartstack 22 years

Public Works Director Dane Rau expressed his appreciation for Lin Hartstack's hard work and dedication. Rau advised Council that Hartstack's retirement party will be January 11<sup>th</sup> at 4:00 p.m. at the Fireman's Park Kitchen.

**3-b. New Employees**

- Keenan Hale – Sanitation
- Joshua Homan – Wastewater Treatment
- Kaci Konieczny – Finance
- Trevor Eckert – Electric
- Jerred Eschete - Fire

Chief Financial Officer, Carolyn Miller introduced Kaci Konieczny as the new Budget Manager.

Fire Chief Ricky Boeker introduced Jerred Eschete as the new fireman for the City.

**4. Citizens Comments**

There were no citizen comments.

**CONSENT AGENDA**

**5. Statutory Consent Agenda**

**5-a. Minutes from the November 29, 2012 City Council Meeting**

**5-b. Ordinance No. O-12-032 on its Second Reading Amending the FY2011-12 Adopted Budget**

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve the Statutory Consent Agenda Item 5-a.Minutes from the November 29, 2012 City Council Meeting and 5-b. Ordinance No. O-12-032.

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

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

## REGULAR AGENDA

**6. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A - “Zoning” of the Code of Ordinances of the City of Brenham, Texas by Amending Part V, Section 3.03, Relating to Membership of the Board of Adjustment**

City Secretary Jeana Bellinger and Development Services Director Julie Fulgham presented this item. Bellinger explained that the changes in this ordinance relates to the membership, appointment and terms of office for the Board of Adjustments. Staff would like to remove the requirement that one member of the board must also serve on the Planning and Zoning Commission and reduce the number of alternates from four (4) to two (2).

A motion was made by Councilmember Nix and seconded by Councilmember Williams to approve an Ordinance on its first reading amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas by Amending Part V, Section 3.03, relating to Membership of the Board of Adjustment.

Bellinger and Fulgham researched the requirement as to why there was a requirement that one member of the board must also serve on the Planning and Zoning Commission and could not find anything on this requirement. Bellinger stated that it was difficult for a board member to serve on both committees. The reduction of alternates from four to two makes it easier to find two. Currently it is difficult to find 4 individuals to serve as alternates.

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

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

**7. Discuss and Possibly Act Upon the Approval of an Agreement with Jones & Carter, Inc. for Engineering Services Related to the Extension of Chappell Hill Street and Authorize the Mayor to Execute Any Necessary Documentation**

Special Projects Engineer Doug Baker presented this item. Baker explained that this agreement provides for the engineering services required for the extension of a new street from S. Market Street to Stringer Street. The project includes the realignment of the portion of Chappell Hill Street between Ralston Creek and S. Market Street. Chappell Hill Street and Stringer Street are both collector streets, and therefore this new street will be constructed to our standard for a collector, which is 39 feet wide.

Baker further states that this project will involve TxDOT because it intersects Business 290 (S. Market Street). Some issues that will need to be addressed with TxDOT involve storm sewers and traffic control. A storm sewer will probably need to be constructed from the south side of Market Street to Ralston Creek on the north side of Market Street. There is a concern with the existing signal at Becker Drive. This signal would remain at Becker Drive for the time being and northbound and southbound traffic on the new street would be regulated with stop signs.

Baker also explained that this project would require the acquisition of small parcels of land from four property owners. Baker stated that he has been in contact with all four owners and believes they are acceptable to the proposed alignments and will be willing sellers.

A motion was made by Councilmember Ebel and seconded by Councilmember Herring to approve an agreement with Jones & Carter, Inc. for engineering services related to the extension of Chappell Hill Street and authorize the Mayor to execute any necessary documentation.

Councilmember Nix asked if there was anything being done about the North end of Chappell Hill where it intersects into Academy. Baker said no. There were several citizens who also expressed concerns about the north end of Chappell Hill. Baker explained that the north end of Chappell Hill was not within the scope of this project

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

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

## 9. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- Doug Baker's retirement party will be Tuesday January 22<sup>nd</sup> 5pm at City Hall
- TxDOT will have the Hwy. 36 and U.S. 290 intersection closed for two weeks beginning January 16<sup>th</sup>, 2013
- Fire Department Appreciation is Thursday January 17<sup>th</sup> at Fireman's Training Center
- Business After Hours is Thursday January 17<sup>th</sup> at Scott & White
- He and staff are still working on finding a replacement for the vacancy on HOT Board
- Reminded Council that the next Council will be Thursday January 31<sup>st</sup>
- Welcomed back Councilmember Williams from his long vacation
- Chamber Banquet is January 29<sup>th</sup> at Fireman's Training Center

Police Chief Rex Phelps reported that retirement parties for Officers Gaskamp and Janeck will be on January 25<sup>th</sup> at 3pm in the Community Room at PD.

Chief Financial Officer Carolyn Miller reminded council about the Uptown Swirl on January 19<sup>th</sup>.

Development Services Director Julie Fulgham advised Council that Walt Schoenvogel was elected Chairman of the Planning and Zoning Commission.

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Jeana Bellinger, TRMC  
City Secretary

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on January 31, 2013 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

### Members present:

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

### Members Absent:

Councilmember Keith Herring

### Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Chief Financial Officer Carolyn Miller, Stacy Hardy, Jamie Maurer, Kaci Konieczny, Tammy Jaster, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Corporal Chris Jackson, Sergeant Todd Jacobs, Lieutenant Billy Rich, Ginger Bishop, Lieutenant Trey Gully, Corporal Bob Lawrence, Lieutenant Dant Lange, Development Services Director Julie Fulgham, Public Works Director Dane Rau, Casey Redman, Public Utilities Director Lowell Ogle, Kevin Boggus, Angela Hahn, Janie Mehrens, Grant Lischka, Amanda Klehm

### Citizens present:

Clint Kolby, Josh Bass, Page Michel, David Aguilar, Tom Powles, Ron Schmidt, Jeff Boecker, C.H. Harvey

### Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner, KWHI

- 1. Mayor Tate Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – City Manager Terry Roberts**

### **3. Special Recognitions and Presentations**

#### **➤ Brenham Police Department's Best Practices Award**

The Chief of Police from the City of Keller, Mark Hafner, represented the Texas Police Chief's Association and presented the Best Practices Award to Police Chief Rex Phelps and the Brenham Police Department for achieving recognition status from the Texas Best Practices for Law Enforcement. Chief Phelps and Corporal Bob Lawrence accepted the award on behalf of the Brenham Police Department.

#### **➤ Blue Bell Aquatic Center Agency of the Year Award**

Recreation Superintendent Jamie Maurer advised Council that the Blue Bell Aquatic Center was awarded the Agency of the Year Award from the Texas Public Pool Council for superior facilities, programs, and services to the community. Tammy Jaster, Ash Branson, Kat Thompson, and Pamela Paez accepted the award on behalf of the Blue Bell Aquatic Center.

### **4. Citizens Comments**

Citizen C. H. Harvey addressed the Council about funding of various city projects.

## **CONSENT AGENDA**

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

**5-a. Ordinance No. O-13-001 on its Second Reading Amending Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas by Amending Part V, Section 3.03, Relating to Membership of the Board of Adjustment**

**5-b. Minutes from the December 6, 2012, December 13, 2012, and December 20, 2012 Council Meeting**

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve the Statutory Consent Agenda Items 5-a minutes from December 6, 2012, December 13, 2012, and December 20, 2012 council meeting and 5-b Ordinance No. O-13-001 relating to the membership of the Board of Adjustment.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
<b>Councilmember Keith Herring</b>	<b>Absent</b>
Councilmember Mary Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

## WORK SESSION

### 6. Discuss and Review the FY2011-12 Fourth Quarter Financial Report

Chief Financial Officer Carolyn Miller reviewed the financial performance for the fiscal year ending September 30, 2012. Miller advised that the City experienced favorable performance in the General Fund, and with the exception of the Electric and Gas Funds, posted net revenues over expenditures in the Utility Funds.

Miller presented the following FY2011-12 fourth quarter financial performance summary to the Council:

Fund	4 <sup>th</sup> QTR Actual Performance		
	Revenues	Expenditures	Net Revenues
General Fund	\$ 15,536,009	\$ 15,272,278	\$ 263,731
Electric Fund	\$ 25,045,457	\$ 25,413,895	\$ (368,438)
Gas Fund	\$ 2,440,777	\$ 2,523,745	\$ (82,969)
Water Fund	\$ 4,639,755	\$ 4,471,006	\$ 168,750
Wastewater Fund	\$ 3,665,867	\$ 3,627,988	\$ 37,879
Sanitation Fund	\$ 3,382,625	\$ 3,312,462	\$ 70,163

Miller stated that the City managed to grow fund balance and working capital reserves even in these challenging economic times. She credited the outstanding performance to the efforts of the division directors and senior management who monitor department expenditures and make necessary adjustments throughout the year.

## **7. Discussion Regarding Commercial Sanitation Services Within the City of Brenham**

Public Utilities Director Dane Rau presented this item to Council. Rau discussed the exclusive sanitation contract with Texas Commercial Waste (TCW) and the options the City has upon the expiration of the contract.

Rau explained that TCW currently services over five hundred and sixty (560) accounts within the City and the City benefits by receiving a franchise fee payment of seven percent (7%) as well as a three percent (3%) billing fee on gross charges. Rau stated that before the City entered into the contract with TCW; the City provided the commercial sanitation route.

Rau continued by stating that his staff has weighed the options of bidding out the service, renegotiating a new contract with TCW, or providing the service ourselves. Rau advised Council that if the City decided to operate in-house, we would also have to invest roughly a million dollars in the start-up which would consist of two front load trucks, and over five hundred (500) dumpsters and approximately one hundred (100) carts, which would take approximately five (5) years for the City to see a return on their investment. Rau also explained that the City would also need to purchase a backup truck and additional staff would need to be hired. Rau advised Council that at this time, he would recommend the City renegotiate a new contract with TCW for three (3) years with an option to renew for an additional three (3) years.

Councilmember Ebel expressed that he feels that we should extend the contract and look at possibly taking it over ourselves at some point in the future.

## **PUBLIC HEARING**

### **8. Public Hearing, Discussion and Receipt of Input Related to the Proposed Creation of Reinvestment Zone Number 36 Requested by Brazos Valley Brewing Company for Commercial-Industrial Tax Phase-In Incentive on Two (2) Certain Tracts of Land Containing a Total of 0.526 Acres, More or Less, Being Located at 201 West First Street, Brenham, Texas, with Boundaries Further Described in Exhibit "A" of the Ordinance Creating Reinvestment Zone Number 36, and Designating This Property as Qualifying for Tax Phase-In**

Mayor Tate opened the Public Hearing.

Economic Development Foundation's Project Manager, Clint Kolby, requested that Council consider a tax phase-in application from Brazos Valley Brewing Company, LLC. Kolby explained that Brazos Valley Brewing Company is planning to start a micro-brewery in a downtown building located at 201 West First Street. Kolby stated that the use of the Tax Phase-In incentive will enhance the economic viability of their start-up business in Brenham's historic downtown, as well as help to offset tax costs that can be more productively used toward equipment purchases or labor costs.

Kolby stated that he believes this project will serve as a positive economic catalyst to revitalize the Southside District of downtown Brenham as called upon in the Downtown Master Plan.

Kolby introduced Josh Bass with Brazos Valley Brewing Company. Bass explained that they will create a total of eleven (11) new jobs, generating \$405,000 in payroll as well as a \$350,000 capital investment over the term of the agreement. Bass said that he hopes to begin operating by June 1, 2013. Bass further explained that they will be distributing their beer and not selling it to the public; however, they hope to eventually offer tours of their facility to the public where they can give away samples of their beer.

Councilmember Goss questioned the issue of parking around the facility. Bass explained that they will be using the back portion of the building in the dock area to store their company vehicles and will not be using the street front for their parking.

Mayor Tate closed the Public Hearing.

## **REGULAR AGENDA**

**9. Discuss and Possibly Act Upon an Ordinance on Its First Reading for the Creation of Reinvestment Zone Number 36 Requested by Brazos Valley Brewing Company for Commercial-Industrial Tax Phase-In Incentive on Two (2) Certain Tracts of Land Containing a Total of 0.526 Acres, More or Less, Being Located at 201 West First Street, Brenham, Texas, with Boundaries Further Described in Exhibit “A” of Said Ordinance, and Designating This Property as Qualifying for Tax Phase-In**

A motion was made by Councilmember Williams and seconded by Councilmember Ebel to approve an Ordinance on its first reading for the creation of Reinvestment Zone Number 36 requested by Brazos Valley Brewing Company, LLC for Commercial-Industrial Tax Phase-In incentive on two (2) certain tracts of land containing a total of 0.526 acres, more or less, being located at 201 West First Street, Brenham, Texas, with boundaries further described in Exhibit “A” of said Ordinance, and designating this property as qualifying for Tax Phase-In.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
<b>Councilmember Keith Herring</b>	<b>Absent</b>
Councilmember Mary Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**10. Discuss and Possibly Act Upon the Appointment of Amanda Klehm as a Deputy City Secretary**

City Secretary Jeana Bellinger presented this item to Council. Bellinger stated that in January, Amanda Klehm joined the City Secretary's Office. Bellinger stated that Klehm graduated from Sam Houston State University in May 2007 with a Bachelor's degree in Political Science and obtained a Master's degree in Public Administration from the George Bush School of Government and Public Service at Texas A&M University in May of 2009. The past couple of years, Klehm worked at Germania Insurance as a Casualty Claims Adjuster.

Bellinger also advised Council that she is married to one of Brenham finest, a Brenham Police Officer and they have a new baby girl. Bellinger stated that in accordance with the City's Charter, the City Council must appoint a person to exercise all of the duties of the City Secretary, in her absence. Bellinger recommended that Amanda Klehm be appointed as Deputy City Secretary.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to appoint Amanda Klehm as a Deputy City Secretary.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
<b>Councilmember Keith Herring</b>	<b>Absent</b>
Councilmember Mary Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**11. Discuss and Possibly Act Upon a Memorandum of Agreement Between the City of Brenham and Blinn College for the Use of Softball Fields at Hohlt Park and Authorize the Mayor to Execute any Necessary Documentation**

Public Works Director Dane Rau presented this item. Rau explained that the Memorandum of Agreement between the City of Brenham and Blinn College for the use of the softball field at Hohlt Park expired on November 30, 2012. Rau stated that it was decided by both parties to restructure the Agreement as a Land Use Agreement.

Rau explained that the new Agreement outlines each entity's responsibility pertaining to the field and dressing rooms. He explained that the City has always provided Blinn with a superb playing field by performing routine maintenance on the field, the scoreboard, and the lights. Rau said these services will continue but the new Agreement outlines when large improvements are needed that Blinn and the City will mutually agree on the improvements and have the opportunity to budget for the costs.

Rau also explained that in the past the City has maintained the dressing rooms but under the new Agreement the financial burden will fall on Blinn to maintain the dressing room in good working order. He said that Blinn will have the right to modify the inside of the building as they see fit, but will not be allowed to modify the outside of the building.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Ebel to approve the Memorandum of Agreement between the City of Brenham and Blinn College for the use of softball fields at Hohlt Park and authorize the Mayor to execute any necessary documentation.

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

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

**12. Discuss and Possibly Act Upon Final Payment to Legacy Concrete Works, LLC for the Realignment of Stringer Street Associated with the Improvements Related to the U.S. Highway 290 Project and Authorize the Mayor to Execute any Necessary Documentation**

City Engineer Grant Lischka presented this item. Lischka explained that Legacy Concrete Works, LLC has completed the work on the U.S. Highway 290 Frontage Road and Stringer Street intersection. Lischka stated that the construction costs came in \$14,006.10 under the original contract amount. He said the contractor is responsible for any defects in materials and workmanship that may occur in the above described improvements for a period of one year, beginning on the date of acceptance by the City. The contractor has agreed to provide an additional one year of warranty covering the hot mix pavement.

Lischka requested that Council approve the final payment contingent upon receiving a valid certificate of surety from Legacy Concrete Works, LLC. He said that Legacy is working on getting the surety documents completed but they had not been received yet.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve final payment to Legacy Concrete Works, LLC in the amount of \$36,523.82 contingent upon receiving the consent of surety documents and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
<b>Councilmember Keith Herring</b>	<b>Absent</b>
Councilmember Mary Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**13. Discuss and Possibly Act Upon an Order Calling a General Election on May 11, 2013 for the Purpose of Electing One Council Member for Place 1 – Ward 1; One Council Member for Place 3 – Ward 3; One Council Member Place 5 – At Large; One Council Member for Place 6 – At Large; and Calling a Special Election on May 11, 2013 for the Purpose of Electing One Council Member for Place 2 – Ward 2 (Two-Year Transitional Term)**

**Considerar y Posiblemente Actuar Sobre una Orden para una Elección General que se efectuara el 11 de Mayo, 2013 Con el Propósito de Elegir Un (1) miembro del Concejal para Lugar 1-Distrito 1; Un (1) miembro del Concejal para Lugar 3-Distrito 3; Un (1) miembro del Concejal para Lugar 5- Distrito Abierto; Un (1) miembro del Concejal para Lugar 6-Distrito Abierto; Y Actuar Sobre una Orden Para Una Elección Especial que se Efectuara el 11 de Mayo, 2013 Con el Propósito de Elegir Un (1) Miembro del Concejal para Lugar 2-Distrito 2 (Termino Transicional de Dos Años)**

City Secretary Jeana Bellinger presented this item. Bellinger reminded Council that shortly after Senate Bill 100 (SB-100) passed; the City was notified by the County that they would not be able to provide election services to the City due to the lack of electronic voting machines. She said that since the City did not want to go to the expense of purchasing our own election equipment, the City Council adopted Resolution No. R-11-014 in September, 2011 which changed our councilmember terms from three (3) years to four (4) years and set-up the proper staggering.

Bellinger advised that due to the changes made because of SB-100 and the passage of Resolution R-11-014 the following Councilmember Places will be up for election in May, 2013:

- Place 1 – Ward 1 (4 year term to expire in May, 2017)
- Place 3 – Ward 3 (4 year term to expire in May, 2017)
- Place 5 – At Large (4 year term to expire in May, 2017)
- Place 6 – At Large (4 year term to expire in May, 2017)
- Place 2 – Ward 2 (2 year transitional term to expire in May, 2015)

Bellinger explained that the Election Order being presented to Council calls both a General Election for Places 1, 3, 5, and 6 and a Special Election for Place 2 and the period for a candidate to file for a place on the ballot is from Wednesday, January 30th thru Friday, March 1st.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve an Order calling a General Election on May 11, 2013 for the purpose of electing one Council Member for Place 1 – Ward 1; One Council Member for Place 3 – Ward 3; One Council Member Place 5 – At Large; One Council Member for Place 6 – At Large; and calling a Special Election on May 11, 2013 for the purpose of electing one Council Member for Place 2 – Ward 2 (Two-Year Transitional Term)

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
<b>Councilmember Keith Herring</b>	<b>Absent</b>
Councilmember Mary Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**14. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham, Brenham Independent School District and Blinn College for the May 11, 2013 Elections and Authorize the Mayor to Execute Any Necessary Documentation**

City Secretary Jeana Bellinger presented this item. Bellinger stated that in past elections the City and Brenham Independent School District (BISD) have contracted with Washington County to provide election services and equipment. As required by State law, BISD must hold their trustee elections jointly with the City. In past years, Blinn has ran their own elections and entered into a separate agreement with BISD for election services. This year, however, Blinn College has decided to contract with the County also.

Bellinger explained that the Interlocal Agreement addresses various issues related to the May 2013 election and outlines what each entity will be responsible for during the election process. This Agreement is also consistent with the terms outlined in the City's election services contract with Washington County which was approved by Council on December 20, 2012. Bellinger clarified that BISD and Blinn each have their own election services contract with the County.

Bellinger advised that this Agreement has been sent to BISD and Blinn for their review and approval; however she has not yet heard back from Blinn College. Bellinger requested that the Agreement be approved contingent on being approved in final form by the City Attorney if BISD or Blinn make any changes.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Barnes-Tilley to approve an Interlocal Agreement between the City of Brenham, Brenham Independent School District and Blinn College for the May 11, 2013 Elections (contingent on receiving final approval by the City Attorney if any changes are requested by BISD and/or Blinn) and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
<b>Councilmember Keith Herring</b>	<b>Absent</b>
Councilmember Mary Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

## 15. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- Election filling began yesterday and three of the five incumbents have filled for re-election.
- The 290 Project is moving forward and the Hwy 36 Project is opened.
- Tree trimming has started in some of the parks.
- The signal light at Westwood is now operational.
- The City of Huntsville will be here February 1<sup>st</sup> at 2:00, in Conference Room 2A, to serve ice cream for losing the 2012 Mayor's Bowl.
- Kim Hodde will be moving into the new Assistant Planner position as soon as her replacement is hired.

Public Works Director Dane Rau reported on the following:

- The Paving Contractors are in town now and the asphalt is coming on Monday.
- The Linda Anderson Project is ongoing. There is grass on the infield on 2 fields and the other 2 fields will have grass tomorrow. The scoreboards are scheduled to go up next week. The concession stand is being updated and the batting cages have matting down and the netting is being hung today. The Linda Anderson Project was funded by BCDC in a 2 year increments. The deadline is March 23<sup>rd</sup> for Little League's Opening Day Celebration and Games.

Finance Director Carolyn Miller reported on the following:

- The Library recently got a new facelift. The facelift consisted of interior and exterior improvements, which include parking lot, picnic table outside, safety handrails and planter boxes installed, lighting replacements, and new paint and a chair rail in the community room.
- FY2013-14 budget books have been printed and are ready for pickup for those who wish to have a hard copy.
- The annual Holiday Party is scheduled for February 1<sup>st</sup> at 6:00 pm at Fireman's Training Center.

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Jeana Bellinger, TRMC  
City Secretary

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on February 7, 2013 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

### Members present:

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

### Members Absent:

None

### Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Amanda Klehm, Chief Financial Officer Carolyn Miller, Kaci Konieczny, Wende Ragonis, Fire Chief Ricky Boeker, Development Services Director Julie Fulgham, Public Works Director Dane Rau, Leslie Kelm, Casey Redman, Public Utilities Director Lowell Ogle, Gary Jeter, Kevin Boggs, Randall Spradlin, Jeff Betts, Will Felder, Kevin Schmidt, Janie Mehrens, Pam Ruemke, Grant Lischka, Clark Akers, Stephen Draehn, Richard Magjarevich

### Citizens present:

Clint Kolby, Josh Bass, Page Michel, FCCLA students from Brenham High School, and Virginia Boeker.

### Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner, KWHI

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

3. **3-a. New Employees**
  - Clark Akers – Street Dept.
- 3-b. Service Recognitions**
  - . Ricky Boeker , Fire Department – 5 years
  - Stephen Draehn, Central Communications – 5 years
  - Will Felder Jr., Library – 5 years
  - Richard Magjarevich, Central Communications - 10 years

4. **Proclamation**
  - **FCCLA Week: “Make Your Mark”- February 10-16,2013**

Mayor Tate read a proclamation designating the week of February 10-16, 2013 as FCCLA “Make Your Mark” Week. The Proclamation was accepted by FCCLA students from Brenham High School.

5. **Citizens Comments**

Councilmember Herring thanked the Council and staff for their well wishes and prayers while he was in the hospital. He said he is feeling better and is glad to be back.

## **CONSENT AGENDA**

6. **Statutory Consent Agenda**

- 6-a. **Discuss and Possibly Act Upon Ordinance No. O-13-002 on Its Second Reading for the Creation of Reinvestment Zone Number 36 Requested by Brazos Valley Brewing Company for Commercial-Industrial Tax Phase-In Incentive on a Two (2) Certain Tracts of Land Containing a Total of 0.526 Acres, More or Less, Being Located at 201 West First Street, Brenham, Texas, with Boundaries Further Described in Exhibit “A” of Said Ordinance, and Designating This Property as Qualifying for Tax Phase-In**

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve the Statutory Consent Agenda Items 6-a. Ordinance No. O-13-002 relating to the creation of Reinvestment Zone Number 36 as requested by Brazos Valley Brewing Company.

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

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

## **REGULAR AGENDA**

**7. Discuss and Possibly Act Upon Resolution No. R-13-001 of the City Council of the City of Brenham, Texas, Adopting a Commercial Tax Phase-In Agreement with Brazos Valley Brewing Company, LLC**

Economic Development Foundation Project Manager Clint Kolby introduced Josh Bass with Brazos Valley Brewing Company. Bass stated that they are hoping to begin business in late May or early June. They are planning to have an open house for the public as soon as they are up and running.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to approve a Resolution No. R-13-001 of the City Council of the City of Brenham, Texas, adopting a Commercial Tax Phase-In Agreement with Brazos Valley Brewing Company, LLC.

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

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

**8. Discuss and Possibly Act Upon Final Payment to Collier Construction, LLC for Westwood Drive Improvements and Authorize the Mayor to Execute any Necessary Documentation.**

City Engineer Grant Lischka presented this item. Lischka explained that Collier Construction, Inc. has completed the work on the Westwood Lane Paving Improvements.

Lischka explained that the construction came in \$6,825.51 over budget due to contractor delays in the project. Lischka stated that the contractor is responsible for any defects in materials and workmanship that may occur in the above described improvements for a period of one year, beginning on the date of acceptance by the City.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve a final payment in the amount of \$36,422.11 to Collier Construction, LLC for Westwood Drive improvements and authorize the Mayor to execute any necessary documentation.

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

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

**9. Discuss and Possibly Act Upon Authorization of Final Payment to 1 Priority Environmental Services, Inc. for Asbestos Abatement and Structural Demolition of the Former Municipal Building Located at 210 N. Park Street and Authorize the Mayor to Execute Any Necessary Documentation.**

Assistant City Manager Kyle Dannhaus presented this item. Dannhaus stated that Council awarded the contract for the 210 N. Park structural demolition and asbestos abatement project on August 16, 2012 to 1 Priority Environmental Services, Inc. Dannhaus said that work began at the site on Tuesday, September 4, 2012 and during the demolition phase of the project, additional asbestos material was discovered and due to the additional asbestos a Change Order was issued on October 12, 2012.

Dannhaus advised Council that the original contract and change order have been completed with the final payment due to 1 Priority Environmental Services, Inc. in the amount of \$110,619.75.

City Attorney Cary Bovey stated in his opinion that all documents related to the first contract and change order are in order.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve a final payment in the amount of \$110,619.75 to 1 Priority Environmental Services, Inc. for asbestos abatement and structural demolition of the former Municipal Building located at 210 N. Park Street and authorize the Mayor to execute any necessary documentation.

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

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

**10. Discuss and Possibly Act Upon Recommendations for Appointments to Various City Advisory Boards**

City Secretary Jeana Bellinger presented this item. Bellinger stated that in December, 2012, the Council appointed several citizens to various City advisory boards. However, at that time staff was still trying to fill two (2) alternate positions on the Board of Adjustment, one position on the HOT Board, and was waiting on a recommendation for the Library Board from the membership of the Fortnightly Club. Bellinger advised that the past several weeks, staff has received the following requests for appointments:

- Board of Adjustment – Alternate: Richard Heiges
- Board of Adjustment – Alternate: Jon Hodde
- Library Advisory Board: Alana Winkelmann, elected by the Fortnightly Club

Bellinger advised Council that under the direction of Mayor Tate, she had been trying to reach Steve James about possibly serving on the HOT Board. Bellinger said that she just received a reply back that Steve James would be willing to serve on the Board. Bellinger requested that Council also approve Mr. James to the HOT Board.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve the following board appointments:

**Board of Adjustment**

- Alternate Position 1: Richard Heiges; term to expire December, 31, 2014
- Alternate Position 2: Jon Hodde; term to expire December 31, 2014

**Library Advisory Board**

- Member Position 5: Alana Winkelmann; term to expire on December 31, 2015

**HOT Board**

- Member Position 4: Steve James; term to expire on December 31, 2015

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

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

#### **11. Administrative/Elected Officials Report**

City Manager Terry Roberts reported on the following:

- Chamber of Commerce Forum is on February 22<sup>nd</sup>, if anyone would like to attend, please see Paula Shields. The Mayor of Houston will be the guest speaker.
- February 26, 2013 is Washington County Day at the Capital in Austin.
- Due to rain, the contractor on the overlay project was delayed.

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Jeana Bellinger, TRMC  
City Secretary



## AGENDA ITEM 5

<b>DATE OF MEETING:</b> February 21, 2013	<b>DATE SUBMITTED:</b> February 14, 2013	
<b>DEPT. OF ORIGIN:</b> Purchasing Services	<b>SUBMITTED BY:</b> Wende Ragonis	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> <b>REGULAR</b>	<input type="checkbox"/> <b>PUBLIC HEARING</b>	<input type="checkbox"/> <b>1<sup>ST</sup> READING</b>
<input type="checkbox"/> <b>SPECIAL</b>	<input type="checkbox"/> <b>CONSENT</b>	<input type="checkbox"/> <b>2<sup>ND</sup> READING</b>
<input type="checkbox"/> <b>EXECUTIVE SESSION</b>	<input checked="" type="checkbox"/> <b>REGULAR</b>	<input type="checkbox"/> <b>RESOLUTION</b>
	<input type="checkbox"/> <b>WORK SESSION</b>	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon a Contract with Ricoh for Leased Office Automation Equipment and Authorize the Mayor to Execute Any Necessary Documentation		
<b>SUMMARY STATEMENT:</b> To increase office automation efficiencies throughout the City’s business units, a project team consisting of Carolyn Miller, Gary Jeter and Wende Ragonis was identified in August of 2012. The purpose of this project was to gain a better understanding of city-wide costs associated with office automation equipment within the City of Brenham. The team looked at costs on the aggregate for leased office automation equipment. Working with each department head, the team performed a needs assessment identifying each department’s office automation requirements. After needs were determined, Purchasing Services utilized the BuyBoard to select the supplier, Ricoh USA, Inc. The Information Technology Department worked with Ricoh’s technical experts to ensure the technology offered would assimilate into the City’s technical environment.  The proposed lease agreement reduces the copier fleet from the existing 24 machines to 15. These 15 copy machines have increased functionality including the ability to print, scan and fax. The City can realize a leased equipment cost savings of approximately \$1,250.51 per month for leased office automation equipment. The monthly lease payment would be \$3,971.44 for a term of 36 months.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<b>A. PROS:</b>		
<b>B. CONS:</b>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		

**ATTACHMENTS:** (1) Letter of Intent from Ricoh USA, Inc.; and (2) Memo from Chief Financial Officer, Carolyn Miller

**FUNDING SOURCE (Where Applicable):**

**RECOMMENDED ACTION:** Approve contract with Ricoh for leased office automation equipment and authorize the Mayor to execute any necessary documentation.

**APPROVALS:** Carolyn D. Miller

February 7, 2013

City of Brenham  
200 West Vulcan  
Brenham, TX 77833  
Attention: Mrs. Wende Ragonis

Dear Mrs. Ragonis:

This letter is to confirm our transition plan for the new RICOH fleet. We have organized this information into three areas: the new fleet solution, logistics, and contract.

#### New Fleet Solution

- Based on TASB BuyBoard Contract # 379-11
- All devices are new and configured as required in our last meeting
- All devices will print and have scan functionality with connectivity to your network
- Five units will have color capabilities
- The Base monthly allowance has been increased to 85,500 for black and white images. Overage above 256,500 per quarter will be invoiced as follows:
- The overage rate will be .008 for black and white, and all color pages will invoice at .072 each
- RICOH will pick up and return all current machines at no cost to the City.
- RICOH will also pick up the new fleet at the end of the new contract at no cost to the City
- New payment is \$3,971.44 vs Current of \$5,006.00. The City will be paying less and getting a lot more!!

#### Logistics

- RICOH has an internal team that will be assigned to all aspects of the order, delivery, and pick-up/transition.
- We will schedule a meeting with the City's personnel to review all phases of the installation including technical aspects and physical placing of the new equipment.
- Delivery will be scheduled to meet the City's request.
- We will have RICOH technical support as well as our lead account manager Joe Salas on site during all delivery and set up procedures including removal of the old fleet.
- Initial training will be done upon delivery of the new fleet in each department. Formal follow up training will be scheduled by our training team to meet the request of each department.

Contract

- This agreement is based on the TASB BuyBoard Contract # 379-11

In Summary the RICOH team is dedicated to insure the City of Brenham has a successful fleet transition. We are focused on providing the best customer service experience for all City departments. Please feel free to contact me for an additional clarification

Sincerely,



Dianne M. Foreman  
Strategic Account Manager, GEM Team  
Ricoh Americas Corporation  
713-290-2926



## MEMORANDUM

To: Mayor and Council

From: Carolyn D. Miller *CM*  
Chief Financial Officer

Subject: Information Regarding Execution of Contract with Ricoh USA, Inc.

Date: February 14, 2013

Our Purchasing Manager, Wende Ragonis, has completed an office automation project to identify opportunities for cost savings, consolidation of equipment and efficiencies in the workplace. This memo is being written to provide background information on the Ricoh USA, Inc. contract for leased office automation equipment.

### Background

Based on my research, in 2001 the City entered into an agreement with IOS Capital (a division of IKON Office Solutions, Inc.) under the State and Local Government Master Agreement (Master Agreement) for image management services. This agreement allowed department heads to execute individual copier contracts for their department based on operating needs and to decide the type of machine, functionality, features and terms. In 2006, IOS Capital was dissolved and the City executed a Master Agreement with IKON Office Solutions, Inc.

In 2009, we standardized the Master Agreement with IKON regarding terms, cost of images (i.e. black/white and color) and cost for overages. The lease term expired in March 2012 and in April 2012, IKON became Ricoh. We are on a month-to-month contract with Ricoh under the 2009 contract terms.

The new contract with Ricoh was somewhat delayed with the retirement of our former Purchasing Agent, Gerry Hartstack. When Wende joined us last year, she resumed the work begun by Gerry, and expanded the project to include an understanding of the city-wide costs associated with office automation equipment.

Council Action Regarding This Item

In prior years when we allowed department heads to negotiate and customize copier equipment and lease terms, the management oversight was dispersed and not centralized within the Purchasing function. This Ricoh contract standardizes the equipment fleet, lease terms, cost of images and cost of overages. Wende has worked to downsize the fleet of leased office automation equipment and establish city-wide standards.

Although Council did not approve the previous Master Agreements, it is important to note that the agreements contained an addendum regarding “Non-Appropriation of Funds” which allowed the City to give at least 30 days’ notice to cancel the contract in the event funds were not granted for this purpose. You can argue that since the City has utilized leased office automation equipment with IOS Capital, IKON Office Solutions Inc., and now Ricoh since 2001, it is unlikely that we would exercise this addendum and cancel the Master Agreement.

Therefore, this item is being brought to Council for approval due to the multi-year contract of 36 months and for financial transparency.



## AGENDA ITEM 6

<b>DATE OF MEETING:</b> February 21, 2013	<b>DATE SUBMITTED:</b> February 15, 2013	
<b>DEPT. OF ORIGIN:</b> City Secretary	<b>SUBMITTED BY:</b> Angela Hahn	
<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 2, Administration, of the Code of Ordinances of the City of Brenham to Repeal Article V, Open Records and Records Management and Provide for a New Article V, Records Management and Public Information		
<b>SUMMARY STATEMENT:</b> Changes in both the Public Information Act and Records Management Act necessitate amending the City's existing ordinance. We intend to bring to Council a formal records management policy at the first meeting in March in accordance with the ordinance.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<b>A. PROS:</b>		
<b>B. CONS:</b>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b> (1) An ordinance amending Chapter 2, Administration, of the Code of Ordinances		
<b>FUNDING SOURCE (Where Applicable):</b>		
<b>RECOMMENDED ACTION:</b> Approve an Ordinance on Its First Reading Amending Chapter 2, Administration, of the Code of Ordinances of the City of Brenham to Repeal Article V, Open Records and Records Management and Provide for a New Article V, Records Management and Public Information		
<b>APPROVALS:</b> Jeana Bellinger		

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

**AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS FOR THE PURPOSE OF REPEALING ARTICLE V, OPEN RECORDS AND RECORDS MANAGEMENT; PROVIDING FOR A NEW ARTICLE V, RECORDS MANGEMENT AND PUBLIC INFORMATION, TO CHAPTER 2; PROVIDING FOR A REPEALER AND SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND OPEN MEETINGS**

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

**WHEREAS**, a Records Management Program is used to reduce the volume of inactive records held in City departments; to develop and maintain an efficient retrieval operation for records; to dispose of records that have expired and are approved for destruction; to maintain security over City records; to maintain a policy for accessibility to confidential records; to identify and protect vital records; and to communicate the need for an effective management program; and

**WHEREAS**, the City Council of the City of Brenham has determined that the following regulations are necessary and proper in order for the City to properly maintain records and provide public information to its citizens and to implement the authority granted pursuant to Section 552.275, Texas Government Code;

**WHEREAS**, Section 552.275 of the Texas Government Code allows the City of Brenham to set forth a reasonable limit on the amount of time that City personnel are required to spend producing public information to a requestor, without recovering its costs attributable to that personnel time; and

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

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

**SECTION 1.**

Chapter 2, Article V, Open Records and Records Management, of the Code of Ordinances of the City of Brenham, Texas is hereby repealed.

## SECTION 2.

Chapter 2, Article V, of the Code of Ordinances of the City of Brenham is hereby amended to read as follows:

### **ARTICLE V. RECORDS MANAGEMENT AND PUBLIC INFORMATION**

#### **Sec. 2-40.0. Definitions.**

Active Records. Those records in current use which must be retained because frequent reference is necessary in the conduct of day-to-day operations.

Criminal Justice Records. All records generated, maintained and/or accessed by the Police Department relating to the report or commission of a criminal offense or other violation law, statute or ordinance, or the arrest of an individual, including but not limited to: offense/incident/accident reports, supporting documents for said reports, criminal history information, criminal intelligence information, fingerprints, “mug” shots and data entered into the computer-aided dispatch system relating to law enforcement activity.

Records Custodian. Director of a City department, or his/her designee who is responsible for ensuring the integrity and safety of the records of the department.

Inactive records. Those records which are seldom referred to but must be retained, temporarily or permanently, because of legal, fiscal, administrative or archival value.

Non-records. All material not usually included within the definition of records, such as unofficial or additional copies of documents that are kept only for convenience or reference, stocks of publications and processed documents, library or museum material intended solely for reference or exhibition and material with short-term value.

Public Information: Information that is collected, assembled or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body or for a governmental body and the governmental body owns the information or has a right of access to it. Public information includes information that is maintained in paper, tape, microfilm, video, electronic data held in computer memory as well as other mediums specified under applicable law.

### **Sec. 2-41.0. Records.**

Any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the State of Texas, created or received by local City government offices or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business are hereby declared to be records of the City of Brenham, and shall be created, maintained, and disposed of in accordance with the provisions of this Article and the provisions of applicable state law.

The term does not include:

- (1) Extra identical copies of documents created only for convenience of reference or research by officers or employees of the City of Brenham;
- (2) Notes, journals, calendars, diaries, and similar documents created by an officer or employee of Brenham, for the employee's personal convenience;
- (3) Blank forms;
- (4) Stocks of publications;
- (5) Library and museum materials acquired solely for the purposes of reference or display; or
- (6) Copies of documents in any media furnished to members of the public to which they are entitled under Chapter 552 of the Texas Government Code or other state law.

### **Sec. 2-41.1. Records declared public property.**

All City records as defined herein are hereby declared to be property of the City of Brenham, Texas. No City official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

### **Sec. 2-41.2. Records policy.**

It is hereby declared to be the policy of the City of Brenham to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all City records from their creation to their ultimate disposition.

**Sec. 2-42.0. Designation of a Records Management Officer.**

The office of the City Secretary is authorized to establish and administer the records management program for the City of Brenham, Texas, pursuant to legal, fiscal, administrative, and archival requirements. The City Secretary or his/her designee is hereby named the Records Management Officer.

As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the state library within thirty (30) days of the initial designation or of taking up the office, as applicable.

**Sec. 2-42.1. Records management plan to be developed; approval of plan; authority of plan.**

The Records Management Officer shall develop a records management plan for the City for submission and approval by the City Council. The plan will contain policies and procedures designed to reduce costs and improve the efficiency of recordkeeping, to adequately protect the essential records of the City and to properly preserve those records of the City that are of historical value. The plan must be designed to enable the Records Management Officer to carry out the duties prescribed by state law and this Article effectively.

Once approved by City Council, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees or similar entities of the City; and the records shall be created, maintained, stored, microfilmed or disposed of in accordance with the plan.

The Records Management Officer will implement, but not be limited to, a program to encompass such areas of records management as are required to preserve and keep in order all books, papers, documents, records and files of the City Council and of the executive departments to achieve the following results:

- (1) Release space and reduce the need for storage and filing equipment;
- (2) Establish an efficient retrieval operation for both active and inactive municipal records;
- (3) Provide for routine disposition of paperwork;
- (4) Maintain total security over municipal records;
- (5) Communicate the need of an effective records management program; and
- (6) Secure a central records storage facility which can be operated and maintained by records management staff.

## **Sec. 2-42.2. Duties of the Records Management Officer.**

The Records Management Officer shall have the following duties and others as assigned by the City Council and as provided by state law:

- (1) Prepare and file, as required, with the Texas State Library and Archives Commission the records control schedules being followed by the City;
- (2) Assist in establishing and developing policies and procedures for a records management program for the City, said program shall include basic file management, records disposition policies and procedures;
- (3) Administer the records management program and provide assistance to records custodians for the purposes of reducing the costs and improving the efficiency of recordkeeping;
- (4) In cooperation with records custodians, identify and take adequate steps to preserve City records that are of permanent value;
- (5) In cooperation with records custodians, identify and take adequate steps to protect essential City records;
- (6) In cooperation with records custodians, ensure the maintenance, preservation, and destruction of records is carried out in accordance with the policies outlined in the City's records management program and state law;
- (7) Provide records management advice and assistance to all City offices and departments, by preparation of manuals of procedure and policies and/or by on-site consultation;
- (8) Establish a disaster plan in cooperation with other City officials to insure maximum availability of records;
- (9) Bring to the attention of the City Manager any office not in compliance with state laws, administrative rules, and local ordinances regarding public access to information or protection of privacy;
- (10) Disseminate information concerning state laws, administrative rules, and the policies of the City relating to local government records; and
- (11) In cooperation with records custodians, establish procedures to ensure that the handling of records in any context of the program by the Records Management Officer, or those under the officer's authority, is carried out with due regard for the duties and responsibilities of records custodians that may be imposed by law and the confidentiality of the information in records to which access is restricted by law.

### **Sec. 2-42.3. Duties of Department Heads.**

Each department head shall designate a member of his or her staff to serve as the Records Custodian for the implementation of the records management program in the department. If the Records Management Officer determines that in the best interest of the records management program more than one (1) records custodian should be designated for a department, the department head shall designate the number of records custodians as specified by the Records Management Officer.

Persons designated as the Records Custodian shall be thoroughly familiar with all records created and maintained by the department and shall have full access to all records of the City maintained by the department. In the event of the resignation, retirement, dismissal, or removal by action of the department head of a person designated as a records custodian, the department head shall promptly designate another person to fill the vacancy. A department head may serve as the Records Custodian for his or her department.

### **Sec. 2-42.4. Duties of the Records Custodian.**

In addition to other duties assigned in this Article, the Records Custodian shall:

- (1) Conduct or supervise the conduct of inventories of records in preparation for the development of records control schedules;
- (2) In cooperation with the Records Management Officer coordinate and implement the policies and procedures of the records management program ; and
- (3) Disseminate information to staff concerning the records management program.

### **Sec. 2-43.0. Records control schedules to be developed; approval; filing with state.**

The Records Management Officer, in conjunction with the Texas State Library and Archives Commission, shall prepare records control schedules listing all records created and/or received by a department and the retention period for each record. Records control schedules shall also contain such other information regarding to the disposition of local government records as the records management plan may require.

Each records control schedule shall be monitored and amended as needed by the Records Management Officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the recordkeeping procedures and needs of the City.

### **Sec. 2-43.1. Implementation of records control schedules.**

A records control schedule that has been approved and adopted shall be implemented by department heads and records custodians according to the policies and procedures outlined in the records management plan.

A record whose retention period has expired on a records control schedule shall be destroyed unless: (1) there is an open records request is pending for that particular record; (2) the subject matter of the record is related to a pending law suit; or (3) the department head requests in writing to the Records Management Officer that the record be retained for an additional period of time.

### **Sec. 2-43.2. Destruction of records.**

Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained from the Records Management Officer.

A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the Records Management Officer has submitted to and received back from the Texas State Library and Archives Commission an approved destruction authorization request.

### **Sec. 2-44.0. Public Information.**

All public records are generally open to citizen inspection and may fall under the Texas Public Information Act. To obtain access to or a copy of a public document, a written request must be made to the Office of the City Secretary. It can be made via letter, fax or email. The requestor must provide sufficient information identifying what record(s) the requestor seeking, and as much information as is needed to locate the record(s). The City may not ask the requestor for what purpose the requestor is seeking the record.

The officer for public information shall promptly produce public information for inspection, duplication, or both on application by any person to the officer. An officer for public information complies with this requirement by: 1) providing the public information for inspection or duplication in the offices of the governmental body; or 2) sending copies of the public information by first class United States mail if the person requesting the information requests that copies be provided and pays the postage and any other applicable charges that the requestor has accrued under state law. If the requested information is unavailable at the time of the request to examine because it is in active use or in storage, the officer for public information shall certify this fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication. If an officer for public information cannot produce public information for inspection or duplication within ten (10) business days after the date the information is requested, the officer shall certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

Costs and charges for copies of records, including a requirement for a deposit/bond for payment of costs or a requirement for prepayment of costs, shall be made in accordance with state law. The City may provide a copy of public information without charge or at a reduced charge if the City determines that waiver or reduction of the charge is in the public interest because providing the copy of the information primarily benefits the general public. Also, if the cost to a governmental body of processing the collection of a charge for providing a copy of public information will exceed the amount of the charge, the governmental body may waive the charge. In the event the City receives a written request for information that it wishes to withhold from public disclosure and that it considers to be within one of the exceptions under state law, the City must ask for a decision from the Texas Attorney General about whether the information is within an exception provided by law if there has not been a previous determination about whether the information falls within one of the exceptions.

#### **Sec. 2-44.1. Time Limit for Public Information Requests.**

The City may establish a reasonable limit on the amount of time spent producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering personnel costs attributable to such requests.

Accordingly, for each twelve month period corresponding with the City's fiscal year (October 1<sup>st</sup> through September 30<sup>th</sup>), the City will spend a maximum of thirty-six (36) hours on any one (1) individual requestor. The City may recover personnel time spent, beyond thirty-six (36) hours, on any particular requestor.

In determining whether a time limit applies, any time spent complying with a request for public information submitted in the name of a minor, as defined by Texas Family Code Section 101.003(a), is to be included in the calculation of the cumulative amount of time spent complying with a request for public information by a parent, guardian, or other person who has control of the minor under a court order and with whom the minor resides, unless that parent, guardian, or other person establishes that another person submitted that request in the name of the minor.

#### **Sec. 2-44.2. Written Statement of Personnel Time.**

Each time the City complies with a request for public information from a duplicate requestor, it shall provide the requestor with a written statement of the amount of personnel time spent complying with that request and the cumulative amount of time spent complying with requests for public information from that requestor during the applicable 12-month period.

The amount of time spent preparing the written statement cannot be included in the amount of time included in the statement provided to the requestor pursuant to this section.

#### **Sec. 2-44.3. Calculation of Time.**

When calculating the amount of time spent complying with a duplicate requestor's public information request, the City may include time spent on locating, compiling and producing the public information, but in accordance with the Texas Administrative Code, Chapter 70, the City may not include time spent on:

- (1) Determining the meaning and/or scope of the request(s);
- (2) Requesting a clarification from the requestor;
- (3) Comparing records gathered from different sources;
- (4) Determining which exceptions to disclosure under Chapter 552 of the Texas Government Code, if any, may apply to information that is responsive to the request(s);
- (5) Preparing the information and/or correspondence required under Section 552.301, 552.303, and 552.305 of the Texas Government Code;
- (6) Reordering, reorganizing, or in any other way bringing information into compliance with well-established and generally accepted information management practices; or
- (7) Providing instruction to, or learning by, employees or agents of the governmental body of new practices, rules, and/or procedures, including the management of electronic records.

**Sec. 2-44.4. Estimate of Charges; Notice of Additional Time; Commitment from Requestor.**

When the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds the established time limit, the City shall provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses, necessary to comply with the request. The written estimate will be provided to the requestor on or before the 10th day after the date on which the public information was requested.

If the City determines that additional time is required to prepare the written estimate of charges, the City will provide the written estimate of charges as soon as practicable, but on or before the 10th day after the date the City provided the notice to requestor.

If the City provides a requestor with the written estimate of charges, the City is not required to produce public information for inspection or duplication or to provide copies of public information in response to the requestor's request unless on or before the 10th day after the date the City provided the written estimate of charges, the requestor submits a statement in writing to the City in which the requestor commits to pay the lesser of:

- a) The actual costs incurred in complying with the requestor's request, including the cost of materials, personnel time and overhead; or
- b) The amount stated in the written estimate of charges.

If the requestor fails or refuses to submit a written commitment of payment, the requestor is considered to have withdrawn the requestor's pending request for public information.

**Sec. 2-44.5. Allowable Charges; cost of copies of public information.**

The amount of charges relating to the costs of locating, compiling, and producing the public information shall be calculated and established in accordance with the rules prescribed by the Texas Attorney General under Texas Government Code, Sections 552.262(a) and (b), as may be amended. The City shall charge costs and fees as established in the Texas Public Information Act, Texas Administrative Code and other applicable state law. The costs and fees may include all costs related to reproducing the information, including costs of materials, labor and overhead as authorized by law. The City may also waive costs and fees if the request for records involves the production of ten (10) or fewer standard size copies of information.



**Sec. 2-45.0. Exceptions.**

In accordance with Texas Government Code, Section 552.275(j), the time limit established herein on the amount of time spent producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering personnel costs attributable to such requests does not apply if the requestor is an individual who, for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information for and is seeking the information for:

- a) A radio or television broadcast station that holds a broadcast license for an assigned frequency issued by the Federal Communications Commission;
- b) A newspaper that is qualified under Section 2051.044 to publish legal notices or is a free newspaper of general circulation and that is published at least once a week and available and of interest to the general public in connection with the dissemination of news;
- c) A newspaper of general circulation that is published on the internet by a news medium engaged in the business of disseminating news or information to the general public; or
- d) A magazine that is published at least once a week or on the Internet by a news medium engaged in the business of disseminating news or information to the general public.

In accordance with Texas Government Code, Section 552.275(k), the time limit established herein on the amount of time spent producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering personnel costs attributable to such requests does not apply if the requestor is an elected official of the United States, this state, or a political subdivision of this state.

In accordance with Texas Government Code, Section 552.275(l), the time limit established herein on the amount of time spent producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering personnel costs attributable to such requests does not apply if the requestor is a representative of a publicly funded legal services organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as amended, by being listed as an exempt entity under Section 501(c)(3) of that code.

**Sec. 2-46.0. - 2-49.9. 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 21st day of February, 2013.

**PASSED AND APPROVED** on its second reading this the 7th day of March, 2013.

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Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

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Jeana Bellinger, TRMC  
City Secretary



## AGENDA ITEM 7

<b>DATE OF MEETING:</b> February 21, 2013	<b>DATE SUBMITTED:</b> February 15, 2013	
<b>DEPT. OF ORIGIN:</b> Public Utilities	<b>SUBMITTED BY:</b> Lowell Ogle, Jr.	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> <b>REGULAR</b>	<input type="checkbox"/> <b>PUBLIC HEARING</b>	<input type="checkbox"/> <b>1<sup>ST</sup> READING</b>
<input type="checkbox"/> <b>SPECIAL</b>	<input type="checkbox"/> <b>CONSENT</b>	<input type="checkbox"/> <b>2<sup>ND</sup> READING</b>
<input type="checkbox"/> <b>EXECUTIVE SESSION</b>	<input checked="" type="checkbox"/> <b>REGULAR</b>	<input type="checkbox"/> <b>RESOLUTION</b>
	<input type="checkbox"/> <b>WORK SESSION</b>	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon the Purchase of a 2013 International 7400 Chassis with a Debris Vacuum for the City of Brenham’s Wastewater Treatment Department from the Houston Galveston Area Council Cooperative and Authorize the Mayor to Execute Any Necessary Documentation.		
<b>SUMMARY STATEMENT:</b> During the budget process Council approved the purchase of a new Jet/Vacuum truck for the Wastewater fund. This truck is used to clear sewer stoppages, routine maintenance of sewer lines, removing debris from manholes and cleaning lines prior to them being inspected by our camera. This unit will replace a 1996 model that has begun to have many maintenance issues. This unit will be larger than our current units and will increase efficiency and reduce length of stoppages.  The unit was budgeted at \$302,000 and appears to be coming in at \$298,723. This unit will be purchased using the HGAC cooperative purchasing process (see attached memo from Purchasing) and will be funded through a lease-purchase. The lease for funding will be brought to Council at a later date.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<b>A. PROS:</b> Replace unreliable unit and increase efficiency.		
<b>B. CONS:</b>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b> (1) Memo from Purchasing regarding purchase process.		
<b>FUNDING SOURCE (Where Applicable):</b> Wastewater fund.		
<b>RECOMMENDED ACTION:</b> Approve the purchase of a 2013 International 7400 Chassis with a Debris Vacuum for the City of Brenham’s Wastewater Treatment Department from the Houston Galveston Area Council Cooperative in the amount of \$298,723 and authorize the Mayor to execute any necessary documentation.		
<b>APPROVALS:</b> Terry K. Roberts		



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**INTEROFFICE MEMORANDUM**

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**TO:** LOWELL OGLE  
**FROM:** WENDE RAGONIS  
**SUBJECT:** PURCHASE OF VACUUM TRUCK  
**DATE:** JANUARY 31, 2013  
**CC:** CAROLYN MILLER  
BOBBY KEENE

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Purchasing Services has researched various purchasing methods to procure a Vacuum Truck for the Wastewater Treatment Department. Due to the complex nature of this purchase, it is the recommendation of Purchasing Services to utilize a cooperative purchasing program.

To make this recommendation, Purchasing Services reviewed various methods of procurement including; separating the bid process for the chassis and unit, utilizing a cooperative program like HGAC or Buy Board, and combining methods by bidding the chassis and purchasing the unit from a cooperative program. After the extensive review of each method, it was determined that procurement through an approved cooperative purchasing program provided the best value and reduced risk to the City throughout the transaction process.

Benefit of procurement through a cooperative purchasing program:

- One point of contact for the transaction.
- One point of receiving for the completed truck.
- No requirement to insure chassis before unit is installed.
- Responsibility for chassis specifications are delegated to supplier.
- Payment not due until the chassis and unit are installed and delivered to the City.
- Protection of cooperative purchasing program for the procurement bidding process.

Please let me know if you have further questions regarding the recommended procurement method. We will process the transaction once appropriate internal procedures are completed.



## AGENDA ITEM 8

<b>DATE OF MEETING:</b> February 21, 2013	<b>DATE SUBMITTED:</b> February 13, 2013	
<b>DEPT. OF ORIGIN:</b> Public Works	<b>SUBMITTED BY:</b> Dane Rau	
<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 Bid No 13-004 for 2013 Mowing and Cleanup Services for Various City Departments and Authorize the Mayor to Execute Any Necessary Documentation		
<p><b>SUMMARY STATEMENT:</b> On January 29<sup>th</sup> the Purchasing Department opened bids for the annual Mowing and Cleanup Services that is performed at various city parks, city facilities and code enforcement lots. This service was bid out last year on Feb 16th but due to the scope of work changing we decided that it would be best to request bids again and not renew the annual bid of 2012. The difference between last year and this year is the addition of Linda Anderson Park open area (#20), Hattie Mae Flowers Park (#18), Jerry Wilson Park (#21), Hasskarl Tennis Courts (#19), and the Hike and Bike Trail (#22). Staff has been shifting these services to a third party over the last couple of years which allows the City of Brenham Parks Department to spend more time on specialty items such as maintaining and making improvements to athletic fields and infrastructure in the Parks System. By making this move it will cut down on the Parks Department fleet when it comes to large mowers, fuel and staff. Last year the City of Brenham awarded the bid in the amount of \$27,520.</p> <p>We knew going into the year that by adding these additional parks, expenses elsewhere would have to be cut in order to maintain a balanced budget. In order to prepare for this situation we have had the opportunity to offset the difference between 2012 and 2013 by not filling two positions in the Parks Department. These two positions are valued at \$60,756 annually plus benefits. By doing this it allowed us to avoid a reduction in force until it was determined how these services would affect the workload in the department.</p> <p>Based on the bid recap there were two vendors who were within 5% of each other on the total bid for both Parks Department grounds and code enforcement lots. Those two vendors were Abiogenesis and Gene's Services. Staff has checked references on both of these vendors. We have also looked at past history on the number of occurrences in which code enforcement lots get mowed on an annual basis.</p> <p>Based on these two parameters, staff is recommending that council award the Mowing and Cleanup Services Contract to Gene's Services in the amounts shown on the bid recap. Gene's Services is a local company and we feel that they will be best suited to conduct the mowing and cleanup services. The differences between the two bids were Abiogenesis was \$200 lower than Gene's Services on the Parks Department grounds and when you add the code enforcement lots it made the difference shrink to only \$5 on a \$59,860 bid. When you look at the history of mowing occurrences of the code enforcement lots (40/year) Gene's Services offers the best value to the City.</p>		

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

**A. PROS:** Will be decreasing expenses in Parks Department and becoming more efficient on specialty item instead of mowing and weed eating.

**B. CONS:** Will be outsourcing services which we will have to evaluate our department once we have been through a mowing season.

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

**ATTACHMENTS:** (1) Bid Information Sheet; and (2.) Bid Recap

**FUNDING SOURCE (Where Applicable):** 101-5-144-450.00

**RECOMMENDED ACTION:** Award Bid No. 13-004 to Gene's Services for the 2013 mowing and cleanup services contract and authorize the Mayor to execute any necessary documentation.

**APPROVALS:** Terry K. Roberts



Bid Information Sheet

January 29, 2013

Bid No. 13-004

For: 2013 Mowing & Cleanup Services

Purchase not to exceed budgeted funds.

Number of bidders requesting a bid packet: 5

Number of completed bids returned to Purchasing: 4

2013 MOWING & CLEANUP SERVICES-BID #13-004  
 BID RECAP

PARKS DEPARTMENT	APPROX. # OF MOWINGS	PRECISION LAWN MANAGEMENT		ABIogenesis		GENE'S SERVICES		CLEANSCAPES	
		UNIT PRICE PER OCCURRENCE	TOTAL COST						
1. 2007 Old Chappell Hill Rd.-Animal Shelter	32	95.00	3,040.00	65.00	2,080.00	60.00	1,920.00	67.50	2,160.00
2. Main & E. Alamo-Median	32	35.00	1,120.00	30.00	960.00	20.00	640.00	15.00	480.00
3. 200 N. Chappell Hill St./800 Sycamore Vacant Lot	32	35.00	1,120.00	30.00	960.00	45.00	1,440.00	33.75	1,080.00
4. 404 N. Chappell Hill St.-Vacant Lot	32	35.00	1,120.00	30.00	960.00	20.00	640.00	15.00	480.00
5. 101 N. Chappell Hill St.-Fire Dept. Yard	32	60.00	1,920.00	95.00	3,040.00	60.00	1,920.00	67.50	2,160.00
6. 301 N. Baylor-Comm. Bldg. Yard	32	35.00	1,120.00	50.00	1,600.00	25.00	800.00	15.00	480.00
7. 200 Blk. of W. Vulcan (Vulcan & Baylor) Parking Lot Area	32	35.00	1,120.00	35.00	1,120.00	20.00	640.00	15.00	480.00
8. W. Main/MLK Pkwy.-Median	32	15.00	480.00	20.00	640.00	15.00	480.00	10.00	320.00
9. W. Main/W. Alamo-Median	32	10.00	320.00	10.00	320.00	15.00	480.00	10.00	320.00
a. 100 St. Joseph & 1000 Main View	32	10.00	320.00	30.00	960.00	15.00	480.00	15.00	480.00
b. 900 W. Alamo & 200 Heights Circle	32	10.00	320.00	20.00	640.00	15.00	480.00	15.00	480.00
c. West Main & E. Alamo (2 Medians)	32	55.00	1,760.00	90.00	2,880.00	75.00	2,400.00	45.00	1,440.00
10. 1000 Blk. Of Prairie Lea Vacant Lot	32	15.00	480.00	10.00	320.00	15.00	480.00	10.00	320.00
11. 1800 Blk. Of Longwood Dr.-Median	32	95.00	3,040.00	180.00	5,760.00	90.00	2,880.00	146.25	4,680.00
12. 1800 Longwood Dr.-Police Bldg. Yard	12	110.00	1,320.00	95.00	1,140.00	125.00	1,500.00	78.75	945.00
13. Hwy 290 & FM 389-290 Right-of-Way Landscape Area	32	15.00	480.00	15.00	480.00	25.00	800.00	15.00	480.00
14. S. Market & E. Stone Street Median	32	15.00	480.00	10.00	320.00	15.00	480.00	10.00	320.00
15. Becker Dr. & Stonehollow-Median	32	120.00	3,840.00	190.00	6,080.00	155.00	4,960.00	203.00	6,496.00
16. 1800 E. Tom Green-Blue Bell Aquatic Center Yard	32	45.00	1,440.00	85.00	2,720.00	60.00	1,920.00	22.50	720.00
17. 1710 E. Tom Green-Boys & Girls Club Yard	32	400.00	12,800.00	200.00	6,400.00	180.00	5,760.00	360.00	11,520.00
18. 700 MLK Pkwy.-Hattie Mae Flowers Park	32	60.00	1,920.00	50.00	1,600.00	60.00	1,920.00	101.25	3,240.00
19. 200 A. H. Ehrig Dr.-Hasskarl Tennis Courts Mow between courts & 15' surrounding courts & restroom area	32	450.00	14,400.00	260.00	8,320.00	600.00	19,200.00	540.00	17,280.00
20. 1308 Old Independence Rd.-Linda Anderson Park (Exclude ball fields)	32	125.00	4,000.00	115.00	3,680.00	75.00	2,400.00	67.50	2,160.00
21. 900 E. Alamo St.-Jerry Wilson Park	32	168.00	5,376.00	75.00	2,400.00	60.00	1,920.00	90.00	2,880.00
22. E. Blue Bell Rd.-Hike & Bike Trail Mow 15' on either side of trail where applicable. (May be less in some areas.)	32	55.00	1,760.00	120.00	3,840.00	90.00	2,880.00	22.50	720.00
23. MLK Pkwy./W. Jefferson-Median	32								
<b>GRAND TOTAL-LUMP SUM</b>			<b>65,096.00</b>		<b>59,220.00</b>		<b>59,420.00</b>		<b>62,121.00</b>





## AGENDA ITEM 9

<b>DATE OF MEETING:</b> February 21, 2013	<b>DATE SUBMITTED:</b> February 13, 2013		
<b>DEPT. OF ORIGIN:</b> Public Works	<b>SUBMITTED BY:</b> Dane Rau		
<b>MEETING TYPE:</b> <input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> SPECIAL <input type="checkbox"/> EXECUTIVE SESSION	<b>CLASSIFICATION:</b> <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT <input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> WORK SESSION	<b>ORDINANCE:</b> <input type="checkbox"/> 1 <sup>ST</sup> READING <input type="checkbox"/> 2 <sup>ND</sup> READING <input type="checkbox"/> RESOLUTION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon Bid No. 13-005 for the Purchase of Refuse Bags for the Sanitation Department and Authorize the Mayor to Execute any Necessary Documentation.			
<b>SUMMARY STATEMENT:</b> On February 12, 2013 the Purchasing Dept. opened bids for the purchase of 12,500 refuse bags. The bids were as follows:			
<b>Bidder</b>	<b>Tie Type</b>	<b>No. Rolls</b>	<b>Amount</b>
Ecoplast LLC	\$13.00/roll	12,500	\$162,500
Pollock Paper and Packaging	\$7.52/roll	12,500	\$94,000.00
Central Poly, Inc.	\$7.10/roll	12,500	\$88,750.00
<p>As seen above, Central Poly was the low bid submitted and meets all bid specifications. Bids were mailed out to four vendors with three bids received. Central Poly did receive the bid last year at \$6.95/roll and we have had very good luck with their bags in the past. We have requested for the 2012-2013 budget year \$85,000 for the purchase of refuse bags. These bags will be an inventory item and will not be dispensed until they are released from inventory. Currently these bags are passed out twice per year to our residential customers and are also sold at two locations.</p> <p>Staff is recommending that Council approve the bid from Central Poly, Inc. for the purchase of 12,500 rolls.</p>			
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>			
<b>A. PROS:</b> Meets specifications, very reliable and also durable bags			
<b>B. CONS:</b> Price per roll increased by .15 cents from last year.			
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>			
<b>ATTACHMENTS:</b> (1) Bid Information Sheet; and (2) Bid Tabulation			

**FUNDING SOURCE (Where Applicable):** 106-5-142-219.00

**RECOMMENDED ACTION:** Award Bid No. 13-005 to Central Poly, Inc. for the purchase of refuse bags for the Sanitation Department and authorize the Mayor to execute any necessary documentation.

**APPROVALS:** Terry K. Roberts



Bid Information Sheet

February 12, 2013

Bid No. 13-005

For: Annual Contract for Garbage Bags

Number of bidders requesting bid packet: 4

Number of completed bids returned to Purchasing: 3



BID TABULATION

ANNUAL CONTRACT FOR GARBAGE BAGS  
Bid No. 13-005

BIDDER	Tie Type Closure	Total \$ Amount
<b>Central Poly Linden, NJ</b>	<b>\$7.10 per roll</b>	<b>\$88,750.00</b>
Ecoplast Brooklyn, NY	\$13.00 per roll	\$162,500.00
Pollock Paper Houston, TX	\$7.52 per roll	\$94,000.00

Bid was for an estimated 12,500 rolls.

FY 2010/11

12/02/10 Central Poly was awarded bid for 10,000 rolls @ \$6.90 each.

7/21/11 Central Poly was awarded bid for 12,500 rolls @ \$6.49 each.

FY 2011/12

5/17/12 Central Poly was awarded bid for 11,000 rolls @ \$6.95 each.



## AGENDA ITEM 10

<b>DATE OF MEETING:</b> February 21, 2013	<b>DATE SUBMITTED:</b> February 13, 2013	
<b>DEPT. OF ORIGIN:</b> Public Works	<b>SUBMITTED BY:</b> Dane Rau	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon the Purchase of a 2012 John Deere Cab Tractor with a 2012 Diamond Boom Mower for the City of Brenham’s Parks Department from the Houston Galveston Area Council and the Buy Board Local Government Purchasing Cooperatives and Authorize the Mayor to Execute Any Necessary Documentation.		
<b>SUMMARY STATEMENT:</b> The Street Department is asking Council to approve the purchase of a John Deere 6430 Cab Tractor and Diamond rear cradle boom mower. This equipment will be replacing the current 1998 John Deere and boom mower package that has served us well and has seen its better days. The 6430 Tractor will be bought through the HGAC purchasing cooperative and the Diamond boom mower will be bought off of the BuyBoard purchasing cooperative for a total amount of \$106,406.65. This is over the budgeted amount of \$90,000 that was proposed 8 months ago. We will be auctioning the old John Deere on Govdeals.com and based on recent history of similar units the value in which we expect to receive is \$12,000 +. We have been offered a trade in value of \$8,000 from Brookside Equipment but prefer to go through Govdeals.com. The remainder of the over budget difference approximately \$4,000-\$5,000 will be made up by savings within the department.  The new John Deere Tractor will come equipped with an enclosed cab which our older tractor did not have. This is very important due to the safety of our operator in which he is protected from flying objects and bees which are commonly a nuisance when boom mowing. The new tractor is also equipped with 4-wheel drive. This was chosen due to the offset conditions that the boom mower is put in and the length of the new booms. This is a necessity and safety factor when operating in these conditions. I have attached a picture of the old unit and new unit for your review. This unit is commonly used in the mowing of creeks, steep embankments, brush lines and drainage areas throughout the city.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<b>A. PROS:</b> Will be gaining a 4-wheel drive tractor with the addition of the cab which will provide safety for our operator and will better our fleet to manage the vegetation around the City.		
<b>B. CONS:</b> Slightly over budget.		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		

**ATTACHMENTS:** (1) HGAC Buy Contract Pricing Worksheet for John Deere 6430 Cab Tractor; (2) 2012 Diamond Boom Mower Price Sheet; and (3) Pictures of the Old and New Tractor

**FUNDING SOURCE (Where Applicable):** 236-5-100-813.41

**RECOMMENDED ACTION:** Approve the purchase of a 2012 John Deere Cab Tractor with a 2012 Diamond Boom Mower for the City of Brenham's Parks Department from the Houston Galveston Area Council and the Buy Board Local Government Purchasing Cooperatives and authorize the Mayor to execute any necessary documentation.

**APPROVALS:** Terry K. Roberts



**CONTRACT PRICING WORKSHEET**  
For Catalog & Price Sheet Type Purchases

Contract No.:

GR01-12

Date Prepared:

2/4/2013

*This Form must be prepared by Contractor and given to End User. End User issues PO to Contractor, and MUST also fax a copy of PO, together with completed Pricing Worksheet, to H-GAC @ 713-993-4548. Please type or print legibly.*

Buying Agency:	CITY OF BRENHAM	Contractor:	BROOKSIDE EQUIPMENT
Contact Person:	WENDY RAGONIS	Prepared By:	RYAN ECKELBERG
Phone:	979-337-7556	Phone:	281-391-2165
Fax:	979-337-7551	Fax:	281-574-4673
Email:	WRAGONIS@CITYOFBRENHAM.ORG	Email:	ECKELBERG.RYAN@BROOKSIDEUSA.COM

Catalog / Price Sheet Name:	JOHN DEERE QUOTE HGAC GR01-12
General Description of Product:	6430 JOHN DEERE TRACTOR (PAGE 1)

**A. Catalog / Price Sheet Items being purchased - Itemize Below - Attach Additional Sheet If Necessary**

Quan	Description	Unit Pr	Total
1	6430 CAB TRACTOR	76,464.00	76464
1	COMPETITIVE PACKAGE- CAB MFWD PQ PLUS W/LHR FLANGE AIR SEAT VALUE	-575	-575
1	STANDARD CAB	0	0
1	MFWD FRONT AXLE W/ LIMITED SLIP DIFFERENTIAL	0	0
1	18.4R34 IN 144A8 R1W RADIAL	0	0
1	13.6R24 IN 128A8 R1W RADIAL	-138	-138
1	POWRQUAD PLUS 16F/16R TRANSMISSION WITH LEFT HAND POWER REVERSER	3888	3888
1	FLANGED AXLE, 8 POSITION STEEL WHEELS	0	0
1	DELUXE CAB CORNER POST EXHAUST WITH UNDER HOOD MUFFLER	872	872
1	SUPER COMFORT SEAT ( MSG 95) WITH AIR SUSPENSION	896	896
1	RIGHT HAND TELESCOPIC DRAFT LINK	217	217
1	SECOND SCV DELUXE (3 DETENTS -301 SERIES) W/ STANDARD COUPLERS	1124	1124
<b>Total From Other Sheets, If Any:</b>			1455
<b>Subtotal A:</b>			84203

**B. Unpublished Options, Accessory or Service items - Itemize Below - Attach Additional Sheet If Necessary**

(Note: Unpublished Items are any which were not submitted and priced in contractor's bid.)

Quan	Description	Unit Pr	Total
1	VERTICAL EXHAUST KIT	1185	1185
1	FREIGHT AND BOOM MOWER ATTACHMENTS FOR TRACTOR	457.45	457.45
			0
			0
<b>Total From Other Sheets, If Any:</b>			
<b>Subtotal B:</b>			1642.45

**Check:** Total cost of Unpublished Options (B) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B).

For this transaction the percentage is:

2%

**C. Other Allowances, Discounts, Trade-Ins, Freight, Make Ready or Miscellaneous Charges**

26.5% HGAC CONTRACT DISCOUNT PRICE	-22313.8
<b>Subtotal C:</b>	-22313.8

**Delivery Date:** 2/4/2013

**D. Total Purchase Price (A+B+C):** 86 63531.65



# Selling Equipment

Quote Id: 7649376

<b>2012 DIAMOND REAR CRADLE BOOM MOWER TASB CONTRACT 373-11</b>				
Hours: 0				<b>Suggested List</b>
Stock Number:				\$ 44,662.00
				<b>Selling Price</b>
				\$ 42,875.00
Code	Description	Qty	Unit	Extended
001	23' REAR CRADLE BOOM MOWER W/60	1	\$ 38,316.00	\$ 38,316.00
Standard Options - Per Unit				
002	CABLE CONTROLS EACH	1	\$ 1,252.00	\$ 1,252.00
003	PUMP AND GRILL GUARD	1	\$ 567.00	\$ 567.00
004	FACTORY MOUNT BOOMS WITH REAR CRADLE	1	\$ 4,527.00	\$ 4,527.00
<b>Standard Options Total</b>				<b>\$ 6,346.00</b>
<b>Suggested Price</b>				<b>\$ 44,662.00</b>
Customer Discounts				
<b>Customer Discounts Total</b>			<b>\$ -1,787.00</b>	<b>\$ -1,787.00</b>
<b>Total Selling Price</b>				<b>\$ 42,875.00</b>



## **ROADSIDE MOWING EQUIPMENT**

**Nothing Cuts Like A Diamond**





## AGENDA ITEM 11

<b>DATE OF MEETING:</b> February 21, 2013	<b>DATE SUBMITTED:</b> February 15, 2013	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Julie Fulgham	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
<input type="checkbox"/> WORK SESSION		
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon a Variance Request from Adolph Wehmeyer from Section 23-25(3), Subdivision Ordinance of the Code of Ordinances to Allow the Development of a New Mobile Home Park on Approximately 19.3 Acres Located on FM 389 and Situated Directly West of the Eight Star Corporation's Mobile Home Park (Formerly Known as Wehmeyer Mobile Home Park)		
<b>SUMMARY STATEMENT:</b> Mr. Wehmeyer has submitted a request for a variance from Section 25-23(3) of the Subdivision ordinance to vary from the requirement that a mobile home park has a minimum frontage of 200 feet to allow the development of a mobile home park on Mr. Wehmeyer's land directly east of the former Wehmeyer Mobile Home Park, with only 131 feet of frontage.  At the February 4, 2013 regular meeting of the Planning and Zoning Commission, the Commission voted unanimously to recommend approval of this variance request to the City Council.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
A. <b>PROS:</b> Allows development of affordable housing and initiates annexation of this tract.		
B. <b>CONS:</b> Creates a large mobile home park that may place a strain on City services.		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b> (1) Ordinance; (2) Memo from Julie Fulgham, Director of Development Services including proposed park development plan; and (3) Request letter from Mr. Adolph Wehmeyer		
<b>FUNDING SOURCE (Where Applicable):</b> N/A		

**RECOMMENDED ACTION:** Approve Variance Request from Adolph Wehmeyer from Section 23-25(3), Subdivision Ordinance of the Code of Ordinances to Allow the Development of a New Mobile Home Park on Approximately 19.3 Acres Located on FM 389 and Situated Directly West of the Eight Star Corporation's Mobile Home Park (Formerly Known as Wehmeyer Mobile Home Park)

**APPROVALS:** Terry K. Roberts

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

**AN ORDINANCE AMENDING CHAPTER 23, SUBDIVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, ALLOWING A VARIANCE TO SECTION 23-25(3) TO ALLOW THE DEVELOPMENT OF A MOBILE HOME PARK WITH ONLY 131 FEET OF FRONTAGE, SPECIFICALLY BEING A 19.3 ACRE PORTION OF TRACT 196 OUT OF THE PHILLIP COE SURVEY AND LOCATED ON FM 389 IN WESTERN BRENHAM, TEXAS.**

**WHEREAS**, the City of Brenham has adopted Chapter 23, Subdivisions, of the City of Brenham Code of Ordinances, which regulates the subdivision of land within the City of Brenham; and

**WHEREAS**, this variance was recommended for approval by the Brenham Planning and Zoning Commission during its regular meeting on February 4, 2013;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BRENHAM, TEXAS, THAT A VARIANCE TO CHAPTER 23, SUBDIVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, BE APPROVED IN THE FOLLOWING MANNER:**

*SECTION 1.* That a variance to Chapter 23, Subdivisions, Section 23-25 Mobile home/manufactured home subdivisions (3) Minimum site size, of the Code of Ordinances of the City of Brenham, Texas, to allow the development of a mobile home park with only 131 feet of frontage instead of the required minimum of 200 feet of frontage, specifically being a 19.3 acre portion of Tract 196 out of the Phillip Coe Survey and located on FM 389 in western Brenham, Texas.

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

**PASSED and APPROVED** on its first reading this the 21<sup>st</sup> day of February, 2013.

**PASSED and APPROVED** on its second reading this the 7<sup>th</sup> day of March, 2013.

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

**ATTEST:**

\_\_\_\_\_  
Jeana Bellinger, TRMC

# Memorandum



To: Planning and Zoning Commission

From: Julie Fulgham, Director of Development Services

Date: February 4, 2013

Re: Variance to Section 23-25(3) of the Subdivision Ordinance

---

Mr. Adolph Wehmeyer has submitted a request for a variance from Section 23-25(3) of the Subdivision Ordinance which states the following:

Sec. 23-25. Mobile home/manufactured home subdivisions

*(3) Minimum site size. For each mobile home or Manufactured Home Park or subdivision located within the city in areas zoned for such use, a minimum site area of four (4) acres and frontage of no less than two hundred (200) feet or more than four hundred (400) feet shall be provided. In the event that any parcel of land less than five (5) acres within the extraterritorial jurisdiction is to be used for two (2) or more mobile homes or manufactured homes, a plat shall be submitted to the city.*

Mr. Wehmeyer is specifically asking for a variance to the requirement that the minimum frontage for a mobile home park be 200 feet. The tract he is hoping to develop as a mobile home park has 131 feet of frontage on FM 389.

The Planning and Zoning Commission is charged with making recommendations to City Council on variances to the Subdivision Ordinance as described in the following section of the Subdivision Ordinance:

Sec. 23-34. Variances

*Where in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the city council may upon recommendation by the planning commission, in specific cases, at a regular meeting of the city council and subject to appropriate conditions and safeguards, authorize, by ordinance, a variance to the subdivision regulations in order to permit reasonable development and improvement of property where the literal enforcement of these regulations would result in an unnecessary hardship. A variance may only be granted by ordinance upon finding that such variance is in accord with the comprehensive plan of the City of Brenham and that the probable effect of such variance will not create adverse impacts in the vicinity. No written public notice shall be required prior to the granting of the variances provided for in this section, except as required by the Texas Open Meetings Law.*

The only criteria to take into consideration that is required by the ordinance are that any variances to the subdivision regulations must be in accordance with the City's comprehensive plan. The Comprehensive Plan is a very broad policy document and in this case, the only section staff identified that could be applicable to this variance request is the following:

Manufactured Homes

*The City of Brenham Zoning Ordinance provides for manufactured homes only within the R-3 Manufactured Home Residential District. Within the past few years the City has annexed two areas – one to the east by the wastewater treatment plan and the other to the west south of FM 389 – which, will be zoned R-3 Manufactured Home Residential.*

Other land uses within the land use section of the Comprehensive Plan have specific areas within the City of Brenham (or ETJ) where they are deemed to be appropriate. No such expansion is outlined for manufactured home parks. In early 2012, the City Council authorized manufactured homes to be placed on individually platted lots within the R-3 zoning district and manufactured homes are no longer restricted solely to manufactured home parks or manufactured home subdivisions on land within an R-3 zoning district. Affordable housing is necessary and could be a consideration in this request; however the zoning amendment I just explained has alleviated some of the barriers to this type of housing product.

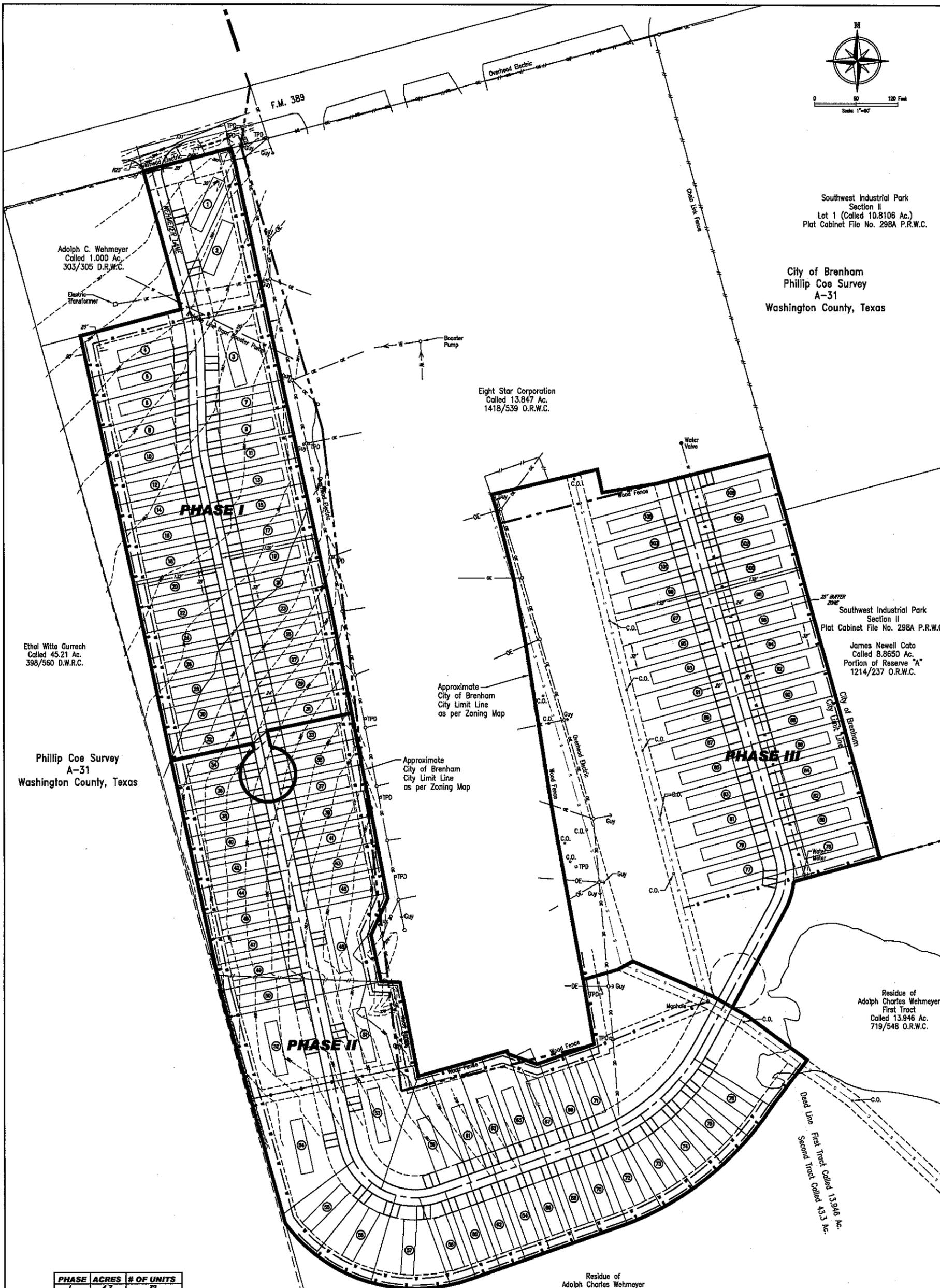
Since the ordinance does not explicitly list criteria that should be evaluated when the Commission is asked to consider a variance; staff believes these requests should be based on the community character the Planning and Zoning Commission is striving to achieve. Therefore staff does not have a recommendation to the Planning and Zoning Commission on if the Commission should forward a positive or negative recommendation for this variance to City Council but hopes the information provided in this memo will clarify the ordinance and process that should be followed when considering this recommendation.

Additional information regarding this property is that the property owner has entered into a development agreement with the City of Brenham, as allowed by state law for agricultural exempt properties, during the last annexation proceedings. Development agreements offered during annexation proceedings delays the City from annexing a property until such time that the property develops or the development agreement expires, whichever comes first. Also outlined in this agreement is that if the property owner chooses to develop the property, in addition to that development triggering annexation proceedings, the property owner is also bound to develop the property to the standards outlined in existing City codes and regulations. If this variance is approved, Mr. Wehmeyer must develop the property in accordance with the Subdivision Ordinance (already required since the property is within the City's ETJ) and all other applicable ordinances of the City of Brenham.



Southwest Industrial Park  
Section II  
Lot 1 (Called 10.8106 Ac.)  
Plat Cabinet File No. 298A P.R.W.C.

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



Adolph C. Wehmeyer  
Called 1.000 Ac.  
303/305 D.R.W.C.

Eight Star Corporation  
Called 13.847 Ac.  
1418/539 O.R.W.C.

Ethel Witte Currech  
Called 45.21 Ac.  
398/560 D.W.R.C.

Phillip Coe Survey  
A-31  
Washington County, Texas

Southwest Industrial Park  
Section II  
Plat Cabinet File No. 298A P.R.W.C.

James Newell Cato  
Called 8.8650 Ac.  
Portion of Reserve "A"  
1214/237 O.R.W.C.

Residue of  
Adolph Charles Wehmeyer  
First Tract  
Called 13.946 Ac.  
719/548 O.R.W.C.

Residue of  
Adolph Charles Wehmeyer  
Second Tract  
Called 43.3 Ac.  
719/548 O.R.W.C.

PHASE	ACRES	# OF UNITS
I	4.7	32
II	7.8	44
III	6.8	30
<b>TOTAL</b>	<b>19.3</b>	<b>106</b>

**JC JONES & CARTER, INC.**  
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Brenham, Texas 77833-4549  
(979)838-0451  
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Austin • Brenham • Bryan • Dallas • Houston  
Rosenberg • San Antonio • The Woodlands

# PRELIMINARY MASTER PLAN OF COUNTRY SIDE MOBILE HOME PARK

JANUARY 25, 2013

**Adolph C. Wehmeyer, Sr.**  
**2103 FM 389**  
**Brenham, Texas 77833**  
**979-836-9768 or 979-251-2240**

January 25, 2013

Ms. Julie Fulgham, AICP  
Director of Development Services  
City of Brenham  
P.O. Box 1059  
Brenham, Texas 77834-1059

Re: Country Side Mobile Home Park  
J&C No. B0121-001-00

Dear Ms. Fulgham:

Submitted herewith for review and approval please find the following items:

1. Preliminary Plat of Country Side Mobile Home Park
2. Master Plan for Country Side Mobile Home Park

A variance from Section 23-25(3) of the Subdivision Ordinance is hereby requested. That section requires a minimum frontage of no less than 200 feet. This tract has 131 feet of frontage on FM 389.

Should you have any questions, please contact Wm. R. Krueger, P.E. with Jones & Carter, Inc. or me.

Sincerely,



Adolph C. Wehmeyer, Sr.

P:\PROJECTS\Proposals\2012\Wehmeyer\WehmeyerMobileParkProposal.doc

Enclosures

cc: Mr. Wm. R. Krueger, P.E., RPLS, Vice President Brenham Operations Manager, Jones & Carter, Inc., 1500 South Day Street, Brenham, Texas 77833



## AGENDA ITEM 12

<b>DATE OF MEETING:</b> February 21, 2012	<b>DATE SUBMITTED:</b> February 13, 2013	
<b>DEPT. OF ORIGIN:</b> Convention and Visitors Bureau	<b>SUBMITTED BY:</b> Lu Hollander	
<b>MEETING TYPE: CLASSIFICATION: ORDINANCE:</b>		
<input checked="" type="checkbox"/> <b>REGULAR</b>	<input type="checkbox"/> <b>PUBLIC HEARING</b>	<input type="checkbox"/> <b>1<sup>ST</sup> READING</b>
<input type="checkbox"/> <b>SPECIAL</b>	<input type="checkbox"/> <b>CONSENT</b>	<input type="checkbox"/> <b>2<sup>ND</sup> READING</b>
<input type="checkbox"/> <b>EXECUTIVE SESSION</b>	<input type="checkbox"/> <b>REGULAR</b>	<input type="checkbox"/> <b>RESOLUTION</b>
<input checked="" type="checkbox"/> <b>WORK SESSION</b>		
<b>AGENDA ITEM DESCRIPTION:</b> Presentation of the First Quarter Report by the Washington County Convention and Visitors Bureau		
<p><b>SUMMARY STATEMENT:</b> In an effort to be more cost efficient, a copy of the Washington County Convention and Visitors Bureau First Quarter Report is not included in the agenda packet. However, a compact disc of this report will be distributed to Mayor and City Council Members.</p> <p>A complete copy of the Washington County Convention and Visitors Bureau First Quarter Report is on file for review in the City Secretary's Office. A copy can also be downloaded from the Washington County Chamber of Commerce website at <a href="http://www.brenhamtexas.com">www.brenhamtexas.com</a>.</p> <p>If you are interested in obtaining a hard copy, please call the City Secretary at 979-337-7567</p>		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<p><b>A. PROS:</b></p> <p><b>B. CONS:</b></p>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A		
<b>ATTACHMENTS:</b> (1) 1 <sup>st</sup> Quarter Report – Convention and Visitors Bureau		
<b>FUNDING SOURCE (Where Applicable):</b> N/A		
<b>RECOMMENDED ACTION:</b> Discussion Only.		
<b>APPROVALS:</b> Terry K. Roberts		

# WCCC Convention & Visitors Bureau

## *First Quarter Report – October-December 2012*

### October Highlights

***Statistics:***

Walk-in visitors – 400  
Website unique visitors – 4,207

Visitor information mailed – 1,749  
Website total pages viewed – 18,900

***Major tourism events:***

Fall antiques shows throughout the area, Chappell Hill Scarecrow Festival,  
National AAA Glidden Car Tour

***Advertising placements:***

*Texas Highways, San Antonio, Ride Texa, Show Daily* antiques guide

***Editorial coverage:***

*Southern Living* feature about antiques, numerous Web items,  
*Houston NBC TV* mention of Blue Bell ice cream sent to space

### November Highlights

***Statistics:***

Walk-in visitors – 564  
Website unique visitors – 3,682

Visitor information mailed – 1,346  
Website total pages viewed – 16,496

***Major tourism events:***

22<sup>nd</sup> and last Poinsettia Celebration, Holiday Home Tour & Trunk Show,  
Brazos Valley Maize, Fall Festival of Roses, Downtown Stroll and Lighted Parade,  
“A Tuna Christmas” at Unity

***Advertising placements:***

*Texas Monthly, Texas Events Calendar, San Antonio, Austin Monthly, Edible Austin,*  
*Louisiana Life* magazines

***Editorial coverage:***

Geiger Press Tour  
*Houston Chronicle* feature about Mike Shoup book, numerous Web items,  
television items including interview about Ellison’s closing

### December Highlights

***Statistics:***

Walk-in visitors – 414  
Website unique visitors – 2,408

Visitor information mailed – 1,236  
Website total pages viewed – 10,622

***Major tourism events:***

Nutcracker ballet, Christmas concerts, New Year’s Eve gala

***Advertising placements:***

*Small Market Meetings, TSAE directory, Texas Highways, Edible Austin*  
*Texas Events Calendar*

***Editorial coverage:***

*AAA Texas Journey Connecticut* edition



**AGENDA ITEM 13**

<b>DATE OF MEETING:</b> February 21, 2013		<b>DATE SUBMITTED:</b> February 6, 2013	
<b>DEPT. OF ORIGIN:</b> Administration		<b>SUBMITTED BY:</b> Kyle Dannhaus	
<b>MEETING TYPE:</b>		<b>CLASSIFICATION:</b>	
<input checked="" type="checkbox"/> REGULAR		<input type="checkbox"/> PUBLIC HEARING	
<input type="checkbox"/> SPECIAL		<input type="checkbox"/> CONSENT	
<input type="checkbox"/> EXECUTIVE SESSION		<input type="checkbox"/> REGULAR	
		<input checked="" type="checkbox"/> WORK SESSION	
<b>ORDINANCE:</b>			
<input type="checkbox"/> 1 <sup>ST</sup> READING			
<input type="checkbox"/> 2 <sup>ND</sup> READING			
<input type="checkbox"/> RESOLUTION			
<b>AGENDA ITEM DESCRIPTION:</b> Presentation of the 2012 Annual Report by the Administration Department			
<b>SUMMARY STATEMENT:</b> In order to be more cost efficient, a copy of the annual report is not included in the agenda packet. However, a bound copy of each report will be distributed to Mayor and City Council Members.  A bound copy of the 2012 Administration Department Annual Report is on file for review in the City Secretary's Office. A copy can also be downloaded from the City of Brenham's website at <a href="http://www.cityofbrenham.org">www.cityofbrenham.org</a> .  If you are interested in obtaining a hard copy, please call the City Secretary at 979-337-7567			
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>			
<b>A. PROS:</b>			
<b>B. CONS:</b>			
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A			
<b>ATTACHMENTS:</b> N/A			
<b>FUNDING SOURCE (Where Applicable):</b> N/A			
<b>RECOMMENDED ACTION:</b> Discussion Only.			
<b>APPROVALS:</b> Terry K. Roberts			



**AGENDA ITEM 14**

<b>DATE OF MEETING:</b> February 21, 2013		<b>DATE SUBMITTED:</b> February 6, 2013
<b>DEPT. OF ORIGIN:</b> Finance		<b>SUBMITTED BY:</b> Carolyn 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 type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input checked="" type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Presentation of the 2012 Annual Report by the Finance and Administrative Services Division		
<b>SUMMARY STATEMENT:</b> In order to be more cost efficient, a copy of the annual report is not included in the agenda packet. However, a bound copy of each report will be distributed to Mayor and City Council Members.  A bound copy of the 2012 Finance and Administrative Services Division Annual Report is on file for review in the City Secretary's Office. A copy can also be downloaded from the City of Brenham's website at <a href="http://www.cityofbrenham.org">www.cityofbrenham.org</a> .  If you are interested in obtaining a hard copy, please call the City Secretary at 979-337-7567		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<b>A. PROS:</b>		
<b>B. CONS:</b>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A		
<b>ATTACHMENTS:</b> N/A		
<b>FUNDING SOURCE (Where Applicable):</b> N/A		
<b>RECOMMENDED ACTION:</b> Discussion Only.		
<b>APPROVALS:</b> Terry K. Roberts		



**AGENDA ITEM 15**

<b>DATE OF MEETING:</b> February 21, 2013		<b>DATE SUBMITTED:</b> February 6, 2013	
<b>DEPT. OF ORIGIN:</b> Development Services		<b>SUBMITTED BY:</b> Julie Fulgham	
<b>MEETING TYPE:</b>		<b>CLASSIFICATION:</b>	
<input checked="" type="checkbox"/> REGULAR		<input type="checkbox"/> PUBLIC HEARING	
<input type="checkbox"/> SPECIAL		<input type="checkbox"/> CONSENT	
<input type="checkbox"/> EXECUTIVE SESSION		<input type="checkbox"/> REGULAR	
		<input checked="" type="checkbox"/> WORK SESSION	
<b>ORDINANCE:</b>			
<input type="checkbox"/> 1 <sup>ST</sup> READING			
<input type="checkbox"/> 2 <sup>ND</sup> READING			
<input type="checkbox"/> RESOLUTION			
<b>AGENDA ITEM DESCRIPTION:</b> Presentation of the 2012 Annual Report by the Development Services Department			
<b>SUMMARY STATEMENT:</b> In order to be more cost efficient, a copy of the annual report is not included in the agenda packet. However, a bound copy of each report will be distributed to Mayor and City Council Members.  A bound copy of the 2012 Development Services Department Annual Report is on file for review in the City Secretary's Office. A copy can also be downloaded from the City of Brenham's website at <a href="http://www.cityofbrenham.org">www.cityofbrenham.org</a> .  If you are interested in obtaining a hard copy, please call the City Secretary at 979-337-7567			
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>			
<b>A. PROS:</b>			
<b>B. CONS:</b>			
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A			
<b>ATTACHMENTS:</b> N/A			
<b>FUNDING SOURCE (Where Applicable):</b> N/A			
<b>RECOMMENDED ACTION:</b> Discussion Only.			
<b>APPROVALS:</b> Terry K. Roberts			