



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, AUGUST 15, 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 – Councilmember Herring**
- 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 August 1, 2013 City Council meeting** **Pages 1-13**
- 4-b. Discuss and Possibly Act Upon Correction of Resolution No. R-13-012 Assigned to Resolution Approved on July 11, 2013 Adopting an Incentive Grant Reimbursement Program** **Page 14**

WORK SESSION

- 5. Discussion and Presentation Regarding Vegetation Control Pertaining to City, State, and Railroad Right-of-Ways** **Pages 15-18**

REGULAR AGENDA

6. **Discuss and Possibly Act Upon an Ordinance on its First Reading Amending the FY2012-13 Adopted Budget** **Pages 19-21**
7. **Discuss and Possibly Act Upon a Proposal to Adopt a Tax Rate of \$0.5632 per \$100 Valuation for the 2013 Tax Year, Take Record Vote and Set the Public Hearings on the Proposed Tax Rate in Accordance with State Law** **Pages 22-24**
8. **Discuss and Possibly Act Upon a Request for a Noise Variance for a Back to School Bash to be Held from 6:00 P.M. to 9:00 P.M. at 707 Pleasant View Avenue on August 23, 2013** **Pages 25-27**
9. **Discuss and Possibly Act Upon a Request for a Noise Variance for Christ to the Nations: City-Wide Revival to be Held September 1-7, 2013 from 7:00 P.M. to 10:00 P.M. at 505 Martin Luther King Jr. Parkway** **Pages 28-30**

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.

WORK SESSION

(Note: The City Council will convene in Conference Room 2A, 2nd Floor of City Hall, for Work Session and Administrative/Elected Officials Report)

10. **Discussion and Overview of Washington County's Proposal to Operate Emergency Communications (as well as EMS and Jail) in Exchange for the City of Brenham Providing Animal Control Services, Animal Shelter Services, Fire Protection and Fire Rescue Services, and Library Services at the Nancy Carol Roberts Memorial Library Under a Comprehensive Interlocal Agreement and Potentially Discuss Other Current Interlocal Agreements Between Washington County and the City of Brenham** **Pages 31-32**
11. **Administrative/Elected Officials Report**

Adjourn

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

CERTIFICATION

I certify that a copy of the August 15, 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 August 12, 2013 at ***12:50 PM***.

Amanda Klehm

Deputy 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 August 1, 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 E. Barnes-Tilley

Members absent:

Councilmember Weldon Williams, Jr.

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, Deputy City Secretary Amanda Klehm, Chief Financial Officer Carolyn Miller, Stacy Hardy, Kaci Konieczny, Wende Ragonis, Susan Nienstedt, Fire Chief Ricky Boeker, Deputy Fire Chief Alan Finke, Police Chief Rex Phelps, Billy Rich, Development Services Director Julie Fulgham, Jennifer Eckermann, Kim Hodde, Leslie Kelm, Brian Smith, Public Utilities Director Lowell Ogle, Debbie Gaffey, Gary Jeter, Pamela Ruemke, and Grant Lischka

Citizens present:

Judy Hyman, Lu Hollander, and Page Michel

Media Present:

Arthur Hahn and Caitlin Hahn, Brenham Banner Press; Frank Wagner, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Goss**
- 3. 3-a. Service Recognitions**
 - Brian E. Smith – Street Department – 5 years

3-b. Awards

➤ **GFOA Distinguished Budget Presentation Award**

- Chief Financial Officer Carolyn Miller stated the Finance Department received the award back in May 2013. City of Brenham has received this award four consecutive years.

4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Minutes from the July 11, 2013, July 17, 2013 Budget Workshop, July 18, 2013 Budget Workshop, and July 19, 2013 Budget Workshop City Council meetings

5-b. Discuss and Possibly Act Upon Ordinance No. O-13-015 on Its Second Reading to Repeal Ordinance O-07-014 and Grant a Non-Exclusive Franchise to Texas Commercial Waste to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits

5-c. Discuss and Possibly Act Upon Ordinance No. O-13-016 on Its Second Reading to Repeal Ordinance O-07-015 and Grant a Non-Exclusive Franchise to Allied Waste Management to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Goss to approve the Statutory Consent Agenda Item 5-a, 5-b and 5-c as read.

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 E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Absent

WORK SESSION

6. Presentation of the Second and Third Quarter Report by the Washington County Convention and Visitors Bureau

Lu Hollander, with the Washington County Convention and Visitors Bureau, presented this item. Hollander focused on the highlights featured in the *Second and Third Quarter Report – January – March and April – June 2013*, pointing out the visitor statistics, major tourism events, advertising placements, and editorial coverage for each month.

Hollander presented advertisement and publication reports. She pointed out items of broadcast coverage and provided samples of publicity Washington County received in 2013.

7. Discussion and Presentation on Final Proposed Budget for Fiscal Year Beginning October 1, 2013 and Ending September 30, 2014

Chief Financial Officer Carolyn Miller presented this item. Miller handed out a revised Combined Budget Summary and a memo around the Dias. Miller stated Council decided to add three public safety positions (two patrol officers and a deputy fire marshal) and issue debt for the purchase of two fire trucks (rescue truck and pumper truck) in FY2013-14 budget during the budget workshops. Miller explained the property valuations were projected to increase 3.6% during budget workshops; however, the final property valuations from the Chief Appraiser were higher by 5.16% over the prior year. Miller stated the increased property tax valuations allowed Staff to incorporate these changes into the proposed FY 2013-14 budget with only a \$0.0200 increase to the tax rate instead of the proposed \$0.0250 during budget workshops. Miller explained the General Fund property tax revenues have increased from \$3,649,715 to \$3,837,971 (or \$188,256) related to the increased property valuations and the additional \$0.0125 in O&M tax rate.

Miller explained the Fireman's Field wall replacement in the amount of \$12,000 was budgeted in the Parks Capital Improvement Fund with a transfer-in from the General Fund this fiscal year. Miller stated this transfer will come back to Council, in a subsequent meeting, for approval as a budget amendment.

Miller gave an update on Main Street Incentive Grant Program stated the Uptown Swirl Event net revenues could provide resources for funding for the incentive grant program. Miller stated Council could decide to transfer the net revenues of \$12,254 for the current fiscal year to the Donations Fund, so the incentive grant program expenditures would be budgeted in the Donations Fund, not the General Fund.

Councilmember Barnes-Tilley questioned what did they predict for sale this year (2013)? Main Street Manager Jennifer Eckermann stated they could not have guessed the increase in glass sales from 250 to over 700 glasses from the previous year's event.

PUBLIC HEARING

8. Public Hearing Concerning a Text Amendment to Part 1, Section 5.02 (Definitions), (53) Dwelling, Detached, of Appendix A: Zoning of the City of Brenham's Code of Ordinances, Establishing 750 Square Feet as the Minimum Square Footage Allowed for Single Family Detached Dwellings on Individual Lots

Development Services Director Julie Fulgham presented this item. Fulgham stated the public hearing is to hear comments regarding establishing a minimum square footage requirement of 750 square feet for single-family detached dwellings on individual single-family residential lots. Fulgham stated Staff believes minimum square footage requirements for single family detached dwellings should be adopted to ensure new residences built within the City are compatible with the character and development patterns that currently exist. Fulgham explained Staff recommends a text amendment to the detached dwelling definition in the zoning ordinance to establish this minimum requirement. Fulgham stated this text amendment will define single-family detached dwellings as: (53) Dwelling, detached: A detached dwelling is one containing only one single-family dwelling unit per building lot and does not meet the requirements for a party wall or walls pertaining to a single family attached (townhouse) dwelling unit. All single-family detached dwellings shall be a minimum of seven hundred fifty (750) square feet.

Councilmember Barnes-Tilley asked about mobile home frontage requirements. Fulgham stated its 700 feet in accordance with Section 14 in the Code of Ordinances. Fulgham explained this text amendment applies only to single family or primary home on a lot.

Mayor Tate asked what other cities use as their minimum? Fulgham stated every other City she has worked for hasn't had a minimum.

CLOSE PUBLIC HEARING

REGULAR AGENDA

9. Discuss and Possibly Act Upon a Text Amendment to Part 1, Section 5.02 (Definitions), (53) Dwelling, Detached, of Appendix A: Zoning of the City of Brenham's Code of Ordinances, Establishing 750 Square Feet as the Minimum Square Footage Allowed for Single Family Detached Dwellings on Individual Lots

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve a Text Amendment to Part 1, Section 5.02 (Definitions), (53) Dwelling, Detached, of Appendix A: Zoning of the City of Brenham's Code of Ordinances, Establishing 750 Square Feet as the Minimum Square Footage Allowed for Single Family Detached Dwellings on Individual Lots.

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 E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Absent

10. Discuss and Possibly Act Upon a Request from the Main Street Board for the Approval of the Renewal of a Reserved Parking Space for Hospice Boutique

Main Street Manager Jennifer Eckermann presented this item. Eckermann stated at the July meeting, the Main Street Board voted to recommend approval of the half-day reserved space annually requested by Hospice Boutique based on the non-profit's request originally approved by Council, prior to the board being responsible for making recommendations of this type to Council. Eckermann explained the Board's recommendation accounted for concerns that all parking requests be considered in the larger context, being sensitive to other requests that have been, or might be made in the future. Eckermann stated the Board requested that staff visit with Hospice Boutique about their request and for the future, consider the use of the back door for deliveries. Eckermann explained the Board noted that a number of other consignment shops in town have backdoor delivery and Hospice is fortunate to have several parking spots on the back of their property – a rarity downtown, which makes backdoor deliveries feasible.

Mayor Pro Tem Nix and Councilmember Goss expressed their concern with granting reserved parking spaces for business owners downtown since the parking is limited. Councilmember Barnes-Tilley suggested Staff encourage business owners and their employees to parking in the parking lots and leave parking spaces in front of businesses available for customers.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve a request from the Main Street Board for the approval of the renewal of a reserved parking space for Hospice Boutique.

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 E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Absent

11. Discuss and Possibly Act Upon the Appointment of a New Member to the Main Street Board

Main Street Manager Jennifer Eckermann presented this item. Eckermann stated the resignation of Main Street Board Member Karen Holle has left a position open for a mid-term appointment to complete her term. A recommendation is being made that former Main Street Assistant Tiffany Morisak be named to fill that position.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve the appointment of a new member, Tiffany Morisak, to the Main Street Board to fill the remainder of the term of resigning board member Karen Holle.

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 E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Absent

12. Discuss and Possibly Act Upon a Recommendation from the Library Advisory Board Regarding the 2012 Contract with Komatsu Architecture for the City of Brenham’s Library Assessment and Masterplan Design

Assistant City Manager Kyle Dannhaus presented this item. Dannhaus stated the Library Advisory Board voted to terminate the existing City of Brenham’s Library Assessment and Masterplan Design contract with Komatsu Architecture on April 17, 2013. Dannhaus explained Komatsu Architecture completed approximately 30% of the work as outlined on the existing contract. Dannhaus stated Staff presented those deliverables to the Library Advisory Board on July 24, 2013. Dannhaus explained it wasn’t the right time to keep planning reconstruction or renovations of the library. Dannhaus stated this is no reflection on Komatsu Architecture, or their work, but the project can’t come to fruition for a while. Dannhaus suggested the City put the contract on hold and resurrect the contract at a later date or Council can terminate the contract and begin a new contract when the time is more suitable. City Attorney Cary Bovey stated Council can place the contract on hold, but the City will need to create an Addendum to the current contract to protect the City.

Councilmember Barnes-Tilley questioned what does Council know now that we didn’t last year when approved the contract other than the limbo of the Interlocal Agreements relating to the library. Dannhaus explained when Council approved the contract with Komatsu initially the City was under the impression that the County would be an equal contributor to the construction or renovation of the library, but when the County Commission stated the County is not willing to participate in the Capital funding, it halted the plans.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to table Item 12 so that Staff can provide Council with more information relating to this issue.

Mayor Tate called for a vote. The motion to table this item 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 E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Absent

13. Discuss and Possibly Act Upon a One (1) Year Extension of the Contract with Alexander Oil Company, in Accordance with the Bid Specifications of Bid No. 12-009, for Gasoline and Diesel Fuel for the City's Vehicle and Equipment Fleet, and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager Kyle Dannhaus presented this item. Dannhaus stated in 2012, the City of Brenham Council awarded the bulk fueling contract to Alexander Oil in Bid #12-009, which the initial term of this contract expired on July 1, 2013. Dannhaus explained that in discussions with Alexander Oil, it has been mutually decided that both parties would like to exercise the first contract extension for 2013 and continue utilizing Alexander Oil as our bulk fuel provider. Dannhaus stated this contract extension will be for one year and will follow all terms and conditions as the contract that was approved in June of 2012 with the prices in Bid #12-009 remaining the same. Dannhaus explained if Council agrees with this extension the new term will run from July 1, 2013-June 30, 2014 and there would then be one (1) term extension option remaining for this contract.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Ebel to approve a One (1) Year Extension of the Contract with Alexander Oil, in Accordance with the Bid Specifications of Bid No. 12-009, for Gasoline and Diesel Fuel for the City's Vehicle and Equipment Fleet, 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 E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Absent

14. Discuss and Possibly Act Upon an Interlocal Agreement between the Brazos Valley Council of Governments (BVCOG) and the Brazos Valley Wide Area Communications System (BVWACS) Parties Approving BVCOG to be the Managing Entity of the Brazos Valley Wide Area Communications System and Authorize the Mayor to Execute Any Necessary Documentation

Fire Chief Ricky Boeker presented this item. Boeker explained the BVWACS parties, which include City of Brenham, City of Bryan, City of College Station, Brazos County, Washington County and Texas A&M University have renewed the Interlocal Agreement to jointly operate and maintain the BVWACS radio system. Boeker stated this agreement is for the BVCOG to be the managing entity of the BVWACS. Boeker stated this is the first renewal of the original agreement, which was started in 2008, with few changes.

Councilmember Goss asked what the changes to the Interlocal Agreement are. Boeker explained the signing pages and dates along with a few minor changes. Boeker stated the agreement is for five (5) years with extension. Boeker explained BVCOG has been the managing entity since the first day of the agreement.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve an Interlocal Agreement between the Brazos Valley Council of Governments (BVCOG) and the Brazos Valley Wide Area Communications System (BVWACS) parties approving BVCOG to be the managing entity of the Brazos Valley Wide Area Communications System 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 E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Absent

15. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Bryan, City of College Station, City of Brenham, Brazos County, Washington County and Texas A & M University Relating to the Operation and Maintenance of the Brazos Valley Wide Area Communications System (BVWACS) and Authorize the Mayor to Execute Any Necessary Documentation

Fire Chief Ricky Boeker presented this item. Boeker explained this is the first renewal of the ILA that organizes and combines the resources of City of Bryan, City of College Station, City of Brenham, Brazos County, Washington County and Texas A&M University to jointly operate the Brazos Valley Wide Area Communications System (BVWACS). Boeker stated the BVWACS system is joined with the Harris County system to make it a part of an even larger Regional Radio system. Boeker explained this Public Safety radio system has been a huge asset to all of its members. Boeker stated this is a five year agreement starting on October 1, 2013 with minor changes from the original ILA. Boeker explained the main changes were removal of the pages relating to the grant and the updated signing pages.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve an Interlocal Agreement between the City of Bryan, City of College Station, City of Brenham, Brazos County, Washington County and Texas A & M University relating to the operation and maintenance of the Brazos Valley Wide Area Communications System (BVWACS) 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 E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Absent

16. Discuss and Possibly Act Upon an Interlocal Agreement Between the Brazos Valley Council of Governments (BVCOG) and the City of Brenham for E9-1-1 Public Safety Answering Point Services and Authorize the Mayor to Execute Any Necessary Documentation

Communications Manager Pam Ruemke presented this item. Ruemke stated the Contract for 9-1-1 Services between Commission on State Emergency Communications (CSEC) and the Brazos Valley Council of Government (BVCOG) requires the execution of an Interlocal Agreement with the City of Brenham; relating to the planning, development, operation and provision of 9-1-1 service, the use of wireline and wireless 9-1-1 fees and equalization surcharge appropriated to the Commission and granted to BVCOG. Ruemke explained the current agreement was signed in 2011 and is terminated August 31, 2013. Ruemke stated the only changes made from last time are a statement in the ILA about complying with the PSAP Guidelines, added a statement under security about not connecting any external device to the 9-1-1 equipment and a statement about retaining records for two previous years plus current year. Ruemke explained the interlocal agreement when signed is effective as of September 1, 2013 and shall terminate on August 31, 2015.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to approve an Interlocal Agreement between the Brazos Valley Council of Governments (BVCOG) and the City of Brenham for E9-1-1 Public Safety Answering Point Services 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 E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Absent

17. Discuss and Possibly Act Upon the Acceptance of a Donation in the Amount of \$25,000.00 to the Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation

Police Chief Rex Phelps presented this item. Phelps stated the Pegasus Foundation has offered a donation to the Police Department for \$25,000 to assist in needed training and equipment costs. Phelps explained the same foundation also donated the same amount of money to the Sheriff's office. Phelps stated it was the desire of the foundation to give the generous donation to the area law enforcement agencies listed. Phelps explained the donation money will be placed in the donation account for equipment needs, facility needs or training. Phelps explained the donor only requested the funds be used for law enforcement training, facility or equipment needs.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to accept a donation in the amount of \$25,000.00 from the Pegasus Foundation to the Brenham Police Department 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 E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Absent

18. Discuss and Possibly Act Upon an Interlocal Cooperation Agreement Between the City of Brenham and the Region 6 Education Service Center (ESC6) for the Use of Fiber and Installation of Wireless Equipment on a City of Brenham Radio Transmission Tower

Information Technology Manager Gary Jeter presented this item. Jeter stated ESC6 has requested cooperation with the City of Brenham through an ILA on a project that will bring broadband internet to rural school districts. Jeter explained the City will allow use of a pair of fiber optic cables and installation of wireless equipment on the Communications tower. Jeter stated the City will see a drop in the \$600 per year charge for ESC6 for utility charge and power cost in exchange for space and cooperation in this project. Jeter stated the City requested wording in the agreement to include if, in the future, a new tower is built, the City can add their antennas to the new tower at no additional cost. Jeter explained this Interlocal Agreement is to provide Burton and Somerville schools with broadband internet access.

Councilmember Goss asked if a space or transmission issue due to all of the usage arises in the future, can they come back and instruct us to get off the tower? Bovey stated they cannot remove the City from the infrastructure according the contract without terminating the entire contract.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve an Interlocal Cooperation Agreement between the City of Brenham and the Region 6 Education Service Center (ESC6) for the use of fiber and installation of wireless equipment on a City of Brenham Radio Transmission Tower.

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 E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Absent

Council adjourned into Executive Session at 2:40 p.m.

EXECUTIVE SESSION

19. Section 551.072, Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding the Purchase of Real Estate for Future Municipal Improvements

Executive Session adjourned at 2:51 p.m.

RE-OPEN REGULAR AGENDA

20. Discuss and Possibly Act Upon the Purchase of Real Estate for Future Municipal Improvements

A motion was made by Councilmember Herring and seconded by Councilmember Goss to approve the purchase of real estate for future municipal improvements in the amount of \$73,420 at 300 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 E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Absent

9. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- 16-page Interlocal Agreement draft for the exchange of services is complete. There is no feedback from either party since everyone is getting the agreement at the same time. Council will meet in Conference Room 2-A August 8, 2013 at 8:30am to discuss.
- Ricky Boeker has handouts of pictures of the new fire trucks and equipment.
- Lowell Ogle has memo around the Dias relating to Lake Somerville and the water system.
- Fireman's Fiesta will be August 10, 2013 at the Fireman's Training Center.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Amanda Klehm
Deputy City Secretary

RESOLUTION NO. R-13-012

A RESOLUTION OF THE CITY OF BRENHAM, TEXAS ADOPTING AN INCENTIVE GRANT FUND POLICY INCLUDING THE BOUNDARIES OF THE DOWNTOWN AREA AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Main Street Advisory Board has requested adoption of the Incentive Grant Fund Program for redevelopment and enhancement of historical and other significant buildings in the Downtown area; and

WHEREAS, the Incentive Grant Fund is designed to preserve the historical fabric of the downtown area while stimulating economic activity; and

WHEREAS, the program is designed to provide funding assistance to stimulate new business development and the retention of existing businesses in the Downtown area; and

WHEREAS, City Council adopted the Brenham Downtown Master Plan calling for development of incentives to promote the City's revitalization efforts;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS that the Downtown Incentive Grant Fund Program is hereby adopted in the boundaries of the eligible area as set forth in the attached Exhibit B to this Resolution. The program guidelines are Attachment A and hereby confirmed.

RESOLVED on this the ____ day of _____, 2013.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Amanda Klehm
Deputy City Secretary



AGENDA ITEM

DATE OF MEETING: August 15, 2013		DATE SUBMITTED: August 9, 2013	
DEPT. OF ORIGIN: Public Works		SUBMITTED BY: Dane Rau	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING	
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING	
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION	
	<input checked="" type="checkbox"/> WORK SESSION		
AGENDA ITEM DESCRIPTION: Discussion and Presentation Regarding Vegetation Control Pertaining to City, State, and Railroad Right-of-Ways			
<p>SUMMARY STATEMENT: Many of you have probably noticed the unsightly weeds, grass, and vegetation growing alongside TXDOT highways, railroad tracks and city streets. This vegetation grows in right-of-ways which are either maintained by TXDOT, the BNSF or the City of Brenham.</p> <p>BNSF and TXDOT only address their right-of-ways periodically throughout the year. TXDOT has a schedule in which they mow and provide litter pick-up in May and November of each year. BNSF sprays vegetation alongside their right-of-ways bi-annually as well with a pre-emergent in January and then a final spraying in August. The other right-of-ways are city right of ways and are currently maintained by the City of Brenham Street Dept. on an ongoing basis.</p> <p>TXDOT and Railroad right-of-ways are large in area and range throughout our town. Examples of TXDOT right-of-ways are all medians and open areas along major roads such as HWY 290 E/W, 36S/N, FM 577, FM 389 and HWY 105. Although TXDOT does have right-of-ways closer to downtown such as S. Market St/Business 290, Austin St/Business 36, E. Alamo St/ S. Chappell Hill St./ HWY 105, they do not mow or weed eat these areas due to the smaller spaces of area between driveways and property boundaries. We have been advised by TXDOT that they only have enough resources to stick with their schedule of bi-annual mowing and litter control along the major roadways twice per year. They did say that if the City wishes to maintain these right-of-ways more frequently then we are more than welcome to do so. TXDOT when mowing during these two times, only shreds large areas where shredders can continue on one path. Areas such as Becker Dr. toward downtown on business 290, S. Chappell Hill St. to Creekside Veterinary Clinic, and from Hohlt Park throughout Austin St. are not mowed by TXDOT and it is left up to the property owner or the City of Brenham to maintain that right-of-way. This is the case with all TXDOT right-of-ways within the City of Brenham limits that abut either private property or businesses along those paths. This also pertains to the portion from Old Mill Creek Rd. to FM 577 east and west with the numerous businesses located on Highway 290 E/W.</p>			

We would like to see how council would like us to address these right-of-ways throughout our City. Is twice a year not enough? Should the City of Brenham provide resources above and beyond what both BNSF and TXDOT are responsible for? How do we handle City right-of-ways; do we solely take full responsibility for those or do we create a more detailed ordinance and place that responsibility on the abutting property owner?

One aspect that many cities have taken is creating an ordinance that puts the burden on the abutting property owner to maintain the right-of-way between their property and the back of curb. This would free up resources in the Street Dept. and allow them to concentrate on other items rather than maintaining unsightly weeds throughout right-of-ways along streets where private property is located. On the other hand it would fall under a code violation and put more responsibility on the Code Enforcement Officer.

Currently the City of Brenham spends an estimated \$140,000 + on vegetation management throughout the City. This includes chemicals, two full-time employees, one part time employee, fuel, maintenance of equipment, and supplies.

Even though the overall discussion boils down to aesthetics, it is a big part in how you want your city to look. Your thoughts are welcome.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS:

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1.) Current Ordinance

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: Discussion only.

APPROVALS: Terry K. Roberts

ARTICLE II.

CLEANLINESS OF PREMISES

Sec. 12-6. General prohibition.

Whatever is dangerous to human health, or whatever renders the ground, the water, the air, or food a hazard or injurious to human life or health or that is offensive to the senses or that is or threatens to become detrimental to the public health, is hereby declared to be a nuisance, and as such, is unlawful and liable to be abated.

(Ord. No. O-09-12, § 1, 6-18-09)

Sec. 12-7. Specific enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions, or actions is hereby declared to be and constitutes a nuisance and is unlawful; provided however, this enumeration shall not be deemed or construed to be conclusive, limiting, or restrictive:

- (1) *Construction materials*, including all waste, debris, concrete, lumber, rock/brick, metal, or other materials resulting from construction or demolition.
- (2) *Earth materials*, including substances such as dirt, sand, gravel, mud, clay, wood chips, limbs or brush capable of blowing or spilling thereby creating unsightliness and/or creating a hazard for the general public.
- (3) *Garbage*, including decayable waste from public and private residences, businesses, establishments and restaurants including vegetable, animal and fish offal, and animal and fish carcasses.
- (4) *Junk*, including worn out, used and/or discarded material or items, including, but not limited to, odds and ends, lawn maintenance equipment, dilapidated or junked trailers, travel trailers or boats, automotive parts or other machinery parts, furniture, iron or other scrap metal, tires, and glass.
- (5) *Litter*, including garbage, refuse and rubbish and all other waste material which if thrown or deposited as herein prohibited tends to create a danger to public health, safety and welfare.
- (6) *Leaves and yard clippings* deposited into the gutter, street, or storm sewer.
- (7) *Weeds, grass, or other uncultivated plants* which grow in such profusion as to harbor vermin, reptiles or rodents, or create a fire hazard; and weeds or grass which attain a height greater than twelve (12) inches. Exemptions from the provisions of this section are as follows:
 - a. Actively utilized crop production and/or grazing areas.

- b. Heavily wooded areas containing uncultivated grass, weeds, or underbrush.
- c. Property which is used for the production of hay if said property is a minimum lot size of five (5) acres and a mowed fifty-foot wide buffer is maintained adjacent to property used for residential or commercial purposes.

- (8) *Cisterns or wells uncovered*, or covered in so insecure a manner as to endanger the life or health of other persons; abandoned cisterns and wells not filled with earth or other appropriate material to the ground surface level.
- (9) *Stagnant water* deposited or allowed to remain into, upon, or along any drain, gutter, alley, sidewalk, street, or vacant lot or upon any public or private premises.
- (10) *Fences* in deteriorated condition or subject to falling down due to lack of maintenance or damage, or that have been repaired with materials that are not comparable to the original fence construction.
- (11) *Appliances* intended for indoor use, working or nonworking, used, stored, abandoned or located anywhere in the public view.

(Ord. No. O-09-12, § 1, 6-18-09; Ord. No. O-10-003, § 2, 3-4-10)

Sec. 12-8. Duty to abate nuisances.

(a) It shall be the duty of the owner or his agent or the occupant of any lot, building, premises, or place where any nuisance may exist, to remove, abate, or destroy the same without delay. On any refusal or failure by any owner or occupant of any lot, building, or place of any kind where a nuisance exists in the judgment of the health officer to remove or abate same, the health officer or his designee may abate the nuisance as provided herein.

(b) Whenever any nuisance is found in any place for removal, abatement, or destruction of which no person can be held liable under the provisions hereof, the health officer or his designee may remove, abate, or destroy same.

(Ord. No. O-09-12, § 1, 6-18-09)

Sec. 12-9. Notice to property owners.

(a) When any violation of this article is found to exist in the judgment of the health officer, the health officer shall serve the owner or occupant or any other person responsible for creating the violation with a written notice alleging the specific violations occurring, the nature of the remedial action required to correct the violation, and informing the owner or occupant or any other person responsible for creating the violation of the person's right to appeal the matter by requesting an administrative hearing. For purposes of this article the "owner" includes an owner, occupant, and/or any person having supervision or control over the property.

(b) The notice must be given:

- (1) Personally to the owner in writing; or



AGENDA ITEM 6

DATE OF MEETING: August 15, 2013	DATE SUBMITTED: August 12, 2013	
DEPT. OF ORIGIN: Finance	SUBMITTED BY: Carolyn D. Miller	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on its First Reading Amending the FY2012-13 Adopted Budget.		
SUMMARY STATEMENT: The proposed ordinance will be an amendment to the FY2012-13 budget. Highlights of the amendment include the following revenue increases: General Fund revenues for insurance proceeds; County HOT Fund for additional County HOT tax collections remitted to the City in FY13; Hwy 290 Fund for the two repayments received from TXDOT in FY13; and City HOT taxes for increased collections. The two largest items in the General Fund column are the increase in expenditures related to the demolition of the old city hall building and the City match for the Airport Hangar Grant. Both of these expenditures will be utilizing General Fund reserves. BCDC and Hotel Occupancy Tax Fund are both being amended for additional expenditures approved by their respective boards during the current fiscal year. Other miscellaneous amendment items include: unanticipated repairs to fire trucks; repairs related to storm damage at the communications building and fire station; and transfers.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Ordinance; and (2) Exhibit A (Amendment Number 1)		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Approve an Ordinance on its first reading amending the FY2012-13 Budget.		
APPROVALS: Carolyn D. Miller		

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING THE FY2012-13 ADOPTED BUDGET; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Brenham, Texas has previously approved a budget for the fiscal year ending September 30, 2013, after having filed the same with the City Secretary and after holding public hearings on same, all after due notice as required by statute; and

WHEREAS, due to unforeseen circumstances and/or conditions, the City Council finds it is necessary to amend the FY2012-13 Budget for municipal purposes;

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

SECTION I.

That the City Council of the City of Brenham, Texas, does hereby amend the budget for the City of Brenham, Texas for the fiscal year ending September 30, 2013, as shown on Exhibit A.

SECTION II.

This Ordinance shall take effect as provided by State Law and the Charter of the City of Brenham, Texas.

PASSED and APPROVED on its first reading this the ____ day of _____, 2013.

PASSED and APPROVED on its second reading this the ____ day of _____, 2013.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

**CITY OF BRENHAM
EXHIBIT A
AMENDMENT NUMBER 1
FISCAL YEAR 09-30-13**

	General Fund	Airport Capital Improvement	Hwy 290 Fund	Central Fleet Services	Parks Capital Improv Fund	Hotel Occupancy Tax Fund	County Hotel Occupancy Tax Fund	BCDC Fund	Water Fund	Wastewater Fund	TOTAL
REVENUES (INC) DEC											
Insurance Proceeds	\$ (32,366)										\$ (32,366)
County HOT Fund Revenues							\$ (18,814)				(18,814)
TXDOT Pass Through Toll Repayments #1 and #2			\$ (3,057,482)								(3,057,482)
City HOT Fund Revenues											(24,800)
TOTAL BUDGETED REVENUES	(32,366)	-	(3,057,482)	-	-	(24,800)	(18,814)	-	-	-	(3,133,462)
EXPENDITURES INC (DEC)											
Additional HOT funding for 2nd Main Street billboard						8,300					8,300
HOT funding for Brenham Hotel Association billboards						6,500					6,500
Additional expenses for demolition of 210 N. Park building	128,568										128,568
Resurface of Aquatic Center Pool Deck	40,780										40,780
Purchase of tables & benches at All Sports Building	13,000										13,000
Linda Anderson Park Improvements					302,730						302,730
BCDC Contingency								(356,510)			(356,510)
Lightning strike repairs at Fire Station	32,366										32,366
Repairs to Ladder 1 Fire Truck	14,054										14,054
Repairs to Engine 4 Fire Truck	8,284										8,284
Roof Repairs to Communications Building	30,422										30,422
Reduce Parks Dept Overtime and Standby Personnel Budget	(12,000)										(12,000)
TOTAL BUDGETED EXPENDITURES	255,474	-	-	-	302,730	14,800	-	(356,510)	-	-	216,494
BUDGETED TRANSFERS											
Additional HOT funding for City Parks & Recreation program						10,000					10,000
Transfers from Other Funds to Fleet Fund for solid fleet assets	(10,000)										-
BCDC transfers to General Fund for FY13 approved projects	6,474			(25,053)					6,716		11,864
BCDC transfer to Parks Capital Improv. Fund for LAP project	(53,780)							53,780			-
City match for TXDOT Airport Hangar Grant	152,896	(152,896)						302,730			-
Transfer from General Fund to Parks Capital Improv Fund	12,000				(12,000)						-
TOTAL BUDGETED TRANSFERS	107,590	(152,896)	-	(25,053)	(314,730)	10,000	-	356,510	6,716	11,864	-
CHANGE IN BUDGETED FUND BALANCE (INC) DEC	\$ 330,698	\$ (152,896)	\$ (3,057,482)	\$ (25,053)	\$ (12,000)	\$ -	\$ (18,814)	\$ -	\$ 6,716	\$ 11,864	\$ (2,916,968)

NOTES

- A - At the October 3, 2012 HOT Board meeting additional funding was approved for 2nd Main Street billboard which was deferred at time of original budget adoption.
- B - At the October 3, 2012 HOT Board meeting additional funding was approved for the City of Brenham Parks and Recreation program which was deferred at time of original budget adoption.
- C - At the October 3, 2012 HOT Board meeting a funding request was approved for 1/2 of the cost of an annual billboard contract for Brenham Hotel Association.
- D - Amend City HOT Fund revenues for increased expenditures/transfers-out.
- E - Current year expenses from old City Hall demolition project which was started in FY12 and completed in FY13.
- F - At the February 27, 2013 meeting the BCDC approved funding 3 projects from contingency fund: Aquatic Center pool deck resurfacing; outdoor tables and benches for the All Sports Building; and improvements to the LAP complex.
- G - Insurance proceeds received and expenses incurred related to lightning strike at Fire Station.
- H - At the March 21, 2013 council meeting, the Municipal Airport Hangar Project was approved with the City's share estimated at \$169,500. Only \$152,896 needed due to remaining fund balance reserves in Airport Capital Improv Fund.
- I - Additional FY12 County HOT Collections remitted to the City in FY13.
- J - Unplanned repairs to Ladder 1 and Engine 4 fire trucks were incurred in FY13.
- K - Expenses for a new roof at the Communications building were incurred in FY13, however insurance proceeds for this repair were received in FY12.
- L - Hwy 290 Pass Through Toll Repayments from TXDOT were received in January 2013 and July 2013.
- M - Transfer proceeds from sale of surplus fleet assets to Central Fleet Fund.
- N - At the July 17-19, 2013 budget workshops, a transfer from General Fund to Parks Capital Improvements Fund was proposed to cover the expenses of replacing the wall of Fireman's Park baseball field in FY14.



AGENDA ITEM 7

DATE OF MEETING: August 15, 2013	DATE SUBMITTED: August 12, 2013	
DEPT. OF ORIGIN: Finance	SUBMITTED BY: Carolyn D. Miller	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon a Proposal to Adopt a Tax Rate of \$0.5632 per \$100 Valuation for the 2013 Tax Year, Take Record Vote and Set the Public Hearings on the Proposed Tax Rate in Accordance with State Law.		
SUMMARY STATEMENT: See separate memo from Chief Financial Officer on this item.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1.) Memo from Chief Financial Officer		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Approve proposal to adopt a tax rate of \$0.5632 per \$100 valuation for the 2013 tax year, take record vote and set the Public Hearings on the proposed tax rate in accordance with State Law.		
APPROVALS: Terry K. Roberts		



MEMORANDUM

To: Mayor, Council and City Manager

From: Carolyn D. Miller
Chief Financial Officer

Subject: Discuss Proposed Property Tax Rate, Take Record Vote and
Schedule Public Hearings

Date: August 12, 2013

Developing an annual budget and adopting a property tax rate to support that budget must be accomplished in compliance with property tax code, local government code, and City Charter. Following these legislative guidelines ensures that the public is informed of any increases.

During the week of July 17, 2013, Council Budget Workshops were held to review and finalize the proposed FY2013-14 budget. As discussed during these workshops and during the work session of the August 1, 2013 City Council meeting, we will be increasing the property tax rate of \$0.5432 per \$100 valuation by \$0.02. The new property tax rate of \$0.5632 is comprised of a maintenance and operations rate of \$0.3579 and a debt service (interest and sinking) rate of \$0.2053.

The Washington County Appraisal District has certified taxable values of \$1,080,568,292 for the 2013 Tax Year. We experienced a 5.16% or \$53,016,245 increase in total taxable values over the 2012 (adjusted) values. The increase is comprised of:

- **\$18,858,039** **36 %** New properties and new improvements
- **\$34,158,206** **64%** Increased property values

The proposed FY13-14 budget includes a proposal to increase in the current M&O tax rate from \$0.3420 to \$0.3579. The combined impact of the increased property values along with the increase in the M&O tax rate will generate additional tax revenue over the current year of \$346,063.

Discuss Tax Rate, Take Record Vote, and Schedule Public Hearings

In accordance with the Tax Code, Council must now take a **RECORD VOTE** to place a proposal to adopt the proposed property tax rate on the agendas of future meetings. At this time, Council must also schedule two public hearings on the proposed tax rate.

A separate public hearing on the proposed budget will be held during a Special Council Meeting on September 16, 2013.

Enacted in 2009, HB 2291 provides the specific motion to be made for the record vote on the proposed tax rate when the proposal is above the effective rate. As stated above, the proposal is to *increase the current tax rate* of \$0.5432 per \$100 valuation to \$0.5632 per \$100 valuation. This new rate is above the effective tax rate of \$0.5250 and will produce higher revenues, which necessitates **that the motion for the record vote should be made as follows:**

“I move that the property tax rate be increased by the adoption of a tax rate of \$0.5632 per \$100 valuation, which is effectively a 7.28% increase in the tax rate, to be considered by the governing body on the agendas of the September 16, 2013 and September 19, 2013 meetings and to schedule public hearings on the proposed tax rate for August 29, 2013 and September 5, 2013 in accordance with state law.”



AGENDA ITEM 8

DATE OF MEETING: August 15, 2013	DATE SUBMITTED: August 12, 2013	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Amanda Klehm	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon a Request for a Noise Variance for a Back to School Bash to be Held from 6:00 P.M. to 9:00 P.M. at 707 Pleasant View Avenue on August 23, 2013		
SUMMARY STATEMENT: Tracey Darden has requested a noise variance to hold an event to celebrate Back to School on August 23, 2013 from 6:00 p.m. – 9:00 p.m. at 707 Pleasant View Avenue. They will have a children’s inflatable water slide, passing out school supplies, BBQ and a DJ. They will be using sound amplification equipment. The Brenham Police Department and the Brenham Fire Department have approved the noise variance request; therefore, I ask the City Council to approve the noise variance request.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Noise Variance Request		
FUNDING SOURCE (Where Applicable): N/A		
RECOMMENDED ACTION: Approve a request for a noise variance from Tracey Darden for a Back to School Bash to be held from 6:00 P.M. to 9:00 P.M. at 707 Pleasant View Avenue on August 23, 2013 and authorize the Mayor to execute any necessary documentation.		
APPROVALS: Terry K. Roberts		

upd cash \$10.00
8-5-13 JK

NOISE VARIANCE REQUEST

Application Fee \$10.00

1. Name of sponsoring organization: Back to School Bash

2. Name and address of individual making application on behalf of sponsoring organization: Tracey Darden
1706 Dixon Ln Brenham, TX 77833

3. Purpose of the Event: Back to School

4. Location of Event: 707 Pleasant view Ave

5. Date of the event: Aug 23rd 2013

6. Time of Event: 6pm- 9pm

7. Event Set-up: From: 5:00 p.m To: 6:00 p.m

Event Clean-up: From: 9:00 p.m To: 9:30-10:00 p.m

8. You are required to describe the following:

a) Types of Activities Planned and any additional information specific to this event: children InFlatable-water slide, Passing out School Supplies, BBQ - good clean Fun. "No Explicit Music Allowed"

b) Bands/Musical Instruments: DJ

c) Sound amplification equipment: sound system / speakers

d) Cleanup provisions: yes, parents will help w/ clean-up

Tracey Darden
Name of Applicant (Printed or Typed)

Date: 8-5-13

Tracey Darden
Applicant or Authorized Person's Signature

Phone: 979-836-9204
Cell 248-217-5510

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

CITY STAFF REVIEW

Date received: _____

____ APPROVED

____ DENIED

Rex Phelps, Chief of Police

Date: _____

Comments/Reason for Denial:

____ APPROVED

____ DENIED

Ricky Boeker, Chief of Fire Department

Date: _____

Comments/Reason for Denial: _____

Noise Variance Approved by the City Council on the ____ day of _____, 2012.

Milton Y. Tate, Jr., Mayor

Date: _____

ATTEST:

Jeana Bellinger, City Secretary



AGENDA ITEM 9

DATE OF MEETING: August 15, 2013	DATE SUBMITTED: August 12, 2013	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Amanda Klehm	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon a Request for a Noise Variance for Christ to the Nations: City-Wide Revival to be Held September 1-7, 2013 from 7:00 P.M. to 10:00 P.M. at 505 Martin Luther King Jr. Parkway		
SUMMARY STATEMENT: Darlene McClellan has requested a noise variance to hold an event for a city-wide revival from September 1-7, 2013 from 7:00 p.m. – 10:00 p.m. at 505 Martin Luther King Parkway. They will have a church outreach service under a tent and keyboard with speakers. They will be using sound amplification equipment.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Noise Variance Request		
FUNDING SOURCE (Where Applicable): N/A		
RECOMMENDED ACTION: Approve a request for a noise variance from Christ to the Nations: City-Wide Revival to be held September 1-7, 2013 from 7:00 P.M. to 10:00 P.M. at 505 Martin Luther King Jr. Parkway and authorize the Mayor to execute any necessary documentation.		
APPROVALS: Terry K. Roberts		

NOISE VARIANCE REQUEST

Application Fee \$10.00

1. Name of sponsoring organization: 1407 W. MAIN BRENHAM TX. CHRIST TO THE NATIONS.
2. Name and address of individual making application on behalf of sponsoring organization: Darlene McClellan
511 MLKP Brenham, Texas 77833
3. Purpose of the Event: City wide revival: TENT outside
4. Location of Event: 505 MLKP Brenham, Texas 77833
5. Date of the event: Sept 1-7 2013
6. Time of Event: 7pm - 10pm
7. Event Set-up: From: Sept 1 To: Sept 7
Event Clean-up: From: Sept 1 To: Sept 7

8. You are required to describe the following:

a) Types of Activities Planned and any additional information specific to this event: Church outreach service under tent

b) Bands/Musical Instruments: Keyboard

c) Sound amplification equipment: JBL Speakers

d) Cleanup provisions: Nightly

Darlene McClellan
Name of Applicant (Printed or Typed)

Date: 8/5/13

Darlene McClellan
Applicant or Authorized Person's Signature

Phone: 979) 541-6357
979-203-2312 L.C.

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

CITY STAFF REVIEW

Date received: _____

____ APPROVED

____ DENIED

Rex Phelps, Chief of Police

Date: _____

Comments/Reason for Denial:

____ APPROVED

____ DENIED

Ricky Boeker, Chief of Fire Department

Date: _____

Comments/Reason for Denial: _____

Noise Variance Approved by the City Council on the ____ day of _____, 2012.

Milton Y. Tate, Jr., Mayor

Date: _____

ATTEST:

Jeana Bellinger, City Secretary



AGENDA ITEM 10

DATE OF MEETING: August 15, 2013		DATE SUBMITTED: August 12, 2013	
DEPT. OF ORIGIN: Administration		SUBMITTED BY: Terry K. Roberts	
MEETING TYPE:		CLASSIFICATION:	
<input checked="" type="checkbox"/> REGULAR		<input type="checkbox"/> PUBLIC HEARING	
<input type="checkbox"/> SPECIAL		<input type="checkbox"/> CONSENT	
<input type="checkbox"/> EXECUTIVE SESSION		<input type="checkbox"/> REGULAR	
		<input checked="" type="checkbox"/> WORK SESSION	
ORDINANCE:			
<input type="checkbox"/> 1 ST READING			
<input type="checkbox"/> 2 ND READING			
<input type="checkbox"/> RESOLUTION			
AGENDA ITEM DESCRIPTION: Discussion and Overview of Washington County’s Proposal to Operate Emergency Communications (as well as EMS and Jail) in Exchange for the City of Brenham Providing Animal Control Services, Animal Shelter Services, Fire Protection and Fire Rescue Services, and Library Services at the Nancy Carol Roberts Memorial Library Under a Comprehensive Interlocal Agreement and Potentially Discuss Other Current Interlocal Agreements Between Washington County and the City of Brenham			
SUMMARY STATEMENT: We have scheduled another work session agenda item to further discuss the draft exchange of services interlocal agreement we gave to you on August 1st and discussed in work session with you on August 8th. We have placed this additional work session at the end of the Council meeting so that you move this work session item to Conference Room 2A where the room layout is more conducive to a work session format.			
<p>We confirmed with the two County Commissioners working on the exchange of services ILA that the County is prepared to extend the current agreements beginning in October to the figures we presented them in June for the fire/rescue interim ILA agreement as well as the animal shelter interim agreement. Those will be extended for six months to coincide with the projected start of the exchange of services interlocal in April 2014. Rather than using the per run figures for the fire/rescue agreement and the per animal rate for animal shelter, we will draft extensions based on historic utilization and those rates which gives us those higher numbers we discussed with the Council in the summer. For ease of billing, we will convert those annual figures to monthly numbers.</p> <p>We are also working to update the extension for animal control and we need to address the Linda Anderson Park interlocal agreement. The County and City were in agreement on that interlocal agreement. As we discussed at the work session last week, the library interlocal will not be extended.</p>			

The County Commissioners and County Judge are reviewing the exchange of services ILA we drafted and will provide feedback to Commissioners Fuchs and Hanath this week. If we receive any additional input from the two Commissioners this week we will share it with you at the work session.

We were not planning to bring back specific modifying language to the draft ILA at this week's meeting but want to give you another opportunity to discuss the exchange of services agreement. It is our plan to bring you a final draft by the first meeting in September with a plan to adopt both the exchange of services ILA and the interim extensions for October through March at the second meeting in September.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS:

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: None.

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: Discussion Only.

APPROVALS: Terry K. Roberts