



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY FEBRUARY 20, 2014 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 Williams**
- 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. Ordinance No. O-14-008 on Its Second Reading Granting a Specific Use Permit to First Baptist Church of Brenham for a Church and Related Auxiliary Uses, Including Educational or Philanthropic Uses on a Site in an R-1 (Residential) Zoning District and a B-2 (Commercial, Research and Technology) District and Being Located on Approximately 33.28 Acres, being a Part of Tract 34 in the Isaac Lee Survey of the City of Brenham, Washington County, Texas (Said Property Located East of the Intersection of Cantey and South Market Streets) **Page 1-2****
- 4-b. Ordinance No. O-14-009 on Its Second Reading to Repeal Chapter 17, Article VI, Prohibited Smoking Paraphernalia and Smoking Products, of the Code of Ordinances of the City of Brenham **Page 3-4****

- 4-c. **Ordinance No. O-14-010 on Its Second Reading to Repeal Ordinance No. O-08-004 Relating to a Non-Exclusive Franchise to South Central Carriers, LLC to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits** **Page 5**

PUBLIC HEARING

5. **Public Hearing Regarding the Revocation and Cancellation of the Non-Exclusive Franchise Agreement Between the City of Brenham and Reliable Roll-Off Services, LLC to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits** **Page 6-16**

REGULAR AGENDA

6. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Revoking and Cancelling the Non-Exclusive Franchise Agreement Between the City of Brenham and Reliable Roll-Off Services, LLC to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits** **Page 17-20**
7. **Discuss and Possibly Act Upon Ordinance No. O-14-011 on Its Second Reading Granting a Specific Use Permit to HuntJon, LLC for a Retirement Village on a Site Area of Two Acres or More (Senior Apartment Housing) in an R-2 (Mixed Residential) Zoning District and Being Located on All or Portions of Lots 18A, 19, and 20 Within the Randle Second Addition to the City of Brenham, Washington County, Texas (Said Property Bounded by Liberty, North Market, and Cottonwood Streets)** **Page 21-26**
8. **Discuss and Possibly Act Upon Resolution No. R-14-004 in Support of HuntJon, LLC's Submission of an Application Requesting Low Income Housing Tax Credits to the Texas Department of Housing and Community Affairs for Belle Towers, a Low Incomng Housing Development for Seniors** **Page 27-32**
9. **Discuss and Possibly Act Upon an Ordinance Authorizing the Issuance of City of Brenham, Texas, General Obligation Refunding Bonds in an Aggregate Principal Amount Not to Exceed \$5,650,000; Providing For the Award of the Sale Thereof in Accordance with Specified Parameters; Authorizing the Execution and Delivery of a Purchase Contract Relating to Said Bonds; Authorizing the Execution and Delivery of a Paying Agent/Registrar Agreement and an Escrow Agreement; Authorizing the Approval of an Official Statement; and Enacting Other Provisions Relating Thereto** **Page 33-66**
10. **Discuss and Possibly Act Upon Bid No. 14-005 for the Purchase of Refuse Bags for the Sanitation Department and Authorize the Mayor to Execute Necessary Documentation** **Page 67-70**

11. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Code of Ordinances of the City of Brenham, Chapter 10, Advisory Boards & Committees, Article I, Main Street Advisory Board, to Provide for the Powers, Duties, Organization, Operation, Board Membership and Additional Matters Related to the Main Street Advisory Board** **Page 71-78**
12. **Discuss and Possibly Act Upon Resolution No. R-14-007 Providing for the Approval of the Bylaws of the Main Street Advisory Board** **Page 79-88**
13. **Discuss and Possibly Act Upon a Request for a Noise Variance for Outdoor Music on the Patio to be Held from 3:00 P.M. to 10:00 P.M., March 8, March 15, March 22, and March 29, 2014 and April 5, April 12, April 19 and April 26, 2014 at The Boys Club and Saloon at 202 E. Commerce and Authorize the Mayor to Execute Any Necessary Documentation** **Page 89-91**
14. **Discuss and Possibly Act Upon a Request for a Noise Variance for Outdoor Music on the Patio to be Held from 4:00 P.M. to 8:00 P.M., March 9, March 16, March 23, and March 30, 2014 at The Boys Club and Saloon at 202 E. Commerce and Authorize the Mayor to Execute Any Necessary Documentation** **Page 92-94**

EXECUTIVE SESSION

15. **Texas Government Code Section 551.072 – Deliberation Regarding Real Property – Discuss and Consider Various Properties in the Downtown Area for Possible Future Acquisition** **Page 95**

RE-OPEN REGULAR AGENDA

WORK SESSION

16. **Presentation of the 2013 Annual Report by the Finance and Administrative Services Division** **Page 96**
17. **Presentation of the 2013 Annual Report by the Development Services Department** **Page 97**
18. **Discussion and Presentation on Potential Areas for Annexation into the City of Brenham** **Page 98-101**

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.

19. Administrative/Elected Officials Report

- **Upcoming City Council Meeting Dates and Times**

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 20, 2014 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 17, 2014 at *11:47 AM*.

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 _____, 2014 at _____ AM PM.

Signature

Title

ORDINANCE NO. O-14-008

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP TO GRANT A SPECIFIC USE PERMIT TO FIRST BAPTIST CHURCH OF BRENHAM FOR A CHURCH AND RELATED AUXILIARY USES, INCLUDING EDUCATIONAL AND PHILANTHROPIC USES IN AN R-1 (RESIDENTIAL) ZONING DISTRICT AND BEING LOCATED ON APPROXIMATELY 33.28 ACRES, BEING A PART OF TRACT 34 IN THE ISAAC LEE SURVEY OF THE CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS.

WHEREAS, the City of Brenham has adopted Appendix A – “Zoning” of the City of Brenham Code of Ordinances, as amended, which divides the City of Brenham into various zoning districts;

WHEREAS, Appendix A – “Zoning” of the City of Brenham Code of Ordinance authorizes the City Council to grant specific use permits for specific uses within the various zoning districts; and

WHEREAS, this amendment was recommended for approval by the Brenham Planning and Zoning Commission during its regular meeting on February 3, 2014;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BRENHAM, TEXAS, THAT APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AND THE OFFICIAL ZONING MAP BE AMENDED IN THE FOLLOWING MANNER:

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham is hereby amended to grant a specific use permit to First Baptist Church of Brenham for a church and related auxiliary uses, including educational and philanthropic uses in an R-1 (Residential) zoning district and being located on approximately 33.28 acres, being a part of Tract 34 in the Isaac Lee Survey to the City of Brenham, Washington County, 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 6th day of February, 2014.

PASSED and APPROVED on its second reading this the 20th day of February, 2014.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

ORDINANCE NO. O-14-009

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS REPEALING ORDINANCE NUMBER O-11-002 RELATED TO CHAPTER 17, ARTICLE VI, PROHIBITED SMOKING PARAPHERNALIA AND SMOKING PRODUCTS; AND ORDAINING OTHER RELATED MATTERS

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

WHEREAS, on February 3, 2011, the City Council passed Ordinance O-11-002 on second reading, adding Chapter 17, Article VI, Prohibited Smoking Paraphernalia and Smoking Products, of the Code of Ordinances, City of Brenham, Texas to prohibit products containing synthetic cannabinoids, salvia divinorum or related chemicals and paraphernalia in the City of Brenham; and

WHEREAS, the Texas Controlled Substances Act has been amended to address the matters regulated by Chapter 17, Article VI, Prohibited Smoking Paraphernalia and Smoking Products, of the Code of Ordinances, City of Brenham, Texas;

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

SECTION 1

Chapter 17, Article VI, Prohibited Smoking Paraphernalia and Smoking Products, of the Code of Ordinances, City of Brenham, Texas is hereby repealed and rescinded in its entirety.

SECTION 2

Chapter 17, Article VI, Prohibited Smoking Paraphernalia and Smoking Products, of the Code of Ordinances, City of Brenham, Texas shall be amended to read as follows:

Sec. 17-76. – Sec. 17-80. RESERVED

SECTION 3
EFFECTIVE DATE

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

SECTION 4
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 at the meeting of the City Council held on this the 6th day of February, 2014.

PASSED AND APPROVED, on its second reading at the meeting of the City Council held on this the 20th day of February, 2014.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

ORDINANCE O-14-010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, REPEALING ORDINANCE O-08-004 RELATING TO A NON-EXCLUSIVE FRANCHISE WITH SOUTH CENTRAL CARRIERS, LLC TO OPERATE A ROLL-OFF CONTAINER SERVICE FOR RESIDENTS, BUSINESSES AND INDUSTRIES INSIDE BRENHAM CITY LIMITS; AND ORDAINING OTHER RELATED MATTERS:

WHEREAS, the City of Brenham, by ordinance, provides exclusively all solid waste collection and disposal services for solid waste generated from within the corporate limits of the City of Brenham; and

WHEREAS, the City of Brenham may, by ordinance and charter, grant franchises to other entities for the use of public streets, alleys and thoroughfares within the corporate limits of City and for the collection and disposal of solid waste generated from within the corporate limits of the City of Brenham; and

WHEREAS, on April 3, 2008, the City Council passed Ordinance O-08-004, on second and final reading, granting a solid waste franchise to South Central Carriers, LLC; and

WHEREAS, on January 27, 2014, the City became aware that South Central Carriers, LLC was no longer conducting business within the City limits;

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

Ordinance O-08-004 is hereby repealed and rescinded in its entirety.

PASSED and APPROVED on its first reading this the 6th day of February, 2014.

PASSED and APPROVED on its second reading this the 20th day of February, 2014.

Milton Y. Tate, Jr.
Mayor

ATTEST

Jeana Bellinger
City Secretary



AGENDA ITEM 5

DATE OF MEETING: February 20, 2014	DATE SUBMITTED: February 17, 2014	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Jeana Bellinger	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input checked="" 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 type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Public Hearing Regarding the Revocation and Cancellation of the Non-Exclusive Franchise Agreement Between the City of Brenham and Reliable Roll-Off Services, LLC to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits		
SUMMARY STATEMENT: In accordance with Section XIV, Failure to Perform, of the sanitation franchise agreement between the City and Reliable Roll-Off, a Public Hearing must be held before termination of the franchise agreement can be considered.		
<p>Section XIV reads as follows: <i>“It is expressly understood and agreed by the parties that if at any time RELIABLE ROLL-OFF SERVICES, LLC shall fail to perform any of the terms, covenants, or conditions herein set forth, CITY may after a hearing as described herein, revoke and cancel the Agreement by and between the parties and said Agreement shall be null and void. Upon the determination by the staff of CITY that a hearing should be held before the City Council, CITY shall mail notice of the hearing to RELIABLE ROLL-OFF SERVICES, LLC, at the address designated herein or at such address as may be designated from time to time, by registered or certified mail. The notice shall specify the time and place of the hearing and shall include the allegations being asserted for the revocation of this Agreement. The hearing shall be conducted in public before the City Council and RELIABLE ROLL-OFF SERVICES, LLC shall be allowed to present evidence and given an opportunity to answer all reasons for the termination set forth in the notice. In the event that the Council determines that the allegations set forth are true as set forth in the notice it may by majority vote cancel this Agreement between the parties at no penalty to the CITY.”</i></p> <p>Due to Reliable’s continued failure to perform, my office spends a great deal of time trying to collect their franchise fees. Therefore, I have requested this Public Hearing be held before the City Council.</p>		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		

ALTERNATIVES (In Suggested Order of Staff Preference): N/A

ATTACHMENTS: (1) Hearing notification letter dated January 31, 2014; and (2) Reliable Roll-Offs franchise compliance notes

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: Public hearing – no action needed.

APPROVALS: Terry K. Roberts



Mayor
Milton Y. Tate, Jr.

Council Members
Gloria Nix, Mayor Pro Tem
Mary E. Barnes-Tilley
Andrew Ebel
Danny Goss
Keith Herring
Weldon C. Williams, Jr.

January 31, 2014

COPY

Certified Mail Return Receipt
No. 7013 1710 0001 0972 1738

Mr. Jerry Hayslip
Reliable Roll-Off Services, LLC
778 High Oaks Drive
Bellville, Texas 77418

Certified Mail Return Receipt
No. 7013 1710 0001 0972 1721

Mr. Jerry Hayslip
Reliable Roll-Off Services, LLC
P.O. Box 1351
Katy, Texas 77492

RE: Solid Waste Collection Franchise Termination Hearing

Dear Mr. Hayslip:

Please be advised that City of Brenham staff has determined that Reliable Roll-Off Services, LLC is in violation of Ordinance No. O-08-020 whereby the City Council of the City of Brenham granted Reliable Roll-Off Services, LLC (hereafter referred to as "Reliable") a solid waste collection franchise to provide roll-off containers or commercial compactors to commercial, residential, or industrial sites within the corporate limits of Brenham, Texas.

As a result of a recent audit of Reliable's franchise history with the City, it was discovered that Reliable is currently in violation of the following terms, conditions, and obligations outlined in Ordinance No. O-08-020:

Article VI. Payments to City:

"...in consideration of the use of designated streets, alleys, and thoroughfares...RELIABLE ROLL-OFF SERVICES, LLC agrees and shall pay to CITY...a sum equivalent to five percent (5%) of RELIABLE ROLL-OFF SERVICES, LLC'S monthly gross delivery and hauling revenues generated from RELIABLE ROLL-OFF SERVICES, LLC'S provision of solid waste roll-off container collection services within the CITY excluding landfill tipping charges...payment shall be paid monthly to the City of Brenham Attn: City Secretary Office and shall be due by the twentieth (20th) day of the month following the end of the previous month."

Article XVI, Insurance

"RELIABLE ROLL-OFF SERVICES, LLC shall procure and maintain at its sole cost and expense for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by RELIABLE ROLL-OFF SERVICES, LLC, its agents, representatives, volunteers, employees or subcontractors...Certificates of Insurance and endorsements shall be furnished to CITY and approved by CITY before work commences."

In March 2013, Dane Rau, Director of Public Works advised you of the importance of paying your franchise fees in a timely manner. You agreed to meet with myself and Mr. Rau to review and discuss Reliable's deficient payment history; however, that meeting was postponed, at your request, and has never been rescheduled. The last franchise payment received from Reliable was on September 12, 2013 for June and July, 2013 gross receipts. Since that date the City Secretary's office has contacted you several times requesting updated reporting and franchise payments. You were also notified via telephone and in writing that the payment received in September was incorrect (shortage of \$8.91). To date this shortage has not been paid.

In reviewing 2013 payment history, Reliable has been delinquent eleven (11) out of the twelve (12) months. Over the past three (3) years, Reliable has only submitted three (3) payments on time. All of these delinquent payments have resulted in several attempts to contact you, either by phone or mail. All of these attempts have become both time-consuming and costly for the City.

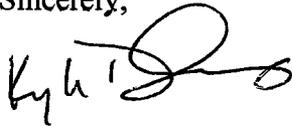
During the audit of Reliable's franchise history, our records indicate that the Certificate of Insurance last provided to the City expired on August 27, 2013. As required by Article XVI, Certificates of Insurance must be provided to the City prior to the performance of any work by Reliable and its agents, representatives, volunteers, employees or subcontractors.

Therefore, in accordance with Article XIV of the solid waste collection franchise agreement granted to Reliable by Ordinance No. O-08-020, **a hearing before the Brenham City Council will be conducted on February 20, 2014 at 1:00 p.m. in the Brenham City Hall, City Council Chambers, 2nd Floor, at 200 W. Vulcan Street, Brenham, Texas** at which time, date and location the City Council shall determine whether to revoke and cancel the afore-mentioned franchise agreement.

As indicated in Article XIV of the franchise agreement, you will be allowed to present evidence in your favor and provide answers to the City Council regarding any reasons related to the termination of the franchise as set forth in this notice.

If you have any questions, please do not hesitate to contact me directly at 979-337-7389. You may also contact the Director of Public Works, Dane Rau, at 979-337-7407.

Sincerely,



Kyle Dannhaus
Assistant City Manager

cc: Terry K. Roberts, City Manager
Cary L. Bovey, City Attorney
Jeana Bellinger, City Secretary
Dane Rau, Director of Public Works

**Reliable Roll-Off Services LLC
Ordinance No. O-08-020**

Passed and Approved on its first reading: **November 20, 2008**

Passed and Approved on its second reading: **December 4, 2008**

Date Signed: **December 4, 2008**

Quarterly Reports - Reliable Roll-Off Services LLC

The following reports shall be filed quarterly with the City Secretary:

- (a) customer complaint and investigation reports; and
- (b) listing of accounts served and monthly revenue derived.

Each report should include:

- (1) the customer's name,
- (2) address,
- (3) frequency of pick-up,
- (4) size of container, and
- (5) monthly charges.

	2009	2010	2011	2012	2013	2014
Jan-Mar			<i>Mar. only</i>	X	X	
Apr-June			X	X	<i>Jun. only</i>	
Jul-Sept			X	X	X	
Oct-Dec			X	X	X	

**All quarterly reports submitted are incomplete. No address or frequency of pick up.*

Information missing

Certificates of Insurance - Reliable Roll-Off Services LLC

Copies of certificates of insurance and any endorsements shall be furnished to the City Secretary's office.

A. STANDARD INSURANCE POLICIES REQUIRED

1. Commercial General Liability Policy
2. Automobile Liability Policy
3. Worker's Compensation Policy

	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Commercial GL	X			X		
Auto	X			X		
Worker's Comp	X					

**No Worker's Comp reported since September, 2008*

** Insurance expired on August 27, 2013*

Information missing

Payments - Reliable Roll-Off Services LLC

A franchise fee equivalent to five percent (5%) of monthly gross delivery and hauling revenues is due by the twentieth (20th) day of the month following the end of the previous month. Payments made after that date shall involve a ten percent (10%) penalty.

	2009	2010	2011	2012	2013	2014
January	X	X	X	X	X	
February	X	X	X	X	X	
March	X	X	X		X	
April	X	X	X		X	
May	X	X	X	X	X	
June	X	X	X	X	X	
July	X	X	X	X	X	
August	X	X	X	X	X	
September	X	X	X	X	X	
October	X	X	X	X	X	
November	X	X	X	X	X	
December	X	X	X	X	X	

Payment made after the due date

Correspondence - Reliable Roll-Off Services LLC

DATE	DESCRIPTION
2/5/2010	Ltr sent to Hayslip about late pymt
10/21/2010	Postcard sent regarding Cert of Ins.
1/18/2011	Ltr sent to Hayslip about late pymt
4/26/2011	Ltr sent to Hayslip about late pymt
9/26/2011	Called Hayslip regarding late pymts; said he was running reports
11/9/2011	D. Rau contacted Reliable; Hayslip informed Rau payment would be submitted
11/18/2011	Hayslip said he may not have any payments for March-Sept 2011. According to Hayslip the amount owed is \$358; will mail check soon.
11/29/2011	\$358 from conversation on 11/18 not received. T. Cook called Hayslip; he will see if check was mailed if not he will bring it by
12/27/2011	Contacted City Attorney about payment delinquency
1/3/2012	Ltr sent to Hayslip about late pymt; mailed certified mail, return receipt
1/30/2012	Contacted City Attorney about payment delinquency letter mailed on 1/3/2012; Hayslip had not signed for letter and letter will be returned to Brenham by end of week.
1/31/2012	City Attorney suggests staff consider revoking franchise.
2/8/2012	Ltr sent to Hayslip advising of Sanitation Franchise Termination Hearing; mailed certified mail, return receipt
2/16/2012	Hayslip signed for the 2/8/2012 certified mail return receipt letter; the other letter was left unclaimed and returned to Brenham.
2/10/2012	J. Bellinger emailed City Attorney that Hayslip turned in reports and paid franchise fees for March 2011-January 2012; therefore, he is current and she will remove the item to revoke franchise from February 16th Council agenda.
7/12/2012	Called Hayslip about late payment for May 2012; Hayslip said check was in the mail
10/2/2012	Ltr sent to Hayslip about late pymt for May 2012, June 2012 and July 2012; mailed certified mail, return receipt
10/15/2012	Called Hayslip about late payment for May 2012, June 2012 and July 2012; Hayslip said he would bring payment in person on 10/16/2012
10/26/2012	Called Hayslip about late fees for May 2012, June 2012, July 2012 and August 2012; no answer, left vm
1/19/2013	Recd returned certified mail, return receipt letter for Hayslip mailed on 10/2/2012; never claimed
2/28/2013	Emailed Dane Rau to inquire about Reliable doing business in Brenham since they are delinquent on their franchise fees; Rau responded stating they are active as far as he knew; Rau will contact Hayslip about payments. Rau stated that Reliable has contracted with another company to pick up containers.
3/1/2013	Rau contacted Hayslip to discuss delinquent franchise fee payments; Hayslip stated he thought he was paid up through December; asked that we email him what he owes and he will have his accountant to get straight with us.
3/11/2013	Sent e-mail to Rau recommending termination based on: (1) Continued late payments: (2) No proof of insurance received since 2009; and (3) Assignment of obligations to another provider

3/14/2013	Received e-mail from City Attorney advising that assignment is in violation of franchise agreement
3/19/2013	Two letters sent advising of Sanitation Franchise Termination Hearing: 1 mailed certified mail, return receipt (Refused); 1 mailed regular mail.
3/21/2013	Hayslip came into office and paid franchise tax for Oct 2012 - March 20, 2013. Explained that he did not realize he was in violation of his franchise (assignment). Hayslip stated that we had the incorrect address on file - address was corrected. He also provided updated Certificate of Insurance. However, still no workers' comp coverage.
3/22/2013	Received e-mail from City Attorney agreeing with revocation of franchise. E-mail outlines procedures for Council to revoke. Suggested public hearing be scheduled for April 4, 2013.
3/25/2013	Sent memo to City Manager recommending termination of franchise
3/27/2013	Meeting with Rau and Assistant City Manager cancelled by Hayslip due to family emergency. Rau contacted him a few days later. Hayslip said he would get things caught up
8/27/2013	Insurance expired.
8/28/2013	Sent reminder of late payments for June and July, 2013
9/20/2013	Called Hayslip to advise of \$8.91 shortage from June and July payments. Hayslip stated he would be in on September 23 to pay.
11/12/2013	Sent notice of late payments for August and September, 2013.
11/12/2013	Sent letter reminding Hayslip of \$8.91 shortage from June and July payments - he had promised to pay on 9/23.
1/30/2014	Came in and paid August, 2013 thru December, 2013. Total payment was \$122.93
1/31/2014	Mailed certified letter advising of violations and date of termination hearing.



AGENDA ITEM 6

DATE OF MEETING: February 20, 2014	DATE SUBMITTED: February 17, 2014	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Jeana Bellinger	
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 Revoking and Cancelling the Non-Exclusive Franchise Agreement Between the City of Brenham and Reliable Roll-Off Services, LLC to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits		
SUMMARY STATEMENT: Due to Reliable's continued failure to perform, my office spends a great deal of time collecting their franchise fees. Their last franchise payment (paid on January 30 th) was in the amount of \$122.93 for the months of August through December, 2013; prior to that no franchise payments had been made since September, 2013. Reliable's average franchise payments are \$1,431 a year (based on 5 years). There are seven other roll-off companies operating in Brenham, so services to our residents and commercial businesses should not be affected. Therefore, I am recommending this franchise be revoked.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference): N/A		
ATTACHMENTS: (1) Ordinance revoking Reliable Roll-Off Services franchise agreement		
FUNDING SOURCE (Where Applicable): N/A		
RECOMMENDED ACTION: Approve an Ordinance on its first reading revoking and cancelling the non-exclusive franchise agreement between the City of Brenham and Reliable Roll-Off Services, LLC to operate a roll-off container service for residents, businesses, and industries inside Brenham city limits		
APPROVALS: Terry K. Roberts		

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS MAKING CERTAIN FINDINGS OF FACT; REPEALING ORDINANCE NO. 0-08-020; REVOKING AND CANCELLING THE FRANCHISE GRANTED TO RELIABLE ROLL-OFF SERVICES, LLC IN SAID ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A SEVERABILITY, REPEALER AND SAVINGS CLAUSE; AND PROVIDING FOR PROPER NOTICE AND OPEN MEETING.

WHEREAS, the City of Brenham (“City”) entered into a franchise agreement (“Agreement”) with Reliable Roll-Off Services, LLC on December 4, 2008 pursuant to the enactment of Ordinance No. O-08-020; and

WHEREAS, pursuant to Article XIV of the Agreement, City staff determined a hearing should be held before the Brenham City Council (“Council”) regarding the revocation and cancellation of the Agreement; and

WHEREAS, pursuant to Article XIV of the Agreement, Reliable Roll-Off Services, LLC was provided written notice of the hearing to be held before the Council; and

WHEREAS, a public hearing was held before the Council on February 20, 2014, at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas; and

WHEREAS, City staff presented certain evidence that Reliable Roll-Off Services, LLC has a deficient payment history in violation of Article VI of the Agreement and failed to provide a certificate of insurance as required by Article XVI of the Agreement; and

WHEREAS, Reliable Roll-Off Services, LLC was given an opportunity to present evidence and to answer all reasons for the termination set forth in the notice provided to Reliable Roll-Off Services, LLC; and

WHEREAS, after considering the evidence and testimony of City staff and Reliable Roll-Off Services, LLC, the Council hereby finds Reliable Roll-Off Services, LLC’s deficient payment history in violation of Article VI of the Agreement, and failure to provide a certificate of insurance in violation of Article XVI of the Agreement to be grounds for revocation and cancellation under Article XIV of the Agreement;

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

SECTION 1.

That Ordinance No. O-08-020 is hereby repealed, and the franchise agreement entered into between the City of Brenham, Texas and Reliable Roll-Off Services, LLC as enacted by Ordinance No. O-08-020 is hereby revoked and cancelled pursuant to Article XIV of the Agreement.

SECTION 2. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 3. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

SECTION 4. REPEALER

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

SECTION 5. SAVINGS CLAUSE

The repeal of any ordinance or part of ordinances effected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions any ordinances at the time of passage of this Ordinance.

SECTION 6. PROPER NOTICE AND MEETING

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

PASSED and APPROVED on its first reading this the ____ day of _____,
2014.

PASSED and APPROVED on its second reading this the ____ of _____,
2014.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 7

DATE OF MEETING: February 20, 2014	DATE SUBMITTED: January 31, 2014	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Julie Fulgham	
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 Ordinance No. O-14-011 on Its Second Reading Granting a Specific Use Permit to HuntJon, LLC for a Retirement Village on a Site Area of Two Acres or More (Senior Apartment Housing) in an R-2 (Mixed Residential) Zoning District and Being Located on All or Portions of Lots 18A, 19, and 20 Within the Randle Second Addition to the City of Brenham, Washington County, Texas (Said Property Bounded by Liberty, North Market, and Cottonwood Streets)		
SUMMARY STATEMENT: This request is for a senior housing apartment complex (defined as a retirement village in the zoning ordinance) on approximately 2.5 acres of land located northeast of downtown, near a large medical facility and residential neighborhood. Staff believes multi-family development for seniors is compatible with the neighborhood and would provide orderly growth. Staff also believes this is an ideal location for a senior housing community because of its close proximity to the medical offices, and further a grocery store and downtown. Additionally, this developer will apply for tax-credit benefits through the Texas Department of Housing and Community Affairs, if the specific use permit request is approved. A request for a specific use permit was made at the previous Council meeting for this identical development on 2 acres. Since that meeting, an additional ½ an acre was placed under contract by the developer, allowing for more green space to be incorporated into the project. The scale of the project is identical (76 units/114 parking spaces); however the request is now for the development to be located on approximately 2.5 acres instead of only 2 acres.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
<p style="margin-left: 40px;">A. PROS: Provide affordable housing for seniors in a mixed use area.</p> <p style="margin-left: 40px;">B. CONS:</p>		
ALTERNATIVES (In Suggested Order of Staff Preference): 1. Approve ordinance approving specific use permit; 2. Modify ordinance approving specific use permit; 3. Deny specific use permit request.		
ATTACHMENTS: (1) Ordinance No. O-14-011 with Attachment A; and (2) Map showing difference between this request and the previous Belle Towers request		

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: Approve Ordinance No.)-14-011 on its second reading granting a Specific Use Permit to HuntJon, LLC for a Retirement Village on a site area of two acres or more (Senior Apartment Housing) in an R-2 (Mixed Residential) Zoning District and being located on all or portions of Lots 18A, 19, and 20 within the Randle Second Addition to the City of Brenham, Washington County, Texas (said property bounded by Liberty, North Market, and Cottonwood Streets).

APPROVALS: Terry K. Roberts

ORDINANCE NO. O-14-011

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP TO GRANT A SPECIFIC USE PERMIT FOR A RETIREMENT VILLAGE ON A SITE AREA OF TWO ACRES OR MORE (SENIOR APARTMENT HOUSING) IN AN R-2 (MIXED RESIDENTIAL) ZONING DISTRICT AND BEING LOCATED ON ALL OR PORTIONS OF LOTS 18A, 19, AND 20 WITHIN THE RANDLE SECOND ADDITION TO THE CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS.

WHEREAS, the City of Brenham has adopted Appendix A – “Zoning” of the City of Brenham Code of Ordinances, as amended, which divides the City of Brenham into various zoning districts;

WHEREAS, Appendix A – “Zoning” of the City of Brenham Code of Ordinance authorizes the City Council to grant specific use permits for specific uses within the various zoning districts; and

WHEREAS, this amendment was recommended for approval by the Brenham Planning and Zoning Commission during its regular meeting on January 6, 2014;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BRENHAM, TEXAS, THAT APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AND THE OFFICIAL ZONING MAP BE AMENDED IN THE FOLLOWING MANNER:

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham is hereby amended to grant a specific use permit for retirement village on a site area of two acres or more (senior apartment housing) in an R-2 (Mixed Residential) zoning district and being located on all or portions of Lots 18A, 19, and 20 within the Randle Second Addition to the City of Brenham, Washington County, Texas (said property bounded by Liberty, North Market, and Cottonwood Streets). Furthermore, the specific use permit approval is subject to the development substantially conforming to the concept plan shown on Exhibit A.

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 23rd day of January, 2014.

PASSED and APPROVED on its second reading this the 20th day of February, 2014.

Milton Y. Tate, Jr.
Mayor

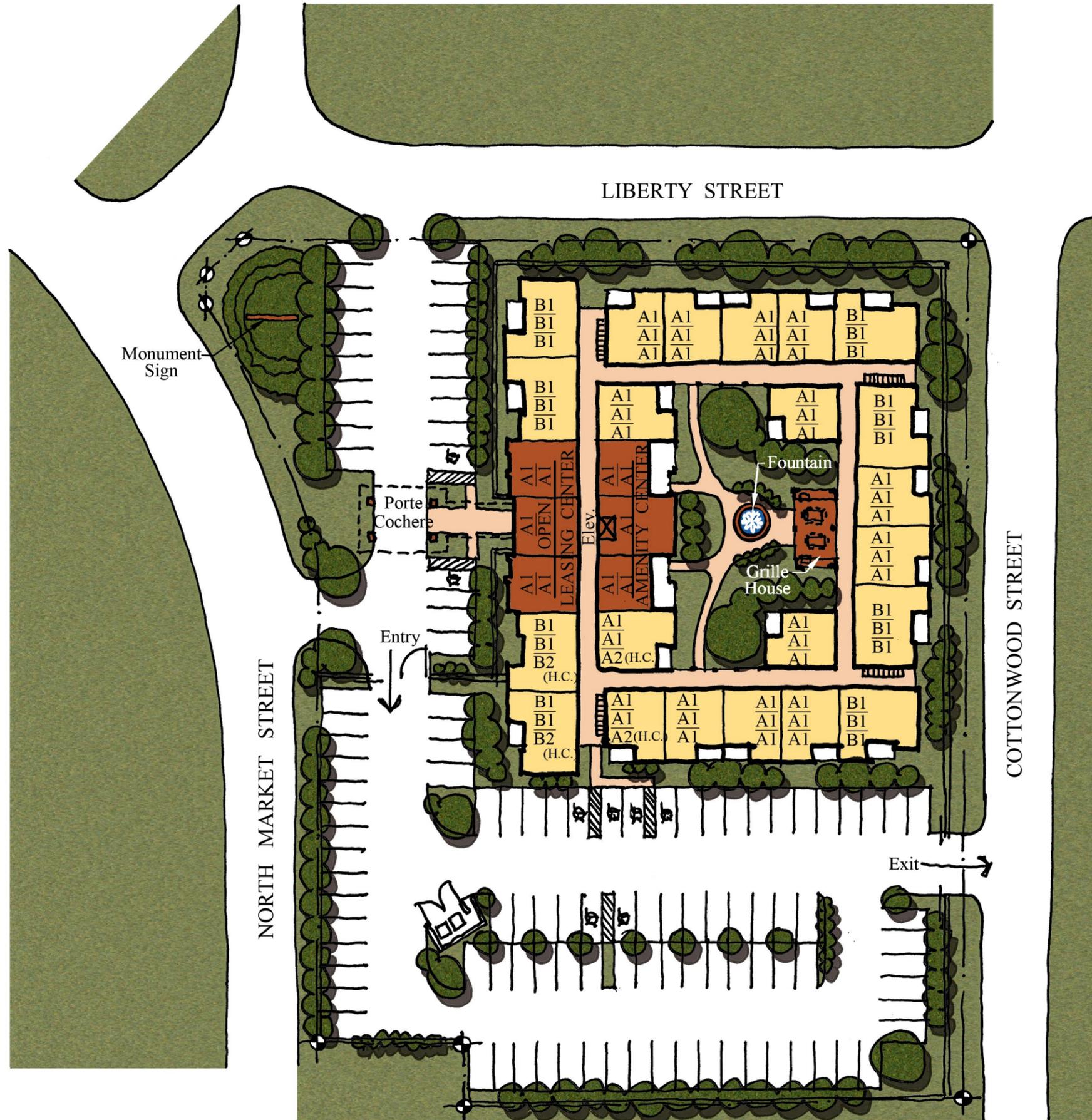
ATTEST:

Jeana Bellinger, TRMC
City Secretary

BELLE TOWERS

A Seniors Community
Mucasey & Associates, Architects

December 15, 2013



PROJECT SUMMARY:

Apartments:

Project One
Phase One

Type	Description	Area	Qty.
A1	One Bedroom, 1 Bath	729 s.f.	50
A2	One Bedroom, 1 Bath (H.C.)	729 s.f.	2
Total One Bedroom Units			52 Units
B1	Two Bedroom, 2 Bath	990 s.f.	22
B2	Two Bedroom, 2 Bath (H.C.)	990 s.f.	2
Total Two Bedroom Units			24 Units
Apartments Total		61,668 s.f.	76 Units
Amenity Center		4,979 s.f.	
Project Total		66,647 s.f.	

Parking Required:

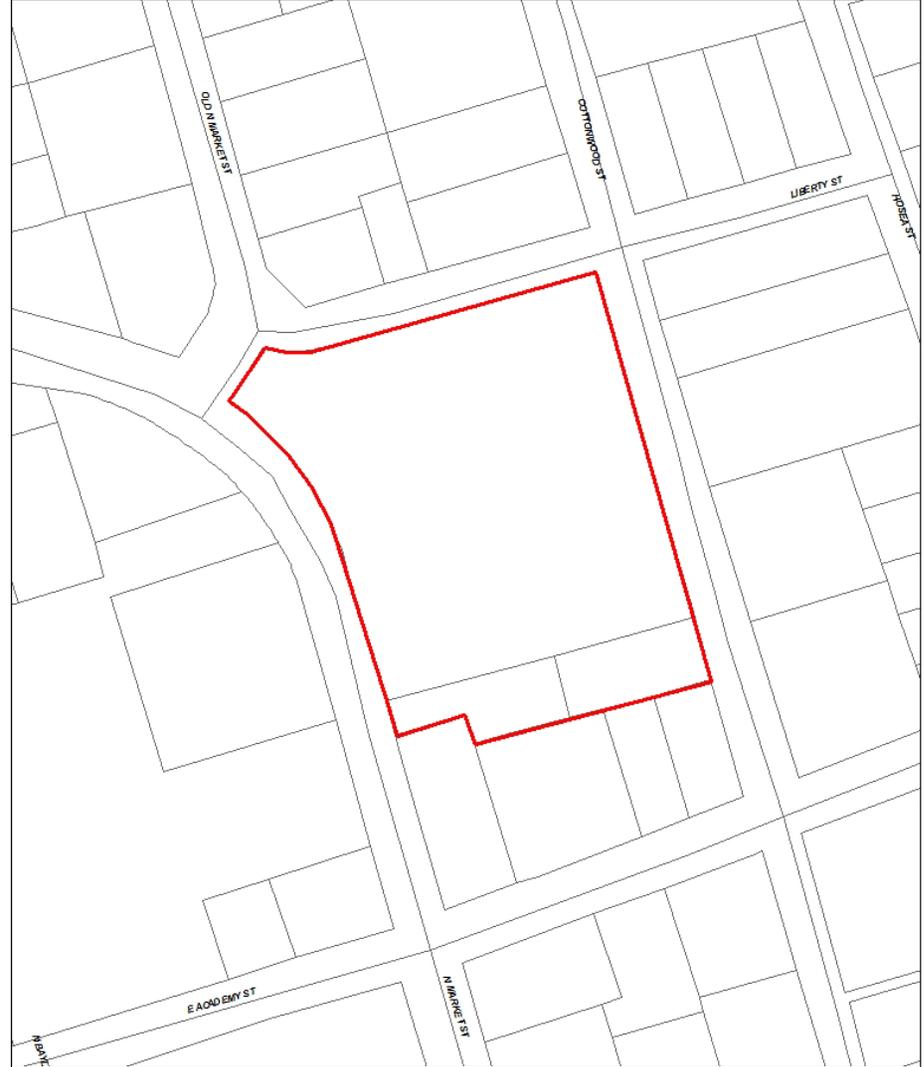
76 units @ 1.5 cars per unit =	114 Cars
Parking Provided	114 Cars

Belle Towers Specific Use Requests

Belle Towers Original Specific Use Request



Belle Towers Expanded Specific Use Request



Both Requests: 76 units/114 parking spaces

1 inch = 100 feet





AGENDA ITEM 8

DATE OF MEETING: February 20, 2014	DATE SUBMITTED: January 31, 2014	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Julie Fulgham	
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 checked="" type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-14-004 in Support of HuntJon, LLC's Submission of an Application Requesting Low Income Housing Tax Credits to the Texas Department of Housing and Community Affairs for Belle Towers, a Low Incoming Housing Development for Seniors		
SUMMARY STATEMENT: HuntJon, LLC, is requesting support of their Texas Department of Housing and Community Affairs tax credit application #14099 for the Belle Towers Senior Community development. Applications for the tax credit benefits are scored on a number of factors and applications may qualify for up to seventeen points for a resolution or resolutions from the municipality and/or county in which the proposed development site is located. Resolutions that expressly set forth that the municipality or county supports the Application or Development are worth maximum points while resolutions setting forth that the municipality or county has no objection to the Applicant or Development are worth fewer points. In addition to points for a resolution for support, the developer may also receive an additional 10 points (the ten points are calculated for a commitment by a Local Political Subdivision of the lesser of the population of the Place multiplied by a factor of 0.10 in funding per Low Income Unit or \$10,000 in funding per Low Income Unit), if the municipality provides financial support to the project as well. The amount of financial support needed to receive 10 points for this project is \$60,800.00. Staff recommends supporting the project, finding it is aligned with the recommendations of the Downtown Master Plan, and would provide affordable housing for seniors in the community. If Council is inclined to offer financial support as well, staff believes the most cost effective way to provide that financial support is by reducing the impact fee required for this project in regards to storm-water runoff. In lieu of on-site detention, staff has determined that off-site storm sewer improvements, which can carry storm water run-off to the nearby creek, is a more effective solution, in both cost and storm-water management. The City's Public Works Department would perform the work and the developer would be invoiced for the cost associated with the project. This work would be in lieu of on-site detention. If the Council wishes to offer financial support, the invoice for this project (needed for the additional impact to our storm-sewer system in the area) would be reduced by \$60,800. Attached are two resolutions for the Council to consider, one resolution supports the project and the other offers both support and financial assistance to the project.		

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

- A. PROS:** Providing support and financial assistance to the project can garner the application approximately 27 points.
- B. CONS:** Providing financial assistance to the project will cost \$60,800.

ALTERNATIVES (In Suggested Order of Staff Preference): 1. Approve Resolution 2. Approve Resolution minus the financial support 3. Approve Resolution without support but stating no objection; or 4. Deny Approval of the Resolution

ATTACHMENTS: (1) Resolution No. R-14-004 without Financial Support; (2) Resolution No. R-14-004 with Financial Support; and (3) Site Plan; and (4) Elevation View

FUNDING SOURCE (Where Applicable): Street Department

RECOMMENDED ACTION: Approve Resolution No. R-14-004 in support of HuntJon, LLC's submission of an application requesting Low Income Housing Tax Credits to the Texas Department of Housing and Community Affairs for Belle Towers, a low incoming housing development for seniors.

APPROVALS: Terry K. Roberts

RESOLUTION NO. R-14-004

A RESOLUTION OF THE CITY OF BRENHAM, TEXAS PROVIDING SUPPORT FOR TDHCA APPLICATION NUMBER 14099 WITHIN THE CITY OF BRENHAM, TEXAS

WHEREAS, HuntJon, LLC has proposed a development for affordable rental housing for seniors on approximately 2.4 acres bounded by North Market, Liberty and Cottonwood Streets specifically being described as Lots 18A, 19, and 20 of the Randle 2nd Addition to the City of Brenham, said development being named Belle Towers; and

WHEREAS, HuntJon, LLC has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2014 Competitive 9% Housing Tax Credits for Belle Towers; and

WHEREAS, the proposed apartment community for seniors is in conformance with the City's Comprehensive Plan, "Envision 2020" and 2012 Downtown Brenham Master Plan; and

WHEREAS, the City of Brenham recognizes the need for affordable housing to accommodate seniors affected by the increasing economic activity in our area.

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

The City Council hereby confirms its support of the proposed Belle Towers Senior Community located on approximately 2.4 acres bounded by North Market, Liberty, and Cottonwood Streets, said development being the subject of TDHCA Application #14099; and that for and on behalf of the City Council, Milton Y. Tate, Jr, Mayor of the City of Brenham is hereby authorized, empowered, and directed to certify this resolution to the Texas Department of Housing and Community Affairs.

PASSED and **APPROVED** on this 20th day of February, 2014.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

RESOLUTION NO. R-14-004

A RESOLUTION OF THE CITY OF BRENHAM, TEXAS PROVIDING SUPPORT FOR TDHCA APPLICATION NUMBER 14099 WITHIN THE CITY OF BRENHAM, TEXAS

WHEREAS, HuntJon, LLC has proposed a development for affordable rental housing for seniors on approximately 2.4 acres bounded by North Market, Liberty and Cottonwood Streets specifically being described as Lots 18A, 19, and 20 of the Randle 2nd Addition to the City of Brenham, said development being named Belle Towers; and

WHEREAS, HuntJon, LLC has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2014 Competitive 9% Housing Tax Credits for Belle Towers; and

WHEREAS, the proposed apartment community for seniors is in conformance with the City's Comprehensive Plan, "Envision 2020" and 2012 Downtown Brenham Master Plan; and

WHEREAS, the City of Brenham recognizes the need for affordable housing to accommodate seniors affected by the increasing economic activity in our area.

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

The City Council hereby confirms its support of the proposed Belle Towers Senior Community located on approximately 2.4 acres bounded by North Market, Liberty, and Cottonwood Streets, said development being the subject of TDHCA Application #14099, and the City Council further shows its support by committing \$60,800.00 in financial support to the proposed Belle Towers Senior Community Project in the form of reduced infrastructure-related costs; and that for and on behalf of the City Council, Milton Y. Tate, Jr, Mayor of the City of Brenham is hereby authorized, empowered, and directed to certify this resolution to the Texas Department of Housing and Community Affairs.

PASSED and APPROVED on this 20th day of February, 2014.

Milton Y. Tate, Jr.
Mayor

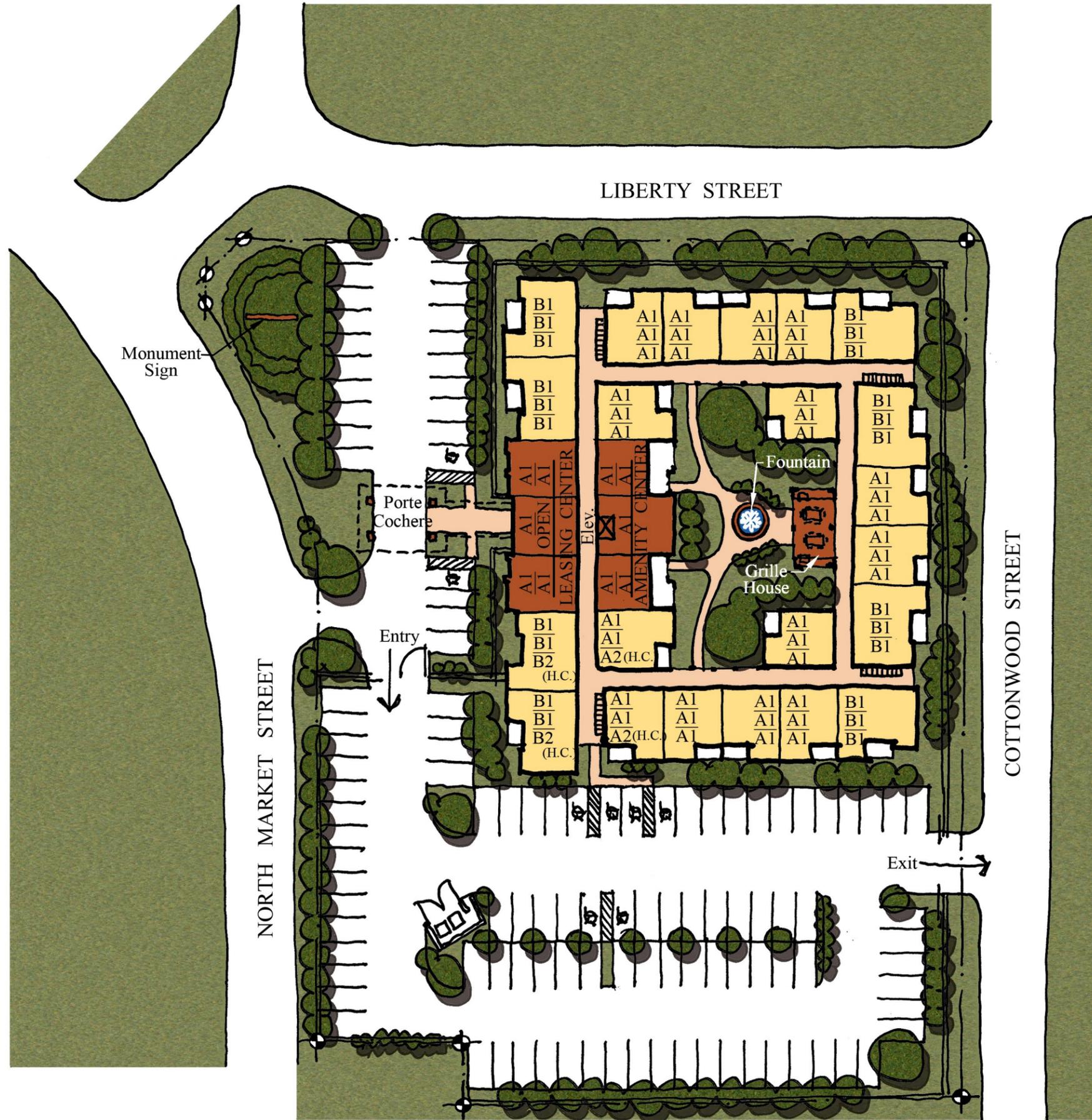
ATTEST:

Jeana Bellinger, TRMC
City Secretary

BELLE TOWERS

A Seniors Community
Mucasey & Associates, Architects

December 15, 2013



PROJECT SUMMARY:

Apartments:

Project One
Phase One

Type	Description	Area	Qty.
A1	One Bedroom, 1 Bath	729 s.f.	50
A2	One Bedroom, 1 Bath (H.C.)	729 s.f.	2
Total One Bedroom Units			52 Units
B1	Two Bedroom, 2 Bath	990 s.f.	22
B2	Two Bedroom, 2 Bath (H.C.)	990 s.f.	2
Total Two Bedroom Units			24 Units
Apartments Total		61,668 s.f.	76 Units
Amenity Center		4,979 s.f.	
Project Total		66,647 s.f.	

Parking Required:

76 units @ 1.5 cars per unit =	114 Cars
Parking Provided	114 Cars



BELLE TOWERS

A Seniors Community
Mucasey & Associates, Architects



AGENDA ITEM 9

DATE OF MEETING: February 20, 2014		DATE SUBMITTED: February 17, 2014	
DEPT. OF ORIGIN: Finance		SUBMITTED BY: Carolyn D. Miller	
MEETING TYPE:		CLASSIFICATION:	
<input checked="" type="checkbox"/> REGULAR		<input type="checkbox"/> PUBLIC HEARING	
<input type="checkbox"/> SPECIAL		<input type="checkbox"/> CONSENT	
<input type="checkbox"/> EXECUTIVE SESSION		<input checked="" type="checkbox"/> REGULAR	
		<input type="checkbox"/> WORK SESSION	
ORDINANCE:			
<input checked="" type="checkbox"/> 1 ST READING			
<input type="checkbox"/> 2 ND READING			
<input type="checkbox"/> RESOLUTION			
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance Authorizing the Issuance of City of Brenham, Texas, General Obligation Refunding Bonds in an Aggregate Principal Amount Not to Exceed \$5,650,000; Providing For the Award of the Sale Thereof in Accordance with Specified Parameters; Authorizing the Execution and Delivery of a Purchase Contract Relating to Said Bonds; Authorizing the Execution and Delivery of a Paying Agent/Registrar Agreement and an Escrow Agreement; Authorizing the Approval of an Official Statement; and Enacting Other Provisions Relating Thereto			
SUMMARY STATEMENT: Garry Kimball, of Specialized Public Finance, has presented information related to the opportunity to advance refund a portion of the City's 2007 General Obligation Refunding Bonds (which refunded a portion of the 2001 Certificates of Obligation). The City would issue approximately \$5,060,000 in Series 2014 General Obligation Refunding Bonds and would recognize about \$502,904.76 in savings. This action would yield a net present value benefit of around 8.651%. Mr. Kimball will be present at the Council meeting to answer any additional questions.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS:			
B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: (1) Preliminary \$5,060,00 General Obligation Refunding Bonds Series 2014 Schedules; and (2) 2014 Refunding Ordinance			

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: Approve an Ordinance authorizing the issuance of City of Brenham, Texas, General Obligation Refunding Bonds in an aggregate principal amount not to exceed \$5,650,000; providing for the award of the sale thereof in accordance with specified parameters; authorizing the execution and delivery of a purchase contract relating to said bonds; authorizing the execution and delivery of a paying Agent/Registrar Agreement and an Escrow Agreement; authorizing the approval of an Official Statement; and enacting other provisions relating thereto

APPROVALS: Carolyn D. Miller

City of Brenham, Texas

\$5,060,000 General Obligation Refunding Bonds, Series 2014

As of 1/27/14 + 25 bps (BQ, "AA-") for Purposes of Illustration Only

Debt Service Comparison

Date	Total P+I	Existing D/S	Net New D/S	Old Net D/S	Savings
9/30/2014	101,821.18	1,502,923.50	1,601,394.99	1,608,957.75	7,562.76
9/30/2015	175,925.00	2,998,800.00	3,174,725.00	3,240,868.50	66,143.50
9/30/2016	175,925.00	2,994,600.00	3,170,525.00	3,235,471.50	64,946.50
9/30/2017	175,925.00	2,996,600.00	3,172,525.00	3,241,274.50	68,749.50
9/30/2018	1,550,925.00	2,999,400.00	4,550,325.00	4,622,678.00	72,353.00
9/30/2019	1,694,675.00	2,542,800.00	4,237,475.00	4,309,619.50	72,144.50
9/30/2020	442,275.00	-	442,275.00	517,381.00	75,106.00
9/30/2021	1,754,325.00	-	1,754,325.00	1,830,224.00	75,899.00
Total	\$6,071,796.18	\$16,035,123.50	\$22,103,569.99	\$22,606,474.75	\$502,904.76

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	456,427.19
Net PV Cashflow Savings @ 2.176%(AIC)	456,427.19
Contingency or Rounding Amount	3,349.69
Net Present Value Benefit	\$459,776.88
Net PV Benefit / \$5,315,000 Refunded Principal	8.651%

Refunding Bond Information

Refunding Dated Date	5/20/2014
Refunding Delivery Date	5/20/2014

City of Brenham, Texas

\$5,060,000 General Obligation Refunding Bonds, Series 2014

As of 1/27/14 + 25 bps (BQ, "AA-") for Purposes of Illustration Only

Sources & Uses

Dated 05/20/2014 | Delivered 05/20/2014

Sources Of Funds

Par Amount of Bonds	\$5,060,000.00
Reoffering Premium	476,657.95
Total Sources	\$5,536,657.95

Uses Of Funds

Total Underwriter's Discount (0.700%)	35,420.00
Costs of Issuance	77,500.00
Deposit to Net Cash Escrow Fund	5,420,388.26
Rounding Amount	3,349.69
Total Uses	\$5,536,657.95

City of Brenham, Texas

\$5,545,000 General Obligation Refunding Bonds, Series 2007

Debt Service To Maturity And To Call

Date	Refunded Bonds	Refunded Interest	D/S To Call	Principal	Coupon	Interest	Refunded D/S
8/15/2014	5,315,000.00	106,034.25	5,421,034.25	-	3.990%	106,034.25	106,034.25
8/15/2015	-	-	-	30,000.00	3.990%	212,068.50	242,068.50
8/15/2016	-	-	-	30,000.00	3.990%	210,871.50	240,871.50
8/15/2017	-	-	-	35,000.00	3.990%	209,674.50	244,674.50
8/15/2018	-	-	-	1,415,000.00	3.990%	208,278.00	1,623,278.00
8/15/2019	-	-	-	1,615,000.00	3.990%	151,819.50	1,766,819.50
8/15/2020	-	-	-	430,000.00	3.990%	87,381.00	517,381.00
8/15/2021	-	-	-	1,760,000.00	3.990%	70,224.00	1,830,224.00
Total	\$5,315,000.00	\$106,034.25	\$5,421,034.25	\$5,315,000.00	-	\$1,256,351.25	\$6,571,351.25

Yield Statistics

Base date for Avg. Life & Avg. Coupon Calculation	5/20/2014
Average Life	5.660 Years
Average Coupon	3.9900000%
Weighted Average Maturity (Par Basis)	5.660 Years

Refunding Bond Information

Refunding Dated Date	5/20/2014
Refunding Delivery Date	5/20/2014

ORDINANCE

CITY OF BRENHAM, TEXAS
GENERAL OBLIGATION REFUNDING BONDS

Adopted: February 20, 2014

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ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF BRENHAM, TEXAS, GENERAL OBLIGATION REFUNDING BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,650,000; PROVIDING FOR THE AWARD OF THE SALE THEREOF IN ACCORDANCE WITH SPECIFIED PARAMETERS; AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE CONTRACT RELATING TO SAID BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A PAYING AGENT/REGISTRAR AGREEMENT AND AN ESCROW AGREEMENT; AUTHORIZING THE APPROVAL OF AN OFFICIAL STATEMENT; AND ENACTING OTHER PROVISIONS RELATING THERETO

WHEREAS, there are presently outstanding certain obligations of the City of Brenham, Texas (the “City”), described on Schedule I attached hereto and incorporated herein by reference for all purposes (collectively, the “Refunded Obligation Candidates”), and

WHEREAS, Chapter 1207, Texas Government Code, as amended (“Chapter 1207”) further authorizes the City to enter into an escrow agreement with the paying agent for the refunded obligations with respect to the safekeeping, investment, reinvestment, administration and disposition of any such deposit, upon such terms and conditions as the City and such paying agent may agree, provided that such deposits may be invested and reinvested only in direct obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, and which shall mature and bear interest payable at such times and in such amounts as will be sufficient to provide for the scheduled payment or prepayment of the refunded obligations; and

WHEREAS, The Bank of New York Mellon Trust Company, National Association, is the paying agent for the Refunded Obligations Candidates and the Escrow Agreement hereinafter authorized constitutes an escrow agreement of the kind authorized by said Chapter 1207; and

WHEREAS, the City Council of the City hereby finds and determines that the issuance and delivery of the refunding bonds hereinafter authorized is in the public interest and the use of the proceeds in the manner herein specified constitutes a valid public purpose; and

WHEREAS, the City Council hereby finds and determines that the refunding contemplated in this Ordinance will benefit the City by providing a present value savings of debt service payable by the City in an amount to be certified in the Pricing Certificate, and that such benefit is sufficient consideration for the refunding of the Refunded Obligations Candidates; and

WHEREAS, the City Council has found and determined that it is necessary and in the best interest of the City and its citizens that it authorize by this Ordinance the issuance and delivery of its bonds at this time, and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and the public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended; therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS:

ARTICLE I

DEFINITIONS AND OTHER PRELIMINARY MATTERS

Section 1.01. Definitions.

Unless otherwise expressly provided or unless the context clearly requires otherwise in this Ordinance, the following terms shall have the meanings specified below:

“Authorized Officer” means the City Manager of the City or, in the absence of the City Manager, the Mayor.

“Bond” means any of the Bonds.

“Bond Date” means the date designated as the date of the Bonds by Section 3.02(a) of this Ordinance.

“Bonds” means the City’s General Obligation Refunding Bonds authorized to be issued by Section 3.01 of this Ordinance, as more particularly designated in the Pricing Certificate.

“Closing Date” means the date of the initial delivery of and payment for the Bonds.

“Code” means the Internal Revenue Code of 1986, as amended.

“Designated Payment/Transfer Office” means (i) with respect to the initial Paying Agent/Registrar named in this Ordinance, the Designated Payment/Transfer Office as designated in the Paying Agent/Registrar Agreement, or at such other location designated by the Paying Agent/Registrar and (ii) with respect to any successor Paying Agent/Registrar, the office of such successor designated and located as may be agreed upon by the City and such successor.

“Escrow Agent” means The Bank of New York Mellon Trust Company, National Association, Dallas, Texas.

“Escrow Agreement” means the escrow agreement between the City and the Escrow Agent pertaining to the Refunded Obligations.

“Event of Default” means any event of default as defined in Section 10.01 of this Ordinance.

“Initial Bond” means the Initial Bond authorized by Section 3.04 of this Ordinance.

“Interest and Sinking Fund” means the interest and sinking fund established by Section 2.02 of this Ordinance.

“Interest Payment Date” means the date or dates on which interest on the Bonds is scheduled to be paid until their respective dates of maturity or prior redemption, such dates being February 15 and August 15 commencing on the date designated in the Pricing Certificate.

“Owner” means the person who is the registered owner of a Bond or Bonds, as shown in the Register.

“Paying Agent/Registrar” means, initially, the Purchaser, or any successor thereto as provided in this Ordinance.

“Pricing Certificate” means a certificate or certificates to be signed by the Authorized Officer.

“Purchase Contract” means the bond purchase contract between the City and the Purchaser providing for the sale and purchase of the Bonds.

“Purchaser” means the entity identified in the Pricing Certificate as the purchaser of the Bonds.

“Record Date” means the last business day of the month next preceding an Interest Payment Date.

“Refunded Obligation Candidates” means the obligations of the City described in Schedule I attached hereto which are authorized to be designated as Refunded Obligations in the Pricing Certificate.

“Refunded Obligations” means those obligations of the City to be designated in the Pricing Certificate from the universe of Refunded Obligation Candidates described in Schedule I attached hereto.

“Register” means the Register specified in Section 3.06(a) of this Ordinance.

“Unclaimed Payments” means money deposited with the Paying Agent/Registrar for the payment of principal of or interest on the Bonds as the same come due and payable and remaining unclaimed by the Owners of such Bonds after the applicable payment or redemption date.

Section 1.02. Findings.

The declarations, determinations and findings declared, made and found in the preamble to this Ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Section 1.03. Table of Contents, Titles and Headings.

The table of contents, titles and headings of the Articles and Sections of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof and shall never be considered or given any effect in construing this Ordinance or any provision hereof or in ascertaining intent, if any question of intent should arise.

Section 1.04. Interpretation.

Unless the context requires otherwise, words of the masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa.

This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein.

ARTICLE II

SECURITY FOR THE BONDS; INTEREST AND SINKING FUND

Section 2.01. Tax Levy.

Pursuant to the authority granted by the Texas Constitution and the laws of the State of Texas, there shall be levied and there is hereby levied for the current year and for each succeeding year hereafter while any of the Bonds or any interest thereon is outstanding and unpaid, an ad valorem tax on each one hundred dollars valuation of taxable property within the City, at a rate sufficient, within the limit prescribed by law, to pay the debt service requirements of the Bonds, being (i) the interest on the Bonds, and (ii) a sinking fund for their redemption at maturity or a sinking fund of two percent (2%) per annum (whichever amount is greater), when due and payable, full allowance being made for delinquencies and costs of collection.

The ad valorem tax thus levied shall be assessed and collected each year against all property appearing on the tax rolls of the City most recently approved in accordance with law and the money thus collected shall be deposited as collected to the Interest and Sinking Fund.

Said ad valorem tax, the collections therefrom, and all amounts on deposit in or required hereby to be deposited to the Interest and Sinking Fund are hereby pledged and committed irrevocably to the payment of the principal of and interest on the Bonds when and as due and payable in accordance with their terms and this Ordinance.

If the lien and provisions of this Ordinance shall be released in a manner permitted by Article XI hereof, then the collection of such ad valorem tax may be suspended or appropriately reduced, as the facts may permit, and further deposits to the Interest and Sinking Fund may be suspended or appropriately reduced, as the facts may permit. In determining the aggregate principal amount of outstanding Bonds, there shall be subtracted the amount of any Bonds that have been duly called for redemption and for which money has been deposited with the Paying Agent/Registrar for such redemption.

Section 2.02. Interest and Sinking Fund.

The City hereby establishes a special fund or account, to be designated the “City of Brenham, Texas, Series 2014 General Obligation Refunding Bonds Interest and Sinking Fund,” the title of such fund to have such final designation as the title of the Bonds set forth in the

Pricing Certificate, said fund to be maintained at an official depository bank of the City separate and apart from all other funds and accounts of the City.

Money on deposit in or required by this Ordinance to be deposited to the Interest and Sinking Fund shall be used solely for the purpose of paying the interest on and principal of the Bonds when and as due and payable in accordance with their terms and this Ordinance.

ARTICLE III

AUTHORIZATION; GENERAL TERMS AND PROVISIONS REGARDING THE BONDS

Section 3.01. Authorization.

The City's bonds, to be designated "City of Brenham, Texas, General Obligation Refunding Bonds," are hereby authorized to be issued and delivered in accordance with the Constitution and laws of the State of Texas, including particularly Chapter 1207, and shall have the final designation and title as set forth in the Pricing Certificate. The Bonds shall be issued in the aggregate principal amount of not to exceed \$5,650,000 for the purpose refunding the Refunded Obligations, to the extent provided in the Pricing Certificate, and paying the costs and expenses of issuing the Bonds.

Section 3.02. Date, Denomination, Maturities and Interest.

(a) The Bonds shall be dated the Bond Date set forth in the Pricing Certificate. The Bonds shall be in fully registered form, without coupons, in the denomination of \$5,000 or any integral multiple thereof, and shall be numbered separately from one (1) upward, except the Initial Bond, which shall be numbered T-1.

(b) The Bonds shall mature on the dates, in the principal amounts and shall have such other terms as set forth in the Pricing Certificate.

(c) Interest shall accrue and be paid on each Bond respectively until its maturity or prior redemption, from the later of the date of delivery to the Purchaser or the most recent Interest Payment Date to which interest has been paid or provided for at the rates per annum for each respective maturity specified in the Pricing Certificate as provided in Section 7.01. Such interest shall be payable semiannually on each Interest Payment Date. Interest on the Bonds shall be calculated on the basis of a three hundred sixty (360) day year composed of twelve (12) months of thirty (30) days each.

Section 3.03. Medium, Method and Place of Payment.

(a) The principal of and interest on the Bonds shall be paid in lawful money of the United States of America.

(b) Interest on the Bonds shall be payable to each Owner as shown in the Register at the close of business on the Record Date.

(c) Interest shall be paid by check, dated as of the Interest Payment Date, and sent by the Paying Agent/Registrar to each Owner, first class United States mail, postage prepaid, to the address of each Owner as it appears in the Register, or by such other customary banking arrangement acceptable to the Paying Agent/Registrar and the Owner; provided, however, the Owner shall bear all risk and expense of such other banking arrangement. At the option of an Owner of at least \$1,000,000 principal amount of the Bonds, interest may be paid by wire transfer to the bank account of such Owner on file with the Paying Agent/Registrar.

(d) The principal of each Bond shall be paid to the Owner thereof on the due date (whether at the maturity date or the date of prior redemption thereof) upon presentation and surrender of such Bond at the Designated Payment/Transfer Office of the Paying Agent/Registrar.

(e) If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday, or day on which banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are required or authorized by law or executive order to close, the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday, or day on which banking institutions are required or authorized to close, and payment on such date shall have the same force and effect as if made on the original date payment was due and no additional interest shall be due by reason of nonpayment on the date on which such payment is otherwise stated to be due and payable.

(f) Unclaimed Payments shall be segregated in a special account and held in trust, uninvested by the Paying Agent/Registrar, for the account of the Owner of the Bonds to which the Unclaimed Payments pertain. Subject to Title 6 of the Texas Property Code, Unclaimed Payments remaining unclaimed by the Owners entitled thereto for three (3) years after the applicable payment or redemption date shall be applied to the next payment or payments on the Bonds thereafter coming due and, to the extent any such money remains after the retirement of all outstanding Bonds, shall be paid to the City to be used for any lawful purpose. Thereafter, neither the City, the Paying Agent/Registrar nor any other person shall be liable or responsible to any holders of such Bonds for any further payment of such unclaimed monies or on account of any such Bonds, subject to Title 6 of the Texas Property Code.

Section 3.04. Execution and Registration of Bonds.

(a) The Bonds shall be executed on behalf of the City by the Mayor and the City Secretary, by their manual or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Such facsimile signatures on the Bonds shall have the same effect as if each of the Bonds had been signed manually and in person by each of those officers, and such facsimile seal on the Bonds shall have the same effect as if the official seal of the City had been manually impressed upon each of the Bonds.

(b) In the event that any officer of the City whose manual or facsimile signature appears on the Bonds ceases to be such officer before the authentication of such Bonds or before the delivery thereof, such manual or facsimile signature nevertheless shall be valid and sufficient for all purposes as if such officer had remained in such office.

(c) Except as provided below, no Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Certificate of Paying Agent/Registrar substantially in the form provided herein, duly authenticated by manual execution by an officer or duly authorized signatory of the Paying Agent/Registrar. It shall not be required that the same officer or authorized signatory of the Paying Agent/Registrar sign the Certificate of Paying Agent/Registrar on all of the Bonds. In lieu of the executed Certificate of Paying Agent/Registrar described above, the Initial Bond delivered at the Closing Date shall have attached thereto the Comptroller's Registration Certificate substantially in the form provided herein, manually executed by the Comptroller of Public Accounts of the State of Texas, or by his duly authorized agent, which Certificate shall be evidence that the Bond has been duly approved by the Attorney General of the State of Texas and that it is a valid and binding obligation of the City, and has been registered by the Comptroller of Public Accounts of the State of Texas.

(d) On the Closing Date, one initial Bond representing the entire principal amount of all Bonds, payable in stated installments to the Purchaser, or its designee, executed by the Mayor and City Secretary of the City by their manual or facsimile signatures, approved by the Attorney General, and registered and manually signed by the Comptroller of Public Accounts, will be delivered to the Purchaser or its designee against payment therefor.

Section 3.05. Ownership.

(a) The City, the Paying Agent/Registrar and any other person may treat the person in whose name any Bond is registered as the absolute owner of such Bond for the purpose of making and receiving payment as provided herein (except interest shall be paid to the person in whose name such Bond is registered on the Record Date), and for all other purposes, whether or not such Bond is overdue, and neither the City nor the Paying Agent/Registrar shall be bound by any notice or knowledge to the contrary.

(b) All payments made to the Owner of a Bond shall be valid and effectual and shall discharge the liability of the City and the Paying Agent/Registrar upon such Bond to the extent of the sums paid.

Section 3.06. Registration, Transfer and Exchange.

(a) So long as any Bonds remain outstanding, the City shall cause the Paying Agent/Registrar to keep at the Designated Payment/Transfer Office a register in which, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Bonds in accordance with this Ordinance.

(b) The ownership of a Bond may be transferred only upon the presentation and surrender of the Bond at the Designated Payment/Transfer Office of the Paying Agent/Registrar with such endorsement or other evidence of transfer as is acceptable to the Paying Agent/Registrar. No transfer of any Bond shall be effective until entered in the Register.

(c) The Bonds shall be exchangeable upon the presentation and surrender thereof at the Designated Payment/Transfer Office of the Paying Agent/Registrar for a Bond or Bonds of the same maturity and interest rate and in any denomination or denominations of any integral

multiple of \$5,000 and in an aggregate principal amount equal to the unpaid principal amount of the Bonds presented for exchange. The Paying Agent/Registrar is hereby authorized to authenticate and deliver Bonds exchanged for other Bonds in accordance with this Section.

(d) Each exchange Bond delivered by the Paying Agent/ Registrar in accordance with this Section shall constitute an original contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such exchange Bond is delivered.

(e) No service charge shall be made to the Owner for the initial registration, subsequent transfer, or exchange for any different denomination of any of the Bonds. The Paying Agent/Registrar, however, may require the Owner to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection with the registration, transfer or exchange of a Bond.

(f) Neither the City nor the Paying Agent/Registrar shall be required to issue, transfer, or exchange any Bond called for redemption, in whole or in part, where such redemption is scheduled to occur within forty-five (45) calendar days after the transfer or exchange date; provided, however, such limitation shall not be applicable to an exchange by the Owner of the uncalled principal balance of a Bond.

Section 3.07. Cancellation.

All Bonds paid or redeemed before scheduled maturity in accordance with this Ordinance, and all Bonds in lieu of which exchange Bonds or replacement Bonds are authenticated and delivered in accordance with this Ordinance, shall be cancelled and proper records shall be made regarding such payment, redemption, exchange or replacement. Cancelled Bonds shall be disposed of in accordance with the record retention policies of the Paying Agent/Registrar.

Section 3.08. Temporary Bonds.

(a) Following the delivery and registration of the Initial Bond and pending the preparation of definitive Bonds, the proper officers of the City may execute and, upon the City's request, the Paying Agent/Registrar shall authenticate and deliver, one or more temporary Bonds that are printed, lithographed, typewritten, mimeographed or otherwise produced, in any denomination, substantially of the tenor of the definitive Bonds in lieu of which they are delivered, without coupons, and with such appropriate insertions, omissions, substitutions and other variations as the officers of the City executing such temporary Bonds may determine, as evidenced by their signing of such temporary Bonds.

(b) Until exchanged for Bonds in definitive form, such Bonds in temporary form shall be entitled to the benefit and security of this Ordinance.

(c) The City, without unreasonable delay, shall prepare, execute and deliver to the Paying Agent/Registrar the Bonds in definitive form; thereupon, upon the presentation and surrender of the Bonds in temporary form to the Paying Agent/Registrar, the Paying Agent/Registrar shall cancel the Bonds in temporary form and shall authenticate and deliver in

exchange therefor Bonds of the same maturity and series, in definitive form, in the authorized denomination, and in the same aggregate principal amount, as the Bonds in temporary form surrendered. Such exchange shall be made without the making of any charge therefor to any Owner.

Section 3.09. Replacement Bonds.

(a) Upon the presentation and surrender to the Paying Agent/Registrar of a mutilated Bond, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a replacement Bond of like tenor and principal amount, bearing a number not contemporaneously outstanding. The City or the Paying Agent/Registrar may require the Owner of such Bond to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection therewith and any other expenses connected therewith.

(b) In the event that any Bond is lost, apparently destroyed or wrongfully taken, the Paying Agent/Registrar, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Bond has been acquired by a bona fide purchaser, shall authenticate and deliver a replacement Bond of like tenor and principal amount, bearing a number not contemporaneously outstanding, provided that the Owner first:

(i) furnishes to the Paying Agent/Registrar satisfactory evidence of his ownership of and the circumstances of the loss, destruction or theft of such Bond;

(ii) furnishes such security or indemnity as may be required by the Paying Agent/Registrar to save it and the City harmless;

(iii) pays all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Paying Agent/Registrar and any tax or other governmental charge that is authorized to be imposed; and

(iv) satisfies any other reasonable requirements imposed by the City and the Paying Agent/Registrar.

(c) If, after the delivery of such replacement Bond, a bona fide purchaser of the original Bond in lieu of which such replacement Bond was issued presents for payment such original Bond, the City and the Paying Agent/Registrar shall be entitled to recover such replacement Bond from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost or expense incurred by the City or the Paying Agent/Registrar in connection therewith.

(d) In the event that any such mutilated, lost, apparently destroyed or wrongfully taken Bond has become or is about to become due and payable, the Paying Agent/Registrar, in its discretion, instead of issuing a replacement Bond, may pay such Bond if it has become due and payable or may pay such Bond when it becomes due and payable.

(e) Each replacement Bond delivered in accordance with this Section shall constitute an original additional contractual obligation of the City and shall be entitled to the benefits and

security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such replacement Bond is delivered.

ARTICLE IV

REDEMPTION OF BONDS BEFORE MATURITY

Section 4.01. Limitation on Redemption.

The Bonds shall be subject to redemption before scheduled maturity only as provided in this Article IV and in the Pricing Certificate.

Section 4.02. Optional Redemption.

(a) The Bonds shall be subject to optional redemption as set forth in the Pricing Certificate.

(b) The City, at least forty-five (45) days before the redemption date, unless a shorter period shall be satisfactory to the Paying Agent/Registrar, shall notify the Paying Agent/Registrar of such redemption date and of the principal amount of Bonds to be redeemed.

Section 4.03. Mandatory Sinking Fund Redemption.

(a) Bonds designated as “Term Bonds” in the Pricing Certificate, if any, are subject to scheduled mandatory redemption and will be redeemed by the City, in part at a price equal to the principal amount thereof, without premium, plus accrued interest to the redemption date, out of moneys available for such purpose in the Interest and Sinking Fund, on the dates and in the respective principal amounts as set forth in the Pricing Certificate.

(b) At least forty-five (45) days prior to each scheduled mandatory redemption date, the Paying Agent/Registrar shall select for redemption by lot, or by any other customary method that results in a random selection, a principal amount of Term Bonds equal to the aggregate principal amount of such Term Bonds to be redeemed, shall call such Term Bonds for redemption on such scheduled mandatory redemption date, and shall give notice of such redemption, as provided in Section 4.05.

(c) The principal amount of the Term Bonds required to be redeemed on any redemption date pursuant to subparagraph (a) of this Section 4.03 shall be reduced, at the option of the City, by the principal amount of any Term Bonds which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.

Section 4.04. Partial Redemption.

(a) If less than all of the Bonds are to be redeemed pursuant to Section 4.02 hereof, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot the Bonds, or portions thereof, within such maturity or maturities and in such principal amounts for redemption.

(b) A portion of a single Bond of a denomination greater than \$5,000 may be redeemed, but only in a principal amount equal to \$5,000 or any integral multiple thereof. If such a Bond is to be partially redeemed, the Paying Agent/Registrar shall treat each \$5,000 portion of the Bond as though it were a single Bond for purposes of selection for redemption.

(c) Upon surrender of any Bond for redemption in part, the Paying Agent/Registrar, in accordance with Section 3.06 of this Ordinance, shall authenticate and deliver an exchange Bond or Bonds in an aggregate principal amount equal to the unredeemed portion of the Bond so surrendered, such exchange being without charge.

(d) The Paying Agent/Registrar shall promptly notify the City in writing of the principal amount to be redeemed of any Bond as to which only a portion thereof is to be redeemed.

Section 4.05. Notice of Redemption to Owners.

(a) The Paying Agent/Registrar shall give notice of any redemption of Bonds by sending notice by United States mail, first class, postage prepaid, not less than 30 days before the date fixed for redemption, to the Owner of each Bond (or part thereof) to be redeemed, at the address shown in the Register at the close of business on the Business Day next preceding the date of mailing such notice.

(b) The notice shall state the redemption date, the redemption price, the place at which the Bonds are to be surrendered for payment, and, if less than all the Bonds outstanding are to be redeemed, an identification of the Bonds or portions thereof to be redeemed.

(c) The City reserves the right to give notice of its election or direction to redeem Bonds under Section 4.02 conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date or (ii) that the City retains the right to rescind such notice at any time prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected Owners. Any Bonds subject to conditional redemption where redemption has been rescinded shall remain outstanding, and the rescission shall not constitute an Event of Default. Further, in the case of a conditional redemption, the failure of the City to make moneys and/or authorized securities available in part or in whole on or before the redemption date shall not constitute an Event of Default.

(d) Any notice or instructions given as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Owner receives such notice.

Section 4.06. Payment Upon Redemption.

(a) Before or on each redemption date, the City shall deposit with the Paying Agent/Registrar money sufficient to pay all amounts due on the redemption date and the Paying Agent/Registrar shall make provision for the payment of the Bonds to be redeemed on such date by setting aside and holding in trust an amount from the Interest and Sinking Fund or otherwise received by the Paying Agent/Registrar from the City and shall use such funds solely for the purpose of paying the principal of, redemption premium, if any, and accrued interest on the Bonds being redeemed.

(b) Upon presentation and surrender of any Bond called for redemption at the Designated Payment/Transfer Office on or after the date fixed for redemption, the Paying Agent/Registrar shall pay the principal of, redemption premium, if any, and accrued interest on such Bond to the date of redemption from the money set aside for such purpose.

Section 4.07. Effect of Redemption.

(a) Notice of redemption having been given as provided in Section 4.05 of this Ordinance and subject, in the case of an optional redemption under Section 4.02, to any conditions or rights reserved by the City under Section 4.05(c), the Bonds or portions thereof called for redemption shall become due and payable on the date fixed for redemption and, unless the City defaults in its obligation to make provision for the payment of the principal thereof, redemption premium, if any, or accrued interest thereon, such Bonds or portions thereof shall cease to bear interest from and after the date fixed for redemption, whether or not such Bonds are presented and surrendered for payment on such date.

(b) If the City shall fail to make provision for payment of all sums due on a redemption date, then any Bond or portion thereof called for redemption shall continue to bear interest at the rate stated on the Bond until due provision is made for the payment of same.

ARTICLE V

PAYING AGENT/REGISTRAR

Section 5.01. Appointment of Initial Paying Agent/Registrar.

The Purchaser is hereby appointed as the initial Paying Agent/Registrar for the Bonds.

Section 5.02. Qualifications.

Each Paying Agent/Registrar shall be a commercial bank, a trust company organized under the laws of the State of Texas, or any other entity duly qualified and legally authorized to serve as and perform the duties and services of paying agent and registrar for the Bonds.

Section 5.03. Maintaining Paying Agent/Registrar.

(a) At all times while any Bonds are outstanding, the City will maintain a Paying Agent/Registrar that is qualified under Section 5.02 of this Ordinance. The Authorized Officer is hereby authorized and directed to execute an agreement with the Paying Agent/Registrar specifying the duties and responsibilities of the City and the Paying Agent/Registrar, in the substantially final form presented herewith, which form is hereby approved.

(b) If the Paying Agent/Registrar resigns or otherwise ceases to serve as such, the City will promptly appoint a replacement.

Section 5.04. Termination.

The City, upon not less than sixty (60) days' notice, reserves the right to terminate the appointment of any Paying Agent/Registrar by delivering to the entity whose appointment is to be terminated written notice of such termination.

Section 5.05. Notice of Change to Owners.

Promptly upon each change in the entity serving as Paying Agent/Registrar, the City will cause notice of the change to be sent to each Owner by first class United States mail, postage prepaid, at the address in the Register, stating the effective date of the change and the name and mailing address of the replacement Paying Agent/Registrar.

Section 5.06. Agreement to Perform Duties and Functions.

By accepting the appointment as Paying Agent/Registrar and executing the Paying Agent/Registrar Agreement, the Paying Agent/Registrar is deemed to have agreed to the provisions of this Ordinance and that it will perform the duties and functions of Paying Agent/Registrar prescribed thereby. The substantially final form of the Paying Agent/Registrar Agreement presented herewith is authorized and approved with such changes as may be approved by the Authorized Officer, such approval being evidenced by the execution thereof.

Section 5.07. Delivery of Records to Successor.

If a Paying Agent/Registrar is replaced, such Paying Agent/Registrar, promptly upon the appointment of the successor, will deliver the Register (or a copy thereof) and all other pertinent books and records relating to the Bonds to the successor Paying Agent/Registrar.

ARTICLE VI

FORM OF THE BONDS

Section 6.01. Form Generally.

(a) The Bonds, the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Certificate of the Paying Agent/Registrar, and the Assignment form to appear on each of the Bonds, (i) shall be substantially in the preliminary form set forth in this Article and the substantially final form of the Bonds shall be attached to the Pricing Certificate,

with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and the Pricing Certificate to effectuate the purposes of this Ordinance, and (ii) may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including any reproduction of an opinion of counsel) thereon as, consistently herewith, may be determined by the City or by the officers executing such Bonds, as evidenced by their execution thereof.

(b) Any portion of the text of any Bonds may be set forth on the reverse side thereof, with an appropriate reference thereto on the face of the Bonds.

(c) The definitive Bonds shall be typewritten, printed, lithographed, or engraved, and may be produced by any combination of these methods or produced in any other similar manner, all as determined by the officers executing such Bonds, as evidenced by their execution thereof.

(d) The Initial Bond submitted to the Attorney General of the State of Texas may be typewritten and photocopied or otherwise reproduced.

Section 6.02. Form of the Bonds.

The final form of the Bond, including the form of the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the form of Certificate of the Paying Agent/Registrar and the form of Assignment appearing on the Bonds, shall be in the form set forth in the Pricing Certificate.

Section 6.03. CUSIP Registration.

The City may secure identification numbers through the CUSIP Service Bureau Division of Standard & Poor's Corporation, New York, New York, and may authorize the printing of such numbers on the face of the Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the Bonds shall be of no significance or effect as regards the legality thereof and neither the City nor the attorneys approving said Bonds as to legality are to be held responsible for CUSIP numbers incorrectly printed on the Bonds.

Section 6.04. Legal Opinion.

The approving legal opinion of Bracewell & Giuliani LLP, Bond Counsel, may be attached to or printed on the reverse side of each Bond over the certification of the City Secretary of the City, which may be executed in facsimile.

Section 6.05. Statement of Insurance.

A statement relating to a municipal bond insurance policy, if any, to be issued for the Bonds may be printed on or attached to each Bond.

ARTICLE VII

SALE AND DELIVERY OF BONDS

Section 7.01. Sale of Bonds.

(a) The Bonds shall be sold at private sale to the Purchaser in accordance with the terms of this Ordinance, including this Section 7.01(a). As authorized by Chapter 1207, the Authorized Officer is authorized to act on behalf of the City upon determining that the conditions set forth below can be satisfied, in selling and delivering the Bonds and carrying out the other procedures specified in this Ordinance, including determining the price at which each of the Bonds will be sold, the number and designation of the Bonds to be issued, the form in which the Bonds shall be issued, the years in which the Bonds will mature, the principal amount to mature in each of such years, the aggregate principal amount of Refunded Obligations and the aggregate principal amount of the Bonds, the rate of interest to be borne by each such maturity, the first interest payment date, the dates, prices and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the City and shall be subject to mandatory sinking fund redemption, whether or not the Bonds will be insured and the bond insurer, and all other matters relating to the issuance, sale and delivery of the Bonds, including the refunding of the Refunded Obligations, all of which shall be specified in the Pricing Certificate; provided that the following conditions can be satisfied:

(i) the Bonds shall not bear interest at a rate greater than the maximum rate allowed by Chapter 1204, Texas Government Code, as amended; and

(ii) the aggregate principal amount of the Bonds authorized to be issued shall not exceed \$5,650,000 and shall equal an amount sufficient to provide for the refunding of the maximum amount of the Refunded Obligations to be selected from the Refunded Obligation Candidates identified in Schedule I hereto that will:

A. result in a net present value debt service saving of not less than 3% of the principal amount of the Refunded Obligations; and

B. not require the refunding of any maturity (or portion of a maturity) of any series of Refunded Obligations Candidates that (1) would not produce an incremental reduction in debt service costs to the City on a present value basis for such maturity of Refunded Obligations Candidates, a term maturity being considered a single maturity for such purposes, or (2) would adversely affect the tax-exempt status of the Bonds or any Refunded Obligations;

(iii) the maximum net interest cost on the Bonds shall not exceed 2.75%; and

(iv) The Bonds shall have a final stated maturity date of not later than August 15, 2021.

all based on bond market conditions and available interest rates for the Bonds on the date of the sale of the Bonds and taking into account any municipal bond insurance policy, if any, net of the cost of said municipal bond insurance policy, all as set forth in the Pricing

Certificate. The Refunded Obligations shall be identified in the Pricing Certificate in accordance with the preceding sentence, except that if less than an entire maturity is to be refunded, the Refunded Obligations to be refunded within a maturity shall be selected as provided in the Ordinances authorizing their issuance and, if not so provided, by lot.

The Authorized Officer is hereby authorized and directed to select the Purchaser for the Bonds and to execute and deliver on behalf of the City a bond purchase contract (the "Purchase Contract"), providing for the sale of the Bonds to the Purchaser, in a form and substance satisfactory to the Authorized Officer. The Authorized Officer is hereby authorized and directed to approve the final terms and provisions of the Purchase Contract in accordance with the terms of the Pricing Certificate and this Ordinance, such approval being evidenced by its execution thereof by the Authorized Officer. All officers, agents and representatives of the City are hereby authorized to do any and all things necessary or desirable to satisfy the conditions set out therein and to provide for the issuance and delivery of the Bonds. The Bonds shall initially be registered in the name of the Purchaser or its representative, or such other entity as may be specified in the Purchase Contract.

The Authorized Officer is hereby authorized and directed to execute a commitment for municipal bond insurance with the issuer of a bond insurance policy for the Bonds if the purchase of such bond insurance is recommended by the City's financial advisor and the purchase of the bond insurance policy provides a positive monetary benefit to the City. The Authorized Officer is further hereby authorized and directed to approve the form and substance of an agreement with the issuer of a municipal bond insurance policy and to execute and deliver such agreement on behalf of the City. The approval of such agreement by the Authorized Officer shall be evidenced by the execution thereof.

The authority granted to the Authorized Officer under this Section 7.01(a) shall expire on August 31, 2014, unless otherwise extended by the City Council by separate action.

(b) The Mayor, the Authorized Officer and all other officers of the City are authorized to take such actions, to obtain such consents or approvals and to execute such documents, certificates and receipts as they may deem necessary and appropriate in order to consummate the delivery of the Bonds, to pay the costs of issuance of the Bonds, and to effectuate the terms and provisions of this Ordinance.

(c) The obligation of the Purchaser to accept delivery of the Bonds is subject to the Purchaser being furnished with the final, approving opinion of Bracewell & Giuliani LLP, Bond Counsel, which opinion shall be dated and delivered on the Closing Date.

Section 7.02. Control and Delivery of Bonds.

(a) The Authorized Officer is hereby authorized to have control of the Initial Bond and all necessary records and proceedings pertaining thereto pending investigation, examination and approval of the Attorney General of the State of Texas, registration by the Comptroller of Public Accounts of the State of Texas and registration with, and initial exchange or transfer by, the Paying Agent/Registrar.

(b) After registration by the Comptroller of Public Accounts of the State of Texas, delivery of the Bonds shall be made to the Purchaser and subject to the general supervision and direction of the Authorized Officer, against receipt by the City of all amounts due to the City under the terms of sale.

Section 7.03. Deposit of Proceeds.

(a) All amounts received on the Closing Date as accrued interest, if any, on the Bonds from the Bond Date to the Closing Date shall be deposited to the Interest and Sinking Fund.

(b) A portion of the proceeds from the sale of the Bonds, together with other funds of the City, if any, as set forth in the Pricing Certificate shall be applied to establish an escrow fund to provide for the payment of the Refunded Obligations and, to the extent not otherwise provided for, to pay all expenses arising in connection with the establishment of such escrow fund and the refunding of the Refunded Obligations, all as set forth in the Pricing Certificate. The remaining portion of the proceeds of the Bonds shall be applied to the payment of the costs of issuing the Bonds, including, if any, the cost of a premium for the purchase of a municipal bond insurance policy. Any amount remaining after providing for the defeasance of the Refunded Obligations and payment of the costs of issuance shall be deposited to the Interest and Sinking Fund and applied to the payment of debt service on the Bonds.

ARTICLE VIII

INVESTMENTS

Section 8.01. Investments.

(a) Money in the Interest and Sinking Fund created by this Ordinance, at the City's option, may be invested in such securities or obligations as permitted under applicable law.

(b) Any securities or obligations in which money is so invested shall be kept and held in trust for the benefit of the Owners and shall be sold and the proceeds of sale shall be timely applied to the making of all payments required to be made from the fund from which the investment was made.

Section 8.02. Investment Income.

Interest and income derived from investment of the Interest and Sinking Fund shall be credited to such Fund.

ARTICLE IX

PARTICULAR REPRESENTATIONS AND COVENANTS

Section 9.01. Payment of the Bonds.

On or before each Interest Payment Date for the Bonds and while any of the Bonds are outstanding and unpaid, there shall be made available to the Paying Agent/Registrar, out of the

Interest and Sinking Fund, money sufficient to pay such interest on and principal of the Bonds as will accrue or mature on the applicable Interest Payment Date or date of prior redemption.

Section 9.02. Other Representations and Covenants.

(a) The City will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance and in each Bond; the City will promptly pay or cause to be paid the principal of and interest on each Bond on the dates and at the places and manner prescribed in such Bond; and the City will, at the times and in the manner prescribed by this Ordinance, deposit or cause to be deposited the amounts of money specified by this Ordinance.

(b) The City is duly authorized under the laws of the State of Texas to issue the Bonds; all action on its part for the creation and issuance of the Bonds has been duly and effectively taken; and the Bonds in the hands of the Owners thereof are and will be valid and enforceable obligations of the City in accordance with their terms.

Section 9.03. Federal Income Tax Exclusion.

(a) General. The City intends that the interest on the Bonds will be excludable from gross income for federal income tax purposes pursuant to sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended (the “Code”), and the applicable Treasury regulations promulgated thereunder (the “Regulations”). The City covenants and agrees not to take any action, or omit to take any action within its control, that if taken or omitted, respectively, would (i) cause the interest on the Bonds to be includable in the gross income, as defined in section 61 of the Code, for federal income tax purposes or (ii) result in the violation of or failure to satisfy any provision of Section 103 and 141 through 150 of the Code and the applicable Regulations that is applicable to the Bonds. In particular, the City covenants and agrees to comply with each requirement of this Section 9.03; provided, however, that the City shall not be required to comply with any particular requirement of this Section 9.03, if the City has received an opinion of nationally recognized bond counsel (“Counsel’s Opinion”) that (i) such noncompliance will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds or (ii) that compliance with some other requirement set forth in this Section 9.03, will satisfy the applicable requirements of the Code and the Regulations, in which case compliance with such other requirement specified in such Counsel’s Opinion will constitute compliance with the corresponding requirement specified in this Section 9.03.

(b) No Private Use or Payment and No Private Loan Financing. The City covenants and agrees that it will make such use of the proceeds of the Bonds, including interest or other investment income derived from Bond proceeds, regulate the use of property financed, directly or indirectly, with such proceeds, and take such other and further action as may be required so that the Bonds will not be “private activity bonds” within the meaning of section 141 of the Code and the Regulations. Moreover, the City will certify, through an authorized officer, employee or agent, that, based upon all facts and estimates known or reasonably expected to be in existence on the date the Bonds are delivered, the proceeds of the Refunded Obligations have not been or will be and the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be “private activity bonds” within the meaning of section 141 of the Code and the Regulations.

(c) No Federal Guarantee. The City covenants and agrees that it has not taken and will not take any action, and has not knowingly omitted and will not knowingly omit to take any action within its control, that, if taken or omitted, respectively, would cause the Bonds to be “federally guaranteed” within the meaning of section 149(b) of the Code and the Regulations, except as permitted by section 149(b)(3) of the Code and the Regulations.

(d) Bonds are not Hedge Bonds. The City covenants and agrees that it has not taken and will not take any action, and has not knowingly omitted and will not knowingly omit to take any action within its control, that, if taken or omitted, respectively, would cause the Refunded Obligations or the Bonds to be “hedge bonds” within the meaning of section 149(g) of the Code and the Regulations.

(e) No-Arbitrage. The City covenants and agrees that it will make such use of the proceeds of the Bonds including interest or other investment income derived from Bond proceeds, regulate investments of proceeds of the Bonds, and take such other and further action as may be required so that the Bonds will not be “arbitrage bonds” within the meaning of section 148(a) of the Code and the Regulations. Moreover, the City will certify, through an authorized officer, employee or agent, that, based upon all facts and estimates known or reasonably expected to be in existence on the date the Bonds are delivered, that the proceeds of the Refunded Obligations have not been and proceeds of the Bonds will not be used in a manner that would cause the Bonds to be “arbitrage bonds” within the meaning of section 148(a) of the Code and the Regulations.

(f) Arbitrage Rebate. If the City does not qualify for an exception to the requirements of Section 148(f) of the Code relating to the required rebate to the United States, the City will take all necessary steps to comply with the requirement that certain amounts earned by the City on the investment of the “gross proceeds” of the Bonds (within the meaning of section 148(f)(6)(B) of the Code), be rebated to the federal government. Specifically, the City will (i) maintain records regarding the investment of the gross proceeds of the Bonds as may be required to calculate the amount earned on the investment of the gross proceeds of the Bonds separately from records of amounts on deposit in the funds and accounts of the City allocable to other bond issues of the City or moneys that do not represent gross proceeds of any bonds of the City, (ii) determine at such times as are required by the Regulations, the amount earned from the investment of the gross proceeds of the Bonds that is required to be rebated to the federal government, and (iii) pay, not less often than every fifth anniversary date of the delivery of the Bonds or on such other dates as may be permitted under the Regulations, all amounts required to be rebated to the federal government. Further, the City will not indirectly pay any amount otherwise payable to the federal government pursuant to the foregoing requirements to any person other than the federal government by entering into any investment arrangement with respect to the gross proceeds of the Bonds that might result in a reduction in the amount required to be paid to the federal government because such arrangement results in a smaller profit or a larger loss than would have resulted if the arrangement had been at arm’s length and had the yield on the issue not been relevant to either party.

(g) Information Reporting. The City covenants and agrees to file or cause to be filed with the Secretary of the Treasury, not later than the 15th day of the second calendar month after the close of the calendar quarter in which the Bonds are issued, an information statement

concerning the Bonds, all under and in accordance with section 149(e) of the Code and the Regulations.

(h) Record Retention. The City will retain all pertinent and material records relating to the use and expenditure of the proceeds of the Refunded Obligations and the Bonds until three years after the last Bond is redeemed, or such shorter period as authorized by subsequent guidance issued by the Department of Treasury, if applicable. All records will be kept in a manner that ensures their complete access throughout the retention period. For this purpose, it is acceptable that such records are kept either as hardcopy books and records or in an electronic storage and retrieval system, provided that such electronic system includes reasonable controls and quality assurance programs that assure the ability of the City to retrieve and reproduce such books and records in the event of an examination of the Bonds by the Internal Revenue Service.

(i) Registration. The Bonds will be issued in registered form.

(j) Qualified Tax-Exempt Obligations. The City Council hereby directs and authorizes the Authorized Office to evaluate, in consultation with the City's financial advisor, and to determine and designate the Bonds as "qualified tax-exempt obligations" for purposes of section 265(b) of the Code if the Bonds are qualified for such a designation. In connection therewith, if applicable, the Authorized Officer shall designate in the Pricing Certificate the Bonds as "qualified tax-exempt obligations" and provide in the Pricing Certificate such certifications, representations and covenants relating to such designation as may be approved by the financial advisor and bond counsel to the City.

(k) Continuing Obligation. Notwithstanding any other provision of this Ordinance, the City's obligations under the covenants and provisions of Section 9.03, shall survive the defeasance and discharge of the Bonds for as long as such matters are relevant to the exclusion from gross income of interest on the Bonds for federal income tax purposes.

ARTICLE X

DEFAULT AND REMEDIES

Section 10.01. Events of Default.

Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, which default materially and adversely affects the rights of the Owners, including but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of sixty (60) days after notice of such default is given by any Owner to the City.

Section 10.02. Remedies for Default.

(a) Upon the happening of any Event of Default, then any Owner or an authorized representative thereof, including but not limited to, a trustee or trustees therefor, may proceed against the City for the purpose of protecting and enforcing the rights of the Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Owners hereunder or any combination of such remedies.

(b) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Owners of Bonds then outstanding.

Section 10.03. Remedies Not Exclusive.

(a) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(b) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

ARTICLE XI

DISCHARGE

Section 11.01. Discharge.

The Bonds may be defeased, discharged or refunded in any manner permitted by applicable law.

ARTICLE XII

AMENDMENTS TO ORDINANCE

Section 12.01. Amendments to Ordinance.

(a) The City reserves the right to amend this Ordinance without the consent of or notice to any registered owners of the Bonds in any manner not detrimental to the interests of the Owners for the purpose of curing any ambiguity, inconsistency, manifest error, formal defect or omission in this Ordinance.

(b) The City reserves the right, but only with the written consent of the Owners of a majority in aggregate principal amount of the Bonds then outstanding, to amend, add to, or rescind any of the provisions of this Ordinance.

(c) Without the consent of the Owners of all of the Bonds then outstanding, no amendment, addition or rescission may (i) extend the time or times of payment of the principal of and interest on the Bonds, (ii) reduce the principal amount thereof, the redemption price, or the rate of interest on the Bonds, (iii) give any preference to any Bonds over any other Bond, or (iv) reduce the aggregate principal amount of Bonds required to be held by Owners for consent to any such amendment, addition or rescission.

(d) The Authorized Officer, in consultation with the City's bond counsel, is hereby authorized and directed to approve such nonsubstantive changes to this Ordinance as may be required by the Attorney General of Texas in his approval of the Bonds herein authorized.

ARTICLE XIII

REFUNDED OBLIGATIONS

Section 13.01. Payment of Paying Agent for Refunded Obligations.

Prior to the Closing Date, the City shall ascertain from the paying agent for the Refunded Obligations the amount of all future fees and expenses for its paying agency services with respect to the Refunded Obligations. Concurrently with the sale and delivery of the Bonds, the City shall cause an amount sufficient to pay such future fees and expenses to be paid to such paying agent.

Section 13.02. Escrow Agreement.

The discharge and defeasance of the Refunded Obligations shall be effected pursuant to the terms and provisions of an Escrow Agreement (the "Escrow Agreement") to be entered into by and between the City and the Escrow Agent, in substantially the form presented herewith, the terms and provisions of which are hereby approved, subject to such insertions, additions and modifications as shall be deemed necessary or appropriate by the Authorized Officer to carry out the purposes hereof, minimize the City's costs of refunding, comply with all applicable laws and regulations relating to the refunding of the Refunded Obligations and to comply with the terms set forth in the Pricing Certificate. The Authorized Officer is hereby authorized to execute and deliver such Escrow Agreement on behalf of the City in multiple counterparts.

Section 13.03. Redemption of Refunded Obligations.

Following the deposit to the Escrow Fund as herein specified, the Refunded Obligations shall be payable solely from and secured by the cash and securities on deposit in the Escrow Fund and shall cease to be payable from any other source. The Refunded Obligations are hereby called for redemption prior to maturity on the date set forth in the Pricing Certificate at a redemption price equal to the principal amount thereof plus interest accrued thereon to the redemption date therefor. The City Secretary is hereby authorized and directed to cause to be delivered to the paying agent/registrars for the Refunded Obligations a certified copy of this Ordinance and an executed copy of the Pricing Certificate; the delivery thereof to such paying agent/registrars shall constitute the giving of notice of redemption to the paying agent/registrars for the Refunded Obligations and such paying agent/registrars is hereby authorized and directed to

give notice of redemption to the owners of the Refunded Obligations in accordance with the requirements of the ordinance authorizing the issuance thereof.

Section 13.04. Purchase of United States Treasury Obligations.

To assure the purchase of the Federal Securities to be identified in the Escrow Agreement, the Authorized Officer is hereby authorized to subscribe for, agree to purchase, and purchase obligations of the United States of America, in such amounts and maturities and bearing interest at such rates as may be provided for in the Escrow Agreement, and to execute any and all subscriptions, purchase agreements, commitments, letters of authorization and other documents necessary to effectuate the foregoing, and any actions heretofore taken for such purpose are hereby ratified and approved.

FINALLY PASSED AND APPROVED, AND EFFECTIVE on February 20, 2014.

CITY OF BRENHAM, TEXAS

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

Signature Page for Ordinance

SCHEDULE I

SCHEDULE OF REFUNDED OBLIGATION CANDIDATES

<u>Issue</u>	<u>Maturities Authorized to Be Refunded</u>	<u>Principal Amount Authorized to be Refunded</u>
General Obligation Refunding Bonds, Series 2007	8/15/2021	\$5,315,000



AGENDA ITEM 10

DATE OF MEETING: February 20, 2014	DATE SUBMITTED: February 13, 2014		
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 checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION	
	<input type="checkbox"/> WORK SESSION		
AGENDA ITEM DESCRIPTION Discuss and Possibly Act Upon Bid No. 14-005 for the Purchase of Refuse Bags for the Sanitation Department and Authorize the Mayor to Execute any Necessary Documentation.			
SUMMARY STATEMENT: On February 5, 2014 the Purchasing Dept. opened bids for the purchase of 12,500 refuse bags. The bids were as follows:			
Bidder	Tie Type	No. Rolls	Amount
Central Poly, Inc. (Linden, NJ)	\$7.18/roll	12,500	\$89,750.00
Sunbelt Supply, LLC (Houston, TX)	\$8.48/roll	12,500	\$106,000.00
Houston Poly Bag 1 Ltd. (Houston, TX)	\$6.52/roll	12,500	\$81,500.00
<p>As seen above, Houston Poly Bag 1 Ltd. was the low bid submitted and meets all bid specifications. Bids were mailed out to six vendors with three bids received. Houston Poly Bag 1 Ltd. has not received the bid before and this is actually the first time that they have bid on the City of Brenham refuse bags. Central Poly received the bid last year at \$6.95/roll. We have requested for the 2013-2014 budget year \$90,000 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. Houston Poly Bag 1 Ltd. provided a sample bag which was identical in strength to our current bags. During production of the 12,500 rolls they will match the desired length and width of 34" x 30" that is required along with providing the insert and bag ties. Staff feels that this is an equal product to the bags that we have received from Central Poly and we will be able to save around \$8,500.</p>			

Houston Poly Bag 1 Ltd. has been in business since 1979 and makes a variety of products to meet most plastic needs. Some of the products they make include drum liners, mattress bags, food bags, medical waste bags and heavy duty packaging bags. Houston Poly Bag 1 Ltd. supply's municipality bags to many cities including Lake Jackson, Weatherford, Waxahachie, La Porte, Deer Park and Tomball.

Staff is recommending that Council approve the bid from Houston Poly Bag 1 Ltd. for the purchase of 12,500 rolls.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS: Came in under budgeted amount and equals the previous bags strength. Also, came down for a site visit. Texas Company

B. CONS: First time dealing with company

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: : (1) Bid Information Sheet; and (2) Bid Tabulation

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

RECOMMENDED ACTION: Approve Bid No. 14-005 and award the purchase of 12,500 rolls of refuse bags to Houston Poly Bag 1 Ltd. in the amount of \$81,500.00 for the Sanitation department and authorize the Mayor to execute any necessary documentation.

APPROVALS: Terry K. Roberts



Bid Information Sheet

February 5, 2014

Bid No. 14-005

For: Annual Contract for Garbage Bags

Number of bidders requesting bid packet: 6

Number of completed bids returned to Purchasing: 3



BID TABULATION

GARBAGE BAGS

Bid No. 14-005

BIDDER	Tie Type Closure	Total \$ Amount
Central Poly Linden, NJ	\$7.18 per roll	\$89,750.00
Sunbelt Supply LLC Houston, Tx	\$8.48 per roll	\$106,000.00
Houston Poly Bag 1 Ltd Houston, TX	\$6.52 per roll	\$81,500.00

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.

FY 2012/13

2/22/13 Central Poly was awarded bid for 12,500 rolls @ \$7.10 each.



AGENDA ITEM 11

DATE OF MEETING: February 20, 2014		DATE SUBMITTED: February 17, 2014	
DEPT. OF ORIGIN: Main Street		SUBMITTED BY: Jennifer Eckermann	
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 Code of Ordinances of the City of Brenham, Chapter 10, Advisory Boards & Committees, Article I, Main Street Advisory Board, to Provide for the Powers, Duties, Organization, Operation, Board Membership and Additional Matters Related to the Main Street Advisory Board			
SUMMARY STATEMENT: As discussed during Work Session of the last meeting, I met with Jeana Bellinger to discuss changes to the Main Street Board By-Laws, being recommended by the Board. At the time, she said the ordinance needed to be updated concerning changes to terms, etc. previously adopted by Council. The ordinance in your packet includes those changes, and the ones we discussed at the last meeting, to include an increase in the number of board members and the addition of an executive committee.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference): N/A			
ATTACHMENTS: (1) Main Street Ordinance			
FUNDING SOURCE (Where Applicable): N/A			
RECOMMENDED ACTION: Approve an Ordinance on its first reading amending the Code of Ordinances of the City of Brenham, Chapter 10, Advisory Boards & Committees, Article I, Main Street Advisory Board, to provide for the powers, duties, organization, operation, Board membership and additional matters related to the Main Street Advisory Board			
APPROVALS: Terry K. Roberts			

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 10, RESERVED, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM TEXAS; PROVIDING FOR THE POWERS, DUTIES, ORGANIZATION, OPERATION, BOARD MEMBERSHIP AND ADDITIONAL MATTERS RELATED TO THE MAIN STREET ADVISORY BOARD; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETINGS

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

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

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

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

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

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

SECTION 1.
FINDINGS

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

SECTION 2.

The Code of Ordinances of the City of Brenham, Texas, Chapter 10, RESERVED, is hereby amended to read as follows:

**CHAPTER 10
ADVISORY BOARDS & COMMITTEES**

**ARTICLE I
MAIN STREET ADVISORY BOARD**

Sec. 10-1. Name.

The Board shall be named and referred to as the “Main Street Advisory Board,” (“Board”) and shall be comprised of members appointed by the City of Brenham (“City”) City Council.

Sec. 10-2. Purpose and Responsibility.

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

- A. To develop plans and programs to stimulate both historic preservation and economic development and vitality in downtown Brenham.
- B. To work with the Washington County Convention and Visitors Bureau to implement marketing strategies to help improve sales in downtown Brenham and create a positive public image.
- C. To develop financial assistance programs and grants to assist downtown business and property owners.

Sec. 10-3. Scope of Authority.

The Board shall serve in an advisory capacity. All recommendations of the Board regarding policies, procedures, and programming shall be presented to the City Council for final approval, as applicable.

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

Sec. 10-4. Membership Requirements.

The membership requirements of the Board are as follows:

- A. Members must be residents of Washington County, Texas.
- B. Members must be qualified voters of Washington County, Texas.

- C. Members must not be in arrears in the payment of any taxes or other liability due to the City of Brenham.
- D. Members shall be knowledgeable about marketing, financing, historic preservation or other special disciplines important to the overall purpose of the Board.

Sec. 10-5. Member Selection.

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

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

In the event of an unexpected medical or personal emergency an interim member may be appoint for a term of not more than six (6) months by the Mayor. The interim member shall have all the rights and responsibilities of the incumbent member while serving in the incumbent member's position.

Sec. 10-6. Organization.

The Board shall consist of nine (9) members appointed by the Mayor and City Council. All members shall be appointed to staggered three (3) year terms, expiring on December 31st of each calendar year.

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

The Board members serve at the pleasure of the City Council. The City Council retains the right to remove any Board member at any time and for any reason.

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

Resignations from the Board shall be submitted in writing to the Board Chairperson and the Mayor. Vacancies resulting from a resignation, or any other cause, will be filled by the Mayor and City Council. Any person appointed to fill a vacancy shall serve for the remaining unexpired term of the position to which the person was appointed.

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

Sec. 10-7. Establishment of Member Positions.

For the purpose of establishing and maintaining three (3) year staggered terms, each member shall be assigned a Member Position. The following Member Positions are hereby established:

- Member Position 1: Expiring December 31, 2015
- Member Position 2: Expiring December 31, 2016
- Member Position 3: Expiring December 31, 2014
- Member Position 4: Expiring December 31, 2015
- Member Position 5: Expiring December 31, 2016
- Member Position 6: Expiring December 31, 2014
- Member Position 7: Expiring December 31, 2015
- Member Position 8: Expiring December 31, 2016
- Member Position 9: Expiring December 31, 2014

Sec. 10-8. Officers.

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

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

Resignation of the Chairperson from the Chairperson position shall be by letter to all other Board members. If the Chairperson or Vice Chairperson resigns from their officer position but continues to serve on the Board, the members shall elect a new Chairperson or Vice Chairperson as soon as practicable. If the Chairperson or Vice Chairperson resigns from their officer position and does not continue serving on the Board, the member position will be considered vacant.

Sec. 10-9. Staff Liaison.

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

Sec. 10-10. Meetings and Communication.

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

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

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

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

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

Sec. 10-11. Attendance Requirements.

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

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

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

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

Sec. 10-12. Member Training.

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

Sec. 10-13 – Sec. 1-19. RESERVED.

SECTION 3.
SAVINGS CLAUSE

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

SECTION 4.
SEVERABILITY

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

SECTION 5.
REPEALER

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

SECTION 6.
EFFECTIVE DATE

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

SECTION 7.
PROPER NOTICE AND MEETINGS

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

PASSED AND APPROVED on its first reading this the _____ day of _____, 2014.

PASSED AND APPROVED on its second reading this the _____ day of _____, 2014.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 12

DATE OF MEETING: February 20, 2014	DATE SUBMITTED: February 17, 2014	
DEPT. OF ORIGIN: Main Street	SUBMITTED BY: Jennifer Eckermann	
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 checked="" type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-14-007 Providing for the Approval of the Bylaws of the Main Street Advisory Board		
SUMMARY STATEMENT: Included in the packet is a copy of the Main Street Board By-Laws with changes discussed during the Work Session at the February 6 Council meeting. The Board is recommending increasing the size of the board by two (2) members, and the addition of an Executive Committee.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
<p style="margin-left: 20px;">A. PROS: Would allow the Board to work more efficiently.</p> <p style="margin-left: 20px;">B. CONS:</p>		
ALTERNATIVES (In Suggested Order of Staff Preference): N/A		
ATTACHMENTS: (1) Resolution No. R-14-007; and (2) Main Street By-Laws		
FUNDING SOURCE (Where Applicable): N/A		
RECOMMENDED ACTION: Approve Resolution No. R-14-007 providing for the approval of the bylaws of the Main Street Advisory Board		
APPROVALS: Terry K. Roberts		

RESOLUTION NO. R-14-007

A RESOLUTION PROVIDING FOR THE APPROVAL OF THE BYLAWS FOR THE MAIN STREET ADVISORY BOARD OF THE CITY OF BRENHAM, TEXAS.

WHEREAS, the City of Brenham agreed to create a Main Street Advisory Board to administer the program and develop a budget;

WHEREAS the Main Street Advisory Board serves the City Council of the City of Brenham;

WHEREAS the City Council of the City of Brenham desire to adopt formal By-Laws for the Main Street Advisory Board;

WHEREAS, the By-laws formally adopted on July 6, 2000 are hereby repealed; and

WHEREAS the Main Street Advisory Board has approved the attached By-Laws;

THEREFORE, be it Resolved by the City Council of the City of Brenham, Texas that the attached By-Laws of the Main Street Advisory Board, attached hereto as Exhibit "A" and incorporated herein by reference, are hereby adopted effective immediately upon approval by the Brenham City Council.

PASSED AND APPROVED on this the 20th day of February, 2014.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

BYLAWS OF THE MAIN STREET ADVISORY BOARD

ARTICLE I **NAME OF ORGANIZATION**

Section 1:

The name of this organization shall be the Main Street Advisory Board hereinafter referred to as “this Board” of the City of Brenham, Texas.

Section 2:

This Board will implement its objectives and purposes in the City of Brenham, Texas and the County of Washington, Texas.

Section 3:

The street address of the office of this Board shall be the same as for the City of Brenham, Texas, or at such location as may be designated by the City Council of the City of Brenham, Texas.

ARTICLE II **AUTHORITY**

The creation of this Board is authorized by City of Brenham, Texas and is a necessary and helpful advisory board to the City Council of the City of Brenham, Texas. All recommendations of the Board regarding policies, procedures, and/or funding shall be presented to the City Council for final approval.

ARTICLE III **PURPOSE AND RESPONSIBILITY**

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

- A. To develop plans and programs to stimulate both historic preservation and economic development and vitality in downtown Brenham.
- B. To work with the Washington County Convention and Visitors Bureau to promote Downtown as a tourist destination.
- C. To develop financial assistance programs and grants to assist downtown business and property owners.

ARTICLE IV
MEMBERSHIP

Section 1:

The membership requirements for this Board are as follows:

- A. Members must be residents of Washington County, Texas for at least one (1) year prior to their appointment;
- B. Members must be qualified voters of Washington County, Texas;
- C. Members must not be in arrears in the payment of any taxes or other liability due to the City of Brenham.

Section 2:

This Board shall consist of nine (9) members who shall be knowledgeable about downtown revitalization, marketing, finance, historic preservation or other disciplines important to the purpose and scope of the Board.

Section 3:

Board members shall be appointed by the City Council Elected officials, city staff, members of this Board or interested citizens may recommend individuals to the City Council for consideration.

Section 4:

Each member of the Board shall serve at the pleasure of the City Council that appointed said member to the Board.

Section 5:

The term of membership for Board members shall be staggered three (3) year terms. The member shall be able to succeed himself/herself, subject to reappointment by the City Council. Members shall have no term limits.

The terms of office for members and officers of the Board will be on a calendar year basis.

Section 6:

A Board member who is unable to attend regular meetings or participate in Board business shall be expected to tender his/her resignation. Resignation from this Board shall be by letter to the Board Chairperson. Vacancies resulting from resignation or any other cause will be filled by the City Council of the City of Brenham. A person appointed to fill a vacancy on the Board shall serve for the remaining unexpired term of the position to which the person is appointed.

Section 7:

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

Section 8:

In the event of an unexpected medical or personal emergency an interim member may be appointed, for a term of no more than six (6) months, by the Mayor. The interim member shall have all the rights and responsibilities of the incumbent member while serving in the incumbent member's position.

Section 9:

A Board member may cast only a single vote on any issue. Proxy votes are prohibited. Alternate and ex-officio members shall not vote.

Section 10:

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

If a member has completed Texas Open Meetings training within the last five (5) years and can provide the Chairperson documentation of the training, the member shall be exempt from this training requirement.

ARTICLE V
OFFICERS

- A. A Chairperson and Vice Chairperson shall be elected annually by the members of the Board.
- B. The Chairperson shall preside at all meetings of the Board and shall perform such duties as may be assigned by the Board or by the City Council. The Chairperson shall have the power to appoint subcommittees, as he/she deems necessary to achieve the objectives of the Board.

- C. In the absence of the Chairperson from a meeting of the Board, the Vice Chairperson shall serve as the presiding officer during the meeting. If both the Chairperson and Vice Chairperson are absent from a meeting of the Board, the remaining Board members present at the meeting shall elect a member of the Board to serve as the temporary presiding officer during the meeting.
- D. Resignation of the Chairperson or Vice Chairperson from this Board shall be by letter to all other Board members. If the Chairperson or Vice Chairperson resigns from their officer position but continues to serve on the Board, the members shall elect a new Chairperson or Vice Chairperson as soon as practicable, If the Chairperson or Vice Chairperson resigns from their officer position and does not continue serving on the Board, their member position will be considered vacant and will be filled as outlined in Section IV.6 of these Bylaws.

ARTICLE VI
EXECUTIVE COMMITTEE

Section 1:

Annually, two (2) board members shall be elected by the members to serve on an Executive Committee along with the Board Chairperson and Vice Chairperson.

Section 2:

As needed, the Board Chairperson shall call and preside over the Executive Committee meetings. The Executive Committee meetings will not be subject to the requirements of the Texas Open Meetings Act.

Section 3:

The Executive Committee shall serve as a sounding board for staff on emerging issues, problems, and initiatives.

Section 4:

At each Board meeting, the Executive Committee shall give the Board a full report of the projects, issues and initiatives they are working on.

ARTICLE VII
STANDING COMMITTEES

Section 1:

The Board shall have five (5) Standing Committees which are: Design Committee, the Organization Committee, the Promotions Committee, the Economic Restructuring Committee, and the Planning Committee.

Section 2:

A Chairperson for each Standing Committee shall be appointed by the Board Chairperson. When needed, the Board Chairman may appoint citizens to serve on a Standing Committee.

Section 3:

The Standing Committees shall meet as needed, and will make reports and recommendations to the full Board. The Standing Committee meetings will not be subject to the requirements of the Texas Open Meetings Act.

ARTICLE VIII
SPECIAL SUBCOMMITTEES

Section 1:

Special subcommittees may be appointed by the Board Chairperson for special, one-time, projects.

Section 2:

The Board Chairperson shall also appoint a Chairperson for each special subcommittee.

Section 3:

All special subcommittees will automatically dissolve upon completion of their project and submission of a final report and recommendation to the Board.

ARTICLE IX
MEETINGS AND COMMUNICATION

Section 1:

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

Section 2:

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

Section 3:

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

Section 4:

All meetings of this Board shall be open to the public. The Board may meet in closed session during a meeting only as authorized by the Texas Open Meetings Act.

ARTICLE X
STAFF

Section 1:

The City Manager of the City of Brenham shall designate a Staff Liaison to prepare agendas and post meetings, record proceedings of and prepare official minutes of the Board meeting.

Section 2:

Professional staff members of the City of Brenham assigned to work with the Board shall be non-voting ex-officio members of the Board.

ARTICLE XI
QUORUM

The authority vested in the Board shall be exercised only at a meeting of a quorum of its members. Six (6) members of this Board present shall constitute a quorum. Any action taken by this Board shall be by simple majority vote of members present at a properly posted meeting.

ARTICLE XII
RULES FOR PROCEDURE / STATUTORY REQUIREMENTS

Section 1:

Robert's Rules of Order shall govern on all matters of parliamentary procedures.

Section 2:

This Board shall be subject to any rules, regulations, acts or mandates placed on the City of Brenham by local, state or federal governments.

Section 3:

The activities of this board shall comply with the Texas Historical Commission's Main Street Program.

ARTICLE XIII
AMENDMENTS TO BYLAWS

These bylaws may be amended by approval of the City of Brenham City Council. This Board may make recommendations for amendments to the bylaws by written request to the City of Brenham City Council.

ARTICLE XIV
CONFLICTS

Members of the Board shall not use their position on the Board for a purpose that is or gives the appearance of being a conflict of interest. In the event that a Member becomes aware of a conflict of interest, or potential conflict of interest, with regard to any particular item being considered by the Board, they shall immediately notify the Chairman and shall abstain from participation in and voting on the item. A "conflict of interest" is generally defined as a situation in which a Board member's personal interests might be served or financial benefits gained as a result of, or relating to, a decision of the Board.

CERTIFICATION

These bylaws of the Main Street Advisory Board are hereby approved and adopted by the City of Brenham, Texas, City Council on this _____ day of _____, 20____.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

DRAFT



AGENDA ITEM 13

DATE OF MEETING: February 20, 2014	DATE SUBMITTED: February 14, 2014	
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 Outdoor Music on the Patio to be Held from 3:00 P.M. to 10:00 P.M., March 8, March 15, March 22, and March 29, 2014 and April 5, April 12, April 19 and April 26, 2014 at The Boys Club and Saloon at 202 E. Commerce and Authorize the Mayor to Execute Any Necessary Documentation		
SUMMARY STATEMENT: Doreen Lehman has requested a noise variance to hold outdoor events for music on the patio from 3:00 P.M. to 10:00 P.M., March 8, March 15, March 22, and March 29, 2014 and April 5, April 12, April 19 and April 26, 2014 at The Boys Club and Saloon at 202 E. Commerce. After 10pm, they will move the music inside. They will have a variety of bands with drums, guitar and a tambourine with a sound amplification system with two speakers, which require a Noise Variance. The Brenham Fire Department has approved the noise variance request; however, the Brenham Police Department has reservations. 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 for outdoor music on the patio to be held from 3:00 P.M. to 10:00 P.M., March 8, March 15, March 22, and March 29, 2014 and April 5, April 12, April 19 and April 26, 2014 at The Boys Club and Saloon at 202 E. Commerce and authorize the Mayor to execute any necessary documentation.		
APPROVALS: Terry K. Roberts		

NOISE VARIANCE REQUEST

upd
cash
\$10.00
2-13-14 JK

Application Fee \$10.00

1. Name of sponsoring organization: The Boys Club and Saloon
2. Name and address of individual making application on behalf of sponsoring organization: Doreen Lehman 7000 Kurt Dr Brenham, TX 77833
3. Purpose of the Event: music on outdoor patio
4. Location of Event: 202 E. Commerce / 300 S. St Charles
5. Date of the event: 3/8 3/15 3/22 3/29 4/5 4/12 4/19 4/26
6. Time of Event: 7p-10p 3p-7p
7. Event Set-up: From: 30 min prior To: _____
Event Clean-up: From: same day To: _____
8. You are required to describe the following:
 - a) Types of Activities Planned and any additional information specific to this event: Music
~~in the patio area of my space~~ in the patio area of my space
 - b) Bands/Musical Instruments: guitar, drums, tamborine
 - c) Sound amplification equipment: 2 speakers
 - d) Cleanup provisions: as soon as over

Doreen Lehman
Name of Applicant (Printed or Typed)
Doreen Lehman
Applicant or Authorized Person's Signature

Date: 2/13/14
Phone: 281 642 3167

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: 02-13-2014

Comments/Reason for Denial: _____

Noise Variance Approved by the City Council on the _____ day of _____, 2014.

Milton Y. Tate, Jr., Mayor

Date: _____

ATTEST:

Jeana Bellinger, City Secretary



AGENDA ITEM 14

DATE OF MEETING: February 20, 2014		DATE SUBMITTED: February 14, 2014	
DEPT. OF ORIGIN: Administration		SUBMITTED BY: Amanda Klehm	
MEETING TYPE:		CLASSIFICATION:	
<input checked="" type="checkbox"/> REGULAR		<input type="checkbox"/> PUBLIC HEARING	
<input type="checkbox"/> SPECIAL		<input type="checkbox"/> CONSENT	
<input type="checkbox"/> EXECUTIVE SESSION		<input checked="" type="checkbox"/> REGULAR	
		<input type="checkbox"/> WORK SESSION	
ORDINANCE:			
<input type="checkbox"/> 1 ST READING			
<input type="checkbox"/> 2 ND READING			
<input type="checkbox"/> RESOLUTION			
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon a Request for a Noise Variance for Outdoor Music on the Patio to be Held from 4:00 P.M. to 8:00 P.M., March 9, March 16, March 23, and March 30, 2014 at The Boys Club and Saloon at 202 E. Commerce and Authorize the Mayor to Execute Any Necessary Documentation			
SUMMARY STATEMENT: Doreen Lehman has requested a noise variance to hold outdoor events for music on the patio from 4:00 P.M. to 8:00 P.M., March 9, March 16, March 23, and March 30, 2014 at The Boys Club and Saloon at 202 E. Commerce. After 8 pm, they will move the music inside. They will have a variety of bands with drums, guitar and a tambourine with a sound amplification system with two speakers, which require a Noise Variance. The Brenham Fire Department has approved the noise variance request; however, the Brenham Police Department has reservations. 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 for outdoor music on the patio to be held from 4:00 P.M. to 8:00 P.M., March 9, March 16, March 23, and March 30, 2014 at The Boys Club and Saloon at 202 E. Commerce and authorize the Mayor to execute any necessary documentation.			
APPROVALS: Terry K. Roberts			

NOISE VARIANCE REQUEST

pd cash \$10.00
2-13-14 VAC

Application Fee \$10.00

1. Name of sponsoring organization: The Boys Club and Saloon
2. Name and address of individual making application on behalf of sponsoring organization: Doreen Lehman 7000 Kurt Dr Brenham TX 77833
3. Purpose of the Event: Music on outdoor patio
4. Location of Event: 202 E. Commerce / 300 S. St. Charles
5. Date of the event: 3/9 3/16 3/23 3/30
6. Time of Event: 4p - 8p
7. Event Set-up: From: 30 min prior To: _____
Event Clean-up: From: same day To: _____
8. You are required to describe the following:
 - a) Types of Activities Planned and any additional information specific to this event: music on the patio
 - b) Bands/Musical Instruments: guitar drums tambourine
 - c) Sound amplification equipment: 2 speakers
 - d) Cleanup provisions: as soon as over

Doreen Lehman

Date: 2/13/14

Name of Applicant (Printed or Typed)

Doreen Lehman

Phone: 281 642 3167

Applicant or Authorized Person's Signature

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

Date: _____

Rex Phelps, Chief of Police

Comments/Reason for Denial:

APPROVED

____ DENIED

Date: 2-13-2014

Ricky Boeker, Chief of Fire Department

Comments/Reason for Denial: _____

Noise Variance Approved by the City Council on the ____ day of _____, 2014.

Date: _____

Milton Y. Tate, Jr., Mayor

ATTEST:

Jeana Bellinger, City Secretary



AGENDA ITEM 15

DATE OF MEETING: February 20, 2014	DATE SUBMITTED: February 14, 2014	
DEPT. OF ORIGIN: Main Street	SUBMITTED BY: Jennifer Eckermann	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input checked="" type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Texas Government Code Section 551.072 – Deliberation Regarding Real Property – Discuss and Consider Various Properties in the Downtown Area for Possible Future Acquisition		
SUMMARY STATEMENT: As discussed in Executive Session.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference): N/A		
ATTACHMENTS: None		
FUNDING SOURCE (Where Applicable): N/A		
RECOMMENDED ACTION: Discussion Only.		
APPROVALS: Terry K. Roberts		



AGENDA ITEM 16

DATE OF MEETING: February 20, 2014		DATE SUBMITTED: February 17, 2014	
DEPT. OF ORIGIN: Finance		SUBMITTED BY: Carolyn Miller	
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: Presentation of the 2013 Annual Report by the Finance and Administrative Services Division			
SUMMARY STATEMENT: 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 2013 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 www.cityofbrenham.org . If you are interested in obtaining a hard copy, please call the City Secretary at 979-337-7567			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS:			
B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference): N/A			
ATTACHMENTS: N/A			
FUNDING SOURCE (Where Applicable): N/A			
RECOMMENDED ACTION: Discussion Only.			
APPROVALS: Terry K. Roberts			



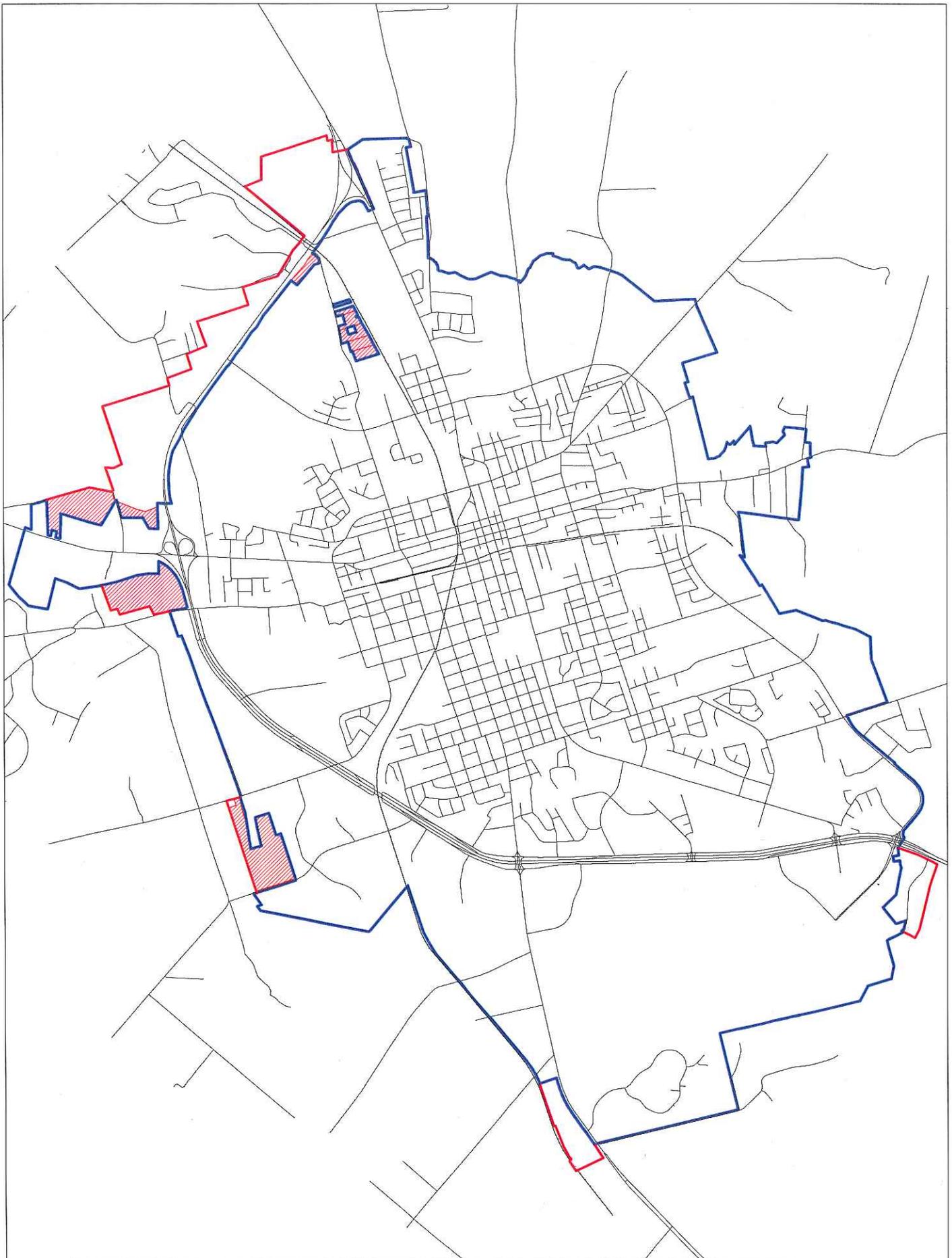
AGENDA ITEM 17

DATE OF MEETING: February 20, 2014		DATE SUBMITTED: February 17, 2014	
DEPT. OF ORIGIN: Development Services		SUBMITTED BY: Julie Fulgham	
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: Presentation of the 2013 Annual Report by the Development Services Department			
SUMMARY STATEMENT: 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 2013 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 www.cityofbrenham.org . If you are interested in obtaining a hard copy, please call the City Secretary at 979-337-7567			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS:			
B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference): N/A			
ATTACHMENTS: N/A			
FUNDING SOURCE (Where Applicable): N/A			
RECOMMENDED ACTION: Discussion Only.			
APPROVALS: Terry K. Roberts			



AGENDA ITEM 18

DATE OF MEETING: February 20, 2014	DATE SUBMITTED: February 13, 2014	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Julie Fulgham	
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 on Potential Areas for Annexation in the City of Brenham		
SUMMARY STATEMENT: While preparing for annexation, staff discovered the development agreements executed with property owners with agricultural exemptions on their properties during the 2008 annexation process have expired. Staff would like further direction if these tracts should be included within the 2014 annexation proceedings or if development agreements should be offered again. Enclosed you will find maps for annexation and a revised annexation timeline. Staff requests direction on how to proceed.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference): N/A		
ATTACHMENTS: (1) Map; and (2) Timeline		
FUNDING SOURCE (Where Applicable): N/A		
RECOMMENDED ACTION: Discussion only		
APPROVALS: Terry K. Roberts		



1 inch = 1,050 feet

— Existing City Limits
— Proposed City Limits



2008 Development Agreements

<u>Date of Action or Meeting</u>	<u>Action</u>	<u>Responsible Department</u>
20-Feb-14	Work session on annexation - discuss expired development agreements from 2008	Development Services
6-Mar-14	City Council authorization to proceed with the annexation process, reviews tracts, and authorizes to offer Development Agreements (ag exempt properties)	Development Services
7-Mar-14	Letters sent to all property owners with agricultural exemptions offering Development Agreements	Development Services
7-Mar-14	Create service plan	Development Services/Public Utilities/Public Works/Police/Fire
20-Mar-14	Development Agreements due	Development Services
3-Mar-14	Written notice of proposed annexation sent to all property owners in the proposed annexation area Send written notice to Brenham ISD of area to be annexed Send written notice to railroads with right-of-way in area to be annexed	Development Services Development Services Development Services
21-Mar-14	Publish notice of 1st public hearing in newspaper Post notice of 1st public hearing on City website	Development Services IT/Kevin Boggus
31-Mar-14	Agenda notice of 1st public hearing posted at City Hall	City Secretary
3-Apr-14	City Council meeting - 1st public hearing on annexation	Development Services
4-Apr-14	Publish notice of 2nd public hearing in newspaper Post notice of 2nd public hearing on City website	Development Services IT/Kevin Boggus
14-Apr-14	Agenda notice of 2nd public hearing posted at City Hall	City Secretary
17-Apr-14	City Council meeting - 2nd public hearing on annexation	Development Services
5-May-14	Post Agenda with annexation ordinance	City Secretary
8-May-14	SPECIAL MEETING - City Council meeting - 1st reading of annexation ordinance	Development Services
12-May-14	Post Agenda with second reading of annexation ordinance	City Secretary
15-May-14	City Council meeting - 2nd reading of annexation ordinance	Development Services
27-May-14	Update Ward, Zoning, City Limit maps	GIS
check state law	Notify DOJ, County, and Appraisal District	City Secretary

<u>Date of Action or Meeting</u>	<u>Action</u>	<u>Responsible Department</u>
20-Feb-14	Work session on annexation - discuss expired development agreements from 2008	Development Services
20-Feb-14	City Council authorization to proceed with the annexation process, reviews tracts, and authorizes to offer Development Agreements (ag exempt properties)	Development Services
28-Feb-14	Letters sent to all property owners with agricultural exemptions offering Development Agreements	Development Services
28-Feb-14	Create service plan	Development Services/Public Utilities/Public Works/Police/Fire
10-Mar-14	Development Agreements due	Development Services
3-Mar-14	Written notice of proposed annexation sent to all property owners in the proposed annexation area	Development Services
	Send written notice to Brenham ISD of area to be annexed	Development Services
	Send written notice to railroads with right-of-way in area to be annexed	Development Services
20-Mar-14	Publish notice of 1st public hearing in newspaper	Development Services
	Post notice of 1st public hearing on City website	IT/Kevin Boggus
31-Mar-14	Agenda notice of 1st public hearing posted at City Hall	City Secretary
3-Apr-14	City Council meeting - 1st public hearing on annexation	Development Services
10-Apr-14	Publish notice of 2nd public hearing in newspaper	Development Services
	Post notice of 2nd public hearing on City website	IT/Kevin Boggus
21-Apr-14	Agenda notice of 2nd public hearing posted at City Hall	City Secretary
24-Apr-14	City Council meeting - 2nd public hearing on annexation - SPECIAL MEETING	Development Services
12-May-14	Post Agenda with annexation ordinance	City Secretary
15-May-14	City Council meeting - 1st reading of annexation ordinance	Development Services
2-Jun-14	Post Agenda with second reading of annexation ordinance	City Secretary
5-Jun-14	City Council meeting - 2nd reading of annexation ordinance	Development Services
16-Jun-14	Update Ward, Zoning, City Limit maps	GIS
check state law	Notify DOJ, County, and Appraisal District	City Secretary