



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY MAY 15, 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 – City Attorney Cary Bovey**
- 3. Proclamation**
 - **2014 Motorcycle Safety and Awareness Month – May 2014**
- 4. Citizens Comments**

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CONSENT AGENDA

5. Statutory Consent Agenda

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

- 5-a. Minutes from the April 24, 2014 City Council Meeting**

Page 2-15

PUBLIC HEARING

6. Proposed Annexation of Four Areas of Land into the City Limits and Explanation of Service Plan for Each Area Proposed for Annexation Page 16-27

Section 2014-1: Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burleson Street; tracts with frontage along State Highway 36th North and Dixie Street; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the ‘cloverleaf’ intersection of Highway 290 West and State Highway 36 North.

Section 2014-2: Approximately 30.512 acres of land situated in Washington County, Texas, out of the John Carrington Survey, Abstract No. A0120, generally consisting of tracts with frontage along the western right-of-way line of State Highway 36 beginning at the current City limits and proceeding in a southerly direction to approximately Anderson Lane (located on the eastern side of State Highway 36 North).

Section 2014-3: Approximately 45.366 acres of land situated in Washington County, Texas, out of the Isaac Lee Survey, Abstract No. A0077, generally consisting of tracts that abut the current City limits between South Blue Bell Road and Tieden Lane and tracts that abut US Highway 290 East from Blue Bell Road to approximately 500 feet east of Tieden Lane.

Section 2014-4: Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard.

REGULAR AGENDA

7. Discuss and Possibly Act Upon Approval of Ordinance O-14-016 Providing for the Issuance and Sale of City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2014; in the Aggregate Principal Amount of \$4,075,000; Levying a Tax in Payment Thereof; Prescribing the Terms and Provision of said Certificates; Awarding the Sale Thereof; and Enacting Other Provisions Relating to the Subject Page 28-29

8. **Discuss and Possibly Act Upon Ordinance No. O-14-017 on Its Second Reading Authorizing the Abandonment of the Unimproved Right-of-Way as Shown on the Ewing Subdivision Plat and Located Near the Intersection of Old Chappell Hill Road and Carrington Lane in Brenham, Texas** **Page 30-38**
9. **Discuss and Possibly Act Upon Resolution No. R-14-013 Amending Resolution No. R-14-006 and Modifying the Company Name Shown on the Nomination to the Office of the Governor Economic Development and Tourism for Designation as an Enterprise Project Under the Texas Enterprise Zone Program from Tempur Sealy International, Inc. to Sealy Texas Management, Inc. and Authorize the Mayor to Execute Any Necessary Documentation** **Page 39-41**
10. **Discuss and Possibly Act Upon Ordinance No. O-14-018 on Its Second Reading Amending Chapter 8, Fire Protection and Prevention, Articles I, III, and V, of the Code of Ordinances of the City of Brenham** **Page 42-67**
11. **Discuss and Possibly Act Upon a Recommendation from the Main Street Board Related to a Request for a Reserved Parking Space in Downtown Brenham** **Page 68-70**
12. **Discuss and Possibly Act Upon Resolution No. R-14-014 in Support of TxDOT's Turnback Program, or Similar Program, Concerning Conveyance of TxDOT Right-of-Way FM 389 from US 290 West to FM 332 to the City of Brenham** **Page 71-73**
13. **Discuss and Possibly Act Upon One-Year Extensions of Three (3) Contracts, in Accordance with Bid #13-007, for Bulk Water and Wastewater Treatment Chemicals and Authorize the Mayor to Execute Any Necessary Documentation** **Page 74-75**
14. **Discuss and Possibly Act Upon a Request for a Noise Variance from St. Mary's Immaculate Conception Catholic Church for the 100 Days of Summer Festival to be Held on May 18, 2014 from 9:00 a.m. – 6:00 p.m. at 701 Church Street and Authorize the Mayor to Execute Any Necessary Documentation** **Page 76-78**

EXECUTIVE SESSION

15. **Section 551.072 - Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding Potential Sale of Approximately 204.925 Acres In the Silas Clark Survey (A028), Tract 18, As Recorded in Volume 496, Page 800 of the Official Records of Washington County and Located at 5525 Caney Creek Road in Chappell Hill, Texas and More Commonly Identified as the Old Landfill Property** **Page 79**

RE-OPEN REGULAR AGENDA

- 16. Discuss and Possibly Act Upon the Sale of Approximately 204.925 Acres In the Silas Clark Survey (A028), Tract 18, As Recorded in Volume 496, Page 800 of the Official Records of Washington County and Located at 5525 Caney Creek Road in Chappell Hill, Texas and More Commonly Identified as the Old Landfill Property and Authorize the Mayor to Execute Any Necessary Documentation** **Page 80**

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.

17. Administrative/Elected Officials Report

Adjourn

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

CERTIFICATION

I certify that a copy of the May 15, 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 May 12, 2014 at **12:27 PM**.

Amanda Klehm

Deputy City Secretary

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

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the _____ day of _____, 2014 at _____ AM PM.

Signature

Title

PROCLAMATION

WHEREAS, The month of May marks the traditional start of the motorcycle riding season, with more motorcycles on the streets; May is also Motorcycle Safety Awareness Month, a national initiative designed to encourage all to “share the road” with each other; and

WHEREAS, Motorcycle Awareness Month is also designed to encourage the safe use of motorcycles, and several organizations are committed to increasing the safe operation of motorcycles by promoting rider safety education programs; and

WHEREAS, Motorcycle riders are reminded to obey traffic laws, wear DOT-compliant helmets and other protective gear and make themselves visible by wearing bright colors and using reflective tape; and

WHEREAS, Other drivers should recognize the fact that motorcycle operators have the same rights and privileges they do and should be courteous to everyone on the road; and

WHEREAS, It is right and just for the City Council and the residents of Brenham to join together to remind us all to share the road and the respect;

Now, THEREFORE I, Milton Y. Tate Jr., Mayor of the City of Brenham, Texas do Hereby Proclaim May 2014 as

MOTORCYCLE SAFETY AND AWARENESS MONTH

In Witness, Whereof, I have set my hand and affixed the Seal of Brenham.

Milton Y. Tate Jr., Mayor
City of Brenham

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on April 24, 2014 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

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

Members absent:

None.

Others present:

City Manager Terry K. Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Amanda Klehm, Wende Ragonis, Deputy Fire Chief Alan Finke, Carrie Derkowski, Police Chief Rex Phelps, Development Services Director Julie Fulgham, Jennifer Eckermann, Public Works Director Dane Rau, Leslie Kelm, Casey Redman, Public Utilities Director Lowell Ogle, Dane Bybee, and Grant Lischka

Citizens present:

Megan McCall, Sharica Flournoy, Perry Thomas, Keith Hankins, Wm Krueger, Colby Wright, John Pledger, Bonnie Brinkmeyer, Courtney Mason, Mike Ogg, Rob Fleming, Judy Hyman, Cynthia Hamrick, Sharon Brass, Page Michel, Clint Kolby, Toi Crawford, Chad Bohne, Mark Shafer

Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner and Tom Whitehead, KWHI

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

3. Proclamation

➤ **Local History Day – May 1, 2014 and May 8, 2014**

Jennifer Eckermann and Local History Day Representatives accepted the Local History Day Proclamation. The representatives include: Bonnie Brinkmeyer, Michael Ogg, Courtney Mason, Rob Fleming, Sharon Brass, Cynthia Hamrick, Carrie Derkowski, Kim Wade, and Donna Putnam.

4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Minutes from the March 6, 2014 and March 20, 2014 City Council Meetings

A redlined version of the March 6, 2014 City Council minutes were laid around the Dias will necessary amendments to the minutes. The amended minutes will replace the minutes that were presented in the Council agenda packet.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve the Statutory Consent Agenda Item 5-a. minutes from the March 6, 2014 as amended and March 20, 2014 City Council meetings.

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

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

REGULAR AGENDA

6. Discuss and Possibly Act Upon a One-Year Contract Extension with Gene Services, LLC for Mowing and Cleanup Services for Various City Departments and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau stated on February 21, 2013, City Council awarded the annual Mowing and Cleanup Services contract to Gene's Services. Rau explained this contract pertains to numerous sites that are city parkland, right-of-way/medians and city properties. Rau stated it also contains the code enforcement lots that David Doelitsch oversees. Rau advised that all prices have remained the same. Rau explained the only portion of the contract that has changed is the deletion of the Hasskarl Tennis Courts and the Hike and Bike Trail leading from the tennis courts to FM 577. Rau advised these two areas are being mowed by BISD and are no longer being billed to the City of Brenham by Gene's Services. Rau explained that overall this will be a savings to the City of Brenham and a reduction in the 2014 purchase order that will be issued.

Rau stated that Gene's Services has performed these services very well and is in constant contact with Casey Redman and David Doelitsch. Rau stated they respond well to requests and are quick to take action. Rau explained that Staff would like to recommend that Council extend the contract with Gene's Services for an additional year. Rau explained the original contract was granted for one year with the option to extend up to 2 additional (1) year terms if both parties agree. Rau advised this extension came up in February and a letter was sent to Gene's Services wishing to extend the contract with the current prices but wasn't brought to council at that time.

Councilmember Williams questioned if Gene's Services are doing all of the mowing in town. Rau stated Gene's Services does all of the City's mowing except some in the Parks, which Staff handles and the mowing in the Brenham Business Center, which is another contract. Rau explained that Gene's Services handles 23 sites and David's lots currently.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve a one year contract extension with Gene Services, LLC for mowing and cleanup services for various City departments and authorize the Mayor to execute any necessary documentation.

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

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

7. Discuss and Possibly Act Upon an Amendment of the 2009 Municipal Maintenance Agreement Between the City of Brenham and TxDOT for Vegetation Control In Certain Areas Within the City Limits and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau stated in November of 2013, vegetation control along state roads was discussed in a work session among City Council and Staff. Rau advised that at that meeting it was decided that the City of Brenham would look into additional mowing along state roads, especially between FM 577 and the cloverleaf. Rau explained that currently TxDOT performs mowing along the right-of-ways during May and November with litter pickup following the mowing events. Rau stated in the current 2009 Municipal Maintenance Agreement, the City of Brenham only has the right to mow and maintain vegetation along the non-controlled state access highways (Exhibit A), which is from the private property line to the outermost curb of the road. Rau stated Staff has been doing this throughout the year and when it is warranted in order to maintain the unsightly vegetation.

Rau explained that in order for the City of Brenham Staff to mow the controlled access portion of the highway (FM 577 to cloverleaf) an amendment to the 2009 MMA needed to happen. Rau advised that Terry Paholek, TxDOT Area Engineer has worked recently with Staff to amend the 2009 MMA to allow the City of Brenham to mow the controlled access highways. Rau explained this area is the main portion of highway 290 between FM 577 and the cloverleaf. Rau advised with this amendment the City of Brenham now has approval to mow all areas of state roads within the city limits. Rau explained that TxDOT will still mow twice per year and perform litter pick up twice per year along this portion of the roadway as they have done for many years. Rau stated when these events are performed by the City of Brenham, Staff would be expected to do the same with coordinating the mowing with TxDOT and perform litter pickup. Rau explained that Staff's plan is to finalize this amendment and then perform an intermediate mowing in August or sooner, if warranted. Rau explained that Staff plans to conduct this one time per year and get a good feel for the amount of time required for both mowing and litter control along with the cost of fuel.

Councilmember Barnes-Tilley questioned if Staff would be accounting for cost and time when they do mowing this first year. Rau stated they would be keeping track of the time and costs for the first year. Councilmember Barnes-Tilley questioned if the City could contract with the same people as the State. Rau stated that the mowing and litter control can both be contracted out, but Staff can do it in house for now to keep costs down.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve an amendment of the 2009 Municipal Maintenance Agreement between the City of Brenham and TxDOT for vegetation control in certain areas within the City limits and authorize the Mayor to execute any necessary documentation.

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

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

8. Discuss and Possibly Act Upon Resolution No. R-14-010 Approving the Assignment of the Commercial Tax Phase-In Agreement from GSL Constructors, Ltd. to GSL Partners Sub 52, LLC and Authorize the Mayor to Execute Any Necessary Documentation

Project Manager with the Brenham Economic Development Foundation, Clint Kolby, presented this item. Kolby stated GSL Welcome Group is the developer for the new manufacturer, PPE, locating in the Brenham Business Center. Kolby explained GSL will own the land and building and PPE will own the machinery and equipment and lease the building from GSL. Kolby advised GSL has requested that the Tax Phase-In Agreement that was approved for GSL Constructors, Ltd. at the January 23, 2014 City Council meeting be assigned to a different entity, GSL Partners Sub 52, LLC.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve Resolution No. R-14-010 approving the assignment of the Commercial Tax Phase-In Agreement from GSL Constructors, Ltd. to GSL Partners Sub 52, LLC and authorize the Mayor to execute any necessary documentation.

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

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

9. Discuss and Possibly Act Upon Resolution No. R-14-011 Amending Resolution No. R-14-005 and Modifying the Company Name Shown on the Commercial Tax Phase-In Agreement with Tempur Sealy International, Inc. to Tempur Sealy International, Inc. and All Approved Affiliates and Subsidiaries and Authorize the Mayor to Execute Any Necessary Documentation

Project Manager with the Brenham Economic Development Foundation, Clint Kolby, presented this item. Kolby stated the corporate office at Tempur Sealy International, Inc. has requested that the City slightly modify their name in the Tax Phase-In Agreement that was approved for them at the February 6, 2014 City Council meeting. Kolby explained the current name on the Agreement is “Tempur Sealy International, Inc.” and they would like to change it to “Tempur Sealy International, Inc. and all approved affiliates and subsidiaries”.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to approve Resolution No. R-14-011 amending Resolution No. R-14-005 and modifying the company name shown on the Commercial Tax Phase-In Agreement with Tempur Sealy International, Inc. to Tempur Sealy International, Inc. and all approved affiliates and subsidiaries and authorize the Mayor to execute any necessary documentation.

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

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

10. Discuss and Possibly Act Upon Resolution No. R-14-012 Authorizing the Acceptance of Public Improvements in the Ralston Creek Subdivision, Phase 1 Subdivision, and Authorize the Mayor to Execute Any Necessary Documentation

City Engineer Grant Lischka presented this item. Lischka stated BCS Development Company has completed all required infrastructure improvements related to the development of Phase 1 of Ralston Creek Estates, a 76 lot subdivision constructed for residential use bounded by Stone Street, Blue Bell Road (FM 577) and Gun and Rod Road. Lischka explained the infrastructure improvements have been constructed and inspected according to all applicable City of Brenham ordinances and regulations and are ready to be accepted by the City of Brenham for ownership and maintenance.

Councilmember Goss questioned about the maintenance of the roads in the subdivision. Lischka stated that anything on the roadway would be covered with the one year warranty; however, at 11 months into the warranty, the City will do a thorough walk-thru and get them to address any issues before the end of the one year warranty.

Councilmember Herring questioned where Phase 1 is located. Lischka stated Phase 1 is the locations where construction is currently taking place on Gun and Rod Road and Stone Street. Mayor Tate questioned who was performing inspections. Lischka stated himself or the Utilities Superintendent have been inspecting the properties as construction continues.

A motion was made by Councilmember Williams and seconded by Mayor Pro Tem Nix to approve Resolution No. R-14-012 authorizing the acceptance of public improvements in the Ralston Creek Estates, Phase 1 Subdivision, and authorize the Mayor to execute any necessary documentation.

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

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

11. Discuss and Possibly Act Upon an Ordinance on Its First Reading for the Placement of Stop Signs at Multiple Street Intersections within the Ralston Creek Subdivision

City Engineer Grant Lischka presented this item. Lischka stated Klehm handed out a redlined version of the Ordinance with changes to the original Ordinance that was included in the packet. Lischka stated the new street construction within Ralston Creek Subdivision required the installation of stop signs at the various intersections. Lischka explained the stop signs have been installed by the developer and an Ordinance is required for enforcement.

Councilmember Barnes-Tilley questioned if this went before the Plan Review Committee. Fulgham stated that is did. Councilmember Barnes-Tilley questioned if the plans met the criteria. Fulgham stated that is did meet all requirements and criterias.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve an Ordinance on its first reading for the placement of stop signs at multiple street intersections within the Ralston Creek Subdivision with changes presented.

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

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

12. Discuss and Possibly Act Upon a Request for a Noise Variance from the Brenham Maifest Association for the Maifestival Events to be Held on May 2, 2014 from 6:00 p.m. – Midnight, May 3, 2014 from 6:00 p.m. – Midnight, and May 4, 2014 from Noon - 6:00 p.m. at Fireman’s Park and Authorize the Mayor to Execute Any Necessary Documentation

Deputy City Secretary Amanda Klehm presented this item. Klehm advised that she laid a revised motion around the Dias because the Saturday request is for noon-midnight instead of 6pm-midnight. Klehm stated Arlen Thielemann with the Brenham Maifest Association is requesting a Noise Variance for concerts at Fireman’s Park from May 2-4, 2014; Friday is 6pm-midnight, Saturday is noon-midnight, and Sunday is noon-6pm. Klehm advised that they will have a bands and a sound amplification system, which require a Noise Variance. Klehm stated the Brenham Police Department and the Brenham Fire Department have approved the noise variance request.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve a request for a noise variance from the Brenham Maifest Association for the Maifestival Events to be held on May 2, 2014 from 6:00 p.m. – midnight, May 3, 2014 from noon – midnight, and May 4, 2014 from noon - 6:00 p.m. at Fireman’s Park and authorize the Mayor to execute any necessary documentation.

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

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

13. Discuss and Possibly Act Upon a Request for a Noise Variance from CASA for Kids for a Child Abuse Awareness Walk and Balloon Release to be Held on April 26, 2014 from 9:00 a.m. – Noon in the Gazebo Located at the Washington County Courthouse and Authorize the Mayor to Execute Any Necessary Documentation

Deputy City Secretary Amanda Klehm presented this item. Klehm stated Julie Overstreet with CASA for Kids for a Child Abuse Awareness Walk and Balloon Release to be held on April 26, 2014 from 9:00 a.m. – Noon in the Gazebo at the Washington County Courthouse. Klehm advised that they will have a sound amplification system, which requires a Noise Variance. Klehm stated the Brenham Police Department and the Brenham Fire Department have approved the noise variance request.

Councilmember Herring questioned if they would be closing any streets and would the police be involved. Phelps explained COPs will be available to help them cross the street to get to Vulcan from Brookshire Brothers parking lot and they will be around the event.

Councilmember Goss questioned the route of the walk. Klehm stated they will go from Courthouse to Fireman’s Park and back to the Courthouse.

Councilmember Herring questioned if there would be a band. Klehm advised that she is not aware of them having a band. Klehm stated the need for the Noise Variance was due to them wanting to use a microphone to announce the route and give information to the walk participants.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve a Request for a Noise Variance from CASA for Kids for a Child Abuse Awareness Walk and Balloon Release to be held on April 26, 2014 from 9:00 a.m. – noon in the Gazebo located at the Washington County Courthouse and authorize the Mayor to execute any necessary documentation.

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

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

WORK SESSION

14. Discussion and Presentation Regarding Proposed Lane Striping Modifications on South Market Street

City Engineer Grant Lischka presented this item. Lischka stated in conjunction with the Chappell Hill Street Extension, and related signal construction at South Market Street, striping modifications will be needed on South Market Street. Lischka explained that TxDOT has recommended restriping the existing 4-lane undivided section to a 2-lane section with a center turn lane. Lischka advised that himself and Jones and Carter, Inc., have prepared several alternatives for TxDOT to review. Lischka stated that representatives from Jones and Carter, Inc. and TxDOT were present at the meeting to discuss the feasibility of the options and to answer any questions Council may have. Lischka explained that in addition to restriping the area near the Chappell Hill Street Intersection, Staff would also like Council’s input on striping modifications along the remaining portions of South Market Street between Stone Street and U.S. 290.

Representatives of TxDOT were presented and stated that they are in favor of Option 1. Citizen William Krueger stated the City of Brenham needs to discuss Chappell Hill Street traveling west into Stone Street because modifications to those streets will be at the City’s cost, while heading east back to 290 would be at TxDOT’s cost.

15. Discussion and Presentation Regarding the City of Brenham's Possible Participation in TxDOT's Turnback Program or Similar Program Concerning Conveyance of TxDOT Right-of-Way to the City of Brenham

City Engineer Grant Lischka presented this item. Lischka stated City staff has been approached by TxDOT regarding the maintenance and ownership of FM 389. Lischka advised that currently TxDOT maintains the entire length of FM 389 within the City limits. Lischka explained that Prairie Lea Street from U.S. Hwy 290 to College Avenue and College Avenue from Prairie Lea Street to Business Hwy 36 (South Day Street) are currently maintained by TxDOT as FM 389. Lischka stated outside of U.S. Hwy 290, FM 389 travels in a westerly direction out of the City, intersections with FM 332 and then continues on. Lischka explained the length of roadway inside and outside of U.S. Hwy 290 (up to FM 332) is approximately 6,600' and 3,600' respectively, which comes to a total of approximately 2 miles. Lischka stated that inside U.S. Hwy 290, the road is a curb and gutter section, while outside it is a 2-lane open ditch section. Lischka explained that while in discussions with TxDOT, they have tentatively offered to upgrade the section outside of U.S. Hwy 290 to a curb and gutter, 2-lane with center turn lane section. Lischka advised that as a condition of the upgrade, TxDOT would like to turn over ownership and maintenance responsibilities to the City for the entire length from FM 332 to South Day Street. Lischka stated that Staff would like Council's input on whether the City should pursue this option. Lischka advised that in addition to FM 389, Staff would like Council's input on other TxDOT roadways within the City limits and whether similar arrangements should be pursued. Lischka stated that the City of Brenham would take over the roadway and TxDOT would fund the project; however, this adds mileage to the road maintenance. Lischka stated the City of Brenham currently has 80 miles of road.

Mayor Tate questioned how long is the road from FM 332 to the Loop and inside the Loop to Business 36. Lischka stated it is approximately two miles of road. City Manager Terry Roberts stated the project consists of curb and gutter as well as a three-lane road. Roberts explained this is a project to consider and expressed the good opportunity for negotiations this project presents due to the guidelines being less strict. Mayor Tate questioned if the intersection on the bridge crossing over US Highway 290 and intersecting FM 389 would remain the same or would it be included in the improvements. TxDOT Representative Mark Shafer stated TxDOT has no plans to change that bridge at this point. Shafer explained TxDOT will maintain the 290 right-of-way from outside the frontage road to outside the frontage road.

TxDOT Representative Chad Bohne explained that TxDOT would approach this project the same way as the Turnback Program is set up. Bohne advised they will look at the pavement, but with the urban roadway being new, there should be no cost for maintenance for at least two years. Councilmember Goss questioned if there were any pros and cons for accepting Prairie Lea Street for the Tom Green extension. Lischka explained that preliminary studies have been done to take Tom Green Street and extend with grade separation while tying it into Prairie Lea Street. Lischka stated the City will need a driveway permit from TxDOT to tie into FM 389; however, if the City takes over FM 389, this can be done internally without having to submit paperwork to TxDOT.

Councilmember Goss questioned if the City could change the traffic patterns on FM 389 if they took it over. Lischka stated if the road is under state control, it must be approved by the state, but if the City of Brenham owns the roadway, then the City can make the decision. Bohne explained if the City takes over, TxDOT will pass over the right-of-way and maintenance on FM 389, which includes striping, lights, modifications, and the likes, none of which would involve TxDOT. Councilmember Goss stated on the other side of the coin, the City of Brenham will be responsible for everything for control of the right-of-way. Lischka stated the City taking over the right-of-way eliminates the review and approval process for permits and licenses from TxDOT.

Councilmember Herring questioned if the improvements outside of Highway 290 on FM 389 would be included in the project. Bohne explained that TxDOT shouldn't need any other right-of-ways. Bohne advised they will make it an urban roadway and address multi-mode road. Bohne stated TxDOT will make the investment and then will hand it over to the City of Brenham or they will do pavement rehabilitation. Bohne explained the project will encompass a curb and gutter system with storm drain.

Councilmember Goss questioned in the event of an agreement, what is the time frame for the project. Bohne stated 2016 is the time slotted for this project, so roughly a year and a half to two years from now. Councilmember Goss questioned if the project would be done to the upgraded standards. Bohne stated yes, it would be. Councilmember Barnes-Tilley questioned that there would be no maintenance to the road for two years. Bohne explained typically the needed maintenance is far further expected, but no maintenance passed the initial two years. Councilmember Barnes-Tilley questioned the amount of the additional maintenance costs. Lischka stated there would be additional maintenance costs because the City would be adding two miles of road to the maintenance road list. Lischka explained TxDOT streets are in much better shape than others in the City. Lischka advised the maintenance costs would be no more cost than residential streets. Mayor Tate questioned if there would be any maintenance to the road in the first two years. Lischka explained Staff would do a mill and overlay or just overlay on the road in 20-25 years depending on how it holds up. Lischka advised that the road would need to be crack sealed in 5-10 years. Lischka stated if they used hot mix, it would need preventive maintenance every 5-7 years.

Roberts stated this is a significant project that the City may be willing to do. Roberts explained that the details need to be worked out, but it is worth discussing. Bohne explained the project would cost approximately \$2.5 million dollar to go from Highway 290 to FM 332. Mayor Tate agreed the project is something worth looking into.

Councilmember Ebel questioned if the project would help with the traffic flow. Lischka stated that yes, the additional lane which would be designated for turning would help. Mayor Tate advised Staff to work with TxDOT on this project.

Lischka explained there are 13 miles of road within the Loop of state roadway including FM 389. Lischka advised the roads highlighted in yellow on the map, the City would like to consider taking over from TxDOT. Roberts explained the map is a scope of potential, but would increase the road mileage by 15% on roads heavily traveled. Lischka advised on South Market Street there are six signal lights going North, 1 light on Alamo Street, and 1 light on Blinn Boulevard/Main Street. Lischka explained if the City took over right-of-ways from TxDOT, then the City would be responsible for the lights; however, he stated TxDOT has contractors that maintain the lights.

Councilmember Goss questioned if the project will be brought up to today's standard for curb and gutter, sidewalks, and the like. Lischka stated, as of now, no additional projects have been proposed by TxDOT. Mayor Tate stated the City should try this project first before expanding to additional roadways. Assistant City Manager Kyle Dannhaus stated taking over the roadways is not just considering the maintenance costs, but also the fact that the City will also take over right-of-ways. Dannhaus explained the sign Ordinance issues would be in the City's control instead of dealing with the state. Mayor Tate stated, at this point, the City is open for discussion on the project. Dannhaus advised the City would benefit from taking over roadways from TxDOT, but maintenance costs is a legitimate concern. Dannhaus explained the City already does some maintenance with the agreement with TxDOT. Mayor Tate advised Staff should look at costs and benefits. Fulgham stated if the City could cherry pick the streets Staff would like to take over from TxDOT, then this would be a good deal. Lischka advised that any city over 50,000 popular has to maintain their own signal lights. Councilmember Barnes-Tilley questioned if the City does consider taking over other roadways, what is the biggest concern that could be beneficial to the City. Lischka stated Staff would need to look at which roads would be the most beneficial to the City.

16. Discussion and Presentation Regarding Sanitary Sewer Improvements in the Brenham Business Center

City Engineer Grant Lischka presented this item. Lischka stated Continuing development within the Brenham Business Center (BBC) necessitates upgrades to the City's sanitary sewer system. Lischka advised that in order to provide sanitary sewer service to developments in the southern portion of the BBC, a lift station will be required. Lischka explained that considering that it is difficult to anticipate future development (and the related demand on the sanitary sewer system), Staff feels that installing a small lift station is the prudent choice. Lischka stated the estimated cost of the lift station and related gravity main and force main is \$20,000.

Public Utilities Director Lowell Ogle stated the City can install the small grinder pump in house and can move it later if it is needed somewhere else in the future.

Mayor Tate questioned about the system for Brenham Saddle Shop area. Lischka stated they are currently served in a different direction. Lischka explained it is cost prohibitive to move lift station any further downstream at this point. Roberts stated this would come back as a budget amendment to the Wastewater Fund.

Mayor Tate questioned the time table for this project. Lischka advised Staff will install before September or by the end of the budget year. Councilmember Goss questioned where this project will go in the budget. Ogle stated the funds will come from the Wastewater Fund and they may be able to cover the project in the current budget; otherwise, it will come back as a budget amendment.

17. Presentation and Discussion Regarding the Possible Sale of Various Parcels of Land Located Along Old Mill Creek Road

City Engineer Grant Lischka presented this item. Lischka stated that in the late 1990's, the City acquired several tracts of land adjoining Old Mill Creek Road from the Union Pacific Railroad. Lischka explained that at the time, the railroad had been abandoned and the City had no need for the property, other than to have a place to dispose of excavated material. Lischka explained that Staff has reevaluated the need for the property and has concluded that the best use of the property would be to turn it into developable residential lots and sell them. Lischka stated that if the City were to go in this direction, a minimum of 60' of right-of-way would be set aside for Old Mill Creek road before any property were sold off.

Councilmember Herring questioned why the City doesn't want driveways on a collector street. Lischka explained the City wants to limit driveway access. Fulgham stated the creation of lots will help stabilize the neighborhood because it will have lots with new homes on them. Fulgham explained City Ordinance prohibits residential driveways on arterial streets (Old Mill Creek Road). Lischka stated the driveway would not meet the 115 foot minimum. Councilmember Goss questioned if the current was not standard widths, but could be if they were brought up to standards with curb and gutters. Lischka advised they would need to be 39 feet from front to back, which a minimum of 60 feet right-of-way.

Dannhaus stated the left right-of-way to extend Dixie Street is an option, but there is a lot of controversy from residents in that area to push Dixie Street through. Dannhaus explained the City is leaving that option open at this time, but the residents do not like that option.

Councilmember Williams questioned what the City's options for the land are. Dannhaus stated there are not a lot of options to be able to get rid of the land and put it back on the tax rolls. Lischka stated the corner lot is approximately one acre, but the problem with the lot is that it is on the corner of two collector streets and the City doesn't want the property to have a residential driveway, so the only possibility is for commercial or talk to the adjacent property owner for possible land sale. Roberts stated there is some interest in the property from the adjacent property owner, but he is interested in swapping land in other areas to acquire that property. Mayor Tate advised for Staff to come up with some options and bring back to Council.

18. Administrative/Elected Officials Report

Administrative Services Manager Wende Ragonis reported on the following:

- They had 7 community input meetings, 2 meetings were publicized to citizens and 5 meetings were input focused for the Parks Master Plan. Ragonis stated they are compiling data and input because there was a diverse input from the meetings. They are taking it to the Parks Advisory Board to review the data and put it into the Parks Master Plan then it will come back to Council.
- The Library has been closed to the public since last Thursday.
- HR, Utility Services, and Purchasing have been relocated.
- The Library will begin moving next week and will reopen at City Hall on May 12th. They contracted with a company to move the Library to City Hall.

City Manager Terry Roberts reported on the following:

- A memo from Carolyn Miller is laid around the Dias for changes to the Pre-Budget Workshop, which will now be held on June 5, 2014 at 8:30am.
- June 5th – Planning & Zoning joint meeting with Council.
- May 1st and May 15th – Annexation Public Hearings
- Library Advisory Board is working with the architect. They met with the Fortnightly Ladies on funding to answer their questions.
- Rex Phelps and the Animal Shelter Task Force are working with the architect and continuing to fundraise.
- The ILA Task Force met this week and they are shooting for a decision in June on take over either October 2014 or October 2015 due to Truth and Taxation Laws.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 6

DATE OF MEETING: May 15, 2014		DATE SUBMITTED: May 12, 2014	
DEPT. OF ORIGIN: Development Services		SUBMITTED BY: Julie Fulgham	
MEETING TYPE:		CLASSIFICATION:	
<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: Proposed Annexation of Four Areas of Land into the City Limits and Explanation of Service Plan for Each Area Proposed for Annexation			
Section 2014-1:	Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burleson Street; tracts with frontage along State Highway 36th North and Dixie Street; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the ‘cloverleaf’ intersection of Highway 290 West and State Highway 36 North.		
Section 2014-2:	Approximately 30.512 acres of land situated in Washington County, Texas, out of the John Carrington Survey, Abstract No. A0120, generally consisting of tracts with frontage along the western right-of-way line of State Highway 36 beginning at the current City limits and proceeding in a southerly direction to approximately Anderson Lane (located on the eastern side of State Highway 36 North).		
Section 2014-3:	Approximately 45.366 acres of land situated in Washington County, Texas, out of the Isaac Lee Survey, Abstract No. A0077, generally consisting of tracts that abut the current City limits between South Blue Bell Road and Tiaden Lane and tracts that abut US Highway 290 East from Blue Bell Road to approximately 500 feet east of Tiaden Lane.		
Section 2014-4:	Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard.		

SUMMARY STATEMENT: Public hearing as required by state law to hear comments regarding annexation. The service plan is attached and will be made available to the public during these public hearings.
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:
ALTERNATIVES (In Suggested Order of Staff Preference): N/A
ATTACHMENTS: (1) Service Plan; (2) Properties Spreadsheet; (3) Annexation Map – Section 2014-1; (4) Annexation Map – Section 2014-2; (5) Annexation Map – Section 2014-3; and (6) Annexation Map – Section 2014-4
FUNDING SOURCE (Where Applicable): N/A
RECOMMENDED ACTION: Discussion only.
APPROVALS: Terry K. Roberts

2014 ANNEXATION SERVICE PLAN

SERVICE PLAN FOR 2014 ANNEXATION AREAS

Upon annexation of the areas identified on maps within Exhibit A, the City of Brenham will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION

1. Police Protection

The City of Brenham, Texas and its Police Department will provide police protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed areas.

2. Fire Protection Services

The City of Brenham, Texas and its Fire Department will provide fire protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas. The Fire Department will have the responsibility to respond to all dispatched calls and requests for service or assistance within the newly annexed areas.

3. Maintenance of Water and Wastewater Facilities

Any and all water or wastewater facilities owned, operated or maintained by the City of Brenham Public Utilities at the time of the annexation shall continue to be maintained by Public Utilities. Any and all water and wastewater facilities which may be acquired subsequent to the annexation of the proposed areas shall be operated and maintained by the City's Public Utilities Department to the extent of the City's ownership. The now existing water and wastewater mains at existing locations shall be available for the point of use extension based upon the City's standard extension policy now existing or as may be amended. On-site sewage systems may be maintained in accordance with the City Code of Ordinances and other applicable regulations.

4. Solid Waste Collection

The City of Brenham, Texas, or its authorized franchisees, collect solid waste and refuse within the corporate limits of the City. Solid waste collection will be provided to citizens in the newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed areas. The City may negotiate with annexed areas to allow continued services with an existing solid waste management provider. After the second

anniversary of the annexation date, the City will impose solid waste collection fees and provide the service. If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is received from the community association or individual property owners. The City will then impose solid waste collection fees and provide the service. Garbage collection locations shall be subject to the approval of the Sanitation Superintendent. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

5. Maintenance of Roads and Streets

Any and all public roads, streets or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed areas. Private roads will remain under private ownership until dedicated to and accepted by the City, and as such shall be maintained by the owner.

6. Maintenance of Parks, Playgrounds, and Swimming Pools

The City of Brenham, Texas is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas of annexation. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas. Private facilities will remain under private ownership and as such, shall be maintained by the owner.

7. Maintenance of any Publicly Owned Facility, Building or Municipal Service

The City of Brenham, Texas is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas.

8. Other Services

The City of Brenham, Texas finds and determines that such services as planning, code enforcement, animal control, library, parks and recreation, municipal court and general administration will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed areas.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE SUBSTANTIALLY COMPLETE WITHIN 2 ½ YEARS

The City of Brenham will provide full municipal services in the annexed areas no later than 2-1/2 years after the effective date of the annexation unless certain services cannot reasonably be provided within that period. In the event the services cannot be provided within 2-1/2 years, the City will propose a schedule for providing those services, and will include a list of all services to be provided under the plan and a schedule to extend the period for providing certain services. The schedule will provide for the provision of full municipal services no later than 4-1/2 years after the effective date of the annexation.

1. Police and Fire Protection and Solid Waste Collection

The City of Brenham, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Brenham, Texas with like topography, land use and population density as those found within the newly annexed areas.

2. Water and Wastewater Facilities

The City of Brenham finds and determines that there is sufficient capacity for water and wastewater to provide services to the annexed areas pursuant to Public Utilities' extension policies. The construction of any capital improvements necessary to extend water and wastewater services to an annexed area will be substantially complete within 2-1/2 years after the effective date of the annexation unless said time period is extended pursuant to Chapter 43 of the Texas Local Government Code, as amended.

3. Roads and Streets

The City of Brenham, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas.

4. Maintenance of Parks, Playgrounds, and Swimming Pools and any Other Publicly Owned Facility, Building, or Service

The City of Brenham, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

SPECIFIC FINDINGS

The City of Brenham, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation areas' topography, land utilization and population density, the service levels to be provided in the newly annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

TERMS

This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of Brenham.

LEVEL OF SERVICE

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

AMENDMENTS

The service plan shall not be amended except in accordance with Chapter 43 of the Texas Local Government Code.

PROP_ID	OWNER	Legal Description	ACRES	Site Address
Section 1				
R12496	SUROVIK, MARIE	A0031 A0031 - Coe, Phillip, TRACT 200, ACRES 15.37	15.37	1030 DIXIE RD, BRENHAM, TX 77833
R63452	MASON, VIVIAN R TRUSTEE	A0031 A0031 - Coe, Phillip, TRACT 8, ACRES 33.27, (Part of 33.77 ac)	33.27	2600 HWY 290 W, BRENHAM, TX 77833
R12263	SMITH, CHARLOTTE B.	A0031 COE, PHILLIP, TRACT 17, ACRES 8.691	8.691	100 WESTWOOD LN, BRENHAM, TX 77833
R12394	MYRICK, LOREA	A0031 COE, PHILLIP, TRACT 116, ACRES 4.09	4.09	270 WESTWOOD LN, BRENHAM, TX 77833
R12497	H & H AGRI-SERVICES, INC	A0031 COE, PHILLIP, TRACT 201, ACRES 1.5	1.5	1409 HWY 36 N, BRENHAM, TX 77833
R12507	SMITH, CHARLOTTE B.	A0031 COE, PHILLIP, TRACT 211, ACRES 45.73	45.73	HWY 290 W
R12539	ENGELING, MARY (RTL)	A0031 COE, PHILLIP, TRACT 241, ACRES 1.22	1.22	364 WESTWOOD LN, BRENHAM, TX 77833
R12572	RECONVERSION TECHNOLOGIES OF TEXAS, INC	A0031 COE, PHILLIP, TRACT 287, ACRES 18.038	18.038	1709 HWY 36 N, BRENHAM, TX 77833
R12574	BROWN, TOMMY A	A0031 COE, PHILLIP, TRACT 289, ACRES 1.718	1.718	350 WESTWOOD LN, BRENHAM, TX 77833
R12584	ZIENTEK, ALOIS	A0031 COE, PHILLIP, TRACT 300, ACRES 9.61	9.61	2609 ZIENTEK LN, BRENHAM, TX 77833
R12598	LAND, CLAIRE K	A0031 COE, PHILLIP, TRACT 314, ACRES 0.89	0.89	360 WESTWOOD LN, BRENHAM, TX 77833
R44406	ZIENTEK, ALOIS	A0031 COE, PHILLIP, TRACT 382, ACRES 3.625	3.625	2601 ZIENTEK LN, BRENHAM, TX 77833
R47725	RECYCLED PRODUCTS CORPORATION	A0031 COE, PHILLIP, TRACT 394, ACRES 1.964	1.964	1709 HWY 36 N, BRENHAM, TX 77833
R52083	BRANNON INDUSTRAIL GROUP, LLC	A0031 COE, PHILLIP, TRACT 401, ACRES 10.00	10	CONFEDERATE LN, BRENHAM, TX 77833
R12307	CHOYCE, JOHN L ETUX	A0031 COE, PHILLIP, TRACT 51, ACRES 6.899	6.899	1150 DIXIE RD, BRENHAM, TX 77833
R12337	RODRIGUEZ, MONICA PEREZ &	A0031 COE, PHILLIP, TRACT 71, ACRES 0.524	0.524	340 WESTWOOD LN, BRENHAM, TX 77833
R14547	BRINKMEYER, WILLIE & MARGARET	A0055 A0055 - Harrington, Arrabella, TRACT 228, ACRES 1, (Part of 5.27 ac)	1	1620 BURLESON ST, BRENHAM, TX 77833
R14552	HORAK, MARY K	A0055 A0055 - Harrington, Arrabella, TRACT 231, ACRES 0.878, (Part of 5.878 ac)	0.878	1726 BURLESON ST, BRENHAM, TX 77833
R14554	HUGO, RITA	A0055 A0055 - Harrington, Arrabella, TRACT 233, ACRES 1, (Portion of 5 ac)	1	1526 BURLESON ST, BRENHAM, TX 77833
R14555	KRAUSE, DANIEL C.	A0055 A0055 - Harrington, Arrabella, TRACT 234, ACRES 0.25, (Part of 5 ac)	0.25	1656 BURLESON ST, BRENHAM, TX 77833
R14461	ALBERS, CARL W ETAL	A0055 HARRINGTON, ARRABELLA, TRACT 138, ACRES 88.06	88.06	1856 STRANGMEIER RD, BRENHAM, TX 77833
R14489	KUGEL, FREDERICK C.	A0055 HARRINGTON, ARRABELLA, TRACT 164, ACRES 4.70	4.7	3111 TERRIER HILL LN, BRENHAM, TX 77833
R36693	BRINKMEYER, WILLIE & MARGARET	A0055 HARRINGTON, ARRABELLA, TRACT 168, ACRES 1.682	1.682	BURLESON ST, BRENHAM, TX 77833
R14499	SCHULZE, BENTON LAND & CATTLE CO , LLC	A0055 HARRINGTON, ARRABELLA, TRACT 175, ACRES 4.837	4.837	2150 HWY 36 N, BRENHAM, TX 77833
R14512	TEGELER, LARRY	A0055 HARRINGTON, ARRABELLA, TRACT 193, ACRES 6.393	6.393	HWY 36 N, BRENHAM, TX 77833
R14529	ZIENTEK, ALOIS	A0055 HARRINGTON, ARRABELLA, TRACT 209, ACRES 7.07, INCLUDES MOBILE HOME PARK	7.07	2400 ZIENTEK LN, BRENHAM, TX 77833
R14629	SCHMIDT, ALAN & MEGAN	A0055 HARRINGTON, ARRABELLA, TRACT 308, ACRES 1.78	1.78	2001 HWY 36 N, BRENHAM, TX 77833
R14407	HUGO, RITA	A0055 HARRINGTON, ARRABELLA, TRACT 94, ACRES .878	0.878	
			Total Acres	281.667
Section 2				
R62492	A-ALLSORTS STORAGE	A0120 A0120 - Carrington, John, TRACT 160, ACRES 4.486, (Kobs Division, Tract 2C - Plat 583A)	4.486	4040 HWY 36 S, BRENHAM, TX 77833
R63181	HOLUM, DEVIN L & AYLEN C	A0120 A0120 - Carrington, John, TRACT 161, ACRES 2.918, (Kobs Division, Tract 2A - Plat 583A)	2.918	4024 HWY 36 S, BRENHAM, TX 77833
R63182	NICHOLS, DOUGLAS L JR ETUX	A0120 A0120 - Carrington, John, TRACT 162, ACRES 2.663, (Kobs Division, Tract 2B - Plat 583A)	2.663	4030 HWY 36 S, BRENHAM, TX 77833
R52498	STOLZ, ALLEN R ETUX	A0120 CARRINGTON, JOHN, TRACT 145, ACRES 4.00	4	3900 HWY 36 S, BRENHAM, TX 77833
R55143	MONCRIEFF, ALBERT & ELEN PHARR Article 6 Family Trust	A0120 CARRINGTON, JOHN, TRACT 147, ACRES 7.24	7.24	4120 HWY 36 S, BRENHAM, TX 77833
R19803	MAURER, BARBARA &	A0120 CARRINGTON, JOHN, TRACT 24, ACRES 6.00	6	3820 HWY 36 S, BRENHAM, TX 77833
R19845	LADEWIG, DELBERT & HELEN	A0120 CARRINGTON, JOHN, TRACT 51, ACRES 0.5	0.5	3750 HWY 36 S, BRENHAM, TX 77833
R19860	AVERITT, W D &	A0120 CARRINGTON, JOHN, TRACT 64, (KOB'S DIVISION TRACT 1), ACRES 2.125	2.125	3950 HWY 36 S, BRENHAM, TX 77833
R19875	MORRIS, MACK W	A0120 CARRINGTON, JOHN, TRACT 77, ACRES 0.58	0.58	3720 HWY 36 S, BRENHAM, TX 77833
			Total Acres	30.512
Section 3				
R16792	BECKENDORF, ALAN J	A0077 LEE, ISAAC, TRACT 126, MH SERIAL # TXCTC015631A, TITLE # 01173406, LABEL # NTA1082032, ACRES 0.865	0.865	2430 HWY 290 E, BRENHAM, TX 77833
R46182	STEPHENS, CASEY P &	A0077 LEE, ISAAC, TRACT 162, ACRES 1.372	1.372	2450 HWY 290 E, BRENHAM, TX 77833
R59583	STEPHENS, CASEY P &	A0077 LEE, ISAAC, TRACT 162.1, ACRES 0.709, (0.246 + 0.463 AC)	0.709	HWY 290 E, BRENHAM, TX 77833
R61405	BECKENDORF, JOHN	A0077 LEE, ISAAC, TRACT 177, ACRES 5.2	5.2	TIADEN LN, BRENHAM, TX 77833
R16649	BECKENDORF, F W	A0077 LEE, ISAAC, TRACT 2, ACRES 34.22	34.22	HWY 290 W, BRENHAM, TX 77833
R16705	KLATT, DORIS	A0077 LEE, ISAAC, TRACT 46, ACRES 3	3	2300 TIADEN LN, BRENHAM, TX 77833

Section 4

R12489 WEHMEYER, LILLIAN G (RTL)
R12275 WEHMEYER, A C, JR

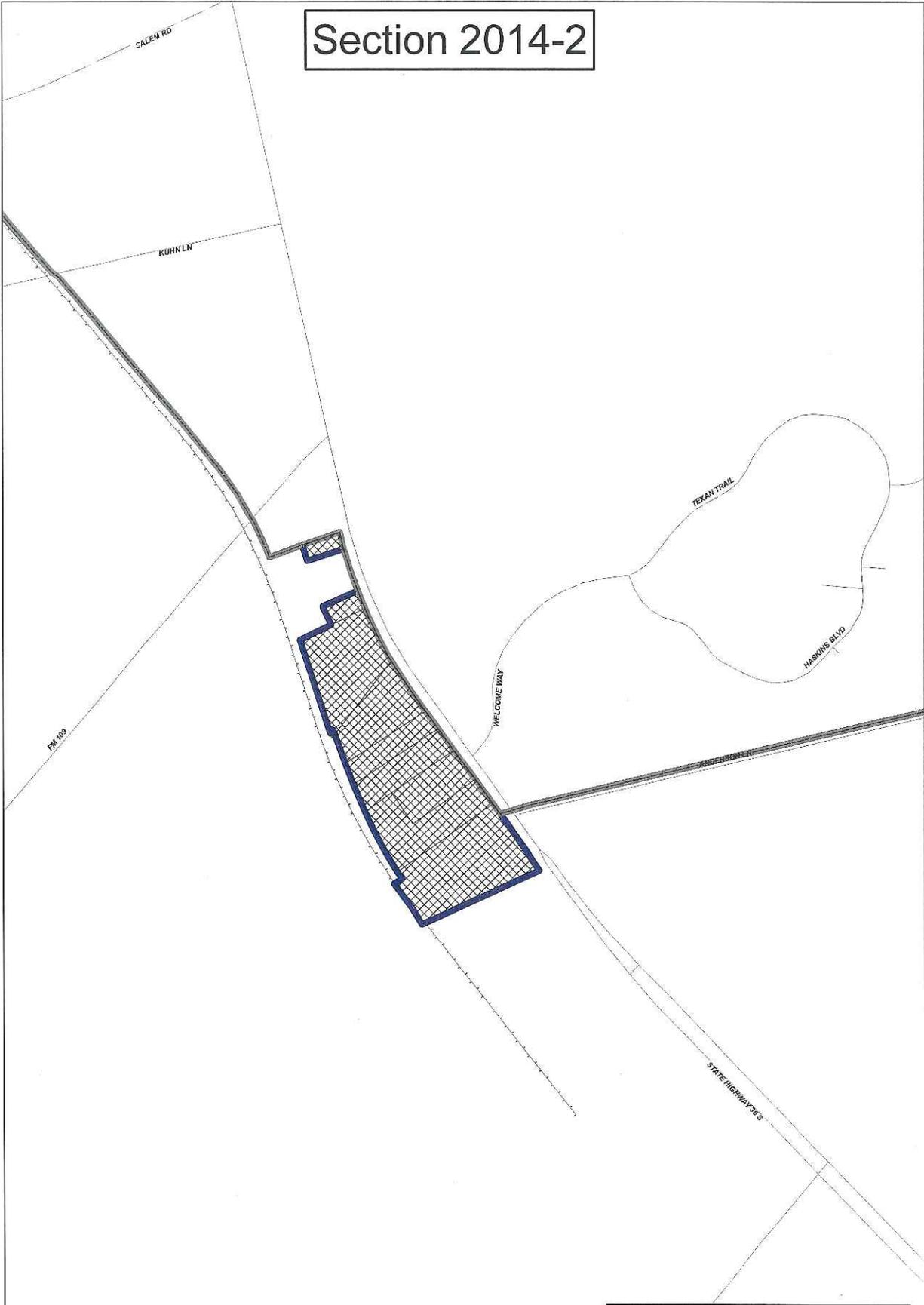
A0031 A0031 - Coe, Phillip, TRACT 196, ACRES 45.457
A0031 COE, PHILLIP, TRACT 27, ACRES 1.00

Total Acres 45.366

45.457 2950 INDUSTRIAL BLVD, BRENHAM, TX 77833
1 2103 FM 389, BRENHAM, TX 77833

Total Acres 46.457

Section 2014-2



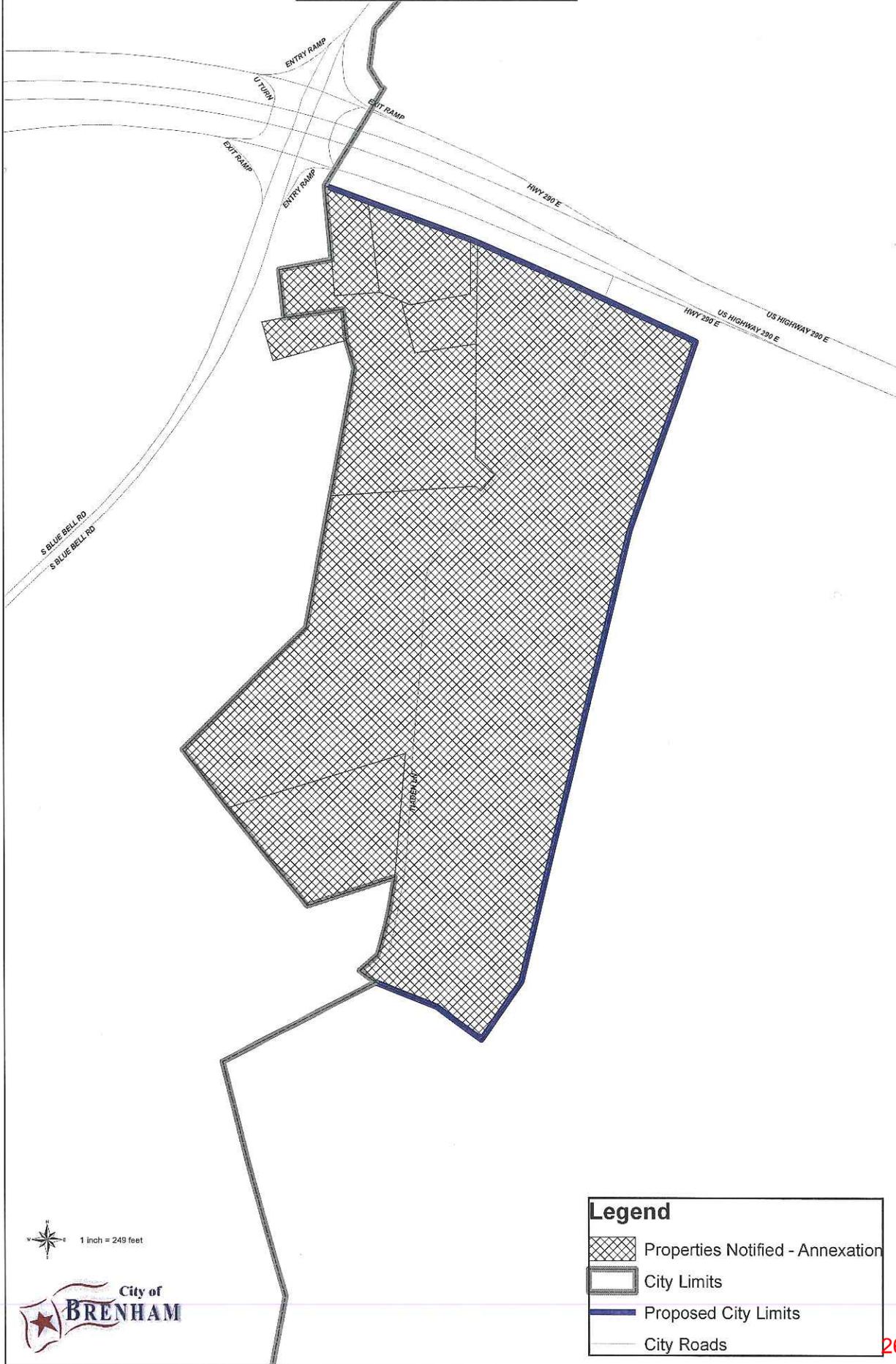
1 inch = 570 feet



Legend

-  Properties Notified - Annexation
-  City Limits
-  Proposed City Limits
-  City Roads

Section 2014-3



1 inch = 249 feet



Legend	
	Properties Notified - Annexation
	City Limits
	Proposed City Limits
	City Roads

Section 2014-4



1 inch = 401 feet



Legend

- Properties Notified - Annexation
- City Limits
- Proposed City Limits
- City Roads



AGENDA ITEM 7

DATE OF MEETING: May 15, 2014	DATE SUBMITTED: May 12, 2014	
DEPT. OF ORIGIN: Finance	SUBMITTED BY: Carolyn D. Miller	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Approval of Ordinance No. O-14-016 Providing for the Issuance and Sale of City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2014; in the Aggregate Principal Amount of \$4,075,000; Levying a Tax in Payment Thereof; Prescribing the Terms and Provision of said Certificates; Awarding the Sale Thereof; and Enacting Other Provisions Relating to the Subject		
SUMMARY STATEMENT: The proceeds from the sale of these Certificates of Obligation will be used for the following purposes: (a)(i) the acquisition of land for the construction of a fire substation and the acquisition of a fire rescue truck and a fire pumper truck for the City; (ii) the construction and equipping of a new City animal shelter; and (iii) the expansion, renovation and equipping of the City library (collectively, the “Project”); and (b) to pay professional services of attorneys, engineers, financial advisors and other professionals in connection with the Project; and to pay the costs associated with the issuance of the Certificates. The City’s financial advisor, Garry Kimball of Specialized Public Finance, will bring a presentation summarizing the official bids for the sale of the bonds. Bond counsel, Glenn Opel of Bracewell & Giuliani, will also bring the Ordinance complete with pricing. <u>An ordinance involved with financing only requires a single reading.</u>		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS:		
FUNDING SOURCE (Where Applicable): Debt Service Fund		

RECOMMENDED ACTION: Approve Ordinance No. O-14-016 of the City of Brenham, Texas, Authorizing the Issuance and Sale of City of Brenham, Texas, Certificates of Obligation, Series 2014.

APPROVALS: Terry K. Roberts



AGENDA ITEM 8

DATE OF MEETING: May 15, 2014	DATE SUBMITTED: May 12, 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 checked="" 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-14-017 on Its Second Reading Authorizing the Abandonment of the Unimproved Right-of-Way as Shown on the Ewing Subdivision Plat and Located Near the Intersection of Old Chappell Hill Road and Carrington Lane in Brenham, Texas		
SUMMARY STATEMENT: Donald Boecker, Ernest Lott, Peggy Williams, Danny Wilson, and Mabel Wills own property that abuts an unimproved right-of-way named Ewing Street on the W. R. Ewing subdivision plat filed on April 12, 1919. All property owners listed above also have frontage on Carrington Lane or Old Chappell Hill Road. These property owners have submitted a request to abandon this unimproved right-of-way, as depicted on Exhibit "A" of the attached ordinance. Staff recommends approving this abandonment subject to a replat being filed to include the abandoned right-of-way as well as the rear yards (and separately platted lots) of the platted lots owned by the requestors being submitted to match property ownership lines. The ordinance will take effect once a subdivision replat meeting this criterion is approved by the Planning and Zoning Commission. This is the second reading of the abandonment. Council wished to delay the second reading until the replat, required of the abandonment, could be prepared. Attached is a copy of the proposed replat. With this abandonment, the Planning and Zoning Commission will consider the proposed replat for approval at their next meeting. The replat meets all applicable ordinances and regulations.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
<p style="margin-left: 40px;">A. PROS: Removes City maintenance responsibilities for this unimproved right-of-way.</p> <p style="margin-left: 40px;">B. CONS:</p>		
ALTERNATIVES (In Suggested Order of Staff Preference): 1. Approve request, 2. Deny request		
ATTACHMENTS: (1) Letters from property owners/requestors and aerial photograph showing property ownership; (2) Ordinance with Exhibit "A" (W. R. Ewing Addition to the City of Brenham); and (3) Proposed replat		
FUNDING SOURCE (Where Applicable): N/A		

RECOMMENDED ACTION: Approve Ordinance No. O-14-017 on its second reading authorizing the abandonment of the unimproved right-of-way as shown on the Ewing Subdivision Plat and located near the intersection of Old Chappell Hill Road and Carrington Lane in Brenham, Texas

APPROVALS: Terry K. Roberts

DONALD L. BOECKER
500 NORTH BERLIN ROAD
BRENHAM, TEXAS 77833
979-830-5853

April 10, 2013

Attn: Julie Fulgham
City of Brenham, Texas

The property owners request an abandonment and replat of the unimproved right of way between lots 1 – 13 and 14-26 in the middle of the W. R. Ewing Addition Plat.

The unimproved right of way runs south of Chappell Hill Street and West of and parallel Carrington Lane on the East side of Brenham.

Respectfully Submitted:





DONALD L. BOECKER
500 NORTH BERLIN ROAD
BRENHAM, TEXAS 77833
979-830-5853

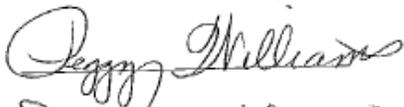
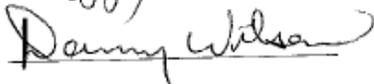
April 10, 2013

Attn: Julie Fulgham
City of Brenham, Texas

The property owners request an abandonment and replat of the unimproved right of way between lots 1 - 13 and 14-26 in the middle of the W. R. Ewing Addition Plat.

The unimproved right of way runs south of Chappell Hill Street and West of and parallel Carrington Lane on the East side of Brenham.

Respectfully Submitted:

 _____
 _____
 _____



1 inch = 80 feet



ORDINANCE NO. O-14-017

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF EWING STREET AS SHOWN ON THE PLAT FOR THE W.R. EWING ADDITION FILED FOR RECORD ON APRIL 12, 1919.

WHEREAS, the City of Brenham has ownership of Ewing Street as shown on the Plat for the W. R. Ewing Addition recorded on April 12, 1919 in the official records of Washington County, Texas; and

WHEREAS, the adjoining property owners have requested the abandonment and closing of Ewing Street; and

WHEREAS, the abandonment and closing of Ewing Street as shown on the plat for the W.R. Ewing Addition will not create an undue burden on traffic; and

WHEREAS, the City of Brenham has no need or use for Ewing Street as shown on the plat for the W.R. Ewing Addition as a public thoroughfare and Ewing Street remains undeveloped and unused; and

WHEREAS, the City Council of the City of Brenham desires to abandon and close the portion of Ewing Street as shown on the plat for the W.R. Ewing Addition as a public thoroughfare being in the best interest of the Citizens of Brenham.

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

SECTION I.

That the portion of Ewing Street as shown on the plat for W.R. Ewing Addition is hereby abandoned and closed as a public thoroughfare.

SECTION II.

This street is currently undeveloped and any existing or future maintenance by the City of Brenham will cease.

SECTION II.

The Mayor of the City of Brenham is hereby authorized to execute any documents necessary for the sale and conveyance of the portion of Ewing Street as shown on the plat for the W.R. Ewing Addition, attached hereto as Exhibit "A" and incorporated herein for all purposes, to the adjoining property owners, after a replat, submitted by said owners, is submitted for approval by the Planning and Zoning Commission.

SECTION IV.

This Ordinance shall take full force and effect from and after its passage and approval on second reading, and approval of a replat which includes the abandoned Ewing Street right-of-way by the Planning and Zoning Commission; however, notwithstanding any other provision herein, this Ordinance shall not be effective unless the Planning and Zoning Commission approves said replat within 120 days from the date of approval of this Ordinance on second reading.

PASSED and **APPROVED** on its first reading this the 11th day of July, 2013

PASSED and **APPROVED** on its second reading this the 15th day of May, 2014.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

EXHIBIT "A"



W.R. Ewing, Mayor East of James Walker League
 Addition to Bearham, Texas



Scale 50 feet to 1 inch

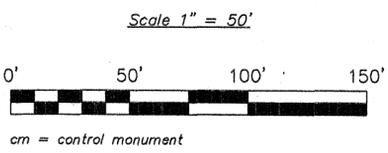
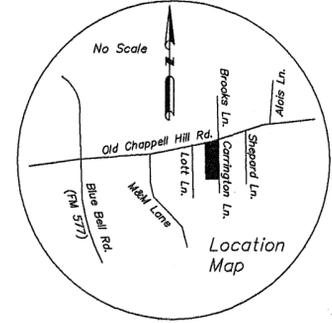
The State of Texas
 County of Washington, Now made man by these presents that of W.R. Ewing
 Mayor of the City of Bearham, Texas, do hereby certify that the above and foregoing
 plat of land is a true and correct copy of the original plat on file in the
 office of the County Clerk of Washington County, Texas, and that the same
 is subject to the provisions of the Act of the Legislature of the State of Texas
 passed at the regular session of 1917, and that the same is subject to the
 provisions of the Act of the Legislature of the State of Texas passed at the
 special session of 1917, and that the same is subject to the provisions of the
 Act of the Legislature of the State of Texas passed at the special session of
 1917, and that the same is subject to the provisions of the Act of the
 Legislature of the State of Texas passed at the special session of 1917.

Witness my hand and seal of office this 12 day of April 1919.
 W.R. Ewing
 Mayor of the City of Bearham, Texas

Attest:
 County Clerk of Washington County, Texas
 J. R. Ewing
 County Clerk of Washington County, Texas
 This is to certify that the above and foregoing plat of land is a true and correct
 copy of the original plat on file in the office of the County Clerk of Washington
 County, Texas, and that the same is subject to the provisions of the Act of the
 Legislature of the State of Texas passed at the regular session of 1917, and that
 the same is subject to the provisions of the Act of the Legislature of the State of
 Texas passed at the special session of 1917, and that the same is subject to the
 provisions of the Act of the Legislature of the State of Texas passed at the special
 session of 1917.

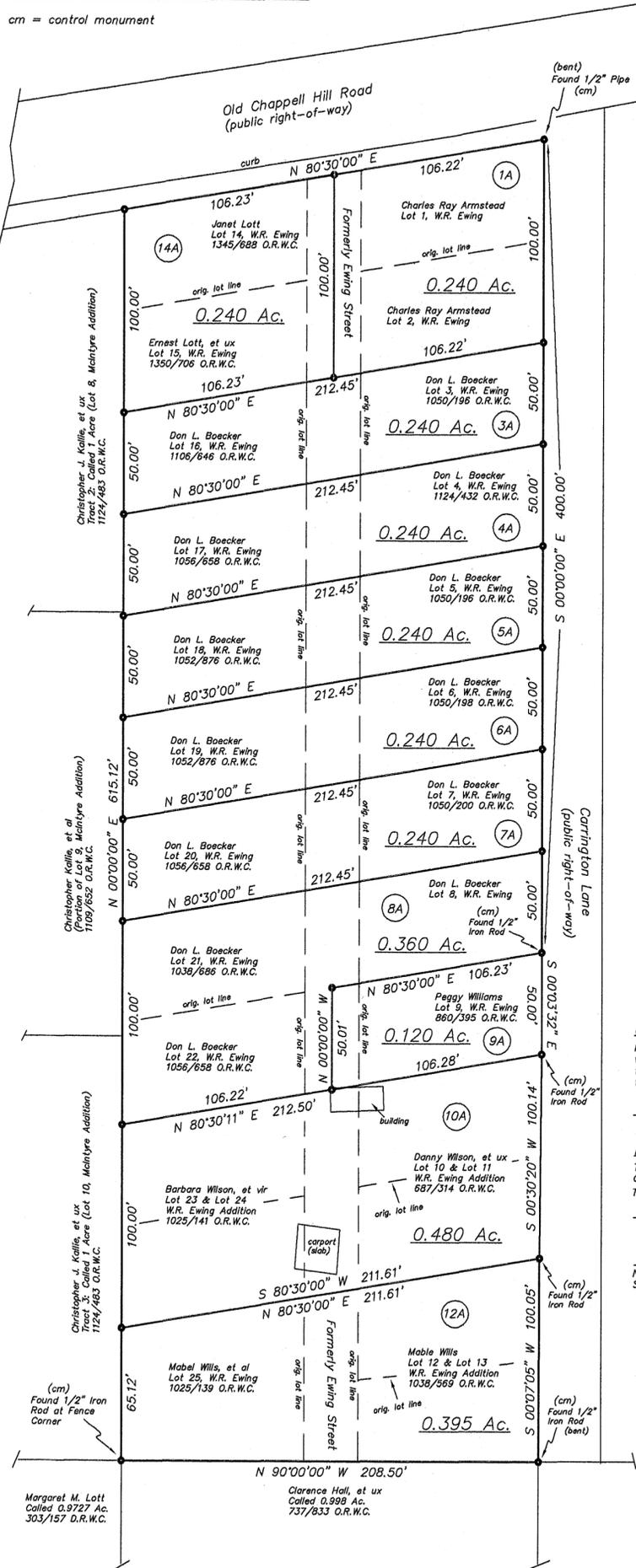
Filed for record April 12, 1919 at 4 o'clock P.M. from map you receive
 Record April 14, 1919 at 11:19 a.m. by S. J. Wainwright

Replat of Lots 1 - 25
in the W.R. Ewing Addition
3.04 Acres
James Walker Survey, A-106
Washington County, Texas
City of Brenham



Survey Map

Showing a survey of a 3.04 acre tract, being Lots 1 through 25 of the W.R. Ewing Addition (plat recorded in Plat Cabinet File No. 9B of the Plat Records of Washington County, Texas), and being all or a portion of Ewing Street, situated in Washington County, Texas, being out of the James Walker Survey, Abstract No. 106, in the City of Brenham.



OWNER'S ACKNOWLEDGEMENT

I, Don L. Boecker, the owner of the land described hereon, whose name is subscribed hereto, do hereby offer, adapt, and acknowledge the subdivision of said property in accordance with the plat shown hereon.

Don L. Boecker

NOTARY PUBLIC ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF WASHINGTON
This instrument was acknowledged before me on this _____ day of _____, 2014 by Don L. Boecker.

Notary Public
State of Texas

Notary's Name (Printed)
Notary's Commission Expires:

OWNER'S ACKNOWLEDGEMENT

We, Ernest Lott and Janet Lott, the owners of the land described hereon, whose name is subscribed hereto, do hereby offer, adapt, and acknowledge the subdivision of said property in accordance with the plat shown hereon.

Ernest Lott

Janet Lott

NOTARY PUBLIC ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF WASHINGTON
This instrument was acknowledged before me on this _____ day of _____, 2014 by Ernest Lott.

Notary Public
State of Texas

Notary's Name (Printed)
Notary's Commission Expires:

NOTARY PUBLIC ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF WASHINGTON
This instrument was acknowledged before me on this _____ day of _____, 2014 by Janet Lott.

Notary Public
State of Texas

Notary's Name (Printed)
Notary's Commission Expires:

OWNER'S ACKNOWLEDGEMENT

I, Charles Ray Armstead, the owner of the land described hereon, whose name is subscribed hereto, do hereby offer, adapt, and acknowledge the subdivision of said property in accordance with the plat shown hereon.

Charles Ray Armstead

NOTARY PUBLIC ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF WASHINGTON
This instrument was acknowledged before me on this _____ day of _____, 2014 by Charles Ray Armstead.

Notary Public
State of Texas

Notary's Name (Printed)
Notary's Commission Expires:

PLANNING AND ZONING COMMISSION APPROVAL

Approved this _____ day of _____, 2014, by the Planning and Zoning Commission of The City of Brenham.

Chairman

Secretary

Notes:

The subject tracts/lots shown hereon do not lie within the Special Flood Hazard Area according to the FEMA Flood Insurance Rate Map for Washington County, Texas, Map Number 48477C0295C, effective date August 16, 2011.

A current title commitment or report was not available or provided to the undersigned surveyor as of the date of this survey, and the undersigned surveyor did not abstract the subject tract.

It is the owners/buyers responsibility to confirm with the City of Brenham what City of Brenham public utilities are provided.

The tracts/lots shown hereon may be subject to front, side, and rear building line requirements as noted in the City of Brenham Zoning Ordinance.

All tract/lot corners shown hereon are marked with Set 5/8" Iron Rods, unless otherwise noted.

OWNER'S ACKNOWLEDGEMENT

I, Peggy Williams, the owner of the land described hereon, whose name is subscribed hereto, do hereby offer, adapt, and acknowledge the subdivision of said property in accordance with the plat shown hereon.

Peggy Williams

NOTARY PUBLIC ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF WASHINGTON
This instrument was acknowledged before me on this _____ day of _____, 2014 by Peggy Williams.

Notary Public
State of Texas

Notary's Name (Printed)
Notary's Commission Expires:

OWNER'S ACKNOWLEDGEMENT

We, Danny Wilson and Barbara Wilson, the owners of the land described hereon, whose name is subscribed hereto, do hereby offer, adapt, and acknowledge the subdivision of said property in accordance with the plat shown hereon.

Danny Wilson

Barbara Wilson

NOTARY PUBLIC ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF WASHINGTON
This instrument was acknowledged before me on this _____ day of _____, 2014 by Danny Wilson.

Notary Public
State of Texas

Notary's Name (Printed)
Notary's Commission Expires:

NOTARY PUBLIC ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF WASHINGTON
This instrument was acknowledged before me on this _____ day of _____, 2014 by Barbara Wilson.

Notary Public
State of Texas

Notary's Name (Printed)
Notary's Commission Expires:

OWNER'S ACKNOWLEDGEMENT

We, Mabel Wills (aka Mable Wills) and Alice Randle, the owners of the land described hereon, whose name is subscribed hereto, do hereby offer, adapt, and acknowledge the subdivision of said property in accordance with the plat shown hereon.

Mabel Wills (aka Mable Wills)

Alice Randle

NOTARY PUBLIC ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF WASHINGTON
This instrument was acknowledged before me on this _____ day of _____, 2014 by Mabel Wills (aka Mable Wills).

Notary Public
State of Texas

Notary's Name (Printed)
Notary's Commission Expires:

NOTARY PUBLIC ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF WASHINGTON
This instrument was acknowledged before me on this _____ day of _____, 2014 by Alice Randle.

Notary Public
State of Texas

Notary's Name (Printed)
Notary's Commission Expires:

COUNTY CLERK FILING ACKNOWLEDGEMENT STATEMENT

I, Beth Rothermel, Clerk of the County Court of Washington County, Texas, do hereby certify that the within instrument was filed with my office on the _____ day of _____, 2014, at _____ o'clock, _____ m., and duly recorded on the _____ day of _____, _____ o'clock, _____ m., in cabinet _____ sheet _____ of the _____ records of said county.

Beth Rothermel
Clerk of the County Court of Washington County, Texas.

By: _____

Certification

KNOW ALL MEN BY THESE PRESENTS: That I, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown hereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Brenham, Texas.

I, Michael J. Blakey, Registered Professional Land Surveyor, do hereby certify that the plat shown hereon represents the results of an on the ground survey made by me on December 5, 2013, and all corners are as shown. There are no conflicts or protrusions apparent on the ground except as shown. This survey was made without the benefit of a current title report which may indicate easements or other encumbrances of record not apparent on the ground.

Michael J. Blakey
Registered Professional Land Surveyor No. 4052

W.O.#2013-2041

Blakey Land Surveying
RPLS 4052 RPLS 5935
4650 Wilhelm Lane
Burton, Texas 77836
(979) 289-3800



AGENDA ITEM 9

DATE OF MEETING: May 15, 2014	DATE SUBMITTED: May 9, 2014	
DEPT. OF ORIGIN: Brenham EDF	SUBMITTED BY: Clint Kolby	
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-14-013 Amending Resolution No. R-14-006 and Modifying the Company Name Shown on the Nomination to the Office of the Governor Economic Development and Tourism for Designation as an Enterprise Project Under the Texas Enterprise Zone Program for Tempur Sealy International, Inc. to Sealy Texas Management, Inc. and Authorize the Mayor to Execute Any Necessary Documentation		
SUMMARY STATEMENT: The corporate office at Tempur Sealy International, Inc. is currently in the process of applying for the Texas Enterprise Zone Program for their proposed expansion here in Brenham, and City Council passed a Resolution to nominate them for this state sales tax incentive at their February 6, 2014 meeting. They have requested that we modify the company name in the Resolution from Tempur Sealy International, Inc. to Sealy Texas Management, Inc.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Resolution No. R-14-013		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Approve Resolution No. R-14-013 amending Resolution No. R-14-006 and modifying the company name shown on the nomination to the Office of the Governor Economic Development and Tourism for designation as an Enterprise Project under the Texas Enterprise Zone Program for Tempur Sealy International, Inc. to Sealy Texas Management, Inc. and authorize the Mayor to execute any necessary documentation.		
APPROVALS: Terry K. Roberts		

RESOLUTION NO. R-14-013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, NOMINATING SEALY TEXAS MANAGEMENT, INC. ("STMI" OR THE "COMPANY"), TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM THROUGH THE TEXAS ECONOMIC DEVELOPMENT BANK FOR DESIGNATION AS AN ENTERPRISE PROJECT UNDER THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, TEXAS GOVERNMENT CODE, CHAPTER 2303; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 18, 2010, the City of Brenham ("City") previously passed Ordinance No. O-10-002 electing to participate in the Texas Enterprise Zone Program, and the local incentives offered under this resolution are the same on this date as were outlined in Ordinance No. O-10-002;

WHEREAS, the Office of the Governor, Economic Development and Tourism ("OOGEDT") through the Texas Economic Development Bank ("Bank") will consider STMI as an Enterprise Project pursuant to a nomination and an application made by the City;

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals;

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (the "Act"), STMI has applied to the City for designation as an Enterprise Project; and

WHEREAS, the City finds that, based upon representations of STMI, that the Company is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction located inside of an enterprise zone and at least twenty-five percent (25.0%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and

WHEREAS, the City finds that STMI further meets the criteria for designation as an Enterprise Project under Chapter 2303, Subchapter F of the Act on the following grounds:

- (1) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and

- (2) The designation of STMI as an Enterprise Project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that STMI meets the criteria for tax relief and other incentives adopted by the City and nominates the Company for enterprise project status on the grounds that it will be located at the qualified business site, will retain a high level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate STMI as an Enterprise Project pursuant to the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS that the findings of the City and its actions approving this resolution taken at the council meeting are hereby approved and adopted.

Section I: The City finds that STMI is a "qualified business", as defined in Section 2303.402 of the Act, and meets the criteria for designation as an Enterprise Project, as set forth in Section 2303, Subchapter F of the Act.

Section II: The City nominates STMI as an Enterprise Project.

Section III: The Enterprise Project shall take effect on June 1, 2014 and terminate on June 1, 2019.

PASSED AND APPROVED on this 15th day of May, 2014.

Milton Y. Tate, Jr.
MAYOR

ATTEST:

Jeana Bellinger, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

Cary Bovey
CITY ATTORNEY



AGENDA ITEM 10

DATE OF MEETING: May 15, 2014	DATE SUBMITTED: May 12, 2014	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Jeana Bellinger	
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 checked="" 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-14-018 on Its Second Reading Amending Chapter 8, Fire Protection and Prevention, Articles I, III and V, of the Code of Ordinances of the City of Brenham		
SUMMARY STATEMENT: At the May 1 st Council meeting, I presented updates to Articles I, III and V of Chapter 8 (Fire Protection and Prevention) in the Code of Ordinance. After further review of these articles as well as Article II that was adopted by Council in February, it was discovered that three different persons/boards would have jurisdiction over appeals: the City Manager (Article III, Section 8-44), the City Council (Article II, Section 8-26), and the Board of Appeals (Section 108 of the International Fire Code, 212 Edition). In an effort to clear up the discrepancies the City Attorney, Cary Bovey, recommended the City Manager hear all appeals related to Chapter 8 and that Articles II and II be amended accordingly. Mr. Bovey also recommended that we enact a local amendment deleting Section 108 from the International Fire Code, 2012 Edition, as adopted by the City. The redlined ordinance included in this packet indicates all of the changes recommended by Mr. Bovey since being approved on first reading at the May 1 st council meeting. As always, I have included a clean version of the ordinance – for easier reading. If you have any questions about any of the changes in the ordinance, please do not hesitate to contact me or Alan Finke.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Redlined version of the ordinance showing the recommended changes since 1 st reading; and (2) A clean version of the ordinance for 2 nd reading.		

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: Approve Ordinance No. O-14-018 on its second reading amending Chapter 8, Fire Protection and Prevention, Articles I, III and V, of the Code of Ordinances of the City of Brenham

APPROVALS: Terry K. Roberts

ORDINANCE NO. O-14-018

Deleted: _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING CHAPTER 8, FIRE PROTECTION AND PREVENTION, ARTICLE I, GENERAL, ARTICLE III, FIRE MARSHAL, AND ARTICLE V, FIRE LANES AND FIRE APPARATUS ACCESS ROADS, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS FOR THE PURPOSE OF PRESCRIBING REGULATIONS GOVERNING FIRE PREVENTION; REGULATING THE USE AND PLACEMENT OF FUEL STORAGE TANKS; PROVIDING FOR A REPEALER AND SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND OPEN MEETINGS

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

WHEREAS, in order to enhance, promote, and protect the health, safety, and general welfare of the citizens of Brenham, Texas, the City Council must from time to time amend and/or adopt new regulations; and

WHEREAS, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the City Council is proposing to amend or modify the International Fire Code, sometimes referred to as the Fire Prevention Code; and

WHEREAS, the City Council is proposing to amend or modify the regulation and use of fuel storage tanks, including establishing guidelines for use, location and permitting process; and

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

SECTION 1.

Chapter 8, Article I, of the Code of Ordinances of the City of Brenham is hereby amended to read as follows:

ARTICLE I. GENERAL

Sec. 8-1. Arson reward—Offer.

The city offers a reward of one thousand dollars (\$1,000.00) to anyone who furnishes information to the Fire Marshal necessary to and which results in the arrest and conviction of any person or persons who commit the crime of arson within the corporate limits of the city. This reward is a standing offer, and shall be paid out of the general fund of the city. The City Council shall be the sole and exclusive judge in determining eligibility for the reward offered herein.

Sec. 8-2. Same—Placards; furnishing copies of offer.

The Fire Marshal is directed to have made and printed placards containing the language in Section 8-1 and to post such signs or placards inside of not less than six (6) public buildings throughout the city at different prominent locations.

Sec. 8-3. Fireworks—Possessing, selling, etc.

- (a) The transporting, storing, offering for sale, possession or presence of any fireworks, including types covered by Texas Occupation Code Chapter 2154, within the city or the territorial jurisdiction of the city, being the area immediately adjacent and contiguous to the city limits and extending outside the city limits for a distance of five thousand (5,000) feet in all directions, unless such area is within the corporate limits of another municipality, is hereby declared to be a nuisance.
- (b) The Fire Chief shall seize and cause to be destroyed all fireworks that are opened or unpackaged and found within the city or its territorial jurisdiction in violation of the provisions of this section.
- (c) Any member of the fire department, any police officer, or any other peace officer, is empowered to detain all fireworks that are opened or unpackaged and found being transported illegally or to close any building where any fireworks are found stored illegally, until the fire department can be notified in order that such fireworks that are opened or unpackaged may be seized and destroyed in accordance with the terms of this section.

- (d) Notwithstanding any penal provisions hereof, the city attorney is authorized to file suit on behalf of the city for such injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping or using of fireworks within the territorial jurisdiction of the city, and to prevent any person from interfering with the seizure and destruction of such fireworks; provided, however:
 - (1) That it shall not be necessary to obtain such injunctive relief as a prerequisite to such seizure and destruction.
 - (2) That any member of the fire department is hereby authorized to enter any building, in accordance with applicable laws governing the right to entry, search and seizure, where the unlawful presence of fireworks is suspected in order to inspect the same for the presence of such fireworks.
 - (3) That in any instance, where the fire chief or any of his duly authorized assistants have probable cause to believe that fireworks are being stored in a building, they shall, in accordance with applicable laws governing the right to entry, search and seizure, promptly enter the building for the purpose of inspection.
- (e) Any person, firm, corporation, company or association who shall violate any of the provisions of this section, or suffer or allow the same to be violated, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed two thousand dollars (\$2,000.00), and each day during which such violation shall continue to exist shall constitute a separate and distinct offense.
- (f) It is an affirmative defense to prosecution for possession of fireworks under this Section that:
 - (1) The defendant was operating or was a passenger in a motor vehicle that was being operated in a public place; and
 - (2) The fireworks were not in the passenger area of the vehicle.
- (g) For purposes of Subsection (f), the “passenger area” of a motor vehicle means the area of the vehicle designed for the seating of the operator and the passengers of the vehicle. The term does not include:
 - (1) A locked glove compartment or similar locked storage area;
 - (2) The trunk of a vehicle; or
 - (3) The area behind the last upright seat of a vehicle that does not have a trunk.

Sec. 8-4. Same—Discharge.

The use, firing, igniting, shooting, exploding or discharge of fireworks as provided in Section 8-3 is hereby found and declared to be a general and public nuisance and the same is hereby prohibited; provided, this section shall not prohibit lawfully authorized pyrotechnic displays.

Sec. 8-5. Recovering cost for fire protection and emergency services.

(a) *Collection of fees:*

- (1) The City Council of the City of Brenham authorizes the city manager to adopt charges to be billed against parties involved in motor vehicle accidents, hazardous waste or chemical spills, or other non-fire suppression activities to which the city responds with fire department equipment and/or personnel. These charges shall be billed as a debt to the party causing the event, the landowner, the party controlling the premises in the event of a spill or dumping and/or the party transporting said hazardous, dangerous and/or injurious product. Fire suppression activities resulting from third party negligence may be billed against that third party. Fire suppression resulting from arson may be billed against the arsonist.
- (2) The city manager, or his designee, shall bill and collect all fees and costs for fire prevention services and for other public safety and emergency services rendered by the department when providing these services for motor vehicle accidents. Such fees include but are not limited to the use of equipment, materials, maintenance and overhead expenses and costs of whatever nature which constitute full reimbursement to the fire department for services actually rendered and as hereafter authorized.
- (3) Within thirty (30) days of the date of providing fire prevention and protection services or other public safety and emergency services for the motor vehicle accidents, the city manager, or his designee, shall submit an invoice for all costs, fees, charges and expenses related to providing such services, to include but not limited to all actual expenses including costs of equipment operations, cost of material utilized, costs of specialists, experts or other contract labor not in the full time employment of the city; overtime costs, and other incidental costs incurred by the city as a result of the incident, to the customer, client, owner, designated agent, representative and/or insurance company who received, covered and/or otherwise benefited from these services.
- (4) Any bills, fees or penalties, including but not limited to clean up costs, fees or expenses that are imposed the City of Brenham or the fire department by any local, state or federal agency, related to the rendering of fire protection or prevention services or of other public safety and emergency services may be included in the billing or billed separately within thirty (30) days of receipt.

- (b) *Enforcement.* The city may enforce the provisions of this section by any action allowed by law for the collection of any amounts due hereafter, including reasonable and necessary attorney fees, costs, and expenses, in a court of competent jurisdiction.

Sec. 8-6 – 8-19. RESERVED.

SECTION 2.

Chapter 8, Article II, Section 8-27 and Section 8-29 of the Code of Ordinances of the City of Brenham are hereby amended to read as follows:

Sec. 8-27. Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the fire prevention code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the City Manager or his designee within thirty (30) days from the date of the decision appealed. Section 108 of the International Fire Code, 2012 Edition and all amendments thereto, creating a Board of Appeals, shall not be applicable to any appeals filed pursuant to any provision of this Chapter 8 of the Code of Ordinances.

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Sec. 8-29. Penalties.

- (a) Any person who shall violate any of the provisions of the fire prevention code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Manager or his designee or by a court of competent jurisdiction, within the time fixed herein, shall severally for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in section 1-5 of the Code of Ordinances. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.
- (b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

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SECTION 3.

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Chapter 8, Article III, of the Code of Ordinances of the City of Brenham is hereby amended to read as follows:

**ARTICLE III.
FIRE MARSHAL**

Sec. 8-40. Office created; appointment, qualifications, removal compensation.

The office of Fire Marshal is hereby created. Such office shall be an independent bureau of the fire department. The Fire Marshal shall report directly to the Fire Chief. Such office shall be filled by appointment by the Fire Chief. The Fire Marshal shall be properly qualified for the duties of his office.

The office of the Brenham Fire Marshal is hereby designated as the official investigating agency of the city for the crime of arson and other fire or explosion related crimes and is hereby established as a law enforcement agency of the city. As the official responsible for the investigation of arson and other fire-related crimes, the Fire Marshal, his deputy Fire Marshal(s) and his appointed arson investigator(s) are hereby commissioned as peace officers of the city as per the Texas Code of Criminal Procedures, Article 2.12(7) and are subject to the applicable rules and regulations of the Texas Commission on Law Enforcement and the Texas Commission on Fire Protection.

Sec. 8-41. Investigation and record of fires.

The Fire Marshal shall investigate, or cause to be investigated, the cause, origin and circumstances of every fire occurring within the city by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was accidental or incendiary in nature. Such investigation shall be begun within twenty-four (24) hours, not including Sunday, of the occurrence of such fire. The Fire Marshal shall keep in his office a record of all fires occurring within the city, together with all facts, statistics and circumstances, including the origin, of the fires and the amount of loss, which may be determined by the investigation required by this Article.

Sec. 8-42. Taking statements; charging suspected offenders; referring matter to prosecutor.

The Fire Marshal, when in his opinion further investigation is necessary, shall take or cause to be taken the statement of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing, or other means of recording, and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson or other crime related to fire or explosion, or the threat thereof, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or other criminal conduct in connection with such fire, he shall cause such person to be arrested and charged with such offense, and shall furnish to the proper prosecuting attorney all such evidence together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material statements taken during the course of the investigation.

Sec. 8-43. Right of entry at location of fire.

The Fire Marshal shall have the authority, in accordance with applicable laws governing the right of entry, search and seizure, at all times of day or night in the performance of the duties imposed upon him by the provisions of this article or other law to enter upon and examine any

building or premises when any fire or explosion has occurred, and other buildings and premises adjoining or near the same.

Sec. 8-44. Right of entry for examination generally; discovery of violations.

The Fire Marshal, or his deputy, shall have a right at all reasonable hours, for the purpose of inspection, for fire safety hazards, to enter all public or commercial buildings and premises within the city, as detailed in Section 104.3 of the International Fire Code, 2012 Edition, and all revisions thereto, and in accordance with applicable laws governing the right to entry, search and seizure.

It shall be the duty of the Fire Marshal to periodically perform, or cause to be performed, thorough inspection of all commercial, manufacturing and public buildings, together with the premises belonging thereto. Whenever he shall find within or upon any building or other structure or upon the premises of any building or structure the presence of fire or life safety hazards, the absence of required fire safety systems, devices, or equipment, or any violation of the Fire Prevention Code or fire-related ordinance or law, he shall order the same to be removed or remedied and such order shall be forthwith complied with by the owner or occupant of said building or premises; provided, however, if the owner or occupant deems himself aggrieved by such order, he may within thirty (30) days appeal the decision to the City Manager or his designee, who shall investigate the cause of the complaint, and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant.

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Sec. 8-45. Over-crowding, hazardous conditions; threats to life safety.

When any condition such as inadequate exits, over-crowding, presence of fire hazards, lack of required fire protection system or equipment, or other conditions that pose an immediate threat to life safety of the occupants of a building, structure or premises are found, the Fire Marshal, or his deputy, the Fire Chief, or his designee, or any peace officer of the city, shall have the authority to order such place to be immediately vacated and closed to the public and secure against re-entry until such hazardous conditions are eliminated or remedied. A written report of such action shall be created by the official ordering the closure and same shall be transmitted to the Building Official and to the Fire Marshal of the city within forty-eight (48) hours, excluding Saturdays, Sundays and holidays observed by the City.

The Fire Marshal, or his deputy, shall have the authority to establish the occupant load limit of any building, structure or premises within the city and order same to be posted prominently within or upon the building, structure or premises. Establishment of such occupant load limit shall be determined according to criteria set forth in Chapter 10, Section 1004 of the International Fire Code, 2012 Edition, and all revisions thereto. Upon establishment of the occupant load limit of a building, structure or premises, the owner or operator of such place shall post signs or placards of type and in such locations as acceptable to the Fire Marshal or his deputy.

At no time shall the occupant load determined by the Fire Marshal, or his deputy, be deemed to supersede or overrule such determination made by previously by the Building Official of the city. In the event that a conflict should arise between the determination of the Fire Marshal, or his deputy, and that of the Building Official, the previous determination of the Building Official shall prevail.

Secs. 8-46 - 8-49. Reserved.

SECTION 4.

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Chapter 8, Article V, of the Code of Ordinances of the City of Brenham is hereby amended to read as follows:

**ARTICLE V.
FIRE LANES AND FIRE APPARATUS ACCESS ROADS**

Sec. 8-110. Authority to establish, locate, modify, or abandon fire lanes or fire apparatus access roads.

The terms “fire lane” and “fire apparatus access roads” shall have the same definitions as those terms are defined by Section 202 “General Definitions” in the International Fire Code, 2012 Edition, and all revisions thereto. The establishment, location, modification, or abandonment of fire lanes or fire apparatus access roads shall be determined by the Chief of the fire department, the Fire Marshal, or their designated representative, hereinafter called "the authority," in conformity with the provisions of this Article and Appendix D of the International Fire Code, 2012 Edition, and all revisions thereto.

In the event that there is a conflict between terms or when there is a question as to the intent or meaning of any portion of this subsection, the International Fire Code, 2012 Edition, Appendix D, and all revisions thereto, shall prevail.

Sec. 8-111. Fire lanes and fire apparatus access roads generally.

- (a) *Construction.* No building used for any purpose other than single-family or two-family dwellings shall be constructed so that any part of the perimeter of the structure is greater than one hundred fifty (150) feet from a public street or highway unless the owner constructs and maintains a fire lane having a minimum width of at least twenty (20) feet and height throughout of no less than fourteen (14) feet and terminating within one hundred fifty (150) feet from the farthest point of said structure, with increases to the minimum width of twenty-six (26) feet for aerial fire apparatus, where required per Appendix D of the International Fire Code, 2012 Edition, and all revisions thereto.
- (b) *Restrictions.* The following restrictions shall apply to fire lanes:
 - (1) Required fire lanes and fire apparatus access roads, when not connected at both ends to a public street, shall terminate as detailed in Table D103.4 of Appendix D of the International Fire Code, 2012 Edition, and all revisions thereto.
 - (2) All required fire lanes and fire apparatus access roads shall be all-weather surfaced with concrete, asphalt or other approved means, provide effective drainage of storm water and capable of supporting the imposed load of fire apparatus weighing at least seventy-five thousand (75,000) pounds, as detailed in Section D102 of the International Fire Code, 2012 Edition, and all revisions thereto.
 - (3) Fire lanes or fire apparatus access roads shall not be used as loading zones.
 - (4) There shall be no unattended parking in any fire lane or fire apparatus access road at any time. [Exception: vehicles operated by the fire department of the city or vehicles operated by any other emergency responder organization or law enforcement agency shall be exempt from the parking restriction established in Subsection 8-111(b)(4) above.
- (c) *Maintenance.* All required fire lanes and fire apparatus access roads shall be maintained and kept in a good state of repair at all times by the owner or owners of the premises. It shall not be the responsibility of the city to maintain fire lanes or fire apparatus access roads except in cases where the city owns the property upon which the fire lanes or fire apparatus access roads are located.

Sec. 8-112. Posting of signs and markings.

Required fire lanes and fire apparatus access roads shall be conspicuously marked with signs as detailed in Section D103.6 of Appendix D of the International Fire Code, 2012 Edition, and all revisions thereto. Where approved by the Fire Marshal, or his deputy, painted curbs or pavement striping, or stripes painted on the sides of buildings may be used in lieu of posted signs. Painted curbs, or stripes painted on pavement or buildings, shall consist of a red stripe six (6) inches in width with for (4) inch white letters stating "FIRE LANE – NO PARKING" with such lettering to be spaced approximately thirty (30) feet apart, and arranged in a manner approved by the Fire Marshal or his deputy. Paint used for striping and lettering shall be of a type suitable for exposure to the elements and stripes and lettering shall be re-painted as needed to maintain legibility.

All required fire lanes and fire apparatus access road signs shall be maintained in good condition and legible at all times. Maintenance of required fire lane and fire apparatus access road signs and markings shall be the responsibility of the owner or owners on whose property such signs are located.

Sec. 8-113. Abandonment of fire lanes.

No owner or person in charge of any premises served by a required fire lane or fire apparatus access road shall abandon or close any such fire lane or fire apparatus access road without first complying with the following procedure:

- (1) A request shall be made in writing to the Fire Marshal stating the reasons for abandonment of the fire lane or fire apparatus access road.
- (2) Verification shall be made by the Fire Marshal, or his deputy, that such property is no longer subject to the requirements of this Article.
- (3) The decision of the Fire Marshal shall be transmitted in writing to the owner or person in charge of the premises, declaring the fire lane or fire apparatus access road is to be either maintained or abandoned.

Sec. 8-114. Applicability.

Immediately upon the effective date of this article, all new construction within the city shall be undertaken in conformance with the provisions of this article and only after the approval of authority.

Sec. 8-115. Penalty for violation.

Any person, firm, corporation, company or association who shall violate any of the provisions of this article, or suffer or allow the same to be violated, shall be deemed guilty of a misdemeanor, and upon conviction therefor, shall be punished by a fine not to exceed two thousand dollars (\$2,000.00), and each day that a provision of this Article is violated shall constitute a separate offense.

Section 8-116 – 8-120. Reserved.

SECTION 5.
SAVINGS CLAUSE

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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 6.
SEVERABILITY

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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 7.
REPEALER

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

SECTION 8.
EFFECTIVE DATE

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

SECTION 9.
PROPER NOTICE AND MEETINGS

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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

ORDINANCE NO. O-14-018

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING CHAPTER 8, FIRE PROTECTION AND PREVENTION, ARTICLE I, GENERAL, ARTICLE III, FIRE MARSHAL, AND ARTICLE V, FIRE LANES AND FIRE APPARATUS ACCESS ROADS, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS FOR THE PURPOSE OF PRESCRIBING REGULATIONS GOVERNING FIRE PREVENTION; REGULATING THE USE AND PLACEMENT OF FUEL STORAGE TANKS; PROVIDING FOR A REPEALER AND SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND OPEN MEETINGS

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

WHEREAS, in order to enhance, promote, and protect the health, safety, and general welfare of the citizens of Brenham, Texas, the City Council must from time to time amend and/or adopt new regulations; and

WHEREAS, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the City Council is proposing to amend or modify the International Fire Code, sometimes referred to as the Fire Prevention Code; and

WHEREAS, the City Council is proposing to amend or modify the regulation and use of fuel storage tanks, including establishing guidelines for use, location and permitting process; and

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

SECTION 1.

Chapter 8, Article I, of the Code of Ordinances of the City of Brenham is hereby amended to read as follows:

ARTICLE I. GENERAL

Sec. 8-1. Arson reward—Offer.

The city offers a reward of one thousand dollars (\$1,000.00) to anyone who furnishes information to the Fire Marshal necessary to and which results in the arrest and conviction of any person or persons who commit the crime of arson within the corporate limits of the city. This reward is a standing offer, and shall be paid out of the general fund of the city. The City Council shall be the sole and exclusive judge in determining eligibility for the reward offered herein.

Sec. 8-2. Same—Placards; furnishing copies of offer.

The Fire Marshal is directed to have made and printed placards containing the language in Section 8-1 and to post such signs or placards inside of not less than six (6) public buildings throughout the city at different prominent locations.

Sec. 8-3. Fireworks—Possessing, selling, etc.

- (a) The transporting, storing, offering for sale, possession or presence of any fireworks, including types covered by Texas Occupation Code Chapter 2154, within the city or the territorial jurisdiction of the city, being the area immediately adjacent and contiguous to the city limits and extending outside the city limits for a distance of five thousand (5,000) feet in all directions, unless such area is within the corporate limits of another municipality, is hereby declared to be a nuisance.
- (b) The Fire Chief shall seize and cause to be destroyed all fireworks that are opened or unpackaged and found within the city or its territorial jurisdiction in violation of the provisions of this section.
- (c) Any member of the fire department, any police officer, or any other peace officer, is empowered to detain all fireworks that are opened or unpackaged and found being transported illegally or to close any building where any fireworks are found stored illegally, until the fire department can be notified in order that such fireworks that are opened or unpackaged may be seized and destroyed in accordance with the terms of this section.

- (d) Notwithstanding any penal provisions hereof, the city attorney is authorized to file suit on behalf of the city for such injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping or using of fireworks within the territorial jurisdiction of the city, and to prevent any person from interfering with the seizure and destruction of such fireworks; provided, however:
- (1) That it shall not be necessary to obtain such injunctive relief as a prerequisite to such seizure and destruction.
 - (2) That any member of the fire department is hereby authorized to enter any building, in accordance with applicable laws governing the right to entry, search and seizure, where the unlawful presence of fireworks is suspected in order to inspect the same for the presence of such fireworks.
 - (3) That in any instance, where the fire chief or any of his duly authorized assistants have probable cause to believe that fireworks are being stored in a building, they shall, in accordance with applicable laws governing the right to entry, search and seizure, promptly enter the building for the purpose of inspection.
- (e) Any person, firm, corporation, company or association who shall violate any of the provisions of this section, or suffer or allow the same to be violated, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed two thousand dollars (\$2,000.00), and each day during which such violation shall continue to exist shall constitute a separate and distinct offense.
- (f) It is an affirmative defense to prosecution for possession of fireworks under this Section that:
- (1) The defendant was operating or was a passenger in a motor vehicle that was being operated in a public place; and
 - (2) The fireworks were not in the passenger area of the vehicle.
- (g) For purposes of Subsection (f), the “passenger area” of a motor vehicle means the area of the vehicle designed for the seating of the operator and the passengers of the vehicle. The term does not include:
- (1) A locked glove compartment or similar locked storage area;
 - (2) The trunk of a vehicle; or
 - (3) The area behind the last upright seat of a vehicle that does not have a trunk.

Sec. 8-4. Same—Discharge.

The use, firing, igniting, shooting, exploding or discharge of fireworks as provided in Section 8-3 is hereby found and declared to be a general and public nuisance and the same is hereby prohibited; provided, this section shall not prohibit lawfully authorized pyrotechnic displays.

Sec. 8-5. Recovering cost for fire protection and emergency services.

(a) *Collection of fees:*

- (1) The City Council of the City of Brenham authorizes the city manager to adopt charges to be billed against parties involved in motor vehicle accidents, hazardous waste or chemical spills, or other non-fire suppression activities to which the city responds with fire department equipment and/or personnel. These charges shall be billed as a debt to the party causing the event, the landowner, the party controlling the premises in the event of a spill or dumping and/or the party transporting said hazardous, dangerous and/or injurious product. Fire suppression activities resulting from third party negligence may be billed against that third party. Fire suppression resulting from arson may be billed against the arsonist.
- (2) The city manager, or his designee, shall bill and collect all fees and costs for fire prevention services and for other public safety and emergency services rendered by the department when providing these services for motor vehicle accidents. Such fees include but are not limited to the use of equipment, materials, maintenance and overhead expenses and costs of whatever nature which constitute full reimbursement to the fire department for services actually rendered and as hereafter authorized.
- (3) Within thirty (30) days of the date of providing fire prevention and protection services or other public safety and emergency services for the motor vehicle accidents, the city manager, or his designee, shall submit an invoice for all costs, fees, charges and expenses related to providing such services, to include but not limited to all actual expenses including costs of equipment operations, cost of material utilized, costs of specialists, experts or other contract labor not in the full time employment of the city; overtime costs, and other incidental costs incurred by the city as a result of the incident, to the customer, client, owner, designated agent, representative and/or insurance company who received, covered and/or otherwise benefited from these services.
- (4) Any bills, fees or penalties, including but not limited to clean up costs, fees or expenses that are imposed the City of Brenham or the fire department by any local, state or federal agency, related to the rendering of fire protection or prevention services or of other public safety and emergency services may be included in the billing or billed separately within thirty (30) days of receipt.

(b) *Enforcement.* The city may enforce the provisions of this section by any action allowed by law for the collection of any amounts due hereafter, including reasonable and necessary attorney fees, costs, and expenses, in a court of competent jurisdiction.

Sec. 8-6 – 8-19. RESERVED.

SECTION 2.

Chapter 8, Article II, Section 8-27 and Section 8-29 of the Code of Ordinances of the City of Brenham are hereby amended to read as follows:

Sec. 8-27. Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the fire prevention code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the City Manager or his designee within thirty (30) days from the date of the decision appealed. Section 108 of the International Fire Code, 2012 Edition and all amendments thereto, creating a Board of Appeals, shall not be applicable to any appeals filed pursuant to any provision of this Chapter 8 of the Code of Ordinances.

Sec. 8-29. Penalties.

- (a) Any person who shall violate any of the provisions of the fire prevention code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Manager or his designee or by a court of competent jurisdiction, within the time fixed herein, shall severally for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in section 1-5 of the Code of Ordinances. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

- (b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION 3.

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ARTICLE III. FIRE MARSHAL

Sec. 8-40. Office created; appointment, qualifications, removal compensation.

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Sec. 8-41. Investigation and record of fires.

The Fire Marshal shall investigate, or cause to be investigated, the cause, origin and circumstances of every fire occurring within the city by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was accidental or incendiary in nature. Such investigation shall be begun within twenty-four (24) hours, not including Sunday, of the occurrence of such fire. The Fire Marshal shall keep in his office a record of all fires occurring within the city, together with all facts, statistics and circumstances, including the origin, of the fires and the amount of loss, which may be determined by the investigation required by this Article.

Sec. 8-42. Taking statements; charging suspected offenders; referring matter to prosecutor.

The Fire Marshal, when in his opinion further investigation is necessary, shall take or cause to be taken the statement of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing, or other means of recording, and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson or other crime related to fire or explosion, or the threat thereof, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or other criminal conduct in connection with such fire, he shall cause such person to be arrested and charged with such offense, and shall furnish to the proper prosecuting attorney all such evidence together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material statements taken during the course of the investigation.

Sec. 8-43. Right of entry at location of fire.

The Fire Marshal shall have the authority, in accordance with applicable laws governing the right of entry, search and seizure, at all times of day or night in the performance of the duties imposed upon him by the provisions of this article or other law to enter upon and examine any building or premises when any fire or explosion has occurred, and other buildings and premises adjoining or near the same.

Sec. 8-44. Right of entry for examination generally; discovery of violations.

The Fire Marshal, or his deputy, shall have a right at all reasonable hours, for the purpose of inspection, for fire safety hazards, to enter all public or commercial buildings and premises within the city, as detailed in Section 104.3 of the International Fire Code, 2012 Edition, and all revisions thereto, and in accordance with applicable laws governing the right to entry, search and seizure.

It shall be the duty of the Fire Marshal to periodically perform, or cause to be performed, thorough inspection of all commercial, manufacturing and public buildings, together with the premises belonging thereto. Whenever he shall find within or upon any building or other structure or upon the premises of any building or structure the presence of fire or life safety hazards, the absence of required fire safety systems, devices, or equipment, or any violation of the Fire Prevention Code or fire-related ordinance or law, he shall order the same to be removed or remedied and such order shall be forthwith complied with by the owner or occupant of said building or premises; provided, however, if the owner or occupant deems himself aggrieved by such order, he may within thirty (30) days appeal the decision to the City Manager or his designee, who shall investigate the cause of the complaint, and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant.

Sec. 8-45. Over-crowding, hazardous conditions; threats to life safety.

When any condition such as inadequate exits, over-crowding, presence of fire hazards, lack of required fire protection system or equipment, or other conditions that pose an immediate threat to life safety of the occupants of a building, structure or premises are found, the Fire Marshal, or his deputy, the Fire Chief, or his designee, or any peace officer of the city, shall have the authority to order such place to be immediately vacated and closed to the public and secure against re-entry until such hazardous conditions are eliminated or remedied. A written report of such action shall be created by the official ordering the closure and same shall be transmitted to the Building Official and to the Fire Marshal of the city within forty-eight (48) hours, excluding Saturdays, Sundays and holidays observed by the City.

The Fire Marshal, or his deputy, shall have the authority to establish the occupant load limit of any building, structure or premises within the city and order same to be posted prominently within or upon the building, structure or premises. Establishment of such occupant load limit shall be determined according to criteria set forth in Chapter 10, Section 1004 of the International Fire Code, 2012 Edition, and all revisions thereto. Upon establishment of the occupant load limit of a building, structure or premises, the owner or operator of such place shall post signs or placards of type and in such locations as acceptable to the Fire Marshal or his deputy.

At no time shall the occupant load determined by the Fire Marshal, or his deputy, be deemed to supersede or overrule such determination made by previously by the Building Official of the city. In the event that a conflict should arise between the determination of the Fire Marshal, or his deputy, and that of the Building Official, the previous determination of the Building Official shall prevail.

Secs. 8-46 - 8-49. Reserved.

SECTION 4.

Chapter 8, Article V, of the Code of Ordinances of the City of Brenham is hereby amended to read as follows:

ARTICLE V. FIRE LANES AND FIRE APPARATUS ACCESS ROADS

Sec. 8-110. Authority to establish, locate, modify, or abandon fire lanes or fire apparatus access roads.

The terms “fire lane” and “fire apparatus access roads” shall have the same definitions as those terms are defined by Section 202 “General Definitions” in the International Fire Code, 2012 Edition, and all revisions thereto. The establishment, location, modification, or abandonment of fire lanes or fire apparatus access roads shall be determined by the Chief of the fire department, the Fire Marshal, or their designated representative, hereinafter called "the authority," in conformity with the provisions of this Article and Appendix D of the International Fire Code, 2012 Edition, and all revisions thereto.

In the event that there is a conflict between terms or when there is a question as to the intent or meaning of any portion of this subsection, the International Fire Code, 2012 Edition, Appendix D, and all revisions thereto, shall prevail.

Sec. 8-111. Fire lanes and fire apparatus access roads generally.

- (a) *Construction.* No building used for any purpose other than single-family or two-family dwellings shall be constructed so that any part of the perimeter of the structure is greater than one hundred fifty (150) feet from a public street or highway unless the owner constructs and maintains a fire lane having a minimum width of at least twenty (20) feet and height throughout of no less than fourteen (14) feet and terminating within one hundred fifty (150) feet from the farthest point of said structure, with increases to the minimum width of twenty-six (26) feet for aerial fire apparatus, where required per Appendix D of the International Fire Code, 2012 Edition, and all revisions thereto.
- (b) *Restrictions.* The following restrictions shall apply to fire lanes:
 - (1) Required fire lanes and fire apparatus access roads, when not connected at both ends to a public street, shall terminate as detailed in Table D103.4 of Appendix D of the International Fire Code, 2012 Edition, and all revisions thereto.
 - (2) All required fire lanes and fire apparatus access roads shall be all-weather surfaced with concrete, asphalt or other approved means, provide effective drainage of storm water and capable of supporting the imposed load of fire apparatus weighing at least seventy-five thousand (75,000) pounds, as detailed in Section D102 of the International Fire Code, 2012 Edition, and all revisions thereto.
 - (3) Fire lanes or fire apparatus access roads shall not be used as loading zones.
 - (4) There shall be no unattended parking in any fire lane or fire apparatus access road at any time. [Exception: vehicles operated by the fire department of the city or vehicles operated by any other emergency responder organization or law enforcement agency shall be exempt from the parking restriction established in Subsection 8-111(b)(4) above.
- (c) *Maintenance.* All required fire lanes and fire apparatus access roads shall be maintained and kept in a good state of repair at all times by the owner or owners of the premises. It shall not be the responsibility of the city to maintain fire lanes or fire apparatus access roads except in cases where the city owns the property upon which the fire lanes or fire apparatus access roads are located.

Sec. 8-112. Posting of signs and markings.

Required fire lanes and fire apparatus access roads shall be conspicuously marked with signs as detailed in Section D103.6 of Appendix D of the International Fire Code, 2012 Edition, and all revisions thereto. Where approved by the Fire Marshal, or his deputy, painted curbs or pavement striping, or stripes painted on the sides of buildings may be used in lieu of posted signs. Painted curbs, or stripes painted on pavement or buildings, shall consist of a red stripe six (6) inches in width with for (4) inch white letters stating "FIRE LANE – NO PARKING" with such lettering to be spaced approximately thirty (30) feet apart, and arranged in a manner approved by the Fire Marshal or his deputy. Paint used for striping and lettering shall be of a type suitable for exposure to the elements and stripes and lettering shall be re-painted as needed to maintain legibility.

All required fire lanes and fire apparatus access road signs shall be maintained in good condition and legible at all times. Maintenance of required fire lane and fire apparatus access road signs and markings shall be the responsibility of the owner or owners on whose property such signs are located.

Sec. 8-113. Abandonment of fire lanes.

No owner or person in charge of any premises served by a required fire lane or fire apparatus access road shall abandon or close any such fire lane or fire apparatus access road without first complying with the following procedure:

- (1) A request shall be made in writing to the Fire Marshal stating the reasons for abandonment of the fire lane or fire apparatus access road.
- (2) Verification shall be made by the Fire Marshal, or his deputy, that such property is no longer subject to the requirements of this Article.
- (3) The decision of the Fire Marshal shall be transmitted in writing to the owner or person in charge of the premises, declaring the fire lane or fire apparatus access road is to be either maintained or abandoned.

Sec. 8-114. Applicability.

Immediately upon the effective date of this article, all new construction within the city shall be undertaken in conformance with the provisions of this article and only after the approval of authority.

Sec. 8-115. Penalty for violation.

Any person, firm, corporation, company or association who shall violate any of the provisions of this article, or suffer or allow the same to be violated, shall be deemed guilty of a misdemeanor, and upon conviction therefor, shall be punished by a fine not to exceed two thousand dollars (\$2,000.00), and each day that a provision of this Article is violated shall constitute a separate offense.

Section 8-116 – 8-120. Reserved.

SECTION 5.
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 6.
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 7.
REPEALER

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

SECTION 8.
EFFECTIVE DATE

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

SECTION 9.
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 1st day of May, 2014.

PASSED AND APPROVED on its second reading this the 15th day of May, 2014.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 11

DATE OF MEETING: May 15, 2014	DATE SUBMITTED: May 12, 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 type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon a Recommendation from the Main Street Board Related to a Request for a Reserved Parking Space in Downtown Brenham		
<p>SUMMARY STATEMENT: Bebe Hayward submitted a Request For Reserved Parking Space to the Main Street Board and it was presented at the April meeting. The request asked that the first space on the side of her building at 101 W. Alamo be reserved to load and unload merchandise, using the sidewalk as a dock. City Engineer Grant Lischka wrote a memo to the Board with the recommendation that the space not be used for a loading dock, due to unsafe conditions. Based on his recommendation and the prominent location of this particular space, the board recommends Council deny this reserved parking space request.</p> <p>The Board is currently discussing whether the reserved parking space section of the ordinance should be abolished, so be aware that recommendation may come to you this summer.</p>		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
<p>A. PROS:</p> <p>B. CONS:</p>		
ALTERNATIVES (In Suggested Order of Staff Preference): N/A		
ATTACHMENTS: (1) Reserved Parking Space Request by Bebe Hayward; and (2) Memo to the Main Street Board concerning the request by City Engineer Grant Lischka.		
FUNDING SOURCE (Where Applicable): N/A		
RECOMMENDED ACTION: Deny a request for a reserved parking space in Downtown Brenham by Bebe Hayward.		
APPROVALS: Terry K. Roberts		

REQUEST FOR RESERVED PARKING SPACE

Date: 3-25-14

Person Making Request (Please type or print neatly):

Name: Bebe Hayward Business Name: Today And Yesterday

Mailing Address: 101 West Alamo
Brenham City Texas State 77833 Zip

Phone Number(s): ^(w) (979) 830-0707 cell (979) 827-2953

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

First space on side of building on Park St. for loading customers furniture and unloading containers and from local estates. 10 plus dealers upstairs need to load & unload their merchandise. Using high sidewalk for dock.

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

Bebe Hayward
Requestor Signature

FOR CITY OF BRENHAM USE ONLY	
Date Received: <u>3/26/14</u>	Received By: Mail <input type="checkbox"/> Fax <input type="checkbox"/> Email <input type="checkbox"/> <u>In Person</u> <input checked="" type="checkbox"/>
Date Request Presented to Main Street Board: <u>4-7-14</u>	
Main Street Board Recommendations: <u>The Board voted to recommend Council deny the request due to recommendation of City Engineer that the space not be used as a loading dock due to unsafe conditions.</u>	
Date Presented to City Council: _____	Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No
IF APPROVED	
Location of Reserved Space: _____	
Monthly Fee To Be Invoiced: _____ (per City Council action)	
Date Sign Requested: _____	By: _____



To: Main Street Board

From: Grant L. Lischka, P.E., City Engineer 

Subject: Request for Reserved Parking Space at 101 West Alamo

Date: 4-2-2014

Main Street Board,

The owner of "Today and Yesterday" has requested a reserved parking space on Park Street near its intersection with West Alamo Street. Per the application, this parking space would be used for loading and unloading with the existing sidewalk used as a dock. At this location, West Alamo Street is a one-way street with eastbound traffic and Park Street is a one-way street with southbound traffic. The parking spaces on Park Street, including the space in this request, are angled so that southbound traffic can enter and exit the spaces with minimal turning movement. If the space is to perform as a loading and unloading zone, then vehicles would need to back up into the requested space. Given the one-way configuration of the street, this would require vehicles attempting to back into the space to travel in the opposite direction of traffic flow. This has the potential to create an unsafe situation for motorists and pedestrians and it is my recommendation that this space not be used for a loading dock.



AGENDA ITEM 12

DATE OF MEETING: May 15, 2014	DATE SUBMITTED: May 12, 2014	
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Grant Lischka	
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-14-014 in Support of TxDOT's Turnback Program, or Similar Program, Concerning Conveyance of TxDOT Right-of-Way Along FM 389 from US 290 West to FM 332 to the City of Brenham		
SUMMARY STATEMENT: As discussed in an earlier City Council meeting, City staff has been approached by TxDOT regarding the maintenance and ownership of FM 389. Currently TxDOT maintains the entire length of FM 389 within the City limits. Prairie Lea Street from U.S. Hwy 290 to College Avenue and College Avenue from Prairie Lea Street to Business Hwy 36 (South Day Street) are currently maintained by TxDOT as FM 389. Outside of U.S. Hwy 290, FM 389 travels in a westerly direction out of the City, intersects with FM 332 and then continues on. The length of roadway inside and outside of U.S. Hwy 290 (up to FM 332) is approximately 6,600' and 3,600' respectively. This comes to a total of approximately 2 miles. Inside U.S. Hwy 290, the road is a curb and gutter section, while outside it is a 2-lane open ditch section. In discussions with TxDOT, they have tentatively offered to upgrade the section outside of U.S. Hwy 290 to a curb and gutter, 2-lane with center turn lane section. As a condition of the upgrade, TxDOT would turn over ownership and maintenance responsibilities to the City for the entire length from FM 332 to South Day Street.		
As of this time TxDOT is not proposing any improvements inside of U.S. Hwy 290. Staff has inspected this portion of FM 389 and feels that the current condition is in the Good or Satisfactory classification, as per the rating system used for the 2013 Street Inventory. Other than minor maintenance and crack sealing, staff feels that this portion of FM 389 would not be a maintenance liability for the next 10-15 years.		
Staff recommends that Council approve this resolution so that TxDOT has assurance that the City is willing to negotiate the terms of the turnback.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS: Will allow the City to regulate items within the right-of-way (signs, utilities, parking, etc.)		
B. CONS: Will add mileage to the City street system, which the City will now have to maintain.		

ALTERNATIVES (In Suggested Order of Staff Preference): N/A
ATTACHMENTS: (1) Resolution No. R-14-014
FUNDING SOURCE (Where Applicable): N/A
RECOMMENDED ACTION: Approve Resolution No. R-14-014 in support of TxDOT's Turnback Program, or similar program, concerning conveyance of TxDOT right-of-way along FM 389 from US 290 West to FM 332 to the City of Brenham.
APPROVALS: Terry K. Roberts

RESOLUTION NO. R-14-014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS IN SUPPORT OF TEXAS DEPARTMENT OF TRNASPORTATION’S VOLUNTARY TURNBACK PROGRAM, OR SIMILAR PROGRAM, CONCERNING THE POSSIBLE CONVEYANCE OF TXDOT RIGHT-OF-WAY FM 389 FROM US 290 WEST TO FM 332

WHEREAS, the State of Texas owns and operates a system of roadways throughout Washington County, which includes FM 389; and

WHEREAS, a portion of FM 389 is located within the city limits of Brenham; and

WHEREAS, the State of Texas plans to improve the section of FM 389 from US 290 West to FM 332 to an urban roadway design; and

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

The City Council of the City of Brenham (City) supports the Texas Department of Transportation’s (TXDOT’s) voluntary turnback program, or similar program, concerning the possible conveyance to the City of TxDOT right-of-way FM 389 from US 290 West to Business 36, and wishes to enter into discussions and negotiations with TXDOT regarding said possible conveyance and the City’s possible acceptance and maintenance of said section of FM 389 within the city limits of Brenham, from FM 332 to Business 36.

APPROVED on this the 15th day of May, 2014

Milton Y. Tate, Jr.
Mayor

ATTEST

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 13

DATE OF MEETING: May 15, 2014	DATE SUBMITTED: May 9, 2014																
DEPT. OF ORIGIN: Public Utilities	SUBMITTED BY: Lowell Ogle																
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">MEETING TYPE:</td> <td style="width: 33%;">CLASSIFICATION:</td> <td style="width: 33%;">ORDINANCE:</td> </tr> <tr> <td><input checked="" type="checkbox"/> REGULAR</td> <td><input type="checkbox"/> PUBLIC HEARING</td> <td><input type="checkbox"/> 1ST READING</td> </tr> <tr> <td><input type="checkbox"/> SPECIAL</td> <td><input type="checkbox"/> CONSENT</td> <td><input type="checkbox"/> 2ND READING</td> </tr> <tr> <td><input type="checkbox"/> EXECUTIVE SESSION</td> <td><input checked="" type="checkbox"/> REGULAR</td> <td><input type="checkbox"/> RESOLUTION</td> </tr> <tr> <td></td> <td><input type="checkbox"/> WORK SESSION</td> <td></td> </tr> </table>		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		
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																
<p>AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon One-Year Extensions of Three (3) Contracts, in Accordance with Bid #13-007, for Bulk Water and Wastewater Treatment Chemicals and Authorize the Mayor to Execute Any Necessary Documentation.</p>																	
<p>SUMMARY STATEMENT: The City of Brenham solicited bids for a one (1) year supply of bulk water and wastewater treatment chemicals to be delivered to the Brenham Water and Wastewater Plants. The contracts are set to expire in the near future. The service provided by the vendors has been very good and each has agreed to extend their contract for an additional year at the current prices. Operations staff and purchasing agree that the extension of these contacts would be a good value for the City of Brenham and recommend approval of the extensions.</p> <p>The table below shows the vendor name along with the original bid price and the extension price.</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="width: 25%;">Company</th> <th style="width: 25%;">Chemical</th> <th style="width: 25%;">Bid Price</th> <th style="width: 25%;">Extension Price</th> </tr> </thead> <tbody> <tr> <td>Chemtrade Chemicals</td> <td>Caustic Soda</td> <td>251.80/ton</td> <td>251.80/ton</td> </tr> <tr> <td>Brenntag Southwest</td> <td>Liq Alum Sulfate</td> <td>194.45/ton</td> <td>194.45</td> </tr> <tr> <td>DXI Industries</td> <td>Chlorine</td> <td>\$530.50/cylinder (ton) \$0.26525/lb</td> <td>\$530.50/cylinder (ton) \$0.26525/lb</td> </tr> </tbody> </table> <p>Estimated total amount of Liquid Aluminum Sulfate used per year is 350 dry tons, Caustic Soda is 300 tons and Chlorine, 162,000 lbs</p>		Company	Chemical	Bid Price	Extension Price	Chemtrade Chemicals	Caustic Soda	251.80/ton	251.80/ton	Brenntag Southwest	Liq Alum Sulfate	194.45/ton	194.45	DXI Industries	Chlorine	\$530.50/cylinder (ton) \$0.26525/lb	\$530.50/cylinder (ton) \$0.26525/lb
Company	Chemical	Bid Price	Extension Price														
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DXI Industries	Chlorine	\$530.50/cylinder (ton) \$0.26525/lb	\$530.50/cylinder (ton) \$0.26525/lb														

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS: No price increase from previous year.

B. CONS: None

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: None

FUNDING SOURCE (Where Applicable): Budgeted

RECOMMENDED ACTION: Approve one-year extensions of three (3) contracts, in accordance with Bid #13-007 to Brenntag Southwest for Liquid Aluminum Sulfate in the amount of \$194.45/dry ton, General Chemical for Caustic Soda in the amount of \$251.80/liquid ton and DXI inc. for Chlorine in the amount of \$0.26525 per lb and authorize the Mayor to execute any necessary documentation.

APPROVALS: Terry K. Roberts



AGENDA ITEM 14

DATE OF MEETING: May 15, 2014	DATE SUBMITTED: May 9, 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 from St. Mary's Immaculate Conception Catholic Church for the 100 Days of Summer Festival to be Held on May 18, 2014 from 9:00 a.m. – 6:00 p.m. at 701 Church Street and Authorize the Mayor to Execute Any Necessary Documentation		
SUMMARY STATEMENT: Suzanne Limb with the St. Mary's Immaculate Conception Catholic Church is requesting a Noise Variance for their annual 100 Days of Summer Festival to be Held on May 18, 2014 from 9:00 a.m. – 6:00 p.m. at 701 Church Street. They will have a sound amplification system, which require a Noise Variance. The Brenham Police Department and the Brenham Fire Department have approved the noise variance request; therefore, I ask the City Council to approve the noise variance request.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Noise Variance Request		
FUNDING SOURCE (Where Applicable): N/A		
RECOMMENDED ACTION: Approve a request for a noise variance from St. Mary's Immaculate Conception Catholic Church for the 100 Days of Summer Festival to be held on May 18, 2014 from 9:00 a.m. – 6:00 p.m. at 701 Church Street and authorize the Mayor to execute any necessary documentation.		
APPROVALS: Terry K. Roberts		

pd cash \$10.00
5-2-2014
ps

NOISE VARIANCE REQUEST

Application Fee \$10.00

1. Name of sponsoring organization: St. Mary's Immaculate Conception Catholic

2. Name and address of individual making application on behalf of sponsoring organization: SUZANNE Limb, 701 Church St.

3. Purpose of the Event: Church Fundraiser

4. Location of Event: 701 Church

5. Date of the event: MAY 18

6. Time of Event: 9 AM - 6 PM

7. Event Set-up: From: 7 AM To: 9 AM

Event Clean-up: From: 3 5 PM To: 6 PM

8. You are required to describe the following:

a) Types of Activities Planned and any additional information specific to this event: Silent Auction, Games, Live Auction, Music

b) Bands/Musical Instruments: yes

c) Sound amplification equipment: yes

d) Cleanup provisions: yes, we will cleanup

SUZANNE Limb
Name of Applicant (Printed or Typed)

Date: 5/2/14

[Signature]
Applicant or Authorized Person's Signature

Phone: 979-836-4441

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: 05/05/2014

Rex Phelps, Chief of Police

Comments/Reason for Denial:

APPROVED

DENIED

Date: 05/06/2014

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: May 15, 2014	DATE SUBMITTED: May 12, 2014	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Kyle Dannhaus	
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: Section 551.072 - Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding Potential Sale of Approximately 204.925 Acres In the Silas Clark Survey (A028), Tract 18, As Recorded in Volume 496, Page 800 of the Official Records of Washington County and Located at 5525 Caney Creek Road in Chappell Hill, Texas and More Commonly Identified as the Old Landfill Property		
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: May 15, 2014	DATE SUBMITTED: May 12, 2014	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Kyle Dannhaus	
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 the Sale of Approximately 204.925 Acres In the Silas Clark Survey (A028), Tract 18, As Recorded in Volume 496, Page 800 of the Official Records of Washington County and Located at 5525 Caney Creek Road in Chappell Hill, Texas and More Commonly Identified as the Old Landfill Property and Authorize the Mayor to Execute Any Necessary Documentation		
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):		
ATTACHMENTS:		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: As discussed in Executive Session.		
APPROVALS: Terry K. Roberts		