



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, MAY 7, 2015 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 Manager Terry Roberts**
- 3. Service Recognitions**
 - **Tommy Kurie, Police Department** **25 Years**
 - **Judson Hall, Police Department** **30 Years**
- 4. Proclamations**
 - National Historical Preservation Month
 - National Travel and Tourism Week
- 5. Citizens Comments**

Pages 1 - 2

CONSENT AGENDA

6. 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.

- 6-a. Ordinance No. O-15-012 on Its Second Reading for the Placement of a Stop Sign on Becker Drive at its Intersection with South Market Street**
- 6-b. Ordinance No. O-15-013 on Its Second Reading for the Placement of a Stop Sign on S. Chappell Hill Street at its Intersection with U. S. Highway 290 East**
- 6-c. Ordinance No. O-15-014 on Its Second Reading Amending the Rate Tariff Schedule(s) for the City of Brenham Collection Station Rates and Authorize the Mayor to Execute Any Necessary Documentation**

6-d. Ordinance No. O-15-015 on Its Second Reading Authorizing a Variance to Building Setback Requirements as Outlined in Section 23-22(1) of the City of Brenham's Code of Ordinances, for the Old Mill Creek Subdivision Sections 1 and 2

6-e. Ordinance No. O-15-016 on Its Second Reading Authorizing a Variance to Rural Lot Size Requirements, as Outlined in Section 23-21(3)(b) of the City of Brenham's Code of Ordinances, for the Strangmeier Subdivision Section Two

Pages 3 - 12

WORK SESSION

7. Presentation and Discussion Regarding Wayfinding Signage **Page 13**

8. Presentation and Discussion Regarding the Status of a Lease Agreement Between the City of Brenham and Faith Mission and Help Center, Inc. **Pages 14 - 15**

PUBLIC HEARING

9. Public Hearing to Consider Amendment of the City of Brenham's "Envision 2020" Comprehensive Plan Future Land Use Map to Change the Zoning District From a Single-Family District to a Commercial/Retail District for a Tract of Land Described as Section 1, Lot 1, Old Mill Creek Subdivision, Being a Corner Lot at the Intersection of Old Mill Creek Road and U. S. Highway 290 West in Brenham, Washington County, Texas **Pages 16 - 18**

10. Public Hearing to Consider Amendment of the City of Brenham's "Envision 2020" Comprehensive Plan Future Land Use Map to Change the Zoning District From Single-Family District to a Commercial/Retail District for a Tract of Land Described as Section 2, Lots 1-4, Old Mill Creek Subdivision, Being 4 Lots Located at the Corner of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas **Pages 19 - 21**

11. Public Hearing to Consider an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Residential Single Family (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a Tract of Land Described as Section 1, Lot 1, Old Mill Creek Subdivision, Being a Corner Lot at the Intersection of Old Mill Creek Road and U. S. Highway 290 West in Brenham, Washington County, Texas **Pages 22 - 26**

12. Public Hearing to Consider an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Residential Single Family (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a Tract of Land Described as Section 2, Lots 1-4, Old Mill Creek Subdivision, Being 4 Lots Located at the Corner of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas **Pages 27 - 31**

REGULAR AGENDA

13. **Discuss and Possibly Act Upon Resolution No. R-15-012 Providing for an Amendment to the City of Brenham's "Envision 2020" Comprehensive Plan's Future Land Use Map to Change the Zoning District From a Single-Family District to a Commercial/Retail District for a Tract of Land Described as Section 1, Lot 1, Old Mill Creek Subdivision, Being a Corner Lot at the Intersection of Old Mill Creek Road and U. S. Highway 290 West in Brenham, Washington County, Texas**
Pages 32 - 34
14. **Discuss and Possibly Act Upon Resolution No. R-15-013 Providing for an Amendment of the City of Brenham's "Envision 2020" Comprehensive Plan's Future Land Use Map to Change the Zoning District From Single-Family District to a Commercial/Retail District for a Tract of Land Described as Section 2, Lots 1-4, Old Mill Creek Subdivision, Being 4 Lots Located at the Corner of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas** **Pages 35 - 37**
15. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Residential Single Family (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a Tract of Land Described as Section 1, Lot 1, Old Mill Creek Subdivision, Being a Corner Lot at the Intersection of Old Mill Creek Road and U. S. Highway 290 West in Brenham, Washington County, Texas** **Pages 38 - 44**
16. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Residential Single Family (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a Tract of Land Described as Section 2, Lots 1-4, Old Mill Creek Subdivision, Being 4 Lots Located at the Corner of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas** **Pages 45 - 51**
17. **Discuss and Possibly Act Upon a Request for a Noise Variance from Washington County Historical Juneteenth Association to Celebrate Emancipation Day to be Held on June 19, 2015 from 7:00 p.m. - 11:00 p.m. and June 20, 2015 from 12:00 p.m. - 4:00 p.m. at Fireman's Park and Authorize the Mayor to Execute Any Necessary Documentation** **Pages 52 - 53**
18. **Discuss and Possibly Act Upon an Ordinance on Its First Reading to Grant a Non-Exclusive Franchise to General Site Services (GSS) to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits**
Pages 54 - 67
19. **Administrative/Elected Officials Report**

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.

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 Negotiation

CERTIFICATION

I certify that a copy of the May 7, 2015 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 4, 2015 at **10:55 AM**.

Jeana Bellinger, TRMC

City Secretary

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

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the _____ day of _____, 2015 at _____ AM PM.

Signature

Title

PROCLAMATION

WHEREAS, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, May 2015 is recognized as National Preservation Month; and

WHEREAS, the stories of our community, our people, our land, and our legendary past are all around us, and are built into the very bricks of our city; and

WHEREAS, children exposed to community history in a creative and memorable way will come to read more, do better in school, and will grow up to support historic preservation programs as adults; and

WHEREAS, today's students will someday be in a position to preserve the history of Brenham and will become the donors, the benefactors, the volunteers, the teachers and the supporters of museums, historic conservation, public art and more; and

WHEREAS, Main Street Brenham, Brenham Heritage Museum, Heritage Society of Washington County, Brenham Fire Department and Washington-on-the-Brazos State Park Association are partnering with the Brenham Independent School District to present our fascinating and unique local history to our school children;

Now, **THEREFORE** I, Mayor Milton Y. Tate Jr., do hereby proclaim Thursday, May 14, and Thursday, May 21, 2015 as

LOCAL HISTORY DAYS

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

Milton Y. Tate Jr.
Mayor

PROCLAMATION

WHEREAS, travel to and within the United States provides significant economic benefits for the nation, generating \$2.1 trillion in economic output in 2013, with \$887.9 billion spent directly by travelers and tax revenues of \$134 billion for federal, state and local governments, funds used to support essential services and programs; and

WHEREAS, the travel industry is among the largest private sector employers in the United States, supporting 14.9 million jobs in 2013, including 7.9 million directly in the travel industry and 7 million in other industries; and

WHEREAS, travel is among the largest industries in the state, supporting 1.1 million jobs in 2013, including 601,000 directly in the travel industry and 529,000 in other industries; and

WHEREAS, travel to and within Texas provides significant economic benefits for the state, generating \$67.5 billion spent directly by travelers and tax revenues of \$4.7 billion for state and local governments, funds used to support essential services and programs; and

WHEREAS, travel in Brenham, Texas provides economic benefits for the City of Brenham, employing 587 people and generating \$973,000 in local tax revenue and \$80 million in total direct travel spending; and

WHEREAS, travel spending in our region enhances the lives of local residents through sales taxes paid by out-of-town guests, thereby decreasing residents' taxes to cover services enjoyed by all; and

WHEREAS, leisure travel supports our region's arts, entertainment, and recreation sectors of tourism and spurs local job creation;

Now, **THEREFORE**, I, Mayor Milton Y. Tate Jr., do hereby proclaim May 2-10, 2015 as

TRAVEL AND TOURISM WEEK

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

Milton Y. Tate Jr.
Mayor

ORDINANCE NO. O-15-012

AN ORDINANCE REQUIRING THE PLACING OF CERTAIN STOP SIGNS IN THE CITY OF BRENHAM, TEXAS, SETTING THE LOCATION OF SAID STOP SIGNS, REGULATING THE TRAFFIC AT SAID STOP SIGNS, AND PROVIDING FOR PENALTY FOR VIOLATION THEREOF.

WHEREAS, it is necessary to provide a stop signs at certain locations in the City of Brenham to prevent accidents, collisions and damages, to promote the flow of traffic along and into such streets, and to regulate the same:

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

- Section 1. That there shall be established and installed:
 - One stop sign on Becker Drive at its intersection with South Market Street, regulating northbound traffic on Becker Drive;
 - This stop sign shall be erected at the top of a standard, installed in the ground on the right hand side of the streets identified herein.

- Section 2. That every person, firm or corporation, operating a motor vehicle or other vehicle of any kind, in, on, along and into the streets or street intersections designated in Section 1 hereof, upon reaching a stop sign at the location so designated, shall bring said vehicle to a full and complete stop in compliance with the provisions of applicable state law, before proceeding further along said street or into or on said street intersection.

- Section3. That any person, firm or corporation, violating Section 2 hereof, shall be fined a sum of not less than \$1.00 and not more than \$200.00, plus applicable court costs.

- Section 4. This Ordinance shall take full force and effect from and after its passage, approval and publication as required by applicable law.

PASSED and APPROVED on its first reading this the 16th day of April, 2015.

PASSED and APPROVED on its second reading this the 7th day of May, 2015.

ATTEST:

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

ORDINANCE NO. O-15-013

AN ORDINANCE REQUIRING THE PLACING OF CERTAIN STOP SIGNS IN THE CITY OF BRENHAM, TEXAS, SETTING THE LOCATION OF SAID STOP SIGNS, REGULATING THE TRAFFIC AT SAID STOP SIGNS, AND PROVIDING FOR PENALTY FOR VIOLATION THEREOF.

WHEREAS, it is necessary to provide a stop signs at certain locations in the City of Brenham to prevent accidents, collisions and damages, to promote the flow of traffic along and into such streets, and to regulate the same:

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

Section 1. That there shall be established and installed:

One stop sign on Chappell Hill Street at its intersection with U. S. Highway 290 East, regulating northbound traffic on Chappell Hill Street Drive;

This stop sign shall be erected at the top of a standard, installed in the ground on the right hand side of the streets identified herein.

Section 2. That every person, firm or corporation, operating a motor vehicle or other vehicle of any kind, in, on, along and into the streets or street intersections designated in Section 1 hereof, upon reaching a stop sign at the location so designated, shall bring said vehicle to a full and complete stop in compliance with the provisions of applicable state law, before proceeding further along said street or into or on said street intersection.

Section 3. That any person, firm or corporation, violating Section 2 hereof, shall be fined a sum of not less than \$1.00 and not more than \$200.00, plus applicable court costs.

Section 4. This Ordinance shall take full force and effect from and after its passage, approval and publication as required by applicable law.

PASSED and APPROVED on its first reading this the 16th day of April, 2015.

PASSED and APPROVED on its second reading this the 7th day of May, 2015.

ATTEST:

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

ORDINANCE NO. O-15-014

**AN ORDINANCE AMENDING THE GARBAGE COLLECTION/
CITIZENS COLLECTION STATION RATE TARIFF SCHEDULE FOR
THE CITY OF BRENHAM, TEXAS; AND PROVIDING FOR AN
EFFECTIVE DATE OF THIS ORDINANCE**

WHEREAS, the City Council of the City of Brenham, Texas deems it necessary to change the rates charged for commercial brush and scrap tires that are disposed of at the City of Brenham's Transfer/Collection Station.

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

SECTION I.

The City Council of the City of Brenham, Texas, does hereby adopt the Garbage Collection/Citizen's Collection Station Rate Schedule for commercial brush and scrap tires that are disposed of at the City of Brenham's Transfer/Collection Station as set forth in the attached Exhibit "A", which is made a part hereof for all purposes pertinent, to be effective with utility billing occurring on or after May 7, 2015.

SECTION II.

This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas. The implementation of rates as set forth herein and on the attached Exhibit "A" shall be effective with utility billing occurring on and after May 7, 2015.

PASSED AND APPROVED on its first reading this the 16th day of April, 2015.

PASSED AND APPROVED on its second reading this the 7th day of May, 2015.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

ALL SERVICES	800	810
TARIFF	SECTION NO.	SHEET NO.
GARBAGE COLLECTION/CITIZEN'S COLLECTION STATION RATE SCHEDULE	May 7, 2015	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective January 1, 2013)

SANITATION RATE SCHEDULE

Residential Collection

Single Family - Homes, Apartments, Mobile Homes

Code A	\$13.75 per month Twice Per Week Collection Inside City Limits
Code C	\$20.13 per month Twice Per Week Collection
Senior Citizen (Age 55 or older)	\$11.00 per month Application required for discounted rate

Citizens Collection Station (Non-compacted Waste)

\$80.00/ton or .04 cents per pound

\$5.50 minimum (<160 lbs.)

\$1.00 per trash bag

Disposal of vehicle tires at the city collection station; charges and collection:

(a) The city herewith imposes the following surcharges for disposal of vehicle tires at the city collection station:

- (1) Cars and passenger trucks (15 inch and below).....\$3.00 per tire
- (2) Large truck tires (16 inch and above).....\$7.50 per tire
- (3) Large truck and tractor tires with dimension greater than
eighteen (18) inches wide, forty-nine (49) inches in diameter,
and 15-ply\$45.00 per tire

(b) The charges set forth immediately above are to be collected at the Collection Station site by city personnel or, in the case of commercial or industrial charge accounts, will be billed to the applicable customers each month.

ALL SERVICES

800

811

TARIFF

SECTION NO.

SHEET NO.

GARBAGE COLLECTION/CITIZEN'S
COLLECTION STATION RATE SCHEDULE

May 7, 2015

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change effective 1/1/13)

Commercial Brush

\$22.50/ton or .01125 cents per pound

\$17.50 minimum (1 ton minimum)

Transfer Station (Compacted Waste)

In-city \$42.50/ton or 2.125 cents per pound

Out of city \$45.50/ton or 2.275 cents per pound

ALL SERVICES	800	812
TARIFF	SECTION NO.	SHEET NO.
GARBAGE COLLECTION/CITIZEN'S COLLECTION STATION RATE SCHEDULE	NOVEMBER 8, 2006	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 03/01/2006)

POLICIES FOR SANITATION COLLECTION

1. A new customer or a change in service requires Form 7, Application of Service, be filled out at the Public Utilities Office. The form must be signed by the applicant. Copies will be disbursed to the following departments: Public Utilities, Billing Department, Sanitation Department.
2. Effective date for new or changed service will be established by the Sanitation Department Head. Billing Department will adjust customer bills accordingly.
3. Any customer requesting a Senior Citizen Rate must complete the necessary form and provide proof of age.
4. Any customer who has residential utility service with the City shall be subject to charges for garbage service and shall comply with all City health ordinances regarding the disposal of solid waste. Charges for garbage service may be waived by the Utility Director or City Manager for customers with residential utility service that do not reside on a current residential truck route.
5. The City's garbage service to residential customers shall be exclusive and no other person, firm or corporation shall provide residential garbage service within the City limits of Brenham. Residential garbage service shall include garbage pick up at any residence at least monthly.
6. Outside the city limits services are available to residential customers presently residing on a current residential truck route that is adjacent to the city limits.
7. Garbage must be at the curb by 8:00 A.M. on collection day.
8. All garbage must be placed within five feet of curb or edge of pavement.
9. Bags shall at all times be kept secure and fastened to prevent scattering of the contents by the wind and so that flies and other insects may not have access to the contents.
10. Residential collection trucks will not pick up tires, grass clippings, leaves, tree trimming, batteries, carpet, construction materials, furniture and heavy metal objects.
11. Disposal of hazardous waste, explosives, ammunition, used oil and filters, flammable liquids, radioactive waste and/or lead-acid batteries in the City's Sanitation Collection Station is strictly prohibited. Vehicle tires shall not be placed for collection by the City, but will be accepted for disposal at the City's Collection Station
12. A special yard waste collection is provided every Wednesday for those residents who are unable to take their yard waste to the Citizens Collection Station.

ORDINANCE NO. O-15-015

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, GRANTING A VARIANCE TO SECTION 23-22(1) OF THE CITY OF BRENHAM CODE OF ORDINANCES, CHAPTER 23, REGULATING SUBDIVISIONS, PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, the City of Brenham Code of Ordinances, Chapter 23, Subdivisions, provides for standards and regulations regarding subdivisions within the corporate boundaries and extraterritorial jurisdiction of the City of Brenham; and

WHEREAS, the City of Brenham Code of Ordinances, Chapter 23, Section 23-22(1) states that building lines on collectors and arterials not be less than 25 feet as follows:

All residential lots within the city and its extraterritorial jurisdiction shall conform to the general provisions provided below:

- (1) *Lots on arterial and collector streets.* The building setback line shall not be closer than twenty-five (25) feet from the side of a lot which abuts a collector or an arterial street.

WHEREAS, pursuant to Section 23-34, City of Brenham Code of Ordinances, the City Council of the City of Brenham, Texas has the authority to grant variances to the City's subdivision regulations outlined in the City of Brenham Code of Ordinances, Chapter 23, Subdivisions; and

WHEREAS, the property described as Old Mill Creek Sections 1 and 2, Section 1 consisting of ten residential lots containing 2.791 acres, one reserve containing 0.006 acre, and 0.473 acre in three street rights-of-way, for a total of 3.27 acres, and Section 2 consisting of four residential lots containing a total of 1.069 acres; and

WHEREAS, Old Mill Creek Road is classified as a Minor Collector Road according to the City of Brenham's Thoroughfare Plan.

WHEREAS, the property is in compliance with the City of Brenham Comprehensive Plan; and

WHEREAS, the City Council finds that by granting the variance, the spirit of the City of Brenham Code of Ordinances, Chapter 23, Subdivisions is observed, and the probable effect of such variance will not create adverse impacts in the vicinity; and

WHEREAS, the City Council further finds that granting the variance is not contrary to the public interest;

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

1. **Findings of Fact:** All of the above premises are hereby found to be true and correct findings of the City Council of the City of Brenham and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.
2. **Variance Granted:** The City Council hereby grants the request for a variance to the provisions of the City of Brenham Code of Ordinances, Chapter 23, Section 23-22(1), which requires a building line setback of not less than twenty five (25) feet from the side of a lot which abuts an arterial or a collector street, and authorizes a building line setback of not less than ten (10) feet from the side of all lots in the Old Mill Creek Subdivision Sections 1 and 2 that abut Old Mill Creek Road.
3. **Conflict with Prior Ordinances:** In the case of a conflict between this Ordinance and any provision or clause of previous Ordinances adopted by the City of Brenham, the provisions of this Ordinance shall prevail.
4. **Severability:** Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are severable.
5. **Effective Date:** This Ordinance shall become effective immediately upon and after its passage and publication as may be required by governing law.
6. **Proper Notice and Meeting:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED and APPROVED on its first reading this the 16th day of April, 2015.

PASSED and APPROVED on its second reading this the 7th day of May, 2015.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

ORDINANCE NO. O-15-016

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, GRANTING A VARIANCE TO SECTION 23-21(3)(b) OF THE CITY OF BRENHAM CODE OF ORDINANCES, CHAPTER 23, REGULATING SUBDIVISIONS, PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, the City of Brenham Code of Ordinances, Chapter 23, Subdivisions, provides for standards and regulations regarding subdivisions within the corporate boundaries and extraterritorial jurisdiction of the City of Brenham; and

WHEREAS, the City of Brenham Code of Ordinances, Chapter 23, Section 23-21(3)(b) states that rural lot subdivisions shall have a minimum lot depth of 200 feet as follows:

b. Minimum depth: 200 feet.

WHEREAS, pursuant to Section 23-34, City of Brenham Code of Ordinances, the City Council of the City of Brenham, Texas has the authority to grant variances to the City's subdivision regulations outlined in the City of Brenham Code of Ordinances, Chapter 23, Subdivisions; and

WHEREAS, the property described as Strangmeier Subdivision Section Two, consisting of four lots on 4.012 acres, is constrained by man-made geographic boundaries at the front property lines by Strangmeier Road and rear property lines by B.N.S.F. Railroad; and

WHEREAS, the property is in compliance with the City of Brenham Comprehensive Plan; and

WHEREAS, the City Council finds that by granting the variance, the spirit of the City of Brenham Code of Ordinances, Chapter 23, Subdivisions is observed, and the probable effect of such variance will not create adverse impacts in the vicinity; and

WHEREAS, the City Council further finds that granting the variance is not contrary to the public interest;

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

1. **Findings of Fact:** All of the above premises are hereby found to be true and correct findings of the City Council of the City of Brenham and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

2. **Variance Granted:** The City Council hereby grants the request for a variance to the provisions of the City of Brenham Code of Ordinances, Chapter 23, Section 21(b)(3), which requires a lot depth of no less than 200 feet for rural lots, to be reduced to the depths as shown on the final plat of the Strangmeier Subdivision Section Two.
3. **Conflict with Prior Ordinances:** In the case of a conflict between this Ordinance and any provision or clause of previous Ordinances adopted by the City of Brenham, the provisions of this Ordinance shall prevail.
4. **Severability:** Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are severable.
5. **Effective Date:** This Ordinance shall become effective immediately upon and after its passage and publication as may be required by governing law.
6. **Proper Notice and Meeting:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED and APPROVED on its first reading this the 16th day of April, 2015.

PASSED and APPROVED on its second reading this the 7th day of May, 2015.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 7

DATE OF MEETING: May 7, 2015	DATE SUBMITTED: May 1, 2015	
DEPT. OF ORIGIN: Main Street	SUBMITTED BY: Wende Ragonis	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input checked="" type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Presentation and Discussion Regarding Wayfinding Signage		
SUMMARY STATEMENT: The design phase of the wayfinding signage program is nearing completion, and staff has asked the partner vendor, fd2s, to present to Council the progress of the project to date. During the December 18, 2014 Council meeting, staff along with Main Street committee member, Melinda Faubion, discussed the importance of a well designed and implemented wayfinding program. Since that December update, the Main Street wayfinding sub-committee has worked closely with fd2s to identify design concepts, color palettes, informational hierarchy for signage and placement for both vehicular and pedestrian signs. The wayfinding sub-committee along with fd2s hosted a well-attended feedback forum February 10, 2015 to assess the community needs and to gather feedback for the comprehensive signage program. Based on the understanding of needs gathered at that forum and from the wayfinding sub-committee and Main Street Advisory Board input, fd2s has designed a comprehensive wayfinding program for the City of Brenham.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: None		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION:		
APPROVALS: Terry K. Roberts		



AGENDA ITEM 8

DATE OF MEETING: 5/7/2015		DATE SUBMITTED: 5/1/15	
DEPT. OF ORIGIN: Public Works		SUBMITTED BY: Dane Rau	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING	
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING	
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION	
	<input checked="" type="checkbox"/> WORK SESSION		
AGENDA ITEM DESCRIPTION: Presentation and Discussion Regarding the Status of a Lease Agreement Between the City of Brenham and Faith Mission and Help Center, Inc.			
<p>SUMMARY STATEMENT: In 2007 the City of Brenham and Faith Mission entered into a lease for the use of the old “Wood Working Mill” building located on Key and Second St. This agreement allowed Faith Mission the opportunity to store items in the building that would be used for distributing goods and supplies in emergencies, supply items to the homeless, and for the indigent population in Brenham. It also was intended to store items for refurbishing and the resale of goods to benefit Faith Mission. The lessor pays the city \$1 per year for the use of the building.</p> <p>Over the years this building has begun to be an eyesore for the community. It is desperate need of repair pertaining to many broken windows and it has significant roof issues that no longer allow items in the building to remain clean. The contract states that <i>“The lessee shall at its own cost and expense, keep and maintain all parts of the premises in as good a condition or better than the condition of the property at the beginning of the term of the lease, normal wear and tear excluded, promptly making all necessary repairs and replacements, including but not limited to, windows, interior walls, finish work, floor covering, fixtures, pest extermination and regular removal of trash and debris. Lessee shall be responsible for all maintenance of the buildings and premises, including, but not limited to, plumbing, electrical service, and heating and air.”</i> Over the years no improvements have been made that the City is aware of other than minor roof work that was conducted by city staff. The building currently is stacked full of possible resale items and indigent care items that cannot be stored at other Faith Mission sites. Even though these items are rotated out throughout the year, we feel that this building creates a nuisance to the neighborhood and supplies a home to many rodents and pests. With the broken windows and dilapidated siding it also allows a place for squatters to take refuge and encourages a bad place for unattended activity in our community. The main doors are locked at all times but due to the integrity of the building it is hard to keep rodents, pests, and visitors from the inside of the building.</p> <p>We are appreciative of the service that Faith Mission provides but we feel that the City of Brenham needs to opt out of this lease agreement and provide Faith Mission with its 180 day notice to terminate the contract. Staff has spoken with Faith Mission staff and this building does supply a great need for their continued service that they offer to our community. They would like to have a discussion with council and staff before the lease is terminated.</p>			

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS: Supplies a place for resale items for Faith Mission when overstocked or out of season items.

B. CONS: Building becoming an eyesore and harbors unwanted visitors

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: None

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION:

APPROVALS: Terry K. Roberts



AGENDA ITEM 9

DATE OF MEETING: May 7, 2015	DATE SUBMITTED: May 4, 2015	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Erik Smith	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Public Hearing to Consider Amendment of the City of Brenham’s “Envision 2020” Comprehensive Plan Future Land Use Map to Change the Zoning District From a Single-Family District to a Commercial/Retail District for a Tract of Land Described as Section 1, Lot 1, Old Mill Creek Subdivision, Being a Corner Lot at the Intersection of Old Mill Creek Road and U. S. Highway 290 West in Brenham, Washington County, Texas.		
SUMMARY STATEMENT: This is a request for an amendment to the “Envision 20/20” Comprehensive Plan. The specific parcel is a tract of land described as Section 1, Lot 1 of Old Mill Creek Preliminary Plat 0.507 acres of land located at the corner lot at the intersection of Old Mill Creek Road and US Highway 209 W in Brenham, Washington County, Texas. The current district as designated by the Comprehensive Plan is Single Family. The City of Brenham is requesting the Comprehensive Plan be amended to designate this parcel as Commercial/Retail. The Comprehensive Plan is a document the City uses to help guide planning and future zoning changes for future growth. To follow best practices it would be ideal to change the comprehensive plan when a rezoning request is made so the two maps do not conflict with one another.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS: Keeps the Comprehensive Plan Map and Zoning Map from conflicting with one another.		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Plat; and (2) Comprehensive Plan Map		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: None		
APPROVALS: Terry K. Roberts		

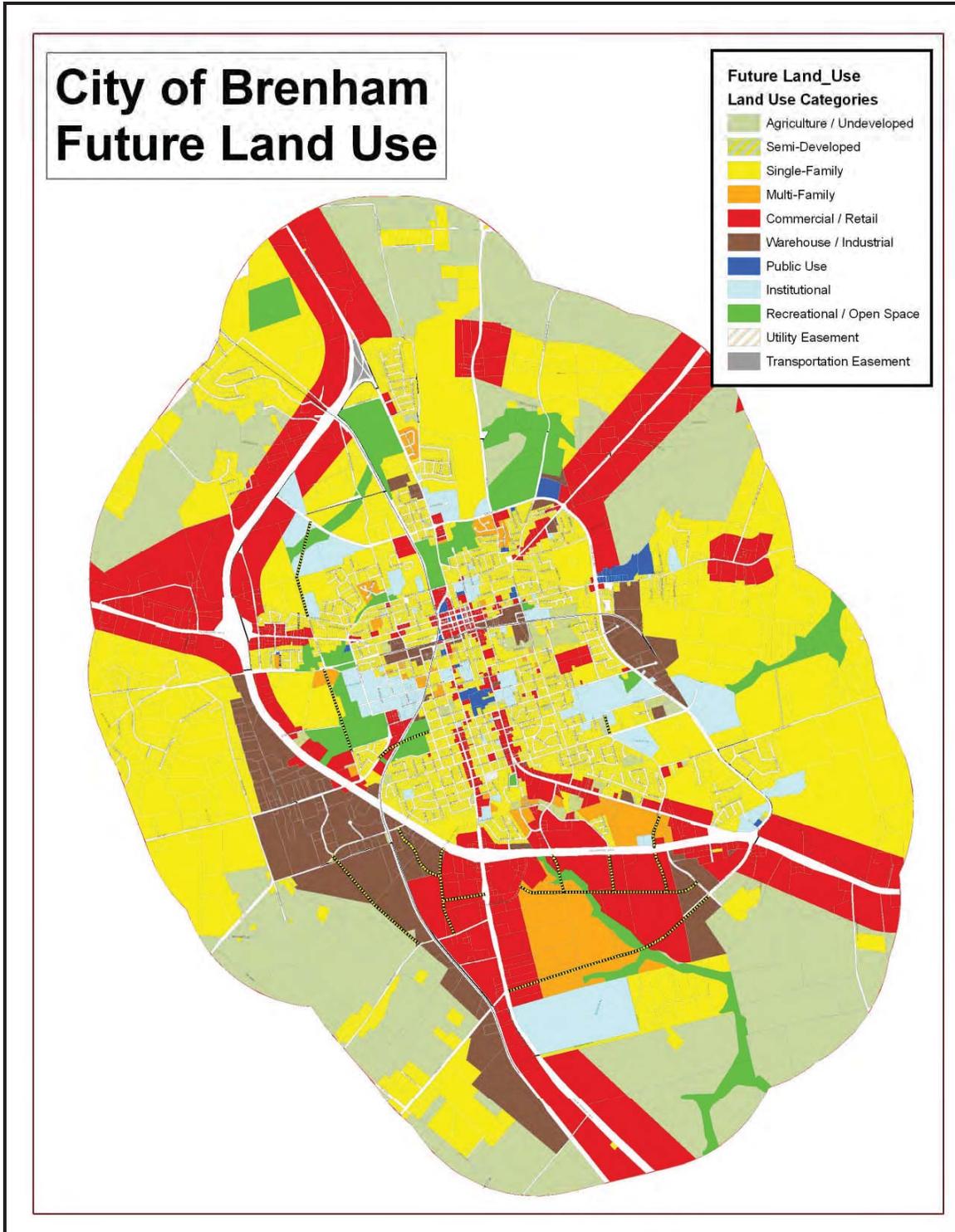


Illustration 6-5: The Future Land Use map for the City of Brenham illustrates desired growth patterns over the next 15 to twenty years.



AGENDA ITEM 10

DATE OF MEETING: May 7, 2015	DATE SUBMITTED: May 4, 2015	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Erik Smith	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Public Hearing to Consider Amendment of the City of Brenham’s “Envision 2020” Comprehensive Plan Future Land Use Map to Change the Zoning District From Single-Family District to a Commercial/Retail District for a Tract of Land Described as Section 2, Lots 1-4, Old Mill Creek Subdivision, Being 4 Lots Located at the Corner of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas.		
SUMMARY STATEMENT: This is a request for an amendment to the “Envision 20/20” Comprehensive Plan. The specific parcel is a tract of land described as Section 2, Lot 1-4 of Old Mill Creek Preliminary Plat 1.069 acres of land located at the corner lot at the intersection of Old Mill Creek Road and S. Saegar St. in Brenham, Washington County, Texas. The current district as designated by the Comprehensive Plan is Single Family. The City of Brenham is requesting the Comprehensive Plan be amended to designate this parcel as Commercial/Retail. The Comprehensive Plan is a document the City uses to help guide planning and future zoning changes for future growth. To follow best practices it would be ideal to change the comprehensive plan when a rezoning request is made so the two maps do not conflict with one another.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS: Keeps the Comprehensive Plan Map and Zoning Map from conflicting with one another.		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Plat; and (2) Comprehensive Plan Map		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: None		
APPROVALS: Terry K. Roberts		

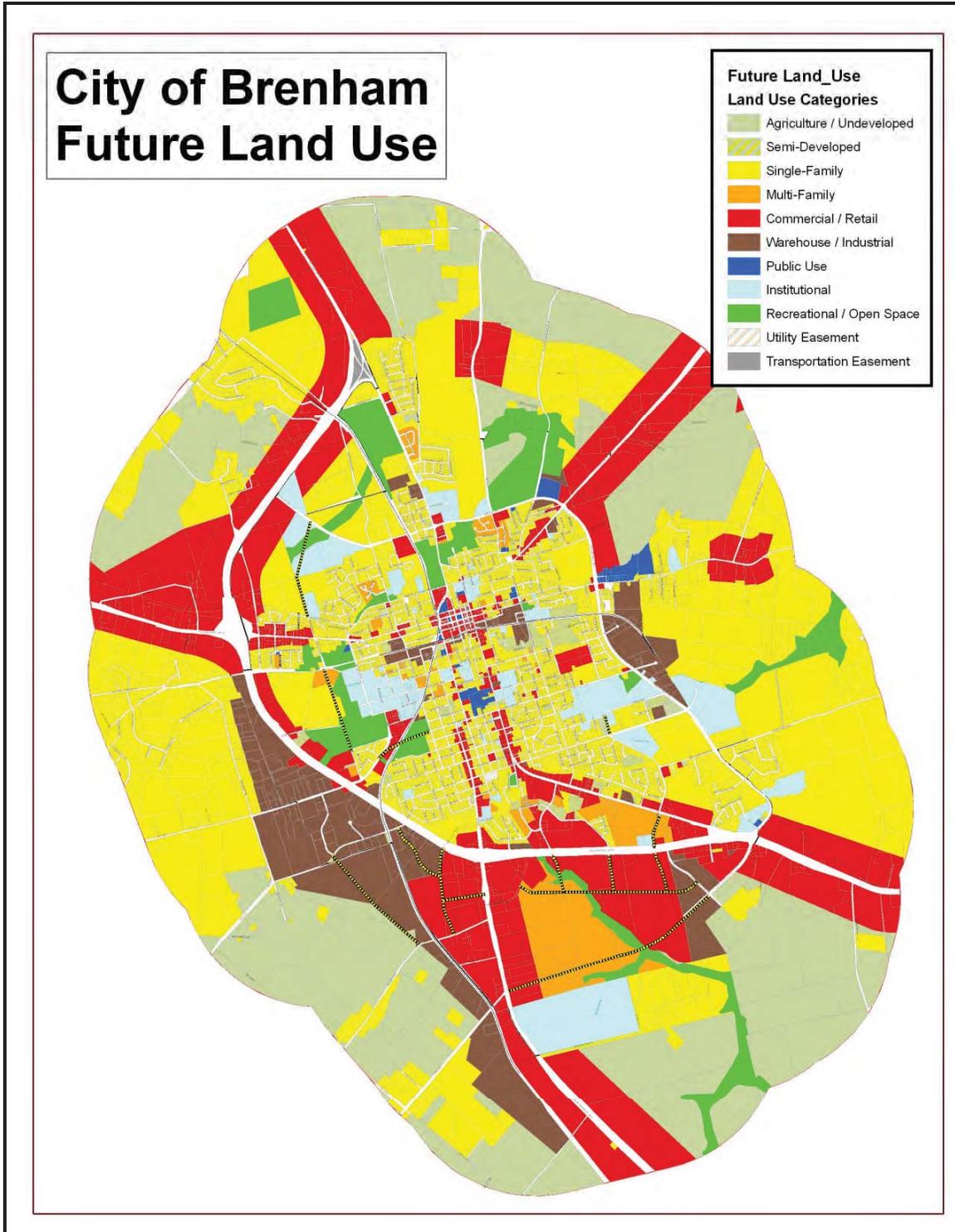


Illustration 6-5: The Future Land Use map for the City of Brenham illustrates desired growth patterns over the next 15 to twenty years.



AGENDA ITEM 11

DATE OF MEETING: May 7, 2015	DATE SUBMITTED: May 4, 2015	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Erik Smith	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Public Hearing to Consider an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Residential Single Family (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a Tract of Land Described as Section 1, Lot 1, Old Mill Creek Subdivision, Being a Corner Lot at the Intersection of Old Mill Creek Road and U. S. Highway 290 West in Brenham, Washington County, Texas.		
SUMMARY STATEMENT: This is a request by the City of Brenham to rezone a tract located at the corner of Old Mill Creek Road and US Highway 290 West from an R-1 District to a B-1 District for the purpose of potentially developing the site as commercial. The corner of this property abuts highway 290 which is designated as a freeway and Old Mill Creek Road which is designated as a minor collector. From a transportation standpoint an intersection with these designations would allow for a parcel that would easily accommodate a commercial use. The City also has adopted comprehensive zoning which would not rule out the possibility of an interested buyer to purchase the land with the intent of building a single family residential dwelling on the property.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS: Allow for a potential retail or office site along roads built to accommodate retail or office.		
B. CONS: Lots will be close to residential.		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) General Application; (2) Plat; and (3) Land Use Map Exhibit		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: None		
APPROVALS: Terry K. Roberts		



For office use only

APPLICATION NO. _____

MEETING DATE: _____

DATE SUBMITTED: _____

FILING FEE: \$~~100.00~~

CITY OF BRENHAM
GENERAL APPLICATION

Type of Application

- | | |
|---|--|
| <input type="checkbox"/> Variance from Appendix A: Zoning | <input checked="" type="checkbox"/> Zone Change |
| <input type="checkbox"/> Specific Use Permit | <input type="checkbox"/> Plan Review |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Final Plat/Replat/Amending Plat |
| <input type="checkbox"/> Variance from Chapter 21: Signs | <input type="checkbox"/> Other: _____ |

Property Owners Information

Name City of Brenham

Principal Officers (If Corporation) President Terry K Roberts, City Manager; Milton Y. Tate, Jr., Mayor

Secretary Jeana Bellinger, City Secretary

Address P.O. Box 1059, Brenham, Texas 77834-1059

Telephone Number 979-337-7200 E-mail Address jbelling@cityofbrenham.org

Applicant Information

Name Owner

Address _____

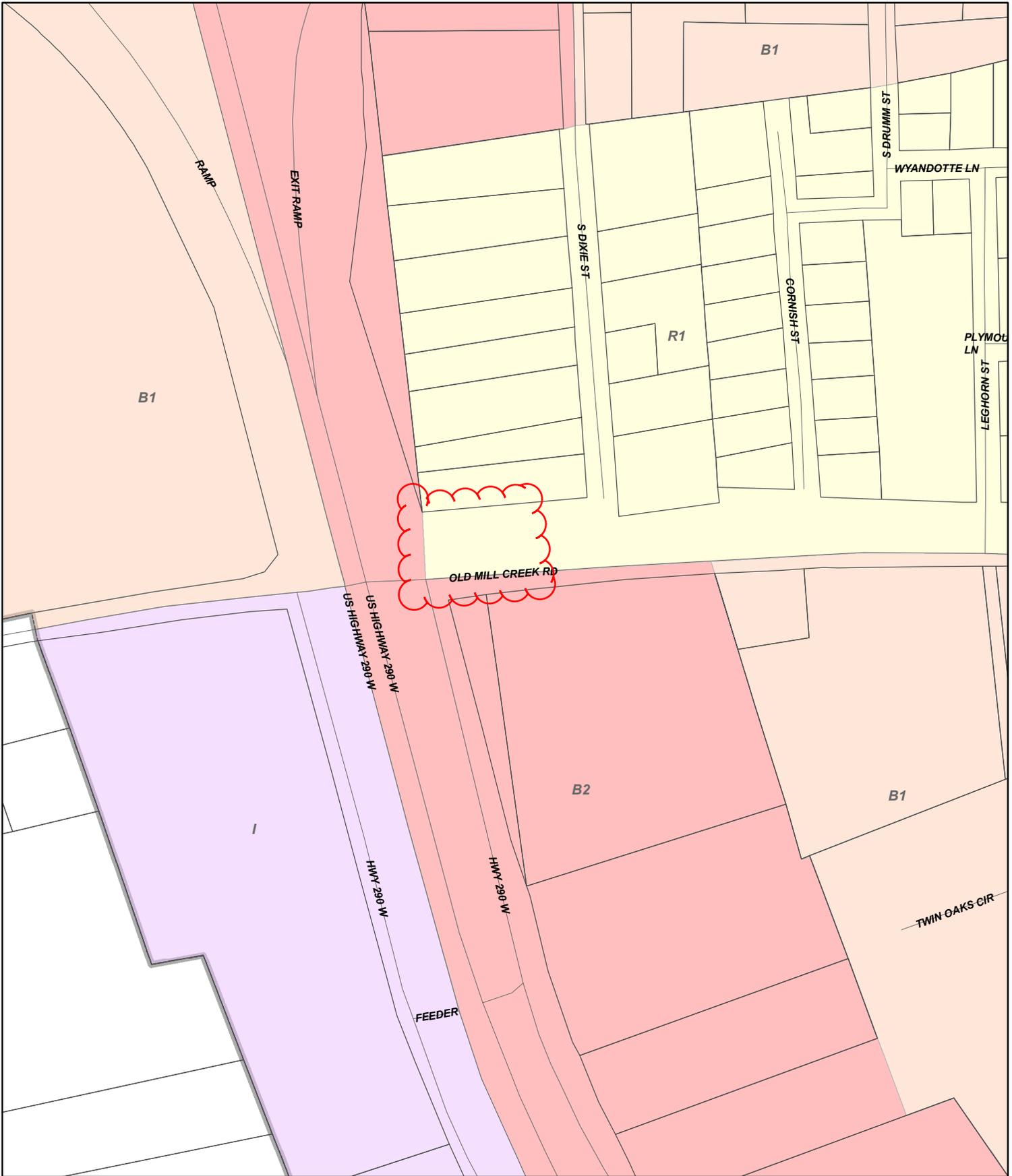
Telephone Number _____ E-mail Address _____

Agent or Engineer Information

Name Owner

Address _____

Telephone Number _____ E-mail Address _____



1 inch = 250 feet



Section 1, Lot 1 Old Mill Creek





AGENDA ITEM 12

DATE OF MEETING: May 7, 2015	DATE SUBMITTED: May 4, 2015	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Erik Smith	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Public Hearing to Consider an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Residential Single Family (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a Tract of Land Described as Section 2, Lots 1-4, Old Mill Creek Subdivision, Being 4 Lots Located at the Corner of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas.		
SUMMARY STATEMENT: This is a request by the City of Brenham to rezone a tract located at the corner of Old Mill Creek Road and S. Saegar St. from an R-1 District to a B-1 District for the purpose of potentially developing the site as commercial. The corner of this property abuts Old Mill Creek which is designated as a minor collector and S. Saegar St. which is designated as a major collector. From a transportation standpoint an intersection with these designations would allow for a parcel that would easily accommodate a commercial use. The City also has adopted comprehensive zoning which would not rule out the possibility of an interested buyer to purchase the land with the intent of building a single family residential dwelling on the property.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS: Allow for a potential retail or office site along roads built to accommodate retail or office.		
B. CONS: Lots will be close to residential.		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) General Application; (2) Plat; and (3) Land Use Map Exhibit		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: None		
APPROVALS: Terry K. Roberts		



For office use only

APPLICATION NO. _____

MEETING DATE: _____

DATE SUBMITTED: _____

FILING FEE: ~~\$100.00~~

CITY OF BRENHAM
GENERAL APPLICATION

Type of Application

- | | |
|---|--|
| <input type="checkbox"/> Variance from Appendix A: Zoning | <input checked="" type="checkbox"/> Zone Change |
| <input type="checkbox"/> Specific Use Permit | <input type="checkbox"/> Plan Review |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Final Plat/Replat/Amending Plat |
| <input type="checkbox"/> Variance from Chapter 21: Signs | <input type="checkbox"/> Other: _____ |

Property Owners Information

Name City of Brenham

Principal Officers (If Corporation) President Terry K Roberts, City Manager; Milton Y. Tate, Jr., Mayor

Secretary Jeana Bellinger, City Secretary

Address P.O. Box 1059, Brenham, Texas 77834-1059

Telephone Number 979-337-7200 E-mail Address jbellinge@cityofbrenham.org

Applicant Information

Name Owner

Address _____

Telephone Number _____ E-mail Address _____

Agent or Engineer Information

Name Owner

Address _____

Telephone Number _____ E-mail Address _____

Location of Property

Street Address: Corner of Old Mill Creek Road and S. Saeger Street

Legal Description (attach metes and bounds description if not subdivided):

Subdivision: Old Mill Creek Block(s): Section 2 Lot(s): 1-4

Zoning Information

Existing Zoning : R-1, Single Family Residential

Proposed Zoning: B-1, Local Business/Residential Mixed Use District

Reasons for requesting zone change:* Location of this property being at a corner intersection of two thoroughfares is conducive to both local business and residential uses

Variance Information

Section of Code from which variance is described:* N/A

Describe variance requested:* N/A

Reasons for requesting variance:* N/A

Proposed Property Use

Describe in detail the proposed operation at this location:*

Local business - office or residential use

Construction Value \$ _____

Site plans are required for variance, special use, and plan review requests; please see Ordinance No. 0-05-007 for minimum site plan requirements.

I, Terry K. Roberts, being the owner (or authorized agent) of the above described property, do hereby certify the information set forth above is true and correct. I further request that the Planning & Zoning Commission/Board of Adjustments/Plan Review Committee review this matter and take appropriate action.


Owner

Agent

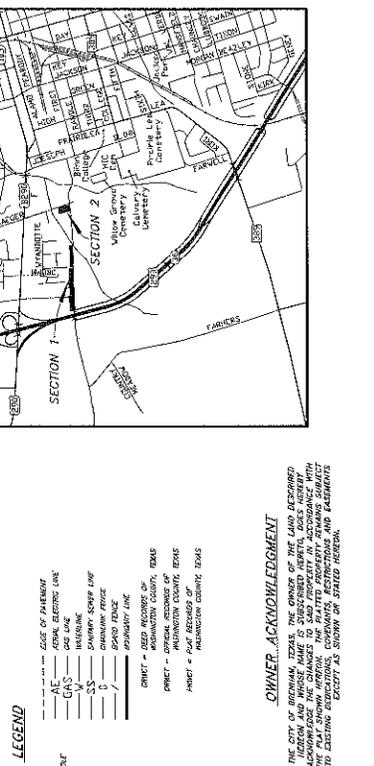


LINE TABLE

LINE	BEARING	DISTANCE	BEARING	DISTANCE
1	S 89°15'42" W	50.00	S 89°15'42" W	50.00
2	S 89°15'42" W	50.00	S 89°15'42" W	50.00
3	S 89°15'42" W	50.00	S 89°15'42" W	50.00
4	S 89°15'42" W	50.00	S 89°15'42" W	50.00
5	S 89°15'42" W	50.00	S 89°15'42" W	50.00
6	S 89°15'42" W	50.00	S 89°15'42" W	50.00
7	S 89°15'42" W	50.00	S 89°15'42" W	50.00
8	S 89°15'42" W	50.00	S 89°15'42" W	50.00
9	S 89°15'42" W	50.00	S 89°15'42" W	50.00
10	S 89°15'42" W	50.00	S 89°15'42" W	50.00
11	S 89°15'42" W	50.00	S 89°15'42" W	50.00
12	S 89°15'42" W	50.00	S 89°15'42" W	50.00
13	S 89°15'42" W	50.00	S 89°15'42" W	50.00
14	S 89°15'42" W	50.00	S 89°15'42" W	50.00
15	S 89°15'42" W	50.00	S 89°15'42" W	50.00
16	S 89°15'42" W	50.00	S 89°15'42" W	50.00
17	S 89°15'42" W	50.00	S 89°15'42" W	50.00
18	S 89°15'42" W	50.00	S 89°15'42" W	50.00
19	S 89°15'42" W	50.00	S 89°15'42" W	50.00
20	S 89°15'42" W	50.00	S 89°15'42" W	50.00

CURVE TABLE

ARC	DELTA	CHORD	BEARING	DISTANCE
1	11.31	11.31	S 89°15'42" W	50.00
2	22.62	22.62	S 89°15'42" W	50.00
3	33.93	33.93	S 89°15'42" W	50.00
4	45.24	45.24	S 89°15'42" W	50.00
5	56.55	56.55	S 89°15'42" W	50.00
6	67.86	67.86	S 89°15'42" W	50.00
7	79.17	79.17	S 89°15'42" W	50.00
8	90.48	90.48	S 89°15'42" W	50.00
9	101.79	101.79	S 89°15'42" W	50.00
10	113.10	113.10	S 89°15'42" W	50.00
11	124.41	124.41	S 89°15'42" W	50.00
12	135.72	135.72	S 89°15'42" W	50.00
13	147.03	147.03	S 89°15'42" W	50.00
14	158.34	158.34	S 89°15'42" W	50.00
15	169.65	169.65	S 89°15'42" W	50.00
16	180.96	180.96	S 89°15'42" W	50.00
17	192.27	192.27	S 89°15'42" W	50.00
18	203.58	203.58	S 89°15'42" W	50.00
19	214.89	214.89	S 89°15'42" W	50.00
20	226.20	226.20	S 89°15'42" W	50.00



LEGEND

- WATER
- RAILROAD
- ROAD
- CURVE
- CORNER
- ELECTRIC LINE
- UTILITY
- ELECTRIC POLE
- ELECTRIC METER
- ELECTRIC BOX
- ELECTRIC WIRE
- ELECTRIC POLE
- ELECTRIC METER
- ELECTRIC BOX
- ELECTRIC WIRE

OWNER ACKNOWLEDGMENT

THE CITY OF BRENHAM, TEXAS, DOES HEREBY ACKNOWLEDGE THE CHANGES TO SAID PROPERTY AS DESCRIBED AND STATED ABOVE, AND THE CITY OF BRENHAM, TEXAS, DOES HEREBY CERTIFY THAT THE WRITTEN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION HAS BEEN RECORDED IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS, AND BEING THE SAME LAND DESCRIBED AS 1 ACRE IN THE BLVD. FROM LEROY ROAD, LET US TO THE CITY OF BRENHAM, DATED DECEMBER 31, 1996, AS RECORDED IN VOLUME 915, PAGE 871, IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS.

NOTARY PUBLIC ACKNOWLEDGMENT

THE STATE OF TEXAS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2015, BY _____

NOTARY PUBLIC, STATE OF TEXAS

NOTARY NAME (PRINTED): _____

NOTARY COMMISSION EXPIRES: _____

NOTARY PUBLIC ACKNOWLEDGMENT

THE STATE OF TEXAS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2015, BY _____

NOTARY PUBLIC, STATE OF TEXAS

NOTARY NAME (PRINTED): _____

NOTARY COMMISSION EXPIRES: _____

PLANNING AND ZONING COMM. APPROVAL

APPROVED THIS _____ DAY OF _____, 2015, BY _____

CHURMAN

SECRETARY

CERTIFICATION

THE STATE OF TEXAS

COUNTY OF WASHINGTON

I, JON E. HODGE, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5187 OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS MAP SHOWING A SURVEY AND SUBDIVISION OF 4.341 ACRES OF LAND IS TRUE AND CORRECT IN ACCORDANCE WITH AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY PERSONAL DIRECTION AND SUPERVISION.

DATED THIS THE *** DAY OF *****, 2015, A.D.

(PRELIMINARY)

JON E. HODGE
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5187
613 EAST BLUE BELL ROAD
BRENHAM, TEXAS 77833
TEXAS FIRM REGISTRATION NO. 1091800

COUNTY CLERK FILING ACKNOWLEDGMENT STATEMENT

THE STATE OF TEXAS

COUNTY OF WASHINGTON

I, BETH WASHINGTON, CLERK OF THE COUNTY COURT OF WASHINGTON COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WRITTEN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION HAS BEEN RECORDED IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS, AND BEING THE SAME LAND DESCRIBED AS 1 ACRE IN THE BLVD. FROM LEROY ROAD, LET US TO THE CITY OF BRENHAM, DATED DECEMBER 31, 1996, AS RECORDED IN VOLUME 915, PAGE 871, IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS.

CLERK, COUNTY COURT
WASHINGTON COUNTY, TEXAS

NOTARY PUBLIC ACKNOWLEDGMENT

THE STATE OF TEXAS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2015, BY _____

NOTARY PUBLIC, STATE OF TEXAS

NOTARY NAME (PRINTED): _____

NOTARY COMMISSION EXPIRES: _____

PLANNING AND ZONING COMM. APPROVAL

APPROVED THIS _____ DAY OF _____, 2015, BY _____

CHURMAN

SECRETARY

OLD MILL CREEK SUBDIVISION

SECTION 2

CONSISTING OF 4 RESIDENTIAL LOTS CONTAINING 1.069 ACRES

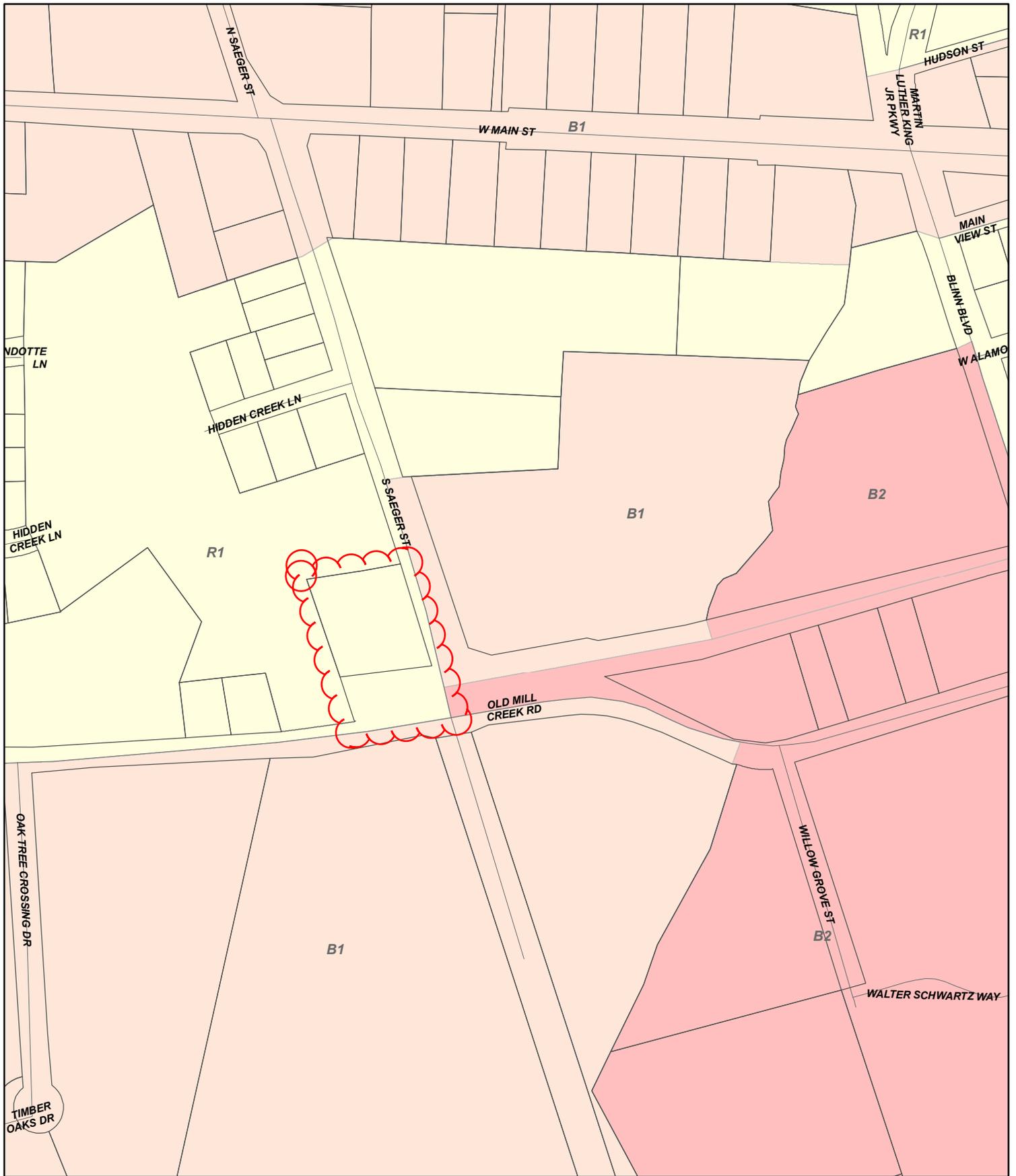
(PRELIMINARY)

(PRELIMINARY PLAT)

SHEET 2

OF 2

Hodde & Hodde Land Surveying, Inc.
Professional Land Surveying
635 Foothill Road, Brenham, Texas 77833
979-666-0000
www.hoddeandhodde.com



1 inch = 250 feet



Section 1, Lot 1 Old Mill Creek





AGENDA ITEM 13

DATE OF MEETING: May 7, 2015		DATE SUBMITTED: May 4, 2015	
DEPT. OF ORIGIN: Development Services		SUBMITTED BY: Erik Smith	
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-15-012 Providing for an Amendment to the City of Brenham’s “Envision 2020” Comprehensive Plan’s Future Land Use Map to Change the Zoning District From a Single-Family District to a Commercial/Retail District for a Tract of Land Described as Section 1, Lot 1, Old Mill Creek Subdivision, Being a Corner Lot at the Intersection of Old Mill Creek Road and U. S. Highway 290 West in Brenham, Washington County, Texas.			
SUMMARY STATEMENT: This is a request for an amendment to the “Envision 20/20” Comprehensive Plan. The specific parcel is a tract of land described as Section 1, Lot 1 of Old Mill Creek Preliminary Plat 0.507 acres of land located at the corner lot at the intersection of Old Mill Creek Road and US Highway 209 W in Brenham, Washington County, Texas. The current district as designated by the Comprehensive Plan is Single Family. The City of Brenham is requesting the Comprehensive Plan be amended to designate this parcel as Commercial/Retail. The Comprehensive Plan is a document the City uses to help guide planning and future zoning changes for future growth. To follow best practices it would be ideal to change the comprehensive plan when a rezoning request is made so the two maps do not conflict with one another.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS: Keeps the Comprehensive Plan Map and Zoning Map from conflicting with one another.			
B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: (1) Resolution No. R-15-012; and (2) Plat			
FUNDING SOURCE (Where Applicable):			
RECOMMENDED ACTION: Staff will update City Council at the meeting on the recommendation from Planning and Zoning.			
APPROVALS: Terry K. Roberts			

RESOLUTION NO. R-15-012

RESOLUTION PROVIDING FOR THE AMENDMENT OF THE FUTURE LAND USE MAP OF THE CITY OF BRENHAM ENVISION 2020 COMPREHENSIVE PLAN

WHEREAS, the City of Brenham currently has a comprehensive plan entitled City of Brenham “Envision 2020” Comprehensive Plan; and

WHEREAS, the Envision 2020 Comprehensive Plan includes a Future Land Use Map which guides future development of the City; and

WHEREAS, Section 1, Lot 1 of the Old Mill Creek subdivision (as reflected on the preliminary plat) is designated as single family on the Future Land Use Map;

WHEREAS, the City of Brenham desires to amend the Future Land Use Map to designate Section 1, Lot 1 of Old Mill Creek subdivision as commercial/retail for future development;

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

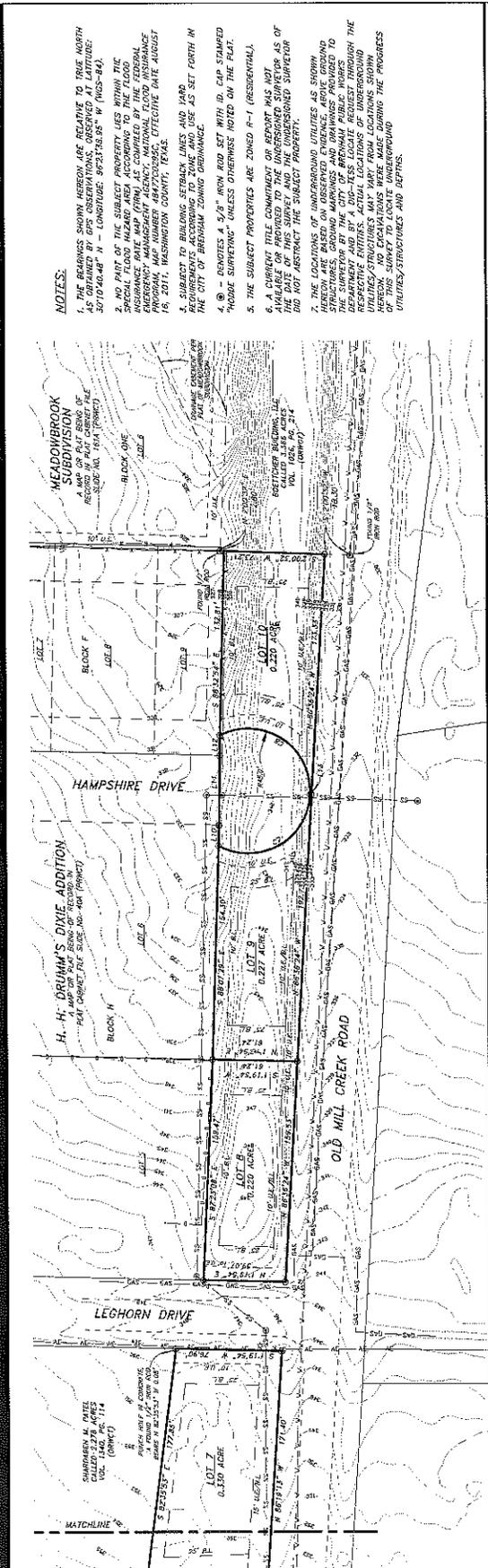
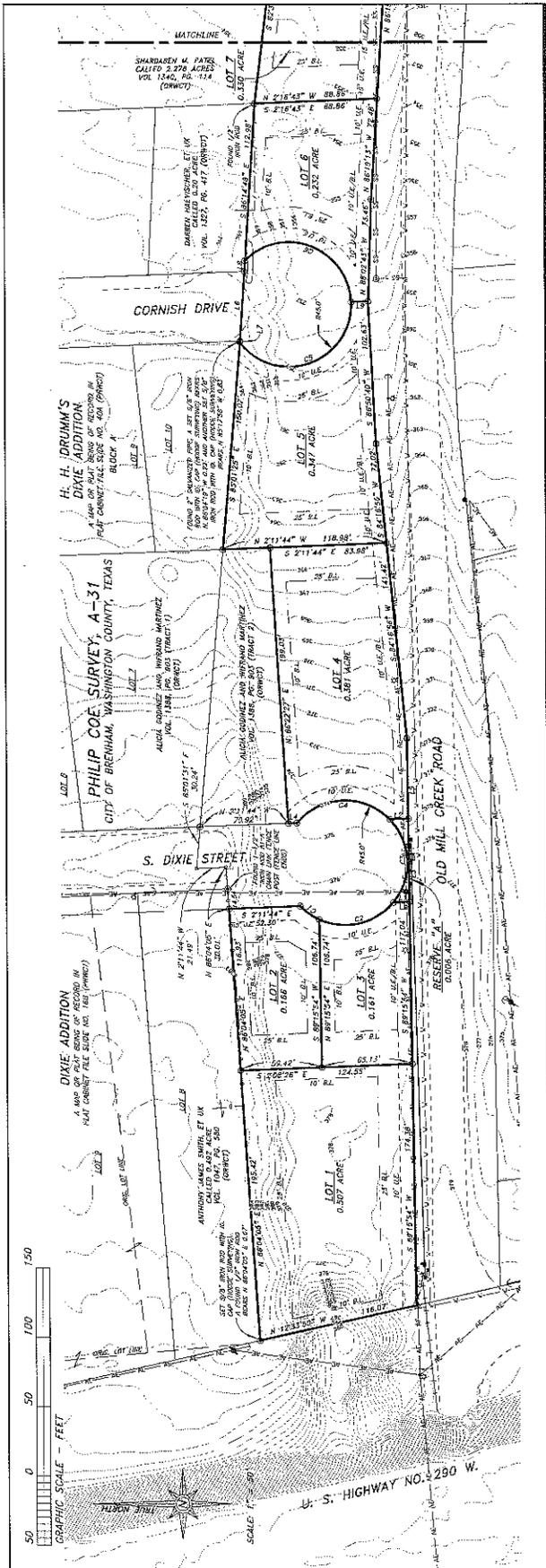
That the City of Brenham Envision 2020 Comprehensive Plan Future Land Use Map is hereby amended to designate Section 1, Lot 1 of the Old Mill Creek subdivision as commercial/retail for future development, and the Mayor is authorized to execute any necessary documentation.

ADOPTED this the 7th day of May, 2015.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



NOTES:

1. THE BEARINGS SHOWN HEREON ARE RELATIVE TO TRUE NORTH AS DETERMINED BY GPS OBSERVATIONS ON 08/14/2015. THE LOCAL MAGNETIC DECLINATION IS 10.00 DEGREES WEST.
2. THE BEARINGS SHOWN HEREON ARE RELATIVE TO TRUE NORTH AS DETERMINED BY GPS OBSERVATIONS ON 08/14/2015. THE LOCAL MAGNETIC DECLINATION IS 10.00 DEGREES WEST.
3. SUBJECT TO BUILDING SETBACK LINES AND HARD REQUIREMENTS ACCORDING TO ZONING AND USE AS SET FORTH IN THE CITY OF BREMIAN ZONING ORDINANCE.
4. @ - DENOTES A 3/8" IRON ROD SET WITH ID. CAP STAMPED "HODDE & HODDE" UNLESS OTHERWISE NOTED ON THE PLAT.
5. THE SUBJECT PROPERTIES ARE ZONED R-1 (RESIDENTIAL). A CURRENT TITLE COMMITMENT OF REPORT WAS NOT AVAILABLE OR PROVIDED TO THE UNDERSIGNED SURVEYOR AS OF THE DATE OF THIS SURVEY. THE UNDERSIGNED SURVEYOR DOES NOT ABSTRACT THE SUBJECT PROPERTY.
6. THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON OBSERVED EVIDENCE ABOVE GROUND AND ARE NOT TO BE CONSIDERED AS A GUARANTEE BY THE SURVEYOR. THE CITY OF BREMIAN PUBLIC WORKS DEPARTMENT AND BY A DUCT-LESS LOCATE REQUEST THROUGH THE CITY OF BREMIAN PUBLIC WORKS DEPARTMENT. THE SURVEYOR'S UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE UNDERGROUND UTILITIES, STRUCTURES AND DEPT'S.

(PRELIMINARY PLAT)
SHEET 1
OF 2

(PRELIMINARY)
JUN. E. HODDE, BPLS NO. 5187
DATE: APRIL 2, 2015
THE PLAT BEING OF RECORD IN PLAT COUNTY FILE NO. 163 (PARTIAL) IS FOR THE PURPOSES OF THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

OLD MILL CREEK SUBDIVISION
SECTION 1
CONSISTING OF 10 RESIDENTIAL LOTS CONTAINING 3.291 ACRES.
1 RESERVE CONTAINING 0.006 ACRE AND 0.473 ACRE IN 3 STREET RIGHTS-OF-WAY
3.272 ACRES TOTAL IN SECTION 1

Hodde & Hodde Land Surveying, Inc.
Professional Land Surveying
631 E. Blue Bell Blvd. - Bremin, Texas 77833
979-266-1888
www.hoddesurveying.com



AGENDA ITEM 14

DATE OF MEETING: May 7, 2015	DATE SUBMITTED: May 4, 2015	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Erik Smith	
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-15-013 Providing for an Amendment of the City of Brenham’s “Envision 2020” Comprehensive Plan’s Future Land Use Map to Change the Zoning District From Single-Family District to a Commercial/Retail District for a Tract of Land Described as Section 2, Lots 1-4, Old Mill Creek Subdivision, Being 4 Lots Located at the Corner of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas.		
SUMMARY STATEMENT: This is a request for an amendment to the “Envision 20/20” Comprehensive Plan. The specific parcel is a tract of land described as Section 2, Lot 1-4 of Old Mill Creek Preliminary Plat 1.069 acres of land located at the corner lot at the intersection of Old Mill Creek Road and S. Saegar St. in Brenham, Washington County, Texas. The current district as designated by the Comprehensive Plan is Single Family. The City of Brenham is requesting the Comprehensive Plan be amended to designate this parcel as Commercial/Retail. The Comprehensive Plan is a document the City uses to help guide planning and future zoning changes for future growth. To follow best practices it would be ideal to change the comprehensive plan when a rezoning request is made so the two maps do not conflict with one another.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS: Keeps the Comprehensive Plan Map and Zoning Map from conflicting with one another.		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Resolution No. R-15-013; and (2) Plat		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Staff will update City Council at the meeting on the recommendation from Planning and Zoning.		
APPROVALS: Terry K. Roberts		

RESOLUTION NO. R-15-013

RESOLUTION PROVIDING FOR THE AMENDMENT OF THE FUTURE LAND USE MAP OF THE CITY OF BRENHAM ENVISION 2020 COMPREHENSIVE PLAN

WHEREAS, the City of Brenham currently has a comprehensive plan entitled City of Brenham “Envision 2020” Comprehensive Plan; and

WHEREAS, the Envision 2020 Comprehensive Plan includes a Future Land Use Map which guides future development of the City; and

WHEREAS, Section 2, Lots 1-4 of the Old Mill Creek subdivision (as reflected on the preliminary plat) is designated as single family on the Future Land Use Map;

WHEREAS, the City of Brenham desires to amend the Future Land Use Map to designate Section 2, Lots 1-4 of Old Mill Creek subdivision as commercial/retail for future development;

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

That the City of Brenham Envision 2020 Comprehensive Plan Future Land Use Map is hereby amended to designate Section 2, Lots 1-4 of the Old Mill Creek subdivision as commercial/retail for future development, and the Mayor is authorized to execute any necessary documentation.

ADOPTED this the 7th day of May, 2015.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 15

DATE OF MEETING: May 7, 2015	DATE SUBMITTED: May 4, 2015	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Erik Smith	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Residential Single Family (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a Tract of Land Described as Section 1, Lot 1, Old Mill Creek Subdivision, Being a Corner Lot at the Intersection of Old Mill Creek Road and U. S. Highway 290 West in Brenham, Washington County, Texas.		
SUMMARY STATEMENT: This is a request by the City of Brenham to rezone a tract located at the corner of Old Mill Creek Road and US Highway 290 West from an R-1 District to a B-1 District for the purpose of potentially developing the site as commercial. The corner of this property abuts highway 290 which is designated as a freeway and Old Mill Creek Road which is designated as a minor collector. From a transportation standpoint an intersection with these designations would allow for a parcel that would easily accommodate a commercial use. The City also has adopted comprehensive zoning which would not rule out the possibility of an interested buyer to purchase the land with the intent of building a single family residential dwelling on the property.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS: Allow for a potential retail or office site along roads built to accommodate retail or office.		
B. CONS: Lots will be close to residential.		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Ordinance; (2) Plat; (3) General Application; and (4) Land Use Map		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Staff will update City Council at the meeting on the recommendation from Planning and Zoning.		
APPROVALS: Terry K. Roberts		

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP FROM A RESIDENTIAL SINGLE FAMILY (R-1) DISTRICT TO A LOCAL BUSINESS/RESIDENTIAL MIXED USE (B-1) DISTRICT ON .507 ACRES OUT OF A 3.272 ACRE TRACT OF LAND DESCRIBED AS SECTION 1, LOT 1, OLD MILL CREEK SUBDIVISION, BEING A CORNER LOT AT THE INTERSECTION OF OLD MILL CREEK ROAD AND US HIGHWAY 290 WEST IN BRENHAM, WASHINGTON COUNTY, TEXAS.

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

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

WHEREAS, this amendment was recommended for approval by the City of Brenham Planning and Zoning Commission during its regular meeting on May 4, 2015; and

WHEREAS, this amendment is in compliance with the City of Brenham’s “Envision 2020” Comprehensive Plan; and

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

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham is hereby amended by changing a Residential (R-1) District to Local Business/Residential Mixed Use (B-1) District on 0.507 acres out of a 3.272 acre tract of land described as Section 1, Lot 1, Old Mill Creek Subdivision, being a corner lot at the intersection of Old Mill Creek Road and U. S. Highway 290 West in Brenham, Washington County, Texas.

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

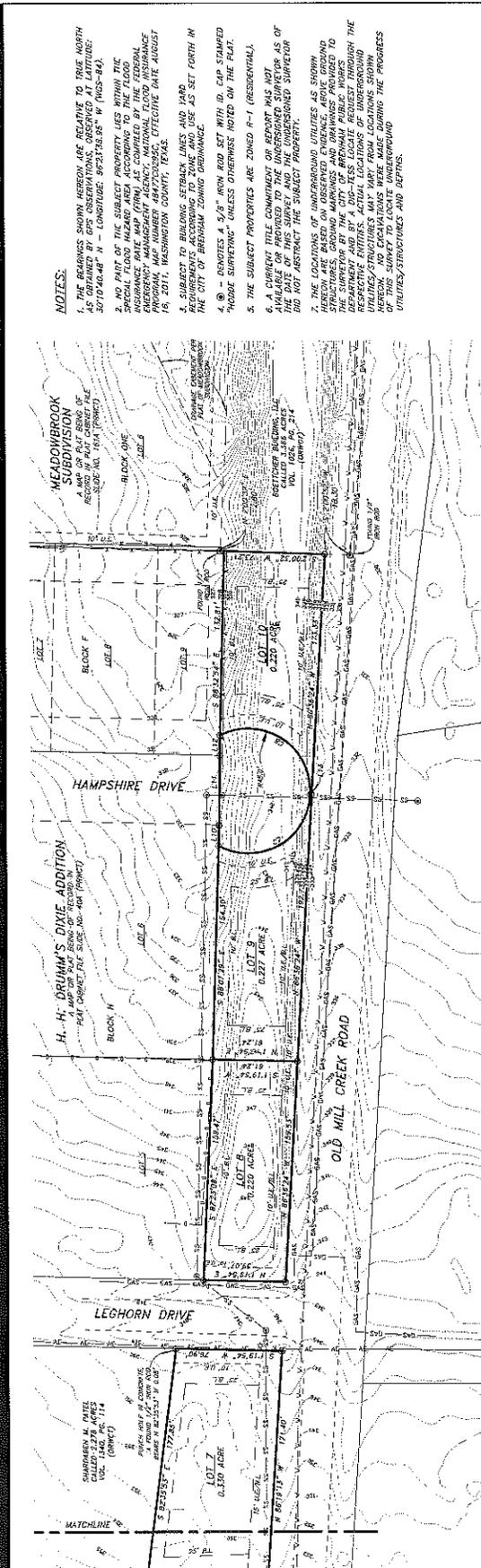
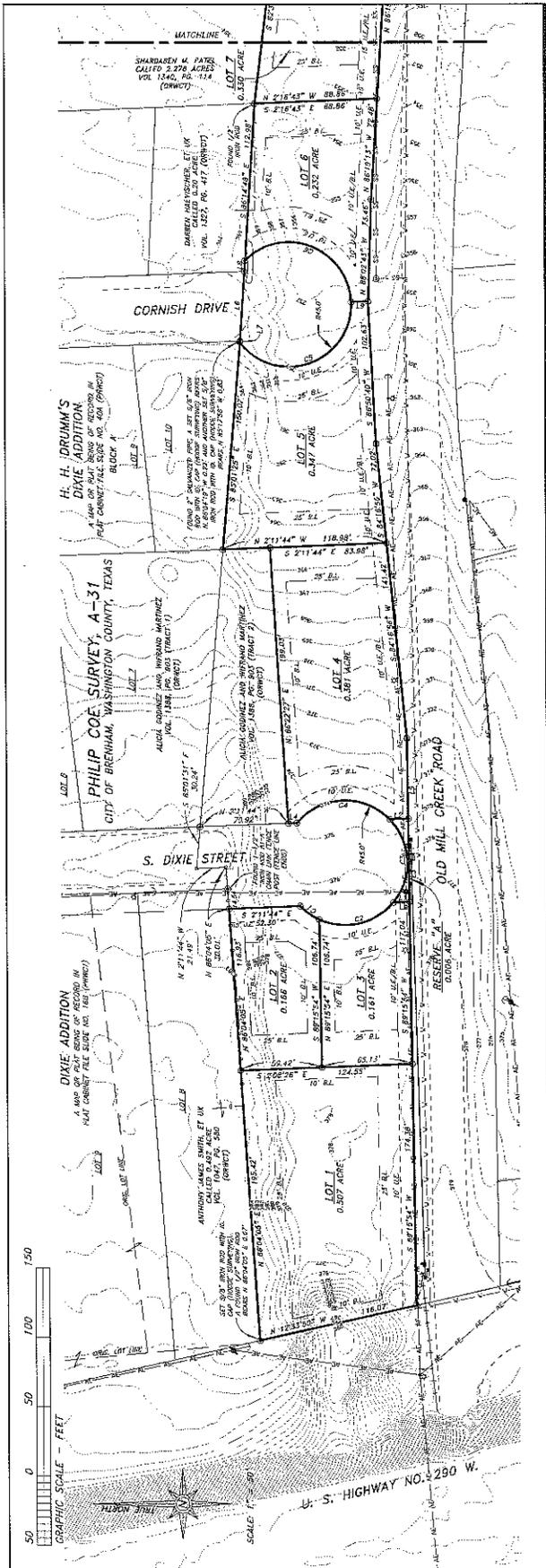
PASSED and APPROVED on its first reading this the 7th day of May, 2015.

PASSED and APPROVED on its second reading this the 21st day of May, 2015.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



NOTES:

1. THE BEARINGS SHOWN HEREON ARE RELATIVE TO TRUE NORTH AS DETERMINED BY GPS OBSERVATIONS ON 08/24/2015. N = COORDINATE: 9937383.05 N (NAD83-84).
2. THE BEARINGS SHOWN HEREON ARE RELATIVE TO TRUE NORTH AS DETERMINED BY GPS OBSERVATIONS ON 08/24/2015. N = COORDINATE: 9937383.05 N (NAD83-84).
3. SUBJECT TO BUILDING SETBACK LINES AND HARD REQUIREMENTS ACCORDING TO ZONING AND USE AS SET FORTH IN THE CITY OF BREMIAN ZONING ORDINANCE.
4. @ - DENOTES A 2.9" IRON ROD SET WITH ID. CAP STAMPED "HODDE & HODDE" UNLESS OTHERWISE NOTED ON THE PLAT.
5. THE SUBJECT PROPERTIES ARE ZONED R-1 (RESIDENTIAL). A CURRENT TITLE COMMITMENT OF REPORT WAS NOT AVAILABLE OR PROVIDED TO THE UNDERWRITER SUPERVISOR AS OF THE DATE OF THIS SURVEY. THE UNDERWRITER SUPERVISOR DID NOT ABSTRACT THE SUBJECT PROPERTY.
6. THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON OBSERVED EVIDENCE. ABOVE GROUND UTILITIES ARE SHOWN AS DOTTED LINES. THE CITY OF BREMIAN PUBLIC WORKS DEPARTMENT AND BY A DOT-LESS LOCATE REQUEST THROUGH THE CITY OF BREMIAN PUBLIC WORKS DEPARTMENT. THE CITY OF BREMIAN PUBLIC WORKS DEPARTMENT UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE UNDERGROUND UTILITIES, STRUCTURES AND DEPT'S.

(PRELIMINARY PLAT)
SHEET 1
OF 2

(PRELIMINARY)
 JUN. E. HODDE, BPLS NO. 5187
 DATE: APRIL 2, 2015
 THE PLAT BEING OF RECORD IN PLAT COUNTY FILE NO. 163 (PARTIAL) IS FOR THE PURPOSES OF THIS DOCUMENT. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

OLD MILL CREEK SUBDIVISION
 SECTION 1
 CONSISTING OF 10 RESIDENTIAL LOTS CONTAINING 3.291 ACRES,
 1 RESERVE CONTAINING 0.0066 ACRE AND 0.473 ACRE IN 3 STREET RIGHTS-OF-WAY
 3.272 ACRES TOTAL IN SECTION 1

Hodde & Hodde Land Surveying, Inc.
 Professional Land Surveying
 631 E. Blue Bell Blvd. - Bremin, Texas 77833
 979-266-1111
 www.hoddeandhodde.com



For office use only

APPLICATION NO. _____

MEETING DATE: _____

DATE SUBMITTED: _____

FILING FEE: ~~\$100.00~~

CITY OF BRENHAM
GENERAL APPLICATION

Type of Application

- | | |
|---|--|
| <input type="checkbox"/> Variance from Appendix A: Zoning | <input checked="" type="checkbox"/> Zone Change |
| <input type="checkbox"/> Specific Use Permit | <input type="checkbox"/> Plan Review |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Final Plat/Replat/Amending Plat |
| <input type="checkbox"/> Variance from Chapter 21: Signs | <input type="checkbox"/> Other: _____ |

Property Owners Information

Name City of Brenham

Principal Officers (If Corporation) President Terry K Roberts, City Manager; Milton Y. Tate, Jr., Mayor

Secretary Jeana Bellinger, City Secretary

Address P.O. Box 1059, Brenham, Texas 77834-1059

Telephone Number 979-337-7200 E-mail Address jbellinge@cityofbrenham.org

Applicant Information

Name Owner

Address _____

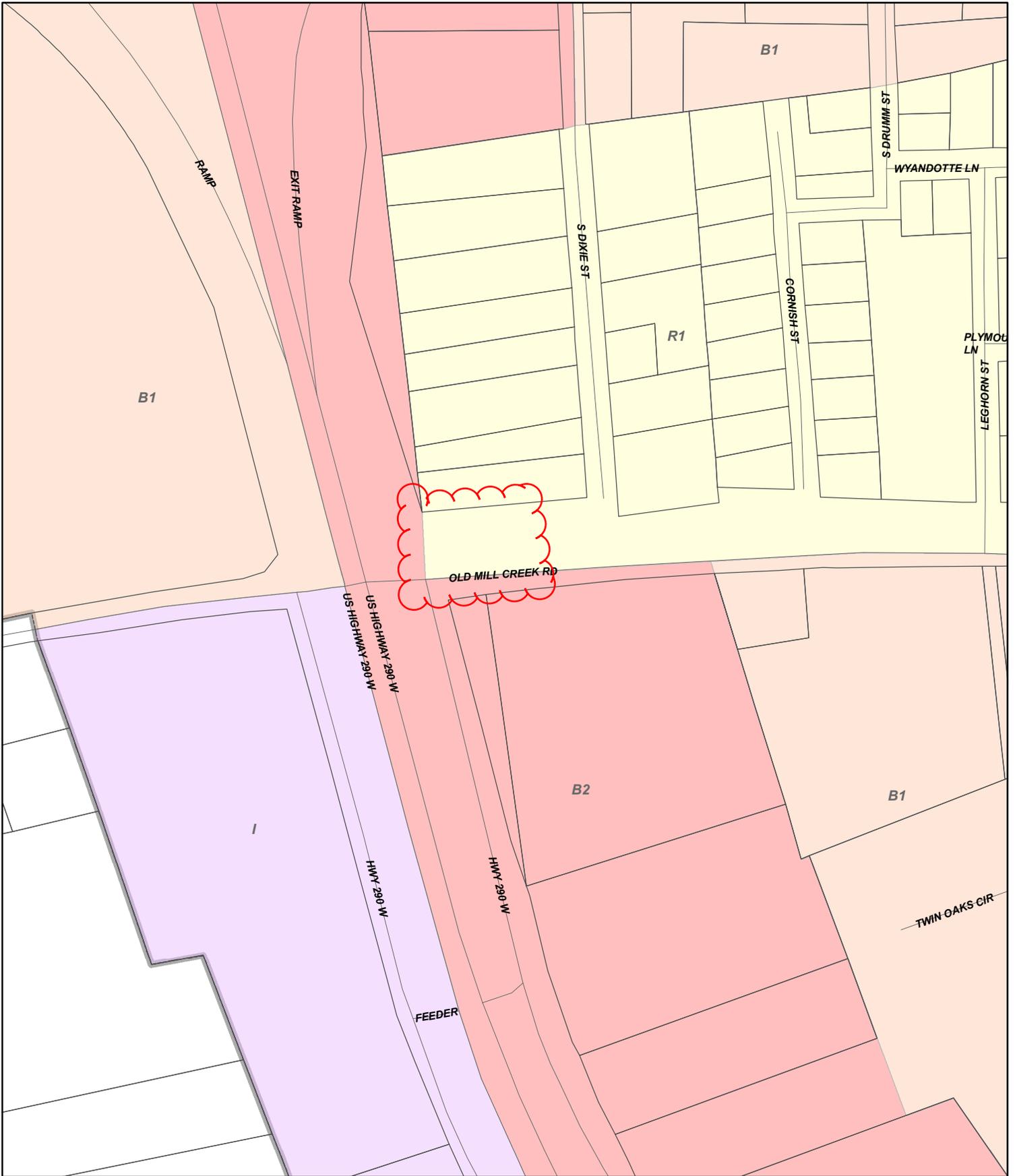
Telephone Number _____ E-mail Address _____

Agent or Engineer Information

Name Owner

Address _____

Telephone Number _____ E-mail Address _____



1 inch = 250 feet



Section 1, Lot 1 Old Mill Creek





AGENDA ITEM 16

DATE OF MEETING: May 7, 2015	DATE SUBMITTED: May 4, 2015	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Erik Smith	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Residential Single Family (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a Tract of Land Described as Section 2, Lots 1-4, Old Mill Creek Subdivision, Being 4 Lots Located at the Corner of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas.		
SUMMARY STATEMENT: This is a request by the City of Brenham to rezone a tract located at the corner of Old Mill Creek Road and S. Saegar St. from an R-1 District to a B-1 District for the purpose of potentially developing the site as commercial. The corner of this property abuts Old Mill Creek which is designated as a minor collector and S. Saegar St. which is designated as a major collector. From a transportation standpoint an intersection with these designations would allow for a parcel that would easily accommodate a commercial use. The City also has adopted comprehensive zoning which would not rule out the possibility of an interested buyer to purchase the land with the intent of building a single family residential dwelling on the property.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS: Allow for a potential retail or office site along roads built to accommodate retail or office.		
B. CONS: Lots will be close to residential.		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Ordinance; (2) Plat; (3) General Application; and (4) Land Use Map		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Staff will update City Council at the meeting on the recommendation from Planning and Zoning.		
APPROVALS: Terry K. Roberts		

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP FROM A RESIDENTIAL SINGLE FAMILY (R-1) DISTRICT TO A LOCAL BUSINESS/RESIDENTIAL MIXED USE (B-1) DISTRICT ON 1.069 ACRES OF LAND DESCRIBED AS SECTION 2, LOTS 1 - 4, OLD MILL CREEK SUBDIVISION, BEING FOUR LOTS LOCATED AT THE CORNER OF OLD MILL CREEK ROAD AND S. SAEGER STREET IN BRENHAM, WASHINGTON COUNTY, TEXAS.

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

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

WHEREAS, this amendment was recommended for approval by the City of Brenham Planning and Zoning Commission during its regular meeting on May 4, 2015;

WHEREAS, this amendment is in compliance with the City of Brenham’s “Envision 2020” Comprehensive Plan; and

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

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham is hereby amended by changing a Residential (R-1) District to Local Business/Residential Mixed Use (B-1) District on 1.069 acres of land described as Section 2, Lots 1 - 4, Old Mill Creek Subdivision, being four lots located at the corner of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas.

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

PASSED and APPROVED on its first reading this the 7th day of May, 2015.

PASSED and APPROVED on its second reading this the 21st day of May, 2015.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



For office use only

APPLICATION NO. _____

MEETING DATE: _____

DATE SUBMITTED: _____

FILING FEE: ~~\$100.00~~

CITY OF BRENHAM
GENERAL APPLICATION

Type of Application

- | | |
|---|--|
| <input type="checkbox"/> Variance from Appendix A: Zoning | <input checked="" type="checkbox"/> Zone Change |
| <input type="checkbox"/> Specific Use Permit | <input type="checkbox"/> Plan Review |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Final Plat/Replat/Amending Plat |
| <input type="checkbox"/> Variance from Chapter 21: Signs | <input type="checkbox"/> Other: _____ |

Property Owners Information

Name City of Brenham

Principal Officers (If Corporation) President Terry K Roberts, City Manager; Milton Y. Tate, Jr., Mayor

Secretary Jeana Bellinger, City Secretary

Address P.O. Box 1059, Brenham, Texas 77834-1059

Telephone Number 979-337-7200 E-mail Address jbellinge@cityofbrenham.org

Applicant Information

Name Owner

Address _____

Telephone Number _____ E-mail Address _____

Agent or Engineer Information

Name Owner

Address _____

Telephone Number _____ E-mail Address _____

Location of Property

Street Address: Corner of Old Mill Creek Road and S. Saeger Street

Legal Description (attach metes and bounds description if not subdivided):

Subdivision: Old Mill Creek Block(s): Section 2 Lot(s): 1-4

Zoning Information

Existing Zoning : R-1, Single Family Residential

Proposed Zoning: B-1, Local Business/Residential Mixed Use District

Reasons for requesting zone change:* Location of this property being at a corner intersection of two thoroughfares is conducive to both local business and residential uses

Variance Information

Section of Code from which variance is described:* N/A

Describe variance requested:* N/A

Reasons for requesting variance:* N/A

Proposed Property Use

Describe in detail the proposed operation at this location:*

Local business - office or residential use

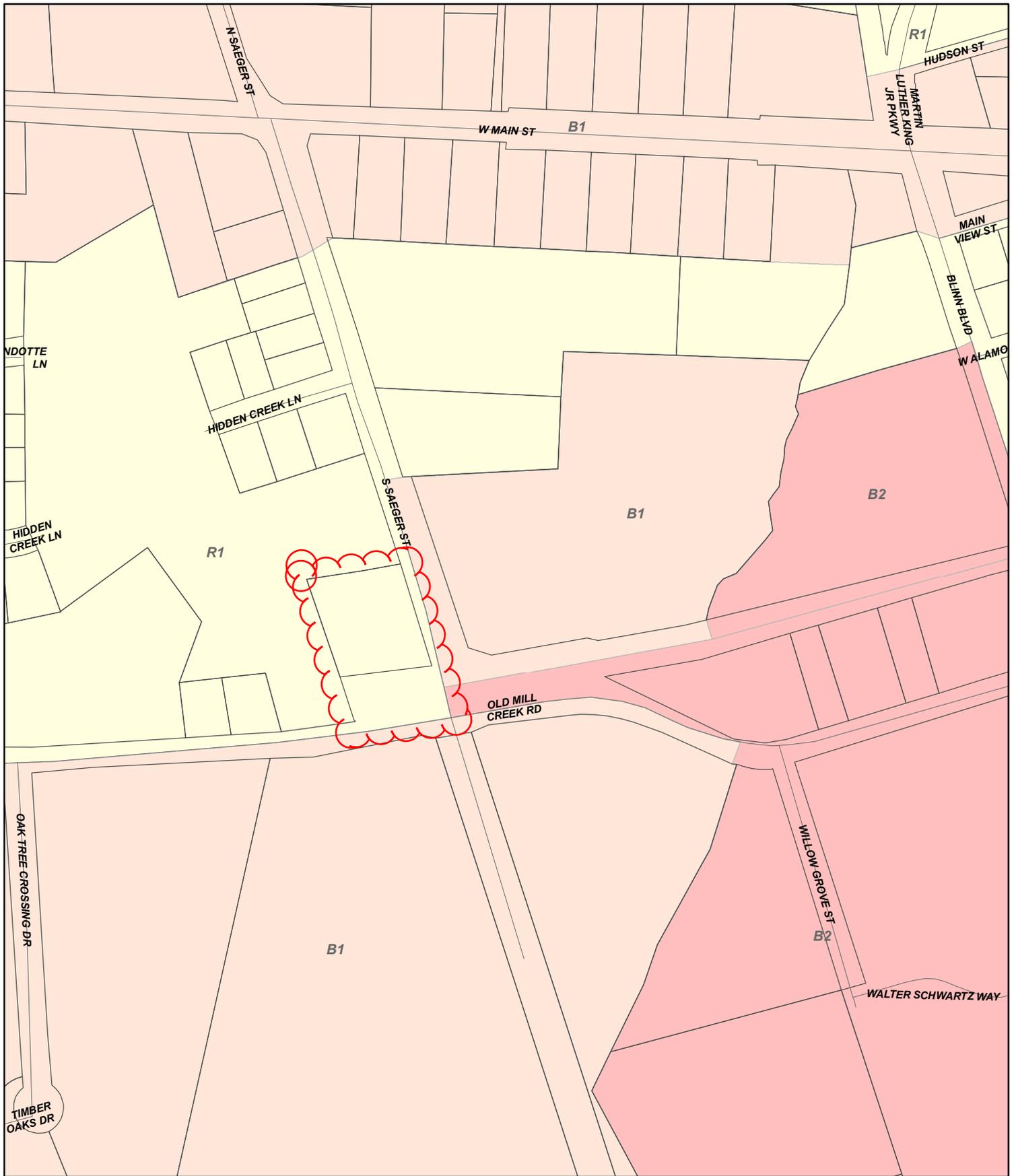
Construction Value \$ _____

Site plans are required for variance, special use, and plan review requests; please see Ordinance No. 0-05-007 for minimum site plan requirements.

I, Terry K. Roberts, being the owner (or authorized agent) of the above described property, do hereby certify the information set forth above is true and correct. I further request that the Planning & Zoning Commission/Board of Adjustments/Plan Review Committee review this matter and take appropriate action.


Owner

Agent



1 inch = 250 feet



Section 1, Lot 1 Old Mill Creek





AGENDA ITEM 17

DATE OF MEETING: May 7, 2015		DATE SUBMITTED: May 1, 2015	
DEPT. OF ORIGIN: Administration		SUBMITTED BY: Kacey Weiss	
MEETING TYPE:		CLASSIFICATION:	
<input checked="" type="checkbox"/> REGULAR		<input type="checkbox"/> PUBLIC HEARING	
<input type="checkbox"/> SPECIAL		<input type="checkbox"/> CONSENT	
<input type="checkbox"/> EXECUTIVE SESSION		<input checked="" type="checkbox"/> REGULAR	
		<input type="checkbox"/> WORK SESSION	
ORDINANCE:			
<input type="checkbox"/> 1 ST READING			
<input type="checkbox"/> 2 ND READING			
<input type="checkbox"/> RESOLUTION			
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon a Request for a Noise Variance from Washington County Historical Juneteenth Association to Celebrate Emancipation Day to be Held on June 19, 2015 from 7:00 p.m. – 11:00 p.m. and June 20, 2015 from 12:00 p.m. – 4:00 p.m. at Fireman’s Park and Authorize the Mayor to Execute Any Necessary Documentation			
SUMMARY STATEMENT: Darron Smith from Washington County Historical Juneteenth Association has requested a noise variance to hold a two-day event to celebrate Emancipation Day on June 19, 2015 from 7:00 p.m. – 11:00 p.m. and June 20, 2015 from 12:00 p.m. – 4:00 p.m. at Fireman’s Park. They will have one band and one DJ. They will be using sound amplification equipment. Both the Police Department and the Fire Department have approved the noise variance request. Please note that Mr. Smith has also filled out a parade permit for June 20, 2015 from 8:00 a.m. -12:00 p.m. The parade will be held in Downtown as in year’s past.			
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 Washington County Historical Juneteenth Association to celebrate Emancipation Day to be held on June 19, 2015 from 7:00 p.m. – 11:00 p.m. and June 20, 2015 from 12:00 p.m. – 4:00 p.m. at Fireman’s Park and authorize the Mayor to execute any necessary documentation.			
APPROVALS: Terry K. Roberts			

NOISE VARIANCE REQUEST

Check #1019 paid 03/09/15
KW

Application Fee \$10.00

1. Name of sponsoring organization: Washington County Historical Juneteenth Association

2. Name and address of individual making application on behalf of sponsoring organization: Darron Smith 1504 Robinhood Rd. Brenham, Texas 77833

3. Purpose of the Event: Juneteenth Celebration "Emancipation Day"

4. Location of Event: Downtown and Fireman's Park

5. Date of the event: June 19 & 20th

6. Time of Event: 19th 9-12 and 20th 7pm - 11pm

7. Event Set-up: From: 9-12 Fri 7-11 Sat To: _____

Event Clean-up: From: ~~7-11 Sat~~ To: 4pm Saturday

8. You are required to describe the following:

a) Types of Activities Planned and any additional information specific to this event: Food / Fun / Fellowship

b) Bands/Musical Instruments: DJ with music/speakers/ Amplifier
Zydeco Band - same as above

c) Sound amplification equipment: _____

d) Cleanup provisions: City of Brenham

Darron Smith
Name of Applicant (Printed or Typed)

Date: 3/9/15

Darron Smith
Applicant or Authorized Person's Signature

Phone: 979-421-3819

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):

7:00-11:00 PM on June 19th

12:00-4:00 PM on June 20th



AGENDA ITEM 18

DATE OF MEETING: May 7, 2015	DATE SUBMITTED: May 1, 2015	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Kacey Weiss	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading to Grant a Non-Exclusive Franchise to General Site Services (GSS) to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits		
SUMMARY STATEMENT: On May 1, 2015 we received a letter from General Site Services (GSS) requesting to do business within the City of Brenham. They have never had a franchise in Brenham.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Letter from General Site Services (GSS); and (2) Draft Ordinance		
FUNDING SOURCE (Where Applicable): N/A		
RECOMMENDED ACTION: Approve an Ordinance on its first reading to grant a non-exclusive franchise to General Site Services (GSS) to operate a roll-off container service for residents, businesses, and industries inside Brenham city limits		
APPROVALS: Terry K. Roberts		



General Site Services (GSS)
Dumpster Service
7939 N FM 331 Rd
Bellville, TX 77418
(713) 252-0906 PH
(979) 865-8035 FAX
dwilliams999@earthlink.net

City of Brenham Texas
Attn: Ms. Kasey Weiss
PO Box 1059
Brenham, Texas 77834-1059

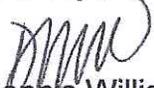
May 1, 2015

Ms. Weiss,

Please accept this letter as our request to formulate an agreement with the City of Brenham to allow General Site Services to provide roll off service within the limits of Brenham, Texas.

I know I'm at least one day late but if there is any way to get us on the May agenda, we certainly would appreciate it.

Thank you,


Dennis Williams

ORDINANCE NO. O-_____

AN ORDINANCE GRANTING GENERAL SITE SERVICES (GSS), ITS SUCCESSORS AND ASSIGNS, A FRANCHISE FOR THE PRIVILEGE AND USE OF PUBLIC STREETS, ALLEYS, AND PUBLIC WAYS WITHIN THE CORPORATE LIMITS OF THE CITY OF BRENHAM FOR THE PURPOSE OF ENGAGING IN THE BUSINESS OF COLLECTING SOLID WASTE FROM COMMERCIAL, RESIDENTIAL AND INDUSTRIAL SITES USING ROLL-OFF CONTAINERS AND/OR COMMERCIAL COMPACTORS; PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS, AND LIMITATIONS UNDER WHICH SAID FRANCHISE SHALL BE EXERCISED; PROVIDING FOR THE CONSIDERATION; FOR PERIOD OF GRANT; FOR ASSIGNMENT; FOR METHOD OF ACCEPTANCE; FOR REPEAL OF CONFLICTING ORDINANCES AND FOR PARTIAL INVALIDITY.

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

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

WHEREAS, the City of Brenham desires to exercise the authority provided to it by ordinance and charter to grant a franchise for the collection and disposal of certain solid waste generated from within the corporate limits of the City of Brenham; and

WHEREAS, the City of Brenham hereinafter referred to as “CITY” desires to grant this franchise to GENERAL SITE SERVICES (GSS), under the terms of this Agreement as set out below.

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

SECTION 1. DEFINITIONS

Agreement. This contract between the City of Brenham and for the provision of certain roll-off container and/or commercial compactor service within the corporate limits of the City of Brenham under certain terms and conditions set out herein.

City of Brenham. Also referred to as "CITY" in this Agreement.

City Council. Also referred to as "COUNCIL" denoting the governing body of the City of Brenham.

Customers. Those industrial, residential, and/or commercial premises located within the CITY that generates solid waste requiring collection using roll-off containers and/or commercial compactors.

Solid Waste. All putrescible and nonputrescible solid, semi-solid, and liquid wastes, including residential, industrial, commercial and municipal garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes.

Roll-Off Containers. A type of solid waste industry container that is loaded by a winch truck. Also referred to as "container".

Commercial Compactor. A type of solid waste industry container that is loaded by a winch truck and compacts solid waste. Also referred to as "compactor".

General Site Services (GSS). Herein-after referred to as "GENERAL SITE SERVICES (GSS)". The party contracting with the CITY for roll-off container and/or commercial compactor service, which contains demolition/construction debris or solid waste.

SECTION 2. GENERAL DESCRIPTION OF SERVICES TO BE PROVIDED

For and in consideration of the compliance by GSS with the covenants and conditions herein set forth, and the Charter, Ordinances and Regulations of the City governing the collection and disposal of solid waste, CITY hereby grants to GSS a non-exclusive franchise for use of designated public streets, alleys and thoroughfares within the corporate limits of City for the sole purpose of engaging in the business of collecting solid waste using roll-off containers and/or commercial compactors from commercial, residential and industrial sites within the jurisdictional limits of CITY, as approved by the City Manager or his designee.

**SECTION 3.
AUTHORITY FOR TO PROVIDE SERVICE**

CITY hereby grants to GSS the privilege to collect from commercial, residential, and industrial customers within the City limits solid waste using roll-off containers and/or commercial compactors only.

**SECTION 4.
DISPOSAL SITE TO BE USED**

Unless approved otherwise in writing by the CITY, GSS shall utilize any Type I permitted landfill that GSS deems appropriate and is authorized for disposal of all solid waste, which is collected by GSS from within the corporate limits of the CITY.

**SECTION 5.
RATES TO BE CHARGED**

A written Schedule of Rates that GSS shall charge for the aforementioned services shall be provided to each customer, and such Schedule of Rates may be revised periodically as agreed by GSS and its customers. GSS shall immediately provide the CITY with copies of any and all revised Schedule of Rates documents.

**SECTION 6.
PAYMENTS TO CITY**

For and in consideration of the use of designated streets, alleys, and thoroughfares as well as in consideration of the covenants and agreements contained herein, GSS agrees and shall pay to CITY upon acceptance of this Agreement and thereafter during the term hereof, a sum equivalent to five percent (5%) of GSS monthly gross revenues generated from GSS provision of solid waste roll-off container collection services within the CITY excluding actual landfill tipping charges.

Any revenue received by GSS in excess of the actual landfill tipping charges will be subject to the franchise fee and shall be computed into GSS monthly gross revenue. Said payment shall be paid monthly to the City of Brenham Attn: City Secretary and must be received by the CITY no later than the twenty-fifth (25th) day of the month following the end of the previous month. If the payment due date falls on a Saturday, Sunday or other holiday designated by the CITY, the payment must be received by the CITY on the next regular business day.

Payments received by the CITY after the due date shall be assessed a ten percent (10%) penalty on the outstanding franchise fee amount owed under this Section.

Failure by GSS to pay amounts due under this Agreement, after written notice by CITY, shall constitute Failure to Perform under this Agreement and CITY may invoke the provisions of Section 15 of this Agreement (FAILURE TO PERFORM), and/or any other remedy available to the CITY in law or equity.

SECTION 7. ACCESS TO RECORDS & REPORTING

CITY shall have access to GSS records, billing records of those customers served by GSS and all papers relating to this Agreement and the operation of solid waste roll-off container collection and disposal services within the CITY. Access by CITY to GSS records shall be provided to CITY within ten (10) business days, after written notice to GSS during normal business hours.

The following records and reports shall be filed quarterly with the City Secretary or his/her designee:

- A. Reports of all complaints, investigations, and actions taken by GSS with regard to services provided pursuant to this Agreement.
- B. A listing of all GSS accounts served and monthly revenue derived from roll-off containers placed in the CITY under the terms of this Agreement. The reports should include: a unique customer identification or account number, frequency of pick-up, size of container and monthly charges.

The CITY is subject to the Texas Public Information Act (“Act”). Generally, the Act requires the release of requested information by the CITY, but there are exceptions. If the requested information meets the criteria outlined in the exceptions, the CITY may decline to release the information for the purpose of requesting a decision from the Texas Attorney General’s Office. The Act excepts from public disclosure trade secrets and certain commercial or financial information. The Act states the CITY may withhold:

- A. A trade secret obtained from a person and privileged or confidential by statute or judicial decision; or
- B. Commercial or financial information for which it is determined based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.

Pursuant to Section 552.305 of the Act, the CITY is obligated to make a good faith attempt to contact third parties who have a trade secret interest or a commercial financial interest in the information that's been requested so that the third party has an opportunity to submit reasons to the Texas Attorney General's Office why the information should be withheld or released.

The CITY will comply with Section 552.305 of the Act with regard to any requests for records concerning GSS that invoke Section 552.305.

SECTION 8. PLACEMENT OF CONTAINERS

All roll-off containers and/or compactors placed for service within CITY shall be located in such a manner so as not to be a safety or traffic hazard. Under no circumstances shall GSS place containers on public streets, alleys and/or thorough fares without the prior written approval of the CITY. CITY reserves the right to specify to GSS the exact location and time period allowed for placement of any roll-off container(s) it places for service in CITY.

GSS agrees and acknowledges that it shall be liable for any and all damages it causes to any public street, alley and/or thorough fare, and associated improvements and GSS will pay CITY's entire construction costs and other expenses associated with repairing and/or replacing the damaged public street, alley and/or through fare, and associated improvements.

SECTION 9. CONTAINER MAINTENANCE

GSS agrees to properly maintain as necessary, including but not limited to cleaning and painting, all roll-off containers placed for service within CITY.

SECTION 10. COMPLAINTS REGARDING SERVICE/SPILLAGE

GSS shall receive and directly respond to any complaints pertaining to service from their roll-off containers and/or compactor customers located within CITY. However, any such complaints received by CITY shall be forwarded to GSS within twenty four (24) hours of their receipt by CITY. GSS shall respond to all complaints within twenty four (24) hours of receiving notice of such complaint from CITY and shall report to CITY as to the action taken. Failure by GSS to respond and report to CITY on action taken within this twenty four (24) hour period may subject GSS to a \$25.00 per incident charge from CITY payable with the next payment due to CITY under Section 6 of this Agreement.

GSS agrees that during transport all vehicles used by GSS in the removal of solid waste shall be properly covered to prevent spillage, blowing, or scattering of refuse onto public streets or properties adjacent thereto. All equipment necessary for the performance of this Agreement shall be in good condition and repair. A standby vehicle shall always be available. GSS vehicles shall at all times be clearly marked with GENERAL SITE SERVICES (GSS) name in letters not less than three (3) inches in height.

SECTION 11. OBEISANCE OF LAWS

GSS agrees that it shall comply with all laws, policies, rules and regulations of the United States, State of Texas, and CITY. All collections made hereunder shall be made by GSS without unnecessary noise, disturbance, or commotion.

SECTION 12. UNDERSTANDINGS PERTAINING TO NON-EXCLUSIVITY

It is understood by and between the parties that this Agreement executed by and between the parties on the ____ day of _____, 20____, constitutes the only agreement between the parties. It is further understood and agreed that there are no other agreements between these parties with regard to the disposal of commercial, industrial or residential solid waste in the CITY using roll-off containers/compactors and that this Agreement does not authorize GSS to utilize the streets, alleys or public ways to dispose of commercial, industrial, or residential solid waste other than demolition and construction debris. Both parties agree and understand that nothing in this Agreement conveys to GSS an exclusive franchise for the services described in this Agreement and that this Agreement is non-exclusive.

SECTION 13. OWNERSHIP OF MATERIALS COLLECTED

Nothing herein shall create or be construed to convey any title to CITY of any solid waste collected pursuant to the provisions of this agreement.

SECTION 14. INTERRUPTION OF SERVICE OR DEFAULT

A. Termination of Service. In the event that GSS terminates service to any customer with the CITY limits for cause, GSS must notify the CITY through certified mail within forty-eight (48) hours of termination and state the cause of such termination.

B. Excessive Interruption in Service. If the interruption in service continues for a period of seventy-two (72) hours or more, then it may constitute Failure to Perform under this Agreement and CITY may invoke the provisions of Section 15 of this Agreement (FAILURE TO PERFORM).

SECTION 15. FAILURE TO PERFORM

It is expressly understood and agreed by the parties that if at any time GSS shall fail to perform any of the terms, covenants, or conditions herein set forth, CITY may after a hearing as described herein, revoke and cancel the Agreement by and between the parties and said Agreement shall be null and void. Upon the determination by the staff of CITY that a hearing should be held before the City Council, CITY shall mail notice of the hearing to GSS, at the address designated herein or at such address as may be designated from time to time, by registered or certified mail. The notice shall specify the time and place of the hearing and shall include the allegations being asserted for the revocation of this Agreement. The hearing shall be conducted in public before the City Council and GSS shall be allowed to present evidence and given an opportunity to answer all reasons for the termination set forth in the notice. In the event that the Council determines that the allegations set forth are true as set forth in the notice it may by majority vote cancel this Agreement between the parties at no penalty to the CITY.

SECTION 16. INDEMNIFICATION

In the event CITY is damaged due to the act, omission, mistake, fault or default of GSS, then GSS shall indemnify and hold CITY harmless for such damage.

GSS is to indemnify and hold CITY harmless for any disposal of any prohibited material whether intentional or inadvertent.

GSS shall indemnify and hold CITY harmless from any and all injuries to or claims of adjacent property owners caused by GSS, its agents, employees, and representatives.

GSS agrees to and shall indemnify and hold harmless CITY, its officers, agents and employees, from and against any and all claims, losses, damages, causes of action, suits, and liability of every kind, including all expenses of litigation, court costs, and attorney's fees, for injury to or death of any person, or for damage to any property, arising out of or in connection with the work done by GSS under this Agreement, regardless of whether such injuries, death or damages are caused in whole or in part by the negligence, including but not limited to the contractual comparative negligence, concurrent negligence or gross negligence, of CITY.

SECTION 17. INSURANCE

GSS shall procure and maintain at its sole cost and expense for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by GSS, its agents, representatives, volunteers, employees or subcontractors.

GSS insurance coverage shall be primary insurance with respect to the CITY, its officials, employees and volunteers. Any insurance or self-insurance maintained by the CITY, its officials, employees or volunteers shall be considered in excess of the GSS insurance and shall not contribute to it.

GSS shall include all subcontractors as additional insured under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverage's for subcontractors shall be subject to all of the requirements stated herein.

Certificates of Insurance and endorsements shall be furnished to CITY and approved by CITY before work commences.

A. STANDARD INSURANCE POLICIES REQUIRED

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

B. GENERAL REQUIREMENTS APPLICABLE TO ALL POLICIES

1. General Liability and Automobile Liability insurance shall be written by a carrier with a better rating in accordance with the current Best Key Rating Guide.
2. Only Insurance Carriers licensed and admitted to do business in the State of Texas will be accepted.
3. Deductibles shall be listed on the Certificate of Insurance and are acceptable only on a per occurrence basis for property damage only.
4. Claims Made Policies will not be accepted.
5. The CITY, its officials, employees and volunteers are to be added as "Additional Insured" to the General Liability and the Automobile Liability policies. The coverage shall contain no special limitations on the scope of protection afforded to the CITY, its officials, employees or volunteers.

6. A Waiver of Subrogation in favor of the CITY with respect to the General Liability, Automobile Liability, and Workers' Compensation insurance must be included.
7. Each insurance policy shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the CITY.
8. Upon request, certified copies of all insurance policies shall be furnished to the CITY.

C. COMMERCIAL GENERAL LIABILITY

1. Minimum Combined Single Limit of \$1,000,000 per occurrence for Bodily Injury and Property Damage.
2. No coverage shall be deleted from the standard policy without notification of individual exclusions being attached for review and acceptance.

D. AUTOMOBILE LIABILITY

1. Minimum Combined Single Limit of \$1,000,000 per occurrence for Bodily Injury and Property Damage.

E. WORKERS' COMPENSATION

1. Employer's Liability limits of \$500,000/\$500,000/ \$500,000 are required.

F. CERTIFICATES OF INSURANCE

1. Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent, and shall contain provisions representing and warranting the following:
 - a. The company is licensed and admitted to do business in the State of Texas.
 - b. The insurance set forth by the insurance company are underwritten on forms which have been approved by the Texas Department of Insurance or ISO.
 - c. Sets forth all endorsements as required above and insurance coverage's as previously set forth herein.
 - d. Shall specifically set forth the notice of cancellation, termination, or change in coverage provisions to the CITY.
 - e. Original endorsements affecting coverage required by this section shall be furnished with the certificates of insurance.

**SECTION 18.
ASSIGNMENT**

This Agreement and the rights and obligations contained herein may not be assigned by GSS without the specific prior written approval of the City Council. Any assignment by GSS without prior written approval of the City Council shall be null and void.

**SECTION 19.
SAFETY**

GSS shall perform the collection in accordance with applicable laws, codes, ordinances and regulations of the United States, State of Texas, Washington County, and CITY and in compliance with OSHA and other laws as they apply to its employees. It is the intent of the parties that the safety precautions are a part of the collection techniques for which GSS is solely responsible. In the carrying on of the work herein provided for, GSS shall use all proper skill and care, and GSS shall exercise all due and proper precautions to prevent injury to any property, person or persons. GSS assumes responsibility and liability and hereby agrees to indemnify the CITY from any liability caused by GSS failure to comply with applicable federal, state or local laws and regulations, touching upon the maintenance of a safe and protected working environment, and the safe use and operation of machinery and equipment in that working environment.

**SECTION 20.
AD VALOREM TAXES**

GSS agrees to render all personal property utilized in its solid waste operation services to Washington County Appraisal District so that said personal property will be the subject of ad valorem taxation for the benefit of CITY.

**SECTION 21.
NOTICES**

All notices required under the terms of this Agreement to be given by either party to the other shall be in writing, and unless otherwise specified in writing by the respective parties, shall be sent to the parties at the addresses following:

City of Brenham
P.O. Box 1059
Brenham, Texas 77834
ATTN: City Secretary

ATTN: _____

All notices shall be deemed to have been properly served only if sent by certified mail, to the person(s) at the address designated as above provided, or to any other person at the address which either party may hereinafter designate by written notice to the other party.

**SECTION 22.
AMENDMENTS**

It is hereby understood and agreed by the parties to this Agreement that no alternation or variation to the terms of this Agreement shall be made unless made in writing, approved by both parties, and attached to this Agreement to become a part hereof.

**SECTION 23.
SEVERABILITY**

If any section, sentence, clause or paragraph of this Agreement is for any reason held to be invalid or illegal, such invalidity shall not affect the remaining portions of the Agreement.

**SECTION 24.
TERM OF AGREEMENT**

The term of this Agreement shall be effective beginning on the _____ day of _____, 20_____, being the date of acceptance by GSS and shall terminate on September 30, 2015.

Thereafter, this Agreement shall automatically renew annually for a subsequent one (1) year terms beginning on October 1 and terminating on the following September 30 unless either party gives written notice of non-renewal by certified mail no later than sixty (60) days prior to the then current termination date. Further, either party may terminate this Agreement without cause at any time by providing the other party with sixty (60) days written notice of termination by certified mail. This section is not intended, nor shall this section be construed, to limit or prohibit a party's ability to terminate this Agreement as otherwise provided in this Agreement.

**SECTION 25.
ACCEPTANCE OF AGREEMENT**

That GSS shall have sixty (60) days from and after the final passage and approval of this Ordinance to file its written acceptance thereof with the City Secretary, and upon such acceptance being filed, this Ordinance shall take effect and be in force from and after the date of its acceptance, and shall effectuate and make binding the agreement provided by the terms hereof.

**SECTION 26.
AUTHORIZATION TO EXECUTE**

The parties signing this Agreement shall provide adequate proof of their authority to execute this Agreement. This Agreement shall inure to the benefit and is binding upon the parties hereto and their respective successors or assigns, but shall not be assignable by either party without the written consent of the other party.

**SECTION 27.
PUBLIC MEETING**

It is hereby found and determined that the meeting(s) at which this Ordinance was considered were open to the public, as required by Chapter 551, Texas Government Code, and that advance public notice of time, place, and purpose of said meetings was given in accordance with law.

PASSED and APPROVED on its first reading this ____ day of _____, 20__.

PASSED and APPROVED on its second reading this ____ day of _____, 20__.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary