



**NOTICE OF A SPECIAL MEETING  
THE BRENHAM CITY COUNCIL  
TUESDAY, MAY 12, 2015 AT 7:30 A.M.  
SECOND FLOOR CITY HALL  
COUNCIL CHAMBERS  
200 W. VULCAN ST.  
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Milton Y. Tate, Jr.**
- 3. Discuss and Possibly Act Upon Resolution No. R-15-014 Canvassing the Returns and Declaring the Results of the General Election Held on May 9, 2015 for the Purpose of Electing One Mayor; One Council Member for Place 2 – Ward 2; and One Council Member for Place 4 – Ward 4 to the City Council of the City of Brenham, Texas Each for a Four Year Term** **Pages 1 - 3**
- 4. Discuss and Possibly Act Upon Resolution No. R-15-015 Canvassing the Returns and Declaring the Results of the Special Election Held on May 9, 2015 at Which Were Submitted Twenty-Three Proposed Amendments to the City of Brenham's Home Rule Charter** **Pages 4 - 12**

**Adjourn**

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

**CERTIFICATION**

I certify that a copy of the May 12, 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 6, 2015 at **10:00** 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



**AGENDA ITEM 3**

<b>DATE OF MEETING:</b> May 12, 2015		<b>DATE SUBMITTED:</b> May 5, 2015	
<b>DEPT. OF ORIGIN:</b> Administration		<b>SUBMITTED BY:</b> Jeana Bellinger	
<b>MEETING TYPE:</b>		<b>CLASSIFICATION:</b>	
<input type="checkbox"/> REGULAR		<input type="checkbox"/> PUBLIC HEARING	
<input checked="" type="checkbox"/> SPECIAL		<input type="checkbox"/> CONSENT	
<input type="checkbox"/> EXECUTIVE SESSION		<input checked="" type="checkbox"/> REGULAR	
		<input type="checkbox"/> WORK SESSION	
<b>ORDINANCE:</b>			
<input type="checkbox"/> 1 <sup>ST</sup> READING			
<input type="checkbox"/> 2 <sup>ND</sup> READING			
<input checked="" type="checkbox"/> RESOLUTION			
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon Resolution No. R-15-014 Canvassing the Returns and Declaring the Results of the General Election Held on May 9, 2015 for the Purpose of Electing One Mayor; One Council Member for Place 2 – Ward 2; and One Council Member for Place 4 – Ward 4 to the City Council of the City of Brenham, Texas Each for a Four Year Term			
<b>SUMMARY STATEMENT:</b> This Resolution is to canvass the results of the General Election held on May 9, 2015.			
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>			
<b>A. PROS:</b>			
<b>B. CONS:</b>			
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>			
<b>ATTACHMENTS:</b> (1) Resolution No. R-15-014			
<b>FUNDING SOURCE (Where Applicable):</b> N/A			
<b>RECOMMENDED ACTION:</b> Approve Resolution No. R-15-014 canvassing the returns and declaring the results of the General Election held on May 9, 2015 for the purpose of electing one Mayor; one Council Member for Place 2 – Ward 2; and one Council Member for Place 4 – Ward 4 to the City Council of the City of Brenham, Texas each for a four year term			
<b>APPROVALS:</b> Terry K. Roberts			

**RESOLUTION NO. R-15-014**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 9, 2015 FOR THE PURPOSE OF ELECTING ONE MAYOR – AT LARGE, ONE COUNCIL MEMBER FOR PLACE 2 – WARD 2; AND ONE COUNCIL MEMBER FOR PLACE 4 – WARD 4 TO THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS EACH FOR A FOUR YEAR TERM**

**WHEREAS**, at a special meeting of the City Council of the City of Brenham, Texas, held at the regular meeting place in City Hall located at 200 West Vulcan Street, Brenham, Texas on the 12<sup>th</sup> day of May, A.D., 2015, a quorum being present, there came on to be considered the returns of the general election held on May 9, 2015 for the purpose of electing one mayor – at large; one council member for Place 2 – Ward 2; and one council member for Place 4 – Ward 4 to the City Council of the City of Brenham, Texas, each for a four year term ending May 2019; and

**WHEREAS**, under and by virtue of the general election order duly enacted and approved by the City Council of said City on the 29<sup>th</sup> day of January, 2015, and thereafter duly published as required by law and for the time and in the manner provided by State statute and the City Charter, said general election was duly and legally held and conducted in the said City on the 9<sup>th</sup> day of May, A.D., 2015;

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

**Section 1.** The official canvass of the returns of the general election held on May 9, 2015 reflects that there were 860 ballots cast at said election with the voting results as follows:

**Mayor – At Large**

	<u>Ward 1</u>	<u>Ward 2</u>	<u>Ward 3</u>	<u>Ward 4</u>	<u>Early Voting</u>	<u>Total Votes</u>	<u>Percent</u>
Gary N. Gabriel	3	2	4	7	57	73	8.94%
Milton Y. Tate, Jr.	38	19	77	33	577	744	91.06%

**Place 2 – Ward 2**

	<u>Ward 1</u>	<u>Ward 2</u>	<u>Ward 3</u>	<u>Ward 4</u>	<u>Early Voting</u>	<u>Total Votes</u>	<u>Percent</u>
Weldon C. Williams, Jr.		14			40	54	100%

**Place 4 – Ward 4**

	<b>Ward 1</b>	<b>Ward 2</b>	<b>Ward 3</b>	<b>Ward 4</b>	<b>Early Voting</b>	<b>Total Votes</b>	<b>Percent</b>
Daniel H. “Danny” Goss				22	105	127	100%

**Section 2.** The above returns of said general election be and are hereby approved and declared to be in due form as required by law, and that the following candidates, having received a majority of all votes cast for their respective positions in said general election, are hereby declared to have been elected in the May 9, 2015 general election to the following positions of the City Council of the City of Brenham, Texas, each for terms ending May 2019, and that persons are hereby directed to qualify as such officer in the manner provided in said Charter and the laws of the State of Texas:

**Mayor – At Large**

**Milton Y. Tate, Jr.**

**Place 2 – Ward 2**

**Weldon C. Williams, Jr.**

**Place 4 – Ward 4**

**Daniel H. “Danny” Goss**

**Section 3.** The report of early voting results by wards is attached hereto as Exhibit “A” and incorporated herein for all purposes.

**Section 4.** This Resolution shall take effect immediately upon its passage.

**PASSED AND APPROVED** this the 12<sup>th</sup> day of May, 2015.

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Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

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Jeana Bellinger, TRMC  
City Secretary



**AGENDA ITEM 4**

<b>DATE OF MEETING:</b> May 12, 2015		<b>DATE SUBMITTED:</b> May 5, 2015	
<b>DEPT. OF ORIGIN:</b> Administration		<b>SUBMITTED BY:</b> Jeana Bellinger	
<b>MEETING TYPE:</b>		<b>CLASSIFICATION:</b>	
<input type="checkbox"/> REGULAR		<input type="checkbox"/> PUBLIC HEARING	
<input checked="" type="checkbox"/> SPECIAL		<input type="checkbox"/> CONSENT	
<input type="checkbox"/> EXECUTIVE SESSION		<input checked="" type="checkbox"/> REGULAR	
		<input type="checkbox"/> WORK SESSION	
<b>ORDINANCE:</b>			
<input type="checkbox"/> 1 <sup>ST</sup> READING			
<input type="checkbox"/> 2 <sup>ND</sup> READING			
<input checked="" type="checkbox"/> RESOLUTION			
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon Resolution No. R-15-015 Canvassing the Returns and Declaring the Results of the Special Election Held on May 9, 2015 at Which Were Submitted Twenty-Three Proposed Amendments to the City of Brenham’s Home Rule Charter			
<b>SUMMARY STATEMENT:</b> This Resolution is to canvass the results of the Special Election held on May 9, 2015.			
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>			
<b>A. PROS:</b>			
<b>B. CONS:</b>			
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>			
<b>ATTACHMENTS:</b> (1) Resolution No. R-15-015			
<b>FUNDING SOURCE (Where Applicable):</b> N/A			
<b>RECOMMENDED ACTION:</b> Approve Resolution No. R-15-015 canvassing the returns and declaring the results of the Special Election held on May 9, 2015 at which were submitted twenty-three proposed amendments to the City of Brenham’s Home Rule Charter			
<b>APPROVALS:</b> Terry K. Roberts			

**RESOLUTION NO. R-15-015**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD ON MAY 9, 2015 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF BRENHAM, TEXAS TWENTY-THREE (23) PROPOSED AMENDMENTS TO THE CITY'S HOME RULE CHARTER; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on February 19, 2015 the Brenham City Council adopted Ordinance No. O-15-007 ordering a Special Election to be held on May 9, 2015 for the purpose of submitting twenty-three (23) propositions to the qualified voters of Brenham, Texas for proposed amendments to the existing Home Rule Charter of the City; and

**WHEREAS**, on March 19, 2015 the Brenham City Council adopted Ordinance No. O-15-010 correcting several of the proposed amendments to be voted upon in the Special Election to be held on May 9, 2015; and

**WHEREAS**, at a special meeting of the City Council of the City of Brenham, Texas, held at the regular meeting place in City Hall located at 200 West Vulcan Street, Brenham, Texas on the 12<sup>th</sup> day of May, A.D., 2015, a quorum being present, there came to be considered the returns of the special election held on May 9, 2015 for the purposes of canvassing said special election, declaring the results of said special election, and declaring that each Proposition for which a majority of the qualified voters voting in said special election voted "Yes" has been approved by such voters, and that such amendments shall become a part of the City's Home Rule Charter;

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

**SECTION 1.**

The Special Election of May 9, 2015 was duly called, notice of the election was given in accordance with law, and the election was held in accordance with law.

**SECTION 2.**

The tabulation of votes cast in the Special Election held on May 9, 2015, a copy of which is attached to and made a part of this Resolution, is adopted as the official tabulation of the votes cast at the election, and the tabulation will be filed and recorded in the official records of the City of Brenham as the official canvass of the election.

**SECTION 3.**

The official canvass of the returns of the special election reflects the following votes were cast for and against the twenty-three (23) propositions:

**PROPOSITION NO. 1**

Shall Article II, Sections 7 and 10; Article III, Sections 7, 10A and 13 Article IV, Sections 1, 5, 6, 7 and 9; Article V, Section 3; Article VI, Section 2; and Article VII, Sections 7, 9, 10 and 20G of the Brenham City Charter be amended by 1) making corrections to grammar, spelling and punctuation errors in various Articles of the Charter; 2) deleting reserved sections of the Charter throughout all Articles of the Charter and renumbering the sections due to deletion of reserved sections and other sections deleted as a result of the approval of other propositions on the ballot; and 3) making non-substantive vocabulary changes in various Articles of the Charter in order to use modern and consistent terminology, titles, and labels, which shall include but not be limited to, changing the references to members of the governing body from “Commissioners” to “City Councilmembers,” as well as applying such consistent and modern terminology, titles, and labels to other propositions on this ballot that are approved?

Votes for Proposition No. 1:	684
Votes against Proposition No. 1:	61

**PROPOSITION NO. 2**

Shall Article III, Section 6; Article V, Section 4; Article VI, Sections 2, 9 and 20; and Article VII, Sections 4, 10, 16, 18, 19 and 20C of the Brenham City Charter be amended by updating and correcting references to current state laws, deleting provisions of the Charter that are inconsistent with or preempted by current law, and deleting references to obsolete laws?

Votes for Proposition No. 2:	688
Votes against Proposition No. 2:	57

**PROPOSITION NO. 3**

Shall Article I, Sections 2, 3 and 4 of the Brenham City Charter be amended by deleting the outdated description of the boundaries of the City of Brenham, deleting certain procedures and timelines for annexation and instead require that annexations be conducted in accordance with applicable law, and by deleting provisions concerning platting of annexed property as unnecessary due to existing state laws providing for and regulating municipal platting requirements and procedures?

Votes for Proposition No. 3:	658
Votes against Proposition No. 3:	83

PROPOSITION NO. 4

Shall Article II, Sections 1 through 6 of the Brenham City Charter be amended by updating language related to the general powers of the City of Brenham, deleting certain specific powers of the City of Brenham currently listed in the Brenham City Charter that are also enumerated in state law or regarding which state law has preempted the Charter provisions, clarifying the City of Brenham's power of local self-government, and updating language related to the powers of the City of Brenham enumerated in state law?

Votes for Proposition No. 4: 653  
Votes against Proposition No. 4: 73

PROPOSITION NO. 5

Shall Article II, Sections 11A, 11B and 11C of the Brenham City Charter be amended by deleting said Sections related to a board of the City of Brenham that is not operative and no longer exists?

Votes for Proposition No. 5: 669  
Votes against Proposition No. 5: 55

PROPOSITION NO. 6

Shall Article III, Section 1 of the Brenham City Charter be amended to expressly state the City of Brenham officers and employees that are subject to appointment by the City Council?

Votes for Proposition No. 6: 661  
Votes against Proposition No. 6: 69

PROPOSITION NO. 7

Shall Article III, Sections 4, 10 and 11 of the Brenham City Charter be amended in accordance with Resolution No. R-11-014 of the Brenham City Council adopted on September 29, 2011 pursuant to Section 52, Senate Bill 100, 82<sup>nd</sup> Texas Legislature, effective September 1, 2011, to change the regular election schedule to odd-numbered year elections and the length of terms of office of the position of Mayor and the members of the City Council from three (3) years to four (4) years?

Votes for Proposition No. 7: 602  
Votes against Proposition No. 7: 136

PROPOSITION NO. 8

Shall Article III, Section 5 of the Brenham City Charter be amended to provide that vacancies on the City Council shall be filled by special election to be held within one hundred twenty (120) days of the vacancy unless the vacancy occurs not more than 120 days prior to the next regular election, in which case the vacancy shall be filled at a special election to be held on the same date as the next regular election; providing further that if the remaining unexpired term of any vacant Council position is twelve (12) months or less, the vacant Council position shall be filled by appointment by the remaining Councilmembers, and the appointed Councilmember shall serve until the next regular City election?

Votes for Proposition No. 8:           675  
Votes against Proposition No. 8:    59

PROPOSITION NO. 9

Shall Article III, Sections 8, 9, 10, 10A and 11; Article VI, Section 2; and Article VII, Section 8 of the Brenham City Charter be amended to clarify the definition of special election and revise other provisions related to elections, including but not limited to the canvassing of elections, the runoff election process, voting places, and the regular election date, to require City elections to be conducted in accordance with applicable state and federal law?

Votes for Proposition No. 9:           682  
Votes against Proposition No. 9:    57

PROPOSITION NO. 10

Shall Article III, Section 12 of the Brenham City Charter be amended to provide that the City Council shall elect the Mayor pro tempore as soon as practicable after each regular election of Councilmembers?

Votes for Proposition No. 10:       647  
Votes against Proposition No. 10:   56

PROPOSITION NO. 11

Shall Article III, Section 15 of the Brenham City Charter be amended to provide for the abstention of City Councilmembers as required by law when voting on a question, ordinance or resolution being considered by the City Council?

Votes for Proposition No. 11:       612  
Votes against Proposition No. 11:   75

PROPOSITION NO. 12

Shall Article III, Sections 19 and 22 of the Brenham City Charter be amended to require that ordinances be published as required by state or federal law, establishing when published ordinances take effect, and deleting obsolete provisions relating to revising, digesting and publishing ordinances?

Votes for Proposition No. 12: 636  
Votes against Proposition No. 12: 51

PROPOSITION NO. 13

Shall Article IV, Sections 2 and 8 of the Brenham City Charter be amended to provide that the City Manager or the City Manager's designee shall appoint and determine the compensation of all officers and employees of the City, except for the officers and employees whose appointment and compensation are determined by the City Council?

Votes for Proposition No. 13: 539  
Votes against Proposition No. 13: 152

PROPOSITION NO. 14

Shall Article III, Section 23 and Article IV, Section 2 of the Brenham City Charter be amended to authorize the City Manager to create and consolidate appointive offices and positions, divide the administration of the City's affairs into such departments as the City Manager may deem advisable, and discontinue any such appointive office, position or department, except the offices and positions appointed by the City Council?

Votes for Proposition No. 14: 544  
Votes against Proposition No. 14: 143

PROPOSITION NO. 15

Shall Article IV, Sections 3 and 4 of the Brenham City Charter be amended to clarify the City Manager's duties and responsibilities related to the annual budget process?

Votes for Proposition No. 15: 646  
Votes against Proposition No. 15: 47

PROPOSITION NO. 16

Shall Article V, Sections 1 and 2 of the Brenham City Charter be amended to allow bonds to be issued by the City for any purpose as authorized by state law, and to authorize the City to invest bond proceeds as allowed by state law?

Votes for Proposition No. 16: 585  
Votes against Proposition No. 16: 99

PROPOSITION NO. 17

Shall Article VI, Section 6 of the Brenham City Charter be amended to clarify that in addition to corporations, as is currently provided in Section 6, that the City of Brenham may also levy and collect a franchise tax against any person or other legal entity using and occupying the public streets or grounds of the City?

Votes for Proposition No. 17: 518  
Votes against Proposition No. 17: 160

PROPOSITION NO. 18

Shall Article VII, Section 4 of the Brenham City Charter be amended by requiring periodic review of the Charter by the City Council or its designee and allowing the City Council, by ordinance, to make non-substantive changes to the Charter limited to renumbering, revising titles, rearranging parts thereof, and correcting errors in spelling, grammar, cross-references and punctuation?

Votes for Proposition No. 18: 611  
Votes against Proposition No. 18: 73

PROPOSITION NO. 19

Shall Article VII, Sections 6 and 7 of the Brenham City Charter be amended by the deletion of the obsolete and inaccurate City Council ward boundary descriptions, and clarifying that the four (4) ward boundaries shall be established by ordinance?

Votes for Proposition No. 19: 628  
Votes against Proposition No. 19: 60

PROPOSITION NO. 20

Shall Article VII, Section 14 of the Brenham City Charter be amended by revising the liability and notice of claim provisions to clarify procedures regarding notifying the City of Brenham of claims for injury or damages, and making said provisions consistent with current law?

Votes for Proposition No. 20: 641  
Votes against Proposition No. 20: 45

PROPOSITION NO. 21

Shall Article VII, Section 15 of the Brenham City Charter be amended by providing that the City of Brenham may designate a bank or other authorized financial institution as the City depository in accordance with applicable state law, allowing such selection to be effective for a term not to exceed five (5) years, and deleting obsolete provisions related to the City Treasurer position?

Votes for Proposition No. 21:           632  
Votes against Proposition No. 21:    57

PROPOSITION NO. 22

Shall Article VII, Section 17 be amended by clarifying the establishment, jurisdiction and operations of the City of Brenham Municipal Court, and providing for the appointment, qualifications, terms of office, powers, duties and compensation of Municipal Court officials and personnel?

Votes for Proposition No. 22:           625  
Votes against Proposition No. 22:    59

PROPOSITION NO. 23

Shall Article VII, Section 21 be amended by requiring the City of Brenham to comply with all applicable purchasing and procurement laws when expending City funds?

Votes for Proposition No. 23:           667  
Votes against Proposition No. 23:    36

**SECTION 4.**

That the City Council hereby finds and determines, as a result of this canvass, that a total of 860 persons voted in the Special Election concerning proposed amendments to the City Charter held on May 9<sup>th</sup>, 2015. The City Council further finds, determines, and declares that there were no Propositions not approved by a majority of the qualified voters. The City Council further finds, determines, and declares that Proposition Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 each received a majority vote in favor of adoption of such Proposition, and were approved by a majority of qualified voters. Accordingly, the City Council hereby orders that the amendments to the City's Home Rule Charter as set forth in Proposition Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 shall become a part of the City's Home Rule Charter in accordance with the provisions of Texas Local Government Code Section 9.005.

**SECTION 5.**

That Amendments to the City Charter in the Propositions Numbered 1 through 23 having been approved by a majority of the votes cast in the election, are hereby declared to be adopted and to be a part of the City's Home Rule Charter from and after such adoption.

**SECTION 6.**

That the Mayor and the City Secretary, and any other officers and employees of the City of Brenham, Texas required to take any action as a result of the adoption of the amendments to the City's Home Rule Charter as herein provided for, are hereby authorized and directed to take any and all such actions.

**SECTION 7.**  
**EFFECTIVE DATE**

This Resolution shall become effective immediately upon adoption.

**PASSED and APPROVED** on this the 12<sup>th</sup> day of May, 2015.

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Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

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Jeana Bellinger, TRMC  
City Secretary