



**NOTICE OF A REGULAR MEETING  
THE BRENHAM CITY COUNCIL  
THURSDAY, SEPTEMBER 5, 2013 AT 10:00 A.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. 3-a. Service Recognitions**
  - Mayor Milton Tate – Administration – 10 years
  - Debbie Northrup – Police Department – 25 years**3-b. Awards**
  - Chris Jackson – Texas Community Services Officer of the Year
- 4. Proclamation**
  - Washington County Big Read – September 3 – October 15, 2013 **Page 1**
  - Constitution Week – September 17-23, 2013 **Page 2**
- 5. Citizens Comments**

**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. Minutes from the August 8, 2013 and August 15, 2013 City Council Meetings**  
**Page 3-16**
- 6-b. Discuss and Possibly Act Upon Ordinance No. O-13-017 on Its Second Reading Amending the FY2012-13 Adopted Budget**  
**Page 17-18**

## **PUBLIC HEARING**

- 7. Public Hearing Concerning the Proposed Tax Rate of \$0.5632 per \$100 Valuation for Fiscal Year Beginning October 1, 2013 and Ending September 30, 2014**  
**Page 19-20**
- 8. Public Hearing Concerning the Approval of an Amendment to the Official Zoning Map of the City of Brenham to Change the Zoning from a Residential Single Family (R-1) District to an Industrial Use (I) District on a 0.783 Acre Tract, Being a Portion of a Called 19.687 Acre Tract Out of the John Carrington Survey, Abstract No. 120, Addressed as 50 Kuhn Lane, and Located South of Salem Road Adjacent to the Mark Schulte Tract and the Burlington Northern Santa Fe Railroad in Brenham, Texas**  
**Page 21**
- 9. Public Hearing Concerning the Approval of an Amendment to the Official Zoning Map of the City of Brenham to Change the Zoning from a Residential Single Family (R-1) District to Establish a Planned Development (PD) District for Single-Family Residential Uses on Approximately 11.905 Acres Located North of the Intersection of South Blue Bell Road and Mustang Road, and Tract 251 Within the James Walker Survey in Brenham, Texas**  
**Page 22**
- 10. Public Hearing Concerning the Approval of a Text Amendment to Part II, Division 2, Section 6 (Industrial District), of Appendix A: Zoning of the City of Brenham's Code of Ordinances, Amending the List of Permitted Uses and Adding Uses Allowed with Specific Use Approval**  
**Page 23**

## **REGULAR AGENDA**

- 11. Discuss and Possibly Act Upon an Ordinance on Its First Reading Approving an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning from a Residential Single Family (R-1) District to an Industrial Use (I) District on a 0.783 Acre Tract, Being a Portion of a Called 19.687 Acre Tract Out of the John Carrington Survey, Abstract No. 120, Addressed as 50 Kuhn Lane, and Located South of Salem Road Adjacent to the Mark Schulte Tract and the Burlington Northern Santa Fe Railroad in Brenham, Texas**  
**Page 24-30**
- 12. Discuss and Possibly Act Upon an Ordinance on Its First Reading Approving an Amendment to the Official Zoning Map of the City of Brenham to Change the Zoning from a Residential Single Family (R-1) District to Establish a Planned Development (PD) District for Single-Family Residential Uses on Approximately 11.905 Acres Located North of the Intersection of South Blue Bell Road and Mustang Road, and Tract 251 Within the James Walker Survey in Brenham, Texas**  
**Page 31-41**

13. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Approving a Text Amendment to Part II, Division 2, Section 6 (Industrial District), of Appendix A: Zoning of the City of Brenham's Code of Ordinances, Amending the List of Permitted Uses and Adding Uses Allowed with Specific Use Approval** **Page 42-49**
14. **Discuss and Possibly Act Upon the Acceptance of the 2012 Audit of Washington County Appraisal District by Seidel, Schroeder & Company** **Page 50-51**
15. **Discuss and Possibly Act Upon the Approval of a Request from the Washington County Appraisal District to Spend the FY2011-12 Accumulated Funds of \$47,880, the City of Brenham's Portion being \$24,027, For Two Purposes: \$36,000 for a 2014 Flight of Pictometry and the Remaining \$11,880 to Fleet Replacement Fund** **Page 52-55**
16. **Discuss and Possibly Act Upon the Approval of the FY2013-14 Preliminary Budget for the Washington County Appraisal District** **Page 56-59**
17. **Discuss and Possibly Act Upon Ordinance No. O-13-018 on Its Second Reading Amending Chapter 24, Taxation, of the Code of Ordinances of the City of Brenham to Provide for the Appointment of an Interim Member to the Brenham-Washington County Hotel Occupancy Tax Board** **Page 60-66**

#### **EXECUTIVE SESSION**

18. **Texas Government Code Section 551.072 – Deliberation Regarding Real Property – Discuss and Consider the Acquisition of Properties Related to the Extension of Chappell Hill Street** **Page 67**

**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.

#### **RE-OPEN REGULAR AGENDA**

19. **Discuss and Possibly Take Action as a Result of Executive Session Regarding Real Property Acquisition for the Chappell Hill Street Extension Project and Authorize the Mayor to Negotiate and Execute Any Necessary Documentation** **Page 68**
20. **Administrative/Elected Officials Report**

## Adjourn

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

### *CERTIFICATION*

I certify that a copy of the September 5, 2013 agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on August 30, 2013 at **12:04 PM**.

*Amanda Kfehm*

Deputy City Secretary

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

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the \_\_\_\_\_ day of \_\_\_\_\_, 2013 at \_\_\_\_\_ AM PM.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

## PROCLAMATION

- WHEREAS, A community read program encourages reading by having all involved read the same book; and
- WHEREAS, Lifetime Learning, a group of volunteers who have been bringing outstanding speakers and classes to the Washington County area since 2002, has proposed a fifth annual read for Washington County; and
- WHEREAS, On October 15, 2013 at 6:00 p.m. Lifetime Learning and Unity Theater will hold a free reception with refreshments catered by Design II, a presentation by author Ann Weisgarber and an interpretative reading; and
- WHEREAS, This endeavor has the support of the Nancy Carol Roberts Memorial Library, Brenham Independent School District, Washington County Chamber of Commerce, Unity Theater, KWHI-KTEX Radio, the Banner Press, HEB, Book Nook, Blinn College and many individuals in the community; and
- WHEREAS, Mr. and Mrs. Eddie Harrison are honorary chairs of this event and encourage all residents to join the Washington County Read, September 3 through October 15, 2013, and share the experience of "The Personal History of Rachel Dupree" by Ann Weisgarber, which is the story of African American pioneers. It is the winner of the Langum Prize in American Historical Fiction and the winner of the Stephen Turner Prize for Best Work of First Fiction; and
- WHEREAS, It is right and just for the City Council and the residents of Brenham to join together to applaud the volunteers with Lifetime Learning for their dedication to service and their commitment to encouraging reading;

Now, THEREFORE I, Milton Y. Tate Jr., Mayor of the City of Brenham, Texas do Hereby Proclaim September 3 – October 15, 2013 as

### **Big Read for Washington County**

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

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Milton Y. Tate Jr., Mayor  
City of Brenham

# PROCLAMATION

**WHEREAS:** The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

**WHEREAS:** September 17, 2013, marks the two hundred twenty-sixth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

**WHEREAS:** It is the privilege and duty of the American people to commemorate the drafting of the Constitution of the United States of America with appropriate ceremonies and activities; and

**WHEREAS,** It is right and just for the City Council and the residents of Brenham to join together to mark this important day in American history;

Now, THEREFORE I, Milton Y. Tate Jr., Mayor of the City of Brenham, Texas do hereby proclaim the week of September 17 – 23, 2013 as

## CONSTITUTION WEEK

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

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Milton Y. Tate Jr., Mayor  
City of Brenham

## **Brenham City Council Minutes**

A workshop meeting of the Brenham City Council was held on August 8, 2013 beginning at 1:00 p.m. in the Brenham City Hall, Conference Room 2-A, at 200 W. Vulcan Street, Brenham, Texas.

### Members present:

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

### Members absent:

None

### Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, Deputy City Secretary Amanda Klehm, Chief Financial Officer Carolyn Miller, Stacy Hardy, Fire Chief Ricky Boeker, Billy Rich, Gary Jeter, Pam Ruemke, and Grant Lischka

### Citizens present:

Tracey Darden, Paul Kruse, Darlene McClellan, and Clint Kolby

### Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner, KWHI

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

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

Councilmember Barnes-Tilley questioned the status of the library. Mayor Tate stated if the City goes with the County proposal, the City will have to provide library services to the County and cannot be a City only library. Chief Financial Officer Carolyn Miller stated accreditation kicks in if the City accepts any funding from the County. Councilmember Barnes-Tilley questioned if the City is not receiving any money from the County, but the agreement states will provide for the County, can we be a City-only library for accreditation purposes. Councilmember Williams stated this is a deal breaker because the City cannot build a new library without funding. Councilmember Williams wants the agreement to be changed. Councilmember Goss stated the City can charge, but will have to charge across the board. Mayor Tate stated the new library facility will be a bond issue that will need to be taken to the voters. Councilmember Williams states the fact of what the City pays versus what the County pays is not equal; therefore, the County proposal is a reckoning. Councilmember Williams stated he has spoken with some County residents and they are not opposed to paying a fee for library services. Councilmember Williams stated surrounding counties charge for library cards on the average is \$25.00 a person.

Mayor Pro Tem Nix expressed her concern that everyone sees the County proposal as the City saving \$1 million dollars, but then the City is responsible for animal shelter, library, substation, fire trucks, and everything else. Councilmember Herring states the City resident will have to take on the burden of these projects through taxes. Assistant City Manager Kyle Dannhaus states the City residents will be starting at a lower tax rate if the City accepts the County proposal because the City will have to raise taxes regardless to fund these projects.

Councilmember Ebel questions how long it will take to get IT portion transferred over to County. IT Manager Gary Jeter stated the County will need to hire people and get them trained, will need outside consulting firm to be hired to help set up and they will need to switch purchasing and phone service. Councilmember Goss states there are three entities plugged into and utilizing the system and Communications can stand alone, but the County is using it as an excuse to push off take over date. Councilmember Goss wants to go with the originally proposed City ILAs. Mayor Tate states the County is willing to use the City pay proposal for services in the interim starting October 1<sup>st</sup>. Roberts states the County will begin work on the IT portion once the proposal is signed.

Jeter stated both parties state they want to provide same level of service. Jeter stated Pre-Alerts currently run on City network and radio equipment run through City fiber and infrastructure, so all of this will need to be moved over or the City will need to be compensated. Jeter stated the County currently pays for fiber, but it is not in use and they only have it partially lit up. Jeter explained the County will need to increase their fiber usage and will need more fiber

for redundancy to keep current level of services. Jeter stated the County will have increases in costs and it will take time to get up and running. Jeter estimated this time frame to be one year to be fully running. Mayor Tate questions if the City IT Department could take over Communication staffing and operations until the County gets theirs done. Jeter stated that his department will not turn over routers, switches and other equipment, but they could take over staffing, but it won't work for the County to just slide in and run the City's setup because a lot goes into the transferring of domains, computers, phone systems and the operations. Roberts questioned the major issues to overcome to make the switch in IT for the County. Jeter stated the County will need: appropriate staffing and consultants involved, infrastructure in place (every computer has to be touched), phone and recording system, server and domain controller (New World), and a virtual environment. Jeter stated this is a huge project with a lot of different things going on that will need to take place in phases to maintain the 24 hour services. Jeter explained the earlier the County could start, the better because it could be less than a year if they start before the switch occurs. Councilmember Barnes-Tilley questioned if the City has given the County a written list of everything they must do in order to maintain current level of service. Jeter stated they have not yet, but must create a plan with a consultant, himself, Fire Chief Ricky Boeker, and Communications Manager Pam Ruemke. Councilmember Goss questioned besides the alert and radio systems, what else runs through networks because phone system transfers are a matter of money and can be switched off of the City system and fiber easily. Councilmember Barnes-Tilley states she wants to make sure that no service is interrupted if the City accepts the County proposal.

Mayor Pro Tem Nix questioned Gary Jeter if the County is biting off more than they can handle. Mayor Pro Tem Nix questioned if the County has the ability and qualification to run Communications at the current level of service. Jeter stated right now they do not have the ability because the County does not have a preventative or maintenance contract for IT and it will take a lot of money and time to reach across networks and build the infrastructure.

Councilmember Goss questioned will the City dedicate one person to the transfer project with the County. Jeter stated no, just as needed because the firewall needs to be moved and reconfiguration will not take much time, which most the time spent on this project will be his. Mayor Tate suggested the City include reimbursement costs for IT support to the agreement.

Councilmember Barnes-Tilley stated there would need to be changes to the agreement if the City accepts the County proposal, which would include: guarantee current Communications employee jobs for 1 year and is there something that can be put in writing to ensure this occurs. Ruemke stated it is hard to keep Staff now and even harder with the ILA looming. Roberts stated they can put provisions in the agreement and state employees can only be let go on cause.

Councilmember Herring stated there needs to be an addendum to outline exactly what is expected of each party to maintain the current level of service. Roberts explained the current agreement states if a party wants to expand service, they can but not mandated to go above current level of service, but they must maintain the current level of service. Councilmember Goss questioned what costs the City continuously incur after the switch if the County proposal is accepted. Jeter stated the only cost is the City modules with New World. Ruemke stated the New World contract is with the City and cannot be transferred to the County; therefore, City will have

to bill the County as they do now. Ruemke stated she spoke with the FBI and if the County wants to change the name of Communications, then that will need to be approved by the FBI. Dannhaus stated the only continuous cost after the proposed switch as far as Staff can tell is New World contract and the Tower, but they are looking to make sure there are no other hidden costs. Roberts stated the generator maintenance and building lease fee is expected to be reimbursed in the lease agreement by the County. Councilmember Goss questioned the amount to be paid for the building lease. Dannhaus stated Staff does not have steadfast numbers on the building lease and requests Council direction on the numbers to input. Councilmember Ebel stated Commission Fuchs is under the impression that the City will just give them the building lease at no cost. Councilmember Goss requested pricing on the equipment and furnishings in the building lease.

Councilmember Ebel questioned the new established start date for the County if the City agrees to the County's proposal. Mayor Tate stated the new established start date is April 1<sup>st</sup>.

## **Adjourn**

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Amanda Klehm  
Deputy City Secretary

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on August 15, 2013 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

### Members present:

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

### Members absent:

None

### Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, Deputy City Secretary Amanda Klehm, Chief Financial Officer Carolyn Miller, Stacy Hardy, Kaci Konieczny, Fire Chief Ricky Boeker, Police Chief Rex Phelps, David Doelitsch, Development Services Director Julie Fulgham, Kim Hodde, Public Works Director Dane Rau, Leslie Kelm, and Grant Lischka

### Citizens present:

Tracey Darden, Paul Kruse, Darlene McClellan, and Clint Kolby

### Media Present:

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

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Herring**
- 3. Citizens Comments**

There were no citizen comments.

## CONSENT AGENDA

### 4. Statutory Consent Agenda

#### 4-a. Minutes from the August 1, 2013 City Council meeting

#### 4-b. Discuss and Possibly Act Upon Correction of Resolution No. R-13-012 Assigned to Resolution Approved on July 11, 2013 Adopting an Incentive Grant Reimbursement Program

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve the Statutory Consent Agenda Item 4-a and 4-b as read.

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

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

## WORK SESSION

### 5. Discussion and Presentation Regarding Vegetation Control Pertaining to City, State, and Railroad Right-of-Ways

Public Works Director Dane Rau presented this item. Rau stated many of you have probably noticed the unsightly weeds, grass, and vegetation growing alongside TXDOT highways, railroad tracks and city streets, which grow in right-of-ways which are either maintained by TXDOT, the BNSF or the City of Brenham. Rau explained BNSF and TXDOT only address their right-of-ways periodically throughout the year. Rau stated TXDOT has a schedule in which they mow and provide litter pick-up in May and November of each year and BNSF sprays vegetation alongside their right-of-ways bi-annually as well with a pre-emergent in January and then a final spraying in August. Rau stated the other right-of-ways are city right of ways and are currently maintained by the City of Brenham Street Dept. on an ongoing basis.

Rau stated Staff has been advised by TXDOT that they only have enough resources to stick with their schedule of bi-annual mowing and litter control along the major roadways twice per year, but if the City wishes to maintain these right-of-ways more frequently than the City can do so. Rau stated TXDOT when mowing during these two times, only shreds large areas where shredders can continue on one path; therefore, areas such as Becker Dr. toward downtown on business 290, S. Chappell Hill St. to Creekside Veterinary Clinic, and from Hohlt Park

throughout Austin St. are not mowed by TXDOT and it is left up to the property owner or the City of Brenham to maintain that right-of-way.

Mayor Tate questioned how long it would take City employees to maintain these areas. Rau stated the upkeep would monopolize one employee for two to three months in regards to Hwy 290, Hwy 36 and Hwy 105. Councilmember Barnes-Tilley questioned how often would the maintenance need to be done. Rau stated that Staff has not come up with a game plan yet. Councilmember Herring questioned if the City could spray instead of weed eat? Rau explained Staff weed eats first and then goes back and sprays to take care of the vegetation. Councilmember Ebel would like to know how much it would cost the City to do maintenance every two months. Rau stated he will get figures to him.

Rau suggested the City take care of the maintenance of the vegetation or update the City Ordinance to have citizens take care of the vegetation on their property. Councilmember Goss suggested the City have Main Street Program participate. Bovey suggested Staff look into compensation from TXDOT for the City to maintain State right-of-ways year-round. Councilmember Barnes-Tilley would like to look at the City's options for absorbing cost of maintenance before placing that burden on citizens. Councilmember Barnes-Tilley suggested putting out a Public Service Announcement to kindly ask citizens to help out the City in vegetation control.

Councilmember Herring questioned if the City is on BNSF or TXDOT property and City employee is injured, is the City liable? Bovey stated he will look into the contracts and get back with Council. Councilmember Goss questioned if City enters onto BNSF property, do we have to give notice. Rau stated according to contract, the City must let them know.

## **REGULAR AGENDA**

### **6. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending the FY2012-13 Adopted Budget**

Chief Financial Officer Carolyn Miller presented this item. Miller handed out an enlarged spreadsheet of the budget amendments and a budget amendment memo. Miller stated the proposed ordinance will be an amendment to the FY2012-13 budget. Miller explained the highlights of the amendment include the following revenue increases: General Fund revenues for insurance proceeds, County HOT Fund for additional County HOT tax collections remitted to the City in FY13, Hwy 290 Fund for the two repayments received from TXDOT in FY13, and City HOT taxes for increased collections.

Miller explained the two largest items in the General Fund column are the increase in expenditures related to the demolition of the old City Hall building and the City match for the Airport Hangar Grant. Miller stated both of these expenditures will be utilizing General Fund reserves. Miller stated BCDC and Hotel Occupancy Tax Fund are both being amended for additional expenditures approved by their respective boards during the current fiscal year. Miller explained other miscellaneous amendment items include: unanticipated repairs to fire trucks,

repairs related to storm damage at the communications building, and fire station, and transfers. Miller stated this is a mid-year budget amendment and Staff will bring back final amendments in November or December.

Councilmember Barnes-Tilley questioned if the \$12,000 will take care of the replacement of the entire wall at Fireman’s Park. Rau explained yes all materials are included in the price. Councilmember Herring questioned that we spent \$300,000 for improvements at Linda Anderson Park. Miller stated the amount is correct and was funded by BCDC.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve an Ordinance on its first reading amending the FY2012-13 Budget.

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

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

**7. Discuss and Possibly Act Upon a Proposal to Adopt a Tax Rate of \$0.5632 per \$100 Valuation for the 2013 Tax Year, Take Record Vote and Set the Public Hearings on the Proposed Tax Rate in Accordance with State Law**

Chief Financial Officer Carolyn Miller presented this item. Miller stated as discussed during the Council Budget Workshops and during the work session of the August 1, 2013 City Council meeting, the City will be increasing the property tax rate of \$0.5432 per \$100 valuation by \$0.02. Miller explained the new property tax rate of \$0.5632 is comprised of a maintenance and operations rate of \$0.3579 and a debt service (interest and sinking) rate of \$0.2053. Miller explained the City experienced a 5.16% or \$53,016,245 increase in total taxable values over the 2012 (adjusted) values. The increase is comprised of:

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

Therefore, Miller explained the proposed FY13-14 budget includes a proposal to increase in the current M&O tax rate from \$0.3420 to \$0.3579. The combined impact of the increased property values along with the increase in the M&O tax rate will generate additional tax revenue over the current year of \$346,063. Miller stated the proposal is to increase the current tax rate of \$0.5432 per \$100 valuation to \$0.5632 per \$100 valuation.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Goss that the property tax rate be increased by the adoption of a tax rate of \$0.5632 per \$100 valuation, which is effectively a 7.28% increase in the tax rate, to be considered by the governing body on the agendas of the September 16, 2013 and September 19, 2013 meetings and to schedule public hearings on the proposed tax rate for August 29, 2013 and September 5, 2013 in accordance with state law.

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

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

**8. Discuss and Possibly Act Upon a Request for a Noise Variance for a Back to School Bash to be Held from 6:00 P.M. to 9:00 P.M. at 707 Pleasant View Avenue on August 23, 2013**

Deputy City Secretary Amanda Klehm presented this item. Klehm stated Tracey Darden has requested a noise variance to hold an event to celebrate Back to School on August 23, 2013 from 6:00 p.m. – 9:00 p.m. at 707 Pleasant View Avenue. Klehm explained they will have a children’s inflatable water slide, passing out school supplies, BBQ, and a DJ. Klehm stated they will be using sound amplification equipment. Klehm explained the Brenham Police Department and the Brenham Fire Department have approved the noise variance request. Klehm explained Tracey Darden is present at the meeting to answer any questions Council may have.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve a request for a noise variance from Tracey Darden for a Back to School Bash to be held from 6:00 P.M. to 9:00 P.M. at 707 Pleasant View Avenue on August 23, 2013 and authorize the Mayor to execute any necessary documentation.

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

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

**9. Discuss and Possibly Act Upon a Request for a Noise Variance for Christ to the Nations: City-Wide Revival to be Held September 1-7, 2013 from 7:00 P.M. to 10:00 P.M. at 505 Martin Luther King Jr. Parkway**

Deputy City Secretary Amanda Klehm presented this item. Klehm stated Darlene McClellan has requested a noise variance to hold an event for a city-wide revival from September 1-7, 2013 from 7:00 p.m. – 10:00 p.m. at 505 Martin Luther King Parkway. Klehm explained they will have a church outreach service under a tent and keyboard with speakers. Klehm stated they will be using sound amplification equipment. Klehm explained Darlene McClellan is present at the meeting to answer any questions Council may have.

Police Chief Rex Phelps stated he has spoken with Ms. McClellan and they changed the times of the event from 6-9pm instead of 7-10pm since it may get too late on a school night. Mayor Tate questioned if seven days was too long. Phelps stated the Police Department and Fire Department are not concerned with the length of time, just the time frame.

Councilmember Goss questioned the exact location of the event. Citizen Darlene McClellan stated they will erect a tent on the vacant lot across the street from the funeral home at the corner of Burleson and Martin Luther King Jr. Parkway.

Councilmember Williams questioned if Ms. McClellan has spoken with the home owners behind the lot to make sure that they are okay with the event. McClellan stated that she will speak with those neighbors. Councilmember Goss questioned about parking on the streets. Phelps stated MLK is large enough where there should not be a problem, but the Police Department will monitor the parking. Councilmember Goss questioned if they will have security, McClellan stated her property is next to the vacant lot, so they will monitor the property during the day and night, but the only thing left at night will be the tent and chairs.

A motion was made by Councilmember Williams and seconded by Councilmember Ebel to approve a request for a noise variance from Christ to the Nations: City-Wide Revival to be held September 1-7, 2013 from 6:00 P.M. to 9:00 P.M. at 505 Martin Luther King Jr. Parkway and request Ms. McClellan contact the neighbors.

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

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

## 11. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- Memo from Paula was set around Dias, which includes upcoming dates. The second page is a tear off event checklist that needs to be filled out by each Councilmember and returned to Paula.
- Council meeting on September 5<sup>th</sup> is at 10:00am.

City Engineer Grant Lischka reported:

- The 290/Chappell Hill/Stringer St tie in to Market Street update:
  - At Chappell Hill, the property parcels have been finalized and purchase prices will be brought back to Council.
  - The Engineer Plan is at 75% and Staff will start looking at preliminary plans.
  - If the City wants to construct a signal light, Staff will need to do an Advanced Funding Agreement with TXDOT.
  - The issue is the time frame. The Engineer is estimating completion date is December 2014, but Staff is looking to speed up the process.

Fire Chief Ricky Boeker reported:

- Fireman's Fiesta was a huge success with a good turnout.

Councilmember Herring reported:

- Ed Miesler with Boy Scouts has requested Council to start late at 4pm either October 3<sup>rd</sup> or October 17<sup>th</sup>.

## WORK SESSION

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

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

City Manager Terry Roberts presented this item. Roberts stated Staff confirmed with the two County Commissioners working on the exchange of services ILA that the County is prepared to extend the current agreements beginning in October to the figures the City presented the County in June for the fire/rescue interim ILA agreement as well as the animal shelter interim agreement, which will be extended for six months to coincide with the projected start of the exchange of services interlocal in April 2014. Roberts stated rather than using the per run figures for the fire/rescue agreement and the per animal rate for animal shelter, the City will draft

extensions based on historic utilization and those rates which gives the City those higher numbers Staff discussed with the Council in the summer. Roberts stated for ease of billing, the City will convert those annual figures to monthly numbers.

Roberts explained Staff is also working to update the extension for animal control and the City needs to address the Linda Anderson Park interlocal agreement. Roberts stated the County and City were in agreement on that interlocal agreement. Roberts explained as Council discussed at the work session last week, the library interlocal will not be extended.

Roberts stated the plan is to bring Council a final draft by the first meeting in September with a plan to adopt both the exchange of services ILA and the interim extensions for October through March at the second meeting in September.

Councilmember Herring requested the City provide an addendum to the ILAs that spell out everything in detail including terms, expectations, etc. Mayor Tate explained the County is suggesting a 10 year agreement instead of 5 year agreement in regards to Section 17 of the ILA document with the termination clause as is. Councilmember Williams questioned how legally binding is the ILA. Bovey stated the ILA is supported by the State Constitution as a legally binding document. Councilmember Herring is in favor of a 5 year agreement instead of 10 year. Councilmember Barnes-Tilley would like to review the progress of the exchange of service after the first year. Mayor Tate explained the Board will be reviewing the progress and will come back to alert Council on any issues. Roberts stated the County does not have a problem with sitting down after the first year to review or coming to Council to give a report.

Councilmember Barnes-Tilley stated concerns that the County picked only one department to take over and now the City will be stuck with the cost of the new shelter, new or renovated library and the new substation, which equals roughly \$5 million dollars in the upcoming few years. Mayor Tate stated that County must have an I.T. infrastructure in place by 2015; therefore, he believes this is one reason they chose to take over Communications. Councilmember Goss questioned how Communications has anything to do with the County's I.T. infrastructure requirement. Communications Director Pam Ruemke stated it does not have anything to do with it.

Roberts stated the County would like consideration for lease of the Communication's building less than fair market value in regards to exchange of services. Dannhaus stated it is hard to come up with numbers in regards to leasing the building. Councilmember Goss stated Dannhaus should go off of a commercial building lease roughly \$3000 to \$6000 per month. Councilmember Williams questioned if the price would include the furniture. Dannhaus stated that he has included furniture in the figure. Councilmember Goss questioned how many years the City has to depreciate the furniture. Miller stated it would depreciate as a capital expense; therefore, 5-10 years. However, a lot of the assets are 8-10 years old have already been depreciated out. Councilmember Herring questioned if the forgiveness of the lease included utilities. Dannhaus explained no the County must maintain the building themselves. Councilmember Barnes-Tilley questioned if the City should maintain own building to be able to regulate the integrity of the building. Mayor Tate stated the City will oversee the operating of the building, but the County will be responsible for the maintenance, insurance, utility bill, and like

costs for the upkeep of the building. Bovey stated the agreement will make the County liable for all costs. Councilmember Ebel questioned how long the County plans to lease the City's building. Mayor Tate stated originally the County stated 3 years, but recently stated 4 years. Councilmember Goss questioned if something goes wrong, who is responsible. Bovey stated in the agreement, the County is responsible.

Councilmember Williams stated he called Bastrop, who recently built a new library fairly recently and they do not charge for library cards, but each City has different setups, but they are City controlled. Councilmember Williams stated Pflugerville charges for anyone who doesn't live inside the school district. Pflugerville charges \$25.00 for a library card and \$25.00 for e-books. Councilmember Williams stated he is not proposing that the City charge for library cards, but if the City builds a new facility, may want to consider charging everyone a fee. Mayor Tate reminded Council that the agreement states if the City if going to charge then will charge both City and County residents. Councilmember Williams wants to have that language taken out of the agreement. Roberts states the County wants their residents to have the same access as the City residents. Councilmember Barnes-Tilley states she does not like the idea of charging patrons because those using the library don't have access from home. Councilmember Barnes-Tilley suggested we lessen hours, circulation or other means to keep from charging a fee to patrons.

Councilmember Williams asked if the County is dead set against a 5 year agreement. Mayor Tate stated they are asking for a 10 year agreement and he doesn't see the downside because either party can get out of the contract with a 1 year notice. Roberts explained the current 5 year agreement has a 1 year extension automatically built into the agreement.

Councilmember Herring stated the City should charge the County for the building lease and that it should not be free. Councilmember Ebel questioned length of the term of the building lease. Mayor Tate stated at least 3 years to start with. Councilmember Goss stated the agreement is 5 years, so the building lease should be set for 5 years as well. Councilmember Barnes-Tilley suggest including a clause if the term of the lease changes.

Councilmember Barnes-Tilley would like a report from the Board on the progress of operations. Fire Chief Ricky Boeker stated he can include the Board's review in his annual report. Councilmember Barnes-Tilley expressed her concern that nothing is stated in the agreement to protect the current Communication's Staff jobs as long as their performance is good. Dannhaus stated that the County would have to agree to those terms. Councilmember Herring stated Pam Ruemke (or her position) should have final say on the performance of her Staff as she does now, but that does not protect her job.

Councilmember Herring stated the lease agreement should start April 1<sup>st</sup> when the anticipated take-over date occurs. Councilmember Goss stated the building lease should be at least \$1500 a month. Dannhaus stated the County will be responsible for maintenance, utility bills, insurance and other bills relating to the operations and maintenance of the building and those terms will be specifically stated in the agreement. Mayor Tate stated the building lease will be set at \$1000 per month.

## **Adjourn**

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Amanda Klehm  
Deputy City Secretary



**ORDINANCE NO. O-13-017**

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

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

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

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

**SECTION I.**

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

**SECTION II.**

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

**PASSED and APPROVED** on its first reading this the \_\_\_\_ day of \_\_\_\_\_, 2013.

**PASSED and APPROVED** on its second reading this the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

\_\_\_\_\_  
Jeana Bellinger, TRMC  
City Secretary

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

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



## AGENDA ITEM 7

<b>DATE OF MEETING:</b> September 5, 2013	<b>DATE SUBMITTED:</b> August 29, 2013	
<b>DEPT. OF ORIGIN:</b> Finance	<b>SUBMITTED BY:</b> Carolyn D. Miller	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Public Hearing Concerning the Proposed Tax Rate of \$0.5632 per \$100 Valuation for Fiscal Year Beginning October 1, 2013 and Ending September 30, 2014		
<b>SUMMARY STATEMENT:</b> See attached memo from Chief Financial Officer on this item.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
A. PROS:		
B. CONS:		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b> (1) Memo from CFO		
<b>FUNDING SOURCE (Where Applicable):</b>		
<b>RECOMMENDED ACTION:</b> Discussion Only.		
<b>APPROVALS:</b> Terry K. Roberts		



**MEMORANDUM**

To: Mayor, Council and City Manager

From: Carolyn D. Miller  
Chief Financial Officer

Subject: Second Public Hearing on Proposed 2012 Tax Rate

Date: September 2, 2013

A governing body must hold two public hearings to receive citizen comments on a proposed tax rate. The first public hearing to receive citizen comments on the proposed tax rate was held during a special Council meeting on August 29, 2013. There were no citizen comments made on the proposed tax rate.

A property tax rate of \$0.5632 per \$100 valuation is proposed to fund the FY2013-14 Budget. Of this rate, \$0.3579 will be for maintenance and operations (M&O). The balance of \$0.2053 is for debt service (interest and sinking or I&S). Based on the certified taxable values of \$1,080,568,292 the effective tax rate is \$0.5250 and the rollback rate is \$0.5665 per \$100 valuation for the 2013 Tax Year.

At each hearing, the governing body must announce the date, time, and place of the meeting at which it will vote on the tax rate. After receiving citizen comments, the following announcement should be made:

**The first reading of the Ordinance to adopt the tax rate will be during a Special Council meeting on Monday, September 16, 2013 at 1:00 p.m. The second reading of the Ordinance and adoption of the tax rate is scheduled for a Regular Council meeting on Thursday, September 19, 2013 at 1:00 p.m.**

There are no other items regarding the property tax rate scheduled for this agenda.



## AGENDA ITEM 8

<b>DATE OF MEETING:</b> September 5, 2013	<b>DATE SUBMITTED:</b> August 27, 2013	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Julie Fulgham	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Public Hearing Concerning the Approval of an Amendment to the Official Zoning Map of the Code of Ordinances, to Change the Zoning from a Residential (R-1) District to an Industrial (I) District on a 0.783 Acre Tract, being a Portion of a Called 19.687 Acre Tract out of the John Carrington Survey, Abstract No. 120, Addressed as 50 Kuhn Lane, and Located South of Salem Road Adjacent to the Mark Schulte Tract and the Burlington Northern Santa Fe Railroad in Brenham, Texas		
<b>SUMMARY STATEMENT:</b> Public hearing to hear comments regarding this zone change.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
A. PROS:		
B. CONS:		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A		
<b>ATTACHMENTS:</b> None		
<b>FUNDING SOURCE (Where Applicable):</b> N/A		
<b>RECOMMENDED ACTION:</b> Discussion only		
<b>APPROVALS:</b>		



## AGENDA ITEM 9

<b>DATE OF MEETING:</b> September 5, 2013	<b>DATE SUBMITTED:</b> August 27, 2013	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Julie Fulgham	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Public Hearing Concerning the Approval of an Amendment to the Official Zoning Map of the Code of Ordinances to Change the Zoning from a Residential Single Family (R-1) District to Establish a Planned Development (PD) District for Single-Family Residential Uses on Approximately 11.905 Acres Located North of the Intersection of South Blue Bell and Mustang Roads, and a Tract 251 Within the James Walker Survey in Brenham, Texas		
<b>SUMMARY STATEMENT:</b> Public hearing to hear comments regarding this zone change.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
A. PROS:		
B. CONS:		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A		
<b>ATTACHMENTS:</b> None		
<b>FUNDING SOURCE (Where Applicable):</b> N/A		
<b>RECOMMENDED ACTION:</b> Discussion only		
<b>APPROVALS:</b>		



**AGENDA ITEM 10**

<b>DATE OF MEETING:</b> September 5, 2013		<b>DATE SUBMITTED:</b> August 29, 2013	
<b>DEPT. OF ORIGIN:</b> Development Services		<b>SUBMITTED BY:</b> Julie Fulgham	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>	
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING	
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING	
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION	
	<input type="checkbox"/> WORK SESSION		
<b>AGENDA ITEM DESCRIPTION:</b> Public Hearing Concerning the Approval of a Text Amendment to Part II, Division 2, Section 6 (Industrial District), of Appendix A: Zoning of the City of Brenham’s Code of Ordinances, Amending the List of Permitted Uses and Adding Uses Allowed with Specific Use Approval			
<b>SUMMARY STATEMENT:</b> Public hearing to hear comments regarding this zone change.			
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>			
A. PROS:			
B. CONS:			
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A			
<b>ATTACHMENTS:</b> None			
<b>FUNDING SOURCE (Where Applicable):</b> N/A			
<b>RECOMMENDED ACTION:</b> Discussion only.			
<b>APPROVALS:</b> Terry K. Roberts			



## AGENDA ITEM 11

<b>DATE OF MEETING:</b> September 5, 2013	<b>DATE SUBMITTED:</b> August 27, 2013	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Julie Fulgham	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon an Ordinance on Its First Reading Approving an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning from a Residential Single Family (R-1) District to an Industrial Use (I) District on a 0.783 Acre Tract, Being a Portion of a Called 19.687 Acre Tract Out of the John Carrington Survey, Abstract No. 120, Addressed as 50 Kuhn Lane, and Located South of Salem Road Adjacent to the Mark Schulte Tract and the Burlington Northern Santa Fe Railroad in Brenham, Texas		
<b>SUMMARY STATEMENT:</b> This is a request by a prospective purchaser of this tract who owns land located at 301 South Salem Road and wishes to expand existing industrial uses to these 0.783 acres. Staff recommends approving this requested zone change finding it conforms to the principles outlined in the Comprehensive Plan. The Planning and Zoning Commission concurred with staff and recommended approval at their August 5 <sup>th</sup> of 2013 Regular Meeting.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<p><b>A. PROS:</b> Allows expansion of an existing business</p> <p><b>B. CONS:</b> Adds to the Industrial zoning within the City of Brenham, which is already in abundance</p>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> 1. Approve zone change 2. Deny zone change		
<b>ATTACHMENTS:</b> (1) Memo from Julie Fulgham to the P&Z Commission; and (2) Ordinance		
<b>FUNDING SOURCE (Where Applicable):</b> N/A		
<b>RECOMMENDED ACTION:</b> Approve an Ordinance on its first reading approving an amendment to the Official Zoning Map of the City of Brenham, to change the zoning from a Residential Single Family (R-1) District to an Industrial Use (I) District on a 0.783 acre tract, being a portion of a called 19.687 acre tract out of the John Carrington Survey, Abstract No. 120, addressed as 50 Kuhn Lane, and located South of Salem Road adjacent to the Mark Schulte Tract and the Burlington Northern Santa Fe Railroad in Brenham, Texas.		
<b>APPROVALS:</b> Terry K. Roberts		



## Zone Change: Portion of tract addressed 50 Kuhn Lane

**STAFF CONTACT:** Julie Fulgham, Director of Development Services

**OWNERS/APPLICANTS:** Perry Thomas

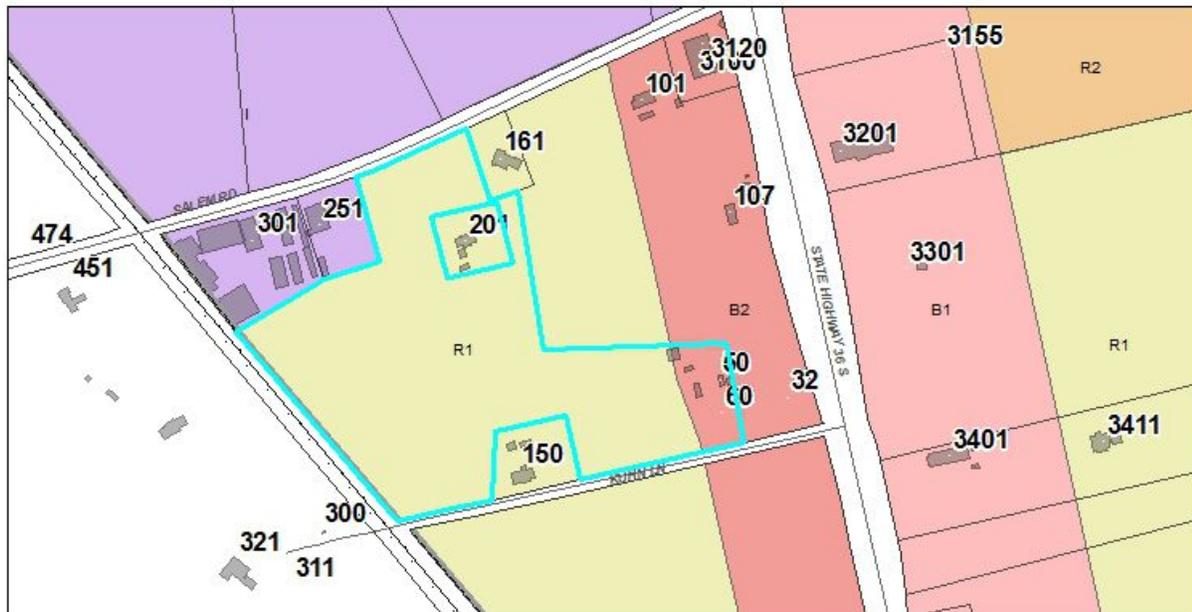
**LEGAL DESCRIPTION:** 0.783 acres being a portion of a 19.687 acre tract located at 50 Kuhn Lane and located south of Salem Road, adjacent to the Mark Schulte Tract and the Burlington Northern Santa Fe Railroad in Brenham, Washington County, Texas

**REQUEST:** A request to change the zoning from a Residential (R-1) District to an Industrial (I) District

### SUMMARY RECOMMENDATION:

This is a request by a prospective purchaser of this tract who owns land located at 301 South Salem Road and wishes to expand existing industrial uses to these 0.783 acres. Staff recommends approving this requested zone change finding it conforms to the principles outlined in the Comprehensive Plan.

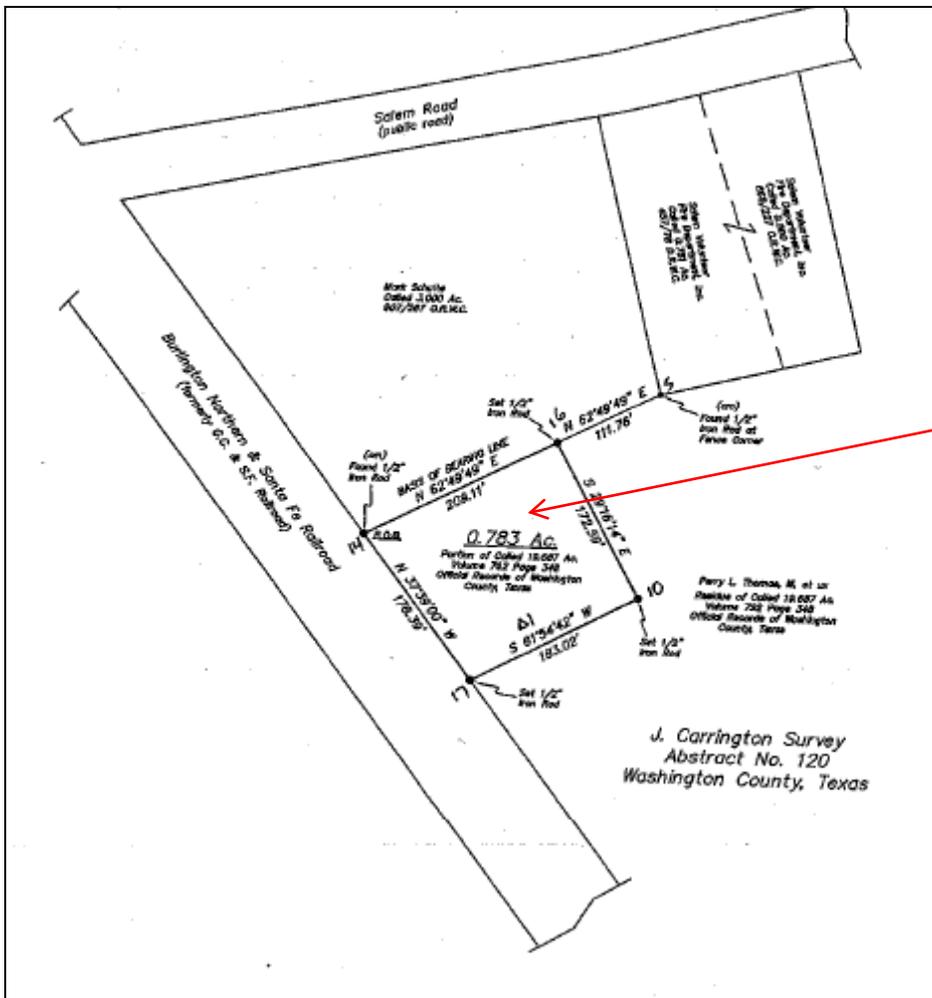
### ZONING MAP:



**AERIAL:**



**0.783 Acre Tract to be Rezoned:**



0.783 acres requested to be rezoned to the Industrial District

## **ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:**

**The purpose of zoning policies is to provide guidelines for considering future amendments to the zoning ordinance (Part 1, Section 4 of Appendix A – “Zoning” of the Brenham Code of Ordinances). They are as follows:**

- (1) The city's zoning should recognize and seek to preserve the small town attributes that make Brenham a special place for its citizens to live, work and play.**

This request should have no effect on the small town attributes that make Brenham a unique community.

- (2) The city's zoning should be guided by the future land use plan and other applicable guidelines found in the Comprehensive Plan.**

This request is for property currently within an R-1 District but few residential uses exist in the area. Most of the land located within the immediate vicinity is vacant and the tract is adjacent to an existing Industrial District. The expansion of that Industrial zoning district shall have no impact on the character of the area. The request does not contradict any portion of the Comprehensive Plan.

- (3) The city's zoning should be designed to facilitate the more efficient use of existing and future city services and utility systems in accordance with the Comprehensive Plan.**

This property is currently undeveloped and is landlocked. If this rezoning is approved, in order to complete the sale of this tract to the prospective purchaser, a preliminary plat and final plat will combine this parcel with land adjacent to Salem Road.

- (4) The city's zoning should be organized and as straight forward as possible to minimize use problems and enforcement problems.**

Surrounding properties are zoned within the R-1 and I District, although there are few developed R-1 uses in the immediate vicinity. Greater review of the ‘parent’ tract of this 0.783 acres will need to happen at the time of development since abutting R-1 zoning districts to I zoning districts may cause conflicts. Any development on this site must observe buffer yards as required by the performance standards within the Zoning Ordinance.

- (5) The city's zoning process should be fair and equitable, giving all citizens adequate information and opportunity to be heard prior to adoption of zoning amendments.**

All notification requirements were met with this application and a copy of this staff report was provided to the property owner and applicant.

- (6) The city's zoning should insure that adequate open space is preserved as residential and commercial development and redevelopment occur.**

The zoning ordinance limits the amount of impervious coverage allowed on a lot at the time of development. All performance criteria must be met as this site develops.

- (7) The city's zoning should insure Brenham's attractiveness for the future location of business and**

**housing by preserving an attractive and safe community environment in order to enhance the quality of life for all of its residents.**

The property's development as expansion for an existing adjacent business should not impact the future location of businesses or housing within this area. This expansion is not at a significant scale to change the character of the area.

- (8) The city's zoning ordinance should preserve neighborhood culture by retaining and promoting land uses consistent with the community's plan for the development and/or redevelopment of its neighborhoods.**

There are no existing residential neighborhoods nearby and existing residential uses are far enough away that any potential future redevelopment of such residential uses in the area should not be impacted.

- (9) The city's zoning should protect existing and future residential neighborhoods from encroachment by incompatible uses.**

This request will not place incompatible commercial uses within nearby existing neighborhoods as nonresidential and uses and vacant land are most prevalent in this vicinity.

- (10) The city's zoning should assist in stabilizing property values by limiting or prohibiting the development of incompatible land uses or uses of land or structures which negatively impact adjoining properties.**

This property is currently surrounded by vacant land and this rezoning should have minimal impact on residential home values within the area since it does not directly adjoin any residential uses.

- (11) The city's zoning should make adequate provisions for a range of commercial uses in existing and future locations that are best suited to serve neighborhood, community and regional markets.**

Rezoning this tract allows expansion of an existing commercial business.

- (12) The city's zoning should give reasonable accommodation to legally existing incompatible uses, but it should be fashioned in such a way that over time, problem areas will experience orderly change through redevelopment that gradually replaces the nonconforming uses.**

This property is vacant and no legally nonconforming uses are located here.

- (13) The city's zoning should provide for orderly growth and development throughout the city.**

Locating commercial uses adjacent to major thoroughfares and where there are adequate utilities provides for the orderly growth and development throughout the City. This tract will be combined with land directly abutting Salem Road and will have easy access to Highway 36 South.

**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 DISTRICT (R-1) TO AN INDUSTRIAL (I) DISTRICT ON 0.783 ACRES OUT OF A 19.687 ACRE TRACT WITHIN THE JOHN CARRINGTON SURVEY, ADDRESSED AS 50 KUHN LANE AND DEPICTED ON EXHIBIT "A," BEING LOCATED 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;

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

**WHEREAS**, this amendment was recommended for approval by the Brenham Planning and Zoning Commission during its regular meeting on August 5, 2013;

**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 an Industrial (I) District on 0.783 acres out of a 19.687 acre tract within the John Carrington Survey, addressed as 50 Kuhn Lane and depicted on Exhibit "A."

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

**PASSED and APPROVED** on its first reading this the 5<sup>th</sup> day of September, 2013.

**PASSED and APPROVED** on its second reading this the 19<sup>th</sup> day of September, 2013.

\_\_\_\_\_  
Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

\_\_\_\_\_  
Jeana Bellinger, TRMC





## AGENDA ITEM 12

<b>DATE OF MEETING:</b> September 5, 2013	<b>DATE SUBMITTED:</b> August 27, 2013	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Julie Fulgham	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon an Ordinance on Its First Reading Concerning the Approval of an Amendment to the Official Zoning Map of the Code of Ordinances to Change the Zoning from a Residential Single Family (R-1) District to Establish a Planned Development (PD) District for Single-Family Residential Uses on Approximately 11.905 Acres Located North of the Intersection of South Blue Bell and Mustang Roads, and a Tract 251 Within the James Walker Survey in Brenham, Texas		
<b>SUMMARY STATEMENT:</b> This is a request for a zone change from an R-1 District to a Planned Development District for the development of a gated single-family residential community.  Staff recommends approving a Planned Development District for single family residential uses on this property finding the substantial deviations are primarily front and rear setbacks and are offset by the private, gated nature of the subdivision. Additionally, private road pavement width meets the design standards for local streets and fire hydrant locations exceed the minimum requirements. Staff believes this proposed planned development district still meets the intent of the single-family residential zoning classification in terms of overall character and density. Attached is the draft ordinance that highlights the requested deviations from the Zoning and Subdivision Ordinances, Design Guidelines, and other regulations to be applied to this Planned Development District zone in addition to the staff report presented to the Planning and Zoning Commission which analyzes this request against the adopted zoning policies within the City of Brenham's Zoning Ordinance. The Planning and Zoning Commission recommended approval of this request at their August 5 <sup>th</sup> of 2013 Regular Meeting.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<p><b>A. PROS:</b> Allows development of a gated community within the City of Brenham and adds to the availability of single-family residential lots upon which to build on within the City.</p> <p><b>B. CONS:</b> Extra staff/plan review is required with approval of a maintenance agreement and private roads with individual lots have not yet been developed within the City of Brenham.</p>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> 1. Approve zone change 2. Deny zone change		
<b>ATTACHMENTS:</b> 1. P&Z Staff Report 2. Ordinance with Exhibit "A"		

**FUNDING SOURCE (Where Applicable):** N/A

**RECOMMENDED ACTION:** Approve an Ordinance on Its First Reading Concerning the Approval of an Amendment to the Official Zoning Map of the Code of Ordinances to Change the Zoning from a Residential Single Family (R-1) District to Establish a Planned Development (PD) District for Single-Family Residential Uses on Approximately 11.905 Acres Located North of the Intersection of South Blue Bell and Mustang Roads, and a Tract 251 Within the James Walker Survey in Brenham, Texas

**APPROVALS:**



## Zone Change: Oak Alley (Gated Subdivision)

**STAFF CONTACT:** Julie Fulgham, Director of Development Services

**OWNERS/APPLICANTS:** Lynnette Sheffield

**LEGAL DESCRIPTION:** Tract 251 within the James Walker Survey in Brenham, Texas

**REQUEST:** A request to change the zoning from a Single Family Residential (R-1) District to a Planned Development District (PDD)

### SUMMARY RECOMMENDATION:

This is a request for a zone change from an R-1 District to a Planned Development District for the development of a gated single-family residential community.

Staff **recommends approving** a Planned Development District for single family residential uses on this property finding the substantial deviations are primarily front and rear setbacks and are offset by the private, gated nature of the subdivision. Additionally, private road pavement width meets the design standards for local streets and fire hydrant locations exceed the minimum requirements. Staff believes this proposed planned development district still meets the intent of the single-family residential zoning classification in terms of overall character and density. Attached is the draft ordinance that highlights the requested deviations from the Zoning and Subdivision Ordinances, Design Guidelines, and other regulations to be applied to this Planned Development District zone.

### ZONING MAP:



**AERIAL:**



**ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:**

The purpose of zoning policies is to provide guidelines for considering future amendments to the zoning ordinance (Part 1, Section 4 of Appendix A – “Zoning” of the Brenham Code of Ordinances). They are as follows:

- (1) The city's zoning should recognize and seek to preserve the small town attributes that make Brenham a special place for its citizens to live, work and play.**

This request should have no effect on the small town attributes that make Brenham a unique community.

- (2) The city's zoning should be guided by the future land use plan and other applicable guidelines found in the Comprehensive Plan.**

The future land use map shows residential uses in this area and residential and educational uses surround this property.

- (3) The city's zoning should be designed to facilitate the more efficient use of existing and future city services and utility systems in accordance with the Comprehensive Plan.**

This property is currently undeveloped and is located on a significant thoroughfare (FM 577) that can accommodate traffic generated by this proposed development. Additionally, a second access will be provided for at Mustang Road. There are also adequate utilities surrounding the site that a development can utilize and extend to serve the new lots within this development.

- (4) The city's zoning should be organized and as straight forward as possible to minimize use problems and enforcement problems.**

Surrounding properties are zoned within the R-1 District and the neighborhood located directly

south of this tract is similar to this proposed development in terms of scale and density. Situated directly north of this tract is a large tract with educational uses located upon it (Brenham Christian Academy). The proposed deed restrictions are planned to be more restrictive than the zoning applied to this land through approval of this requested planned development district.

- (5) The city's zoning process should be fair and equitable, giving all citizens adequate information and opportunity to be heard prior to adoption of zoning amendments.**

All notification requirements were met with this application and a copy of this staff report was provided to the property owner and applicant.

- (6) The city's zoning should insure that adequate open space is preserved as residential and commercial development and redevelopment occur.**

The zoning ordinance limits the amount of impervious coverage allowed on a lot at the time of development. This proposed planned development requests a deviation from the maximum impervious coverage allowed in the R-1 District. The R-1 District sets a maximum impervious coverage requirement at 55%. The requested PDD sets a maximum impervious coverage requirement at 75%, which is the allowable percentage for multi-family developments within the City. Landscaped common areas will be provided and strict landscaping requirements will be included within the deed restrictions so adequate green space shall be provided. All performance criteria must be met as this site develops. Additionally, many lots within the proposed planned development district exceed the minimum lot sizes for the R-1 District.

- (7) The city's zoning should insure Brenham's attractiveness for the future location of business and housing by preserving an attractive and safe community environment in order to enhance the quality of life for all of its residents.**

The property's development as a residential neighborhood is a continuation of existing development patterns in the area.

- (8) The city's zoning ordinance should preserve neighborhood culture by retaining and promoting land uses consistent with the community's plan for the development and/or redevelopment of its neighborhoods.**

Residential neighborhoods nearby should be preserved and the percentage of vacant land within this area will be reduced and therefore stabilize residential neighborhoods already existing in the area.

- (9) The city's zoning should protect existing and future residential neighborhoods from encroachment by incompatible uses.**

This request will not place incompatible uses within nearby existing neighborhoods since the proposed use is the same and the overall character is similar to other single family residential uses within the area.

- (10) The city's zoning should assist in stabilizing property values by limiting or prohibiting the development of incompatible land uses or uses of land or structures which negatively impact adjoining properties.**

As mentioned above, additional single family residential development in this area will stabilize the

existing residential uses by limiting the amount of vacant land available for potential unsuitable or incompatible development on tracts with frontage along FM 577.

- (11) The city's zoning should make adequate provisions for a range of commercial uses in existing and future locations that are best suited to serve neighborhood, community and regional markets.**

This tract is currently zoned residential and this proposed planned development only addresses an alternative development method that allows the developer to market the property to a specific consumer. This proposed development should not be incompatible in character with the surrounding residential neighborhoods.

- (12) The city's zoning should give reasonable accommodation to legally existing incompatible uses, but it should be fashioned in such a way that over time, problem areas will experience orderly change through redevelopment that gradually replaces the nonconforming uses.**

This property is largely vacant and no legally nonconforming uses are located here.

- (13) The city's zoning should provide for orderly growth and development throughout the city.**

This request conforms to the land use plan adopted in the Comprehensive Plan for this area.

#### **PLANNED DEVELOPMENT DISTRICT GENERAL GUIDELINES:**

In addition to the zoning policies above, Planned Development Districts must also meet the following guidelines:

- (1) A Planned Development District shall conform to applicable regulations and standards established by this ordinance.**

The zoning regulations this PDD deviates from does not undermine the density requirements or intent of the single family residential zoning district.

- (2) A Planned Development District should be compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.**

This is a request for a master planned single family residential development and is compatible with the surrounding residential neighborhoods in terms of scale and density. The requested deviations primarily are setback requirements and additional fire hydrants will be provided within this neighborhood.

- (3) A Planned Development District shall not create unfavorable effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of the planned development.**

There are no foreseen unfavorable effects or impacts on the area.

- (4) A Planned Development District shall not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated**

**by the proposed development and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.**

This property abuts a major transportation corridor, FM 577 and has secondary access to Mustang Road. These rights-of-ways can accommodate additional traffic generated by this development.

- (5) A Planned Development District must reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.**

Drainage information will be required at the time of platting and a Homeowners Association will be created with bylaws and governing documents pertaining to the maintenance of the proposed detention areas.

- (6) A Planned Development District shall not adversely affect traffic control or adjacent properties by inappropriate location, lighting, or types of signs.**

The only traffic control anticipated is signs and will meet all applicable City standards. All streets are proposed to be private and may have limited public access. Gate codes and/or Knox Boxes will be provided to emergency service personnel as well as city utility crews.

- (7) A Planned Development District must protect the public health, safety, or welfare, and shall not be materially injurious to properties or improvements in the vicinity.**

This request should not have an impact on the public health, safety or welfare and should enhance the area.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP TO CHANGE PROPERTY CURRENTLY ZONED AS A RESIDENTIAL SINGLE FAMILY (R-1) DISTRICT TO A PLANNED DEVELOPMENT (PD) DISTRICT, SPECIFICALLY BEING APPROXIMATELY 12.15 ACRES ON LAND GENERALLY LOCATED NORTH OF THE INTERSECTION OF SOUTH BLUE BELL AND MUSTANG ROADS AND BEING ALL OR PORTIONS OF TRACT 251 OUT OF THE JAMES WALKER SURVEY IN BRENHAM, 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**, this amendment was recommended for approval by the Brenham Planning and Zoning Commission during its regular meeting on August 5, 2013;

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

*SECTION 1.* That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham is hereby amended to change property currently zoned as Residential Single Family (R-1) District to establish a Planned Development (PD) District for single-family residential uses on approximately 12.15 acres being all or portions of Tract 251 out of the James Walker Survey in Brenham, Texas in accordance with the master development plan shown on Exhibit A and specifically including the following regulations:

1. Subdivision of land shall conform to the City of Brenham Subdivision Ordinance, except as otherwise authorized in this Ordinance or the master development plan shown in Exhibit “A.” Exhibit “A” includes lot development plan, common area dedication, and private road right-of-way layout. The master development plan includes the following deviations from the Subdivision Ordinance:
  - a. The Right-of-Way widths of the private right-of-ways may be reduced to no less than 45 feet and pavement widths shall be no less than 31 feet;
  - b. Lots 3-7 in Block 3 and Lots 1-6 in Block 4 (as shown on the master development plan) shall be zero lot line homes. Zero lot line regulations within the Subdivision Ordinance apply with the following deviations:
    - i. Front and rear setbacks shall be 10 feet.
  - c. Deviations from the Subdivision Design Guidelines include lay-down curbing, decorative street lighting, automated gates located at the entrances of the private street right-of-ways, fire

- hydrants shall be located at every intersection; sidewalks; and landscaping within the private street rights-of-ways.
2. Unless otherwise listed in this Ordinance, the property located within the Planned Development District shall conform to the regulations found in the Residential Single-Family (R-1) zoning district and other applicable provisions of the Zoning Ordinance. The master development plan includes the following deviations from the Zoning Ordinance:
    - a. Minimum side building setbacks are 7.5 feet and measured from the slab with no more than a 2-foot overhang;
    - b. Minimum front and rear building setbacks are 10 feet and measured from the slab with no more than a 2-foot overhang;
    - c. Impervious coverage and developed area of a lot shall be no more than 75% of the total lot area; and
    - d. Lot 11 is intended to be dedicated as common area and the following uses and development standards apply:
      - i. Uses include sales office (temporary and allowed until all lots have been sold within the subdivision), private club house or entertainment area owned by the subdivision, or as a single-family residential dwelling;
      - ii. Setbacks shall be 5 feet from all lot lines;
      - iii. Impervious coverage and developed area of Lot 11 shall be no more than 75% of the total lot area; and
      - iv. Two off-street parking spaces shall be provided.
  3. Dedicated common areas owned and maintained by a homeowners association as shown on the master development plan shall be governed by a homeowners association;
  4. A homeowners association shall be established, and all covenants, conditions, and restrictions and homeowners association governing documents shall be approved by the City prior to approval of the final plat to ensure adequate maintenance of the common areas as shown on the master development plan;
  5. A Maintenance Agreement with the City shall be approved and executed prior to filing of the final plat and such maintenance agreement shall outline maintenance responsibilities of any and all public and private infrastructure within the subdivision.
  6. All adopted building codes shall apply.

*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 \_\_\_\_ day of September, 2013.

**PASSED and APPROVED** on its second reading this the \_\_\_\_ day of September, 2013.

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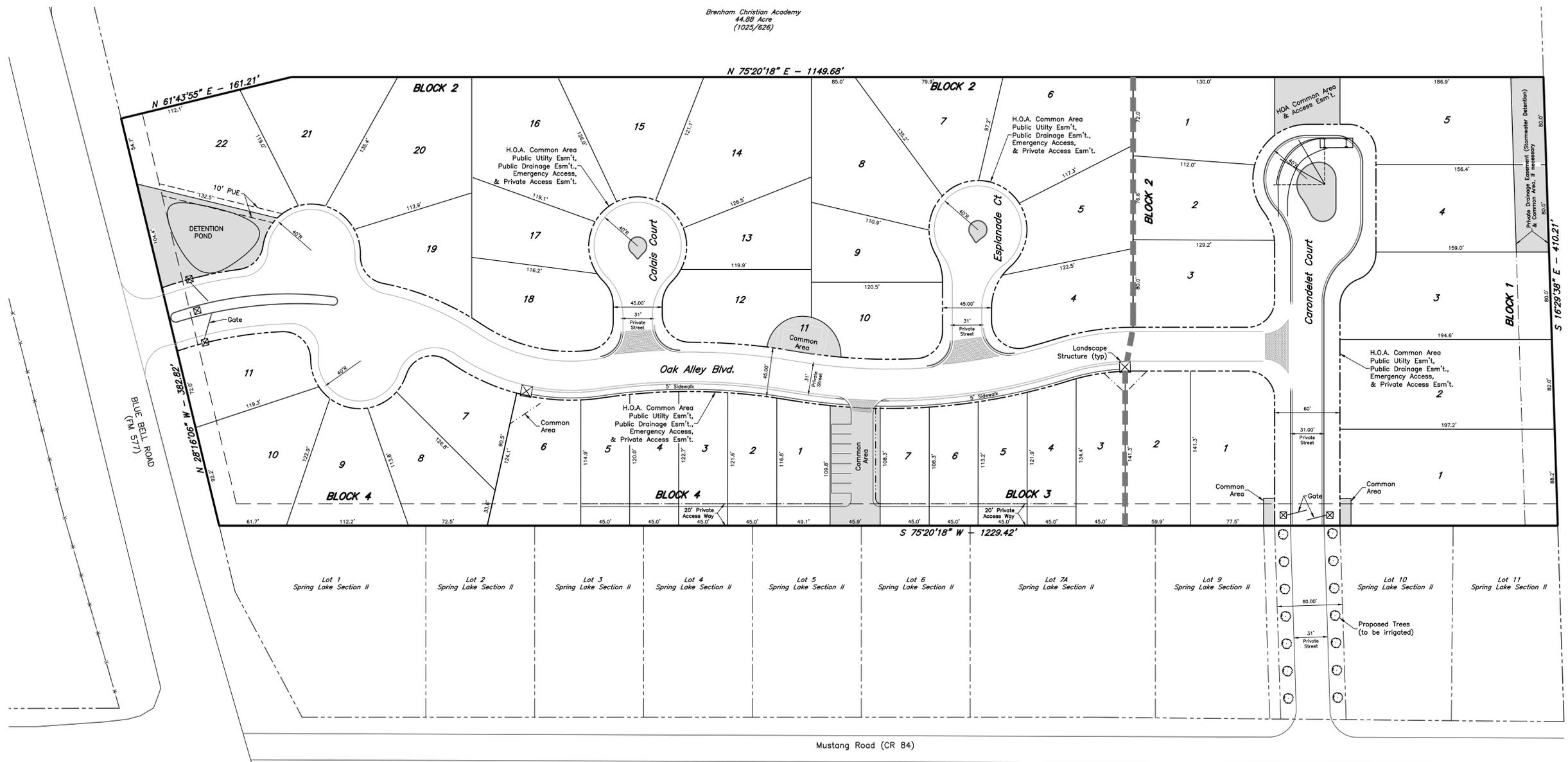
Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

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Jeana Bellinger, TRMC  
City Secretary

Brenham Christian Academy  
44.88 Acre  
(1025/626)

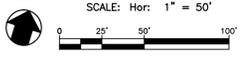


- GENERAL NOTES**
- This project will be developed in approximately 5 phases.
  - Dedicated Common Areas will be owned and maintained by a homeowners association.
  - A homeowners association shall be established, and all covenants, conditions, and restrictions and homeowners association governing documents approved by the City prior to approval of the final plat to ensure adequate maintenance of the common areas as shown on the master development plan;
  - A Maintenance Agreement with the City shall be approved and executed prior to filing of the final plat and such maintenance agreement shall outline maintenance responsibilities of any and all public and private infrastructure within the subdivision.
  - All adopted building codes shall apply.

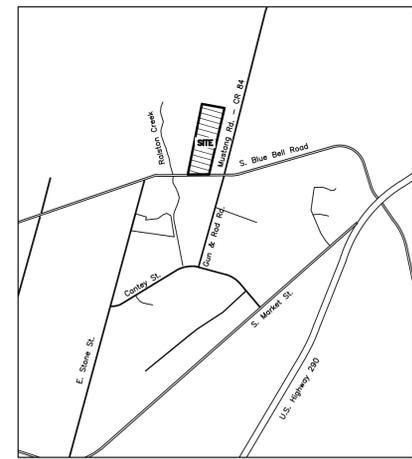
- Subdivision Regulations**
- The subdivision of this land shall conform to this master development plan with the following deviations from the Subdivision Ordinance:
    - The Right-of-Way widths of the private right-of-ways may be reduced to 45' and pavement widths shall be 31 feet;
    - Lots 3-7 in Block 3 and Lots 1-6 in Block 4 (as shown on the master development plan) shall be zero lot line homes. Zero lot line regulations within the Subdivision Ordinance apply with the following deviations:
      - Front and rear setbacks shall be 10 feet; and
      - Deviations from the Subdivision Design Guidelines include lay-down curbing, decorative street lighting, gates located at the entrances of the private street right-of-ways, fire hydrants shall be located at every intersection; sidewalks; and landscaping within the private streets rights-of-ways.

- Zoning Regulations**
- Unless otherwise listed, the property located within the Planned Development District shall conform to the regulations found in the Residential Single-Family (R-1) zoning district of the Zoning Ordinance with following deviations from the Zoning Ordinance:
    - Minimum side building setbacks are 7.5 feet and measured from the slab with no more than a 2-foot overhang;
    - Minimum front and rear building setbacks are 10 feet and measured from the slab with no more than a 2-foot overhang;
    - Impervious coverage and developed area of a lot shall be no more than 75% of the total lot area; and
    - Lot 11, Block 2 is dedicated as common area and the following uses and development standards apply:
      - Uses include sales office (temporary and allowed until all lots have been sold within the subdivision), private club house or entertainment area owned by the subdivision, or as a single-family residential dwelling;
      - Setbacks shall be 5' feet from all lot lines;
      - Impervious coverage and developed area of Lot 11 shall be no more than 75% of the total lot area; and
      - Two off-street parking spaces shall be provided.

**OAK ALLEY SUBDIVISION**



- Legend**
- 50 — 50 — Storm Drain System
  - 8" — 8" — Sewer Line w/ size
  - 8" — 8" — Water Line w/ size
  - 8" — 8" — Ex. Sewer Line w/ size
  - 8" — 8" — Ex. Water Line w/ size
  - 8" — 8" — Ex. Storm Drain
  - — — Property Line
  - — — Phase Boundary
  - 288 — Existing Contour Line (2' Interval)
  - Sewer Manhole
  - ⊕ Fire Hydrant
  - Storm Drain Inlet



Key Map

**MASTER PLAN**

**OAK ALLEY SUBDIVISION**

12.15 ACRES

BREHMAN, WASHINGTON COUNTY, TEXAS

August 2013

SCALE: 1"=20'

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Owner:  
Lynnette Sheffield  
1506 Chappell Hill Street  
Brenham, Texas 77833  
(979) 836-8880

Engineer:  
McClure & Browne Engineering/Surveying, Inc.  
1008 Woodcreek Dr., Suite 103  
College Station, Texas 77845  
(979) 883-3838  
Firm Reg. No. F-458



**AGENDA ITEM 13**

<b>DATE OF MEETING:</b> September 5, 2013		<b>DATE SUBMITTED:</b> August 27, 2013	
<b>DEPT. OF ORIGIN:</b> Development Services		<b>SUBMITTED BY:</b> Julie Fulgham	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>	
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 <sup>ST</sup> READING	
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING	
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION	
	<input type="checkbox"/> WORK SESSION		
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon an Ordinance on Its First Reading Approving a Text Amendment to Part II, Division 2, Section 6 (Industrial District), of Appendix A: Zoning of the City of Brenham’s Code of Ordinances, Amending the List of Permitted Uses and Adding Uses Allowed with Specific Use Approval			
<b>SUMMARY STATEMENT:</b> City staff received an inquiring pertaining to the regulation of slaughter house operations within the City. In reviewing the zoning ordinance, it was discovered that ‘light’ manufacturing and ‘heavy’ manufacturing uses are divided within the Industrial zoning district, but both are still listed as permitted uses in the District. Staff believes this allows the City to be unprotected regarding the development of these heavy manufacturing uses in areas that may not be compatible with such uses. Additionally, staff believes heavy manufacturing uses are intensive enough to prompt a review prior to their development within the City of Brenham. Therefore, staff recommends altering the list of uses permitted by right and add uses allowed with specific use approval to the Industrial District. This proposed amendment would require these traditionally ‘heavy’ manufacturing uses to receive specific use approval by City Council prior to their development.			
Also, in reviewing the Industrial District’s list of uses, it was also discovered there was a maximum to the amount of outdoor storage allowed on a lot, which is 10% of the total lot area. Staff felt this was too restrictive and originally proposed to raise this limit to 20% of the total lot area is eligible to be used for outdoor storage. After further research and discussions with the Economic Development Foundation, staff recommends raising the amount of outdoor storage allowed to 50% of the lot area.			
The Planning and Zoning Commission recommended approval of this request at their August 5th of 2013 Regular Meeting, however, the Commission was only presented with raising the amount of outdoor storage allowed to 20% of the total lot area and did not receive the opportunity to weigh in on the proposal to allow up to 50% of a lot be used for outdoor storage. The additional research and discussions were held after the Planning and Zoning Commission meeting in which this amendment was discussed.			

**STAFF ANALYSIS (For Ordinances or Regular Agenda Items):**

**A. PROS:** Ensures industrial development is appropriately located within the City of Brenham.

**B. CONS:** New industries looking to locate within the City will be required to go through an extra approval process to locate heavy manufacturing operations within the city limits.

**ALTERNATIVES (In Suggested Order of Staff Preference):** 1. Approve the proposed text amendment to the zoning ordinance 2. Deny the proposed text amendment to the zoning ordinance

**ATTACHMENTS:** (1) Memo from Julie Fulgham to P&Z Commission; (2) Ordinance; and (3) Letter of support from the Economic Development Foundation

**FUNDING SOURCE (Where Applicable):** N/A

**RECOMMENDED ACTION:** Approve an Ordinance on its first reading approving a text amendment to Part II, Division 2, Section 6 (Industrial District), of Appendix A: Zoning of the City of Brenham's Code of Ordinances, amending the list of permitted uses and adding uses allowed with specific use approval

**APPROVALS:** Terry K. Roberts

# Memorandum



To: Planning and Zoning Commission

From: Julie Fulgham, Director of Development Services

Date: August 5, 2013

Re: Text Amendment – Uses in the Industrial District permitted by right or with specific use approval

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City staff recently received an inquiring pertaining to the regulation of slaughter house operations within the City. In reviewing the zoning ordinance, it was discovered that 'light' manufacturing and 'heavy' manufacturing uses are divided, but both are permitted uses in the Industrial zoning district. Staff believes this leaves the City exposed to development of these heavy manufacturing uses in areas that may not be compatible with such uses and believes heavy manufacturing uses prompt a review prior to their development within the City of Brenham. Therefore, staff recommends altering the list of uses permitted by right and add uses allowed with specific use approval. This proposed amendment would require these traditionally 'heavy' manufacturing uses to receive specific use approval by City Council prior to their development.

Below is a proposed text amendment to the zoning ordinance that revises the list of uses permitted by right or with specific use approval in the Industrial zoning district:

**PART II.  
DISTRICT REGULATIONS  
DIVISION 2  
ZONING DISTRICT REGULATIONS**

**Sec. 6. I Industrial District.**

(Sec. 6.01) Purpose. The district is established to provide for any industrial use that can meet applicable performance standards in areas that are mostly removed from existing residential and other commercial uses, but that provide good access to major transportation routes. The regulations of this district are intended to provide for the placement of any lawful industrial use that is in strict compliance with performance standards as provided in this ordinance.

**(Sec. 6.02) Permitted uses.**

Generally uses are permitted within the district as follows:

~~(Light industrial uses)~~

- (1) Any use permitted in any of the aforementioned districts, excluding structures to be used as dwelling units.
- (2) Bottling works.
- (3) Contractor's yard.
- (4) Glass products, from previously manufactured glass.
- (5) Household appliance products assembly and manufacture from prefabricated parts.
- (6) Industrial and manufacturing plants including the processing or assembling of parts for production of finished equipment where the process of manufacturing or treatment of materials is such that only a nominal amount of dust, odor, gas, smoke, or noise is emitted and not more than ~~ten (10)~~ ~~twenty (20)~~ ~~fifty (50)~~ percent of the lot or tract is used for the open storage, including the storage of products, materials, or equipment.
- (7) Musical instruments assembly and manufacture.
- (8) Plastic products manufacture, but not including the processing of raw materials.
- (9) Sporting and athletic equipment manufacture.
- (10) Testing and research laboratories.
- (11) Textile mill products manufacturing.

(12) Junkyards.

(13) Meat processing (not including slaughter operations).

**(Sec. 6.03) Specific Uses (Heavy industrial uses)**

Uses that require approval of a specific uses permit within the district are as follows:

(1) Acid manufacture.

(2) Cement, lime, gypsum, or plaster-of-Paris manufacture.

(3) Distillation of bones and glue manufacture.

(4) Fat rendering and fertilizer manufacture.

(5) Magnesium manufacture or processing.

(6) Paper or pulp manufacture.

(7) Wrecking yards (automobile/vehicular) ~~and junkyards subject to applicable performance standards.~~

(8) Slaughter house operations.

(9) Outdoor storage, including the storage of products, materials, or equipment that exceeds ~~20%~~ fifty (50) percent of the lot

(Sec. 6.04) Height regulations. No residential or nonresidential building shall exceed fifty-two (52) feet or four (4) stories.

(Sec. 6.05) Area regulations\*:

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\*In the event that new development is adjacent to a use that falls within a different use category, a bufferyard shall be added to the applicable yard regulations (Part II, Division 1, Section 11, Table 3).

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(1) Size of yards:

(a) Front yards: There shall be a front yard having a minimum depth of fifteen (15) feet.

(b) Side yards: No side yard is required except as required for bufferyards.

(c) Rear yards: There shall be a rear yard having a minimum depth of ten (10) feet.

(2) Size of lot:

(a) Lot area. No building shall be constructed on any lot of less than ten thousand (10,000) square feet.

(b) Lot width. The width of the lot shall not be less than one hundred (100) feet at the front building line nor shall its average width be less than one hundred (100) feet.

(c) Lot depth. The average depth of the lot shall not be less than one hundred (100) feet.

(d) Legally existing nonconforming lots. Where a legally existing industrial site having less area, width, and/or depth than herein required existed upon the effective date of this ordinance, the above regulations shall not prohibit the use of the site for structures and uses as permitted in this district, provided the applicable setbacks as provided above shall be maintained.

(3) Lot coverage. In no case shall more than eighty-five (85) percent of the total lot area be covered by the combined area of the main buildings, and accessory buildings and other impervious surfaces.

(Sec. 6.06) Parking and loading regulations. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Part II, Division I, Section 15 and Section 16 of this ordinance.

(Sec. 6.07) Screening and fencing regulations. As provided in Part II, Division I., Section 11, Section 12 and Section 13 of this ordinance.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, SPECIFICALLY AMENDING SECTION 6, I INDUSTRIAL DISTRICT OF DIVISION 2, ZONING DISTRICT REGULATIONS, OF PART II, DISTRICT REGULATIONS, OF APPENDIX A "ZONING" OF THE CITY OF BRENHAM CODE OF ORDINANCES BY AMENDING THE PERMITTED USES AND SPECIFIC USES ALLOWED WITHIN THE INDUSTRIAL ZONING DISTRICT.**

**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**, this amendment was recommended for approval by the Brenham Planning and Zoning Commission during its regular meeting on August 5, 2013;

**BE IT ORDAINED BY THE CITY OF BRENHAM, TEXAS, THAT APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, SPECIFICALLY THE INDUSTRIAL ZONING DISTRICT 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 are hereby amended as follows:

**Sec. 6. I Industrial District.**

(Sec. 6.01) Purpose. The district is established to provide for any industrial use that can meet applicable performance standards in areas that are mostly removed from existing residential and other commercial uses, but that provide good access to major transportation routes. The regulations of this district are intended to provide for the placement of any lawful industrial use that is in strict compliance with performance standards as provided in this ordinance.

(Sec. 6.02) Permitted uses.

Generally uses are permitted within the district as follows:

- (1) Any use permitted in any of the aforementioned districts, excluding structures to be used as dwelling units.
- (2) Bottling works.
- (3) Contractor's yard.
- (4) Glass products, from previously manufactured glass.
- (5) Household appliance products assembly and manufacture from prefabricated parts.
- (6) Industrial and manufacturing plants including the processing or assembling of parts for production of finished equipment where the process of manufacturing or treatment of materials is such that only a nominal amount of dust, odor, gas, smoke, or noise is emitted and not more than fifty (50) percent of the lot or tract is used for the open storage, including the storage of products, materials, or equipment.
- (7) Musical instruments assembly and manufacture.
- (8) Plastic products manufacture, but not including the processing of raw materials.
- (9) Sporting and athletic equipment manufacture.

- (10) Testing and research laboratories.
- (11) Textile mill products manufacturing.
- (12) Junkyards.
- (13) Meat processing (not including slaughter operations).

(Sec. 6.03) Specific Uses

Uses that require approval of a specific uses permit within the district are as follows:

- (1) Acid manufacture.
- (2) Cement, lime, gypsum, or plaster-of-Paris manufacture.
- (3) Distillation of bones and glue manufacture.
- (4) Fat rendering and fertilizer manufacture.
- (5) Magnesium manufacture or processing.
- (6) Paper or pulp manufacture.
- (7) Wrecking yards (automobile/vehicular).
- (8) Slaughter house operations.
- (9) Outdoor storage, including the storage of products, materials, or equipment that exceeds fifty (50) percent of the lot.

(Sec. 6.04) Height regulations. No residential or nonresidential building shall exceed fifty-two (52) feet or four (4) stories.

(Sec. 6.05) Area regulations\*:

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\*In the event that new development is adjacent to a use that falls within a different use category, a bufferyard shall be added to the applicable yard regulations (Part II, Division 1, Section 11, Table 3).

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(1) Size of yards:

(a) Front yards: There shall be a front yard having a minimum depth of fifteen (15) feet.

(b) Side yards: No side yard is required except as required for bufferyards.

(c) Rear yards: There shall be a rear yard having a minimum depth of ten (10) feet.

(2) Size of lot:

(a) Lot area. No building shall be constructed on any lot of less than ten thousand (10,000) square feet.

(b) Lot width. The width of the lot shall not be less than one hundred (100) feet at the front building line nor shall its average width be less than one hundred (100) feet.

(c) Lot depth. The average depth of the lot shall not be less than one hundred (100) feet.

(d) Legally existing nonconforming lots. Where a legally existing industrial site having less area, width, and/or depth than herein required existed upon the effective date of this ordinance, the above regulations shall not prohibit the use of the site for structures and uses as permitted in this district, provided the applicable setbacks as provided above shall be maintained.

(3) Lot coverage. In no case shall more than eighty-five (85) percent of the total lot area be covered by the combined area of the main buildings, and accessory buildings and other impervious surfaces.

(Sec. 6.06) Parking and loading regulations. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Part II, Division I, Section 15 and Section 16 of this ordinance.

(Sec. 6.07) Screening and fencing regulations. As provided in Part II, Division I., Section 11, Section 12 and Section 13 of this ordinance.

*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 \_\_\_\_\_ day of September, 2013.

**PASSED and APPROVED** on its second reading this the \_\_\_\_\_ day of September, 2013.

\_\_\_\_\_  
Milton Y. Tate, Jr.  
Mayor

ATTEST:

\_\_\_\_\_  
Jeana Bellinger, TRMC  
City Secretary



## AGENDA ITEM 14

<b>DATE OF MEETING:</b> September 5, 2013	<b>DATE SUBMITTED:</b> August 29, 2013	
<b>DEPT. OF ORIGIN:</b> Finance	<b>SUBMITTED BY:</b> Carolyn D. Miller	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon the Acceptance of the 2012 Audit of Washington County Appraisal District by Seidel, Schroeder & Company		
<b>SUMMARY STATEMENT:</b> The City has received a copy of the Washington County Appraisal District's (WCAD) audited financial statement for the fiscal year ending August 31, 2012. A copy is in the CFO's office for your review.  I have attached the transmittal letter from Mr. Willy Dilworth and he will be attending the Council meeting to present the information and to answer any questions that may arise.		
<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) Transmittal letter from Willy Dilworth, Chief Appraiser		
<b>FUNDING SOURCE (Where Applicable):</b>		
<b>RECOMMENDED ACTION:</b> Approve the acceptance of the 2012 audit of Washington County Appraisal District by Seidel, Schroeder & Company.		
<b>APPROVALS:</b> Terry K. Roberts		

# WASHINGTON COUNTY APPRAISAL DISTRICT

1301 NIEBUHR  
P. O. BOX 681  
BRENHAM, TX 77834-0681  
(979) 277-3740

August 13, 2013

City of Brenham  
Mr. Terry Roberts  
PO Box 1059  
Brenham, TX 77834-1059

Dear Mr. Roberts,

The audit for our fiscal year 2011-2012 has been completed by Seidel, Schroeder, & C. A copy is attached for your review. There were no discrepancies found during this time period. The audit revealed that the appraisal district stayed \$47,880 under budget. A letter regarding this money will follow.

Please examine and accept this audit if you find it to be agreeable.

Thank you for your consideration in this matter.

Sincerely;



Willy Dilworth  
Chief Appraiser



## AGENDA ITEM 15

<b>DATE OF MEETING:</b> September 5, 2013	<b>DATE SUBMITTED:</b> August 29, 2013	
<b>DEPT. OF ORIGIN:</b> Finance	<b>SUBMITTED BY:</b> Carolyn D. Miller	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon the Approval of a Request from the Washington County Appraisal District to Retain the FY2011-12 Accumulated Funds of \$47,880, with the City of Brenham's Portion being \$24,027, for two Purposes: \$36,000 for a 2014 Flight of Pictometry and the Remaining \$11,880 for Fleet Replacement.		
<b>SUMMARY STATEMENT:</b> The City has received a copy of the Washington County Appraisal District's (WCAD) audited financial statement for the fiscal year ending August 31, 2012. A copy is in the CFO's office for your review.  I have attached the transmittal letter from Mr. Willy Dilworth and he will be attending the Council meeting to present the information and to answer any questions that may arise.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
A. PROS:		
B. CONS:		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b> (1) Transmittal letter from Willy Dilworth, Chief Appraiser		
<b>FUNDING SOURCE (Where Applicable):</b>		
<b>RECOMMENDED ACTION:</b> Approve a request to retain the accumulated funds of \$47,880, with the City of Brenham's portion being \$24,027, for two purposes: \$36,000 for a 2014 flight of pictometry and the remaining \$11,880 for fleet replacement.		
<b>APPROVALS:</b> Terry K. Roberts		

# WASHINGTON COUNTY APPRAISAL DISTRICT

**1301 NIEBUHR  
P. O. BOX 681  
BRENHAM, TX 77834-0681  
(979) 277-3740**

August 12, 2013

City of Brenham  
Mr. Terry Roberts  
PO Box 1059  
Brenham, TX 77834-1059

Dear Mr. Roberts,

You recently accepted the financial audit for the Washington County Appraisal District for the year ended August 31, 2012. This audit, as you will remember, indicated that the appraisal district had managed to save \$47,880. A worksheet showing each entity's share of this money is attached.

We are requesting that the taxing entities of Washington County allow us to retain this money for two purposes. The first purpose is a 2014 flight of Pictometry and the second purpose is to restore our funds for Fleet Replacement.

This flight is going to be more expensive than originally anticipated because it will include higher resolution photography for the City of Brenham and its extra-territorial jurisdiction (a total of 40 square miles). The purchase of the higher resolution photography will enable the city to also acquire 1 foot contour lines in that 40 square mile area. The city will pay for the additional expense of the contour lines. Total cost is estimated at \$118,000 and the City of Brenham will pay \$32,000 of this. That leaves us a balance of \$86,000 of which we have \$50,000.

The remaining \$11,880 will be added to our Fleet Replacement fund. The goal is to have \$60,000. This additional money will yield \$55,649 for this assigned fund. We have four trucks that include a 2000 Dodge, a 2004 Chevrolet, and 2 2005 Fords.

If this request is approved by the taxing entities of Washington County it will result in the appraisal district having the following assigned funds:

1. Legal Fund: \$50,000
2. 2014 Pictometry Flight: \$86,000
3. 2017 Pictometry Flight: \$50,000
4. Fleet Replacement: \$55,649

Thank you in advance for your consideration of our request to retain the \$47,880 from our 2011-2012 budget. As always, I am readily available to answer your questions regarding this or any other matter.

Sincerely;

A handwritten signature in blue ink, appearing to read "Willy Dilworth". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Willy Dilworth  
Chief Appraiser

# 2011-2012 WCAD Carryover 8-6-2013

Entity/ Appraisal Allocation	2012 Levy	Entity Cost
Brenham ISD	\$ 23,836,162	\$ 24,027
Burton ISD	\$ 4,409,744	\$ 4,445
City of Brenham	\$ 5,591,246	\$ 5,636
City of Burton	\$ 82,172	\$ 83
Oak Hill FWD	\$ 111,792	\$ 113
Washington County General	\$ 8,076,966	\$ 8,141
Washington County F&M	\$ 3,690,546	\$ 3,720
Blinn College	\$ 1,511,362	\$ 1,523
Giddings ISD	\$ 190,550	\$ 192
	\$ 47,500,540	\$ 47,880

\$ 47,880



## AGENDA ITEM 16

<b>DATE OF MEETING:</b> September 5, 2013	<b>DATE SUBMITTED:</b> August 29, 2013	
<b>DEPT. OF ORIGIN:</b> Finance	<b>SUBMITTED BY:</b> Carolyn D. Miller	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon the Approval of the FY2013-14 Preliminary Budget for the Washington County Appraisal District		
<b>SUMMARY STATEMENT:</b> The City has received a copy of the Washington County Appraisal District (WCAD) FY2013-2014 Preliminary Budget. The WCAD preliminary budget shows a slight decrease (\$2,700) over the prior year's budget due to lower payroll costs offset by slightly higher supplies and service expenses. The impact for the City of Brenham is a decrease of \$1,272 for FY13-14 which will be budgeted in the General Fund.		
I have attached the transmittal letter from Mr. Willy Dilworth and he will be attending the Council meeting to present the information and to answer any questions that may arise.		
<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) Transmittal letter from Willy Dilworth, Chief Appraiser		
<b>FUNDING SOURCE (Where Applicable):</b>		
<b>RECOMMENDED ACTION:</b> Approve the FY2013-14 preliminary budget for the Washington County Appraisal District.		
<b>APPROVALS:</b> Terry K. Roberts		

# WASHINGTON COUNTY APPRAISAL DISTRICT

1301 NIEBUHR  
P. O. BOX 681  
BRENHAM, TX 77834-0681  
(979) 277-3740

August 12, 2013

City of Brenham  
Mr. Terry Roberts  
PO Box 1059  
Brenham, TX 77834-1059

Dear Mr. Roberts,

The Washington County Appraisal District Board of Directors adopted our budget for the 2013-2014 Budget year on July 23, 2013. The total amount of the budget is \$691,631. A copy is attached. Please note that this is a decrease of \$2,700 from last year's budget.

We are asking you to approve this budget for the coming fiscal year.

Thank you for your consideration in this matter.

Sincerely;



Willy Dilworth  
Chief Appraiser

Washington County Appraisal District  
2012-2013 Budget  
Adopted  
July 23, 2013

41 General Administration

6100 Payroll Costs		2010-2011	2011-2012	2012-2013	2013-2014
Professional Personnel	6119.00-952-0-99	\$ 54,194.00	\$ 54,194.00	\$ 55,794.00	\$ 57,691
Para Professional Personnel	6129.00-952-0-99	\$ 335,025	\$ 335,025	\$ 339,805	\$ 367,563
In District Travel	6139.00-952-0-99	\$ 1,200	\$ 1,200	\$ 1,200	\$ 1,200
FIMM Medicare	6141.00-952-0-99	\$ 4,260	\$ 4,260	\$ 37,228	\$ 4,151
Health Insurance	6142.00-952-0-99	\$ 33,200	\$ 33,200		\$ 26,335
Workers Comp.	6143.00-952-0-99	\$ 1,100	\$ 1,100		\$ 509
Unemployment Comp.	6145.00-952-0-99	\$ 300	\$ 300		\$ 300
Teacher Retirement	6146.00-952-0-99	\$ 2,200	\$ 2,200		\$ 2,202
New Staff Member				\$ 35,000	\$ -
<b>Payroll Costs</b>		<b>\$ 431,479</b>	<b>\$ 435,794</b>	<b>\$ 469,027</b>	<b>\$ 459,951</b>

6200 Professional & Contracted Services		2010-2011	2011-2012	2012-2013	2013-2014
Legal Services	6211.00-952-0-99	\$ 1,200	\$ 1,200	\$ 1,200	\$ 1,200
Arbitration	6212.00-952-0-99	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000
Audit Services	6212.00-952-0-99	\$ 5,250	\$ 5,500	\$ 5,500	\$ 5,700
Tax Evaluation- T.Y. Pickett	6213.00-952-0-99	\$ 47,000	\$ 48,700	\$ 48,700	\$ 48,700
Data Processing Services	6218.00-952-0-99	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000
Appraisal Review Board	6219.00-952-0-99	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000
Contracted Services- Software	6249.00-952-0-99	\$ 42,100	\$ 42,100	\$ 43,121	\$ 44,797
Equipment Repair	6249.01-952-0-99	\$ 3,000	\$ 3,000	\$ 1,500	\$ 1,500
Contracted Maintenance- MAP	6249.P2-952-0-99	\$ 2,500	\$ 2,500	\$ 5,383	\$ 5,383
Contracted Maintenance- Copier	6249.P5-952-0-99	\$ 1,750	\$ 1,850	\$ 1,850	\$ 1,850
Building Rental	6269.01-952-0-99	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000
<b>Professional &amp; Contracted Services</b>		<b>\$ 138,800</b>	<b>\$ 140,850</b>	<b>\$ 143,254</b>	<b>\$ 145,130</b>

6300 Supplies & Materials		2010-2011	2011-2012	2012-2013	2013-2014
Vehicle Supplies	6311.00-952-0-99	\$ 8,000	\$ 8,000	\$ 8,000	\$ 8,000
Books & Magazines	6329.00-952-0-99	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000
Computer Supplies	6397.00-952-0-99	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000
General Supplies	6399.00-952-0-99	\$ 13,000	\$ 13,000	\$ 13,000	\$ 17,500
<b>Supplies &amp; Materials</b>		<b>\$ 27,000</b>	<b>\$ 27,000</b>	<b>\$ 27,000</b>	<b>\$ 31,500</b>

6400 Other Operating Costs		2010-2011	2011-2012	2012-2013	2013-2014
Travel	6411.00-952-0-99	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000
Insurance & Bonding Expenses	6429.00-952-0-99	\$ 9,000	\$ 9,000	\$ 9,000	\$ 9,000
Fees & Dues	6499.00-952-0-99	\$ 5,500	\$ 5,500	\$ 5,500	\$ 5,500
Misc. Expenses	6499.01-952-0-99	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000
<b>Other Operating Costs</b>		<b>\$ 20,500</b>	<b>\$ 20,500</b>	<b>\$ 20,500</b>	<b>\$ 20,500</b>

6500 Debt Service		2010-2011	2011-2012	2012-2013	2013-2014
Computer Note Payment	6512.00-952-0-99	\$ -	\$ -	\$ -	\$ -
Interest on Loan	6522.00-952-0-99	\$ -	\$ -	\$ -	\$ -
<b>Debt Service</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

6600 Capital Outlay- Land, Buildings & Equip.		2010-2011	2011-2012	2012-2013	2013-2014
Vehicles	6631.00-952-0-99	\$ -	\$ -	\$ -	\$ -
Fixed Assets- >\$5000	6638.00-952-0-99	\$ -	\$ -	\$ -	\$ -
Fixed Assets	6639.00-952-0-99	\$ -	\$ -	\$ -	\$ -
Fixed Assets- Unit<\$5000	6649.00-952-0-99	\$ 11,000	\$ 11,000	\$ 11,000	\$ 11,000
Capital Outlay-Special Projects	6649.SP-952-0-99	\$ -	\$ -	\$ -	\$ -
<b>Capital Outlay- Land, Buildings &amp; Equip.</b>		<b>\$ 11,000</b>	<b>\$ 11,000</b>	<b>\$ 11,000</b>	<b>\$ 11,000</b>

51 Plant Maintenance and Operations

6200 Professional & Contracted Services(51)		2010-2011	2011-2012	2012-2013	2013-2014
Servicemaster	6248.00-952-0-99	\$ 5,500	\$ 5,500	\$ 5,600	\$ 5,600
Water	6255.00-952-0-99	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000
Telephone	6256.00-952-0-99	\$ 3,600	\$ 3,000	\$ 3,000	\$ 2,500
Electricity	6257.00-952-0-99	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000
Garbage & Sewer	6259.00-952-0-99	\$ 1,200	\$ 1,200	\$ 1,200	\$ 1,700
Natural Gas	6258.00-952-0-99	\$ 750	\$ 750	\$ 750	\$ 750
<b>Professional &amp; Contracted Services(51)</b>		<b>\$ 24,050</b>	<b>\$ 23,450</b>	<b>\$ 23,550</b>	<b>\$ 23,550</b>

Washington County Appraisal District  
2012-2013 Budget  
Adopted  
July 23, 2013

	Budget	2010-2011	2011-2012	2012-2013	2013-2014
Payroll Costs		\$ 431,479	\$ 435,794	\$ 469,027	\$ 459,951
Professional & Contracted Services (41)		\$ 138,800	\$ 140,850	\$ 143,254	\$ 145,130
Supplies & Materials		\$ 27,000	\$ 27,000	\$ 27,000	\$ 31,500
Other Operating Costs		\$ 20,500	\$ 20,500	\$ 20,500	\$ 20,500
Debt Service		\$ -	\$ -	\$ -	\$ -
Capital Outlay- Land, Buildings & Equip.		\$ 11,000	\$ 11,000	\$ 11,000	\$ 11,000
Professional & Contracted Services(51)		\$ 24,050	\$ 23,450	\$ 23,550	\$ 23,550
<b>Totals</b>		<b>\$ 652,829</b>	<b>\$ 658,594</b>	<b>\$ 694,331</b>	<b>\$ 691,631</b>

Entity/ Appraisal Allocation	2012 Levy	Entity Cost
Brenham ISD	\$ 23,836,162	50.18% \$ 347,066
Burton ISD	\$ 4,409,744	9.28% \$ 64,208
City of Brenham	\$ 5,591,246	11.77% \$ 81,411
City of Burton	\$ 82,172	0.17% \$ 1,196
Oak Hill FWD	\$ 111,792	0.24% \$ 1,628
Washington County General	\$ 8,076,966	17.00% \$ 117,605
Washington County F&M	\$ 3,690,546	7.77% \$ 53,736
Blinn College	\$ 1,511,362	3.18% \$ 22,006
Giddings ISD	\$ 190,550	0.40% \$ 2,775
	\$ 47,500,540	100% \$ 691,631

%Total= 2012 Levy/\$47,500,540  
Budget Allocation= % Total Levy x \$ 691,631

Entity/ Appraisal Allocation	2012 Cost	2013 Cost	Change
Brenham ISD	\$ 348,338	\$ 347,066	\$ (1,272)
Burton ISD	\$ 63,971	\$ 64,208	\$ 237
City of Brenham	\$ 81,302	\$ 81,411	\$ 109
City of Burton	\$ 1,227	\$ 1,196	\$ (31)
Oak Hill FWD	\$ 1,668	\$ 1,628	\$ (40)
Washington County General	\$ 118,548	\$ 117,605	\$ (943)
Washington County F&M	\$ 54,230	\$ 53,736	\$ (494)
Blinn College	\$ 22,189	\$ 22,006	\$ (183)
Giddings ISD	\$ 2,857	\$ 2,775	\$ (82)
		\$ (2,699)	<b>Increase -0.4098%</b>



**AGENDA ITEM 17**

<b>DATE OF MEETING:</b> September 5, 2013		<b>DATE SUBMITTED:</b> August 30, 2013	
<b>DEPT. OF ORIGIN:</b> Administration		<b>SUBMITTED BY:</b> Jeana Bellinger	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>	
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING	
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> 2 <sup>ND</sup> READING	
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION	
	<input type="checkbox"/> WORK SESSION		
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon Ordinance No. O-13-018 on Its Second Reading Amending Chapter 24, Taxation, of the Code of Ordinances of the City of Brenham to Provide for the Appointment of an Interim Member to the Brenham-Washington County Hotel Occupancy Tax Board			
<b>SUMMARY STATEMENT:</b> As discussed at the August 29 <sup>th</sup> council meeting, the ordinance has been amended to allow an interim member appointment for a 6 month period. Any circumstances that would require a longer interim appointment will be brought back to council for discussion and approval.  The City Attorney also strengthened the language by adding that an interim member would only be appointed when a member is “temporarily unable” to perform their member responsibilities and that each circumstance will be reviewed with the Staff Liaison (City Secretary). An interim appointment will only be used in circumstances of extreme medical or personal emergencies (i.e. life-saving medical treatments, conditions resulting in lengthy hospital stays or rehabilitation, or the sudden death of a member).			
<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) Redlined Ordinance showing changes; and (2) Ordinance No. O-13-018			
<b>FUNDING SOURCE (Where Applicable):</b>			
<b>RECOMMENDED ACTION:</b> Approve Ordinance No. O-13-018 on Its Second Reading Amending Chapter 24, Taxation, of the Code of Ordinances of the City of Brenham to Provide for the Appointment of an Interim Member to the Brenham-Washington County Hotel Occupancy Tax Board.			
<b>APPROVALS:</b> Terry K. Roberts			

**ORDINANCE NO. O-13-018**

**AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 24, TAXATION, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS PROVIDING FOR THE APPOINTMENT OF AN INTERIM MEMBER TO THE BRENHAM-WASHINGTON COUNTY HOTEL OCCUPANCY TAX BOARD; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETINGS**

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

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

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

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

**WHEREAS**, the City and Washington County (“County”) desire to work together to promote tourism and the convention and hotel industry in Brenham and Washington County, Texas as authorized by applicable state law; and

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

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

**SECTION 1.**  
**FINDINGS**

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

## SECTION 2.

That the Code of Ordinances, Chapter 24, TAXATION, shall be amended to read as follows:

### **Sec. 24-42. Interim Member**

In the event of an unexpected medical or personal emergency, which causes, or reasonably will cause, a member of the Board to be ~~in violation of the attendance requirements~~ temporarily unable to perform Board member duties in Sec. 24-40, in order to provide for a ~~quorum~~ full membership of the Board the Mayor, after review of the circumstances with the Board's staff liaison, may appoint an interim member to serve on the Board until such time as the incumbent member can return to the Board, is removed from the Board by the City Council, or submits a letter of resignation pursuant to Sec. 24-35. An interim member shall serve on the Board no more than six (6) months except as otherwise approved by the City Council. The interim member shall have all the rights and responsibilities of the incumbent member while serving in the incumbent member's position.

**Sec. 24-43. – Sec. 24-50. RESERVED.**

## SECTION 3. SAVINGS CLAUSE

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

## SECTION 4. SEVERABILITY

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

## SECTION 5. REPEALER

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

**SECTION 6.**  
**EFFECTIVE DATE**

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

**SECTION 7.**  
**PROPER NOTICE AND MEETINGS**

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

**PASSED AND APPROVED** on its first reading this the \_\_\_\_\_ day of August, 2013.

**PASSED AND APPROVED** on its second reading this the \_\_\_\_\_ day of September, 2013.

\_\_\_\_\_  
Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

\_\_\_\_\_  
Jeana Bellinger, TRMC  
City Secretary

**ORDINANCE NO. O-13-018**

**AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 24, TAXATION, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS PROVIDING FOR THE APPOINTMENT OF AN INTERIM MEMBER TO THE BRENHAM-WASHINGTON COUNTY HOTEL OCCUPANCY TAX BOARD; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETINGS**

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

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

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

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

**WHEREAS**, the City and Washington County (“County”) desire to work together to promote tourism and the convention and hotel industry in Brenham and Washington County, Texas as authorized by applicable state law; and

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

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

**SECTION 1.**  
**FINDINGS**

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

## **SECTION 2.**

That the Code of Ordinances, Chapter 24, TAXATION, shall be amended to read as follows:

### **Sec. 24-42. Interim Member**

In the event of an unexpected medical or personal emergency, which causes, or reasonably will cause, a member of the Board to be temporarily unable to perform Board member duties, in order to provide for full membership of the Board the Mayor, after review of the circumstances with the Board's staff liaison, may appoint an interim member to serve on the Board until such time as the incumbent member can return to the Board, is removed from the Board by the City Council, or submits a letter of resignation pursuant to Sec. 24-35. An interim member shall serve on the Board no more than six (6) months except as otherwise approved by the City Council. The interim member shall have all the rights and responsibilities of the incumbent member while serving in the incumbent member's position.

**Sec. 24-43. – Sec. 24-50. RESERVED.**

## **SECTION 3.** **SAVINGS CLAUSE**

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

## **SECTION 4.** **SEVERABILITY**

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

## **SECTION 5.** **REPEALER**

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

**SECTION 6.**  
**EFFECTIVE DATE**

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

**SECTION 7.**  
**PROPER NOTICE AND MEETINGS**

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

**PASSED AND APPROVED** on its first reading this the \_\_\_\_\_ day of August, 2013.

**PASSED AND APPROVED** on its second reading this the \_\_\_\_\_ day of September, 2013.

\_\_\_\_\_  
Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

\_\_\_\_\_  
Jeana Bellinger, TRMC  
City Secretary



## AGENDA ITEM 18

<b>DATE OF MEETING:</b> September 5, 2013	<b>DATE SUBMITTED:</b> August 30, 2013	
<b>DEPT. OF ORIGIN:</b> Administration	<b>SUBMITTED BY:</b> Grant Lischka	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input checked="" type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Texas Government Code Section 551.072 – Deliberation Regarding Real Property – Discuss and Consider the Acquisition of Properties Related to the Extension of Chappell Hill Street		
<b>SUMMARY STATEMENT:</b> Executive Session Discussion.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
A. PROS:		
B. CONS:		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b> None.		
<b>FUNDING SOURCE (Where Applicable):</b>		
<b>RECOMMENDED ACTION:</b> Discussion Only.		
<b>APPROVALS:</b> Terry K. Roberts		



**AGENDA ITEM 19**

<b>DATE OF MEETING:</b> September 5, 2013	<b>DATE SUBMITTED:</b> August 30, 2013	
<b>DEPT. OF ORIGIN:</b> Administration	<b>SUBMITTED BY:</b> Grant Lischka	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Take Action as a Result of Executive Session Regarding Real Property Acquisition for the Chappell Hill Street Extension Project and Authorize the Mayor to Negotiate and Execute Any Necessary Documentation		
<b>SUMMARY STATEMENT:</b> As discussed in Executive Session.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
A. PROS:		
B. CONS:		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b>		
<b>FUNDING SOURCE (Where Applicable):</b>		
<b>RECOMMENDED ACTION:</b> Approve the Mayor be authorized to negotiate contracts for the acquisition of certain parcels of property necessary for the Chappell Hill Street extension project, in accordance with the parameters, consideration and terms discussed in executive session, and further move that the Mayor be authorized to execute any necessary documentation.		
<b>APPROVALS:</b> Terry K. Roberts		