



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, NOVEMBER 5, 2015 AT 1:00 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Goss**
- 3. a. Special Recognitions**
 - **GFOA Certificate of Achievement for Excellence in Financial Reporting**
 - *Seventh Consecutive Year*
 - b. Proclamations**
 - **Relay for Life**
 - **Day of Thanksgiving Honoring All First Responders**

Pages 1 - 2

4. Citizens Comments

CONSENT AGENDA

5. Statutory Consent Agenda

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

5-a. Minutes from the September 17, 2015 and October 1, 2015 Regular City Council Meetings

5-b. Ordinance No. O-15-031 on Its Second Reading Granting a Specific Use Permit to True Believers Christian Church to Allow for a Church and Related Auxiliary Uses on Property Located on Clay Street in an R-2, Mixed Residential Zoning District, and Being Described as Part of Lots 4 and 29 of the College Heights Addition and the Portion of Porter Street Adjacent to These Lots in Brenham, Washington County, Texas

Pages 3 - 25

REGULAR SESSION

6. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Disannexing a Tract of Land Described as a Tract or Parcel of Land Lying and Being Situated in Washington, County, Texas, a Part of Jas. Walker League, Consisting of 1.0 Acre of Land on the North Side of Lauraine Street** **Pages 26 - 39**
7. **Discuss and Possibly Act Upon the Acceptance of the Community Development Partnership Program Grant offered by the Lower Colorado River Authority (LCRA) in the Amount of \$20,000 for the Construction of an “Outdoor Reading Room” as part of the Nancy Carol Roberts Memorial Library Modernization and Renovation Project and Authorize the Mayor to Execute Any Necessary Documentation** **Pages 40 - 46**
8. **Discuss and Possibly Act Upon Strand Project No. 3900.012 for the 2016 Surface Water Treatment Plant Rehabilitation and Authorize the Mayor to Execute Any Necessary Documentation** **Pages 47 - 52**
9. **Discuss and Possibly Act Upon the Acceptance of a Donation in the Amount of \$750,000.00 to the City of Brenham for a Planned Park Development Project Connecting Fireman’s Park and the Nancy Carol Roberts Memorial Library and Authorize the Mayor to Execute Any Necessary Documentation** **Page 53**
10. **Discuss and Possibly Act Upon a Memorandum of Understanding Between the City of Brenham and Robbie Gail Charette Related to a Planned Park Development Connecting Fireman’s Park and the Nancy Carol Roberts Memorial Library and Authorize the Mayor to Execute Any Necessary Documentation** **Pages 54 - 56**

EXECUTIVE SESSION

11. **Section 551.074 – Texas Government Code – Deliberation Regarding Personnel Matters – Discussion Regarding the Appointment and Compensation of a City Prosecutor for the Brenham Municipal Court, for an Unexpired Term Ending December 31, 2016** **Page 57**
12. **Section 551.074 – Texas Government Code – Personnel Matters – Discuss and Consider City Manager’s Employment Agreement and Related Issues** **Page 58**

RE-OPEN REGULAR AGENDA

13. **Discuss and Possibly Act Upon City Manager’s Employment Agreement and Related Issues** **Page 59**

14. Discuss and Possibly Act Upon the Appointment and Compensation of a City Prosecutor for the Brenham Municipal Court, for an Unexpired Term Ending December 31, 2016 **Page 60**

15. Administrative/Elected Officials Report

Administrative/Elected Officials Reports: Reports from City Officials or City staff regarding items of community interest, including expression of thanks, congratulations or condolences; information regarding holiday schedules; honorary or salutory recognitions of public officials, public employees or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that have arisen after the posting of the agenda.

Adjourn

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

CERTIFICATION

I certify that a copy of the November 5, 2015 agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on November 2, 2015 at **11:30** AM.

Jeana Bellinger, TRMC
City Secretary

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

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

Signature

Title

PROCLAMATION

WHEREAS, Relay for Life is more than a walk-a-thon – it's time to make some noise and silence cancer for good; Relay for Life is a time to celebrate those who have battled cancer, remember those lost and get inspired to fight back; and

WHEREAS, About 1,665,540 new cancer cases are expected to be diagnosed in 2014 and about 585,720 Americans are expected to die of cancer, almost 1,600 people per day. Cancer is the second most common cause of death in the US, exceeded only by heart disease, accounting for nearly 1 of every 4 deaths; and

WHEREAS, Dedicated volunteers are committed to fighting cancer, which is vital in the triumph over this disease; a cancer survivor's recovery involves much more than medical treatments – it takes hope to heal. Relay for Life volunteers provide that hope; and

WHEREAS, It is right and just for the City Council and the residents of Brenham to join together to support Relay for Life and commit to the fight against cancer;

NOW, THEREFORE I, Milton Y. Tate Jr., Mayor of the City of Brenham, do hereby proclaim Saturday, November 7th, 2015 as

RELAY FOR LIFE NIGHT

Milton Y. Tate Jr., Mayor
City of Brenham

PROCLAMATION

WHEREAS, Washington County is blessed to have first responders including law enforcement officers, firefighters, and EMS who bravely and selflessly risk their lives every day to protect our families, visitors, and businesses; and

WHEREAS, The Brenham Branch of The Church of Jesus Christ of Latter Day Saints wants to publicly thank each and every first responder who give so much to make our community a better and safer place to live; and

WHEREAS, The Church also wants to acknowledge and thank the families of those first responders, who give their love and support day in and day out; and

WHEREAS, It's been said not all superheroes wear capes and the men and women who serve as first responders here prove that; and

WHEREAS, It is right and just for the City Council and the residents of Brenham to join together with The Brenham Branch of The Church of Jesus Christ of Latter Day Saints to recognize and thank all of our first responders;

Now, **THEREFORE I**, Milton Y. Tate Jr., Mayor of the City of Brenham, Texas do Hereby Proclaim Saturday, November 14, 2015 as

A DAY OF THANKSGIVING FOR ALL FIRST RESPONDERS

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

Milton Y. Tate Jr., Mayor
City of Brenham

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on September 17, 2015 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:

Larry Joe Doherty, Frank Wagner, Lynette Sheffield, Megan Jackson, Perry Thomas, Natalie James, Lewis E. Blount, Page Michel, Jenny Mills, Judy Hyman, Grant Lischka, Clint Kolby and Randy and Diana Hoover

Citizens present:

City Manager Terry Roberts, Assistant City Manager-General Government Rex Phelps, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Kacey Weiss, Assistant City Manager-Chief Financial Officer Carolyn Miller, Stacy Hardy, Susan Nienstedt, Kaci Konieczny, Cynthia Longhofer, Christi Korth, Director of Community Services Wende Ragonis, Jennifer Eckermann, Fire Chief Ricky Boeker, Interim Police Chief Dant Lange, Todd Jacobs, Chris Jackson, Trey Gully, Public Works Director Dane Rau, Casey Redman, Assistant City Manager of Public Utilities Lowell Ogle, Debbie Gaffey, Wanda Kramer, Development Services Manager Erik Smith, Kim Hodde, Billy Rich, Ginger Bishop, Angela Hahn, Tommy Kurie, Becky Squyers, Kelvin Raven, Linda Mooney, Joseph Merkley and Lionel Moore

Media Present:

Arthur Hahn, Brenham Banner Press and Mary-Janet Reyes, KWHI

1. **Call Meeting to Order**
2. **Invocation and Pledges to the US and Texas Flags – City Attorney Cary Bovey**
3. **Proclamation**
 - **Lone Star Water Forum Day**
4. **a. Service Recognitions**
 - **Kenneth C. “Chris” Jackson, Police Department** **15 Years**
 - **Linda Q. Mooney, Utility Billing** **20 Years**
 - **Lionel Moore, Transfer Station** **30 Years**
5. **Swearing-In Ceremony of Police Chief Craig Goodman**
6. **Citizens Comments**

There were no citizen comments.

WORK SESSION

7. **Presentation of the Third Quarter Report by the Washington County Convention and Visitors Bureau**

Judy Hyman, with the Washington County Convention and Visitors Bureau, presented this report. Hyman focused on the highlights in the *Third Quarter Report: April-June 2015*, pointing out the visitor statistics, major tourism events, advertising placements, and editorial coverage.

8. **Presentation and Discussion on Firearms and Recent Legislation Related to Open Carry of Handguns**

City Secretary Jeana Bellinger presented this item. Bellinger advised that during the 2015 Legislative Session, the Texas Legislature passed House Bill 910 which allows a concealed handgun license holder to “*open carry*” in a belt or shoulder holster beginning on January 1, 2016. Bellinger stated that as a part of this new legislation, the concealed and/or open carry of a firearm into a meeting that is subject to the Open Meetings Act, which would be the City Council meetings, must be prohibited by the Council by the enactment of a Resolution. Bellinger informed Council of the new handgun law and explained how the new law affects City buildings and various activities.

Bovey stated there is some confusion about the definition of “premises” since Municipal Court is located on the first floor of City Hall; however, there are special situations pertaining to our building that may determine whether handguns can be prohibited from all areas of City Hall or just the Court area. City Attorney Cary Bovey stated that recently two other governmental entities have submitted inquiries to the Attorney General related to House Bill 910 asking for clarification of the term “premises” as it relates to a government court or offices utilized by the court.

Councilmember Herring asked how the new legislation will affect the parks and the Blue Bell Aquatic Center. Bellinger explained that the law currently prohibits open carry on the premises of a high school or collegiate sporting event and due to the Blue Bell Aquatics Center (BBAC) and several of our parks being used for Blinn College and Brenham High School sporting events, staff was not sure how to address those facilities, Attorney Bovey stated that once the Attorney General’s Office rules on the definition of premises he would be able to better advise the City on how to handle the other facilities.

Councilmember Barnes-Tilley questioned if staff could request an opinion from the Attorney General related to the city’s other facilities. Attorney Bovey explained that the District Attorney’s Office would have to submit the an inquiry to the Attorney General’s Office for us as the city cannot legal request an opinion. Mayor Tate suggested that Attorney Bovey and City Secretary Bellinger contact the District Attorney’s Office and see if they would be willing to submit a request on the City’s behalf related to the BBAC and parks.

Council decided they would like to wait and see what the response is received from the Attorney General’s Office related to the definition of premises and bring this item back at a future meeting for more discussion.

9. Presentation and Discussion Related to Renovations in the City of Brenham Fire Department Living Quarters

Fire Chief Ricky Boeker presented this item. Boeker advised that the fire station renovation project is well on its way with most of the demo work being complete. Boeker stated that Staff is in the process of getting quotes on the plumbing, AC system, and other items. Boeker noted that when Staff was getting quotes on the asbestos abatement, it was suggested that they also get a quote on getting the asbestos removed in the engine bay as well. Boeker advised that the quotes have come back in amounts less than was estimated and therefore, both the living quarters and the engine bay asbestos could be removed for the amount that was budgeted.

Boeker stated that after doing additional research, it was discovered that the living quarters of the fire station would require a fire sprinkler system. Boeker advised that this was not a budgeted item included in the original estimate for the cost of the remodeling that was presented at the Council Retreat in April. Boeker noted that the additional cost if the City funds all of the asbestos removal and the additional fire sprinkler system would be \$8,000 in additional funds.

Boeker advised that several days after submitting the information to the City Secretary for the packet, a quote was presented to him to do the fire sprinkler system for free. Boeker noted that the company will follow all required standards and it will not cost the City any money; therefore, the Fire Department does not need any money at this time related to the renovations.

PUBLIC HEARING

10. Public Hearing Considering an Amendment of Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to True Believers Christian Fellowship Church to Allow for a Church and Related Auxiliary Uses on Property Located on Clay Street in an R-2, Mixed Residential Zoning District, and Being Described as Lots 1-3 and 30-32 of the College Heights Addition and the Portion of Porter Street Adjacent to These Lots in Brenham, Washington County, Texas

Mayor Tate opened the Public Hearing.

Development Services Manager Erik Smith explained that True Believers Christian Fellowship has requested a specific use permit (SUP) for lots 1-3 and 30-32 of the College Heights Addition subdivision. Smith advised that there is currently city right-of-way that runs through the property that is going through the process of being abandoned with staff support. Smith stated that Zoning amendments, which is what a SUP is, run to the middle of the right of way. Smith noted that if City Council chooses to abandon the right-of-way, the SUP will apply to that portion of Porter Street. Smith advised the plan for the six lots is to be replatted in the future to one individual lot for True Believers Christian Fellowship Church.

Smith also noted that the rezoning of this property complies with the City’s comprehensive plan and the thoroughfare plan. Smith stated that his department did receive a concern related to excess parking from events and where the overflow parking would take place. Smith explained that there is a parking ordinance the church would have to abide by. Smith stated his department also had a concern that overflow parking would end up in the road. Smith explained that his Staff advised the resident that it is legal to park on the road because that is a public domain.

Deacon Davis with True Believers Christian Fellowship stated that his congregation would like build a church in the future. Deacon Davis explained that the church started in November 2014 and they currently have 55 members.

REGULAR SESSION

11. Discuss and Possibly Act Upon Ordinance No. O-15-26 on Its Second Reading Adopting the Budget for Fiscal Year Beginning October 1, 2015 and Ending September 30, 2016

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item. Miller explained that the Fiscal Year 2015-16 Proposed Budget has been developed in compliance with the Property Tax Code, Local Government Code and the City Charter.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve Ordinance No. O-15-026 on its second reading adopting the budget for fiscal year beginning October 1, 2015 and ending September 30, 2016

Mayor Tate called for a record vote. The motion passed with a 6 to 1 vote with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	No
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

12. Discuss and Possibly Act Upon Ordinance No. O-15-027 on Its Second Reading Levying Taxes for the Tax Year 2015 for the City of Brenham at \$0.4731 per \$100 Valuation

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item. Miller advised that the FY2015-16 Proposed Budget includes a tax rate of \$0.4731 per \$100 valuation which has two components: maintenance and operations (M&O) and interest and sinking (I&S). Miller explained that the proposed tax rate of \$0.4731 will allocate \$0.2950 to the General Fund for M&O expenditures and the balance of \$0.1781 will be allocated to the Debt Service Fund for principal and interest obligations. Miller also stated the proposed tax rate of \$0.4731 is above the effective rate of \$0.4632, but below the rollback rate of \$0.4766.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel that the property tax rate be increased by the adoption of a tax rate of \$0.4731 per \$100 valuation, which is effectively a 2.14% increase in the tax rate.

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

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

13. Discuss and Possibly Act Upon Resolution No. R-15-023 for the Purpose of Participating in the Texas Parks & Wildlife Local Park Grant Program for Fireman’s Park

Director of Community Services Wende Ragonis presented this item. Ragonis explained that Council adopted the 2015-2025 Parks, Recreation and Open Spaces Master Plan (Plan) with Resolution No. R-15-009 at their March 5, 2015 Council meeting. Ragonis stated that Staff then submitted the adopted Plan to Texas Parks and Wildlife for that agency’s review. Ragonis noted the City of Brenham is now eligible for grants issued by Texas Parks and Wildlife (TPW).

Ragonis advised that Staff presented this new grant opportunity to the Parks Advisory Board (PAB) at their August 19, 2015 meeting. Ragonis stated that at that meeting, the PAB reviewed the FY16 recommended park projects to determine if any could easily be expanded with this new grant opportunity. Ragonis noted the PAB selected the skate park project which is located in Fireman’s Park for the grant application.

Ragonis explained that the initial skate park project cost of \$35,000 was approved by the BCDC Board of Directors at their June 4, 2015 meeting. Ragonis noted that if awarded grant funds of \$35,000, this project would have a total impact of \$70,000 for skate park improvements. Ragonis stated that if grant funding is not awarded, then the City would not move forward with the expanded skate park project and would implement the original skate park project as presented to the BCDC Board at a cost of \$35,000.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve Resolution No. R-15-023 for the purpose of participating in the Texas Parks & Wildlife Local Park Grant Program for Fireman’s Park.

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

14. Discuss and Possibly Act Upon an Ordinance on Its First Reading Granting a Specific Use Permit to True Believers Christian Fellowship Church to Allow for a Church and Related Auxiliary Uses on Property Located on Clay Street in an R-2, Mixed Residential Zoning District, and Being Described as Lots 1-3 and 30-32 of the College Heights Addition and the Portion of Porter Street Adjacent to These Lots in Brenham, Washington County, Texas

A motion was made by Councilmember Williams and seconded by Mayor Pro Tem Nix to approve an Ordinance on its first reading granting a specific use permit to True Believers Christian Fellowship Church to allow for a church and related auxiliary uses on property located on Clay Street in an R-2, Mixed Residential Zoning District, and being described as lots 1-3 and 30-32 of the College Heights Addition and the portion of Porter Street adjacent to these lots in Brenham, Washington County, Texas.

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

15. Discuss and Possibly Act Upon an Ordinance on Its First Reading for the Abandonment of Porter Street

Development Services Manager Erik Smith presented this item. Smith explained that Don Boecker is requesting the right of way that is platted as Porter Street on the College Heights Addition plat be abandoned. Smith noted the properties with frontage on what is now Porter Street include lots 1-32 of the College Heights Addition. Smith stated that all of the property is owned by Donald Boecker which would be affected by the abandonment of Porter Street.

Smith explained that Mr. Boecker is planning to have lots 1-3 & 30-32 platted as one lot, divide up the lots to the north of lots 1-3 & 30-32 to individual lots that will remain single family and have some of the currently existing single family lots near HWY 290 replatted into one commercial lot. Smith stated that once this is done all of the properties will have frontage on right of way and no property will be land locked or negatively impacted from an access point. Smith noted that all of this land is currently undeveloped.

Smith explained that Staff recommends approving this abandonment subject to a replat being filed to include the abandoned right-of-way remaining lots being platted into legally conforming lots. Smith stated that the ordinance will take effect once a subdivision replat meeting this criterion is approved by the Planning and Zoning Commission.

A motion was made by Councilmember Williams and seconded by Councilmember Ebel to approve an ordinance on its first reading for the abandonment of Porter Street.

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

16. Discuss and Possibly Act Upon Change Order No. 4 (Reconciliation) and Authorize Final Payment to Collier Construction, LLC for the Chappell Hill Street Extension Project and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that the project consisted of a realignment of S. Chappell Hill Street at Market Street, new traffic light installation, re-striping and resurfacing of roadway, newly constructed roadway sections and tie-ins to existing roadway along with curb and gutter work.

Rau explained that in order to complete the project, Staff asks Council to accept and approve Change Order No. 4 which is a reconciliation of quantities used in the field after the project was finalized. Rau noted that the change order totaled \$24,025.40 and is included in the final payment of \$125,056.97.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve Change Order No. 4 (Reconciliation) and approve final payment to Collier Construction, LLC in the amount of \$125,056.97 for the Chappell Hill Extension Project 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

17. Discuss and Possibly Act Upon the Approval of the Routine Airport Maintenance Program (RAMP) Grant Agreement No. M1617BRENM with TxDOT for FY2016 and Authorize the Mayor to Execute Any Necessary Documentation

Planning Technician/Airport Coordinator Kim Hodde presented this item. Hodde explained that the grant agreement with TxDOT is for the participation in the Routine Airport Maintenance Program (RAMP) for September 1, 2015 through August 31, 2016. Hodde advised that as in prior years, the agreement allows the City to be reimbursed for 50% of the cost of the monthly AWOS monitoring (AviMet Data Link connection fees and continued scheduled maintenance), annual AWOS Maintenance Contract, as well as 50% of the replacement lamps for the airport lighting system, herbicides, general maintenance, and a contingency for emergency repairs. Hodde noted that Staff has lowered the grant amount from the maximum \$100,000 (50/50 match) to \$60,000 (50/50 match) for this fiscal year.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve the Routine Airport Maintenance Program (RAMP) Grant Agreement No. M1617BRENM with TxDOT for FY2016 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

18. Discuss and Possibly Act Upon a Request for a Noise Variance from Jesus Christ is the Answer #9 for a Church Gathering on September 25, 2015 from 6:00 p.m. – 11:00 p.m. at Fireman’s Park and Authorize the Mayor to Execute Any Necessary Documentation

Deputy City Secretary Kacey Weiss presented this item. Weiss explained that Martha Villasana from Jesus Christ is the Answer #9 has requested a noise variance to hold a church gathering on September 25, 2015 from 6:00 p.m. – 11:00 p.m. at Fireman’s Park. Weiss advised that their church band will be performing and they will be using sound amplification equipment. Weiss stated that both the Police Department and the Fire Department have approved the noise variance request.

A motion was made by Councilmember Herring and seconded by Councilmember Williams to approve a request for a noise variance from Jesus Christ is the Answer #9 for a church gathering to be held on September 25, 2015 from 6:00 p.m. – 11:00 p.m. at Fireman’s Park and authorize the Mayor to execute any necessary documentation.

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

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

19. Discuss and Possibly Act Upon Compensation Correction Related to Police Overtime

Assistant City Manager of General Government Rex Phelps presented this item. Phelps explained that Brenham police officers work 12 hour shifts on a 28 day pay period cycle as it relates to the accumulation of overtime. Phelps stated that the overtime rate has been paid after the 168th hour in accordance with the Federal Fair Labor Standards Act (FLSA). Phelps noted that Staff has recently learned there is a conflicting state labor law that specifically applies to police officers only who serve in cities with a population of over 10,000. Phelps explained that the state law mandates that police officers on the 12 hour shifts with a 28 day pay cycle have to be paid the overtime rate after the 160th hour of actual hours worked. Phelps stated that according to legal counsel, the conflicting state law supersedes the federal law in this situation; therefore staff recommends paying four (4) years of back pay for hours worked over the 160th hour.

Assistant City Manager-Chief Financial Officer Carolyn Miller explained that payment would be made in this fiscal year and her Staff would do a budget amendment for the change.

A motion was made by Councilmember Williams and seconded by Councilmember Ebel to authorize back pay owed for the entire four (4) year period at approximately \$100,000.

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

Council adjourned into Executive Session at 2:44 p.m.

EXECUTIVE SESSION

- 20. Section 551.086 – Texas Government Code – Utility Competitive Matters – Deliberation Regarding the City of Brenham’s Gas Supply Contract**
- 21. Section 551.072 – Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding an Agreement with Roy Burger (dba RB Film Productions) for the Lease of Approximately 108.9 Acres of the Old Landfill Property**

Executive Session adjourned at 3:37 p.m.

RE-OPEN REGULAR SESSION

22. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- TML convention will be next week in San Antonio
- There will be a reception tomorrow for Sgt. Todd Jacobs recognizing his 25 years of service
- Linda Soeken with the Parks Department will be retiring at the end of September.
- Reception today at 4:00 p.m. at the police station for Chief Goodman

Assistant City Manager of Public Utilities Lowell Ogle reported on the following:

- Old Chappell Hill Road will be closed for 2-3 days for work on a new sewer line

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on October 1, 2015 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 of General Government Rex Phelps, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Kacey Weiss, Assistant City Manager-Chief Financial Officer Carolyn Miller, Sara Parker, Director of Community Services Wende Ragonis, Crystal Locke, Deputy Fire Chief Alan Finke, Police Chief Craig Goodman, Chris Jackson, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Manager Erik Smith, Janie Mehrens, Kevin Schmidt, Officer Todd Ashorn and Angela Hahn

Citizens present:

None

Media Present:

Arthur Hahn, Brenham Banner Press and Mary-Janet Reyes, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Pro Tem Nix**

- 3. **Service Recognitions**
 - **Todd A. Ashorn, Police Department** **15 Years**

4. **Citizens Comments**

There were no citizen comments.

CONSENT AGENDA

5. **Statutory Consent Agenda**

5-a. **Minutes from the August 27, 2015 and September 3, 2015 Regular City Council Meetings and the September 14, 2015 Special City Council Meeting**

5-b. **Ordinance No. O-15-028 on Its Second Reading Granting a Specific Use Permit to True Believers Christian Fellowship Church to Allow for a Church and Related Auxiliary Uses on Property Located on Clay Street in an R-2, Mixed Residential Zoning District, and Being Described as Lots 1-3 and 30-32 of the College Heights Addition and the Portion of Porter Street Adjacent to These Lots in Brenham, Washington County, Texas**

5-c. **Ordinance No. O-15-029 on Its Second Reading for the Abandonment of Porter Street**

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve the Statutory Consent Agenda Items 5-a., 5-b. and 5-c. as presented.

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

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

WORK SESSION

6. Presentation and Discussion Related to the Potential Rezoning of a Two Block Area Along the West Side of South Market Street Between West Stone Street and West Mansfield Street

Development Services Manager Erik Smith presented this item. Smith explained that staff received a request to rezone three properties along South Market Street. Smith noted the applicant's property is currently B-1 Local Business/Residential Mixed Use District. Smith stated the request is to change those properties to B-2 Commercial, Research and Technology District. Smith advised that in order for these properties to be rezoned, there would have to be a B-2 District contiguous to these properties. Smith stated that this is not the case. Smith explained that Staff has informed the applicant that without the two full blocks being rezoned to B-2 Commercial, Research and Technology District their request would be considered spot zoning which is illegal. Smith stated the applicant has asked that we research what options there might be. Smith advised that Staff believes the only way to allow his request to proceed would be to have the City initiate rezoning the remaining tracts between West Stone Street north to West Mansfield Street. Smith noted that this would bring the zoning district to a location contiguous to an existing B-2 District.

Smith noted that Staff made contact with 18 out of 32 residences by knocking on doors and leaving business cards. Smith explained that the general reaction was either no concern/neutral or no opposition and there were three residents that were adamantly against the proposal.

Smith explained that if the City Council chooses to proceed with the rezoning of the two blocks, Staff would follow the ordinance and Local Government Code requirements of notification. Smith stated that Staff would be required to notify all of the property owners proposed to be rezoned along with the property owners within 200 foot of the rezoning.

Mayor Tate asked what year it was changed from a B-2 Commercial District to its current zoning. Smith stated that the zoning change process was started in 1995 and took effect in 1996.

Councilmember Ebel stated that he thinks the City should not change what was done in 1996 as it would not be fair to the residents.

Three citizens attended the meeting and spoke against the zoning process.

Ben Boettcher, owner of the land that is requesting the rezoning, explained to Council that there is spot zoning along Market Street and does not see why the City will not change his. Boettcher stated that he is trying to sell his building and the potential buyers are not B1 types of businesses and therefore, selling the building has been a challenge.

Council advised staff to proceed with the normal re-zoning steps through the Planning and Zoning Commission (P&Z) so that all citizens in the rezoning area would have an opportunity to review the request and address the P&Z with their concerns. The overall consensus of the Council was to let the P&Z Board work through the issues and bring back a recommendation to Council at a later date..

REGULAR AGENDA

7. Discuss and Possibly Act Upon Resolution No. R-15-024 Reauthorizing an Investment Policy for the City of Brenham

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item. Miller explained in 1987, the Texas Legislature adopted the Public Funds Investment Act (PFIA) which established guidelines for local governments. Miller stated that this Act requires that a local government adopt a written investment policy and reauthorize the policy annually. Miller advised that she checked with Linda Patterson of Patterson & Associates to see if there were any recent legislative changes that the City needed to make. Miller explained that there was only one change related to continuing training which was reduced from ten hours to eight hours.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve Resolution No. R-15-024 Reauthorizing an Investment Policy for the City of Brenham dated October 1, 2015.

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

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

8. Discuss and Possibly Act Upon Resolution No. R-15-025 Adopting a Fund Balance Policy for the City of Brenham

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item. Miller explained that the Governmental Accounting Standards Board (GASB) issued “Statement No. 54 Fund Balance Reporting and Governmental Fund Types” which established criteria for classifying fund balances into specifically defined classifications and clarified definitions for governmental fund types. Miller advised that when the City of Brenham implemented GASB 54, Staff did not bring a formal written policy to City Council. Miller stated that therefore, Staff is requesting Council approval at this time. Miller noted that in addition, the Government Finance Officers Association (GFOA) supports this formal adoption.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve Resolution No. R-15-025 Adopting a Fund Balance Policy for the City of Brenham dated October 1, 2015.

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 Bid No. 15-011 for the Renovation of the Air Conditioning System for the Living Quarters at the Brenham Fire Station and Authorize the Mayor to Execute Any Necessary Documentation

Purchasing Supervisor Sara Parker presented this item. Parker explained that on September 11, 2015, bids were opened for the air conditioning system for the living quarters at the Fire Station. Parker stated that nine (9) notices were sent to potential bidders and only one bid, from Brenham Heating and Air Conditioning Company, was submitted for consideration in the amount of \$73,000 with a suggested \$6,000 deductive alternate. Parker noted that the deduction concerns a controller interface that would be required in order to monitor the new system through the same software as the rest of the building. Parker explained that the system, as provided by the manufacturer, contains a controller that could provide the same functions through its own software, eliminating the cost of the interface. Parker advised that after discussion with maintenance personnel and the vendor it was determined that the inconvenience of separate software was inconsequential compared to the savings.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Ebel to approve Bid No. 15-011 to Brenham Heating and Air Conditioning for the renovation of the air conditioning system for the living quarters at the Brenham Fire Station for \$67,000 and authorize the Mayor to execute any necessary documentation.

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

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

10. Discuss and Possibly Act Upon Resolution No. R-15-026 Authorizing the Acceptance of Infrastructure Improvements in the Timber Oaks Subdivision, Section III and Authorize the Mayor to Execute Any Necessary Documentation

Development Services Manager Erik Smith presented this item. Smith explained that Gregg Appel, the developer of Timber Oaks Subdivision, Section III, has completed all required public infrastructure improvements related to the development except for street lighting of Timber Oaks Subdivision, Section III.

Smith advised that the developer has not installed street lights at this time and is still deciding between doing a custom light that would be maintained privately or lights that would meet city specifications. Smith stated that if the developer installs lighting which meets city specs, Staff would accept that utility at a future time. Smith noted that Staff has informed the developer no Certificates of Occupancy will be issued prior to street light installation.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve Resolution No. R-15-026 authorizing the acceptance of infrastructure improvements in the Timber Oaks Subdivision, Section III and authorize the Mayor to execute any necessary documentation.

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

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

11. Discuss and Possibly Act Upon a Request for a Noise Variance from Christ Lutheran Church and Day School for a Fall Carnival and Fundraiser on October 17, 2015 from 2:00 p.m. – 6:00 p.m. at Christ Lutheran Church and Authorize the Mayor to Execute Any Necessary Documentation

Deputy City Secretary Kacey Weiss presented this item. Weiss explained that Misty Johnson with Christ Lutheran Church and Day School has requested a noise variance to hold a fall carnival and fundraiser on October 17, 2015 from 2:00 p.m. – 6:00 p.m. at Christ Lutheran Church. Weiss advised that they will have carnival rides and games and will be using speakers playing music. Weiss noted that both the Police Department and the Fire Department have approved the noise variance request.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve a request for a noise variance from Christ Lutheran Church and Day School for a fall carnival and fundraiser to be held on October 17, 2015 from 2:00 p.m. – 6:00 p.m. at Christ Lutheran Church 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

12. Discuss and Possibly Act Upon Resolution No. R-15-027 Authorizing the Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 2015 Christmas Stroll and Lighted Parade to be Held on Saturday, December 5, 2015

Community Services Specialist Crystal Locke presented this item. Locke explained that the 2015 Christmas Stroll and Lighted Parade is sponsored by the City of Brenham and their goal is to attract shoppers to the downtown area. Locke advised that this year's stroll will be held on December 5, 2015 from 5:30 pm until 10:00 pm. Locke noted that Main and Alamo Streets will be closed between Market Street and Austin Street from 4:00 pm until 10:00 pm. Locke stated there will be live musical entertainment, parade, Farmer's Market and vendors, kids' activities, choirs and bands.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve Resolution No. R-15-027 authorizing the execution of an agreement with TxDOT for the temporary closure of state right of way in connection with the 2015 Christmas Stroll and Lighted Parade to be held on Saturday, December 5, 2015.

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

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

13. Discuss and Possibly Act Upon an Ordinance on its First Reading Providing for Updated Service Credit and an Increase in Retirement Annuities in the Texas Municipal Retirement System

Benefit Specialist Janie Mehrens presented this item. Mehrens explained that City Council approves, on an annual basis, an ordinance providing for updated service credit and an increase in retirement annuities of 70% of the Consumer Price Index, as provided through the Texas Municipal Retirement System.

Mehrens advised that according to the TMRS Plan Change Study, the funding rate for the City of Brenham will decrease from 6.35% to 6.07% effective January 1, 2016.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve an Ordinance on its first reading providing for updated service credit and an increase in retirement annuities in the Texas Municipal Retirement System effective January 1, 2016.

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

14. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- National Night Out is on Tuesday, October 6th.
- Blinn Homecoming Luncheon is on Saturday, October 3rd at 11:00 a.m.
- The current ipads are about 4 ½ years old and the new ones are lighter and easier to use. Council members should let Paula or Jeana know if they would like a new one.

Director of Community Services Wende Ragonis reported on the following:

- Gave an update on library renovations
- Library Gala will be November 12th at the Simon Theatre
- Kid Fish was held on September 26th and there were 437 kids registered
- Brew Step will be October 17th in the Downtown area
- Step Into The Past starts this week
- Clean Sweep is in progress at the Blue Bell Aquatic Center

Police Chief Craig Goodman reported on the following:

- There are vacancies in his department for two officers, one Captain and two Sergeants. Staff is in the interviewing process and promotions will take effect November 30th with a ceremony at the first meeting in December.

Assistant City Manager of General Government Rex Phelps reported on the following:

- There will be improvements to the area around Hwy. 36 and FM 577 due to concerns from area residents. Staff met with the business owners and TxDOT to discuss the concerns and plans. TxDOT will be widening the area and the project will start in 2016.

Deputy Fire Chief Alan Finke reported on the following:

- Fire Prevention Week is October 4th – 10th and the firefighters will be visiting the schools to discuss fire safety.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

ORDINANCE NO. O-15-031

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP TO GRANT A SPECIFIC USE PERMIT TO TRUE BELIEVER CHRISTIAN FELLOWSHIP ON BEHALF OF DONALD BOECKER, LAND OWNER, OF BRENHAM FOR A CHURCH AND RELATED AUXILIARY USES, INCLUDING EDUCATIONAL AND PHILANTHROPIC USES IN AN R-2 (MIXED RESIDENTIAL) ZONING DISTRICT AND BEING LOCATED ON A PORTION OF LOTS 4 AND 29 OF THE COLLEGE HEIGHTS ADDITION IN THE CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS.

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

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

WHEREAS, this amendment was recommended for approval by the Brenham Planning and Zoning Commission during its regular meeting on October 5, 2015;

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

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham is hereby amended to grant a specific use permit to True Believer Christian Fellowship, its successors and assigns, on behalf of Donald Boeker, land owner, of Brenham for a church and related auxiliary uses, including educational and philanthropic uses in an R-2 (Mixed Residential) zoning district and being located on a portion of lots 4 and 29 of the College Heights Addition in the City of Brenham, Washington County, Texas.

SECTION 2. This Ordinance shall take effect immediately upon the occurrence of all of the following: 1) compliance with the requirements of the Charter of the City of Brenham, Texas; and 2) the City of Brenham Planning and Zoning Commission’s approval of a replat of Lots 1, 2, 3, a portion of lot 4, a portion of lot 29, 30, 31, and 32 of the College Heights Addition into one (1) single lot, and the recording of said replat in the official records of Washington County, Texas.

SECTION 3. Upon holding a properly notified public hearing, the City Council may amend, change, or rescind the Specific Use Permit granted by this Ordinance if:

- a. There is a violation and conviction of any of the provisions of this Ordinance, or any ordinance of the City of Brenham, that occurs on the Property;
- b. The building, premises, or Property used pursuant to the Specific Use Permit granted by this Ordinance are enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alteration, or change;
- c. There is a violation of any provision of the terms and conditions of the Specific Use Permit granted by this Ordinance; or
- d. As otherwise permitted by law and/or Brenham's Zoning Ordinance, as it exists or may be amended.

PASSED and APPROVED on its first reading this the 15th day of October, 2015.

PASSED and APPROVED on its second reading this the 5th day of November, 2015.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 6

DATE OF MEETING: November 5, 2015	DATE SUBMITTED: October 29, 2015	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Erik Smith	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on its First Reading Disannexing a Tract of Land Described as a Tract or Parcel of Land Lying and Being Situated in Washington County, Texas, a Part of Jas. Walker League, Consisting of 1.0 Acre of Land on the North Side of Lauraine Street		
SUMMARY STATEMENT: On August 18, 2005 the City of Brenham passed multiple annexation ordinances as part of an annexation plan. Section No. 2005-3 of the annexation plan included a one acre of land in the metes and bounds as part of the annexation plan shown in the supporting documentation. The property owner, Free Family Trust, recently had a survey of their land done. Once the survey was complete it was noticed that the property itself was annexed into the City of Brenham city limits. Staff has discussed this issue with current and former employees and by all accounts this one acre tract of land was never intended to be annexed into the city limits. All of our GIS information shows this as being part of the Extra Territorial Jurisdiction. The property owners do not want to be annexed into the City at this time. The Washington County Appraisal District also has not listed this property in the city limits for taxing purposes. Staff believes the metes and bounds for this portion of the annexation done in 2005, was drawn into the annexation territory by mistake. City and appraisal district maps all show this property to be outside of the city limits to date.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS: Correct an error.		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Ordinance; (2) De-Annexation Cover Letter; (3) Warranty Deed; (4) Area description wording from the original 2005 Annexation Ordinance and (5) Local Government Code Information		
FUNDING SOURCE (Where Applicable): N/A		

RECOMMENDED ACTION: Approve an Ordinance on its first reading disannexing a tract of land described as a tract or parcel of land lying and being situated in Washington County, Texas, a part of Jas. Walker League, consisting of 1.0 acre of land on the North Side of Lauraine Street

APPROVALS: Terry K. Roberts

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE DISANNEXATION OF THE AREA OF LAND DESCRIBED HEREIN FROM THE CITY OF BRENHAM, TEXAS; PROVIDING THAT SUCH AREA SHALL BE DISCONTINUED AS A PART OF THE CITY OF BRENHAM, TEXAS; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL MAP OF THE CITY BOUNDARIES AND ADDITIONAL ACTS NECESSARY TO GIVE EFFECT TO THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE.

WHEREAS, the City of Brenham, Texas is a home rule municipality; and

WHEREAS, Section 43.142 of the Texas Local Government Code authorizes a home rule municipality to disannex an area in the municipality according to rules as may be provided by the charter of the municipality and not inconsistent with the procedural rules prescribed by Chapter 43, Texas Local Government Code; and

WHEREAS, Part I, Article I, Section 2 of the Brenham City Charter authorizes the City Council to alter the boundaries of the city limits, including by disannexation, by adoption of an ordinance disannexing an area from the City limits; and

WHEREAS, in accordance with Section 43.142 of the Texas Local Government Code and Part I, Article I, Section 2 of the Brenham City Charter, the City Council of the City of Brenham, Texas desires to disannex the area described in Exhibit “A” and attached hereto and incorporated herein for all purposes;

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

Section 1. That the area of land described in Exhibit “A” attached hereto and incorporated herein for all purposes, which is situated in the City of Brenham, Washington County, Texas, is hereby disannexed from and discontinued as a part of the City of Brenham, Texas, and the corporate boundaries of the City of Brenham, Texas are hereby changed to reflect the disannexation of said area.

Section 2. That the official map and boundaries of the City of Brenham, Texas, heretofore adopted and amended be and is hereby amended so as to exclude the aforementioned area as part of the City of Brenham, Texas.

Section 3. That the City Secretary is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City of Brenham, Texas to exclude the area hereby disannexed as authorized by law.

Section 4. That this Ordinance shall become effective after its passage, and the aforementioned area ceases to be a part of the City of Brenham, Texas on the effective date of this Ordinance.

Section 5. That the City Secretary is hereby directed and authorized to file a certified copy of this Ordinance, and related order, in the Office of the County Clerk, and to perform all other acts necessary to notify the appropriate entities of the City's disannexation of territory by this Ordinance.

Section 6. If any section, subsection, sentence, phrase, word, paragraph or provision of this Ordinance be found to be illegal, invalid or unconstitutional for any reason whatsoever, said illegality, invalidity or unconstitutionality shall not affect any other section, subsection, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, subsection, sentence, phrase, word, paragraph or provision of any other Ordinance of the City. The City Council declares that it would have adopted the valid portions of this Ordinance without the invalid part, and as to this end the provisions of this Ordinance are declared to be severable.

Section 7. That the meetings at which this Ordinance was passed and approved were open to the public as required by the Texas Open Meetings Act, and that notice of the time, place, and subject matter of the meetings was given as required by the Texas Open Meetings Act.

PASSED AND APPROVED on its first reading this the ____ day of _____, 2015.

PASSED AND APPROVED on its second reading this the ____ day of _____, 2015.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

EXHIBIT A

FRITZ TIEMANN

N75E 105

ARTHUR FREE 1.0 ACRE

N15W 405

S15E 405

ARTHUR FREE

JAS. WALKER LEAGUE

S75W 105

LORRAINE STREET

B.T. ROGERS EST.

100 FEET

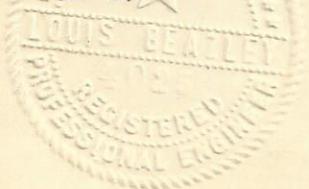
Fritz Tiemann
to
Arthur Free

Jas. Walker League

All that certain lot or parcel of land lying and being situated in Washington County, Texas, being part of the Jas. Walker League, being part of the same land conveyed by F.C. Kugel to Fritz Tiemann and by the Jos. Stepchinski Estate to F.C. Kugel, more fully described by metes and bounds as follows, to-wit:

BEGINNING at a stake in the North line of Lorraine street, in the West line of the Arthur Free tract and being the Southeast corner of the tract conveyed by F.C. Kugel to Fritz Tiemann. THENCE S 75 W 105 feet with the North line of Lorraine street. THENCE N 15 W 405 feet with the East line of Tiemann to stake for corner. THENCE N 75 E 105 feet with the South line of Tiemann to corner in the West line of Arthur Free and in the East line of the tract conveyed by Kugel to Tiemann. THENCE S 15 W 405 feet with said line to the place of beginning, containing 1.0 acres of land.

Louis Beazley
Louis Beazley
10-17-46



October 29, 2015

The City of Brenham, Texas
Attn: Eric Smith

Mr. Smith

In light of the information that has come available, concerning the 1 acre tract of land held by the Free Family Trust, it is our desire to have this one acre tract de-annexed from the city of Brenham. We never received any notice of annexation, and was always under the assumption that this tract was never within the city limits. Thank you in advance for your assistance to correct this matter.

Sincerely,

J. Free
Free Family Trust

WARRANTY DEED

1161

THE STATE OF TEXAS X
 X KNOW ALL MEN BY THESE PRESENTS
 COUNTY OF WASHINGTON X

That I, WOODROW A. FREE, hereinafter called Grantors, of the County of Washington, State of Texas, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to us in hand paid by WOODROW A. FREE and JOAN T. FREE, Trustees of THE FREE FAMILY TRUST, the receipt off which is hereby acknowledged and confessed, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto the said WOODROW A. FREE and JOAN T. FREE Trustees of THE FREE FAMILY TRUST, 1902 Lauraine Street, Brenham, Texas 77833 hereinafter called Grantee, all that certain lot, tract or parcel of land lying and being situated in the County of Washington, State of Texas, being the same tract of land conveyed to Grantor herein by Warranty Deed dated May 10, 1961, from Arthur Free, et ux, said Deed being recorded in the Deed of Records of Washington County, Texas, County Clerk's File No. 770, and further being more fully describe to-wit:

TRACT NO. 1: All that certain or parcel of land lying and being situated in Washington County, Texas, and a part of the James Walker League and an unsold portion of a tract of land conveyed by D.E. Teague, Sheriff to H.C. McIntyre, on the 2nd day of May 1905, and being the same and identical property conveyed by Chas. Kenjura to Arthur Free, by deed dated April 22, 1931, as recorded in Volume 104, page 219, Deed Records of Washington County, Texas, and described as follows, to-wit:

BEGINNING at the N.E. cor. of this tract and the S.E. cor. of a tract belonging to the Mitchell heirs; THEN N. 76 W at 160-1/2 vrs. pass S.E.

cor of a 20 acre tract belonging to D.C. Giddings, at 486-1/2 vrs to S.W. cor sd Giddings tract in the old run of Hog Branch. THENCE with Giddings bdry. and the general course of Hog Branch N. 21-1/4 E 394 vrs to an iron corner a black walnut stump bears S. 60 E 6 vrs. THEN N. 88-1/3 W 151-1/2 vrs to corner the south bank of Little Sandy Creek, where A. Jefferies established same according to a statement of H.C. McIntyre and the adjoining owner Charles Polander. THEN S 62-3/4 W with their dividing fence 227-1/2 vrs. to cor. in N.E. line of another tract owned by D.C. Giddings. THEN with sd line S. 10 E. 94-1/4 vrs to corner of same a large willow marked X. for pointer. THEN with the south line of sd Giddings tract S. 75 W. 590 vrs. to cor. of Mrs. Kesslings tract. THEN with her line S. 14-2/3 E. 331 vrs to corner of the Stone tract. THEN with the East line of same S 9-2/3 E 610 vrs to corner in the center of the old run of sd Hog Branch just above the mouth of a drain. THEN with the old run of sd. Hog Branch as follows: N. 73 E 25 vrs. S 66 E. 36 vrs pass upper corner of W.G. Wilkins lots at 43 vrs. to cor. in sd. Branch. THENCE N. 75 E 60 vrs to cor. Walnut stump on bank of sd branch bears N 76 E. 19 vrs. THEN S 77 1/2 E. 153 vrs. to corner. THEN S 1-3/4 E 90 vrs to corner in North line of the old Washington Road. THEN with sd line S 84 E 11 vrs to the S.W. cor of Dick Rileys tract. THEN with his West line N. 1-1/4 W 230 vrs. to N.W. corner of same. THENCE N 43-1/4 E 247 vrs. to cor of the County Pauper field in the North bank of a ravine. THEN with N.W. line of same N. 35-1/4 E 178 vrs to corner 40 ft. N.E. of an iron stake. THEN with West line of the City Dumping Ground N. 25 E 383-4/10 vrs to the West corner of same an Elm marked X bears S. 25 W 119-1/2 ft. THENCE with N.E. line said Dumping ground S 44-1/4 W 224 vrs. to an iron pipe for corner. THEN S 34-1/3 W 51 vrs to corner of a 3 acre lot sold heretofore by H.C. McIntyre. THEN with the North line of same S. 84 E 181 vrs to corner in Pennington's West line. THEN with said line n 71-2 E 245 vrs to the beginning corner, containing an area of 140 acres of land.

Being the same land conveyed to Chas. Kenjora by B. Parker, et ux on Sept. 17, 1918, recorded in Vol. 72 pg. 242, Deed Records of Washington County, Texas, to which reference is here had and made for all purposes pertinent.

TRACT NO. 2: All that certain tract or parcel of land lying and being situated in Washington County, Texas, a part of the Jas. Walker League, being part of the same land conveyed by F. C. Kugel to Fritz Tiemann and by Jos. Stephchinski Estate to F.C. Kugel, more fully described by metes and bounds as follows:

BEGINNING at a stake in the North line of Lorraine Street, in the West line of the Arthur Free tract and being the Southeast corner of the tract

conveyed by F.C. Kugel to Fritz Tiemann. THENCE S. 75 W. 105 feet with the North line of Lorraine Street. THENCE N 15 W 405 feet with the East line of Tiemann to Stake for corner. THENCE N 75 E 105 feet with the South line of Tiemann to corner in the West line of Arthur Free and in the East line of the tract conveyed by Kugel to Tiemann. THENCE S 15 E. 405 feet with said line to the place of beginning, containing 1.0 acre of land, as surveyed by Louis Beasley, October 17, 1946.

Being the same and identical property described in deed from Fritz Tiemann, et. ux. to Arthur Free, by deed dated November 23, 1946, as recorded in Volume 149, page 576, Deed Records of Washington County, Texas, to which reference is here had and made for all purposes pertinent.

This conveyance is made and accepted subject to any and all mineral reservations, restrictions and easements affecting the use of the premises conveyed herein, now of record in the County Clerk's Office in said County, but only to the extent they are still in effect.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee above named, their heirs, successors and assigns forever; and Grantor does hereby bind themselves, their heirs, executors and administrators, to Warrant and Forever Defend all and singular the said premises unto the said Grantee above named, their heirs, successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this 4th day of March, 1997.

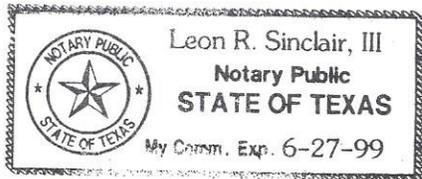
Woodrow A. Free
WOODROW A. FREE, GRANTOR

Joan T. Free
JOAN T. FREE, GRANTOR

STATE OF TEXAS X
X
COUNTY OF WASHINGTON X

BEFORE ME, the undersigned authority, on this day personally appeared **WOODROW A. FREE and JOAN T. FREE**, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same as their free act and deed for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this day the 4th day of March, 1997.



Leon R. Sinclair, III
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

Return:

WOODROW A. FREE
1902 LAURINE STREET
BRENHAM, TEXAS 77833

STATE OF TEXAS
COUNTY OF WASHINGTON

I hereby certify that this instrument was FILED on the date and at the time affixed hereon by me and was duly RECORDED in the volume and page of the OFFICIAL RECORDS of Washington County, Texas, as stamped hereon by me on

MAR 05 1997



Beth A. Rothenmel
Beth Rothenmel, County Clerk
Washington County, Texas

FILED FOR RECORD
WASHINGTON COUNTY, TX
97 MAR 4 PM 2 00
Beth A. Rothenmel
WASHINGTON CO. CLERK

SECTION NO. 2005-3

All that certain tract or parcel of land, lying and being situated in Washington County, Texas, part of the James Walker Survey, A-106, being part of the same land described as 30.001 acres in the deed from Alfred Boeker, et al, to Clarence Boeker and Doris Jean Boeker, dated February 16, 1959, as recorded in Volume 222, Page 34, in the Deed Records of Washington County, Texas, being the same land described as 1.0 acre (Tract No. 2) in the deed from Woodrow A. Free to Woodrow A. Free and Joan T. Free, Trustees of the Free Family Trust, dated March 4, 1997, as recorded in Volume 850, Page 921, in the Official Records of Washington County, Texas, and being the same land conveyed as 35.58 acres (Tract One) in the deed from Gloria Nix, Independent Executrix of the Estate of Florence Greenwade, deceased, to Gloria Nix, Individually, or being part of the same land described as 76.58 acres in the deed from Ernest Rogers, et al, to B. P. Greenwade, dated March 26, 1951, as recorded in Volume 180, Page 17, in the Deed Records of Washington County, Texas, and being more fully described by metes and bounds as follows, To-Wit:

BEGINNING at a 3/8 inch iron rod found at a fence corner post for the Northeast corner hereof and of said original 30.001 acres tract. Volume 222, Page 34, in said Deed Records, being on the South line of the LMLN Schwartz, Inc. tract called 5.000 acres (Tract One) as described in Volume 385, Page 483, being the Northwest corner of the Woodrow A. Free and Joan T. Free, Trustee of The Free Family Trust, tract called 140 acres (Tract No. 1) as described in Volume 850, Page 921, in said Official Records;

THENCE along the East line of said original 30.001 acres tract. Volume 222, Page 34, along the East line of said original tract called 1.0 acre and along the East lines of said original tract called 76.58 acres for East lines hereof, being along West lines of said Free tract called 140 acres, as follows: S 15°43'21" E 526.27 feet to a 4 inch Cedar fence corner post, being the Northeast corner of said original 1.0 acres tract. Vol. 850, Page 921, S 14°52'26" E 435.02 feet to a 7 inch treated fence corner post, S 09°56'54" E 800.00 feet, S 14°26'54" E 502.78 feet, S 02°03'06" W 58.33 feet, and S 06°26'54" E 308.37 feet to corner in or near the center of Hog Branch for the Southeast corner hereof and of said original 76.58 acres tract, being the apparent Southwest corner of said Free tract called 140 acres;

THENCE along or near the center of said Hog Branch for South lines hereof and of said original 76.58 acres tract, common with North lines of the City of Brenham tract called 6.4941 acres as surveyed by Robert C. Schmidt, Texas. RPLS No. 4705, dated October 19, 1994, the City of Brenham tract called 1.046 acres (Tract One) as described in Volume 1001, Page 598, in said Official Records, the City of Brenham tract called 1.027 acres, as described in Volume 1010, Page 736, the City of Brenham tract called 0.437 acre (Tract Two) and the City of Brenham tract called 0.116 acre (Tract One) as described in the deed-recorded in Volume 1003, Page 732, the following bearings and distances being derived from deed calls of said original 76.58 acres tract as described in Volume 180, Page 17, in said Deed Records of Washington County, Texas, N 81°34'25" W 148.69 feet, S 50°01'47" W 206.39 feet, N 55°58'13" W 193.06 feet, S 49°31'47" W 68.06 feet, S 59°31'47" W 83.33 feet, S 01°31'47" W 63.06 feet, S 47°31'47" W 158.33 feet, and N 81 °48' 13" W 86.31 feet to a corner in or near the center of said creek at its intersection with the East right of way line of F. M. Highway No. 577 for the South corner hereof, being the Northwest corner of said City of Brenham tract called 0.116 acre;

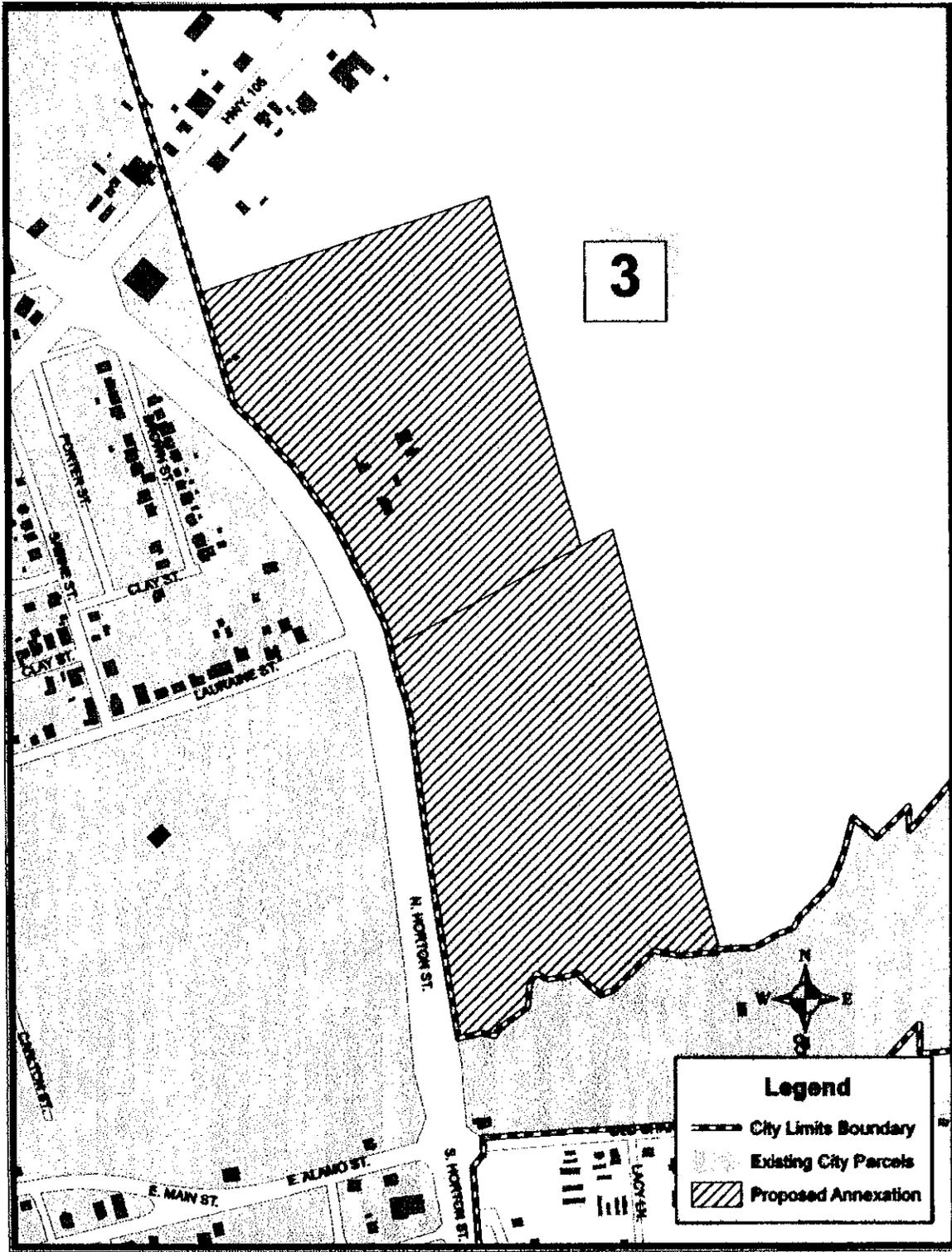
THENCE along a portion of the East right of way lines of said highway for West lines hereof, N 05°54'36" W 85.66 feet to a concrete highway monument (right of way marker) found, N 07°19'45" W 298.97 feet to a concrete highway monument (right of way marker) found, and N 05°39'04" W 581.90 feet to the beginning of a curved portion of said right of way line, a concrete highway monument (right of way marker) found bears S 1°53'08" E 0.74 feet;

THENCE along a curved portion of the Northeast right of way line of said highway for a West line hereof, being a curve to the left, through a central angle of 30°31' 18", having a radius of 1969.86 feet, a chord of N 20°53'53" W 1036.99 feet, for an arc distance of 1049.35 feet, to a concrete monument (highway right of way marker) found on said right of way line at the end of said curved portion of said highway right of way;

THENCE continuing along Northeast right of way lines of said highway for Southwest lines hereof, N 26°54'23" W 105.49 feet to a concrete monument (highway right of way marker) found, N 40°58'45" W 129.85 feet to a concrete monument (highway right of way marker) found, and N 52°53'33" W 138.53 feet to a point on the Northeast right of way line of said highway at its intersection with the division line of said James Walker Survey and the A. Harrington Survey, A-55;

THENCE along or near the division line of said surveys as described in Volume 222, Page 34, for a West line hereof, N 16°06'37" W 317.96 feet to the Northwest corner hereof, being on the division line of said surveys, being on the south line of the Tex-Vada Corporation tract called 0.9765 acres as described in Volume 933, Page 233, in said Official Records;

THENCE along a portion of the South line of said Tex-Vada Corporation tract, and along the South lines of the following tracts: the Tex-Vada Corporation tracts called 1.3123 acres (Tract One) and 1.3123 acres (Tract Two) as described in Volume 879, Page 99, in said Official Records, the Brenda S. Flisowski tract called 1.3123 acres as described in Volume 447, Page 802, in the Deed Records of Washington County, Texas, the Ida Mae Schroeder, et vir tract called 1.3123 acres as described in Volume 423, Page 170, the Ira Lee Schroeder, et ux, tract called 1.02 acres as described in Volume 159, Page 431, and along a portion of said LMLN Schwartz, Inc. tract called 5.000 acres as described in the deed recorded in Volume 385, Page 483, in said Deed Records for the North line hereof, N 73°53'23" E at 179.72 feet passing a 3/8 inch iron rod found at the base of a 8 inch Cedar fence corner post, 0.3 feet South of this line, for the division corner of said Tex-Vada tract called 0.9765 acres and said Tex-Vada tract called 1.3123 acres (Tract 1), at 518.30 feet passing a 3/8 inch iron rod found at the base of a 5 inch Cedar fence corner post, 1 foot South of this line, for the division corner of said Tex-Vada tract called 1.3123 acres (Tract 2) and said Flisowski tract, at 639.63 feet passing a 3/8 inch iron rod found at fence corner post, 1.2 feet South of this line for the division corner of said Flisowski tract and said Ida Mae Schroeder tract called 1.3123 acres, at 744.55 feet passing a 3/8 inch iron rod found at the base of a 3 inch Cedar fence corner post, 1 foot South of this line, for the division corner of said Ida Mae Schroeder tract called 1.3123 acres and said Ira Lee Schroeder tract called 1.02 acres, and at a total distance of 1090.87 feet to the place of beginning and containing 51.372 acres of land more or less.



Sec. 43.148. REFUND OF TAXES AND FEES. (a) If an area is disannexed, the municipality disannexing the area shall refund to the landowners of the area the amount of money collected by the municipality in property taxes and fees from those landowners during the period that the area was a part of the municipality less the amount of money that the municipality spent for the direct benefit of the area during that period.

(b) A municipality shall proportionately refund the amount under Subsection (a) to the landowners according to a method to be developed by the municipality that identifies each landowner's approximate pro rata payment of the taxes and fees being refunded.

(c) A municipality required to refund money under this section shall refund the money to current landowners in the area not later than the 180th day after the date the area is disannexed. Money that is not refunded within the period prescribed by this subsection accrues interest at the rate of:

(1) six percent each year after the 180th day and until the 210th day after the date the area is disannexed; and

(2) one percent each month after the 210th day after the date the area is disannexed.

Added by Acts 1999, 76th Leg., ch. 1167, Sec. 15, eff. Sept. 1, 1999.



AGENDA ITEM 7

DATE OF MEETING: November 5, 2015	DATE SUBMITTED: October 30, 2015	
DEPT. OF ORIGIN: Library Services	SUBMITTED BY: Andria Heiges	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Acceptance of the Community Development Partnership Program Grant offered by the Lower Colorado River Authority (LCRA) in the Amount of \$20,000 for the Construction of an “Outdoor Reading Room” as part of the Nancy Carol Roberts Memorial Library Modernization and Renovation Project and Authorize the Mayor to Execute Any Necessary Documentation		
SUMMARY STATEMENT: The LCRA offered a FY16 competitive Community Development Partnership Program Grant to communities in LCRA’s service area. The grant provides funding for capital improvement projects that support community and economic development and benefit the public. Special emphasis was placed on projects that aligned with LCRA goals including: economic diversification, contributions to health and development of a community to improve the attractiveness of the community, and improvement in the quality of services essential for the development of viable communities and economic growth related to education and employment		
<p>The Nancy Carol Roberts Memorial Library applied for the LCRA grant in August and requested \$20,000 to fund the materials and labor to construct the outdoor space known as the “Outdoor Reading Room”, consisting of a concrete patio area; approximately 800 square foot in size with built in seating features, fencing, and masonry surrounding the area. The application made the case that the project aligned with LCRA goals because it allowed the library to offer programs in a space that would encourage a safe and friendly place for children and families to connect literacy and learning with nature.</p> <p>The grant stipulates that the Nancy Carol Roberts Memorial Library must contribute at least a 20% match or \$5,000 towards project costs. With the city funds currently committed to the project this stipulation has been met. Photos throughout the project and a final completion report are required from grant recipients and a document outlining these requirements is attached.</p> <p>The Nancy Carol Roberts Memorial Library was notified by letter of the grant award October 7, 2015 and if the grant is accepted a check presentation will be scheduled by LCRA with the library.</p> <p>Staff respectfully requests that Council accepts this grant opportunity.</p>		

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS: Provides funding to complete a portion of the library modernization and renovation project.

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) LCRA Grant Project Checklist; and (2) LCRA Letter Agreement

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: Approve the acceptance of the Community Development Partnership Program Grant offered by the Lower Colorado Rive Authority (LCRA) in the amount of \$20,000 for the construction of an “Outdoor Reading Room” as part of the Nancy Carol Roberts Memorial Library Modernization and Renovation Project and authorize the Mayor to execute any necessary documentation.

APPROVALS: Terry K. Roberts

LCRA GRANT PROJECT CHECKLIST

This checklist is designed to help you keep track of the steps needed to complete a Community Development Partnership Program grant project. Additional steps may be required beyond those listed below, depending on the nature of your project. Project coordinators should ensure each step in the checklist is met.

GRANT ACCEPTANCE

- Review and sign the Letter Agreement accepting terms and conditions of the grant award.
- The agreement must be signed by the chief executive officer or administrator of the organization requesting the grant, such as a city manager, executive director, general manager, board president or school superintendent.
 - o Read and initial Article 4 in the Letter Agreement: Breach and Remedy.

GRANT PROGRESS REPORTING

- Submit a progress report six months after the check presentation.
- Make note of important deadlines, and set up a process to generate reminders.
- Advise LCRA of problems that may affect the project budget, timeline or scope of work. See Article 1 in the Letter Agreement for details.
- Notify LCRA of any board member or executive management changes as soon as possible after they occur.
 - o Provide board minutes or other documentation of change.

GRANT CLOSEOUT

- Maintain documentation of paid subcontractor invoices and receipts as required by Letter Agreement Article 6.
- Submit the final completion report within 30 days of project completion or end date.
- Email LCRA before and after photos of the project in a JPG format, if applicable.
- Email a photo in a JPG format of the required signage permanently affixed, where appropriate, noting LCRA's contribution. See Article 8 in the Letter Agreement for details.

PUBLICITY CONCERNING CHECK PRESENTATIONS

- In advance of the grant presentation, work with LCRA Communications staff when requested by providing a quote about the impact of the grant on the community. LCRA may use the quote in the LCRA news release on the grant presentation.
- Invite appropriate representatives to the check presentation.
- If desired, reach out to local reporters and photographers to generate news coverage of the grant presentation. LCRA also will invite local media to the check presentation.



Community Development Partnership Program Final Completion Report Guidelines

A final completion report is required for all approved grants awarded through the Lower Colorado River Authority Community Development Partnership Program. The community projects must be completed within one year from the date the grant was awarded. The report must be submitted within four weeks after project completion.

MODIFICATIONS/REQUESTS FOR EXTENSIONS

You must submit a written request via mail or email to grants@lcra.org for modification of the grant if your organization wants to make changes that will alter the scope, timeline or nature of the grant as originally proposed and for which the grant was awarded. Written approval from LCRA must be obtained before implementing any changes or the grant may be rescinded. Please also inform LCRA of organizational changes at your company such as change of address, phone number or key personnel.

If your community project is delayed or extended, you must send a written request or email grants@lcra.org to change the delivery date for the final completion report.

PHOTOS

LCRA highlights the community projects it supports by periodically using photos on www.lcra.org. Please include up to three photos with your final completion report. Make sure to include before and after photos of your community project if you have them. Please also send a photo of your community project's signage acknowledging the sponsorship of LCRA and its wholesale electric customer if applicable. Email photos to grants@lcra.org.

INSTRUCTIONS

Your community project will be considered complete when your final completion report is signed, notarized and returned to LCRA's office. LCRA must retain the original report on file. Reports should be concise and include only relevant information.

Once you have submitted your final report, it will be reviewed by LCRA program staff. They will be in touch with any questions. LCRA will notify you when the report has been approved and your grant has been closed.

SUBMITTING YOUR REPORT

Please send your final completion report to:

CDPP Grants Department
Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767-0220

LETTER AGREEMENT

This Letter Agreement ("Agreement") is between the Lower Colorado River Authority ("LCRA") and the City of Brenham – Nancy Carol Roberts Memorial Library ("Recipient"). In consideration of the Recipient's commitments made in a grant application dated July 30, 2015 ("Grant Application"), LCRA agrees to grant to Recipient twenty thousand dollars and no/100 (\$20,000) ("Grant Money") for the outdoor reading room ("Project").

1. Use of Grant Money. This is a grant of funds solely for the Project purpose(s) stated in the Grant Application. Nothing herein contained requires LCRA to select, procure, install, maintain or repair any equipment or improvements purchased or funded with the Grant Money, or to supervise or train the Recipient's personnel with respect to such activities. Recipient is solely responsible for the selection, procurement, installation, construction, repair and maintenance of all equipment and improvements purchased or funded with the Grant Money, as well as for the training and supervision of the Recipient's personnel with respect to such activities. Recipient agrees to use the Grant Money solely for Project purposes, and Recipient shall not use equipment or improvements purchased or funded with the Grant Money for any purpose other than that stated in the Grant Application, except as provided for herein.
2. Project Completion Date. Recipient agrees to complete the Project within twelve (12) months of the date the Grant Money is received. If the Project is not completed within twelve months, Recipient shall return the unexpended Grant Money to LCRA immediately upon demand. Upon completion of the Project, Recipient agrees to provide LCRA with a photograph and a completed final report form, attached hereto as Exhibit 1 and incorporated herein for all purposes.
3. Interest on Grant Money. Any interest earned by Recipient on the Grant Money prior to its expenditure shall be considered grant funds and applied exclusively to the Project, or included with any Grant Money returned or refunded to LCRA under the terms of this Agreement, as applicable.
4. Breach and Remedy. If Recipient breaches this Agreement, Recipient agrees that it shall refund to LCRA the full amount of the grant. _____INITIAL
5. Public Use. The equipment and improvements purchased or funded with Grant Money must remain open and accessible to the general public, or be used for a public purpose, for the useful life of the equipment or improvement.
6. Record Keeping. Recipient shall maintain accurate records of all costs, payments, and related data as may be required by LCRA to verify proper use of the Grant Money for the Project. Recipient shall maintain such records for at least two years after completion of the Project, and shall make the records available to LCRA for inspection upon reasonable notice.

7. Compliance with Laws. Recipient shall comply with all federal, state and local laws, ordinances, and regulations in connection with the Project. Recipient shall also be responsible for obtaining all necessary permits, licenses, and any other such approvals required for the Project.

8. Acknowledgment. Recipient will clearly make public and permanent identification at the Project site acknowledging that LCRA is a sponsor of the Project.

9. Right to Inspect. LCRA shall have the right to enter upon and photograph the Project site at any reasonable time for the purpose of inspection, including but not limited to walk-throughs, on-site evaluations, and end of project evaluations.

10. Indemnification. **RECIPIENT AGREES TO INDEMNIFY AND HOLD LCRA AND ITS DIRECTORS, OFFICERS, EMPLOYEES, WHOLESALERS, CUSTOMERS, AND AGENTS HARMLESS FROM DAMAGES, CLAIMS, DEMANDS, SUITS, CAUSES OF ACTION, JUDGMENTS, COSTS AND EXPENSES INCLUDING REASONABLE ATTORNEY'S FEES AND EXPENSES RESULTING FROM 1) DAMAGE TO PROPERTY OF ANY PERSON, FIRM, CORPORATION OR GOVERNMENTAL AGENCY, INCLUDING PROPERTY OF LCRA, AND/OR 2) DEATH OF, OR INJURY TO, ANY PERSON OR PERSONS, INCLUDING EMPLOYEES OF LCRA, ARISING OUT OF, AND TO THE EXTENT CAUSED BY, A NEGLIGENT ACT OR OMISSION OR WILLFUL MISCONDUCT OF RECIPIENT, ITS AGENTS, SERVANTS, EMPLOYEES, AND ITS SUPPLIERS AND SUBCONTRACTORS OF ANY TIER, THEIR AGENTS, SERVANTS AND EMPLOYEES.**

IN THE EVENT THAT LCRA IS FOUND TO BE CONCURRENTLY NEGLIGENT, RECIPIENT SHALL NOT INDEMNIFY FOR THE PROPORTIONATE NEGLIGENCE ATTRIBUTABLE TO LCRA BUT SHALL INDEMNIFY FOR THE PORTION OF NEGLIGENCE ATTRIBUTABLE TO RECIPIENT, ITS AGENTS, SERVANTS, EMPLOYEES, AND ITS SUPPLIERS AND SUBCONTRACTORS OF ANY TIER, THEIR AGENTS, SERVANTS, AND EMPLOYEES.

11. Insurance. If requested by LCRA, Recipient shall obtain and maintain a policy of insurance for the useful life of the equipment or improvements purchased or funded with the Grant Money which is sufficient to provide for replacement of any equipment or improvement which is lost, stolen, damaged, or destroyed. Any insurance proceeds received by or on behalf of Recipient under an insurance policy due to the damage or destruction of equipment or improvements must be utilized to acquire equivalent or better equipment, to repair or replace the improvement, or be paid to LCRA. If otherwise permissible under applicable law, governmental entities may use an established self-insurance program to satisfy this requirement. Recipient shall provide proof of insurance coverage.

12. Disposition of Equipment and Improvements. When equipment or improvements purchased or funded with the Grant Money are no longer needed for the original Project purposes (regardless of whether the Project continues to be supported by LCRA funds), Recipient may use the equipment for other eligible or comparable activities or purposes; otherwise, Recipient shall request disposition instructions from LCRA.

13. Survival. The obligations of the Recipient hereunder, including but not limited to the requirement to use equipment or improvements purchased or funded with the Grant Money for the purposes stated in the Grant Application, shall continue for the useful life of the equipment or improvement.

If the terms and conditions stated above are in accordance with your understanding, please so indicate by signing both originals of this Letter Agreement and returning one of them to LCRA.



A handwritten signature in blue ink, which appears to read "Bill Lauderback", is written over a horizontal line.

Bill Lauderback
Executive Vice President, Public Affairs
Lower Colorado River Authority

The terms and conditions stated above are accepted and agreed to on this _____ day of _____, 20____.

Recipient: _____

By: _____
(signature)

Printed Name: _____ Title: _____



AGENDA ITEM 8

DATE OF MEETING: November 5, 2015	DATE SUBMITTED: October 30, 2015	
DEPT. OF ORIGIN: Public Utilities	SUBMITTED BY: Lowell Ogle	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Strand Project No. 3900.012 for the 2016 Surface Water Treatment Plant Rehabilitation and Authorize the Mayor to Execute Any Necessary Documentation		
SUMMARY STATEMENT: On September 16, 2015 bids were opened by O'Malley Strand Associates, Inc. and City of Brenham staff for the 2016 Surface Water Treatment Plant Rehabilitation.		
<p>The mechanical components of Clarifiers #2 and #3 have a significant number of hours on them and need to be replaced before failure occurs. The weirs in all clarifiers need to be releveled to provide consistent, even flow. Some of the catwalks, etc are showing wear that could lead to structural issues and need to be re-habilitated.</p> <p>Only one bid was received for this project but we have evaluated the bid as well as talked with other contractors and believe the pricing to be competitive.</p> <p>\$450,000 was budgeted for this project. The bid came in at \$447,800. This would leave no room for unforeseen items that could occur. We have worked with the contractor to find some reductions and would recommend approval of Concurrent Change Order No. 1 for a reduction of \$22,500, reducing the project to \$425,300. In continuing to work with the contractor, we believe that further reductions will be found. A summary of the work is listed below and the bid tabulation, Concurrent Change Order No. 1, and a Letter of Recommendation is attached.</p> <p>Planned improvements consist primarily of:</p> <ul style="list-style-type: none"> A. Rehabilitation of select catwalks, bridges, kickplates, handrails, grating and decking at the plant. B. Mechanical rehabilitation of select parts of the mixing and sludge collection systems internal to Clarifier #2 and Clarifier #3. C. Adjustment of all of the weir troughs in Clarifiers #1, #2, and #3. 		
<u>Bidder</u> R&B Group, Inc. Houston, TX	<u>Base Bid</u> \$447,800.00	<u>Change Order No. 1</u> (\$22,500.00)

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS: Ensure operation of the clarifiers for uninterrupted and continued reliability of the water treatment system and to avoid safety issues resulting in deteriorating catwalks, kickplates, etc.

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Bid Tabulation; (2) Concurrent Change Order No. 1; and (3) Recommendation of Award

FUNDING SOURCE (Where Applicable): 104-5-163-805.00

RECOMMENDED ACTION: Approve Strand Project No. 3900.011/012 Base Bid and Concurrent Change Order No. 1 to R&B Group, Inc. for the 2016 Surface Water Treatment Plant Rehabilitation in the amount of \$425,300.00 and authorize the Mayor to execute any necessary documentation.

APPROVALS: Terry K. Roberts

CITY OF BRENHAM, 200 WEST VULCAN, BRENHAM, TEXAS 77833
 CITY OF BRENHAM, 2016 SURFACE WATER TREATMENT PLANT REHABILITATION
 STRAND PROJECT NO. 3900.01/1/012
 BIDS OPENED: SEPTEMBER 16, 2015 AT 2:00 P.M.

		R & B Group, Inc. 1213 N. Durham Houston, TX 77008	
Item No.	Description	Estimated Quantity	Total Price
BASE BID			
1	Remove existing steel handrails and install new aluminum handrails with kickplates at locations on existing catwalks shown in the plans	1 LS	\$ 15,000.00 \$ 15,000.00
2	Install kickplates on existing handrails at locations shown in the plans	1 LS	\$ 13,000.00 \$ 13,000.00
3	Remove existing grating/decking and install hot-dipped galvanized steel grating on existing catwalks at locations shown in the plans	1 LS	\$ 16,000.00 \$ 16,000.00
4	Remove existing steel handrails and install new aluminum handrails with kickplates attached to concrete walkways at locations shown in the plans	1 LS	\$ 18,000.00 \$ 18,000.00
5	Repair hole in existing handrail (including prime coat to match existing handrail)	1 LS	\$ 1,800.00 \$ 1,800.00
6	Perform mechanical rehab on Clairfier No. 2 as specified in Technical Specification Section 11 36 20	1 LS	\$ 181,000.00 \$ 181,000.00

Item No.	Description	Estimated Quantity	Unit Price	Total Price
7	Perform mechanical rehab on Clarifier No. 3 as specified in Technical Specification Section 11.36.30	1 LS	\$ 181,000.00	\$ 181,000.00
8	Adjust all weir troughs on Clarifier Nos. 1, 2, and 3 to provide uniform flow through all weir openings	1 LS	\$ 22,000.00	\$ 22,000.00
TOTAL BASE BID (Items 1 - 8)				\$ 447,800.00

R & B Group, Inc.
1213 N. Durham
Houston, TX 77008

O'Malley Strand Associates, Inc.
TBPE No. F-8405
Brenham, Texas



Kelly M. Hajek
Kelly M. Hajek, P.E.

9.16.2015



O'Malley Strand Associates, Inc.
 201 South Jackson Street
 Brenham, Texas 77833
 (409) 841-2437
 (817) 841-7136

CITY OF BRENHAM
 2016 SURFACE WATER TREATMENT PLANT REHABILITATION
 STRAND PROJECT NO. 3900.011/012

CONCURRENT CHANGE ORDER NO. 1
 November 5, 2015

REASON: Deduct for miscellaneous small items, markups associated with those items, and using the Contractors equipment without charge.

DEDUCTIONS:

Miscellaneous deductions including associated markups and equipment charges, complete in place, 1 LS @ (\$22,500.00) (\$22,500.00)

TOTAL CONCURRENT CHANGE ORDER NO. 1 **\$22,500.00**

ORIGINAL CONTRACT AMOUNT.....\$447,800.00
 MINUS CONCURRENT CHANGE ORDER NO. 1 (\$22,500.00)
ADJUSTED CONTRACT AMOUNT..... **\$425,300.00**

ACCEPTED BY: _____
 R & B Group, Inc. _____ Date _____

RECOMMENDED BY: _____
 O'Malley Strand Associates, Inc. _____ Date _____

APPROVED BY: _____
 City of Brenham _____ Date _____

j:\AS\BREN3900-3999\3900\011\Wrd\Change Order\Concurrent Change Order No. 1.docx

TBPE No. F-8405
 TBPLS No. 10030000



O'Malley Strand Associates, Inc.
301 South Jackson Street
Brenham, Texas 77833
(409) 831-7937
(409) 831-7936

October 29, 2015

Lowell Ogle
Assistant City Manager of Public Utilities
City of Brenham
200 West Vulcan
Brenham, Texas 77833

Re: City of Brenham
2016 Surface Water Treatment Plant Rehabilitation
Strand Project No. 3900.012
RECOMMENDATION OF AWARD

Dear Lowell:

We have reviewed the bid received on September 16, 2015 for the referenced project (see bid tabulation attached) and have listed the bid below.

R & B Group, Inc., Houston, TX	<u>Base Bid</u> \$447,800.00
--------------------------------	---------------------------------

The low bidder, R & B Group, Inc., is qualified and experienced in this type of work. Therefore, based upon review of the above bid, we recommend award to the lowest bidder, R & B Group of Houston, Texas, for their Base Bid minus Concurrent Change Order No. 1 (attached) for a total amount of \$425,300.00. The Concurrent Change Order deducts some miscellaneous small items including the associated markups and deducts the charge for using R & B Groups equipment to keep the project within budget.

Sincerely,

Kelly M. Hajek, P.E.
Project Manager

KMH:jw

Enclosure

jwS:\BRE\3900-3999\3900\011\Wrd\Construction\Recommendation of Award.docx

TBPE No. F-8405
TBPLS No. 10030000

Arizona | Illinois | Indiana | Kentucky | Ohio | Texas | Wisconsin

www.strand.com



AGENDA ITEM 9

DATE OF MEETING: November 5, 2015	DATE SUBMITTED: October 30, 2015	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Rex Phelps	
MEETING TYPE: <input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> SPECIAL <input type="checkbox"/> EXECUTIVE SESSION	CLASSIFICATION: <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT <input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> WORK SESSION	ORDINANCE: <input type="checkbox"/> 1 ST READING <input type="checkbox"/> 2 ND READING <input type="checkbox"/> RESOLUTION
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Acceptance of a Donation in the Amount of \$750,000.00 to the City of Brenham for a Planned Park Development Project Connecting Fireman’s Park and the Nancy Carol Roberts Memorial Library and Authorize the Mayor to Execute Any Necessary Documentation		
SUMMARY STATEMENT: This initiative will connect the new Nancy Carol Roberts Memorial Library grounds with Brenham’s legacy Fireman’s Park. Both of these community amenities have enriched the quality of life of the Brenham community and this Project honoring the life of Michael Mansfield Owsley will ensure the two amenities are enhanced and brought together for children to play, people to learn and families to flourish. Michael Mansfield Owsley’s wife wishes to honor her late husband’s memory by funding this park expansion project (to include: trail extension, fencing, landscaping, design, playground construction, etc.) through donation(s). And, in return requesting approval to name a newly constructed playground adjacent to the new Nancy Carol Roberts Memorial Library after her late husband, “Michael Mansfield Owsley.”		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: Enhance the area consistent with the parks master plan and provide new park facilities for the community B. CONS: None Identified		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: None		
FUNDING SOURCE (Where Applicable): Donations		
RECOMMENDED ACTION: Accept a donation in the amount of \$750,000 to the City of Brenham for a planned park development project connecting Fireman’s Park and the Nancy Carol Roberts Memorial Library and authorize the Mayor to execute any necessary documentation		
APPROVALS: Terry K. Roberts		



AGENDA ITEM 10

DATE OF MEETING: November 5, 2015		DATE SUBMITTED: October 30, 2015	
DEPT. OF ORIGIN: Administration		SUBMITTED BY: Rex Phelps	
MEETING TYPE:		CLASSIFICATION:	
<input checked="" type="checkbox"/> REGULAR		<input type="checkbox"/> PUBLIC HEARING	
<input type="checkbox"/> SPECIAL		<input type="checkbox"/> CONSENT	
<input type="checkbox"/> EXECUTIVE SESSION		<input checked="" type="checkbox"/> REGULAR	
		<input type="checkbox"/> WORK SESSION	
ORDINANCE:			
<input type="checkbox"/> 1 ST READING			
<input type="checkbox"/> 2 ND READING			
<input type="checkbox"/> RESOLUTION			
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon a Memorandum of Understanding Between the City of Brenham and Robbie Gail Charette Related to a Planned Park Development Connecting Fireman’s Park and the Nancy Carol Roberts Memorial Library and Authorize the Mayor to Execute Any Necessary Documentation			
SUMMARY STATEMENT: This MOU is an agreement to fund a new park expansion connecting the new Nancy Carol Roberts Memorial Library grounds to the Fireman’s Park. This expansion will include fencing, landscaping, trail extension, playground construction, and design. Robbie Gail Charette has offered to fund this extensive and significant project estimated to cost between \$600,000.00 and \$750,000.00. In exchange for the donation(s) Ms. Charette has requested the new proposed playground within the park expansion to be named the Michael Mansfield Owsley Memorial Playground.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS: Enhance the area consistent with the parks master plan and provide new park facilities for the community			
B. CONS: None Identified			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: (1) Memorandum of Understanding			
FUNDING SOURCE (Where Applicable): Donations			
RECOMMENDED ACTION: Approve a Memorandum of Understanding between the City of Brenham and Robbie Gail Charette related to a planned park development connecting Fireman’s Park and the Nancy Carol Roberts Memorial Library and authorize the Mayor to execute any necessary documentation			
APPROVALS: Terry K. Roberts			

**MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN THE CITY OF BRENHAM AND
ROBBIE GAIL CHARETTE FOR THE PLANNED PARK
DEVELOPMENT CONNECTING FIREMAN'S PARK AND THE NANCY
CAROL ROBERTS MEMORIAL LIBRARY IN HONOR OF "MICHAEL
MANSFIELD OWSLEY"**

Robbie Gail Charette desires to enter into this Memorandum of Understanding ("MOU") with the City of Brenham, Texas (herein after referred to as the "City") regarding the financial participation in a planned park improvement project and expansion of the City's Fireman's Park to include the new Nancy Carol Roberts Memorial Library grounds (herein after referred to as the "Project").

The intent of this MOU is to clarify Robbie Gail Charette's involvement in the Project, both financially and in terms of having a voice in the planning and design of the Project. This MOU also clarifies the City's commitment to the Project and provides written assurance that the funds donated by Robbie Gail Charette and/or her late husband's (Michael Mansfield Owsley) estate to the City will be exclusively dedicated to the Project.

As to this Project, the parties agree to the following:

- A. One hundred percent (100%) of the funds donated for this Project shall be placed in a separate capital improvement fund solely dedicated to the Project (the "Fund"). Further, the Project will be completed exclusively from donated funds honoring the life of Michael Mansfield Owsley. City staff will maintain financial statements and records documenting all donations to and expenditures out of the Fund, and the City shall make such statements available upon request.
- B. Expenditures from the Fund shall be used to pay for architectural services, playground construction, trail or path extension, fencing, lighting, landscaping and additional items specific to the area of Firemen's Park and the new Nancy Carol Roberts Memorial Library grounds associated with the Project.
- C. Robbie Gail Charette will have significant participation in the planning of the Project, including items such as layout, space utilization, décor, theme, design colors and style as well as the design and use of materials. All Project layouts, design and construction plans will be presented to the Parks Advisory Board for their input and final approval will be the responsibility of the City.
- D. Robbie Gail Charette agrees the Project Fund will be utilized to pay for the extension of the adjacent Fireman's Park land to the library grounds. This will be accomplished by extending the fencing from the park to the surrounding library grounds. It will also include the extension of the concrete trail from the park to the library facility. Additionally, the Project Fund will be

utilized to pay for a themed playground and an outside seating area adjacent to the playground area.

- E. The City will honor Robbie Gail Charette's late husband by naming the new playground after him. *The playground will be named the "Michael Mansfield Owsley Memorial Playground."*
- F. The funds required to complete the Project will be between \$600,000.00 and \$750,000.00, which is within the amount that has been pledged for the Project by Robbie Gail Charette. The Fund must have a balance of at least \$250,000.00 of donated funds before the design phase of the Project will be initiated. The remainder of the amount pledged for the Project shall be paid to the City and deposited in the Project Fund by December 1, 2015. This will help ensure the completion of the Project by the date of April 9, 2016 as requested by Robbie Gail Charette.
- G. Upon execution of this MOU and the deposit of at least \$250,000.00 into the Project Fund, the City can authorize the architect to begin work on the final plans for a project of this financial scope. The architect(s) will continue to work through this phase with the advice and input of City staff and Robbie Gail Charette.

The City greatly appreciates the generosity of Robbie Gail Charette and is honored to celebrate the life of Michael Mansfield Owsley. This initiative will connect the new Nancy Carol Roberts Memorial Library with Brenham's legacy Fireman's Park. Both of these community amenities have enriched the quality of life of the Brenham community and this Project honoring the life of Michael Mansfield Owsley will ensure the two amenities are enhanced and brought together for children to play, people to learn and families to flourish.

This Memorandum of Understanding has been prepared to ensure clarity of our working relationship on this worthwhile public endeavor.

Executed by the duly authorized undersigned persons representing the parties to this Memorandum of Understanding to be effective on the ___ day of _____.

City of Brenham

**Michael Mansfield Owsley
Memorial**

Mayor Milton Y. Tate, Jr.



Robbie Gail Charette

ATTEST:

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 11

DATE OF MEETING: November 5, 2015	DATE SUBMITTED: October 29, 2015	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Terry Roberts	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input checked="" type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Section 551.074 – Texas Government Code – Deliberation Regarding Personnel Matters – Discussion Regarding the Appointment and Compensation of a City Prosecutor for the Brenham Municipal Court, for an Unexpired Term Ending December 31, 2016		
SUMMARY STATEMENT: To be discussed in Executive Session.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: None		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION:		
APPROVALS: Milton Y. Tate, Jr.		



AGENDA ITEM 12

DATE OF MEETING: November 5, 2015	DATE SUBMITTED: October 29, 2015	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Terry Roberts	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input checked="" type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Section 551.074 – Texas Government Code – Personnel Matters – Discuss and Consider City Manager’s Employment Agreement and Related Issues		
SUMMARY STATEMENT: To be discussed in Executive Session.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: None		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION:		
APPROVALS: Milton Y. Tate, Jr.		



AGENDA ITEM 13

DATE OF MEETING: November 5, 2015	DATE SUBMITTED: October 29, 2015	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Terry Roberts	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon City Manager's Employment Agreement and Related Issues		
SUMMARY STATEMENT: To be discussed in Executive Session.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: None		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: As discussed in Executive Session.		
APPROVALS: Milton Y. Tate, Jr.		



AGENDA ITEM 14

DATE OF MEETING: November 5, 2015		DATE SUBMITTED: October 29, 2015
DEPT. OF ORIGIN: Administration		SUBMITTED BY: Terry Roberts
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Appointment and Compensation of a City Prosecutor for the Brenham Municipal Court, for an Unexpired Term Ending December 31, 2016		
SUMMARY STATEMENT: To be discussed in Executive Session.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: None		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: As discussed in Executive Session.		
APPROVALS: Milton Y. Tate, Jr.		