



**NOTICE OF A REGULAR MEETING  
THE BRENHAM CITY COUNCIL  
THURSDAY, MARCH 24, 2016 AT 1:00 P.M.  
SECOND FLOOR CITY HALL  
COUNCIL CHAMBERS  
200 W. VULCAN  
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – City Attorney Cary Bovey**
- 3. Special Presentation**
  - **2015 Texas Association of Public Pool Council Awards**
- 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 February 18, 2016 Regular City Council Meeting**      **Pages 1-6**

**PUBLIC HEARING**

- 6. Public Hearing to Consider an Amendment of the City of Brenham’s “Envision 2020” Comprehensive Plan Future Land Use Map to Change the District From a Recreational/Open Space District to a Multifamily District on a Tract of Land Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas**      **Pages 7-11**

7. **Public Hearing to Consider an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning District From a Single Family Residential Use (R-1) District to a Mixed Residential Use (R-2) District on a Tract of Land Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas** **Pages 12-22**
8. **Public Hearing to Consider an Amendment of Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Allow a Multifamily Development on a Site of Two (2) or More Acres of Land Being Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas** **Pages 23-33**
9. **Public Hearing to Consider an Amendment of the City of Brenham’s “Envision 2020” Comprehensive Plan Future Land Use Map to Change the District From a Recreational/Open Space District to a Commercial/Retail District on a Tract of Land Described as 2.119 Acres Out of the Phillip Coe Survey, A-31, Located at the Northwest Corner of the Intersection of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas** **Pages 34-38**
10. **Public Hearing to Consider an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Single Family Residential Use (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a Tract of Land Described as 2.119 Acres Out of the Phillip Coe Survey, A-31, Located on the Northwest Corner of the Intersection of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas** **Pages 39-48**

#### **REGULAR SESSION**

11. **Discuss and Possibly Act Upon Resolution No. R-16-010 Providing for an Amendment to the City of Brenham’s “Envision 2020” Comprehensive Plan Future Land Use Map to Change the District From Recreational/Open Space District to a Multifamily District on a Tract of Land Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas** **Pages 49-52**
12. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District From a Single Family Residential Use (R-1) District to a Mixed Residential Use (R-2) District on a Tract of Land Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas** **Pages 53-57**

13. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Allow a Multifamily Development on a Site of Two (2) or More Acres of Land Being Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas** **Pages 58-63**
14. **Discuss and Possibly Act Upon Resolution No. R-16-011 Providing for an Amendment to the City of Brenham’s “Envision 2020” Comprehensive Plan Future Land Use Map to Change the District From a Recreational/Open Space District to a Commercial/Retail District on a Tract of Land Described as 2.119 Acres Out of the Phillip Coe Survey, A-31, Located at the Northwest Corner of the Intersection of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas** **Pages 64-67**
15. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Single Family Residential Use (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a Tract of Land Described as 2.119 Acres Out of the Phillip Coe Survey, Located on the Northwest Corner of the Intersection of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas** **Pages 68-72**
16. **Discuss and Possibly Act Upon Concurrent Change Order No. 1, Change Order No. 2, Change Order No. 3 (Reconciliation) and Authorize Final Payment to Mercer Construction Company for the 2015 Water Distribution System Improvements and Authorize the Mayor to Execute Any Necessary Documentation** **Pages 73-85**
17. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 6, Buildings and Structures, Article VI, International Plumbing Code, of the Code of Ordinances of the City of Brenham** **Pages 86-89**
18. **Discuss and Possibly Act Upon the Purchase of Two (2) Remote Tire Deflation Devices for the Police Department Using Seized Narcotic Funds and Authorize the Mayor to Execute Any Necessary Documentation** **Pages 90-91**
19. **Discuss and Possibly Act Upon a Two Percent (2%) Mid-Year Employee Pay Scale Adjustment** **Pages 92-94**
20. **Discuss and Possibly Act Upon Resolution No. R-16-012 Approving Retail Development Incentive Guidelines for the City of Brenham** **Pages 95-104**
21. **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 March 24, 2016 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 March 21, 2016 at **12:15 PM**.

*Kacey A. Weiss*

Deputy City Secretary

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

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the \_\_\_\_\_ day of \_\_\_\_\_, 2016 at \_\_\_\_\_ AM PM.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on February 18, 2016 beginning at 4:00 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, Fire Chief Ricky Boeker, Police Chief Craig Goodman, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Manager Erik Smith, Lori Lakatos, and Captain Lloyd Powell

### Citizens present:

Ben Seeker, Don Holley, Page Michel, Kirk Hanath and Clint Kolby

### Media Present:

Arthur Hahn, Brenham Banner Press; and Codi Rynn, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – City Manager Terry Roberts**

**3. Citizens Comments**

Mr. Ben Seeker introduced his grandson. His grandson has been learning about city government in school and wanted to meet the Mayor.

**CONSENT AGENDA**

**4. Statutory Consent Agenda**

**4-a. Minutes from January 21, 2016 Regular City Council Meeting**

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve the Statutory Consent Agenda Item 4-a. 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

**REGULAR AGENDA**

**5. Discuss and Possibly Act Upon an Ordinance on its First Reading Authorizing the Placement of a Stop Sign on Key Street at Its Intersection with West Chauncy Street**

Public Works Director Dane Rau presented this item. Rau explained that currently at this intersection there are two yield signs that are placed on Key Street. Rau stated that Staff would like to remove the yield signs and place stop signs at this location. Rau advised that a traffic study was conducted and warranted a stop sign being placed at this intersection.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve an Ordinance on its first reading authorizing the placement of a stop sign on Key Street at its intersection with West Chauncy 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

**6. Discuss and Possibly Act Upon an Ordinance on its First Reading Authorizing the Placement of a Stop Sign on Key Street at Its Intersection with West Mansfield Street**

Public Works Director Dane Rau presented this item. Rau explained that currently at this intersection there are two yield signs that are placed on Key Street. Rau stated that Staff would like to remove the yield signs and place stop signs at this location. Rau noted that Staff did receive a request to make West Mansfield/Key Street into a 4-way stop. Rau advised that a study was done by the Police Department and even though the traffic count was high for a 14 day period (approximately 6,000 vehicles), the survey did not indicate a speeding problem. Rau stated that he consulted with the City Engineer and Staff does not believe that a 4-way stop sign is warranted at this time.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve an Ordinance on its first reading authorizing the placement of a stop sign on Key Street at its intersection with West Mansfield 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

**7. Discuss and Possibly Act Upon Resolution No. R-16-007 Authorizing the Placement of a Retired F-111 Military Aircraft in a City of Brenham Park**

Public Works Director Dane Rau presented this item. Rau explained that citizens Don Holley and Ben Seeker have contacted staff about bringing a retired F-111 aircraft, which is currently owned by the Air Force, to Brenham. Rau stated that Mr. Holley and Mr. Seeker would like to organize the efforts to obtain this aircraft and place it in our city parkland for display.

Rau advised that Staff has been working with Mr. Holley and Mr. Seeker to locate an area that would be suitable for this aircraft if it was obtained. Rau stated that this item was presented to the Parks Board with three areas to consider. Rau explained that the Parks Board recommends the site in Henderson Park and staff agrees with that recommendation. Rau explained to the Council that in order for Mr. Holley to move forward with his submittal to the Air Force, he will need Council's approval for the aircraft along with a designated site. Rau noted that if the aircraft is awarded to the City, Mr. Holley plans to fundraise and receive donations for all aspects related to the relocation, refurbishing, transporting, and set-up of the aircraft.

Councilmember Williams thanked Mr. Holley, Mr. Seeker, and city staff for their efforts to locate the aircraft in Henderson Park.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve Resolution No. R-16-007 authorizing the placement of a Retired F-111 Military Aircraft in a City of Brenham 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

**8. Discuss and Possibly Act Upon Resolution No. R-16-008 Re-Adopting the Guidelines and Criteria for Granting Tax Phase-In in a Reinvestment Zone Created in the City of Brenham**

Project Manager with the Brenham Economic Development Foundation Clint Kolby presented this item. Kolby stated that the Tax Phase-In Policy (Policy) expired on January 15, 2016, and needs to be re-adopted for another two years. Kolby explained that tax phase-in is a partial, temporary exemption from ad valorem taxes with the City of Brenham and/or Washington County and is used to help offset the initial development costs for a company looking to expand or relocate their operations to Brenham.

Kolby advised that a group of representatives from the City of Brenham, Washington County, Washington County Appraisal District and Brenham Economic Development Foundation met several times over the past couple of months to review and made a few changes to the Policy.

A motion was made by Councilmember Herring and seconded by Barnes-Tilley to approve Resolution No. R-16-008 re-adopting the guidelines and criteria for granting tax phase-in in a reinvestment zone created in the City of Brenham.

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

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

**9. Discuss and Possibly Act Upon a Recommendation for an Appointment to the Main Street Board**

City Manager Terry Roberts presented this item. Roberts advised Council that Dr. Walter Jackson, the BISD School Superintendent, has requested appointment to the Main Street Board. Roberts requested that the Council approve his appointment.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve the appointment of Dr. Walter Jackson to the Main Street Board, with the term to expire in December 2018.

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. Administrative/Elected Officials Report**

City Manager Terry Roberts reported on the following:

- The pre-budget meeting was scheduled for April 25<sup>th</sup>, but has been moved to May 2<sup>nd</sup>.
- The Retail Steering Committee (Retail Coach) will have a meeting on March 1<sup>st</sup>.
- The Animal Shelter Task Force met on February 17<sup>th</sup> at the facility and did a walk-thru.
- There was a citizen at the last meeting that expressed concerns about various city-related issues. Staff will be meeting with him on February 26<sup>th</sup> to address his concerns.

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

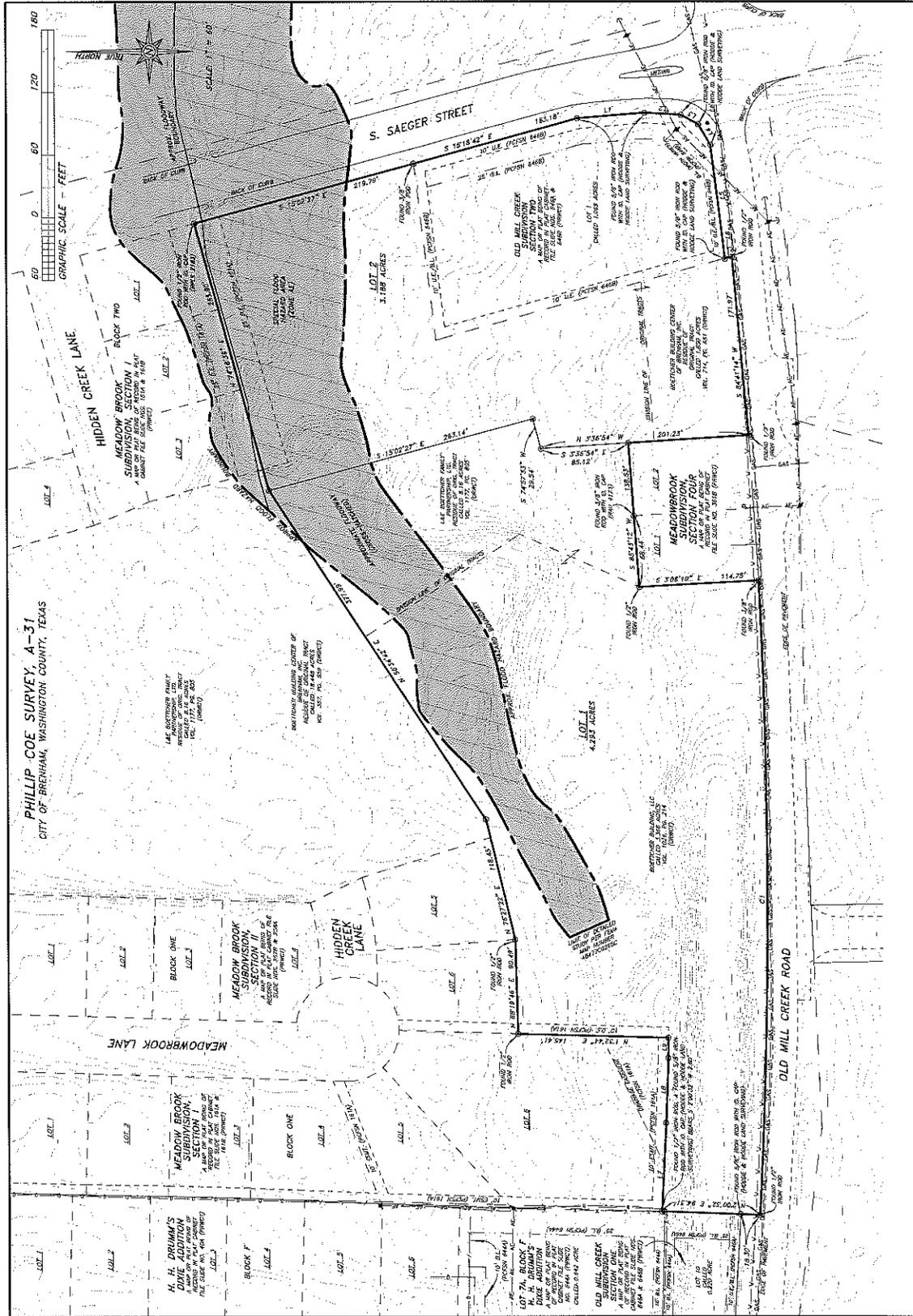
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Kacey A. Weiss  
Deputy City Secretary



**AGENDA ITEM 6**

<b>DATE OF MEETING:</b> March 24, 2016		<b>DATE SUBMITTED:</b> March 17, 2016	
<b>DEPT. OF ORIGIN:</b> Development Services		<b>SUBMITTED BY:</b> Erik Smith	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>	
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING	
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING	
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION	
	<input type="checkbox"/> WORK SESSION		
<b>AGENDA ITEM DESCRIPTION:</b> Public Hearing to Consider an Amendment of the City of Brenham’s “Envision 2020” Comprehensive Plan Future Land Use Map to Change the District From a Recreational/Open Space District to a Multifamily District for a Tract of Land Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas			
<b>SUMMARY STATEMENT:</b> This is a request for an amendment to the “Envision 20/20” Comprehensive Plan. The specific parcel is a tract of land described as 4.293 acres of land on the north side of Old Mill Creek Road out of the Phillip Coe Survey in Brenham, Washington County, Texas. The current district as designated by the Comprehensive Plan is Recreation/Open Space. The City of Brenham is requesting the Comprehensive Plan be amended to designate this parcel as a Multifamily District. The Comprehensive Plan is a document the City uses to help guide planning and future zoning changes for future growth. To follow best practices it would be ideal to change the comprehensive plan when a rezoning request is made so the two maps do not conflict with one another.			
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>			
A. <b>PROS:</b> Keeps the Comprehensive Plan Map and Zoning Map from conflicting with one another.			
B. <b>CONS:</b>			
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>			
<b>ATTACHMENTS:</b> (1) Survey; (2) Comp Plan Exhibit; and (3) Comprehensive Plan Future Land Use Map			
<b>FUNDING SOURCE (Where Applicable):</b>			
<b>RECOMMENDED ACTION:</b> Public Hearing only – no action required.			
<b>APPROVALS:</b> Terry K. Roberts			

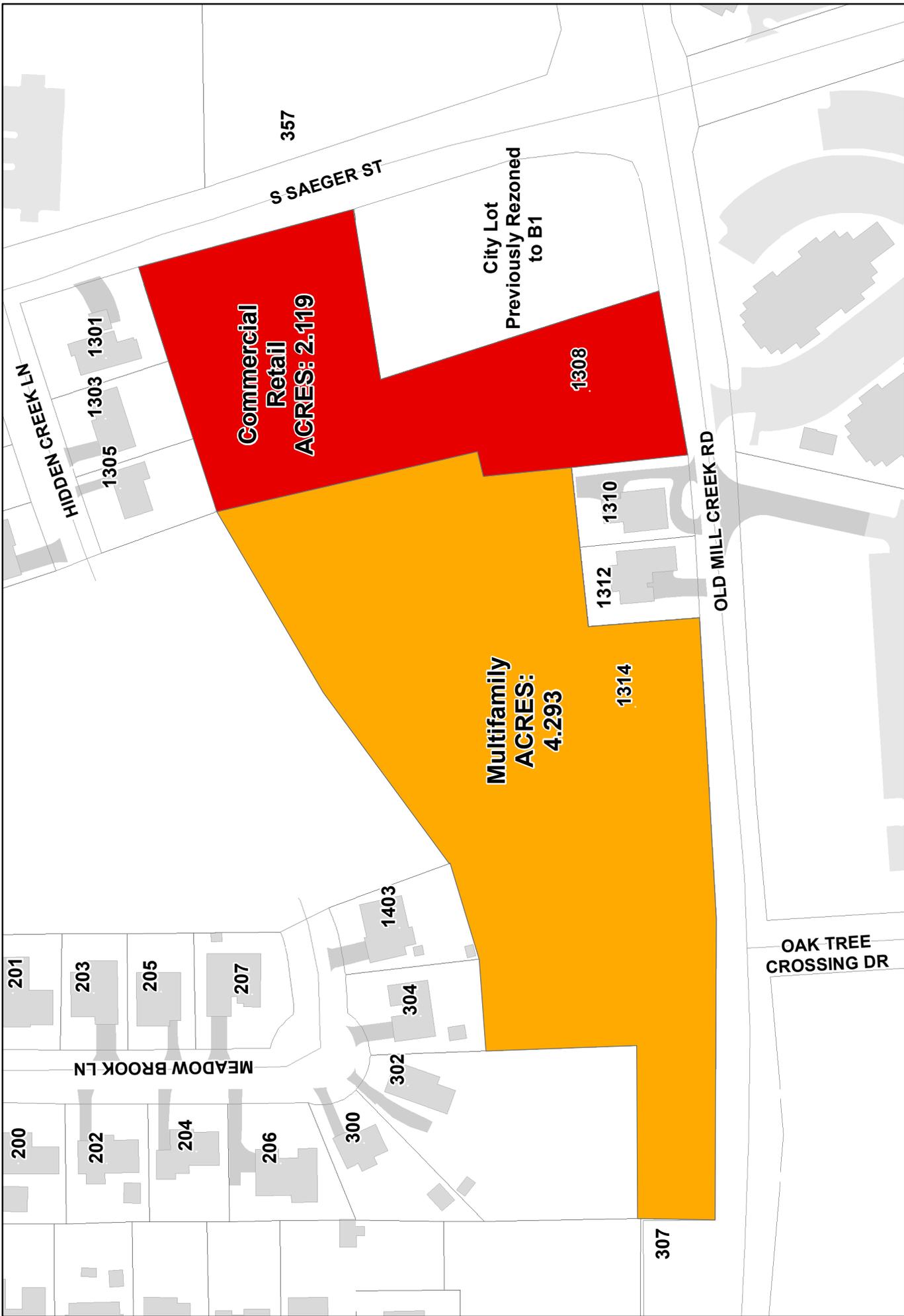


**(PRELIMINARY)**  
JON E. HODDE, PLS. NO. 5187  
THE PURPOSE OF THIS DOCUMENT IS FOR  
PRELIMINARY REVIEW ONLY.  
BE RECORDED FOR ANY PURPOSE.

**BLINN MILL CREEK SUBDIVISION**  
BEING OUT OF THE PHILLIP COE SURVEY, A-31  
CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS  
CONSISTING OF 1 RESIDENTIAL LOT (LOT 1) AND 1 COMMERCIAL LOT (LOT 2)  
7.481 TOTAL ACRES IN SUBDIVISION  
DATE: FEBRUARY 4, 2016

H. G. NO. 7029 (CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS) REC. COMMERCIAL  
**Hodde & Hodde Land Surveying, Inc.**  
Professional Land Surveying  
613 E. Blue Bell Road • Brenham, Texas 77833  
979-836-5681 • 979-836-5683 (fax)  
www.hoddesurveying.com





1 inch = 125 feet



# Blinn Mill Creek Subdivision "Comp Plan Exhibit"



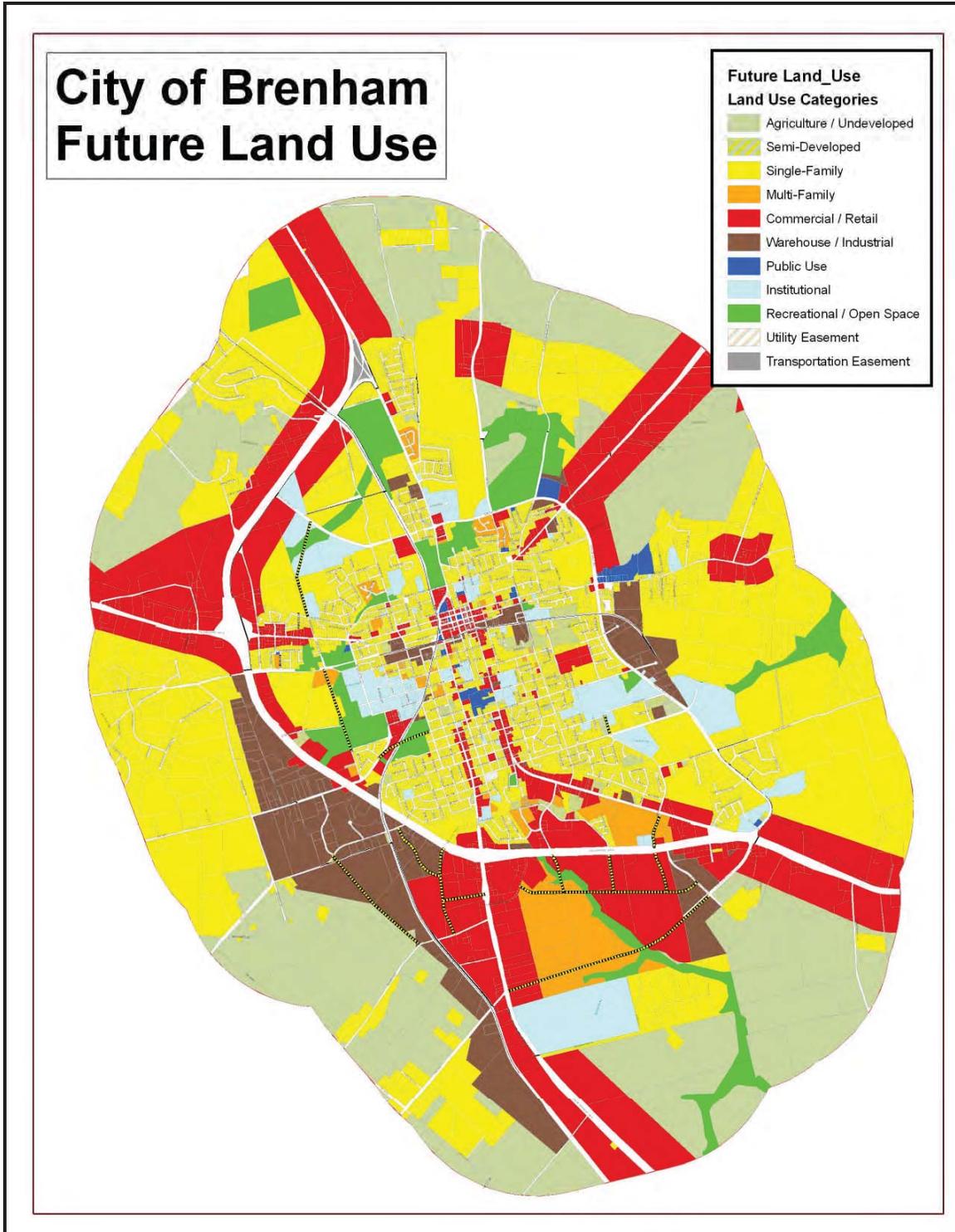


Illustration 6-5: The Future Land Use map for the City of Brenham illustrates desired growth patterns over the next 15 to twenty years.



## AGENDA ITEM 7

<b>DATE OF MEETING:</b> March 24, 2016	<b>DATE SUBMITTED:</b> March 17, 2016	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Erik Smith	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Public Hearing to Consider an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning District From a Single Family Residential Use (R-1) District to a Mixed Residential Use (R-2) District on a Tract of Land Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas		
<b>SUMMARY STATEMENT:</b> Mill Creek Saeger, LLC. has requested a zone change for property on the north side of Old Mill Creek which consists of 4.293 acres of land. The land is currently zoned R-1 single family residential and the request is to change the zoning to R-2 Mixed Residential. This type of change would allow for multifamily apartment complexes.		
<p>The applicant is applying with permission from the property owner. Sale of the land is pending depending on results of the applicant's multiple requests including this item. The apartments proposed would be open to the public but would likely house mostly Blinn students. Staff received a protest for the related zone change request for this item. There were multiple concerns that were raised to staff at the Planning and Zoning public hearing which included increased drainage, privacy, allowing a three story building, decreased property values, increased traffic, clearing of vegetation and parking lots in backyards. Staff explained to the public at this time this was a land use matter and that we have not received an approvable site plan, civil drawings or construction drawings at this point because the applicant wants to know if the land use will be approved prior to spending money on those items. We explained there are existing rules the applicant would be required to follow as all applicants are required.</p> <p>Staff does support this item for multiple reasons:</p> <ul style="list-style-type: none"> <li>- This is considered transitional zoning, and;</li> <li>- Thoroughfares support this type of development, and;</li> <li>- This request does not change the makeup of the area as a whole due to the fact there are apartments or are apartments in the planning stages for all four corners of this intersection, and;</li> <li>- This will add to economic development.</li> </ul>		

The Planning and Zoning Commission asked staff to bring to City Councils attention they would like Old Mill Creek prioritized as a road improvement project to help accommodate this request. The width of the asphalt, 24', is in line with a minor collector for the area near this development but curbs would need to be added to bring this into compliance with what the design standards shows for a minor collector street. The portion of Old Mill Creek on the west side of Highway 290 is not a minor collector and is not 24' in width.

**Comprehensive Plan Compliance**

The Envision 20/20 Comprehensive Plan lists this property as Recreational/Open Space. The current zoning for this property is R-1 – Single Family District. These two documents are in direct conflict with one another. Both of these issues are on the agenda as requests to align the documents so there is not conflict.

**Thoroughfare Plan Compliance**

Old Mill Creek Road is classified as a Minor Collector.

South Saeger Street is considered a Major Collect.

Both of these types of street classification would support this type of use.

**Public Concerns**

Staff has received a protest from neighboring property owners for the zone change request for this property. The protest did not meet minimum requirements to require a super majority of the Council for approval. Staff was informed the protesters were going to try and gather more signatures after the Planning and Zoning because more people were made aware of the protest. Once they were able to do so they were going to resubmit the request to try and achieve the requirements for the protest to be valid. At the time of this staff report that protest has not been received.

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

**A. PROS:** Allow for additional multifamily residential to accommodate students and provide options for people desiring to live in multifamily residences.

**B. CONS:** Neighboring property owners have submitted a protest to the zoning directly tied to the SUP in opposition of this type of development.

**ALTERNATIVES (In Suggested Order of Staff Preference):**

**ATTACHMENTS:** (1) General Application; (2) Owner Authorization Letter; (3) Land Plan; (4) Site Survey; and (5) Zoning Exhibit

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

**RECOMMENDED ACTION:** No action required - Public Hearing only

**APPROVALS:** Terry K. Roberts



For office use only

APPLICATION NO. \_\_\_\_\_

MEETING DATE: 3-7-16

DATE SUBMITTED: 2/12/14

*pd #100  
v#1002  
rec#00972825*

**CITY OF BRENHAM**  
**GENERAL APPLICATION**

**Type of Application**

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

**Property Owners Information**

Name L&E Boettcher Family Partnership, Ltd/Boettcher Building LLC

Principal Officers (If Corporation) President Ben Boettcher

Secretary N/A

Address 1702 S. Market Street, Brenham, TX 77833

Telephone Number 979-836-0523 E-mail Address ben@bbe-architects.com

**Applicant Information**

Name Blinn Mill Creek LLC

Address 7058 Lakeview Haven Dr #113 Houston, TX 77095

Telephone Number 713-690-1000 E-mail Address marcmillis@yahoo.com

**Agent or Engineer Information**

Name N/A

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_ E-mail Address \_\_\_\_\_

**Location of Property**

Street Address: NWC Saeger Street and Old Mill Creek Road

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

Subdivision: Blinn Mill Creek Block(s): \_\_\_\_\_ Lot(s): 1

**Zoning Information**

Existing Zoning: R-1 - Single Family

Proposed Zoning: R-2 - Multi-Family

Reasons for requesting zone change:\* Applicant proposes to construct apartment housing on the property.

**Variance Information**

Section of Code from which variance is described:\* \_\_\_\_\_

Describe variance requested:\* \_\_\_\_\_

Reasons for requesting variance:\* \_\_\_\_\_

**Proposed Property Use**

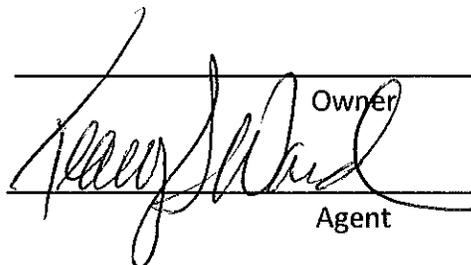
Describe in detail the proposed operation at this location:\*

Apartment housing.

**Construction Value** \$ TBD

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

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

 Owner  
Agent

## Blinn Mill Creek LLC

7058 Lakeview Haven Dr #113

Houston, TX 77095

713.690.1000 tele | 281.856.0443 fax | tward100@aol.com

February 15, 2016

City of Brenham  
Planning & Zoning Commission  
200 W. Vulcan  
Brenham, TX 77833

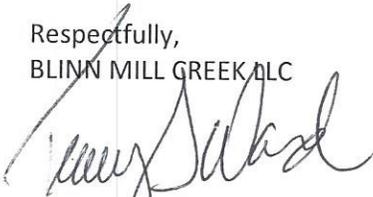
RE: Specific Use Permit

Dear Chairperson:

Blinn Mill Creek LLC respectfully requests to be placed on the March 7, 2016 Planning and Zoning Commission Agenda for the rezoning of two (2) or more acres out of from existing R-1, Single Family to R-2 Multi-Family. The site is located at the NWC of Saeger Street and Old Mill Creek Road. Our intention is construct new apartment housing.

If we can provide any additional information, please do not hesitate to contact us.

Respectfully,  
BLINN MILL CREEK LLC



Terry S. Ward  
Member

# BBA Architects LP

---

October 6, 2015

Mr. Erik Smith, Development Services Manager  
City of Brenham  
200 West Vulcan Street  
Brenham, Texas 77833

Dear Erik:

I have entered into Sales Contracts on property in the Meadowbrook Subdivision, in the City of Brenham with Marc Millis and Terry Ward d/b/a T&M Properties. See attached map. The property is currently zoned as R-1 Residential Single Family. The future owners desire to develop the property for multi-family units and thereby request the area to be rezoned as R-2 Mixed Residential.

We hereby authorize T&M Properties to act as our agent in requesting a zoning amendment for the property.

Sincerely,

L&E Boettcher Family Partnership, Ltd.  
by and through its general partner,  
B & B Square, L.L.C.

Boettcher Building, LLC

  
Ben E. Boettcher

  
Ben E. Boettcher

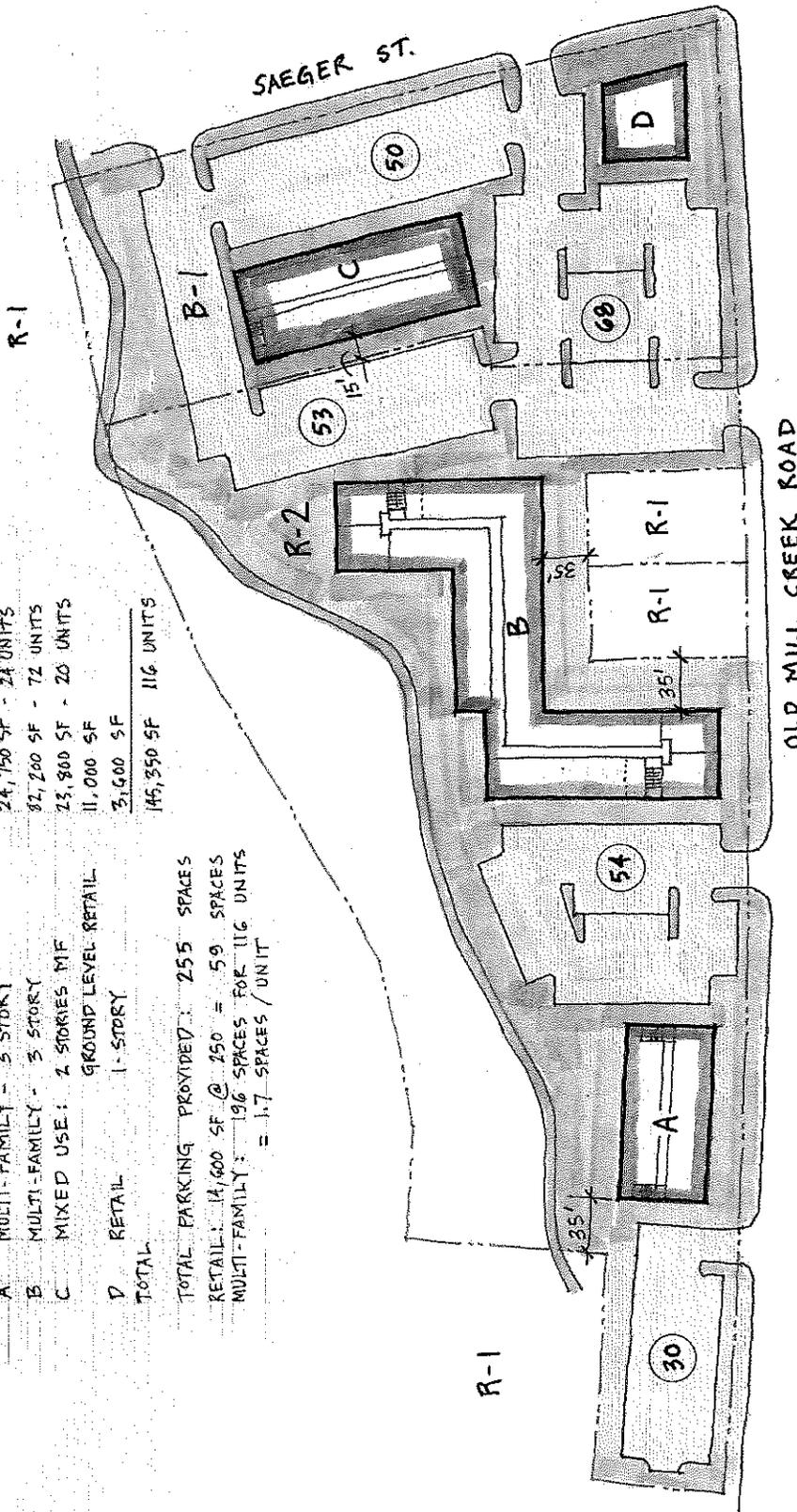
CC: Mark Millis



### DEVELOPMENT PROGRAM

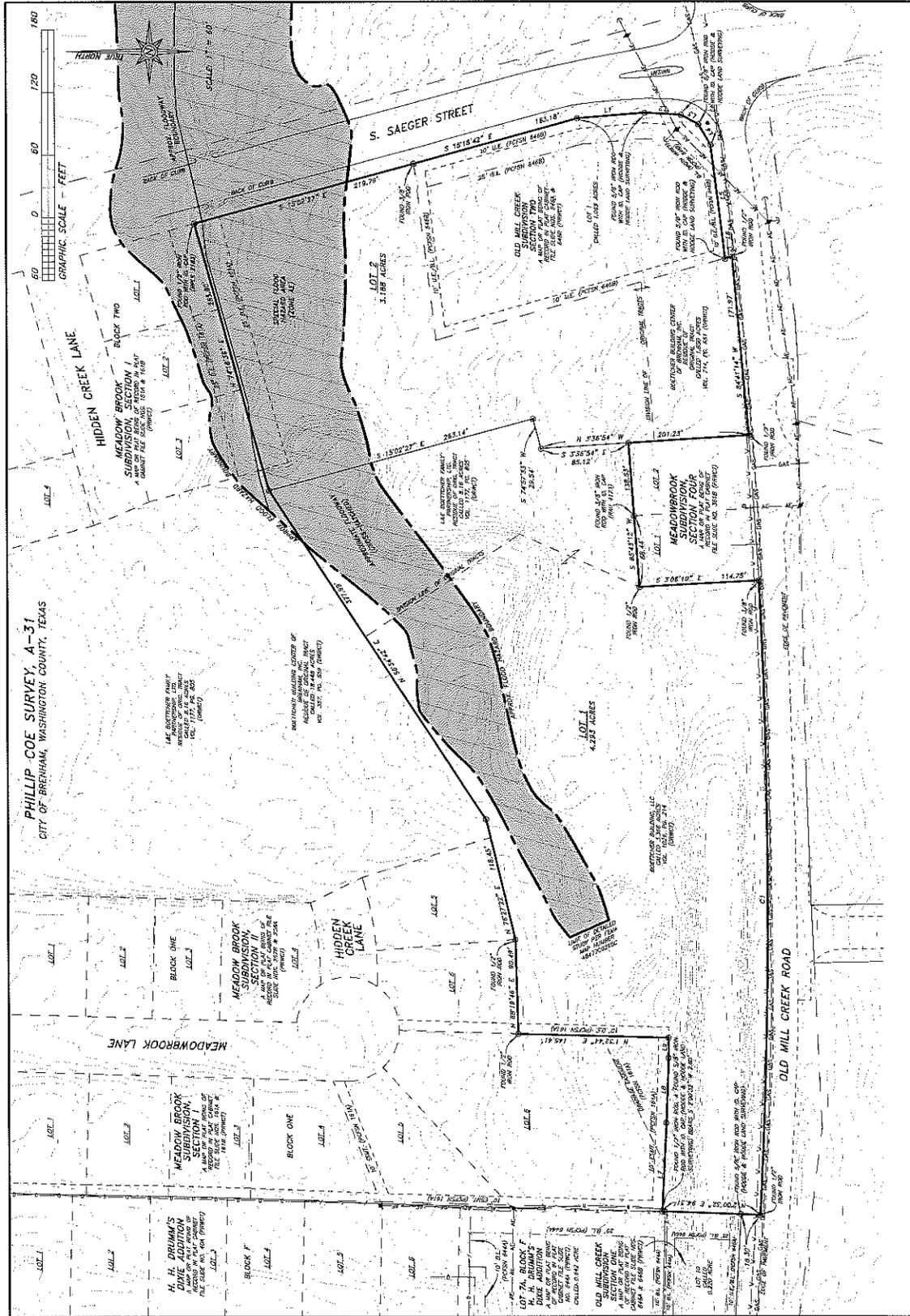
BLDG. DESCRIPTION	AREA
A MULTI-FAMILY - 3 STORY	24,750 SF - 24 UNITS
B MULTI-FAMILY - 3 STORY	82,200 SF - 72 UNITS
C MIXED USE: 2 STORES MIF GROUND LEVEL RETAIL	23,900 SF - 20 UNITS
D RETAIL 1-STORY	11,000 SF
TOTAL	3,400 SF
	145,350 SF 116 UNITS

TOTAL PARKING PROVIDED: 255 SPACES  
 RETAIL: 14,600 SF @ 250 = 59 SPACES  
 MULTI-FAMILY: 196 SPACES FOR 116 UNITS  
 = 1.7 SPACES / UNIT



N

BLINN MIXED USE  
 SCALE: 1" = 80'-0"

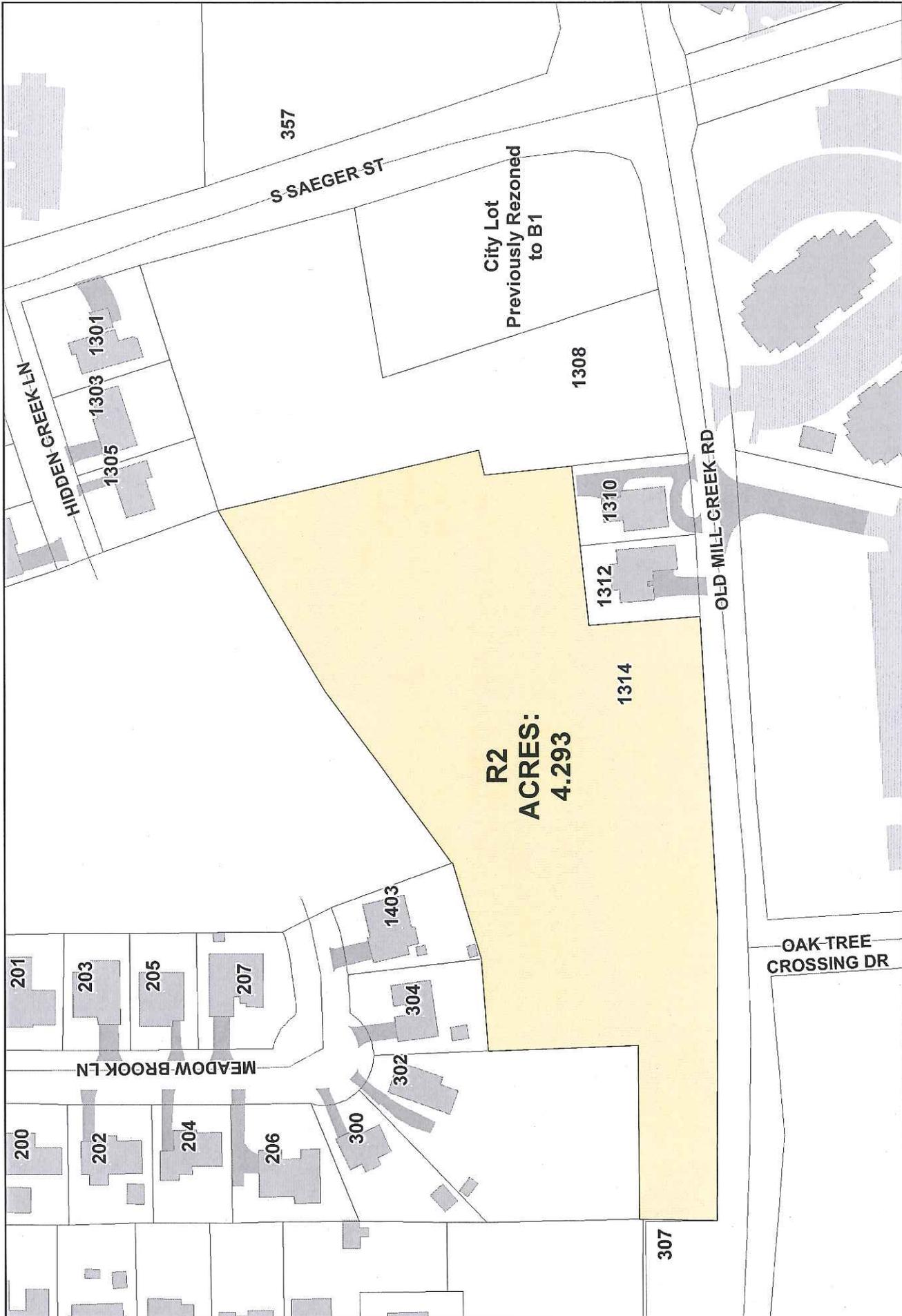


**(PRELIMINARY)**  
 JON E. HODDE, PLS. NO. 5187  
 THE PURPOSE OF THIS DOCUMENT IS FOR  
 PRELIMINARY REVIEW ONLY.  
 BE RECORDED FOR ANY PURPOSE.

**BLINN MILL CREEK SUBDIVISION**  
 BEING OUT OF THE PHILLIP COE SURVEY, A-31  
 CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS  
 CONSISTING OF 1 RESIDENTIAL LOT (LOT 1) AND 1 COMMERCIAL LOT (LOT 2)  
 7.481 TOTAL ACRES IN SUBDIVISION  
 DATE: FEBRUARY 4, 2016

H. G. NO. 7029 (CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS) REC. COMMERCIAL  
**Hodde & Hodde Land Surveying, Inc.**  
 Professional Land Surveying  
 613 E. Blue Ball Road · Brenham, Texas 77833  
 979-836-5681 · 979-836-5683 (fax)  
 www.hoddesurveying.com





1 inch = 125 feet



## Blinn Mill Creek Subdivision "Zoning Exhibit R2"





## AGENDA ITEM 8

<b>DATE OF MEETING:</b> March 24, 2016	<b>DATE SUBMITTED:</b> March 17, 2016	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Erik Smith	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Public Hearing to Consider an Amendment of Appendix A - “Zoning” of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Allow a Multifamily Development on a Site of Two (2) or More Acres of Land Being Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas		
<b>SUMMARY STATEMENT:</b> Mill Creek Saeger, LLC. has requested a special use permit (SUP) for a 4.293 acre tract of land on the north side of Old Mill Creek Road being 4.293 acres out of the Phillip Coe Survey in the City of Brenham to allow for a multifamily development on 2 acres of land or more. The applicant is applying with permission from the property owner. Sale of the land is pending the results of the applicants multiple requests including this item. The apartments proposed would be open to the public but would likely house mostly Blinn students. Staff received a protest for the related zone change request for this item. Privacy for the existing neighboring homeowners was a concern. Staff made a recommendation to the Planning and Zoning Commission to place restrictions on the 20’ buffer yard requirement to require the applicant to keep vegetation in place during the construction period or replace existing vegetation with trees after vegetation for the entire 20’ buffer yard abutting any single family residential district. Under current existing ordinances the applicant could build a parking lot into the buffer yard with only 20% of the outermost portion of the buffer to remain vegetation which could simply be grass. This would amount to as little as a four foot buffer separation between the new development and existing single family residential. With the condition the applicant would require to leave the 20’ buffer with trees and in the instance of a large established tree being removed could even be required to plant 2 – 3 trees in its place depending on size.		
A summary of the tree replacement condition listed in the ordinance is:		
<ul style="list-style-type: none"> <li>- Replacement trees shall be required if existing trees are removed during construction, unless the tree caliper size is less than 3.00 inches. Trees with a caliper size of less than 3.00 inches will not be required to be replaced.</li> <li>- A tree with a caliper size of 3.00 inches to 8.00 inches shall remain in place or be replaced with a tree having a caliper size within the same size range if removed during construction.</li> </ul>		

- A tree with a caliper size of more than 8.00 inches to 12.00 inches shall remain in place, or if removed: 1) be replaced with a tree having a caliper size within the same size range; or 2) be replaced with two (2) trees having a caliper size of 3.00 inches to 8.00 inches.
- A tree with a caliper size of more than 12.00 inches and above shall remain in place, or if removed: 1) be replaced with a tree having a caliper size within the same size range; 2) be replaced with two (2) trees having a caliper size of more than 8.00 inches to 12.00 inches or 3) be replaced with three (3) trees having a caliper size of 3.00 inches to 8.00 inches.

Without a Special Use Permit for this land the property would not allow for this type of development to occur. Lower density units such as cluster housing, group residential, multifamily on two acres or less and duplexes are types of multifamily that are allowed “by right”.

**Comprehensive Plan Compliance**

The Envision 20/20 Comprehensive Plan lists this property as Recreational/Open Space. The current zoning for this property is R-1 – Single Family District. These two documents are in direct conflict with one another. Both of these issues are on the agenda as requests to align the documents so there is not conflict.

**Thoroughfare Plan Compliance**

Old Mill Creek Road is classified as a Minor Collector.

South Saeger Street is considered a Major Collect.

Both of these types of street classification would support this type of use.

**Public Concerns**

Staff has received a protest from neighboring property owners for the zone change request for this property. The SUP was not part of the protest but would be affected if the zone change request is not approved. If the zone change request is not approve the applicant would not be allowed to request the SUP for this property. The protest did not meet minimum requirements to require a super majority of the Council for approval. Staff was informed the protesters were going to try and gather more signatures after the Planning and Zoning because more people were made aware of the protest. Once they were able to do so they were going to resubmit the request to try and achieve the requirements for the protest to be valid. At the time of this staff report that protest has not been received.

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

**A. PROS:** Allow for additional multifamily residential to accommodate students and provide options for people desiring to live in multifamily residences.

**B. CONS:** Neighboring property owners have submitted a protest to the zoning directly tied to the SUP in opposition of this type of development.

**ALTERNATIVES (In Suggested Order of Staff Preference):**

**ATTACHMENTS:** (1) General Application (2) Owner authorization letters; (3) Land Plan (4) Site Survey; and (5) Zoning Exhibit

**FUNDING SOURCE (Where Applicable):**

**RECOMMENDED ACTION:** No action required – Public Hearing only.

**APPROVALS:** Terry K. Roberts



For office use only

APPLICATION NO. \_\_\_\_\_

MEETING DATE: 3-7-16

DATE SUBMITTED: 2/12/14

*pd #100  
v#1002  
rec#00972825*

**CITY OF BRENHAM**  
**GENERAL APPLICATION**

**Type of Application**

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

**Property Owners Information**

Name L&E Boettcher Family Partnership, Ltd/Boettcher Building LLC  
Principal Officers (If Corporation) President Ben Boettcher  
Secretary N/A  
Address 1702 S. Market Street, Brenham, TX 77833  
Telephone Number 979-836-0523 E-mail Address ben@bbe-architects.com

**Applicant Information**

Name Blinn Mill Creek LLC  
Address 7058 Lakeview Haven Dr #113 Houston, TX 77095  
Telephone Number 713-690-1000 E-mail Address marcmillis@yahoo.com

**Agent or Engineer Information**

Name N/A  
Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_ E-mail Address \_\_\_\_\_

**Location of Property**

Street Address: NWC Saeger Street and Old Mill Creek Road

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

Subdivision: Blinn Mill Creek Block(s): \_\_\_\_\_ Lot(s): 1

**Zoning Information**

Existing Zoning: R-1 - Single Family

Proposed Zoning: R-2 - Multi-Family

Reasons for requesting zone change:\* Applicant proposes to construct apartment housing on the property.

**Variance Information**

Section of Code from which variance is described:\* \_\_\_\_\_

Describe variance requested:\* \_\_\_\_\_

Reasons for requesting variance:\* \_\_\_\_\_

**Proposed Property Use**

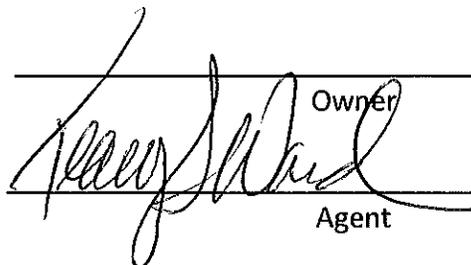
Describe in detail the proposed operation at this location:\*

Apartment housing.

**Construction Value** \$ TBD

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

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

 Owner  
Agent

## Blinn Mill Creek LLC

7058 Lakeview Haven Dr #113

Houston, TX 77095

713.690.1000 tele | 281.856.0443 fax | tward100@aol.com

February 15, 2016

City of Brenham  
Planning & Zoning Commission  
200 W. Vulcan  
Brenham, TX 77833

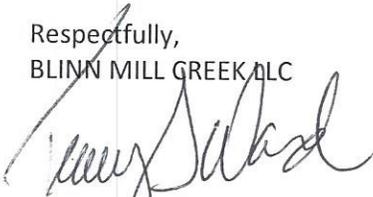
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Respectfully,  
BLINN MILL CREEK LLC



Terry S. Ward  
Member

# BBA Architects LP

---

October 6, 2015

Mr. Erik Smith, Development Services Manager  
City of Brenham  
200 West Vulcan Street  
Brenham, Texas 77833

Dear Erik:

I have entered into Sales Contracts on property in the Meadowbrook Subdivision, in the City of Brenham with Marc Millis and Terry Ward d/b/a T&M Properties. See attached map. The property is currently zoned as R-1 Residential Single Family. The future owners desire to develop the property for multi-family units and thereby request the area to be rezoned as R-2 Mixed Residential.

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Sincerely,

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by and through its general partner,  
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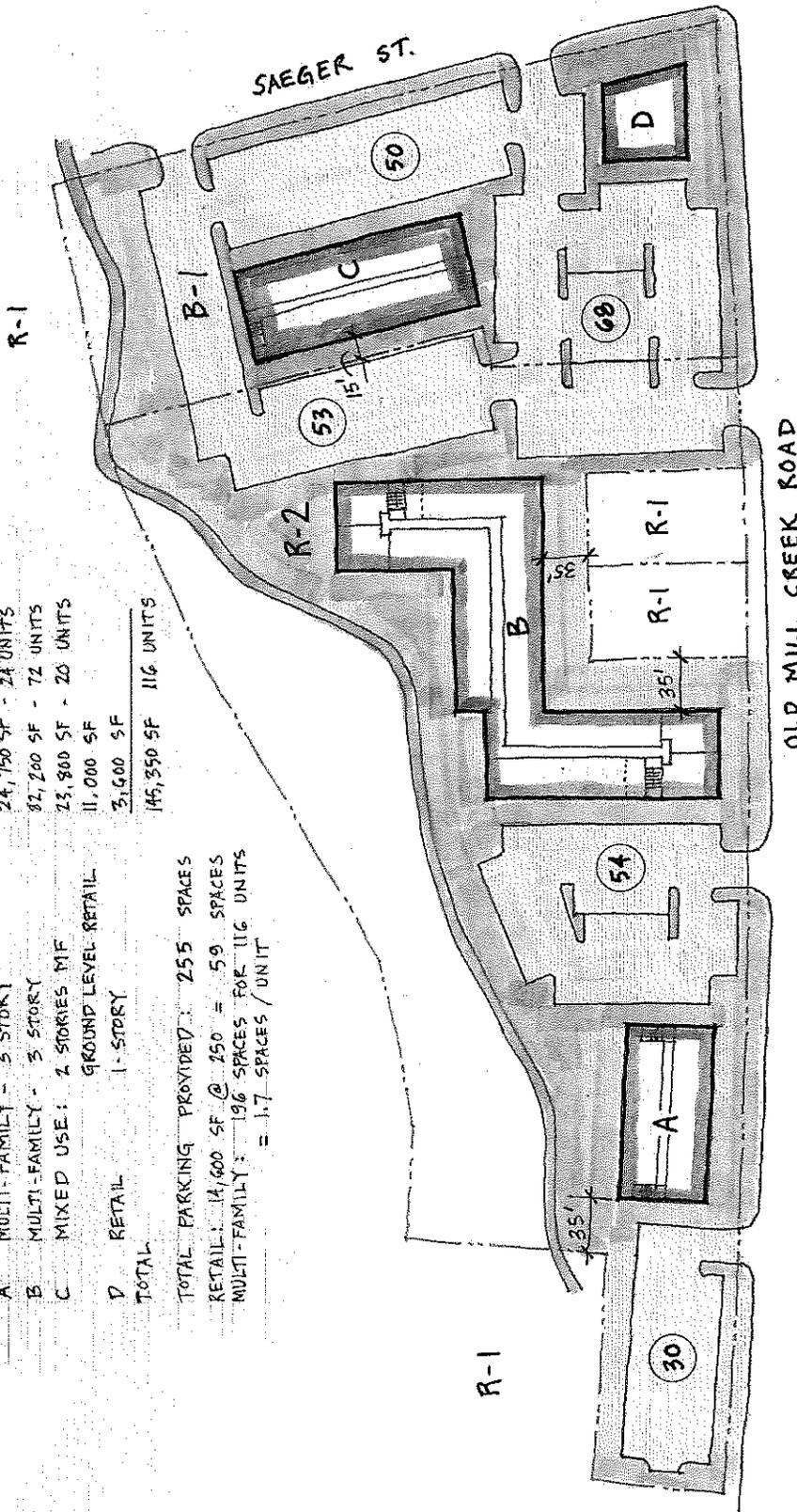
CC: Mark Millis



### DEVELOPMENT PROGRAM

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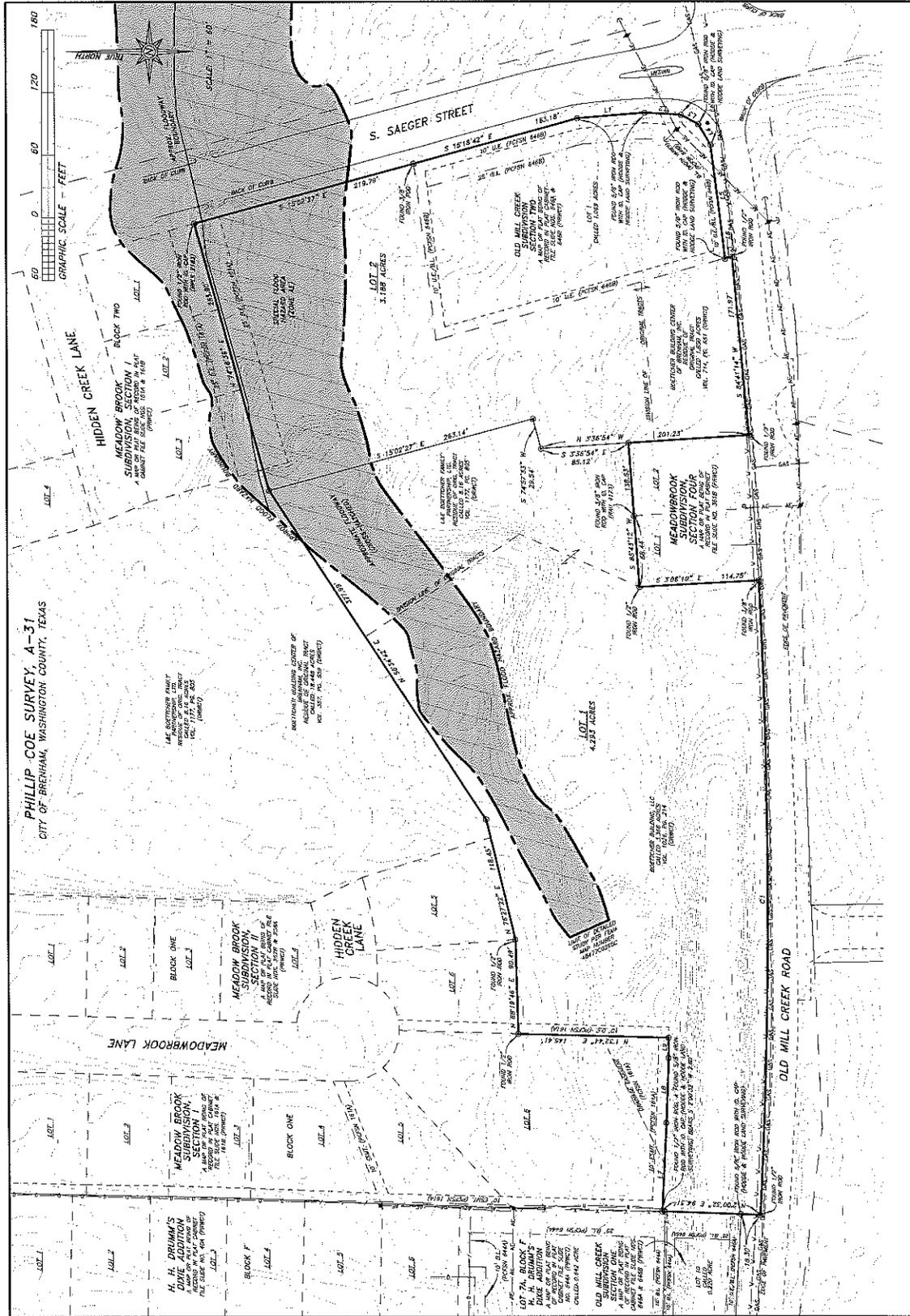
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BLINN MIXED USE  
 SCALE: 1" = 80'-0"

80



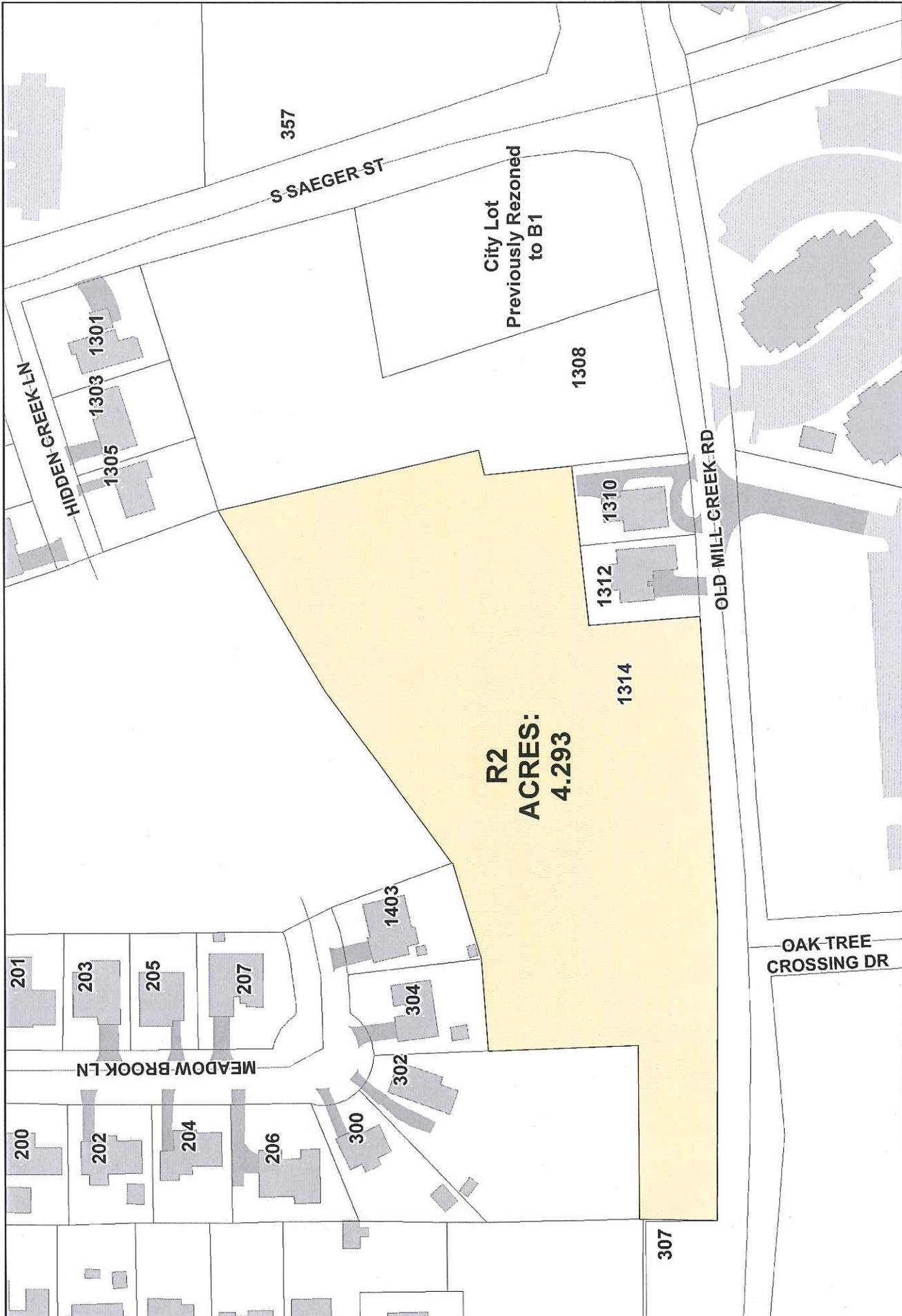
PHILLIP COE SURVEY, A-31  
CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS

(PRELIMINARY)  
JON E. HODDE, PLS. NO. 5187  
THE PURPOSE OF THIS DOCUMENT IS FOR  
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**BLINN MILL CREEK SUBDIVISION**  
BEING OUT OF THE PHILLIP COE SURVEY, A-31  
CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS  
CONSISTING OF 1 RESIDENTIAL LOT (LOT 1) AND 1 COMMERCIAL LOT (LOT 2)  
7.481 TOTAL ACRES IN SUBDIVISION  
DATE: FEBRUARY 4, 2016

H. O. NO. 7029 (CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS) REC. COMMERCE  
**Hodde & Hodde Land Surveying, Inc.**  
Professional Land Surveying  
613 E. Blue Ball Road • Brenham, Texas 77833  
979-836-5681 • 979-836-5683 (fax)  
www.hoddesurveying.com





1 inch = 125 feet



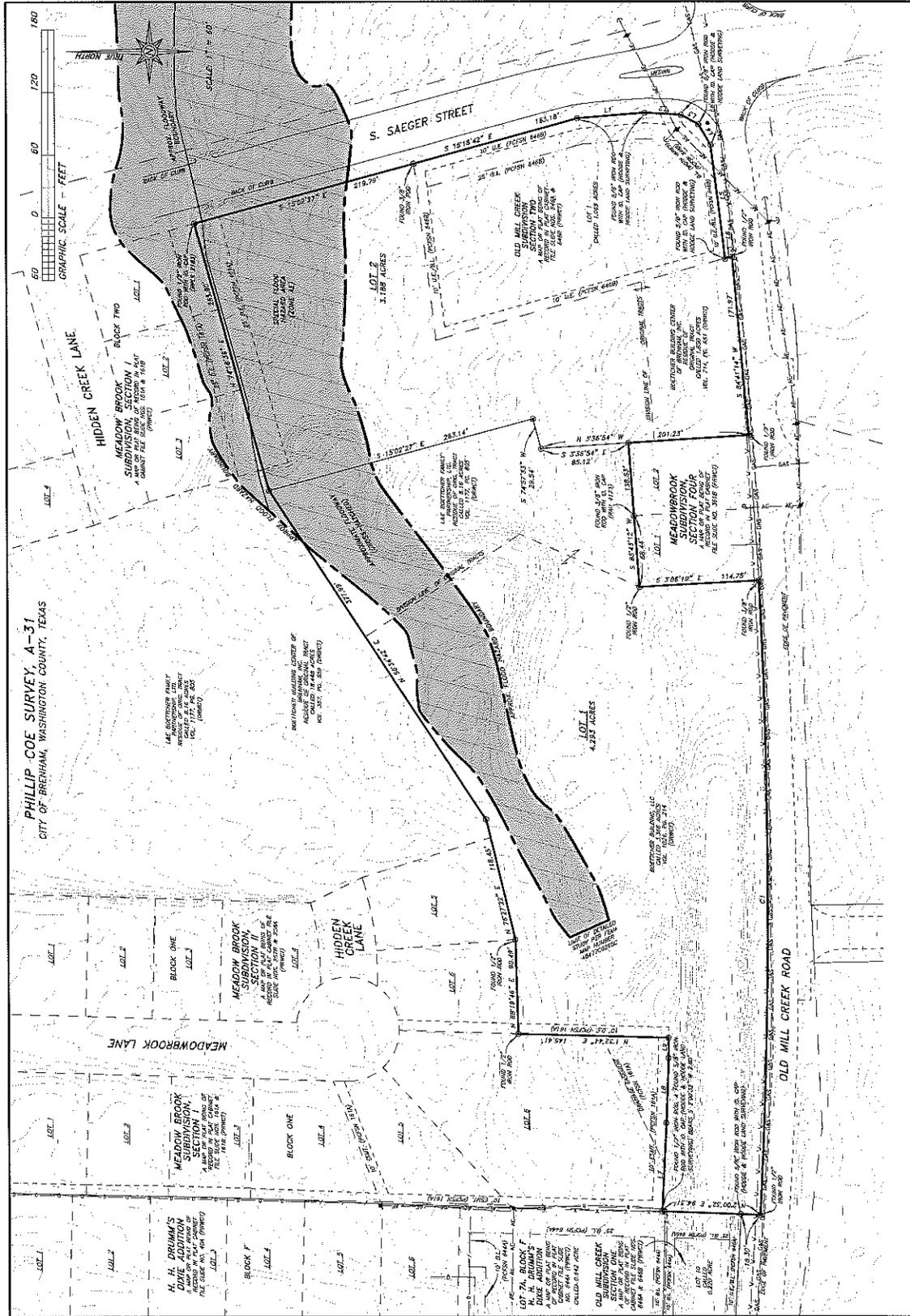
**Blinn Mill Creek Subdivision  
"Zoning Exhibit R2"**





## AGENDA ITEM 9

<b>DATE OF MEETING:</b> March 24, 2016	<b>DATE SUBMITTED:</b> March 17, 2016	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Erik Smith	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Public Hearing to Consider an Amendment of the City of Brenham’s “Envision 2020” Comprehensive Plan Future Land Use Map to Change the District From a Recreational/Open Space District to a Commercial/Retail District on a Tract of Land Described as 2.119 Acres Out of the Phillip Coe Survey, A-31, Located at the Northwest Corner of the Intersection of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas		
<b>SUMMARY STATEMENT:</b> This is a request for an amendment to the “Envision 20/20” Comprehensive Plan. The specific parcel is a tract of land described as 2.119 acres of land on the northwest corner of the intersection of Old Mill Creek Road and South Saeger Street out of the Phillip Coe Survey in Brenham, Washington County, Texas. The current district as designated by the Comprehensive Plan is Recreation/Open Space. The City of Brenham is requesting the Comprehensive Plan be amended to designate this parcel as a Commercial/Retail District. The Comprehensive Plan is a document the City uses to help guide planning and future zoning changes for future growth. To follow best practices it would be ideal to change the comprehensive plan when a rezoning request is made so the two maps do not conflict with one another.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
A. <b>PROS:</b> Keeps the Comprehensive Plan Map and Zoning Map from conflicting with one another.		
B. <b>CONS:</b>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b> (1) Survey; (2) Comp Plan Exhibit; and (3) Comprehensive Plan Future Land Use Map		
<b>FUNDING SOURCE (Where Applicable):</b>		
<b>RECOMMENDED ACTION:</b> No action required – Public Hearing only.		
<b>APPROVALS:</b> Terry K. Roberts		



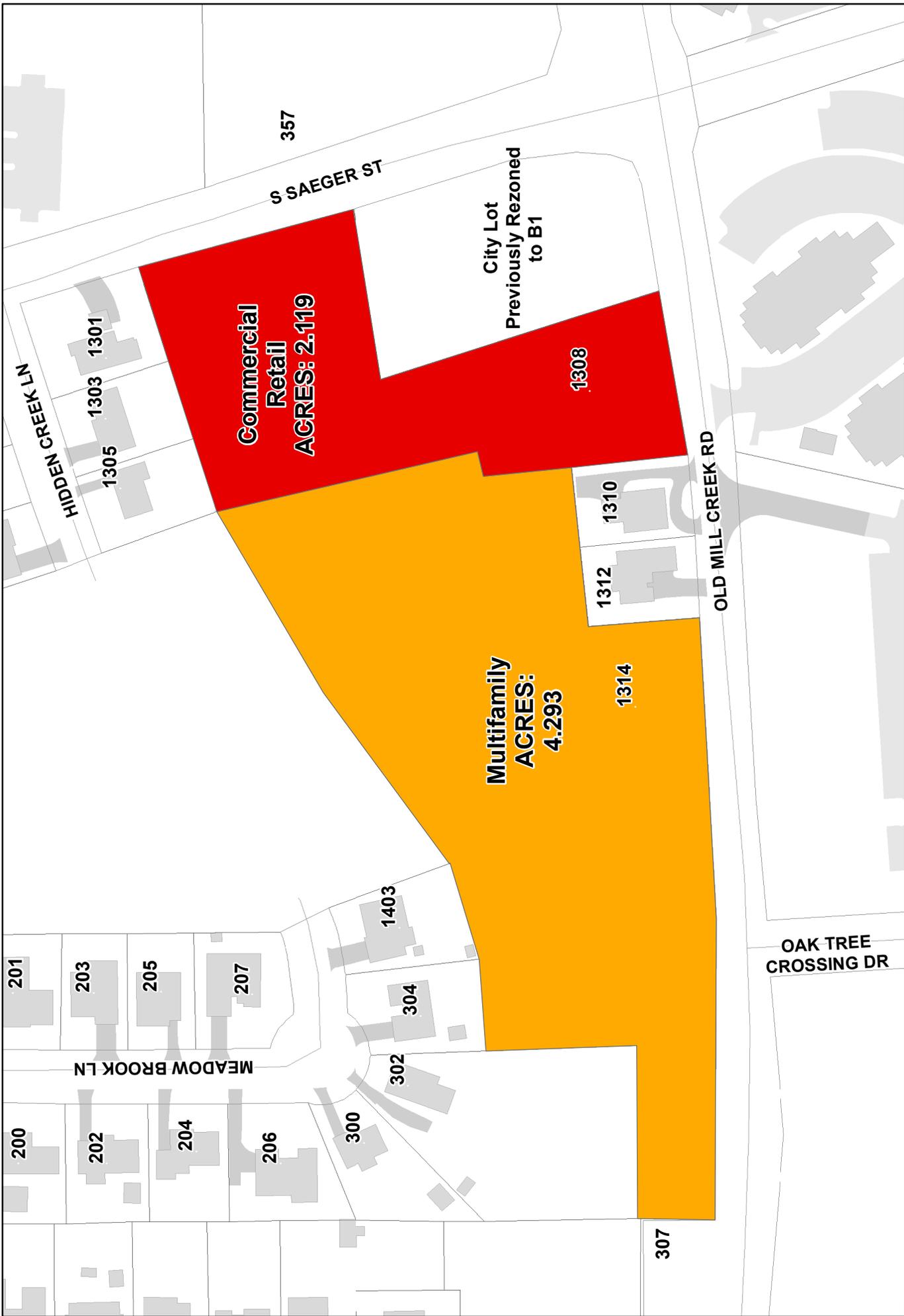
PHILLIP COE SURVEY, A-31  
CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS

**(PRELIMINARY)**  
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**BLINN MILL CREEK SUBDIVISION**  
BEING OUT OF THE PHILLIP COE SURVEY, A-31  
CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS  
CONSISTING OF 1 RESIDENTIAL LOT (LOT 1) AND 1 COMMERCIAL LOT (LOT 2)  
7.481 TOTAL ACRES IN SUBDIVISION  
DATE: FEBRUARY 4, 2016

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1 inch = 125 feet



# Blinn Mill Creek Subdivision "Comp Plan Exhibit"



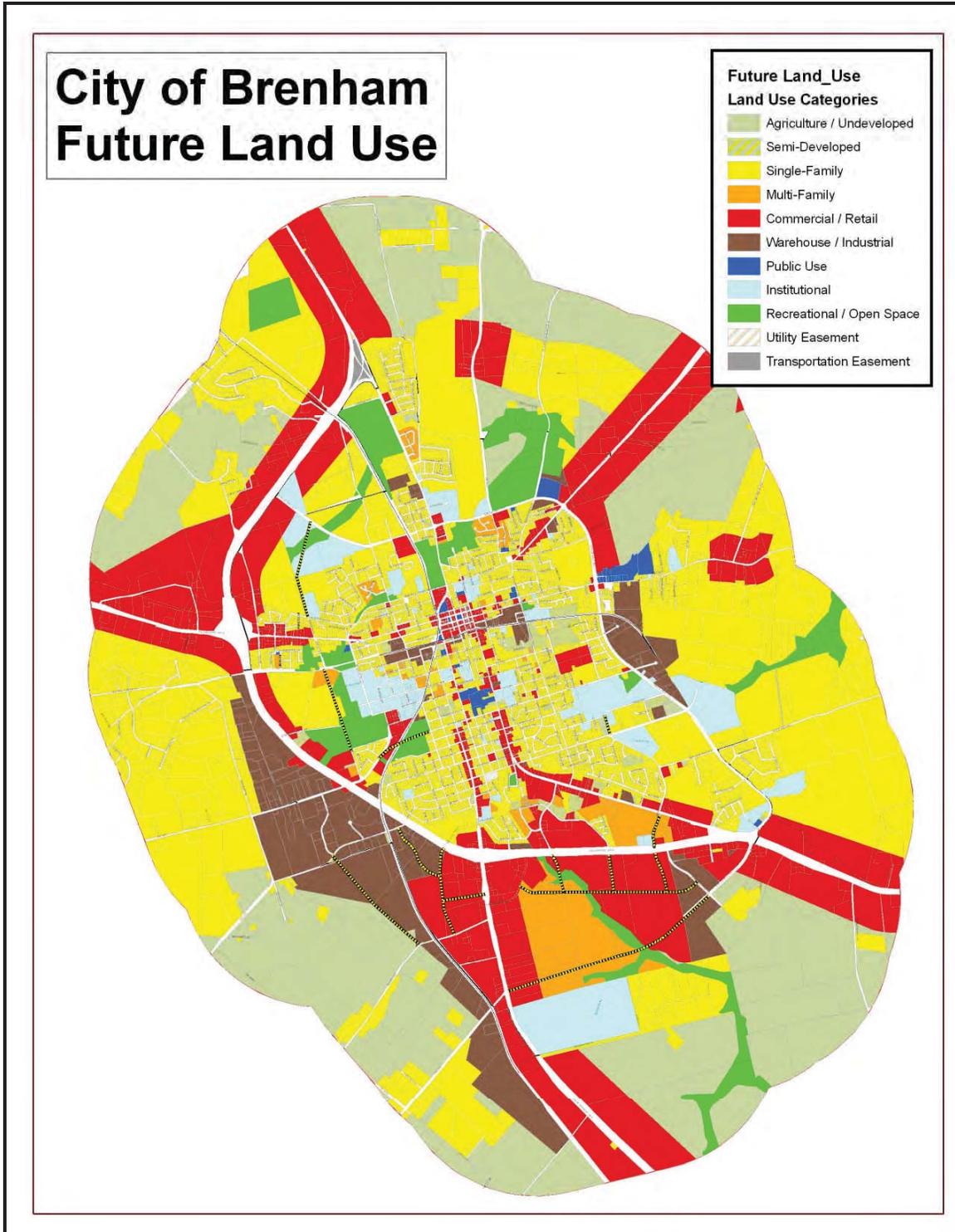


Illustration 6-5: The Future Land Use map for the City of Brenham illustrates desired growth patterns over the next 15 to twenty years.



**AGENDA ITEM 10**

<b>DATE OF MEETING:</b> March 24, 2016	<b>DATE SUBMITTED:</b> March 17, 2016	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Erik Smith	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> <b>REGULAR</b>	<input checked="" type="checkbox"/> <b>PUBLIC HEARING</b>	<input type="checkbox"/> <b>1<sup>ST</sup> READING</b>
<input type="checkbox"/> <b>SPECIAL</b>	<input type="checkbox"/> <b>CONSENT</b>	<input type="checkbox"/> <b>2<sup>ND</sup> READING</b>
<input type="checkbox"/> <b>EXECUTIVE SESSION</b>	<input type="checkbox"/> <b>REGULAR</b>	<input type="checkbox"/> <b>RESOLUTION</b>
	<input type="checkbox"/> <b>WORK SESSION</b>	
<b>AGENDA ITEM DESCRIPTION:</b> Public Hearing to Consider an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Single Family Residential Use (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a Tract of Land Described as 2.119 Acres Out of the Phillip Coe Survey, A-31, Located on the Northwest Corner of the Intersection of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas		
<b>SUMMARY STATEMENT:</b> Mill Creek Saeger, LLC. has requested a zone change for property at the northwest corner of Old Mill Creek Road and S. Saeger Street which consists of 2.119 acres of land. The land is currently zoned R-1 single family residential and the request is to change the zoning to B-2 local business/residential mixed use. This type of change would allow for a combination multifamily apartment complexes and businesses if the applicant desires.		
The applicant is applying with permission from the property owner. Sale of the land is pending the results of the applicants multiple requests including this item. The apartments and retail space proposed would be open to the public but the apartments would likely house mostly Blinn students. The first floor of the proposal as presented to staff would be retail.		
The Staff received a protest for the related zone change request for this item. There were multiple concerns that were raised to staff at the Planning and Zoning public hearing which included increased drainage, privacy, allowing a three story building, decreased property values, increased traffic, clearing of vegetation and parking lots in backyards. Staff explained to the public at this time this was a land use matter and that we have not received an approvable site plan, civil drawings or construction drawings at this point because the applicant wants to know if the land use will be approved prior to spending money on those items. We explained there are existing rules the applicant would be required to follow as all applicants are required.		

Staff does support this item for multiple reasons:

- This is considered transitional zoning, and;
- Thoroughfares support this type of development, and;
- This request does not change the makeup of the area as a whole due to the fact there are apartments or are apartments in the planning stages for all four corners of this intersection, and;
- This will add to economic development.

The Planning and Zoning Commission asked staff to bring to City Councils attention they would like Old Mill Creek prioritized as a road improvement project to help accommodate this request. The width of the asphalt, 24', is in line with a minor collector for the area near this development but curbs would need to be added to bring this into compliance with what the design standards shows for a minor collector street. The portion of Old Mill Creek on the west side of Highway 290 is not a minor collector and is not 24' in width.

**Comprehensive Plan Compliance**

The Envision 20/20 Comprehensive Plan lists this property as Recreational/Open Space. The current zoning for this property is R-1 – Single Family District. These two documents are in direct conflict with one another. Both of these issues are on the agenda as requests to align the documents so there is not conflict.

**Thoroughfare Plan Compliance**

Old Mill Creek Road is classified as a Minor Collector.

South Saeger Street is considered a Major Collect.

Both of these types of street classification would support this type of use.

**Public Concerns**

Staff has received a protest from neighboring property owners for the zone change request for this property. The protest did not meet minimum requirements to require a super majority of the Council for approval. Staff was informed the protesters were going to try and gather more signatures after the Planning and Zoning because more people were made aware of the protest. Once they were able to do so they were going to resubmit the request to try and achieve the requirements for the protest to be valid. At the time of this staff report that protest has not been received.

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

**A. PROS:** Allow for additional multifamily residential and first floor retail to accommodate students and provide options for people desiring to live in multifamily residences.

**B. CONS:** Neighboring property owners have submitted a protest to the zoning directly tied to the SUP in opposition of this type of development.

**ALTERNATIVES (In Suggested Order of Staff Preference):**

**ATTACHMENTS:** (1) General Application; (2) Owner Authorization Letter; (3) Land Plan; (4) Site Survey; and (5) Zoning Exhibit

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

**RECOMMENDED ACTION:** No action required – Public Hearing only.

**APPROVALS:** Terry K. Roberts



For office use only

APPLICATION NO. \_\_\_\_\_

MEETING DATE: 3-7-16

DATE SUBMITTED: 2/12/14

*pd #100  
v#1002  
rec#00972825*

**CITY OF BRENHAM**  
**GENERAL APPLICATION**

**Type of Application**

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

**Property Owners Information**

Name L&E Boettcher Family Partnership, Ltd/Boettcher Building LLC

Principal Officers (If Corporation) President Ben Boettcher

Secretary N/A

Address 1702 S. Market Street, Brenham, TX 77833

Telephone Number 979-836-0523 E-mail Address ben@bbe-architects.com

**Applicant Information**

Name Blinn Mill Creek LLC

Address 7058 Lakeview Haven Dr #113 Houston, TX 77095

Telephone Number 713-690-1000 E-mail Address marcmillis@yahoo.com

**Agent or Engineer Information**

Name N/A

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_ E-mail Address \_\_\_\_\_

**Location of Property**

Street Address: NWC Saeger Street and Old Mill Creek Road

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

Subdivision: Blinn Mill Creek Block(s): \_\_\_\_\_ Lot(s): 1

**Zoning Information**

Existing Zoning: R-1 - Single Family

Proposed Zoning: R-2 - Multi-Family

Reasons for requesting zone change:\* Applicant proposes to construct apartment housing on the property.

**Variance Information**

Section of Code from which variance is described:\* \_\_\_\_\_

Describe variance requested:\* \_\_\_\_\_

Reasons for requesting variance:\* \_\_\_\_\_

**Proposed Property Use**

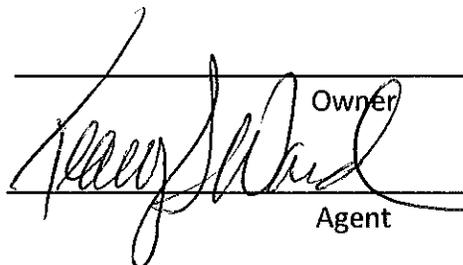
Describe in detail the proposed operation at this location:\*

Apartment housing.

**Construction Value** \$ TBD

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

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

 Owner  
Agent

# BBA Architects LP

---

October 6, 2015

Mr. Erik Smith, Development Services Manager  
City of Brenham  
200 West Vulcan Street  
Brenham, Texas 77833

Dear Erik:

I have entered into Sales Contracts on property in the Meadowbrook Subdivision, in the City of Brenham with Marc Millis and Terry Ward d/b/a T&M Properties. See attached map. The property is currently zoned as R-1 Residential Single Family. The future owners desire to develop the property for multi-family units and thereby request the area to be rezoned as R-2 Mixed Residential.

We hereby authorize T&M Properties to act as our agent in requesting a zoning amendment for the property.

Sincerely,

L&E Boettcher Family Partnership, Ltd.  
by and through its general partner,  
B & B Square, L.L.C.

Boettcher Building, LLC

  
Ben E. Boettcher

  
Ben E. Boettcher

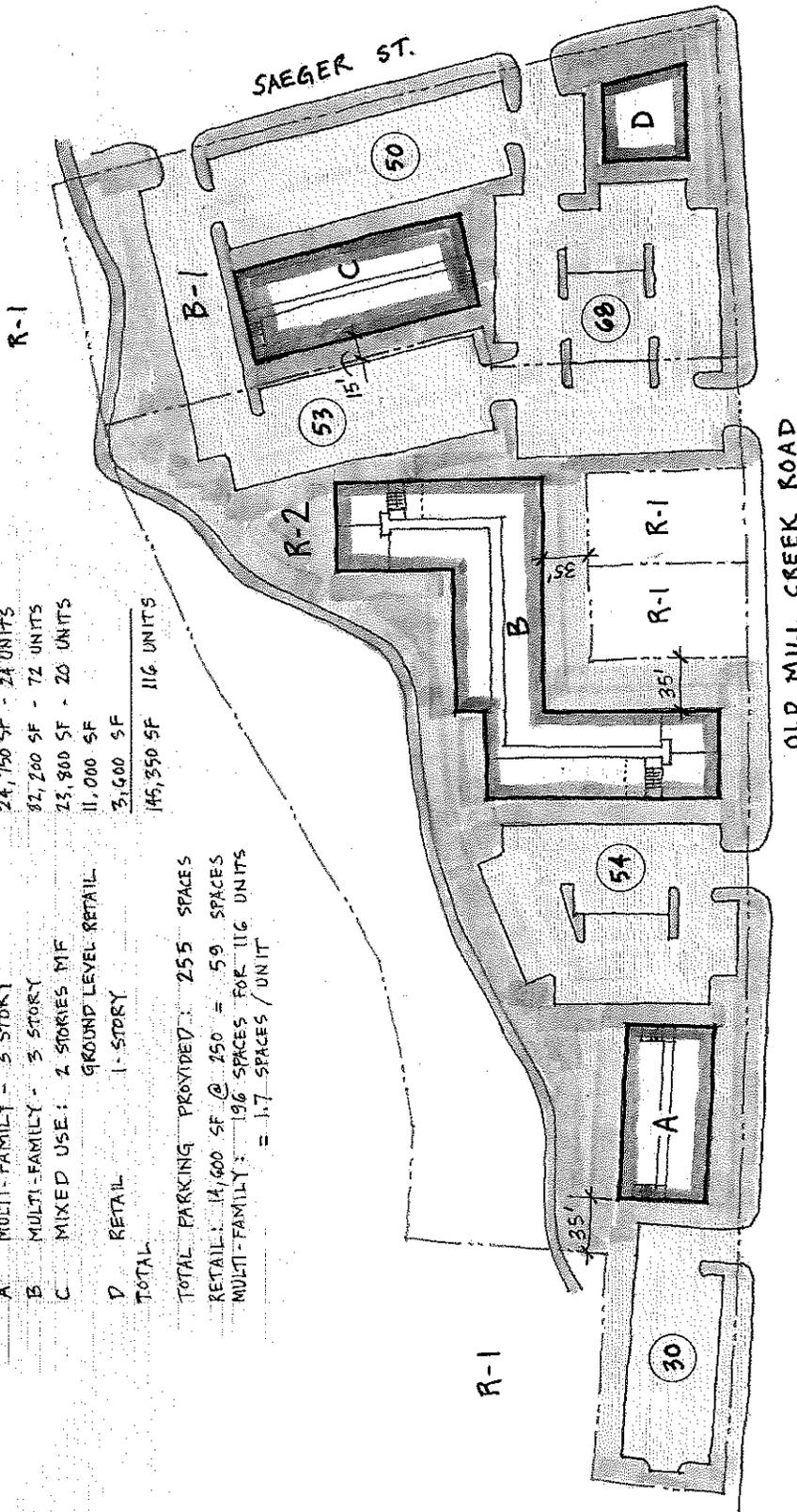
CC: Mark Millis



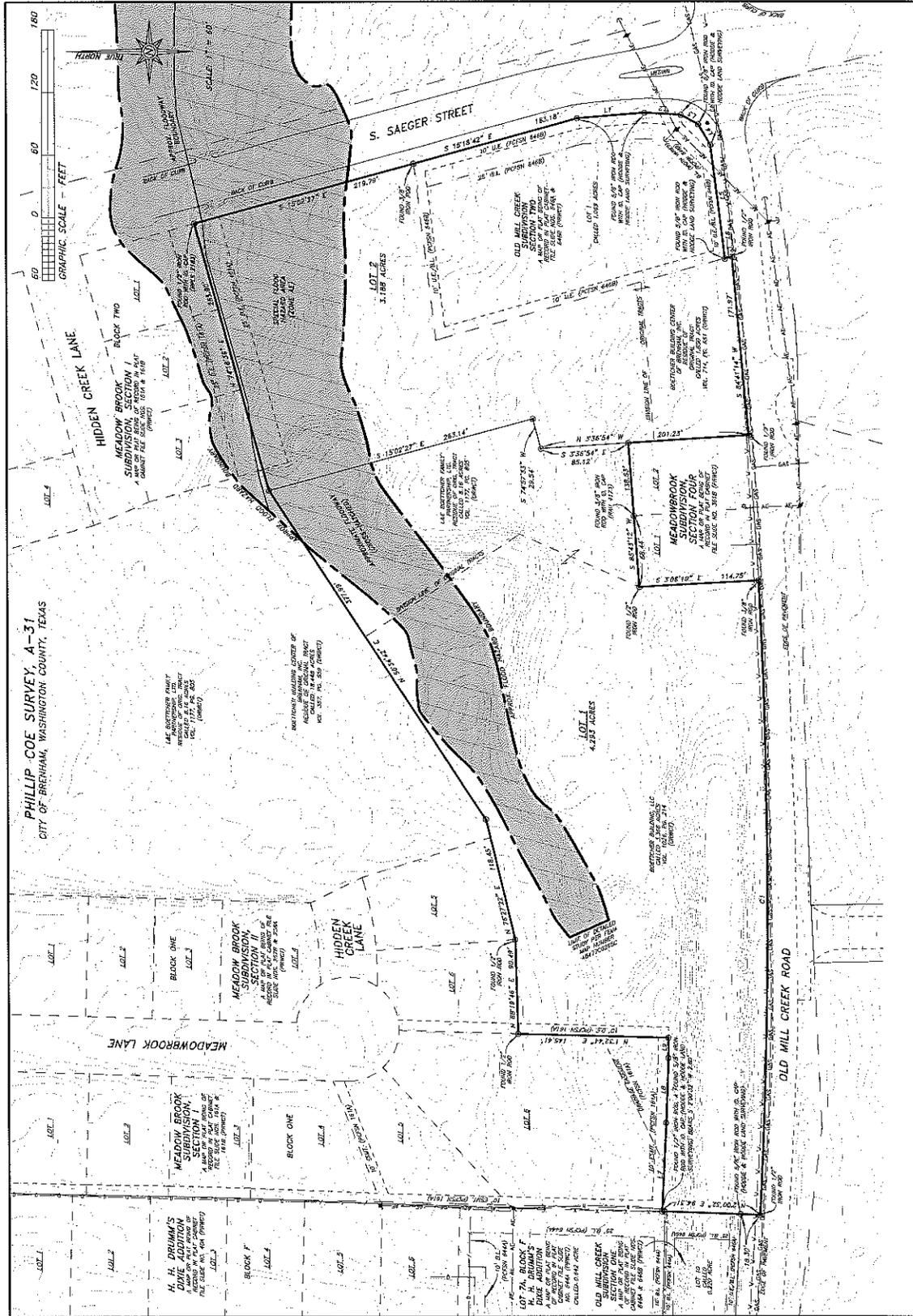
### DEVELOPMENT PROGRAM

BLDG. DESCRIPTION	AREA
A MULTI-FAMILY - 3 STORY	24,750 SF - 24 UNITS
B MULTI-FAMILY - 3 STORY	82,200 SF - 72 UNITS
C MIXED USE: 2 STORES MIF GROUND LEVEL RETAIL	23,900 SF - 20 UNITS
D RETAIL 1-STORY	11,000 SF
TOTAL	3,400 SF
	145,350 SF 116 UNITS

TOTAL PARKING PROVIDED: 255 SPACES  
 RETAIL: 14,600 SF @ 250 = 59 SPACES  
 MULTI-FAMILY: 196 SPACES FOR 116 UNITS  
 = 1.7 SPACES / UNIT



N  
 BLINN MIXED USE  
 SCALE: 1" = 80'-0"  
 80

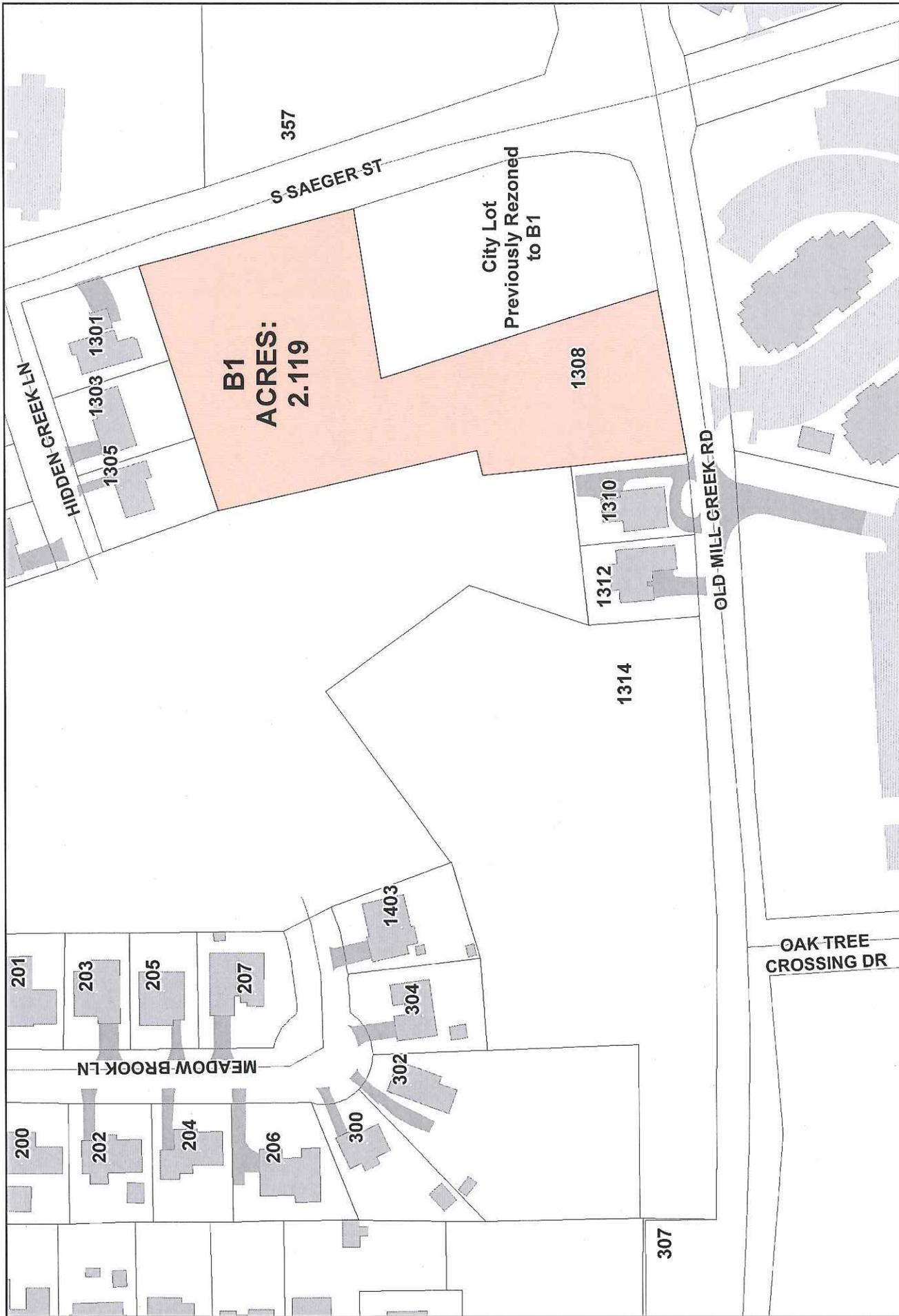


**(PRELIMINARY)**  
 JON E. HODDE, PLS. NO. 5187  
 THE PURPOSE OF THIS DOCUMENT IS FOR  
 PRELIMINARY REVIEW ONLY.  
 PRELIMINARY. THIS DOCUMENT SHALL NOT  
 BE RECORDED FOR ANY PURPOSE.

**BLINN MILL CREEK SUBDIVISION**  
 BEING OUT OF THE PHILLIP COE SURVEY, A-31  
 CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS  
 CONSISTING OF 1 RESIDENTIAL LOT (LOT 1) AND 1 COMMERCIAL LOT (LOT 2)  
 7.481 TOTAL ACRES IN SUBDIVISION  
 DATE: FEBRUARY 4, 2016

H. G. NO. 7029 (CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS) REC. COMMERCE  
**Hodde & Hodde Land Surveying, Inc.**  
 Professional Land Surveying  
 613 E. Blue Bell Road • Brenham, Texas 77833  
 979-836-5681 • 979-836-5683 (fax)  
 www.hoddesurveying.com





1 inch = 125 feet



## Blinn Mill Creek Subdivision "Zoning Exhibit B1"





## AGENDA ITEM 11

<b>DATE OF MEETING:</b> March 24, 2016	<b>DATE SUBMITTED:</b> March 17, 2016	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Erik Smith	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon Resolution No. R-16-010 Providing for an Amendment to the City of Brenham’s “Envision 2020” Comprehensive Plan Future Land Use Map to Change the District From Recreational/Open Space District to a Multifamily District on a Tract of Land Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas		
<b>SUMMARY STATEMENT:</b> This is a request for an amendment to the “Envision 20/20” Comprehensive Plan. The specific parcel is a tract of land described as 4.293 acres of land on the north side of Old Mill Creek Road out of the Phillip Coe Survey in Brenham, Washington County, Texas. The current district as designated by the Comprehensive Plan is Recreation/Open Space. The City of Brenham is requesting the Comprehensive Plan be amended to designate this parcel as a Multifamily District. The Comprehensive Plan is a document the City uses to help guide planning and future zoning changes for future growth. To follow best practices it would be ideal to change the comprehensive plan when a rezoning request is made so the two maps do not conflict with one another.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
A. <b>PROS:</b> Keeps the Comprehensive Plan Map and Zoning Map from conflicting with one another.		
B. <b>CONS:</b>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b> (1) Resolution No. R-16-010		
<b>FUNDING SOURCE (Where Applicable):</b>		

**RECOMMENDED ACTION:** Approve Resolution No. R-16-010 providing for an amendment to the City of Brenham's "Envision 2020" Comprehensive Plan Future Land Use Map to change the district from Recreational/Open Space District to a Multifamily District on a tract of land described as 4.293 acres out of the Phillip Coe Survey, A-31, located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas

**APPROVALS:** Terry K. Roberts

**RESOLUTION NO. R-16-010**

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

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

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

**WHEREAS**, the property located on the north side of Old Mill Creek subdivision, being 4.293 acres out of the Phillip Coe Survey, A-31, is designated as Recreational/Open Space on the Future Land Use Map;

**WHEREAS**, the City of Brenham desires to amend the Future Land Use Map of the property located on the north side of Old Mill Creek subdivision, being 4.293 acres out of the Phillip Coe Survey, A-31, as Multifamily for future development;

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

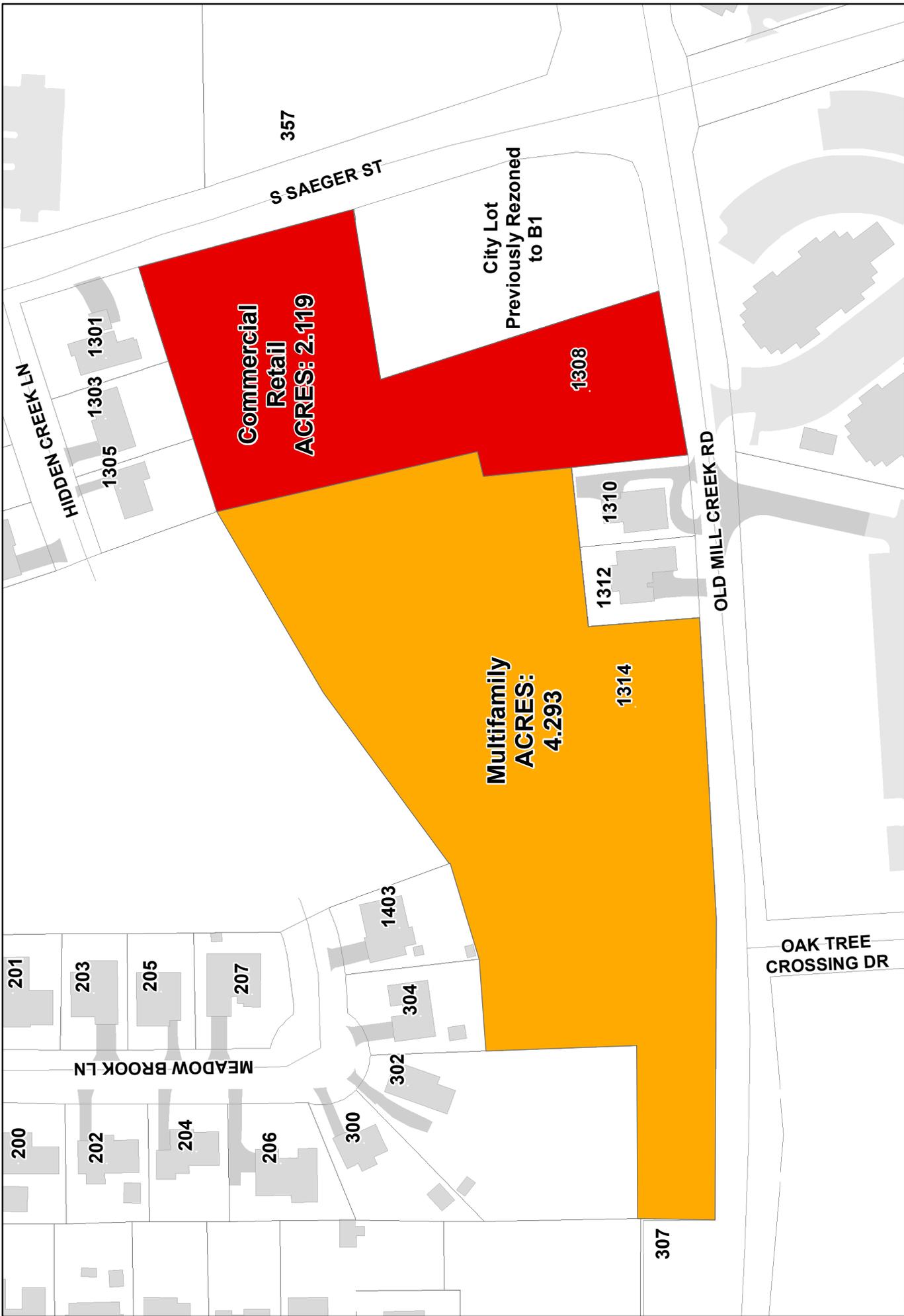
That the City of Brenham Envision 2020 Comprehensive Plan Future Land Use Map is hereby amended to designate the property located on the north side of Old Mill Creek subdivision, being 4.293 acres out of the Phillip Coe Survey, A-31, said 4.239 acres of land being more particularly described on Exhibit “A” attached hereto and incorporated herein for all purposes, as Multifamily for future development, and the Mayor is authorized to execute any necessary documentation.

RESOLVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

**ATTEST:**

\_\_\_\_\_  
Jeana Bellinger  
City Secretary



1 inch = 125 feet



# Blinn Mill Creek Subdivision "Comp Plan Exhibit"





## AGENDA ITEM 12

<b>DATE OF MEETING:</b> March 24, 2016	<b>DATE SUBMITTED:</b> March 17, 2016	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Erik Smith	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District From a Single Family Residential Use (R-1) District to a Mixed Residential Use (R-2) District on a Tract of Land Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas		
<b>SUMMARY STATEMENT:</b> Mill Creek Saeger, LLC. has requested a zone change for property on the north side of Old Mill Creek with consists of 4.293 acres of land. The land is currently zoned R-1 single family residential and the request is to change the zoning to R-2 Mixed Residential. This type of change would allow for multifamily apartment complexes.  The applicant is applying with permission from the property owner. Sale of the land is pending the results of the applicants multiple requests including this item. The apartments proposed would be open to the public but would likely house mostly Blinn students. Staff received a protest for the related zone change request for this item. There were multiple concerns that were raised to staff at the Planning and Zoning public hearing which included increased drainage, privacy, allowing a three story building, decreased property values, increased traffic, clearing of vegetation and parking lots in backyards. Staff explained to the public at this time this was a land use matter and that we have not received an approvable site plan, civil drawings or construction drawings at this point because the applicant wants to know if the land use will be approved prior to spending money on those items. We explained there are existing rules the applicant would be required to follow as all applicants are required.  Staff does support this item for multiple reasons:		
<ul style="list-style-type: none"> <li>- This is considered transitional zoning, and;</li> <li>- Thoroughfares support this type of development, and;</li> <li>- This request does not change the makeup of the area as a whole due to the fact there are apartments or are apartments in the planning stages for all four corners of this intersection, and;</li> <li>- This will add to economic development.</li> </ul>		

The Planning and Zoning Commission asked staff to bring to City Councils attention they would like Old Mill Creek prioritized as a road improvement project to help accommodate this request. The width of the asphalt, 24', is in line with a minor collector for the area near this development but curbs would need to be added to bring this into compliance with what the design standards shows for a minor collector street. The portion of Old Mill Creek on the west side of Highway 290 is not a minor collector and is not 24' in width.

**Comprehensive Plan Compliance**

The Envision 20/20 Comprehensive Plan lists this property as Recreational/Open Space. The current zoning for this property is R-1 – Single Family District. These two documents are in direct conflict with one another. Both of these issues are on the agenda as requests to align the documents so there is not conflict.

**Thoroughfare Plan Compliance**

Old Mill Creek Road is classified as a Minor Collector.

South Saeger Street is considered a Major Collect.

Both of these types of street classification would support this type of use.

**Public Concerns**

Staff has received a protest from neighboring property owners for the zone change request for this property. The protest did not meet minimum requirements to require a super majority of the Council for approval. Staff was informed the protesters were going to try and gather more signatures after the Planning and Zoning because more people were made aware of the protest. Once they were able to do so they were going to resubmit the request to try and achieve the requirements for the protest to be valid. At the time of this staff report that protest has not been received.

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

**A. PROS:** Allow for additional multifamily residential to accommodate students and provide options for people desiring to live in multifamily residences.

**B. CONS:** Neighboring property owners have submitted a protest to the zoning directly tied to the SUP in opposition of this type of development.

**ALTERNATIVES (In Suggested Order of Staff Preference):**

**ATTACHMENTS:** (1) Ordinance

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

**RECOMMENDED ACTION:** Approve an Ordinance on its first reading amending the official zoning map of the City of Brenham, to change the zoning district from a Single Family Residential Use (R-1) District to a Mixed Residential Use (R-2) District on a tract of land described as 4.293 acres out of the Phillip Coe Survey, A-31, located on the north side of Old Mill Creek Road in Brenham, Washington County, Texas

**APPROVALS:** Terry K. Roberts

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

**AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, CHANGING THE OFFICIAL ZONING MAP FROM A RESIDENTIAL (R-1) DISTRICT TO A MIXED RESIDENTIAL (R-2) DISTRICT ON 4.293 ACRES OF LAND LOCATED ON THE NORTH SIDE OF OLD MILL CREEK ROAD OUT OF THE PHILLIP COE SURVEY, A-31, IN BRENHAM, WASHINGTON COUNTY, TEXAS.**

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

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

**WHEREAS**, this amendment was recommended for approval by the City of Brenham Planning and Zoning Commission during its regular meeting on March 7, 2016; and

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

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

*SECTION 1.* That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham is hereby amended by changing the zoning from a Residential (R-1) District to Mixed Residential (R-2) District on 4.293 acres of land on the north side of Old Mill Creek Road out of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas, said 4.239 acres of land being more particularly described on Exhibit “A” attached hereto and incorporated herein for all purposes.

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

**PASSED and APPROVED** on its first reading this the 24<sup>th</sup> day of March, 2016.

**PASSED and APPROVED** on its second reading this the 7<sup>th</sup> day of April, 2016.

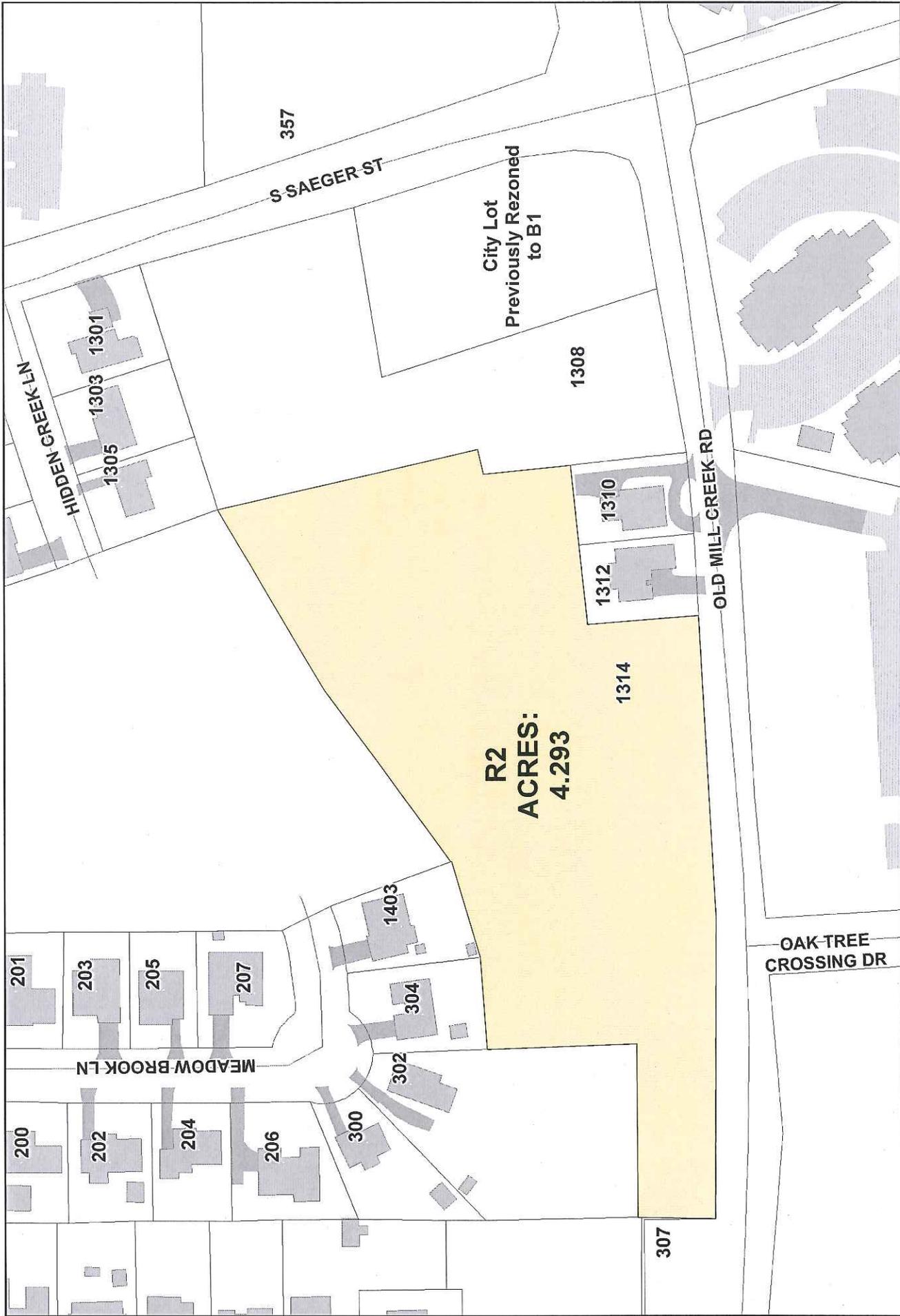
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Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

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Jeana Bellinger, TRMC  
City Secretary



1 inch = 125 feet



**Blinn Mill Creek Subdivision  
"Zoning Exhibit R2"**





### AGENDA ITEM 13

<b>DATE OF MEETING:</b> March 24, 2016	<b>DATE SUBMITTED:</b> March 17, 2016	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Erik Smith	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix – A “Zoning” of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Allow a Multifamily Development on a Site of Two (2) or More Acres of Land on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas		
<b>SUMMARY STATEMENT:</b> Mill Creek Saeger, LLC. has requested a special use permit (SUP) for a 4.293 acre tract of land on the north side of Old Mill Creek Road being 4.293 acres out of the Phillip Coe Survey in the City of Brenham to allow for a multifamily development on 2 acres of land or more. The applicant is applying with permission from the property owner. Sale of the land is pending depending on results of the applicants multiple requests including this item. The apartments proposed would be open to the public but would likely house mostly Blinn students. Staff received a protest for the related zone change request for this item. Privacy for the existing neighboring homeowners was a concern. Staff made a recommendation to the Planning and Zoning Commission to place restrictions on the 20’ buffer yard requirement to require the applicant to keep vegetation in place during the construction period or replace existing vegetation with trees after vegetation for the entire 20’ buffer yard abutting any single family residential district. Under current existing ordinances the applicant could build a parking lot into the buffer yard with only 20% of the outermost portion of the buffer to remain vegetation which could simply be grass. This would amount to as little as a four foot buffer separation between the new development and existing single family residential. With the condition the applicant would require to leave the 20’ buffer with trees and in the instance of a large established tree being removed could even be required to plant 2 – 3 trees in its place depending on size.		
A summary of the tree replacement condition listed in the ordinance is:		
<ul style="list-style-type: none"> <li>- Replacement trees shall be required if existing trees are removed during construction, unless the tree caliper size is less than 3.00 inches. Trees with a caliper size of less than 3.00 inches will not be required to be replaced.</li> <li>- A tree with a caliper size of 3.00 inches to 8.00 inches shall remain in place or be replaced with a tree having a caliper size within the same size range if removed during construction.</li> </ul>		

- A tree with a caliper size of more than 8.00 inches to 12.00 inches shall remain in place, or if removed: 1) be replaced with a tree having a caliper size within the same size range; or 2) be replaced with two (2) trees having a caliper size of 3.00 inches to 8.00 inches.
- A tree with a caliper size of more than 12.00 inches and above shall remain in place, or if removed: 1) be replaced with a tree having a caliper size within the same size range; 2) be replaced with two (2) trees having a caliper size of more than 8.00 inches to 12.00 inches or 3) be replaced with three (3) trees having a caliper size of 3.00 inches to 8.00 inches.

Without a Special Use Permit for this land the property would not allow for this type of development to occur. Lower density units such as cluster housing, group residential, multifamily on two acres or less and duplexes are types of multifamily that are allowed “by right”.

**Comprehensive Plan Compliance**

The Envision 20/20 Comprehensive Plan lists this property as Recreational/Open Space. The current zoning for this property is R-1 – Single Family District. These two documents are in direct conflict with one another. Both of these issues are on the agenda as requests to align the documents so there is not conflict.

**Thoroughfare Plan Compliance**

Old Mill Creek Road is classified as a Minor Collector.

South Saeger Street is considered a Major Collect.

Both of these types of street classification would support this type of use.

**Public Concerns**

Staff has received a protest from neighboring property owners for the zone change request for this property. The SUP was not part of the protest but would be affected if the zone change request is not approved. If the zone change request is not approve the applicant would not be allowed to request the SUP for this property. The protest did not meet minimum requirements to require a super majority of the Council for approval. Staff was informed the protesters were going to try and gather more signatures after the Planning and Zoning because more people were made aware of the protest. Once they were able to do so they were going to resubmit the request to try and achieve the requirements for the protest to be valid. At the time of this staff report that protest has not been received.

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

**A. PROS:** Allow for additional multifamily residential to accommodate students and provide options for people desiring to live in multifamily residences.

**B. CONS:** Neighboring property owners have submitted a protest to the zoning directly tied to the SUP in opposition of this type of development.

**ALTERNATIVES (In Suggested Order of Staff Preference):**

**ATTACHMENTS:** (1) Ordinance

**FUNDING SOURCE (Where Applicable):**

**RECOMMENDED ACTION:** Approve an ordinance on its first reading amending Appendix – A “Zoning” of the Code of Ordinances of the City of Brenham granting a specific use permit to allow a multifamily development on a site of two (2) or more acres of land on the north side of Old Mill Creek Road in Brenham, Washington County, Texas

**APPROVALS:** Terry K. Roberts

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

**AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP TO GRANT A SPECIFIC USE PERMIT TO MILL CREEK SAEGER LLC ON BEHALF OF L&E BOETTCHER FAMILY PARTNERSHIP, LTD, BOETTCHER BUILDING CENTER OF BRENHAM, LAND OWNER, FOR A MULTIFAMILY DEVELOPMENT THAT MEETS THE STANDARD DENSITY REQUIREMENTS FOR THE R-2 DISTRICT, AND THAT IS PROPOSED FOR A DEVELOPMENT SITE OF TWO (2) ACRES OR MORE IN AN R-2 (MIXED RESIDENTIAL) ZONING DISTRICT, BEING LOCATED ON THE NORTH SIDE OF OLD MILL CREEK ROAD, AND BEING FURTHER DESCRIBED AS 4.293 ACRES OUT OF THE PHILIP COE SURVEY, A-31, IN BRENHAM, WASHINGTON COUNTY, TEXAS.**

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

**WHEREAS**, Appendix A – “Zoning” of the City of Brenham Code of Ordinance authorizes the City Council to grant 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 March 7, 2016 with a condition requiring trees to remain or be replaced in the 20’ buffer yard requirement between the 4.293 acre tract and any abutting property zoned as R-1 Single Family Residential; and

**WHEREAS**, the City Council desires to approve this Ordinance granting the specific use permit, with conditions, as described herein below;

**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 Mill Creek Saeger, LLC on behalf of L&E Boettcher Family Partnership, LTD, Boettcher Building Center of Brenham, land owner, its successors and assigns, for a Multifamily development that meets the standard density requirements for the R-2 District, and that is proposed for a development site of two (2) acres or more in an R-2 (Mixed Residential) zoning district, being located on the north side of Old Mill Creek Road and being further described as 4.293 acres out of the Philip Coe Survey, A-31, in Brenham, Washington County, Texas (the "Property"), said 4.293 acres of land being more particularly described on Exhibit "A" attached hereto and incorporated herein for all purposes.

*SECTION 2.* The development of the Property shall be in accordance with the following special conditions, restrictions and regulations:

1. Mill Creek Saeger, LLC shall prepare a tree survey and submit said tree survey to the City of Brenham Development Services Manager prior to removal of any trees on site showing the tree caliper size, locations of the trees, and the type of tree. Tree survey shall only be required for the twenty foot (20') buffer yard adjacent to property zoned as R-1 Single Family Residential.
2. Replacement trees shall be required if existing trees are removed during construction, unless the tree caliper size is less than 3.00 inches. Trees with a caliper size of less than 3.00 inches will not be required to be replaced.
3. A tree with a caliper size of 3.00 inches to 8.00 inches shall remain in place or be replaced with a tree having a caliper size within the same size range if removed during construction.
4. A tree with a caliper size of more than 8.00 inches to 12.00 inches shall remain in place, or if removed: 1) be replaced with a tree having a caliper size within the same size range; or 2) be replaced with two (2) trees having a caliper size of 3.00 inches to 8.00 inches.
5. A tree with a caliper size of more than 12.00 inches and above shall remain in place, or if removed: 1) be replaced with a tree having a caliper size within the same size range; 2) be replaced with two (2) trees having a caliper size of more than 8.00 inches to 12.00 inches; or 3) be replaced with three (3) trees having a caliper size of 3.00 inches to 8.00 inches.
6. Penalties and fines shall be assessed in accordance with those set forth in the City of Brenham Appendix – A, Zoning Ordinance.
7. City staff will do an inspection of the Property prior to a Certificate of Occupancy being issued in order to verify the trees have remained in place, or have been replaced, in accordance with this Ordinance. The City will not issue a Certificate of Occupancy for any improvement on the Property unless and until Mill Creek Saeger, LLC is able to demonstrate its full compliance with this Ordinance.

*SECTION 3.* 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 final plat of this property into (1) single lot, and the recording of said final plat in the official records of Washington County, Texas.

*SECTION 4.* 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 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. 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 24th day of March, 2016.

**PASSED and APPROVED** on its second reading this the 7<sup>th</sup> day of April, 2016.

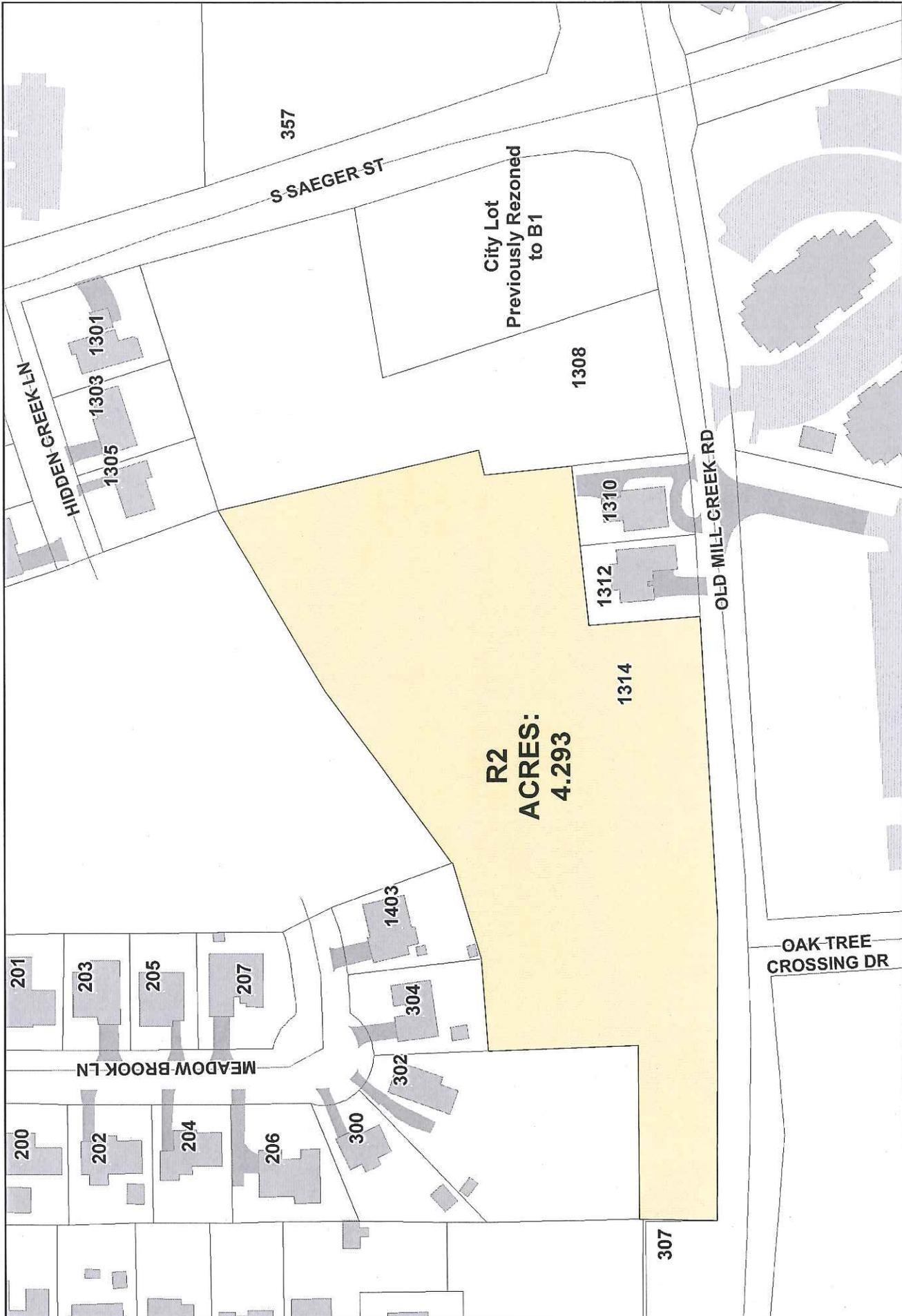
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Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

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Jeana Bellinger, TRMC  
City Secretary



1 inch = 125 feet



**Blinn Mill Creek Subdivision  
"Zoning Exhibit R2"**





**AGENDA ITEM 14**

<b>DATE OF MEETING:</b> March 24, 2016		<b>DATE SUBMITTED:</b> March 17, 2016
<b>DEPT. OF ORIGIN:</b> Development Services		<b>SUBMITTED BY:</b> Erik Smith
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon Resolution No. R-16-011 Providing for an Amendment of the City of Brenham’s “Envision 2020” Comprehensive Plan Future Land Use Map to Change the District From a Recreational/Open Space District to a Commercial/Retail District for a Tract of Land Described as 2.119 Acres Out of the Phillip Coe Survey, A-31, Located at the Northwest Corner of the Intersection of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas		
<b>SUMMARY STATEMENT:</b> This is a request for an amendment to the “Envision 20/20” Comprehensive Plan. The specific parcel is a tract of land described as 2.119 acres of land on the northwest corner of the intersection of Old Mill Creek Road and South Saeger Street out of the Phillip Coe Survey in Brenham, Washington County, Texas. The current district as designated by the Comprehensive Plan is Recreation/Open Space. The City of Brenham is requesting the Comprehensive Plan be amended to designate this parcel as a Commercial/Retail District. The Comprehensive Plan is a document the City uses to help guide planning and future zoning changes for future growth. To follow best practices it would be ideal to change the comprehensive plan when a rezoning request is made so the two maps do not conflict with one another.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<b>A. PROS:</b> Keeps the Comprehensive Plan Map and Zoning Map from conflicting with one another.		
<b>B. CONS:</b>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b> (1) Resolution No. R-16-011		
<b>FUNDING SOURCE (Where Applicable):</b>		

**RECOMMENDED ACTION:** Approve Resolution No. R-16-011 providing for an amendment of the City of Brenham's "Envision 2020" Comprehensive Plan Future Land Use Map to change the district from a Recreational/Open Space District to a Commercial/Retail District for a tract of land described as 2.119 acres out of the Phillip Coe Survey, A-31, located at the northwest corner of the intersection of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas

**APPROVALS:** Terry K. Roberts

**RESOLUTION NO. R-16-011**

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

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

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

**WHEREAS**, the property located on the northwest corner of the intersection of Old Mill Creek Road and South Saeger Street, described as 2.119 acres out of the Phillip Coe Survey, A-31, is designated as single family on the Future Land Use Map; and

**WHEREAS**, the City of Brenham desires to amend the Future Land Use Map of the property located on the northwest corner of the intersection of Old Mill Creek Road and South Saeger Street, described as 2.119 acres out of the Phillip Coe Survey, A-31, as commercial/retail for future development;

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

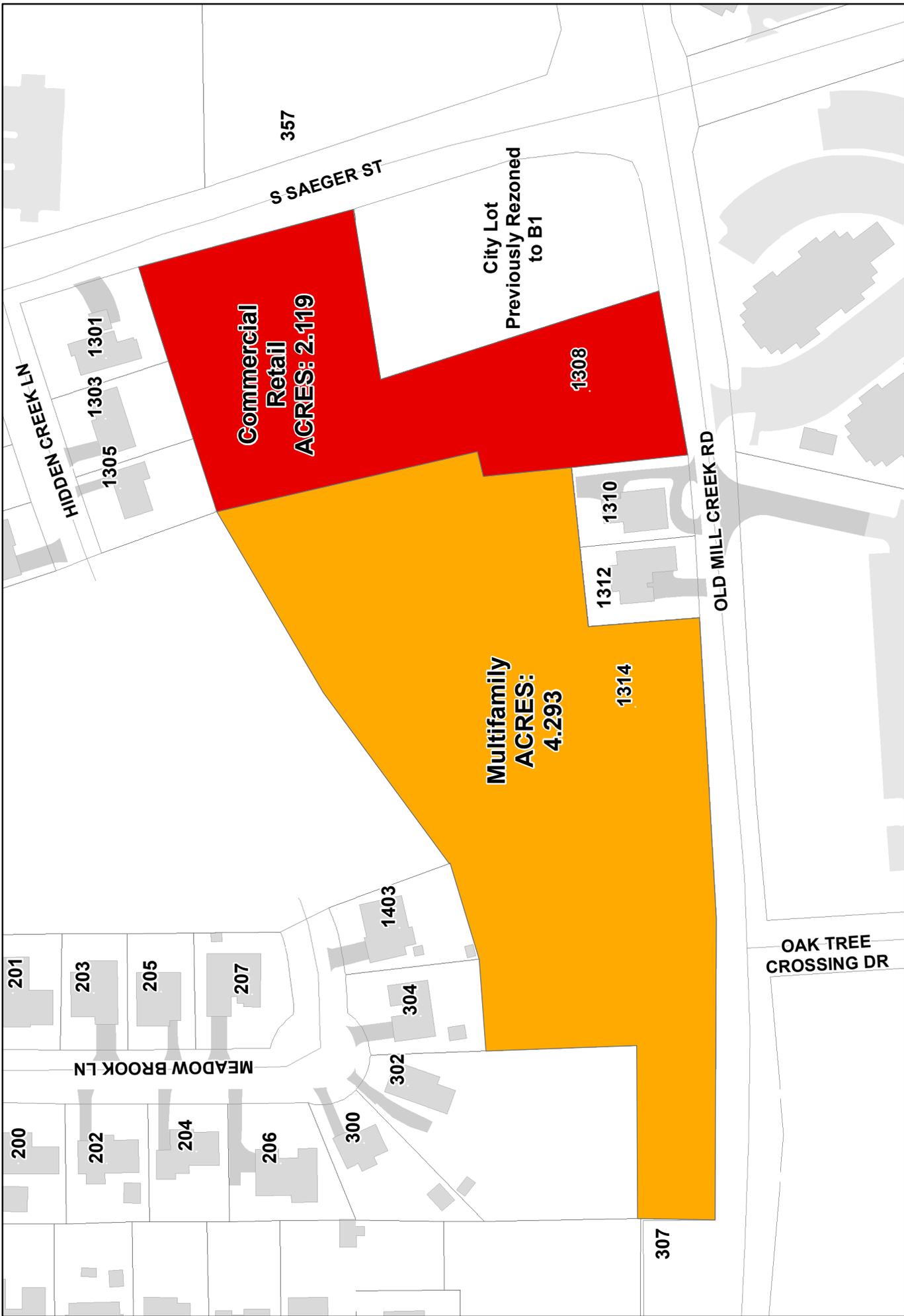
That the City of Brenham Envision 2020 Comprehensive Plan Future Land Use Map is hereby amended to designate the property located on the northwest corner of the intersection at Old Mill Creek Road and South Saeger Street, described as 2.119 acres out of the Phillip Coe Survey, A-31, said 2.119 acres of land being more particularly described on Exhibit “A” attached hereto and incorporated herein for all purposes, as commercial/retail for future development, and the Mayor is authorized to execute any necessary documentation.

ADOPTED this \_\_\_\_\_ the day of \_\_\_\_\_, 2016.

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

**ATTEST:**

\_\_\_\_\_  
Jeana Bellinger  
City Secretary



67 1 inch = 125 feet



# Blinn Mill Creek Subdivision "Comp Plan Exhibit"





**AGENDA ITEM 15**

<b>DATE OF MEETING:</b> March 24, 2016	<b>DATE SUBMITTED:</b> March 17, 2016	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Erik Smith	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> <b>REGULAR</b>	<input type="checkbox"/> <b>PUBLIC HEARING</b>	<input checked="" type="checkbox"/> <b>1<sup>ST</sup> READING</b>
<input type="checkbox"/> <b>SPECIAL</b>	<input type="checkbox"/> <b>CONSENT</b>	<input type="checkbox"/> <b>2<sup>ND</sup> READING</b>
<input type="checkbox"/> <b>EXECUTIVE SESSION</b>	<input checked="" type="checkbox"/> <b>REGULAR</b>	<input type="checkbox"/> <b>RESOLUTION</b>
	<input type="checkbox"/> <b>WORK SESSION</b>	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Single Family Residential Use (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a Tract of Land Described as 2.119 Acres Out of the Phillip Coe Survey, A-31, Located on the Northwest Corner of Old Mill Creek Road and S. Street in Brenham, Washington County, Texas		
<b>SUMMARY STATEMENT:</b> Mill Creek Saeger, LLC. has requested a zone change for property at the northwest corner of Old Mill Creek Road and South Saeger Street which consists of 2.119 acres of land. The land is currently zoned R-1 single family residential and the request is to change the zoning to B-2 local business/residential mixed use. This type of change would allow for a combination multifamily apartment complexes and businesses if the applicant desires.		
The applicant is applying with permission from the property owner. Sale of the land is pending the results of the applicants multiple requests including this item. The apartments and retail space proposed would be open to the public but the apartments would likely house mostly Blinn students. The first floor of the proposal as presented to staff would be retail.		
The Staff received a protest for the related zone change request for this item. There were multiple concerns that were raised to staff at the Planning and Zoning public hearing which included increased drainage, privacy, allowing a three story building, decreased property values, increased traffic, clearing of vegetation and parking lots in backyards. Staff explained to the public at this time this was a land use matter and that we have not received an approvable site plan, civil drawings or construction drawings at this point because the applicant wants to know if the land use will be approved prior to spending money on those items. We explained there are existing rules the applicant would be required to follow as all applicants are required.		
Staff does support this item for multiple reasons:		
<ul style="list-style-type: none"> <li>- This is considered transitional zoning, and;</li> <li>- Thoroughfares support this type of development, and;</li> </ul>		

- This request does not change the makeup of the area as a whole due to the fact there are apartments or are apartments in the planning stages for all four corners of this intersection, and;
- This will add to economic development.

The Planning and Zoning Commission asked staff to bring to City Councils attention they would like Old Mill Creek prioritized as a road improvement project to help accommodate this request. The width of the asphalt, 24', is in line with a minor collector for the area near this development but curbs would need to be added to bring this into compliance with what the design standards shows for a minor collector street. The portion of Old Mill Creek on the west side of Highway 290 is not a minor collector and is not 24' in width.

**Comprehensive Plan Compliance**

The Envision 20/20 Comprehensive Plan lists this property as Recreational/Open Space. The current zoning for this property is R-1 – Single Family District. These two documents are in direct conflict with one another. Both of these issues are on the agenda as requests to align the documents so there is not conflict.

**Thoroughfare Plan Compliance**

Old Mill Creek Road is classified as a Minor Collector.

South Saeger Street is considered a Major Collect.

Both of these types of street classification would support this type of use.

**Public Concerns**

Staff has received a protest from neighboring property owners for the zone change request for this property. The protest did not meet minimum requirements to require a super majority of the Council for approval. Staff was informed the protesters were going to try and gather more signatures after the Planning and Zoning because more people were made aware of the protest. Once they were able to do so they were going to resubmit the request to try and achieve the requirements for the protest to be valid. At the time of this staff report that protest has not been received.

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

**A. PROS:** Allow for additional multifamily residential and first floor retail to accommodate students and provide options for people desiring to live in multifamily residences.

**B. CONS:** Neighboring property owners have submitted a protest to the zoning directly tied to the SUP in opposition of this type of development.

**ALTERNATIVES (In Suggested Order of Staff Preference):**

**ATTACHMENTS:** (1) Ordinance

**FUNDING SOURCE (Where Applicable):**

**RECOMMENDED ACTION:** Approve an Ordinance on its first reading amending the Official Zoning Map of the City of Brenham, to change the zoning district from a Single Family Residential Use (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a tract of land described as 2.119 acres out of the Phillip Coe Survey, A-31, located on the northwest corner of Old Mill Creek Road and S. Street in Brenham, Washington County, Texas

**APPROVALS:** Terry K. Roberts

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

**AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, CHANGING THE OFFICIAL ZONING MAP FROM A RESIDENTIAL (R-1) DISTRICT TO A LOCAL BUSINESS/RESIDENTIAL MIXED USE (B-1) DISTRICT ON 2.119 ACRES OF LAND LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF OLD MILL CREEK ROAD AND SOUTH SAEGER STREET OUT OF THE PHILLIP COE SURVEY, A-31, IN BRENHAM, WASHINGTON COUNTY, TEXAS.**

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

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

**WHEREAS**, this amendment was recommended for approval by the City of Brenham Planning and Zoning Commission during its regular meeting on March 7, 2016; and

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

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

*SECTION 1.* That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham is hereby amended by changing the zoning from a Residential (R-1) District Local/Residential Mixed Use (B-1) District on 2.119 acres of land on the northwest corner of the intersection of Old Mill Creek Road and Saeger Street out of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas, said 2.119 acres of land being more particularly described on Exhibit “A” attached hereto and incorporated herein for all purposes.

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

**PASSED and APPROVED** on its first reading this the 24<sup>th</sup> day of March, 2016.

**PASSED and APPROVED** on its second reading this the 7<sup>th</sup> day of April, 2016.

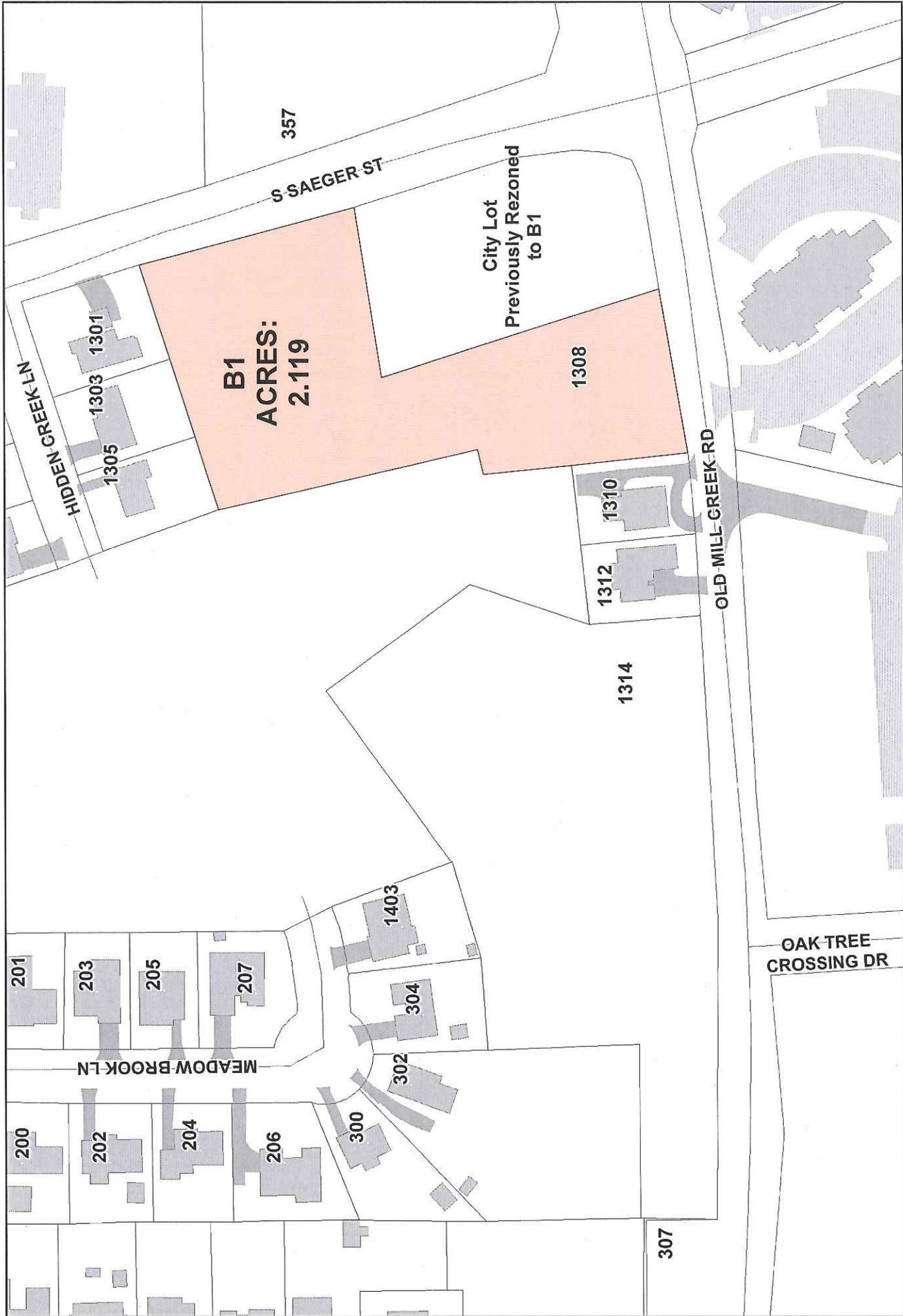
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Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

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Jeana Bellinger, TRMC  
City Secretary



1 inch = 125 feet



## Blinn Mill Creek Subdivision "Zoning Exhibit B1"





## AGENDA ITEM 16

<b>DATE OF MEETING:</b> March 24, 2016	<b>DATE SUBMITTED:</b> March 18, 2016	
<b>DEPT. OF ORIGIN:</b> Public Utilities	<b>SUBMITTED BY:</b> Lowell Ogle	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon Concurrent Change Order No. 1, Change Order No. 2, Change Order No. 3 (Reconciliation) and Authorize Final Payment to Mercer Construction Company for the 2015 Water Distribution System Improvements and Authorize the Mayor to Execute Any Necessary Documentation.		
<b>SUMMARY STATEMENT:</b> Mercer Construction Co. has completed work replacing approximately 4,400 linear feet of AC water lines with 6" C-900 PVC along LJ, Shepard, Carolyn, Janet, and Jefferson streets.  The project involved (3) Change Orders. Change Order No. 1 removed South Hillside Drive from the original contract amount of \$379,920.00 to stay within budget. Removing South Hillside resulted in a reduction of (\$32,345.00) and a revised contract amount of \$347,575.00 Change Order No. 2 added a valve and a flush out at Carolyn and Shepard Streets, an increase of \$1,050.00, and Change Order No. 3 the project reconciliation resulted in a net contract decrease of (\$8,496.40). Total construction cost was \$340,128.60.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>  <b>A. PROS:</b>  <b>B. CONS:</b>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b> (1) Application for Payment No. 6 & Final; (2) Concurrent Change Order No. 1; (3) Change Order No. 2; (4) Change Order No. 3 – Reconciliation of Final Quantities; (5) Certificate of Substantial Completion; and (6) Consent of Surety to Final Payment		
<b>FUNDING SOURCE (Where Applicable):</b>		
<b>RECOMMENDED ACTION:</b> Approve Change Order No. 1, Change Order No. 2, Change Order No. 3 (Reconciliation) and authorize final payment to Mercer Construction Company in the amount of \$113,026.73 and authorize the Mayor to execute any necessary documentation		
<b>APPROVALS:</b> Terry K. Roberts		

APPLICATION FOR PAYMENT NO. 6 & Final

TO OWNER: City of Brenham, 200 West Vulcan, Brenham, Texas 77833  
 FROM CONTRACTOR: Mercer Construction Company, P.O. Box 888, Edna, Texas 77957-0888  
 PROJECT: City of Brenham, 2015 Water Distribution System Improvements  
 JOB NO. 1006.087-WG/WH, 3900.032

CONTRACT AWARDED: April 2, 2015  
 PERIOD FROM: December 1, 2015  
 CONST. TIME ALLOTTED: 120 Calendar Days

NOTICE TO PROCEED: May 21, 2015  
 PERIOD TO: January 7, 2016  
 TIME USED: 232

Item No.	Description	Contract Quantity	Completed Quantity			Unit Price	Total Value of Work Completed
			Previous Period	Current Period	Total		
<b>BASE BID - PVC</b>							
1	Furnish and install 6" AWWA C-900 DR 18 PVC water line by open cut, with trace wire	3,140 LF	2,383	377	2,760	\$ 40.00	\$ 110,400.00
2	Furnish and install 2" SDR 11 IPS PE 4710 HDPE water line by open cut, with trace wire	180 LF	185	0	185	\$ 30.00	\$ 5,550.00
3	Furnish and install 6" gate valve and valve box	9 EA	9	0	9	\$ 925.00	\$ 8,325.00
4	Furnish all labor and materials and make 6" wet connection to existing 6" water line	6 EA	1	2	3	\$ 1,200.00	\$ 3,600.00
5	Remove existing fire hydrant and deliver to City	2 EA	0	1	1	\$ 200.00	\$ 200.00
6	Furnish and install fire hydrant unit	2 EA	2	0	2	\$ 3,900.00	\$ 7,800.00
7	Furnish all labor and materials and make 1" service connection	45 EA	34	1	35	\$ 225.00	\$ 7,875.00
8	Furnish and install 1" SDR 9 CTS Polyethylene service line	975 LF	769	31	800	\$ 30.00	\$ 24,000.00
9	Furnish all labor and materials and tie new 1" Poly service line into existing meter	45 EA	35	0	35	\$ 75.00	\$ 2,625.00
10	Furnish and install ductile iron fittings	1.35 TON	0.65	0.45	1.10	\$ 8,000.00	\$ 8,800.00
11	Furnish all labor and materials and obliterate existing valve box	4 EA	0	3	3	\$ 200.00	\$ 600.00
12	Furnish all labor and materials to plug and abandon existing water lines in place	1 LS	1	0	1	\$ 1,000.00	\$ 1,000.00
13	Perform trench safety per Technical Specification Section 31 50 00, all depths	50 LF	0	0	0	\$ 1.00	\$ -
14	Furnish all materials and perform traffic control in accordance with the Texas MUTCD	1 LS	0.20	0.80	1	\$ 1,500.00	\$ 1,500.00
15	Furnish all labor and materials to perform asphalt pavement repair in City right-of-way	3,280 LF	0	2,945	2,945	\$ 14.00	\$ 41,230.00
16	Furnish all labor and materials to perform concrete pavement repair	35 LF	0	20	20	\$ 100.00	\$ 2,000.00
17	Perform seeding in all areas disturbed by construction	1 LS	0	0	0	\$ 500.00	\$ -
<b>ADDITIVE ALTERNATE BID A - JEFFERSON STREET (PVC)</b>							
A1	Furnish and install 8" AWWA C-900 DR 18 PVC water line by open cut, with trace wire	100 LF	64	18	82	\$ 43.80	\$ 3,591.60
A2	Furnish and install 6" AWWA C-900 DR 18 PVC water line by open cut, with trace wire	1,200 LF	1,287	(81)	1,206	\$ 40.00	\$ 48,240.00

Item No.	Description	Contract Quantity	Completed Quantity			Unit Price	Total Value of Work Completed
			Previous Period	Current Period	Total		
A3	Furnish and install 8" gate valve and valve box	3 EA	3	0	3	\$ 1,200.00	\$ 3,600.00
A4	Furnish and install 6" gate valve and valve box	2 EA	2	0	2	\$ 925.00	\$ 1,850.00
A5	Furnish all labor and materials and make 8" wet connection to existing 8" water line	1 EA	1	0	1	\$ 1,300.00	\$ 1,300.00
A6	Furnish all labor and materials and make 6" wet connection to existing 6" water line	5 EA	4	1	5	\$ 1,200.00	\$ 6,000.00
A7	Remove existing fire hydrant and deliver to City	1 EA	0	1	1	\$ 200.00	\$ 200.00
A8	Furnish and install fire hydrant unit	1 EA	1	0	1	\$ 4,000.00	\$ 4,000.00
A9	Furnish all labor and materials and make 1" service connection	10 EA	7	0	7	\$ 250.00	\$ 1,750.00
A10	Furnish and install 1" SDR 9 CTS Polyethylene service line	290 LF	214	0	214	\$ 35.00	\$ 7,490.00
A11	Furnish all labor and materials and tie new 1" Poly service line into existing meter	10 EA	7	0	7	\$ 75.00	\$ 525.00
A12	Furnish all labor and materials and make 2" service connection (including 6" x 2" tee)	1 EA	1	0	1	\$ 575.00	\$ 575.00
A13	Furnish and install 2" SDR 9 CTS Polyethylene service line	10 LF	10	0	10	\$ 26.00	\$ 260.00
A14	Furnish all labor and materials and tie new 2" Poly service line into existing meter	1 EA	1	0	1	\$ 100.00	\$ 100.00
A15	Furnish and install ductile iron fittings	1.35 TON	0.93	0.42	1.35	\$ 8,000.00	\$ 10,800.00
A16	Furnish all labor and materials and obliterate existing valve box	6 EA	2	5	7	\$ 200.00	\$ 1,400.00
A17	Furnish all labor and materials to plug and abandon existing water lines in place	1 LS	1	0	1	\$ 1,200.00	\$ 1,200.00
A18	Perform trench safety per Technical Specification Section 31 50 00, all depths	20 LF	20	0	20	\$ 1.00	\$ 20.00
A19	Furnish all materials and perform traffic control in accordance with the Texas MUTCD	1 LS	0.90	0.10	1	\$ 1,500.00	\$ 1,500.00
A20	Furnish all labor and materials to perform asphalt pavement repair in City right-of-way	1,285 LF	0	1,298	1,298	\$ 14.00	\$ 18,172.00
A21	Furnish all labor and materials to perform concrete pavement repair	15 LF	0	10	10	\$ 100.00	\$ 1,000.00
A22	Perform seeding in all areas disturbed by construction	1 LS	0	0	0	\$ 500.00	\$ -
<b>CONCURRENT CHANGE ORDER NO. 1</b>							
CO1	Furnish and install 6" AWWA C-900 DR 18 PVC water line by open cut, with trace wire	(380) LF	0	0	0	\$ 40.00	\$ -
CO2	Furnish and install 6" gate valve and valve box	(1) EA	0	0	0	\$ 925.00	\$ -
CO3	Furnish all labor and materials and make 6" wet connection to existing 6" water line	(2) EA	0	0	0	\$ 1,200.00	\$ -
CO4	Furnish all labor and materials and make 1" service connection	(5) EA	0	0	0	\$ 225.00	\$ -

Item No.	Description	Contract Quantity	Completed Quantity			Unit Price	Total Value of Work Completed
			Previous Period	Current Period	Total		
CO5	Furnish and install 1" SDR 9 CTS Polyethylene service line	(160) LF	0	0	0	\$ 30.00	\$ -
CO6	Furnish all labor and materials and tie new 1" Poly service line into existing meter	(5) EA	0	0	0	\$ 75.00	\$ -
CO7	Furnish and install ductile iron fittings	(0.25) TON	0.00	0.00	0.00	\$ 8,000.00	\$ -
CO8	Furnish all labor and materials and obliterate existing valve box	(1) EA	0	0	0	\$ 200.00	\$ -
CO9	Furnish all labor and materials to perform asphalt pavement repair in city right-of-way	(380) LF	0	0	0	\$ 14.00	\$ -
<b>CHANGE ORDER NO. 2</b>							
CO2.1	Furnish and install 2" Gate Valve & Box	1 EA	1	0	1	\$ 450.00	\$ 450.00
CO2.2	Furnish and install Permanent Blow Off including 2" gate valve, valve box and riser	1 EA	1	0	1	\$ 600.00	\$ 600.00

Original Contract: \$ 379,920.00  
Plus Additions: \$ 1,050.00  
Less Deductions: \$ (40,841.40)  
Adjusted Contract: \$ 340,128.60

Value of Work Performed to Date \$ 340,128.60  
Plus Materials Stored at Close of Period \$ -  
Net Amt Earned to Date \$ 340,128.60  
Less 0% Retainage \$ -  
Subtotal \$ 340,128.60  
Less Previous Pay Applications \$ 227,101.87  
**Amount Due this Application \$ 113,026.73**

**AFFIDAVIT & CERTIFICATION OF PAY APPLICATION BY CONTRACTOR**

STATE OF TEXAS  
COUNTY OF JACKSON

WHEREAS, the undersigned, MICHAEL MERCER, who being duly sworn, on oath, says that he is the legal representative of Mercer Construction Company has been employed by City of Brenham to furnish labor and materials for the installation of 2015 Water Distribution System Improvements in Brenham, Texas.

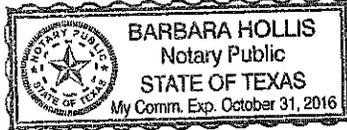
The undersigned Contractor certifies that: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

BY: Michael Mercer DATE: 2-4-2016  
MERCER CONSTRUCTION COMPANY

PRINTED NAME: MICHAEL MERCER TITLE: DIRECTOR

SWORN TO AND SUBSCRIBED BEFORE ME THIS 4th DAY OF February, 2016

Barbara Hollis  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS.



RECOMMENDED BY: Teary Strain DATE: 2-15-2016  
O'MALLEY STRAND ASSOCIATES, INC.

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
CITY OF BRENHAM



O'Malley Strand Associates, Inc.  
 203 South Jackson Street  
 Brenham, Texas 77833  
 (P) 979-836-7937  
 (F) 979-836-7936

CITY OF BRENHAM  
 2015 WATER DISTRIBUTION SYSTEM IMPROVEMENTS  
 JOB NO. 1006.087-WG/WH  
 STRAND PROJECT NO. 3900.031/3900.032

CONCURRENT CHANGE ORDER NO. 1  
 March 13, 2015

REASON: Deletion of the work on S. Hillside Drive from the project.

**DEDUCTIONS:**

1. Furnish and install 6" AWWA C-900 DR 18 PVC water line by open cut, with trace wire, complete in place, (380) LF @ \$40.00/LF ..... (\$15,200.00)
2. Furnish and install 6" gate valve and valve box, complete in place, (1) EA @ \$925.00/EA ..... (\$925.00)
3. Furnish all labor and materials and make 6" wet connection to existing 6" water line, complete in place, (2) EA @ \$1,200.00/EA ..... (\$2,400.00)
4. Furnish all labor and materials and make 1" service connection, complete in place, (5) EA @ \$225.00/EA ..... (\$1,125.00)
5. Furnish and install 1" SDR 9 CTS Polyethylene service line, complete in place, (160) LF @ \$30.00/LF ..... (\$4,800.00)
6. Furnish all labor and materials and tie new 1" Poly service line into existing meter, complete in place, (5) EA @ \$75.00/EA ..... (\$375.00)
7. Furnish and install ductile iron fittings, complete in place, (0.25) TON @ \$8,000.00/TON ..... (\$2,000.00)
8. Furnish all labor and materials and obliterate existing valve box, complete in place, (1) EA @ \$200.00/EA ..... (\$200.00)

City of Brenham  
Page 2  
March 13, 2015

9. Furnish all labor and materials to perform asphalt pavement repair in city right-of-way, complete in place, (380) LF @ \$14.00/LF.....(\$5,320.00)

**TOTAL CONCURRENT CHANGE ORDER NO. 1 ..... (\$32,345.00)**

ORIGINAL CONTRACT AMOUNT.....\$379,920.00  
MINUS CONCURRENT CHANGE ORDER NO. 1 ..... (\$32,345.00)  
**ADJUSTED CONTRACT AMOUNT.....\$347,575.00**

ACCEPTED BY: *[Signature]* 4-2-2015  
Mercer Construction Co. Date

RECOMMENDED BY: *[Signature]* 4.2.2015  
O'Malley Strand Associates, Ins. Date

APPROVED BY: *[Signature]* 4/2/15  
City of Brenham Date



O'Malley Strand Associates, Inc.  
 205 South Jackson Street  
 Brenham, Texas 77733  
 P: 379-433-7957  
 F: 379-336-7936

CITY OF BRENHAM  
 2015 WATER DISTRIBUTION SYSTEM IMPROVEMENTS  
 JOB NO. 1006.087-WG/WH  
 STRAND PROJECT NO. 3900.031/3900.032

CHANGE ORDER NO. 2  
 October 15, 2015

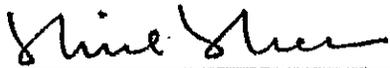
**REASON:** Addition of item for 2" gate valve and valve box shown on the plans at Carolyn and Shepard, but inadvertently left off of the bid form. Addition of a permanent blow-off added by the City at the end of Shepard.

**ADDITIONS:**

- 1. Furnish and install 2" gate valve & valve box, complete in place, 1 EA @ \$450.00/EA.....\$450.00
- 2. Furnish and install permanent blow off including 2" gate valve, valve box, and riser, complete in place, 1 EA @ \$600.00/EA.....\$600.00

**TOTAL CHANGE ORDER NO. 2.....\$1,050.00**

ORIGINAL CONTRACT AMOUNT.....\$379,920.00  
 MINUS CONCURRENT CHANGE ORDER NO. 1.....(\$32,345.00)  
 PLUS CHANGE ORDER NO. 2.....\$1,050.00  
**ADJUSTED CONTRACT AMOUNT.....\$348,625.00**

ACCEPTED BY:   
 Mercer Construction Co.

10-19-15  
 Date

RECOMMENDED BY:   
 O'Malley Strand Associates, Inc.

10-22-15  
 Date

APPROVED BY:   
 City of Brenham

10/26/15  
 Date

**CHANGE ORDER NO. 3 - Reconciliation of Final Quantities**  
**CITY OF BRENHAM**  
**2015 WATER DISTRIBUTION SYSTEM IMPROVEMENTS**  
**JOB NO.: 1006.087-WH**  
**January 19, 2016**

REASON: Reconciliation of Final Quantities.

Item No.	Description	Contract Quantity	Final Quantity	Quantity Increase/Decrease	Unit Price	Amount Increase	Amount Decrease
1	Furnish and install 6" AWWA C-900 DR 18 PVC water line by open cut, with trace wire	3,140 LF	2,760	0	\$ 40.00	-	-
2	Furnish and install 2" SDR 11 IPS PE 4710 HDPE water line by open cut, with trace wire	180 LF	185	5	\$ 30.00	\$ 150.00	-
3	Furnish and install 6" gate valve and valve box	9 EA	9	1	\$ 925.00	\$ 925.00	-
4	Furnish all labor and materials and make 6" wet connection to existing 6" water line	6 EA	3	(1)	\$ 1,200.00	-	\$ (1,200.00)
5	Remove existing fire hydrant and deliver to City	2 EA	1	(1)	\$ 200.00	-	\$ (200.00)
6	Furnish and install fire hydrant unit	2 EA	2	0	\$ 3,900.00	-	-
7	Furnish all labor and materials and make 1" service connection	45 EA	35	(5)	\$ 225.00	-	\$ (1,125.00)
8	Furnish and install 1" SDR 9 CTS Polyethylene service line	975 LF	800	(15)	\$ 30.00	-	\$ (450.00)
9	Furnish all labor and materials and tie new 1" Poly service line into existing meter	45 EA	35	(5)	\$ 75.00	-	\$ (375.00)
10	Furnish and install ductile iron fittings	1.35 TON	1.10	0	\$ 8,000.00	-	-
11	Furnish all labor and materials and obliterate existing valve box	4 EA	3	0	\$ 200.00	-	-
12	Furnish all labor and materials to plug and abandon existing water lines	1 LS	1	0	\$ 1,000.00	-	-
13	Perform trench safety per Technical Specification Section 31 50 00, all depths	50 LF	0	(50)	\$ 1.00	-	\$ (50.00)
14	Furnish all materials and perform traffic control in accordance with the Texas MUTCD	1 LS	1	0	\$ 1,500.00	-	-
15	Furnish all labor and materials to perform asphalt pavement repair in City right-of-way	3,280 LF	2,945	45	\$ 14.00	\$ 630.00	-
16	Furnish all labor and materials to perform concrete pavement repair	35 LF	20	(15)	\$ 100.00	-	\$ (1,500.00)

Item No.	Description	Contract Quantity	Final Quantity	Quantity Increase/ Decrease	Unit Price	Amount Increase	Amount Decrease
A18	Perform trench safety per Technical Specification Section 31 50 00, all depths	20 LF	20	0	\$ 1.00	-	-
A19	Furnish all materials and perform traffic control in accordance with the Texas MUTCD	1 LS	1	0	\$ 1,500.00	-	-
A20	Furnish all labor and materials to perform asphalt pavement repair in City right-of-way	1,285 LF	1,298	13	\$ 14.00	\$ 182.00	-
A21	Furnish all labor and materials to perform concrete pavement repair	15 LF	10	(5)	\$ 100.00	-	\$ (500.00)
A22	Perform seeding in all areas disturbed by construction	1 LS	0	(1)	\$ 500.00	-	\$ (500.00)
<b>CONCURRENT CHANGE ORDER NO. 1</b>							
CO1	Furnish and install 6" AWWA C-900 DR 18 PVC water line by open cut, with trace wire	(380) LF	(380)	0	\$ 40.00	-	-
CO2	Furnish and install 6" gate valve and valve box	(1) EA	(1)	0	\$ 925.00	-	-
CO3	Furnish all labor and materials and make 6" wet connection to existing 6" water line	(2) EA	(2)	0	\$ 1,200.00	-	-
CO4	Furnish all labor and materials and make 1" service connection	(5) EA	(5)	0	\$ 225.00	-	-
CO5	Furnish and install 1" SDR 9 CTS Polyethylene service line	(160) LF	(160)	0	\$ 30.00	-	-
CO6	Furnish all labor and materials and tie new 1" Poly service line into existing meter	(5) EA	(5)	0	\$ 75.00	-	-
CO7	Furnish and install ductile iron fittings	(0.25) TON	(0.25)	0	\$ 8,000.00	-	-
CO8	Furnish all labor and materials and obliterate existing valve box	(1) EA	(1)	0	\$ 200.00	-	-
CO9	Furnish all labor and materials to perform asphalt pavement repair in city right-of-way	(380) LF	(380)	0	\$ 14.00	-	-
<b>CHANGE ORDER NO. 2</b>							
CO2.1	Furnish and install 2" gate valve & valve box	1 EA	1	0	\$ 450.00	-	-
CO2.2	Furnish and install permanent blow off including 2" gate valve, valve box, and riser	1 EA	1	0	\$ 600.00	-	-
SUBTOTAL FOR AMOUNT INCREASE						\$	2,327.00
SUBTOTAL FOR AMOUNT DECREASE						\$	(10,823.40)
NET CONTRACT DECREASE						\$	(8,496.40)

**ADJUSTED CONTRACT AMOUNT (FINAL)**

ORIGINAL CONTRACT AMOUNT	\$	379,920.00
LESS CONCURRENT CHANGE ORDER NO. 1	\$	(32,345.00)
PLUS CHANGE ORDER NO. 2	\$	1,050.00
LESS CHANGE ORDER NO. 3 - RECONCILIATION (NET CONTRACT DECREASE)	\$	(8,496.40)
<b>REVISED CONTRACT AMOUNT</b>	<b>\$</b>	<b>340,128.60</b>

REQUESTED BY: *Shirley Green* 2.4.2016  
MERCER CONSTRUCTION DATE

RECOMMENDED BY: *Kevin Hain* 2.15.2016  
O'MALLEY STRAND ASSOCIATES, INC. DATE

APPROVED BY: \_\_\_\_\_  
CITY OF BRENHAM DATE

\*The Contract Quantity for Base Bid Item Nos. 1, 3 - 4, 7 - 11, and 15 were previously reduced by Concurrent Change Order No. 1. The reduced quantity was used to calculate the Quantity Increase/Decrease for the Reconciliation of Final Quantities.

**CERTIFICATE OF SUBSTANTIAL COMPLETION**

Owner: CITY OF BRENHAM	Owner's Contract No.:
Contractor: MERCER CONSTRUCTION COMPANY	Contractor's Project No.:
Engineer: O'MALLEY STRAND ASSOCIATES, INC.	Engineer's Project No.: 1006.087-WH
Project: 2015 WATER DISTRIBUTION SYSTEM IMPR.	Contract Name:

**This final Certificate of Substantial Completion applies to:**

All Work  The following specified portions of the Work:

January 7, 2016  
**Date of Substantial Completion**

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work shall be as provided in the Contract, except as amended as follows:

Amendments to Owner's responsibilities:  None  As follows:

Amendments to Contractor's responsibilities:  None  As follows:

The following documents are attached to and made a part of this Certificate: *N/A*

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract.

<b>EXECUTED BY ENGINEER:</b>		<b>RECEIVED:</b>		<b>RECEIVED:</b>	
By: <u><i>[Signature]</i></u>	By: _____	By: <u><i>[Signature]</i></u>	By: _____	By: <u><i>[Signature]</i></u>	By: _____
(Authorized signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)		Contractor (Authorized Signature)	
Title: <u>Project Engineer</u>	Title: _____	Title: <u>DIRECTOR</u>	Title: _____	Title: _____	Title: _____
Date: <u>2.15.2016</u>	Date: _____	Date: <u>2.1.2016</u>	Date: _____	Date: _____	Date: _____

Bond No.: 106241409

**CONSENT OF SURETY  
TO FINAL PAYMENT**

Conforms with the American Institute of  
Architects, AIA Document G707

OWNER   
ARCHITECT   
CONTRACTOR   
SURETY   
OTHER

TO OWNER: City of Brenham  
*(Name and address)* 200 West Vulcan  
Brenham, Texas 77833

ARCHITECT'S PROJECT NO.:  
OE Job No. 1006.087WG/WH, Strand Proj. 3900.031

CONTRACT FOR:

PROJECT: 2015 Water Distribution System  
*(Name and address)* Improvements

CONTRACT DATED:  
April 2, 2015

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the  
*(Insert name and address of Surety)*

Travelers Casualty and Surety Company of America

4650 Westway Park Blvd.  
Houston, TX 77041

, SURETY,

on bond of  
*(Insert name and address of Contractor)*

Mercer Construction Company  
909 N. Colorado  
Edna, Texas 77957

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the Surety of any  
of its obligations to  
*(Insert name and address of Owner)*

City of Brenham  
200 West Vulcan  
Brenham, Texas 77833

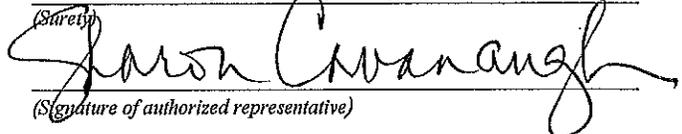
, OWNER,

as set forth in said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: February 4, 2016  
*(Insert in writing the month followed by the numeric date and year.)*

  
Attest: Francine Hay, Witness

Travelers Casualty and Surety Company of America

*(Surety)*  
  
*(Signature of authorized representative)*

Sharon Cavanaugh, Attorney-in-Fact  
*(Printed name and title)*



**AGENDA ITEM 17**

<b>DATE OF MEETING:</b> March 24, 2016	<b>DATE SUBMITTED:</b> March 18, 2014	
<b>DEPT. OF ORIGIN:</b> Public Utilities	<b>SUBMITTED BY:</b> Debra Gaffey	
<b>MEETING TYPE:</b> <input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> SPECIAL <input type="checkbox"/> EXECUTIVE SESSION	<b>CLASSIFICATION:</b> <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT <input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> WORK SESSION	<b>ORDINANCE:</b> <input checked="" type="checkbox"/> 1 <sup>ST</sup> READING <input type="checkbox"/> 2 <sup>ND</sup> READING <input type="checkbox"/> RESOLUTION
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 6, Buildings and Structures, Article IV, International Plumbing Code, of the Code of Ordinances of the City of Brenham		
<b>SUMMARY STATEMENT:</b> The purpose of this agenda item is to amend Chapter 6, Section 6-62, Cross Connection Control Program, subsections 6-62(c)(3)d, of the code of Ordinances so that the lead limitation is consistent with federal and state statutes and TCEQ regulations for public water systems. The amendment reduces the lead content of pipes, pipe fittings, and plumbing fittings and fixtures from 8.0% to 0.25%. Plumbing fixtures procured by the City have been in compliance with the new standard since January 4, 2014.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b> <b>A. PROS:</b> <b>B. CONS:</b>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b> (1) Redline of current ordinance indicating change; and (2) Ordinance amending Chapter 6		
<b>FUNDING SOURCE (Where Applicable):</b>		
<b>RECOMMENDED ACTION:</b> Approve an Ordinance on its first reading amending Chapter 6, Buildings and Structures, Article IV, International Plumbing Code, of the Code of Ordinances of the City of Brenham		
<b>APPROVALS:</b> Terry K. Roberts		

## CHAPTER 6. BUILDING AND STRUCTURES

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### ARTICLE IV. INTERNATIONAL BUILDING CODE

#### Sec. 6-62. - Cross-connection control program.

(c) Customer service inspections.

- (1) A customer service inspection shall be completed prior to providing continuous water service to all new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.
- (2) Only individuals with the following credentials shall be recognized as capable of conducting a customer service inspection:
  - a. Plumbing inspectors and water supply protection specialists that have been licensed by the Texas State Board of Plumbing Examiners.
  - b. Customer service inspectors that have been licensed by the Texas Commission on Environmental Quality (TCEQ).
- (3) The customer service inspection must certify that:
  - a. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by a properly installed air gap or an appropriate backflow prevention assembly.
  - b. No cross-connection between the public water supply and a private water source exists. Where an actual properly installed air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a recognized backflow prevention assembly tester.
  - c. No connection exists which allows water to be returned to the public drinking water supply is permitted.
  - d. No pipe or pipe fitting which contains more than 0.25 percent lead may be used for the installation or repair of plumbing at any connection that provides water for human use.
  - e. No solder or flux which contains more than 0.2 percent lead can be used for the installation or repair of plumbing at any connection that provides water for human use. A minimum of one (1) lead test shall be performed for each inspection.

Deleted: eight (8)

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

**AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 6, BUILDINGS AND STRUCTURES, ARTICLE VI, INTERNATIONAL PLUMBING CODE, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, CONCERNING NEW FEDERAL LAW GOVERNING ALLOWABLE LEAD CONTENT IN PIPES, PIPE FITTINGS, AND PLUMBING FITTINGS AND FIXTURES; PROVIDING FOR A REPEALER AND SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND OPEN MEETINGS**

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

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

**WHEREAS**, the City Council desires to amend or modify certain provisions due to new federal law governing allowable lead content in pipes, pipe fittings, and plumbing fittings and fixtures as outlined in Chapter 6, Article VI, International Plumbing Code, of the Code of Ordinances; and

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

**SECTION 1.**

Chapter 6, Section 6-62, Cross-connection control program, subsection 6-62(c)(3)(d), of the Code of Ordinances of the City of Brenham, Texas, is hereby amended to read as follows:

**Sec. 6-62. - Cross-connection control program.**

- (c) Customer service inspections.
  - (3) The customer service inspection must certify that:
    - d. No pipe or pipe fitting which contains more than 0.25 percent lead may be used for the installation or repair of plumbing at any connection that provides water for human use.

**SECTION 2.**  
**REPEALER AND SAVINGS CLAUSE**

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

**SECTION 3.**  
**SEVERABILITY**

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

**SECTION 4.**  
**EFFECTIVE DATE**

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

**SECTION 5.**  
**PROPER NOTICE AND MEETINGS**

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

**PASSED and APPROVED** on its first reading this the 24<sup>th</sup> day of March, 2016.

**PASSED and APPROVED** on its second reading this the 7<sup>th</sup> day of April, 2016.

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

**ATTEST:**

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



## AGENDA ITEM 18

<b>DATE OF MEETING:</b> March 24, 2016	<b>DATE SUBMITTED:</b> March 10, 2016	
<b>DEPT. OF ORIGIN:</b> Police Department	<b>SUBMITTED BY:</b> Craig U. Goodman	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon the Purchase of Two (2) Remote Tire Deflation Devices for the Police Department Using Seized Narcotic Funds and Authorize the Mayor to Execute any Necessary Documentation		
<b>SUMMARY STATEMENT:</b> The Brenham Police Department deploys spike systems as a method to stop vehicles attempting to elude police contact. The proposed remote tire deflation system allows officers to remotely deploy and retract the stop sticks from a distance up to 100 feet away using a wireless remote control. This new device drastically improves officer safety and increases the possibilities of successful deployments. Also, this new device is fully contained and prevents debris from being scattered over the roadway.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
A. <b>PROS:</b> Remote system ensures officer safety and no debris is left behind.		
B. <b>CONS:</b> Officers will have to continue to use manual spike systems, which can be dangerous.		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b> (1) Quote from Pacific Scientific Energetic Materials Company		
<b>FUNDING SOURCE (Where Applicable):</b> Seizure funds		
<b>RECOMMENDED ACTION:</b> Approve the purchase of two (2) remote tire deflation devices for the Police Department in the amount of \$7,089 using seized narcotic funds and authorize the Mayor to execute any necessary documentation		
<b>APPROVALS:</b> Terry K. Roberts		



7073 W. Willis Road  
 Chandler, AZ 85226-5111  
 (480) 763-3000  
 Fax (520) 796-3185  
 www.psemc.com

DATE: 2/3/2016  
 Attention: Captain Trey Gully  
 Subject: Pacific Scientific Proposal  
 Reference: Nighthawk Request for Quote (Email dated 2/2/2016)

Dear

Pacific Scientific Energetic Materials Company (Arizona) LLC (PSEMC) submits the following proposal for Nighthawk in response to the referenced request:

**Nighthawk - Remote Tire Deflation Device**

Product	Part Number	Unit Price (FOB Origin)	Qty	Total
Nighthawk (includes 10 sticks and 1 sleeve)	836275-01	\$2,995	2	\$5,990
<b>Disposable Launch Tube</b>	<b>835999-01</b>			
Quantity 1-9 (price per launch tube)		\$195	4	\$780
Quantity 10-24 (price per launch tube)		\$185		
Quantity 25+ (price per launch tube)		\$175		
PLEASE CALL for Quote over 20 units				

OPTIONAL ACCESSORIES				
Replacement Battery	BOSCH - BAT620	\$99	1	\$0
Battery Charger	BOSCH - BC660	\$99		\$99
Retract Line	850222	\$35		\$0
Drogue	836378-01	\$69		\$0
Sleeve (includes 5 compartment Sleeve, 12' Null Zone Tether, connection clips)	836377-01	\$99	4	\$0
Nighthawk Spike Strips	N1010	\$55		\$220
Nighthawk Training Sticks	N9110	\$20		\$0
Remote Control Replacement	2-601603-1	\$599		\$0

Total	\$7,089
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**AGENDA ITEM 19**

<b>DATE OF MEETING:</b> March 24, 2016		<b>DATE SUBMITTED:</b> March 14, 2016	
<b>DEPT. OF ORIGIN:</b> Finance		<b>SUBMITTED BY:</b> Carolyn D. Miller	
<b>MEETING TYPE:</b>		<b>CLASSIFICATION:</b>	
<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	
<b>ORDINANCE:</b>			
<input type="checkbox"/> 1 <sup>ST</sup> READING			
<input type="checkbox"/> 2 <sup>ND</sup> READING			
<input type="checkbox"/> RESOLUTION			
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon a Two Percent (2.0%) Mid-Year Employee Pay Scale Adjustment			
<b>SUMMARY STATEMENT:</b> See attached memo from ACM-CFO			
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>			
<b>A. PROS:</b>			
<b>B. CONS:</b>			
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>			
<b>ATTACHMENTS:</b> (1) Memo from ACM-CFO			
<b>FUNDING SOURCE (Where Applicable):</b> The funding is available in the line item budgets for each department in account number 116.00 Salaries/Wages Contingency.			
<b>RECOMMENDED ACTION:</b> Approve a two percent (2.0%) mid-year employee pay scale adjustment as shown in the City of Branham FY12015-16 Adopted Budget.			
<b>APPROVALS:</b> Terry K. Roberts			



## MEMORANDUM

To: Mayor and City Council

From: Carolyn D. Miller  
Assistant City Manager-Chief Financial Officer

Subject: 2% Mid-Year Pay Scale Adjustment

Date: March 14, 2016

A 2% mid-year Cost of Living Adjustment (COLA) was included in the FY15-16 adopted budget. The COLA is conditional upon a mid-year assessment of economic conditions and must be approved by Council before initiated. The General Fund impact is \$61,964 and the Utility Funds combined is \$29,005.

During the middle of the 2015 fiscal year, Brenham experienced slow-down in several manufacturing facilities and the temporary shutdown of Blue Bell Creameries ice cream production (which resumed operations in November 2015). The City of Brenham is fortunate to have a diversified revenue base which has helped mitigate the economic downturn. The economic conditions and outlook for the City are discussed below, and the trends are positive to support ongoing expenditures for the general government. At the March 3, 2016 Audit Committee meeting, we discussed this matter in greater detail and the Audit Committee gave their full support to move ahead and present this item to City Council for consideration.

- **Strong Sales Tax Performance** – Sales tax, which is the largest revenue source for funding General Fund operations and maintenance, was budgeted to increase by 1% in FY16 over the FY15 budget. For the first four months, sales tax is running \$100,300 or 6.4 % ahead of budget.
- **Growth in Property Valuations** – The City of Brenham’s certified taxable property valuations have grown 7.93% from last year’s adjusted values of \$1,101,449,203 to \$1,188,742,237 for the 2016 tax year. This included over \$16.19 million in new improvements.
- **Increases in New Commercial Building Permits for FY15 versus FY14**– The City issued 74 commercial building permits for FY15 totaling \$15.4 million as compared to 55 permits for \$9.5 million in FY14. A portion of the increase of \$5.9 million is attributable to the following projects: \$3.2 million for the Washington County Healthy Living Center; \$6.1 million for Belle Towers, a senior living community; and \$2.7 million for the City of Brenham’s animal adoption center.

- **Fast Start for Residential Permits in First Quarter of FY16** – residential permits for the first quarter total \$2.054 million with Ralston Creek subdivision being over \$1.85 million.
- **Tax Phase-In for Valmont Coatings** – Valmont Coating will be investing \$14.8 million in capital for this project and will create 40 new jobs during the first several years of operation. This project is expected to have a substantial positive economic impact to the local economy and become one of the top gas customers in the City. We anticipate an additional \$70,000 in franchise tax to the General Fund from this project.
- **General Fund First Quarter Performance** – we will be presenting the first quarter financial performance at the April 7<sup>th</sup> council meeting, and the General Fund overall performance is favorable to budget by \$267,788.

When the City Council included the 2.0% mid-year pay scale adjustment for all City employees in the FY15-16 Adopted Budget, they recognized the importance of keeping our salaries competitive to recruit and retain the best qualified workforce. In support of this initiative, and based on the economic conditions and outlook for the City, the budget team is confident in certifying that economic conditions support the approval of this action.



**AGENDA ITEM 20**

<b>DATE OF MEETING:</b> March 24, 2016		<b>DATE SUBMITTED:</b> March 14, 2016	
<b>DEPT. OF ORIGIN:</b> Administration		<b>SUBMITTED BY:</b> Terry K. Roberts	
<b>MEETING TYPE:</b>		<b>CLASSIFICATION:</b>	
<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	
<b>ORDINANCE:</b>			
<input type="checkbox"/> 1 <sup>ST</sup> READING			
<input type="checkbox"/> 2 <sup>ND</sup> READING			
<input checked="" type="checkbox"/> RESOLUTION			
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon Resolution No. R-16-012 Approving Retail Development Incentive Guidelines for the City of Brenham			
<b>SUMMARY STATEMENT:</b> See attached memo from the City Manager			
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>			
<b>A. PROS:</b>			
<b>B. CONS:</b>			
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>			
<b>ATTACHMENTS:</b> (1) Memo from City Manager			
<b>FUNDING SOURCE (Where Applicable):</b>			
<b>RECOMMENDED ACTION:</b> Approve Resolution No. R-16-012 approving Retail Development Incentive Guidelines for the City of Brenham			
<b>APPROVALS:</b> Milton Y. Tate, Jr.			



To: Mayor and Council  
From: City Manager Terry Roberts  
Subject: Retail Incentives Guidelines Policy Recommendation  
Date: March 21, 2016

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Included in your agenda packet is a resolution and accompanying retail incentives guidelines policy for your consideration. The retail incentives policy is formally adopting a tool to aid in recruiting and attracting major retail development projects to our community. It is similar to our tax phase in policy used in the recruitment of industrial jobs.

The retail incentives counterpart is different, however, from the tax phase in counterpart in that the specific amount of the incentive is subject to negotiations with the developer/retailer. The baseline criteria for consideration are a retailer with \$10 million in annual sales and a facility of 40,000 square feet.

The County will take up this initiative in an upcoming Commissioners Court meeting. The legislature has empowered cities and counties to offer retail incentives under Chapters 380 (cities) and 381 (counties) of the Texas Local Government Code.

A Retail Steering Committee was formed approximately four years ago from representatives of the entities that funded a retail study by the firm The Retail Coach. That Committee created a subcommittee of the group to draft a retail incentives policy. In addition to City and EDF staff members, additional committee members included a representative from Washington County, Bluebonnet Electric and the EDF Board.

The final draft was brought back to the entire Retail Steering Committee as well as the EDF Board. Before it went to these groups, city staff reviewed and discussed the draft with the City Council representatives on the Retail Steering Committee. Those representatives are Mayor Tate, Mr. Williams and Mr. Goss.

Retail developers make decisions on locating in a community based on a number of factors including the trade area. However, they also have choices on whether to make a move to a community. Sometimes incentives can make or break a decision to come.

We believe having this tool in our tool box will be helpful in being competitive in recruiting and attracting major retailers to our community.

**RESOLUTION NO. R-16-012**

**A RESOLUTION OF THE CITY OF BRENHAM, TEXAS APPROVING  
RETAIL DEVELOPMENT INCENTIVE GUIDELINES FOR THE CITY OF  
BRENHAM**

**WHEREAS**, retail development is vital to the community’s economic and social health through job creation and tax base enhancement; and

**WHEREAS**, retail developments provide residents, businesses and visitors with more options and services; and

**WHEREAS**, in an effort to stimulate and enhance the local sales tax base, the Retail Development Incentive Guidelines attached hereto as Exhibit “A” provide a framework for the City of Brenham to stimulate sustainable retail growth for the area with a public purpose;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Brenham does hereby approve the Retail Development Incentive Guidelines attached hereto as Exhibit “A” and incorporated herein for all purposes.

**APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

**ATTEST:**

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

**RETAIL DEVELOPMENT INCENTIVE GUIDELINES**  
**For Brenham/Washington County**  
*March 2, 2016*

**PURPOSE STATEMENT**

Retail development is vital to the community’s economic and social health. Retail businesses support the local economy through job creation and tax base enhancement. Retail developments provide residents, businesses and visitors with more options and services. In an effort to stimulate and enhance the local sales tax base, Retail Development Incentive Guidelines provide a framework for elected officials to make informed decisions. It is intended that this Retail Development Incentive Guidelines document will not constitute an entitlement to existing and/or prospective businesses and/or developers; rather it will stimulate sustainable retail growth for the area with a public purpose. It should only be utilized for the development of new sales tax revenue in the City/County and/or to support areas under-served by retail businesses. It is also the intent of this document to only incentivize the eligible retail portion of businesses that are included in a mixed use development. In order to successfully compete for these limited retail development opportunities, the following guidelines and criteria will be used during the evaluation of retail incentive requests by retailers and/or retail developers. Incentive agreements approved pursuant to these guidelines shall comply with all applicable law. Incentive agreements governed by Texas Tax Code, Ch. 312 shall include required recapture provisions, while incentive agreements governed by Texas Local Government Code, Ch. 380 or 381 shall be performance-based.

**Section 1**

**1.1 Application Process**

Application – Prospective retail developers and retailers must submit a formal written application for retail incentives to the following address:

Brenham Economic Development Foundation  
314 S. Austin Street  
Brenham, TX 77833

**1.2 Market Analysis and Other Information**

In addition to completing the attached application, applicants shall be required to provide a market analysis, development pro forma, economic impact analysis, traffic study, projected sales, projected employment, payroll data and other relevant data as may be required by the Brenham Economic Development Foundation, City of Brenham or Washington County. To the extent allowed by applicable law, an applicant’s proprietary information will be kept strictly confidential.

### **1.3 Application Approval/Denial Process**

Applications will initially be evaluated by the Brenham EDF to determine if they meet the guidelines set forth herein. The applicant may be required to make a formal presentation regarding the project/application to the Retail Development Steering Committee. A recommendation will then be made to City Council and/or County Commissioners regarding the eligibility of the project, the amount of the incentive and the type of incentive.

Upon determination by the City Council and/or Commissioners Court regarding an incentive allocation, an economic development agreement containing performance standards and required timeline will be prepared. The agreement will be forwarded to the City Council and/or County Commissioners for approval.

### **1.4 Project Types**

Incentives may be provided to the following types of projects:

#### **A. Destination Retail Project**

A destination retail project is defined as a development that contains a retailer or group of retailers that will offer a product, service and/or good that is unique to the market. A destination retailer is expected to attract new sales revenue subject to local sales and use tax or retain sales revenue that may otherwise have gone to other nearby cities/metro areas in the form of retail leakage. Each destination retailer must have a minimum of \$10 Million in annual sales revenue subject to local sales and use tax.

#### **B. Regional Development**

A regional retail development is defined as a development that contains at least 40,000 square feet of net usable retail space. In addition to retaining existing sales revenue and attracting new sales revenue, both subject to local sales and use tax, a regional development is expected to expand the ad valorem tax revenue of the City and County. The project should also attract other retail businesses and mixed-use development.

#### **C. Other**

Requests for any variances from this Guideline document may be made in writing to the City/County. Such request shall include a complete description of the circumstances explaining why the applicant should be granted a variance. Approval of a request for variance requires a three-fourths (3/4) majority vote of the governing body of the City/County.

## **SECTION 2**

### **2.1 Application Evaluation**

During the evaluation of the retail incentive application, the City/County will determine if the proposed development meets any of the stated goals below:

- A. Increase the tax base.
- B. Provide a better quality of life for citizens, including enhanced offerings in retail goods and services.
- C. Provide merchandise and entertainment, as well as public areas that provide community gathering places.
- D. Attract other types of development, including but not limited to other retail businesses, office and residential projects.
- E. Provide new economic benefits to the City/County and be a catalyst for economic development by stimulating business and commercial activity in the area.
- F. Significantly reduce the loss of sales and revenue from Brenham/Washington County residents who travel to other cities to purchase or consume like goods and services.

### **2.2 City/County Fiscal Impact Analysis**

During the evaluation of the application, the following issues will be considered in order to demonstrate whether the public benefits to the City/County will be positive within a projected time frame:

- A. Cost of the incentive (including labor costs of City/County staff).
- B. Cost of City/County services such as police and fire operations.
- C. Wear and tear on City/County streets, roads and other infrastructure.
- D. Increased burden on water, sewer and storm drainage systems.
- E. Estimated “transfer losses” from existing merchants.

## **SECTION 3**

### **3.1 Forms of Incentives**

To the extent permitted by law (in accordance with chapters 380/381 of the Texas Local Government Code or other applicable law), the City/County may assist a retailer or retail developer by providing the following incentives such as (but will not be limited to):

- A. Public infrastructure improvements, including, but not limited to the following:
  - 1. Public street and roadway improvements.
  - 2. Traffic signals, signage, and control devices.
  - 3. Utility improvements.
  - 4. Drainage and storm water improvements.
  - 5. Streetscape improvements in or around the proposed development that encourage pedestrian traffic.
  - 6. Public transportation services.
  - 7. Parking garage or other parking improvements.
  
- B. Assistance with public processes including but not limited to permitting, zoning, building and technical codes, site plan approval and site inspections.
  
- C. Site Acquisition of property for public infrastructure.
  
- D. Sales Tax Rebates
  
- E. Property Tax Rebates

### **3.2 Performance-Based Incentives**

Incentives shall be based on the estimated amount of City/County sales taxes generated that can be reasonably defined and determined to result from the new development. These guidelines encourage a performance-based approach to incentives.

### **3.3 Economic Development Agreements**

Economic development incentives considered pursuant to these guidelines must be approved by the appropriate City and/or County governing body prior to becoming effective.

### **3.4 Administration**

Each retail development incentive project will be monitored periodically for compliance with the terms of the incentive agreement. The agreement will require the applicant to provide a sworn statement and documents verifying compliance each year. Failure to provide the required documents in the manner outlined herein shall result in termination of the retail development incentive agreement.

The terms of the agreement shall include the right of the City/County: 1) to review and verify the applicant's employment records, payroll records, tax records and any other relevant records during the term of the agreement; 2) to conduct on-site inspections of the project during the term of the agreement; and 3) to review such other items as may be reasonable to verify compliance with the terms of the agreement.

The agreement shall stipulate that employees and/or designated representatives of the City/County will have access to the premises during the term of the retail development incentive agreement to inspect the facility to determine compliance with the terms and conditions of the agreement. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will be conducted in such manner as to not unreasonably interfere with the construction and/or operation the facility. All City/County inspections will be made with one or more representatives of the company or individual and in accordance with applicable safety standards.

All proprietary information acquired by any affected jurisdiction for purposes of monitoring compliance with the terms and conditions of a property retail development incentive agreement shall be considered confidential to the extent allowed by law.

Compliance will also be monitored in the following manner:

- (a) A Compliance Review Committee shall collect from the applicant a sworn statement of compliance and verifying documents and conduct any inspections on or before June 30 of each calendar year. The Committee shall be comprised of 5 representatives, with 2 appointed by the Mayor, 2 appointed by the County Judge and 1 appointed by the Chief Appraiser of Washington County. The Committee members will be appointed by January 30 of even numbered years for a two year term. Any vacancy on the committee will be filled by the designated official who appointed the vacating committee person. The designated official may remove an appointee at any time with or without cause. The company/individual receiving the retail development incentive shall furnish the Committee with such information as may be necessary to verify compliance, including the number of new or retained employees associated with the facility and their salaries.
- (b) The Chief Appraiser of Washington County shall annually determine an assessment of the real and personal property. This shall be done on or before October 1 of each calendar year.
- (c) The Committee shall provide a report on the status of all retail development incentive agreements to the City/County on or before December 15 of each calendar year.

### **3.5 Default**

Should the City/County determine that a company or individual is in default according to the terms and conditions of its agreement, the City/County shall notify the company or individual in writing at the address stated in the agreement, and if such default is not cured within thirty (30) days or begun to be cured (in the case of a default that cannot reasonably be cured within 30 days) from the date of such notice ("Cure Period"), then the agreement shall be terminated.

In the event that the company or individual:

- (1) allows its ad valorem taxes owed the City/County to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest; or

- (2) does not create or maintain jobs as outlined in the agreement; or
- (3) violates any of the terms and conditions of the retail development incentive agreement and fails to cure same during the Cure Period; or
- (4) if the retail facility is completed and begins marketing and selling products or services, but subsequently discontinues marketing and selling products or services for any reason excepting fire, explosion or other casualty or accident or natural disaster, for a period of more than one (1) year during the term of the incentive agreement;

The agreement shall terminate and so shall the retail development incentive(s) for the calendar year during which the agreement is terminated.