



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY MAY 1, 2014 AT 1:00 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – City Manager Terry Roberts**
- 3. 3-a. Service Recognitions**
 - Lance Weiss – Police Department – 5 years
 - Eliborio Villarreal – Streets – 10 years
 - James Antkowiak – Electric Department – 15 years
 - Daniel McCracken – Public Utilities – 15 years
 - Colleen Latham – Transfer Station – 20 years
 - Alfredo Garcia – Street Department – 25 years
 - Lowell Ogle, Jr. – Public Utilities – 30 years
- 3-b. New Employees**
 - Sara Parker – Purchasing Supervisor
 - Richard DePhillippis III – Street Department
- 4. Proclamation**
 - **Municipal Secretaries Week – May 5–9, 2014**
- 5. Citizens Comments**

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CONSENT AGENDA

6. Statutory Consent Agenda

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

6-a. Minutes from the April 3, 2014 City Council Meeting

Page 2-10

6-b. Ordinance No. O-14-015 on Its Second Reading for the Placement of Stop Signs at Multiple Street Intersections within the Ralston Creek Subdivision

Page 11-12

WORK SESSION

- 7. Presentation, Discussion and Overview of the Annexation Process and Proposed Areas to be Annexed**

Page 13

PUBLIC HEARING

- 8. Proposed Annexation of Four Areas of Land into the City Limits and Explanation of Service Plan for Each Area Proposed for Annexation**

Page 14-25

Section 2014-1: Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burleson Street; tracts with frontage along State Highway 36th North and Dixie Street; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the ‘cloverleaf’ intersection of Highway 290 West and State Highway 36 North.

Section 2014-2: Approximately 30.512 acres of land situated in Washington County, Texas, out of the John Carrington Survey, Abstract No. A0120, generally consisting of tracts with frontage along the western right-of-way line of State Highway 36 beginning at the current City limits and proceeding in a southerly direction to approximately Anderson Lane (located on the eastern side of State Highway 36 North).

Section 2014-3: Approximately 45.366 acres of land situated in Washington County, Texas, out of the Isaac Lee Survey, Abstract No. A0077, generally consisting of tracts that abut the current City limits between South Blue Bell Road and Tiaden Lane and tracts that abut US Highway 290 East from Blue Bell Road to approximately 500 feet east of Tiaden Lane.

Section 2014-4: Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard.

REGULAR AGENDA

- 9. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 8, Fire Protection and Prevention, Articles I, III, and V, of the Code of Ordinances of the City of Brenham** **Page 26-48**
- 10. Discuss and Possibly Act Upon Bid #1006.082-WG/WH for 2014 Water Distribution System Improvements and Authorize the Mayor to Execute Any Necessary Documentation** **Page 49-55**

WORK SESSION

- 11. Presentation and Update Regarding the Charter Review** **Page 56**
- 12. Discussion and Update on the Restroom Renovations at the City of Brenham Fire Station** **Page 57-59**
- 13. Presentation of the 2013 Annual Report by the Public Utilities Department** **Page 60**
- 14. Presentation of the 2013 Annual Report by the Administration Department** **Page 61**

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 salutary 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.
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- 15. Administrative/Elected Officials Report**

Adjourn

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

CERTIFICATION

I certify that a copy of the May 1, 2014 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 April 28, 2014 at ***12:27 PM***.

Amanda Klehm

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 _____, 2014 at _____ AM PM.

Signature

Title

PROCLAMATION

WHEREAS, Municipal Secretaries serve as the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Municipal Secretaries strive to improve the administration of their duties through participation in educational programs, seminars, workshops and annual meetings; and

WHEREAS, The functions of the Municipal Secretary require a thorough knowledge of law procedure, administration and interpersonal relationships; their responsibilities include ordinance and resolutions development, administering elections and maintaining vital records, including Council agendas and minutes; and

WHEREAS, It is right and just that the City Council join together with the residents of Brenham to commend the people who fulfill the role of Municipal Secretaries and applaud their dedication and professionalism;

Now therefore, I, Milton Y. Tate Jr., Mayor of the City of Brenham, Texas do hereby proclaim May 5- 9, 2014 as

MUNICIPAL SECRETARIES WEEK

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

Milton Y. Tate Jr.
Mayor

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on April 3, 2014 beginning at 8:00 a.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 K. Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Amanda Klehm, Chief Financial Officer Carolyn Miller, Stacy Hardy, Crystal Locke, Wende Ragonis, Andria Heiges, Susan Nienstedt, Will Felder, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Development Services Director Julie Fulgham, Public Works Director Dane Rau, Casey Redman, Public Utilities Director Lowell Ogle, Alton Sommerfield, Kevin Boggus, Pam Ruemke, and Grant Lischka

Citizens present:

Janna Haevischer, Evelynia Graves, Julie Overstreet, Donna Keeling, Gary Kimble, Marcus Overstreet

Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner, KWHI

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

3. **3-a. Service Recognitions**
➤ Will Felder – Library – 10 years

4. **Proclamation**
➤ **Child Abuse Prevention Awareness Month**

The proclamation was accepted by Julie Overstreet, Janna Haevischer and Donna Keeling as representatives of CASA for Kids and CPS.

5. **Citizens Comments**

There were no citizen comments.

CONSENT AGENDA

6. **Statutory Consent Agenda**

- 6-a. Minutes from the February 20, 2014 and February 27, 2014 City Council Meetings**

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Goss to approve the Statutory Consent Agenda Items 6-a. as read.

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

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

WORK SESSION

7. **Presentation, Update, and Discussion Regarding the Simon Theater Facility and Associated Project Improvements, Status of Project, and Future Operation and Ownership of Said Facility**

Mayor Tate passed on this item until the next Council meeting.

8. Discussion and Update Concerning the Issuance, Sale and Other Matters Related to the City of Brenham, Texas General Obligation Refunding Bonds Approved at the February 20, 2014 City Council Meeting

The City's Financial Advisor Garry Kimball presented this item. Kimball stated Specialized Public Finance received six bids for the GO Refunding bonds, and the savings are reflected on the attached summary. Bids were submitted by TIB (winner at 2.09%), Chase (2.10%), Zion's (2.11%), Regions (2.24%), BOSC (2.27%) and BBT (2.31%). Kimball explained the debt service savings were \$455,000, which exceeded 7%. Kimball advised this will close next month.

REGULAR AGENDA

9. Discuss and Possibly Act Upon Resolution R-14-009 of the City Council of the City of Brenham, Texas, Authorizing the Giving of Notice of Intention to Issue City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2014; and Declaring an Effective Date

The City's Financial Advisor Garry Kimball presented this item. Kimball stated when preparing the FY13-14 budget, Staff included the purchase of a fire rescue truck and a fire pumper truck. Kimball explained the purchase orders for the trucks were issued in late October, 2013 and the City Council approved a reimbursement Resolution at the October 17, 2013 meeting to authorize the reimbursement from bond proceeds when the sale occurred.

Kimball explained on February 27, 2014 the City held a Council Workshop titled "Financial Puzzle" in which Staff presented options for 50/50 public-private partnerships to address two impaired buildings: (1) animal shelter and (2) library. Kimball advised with the public-private partnerships, the City's 50% match would equal \$1 million for the animal shelter and \$1.5 million for the library.

Kimball explained the \$4.1 million in Certificates of Obligation to be incurred are for the following purposes: (a)(i) the acquisition of land for the construction of a fire substation and the acquisition of a fire rescue truck and a fire pumper truck for the City; (ii) the construction and equipping of a new City animal shelter; and (iii) the expansion, renovation and equipping of the City library (collectively, the "Project"); and (b) to pay professional services of attorneys, engineers, financial advisors and other professionals in connection with the Project; and to pay the costs associated with the issuance of the Certificates. Kimball explained the initial step in the financing process is to give notice of the City's intent to issue the Certificates of Obligation. Kimball advised upon Council's approval, the notice itself will be published in the Brenham Banner. Kimball explained that he will handle securing the pricing and bring it back to Council for action at the May 15, 2014 Council meeting.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve Resolution R-14-009 of the City Council of the City of Brenham, Texas, authorizing the giving of notice of intention to issue City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2014 and declaring an effective date.

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

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

10. Discuss and Possibly Act Upon Bid No. 14-006 for the Annual Wood Pole Inspection and Reinforcement Project and Authorize the Mayor to Execute Necessary Documentation

Public Utilities Director Lowell Ogle presented this item. Lowell stated on March 24, 2014 the Purchase Department opened bids for the 2014 Wood Pole Inspection/Reinforcement Project. Lowell explained this project will allow for the reinforcement of between 175 and 200 wood poles that have been identified over the past couple of years as being a candidate for reinforcement. Lowell advised these poles typically have integrity issues at the ground level. Lowell stated the contractor will re-inspect the poles and verify that they can be reinforced and then will attach the reinforcing mechanism. Lowell explained this process will make these poles safe and extend the life for another 10 to 15 years. Lowell stated Staff budgeted \$75,000 for this project and will reinforce as many poles as possible with the available funds. Lowell explained bids were advertised and four (4) packets were requested, but Staff only received one bid for the project. Lowell advised the prices are comparable to quotes Staff has received in the past.

Councilmember Goss questioned in what is the comparison in the cost of wood poles and attaching reinforcement to steel poles. Ogle stated it is much more expensive to use steel poles than wood poles; however, Staff has started to use steel poles in certain situations. Electric Superintendent Alton Sommerfield stated the cost is approximately \$1000-\$1200 per pole. Ogle explained the manufacturers states the reinforcement will enhance the life of the pole 20-25 years, but Staff feels comfortable startin10-15 years.

Councilmember Goss questioned if the reinforcement places any stress on the poles. Ogle explained the process to attach and engineer the reinforcement is made to extend the life of the pole, not cause stress to the pole. Councilmember Goss questioned about turbulent weather. Ogle stated the reinforcement on the pole is as strong as or stronger with the mechanism than it is without it. Ogle stated it would cost the City approximately \$300,000 to change out all poles.

Councilmember Goss questioned how far the mechanism goes on the pole. Sommerfield stated 10 feet total, but 4.5 to 5 feet is driven in. Ogle explained the problems are usually at ground level. Sommerfield explained during a storm, the mechanisms do what they are supposed to do.

Councilmember Williams questioned what is the cost comparison between underground and overhead lines. Sommerfield stated \$15.00 per feet for single compared to \$5.00 per feet for single and they must be tripled. Ogle advised everything new is going underground, but replacing existing is more expensive.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve Bid No. 14-006 and award contract to Midwest Pole Inspection for the amount not to exceed \$75,000 for the annual Wood Pole and Reinforcement Project and authorize the Mayor to execute any necessary documentation.

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

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

11. Discuss and Possibly Act Upon a Request for a Noise Variance from Washington County Historical Juneteenth Association to Celebrate Emancipation Day to be Held on June 13, 2014 from 6:00 p.m. – 11:00 p.m. and June 14, 2014 from 12:00 p.m. – 4:00 p.m. at Fireman’s Park and Authorize the Mayor to Execute Any Necessary Documentation

Deputy City Secretary Amanda Klehm presented this item. Klehm stated Darron Smith from Washington County Historical Juneteenth Association has requested a noise variance to hold a two-day event to celebrate Emancipation Day on June 13, 2014 from 6:00 p.m. – 11:00 p.m. and June 14, 2014 from 12:00 p.m. – 4:00 p.m. at Fireman’s Park. Klehm explained they will have one band and one DJ. Klehm advised they will be using sound amplification equipment. Klehm stated although Staff is not seeking Council approval, but for information only, they have also filled out a parade permit requesting closure of Main, Baylor, Austin, Ross, Clinton, Douglas, and Charles Streets for June 14, 2014 from 8:30 a.m. -12:00 p.m. Klehm advised the Brenham Police Department and the Brenham Fire Department have approved both the noise variance and parade permit requests.

A motion was made by Councilmember Williams and seconded by Mayor Pro Tem Nix to approve a request for a noise variance from Washington County Historical Juneteenth Association to celebrate Emancipation Day to be held on June 13, 2014 from 6:00 p.m. – 11:00 p.m. and June 14, 2014 from 12:00 p.m. – 4:00 p.m. at Fireman’s Park and authorize the Mayor to execute any necessary documentation.

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

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

12. Discuss and Possibly Act Upon a Request for a Noise Variance from Evelynia and Joseph Graves for a Family Reunion at 906 Armbrister Street to be Held on April 12, 2014 from 9:00 a.m. – 9:00 p.m. and Authorize the Mayor to Execute Any Necessary Documentation

Deputy City Secretary Amanda Klehm presented this item. Klehm stated Evelynia Graves is requesting a noise variance for a family reunion gathering at 906 Armbrister Street on April 12, 2014 from 9am-9pm for DJ/Band. Klehm explained they will have speakers, microphones, drums and turntable, which requires a Noise Variance. Klehm advised the Brenham Police Department and the Brenham Fire Department have approved the noise variance request.

Mayor Tate questioned the amount of people they expect to attend the event. Citizen Evelynia Graves stated they expected around 50 people. Councilmember Goss questioned if she has contacted her neighbors. Graves stated she has notified all of her neighbors through a letter with no complaints or concerns from them.

Councilmember Williams questioned if the DJ will be playing all day from 9:00am to 9:00pm. Graves stated that the music will not start until 2:00pm that afternoon.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve a request for a noise variance from Evelynia and Joseph Graves for a family reunion at 906 Armbrister Street to be held on April 12, 2014 from 9:00 a.m. – 9:00 p.m. and authorize the Mayor to execute any necessary documentation.

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

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

WORK SESSION

13. Discuss and Review the FY2013-14 First Quarter Financial Report

Chief Financial Officer Carolyn Miller presented this item. Miller advised the status of the General Fund and the five major utility funds in the report. Miller reported that the City experienced favorable performance in the General Fund and all utility funds posted positive net revenues over expenditures, with the exception of the Gas Fund which posted a net loss for the quarter due to the timing of the “true-up” for gas purchased costs for the first quarter of FY2013-14.

FINANCIAL PERFORMANCE SUMMARY

Fund	1 st QTR Actual Performance		
	Revenues	Expenditures	Net Revenues
General Fund	\$ 3,773,271	\$ 3,468,106	\$ 305,165
Electric Fund	\$ 5,865,242	\$ 5,710,576	\$ 154,666
Gas Fund	\$ 789,189	\$ 841,809	\$ (52,620)
Water Fund	\$ 1,006,135	\$ 924,150	\$ 81,985
Wastewater Fund	\$ 920,941	\$ 797,666	\$ 123,275
Sanitation Fund	\$ 831,344	\$ 656,799	\$ 174,545

Miller explained at the end of the first quarter, the General Fund posted net reserves of \$305,165. Miller advised the Electric Fund had favorable net revenues of \$154,666 at the end of the first quarter. Miller stated for the first quarter, the Gas Fund posted unfavorable net revenues of (\$52,620). Miller explained the Water Fund experienced positive net revenues of \$81,985 for the first quarter, which is near break-even. Miller advised net revenues for the Wastewater Fund were \$123,274 for the first quarter. Miller advised the combined operations of the Sanitation Fund posted favorable net revenues of \$174,545 for the first quarter.

14. Discussion and Update Regarding the Parks Master Plan

Administrative Services Manager Wende Ragonis presented this item. Ragonis stated the Parks Advisory Board has tasked staff with the development of a Parks and Recreation Master Plan document compliant to the Texas Parks and Wildlife Department. Ragonis explained for a Master Plan to be compliant, a municipality must provide the opportunity for community stakeholder's to have input to the master planning process. Ragonis advised Staff will meet this community input requirement by hosting multiple community meetings in the month of April. Ragonis stated the dates of these meetings will be published to the community through the local media.

Councilmember Barnes-Tilley questioned how they plan to have 6-8 meetings in a tentative two day period. Ragonis explained that they will conduct all of the meetings during two days to accommodate everyone throughout the day. Ragonis advised Staff plans to have morning, lunch and evening meetings on each day.

15. Presentation of the 2013 Annual Report by the Public Works Department

Public Works Director Dane Rau presented this report. Rau laid a summary sheet of his presentation around the Dias. Rau covered the highlights for his department and also expressed his appreciation for all of the people in his department and for Council's support. Rau explained in 2013, the Public Works Division for the City of Brenham had some major projects including: land acquired behind the Recycling Center for expansion, Linda Anderson and Hohlt Park improvements, Presentation of the FY2013-14 Street Improvement Program, and Presentation of the Vegetation Control for the City, State, and Railroad Right-of-Ways. Rau explained the highlights for each of his departments within the Public Works Division which include: Street Department, Facility Maintenance, Fleet Maintenance, Parks Department, and the Sanitation Department.

Councilmember Williams questioned where the work on Wilkins Street fits into this presentation. Rau explained it goes under the Street Department and will be included in next year's annual report.

Councilmember Barnes-Tilley stated she would like to see recycling increase and sanitation decrease. Councilmember Herring stated he would like to see figures on the amount of money brought in and quantity that is recycled. Councilmember Barnes-Tilley stated she would like to see curbside recycling. Councilmember Barnes-Tilley questioned if the Recycling Center accepts cooking oil and suggested Rau work with Blinn College regarding the blue box and reselling the used cooking oil.

16. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- After Council meeting, there will be a reception with goodies in celebration of Councilmember Barnes-Tilley's birthday.
- The next Council meeting is April 24th at 1:00pm. We will resume a normal meeting schedule in May.
- The morning of May 15th will be the Pre-Budget Workshop.
- Spring Clean-Up started today.
- Conceptual Process for the Animal Shelter and Library will be completed by May-June 2014 and an update on both will be made at a July Council meeting. Staff will be ready to go for bids on both projects in the Fall 2014.
- Ground breaking for PPE was yesterday.
- Personal tours to view the progress at the Simon Theater are available to any Councilmember who is interested. They will need to call the office to set up a tour.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

ORDINANCE NO. O-14-015

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

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

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

Section 1. That there shall be established and installed:

one stop sign on Ammans Drive at its intersection with Gun and Rod Road, regulating southbound traffic on Ammans Drive;

one stop sign on Parker Court at its intersection with Ammans Drive, regulating westbound traffic on Parker Court;

one stop sign on Ralston Creek Court at its intersection with Ammans Drive, regulating eastbound traffic on Ralston Creek Court;

one stop sign on Landrens Way at its intersection with Parker Court, regulating eastbound traffic on Landrens Way;

one stop sign on Landrens Way at its intersection with Ralston Creek Court, regulating westbound traffic on Landrens Way;

one stop sign on Windage Drive at its intersection with East Stone Street, regulating northbound traffic on Windage Drive; and

one stop sign on Timberline Court at its intersection with Windage Drive, regulating eastbound traffic on Timberline Court.

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

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

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

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

PASSED and APPROVED on its first reading this the 24th day of April, 2014.

PASSED and APPROVED on its second reading this the 1st day of May, 2014.

ATTEST:

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 7

DATE OF MEETING: May 1, 2014	DATE SUBMITTED: April 25, 2014															
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Julie Fulgham															
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;">MEETING TYPE:</td> <td style="width: 33%; vertical-align: top;">CLASSIFICATION:</td> <td style="width: 33%; vertical-align: top;">ORDINANCE:</td> </tr> <tr> <td>☒ REGULAR</td> <td>☐ PUBLIC HEARING</td> <td>☐ 1ST READING</td> </tr> <tr> <td>☐ SPECIAL</td> <td>☐ CONSENT</td> <td>☐ 2ND READING</td> </tr> <tr> <td>☐ EXECUTIVE SESSION</td> <td>☐ REGULAR</td> <td>☐ RESOLUTION</td> </tr> <tr> <td></td> <td>☒ WORK SESSION</td> <td></td> </tr> </table>		MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING	☐ SPECIAL	☐ CONSENT	☐ 2 ND READING	☐ EXECUTIVE SESSION	☐ REGULAR	☐ RESOLUTION		☒ WORK SESSION	
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AGENDA ITEM DESCRIPTION: Presentation, Discussion and Overview of the Annexation Process and Proposed Areas to be Annexed																
SUMMARY STATEMENT: Staff will present an overview of the annexation process, tracts proposed for annexation, and process for assigning permanent zoning classifications for land to be annexed. Important dates for annexation proceedings are: May 1, 2014 – 1st public hearing May 15, 2014 – 2nd public hearing June 5, 2014 – 1st reading of annexation ordinance, joint P&Z and Council meeting, Public Hearing regarding zoning or land to be annexed, 1st reading of zoning ordinance (zoning of land to be annexed) June 19, 2014 – 2nd reading of annexation ordinance, 2nd reading of zoning ordinance (zoning of land to be annexed)																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:																
ALTERNATIVES (In Suggested Order of Staff Preference): N/A																
ATTACHMENTS: None																
FUNDING SOURCE (Where Applicable): N/A																
RECOMMENDED ACTION: Discussion only.																
APPROVALS: Terry K. Roberts																



AGENDA ITEM 8

DATE OF MEETING: May 1, 2014	DATE SUBMITTED: April 25, 2014
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Julie Fulgham

MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	☒ PUBLIC HEARING ☐ CONSENT ☐ REGULAR ☐ WORK SESSION	☐ 1ST READING ☐ 2ND READING ☐ RESOLUTION

AGENDA ITEM DESCRIPTION: Proposed Annexation of Four Areas of Land into the City Limits and Explanation of Service Plan for Each Area Proposed for Annexation

Section 2014-1: Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burleson Street; tracts with frontage along State Highway 36th North and Dixie Street; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the ‘cloverleaf’ intersection of Highway 290 West and State Highway 36 North.

Section 2014-2: Approximately 30.512 acres of land situated in Washington County, Texas, out of the John Carrington Survey, Abstract No. A0120, generally consisting of tracts with frontage along the western right-of-way line of State Highway 36 beginning at the current City limits and proceeding in a southerly direction to approximately Anderson Lane (located on the eastern side of State Highway 36 North).

Section 2014-3: Approximately 45.366 acres of land situated in Washington County, Texas, out of the Isaac Lee Survey, Abstract No. A0077, generally consisting of tracts that abut the current City limits between South Blue Bell Road and Tiaden Lane and tracts that abut US Highway 290 East from Blue Bell Road to approximately 500 feet east of Tiaden Lane.

Section 2014-4: Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard.

SUMMARY STATEMENT: Public hearing as required by state law to hear comments regarding annexation. The service plan is attached and will be made available to the public during these public hearings.
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:
ALTERNATIVES (In Suggested Order of Staff Preference): N/A
ATTACHMENTS: (1) Service Plan; (2) Properties Spreadsheet; (3) Annexation Map – Section 2014-1; (4) Annexation Map – Section 2014-2; (5) Annexation Map – Section 2014-3; and (6) Annexation Map – Section 2014-4
FUNDING SOURCE (Where Applicable): N/A
RECOMMENDED ACTION: Discussion only.
APPROVALS: Terry K. Roberts

2014 ANNEXATION SERVICE PLAN

SERVICE PLAN FOR 2014 ANNEXATION AREAS

Upon annexation of the areas identified on maps within Exhibit A, the City of Brenham will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION

1. Police Protection

The City of Brenham, Texas and its Police Department will provide police protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed areas.

2. Fire Protection Services

The City of Brenham, Texas and its Fire Department will provide fire protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas. The Fire Department will have the responsibility to respond to all dispatched calls and requests for service or assistance within the newly annexed areas.

3. Maintenance of Water and Wastewater Facilities

Any and all water or wastewater facilities owned, operated or maintained by the City of Brenham Public Utilities at the time of the annexation shall continue to be maintained by Public Utilities. Any and all water and wastewater facilities which may be acquired subsequent to the annexation of the proposed areas shall be operated and maintained by the City's Public Utilities Department to the extent of the City's ownership. The now existing water and wastewater mains at existing locations shall be available for the point of use extension based upon the City's standard extension policy now existing or as may be amended. On-site sewage systems may be maintained in accordance with the City Code of Ordinances and other applicable regulations.

4. Solid Waste Collection

The City of Brenham, Texas, or its authorized franchisees, collect solid waste and refuse within the corporate limits of the City. Solid waste collection will be provided to citizens in the newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed areas. The City may negotiate with annexed areas to allow continued services with an existing solid waste management provider. After the second

anniversary of the annexation date, the City will impose solid waste collection fees and provide the service. If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is received from the community association or individual property owners. The City will then impose solid waste collection fees and provide the service. Garbage collection locations shall be subject to the approval of the Sanitation Superintendent. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

5. Maintenance of Roads and Streets

Any and all public roads, streets or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed areas. Private roads will remain under private ownership until dedicated to and accepted by the City, and as such shall be maintained by the owner.

6. Maintenance of Parks, Playgrounds, and Swimming Pools

The City of Brenham, Texas is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas of annexation. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas. Private facilities will remain under private ownership and as such, shall be maintained by the owner.

7. Maintenance of any Publicly Owned Facility, Building or Municipal Service

The City of Brenham, Texas is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas.

8. Other Services

The City of Brenham, Texas finds and determines that such services as planning, code enforcement, animal control, library, parks and recreation, municipal court and general administration will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed areas.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE SUBSTANTIALLY COMPLETE WITHIN 2 ½ YEARS

The City of Brenham will provide full municipal services in the annexed areas no later than 2-1/2 years after the effective date of the annexation unless certain services cannot reasonably be provided within that period. In the event the services cannot be provided within 2-1/2 years, the City will propose a schedule for providing those services, and will include a list of all services to be provided under the plan and a schedule to extend the period for providing certain services. The schedule will provide for the provision of full municipal services no later than 4-1/2 years after the effective date of the annexation.

1. Police and Fire Protection and Solid Waste Collection

The City of Brenham, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Brenham, Texas with like topography, land use and population density as those found within the newly annexed areas.

2. Water and Wastewater Facilities

The City of Brenham finds and determines that there is sufficient capacity for water and wastewater to provide services to the annexed areas pursuant to Public Utilities' extension policies. The construction of any capital improvements necessary to extend water and wastewater services to an annexed area will be substantially complete within 2-1/2 years after the effective date of the annexation unless said time period is extended pursuant to Chapter 43 of the Texas Local Government Code, as amended.

3. Roads and Streets

The City of Brenham, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas.

4. Maintenance of Parks, Playgrounds, and Swimming Pools and any Other Publicly Owned Facility, Building, or Service

The City of Brenham, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

SPECIFIC FINDINGS

The City of Brenham, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation areas' topography, land utilization and population density, the service levels to be provided in the newly annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

TERMS

This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of Brenham.

LEVEL OF SERVICE

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

AMENDMENTS

The service plan shall not be amended except in accordance with Chapter 43 of the Texas Local Government Code.

PROP_ID	OWNER	Legal Description	ACRES	Site Address
Section 1				
R12496	SUROVIK, MARIE	A0031 A0031 - Coe, Phillip, TRACT 200, ACRES 15.37	15.37	1030 DIXIE RD, BRENHAM, TX 77833
R63452	MASON, VIVIAN R TRUSTEE	A0031 A0031 - Coe, Phillip, TRACT 8, ACRES 33.27, (Part of 33.77 ac)	33.27	2600 HWY 290 W, BRENHAM, TX 77833
R12263	SMITH, CHARLOTTE B.	A0031 COE, PHILLIP, TRACT 17, ACRES 8.691	8.691	100 WESTWOOD LN, BRENHAM, TX 77833
R12394	MYRICK, LOREA	A0031 COE, PHILLIP, TRACT 116, ACRES 4.09	4.09	270 WESTWOOD LN, BRENHAM, TX 77833
R12497	H & H AGRI-SERVICES, INC	A0031 COE, PHILLIP, TRACT 201, ACRES 1.5	1.5	1409 HWY 36 N, BRENHAM, TX 77833
R12507	SMITH, CHARLOTTE B.	A0031 COE, PHILLIP, TRACT 211, ACRES 45.73	45.73	HWY 290 W
R12539	ENGELING, MARY (RTL)	A0031 COE, PHILLIP, TRACT 241, ACRES 1.22	1.22	364 WESTWOOD LN, BRENHAM, TX 77833
R12572	RECONVERSION TECHNOLOGIES OF TEXAS, INC	A0031 COE, PHILLIP, TRACT 287, ACRES 18.038	18.038	1709 HWY 36 N, BRENHAM, TX 77833
R12574	BROWN, TOMMY A	A0031 COE, PHILLIP, TRACT 289, ACRES 1.718	1.718	350 WESTWOOD LN, BRENHAM, TX 77833
R12584	ZIENTEK, ALOIS	A0031 COE, PHILLIP, TRACT 300, ACRES 9.61	9.61	2609 ZIENTEK LN, BRENHAM, TX 77833
R12598	LAND, CLAIRE K	A0031 COE, PHILLIP, TRACT 314, ACRES 0.89	0.89	360 WESTWOOD LN, BRENHAM, TX 77833
R44406	ZIENTEK, ALOIS	A0031 COE, PHILLIP, TRACT 382, ACRES 3.625	3.625	2601 ZIENTEK LN, BRENHAM, TX 77833
R47725	RECYCLED PRODUCTS CORPORATION	A0031 COE, PHILLIP, TRACT 394, ACRES 1.964	1.964	1709 HWY 36 N, BRENHAM, TX 77833
R52083	BRANNON INDUSTRAIL GROUP, LLC	A0031 COE, PHILLIP, TRACT 401, ACRES 10.00	10	CONFEDERATE LN, BRENHAM, TX 77833
R12307	CHOYCE, JOHN L ETUX	A0031 COE, PHILLIP, TRACT 51, ACRES 6.899	6.899	1150 DIXIE RD, BRENHAM, TX 77833
R12337	RODRIGUEZ, MONICA PEREZ &	A0031 COE, PHILLIP, TRACT 71, ACRES 0.524	0.524	340 WESTWOOD LN, BRENHAM, TX 77833
R14547	BRINKMEYER, WILLIE & MARGARET	A0055 A0055 - Harrington, Arrabella, TRACT 228, ACRES 1, (Part of 5.27 ac)	1	1620 BURLESON ST, BRENHAM, TX 77833
R14552	HORAK, MARY K	A0055 A0055 - Harrington, Arrabella, TRACT 231, ACRES 0.878, (Part of 5.878 ac)	0.878	1726 BURLESON ST, BRENHAM, TX 77833
R14554	HUGO, RITA	A0055 A0055 - Harrington, Arrabella, TRACT 233, ACRES 1, (Portion of 5 ac)	1	1526 BURLESON ST, BRENHAM, TX 77833
R14555	KRAUSE, DANIEL C.	A0055 A0055 - Harrington, Arrabella, TRACT 234, ACRES 0.25, (Part of 5 ac)	0.25	1656 BURLESON ST, BRENHAM, TX 77833
R14461	ALBERS, CARL W ETAL	A0055 HARRINGTON, ARRABELLA, TRACT 138, ACRES 88.06	88.06	1856 STRANGMEIER RD, BRENHAM, TX 77833
R14489	KUGEL, FREDERICK C.	A0055 HARRINGTON, ARRABELLA, TRACT 164, ACRES 4.70	4.7	3111 TERRIER HILL LN, BRENHAM, TX 77833
R36693	BRINKMEYER, WILLIE & MARGARET	A0055 HARRINGTON, ARRABELLA, TRACT 168, ACRES 1.682	1.682	BURLESON ST, BRENHAM, TX 77833
R14499	SCHULZE, BENTON LAND & CATTLE CO , LLC	A0055 HARRINGTON, ARRABELLA, TRACT 175, ACRES 4.837	4.837	2150 HWY 36 N, BRENHAM, TX 77833
R14512	TEGELER, LARRY	A0055 HARRINGTON, ARRABELLA, TRACT 193, ACRES 6.393	6.393	HWY 36 N, BRENHAM, TX 77833
R14529	ZIENTEK, ALOIS	A0055 HARRINGTON, ARRABELLA, TRACT 209, ACRES 7.07, INCLUDES MOBILE HOME PARK	7.07	2400 ZIENTEK LN, BRENHAM, TX 77833
R14629	SCHMIDT, ALAN & MEGAN	A0055 HARRINGTON, ARRABELLA, TRACT 308, ACRES 1.78	1.78	2001 HWY 36 N, BRENHAM, TX 77833
R14407	HUGO, RITA	A0055 HARRINGTON, ARRABELLA, TRACT 94, ACRES .878	0.878	
			Total Acres	281.667
Section 2				
R62492	A-ALLSORTS STORAGE	A0120 A0120 - Carrington, John, TRACT 160, ACRES 4.486, (Kobs Division, Tract 2C - Plat 583A)	4.486	4040 HWY 36 S, BRENHAM, TX 77833
R63181	HOLUM, DEVIN L & AYLEN C	A0120 A0120 - Carrington, John, TRACT 161, ACRES 2.918, (Kobs Division, Tract 2A - Plat 583A)	2.918	4024 HWY 36 S, BRENHAM, TX 77833
R63182	NICHOLS, DOUGLAS L JR ETUX	A0120 A0120 - Carrington, John, TRACT 162, ACRES 2.663, (Kobs Division, Tract 2B - Plat 583A)	2.663	4030 HWY 36 S, BRENHAM, TX 77833
R52498	STOLZ, ALLEN R ETUX	A0120 CARRINGTON, JOHN, TRACT 145, ACRES 4.00	4	3900 HWY 36 S, BRENHAM, TX 77833
R55143	MONCRIEFF, ALBERT & ELEN PHARR Article 6 Family Trust	A0120 CARRINGTON, JOHN, TRACT 147, ACRES 7.24	7.24	4120 HWY 36 S, BRENHAM, TX 77833
R19803	MAURER, BARBARA &	A0120 CARRINGTON, JOHN, TRACT 24, ACRES 6.00	6	3820 HWY 36 S, BRENHAM, TX 77833
R19845	LADEWIG, DELBERT & HELEN	A0120 CARRINGTON, JOHN, TRACT 51, ACRES 0.5	0.5	3750 HWY 36 S, BRENHAM, TX 77833
R19860	AVERITT, W D &	A0120 CARRINGTON, JOHN, TRACT 64, (KOB'S DIVISION TRACT 1), ACRES 2.125	2.125	3950 HWY 36 S, BRENHAM, TX 77833
R19875	MORRIS, MACK W	A0120 CARRINGTON, JOHN, TRACT 77, ACRES 0.58	0.58	3720 HWY 36 S, BRENHAM, TX 77833
			Total Acres	30.512
Section 3				
R16792	BECKENDORF, ALAN J	A0077 LEE, ISAAC, TRACT 126, MH SERIAL # TXCTC015631A, TITLE # 01173406, LABEL # NTA1082032, ACRES 0.865	0.865	2430 HWY 290 E, BRENHAM, TX 77833
R46182	STEPHENS, CASEY P &	A0077 LEE, ISAAC, TRACT 162, ACRES 1.372	1.372	2450 HWY 290 E, BRENHAM, TX 77833
R59583	STEPHENS, CASEY P &	A0077 LEE, ISAAC, TRACT 162.1, ACRES 0.709, (0.246 + 0.463 AC)	0.709	HWY 290 E, BRENHAM, TX 77833
R61405	BECKENDORF, JOHN	A0077 LEE, ISAAC, TRACT 177, ACRES 5.2	5.2	TIADEN LN, BRENHAM, TX 77833
R16649	BECKENDORF, F W	A0077 LEE, ISAAC, TRACT 2, ACRES 34.22	34.22	HWY 290 W, BRENHAM, TX 77833
R16705	KLATT, DORIS	A0077 LEE, ISAAC, TRACT 46, ACRES 3	3	2300 TIADEN LN, BRENHAM, TX 77833

Section 4

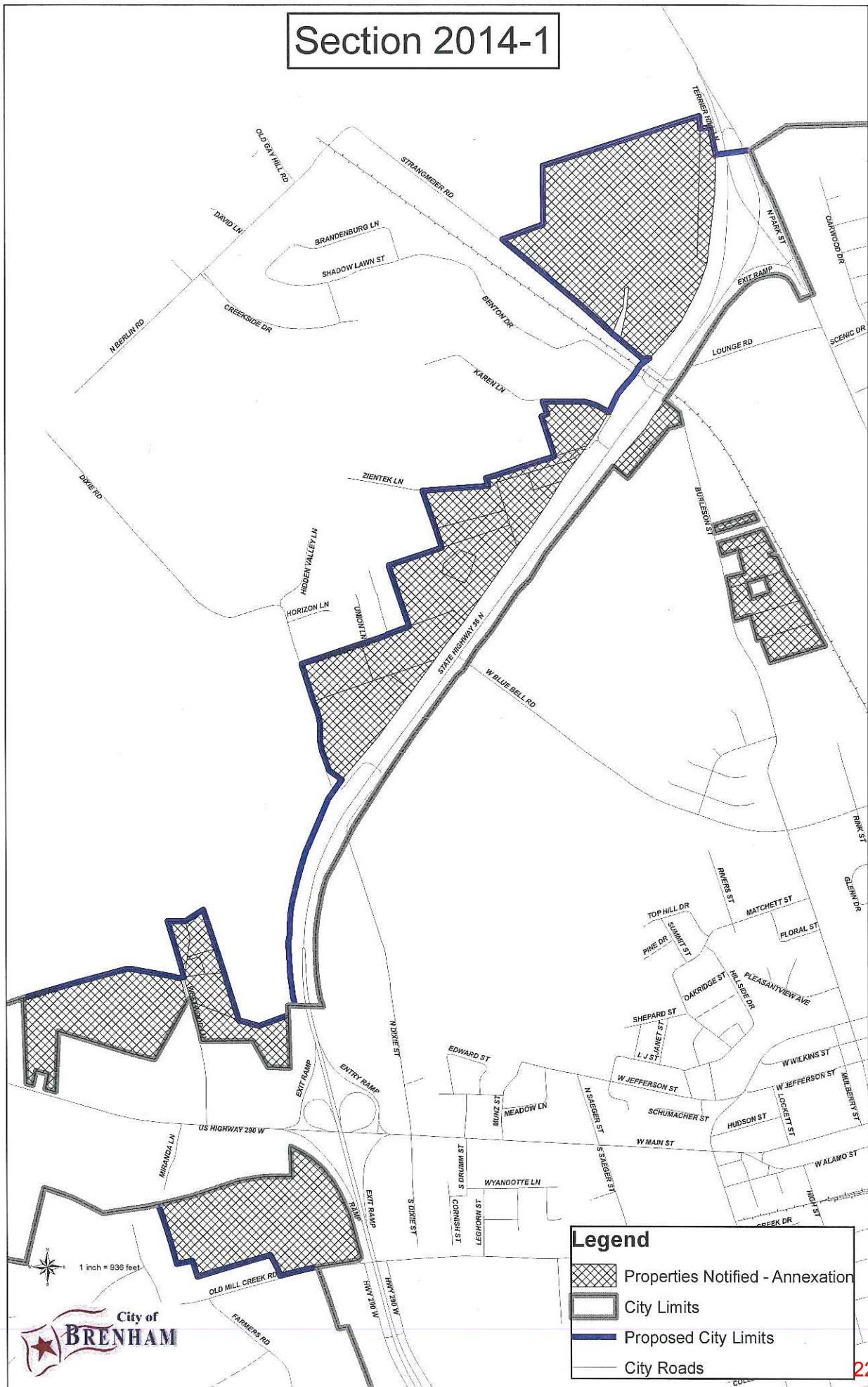
R12489	WEHMEYER, LILLIAN G (RTL)	A0031 A0031 - Coe, Phillip, TRACT 196, ACRES 45.457
R12275	WEHMEYER, A C, JR	A0031 COE, PHILLIP, TRACT 27, ACRES 1.00

Total Acres 45.366

45.457 2950 INDUSTRIAL BLVD, BRENHAM, TX 77833
1 2103 FM 389, BRENHAM, TX 77833

Total Acres 46.457

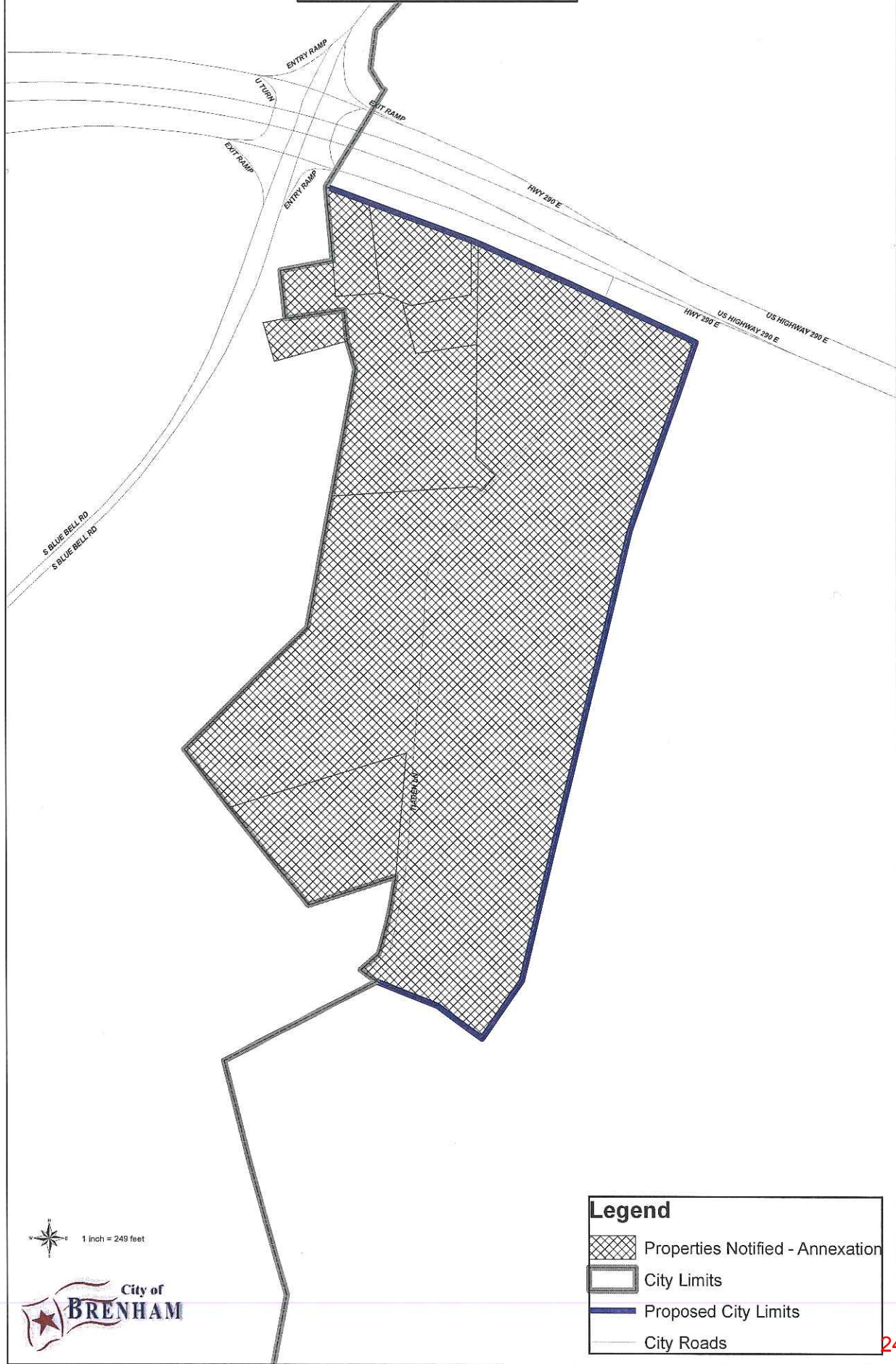
Section 2014-1



Section 2014-2



Section 2014-3



1 inch = 249 feet



Legend

- Properties Notified - Annexation
- City Limits
- Proposed City Limits
- City Roads

Section 2014-4





AGENDA ITEM 9

DATE OF MEETING: May 1, 2014	DATE SUBMITTED: April 28, 2014															
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Jeana Bellinger															
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;">MEETING TYPE:</td> <td style="width: 33%; vertical-align: top;">CLASSIFICATION:</td> <td style="width: 33%; vertical-align: top;">ORDINANCE:</td> </tr> <tr> <td>☒ REGULAR</td> <td>☐ PUBLIC HEARING</td> <td>☒ 1ST READING</td> </tr> <tr> <td>☐ SPECIAL</td> <td>☐ CONSENT</td> <td>☐ 2ND READING</td> </tr> <tr> <td>☐ EXECUTIVE SESSION</td> <td>☒ REGULAR</td> <td>☐ RESOLUTION</td> </tr> <tr> <td></td> <td>☐ WORK SESSION</td> <td></td> </tr> </table>		MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	☒ REGULAR	☐ PUBLIC HEARING	☒ 1 ST READING	☐ SPECIAL	☐ CONSENT	☐ 2 ND READING	☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION		☐ WORK SESSION	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:														
☒ REGULAR	☐ PUBLIC HEARING	☒ 1 ST READING														
☐ SPECIAL	☐ CONSENT	☐ 2 ND READING														
☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION														
	☐ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 8, Fire Protection and Prevention, Articles I, III and V, of the Code of Ordinances of the City of Brenham																
SUMMARY STATEMENT: For the past several months I have been working with staff to update and re-write Chapter 8 (Fire Protection and Prevention) in the Code of Ordinance. Article IV (Substandard Buildings or Structures) was rewritten and adopted by Council in July, 2013. Article II (Fire Prevention Code) was rewritten and adopted by Council in February, 2014. The only articles needing review were I, III and V. The past few months, I have worked closely with the City Attorney Cary Bovey, Fire Chief Ricky Boeker, and Fire Marshal Alan Finke to get the last three articles updated and rewritten accordingly. Please note that most of these changes are simply to get our ordinance in compliance with current state law or to match policies and procedures currently being followed by staff. Some sections of these articles have not been updated since the mid-1980s; with a handful being on the books since the early 1800's. The redlined ordinance included in this packet indicates all the changes being recommended to this ordinance; the Ordinance document is a clean version – for easier reading. If you have any questions about anything in the recommended ordinance, please do not hesitate to contact me or Alan Finke.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:																
ALTERNATIVES (In Suggested Order of Staff Preference):																
ATTACHMENTS: (1) Redlined version of the ordinance showing all the recommended changes; and (2) A clean version of the ordinance for 1 st reading.																

FUNDING SOURCE (Where Applicable): N/A
RECOMMENDED ACTION: Approve an Ordinance on its first reading amending Chapter 8, Fire Protection and Prevention, Articles I, III and V, of the Code of Ordinances of the City of Brenham
APPROVALS: Terry K. Roberts

CHAPTER 8 FIRE PROTECTION AND PREVENTION

ARTICLE I. GENERAL

Sec. 8-1. Arson reward—Offer.

The city offers a reward of one thousand dollars (\$1,000.00) to anyone who furnishes information to the Fire Marshal necessary to and which results in the arrest and conviction of any person or persons who commit the crime of arson within the corporate limits of the city. This is cash for the arrest and conviction of any person or persons found guilty of committing the crime of arson within the city, which reward is a standing offer, and shall be paid out of the general fund of the city. The City Council shall be the sole and exclusive judge in determining eligibility for the reward offered herein.

Sec. 8-2. Same—Placards; furnishing copies of offer.

The ~~city secretary~~ Fire Marshal is directed to have made and printed placards ~~eight (8) inches by twelve (12) inches in size,~~ containing the language in Section 8-1 ~~and to post such signs or placards, which are to be encased in wooden frames under glass, and posted~~ inside of not less than six (6) public buildings throughout the city at different prominent locations. ~~He is further directed to furnish a certified copy of said section, a copy of one of the placards, and a list of the buildings where placards have been posted, to the state board of insurance.~~

Sec. 8-3. Fireworks—Possessing, selling, etc.

- (a) The transporting, storing, offering for sale, possession or presence of any fireworks, including types covered by Texas Occupation Code Chapter 2154, Article 9205, Vernon's Annotated Civil Statutes [V.A.T.S. insurance code, art. 5.43-4], within the city or the territorial jurisdiction of the city, being the area immediately adjacent and contiguous to the city limits and extending outside the city limits for a distance of five thousand (5,000) feet in all directions, unless such area is within the corporate limits of another municipality, is hereby declared to be a nuisance.
- (b) The ~~F~~ire ~~C~~hief shall seize and cause to be destroyed ~~all any~~ fireworks that are opened or unpackaged and found within the city or its territorial jurisdiction in violation of the provisions of this section.
- (c) Any member of the fire department, any police officer, or any other peace officer, is empowered to detain ~~any all~~ fireworks that are opened or unpackaged and found being transported illegally or to close any building where any fireworks are found stored illegally, until the fire department can be notified in order that such fireworks that are opened or unpackaged may be seized and destroyed in accordance with the terms of this section.
- (d) Notwithstanding any penal provisions hereof, the city attorney is authorized to file suit on behalf of the city for such injunctive relief as may be necessary to prevent unlawful

storage, transportation, keeping or using of fireworks within the territorial jurisdiction of the city, and to prevent any person from interfering with the seizure and destruction of such fireworks; provided, however:

- (1) That it shall not be necessary to obtain such injunctive relief as a prerequisite to such seizure and destruction.
- (2) That any member of the fire department is hereby authorized to enter any building, in accordance with applicable laws governing the right to entry, search and seizure, where the unlawful presence of fireworks is suspected in order to inspect the same for the presence of such fireworks.
- (3) That in any instance, where the fire chief or any of his duly authorized assistants have probable cause to believe that fireworks are being stored in a building, they shall, in accordance with applicable laws governing the right to entry, search and seizure, promptly enter the building for the purpose of inspection.

~~(4) That it shall be the duty of the owner, lessee or person otherwise in charge of such building, or their agents or employees, to open and permit entry into the building by persons charged with the enforcement of the provisions herein.~~

- (e) Any person, firm, corporation, company or association who shall violate any of the provisions of this section, or suffer or allow the same to be violated, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed two ~~thousand~~hundred dollars (\$2,000.00), and each day during which such violation shall continue to exist shall constitute a separate and distinct offense.

(f) It is an affirmative defense to prosecution for possession of fireworks under this Section that:

- (1) The defendant was operating or was a passenger in a motor vehicle that was being operated in a public place; and
- (2) The fireworks were not in the passenger area of the vehicle.

(g) For purposes of Subsection (f), the "passenger area" of a motor vehicle means the area of the vehicle designed for the seating of the operator and the passengers of the vehicle. The term does not include:

- (1) A locked glove compartment or similar locked storage area;
- (2) The trunk of a vehicle; or
- (3) The area behind the last upright seat of a vehicle that does not have a trunk.

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Sec. 8-4. Same—Discharge.

The use, firing, igniting, shooting, exploding or discharge of fireworks as provided in Section 8-3 is hereby found and declared to be a general and public nuisance and the same is hereby prohibited; provided, this section shall not prohibit lawfully authorized pyrotechnic displays.

~~Sec. 8-5. Cotton storage—Places in which permitted.~~

~~It shall be unlawful for any person to store or keep any cotton within the city in any building or place, except in warehouses for the storage of cotton, or in gin houses.~~

~~Sec. 8-6. Same — Duty of warehousemen to carefully guard.~~

~~It shall be the duty of all warehousemen to carefully guard their warehouses against fire, and to allow no fire to be made or taken therein at any time; but this shall not prevent the keeping of fire in an office attached to said warehouse.~~

~~Sec. 8-7. Same — Unlawful to use private buildings or storehouses for storing cotton.~~

~~It shall be unlawful to erect, build or use any storehouse or private building within the city for the storage of cotton, unless the consent of the governing body therefor has been previously obtained.~~

Sec. 8-58. Recovering cost for fire protection and emergency services.

(a) Collection of fees:

- (1) The City Council of the City of Brenham authorizes the city manager to adopt charges to be billed against parties involved in motor vehicle accidents, hazardous waste or chemical spills, or other non-fire suppression activities to which the city responds with fire department equipment and/or personnel. These charges shall be billed as a debt to the party causing the event, the landowner, the party controlling the premises in the event of a spill or dumping and/or the party transporting said hazardous, dangerous and/or injurious product. Fire suppression activities resulting from third party negligence may be billed against that third party. Fire suppression resulting from arson may be billed against the arsonist.
- (2) The city manager, or his designee, shall bill and collect all fees and costs for fire prevention services and for other public safety and emergency services rendered by the department when providing these services for motor vehicle accidents. Such fees include but are not limited to the use of equipment, materials, maintenance and overhead expenses and costs of whatever nature which constitute full reimbursement to the fire department for services actually rendered and as hereafter authorized.
- (3) Within thirty (30) days of the date of providing fire prevention and protection services or other public safety and emergency services for the motor vehicle accidents, the city manager, or his designee, shall submit an invoice for all costs, fees, charges and expenses related to providing such services, to include but not limited to all actual expenses including costs of equipment operations, cost of material utilized, costs of specialists, experts or other contract labor not in the full time employment of the city; overtime costs, and other incidental costs incurred by the city as a result of the incident, to the customer, client, owner, designated agent, representative and/or insurance company who received, covered and/or otherwise benefited from these services.

- (4) Any bills, fees or penalties, including but not limited to clean up costs, fees or expenses that are imposed the City of Brenham or the fire department by any local, state or federal agency, related to the rendering of fire protection or prevention services or of other public safety and emergency services may be included in the billing or billed separately within thirty (30) days of receipt.
- (b) *Enforcement.* The city may enforce the provisions of this section by any action allowed by law for the collection of any amounts due hereafter, including reasonable and necessary attorney fees, costs, and expenses, in a court of competent jurisdiction.

Sec. 8-6 – 8-19. RESERVED.

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ARTICLE II. FIRE PREVENTION CODE

*This Article was amended and approved by Council on February 6, 2014 (O-14-007)
Sec. 8-20 through Sec. 8-27*

ARTICLE III. FIRE MARSHAL

Sec. 8-40. Office created; appointment, qualifications, removal compensation.

The office of ~~Ffire M~~arshal is hereby created. Such office shall be an independent ~~bureau of the fire department~~~~other city departments.~~ ~~T~~he ~~Ffire M~~arshal ~~shall~~ reporting directly to the ~~Fire Chief governing body.~~ Such office shall be filled by appointment by the ~~Fire Chief governing body.~~ The ~~Ffire M~~arshal shall be properly qualified for the duties of his office ~~and shall be removed only for cause. He shall receive no salary or compensation for his services.~~

The office of the Brenham Fire Marshal is hereby designated as the official investigating agency of the city for the crime of arson and other fire or explosion related crimes and is hereby established as a law enforcement agency of the city. As the official responsible for the investigation of arson and other fire-related crimes, the Fire Marshal, his deputy Fire Marshal(s) and his appointed arson investigator(s) are hereby commissioned as peace officers of the city as per the Texas Code of Criminal Procedures, Article 2.12(7) and are subject to the applicable rules and regulations of the Texas Commission on Law Enforcement and the Texas Commission on Fire Protection.

Sec. 8-41. Investigation and record of fires.

The ~~Ffire M~~arshal shall investigate, ~~or cause to be investigated,~~ the cause, origin and circumstances of every fire occurring within the city by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was accidental of incendiary in nature~~the result of carelessness or design.~~ Such investigation shall be begun within twenty-four (24) hours, not including Sunday, of the occurrence of such fire. The ~~Ffire M~~arshal

shall keep in his office a record of all fires occurring within the city, together with all facts, statistics and circumstances, including the origin, of the fires and the amount of loss, which may be determined by the investigation required by this Aarticle. ~~Such record shall at all times be open to public inspection.~~

Sec. 8-42. Taking statements~~testimony~~; charging suspected offenders; referring matter to prosecutor.

The ~~F~~fire ~~M~~marshal, when in his opinion further investigation is necessary, shall take or cause to be taken the ~~statement~~testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing, or other means of recording, and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson or other crime related to fire or explosion, or the threat thereof, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or other criminal conduct in connection with such fire, he shall cause such person to be arrested and charged with such offense, and shall furnish to the proper prosecuting attorney all such evidence together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material ~~statements~~testimony taken during the course of the investigation~~in the case~~.

~~Sec. 8-43. Summoning witnesses; compelling production of documents.~~

~~The fire marshal shall have the power to summon and compel the attendance of witnesses before him to testify in relation to any matter which is by the provisions of this article a subject of inquiry and investigation, and may require the production of any book, paper or document being pertinent thereto.~~

~~Sec. 8-44. Administering oaths; false swearing; contempt.~~

~~The fire marshal is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before him. False swearing in any matter or proceeding aforesaid shall be perjury and shall be punished as such. Any witness who refuses to be sworn, or who refuses to testify or who disobeys any lawful order of the fire marshal or who fails or refuses to produce any book, paper or document touching any matter under investigation, or who is guilty of any contemptuous conduct after being summoned to give testimony in relation to any matter under investigation as aforesaid, shall be deemed guilty of a misdemeanor and it shall be the duty of the fire marshal to make complaint against such person.~~

~~Sec. 8-45. Privacy of investigation; separation of witnesses.~~

~~All investigations held by or under the direction of the fire marshal may in his discretion be private, and persons other than those required to be present may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.~~

Sec. 8-~~43~~46. Right of entry at location of fire.

The ~~F~~ire ~~M~~arshal shall have the authority, in accordance with applicable laws governing the right of entry, search and seizure, at all times of day or night in the performance of the duties imposed upon him by the provisions of this article or other law to enter upon and examine any building or premises when any fire or explosion has occurred, and other buildings and premises adjoining or near the same.

Sec. 8-~~44~~47. Right of entry for examination generally; discovery of violations~~dangerous conditions~~.

The ~~F~~ire ~~M~~arshal, or his deputy, ~~upon complaint of any person having an interest in any building or property adjacent thereto and without any complaint~~, shall have a right at all reasonable hours, for the purpose of inspection, for fire safety hazards, examination, to enter all public or commercial~~into and upon all~~ buildings and premises within the city, as detailed in Section 104.3 of the International Fire Code, 2012 Edition, and all revisions thereto, and in accordance with applicable laws governing the right to entry, search and seizure.

~~It; and it shall be the duty of the Fire Marshal to periodically perform, or cause to be performed, his duty, quarterly or more often, to enter upon and make or cause to be entered upon and made, a thorough inspection~~examination of all commercial~~mercantile~~, manufacturing and public buildings, together with the premises belonging thereto. Whenever he shall find within or upon~~find~~ any building or other structure or upon the premises of any building or structure the presence of fire of life safety hazards, the absence of required fire safety systems, devices, or equipment, or any violation of the Fire Prevention Code or fire-related ordinance or law, which for want of repair or by reason of age or dilapidated condition, or for any cause, is especially liable to fire and which is so situated as to endanger other buildings or property or so occupied that fire would endanger persons or property therein, and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind, whatsoever, including chimneys, flues and pipes with which the same may be connected, or a dangerous arrangement of lighting devices or systems, or a dangerous or unlawful storage of explosives, compounds, petroleum gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustibles, flammables and refuse materials, or other conditions which in his opinion may be dangerous in character or liable to cause or promote fire or create conditions dangerous to the firemen or occupants, he shall order the same to be removed or remedied and such order shall be forthwith complied with by the owner or occupant of said building or premises; provided, however, if the owner or occupant deems himself aggrieved by such order, he may appeal the decision to the city's Board of Adjustments and Appeals~~within five (5) days appeal to the city manager, who shall investigate the cause of the complaint, and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant~~.

Sec. 8-45. Over-crowding, hazardous conditions; threats to life safety.

When any condition such as inadequate exits, over-crowding, presence of fire hazards, lack of required fire protection system or equipment, or other conditions that pose an immediate threat to life safety of the occupants of a building, structure or premises are found, the Fire

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Marshal, or his deputy, the Fire Chief, or his designee, or any peace officer of the city, shall have the authority to order such place to be immediately vacated and closed to the public and secure against re-entry until such hazardous conditions are eliminated or remedied. A written report of such action shall be created by the official ordering the closure and same shall be transmitted to the Building Official and to the Fire Marshal of the city within forty-eight (48) hours, excluding Saturdays, Sundays and holidays observed by the City.

The Fire Marshal, or his deputy, shall have the authority to establish the occupant load limit of any building, structure or premises within the city and order same to be posted prominently within or upon the building, structure or premises. Establishment of such occupant load limit shall be determined according to criteria set forth in Chapter 10, Section 1004 of the International Fire Code, 2012 Edition, and all revisions thereto. Upon establishment of the occupant load limit of a building, structure or premises, the owner or operator of such place shall post signs or placards of type and in such locations as acceptable to the Fire Marshal or his deputy.

At no time shall the occupant load determined by the Fire Marshal, or his deputy, be deemed to supersede or overrule such determination made by previously by the Building Official of the city. In the event that a conflict should arise between the determination of the Fire Marshal, or his deputy, and that of the Building Official, the previous determination of the Building Official shall prevail.

Secs. 8-~~4648~~ - 8-49. Reserved.

ARTICLE IV. SUBSTANDARD BUILDINGS OR STRUCTURES
This Article was amended and approved by Council on July 11, 2013 (O-13-012)
Sec. 8-50 through Sec. 8-109

ARTICLE V. FIRE LANES AND FIRE APPARATUS ACCESS ROADS

Sec. 8-110. Authority to establish, locate, modify, or abandon fire lanes or fire apparatus access roads.

The terms "fire lane" and "fire apparatus access roads" shall have the same definitions as those terms are defined by Section 202 "General Definitions" in the International Fire Code, 2012 Edition, and all revisions thereto. The establishment, location, modification, or abandonment of fire lanes or fire apparatus access roads shall be determined by the Chief of the fire department, the Fire Marshal, or their designated representative, hereinafter called "the authority," in conformity with the provisions of this Article and Appendix D of the International Fire Code, 2012 Edition, and all revisions thereto.

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In the event that there is a conflict between terms or when there is a question as to the intent or meaning of any portion of this subsection, the International Fire Code, 2012 Edition, Appendix D, and all revisions thereto, shall prevail.

Sec. 8-111. Fire lanes and fire apparatus access roads generally.

- (a) *Construction.* No building used for any purpose other than single-family or two-family dwellings shall be constructed so that any part of the perimeter of the structure is greater than one hundred fifty (150) feet from a public street or highway unless the owner constructs and maintains a fire lane having a minimum width of at least twenty (20) feet and height throughout of no less than fourteen (14) feet and terminating within one hundred fifty (150) feet from the farthest point of said structure, with increases to the minimum width of twenty-six (26) feet for aerial fire apparatus, where required per Appendix D of the International Fire Code, 2012 Edition, and all revisions thereto.
- (b) *Restrictions.* The following restrictions shall apply to fire lanes:
 - (1) Required fire lanes and fire apparatus access roads, when not connected at both ends to a public street, shall terminate in a turnaround having a minimum radius of thirty-eight and one-half (38½) feet as detailed in Table D103.4 of Appendix D of the International Fire Code, 2012 Edition, and all revisions thereto.
 - (2) All required fire lanes and fire apparatus access roads shall be all-weather surfaced with concrete, asphalt or other approved means, provide effective drainage of storm water and capable of supporting the imposed load of fire apparatus weighing at least seventy-five thousand (75,000) pounds, as detailed in Section D102 of the International Fire Code, 2012 Edition, and all revisions thereto.
 - (3) ~~All required fire lanes~~ or fire apparatus access roads shall not be used as loading zones.
 - (4) There shall be no unattended parking in any fire lane or fire apparatus access road at any time. [Exception: vehicles operated by the fire department of the city or vehicles operated by any other emergency responder organization or law enforcement agency shall be exempt from the parking restriction established in Subsection 8-111(b)(4) above.
- (c) *Maintenance.* All required fire lanes and fire apparatus access roads shall be maintained and kept in a good state of repair at all times by the owner or owners of the premises. It shall not be the responsibility of the city to maintain fire lanes or fire apparatus access roads except in cases where the city owns the property upon which the fire lanes or fire apparatus access roads are located.

Sec. 8-112. Posting of signs and markings.

Required fire lanes and fire apparatus access roads shall be conspicuously marked with signs as detailed in Section D103.6 of Appendix D of the International Fire Code, 2012 Edition, and all revisions thereto. Where approved by the Fire Marshal, or his deputy, painted curbs or pavement striping, or stripes painted on the sides of buildings may be used in lieu of posted

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signs. Painted curbs, or stripes painted on pavement or buildings, shall consist of a red stripe six (6) inches in width with for (4) inch white letters stating "FIRE LANE – NO PARKING" with such lettering to be spaced approximately thirty (30) feet apart, and arranged in a manner approved by the Fire Marshal or his deputy. Paint used for striping and lettering shall be of a type suitable for exposure to the elements and stripes and lettering shall be re-painted as needed to maintain legibility.

All required fire lanes and fire apparatus access road signs shall be maintained in good condition and legible at all times. Maintenance of required fire lane and fire apparatus access road signs and markings shall be the responsibility of the owner or owners on whose property such signs are located.

- ~~(a) All required fire lanes shall be conspicuously marked and shall have signs posted that read "Fire Lane – No Parking".~~
- ~~(b) All required signs shall have four inch white letters on a red background along the curb line or, in cases where there is no curb, shall be placed on the side of the building with red letters on a white background or by other approved methods as determined by the authority having jurisdiction.~~
- ~~(c) Required fire lane signs shall be placed no less than thirty (30) feet and no greater than forty (40) feet apart.~~
- ~~(d) All required fire lane signs shall be maintained in good condition and legible at all times, and shall be the responsibility of the owner or owners on whose property such signs are located.~~

Sec. 8-113. Abandonment of fire lanes.

No owner or person in charge of any premises served by a required fire lane or fire apparatus access road shall abandon or close any such fire lane or fire apparatus access road without first complying with the following procedure:

- ~~(1) A request shall be made in writing to the Fire Marshal by the authority having jurisdiction of the enforcement of this article stating the reasons for abandonment of the fire lane or fire apparatus access road.~~
- ~~(2) Verification shall be made by the Fire Marshal, or his deputy, obtained by the authority having jurisdiction from the building official that such property is no longer subject to the requirements of this A article.~~
- ~~(3) The decision of the Fire Marshal shall be transmitted in writing to the owner or person in charge of the premises, declaring the fire lane or fire apparatus access road is to be either maintained or abandoned.~~

Sec. 8-114. Applicability.

Immediately upon the effective date of this article, all new construction within the city shall be undertaken in conformance with the provisions of this article and only after the approval of authority.

Sec. 8-115. Penalty for violation.

Any person, firm, corporation, company or association who shall violate any of the provisions of this article, or suffer or allow the same to be violated, shall be deemed guilty of a misdemeanor, and upon conviction therefor, shall be punished by a fine not to exceed two ~~hundred-thousand~~ dollars (\$2,000.00), and each day that a provision of this Article is violated shall constitute a separate offense~~and failure to remedy any violation of this article after notice of violation, and each subsequent notice of violation thereafter given prior to the remedy of the violation, shall constitute a separate violation of this article by the person responsible for the remedy of such violation.~~

Section 8-116 – 8-120, Reserved.

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING CHAPTER 8, FIRE PROTECTION AND PREVENTION, ARTICLE I, GENERAL, ARTICLE III, FIRE MARSHAL, AND ARTICLE V, FIRE LANES AND FIRE APPARATUS ACCESS ROADS, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS FOR THE PURPOSE OF PRESCRIBING REGULATIONS GOVERNING FIRE PREVENTION; REGULATING THE USE AND PLACEMENT OF FUEL STORAGE TANKS; 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, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the City Council is proposing to amend or modify the International Fire Code, sometimes referred to as the Fire Prevention Code; and

WHEREAS, the City Council is proposing to amend or modify the regulation and use of fuel storage tanks, including establishing guidelines for use, location and permitting process; and

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

SECTION 1.

Chapter 8, Article I, of the Code of Ordinances of the City of Brenham is hereby amended to read as follows:

ARTICLE I. GENERAL

Sec. 8-1. Arson reward—Offer.

The city offers a reward of one thousand dollars (\$1,000.00) to anyone who furnishes information to the Fire Marshal necessary to and which results in the arrest and conviction of any person or persons who commit the crime of arson within the corporate limits of the city. This reward is a standing offer, and shall be paid out of the general fund of the city. The City Council shall be the sole and exclusive judge in determining eligibility for the reward offered herein.

Sec. 8-2. Same—Placards; furnishing copies of offer.

The Fire Marshal is directed to have made and printed placards containing the language in Section 8-1 and to post such signs or placards inside of not less than six (6) public buildings throughout the city at different prominent locations.

Sec. 8-3. Fireworks—Possessing, selling, etc.

- (a) The transporting, storing, offering for sale, possession or presence of any fireworks, including types covered by Texas Occupation Code Chapter 2154, within the city or the territorial jurisdiction of the city, being the area immediately adjacent and contiguous to the city limits and extending outside the city limits for a distance of five thousand (5,000) feet in all directions, unless such area is within the corporate limits of another municipality, is hereby declared to be a nuisance.
- (b) The Fire Chief shall seize and cause to be destroyed all fireworks that are opened or unpackaged and found within the city or its territorial jurisdiction in violation of the provisions of this section.
- (c) Any member of the fire department, any police officer, or any other peace officer, is empowered to detain all fireworks that are opened or unpackaged and found being transported illegally or to close any building where any fireworks are found stored illegally, until the fire department can be notified in order that such fireworks that are opened or unpackaged may be seized and destroyed in accordance with the terms of this section.

- (d) Notwithstanding any penal provisions hereof, the city attorney is authorized to file suit on behalf of the city for such injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping or using of fireworks within the territorial jurisdiction of the city, and to prevent any person from interfering with the seizure and destruction of such fireworks; provided, however:
- (1) That it shall not be necessary to obtain such injunctive relief as a prerequisite to such seizure and destruction.
 - (2) That any member of the fire department is hereby authorized to enter any building, in accordance with applicable laws governing the right to entry, search and seizure, where the unlawful presence of fireworks is suspected in order to inspect the same for the presence of such fireworks.
 - (3) That in any instance, where the fire chief or any of his duly authorized assistants have probable cause to believe that fireworks are being stored in a building, they shall, in accordance with applicable laws governing the right to entry, search and seizure, promptly enter the building for the purpose of inspection.
- (e) Any person, firm, corporation, company or association who shall violate any of the provisions of this section, or suffer or allow the same to be violated, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed two thousand dollars (\$2,000.00), and each day during which such violation shall continue to exist shall constitute a separate and distinct offense.
- (f) It is an affirmative defense to prosecution for possession of fireworks under this Section that:
- (1) The defendant was operating or was a passenger in a motor vehicle that was being operated in a public place; and
 - (2) The fireworks were not in the passenger area of the vehicle.
- (g) For purposes of Subsection (f), the “passenger area” of a motor vehicle means the area of the vehicle designed for the seating of the operator and the passengers of the vehicle. The term does not include:
- (1) A locked glove compartment or similar locked storage area;
 - (2) The trunk of a vehicle; or
 - (3) The area behind the last upright seat of a vehicle that does not have a trunk.

Sec. 8-4. Same—Discharge.

The use, firing, igniting, shooting, exploding or discharge of fireworks as provided in Section 8-3 is hereby found and declared to be a general and public nuisance and the same is hereby prohibited; provided, this section shall not prohibit lawfully authorized pyrotechnic displays.

Sec. 8-5. Recovering cost for fire protection and emergency services.

(a) Collection of fees:

- (1) The City Council of the City of Brenham authorizes the city manager to adopt charges to be billed against parties involved in motor vehicle accidents, hazardous waste or chemical spills, or other non-fire suppression activities to which the city responds with fire department equipment and/or personnel. These charges shall be billed as a debt to the party causing the event, the landowner, the party controlling the premises in the event of a spill or dumping and/or the party transporting said hazardous, dangerous and/or injurious product. Fire suppression activities resulting from third party negligence may be billed against that third party. Fire suppression resulting from arson may be billed against the arsonist.
- (2) The city manager, or his designee, shall bill and collect all fees and costs for fire prevention services and for other public safety and emergency services rendered by the department when providing these services for motor vehicle accidents. Such fees include but are not limited to the use of equipment, materials, maintenance and overhead expenses and costs of whatever nature which constitute full reimbursement to the fire department for services actually rendered and as hereafter authorized.
- (3) Within thirty (30) days of the date of providing fire prevention and protection services or other public safety and emergency services for the motor vehicle accidents, the city manager, or his designee, shall submit an invoice for all costs, fees, charges and expenses related to providing such services, to include but not limited to all actual expenses including costs of equipment operations, cost of material utilized, costs of specialists, experts or other contract labor not in the full time employment of the city; overtime costs, and other incidental costs incurred by the city as a result of the incident, to the customer, client, owner, designated agent, representative and/or insurance company who received, covered and/or otherwise benefited from these services.
- (4) Any bills, fees or penalties, including but not limited to clean up costs, fees or expenses that are imposed the City of Brenham or the fire department by any local, state or federal agency, related to the rendering of fire protection or prevention services or of other public safety and emergency services may be included in the billing or billed separately within thirty (30) days of receipt.

- (b) *Enforcement.* The city may enforce the provisions of this section by any action allowed by law for the collection of any amounts due hereafter, including reasonable and necessary attorney fees, costs, and expenses, in a court of competent jurisdiction.

Sec. 8-6 – 8-19. RESERVED.

SECTION 2.

Chapter 8, Article III, of the Code of Ordinances of the City of Brenham is hereby amended to read as follows:

ARTICLE III. FIRE MARSHAL

Sec. 8-40. Office created; appointment, qualifications, removal compensation.

The office of Fire Marshal is hereby created. Such office shall be an independent bureau of the fire department. The Fire Marshal shall report directly to the Fire Chief. Such office shall be filled by appointment by the Fire Chief. The Fire Marshal shall be properly qualified for the duties of his office.

The office of the Brenham Fire Marshal is hereby designated as the official investigating agency of the city for the crime of arson and other fire or explosion related crimes and is hereby established as a law enforcement agency of the city. As the official responsible for the investigation of arson and other fire-related crimes, the Fire Marshal, his deputy Fire Marshal(s) and his appointed arson investigator(s) are hereby commissioned as peace officers of the city as per the Texas Code of Criminal Procedures, Article 2.12(7) and are subject to the applicable rules and regulations of the Texas Commission on Law Enforcement and the Texas Commission on Fire Protection.

Sec. 8-41. Investigation and record of fires.

The Fire Marshal shall investigate, or cause to be investigated, the cause, origin and circumstances of every fire occurring within the city by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was accidental or incendiary in nature. Such investigation shall be begun within twenty-four (24) hours, not including Sunday, of the occurrence of such fire. The Fire Marshal shall keep in his office a record of all fires occurring within the city, together with all facts, statistics and circumstances, including the origin, of the fires and the amount of loss, which may be determined by the investigation required by this Article.

Sec. 8-42. Taking statements; charging suspected offenders; referring matter to prosecutor.

The Fire Marshal, when in his opinion further investigation is necessary, shall take or cause to be taken the statement of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing, or other means of recording, and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson or other crime related to fire or explosion, or the threat thereof, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or other criminal conduct in connection with such fire, he shall cause such person to be arrested and charged with such offense, and shall furnish to the proper prosecuting attorney all such evidence together with the names of witnesses and all of the

information obtained by him, including a copy of all pertinent and material statements taken during the course of the investigation.

Sec. 8-43. Right of entry at location of fire.

The Fire Marshal shall have the authority, in accordance with applicable laws governing the right of entry, search and seizure, at all times of day or night in the performance of the duties imposed upon him by the provisions of this article or other law to enter upon and examine any building or premises when any fire or explosion has occurred, and other buildings and premises adjoining or near the same.

Sec. 8-44. Right of entry for examination generally; discovery of violations.

The Fire Marshal, or his deputy, shall have a right at all reasonable hours, for the purpose of inspection, for fire safety hazards, to enter all public or commercial buildings and premises within the city, as detailed in Section 104.3 of the International Fire Code, 2012 Edition, and all revisions thereto, and in accordance with applicable laws governing the right to entry, search and seizure.

It shall be the duty of the Fire Marshal to periodically perform, or cause to be performed, thorough inspection of all commercial, manufacturing and public buildings, together with the premises belonging thereto. Whenever he shall find within or upon any building or other structure or upon the premises of any building or structure the presence of fire or life safety hazards, the absence of required fire safety systems, devices, or equipment, or any violation of the Fire Prevention Code or fire-related ordinance or law, he shall order the same to be removed or remedied and such order shall be forthwith complied with by the owner or occupant of said building or premises; provided, however, if the owner or occupant deems himself aggrieved by such order, he may appeal the decision to the city's Board of Adjustments and Appeals.

Sec. 8-45. Over-crowding, hazardous conditions; threats to life safety.

When any condition such as inadequate exits, over-crowding, presence of fire hazards, lack of required fire protection system or equipment, or other conditions that pose an immediate threat to life safety of the occupants of a building, structure or premises are found, the Fire Marshal, or his deputy, the Fire Chief, or his designee, or any peace officer of the city, shall have the authority to order such place to be immediately vacated and closed to the public and secure against re-entry until such hazardous conditions are eliminated or remedied. A written report of such action shall be created by the official ordering the closure and same shall be transmitted to the Building Official and to the Fire Marshal of the city within forty-eight (48) hours, excluding Saturdays, Sundays and holidays observed by the City.

The Fire Marshal, or his deputy, shall have the authority to establish the occupant load limit of any building, structure or premises within the city and order same to be posted prominently within or upon the building, structure or premises. Establishment of such occupant load limit shall be determined according to criteria set forth in Chapter 10, Section 1004 of the International Fire Code, 2012 Edition, and all revisions thereto. Upon establishment of the occupant load limit of a building, structure or premises, the owner or operator of such place shall post signs or placards of type and in such locations as acceptable to the Fire Marshal or his deputy.

At no time shall the occupant load determined by the Fire Marshal, or his deputy, be deemed to supersede or overrule such determination made by previously by the Building Official of the city. In the event that a conflict should arise between the determination of the Fire Marshal, or his deputy, and that of the Building Official, the previous determination of the Building Official shall prevail.

Secs. 8-46 - 8-49. Reserved.

SECTION 3.

Chapter 8, Article V, of the Code of Ordinances of the City of Brenham is hereby amended to read as follows:

ARTICLE V. FIRE LANES AND FIRE APPARATUS ACCESS ROADS

Sec. 8-110. Authority to establish, locate, modify, or abandon fire lanes or fire apparatus access roads.

The terms “fire lane” and “fire apparatus access roads” shall have the same definitions as those terms are defined by Section 202 “General Definitions” in the International Fire Code, 2012 Edition, and all revisions thereto. The establishment, location, modification, or abandonment of fire lanes or fire apparatus access roads shall be determined by the Chief of the fire department, the Fire Marshal, or their designated representative, hereinafter called "the authority," in conformity with the provisions of this Article and Appendix D of the International Fire Code, 2012 Edition, and all revisions thereto.

In the event that there is a conflict between terms or when there is a question as to the intent or meaning of any portion of this subsection, the International Fire Code, 2012 Edition, Appendix D, and all revisions thereto, shall prevail.

Sec. 8-111. Fire lanes and fire apparatus access roads generally.

- (a) *Construction.* No building used for any purpose other than single-family or two-family dwellings shall be constructed so that any part of the perimeter of the structure is greater than one hundred fifty (150) feet from a public street or highway unless the owner constructs and maintains a fire lane having a minimum width of at least twenty (20) feet and height throughout of no less than fourteen (14) feet and terminating within one hundred fifty (150) feet from the farthest point of said structure, with increases to the minimum width of twenty-six (26) feet for aerial fire apparatus, where required per Appendix D of the International Fire Code, 2012 Edition, and all revisions thereto.
- (b) *Restrictions.* The following restrictions shall apply to fire lanes:
 - (1) Required fire lanes and fire apparatus access roads, when not connected at both ends to a public street, shall terminate as detailed in Table D103.4 of Appendix D of the International Fire Code, 2012 Edition, and all revisions thereto.
 - (2) All required fire lanes and fire apparatus access roads shall be all-weather surfaced with concrete, asphalt or other approved means, provide effective drainage of storm water and capable of supporting the imposed load of fire apparatus weighing at least seventy-five thousand (75,000) pounds, as detailed in Section D102 of the International Fire Code, 2012 Edition, and all revisions thereto.
 - (3) Fire lanes or fire apparatus access roads shall not be used as loading zones.
 - (4) There shall be no unattended parking in any fire lane or fire apparatus access road at any time. [Exception: vehicles operated by the fire department of the city or vehicles operated by any other emergency responder organization or law enforcement agency shall be exempt from the parking restriction established in Subsection 8-111(b)(4) above.
- (c) *Maintenance.* All required fire lanes and fire apparatus access roads shall be maintained and kept in a good state of repair at all times by the owner or owners of the premises. It shall not be the responsibility of the city to maintain fire lanes or fire apparatus access roads except in cases where the city owns the property upon which the fire lanes or fire apparatus access roads are located.

Sec. 8-112. Posting of signs and markings.

Required fire lanes and fire apparatus access roads shall be conspicuously marked with signs as detailed in Section D103.6 of Appendix D of the International Fire Code, 2012 Edition, and all revisions thereto. Where approved by the Fire Marshal, or his deputy, painted curbs or pavement striping, or stripes painted on the sides of buildings may be used in lieu of posted signs. Painted curbs, or stripes painted on pavement or buildings, shall consist of a red stripe six (6) inches in width with for (4) inch white letters stating "FIRE LANE – NO PARKING" with such lettering to be spaced approximately thirty (30) feet apart, and arranged in a manner approved by the Fire Marshal or his deputy. Paint used for striping and lettering shall be of a type suitable for exposure to the elements and stripes and lettering shall be re-painted as needed to maintain legibility.

All required fire lanes and fire apparatus access road signs shall be maintained in good condition and legible at all times. Maintenance of required fire lane and fire apparatus access road signs and markings shall be the responsibility of the owner or owners on whose property such signs are located.

Sec. 8-113. Abandonment of fire lanes.

No owner or person in charge of any premises served by a required fire lane or fire apparatus access road shall abandon or close any such fire lane or fire apparatus access road without first complying with the following procedure:

- (1) A request shall be made in writing to the Fire Marshal stating the reasons for abandonment of the fire lane or fire apparatus access road.
- (2) Verification shall be made by the Fire Marshal, or his deputy, that such property is no longer subject to the requirements of this Article.
- (3) The decision of the Fire Marshal shall be transmitted in writing to the owner or person in charge of the premises, declaring the fire lane or fire apparatus access road is to be either maintained or abandoned.

Sec. 8-114. Applicability.

Immediately upon the effective date of this article, all new construction within the city shall be undertaken in conformance with the provisions of this article and only after the approval of authority.

Sec. 8-115. Penalty for violation.

Any person, firm, corporation, company or association who shall violate any of the provisions of this article, or suffer or allow the same to be violated, shall be deemed guilty of a misdemeanor, and upon conviction therefor, shall be punished by a fine not to exceed two thousand dollars (\$2,000.00), and each day that a provision of this Article is violated shall constitute a separate offense.

Section 8-116 – 8-120. Reserved.

SECTION 4.
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 5.
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 6.
REPEALER

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

SECTION 7.
EFFECTIVE DATE

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

SECTION 8.
PROPER NOTICE AND MEETINGS

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

PASSED AND APPROVED on its first reading this the _____ day of _____, 2014.

PASSED AND APPROVED on its second reading this the _____ day of _____, 2014.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 10

DATE OF MEETING: May 1, 2014	DATE SUBMITTED: April 24, 2014															
DEPT. OF ORIGIN: Public Utilities	SUBMITTED BY: Lowell Ogle Jr.															
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;">MEETING TYPE:</td> <td style="width: 33%; vertical-align: top;">CLASSIFICATION:</td> <td style="width: 33%; vertical-align: top;">ORDINANCE:</td> </tr> <tr> <td>☒ REGULAR</td> <td>☐ PUBLIC HEARING</td> <td>☐ 1ST READING</td> </tr> <tr> <td>☐ SPECIAL</td> <td>☐ CONSENT</td> <td>☐ 2ND READING</td> </tr> <tr> <td>☐ EXECUTIVE SESSION</td> <td>☒ REGULAR</td> <td>☐ RESOLUTION</td> </tr> <tr> <td></td> <td>☐ WORK SESSION</td> <td></td> </tr> </table>		MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING	☐ SPECIAL	☐ CONSENT	☐ 2 ND READING	☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION		☐ WORK SESSION	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:														
☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING														
☐ SPECIAL	☐ CONSENT	☐ 2 ND READING														
☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION														
	☐ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Bid #1006.082-WG/WH for the 2014 Water Distribution System Improvements and Authorize the Mayor to Execute Any Necessary Documentation.																
SUMMARY STATEMENT: On March 25, 2014 bids were opened by O'Malley Engineers and City of Brenham staff regarding water distribution system improvements. These are the line replacements we have been contracting out each year to replace aging AC water lines in areas where we are having numerous leaks. The base bid included the installation of approximately 2,700 linear feet of 6" C-900 PVC to replace existing AC water lines and related appurtenances and street repair on the following streets: Drumm St from Eldon to Edward Edward St from Eldon to Drumm Eldon St from Munz to west cul-de-sac Alternate Bid A included the installation of approximately 900 linear feet of 6" C-900 PVC to replace existing AC water lines and related appurtenances and street repair on the following streets: Munz from Meadow Lane to Jefferson Meadow Lane from Jefferson to Munz Deductive Alternate Bid B would have deducted the cost of the 1.5 inches of asphalt from the pavement repair. That repair would then be done in-house by City crews. Because the contractors pricing is very cost effective we do not recommend the Deductive Alternate. The contractors bid for that work is a deduction of (\$13,750.00).																

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternate Bid A</u>	<u>Ded Alternate Bid B</u>
Supak Construction, Inc..	\$200,200.00	\$ 66,952.50	\$(13,750.00)
Elliott Construction, LLC	\$228,365.00	\$ 81,882.50	\$(24,750.00)
M&C Fonseca Const Co.l, Inc., Granite Shoals, TX	\$268,775.00	\$100,290.00	\$(13,200.00)
Kieschnick Contractors Wellborn, TX	\$299,000.00	\$102,700.00	\$(19,250.00)
City Staff would like to recommend that council award the Base Bid and the Additive Alternate Bid A but do not accept Deductive Alternate Bid B to Supak Construction, Inc. in the amount of \$267,152.50.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS:			
B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: (1) Recommendation Letter of Award; and (2) Bid Tabulation			
FUNDING SOURCE (Where Applicable): 104-5-164-804.00			
RECOMMENDED ACTION: Staff recommends council award the Bid #1006.082-WG/WH Base Bid plus Alternate Bid A to Supak Construction, Inc. for the water line replacement along Drumm, Edward, Eldon, Munz streets and Meadow Lane in the amount of \$267,152.50 and Authorize the Mayor to Execute Any Necessary Documentation.			
APPROVALS: Terry K Roberts			



O'Malley Engineers, L.L.P.

TBPE No. F-3244

Craig Kankel, P.E.
Robert C. Schmidt, P.E.
Ed Addicks, P.E.

March 26, 2014

Advance Copy Via Email

Lowell Ogle, Director of Public Utilities
City of Brenham
P.O. Box 1059
Brenham, Texas 77834-1059

Re: City of Brenham
2014 Water Distribution System Improvements
OE Job No. 1006.082-WG/WH
RECOMMENDATION OF AWARD

Dear Lowell:

We have reviewed the bids received on March 25, 2014 for the referenced project (see bid tabulation attached) and have listed the bids below in order from the lowest to the highest base bid:

	<u>Base Bid</u>	<u>Add. Alt. Bid A</u>	<u>Ded. Alt. Bid B</u>
1. Supak Construction, Inc., Orchard, TX	\$200,200.00	\$66,952.50	\$(13,750.00)
2. Elliott Construction, LLC, Wellborn, TX	\$228,365.00	\$81,882.50	\$(24,750.00)
3. M&C Fonseca Const. Co., Inc., Granite Shoals, TX	\$268,775.00	\$100,290.00	\$(13,200.00)
4. Kieschnick General Contractors, Wellborn, TX	\$299,000.00	\$102,700.00	\$(19,250.00)

The low bidder, Supak Construction, Inc., is qualified and experienced in this type of work. Therefore, based upon review of the above bids, we recommend award to the lowest bidder, Supak Construction, Inc. of Orchard, Texas, for their Base Bid plus Additive Alternate Bid A in the amount of \$267,152.50.

Sincerely,

Kelly M. Hajek, P.E.
Project Engineer

KMH:mc

Enclosure

cc + enclosure: Grant Lischka, City Engineer

CITY OF BRENHAM, 200 WEST VULCAN, BRENHAM, TEXAS 77833
2014 WATER DISTRIBUTION SYSTEM IMPROVEMENTS
OE JOB NO. 1006.082-WG/WH
BIDS OPENED: March 25, 2014 at 2:00 P.M.

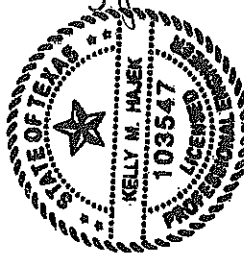
			Supak Construction, Inc.		Elliott Construction, LLC		M&C Fonseca Construction Co., Inc.			Kieschnick General Contractors		
Item No.	Description	Estimated Quantity	P.O. Box 325 Orchard, TX 77464		P.O. Box 510 Wellborn, TX 77881		1901 Prairie Creek Rd. Granite Shoals, TX 78654			P.O. Box 200 Wellborn, TX 77881		
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price		
BASE BID												
1	Furnish and install 6" AWWA C-900 DR 18 PVC water line by open cut, with trace wire	2,850 LF	\$ 37.75	\$ 107,587.50		\$ 38.00	\$ 108,300.00	\$ 25.00	\$ 71,250.00	\$ 40.00	\$ 114,000.00	
2	Furnish and install 6" gate valve and valve box	10 EA	\$ 875.00	\$ 8,750.00		\$ 800.00	\$ 8,000.00	\$ 1,800.00	\$ 18,000.00	\$ 1,000.00	\$ 10,000.00	
3	Furnish all labor and materials and make 6" wet connection to existing 6" water line	5 EA	\$ 1,250.00	\$ 6,250.00		\$ 2,000.00	\$ 10,000.00	\$ 2,300.00	\$ 11,500.00	\$ 900.00	\$ 4,500.00	
4	Remove existing fire hydrant and deliver to City	3 EA	\$ 300.00	\$ 900.00		\$ 500.00	\$ 1,500.00	\$ 600.00	\$ 1,800.00	\$ 750.00	\$ 2,250.00	
5	Furnish and install fire hydrant unit	3 EA	\$ 3,550.00	\$ 10,650.00		\$ 3,460.00	\$ 10,380.00	\$ 4,200.00	\$ 12,600.00	\$ 4,000.00	\$ 12,000.00	
6	Furnish all labor and materials and make 1" service connection	40 EA	\$ 275.00	\$ 11,000.00		\$ 200.00	\$ 8,000.00	\$ 1,100.00	\$ 44,000.00	\$ 400.00	\$ 16,000.00	
7	Furnish and install 1" SDR 9 CTS Polyethylene service line	700 LF	\$ 8.50	\$ 5,950.00		\$ 35.00	\$ 24,500.00	\$ 9.00	\$ 6,300.00	\$ 25.00	\$ 17,500.00	
8	Furnish all labor and materials and tie new 1" Poly service line into existing meter	40 EA	\$ 200.00	\$ 8,000.00		\$ 200.00	\$ 8,000.00	\$ 700.00	\$ 28,000.00	\$ 400.00	\$ 16,000.00	
9	Furnish and install ductile iron fittings	1.6 TON	\$ 6,250.00	\$ 10,000.00		\$ 3,750.00	\$ 6,000.00	\$ 5,000.00	\$ 8,000.00	\$ 6,000.00	\$ 9,600.00	
10	Furnish all labor and materials and obliterate existing valve box	4 EA	\$ 100.00	\$ 400.00		\$ 200.00	\$ 800.00	\$ 600.00	\$ 2,400.00	\$ 200.00	\$ 800.00	

Item No.	Description	Estimated Quantity	Supak Construction, Inc.		Elliott Construction, LLC		M&C Fonseca Construction Co., Inc.		Kieschnick General Contractors	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
11	Furnish all labor and materials to plug and abandon existing water lines in place	1 LS	\$ 150.00	\$ 150.00	\$ 2,000.00	\$ 2,000.00	\$ 400.00	\$ 400.00	\$ 5,000.00	\$ 5,000.00
12	Perform trench safety per Technical Specification Section 31.50.00, all depths	200 LF	\$ 1.00	\$ 200.00	\$ 1.00	\$ 200.00	\$ 4.50	\$ 900.00	\$ 3.00	\$ 600.00
13	Furnish all materials and perform traffic control in accordance with the Texas MUTCD	1 LS	\$ 1,250.00	\$ 1,250.00	\$ 5,000.00	\$ 5,000.00	\$ 8,000.00	\$ 8,000.00	\$ 2,500.00	\$ 2,500.00
14	Furnish all labor and materials to perform asphalt pavement repair in City right-of-way	2,750 LF	\$ 10.00	\$ 27,500.00	\$ 12.50	\$ 34,375.00	\$ 18.00	\$ 49,500.00	\$ 30.00	\$ 82,500.00
15	Furnish all labor and materials to perform concrete pavement repair	15 LF	\$ 57.50	\$ 862.50	\$ 54.00	\$ 810.00	\$ 75.00	\$ 1,125.00	\$ 50.00	\$ 750.00
16	Perform seeding in all areas disturbed by construction	1 LS	\$ 750.00	\$ 750.00	\$ 500.00	\$ 500.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
TOTAL BASE BID (ITEMS 1 - 16)				\$ 200,200.00		\$ 228,365.00		\$ 268,775.00		\$ 299,000.00
ADDITIVE ALTERNATE BID A										
A1	Furnish and install 6" AWWA C-900 DR 18 PVC water line by open cut, with trace wire	900 LF	\$ 37.75	\$ 33,975.00	\$ 38.00	\$ 34,200.00	\$ 25.00	\$ 22,500.00	\$ 40.00	\$ 36,000.00
A2	Furnish and install 6" gate valve and valve box	2 EA	\$ 875.00	\$ 1,750.00	\$ 800.00	\$ 1,600.00	\$ 1,400.00	\$ 2,800.00	\$ 1,000.00	\$ 2,000.00
A3	Furnish all labor and materials and make 6" wet connection to existing 6" water line	2 EA	\$ 1,250.00	\$ 2,500.00	\$ 2,000.00	\$ 4,000.00	\$ 1,900.00	\$ 3,800.00	\$ 900.00	\$ 1,800.00
A4	Remove existing fire hydrant and deliver to City	1 EA	\$ 300.00	\$ 300.00	\$ 500.00	\$ 500.00	\$ 950.00	\$ 950.00	\$ 750.00	\$ 750.00
A5	Furnish and install fire hydrant unit	1 EA	\$ 3,550.00	\$ 3,550.00	\$ 3,460.00	\$ 3,460.00	\$ 4,200.00	\$ 4,200.00	\$ 4,000.00	\$ 4,000.00

Item No.	Description	Estimated Quantity	Supak Construction, Inc.			Elliott Construction, LLC			M&C Fonseca Construction Co., Inc.			Kieschnick General Contractors		
			Unit Price	Total Price		Unit Price	Total Price		Unit Price	Total Price		Unit Price	Total Price	
A6	Furnish all labor and materials and make 1" service connection	20 EA	\$ 275.00	\$ 5,500.00		\$ 200.00	\$ 4,000.00		\$ 900.00	\$ 18,000.00		\$ 400.00	\$ 8,000.00	
A7	Furnish and install 1" SDR 9 CTS Polyethylene service line	370 LF	\$ 8.50	\$ 3,145.00		\$ 35.00	\$ 12,950.00		\$ 9.00	\$ 3,330.00		\$ 15.00	\$ 5,550.00	
A8	Furnish all labor and materials and tie new 1" Poly service line into existing meter	20 EA	\$ 200.00	\$ 4,000.00		\$ 200.00	\$ 4,000.00		\$ 700.00	\$ 14,000.00		\$ 400.00	\$ 8,000.00	
A9	Furnish and install ductile iron fittings	0.45 TON	\$ 6,250.00	\$ 2,812.50		\$ 3,750.00	\$ 1,687.50		\$ 5,000.00	\$ 2,250.00		\$ 6,000.00	\$ 2,700.00	
A10	Furnish all labor and materials to plug and abandon existing water lines in place	1 LS	\$ 150.00	\$ 150.00		\$ 1,000.00	\$ 1,000.00		\$ 600.00	\$ 600.00		\$ 2,500.00	\$ 2,500.00	
A11	Perform trench safety per Technical Specification Section 31 50 00, all depths	20 LF	\$ 1.00	\$ 20.00		\$ 1.00	\$ 20.00		\$ 4.50	\$ 90.00		\$ 10.00	\$ 200.00	
A12	Furnish all materials and perform traffic control in accordance with the Texas MUTCD	1 LS	\$ 1,250.00	\$ 1,250.00		\$ 2,500.00	\$ 2,500.00		\$ 8,000.00	\$ 8,000.00		\$ 1,500.00	\$ 1,500.00	
A13	Furnish all labor and materials to perform asphalt pavement repair in City right-of-way	890 LF	\$ 7.50	\$ 6,675.00		\$ 12.50	\$ 11,125.00		\$ 18.00	\$ 16,020.00		\$ 30.00	\$ 26,700.00	
A14	Furnish all labor and materials to perform concrete pavement repair	10 LF	\$ 57.50	\$ 575.00		\$ 54.00	\$ 540.00		\$ 75.00	\$ 750.00		\$ 100.00	\$ 1,000.00	
A15	Perform seeding in all areas disturbed by construction	1 LS	\$ 750.00	\$ 750.00		\$ 300.00	\$ 300.00		\$ 3,000.00	\$ 3,000.00		\$ 2,000.00	\$ 2,000.00	
TOTAL ALTERNATE BID A (ITEMS A1 - A15)				\$ 66,952.50			\$ 81,882.50			\$ 100,290.00			\$ 102,700.00	
TOTAL BASE BID PLUS ALTERNATE BID A				\$ 267,152.50			\$ 310,247.50			\$ 369,065.00			\$ 401,700.00	

			Supak Construction, Inc. P.O. Box 325 Orchard, TX 77464		Elliott Construction, LLC P.O. Box 510 Wellborn, TX 77881		M&C Fonseca Construction Co., Inc. 1901 Prairie Creek Rd. Granite Shoals, TX 78654		Kieschnick General Contractors P.O. Box 200 Wellborn, TX 77881	
Item No.	Description	Estimated Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
DEDUCTIVE ALTERNATE BID B										
B1	Deduct to remove the 1-1/2" minimum thickness Type D HMA pavement from the backfill and pavement repair (flexible base and select fill backfill to remain in the project, see Water Details plan sheet)	2,750 LF	\$ (5.00)	\$ (13,750.00)	\$ (9.00)	\$ (24,750.00)	\$ (4.80)	\$ (13,200.00)	\$ (7.00)	\$ (19,250.00)
TOTAL ALTERNATE BID B (ITEM B1)				\$ (13,750.00)		\$ (24,750.00)		\$ (13,200.00)		\$ (19,250.00)
SUPPLEMENTAL BID ITEMS										
S1	When directed by Engineer, furnish and install cement stabilized sand backfill	CY	\$ 57.50	\$ 68.00	\$ 110.00	\$ 42.00				

O'Malley Engineers, L.L.P.
TBPE No. F-3244
Brenham, Texas



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

3-26-2014



AGENDA ITEM 11

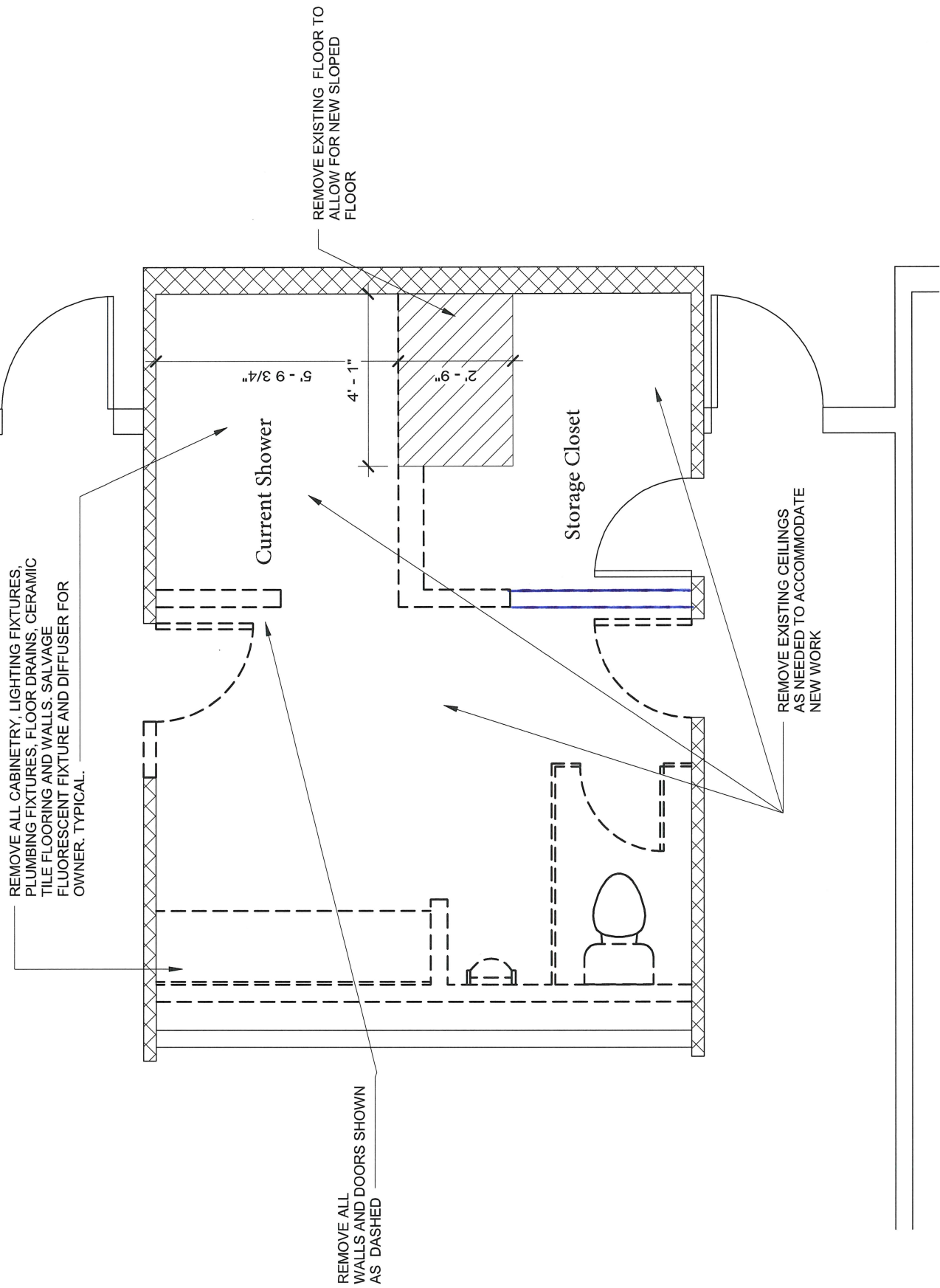
DATE OF MEETING: May 1, 2014	DATE SUBMITTED: April 28, 2014	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Jeana Bellinger	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☐ REGULAR ☒ WORK SESSION	ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Presentation and Update Regarding the Charter Review		
SUMMARY STATEMENT: As I explained back in March, the City Attorney and I are in the process of going through each section of the Charter and will be bringing regular updates to you as we progress through the document. At the council meeting, we will be presenting recommended changes to Article II (Powers) for your direction and feedback.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: None		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Discussion only.		
APPROVALS: Terry K. Roberts		



AGENDA ITEM 12

DATE OF MEETING: May 1, 2014	DATE SUBMITTED: April 17, 2014															
DEPT. OF ORIGIN: Fire	SUBMITTED BY: Ricky Boeker															
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;">MEETING TYPE:</td> <td style="width: 33%; vertical-align: top;">CLASSIFICATION:</td> <td style="width: 33%; vertical-align: top;">ORDINANCE:</td> </tr> <tr> <td>☒ REGULAR</td> <td>☐ PUBLIC HEARING</td> <td>☐ 1ST READING</td> </tr> <tr> <td>☐ SPECIAL</td> <td>☐ CONSENT</td> <td>☐ 2ND READING</td> </tr> <tr> <td>☐ EXECUTIVE SESSION</td> <td>☐ REGULAR</td> <td>☐ RESOLUTION</td> </tr> <tr> <td></td> <td>☒ WORK SESSION</td> <td></td> </tr> </table>		MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING	☐ SPECIAL	☐ CONSENT	☐ 2 ND READING	☐ EXECUTIVE SESSION	☐ REGULAR	☐ RESOLUTION		☒ WORK SESSION	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:														
☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING														
☐ SPECIAL	☐ CONSENT	☐ 2 ND READING														
☐ EXECUTIVE SESSION	☐ REGULAR	☐ RESOLUTION														
	☒ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discussion and Update on the Restroom Renovations at the City of Brenham Fire Station.																
SUMMARY STATEMENT: The restroom in the fire station quarters area is in need of repairs and renovation. This is the original facility from 1978, the year that the fire station was built. Normal wear and tear has taken a toll on the floors, walls and fixtures. Based on preliminary quotes during budget preparation for the FY13-14 budget year, \$34,480 was requested and approved for the upgrades. Current estimates by the project architect (Keese & Assoc.) indicate that the actual cost will exceed that amount. BFD staff agrees with the architect that if properly funded, the renovation of the restroom area will result in facilities that will last decades longer. When the major remodeling of the former Community Hall into fire administrative offices and EOC (emergency operations center) was done in 2008, the commitment was made to maintain the fire station at the current location for the foreseeable future. This renovation project will result in better utilization of existing space for the current staffing level of 4 per shift, which is double that of the 1978 staffing level, which was 2 people per shift.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:																
ALTERNATIVES (In Suggested Order of Staff Preference):																
ATTACHMENTS: (1) Existing Floor Plan; and (2) New Floor Plan																
FUNDING SOURCE (Where Applicable):																
RECOMMENDED ACTION: Discussion only.																
APPROVALS: Terry K. Roberts																

This is the current layout of the restrooms at the fire station living quarters. These restrooms have not had anything done to them since building was built in 1978.



2 DEMO PLAN

3/8" = 1'-0"

18' - 10"





AGENDA ITEM 13

DATE OF MEETING: March 6, 2014	DATE SUBMITTED: February 28, 2014
DEPT. OF ORIGIN: Public Utilities	SUBMITTED BY: Lowell Ogle
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☐ REGULAR ☒ WORK SESSION
ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Presentation of the 2013 Annual Report by the Public Utilities	
SUMMARY STATEMENT: In order to be more cost efficient, a copy of the annual report is not included in the agenda packet. However, a bound copy of each report will be distributed to Mayor and City Council Members. A bound copy of the 2013 Public Utilities Department Annual Report is on file for review in the City Secretary's Office. A copy can also be downloaded from the City of Brenham's website at www.cityofbrenham.org . If you are interested in obtaining a hard copy, please call the City Secretary at 979-337-7567	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: N/A	
FUNDING SOURCE (Where Applicable):	
RECOMMENDED ACTION: Discussion only.	
APPROVALS: Terry K. Roberts	



AGENDA ITEM 14

DATE OF MEETING: May 1, 2014	DATE SUBMITTED: April 28, 2014															
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Kyle Dannhaus															
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;">MEETING TYPE:</td> <td style="width: 33%; vertical-align: top;">CLASSIFICATION:</td> <td style="width: 33%; vertical-align: top;">ORDINANCE:</td> </tr> <tr> <td>☒ REGULAR</td> <td>☐ PUBLIC HEARING</td> <td>☐ 1ST READING</td> </tr> <tr> <td>☐ SPECIAL</td> <td>☐ CONSENT</td> <td>☐ 2ND READING</td> </tr> <tr> <td>☐ EXECUTIVE SESSION</td> <td>☐ REGULAR</td> <td>☐ RESOLUTION</td> </tr> <tr> <td></td> <td>☒ WORK SESSION</td> <td></td> </tr> </table>		MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING	☐ SPECIAL	☐ CONSENT	☐ 2 ND READING	☐ EXECUTIVE SESSION	☐ REGULAR	☐ RESOLUTION		☒ WORK SESSION	
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AGENDA ITEM DESCRIPTION: Presentation of the 2013 Annual Report by the Administration Department.																
SUMMARY STATEMENT: In order to be more cost efficient, a copy of the annual report is not included in the agenda packet. However, a bound copy of each report will be distributed to Mayor and City Council Members. A bound copy of the 2013 Administration Department Annual Report is on file for review in the City Secretary's Office. A copy can also be downloaded from the City of Brenham's website at www.cityofbrenham.org. If you are interested in obtaining a hard copy, please call the City Secretary at 979-337-7567																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:																
ALTERNATIVES (In Suggested Order of Staff Preference):																
ATTACHMENTS: N/A																
FUNDING SOURCE (Where Applicable):																
RECOMMENDED ACTION: Discussion only.																
APPROVALS: Terry K. Roberts																