



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, FEBRUARY 1, 2018 AT 1:00 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Williams**
- 3. Special Recognitions**
 - 3-a. Service Recognitions**

➤ Ricky Boeker, Fire Department	10 Years
➤ Will Felder, Library	10 Years
 - 3-b. Kacey Weiss – Texas Registered Municipal Clerk Certification**
- 4. Citizens Comments**

CONSENT AGENDA

5. Statutory Consent Agenda

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

- 5-a. Minutes from the December 21, 2017 and January 4, 2018 Regular City Council Meetings** **Pages 1-16**

WORK SESSION

- 6. Discussion and Presentation of the City of Brenham's Thoroughfare Plan** **Pages 17-18**

7. Discussion and Update Regarding Storm Disaster Recovery from the Federal Emergency Management Agency (FEMA) **Page 19**

PUBLIC HEARING

8. Public Hearing to Consider Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas to Amend the Planned Development (PD) District Ordinance No. O-13-020 for Oak Alley Subdivision in Brenham, Washington County, Texas (Case No. P-18-002) **Pages 20-37**
9. Public Hearing to Consider Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Amend Part III, Section 7, Required Signs (Case No. P-18-004) **Pages 38-40**
10. Public Hearing to Consider Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Amend Part V, Section 2.03, Membership and Appointment of the Planning and Zoning Commission and Section 3.03, Membership, Appointment and Terms of Office for the Board of Adjustment (Case No. P-18-005) **Pages 41-44**

REGULAR SESSION

11. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas to Amend Planned Development (PD) District Ordinance No. O-13-020 for Oak Alley Subdivision in Brenham, Washington County, Texas (Case No. P-18-002) **Pages 45-51**
12. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Amend Part III, Section 7, Required Signs (Case No. P-18-004) **Pages 52-54**
13. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Amend Part V, Section 2.03, Membership and Appointment of the Planning and Zoning Commission and Section 3.03, Membership, Appointment and Terms of Office for the Board of Adjustment (Case No. P-18-005) **Pages 55-59**
14. Discuss and Possibly Act Upon the 2017 Use of Force Report for the City of Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation **Pages 60-62**
15. Discuss and Possibly Act Upon the 2017 Pursuit Report for the City of Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation **Pages 63-65**

16. **Discuss and Possibly Act Upon Resolution No. R-18-003 Authorizing the Acceptance of a Rifle-Resistant Body Armor Grant from the Criminal Justice Division of the Office of the Governor** **Pages 66-72**
17. **Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Sanitation Services at the Citizen's Collection Station and Authorize the Mayor to Execute Any Necessary Documentation** **Pages 73-84**
18. **Discuss and Possibly Act Upon Resolution No. R-18-004 In Opposition to the United States Bureau of Land Management's (BLM's) Decision to Lease Land for Oil and Gas Drilling and Production in Washington County, At and Around Lake Somerville** **Pages 85-86**

EXECUTIVE SESSION

19. **Section 551.071 – Texas Government Code – Consultation with Attorney – Deliberation Regarding the Construction Contract Between the City of Brenham and GCP Contractors, LLC, Including But Not Limited to the Termination of Said Contract and Other Available Remedies** **Page 87**

RE-OPEN REGULAR SESSION

20. **Discuss and Possibly Act Upon the Termination of the Construction Contract Between the City of Brenham and GCP Contractors, LLC, and Other Available Remedies, and Authorize the Mayor to Execute Any Necessary Documentation** **Page 88**
21. **Administrative/Elected Officials Report**

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

Adjourn

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

CERTIFICATION

I certify that a copy of the February 1, 2018 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 January 29, 2018 at **12:48 PM**.

Kacey A. Weiss, TRMC

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 _____, 2018 at _____ AM PM.

Signature

Title

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on December 21, 2017 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Andrew Ebel
Councilmember Susan Cantey
Councilmember Danny Goss
Councilmember Keith Herring
Councilmember Charlie Pyle
Councilmember Weldon Williams, Jr.

Members absent:

None

Others present:

City Manager Terry Roberts, Assistant City Manager of General Government Ryan Rapelye, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Kacey Weiss, Assistant City Manager – Chief Financial Officer Carolyn Miller, Human Resources Director Susan Nienstedt, Director of Community Services Wende Ragonis, Fire Chief Ricky Boeker, Police Chief Craig Goodman, Public Works Director Dane Rau, Casey Redman, Assistant City Manager of Public Utilities Lowell Ogle, City Engineer Lori Lakatos, Chris McCain, Andrew Jozwiak, Brett Schroeder, Greg Nienstedt, Brent Folsom, Cody Burge, Rhye Moschak, Jared Campbell, Terrence Johnson, Kevin Boggus, Carrie Derkowski, Lloyd Powell, Carl Wiesepape, Cecil Wright and Freddie Garcia

Citizens present:

Paula Buls, Heather Myers, Linda Wiesepape, Frank Lynch, Jerry Brown, Jeffrey Sadler, Billy Bowen, John Beckendorf, Donald Hoffman, Brian Frank, Richard Heiges, April Hooks, Jenny Mills, Bill Betts, Janet Schulze, Page Michel and John Durrenberger

Media Present:

Melissa McCaghren, Brenham Banner Press; and Mark Whitehead, KWHI

1. **Call Meeting to Order**
2. **Invocation and Pledges to the US and Texas Flags – Mayor Milton Y. Tate, Jr.**
3. **Special Recognition**

Retirements

- **Freddie Garcia, Street Department** 28 Years
- **Carl Wiesepape, Police Department** 29 Years
- **Cecil Wright, Fire Department** 39 Years

4. **Citizens Comments**

There were no citizen comments.

CONSENT AGENDA

5. **Statutory Consent Agenda**

5-a. Minutes from the November 8, 2017 Special City Council Meeting and November 16, 2017 Regular City Council Meeting

5-b. Ordinance No. O-17-019 on its Second Reading for the Creation of Reinvestment Zone Number 41 Requested by Moser Community Media, LLC for Commercial Tax Phase-In Incentive on a Certain Tract or Parcel of Land Lying and Being Lot 28 and Part of Lot 29 of the Original Town Tract, Being Located at 101 E. Main Street, Brenham, Texas, with Boundaries Further Described in Exhibit “A” of the Ordinance Creating Reinvestment Zone 41, and Designating This Property as Qualifying for Tax Phase-In

5-c. Ordinance No. O-17-020 on its Second Reading Amending the FY2016-17 Adopted Budget

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

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

WORK SESSION

6. Presentation and Update on the Brenham Family Park

Public Works Director Dane Rau presented this item. Rau explained that the Brenham Family Park was donated to the City of Brenham by Ed and Evelyn Kruse in December of 2013. Rau advised that the proposed Park Master Plan, created by Jones-Carter, is an initial site plan that involves many moving parts. Rau stated that City staff along with Jones-Carter, were able to break the park into recommended construction phases and as funds become available, it will dictate the timeliness of the completed phases if Council so desires. Rau explained that the 4-acre lake structure/detention pond will move forward in the Fall of 2018 with or without park development. Rau stated that this item is needed prior to development on private tracts off of S. Chappell Hill St. Rau noted that BCDC and the Kruse family have already set these funds aside.

Erin Williford with Jones-Carter Engineering discussed the different phases of the project. Grant Lischka with Jones-Carter Engineering updated Council on the pond design and mitigation costs.

7. Presentation and Discussion on the Possible Purchase of Approximately 3.0 Acres of Land for a Future Fire Station

City Manager Terry Roberts presented this item. Roberts explained that the City Council reserved an option to acquire land for a second fire station when it entered into a development agreement related to the Brenham Family Park in December 2013. Roberts stated that in the development agreement, the donor of the park land granted the City an exclusive option to purchase three acres of land for a future fire station at an agreed upon price of \$50,000 per acre. Roberts advised that the development agreement outlined the specific location of the 3-acre fire station tract and provided the City Council five years from the date of the development agreement to exercise its option to acquire the land. Roberts noted the five-year option expires in December 2018.

Roberts explained that in 2014, the City financed capital improvements projects with the issuance of 2014 certificates of obligations. Roberts advised that one of the City Council's identified projects was the setting aside of \$150,000 for the real estate purchase of the fire station land. Roberts noted that those funds are still in city reserves and have not been reallocated to other projects. Roberts stated that in March 2016, Consultant Mike Pietsch, PE presented his master fire station location plan for Brenham to the City Council that included this site.

REGULAR SESSION

8. Discuss and Possibly Act Upon the Purchase of Approximately 3.0 Acres of Land for a Future Fire Station, Described as Part of the Hiram Lee Survey, A-76, Being a Part of Approximately 271.590 Acres of Land as Outlined in a Development Agreement Between the City of Brenham and Ed. F. Kruse and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Goss and seconded by Councilmember Pyle to approve the purchase of approximately 3.0 acres of land, for \$150,000, for a future fire station, described as part of the Hiram Lee Survey, A-76, being a part of approximately 271.590 acres of land as outlined in a Development Agreement between the City of Brenham and Ed. F. Kruse 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

9. Discuss and Possibly Act Upon Ordinance No. O-17-021 on Its Second Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District of an 8.07 Acre Tract of Land, Being A Portion of the 32.16 Acre Tract of Land Adjacent to Tilden Lane, Described as R16649 (WCAD), Tract 2 of the Isaac Lee Survey, A77, in Brenham, Washington County, Texas from a Local Business Residential Mixed Use (B-1) District and a Single Family Residential Use (R-1) District to an Industrial Use (I) District

City Engineer Lori Lakatos presented this item. Lakatos explained that at the December 7, 2017 City Council meeting, four public comments were heard in opposition of the proposed rezoning and two public comments were heard in support of the rezoning. Lakatos stated that this item is being brought back as a regular second reading, instead of a consent item, as the vote was not unanimous and there were several public comments.

Lakatos advised that this is a request from John Beckendorf representing the Fritz W. Beckendorf Estate to rezone a portion of the tract of land described above from a B-1 Local Business/Residential Mixed Use District and R-1 Residential District to an I Industrial District for the purpose of selling the property to the adjacent property owner, Del Sol Food Company.

A motion was made by Councilmember Pyle and seconded by Mayor Pro Tem Ebel to approve Ordinance No. O-17-021 on its second reading amending the Official Zoning Map of the City of Brenham, to change the zoning district of an 8.07 acre tract of land, being a portion of the 32.16 acre tract of land adjacent to Tiaden Lane, described as R16649 (WCAD), Tract 2 of the Isaac Lee Survey, A77, in Brenham, Washington County, Texas from a Local Business Residential Mixed Use (B-1) District and a Single Family Residential Use (R-1) District to an Industrial Use (I) District.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	No

10. Discuss and Possibly Act Upon an Ordinance on Its First Reading Authorizing a Variance to Building Setback Requirements, as Outlined in Section 23-22(1) of the City of Brenham's Code of Ordinances, on a Tract of Land Being Described as Residue of Lot 1, Block 1, of the Post Oak Grove Addition, Located at 1303 Simon Avenue in Brenham, Washington County, Texas

City Engineer Lori Lakatos presented this item. Lakatos explained that this is a request from the owner Solution Builders, LLC. and the applicant Hodde & Hodde Surveying for a variance from the subdivision ordinance. Lakatos stated the owner would like to build a single-family house. Lakatos advised that the request is to allow a 15' building setback line where a 25' building setback line from the side of a lot which abuts a collector or an arterial street is required. Lakatos noted that the Planning and Zoning Commission recommended unanimous approval at their meeting on December 18th.

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve an Ordinance on its first reading authorizing a variance to building setback requirements, as outlined in Section 23-22(1) of the City of Brenham's Code of Ordinances, on a tract of land being described as residue of Lot 1, Block 1, of the Post Oak Grove Addition, located at 1303 Simon Avenue in Brenham, Washington County, Texas.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

11. Discuss and Possibly Act Upon Resolution No. R-17-026 of the City Council of the City of Brenham, Texas, Adopting a Commercial Tax Phase-In Agreement with Moser Community Media, LLC

City Secretary Jeana Bellinger presented this item. Bellinger explained that the owners of Moser Community Media, LLC will be investing over \$460,000 in the major renovation of a downtown office building and have asked for tax phase-in to be granted to assist them with the cost of construction for the renovation. Bellinger stated that since the project is in the Downtown Zone, there is no job creation/retention requirement.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to approve Resolution No. R-17-026 of the City Council of the City of Brenham, Texas, adopting a Commercial Tax Phase-In Agreement with Moser Community Media, LLC.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

12. Discuss and Possibly Act Upon a Vocational Work Contract Between the City of Brenham and Texas Health and Human Services Commission (HHSC) for Document Destruction, Janitorial and Litter Management Services at Various City Facilities and Authorize the Mayor to Execute Any Necessary Documentation

City Secretary Jeana Bellinger presented this item. Bellinger explained that at the September 21, 2017 meeting, Public Works Director Dane Rau presented an amendment to the City's 2014 Vocational Work Contract with the Brenham State Supported Living Center through the Department of Aging and Disability Services (DADS) for litter clean-up and janitorial services at various city park facilities. Bellinger stated the City's 2014 contract for document shredding was not amended in September.

Bellinger advised that on October 24, 2017 the City received written notice from the Health and Human Services Commission (HHSC) that the Vocational Work Contract between the City and DADS would be terminated due to HHSC being the agency now responsible for these types of contracts; therefore, a new contract was needed for all the services being provided by the State School. Bellinger noted that if approved by Council, this new contract would not expire until August 31, 2021.

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve a four (4) year Vocational Work Contract between the City of Brenham and Texas Health and Human Services Commission (HHSC) for document destruction, janitorial and litter management services at various city facilities 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

13. Discuss and Possibly Act Upon Resolution No. R-17-027 Regarding the Election of Members to the Board of Directors of the Washington County Appraisal District

City Manager Terry Roberts presented this item. Roberts explained that at the November 16, 2017 council meeting, Resolution No. R-17-023 was approved for the nomination of Washington County Appraisal District Board members to serve a two-year term beginning January 1, 2018. Roberts stated that our taxing entity received 539 votes; these votes can be cast to one candidate or distributed among any of the candidates. Roberts noted that there are six candidates (Joe Antkowiak, Leslie Boehnemann, Jr., Douglas Borchardt, Johanna Fatheree, Charles Gaskamp, and John Schaer) on the ballot; however, there are only five positions on the Board.

A motion was made by Councilmember Goss and seconded by Mayor Pro Tem Ebel to approve Resolution No. R-17-027 regarding the election of members to the Board of Directors of the Washington County Appraisal District and to spread the voting shares equally to all of the nominated candidates.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

14. Discuss and Possibly Act Upon Recommendations for Appointments and/or Re-Appointments to Various City Advisory Boards

City Manager Terry Roberts presented this item. Roberts explained that at the December 7th Council meeting, Council members approved the appointment and/or re-appointment of several citizens to the advisory boards; however, there were still a few vacancies left open. The recommendation to the Council for these vacancies were as follows:

Brenham Housing Authority:

Ray Daugberg

Hotel Occupancy Tax Board:

Seneca McAdams

Councilmember Susan Cantey

A motion was made by Councilmember Pyle and seconded by Mayor Pro Tem Ebel to approve the recommendation for appointments and/or re-appointments to various City advisory boards with Ray Daugberg serving on the Brenham Housing Authority and Seneca McAdams and Susan Cantey serving on the Hotel Occupancy Tax Board.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

15. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- Next Council meeting will be January 4th

City Engineer Lori Lakatos reported on the following:

- Gave an update on Burleson Street, Barbee Street, and Jefferson Street construction projects

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on January 4, 2018 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Andrew Ebel
Councilmember Susan Cantey
Councilmember Danny Goss
Councilmember Keith Herring
Councilmember Charlie Pyle
Councilmember Weldon Williams, Jr.

Members absent:

Others present:

City Manager Terry Roberts, Assistant City Manager of General Government Ryan Rapelye, City Attorney Cary Bovey, Deputy City Secretary Kacey Weiss, Assistant City Manager – Chief Financial Officer Carolyn Miller, Comptroller Stacy Hardy, Human Resources Director Susan Nienstedt, Sara Parker, Cynthia Longhofer, Director of Community Services Wende Ragonis, Fire Chief Ricky Boeker, Interim Police Chief Rusty Pancoast, Public Works Director Dane Rau, Casey Redman, Assistant City Manager of Public Utilities Lowell Ogle, City Engineer Lori Lakatos, Alexandra Dill, Lloyd Powell, Billy Rich, Paula Shields, Trey Gully, David Andras, Todd Ashorn, David Doelitsch, Jared Campbell, Lance Weiss, Ashley Burns, Sierra Newell, and Jose Perez

Citizens present:

Brad Stafford, Elizabeth Price, Tommy Upchurch, Gloria Nix and Carlile Pond

Media Present:

Arthur Hahn, Brenham Banner Press; and Mark Whitehead, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – City Attorney Cary Bovey**

3. Special Recognitions

3-a. Retirement

- Terry Roberts, Administration 17 Years

3-b. Service Recognitions

- David Andras, Police Department 5 Years
- David Doelitsch, Development Services 10 Years

4. Citizens Comments

Brad Stafford, City Manager in Navasota, addressed Council and congratulated Terry Roberts on his retirement. Stafford also thanked the City and staff for their help in repairing a water main break that happened in Navasota a few days before Christmas.

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Minutes from the December 4, 2017 Special City Council Meeting

5-b. Ordinance No. O-18-001 on Its Second Reading Authorizing a Variance to Building Setback Requirements, as Outlined in Section 23-22(1) of the City of Brenham's Code of Ordinances, on a Tract of Land Being Described as Residue of Lot 1, Block 1, of the Post Oak Grove Addition, Located at 1303 Simon Avenue in Brenham, Washington County, Texas

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

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

REGULAR SESSION

6. Discuss and Possibly Act Upon a One Year Contract Extension, in Accordance with Bid No. 17-005, for the Purchase of Refuse Bags for the Sanitation Department and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that in March 2017, Bid #17-005 was awarded to Houston Poly Bag for the purchase of 14,000 refuse bags at a cost of \$5.97/roll. Rau stated that Houston Poly Bag has indicated that they would honor their price of \$5.97/roll to the City under the one-year contract extension language.

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve a one (1) year contract extension, in accordance with Bid No. 17-005, for the purchase of 14,000 refuse bags from Houston Poly Bag for \$5.97/roll 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

7. Discuss and Possibly Act Upon Bid No. 18-001 Related to Annual Concrete Work for the City of Brenham and Authorize the Mayor to Execute any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that on December 21, 2017, the purchasing department opened bids regarding annual concrete work, which is requested by the City throughout the year. Rau stated there were six bids mailed out with only two of those bids being received. Rau advised that Legacy Concrete Works submitted the lowest bid on each item that was listed. Rau noted that the current amount budgeted in the Street Department related to concrete work is \$80,000. Rau explained that this amount is used for curb replacement, valley gutter repair, sidewalk replacement and other concrete work as needed throughout the year.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to award Bid No. 18-001 to Legacy Concrete Works for annual concrete work for the City of Brenham 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

8. Discuss and Possibly Act Upon the Purchase of a Software Upgrade for the Advanced Metering Infrastructure (AMI) System for the City of Brenham's Public Utility Department and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle explained that in 2008, the City began a pilot project of an Advanced Metering Infrastructure (AMI) system. Ogle stated this system would allow meters to communicate wirelessly back to the City's billing system. Ogle advised that the pilot proved to be a success and in 2010, the City received RFP's for a citywide deployment of the AMI system. Ogle explained that during the 2017-2018 budget process, Council approved \$90,000 in the Utility Billing budget to upgrade the AMI system with newer software, a more robust MDM, and a customer portal. Ogle stated the newer software and MDM provide more analytical information and options to the staff, as well as help increase productivity and customer service.

Councilmember Williams thanked Ogle and his staff for moving forward and updating the system.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve the purchase of a software upgrade for the Advanced Metering Infrastructure (AMI) System for the City of Brenham's Public Utility Department from Aqua Metric at a cost of \$90,773.32 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

9. Discuss and Possibly Act Upon a One Year Contract Extension, in Accordance with Bid No. 14-010, for Bulk Water Treatment Chemicals and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle explained that on December 4, 2014, City Council approved a contract with Evoqua Water Technologies for the purchase of Sodium Chlorite at \$0.74/lb. Ogle stated the contract was a one (1) year contract with four (4) additional one (1) year terms (5 years total). Ogle advised that all renewals have the same terms and conditions as the original contract.

A motion was made by Councilmember Pyle and seconded by Councilmember Herring to approve a one-year contract extension, in accordance with Bid No. 14-010, with Evoqua Water Technologies for bulk water treatment chemicals at a price of \$0.74 per pound 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

10. Discuss and Possibly Act Upon the Conveyance of Approximately 0.750 Acres of Land Described as Part of the P. H. Coe Survey, A-31, Being the Same Property Described in a Deed Dated November 29, 1984 from John S. Garnett to the City of Brenham, Recorded in Volume 492, Page 732 of Deed Records of Washington County, Texas to the Brenham Fire Department, a Texas Non-Profit Corporation, and Authorize the Mayor to Execute Any Necessary Documentation

City Manager Terry Roberts introduced this item and City Attorney Cary Bovey presented it. Bovey explained that in November, 1983 John Garnett donated approximately 4 acres of land to the Brenham Fire Department (non-profit group) for the construction of the Fireman's Training Center. Bovey stated that shortly after the donation of the 4-acre tract, Mr. Garnett donated the abutting 0.75-acre tract (located at the corner of U.S. Highway 290 West and Industrial Blvd.) to the City.

Bovey advised that earlier this year, the Brenham Fire Department asked if the City would consider deeding the .75-acre tract over to them so that they could use this land when planning for future improvements to the Fireman's Training Center. Bovey noted that according to the Texas Constitution, the City cannot deed or give away anything of value that could possibly benefit a private individual or private company.

Bovey further explained that in reviewing Section 253.011 of the Local Government Code, the City can give real property to a non-profit organization for public use as long as the non-profit uses the property "...in a manner that primarily promotes a public purpose of the municipality." Bovey stated the law does require that the property revert back to the municipality if for any reason the non-profit organization fails to use the property for a public purpose. Bovey advised that if the City Council agrees to convey this land to the non-profit group, the deed will be prepared with a clause stating that if the use of property ever ceases to provide a public purpose, ownership of the land will revert back to the City.

A motion was made by Councilmember Goss and seconded by Mayor Pro Tem Ebel to approve the conveyance of approximately 0.750 acres of land described as part of the P. H. Coe Survey, A-31, being the same property described in a deed dated November 29, 1984 from John S. Garnett to the City of Brenham, recorded in Volume 492, Page 732 of Deed Records of Washington County, Texas to the Brenham Fire Department, a Texas Non-Profit Corporation, 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

Council adjourned into Executive Session at 1:45 p.m.

EXECUTIVE SESSION

11. Section 551.071 – Texas Government Code – Consultation with Attorney – Consultation with City Attorney Regarding the Construction Contract Between the City of Brenham and GCP Contractors, LLC, Including But Not Limited to the Termination of Said Contract and Other Available Remedies

Executive Session adjourned at 2:38 p.m.

RE-OPEN REGULAR SESSION

- 12. Discuss and Possibly Act Upon the Termination of the Construction Contract Between the City of Brenham and GCP Contractors, LLC and Other Available Remedies, and Authorize the Mayor to Execute Any Necessary Documentation**

This item was passed.

- 13. Administrative/Elected Officials Report**

There were no administrative reports.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Kacey A. Weiss, TRMC
City Secretary



AGENDA ITEM 6

DATE OF MEETING: February 1, 2018	DATE SUBMITTED: January 29, 2018
DEPT. OF ORIGIN: Engineering	SUBMITTED BY: Lori Lakatos
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☐ REGULAR ☒ WORK SESSION
ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Discussion and Presentation of the City of Brenham's Thoroughfare Plan	
SUMMARY STATEMENT: The City of Brenham's Major Thoroughfare Plan (MTP) was updated in 2014. A Thoroughfare Plan provides a long-term vision of the major street network necessary to meet transportation needs. The Institute of Transportation Engineers suggests that thoroughfare planning should provide design standards by thoroughfare type. A thoroughfare plan balances the land use and transportation impacts of the street network to meet the community needs and objectives. Over the last year there have been proposed developments where the MTP has identified certain street classifications. Some of these classifications do not make since in the proposed location or the type of street network. These have had impacts on development and platting of property. This work session is to discuss an update to the City of Brenham's Major Thoroughfare Plan to make sure that plan meets the needs of the community. The MTP also looks at the ETJ and the adjacent road network.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: (1) 2014 Major Thoroughfare Plan	
FUNDING SOURCE (Where Applicable): N/A	
RECOMMENDED ACTION: Discussion only	
APPROVALS: James Fisher	



Legend

1 inch = 4,583 feet



- | | |
|--------------------------|-----------------|
| Network Extension | Minor Collector |
| Minor Collector Proposed | Major Collector |
| Minor Arterial Proposed | Minor Arterial |
| Major Collector Proposed | Freeway |



AGENDA ITEM 7

DATE OF MEETING: February 1, 2018	DATE SUBMITTED: January 29, 2018
DEPT. OF ORIGIN: Engineering	SUBMITTED BY: Lori Lakatos
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☐ REGULAR ☒ WORK SESSION
ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Discussion and Update Regarding Storm Disaster Recovery from the Federal Emergency Management Agency (FEMA)	
SUMMARY STATEMENT: Washington County was declared by FEMA as part of DR-4272 and DR-4332 for public assistance. City staff has been working with FEMA to get assistance for the damages to facilities and infrastructure. This is a status update on the projects and funding received or expected to be received.	
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):	
RECOMMENDED ACTION: Discussion only	
APPROVALS: James Fisher	



AGENDA ITEM 8

DATE OF MEETING: February 1, 2018	DATE SUBMITTED: January 24, 2018	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Lori Lakatos	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☒ PUBLIC HEARING ☐ CONSENT ☐ REGULAR ☐ WORK SESSION	ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Public Hearing to Consider Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas to Amend the Planned Development (PD) District Ordinance No. O-13-020 for Oak Alley Subdivision in Brenham, Washington County, Texas (Case No. P-18-002)		
SUMMARY STATEMENT: This is the Public Hearing for the request by Washington County Oak Alley, LLC to amend Planned Development District Ordinance No. O-13-020 for the Oak Alley Subdivision. The request is to amend the existing planned development to change the setback and lot width requirements. There was one change that was requested by the applicant at the P&Z meeting, to change the rear setback for the zero lot line section from 24 feet to 20 feet. This was considered by the Commission and included with their recommendation. No Public Comments were made at the Public Hearing. On Monday, January 22, 2018, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the request.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Staff Report		
FUNDING SOURCE (Where Applicable):		

RECOMMENDED ACTION: Discussion only
APPROVALS: James Fisher



**Amendment to the
Planned Development District Ordinance for
Oak Alley Subdivision
(Ordinance No. O-13-020)**

OWNER(S)/APPLICANT: Washington County Oak Alley, LLC/Lynnette Sheffield

ADDRESS/LOCATION: Located northeast of the intersection of South Blue Bell Road and Mustang Road and east of Carondelet Ct. in Brenham, Washington County, Texas (Exhibit "A")

LEGAL DESCRIPTION: Approximately 12.15 Acres of Land Generally Located North of the Intersection of South Blue Bell and Mustang Roads and Being All or Portions of Tract 251 Out of the James Walker Survey In Brenham, Washington County, Texas

LOT AREA: Approximately 0.1587 acres

ZONING DISTRICT/ USE: Planned Development District (Ordinance No. O-13-020) / Residential and Undeveloped (Exhibit "B")

COMP PLAN FUTURE LAND USE: Single Family

REQUEST:

This is a request by the Washington County Oak Alley, LLC. to amend the Planned Development District (PDD) Ordinance (No. O-13-020) for the Oak Alley Subdivision, in Brenham, Washington County, Texas.

BACKGROUND:

In November 2017, the owner submitted a plat for Phase II of the Oak Alley Subdivision. It was determined that not all the requirements of the Planned Development District could be met. Staff advised the owner that they could request an amendment to the PDD.

On December 27, 2017, the owner submitted an application to amend the Planned Development District for the Oak Alley Subdivision. Staff has met with the owner and owner's engineering on multiple occasions to discuss the proposed amendment.

PROPOSED AMENDMENT:

SECTION 1

That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham is hereby amended to change property currently zoned as Residential Single Family (R-1) District to establish a Planned Development (PD) District for single-family residential

uses on approximately 12.15 acres being all or portions of Tract 251 out of the James Walker Survey in Brenham, Texas in accordance with the master development plan shown on Exhibit A, **Revised**, and specifically including the following regulations:

1. Subdivision of land shall conform to the City of Brenham Subdivision Ordinance, except as otherwise authorized in this Ordinance or the master development plan shown in Exhibit "A", **Revised**. Exhibit "A" includes lot development plan, common area dedication, and private road rights-of-way layout. The master development plan includes the following deviations from the Subdivision Ordinance:
 - a. The Rights-of-Way widths of the private rights-of-ways may be reduced to no less than 45 feet and pavement widths no less than 31 feet;
 - b. Lots 3-7, Block 3 and Lots 1-**56**, in Block 4 (as shown on the master development plan, **Exhibit "A"**) may be zero lot line homes. Zero lot line regulations within the Subdivision Ordinance apply with the following deviations:
 1. Front ~~and rear~~ setbacks shall be 10 feet.
 2. **Rear setbacks shall be 24 feet.**
 3. **Side setbacks shall be 7 feet on one side of the lot and 3 feet on the opposite side of the same lot.**
 - c. Deviations from the Subdivision Design Guidelines include lay down curbing, decorative street lighting, automated gates located at the entrances of the private street rights-of-ways, fire hydrants shall be located at every intersection; sidewalks; and landscaping within the private street rights-of-way.
2. Unless otherwise listed in this Ordinance, the property located within the Planned Development District shall conform to the regulations found in the Residential Single-Family (R-1) zoning district and other applicable provisions of the Zoning Ordinance. The master development plan includes the following deviations from the Zoning Ordinance:
 - a. Minimum side building setbacks are 7.5 feet and measured from the slab with no more than a 2-foot overhang;
 - b. Minimum front ~~and rear~~ building setbacks are **150** feet and measured from the slab with no more than a 2 foot overhang;
 - c. **Minimum rear building setbacks are 10 feet and measured from the slab with no more than a 2 foot overhang;**
 - ~~ed.~~ Impervious coverage and developed area of a lot shall be no more than 75% of the total lot area; ~~and~~
 - e. **Minimum lot width shall not be less than is 55 feet as measured at the front building setback line; and**

f. Average lot width shall not be less than is 55 feet.

~~f. Lot 11 is intended to be dedicated as common area and the following uses and development standards apply:~~

~~i. Uses include sales office (temporary and allowed until all lots have been sold within the subdivision), private club house or entertainment area owned by the subdivision, or as a single-family residential dwelling;~~

~~ii. Setbacks shall be 5 feet from all lot lines;~~

~~iii. Impervious coverage and developed area of Lot 11 shall be no more than 75% of the total lot area; and~~

~~iv. Two off-street parking spaces shall be provided.~~

3. Dedicated common areas owned and maintained by a homeowners association as shown on the master development plan shall be governed by a homeowners association;
4. A homeowners association shall be established, and all covenants, conditions, and restrictions and homeowners association governing documents shall be approved by the City prior to approval of the final plat to ensure adequate maintenance of the common areas as shown on the master development plan;
5. A Maintenance Agreement with the City shall be approved and executed prior to filing of the final plat and such maintenance agreement shall outline maintenance responsibilities of any and all public and private infrastructure within the subdivision.
6. All adopted building codes shall apply.

PUBLIC COMMENTS:

Property owners within 200 feet of the project site were mailed notifications of this proposal on January 11, 2017, Exhibit "D". The Notice of Public Hearing was published in the paper on January 11, 2017. Any public comments will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

STAFF RECOMMENDATION:

Staff has reviewed the request and recommends approval.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Plat Application
- D. Notice of Public Hearing



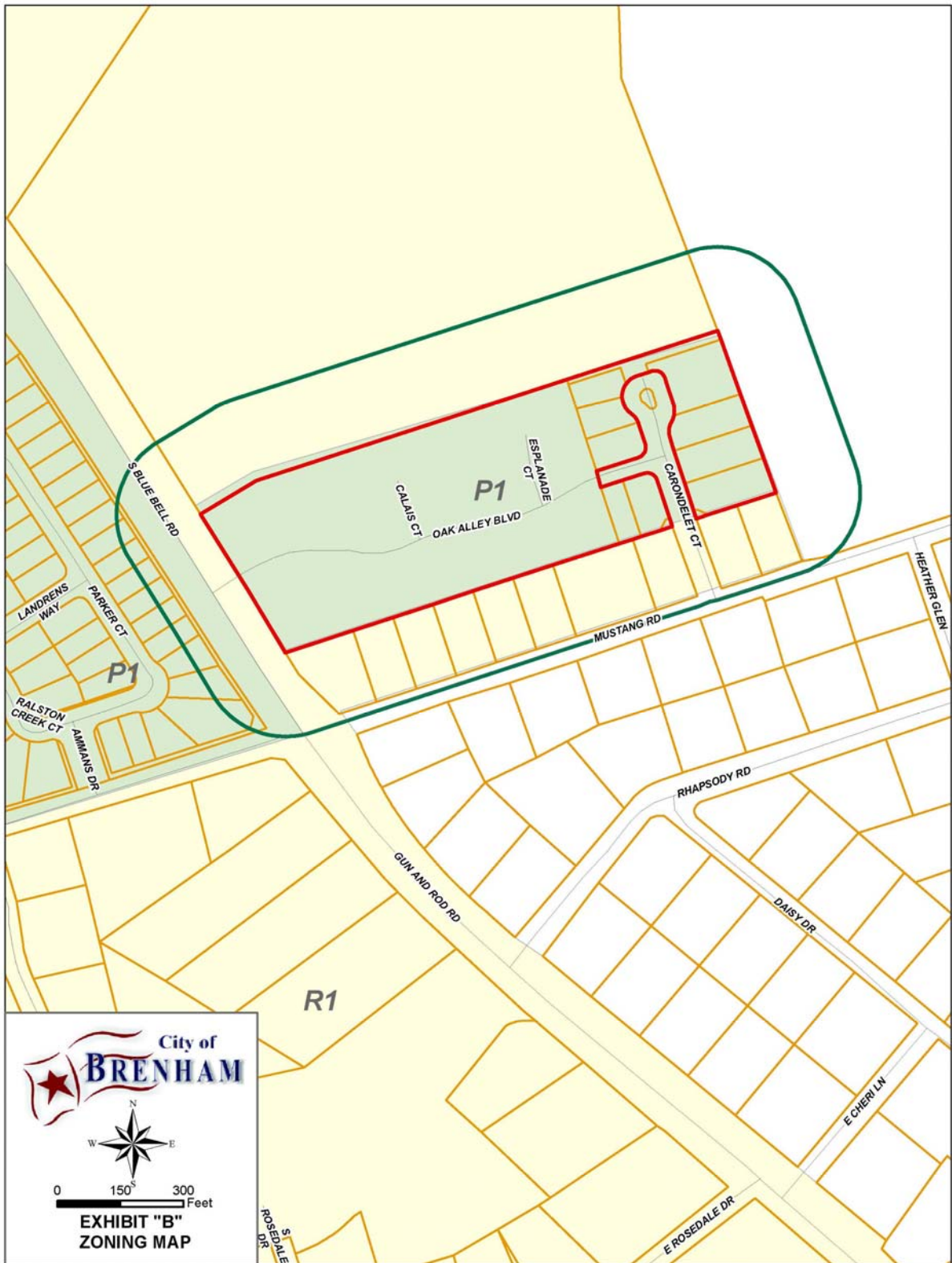


EXHIBIT "C"
PLANNED DEVELOPMENT AMENDMENT APPLICATION

 City of BREHAM	Development Services Department 200 W. Vulcan Brenham, TX 77833	Contact Us: 979-337-7220 cityofbrenham.org
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**SPECIFIC USE PERMIT, ZONE CHANGE
 SUBMITTAL CHECKLIST**



APPLICANT TO COMPLETE:

Initials	Description	Staff Initials
[Signature]	Cover letter addressed to Planning and Zoning Commission explaining what is being requested and the reason(s)	kh
[Signature]	Completed general application	kh
[Signature]	The appropriate planning fees have been paid \$ 100.00	kh
[Signature]	Site plan showing location of the property	kh
	(1) A sign at least four (4) square feet in front surface area shall posted on site. (2) Sign shall state: - zoning change as requested for this property, the - date and location of the public hearing, and shall provide a - telephone number of the office of the city secretary for the City of Brenham. - written large enough for easy viewing from passing motor vehicles. (3) Said sign shall be placed on the subject property in a place that is visible from the most heavily used public street abutting the property and the sign shall be in place at least fifteen (15) days prior to any public hearing on the zoning case for that property. (4) An affidavit of posting shall be filed with the city secretary by the responsible party.	
	Photographs, letters from neighbors or any other pertinent information/documentation that the applicant feels would substantiate the request	

Date: 1/3/18

Location Address: BLUE BELL RD, OAK ALLEY, OFF MUSTANG RD.

Printed Name: LYNNETTE SHEFFIELD

Signature: [Signature]

Revised 7/2/2015

Oak Alley

BREHAM'S PREMIERE GATED COMMUNITY

Planning and Zoning Commission
City of Brenham



Dear Commissioners,

Thank you for the opportunity to present plans for Phase 2, Oak Alley. I am requesting the following changes from the original Master Plan in order to provide more marketable lots:

1) Zero lot line lots

- Eliminated one lot to offer a better width for floor plans
- All side patios will be facing east. Therefore I am requesting a 3' set back on the west side and a 7' setback on the east side of each lot.
- Changed the private access way from 20' to 24' to allow for a better radius access.

2) Cul de sac lots

- Requesting a 55' front radius to accommodate the shape of the lots.

Respectfully requested,

A handwritten signature in blue ink that reads "Lynnette Sheffield". The signature is stylized with a large, looped "S" and a distinct "L" for the last name.

Lynnette Sheffield, Developer

Lynnette Sheffield, Developer | 979.830.3927 | lynnette@washingtoncountryrealestate.com



December 22, 2017

Planning and Zoning Commission
City of Brenham
PO Box 1059
Brenham, Texas 77834

Re.: Oak Alley Subdivision - Rezoning

Dear Sir or Madam:

The application for the zoning amendment of Oak Alley Subdivision has been submitted to you for your approval. Oak Alley is an existing subdivision in the southeast portion of Brenham near the intersection of Mustang Road and S Blue Bell Road.

The zoning amendment consists of the following changes from the current zoning:

- ~ Allow for 7' and 3' side setbacks on Lots 3-7, Block 3 and Lots 1-5, Block 4
- ~ Allow 55' minimum width at the front setback line on all other lots
- ~ Allow 55' average minimum width on all other lots

If you have any questions regarding this matter, please do not hesitate to call.

Sincerely,

Jeffery L. Robertson, P.E.
Principal



For office use only

APPLICATION NO. _____

MEETING DATE: _____

DATE SUBMITTED: 12-27-17

FILING FEE: \$150.00

CITY OF BRENHAM
GENERAL APPLICATION

Type of Application

- | | |
|---|---|
| ☐ Variance from Appendix A: Zoning | ☐ Zone Change |
| ☐ Specific Use Permit | ☐ Plan Review |
| ☐ Preliminary Plat | ☐ Final Plat/Replat/Amending Plat |
| ☐ Variance from Chapter 21: Signs | ☒ Other: <u>Re-Zoning Request</u> |

Property Owners Information

Name Washington County Oak Alley, LLC
Principal Officers (If Corporation) President _____
Secretary _____
Address 215 W. Commerce Street, Brenham, Tx 77833
Telephone Number 979-836-8880 E-mail Address lynnette@washingtoncountyrealestate.com

Applicant Information

Name Same as Owner
Address _____
Telephone Number _____ E-mail Address _____

Agent or Engineer Information

Name McClure & Browne Engineering/Surveying, Inc. (Jeff Robertson)
Address 1008 Woodcreek, College Station, Tx 77845
Telephone Number 979-693-3838 E-mail Address jeffr@mcclurebrowne.com

Location of Property

Street Address: Near the intersection of Blue Bell Loop and Mustang Dr

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

Subdivision: Oak Alley Block(s): _____ Lot(s): _____

Zoning Information

Existing Zoning: PD

Proposed Zoning: PD

Reasons for requesting zone change: * (amendments)

Detailed in attached letter

Variance Information

Section of Code from which variance is described: *

Describe variance requested: *

Reasons for requesting variance: *

Proposed Property Use

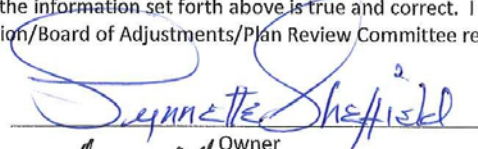
Describe in detail the proposed operation at this location: *

Single Family Residential

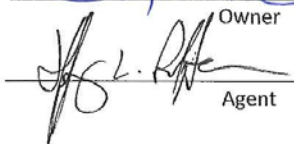
Construction Value \$ _____

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

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



Owner



Agent

ORDINANCE NO O-13-020

AN ORDINANCE AMENDING APPENDIX A – ZONING OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP TO CHANGE PROPERTY CURRENTLY ZONED AS A RESIDENTIAL SINGLE FAMILY R-1) DISTRICT TO A PLANNED DEVELOPMENT (PD) DISTRICT, SPECIFICALLY BEING APPROXIMATELY 12.15 ACRES ON LAND GENERALLY LOCATED NORTH OF THE INTERSECTION OF SOUTH BLUE BELL AND MUSTANG ROADS AND BEING ALL OR PORTIONS OF TRACT 251 OUT OF THE JAMES WALKER SURVEY IN BRENHAM, TEXAS.

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

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

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

SECTION 1

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

1. Subdivision of land shall conform to the City of Brenham Subdivision Ordinance, except as otherwise authorized in this Ordinance or the master development plan shown in Exhibit "A", Revised. Exhibit "A" includes lot development plan, common area dedication, and private road rights-of-way layout. The master development plan includes the following deviations from the Subdivision Ordinance:
 - a. The Rights-of-Way widths of the private rights-of-ways may be reduced to no less than 45 feet and pavement widths no less than 31 feet;
 - b. Lots 3-7, Block 3 and Lots 1-5, in Block 4 (as shown on the master development plan) may be zero lot line homes. Zero lot line regulations within the Subdivision Ordinance apply with the following deviations:
 1. Front setbacks shall be 10 feet.
 2. Rear setbacks shall be 24 feet.
 3. Side setbacks shall be 7 feet on one side of the lot and 3 feet on the opposite side of the same lot.
 - c. Deviations from the Subdivision Design Guidelines include lay down curbing, decorative street lighting, automated gates located at the entrances of the private street rights-of-ways, fire hydrants shall be located at every intersection; sidewalks; and landscaping within the private street rights-of-way.
2. Unless otherwise listed in this Ordinance, the property located within the Planned Development District shall conform to the regulations found in the Residential Single-Family (R-1) zoning district and other applicable provisions of the Zoning Ordinance. The master development plan includes the following deviations from the Zoning Ordinance:
 - a. Minimum side building setbacks are 7.5 feet and measured from the slab with no more than a 2-foot overhang;
 - b. Minimum front-building setbacks are 15 feet and measured from the slab with no more than a 2 foot overhang;
 - c. Minimum rear building setbacks are 10 feet and measured from the slab with no more than a 2 foot overhang;
 - d. Impervious coverage and developed area of a lot shall be no more than 75% of the total lot area;
 - e. Minimum lot width shall not be less than 55 feet as measured at the front building setback line; and
 - f. Average lot width shall not be less than 55 feet.
3. Dedicated common areas owned and maintained by a homeowners association as shown on the master development plan shall be governed by a homeowners association;
4. A homeowners association shall be established, and all covenants, conditions, and restrictions and homeowners association governing documents shall be approved by

- the City prior to approval of the final plat to ensure adequate maintenance of the common areas as shown on the master development plan;
5. A Maintenance Agreement with the City shall be approved and executed prior to filing of the final plat and such maintenance agreement shall outline maintenance responsibilities of any and all public and private infrastructure within the subdivision.
 6. All adopted building codes shall apply.

EXHIBIT "D"
NOTICE OF PUBLIC HEARING

City of Brenham
Development Services Department
NOTICE OF PUBLIC HEARING



January 11, 2018

YOU ARE INVITED TO ATTEND Public Hearings before the **PLANNING AND ZONING COMMISSION** and **CITY COUNCIL** of the City of Brenham regarding the following item:

CASE NUMBER: P-18-002

APPLICANT/OWNER: Washington County Oak Alley, LLC/Lynnette Sheffield

LOCATION: Oak Alley Subdivision

PROPOSAL:

A request to amend the Planned Development District Ordinance No. O-13-020 for the Oak Alley Subdivision in Brenham, Washington County, Texas



CONTACT: Development Services Department
PHONE: (979) 337-7220 **E-MAIL:** khodde@cityofbrenham.org

Planning and Zoning Commission Public Hearing:
Monday, January 22, 2018, 5:15 PM

City Council Public Hearing:
Thursday, February 1, 2018, 1:00 PM

The Public Hearings will be held in the City Council Chambers,
City Hall, 200 West Vulcan Street, 2nd Floor, Brenham, Texas
77833

Interested parties may contact the City of Brenham between 8:00 a.m. and 5:00 p.m. Monday through Friday for additional information. The application is available for public review Monday through Friday, except holidays, between the hours of 8:00 a.m. and 5:00 p.m. in the Development Services Department office, located at 200 West Vulcan Street, Brenham, TX 77833.

The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Washington County Appraisal District tax roll. Interested parties may appear and speak on the proposal or the staff recommendation at the meeting. Written comments may also be submitted for consideration.

P.O. Box 1059 * 200 W. Vulcan Street * Brenham, Texas 77834 * 979-337-7200 * www.cityofbrenham.org
An Equal Opportunity Employer

City of Brenham
Development Services Department



PUBLIC COMMENT FORM

All submitted forms will become a part of the public record.

Please return to:

City of Brenham

Attn: Development Services Dept., Case P-18-002

P.O. Box 1059

Brenham, Texas 77834-1059

Name:

(please print)

Address:

Signature:

Date:

_____ I am FOR the requested AMENDMENT as explained on the attached public notice for P&Z Case P-18-002.
(Please state reasons below)

_____ I am AGAINST the requested AMENDMENT as explained on the attached public notice for P&Z Case
P-18-002. (Please state reasons below)

Date, Location, & Time of **Planning and Zoning Commission** meeting:

Monday, January 22, 2018, 5:15 PM

City Council Chambers, 2nd Floor, City of Brenham City Hall

200 West Vulcan Street, Brenham, Texas 77833

Date, Location, & Time of **City Council** meeting:

Thursday, February 1, 2018, 1:00 PM

City Council Chambers, 2nd Floor, City of Brenham City Hall

200 West Vulcan Street, Brenham, Texas 77833

COMMENTS/REASONS:

You may also submit comments via email to khodde@cityofbrenham.org. Please reference the case number in the subject line.
For questions regarding this proposal, please call the Development Services Department at (979) 337-7220.

P.O. Box 1059 * 200 W. Vulcan Street * Brenham, Texas 77834 * 979-337-7200 * www.cityofbrenham.org
An Equal Opportunity Employer



AGENDA ITEM 9

DATE OF MEETING: February 1, 2018	DATE SUBMITTED: January 24, 2018
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Lori Lakatos
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☒ PUBLIC HEARING ☐ CONSENT ☐ REGULAR ☐ WORK SESSION
ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Public Hearing to Consider Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Amend Part III, Section 7, Required Signs (Case No. P-18-004)	
SUMMARY STATEMENT: This is the Public Hearing for a City initiated request to amend the signage requirements for the zoning ordinance. The proposed redlines are within the staff report. No Public Comments were made at the Public Hearing. On Monday, January 22, 2018, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the request.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: (1) Staff Report	
FUNDING SOURCE (Where Applicable):	
RECOMMENDED ACTION: Discussion only	
APPROVALS: James Fisher	



CASE NUMBER P-18-004 TEXT AMENDMENT

REQUEST:

This request is by the City of Brenham to amend the City of Brenham's Code of Ordinances, Appendix A – Zoning, Part III, Section 7. Required Signs in regards to signage requirement.

BACKGROUND:

The City of Brenham's zoning ordinance requires that a sign be placed on the property in order to further serve the public. The information that is required on the sign is often hard to fit on the sign and too small to read. This sign also leads to the public coming to public meetings without discussing the proposed cases with staff. The sign is made of flimsy material that doesn't stand up to the weather and time for the posting.

In order to better serve the public, it is recommended that the sign have contact information for the City, so concerned citizens can call and obtain information and have their questions and concerns addressed prior to the public meeting. This is to encourage the public to be well informed about any proposals and attend the public hearings with any comments they may have.

PROPOSED AMENDMENT:

Proposed Language with redlines:

Sec. 7. - Required signs.

(Sec. 7.01) In order to serve further notice to the public, the following requirements for a sign pertaining to ~~proposed rezonings and pending board of adjustment action public hearings~~ shall be followed:

- (1) A sign at least four (4) square feet in front surface area shall be posted ~~by the person or entity initiating the application for amendment on the property which is the subject of the hearing in the case of amendments to the official zoning district map or in the case of specific use permit amendments.~~
- (2) Said sign shall ~~specify the zoning change as requested for this property, the date and location of the public hearing, and shall~~ provide a prominently displayed telephone number for further information. ~~the telephone number display shall be the current telephone number of the designated office of the city secretary for the City of Brenham. The required information shall be written large enough for easy viewing from passing motor vehicles.~~
- (3) Said sign shall be placed on the subject property in a place that is visible from the most heavily used public street abutting the property and the sign shall be in place at least ~~ten~~ fifteen (10~~15~~) days prior to any public hearing on the ~~proposed rezoning or board of adjustment~~ case for that property.
- ~~(4) An affidavit of posting shall be filed with the city secretary by the responsible party.~~

Proposed language without redlines:

(Sec. 7.01) In order to serve further notice to the public, the following requirements for a sign pertaining to proposed rezonings and pending board of adjustment action shall be followed:

- (1) A sign at least four (4) square feet in front surface area shall be posted.
- (2) Said sign shall provide the telephone number of the designated office for the City of Brenham.
- (3) Said sign shall be placed on the subject property in a place that is visible from the most heavily used public street abutting the property and the sign shall be in place at least ten (10) days prior to any public hearing on the proposed rezoning or board of adjustment case for that property.

PUBLIC COMMENTS:

The Notice of Public Hearing was published in the paper on January 11, 2018. Any public comments will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of Case Number P-18-004.



AGENDA ITEM 10

DATE OF MEETING: February 1, 2018	DATE SUBMITTED: January 24, 2018
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Lori Lakatos
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☒ PUBLIC HEARING ☐ CONSENT ☐ REGULAR ☐ WORK SESSION
ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Public Hearing to Consider Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Amend Part V, Section 2.03, Membership and Appointment of the Planning and Zoning Commission and Section 3.03, Membership, Appointment and Terms of Office for the Board of Adjustment (Case No. P-18-005)	
SUMMARY STATEMENT: This is the Public Hearing for a City initiated request to amend the membership requirements for the Planning and Zoning Commission and the Board of Adjustment in the zoning ordinance. The proposed redlines are within the staff report. No Public Comments were made at the Public Hearing. On Monday, January 22, 2018, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the request.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: (1) Staff Report	
FUNDING SOURCE (Where Applicable):	
RECOMMENDED ACTION: Discussion only	
APPROVALS: James Fisher	



CASE NUMBER P-18-005
TEXT AMENDMENT

REQUEST:

This request is by the City of Brenham to amend the City of Brenham's Code of Ordinances, Appendix A – Zoning, Part V, Section 2.03, Membership and appointment and Section 3.03, Membership, appointment and terms of office in regards to the Planning and Zoning Commission and the Board of Adjustment.

BACKGROUND:

The City of Brenham's zoning ordinance currently doesn't require that a member of the Planning and Zoning Commission and the Board of Adjustment be a citizen of the city. Any vacancy on the Commission or Board would be eligible to be filled by a citizen of the County. Since the Zoning Ordinance only applies to the City Limits it seemed reasonable that only Citizens of the City would be eligible to sit on the Commission or Board.

Other changes to the sections were for consistency between the Commission and Board and the Texas Local Government Code.

PROPOSED AMENDMENT:

Proposed Language with redlines:

(Sec. 2.03) Membership and appointment. The planning and zoning commission shall consist of seven members which shall be appointed by and shall serve at the pleasure of the city council. ~~The commission shall be composed of members who are resident citizens of the city. A member of the commission shall not serve on the Board of Adjustments during the same term.~~

~~Members of the planning and zoning commission may be removed from office at any time by a simple majority vote of the full city council either upon its own motion or upon recommendation of the commission. Failure to attend three consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control, such as sickness of the member or someone within the member's immediate family, or if the commission or the city council approves the absences as excused. A vote to remove a commission member shall be placed on the appropriate agenda as a regular item, and shall be voted upon accordingly.~~

(Sec. 3.03) Membership, appointment and terms of office:

- (1) Membership.
 - a. The board shall consist of five (5) ~~regular members, who shall be appointed by a simple majority vote of the city council, and shall operate in accordance with V.T.C.A., Local Government Code §§ 211.008 through 211.011 citizens, each to be appointed or reappointed by the mayor and confirmed by the city council, for staggered terms of two (2) years~~

~~respectively. Each member of the board shall be removable for just cause by city council upon written charges and after public hearings. Vacancies shall be filled by the city council for the unexpired term of any member whose term becomes vacant. A member of the board shall not serve on the Planning and Zoning Commission during the same term.~~

- ~~b. The city council shall provide for the appointment of up to four alternate members to serve in the absence of one or more of the regular board members on an alternating basis such that all alternate members have equal opportunities to serve on the board. The planning director shall determine which alternate will serve if an alternate is needed.~~
- ~~c. Regular board members and alternate members shall serve for a term of two years, and expiration of terms shall be staggered so that an overlapping of terms occurs (e.g., in any two year period, the terms of two regular members and at least one alternate member shall expire during one of those years, and the terms of three regular members and at least one alternate member shall expire during the second year).~~
- ~~d. Any vacancies on the board (both regular and alternate members) shall be filled for the unexpired terms via appointment by a simple majority vote of the city council for the remainder of the terms.~~
- ~~e. Members of the board may be removed from office for cause, and after a public hearing, by a simple majority vote of the full city council. Failure to attend three consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family. Absences may be excused by the board or by the city council.~~

~~The board shall have four (4) alternate members appointed or reappointed by the mayor and confirmed by the city council who shall serve in the absence of one (1) or more regular members when requested to do so by the mayor. These alternate members, when appointed, shall serve for the same period as the regular members and any vacancies shall be filled in the same manner and shall be subject to removal as the regular members.~~

Proposed language without redlines:

(Sec. 2.03) *Membership and appointment.* The planning and zoning commission shall consist of seven members which shall be appointed by and shall serve at the pleasure of the city council. The commission shall be composed of members who are resident citizens of the city. A member of the commission shall not serve on the Board of Adjustments during the same term.

Members of the planning and zoning commission may be removed from office at any time by a simple majority vote of the full city council either upon its own motion or upon recommendation of the commission. Failure to attend three consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control, such as sickness of the member or someone within the member's immediate family, or if the commission or the city council approves the absences as excused. A vote to remove a commission member shall be placed on the appropriate agenda as a regular item, and shall be voted upon accordingly.

(Sec. 3.03) *Membership, appointment and terms of office:*

(1) *Membership.*

- a. The board shall consist of five (5) regular members, who shall be appointed by a simple majority vote of the city council, and shall operate in accordance with V.T.C.A., Local Government Code §§ 211.008 through 211.011. A member of the board shall not serve on the Planning and Zoning Commission during the same term.

- b. The city council shall provide for the appointment of up to four alternate members to serve in the absence of one or more of the regular board members on an alternating basis such that all alternate members have equal opportunities to serve on the board. The planning director shall determine which alternate will serve if an alternate is needed.
- c. Regular board members and alternate members shall serve for a term of two years, and expiration of terms shall be staggered so that an overlapping of terms occurs (e.g., in any two year period, the terms of two regular members and at least one alternate member shall expire during one of those years, and the terms of three regular members and at least one alternate member shall expire during the second year).
- d. Any vacancies on the board (both regular and alternate members) shall be filled for the unexpired terms via appointment by a simple majority vote of the city council for the remainder of the terms.
- e. Members of the board may be removed from office for cause, and after a public hearing, by a simple majority vote of the full city council. Failure to attend three consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family. Absences may be excused by the board or by the city council.

PUBLIC COMMENTS:

The Notice of Public Hearing was published in the paper on January 11, 2018. Any public comments will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of Case Number P-18-005.



AGENDA ITEM 11

DATE OF MEETING: February 1, 2018	DATE SUBMITTED: January 24, 2018	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Lori Lakatos	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	ORDINANCE: ☒ 1ST READING ☐ 2ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas to Amend Planned Development (PD) District Ordinance No. O-13-020 for Oak Alley Subdivision in Brenham, Washington County, Texas (Case No. P-18-002)		
SUMMARY STATEMENT: This is a request by Washington County Oak Alley, LLC to amend Planned Development (PD) District Ordinance No. O-13-020 for the Oak Alley Subdivision. The request is to amend the existing planned development to change setback and lot width requirements. There was one change that was requested by the applicant at the P&Z meeting, to change the rear setback for the zero lot line section from 24 feet to 20 feet. This was considered by the Commission and included with their recommendation. The Redline revisions are shown in the staff report included in Agenda Item No. 8. No Public Comments were made at the Public Hearing. On Monday, January 22, 2018, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the request.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		

ATTACHMENTS: (1) Ordinance
FUNDING SOURCE (Where Applicable):
RECOMMENDED ACTION: Approve an Ordinance on its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas to Amend Planned Development (PD) District Ordinance No. O-13-020 for the Oak Alley Subdivision in Brenham, Washington County, Texas
APPROVALS: James Fisher

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING APPENDIX A – “ZONING” OF THE CODE OF ORDINANCES BY AMENDING ORDINANCE NO. O-13-020 THAT ESTABLISHED A PLANNED DEVELOPMENT (PD) DISTRICT, SPECIFICALLY BEING APPROXIMATELY 12.15 ACRES OF LAND GENERALLY LOCATED NORTH OF THE INTERSECTION OF SOUTH BLUE BELL AND MUSTANG ROADS AND BEING ALL OR PORTION OF TRACT 251 OUT OF THE JAMES WALKER SURVEY IN BRENHAM, WASHINGTON COUNTY, TEXAS; ADOPTING A MASTER DEVELOPMENT PLAN AND REGULATIONS APPLICABLE TO THIS PLANNED DEVELOPMENT (PD) DISTRICT

WHEREAS, the property owner has requested that approximately 12.15 acres of land generally located north of the intersection of South Blue Bell and Mustang Roads and being all or portion of Tract 251 out of the James Walker Survey in Brenham, Washington County, Texas (the “property”), rezoned in Ordinance No. O-13-020 and be amended; and

WHEREAS, the owner has presented an application to the City for a PD District to allow the construction of a single family subdivision; and

WHEREAS, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of the public hearing and at least ten (10) days written notice of that hearing to the owners of the land within two hundred feet (200’) of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the proposal to amend the Planned Development District; and

WHEREAS, the Planning & Zoning Commission recommended in its final report that City Council grant such proposed change to the regulations applicable to this planned development district; and

WHEREAS, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing on the proposal to amend the regulations applicable to this planned development district; and

WHEREAS, the City Council has previously adopted Ordinance No. O-13-020 and the City Council desires to hereby amend Ordinance No. O-13-020 as set out herein below; and

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS THAT APPENDIX A – “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AND THE OFFICIAL ZONING MAP BE AMENDED BY AMENDING ORDINANCE NO. O-13-020 TO READ AS FOLLOWS:

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

1. Subdivision of land shall conform to the City of Brenham Subdivision Ordinance, except as otherwise authorized in this Ordinance or the master development plan shown in Exhibit “A,” Revised. Exhibit “A” includes lot development plan, common area dedication, and private road rights-of-way layout. The master development plan includes the following deviations from the Subdivision Ordinance:
 - a. The Rights-of-Way widths of the private rights-of-way may be reduced to no less than 45 feet and pavement widths shall be no less than 31 feet;
 - b. Lots 3-7, Block 3 and Lots 1-5, Block 4 (as shown on the master development plan, Exhibit “A”) may be zero lot line homes. Zero lot line regulations within the Subdivision Ordinance apply with the following deviations:
 1. Front setbacks shall be 10 feet.
 2. Rear setbacks shall be 20 feet.
 3. Side setbacks shall be 7 feet on one side of each lot and 3 feet on the opposite side of the same lot.
 - c. Deviations from the Subdivision Design Guidelines include lay down curbing, decorative street lighting, automated gates located at the entrances of the private street rights-of-way, fire hydrants shall be located at every intersection; sidewalks; and landscaping within the private street rights-of-way.
2. Unless otherwise listed in this Ordinance, the property located within the Planned Development District shall conform to the regulations found in the Residential Single-Family (R-1) zoning district and other applicable provisions of the Zoning Ordinance. The master development plan includes the following deviations from the Zoning Ordinance:
 - a. Minimum side building setbacks are 7.5 feet and measured from the slab with no more than a 2-foot overhang;

- b. Minimum front building setbacks are 150 feet and measured from the slab with no more than a 2-foot overhang;
 - c. Minimum rear building setbacks are 10 feet and measured from the slab with no more than a 2-foot overhang;
 - d. Impervious coverage and developed area of a lot shall be no more than 75% of the total lot area;
 - e. Minimum lot width shall not be less than 55 feet as measured at the front building setback line; and
 - f. Average lot width shall not be less than 55 feet.
- 3. Dedicated common areas owned and maintained by a homeowners association as shown on the master development plan shall be governed by a homeowners association;
 - 4. A homeowners association shall be established, and all covenants, conditions, and restrictions and homeowners association governing documents shall be approved by the City prior to approval of the final plat to ensure adequate maintenance of the common areas as shown on the master development plan;
 - 5. A Maintenance Agreement with the City shall be approved and executed prior to filing of the final plat and such maintenance agreement shall outline maintenance responsibilities of any and all public and private infrastructure within the subdivision.
 - 6. All adopted building codes shall apply.

Section 2. The City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

Section 3. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Brenham, save and except the change in zoning classification of the Property to the Planned Development District as described above.

Section 4. The Planned Development District shall be subject to the limitations, restrictions, and covenants outlined here.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Brenham, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex. Gov't. Code Ch. 551.

Section 7. This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

PASSED and APPROVED on its first reading this the ____ day of February, 2018.

PASSED and APPROVED on its first reading this the ____ day of February, 2018.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



AGENDA ITEM 12

DATE OF MEETING: February 1, 2018	DATE SUBMITTED: January 24, 2018
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Lori Lakatos
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION
ORDINANCE: ☒ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Amend Part III, Section 7, Required Signs (Case No. P-18-004)	
SUMMARY STATEMENT: This is a City initiated request to amend the signage requirements for the zoning ordinance. The proposed redlines are within the staff report included in Agenda Item No. 9. No Public Comments were made at the Public Hearing. On Monday, January 22, 2018, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the request.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: (1) Ordinance	
FUNDING SOURCE (Where Applicable):	
RECOMMENDED ACTION: Approve an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Amend Part III, Section 7, Required Signs (Case No. P-18-004)	
APPROVALS: James Fisher	

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING
APPENDIX A – “ZONING” OF THE CODE OF ORDINANCES BY
AMENDING PART III, SEC. 7 - REQUIRED SIGNS.**

WHEREAS, the City of Brenham has requested that Appendix A – “Zoning” of the Code of Ordinances be amended; and

WHEREAS, the Planning & Zoning Commission and the City Council of the City of Brenham, Texas, have published notice and conducted public hearings regarding the request to amend Appendix A – “Zoning” of the Code of Ordinances; and

WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

WHEREAS, this amendment was recommended for approval by the City of Brenham Planning & Zoning Commission in its final report during its regular meeting January 22, 2018; and

WHEREAS, the City Council deems it appropriate to grant the amendments to Appendix A – “Zoning” of the Code of Ordinances.

**BE IT ORDAINED BY THE CITY OF BRENHAM, TEXAS THAT APPENDIX A –
“ZONING” OF THE CODE OF ORDINANCE OF THE CITY OF BRENHAM, TEXAS BE
AMENDED IN THE FOLLOWING MANNER:**

SECTION 1

That Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas Part III, Sec. 7 – Required Signs, is hereby amended to read as follows:

Sec. 7. - Required signs.

(Sec. 7.01) In order to serve further notice to the public, the following requirements for a sign pertaining to proposed rezonings and pending board of adjustment action shall be followed:

- (1) A sign at least four (4) square feet in front surface area shall be posted;
- (2) Said sign shall provide the telephone number of the designated office for the City of Brenham; and
- (3) Said sign shall be placed on the subject property in a place that is visible from the most heavily used public street abutting the property and the sign shall be in place at least ten (10) days prior to any public hearing on the proposed rezoning or board of adjustment case for that property.

SECTION 2

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

PASSED and **APPROVED** on its first reading this the ____ day of February, 2018.

PASSED and **APPROVED** on its second reading this the ____ day of February, 2018.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



AGENDA ITEM 13

DATE OF MEETING: February 1, 2018	DATE SUBMITTED: January 24, 2018
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Lori Lakatos
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION
ORDINANCE: ☒ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Amend Part V, Section 2.03, Membership and Appointment of the Planning and Zoning Commission and Section 3.03, Membership, Appointment and Terms of Office for the Board of Adjustment (Case No. P-18-005)	
SUMMARY STATEMENT: This is a City initiated request to amend the membership requirements for the Planning and Zoning Commission and the Board of Adjustment in the zoning ordinance. The proposed redlines are within the staff report included in Agenda Item No. 10. No Public Comments were made at the Public Hearing. On Monday, January 22, 2018, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the request.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: (1) Ordinance	
FUNDING SOURCE (Where Applicable):	

RECOMMENDED ACTION: Approve an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Amend Part V, Section 2.03, Membership and Appointment of the Planning and Zoning Commission and Section 3.03, Membership, Appointment and Terms of Office for the Board of Adjustment (Case No. P-180005)

APPROVALS: James Fisher

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING APPENDIX A – “ZONING” OF THE CODE OF ORDINANCES BY AMENDING PART V. DECISION MAKING AND STAFF SUPPORT, SECTION 2.03, MEMBERSHIP AND APPOINTMENT, TO CHANGE THE RESIDENT REQUIREMENTS AND SECTION 3.03, MEMBERSHIP, APPOINTMENT AND TERMS OF OFFICE, TO CHANGE THE RESIDENT REQUIREMENTS AND DEFINE THE TERMS OF OFFICE.

WHEREAS, the City of Brenham has requested that Appendix A – “Zoning” of the Code of Ordinances be amended; and

WHEREAS, the Planning & Zoning Commission and the City Council of the City of Brenham, Texas, have published notice and conducted public hearings regarding the request to amend Appendix A – “Zoning” of the Code of Ordinances; and

WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

WHEREAS, this amendment was recommended for approval by the City of Brenham Planning & Zoning Commission in its final report during its regular meeting January 22, 2018; and

WHEREAS, the City Council deems it appropriate to grant the amendments to Appendix A – “Zoning” of the Code of Ordinances.

BE IT ORDAINED BY THE CITY OF BRENHAM, TEXAS THAT APPENDIX A – “ZONING” OF THE CODE OF ORDINANCE OF THE CITY OF BRENHAM, TEXAS BE AMENDED IN THE FOLLOWING MANNER:

SECTION 1

That Appendix A – “Zoning” of the Code of Ordnnances of the City of Brenham, Texas Part V, Sec. 2.03, is hereby amended to read as follows:

(Sec. 2.03) *Membership and appointment.* The planning and zoning commission shall consist of seven members which shall be appointed by and shall serve at the pleasure of the city council. The commission shall be composed of members who are resident citizens of the city. A member of the commission shall not serve on the Board of Adjustments during the same term.

Members of the planning and zoning commission may be removed from office at any time by a simple majority vote of the full city council either upon its own motion or upon recommendation of the commission. Failure to attend three consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control, such as sickness of the member or someone within the member's immediate family, or if the commission or the city council approves the absences as excused. A vote to remove a commission member shall be placed on the appropriate agenda as a regular item, and shall be voted upon accordingly.

SECTION 2

That Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas Part V, Sec. 3.03, is hereby amended to read as follows:

(Sec 3.03) Membership, appointment and terms of office:

(1) Membership.

- a. The board shall consist of five (5) regular members, who shall be appointed by a simple majority vote of the city council, and shall operate in accordance with V.T.C.A., Local Government Code §§ 211.008 through 211.011. A member of the board shall not serve of the Planning and Zoning Commission during the same term.
- b. The city council shall provide for the appointment of up to four alternate members to serve in the absence of one or more of the regular board members on an alternating basis such that all alternate members have equal opportunities to serve on the board. The planning director shall determine which alternate will serve if an alternate is needed.
- c. Regular board members and alternate members shall serve for a term of two years, and expiration of terms shall be staggered so that an overlapping of terms occurs (e.g., in any two-year period, the terms of two regular members and at least one alternate member shall expire during one of those years, and the terms of three regular members and at least one alternate member shall expire during the second year).
- d. Any vacancies on the board (both regular and alternate members) shall be filled for the unexpired terms via appointment by a simple majority vote of the city council for the remainder of the terms.
- e. Members of the board may be removed from office for cause, and after a public hearing, by a simple majority vote of the full city council. Failure to attend three consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family. Absences may be excused by the board or by the city council.

SECTION 3

This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas

PASSED and **APPROVED** on its first reading this the ____ day of February, 2018.

PASSED and **APPROVED** on its second reading this the ____ day of February, 2018.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



AGENDA ITEM 14

DATE OF MEETING: February 1, 2018	DATE SUBMITTED: January 19, 2018
DEPT. OF ORIGIN: Police Department	SUBMITTED BY: Russell R. Pancoast
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION
ORDINANCE: ☐ 1ST READING ☐ 2ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the 2017 Use of Force Report for the City of Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation	
SUMMARY STATEMENT: The Recognition Best Practices Program requires the annual Use of Force Report. While not required, it provides greater transparency to present this information to the Council in a public forum.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: The 2017 Use of Force Report demonstrates a downward trend in the total incidence rate for the application of force as compared to the 2016 Use of Force Report. B. CONS: None	
ALTERNATIVES (In Suggested Order of Staff Preference): N/A	
ATTACHMENTS: (1) 2017 Use of Force Report	
FUNDING SOURCE (Where Applicable): N/A	
RECOMMENDED ACTION: Approve the 2017 Use of Force Report for the City of Brenham Police Department and authorize the Mayor to execute any necessary documentation	
APPROVALS: James Fisher	



BRENNHAM POLICE DEPARTMENT

1800 LONGWOOD DRIVE

PHONE: (979) 337-7337
FAX: (979) 337-7342



P. O. BOX 682
BRENNHAM, TEXAS 77834-0682

To: Chief Pancoast
From: Cpt. T. Gully
Date: 1/5/2018
Re: 2016

2017 Use of Force Analysis

During the course of operations in the Brenham Police department for the time of January 1st through December 31st 2017, officers were involved in 21 incidents employed use of force to effectively resolve those particular incidents. Those situations included weaponless/physical control, and displays of taser or duty weapons. On one incident, an officer used the same force on two suspects (display duty weapon). The following is the depiction and breakdown of each category:

- 4- display of taser/
- 15- display duty weapon
- 0- deployment of Taser
- 0- drive stun
- 2- weaponless control/physical restraint
- 0- discharge of duty weapons
- 0-OC spray
- 0-CS gas
- 0- ERT Deployment-

During this period, there were no internal affairs investigation regarding use of force.

In review of the use of force incidents from 2016 to 2017, there was a decrease from 30 use of forces to 21. This is a decrease of nine incidents @ (30%), and there were only two (2) actual physical uses of force, to include muscling or gripping. The Brenham Police Department attends bi-annual training and updates on use of

force. There is recommendation to first line supervisors to continue being as present as possible on scenes and to discuss each use of force report with the officers involved.

In review of each individual officer's use of force and of shifts use of force reports, there was no indication of disproportionate use of force. Noting the ratio of male/female use of force was only one (1) female out of the 21 uses of force, thirteen (13) black males, three (3) white males, and six (6) Hispanic males. Considering the community's population diversity and the locations of use of force, geographically, the ratio is believed to be comparable.

Use of force is one of the most important functions that we as police officers perform that requires immediate action generally without notice. The policies, state mandates and training provided to us, aide in decision making along with what a reasonable and prudent person would deem acceptable/necessary to resolve the use of force incident.

All use of force incidents aforementioned in this report has its own use of force supplement and form as well as an offense report where all support paperwork is available. All incidents were reviewed by the appropriate chain of command and the reports are available from the professional standards division.

Trey Gully

 1-5-2018

Patrol Operations Captain

Brenham Police Department

Rusty Pancoast



Chief of Police



AGENDA ITEM 15

DATE OF MEETING: February 1, 2018	DATE SUBMITTED: January 19, 2018
DEPT. OF ORIGIN: Police	SUBMITTED BY: Russell R. Pancoast
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION
ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the 2017 Pursuit Report for the City of Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation	
SUMMARY STATEMENT: The Recognition Best Practices Program requires the annual Pursuit Report. While not required, it provides greater transparency to present this information to the Council in a public forum.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: The 2017 Pursuit Report demonstrates a downward trend in the total incidence rate for pursuits as compared to the 2016 Pursuit Report. B. CONS: None	
ALTERNATIVES (In Suggested Order of Staff Preference): N/A	
ATTACHMENTS: (1) 2017 Pursuit Report	
FUNDING SOURCE (Where Applicable): N/A	
RECOMMENDED ACTION: Approve the 2017 Pursuit Report for the City of Brenham Police Department and authorize the Mayor to execute any necessary documentation	
APPROVALS: James Fisher	



BRENHAM POLICE DEPARTMENT

1800 LONGWOOD DRIVE

PHONE: (979) 337-7337
FAX: (979) 337-7342



P. O. BOX 682
BRENHAM, TEXAS 77834-0682

To: Chief Pancoast
From: Cpt. T. Gully
Date: 1/5/2018
Re: 2016

2017 Pursuit Analysis

During the calendar year of 2017, the Brenham Police Department was involved in one (1) vehicle pursuit. The pursuit was a result of a hit & run/reckless driver- motorcyclist.

Pursuit #1 was during mid-morning hours for a hit & run crash that occurred in the county, approximately one mile east of the city limits. The pursuing officer attempted the investigative stop on the motorcycle but the subject fled the officer, eventually crashing the bike, 3 minutes after the officer lost sight of him and terminated the pursuit. The pursuit was terminated due to the suspect fleeing towards the downtown area where an event was in progress and the vehicle and pedestrian traffic was congested. The crash was not a direct result of the pursuit. The motorcycle operator was driving reckless through the downtown area and lost control of the motorcycle, and was involved in a one-vehicle crash with minor injury to the operator. He lost control of the motorcycle while attempting to make a sharp turn too fast and the motorcycle slid out of control. The officer was not in pursuit when the crash occurred and a passerby called in the crash. The pursuit lasted three (3) minutes, with a total distance of 4.2 miles at the highest speed being 118 MPH. WCEMS did respond and provided medical care to the suspect but he refused treatment.

In review of vehicle pursuits for the year of 2016 in comparison to 2017, there was a decrease by seven (7). The one (1) pursuit was reviewed and approved through the chain of command. The pursuit was within policy and discussed with the officer with his chain of command. The officers of Brenham PD are trained quarterly through roll call training with their respective supervisors on current changes regarding the pursuit policy. Officers are trained to assess traffic

congestion, lighting and environmental conditions, as well as purpose of pursuit.

The suspect in this pursuit was arrested and charged with, "Evading Arrest/detention with Vehicle".

The one pursuit was documented utilizing a departmental pursuit form and was supported by offense reports and narratives. No policy violations were noted and no changes were recommended regarding the pursuit policy. It is noted that all pursuit forms and support paperwork are retained by the professional standards administrative Sergeant and are available upon request.

Report submitted by:

Trey Gully

Trey Gully 1-5-2018

Captain- Patrol Operations

Brenham Police Department

Rusty Pancoast

Rusty Pancoast

Chief of Police

"NO MAN IS ABOVE THE LAW AND NO MAN IS BELOW IT; NOR DO WE ASK ANY MAN'S
PERMISSION WHEN WE REQUIRE HIM TO OBEY IT." THEODORE ROOSEVELT



AGENDA ITEM 16

DATE OF MEETING: February 1, 2018	DATE SUBMITTED: January 25, 2018
DEPT. OF ORIGIN: Police Department	SUBMITTED BY: Russell R. Pancoast
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION
ORDINANCE: ☐ 1ST READING ☐ 2ND READING ☒ RESOLUTION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-18-003 Authorizing the Acceptance of a Rifle-Resistant Body Armor Grant from the Criminal Justice Division of the Office of the Governor	
SUMMARY STATEMENT: In response to the July 7 th , 2016 shooting of police officers in Dallas, Texas, Senate Bill 12 was passed during the 85 th Legislative Regular Session. On May 27 th , 2017, Governor Abbot signed Senate Bill 12 into law, which authorized the Criminal Justice Division (CJD) of the Governor's Office to create a grant program to assist agencies in the purchase of rifle-resistant body armor. The Brenham Police Department applied for that grant and was approved. The dead line for accepting that grant was prior to the scheduled City Council meeting on February 1, 2018. The schedule was further complicated due to the transition in leadership at the Police Department, and some inclement weather conditions. Therefore, City staff accepted the grant for \$21,984 on January 22, 2018. This Council action is to ratify that acceptance.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: This is a non-matching grant to purchase this armor to help protect our police officers during threats involving rifles. B. CONS: Upon the expiration of the useful life of the ballistic plates in the armor, in approximately ten years, the armor will need to be replaced at the City's expense.	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: (1) Resolution No. R-18-003; and (2) Price quote and armor descriptions from GT Distributors	
FUNDING SOURCE (Where Applicable): The Criminal Justice Division of the Governor's Office	

RECOMMENDED ACTION: Approve Resolution No. R-18-003 authorizing the acceptance of a Rifle-Resistant Body Armor Grant from the Criminal Justice Division of the Office of the Governor

APPROVALS: James Fisher

RESOLUTION NO. R-18-003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE CRIMINAL JUSTICE DIVISION OF THE OFFICE OF THE GOVERNOR FOR THE RIFLE-RESISTANT BODY ARMOR GRANT PROGRAM FOR THE POLICE DEPARTMENT, AND AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTATION

WHEREAS, in response to the July 2016 shooting of police officers in Dallas, Texas, Governor Abbott signed Senate Bill 12 into law authorizing the Criminal Justice Division of the Office of the Governor to create a grant program to assist agencies in the purchase of rifle-resistant body armor; and

WHEREAS, on the 18th day of September, 2017 the City Council of the City of Brenham enacted Resolution No. R-17-016 authorizing City staff to prepare and submit a grant application to the Criminal Justice Division of the Office of the Governor for the Rifle-Resistant Body Armor Grant; and

WHEREAS, the City Council of the City of Brenham desires to accept said grant award in the amount of \$21,984.00, understanding that the City has no match requirements for this grant; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Brenham, Texas that:

1. The City of Brenham hereby approves and ratifies City staff's acceptance of Grant No. 3503501 in the amount of \$21,984 from the Criminal Justice Division of the Office of the Governor Rifle-Resistant Body Armor Program;
2. The City of Brenham will comply with all requirements of the Criminal Justice Division of the Office of the Governor Rifle-Resistant Body Armor Grant Program.
3. That the Mayor is hereby authorized to execute any necessary documentation related to the grant described herein.

PASSED AND APPROVED on this the 1st day of February, 2018.

Milton Y. Tate, Jr.,
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



GT Distributors - Austin
P.O. Box 16080
Austin TX 78761
(512) 451-8298 Ext. 0000

Quote	QTE0070254
Date	10/10/2017
Page:	1

Bill To:

Brenham Police Department (TX)
PO Box 1059
Dept 154
Brenham TX 77834-1059

Ship To:

Brenham Police Department (TX)
1800 Long Wood Dr
Brenham TX 77833

Purchase Order No.	Customer ID	Salesperson ID	Shipping Method	Payment Terms	Req Ship Date	Master No.
SB12 TAC PR PKG	000404	AP	FACTORY DIRECT	NET 15	0/0/0000	1,674,708
Quantity	Item Number	Description	UOM	Unit Price	Ext. Price	
24	PTA-TAC-PR-PKG*	Senate Bill 12 Tac PR carrier and Level III Plat	Each	\$916.00	\$21,984.00	
1	NOTES:	Package Includes:(1) Tac Pr carrier w/Trad Molle Webbing and Buckle Closure (2) 2120-5 Level III Protech plates-(NIJ#:2120-5) Notes: Package Continued: (1) M4 Double Mag pouch (1) Medical Pouch (1) Carry bag (2) Large POLICE ID Panels	EA	\$0.00	\$0.00	

All returns must be authorized by GT Distributors. Interest charges on past due invoices at the maximum rate allowed by law.

Your sales person is Dorlane Pissonier.
Captain Dant Lange-979-337-7331
dlange@cityofbrenham.org

Subtotal	\$21,984.00
Misc	\$0.00
Tax	\$0.00
Freight	\$0.00
Total	\$21,984.00



1-800-775-5996
WWW.GTDIST.COM

TEXAS SB-12 BODY ARMOR AND ACCESSORIES GUIDE



THE **SAFARILAND**
GROUP

ARMOR SOLUTIONS

TACTICAL PLATE RACKS **PROTECH** TACTICAL



Shown with optional FirstSpear® Tubes closure system and Triple M4 Carry Mag Advanced Webless System

TAC™ PH PLATE HARNESS

\$110

- Dynamic active shooter plate harness with design upgrades developed for enhanced fit, form and function
- 10"x12" front and back plate pockets
- Adjustable shoulder straps
- Low profile FirstSpear® Tubes™ side closure
- Keeper loops for excess side strap management
- Reinforced extraction strap
- Available Colors: Black, Navy, Tactical Green, Ranger Green, Tan and MultiCam
- Includes front & back ID Panels

TAC™ PR PLATE RACK

\$159

- Optimal first responder plate rack tried and true among domestic US agencies
- Adjustable cummerbund for additional accessory attachment and unrivaled speed donning with integrated pull-strap system
- 10"x12" front and back plate pockets featuring bottom-load orientation
- Officer extraction strap
- Interior padding for long-wear comfort
- Available Colors: Black, Navy, Ranger Green, Tan, MultiCam®, Tactical Green, Coyote
- Includes front & back ID Panels

SHIFT 360™ **\$165 TWS** **\$266 TMWFS** SCALABLE PLATE RACK SYSTEM

- Highest speed and most dynamic situational scalable system on the market
- Dual internal bottom loading armor panel or plate pocket - compatible with 10" x 12" shooters cut & 9.5"x12.5" Medium SAPI hard armor plates
- Optimal Front and Back Ballistic panel protection
- External top-loading auxiliary pouch
- Available **AWS** and **TMW Colors**: Black, Navy, Ranger Green, Tan, MultiCam®, Tactical Green, Coyote
- Includes front & back ID Panels

PACKAGES



TAC PH PACKAGE

TAC PH GENII + 4400 TYPE IV + POUCHES + ID

- 1-TAC PH GenII, TMW, Buckle
- 2-4400 Type IV Plates
- 1-M4 Magazine Pouch, Double (TP)
- 1-Medical Pouch (TP)
- 2-Large "POLICE" ID Patch, 8.5" X 3"
- Protech carry bag included

\$500



TAC PR PACKAGE

TAC PR + 4400 TYPE IV + POUCHES+ID

- 1-TAC PR, TMW, Buckle
- 2-4400 Type IV Plates
- 1-M4 Magazine Pouch, Double (TP)
- 1-Medical Pouch (TP)
- 2-Large "POLICE" ID Patch, 8.5" X 3"
- Protech carry bag included

\$549



SHIFT 360 PACKAGE

S360 + 4400 TYPE IV + POUCHES+ID

- 1-S360 Single Flap, TMW, Velcro
- 2-4400 Type IV Plates
- 1-M4 Magazine Pouch, Double (TP)
- 1-Medical Pouch (TP)
- 2-Large "POLICE" ID Patch, 8.5" X 3"
- Protech carry bag included

\$566



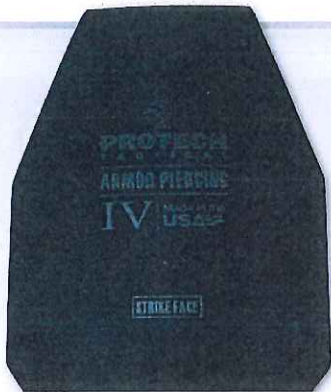
SHIFT 360 HW PACKAGE

SHIFT 360 + HPMC TYPE III PLATE + POUCHES + ID

- 1-SHIFT 360, TMW, Buckle
- 2-Hardwire MC 10X12 Type III, Shooters Cut (10 Year Warranty)
- 1-M4 Magazine Pouch, Double (TP)
- 1-Medical Pouch (TP)
- 2-Large "POLICE" ID Patch, 8.5" X 3"
- Protech carry bag included

\$795

HARD ARMOR PLATES



4400

\$181⁵⁰

LEVEL IV HARD ARMOR STAND ALONE PLATE

- NIJ 0101.06 Type IV Compliant
- 7.62 x 51mm, 147 gr. NATO FMJ (M80) - 6 impacts
- 7.6 lbs. 10"x12" Shooters Cut
- 1.0" thick
- Ceramic/Aramid Composite



2014MC

\$198

LEVEL IV HARD ARMOR STAND ALONE PLATE

- NIJ 0101.06 Type IV Compliant
- 7.62 x 63mm, 166 gr. AP (30-06) M2 AP
- 7.7 lbs. 10"x12" Shooters Cut
- 0.99" thick
- Ceramic/Glass Composite



HARDWIRE®

\$297

LEVEL III HARD ARMOR STAND ALONE PLATE

- NIJ 0101.06 Type III Compliant
- 7.62 x 51mm, 147 gr. NATO FMJ (M80) - 6 impacts
- **10 Year Warranty**
- 3.2 lbs. 10"x12" Shooters Cut
- 1.25" thick
- Polyethylene Composite
- Special Threats
- 7.62 x 39mm, PS Ball (AK47 Steel Core)
- 5.56 x 45mm, 55 gr. M193

ACCESSORIES



2120-5

\$365

LEVEL III HARD ARMOR STAND ALONE PLATE

- NIJ 0101.06 Type III Compliant
- 7.62 x 51mm, 147 gr. NATO FMJ (M80) - 6 impacts
- 5.8 lbs. 10"x12" Shooters Cut
- 0.95" thick
- Ceramic/Polyethylene Composite
- Special Threats:
 - 7.62 x 39mm, 123 gr. MSC
 - 7.62 x 54Rmm, 150 gr. LPS
 - 5.56 x 45mm, 62 gr. (M855)(SS109)
 - 5.56 x 45mm, 55 gr. (M193)



TP5 SINGLE

\$14

TP5A DOUBLE

\$17

M4 MAG POUCHES

- Lightweight Helium Whisper Backer®
- Size: 3.5" x 6" and 6.5" x 6"
- Fits one (1) or two (2) M4/M16 - 30 round magazines
- External MOLLE platform for easy stacking
- Bungee closure with retention grip system
- Grommet drain holes
- Available in a variety of colors to match carriers on front page



TP20

\$30

MEDIC POUCH

- Lightweight Helium Whisper Backer®
- Size: 5" x 7.5"
- Red quick pull tab for speed entry
- Internal elasticized straps to hold supplies in place
- External MOLLE platform for easy stacking
- Grommet drain hole
- Available in a variety of colors to match carriers on front page



TEXAS LAW ENFORCEMENT AGENCY ONLY PER SB-12.
QUANTITY PRICING AVAILABLE.
OTHER PLATE AND ACCESSORY OPTIONS AVAILABLE.

1-800-775-5996
EMAIL: SALES@GTDIST.COM



AGENDA ITEM 17

DATE OF MEETING: February 1, 2018	DATE SUBMITTED: January 23, 2018															
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Dane Rau															
<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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☐ SPECIAL	☐ CONSENT	☐ 2 ND READING														
☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION														
	☐ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Sanitation Services at the Citizen's Collection Station and Authorize the Mayor to Execute Any Necessary Documentation																
SUMMARY STATEMENT: On November 16, 2017 during a workshop item, the Collection Station ILA was discussed with City Council. Specifically, language concerning the operations of the Annual Spring Cleanup for both the County and City, which is held at the Citizens Collection Station. This item was also taken to the Commissioners Court during a workshop discussing the same concepts of changing the Annual Spring Cleanup from “free” to a portion of the waste being free and anything above 500 lbs. a normal gate rate would then apply. As the spring is fast approaching, we would like to enter into a new ILA, which will adjust the language reflecting what both entities discussed. A redline copy is attached as well as a final copy reflecting the changes if both parties agree. The major change was in Section 1.01 (d) City agrees to... To host two (2) annual three-day “Spring Clean-Up” events, one event will be limited to City of Brenham residents, and one event will be limited to County residents situated outside of the corporate limits of the City of Brenham. Disposal charges for the first 500 lbs. of debris/material per household will be waived for each event. Disposal of any debris/material in excess of 500 lbs. will be charged at the full rate in effect at the time of the event. The only other minor change was in Section 1.02 (b) County agrees to.... To provide jail inmates, community service or other workers, as requested by the City, to assist the City at the Station for both the City and County annual three-day “Spring Clean-Up” events. We feel this will help our operations handle the waste load a little better and allow for a reasonable amount of debris to be disposed of by the residents. This agreement if agreed on by both parties will be for one year and will renew annually until one part or the other decides to terminate the agreement with a 60-day notice. This same agreement was presented to Commissioners Court for acceptance on Tuesday January 30, 2018.																

STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: Change in the way we have been operating the Spring Cleanups and hopefully this will help our facility get whole sooner than when the cleanup was “Free”. B. CONS: Will have to weigh everyone in and out which may make lines a little longer
ALTERNATIVES (In Suggested Order of Staff Preference):
ATTACHMENTS: (1) Redline copy of the Interlocal Agreement; and (2) Final copy of the Interlocal Agreement
FUNDING SOURCE (Where Applicable):
RECOMMENDED ACTION: Approve an Interlocal Agreement between the City of Brenham and Washington County for Sanitation Services at the Citizen’s Collection Station and authorize the Mayor to execute any necessary documentation
APPROVALS: James Fisher

**INTERLOCAL AGREEMENT BETWEEN
THE CITY OF BRENHAM AND WASHINGTON COUNTY
FOR SANITATION SERVICES AT THE
CITIZENS' COLLECTION STATION**

WHEREAS, this Interlocal Agreement ("Agreement") is entered into by and between the City of Brenham, a Home-Rule Municipality located in Washington County, Texas, hereinafter referred to as "City" and Washington County, Texas, a political subdivision of the State of Texas, hereinafter referred to as "County"; and

WHEREAS, the City and County each hereby find that it would be mutually advantageous for the County to use the City's Citizens' Collection Station, hereinafter referred to as "Station", in the manner established in this Agreement; and

WHEREAS, the Station is a business unit within the City's Sanitation Department with certain operational and capital costs that are funded by the citizens' use of the Station; and

WHEREAS, the disposal of non-compactible waste and brush are two of the services provided at the Station; and

WHEREAS, the rates for Station services, including but not limited to the disposal of non-compactible waste and brush, shall be adopted by Ordinance of the Brenham City Council; and

WHEREAS, City and County are authorized to enter into this Agreement in all respects as provided in Chapter 791 of the Texas Local Government Code; and;

NOW, THEREFORE, in consideration of the mutual covenants expressed in this Agreement, the receipt and sufficiency of which are hereby acknowledged, the City and the County agree as follows:

1.0 Services

1.01 The City agrees to the following:

- a. To operate, staff, and maintain the Station; and
- b. To establish collection station rates that cover all the costs associated with the operation and maintenance of the Station, including but not limited to any capital equipment needs, and provide for adequate reserve funds for the facility; and
- c. Notify the County in writing of any rate changes on or before May 1, to allow the County sufficient time to plan for the rate changes in the County's budget process; and
- d. To host two (2) annual three-day "Spring Clean-Up" events, one event will be limited to City of Brenham residents, and one event will be limited to County

Deleted: WHEREAS, the Interlocal Agreement between the City and County dated September 2, 1999 is hereby repealed in its entirety and replaced with this Agreement in order to promote clarity and ease of understanding; and¶

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residents situated outside of the corporate limits of the City of Brenham. Disposal charges for the first 500 lbs. of debris/material per household will be waived for each event. Disposal of any debris/material in excess of 500 lbs. will be charged at the full rate in effect at the time of the event.

Deleted: during alternating weeks, open to all City and County residents at no cost

1.02 The County agrees to the following:

- a. To pay the City for the disposal of any non-compactible waste or brush delivered to the Station by County departments or work crews in accordance with the provisions of this Agreement; and
- b. To provide jail inmates, community service or other workers, as requested by the City, to assist the City at the Station for both the City and County annual three-day "Spring Clean-Up" events.

Deleted: if available, or other

2.0 Purpose

The purpose of this Agreement is to make non-compactible waste and brush collection services available to all City and County residents.

3.0 Breach

The failure of either party to comply with the terms and conditions of this Agreement shall constitute a breach of this Agreement. If either Party commits a breach in the performance of any obligation or covenant herein, the non-breaching party may enforce the performance of this Agreement in any manner provided by law. This Agreement may be terminated at the non-breaching Party's discretion if such breach continues for a period of sixty (60) days after written notification of such breach and of the intention of the non-breaching Party to declare this Agreement terminated, provided, however, if the breach is not capable of being fully cured within sixty (60) days, the breaching Party shall be allowed the needed additional time to cure the breach if (i) the breaching Party begins the cure within the sixty (60) day period, (ii) diligently pursues the cure thereafter until it is fully cured, and (iii) has been given advance written approval to proceed by the non-breaching Party. Such notice shall be sent by the non-breaching Party to the Party in breach. If the breaching Party has not substantially cured the breach within the time period referenced above, this Agreement may be terminated by the non-breaching Party, and the non-breaching Party may pursue any other remedies available in law or equity.

4.0 Waiver

The waiver by either party of a breach of this Agreement shall not constitute a continuing waiver of such breach or of a subsequent breach of the same or a different provision, unless so stipulated by the Party not in breach of this Agreement.

5.0 Term, Renewal

This Agreement shall be effective beginning _____, 2018, and shall remain in effect until December 31, 2018 ("Initial Term"). This Agreement shall automatically

Deleted: January 1

Deleted: 2016

Deleted: 2016

renew annually for a one (1) year period ("Renewal Term") on January 1st of each subsequent year. Either Party may terminate this Agreement at any time, with or without cause, by giving notice in the manner provided herein to the other Party at least sixty (60) days prior to the date of termination. Notwithstanding any other provision herein, if both parties hereto agree to terminate this Agreement with less than the required sixty (60) days' notice, said sixty (60) day notification period may be waived. Notice shall be provided pursuant to the terms set forth in Section 8.0. Ownership of all property acquired and improvements made under this Agreement shall be retained by the City of Brenham.

6.0 Payment

An itemized invoice of charges incurred by the County under this Agreement, based on Station rates set by the City Council in its sole discretion, shall be provided to the County each month, and payment thereof shall be due and payable within thirty (30) days of the County's receipt of said invoice. Charges shall be invoiced in accordance with the rates in effect at the time the services are provided to the County.

7.0 Texas Law; Venue

This Agreement shall be construed under and in accordance with the laws of the State of Texas. Exclusive venue for any action, lawsuit, claim, dispute or other legal proceeding concerning or arising out of this Agreement shall be in Washington County, Texas.

8.0 Notice

All notices sent pursuant to this Agreement shall be in writing and may be hand delivered, or sent by registered or certified mail, postage prepaid, return receipt requested. Notices sent to the City pursuant to this Agreement shall be delivered or sent to the City Manager at the following address:

City Manager
City of Brenham
P. O. Box 1059
Brenham, Texas 77834-1059

Notices sent to the County pursuant to this Agreement shall be delivered or sent to the County Judge at the following address:

County Judge
Washington County
100 East Main Street, Suite 104
Brenham, Texas 77833

When notices are hand-delivered, notice shall be deemed effective upon delivery. When notices are mailed by registered or certified mail, notice shall be deemed effective three

(3) days after deposit in a U.S. mail box or at a U.S. post office. Either Party may change its address for notice under this Agreement by providing a written notice of the change to all other parties in compliance with this paragraph.

9.0 Funding

The County shall pay for services rendered by the City, pursuant to this Agreement, from current revenue funds or any other lawfully available source.

10.0 Legal Construction; Headings

If any one or more of the provisions contained in this Agreement shall for any reason be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this Agreement shall be construed as if such invalid, illegal or unenforceable provisions had never been contained herein. The document and paragraph headings contained in this Agreement are for convenience only and do not enlarge or limit the scope or meaning of the document, paragraphs or the terms and conditions of this Agreement.

11.0 Entire Agreement

This Agreement supersedes any and all other agreements, either oral or in writing, between the Parties hereto with respect to the subject matter hereof and contains all of the covenants and agreements between the Parties with respect to said matter. Each Party to this Agreement acknowledges that no representations, inducements, promises, or agreements, oral or otherwise, have been made by any party or anyone acting on behalf of any parties which are not embodied herein and that no other agreements, statement, or promise not contained in this Agreement shall be valid or binding.

No modification concerning this instrument shall be of any force or effect, excepting a subsequent amendment in writing signed by the Parties. No official, representative, agent or employee of the City, has any authority to modify this Agreement except pursuant to express written authority to do so granted by the City Council of the City of Brenham, Texas. No official, representative, agent or employee of the County, has any authority to modify this Agreement except pursuant to express written authority to do so granted by the Commissioners Court of Washington County, Texas.

12.0 Parties Bound

This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective legal representatives, successors and assigns where permitted by this Agreement.

13.0 Gender

Words of gender used in this Agreement shall be held and construed to include any other gender and words in the singular number shall be held to include the plural and vice versa unless this Agreement requires otherwise.

14.0 Attorney’s Fees

If any action is brought to enforce, construe or determine the validity of any term or provision of this Agreement (whether at the trial court level or any appeal therefrom), the prevailing Party shall be entitled to reasonable attorney’s fees and costs of the action.

IN WITNESS WHEREOF, City and County have hereby entered into this Agreement on this the _____ day of _____, ~~2018~~.

Deleted: 2015

CITY OF BRENHAM

WASHINGTON COUNTY

Milton Y. Tate, Jr.
Mayor

John Brieden
County Judge

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Beth Rothermel
County Clerk

**INTERLOCAL AGREEMENT BETWEEN
THE CITY OF BRENHAM AND WASHINGTON COUNTY
FOR SANITATION SERVICES AT THE
CITIZENS' COLLECTION STATION**

WHEREAS, this Interlocal Agreement (“Agreement”) is entered into by and between the City of Brenham, a Home-Rule Municipality located in Washington County, Texas, hereinafter referred to as “City” and Washington County, Texas, a political subdivision of the State of Texas, hereinafter referred to as “County”; and

WHEREAS, the City and County each hereby find that it would be mutually advantageous for the County to use the City’s Citizens’ Collection Station, hereinafter referred to as “Station”, in the manner established in this Agreement; and

WHEREAS, the Station is a business unit within the City’s Sanitation Department with certain operational and capital costs that are funded by the citizens’ use of the Station; and

WHEREAS, the disposal of non-compactible waste and brush are two of the services provided at the Station; and

WHEREAS, the rates for Station services, including but not limited to the disposal of non-compactible waste and brush, shall be adopted by Ordinance of the Brenham City Council; and

WHEREAS, City and County are authorized to enter into this Agreement in all respects as provided in Chapter 791 of the Texas Local Government Code; and;

NOW, THEREFORE, in consideration of the mutual covenants expressed in this Agreement, the receipt and sufficiency of which are hereby acknowledged, the City and the County agree as follows:

1.0 Services

1.01 The City agrees to the following:

- a. To operate, staff, and maintain the Station; and
- b. To establish collection station rates that cover all the costs associated with the operation and maintenance of the Station, including but not limited to any capital equipment needs, and provide for adequate reserve funds for the facility; and
- c. Notify the County in writing of any rate changes on or before May 1, to allow the County sufficient time to plan for the rate changes in the County’s budget process; and

- d. To host two (2) annual three-day “Spring Clean-Up” events, one event will be limited to City of Brenham residents, and one event will be limited to County residents situated outside of the corporate limits of the City of Brenham. Disposal charges for the first 500 lbs. of debris/material per household will be waived for each event. Disposal of any debris/material in excess of 500 lbs. will be charged at the full rate in effect at the time of the event.

1.02 The County agrees to the following:

- a. To pay the City for the disposal of any non-compactible waste or brush delivered to the Station by County departments or work crews in accordance with the provisions of this Agreement; and
- b. To provide jail inmates, community service or other workers, as requested by the City, to assist the City at the Station for both the City and County annual three-day “Spring Clean-Up” events.

2.0 Purpose

The purpose of this Agreement is to make non-compactible waste and brush collection services available to all City and County residents.

3.0 Breach

The failure of either party to comply with the terms and conditions of this Agreement shall constitute a breach of this Agreement. If either Party commits a breach in the performance of any obligation or covenant herein, the non-breaching party may enforce the performance of this Agreement in any manner provided by law. This Agreement may be terminated at the non-breaching Party’s discretion if such breach continues for a period of sixty (60) days after written notification of such breach and of the intention of the non-breaching Party to declare this Agreement terminated, provided, however, if the breach is not capable of being fully cured within sixty (60) days, the breaching Party shall be allowed the needed additional time to cure the breach if (i) the breaching Party begins the cure within the sixty (60) day period, (ii) diligently pursues the cure thereafter until it is fully cured, and (iii) has been given advance written approval to proceed by the non-breaching Party. Such notice shall be sent by the non-breaching Party to the Party in breach. If the breaching Party has not substantially cured the breach within the time period referenced above, this Agreement may be terminated by the non-breaching Party, and the non-breaching Party may pursue any other remedies available in law or equity.

4.0 Waiver

The waiver by either party of a breach of this Agreement shall not constitute a continuing waiver of such breach or of a subsequent breach of the same or a different provision, unless so stipulated by the Party not in breach of this Agreement.

5.0 Term, Renewal

This Agreement shall be effective beginning _____, 2018, and shall remain in effect until December 31, 2018 (“Initial Term”). This Agreement shall automatically renew annually for a one (1) year period (“Renewal Term”) on January 1st of each subsequent year. Either Party may terminate this Agreement at any time, with or without cause, by giving notice in the manner provided herein to the other Party at least sixty (60) days prior to the date of termination. Notwithstanding any other provision herein, if both parties hereto agree to terminate this Agreement with less than the required sixty (60) days’ notice, said sixty (60) day notification period may be waived. Notice shall be provided pursuant to the terms set forth in Section 8.0. Ownership of all property acquired and improvements made under this Agreement shall be retained by the City of Brenham.

6.0 Payment

An itemized invoice of charges incurred by the County under this Agreement, based on Station rates set by the City Council in its sole discretion, shall be provided to the County each month, and payment thereof shall be due and payable within thirty (30) days of the County’s receipt of said invoice. Charges shall be invoiced in accordance with the rates in effect at the time the services are provided to the County.

7.0 Texas Law; Venue

This Agreement shall be construed under and in accordance with the laws of the State of Texas. Exclusive venue for any action, lawsuit, claim, dispute or other legal proceeding concerning or arising out of this Agreement shall be in Washington County, Texas.

8.0 Notice

All notices sent pursuant to this Agreement shall be in writing and may be hand delivered, or sent by registered or certified mail, postage prepaid, return receipt requested. Notices sent to the City pursuant to this Agreement shall be delivered or sent to the City Manager at the following address:

City Manager
City of Brenham
P. O. Box 1059
Brenham, Texas 77834-1059

Notices sent to the County pursuant to this Agreement shall be delivered or sent to the County Judge at the following address:

County Judge
Washington County
100 East Main Street, Suite 104
Brenham, Texas 77833

When notices are hand-delivered, notice shall be deemed effective upon delivery. When notices are mailed by registered or certified mail, notice shall be deemed effective three (3) days after deposit in a U.S. mail box or at a U.S. post office. Either Party may change its address for notice under this Agreement by providing a written notice of the change to all other parties in compliance with this paragraph.

9.0 Funding

The County shall pay for services rendered by the City, pursuant to this Agreement, from current revenue funds or any other lawfully available source.

10.0 Legal Construction; Headings

If any one or more of the provisions contained in this Agreement shall for any reason be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this Agreement shall be construed as if such invalid, illegal or unenforceable provisions had never been contained herein. The document and paragraph headings contained in this Agreement are for convenience only and do not enlarge or limit the scope or meaning of the document, paragraphs or the terms and conditions of this Agreement.

11.0 Entire Agreement

This Agreement supersedes any and all other agreements, either oral or in writing, between the Parties hereto with respect to the subject matter hereof and contains all of the covenants and agreements between the Parties with respect to said matter. Each Party to this Agreement acknowledges that no representations, inducements, promises, or agreements, oral or otherwise, have been made by any party or anyone acting on behalf of any parties which are not embodied herein and that no other agreements, statement, or promise not contained in this Agreement shall be valid or binding.

No modification concerning this instrument shall be of any force or effect, excepting a subsequent amendment in writing signed by the Parties. No official, representative, agent or employee of the City, has any authority to modify this Agreement except pursuant to express written authority to do so granted by the City Council of the City of Brenham, Texas. No official, representative, agent or employee of the County, has any authority to modify this Agreement except pursuant to express written authority to do so granted by the Commissioners Court of Washington County, Texas.

12.0 Parties Bound

This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective legal representatives, successors and assigns where permitted by this Agreement.

13.0 Gender

Words of gender used in this Agreement shall be held and construed to include any other gender and words in the singular number shall be held to include the plural and vice versa unless this Agreement requires otherwise.

14.0 Attorney's Fees

If any action is brought to enforce, construe or determine the validity of any term or provision of this Agreement (whether at the trial court level or any appeal therefrom), the prevailing Party shall be entitled to reasonable attorney's fees and costs of the action.

IN WITNESS WHEREOF, City and County have hereby entered into this Agreement on this the _____ day of _____, 2018.

CITY OF BRENHAM

WASHINGTON COUNTY

Milton Y. Tate, Jr.
Mayor

John Brieden
County Judge

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Beth Rothermel
County Clerk



AGENDA ITEM 18

DATE OF MEETING: February 1, 2018	DATE SUBMITTED: January 29, 2018															
DEPT. OF ORIGIN: Public Utilities	SUBMITTED BY: Lowell Ogle															
<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:														
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	☐ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-18-004 In Opposition to the United States Bureau of Land Management's (BLM's) Decision to Lease Land for Oil and Gas Drilling and Production in Washington County, At and Around Lake Somerville																
SUMMARY STATEMENT: Despite protests from area landowners, the United States Bureau of Land Management ("BLM") plans to issue leases on approximately 1,400 acres of federal land around Lake Somerville for oil and gas drilling and production. While City Council recognizes the importance of oil and gas drilling and production activities to the economy of the State of Texas, Council believes that the proposed activities must be assessed in relationship to the protection of clean drinking water supplies. Lake Somerville is the sole source of drinking water for the City of Brenham and the loss or contamination of this fresh water supply would be catastrophic for the residents, businesses, schools, nursing homes and the only hospital in Brenham and Washington County.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:																
ALTERNATIVES (In Suggested Order of Staff Preference):																
ATTACHMENTS: (1) Resolution No. R-18-004																
FUNDING SOURCE (Where Applicable):																
RECOMMENDED ACTION: Approve Resolution No. R-18-004 in regards to the United States Bureau of Land Management's (BLM's) decision to lease land for oil and gas drilling and production in Washington County, at and around Lake Somerville																
APPROVALS: James Fisher																

RESOLUTION NO. R-18-004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, RELATED TO THE UNITED STATES BUREAU OF LAND MANAGEMENT’S (BLM’S) DECISION TO LEASE LAND FOR OIL AND GAS DRILLING AND PRODUCTION IN WASHINGTON COUNTY, AT AND AROUND LAKE SOMERVILLE

WHEREAS, despite protests from area land owners, the United States Bureau of Land Management (“BLM”) is planning to issue leases on approximately 1,400 acres of federal land around Lake Somerville for oil and gas drilling and production; and

WHEREAS, the City Council recognizes the importance of oil and gas drilling and production activities to the economy of the State of Texas, but believes that the proposed activities must be assessed in relationship to other important Texas values such as protection of clean drinking water supplies; and

WHEREAS, Lake Somerville is the sole source of water for the City of Brenham, Texas and the loss or contamination of this fresh water supply would be catastrophic for the residents, businesses, schools, nursing homes, and the only hospital in Brenham and Washington County; and

WHEREAS, oil and gas drilling and production operations in, under, and around Lake Somerville could possibly create a significant risk of contaminating the Lake Somerville water supply; and

WHEREAS, the risk of contaminating and damaging the water supply of cities like Brenham is too great to allow the lease of land for oil and gas drilling, in, under, or around major drinking water supplies such as Lake Somerville.

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

The City Council respectfully requests that BLM reconsider leasing land for oil and gas drilling and production operations at and around Lake Somerville and that BLM fully review the impact that these leases could have on the City of Brenham’s drinking water supply.

PASSED AND APPROVED on this the 1st day of February, 2018.

Milton Y. Tate, Jr., Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



AGENDA ITEM 19

DATE OF MEETING: February 1, 2018	DATE SUBMITTED: January 24, 2018	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Dane Rau	
MEETING TYPE: ☐ REGULAR ☐ SPECIAL ☒ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Section 551.071 – Texas Government Code – Consultation with Attorney – Deliberation Regarding the Construction Contract Between the City of Brenham and GCP Contractors, LLC, Including But Not Limited to the Termination of Said Contract and Other Available Remedies		
SUMMARY STATEMENT: To be discussed in Executive Session.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: None		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION:		
APPROVALS: James Fisher		



AGENDA ITEM 20

DATE OF MEETING: February 1, 2018	DATE SUBMITTED: January 24, 2018
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Dane Rau
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION
ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Termination of the Construction Contract Between the City of Brenham and GCP Contractors, LLC, and Other Available Remedies, and Authorize the Mayor to Execute Any Necessary Documentation	
SUMMARY STATEMENT: As discussed in Executive Session	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS:	
FUNDING SOURCE (Where Applicable):	
RECOMMENDED ACTION: As discussed in Executive Session	
APPROVALS: James Fisher	