NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY DECEMBER 18, 2014 AT 1:00 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN
BRENHAM, TEXAS

1. **Call Meeting to Order**

2. **Invocation and Pledges to the US and Texas Flags – Councilmember Barnes-Tilley**

3. **Citizens Comments**

CONSENT AGENDA

4. **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.

4-a. Minutes from the November 20, 2014 Regular City Council Meeting **Pages 1 - 10**

WORK SESSION

5. **Presentation and Update Regarding Old Mill Creek Road Right-Of-Way** **Pages 11 - 13**

6. **Discussion and Update on Wayfinding Signage Program** **Pages 14 - 27**

REGULAR AGENDA

7. **Discuss and Possibly Act Upon the Acceptance of a Donation in the Amount of $28,000.00 from Brenham Main Street Historical Preservation, Inc. for a Wayfinding Signage Program and Authorize the Mayor to Execute Any Necessary Documentation** **Page 28**

8. Discuss and Possibly Act Upon Resolution No. R-14-026 Adopting a New Fee Schedule for the City of Brenham's Parks and Recreation Department **Pages 29 - 31**

9. Discuss and Possibly Act Upon Resolution No. R-14-027 in Support of Jefferson Square Housing Ltd's Submission of an Application to the Texas Department of Housing and Community Affairs Requesting 2015 Housing Tax Credits for the Acquisition and Rehabilitation of Jefferson Square Apartments, Located at 801 W. Jefferson Street **Pages 32 - 35**

10. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending the FY2013-14 Adopted Budget and Authorize the Mayor to Execute Any Necessary Documentation **Pages 36 - 39**

11. Discuss and Possibly Act Upon an Election Services Contract Between the City of Brenham and Washington County Related to Election Responsibilities for the May 9, 2015 General and Special Elections and Authorize the Mayor to Execute Any Necessary Documentation **Pages 40 - 47**

12. Discuss and Possibly Act Upon Upon Recommendations for Appointments and/or Re-Appointments to Various City Advisory Boards **Pages 48 - 62**

13. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County Related to the Operation of and Improvements to Linda Anderson Park and Authorize the Mayor to Execute Any Necessary Documentation **Pages 63 - 70**

EXECUTIVE SESSION

14. Texas Government Code Section 551.074 – Personnel Matters – Discuss and Consider Re-Appointment and Compensation for Municipal Court Judges Julian Weisler and Robert Wright and City Prosecutor Bill Kendall **Page 71**

RE-OPEN REGULAR SESSION

15. Discuss and Possibly Take Action as a Result of Executive Session Regarding Re-Appointment and Compensation for Municipal Court Judges Julian Weisler and Robert Wright and City Prosecutor Bill Kendall **Page 72**

16. 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 salutary recognitions of public officials, public employees or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that have arisen after the posting of the agenda.

Adjourn

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

CERTIFICATION

I certify that a copy of the December 18, 2014 agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on December 15, 2014 at **12:45** PM.

Jeana Bellinger, TRMC
City Secretary

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

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the ________ day of ____________________, 2014 at __________ AM PM.

________________________________ ________________________________
Signature Title

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on November 20, 2014 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

<u>Members present</u>:

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

<u>Members absent</u>:

None

<u>Others present</u>:

City Manager Terry K. Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Kacey Weiss, Chief Financial Officer Carolyn Miller, Stacy Hardy, Sara Parker, Wende Ragonis, Susan Nienstedt, Public Works Director Dane Rau, Public Utilities Director Lowell Ogle, Janie Mehrens, City Engineer Grant Lischka and Billy Rich.

<u>Citizens present:</u>

Brad Stufflebeam and Carol Dippel-Webber.

<u>Media Present</u>:

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

1. Call Meeting to Order

2. Invocation and Pledges to the US and Texas Flags – Councilmember Andrew Ebel

3. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

4. Statutory Consent Agenda

4-a. Minutes from the November 6, 2014 Regular City Council Meeting

4-b. Ordinance No. O-14-036 on Its Second Reading Authorizing a Variance to Minimum Setback Requirements as Outlined in Chapter 14, Mobile Homes, Manufactured Homes and Manufactured Home Parks, of the City of Brenham's Code of Ordinance

4-c. Ordinance No. O-14-037 on Its Second Reading to Repeal Ordinance No. O-14-027 Relating to the Designation of Approximately 1.4 Acres in the Arabella Harrington League as Reinvestment Zone Number Forty for Commercial Tax Phase-In Incentive as Provided in Chapter 312 of the Texas Tax Code

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve the Statutory Consent Agenda Items 4-a, 4-b and 4-c as presented.

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

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

WORK SESSION

5. Discussion and Presentation Related to Street Improvements Including, but not Limited to, Chappell Hill Street Between Lawndale Avenue and Stone Street and Possible Funding Options

City Engineer Grant Lischka presented this item. Lischka explained that with the Chappell Hill Street extension south of Lawndale Avenue under construction; staff has explored the possibility of continuing the improvements of Chappell Hill Street north between Lawndale Avenue and Stone Street. Lischka stated that the existing right-of-way is adequate to construct a 39-foot wide collector street; however, any reconstruction work would require installation of approximately 1,400 feet of new curb and gutter and new intersection valleys and driveway approaches.

Lischka stated that the approximate cost for the concrete work is $30,000 and the he recommends that City personnel complete the remainder of the street construction, which has an estimated cost of $30,000, for a total project cost of approximately $60,000. According to Lischka, one possible funding source is the 2012 Certificates of Obligations, which have a balance of approximately $600,000; however, since Council has shown interest in using this money for other projects.

Assistant City Manager Kyle Dannhaus reminded Council that the Certificates of Obligation from 2012 allowed for $900,000.00 for street/reconstruction work and that this project could use some of that money or the Council could choose to not do the work at all. Dannhaus explained that there is $550,000.00 of the CO money that has not been allocated to any projects as of yet.

Councilmember Barnes-Tilley asked that if the council approved this funding what street projects would not get funded? Lischka stated that if there were any reconstruction projects already in the street department budget then those projects would get postponed. Public Works Director Dane Rau provided Council with a list of streets that are scheduled to be reconstructed and if the CO money is not used some of the budgeted street improvements would have to be put on hold.

Councilmember Ebel stated that he believes the project needs to be done so that it will be a finished product.

Councilmember Goss stated that he is not in favor of the project due to there already being overages in spending. Lischka explained that the overages were from Texas Department of Transportation (TXDOT) requiring the city to do some of the signals and stripping on Market Street due to the TXDOT's lane realignment of Market Street at Chappel Hill Street.

REGULAR AGENDA

6. Discuss and Possibly Act Upon the 2015 Holiday Schedule

Human Resource Manager Susan Nienstedt presented this item. Nienstedt advised Council that the 2015 schedule provides for the same twelve (12) holidays as approved for 2014.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve the 2015 holiday schedule as presented.

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

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

7. Discuss and Possibly Act Upon the Purchase of Group Term Life and Accidental Death and Dismemberment and Long Term Disability Coverage and Authorize the Mayor to Execute Any Necessary Documentation

Risk Manager Janie Mehrens presented this item. Mehrens advised Council that the group term life and accidental death and dismemberment and long term disability policies with Lincoln Financial Group terminate on December 31, 2014. She stated that proposals for replacement coverage, effective January 1, 2015, were sought and proposals from three (3) companies: Lincoln Financial Group, The Municipal Pool and Sun Life of Canada.

Mehrens advised Council that staff is recommending Sun Life of Canada as their prices resulted in rates 13% lower with final rates as follows:

$0.16 per $1,000 base salary – Employee Basic Life
$0.02 per $1,000 base salary – Employee Basic AD&D
$0.24 per $100 base salary - LTD

Mayor Pro Tem Nix asked why we were not using Lincoln Financial Group. Purchasing Manager Sara Parker stated that Lincoln Financial Group did not meet the requirements of the bid process.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Herring to approve the purchase of Group Term Life and Accidental Death and Dismemberment and Long Term Disability coverage from Sun Life of Canada at the rates presented and authorize the Mayor to execute any necessary documentation.

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

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

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

Risk Manager Janie Mehrens presented the item. Mehrens explained that for many years, City Council has approved on an annual basis an ordinance providing for updated service credit and an increase in retirement annuities of 70% of the Consumer Price Index, as provided through the Texas Municipal Retirement System. Mehrens stated that in order to make any changes in any provision of the City's plan in TMRS, an ordinance must be approved by the Council. She also advised Council that the funding rate for the City will decrease from 6.98% to 6.35% effective January 1, 2015.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve an Ordinance on its first reading providing for updated service credit and an increase in retirement annuities in the Texas Municipal Retirement System, effective January 1, 2015.

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

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

9. Discuss and Possibly Act Upon a Request for a Noise Variance for Home Sweet Farm Market Located at 307 S. Park Street and Authorize the Mayor to Execute Any Necessary Documentation

City Secretary Jeana Bellinger presented this item. Bellinger explained that Brad Stufflebeam with Home Sweet Farm Market submitted a noise variance request to have live music (1-2 persons with acoustic guitars) on the 1st and 3rd weekend of each month on Saturday from 6:00 p.m. to 9:00 p.m. and on Sunday from 11:00 a.m. to 4:00 p.m. Bellinger stated that the only business near the market is Ant Street and Mr. Stufflebeam has already contacted them and will coordinate the music for days there are no weddings.

Mr. Stufflebeam was present and explained to the Council that he will have music playing outside while the market is open. He said they will have an acoustic guitar and a brother/sister duet singing.

City Attorney Cary Bovey advised the Council that since there is not an end date for the noise variance the Council should consider adding an end date. Councilmember Barnes-Tilley asked if they could extend it for six months or a year. Attorney Bovey stated that would be acceptable. Councilmember Barnes-Tilley suggested the Council approve the noise variance for a six month period to be renewed by the City Manager if there are no issues or complains about it.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve a request for a noise variance for Home Sweet Farm Market located at 307 S. Park Street for a six month period with an additional six month renewal by the City Manager if there are no complaints received by the City and authorize the Mayor to execute any necessary documentation.

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

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

10. Discuss and Possibly Act Upon Change Order No. 1, Change Order No. 2, Change Order No. 3 (Reconciliation) and Authorize Final Payment to Dudley Construction, Ltd. for the Utility Line Extension Along State Highway 36 North and Burleson Street and Authorize the Mayor to Execute Any Necessary Documentation

Public Utilities Director Lowell Ogle presented this item. Ogle advised Council that Dudley Construction, Ltd. has completed the work to extend water service to the recently annexed area along Highway 30 North and Burleson Street. He explained that the project did have three (3) change orders but the total project came in at $49,871.13 below the original contract price.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve Change Order No. 1 for a reduction of $1,767.93, Change Order No. 2 for a reduction of $50,299.20, Change Order No. 3 (Reconciliation) for an increase of $2,196.00 and approve final payment in the amount of $48,759.71 to Dudley Construction, Ltd. for utility line extension along State Highway 30 North and Burleson Street and authorize the Mayor to execute any necessary documentation.

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

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

11. Discuss and Possibly Act Upon an Ordinance on Its First Reading Authorizing the Placement of Stop Signs on S. Day Street at its Intersection with Charles Lewis Street

Public Works Director Dane Rau presented this item. Rau advised Council that during the last council meeting staff recommended placing additional stop signs on S. Day Street at its intersection with Charles Lewis in order to slow down vehicles traveling from Tom Green and W. Fifth. Rau explained that the additional stop signs were discussed with the residents adjacent to this intersection and all of them are in favor. Rau recommended to Council that this ordinance, converting this intersection from a 2-way stop to a 4-way stop, be approved on its first reading.

Councilmember Herring advised Council that he went to this intersection and based on the traffic he observed, he does not feel the additional stop signs are needed at this time.

Citizen Carol Dippel-Webber addressed the Council and stated that people living in that area have been to council meetings before asking that extra stop signs be added to the intersection. She explained that motorists drive fast through this intersection street and she is worried about the pedestrians.

A motion was made by Councilmember Ebel and seconded by Councilmember Barnes-Tilley to approve an Ordinance on its first reading authorizing the placement of stop signs on S. Day Street at its intersection with Charles Lewis Street.

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

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

12. Discuss and Possibly Act Upon Resolution No. R-14-025 in Support of a Request to the Texas Department of Transportation for the Placement of Stop Signs on College Avenue at its Intersection with S. Day Street

Public Works Director Dane Rau presented this item. Rau advised Council that he received a request from St. Paul's Christian Day School outlining their concerns and asking for support in approaching TxDOT about placing stop signs on College Avenue where it intersects with S. Day Street. Rau stated that this portion of College Avenue is considered FM 389 and is State right-of-way; therefore, the City does not have the authority to place stop signs on College Avenue but can is willing to assist St. Paul's in their effort if directed by Council to do so.

Rau explained that this Resolution, if approved by Council, will be presented to TxDOT for their consideration.

Councilmember Barnes-Tilley expressed concern about traffic backing up at the intersection. Rau explained that it is an area that they will watch closely to see if that happens. Mayor Tate said that the Council could choose to go back to the original two stop signs if that occurred.

Councilmember Goss questioned whether the City would be placing the stop signs or if TXDOT would take care of it. Rau stated that the City will be responsible for putting up the signs and the estimated cost to the City will be about two hundred dollars.

A motion was made by Councilmember Williams and seconded by Councilmember Ebel to approve Resolution No. R-14-025 in support of a request to the Texas Department of Transportation for the placement of stop signs on College Avenue at its intersection with S. Day Street.

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

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

13. Discuss and Possibly Act Upon Change Order No. 2 to Collier Construction, LLC for the Extension of Chappell Hill Street and Authorize the Mayor to execute Any Necessary Documentation

City Engineer Grant Lischka presented this item. Lischka explained that Change Order No. 2 for the Chappell Hill Street Extension contains deductions for value engineering items and will save the City $21,440.93 if approved.

Lischka also explained that the majority of the savings, approximately $20,000.00, is on the south end of Chappell Hill Street, which is the Kruse portion of the project. The other $1,400.00 savings would be on the portion that the city is paying for. Lischka reminded Council that the whole project is being funded 75% by the developer (Kruse Family) and 25% by the Brenham Community Development Corporation (BCDC).

A motion was made by Councilmember Ebel and seconded by Councilmember Herring to approve Change Order No. 2 to Collier Construction, LLC for a reduction of $21,440.93 for the extension of Chappell Hill Street and authorize the Mayor to execute any necessary documentation.

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

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

The Council adjourned into Executive Session at 1:53 p.m.

EXECUTIVE SESSION

14. Section 551.073 – Texas Government Code – Deliberation Regarding Prospective Gift – Discussion Regarding Prospective Gift(s)/Donations(s) of Real Property for City Street Right -of-Way Purposes

Executive Session adjourned at 2:35 p.m.

REGULAR AGENDA

15. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- The draft agenda for the December 4th Council meeting will be ready on Wednesday, November 27th due to the Thanksgiving Holidays.
- There will be a Charter workshop following the Council meeting on December 4th.

- On Sunday, November 23rd there will be a ribbon cutting at 4:00 p.m. for the new Alton Elementary School.
- The Fire Department Christmas Party will be December 6th at 6:00pm.
- On Friday, December 5th, the Christmas Stroll will be held in downtown beginning at 6:00pm.
- There was an Audit Committee meeting. The City's financial advisor, Garry Kimball, says the city could refinance about $4,000,000.00 of pass thru toll financing from a few years back and save about $250,000.00 over the next five years or about $50,000 a year if we refinance after the first of the year.
- The Parks Board meeting will be held December 10th at noon and will be discussing the final stages of the Parks Master Plan.

The meeting was adjourned.

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Milton Y. Tate, Jr.
Mayor

____

Jeana Bellinger, TRMC
City Secretary

AGENDA ITEM 5

DATE OF MEETING: December 18, 2014 **DEPT. OF ORIGIN:** Development Services	**DATE SUBMITTED:** December 15, 2014 **SUBMITTED BY:** Grant Lischka

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

AGENDA ITEM DESCRIPTION: Presentation and Update Regarding Old Mill Creek Road Right-Of-Way

SUMMARY STATEMENT: Staff has coordinated with our surveyor to finalize a layout of developable lots within the old railroad right-of-way along Old Mill Creek. Staff would like to begin earthwork on the property to get the lots into sellable fashion. Adjoining property owners have been notified, by mail, of the upcoming work. As discussed with Council earlier in the year, the existing streets that do not currently connect to Old Mill Creek Road (Dixie Street, Cornish Street and Hampshire Drive) will remain that way. All lots off of these street will be accessed from cul-de-sacs rather than from Old Mill Creek Road.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS:

B. CONS:

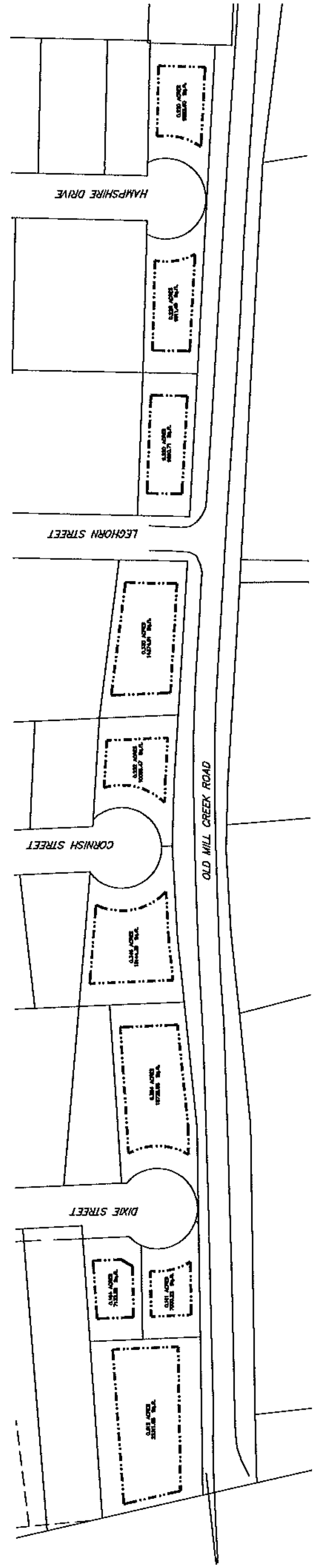
ALTERNATIVES (In Suggested Order of Staff Preference): N/A

ATTACHMENTS: (1) Layout of Lots

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: Discussion only

APPROVALS: Terry K. Roberts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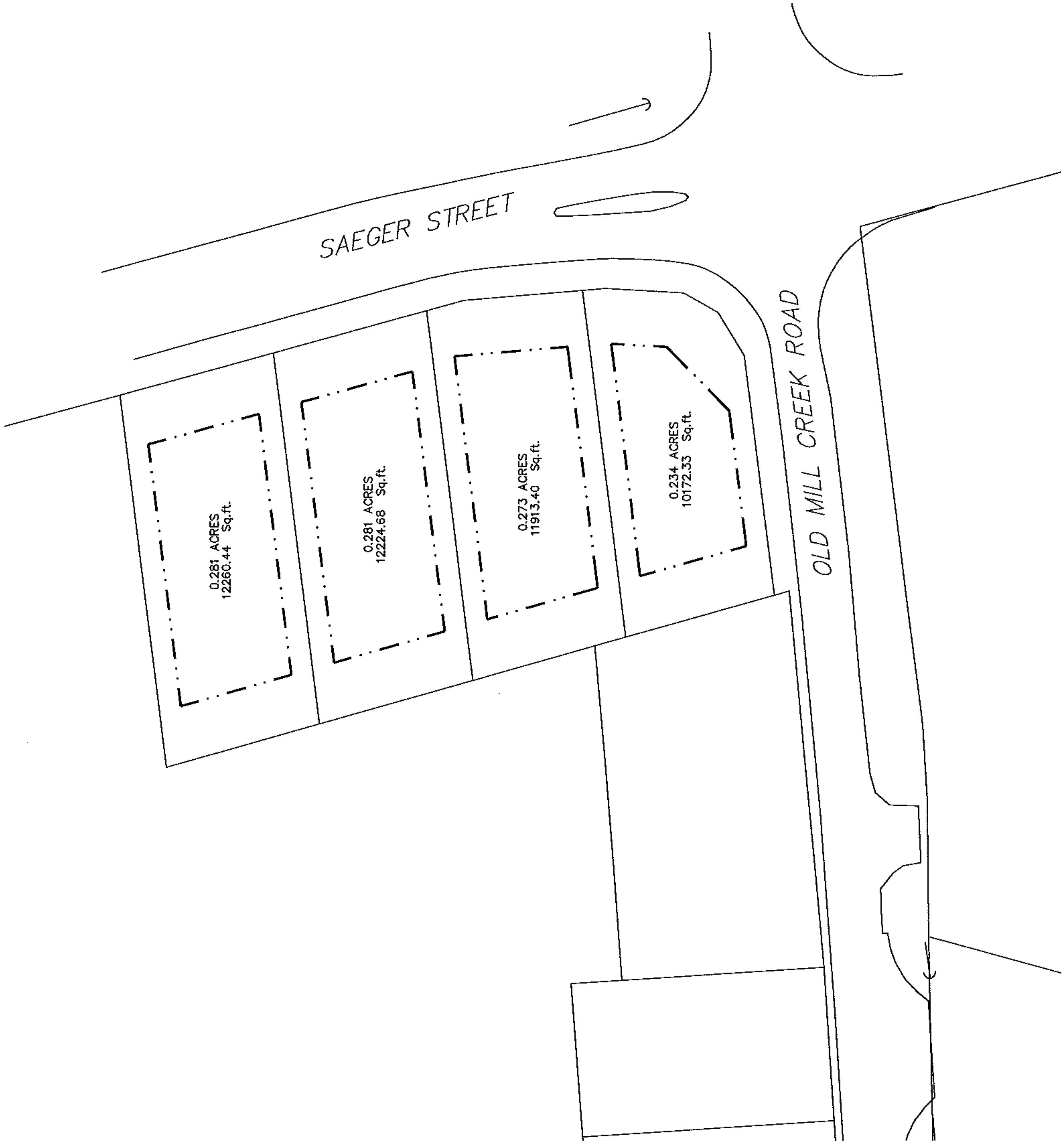
LEGHORN STREET
OLD MILL CREEK ROAD
CORNISH STREET
DIXIE STREET


SAEGER STREET
OLD MILL CREEK ROAD
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12260.44 Sq.ft.
0.281 ACRES
12224.68 Sq.ft.
0.273 ACRES
11913.40 Sq.ft.
0.234 ACRES
10172.33 Sq.ft.

AGENDA ITEM 6

DATE OF MEETING: December 18, 2014 **DEPT. OF ORIGIN:** Main Street	**DATE SUBMITTED:** December 12, 2014 **SUBMITTED BY:** Wende Ragonis

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

AGENDA ITEM DESCRIPTION: Presentation and Update Regarding Wayfinding Signage.

SUMMARY STATEMENT: A Wayfinding Signage Program makes it easier for locals and visitors in a community to navigate from place to place. A comprehensive and well planned signage program connects vehicular traffic from all entry points to the community's attractions such as Downtown and where appropriate, provides guidance for pedestrians to amenities like pocket parks and restrooms.

The City of Brenham's Downtown Master Plan which was adopted by Council in 2012 highlights the importance of "defining the way" for visitors coming to the downtown area. The Main Street Board and Planning Committee which participated in the development of the Downtown Master Plan assigned a sub-committee to research a wayfinding program. The members of the sub-committee include: Chairman Melinda Faubion, downtown property owner Charlie Pyle, architect and design committee member Elizabeth Price, Chamber President Page Michel, Councilmember Mary Barnes-Tilley, Main Street Manager Jennifer Eckermann, and Director of Development Services Julie Fulgham (replaced by Director of Community Services, Wende Ragonis). This committee worked with Purchasing Services within the City to issue an RFP and select a vendor, fd2s. There were five proposals responding to the request of which the committee along with purchasing staff interviewed three. The proposal from fd2s is attached.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. **PROS:**

B. **CONS:**

ALTERNATIVES (In Suggested Order of Staff Preference): N/A

ATTACHMENTS: (1) Proposal from fd2s

FUNDING SOURCE (Where Applicable): FY15 Main Street Department Budget of $20,000 and contribution by Brenham Main Street Historical Preservation, Inc. of $28,000.

RECOMMENDED ACTION: Discussion only.
APPROVALS: Terry K. Roberts

fd2s
Design Consultants

2021 E 5th St, Ste 100
Austin TX 78702

512 476 7733
fd2s.com

City of Brenham

fd2s Proposal

Consultation Services for Wayfinding Signage Project

fd2s
Design Consultants

2021 E 5th St, Ste 100
Austin TX 78702

512 476 7733
fd2s.com

16 October 2014

Ms. Jennifer Eckermann
Main Street Manager
City of Brenham
200 W. Vulcan St.
Brenham TX 77833

Re: Proposal for Consultation Services for Wayfinding Signage Project

Dear Ms. Eckermann:

Thank you for the opportunity to submit this proposal to provide Consultation Services for Wayfinding Signage Project for the City of Brenham. The approach and schedule we outlined in our RFQ response is still valid and repeated in this proposal. It includes 9 in-person meetings in Brenham. Upon your review, if we need to modify or tweak the approach and scope, please let me know and we will accommodate.

Thank you, we look forward to working with you and the wayfinding committee. If you have any questions, or require any additional information, please feel free to contact me via email (sstamper@fd2s.com) or by phone (512.476.7733)
at any time.

Sincerely,

Steven L. Stamper SEGD
Principal

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Project Approach

SECTION 1

Scope of Services

PROJECT APPROACH

Task 1: Preliminary Research; On-Site Wayfinding Audit and Validation

fd2s will conduct one or more phone conferences with the City of Brenham (City), the City's Main Street Program (Committee), and key stakeholders to prepare for a series of on-site activities and establish a rapport among key team members. We will also perform a thorough review of the City's web presence and brand initiatives, and explore other materials such as maps, visitors guides, and federal, state, and county requirements. In addition, we will review the *Downtown Brenham Master Plan*, in order to further our understanding of the history, culture, physical environment, and arterial roadways of the City.

fd2s will then engage in an intensive on-site research session spending approximately two days in Brenham, developing a thorough understanding of the City's desired brand position and immersing themselves in the wayfinding issues faced by residents and visitors.

Activities during this visit will include:

- *Existing conditions review* – fd2s will examine the key routes and circulation patterns into the area, as well as major destinations and pedestrian and bicycle routes through the community. The team will also develop a photographic inventory of representative existing conditions for use in future analysis, design work, and presentations.
- *City navigation exercises* – The team will experience the City from the viewpoints and mindsets of various users – such as holiday visitors, travelers passing on nearby highways, local residents who do not frequently visit the historic downtown, senior citizens, and the disabled.
- *Meeting(s) with the City* – fd2s will conduct interviews with appropriate City staff to learn about existing in-house sign production capabilities, maintenance procedures for signage and placemaking elements, as well as any new development or capital improvement projects on the horizon.
- *Meeting(s) with City staff and the Committee* – We will meet with City staff and the Committee to discuss guiding principles, expectations, inclusion criteria, and schedule, as well as institutional identity and graphic standards issues, and develop a thorough understanding of the City's brand positioning efforts and objectives of the wayfinding program.
- *Meeting(s) with other stakeholders* – We will also meet with other relevant stakeholders (not included in the groups above), and will participate in a community input session organized by City staff to solicit input on its history, key destinations and locations, and any preconceptions related to the design vocabulary of the wayfinding elements.

Following these on-site exercises, we will prepare a brief summary of our findings and present it to City staff, the Committee, and key stakeholder representatives. This summary – and the feedback it generates – will help to ensure a proper focus for our recommended wayfinding signage concepts. We will also document these findings and analysis in a concise document that will be presented to the group in Brenham.

Task 2: Initial Location Strategy and Design

fd2s will then use the Task 1 findings in the development of preliminary signage concepts for wayfinding for the City and its historic downtown.

The preliminary signage concepts will include two-three conceptual design approaches to meet the City's wayfinding needs. The strategy and conceptual designs will be documented using a combination of text descriptions, reference images, scaled drawings of representative wayfinding elements, preliminary location plans, and photomontages as appropriate.

PROJECT APPROACH

This wayfinding signage documentation will address issues such as:

· The range of signage elements that will make up the overall program
· Specific strategies for effectively directing people into and through the downtown area as well as direct to other important landmarks, parking areas, historic buildings and districts, civic institutions, recreational amenities, and other major destinations.
· Aesthetic and functional approaches that will link the signage and wayfinding program to the City's brand position
· Identification of key destinations and confirmation of the corresponding criteria for qualifying these destinations
· Preliminary locations for key signage elements
· Review preliminary locations with TxDOT for key TxDOT signage (as appropriate)
· Preliminary probable costs signage elements
· Other issues identified in the research and analysis process.

fd2s will make a preliminary presentation of these concepts to the City staff, the Committee, and key stakeholders in Brenham. fd2s will then revise the materials based on input from this meeting, and present the revised concepts in Brenham to the City Council, City staff, the Committee, and key stakeholders, and community groups, as appropriate.

Task 3: Final Location Strategy and Selected Design Concepts
Following approval of the conceptual design and placement of key signage elements (including TxDOT signage), fd2s will prepare final design documentation of the sign type family that will make up the wayfinding program.

The consolidated document will include:

· Color palettes
· Typography
· Materials and finishes
· Sizes and forms for wayfinding signage elements
· Styles for orientation maps (not actual artwork)
· Information hierarchy
· Inclusion criteria for destinations
· Destination nomenclature
· Elevations
· Side views
· Location plans for the wayfinding signage
· Message schedule for the wayfinding signage
· Preliminary probable costs for the wayfinding signage
· Recommendations regarding project implementation phasing (if required)

While the exact nature of elements that will be included in the overall wayfinding signage program will be determined during the planning process, it is likely to consist of some combination of the following:

· TxDOT trailblazer signage
· Modifications/enhancements to existing signage elements (if appropriate)
· Gateway identification elements (if appropriate)
· Vehicular directional signage

PROJECT APPROACH

· System for the display of seasonal or event-specific pageantry
  – *Actual banner designs are not included in this scope*
· Pedestrian directional signage
  – *Including basic orientation maps, as appropriate (style references; not actual artwork)*
· Pedestrian information kiosks
· District identification signage
· Parking identification signage
· Draft maintenance plan

fd2s will make one preliminary presentation of the Task 3 materials to the City staff, the Committee, and key stakeholders in Brenham, and will then make any necessary revisions before presenting the final materials to the City Council. fd2s will then modify the material (if required) and present to the City staff, the Committee, and key stakeholders via web conference.

Task 4: Design Intent Drawings
Utilizing the approved Task 3 materials, fd2s will prepare documentation suitable for use in the solicitation of fabrication and installation bids from signage fabricators, and for use by the selected fabricator in the development of shop drawings.

This documentation may include:
· Dimensioned elevations
· Dimensioned sections
· Dimensioned details
· Project specifications
· Final signage location plans
· Final message schedule
· Electronic versions of graphic elements required for signage fabrication, such as custom symbols, background patterns, etc.
· Bid Forms
· Probable costs for the wayfinding signage

Note that the acquisition and/or modification of any photography or illustration is considered a production-related expense, and is not included in the fees or expenses proposed in this document.

fd2s will make one preliminary presentation of the Task 4 materials to the City staff, the Committee, and key stakeholders via web conference, and will then make any necessary revisions before presenting the final materials to the City staff, the Committee, and key stakeholders in Brenham.

Task 5: Bidding and Contract Administration
fd2s will provide the following services during fabrication and installation of the signage elements:
- Provide the City with specifications and scope of work for the City to conduct the bid process
- Issue clarification drawings and respond to requests for information, as required
- Assist client with the evaluation of bids, including the evaluation of any signage contractor (further referred to as "contractor")-suggested savings
- Review contractor's submittals and shop drawings for compliance with the contract documents
- Review material samples/mock-ups provided by contractor
- Perform a pre-installation visit to the City to review the final locations for signage installation

PROJECT APPROACH

- Perform a post-installation visit to the City and prepare a written punch-list report noting inaccuracies, changes, or acceptance of the work
- Perform a post-punch-list visit to the City and prepare a written acceptance of the work report

During signage fabrication, fd2s will observe the progress and quality of the work performed by the contractor. Such observation is not intended to be an exhaustive check or detailed inspection of the contractor's work but rather to allow fd2s to determine that the work is proceeding in general accordance with the documentation.

fd2s will not supervise, direct, or otherwise control the contractor's work nor have any responsibility for the means, methods, techniques, or procedures employed by the contractor, nor for their safety precautions or programs. These rights and responsibilities are solely those of the contractor.

fd2s will not be responsible for any acts or omissions of the contractor, their subcontractors, or any other entity performing any portion of the work. fd2s does not guarantee the performance of the contractor and shall not be responsible for any contractor's failure to perform the work in accordance with the documentation or any applicable laws, codes, rules, or regulations.

Project Schedule Summary (upon notice to proceed)*

Task 1: Preliminary Research	2 weeks
Task 2: Initial Location Strategy and Design	
Preliminary Presentation	2 weeks
Final Presentation	2 weeks
Task 3: Final Location Strategy and Selected Design Concepts	
Concept Presentation	3 weeks
Final Presentation	3 weeks
Task 4: Design Intent Drawings	
Preliminary Presentation	2 weeks
Final Presentation	2 weeks
Task 5: Bidding and Contract Administration	3 weeks
Total	**19 weeks**

* Schedule shown above assumes prompt approvals from Client

Client's Responsibilities

The fees proposed below assume that the client will be responsible for the following:

· Appointment of a sole representative with full authority to provide or obtain any necessary information and approvals required by the design team.
· Coordination of the decision-making process with other parties.
· Timely communication of administrative or operational decisions that affect the design or production of signage or graphic items; coordination of required public approvals and meetings.
· Timely provision of accurate and complete information and materials requested by designers such as area maps, GIS, city code information, etc.
· Provision of approved nomenclature; securing approvals for copy from third parties if necessary.
· Final proofreading and written sign-off on all project documents including message schedules, sign location plans, and design drawings, before their release for fabrication or installation. Final proofreading and written sign-off is the exclusive responsibility of the client; neither fd2s nor their suppliers will accept responsibility for errors in final copy.

PROJECT APPROACH

· Arranging for the documentation and implementation of all electrical, structural, or mechanical elements needed to support, house, or power signage; coordination of sign installation with other trades.
· Establishment of specific invoicing procedures for fd2s to ensure timely payments. Payment of fd2s invoices is due within thirty (30) days from receipt of invoice. A service charge of 1.5% of the invoice amount per month would be applied to any past due accounts.

Compensation Schedule

SECTION 2

Compensation

Professional Services

Task 1: Preliminary Research	$7,500
Task 2: Initial Location Strategy and Design	$9,000
Task 3: Final Location Strategy and Selected Design Concept	$9,000
Task 4: Design Intent Drawings	$7,500
Task 5: Bidding and Contract Administration	$12,000
Reimbursable Expenses	$3,000*
Total	**$48,000**

Reimbursable Expenses*

Reimbursable and production-related expenses are **estimated** at approximately ±7% of the fixed fee, or $3,000. We anticipate these expenses would include travel, document reproduction, shipping and postage, and incidentals for stated tasks.

Note that these fees do not include production-oriented costs such as generation of map artwork, signage samples and mock-ups, or the acquisition or computer manipulation of any required photography or illustration. Reimbursable expenses will be invoiced only as they are incurred by fd2s.

Client objections to an invoice or portion thereof, must be stated in writing within fifteen (15) calendar days after receipt. The undisputed portion of an invoice will not be deferred with the amount in question and will be paid to fd2s without delay.

Terms stated in this document are valid for a thirty (30) day period from the date of this proposal.

Additional Services

Compensation for additional services, if not agreed upon as a lump sum, will be based on fd2s standard hourly billing rates, as noted below.

fd2s' Standard Hourly rates - 2014 (assume a 3% escalation annually):

Role	Hourly Rate
Principal	$225 USD
Lead Designer & Project Manager	$200 USD
Senior Designer	$175 USD
Designer	$120 USD
Support	$75 USD

Agreement and Acceptance

If this proposal is acceptable, please provide your signature and the date and return one copy to us. Terms stated in this document are valid for a thirty (30) day period from the date of this proposal.

fd2s (a Texas Corporation):	City of Brenham:
______________________________	______________________________
Signature	Signature
Steven L. Stamper, Principal _________	______________________________
Printed name and title	Printed name and title
16 October 2014__ ______________	______________________________
Date	Date

AGENDA ITEM 7

DATE OF MEETING: December 18, 2014 **DEPT. OF ORIGIN:** Main Street	**DATE SUBMITTED:** December 12, 2014 **SUBMITTED BY:** Wende Ragonis

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

AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Acceptance of a Donation in the Amount of $28,000.00 from Brenham Main Street Historical Preservation, Inc. for a Wayfinding Signage Program and Authorize the Mayor to Execute Any Necessary Documentation

SUMMARY STATEMENT: Brenham Main Street Historical Preservation, Inc. would like to make a donation to the City of Brenham of $28,000 to be utilized for the Wayfinding Signage Program.

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: Accept a donation in the amount of $28,000 from Brenham Main Street Historical Preservation, Inc. for a wayfinding signage program and authorize the Mayor to execute any necessary documentation

APPROVALS: Terry K. Roberts

AGENDA ITEM 8

DATE OF MEETING: December 18, 2014 **DEPT. OF ORIGIN:** Community Services	**DATE SUBMITTED:** December 12, 2014 **SUBMITTED BY:** Wende Ragonis

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

AGENDA ITEM DESCRIPTION: Discuss and Possibly Act upon Resolution No. R-14-026 Adopting a New Fee Schedule for the City of Brenham's Parks and Recreation Department

SUMMARY STATEMENT: The City of Brenham publishes a Parks and Recreation Guide for visitors and residents as a reference to the City's recreational community services. While most of the Parks and Recreation amenities and programs are offered to the public with no cost, there are fees for services such as: facility rentals, admission to the BBAC, private swim lessons and some recreational programming. At the October 8, 2014 Parks Advisory Board meeting, the Board approved changes to the 2015 Parks and Recreation rates.

Staff included a comprehensive schedule of 2015 rates for park facilities and recreational programming. If approved, these rates will be published in the 2015 Parks and Recreation Guide.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. **PROS:**

B. **CONS:**

ALTERNATIVES (In Suggested Order of Staff Preference): N/A

ATTACHMENTS: (1) Resolution No. R-14-026; and (2) Parks and Recreation 2015 Rate Schedule

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: Approve Resolution No. R-14-026 adopting a new fee schedule for the City of Brenham's Parks and Recreation Department

APPROVALS: Terry K. Roberts

RESOLUTION NO. R-14-026

A RESOLUTION OF THE CITY OF BRENHAM, TEXAS ADOPTING A NEW FEE SCHEDULE FOR THE CITY OF BRENHAM'S PARKS AND RECREATION DEPARTMENT

WHEREAS, Chapter 19, Parks and Recreation, of the Code of Ordinances authorizes the City Council to adopt fees for all parks and recreation activities; and

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

The City Council hereby adopts the attached fee schedule for park facilities and recreation programs.

PASSED and **APPROVED** on this 18TH day of December, 2014.

____
Milton Y. Tate, Jr.
Mayor

ATTEST:

____
Jeana Bellinger, TRMC
City Secretary

2015 Parks and Recreation Schedule of Rates

Facility Rentals

	Half day	Whole day
All Sports Building		$125
Fireman's Kitchen	$65	$90
with Finke Pavilion		$300
Fireman's Rock Room	$45	$60
Henderson Kitchen	$45	$60
Jackson Street Kitchen	$45	$60
Amphitheatre	$75	$125

Half days are 7am - 2pm or 3pm - 10pm
Whole days are 7am - 10pm
All rentals require a $100 deposit

Field Rentals

Baseball/Softball Fields	
Resident	$50
Non-resident	$100
Fireman's Field	$150
Additional Field Prep	$25/prep

Multipurpose/Athletic Fields	
Resident	$40
Non-resident	$75
Rankin Field	$150

Above listed prices are per field per day.
Fields require a $50 deposit per field.
Prices include initial field prep and lighting.

Blue Bell Aquatic Center

	Non-Summer	Summer
Daily Admission	$4.00	$5.00
Children 3 & under	$2.00	$3.00

	Monthly	Annual	Summer
Individual	$35	$250	$85
Seniors (55+)	$25	$200	
Family	$55	$450	$145

Locker Rentals

	Large Locker	Small Locker
Year	$150	$100
Semester	$65	$45
Month	$15	$10

Private Party Rentals

Therapy	$200
Competition	$250
Outdoor Leisure	$300

Other Party Rentals:	
Snack Pack	$2.50 per person
Meal Pack	$5.00 per person
Outside Tables	$10 (2 hour rental)
Party Pavilion	$20 per hour
Party Room	$20 per hour

Programs

Water Works	$20 + pool pass
AquaCARDIO	$20 + pool pass
Adult Lap Swim Pass	$10
Junior Guard	$75
Swim Lessons	
-Spring & Fall	$25
-Summer	$25
-Summer 1 (1 week class)	$50
-Summer 2 (2 week class)	$75
Water Babies	$25
Private Swim Lessons	$70
Adult Swim Lessons	$15/half hour
Lifeguard Training	$200
Lifeguard Instructor	$250
Lifeguard Recertification	$100
Athletic Programs	$35
Splish Splash Spring Break	$5.00/week
Half day Summer Camp	$125/week
Camp CASCADE	$75

City of BRENHAM

AGENDA ITEM 9

DATE OF MEETING: December 18, 2014 **DEPT. OF ORIGIN:** Development Services	**DATE SUBMITTED:** December 10, 2014 **SUBMITTED BY:** Grant Lischka

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-14-027 in Support of Jefferson Square Housing Ltd.'s Submission of an Application to the Texas Department of Housing and Community Affairs Requesting 2015 Housing Tax Credits for the Acquisition and Rehabilitation of Jefferson Square Apartments, located at 801 W. Jefferson Street.

SUMMARY STATEMENT: Jefferson Square Housing, Ltd. is requesting support of their Texas Department of Housing and Community Affairs tax credit application for the acquisition and rehabilitation of the development of affordable rental housing known as Jefferson Square Apartments located at 801 W. Jefferson Street. Applications for the tax credit benefits are scored on a number of factors and applications may qualify for up to seventeen points for a resolution or resolutions from the municipality and/or county in which the proposed development site is located. Resolutions that expressly set forth that the municipality or county supports the Application or Development are worth maximum points while resolutions setting forth that the municipality or county has no objection to the Applicant or Development are worth fewer points.

Jefferson Square Apartments is an existing 44 unit affordable housing development that is showing signs of aging and need of repair. Jefferson Housing, Ltd. is proposing to acquire the property and rehabilitate the development, thus, greatly extending its useful life and offering quality rental housing to the citizens of Brenham.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. **PROS:** Providing support to the project can garner the application approximately 17 points.

B. **CONS:**

ALTERNATIVES (In Suggested Order of Staff Preference): (1) Approve the Resolution or (2) Deny Approval of the Resolution

ATTACHMENTS: (1) Resolution No. R-14-027

FUNDING SOURCE (Where Applicable):
RECOMMENDED ACTION: Approve Resolution No. R-14-027 in support of Jefferson Square Housing Ltd.'s submission of an application to the Texas Department of Housing and Community Affairs requesting 2015 Housing Tax Credits for the acquisition and rehabilitation of the development of affordable rental housing known as Jefferson Square Apartments located at 801 W. Jefferson Street.
APPROVALS: Terry K. Roberts

RESOLUTION NO. R-14-027

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS IN SUPPORT OF JEFFERSON SQUARE HOUSING, LTD.'S SUBMISSION OF AN APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS REQUESTING 2015 HOUSING TAX CREDITS FOR THE ACQUISITION AND REHABILITATION OF JEFFERSON SQUARE APARTMENTS, LOCATED AT 801 W. JEFFERSON STREET, BRENHAM, TEXAS

WHEREAS, Jefferson Square Housing, Ltd. has proposed the acquisition and rehabilitation of the Jefferson Square Apartments located at 801 W. Jefferson St. for the development of affordable rental housing in the City of Brenham, Washington County, Texas; and

WHEREAS, Jefferson Square Housing, Ltd. has communicated that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2015 Housing Tax Credits for the Jefferson Square Apartments development; and

WHEREAS, in accordance with Section 11.9(d)(1)(A) of the Qualified Allocation Plan, an application may qualify for points for a resolution voted on and adopted by the governing body expressly setting forth that the City of Brenham, Washington County, Texas supports the Jefferson Square Apartments; and

WHEREAS, the City of Brenham, Washington County, Texas, acting through its governing body, hereby confirms that it supports the proposed Jefferson Square Apartments located at 801 W. Jefferson St. and that this formal action has been taken to put on record the opinion expressed by the City of Brenham, Washington County, Texas on December 18, 2014; and

WHEREAS, the City of Brenham, Washington County, Texas hereby supports the proposed Jefferson Square Apartments, and confirms that its governing body has voted specifically to approve the construction/rehabilitation of the Development and to authorize an allocation of Housing Tax Credits for the Development pursuant to Texas Government Code §2306.6703(A)(4); and

WHEREAS, that for and on behalf of the City Council of the City of Brenham, Milton, Y. Tate, Mayor, is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs; and

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

The City Council hereby confirms its support of Jefferson Square Housing, Ltd.'s proposed acquisition and rehabilitation of the Jefferson Square Apartments located at 801 W. Jefferson St. for the development of affordable rental housing in the City of Brenham, Washington County, Texas; further, the City Council supports the Developer's application to the Texas Department of Housing and Community Affairs requesting 2015 Housing Tax Credits for the Jefferson Square Apartments development.

APPROVED on this 18th day of December, 2014.

____
Milton Y. Tate, Jr.
Mayor

ATTEST:

____
Jeana Bellinger, TRMC
City Secretary

AGENDA ITEM 10

DATE OF MEETING: December 18, 2014 **DEPT. OF ORIGIN:** Finance	**DATE SUBMITTED:** December 15, 2014 **SUBMITTED BY:** Carolyn D. Miller

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

AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on its First Reading Amending the FY2013-14 Adopted Budget and Authorize the Mayor to Execute Any Necessary Documentation

SUMMARY STATEMENT: Highlights of the second and final amendment to the FY2013-14 budget include the following revenue increases: General Fund revenues for Gas Fund franchise tax and Library grant proceeds, City HOT taxes for increased collections and refunds received; Donations Fund revenues for animal shelter capital donations; 2014 Capital Projects Fund for the library's 501(c)(3) board's 2nd contribution for the library renovation and expansion project and Debt Service Fund revenues for the proceeds of the 2014 GO Refunding Bonds. Also, revenues in all 5 utility funds are being increased due to higher sales and a LCRA refund received (Electric). The amendment includes a decrease in revenues for the Airport Capital Improvement Fund for grant revenues that will not be received until FY15.

Expenditures are being increased due to the following: Purchase of library technology items in the General Fund covered by a grant, payments associated with the 2014 GO Refunding Bonds; a BCDC capital outlay related to park infrastructure and architect & engineering expenses for the new animal shelter and library expansion. Expenditures are being decreased in several funds because budgeted expenses for large projects in these funds will not be incurred until FY15. In the Utility Funds, expenditures are being increased because of higher generation rates incurred (Electric & Gas), higher franchise tax (Gas), the completion of additional projects (Electric & Water), higher electricity costs (Wastewater), additional transfer runs to the landfill (Sanitation) and the purchase of a cardboard bailer (Sanitation).

Other budget amendment items include transfers between funds for a BCDC capital project and for street materials purchased by the Water Fund and contributed to the General Fund for a street reconstruction project.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS:

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Ordinance; and (2) Exhibit A (Amendment Number 2)
FUNDING SOURCE (Where Applicable):
RECOMMENDED ACTION: Approve an Ordinance on its first reading amending the FY2013-14 adopted budget.
APPROVALS: Terry K. Roberts

ORDINANCE NO. ___________

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING THE FY2013-14 ADOPTED BUDGET; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Brenham, Texas has previously approved a budget for the fiscal year ending September 30, 2014, after having filed the same with the City Secretary and after holding public hearings on same, all after due notice as required by statute; and

WHEREAS, due to unforeseen circumstances and/or conditions, the City Council finds it is necessary to amend the FY2013-14 Budget for municipal purposes;

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

SECTION 1.

That the City Council of the City of Brenham, Texas, does hereby amend the budget for the City of Brenham, Texas for the fiscal year ending September 30, 2014, as shown on Exhibit A.

SECTION II.

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

PASSED and APPROVED on its first reading this the 18th day of December, 2014.

PASSED and APPROVED on its second reading this the 8th day of January, 2015.

____
Milton Y. Tate, Jr.
Mayor

ATTEST:

____
Jeana Bellinger, TRMC
City Secretary

CITY OF BRENHAM
EXHIBIT A
AMENDMENT NUMBER 2 (FINAL)
FISCAL YEAR 09-30-14

		General Fund	Electric Fund	Gas Fund	Water Fund	Wastewater Fund	Sanitaion Fund	Airport Capital Improvement	Debt Service Fund	Streets & Drainage Fund	Hotel Occupancy Tax Fund	Donations	BCDC Fund	BCDC Capital Projects	2014 Capital Projects	TOTAL
REVENUES (INC) DEC																
Grant Revenues	A	(4,944)														(4,944)
Library Capital Donation #2 from 501(c)(3) organization	B														(604,716)	(604,716)
Animal Shelter Capital Donations	D											(178,318)				(178,318)
City HOT Fund Revenues	F										(48,138)					(48,138)
Utility Franchise Tax - Gas Fund	H	(38,948)														(38,948)
Proceeds for 2014 General Obligation Refunding Bonds	I								(1,509,201)							(1,509,201)
Airport Grant Revenues	L							1,241,947								1,241,947
Electric Fund Utility & PCRF Revenue (combined)	O		(987,495)													(987,495)
LCRA Rate Refund	P		(389,472)													(389,472)
Gas Fund GCA & Utility Revenue (combined)	Q			(556,378)												(556,378)
Water Fund Revenues	R				420,242											420,242
Wastewater Fund Revenues	S					(48,180)										(48,180)
Sanitation Fund Revenues	T						(162,000)									(162,000)
City HOT Fund Misc. Revenues	BB										(19,668)					(19,668)
TOTAL BUDGETED REVENUES		**(43,892)**	**(1,376,967)**	**(556,378)**	**420,242**	**(48,180)**	**(162,000)**	**1,241,947**	**(1,509,201)**	**-**	**(67,806)**	**(178,318)**	**-**	**-**	**(604,716)**	**(2,885,269)**
EXPENDITURES INC (DEC)																
Library Computer Equipment	A	4,944														4,944
Library Renovation and Expansion Project	C														87,271	87,271
New Animal Shelter	E														55,090	55,090
Infrastructure Costs for New Southside Park Donated Land	G													6,877		6,877
Issuance Costs for 2014 General Obligation Refunding Bonds	I								18,959							18,959
Payment to Refunding Agent for 2014 General Obligation Refunding Bonds	I								1,490,242							1,490,242
Infrastructure Costs for New Southside Park-Streets & Drainage	J													(497,000)		(497,000)
Infrastructure Costs for New Southside Park-Water Lines	J													(130,000)		(130,000)
Infrastructure Costs for New Southside Park-Sewer Lines	J													(30,000)		(30,000)
Fire Department Vehicles	K														(1,350,000)	(1,350,000)
Airport Capital Outlay	L							(1,379,941)								(1,379,941)
Chappell Hill Street Extension Project	M									(607,187)						(607,187)
Electric Fund Purchase Cost	U		2,058,741													2,058,741
Other Electric Fund Expenses	V		137,565													137,565
Gas Fund Franchise Tax	H			38,948												38,948
Gas Purchase Costs	W			419,564												419,564
Water Fund High Pressure Plane Expansion Project	X				58,382											58,382
Other Water Fund Expenses	Y				(74,100)											(74,100)
Wastewater Fund Expenses	Z					22,290										22,290
Sanitation Fund Expenses	AA						139,850									139,850
TOTAL BUDGETED EXPENDITURES		**4,944**	**2,196,306**	**458,512**	**(15,718)**	**22,290**	**139,850**	**(1,379,941)**	**1,509,201**	**(607,187)**	**-**	**-**	**-**	**(650,123)**	**(1,207,639)**	**470,495**
BUDGETED TRANSFERS																
BCDC transfer to BCDC Capital Projects (New Southside Family Park)	G												6,877	(6,877)		-
Transfer from Water Fund to General Fund for Materials for Burleson St. Reconstruction	N	(49,256)			49,256											-
																-
																-
																-
																-
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TOTAL BUDGETED TRANSFERS		**(49,256)**	**-**	**-**	**49,256**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**6,877**	**(6,877)**	**-**	**-**
CHANGE IN BUDGETED FUND BALANCE (INC) DEC		**$ (88,204)**	**$ 819,339**	**$ (97,866)**	**$ 453,780**	**$ (25,890)**	**$ (22,150)**	**$ (137,994)**	**$ -**	**$ (607,187)**	**$ (67,806)**	**$ (178,318)**	**$ 6,877**	**$ (657,000)**	**$ (1,812,355)**	**$ (2,414,774)**

NOTES

97866

A - At the August 7, 2014 meeting, City council accepted a Library grant through the Edge Implementation Reimbursement Program for the purchase of 5 e-readers, 7 Chromebooks and 1 laptop.
B - At the June 5, 2014 meeting, Council approved a Memorandum of Understanding between the City and the Library 501(c)(3) Board detailing a timeline for the Board's financial contributions to be transferred to the City. In Sept. 2014, the NCRML Board transferred the 2nd payment of $604,716.
C - Utilizing financial contributions mentioned in Note B above, architect and engineering fees were paid in FY14 for the Library Renovation and Expanstion Project.
D - From July 1, 2014 through September 30, 2014 the City received an $178,318 in donations from various donors for the construction of a new animal shelter.
E - Utilizing capital donations and proceeds from the 2014 Certificate of Obligations, architect and engineering fees were paid in FY14 for the contstruction of a new animal shelter.
F - Amend HOT Fund revenues for increased collections.
G - At the 8/21/14 BCDC meeting, the board approved an additional transfer of $6,877 from the BCDC Fund to the BCDC Capital Projects Fund for land title policy expenses related to the new southside family park.
H - Gas consumption and sales increased as a result of a colder winter which in turn, increased franchise fee to the General Fund.
I - At the February 20, 2014 meeting, the Coucil approved the issuance of the 2014 General Obligation Refunding Bonds (refunding a portion of the 2007 GO Ref. Bonds).
J - Budgeted expenses for planned infrastructure improvements a the new southside family park will not be incurred until FY15.
K - Budgeted expenses for the Fire Department's new rescue and pumper trucks will not be incurred until FY15.
L - A portion of the budgeted grant revenue and capital outlay expenses related to the Airport Hangar and Taxiway construction grant will not be incurred until FY15.
M - A portion of the budgeted capital outlay expenses related to the Chappell Hill Street Extension Project will not be incurred until FY15.
N - Materials needed for the reconstruction of Burleson St. were funded by the 2008 Water Bonds, therefore a transfer is needed from the Water Fund to the General Fund to cover these expenses.
O - Electric revenues were higher than expected reflecting higher energy pass-through costs from LCRA .
P - Unexpected rate refund from LCRA created by favorable non-fuel budget variances. LCRA decided to refund to help offset higher energy/fuel costs.
Q - Gas revenues were higher due to a colder winter.
R - Water revenues were lower than budget due to lower consumption.
S - Wastewater revenues were higher than budget projections.
T - Sanitation revenues were higher than budget projections.
U - LCRA generation rates exceeded budget estimates.
V - Department expenditures in the Electric Fund exceeded budget due to Blue Bell project and the fiber expansion project.
W - Gas purchase costs were higher than budget because of higher volume consumption due to a colder winter.
X - The scope of the High Pressure Plane project funded by the 2008 Water Bonds was expanded.
Y - Lower franchise tax on lower revenues and budget savings on utility line projects offset budget overages in overtime, bond issue costs and water purchase costs.
Z - The Wastewater Fund had some budget overages on electricity used to power the treatment plant. Partially offset by savings in other accounts.
AA - At the August 7, 2014 meeting, Council approved the purchase of a refurbished cardboard baler for the Recycling Center. In addition, there were overages associated with more transfer runs to the landfill.
BB - Reimbursements were received from entities in FY14 for prior year(s) unspent HOT allocations.

AGENDA ITEM 11

DATE OF MEETING: December 18, 2014 **DEPT. OF ORIGIN:** Administration	**DATE SUBMITTED**: December 12, 2014 **SUBMITTED BY:** Jeana Bellinger

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 Election Services Contract Between the City of Brenham and Washington County Related to Election Responsibilities for the May 9, 2015 General and Special Elections and Authorize the Mayor to Execute Any Necessary Documentation

SUMMARY STATEMENT: The attached Election Services Contract outlines what the City and/or the County will be responsible for during the May 9. 2015 General and Special Election process. This contract is essentially the same one that has been approved in previous years; however, it is not a polling place listed for Ward 1.

Since the Nancy Carol Roberts Memorial Library will be under construction during the election, I will need to find a new Ward 1 polling location. Due to the recent State Senate election, I have not been able to get with Beth Rothermel to visit some alternate locations. Therefore, it is my recommendation that this contract be approved contingent upon the City Attorney and the Mayor agreeing with the location of the new polling place.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS:

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Election Services Contract Between the City of Brenham, Texas and Washington County, Texas for the May 9, 2015 General and Special Elections.

FUNDING SOURCE (Where Applicable): Budgeted expense (5-121-907.00)

RECOMMENDED ACTION: Approve the Election Services Contract between the City of Brenham and Washington County related to election responsibilities for the May 9, 2015 General and Special Elections, contingent upon approval of the new Ward 1 polling place by the Mayor and City Attorney, and authorize the Mayor to execute the necessary documentation.
APPROVALS: Terry K. Roberts

ELECTION SERVICES CONTRACT BETWEEN THE CITY OF BRENHAM, TEXAS AND WASHINGTON COUNTY, TEXAS FOR THE MAY 9, 2015 GENERAL AND SPECIAL ELECTIONS

THE STATE OF TEXAS

COUNTY OF WASHINGTON

This Election Services Contract is made the _____ day of _________________, 20____, and is entered into by and between the **City of Brenham**, herein called "City" and **Washington County, Texas**, herein called "County", with both parties agreeing to share proportional benefit from and responsibility for this Contract, if an election is held, and is based upon the following terms and conditions, to wit:

PURPOSE OF AGREEMENT AND AUTHORITY:

The County and the City have determined that it is in the public interest and the best use of available resources that this Election Services Contract be made and entered into wherein:

Section 1: As authorized by Section 123.032 of the Texas Election Code, the County shall:

- Lease one (1) AutoMARK v.1.0 Voting System to the City to be used for Early Voting;
- Lease one (1) AutoMARK v.1.0 Voting System to the City for each polling place on Election Day; and

Section 2: The County shall secure and reserve the Washington County Annex Building located at 100 S. Park Street, and allow the City to conduct early voting by personal appearance at said location as follows:

Early voting by personal appearance each weekday from 8:00 a.m. to 5:00 p.m., which shall begin on Monday, April 27, 2015 and shall end on Tuesday, May 5, 2015 except, as required by §85.005 of the Texas Election Code, early voting by personal appearance shall be conducted from 8:00 a.m. to 8:00 p.m. on Monday, May 4, 2015 and Tuesday, May 5, 2015.

Section 3: The City shall secure and use the following polling places on Election Day:

Ward 1:	
Ward 2:	Alton Elementary School Gymnasium 304 Kerr Street Brenham, Texas
Ward 3:	Brenham Junior High Band Hall 1200 Carlee Drive Brenham, Texas
Ward 4:	Blinn Junior College Student Center 1007 Walter Schwartz Way Brenham, Texas

Section 4: The City Secretary will name Carol Foster, Washington County Chief Deputy Elections Clerk, as a Deputy Early Voting Clerk to assist when needed. The City shall reimburse the County for any overtime compensation paid to Ms. Foster by the County for City election preparation, Early Voting hours after 5 p.m. and on the May 9, 2015 Election Day. County will provide documentation of overtime hours worked by Ms. Foster on City election matters.

Section 5: Election Judges will deliver ballot boxes to Washington County Courthouse on Election night for counting. City Secretary will arrange for the ballot boxes to be escorted by the Brenham Police Department. Clerks assigned to work Early Voting duties will be Early Voting Ballot Board, along with City Secretary.

<u>TERM</u>

The rental period for the AutoMARK v.1.0 Voting System equipment shall commence on April 27, 2015 and include any and all legally-required days for Early Voting, and shall terminate upon the completion of the May 9, 2015 General and Special Elections. The City shall return the equipment to the County immediately following the completion of all election-related procedures and duties requiring the use of the voting system equipment on Election Day.

RENTAL

The City shall pay the County the following rates for use of the AutoMARK v.1.0 Voting System equipment: $125.00 per machine for the first day of Early Voting; $50.00 per machine for each additional day of Early Voting; and $125.00 per machine on Election Day. In the event Brenham Independent School District or Blinn College have an election on the same day, the rental cost for the AutoMARK voting machines shall be shared equally by all entities having an election on the same day.

USE

The City shall use the electronic voting equipment and supplies in a careful and proper manner. The City shall take delivery of the equipment from the County Clerk of Washington County, Texas, and deliver to its polling locations. The City shall return the same to the County Clerk of Washington County, Texas immediately after the election(s) for which it is rented.

The City shall comply with the County Clerk's instructions, as well as the manufacturer's manual, as to the use and operation of said equipment and any laws, ordinances, and regulations relating to the possession, use and maintenance of the equipment and limit its use only for the purposes of holding the elections described herein.

DUTIES AND SERVICES:

The County shall order/provide:

- Order the programming for the AutoMARK v.1.0 Voting Systems;
- Order an appropriate number of Optical Scan ballots (as determined by the City Secretary and County Clerk);
- Order any required testing materials from ES&S (Election Systems & Software);
- Order programming for E-pollbooks;
- Order election forms supply boxes used during Early Voting, on Election Day, and at the Central Counting Station;
- Provide luggage for transporting supplies and ballots;
- Provide "Vote Here" and Handicapped signage;
- Provide voting booths; and
- Provide notice boards for postings.

The County shall be responsible for submitting the ballot order and arranging for programming the ballot(s) into the AutoMARK equipment with E S & S (Election Systems & Software). The City shall pay directly to E S & S (Election Systems & Software), 6055 Paysphere Circle, Chicago, IL 60674, all costs of ballots and said programming. The City shall pay directly to the vendor all costs incurred in relation to the election which may include, but not be limited to, programming, ballots, election supplies, and testing materials.

The City acknowledges that the equipment requires special programming and shall make no alterations in the leased election equipment without obtaining prior written permission from the County Clerk of Washington County. The City, at its own cost and expense, shall keep the equipment in good repair, condition, and working order and shall see that the equipment is not subject to careless or rough usage or exposure to harsh weather. The County shall provide all election judges and clerks for the City elections (as determined by the City Secretary and County Clerk), and will conduct a training session for election poll workers on the proper handling and use of the voting machine(s).

The City Secretary shall receive all applications for mail ballots and deliver them to the Washington County Chief Deputy Elections Clerk for processing in accordance with applicable election laws.

Further, the County will arrange for and publish in the local newspaper timely notice of the public test of all electronic equipment. The City shall pay directly to the Brenham Banner Press all costs incurred to publish said notice in the newspaper.

At the conclusion of said General and Special elections, the County shall submit an itemized invoice to the City for payment of the City's share of election costs. In accordance with Section 31.100(d) of the Election Code, the County shall also include in the itemized invoice an administrative fee of not more than ten percent (10%) of the total cost of the City's elections, payable to the County pursuant to this Contract.

INSPECTION:

The County Clerk shall at all times during the elections have the right to enter into the premises where the elections are being held for the purposes of inspecting the voting system equipment and observing its use.

LOSS/DAMAGE:

The City assumes all risk of loss of and damage to the County-owned election equipment caused by the City. In the event of loss or damage to the County-owned election equipment caused by the City, the City at the option of the County shall:

- Repair the election equipment, at its cost and expense, subject however to warranty coverage provided by manufacturer; or
- Replace the property with like property in good repair which property shall then become subject to this Contract.

INDEMNITY:

To the extent allowed by law, the City shall indemnify the County against and hold the County harmless from, all claims, actions, proceedings, costs, damages, and liabilities, including attorney's fees, arising out of, connected with, or resulting from the City's use of the County-owned equipment that is the subject of this Contract, including without limitation the selection, delivery, possession, use, operation, or return of the equipment.

DEFAULT:

Noncompliance with any part of this Contract, after ten (10) days written notice of the default to the non-defaulting party, may result in termination of this Contract. Upon occurrence of a default, the County may, after ten (10) days written notice to the City and opportunity to cure the default, take possession of the County-owned equipment if the default is not cured within said ten (10) day period.

POST ELECTION:

The City shall take possession of all voted ballots, unused ballots and supplies used in the election immediately after the counting of qualified provisional and military voted ballots. In the event of a recount, the voted ballots will remain in possession with the County until the recount is completed.

GENERAL CONDITIONS:

Nothing contained in this Contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the elections is to be filed, the place at which any function is to be carried out, the officers who conduct the official canvass of the election returns, the officer to serve as custodian of the voted ballots or any other election records, or any other non-transferable functions specified by §31.096, Texas Election Code, as amended.

The County Clerk shall file copies of this Contract with the County Treasurer and the County Auditor of Washington County, Texas.

Nothing contained in this Contract shall be construed to interfere with an election to be conducted in Washington County, Texas.

This Contract cannot be assigned nor may the election equipment be subleased without the written consent of each party. Ownership of the election equipment that is the subject of this Contract is and shall at all times remain the sole property of the County, and the City shall not have a right, title, or interest in said equipment.

This Contract is binding on each party only if the City holds an election on May 9, 2015. Should the City cancel the May 9, 2015 General and Special Elections, then this Contract will cease to be enforceable and binding on either party.

APPLICABLE LAW:

This Contract shall be governed by and construed under the laws of the State of Texas.

Dated this ______ day of ____________________, 20____.

CITY OF BRENHAM

____
Milton Y. Tate, Jr., Mayor

ATTEST:

____
Jeana Bellinger, TRMC, City Secretary

Dated this ______ day of ____________________, 20____.

WASHINGTON COUNTY, TEXAS

____
Honorable John Brieden, County Judge

ATTEST:

____
Beth Rothermel, County Clerk

AGENDA ITEM 12

DATE OF MEETING: December 18, 2014 **DEPT. OF ORIGIN**: Administration	**DATE SUBMITTED**: December 11, 2014 **SUBMITTED BY**: Terry Roberts

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

AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Recommendations for Appointments and/or Re-Appointments to Various City Advisory Boards

SUMMARY STATEMENT: See attached memo from Terry Roberts.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS:

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Memo from Terry Roberts; and (2) Summary pages for each board.

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: Approve the recommendations for appointments and/or re-appointments to various city advisory boards, as presented.

APPROVALS: Milton Y. Tate, Jr.

To: Mayor and City Council

From: Terry K. Roberts, City Manager

Subject: Advisory Board Recommendations for 2015

Date: December 8, 2014

Under the City's policy for advisory board appointments, persons interested in serving must fill out an application of appointment. This includes current board members who are willing and interested in continuing their service.

According to the City's policy, the Mayor and City Manager are to review the board appointments and offer a recommendation to the City Council. Our recommendations are shown below:

Airport Advisory: The three incumbents who are eligible for reappointment have expressed a willingness to stay on the board and are recommended for reappointment. They are Janet Hess, Jon Hodde and Eddie Van Dyke.

Board of Adjustment: The three incumbents who are eligible for reappointment have expressed a willingness to stay on the board and are recommended for reappointment. They are Jon Hodde, Walt Schoenvogel and Mike Haywood. The two incumbent alternates who are eligible for reappointment have also expressed a willingness to stay on the board and are recommended for reappointment. They are Richard Heiges and Jarvis Van Dyke.

Building Standards Commission: The two incumbents who are eligible for reappointment have expressed a willingness to stay on the board and are recommended for reappointment. They are Walt Edmonds and Stoney Lacina. One vacancy still remains for the position vacated by Johnny Andrade, who does not wish to seek reappointment. This appointment will be brought back to Council in January.

<u>Brenham Community Development Corporation</u>: Incumbents Bill Betts and John Hasskarl are being recommended for reappointment; incumbent John Barkman is not seeking reappointment.

Jason Kiemsteadt has expressed interest in serving on the BCDC Board. Mr. Kiemsteadt is currently employed as a Loan Officer with Citizens State Bank. He earned his Associates in Arts from Blinn College and a Bachelor's from University of Houston in Political Science. He is being recommended for appointment to the BCDC Board to replace John Barkman.

<u>Brenham Housing Authority</u>: Richard Flammer, the incumbent who is willing to continue service, is being recommended for reappointment. The other incumbent, Harvey Williams, is not seeking reappointment.

Mr. Flammer and Executive Director Vince Michel requested to expand the Brenham Housing Authority Board from five to seven commissioners. This expansion is allowed by state statute (LGC §392.031) and is being recommended. However, due to the increase in the number of commissioners, law requires that two members of the Board be tenants of the Housing Authority.

The following citizens have submitted applications to serve on the Board:

- Gerald Calvert. Mr. Calvert is currently self-employed as a real estate investor. He earned his Bachelor of Science degree in Physics at Sam Houston State and his MBA at Texas A&M University.
- Cory Flencher. Mr. Flencher is currently employed at Citizens State Bank. He earned his Bachelor of Business Administration from Texas A&M University.

Gerald Calvert and Cory Flencher are being recommended for appointment to the Brenham Housing Authority Board. An application for the second tenant position has been submitted; however, there was not ample time to evaluate the application prior to agenda packet preparation. This tenant appointment will be brought back to the Council in January.

Hotel Occupancy Tax Board: There are three positions up for reappointment. The city positions are Keith Hankins, Steve James, and James Lopez. The term for Washington County's representative, Barbara Segal, is expiring. Neither Mr. Lopez nor Mr. James wishes to continue serving.

The following citizens have submitted applications to serve on the Board:

- Pamela Murski. Ms. Murski owns Murski Bed & Breakfast. She has previously served on the HOT Board.
- Stacey Walters. Ms. Walters owns Tres Chic in downtown Brenham. She has a Bachelor of Science Degree for Texas A&M.
- Ash Patel. Mr. Patel is the General Manager of Best Western Inn. He has an Associate Degree in Hotel Management.
- Harvey Binning. Mr. Binning is the Owner/Manager of La Quinta Inn & Suites. His educational background includes training in computer maintenance and electronic equipment.

Incumbent Keith Hankins is being recommended for reappointment. Pamela Murski and Stacey Walters are also being recommended for appointment. Contact was made with Ms. Murski and Ms. Walters prior to receiving the application from Mr. Patel and Mr. Benning.

During the December 2nd Washington County Commissioners Court meeting, Jim Rolewicz was appointed to serve on the HOT Board for a term of two years. Mr. Rolewicz owns Scenic Hill Bed and Breakfast.

Library Advisory Board: The Fortnightly Club re-appointed two incumbent members to the Board: Dr. Betty Fortner and Jody Tyson. The City's appointment, Weldon Williams, has expressed a willingness to stay on the Board and is recommended for reappointment. The Council is also asked to confirm the Fortnightly appointments.

Main Street Board: Incumbents John Herman and Tiffany Morisak expressed an interest in continuing to serve and are being recommended for reappointment. Incumbent Jay Alexander is not seeking reappointment and current board member Leslie Harrell resigned from her position.

The following citizens have submitted applications to serve on the Board:

- Susan Canty. Ms. Canty is retired; however she is involved in several organizations including the Unity Theater.
- Connie Wilder. Ms. Wilder is the owner of Funky Art Café. She attended the University of Texas and the Bassist Institute.
- Wendy Frazier. Ms. Frazier is employed at BBVA Compass Bank as the Branch Retail Executive, Vice President. She is a Sam Houston State University graduate.

Due to the Main Street Board being increased from nine (9) to eleven (11) members in February, all three (Wendy Frazier, Susan Canty and Connie Wilder) are being recommended for appointment to the Main Street Board. However, at packet preparation time there was still one vacancy on the Main Street Board. This recommendation will be brought back to Council in January.

Parks and Recreation Advisory Board: Incumbents Luis Mendoza and Bill Betts are recommended for reappointment. Cecil Meekins does not wish to continue his service.

Citizen Paula Buls expressed an interest in serving on the Board. Ms. Buls is currently serving on St. Paul's Christian Day School Board and the Board of Brenham Dolphins Swim Team.

Paula Buls is being recommended for appointment to the Parks and Recreation Advisory Board.

Planning and Zoning Commission: The incumbents have all expressed interest in continuing service on the Board and are recommended for reappointment: Walt Schoenvogel, Leroy Jefferson, Calvin Kossie, and Lynette Scheffield.

This packet includes a recap of each board and their members for your review. If you have any questions, please contact the Mayor or I.

AIRPORT ADVISORY BOARD

Term of Office: Three Years
Meeting Schedule: As Needed
Responsible Staff Member: Grant Lischka/Kim Hodde

Position	Board Member	Term Expiration
1	Brent Nedbalek	December, 2015
2	Michele Bright	December, 2016
3	Janet Hess	December, 2014
4	Bryan Butler	December, 2015
5	Jerry LeGard	December, 2016
6	Jon Hodde	December, 2014
7	Mark Whitehead	December, 2015
8	Pat Elliott	December, 2016
9	Eddie Van Dyke	December, 2014

P3. Janet Hess: Requested re-appointment
P5. Jon Hodde: Requested re-appointment
P9. Eddie Van Dyke: Requested re-appointment

BOARD OF ADJUSTMENTS

Term of Office: Two Years
Meeting Schedule: Monthly, 2nd Monday @ 5:15 p.m.
Responsible Staff Member: Kyle Dannhaus/Grant Lischka/Erik Smith

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Position	Board Member	Term Expiration
1	MaLisa Hampton	December, 2016
2	Arlen Thielemann	December, 2016
3	Jon Hodde	December, 2014
4	Walt Schoenvogel	December, 2014
5	Mike Haywood	December, 2014

Position	Alternate Member	Term Expiration
A-1	Richard Heiges	December, 2014
A-2	Jarvis Van Dyke	December, 2014

P3. Jon Hodde: Requested re-appointment
P4. Walt Schoenvogel: Requested re-appointment
P5. Mike Haywood: Requested re-appointment
A-1. Richard Heiges: Requested re-appointment
A-2. Jarvis Van Dyke: Requested re-appointment

BUILDING STANDARDS COMMISSION

Term of Office: Two Years
Meeting Schedule: Monthly, 2nd Monday @ 6:00 p.m.
Responsible Staff Member: Erik Smith/Allen Jacobs

Position	Board Member	Term Expiration
1	Walt Edmonds	December, 2014
2	Stoney Lacina	December, 2014
3	Johnny Andrade	December, 2014

P1. Walt Edmonds: Requested re-appointment
P2. Stoney Lacina: Requested re-appointment
P3. Johnny Andrade: Will not seek re-appointment

BRENHAM COMMUNITY DEVELOPMENT CORPORATION

Term of Office: Two Years
Meeting Schedule: Quarterly; 3rd Thursday in Quarter @ 7:30 a.m.
Responsible Staff Member: Terry Roberts/Jeana Bellinger

Position	Board Member	Term Expiration
1	Atwood Kenjura	December, 2015
2	Darrell Blum	December, 2015
3	David Cone	December, 2015
4	Charles Moser	December, 2015
5	John Barkman	December, 2014
6	Bill Betts	December, 2014
7	John Hasskarl	December, 2014

P5. John Barkman: Will not seek re-appointment
P6. Bill Betts: Requested re-appointment
P7. John Hasskarl: Requested re-appointment

Application received from:

- Jason Kiemsteadt

BRENHAM HOUSING AUTHORITY BOARD

Term of Office: Two Years
Meeting Schedule: Monthly; 3rd Tuesday @ 5:30 p.m.
Responsible Staff Member: Vince Michel

Position	Board Member	Term Expiration
1	John Harris	December, 2015
2	Wanda Cooley	December, 2015
3	Ray Daugbjerg	December, 2015
4	Richard Flammer	December, 2014
5	Harvey Williams	December, 2014
6	Vacant	
7	Vacant	

P4. Richard Flammer: Requested re-appointment
P5. Harvey Williams: Will not seek re-appointment
P6. VACANT
P7. VACANT

Applications received from:

- Gerald Calvert
- Cory Flencher

BRENHAM-WASHINGTON COUNTY HOTEL OCCUPANCY TAX BOARD

Term of Office: Three Years
Meeting Schedule: Bi-monthly; 2nd Wednesday @ 10:00 a.m.
Staff Liaison: Jeana Bellinger

Position	Board Member	Expiration
1	Jean Shoup	December, 31, 2015
2	Tiffany Winkles	December 31, 2015
3	James Lopez	December 31, 2014
4	Steve James	December 31, 2015
5	Al Patel	December 31, 2015
6	Keith Hankins	December 31, 2014
7	Stephanie Wehring	December 31, 2015
8	Barbara Segal	December 31, 2014
9	Bob Cottle	December 31, 2015

P3. James Lopez: Will not seek re-appointment
P4. Steve James: Will not seek re-appointment
P6. Keith Hankins: Requested re-appointment
P8. Barbara Segal: Term expired (Washington County Appointee)

Applications received from:

- Pamela Murski
- Stacey Walters
- Ash Patel
- Harvey Binning

Washington County Appointee:

- Jim Rolewicz

LIBRARY ADVISORY BOARD

Term of Office: Three Years
Meeting Schedule: As Needed
Responsible Staff Member: Wende Ragonis/Paula Shields

Position	Board Member	Nominating Entity	Term Expiration
1	Weldon Williams	City of Brenham	December 31, 2014
2	Keith Herring	City of Brenham	December 31, 2015
3	Meg Cone	City of Brenham	December 31, 2015
4	Zeb Heckmann	Washington County	December 31, 2016
5	Alana Winkelmann	Brenham Fortnightly	December 31, 2015
6	Teddy Boehm	Brenham Fortnightly	December 31, 2016
7	Betty Fortner	Brenham Fortnightly	December 31, 2014
8	Jody Tyson	Brenham Fortnightly	December 31, 2014
9	Joy Blake	Brenham Fortnightly	December 31, 2016

P1. Weldon Williams: Requested re-appointment
P7. Betty Fortner: Re-appointed (Brenham Fortnightly Appointee)
P9. Jody Tyson: Re-appointed (Brenham Fortnightly Appointee)

MAIN STREET BOARD

Term of Office: Three Years
Meeting Schedule: Monthly, 1st Monday @ 4:00 p.m.
Responsible Staff Member: Jennifer Eckermann

Position	Board Member	Term Expiration
1	Traci Pyle	December, 2015
2	Margie Young	December, 2016
3	Tiffany Morisak	December, 2014
4	Leslie Harrell	December, 2015
5	Jon Hill	December, 2016
6	John Herman	December, 2014
7	Tommy Upchurch	December, 2015
8	Mark Schneider	December, 2016
9	Jay Alexander	December, 2014
10	VACANT	December, 2014
11	VACANT	December, 2014

P3. Tiffany Morisak: Requested re-appointment
P4. Leslie Harrell: Resigned
P6. John Herman: Requested re-appointment
P9. Jay Alexander: Will not seek reappointment
P10. VACANT
P11. VACANT

Applications received from:

- Susan Canty
- Connie Wilder
- Wendy Frazier

PARKS & RECREATION ADVISORY BOARD

Term of Office: Three Years
Meeting Schedule: Monthly, 2nd Wednesday @ Noon
Responsible Staff Member: Wende Ragonis/Paula Shields

Position	Board Member	Term Expiration
1	Jeff Tilley	December, 2015
2	Kenneth Goessler	December, 2016
3	Bill Betts	December, 2014
4	Jim Baker	December, 2015
5	Delbert Boeker	December, 2016
6	Cecil Meekins	December, 2014
7	Robert Haberman	December, 2015
8	Pam Hohlt	December, 2016
9	Luis Mendoza	December, 2014

P3. Bill Betts: Requested re-appointment
P6. Cecil Meekins: Will not seek re-appointment
P9. Luis Mendoza: Requested re-appointment

Application received from:

- Paula Buls

PLANNING & ZONING COMMISSION

Term of Office: Two Years
Meeting Schedule: Monthly, 1st Monday @ 5:15 p.m.
Responsible Staff Member: Kyle Dannhaus

Position	Board Member	Term Expiration
1	Charlie Pyle	December, 2015
2	Walt Schoenvogel	December, 2014
3	Nancy Low	December, 2016
4	Leroy Jefferson	December, 2014
5	Deanna Alfred	December, 2016
6	Calvin Kossie	December, 2014
7	Lynette Scheffield	December, 2014

P2. Walt Schoenvogel: Will seek re-appointment
P4. Leroy Jefferson: Will seek re-appointment
P6. Calvin Kossie: Will seek re-appointment
P7. Lynette Scheffield: Will see re-appointment

AGENDA ITEM 13

DATE OF MEETING: December 18, 2014 **DEPT. OF ORIGIN:** Administration	**DATE SUBMITTED:** December 15, 2015 **SUBMITTED BY:** Terry Roberts

MEETING TYPE:	**CLASSIFICATION:**	**ORDINANCE:**
☒ **REGULAR**	☐ **PUBLIC HEARING**	☐ **1ST READING**
☐ **SPECIAL**	☐ **CONSENT**	☐ **2ND 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 Related to the Operation of and Improvements to Linda Anderson Park and Authorize the Mayor to Execute Any Necessary Documentation

SUMMARY STATEMENT: The City of Brenham and Washington County have shared in the expenses of Linda Anderson Park for a very long time. Our two entities jointly developed the Park in the late 1980's with two fields named by action of the City Council and two by the Court.

The City of Brenham Parks Department maintains the fields and the County provides funding for roughly half the operating cost. This interlocal agreement has worked well and was one of just a few agreements that were not a part of the comprehensive exchange of services agreement.

The joint development of Linda Anderson Park even started with each entity owning one-half-interest in the land. A few years ago, Brenham exchanged its interest in the old Police Station on Chappell Hill Street for the County's half interest in the land of Linda Anderson Park. At the time of the real estate exchange, it was agreed the operations sharing agreement should continue.

A draft of this interlocal agreement was reviewed by the City-County ILA Task Force and is recommended for approval. Washington County has already approved the agreement. A copy of the agreement is included in your agenda packet. The agreement is for two years at the same $35,000 per year funding level in the prior agreement.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS:

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Interlocal Agreement Between the City of Brenham and Washington County for Linda Anderson Park
FUNDING SOURCE (Where Applicable):
RECOMMENDED ACTION: Approve the Interlocal Agreement between the City of Brenham and Washington County related to the operations of and improvements to Linda Anderson Park and authorize the Mayor to execute any necessary documentation.
APPROVALS: Milton Y. Tate, Jr.

INTERLOCAL AGREEMENT BETWEEN THE CITY OF BRENHAM AND WASHINGTON COUNTY FOR LINDA ANDERSON PARK

WHEREAS, this Interlocal Agreement is entered into by and between the following parties: 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 are authorized to enter into this Agreement in all respects by Texas Government Code, Chapter 791; and

WHEREAS, on August 21, 1979 the City paid $45,652.00 for one (1) tract of land totaling 11.413 acres, as more fully described in Volume 380, Page 710 in the Deed Records of Washington County, Texas, for the development of Linda Anderson Park, hereinafter referred to as the "Park"; and

WHEREAS, on January 9, 1980 the City paid $54,105.00 for three (3) tracts of land totaling 10.821 acres, as more fully described in Volume 387, Page 172, in the Deed Records of Washington County, Texas, for further development of the Park; and

WHEREAS, on July 23, 1980 the County paid to the City $49,878.50, exactly one-half of the total land costs, for the development of the Park; and

WHEREAS, on July 29, 1980 the City deeded to the County an undivided one-half (1/2) interest in the Park, as recorded in Volume 397, Page 516, in the Deed Records of Washington County, Texas; and

WHEREAS, the City and County have determined that sharing equally in the costs makes the asset more economically feasible and creates an opportunity to provide better facilities; and

WHEREAS, on February 20, 1981 the City and County agreed to split all maintenance and operating costs associated with the Park on an equal (50/50) basis in return for the City deeding to the County an undivided one-half (1/2) interest in the Park; and

WHEREAS, on January 6, 2011 the City enacted Resolution No. R-11-001 approving the termination and waiver of the provisions of the Fee Simple Determinable Condition placed on the City's prior conveyance of the Public Health Facility property to the County, in exchange for the County's conveyance of its undivided one-half (1/2) interest in the Linda Anderson Park property to the City; and

WHEREAS, on March 11, 2011 Washington County executed and filed a Special Warranty Deed to convey its undivided one-half (1/2) interest in the Linda Anderson Park Property to the City of Brenham, said instrument being recorded in Volume 1369, Page 991, in the Official Records of Washington County, Texas; and

WHEREAS, on March 22, 2011 the City executed and filed a Partial Termination and Release to terminate and waive the Fee Simple Determinable Condition on the conveyance of the Public Health Facility property, said instrument being recorded in Volume 1368, Page 469, in the Official Records of Washington County, Texas; and

WHEREAS, the City and County desire to enter into this Agreement in order to promote clarity and ease of understanding; and

WHEREAS, on June 28, 2013 the City enacted an Addendum To and Modification Of an Interlocal Agreement between the City and County for Linda Anderson Park to extend its term until September 30, 2013; and

WHEREAS, on September 19, 2013 the City approved an Interlocal Agreement with the County for the operation of and improvements to Linda Anderson Park for the term of October 1, 2013 through December 31, 2014; 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 Linda Anderson Park

a) During the term of this Agreement, the County agrees to pay the City the total amount of Seventy Thousand and No/100 Dollars ($70,000.00) for the maintenance and operation of the Park for the duration of this two (2) year Agreement ($35,000.00 per year). The County's payment of $70,000.00 to the City shall be made in equal monthly installments as more fully described in Section 7.0.

b) Requests for capital improvements to the Park shall be submitted to the City Council for approval during the City's annual budget process. If approved by City Council, the request shall be submitted to the County Commissioners for approval during their annual budget process. If the capital improvements are approved by both governing bodies, all capital improvement costs shall be shared equally (50% each) between the Parties hereto.

2.0 Purpose

The purpose of this Agreement is to provide for the operation, maintenance and capital improvements for the Park which directly benefit the residents of both the City and the County.

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 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

This Agreement shall be effective beginning January 1, 2015 and shall remain in effect until December 31, 2016. Either Party, however, may terminate this Agreement without cause at any time by giving written notice to the other Party in the manner provided herein at least one hundred twenty (120) days prior to the date of termination. Notice shall be provided pursuant to the terms set forth in Section 9.0. Further, this Agreement is also subject to termination for breach as provided for in Section 3.0.

6.0 Review

During the term of this Agreement, the Parties may meet for the purpose of reviewing this Agreement to determine whether changed conditions necessitate revision of any of the terms of this Agreement and/or whether the funding structure is equitable for all Parties. Each Party may designate representatives to participate in the review process. As a result of this review process, the representatives may recommend changes to this Agreement for consideration by their respective governing bodies. This Agreement may be amended upon the mutual agreement of the Parties as provided in Section 12.0 of this Agreement.

The failure of the Parties to review this Agreement as provided in this Section shall not affect the validity of this Agreement, or any other provision herein.

7.0 Payment

The total amount of $70,000.00 payable to the City pursuant to this Agreement shall be due and payable to the City in twenty-four (24) equal monthly installments. The amount of Two Thousand Nine Hundred Sixteen and 67/100 Dollars ($2,916.67) shall be invoiced by the City to the County each month, and payment thereof shall be due and payable within thirty (30) days of the County's receipt of such invoice.

8.0 Texas Law to Apply

This Agreement shall be construed under and in accordance with the laws of the State of Texas and all obligations of the parties created hereunder are performable in Washington County, Texas.

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

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

When notices sent 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 notice of the change in compliance with this paragraph to all other Parties.

10.0 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.

11.0 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.

12.0 Entire Agreement

This Agreement supersedes any and all other agreements, either oral or in writing, between the Parties hereto with respects 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.

13.0 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.

14.0 Gender

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

15.0 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 _____________________, 20_____.

CITY OF BRENHAM	**WASHINGTON COUNTY**
________________________________	________________________________
Milton Y. Tate, Jr. Mayor	John Brieden Judge

ATTEST:

________________________________	________________________________
Jeana Bellinger, TRMC City Secretary	Beth Rothermel County Clerk

City of BRENHAM

AGENDA ITEM 14

DATE OF MEETING: December 18, 2014 **DEPT. OF ORIGIN:** Administration	**DATE SUBMITTED:** December 15, 2014 **SUBMITTED BY:** Terry K. Roberts

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

AGENDA ITEM DESCRIPTION: Section 551.074 – Personnel Matters – Discuss and Consider Re-Appointment and Compensation for Municipal Court Judges Julian Weisler and Robert Wright and City Prosecutor Bill Kendall

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:

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: As discussed in Executive Session.

APPROVALS: Terry K. Roberts

AGENDA ITEM 15

DATE OF MEETING: December 18, 2014 **DEPT. OF ORIGIN:** Administration	**DATE SUBMITTED:** December 15, 2014 **SUBMITTED BY:** Terry K. Roberts

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

AGENDA ITEM DESCRIPTION: Discuss and Possibly Take Action as a Result of Executive Session Regarding Re-Appointment and Compensation for Municipal Court Judges Julian Weisler and Robert Wright and City Prosecutor Bill Kendall

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: None

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: As discussed in Executive Session

APPROVALS: Terry K. Roberts