



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, OCTOBER 3, 2013 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 – Mayor Pro Tem Nix**
- 3. 3-a. Service Recognitions**
 - Crystal Dahlquist – Recreation Department – 5 years
 - Adam Mahlmann – Fire Department – 20 years
 - Shelley Addison – Utility Billing Department – 25 years
 - Douglas Maurer – Fire Department – 35 years
 - Cecil Wright – Fire Department – 35 years
 - Ethel Randle – Library – 40 years
- 4. Proclamation**
 - **Fire Prevention Week – October 7-11, 2013** **Page 1**
- 5. Citizens Comments**

CONSENT AGENDA

6. Statutory Consent Agenda

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

- 6-a. Minutes from the September 16, 2013 Special City Council Meeting** **Page 2-8**
- 6-b. Discuss and Possibly Act Upon Ordinance No. O-13-024 on Its Second Reading Amending the Rate Tariff Schedule(s) of Small and Large Industrial Customers for the City of Brenham Electric Rates** **Page 9-13**

- 6-c. **Discuss and Possibly Act Upon Ordinance No. O-13-025 on Its Second Reading Amending the Rate Tariff Schedule(s) for the City of Brenham Natural Gas Rates** **Page 14-33**

WORK SESSION

7. **Discussion and Presentation Regarding Chappell Hill Street Extension Improvements** **Page 34**
8. **Discussion and Presentation Regarding Speed Limits and Other Improvements Along U.S. Highway 290** **Page 35-36**

REGULAR AGENDA

9. **Discuss and Possibly Act Upon a Request for a Noise Variance for CD Release Party to be Held from 7:00 P.M. to 11:30 P.M., October 4, 2013 at the Home of Christi Bond Located at 505 E. Academy and Authorize the Mayor to Execute Any Necessary Documentation** **Page 37-39**
10. **Discuss and Possibly Act Upon a Request for a Noise Variance for Man's Space Adventures Awareness to be Held from 7:00 P.M. to 8:30 P.M., October 12, 2013 at Nancy Carol Roberts Library and Authorize the Mayor to Execute Any Necessary Documentation** **Page 40-42**
11. **Discuss and Possibly Act Upon Resolution No. R-13-013 Authorizing the Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 2013 Christmas Stroll to be Held on Friday, December 6, 2013** **Page 43-54**

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.

12. **Administrative/Elected Officials Report**

Adjourn

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

CERTIFICATION

I certify that a copy of the October 3, 2013 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 September 30, 2013 at ***12:13 PM***.

Amanda Klehm

Deputy City Secretary

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

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the _____ day of _____, 2013 at _____ AM PM.

Signature

Title

PROCLAMATION

- WHEREAS, The City of Brenham and the Brenham Fire Department are committed to ensuring the safety and security of all those living in and visiting our area; and
- WHEREAS, Fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at the greatest risk from fire; and
- WHEREAS, Home Fires killed more than 2,500 people in 2011, according to the National Fire Protection Association and fire departments across the United States responded to 370,000 home fires; and
- WHEREAS, Cooking is the leading cause of home fires with two of every five homes starting in the kitchen. Unattended equipment was a factor in one-third of the reported cooking fires. 57% of reported non-fatal home cooking fire injuries occurred when the victims tried to fight the fire themselves;
- WHEREAS, The members of the Brenham Fire Department are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education;
- WHEREAS, The 2013 Fire Prevention Week theme "Prevent Kitchen Fires!" effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires;

Now, THEREFORE I, Milton Y. Tate Jr., Mayor of the City of Brenham, Texas do Hereby Proclaim October 6-12, 2013 as

FIRE PREVENTION WEEK

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

Milton Y. Tate Jr., Mayor
City of Brenham

Brenham City Council Minutes

A special meeting of the Brenham City Council was held on September 16, 2013 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

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

Members absent:

None

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Amanda Klehm, Chief Financial Officer Carolyn Miller, Stacy Hardy, Kaci Konieczny, Rhonda Kuehn, Susan Nienstedt, Fire Chief Ricky Boeker, Deputy Chief Alan Finke, Heath Mahlmann, Jeff Daniels, Josh Vandever, Brian Scheffer, Doug Maurer, Ronald Bentke, Billy Ruemke, Aaron Markesier, Police Chief Rex Phelps, Dant Lange, Billy Rich, Development Services Director Julie Fulgham, Kim Hodde, Public Works Director Dane Rau, Public Utilities Director Lowell Ogle, Gary Jeter, Angela Hahn, Pam Ruemke, Stephen Draehn, Richard Magjarevich, and Grant Lischka

Citizens present:

Randy Parkison, Jay Petrash, and Otto Hanak

Media Present:

Arthur Hahn and Caitlin Hahn, Brenham Banner Press; Frank Wagner, KWHI

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

3. Citizens Comments

There were no citizen comments.

PUBLIC HEARING

4. Proposed Budget for Fiscal Year Beginning October 1, 2013 and Ending September 30, 2014

This Budget Will Raise More Total Property Taxes Than Last Year's Budget By an Estimated \$497,035 (9.02%), and of That Amount, \$104,859 is Tax Revenue To Be Raised From Estimated New Property Added to The Tax Roll This Year.

Chief Financial Officer Carolyn Miller presented this item. Miller stated during Council Budget Workshops, Staff presented the proposed budget to Council and all Council directed changes have been made. Miller explained in compliance with the Local Government Code, the proposed budget has been filed with the City Secretary and all required notices have been published. Miller stated additionally, the Local Government Code requires a governing body to hold a Public Hearing to receive citizen comments on a proposed budget.

There were no citizen comments.

REGULAR AGENDA

5. Discuss and Possibly Act Upon Ratification of the Property Tax Increase Reflected in the Proposed Budget for Fiscal Year Beginning October 1, 2013 and Ending September 30, 2014, which Raises More Revenue from Property Taxes than the Previous Year's Budget

Chief Financial Officer Carolyn Miller presented this item. Miller stated that in compliance with the Tax Code, if a municipal budget raises more property taxes than in the previous year's budget, City Council must formally ratify a property tax increase. Miller explained the FY2013-14 budget will raise more total property taxes than last year's budget by \$497,035 (9.02%), and of that amount \$104,859 is tax revenue to be raised from new property added to the tax roll this year. Miller explained a vote must be taken to ratify the property tax increase reflected in the budget, which is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate.

A motion was made by Councilmember Herring and seconded by Councilmember Goss to move to ratify the property tax increase reflected in the proposed budget for the fiscal year beginning October 1, 2013 and ending September 30, 2014, which raises more revenue from property taxes than the previous year's budget.

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

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

6. Discuss and Possibly Act Upon an Ordinance on Its First Reading Adopting the Budget for Fiscal Year Beginning October 1, 2013 and Ending September 30, 2014 and Take Record Vote

Chief Financial Officer Carolyn Miller presented this item. Miller stated the proposed FY2013-14 Budget has been developed in compliance with the property tax code, local government code, and City Charter. Miller explained a property tax rate of \$0.5632 per \$100 valuation is necessary to fund the proposed budget. Miller stated the proposed budget is on the City's website, on file with the City Secretary, Washington County Clerk, and at the Nancy Carol Roberts Memorial Library.

Miller explained with the passage of recent legislation, the City budget process has been impacted. Miller explained Senate Bill (S.B.) 656, which became effective September 1, 2013 and applies to a budget adopted for a fiscal year beginning on or after September 1, 2013, requires the City Council's vote to adopt a budget be a record vote.

A motion was made by Councilmember Goss and seconded by Councilmember Barnes-Tilley to approve an Ordinance on its first reading adopting the budget for fiscal year beginning October 1, 2013 and ending September 30, 2014 and take record vote

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 an Ordinance on Its First Reading Levying Taxes for the Tax Year 2013 for the City of Brenham at \$0.5632 per \$100 Valuation and Take Record Vote

Chief Financial Officer Carolyn Miller presented this item. Miller stated the Proposed FY2013-14 Budget includes a tax rate of \$0.5632 per \$100 valuation which has two components:

maintenance and operations (M&O) and interest and sinking (I&S). Miller explained the proposed tax rate of \$0.5632 will allocate \$0.3579 to the General Fund for maintenance and operations and the balance of \$0.2053 to the Debt Service Fund for interest and sinking. Miller explained the City has complied with all of the notices, publications, and public hearings as required by the Tax Code.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to move that property taxes be increased by the adoption of a tax rate of \$0.5632 per \$100 valuation, which is effectively a 7.28% increase in the tax rate.

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

Mayor Tate skipped to Item #13.

8. **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**
9. **Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Animal Control Services and Authorize the Mayor to Execute Any Necessary Documentation**
10. **Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Animal Shelter Services and Authorize the Mayor to Execute Any Necessary Documentation**
11. **Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Fire Protection and Rescue Services and Authorize the Mayor to Execute Any Necessary Documentation**
12. **Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County Related to the Jail Services and 9-1-1 Emergency Communication Services and Authorize the Mayor to Execute Any Necessary Documentation**

13. Discuss and Possibly Act Upon an Exchange of Services Interlocal Agreement Between the City of Brenham and Washington County For the Comprehensive Exchange of Services and Authorize the Mayor to Execute Any Necessary Documentation

City Manager Terry Roberts presented this item. Roberts went through the ILA to discuss all changes made to the document since the last distribution. Roberts explained most of the changes to the ILA were clarifying and grammatical changes. Roberts reminded Council that the current ILAs will expire on September 30th.

Councilmember Goss stated before the Council takes action, he would like to know how many personnel are transitioning to the County if the Exchange of Services ILA goes through. Roberts stated they are unsure of a number of employees that plan to transfer. Councilmember Barnes-Tilley stated they are concerned about the personnel issue and need to know the number that plan to transition. Councilmember Barnes-Tilley explained the Communications Department is not a department that can manage without a full, experienced team like other departments.

Citizen Joshua Vandever stated he works at Washington County EMS, Communications department, and is a volunteer firefighter. Vandever stated he is opposed to the Exchange of Services ILA. Vandever stated he does not think that people will transfer to the County, which will greatly hurt the department as well as compromise the safety of first responders. Vandever stated it is an improper comparison to use EMS as an indicator as to if the County would be able to handle Communications. Vandever explained the success of the EMS department is because of Kevin Deramus, not the County Judge or County Commissioners. Vandever stated the lives of all first responders would be put in jeopardy if the County were to take over Communications. Vandever explained the City has a first class Communications department that the City of Austin modeled their Communications department after. Vandever stated you get what you pay for and this department cannot be compromised by cutting corners like the County is known to do historically.

Councilmember Barnes-Tilley thanked everyone for coming and voicing their concerns and opposition because the Council has not been made fully aware of the opposed feelings of the citizens. Barnes-Tilley stated the Council is facing challenges because they have put good faith to compromise with the County and taken their word that the level of service will remain the same if the transfer takes place.

Volunteer Fire Chief Randy Parkison with Latium/Salem Fire Department stated he is a concerned citizen and also opposed to the Exchange of Services ILA. Parkison stated his opposition is based on the life safety of first responders. Parkison explained that he was in a bad situation recently and due to the knowledge and experience of the Communications' staff, they were able to get him help without him asking for help. Parkison stated that the lives of all first responders would be in trouble if there was an inexperienced staff in the Communications department. Parkison explained the money that the volunteer fire departments save due to the level of standards held by the City's Communications' department will falter if the level of service is compromised.

Mayor Pro Tem Nix stated the Council needs to search their souls before making a decision.

Councilmember Herring thanked everyone for coming and stated he appreciates the comments. Herring stated he cannot support this Exchange of Services ILA because the City will be forced to incur the costs of the new animal shelter, library, fire equipment/apparatus, and fire substation. Herring explained to put City money into the County is wrong. Herring stated he is worried because the County does not have an IT department currently in place now. Councilmember Goss stated he will not support the Exchange of Services ILA either.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to not approve an Exchange of Services Interlocal Agreement between the City of Brenham and Washington County for the comprehensive exchange of services.

Councilmember Goss stated the Council cannot make a decision on the Exchange of Services ILA until they have a better handle on the personnel issue and how many plan to transfer. Goss would like this information before the Council makes a decision.

A motion was made by Councilmember Goss and seconded by Councilmember Barnes-Tilley to table Item #13.

Mayor Tate called for a vote. The motion to table this item 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

A motion was made by Councilmember Goss and seconded by Councilmember Barnes-Tilley to table Items #8, #9, #10, #11, and #12.

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

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

14. Administrative/Elected Officials Report

- No administrative reports.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

ORDINANCE NO. O-13-024

AN ORDINANCE AMENDING THE ELECTRIC RATE TARIFF SCHEDULES OF SMALL AND LARGE INDUSTRIAL ELECTRIC SERVICE CUSTOMERS FOR THE CITY OF BRENHAM, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council of the City of Brenham, Texas deems it necessary to change the rates charged for electric services to its small and large industrial service customers in order to provide for conditions of utility service which promote the health, safety and welfare of the citizens of Brenham, Texas.

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

SECTION I.

The City Council of the City of Brenham, Texas, does hereby adopt the Electric Rate Schedules for small industrial electric services as set forth in the attached Exhibit "A", Small Industrial Service Rate Schedule E-G which is made a part hereof for all purposes pertinent, to be effective with utility billing occurring on or after October 1, 2013.

SECTION II.

The City Council of the City of Brenham, Texas, does hereby adopt the Electric Rate Schedules for large industrial electric services as set forth in the attached Exhibit "B", Large Industrial Service Rate Schedule E-H which is made a part hereof for all purposes pertinent, to be effective with utility billing occurring on or after October 1, 2013.

SECTION III.

This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas. The implementation of rates as set forth herein and on the attached Exhibits "A" and "B", Small Industrial Service Rate Schedule E-G and Large Industrial Service Rate Schedule E-H and shall be effective with utility billing occurring on and after October 1, 2013.

PASSED AND APPROVED on its first reading this the 19th day of September, 2013.

PASSED AND APPROVED on its second reading this the 3rd day of October, 2013.

Milton Y. Tate, Jr., Mayor

ATTEST:

Jeana Bellinger, City Secretary

EXHIBIT "A"

CITY OF BRENHAM
200 WEST VULCAN STREET * P.O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	400	440
TARIFF	SECTION NO.	SHEET NO.
ELECTRIC RATE SCHEDULE	OCTOBER 1, 2013	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change Effective 10/01/08)	

SMALL INDUSTRIAL SERVICE

RATE SCHEDULE E-G

APPLICABILITY

This rate is applicable to customers receiving electrical service for any purpose other than use in individually metered residential dwellings, and includes service to temporary service installations.

AVAILABILITY

This rate schedule is available to all customers that satisfy the following requirements: (i) electric requirements for all uses which exceed three hundred (300) kilowatts of maximum demand during any month during any twelve (12) month period, but whose requirements do not equal or exceed five thousand (5000) kilowatts of maximum demand at one point of delivery, or at multiple points of delivery to one contiguous facility, and (ii) have annual energy usage of two million (2,000,000) KWh.

MONTHLY CHARGES

Type of Charge	Description	Charge
Customer Charge	Customer charge for customers receiving three phase service	\$100.00
Distribution Wires Charge	Charge for distribution service	\$.01162 / KWh
Transmission Wires Charge	Actual monthly billing from transmission providers in the Electric Reliability Council of Texas (ERCOT) attributable to Customer's load	Actual monthly costs* from transmission suppliers)
Generation Charge	Actual monthly price, including applicable discounts, from City's wholesale supplier, attributable to Customer's load	Actual monthly costs* from generations suppliers)
ERCOT Fees	All applicable ERCOT, and other fees attributable to Customer's load	Actual monthly costs* from ERCOT
Energy Factor Charge	Charge for adjustments in generation charges	As needed

*Actual monthly costs will be provided by LCRA as part of LCRA Key Account Program.

MINIMUM MONTHLY CHARGES

The minimum monthly bill shall be the customer charge.

CITY OF BRENHAM

EXHIBIT "A"

200 WEST VULCAN STREET * P.O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	400	441
TARIFF	SECTION NO.	SHEET NO.
ELECTRIC RATE SCHEDULE	OCTOBER 1, 2013	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change Effective 10/01/08)

BILLING ADJUSTMENTS

In addition to the base charges, the customer shall be billed for all taxes applicable to the sale of electricity.

TERM OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next work day. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Electric service supplied under this rate schedule shall be 60 cycle alternating current delivered at a single point of service to be designated by the City, at the City's choice of the following standard voltage:

120/208	volts, three phase
120/240	volts, three phase
240/480	volts, three phase
277/480	volts, three phase
7200/12470	volts, three phase

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premise. If a power line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
3. The customer shall control voltage fluctuations caused by his equipment at his expense. A customer's equipment shall not cause voltage fluctuations that exceed 1% on the City's primary distribution system.
4. A power factor penalty may be assessed if the necessary equipment for determining power factor is installed and if the power factor during the coincident peak KW demand period is less than 0.95.

The power factor penalty shall be calculated by increasing the measured coincident peak KW billing demand such that the corrected billing demand and measured KVAR yield a calculated power factor of 0.95. If the measured power factor is 0.95 or greater, the billing KW demand shall be the KW demand in accordance with the appropriate schedule.

The additional metering equipment necessary to measure or compute KVAR or power factor may be installed at any demand metered customer without notice at the discretion of the City.

EXHIBIT "B"

CITY OF BRENHAM

200 WEST VULCAN STREET * P.O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	400	450
TARIFF	SECTION NO.	SHEET NO.
ELECTRIC RATE SCHEDULE	OCTOBER 1, 2013	

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change Effective 10/01/08)

LARGE INDUSTRIAL SERVICE

RATE SCHEDULE E-H

APPLICABILITY

This rate is applicable to customers receiving electrical service for any purpose other than use in individually metered residential dwellings, and includes service to temporary service installations.

AVAILABILITY

This rate schedule is available to all customers whose electric requirements for all uses are equal to or in excess of five thousand (5000) kilowatts of maximum demand at one point of delivery, or at multiple points of delivery to one contiguous facility.

MONTHLY CHARGES

Type of Charge	Description	Charge
Customer Charge	Customer charge for customers receiving three phase service	\$100.00
Distribution Wires Charge	Charge for distribution service	\$.00817 / KWh
Transmission Wires Charge	Actual monthly billing from transmission providers in the Electric Reliability Council of Texas (ERCOT) attributable to Customer's load	Actual monthly costs* from transmission supplier(s)
Generation Charge	Actual monthly price, including applicable discounts, from City's wholesale supplier, attributable to Customer's load	Actual monthly costs* from generations supplier(s)
ERCOT Fees	All applicable ERCOT, and other fees attributable to Customer's load	Actual monthly costs* from ERCOT
Energy Factor Charge	Charge for adjustments in generation charges	As needed

*Actual monthly costs will be provided by LCRA as part of LCRA Key Account Program.

MINIMUM MONTHLY CHARGES

The minimum monthly bill shall be the customer charge.

BILLING ADJUSTMENTS

In addition to the base charges, the customer shall be billed for all taxes applicable to the sale of electricity.

EXHIBIT "B"

CITY OF BRENHAM

200 WEST VULCAN STREET * P.O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	400	451
TARIFF	SECTION NO.	SHEET NO.
ELECTRIC RATE SCHEDULE	OCTOBER 1, 2013	
SECTION TITLE	EFFECTIVE DATE	
(Supersedes Rate Change Effective 10/01/08)		

TERM OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next work day. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Electric service supplied under this rate schedule shall be 60 cycle alternating current delivered at a single point of service to be designated by the City, at the City's choice of the following standard voltage:

120/208	volts, three phase
120/240	volts, three phase
240/480	volts, three phase
277/480	volts, three phase
7200/12470	volts, three phase

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premise. If a power line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
3. The customer shall control voltage fluctuations caused by his equipment at his expense. A customer's equipment shall not cause voltage fluctuations that exceed 1% on the City's primary distribution system.
4. A power factor penalty may be assessed if the necessary equipment for determining power factor is installed and if the power factor during the coincident peak KW demand period is less than 0.95.

The power factor penalty shall be calculated by increasing the measured coincident peak KW billing demand such that the corrected billing demand and measured KVAR yield a calculated power factor of 0.95. If the measured power factor is 0.95 or greater, the billing KW demand shall be the KW demand in accordance with the appropriate schedule.

The additional metering equipment necessary to measure or compute KVAR or power factor may be installed at any demand metered customer without notice at the discretion of the City.

ORDINANCE NO. O-13-025

AN ORDINANCE AMENDING THE NATURAL GAS RATE TARIFF SCHEDULES FOR GAS SERVICES FOR THE CITY OF BRENHAM, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council of the City of Brenham, Texas deems it necessary to change the rates charged for natural gas services to its customers in order to provide for conditions of utility service which promote the health, safety and welfare of the citizens of Brenham, Texas.

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

SECTION I.

The City Council of the City of Brenham, Texas, does hereby adopt the Natural Gas Rate Schedules for gas services as set forth in the attached Exhibit "A", which is made a part hereof for all purposes pertinent, to be effective with utility billing occurring on or after October 1, 2013.

SECTION II.

This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas. The implementation of rates as set forth herein and on the attached Exhibit "A" shall be effective with utility billing occurring on and after October 1, 2013.

PASSED AND APPROVED on its first reading this the 11th day of September, 2013.

PASSED AND APPROVED on its second reading this the 3rd day of October, 2013.

Milton Y. Tate, Jr., Mayor

ATTEST:

Jeana Bellinger, City Secretary

EXHIBIT "A"

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	500	510
TARIFF	SECTION NO.	SHEET NO.
NATURAL GAS RATE SCHEDULES		
SECTION TITLE	October 1, 2013	
	EFFECTIVE DATE	
	(Supersedes Rate Change Effective 12/08/2006)	

RESIDENTIAL SERVICE - URBAN

RATE SCHEDULE G - A

APPLICABILITY

This rate is applicable to all residential customers whose maximum gas requirements are equal or less than 350 cubic feet per hour receiving natural gas service from the Municipal Gas System

AVAILABILITY

This rate is available to all residential customers of the Municipal Gas System located within the corporate limits of the City of Brenham, Texas.

MONTHLY CHARGES

Type of Charge	Description	Charge
Customer Charge	Customer charge for customers receiving service	\$10.00
Distribution Charge	Charge for distribution service	\$2.311 per mcf
Commodity Charge	Actual monthly price, including applicable discounts, from City's wholesale supplier, attributable to Customer's usage	Actual monthly costs from supplier
Gas Cost Adjustment Charge	Charge for adjustments in commodity charges	As needed

MINIMUM CHARGES

The minimum monthly base bill shall be the customer charge for each month of the year, regardless of whether service is disconnected during the summer months.

BILLING ADJUSTMENTS

In addition to the monthly charges the customer will be billed for all taxes applicable to the sale of natural gas, excluding gross receipts taxes.

TERMS OF PAYMENT

The bills rendered under this schedule are net and will be increased by 10% if not paid 15 days after the date of the bill.

EXHIBIT "A"

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	500	511
TARIFF	SECTION NO.	SHEET NO.
NATURAL GAS RATE SCHEDULES		
SECTION TITLE	October 1, 2013	
	EFFECTIVE DATE	
	(Supersedes Rate Change Effective 12/08/06)	

CHARACTER OF SERVICE

Natural gas furnished under this rate schedule shall be delivered at a pressure of four (4) ounces and have a minimum heat content of 983 BTU's per cubic foot and shall be delivered at a single point of service per premise to be designated by the City.

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of extension.
3. If the installation of service tap is necessary to provide the customer with service, one such tap will be provided per premise by the City at a cost to the customer in accordance with the City's tapping policy in effect at the time of the service tap.
4. The City will provide and install a meter to measure the quantity of gas consumed by the customer. However, it shall be the responsibility of the customer to provide a meter loop built to City specifications at a location to be specified by the City.
5. A special service charge of \$20 will be made for any requested summer disconnection and winter reconnection of gas service.
6. A special service charge of \$15 will be made for any requested pilot re-light during normal working hours and \$30 for after hours service.

EXHIBIT "A"

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	500	520
TARIFF	SECTION NO.	SHEET NO.
NATURAL GAS RATE SCHEDULES	October 1, 2013	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change Effective 12/08/06)	

SMALL COMMERCIAL SERVICE - URBAN

RATE SCHEDULE G - F

APPLICABILITY

This rate is applicable to all small commercial customers whose maximum gas requirements are equal or less than 350 cubic feet per hour receiving natural gas service from the Municipal Gas System

AVAILABILITY

This rate is available to all small commercial customers of the Municipal Gas System located within the corporate limits of the City of Brenham, Texas.

MONTHLY CHARGES

Type of Charge	Description	Charge
Customer Charge	Customer charge for customers receiving service	\$10.00
Distribution Charge	Charge for distribution service	\$2.311 per mcf
Commodity Charge	Actual monthly price, including applicable discounts, from City's wholesale supplier, attributable to Customer's usage	Actual monthly costs from supplier
Gas Cost Adjustment Charge	Charge for adjustments in commodity charges	As needed

MINIMUM CHARGES

The minimum monthly base bill shall be the customer charge for each month of the year, regardless of whether service is disconnected during the summer months.

BILLING ADJUSTMENTS

In addition to the base charges and the gas cost adjustment charges, the customer will be billed for all taxes applicable to the sale of natural gas, excluding gross receipts taxes.

TERMS OF PAYMENT

The bills rendered under this schedule are net and will be increased by 10% if not paid within 15 days after the date of the bill.

EXHIBIT "A"

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	500	521
TARIFF	SECTION NO.	SHEET NO.
NATURAL GAS RATE SCHEDULES		
SECTION TITLE	October 1, 2013	
	EFFECTIVE DATE	
	(Supersedes Rate Change Effective 12/08/06)	

CHARACTER OF SERVICE

Natural gas furnished under this rate schedule shall be delivered at a pressure of four (4) ounces and have a minimum heat content of 983 BTU's per cubic foot and shall be delivered at a single point of service per premise to be designated by the City.

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of extension.
3. If the installation of service tap is necessary to provide the customer with service, one such tap will be provided per premise by the City at a cost to the customer in accordance with the City's tapping policy in effect at the time of the service tap.
4. The City will provide and install a meter to measure the quantity of gas consumed by the customer. However, it shall be the responsibility of the customer to provide a meter loop built to City specifications at a location to be specified by the City.
5. A special service charge of \$20 will be made for any requested summer disconnection and winter reconnection of gas service.
6. A special service charge of \$15 will be made for any requested pilot re-light during normal working hours and \$30 for after hours service.

EXHIBIT "A"

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	500	530
TARIFF	SECTION NO.	SHEET NO.
NATURAL GAS RATE SCHEDULES	October 1, 2013	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change Effective 12/08/06)	

LARGE COMMERCIAL AND SMALL INDUSTRIAL SERVICE - URBAN RATE SCHEDULE G-B

APPLICABILITY

This rate is applicable to all commercial and industrial customers whose maximum gas requirements are in excess of 350 cubic feet per hour.

AVAILABILITY

This rate is available to all commercial and industrial customers of the Municipal Gas System located within the corporate limits of the City of Brenham, Texas, meeting the criteria specified above.

MONTHLY CHARGES

Type of Charge	Description	Charge
Customer Charge	Customer charge for customers receiving service	\$56.25
Distribution Charge	Charge for distribution service	\$1.571 per mcf
Commodity Charge	Actual monthly price, including applicable discounts, from City's wholesale supplier, attributable to Customer's usage	Actual monthly costs from supplier
Gas Cost Adjustment Charge	Charge for adjustments in commodity charges	As needed

MINIMUM CHARGES

The minimum monthly base bill shall be the customer charge for each month of the year, regardless of whether service is disconnected during the summer months.

BILLING ADJUSTMENTS

In addition to the base charges and the gas cost adjustment charges, the customer will be billed for all taxes applicable to the sale of natural gas, excluding gross receipts taxes.

TERMS OF PAYMENT

The bills rendered under this schedule are net and will be increased by 10% if not paid 15 days from the date of the bill.

CHARACTER OF SERVICE

Natural gas furnished under this rate schedule shall be delivered at a pressure of four (4) ounces, five (5) pounds or at line pressure and have a minimum heat content of 983 BTU's per cubic foot and shall be delivered at a single point of service per premise to be designated by the City.

EXHIBIT "A"

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	500	531
TARIFF	SECTION NO.	SHEET NO.
NATURAL GAS RATE SCHEDULES	October 1, 2013	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change Effective 12/08/2006)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of extension.
3. If the installation of a service tap is necessary to provide the customer with service, one such tap will be provided per premise by the City at a cost to the customer in accordance with the City's tapping policy in effect at the time of the service tap.
4. The City will provide and install a meter to measure the quantity of gas consumed by the customer. However, it shall be the responsibility of the customer to provide a meter loop built to City specifications at a location to be specified by the City.
5. A special service charge of \$15 will be made for any requested pilot re-light during normal working hours and \$30 for after hours service.

EXHIBIT "A"

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	500	540
TARIFF	SECTION NO.	SHEET NO.
NATURAL GAS RATE SCHEDULES	October 1, 2013	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change Effective 12/08/06)	

LARGE INDUSTRIAL SERVICE - URBAN

RATE SCHEDULE G-C

APPLICABILITY

This rate is applicable to all industrial customers whose annual gas requirements are in excess of 36,500 MCF.

AVAILABILITY

This rate is available to all large industrial customers of the Municipal Gas System located within the corporate limits of the City of Brenham, Texas, meeting the criteria specified above.

MONTHLY CHARGES

Type of Charge	Description	Charge
Customer Charge	Customer charge for customers receiving service	\$56.25
Distribution Charge	Charge for distribution service	\$1.465 per mcf
Commodity Charge	Actual monthly price, including applicable discounts, from City's wholesale supplier, attributable to Customer's usage	Actual monthly costs from supplier
Gas Cost Adjustment Charge	Charge for adjustments in commodity charges	As needed

MINIMUM CHARGES

The minimum monthly base bill shall be the customer charge for each month of the year, regardless of whether service is disconnected during the summer months.

BILLING ADJUSTMENTS

In addition to the base charges and the gas cost adjustment charges, the customer will be billed for all taxes applicable to the sale of natural gas, excluding gross receipts taxes.

TERMS OF PAYMENT

The bills rendered under this schedule are net and will be increased by 10% if not paid 15 days from the date of the bill.

CHARACTER OF SERVICE

Natural gas furnished under this rate schedule shall be delivered at a pressure of four (4) ounces, five (5) pounds or at line pressure and have a minimum heat content of 983 BTU's per cubic foot and shall be delivered at a single point of service per premise to be designated by the City.

EXHIBIT "A"

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	500	541
TARIFF	SECTION NO.	SHEET NO.
NATURAL GAS RATE SCHEDULES	October 1, 2013	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change Effective 12/08/06)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of extension.
3. .If the installation of a service tap is necessary to provide the customer with service, one such tap will be provided per premise by the City at a cost to the customer in accordance with the City's tapping policy in effect at the time of the service tap.
4. The City will provide and install a meter to measure the quantity of gas consumed by the customer. However, it shall be the responsibility of the customer to provide a meter loop built to City specifications at a location to be specified by the City.
5. A special service charge of \$15 will be made for any requested pilot re-light during normal working hours and \$30 for after hours service

EXHIBIT "A"

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	500	550
TARIFF	SECTION NO.	SHEET NO.
NATURAL GAS RATE SCHEDULES	October 1, 2013	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change Effective 12/08/06)	

RESIDENTIAL - RURAL

RATE SCHEDULE G - D

APPLICABILITY

This rate is applicable to all residential customers whose maximum gas requirements are equal to or less than 350 cubic feet per hour receiving natural gas service from the Municipal Gas System.

AVAILABILITY

This rate is available to all residential customers of the Municipal Gas System located outside of the corporate limits of the City of Brenham, Texas.

MONTHLY CHARGES

Type of Charge	Description	Charge
Customer Charge	Customer charge for customers receiving service	\$11.50
Distribution Charge	Charge for distribution service	\$2.710 per mcf
Commodity Charge	Actual monthly price, including applicable discounts, from City's wholesale supplier, attributable to Customer's usage	Actual monthly costs from supplier
Gas Cost Adjustment Charge	Charge for adjustments in commodity charges	As needed

MINIMUM CHARGES

The minimum monthly base bill shall be the customer charge for each month of the year, regardless of whether service is disconnected during the summer months.

BILLING ADJUSTMENTS

In addition to the base charges and the gas cost adjustment charges, the customer will be billed for all taxes applicable to the sale of natural gas, excluding gross receipts taxes.

TERMS OF PAYMENT

The bills rendered under this schedule are net and will be increased by 10% if not paid within 15 days from the date of the bill.

EXHIBIT "A"

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	500	551
TARIFF	SECTION NO.	SHEET NO.
NATURAL GAS RATE SCHEDULES	October 1, 2013	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change Effective 12/08/06)	

CHARACTER OF SERVICE

Natural gas furnished under this rate schedule shall be delivered at a pressure of four (4) ounces and have a minimum heat content of 983 BTU's per cubic foot and shall be delivered at a single point of service per premise to be designated by the City.

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of extension.
3. If the installation of a service tap is necessary to provide the customer with service, one such tap will be provided per premise by the City at a cost to the customer in accordance with the City's tapping policy in effect at the time of the service tap.
4. The City will provide and install a meter to measure the quantity of gas consumed by the customer. However, it shall be the responsibility of the customer to provide a meter loop built to City specifications at a location to be specified by the City.
5. A special service charge of \$20 will be made for any requested summer disconnection and winter reconnection of gas service.
6. A special service charge of \$15 will be made for any requested pilot re-light during normal working hours and \$30 for after hours service

EXHIBIT "A"

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	500	560
TARIFF	SECTION NO.	SHEET NO.
NATURAL GAS RATE SCHEDULES	October 1, 2013	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change Effective 12/08/06)	

SMALL COMMERCIAL - RURAL

RATE SCHEDULE G - G

APPLICABILITY

This rate is applicable to all small commercial customers whose maximum gas requirements are equal to or less than 350 cubic feet per hour receiving natural gas service from the Municipal Gas System.

AVAILABILITY

This rate is available to all small commercial customers of the Municipal Gas System located outside of the corporate limits of the City of Brenham, Texas.

MONTHLY CHARGES

Type of Charge	Description	Charge
Customer Charge	Customer charge for customers receiving service	\$11.50
Distribution Charge	Charge for distribution service	\$2.710 per mcf
Commodity Charge	Actual monthly price, including applicable discounts, from City's wholesale supplier, attributable to Customer's usage	Actual monthly costs from supplier
Gas Cost Adjustment Charge	Charge for adjustments in commodity charges	As needed

MINIMUM CHARGES

The minimum monthly base bill shall be the customer charge for each month of the year, regardless of whether service is disconnected during the summer months.

BILLING ADJUSTMENTS

In addition to the base charges and the gas cost adjustment charges, the customer will be billed for all taxes applicable to the sale of natural gas, excluding gross receipts taxes.

TERMS OF PAYMENT

The bills rendered under this schedule are net and will be increased by 10% if not paid within 15 days from the date of the bill.

EXHIBIT "A"

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	500	561
TARIFF	SECTION NO.	SHEET NO.
NATURAL GAS RATE SCHEDULES	October 1, 2013	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change Effective 12/08/06)	

CHARACTER OF SERVICE

Natural gas furnished under this rate schedule shall be delivered at a pressure of four (4) ounces and have a minimum heat content of 983 BTU's per cubic foot and shall be delivered at a single point of service per premise to be designated by the City.

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of extension.
3. If the installation of a service tap is necessary to provide the customer with service, one such tap will be provided per premise by the City at a cost to the customer in accordance with the City's tapping policy in effect at the time of the service tap.
4. The City will provide and install a meter to measure the quantity of gas consumed by the customer. However, it shall be the responsibility of the customer to provide a meter loop built to City specifications at a location to be specified by the City.
5. A special service charge of \$20 will be made for any requested summer disconnection and winter reconnection of gas service.
6. A special service charge of \$15 will be made for any requested pilot re-light during normal working hours and \$30 for after hours service

EXHIBIT "A"

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	500	570
TARIFF	SECTION NO.	SHEET NO.
NATURAL GAS RATE SCHEDULES	October 1, 2013	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change Effective 12/08/06)	

GOVERNMENTAL SERVICE

RATES SCHEDULE G - E

APPLICABILITY

This rate is applicable to all governmental gas customers.

AVAILABILITY

This rate is available to the Brenham Independent School District, Washington County, Washington County (Blinn) Junior College, State of Texas, United States Government, and all departments, divisions, or branches of the City of Brenham, Texas, that are under the direct control of the City Council of said City.

MONTHLY CHARGES

Type of Charge	Description	Charge
Customer Charge	Customer charge for customers receiving service	\$56.25
Distribution Charge	Charge for distribution service	\$1.303 per mcf
Commodity Charge	Actual monthly price, including applicable discounts, from City's wholesale supplier, attributable to Customer's usage	Actual monthly costs from supplier
Gas Cost Adjustment Charge	Charge for adjustments in commodity charges	As needed

MINIMUM CHARGES

The minimum monthly base bill shall be the customer charge for each month of the year, regardless of whether service is disconnected during the summer months.

BILLING ADJUSTMENTS

In addition to the base charges and the gas cost adjustment charges, the customer will be billed for all taxes applicable to the sale of natural gas, excluding gross receipts taxes.

TERMS OF PAYMENT

The bills rendered under this schedule are net and will be increased by 10% if not paid within 15 days from the date of the bill.

EXHIBIT "A"

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	500	571
TARIFF	SECTION NO.	SHEET NO.
NATURAL GAS RATE SCHEDULES	October 1, 2013	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change Effective 12/08/06)	

CHARACTER OF SERVICE

Natural gas furnished under this rate schedule shall be delivered at a pressure of four (4) ounces, five (5) pounds or at line pressure and have a minimum heat content of 983 BTU's per cubic foot and shall be delivered at a single point of service per premise to be designated by the City.

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of extension.
3. If the installation of a service tap is necessary to provide the customer with service, one such tap will be provided per premise by the City at a cost to the customer in accordance to the City's tapping policy in effect at the time of the service tap.
4. The City will provide and install a meter to measure the quality of gas consumed by the customer. However, it shall be the responsibility of the customer to provide a meter loop built to City specifications at a location to be specified by the City.

EXHIBIT "A"

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	500	580
TARIFF	SECTION NO.	SHEET NO.
NATURAL GAS RATE SCHEDULES	October 1, 2013	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change Effective 12/08/06)	

LARGE COMMERCIAL AND SMALL INDUSTRIAL SERVICE - RURAL

RATE SCHEDULE G-H

APPLICABILITY

This rate is applicable to all rural commercial and industrial customers whose maximum gas requirements are in excess of 350 cubic feet per hour.

AVAILABILITY

This rate is available to all commercial and industrial customers of the Municipal Gas System located outside of the corporate limits of the City of Brenham, Texas, meeting the criteria specified above.

MONTHLY CHARGES

Type of Charge	Description	Charge
Customer Charge	Customer charge for customers receiving service	\$64.69
Distribution Charge	Charge for distribution service	\$2.080 per mcf
Commodity Charge	Actual monthly price, including applicable discounts, from City's wholesale supplier, attributable to Customer's usage	Actual monthly costs from supplier
Gas Cost Adjustment Charge	Charge for adjustments in commodity charges	As needed

MINIMUM CHARGES

The minimum monthly base bill shall be the customer charge for each month of the year, regardless of whether service is disconnected during the summer months.

BILLING ADJUSTMENTS

In addition to the base charges and the gas cost adjustment charges, the customer will be billed for all taxes applicable to the sale of natural gas, excluding gross receipts taxes.

TERMS OF PAYMENT

The bills rendered under this schedule are net and will be increased by 10% if not paid within 15 days from the date of the bill.

EXHIBIT "A"

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	500	581
TARIFF	SECTION NO.	SHEET NO.
NATURAL GAS RATE SCHEDULES	October 1, 2013	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change Effective 12/22/06)	

CHARACTER OF SERVICE

Natural gas furnished under this rate schedule shall be delivered at a pressure of four (4) ounces, five (5) pounds or at line pressure and have a minimum heat content of 983 BTU's per cubic foot and shall be delivered at a single point of service per premise to be designated by the City.

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of extension.
3. If the installation of a service tap is necessary to provide the customer with service, one such tap will be provided per premise by the City at a cost to the customer in accordance with the City's tapping policy in effect at the time of the service tap.
4. The City will provide and install a meter to measure the quantity of gas consumed by the customer. However, it shall be the responsibility of the customer to provide a meter loop built to City specifications at a location to be specified by the City.
5. A special service charge of \$15 will be made for any requested pilot re-light during normal working hours and \$30 for after hours service.

EXHIBIT "A"

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	500	590
TARIFF	SECTION NO.	SHEET NO.
NATURAL GAS RATE SCHEDULES	October 1, 1995	
SECTION TITLE	EFFECTIVE DATE	

GAS TAPPING SERVICE

RATE SCHEDULE G-K

APPLICABILITY

This rate is applicable to the installation of service taps, service lines and gas meters for residential, commercial, and/or industrial customers.

AVAILABILITY

This rate is available to all customers or prospective customers of the City's gas system.

RATES

1 Inch	Service Tap, Service Line, Meter and Regulator	\$ 140.00
1-1/2 Inch	Service Tap, Service Line, Meter and Regulator	140.00
2 Inch	Service Tap, Service Line, Meter and Regulator	175.00
4 Inch	Service Tap, Service Line, Meter and Regulator	Actual cost of installation including but not limited to costs, materials, labor, and equipment overhead.

TERMS OF PAYMENT

Fees of one (1) inch to two (2) inches in size, must be paid in advance. Advance payments, based on estimated cost of taps four (4) inches or larger in size, shall be made prior to commencement of work by the City. If the amount of advance payment is in excess of actual cost of installation, the amount of overpayment will be refunded. If the amount of advance payment is less than the actual cost of the installation, the customer will be required to remit the amount of the shortage.

CHARACTER OF SERVICE

Facilities provided under this rate will consist of the installation of an appropriate size cut-off valve, installation of an appropriate size meter and regulator, and the installation of a sufficient amount of appropriate size service line to allow line extension to or near the customer's property line.

EXHIBIT "A"

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	500	591
TARIFF	SECTION NO.	SHEET NO.
NATURAL GAS RATE SCHEDULES	October 1, 1995	
SECTION TITLE	EFFECTIVE DATE	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
3. In the event a customer desires to increase the size of an existing service and it is agreeable with the City, the cost of such enlargement will be equal to the cost of installation of the new size of service.

EXHIBIT "A"

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059
ALL SERVICES 500 595

TARIFF	SECTION NO.	SHEET NO.
NATURAL GAS RATE SCHEDULES		
	October 1, 2013	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change Effective 02/22/2006)	

GAS COST ADJUSTMENT CHARGE

In addition to the appropriate base rate charge, each customer shall pay a Gas Cost Adjustment Charge to recover those costs of purchasing gas on a wholesale basis, which exceed the allowance provided for the cost of gas within the base rates. The Gas Cost Adjustment Charge shall be computed by multiplying the MCF consumed by a gas cost adjustment factor computed in accordance with the following calculations:

1. The city gate rate rate increase or decrease applicable to current billing month sales shall be estimated to the nearest \$0.0001 per MCF based upon:
 - (a) The city gate rate estimated to be applicable to volumes purchased during the current calendar month, expressed to the nearest \$0.0001 per MCF (shown below as "Estgas") less
 - (b) The base city gate rate of \$5.00 per MCF, multiplied by
 - (c) A volume factor based on the ratio of adjusted purchased volumes divided by adjusted sales volumes for the previous fiscal year (shown as "Volfac").
2. Correction of the estimated adjustment determined by Item 1. above shall be included as part of the adjustment for the second following billing month. The correcting factor (shown below as "Corfac") shall be expressed to the nearest \$0.0001 per MCF based upon:
 - (a) The corrected adjustment amount based upon the actual city gate rate, less
 - (b) The estimated adjustment amount billed under Item 1. above, divided by
 - (c) Distribution system sales (in MCF) recorded on the City's books during the prior year for the month that the correction is included as part of the adjustment.
3. In summary, the gast cost adjustment (GCA) shall be determined to the nearest \$0.0001 per MCF by Item 1. and Item 2. as follows:

$$GCA = [("Volfac") \times ((\text{"Estgas"} - \$5.00) + \text{"Corfac"})]$$



AGENDA ITEM 7

DATE OF MEETING: October 3, 2013	DATE SUBMITTED: September 30, 2013															
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Grant Lischka															
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;">MEETING TYPE:</td> <td style="width: 33%; vertical-align: top;">CLASSIFICATION:</td> <td style="width: 33%; vertical-align: top;">ORDINANCE:</td> </tr> <tr> <td>☒ REGULAR</td> <td>☐ PUBLIC HEARING</td> <td>☐ 1ST READING</td> </tr> <tr> <td>☐ SPECIAL</td> <td>☐ CONSENT</td> <td>☐ 2ND READING</td> </tr> <tr> <td>☐ EXECUTIVE SESSION</td> <td>☐ REGULAR</td> <td>☐ RESOLUTION</td> </tr> <tr> <td></td> <td>☒ WORK SESSION</td> <td></td> </tr> </table>		MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING	☐ SPECIAL	☐ CONSENT	☐ 2 ND READING	☐ EXECUTIVE SESSION	☐ REGULAR	☐ RESOLUTION		☒ WORK SESSION	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:														
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☐ SPECIAL	☐ CONSENT	☐ 2 ND READING														
☐ EXECUTIVE SESSION	☐ REGULAR	☐ RESOLUTION														
	☒ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discussion and Presentation Regarding Chappell Hill Street Extension Improvements																
SUMMARY STATEMENT: Staff has met with TxDOT and the design engineer for the project, Jones & Carter, Inc., to review the schedule developed for the construction of the Chappell Hill Street Extension. The planning and construction schedule for the signal light may take longer than the roadway construction. The construction of the signal light requires an Advanced Funding Agreement (AFA) between the City and TxDOT. Once the AFA has been finalized, plans for the signal light must then be submitted to TxDOT for their review and approval. The length of the TxDOT review is currently unknown although staff anticipates receiving a timeframe soon. Staff feels that the completion of the road work should coincide with the completion of the signal construction so that the intersection is not put into service without signal lights. The schedule was still under development as of Monday morning and staff hopes to have a finalized schedule by Thursday to present to Council.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:																
ALTERNATIVES (In Suggested Order of Staff Preference):																
ATTACHMENTS: None																
FUNDING SOURCE (Where Applicable):																
RECOMMENDED ACTION: Discussion only.																
APPROVALS: Terry K. Roberts																



AGENDA ITEM 8

DATE OF MEETING: October 3, 2013	DATE SUBMITTED: September 30, 2013
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Grant Lischka

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

AGENDA ITEM DESCRIPTION: Discussion and Presentation Regarding Speed Limits and Other Improvements Along U.S. Highway 290

SUMMARY STATEMENT: TxDOT performed a speed zone study in July 2013 on U.S. Highway 290 within the City Limits. The proposed speed limits are as follows:

1. From the east City Limit line (just east of F.M. 577/Blue Bell Road) to approximately 500 feet east of the BNSF Railroad crossing (in the general area of the Fireman's Training Center) TxDOT is proposing a speed limit of 70 miles per hour (MPH). The current speed limit along this portion is 65 MPH.
2. From approximately 500 feet east of the BNSF Railroad crossing to Business U.S. 290 (cloverleaf) TxDOT is proposing a speed limit of 65 MPH. The current speed limit along this portion is 60 MPH.

Accident data compiled by TxDOT from 2012 shows that there were 19 property damage accidents, with 4 of those accidents resulting in 4 personal injuries. There were no fatal accidents per TxDOT's research.

Police Chief Rex Phelps has expressed some safety concerns with the proposed speed limit increase and we plan to discuss those concerns during this work session.

Any changes to the speed limit will require approval of an ordinance outlining the adopted speeds. Before an ordinance amending speeds on 290 is brought to Council for consideration, staff would like Council's input.

Staff has also discussed with TxDOT the crossover at Robert C. Appel Drive (near the Appel Ford dealership). TxDOT has proposed eliminating the crossover between the main lanes of traffic on 290 at this location. The crossover is a current safety issue because of the lack of deceleration lanes for traffic turning left. Several businesses in the area would be affected if the crossover were removed. As of now, this has been an informal discussion between staff and TxDOT and no property owners in the area have been contacted. If this is something Council would like to pursue, staff will begin contacting property owners and gathering input before any changes are made.

Staff would also like to have a general discussion regarding frontage roads along U.S. Highway 290.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:
ALTERNATIVES (In Suggested Order of Staff Preference):
ATTACHMENTS: None. Staff will have large exhibits to present during the Council meeting.
FUNDING SOURCE (Where Applicable): N/A
RECOMMENDED ACTION: Discussion only.
APPROVALS: Terry K. Roberts



AGENDA ITEM 9

DATE OF MEETING: October 3, 2013	DATE SUBMITTED: September 18, 2013															
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Amanda Klehm															
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;">MEETING TYPE:</td> <td style="width: 33%; vertical-align: top;">CLASSIFICATION:</td> <td style="width: 33%; vertical-align: top;">ORDINANCE:</td> </tr> <tr> <td>☒ REGULAR</td> <td>☐ PUBLIC HEARING</td> <td>☐ 1ST READING</td> </tr> <tr> <td>☐ SPECIAL</td> <td>☐ CONSENT</td> <td>☐ 2ND READING</td> </tr> <tr> <td>☐ EXECUTIVE SESSION</td> <td>☒ REGULAR</td> <td>☐ RESOLUTION</td> </tr> <tr> <td></td> <td>☐ WORK SESSION</td> <td></td> </tr> </table>		MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING	☐ SPECIAL	☐ CONSENT	☐ 2 ND READING	☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION		☐ WORK SESSION	
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☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION														
	☐ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon a Request for a Noise Variance for CD Release Party to be Held from 7:00 P.M. to 11:30 P.M., October 4, 2013 at the Home of Christi Bond Located at 505 E. Academy and Authorize the Mayor to Execute Any Necessary Documentation																
SUMMARY STATEMENT: Christi Bond has requested a noise variance to hold an event for a cd release on October 4, 2013 from 7:00 P.M. to 11:30 P.M. at her home. They will have a live music with an acoustic guitar and food. They will be using sound amplification equipment. The Brenham Police Department and the Brenham Fire Department have approved the noise variance request; therefore, I ask the City Council to approve the noise variance request.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:																
ALTERNATIVES (In Suggested Order of Staff Preference):																
ATTACHMENTS: (1) Noise Variance Request																
FUNDING SOURCE (Where Applicable): N/A																
RECOMMENDED ACTION: Approve a request for a noise variance for cd release party to be held from 7:00 P.M. to 11:30 P.M., October 4, 2013 at the home of Christi Bond and authorize the Mayor to execute any necessary documentation.																
APPROVALS: Terry K. Roberts																

upd cash \$10.00
9-17-13
JK

NOISE VARIANCE REQUEST

Application Fee \$10.00

1. Name of sponsoring organization: Christo Bond 505 E. Academy

2. Name and address of individual making application on behalf of sponsoring organization: _____

3. Purpose of the Event: CD release

4. Location of Event: _____

5. Date of the event: October 4, 2013

6. Time of Event: 7-12:00

7. Event Set-up: From: _____ To: _____

Event Clean-up: From: 12:00 To: 12:30

8. You are required to describe the following:

a) Types of Activities Planned and any additional information specific to this event: _____

Live Music (acoustic) Food Friends

b) Bands/Musical Instruments: microphone guitar (acoustic)

c) Sound amplification equipment: microphone

d) Cleanup provisions: _____

Christi Bond
Name of Applicant (Printed or Typed)
Christi Bond
Applicant or Authorized Person's Signature

Date: 9.17.13

Phone: 979.203.7864

Have you ever been found guilty of a criminal offense involving crimes against property, moral turpitude, and/or a felony by any Court? Yes ☒ No If "Yes", please identify the offense, State of conviction and penalty imposed (attach additional sheets if necessary):

CITY STAFF REVIEW

Date received: _____

☒ APPROVED

☐ DENIED

Rex Phelps, Chief of Police

Date: _____

Comments/Reason for Denial: _____

☒ APPROVED

☐ DENIED

Ricky Boeker, Chief of Fire Department

Date: 09/18/2013

Comments/Reason for Denial: _____

Noise Variance Approved by the City Council on the _____ day of _____, 2012.

Milton Y. Tate, Jr., Mayor

Date: _____

ATTEST:

Jeana Bellinger, City Secretary



AGENDA ITEM 10

DATE OF MEETING: October 3, 2013	DATE SUBMITTED: September 18, 2013															
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Amanda Klehm															
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	☐ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon a Request for a Noise Variance for Man's Space Adventures Awareness to be Held from 7:00 P.M. to 8:30 P.M., October 12, 2013 at Nancy Carol Roberts Library and Authorize the Mayor to Execute Any Necessary Documentation																
SUMMARY STATEMENT: Kathy Bell has requested a noise variance to hold an event for man's space adventures awareness on October 12, 2013 from 7:00 P.M. to 8:30 P.M. at Nancy Carol Roberts Library parking lot. They will have the use of telescopes, lessons on space exploration, handouts, Milky Way candy bars, and music during the event. They will be using a Bose cd player and sound amplification equipment. The Brenham Police Department and the Brenham Fire Department have approved the noise variance request; therefore, I ask the City Council to approve the noise variance request.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:																
ALTERNATIVES (In Suggested Order of Staff Preference):																
ATTACHMENTS: (1) Noise Variance Request																
FUNDING SOURCE (Where Applicable): N/A																
RECOMMENDED ACTION: Approve a request for a noise variance for man's space adventures awareness to be held from 7:00 P.M. to 8:30 P.M., October 12, 2013 at Nancy Carol Roberts Library and authorize the Mayor to execute any necessary documentation.																
APPROVALS: Terry K. Roberts																

NOISE VARIANCE REQUEST

Application Fee \$10.00

1. Name of sponsoring organization:
Nancy Carol Roberts Memorial Library
2. Name and address of individual making application on behalf of sponsoring organization: _____
Kathy Bell for the Nancy Carol Roberts Library, 100 MLK PKY
Brenham, TX 77833
3. Purpose of the Event: Raise awareness of man's space adventures
4. Location of Event: Parkinglot of the library
5. Date of the event: October 12, 2013
6. Time of Event: 7:00-8:30 PM
7. Event Set-up: From: 6:30-7:00 To: 7:00
Event Clean-up: From: 8:30- To: 9:00
8. You are required to describe the following:
 - a) Types of Activities Planned and any additional information specific to this event: _____
Use of telescopes and lessons on space exploration
hand outs, Milky Way candy bars and music during the early part
 - b) Bands/Musical Instruments: Bose CD player
 - c) Sound amplification equipment: _____
 - d) Cleanup provisions: Take down telescopes and pick up any trash

Kathy Bell

Date: 9-17-2013

Name of Applicant (Printed or Typed)

Phone: 337-7201

Kathy Bell
Applicant or Authorized Person's Signature

Have you ever been found guilty of a criminal offense involving crimes against property, moral turpitude, and/or a felony by any Court? Yes X No. If "Yes", please identify the offense, State of conviction and penalty imposed (attach additional sheets if necessary):

CITY STAFF REVIEW

Date received: _____

☒ APPROVED

☐ DENIED

Rex Phelps, Chief of Police

Date: _____

Comments/Reason for Denial: _____

☒ APPROVED

☐ DENIED

Ricky Boeker, Chief of Fire Department

Date: 09/18/2013

Comments/Reason for Denial: _____

Noise Variance Approved by the City Council on the _____ day of _____, 2012.

Milton Y. Tate, Jr., Mayor

Date: _____

ATTEST:

Jeana Bellinger, City Secretary



AGENDA ITEM 11

DATE OF MEETING: October 3, 2013	DATE SUBMITTED: September 18, 2013															
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Amanda Klehm															
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	☐ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-13-013 Authorizing the Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 2013 Christmas Stroll to be Held on Friday, December 6, 2013																
SUMMARY STATEMENT: The 2013 Christmas Stroll is sponsored by the City of Brenham. Their goal is to attract shoppers to the downtown area. This year's stroll will be held on December 6, 2013 from 5:30 pm until 10:00 pm. Main and Alamo Streets will be closed between Market Street and Austin Street from 4:00 pm until 10:00 pm. There will be live musical entertainment, parade, Farmer's Market and vendors, kids' activities, choirs and bands.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:																
ALTERNATIVES (In Suggested Order of Staff Preference):																
ATTACHMENTS: (1) Application for Event Permit (With Street Closures); and (2) Agreement with TxDOT for the Temporary Closure of State Right of Way including the Parade Map and Resolution R-13-013																
FUNDING SOURCE (Where Applicable):																
RECOMMENDED ACTION: Approve Resolution No. R-13-013 Authorizing the Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 2013 Christmas Stroll to be Held on Friday, December 6, 2013																
APPROVALS: Terry K. Roberts																

APPLICATION FOR EVENT PERMIT (WITH STREET CLOSURES)

1. Name of sponsoring organization: City of Brenham Recreation
2. Name of individual making application on behalf of sponsoring organization: Crystal Dahlquist
3. Proposed date(s) of event: Friday, December 6, 2013
4. Purpose of the event: Christmas Stroll & Lighted parade.
5. Proposed street closures for the event: Main St. (Market → Austin); Alamo St. (Market → Austin); Park St. (Vulcan → Commerce); Douglas, Baylor, & St. Charles (Vulcan → Commerce).
6. Proposed times of street closures (allowing for assembly/set-up and breakdown/cleanup):
 Proposed closure date and time: 4:00pm - Fri., Dec. 6th, 2013
 Closure requested until: 10:00pm, Fri., Dec. 6th, 2013.
7. Event start date and time: 6:00pm, Fri., Dec. 6th, 2013.
8. Event termination date and time: 10:00pm, Fri., Dec. 6th, 2013.
9. Describe types of activities planned (entertainment, food booths, theme of items for sale, etc):
parade; live entertainment; ice skating rink; farmer's market; vendors on Park St. past Commerce St.; choirs; bands
10. Estimated attendance (event organizers and spectators): 2,200
11. Special Requests and/or additional information peculiar to this event: _____

Crystal Dahlquist
 Name of Applicant (typed or printed)
C. Dahlquist
 Applicant or Authorized Person's Signature

Date: 09.18.13.
979.337.7254
 Telephone Number
979.451.0902 - cell ⁴⁴

EVENT PERMIT (WITH STREET CLOSURES)

1. Street Closure Times: Beginning at Fri., December 6, 2013 @ 4:00pm
(Date and time)
Ending at Fri., December 6, 2013 @ 10:00pm.
(Date and time)

2. Street Closings:

Main from Market to Austin

Alamo from Market to Austin

St. Charles from Vulcan to Commerce

Baylor from Vulcan to Commerce

Park from Vulcan to Commerce to railroad track for farmers market.

Douglas from Vulcan to Commerce

* Market from Alamo to Main - in front of museum for fire trucks to give rides around downtown square.

Exceptions/additional information:

3. Event set-up times: From 4:00pm to 5:30pm

4. Event start time: 6:00pm.

5. Event closing time: 10:00pm.

6. Breakdown/cleanup: From 9:30pm to 10:00pm.

7. Permittee agrees to advise all participants (other than the general public), either orally or by written notice, of the terms and conditions of the ordinance and permit prior to the commencement of such event.

CITY OF BRENHAM

By: _____
Director of Public Works

Crystal Dahlquist
Applicant

Date: _____

Date: 09.18.13.

STATE OF TEXAS §

COUNTY OF TRAVIS §

AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT OF WAY

THIS AGREEMENT is made by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the "State," and the City of Brenham, a municipal corporation, acting by and through its duly authorized officers, hereinafter called the "local government."

W I T N E S S E T H

WHEREAS, the State owns and operates a system of highways for public use and benefit, including Alamo and Main Streets, in Washington, County; and

WHEREAS, the local government has requested the temporary closure of Alamo and Main Streets (Business 290) for the purpose of the 2013 Christmas Stroll, from 4:00 pm to 10:00 pm on Friday, December 6, 2013, as described in the attached "Exhibit A," hereinafter identified as the "Event;" and

WHEREAS, the Event will be located within the local government's incorporated area; and

WHEREAS, the State, in recognition of the public purpose of the Event, wishes to cooperate with the City so long as the safety and convenience of the traveling public is ensured and that the closure of the State's right of way will be performed within the State's requirements; and

WHEREAS, on the 3rd day of October, 2013, the Brenham City Council passed Resolution/ Ordinance No. R-13-013, attached hereto and identified as "Exhibit B," establishing that the Event serves a public purpose and authorizing the local government to enter into this agreement with the State; and

WHEREAS, 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of a segment of the State highway system; and

WHEREAS, this agreement has been developed in accordance with the rules and procedures of 43 TAC, Section 22.12;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

A G R E E M E N T

Article 1. CONTRACT PERIOD

This agreement becomes effective upon final execution by the State and shall terminate upon completion of the Event or unless terminated or modified as hereinafter provided.

Article 2. EVENT DESCRIPTION

The physical description of the limits of the Event, including county names and highway numbers, the number of lanes the highway has and the number of lanes to be used, the proposed schedule of start and stop times and dates at each location, a brief description of the proposed activities involved, approximate number of people attending the Event, the number and types of animals and equipment, planned physical modifications of any man-made or natural features in or adjacent to the right of way involved shall be attached hereto along with a location map and identified as "Exhibit C."

Article 3. OPERATIONS OF THE EVENT

A. The local government shall assume all costs for the operations associated with the Event, to include but not limited to, plan development, materials, labor, public notification, providing protective barriers and barricades, protection of highway traffic and highway facilities, and all traffic control and temporary signing.

B. The local government shall submit to the State for review and approval the construction plans, if construction or modifications to the State's right of way is required, the traffic control and signing plans, traffic enforcement plans, and all other plans deemed necessary by the State. The State may require that any traffic control plans of sufficient complexity be signed, sealed and dated by a registered professional engineer. The traffic control plan shall be in accordance with the latest edition of the Texas Manual on Uniform Traffic Control Devices. All temporary traffic control devices used on state highway right of way must be included in the State's Compliant Work Zone Traffic Control Devices List. The State reserves the right to inspect the implementation of the traffic control plan and if it is found to be inadequate, the local government will bring the traffic control into compliance with the originally submitted plan, upon written notice from the State noting the required changes, prior to the event. The State may request changes to the traffic control plan in order to ensure public safety due to changing or unforeseen circumstances regarding the closure.

C. The local government will ensure that the appropriate law enforcement agency has reviewed the traffic control for the closures and that the agency has deemed them to be adequate. If the law enforcement agency is unsure as to the adequacy of the traffic control, it will contact the State for consultation no less than 10 workdays prior to the closure.

D. The local government will complete all revisions to the traffic control plan as requested by the State within the required timeframe or that the agreement will be terminated upon written notice from the State to the local government. The local government hereby agrees that any failure to cooperate with the State may constitute reckless endangerment of the public and that the Texas Department of Public Safety may be notified of the situation as soon as possible for the appropriate action, and failing to follow the traffic control plan or State instructions may result in a denial of future use of the right of way for three years.

E. The local government will not initiate closure prior to 24 hours before the scheduled Event and all barriers and barricades will be removed and the highway reopened to traffic within 24 hours after the completion of the Event.

F. The local government will provide adequate enforcement personnel to prevent vehicles from stopping and parking along the main lanes of highway right of way and otherwise prevent interference with the main lane traffic by both vehicles and pedestrians. The local government will prepare a traffic enforcement plan, to be approved by the State in writing at least 48 hours prior to the scheduled Event. Additionally, the local government shall provide to the State a letter of certification from the law enforcement agency that will be providing traffic control for the Event, certifying that they agree with the enforcement plan and will be able to meet its requirements.

G. The local government hereby assures the State that there will be appropriate passage allowance for emergency vehicle travel and adequate access for abutting property owners during construction and closure of the highway facility. These allowances and accesses will be included in the local government's traffic control plan.

H. The local government will avoid or minimize damage, and will, at its own expense, restore or repair damage occurring outside the State's right of way and restore or repair the State's right of way, including, but not limited to, roadway and drainage structures, signs, overhead signs, pavement markings, traffic signals, power poles and pavement, etc. to a condition equal to that existing before the closure, and, to the extent practicable, restore the natural and cultural environment in accordance with federal and state law, including landscape and historical features.

Article 4. OWNERSHIP OF DOCUMENTS

Upon completion or termination of this agreement, all documents prepared by the local government will remain the property of the local government. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use.

Article 5. TERMINATION

A. This agreement may be terminated by any of the following conditions:

- (1) By mutual written agreement and consent of both parties.
- (2) By the State upon determination that use of the State's right of way is not feasible or is not in the best interest of the State and the traveling public.
- (3) By either party, upon the failure of the other party to fulfill the obligations as set forth herein.
- (4) By satisfactory completion of all services and obligations as set forth herein.

B. The termination of this agreement shall extinguish all rights, duties, obligations, and liabilities of the State and local government under this agreement. If the potential termination of this agreement is due to the failure of the local government to fulfill its contractual obligations as set forth herein, the State will notify the local government that possible breach of contract has occurred. The local government must remedy the breach as outlined by the State within ten (10) days from receipt of the State's notification. In the event the local government does not remedy the breach to the satisfaction of the State, the local government shall be liable to the State for the costs of remedying the breach and any additional costs occasioned by the State.

Article 6. DISPUTES

Should disputes arise as to the parties' responsibilities or additional work under this agreement, the State's decision shall be final and binding.

Article 7. RESPONSIBILITIES OF THE PARTIES

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

Article 8. INSURANCE

A. Prior to beginning any work upon the State's right of way, the local government and/or its contractors shall furnish to the State a completed "Certificate of Insurance" (TxDOT Form 1560, latest edition) and shall maintain the insurance in full force and effect during the period that the local government and/or its contractors are encroaching upon the State right of way.

B. In the event the local government is a self-insured entity, the local government shall provide the State proof of its self-insurance. The local government agrees to pay any and all claims and damages that may occur during the period of this closing of the highway in accordance with the terms of this agreement.

Article 9. AMENDMENTS

Any changes in the time frame, character, agreement provisions or obligations of the parties hereto shall be enacted by written amendment executed by both the local government and the State.

Article 10. COMPLIANCE WITH LAWS

The local government shall comply with all applicable federal, state and local environmental laws, regulations, ordinances and any conditions or restrictions required by the State to protect the natural environment and cultural resources of the State's right of way.

Article 11. LEGAL CONSTRUCTION

In case one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions hereof and this agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

Article 12. NOTICES

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified U.S. mail, postage prepaid, addressed to such party at the following respective addresses:

Local Government:	State:
Milton Y. Tate, Jr. , Mayor City of Brenham P.O. Box 1059 Brenham, Texas 77834-1059	Texas Department of Transportation <u>Catherine Hejl, P.E.</u> <u>District Engineer</u> <u>1300 North Texas Avenue</u> <u>Bryan, Texas 77803-2760</u>

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Either party hereto may change the above address by sending written notice of such change to the other in the manner provided herein.

Article 13. SOLE AGREEMENT

This agreement constitutes the sole and only agreement between the parties hereto and supersedes any prior understandings or written or oral agreements respecting the within subject matter.

IN TESTIMONY WHEREOF, the parties hereto have caused these presents to be executed in duplicate counterparts.

THE CITY OF BRENHAM

Executed on behalf of the local government by:

By _____ Date _____
City Official

Typed or Printed Name and Title: Milton Y. Tate, Jr.
Mayor

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By _____ Date _____
District Engineer

Exhibit A

This request is for closure of Alamo and Main Streets from Market Street to Austin Street

(See attached map)

on December 6, 2013

Date and Time of Closure

Streets are to be closed from 4:00 pm until 10:00 pm on Friday, December 6, 2013

All streets will be barricaded with traffic control devices and will be staffed with personnel from the Brenham Police Department.

Attached is a map showing the location of street closures and the detour routes from thru traffic.

The proposed activity that requires these street closures is the

2013 Christmas Stroll

Exhibit B

RESOLUTION NO. R-13-013

THE STATE OF TEXAS

COUNTY OF WASHINGTON

WHEREAS, the Texas Department of Transportation operates certain state highways within the City limits of the City of Brenham;

WHEREAS, the City of Brenham has received requests for street closings along state highways within the City of Brenham;

WHEREAS, the Texas Department of Transportation and the City of Brenham have agreed to certain terms and conditions regarding the closing of a portion of the state highway within the City limits for the purpose of said closings;

WHEREAS, the City Council of the City of Brenham has considered the foregoing and the aforesaid contract and have agreed to be bound by the provisions thereof for the purpose of closing said streets for the 2013 Christmas Stroll.

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

The Mayor of Brenham, acting on behalf of the City Council of the City of Brenham is hereby authorized to execute the attached agreement with the Texas Department of Transportation in connection with the closure of state highways within the City of Brenham associated with the 2013 Christmas Stroll. This resolution is effective upon its adoption.

Adopted this the 3rd day of October, 2013

Milton Y. Tate, Jr., Mayor

ATTEST:

Jeanna Bellinger, City Secretary

Exhibit C

The **2013 Christmas Stroll** occurs on Friday, December 6, 2013 and is sponsored by Main Street Brenham. Main and Alamo streets will be closed between Market Street and Austin Street from 4:00 p.m. until 10:00 p.m. Main and Alamo streets will feature live musical entertainment, parade, Farmer's Market, vendors on Park Street, kids' activities, bands and choirs.

2013 Christmas Stroll & Parade Route

