



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, SEPTEMBER 5, 2019 AT 1:00 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN ST.
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – City Attorney Cary Bovey**
- 3. Proclamations** **Pages 1 -2**
 - **Childhood Cancer Awareness Month**
 - **Washington County READ**
- 4. Citizens Comments**

CONSENT AGENDA

5. Statutory Consent Agenda

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

- 5-a. Ordinance No. O-19-030 on Its Second Reading Amending Chapter 24, Taxation, Code of Ordinances, City of Brenham, Texas to Provide for the Creation of a Municipal Sales and Use Tax for the City of Brenham**
- 5-b. Ordinance No. O-19-031 on Its Second Reading Amending the Rate Tariff Schedule(s) for the City of Brenham Water Rates**
- 5-c. Resolution No. R-19-022 Authorizing the Acceptance of TxDOT's Selective Traffic Enforcement Program (STEP) Comprehensive Grant for Traffic Enforcement October 1, 2019 through September 30, 2020**
- 5-d. Resolution No. R-19-023 Authorizing the Conveyance of Public Safety Equipment to the Washington County Precinct 1 Constables Office**

Pages 3 - 35

WORK SESSION

6. **Presentation and Discussion Regarding the Visit Brenham/Washington County Tourism Strategic Action Plan** **Page 36**
7. **Presentation and Discussion Regarding Updates to Chapter 19, Parks and Recreation, Code of Ordinances, City of Brenham, Texas** **Pages 37 - 50**

PUBLIC HEARING

8. **Proposed Tax Rate of \$0.5140 per \$100 Valuation for Fiscal Year Beginning October 1, 2019 and Ending September 30, 2020** **Pages 51 - 52**

PUBLIC HEARING AND ASSOCIATED ACTION ITEMS

9. **Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Adopting the City of Brenham's 2019 Comprehensive Plan Entitled "Historic Past, Bold Future: Plan 2040" (Case No. P-19-029)** **Pages 53 - 60**
10. **Public Hearing, Discussion and Possible Action Upon an Ordinance on Its First Reading Repealing Ordinance No. O-19-017 and Deleting Appendix A – "Zoning" of the Code of Ordinances of the City of Brenham, Part II, Division 1, Section 18, Exterior Construction Materials for Selected Zoning Districts in Brenham, Washington County, Texas (Case No. P-19-028)** **Pages 61 - 65**

REGULAR SESSION

11. **Discuss and Possibly Act Upon Resolution No. R-19-024 Adopting the Visit Brenham/Washington County Tourism Strategic Action Plan** **Pages 66 - 68**
12. **Discuss and Possibly Act Upon Ordinance No. O-19-032 on Its Second Reading Amending Chapter 27, Vehicles for Hire, Code of Ordinances, City of Brenham, Texas** **Pages 69 - 120**
13. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 19, Parks and Recreation, Code of Ordinances, City of Brenham, Texas** **Pages 121 - 130**
14. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 6, Buildings and Structures, Code of Ordinances, City of Brenham, Texas to Adopt the 2015 Version of the International Building Codes with Local Amendments** **Pages 131 - 158**
15. **Discuss and Possibly Act Upon Contract No. 2017-09 Related to Henderson Park Phase II and Phase III Improvements and Authorize the Mayor to Execute Any Necessary Documentation** **Pages 159 - 163**

16. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Rate Tariff Schedule(s) for the City of Brenham Electric Rates** **Pages 164 - 188**
17. **Discuss and Possibly Act Upon the Appointment of Persons to Serve on the Brenham Community Projects Fund, Inc. Board of Directors and Authorize the Mayor to Execute Any Necessary Documentation** **Pages 189 - 190**
18. **Discuss and Possibly Act Upon the Approval of the Routine Airport Maintenance Program (RAMP) Grant Agreement No. M2017BREN with TxDOT for FY2020 and Authorize the Mayor to Execute Any Necessary Documentation** **Pages 191 - 203**
19. **Discuss and Possibly Act Upon the Extension of a Contract Between the City of Brenham and Ron Stegemoller dba RS Aircraft Services for Mechanic Services at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation** **Pages 204 - 206**

EXECUTIVE SESSION

20. **Section 551.071 – Texas Government Code – Consultation with Attorney – Consultation with the City Attorney for the Purpose of Seeking Legal Counsel Regarding Brenham Municipal Court Matters and Associated Issues, Including But Not Limited to the Presiding Municipal Court Judge** **Page 207**
21. **Section 551.071 – Texas Government Code – Consultation with Attorney – Consultation with the City Attorney for the Purpose of Seeking Legal Counsel Regarding Authorizing Representation in a Matter Involving the Texas Municipal League Multistate Employee Benefits Pool and the Internal Revenue Service (IRS)** **Page 208**

RE-OPEN REGULAR AGENDA

22. **Discuss and Possibly Act Upon Resolution No. R-19-025 Authorizing Representation in a Matter Involving the Texas Municipal League Multistate Employee Benefits Pool and the Internal Revenue Service (IRS)** **Pages 209 - 214**
23. **Administrative/Elected Officials Report**

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

Adjourn

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

CERTIFICATION

I certify that a copy of the September 5, 2019 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 August 30, 2019 at **1:45 PM**.

Kacey A. Weiss, TRMC

Deputy City Secretary I

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 _____, 2019 at _____ AM PM.

Signature

Title

PROCLAMATION

- WHEREAS,** In the U.S., 15,780 children under the age of 19 are diagnosed with cancer every year; approximately 1/4th of them will not survive the disease; and
- WHEREAS,** The causes of pediatric cancer are still largely unknown, and though new discoveries are resulting in new treatments, this heartbreaking disease continues to scar families and communities in ways that may never fully heal; and
- WHEREAS,** September is National Childhood Cancer Awareness Month and represents an annual opportunity for supporters nationwide to focus on and raise awareness of the challenges of childhood cancer; and
- WHEREAS,** In Brenham, Texas, Adam's Angels Ministry, a local charitable organization, supports families who face childhood cancer and encourages everyone to join in their efforts to help defeat this terrible disease; and
- WHEREAS,** It is right and just for the City Council and the residents of Brenham to join together with Adam's Angels and all children and families touched by childhood cancer to raise awareness and encourage funding;

NOW, THEREFORE I, Milton Y. Tate Jr., Mayor of the City of Brenham, Texas do hereby proclaim September 2019 as

CHILDHOOD CANCER AWARENESS MONTH

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

Milton Y. Tate Jr., Mayor
City of Brenham

PROCLAMATION

WHEREAS, A community read program encourages reading by having all involved read the same book; and

WHEREAS, Lifetime Learning, a group of volunteers who have been bringing outstanding speakers and classes to the Washington County area since 2002, has proposed an eleventh annual Washington County READ; and

WHEREAS, On October 25, 2019, at 5:30 p.m. Lifetime Learning and Unity Theatre will hold a free reception with refreshments donated by Design II, a presentation by award-winning author Bryan Mealer, and an interpretive reading; and

WHEREAS, This endeavor has the support of Unity Theatre, Brenham Independent School District, The Book Nook, Nancy Carol Roberts Memorial Library, Washington County Chamber of Commerce, and many individuals and businesses in the community; and

WHEREAS, During the Washington County READ, which begins September 3, 2019, and concludes October 25, 2019 all residents of Washington County are encouraged to read *THE BOY WHO HARNESSSED THE WIND* by Bryan Mealer and William Kamkwamba, which is a true story of a boy in Malawi who learns how to build a windmill to save his village from the ravages of drought; and

WHEREAS, The Honorary Chair of this community event is Andria Heiges, City Librarian; and

WHEREAS, It is right and just for the City Council and the residents of Brenham to join together to applaud the Lifetime Learning volunteers for their dedication to service and their commitment to encourage reading;

NOW THEREFORE I, Milton Y. Tate Jr., Mayor of the City of Brenham, Texas, do hereby proclaim September 3, 2019 through October 25, 2019 as the official period for

The Washington County READ

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

Milton Y. Tate Jr., Mayor
City of Brenham

ORDINANCE NO. O-19-030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 24, TAXATION, OF THE CODE OF ORDINANCES, CITY OF BRENHAM, TEXAS PROVIDING FOR THE IMPOSITION OF SALES TAX ON RESIDENTIAL USE OF GAS AND ELECTRICITY; PROVIDING FOR A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETINGS

WHEREAS, in accordance with Section 321.105 of the Municipal Sales and Use Tax Act, codified in Chapter 321, Texas Tax Code, the City of Brenham is authorized to impose a sales taxes on residential use of gas and electricity by Ordinance adopted by a vote of the majority of the membership of the City Council and entered in its Minutes;

NOW, THEREFORE, be it ordained by the City Council of the City of Brenham, Texas:

SECTION 1.

That Chapter 24, Article I, In General, of the Code of Ordinances of the City of Brenham, is hereby amended by adding Sec. 24-5 to read as follows:

Sec. 24-5. -Residential Use of Gas and Electricity.

The expression "residential use" means the use of gas and electricity in a single or two-family dwelling, a multifamily dwelling including but not limited to an apartment and similar use, a housing complex, or any other building or portion of a building occupied as a home, dwelling or residence.

- (a) A tax is hereby authorized on all residential gas and electric services sold within the City. For the purposes of this section, the sale of residential gas and electric services is for services consumed at the address to which the service is billed.
- (b) The taxes on gas and electricity for residential use are imposed pursuant to Section 321.105 of the Municipal Sales and Use Tax Act, codified in Chapter 321, Texas Tax Code.
- (c) The rate of the tax imposed by this Section shall be the same as the rate imposed by the City for all other local sales and use taxes as authorized by the Legislature of the State of Texas, that being one cent for general revenue, three-eighths of one cent for –Type B economic development, and one-eighth of one cent for property tax relief.

- (d) The tax provided for in this Ordinance shall not serve as an offset to, be in lieu of, or in any way reduce any amount payable to the City pursuant to any franchise, street use ordinance or rental fee, charter provision, statute, or, without limitation by the foregoing enumeration, otherwise payable by any provider of residential gas or electric service; it being the express intent hereof that all such obligations, impositions and agreements of every kind and nature shall remain in full force and effect without reduction or limitation hereby.
- (e) All sales tax revenue received by the Brenham Community Development Corporation ("BCDC") which is generated by the three-eighths of one cent sales tax for Type B economic development imposed on the sale of gas and electricity for residential use shall be allocated to economic development initiatives of the BCDC; said sales tax revenue shall not be expended on recreation/community development projects.

SECTION 2.

That the City Secretary is hereby directed to send to the Texas Comptroller of Public Accounts by United States certified or registered mail a copy of this Ordinance imposing the taxes on residential use of gas and electricity and directed to enter this Ordinance and the vote hereon in the Minutes of the City Council Meeting.

SECTION 3. **SAVINGS CLAUSE**

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

SECTION 4. **SEVERABILITY**

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

SECTION 5. **REPEALER**

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

SECTION 6.
EFFECTIVE DATE

This Ordinance shall become effective on and after October 1, 2019, upon adoption and publication as required by law.

SECTION 7.
PROPER NOTICE AND MEETINGS

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

PASSED and APPROVED on its first reading this the 15th day of August, 2019.

PASSED and APPROVED on its second reading this the 5th day of September, 2019.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

ORDINANCE NO. O-19-031

AN ORDINANCE AMENDING THE WATER RATE TARIFF SCHEDULES FOR WATER 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 water services to its customers in order to provide for conditions of utility service which promote 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 Water Rate Schedules for water services 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, 2019.

SECTION II.

This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas. The implementation of rates as forth herein and on the attached Exhibit "A" shall be effective with utility billing occurring on and after October 1, 2019.

PASSED AND APPROVED on its first reading this the 15th day of August, 2019.

PASSED AND APPROVED on its second reading this the 5th day of September, 2019.

Milton Y. Tate, Jr., Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

“EXHIBIT A”

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

ALL SERVICES	600	610
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULE	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 10/01/08)

GENERAL SERVICE - URBAN

RATE SCHEDULE - W-A

APPLICABILITY

This rate is applicable to all residential customers receiving water service through a permanent meter installation.

AVAILABILITY

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

RATES

First 3,000 gallons or less	\$ 17.92
3,001 – 10,000 gallons	\$ 3.93/1,000 gallons
10,001 – 25,000 gallons	\$ 4.92/1,000 gallons
25,001 and above	\$ 6.15/1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ 17.92

TERMS 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 workday. 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

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

“EXHIBIT A”

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

ALL SERVICES	600	611
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULE	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 10/01/08)

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. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. 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.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. A special charge will be made for a requested service turn-off or on as follows:
 - A. \$10 if such service is requested to be rendered during normal business hours.
 - B. \$20 if such service is requested to be rendered during non-business hours.
6. The homeowner will be billed for metered water when City personnel find the water meter on.
7. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
8. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

“EXHIBIT A”

CITY OF BRENHAM

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

ALL SERVICES	600	620
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULE	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 10/01/08)

GENERAL SERVICE - RURAL

RATE SCHEDULE W-B

APPLICABILITY

This rate is applicable to all residential customers receiving water service through a permanent meter installation.

AVAILABILITY

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

RATES

First 3,000 gallons or less	\$ 20.60
3,001 – 10,000 gallons	\$ 4.52/1,000 gallons
10,001 – 25,000 gallons	\$ 5.66/1,000 gallons
25,001 and above	\$ 7.07/1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ 20.60

TERMS 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 workday. 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

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

“EXHIBIT A”

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

ALL SERVICES	600	621
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULE	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 10/01/08)

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. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. 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.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. A special charge will be made for a requested service turn-off or on as follows:
 - A. \$10 if such service is requested to be rendered during normal business hours.
 - B. \$20 if such service is requested to be rendered during non-business hours.
6. The customer will be billed for metered water when City personnel find the water meter on.
7. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$75. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
8. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

“EXHIBIT A”

CITY OF BRENHAM

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

(Supersedes Rate Change effective 4/01/12 ALL
SERVICES

600

630

TARIFF

SECTION NO.

SHEET NO.

WATER RATE SCHEDULE

OCTOBER 1, 2019

SECTION TITLE

EFFECTIVE DATE

TEMPORARY CONSTRUCTION SERVICE

RATE SCHEDULE W-D

APPLICABILITY

This rate is applicable to all customers that receive water delivered into a tank truck, tank trailer, portable sprayer, portable mixer, or other similar container from a temporary meter set on a fire hydrant.

AVAILABILITY

This rate and service is only applicable to those who pay the required deposit and the fee for meter placement, and who are approved by the General Manager of Public Utilities prior to usage.

RATES

First 3,000 gallons or less	\$ 17.92
3,001 – 10,000 gallons	\$ 5.21/1,000 gallons
10,001 – 25,000 gallons	\$ 6.51/1,000 gallons
25,001 and above	\$ 8.14/1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ 17.92

TERMS 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 workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, the customer will forfeit the entire deposit and the City may, at its sole option, remove the fire hydrant meter and terminate service to the customer.

CHARACTER OF SERVICE

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

“EXHIBIT A”

CITY OF BRENHAM

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

ALL SERVICES	600	631
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 4/01/12)

SPECIAL CONDITIONS OF SERVICE

1. The customer will pay an initial deposit of three hundred dollars (\$300.00) in cash or check to the City of Brenham.
2. In addition, where service is rendered from a fire hydrant, the customer will be required to pay an a non-refundable fee of two hundred dollars (\$200.00) to cover the City's cost of setting up and removing a temporary meter on a fire hydrant. The superintendent of the Water Distribution Department has the authority to refuse service from any fire hydrant where, in his opinion, the rendering of such service would have an adverse effect on the pressure or flow to other customers in the surrounding area.
3. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
4. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.

“EXHIBIT A”

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

ALL SERVICES	600	640
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 10/01/08)

YARD SPRINKER SYSTEM SERVICE – URBAN

RATE SCHEDULE W-E

APPLICABILITY

This rate is applicable to all residential customers receiving water service through a permanent meter installation, which serves which serves only a yard sprinkler system.

AVAILABILITY

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

RATES

0 – 10,000 gallons	\$ 4.25/1,000 gallons
10,001 – 25,000 gallons	\$ 5.31/1,000 gallons
25,001 and above	\$ 6.65/1,000 gallons

MINIMUM CHARGES

No minimum monthly bill

TERMS 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 workday. 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

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

“EXHIBIT A”

CITY OF BRENHAM

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

ALL SERVICES	600	641
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	
(Supersedes Rate Change effective) 10/01/08		

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. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. 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.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. A special charge will be made for a requested service turn-off or on as follows:
 - A. \$10 if such service is requested to be rendered during normal business hours.
 - B. \$20 if such service is requested to be rendered during non-business hours.
6. The customer will be billed for metered water when City personnel find the water meter on.
7. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$75. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
8. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

“EXHIBIT A”

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

ALL SERVICES	600	642
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 10/01/08)

YARD SPRINKLER SYSTEM SERVICE – URBAN

RATE SCHEDULE W-I

APPLICABILITY

This rate is applicable to all commercial and industrial customers receiving water service through a permanent meter installation, which serves only a yard sprinkler system.

AVAILABILITY

This rate is available to all customers located inside the corporate limits of the City of Brenham, Texas.

RATES

0 – 10,000 gallons	\$ 4.25/1,000 gallons
10,001 – 25,000 gallons	\$ 5.31/1,000 gallons
25,001 and above	\$ 6.65/1,000 gallons

MINIMUM CHARGES

No minimum monthly bill

TERMS 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

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

“EXHIBIT A”

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

ALL SERVICES	600	643
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 10/01/08)

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. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. 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.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. A special charge will be made for a requested service turn-off or on as follows:
 - A. \$10 if such service is requested to be rendered during normal business hours.
 - B. \$20 if such service is requested to be rendered during non-business hours.
6. The customer will be billed for metered water when City personnel find the water meter on.
7. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$75. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
8. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

“EXHIBIT A”

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

ALL SERVICES	600	650
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 10/01/08)

GENERAL SERVICE - URBAN

RATE SCHEDULE W-F

APPLICABILITY

This rate is applicable to all commercial and industrial customers receiving water service through a permanent meter installation.

AVAILABILITY

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

RATES

First 3,000 gallons or less	\$ 17.92
3,001 – 10,000 gallons	\$ 2.46/1,000 gallons
10,001 – 25,000 gallons	\$ 3.08/1,000 gallons
25,001 and above	\$ 3.85/1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ 17.92

TERMS 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 workday. 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

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

“EXHIBIT A”

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

ALL SERVICES	600	651
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 10/01/08)

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. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. 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.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. A special charge will be made for a requested service turn-off or on as follows:
 - A. \$10 if such service is requested to be rendered during normal business hours.
 - B. \$20 if such service is requested to be rendered during non-business hours.
6. The homeowner will be billed for metered water when City personnel find the water meter on.
7. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$75. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
8. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

“EXHIBIT A”

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

ALL SERVICES	600	660
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 10/01/08)

GENERAL SERVICE - RURAL

RATE SCHEDULE W-G

APPLICABILITY

This rate is applicable to all commercial and industrial customers receiving water service through a permanent meter installation.

AVAILABILITY

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

RATES

First 3,000 gallons or less	\$ 20.60
3,001 – 10,000 gallons	\$ 2.84/1,000 gallons
10,001 – 25,000 gallons	\$ 3.55/1,000 gallons
25,001 and above	\$ 4.43/1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ 20.60

TERMS 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 workday. 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

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

“EXHIBIT A”

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

ALL SERVICES	600	661
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	
Supersedes Rate Change effective 10/01/08)		

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. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. 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.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. A special charge will be made for a requested service turn-off or on as follows:
 - A. \$10 if such service is requested to be rendered during normal business hours.
 - B. \$20 if such service is requested to be rendered during non-business hours.
6. The customer will be billed for metered water when City personnel find the water meter on.
7. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$75. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
8. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

“EXHIBIT A”

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

ALL SERVICES	600	670
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 10/01/08)

YARD SPRINKLER SYSTEM - RURAL

RATE SCHEDULE W-H

APPLICABILITY

This rate is applicable to all residential, commercial and industrial service through a permanent meter installation, which serves only a yard sprinkler system.

AVAILABILITY

This rate is available to all customers located outside the corporate limits of the City of Brenham, Texas

RATES

0 – 10,000 gallons	\$ 4.89/1,000 gallons
10,001 – 25,000 gallons	\$ 6.10/1,000 gallons
25,001 and above	\$ 7.63/1,000 gallons

MINIMUM CHARGES

No minimum monthly charge

TERMS 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 workday. 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

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

“EXHIBIT A”

CITY OF BRENHAM

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

ALL SERVICES	600	671
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 10/01/08)

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. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. 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.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. A special charge will be made for a requested service turn-off or on as follows:
 - A. \$10 if such service is requested to be rendered during normal business hours.
 - B. \$20 if such service is requested to be rendered during non-business hours.
6. The customer will be billed for metered water when City personnel find the water meter on.
7. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$75. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
8. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

“EXHIBIT A”

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

ALL SERVICES	600	680A
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 1/22/06)

FIRE LINE SERVICE - URBAN

RATE SCHEDULE 20, 21, 22, 23, and 24

APPLICABILITY

This rate is applicable to all residential, commercial, and industrial customers receiving unmetered standby water service for the sole purpose of feeding an automatic fire sprinkler system or similar apparatus.

AVAILABILITY

This rate schedule is available to all customers located within the corporate limits of the City of Brenham, Texas.

RATES

Size of Service Line	Flat Monthly Rate
4 inch (Rate Schedule 20)	\$ 21.38
6 inch (Rate Schedule 21)	62.11
8 inch (Rate Schedule 22)	132.36
10 inch (Rate Schedule 23)	238.02
12 inch (Rate Schedule 24)	384.48

TERMS 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 workday. 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

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

“EXHIBIT A”

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

ALL SERVICES	600	681A
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 1/22/06)

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. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. 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.
4. If the installation of a service tap and service line is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. Service rendered under this schedule is for standby service only. Connection of fixtures or facilities used on a regular basis is specifically prohibited.
6. The City does not guarantee minimum pressure or rates of flow for service provided under this schedule.

“EXHIBIT A”

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

ALL SERVICES	600	680B
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 1/22/06)

FIRE LINE SERVICE - RURAL

RATE SCHEDULE 30, 31, 32, 33, AND 34

APPLICABILITY

This rate is applicable to all residential, commercial, and industrial customers receiving unmetered standby water service for the sole purpose of feeding an automatic fire sprinkler system or similar apparatus.

AVAILABILITY

This rate schedule is available to all customers located outside the corporate limits of the City of Brenham, Texas.

RATES

Size of Service Line	Flat Monthly Rate
4 inch (Rate Schedule 30)	\$ 24.59
6 inch (Rate Schedule 31)	71.43
8 inch (Rate Schedule 32)	152.21
10 inch (Rate Schedule 33)	273.73
12 inch (Rate Schedule 34)	442.15

TERMS 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 workday. 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

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

“EXHIBIT A”

CITY OF BRENHAM

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

ALL SERVICES	600	681B
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 1/22/06)

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. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. 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.
4. If the installation of a service tap and service line is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. Service rendered under this schedule is for standby service only. Connection of fixtures or facilities used on a regular basis is specifically prohibited.
6. The City does not guarantee minimum pressure or rates of flow for service provided under this schedule.

“EXHIBIT A”

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

ALL SERVICES	600	690
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	MARCH 19, 1998	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 7/1/95)	

WATER TAPPING SERVICE

RATE SCHEDULE W-N

APPLICABILITY

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

AVAILABILITY

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

- I. The actual tapping of a water main to provide service to an adjoining lot.

RATES

1 inch service tap, service line, and meter	\$494.00
1-1/2 inch service tap, service line, and meter	627.00
2 inch service tap, service line, and meter	727.00
*3 inch service tap, service line, and meter	877.00
*4 inch service tap, service line, and meter or larger – actual cost of installation including, but not limited to, materials, labor, and equipment, including appropriate factors for overhead	

* Turbine meters only

- II. Setting meters at existing water services provided by the Developer.

Water Hook-up Fees \$ 35.00

- III. Developments where the City has provided water service and the services are available at each individual property.

“EXHIBIT A”

CITY OF BRENHAM

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

1 inch	\$200.00
1-1/2 inch	300.00
2 inch	350.00
3 inch or larger	400.00

“EXHIBIT A”

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

ALL SERVICES	600	691
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	MARCH 19, 1998	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 7/1/95)	

- IV. Replacement of water taps due to deterioration. Water tap deterioration will be determined by the City based on standards set by the Texas Natural Resource Conservation Commission and the Southern Plumbing Code for minimum residual pressure and flow.

All Taps	No Charge
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CHARACTER OF SERVICE

Facilities provided under this rate will consist of the installation of an appropriate size corporation stop or tapping saddle, installation of an appropriate size angle meter stop or gate valve, installation of an appropriate size meter, installation of a meter box, and the installation of a sufficient amount of an appropriate size service line to allow the placement of the meter at or near the customer's property line.

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, the cost of such enlargement will be equal to the cost of the 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	600	693
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULE	APRIL 1, 2012	
SECTION TITLE	EFFECTIVE DATE	

RECLAIMED WHOLESALE WATER

RATE SCHEDULE W-R

APPLICABILITY

This rate is applicable to all customers that receive Type 1 Reclaimed Water to be used for industrial and manufacturing processing, residential irrigation, irrigation for urban or rural uses, food crops, municipality-owned right-of-way, fire protection, maintenance of off-channel impoundments, toilet flush water, dust control, road construction, construction activities and process water.

AVAILABILITY

This rate is available to all customers who enter into a Reclaimed Water Use Agreement, pay the applicable deposit, and receive Type 1 Reclaimed Water at the Reclaimed Water Station located at 2005 Old Chappell Hill Rd.

RATES

\$4.00 per 1,000 gallons

MINIMUM CHARGES

No minimum charge.

TERMS 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 workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, the customer's deposit will be forfeited and the City may, at its sole option, terminate services and the Reclaimed Water Use Agreement, according to its terms.

CHARACTER OF SERVICE

Reclaimed water supplied under this rate schedule is Type 1 Reclaimed Water produced at the Brenham Wastewater Treatment Plant that is authorized and approved for re-sale by the Texas Commission on Environmental Quality. (Authorization # R10388001)

“EXHIBIT A”

CITY OF BRENHAM

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

ALL SERVICES	600	694
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	APRIL 1, 2012	
SECTION TITLE	EFFECTIVE DATE	

SPECIAL CONDITIONS OF SERVICE

1. Where service is rendered from the Reclaimed Bulk Water Station, the customer will be required to pay an initial deposit of three hundred dollars (\$300.00). The customer will also be required to sign a Reclaimed Water Use Agreement prior to usage of the station. The station will have 24-hour access and will be controlled through individual pin codes per account that are distributed upon compliance with the above requirements.
2. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
3. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.

RESOLUTION NO. R-19-022

A RESOLUTION OF THE CITY OF BRENHAM, TEXAS AUTHORIZING THE ACCEPTANCE OF TXDOT'S SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) COMPREHENSIVE GRANT FOR TRAFFIC ENFORCEMENT ACTIVITIES FROM OCTOBER 1, 2019 TO SEPTEMBER 30, 2020 FOR THE POLICE DEPARTMENT AND AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTATION.

WHEREAS, the Texas Department of Transportation (TxDOT) works together with local law enforcement agencies to decrease automobile accidents and the resulting fatalities and injuries; and

WHEREAS, Selective Traffic Enforcement Program (STEP) grants are provided by TxDOT to law enforcement agencies to provide enhanced enforcement for multiple offenses; and

WHEREAS, TxDOT is providing \$11,996.46 in funding with a 20.21% match provided by the Brenham Police Department through fringe benefits and administrative salaries for officers participating in the Selective Traffic Enforcement Program (STEP).

BE IT RESOLVED BY THE CITY OF BRENHAM, TEXAS that the Mayor is authorized to execute all documents necessary for the acceptance of the grant funding provided through the STEP program.

PASSED and APPROVED this the 5th day of September, 2019.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

RESOLUTION NO. R-19-023

A RESOLUTION OF THE CITY OF BRENHAM, TEXAS AUTHORIZING THE CONVEYANCE OF PUBLIC SAFETY EQUIPMENT TO THE WASHINGTON COUNTY PRECINCT 1 CONSTABLE'S OFFICE

WHEREAS, the Washington County Precinct 1 Constable's Office is working to establish a K9 program to assist on law enforcement calls; and

WHEREAS, the City has had a successful K-9 Program since 2010 and desires to support Washington County Precinct 1 Constable's Office in its efforts to establish a K9 program; and

WHEREAS, the City wishes to convey K9 public safety equipment to Washington County Precinct 1 Constable's Office, thereby promoting the health, safety and welfare of the community;

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

The City of Brenham hereby approves the conveyance of an aluminum 2012 K-9 Kustom Krate to the Washington County Precinct 1 Constable's Office, at no cost, to assist and support the County Constable's K9 Program, and authorizes the Mayor to execute any necessary documentation.

PASSED and APPROVED on this 5th day of September, 2019.

Milton Y. Tate, Jr., Mayor

ATTEST

Jeana Bellinger, TRMC, CMC
City Secretary

BRENHAM POLICE DEPARTMENT

PHONE: (979) 337-7272
FAX: (979) 337-7343



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

1800 LONGWOOD DRIVE

Chief Barrow,

The Executive staff of the Police Department wish to support Washington County Precinct 1 Constables Office in their efforts to establish a K9 program. In doing so, we would like to transfer ownership of a K9 kennel/box, no longer in service or needed by the PD, to the Constables Office.

The box, constructed of aluminum and manufactured by Kustom Krate, is intended for use in a Chevrolet Tahoe and the Constable intends on using a Chevrolet Tahoe. The box was taken from an aging PD Tahoe pulled from our fleet with hopes of repurposing, but will not fit any of our current fleet. The original cost in 2012 was approximately \$1,900.

Respectfully,


Captain Dant Lange

8/28/2019





AGENDA ITEM 6

DATE OF MEETING: September 5, 2019	DATE SUBMITTED: August 29, 2019	
DEPT. OF ORIGIN: Tourism & Marketing	SUBMITTED BY: Jennifer Eckermann	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☐ REGULAR ☒ WORK SESSION	ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Presentation and Discussion Regarding the Visit Brenham/Washington County Tourism Strategic Action Plan		
SUMMARY STATEMENT: Visit Brenham, the Destination Marketing Organization, or DMO, for Brenham and Washington County, has been working diligently with Vicky Soderberg, of Cygnet Strategies, to develop a strategic action plan for tourism for Brenham/Washington County. Since starting this project almost, a year ago, we have travelled numerous times across the county and met with tourism partners to discuss the current state of tourism, and later to listen, to gather information, and to collaborate about how those interested can move forward to successfully attract visitors. Vicky will be at the meeting to present an overview of the Plan, as it relates to Brenham and the Visit Brenham DMO. Due to time considerations, we will not be reviewing the county communities with you, but they are part of the full plan.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: A bound copy of the Visit Brenham/Washington County Tourism Strategic Action Plan will be distributed to the Mayor and City Council Members. This Plan will also be on file for review in the City Secretary's Office. A copy of the Plan can be downloaded from the City of Brenham's website at www.cityofbrenham.org .		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: None – discussion only.		
APPROVALS:		



AGENDA ITEM 7

DATE OF MEETING: September 5, 2019	DATE SUBMITTED: August 28, 2019	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Karen Stack	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☐ REGULAR ☒ WORK SESSION	ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Presentation and Discussion Regarding Updates to Chapter 19, Parks and Recreation, Code of Ordinances, City of Brenham, Texas		
SUMMARY STATEMENT: The City's Ordinance related to Parks and Recreation was last updated in 2010. It contains some provisions which are outdated, and Parks and Recreation staff believe additional provisions would be beneficial. Staff held two work sessions at Parks and Recreation Board meetings. On August 14th, 2019 the Board voted to recommend approval of the amendments being presented for your consideration today. Their recommendation was conditioned upon minor changes to section 19-28, which are outlined in the attached Power Point presentation. Significant changes to be discussed include: 1) New prohibitions of unauthorized advertising, overnight camping, sleeping in restrooms, use of tobacco products, use of bicycles and skates on trails, swimming in unauthorized areas, parking semis and trailers, and alcohol at the aquatic center. 2) New permitting requirements and processes. 3) Removal of Article III, pertaining to the Parks and Recreation Board. The Board would then be governed under the Boards Policy adopted by Council in December 2018.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) PowerPoint presentation; and (2) Redline copy of Chapter 19 showing suggested changes		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: No action – discussion only		
APPROVALS: James Fisher		

CHAPTER 19 PARKS & RECREATION

Presentation to City Council
September 5, 2019

Article 1 – General Provisions Additional Definitions:

- Camping – use of tents, campers, etc. overnight
- New definitions for tobacco and smoking taken from the Health and Sanitation Code (April 2019 amendments). Now includes e-cigarettes, vaping, smokeless tobacco, pipes, and cigarettes.

Article II - Regulations

19-2: Updated to allow use of parks outside normal hours if they have been reserved in advance.

19-4: Destruction of park property: Current ordinance already makes destruction of park property unlawful. Amendment adds that an individual or organization renting a park facility is responsible if a member of the group causes damage.



Article II – Regulations Continued

- 19-5: Prohibits advertising or distributing advertising material in parks without permission.
- 19-6: Prohibits alcoholic beverages at the aquatic center.
- 19-7: Prohibits use of tobacco in parks, including smokeless tobacco, e-cigarettes, and vaping.



Article II – Regulations Continued

- 19-8: Adds walking and jogging trails in Fireman's Park to list of prohibited areas for bicycling, skating, and scooting.
- 19-10: Prohibits placing of signs or distribution of written matter without a permit.
- 19-11: Prohibits camping without permission.
- 19-12: Prohibits sleeping or loitering in restrooms.



Article II – Regulations Continued

- 19-13: Adds prohibition of swimming, boating, and fishing in areas not designated.
- 19-14: Adds prohibition of littering.
- 19-16 and 19-17: Amended to allow individuals who reserve/rent parks facilities and playing fields to exclude the general public (added at request of PD).



Article II – Regulations Continued

- 19-19: Prohibits use of kites, model airplanes, and drones near overhead power lines.
- 19-20: Prohibits using parks facilities to generate a profit, without first obtaining a permit.
- 19-21: Expands animal provisions to include cows, horses, mules, and fowl.
- 19-25: Prohibits parking a vehicle for sale, or parking a semi-truck or trailer in a city park without permission.

Permit Requirements

New section 19-27. Requires a permit for:

- Organized sports activity (unless the organizer has a contract with the city);
- Exhibits, music events, plays, etc.;
- Parades;
- Use of amplified sound equipment;
- Sale of food or goods;
- Sale of services such as boot camps and athletic lessons, and
- Use of park outside normal hours.

Appeal of Permit Denial

- Parks Board requested the amended ordinance have a process for appealing denial of a permit.
- Motion to recommend approval was conditioned upon ensuring the appeal process provided for appeal to be heard by someone not involved in original denial.

In response to the Parks & Recreation Board's request, staff are suggesting the following:

Any person dissatisfied with a decision of the City Manager or designee in failing to grant a permit shall have the right to appeal in writing within ten days of the date of the decision. Such appeal shall be presented by the applicant in writing to the City Manager, who shall designate a hearing officer to consider the matter under the standards established in this Chapter. The hearing officer shall be a City employee or official not involved in the consideration of the original application. The hearing officer shall sustain or overrule the decision within 14 days of the date of receipt of the written appeal from the applicant. The hearing officer's decision on such appeal shall be final.

Article III – Parks Board

It is suggested that Article III be removed entirely, so that the Board would be governed by the Board Policy adopted in 2018.

Questions....



Chapter 19 - PARKS AND RECREATION

ARTICLE I. - GENERAL PROVISIONS

Sec. 19-1. - Definitions.

Bicycle shall mean to ride or propel a device commonly known as a bicycle, unicycle, tricycle or similar non-motorized device.

Camping shall mean the overnight use of tents, lean-tos, hammocks, sleeping bags or blankets, or other shelters, automobile trailers, cars, house trailers, house cars, campers, or other such vehicles for the purposes of living or sleeping quarters.

City shall mean the duly incorporated municipality of the City of Brenham, Texas.

Concession stand shall mean a place where patrons can purchase various snacks, drinks and/or food items.

Electronic smoking device means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to stimulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, tank system, or advanced personalized vaporizer (APV), or under any other product name or descriptor.

Entertainment shall mean any amusement or diversion provided, especially in a public performance, by an individual or a group of individuals.

Exhibition shall mean to show publicly for the purposes of competition or demonstration such things as works, art, objects of manufacture, or athletic skills.

Person shall mean an individual, proprietorship, partnership, corporation, association, or other legal entity.

Scoot shall mean to ride or propel a device commonly known as a scooter, with a deck designed to allow a person to stand or sit while operating the device, and includes such a device whether powered by electricity, gas, human or other power.

Skate shall mean to ride or propel a device commonly known as roller skates, roller blades, skateboard or similar non-motorized device.

Smoke or smoking means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form.

Smoking also include the use of an electronic smoking device as defined herein, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this chapter.

Tobacco means any tobacco, cigarette, cigar, pipe tobacco, smokeless tobacco, snuff or any other form of tobacco, which may be utilized for smoking, chewing, inhalation or other means of ingestion or absorption.

Walking or jogging trails shall mean any paved or improved path, sidewalk or bridge designed to be used by individuals for walking, jogging or running.

ARTICLE II. – REGULATIONS

Sec. 19-2. Park hours.

All public parks and parks facilities belonging to the City shall be available for use by the public between the hours of 5:00 a.m. and 11:00 p.m. of each day of the week, unless said park facilities have been reserved for private use. Arrangements must be made in advance with the City Manager or designee for extended hours, or to reserve any park facilities for private use.

Sec. 19-3. Payment of fees.

Fees for all park and recreation activities shall be set by resolution of the City Council. All such fees shall be posted, where applicable, and kept on file with the City Secretary. It shall be unlawful for any person to use or enter upon any park or recreation facility, and engage in an activity for which a fee is charged, without first having first paid said fee.

Sec. 19-4. Destruction of park property.

- (a) It shall be unlawful for any person to deface, tear down, remove, destroy or injure in any manner whatsoever or to cause to be defaced, torn down, destroyed or injured in any manner whatsoever any fence, building, furniture, seat, sign, structure, excavation, post, bracket, lamp, awning, fireplug, hydrant, water pipe, tree, shrub, plant, flower, railing, bridge, backstop, goalpost, culvert or any other property or improvement whatsoever belonging to the City in, at or upon any of the parks owned or controlled by the City.
- (b) A person, group, organization, or entity reserving the use of a park facility shall be responsible for all damages to City property and for the cost of any unreasonable wear and tear to park facilities or for services, including emergency or public safety services such as police and fire, that are provided to or dispatched to the City park or City park facility as a result of such person's, group's or the organization's misuse, improper or unlawful use of the facility.

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Sec. 19-5. Advertising.

It shall be unlawful for any person to display any advertising material by or to distribute advertising material of any character within any parks or other recreation areas owned by the City without permission of the City Manager or designee.

Sec. 19-6. Alcoholic beverages

It shall be unlawful for any person to consume any alcoholic beverage in, or to carry or bring any alcoholic beverage into, the Blue Bell Aquatic Center.

Sec. 19-7. Use of Tobacco products

It shall be unlawful for any person to smoke or use tobacco in any City-owned park, including but not limited to athletic fields, skate parks, hiking or biking trails, walking paths, flower or prayer gardens, and playground areas.

Sec. 19-8. Vehicles, motorcycles, and motorized scooters.

No person shall drive an automobile, motorcycle, motor vehicle, golf cart, or other motor operated vehicle or bicycle in or upon any established and maintained park or playground, except in designated parking areas located therein, without specific written permission from the City Manager or designee. This restriction does not apply to any person that requires the use of a motorized or non-motorized mobility device (e.g. wheelchair or scooter) due to illness, injury, or disability.

Sec. 19-9. Bicycling, skating, and scooting.

- (a) It shall be unlawful for any person to bicycle, skate, or scoot within Veterans Memorial Plaza. This restriction shall not apply to any person that requires the use of a motorized or non-motorized mobility device (e.g. wheelchair or scooter) due to illness, injury or disability.
- (b) It shall be unlawful for any person to bicycle, skate, or scoot within the walking and jogging trails in Hohlt Park, Jackson Street Park, and Fireman's Park. It shall also be unlawful for any person to bicycle, skate, or scoot within the portion of Fireman's Park situated north of Fireman's Park Road. These restrictions shall not apply to any person that requires the use of a motorized or non-motorized mobility device (e.g. wheelchair or scooter) due to illness, injury or disability.

Sec. 19-10. Circulars, cards, etc.

It shall be unlawful for any person to distribute any circulars, cards or written matter or post, paste, or affix any placard, notice or sign within any park or playground in the City without written permission from the City Manager or designee.

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Deleted: No person shall operate a vehicle of any type, including without limitation, bicycles, motorcycles and motorbikes, on any walking or jogging trail within the boundaries of Jackson Street Park or Hohlt Park. This restriction shall not apply to any person that requires the use of a motorized or non-motorized mobility device (e.g. wheelchair or scooter) due to illness, injury or disability.

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(1) . The city shall post one (1) or more signs in a manner intended to provide notice and which contain the words "No rollerskates, rollerblades, skateboards, scooters or bicycles" or any other similar and clearly legible wording indicating that the use or operation of rollerskates, rollerblades, skateboards, scooters or bicycles is prohibited; however, the destruction, defacement, loss or removal of such sign(s) shall in no way affect the enforceability of this chapter or the prosecution of any person hereunder. ¶

Sec. 19-11. Camping

It shall be unlawful for any person to camp in or upon any public park situated within the City without permission from the City Manager or designee.

Sec. 19-12. Sleeping

It shall be unlawful for any person to loiter or sleep in any restroom located in any City park or recreation area.

Sec. 19-13. Wading, swimming, fishing, or boating

It shall be unlawful for any person to wade, swim, fish, or boat within any park or recreation area not so designated.

Sec. 19-14. Disposal of litter

It shall be unlawful for any person to deposit paper, glass, metal, litter, or trash of any kind on any lawn, driveway, path, or other place in any park or recreation area except in receptacles provided therefor.

Sec. 19-16. Picnic facilities.

Unless otherwise provided herein, outdoor picnic areas and pavilion areas are available on a first-come, first-served, basis, with the exception of Finke Pavilion, which may be reserved for private use. When reserved for private use the person reserving the Finke Pavilion may exclude members of the general public and it shall be unlawful for a member of the general public to remain in the Finke Pavilion after being notified that the Finke Pavilion has been reserved for private use.

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Sec. 19-17. Use of certain municipal ball fields.

(a) Unless otherwise provided herein, access to City-owned athletic fields are on a first-come, first-served, basis; however, individual reservations are available, upon request, from the City Manager or designee.

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(b) When reserved for private use the person reserving the athletic field may exclude members of the general public and it shall be unlawful for a member of the general public to remain on the athletic field after being notified that the athletic field has been reserved for private use.

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(c) It shall be unlawful for any person, firm or corporation (except City employees) to access a City-owned athletic field while said athletic field is closed.

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Sec. 19-18. ~~Golf.~~

It shall be unlawful for any person to practice golf or hit golf balls in any portion of a City park or recreational area. The practice of disc golf may be permitted in areas designated for disc golf.

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Sec. 19-19. Kites, Model Airplanes, and Drones.

It shall be unlawful for any person to fly a kite or propel or guide a model airplane or drone in any park or recreation area traversed by high voltage transmission lines.

Sec. 19-20. Individuals and/or businesses profiting from use of City facilities

It shall be unlawful for any individual or business to financially profit from using public City facilities without a permit or written permission from the City Manager or designee.

Sec. 19-21. ~~Animals.~~

- (a) It shall be unlawful for any person who owns a dog or other animal, or has a dog or other animal under their control, to permit such dog or other animal to be in any City park unless restricted by a leash. It shall be the responsibility of the owner of the dog or other animal, or the person who has the dog or other animal under their control, to dispose of all pet excrement immediately. Events organized by the City are exempt from this section.
- (b) Except as provided in Texas Human Resources Code §121.003, it shall be unlawful for any person to tether or pasture, or allow or cause to be tethered or pastured, any cow, horse, mule, fowl, or domestic animal in or upon any park or recreation area.
- (c) It shall be unlawful for any person to frighten, annoy, or injure, or attempt to frighten, annoy, or injure any wild or native animal or bird in any park or recreation area.
- (d) It shall be unlawful for any person to ride any horse or other animal or animal-drawn vehicle over or through any park or recreation area without a permit or written permission from the City Manager or designee.

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Sec. 19-22. ~~Entertainment and/or exhibition.~~

No entertainment or exhibition shall be given or conducted in any city park or recreational facility owned by the City without prior written permission from the City Manager or designee. If such entertainment and/or exhibition includes amplified sound, a noise variance from the City Council will be required. The Dr. Bobbie M. Dietrich Memorial Amphitheater is exempt from this section.

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It shall be unlawful for any person who owns a dog or other animal, or has a dog or other animal under their control, to permit such dog or other animal to be in any city park unless restricted by a leash. It shall be the responsibility of the owner of the dog or other animal, or the person who has the dog or other animal under their control, to immediately dispose of all pet excrement. ¶

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Sec. 19-23. ~~Glass containers prohibited.~~

It shall be unlawful for any person to use or have in their possession any glass container in or upon any public park situated within the corporate limits of the City. Glass baby bottles or baby food jars containing products for consumption by a baby are exempt from this section.

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Sec. 19-24. Selling of merchandise, food, and drinks.

- (a) The City shall be the sole operator of concession stands in all City parks and recreational facilities unless otherwise approved in writing by the City Manager or designee.
- (b) It shall be unlawful for any person or persons to sell or offer for sale any drinks or food items within any City park without written permission from the City Manager or designee, and also obtaining a permit from the City's code enforcement officer, as qualified by the Texas Department of State Health Services as a registered sanitarian. If the City does not employ a registered sanitarian that is authorized to issue a required permit for the sale of drink or food items, the required permit must be obtained from an appropriate registered sanitarian authorized to issue said permit.
- (c) It shall be unlawful for any person to sell or offer for sale any goods, wares, services or merchandise within any City park or recreational facility owned by the City without first obtaining a permit or written permission from the City Manager or designee.

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Sec. 19-25. Parking.

- (a) It shall be unlawful for any person to park a vehicle in any area of a City park for the principal purpose of displaying the vehicle for sale.
- (b) It shall be unlawful for any person to park, stop, or store a semi-truck or trailer in any area of a City park without written permission from the City Manager or designee.

Sec. 19-26. Penalty provisions.

A violation of this chapter shall constitute a misdemeanor and upon conviction thereof shall be punishable pursuant to the general penalty provisions set out in Section 1-5 of the Code of Ordinances of the City of Brenham.

Sec. 19-27. Permit required.

In addition to meeting any other requirements of this Chapter and the City's Code of Ordinances, written permission or a permit from the City Manager or designee is required prior to sponsoring, holding, or conducting any of the following uses in a City park or City park facility owned by the City:

- (a) Any organized sporting event and associated activities such as rallies, award ceremonies, etc., unless the organizer has a contract with the City;
- (b) Any exhibit, music event, play, motion picture or similar form of entertainment;
- (c) Any assembly or parade;
- (d) Any use of amplified sound equipment;
- (e) Any sale of food, drinks, or other goods;
- (f) Any sale of services, including boot camps, athletic lessons, etc;
- (g) Any park use during times when the park or park facility is normally closed to the public.

Deleted: Sec. 19-13. - Destruction of park property. ¶

(a) . It shall be unlawful for any person to deface, tear down, remove, destroy or injure in any manner whatsoever or to cause to be defaced, torn down, destroyed or injured in any manner whatsoever any fence, building, furniture, seat, sign, structure, excavation, post, bracket, lamp, awning, fireplug, hydrant, water pipe, tree, shrub, plant, flower, railing, bridge, backstop, goalpost, culvert or any other property or improvement whatsoever belonging to the city in, at or upon any of the parks owned or controlled by the city. ¶

(b) . No person shall pick or remove from any park premises any vegetation, unless given specific written permission by the city manager or his/her designee. ¶

(c) . No person shall drive vehicles, motorcycles, all-terrain vehicles, etc. off the paved roads or parking areas, unless given specific written permission by the city manager or his/her designee. This restriction shall not apply to any person that requires the use of a motorized or non-motorized mobility device (e.g. wheelchair or scooter) due to illness, injury, or disability. ¶

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Sec. 19-28. Appeals.

Any person dissatisfied with a decision of the City Manager or designee in failing to grant a permit shall have the right to appeal in writing within ten days of the date of the decision. Such appeal shall be presented by the applicant in writing to the City Manager, who shall designate a hearing officer to consider the matter under the standards established in this Chapter. The hearing officer shall be a City employee or official not involved in the consideration of the original application. The hearing officer shall sustain or overrule the decision within 14 days of the date of receipt of the written appeal from the applicant. The hearing officer's decision on such appeal shall be final.

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Sec. 19-21. - Purpose. ¶

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The City of Brenham Parks and Recreation Advisory Board is created to assist the City of Brenham and the Brenham City Council in the planning and operation of all city parks and recreational facilities with the ultimate goal being to provide the best service possible to the citizens of the city. This purpose includes review and monitoring of existing operations, making recommendations regarding fee schedules for all parks and recreational facilities, considering ways to better utilize the existing facilities, and to provide plans for future development of the city's parks and recreational facilities. ¶

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Sec. 19-22. - Scope and membership. ¶

¶

The parks and recreation advisory board shall consist of at least nine (9) members the majority of whom shall reside within the city limits of the City of Brenham, and who shall be appointed to staggered two-year terms by the city council. All terms will be for two (2) years ending in December of each calendar year. The director of public works or some other city official may be designated by the city manager as an ex-officio member of the board. Upon the death, resignation, removal or expiration of the term of office of any member, the city council, shall appoint a successor. ¶

¶

The scope of the parks and recreation advisory board's authority will be advisory. All actions regarding policies, procedures, and/or fee schedules taken by the board shall be presented to the city council for final approval. Six (6) members of the board shall constitute a quorum for the transaction of business. ¶

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Sec. 19-23. - Organization. ¶

(a) . Regular meetings of the parks and recreation advisory board shall be held every second Wednesday of the month at 12:00 p.m. (Noon). ¶

(b) . Board members shall select a chairperson whose term shall be for a period of one (1) year. The chairperson shall review and approve agenda items to be considered by the board and shall conduct such meetings in accordance with Robert's Rules of Order, calling for votes when deemed necessary to determine recommendations to be presented to city council and/or for direction of city staff. The chairperson may call special meetings at any time. ¶

(c) . The board will hear citizens and/or special interest groups who may present requests or comments relative to the city's parks and recreational facilities. The board shall advise city staff and/or the city council of any recommendations. ¶

(d) . The board shall counsel city staff on various policies and operations of all city parks and recreational facilities, review and make recommendations on the annual budget for the city's parks and recreational facilities, and review and make recommendations in connection with long-range planning efforts relative to all facilities. ¶

(e) . All fees related to any parks and recreational activities shall be recommended by the parks and recreation advisory board to city council for approval. All fees shall be set by ...



AGENDA ITEM 8

DATE OF MEETING: September 5, 2019	DATE SUBMITTED: August 29, 2019
DEPT. OF ORIGIN: Finance	SUBMITTED BY: Carolyn D. Miller
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☒ PUBLIC HEARING ☐ CONSENT ☐ REGULAR ☐ WORK SESSION
ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Proposed Tax Rate of \$0.5140 per \$100 Valuation for Fiscal Year Beginning October 1, 2019 and Ending September 30, 2020	
SUMMARY STATEMENT: See separate memo from Assistant City Manager-Chief Financial Officer on this item.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: (1) Memo from Assistant City Manager-Chief Financial Officer	
FUNDING SOURCE (Where Applicable):	
RECOMMENDED ACTION: Receive citizen comments regarding proposed property tax rate.	
APPROVALS: James Fisher	



MEMORANDUM

To: Mayor, Council and City Manager

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

Subject: Second Public Hearing on Proposed 2019 Tax Rate

Date: August 29, 2019

A governing body must hold two public hearings to receive citizen comments on a proposed tax rate. The first public hearing on the proposed tax rate was held during the special Council meeting on August 14, 2019 and citizen comments were received.

A property tax rate of \$0.5140 per \$100 valuation is proposed to fund the FY2019-20 Budget. Of this rate, \$0.3200 will be for maintenance and operations (M&O). The balance of \$0.1940 is for debt service (interest and sinking or I&S). Based on the certified taxable values of \$1,454,612,209 the effective tax rate is \$0.4748 and the rollback rate is \$0.5148 per \$100 valuation for the 2019 Tax Year.

Although the proposed budget decreases the current property tax rate of \$0.5170 to \$0.5140, due to increased property values, this rate is above the effective rate and will produce higher tax revenues. The increase in property taxes will be used for the purpose of public safety and infrastructure maintenance and operations.

In compliance with the Property Tax Code, a governing body must hold two public hearings to receive citizen comments on a proposed property tax rate. The governing body may not adopt the tax rate at either of these hearings. At each hearing, the governing body must announce the date, time, and place of the meeting at which it will vote on the tax rate. After receiving citizen comments, the following announcement should be made:

The first reading of the Ordinance to adopt the tax rate will be during a Special Council meeting on Monday, September 16, 2019 at 8:30 a.m. at City Hall, located at 200 W. Vulcan Street. The second reading of the Ordinance and adoption of the tax rate is scheduled for a Regular Council meeting on Thursday, September 19, 2019 at 1:00 p.m. at City Hall, located at 200 W. Vulcan Street.



AGENDA ITEM 9

DATE OF MEETING: September 5, 2019	DATE SUBMITTED: August 30, 2019
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Stephanie Doland
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☒ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION
ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Adopting the City of Brenham’s 2019 Comprehensive Plan Entitled “Historic Past, Bold Future: Plan 2040” (Case No. P-19-029)	
SUMMARY STATEMENT: On September 20, 2018, the City Council approved a professional services agreement with Planning Consultant, Kendig Keast Collaborative (KKC) for the purposes of developing a Comprehensive Plan update. Since the September 20 th Council approval, a community wide effort to re-write the long range planning document has been accomplished. The following provides a brief example of the community-wide engagement offered throughout the plan: - Four community-wide public input events; and - Five listening sessions with various community stakeholder groups; and - Four Comprehensive Plan Advisory Committee Meetings; and - Three joint workshop meetings with the BOA, P&Z and Council; and - A community-wide online survey with 298 responses received. The result of the aforementioned meetings and information gathering is the new proposed Comprehensive Plan which consists of two components, <u>Brenham Today</u> – The Existing City Report, and <u>Historic Past, Bold Future: Plan 2040</u> – Our Future City Report (Plan 2040). A more detailed explanation of the multiple plan components is provided in the enclosed staff report to the Planning and Zoning Commission.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): <u>Staff and the Planning and Zoning Commission recommends approval</u> of the adoption of the Brenham Comprehensive Plan, entitled “Historic Past, Bold Future: Plan 2040” which serves as a guiding document for the entire Brenham community.	
A. PROS: Approval of the proposed Comprehensive Plan will allow City Staff and Community leaders to make informed decisions concerning the following: Targeted programs and expenditures prioritized through the City’s annual budget process, including routine, but essential, functions such as code enforcement;	

- Major public improvements and land acquisitions financed through the City’s capital improvements program (CIP) and related bond initiatives;
- New and amended City ordinances and regulations closely linked to master plan objectives (and associated review and approval procedures in the case of land development, subdivisions, and zoning matters);
- Departmental work plans and staffing in key areas;
- Support for ongoing planning and studies that will further clarify needs and strategies, including the City Council’s own strategic planning;
- The pursuit of external grant funding to supplement local budgets and/or expedite certain projects;
- Initiatives pursued in conjunction with other public and private partners to leverage resources and achieve successes neither could accomplish alone.

B. CONS: Staff is unaware of any cons associated with the adoption of the Comprehensive Plan.

ALTERNATIVES (In Suggested Order of Staff Preference):

1. Approve the requested ordinance, as recommended by the Planning and Zoning Commission;
2. Deny the requested zoning change.

ATTACHMENTS: (1) Ordinance for first reading; and (2) Staff Report Case No. P-19-029

A bound copy of the Comprehensive Plan, entitled, “Historic Past, Bold Future: Plan 2040” will be distributed to the Mayor and City Council Members. This Plan will also be on file for review in the City Secretary’s Office. A copy of the Plan can be downloaded from the City of Brenham’s website at www.cityofbrenham.org.

FUNDING SOURCE (Where Applicable): N/A (On September 20, 2018 Council approved a Professional Services Agreement with Kendig Keast Collaborative for professional services related to development of a Comprehensive Plan for an amount not to exceed \$259,825.00 funded with 2017 Certificates of Obligation)

RECOMMENDED ACTION: Approve an Ordinance on its first reading adopting the City of Brenham’s 2019 Comprehensive Plan Entitled “Historic Past, Bold Future: Plan 2040” (Case No. P-19-029)

APPROVALS: James Fisher

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, ADOPTING THE 2019 COMPREHENSIVE PLAN, ENTITLED “HISTORIC PAST, BOLD FUTURE: PLAN 2040,” AS THE CITY OF BRENHAM COMPREHENSIVE PLAN; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR A SEVERABILITY AND SAVINGS CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH SAID ORDINANCE WAS PASSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Texas Local Government Code, Section 213.002, authorizes municipalities to adopt a comprehensive plan for the long-range development of the municipality; and

WHEREAS, the existing City of Brenham comprehensive plan was adopted on November 24th, 2008; and

WHEREAS, the City of Brenham has experienced significant change and growth since 2008, and the City Council directed staff to prepare an updated plan for the City and its extraterritorial jurisdiction; and

WHEREAS, the Comprehensive Plan Advisory Board (CPAC) was appointed by the Brenham City Council to represent citizen boards and commissions, citizens of Brenham and other local entities and to oversee the preparation and public input into the proposed comprehensive plan; and

WHEREAS, over a period of twelve months involving an extensive public engagement process, including four public input meetings, four CPAC meetings, three joint workshop meetings between the Planning and Zoning Commission, Board of Adjustment and City Council, multiple stakeholder listening sessions, and a community wide online survey, the community and aforementioned representatives have reviewed, developed and deliberated the proposed comprehensive plan and provided verbal and/or written recommendations and comments; and

WHEREAS, throughout the planning process the City staff provided coordination and guidance to the planning consulting firm, Kendig Keast Collaborative; and

WHEREAS, the comprehensive plan was considered and recommended for approval by the City of Brenham Planning & Zoning Commission in its final report during its regular meeting August 29, 2019; and

WHEREAS, the City Council, following a public hearing regarding the adoption of the new proposed comprehensive plan, hereby finds and determines the adoption of this Ordinance will promote sound development of the City of Brenham, and further promotes the public health, safety and welfare; Now Therefore,

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

SECTION 1.

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2.

The City of Brenham Comprehensive Plan, entitled Historic Past, Bold Future: Plan 2040,” attached hereto as Exhibit “A” and incorporated herein for all purposes, shall be and is hereby adopted and made the official comprehensive plan of the City of Brenham, Texas, hereinafter designated as the “City of Brenham Comprehensive Plan” or “Comprehensive Plan.”

SECTION 3.

The Comprehensive Plan is a policy guide for the City Council, City Boards and Commissions, City staff and the public for evaluating and reviewing the physical development of the City and such regulations as may be utilized to implement the goals and policies of the Comprehensive Plan.

SECTION 4.

The Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. In particular, the Future Land Use Map shall not be nor shall it be considered a zoning map, nor constitute zoning regulations or establish zoning boundaries, and shall not be site nor parcel specific and shall only be used to illustrate generalized policies.

SECTION 5.

Any provision of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of this Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect. The Comprehensive Plan adopted by this Ordinance expressly repeals, supersedes and replaces the City of Brenham 2008 Comprehensive Plan in its entirety.

SECTION 6.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

SECTION 7.

Notice of the time and place, where and when said Ordinance would be considered by the City Council at any and all public meetings was given in accordance with applicable law, prior to the time designated for meeting.

SECTION 8.

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

PASSED and **APPROVED** on its first reading this the __ day of ____, 2019.

PASSED and **APPROVED** on its second reading this the __ day of ____, 2019.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT “A”

A bound copy of the Comprehensive Plan, entitled, “Historic Past, Bold Future: Plan 2040” will be distributed to the Mayor and City Council Members.

This Plan will also be on file for review in the City Secretary’s Office.

A copy of the Plan can be downloaded from the City of Brenham’s website at www.cityofbrenham.org.



CASE NUMBER P-19-029 Comprehensive Plan Adoption

REQUEST:

The City of Brenham initiated this request to amend the City of Brenham's Code of Ordinances, Appendix A – Zoning, Part III, Division 1, Section 18 to prohibit metal exteriors (façades) for residential uses.

BACKGROUND AND ANALYSIS:

On September 20, 2018 the Brenham City Council unanimously voted to enter into a Professional Services Agreement with Kendig Keast Collaborative (KKC) for professional services related to the development of a Comprehensive Plan. Since the September 20th Council approval, a community wide effort to re-write the long range planning document has been accomplished.

The Comprehensive Plan project began with a strong start on January 10th when the first public input event drew over 150 citizen participants. In total, four public input opportunities were held; January 10th, February 28th, April 30th, and June 20th. Each public meeting provided citizens with the opportunity to provide feedback on topics related to Downtown improvements, streets and drainage, housing needs, retail development opportunities, job creation, growth assessment, park and recreation development, land use planning, capital improvements (streets and public utilities) and economic development. Additionally, citizens were surveyed near the end of the project to provide feedback on what the City of Brenham should focus on from an implementation perspective – nearly 300 responses were provided.

In addition to community wide input during the planning project, a Comprehensive Plan Advisory Committee (CPAC) was appointed by Council. The CPAC consisted of 15 representatives from all City Boards, Commissions and Councils, professional and student representatives from Blinn College and Brenham ISD, and three at-large members. The CPAC met four times throughout the project and served in an advisory capacity for each of the plan components. The CPAC was tasked with identifying key areas in town to focus efforts, developing a Future Land Use Plan, deliberating data collected by KKC, and providing recommendations for specific priority action items.

Lastly, three Joint Workshop meetings were held between the Planning and Zoning Commission, Board of Adjustment and City Council. Meeting representatives discussed past accomplishments, opportunities and challenges facing Brenham, population projections, and provided feedback on proposed plan elements such as the Future Land Use Map and draft prioritization list. In total, the Comprehensive Plan process included a yearlong effort by KKC, city staff, elected officials, citizens, property owners and students of Brenham.

The result of the aforementioned meetings and information gathering is the new proposed Comprehensive Plan which consists of two components, *Brenham Today* – The Existing City Report, and *Historic Past, Bold Future: Plan 2040* – Our Future City Report (Plan 2040).

Brenham Today provides background and insights into the Brenham community as it is today. The report includes five topic areas: Land Use and Development, Growth Capacity, Economic Outlook, Transportation, and Parks and Recreation. Within each of the aforementioned focus areas, the report provides a picture of the strengths and opportunities of the community, areas where investment and growth have been evident and areas where further investment and emphasis is needed. Perhaps the most overwhelming piece of feedback provided during this portion of the planning process is the need for additional housing options, especially for housing for first-time home buyers (see pages 31-34).

While the existing city report provided the research and foundation for the City's current needs and strengths, Plan 2040 provides an outlook of the City's future direction, needs, priorities and action items. Similarly, Plan 2040 is also broken into the aforementioned topic areas and emphasizes how each topic area contributes to a set of six over all guiding principles: 1. Growth and revitalization strategies, 2. Focusing on Economic Essentials and a Strong Tax Base, 3. Housing Costs and Options Inside the City, 4. Attention to Brenham's Infrastructure, and 5. An Even More Livable Brenham, and 6. New and Improved Implementation Tools to Advance Plan Priorities (see pages 7-9). Following the analysis about how each focus area can contribute to each of the aforementioned principles is the last section of the plan, Implementation. The implementation section includes a table of 100+ action items with an established priority measure, time frame for completion, and involved entities to complete the action items.

In summary, the proposed Comprehensive Plan provided by a community-wide participation effort and written by KKC is a document that City of Brenham stakeholders can reference and implement as a guiding document for both daily and long-rang decisions for the next 20+ years. The plan elements, specific action items, and prioritization schedule provides Brenham with the plan needed to achieve the goals and vision voiced by the Brenham community.

STAFF RECOMMENDATION:

Staff recommends **approval** of the adoption of the Brenham Comprehensive Plan which serves as a guiding document for the Brenham community to make decisions carried out through:

1. Targeted programs and expenditures prioritized through the City's annual budget process, including routine, but essential, functions such as code enforcement;
2. Major public improvements and land acquisitions financed through the City's capital improvements program (CIP) and related bond initiatives;
3. New and amended City ordinances and regulations closely linked to master plan objectives (and associated review and approval procedures in the case of land development, subdivisions, and zoning matters);
4. Departmental work plans and staffing in key areas;
5. Support for ongoing planning and studies that will further clarify needs and strategies, including the City Council's own strategic planning;
6. The pursuit of external grant funding to supplement local budgets and/or expedite certain projects;
7. Initiatives pursued in conjunction with other public and private partners to leverage resources and achieve successes neither could accomplish alone.

EXHIBITS:

1. Exhibit A – Brenham Comprehensive Plan:
 - a. Brenham Today – The Existing City Report
 - b. Historic Past, Bold Future: Plan 2040 – Our Future City Report



AGENDA ITEM 10

DATE OF MEETING: September 5, 2019	DATE SUBMITTED: August 30, 2019	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Stephanie Doland	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☒ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	ORDINANCE: ☒ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Repealing Ordinance No. O-19-017 and Deleting Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Part II, Division 1, Section 18, Exterior Construction Materials for Selected Zoning Districts in Brenham, Washington County, Texas (Case No. P-19-028)		
SUMMARY STATEMENT: This is a City initiated request to remove from the City of Brenham’s Code of Ordinances, Appendix A, Part II, Division 1, Section 18 which previously established non-metal façade requirements on residential uses in selected zoning districts. During the January and February Planning and Zoning Commission meetings earlier this year the Commission considered an amendment to establish minimum non-metal façade requirements for residential property in Brenham. Following a recommendation by the Commission, the Brenham City Council unanimously voted on April 18 th and May 2 nd , 2019 to approve an ordinance which prohibited the use of a metal façade on residential property in the R-1, R-2, R-3 and B-1 zoning districts. During the recent legislative session, House Bill 2439 was passed which prohibits Texas municipalities from enforcing ordinances that restrict the use of building material for residential or commercial construction if the material is approved for use by a national model code published within the last three code cycles. The aforementioned House Bill will become effective on September 1, 2019 and staff proposes to remove the recently adopted restriction to be in compliance with recent legislation.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference): 1. Approve the proposed amendment, as recommended by the Planning and Zoning Commission; 2. Deny the proposed text amendment.		

ATTACHMENTS: (1) Ordinance for first reading; and (2) Staff Report to the Planning and Zoning Commission
FUNDING SOURCE (Where Applicable): N/A
RECOMMENDED ACTION: Approve an Ordinance on its first reading repealing Ordinance No. O-19-017 and deleting Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Part II, Division 1, Section 18, Exterior Construction Materials for selected zoning districts in Brenham, Washington County, Texas
APPROVALS: James Fisher

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING APPENDIX A – “ZONING” OF THE CODE OF ORDINANCES PART II, DIVISION 1, BY DELETING SECTION 18, EXTERIOR CONSTRUCTION MATERIALS FOR SELECTED DISTRICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

WHEREAS, the State of Texas passed House Bill 2439 which disallows municipalities from adopting or enforcing a regulation that prohibits the use of a building product or material for the construction of a residential or commercial building if the building product is approved for use by a national model code; and

WHEREAS, these amendments were considered by the City of Brenham Planning & Zoning Commission and recommended for approval in its final report during its regular meeting August 29, 2019; and

WHEREAS, the City Council deems it appropriate to approve the requested amendments to Appendix A – “Zoning” of the Code of Ordinances; Now Therefore,

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

SECTION 1.

That Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas Part II, Division 1, Section 18, Exterior Construction Materials for Selected Districts, is hereby amended by deleting Section 18, including Subsection 18.01 and Subsection 18.02.

SECTION 2

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

PASSED and **APPROVED** on its first reading this the __ day of ____, 2019.

PASSED and **APPROVED** on its second reading this the __ day of ____, 2019.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



CASE NUMBER P-19-028

TEXT AMENDMENT – Metal Exterior (Façades) for Residential Uses

REQUEST:

The City of Brenham initiated this request to rescind the City of Brenham’s Code of Ordinances, Appendix A – Zoning, Part III, Division 1, Section 18 to prohibit metal exteriors (façades) for residential uses.

BACKGROUND AND ANALYSIS:

During the January and February Planning and Zoning Commission meetings earlier this year the Commission considered an amendment to establish minimum non-metal façade requirements for residential property in Brenham. Following a recommendation by the Commission, the Brenham City Council unanimously voted on April 18th and May 2nd, 2019 to approve an ordinance which prohibited the use of a metal façade on residential property in the R-1, R-2, R-3 and B-1 zoning districts. During the recent legislative session, House Bill 2439 was passed which prohibits Texas municipalities from enforcing ordinances that restrict the use of building material for residential or commercial construction if the material is approved for use by a national model code published within the last three code cycles. The aforementioned House Bill will become effective on September 1, 2019 and staff proposes to remove the recently adopted restriction to be in compliance with recent legislation.

PROPOSED AMENDMENT:

Remove Appendix A – Zoning, Part II, Division 1 Section 18 of the Brenham Code of Ordinances which currently reads as follows:

(Sec. 18.01) The requirements of this section shall apply to construction of residential structures in the following zoning districts:

- 1. R-1: Residential District*
- 2. R-2: Mixed Residential District*
- 3. R-3: Manufactured Home Residential*
- 4. B-1: Local Business/Residential Mixed Use District*

(Sec. 18.02) To protect the public health, safety, character, and general welfare and to reduce or eliminate potential fire hazards in areas containing a higher density of buildings, a dwelling in any of the zoning categories to which this section applies shall not be constructed with a metal façade. For the purposes of this section “non-metal façade” shall mean brick or brick veneer, stone or stone veneer, stucco, wood, vinyl, or fiber-cement siding, and further, for the purposes of this section a wood-like or fiber cement-like exterior or finish shall be considered “non-metal façade.”

PUBLIC COMMENTS:

The Notice of Public Hearing was published in the Brenham Banner on August 16, 2019. Any public comments submitted to staff will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

STAFF RECOMMENDATION:

Staff recommends **approval** of an ordinance to remove Appendix A – Zoning, Part II, Division 1 Section 18 of the Brenham Code of Ordinances.



AGENDA ITEM 11

DATE OF MEETING: September 5, 2019		DATE SUBMITTED: August 29, 2019	
DEPT. OF ORIGIN: Tourism & Marketing		SUBMITTED BY: Jennifer Eckermann	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	
☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING	
☐ SPECIAL	☐ CONSENT	☐ 2 ND READING	
☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION	
	☐ WORK SESSION		
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-19-024 Adopting the Visit Brenham/Washington County Tourism Strategic Action Plan.			
SUMMARY STATEMENT: As you will have heard from Vicky Soderberg, Visit Brenham is already moving forward with some of the items included the Tourism Strategic Action Plan, and we're excited to work diligently to accomplish the ideas, programs and projects that are included in the plan for the DMO. In addition, as the DMO for Brenham and Washington County, we will work with the tourism partners in each of the communities to promote and advance their efforts that will strengthen tourism and positively impact Brenham and Washington County. We ask that you approve the Resolution adopting the Visit Brenham/Washington County Tourism Strategic Action Plan			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS:			
B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: (1) Resolution No. R-19-024 <i>A full copy of the Visit Brenham/Washington County Tourism Strategic Action Plan can be viewed in the City Secretary's Office. After approval, the Plan will be available for download on the City of Brenham's website at www.cityofbrenham.org.</i>			
FUNDING SOURCE (Where Applicable):			
RECOMMENDED ACTION: Approve Resolution No. R-19-024 adopting the Visit Brenham/Washington County Tourism Strategic Action Plan			
APPROVALS: James Fisher			

RESOLUTION NO. R-19-024

A RESOLUTION APPROVING THE ADOPTION OF THE VISIT BRENHAM/WASHINGTON COUNTY TOURISM STRATEGIC ACTION PLAN

WHEREAS, the Brenham City Council has given Visit Brenham the key role of long-term development of Brenham and Washington County as a destination; and

WHEREAS, Visit Brenham is responsible for formulating an effective travel and tourism strategy; and

WHEREAS, Visit Brenham contracted with Vicky Soderberg of Cygnet Strategies to develop a Tourism Strategic Action Plan; and

WHEREAS, the development of this strategic plan was a collaboration between Cygnet Strategies; Opportunity Strategies; staff, elected and appointed officials from the City of Brenham; City of Burton; Washington County; chambers of commerce; local organizations; and various tourism stakeholders; and

WHEREAS, the information and recommendations of the plan are based upon broad-based experience working communities and destinations, combined with local workshops, independent research, previous planning efforts, interviews, informational conversations, and best practices; and

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

Section 1: That the City Council of the City of Brenham hereby adopts the Visit Brenham/Washington County Tourism Strategic Action Plan, attached hereto as Exhibit "A".

Section 2: That this Resolution shall be in full force and effect beginning on September 5, 2019.

PASSED and APPROVED this the 5th day of September, 2019.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT “A”

A bound copy of the Visit Brenham/Washington County Tourism Strategic Action Plan will be distributed to the Mayor and City Council Members.

This Plan will also be on file for review in the City Secretary’s Office.

A copy of the Plan can be downloaded from the City of Brenham’s website at www.cityofbrenham.org.



AGENDA ITEM 12

DATE OF MEETING: September 5, 2019	DATE SUBMITTED: August 29, 2019	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Karen Stack	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	ORDINANCE: ☐ 1 ST READING ☒ 2 ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Ordinance No. O-19-032 on Its Second Reading Amending Chapter 27, Vehicles for Hire, Code of Ordinances, City of Brenham, Texas		
SUMMARY STATEMENT: Council approved the attached Ordinance on its first reading, but asked for two changes to be made for second reading. The attached redline shows the two changes: 1) Section 27-5 has been added, designating the City Secretary for delivery of any notice required under Chapter 27. 2) Section 27-31(a)(8) has been amended so that an individual with 2 or more DWI or DUI convictions is permanently disqualified from holding a city chauffeur's license.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Ordinance No. O-19-032; and (2) Redline copy		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Approve Ordinance No. O-19-032 on its second reading amending Chapter 27, Vehicles for Hire, Code of Ordinances, City of Brenham, Texas		
APPROVALS: James Fisher		

ORDINANCE NO. O-19-032

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 27, VEHICLES FOR HIRE, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING OF PROPER NOTICE AND MEETINGS

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

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

WHEREAS, the latest update to Chapter 27, Vehicles for Hire, was done in May, 2010; and

WHEREAS, many sections in Chapter 27 are no longer administratively accurate and/or are not in compliance with current State statutes; and

WHEREAS, the City Council finds the following regulations to be reasonable and beneficial to the general health, safety and welfare of the citizens of Brenham; and

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

SECTION 1.

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2.

Chapter 27, Vehicles for Hire, of the Code of Ordinances of the City of Brenham, Texas, is hereby repealed and rescinded in its entirety.

SECTION 3.

Chapter 27, Vehicles for Hire, of the Code of Ordinances of the City of Brenham, Texas, shall read as follows:

Chapter 27 - VEHICLES FOR HIRE

ARTICLE 1. - GENERAL PROVISIONS

Sec. 27-1. - Definitions.

Annual permit shall mean permission granted by the city to a person to operate a taxicab service inside the city for a period of one (1) year, renewable under the provisions of this chapter.

Appeal hearing officer shall mean the city manager and/or his designee authorized to enforce and/or administer this chapter.

Charter service shall mean any type of service in which a vehicle not equipped with a meter is furnished, along with a driver, for a specific trip or excursion, and which is contracted for orally or in writing by an individual or group so as to obtain exclusive use of the vehicle for an interval of time.

City chauffeur's license shall mean a license issued to an individual by the director authorizing that individual to drive or operate a taxicab in the city.

Conviction shall mean a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned.

Curb shall mean the raised edge of the street, driveway or other public or private way upon which a taxicab is operating, provided that if no raised edge curbing exists, then it means the edge of the area that is paved for vehicular operation.

Department shall mean the department designated by the city manager to enforce and administer this chapter.

Director shall mean the director of the department designated by the city manager to enforce and administer this chapter; which includes representatives, agents, or employees designated by the director.

Dispatching facility means a fixed facility:

- (1) At which requests for taxicab service are received;
- (2) From which drivers are notified, by radio or any other electronic communication system, of requests for taxicab service; and
- (3) To which drivers communicate, by radio or any other electronic communication system, their availability to provide the requested taxicab service.

Driver shall mean an individual who drives or operates a taxicab.

Holder shall mean a person who is granted an annual permit providing operating authority under this chapter.

Legal resident shall mean a citizen of the United States or a person residing in the United States in accordance with federal immigration laws.

Operate shall mean to drive or to be in control of a taxicab.

Operating authority shall mean written permission granted on an annual basis by the director under this chapter to operate a taxicab service.

Operator shall mean: (1) the driver of a taxicab; (2) the owner of a taxicab; or (3) the holder of a taxicab operating authority.

Owner with regard to a motor vehicle shall mean the person to whom state license plates for a vehicle were issued.

Person shall mean an individual; corporation; government or governmental subdivision; agency, trust, partnership, or two (2) or more persons having a joint or common economic interest; or any other legal entity.

Taxicab shall mean a chauffeured motor vehicle that is equipped with a taximeter, that is used for the transportation of passengers for hire over the public streets of the city that typically operates on irregular routes, irregular schedules, and on a call-and-demand basis, and irrespective of whether or not the operations extend beyond the city limits, at rates for distance traveled, or for waiting time, or for both, and such vehicle is routed under the direction of the passenger hiring the same.

Taxicab service shall mean a passenger transportation service operated for hire that uses any one (1) or more taxicabs in the operation of the service and includes (but is not limited to) a facility from which the service is operated; taxicabs used in the operation; and a person who owns, controls, or operates the service.

Taximeter shall mean a device that computes a fare based upon the distance traveled, the time the taxicab is engaged, and any other basis for charges that are specified in the operating authority pertaining to the holder.

Sec. 27-2. - Statement of policy.

It is the policy of the city to provide for and to promote adequate and efficient taxicab services in the city. To this end, this chapter provides for the regulation of taxicab services, to be carried out in a manner that protects the public health and safety, promotes the public convenience and necessity, and respects the concept of free enterprise.

Sec. 27-3. - General authority and duty of director.

The city manager and his delegates shall enforce the provisions of this chapter. The director shall implement and enforce this chapter as he determines necessary to discharge his duty under, or to affect the policy of this chapter.

Sec. 27-4. - Exclusions.

This chapter does not apply to:

- (1) The transportation of a person by a taxicab licensed by another governmental entity from a point outside the city to a destination inside the city, if the taxicab leaves the city without receiving a passenger inside the city;
- (2) A taxicab service operated under state or federal authority unless the service is subject to the city's regulatory authority;
- (3) A motor vehicle used to transport persons for hire that is regulated by another city ordinance;
- (4) A vehicle operated by a funeral home in the performance of funeral services;
- (5) A vehicle provided by an employer or employee association for use in transporting employees between employees' homes and the employer's place of business or between workstations, with the employees reimbursing the employer or employee association in an amount calculated only to offset the reasonable expenses of operating the vehicle;
- (6) A vehicle owned and operated by the federal or state government, by a political subdivision of the state, or by a person under contract with the city for operation of the vehicle;
- (7) A vehicle used in a carpool to transport the person and others on a prearranged basis between their homes and places of employment or places of common destination, if only a fee calculated to reasonably cover expenses is charged;
- (8) A vehicle transporting children to or from school if only a fee calculated to reasonably cover expenses is charged;
- (9) A vehicle owned by a nonprofit organization and carrying only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers;
- (10) A vehicle being operated under a transportation network company permit issued by the State of Texas pursuant to Chapter 2402 of the Occupations Code, or
- (11) A charter service, regardless of vehicle type.

Sec. 27-5. – City Secretary designated for delivery of notice.

- (a) The Office of the City Secretary is designated for delivery of any application, notice, or payment required under this Chapter.
- (b) Any application, notice, or payment will be deemed received by the City on the date of delivery to the Office of the City Secretary at City Hall.
- (c) The City Secretary shall ensure that applications made under this Chapter are timely processed, and shall ensure proper service of any required notice from the City Manager and/or the Director under this Chapter.

Secs. 27-6—27-9. - Reserved.

ARTICLE 2. - OPERATING AUTHORITY

Sec. 27-10. - Operating authority required.

- (a) A person may not: (1) operate a taxicab service inside the city without operating authority granted under this chapter; or (2) transport a passenger for hire inside the city by taxicab without operating authority granted under this chapter.
- (b) A person shall not engage or hire a taxicab that he knows does not have operating authority from the city.

Sec. 27-11. - Transferability of operating authority.

An annual permit of operating authority may not be transferred to another person.

Sec. 27-12. - Annual permit of operating authority required; service requirements.

The director must approve the application before an annual permit can be granted. The granting of an annual permit is in the discretion of the director, but will not be granted unless the applicant qualifies for operating authority under section 27-13 of this chapter and is otherwise fit, willing, and able to operate the taxicab service in accordance with the requirements of this chapter, rules and regulations of the director, provisions of the annual permit, and other applicable law.

Sec. 27-13. - Qualifications for operating authority.

- (a) To qualify for operating authority, an applicant must:
 - (1) Be at least twenty-one (21) years of age;
 - (2) Be currently authorized to work full-time in the United States;
 - (3) Be able to communicate in the English language; and
 - (4) Not have ever been convicted or placed on probation or deferred adjudication for a crime:
 - a. Involving:
 - 1. Criminal homicide as described in Chapter 19 of the Texas Penal Code;
 - 2. Kidnapping as described in Chapter 20 of the Texas Penal Code;
 - 3. A sexual offense as described in Chapter 21 of the Texas Penal Code;
 - 4. An assaultive offense as described in Chapter 22 of the Texas Penal Code, other than a Class C misdemeanor;
 - 5. Robbery as described in Chapter 29 of the Texas Penal Code;
 - 6. Burglary as described in Chapter 30 of the Texas Penal Code;
 - 7. Theft as described in Chapter 31 of the Texas Penal Code, but only if the violation is punishable as a felony;
 - 8. Criminal attempt to commit any of the offenses listed in section 27-13(a)(4)a.1. through section 27-13(a)(4)a.7.

- (5) Not have been convicted or placed on probation or deferred adjudication for a crime:
- a. Involving:
 1. Fraud as described in Chapter 32 of the Texas Penal Code;
 - 2.. Tampering with a governmental record as described in Chapter 37 of the Texas Penal Code;
 3. Public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;
 4. The transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, but only if the violation is punishable as a felony;
 5. A violation of Chapter 483, Dangerous Drugs, of the Texas Health and Safety Code that is punishable as a felony;
 6. A violation of the Controlled Substances Act, Chapter 481 of the Texas Health and Safety Code that is punishable as a felony; or
 7. Criminal attempt to commit any of the offenses listed in section 27-13(a)(5)a.1. through section 27-13(a)(5)a.6.
 - b. For which:
 1. If the applicant was convicted for a misdemeanor offense, less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date;
 2. If the applicant was placed on probation or deferred adjudication for a misdemeanor offense, less than two (2) years have elapsed since the date of successful completion of probation or deferred adjudication;
 3. If the applicant was convicted for a felony offense, less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction or the date of release from parole, whichever is the later date;
 4. If the applicant was placed on probation or deferred adjudication for a felony offense, less than five (5) years have elapsed since the date of successful completion of probation or deferred adjudication;
 5. Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any twenty-four-month period, the applicant has two (2) or more convictions of any misdemeanor offense or combination of misdemeanor offenses; or
 6. Less than five (5) years have elapsed since the date of the successful completion of probation or deferred adjudication for the last offense, whichever is the later date, if, within any twenty-four-month period, the applicant has been placed on probation or deferred adjudication two (2) or more times for any misdemeanor offense or combination of misdemeanor offenses.

(b) An applicant who has been sentenced for an offense listed in section 27-13(a)(5)a.1. through (a)(5)a.7 for which the required time period listed above has elapsed, may qualify for operating authority only if the director determines that the applicant is presently fit to provide a public transportation service and only if the offense or offenses the applicant was sentenced for was not a felony offense listed in section 27-13(a)(4)a.1. through (a)(4)a.8. In determining present fitness under this section, the director shall consider the following:

- (1) The extent and nature of the applicant's past criminal activity;

- (2) The age of the applicant at the time of the commission of the crime;
- (3) The amount of time that has elapsed since the applicant's last criminal activity;
- (4) The conduct and work activity of the applicant prior to and following the criminal activity;
- (5) Evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and
- (6) Other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.
- (7) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness.

Sec. 27-14. - Application for annual permit of operating authority.

- (a) To obtain an annual permit, a person shall make application to the city secretary in the manner prescribed by this section. The applicant must be the person who will own, control, or operate the proposed taxicab service. An applicant shall file with the city secretary a written, verified application statement, to be accompanied by a nonrefundable application fee of one hundred fifty dollars (\$150.00) plus one hundred twenty dollars (\$120.00) for each taxicab to be permitted, containing the following:
 - (1) The form of business of the applicant and, if the business is a corporation, association, or other legal entity, a copy of the documents establishing the business and the name, address, and legal residence of each person with a direct interest in the business;
 - (2) The name, address, and verified signature of the applicant;
 - (3) An actual or pro forma statement and balance sheet showing the liabilities, and equity of the business;
 - (4) A description of any past business experience of the applicant, particularly in providing passenger transportation services, and an identification and description of any revocation or suspension of a permit held by the applicant or business before the date of filing the application;
 - (5) The number of vehicles and a description of the vehicles the applicant proposes to use in the operation of the taxicab service, and a description of the operations of the proposed taxicab service and the location of the fixed facilities to be used in the operation;
 - (6) If applicable, a description of the proposed insignia and color scheme for the applicant's taxicabs and a description of the distinctive item(s) of apparel to be worn by the applicant's taxicab drivers;
 - (7) Documentary evidence from an insurance company, authorized to do business in the State of Texas, indicating a willingness to provide commercial liability insurance as required by this chapter;
 - (8) Documentary evidence of payment of ad valorem taxes on the property to be used in connection with the operation of the proposed taxicab service;

- (9) Proof of business telephone number and business address, from which the proposed taxicab service will be operated; if such place of business is located within the city limits, the city's zoning requirements shall apply;
- (10) The proposed fare to be charged and the method for calculating the fare;
- (11) Such additional information as the applicant desires to include to aid in the determination of whether the requested operating authority should be granted; and
- (b) A holder shall notify the city secretary in writing of any change of address or change in ownership or management of a taxicab service not less than ten (10) days prior to the change.
- (c) The established place of business required by subsection (a)(9) of this section must be kept open from 9:00 a.m. to 5:00 p.m. weekdays, other than recognized holidays, and must be staffed and equipped to receive telephone calls during all business hours.

Sec. 27-15. - Grant of annual permit of operating authority.

Upon approval of an application for an annual permit of operating authority by the director, the Office of the City Secretary shall promptly issue the permit and incorporate in the permit the duration of the permit and such other terms or conditions as the director determines are necessary.

Sec. 27-16. - Limitations of operating authority.

- (a) Operating authority when issued must state on its face the type of service for which it is issued. It may also contain other conditions and limitations determined necessary by the director, including, but not limited to:
 - (1) Number of vehicles authorized;
 - (2) Description of vehicles to be operated;
 - (3) The number of passengers that may be transported in each vehicle;
 - (4) Customers to be served;
 - (5) Place and times of loading or unloading passengers;
 - (6) Schedules and route to be followed, if applicable;
 - (7) Maximum rates to be charged, including any hourly minimums and other charges;
 - (8) Operating procedures; and
 - (9) Special conditions or limitations.
- (b) A holder commits an offense if he fails to comply with the conditions or limitations placed on the operating authority under which he is operating a vehicle for hire service.

Sec. 27-17. - Renewal or amendment of annual permit of operating authority.

- (a) A holder of an annual permit of operating authority shall submit a completed renewal of permit form, provided by the city secretary, and submit an annual permit application fee of one hundred fifty dollars (\$150.00) plus one hundred twenty dollars (\$120.00) per taxicab.
- (b) A holder desiring a change in the terms or conditions of the permit must file with the city secretary, not fewer than sixty (60) days before the permit expires, a written request stating reasons for the requested changes.
- (c) The director may make minor changes in a permit.

- (d) If the director determines that a denial of a permit renewal or material change in the terms or conditions of the permit is required, then he may deny renewal of the permit or make changes in the terms or conditions of the permit.
- (e) If the permit expires at no fault of the holder before a ruling on the approval or denial of the renewal, the holder may continue to operate the taxicab service pending a final decision. The holder shall cease operation of the taxicab service immediately upon denial of the request for renewal by the director.
- (f) A holder may file an appeal of the director's decision not to renew a permit in accordance with section 27-40 of this chapter.

Sec. 27-18. - Suspension and revocation of operating authority.

- (a) *Suspension and revocation of permit.* The following regulations apply to the suspension or revocation of an annual permit:
 - (1) The director may suspend or revoke an annual permit if the director determines that the holder:
 - a. Failed to comply with a correction order issued to the holder by the director, within the time specified in the order;
 - b. Intentionally or knowingly impeded the department or other law enforcement agency in the performance of its duty or execution of its authority;
 - c. Failed to comply with this chapter;
 - d. Does not qualify for operating authority under section 27-13 of this chapter;
 - e. Has been convicted of a violation of any city, state, or federal law, which violation reflects unfavorably on the fitness of the holder to perform a public transportation service;
 - f. Is under indictment for or has been convicted of any felony offense while holding taxicab operating authority;
 - g. Substantially breached the terms of the annual permit;
 - h. Failed to pay city ad valorem taxes on any property of the holder used directly or indirectly in connection with the taxicab service; or
 - i. Failed to pay a permit fee at the time it was due.
 - (2) A suspension of a permit does not affect the expiration date of the permit.
 - (3) After revocation of a permit, a holder is not eligible for a permit for a period of two (2) years.
- (b) *Reinstatement.* After suspension of a permit, a holder may file an appeal in accordance with section 27-40 of this chapter. The director shall inspect the operation of the suspended holder to determine if the holder has corrected the deficiency causing the suspension. After inspection, the director shall submit his recommendation together with supporting facts to the city manager or his designee. The city manager shall determine if reinstatement is warranted. The decision of the city manager is final.

Sec. 27-19. - Special provisions of operating authority.

This chapter governs the operation of taxicab service. This chapter, however, is not a limitation on the power of the director to incorporate in a grant of operating authority special

provisions relating to the operation of the taxicab service under the grant. To the extent that a special provision conflicts with this chapter, the special provision controls.

Secs. 27-20—27-29. - Reserved.

ARTICLE 3. - CITY CHAUFFEUR'S LICENSE

Sec. 27-30. - City chauffeur's license required.

- (a) A person may not drive or operate a taxicab inside the city pursuant to this chapter without a valid city chauffeur's license issued to the person under this article.
- (b) A taxicab service holder or owner shall not employ or contract with a driver or otherwise allow a person to drive for hire a taxicab owned, controlled, or operated by the holder or owner unless the person has a valid city chauffeur's license issued under this article.
- (c) To obtain an annual chauffeur's license, a person shall make application to the city secretary in the manner prescribed by this section. The applicant shall file with the city secretary a written, verified application statement, to be accompanied by a fee of ten dollars (\$10.00).

Sec. 27-31. - Qualification for city chauffeur's license.

- (a) To qualify for a city chauffeur's license, an applicant shall:
 - (1) Be at least twenty-one (21) years of age;
 - (2) Be currently authorized to work full-time in the United States;
 - (3) Hold a valid driver's license issued by the state;
 - (4) Be able to communicate in the English language;
 - (5) Not be afflicted with a physical or mental disease or disability that is likely to prevent the applicant from exercising ordinary and reasonable control over a motor vehicle or that is likely to otherwise endanger the public health or safety;
 - (6) Not have been convicted of more than four (4) moving traffic violations arising out of separate transactions, or been involved in more than two (2) automobile accidents in which it could be reasonably determined that the applicant was at fault, within any twelve-month period during the preceding thirty-six (36) months;
 - (7) Not have ever been convicted or placed on probation or deferred adjudication for a crime:
 - a. Involving:
 - 1. Criminal homicide as described in Chapter 19 of the Texas Penal Code;
 - 2. Kidnapping as described in Chapter 20 of the Texas Penal Code;
 - 3. A sexual offense as described in Chapter 21 of the Texas Penal Code;
 - 4. An assaultive offense as described in Chapter 22 of the Texas Penal Code, other than a Class C misdemeanor;
 - 5. Robbery as described in Chapter 29 of the Texas Penal Code;
 - 6. Burglary as described in Chapter 30 of the Texas Penal Code;
 - 7. Theft as described in Chapter 31 of the Texas Penal Code, but only if the violation is punishable as a felony; or
 - 8. Criminal attempt to commit any of the offenses listed in section 27-31 (a)(7) of this Chapter.

- (8) Not have been convicted or placed on probation or deferred adjudication for a crime:
 - a. Involving:
 - 1. Fraud as described in Chapter 32 of the Texas Penal Code;
 - 2. Tampering with a governmental record as described in Chapter 37 of the Texas Penal Code;
 - 3. Public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;
 - 4. The transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, but only if the violation is punishable as a felony;
 - 5. A violation of the Chapter 483, Dangerous Drugs, of the Texas Health and Safety Code that is punishable as a felony;
 - 6. A violation of the Controlled Substances Act, Chapter 481 of the Texas Health and Safety Code that is punishable as a felony; or
 - 7. Criminal attempt to commit any of the offenses listed in section 27-31(a)(8) of this Chapter;
 - b. For which:
 - 1. If the applicant was convicted for a misdemeanor offense, less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date;
 - 2. If the applicant was placed on probation or deferred adjudication for a misdemeanor offense, less than two (2) years have elapsed since the date of successful completion of probation or deferred adjudication;
 - 3. If the applicant was convicted for a felony offense, less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction or the date of release from parole, whichever is the later date;
 - 4. If the applicant was placed on probation or deferred adjudication for a felony offense, less than five (5) years have elapsed since the date of successful completion of probation or deferred adjudication;
 - 5. Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any twenty-four-month period, the applicant has two (2) or more convictions of any misdemeanor offense or combination of misdemeanor offenses; or
 - 6. Less than five (5) years have elapsed since the date of the successful completion of probation or deferred adjudication for the last offense, whichever is the later date, if, within any twenty-four-month period, the applicant has been placed on probation or deferred adjudication two (2) or more times for any misdemeanor offense or combination of misdemeanor offenses;
- (8) Not have been convicted of, or discharged by probation or deferred adjudication for, driving while intoxicated or driving under the influence:
 - a. Within the preceding twelve (12) months; or
 - b. More than one (1) time.
- (9) Not be addicted to the use of alcohol or narcotics;
- (10) Be subject to no outstanding warrants of arrest;

- (11) If applicable, have a valid contract with or be currently employed by a holder.
- (b) An applicant who has been sentenced for an offense listed in section 27-31, for which the required time period provided by this chapter has elapsed, may qualify for a taxicab driver's license only if the director determines that the applicant is presently fit to engage in the occupation of a taxicab driver. In determining present fitness under this section, the director shall consider the following:
 - (1) The extent and nature of the applicant's past criminal activity;
 - (2) The age of the applicant at the time of the commission of the crime;
 - (3) The amount of time that has elapsed since the applicant's last criminal activity;
 - (4) The conduct and work activity of the applicant prior to and following the criminal activity;
 - (5) Evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and
 - (6) Other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.
- (c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under subsection (b) of this section.

Sec. 27-32. - Investigation of application.

- (a) For the purpose of determining qualification under section 27-31 the director shall require an applicant for a city chauffeur's license to submit to a physical examination, at the applicant's expense, conducted by a licensed physician and to furnish to the director a statement from the physician which certifies that the physician has examined the applicant and that in the physician's professional opinion the applicant is qualified under section 27-31.
- (b) The police department shall investigate each applicant and furnish the director a report concerning applicant's qualification under section 27-31.
- (c) The director may conduct such other investigations, as he considers necessary to determine whether an applicant for a city chauffeur's license is qualified pursuant to the requirements provided for herein.

Sec. 27-33. - Issuance and denial.

- (a) If the director determines that an applicant is qualified, the director shall issue a license to the applicant.
- (b) The director shall delay until final adjudication the approval of the application of any applicant who is under indictment for or has charges pending for:
 - (1) Any offense listed in section 27-31 or criminal attempt to commit any of those; or
 - (2) Any offense involving driving while intoxicated.
- (c) The director may deny the application for a city chauffeur's license if the applicant:
 - (1) Is not qualified under section 27-31;

- (2) Refuses to submit to or does not pass a medical or written examination authorized under section 27-31; or
- (3) Makes a false statement of a material fact in his application for a city chauffeur's license.
- (d) If the director determines that an application should be denied, the director shall notify the applicant in writing that his application is denied and include in the notice the reason for denial and a statement informing the applicant of his right of appeal in accordance with section 27-40 of this chapter.

Sec. 27-34. - Expiration of city chauffeur's license; voidance upon suspension or revocation of state driver's license.

- (a) A city chauffeur's license expires one (1) year from the date of issuance.
- (b) If a licensee's state driver's license is suspended or revoked by the state, his city chauffeur's license automatically becomes void. A licensee shall notify the city secretary and the holder for whom he drives within three (3) days of a suspension or revocation of his driver's license by the state and shall immediately surrender his city chauffeur's license to the city secretary.

Sec. 27-35. - Identification card requirements for vehicle for hire drivers.

- (a) After the director has verified an applicant's fingerprints and authorized the issuance of a city chauffeur's license, the city secretary shall issue two (2) identification cards to the applicant.
- (b) One (1) card shall contain the facial view photograph of the applicant. The card shall be displayed in a place conspicuous to passengers inside the taxicab at all times and shall include the following statement:
 TO THE PASSENGER OF THIS VEHICLE FOR HIRE:
 If the description of the driver of this vehicle does not conform to the photograph hereon, please leave the cab and notify the Brenham Police Department immediately, giving the number of this vehicle and the name of the vehicle for hire company.
- (c) The other card shall be displayed conspicuously by the driver on his/her upper body clothing when operating a vehicle for hire.

Sec. 27-36. - Duplicate license.

If a city chauffeur's license is lost or destroyed, the city secretary shall issue the licensee a duplicate license upon payment to the city of ten dollars (\$10.00).

Sec. 27-37. - Display of license.

A taxicab driver shall allow the director, his delegated representative, passenger, or a peace officer to examine the driver's city chauffeur's license upon request.

Sec. 27-38. - Suspension by director.

- (a) If the director determines that a licensee has failed to comply with this chapter or a regulation established under this chapter, he may suspend the taxicab driver's license for a period of time

not to exceed three (3) days by serving the licensee with a written notice of the suspension. The written notice must include the reason for suspension, the date the suspension begins, the duration of the suspension, and a statement informing the licensee of his right of appeal.

- (b) A suspension under this section may be appealed to the director if the licensee requests an appeal at the time notice of suspension is served. When an appeal is requested, the suspension may not take effect until a hearing is provided.
- (c) The director may order an expedited hearing under this section, to be held as soon as possible after the licensee requests an appeal. The director may affirm, reverse, or modify the suspension order. The decision of the director is final.

Sec. 27-39. - Suspension and revocation of chauffeur's license.

- (a) If the director determines that a licensee has failed to comply with this chapter or a regulation established under this chapter, the director may suspend the driver's city chauffeur's license for a definite period of time not to exceed sixty (60) days.
- (b) If at any time the director determines that a licensee is not qualified under this chapter or is under indictment or has charges pending for any offense involving driving while intoxicated or any offense involving a crime described in section 27-31(a)(8) or criminal attempt to commit any of those offenses, the director shall suspend the city chauffeur's license until such time as the director determines that the licensee is qualified or that the charges against the licensee have been finally adjudicated.
- (c) A licensee whose city chauffeur's license is suspended shall not drive a taxicab inside the city during the period of said suspension.
- (d) The director shall notify the licensee and the holder in writing of a suspension under this section and include in the notice the reason for the suspension; the date the director orders the suspension to begin, the duration of suspension and a statement informing the licensee of a right of appeal. The period of suspension begins on the date specified by the director.
- (e) The director may revoke a city chauffeur's license if the director determines that the licensee:
 - (1) Operated a taxicab inside the city during a period in which the city chauffeur's license was suspended;
 - (2) Made a false statement of a material fact in an application for a city chauffeur's license;
 - (3) Engaged in conduct that constitutes a ground for suspension and received either a suspension in excess of three (3) days or a conviction for violation of this chapter, two (2) times within the twelve-month period preceding the occurrence of the conduct or three (3) times within the twenty-four-month period preceding the occurrence of the conduct;
 - (4) Engaged in conduct that could reasonably be determined to be detrimental to the public safety;
 - (5) Used, possessed, or was under the influence of any form of alcoholic beverage or narcotic, or drug while on duty as a driver of a vehicle for hire, whether or not such drug or narcotic is defined as a dangerous drug or as a controlled substance under state or federal law; or
 - (6) Was convicted of any felony offense while holding a city chauffeur's license.
- (f) A person whose city chauffeur's license is revoked shall not:
 - (1) Apply for another city chauffeur's license before the expiration of twelve (12) months from the date the director revokes the license or, in the case of an appeal, the date the appeal hearing officer affirms the revocation; or

- (2) Drive a taxicab inside the city.
- (g) The director shall notify the licensee in writing of a revocation and include in the notice the reason for the revocation, the date the director orders the revocation, and a statement informing the licensee of his right of appeal.
- (h) After receipt of notice of suspension, revocation, or denial of license renewal, the licensee shall, on the date specified in the notice, surrender his city chauffeur's license to the city secretary and discontinue driving a taxicab inside the city.
- (i) Notwithstanding subsections (c) and (h), if the licensee appeals the suspension or revocation under this section, the licensee may continue to drive a taxicab pending the appeal unless:
 - (1) The city chauffeur's license of the licensee is suspended pursuant to subsection (b) or revoked pursuant to subsection (e)(6) of this section; or
 - (2) The director determines that continued operation by the licensee would impose an immediate threat to public safety.

Sec. 27-40. - Appeal.

- (a) A person may appeal the following decisions of the director if he requests an appeal in writing and delivers it to the city secretary's office not more than ten (10) business days after receiving notice of the director's action:
 - (1) A denial of an application for a permit;
 - (2) A suspension or revocation of a permit;
 - (3) A denial of renewal of annual permit;
 - (4) Denial of a city chauffeur's license application;
 - (5) Suspension of a city chauffeur's license; or
 - (6) Revocation of a city chauffeur's license.
- (b) The city manager or his designated representative shall act as the appeal hearing officer in an appeal hearing under this section. The hearing officer shall give the appealing party an opportunity to present evidence and make argument in his behalf. The formal rules of evidence do not apply to an appeal hearing under this section, and the hearing officer shall make his ruling on the basis of a preponderance of the evidence presented at the hearing.
- (c) The hearing officer may affirm, modify, or reverse all or part of the action of the director being appealed. The decision of the hearing officer is final.

Sec. 27-41. - Falsifying of a license.

A person commits an offense if he:

- (1) Forges, alters, or counterfeits a city chauffeur's license, badge, sticker, or emblem required by law; or
- (2) Possesses a forged, altered, or counterfeited city chauffeur's license, badge, sticker, or emblem required by law.

Sec. 27-42. - Current mailing address of licensee.

An individual issued a city chauffeur's license shall maintain a current mailing address on file with the city secretary. The licensee shall notify the city secretary of any change in mailing address within five (5) business days of the change.

Sec. 27-43. - License renewal.

A person desiring to renew their city's chauffeur's license shall pay a renewal fee of ten dollars (\$10.00) to the city.

Secs. 27-44—27-49. - Reserved.

ARTICLE 4. - MISCELLANEOUS HOLDER AND DRIVER REGULATIONS

Sec. 27-50. - Holder's and driver's duty to comply.

- (a) *Holder.* In the operation of a taxicab service, a holder shall comply with the terms and conditions of the holder's operating authority and, except to the extent expressly provided otherwise by the operating authority, shall comply with this chapter, regulations established under this chapter, and other law applicable to the operation of a taxicab service.
- (b) *Driver.* A driver shall comply with this chapter, regulations established under this chapter, other law applicable to the operation of a motor vehicle in this state, and orders issued by the holder employing or contracting with the driver in connection with the holder's discharging of its duty under its operating authority and this chapter.

Sec. 27-51. - Holder's duty to enforce compliance by drivers.

- (a) A holder shall establish a policy and take action to discourage, prevent, or correct violations of this chapter by drivers who are employed by or contracting with the holder.
- (b) A holder shall not permit a driver who is employed by or contracting with the holder to drive a taxicab if the holder knows or has reasonable cause to suspect that the driver has failed to comply with this chapter, the rules and regulations established by the director or other applicable law.

Sec. 27-52. - Insurance—Taxicabs.

Every holder of a license to operate a taxicab service pursuant to the provisions of this chapter shall maintain in full force and effect at all times a policy or policies of commercial automobile liability and property damage insurance, with an insurance company or companies authorized to do business in Texas, covering each vehicle so used, in an amount not less than the minimum coverage required by state law.

The applicant, prior to the issuance or renewal of the permit, shall furnish satisfactory proof of such coverage. Said policy shall contain a clause requiring thirty (30) days' notice be given to the city prior to cancellation. If such notice of cancellation is given by the insurance company, the licensee shall obtain new insurance before meeting the requirements of this section prior to the expiration of the thirty-day period; if the licensee fails to do so his permit shall be immediately revoked.

Sec. 27-53. - Holder's records and reports.

- (a) Each holder shall maintain at a single location business records of its taxicab service. The director may specify methods used in maintaining the records, and the director may require

maintenance of certain records which he determines are necessary for monitoring the activities, operations, service, and safety record of a holder. A holder shall make its records available for inspection by the director at reasonable times upon request.

- (b) Each holder shall submit to the city secretary such quarterly reports concerning its taxicab service as prescribed on a form provided by the city secretary.

Secs. 27-54—27-59. - Reserved.

ARTICLE 5. - SERVICE REGULATIONS

Sec. 27-60. - City-wide taxicab service required.

Except as otherwise provided by the holder's operating authority, a holder shall:

- (1) Provide taxicab service to the general public to and from any point inside the city that is accessible by public street except that this provision does not require a holder to subject a taxicab to mob violence or destruction;
- (2) During posted hours of operation, answer each call received for service inside the city as soon as practicable, and if the service cannot be rendered within a reasonable time, the holder shall inform the caller of the reason for the delay and the approximate time required to answer the call; and
- (3) If the holder is closed for business, the holder must inform callers through a recorded message of the hours of operation of the holder.

Sec. 27-61. - Representation of availability of taxicab.

A driver may not represent that his taxicab is engaged when it is in fact vacant.

Sec. 27-62. - Refusal to convey passengers by taxicabs.

- (a) While operating a taxicab a driver shall not refuse to convey a person who requests service unless:
 - (1) The person is disorderly;
 - (2) The driver is engaged in answering a previous request for service;
 - (3) The driver has reason to believe that the person is engaged in unlawful conduct; or
 - (4) The driver is in fear of his personal safety.

Sec. 27-63. - Passenger limitations of taxicabs.

- (a) While operating a taxicab a driver on duty may carry only a person who is a paying passenger, unless the passenger is an employee of the taxicab service that employs or contracts with the driver, a governmental inspector acting in an official capacity, or unless it is authorized by the holder's operating authority.
- (b) A driver may not carry at the same time more persons than the designed seating capacity of the taxicab.

Sec. 27-64. - Carry passengers by direct route.

A driver shall carry a passenger to his destination by the most direct and expeditious route available unless otherwise directed by the passenger.

Sec. 27-65. - Solicitation of passengers by taxicabs.

A driver may not solicit passengers.

Sec. 27-66. - Conduct of drivers.

A driver shall:

- (1) Act in a reasonable, prudent, and courteous manner;
- (2) Maintain a sanitary and well-groomed appearance;
- (3) Not possess, consume, or be under the influence of an alcoholic beverage, narcotic drug, or other substance that could adversely affect the driver's ability to drive a motor vehicle;
- (4) Not smoke tobacco products while transporting passengers;
- (5) Not interfere with the director in the performance of the director's duties;
- (6) Pull his vehicle to the curb when loading or unloading passengers;
- (7) Not refuse to discharge a passenger at any place designated by the passenger upon the streets of the city, except when the place so designated is a point not easily accessible because of a no parking zone, or conditions rendering the designated place or access to the designated place unreasonably hazardous; and
- (8) Comply with lawful orders of the director issued in the performance of his duties.

Sec. 27-67. - Limitations on hours of work.

- (a) No driver permitted under this chapter shall drive more than twelve (12) hours in any one (1) consecutive twenty-four-hour period.
- (b) No holder or owner shall allow any driver permitted under this chapter to drive for more than twelve (12) hours in any consecutive twenty-four-hour period.

Sec. 27-68. - Return of passenger's property.

- (a) Upon finding property left by a passenger in a taxicab, the driver shall immediately return the property to the owner. However, if the driver is unable to locate the owner or if the driver does not know the identity or whereabouts of the owner, the driver shall make a report of the property left in the taxicab to the holder, and within a reasonable time, not to exceed four (4) hours from discovery of the property, deliver the property to the holder's dispatching facility.
- (b) Upon return of property to the owner or delivery of property to the holder, the driver shall prepare a written report stating the description of the property, the identity of the owner if known, date the property was left in the taxicab, the circumstances relating to the loss, and the taxicab number. The holder shall keep the report on file for at least one (1) year and shall hold the property for not less than three (3) months.

Sec. 27-69. - Service regulations for business establishments requesting taxicabs for customers.

An employee of a business establishment, other than a taxicab service, who acts as an agent in obtaining taxicab service for prospective taxicab passengers shall not solicit nor accept payment from a driver in return for giving preferential treatment in directing passengers to a driver's taxicab.

Secs. 27-70—27-79. - Reserved.

ARTICLE 6. - FARES

Sec. 27-80. - Rates of fare—Taxicabs.

A holder of a taxicab permit may charge only rates of fare which have been approved by the director at the time the permit was issued. A holder of a taxicab permit may propose a change in its rates of fare by filing the proposal with the city secretary for consideration by the director. The director may approve, disapprove, or modify the proposed change.

Sec. 27-81. - Display of rate card by taxicabs.

- (a) A holder shall provide the driver for each taxicab operating under its authority, printed cards or stickers containing the approved rates of fare of the holder. There shall be posted in two (2) conspicuous places on the inside of each licensed taxicab, a legible card of a size to be determined by the director, showing the rates allowed to be charged.
- (b) While operating a taxicab for hire, a driver shall, in a manner approved by the director, prominently display two (2) rate cards or stickers inside the taxicab and two (2) rate cards or stickers outside the taxicab so that passengers can easily read them.

Sec. 27-82. - Computation of fares for taxicabs.

A holder shall equip each taxicab with a taximeter, and a driver shall charge only a fee as computed by the taximeter. However, a holder may authorize a driver to make a flat rate charge for a trip to a destination which is not covered in the holder's approved rates of fare, if the taximeter is kept in operation while the taxicab has a passenger within the scope of the area designated in the approved rates of fare.

Sec. 27-83. - Design and testing of taximeters; fees.

- (a) A taximeter must accurately register in legible figures on the basis of both mileage and time under the rates and charges established herein. Figures denoting the fare must be illuminated when the meter is activated.
- (b) A taximeter must be mounted in a conspicuous location in the taxicab in a manner approved by the director so that the face of the taximeter and the fare numerals may be easily seen and read by a passenger sitting in any part of the taxicab.
- (c) The design of a taximeter is subject to approval by the director to assure that it complies with this section. No taximeter shall be used on any taxicab the type and design of which has not

been approved by the director. Before installing a taximeter, taxicab owners shall submit the type and design of taximeter to the director. If the taximeter is capable of properly and accurately computing and registering on its face the charge for the distance traveled by and the waiting time of the taxicab, the director shall approve the taximeter. Virtual taximeters are acceptable, but are subject to all requirements of this Chapter.

- (d) A holder shall cause each taximeter in taxicabs operating under its authority to be maintained in good operating condition. The director may establish a schedule of regular testing days and times for purposes of this section.
- (e) A person commits an offense if he operates a taxicab that is:
 - (1) Not equipped with a taximeter; or
 - (2) Equipped with a taximeter that has been tampered with or altered, or that incorrectly registers or computes taxicab fares because of alterations to the taxicab.
- (f) The following persons shall be responsible and subject to the penalty for a violation of subsection (g):
 - (1) The driver of the taxicab.
 - (2) The owner of the taxicab.
 - (3) The holder under whose authority the taxicab is being operated.
- (g) Proof of taxicab ownership for purposes of this section may be made by a copy of the registration of the vehicle with the state showing the name of the person to whom the state license plates for the vehicle were issued. The person in whose name the vehicle is registered shall be deemed to be the prima facie owner of the vehicle. If the vehicle is not currently registered, the person in whose name the vehicle was last registered shall be deemed to be the prima facie owner of the vehicle.

Sec. 27-84. - Taxicab fare collection procedures.

- (a) Before changing the taximeter to indicate that the taxicab is vacant, a driver shall call the attention of the passenger to the amount of fare registered on the taximeter.
- (b) Upon request by a person paying a fare, a driver shall give the person a legible receipt showing:
 - (1) The name of the holder under whose authority the taxicab is operated;
 - (2) The taxicab number;
 - (3) An itemized list of charges;
 - (4) The total amount of fare paid;
 - (5) The date of payment; and
 - (6) The driver's signature.
- (c) A holder shall provide each driver operating a taxicab under its authority with printed receipt forms adequate for providing the information required in subsection (b).

Secs. 27-85—27-89. - Reserved.

ARTICLE 7. - VEHICLES AND EQUIPMENT

Sec. 27-90. - False representation as taxicab.

- (a) A person may not represent that a vehicle is a taxicab if the vehicle is not in fact a taxicab authorized by operating authority granted under this chapter.

- (b) A person may not drive a vehicle that is not a taxicab in the city if the vehicle is marked, painted, or equipped in a way that is likely to result in mistaking the vehicle for a taxicab.

Sec. 27-91. - Vehicle requirements and inspections.

- (a) The director may by regulation establish requirements for size, condition, and accessories of taxicabs used by a taxicab owner or driver.
- (b) The director shall inspect each taxicab for compliance with this chapter and regulations before it is placed in service, at regular inspections, and at such times as determined by the director. The director shall complete a city inspection form and shall maintain such form as a public record. If any inspection reveals that the vehicle is unsafe or does not comply with the provisions of this chapter or state law the vehicle owner shall remove the vehicle from service.
- (c) A holder, owner, or driver shall make a taxicab available for inspection when ordered by the director. It shall be unlawful for any person to refuse to allow the director to inspect any vehicle used as a taxicab operating in the city pursuant to this chapter.
- (d) If, upon inspection, the director determines that a taxicab is not in compliance with this chapter or regulations, the director shall order the taxicab to be brought into compliance within a reasonable period of time and require it to be re-inspected. The owner shall pay a ten dollar (\$10.00) fee for each re-inspection of a taxicab that is required before it is brought into compliance.
- (e) If a holder, owner, or driver fails to make a taxicab available for inspection or if the director determines that a taxicab is not in compliance with this chapter or regulations, the director may order the taxicab removed from service until it is made available for inspection and brought into compliance.
- (f) If the director determines that inspection of the mechanical condition or safety equipment of a taxicab by an expert mechanic or technician is necessary, the holder, owner, or driver shall pay the cost of the inspection.
- (g) Before any taxicab will be approved for service, the holder or owner shall provide the director with a copy of the registration for the vehicle with the state, or a bill of sale if the vehicle is new and has not yet been registered, showing the name of the individual or holder owning the vehicle. The owner shown on the registration or bill of sale provided to the director shall notify the director of any change in ownership of the taxicab within ten (10) business days.
- (h) Taxicab inspections conducted by the director shall be limited to those items observable by a layperson by external visual inspection. Items to be inspected shall include, but not be limited to, the following: vehicle identification number; taxicab number; head lamps; tail lamps; license plate lights; dome light; horn; windshield wipers; heating, ventilating, and air conditioning systems; presence of fire extinguisher; spare tire; the condition of the tires, passenger compartment, rearview mirrors; all windows; overall cleanliness; safety; condition of paint; color scheme; taximeter readings; rate card; required signage; fumes; permanent state license plates and current registration sticker; mileage; accuracy of taximeter, and condition of the body of the vehicle.
- (i) Each inspection may include a ride-along inspection ride of up to one (1) hour's duration as deemed necessary by the director.

Sec. 27-92. - Required equipment for taxicabs.

- (a) Unless otherwise specified in the operating authority under which a taxicab is operated or by regulation of the director, and in addition to other equipment required by this chapter, a holder, owner, or driver shall provide and maintain in good operating condition the following equipment for each taxicab:
- (1) Seat belts for each passenger, the number of which is determined by the designed seating capacity of the taxicab;
 - (2) Heater and air conditioner;
 - (3) Chemical-type fire extinguisher, of at least one (1) quart capacity, readily accessible for immediate use;
 - (4) Map of the city;
 - (5) Permit card complying with section 27-96 of this chapter;
 - (6) Taxicab display receptacle;
 - (7) Rates of fare cards or stickers; and
 - (8) Taximeter.

Sec. 27-93. - Taxicab color scheme and distinctive markings.

A holder shall develop the design of a color scheme and distinctive markings for taxicabs operating under its authority, and shall submit the design to the director for approval to insure that the design is readily distinguishable from the design used by other holders.

Sec. 27-94. - Required taxicab identification.

A holder shall cause each taxicab operating under its authority to be provided with the following uniform vehicle identification:

- (1) Every taxicab shall have on the door of the cab the name of the owner or the assumed name under which the owner operates, together with the company's telephone number and the cab number.
- (2) The number of the cab and the owner or the assumed name under which the owner operates, shall be stenciled or painted upon the rear of any such vehicle. Such lettering, stencil and/or paint must be kept legible at all times.

Sec. 27-95. - Taxicab permit cards.

- (a) The holder, owner, or driver of a taxicab shall obtain a permit card from the city secretary's office, indicating the taxicab's authority to operate, which shall show there on the date of expiration of the permit to operate a taxicab applicable to such vehicle. The permit card must be attached to the front windshield of the taxicab in a manner approved by the director.
- (b) A person commits an offense if he:
- (1) Operates a taxicab with an expired permit card or with no permit card affixed to it;
 - (2) Attaches a permit card to a vehicle not authorized to operate as a taxicab;
 - (3) Forges, alters, or counterfeits a taxicab permit card required by this section;

- (4) Possesses a forged, altered, or counterfeited taxicab permit card required by this section;
or
- (5) Displays more than one (1) taxicab permit cards issued by the city on a vehicle at the same time.
- (c) A taxicab permit card assigned to one (1) person is not transferable to another without consent of the director.

Sec. 27-96. - Removal of equipment from taxicabs.

- (a) Whenever a vehicle is removed from service or is no longer authorized to operate as a taxicab, the holder, owner, or driver shall remove from the vehicle all taxicab signs, markings, and equipment that would distinguish the vehicle as a taxicab, including, but not limited to, radios, top lights, meters, and decals.
- (b) A holder, owner, or driver of a taxicab shall not sell or transfer to a driver any radio, top light, meter, or other equipment that would distinguish a vehicle as a taxicab.

Secs. 27-97—27-99. - Reserved.

ARTICLE 8. - ENFORCEMENT

Sec. 27-100. - Authority to inspect.

The director and his delegates may inspect a taxicab service operating under this chapter to determine whether the service complies with this chapter, regulations established under this chapter, or other applicable law.

Sec. 27-101. - Removal of evidence of authorization.

Whenever a holder's operating authority or a taxicab driver's license is suspended, revoked, or denied or whenever a vehicle fails to pass inspection as a taxicab, the director may remove or require the surrender of all evidence of authorization as a holder, taxicab driver, or taxicab, including, but not limited to, removal or surrender of operating authority, licenses, permit cards, and signs, if applicable.

Sec. 27-102. - Enforcement by police department.

Officers of the police department shall assist in the enforcement of this chapter. A police officer upon observing a violation of this chapter or the regulations established by the director shall take necessary enforcement action to insure the effective regulation of taxicab service.

Sec. 27-103. - Correction order.

- (a) If the director determines that a holder violates this chapter, terms of its operating authority, a regulation established by the director, or other law, the director may notify the holder in

writing of the violation and by written order direct the holder to correct the violation within a reasonable period of time. In setting the time for correction the director shall consider the degree of danger to the public health or safety and the nature of the violation. If the violation involves equipment that is unsafe or functioning improperly, the director shall order the holder to immediately cease use of the equipment.

- (b) If the director determines that a violation constitutes an imminent and serious threat to the public health or safety, the director shall order the holder to correct the violation immediately, and, if the holder fails to comply, the director shall promptly take or cause to be taken such action as he considers necessary to enforce the order immediately.
- (c) The director shall include in a notice issued under this section an identification of the violation, the date of issuance of the notice and the time period within which the violation must be corrected, a warning that failure to comply with the order may result in suspension or revocation of operating authority or imposition of a fine or both, and a statement indicating that the order may be appealed to the city manager.

Sec. 27-104. - Service of notice.

- (a) A holder shall designate and maintain a representative to receive service of notice required under this chapter to be given a holder and to serve notice required under this chapter to be given a driver employed by a holder.
- (b) Notice required under this chapter to be given:
 - (1) A holder, or the holder's designated representative, must be personally served by the director; or
 - (2) A driver licensed by the city under division 3, must be personally served or sent by certified United States mail, five-day return receipt requested, to the address, last known to the director, of the person to be notified, or to the designated representative for drivers.
- (c) Notice required under this chapter to be given a person other than a driver licensed under article 3 or a holder may be served in the manner prescribed by subsection (b)(2).
- (d) Service executed in accordance with this section constitutes notice to the person to whom the notice is addressed. The date of service for notice that is mailed is the date received.
- (e) This section does not apply to notice served under section 27-39.

Sec. 27-105. - Appeal.

- (a) A holder may appeal a correction order issued under section 27-103 or any other action of the director if an appeal is requested in writing not more than ten (10) days after notice of the order or action is received.
- (b) The city manager or his designated representative shall act as the appeal hearing officer in an appeal hearing under this section. The hearing officer shall give the appealing party an opportunity to present evidence and make argument in his behalf. The formal rules of evidence do not apply to an appeal hearing under this section, and the hearing officer shall make his ruling on the basis of a preponderance of evidence presented at the hearing.
- (c) The hearing officer may affirm, modify, or reverse all or a part of the order of the director. The decision of the hearing officer is final.

Secs. 27-106—27-110 - Reserved.

SECTION 4.
SAVINGS CLAUSE

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

SECTION 5.
SEVERABILITY

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

SECTION 6.
REPEALER

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

SECTION 7.
EFFECTIVE DATE

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

SECTION 8.
PROPER NOTICE AND MEETINGS

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

PASSED and APPROVED on its first reading this the 15th day of August 2019.

PASSED and APPROVED on its second reading this the 5th day of September 2019.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 27, VEHICLES FOR HIRE, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING OF PROPER NOTICE AND MEETINGS

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

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

WHEREAS, the latest update to Chapter 27, Vehicles for Hire, was done in May, 2010; and

WHEREAS, many sections in Chapter 27 are no longer administratively accurate and/or are not in compliance with current State statutes; and

WHEREAS, the City Council finds the following regulations to be reasonable and beneficial to the general health, safety and welfare of the citizens of Brenham; and

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

SECTION 1.

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2.

Chapter 27, Vehicles for Hire, of the Code of Ordinances of the City of Brenham, Texas, is hereby repealed and rescinded in its entirety.

SECTION 3.

Chapter 27, Vehicles for Hire, of the Code of Ordinances of the City of Brenham, Texas, shall read as follows:

Chapter 27 - VEHICLES FOR HIRE

ARTICLE 1. - GENERAL PROVISIONS

Sec. 27-1. - Definitions.

Annual permit shall mean permission granted by the city to a person to operate a taxicab service inside the city for a period of one (1) year, renewable under the provisions of this chapter.

Appeal hearing officer shall mean the city manager and/or his designee authorized to enforce and/or administer this chapter.

Charter service shall mean any type of service in which a vehicle not equipped with a meter is furnished, along with a driver, for a specific trip or excursion, and which is contracted for orally or in writing by an individual or group so as to obtain exclusive use of the vehicle for an interval of time.

City chauffeur's license shall mean a license issued to an individual by the director authorizing that individual to drive or operate a taxicab in the city.

Conviction shall mean a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned.

Curb shall mean the raised edge of the street, driveway or other public or private way upon which a taxicab is operating, provided that if no raised edge curbing exists, then it means the edge of the area that is paved for vehicular operation.

Department shall mean the department designated by the city manager to enforce and administer this chapter.

Director shall mean the director of the department designated by the city manager to enforce and administer this chapter; which includes representatives, agents, or employees designated by the director.

Dispatching facility means a fixed facility:

- (1) At which requests for taxicab service are received;
- (2) From which drivers are notified, by radio or any other electronic communication system, of requests for taxicab service; and
- (3) To which drivers communicate, by radio or any other electronic communication system, their availability to provide the requested taxicab service.

Driver shall mean an individual who drives or operates a taxicab.

Holder shall mean a person who is granted an annual permit providing operating authority under this chapter.

Legal resident shall mean a citizen of the United States or a person residing in the United States in accordance with federal immigration laws.

Operate shall mean to drive or to be in control of a taxicab.

Operating authority shall mean written permission granted on an annual basis by the director under this chapter to operate a taxicab service.

Operator shall mean: (1) the driver of a taxicab; (2) the owner of a taxicab; or (3) the holder of a taxicab operating authority.

Owner with regard to a motor vehicle shall mean the person to whom state license plates for a vehicle were issued.

Person shall mean an individual; corporation; government or governmental subdivision; agency, trust, partnership, or two (2) or more persons having a joint or common economic interest; or any other legal entity.

Taxicab shall mean a chauffeured motor vehicle that is equipped with a taximeter, that is used for the transportation of passengers for hire over the public streets of the city that typically operates on irregular routes, irregular schedules, and on a call-and-demand basis, and irrespective of whether or not the operations extend beyond the city limits, at rates for distance traveled, or for waiting time, or for both, and such vehicle is routed under the direction of the passenger hiring the same.

Taxicab service shall mean a passenger transportation service operated for hire that uses any one (1) or more taxicabs in the operation of the service and includes (but is not limited to) a facility from which the service is operated; taxicabs used in the operation; and a person who owns, controls, or operates the service.

Taximeter shall mean a device that computes a fare based upon the distance traveled, the time the taxicab is engaged, and any other basis for charges that are specified in the operating authority pertaining to the holder.

Sec. 27-2. - Statement of policy.

It is the policy of the city to provide for and to promote adequate and efficient taxicab services in the city. To this end, this chapter provides for the regulation of taxicab services, to be carried out in a manner that protects the public health and safety, promotes the public convenience and necessity, and respects the concept of free enterprise.

Sec. 27-3. - General authority and duty of director.

The city manager and his delegates shall enforce the provisions of this chapter. The director shall implement and enforce this chapter as he determines necessary to discharge his duty under, or to affect the policy of this chapter.

Sec. 27-4. - Exclusions.

This chapter does not apply to:

- (1) The transportation of a person by a taxicab licensed by another governmental entity from a point outside the city to a destination inside the city, if the taxicab leaves the city without receiving a passenger inside the city;
- (2) A taxicab service operated under state or federal authority unless the service is subject to the city's regulatory authority;
- (3) A motor vehicle used to transport persons for hire that is regulated by another city ordinance;
- (4) A vehicle operated by a funeral home in the performance of funeral services;
- (5) A vehicle provided by an employer or employee association for use in transporting employees between employees' homes and the employer's place of business or between workstations, with the employees reimbursing the employer or employee association in an amount calculated only to offset the reasonable expenses of operating the vehicle;
- (6) A vehicle owned and operated by the federal or state government, by a political subdivision of the state, or by a person under contract with the city for operation of the vehicle;
- (7) A vehicle used in a carpool to transport the person and others on a prearranged basis between their homes and places of employment or places of common destination, if only a fee calculated to reasonably cover expenses is charged;
- (8) A vehicle transporting children to or from school if only a fee calculated to reasonably cover expenses is charged;
- (9) A vehicle owned by a nonprofit organization and carrying only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers;
- (10) A vehicle being operated under a transportation network company permit issued by the State of Texas pursuant to Chapter 2402 of the Occupations Code, or
- (11) A charter service, regardless of vehicle type.

Sec. 27-5. – City Secretary designated for delivery of notice.

- (a) The Office of the City Secretary is designated for delivery of any application, notice, or payment required under this Chapter.
- (b) Any application, notice, or payment will be deemed received by the City on the date of delivery to the Office of the City Secretary at City Hall.

(c) The City Secretary shall ensure that applications made under this Chapter are timely processed, and shall ensure proper service of any required notice from the City Manager and/or the Director under this Chapter.

Secs. 27-~~6~~—27-9. - Reserved.

Deleted: 5

ARTICLE 2. - OPERATING AUTHORITY

Sec. 27-10. - Operating authority required.

- (a) A person may not: (1) operate a taxicab service inside the city without operating authority granted under this chapter; or (2) transport a passenger for hire inside the city by taxicab without operating authority granted under this chapter.
- (b) A person shall not engage or hire a taxicab that he knows does not have operating authority from the city.

Sec. 27-11. - Transferability of operating authority.

An annual permit of operating authority may not be transferred to another person.

Sec. 27-12. - Annual permit of operating authority required; service requirements.

The director must approve the application before an annual permit can be granted. The granting of an annual permit is in the discretion of the director, but will not be granted unless the applicant qualifies for operating authority under section 27-13 of this chapter and is otherwise fit, willing, and able to operate the taxicab service in accordance with the requirements of this chapter, rules and regulations of the director, provisions of the annual permit, and other applicable law.

Sec. 27-13. - Qualifications for operating authority.

- (a) To qualify for operating authority, an applicant must:
 - (1) Be at least twenty-one (21) years of age;
 - (2) Be currently authorized to work full-time in the United States;
 - (3) Be able to communicate in the English language; and
 - (4) Not have ever been convicted or placed on probation or deferred adjudication for a crime:
 - a. Involving:
 - 1. Criminal homicide as described in Chapter 19 of the Texas Penal Code;
 - 2. Kidnapping as described in Chapter 20 of the Texas Penal Code;
 - 3. A sexual offense as described in Chapter 21 of the Texas Penal Code;
 - 4. An assaultive offense as described in Chapter 22 of the Texas Penal Code, other than a Class C misdemeanor;
 - 5. Robbery as described in Chapter 29 of the Texas Penal Code;
 - 6. Burglary as described in Chapter 30 of the Texas Penal Code;
 - 7. Theft as described in Chapter 31 of the Texas Penal Code, but only if the violation is punishable as a felony;

8. Criminal attempt to commit any of the offenses listed in section 27-13(a)(4)a.1. through section 27-13(a)(4)a.7.
- (5) Not have been convicted or placed on probation or deferred adjudication for a crime:
- a. Involving:
 1. Fraud as described in Chapter 32 of the Texas Penal Code;
 - 2.. Tampering with a governmental record as described in Chapter 37 of the Texas Penal Code;
 3. Public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;
 4. The transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, but only if the violation is punishable as a felony;
 5. A violation of Chapter 483, Dangerous Drugs, of the Texas Health and Safety Code that is punishable as a felony;
 6. A violation of the Controlled Substances Act, Chapter 481 of the Texas Health and Safety Code that is punishable as a felony; or
 7. Criminal attempt to commit any of the offenses listed in section 27-13(a)(5)a.1. through section 27-13(a)(5)a.6.
 - b. For which:
 1. If the applicant was convicted for a misdemeanor offense, less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date;
 2. If the applicant was placed on probation or deferred adjudication for a misdemeanor offense, less than two (2) years have elapsed since the date of successful completion of probation or deferred adjudication;
 3. If the applicant was convicted for a felony offense, less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction or the date of release from parole, whichever is the later date;
 4. If the applicant was placed on probation or deferred adjudication for a felony offense, less than five (5) years have elapsed since the date of successful completion of probation or deferred adjudication;
 5. Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any twenty-four-month period, the applicant has two (2) or more convictions of any misdemeanor offense or combination of misdemeanor offenses; or
 6. Less than five (5) years have elapsed since the date of the successful completion of probation or deferred adjudication for the last offense, whichever is the later date, if, within any twenty-four-month period, the applicant has been placed on probation or deferred adjudication two (2) or more times for any misdemeanor offense or combination of misdemeanor offenses.

(b) An applicant who has been sentenced for an offense listed in section 27-13(a)(5)a.1. through (a)(5)a.7 for which the required time period listed above has elapsed, may qualify for operating authority only if the director determines that the applicant is presently fit to provide a public transportation service and only if the offense or offenses the applicant was sentenced for was not a felony offense listed in section 27-13(a)(4)a.1. through (a)(4)a.8. In determining present fitness under this section, the director shall consider the following:

- (1) The extent and nature of the applicant's past criminal activity;
- (2) The age of the applicant at the time of the commission of the crime;
- (3) The amount of time that has elapsed since the applicant's last criminal activity;
- (4) The conduct and work activity of the applicant prior to and following the criminal activity;
- (5) Evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and
- (6) Other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.
- (7) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness.

Sec. 27-14. - Application for annual permit of operating authority.

- (a) To obtain an annual permit, a person shall make application to the city secretary in the manner prescribed by this section. The applicant must be the person who will own, control, or operate the proposed taxicab service. An applicant shall file with the city secretary a written, verified application statement, to be accompanied by a nonrefundable application fee of one hundred fifty dollars (\$150.00) plus one hundred twenty dollars (\$120.00) for each taxicab to be permitted, containing the following:
 - (1) The form of business of the applicant and, if the business is a corporation, association, or other legal entity, a copy of the documents establishing the business and the name, address, and legal residence of each person with a direct interest in the business;
 - (2) The name, address, and verified signature of the applicant;
 - (3) An actual or pro forma statement and balance sheet showing the liabilities, and equity of the business;
 - (4) A description of any past business experience of the applicant, particularly in providing passenger transportation services, and an identification and description of any revocation or suspension of a permit held by the applicant or business before the date of filing the application;
 - (5) The number of vehicles and a description of the vehicles the applicant proposes to use in the operation of the taxicab service, and a description of the operations of the proposed taxicab service and the location of the fixed facilities to be used in the operation;
 - (6) If applicable, a description of the proposed insignia and color scheme for the applicant's taxicabs and a description of the distinctive item(s) of apparel to be worn by the applicant's taxicab drivers;
 - (7) Documentary evidence from an insurance company, authorized to do business in the State of Texas, indicating a willingness to provide commercial liability insurance as required by this chapter;
 - (8) Documentary evidence of payment of ad valorem taxes on the property to be used in connection with the operation of the proposed taxicab service;

- (9) Proof of business telephone number and business address, from which the proposed taxicab service will be operated; if such place of business is located within the city limits, the city's zoning requirements shall apply;
- (10) The proposed fare to be charged and the method for calculating the fare;
- (11) Such additional information as the applicant desires to include to aid in the determination of whether the requested operating authority should be granted; and
- (b) A holder shall notify the city secretary in writing of any change of address or change in ownership or management of a taxicab service not less than ten (10) days prior to the change.
- (c) The established place of business required by subsection (a)(9) of this section must be kept open from 9:00 a.m. to 5:00 p.m. weekdays, other than recognized holidays, and must be staffed and equipped to receive telephone calls during all business hours.

Sec. 27-15. - Grant of annual permit of operating authority.

Upon approval of an application for an annual permit of operating authority by the director, the Office of the City Secretary shall promptly issue the permit and incorporate in the permit the duration of the permit and such other terms or conditions as the director determines are necessary.

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Sec. 27-16. - Limitations of operating authority.

- (a) Operating authority when issued must state on its face the type of service for which it is issued. It may also contain other conditions and limitations determined necessary by the director, including, but not limited to:
 - (1) Number of vehicles authorized;
 - (2) Description of vehicles to be operated;
 - (3) The number of passengers that may be transported in each vehicle;
 - (4) Customers to be served;
 - (5) Place and times of loading or unloading passengers;
 - (6) Schedules and route to be followed, if applicable;
 - (7) Maximum rates to be charged, including any hourly minimums and other charges;
 - (8) Operating procedures; and
 - (9) Special conditions or limitations.
- (b) A holder commits an offense if he fails to comply with the conditions or limitations placed on the operating authority under which he is operating a vehicle for hire service.

Sec. 27-17. - Renewal or amendment of annual permit of operating authority.

- (a) A holder of an annual permit of operating authority shall submit a completed renewal of permit form, provided by the city secretary, and submit an annual permit application fee of one hundred fifty dollars (\$150.00) plus one hundred twenty dollars (\$120.00) per taxicab.
- (b) A holder desiring a change in the terms or conditions of the permit must file with the city secretary, not fewer than sixty (60) days before the permit expires, a written request stating reasons for the requested changes.
- (c) The director may make minor changes in a permit.
- (d) If the director determines that a denial of a permit renewal or material change in the terms or conditions of the permit is required, then he may deny renewal of the permit or make changes in the terms or conditions of the permit.

- (e) If the permit expires at no fault of the holder before a ruling on the approval or denial of the renewal, the holder may continue to operate the taxicab service pending a final decision. The holder shall cease operation of the taxicab service immediately upon denial of the request for renewal by the director.
- (f) A holder may file an appeal of the director's decision not to renew a permit in accordance with section 27-40 of this chapter.

Sec. 27-18. - Suspension and revocation of operating authority.

- (a) *Suspension and revocation of permit.* The following regulations apply to the suspension or revocation of an annual permit:
 - (1) The director may suspend or revoke an annual permit if the director determines that the holder:
 - a. Failed to comply with a correction order issued to the holder by the director, within the time specified in the order;
 - b. Intentionally or knowingly impeded the department or other law enforcement agency in the performance of its duty or execution of its authority;
 - c. Failed to comply with this chapter;
 - d. Does not qualify for operating authority under section 27-13 of this chapter;
 - e. Has been convicted of a violation of any city, state, or federal law, which violation reflects unfavorably on the fitness of the holder to perform a public transportation service;
 - f. Is under indictment for or has been convicted of any felony offense while holding taxicab operating authority;
 - g. Substantially breached the terms of the annual permit;
 - h. Failed to pay city ad valorem taxes on any property of the holder used directly or indirectly in connection with the taxicab service; or
 - i. Failed to pay a permit fee at the time it was due.
 - (2) A suspension of a permit does not affect the expiration date of the permit.
 - (3) After revocation of a permit, a holder is not eligible for a permit for a period of two (2) years.
- (b) *Reinstatement.* After suspension of a permit, a holder may file an appeal in accordance with section 27-40 of this chapter. The director shall inspect the operation of the suspended holder to determine if the holder has corrected the deficiency causing the suspension. After inspection, the director shall submit his recommendation together with supporting facts to the city manager or his designee. The city manager shall determine if reinstatement is warranted. The decision of the city manager is final.

Sec. 27-19. - Special provisions of operating authority.

This chapter governs the operation of taxicab service. This chapter, however, is not a limitation on the power of the director to incorporate in a grant of operating authority special provisions relating to the operation of the taxicab service under the grant. To the extent that a special provision conflicts with this chapter, the special provision controls.

Secs. 27-20—27-29. - Reserved.

ARTICLE 3. - CITY CHAUFFEUR'S LICENSE

Sec. 27-30. - City chauffeur's license required.

- (a) A person may not drive or operate a taxicab inside the city pursuant to this chapter without a valid city chauffeur's license issued to the person under this article.
- (b) A taxicab service holder or owner shall not employ or contract with a driver or otherwise allow a person to drive for hire a taxicab owned, controlled, or operated by the holder or owner unless the person has a valid city chauffeur's license issued under this article.
- (c) To obtain an annual chauffeur's license, a person shall make application to the city secretary in the manner prescribed by this section. The applicant shall file with the city secretary a written, verified application statement, to be accompanied by a fee of ten dollars (\$10.00).

Sec. 27-31. - Qualification for city chauffeur's license.

- (a) To qualify for a city chauffeur's license, an applicant shall:
 - (1) Be at least twenty-one (21) years of age;
 - (2) Be currently authorized to work full-time in the United States;
 - (3) Hold a valid driver's license issued by the state;
 - (4) Be able to communicate in the English language;
 - (5) Not be afflicted with a physical or mental disease or disability that is likely to prevent the applicant from exercising ordinary and reasonable control over a motor vehicle or that is likely to otherwise endanger the public health or safety;
 - (6) Not have been convicted of more than four (4) moving traffic violations arising out of separate transactions, or been involved in more than two (2) automobile accidents in which it could be reasonably determined that the applicant was at fault, within any twelve-month period during the preceding thirty-six (36) months;
 - (7) Not have ever been convicted or placed on probation or deferred adjudication for a crime:
 - a. Involving:
 - 1. Criminal homicide as described in Chapter 19 of the Texas Penal Code;
 - 2. Kidnapping as described in Chapter 20 of the Texas Penal Code;
 - 3. A sexual offense as described in Chapter 21 of the Texas Penal Code;
 - 4. An assaultive offense as described in Chapter 22 of the Texas Penal Code, other than a Class C misdemeanor;
 - 5. Robbery as described in Chapter 29 of the Texas Penal Code;
 - 6. Burglary as described in Chapter 30 of the Texas Penal Code;
 - 7. Theft as described in Chapter 31 of the Texas Penal Code, but only if the violation is punishable as a felony; or
 - 8. Criminal attempt to commit any of the offenses listed in section 27-31 (a)(7) of this Chapter.
 - (8) Not have been convicted or placed on probation or deferred adjudication for a crime:
 - a. Involving:
 - 1. Fraud as described in Chapter 32 of the Texas Penal Code;
 - 2. Tampering with a governmental record as described in Chapter 37 of the Texas Penal Code;

3. Public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;
 4. The transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, but only if the violation is punishable as a felony;
 5. A violation of the Chapter 483, Dangerous Drugs, of the Texas Health and Safety Code that is punishable as a felony;
 6. A violation of the Controlled Substances Act, Chapter 481 of the Texas Health and Safety Code that is punishable as a felony; or
 7. Criminal attempt to commit any of the offenses listed in section 27-31(a)(8) of this Chapter;
- b. For which:
1. If the applicant was convicted for a misdemeanor offense, less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date;
 2. If the applicant was placed on probation or deferred adjudication for a misdemeanor offense, less than two (2) years have elapsed since the date of successful completion of probation or deferred adjudication;
 3. If the applicant was convicted for a felony offense, less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction or the date of release from parole, whichever is the later date;
 4. If the applicant was placed on probation or deferred adjudication for a felony offense, less than five (5) years have elapsed since the date of successful completion of probation or deferred adjudication;
 5. Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any twenty-four-month period, the applicant has two (2) or more convictions of any misdemeanor offense or combination of misdemeanor offenses; or
 6. Less than five (5) years have elapsed since the date of the successful completion of probation or deferred adjudication for the last offense, whichever is the later date, if, within any twenty-four-month period, the applicant has been placed on probation or deferred adjudication two (2) or more times for any misdemeanor offense or combination of misdemeanor offenses;
- (8) Not have been convicted of, or discharged by probation or deferred adjudication for, driving while intoxicated or driving under the influence:
- a. Within the preceding twelve (12) months; or
 - b. More than one (1) time.
- (9) Not be addicted to the use of alcohol or narcotics;
- (10) Be subject to no outstanding warrants of arrest;
- (11) If applicable, have a valid contract with or be currently employed by a holder.
- (b) An applicant who has been sentenced for an offense listed in section 27-31, for which the required time period provided by this chapter has elapsed, may qualify for a taxicab driver's license only if the director determines that the applicant is presently fit to engage in the occupation of a taxicab driver. In determining present fitness under this section, the director shall consider the following:
- (1) The extent and nature of the applicant's past criminal activity;

Deleted: within the preceding ten (10) years; or
 . c. . More than three (3) times.

- (2) The age of the applicant at the time of the commission of the crime;
 - (3) The amount of time that has elapsed since the applicant's last criminal activity;
 - (4) The conduct and work activity of the applicant prior to and following the criminal activity;
 - (5) Evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and
 - (6) Other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.
- (c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under subsection (b) of this section.

Sec. 27-32. - Investigation of application.

- (a) For the purpose of determining qualification under section 27-31 the director shall require an applicant for a city chauffeur's license to submit to a physical examination, at the applicant's expense, conducted by a licensed physician and to furnish to the director a statement from the physician which certifies that the physician has examined the applicant and that in the physician's professional opinion the applicant is qualified under section 27-31.
- (b) The police department shall investigate each applicant and furnish the director a report concerning applicant's qualification under section 27-31.
- (c) The director may conduct such other investigations, as he considers necessary to determine whether an applicant for a city chauffeur's license is qualified pursuant to the requirements provided for herein.

Sec. 27-33. - Issuance and denial.

- (a) If the director determines that an applicant is qualified, the director shall issue a license to the applicant.
- (b) The director shall delay until final adjudication the approval of the application of any applicant who is under indictment for or has charges pending for:
 - (1) Any offense listed in section 27-31 or criminal attempt to commit any of those; or
 - (2) Any offense involving driving while intoxicated.
- (c) The director may deny the application for a city chauffeur's license if the applicant:
 - (1) Is not qualified under section 27-31;
 - (2) Refuses to submit to or does not pass a medical or written examination authorized under section 27-31; or
 - (3) Makes a false statement of a material fact in his application for a city chauffeur's license.
- (d) If the director determines that an application should be denied, the director shall notify the applicant in writing that his application is denied and include in the notice the reason for denial and a statement informing the applicant of his right of appeal in accordance with section 27-40 of this chapter.

Sec. 27-34. - Expiration of city chauffeur's license; voidance upon suspension or revocation of state driver's license.

- (a) A city chauffeur's license expires one (1) year from the date of issuance.
- (b) If a licensee's state driver's license is suspended or revoked by the state, his city chauffeur's license automatically becomes void. A licensee shall notify the city secretary and the holder for whom he drives within three (3) days of a suspension or revocation of his driver's license by the state and shall immediately surrender his city chauffeur's license to the city secretary.

Sec. 27-35. - Identification card requirements for vehicle for hire drivers.

- (a) After the director has verified an applicant's fingerprints and authorized the issuance of a city chauffeur's license, the city secretary shall issue two (2) identification cards to the applicant.
- (b) One (1) card shall contain the facial view photograph of the applicant. The card shall be displayed in a place conspicuous to passengers inside the taxicab at all times and shall include the following statement:
TO THE PASSENGER OF THIS VEHICLE FOR HIRE:
If the description of the driver of this vehicle does not conform to the photograph hereon, please leave the cab and notify the Brenham Police Department immediately, giving the number of this vehicle and the name of the vehicle for hire company.
- (c) The other card shall be displayed conspicuously by the driver on his/her upper body clothing when operating a vehicle for hire.

Sec. 27-36. - Duplicate license.

If a city chauffeur's license is lost or destroyed, the city secretary shall issue the licensee a duplicate license upon payment to the city of ten dollars (\$10.00).

Sec. 27-37. - Display of license.

A taxicab driver shall allow the director, his delegated representative, passenger, or a peace officer to examine the driver's city chauffeur's license upon request.

Sec. 27-38. - Suspension by director.

- (a) If the director determines that a licensee has failed to comply with this chapter or a regulation established under this chapter, he may suspend the taxicab driver's license for a period of time not to exceed three (3) days by serving the licensee with a written notice of the suspension. The written notice must include the reason for suspension, the date the suspension begins, the duration of the suspension, and a statement informing the licensee of his right of appeal.
- (b) A suspension under this section may be appealed to the director if the licensee requests an appeal at the time notice of suspension is served. When an appeal is requested, the suspension may not take effect until a hearing is provided.
- (c) The director may order an expedited hearing under this section, to be held as soon as possible after the licensee requests an appeal. The director may affirm, reverse, or modify the suspension order. The decision of the director is final.

Sec. 27-39. - Suspension and revocation of chauffeur's license.

- (a) If the director determines that a licensee has failed to comply with this chapter or a regulation established under this chapter, the director may suspend the driver's city chauffeur's license for a definite period of time not to exceed sixty (60) days.
- (b) If at any time the director determines that a licensee is not qualified under this chapter or is under indictment or has charges pending for any offense involving driving while intoxicated or any offense involving a crime described in section 27-31(a)(8) or criminal attempt to commit any of those offenses, the director shall suspend the city chauffeur's license until such time as the director determines that the licensee is qualified or that the charges against the licensee have been finally adjudicated.
- (c) A licensee whose city chauffeur's license is suspended shall not drive a taxicab inside the city during the period of said suspension.
- (d) The director shall notify the licensee and the holder in writing of a suspension under this section and include in the notice the reason for the suspension; the date the director orders the suspension to begin, the duration of suspension and a statement informing the licensee of a right of appeal. The period of suspension begins on the date specified by the director.
- (e) The director may revoke a city chauffeur's license if the director determines that the licensee:
 - (1) Operated a taxicab inside the city during a period in which the city chauffeur's license was suspended;
 - (2) Made a false statement of a material fact in an application for a city chauffeur's license;
 - (3) Engaged in conduct that constitutes a ground for suspension and received either a suspension in excess of three (3) days or a conviction for violation of this chapter, two (2) times within the twelve-month period preceding the occurrence of the conduct or three (3) times within the twenty-four-month period preceding the occurrence of the conduct;
 - (4) Engaged in conduct that could reasonably be determined to be detrimental to the public safety;
 - (5) Used, possessed, or was under the influence of any form of alcoholic beverage or narcotic, or drug while on duty as a driver of a vehicle for hire, whether or not such drug or narcotic is defined as a dangerous drug or as a controlled substance under state or federal law; or
 - (6) Was convicted of any felony offense while holding a city chauffeur's license.
- (f) A person whose city chauffeur's license is revoked shall not:
 - (1) Apply for another city chauffeur's license before the expiration of twelve (12) months from the date the director revokes the license or, in the case of an appeal, the date the appeal hearing officer affirms the revocation; or
 - (2) Drive a taxicab inside the city.
- (g) The director shall notify the licensee in writing of a revocation and include in the notice the reason for the revocation, the date the director orders the revocation, and a statement informing the licensee of his right of appeal.
- (h) After receipt of notice of suspension, revocation, or denial of license renewal, the licensee shall, on the date specified in the notice, surrender his city chauffeur's license to the city secretary and discontinue driving a taxicab inside the city.
- (i) Notwithstanding subsections (c) and (h), if the licensee appeals the suspension or revocation under this section, the licensee may continue to drive a taxicab pending the appeal unless:

- (1) The city chauffeur's license of the licensee is suspended pursuant to subsection (b) or revoked pursuant to subsection (e)(6) of this section; or
- (2) The director determines that continued operation by the licensee would impose an immediate threat to public safety.

Sec. 27-40. - Appeal.

- (a) A person may appeal the following decisions of the director if he requests an appeal in writing and delivers it to the city secretary's office not more than ten (10) business days after receiving notice of the director's action:
 - (1) A denial of an application for a permit;
 - (2) A suspension or revocation of a permit;
 - (3) A denial of renewal of annual permit;
 - (4) Denial of a city chauffeur's license application;
 - (5) Suspension of a city chauffeur's license; or
 - (6) Revocation of a city chauffeur's license.
- (b) The city manager or his designated representative shall act as the appeal hearing officer in an appeal hearing under this section. The hearing officer shall give the appealing party an opportunity to present evidence and make argument in his behalf. The formal rules of evidence do not apply to an appeal hearing under this section, and the hearing officer shall make his ruling on the basis of a preponderance of the evidence presented at the hearing.
- (c) The hearing officer may affirm, modify, or reverse all or part of the action of the director being appealed. The decision of the hearing officer is final.

Sec. 27-41. - Falsifying of a license.

A person commits an offense if he:

- (1) Forges, alters, or counterfeits a city chauffeur's license, badge, sticker, or emblem required by law; or
- (2) Possesses a forged, altered, or counterfeited city chauffeur's license, badge, sticker, or emblem required by law.

Sec. 27-42. - Current mailing address of licensee.

An individual issued a city chauffeur's license shall maintain a current mailing address on file with the city secretary. The licensee shall notify the city secretary of any change in mailing address within five (5) business days of the change.

Sec. 27-43. - License renewal.

A person desiring to renew their city's chauffeur's license shall pay a renewal fee of ten dollars (\$10.00) to the city.

Secs. 27-44—27-49. - Reserved.

ARTICLE 4. - MISCELLANEOUS HOLDER AND DRIVER REGULATIONS

Sec. 27-50. - Holder's and driver's duty to comply.

- (a) *Holder.* In the operation of a taxicab service, a holder shall comply with the terms and conditions of the holder's operating authority and, except to the extent expressly provided otherwise by the operating authority, shall comply with this chapter, regulations established under this chapter, and other law applicable to the operation of a taxicab service.
- (b) *Driver.* A driver shall comply with this chapter, regulations established under this chapter, other law applicable to the operation of a motor vehicle in this state, and orders issued by the holder employing or contracting with the driver in connection with the holder's discharging of its duty under its operating authority and this chapter.

Sec. 27-51. - Holder's duty to enforce compliance by drivers.

- (a) A holder shall establish a policy and take action to discourage, prevent, or correct violations of this chapter by drivers who are employed by or contracting with the holder.
- (b) A holder shall not permit a driver who is employed by or contracting with the holder to drive a taxicab if the holder knows or has reasonable cause to suspect that the driver has failed to comply with this chapter, the rules and regulations established by the director or other applicable law.

Sec. 27-52. - Insurance—Taxicabs.

Every holder of a license to operate a taxicab service pursuant to the provisions of this chapter shall maintain in full force and effect at all times a policy or policies of commercial automobile liability and property damage insurance, with an insurance company or companies authorized to do business in Texas, covering each vehicle so used, in an amount not less than the minimum coverage required by state law.

The applicant, prior to the issuance or renewal of the permit, shall furnish satisfactory proof of such coverage. Said policy shall contain a clause requiring thirty (30) days' notice be given to the city prior to cancellation. If such notice of cancellation is given by the insurance company, the licensee shall obtain new insurance before meeting the requirements of this section prior to the expiration of the thirty-day period; if the licensee fails to do so his permit shall be immediately revoked.

Sec. 27-53. - Holder's records and reports.

- (a) Each holder shall maintain at a single location business records of its taxicab service. The director may specify methods used in maintaining the records, and the director may require maintenance of certain records which he determines are necessary for monitoring the activities, operations, service, and safety record of a holder. A holder shall make its records available for inspection by the director at reasonable times upon request.
- (b) Each holder shall submit to the city secretary such quarterly reports concerning its taxicab service as prescribed on a form provided by the city secretary.

Secs. 27-54—27-59. - Reserved.

ARTICLE 5. - SERVICE REGULATIONS

Sec. 27-60. - City-wide taxicab service required.

Except as otherwise provided by the holder's operating authority, a holder shall:

- (1) Provide taxicab service to the general public to and from any point inside the city that is accessible by public street except that this provision does not require a holder to subject a taxicab to mob violence or destruction;
- (2) During posted hours of operation, answer each call received for service inside the city as soon as practicable, and if the service cannot be rendered within a reasonable time, the holder shall inform the caller of the reason for the delay and the approximate time required to answer the call; and
- (3) If the holder is closed for business, the holder must inform callers through a recorded message of the hours of operation of the holder.

Sec. 27-61. - Representation of availability of taxicab.

A driver may not represent that his taxicab is engaged when it is in fact vacant.

Sec. 27-62. - Refusal to convey passengers by taxicabs.

- (a) While operating a taxicab a driver shall not refuse to convey a person who requests service unless:
 - (1) The person is disorderly;
 - (2) The driver is engaged in answering a previous request for service;
 - (3) The driver has reason to believe that the person is engaged in unlawful conduct; or
 - (4) The driver is in fear of his personal safety.

Sec. 27-63. - Passenger limitations of taxicabs.

- (a) While operating a taxicab a driver on duty may carry only a person who is a paying passenger, unless the passenger is an employee of the taxicab service that employs or contracts with the driver, a governmental inspector acting in an official capacity, or unless it is authorized by the holder's operating authority.
- (b) A driver may not carry at the same time more persons than the designed seating capacity of the taxicab.

Sec. 27-64. - Carry passengers by direct route.

A driver shall carry a passenger to his destination by the most direct and expeditious route available unless otherwise directed by the passenger.

Sec. 27-65. - Solicitation of passengers by taxicabs.

A driver may not solicit passengers.

Sec. 27-66. - Conduct of drivers.

A driver shall:

- (1) Act in a reasonable, prudent, and courteous manner;
- (2) Maintain a sanitary and well-groomed appearance;
- (3) Not possess, consume, or be under the influence of an alcoholic beverage, narcotic drug, or other substance that could adversely affect the driver's ability to drive a motor vehicle;
- (4) Not smoke tobacco products while transporting passengers;
- (5) Not interfere with the director in the performance of the director's duties;
- (6) Pull his vehicle to the curb when loading or unloading passengers;
- (7) Not refuse to discharge a passenger at any place designated by the passenger upon the streets of the city, except when the place so designated is a point not easily accessible because of a no parking zone, or conditions rendering the designated place or access to the designated place unreasonably hazardous; and
- (8) Comply with lawful orders of the director issued in the performance of his duties.

Sec. 27-67. - Limitations on hours of work.

- (a) No driver permitted under this chapter shall drive more than twelve (12) hours in any one (1) consecutive twenty-four-hour period.
- (b) No holder or owner shall allow any driver permitted under this chapter to drive for more than twelve (12) hours in any consecutive twenty-four-hour period.

Sec. 27-68. - Return of passenger's property.

- (a) Upon finding property left by a passenger in a taxicab, the driver shall immediately return the property to the owner. However, if the driver is unable to locate the owner or if the driver does not know the identity or whereabouts of the owner, the driver shall make a report of the property left in the taxicab to the holder, and within a reasonable time, not to exceed four (4) hours from discovery of the property, deliver the property to the holder's dispatching facility.
- (b) Upon return of property to the owner or delivery of property to the holder, the driver shall prepare a written report stating the description of the property, the identity of the owner if known, date the property was left in the taxicab, the circumstances relating to the loss, and the taxicab number. The holder shall keep the report on file for at least one (1) year and shall hold the property for not less than three (3) months.

Sec. 27-69. - Service regulations for business establishments requesting taxicabs for customers.

An employee of a business establishment, other than a taxicab service, who acts as an agent in obtaining taxicab service for prospective taxicab passengers shall not solicit nor accept payment from a driver in return for giving preferential treatment in directing passengers to a driver's taxicab.

Secs. 27-70—27-79. - Reserved.

ARTICLE 6. - FARES

Sec. 27-80. - Rates of fare—Taxicabs.

A holder of a taxicab permit may charge only rates of fare which have been approved by the director at the time the permit was issued. A holder of a taxicab permit may propose a change in its rates of fare by filing the proposal with the city secretary for consideration by the director. The director may approve, disapprove, or modify the proposed change.

Sec. 27-81. - Display of rate card by taxicabs.

- (a) A holder shall provide the driver for each taxicab operating under its authority, printed cards or stickers containing the approved rates of fare of the holder. There shall be posted in two (2) conspicuous places on the inside of each licensed taxicab, a legible card of a size to be determined by the director, showing the rates allowed to be charged.
- (b) While operating a taxicab for hire, a driver shall, in a manner approved by the director, prominently display two (2) rate cards or stickers inside the taxicab and two (2) rate cards or stickers outside the taxicab so that passengers can easily read them.

Sec. 27-82. - Computation of fares for taxicabs.

A holder shall equip each taxicab with a taximeter, and a driver shall charge only a fee as computed by the taximeter. However, a holder may authorize a driver to make a flat rate charge for a trip to a destination which is not covered in the holder's approved rates of fare, if the taximeter is kept in operation while the taxicab has a passenger within the scope of the area designated in the approved rates of fare.

Sec. 27-83. - Design and testing of taximeters; fees.

- (a) A taximeter must accurately register in legible figures on the basis of both mileage and time under the rates and charges established herein. Figures denoting the fare must be illuminated when the meter is activated.
- (b) A taximeter must be mounted in a conspicuous location in the taxicab in a manner approved by the director so that the face of the taximeter and the fare numerals may be easily seen and read by a passenger sitting in any part of the taxicab.
- (c) The design of a taximeter is subject to approval by the director to assure that it complies with this section. No taximeter shall be used on any taxicab the type and design of which has not been approved by the director. Before installing a taximeter, taxicab owners shall submit the type and design of taximeter to the director. If the taximeter is capable of properly and accurately computing and registering on its face the charge for the distance traveled by and the waiting time of the taxicab, the director shall approve the taximeter. Virtual taximeters are acceptable, but are subject to all requirements of this Chapter.
- (d) A holder shall cause each taximeter in taxicabs operating under its authority to be maintained in good operating condition. The director may establish a schedule of regular testing days and times for purposes of this section.
- (e) A person commits an offense if he operates a taxicab that is:
 - (1) Not equipped with a taximeter; or

- (2) Equipped with a taximeter that has been tampered with or altered, or that incorrectly registers or computes taxicab fares because of alterations to the taxicab.
- (f) The following persons shall be responsible and subject to the penalty for a violation of subsection (g):
 - (1) The driver of the taxicab.
 - (2) The owner of the taxicab.
 - (3) The holder under whose authority the taxicab is being operated.
- (g) Proof of taxicab ownership for purposes of this section may be made by a copy of the registration of the vehicle with the state showing the name of the person to whom the state license plates for the vehicle were issued. The person in whose name the vehicle is registered shall be deemed to be the prima facie owner of the vehicle. If the vehicle is not currently registered, the person in whose name the vehicle was last registered shall be deemed to be the prima facie owner of the vehicle.

Sec. 27-84. - Taxicab fare collection procedures.

- (a) Before changing the taximeter to indicate that the taxicab is vacant, a driver shall call the attention of the passenger to the amount of fare registered on the taximeter.
- (b) Upon request by a person paying a fare, a driver shall give the person a legible receipt showing:
 - (1) The name of the holder under whose authority the taxicab is operated;
 - (2) The taxicab number;
 - (3) An itemized list of charges;
 - (4) The total amount of fare paid;
 - (5) The date of payment; and
 - (6) The driver's signature.
- (c) A holder shall provide each driver operating a taxicab under its authority with printed receipt forms adequate for providing the information required in subsection (b).

Secs. 27-85—27-89. - Reserved.

ARTICLE 7. - VEHICLES AND EQUIPMENT

Sec. 27-90. - False representation as taxicab.

- (a) A person may not represent that a vehicle is a taxicab if the vehicle is not in fact a taxicab authorized by operating authority granted under this chapter.
- (b) A person may not drive a vehicle that is not a taxicab in the city if the vehicle is marked, painted, or equipped in a way that is likely to result in mistaking the vehicle for a taxicab.

Sec. 27-91. - Vehicle requirements and inspections.

- (a) The director may by regulation establish requirements for size, condition, and accessories of taxicabs used by a taxicab owner or driver.
- (b) The director shall inspect each taxicab for compliance with this chapter and regulations before it is placed in service, at regular inspections, and at such times as determined by the director. The director shall complete a city inspection form and shall maintain such form as a public

record. If any inspection reveals that the vehicle is unsafe or does not comply with the provisions of this chapter or state law the vehicle owner shall remove the vehicle from service.

- (c) A holder, owner, or driver shall make a taxicab available for inspection when ordered by the director. It shall be unlawful for any person to refuse to allow the director to inspect any vehicle used as a taxicab operating in the city pursuant to this chapter.
- (d) If, upon inspection, the director determines that a taxicab is not in compliance with this chapter or regulations, the director shall order the taxicab to be brought into compliance within a reasonable period of time and require it to be re-inspected. The owner shall pay a ten dollar (\$10.00) fee for each re-inspection of a taxicab that is required before it is brought into compliance.
- (e) If a holder, owner, or driver fails to make a taxicab available for inspection or if the director determines that a taxicab is not in compliance with this chapter or regulations, the director may order the taxicab removed from service until it is made available for inspection and brought into compliance.
- (f) If the director determines that inspection of the mechanical condition or safety equipment of a taxicab by an expert mechanic or technician is necessary, the holder, owner, or driver shall pay the cost of the inspection.
- (g) Before any taxicab will be approved for service, the holder or owner shall provide the director with a copy of the registration for the vehicle with the state, or a bill of sale if the vehicle is new and has not yet been registered, showing the name of the individual or holder owning the vehicle. The owner shown on the registration or bill of sale provided to the director shall notify the director of any change in ownership of the taxicab within ten (10) business days.
- (h) Taxicab inspections conducted by the director shall be limited to those items observable by a layperson by external visual inspection. Items to be inspected shall include, but not be limited to, the following: vehicle identification number; taxicab number; head lamps; tail lamps; license plate lights; dome light; horn; windshield wipers; heating, ventilating, and air conditioning systems; presence of fire extinguisher; spare tire; the condition of the tires, passenger compartment, rearview mirrors; all windows; overall cleanliness; safety; condition of paint; color scheme; taximeter readings; rate card; required signage; fumes; permanent state license plates and current registration sticker; mileage; accuracy of taximeter, and condition of the body of the vehicle.
- (i) Each inspection may include a ride-along inspection ride of up to one (1) hour's duration as deemed necessary by the director.

Sec. 27-92. - Required equipment for taxicabs.

- (a) Unless otherwise specified in the operating authority under which a taxicab is operated or by regulation of the director, and in addition to other equipment required by this chapter, a holder, owner, or driver shall provide and maintain in good operating condition the following equipment for each taxicab:
 - (1) Seat belts for each passenger, the number of which is determined by the designed seating capacity of the taxicab;
 - (2) Heater and air conditioner;
 - (3) Chemical-type fire extinguisher, of at least one (1) quart capacity, readily accessible for immediate use;
 - (4) Map of the city;
 - (5) Permit card complying with section 27-96 of this chapter;

- (6) Taxicab display receptacle;
- (7) Rates of fare cards or stickers; and
- (8) Taximeter.

Sec. 27-93. - Taxicab color scheme and distinctive markings.

A holder shall develop the design of a color scheme and distinctive markings for taxicabs operating under its authority, and shall submit the design to the director for approval to insure that the design is readily distinguishable from the design used by other holders.

Sec. 27-94. - Required taxicab identification.

A holder shall cause each taxicab operating under its authority to be provided with the following uniform vehicle identification:

- (1) Every taxicab shall have on the door of the cab the name of the owner or the assumed name under which the owner operates, together with the company's telephone number and the cab number.
- (2) The number of the cab and the owner or the assumed name under which the owner operates, shall be stenciled or painted upon the rear of any such vehicle. Such lettering, stencil and/or paint must be kept legible at all times.

Sec. 27-95. - Taxicab permit cards.

- (a) The holder, owner, or driver of a taxicab shall obtain a permit card from the city secretary's office, indicating the taxicab's authority to operate, which shall show there on the date of expiration of the permit to operate a taxicab applicable to such vehicle. The permit card must be attached to the front windshield of the taxicab in a manner approved by the director.
- (b) A person commits an offense if he:
 - (1) Operates a taxicab with an expired permit card or with no permit card affixed to it;
 - (2) Attaches a permit card to a vehicle not authorized to operate as a taxicab;
 - (3) Forges, alters, or counterfeits a taxicab permit card required by this section;
 - (4) Possesses a forged, altered, or counterfeited taxicab permit card required by this section; or
 - (5) Displays more than one (1) taxicab permit cards issued by the city on a vehicle at the same time.
- (c) A taxicab permit card assigned to one (1) person is not transferable to another without consent of the director.

Sec. 27-96. - Removal of equipment from taxicabs.

- (a) Whenever a vehicle is removed from service or is no longer authorized to operate as a taxicab, the holder, owner, or driver shall remove from the vehicle all taxicab signs, markings, and equipment that would distinguish the vehicle as a taxicab, including, but not limited to, radios, top lights, meters, and decals.
- (b) A holder, owner, or driver of a taxicab shall not sell or transfer to a driver any radio, top light, meter, or other equipment that would distinguish a vehicle as a taxicab.

Secs. 27-97—27-99. - Reserved.

ARTICLE 8. - ENFORCEMENT

Sec. 27-100. - Authority to inspect.

The director and his delegates may inspect a taxicab service operating under this chapter to determine whether the service complies with this chapter, regulations established under this chapter, or other applicable law.

Sec. 27-101. - Removal of evidence of authorization.

Whenever a holder's operating authority or a taxicab driver's license is suspended, revoked, or denied or whenever a vehicle fails to pass inspection as a taxicab, the director may remove or require the surrender of all evidence of authorization as a holder, taxicab driver, or taxicab, including, but not limited to, removal or surrender of operating authority, licenses, permit cards, and signs, if applicable.

Sec. 27-102. - Enforcement by police department.

Officers of the police department shall assist in the enforcement of this chapter. A police officer upon observing a violation of this chapter or the regulations established by the director shall take necessary enforcement action to insure the effective regulation of taxicab service.

Sec. 27-103. - Correction order.

- (a) If the director determines that a holder violates this chapter, terms of its operating authority, a regulation established by the director, or other law, the director may notify the holder in writing of the violation and by written order direct the holder to correct the violation within a reasonable period of time. In setting the time for correction the director shall consider the degree of danger to the public health or safety and the nature of the violation. If the violation involves equipment that is unsafe or functioning improperly, the director shall order the holder to immediately cease use of the equipment.
- (b) If the director determines that a violation constitutes an imminent and serious threat to the public health or safety, the director shall order the holder to correct the violation immediately, and, if the holder fails to comply, the director shall promptly take or cause to be taken such action as he considers necessary to enforce the order immediately.
- (c) The director shall include in a notice issued under this section an identification of the violation, the date of issuance of the notice and the time period within which the violation must be corrected, a warning that failure to comply with the order may result in suspension or revocation of operating authority or imposition of a fine or both, and a statement indicating that the order may be appealed to the city manager.

Sec. 27-104. - Service of notice.

- (a) A holder shall designate and maintain a representative to receive service of notice required under this chapter to be given a holder and to serve notice required under this chapter to be given a driver employed by a holder.
- (b) Notice required under this chapter to be given:
 - (1) A holder, or the holder's designated representative, must be personally served by the director; or
 - (2) A driver licensed by the city under division 3, must be personally served or sent by certified United States mail, five-day return receipt requested, to the address, last known to the director, of the person to be notified, or to the designated representative for drivers.
- (c) Notice required under this chapter to be given a person other than a driver licensed under article 3 or a holder may be served in the manner prescribed by subsection (b)(2).
- (d) Service executed in accordance with this section constitutes notice to the person to whom the notice is addressed. The date of service for notice that is mailed is the date received.
- (e) This section does not apply to notice served under section 27-39.

Sec. 27-105. - Appeal.

- (a) A holder may appeal a correction order issued under section 27-103 or any other action of the director if an appeal is requested in writing not more than ten (10) days after notice of the order or action is received.
- (b) The city manager or his designated representative shall act as the appeal hearing officer in an appeal hearing under this section. The hearing officer shall give the appealing party an opportunity to present evidence and make argument in his behalf. The formal rules of evidence do not apply to an appeal hearing under this section, and the hearing officer shall make his ruling on the basis of a preponderance of evidence presented at the hearing.
- (c) The hearing officer may affirm, modify, or reverse all or a part of the order of the director. The decision of the hearing officer is final.

Secs. 27-106—27-110 - Reserved.

SECTION 4.
SAVINGS CLAUSE

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

SECTION 5.
SEVERABILITY

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any

and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentences and clauses and phrases remaining should any provision be declared unconstitutional or invalid.

SECTION 6.
REPEALER

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

SECTION 7.
EFFECTIVE DATE

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

SECTION 8.
PROPER NOTICE AND MEETINGS

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

PASSED and APPROVED on its first reading this the ___ day of ___ 2019.

PASSED and APPROVED on its second reading this the ___ day of ___ 2019.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



AGENDA ITEM 13

DATE OF MEETING: September 5, 2019	DATE SUBMITTED: August 29, 2019	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Karen Stack	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	ORDINANCE: ☒ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 19, Parks and Recreation, Code of Ordinances, City of Brenham, Texas		
SUMMARY STATEMENT: Staff recommends approval of the Chapter 19, Parks and Recreation, amendments as discussed in work session.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Ordinance for first reading		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Approve an Ordinance on its first reading amending Chapter 19, Parks and Recreation, Code of Ordinances, City of Brenham, Texas		
APPROVALS: James Fisher		

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 19, PARKS AND RECREATION, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING OF PROPER NOTICE AND MEETINGS

WHEREAS, pursuant to Texas Local Government Code, Section 51.001, the City of Brenham, Texas (“City”) has the authority to adopt ordinances and regulations that are good government, peace and order of the City; and

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

WHEREAS, the latest update to Chapter 19, Parks and Recreation, was done in January, 2010; and

WHEREAS, many sections in Chapter 19 are no longer administratively accurate; and

WHEREAS, the City Council finds the following regulations to be reasonable and beneficial to the general health, safety and welfare of the citizens of Brenham;

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

SECTION 1.

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2.

Chapter 19, Parks and Recreation, of the Code of Ordinances of the City of Brenham, Texas, is hereby repealed and rescinded in its entirety.

SECTION 3.

Chapter 19, Parks and Recreation, of the Code of Ordinances of the City of Brenham, Texas, shall read as follows:

ARTICLE I. - GENERAL PROVISIONS

Sec. 19-1. - Definitions.

Bicycle shall mean to ride or propel a device commonly known as a bicycle, unicycle, tricycle or similar non-motorized device.

Camping shall mean the overnight use of tents, lean-tos, hammocks, sleeping bags or blankets, or other shelters, automobile trailers, cars, house trailers, house cars, campers, or other such vehicles for the purposes of living or sleeping quarters.

City shall mean the duly incorporated municipality of the City of Brenham, Texas.

Concession stand shall mean a place where patrons can purchase various snacks, drinks and/or food items.

Electronic smoking device means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to stimulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, tank system, or advanced personalized vaporizer (APV), or under any other product name or descriptor.

Entertainment shall mean any amusement or diversion provided, especially in a public performance, by an individual or a group of individuals.

Exhibition shall mean to show publicly for the purposes of competition or demonstration such things as works, art, objects of manufacture, or athletic skills.

Person shall mean an individual, proprietorship, partnership, corporation, association, or other legal entity.

Scoot shall mean to ride or propel a device commonly known as a scooter, with a deck designed to allow a person to stand or sit while operating the device, and includes such a device whether powered by electricity, gas, human or other power.

Skate shall mean to ride or propel a device commonly known as roller skates, roller blades, skateboard or similar non-motorized device.

Smoke or smoking means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. *Smoking* also include the use of an electronic smoking device as defined herein, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this chapter.

Tobacco means any tobacco, cigarette, cigar, pipe tobacco, smokeless tobacco, snuff or any other form of tobacco, which may be utilized for smoking, chewing, inhalation or other means of ingestion or absorption.

Walking or jogging trails shall mean any paved or improved path, sidewalk or bridge designed to be used by individuals for walking, jogging or running.

ARTICLE II. – REGULATIONS

Sec. 19-2. Park hours.

All public parks and parks facilities belonging to the City shall be available for use by the public between the hours of 5:00 a.m. and 11:00 p.m. of each day of the week, unless said park facilities have been reserved for private use. Arrangements must be made in advance with the City Manager or designee for extended hours, or to reserve any park facilities for private use.

Sec. 19-3. Payment of fees.

Fees for all park and recreation activities shall be set by resolution of the City Council. All such fees shall be posted, where applicable, and kept on file with the City Secretary. It shall be unlawful for any person to use or enter upon any park or recreation facility, and engage in an activity for which a fee is charged, without first having first paid said fee.

Sec. 19-4. Destruction of park property.

- (a) It shall be unlawful for any person to deface, tear down, remove, destroy or injure in any manner whatsoever or to cause to be defaced, torn down, destroyed or injured in any manner whatsoever any fence, building, furniture, seat, sign, structure, excavation, post, bracket, lamp, awning, fireplug, hydrant, water pipe, tree, shrub, plant, flower, railing, bridge, backstop, goalpost, culvert or any other property or improvement whatsoever belonging to the City in, at or upon any of the parks owned or controlled by the City.
- (b) A person, group, organization, or entity reserving the use of a park facility shall be responsible for all damages to City property and for the cost of any unreasonable wear and tear to park facilities or for services, including emergency or public safety services such as police and fire, that are provided to or dispatched to the City park or City park facility as a result of such person's, group's or the organization's misuse, improper or unlawful use of the facility.

Sec. 19-5. Advertising.

It shall be unlawful for any person to display any advertising material by or to distribute advertising material of any character within any parks or other recreation areas owned by the City without permission of the City Manager or designee.

Sec. 19-6. Alcoholic beverages

It shall be unlawful for any person to consume any alcoholic beverage in, or to carry or bring any alcoholic beverage into, the Blue Bell Aquatic Center.

Sec. 19-7. Use of Tobacco products

It shall be unlawful for any person to smoke or use tobacco in any City-owned park, including but not limited to athletic fields, skate parks, hiking or biking trails, walking paths, flower or prayer gardens, and playground areas.

Sec. 19-8. Vehicles, motorcycles, and motorized scooters.

No person shall drive an automobile, motorcycle, motor vehicle, golf cart, or other motor operated vehicle or bicycle in or upon any established and maintained park or playground, except in designated parking areas located therein, without specific written permission from the City Manager or designee. This restriction does not apply to any person that requires the use of a motorized or non-motorized mobility device (e.g. wheelchair or scooter) due to illness, injury, or disability.

Sec. 19-9. Bicycling, skating, and scooting.

- (a) It shall be unlawful for any person to bicycle, skate, or scoot within Veterans Memorial Plaza. This restriction shall not apply to any person that requires the use of a motorized or non-motorized mobility device (e.g. wheelchair or scooter) due to illness, injury or disability.
- (b) It shall be unlawful for any person to bicycle, skate, or scoot within the walking and jogging trails in Hohlt Park, Jackson Street Park, and Fireman's Park. It shall also be unlawful for any person to bicycle, skate, or scoot within the portion of Fireman's Park situated north of Fireman's Park Road. These restrictions shall not apply to any person that requires the use of a motorized or non-motorized mobility device (e.g. wheelchair or scooter) due to illness, injury or disability.

Sec. 19-10. Circulars, cards, etc.

It shall be unlawful for any person to distribute any circulars, cards or written matter or post, paste, or affix any placard, notice or sign within any park or playground in the City without written permission from the City Manager or designee.

Sec. 19-11. Camping

It shall be unlawful for any person to camp in or upon any public park situated within the City without permission from the City Manager or designee.

Sec. 19-12. Sleeping

It shall be unlawful for any person to loiter or sleep in any restroom located in any City park or recreation area.

Sec. 19-13. Wading, swimming, fishing, or boating

It shall be unlawful for any person to wade, swim, fish, or boat within any park or recreation area not so designated.

Sec. 19-14. Disposal of litter

It shall be unlawful for any person to deposit paper, glass, metal, litter, or trash of any kind on any lawn, driveway, path, or other place in any park or recreation area except in receptacles provided therefor.

Sec. 19-16. Picnic facilities.

Unless otherwise provided herein, outdoor picnic areas and pavilion areas are available on a first-come, first-served, basis, with the exception of Finke Pavilion, which may be reserved for private use. When reserved for private use the person reserving the Finke Pavilion may exclude members of the general public and it shall be unlawful for a member of the general public to remain in the Finke Pavilion after being notified that the Finke Pavilion has been reserved for private use.

Sec. 19-17. Use of certain municipal ball fields.

- (a) Unless otherwise provided herein, access to City-owned athletic fields are on a first-come, first-served, basis; however, individual reservations are available, upon request, from the City Manager or designee.
- (b) When reserved for private use the person reserving the athletic field may exclude members of the general public and it shall be unlawful for a member of the general public to remain on the athletic field after being notified that the athletic field has been reserved for private use.
- (c) It shall be unlawful for any person, firm or corporation (except City employees) to access a City-owned athletic field while said athletic field is closed.

Sec. 19-18. Golf.

It shall be unlawful for any person to practice golf or hit golf balls in any portion of a City park or recreational area. The practice of disc golf may be permitted in areas designated for disc golf.

Sec. 19-19. Kites, Model Airplanes, and Drones.

It shall be unlawful for any person to fly a kite or propel or guide a model airplane or drone in any park or recreation area traversed by high voltage transmission lines.

Sec. 19-20. Individuals and/or businesses profiting from use of City facilities

It shall be unlawful for any individual or business to financially profit from using public City facilities without a permit or written permission from the City Manager or designee.

Sec. 19-21. Animals.

- (a) It shall be unlawful for any person who owns a dog or other animal, or has a dog or other animal under their control, to permit such dog or other animal to be in any City park unless restricted by a leash. It shall be the responsibility of the owner of the dog or other animal, or the person who has the dog or other animal under their control, to dispose of all pet excrement immediately. Events organized by the City are exempt from this section.
- (b) Except as provided in Texas Human Resources Code §121.003, it shall be unlawful for any person to tether or pasture, or allow or cause to be tethered or pastured, any cow, horse, mule, fowl, or domestic animal in or upon any park or recreation area.
- (c) It shall be unlawful for any person to frighten, annoy, or injure, or attempt to frighten, annoy, or injure any wild or native animal or bird in any park or recreation area.
- (d) It shall be unlawful for any person to ride any horse or other animal or animal-drawn vehicle over or through any park or recreation area without a permit or written permission from the City Manager or designee.

Sec. 19-22. Entertainment and/or exhibition.

No entertainment or exhibition shall be given or conducted in any city park or recreational facility owned by the City without prior written permission from the City Manager or designee. If such entertainment and/or exhibition includes amplified sound, a noise variance from the City Council will be required. The Dr. Bobbie M. Dietrich Memorial Amphitheater is exempt from this section.

Sec. 19-23. Glass containers prohibited.

It shall be unlawful for any person to use or have in their possession any glass container in or upon any public park situated within the corporate limits of the City. Glass baby bottles or baby food jars containing products for consumption by a baby are exempt from this section.

Sec. 19-24. Selling of merchandise, food, and drinks.

- (a) The City shall be the sole operator of concession stands in all City parks and recreational facilities unless otherwise approved in writing by the City Manager or designee.
- (b) It shall be unlawful for any person or persons to sell or offer for sale any drinks or food items within any City park without written permission from the City Manager or designee, and also obtaining a permit from the City's code enforcement officer, as qualified by the Texas Department of State Health Services as a registered sanitarian. If the City does not employ a registered sanitarian that is authorized to issue a required permit for the sale of drink or food items, the required permit must be obtained from an appropriate registered sanitarian authorized to issue said permit.

- (c) It shall be unlawful for any person to sell or offer for sale any goods, wares, services or merchandise within any City park or recreational facility owned by the City without first obtaining a permit or written permission from the City Manager or designee.

Sec. 19-25. Parking.

- (a) It shall be unlawful for any person to park a vehicle in any area of a City park for the principal purpose of displaying the vehicle for sale.
- (b) It shall be unlawful for any person to park, stop, or store a semi-truck or trailer in any area of a City park without written permission from the City Manager or designee.

Sec. 19-26. Penalty provisions.

A violation of this chapter shall constitute a misdemeanor and upon conviction thereof shall be punishable pursuant to the general penalty provisions set out in Section 1-5 of the Code of Ordinances of the City of Brenham.

Sec. 19-27. Permit required.

In addition to meeting any other requirements of this Chapter and the City's Code of Ordinances, written permission or a permit from the City Manager or designee is required prior to sponsoring, holding, or conducting any of the following uses in a City park or City park facility owned by the City:

- (a) Any organized sporting event and associated activities such as rallies, award ceremonies, etc., unless the organizer has a contract with the City;
- (b) Any exhibit, music event, play, motion picture or similar form of entertainment;
- (c) Any assembly or parade;
- (d) Any use of amplified sound equipment;
- (e) Any sale of food, drinks, or other goods;
- (f) Any sale of services, including boot camps, athletic lessons, etc;
- (g) Any park use during times when the park or park facility is normally closed to the public.

Sec. 19-28. Appeals.

Any person dissatisfied with a decision of the City Manager or designee in failing to grant a permit shall have the right to appeal in writing within ten days of the date of the decision. Such appeal shall be presented by the applicant in writing to the City Manager, who shall designate a hearing officer to consider the matter under the standards established in this Chapter. The hearing officer shall be a City employee or official not involved in the consideration of the original application. The hearing officer shall sustain or overrule the decision within 14 days of the date of receipt of the written appeal from the applicant. The hearing officer's decision on such appeal shall be final.

SECTION 4.
SAVINGS CLAUSE

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

SECTION 5.
SEVERABILITY

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

SECTION 6.
REPEALER

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

SECTION 7.
EFFECTIVE DATE

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

SECTION 8.
PROPER NOTICE AND MEETINGS

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

PASSED and APPROVED on its first reading this the 15th day of August 2019.

PASSED and APPROVED on its second reading this the 5th day of September 2019.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



AGENDA ITEM 14

DATE OF MEETING: September 5, 2019	DATE SUBMITTED: August 29, 2019	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Allen Jacobs	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	ORDINANCE: ☒ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 6, Buildings and Structures, Code of Ordinances, City of Brenham, Texas to Adopt the 2015 Version of the International Building Codes with Local Amendments		
SUMMARY STATEMENT: City Staff recommends updating the adopted building codes from the 2012 International Building Code suite to the 2015 International Building Code suite. The suite of the International Codes include the following: 2015 International Building Code (IBC) 2015 International Residential Code (IRC) 2015 International Fire Code (IFC) 2015 International Plumbing Code (IPC) 2015 International Mechanical Code (IMC) 2015 International Fuel Gas Code (IFGC) 2015 International Energy Conservation Code (IECC) 2015 International Existing Building Code (IEBC) 2015 International Property Maintenance Code (IPMC) 2015 International Swimming Pool and Spa Code (ISPSC) The purpose of maintaining the current International Building Codes is to safeguard health, safety, property and public welfare. A summary of changes from the 2012 suite to 2015 suite is enclosed. In addition to the 2015 International Codes, the City of Brenham also adopts local amendments to these codes. The local amendments accommodate the City of Brenham code of ordinances, and also allow the City of Brenham to enforce code requirements that are beneficial to our municipality. These local amendments are necessary as they reflect local construction practices and laws. Local amendments and adoption of the aforementioned codes are included in the enclosed ordinance.		

STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: Adoption of the 2015 International Building Code suite and local amendments will improve the City of Brenham's ISO (Insurance Service Office) rating which sets property insurance ratings. B. CONS:
ALTERNATIVES (In Suggested Order of Staff Preference): 1. Approve the proposed ordinance to adopt the 2015 International Building Code suite; 2. Deny the proposed ordinance.
ATTACHMENTS: (1) Ordinance for first reading; and (2) Summary of Significant Code Changes
FUNDING SOURCE (Where Applicable): N/A
RECOMMENDED ACTION: Approve an Ordinance on its first reading amending Chapter 6, Buildings and Structures, Code of Ordinances, City of Brenham, Texas to Adopt the 2015 Version of the International Building Codes with Local Amendments
APPROVALS: James Fisher

ORDINANCE NO. _____

AN ORDINANCE TO AMENDING CHAPTER 6 AND ADOPTING THE 2015 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL RESIDENTIAL CODE, AND INTERNATIONAL EXISTING BUILDINGS CODE, PROVIDING FOR AN EFFECTIVE DATE IN ACCORDANCE WITH THE CITY CHARTER OF THE CITY OF BRENHAM, TEXAS, AND REPEALING ALL CONFLICTING ORDINANCES.

WHEREAS, The City of Brenham regulates buildings and structures within the city limits to provide safe and appropriate building and structures,

WHEREAS, the City Council of the City of Brenham, Texas desires to amend Chapter 6, Buildings and Structures by adopting the 2015 editions of the following: International Building Code, International Fuel Gas Code, International Mechanical Code, International Property Maintenance Code, International Plumbing Code, International Energy Conservation Code, International Energy Conservation Code and the International Existing Building Code, and to amend or add to the Code of Ordinances of the City of Brenham, Texas in order to adopt these codes;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS THAT CHAPTER 6 – BUILDINGS AND STRUCTURES OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS BE AMENDED IN THE FOLLOWING MANNER:

SECTION 1.

That Chapter 6 – Buildings and Structures, Article 1, Section 6-1 of the Code of Ordinances of the City of Brenham, Texas, is hereby amended to read as follows:

ARTICLE I. - IN GENERAL

Sec. 6-1. Adoption of building codes.

The codes listed below and all revisions thereto are hereby adopted and incorporated as fully as if set forth at length herein, save and except such portions as may hereinafter be amended, and not less than two (2) copies of said codes have been and are now filed at the offices of the City of Brenham, and from the date on which this Section shall take effect, the provisions therein shall be controlling in the construction, alteration, repair, equipment, use and occupancy, location, and maintenance of all buildings and structures within the area of jurisdiction of the city.

Regulations adopted in Article I shall be applicable to all articles within this chapter.

Codes adopted by the City of Brenham:

2015 International Building Code (IBC)

2014 National Electric Code (NEC)

2015 International Fuel Gas Code (IFGC)

2015 International Mechanical Code (IMC)

2015 International Property Maintenance Code (IPMC)

2015 International Plumbing Code (IPC)

2015 International Energy Conservation Code (IECC)

2015 International Residential Code (IRC)

2015 International Existing Building Code (IEBC)

2015 International Fire Code (IFC)

SECTION 2.

That Chapter 6 – Buildings and Structures, Article II, of the Code of Ordinances of the City of Brenham, Texas, is hereby amended to read as follows:

ARTICLE II. - BUILDING CODE

Sec. 6-26. - Adoption of building code.

The International Building Code, being particularly the 2015 International Building Code, and all revisions thereto, save and except such portions as may hereinafter be amended, of which code not less than two (2) copies have been and are now filed at the offices of the City of Brenham, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling in the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of all buildings and structures within the area of jurisdiction of the City.

Sec. 6-26.1. - Building code local amendments.

The following local amendments are made to the International Building Code, 2015 Edition, as adopted by the City of Brenham:

Section 101.1 is hereby amended by inserting the following: the City of Brenham

Section 109.3 is deleted in its entirety.

Section 114.3 is deleted in its entirety.

Section 114.4 is deleted in its entirety.

Section 116 is deleted in its entirety.

Section 1209.1 is hereby amended by adding Section 1209.1.1 to read as follows:
Crawlspace (pier and beam construction) shall be totally skirted with metal, masonry, pressure treated wood, or other non-degradable material.

Section 1612.3 is hereby amended by inserting the following: City of Brenham

Section 1612.3 is hereby amended by inserting the following: "Flood Insurance Study for Washington County, Texas and Incorporated Areas," dated August 16, 2011," or current presiding Flood Insurance Map (FIRM) and Flood Boundary and Floodway Map (FBFM).

Section 107 is hereby amended by adding Section 107.6 to read as follows:

Building Plans, Applications and Permits

An application for a building permit shall be accompanied by a minimum of two (2) copies of a site plan and floor plan for all one-and two-family dwellings, commercial building and apartments five thousand (5,000) square feet or less. Large commercial and apartment buildings over five thousand (5,000) square feet, will require two (2) copies of a full set of plans, including plumbing, electrical, mechanical, structural, final topography, MEP site plans, and all architectural and engineering seals to accompany an application for a building permit. Utility requirements should be noted on all plans.

Site plan shall be in conformity with the City of Brenham's adopted Design Guidelines and Standards Specifications and will show:

- (1) Plan drawn to scale of not smaller than one inch = 50 feet and labeled.
- (2) Plan must show dimension of all property lines.
- (3) All existing and proposed structures must be shown with building dimensions and distances from property lines.
- (4) Access must be shown with dimensions, shape and location.
- (5) All recorded public easements shall be shown and properly dimensioned.
- (6) Location and width of curbs, drainage ditches, sidewalks and right-of-ways.
- (7) Parking areas must be carefully shown and dimensioned.
- (8) Proposed finished floor elevation and top of curb elevation shall be noted.

The floor plan shall include the proposed utility requirements for the structure. Plan review will be completed within ten (10) working days after submission of plans on most applications. Larger projects may take longer. After review, individual permits will be issued for building, electrical, mechanical, plumbing, fire system and irrigation phases. Each individual contractor shall be responsible for inspection of his work. All plumbing, mechanical, fire system and irrigation contractors must show appropriate state license and proof of insurance. All electrical contractors shall have a current state license and all employees must have proper journeyman or apprentice license on job. All extensions, taps, permit fees or deposits shall be paid at the time the permit is issued.

Prior to construction, the contractor or owner shall verify with the city all utility locations and depths. The contractor shall be responsible for placing a string line on a minimum of two (2) property lines, the front and one side. The building inspector may request string lines on additional property lines. These string lines shall be in place at the time of the foundation inspection.

All alterations to building layout, electrical, mechanical, plumbing and structural must have amended drawings and city approval prior to construction.

The property owner is responsible for location of property lines and underground utilities. Fences shall not obstruct drainage or redirect drainage on adjacent property. Any fence along or across an easement may be removed by utility personnel. The city is not required to reconstruct any fences inside of utility easements.

All retainer wall construction requires written approval of the city prior to construction. All cut and/or fill on an improved property requires written city approval prior to work.

A certificate of occupancy will be issued at the completion of all new construction by the city building department. Permanent service will be connected upon issuance of the certificate of occupancy. No occupancy of the building will be allowed prior to the issuance of the certificate of occupancy. No exceptions will be made without written consent of the city building official.

Section 2308.5. is hereby amended in its entirety to read as follows: Walls and partitions shall be constructed in accordance with the applicable provisions of Sections 2308.5.1 through 2308.5.4. In walls containing Plumbing Drain, Waste & Vent lines all framing members shall be 2 inch by six inch (2 x 6) or larger.

Section 2303.1.1 is hereby amended in its entirety to read as follows: Sawn lumber used for load-supporting purposes, including end-jointed or edge-glued lumber, machine stress-rated or machine-evaluated lumber, shall be identified by the grade mark of a lumber grading or inspection agency that has been approved by an accreditation body that complies

with DOC PS 20 or equivalent. Grading practices and identification shall comply with rules published by an agency approved in accordance with the procedures of DOC PS 20 or equivalent procedures. Utility grade lumber shall not be used for joists, rafters or vertical framing.

Section 105 is hereby amended by adding Section 105.8 to read as follows: If work done on a building/structure cumulatively within any 12-month period constitutes a "substantial improvement" (as defined in the City's flood damage prevention ordinances, e.g., Section 8 ½ -5 of this Code), the owner shall—to the extent reasonably practicable—make the building comply with current code provisions for new construction regarding: (i) structural components (except foundations) and (ii) life safety features (hand and guard rails, smoke alarms, carbon monoxide alarms, safety glazing, ground fault circuit interrupters, arc-fault combination breakers, emergency egress from sleeping rooms, locking devices on required egress components, etc.). To determine the "market value" of a pre-existing building, the most current tabulation of square foot construction costs published by the International Code Council (usually as part of "Building Valuation Data," see e.g., www.iccsafe.org/cs/techservices) shall be used.

Section 105 is hereby amended by adding Section 105.9 to read as follows: If a building is "substantially damaged" (as defined in the City's flood damage prevention ordinances, e.g., Section 8 ½ -5 of this Code), the owner shall cause it to be: (i) secured to prevent entry by unauthorized persons, within 24 hours after all embers are extinguished (or other damaging occurrence has ended) and (ii) either demolished (in accordance with Chapter 8 ½ of this Code) or rebuilt in conformity with applicable technical codes as though it were a new building. Normal permits (including certificate of occupancy) are required. Work to demolish or rebuild must begin within 60 days following the date the occurrence ends and must be completed within a reasonable time, but not longer than the time allowed by the applicable permit(s). To determine the "market value" of a pre-existing building, the most current tabulation of square foot construction costs published by the International Code Council (usually as part of "Building Valuation Data," see, e.g., www.iccsafe.org/cs/techservices) shall be used.

Section 110.3.1 is hereby amended in its entirety to read as follows: Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job. Form Surveys performed by a Texas Registered Professional Licensed Surveyor are required to be submitted prior to approval of foundation inspection.

Section 110.3.2 is hereby amended in its entirety to read as follows: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the

subfloor. Form Surveys performed by a Texas Registered Professional Licensed Surveyor are required to be submitted prior to approval of foundation inspection.

Secs. 6-27—6-29. Reserved.

ARTICLE III. - ELECTRIC CODE

Sec. 6-30. - Adoption of National Electric Code (NEC) 2014 Edition.

The National Electric Code, being particularly the 2014 National Electric Code, and all revisions thereto, save and except such portions as may hereinafter be amended, of which code not less than two (2) copies have been and are now filed at the offices of the City of Brenham, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling within the area of jurisdiction of the city.

Sec. 6-30.1. - Electrical Code local amendments.

The following local amendments are made to the National Electric Code, 2014 Edition, as adopted by the City of Brenham:

Section 422.40 is hereby amended in its entirety to read as follows:

422.40 Polarity in Cord-and Plug-Connected Appliances.

(A) If the appliance is provided with a manually operated, line-connected, single-pole switch for appliance on-off operation, or a 15- or 20-ampere receptacle, on-off operation disconnect must be readily accessible.

(B) Window air conditioners. All window air conditioning units, whether to be operated on 110vac or 220vac current, shall be installed with and bonded to a polarized plug, and Number 10 AWG wire minimum for 220vac shall be used in bonding said air conditioning unit to the said polarized plug.

Article 110 is hereby amended by adding Section 110.81 to read as follows:

110.81 Distribution system limitation.

For the purpose of this article, the distribution system of any person furnishing electric power shall not extend to any property which such person does not own in fee simple or control by easement.

Article 110 is hereby amended by adding Section 110.82 to read as follows:

110.82 Tampering with fuses, circuit breakers.

It shall be unlawful for any person:

(A) To bridge, tamper with or change from its original installation (except upon the approval of the building official, and then only after a proper permit for alteration has been issued) any fuse of the plug, cartridge type or link type installed in panel boards, main switches or switchboards;

(B) To alter or change circuit breakers so that the original calibration will be affected; or

(C) To tie down or secure any circuit breaker so that it will not function properly.

Section 210.52 is hereby amended by adding subsection (E)(4) to read as follows: Switches and equipment installed on the outside of the building in a recess in the outside wall and covered by a door as part of the building structure shall be considered as being on the exterior of the building and exposed to the weather.

Section 230.42 is hereby amended by adding subsection (D) to read as follows:

(D) Service entrance conductors.

In any residence, apartment, apartment house, commercial building or other building of whatsoever character now existing or to be constructed within the city, all service entrance conductors, including underground conductors, shall have a minimum current-carrying capacity of 150 amperes. On buildings with existing service, this requirement shall apply when:

(1) Load is added or modified;

(2) An existing service is found to be inadequate for demand; or

(3) An unsafe condition exists.

(4) When replacing main service panel, all-service disconnect, service riser, or service underground lateral.

Exception: Existing dwellings with a framed area of less than 1,500 square feet may have conductors with a minimum current-carrying capacity of 125 amperes.

Article 230 is hereby amended by adding Section 230.56.1 to read as follows:

230.53.1 All-service disconnect.

In every building now existing or to be constructed within the city, there must be an "all-service disconnect" accessible on the outside of the building and located as close as practicable to

the meter. It shall consist of one switch or circuit breaker having a continuous current rating of no less than 150 amperes. On buildings with existing service, this requirement shall apply when load is added or modified or whenever an unsafe condition exists or when replacing main service panel, all-service disconnect, service riser or service underground lateral. Exception: Existing dwellings with a framed area of less than 1,500 square feet may have a main "all-service disconnect" with a minimum continuous current rating of 125 amperes.

Article 300 is hereby amended by adding Section 300.51 to read as follows:

300.51 Wires, cables, conductors and circuits.

(A) Wires, cables and conductors. Notwithstanding any other code provision or ordinance to the contrary, it shall be unlawful for any person to install or use any of the following in connection with electrical work for any structure in the city:

- 1) Any wire other than solid or stranded copper;
- 2) Any wire smaller than gauge 12 AWG requires electrical load calculations per the NEC.
- 3) Any wire without a separate ground, either in the same cable or in the same conduit;
- 4) Armored cable, type A/C;
- 5) MC Cable, unless the exterior armor is color-coded its entire length by the manufacturer to distinguish it from other flexible metallic conduit systems;
- 6) Nonmetallic sheathed cables, as listed in article 334 of the NEC, but this prohibition only applies to multifamily dwellings with more than one floor above grade; or
- 7) Nonmetallic sheathed cables, as listed in article 334 of the NEC, except in buildings used and occupied exclusively for residential purposes (without any nonresidential occupancies or mixed uses, even if only accessory or incidental).

(B) Circuits. Notwithstanding any other code provision or ordinance to the contrary, it shall be unlawful for any person to install or use more than ten openings (outlets or fixtures) on any single electrical circuit for any structure in the city.

Article 110 is hereby amended by adding Section 110.83 to read as follows:

110.83 Grounding, GFCIs, etc.

(A) Supplemental grounding. On any new service or change-out service there must be a supplemental grounding electrode as specified in article 250.52(A) of the NEC, with the grounding electrode conductor sized per table 250.66 of the NEC.

(B) Certain GFCIs. The ground-fault circuit-interrupter required for a hydro-massage shall not be located under such a bathtub and must be readily accessible as specified in 680.71.

Sec. 6-31. - Right of entry and disconnection of service.

The Building Official or his duly authorized assistant shall have the right to enter any building during reasonable hours in the discharge of his official duties and shall have the authority to cause the disconnection of any wiring or equipment, which such wiring or equipment in his judgment is dangerous to life or property, or may interfere with the work of the fire department.

Sec. 6-32. - Meter loop specifications.

The National Electrical Code, being particularly the 2014 National Electrical Code, save and except such portions as may hereinafter be amended and the meter loop specifications of the Municipal Light and Power System of the City of Brenham, Texas, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling for all electrical work within the area of jurisdiction of the city. Not less than two (2) copies of said National Electrical Code, and meter loop specifications of the Municipal Light and Power System of the city, shall be filed in the office of the Building Official of the city.

Sec. 6-33. - Modifications of code or meter loop specifications.

Any requirement deemed by the inspector necessary for safeguarding the hazards from fire and to life in connection with any electrical installation not specially covered by this article shall be determined by the inspector, subject to appeal to the board of appeals in the manner prescribed in section 6-5.1.

Sec. 6-34. - Approved materials, devices, appliances, apparatus.

It shall be unlawful to manufacture, sell or use any electrical materials, devices, appliances or apparatus which are not approved by the Underwriters' Laboratories, Inc., Chicago, Illinois, anywhere or anytime within the city.

Sec. 6-35. Allowing use of or furnishing electric current without inspection and certificate of approval prohibited.

In order to protect the lives of the citizens and the property of the citizens from the dangers incident to defective wiring of buildings and structures, it shall be unlawful for any person to allow any electrical current used for the purpose of producing light, heat or power in buildings or structures belonging to such person, to be turned on without first having had an inspection made of the wiring by the inspector and having received from the inspector a certificate of occupancy approving the wiring of such building, unless otherwise provided in this article.

It shall be unlawful for any person engaged in the business of selling electricity to furnish any electrical current for use for light, heat or power purposes in any building or structure of any person, unless the building or structure has first been inspected by the inspector and a certificate of occupancy given as hereinafter provided, unless otherwise authorized in this article.

Sec. 6-36. - Re-inspection and correction in certain knob and tube systems; protection of exterior switches and fuse cabinets.

Whenever the service wires of a so-called knob and tube system are disconnected or electrical services disconnected to and in any commercial building or any building in the first fire district which has been vacated for any period in excess of thirty (30) days, the service shall not again be connected until same has been wired so as to conform to this article, subject to any special conditions as approved by the electrical inspector.

All switches or fuse cabinets mounted on the exterior of any buildings must be of an approved weatherproof type.

Whenever old work is found in the following instances, the building official may refuse or disconnect permanent electric service until compliance with the 2014 National Electric Code is completed. The instances shall be when:

- (1) Wiring smaller than gauge 12 SWG is found;
- (2) Wire lacking a separate ground is found; or
- (3) Any structure having more than ten (10) openings on a single circuit

Sec. 6-37. - Advertising on light and telephone poles and wires; wires under sheds, etc.

It shall be unlawful for any person to place or allow to be placed any advertising cards or posters or other light material on any electric, telephone or telegraph poles within the city.

Secs. 6-38—6-49. Reserved.

ARTICLE IV. - GAS

Sec. 6-50. - Adoption of code.

The International Fuel and Gas Code, being particularly the 2015 International Fuel Gas Code (IFGC), save and except such portions as may hereinafter be amended, of which not less than two (2) copies have been made and are now filed in the offices of the City of Brenham, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this

section shall take effect, the provisions therein shall be controlling within the area of jurisdiction of the city.

Sec. 6-50.1. - Same - Gas code local amendments.

The following local amendments are made to the International Fuel and Gas Code, 2015 Edition, as adopted by the City of Brenham:

Section 101.1 is hereby amended by inserting: the City of Brenham

Section 106.6 is deleted in its entirety.

Section 108.3 is deleted in its entirety.

Section 108.4 is deleted in its entirety.

Section 108.5 is hereby by amended in its entirety to read as follows: Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

Section 108.7 is hereby by amended in its entirety to read as follows: When an emergency exists the code official shall have the authority to require disconnection of utility service to any building, structure or system regulated by the technical codes in order to eliminate an immediate hazard to life or property. The code official shall notify the serving utility, and wherever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practicable thereafter.

Section 108.7.1 is hereby by amended in its entirety to read as follows: A person shall not make energy source connections to installations regulated by this code which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such installations. When an installation is maintained in violation of this code, the code official shall institute appropriate action to prevent, restrain, correct or abate the violation.

Section 108.7.2 is deleted in its entirety.

Section 108.7.3 is deleted in its entirety.

Section 403 is hereby amended by adding Section 403.14 to read as follows:

Even if otherwise permitted by this code:

1. All above-ground gas piping shall be SCH 40 black iron pipe.
Exception: The use of other gas piping materials approved by the 2015 International Fuel Gas Code will be approved by the City of Brenham after the manufacturer, or manufacturer's designated representative, physically inspects and approves the installation. Written approval of the gas piping inspection and installation must be provided to the City of Brenham on the manufacture's letterhead and certified by the gas piping manufacturer or manufacturer's designated representative prior to wall or ceiling cover-up.
2. Thermo plastic pipe may be used for gas lines only if it: (i) meets ASTM D2513 (or equivalent, or better), (ii) is identified by proper markings and (iii) is installed with a locator wire (No. 12 gauge insulated solid copper wire).
3. Thermo plastic pipe shall terminate above ground outside of buildings and be installed in pre-manufactured anodeless risers or service head adapter risers, all in accordance with the manufacturer's installation instructions.
4. Underground piping systems require isolation valves.

Section 404.12 is hereby amended to read as follows: Underground piping systems shall be installed in City of Brenham approved materials and at a minimum depth of 18 inches below grade.

Section 404.12.1 is deleted in its entirety.

Section 404.17.3 is hereby amended to read as follows: A yellow insulated copper tracer wire or other approved conductor shall be installed adjacent to underground nonmetallic piping. Access shall be provided to the tracer wire or the tracer wire shall terminate above ground at each end of the nonmetallic piping. The tracer wire size shall not be less than 12 AWG and the insulation type shall be suitable for direct burial.

Section 406.4 is hereby amended in its entirety to read as follows: Low pressure (not to exceed 0.5 PSI) gas piping shall withstand a pressure of at least 10 inches of mercury on a manometer for a period of time not less than 10 minutes without showing any drop in pressure, except that the following shall apply in the case of new construction: The newly-constructed system must withstand a pressure of at least 25 PSI, spring gauge here is acceptable, for a period of not less than 10 minutes without showing any drop in pressure as an initial pressure test, i.e. rough-in, and the system must also withstand a pressure test of 10 inches of mercury on a

manometer gauge as a final test. Higher pressure piping systems must withstand pressure of at least 10 PSI, but never less than twice the maximum pressure to which the piping will be subjected in operation, for a period of at least 10 minutes without showing a drop in pressure. The manometer under test conditions shall not be pressured more than 50% of the gauge maximum pressure, i.e. a 10 psi test would require a 20 psi manometer gauge.

Section 402 is hereby amended by adding Section 402.7 to read as follows: Each new or replaced gas meter shall be located on the same lot/property that it serves.

Sec. 6-51. - Cut-off valve.

(a) All gas service lines on the customer's property will be required to be equipped, ahead of the gas meter assembly, with an approved type, flat ahead-lock pattern, cut-off valve to permit sealing of the valve by authorized city personnel in order to prevent any flow of gas or prevent opening of said valve by persons other than authorized city personnel.

(b) All gas piping on customer's premises where installed for connection of a range; water heater; space heater; and the like; will be required to be provided with an approved type cut-off valve, installed in the line and directly ahead of the above referred to appliances.

Secs. 6-52—6-55. Reserved.

ARTICLE V. - INTERNATIONAL PROPERTY MAINTENANCE CODE

Sec. 6-56. - Adoption of Code.

The International Property Maintenance Code, being particularly the 2015 International Property Maintenance Code (IPMC), save and except such portions as may hereinafter be amended, of which not less than two (2) copies have been made and are now filed in the offices of the City of Brenham, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling within the area of jurisdiction of the city.

Sec. 6-56.1. – Same - Property Maintenance code local amendments.

The following local amendments are made to the International Property Maintenance Code, 2015 Edition, as adopted by the City of Brenham:

Section 101.1 is hereby amended by inserting: the City of Brenham

Section 103.5 is deleted in its entirety.

Section 106 is deleted in its entirety.

Section 107 is deleted in its entirety.

Section 108 is deleted in its entirety.

Section 110 is deleted in its entirety.

Section 111 is deleted in its entirety.

Section 112.4 is deleted in its entirety.

Section 302.4 is hereby amended by inserting: twelve (12) inches

Section 302.8 is deleted in its entirety.

Section 304.14 is hereby amended in its entirety to read as follows: Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 602.3 is hereby amended in its entirety to read as follows: Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Exceptions: 1) When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code; and 2) In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

Section 602.4 is hereby amended in its entirety to read as follows: Indoor work spaces to be occupied shall be supplied with heat to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied. Exceptions: 1) Processing, storage and operation areas that require cooling or special temperature conditions; and 2) Areas in which persons are primarily engaged in vigorous physical activities.

Secs. 6-57—6-60. Reserved.

ARTICLE VI. - INTERNATIONAL PLUMBING CODE

Sec. 6-61. - Adoption of code.

The International Plumbing Code, being particularly the 2015 International Plumbing Code (IPC), and all revisions thereto, save and except such portions as may hereinafter be amended, of which not less than two (2) copies have been and are now filed in the offices of the City of Brenham, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling in the construction, installation, extension, or repair of all plumbing, plumbing fixtures and plumbing systems within the area of jurisdiction of the city.

Sec. 6-61.1. – Same - Plumbing code local amendments.

The following local amendments are made to the International Plumbing Code, 2015 Edition, as adopted by the City of Brenham:

Section 101.1 is hereby amended by inserting: the City of Brenham

Section 106.6.2 is deleted in its entirety.

Section 106.6.3 is deleted in its entirety.

Section 108.3 is deleted in its entirety.

Section 108.4 is deleted in its entirety.

Section 108.5 is hereby amended in its entirety to read as follows: Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

Section 305.4.1 is hereby amended by inserting (12) twelve inches; (12) twelve inches

Section 918 is hereby amended by adding 918.9 to read as follows: Air admittance valves are only approved for use in an unenclosed structure, i.e. outdoor kitchen.

Section 604.1 is hereby amended in its entirety to read as follows: The design of the water distribution system shall conform to accepted engineering practice. Methods utilized to determine pipe sizes shall be approved. Any manifold system shall not be located on a wall shared with a garage unless it does not penetrate the garage wall.

Section 605 is hereby amended by adding Section 605.26 to read as follows:

1. All water lines under a slab on grade must be copper Type L, K or PEX, no joints. Each water line under, in or through a slab on grade must be sleeved with a continuous piece of tubing at least 0.025 inches thick terminating at least six inches above the finished floor.
2. Note: The City is not responsible for irrigation system components located in street areas or easements (and special permits may be required to install such components in those locations).

Section 903.2 is hereby amended by inserting (12) twelve inches.

Section 1101.2 is hereby amended in its entirety to read as follows: The provisions of this chapter are applicable to interior leaders, building storm drains, building storm sewers, exterior conductors, downspouts, roof gutters and other storm drainage fixtures and facilities.

Section 603.1 is hereby amended in its entirety to read as follows: The water service pipe shall be sized to supply water to the structure in the quantities and at the pressures required in this code. The water service pipe shall be not less than 3/4 inch (19.1 mm) in diameter.

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

(a) *General.* No water service connection shall be made to any establishment where a potential or actual contamination hazard exists unless the water supply is protected in accordance with the Texas Commission on Environmental Quality (TCEQ) Rules and Regulations for Public Water Systems (290 Rules) and this section. The water purveyor shall discontinue water service if a required backflow prevention assembly is not installed, maintained and tested in accordance with the 290 Rules and this section.

(b) *Backflow prevention assembly installation, testing and maintenance.*

- (1) All backflow prevention assemblies shall be tested upon installation by a licensed backflow prevention assembly tester and certified to be operating within specifications.

Backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester.

- (2) All backflow prevention assemblies shall be installed and tested in accordance with the manufacturer's instructions, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14) or the University of Southern California Manual of Cross-Connection Control.
- (3) Assemblies shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. Original forms of such test, repairs, and overhaul shall be kept and submitted to the city within five (5) working days of the test, repair or overhaul of each backflow prevention assembly.
- (4) No backflow prevention assembly or device shall be removed from use, relocated, or other assembly or device substituted without the approval of the city. Whenever the existing assembly or device is moved from the present location or cannot be repaired, the backflow assembly or device shall be replaced with a backflow prevention assembly or device that complies with this section, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), current addition, University of Southern California Manual of Cross-Connection Control, current addition, or the current plumbing code of the city, whichever is more stringent.
- (5) Test gauges used for backflow prevention assembly testing shall be tested for accuracy at least annually in accordance with the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), current addition, or the University of Southern California's Manual of Cross-Connection Control, current addition. The original calibration form must be submitted to the city within five (5) working days after calibration.
- (6) A recognized backflow prevention assembly tester must hold a current endorsement from the Texas Commission on Environmental Quality (TCEQ).

(c) *Customer service inspections.*

- (1) A customer service inspection shall be completed prior to providing continuous water service to all new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.
- (2) Only individuals with the following credentials shall be recognized as capable of conducting a customer service inspection:
 - a. Plumbing inspectors and water supply protection specialists that have been licensed by the Texas State Board of Plumbing Examiners.
 - b. Customer service inspectors that have been licensed by the Texas Commission on Environmental Quality (TCEQ).

(3) The customer service inspection must certify that:

- a. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by a properly installed air gap or an appropriate backflow prevention assembly.
- b. No cross-connection between the public water supply and a private water source exists. Where an actual properly installed air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a recognized backflow prevention assembly tester.
- c. No connection exists which allows water to be returned to the public drinking water supply is permitted.
- d. No pipe or pipe fitting which contains more than eight (8) per cent lead may be used for the installation or repair of plumbing at any connection that provides water for human use.
- e. No solder or flux which contains more than 0.2 per cent lead can be used for the installation or repair of plumbing at any connection that provides water for human use. A minimum of one (1) lead test shall be performed for each inspection.

Secs. 6-63—6-65 Reserved.

ARTICLE VII. - ENERGY CODE

Sec. 6-66. - Adoption of code.

The International Energy Conservation Code, being particularly the International Energy Conservation Code (IECC) as adopted by the State of Texas, and all revisions thereto, save and except such portions as may hereinafter be amended, of which not less than two (2) copies have been and are now filed in the offices of the City of Brenham, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling within the area of jurisdiction of the city.

Sec. 6-66.1. – Same - Energy code local amendments.

The following local amendments are made to the International Energy Conservation Code, referenced 2015 Edition, as adopted by the City of Brenham:

Sections C101.1 and R101.1 are hereby amended by inserting: the City of Brenham

Sections C108.4 and R108.4 are deleted in their entirety.

Section C104.4 is hereby amended in its entirety to read: The code official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to

qualifications and reliability. In lieu of inspection by City employees, the building official may require a written certification that a building meets or exceeds minimum requirements, if the certification is: (i) signed by a code-certified inspector (as defined in V.T.C.A., Health and Safety Code § 388.02) not employed by the city, and (ii) accompanied by an approved inspection checklist, properly completed, signed and dated by the inspector. If the fees of the code-certified inspector are paid by the City, the amount shall be added to the building permit fees otherwise payable. With approval from the building official, a permittee may pay such fees directly to an independent inspection firm. Only code-certified inspectors or inspectors as approved by the currently adopted edition of the IECC may perform inspections and enforce this code in the City. A copy of all approved inspections, rough-in and final shall be provided to the city prior to final inspections being requested.

Secs. 6-67—6-70. Reserved.

ARTICLE VIII. - MECHANICAL CODE

Sec. 6-71. - Adoption of code.

The International Mechanical Code, being particularly the 2015 International Mechanical Code (IMC), and all revisions thereto, save and except such portions as may hereinafter be amended, of which not less than two (2) copies have been and are now filed in the offices of the City of Brenham, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling within the area of jurisdiction of the city.

Sec. 6-71.1. – Same - Mechanical code local amendments.

The following local amendments are made to the International Mechanical Code, 2015 Edition, as adopted by the City of Brenham:

Section 101.1 is hereby amended by inserting: the City of Brenham

Section 106.5 is deleted in its entirety.

Section 108.3 is deleted in its entirety.

Section 108.4 is deleted in its entirety.

Section 108.5 is hereby amended in its entirety to read as follows: Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

Section 306.3 is hereby amended in its entirety to read as follows: Attics containing appliances shall be provided with an opening and unobstructed passageway large enough to allow removal of the largest appliance. The passageway shall not be less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length measured along the centerline of the passageway from the opening to the appliance. The passageway shall have continuous solid flooring not less than 24 inches (610 mm) wide. A level service space not less than 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), and large enough to allow removal of the largest appliance.

Secs. 6-72—6-75. Reserved.

ARTICLE IX. - RESIDENTIAL CODE

Sec. 6-76. - Adoption of code.

The International Residential Code, being particularly the 2015 International Residential Code (IRC), and all revisions thereto, save and except such portions as may hereinafter be amended, of which not less than two (2) copies have been and are now filed in the offices of the City of Brenham, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling within the area of jurisdiction of the city.

Sec. 6-76.1. – Same - Residential code local amendments.

The following local amendments are made to the International Residential Code, 2015 Edition, as adopted by the City of Brenham:

All amendments and deletions to the other "International Codes" adopted by this Schedule are also carried forward and adopted as amendments to or deletions from the International Residential Code, 2015 Edition.

This code does not apply to installation and maintenance of electrical wiring and related components. See National Electrical Code.

Section R101.1 is hereby amended by inserting: the City of Brenham.

Section R113.3 is deleted in its entirety.

Section R113.4 is deleted in its entirety.

Table R301.2 (1) is hereby amended in its entirety to read as follows:

Table R301.2(1). Climatic and Geographical Design Criteria Page 3-3			
Ground snow load:	0 [per figure R301.2(5)]	Air freezing index:	50 BF days
Wind speed (mph):	100 (3-second gust) [per figure R301.2(4)A]	Mean annual temperature:	68° F
Seismic design category:	A [per figure R301.2(2)]	Subject to damage from weathering:[per figure R301.2(3)]	Negligible
Winter design temperature:	32° F [appendix D of the IPC, Houston] [per figure R302.2(1)] Local Data if more accurate	Frost line: [per figure R301.2(8)]	5"
Ice shield underlayment:	Not required	Termite: [per figure R301.2(6)]	Very heavy
Flood hazards:	Map effective date: August 16, 2011 Community Number 480648 Panel numbers: 0295C 0300C 0315C 0450C	Decay:	Mod. to severe

Section R408.1 is hereby amended by adding section R408.1.1 to read as follows:
Crawlspaces (pier and beam construction) shall be totally skirted with metal, masonry, pressure treated wood, or other non-degradable material.

Section G2415.12 is hereby amended to read as follows: Underground piping systems shall be installed in City of Brenham approved materials and at a minimum depth of 18 inches below grade

Section G2415.12.1 is deleted in its entirety.

Section G2415.17.3 is hereby amended to read as follows: A yellow insulated copper tracer wire or other approved conductor shall be installed adjacent to underground nonmetallic piping. Access shall be provided to the tracer wire or the tracer wire shall terminate above ground at each end of the nonmetallic piping. The tracer wire size shall not be less than 12 AWG and the insulation type shall be suitable for direct burial.

Section P2603.5.1 is hereby amended in its entirety to read as follows: Building sewers that connect to private sewage disposal systems shall be a not less than twelve (12) inches below finished grade at the point of septic tank connection. Building sewers shall be not less than twelve (12) inches below grade.

Secs. 6-77—6-80. - Reserved.

ARTICLE X. - EXISTING BUILDING CODE

Sec. 6-81. - Adoption of code.

The International Existing Building Code, being particularly the 2015 International Existing Building Code (IEBC), and all revisions thereto, save and except such portions as may hereinafter be amended, of which not less than two (2) copies have been and are now filed in the offices of the City of Brenham, are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling within the area of jurisdiction of the city.

Sec. 6-81.1. – Same – Existing building code local amendments.

The following local amendments are made to the International Existing Building Code, 2015 Edition, as adopted by the City of Brenham:

Section 101.1 is hereby amended by inserting: the City of Brenham

Section 108.3 is deleted in its entirety.

Section 115 is deleted in its entirety.

Section 117 is deleted in its entirety.

Section 113.3 is deleted in its entirety.

Section 113.4 is deleted in its entirety.

Section 1401.2 is hereby amended by inserting: September 19, 2019

Secs. 6-82—6-85. Reserved.

ARTICLE XI. - SWIMMING POOLS

Sec. 6-86. - Definition.

A swimming pool within the meaning of this section shall be any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent, and either above or below the ground which contains water of more than twenty-four (24) inches in depth and which is used primarily for the purpose of bathing or swimming.

Sec. 6-87. Installation of new pools and compliance of existing pools.

- (a) It shall be unlawful for any person to construct, install or enlarge a swimming pool in the city limits not enclosed in a permanent building with self-closing, self-latching doors, except in accordance with the following regulations.
- (b) It shall be unlawful for any person who owns an indoor swimming pool within the city limits on the effective date hereof to maintain such swimming pool without self-closing, self-latching doors leading directly to the pool area after September 1, 1991.
- (c) It shall be unlawful for any person who owns an outdoor swimming pool within the city limits on the effective date hereof to maintain such swimming pool without fences as provided in section 6-146 after September 1, 1991.

Sec. 6-88. - Permit.

It shall be unlawful for any person to construct, install, enlarge or alter any private swimming pool unless a building permit has first been obtained from the building inspector. The permit fee shall be paid per fee schedule. Application shall be on forms provided by the building inspector and shall be accompanied by plans drawn to scale showing the following:

- (1) Pool dimensions and volume of water in gallons;
- (2) Location and type of waste disposal system;
- (3) Location of pool on lot, distance from lot lines and distance from structure;
- (4) Fencing and landscape plan, or a combination thereof; and
- (5) Specifications on gate latching.

Sec. 6-89. - Construction requirements.

- (a) All pools located, erected, enlarged, or constructed within the City of Brenham shall conform to the following requirements:
 - (1) A minimum five-foot rear and side yard is required;
 - (2) A minimum twenty-five-foot front yard and a fifteen-foot side yard on corner lots is required, or pools must be located behind the established building lines of the principle structure located on the lot, whichever distance is greater;
 - (3) Pools must be a minimum of five (5) feet from any structure to allow access for emergency rescue operations; and
 - (4) All measurements are taken from the outermost edge of the pool coping.
- (b) Any connection to the city's sewer system shall include a suitable gap or backflow prevention device to prevent contamination of the pool by the sewer.
- (c) Gaseous chlorination systems shall not be used as a disinfection method for pool waters.
- (d) Any connection to the city's potable water system shall be protected by a suitable air gap or approved backflow prevention device.

Sec. 6-90. - Fence.

- a) Pools within the scope of this section or not enclosed within a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool and shall not be less than four (4) feet in height, so constructed as not to have voids, holes or openings larger than four (4) inches in one dimension. Gates or doors shall be equipped with a self-closing and self-latching childproof device for keeping the gate or door securely closed at all times when not in actual use. Such latch shall be installed at a minimum height of four (4) feet or the top of the fence. Gates or doors may be disabled from use to the satisfaction of the city manager or his designee in lieu of a self-closing and self-latching device. The location of fencing required shall be subject to all other applicable ordinances. No fence shall be located, erected, constructed or maintained closer than three (3) feet to a pool. The wall of the house or building faced to a pool may be incorporated as a portion of such fence.
- b) Aboveground pools with self-provided fencing to prevent unguarded entry will be allowed without separate additional fencing, providing the self-provided fence is of four-foot required height and design as heretofore specified.
- c) Permanent access from grade to aboveground pools having stationary ladders, stairs or ramps shall have not less than equal safeguard fencing and gates.

Sec. 6-91. - Pool covers.

Pools which have a maximum depth of four (4) feet or less may be covered in lieu of a fence to comply with these requirements.

Sec. 6-92. - Other regulations.

No pool shall be so operated or maintained as to create a nuisance, a hazard, an eyesore or otherwise to result in a substantial adverse effect on neighboring properties, or to be in any other way detrimental to public health, safety and welfare.

Sec. 6-93. - Maintenance.

A swimming pool or swimming pools shall be disinfected and maintained in a sanitary manner. The health inspector may inspect or cause to be inspected each private swimming pool maintained in the city.

Sec. 6-94. - Pool safety equipment.

Each pool shall maintain at least one floating throw-ring and rope and/or one rescue pole per pool. Such equipment shall be maintained in good working order.

Sec. 6-95. - Penalty.

Any person who shall violate any provision of this article, shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in section 1-5 of the City of Brenham Code of Ordinances.

Secs. 6-96-6-99. – Reserved.

SECTION 3.

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

PASSED and **APPROVED** on its first reading this the __ day of _____, 2019.

PASSED and **APPROVED** on its second reading this the __ day of _____, 2019.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Significant Changes for Contractors

Adoption of 2015 International Building Codes



Development Services Department Contact: David Doelitsch ddoelitsch@cityofbrenham.org or 979-337-7216

2015 INTERNATIONAL BUILDING CODE (IBC)

Chapter 34: Existing Structures

The requirements for existing structures have been deleted from the 2015 IBC. All existing construction requirements are now in the 2015 International Existing Building Code (IEBC).

IBC 705.2 Projections (Building Eaves)

Section was modified to require an increase in the separation required between the edge of building projections and the fire separation distance (property line), and when projection is within five foot (5') of property line.

IBC 907.2.11.4 Smoke Alarms in Group R-1

Smoke alarms near bathrooms are to be a minimum of three feet (3') from the bathroom when the bathroom contains a bathtub or shower. Also, twenty feet (20') from cooking devices.

Chapter 10: Means of Egress

Sections have been relocated and revised in an effort to simplify.

IBC 1015.8 Window Openings

Window openings more than 72" above grade that are less than 36" above the floor must be protected with guards.

IBC 1107.6.2.1 Live/Work Units

The nonresidential portion of a live/work unit is required to be accessible.

IBC 1203.2 Attic Ventilation

New provision has been added for enclosed and unvented attics (IBC 1203.3).

2015 INTERNATIONAL RESIDENTIAL CODE (IRC)

IRC 302.1(1) Exterior Walls

Projections from buildings are not allowed when there is less than a two foot (2') fire separation distance

IRC 302.2 Townhouse Common Walls

Common walls separating townhouses must be rated for a minimum of two (2) hours when an automatic fire sprinkler system is not installed in the townhouse dwelling units.

IRC 314.3 Location of Smoke Alarms

Smoke alarms shall not be located less than three feet (3') horizontally from the door or opening of a bathroom that contains a bathtub or shower.

IRC 315 Carbon Monoxide Alarms

Carbon monoxide alarms shall be provided in dwelling units where the dwelling unit has an attached garage with an opening that communicates with the dwelling unit.

Tables R802.4 & 802.5 Ceiling Joist and Rafter Tables

The allowable spans have changed.

IRC N1101.14 Permanent Energy Certificate

A permanent energy certificate is to be placed in an approved location inside the building.

IRC E3902.8-10 Ground Fault Circuit Interrupter Protection

Laundry areas require ground-fault circuit interrupter (GFCI) protection. Receptacles within 6 feet (6') of bathtubs and showers, and receptacles for dishwashers also require GFCI protection.

2015 INTERNATIONAL EXISTING BUILDING CODE (IEBC)

2012 IBC Chapter 34: Existing Structures

The requirements for existing structures have been deleted from the 2012 IBC. All existing construction requirements are now in the 2015 International Existing Building Code (IEBC).

Scope/Applicability

The 2015 IEBC applies to repair, alteration, addition, relocation, and the change of occupancy of existing buildings.

2015 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)

The 2015 IECC shall continue application as subsequently required by the State of Texas.

2015 INTERNATIONAL FIRE CODE (IFC)

There are no significant changes to the IFC that will increase the cost implication of meeting its requirements.

2015 INTERNATIONAL FUEL GAS CODE (IFGC)

IFGC 307.6 Condensate Pumps

Condensate pumps located in uninhabitable spaces, such as attics or crawl spaces, shall be connected to the appliance or equipment served such that when the pump fails, the appliance or equipment will be prevented from operating.

IFGC 310.1.1.3 Bonding Jumper Length

The length of the bonding jumper between the connection to a gas piping system and the connection to a grounding electrode system shall not exceed 75 feet and connectors shall meet the 2014 NEC requirements.

IFGC 502.7.1 Door Swing

Appliance and equipment vent terminals shall be located such that doors cannot swing within 12 inches horizontally of the vent terminal.

IFGC 623.2 Prohibited Location of Cooking Appliances

Cooking appliances designed, tested, listed and labeled for use in a commercial occupancy shall not be installed within dwelling units or within any area where domestic cooking occurs.

2015 INTERNATIONAL PLUMBING CODE (IPC)

IPC 403.3 Required Public Toilet Facilities – Exception

Structures and spaces intended for quick transactions, including takeout, pickup and drop-off, having a public access area less than or equal to 300 square feet do not require public toilet facilities

IPC 403.4.1 Directional Signage for Public Toilet Facilities

Directional signage indicated the route to the required public toilet facilities shall be posted in a lobby, corridor, aisle or similar space, such that the sign can be readily seen from the main entrance to the building or tenant space.

IPC 501.3 Water Heater Drain Valves

Drain valves for emptying shall be installed at the bottom of each tank-type water heater and hot water storage tank. The drain valve inlet shall be not less than ¾ inch nominal iron pipe size and the outlet shall be provided with male garden hose threads.

IPC 504.7.2 Water Heater Pan Drain Termination

Where a pan drain was not previously installed, a pan drain shall not be required for a replacement water heater installation.

IPC 607.3 Thermal Expansion Control

Where a storage water heater is supplied with cold water that passes through a check valve, pressure reducing valve, or backflow preventer, a thermal expansion tank shall be connected to the water heater cold water supply pipe at a point that is downstream of all check valves, pressure reducing valves, or backflow preventers.

2015 INTERNATIONAL MECHANICAL CODE (IMC)

IMC 307.2.5 Drain Line Maintenance

Condensate drain lines shall be configured to permit the clearing of blockages and performance of maintenance without requiring the drain line to be cut.

IMC 502.20 Manicure and Pedicure Stations

Manicure and pedicure stations shall be provided with an exhaust system in accordance with Table 403.3.1.1, Note h.

IMC 508.1.2 Air Balance

Design plans for a facility with a commercial kitchen ventilation system shall include a schedule or diagram indicating the design outdoor air balance.

IMC 601.5 Return Air Openings

Return air openings for heating, ventilation and air-conditioning systems shall comply with ALL 7 provided stipulations.

IMC 1102.3 Access Port Protection

Refrigerant access ports shall be protected in accordance with Section 1101.10 whenever refrigerant is added to or recovered from refrigeration or air-conditioning systems.



AGENDA ITEM 15

DATE OF MEETING: September 5, 2019	DATE SUBMITTED: August 27, 2019
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Dane Rau
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION
ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Contract No. 2017-09 Related to Henderson Park Phase II and Phase III Improvements and Authorize the Mayor to Execute Any Necessary Documentation	
SUMMARY: In June of 2018 and April of 2019, BCDC approved a total of \$650,000 for Phase II and Phase III for additional enhancements to Henderson Park. BCDC also funded right at \$295,000 in 2017 for Phase I which is near completion and consisted of a new playground structure, accessible sidewalks connecting the parking lot, kitchen, and playscape, a new barbeque pit area, ADA parking upgrades, improvements to the Kitchen area and restrooms making them accessible and adding HVAC to the kitchen and restrooms. We are very excited to move into Phase II/III which consists of area lighting improvements, field upgrades consisting of new fencing, new dugouts, grandstand enhancements, shade covers, concession/restroom enhancements and accessibility upgrades. By funding these improvements, you will see a new vibrant Henderson Park that can be enjoyed by the community and add to our economic incentives by offering tournament directors another large field for tournament ball play, On August 22, 2019 Strand and Associates along with City staff opened bids related to Phase II/III. We received 4 bids. Aggieland Construction submitted the lowest base bid of \$403,557.00. They also submitted prices for the alternates which were broken out from the base bid so city staff could get a better feel of pricing and have those for consideration. There were 4 alternate options which #1 alternate consisted of additional screening on the outfield fence, #2 alternate consisted of addition of shade structures over grandstands, #3 alternate was labor and materials for low level area lighting near the pavilion, and alternate #4 was adding a mow strip under the new perimeter fence of the ballfield which would allow for easier maintenance and also protect the fence for the future. Aggieland Construction submitted a total of \$88,579 for all 4 alternates. With the base bid and alternates the total project came in at \$492,136. Our total construction budget was \$586,400. We were very please to get such positive bids back and this left room for the City to order bleachers and order additional sod for the infield. We would like to ask council to approve the base bid and four alternates to Aggieland Construction for \$492,136 for Phase II/III improvements to Henderson Park.	

Strand and Associates has helped evaluate Aggieland Construction and has received positive feedback from past customers. We are hopeful that this project can go smooth and be completed in a timely manner.
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: Very positive bids and local contractor in Brazos Valley. B. CONS: None at this point
ALTERNATIVES (In Suggested Order of Staff Preference):
ATTACHMENTS: (1) Recommendation Letter; and (2) Bid Tabulation
FUNDING SOURCE (Where Applicable): BCDC
RECOMMENDED ACTION: Approve Contract No. 2017-09 to Aggieland Construction, in the amount of \$492,136.00 including the alternate bids, related to Henderson Park Phase II and Phase III Improvements and authorize the Mayor to execute any necessary documentation
APPROVALS: James Fisher



Strand Associates, Inc.®
1906 Niebuhr Street
Brenham, TX 77833
(P) 979-836-7937

August 29, 2019

Mr. Dane Rau
City of Brenham
200 West Vulcan Street
Brenham, TX 77833

Re: Henderson Park Phase II & III Improvements
Contract 2017-09
City of Brenham, Texas

Dear Mr. Rau:

Bids for the above-referenced project were opened on August 22, 2019. Four bids were received with the resulting bid tabulation enclosed. The low bid of \$492,136.00 was less than ENGINEER's opinion of probable construction cost.

Aggieland Construction of Welborn, Texas, was the apparent low bidder at \$492,136.00. The bid included a bid bond for 5 percent and Addendum Nos. 1 and 2 were acknowledged.

Strand Associates, Inc.® has not had previous experience with Aggieland Construction. Therefore, we are not able to comment in regard to their performance on other projects.

We suggest that you consider evaluating Aggieland Construction's financial status prior to award and other information submitted to you as required by Specification Section 00200.3.A-C., found in the Instructions to Bidders of the Contract Documents.

Sincerely,

STRAND ASSOCIATES, INC.®

Robert C. Schmidt, P.E.

Enclosure

TBPE No. F-8405
TBPLS No. 10030000

3900.230\RCS\mm\mids\BREDocuments\Specifications\Archive\2019\Brenham, City of\3900.230.2017-09\RCS(16) Specification Letters(a) Resulting Bid Tabulation\082619.docx

Bids Received: 02:00 PM
August 22, 2019

STRAND ASSOCIATES, INC.®
1906 Niebuhr Street
Brenham, TX 77833

HENDERSON PARK PHASE II & III IMPROVEMENTS
CONTRACT 2017-09
CITY OF BRENHAM, TEXAS

BID TABULATION SUMMARY

Bidder and Address	Bid Bond	Total Stipulated Price	Alternate No. 1 Bid Price	Alternate No. 2 Bid Price	Alternate No. 3 Bid Price	Alternate No. 4 Bid Price	Total Base Unit Prices	Total Bid Price
Aggeland Construction P.O. Box 271 Wellborn, TX 77881	5%	\$403,557.00	\$5,546.00	\$36,852.00	\$32,431.00	\$13,750.00	\$88,579.00	\$492,136.00
Caprock Construction P.O. Box 54 Wellborn, TX 77881	5%	\$500,965.00	\$8,981.00	\$51,784.00	\$38,694.00	\$13,605.00	\$113,064.00	\$614,029.00
Collier Construction, LLC P.O. Box 1889 Brenham, TX 77834	5%	\$587,862.00	8,408.00	\$56,296.00	\$39,437.00	\$13,556.00	\$117,677.00	\$705,559.00 *\$705,539.00
DL Meacham LP P.O. Box 431789 Houston, TX 77243	5%	\$600,386.75	\$6,560.00	\$51,250.00	\$66,198.00	\$29,615.00	\$153,623.00	\$754,009.75

*CONTRACTOR'S COMPUTED TOTAL

Reviewed by: R.C. Sule

Bids Received: 02:00 PM, August 22, 2019											
STRAND ASSOCIATES, INC.* 1906 Niebuhr Street Brenham, TX 77833											
HENDERSON PARK PHASE II & III IMPROVEMENTS CONTRACT 2017-09 CITY OF BRENHAM, TEXAS											
BID TABULATION BREAKDOWN											
			AggieLand Construction P.O. Box 271 Wellborn, TX 77881		Caprock Construction P.O. Box 54 Wellborn, TX 77881		Collier Construction, LLC P.O. Box 1889 Brenham, TX 77834		DL Meacham LP P.O. Box 431789 Houston, TX 77243		
No.	Description	Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
STIPULATED PRICE											
1.	Furnish and install 4-inch thick reinforced concrete sidewalk, complete in place for the unit price of	745 SY		\$ 40.00	\$ 29,800.00	\$ 68.51	\$ 51,039.95	\$ 62.00	\$ 46,190.00	\$ 88.95	\$ 66,267.75
2.	Construct all other Base Bid improvements shown on the plans, complete in place for the unit price of	1 LS		\$ 373,757.00	\$ 373,757.00	\$ 449,925.05	\$ 449,925.05	\$ 541,672.00	\$ 541,672.00	\$ 534,119.00	\$ 534,119.00
ALTERNATES TABLE											
3.	Add to Base Bid for installation of wind screen on baseball field fence beyond the batter's eye screen	1 LS		\$ 5,546.00	\$ 5,546.00	\$ 8,981.00	\$ 8,981.00	\$ 8,408.00	\$ 8,408.00	\$ 6,560.00	\$ 6,560.00
4.	Add to the Base Bid for installation of shade canopies over three bleacher areas	1 LS		\$ 36,852.00	\$ 36,852.00	\$ 51,784.00	\$ 51,784.00	\$ 56,296.00	\$ 56,296.00	\$ 51,250.00	\$ 51,250.00
5.	Add to Base Bid for construction of all site and parking lot lighting	1 LS		\$ 32,431.00	\$ 32,431.00	\$ 38,694.00	\$ 38,694.00	\$ 39,437.00	\$ 39,437.00	\$ 66,198.00	\$ 66,198.00
6.	Add to Base Bid for constructing a reinforced concrete mow strip under all new chain link fence as shown on the Drawings	1 LS		\$ 13,750.00	\$ 13,750.00	\$ 13,605.00	\$ 13,605.00	\$ 13,556.00	\$ 13,556.00	\$ 29,615.00	\$ 29,615.00
ENGINEER'S COMPUTED TOTAL ITEMS NO. 1 THROUGH 6					\$ 492,136.00		\$ 614,029.00		\$ 705,559.00		\$ 754,009.75
CONTRACTOR'S COMPUTED TOTAL ITEMS NO. 1 THROUGH 6					\$ 492,136.00		\$ 614,029.00		\$ 705,539.00		\$ 754,009.75

* CONTRACTOR'S COMPUTED TOTAL

Reviewed by P.C. Smith



AGENDA ITEM 16

DATE OF MEETING: September 5, 2019	DATE SUBMITTED: August 30, 2019
DEPT. OF ORIGIN: Public Utilities	SUBMITTED BY: Lowell Ogle

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

AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Rate Tariff Schedule(s) for the City of Brenham Electric Rates

SUMMARY STATEMENT: The City's electric rates are designed to cover the cost of electric distribution services, in an equitable manner, among rate classes. Distribution costs are recovered via a monthly customer charge and a consumption driven wires rate. The City has a consultant-designed electric rate model which is used internally by staff to analyze the adequacy of electric rates. The latest staff study reveals that current electric rates do not generate adequate revenues to cover distribution costs. Under the current rate structure, we are projecting an average deficit in the Electric Fund of (\$400,000) per year or (\$2.4) million over six years.

We are proposing an increase to the monthly customer charge and the consumption-based wires charge. The last rate change was in 2013 for small and large industrial customers and 2003 for all other customer classes. The impact of the proposed rate plan on the average monthly bill is shown on Attachment (3). Using July's energy pass-through charge, a residential customer using 1,000 kWh a month would see an increase in their bill of \$2.58 or 2.9%.

Residential Single Phase	Current Rates	Proposed Rates	\$ Increase	% Increase
Customer	\$11.60	\$12.40	\$0.80	6.9%
Wire	25.20	26.98	1.78	7.1%
Energy (July 19)	52.00	52.00	-	-
Total	\$88.80	\$91.38	\$2.58	2.9%

The City's electric rates will remain highly competitive after the increase. In June 2019, the average municipal owned electric monthly rate for residential (1,000 kWh) was \$101.07. Electric cooperative rates and retail rates were even higher. NewGen Strategies LLC has conducted a review of the City's internal electric rate study and their changes have been incorporated into the final document.

The proposed new rates are effective with utility billing occurring on or after January 1, 2020.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: Increased revenues to better cover cost of electric services. B. CONS: Higher monthly charges on electric for customers.
ALTERNATIVES (In Suggested Order of Staff Preference):
ATTACHMENTS: (1) Ordinance for first reading (redline version)
FUNDING SOURCE (Where Applicable):
RECOMMENDED ACTION: Approve an Ordinance on its first reading amending the Rate Tariff Schedule(s) for the City of Brenham Electric Rates
APPROVALS: James Fisher

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ELECTRIC RATE TARIFF SCHEDULES FOR ELECTRIC 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 electric services to its customers in order to provide for conditions of utility service which promote 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 electric services 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 January 1, 2020.

SECTION II.

This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas. The implementation of rates as forth herein and on the attached Exhibit "A" shall be effective with utility billing occurring on and after January 20, 2020.

PASSED AND APPROVED on its first reading this the ____ day of _____, 2019.

PASSED AND APPROVED on its second reading this the ____ day of _____, 2019.

Milton Y. Tate, Jr., Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

“EXHIBIT A”

CITY OF BRENHAM

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

ALL SERVICES

400

410

TARIFF

SECTION NO.

SHEET NO.

ELECTRIC RATE SCHEDULE

JANUARY 1, 2020

Deleted: OCTOBER 1, 2008

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change Effective 10/01/08)

Deleted: 01/01/03

RESIDENTIAL SERVICE

RATE SCHEDULES E-A and E-AO

APPLICABILITY

This rate is applicable to all individually metered single-phase residential dwelling units receiving electric service used solely for residential purposes through a permanent meter installation.

AVAILABILITY

This rate is available to all residential customers of the City of Brenham.

MONTHLY CHARGES

The monthly rates shall be the sum of the following charges:

Type of Charge	Description	Charge
Customer Charge	Customer charge for customers receiving single phase service	<u>\$ 12.40</u>
Wires Charge	Charge for distribution service	<u>\$ 0.02698/ KWh</u>
Energy Charge	Charge for energy supply and transmission costs	\$.075 / KWh
Power Cost Recovery Factor	Charge for adjustments in generation and transmission charges	As needed

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MINIMUM MONTHLY CHARGES

The minimum monthly bill shall be the customer charge.

BILLING ADJUSTMENTS

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

TERMS 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.

"EXHIBIT A"

CITY OF BRENHAM

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

ALL SERVICES

400

411

TARIFF

SECTION NO.

SHEET NO.

ELECTRIC RATE SCHEDULE

~~JANUARY 1, 2020~~

Deleted: OCTOBER 1, 2008

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change Effective ~~10/01/08~~)

Deleted: 01/01/03

CHARACTER OF SERVICE

Electric service supplied under this rate schedule shall be single phase, ~~120/240 volt, 60 cycle alternating~~ current delivered at a single point of service per premise to be designated by the City.

Deleted: only to customers receiving such service on January 1, 1991,

SPECIAL CONDITION 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 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.

"EXHIBIT A"

CITY OF BRENHAM

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

ALL SERVICES

400

412

TARIFF

SECTION NO.

SHEET NO.

ELECTRIC RATE SCHEDULE

JANUARY 1, 2020

Deleted: OCTOBER 1, 2008

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change Effective 10/01/08)

Deleted: 01/01/03

RESIDENTIAL SERVICE

RATE SCHEDULES E-B and E-BO

APPLICABILITY

This rate is applicable to all individually metered three phase residential dwelling units receiving electric service used solely for residential purposes through a permanent meter installation.

AVAILABILITY

This rate is available to all residential customers of the City of Brenham.

MONTHLY CHARGES

The monthly rates shall be the sum of the following charges:

Type of Charge	Description	Charge
Customer Charge	Customer charge for customers receiving three phase service	\$ <u>21.40</u>
Wires Charge	Charge for distribution service	\$ <u>0.02698</u> / KWh
Energy Charge	Charge for energy supply and transmission costs	\$.075 / KWh
Power Cost Recovery Factor	Charge for adjustments in generation and transmission charges	monthly

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MINIMUM MONTHLY CHARGES

The minimum monthly bill shall be the customer charge.

BILLING ADJUSTMENTS

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

TERMS 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.

"EXHIBIT A"

CITY OF BRENHAM

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

ALL SERVICES

400

413

TARIFF

SECTION NO.

SHEET NO.

ELECTRIC RATE SCHEDULE

~~JANAUARY 1, 2020~~

Deleted: OCTOBER 1, 2008

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change Effective ~~10/01/08~~)

Deleted: 01/01/03

CHARACTER OF SERVICE

Electric service supplied under this rate schedule shall be single phase, ~~120/240 volt, 60 cycle alternating~~ current delivered at a single point of service per premise to be designated by the City.

Deleted: only to customers receiving such service on January 1, 1991,

SPECIAL CONDITION 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 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.

“EXHIBIT A”

CITY OF BRENHAM

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

ALL SERVICES

400

420

TARIFF

SECTION NO.

SHEET NO.

ELECTRIC RATE SCHEDULE

~~JANUARY 1, 2020~~

Deleted: OCTOBER 1, 2008

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change Effective ~~10/01/08~~)

Deleted: 01/01/03

SMALL GENERAL SERVICE

RATE SCHEDULE E-C

APPLICABILITY

This rate is applicable to customers receiving single phase 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 less than thirty (30) kilowatts of maximum demand. If the customer establishes a maximum demand of thirty (30) kilowatts or more, the monthly billing will be calculated under the Large General Service Rate Schedule and will continue to be so calculated under such rate schedule until the customer establishes monthly demands for each of eleven (11) consecutive monthly billing periods of less than thirty (30) kilowatts.

MONTHLY CHARGES

The monthly rates shall be the sum of the following charges:

Type of Charge	Description	Charge
Customer Charge	Customer charge for customers receiving single phase service	\$ 16.00
Wires Charge	Charge for distribution service	\$ 0.02623/ KWh
Energy Charge	Charge for energy supply and transmission costs	\$.075 / KWh
Power Cost Recovery Factor	Charge for adjustments in generation and transmission charges	monthly

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MINIMUM MONTHLY CHARGES

The minimum monthly bill shall be the customer charge.

BILLING ADJUSTMENTS

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

TERMS 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

“EXHIBIT A”

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.

"EXHIBIT A"

CITY OF BRENHAM

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

ALL SERVICES

400

421

TARIFF

SECTION NO.

SHEET NO.

ELECTRIC RATE SCHEDULE

JANUARY 1, 2020

Deleted: OCTOBER 1, 2008

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change Effective 10/01/08)

Deleted: 01/01/03

CHARACTER OF SERVICE

Electric service supplied under this rate schedule shall normally be single phase, 120/240 volt, 60 cycle alternating current delivered at a single point of service to be designated by the City.

SPECIAL CONDITION 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 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 non-coincident peak KW demand is less than 0.95.

The power factor penalty shall be calculated by increasing the measured 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 A"

CITY OF BRENHAM

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

ALL SERVICES

400

422

TARIFF

SECTION NO.

SHEET NO.

ELECTRIC RATE SCHEDULE

JANUARY 1, 2020

Deleted: OCTOBER 1, 2008

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change Effective 10/01/08)

Deleted: 01/01/03

SMALL GENERAL SERVICES

RATE SCHEDULE E-D

APPLICABILITY

This rate is applicable to customers receiving three phase 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 less than thirty (30) kilowatts of maximum demand. If the customer establishes maximum demand of thirty (30) kilowatts or more, the monthly billing will be calculated under the Large General Service Rate Schedule and will continue to be so calculated under such rate schedule until the customer establishes monthly demands for each of eleven (11) consecutive monthly billing periods of less than thirty (30) kilowatts.

MONTHLY CHARGES

The monthly rates shall be the sum of the following charges:

Type of Charge	Description	Charge
Customer Charge	Customer charge for customers receiving three phase service	<u>\$ 27.80</u>
Wires Charge	Charge for distribution service	<u>\$ 0.02623/ KWh</u>
Energy Charge	Charge for energy supply and transmission cost	\$.075 / KWh
Power Cost Recovery Factor	Charge for adjustments in generation and transmission charges	monthly

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MINIMUM MONTHLY CHARGES

The minimum monthly bill shall be the customer charge.

BILLING ADJUSTMENTS

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

TERMS 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

“EXHIBIT A”

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.

"EXHIBIT A"

CITY OF BRENHAM

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

ALL SERVICES

400

423

TARIFF

SECTION NO.

SHEET NO.

ELECTRIC RATE SCHEDULE

JANUARY 1, 2020

Deleted: OCTOBER 1, 2008

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change Effective 10/01/08)

Deleted: 01/01/03

CHARACTER OF SERVICE

Electric service supplied under this rate schedule shall normally be single phase, 120/240 volt, 60 cycle alternating current delivered at a single point of service to be designated by the City.

SPECIAL CONDITION 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 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 non-coincident peak KW demand is less than 0.95.

The power factor penalty shall be calculated by increasing the measured 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 A"

CITY OF BRENHAM

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

ALL SERVICES

400

430

TARIFF

SECTION NO.

SHEET NO.

ELECTRIC RATE SCHEDULE

~~JANUARY 1, 2020~~

Deleted: OCTOBER 1, 2008

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change Effective, ~~10/01/08~~)

Deleted: 01/01/03

LARGE GENERAL SERVICE

RATE SCHEDULE E-E

APPLICABILITY

This rate is applicable to customers receiving single phase 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 thirty (30) kilowatts of maximum demand during any month during any twelve (12) month period, but whose electric requirements do not exceed three hundred (300) kilowatts of maximum demand during any month during any twelve month period. If the customer establishes a maximum demand of three hundred (300) kilowatts or more, the monthly billing will be calculated under the Small Industrial Rate Schedule and will continue to be so calculated under such rate schedule until the customer establishes monthly demands for each of eleven (11) consecutive monthly billing periods of less than three hundred (300) kilowatts.

MONTHLY BASE RATES

The monthly rates shall be the sum of the following charges:

Type of Charge	Description	Charge
Customer Charge	Customer charge for customers receiving single phase service	\$ 42.90
Wires Charge	Charge for transmission and distribution service	\$ 0.01781/ KWh
Energy Charge	Charge for energy supply and transmission costs	\$.075 / KWh
Power Cost Recovery Factor	Charge for adjustments in generation and transmission charges	monthly

Deleted: 40.00

Deleted: .0165

MINIMUM MONTHLY CHARGES

The minimum monthly bill shall be the customer charge.

BILLING ADJUSTMENTS

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

"EXHIBIT A"

CITY OF BRENHAM

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

ALL SERVICES

400

431

TARIFF

SECTION NO.

SHEET NO.

ELECTRIC RATE SCHEDULE

JANUARY 1, 2020

Deleted: OCTOBER 1, 2008

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change Effective 10/01/08)

Deleted: 01/01/03

2. If ownership or operation of a facility changes, the new customer shall assume the prior billing history and the account shall remain in the pre-existing rate category. The new customer shall not be billed under the Small General Service Rate until the facilities receiving service have established billing KW demand below thirty (30) KW for eleven (11) consecutive months, unless the customer can demonstrate that the characteristic of service has changed.

TERMS 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:

120/240 volts

single phase

SPECIAL CONDITION 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 non-coincident peak KW demand is less than 0.95.

The power factor penalty shall be calculated by increasing the measured 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 A"

CITY OF BRENHAM

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

ALL SERVICES

400

432

TARIFF

SECTION NO.

SHEET NO.

ELECTRIC RATE SCHEDULE

JANUARY 1, 2020

Deleted: OCTOBER 1, 2008

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change Effective 10/01/08)

Deleted: 01/01/03

LARGE GENERAL SERVICE

RATE SCHEDULE E-F

APPLICABILITY

This rate is applicable to customers receiving three phase 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 thirty (30) kilowatts of maximum demand during any month during any twelve (12) month period, but whose electric requirements do not exceed three hundred (300) kilowatts of maximum demand during any month during any twelve month period. If the customer establishes a maximum demand of three hundred (300) kilowatts or more, the monthly billing will be calculated under the Small Industrial Rate Schedule and will continue to be so calculated under such rate schedule until the customer establishes monthly demands for each of eleven (11) consecutive monthly billing periods of less than three hundred (300) kilowatts.

MONTHLY BASE RATES

The monthly rates shall be the sum of the following charges:

Type of Charge	Description	Charge
Customer Charge	Customer charge for customers receiving three phase service	<u>\$ 74.80</u>
Wires Charge	Charge for transmission and distribution service	<u>\$ 0.01781</u> KWh
Energy Charge	Charge for energy supply and transmission cost	\$.075 / KWh
Power Cost Recovery Factor	Charge for adjustments in generation and transmission charges	monthly

Deleted: 70.00

Deleted: .0165

MINIMUM MONTHLY CHARGES

The minimum monthly bill shall be the customer charge.

BILLING ADJUSTMENTS

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

"EXHIBIT A"

CITY OF BRENHAM

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

ALL SERVICES

400

433

TARIFF

SECTION NO.

SHEET NO.

ELECTRIC RATE SCHEDULE

JANUARY 1, 2020

Deleted: OCTOBER 1, 2008

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change Effective 10/01/08)

Deleted: 01/01/03

2. If ownership or operation of a facility changes, the new customer shall assume the prior billing history and the account shall remain in the pre-existing rate category. The new customer shall not be billed under the Small General Service Rate until the facilities receiving service have established billing KW demand below thirty (30) KW for eleven (11) consecutive months, unless the customer can demonstrate that the characteristic of service has changed.

TERMS 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 non-coincident peak KW demand is less than 0.95.

The power factor penalty shall be calculated by increasing the measured billing demand such that 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.

“EXHIBIT A”

The additional metering equipment necessary to measure or compute KVAR or power factor may be installed at any discretion of the City.

“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

JANUARY 1, 2020

Deleted: OCTOBER 1, 2014

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change Effective 10/01/14)

Deleted: 10/01/13

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

The monthly rates shall be the sum of the following charges:

Type of Charge	Description	Charge
Customer Charge	Customer charge for customers receiving three phase service	<u>\$ 108.00</u>
Distribution Wires Charge	Charge for distribution service	<u>\$ 0.01254/ KWh</u>
Energy Charge	Charge for energy supply and transmission costs	\$.075 KWh
Power Cost Recovery Factor	Charge for adjustments in generation and transmission	Monthly

Deleted: 100.00

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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 A”

CITY OF BRENHAM

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	<u>JANUARY 1, 2020</u>	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change Effective <u>10/1/14</u>)	

Deleted: OCTOBER 1, 2014

Deleted: 10/01/13

TERMS 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 A"

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

~~JANUARY 1, 2020~~

Deleted: OCTOBER 1, 2014

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change Effective ~~10/01/14~~)

Deleted: 10/01/13

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

The monthly rates shall be the sum of the following charges:

Type of Charge	Description	Charge
Customer Charge	Customer charge for customers receiving three phase service	\$ 108.00
Distribution Wires Charge	Charge for distribution service	\$ 0.00882/ KWh
Energy Charge	Charge for energy supply and transmission costs	\$.075 KWh
Power Cost Recovery Factor	Charge for adjustments in generation and transmission	Monthly

Deleted: 100.00

Deleted: .00817

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 A"

CITY OF BRENHAM

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

ALL SERVICES

400

451

TARIFF

SECTION NO.

SHEET NO.

ELECTRIC RATE SCHEDULE

JANUARY 1, 2020

Deleted: OCTOBER 1, 2014

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change Effective 10/01/14)

Deleted: 10/01/13

TERMS 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 A"

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

ALL SERVICES

400

460

TARIFF

SECTION NO.

SHEET NO.

ELECTRIC RATE SCHEDULE

JANUARY 1, 2020

Deleted: OCTOBER 1, 2008

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change Effective 10/01/08)

Deleted: 01/01/03

**MERCURY VAPOR LUMINARIES
SECURITY LIGHT SERVICE
RATE SCHEDULES E - SL and E-SLO**

APPLICABILITY

This rate is applicable to all unmetered, dusk to dawn lighting where the City's existing facilities are suitable for the installation of necessary fixtures.

AVAILABILITY

This rate is available to all customers of the Municipal Light and Power System.

MONTHLY CHARGES

The monthly bill shall be \$ 13.90 per LUMINARIES.

Deleted: 13.49

TERMS 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

Service supplied under this schedule shall consist of service to 175 watt, 250 watt, or 400 watt mercury vapor luminaries installed on wooden poles with overhead secondary service.

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. Mercury vapor luminaries shall be installed on existing facilities of the City at no expense to the customer other than the monthly charge. Should the customer desire additional wooden poles for the purpose of receiving security lighting service, at a maximum spacing not to exceed 125 feet, the poles will be provided at a non-refundable cost of \$75.00 per pole to the customer.

“EXHIBIT A”

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

ALL SERVICES	400	470
TARIFF	SECTION NO.	SHEET NO.
ELECTRIC RATE SCHEDULE	OCTOBER 1, 2008	
SECTION TITLE	EFFECTIVE DATE	
(Supersedes Rate Change Effective 01/01/03)		

STREET LIGHTS

RATE SCHEDULE E - Y

MONTHLY CHARGES

The monthly rates shall be the sum of the following charges:

Type of Charge	Description	Charge
Customer Charge	Customer charge for customers receiving the street lighting service	\$15.00
Energy Charge	Charge for energy supply and transmission costs	\$.075 / KWh
Power Cost Recovery Factor	Charge for adjustments in generation and transmission charges	monthly

MINIMUM MONTHLY CHARGES

The minimum monthly bill shall be \$ 15.00

BILLING ADJUSTMENTS

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

TERMS 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.

SPECIAL CONDITION OF SERVICE

Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.

“EXHIBIT A”

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

ALL SERVICES	400	485
TARIFF	SECTION NO.	SHEET NO.
ELECTRIC RATE SCHEDULE	<u>JANUARY 1, 2020</u>	

Deleted: OCTOBER 1, 2008

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change Effective 10/01/08)

Deleted: 09/01/08

POWER COST RECOVERY FACTOR

APPLICABILITY

All charges under all rate schedules, with the exception of rate schedule E-SL, may be adjusted (increased or decreased) monthly based upon the calculated Power Cost Recovery Factor (PCRF)

Deleted: will

CALCULATION OF POWER COST RECOVERY FACTOR

Wholesale power costs will be passed through with no markup. This will be calculated based on actual costs and forecast of future cost and consumption. The goal is to pass all costs through on a fiscal year basis.

Deleted: The applicable PCRF (expressed in dollars per kWh) shall be calculated monthly according to the following methodology, and applied to each account's monthly bill on a uniform per billed kWh basis:[¶]
$$PCRF = (A - B) \times C^{\dagger}$$

Where:[¶]
A = . Current effective rate per kWh of generation cost, calculated as the total charges from LCRA[¶]
 . . . Divided by total billed.[¶]
[¶]
B = . Current Generation charge (base charge) per kWh[¶]
C = . Total kWh[¶]



AGENDA ITEM 17

DATE OF MEETING: September 5, 2019	DATE SUBMITTED: August 29, 2019															
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Jeana Bellinger															
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;">MEETING TYPE:</td> <td style="width: 33%; vertical-align: top;">CLASSIFICATION:</td> <td style="width: 33%; vertical-align: top;">ORDINANCE:</td> </tr> <tr> <td>☒ REGULAR</td> <td>☐ PUBLIC HEARING</td> <td>☐ 1ST READING</td> </tr> <tr> <td>☐ SPECIAL</td> <td>☐ CONSENT</td> <td>☐ 2ND READING</td> </tr> <tr> <td>☐ EXECUTIVE SESSION</td> <td>☒ REGULAR</td> <td>☐ RESOLUTION</td> </tr> <tr> <td></td> <td>☐ WORK SESSION</td> <td></td> </tr> </table>		MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING	☐ SPECIAL	☐ CONSENT	☐ 2 ND READING	☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION		☐ WORK SESSION	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:														
☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING														
☐ SPECIAL	☐ CONSENT	☐ 2 ND READING														
☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION														
	☐ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Appointment of Persons to Serve on the Brenham Community Projects Fund, Inc. Board of Directors and Authorize the Mayor to Execute Any Necessary Documentation																
SUMMARY STATEMENT: At the August 27, 2015 City Council meeting, former Director of Community Services, Wende Ragonis, presented to Council the idea of forming a 501(c)(3) non-profit Charitable Foundation to provide funding for quality of life enrichment for recreation, literacy and community philanthropy and development. At that time the City Council was in favor of moving forward to form a 501(c)(3) non-profit charitable foundation to be named City of Brenham Community Projects Fund, Inc. (the Foundation). Shortly after Council's approval, the Certificate of Formation and Bylaws were prepared and submitted to the Secretary of State's Office. The Council also appointed the following Officers for the Foundation: - President: Mayor Milton Y. Tate, Jr. - Vice President: Councilmember Gloria Greenwade Nix - Treasurer: City Manager Terry Roberts - Secretary: City Manager Terry Roberts Since 2015, the Foundation has been dormant; however, the past few months staff has had several people and local businesses inquire about a 501(c)(3) organization to accept monetary donations for Parks and Animal Services. Last month, staff began working with the City Attorney on the steps required to get the Foundation up and running. The first step is to get a new slate of Officers, appointed by the City Council, since two of the three Officers are no longer affiliated with the City. After new Officers are appointed by the Council, they will be required to hold a meeting at which time they will be nominated and elected to serve a specific position on the Board. Staff is asking that the Council appoint two or three new members to serve on the Board along with Mayor Tate.																

STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:
ALTERNATIVES (In Suggested Order of Staff Preference):
ATTACHMENTS: (1) None
FUNDING SOURCE (Where Applicable):
RECOMMENDED ACTION: Approve the appointment of persons to serve on the Brenham Community Projects Fund, Inc. Board of Directors and authorize the Mayor to execute any necessary documentation
APPROVALS: James Fisher



AGENDA ITEM 18

DATE OF MEETING: September 5, 2019		DATE SUBMITTED: August 29, 2019	
DEPT. OF ORIGIN: Airport		SUBMITTED BY: Kim Hodde	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	
☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING	
☐ SPECIAL	☐ CONSENT	☐ 2 ND READING	
☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION	
	☐ WORK SESSION		
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Approval of the Routine Airport Maintenance Program (RAMP) Grant Agreement No. M2017BREN with TxDOT for FY2020 and Authorize the Mayor to Execute Any Necessary Documentation			
SUMMARY STATEMENT: Included on the Agenda for Thursday's Council meeting is consideration of our annual grant agreement with TxDOT for participation in the Routine Airport Maintenance Program (RAMP) for September 1, 2019 through August 31, 2020. As in the prior years, this agreement allows us to be reimbursed for 50% of the cost of our monthly AWOS monitoring (AviMet Data Link connection fees and continued scheduled maintenance), annual AWOS maintenance contract, as well as 50% of our replacement lamps for the airport lighting system, herbicides, general maintenance, and a contingency for emergency repairs. The maximum for the grant is \$100,000 total (50/50 match) for the fiscal year. We have budgeted funds of \$50,000 and with TX DOT's \$50,000 match, this will enable us to do \$100,000 worth of maintenance at half the cost to the City of Brenham.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS: 50% of the routine maintenance items would be reimbursed by TX DOT			
B. CONS: The City of Brenham will pay for 100% of all maintenance costs			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: (1) 2020 RAMP agreement			
FUNDING SOURCE (Where Applicable): Budgeted funds			
RECOMMENDED ACTION: Approve the Routine Airport Maintenance Program (RAMP) Grant Agreement No. M2017BREN with TxDOT for FY2020 and authorize the Mayor to execute any necessary documentation			
APPROVALS: James Fisher			

**TEXAS DEPARTMENT OF TRANSPORTATION
GRANT FOR ROUTINE AIRPORT MAINTENANCE PROGRAM
(State Assisted Airport Routine Maintenance)**

TxDOT Project ID.: M2017BREN

Part I - Identification of the Project

TO: The City of Brenham, Texas

FROM: The State of Texas, acting through the Texas Department of Transportation

This Grant is made between the Texas Department of Transportation, (hereinafter referred to as the "State"), on behalf of the State of Texas, and the City of Brenham, Texas, (hereinafter referred to as the "Sponsor").

This Grant Agreement is entered into between the State and the Sponsor shown above, under the authority granted and in compliance with the provisions of the Transportation Code Chapter 21.

The project is for **airport maintenance** at the BRENHAM - BRENHAM MUNI Airport.

Part II - Offer of Financial Assistance

1. For the purposes of this Grant, the annual routine maintenance project cost, Amount A, is estimated as found on Attachment A, Scope of Services, attached hereto and made a part of this grant agreement.

State financial assistance granted will be used solely and exclusively for airport maintenance and other incidental items as approved by the State. Actual work to be performed under this agreement is found on Attachment A, Scope of Services. State financial assistance, Amount B, will be for fifty percent (50%) of the eligible project costs for this project or \$50,000.00, whichever is less, per fiscal year and subject to availability of state appropriations.

Scope of Services, Attachment A, of this Grant, may be amended, subject to availability of state funds, to include additional approved airport maintenance work. Scope amendments require submittal of an Amended Scope of Services, Attachment A.

Services will not be accomplished by the State until receipt of Sponsor's share of project costs.

Only work items as described in Attachment A, Scope of Services of this Grant are reimbursable under this grant.

Work shall be accomplished by August 31, 2020, unless otherwise approved by the State.

2. The State shall determine fair and eligible project costs for work scope. Sponsor's share of estimated project costs, Amount C, shall be as found on Attachment A and any amendments.

It is mutually understood and agreed that if, during the term of this agreement, the State determines that there is an overrun in the estimated annual routine maintenance costs, the State may increase the grant to cover the amount of the overrun within the above stated percentages and subject to the maximum amount of state funding.

The State will not authorize expenditures in excess of the dollar amounts identified in this Agreement and any amendments, without the consent of the Sponsor.

3. Sponsor, by accepting this Grant certifies and, upon request, shall furnish proof to the State that it has sufficient funds to meet its share of the costs. The Sponsor grants to the State the right to audit any books and records of the Sponsor to verify expended funds.

Upon execution of this Agreement and written demand by the State, the Sponsor's financial obligation (Amount C) shall be due in cash and payable in full to the State. State may request the Sponsor's financial obligation in partial payments. Should the Sponsor fail to pay their obligation, either in whole or in part, within 30 days of written demand, the State may exercise its rights under Paragraph V-3. Likewise, should the State be unwilling or unable to pay its obligation in a timely manner, the failure to pay shall be considered a breach and the Sponsor may exercise any rights and remedies it has at law or equity.

The State shall reimburse or credit the Sponsor, at the financial closure of the project, any excess funds provided by the Sponsor which exceed Sponsor's share (Amount C).

4. The Sponsor specifically agrees that it shall pay any project costs which exceed the amount of financial participation agreed to by the State. It is further agreed that the Sponsor will reimburse the State for any payment or payments made by the State which are in excess of the percentage of financial assistance (Amount B) as stated in Paragraph II-1.

5. Scope of Services may be accomplished by State contracts or through local contracts of the Sponsor as determined appropriate by the State. All locally contracted work must be approved by the State for scope and reasonable cost. Reimbursement requests for locally contracted work shall be submitted on forms provided by the State and shall include copies of the invoices for materials or services. Payment shall be made for no more than 50% of allowable charges.

The State will not participate in funding for force account work conducted by the Sponsor.

6. This Grant shall terminate upon completion of the scope of services.

Part III - Sponsor Responsibilities

1. In accepting this Grant, if applicable, the Sponsor guarantees that:
 - a. it will, in the operation of the facility, comply with all applicable state and federal laws, rules, regulations, procedures, covenants and assurances required by the State in connection with this Grant; and
 - b. the Airport or navigational facility which is the subject of this Grant shall be controlled by the Sponsor for a period of at least 20 years; and
 - c. consistent with safety and security requirements, it shall make the airport or air navigational facility available to all types, kinds and classes of aeronautical use without discrimination between such types, kinds and classes and shall provide adequate public access during the period of this Grant; and
 - d. it shall not grant or permit anyone to exercise an exclusive right for the conduct of aeronautical activity on or about an airport landing area. Aeronautical activities include, but are not limited to scheduled airline flights, charter flights, flight instruction, aircraft sales, rental and repair, sale of aviation petroleum products and aerial applications. The landing area consists of runways or landing strips, taxiways, parking aprons, roads, airport lighting and navigational aids; and
 - e. through the fence access shall be reviewed and approved by the State; and
 - f. it shall not permit non-aeronautical use of airport facilities without prior approval of the State; and

- g. the Sponsor shall submit to the State annual statements of airport revenues and expenses when requested; and
- h. all fees collected for the use of the airport shall be reasonable and nondiscriminatory. The proceeds from such fees shall be used solely for the development, operation and maintenance of the airport or navigational facility; and
- i. an Airport Fund shall be established by resolution, order or ordinance in the treasury of the Sponsor, or evidence of the prior creation of an existing airport fund or properly executed copy of the resolution, order, or ordinance creating such a fund, shall be submitted to the State. The fund may be an account as part of another fund, but must be accounted for in such a manner that all revenues, expenses, retained earnings, and balances in the account are discernible from other types of moneys identified in the fund as a whole. All fees, charges, rents, and money from any source derived from airport operations must be deposited in the Airport Fund and shall not be diverted to the general revenue fund or another revenue fund of the Sponsor. All expenditures from the Airport Fund shall be solely for airport purposes. Sponsor shall be ineligible for a subsequent grant or loan by the State unless, prior to such subsequent grant or loan, Sponsor has complied with the requirements of this subparagraph; and
- j. the Sponsor shall operate runway lighting at least at low intensity from sunset to sunrise; and
- k. insofar as it is reasonable and within its power, Sponsor shall adopt and enforce zoning regulations to restrict the height of structures and use of land adjacent to or in the immediate vicinity of the airport to heights and activities compatible with normal airport operations as provided in Tex. Loc. Govt. Code Ann. Sections 241.001 et seq. (Vernon and Vernon Supp.). Sponsor shall also acquire and retain aviation easements or other property interests in or rights to use of land or airspace, unless sponsor can show that acquisition and retention of such interest will be impractical or will result in undue hardship to Sponsor. Sponsor shall be ineligible for a subsequent grant or loan by the State unless Sponsor has, prior to subsequent approval of a grant or loan, adopted and passed an airport hazard zoning ordinance or order approved by the State.
- l. mowing services will not be eligible for state financial assistance. Sponsor will be responsible for 100% of any mowing services.

2. The Sponsor, to the extent of its legal authority to do so, shall save harmless the State, the State's agents, employees or contractors from all claims and liability due to activities of the Sponsor, the Sponsor's agents or employees performed under this agreement. The Sponsor, to the extent of its legal authority to do so, shall also save harmless the State, the State's agents, employees or contractors from any and all expenses, including attorney fees which might be incurred by the State in litigation or otherwise resisting claim or liabilities which might be imposed on the State as the result of those activities by the Sponsor, the Sponsor's agents or employees.
3. The Sponsor's acceptance of this Offer and ratification and adoption of this Grant shall be evidenced by execution of this Grant by the Sponsor. The Grant shall comprise a contract, constituting the obligations and rights of the State of Texas and the Sponsor with respect to the accomplishment of the project and the operation and maintenance of the airport.

If it becomes unreasonable or impractical to complete the project, the State may void this agreement and release the Sponsor from any further obligation of project costs.

4. Upon entering into this Grant, Sponsor agrees to name an individual, as the Sponsor's Authorized Representative, who shall be the State's contact with regard to this project. The Representative shall receive all correspondence and documents associated with this grant and shall make or shall acquire approvals and disapprovals for this grant as required on behalf of the Sponsor, and coordinate schedule for work items as required.
5. By the acceptance of grant funds for the maintenance of eligible airport buildings, the Sponsor certifies that the buildings are owned by the Sponsor. The buildings may be leased but if the lease agreement specifies that the lessee is responsible for the upkeep and repairs of the building no state funds shall be used for that purpose.
6. Sponsor shall request reimbursement of eligible project costs on forms provided by the State. All reimbursement requests are required to include a copy of the invoices for the materials or services. The reimbursement request will be submitted no more than once a month.
7. The Sponsor's acceptance of this Agreement shall comprise a Grant Agreement, as provided by the Transportation Code, Chapter 21, constituting the contractual obligations and rights of the State of Texas and the Sponsor with respect to the accomplishment of the airport maintenance and compliance with the assurances and conditions as provided. Such Grant Agreement shall become effective upon the State's written Notice to Proceed issued following execution of this agreement.

Part IV - Nomination of the Agent

1. The Sponsor designates the State as the party to receive and disburse all funds used, or to be used, in payment of the costs of the project, or in reimbursement to either of the parties for costs incurred.
2. The State shall, for all purposes in connection with the project identified above, be the Agent of the Sponsor. The Sponsor grants the State a power of attorney to act as its agent to perform the following services:
 - a. accept, receive, and deposit with the State any and all project funds granted, allowed, and paid or made available by the Sponsor, the State of Texas, or any other entity;
 - b. enter into contracts as necessary for execution of scope of services;
 - c. if State enters into a contract as Agent: exercise supervision and direction of the project work as the State reasonably finds appropriate. Where there is an irreconcilable conflict or difference of opinion, judgment, order or direction between the State and the Sponsor or any service provider, the State shall issue a written order which shall prevail and be controlling;
 - d. receive, review, approve and pay invoices and payment requests for services and materials supplied in accordance with the State approved contracts;
 - e. obtain an audit as may be required by state regulations; the State Auditor may conduct an audit or investigation of any entity receiving funds from TxDOT directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the State Auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
 - f. reimburse sponsor for approved contract maintenance costs no more than once a month.

Part V - Recitals

1. This Grant is executed for the sole benefit of the contracting parties and is not intended or executed for the direct or incidental benefit of any third party.
2. It is the intent of this grant to not supplant local funds normally utilized for airport maintenance, and that any state financial assistance offered under this grant be in addition to those local funds normally dedicated for airport maintenance.

3. This Grant is subject to the applicable provisions of the Transportation Code, Chapters 21 and 22, and the Airport Zoning Act, Tex. Loc. Govt. Code Ann. Sections 241.001 et seq. (Vernon and Vernon Supp.). Failure to comply with the terms of this Grant or with the rules and statutes shall be considered a breach of this contract and will allow the State to pursue the remedies for breach as stated below.
 - a. Of primary importance to the State is compliance with the terms and conditions of this Grant. If, however, after all reasonable attempts to require compliance have failed, the State finds that the Sponsor is unwilling and/or unable to comply with any of the terms of this Grant, the State, may pursue any of the following remedies: (1) require a refund of any financial assistance money expended pursuant to this Grant, (2) deny Sponsor's future requests for aid, (3) request the Attorney General to bring suit seeking reimbursement of any financial assistance money expended on the project pursuant to this Grant, provided however, these remedies shall not limit the State's authority to enforce its rules, regulations or orders as otherwise provided by law, (4) declare this Grant null and void, or (5) any other remedy available at law or in equity.
 - b. Venue for resolution by a court of competent jurisdiction of any dispute arising under the terms of this Grant, or for enforcement of any of the provisions of this Grant, is specifically set by Grant of the parties in Travis County, Texas.
4. The State reserves the right to amend or withdraw this Grant at any time prior to acceptance by the Sponsor. The acceptance period cannot be greater than 30 days after issuance unless extended by the State.
5. This Grant constitutes the full and total understanding of the parties concerning their rights and responsibilities in regard to this project and shall not be modified, amended, rescinded or revoked unless such modification, amendment, rescission or revocation is agreed to by both parties in writing and executed by both parties.
6. All commitments by the Sponsor and the State are subject to constitutional and statutory limitations and restrictions binding upon the Sponsor and the State (including Sections 5 and 7 of Article 11 of the Texas Constitution, if applicable) and to the availability of funds which lawfully may be applied.

Part VI - Acceptances

Sponsor

The City of Brenham, Texas, does ratify and adopt all statements, representations, warranties, covenants, agreements, and all terms and conditions of this Grant.

Executed this 5th day of September, 2019.

The City of Brenham, Texas

Sponsor

Sponsor Signature Milton Y. Tate, Jr.

Mayor

Sponsor Title

Certificate of Attorney

I, Cary Bovey, acting as attorney for the City of Brenham, Texas, do certify that I have fully examined the Grant and the proceedings taken by the Sponsor relating to the acceptance of the Grant, and find that the manner of acceptance and execution of the Grant by the Sponsor, is in accordance with the laws of the State of Texas.

Dated at Brenham, Texas, this _____ day of September, 2019.

Attorney's Signature

Acceptance of the State

Executed by 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 and grants heretofore approved and authorized by the Texas Transportation Commission.

STATE OF TEXAS

TEXAS DEPARTMENT OF TRANSPORTATION

By: _____

Date: _____

Attachment A

Scope of Services
TxDOT Project ID: M2017BREN

Eligible Scope Item	Estimated Costs Amount A	State Share Amount B	Sponsor Share Amount C
GENERAL MAINTENANCE	\$100,000.00	\$50,000.00	\$50,000.00
TOTAL	\$100,000.00	\$50,000.00	\$50,000.00

Accepted By: The City of Brenham, Texas

Signature Milton Y. Tate, Jr.

Title: Mayor

Date: _____

GENERAL MAINTENANCE: As needed, Sponsor may contract for services / purchase materials for routine maintenance / improvement of airport pavements, signage, drainage, AWOS systems, approach aids, lighting systems, utility infrastructure, fencing, herbicide / application, sponsor owned and operated fuel systems, hangars, terminal buildings and security systems; professional services for environmental compliance, approved project design. Special projects to be determined and added by amendment.

Only work items as described in Attachment A, Scope of Services of this Grant are reimbursable under this grant.

CERTIFICATION OF AIRPORT FUND

TxDOT Project ID: M2017BREN

The City of Brenham does certify that an Airport Fund has been established for the Sponsor, and that all fees, charges, rents, and money from any source derived from airport operations will be deposited for the benefit of the Airport Fund and will not be diverted for other general revenue fund expenditures or any other special fund of the Sponsor and that all expenditures from the Fund will be solely for airport purposes. The fund may be an account as part of another fund, but must be accounted for in such a manner that all revenues, expenses, retained earnings, and balances in the account are discernible from other types of moneys identified in the fund as a whole.

Sponsor: The City of Brenham, Texas

By: Carolyn D. Miller

Title: Chief Financial Officer

Date: _____

Certification of State Single Audit Requirements

I, Carolyn D. Miller, do certify that the City of Brenham, Texas,

(Designated Representative)

will comply with all requirements of the State of Texas Single Audit Act if the City of Brenham, Texas, spends or receives more than the threshold amount in any grant funding sources during the most recently audited fiscal year. And in following those requirements, the City of Brenham, Texas, will submit the report to the audit division of the Texas Department of Transportation. If your entity did not meet the threshold in grant receivables or expenditures, please submit a letter indicating that your entity is not required to have a State Single Audit performed for the most recent audited fiscal year.

Signature

Chief Financial Officer

Title

Date

DESIGNATION OF SPONSOR'S AUTHORIZED REPRESENTATIVE

TxDOT Project ID: M2017BREN

The City of Brenham, Texas, designates, Kim Hodde, Airport Coordinator
(Name, Title)

as the Sponsor's authorized representative, who shall receive all correspondence and documents associated with this grant and who shall make or shall acquire approvals and disapprovals for this grant as required on behalf of the Sponsor.

Sponsor: The City of Brenham, Texas

By: _____
Milton Y. Tate, Jr.

Title: Mayor

Date: _____

DESIGNATED REPRESENTATIVE

Mailing Address: P.O. Box 1059
Brenham, Texas 77834-1059

Overnight Mailing Address: 200 W. Vulcan Street
Brenham, Texas 77833

Telephone Number: 979 337-7212

Fax Number: 979-337-7218

Email Address: Khodde@cityofbrenham.org



AGENDA ITEM 19

DATE OF MEETING: September 5, 2019	DATE SUBMITTED: August 29, 2019
DEPT. OF ORIGIN: Airport	SUBMITTED BY: Kim Hodde
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION
ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Extension of a Contract Between the City of Brenham and Ron Stegemoller dba RS Aircraft Services for Mechanic Services at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation	
SUMMARY STATEMENT: The City of Brenham approved an agreement with Ron Stegemoller dba RS Aircraft Service for mechanic services at the Brenham Municipal Airport on the 16 th day of September 2004. Article II of this agreement allows for a five (5) year renewal option if Lessee gives written notice of such desire to Lessor not less than sixty (60) days before the end of the current term. This agreement was extended on August 5, 2010 and again on September 16, 2014 for a five (5) year term. The contract extension will expire on September 16, 2019; however, the City and Mr. Stegemoller desire to extend the lease for another five (5) year term by mutual agreement. The Airport Advisory Board and I feel that Mr. Stegemoller is an asset to the airport and would ask that this five (5) year extension commencing September 16, 2019 be approved.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: (1) Letter from Mr. Stegemoller; and (2) Extension of the Contract for Mechanic Services at the Brenham Municipal Airport	
FUNDING SOURCE (Where Applicable):	
RECOMMENDED ACTION: Approve the Extension of a Contract between the City of Brenham and Ron Stegemoller dba RS Aircraft Services for Mechanic Services at the Brenham Municipal Airport and authorize the Mayor to execute any necessary documentation	
APPROVALS: James Fisher	

R S AIRCRAFT SERVICE

3103 AVIATION WAY

BRENHAM TX. 77833

Phone 979-836-0846

Email rsaircraft@hotmail.com

June 10, 2019

To; City of Brenham, TX

I, Ron Stegemoller doing business as RS Aircraft Service would like to continue lease of the maintenance building at the Brenham Municipal Airport for the purpose of aircraft repair and inspections for the next five years ending Sept.16, 2024.

I am willing to comply with the current Contract for Aircraft Mechanic Services at the Brenham Municipal Airport.

Sincerely ,

Ron Stegemoller

A handwritten signature in black ink, appearing to read "Ron Stegemoller", written in a cursive style.

THE STATE OF TEXAS §
COUNTY OF WASHINGTON § KNOW ALL MEN BY THESE PRESENTS

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AGENDA ITEM 20

DATE OF MEETING: September 5, 2019	DATE SUBMITTED: August 28, 2019	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: James Fisher	
MEETING TYPE: ☐ REGULAR ☐ SPECIAL ☒ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Section 551.071 – Texas Government Code – Consultation with Attorney – Consultation with City Attorney for the Purpose of Seeking Legal Counsel Regarding Brenham Municipal Court Matters and Associated Issues, Including But Not Limited to the Presiding Municipal Court Judge		
SUMMARY STATEMENT: To be discussed in Executive Session.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: None		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: None		
APPROVALS: Milton Y. Tate, Jr.		



AGENDA ITEM 21

DATE OF MEETING: September 5, 2019	DATE SUBMITTED: August 28, 2019	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: James Fisher	
MEETING TYPE: ☐ REGULAR ☐ SPECIAL ☒ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Section 551.071 – Texas Government Code – Consultation with Attorney – Consultation with the City Attorney for the Purpose of Seeking Legal Counsel Regarding Authorizing Representation in a Matter Involving the Texas Municipal League Multistate Employee Benefits Pool and the Internal Revenue Service (IRS)		
SUMMARY STATEMENT: To be discussed in Executive Session.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: None		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: None		
APPROVALS: Milton Y. Tate, Jr.		



AGENDA ITEM 22

DATE OF MEETING: September 5, 2019	DATE SUBMITTED: August 23, 2019	
DEPT. OF ORIGIN: Human Resources	SUBMITTED BY: Susan Nienstedt	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-19-025 Authorizing Representation in a Matter Involving the Texas Municipal League Multistate Employee Benefits Pool and the Internal Revenue Service (IRS)		
SUMMARY STATEMENT: The City of Brenham received a Proposed Penalty Notice on July 29, 2019 from the Internal Revenue Service (IRS) for the late filing of the required 1095-C forms in 2017. The 1095-C form is an employer-provided health insurance document detailing an employee's health insurance coverage for the tax year. Each year the City of Brenham verifies employee and dependent's health insurance coverage for the tax year through our group medical provider Texas Municipal League Health Benefits (TML). TML then processes the 1095-C forms and mails it to employees for their tax preparation purposes. The IRS penalty proposed is for the late submission of 231 (1095-C) forms for a total of \$60,060, with the deadline of September 12, 2019 for the City to respond. TML has quickly responded to the City (and other cities) with the letter attached to outline their commitment to resolve this matter on the City's behalf. To move forward with a unified approach, TML is asking the City to authorize legal representation of Mitchell, Williams, Selig, Gates & Woodyard, PLLC to represent the TML Pool and its members in this matter.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Resolution No. R-19-025		
FUNDING SOURCE (Where Applicable):		

RECOMMENDED ACTION: Approve Resolution No. R-19-025 Authorizing Representation in a Matter Involving the Texas Municipal League Multistate Employee Benefits Pool and the Internal Revenue Service (IRS)

APPROVALS: James Fisher

RESOLUTION NO. R-19-025

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS AUTHORIZING REPRESENTATION IN A MATTER WITH THE INTERNAL REVENUE SERVICE (IRS) AND DELEGATING AUTHORITY TO OUTSIDE LEGAL COUNSEL TO PREPARE AND EXECUTE FORM 2848 IRS POWER OF ATTORNEY

WHEREAS, the TML Multistate Intergovernmental Employee Benefits Pool (the “Pool”) may have failed to timely file IRS Forms 1094-C and 1095-C (the “Tax Forms”) for the 2016 and 2017 federal tax years on behalf of the City of Brenham (the “City”), related to the City’s provision of minimum essential health coverage to its employees; and

WHEREAS, the Pool has agreed to resolve any proposed imposition of penalties and fines by the IRS for the late filing of the Tax Forms (the “Penalties”) on behalf of all affected member of the Pool, including the City; and

WHEREAS, the Pool has engaged the law firm of Mitchell, Williams, Selig, Gates & Woodyard, PLLC (“Mitchell Williams”) to represent the Pool and its member before the IRS with respect to any such Penalties, and the Pool shall be solely responsible for all communication with and payment of Mitchell Williams with regard to such matter; and

WHEREAS, in order for Mitchell Williams and its attorneys to communicate with the IRS regarding any Penalties proposed to be assessed against the City, an authorized official of the City must execute a Form 2848 IRS Power of Attorney authorizing the attorneys to represent the City before the IRS; and

WHEREAS, the City Council of the City of Brenham finds it necessary and proper to authorize Mayor Milton Y. Tate, Jr. to execute Form 2848 on behalf of the City for such purpose; and

NOW THEREFORE, IT IS HEREBY RESOLVED:

SECTION 1: The City is hereby authorized to engage Mitchell Williams to represent the City before the IRS with respect to resolving the proposed IRS Penalties that have been or may in the future be asserted against the City.

SECTION 2: Mayor Milton Y. Tate, Jr. is hereby authorized to execute a Form 2848 IRS Power of Attorney, in the form attached hereto as Exhibit A, for the purpose of granting the attorney listed therein the authority to represent the City before the IRS solely with respect to any such proposed Penalties for tax years 2016 and 2017.

PASSED AND APPROVED this 5th day of September, 2019.

Milton Y. Tate, Jr., Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Exhibit A

Form **2848**
(Rev. January 2018)
Department of the Treasury
Internal Revenue Service

Power of Attorney and Declaration of Representative

► Go to www.irs.gov/Form2848 for instructions and the latest information.

OMB No. 1545-0150

For IRS Use Only

Received by:

Name _____

Telephone _____

Function _____

Date ____/____/____

Part I Power of Attorney

Caution: A separate Form 2848 must be completed for each taxpayer. Form 2848 will not be honored for any purpose other than representation before the IRS.

1 Taxpayer information. Taxpayer must sign and date this form on page 2, line 7.

Taxpayer name and address		Taxpayer identification number(s)	
		Daytime telephone number	Plan number (if applicable)

hereby appoints the following representative(s) as attorney(s)-in-fact:

2 Representative(s) must sign and date this form on page 2, Part II.

Name and address Craig R. Cockrell 4206 S. J.B. Hunt Drive, Suite 200 Rogers, AR 72758 Check if to be sent copies of notices and communications ☒		CAF No. 0308-50611R PTIN _____ Telephone No. 479-464-5683 Fax No. 479-878-6938 Check if new: Address ☒ Telephone No. ☐ Fax No. ☒
Name and address Anton L. Janik, Jr. 426 W. Capitol Avenue, Suite 1800 Little Rock, AR 72201 Check if to be sent copies of notices and communications ☐		CAF No. 030539239R PTIN _____ Telephone No. 501-688-8888 Fax No. 501-918-7888 Check if new: Address ☐ Telephone No. ☐ Fax No. ☐
Name and address (Note: IRS sends notices and communications to only two representatives.)		CAF No. _____ PTIN _____ Telephone No. _____ Fax No. _____ Check if new: Address ☐ Telephone No. ☐ Fax No. ☐
Name and address (Note: IRS sends notices and communications to only two representatives.)		CAF No. _____ PTIN _____ Telephone No. _____ Fax No. _____ Check if new: Address ☐ Telephone No. ☐ Fax No. ☐

to represent the taxpayer before the Internal Revenue Service and perform the following acts:

3 Acts authorized (you are required to complete this line 3). With the exception of the acts described in line 5b, I authorize my representative(s) to receive and inspect my confidential tax information and to perform acts that I can perform with respect to the tax matters described below. For example, my representative(s) shall have the authority to sign any agreements, consents, or similar documents (see instructions for line 5a for authorizing a representative to sign a return).

Description of Matter (Income, Employment, Payroll, Excise, Estate, Gift, Whistleblower, Practitioner Discipline, PLR, FOIA, Civil Penalty, Sec. 5000A Shared Responsibility Payment, Sec. 4980H Shared Responsibility Payment, etc.) (see instructions)	Tax Form Number (1040, 941, 720, etc.) (if applicable)	Year(s) or Period(s) (if applicable) (see instructions)
Civil Penalty	1094-C; 1095-C	2016-2017

4 Specific use not recorded on Centralized Authorization File (CAF). If the power of attorney is for a specific use not recorded on CAF, check this box. See the instructions for Line 4. Specific Use Not Recorded on CAF ☐

5a Additional acts authorized. In addition to the acts listed on line 3 above, I authorize my representative(s) to perform the following acts (see instructions for line 5a for more information):

- ☐ Access my IRS records via an Intermediate Service Provider;
☐ Authorize disclosure to third parties; ☐ Substitute or add representative(s); ☐ Sign a return;

☐ Other acts authorized: _____

- b Specific acts not authorized.** My representative(s) is (are) not authorized to endorse or otherwise negotiate any check (including directing or accepting payment by any means, electronic or otherwise, into an account owned or controlled by the representative(s) or any firm or other entity with whom the representative(s) is (are) associated) issued by the government in respect of a federal tax liability.

List any other specific deletions to the acts otherwise authorized in this power of attorney (see instructions for line 5b): _____

- 6 Retention/revocation of prior power(s) of attorney.** The filing of this power of attorney automatically revokes all earlier power(s) of attorney on file with the Internal Revenue Service for the same matters and years or periods covered by this document. If you **do not** want to revoke a prior power of attorney, check here ☐ **YOU MUST ATTACH A COPY OF ANY POWER OF ATTORNEY YOU WANT TO REMAIN IN EFFECT.**

- 7 Signature of taxpayer.** If a tax matter concerns a year in which a joint return was filed, each spouse must file a separate power of attorney even if they are appointing the same representative(s). If signed by a corporate officer, partner, guardian, tax matters partner, partnership representative, executor, receiver, administrator, or trustee on behalf of the taxpayer, I certify that I have the legal authority to execute this form on behalf of the taxpayer.

► IF NOT COMPLETED, SIGNED, AND DATED, THE IRS WILL RETURN THIS POWER OF ATTORNEY TO THE TAXPAYER.

Signature

Date

Title (if applicable)

Print Name

Print name of taxpayer from line 1 if other than individual

Part II Declaration of Representative

Under penalties of perjury, by my signature below I declare that:

- I am not currently suspended or disbarred from practice, or ineligible for practice, before the Internal Revenue Service;
- I am subject to regulations contained in Circular 230 (31 CFR, Subtitle A, Part 10), as amended, governing practice before the Internal Revenue Service;
- I am authorized to represent the taxpayer identified in Part I for the matter(s) specified there; and
- I am one of the following:
 - a** Attorney—a member in good standing of the bar of the highest court of the jurisdiction shown below.
 - b** Certified Public Accountant—a holder of an active license to practice as a certified public accountant in the jurisdiction shown below.
 - c** Enrolled Agent—enrolled as an agent by the Internal Revenue Service per the requirements of Circular 230.
 - d** Officer—a bona fide officer of the taxpayer organization.
 - e** Full-Time Employee—a full-time employee of the taxpayer.
 - f** Family Member—a member of the taxpayer's immediate family (spouse, parent, child, grandparent, grandchild, step-parent, step-child, brother, or sister).
 - g** Enrolled Actuary—enrolled as an actuary by the Joint Board for the Enrollment of Actuaries under 29 U.S.C. 1242 (the authority to practice before the Internal Revenue Service is limited by section 10.3(d) of Circular 230).
 - h** Unenrolled Return Preparer—Authority to practice before the IRS is limited. An unenrolled return preparer may represent, provided the preparer (1) prepared and signed the return or claim for refund (or prepared if there is no signature space on the form); (2) was eligible to sign the return or claim for refund; (3) has a valid PTIN; and (4) possesses the required Annual Filing Season Program Record of Completion(s). **See Special Rules and Requirements for Unenrolled Return Preparers in the instructions for additional information.**
 - k** Qualifying Student—receives permission to represent taxpayers before the IRS by virtue of his/her status as a law, business, or accounting student working in an LITC or STCP. See instructions for Part II for additional information and requirements.
 - r** Enrolled Retirement Plan Agent—enrolled as a retirement plan agent under the requirements of Circular 230 (the authority to practice before the Internal Revenue Service is limited by section 10.3(e)).

► IF THIS DECLARATION OF REPRESENTATIVE IS NOT COMPLETED, SIGNED, AND DATED, THE IRS WILL RETURN THE POWER OF ATTORNEY. REPRESENTATIVES MUST SIGN IN THE ORDER LISTED IN PART I, LINE 2.

Note: For designations d-f, enter your title, position, or relationship to the taxpayer in the "Licensing jurisdiction" column.

Designation— Insert above letter (a-r).	Licensing jurisdiction (State) or other licensing authority (if applicable).	Bar, license, certification, registration, or enrollment number (if applicable).	Signature	Date
a	AR	2010247		
a	AR	2007271		