



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, AUGUST 17, 2017 AT 1:00 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – City Manager Terry Roberts**
- 3. Special Recognitions**
 - **Brenham Police Department’s Best Practices Award**
 - **GFOA Certificate of Achievement for Excellence in Financial Reporting**
 - *Ninth Consecutive Year*
- 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-17-008 on Its Second Reading Granting a Specific Use Permit to Redeemer Church Brenham to Allow for a Church and Related Auxiliary Uses on Property Located at 2111 S. Blue Bell Road in an R-1, Single Family Residential Zoning District, Said Property Being Described as 44.876 Acres Out of the James Walker Survey, A-106 (WCAD Tract 309), in Brenham, Washington County, Texas**

Pages 1-2

WORK SESSION

6. **Presentation of the Third Quarter Report by the Washington County Convention and Visitors Bureau**
Pages 3-9

PUBLIC HEARING

7. **Proposed Tax Rate of \$0.5170 per \$100 Valuation for Fiscal Year Beginning October 1, 2017 and Ending September 30, 2018**
Pages 10-11

REGULAR SESSION

8. **Discuss and Possibly Act Upon the Approval of the FY2017-18 Proposed Budget for the Washington County Appraisal District**
Pages 12-15
9. **Discuss and Possibly Act Upon Ordinance No. O-17-009 on Its Second Reading Granting a Specific Use Permit to On Site Restoration, Inc. dba On Site Clean Car to Allow for an Auto Detail Shop on Property Located at 1414 W. Main Street in a B-1, Local Business Residential Mixed Use Zoning District, Said Property Being Described as 0.407 Acres Out of the Phillip Coe Survey, A-31 (WCAD Tract 231), in Brenham, Washington County, Texas**
Pages 16-24
10. **Discuss and Possibly Act Upon Ordinance No. O-17-010 as an Emergency Measure for the Immediate Preservation of Public Property, Health and Safety, Regulating Network Providers, Network Nodes Node Support Poles and Associated Matters, Including But Not Limited to the Installation of Network Nodes, Node Support Poles and Other Network Related Infrastructure in City of Brenham Rights-Of-Way**
Pages 25-40
11. **Discuss and Possibly Act Upon Resolution No. R-17-013 Adopting Design and Construction Standards Regarding Network Providers, Network Nodes, Node Support Poles, and Other Network Related Infrastructure in the City of Brenham Rights-Of-Way**
Pages 41-72
12. **Discuss and Possibly Act Upon Bid No. 3900.0420/050 Related to the 2016 Water Treatment Plant Protective Coatings Project and Authorize the Mayor to Execute Any Necessary Documentation**
Pages 73-88
13. **Discuss and Possibly Act Upon Bid No. 3900.051 Related to the Texas Community Development Block Grant Program for the Rehabilitation of the Church Street Water Tower and Authorize the Mayor to Execute Any Necessary Documentation**
Pages 89-108

- 14. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending the Rate Tariff Schedule(s) for the City of Brenham Transfer Station Rates**

Pages 109-116

EXECUTIVE SESSION

- 15. Section 551.071 and Section 551.072, Texas Government Code – Consultation with Attorney and Deliberation Regarding Real Property – Discussion and Deliberation, and Consultation with City Attorney, Regarding the Lease Between City of Brenham and Brenham Heritage Museum, Inc. Concerning the Real Property Located at 105 S. Market Street, and Associated Issues**

Page 117

RE-OPEN REGULAR SESSION

- 16. Discuss and Possibly Take Action as a Result of Executive Session Regarding the Lease Between City of Brenham and Brenham Heritage Museum, Inc. Concerning the Real Property Located at 105 S. Market Street, and Associated Issues**

Page 118

- 17. 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 August 17, 2017 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 14, 2017 at **12:10 PM**.

Kacey A. Weiss

Deputy City Secretary

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

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the _____ day of _____, 2017 at _____ AM PM.

Signature

Title

ORDINANCE NO. O-17-008

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP TO GRANT A SPECIFIC USE PERMIT TO REDEEMER CHURCH FOR A CHURCH AND RELATED AUXILIARY USES, INCLUDING EDUCATIONAL AND PHILANTHROPIC USES IN AN R-1 (RESIDENTIAL DISTRICT) ZONING DISTRICT AND BEING LOCATED AT 2111 SOUTH BLUE BELL ROAD, CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS.

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

WHEREAS, Appendix A – “Zoning” of the City of Brenham Code of Ordinance authorizes the City Council to grant specific use permits for specific uses within the various zoning districts; and

WHEREAS, this amendment was recommended for approval by the City of Brenham Planning and Zoning Commission during its regular meeting on July 24, 2017;

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

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham is hereby amended to grant a specific use permit to Redeemer Church, its successors and assigns for a church and related auxiliary uses, including educational and philanthropic uses in an R-1 (Residential) zoning district and being located at 2111 South Blue Bell Road, City of Brenham, Washington County, Texas.

SECTION 2. This Ordinance shall take effect immediately upon the occurrence of compliance with the requirements of the Charter of the City of Brenham, Texas.

SECTION 3. Upon holding a properly notified public hearing, the City Council may amend, change, or rescind the Specific Use Permit granted by this Ordinance if:

- a. There is a violation and conviction of any of the provisions of this Ordinance, or any ordinance of the City of Brenham, that occurs on the Property;
- b. The building, premises, or Property used pursuant to the Specific Use Permit granted by this Ordinance are enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alteration, or change;
- c. There is a violation of any provision of the terms and conditions of the Specific Use Permit granted by this Ordinance; or
- d. As otherwise permitted by law and/or Brenham's Zoning Ordinance, as it exists or may be amended.

PASSED and APPROVED on its first reading this the 3rd day of August, 2017.

PASSED and APPROVED on its second reading this the 17th day of August, 2017.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



AGENDA ITEM 6

DATE OF MEETING: August 17, 2017	DATE SUBMITTED: August 8, 2017															
DEPT. OF ORIGIN: Convention and Visitors Bureau	SUBMITTED BY: Jenny Mills															
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;">MEETING TYPE:</td> <td style="width: 33%; vertical-align: top;">CLASSIFICATION:</td> <td style="width: 33%; vertical-align: top;">ORDINANCE:</td> </tr> <tr> <td>☒ REGULAR</td> <td>☐ PUBLIC HEARING</td> <td>☐ 1ST READING</td> </tr> <tr> <td>☐ SPECIAL</td> <td>☐ CONSENT</td> <td>☐ 2ND READING</td> </tr> <tr> <td>☐ EXECUTIVE SESSION</td> <td>☐ REGULAR</td> <td>☐ RESOLUTION</td> </tr> <tr> <td></td> <td>☒ WORK SESSION</td> <td></td> </tr> </table>		MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING	☐ SPECIAL	☐ CONSENT	☐ 2 ND READING	☐ EXECUTIVE SESSION	☐ REGULAR	☐ RESOLUTION		☒ WORK SESSION	
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AGENDA ITEM DESCRIPTION: Presentation of the Third Quarter Report by the Washington County Convention and Visitors Bureau																
SUMMARY STATEMENT: A copy of the Washington County Convention and Visitors Bureau Third Quarter Report is included in the agenda packet. If you are interested in obtaining a hard copy, please call the City Secretary at 979-337-7567																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:																
ALTERNATIVES (In Suggested Order of Staff Preference): N/A																
ATTACHMENTS: (1) 3rd Quarter Report – Convention and Visitors Bureau																
FUNDING SOURCE (Where Applicable): N/A																
RECOMMENDED ACTION: Discussion only																
APPROVALS: Terry K. Roberts																

WCCC Convention & Visitors Bureau

Awareness Report – April 2017



WALK IN VISITORS:

2017: 902

2016: 595

2015: 1,419



VISITOR INFO REQUESTS:

2017: 191

2016: 279

2015: 1,147



WEBSITE VISITORS:

2017: 24,091

2016: 22,099

2015: 30,207

UNIQUE PAGEVIEWS:

2017: 56,693

2016: 56,986

2015: 90,351



VISIT BRENHAM APP:

Apr: 109

Mar: 519

Feb: 172



LODGING REFERRALS:

2017: 726

2016: 654

2015: 1,476

LODGING SEARCHES:

2017: 795

2016: 1,095

2015: 2,111



ONLINE VISITOR GUIDE READS:

2017: 693

2016: 401

2015: 502



GOOGLE RANKINGS:

Bed and breakfast in Texas:

2017: #26

2016: #76

Texas festivals:

2017: #48

2016: #67

Hotels in Brenham Texas:

2017: #6

2016: #6

Things to do in Texas:

2017: #68

2016: #75

Major Tourism Events:

Bluebonnet Festival

Cotton Gin Festival

Bluebonnet Wine Trail

"Doubt, A Parable" at Unity Theatre

Head for the Hills Bike Ride

Spring Heritage Home Tour

Sunday Funday

Group Activity:

Harris Spring Church Women's Conference – 100

Abiding Word Lutheran Women's Conference – 200

Central Texas Historical Assoc – 115 ppl

Bicycle Tour - 220

Other groups – 700+ ppl

Media Coverage

Advertising placements:

Texas Highways – co-op double page spread

San Antonio – 1/3 page

True West – 1/3 page focused on Washington on the Brazos

MapHouston – Spring edition

Good Housekeeping, Woman's Day, Redbook – full page in regional editions

Byways – ½ page

Houston Chronicle Summer Fun Tab – co-op

AARP the magazine – 1/6 page

AARP digital – five elements running for four months

Texas Meetings & Events – 1/6 page

TourTexas.com – Hot & Happening Reconnect digital ad

Calendar Listings

Texas Events Calendar -

“Doubt: A Parable” at Unity Theatre

Heritage Society Spring Home Tour

LaBahia Antiques Show and Sale

Burton Cotton Gin Festival

Festivals of Texas –

Wine Down at Pleasant Hill Winery

Official Bluebonnet Festival of Texas

Coles Homes Tours

Heritage Society Spring Home Tour

LaBahia Antiques Show & Sale

Burton Cotton Gin Festival

Texas Highways –

“Doubt: A Parable” at Unity Theatre

Heritage Society Spring Home Tour

LaBahia Antiques Show and Sale

Burton Cotton Gin Festival

Chappell Hill Bluebonnet Festival

Poetry at Round Top

Piano Duo at Festival Hill

TexasHighways.com –

Maifest

Texas Farm & Home –

Burton Cotton Gin Festival

Editorial Coverage:

Online

Kbtx.com – feature about Antique Rose Emporium

ABC13.com - feature about bluebonnets and Chappell Hill

Sanantonioexpress-news.net – feature about Texas independence includes Washington on the Brazos

Geiger

Texas Highways –10-page feature about Washington County (advertising equivalency \$74,000-plus)

Regional/Civic meetings attended:

Adventure 290

Main Street Board

WCCC Convention & Visitors Bureau

Awareness Report – May 2017



WALK IN VISITORS:

2017: 492

2016: 391

2015: 442



VISITOR INFO REQUESTS:

2017: 1,375 (AARP mag)

2016: 544

2015: 2,800



WEBSITE VISITORS:

2017: 16,214

2016: 11,989

2015: 12,734

UNIQUE PAGEVIEWS:

2017: 32,588

2016: 26,740

2015: 30,366



VISIT BRENHAM APP:

May: 132

Apr: 109

Mar: 519



LODGING REFERRALS:

2017: 549

2016: 358

2015: 1,109

LODGING SEARCHES:

2017: 615

2016: 694

2015: 860



ONLINE VISITOR GUIDE READS:

2017: 280

2016: 102

2015: 60



GOOGLE RANKINGS:

Bed and breakfast in Texas:

2017: #27

2016: #76

Texas festivals:

2017: #48

2016: #67

Hotels in Brenham Texas:

2017: #8

2016: #6

Things to do in Texas:

2017: #64

2016: #75

TOP REFERRAL SITES:

1. Facebook
2. Games.AARP.org
3. BrenhamTexas.com
4. RoundTopTexasAntiques.com
5. CityofBrenham.org

Major Tourism Events:

Maifest

Tex Mex Car Show

Sunday Funday

Carnival at the Dog Park

Car Shows with a Cause

Group Activity:

SCBC Ladies Retreat – 70 ppl

Actors for Leading Ladies Production – 12 ppl

Towne Lake Women's Group – 100 ppl

Staff Retreat - St. Mary's Catholic C.S. – 25 ppl

Atlas Academy 7th Grade Tour – 45 ppl

Emma Lake Wedding – 100 ppl

Harvest Years Day Trip – 25 ppl

Other Groups – 300+ ppl

Media Coverage

Advertising placements:

Texas Monthly – 1/6 page

AARP the magazine – 1/6 page

TourTexas.com – banner ad home page placement

AARP digital – series of digital ads

Calendar Listings

Texas Events Calendar -

Brenham Maifest

Festivals of Texas –

Brenham Maifest

Texas Highways –

Brenham Maifest

TexasHighways.com –

Round Top Music Festival

Texas Farm & Home –

Burton Cotton Gin Festival

Editorial Coverage:

Online

thebat.com – feature about Antique Rose Emporium

theeagle.com - feature about Maifest activities

houstonchronicle.com – feature about Brenham and the WC rolling countryside

texasmonthly.com – feature about top 50 BBQ joints includes Truth Barbecue

military-technologies.net – feature about Juneteenth program at Washington on the Brazos

prweb.com – feature about Juneteenth program at Washington on the Brazos

Print

Texas Farm & Home – feature about Brenham

Austin Monthly – feature about 5 summer weekend getaways features Inn at Dos Brisas

Texas Monthly – feature about top 50 BBQ joints lists Truth Barbecue as #10

Regional/Civic meetings attended:

Adventure 290

HOT Board

Commissioners Court

Main Street Board

City Council

WCCC Convention & Visitors Bureau

Awareness Report – June 2017



WALK IN VISITORS:

2017: 553
2016: 491
2015: 379



VISITOR INFO REQUESTS:

2017: 1,138
2016: 329
2015: 2,353



WEBSITE VISITORS:

2017: 19,482
2016: 11,967
2015: 12,372

UNIQUE PAGEVIEWS:

2017: 38,648
2016: 27,404
2015: 29,041



VISIT BRENHAM APP:

June: 374
May: 134
Apr: 109



LODGING REFERRALS:

2017: 523
2016: 343
2015: 683

LODGING SEARCHES:

2017: 659
2016: 588
2015: 946



ONLINE VISITOR GUIDE READS:

2017: 297
2016: 83
2015: 41



GOOGLE RANKINGS:

Bed and breakfast in Texas:
2017: #21
2016: #76

Lodging in Texas:
2017: #20
2016: unknown

Hotels in Brenham Texas:
2017: #2 and #3
2016: #6

Things to do in Texas:
2017: #39
2016: #75

TOP REFERRAL SITES:

1. Facebook.com
2. BrenhamTexas.com
3. Games.AARP.org
4. RoundTopTexasAntiques.com
5. CityofBrenham.org

DIGITAL CAMPAIGNS (Google & Facebook):

Total Spend: \$6,436.96
Total Impressions: 1,083,365
Total Clicks: 40,052
Click Thru Rate: 3.7%
Cost Per Click: \$0.16

MOST VISITED PAGES:

1. Home
2. Events
3. Play
4. Tours & Attractions
5. Summer Sip event
6. Visitor Guide

Major Tourism Events:

Summer Sip Wine Walk
Juneteenth Celebration
Juneteenth at Washington on the Brazos
Round Top Festival Institute concerts
Leading Ladies at Unity Theatre

Group Activity:

Here I am Orphan Ministries – 300
Brenham U Conference – 350
VTD Sports Coach Pitch Nationals – 400
Livestock Judging Camp
Other Groups – 500+ ppl

Media Coverage

Advertising placements:

Texas Monthly.com – Homepage takeover for a week

AARP digital – April-August campaign using several approaches

Group Tour magazine – 1/3 page in Heritage/History special section

Houston Community Newspapers – 2 e-blasts promoting Summer Sip and Hot Nights

Calendar Listings

Texas Events Calendar -

Round Top Music Festival

“Leading Ladies” at Unity Theatre

Festivals of Texas –

“Leading Ladies” at Unity Theatre

Round Top Music Festival

Juneteenth Celebration in Brenham

Texas Highways –

Round Top Music Festival

“Leading Ladies” at Unity Theatre

TexasHighways.com –

Round Top Music Festival

Bryan-College Station Eagle –

July 4 at Washington on the Brazos

WTAW.com

Juneteenth event at Washington on the Brazos

KWHI.com

Juneteenth event at Washington on the Brazos

Editorial Coverage:

Online

dallasnews.com – feature about Round Top

theeagle.com - feature about July 4 activities at Washington on the Brazos

theeagle.com – feature about Juneteenth at Washington on the Brazos

groupstoday.com – feature about Wildflower Wonderlands includes Brenham

KTBX.com – feature about Juneteenth at Washington on the Brazos

prweb.com – feature about Washington on the Brazos

prweb.com – feature about Juneteenth program at Washington on the Brazos

Regional/Civic meetings attended:

HOT Board

Main Street Board

TTIA’s Tourism College



AGENDA ITEM 7

DATE OF MEETING: August 17, 2017	DATE SUBMITTED: August 11, 2017	
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 \$0.5170 per \$100 Valuation for Fiscal Year Beginning October 1, 2017 and Ending September 30, 2018		
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: Terry K. Roberts		



MEMORANDUM

To: Mayor, Council and City Manager

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

Subject: Public Hearing on Proposed 2017 Tax Rate

Date: August 11, 2017

The proposed FY2017-18 budget was presented to Council at the three Budget Workshops that were held during the week of July 3, 2017. The proposed budget was finalized at the July 27, 2017 Budget Workshop. The proposed budget is on the City's website and on file with the City Secretary.

A property tax rate of \$0.5170 per \$100 valuation is proposed to fund the FY2017-18 Budget. Of this rate, \$0.3200 will be for maintenance and operations (M&O). The balance of \$0.1970 is for debt service (interest and sinking or I&S). Based on the certified taxable values of \$1,268,819,218 the effective tax rate is \$0.4829 and the rollback rate is \$0.5248 per \$100 valuation for the 2017 Tax Year.

The increase in property taxes will cover various infrastructure projects along with the addition of several part-time positions needed to maintain general government services.

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 18, 2017 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 21, 2017 at 1:00 p.m. at City Hall, located at 200 W. Vulcan Street.



AGENDA ITEM 8

DATE OF MEETING: August 17, 2017	DATE SUBMITTED: August 11, 2017															
DEPT. OF ORIGIN: Finance	SUBMITTED BY: Carolyn D. Miller															
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	☐ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Approval of the FY2017-18 Proposed Budget for the Washington County Appraisal District																
SUMMARY STATEMENT: The City has received a copy of the Washington County Appraisal District's (WCAD) FY2017-2018 Proposed Budget. The WCAD proposed budget shows an increase of \$19,151 over the prior year's budget due to a 3% salary increase adopted by the Brenham Independent School District Board and several other smaller line item increases. The impact for the City of Brenham is an increase of \$6,930 for FY17-18 which was included in the General Fund proposed budget already reviewed with Council. I have attached the transmittal letter from Mr. Willy Dilworth and he will be attending the Council meeting to present the information and to answer any questions that may arise.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:																
ALTERNATIVES (In Suggested Order of Staff Preference):																
ATTACHMENTS: (1) Transmittal letter from Willy Dilworth, Chief Appraiser																
FUNDING SOURCE (Where Applicable):																
RECOMMENDED ACTION: Approve the FY2017-18 Proposed Budget for the Washington County Appraisal District																
APPROVALS: Terry K. Roberts																

WASHINGTON COUNTY APPRAISAL DISTRICT

1301 NIEBUHR
P. O. BOX 681
BRENHAM, TX 77834-0681
(979) 277-3740

July 13, 2017

The Washington County Appraisal District Board of Directors will adopt the 2017-2018 budget for the appraisal district on July 25, 2017. A copy of the proposed budget is attached. This proposed budget shows an increase over the prior year of \$19,151 or 2.4043%. The total budget amounts to \$815,696.

The attached budget is highlighted to show any area that increased over the prior year.

1. A three per cent raise in salaries accounts for \$7,386.
2. \$2,500 was allocated to start replacing chairs in our office that are about twenty years old now.
3. Adding a new vehicle to our fleet will add \$2,000 to vehicle supplies.
4. A major addition in miscellaneous expenses and general supplies of \$4,500 is based on increased mailing costs.
5. Proprietary software went up \$2,015.
6. The balance of increases was over several categories and were relatively nominal amounts.

I apologize for the late presentation of this proposed budget. If you have any questions or issues with the budget please let me know. Please keep this budget where it is available if taxpayers should have any questions regarding it. There is no action required by you at this time. We will ask for your approval after the board adopts it.

Thanks for your time and consideration.



Willy Dilworth
Chief Appraiser

Washington County Appraisal District
2017-2018 Budget
Proposed
July 25, 2017

41 General Administration

6100 Payroll Costs

		2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Professional Personnel	6119.00-952-0-99	\$ 57,691	\$ 58,845	\$ 63,020	\$ 64,975	\$ 67,712
Para Professional Personnel	6129.00-952-0-99	\$ 367,563	\$ 374,914	\$ 406,927	\$ 428,833	\$ 451,327
In District Travel	6139.00-952-0-99	\$ 1,200	\$ 1,200	\$ 1,200	\$ 2,400	\$ 600
FIMM Medicare	6141.00-952-0-99	\$ 4,151	\$ 4,471	\$ 4,983	\$ 5,860	\$ 5,826
Health Insurance/ Life Insurance	6142.00-952-0-99	\$ 26,335	\$ 28,361	\$ 28,206	\$ 36,986	\$ 28,212
Workers Comp.	6143.00-952-0-99	\$ 509	\$ 549	\$ 598	\$ 628	\$ 661
Unemployment Comp.	6145.00-952-0-99	\$ 300	\$ 323	\$ 114	\$ -	\$ -
Teacher Retirement	6146.00-952-0-99	\$ 2,202	\$ 2,371	\$ 9,634	\$ 10,123	\$ 2,853
New Staff Member		\$ -	\$ 35,000	\$ -	\$ -	\$ -
Payroll Costs		\$ 459,951	\$ 506,034	\$ 514,682	\$ 549,805	\$ 557,191

6200 Professional & Contracted Services

		2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Legal Services	6211.00-952-0-99	\$ 1,200	\$ 1,200	\$ 1,200	\$ 1,200	\$ 1,200
Arbitration	6212.00-952-0-99	\$ 5,000	\$ 5,000	\$ 5,000	\$ 2,000	\$ 2,000
Audit Services	6212.00-952-0-99	\$ 5,700	\$ 5,850	\$ 5,850	\$ 5,850	\$ 5,900
Tax Evaluation- T.Y. Pickett	6213.00-952-0-99	\$ 48,700	\$ 49,500	\$ 49,500	\$ 51,000	\$ 51,000
Data Processing Services	6218.00-952-0-99	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000
Appraisal Review Board	6219.00-952-0-99	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000
Contracted Services- Software	6249.00-952-0-99	\$ 44,797	\$ 46,589	\$ 48,452	\$ 50,390	\$ 52,405
Equipment Repair	6249.01-952-0-99	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500
Contracted Maintenance- MAP	6249.P2-952-0-99	\$ 5,383	\$ 11,300	\$ 11,300	\$ 11,300	\$ 11,300
Contracted Maintenance- Copier	6249.P5-952-0-99	\$ 1,850	\$ 2,400	\$ 3,500	\$ 4,000	\$ 4,000
Building Rental	6269.01-952-0-99	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000
Professional & Contracted Services		\$ 145,130	\$ 154,339	\$ 157,302	\$ 158,240	\$ 160,305

6300 Supplies & Materials

		2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Vehicle Supplies	6311.00-952-0-99	\$ 8,000	\$ 8,000	\$ 8,000	\$ 8,000	\$ 10,000
Books & Magazines	6329.00-952-0-99	\$ 2,000	\$ 2,000	\$ 2,400	\$ 2,400	\$ 2,400
Computer Supplies	6397.00-952-0-99	\$ 4,000	\$ 4,000	\$ 4,000	\$ 5,200	\$ 5,200
General Supplies	6399.00-952-0-99	\$ 17,500	\$ 17,500	\$ 17,500	\$ 17,500	\$ 20,000
Supplies & Materials		\$ 31,500	\$ 31,500	\$ 31,900	\$ 33,100	\$ 37,600

6400 Other Operating Costs

		2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Travel	6411.00-952-0-99	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,600
Insurance & Bonding Expenses	6429.00-952-0-99	\$ 9,000	\$ 9,000	\$ 9,000	\$ 10,400	\$ 11,000
Fees & Dues	6499.00-952-0-99	\$ 5,500	\$ 5,500	\$ 5,500	\$ 5,500	\$ 5,500
Misc. Expenses	6499.01-952-0-99	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 5,000
Other Operating Costs		\$ 20,500	\$ 20,500	\$ 20,500	\$ 21,900	\$ 25,100

6500 Debt Service

		2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Computer Note Payment	6512.00-952-0-99	\$ -	\$ -	\$ -	\$ -	\$ -
Interest on Loan	6522.00-952-0-99	\$ -	\$ -	\$ -	\$ -	\$ -
Debt Service		\$ -	\$ -	\$ -	\$ -	\$ -

6600 Capital Outlay- Land, Buildings & Equip.

		2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Vehicles	6631.00-952-0-99	\$ -	\$ -	\$ -	\$ -	\$ -
Fixed Assets- >\$5000	6638.00-952-0-99	\$ -	\$ -	\$ -	\$ -	\$ -
Fixed Assets	6639.00-952-0-99	\$ -	\$ -	\$ -	\$ -	\$ -
Fixed Assets- Unit<\$5000	6649.00-952-0-99	\$ 11,000	\$ 11,000	\$ 11,000	\$ 11,000	\$ 13,500
Capital Outlay-Special Projects	6649.SP-952-0-99	\$ -	\$ -	\$ -	\$ -	\$ -
Capital Outlay- Land, Buildings & Equip.		\$ 11,000	\$ 11,000	\$ 11,000	\$ 11,000	\$ 13,500

51 Plant Maintenance and Operations

6200 Professional & Contracted Services(51)

		2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Servicemaster	6248.00-952-0-99	\$ 5,600	\$ 5,768	\$ 5,500	\$ 5,750	\$ 5,750
Water	6255.00-952-0-99	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000
Telephone	6256.00-952-0-99	\$ 2,500	\$ 2,500	\$ 1,500	\$ 1,500	\$ 1,000
Electricity	6257.00-952-0-99	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000
Garbage & Sewer	6259.00-952-0-99	\$ 1,700	\$ 1,700	\$ 1,700	\$ 1,500	\$ 1,500
Natural Gas	6258.00-952-0-99	\$ 750	\$ 750	\$ 750	\$ 750	\$ 750
Professional & Contracted Services(51)		\$ -	\$ 23,550	\$ 23,718	\$ 22,500	\$ 22,000

Budget	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Payroll Costs	\$ 459,951	\$ 506,034	\$ 514,682	\$ 549,805	\$ 557,191

Washington County Appraisal District
2017-2018 Budget
Proposed
July 25, 2017

Professional & Contracted Services (41)		\$ 145,130	\$ 154,339	\$ 157,302	\$ 158,240	\$ 160,305
Supplies & Materials		\$ 31,500	\$ 31,500	\$ 31,900	\$ 33,100	\$ 37,600
Other Operating Costs		\$ 20,500	\$ 20,500	\$ 20,500	\$ 21,900	\$ 25,100
Debt Service		\$ -	\$ -	\$ -	\$ -	\$ -
Capital Outlay- Land, Buildings & Equip.		\$ 11,000	\$ 11,000	\$ 11,000	\$ 11,000	\$ 13,500
Professional & Contracted Services(51)		\$ 23,550	\$ 23,718	\$ 22,500	\$ 22,500	\$ 22,000
Totals		\$ 691,631	\$ 747,091	\$ 757,884	\$ 796,545	\$ 815,696

Entity/ Appraisal Allocation

	2016	Entity Cost
Brenham ISD	\$ 28,058,830	49.40% \$ 402,973
Burton ISD	\$ 4,434,179	7.81% \$ 63,682
City of Brenham	\$ 6,081,063	10.71% \$ 87,334
City of Burton	\$ 106,349	0.19% \$ 1,527
Oak Hill FWD	\$ 139,610	0.25% \$ 2,005
Washington County General	\$ 11,852,669	20.87% \$ 170,225
Washington County F&M	\$ 4,022,614	7.08% \$ 57,772
Blinn College	\$ 1,851,311	3.26% \$ 26,588
Giddings ISD	\$ 249,954	0.44% \$ 3,590
	\$ 56,796,579	100% \$ 815,696

2017 Cost \$ 815,696
2016 Cost \$ 796,545
Increase \$ 19,151
% Increase 2.4043%

%Total= 2016 Levy/\$56,796,579

Budget Allocation= % Total Levy x \$ 815,696

Entity/ Appraisal Allocation

	2016 Cost	2017 Cost	Change
Brenham ISD	\$ 391,130	\$ 402,973	\$ 11,843
Burton ISD	\$ 68,673	\$ 63,682	\$ (4,991)
City of Brenham	\$ 80,404	\$ 87,334	\$ 6,930
City of Burton	\$ 1,471	\$ 1,527	\$ 56
Oak Hill FWD	\$ 1,783	\$ 2,005	\$ 222
Washington County General	\$ 165,198	\$ 170,225	\$ 5,027
Washington County F&M	\$ 57,978	\$ 57,772	\$ (206)
Blinn College	\$ 26,328	\$ 26,588	\$ 260
Giddings ISD	\$ 3,581	\$ 3,590	\$ 9



AGENDA ITEM 9

DATE OF MEETING: August 17, 2017	DATE SUBMITTED: August 11, 2017
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Erik Smith

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

AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Ordinance No. O-17-009 on Its Second Reading Granting a Specific Use Permit to On Site Restoration, Inc. dba On Site Clean Car to Allow for an Auto Detail Shop on Property Located at 1414 W. Main Street in a B-1, Local Business Residential Mixed Use Zoning District, Said Property Being Described as 0.407 Acres Out of the Phillip Coe Survey, A-31 (WCAD Tract 231), in Brenham, Washington County, Texas

SUMMARY STATEMENT: On Site Restoration, Inc. has requested a special use permit (SUP) for 1414 West Main Street to allow for an auto detail shop. The applicant will be required to follow all other local ordinances currently required for businesses located in the B-1 Local Business/Residential Mixed Use District. This would include all of the materials used for this business to be located inside the business when not in operation. Staff reviewed the neighboring properties to verify if there were other like businesses in the area. Robert's Service Station is a couple of parcels from this location.

Staff added some text to the SUP after discussions from the previous staff meeting. That wording is:

Within forty-five (45) days of approval of this specific use permit, the property owner(s) shall install a screening device as defined in Appendix A – Zoning Ordinance, as shown in Exhibit “A”, attached hereto and incorporated herein for all purposes, to completely shield the vehicle detail operation of the business from the view of persons operating a vehicle on West Main Street; and

All automobiles and vehicular uses related to the cleaning and detailing of said automobiles and vehicles on the property shall remain behind the screening device;

Public Concerns
There were no concerns received from the public.

Planning and Zoning Commission Recommendation
The Planning and Zoning Commission recommended unanimous approval of this request with the condition that the vegetative barrier remain in place. Staff would also like to add the recommendation that when this particular business no longer exists for this location the specific use permit expire which would require any future like use to re-request a specific use permit.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: New business for community. B. CONS:
ALTERNATIVES (In Suggested Order of Staff Preference):
ATTACHMENTS: (1) Redline of Ordinance that was approved on first reading; and (2) Ordinance No. O-17-009
FUNDING SOURCE (Where Applicable): N/A
RECOMMENDED ACTION: Approve Ordinance No. O-17-009 on its second reading granting a Specific Use Permit to On Site Restoration, Inc. dba On Site Clean Car to allow for an Auto Detail Shop on property located at 1414 W. Main Street in a B-1, Local Business Residential Mixed Use Zoning District, said property being described as 0.407 Acres out of the Phillip Coe Survey, A-31 (WCAD Tract 231), in Brenham, Washington County, Texas
APPROVALS: Terry K. Roberts

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP TO GRANT A SPECIFIC USE PERMIT TO ON SITE RESTORATION, INC. FOR AN AUTOMOBILE DETAIL SHOP USE IN A B-1 LOCAL BUSINESS/RESIDENTIAL MIXED USE ZONING DISTRICT AND BEING LOCATED AT 1414 WEST MAIN STREET, CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS.

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

WHEREAS, Appendix A – “Zoning” of the City of Brenham Code of Ordinance authorizes the City Council to grant specific use permits for specific uses within the various zoning districts; and

WHEREAS, this amendment was recommended for approval by the City of Brenham Planning and Zoning Commission during its regular meeting on July 24, 2017;

WHEREAS, the Planning and Zoning Commission recommended a condition that the a full vegetative barrier located at the rear property line of 1414 West Main Street be adequately and continually maintained and in accordance with current Appendix – A – Zoning Ordinance, and if said vegetative barrier is not maintained in accordance with the specific use permit, the specific use permit shall no longer be valid and shall automatically terminate; and

WHEREAS, within forty-five (45) days of approval of this specific use permit, the property owner(s) shall install a screening device as defined in Appendix A – Zoning Ordinance, as shown in Exhibit “A”, attached hereto and incorporated herein for all purposes, to completely shield the vehicle detail operation of the business from view of person operating a vehicle on West Main Street; and

WHEREAS, all automobiles and vehicular uses related to the cleaning and detailing of said automobiles and vehicles on the property shall remain behind the screening device;

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

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham is hereby amended to grant a specific use permit to On Site Restoration, Inc., for an automobile detail shop use in an B-1 Local Business/Residential Mixed Use zoning district and being located at 1414 West Main Street, City of Brenham, Washington County, Texas.

SECTION 2. This Ordinance shall take effect immediately upon the occurrence of compliance with the requirements of the Charter of the City of Brenham, Texas.

SECTION 3. Upon holding a properly notified public hearing, the City Council may amend, change, or rescind the Specific Use Permit granted by this Ordinance if:

- a. There is a violation and conviction of any of the provisions of this Ordinance, or any ordinance of the City of Brenham, that occurs on the Property;
- b. The building, premises, or Property used pursuant to the Specific Use Permit granted by this Ordinance are enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alteration, or change;
- c. There is a violation of any provision of the terms and conditions of the Specific Use Permit granted by this Ordinance; or
- d. As otherwise permitted by law and/or Brenham's Zoning Ordinance, as it exists or may be amended.

SECTION 4. In the event On Site Restoration, Inc. fails to: 1) operate an automobile detail shop on the Property; or 2) ~~adequately and continually maintain the vegetative barrier located at the rear property line of 1414 West Main Street in accordance with current Appendix A – Zoning Ordinance and this Specific Use Permit; 3) within forty-five (45) days of approval of this Specific Use Permit, install a screening device as defined in Appendix A – Zoning Ordinance, as shown in Exhibit "A", to completely shield the vehicle detail operation of the business from view of person operating a vehicle on West Main Street; or 4) keep all automobiles and vehicular uses related to the cleaning and detailing of said automobiles and vehicles on the property behinds the screening device; then,~~ the Specific Use Permit granted by this Ordinance shall no longer be valid and shall automatically terminate.

Deleted: fails to

Deleted: be adequately and continually maintained and in accordance with current Appendix – A – Zoning Ordinance in accordance with this Specific Use Permit; then,

PASSED and APPROVED on its first reading this the ____ day of _____, 2017.

PASSED and APPROVED on its second reading this the ____ day of _____,
2017.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

ORDINANCE NO. O-17-009

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP TO GRANT A SPECIFIC USE PERMIT TO ON SITE RESTORATION, INC. FOR AN AUTOMOBILE DETAIL SHOP USE IN A B-1 LOCAL BUSINESS/RESIDENTIAL MIXED USE ZONING DISTRICT AND BEING LOCATED AT 1414 WEST MAIN STREET, CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS.

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

WHEREAS, Appendix A – “Zoning” of the City of Brenham Code of Ordinance authorizes the City Council to grant specific use permits for specific uses within the various zoning districts; and

WHEREAS, this amendment was recommended for approval by the Brenham Planning and Zoning Commission during its regular meeting on July 24, 2017; and

WHEREAS, the Planning and Zoning Commission recommended a condition that the a full vegetative barrier located at the rear property line of 1414 West Main Street be adequately and continually maintained in accordance with current Appendix – A – Zoning Ordinance, and if said vegetative barrier is not maintained in accordance with the specific use permit, the specific use permit shall no longer be valid and shall automatically terminate; and

WHEREAS, within forty-five (45) days of approval of this specific use permit, the property owner(s) shall install a screening device as defined in Appendix A – Zoning Ordinance, as shown in Exhibit “A”, attached hereto and incorporated herein for all purposes, to completely shield the vehicle detail operation of the business from the view of persons operating a vehicle on West Main Street; and

WHEREAS, all automobiles and vehicular uses related to the cleaning and detailing of said automobiles and vehicles on the property shall remain behind the screening device;

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

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham is hereby amended to grant a specific use permit to On Site Restoration, Inc., for an automobile detail shop use in an B-1 Local Business/Residential Mixed Use zoning district and being located at 1414 West Main Street, City of Brenham, Washington County, Texas.

SECTION 2. This Ordinance shall take effect immediately upon the occurrence of compliance with the requirements of the Charter of the City of Brenham, Texas.

SECTION 3. Upon holding a properly notified public hearing, the City Council may amend, change, or rescind the Specific Use Permit granted by this Ordinance if:

- a. There is a violation and conviction of any of the provisions of this Ordinance, or any ordinance of the City of Brenham, that occurs on the Property;
- b. The building, premises, or Property used pursuant to the Specific Use Permit granted by this Ordinance are enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alteration, or change;
- c. There is a violation of any provision of the terms and conditions of the Specific Use Permit granted by this Ordinance; or
- d. As otherwise permitted by law and/or Brenham's Zoning Ordinance, as it exists or may be amended.

SECTION 4. In the event On Site Restoration, Inc.: 1) fails to operate an automobile detail shop on the Property; 2) fails to adequately and continually maintain the vegetative barrier located at the rear property line of 1414 West Main Street in accordance with current Appendix – A – Zoning Ordinance and this Specific Use Permit; 3) fails to, within forty-five (45) days of approval of this Specific Use Permit, install a screening device as defined in Appendix A – Zoning Ordinance, as shown in Exhibit "A", to completely shield the vehicle detail operation of the business from the view of persons operating a vehicle on West Main Street; or 4) fails to keep all automobiles and vehicular uses related to the cleaning and detailing of said automobiles and vehicles on the property behind the screening device; then, the Specific Use Permit granted by this Ordinance shall no longer be valid and shall automatically terminate.

PASSED and APPROVED on its first reading this the 3rd day of August, 2017.

PASSED and APPROVED on its second reading this the 17th day of August, 2017.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



**On Site Restoration Inc.
Exhibit "A"**



AGENDA ITEM 10

DATE OF MEETING: August 17, 2017	DATE SUBMITTED: August 11, 2017															
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Erik Smith															
<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 Ordinance No. O-17-010 as an Emergency Measure for the Immediate Preservation of Public Property, Health and Safety, Regulating Network Providers, Network Nodes Node Support Poles and Associated Matters, Including But Not Limited to the Installation of Network Nodes, Node Support Poles and Other Network Related Infrastructure in City of Brenham Rights-Of-Way																
SUMMARY STATEMENT: With the passing of S.B. 1004 staff needed to draft a right-of-way management ordinance regarding network node and network node poles. This is the ordinance we will use to give network providers direction when they come to the city to submit applications for installation. I have included some key highlights in the document in bullet points below. Key highlights: - In accordance with S.B. 1004. - References the update of the Design and Construction Standards Manual for permit rules. - Notes permitting and insurance requirements. - Fee schedule The ordinance is largely a reflection of the information in the amendment to the Design and Construction Standards Manual. This biggest difference in text between the two documents is the inclusion of a fee schedule in the ordinance itself.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: Provides ordinance procedures for applicants and direction for staff to approve and deny those applications. B. CONS:																
ALTERNATIVES (In Suggested Order of Staff Preference):																

ATTACHMENTS: (1) Ordinance No. O-17-010
FUNDING SOURCE (Where Applicable): N/A
RECOMMENDED ACTION: Approve Ordinance No. O-17-010 as an Emergency Measure for the Immediate Preservation of Public Property, Health and Safety, Regulating Network Providers, Network Nodes Node Support Poles and Associated Matters, including but not limited to the Installation of Network Nodes, Node Support Poles and Other Network Related Infrastructure in City of Brenham Rights-Of-Way
APPROVALS: Terry K. Roberts

ORDINANCE NO. O-17-010

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS; DECLARING THIS ORDINANCE TO BE AN EMERGENCY MEASURE FOR THE IMMEDIATE PRESERVATION OF PUBLIC PROPERTY, HEALTH AND SAFETY; AMENDING CHAPTER 26, UTILITIES, ADDING ARTICLE VII, RIGHT-OF-WAY MANAGEMENT REQUIREMENTS FOR NETWORK PROVIDERS, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS; REGULATING THE PHYSICAL USE, OCCUPANCY AND MAINTENANCE OF CITY RIGHTS-OF-WAY BY NETWORK PROVIDERS; DESCRIBING THE PURPOSE; PROVIDING DEFINITIONS; REQUIRING COMPLIANCE WITH THE CITY'S DESIGN AND CONSTRUCTION STANDARDS AND APPLICABLE CODES FOR THE INSTALLATION OF NETWORK NODES AND NODE SUPPORT POLES PURSUANT TO CHAPTER 284 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING CITY PROCEDURES FOR APPLICATIONS FOR PERMITS; ESTABLISHING TIME PERIODS FOR APPROVAL OF PERMIT APPLICATIONS; PROVIDING APPLICATION FEES AND ANNUAL PUBLIC RIGHT-OF-WAY RENTAL RATES; PROVIDING RESTRICTIONS ON PLACEMENT OF NETWORK NODES AND NODE SUPPORT POLES IN MUNICIPAL PARKS, RESIDENTIAL AREAS, HISTORIC DISTRICTS AND DESIGN DISTRICTS; PROVIDING INDEMNITY FOR THE CITY; PROVIDING FOR RELOCATION REQUIREMENTS; PROHIBITING RADIO FREQUENCY INTERFERENCE; PROVIDING REPEALING AND SAVINGS CLAUSES; PROVING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF AUGUST 17, 2017

WHEREAS, the 85th Texas Legislature recently enacted Senate Bill 1004 authorizing network providers to install network nodes, network support poles and other network infrastructure in the public rights-of-way managed by Texas municipalities, including the City of Brenham, Texas ("City") ; and

WHEREAS, Senate Bill 1004 will become effective on September 1, 2017; and

WHEREAS, the City Council hereby determines that this Ordinance and the provisions herein regulating network providers must be effective prior to September 1, 2017 for the immediate preservation of City's public property and its citizens' health and safety; and

WHEREAS, as authorized by Article III, Sections 17 and 18 of the Brenham City Charter, the City Council hereby declares this Ordinance to be an emergency measure, such that this Ordinance shall be finally passed and approved on one reading on the day on which this Ordinance is introduced; and

WHEREAS, the City recognizes that the State of Texas has delegated the fiduciary duty, as a trustee, to manage the public rights-of-way for the health, safety, and welfare of the public to Texas municipalities such as the City; and

WHEREAS, Chapter 284 of the Texas Local Government Code (“the Code”) allows certain network providers to install in the City’s public rights-of-way their network facilities, described and defined in Section 284.002 of the Code as “Micro Network Nodes”, “Network Nodes”, and “Node Support Poles;” and

WHEREAS, as expressly authorized by Section 284.108 of the Code and pursuant to its police power authority reserved in Sec.284.301 of the Code, the City has enacted a *Design and Construction Standards Manual, including the addition of Chapter 15 - Installation of Network Nodes and Node Support Poles* (said Chapter 15 being hereinafter referred to as “Design and Construction Standards”) in order to meet its fiduciary duty to the citizens of the City, and to give assistance and guidance to network providers to assist such companies in the timely, efficient, safe and aesthetically pleasing installation of technologically competitive equipment; and

WHEREAS, the City Council desires to regulate the installation of Network Nodes and Network Support Poles pursuant to Chapter 284 of the Code in a way that is fair, reasonable and nondiscriminatory.

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

SECTION I **FINDINGS OF FACT**

The forgoing recitals are incorporated into this Ordinance as findings of fact.

SECTION II.

Chapter 26, Utilities, Code of Ordinances, City of Brenham, Texas is amended to add Article VII, Right-of-Way Management Requirements for Network Providers, to read as follows:

ARTICLE VII.
RIGHT-OF-WAY MANAGEMENT REQUIREMENTS FOR NETWORK PROVIDERS

Sec. 26-161. - PURPOSE.

The purpose of this Article is to:

- (A) Assist the City in the competitively neutral and nondiscriminatory management of the physical use, occupancy and maintenance of its public rights-of-way by wireless network providers;
- (B) Secure fair and reasonable compensation for the physical use and occupancy of the public rights-of-way by wireless network providers in a nondiscriminatory and competitively neutral manner; and
- (C) Assist the City in protecting the public health, safety, and welfare.

Sec. 26-162. - GOVERNING LAW.

This chapter shall be construed in accordance with Chapter 284 of the Texas Local Government Code (“the Code”) to the extent not in conflict with the Constitution and laws of the United States or of the State of Texas.

Sec. 26-163. - DEFINITIONS.

For the purpose of this Article, the definitions found in the *City Design and Construction Standards Manual, Chapter 15 - Installation of Network Nodes and Node Support Poles* (said Chapter 15 being hereinafter referred to as “Design and Construction Standards”) are hereby incorporated into this Article and shall apply unless the context clearly indicates or requires a different meaning. The following definitions as found in the Design and Construction Standards are specifically applicable to this Article:

Applicable codes means:

- (A) the City’s adopted building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and
- (B) local amendments to those codes to the extent not inconsistent with Chapter 284.

City means the City of Brenham, Texas or its lawful successor.

City Council means the municipal governing body of the City of Brenham, Texas.

Chapter 284 means Texas Local Government Code, Chapter 284.

Code means the Texas Local Government Code.

Collocate and *collocation* mean the installation, mounting, maintenance, modification, operation, or replacement of Network Nodes in a public right-of-way on or adjacent to a pole.

Decorative pole means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory City codes and ordinances.

Design District means an area that is zoned, or otherwise designated by municipal code or ordinance, and for which the City maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

Easement means and shall include any public easement or other compatible use created by dedication, or by other means, to the City for public utility purposes or any other purpose whatsoever. "Easement" shall include a private easement used for the provision of utilities.

Federal Communications Commission or FCC means the Federal administrative agency, or lawful successor, authorized to oversee cable television and other multi-channel regulation on a national level.

Highway right-of-way means right-of-way adjacent to a state or federal highway.

Historic district means an area that is zoned or otherwise designated as a historic district under municipal, state, or federal law.

Law means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.

Local means within the geographical boundaries of the City.

Location means the City-approved and lawfully permitted location for the Network Node, Node Support Pole, or Transport Facility.

Mayor means the mayor of the City of Brenham, Texas, or designee.

Micro network node means a Network Node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

Municipal park means an area that is zoned or otherwise designated by the City as a public park for the purpose of recreational activity.

Network node means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term:

(A) includes:

- (i) equipment associated with wireless communications;
- (ii) a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and
- (iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and

(B) does not include:

- (i) an electric generator;
- (ii) a pole; or
- (iii) a macro tower

Network provider means:

(A) a wireless service provider; or

(B) a person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:

- (i) Network Nodes; or
- (ii) Node Support Poles or any other structure that supports or is capable of supporting a network node.

Node support pole means a pole installed by a network provider for the primary purpose of supporting a Network Node.

Permit means a written authorization for the use of the public right-of-way or collocation on a service pole required from the City before a network provider may perform an action or initiate, continue, or complete a project over which the municipality has police power authority.

Pole means a service pole, City-owned utility pole, node support pole, or utility pole.

Private easement means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.

Provider has the same meaning as “Network Provider.”

Public right-of-way means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the City has an interest. The term does not include:

- (A) a private easement; or
- (B) the airwaves above a public right-of-way with regard to wireless telecommunications.

Service pole means a pole, other than a City-owned utility pole, owned or operated by the City and located in a public right-of-way, including:

- (A) a pole that supports traffic control functions;
- (B) a structure for signage;
- (C) a pole that supports lighting, other than a decorative pole; and
- (D) a pole or similar structure owned or operated by a municipality and supporting only network nodes.

Street means only the paved portion of the right-of-way used for vehicular travel, being the area between the inside of the curb to the inside of the opposite curb, or the area between the two parallel edges of the paved roadway for vehicular travel where there is no curb. A “Street” is generally part of, but smaller in width than the width of the entire right-of-way, while a right-of-way may include sidewalks and utility easements. A “Street” does not include the curb or the sidewalk, if either are present at the time of a permit application or if added later.

Traffic Signal means any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.

Transport facility means each transmission path physically within a public right-of-way, extending with a physical line from a Network Node directly to the network, for the purpose of providing backhaul for network nodes.

User means a person or organization which conducts a business over facilities occupying the whole or a part of a public street or right-of-way, depending on the context.

Utility pole means a pole that provides:

- (A) electric distribution with a voltage rating of not more than 34.5 kilovolts; or
- (B) services of a telecommunications provider, as defined by Section 51.002, Texas Utilities Code.

Wireless service means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a Network Node.

Wireless service provider means a person that provides wireless service to the public.

Wireless facilities mean “Micro Network Nodes,” “Network Nodes,” and “Node Support Poles” as defined in Texas Local Government Code, Chapter 284.

Sec. 26-164. - USE AND OCCUPANCY OF PUBLIC RIGHTS-OF-WAY.

Pursuant to this Article and subject to the Design and Construction Standards and the Code, a network provider has the nonexclusive right to use and occupy the public rights-of-way in the City for the purpose of constructing, maintaining, and operating its facilities used in the provision of Wireless facilities.

The terms of this Article shall apply to all network providers’ facilities used, in whole or part, in the provision of wireless services throughout the City, including any annexed areas upon the effective date of annexation.

Sec. 26-165. - COMPLIANCE WITH DESIGN AND CONSTRUCTION STANDARDS AND APPLICABLE CODES.

All wireless network providers shall comply with the terms of this Article, applicable City codes, and the terms and conditions of the City’s Design and Construction Standards.

Sec. 26-166. - GENERAL CONSTRUCTION AND MAINTENANCE REQUIREMENTS.

A network provider shall construct and maintain Network Nodes and Network Support Poles described in the Code in a manner that does not:

- (A) Obstruct, impede, or hinder the usual travel or public safety on a public right-of-way;
- (B) Obstruct the legal use of a public right-of-way by other utility providers;
- (C) Violate nondiscriminatory applicable codes;
- (D) Violate or conflict with the City’s publicly disclosed public right-of-way design specifications; or
- (E) Violate the federal Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq. (“ADA”).

Sec. 26-167. - PERMIT APPLICATIONS.

- (A) Except as otherwise provided in Chapter 284 of the Code, a network provider shall obtain a permit or permits from the City to install a Network Node, Node Support Pole, Transport Facility or other improvements in a City public right-of-way.
- (B) The City may not directly or indirectly require, as a condition for issuing a permit required under this Article, that a network provider perform services unrelated to the installation or collocation for which the permit is sought, including in-kind contributions such as reserving fiber, conduit, or pole space for the City.
- (C) A network provider that wants to install or collocate multiple Network Nodes inside the municipal limits of the City is entitled to file a consolidated permit application with the City for not more than 30 Network Nodes and upon payment of the applicable fee(s) and compliance with all permit application requirements, receive a permit or permits for the installation or collocation of those Network Nodes.
- (D) The network provider shall provide the following information in its permit applications:
 - (1) Applicable construction and engineering drawings and information to confirm that the applicant will comply with the City's Design and Construction Standards and applicable codes;
 - (2) Any additional information reasonably related to the network provider's use of the public rights-of-way to ensure compliance with the Design and Construction Standards and this Article;
 - (3) A certificate that the Network Node(s) complies with applicable regulations of the Federal Communications Commission; and certification that the proposed Network Node(s) will be placed into active commercial service by or for the network provider not later than the 60th day after the date of construction and final testing of each Network Node is completed.
 - (4) A certificate of insurance that documents that the Network Provider and its contractor have at least \$1,000,000.00 in general liability coverage.
- (E) **Exception:** As provided in Section 284.157 of the Code, a network provider is not required to apply, obtain a permit, or pay a rate to the City for:
 - (1) Routine maintenance that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way;
 - (2) Replacing or upgrading a Network Node or Network Pole with a node or pole that is substantially similar in size or smaller and that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way; or
 - (3) The installation, placement, maintenance, operation, or replacement of Micro Network Nodes that are strung on cables between existing poles or Node Support Poles in compliance with the National Electrical Safety Code.

- (F) Notwithstanding Subdivision (E) above: 1) the network provider or its contractors shall notify the City at least 24 hours in advance of work described in this Subdivision (E); 2) the network provider or its contractors may replace or upgrade a pole only with the approval of the pole's owner; and 3) the size limitations may not in any event exceed the parameters prescribed by Section 284.003 without the City's approval in accordance with Section 284.109, with the City acting on behalf of this state as the fiduciary trustee of public property.

Sec. 26-168. - INSTALLATION IN HISTORIC DISTRICTS OR DESIGN DISTRICTS

A network provider must obtain advance written consent from the City Council before collocating new Network Nodes or installing new Node Support Poles in an area of the City that has been zoned or otherwise designated as a historic district or as a design district if the district has decorative poles. The network provider shall be required to comply with the General Aesthetic Requirements and all other applicable requirements described in the City's Design and Construction Standards. The City has the authority to designate new historic districts and design districts, and the authority to alter or modify existing historic districts and design districts, at a future date.

Sec. 26-169. - INSTALLATION IN MUNICIPAL PARKS AND RESIDENTIAL AREAS

A network provider may not install a new Node Support Pole in a public right-of-way without the City Council's discretionary, nondiscriminatory and written consent if the public right-of way:

- (1) Is in a municipal park; or
- (2) Is adjacent to a street or thoroughfare that is:
 - i. Not more than 50 feet wide; and
 - ii. Adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.
- (3) In addition to the above, a network provider installing a Network Node or Node Support Pole in a public right-of way shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.
- (4) The network provider shall be further required to comply with the applicable requirements set out in the City's Design and Construction Standards.

Sec. 26-170. - MUNICIPAL REVIEW PROCESS BY THE CITY.

- (A) **Determination of Application Completeness:** The City shall determine whether the permit application is complete and notify the applicant of that determination:
 - (1) *For Network Nodes and Node Support Poles:* no later than 30 days after the date the City receives the permit application.
 - (2) *For a Transport Facility:* no later than 10 days after the date the City receives the permit application.
- (B) **Approval or Denial of Application:** The City shall approve or deny a completed application after the date it is submitted to the City:
 - (1) *For Network Nodes:* No later than 60 days after the date the City receives the complete application.
 - (2) *For Network Support Poles:* No later than 150 days after the date the City receives the complete application.
 - (3) *For Transport Facilities:* No later than 21 days after the City receives the complete application.
- (C) **Basis for Denial of Application:** If an application is denied by the City, it shall document the basis for the denial, including the specific applicable City code provisions or other City rules, regulations, or other law on which the denial is based. The documentation for the denial must be sent by electronic mail to the applicant on or before the date that the City denies the application.
- (D) **Resubmission of Denied Application:** The applicant may cure the deficiencies identified in the denial application.
 - (1) The applicant has 30 days from the date the City denies the completed application to cure the deficiencies identified in the denial documentation without paying an additional application fee, other than any fee for actual costs incurred by the City.
 - (2) The City shall approve or deny the revised completed application after a denial not later than the 90th day after the City receives the revised completed application. The City's review shall be limited to the deficiencies cited in the denial documentation.
- (E) **Nondiscriminatory Review:** Each completed application shall be processed by the City on a nondiscriminatory basis.
- (F) **Deemed Approval:** An application for a permit for a node support pole, network node, or transport facility shall be deemed approved if the application is not approved or denied on or before the applicable date for approval or denial prescribed by this section.

Sec. 26-171. - TIME OF INSTALLATION.

A network provider shall begin installation for which a permit is granted not later than six months after final approval of the application and shall diligently pursue installation to completion. The City Manager may in his/her sole discretion grant reasonable extensions of time as requested by the network provider.

Sec. 26-172. - APPLICABLE FEES AND RENTAL RATES TO THE CITY.

(A) As compensation for the network provider's use and occupancy of the City public rights-of-way, the network provider shall pay application fees and annual public right-of-way rental rates as set forth below, which shall be in lieu of any lawful tax, license, charge, right-of-way permit, use, construction, street cut or inspection fee; or other right-of-way related charge or fee, whether charged to the network provider or its contractor(s) within the City, except the usual general ad valorem taxes, special assessments and sales tax levied in accordance with state law and equally applicable to all general businesses in the City.

(B) Network Nodes:

- (1) Application Fee: The application fee shall be \$500.00 covering up to five Network Nodes, \$250 for each additional network node per application.
- (2) Annual Public Right-of-Way Rate Fee: The annual public right-of-way rate shall be \$250.00 per Network Node installed in the City public rights-of-way.
- (3) Public Right-of-Way Rate Adjustment: As provided in Section 284.054 of the Code, the City may adjust the amount of the annual public right-of-way rate not more than annually by an amount equal to one-half the annual change, if any, in the Consumer Price Index (CPI). The City shall provide written notice to each network provider of the new rate; and the rate shall apply to the first payment due to the City on or after the 60th day following the written notice.

(C) Node Support Poles:

- (1) The application fee for each Network Support Pole shall be \$1000.00.

(D) Transfer Facilities:

- (1) The application fee for each Transfer Facility shall be \$500.00.
- (2) The annual Transfer Facility rental rate shall be \$28.00 monthly for each Network Node site located in a public right-of-way. However, no rate is required if the network provider is already paying the City an amount equal to or greater than the amount of other City right-of-way fees for access lines under Chapter 283 of the Code or cable franchise fees under Chapter 66 of the Texas Utilities Code.

(E) Micro Network Nodes:

- (1) No application fee is required for a Micro Network Node if the installation is attached on lines between poles or node support poles.

(F) Collocation of Network Nodes on Service Poles

- (1) Subject to the City's Pole Service Agreement, the collocation of Network Nodes on City service poles shall be at a rate of \$20.00 per year per service pole.

(G) City-Owned Municipal Utility Poles:

- (1) A network provider shall pay an annual pole attachment rate for the collocation of a Network Node supported by or installed on a City-owned utility pole based upon the pole attachment rate consistent with Section 54.024 of the Texas Utilities Code, applied on a per-foot basis.

(H) The City shall not seek or accept in-kind services in lieu of or as additional payment or consideration from any user of the public rights-of-way for use of the public rights-of-way.

Sec. 26-173. - INDEMNITY.

As provided in Section 284.302 of the Code, a network provider accessing a public right-of-way under Chapter 284 of the Code shall indemnify and hold the City and its officers and employees harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees (including reasonable attorney's fees and costs of defense), proceedings, actions, demands, causes of action, liability, and suits of any kind and nature, including personal or bodily injury (including death), property damage, or other harm for which recovery of damages is sought that is found by a court of competent jurisdiction to be caused solely by the negligent act, error, or omission of the network provider, any agent, officer, director, representative, employee, affiliate, or subcontractor of the network provider, or its respective officers, agents, employees, directors, or representatives, while installing, repairing, or maintaining facilities in a public right-of-way. The indemnity provided by this section does not apply to any liability resulting from the negligence of the City, its officers, employees, contractors, or subcontractors. If a network provider and the City are found jointly liable by a court of competent jurisdiction, liability shall be apportioned comparatively in accordance with the laws of this state without, however, waiving any governmental immunity available to the City under state law and without waiving any defenses of the parties under state law. This section is solely for the benefit of the City and network provider and does not create or grant any rights, contractual or otherwise, to any other person or entity. A network provider or City shall promptly advise the other in writing of any known claim or demand against the network provider or the City related to or arising out of the network provider's activities in a public right-of-way.

Sec. 26-174. - RELOCATION.

Except as provided in existing state and federal law, a network provider shall relocate or adjust network nodes in a public right-of-way in a timely manner and without cost to the municipality managing the public right-of-way.

Sec. 26-175. - INTERFERENCE.

A network provider shall operate all network nodes in accordance with all applicable laws, including regulations adopted by the Federal Communications Commission. A network provider shall ensure that the operation of a network node does not cause any harmful radio frequency interference to a Federal Communications Commission-authorized mobile telecommunications operation of the City operating at the time the network node was initially installed or constructed. On written notice, a network provider shall take all steps reasonably necessary to remedy any harmful interference.

Sec. 26-176. - EFFECT ON OTHER UTILITIES AND TELECOMMUNICATION PROVIDERS.

Nothing in this Article shall govern attachment of Network Nodes on poles and other structures owned or operated by investor-owned electric utilities, electric cooperatives, telephone cooperatives, or telecommunication providers.

**SECTION III.
REPEALING ALL ORDINANCES IN CONFLICT**

All other ordinances or parts of ordinances inconsistent or in conflict herewith, or to the extent of such inconsistency or conflict are hereby repealed.

SECTION IV.
SAVINGS CLAUSE

This City Council of the City of Brenham, Texas does hereby declare that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this Ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this Ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declare that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

SECTION V.
COMPLIANCE WITH OPEN MEETINGS ACT

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

SECTION VI.
EFFECTIVE DATE.

This Ordinance, as authorized by Article III, Sections 17 and 18 of the Brenham City Charter, and declared by the City Council to be an emergency measure, such that this Ordinance shall be finally passed and approved on one reading on the day on which this Ordinance is introduced, shall become effective on August 17, 2017.

PASSED AND APPROVED AS AN EMERGENCY MEASURE on this the 17th day of August, 2017.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



AGENDA ITEM 11

DATE OF MEETING: August 17, 2017	DATE SUBMITTED: August 11, 2017	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Erik Smith	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	ORDINANCE: ☐ 1ST READING ☐ 2ND READING ☒ RESOLUTION
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-17-013 Adopting Design and Construction Standards Regarding Network Providers, Network Nodes, Node Support Poles, and Other Network Related Infrastructure in the City of Brenham Rights-Of-Way		
SUMMARY STATEMENT: With the passing of S.B. 1004 staff needed to draft a design manual regarding network node and network node poles. This is the design manual we will use to give network providers direction when they come to the city to submit applications for installation. I have included some key highlights in the document in bullet points below. Key highlights: - Not allowed to install Node Support Pole in public ROW without City's consent - Not allowed on streets that are 50' back of curb paving. - Not allowed in Residentially zoned - Must have concealment measures if located within historic district. - All historic preservation laws must be followed by the network provider. - <i>Discourage</i> installation of network node or node support pole within 300 feet of a historic structure and disclose on permit application if it is. - If underground ordinances for utilities and infrastructure is adopted providers must follow adopted ordinance. - Dedicating a Design District does not have to be done by zoning and can be done by Council at any time. - Network Node attachments to a pole shall be installed at least eight (8) feet above the ground and if a Network Node attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground. - No protrusion from the outer circumference of the existing structure or pole shall be more than two feet. - There shall be no more than one network pole on any one pole. - 300 spacing requirement from any existing pole utility pole or network node pole. - Height cannot exceed: a. 10 feet in height above the tallest existing utility pole located within 500 linear feet of the new pole in the same public right-of-way; or		

b. 55 feet above ground level.

- Not to be placed within 250 ft. of a municipal park.
- No communication lines are allowed on top of water or sewer lines and four feet from center of lines.
- Poles must be three feet from water and sewer lines.
- Installations on all Service Poles shall have an industry standard pole load analysis completed and submitted to the municipality

Design Manual does not have ability to exceed state law but it mentions *preferable* locations in the document:

- Industrial areas, Highway ROW, Retail and Commercial all not adjacent to Parks, Residential, Historical and Design Districts.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS: Provides application procedures for applicants and direction for staff to approve and deny those applications.

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Resolution No. R-17-013

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: Approve Resolution No. R-17-013 adopting Design and Construction Standards Regarding Network Providers, Network Nodes, Node Support Poles, and Other Network Related Infrastructure in the City of Brenham Rights-Of-Way

APPROVALS: Terry K. Roberts

RESOLUTION NO. R-17-013

RESOLUTION PROVIDING FOR THE AMENDMENT OF CITY OF BRENHAM DESIGN AND CONSTRUCTION STANDARDS MANUAL TO PROVIDE FOR CHAPTER 15 RELATED TO THE INSTALLATION OF NETWORK NODES, NETWORK SUPPORT POLES AND OTHER NETWORK INFRASTRUCTURE IN THE PUBLIC RIGHTS-OF-WAY

WHEREAS, the City of Brenham currently has a Design and Construction Standards Manual; and

WHEREAS, the 85th Texas Legislature recently enacted Senate Bill 1004 authorizing network providers to install network nodes, network support poles and other network infrastructure in the public rights-of-way managed by Texas municipalities, including the City of Brenham, Texas (“City”) ; and

WHEREAS, Senate Bill 1004 will become effective on September 1, 2017; and

WHEREAS, Senate Bill 1004 authorizes Texas municipalities to adopt design and construction standards regarding the installation of network nodes, network support poles and other network infrastructure to be installed in the public rights-of-way; and

WHEREAS, the City Council desires to adopt the design and construction standards regarding the installation of network nodes, network support poles and other network infrastructure to be installed in the public rights-of-way attached hereto as Exhibit “A” and incorporated herein for all purposes; and

WHEREAS, the design and construction standards regarding the installation of network nodes, network support poles and other network infrastructure attached hereto as Exhibit “A” shall be adopted as an amendment to the City’s Design and Construction Standards Manual by adding Chapter 15 to said Manual;

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

Section 1: That the recitals set forth herein above are incorporated herein for all purposes as if fully set forth in the body of this Resolution.

Section 2: That the City Council of the City of Brenham hereby adopts the design and construction standards regarding the installation of network nodes, network support poles and other network infrastructure to be installed in the public rights-of-way, attached hereto as “Exhibit A” and incorporated herein for all purposes.

Section 3: That the design and construction standards regarding the installation of network nodes, network support poles and other network infrastructure attached hereto as Exhibit “A” shall be adopted as an amendment to the City’s Design and Construction Standards Manual by adding Chapter 15 to said Manual.

Section 4: That this Resolution shall be in full force and effect immediately upon its passage and approval.

PASSED and **APPROVED** this _____ day of _____, 2017.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Exhibit “A”

Chapter 15 – Design and Construction Standards

Installation of Network Nodes and Node Support Poles

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SECTION 1. PURPOSE AND APPLICABILITY.

The City of Brenham, Texas (“City”) recognizes that the State of Texas has delegated to the City the fiduciary duty, as a trustee, to manage the public right-of-way for the health, safety, and welfare of the public to Texas municipalities.

Purpose: Texas Local Government Code, Chapter 284 allows certain Network Providers to install in the public rights-of-way their wireless facilities, described and defined in Tex. Loc. Gov. Code, Chapter 284, Sec. 284.002 as “Micro Network Nodes”, “Network Nodes”, and “Node Support Poles”.

As expressly allowed by Tex. Loc. Gov. Code, Chapter 284, Section 284.108, and pursuant to its police power authority reserved in Sec. 284.301¹, the City enacts these Design Guidelines in order to meet its fiduciary duty to the citizens of the City, and to give assistance and guidance to wireless telecommunications and network providers to assist such companies in the timely, efficient, safe and aesthetically pleasing installation of technologically competitive equipment.

Applicability: These Design and Construction Standards are for siting and criteria for the installation Wireless Facilities, including Micro Network Nodes, Network Nodes, Node Support Poles and related ground equipment being installed pursuant to Tex. Loc. Gov. Code, Chapter 284

These Design and Construction Standards shall apply to any sitings, installations, collocations in, on, over or under the public rights-of-way of Network nodes, Node support poles, Micro network nodes, Distributed Antenna Systems, microwave communications or other Wireless Facilities, by whatever nomenclature, whether they are installed pursuant to Chapter 284, or installed pursuant to an agreement as agreed to and consented to by the City in its discretion, or installed as may otherwise be allowed by state law.

City of Brenham Rights-of-Way Management Ordinance: A Network Provider shall comply with the City’s Rights-of-Way Management Ordinance (codified as Chapter 26, Utilities, Article VII, Right-of-way Management Requirements for Network Providers, Code of Ordinances, City of Brenham, Texas), these Design and Construction Standards, and Chapter 284, Texas Local Government Code.

SECTION 2. DEFINITIONS.

The definitions as used in Tex. Loc. Gov. Code, Chapter 284, Sec. 284.002 shall be used in these Design and Construction Standards, unless otherwise noted in this Section 2, below.²

Abandon and its derivatives means the facilities installed in the right-of-way (including by way of example but not limited to: poles, wires, conduit, manholes, handholes, cuts, network nodes and node support poles, or portion thereof) that have been left by Provider in an unused or non-functioning condition for more than 120 consecutive calendar days unless, after notice to Provider, Provider has established to the reasonable satisfaction of the City that the applicable facilities, or portion thereof, are still in active use.

Antenna means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

Applicable codes means:

- (A) International building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and
- (B) local amendments to those codes to the extent not inconsistent with Chapter 284.

City means the City of Brenham, Texas or its lawful successor.

City Council means the municipal governing body of the City of Brenham, Texas.

City Manager means the City Manager for the City of Brenham, Texas, or designee.

Chapter 284 means Texas Local Government Code, Chapter 284.

Collocate and *collocation* mean the installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to a pole.

Concealment or Camouflaged means any Wireless Facility or Pole that is covered, blended, painted, disguised, camouflaged or otherwise concealed such that the Wireless Facility blends into the surrounding environment and is visually unobtrusive as allowed as a condition for City advance approval under Chapter 284, Sec. 284.105 in Historic or Design Districts. A Concealed or Camouflaged Wireless Facility or Pole also includes any Wireless Facility or Pole conforming to the surrounding area in which the Wireless Facility or Pole is located and may include, but is not limited to hidden beneath a façade, blended with surrounding area design, painted to match the supporting area, or disguised with artificial tree branches.

Decorative pole means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory City codes and ordinances.

Design District means an area that is zoned, or otherwise designated by City code or ordinance, and for which the City maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

Disaster emergency or *disaster* or *emergency* means an imminent, impending, or actual natural or humanly induced situation wherein the health, safety, or welfare of the residents of the City is threatened, and includes, but is not limited to any declaration of emergency by City, state or federal governmental authorities.

Distributed Antenna System or *DAS* shall be included as a type of “Network Node.”

Easement means and shall include any public easement or other compatible use created by dedication, or by other means, to the City for public utility purposes or any other purpose whatsoever. "Easement" shall include a private easement used for the provision of utilities.

Federal Communications Commission or *FCC* means the Federal administrative agency, or lawful successor, authorized to oversee cable television and other multi-channel regulation on a national level.

Highway right-of-way means right-of-way adjacent to a state or federal highway.

Historic district means an area that is zoned or otherwise designated as a historic district under municipal, state, or federal law.

Law means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.

Local means within the geographical boundaries of the City.

Location means the City approved and lawfully permitted location for the Network Node, Node Support Pole, Transport Facility or other related infrastructure or equipment.

Macro tower means a guyed or self-supported pole or monopole greater than the height parameters prescribed by Chapter 284, Section 284.103 and that supports or is capable of supporting antennas.

Micro network node means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

Municipal park means an area that is zoned or otherwise designated by the City as a public park for the purpose of recreational activity.

Municipally owned utility pole means a utility pole owned or operated by a municipally owned utility, as defined by Section 11.003, Utilities Code, and located in a public right-of-way. *MUTCD* means Texas Manual of Uniform Traffic Control Devices.

Network node means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term:

(A) includes:

- (i) equipment associated with wireless communications;
- (ii) a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and
- (iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and

(B) does not include:

- (i) an electric generator;
- (ii) a pole; or
- (iii) a macro tower

Network provider means:

(A) a wireless service provider; or

(B) a person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:

- (i) network nodes; or
- (ii) node support poles or any other structure that supports or is capable of supporting a network node.

Node support pole means a pole installed by a network provider for the primary purpose of supporting a network node.

Permit means a written authorization for the use of the public right-of-way or collocation on a service pole required from the City before a network provider may perform an action or initiate, continue, or complete a project over which the municipality has police power authority.

Pole means a service pole, municipally owned utility pole, node support pole, or utility pole.

Private easement means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.

Provider has the same meaning as “Network Provider.”

Public right-of-way means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include:

(A) a private easement; or

(B) the airwaves above a public right-of-way with regard to wireless telecommunications.

Public right-of-way management ordinance means an ordinance that complies with Chapter 284, Subchapter C.

SCADA or Supervisory Control and Data Acquisition systems means a category of software application programs and hardware used by the City for process control and gathering of data in real time from remote locations in order to monitor equipment and conditions of the City public water and wastewater utility facilities. These systems may utilize both cable and wireless communications.

Service pole means a pole, other than a municipally owned utility pole, owned or operated by a municipality and located in a public right-of-way, including:

- (A) a pole that supports traffic control functions;
- (B) a structure for signage;
- (C) a pole that supports lighting, other than a decorative pole; and
- (D) a pole or similar structure owned or operated by a municipality and supporting only network nodes.

Small cell shall be included as a type of “Network Node.”

Street means only the paved portion of the right-of-way used for vehicular travel, being the area between the inside of the curb to the inside of the opposite curb, or the area between the two parallel edges of the paved roadway for vehicular travel where there is no curb. A “Street” is generally part of, but smaller in width than the width of the entire right-of-way, while a right-of-way may include sidewalks and utility easements, a “Street” does not. A “street” does not include the curb or the sidewalk, if either are present at the time of a permit application or if added later.

SWPPP shall mean Storm Water Pollution Prevention Plan.

TAS means Texas Accessibility Standards.

Traffic Signal means any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.

Transport facility means each transmission path physically within a public right-of-way, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.

Underground Requirement Area shall mean means an area where poles, overhead wires, and associated overhead or above ground structures have been removed and buried or have been approved for burial, or are required to be buried, underground pursuant to municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way.

User means a person or organization which conducts a business over facilities occupying the whole or a part of a public street or right-of-way, depending on the context.

Utility pole means a pole that provides:

- (A) electric distribution with a voltage rating of not more than 34.5 kilovolts; or
- (B) services of a telecommunications provider, as defined by Section 51.002, Texas Utilities Code.

Wireless service means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a network node.

Wireless service provider means a person that provides wireless service to the public.

Wireless facilities mean “Micro Network Nodes,” “Network Nodes,” and “Node Support Poles” as defined in Texas Local Government Code Chapter 284.

SECTION 3. PROHIBITED AND PREFERRED LOCATIONS OF MICRO NETWORK NODE, NETWORK NODE, NODE SUPPORT POLE AND RELATED GROUND EQUIPMENT.

A. Prohibited or Restricted Areas for Certain Wireless facilities, except with Separate City Agreement or Subject to Concealment Conditions.

1. ***Municipal Parks and Residential Areas.*** In accordance with Chapter 284, Sec. 284.104 (a), a Network Provider may not install a Node Support Pole in a public right-of-way without the City's discretionary, nondiscriminatory, and written consent if the public right-of-way is in a Municipal park or is adjacent to a street or thoroughfare that is:

- a. not more than 50 feet wide of paved street surface, being the area measured as the shortest distance between the inside of the curb to the inside of the opposite curb, or the area measured as the shortest distance between the two parallel edges of the paved roadway for vehicular travel where there is no curb; and
- b. adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.

1.1 In accordance with Chapter 284, Sec. 284.104 (b), a Network Provider installing a Network Node or Node Support Pole in a public right-of-way described above shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.

1.2 Each permit application shall disclose if it is within a Municipal Park and Residential Areas as described above.

2. *Historic District and Design Districts.* In accordance with Chapter 284, Sec. 284.105, a Network Provider must obtain advance written approval from the City before collocating Network Nodes or installing Node Support Poles in a Design District with Decorative Poles or in an area of the City zoned or otherwise designated as a Design District or Historic District.

2.1. As a condition for approval of Network Nodes or Node Support Poles in Design Districts with Decorative Poles or in a Historic District, the City shall require reasonable design or Concealment measures for the Network Nodes or Node Support Poles. Therefore, any request for installations in a Design District with Decorative Poles or in a Historic District, must be accompanied with proposed Concealment measures in the permit applications.

2.2. The City requests that a Network Provider explore the feasibility of using Camouflage measures to improve the aesthetics of the Network Nodes, Node Support Poles, or related ground equipment, or any portion of the nodes, poles, or equipment, to minimize the impact to the aesthetics in Design Districts or in an Historic District.

2.3. A Network Provider shall comply with and observe all applicable City, State, and federal historic preservation laws and requirements.

2.4. Each permit application shall disclose if it is within a Design District with Decorative Poles or in an area of the City zoned or otherwise designated as a Design District or Historic District.

3. *Historic Landmarks.* A Network Provider is discouraged from installing a Network Node or Node Support Pole within 300 feet of a historic site or structure or Historic Landmark recognized by the City, state or federal government (*see, for example, and not limited to* §442.001(3) of the Texas Government Code, and 16 U.S.C. §470), as of the date of the submission of the permit. It is recommended that each permit application disclose if it is within 300 feet of such a structure.

4. *Compliance with Undergrounding Requirements.* In accordance with Chapter 284, Sec. 284.107, a Network Provider shall comply with nondiscriminatory undergrounding requirements, including municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval.

4.1 Areas may be designated from time to time by the City as Underground Requirement Areas in accordance with filed plats, and or conversions of overhead to underground areas, as may be allowed by law.

4.2 Each permit application shall disclose if it is within an area that has undergrounding requirements.

B. Least preferable locations.

1. **Residential Areas and Parks.** A Network Provider is discouraged from installing a Network Node on an existing pole in a public right-of-way without written consent from the City Council if the public right-of-way is located in or adjacent to a street or thoroughfare that is adjacent to a municipal park or single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.

2. In accordance with Chapter 284, Sec. 284.104 (b) a Network Provider installing a Network Node or a Node Support Pole in a public right-of-way shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.

3. **Historic Districts and Design Districts.** A Network Provider is discouraged from installing a Network Node or a Node Support Pole in the public right-of-way in any area designated by the City as a Design Districts or in an area of the City zoned or otherwise designated as a Historic District unless such a Network Node or a new Node Support Pole is camouflaged.

C. Most preferable locations

1. *Industrial areas* if not adjacent to a Municipal Park, Residential area, Historic District or Design District.

2. *Highway Rights-of-Way* areas if not adjacent to a Municipal Park, Residential area, Historic District or Design District.

3. *Retail and Commercial areas* if not adjacent to a Municipal Park, Residential area, Historic District or Design District.

D. Designated Areas.

1. The City Council may designate an area as a Historic District or a Design District under Chapter 284.105 at any time.

2. The failure to designate an area in this Chapter shall not mean that such an area is not within a defined district, if so designated by the City Council. Future areas may be designated as one of these Districts at any time. Such a designation does not require a zoning case.

3. While not required under Chapter 284 to designate Underground Requirement Areas to prohibit above ground Wireless facilities, the City may also, from time to time, also designate Underground Requirement Areas.

E. Exceptions

The City by its discretionary consent and agreement may grant exceptions to the above prohibited locations and sizes, but only in a non-exclusive, and non-discriminatory manner, as allowed or required by Chapter 284, Sec. 284.109 and Sec. 284.110.

F. Order of Preference regarding Network Node attachment to existing facilities and New Node Support Poles.

1. *Existing telephone or electrical lines between existing utility poles.* Micro Network Nodes shall only be lashed on existing telephone or electrical lines between existing utility poles (electric poles or telephones poles), with notice to the pole owner as required by the Federal Pole Attachment Act, and not placed on Utility Poles, Node Support Poles or Service Poles.

2. *Existing Utility Poles* (electric poles or telephones poles), shall be the preferred support facility for Network Nodes and related ground equipment.

3. *Municipal Service Poles:*

a. *Non-decorative street lights* with a height of more than 20 feet.

b. *Traffic signal structures* when such installation will not interfere with the integrity of the facility and will not interfere with the safety of public and in accordance with an agreement as allowed by Chapter 284, Sec. 285.056 and Sec. 284.101 (a) (3), and (b).

c. *Street signage* shall be a low priority use for attachment of a Network Node.

d. *Other municipal Service pole* use is discouraged.

4. *New node support poles* shall be the least preferred type of allowed facility for attachment of Network Nodes.

5. *Ground Equipment.* Ground equipment should be minimal and the least intrusive.

SECTION 4. RESTRICTIONS ON PLACEMENT.

A. Generally.

In accordance with Chapter 284.102, a Network Provider shall construct and maintain Network Nodes and Node Support Poles in a manner that does not:

1. obstruct, impede, or hinder the usual travel or public safety on a public right-of-way;
2. obstruct the legal use of a public right-of-way by other utility providers;
3. violate nondiscriminatory applicable codes;
4. violate or conflict with the City's publicly disclosed public right-of-way management ordinance or this Design and Construction Standards.
5. violate the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

B. General Requirements and Information:

1. *Size Limits.* Network Providers shall provide detailed drawings, with calculations to show strict conformity to the size limitations as set forth in Chapter 284, in accordance with, but not limited to Chapter 284, Sec. 284.002, size of a Micro Network Node, Sec. 284.003, Size of Network Nodes, and Sec. 284.103, Max. pole height, with each application and with each request for a permit for each location.³

2. *State and Federal Rights-of-way permit.* If the project lies within a Highway Right-of-Way, the applicant must provide evidence of a permit from the State or Federal Government.

3. *Confirmation of non-interference with City Safety Communication or SCADA Networks.*

a. The Network Provider needs to provide analysis that the proposed network node shall not cause any interference with City public safety radio system, traffic signal light system, SCADA system, or other city safety communications components in accordance with Chapter 284, Sec. 284.304.

b. It shall be the responsibility of the Network Provider to evaluate, prior to making application for permit, the compatibility between the existing City infrastructure and Provider's proposed Network Node. A Network Node shall not be installed in a location that causes any interference. Network Nodes shall not be allowed on City's public safety radio infrastructure.

4. *Improperly Located Network Node facilities, Node Support Poles and related ground equipment:*

a. Improperly Located Network Node facilities, Node Support Poles and related ground equipment shall not impede pedestrian or vehicular traffic in the Right-of-Way. If any Network Node facilities, Node Support Poles or ground equipment is installed in a location that is not in accordance with the plans approved by the City and impedes pedestrian or vehicular traffic or does not comply or otherwise renders the Right-of-Way non-compliant with applicable Laws, including the American Disabilities Act, then Network Provider shall promptly remove the Network Node facilities, Node Support Poles or ground equipment.

b. Notice to Remove unauthorized facilities and relocate and penalty: After 30 days' notice to remove of Network Node facilities, Node Support Poles or ground equipment that is located in the incorrect permitted location, if not relocated the Network Provider shall be subject to a penalty of \$500.00 per day until the Network Node facilities, Node Support Poles or ground equipment is relocated to the correct area within the permitted Location, regardless of whether or not the Network Provider's contractor, subcontractor, or vendor installed the Network Node facilities, Node Support Poles or ground equipment in strict conformity with the City Rights-of-way management ordinance, and other applicable ordinances concerning improperly located facilities in the City's rights-of-way.

C. Underground Requirement Areas.

1. In accordance with Chapter 284.107, a Network Provider shall, in relation to installation for which the City approved a permit application, comply with nondiscriminatory undergrounding requirements, including municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval.

2. If a location is designated by the City to transition to be an Underground Requirement Area, then a Network Provider's permit for the location of the Micro Network Node, Network Node, Node Support Pole, and related ground equipment at such location will be revoked 90 days after the designation, with removal of said the Micro Network Node, Network Node, Node Support Pole, and related ground equipment at such location within 90 days of such designation, or as otherwise reasonably allowed by the City for the transition of other overhead facilities.

3. Before commencing underground installation, 811 Dig Test must be called so that the area can be flagged for underground utilities.

D. Network Node facilities placement:

1. *Right-of-Way:* Network Node facilities, Node Support Poles and related ground equipment shall be placed, as much as possible, within two feet of the outer edge of the Right-of-Way line to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a public right-of-way.

2. *Height above ground.* Network Node attachments to a pole shall be installed at least eight (8) feet above the ground in accordance with Chapter 284, Sec. 284.108, and if a Network Node attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground.

3. *Protrusions.* In accordance with Chapter 284, Sec. 284.003 (a) (1) (C), Sec. 284.003 (a) (2) (C) and Sec. 284.003 (a) (3) (B) no protrusion from the outer circumference of the existing structure or pole shall be more than two (2) feet.

4. *Limit on number of Network Nodes per Site.* There shall be no more than one Network Node on any one Pole.

E. New Node Support Poles.

1. *New Node Support Poles Spacing.* New node support poles shall be spaced apart from existing utility poles or Node Support poles no less than at a minimum 300 feet from a utility pole or another Node Support Pole to minimize the hazard of poles adjacent to road ways and to minimize effect on property values and aesthetics on the area.

2. *Height of Node Support Poles or modified Utility Pole.* In accordance with Chapter 284, Sec. 284.103 a Node support pole or modified Utility Pole may not exceed the lesser of:

- a. 10 feet in height above the tallest existing utility pole located within 500 linear feet of the new pole in the same public right-of-way; or
- b. 55 feet above ground level.

F. Ground Equipment.

1. *Ground Equipment near street corners and intersections:* Ground equipment should be minimal and the least intrusive. In accordance with Chapter 284.102 (1), to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a public right-of-way the maximum line of sight required to add to safe travel of vehicular and pedestrian traffic and in order to maximize that line of sight at street corners and intersections and to minimize hazards at those locations, ground equipment may not be installed within 250 feet of a street corner or a street intersection.

2. *Ground Equipment near Municipal Parks.* For the safety of Municipal park patrons, particularly small children, and to allow full line of sights near Municipal park property, the Network Provider shall not install Ground Equipment in a Right-of-Way that is within a Park or within 250 feet of the boundary line of a Park, unless approved by the City Manager in writing.

3. *Minimize Ground equipment density:*

In accordance with Chapter 284, Sec. 284.102 (1) to enhance the safety requirements of line of sight of pedestrians, particularly small children, the City Manager, or designee, may deny a request for a proposed Location if the Network Provider installs Network Node ground equipment where existing ground equipment within 300 feet already occupies a footprint of 25 sq. ft. or more.

4. *Fiber Optic Cable:*

Special precautions must be taken where underground fiber optic cable is installed in public rights-of-way commonly used for utility corridors.

- a. Underground utilities and service connections must be identified prior to excavation. "Dig Alert," "One Call," or similar underground utility contractor must be contacted to identify the locations of subsurface utilities.
- b. If temporary disruption of service is required, the installation contractor must notify the City, the service provider, and customers at least 24 hours in advance. No service on such lines may be disrupted until prior approval from the City and the service provider.

- c. At locations where the fiber optic cable will cross other subsurface utilities or structures, the cable must be installed to provide a minimum of 12 inches of vertical clearance between it and the other subsurface utilities or structures, while still maintaining the other applicable minimum depth requirement. To maintain the minimum depth requirement, the cable must be installed under the existing utility. If the minimum 12-inch clearance cannot be obtained between the proposed cable facility and the existing utility, the fiber optic cable must be encased in steel pipe or avoid future damage.

5. *Water, Sewer, and Storm Drainage Lines:*

- a. *Existing Water Lines:* No communication lines shall be placed on top of a water line but may be placed to the side of a water line at least 4 feet from the center line of the water line. When crossing a water line, a 12-inch vertical or horizontal clearance must be maintained. Poles must be at least 3 feet from a water line.
- b. *Existing Sewer Lines:* No communication lines shall be placed on top of a sewer line but may be placed to the side of a sewer line at least 4 feet from the center line of the sewer line. When crossing a sewer line, a 12-inch vertical or horizontal clearance must be maintained. Poles must be at least 3 feet from a sewer line.
- c. *Existing Storm Drainage Lines:* No communication lines shall be placed on top of a storm drainage line but may be placed to the side of a storm drainage line at least 4 feet from the center line of the storm drainage line. When crossing a storm drainage line, a 12-inch vertical or horizontal clearance must be maintained. Poles must be at least 3 feet from a storm drainage line.

6. *Blocking streets, roads, alleys or lanes:*

Texas Department of Transportation (TxDOT) standards, such as the MUTCD, must be followed for work zone areas that will block streets, roads, alleys or lanes. A traffic plan must be submitted to the City prior to construction.

G. Municipal Service Poles:

1. *In accordance with Agreement:* Installations on all Service Poles shall be in accordance with an agreement as allowed by Chapter 284, Sec. 285.056 and Sec. 284.101 (a) (3), and (b).

2. *Required industry standard pole load analysis:* Installations on all Service Poles shall have an industry standard pole load analysis completed and submitted to the City with each permit application indicating that the Service Pole to which the Network Node is to be attached will safely support the load, in accordance with Chapter 284.108.

3. *Height of attachments:* All attachments on all Service Poles shall be at least 8 feet above grade, in accordance with Chapter 284, Sec. 285.108 (a) (1) - (2) and if a Network Node attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground.

4. *Installations on Traffic Signals:* Installations on all Traffic signal structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public and must be in accordance with an agreement as allowed by Chapter 284, Sec. 285.056 and Sec. 284.101 (a) (3), and (b). Installation of Network Node facilities on any traffic signal structures shall:

- a. Be encased in a separate conduit than the traffic light electronics;
- b. Have a separate electric power connection than the traffic signal structure; and
- c. Have a separate access point than the traffic signal structure; and

5. *Installations on Street signage:* Installations on all street signage structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public. Installation of Network Node facilities on any street signage structures that has electrics shall:

- a. Be encased in a separate conduit than any City signage electronics;
- b. Have a separate electric power connection than the signage structure;
- c. Have a separate access point than the signage structure; and

6. *Restoration of City facilities and private property:* The Network Provider shall be responsible for repairing any damage to any street, street right-of-way, public right-of-way, ditch or any structure to its original condition immediately upon completing the installation. Any change to the slope of the land must be remedied, and there must be replacement of top soil and grass to its original condition.

SECTION 5. GENERAL AESTHETIC REQUIREMENTS

A. Concealment.

1. Concealment of Network Nodes and Node support poles shall be required by the City in Design Districts with Decorative Poles and in Historic Districts pursuant to Chapter 284.105.

2. It is also the City's preference that all new node support poles be camouflaged, except those located in an area zoned or predominantly industrial area. Companies shall submit their proposal for camouflage with the permit application.

3. The Network Node facilities shall be concealed or enclosed as much as reasonably possible in an equipment box, cabinet, or other unit that may include ventilation openings. External cables and wires hanging off a pole shall be sheathed or enclosed in a conduit, so that wires are protected and not visible or visually minimized to the extent possible in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

4. The Network Node facilities shall be concealed or enclosed as much as possible in an equipment box, cabinet, or other unit that may include ventilation openings. External cables and wires hanging off a pole shall be sheathed or enclosed in a conduit, so that wires are protected and not visible or visually minimized to the extent possible, except to the extent not consistent with Chapter 284.

B. New Node Support Pole Spacing.

New node support poles shall be at a minimum 300 feet from a utility pole or another Node Support Pole to minimize the hazard of poles adjacent to road ways and to minimize effect on property values and aesthetics on the area.

C. Minimize Ground Equipment Concentration.

In order to minimize negative visual impact to the surrounding area, and in accordance with Chapter 284, Sec. 284.102 (1) to enhance the safety requirements of line of sight of pedestrians, particularly small children, the City's designee may deny a request for a proposed Location if the Network Provider installs Network Node ground equipment where existing ground equipment within 300 feet already occupies a footprint of 25 sq. ft. or more to minimize effect on property values and aesthetics on the area.

D. Allowed Colors.

1. Colors in Historic Districts and Design Districts must be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284

2. Colors in Historic Districts and Design Districts must be approved by the City Manager from a palette of approved colors. Unless otherwise provided, all colors shall be earth tones or shall match the background of any structure the facilities are located upon and all efforts shall be made for the colors to be inconspicuous. Colors in areas other than in Historic Districts and Design Districts shall conform to colors of other installations of telecommunication providers in the immediately adjacent areas.

SECTION 6. ELECTRICAL SUPPLY

A. Network Provider shall be responsible for obtaining any required electrical power service to the Micro Network Node, Network Node facilities, Node Support Poles and ground equipment. The City shall not be liable to the Network Provider for any stoppages or shortages of electrical power furnished to the Micro Network Node, Network Node facilities, Node Support Poles or ground equipment, including without limitation, stoppages or shortages caused by any act, omission, or requirement of the public utility serving the structure or the act or omission of any other tenant or Network Provider of the structure, or for any other cause.

B. Network Provider shall not allow or install generators or back-up generators in the Public Right-of-Way in accordance with Chapter 284, Sec. 284.002 (12) (B) (1).

SECTION 7. INSURANCE, INDEMNITY, BONDING AND SECURITY DEPOSITS.

A. Insurance, bonding and security deposits shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

B. Indemnity shall be in accordance with Chapter 284, Sec. 284.302, as provided for in Chapter 283, Sec. 283.057 (a) and (b) of the Texas Loc. Gov't Code, and the City's rights-of-way management ordinance.

SECTION 8. REQUIREMENTS IN REGARD TO REMOVAL, REPLACEMENT, REPLACEMENT, MAINTENANCE AND REPAIR

A. REMOVAL OR RELOCATION BY NETWORK PROVIDER.

1. Removal and relocation by the Network provider of its Micro Network Node, Network Node facilities, Node Support Pole or related ground equipment at its own discretion, shall be in strict accordance with the City of Brenham rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284

2. If the Network Provider removes or relocates a Micro Network Node, Network Node facilities, Node Support Pole or related ground equipment at its own discretion, it shall notify the City Manager in writing not less than 10 business days prior to removal or relocation. Network Provider shall obtain all Permits required for relocation or removal of its Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment prior to relocation or removal.

3. The City shall not issue any refunds for any amounts paid by Network Provider for Micro Network Node, Network Node facilities, Node Support Poles or related ground equipment that have been removed.

B. REMOVAL OR RELOCATION REQUIRED FOR CITY PROJECT.

1. Removal and Relocation of Network Provider's Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof required for a City project shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284, Sec. 284.107, except as provided in existing state and federal law.

2. In accordance with Chapter 284, Sec. 284.107, except as provided in existing state and federal law, a Network Provider shall relocate or adjust Micro Network Node, Network Node, Node Support Pole and related ground equipment in a public right-of-way in a timely manner and without cost to the City managing the public right-of-way

3. Network Provider understands and acknowledges that the City may require Network Provider to remove or relocate its Micro Network Node, Network Node, Node Support Pole and related ground equipment, or any portion thereof from the Right-of-Way for City construction projects as allowed by state and federal law, including the common-law.

4. Network Provider shall, at the City Manager's direction, remove or relocate the same at Network Provider's sole cost and expense, except as otherwise provided in existing state and federal law, whenever the City Manager reasonably determines that the relocation or removal is needed for any of the following purposes: Required for the construction, completion, repair, widening, relocation, or maintenance of, or use in connection with, any City construction or maintenance project of a street or public rights-of-way to enhance the traveling public's use for travel and transportation.

5. If Network Provider fails to remove or relocate the Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof as requested by the City Manager within 90 days of Network Provider's receipt of the request, then the City shall be entitled to remove the Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof at Network Provider's sole cost and expense, without further notice to Network Provider.

6. Network Provider shall, within 30 days following issuance of invoice for the same, reimburse the City for its reasonable expenses incurred in the removal (including, without limitation, overhead and storage expenses) of the Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof.

C. REMOVAL REQUIRED BY CITY FOR SAFETY AND IMMINENT DANGER REASONS.

1. Network Provider shall, at its sole cost and expense, promptly disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment within the time frame and in the manner required by the City Manager if the City Manager reasonably determines that the disconnection, removal, or relocation of any part of a Micro Network Node, Network Node, Node Support Pole and related ground equipment (a) is necessary to protect the public health, safety, welfare, or City property, (b) the Micro Network Node, Network Node, Node Support Pole and related ground equipment, or portion thereof, is adversely affecting proper operation of streetlights or City property, or (c) Network Provider fails to obtain all applicable licenses, Permits, and certifications required by Law for its Micro Network Node, Network Node, Node Support Pole and related ground equipment, or use of any Location under applicable law in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

2. If the City Manager reasonably determines that there is imminent danger to the public, then the City may immediately disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment at the Network Provider's sole cost and expense in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

3. The City Manager shall provide 90 days written notice to the Network Provider before removing a Micro Network Node, Network Node, Node Support Pole and related ground equipment under this Section, unless there is imminent danger to the public health, safety, and welfare.

4. Network Provider shall reimburse City for the City's actual cost of removal of Micro Network Node, Network Node, Node Support Pole and related ground equipment within 30 days of receiving the invoice from the City.

SECTION 9. INSTALLATION AND INSPECTIONS

A. INSTALLATION.

1. Network Provider shall, at its own cost and expense, install the Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment in a good and workmanlike manner in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284

2. Network Provider shall, at its own cost and expense, install the Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment in a good and workmanlike manner and in accordance with the requirements promulgated by the City, as such may be amended from time to time. Network Provider's work shall be subject to the regulation, control and direction of the City. All work done in connection with the installation, operation, maintenance, repair, modification, and/or replacement of the Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment shall be in compliance with all applicable laws, ordinances, codes, rules and regulations of the City, applicable county, the state, and the United States ("Laws").

B. INSPECTIONS.

1. The City Manager, or designee, may perform visual inspections of any Micro Network Node, Network Node, Node Support Pole or related ground equipment located in the Right-of-Way shall be allowed in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284

2. The City Manager, or designee, may perform visual inspections of any Micro Network Node, Network Node, Node Support Pole or related ground equipment located in the Right-of-Way as the City Manager deems appropriate without notice. If the inspection requires physical contact with the Micro Network Node, Network Node, Node Support Poles or related ground equipment, the City Manager shall provide written notice to the Network Provider within five business days of the planned inspection. Network Provider may have a representative present during such inspection.

SECTION 10. REQUIREMENTS UPON ABANDONMENT OF OBSOLETE MICRO NETWORK NODE, NETWORK NODE, NODE SUPPORT POLE AND RELATED GROUND EQUIPMENT.

1. Abandoned or obsolete Micro Network Node, Network Node, Node Support Pole and related ground equipment shall be removed in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

2. Network Provider shall remove Micro Network Node, Network Node, Node Support Pole and related ground equipment when such facilities are Abandoned regardless of whether or not it receives notice from the City. Unless the City sends notice that removal must be completed immediately to ensure public health, safety, and welfare, the removal must be completed within the earlier of 90 days of the Micro Network Node, Network Node, Node Support Pole and related ground equipment being abandoned or within 90 days of receipt of written notice from the City. When Network Provider removes, or abandons permanent structures in the Right-of-Way, the Network Provider shall notify the City Manager in writing of such removal or Abandonment and shall file with the City Manager the location and description of each Micro Network Node, Network Node, Node Support Pole and related ground equipment removed or Abandoned. The City Manager may require the Network Provider to complete additional remedial measures necessary for public safety and the integrity of the Right-of-Way.

SECTION 11. GENERAL PROVISIONS.

1. As Built Maps and Records. Network Provider's as built maps and records shall be in strict accordance with the City of Brenham rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

1.1 A Network Provider shall maintain accurate maps and other appropriate records of its Network Node facilities, Node Support Poles and related ground equipment as they are actually constructed in the Rights-of-Way, including, upon request, the use of Auto CAD/GIS digital format. Network Provider will provide additional maps to the City upon request.

2. Courtesy and Proper Performance. Courtesy and Proper Performance of Network provider's personnel, and contractors shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

2.1 A Network Provider shall make citizen satisfaction a priority in using the Right-of-Way. Network Provider shall train its employees to be customer service-oriented and to positively and politely interact with citizens when dealing with issues pertaining to its Micro Network Node, Network Node, Node Support Pole and related ground equipment in the Right-of-Way. Network Provider's employees shall be clean, courteous, efficient, and neat in appearance and committed to offering the highest quality of interaction with the public. If, in the opinion of the City Manager or designee, Network Provider is not interacting in a positive and polite manner with citizens, he or she shall request Network Provider to take all remedial steps to conform to these standards.

3. DRUG POLICY. Drug policy of Network provider's personnel, and contractors in the public rights-of-way shall be in strict accordance with the City's rights-of-way management ordinance, these Design and Construction Standards, and other applicable ordinances, except to the extent not consistent with Chapter 284.

3.1 It is the policy of the City to achieve a drug-free workforce and workplace. The manufacture, distribution, dispensation, possession, sale, or use of illegal drugs or alcohol by Network Provider's employees, contractors, subcontractors, sub-Network Provider's, or vendors while on City rights-of-way is prohibited.

4. ALLOCATION OF FUNDS FOR REMOVAL AND STORAGE. The City Council has currently appropriated no funds to pay for the cost of any removal or storage of Micro Network Node, Network Node, Node Support Pole and related ground equipment, as authorized under the law.

5. OWNERSHIP. Ownership of Network Node and related equipment shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable codes and ordinances, except to the extent not consistent with Chapter 284.

5.1 No part of a Micro Network Node, Network Node, Node Support Pole and related ground equipment erected or placed on the Right-of-Way by Network Provider will become, or be considered by the City as being affixed to or a part of, the Right-of-Way. All portions of the Micro Network Node, Network Node, Node Support Pole and related ground equipment constructed, modified, erected, or placed by Network Provider on the Right-of-Way will be and remain the property of Network Provider and may be removed by Network Provider at any time, provided the Network Provider shall notify the City Manager prior to any work in the Right-of-Way.

6. Tree Maintenance. Tree maintenance shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

6.1 A Network Provider, its contractors, and agents shall obtain written permission from the City Manager before trimming trees hanging over its Micro Network Node, Network Node, or Node Support Pole, to prevent branches of such trees from contacting attached Micro Network Node, Network Node, or Node Support Pole. When directed by the City Manager, Network Provider shall trim under the supervision and direction of the City Manager. The City shall not be liable for any damages, injuries, or claims arising from Network Provider's actions under this section.

7. Signage. Signage shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

7.1 Network Provider shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the Network Node facility that is visible to the public. Signage required under this section shall not exceed 4" x 6", unless otherwise required by law (e.g. RF ground notification signs) or the City Manager.

7.2 Except as required by law or by the Utility Pole owner, a Network Provider shall not post any other signage or advertising on the Micro Network Node, Network Node, Node Support Pole, Service pole or Utility Pole.

8. Graffiti Abatement. Graffiti abatement shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

8.1 As soon as practical, but not later than fourteen (14) calendar days from the date Network Provider receives notice thereof, Network Provider shall remove all graffiti on any of its Micro Network Node, Network Node, Node Support Pole, and related ground equipment located in the public rights-of way. The foregoing shall not relieve the Network Provider from complying with any City graffiti or visual blight ordinance or regulation.

9. Restoration.

9.1 A Network Provider shall restore and repair of the public rights-of-way from any damage to the Right-of-Way, or any facilities located within the Right-of-Way, and the property of any third party resulting from Network Provider's removal or relocation activities (or any other of Network Provider's activities hereunder) in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

9.2 A Network Provider shall repair any damage to the public rights-of-way, or any facilities located within the public rights-of-way, and the property of any third party resulting from Network Provider's removal or relocation activities (or any other of Network Provider's activities hereunder) within 10 calendar days following the date of such removal or relocation, at Network Provider's sole cost and expense, including restoration of the public rights-of-way and such property to substantially the same condition as it was immediately before the date Network Provider was granted a Permit for the applicable Location or did the work at such Location (even if Network Provider did not first obtain a Permit), including restoration or replacement of any damaged trees, shrubs or other vegetation. Such repair, restoration and replacement shall be subject to the sole, reasonable approval of the City Manager.

10. Network provider's responsibility.

10.1 A Network Provider shall be responsible and liable for the acts and omissions of the Network Provider's employees, temporary employees, officers, directors, contractors, consultants, agents, Affiliates, subsidiaries, sub-Network Provider's and subcontractors in connection with the installations of any Micro Network Node, Network Node, Node Support Pole and related ground equipment, as if such acts or omissions were Network Provider's acts or omissions in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

SECTION 12. ADMINISTRATIVE HEARING – REQUEST FOR EXEMPTION

12.1 Should the Network Provider desire to deviate from any of the standards set forth in these Design and Construction Standards, the Network Provider may request an Administrative Hearing before a Board of Appeals. The City Council shall act as the Board of Appeals for a Request for Exemption.

12.2 The process for an application, hearing and vote shall follow the process set out for an appeal.

SECTIONS. 13-19 RESERVED

SECTION 20. DESIGN AND CONSTRUCTION STANDARDS - UPDATES

Placement or Modification of Micro Network Node, Network Node, Node Support Pole, Transport Facility, and related ground equipment shall comply with the City's Design and Construction Standards at the time the Permit for installation or Modification is approved and as amended from time to time.

¹ Sec. 284.301. LOCAL POLICE-POWER-BASED REGULATIONS. (a) Subject to this chapter and applicable federal and state law, a municipality may continue to exercise zoning, land use, planning, and permitting authority in the municipality's boundaries, including with respect to utility poles.

(b) A municipality may exercise that authority to impose police-power-based regulations for the management of the public right-of-way that apply to all persons subject to the municipality.

(c) A municipality may impose police-power-based regulations in the management of the activities of network providers in the public right-of-way only to the extent that the regulations are reasonably necessary to protect the health, safety, and welfare of the public.

² The definitions as used in Tx. Loc. Gov. Code, Chapter 284, Sec. 284.002 shall be used in these Design and Construction Standards.

Tex. Loc. Gov. Code, Chapter 284, Sec. 284.002. DEFINITIONS. In this chapter:

(1) "Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

(2) "Applicable codes" means:

(A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and

(B) local amendments to those codes to the extent not inconsistent with this chapter.

(3) "Collocate" and "collocation" mean the installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to a pole.

(4) "Decorative pole" means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal codes.

(5) "Design district" means an area that is zoned, or otherwise designated by municipal code, and for which the city maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

(6) "Historic district" means an area that is zoned or otherwise designated as a historic district under municipal, state, or federal law.

(7) "Law" means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.

(8) "Macro tower" means a guyed or self-supported pole or monopole greater than the height parameters prescribed by Section 284.103 and that supports or is capable of supporting antennas.

(9) "Micro network node" means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

(10) "Municipally owned utility pole" means a utility pole owned or operated by a municipally owned utility, as defined by Section 11.003, Utilities Code, and located in a public right-of-way.

(11) "Municipal park" means an area that is zoned or otherwise designated by municipal code as a public park for the purpose of recreational activity.

(12) "Network node" means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term:

(A) includes:

(i) equipment associated with wireless communications;

(ii) a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and

(iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and

(B) does not include:

(i) an electric generator;

-
- (ii) a pole; or
 - (iii) a macro tower.
 - (13) "Network provider" means:
 - (A) a wireless service provider; or
 - (B) a person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:
 - (i) network nodes; or
 - (ii) node support poles or any other structure that supports or is capable of supporting a network node.
 - (14) "Node support pole" means a pole installed by a network provider for the primary purpose of supporting a network node.
 - (15) "Permit" means a written authorization for the use of the public right-of-way or collocation on a service pole required from a municipality before a network provider may perform an action or initiate, continue, or complete a project over which the municipality has police power authority.
 - (16) "Pole" means a service pole, municipally owned utility pole, node support pole, or utility pole.
 - (17) "Private easement" means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.
 - (18) "Public right-of-way" means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include:
 - (A) a private easement; or
 - (B) the airwaves above a public right-of-way with regard to wireless telecommunications.
 - (19) "Public right-of-way management ordinance" means an ordinance that complies with Subchapter C.
 - (20) "Public right-of-way rate" means an annual rental charge paid by a network provider to a municipality related to the construction, maintenance, or operation of network nodes within a public right-of-way in the municipality.
 - (21) "Service pole" means a pole, other than a municipally owned utility pole, owned or operated by a municipality and located in a public right-of-way, including:
 - (A) a pole that supports traffic control functions;
 - (B) a structure for signage;
 - (C) a pole that supports lighting, other than a decorative pole; and
 - (D) a pole or similar structure owned or operated by a municipality and supporting only network nodes.
 - (22) "Transport facility" means each transmission path physically within a public right-of-way, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.
 - (23) "Utility pole" means a pole that provides:
 - (A) electric distribution with a voltage rating of not more than 34.5 kilovolts; or
 - (B) services of a telecommunications provider, as defined by Section 51.002, Utilities Code.
 - (24) "Wireless service" means any service, using licensed or unlicensed wireless

spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a network node.

(25) "Wireless service provider" means a person that provides wireless service to the public.

³ Sec. 284.002. DEFINITIONS (8) "Micro network node" means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

Sec. 284.003. LIMITATION ON SIZE OF NETWORK NODES. (a) Except as provided by Section 284.109, a network node to which this chapter applies must conform to the following conditions:

- (1) each antenna that does not have exposed elements and is attached to an existing structure or pole:
 - (A) must be located inside an enclosure of not more than six cubic feet in volume;
 - (B) may not exceed a height of three feet above the existing structure or pole; and
 - (C) may not protrude from the outer circumference of the existing structure or pole by more than two feet;
 - (2) if an antenna has exposed elements and is attached to an existing structure or pole, the antenna and all of the antenna's exposed elements:
 - (A) must fit within an imaginary enclosure of not more than six cubic feet;
 - (B) may not exceed a height of three feet above the existing structure or pole; and
 - (C) may not protrude from the outer circumference of the existing structure or pole by more than two feet;
 - (3) the cumulative size of other wireless equipment associated with the network node attached to an existing structure or pole may not:
 - (A) be more than 28 cubic feet in volume; or
 - (B) protrude from the outer circumference of the existing structure or a node support pole by more than two feet;
 - (4) ground-based enclosures, separate from the pole, may not be higher than three feet six inches from grade, wider than three feet six inches, or deeper than three feet six inches; and
 - (5) pole-mounted enclosures may not be taller than five feet.
- (b) The following types of associated ancillary equipment are not included in the calculation of equipment volume under Subsection (a):
- (1) electric meters;
 - (2) concealment elements;
 - (3) telecommunications demarcation boxes;
 - (4) grounding equipment;
 - (5) power transfer switches;
 - (6) cut-off switches; and
 - (7) vertical cable runs for the connection of power and other services.
- (c) Equipment attached to node support poles may not protrude from the outer edge of the node support pole by more than two feet.

(d) Equipment attached to a utility pole must be installed in accordance with the National Electrical Safety Code, subject to applicable codes, and the utility pole owner's construction standards.



AGENDA ITEM 12

DATE OF MEETING: August 17, 2017	DATE SUBMITTED: August 11, 2017
DEPT. OF ORIGIN: Public Utilities	SUBMITTED BY: Lowell Ogle

MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	ORDINANCE: ☐ 1ST READING ☐ 2ND READING ☐ RESOLUTION
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AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Bid No. 3900.0420/050 Related to the 2016 Water Treatment Plant Protective Coatings Project and Authorize the Mayor to Execute Any Necessary Documentation

SUMMARY STATEMENT: On June 29, 2017 bids were opened by O'Malley Strand Associates, Inc. and City of Brenham staff for the 2016 Water Treatment Plant Protective Coatings project.

Six bids were received for this project. The low bidder, Gulf States Protective Coatings, Inc., is qualified and experienced in this type of work and has been recommended by O'Malley Strand. The Base Bid plus all of the Additive Alternate bids came in at \$543,675.00.

Planned improvements for the project consists of coating/recoating certain facilities at the City's Water Treatment Plant and include some minor repairs. All items in and on the clarifiers are to be coated with the exception of the floor and a portion of the interior walls. This project would also include the two concrete clearwells, splitter box, and some other miscellaneous structures. We plan to issue certificates of obligation to fund this project.

	Gulf States Protective Coatings, Inc LaPorte, TX	Pardalis Ind Enterprises, Inc Houston, TX	D&M Tanks, LLC Kennedale, TX	CFG Ind, LLC Magnolia, TX	Nova Painting, LLC Humble, TX	E.J. Chris Contracting, Inc. Live Oak, TX
Total Base Bid	268,700	325,000	294,285	301,008	341,000	328,800
Add Alt. No. 1	750	14,850	18,500	14,130	8,500	No bid
Add Alt No. 2	4,000	17,160	16,750	14,130	15,000	No bid
Add Alt No. 3	10,000	21,120	38,750	20,000	15,000	No bid
Add Alt No. 4	20,400	29,700	17,280	16,704	47,000	No bid
Add Alt No. 5	27,500	29,700	31,700	160,000	75,000	No bid
Add Alt No. 6	2,000	5,280	4,500	40,000	75,000	No bid
Add Alt No. 7	1,500	8,910	17,500	2,000	5,250	No bid
Add Alt No. 8	101,115	94,380	99,000	107,856	150,000	No bid
Add Alt No. 9	102,710	103,950	166,000	77,720	90,000	No bid
Add Alt No. 10	5,000	4,950	6,500	7,000	10,000	No bid
TOTAL	543,675	655,000	710,765	760,548	831,750	328,800

Alternate Bid No	Description
Additive Alternate Bid 1	Apply protective coating to exterior of concrete flow distribution/splitter box
Additive Alternate Bid 2	Apply protective coating to piping of flow distribution/splitter box and bridge
Additive Alternate Bid 3	Apply protective coating to upper level of chemical feed platform
Additive Alternate Bid 4	Apply protective coating to exterior of 600,000 gallon concrete potable water storage tank
Additive Alternate Bid 5	Apply protective coating to exterior of 1,000,000 gallon concrete potable water storage tank
Additive Alternate Bid 6	Clean the exterior roof of the 1,000,000 gallon concrete potable water storage tank
Additive Alternate Bid 7	Route/chip out and pack crack in concrete / Treat surface of concrete with Xypex
Additive Alternate Bid 8	Apply protective coating system to interior of the 750,000 gallon raw water storage tank
Additive Alternate Bid 9	Apply protective coating system to exterior of the 750,000 gallon raw water storage tank
Additive Alternate Bid 10	Apply logo to exterior the 750,000 gallon raw water storage tank
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):	
A. PROS:	
B. CONS:	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: (1) Bid Tabulation; and (2) Recommendation of Award	
FUNDING SOURCE (Where Applicable): 2017/2018 Certificates of Obligation	
RECOMMENDED ACTION: Award Bid No. 3900.0420/050, including Additive Alternate Bid Numbers 1-10, to Gulf States Protective Coatings, Inc. in the amount of \$543,675.00 related to the 2016 Water Treatment Plant Protective Coatings Project and authorize the Mayor to execute any necessary documentation	
APPROVALS: Terry K. Roberts	

CITY OF BRENHAM
2016 SURFACE WATER TREATMENT PLANT PROTECTIVE
COATINGS REHABILITATION

STRAND PROJECT NO. 3900.0420/050 (RE-BID)

BIDS OPENED: JUNE 29, 2017 AT 2:00 P.M.

			Gulf States Protective Coatings, Inc.		D&M Tanks, LLC.		CFG Industries, LLC		Pardalis Industrial Enterprises, Inc.		
Item No.	Description	Estimated Quantity	201 N. 16th St. LaPorte, Texas 77571		6901 Mansfield Cardinal Rd. Kennedale, Texas 76060		22535 Magnolia Hills Dr. Magnolia, Texas 77354		3320 Longhorn Dr. Houston, Texas 77084		
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	
BASE BID											
1	Provide all equipment, labor, and materials and apply protective coating system to interior of Clarifier No. 1 including clarifier catwalk and related items as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ 55,650.00	\$ 55,650.00	\$ 43,500.00	\$ 43,500.00	\$ 55,000.00	\$ 55,000.00	\$ 41,600.00	\$ 41,600.00	
2	Provide all equipment, labor, and materials and apply protective coating system to interior of Clarifier No. 2 including clarifier catwalk and related items as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ 65,650.00	\$ 65,650.00	\$ 54,450.00	\$ 54,450.00	\$ 63,000.00	\$ 63,000.00	\$ 57,850.00	\$ 57,850.00	

Item No.	Description	Estimated Quantity	Gulf States Protective Coatings, Inc.		D&M Tanks, LLC.		CFG Industries, LLC		Pardalis Industrial Enterprises, Inc.	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
3	Provide all equipment, labor, and materials and apply protective coating system to interior of Clarifier No. 3 including clarifier catwalk and related items as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ 79,000.00	\$ 79,000.00	\$ 76,550.00	\$ 76,550.00	\$ 91,628.00	\$ 91,628.00	\$ 84,500.00	\$ 84,500.00
4	Provide all equipment, labor, and materials and apply protective coating system to exterior of Clarifier No. 1 as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ 9,550.00	\$ 9,550.00	\$ 9,800.00	\$ 9,800.00	\$ 15,110.00	\$ 15,110.00	\$ 19,868.00	\$ 19,868.00
5	Provide all equipment, labor, and materials and apply protective coating system to exterior of Clarifier No. 2 as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ 10,900.00	\$ 10,900.00	\$ 11,900.00	\$ 11,900.00	\$ 17,670.00	\$ 17,670.00	\$ 19,868.00	\$ 19,868.00
6	Provide all equipment, labor, and materials and apply protective coating system to exterior of Clarifier No. 3 as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ 17,950.00	\$ 17,950.00	\$ 19,350.00	\$ 19,350.00	\$ 30,160.00	\$ 30,160.00	\$ 19,868.00	\$ 19,868.00

Item No.	Description	Estimated Quantity	Gulf States Protective Coatings, Inc.		D&M Tanks, LLC.		CFG Industries, LLC		Pardalis Industrial Enterprises, Inc.	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
7	Provide all equipment, labor, and materials and apply protective coating system to all handrails as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ 13,500.00	\$ 13,500.00	\$ 28,000.00	\$ 28,000.00	\$ 13,440.00	\$ 13,440.00	\$ 8,986.00	\$ 8,986.00
8	Provide all equipment, labor, and materials and apply protective coating to the lower level of the chemical feed platform and related items as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ 10,000.00	\$ 10,000.00	\$ 47,000.00	\$ 47,000.00	\$ 8,000.00	\$ 8,000.00	\$ 65,000.00	\$ 65,000.00
9	Provide all equipment, labor, and materials and make pit repairs to metal surfaces by welding when directed by Engineer	200 SI	\$ 25.00	\$ 5,000.00	\$ 18.00	\$ 3,600.00	\$ 20.00	\$ 4,000.00	\$ 28.00	\$ 5,600.00
10	Provide all equipment, labor, and materials and replace existing metal floor plate when directed by Engineer as more fully described in Section 01 11 13 of the Technical Specifications	15 SF	\$ 100.00	\$ 1,500.00	\$ 9.00	\$ 135.00	\$ 200.00	\$ 3,000.00	\$ 124.00	\$ 1,860.00
TOTAL BASE BID (ITEMS 1 - 10)				\$ 268,700.00		\$ 294,285.00		\$ 301,008.00		\$ 325,000.00

Item No.	Description	Estimated Quantity	Gulf States Protective Coatings, Inc.		D&M Tanks, LLC.		CFG Industries, LLC		Pardalis Industrial Enterprises, Inc.	
			201 N. 16th St. LaPorte, Texas 77571	Total Price	6901 Mansfield Cardinal Rd. Kennedale, Texas 76060	Total Price	22535 Magnolia Hills Dr. Magnolia, Texas 77354	Total Price	3320 Longhorn Dr. Houston, Texas 77084	Total Price
			Unit Price		Unit Price		Unit Price		Unit Price	
ADDITIVE ALTERNATE BID NO. 1										
A1	Provide all equipment, labor, and materials and apply protective coating to exterior of concrete flow distribution/splitter box and related items as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ 750.00	\$ 750.00	\$ 18,500.00	\$ 18,500.00	\$ 14,130.00	\$ 14,130.00	\$ 14,850.00	\$ 14,850.00
ADDITIVE ALTERNATE BID NO. 2										
A2	Provide all equipment, labor, and materials and apply protective coating piping in vicinity of flow distribution/splitter box and bridge as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ 4,000.00	\$ 4,000.00	\$ 16,750.00	\$ 16,750.00	\$ 14,130.00	\$ 14,130.00	\$ 17,160.00	\$ 17,160.00
ADDITIVE ALTERNATE BID NO. 3										
A3	Provide all equipment, labor, and materials and apply protective coating to the upper level of the chemical feed platform and related items as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ 10,000.00	\$ 10,000.00	\$ 38,750.00	\$ 38,750.00	\$ 20,000.00	\$ 20,000.00	\$ 21,120.00	\$ 21,120.00

		Gulf States Protective Coatings, Inc.		D&M Tanks, LLC.		CFG Industries, LLC		Pardalis Industrial Enterprises, Inc.	
		201 N. 16th St. LaPorte, Texas 77571		6901 Mansfield Cardinal Rd. Kennedale, Texas 76060		22535 Magnolia Hills Dr. Magnolia, Texas 77354		3320 Longhorn Dr. Houston, Texas 77084	
Item No.	Description	Estimated Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price
ADDITIVE ALTERNATE BID NO. 4									
A4	Provide all equipment, labor, and materials and apply protective coating to exterior of 600,000 gallon concrete potable water storage tank and related items as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ 20,400.00	\$ 20,400.00	\$ 17,280.00	\$ 17,280.00	\$ 16,704.00	\$ 16,704.00	\$ 29,700.00
ADDITIVE ALTERNATE BID NO. 5									
A5	Provide all equipment, labor, and materials and apply protective coating to exterior of 1,000,000 gallon concrete potable water storage tank and related items as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ 27,500.00	\$ 27,500.00	\$ 31,700.00	\$ 31,700.00	\$ 160,000.00	\$ 160,000.00	\$ 29,700.00
ADDITIVE ALTERNATE BID NO. 6									
A6	Provide all equipment, labor, and materials and clean the exterior roof of the 1,000,000 gallon concrete potable water storage tank as more fully described in Section 01 11 13 of the Technical Specifications	1 LS	\$ 2,000.00	\$ 2,000.00	\$ 4,500.00	\$ 4,500.00	\$ 40,000.00	\$ 40,000.00	\$ 5,280.00

			Gulf States Protective Coatings, Inc.		D&M Tanks, LLC.		CFG Industries, LLC		Pardalis Industrial Enterprises, Inc.	
			201 N. 16th St. LaPorte, Texas 77571		6901 Mansfield Cardinal Rd. Kennedale, Texas 76060		22535 Magnolia Hills Dr. Magnolia, Texas 77354		3320 Longhorn Dr. Houston, Texas 77084	
Item No.	Description	Estimated Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
ADDITIVE ALTERNATE BID NO. 7										
A7	Provide all equipment, labor, and materials to route/chip out and pack crack in concrete as more fully described in Sections 01 11 13 and 09 90 00 of the Technical Specifications	25 LF	\$ 50.00	\$ 1,250.00	\$ 150.00	\$ 3,750.00	\$ 20.00	\$ 500.00	\$ 170.28	\$ 4,257.00
A8	Provide all equipment, labor, and materials to treat surface of concrete with Xypex as more fully described	50 SF	\$ 5.00	\$ 250.00	\$ 275.00	\$ 13,750.00	\$ 30.00	\$ 1,500.00	\$ 93.06	\$ 4,653.00
TOTAL ADD. ALT. BID NO. 7 (A7 - A8)				\$ 1,500.00		\$ 17,500.00		\$ 2,000.00		\$ 8,910.00
ADDITIVE ALTERNATE BID NO. 8										
A9	Provide all equipment, labor, and materials and apply protective coating system to the interior of the 750,000 gallon raw water ground storage tank	1 LS	\$ 101,115.00	\$ 101,115.00	\$ 99,000.00	\$ 99,000.00	\$ 107,856.00	\$ 107,856.00	\$ 94,380.00	\$ 94,380.00
ADDITIVE ALTERNATE BID NO. 9										
A10	Provide all equipment, labor, and materials and apply protective coating system to the exterior of the 750,000 gallon raw water ground storage tank	1 LS	\$ 102,710.00	\$ 102,710.00	\$ 166,000.00	\$ 166,000.00	\$ 77,720.00	\$ 77,720.00	\$ 103,950.00	\$ 103,950.00
ADDITIVE ALTERNATE BID NO. 10										
A11	Provide all equipment, labor, and materials and apply logo to the exterior of the 750,000 gallon raw water ground storage tank to match existing logo	1 LS	\$ 5,000.00	\$ 5,000.00	\$ 6,500.00	\$ 6,500.00	\$ 7,000.00	\$ 7,000.00	\$ 4,950.00	\$ 4,950.00

CITY OF BRENHAM
2016 SURFACE WATER TREATMENT PLANT PROTECTIVE
COATINGS REHABILITATION
STRAND PROJECT NO. 3900.0420/050 (RE-BID)
BIDS OPENED: JUNE 29, 2017 AT 2:00 P.M.

Item Description		Estimated Quantity	E.J. Chris Contracting, Inc. 13603 Mathews Park Live Oak, Texas 78233		Nova Painting, LLC 15414 Lee Road Humble, Texas 77396	
Item No.			Unit Price	Total Price	Unit Price	Total Price
BASE BID						
1	Provide all equipment, labor, and materials and apply protective coating system to interior of Clarifier No. 1 including clarifier catwalk and related items as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ 69,000.00	\$ 69,000.00	\$ 79,000.00	\$ 79,000.00
2	Provide all equipment, labor, and materials and apply protective coating system to interior of Clarifier No. 2 including clarifier catwalk and related items as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ 74,000.00	\$ 74,000.00	\$ 94,000.00	\$ 94,000.00

Item No.	Description	Estimated Quantity	E.J. Chris Contracting, Inc.		Nova Painting, LLC	
			Unit Price	Total Price	Unit Price	Total Price
3	Provide all equipment, labor, and materials and apply protective coating system to interior of Clarifier No. 3 including clarifier catwalk and related items as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ 80,000.00	\$ 80,000.00	\$ 104,000.00	\$ 104,000.00
4	Provide all equipment, labor, and materials and apply protective coating system to exterior of Clarifier No. 1 as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ 15,000.00	\$ 15,000.00	\$ 10,000.00	\$ 10,000.00
5	Provide all equipment, labor, and materials and apply protective coating system to exterior of Clarifier No. 2 as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ 20,000.00	\$ 20,000.00	\$ 12,500.00	\$ 12,500.00
6	Provide all equipment, labor, and materials and apply protective coating system to exterior of Clarifier No. 3 as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ 25,000.00	\$ 25,000.00	\$ 10,000.00	\$ 10,000.00

Item No.	Description	Estimated Quantity	E.J. Chris Contracting, Inc.		Nova Painting, LLC	
			Unit Price	Total Price	Unit Price	Total Price
7	Provide all equipment, labor, and materials and apply protective coating system to all handrails as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ 18,000.00	\$ 18,000.00	\$ 14,000.00	\$ 14,000.00
8	Provide all equipment, labor, and materials and apply protective coating to the lower level of the chemical feed platform and related items as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ 10,000.00	\$ 10,000.00	\$ 14,000.00	\$ 14,000.00
9	Provide all equipment, labor, and materials and make pit repairs to metal surfaces by welding when directed by Engineer	200 SI	\$ 74.00	\$ 14,800.00	\$ 10.00	\$ 2,000.00
10	Provide all equipment, labor, and materials and replace existing metal floor plate when directed by Engineer as more fully described in Section 01 11 13 of the Technical Specifications	15 SF	\$ 200.00	\$ 3,000.00	\$ 100.00	\$ 1,500.00
TOTAL BASE BID (ITEMS 1 - 10)				\$ 328,800.00		\$ 341,000.00

			E.J. Chris Contracting, Inc. 13603 Mathews Park Live Oak, Texas 78233		Nova Painting, LLC 15414 Lee Road Humble, Texas 77396	
Item No.	Description	Estimated Quantity	Unit Price	Total Price	Unit Price	Total Price
ADDITIVE ALTERNATE BID NO. 1						
A1	Provide all equipment, labor, and materials and apply protective coating to exterior of concrete flow distribution/splitter box and related items as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ -	\$ -	\$ 8,500.00	\$ 8,500.00
ADDITIVE ALTERNATE BID NO. 2						
A2	Provide all equipment, labor, and materials and apply protective coating piping in vicinity of flow distribution/splitter box and bridge as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ -	\$ -	\$ 15,000.00	\$ 15,000.00
ADDITIVE ALTERNATE BID NO. 3						
A3	Provide all equipment, labor, and materials and apply protective coating to the upper level of the chemical feed platform and related items as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ -	\$ -	\$ 15,000.00	\$ 15,000.00

			E.J. Chris Contracting, Inc. 13603 Mathews Park Live Oak, Texas 78233		Nova Painting, LLC 15414 Lee Road Humble, Texas 77396	
Item No.	Description	Estimated Quantity	Unit Price	Total Price	Unit Price	Total Price
ADDITIVE ALTERNATE BID NO. 4						
A4	Provide all equipment, labor, and materials and apply protective coating to exterior of 600,000 gallon concrete potable water storage tank and related items as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ -	\$ -	\$ 47,000.00	\$ 47,000.00
ADDITIVE ALTERNATE BID NO. 5						
A5	Provide all equipment, labor, and materials and apply protective coating to exterior of 1,000,000 gallon concrete potable water storage tank and related items as more fully described in Section 01 11 13 and Section 09 90 00 of the Technical Specifications	1 LS	\$ -	\$ -	\$ 75,000.00	\$ 75,000.00
ADDITIVE ALTERNATE BID NO. 6						
A6	Provide all equipment, labor, and materials and clean the exterior roof of the 1,000,000 gallon concrete potable water storage tank as more fully described in Section 01 11 13 of the Technical Specifications	1 LS	\$ -	\$ -	\$ 75,000.00	\$ 75,000.00

Item No.		Description	Estimated Quantity	E.J. Chris Contracting, Inc. 13603 Mathews Park Live Oak, Texas 78233		Nova Painting, LLC 15414 Lee Road Humble, Texas 77396	
				Unit Price	Total Price	Unit Price	Total Price
ADDITIVE ALTERNATE BID NO. 7							
A7		Provide all equipment, labor, and materials to route/chip out and pack crack in concrete as more fully described in Sections 01 11 13 and 09 90 00 of the Technical Specifications	25 LF	\$ -	\$ -	\$ 10.00	\$ 250.00
A8		Provide all equipment, labor, and materials to treat surface of concrete with Xypex as more fully described	50 SF	\$ -	\$ -	\$ 100.00	\$ 5,000.00
TOTAL ADD. ALT. BID NO. 7 (A7 - A8)				\$ -	\$ -		\$ 5,250.00
ADDITIVE ALTERNATE BID NO. 8							
A9		Provide all equipment, labor, and materials and apply protective coating system to the interior of the 750,000 gallon raw water ground storage tank	1 LS	\$ -	\$ -	\$ 150,000.00	\$ 150,000.00
ADDITIVE ALTERNATE BID NO. 9							
A10		Provide all equipment, labor, and materials and apply protective coating system to the exterior of the 750,000 gallon raw water ground storage tank	1 LS	\$ -	\$ -	\$ 90,000.00	\$ 90,000.00
ADDITIVE ALTERNATE BID NO. 10							
A11		Provide all equipment, labor, and materials and apply logo to the exterior of the 750,000 gallon raw water ground storage tank to match existing logo	1 LS	\$ -	\$ -	\$ 10,000.00	\$ 10,000.00

O'Malley Strand Associates, Inc.
TBPE No. F-8405
Brenham, Texas



Kelly M. Hajek
7.6.2017

Kelly M. Hajek, P.E.



O'Malley Strand Associates, Inc.
 2005 South Jackson Street
 Brenham, Texas 77833
 (979) 336-2222
 (979) 336-2223

July 12, 2017

Lowell Ogle, Jr.
 Assistant City Manager - Public Utilities
 City of Brenham
 200 West Vulcan
 Brenham, Texas 77833

Re: City of Brenham
 2016 Surface Water Treatment Plant
 Protective Coatings Rehabilitation
 Strand Project No. 3900.050 (Re-Bid)
 RECOMMENDATION OF AWARD

Dear Lowell:

We have reviewed the bids received on June 29, 2017 for the referenced project (see bid tabulation attached) and have listed the bids below in order from the lowest to the highest base bid:

	Gulf States Protective Coatings, Inc., LaPorte, TX	D&M Tanks, LLC, Kennedale, TX	CFG Industries, LLC, Magnolia, TX	Pardalis Industrial Enterprises, Inc., Houston, TX	E.J. Chris Contracting, Inc., Live Oak, TX	Nova Painting, LLC., Humble, TX
Total Base Bid	\$268,700.00	\$294,285.00	\$301,008.00	\$325,000.00	\$328,800.00	\$341,000.00
Add. Alt. No. 1	\$750.00	\$18,500.00	\$14,130.00	\$14,850.00	No Bid	\$8,500.00
Add. Alt. No. 2	\$4,000.00	\$16,750.00	\$14,130.00	\$17,160.00	No Bid	\$15,000.00
Add. Alt. No. 3	\$10,000.00	\$38,750.00	\$20,000.00	\$21,120.00	No Bid	\$15,000.00
Add. Alt. No. 4	\$20,400.00	\$17,280.00	\$16,704.00	\$29,700.00	No Bid	\$47,000.00
Add. Alt. No. 5	\$27,500.00	\$31,700.00	\$160,000.00	\$29,700.00	No Bid	\$75,000.00
Add. Alt. No. 6	\$2,000.00	\$4,500.00	\$40,000.00	\$5,280.00	No Bid	\$75,000.00

Initials\SABRE\3900--3999\3900\050\Wrd\RE-BID\Letter\Recommendation of Award per Reference Check.docx

TBPE No. F-8405
 TBPLS No. 10030000

Lowell Ogle
City of Brenham
Page 2
July 12, 2017

	Gulf States Protective Coatings, Inc., LaPorte, TX	D&M Tanks, LLC, Kennedale, TX	CFG Industries, LLC, Magnolia, TX	Pardalis Industrial Enterprises, Inc., Houston, TX	E.J. Chris Contracting, Inc., Live Oak, TX	Nova Painting, LLC., Humble, TX
Add. Alt. No. 7	\$1,500.00	\$17,500.00	\$2,000.00	\$8,910.00	No Bid	\$5,250.00
Add. Alt. No. 8	\$101,115.00	\$99,000.00	\$107,856.00	\$94,380.00	No Bid	\$150,000.00
Add. Alt. No. 9	\$102,710.00	\$166,000.00	\$77,720.00	\$103,950.00	No Bid	\$90,000.00
Add. Alt. No. 10	\$5,000.00	\$6,500.00	\$7,000.00	\$4,950.00	No Bid	\$10,000.00

The low bidder, Gulf States Protective Coatings, Inc., is qualified and experienced in this type of work. Therefore, based upon review of the above bids, we recommend award to the lowest bidder, Gulf States Protective Coatings, Inc. of LaPorte, Texas, for their Base Bid plus Additive Alternate Bid Nos. 1-10 in the amount of \$543,675.00.

Sincerely,



Kelly M. Hajek, P.E.
Project Manager

Enclosure



AGENDA ITEM 13

DATE OF MEETING: August 17, 2017	DATE SUBMITTED: August 11, 2017																
DEPT. OF ORIGIN: Public Utilities	SUBMITTED BY: Lowell Ogle																
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;">MEETING TYPE:</td> <td style="width: 33%; vertical-align: top;">CLASSIFICATION:</td> <td style="width: 33%; vertical-align: top;">ORDINANCE:</td> </tr> <tr> <td>☒ REGULAR</td> <td>☐ PUBLIC HEARING</td> <td>☐ 1ST READING</td> </tr> <tr> <td>☐ SPECIAL</td> <td>☐ CONSENT</td> <td>☐ 2ND READING</td> </tr> <tr> <td>☐ EXECUTIVE SESSION</td> <td>☒ REGULAR</td> <td>☐ RESOLUTION</td> </tr> <tr> <td></td> <td>☐ WORK SESSION</td> <td></td> </tr> </table>		MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING	☐ SPECIAL	☐ CONSENT	☐ 2 ND READING	☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION		☐ WORK SESSION		
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:															
☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING															
☐ SPECIAL	☐ CONSENT	☐ 2 ND READING															
☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION															
	☐ WORK SESSION																
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Bid No. 3900.051 Related to the Texas Community Development Block Grant Program for the Rehabilitation of the Church Street Water Tower and Authorize the Mayor to Execute Any Necessary Documentation																	
SUMMARY STATEMENT: On June 29, 2017 bids were opened by O'Malley Strand Associates, Inc. and City of Brenham staff for the 2016 TxCDBG Church Street Elevated Storage Tank Rehabilitation project. Thirteen bids were received for this project. Based on O'Malley's review of references, they have determined that the second low bidder, Tankez Coatings, Inc, of Sumner, Texas is better qualified and experienced in this type of work and therefore recommend to award Tankez Coatings, Inc the project. Planned improvements for the project consists of the removal and disposal of existing lead paint (exterior), recoating the interior and exterior of the 300,000-gallon EST, a new stainless steel roof hatch and curb, a new stainless steel roof vent, safety climb devices on all interior ladders and miscellaneous structural repairs.																	
<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 12.5%;"></td> <td style="width: 12.5%;">American Tank Res. Evansville, IN</td> <td style="width: 12.5%;">Tankez Coatings, Inc Sumner, TX</td> <td style="width: 12.5%;">Maguire Iron, Inc. Sioux Falls, SD</td> <td style="width: 12.5%;">CGF Ind, LLC Magnolia, TX</td> <td style="width: 12.5%;">Nova Painting, LLC Humble, TX</td> <td style="width: 12.5%;">A&M Construction Towlett, TX</td> <td style="width: 12.5%;">N.G. Painting Kerrville, TX</td> </tr> <tr> <td>Base Bid</td> <td>\$303,942</td> <td>\$346,000</td> <td>\$369,500</td> <td>\$377,300</td> <td>\$380,000</td> <td>\$453,750</td> <td>\$465,250</td> </tr> </table>			American Tank Res. Evansville, IN	Tankez Coatings, Inc Sumner, TX	Maguire Iron, Inc. Sioux Falls, SD	CGF Ind, LLC Magnolia, TX	Nova Painting, LLC Humble, TX	A&M Construction Towlett, TX	N.G. Painting Kerrville, TX	Base Bid	\$303,942	\$346,000	\$369,500	\$377,300	\$380,000	\$453,750	\$465,250
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Base Bid	\$303,942	\$346,000	\$369,500	\$377,300	\$380,000	\$453,750	\$465,250										
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Base Bid	\$481,950	\$482,500	\$495,773	\$595,800	\$624,000	\$834,000											

During the rehab of the tank, it is necessary to allow for certain supplemental items which may occur. These items include the following:

Supplemental	Description	Est Qty	Unit Cost	Total
S1	Perform pit repair by welding	25 S.I.	\$5.00	\$125.00
S2	Perform pit repair with seam filler	25 S.I.	\$5.00	\$125.00
S3	Perform structural steel repair / replacement	5 lb	\$10.00	\$50.00
S4	Perform 5000 psi water blast to remove excessive iron	1 LS	\$10,000	\$10,000

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS:

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Bid Tabulation; and (2) Recommendation of Award

FUNDING SOURCE (Where Applicable): Grant from the Texas Office of Rural Community Affairs under the Texas Community Development Program and city contribution.

RECOMMENDED ACTION: Award Bid No. 3900.051 to Tankez Coatings, Inc. in the amount of \$346,000.00 related to the Texas Community Development Block Grant Program for the Rehabilitation of the Church Street Water Tower and authorize the Mayor to execute any necessary documentation

APPROVALS: Terry K. Roberts

CITY OF BRENHAM
2016 TXCDBG CHURCH ST. ELEVATED STORAGE
TANK REHABILITATION
STRAND PROJECT NO. 3900.051
BIDS OPENED: JUNE 29, 2017 AT 2:00 P.M.

			American Tank Restoration		Tankeez Coatings, Inc.		Maguire Iron, Inc.		CFG Industries, LLC	
			4530 Rimridge Dr.		9710 FM 79		P.O. Box 1446		22335 Magnolia Hills Dr.	
			Evansville, IN 47711		Sumner, Texas 75486		Sioux Falls, SD 57101		Magnolia, Texas 77354	
Item No.	Description	Estimated Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
BASE BID										
1	Perform surface preparation and coat entire interior and exterior of 300,000 gallon legged elevated water storage tank including newly installed components, all above ground piping and valves, and appurtenances with specified coating system and disinfect, fill, and test elevated storage tank	1 LS	\$ 203,961.00	\$ 203,961.00	\$ 288,500.00	\$ 288,500.00	\$ 298,700.00	\$ 298,700.00	\$ 325,000.00	\$ 325,000.00
2	Remove and dispose of existing exterior leg ladder and furnish and install new OSHA approved exterior leg ladder with OSHA approved cable style safety climb device and aluminum climb prevention gate	1 LS	\$ 19,390.00	\$ 19,390.00	\$ 8,500.00	\$ 8,500.00	\$ 10,100.00	\$ 10,100.00	\$ 9,500.00	\$ 9,500.00

Item No.	Description	Estimated Quantity	American Tank Restoration		Tankeez Coatings, Inc.		Maguire Iron, Inc.		CFG Industries, LLC	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
3	Remove and dispose of existing exterior bowl ladder and furnish and install new OSHA approved exterior bowl ladder with OSHA approved cable style safety climb device	1 LS	\$ 9,713.00	\$ 9,713.00	\$ 6,500.00	\$ 6,500.00	\$ 6,400.00	\$ 6,400.00	\$ 4,800.00	\$ 4,800.00
4	Remove and dispose of existing interior riser ladder (ground level to top hatch of tank) and furnish and install new OSHA approved interior riser ladder with OSHA approved cable style safety climb device	1 LS	\$ 14,971.00	\$ 14,971.00	\$ 9,500.00	\$ 9,500.00	\$ 6,300.00	\$ 6,300.00	\$ 6,500.00	\$ 6,500.00
5	Remove and dispose of existing interior bowl ladder (base of bowl to top hatch of tank) and furnish and install new OSHA approved interior bowl ladder with OSHA approved cable style safety climb device	1 LS	\$ 5,900.00	\$ 5,900.00	\$ 4,500.00	\$ 4,500.00	\$ 6,500.00	\$ 6,500.00	\$ 4,000.00	\$ 4,000.00
6	Remove and dispose of existing conduit and wires and furnish and install new conduit and wires to double obstruction lights and install new long life traffic type light bulbs for a fully operational system	1 LS	\$ 14,000.00	\$ 14,000.00	\$ 4,000.00	\$ 4,000.00	\$ 6,700.00	\$ 6,700.00	\$ 6,500.00	\$ 6,500.00
7	Remove and dispose of existing overflow weir box and furnish all labor and materials to install new overflow weir box	1 LS	\$ 2,500.00	\$ 2,500.00	\$ 3,000.00	\$ 3,000.00	\$ 4,500.00	\$ 4,500.00	\$ 2,500.00	\$ 2,500.00
8	Furnish and install antenna brackets and obstruction light holder on the roof	1 LS	\$ 5,310.00	\$ 5,310.00	\$ 4,000.00	\$ 4,000.00	\$ 4,800.00	\$ 4,800.00	\$ 2,500.00	\$ 2,500.00

Item No.	Description	Estimated Quantity	American Tank Restoration		Tankeez Coatings, Inc.		Maguire Iron, Inc.		CFG Industries, LLC	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
9	Furnish and install blind flange on the drain	1 LS	\$ 697.00	\$ 697.00	\$ 1,000.00	\$ 1,000.00	\$ 1,500.00	\$ 1,500.00	\$ 750.00	\$ 750.00
10	Remove and dispose of existing roof vent and furnish and install new Type 316 stainless steel TCEQ approved roof vent with fiberglass screen	1 LS	\$ 5,000.00	\$ 5,000.00	\$ 4,000.00	\$ 4,000.00	\$ 7,500.00	\$ 7,500.00	\$ 5,000.00	\$ 5,000.00
11	Remove and dispose of existing 30" riser manway and install new flanged and bolted manway as detailed	1 LS	\$ 7,500.00	\$ 7,500.00	\$ 5,000.00	\$ 5,000.00	\$ 8,500.00	\$ 8,500.00	\$ 4,500.00	\$ 4,500.00
12	Remove and dispose of existing overflow pipe flap valve and install 6" flap valve on overflow pipe	1 LS	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
13	Remove existing cathodic protection plates on roof and weld covers over each hole	1 LS	\$ 4,000.00	\$ 4,000.00	\$ 1,500.00	\$ 1,500.00	\$ 3,000.00	\$ 3,000.00	\$ 750.00	\$ 750.00
14	Install existing coaxial cables in conduits on all sections of the tank	1 LS	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00
TOTAL BASE BID (ITEMS 1 - 14)				\$ 303,942.00		\$ 346,000.00		\$ 369,500.00		\$ 377,300.00
II. Supplemental Bid Items										
S1	When directed by the Engineer, perform pit repair by welding	25 S.I.	\$ 59.00	\$ 1,475.00	\$ 5.00	\$ 125.00	\$ 100.00	\$ 2,500.00	\$ 15.00	\$ 375.00
S2	When directed by the Engineer, perform pit repair with seam filler	25 S.I.	\$ 49.00	\$ 1,225.00	\$ 5.00	\$ 125.00	\$ 80.00	\$ 2,000.00	\$ 10.00	\$ 250.00
S3	When directed by the Engineer, perform structural steel repair/replacement	5 LB	\$ 75.00	\$ 375.00	\$ 10.00	\$ 50.00	\$ 250.00	\$ 1,250.00	\$ 100.00	\$ 500.00

Item No.	Description	Estimated Quantity	American Tank Restoration		Tankeez Coatings, Inc.		Maguire Iron, Inc.		CFG Industries, LLC	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
S4	When directed by the Engineer, perform 5000 psi water blast with fine abrasive to remove excessive iron salts	1 LS	\$ 47.00	\$ 47.00	\$ 80,000.00	\$ 80,000.00	\$ 24,500.00	\$ 24,500.00	\$ 3,500.00	\$ 3,500.00

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CITY OF BRENHAM
2016 TXCDBG CHURCH ST. ELEVATED STORAGE
TANK REHABILITATION
STRAND PROJECT NO. 3900.051
BIDS OPENED: JUNE 29, 2017 AT 2:00 P.M.

		Nova Painting, LLC 15414 Lee Road Humble, Texas 77396		A&M Construction and Utilities, Inc. 4950 Grisham Dr. Rowlett, Texas 75088		N.G. Painting, L.P. 1225 Bandera Hwy Suite A-2 Kerrville, Texas 78028		D&M Tank, LLC 6901 Mansfield Cardinal Rd. Kennedale, Texas 76060		
Item No.	Description	Estimated Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
BASE BID										
1	Perform surface preparation and coat entire interior and exterior of 300,000 gallon legged elevated water storage tank including newly installed components, all above ground piping and valves, and appurtenances with specified coating system and disinfect, fill, and test elevated storage tank	1 LS	\$ 285,000.00	\$ 285,000.00	\$ 380,850.00	\$ 380,850.00	\$ 375,000.00	\$ 375,000.00	\$ 406,000.00	\$ 406,000.00
2	Remove and dispose of existing exterior leg ladder and furnish and install new OSHA approved exterior leg ladder with OSHA approved cable style safety climb device and aluminum climb prevention gate	1 LS	\$ 15,000.00	\$ 15,000.00	\$ 10,200.00	\$ 10,200.00	\$ 16,500.00	\$ 16,500.00	\$ 10,500.00	\$ 10,500.00

Item No.	Description	Estimated Quantity	Nova Painting, LLC		A&M Construction and Utilities, Inc.		N.G. Painting, L.P.		D&M Tank, LLC	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
3	Remove and dispose of existing exterior bowl ladder and furnish and install new OSHA approved exterior bowl ladder with OSHA approved cable style safety climb device	1 LS	\$ 10,000.00	\$ 10,000.00	\$ 7,500.00	\$ 7,500.00	\$ 7,000.00	\$ 7,000.00	\$ 6,500.00	\$ 6,500.00
4	Remove and dispose of existing interior riser ladder (ground level to top hatch of tank) and furnish and install new OSHA approved interior riser ladder with OSHA approved cable style safety climb device	1 LS	\$ 12,000.00	\$ 12,000.00	\$ 8,000.00	\$ 8,000.00	\$ 20,000.00	\$ 20,000.00	\$ 9,500.00	\$ 9,500.00
5	Remove and dispose of existing interior bowl ladder (base of bowl to top hatch of tank) and furnish and install new OSHA approved interior bowl ladder with OSHA approved cable style safety climb device	1 LS	\$ 6,000.00	\$ 6,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 5,300.00	\$ 5,300.00
6	Remove and dispose of existing conduit and wires and furnish and install new conduit and wires to double obstruction lights and install new long life traffic type light bulbs for a fully operational system	1 LS	\$ 8,000.00	\$ 8,000.00	\$ 9,000.00	\$ 9,000.00	\$ 7,000.00	\$ 7,000.00	\$ 25,000.00	\$ 25,000.00
7	Remove and dispose of existing overflow weir box and furnish all labor and materials to install new overflow weir box	1 LS	\$ 5,000.00	\$ 5,000.00	\$ 3,000.00	\$ 3,000.00	\$ 6,800.00	\$ 6,800.00	\$ 1,500.00	\$ 1,500.00
8	Furnish and install antenna brackets and obstruction light holder on the roof	1 LS	\$ 3,000.00	\$ 3,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 750.00	\$ 750.00

Item No.	Description	Estimated Quantity	Nova Painting, LLC		A&M Construction and Utilities, Inc.		N.G. Painting, L.P.		D&M Tank, LLC	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
9	Furnish and install blind flange on the drain	1 LS	\$ 5,000.00	\$ 5,000.00	\$ 500.00	\$ 500.00	\$ 850.00	\$ 850.00	\$ 1,200.00	\$ 1,200.00
10	Remove and dispose of existing roof vent and furnish and install new Type 316 stainless steel TCEQ approved roof vent with fiberglass screen	1 LS	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 7,000.00	\$ 7,000.00	\$ 5,000.00	\$ 5,000.00
11	Remove and dispose of existing 30" riser manway and install new flanged and bolted manway as detailed	1 LS	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 6,500.00	\$ 6,500.00	\$ 3,500.00	\$ 3,500.00
12	Remove and dispose of existing overflow pipe flap valve and install 6" flap valve on overflow pipe	1 LS	\$ 2,000.00	\$ 2,000.00	\$ 1,200.00	\$ 1,200.00	\$ 2,600.00	\$ 2,600.00	\$ 950.00	\$ 950.00
13	Remove existing cathodic protection plates on roof and weld covers over each hole	1 LS	\$ 3,000.00	\$ 3,000.00	\$ 2,500.00	\$ 2,500.00	\$ 500.00	\$ 500.00	\$ 1,500.00	\$ 1,500.00
14	Install existing coaxial cables in conduits on all sections of the tank	1 LS	\$ 10,000.00	\$ 10,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,500.00	\$ 6,500.00	\$ 4,750.00	\$ 4,750.00
TOTAL BASE BID (ITEMS 1 - 14)				\$ 380,000.00		\$ 453,750.00		\$ 465,250.00		\$ 481,950.00
II. Supplemental Bid Items										
S1	When directed by the Engineer, perform pit repair by welding	25 S.I.	\$ 100.00	\$ 2,500.00	\$ 25.00	\$ 625.00	\$ 65.00	\$ 1,625.00	\$ 18.00	\$ 450.00
S2	When directed by the Engineer, perform pit repair with seam filler	25 S.I.	\$ 100.00	\$ 2,500.00	\$ 5.00	\$ 125.00	\$ 65.00	\$ 1,625.00	\$ 9.00	\$ 225.00
S3	When directed by the Engineer, perform structural steel repair/replacement	5 LB	\$ 100.00	\$ 500.00	\$ 10.00	\$ 50.00	\$ 325.00	\$ 1,625.00	\$ 5.00	\$ 25.00

Item No.	Description	Estimated Quantity		Nova Painting, LLC		A&M Construction and Utilities, Inc.		N.G. Painting, L.P.		D&M Tank, LLC	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
S4	When directed by the Engineer, perform 5000 psi water blast with fine abrasive to remove excessive iron salts	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00	\$ 25,000.00	\$ 25,000.00

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CITY OF BRENHAM
2016 TXCDBG CHURCH ST. ELEVATED STORAGE
TANK REHABILITATION
STRAND PROJECT NO. 3900.051
BIDS OPENED: JUNE 29, 2017 AT 2:00 P.M.

			Gulf States Protective Coatings, Inc. 201 N. 16th St. LaPorte, Texas 77571		Tank Pro, Inc. 5500 Watermelon Road Northport, Alabama 35473		E.J. Chris Contracting, Inc. 13603 Mathews Park Live Oak, Texas 78233		TMI Coatings 3291 Terminal Dr. St. Paul, MN 55121	
Item No.	Description	Estimated Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
BASE BID										
1	Perform surface preparation and coat entire interior and exterior of 300,000 gallon legged elevated water storage tank including newly installed components, all above ground piping and valves, and appurtenances with specified coating system and disinfect, fill, and test elevated storage tank	1 LS	\$ 391,350.00	\$ 391,350.00	\$ 445,073.00	\$ 445,073.00	\$ 437,000.00	\$ 437,000.00	\$ 549,000.00	\$ 549,000.00
2	Remove and dispose of existing exterior leg ladder and furnish and install new OSHA approved exterior leg ladder with OSHA approved cable style safety climb device and aluminum climb prevention gate	1 LS	\$ 17,500.00	\$ 17,500.00	\$ 7,000.00	\$ 7,000.00	\$ 35,000.00	\$ 35,000.00	\$ 15,000.00	\$ 15,000.00

Item No.	Description	Estimated Quantity	Gulf States Protective Coatings, Inc. 201 N. 16th St. LaPorte, Texas 77571		Tank Pro, Inc. 5500 Watermelon Road Northport, Alabama 35473		E.J. Chris Contracting, Inc. 13603 Mathews Park Live Oak, Texas 78233		TMI Coatings 3291 Terminal Dr. St. Paul, MN 55121	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
3	Remove and dispose of existing exterior bowl ladder and furnish and install new OSHA approved exterior bowl ladder with OSHA approved cable style safety climb device	1 LS	\$ 7,100.00	\$ 7,100.00	\$ 5,000.00	\$ 5,000.00	\$ 20,000.00	\$ 20,000.00	\$ 9,000.00	\$ 9,000.00
4	Remove and dispose of existing interior riser ladder (ground level to top hatch of tank) and furnish and install new OSHA approved interior riser ladder with OSHA approved cable style safety climb device	1 LS	\$ 23,000.00	\$ 23,000.00	\$ 6,500.00	\$ 6,500.00	\$ 30,000.00	\$ 30,000.00	\$ 12,000.00	\$ 12,000.00
5	Remove and dispose of existing interior bowl ladder (base of bowl to top hatch of tank) and furnish and install new OSHA approved interior bowl ladder with OSHA approved cable style safety climb device	1 LS	\$ 7,100.00	\$ 7,100.00	\$ 3,500.00	\$ 3,500.00	\$ 20,000.00	\$ 20,000.00	\$ 6,000.00	\$ 6,000.00
6	Remove and dispose of existing conduit and wires and furnish and install new conduit and wires to double obstruction lights and install new long life traffic type light bulbs for a fully operational system	1 LS	\$ 7,850.00	\$ 7,850.00	\$ 8,000.00	\$ 8,000.00	\$ 7,000.00	\$ 7,000.00	\$ 6,000.00	\$ 6,000.00
7	Remove and dispose of existing overflow weir box and furnish all labor and materials to install new overflow weir box	1 LS	\$ 4,500.00	\$ 4,500.00	\$ 2,750.00	\$ 2,750.00	\$ 5,000.00	\$ 5,000.00	\$ 3,000.00	\$ 3,000.00
8	Furnish and install antenna brackets and obstruction light holder on the roof	1 LS	\$ 1,500.00	\$ 1,500.00	\$ 1,550.00	\$ 1,550.00	\$ 800.00	\$ 800.00	\$ 2,000.00	\$ 2,000.00

			Gulf States Protective Coatings, Inc. 201 N. 16th St. LaPorte, Texas 77571		Tank Pro, Inc. 5500 Watermelon Road Northport, Alabama 35473		E.J. Chris Contracting, Inc. 13603 Mathews Park Live Oak, Texas 78233		TMI Coatings 3291 Terminal Dr. St. Paul, MN 55121	
Item No.	Description	Estimated Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
9	Furnish and install blind flange on the drain	1 LS	\$ 500.00	\$ 500.00	\$ 250.00	\$ 250.00	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00
10	Remove and dispose of existing roof vent and furnish and install new Type 316 stainless steel TCEQ approved roof vent with fiberglass screen	1 LS	\$ 8,500.00	\$ 8,500.00	\$ 3,800.00	\$ 3,800.00	\$ 15,000.00	\$ 15,000.00	\$ 8,000.00	\$ 8,000.00
11	Remove and dispose of existing 30" riser manway and install new flanged and bolted manway as detailed	1 LS	\$ 3,850.00	\$ 3,850.00	\$ 3,550.00	\$ 3,550.00	\$ 15,000.00	\$ 15,000.00	\$ 6,000.00	\$ 6,000.00
12	Remove and dispose of existing overflow pipe flap valve and install 6" flap valve on overflow pipe	1 LS	\$ 1,250.00	\$ 1,250.00	\$ 1,100.00	\$ 1,100.00	\$ 500.00	\$ 500.00	\$ 2,000.00	\$ 2,000.00
13	Remove existing cathodic protection plates on roof and weld covers over each hole	1 LS	\$ 1,000.00	\$ 1,000.00	\$ 1,200.00	\$ 1,200.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
14	Install existing coaxial cables in conduits on all sections of the tank	1 LS	\$ 7,500.00	\$ 7,500.00	\$ 6,500.00	\$ 6,500.00	\$ 8,000.00	\$ 8,000.00	\$ 3,000.00	\$ 3,000.00
TOTAL BASE BID (ITEMS 1 - 14)				\$ 482,500.00		\$ 495,773.00		\$ 595,800.00		\$ 624,000.00
II. Supplemental Bid Items										
S1	When directed by the Engineer, perform pit repair by welding	25 S.I.	\$ 50.00	\$ 1,250.00	\$ 75.00	\$ 1,875.00	\$ 74.00	\$ 1,850.00	\$ 30.00	\$ 750.00
S2	When directed by the Engineer, perform pit repair with seam filler	25 S.I.	\$ 50.00	\$ 1,250.00	\$ 20.00	\$ 500.00	\$ 100.00	\$ 2,500.00	\$ 16.00	\$ 400.00
S3	When directed by the Engineer, perform structural steel repair/replacement	5 LB	\$ 100.00	\$ 500.00	\$ 200.00	\$ 1,000.00	\$ 200.00	\$ 1,000.00	\$ 150.00	\$ 750.00

Item No.	Description	Estimated Quantity	Gulf States Protective Coatings, Inc. 201 N. 16th St. LaPorte, Texas 77571		Tank Pro, Inc. 5500 Watermelon Road Northport, Alabama 35473		E.J. Chris Contracting, Inc. 13603 Mathews Park Live Oak, Texas 78233		TMI Coatings 3291 Terminal Dr. St. Paul, MN 55121	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
S4	When directed by the Engineer, perform 5000 psi water blast with fine abrasive to remove excessive iron salts	1 LS	\$ 7,500.00	\$ 7,500.00	\$ 7,000.00	\$ 7,000.00	\$ 10,000.00	\$ 10,000.00	\$ 13,000.00	\$ 13,000.00

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CITY OF BRENHAM
2016 TXCDBG CHURCH ST. ELEVATED STORAGE
TANK REHABILITATION
STRAND PROJECT NO. 3900.051
BIDS OPENED: JUNE 29, 2017 AT 2:00 P.M.

Item Description		Estimated Quantity	M.K. Painting, Inc. 4157 Seventh Wyandotte, MI 48192	
Item No.			Unit Price	Total Price
BASE BID				
1	Perform surface preparation and coat entire interior and exterior of 300,000 gallon legged elevated water storage tank including newly installed components, all above ground piping and valves, and appurtenances with specified coating system and disinfect, fill, and test elevated storage tank	1 LS	\$ 715,000.00	\$ 715,000.00
2	Remove and dispose of existing exterior leg ladder and furnish and install new OSHA approved exterior leg ladder with OSHA approved cable style safety climb device and aluminum climb prevention gate	1 LS	\$ 23,000.00	\$ 23,000.00

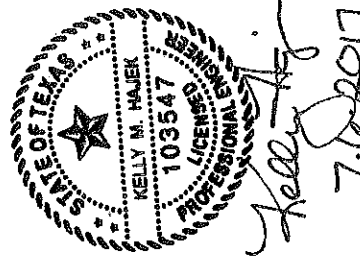
				M.K. Painting, Inc. 4157 Seventh Wyandotte, MI 48192	
Item No.	Description	Estimated Quantity	Unit Price	Total Price	
3	Remove and dispose of existing exterior bowl ladder and furnish and install new OSHA approved exterior bowl ladder with OSHA approved cable style safety climb device	1 LS	\$ 14,000.00	\$ 14,000.00	
4	Remove and dispose of existing interior riser ladder (ground level to top hatch of tank) and furnish and install new OSHA approved interior riser ladder with OSHA approved cable style safety climb device	1 LS	\$ 18,000.00	\$ 18,000.00	
5	Remove and dispose of existing interior bowl ladder (base of bowl to top hatch of tank) and furnish and install new OSHA approved interior bowl ladder with OSHA approved cable style safety climb device	1 LS	\$ 10,000.00	\$ 10,000.00	
6	Remove and dispose of existing conduit and wires and furnish and install new conduit and wires to double obstruction lights and install new long life traffic type light bulbs for a fully operational system	1 LS	\$ 9,000.00	\$ 9,000.00	
7	Remove and dispose of existing overflow weir box and furnish all labor and materials to install new overflow weir box	1 LS	\$ 5,000.00	\$ 5,000.00	
8	Furnish and install antenna brackets and obstruction light holder on the roof	1 LS	\$ 2,000.00	\$ 2,000.00	

			M.K. Painting, Inc. 4157 Seventh Wyandotte, MI 48192	
Item No.	Description	Estimated Quantity	Unit Price	Total Price
9	Furnish and install blind flange on the drain	1 LS	\$ 2,000.00	\$ 2,000.00
10	Remove and dispose of existing roof vent and furnish and install new Type 316 stainless steel TCEQ approved roof vent with fiberglass screen	1 LS	\$ 11,000.00	\$ 11,000.00
11	Remove and dispose of existing 30" riser manway and install new flanged and bolted manway as detailed	1 LS	\$ 9,000.00	\$ 9,000.00
12	Remove and dispose of existing overflow pipe flap valve and install 6" flap valve on overflow pipe	1 LS	\$ 4,000.00	\$ 4,000.00
13	Remove existing cathodic protection plates on roof and weld covers over each hole	1 LS	\$ 2,000.00	\$ 2,000.00
14	Install existing coaxial cables in conduits on all sections of the tank	1 LS	\$ 10,000.00	\$ 10,000.00
TOTAL BASE BID (ITEMS 1 - 14)				\$ 834,000.00
II. Supplemental Bid Items				
S1	When directed by the Engineer, perform pit repair by welding	25 S.I.	\$ 30.00	\$ 750.00
S2	When directed by the Engineer, perform pit repair with seam filler	25 S.I.	\$ 4.00	\$ 100.00
S3	When directed by the Engineer, perform structural steel repair/replacement	5 LB	\$ 30.00	\$ 150.00

		M.K. Painting, Inc. 4157 Seventh Wyandotte, MI 48192		
Item No.	Description	Estimated Quantity	Unit Price	Total Price
S4	When directed by the Engineer, perform 5000 psi water blast with fine abrasive to remove excessive iron salts	1 LS	\$ 5,000.00	\$ 5,000.00

O'Malley Strand Associates, Inc.
TBPE No. F-8405
Brenham, Texas

Kelly M. Hajek, P.E.





O'Malley Strand Associates, Inc.

2715 South Jackson Street

Houston, Texas 77057

409.570.0010 ext. 200

678.570.0010 ext. 200

July 12, 2017

Lowell Ogle, Jr.
Assistant City Manager - Public Utilities
City of Brenham
200 West Vulcan
Brenham, Texas 77833

Re: City of Brenham
2016 TxCDBG Church St. EST Rehabilitation
Strand Project No. 3900.051
RECOMMENDATION OF AWARD

Dear Lowell:

We have reviewed the bids received on June 29, 2017 for the referenced project (see bid tabulation attached) and have listed the bids below in order from the lowest to the highest base bid:

	<u>Base Bid</u>
1. American Tank Restoration, Evansville, IN	\$303,942.00
2. Tankez Coatings, Inc., Sumner, TX	\$346,000.00
3. Maguire Iron, Inc., Sioux Falls, SD	\$369,500.00
4. CFG Industries, LLC, Magnolia, TX	\$377,300.00
5. Nova Painting, LLC, Humble, TX	\$380,000.00
6. A&M Construction and Utilities, Inc., Rowlett, TX	\$453,750.00
7. N.G. Painting, L.P., Kerrville, TX	\$465,250.00
8. D&M Tank, LLC, Kennedale, TX	\$481,950.00
9. Gulf States Protective Coatings, Inc., LaPorte, TX	\$482,500.00
10. Tank Pro, Inc., Northport, AL	\$495,773.00
11. E.J. Chris Contracting, Inc., Live Oak, TX	\$595,800.00
12. TMI Coatings, St. Paul, MN	\$624,000.00
13. M.K. Painting, Inc., Wyandotte, MI	\$834,000.00

Based upon a review of references, we have determined that the second low bidder, Tankez Coatings, Inc., of Sumner, Texas, is qualified and experienced in this type of work. Therefore,

mds\SA\BRE\3900--3999\3900\051\Wrd\Letter\Recommendation of Award per Reference Check.docx

TBPE No. F-8405
TBPLS No. 10030000

Lowell Ogle
City of Brenham
Page 2
July 12, 2017

based upon review of the above bids, we recommend award to the second lowest bidder, Tankeez Coatings, Inc., of Sumner, Texas, for their Base Bid in the amount of \$346,000.00.

Sincerely,



Kelly M. Hajek, P.E.
Project Manager

Enclosure



AGENDA ITEM 14

DATE OF MEETING: August 17, 2017	DATE SUBMITTED: August 8, 2017
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Dane Rau

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

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 Transfer Station Rates

SUMMARY STATEMENT: After reviewing the Transfer Station budget this year and looking forward in relation to revenues and expected expenses along with funding capital items it is evident that our rates will need to increase slightly. Staff has also been notified by Clean Harbors who operates the landfill in Altair, TX that a slight increase will be expected in January which also plays a factor when looking at revenues and expenses for the department.

It has been 5 yrs. since the last increase and we are seeing not only an adjustment with our landfill rates but also higher costs on new trucks and trailers which are on a 10 yr. replacement plan. With having 4 trucks and 6 trailers they are replaced regularly as they meet their end of use life before maintenance costs outweigh the units.

In 2016 this department contributed \$19,230 to the Sanitation Reserves. In 2017 the Transfer Station is expected to lose \$25,131. In the years following it is projected to lose even more money as capital items are replaced. With this increase we will be able to stay ahead and contribute to the reserves for future capital. We continually look for ways to reduce costs and save money while providing quality service to our customers. This increase will affect Commercial customers to the Transfer Station such as Waste Solutions (City Contractor), City Residential Trucks, Texas Disposal Systems, Budget Disposal, Texas Commercial Waste, Blue Bell Creameries, and any other companies that bring compacted waste to the Transfer Station. A letter was sent to all customers who utilize the Transfer Station in early August advising them that a rate increase would be proposed.

This would increase the In-City waste to \$45.50/ton and the Out-of-City waste to \$48.50 per ton. These rates are competitive in the market of tipping fees at Transfer Stations throughout Texas. Based on history it will add an additional \$90,000 in revenues to the Transfer Station. This additional revenue will allow the Sanitation Fund to remain healthy and buy much needed equipment for this operation.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: Will allow Transfer Station to contribute to Sanitation reserves and remain healthy B. CONS: Will raise rates an additional \$3.00/ton which will be passed onto businesses, citizens, and other end users of these companies who have seen their rates increase.
ALTERNATIVES (In Suggested Order of Staff Preference):
ATTACHMENTS: (1) Ordinance; and (2) Redlined copy of rate tariff schedules showing changes
FUNDING SOURCE (Where Applicable):
RECOMMENDED ACTION: Approve an Ordinance on its first reading amending the rate tariff schedule(s) for the City of Brenham Transfer Station Rates
APPROVALS: Ryan Rapelye

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE GARBAGE COLLECTION/
CITIZEN'S COLLECTION STATION RATE TARIFF SCHEDULE 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 for all compacted waste that is disposed of at the City of Brenham's Transfer/Collection Station.

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 Garbage Collection/Citizen's Collection Station Rate Schedule for compacted waste that is disposed of at the City of Brenham's Transfer/Collection Station as set forth in the attached Exhibit "A", which is made a part hereof for all purposes pertinent, to be effective with utility billing occurring on or after October 1, 2017.

SECTION II.

This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas. The implementation of rates as set forth herein and on the attached Exhibit "A" shall be effective with utility billing occurring on and after October 1, 2017.

PASSED AND APPROVED on its first reading this the ____ day of _____, 2017.

PASSED AND APPROVED on its second reading this the ____ day of _____, 2017.

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	800	810
TARIFF	SECTION NO.	SHEET NO.
GARBAGE COLLECTION/CITIZEN'S COLLECTION STATION RATE SCHEDULE	October 1, 2017	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 01/01/2013)	

Deleted: January 1, 2013

Deleted: 11/01/10

SANITATION RATE SCHEDULE

Residential Collection

Single Family - Homes, Apartments, Mobile Homes

Code A	\$13.75 per month Twice Per Week Collection Inside City Limits
Code C	\$20.13 per month Twice Per Week Collection
Senior Citizen (Age 55 or older)	\$11.00 per month Application required for discounted rate

Citizens Collection Station (Non-compacted Waste)

\$80.00/ton or .04 cents per pound

\$5.50 minimum (<160 lbs.)

\$1.00 per trash bag

Disposal of vehicle tires at the city collection station; charges and collection:

- (a) The city herewith imposes the following surcharges for disposal of vehicle tires at the city collection station:
- (1) Cars and passenger trucks (15 inch and below).....\$ 2.00 per tire
 - (2) Large truck tires (16 inch and above).....\$ 5.00 per tire
 - (3) Large truck and tractor tires with dimension greater than
eighteen (18) inches wide, forty-nine (49) inches in diameter,
and 15-ply\$35.00 per tire

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- (b) The charges set forth immediately above are to be collected at the Collection Station site by city personnel or, in the case of commercial or industrial charge accounts, will be billed to the applicable customers each month.

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BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	800	811
TARIFF	SECTION NO.	SHEET NO.
GARBAGE COLLECTION/CITIZEN'S COLLECTION STATION RATE SCHEDULE	Ocotober 1, 2017	
SECTION TITLE	EFFECTIVE DATE	

Deleted: January 1,2013

effective ~~01/01/2013~~ (Supersedes Rate Change

Deleted: 10/01/09

Commercial Brush

\$15.00/ton or .0075 cents per pound

\$15.00 minimum (1 ton minimum)

Transfer Station (Compacted Waste)

In-city \$ ~~45.50~~/ton or ~~2.275~~cents per pound
Out of city \$ ~~48.50~~/ton or ~~2.425~~cents per pound

Deleted: 42.50

Deleted: 2.125

Deleted: 45.50

Deleted: 2.275

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BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	800	812
TARIFF	SECTION NO.	SHEET NO.
GARBAGE COLLECTION/CITIZEN'S COLLECTION STATION RATE SCHEDULE	NOVEMBER 8, 2006	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 03/01/2006)

POLICIES FOR SANITATION COLLECTION

1. A new customer or a change in service requires Form 7, Application of Service, be filled out at the Public Utilities Office. The form must be signed by the applicant. Copies will be disbursed to the following departments: Public Utilities, Billing Department, Sanitation Department.
2. Effective date for new or changed service will be established by the Sanitation Department Head. Billing Department will adjust customer bills accordingly.
3. Any customer requesting a Senior Citizen Rate must complete the necessary form and provide proof of age.
4. Any customer who has residential utility service with the City shall be subject to charges for garbage service and shall comply with all City health ordinances regarding the disposal of solid waste. Charges for garbage service may be waived by the Utility Director or City Manager for customers with residential utility service that do not reside on a current residential truck route.
5. The City's garbage service to residential customers shall be exclusive and no other person, firm or corporation shall provide residential garbage service within the City limits of Brenham. Residential garbage service shall include garbage pick up at any residence at least monthly.
6. Outside the city limits services are available to residential customers presently residing on a current residential truck route that is adjacent to the city limits.
7. Garbage must be at the curb by 8:00 A.M. on collection day.
8. All garbage must be placed within five feet of curb or edge of pavement.
9. Bags shall at all times be kept secure and fastened to prevent scattering of the contents by the wind and so that flies and other insects may not have access to the contents.
10. Residential collection trucks will not pick up tires, grass clippings, leaves, tree trimming, batteries, carpet, construction materials, furniture and heavy metal objects.
11. Disposal of hazardous waste, explosives, ammunition, used oil and filters, flammable liquids, radioactive waste and/or lead-acid batteries in the City's Sanitation Collection Station is strictly prohibited. Vehicle tires shall not be placed for collection by the City, but will be accepted for disposal at the City's Collection Station

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BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

12. A special yard waste collection is provided every Wednesday for those residents who are unable to take their yard waste to the Citizens Collection Station.



AGENDA ITEM 15

DATE OF MEETING: August 17, 2017	DATE SUBMITTED: August 11, 2017	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Ryan Rapelye	
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 and Section 551.072, Texas Government Code – Consultation with Attorney and Deliberation Regarding Real Property – Discussion and Deliberation, and Consultation with City Attorney, Regarding the Lease Between City of Brenham and Brenham Heritage Museum, Inc. Concerning the Real Property Located at 105 S. Market Street, and Associated Issues		
SUMMARY STATEMENT: To be discussed in Executive Session.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: None		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION:		
APPROVALS: Terry K. Roberts		



AGENDA ITEM 16

DATE OF MEETING: August 17, 2017	DATE SUBMITTED: August 11, 2017	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Ryan Rapelye	
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 Take Action as a Result of Executive Session Regarding the Lease Between City of Brenham and Brenham Heritage Museum, Inc. Concerning the Real Property Located at 105 S. Market Street, and Associated Issues		
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: As discussed in Executive Session.		
APPROVALS: Terry K. Roberts		