NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY JULY 19, 2012 AT 1:00 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN ST.
BRENHAM, TEXAS

1. **Call Meeting to Order**

2. **Invocation and Pledges to the US and Texas Flags – Councilmember Weldon Williams**

3. **Citizens Comments**

CONSENT AGENDA

4. **Statutory Consent Agenda**

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

4-a. Minutes from the June 21, 2012 and July 5, 2012 Council Meetings **Page 1-15**

WORK SESSION

5. **Discussion and Presentation on the Regulation of Boarding Homes Located Inside the City Limits** **Page 16-26**

6. **Discussion and Presentation on the Downtown Master Plan** **Page 27**

7. **Discussion and Presentation of the Community Service Committee's Recommended Funding Allocations for the FY2012-13 Budget** **Page 28-30**

PUBLIC HEARING

8. **Public Hearing, Discussion and Presentation on a Texas Parks and Wildlife Department Grant for Additional Water Features, Decking and Associated Improvements and Furnishings at the Blue Bell Aquatics Center** **Page 31**

REGULAR AGENDA

9. **Discuss and Possibly Act Upon Resolution R-12-013 Authorizing the Submission of a Grant Application to Texas Parks and Wildlife Department for Additional Water Features, Decking and Associated Improvements and Furnishings at the Blue Bell Aquatics Center and Authorize the Mayor to Execute Any Necessary Documentation** **Page 32-35**

10. **Discuss and Possibly Act Upon Resolution R-12-014 Adopting a Downtown Master Plan for the City of Brenham** **Page 36-55**

11. **Discuss and Possibly Act Upon the Appointment of Members to the Board of Adjustment** **Page 56-60**

12. **Discuss and Possibly Act Upon Bid No. 12-010 and Award a Contract for the Demolition and Abatement of the Abandoned Municipal Building Located at 210 N. Park Street and Authorize the Mayor to Execute Any Necessary Documentation** **Page 61-62**

13. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Code of Ordinances of the City of Brenham, Chapter 2, Administration, Article VII, Library Advisory Board, to Provide for the Powers, Duties, Organization, Operation, Board Membership and Additional Matters Related to the Library Advisory Board** **Page 63-72**

14. **Discuss and Possibly Act Upon Ordinance O-12-016 Amending the Code of Ordinances of the City of Brenham, Chapter 25, Traffic, Article III, Stopping, Standing and Parking to Regulate Parking Inside the City Limits** **Page 73-82**

EXECUTIVE SESSION

15. **Section 551.072, Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding the Purchase and/or Exchange of Real Estate for Possible Park Expansion** **Page 83**

16. **Section 551.072, Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding the Purchase of Real Estate for Future Municipal Improvements** **Page 84**

RE-OPEN REGULAR AGENDA

17. Discuss and Possibly Act Upon the Purchase and/or Exchange of Real Estate for Possible Park Expansion **Page 85**

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

18. Administrative/Elected Officials Report

Adjourn

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

CERTIFICATION

I certify that a copy of the July 19, 2012 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 July 16, 2012 at __________ AM PM.

____

Jeana Bellinger, TRMC
City Secretary

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

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the ________ day of ___________________, 2012 at __________ AM PM.

______________________________	______________________________
Signature	Title

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on June 21, 2012 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

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

Members absent:

Councilmember Weldon Williams, Jr.

Others present:

City Manager Terry K. Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, Luck Cochran, City Secretary Jeana Bellinger, Deputy City Secretary Jennifer Salsgiver, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Development Services Director Julie Fulgham, Budget Officer Debbie Gaffey, Public Works Director Doug Baker, Leslie Kelm, Kim Hodde, Allen Jacobs, and Public Utilities Director Lowell Ogle

Citizens present:

Danny Ross, Barbara Ross, Beverly Boyd, Courtney Sutten, Page Michel, and Sam Wohlford

Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner, KWHI

1. Call Meeting to Order

2. Invocation and Pledges to the US and Texas Flags – Mayor Milton Y. Tate, Jr.

3. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

4. Statutory Consent Agenda

4-a. Minutes from the June 7, 2012 Council Meeting

4-b. Second Reading of Ordinance O-12-012 Amending Chapter 2, Administration, of the Code of Ordinances of the City of Brenham for the Purpose of Repealing Article II, Planning and Zoning Commission, and Providing for a New Article II, Reserved, for Future Amendments to Chapter 2

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve the Statutory Consent Agenda Item 4-a. Minutes from the June 7, 2012 Council meeting and 4-b. Ordinance O-12-012.

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

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

City Attorney Cary Bovey introduced his law clerk Luke Cochran. Bovey explained that Luke would be helping out in his office during the summer.

WORK SESSION

5. Discussion and Presentation on the Regulation of Boarding Homes Located Inside the City Limits

Police Chief Rex Phelps presented the need for boarding home regulations within the city limits. Phelps recommended preparing an Ordinance to help reduce the number of non-police related calls for service, to implement inspection requirements and investigative procedures for accountability, and to ensure that these facilities comply with City health, safety, and sanitation standards.

Mayor Tate asked about the homes' calls for service. Phelps explained that these businesses, which house disabled or elderly persons, often utilize police services for non-police related issues such as resident's non-compliance to boarding home rules. Mayor Tate asked about the homes' supervision. Phelps explained that some homes have live-in supervision, but others do not.

Councilmember Goss questioned if state regulations supersede local regulations. Bovey clarified that city regulations can be more restrictive than state law and noted that boarding homes, which differ from group homes, are not regulated by the state. Councilmember Goss asked if Phelps has the manpower to enforce regulations. Phelps expressed his belief that ensuring residents' health and safety is prudent and noted that his department is already spending a lot of time on non-police related issues at these facilities.

Councilmember Herring asked what department would handle the regulations. Phelps explained that Code Enforcement would be the responsible department. Councilmember Herring requested clarification in regards to who regulates these homes. Phelps explained that these homes are not regulated by the State.

Mayor Tate recognized a citizen who identified herself as a group home provider and she explained that the Department of Aging and Disability Services regulate group homes. Phelps clarified that some facilities in Brenham are not regulated. Bovey confirmed that boarding homes are not regulated by the state and added that facilities that comply with state standards would experience little impact from city regulations if any. The citizen voiced her concerns about the regulation's impact on group homes as well as group home residents.

Councilmember Barnes-Tilley asked if PD reports violations to the state. Phelps confirmed that PD became aware of the need for city regulations as a result of reporting on facilities not regulated by the state. He explained that city standards provide means to regulate homes not regulated by the state, which have historically required unprecedented police service. Phelps explained that the City appreciates the homes presence in the community, but cautioned Council of PD's legal authority as it pertains to non-police related requests for service. Phelps voiced support for these facilities to employ professionally trained individuals to deal with non-police related issues and added that PD will continue to prevent bad situations from escalating. Phelps confirmed that other cities are passing similar ordinances.

City Manager Terry Roberts explained that this item will appear in another work session before the ordinance's first reading.

6. Update on Airport Expansion Plans and Capital Improvement Projects

Public Works Director Doug Baker explained that the purchase of clear zone easements at the airport would require the City to pursue condemnation so staff and TxDOT agreed to wait on this property acquisition.

Baker advised Council of hangar owner A.J. Foyt's request to construct and access a new 120' X 120' hangar for a turbine engine maintenance facility. Baker explained that staff assessed the airport's needs in response to Mr. Foyt's request and he recommends the City consider investing in twelve (12) new T-hangars. Baker advised that there is currently a waiting list for hangars and if the City could build their own hangars to lease it could generate about $36,000 a year in revenue. Baker stated that TxDOT's Non-primary Entitlement Program and Capital Improvement Program could fund a majority of the project and the City could pay itself back in approximately seven (7) years. Baker asked for Council to approve him talking with TxDOT to request their participation in the project.

Councilmember Goss asked why the City would provide Foyt's facility access for nothing. Baker explained that no other hangar owners have paid for access and the new maintenance facility will increase the airport's activity.

Councilmember Barnes-Tilley inquired if the twelve (12) T-hangars are guaranteed to fill up. Baker stated that are about twenty (20) people currently on a waiting list for a hangar and explained that Airport Operator Jack Hess advised TxDOT that the airport could fill twelve (12) additional T-hangars.

Councilmember Ebel expressed his support of the project and Mayor Tate directed Baker to request TxDOT's participation.

PUBLIC HEARING

7. Public Hearing, Discussion and Receipt of Input Related to the Proposed Creation of Reinvestment Zone Number 34 Requested by Longwood Industries, Inc. for Commercial-Industrial Tax Phase-In Incentive on a Certain Tract of Land Containing 27.325 Acres, More or Less, Being Located at 1901 Longwood Drive, Brenham, Texas, with Boundaries Further Described in Exhibit "A" of the Ordinance Creating Reinvestment Zone Number 34, and Designating This Property as Qualifying for Tax Phase-In

Mayor Tate opened the Public Hearing and introduced Page Michel, Economic Development Foundation President.

Michel requested that Council consider Longwood Industries, Inc. tax phase-in application in order to contribute to Brenham's future economic development. Michel explained that Longwood has proposed a capital investment of $500,000 to purchase new equipment and requested the creation of a reinvestment zone. Michel introduced Plant Manager Sam Wohlford and Comptroller S. McCarthy.

City Manager Terry Roberts explained that a tax phase-in requires a tax reinvestment zone and the City must hold a public hearing before creating a zone.

There were no citizen comments made during the Public Hearing. Mayor Tate closed the Public Hearing.

REGULAR AGENDA

8. Discuss and Possibly Act Upon an Ordinance on its First Reading for the Creation of Reinvestment Zone Number 34 Requested by Longwood Industries, Inc. for Commercial-Industrial Tax Phase-In Incentive on a Certain Tract of Land Containing 27.325 Acres, More or Less, Being Located at 1901 Longwood Drive, Brenham, Texas, with Boundaries Further Described in Exhibit "A" of Said Ordinance, and Designating This Property as Qualifying for Tax Phase-In

Councilmember Goss requested clarity regarding the eligibility of existing jobs and the number of years Longwood is eligible for abatement. Economic Development Foundation President Page Michel explained that the policy allows for existing businesses to qualify if they create or retain jobs. City Attorney Cary Bovey explained that this provision has historically been interpreted to allow for new and retained jobs. Councilmember Goss requested an account for the level 5 status. Michel stated that Longwood qualifies for level 1 based on property improvements and level 5 based on jobs created and retained.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve an Ordinance on its first reading for the creation of Reinvestment Zone Number 34 requested by Longwood Industries, Inc. for Commercial-Industrial Tax Phase-In Incentive on a certain tract of land containing 27.325 acres, more or less, being located at 1901 Longwood Drive, Brenham, Texas, with boundaries further described in Exhibit "A" of said Ordinance, and designating this property as qualifying for tax phase-in.

Mayor Tate called for a vote. The motion passed 5-1 with Council voting as follows:

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

Mayor Tate invited Longwood's Plant Manager, Sam Wohlford, and Comptroller, S. McCarthy, to introduce themselves to Council.

9. Discuss and Possibly Act Upon Ordinance O-12-013 on Its Second Reading Amending Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas by Amending Part II, District Regulations, Section 1 and Division 2 to Add a Section 7, Planned Development District, to Provide for the Establishment of Planned Development Districts within the City Limits

Development Services Director Julie Fulgham explained that this Ordinance is essentially the same as the first reading except that the title incorrectly listed as Business, Research and Technology District was corrected to read Commercial, Research and Technology District.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve an Ordinance O-12-013 on its second reading amending Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas by amending Part II, District Regulations, Section 1 and Division 2 to add a Section 7, Planned Development District, to provide for the establishment of Planned Development Districts within the city limits.

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

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

10. Discuss and Possibly Act Upon Ordinance O-12-014 on Its Second Reading Amending Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas to Provide for Amended Regulations Related to the Manufactured Home Residential (R-3) Zoning District and the Commercial, Research and Technology (B-2) Zoning District

Development Services Director Julie Fulgham explained that this Ordinance is essentially the same as the first reading except for the removal of Section 2. She explained that since the Planned Development District Ordinance establishes districts, Section 2 in this Ordinance was redundant.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve an Ordinance O-12-014 on its second reading amending Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas to Provide for amended regulations related to the Manufactured Home Residential (R-3) Zoning District and the Commercial, Research and Technology (B-2) Zoning District.

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

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

11. Discuss and Possibly Act Upon Bid No. 12-009 and Award an Annual Contract for Gasoline and Diesel Fuel for the City's Vehicle and Equipment Fleet and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager Kyle Dannhaus explained that the purchasing department sent two vendor packets out and Alexander Oil was the only supplier to bid. Dannhaus noted that Alexander Oil received the previous year's contract and recommended awarding them this contract.

Councilmember Herring asked how these prices compared to previous years. Dannhaus explained that the prices were a little higher and he wished there was more competition, but the prices are not bad.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to award Bid No. 12-009 to Alexander Oil for the annual gasoline and diesel fuel contract for the city's vehicle and equipment fleet and authorize the Mayor to execute any necessary documentation.

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

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

12. Administrative/Elected Officials Report

Assistant City Manager Kyle Dannhaus reported on the following:

- There was a pre-bid meeting June 19, 2012 for the municipal building and several potential bidders attended. Staff plans to award both the abatement and demolition contract to one bidder. He said that he was encouraged to hear that it will be a clean project with a lot of salvageable material. He said the slab demolition will be bid separately, as an addendum.

City Manager Terry Roberts reported on the following:

- Municipal building bid will be on the July 19, 2012 agenda.
- Budget Analyst Debbie Gaffey is currently working with staff on departmental budgets and the management team will begin the final review throughout the next two weeks.
- Community Services Committee met on June 14, 2012 to review requests for funding and will be meeting again to allocate funds.
- HOT Board met on June 13, 2012 to review applications for FY2012-13 funding.
- BCDC met on June 14, 2012. They will fund fewer projects to increase fund balance and will cease the Blue Bell Aquatics Center subsidy in $40,000 increments over a five year period.
- Preparations are underway for Inter-Local Agreement (ILA) meetings with the County. A memo was sent to the County regarding meeting next week.
- Budget workshops are scheduled for July 25-27, 2012.
- Retirement party for Allan Hinze on June 28, 2012.
- Staff is working with XXX to evaluate the Chappell Hill property for a possible water supply.
- TxDOT provided staff with an update on future projects. It appears that TxDOT will be replacing the Hwy 105 bridge over the Brazos River and is developing a solution to the Hwy 36/Park Street merge.

Mayor Pro Tem Nix expressed her appreciation for everyone's concern as she recovers from surgery.

Public Utilities Director Lowell Ogle reported that the water distribution system improvements contract awarded to Supak Construction will begin next week on Bormann Street. The public utilities department has put this information on the website, hand-delivered notices to effected neighborhoods, and will continue to publicize it as much as possible.

Fire Chief Ricky Boeker reported on the recent ISO audit results. He stated that the City rated a Class 3 and noted that the City was just a few points away from a Class 2 rating.

The meeting was adjourned.

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Milton Y. Tate, Jr.
Mayor

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Jeana Bellinger, TRMC
City Secretary

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on July 5, 2012 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

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

Members absent:

Mayor Pro Tem Gloria Nix

Others present:

City Manager Terry K. Roberts, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Jennifer Salsgiver, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Chief Financial Officer Carolyn Miller, Stacy Hardy, Wende Ragonis, Public Works Director Doug Baker, Leslie Kelm, Kim Hodde, Assistant Public Utilities Director Dane Rau, Thomas Gooden, and Janie Mehrens

Citizens present:

Clint Kolby, Wesley Brinkmeyer, Mike Haywood, Darren Heine, and Bob Springer

Media Present:

Arthur Hahn, Brenham Banner Press; Ed Pothul, KWHI

1. Call Meeting to Order

2. Invocation and Pledges to the US and Texas Flags – City Attorney Cary Bovey

3. 3-a. Service Recognitions

William (Charlie) Bentke – Parks Department	26 years (RETIREMENT)
Thomas Gooden – Street Department	10 years

3-b. New Employees

Wende Ragonis – Purchasing

Mayor Tate presented Thomas Gooden with a service recognition award and Street Superintendent Leslie Kelm expressed his appreciation for Gooden.

Chief Financial Officer Carolyn Miller introduced Wende Ragonis to the Mayor and Council as the new Purchasing Manager. Mayor Tate welcomed her to the City.

4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Second Reading of Ordinance O-12-015 for the Creation of Reinvestment Zone Number 34 Requested by Longwood Industries, Inc. for Commercial-Industrial Tax Phase-In Incentive on a Certain Tract of Land Containing 27.325 Acres, More or Less, Being Located at 1901 Longwood Drive, Brenham, Texas, with Boundaries Further Described in Exhibit "A" of Said Ordinance, and Designating This Property as Qualifying for Tax Phase-In

Mayor Tate stated that there was some confusion regarding the definition of retained jobs. He directed City Manager Terry Roberts to work with City staff and the Economic Development Foundation (EDF) to define retained jobs and furnish this definition to Council. Mayor Tate asked Council to consider passing the second reading of this Ordinance with the understanding that staff will work out the issues.

EDF Project Manager Clint Kolby requested that Council consider Longwood Industries, Inc. tax phase-in application in order to contribute to Brenham's economic development. Kolby explained that Longwood proposed an expansion for its newest product group and this tax phase-in will help them them invest in nesseary equipment and human capital.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve the Statutory Consent Agenda Item 5-a. Ordinance O-12-015.

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

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

REGULAR AGENDA

6. Discuss and Possibly Act Upon Resolution R-12-012 Authorizing the Execution of a Tax Phase-In Agreement Between the City of Brenham and Longwood Industries, Inc.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve Resolution R-12-012 authorizing the execution of a tax phase-in agreement between the City of Brenham and Longwood Industries, Inc.

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

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

7. Discuss and Possibly Act Upon an Audit Engagement Letter from Seidel, Schroeder & Company to Perform an Audit for the Fiscal Year Ending September 30, 2012 and Authorize the Mayor to Execute any Necessary Documentation

Chief Financial Officer Carolyn Miller presented the proposed audit engagement letter from Seidel, Schroeder & Company for the fiscal year ending September 30, 2012. Miller stated that the audit fee estimate, which remained the same as last year, is a reasonable amount due to the complexity of the City's financial activities.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Williams to approve an audit engagement letter from Seidel, Schroeder & Company to perform an audit for the fiscal year ending September 30, 2012 and authorize the Mayor to execute any necessary documentation.

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

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

8. Discuss and Possibly Act Upon a Recommendation from the Library Advisory Board Regarding the Selection of an Architect to Design the New Library and Authorize the Mayor to Sign Any Necessary Documentation

Human Resource Manager Janie Mehrens presented the Library Advisory Board's recommendation to engage Komatsu Architect to design the new library and noted that the needs assessment and library master plan scope of work is included in Council's agenda packet. Mehrens explained that the library capital fund will cover incurred expenses and undesignated donation funds will be used if necessary.

Mayor Tate asked if the board recommends building new or redesigning what is already there. Mehrens explained that the Library Advisory Board and the Library Building Committee were clear with Komatsu that the current library building and site must be looked at closely to determine if it will meet the needs of the new library before recommending another site.

Councilmember Barnes-Tilley asked if the architect will consider the public's input. Mehrens confirmed that the public will be surveyed and the contract includes a building evaluation, a site evaluation, and a needs assessment such as community or individual meeting facilities.

Councilmember Herring explained that Komatsu Architect will study soil for a potential underground water source and expressed his appreciation for Komatsu Architect's communication strength.

Mayor Tate advised Council that the final contract is still being reviewed by the City Attorney.

A motion was made by Councilmember Williams and seconded by Councilmember Barnes-Tilley to approve the recommendation from the Library Advisory Board and select Komatsu Architect to design the new library and authorize the Mayor to sign any necessary documentation once the final contract, subject to the Mayor's approval, has been completed by the City Attorney.

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

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

9. Discuss and Possibly Act Upon a Request for a Noise Variance from the Washington County Tea Party to be Held at the Washington County Courthouse Gazebo from 7:00 A.M. to 1:00 P.M. on October 20, 2012

Public Works Administrative Assistant Kim Hodde presented a noise variance request from the Washington County Tea Party for a rally, which will use amplification equipment, to be held at the Washington County Courthouse Gazebo from 7:00 a.m. to 1:00 p.m. on Saturday, October 20, 2012.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve a request for a noise variance from the Washington County Tea Party to be held at the Washington County Courthouse Gazebo from 7:00 a.m. to 1:00 p.m. on October 20, 2012.

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

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

10. Discuss and Possibly Act Upon the Appointment of a New Member to the City of Brenham Board of Adjustment

City Manager Terry Roberts explained that Board of Adjustment member Greg Jerking resigned and Mike Haywood applied to fill his unexpired term. Roberts advised Council that Mr. Haywood is currently an active member in the community.

Mayor Tate voiced his confidence in Haywood's character and work ethic.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve the appointment of Mike Haywood to the Board of Adjustment to fill the unexpired term of Greg Jerking that will expire in December of 2012.

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

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

11. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 25, Traffic, of the Code of Ordinances of the City of Brenham, to Amend Article III, Stopping, Standing and Parking Inside the City Limits

Police Chief Rex Phelps explained that the Ordinance's language mandating a 24-hour notice allows violators to repeatedly violate the Ordinance, despite numerous notifications by his officers. Phelps recommended amending the Ordinance to enable the police to effectively enforce the Ordinance's intention regarding to parking or storing certain types of vehicles and trailers on public streets.

A motion was made by Councilmember Goss and seconded by Councilmember Williams to approve an Ordinance on its first reading amending Chapter 25, Traffic, of the Code of Ordinances of the City of Brenham, to amend Article III, Stopping, Standing and Parking Inside the City Limits.

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

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

12. Administrative/Elected Officials Report

Mayor Tate reported on the following:

- Wal-Mart re-opening July 6, 2012 at 8:00 a.m.

City Manager Terry Roberts reported on the following:

- Mr. Nix is not doing well so keep him and Mayor Pro Tem Nix in your prayers.
- Budget Workshops are scheduled for July 25- 27, 2012 at 8:00 a.m.
- New librarian, Kathy Bell, is scheduled to start on July 30, 2012
- TxDOT has already put traffic over the Highway 290 double overpass at FM 577 going in a west bound direction. He reminded Council that six months after traffic can travel east bound over FM 577, TxDOT will start paying the City back three million dollars a year for five years. The contractor was conservative on their completion date estimates, so it appears that they will finish the project six months early.
- Collier Construction will start the Westwood Drive improvements soon.
- O'Malley is finishing up on the Stringer St. realignment design.

Fire Chief Ricky Boeker reported on the following:

- Paperwork is being submitted to FEMA for the Grimes County fire that happened two years ago so the City should receive reimbursement of $38,000.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

AGENDA ITEM 5

DATE OF MEETING: July 19, 2012 **DEPT. OF ORIGIN:** Police	**DATE SUBMITTED:** June 28, 2012 **SUBMITTED BY:** Rex Phelps/Jeana Bellinger

MEETING TYPE:

- ☒ **REGULAR**
- ☐ **SPECIAL**
- ☐ **EXECUTIVE SESSION**

CLASSIFICATION:

- ☐ **PUBLIC HEARING**
- ☐ **CONSENT**
- ☐ **REGULAR**
- ☒ **WORK SESSION**

ORDINANCE:

- ☐ **1ST READING**
- ☐ **2ND READING**
- ☐ **RESOLUTION**

AGENDA ITEM DESCRIPTION: Discussion and Presentation on the Regulation of Boarding Homes Located Inside the City Limits

SUMMARY STATEMENT: This discussion is proposed due to the significantly increased number of boarding homes within the city limits. These homes provide housing to THREE OR MORE persons, who are unrelated to the owner of the house, with disabilities or are elderly. These homes are for profit businesses.

The increase in boarding homes opening in Brenham has led to an increase in police services. A significant number of calls are mediation type of calls dealing with non-police issues such as medication intake, verbal disagreements, and residents' non-compliance to house rules, etc. However, there are also a significant number of calls that are police related. Unfortunately, these types of facilities are not being regulated by the State to ensure the health, safety and cleanliness of the facility.

During the 81st Legislature (House Bill 216) Health and Safety Code, Chapter 260 regulating boarding home facilities was adopted. The Legislature directed the Health and Human Services Commission (HHSC) to develop and publish model standards for local counties and municipalities that choose to require boarding homes to obtain a permit to operate. HHCS's model policy was used as a guide in writing this ordinance. **We will provide a draft ordinance at the council meeting for discussion.**

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. **PROS:** Possibly enhance health, safety and sanitation for residents with disabilities, reduce non-police related calls for service, and ensure inspection and investigative procedures for accountability and monitoring.

B. **CONS:** None identified.

ALTERNATIVES (In Suggested Order of Staff Preference): Staff suggests the consideration of passing an Ordinance to ensure residents with disabilities and the elderly residents of local boarding homes have adequate facilities in terms of health, safety and sanitation standards.

ATTACHMENTS: (1) Health and Safety Code, Chapter 260; and (2) Definition comparison table
FUNDING SOURCE (Where Applicable): Existing staff
RECOMMENDED ACTION: Discussion only.
APPROVALS: Rex Phelps

HEALTH AND SAFETY CODE

TITLE 4. HEALTH FACILITIES

SUBTITLE B. LICENSING OF HEALTH FACILITIES

CHAPTER 260. BOARDING HOME FACILITIES

Sec. 260.001. DEFINITIONS. In this chapter:

(1) "Assistance with self-administering medication" means assisting a resident by reminding the resident to take medication, opening and removing medications from a container, or reminding the resident when a prescription medication needs to be refilled.

(2) "Boarding home facility" means an establishment that:

(A) furnishes, in one or more buildings, lodging to three or more persons with disabilities or elderly persons who are unrelated to the owner of the establishment by blood or marriage; and

(B) provides community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication but does not provide personal care services as defined by Section 247.002 to those persons.

(3) "Commission" means the Health and Human Services Commission.

(4) "Elderly person" has the meaning assigned by Section 48.002, Human Resources Code.

(5) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(6) "Person with a disability" means a disabled person as defined by Section 48.002, Human Resources Code.

(7) "Resident" means a person who is residing in a boarding home facility.

Redesignated from Health and Safety Code, Chapter 254 by Acts 2011, 82nd Leg., R.S., Ch. 91, Sec. 27.001(28), eff. September 1, 2011.

Sec. 260.002. EXEMPTIONS. This chapter does not apply to:

(1) a person that is required to be licensed under Chapter 142, 242, 246, 247, or 252;

(2) a person that is exempt from licensing under Section 142.003(a)(19), 242.003(3), or 247.004(4);

(3) a hotel as defined by Section 156.001, Tax Code;

(4) a retirement community;

(5) a monastery or convent;

(6) a child-care facility as defined by Section 42.002, Human Resources Code;

(7) a family violence shelter center as defined by Section 51.002, Human Resources Code; or

(8) a sorority or fraternity house or other dormitory associated with an institution of higher education.

Redesignated from Health and Safety Code, Chapter 254 by Acts 2011, 82nd Leg., R.S., Ch. 91, Sec. 27.001(28), eff. September 1, 2011.

Sec. 260.003. MODEL STANDARDS. The executive commissioner shall develop and publish in the Texas Register model standards for the operation of a boarding home facility relating to:

(1) the construction or remodeling of a boarding home facility, including plumbing, heating, lighting, ventilation, and other housing conditions, to ensure the residents' health, safety, comfort, and protection from fire hazard;

(2) sanitary and related conditions in a boarding home facility and its surroundings, including insect and rodent control, water supply, sewage disposal, food handling, and general hygiene to ensure the residents' health, safety, and comfort;

(3) the reporting and investigation of injuries, incidents, and unusual accidents and the establishment of other policies and procedures necessary to ensure resident health and safety;

(4) assistance with self-administering medication;

(5) requirements for in-service education of the facility's staff;

(6) criminal history record checks; and

(7) assessment and periodic monitoring to ensure that a resident:

(A) does not require the boarding home facility to provide personal care, nursing, or other services not listed in Section 260.001(2); and

(B) is capable of self-administering medication or is aware of what the resident's medications look like and knows when the medications should be taken but requires assistance with self-administering medication.

Redesignated from Health and Safety Code, Chapter 254 by Acts 2011, 82nd Leg., R.S., Ch. 91, Sec. 27.001(28), eff. September 1, 2011.
Redesignated and amended from Health and Safety Code, Section 254.003 by Acts 2011, 82nd Leg., R.S., Ch. 91, Sec. 27.002(6), eff. September 1, 2011.

Sec. 260.004. LOCAL REGULATION. A county or municipality may require a person to obtain a permit from the county or municipality to operate a boarding home facility within the county's or municipality's jurisdiction. A county or municipality may adopt the standards developed by the executive commissioner under Section 260.003 and require a boarding home facility that holds a permit issued by the county or municipality to comply with the adopted standards.

Redesignated from Health and Safety Code, Chapter 254 by Acts 2011, 82nd Leg., R.S., Ch. 91, Sec. 27.001(28), eff. September 1, 2011.
Redesignated and amended from Health and Safety Code, Section 254.004 by Acts 2011, 82nd Leg., R.S., Ch. 91, Sec. 27.002(7), eff. September 1, 2011.

Sec. 260.005. PERMIT PROCEDURES; FEES; FINES. (a) A county or municipality that requires a person to obtain a boarding home facility permit as authorized by Section 260.004 may establish procedures for the submission of a boarding home facility permit application and for the issuance, denial, renewal, suspension, and revocation of the permit.

(b) A county or municipality that requires a person to obtain a boarding home facility permit as authorized under Section 260.004 may set reasonable fees for issuance of the permit, renewal of the permit, and inspections and may impose fines for noncompliance with the county or municipal boarding home facility regulations. The fees collected and fines imposed by the county or municipality must be used to administer the county or municipal permitting program or for other purposes directly related to providing boarding home facility or other assisted living services to elderly persons and persons with disabilities.

(c) A person required to obtain a boarding home facility permit from a county or municipality as authorized under Section 260.004 shall pay any fees required or fines imposed by the county or municipality.

Redesignated from Health and Safety Code, Chapter 254 by Acts 2011, 82nd Leg., R.S., Ch. 91, Sec. 27.001(28), eff. September 1, 2011.
Redesignated and amended from Health and Safety Code, Section 254.005 by Acts 2011, 82nd Leg., R.S., Ch. 91, Sec. 27.002(8), eff. September 1, 2011.

Sec. 260.006. POSTING. A boarding home facility that holds a permit issued by a county or municipality shall prominently and conspicuously post for display in a public area of the boarding home facility that is readily available to residents, the operator, employees, and visitors:

(1) the permit issued by a county or municipality;

(2) a sign prescribed by the county or municipality that issued the permit that specifies how complaints may be registered with the county or

municipality;

(3) a notice in a form prescribed by the county or municipality that issued the permit stating that inspection and related reports are available at the boarding home facility for public inspection and providing a telephone number that may be used to obtain information concerning the boarding home facility;

(4) a concise summary of the most recent inspection report relating to the boarding home facility; and

(5) a notice in a form prescribed by the county or municipality that issued the permit that lists the name, location, and contact information for:

(A) the closest local public health services agency in the proximity of the boarding home facility; and

(B) a local organization or entity that represents, advocates, or serves elderly persons or persons with disabilities, including any related toll-free contact information for reporting emergencies to the organization or entity.

Redesignated from Health and Safety Code, Chapter 254 by Acts 2011, 82nd Leg., R.S., Ch. 91, Sec. 27.001(28), eff. September 1, 2011.

Sec. 260.007. INSPECTIONS. (a) A county or municipality may conduct any inspection, survey, or investigation that it considers necessary and may enter the premises of a boarding home facility at reasonable times to make an inspection, survey, or investigation.

(b) A county or municipality is entitled to access to books, records, and other documents maintained by or on behalf of a boarding home facility to the extent necessary to enforce the standards adopted by the county or municipality.

Redesignated from Health and Safety Code, Chapter 254 by Acts 2011, 82nd Leg., R.S., Ch. 91, Sec. 27.001(28), eff. September 1, 2011.

Sec. 260.008. INTERLOCAL COOPERATION. Two or more counties or municipalities may cooperate and contract with each other for the purpose of inspecting and permitting boarding home facilities.

Redesignated from Health and Safety Code, Chapter 254 by Acts 2011, 82nd Leg., R.S., Ch. 91, Sec. 27.001(28), eff. September 1, 2011.

Sec. 260.009. REPORTING AND INVESTIGATION OF ABUSE, NEGLECT, OR EXPLOITATION. (a) A person, including an owner, operator, or employee of a boarding home facility that holds a permit issued by a county or municipality, who has cause to believe that a resident who is an elderly person or a person with a disability is being or has been abused, neglected, or exploited shall report the abuse, neglect, or exploitation to the Department of Family and Protective Services for investigation by that agency. The Department of Family and Protective Services shall investigate the allegation of abuse, neglect, or exploitation as authorized and in the manner provided by Chapter 48, Human Resources Code.

(b) Each boarding home facility that holds a permit issued by a county or municipality shall require each employee of the boarding home facility, as a condition of employment with the boarding home facility, to sign a statement that the employee acknowledges that the employee may be criminally liable under Section 48.052, Human Resources Code, for failure to report abuse, neglect, or exploitation.

(c) An owner, operator, or employee of a boarding home facility that holds a permit issued by a county or municipality may not retaliate against an employee of the facility who in good faith makes a complaint to the office of the inspector general of the Health and Human Services Commission, cooperates with the office of the inspector general in an investigation, or reports abuse, neglect, or exploitation of a resident to the Department of Family and Protective Services.

Redesignated from Health and Safety Code, Chapter 254 by Acts 2011, 82nd Leg., R.S., Ch. 91, Sec. 27.001(28), eff. September 1, 2011.

Sec. 260.010. ANNUAL REPORT TO COMMISSION; LEGISLATIVE REPORT. (a) Not later than September 30 of each year following the establishment of a county or municipal permitting requirement under this chapter, each county or municipality that requires a person to obtain a boarding home facility permit under Section 260.004 shall submit to the commission a report. The report must include:

(1) the total number of:

(A) boarding home facilities permitted during the preceding state fiscal year;

(B) boarding home facility applications denied permitting, including a summary of cause for denial; and

(C) boarding home facility permits active on August 31 of the preceding state fiscal year;

(2) the total number of residents reported housed in each boarding home facility reported;

(3) the total number of inspections conducted at each boarding home facility by the county or municipality that requires the permit; and

(4) the total number of permits revoked or suspended as a result of an inspection described by Subdivision (3) and a summary of the outcome for the residents displaced by revocation or suspension of a permit.

(b) The commission shall establish and maintain a standardized compilation of information reported under this section and provide to the legislature a report of this information not later than January 1 of each odd-numbered year.

Redesignated from Health and Safety Code, Chapter 254 by Acts 2011, 82nd Leg., R.S., Ch. 91, Sec. 27.001(28), eff. September 1, 2011.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 91, Sec. 27.002(9), eff. September 1, 2011.

Sec. 260.011. EXCLUSION PROHIBITED. If an entity meets the requirements established by a county or municipality under this chapter, the entity may not be excluded from a residential area by zoning ordinances or similar regulations.

Redesignated from Health and Safety Code, Chapter 254 by Acts 2011, 82nd Leg., R.S., Ch. 91, Sec. 27.001(28), eff. September 1, 2011.

DEFINITIONS TO HELP WITH THE WORDING OF A BOARDING HOME ORDINANCE

Term	Reference	Definition
Boarding home facility	Health & Safety Code Chapter 260 Sec. 260.001	1. Furnishes, in one or more buildings, lodging to **THREE OR MORE** persons with disabilities or elderly persons who are unrelated to the owner of the establishment by blood or marriage; and 2. Provides community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with *self-administration of medication*[1] but **DOES NOT** provide *personal care services*[2].
Assisted living facility ***Regulated and licensed by the Department of Aging and Disability Services***	Health & Safety Code Chapter 247 Sec. 247.002	1. Furnishes, in one or more facilities, food and shelter to **FOUR OR MORE** persons who are unrelated to the proprietor of the establishment; 2. Provides: a. *Personal care services*[2]; or b. Administration of medication by a person licensed or otherwise authorized in this state to administer the medication; 3. May provide assistance with or supervision of the administration of medication; and 4. May provide skilled nursing services for the following limited purposes: a. Coordination of resident care with outside home and community support service agencies and other health care professionals; b. Provisions or delegation of personal care services or medication administration; c. Assessment of residents to determine the care required; and d. Delivery of temporary skilled nursing treatment for a minor illness, injury or emergency.

Intermediate Care Facility ***Regulated and licensed by the Department of Aging and Disability Services***	Health & Safety Code Chapter 252 Sec. 252	A home or an establishment that: A. Furnishes food, shelter, and treatment or services to **FOUR OR MORE** persons unrelated to the owner; B. Is primarily for the diagnosis, treatment, or rehabilitation of persons with mental retardation or related conditions; and C. Provides, in a protected setting, continuous evaluation, planning, 24-hour supervision, coordination, and integration of health or rehabilitative services to help each resident function at the resident's greatest ability.
Home and Community Support Services Agency	Health & Safety Code Chapter 142 Sec. 142.	A person who provides home health, hospice, or personal assistance services for pay or other consideration in a client's residence, an independent living environment, or another appropriate location.
Institution (Convalescent and/or nursing homes related establishments) ***Regulated and licensed by the Department of Aging and Disability Services***	Health & Safety Code Chapter 242 Sec. 242.	A. Furnishes, in one or more facilities, food and shelter to **FOUR OR MORE** persons who are unrelated to the proprietor of the establishment; and B. Provides minor treatment under the direction and supervision of a physician licensed by the Texas Medical Board, or other services that meet some need beyond the basic provision of food, shelter, and laundry.
Continuing Care Facility ***Regulated and licensed by the Department of Aging and Disability Services***	Health & Safety Code Chapter 246 Sec. 246.	The furnishing of a living unit, together with *personal care services*[2], nursing services, medical services, or other health-related services, regardless of whether the services and the living unit are provided at the same location: A. To an individual who is not related by consanguinity or affinity, to the person providing the care; and B. Under a continuing care contract which requires payment of an entrance fee, by or on behalf of a resident, in exchange for care for the life of the resident or more than one (1) year.

1. ***<u>Self-Administration of Medication</u>*: Assisting a resident by reminding the resident to take medication, opening and removing medication from a container, or reminding the resident when a prescription medication needs to be refilled. (Health & Safety Code, Sec. 260.001)***

2. ***<u>Personal Care Services</u>*: Assistance with feeding, dressing, moving, bathing, or other personal needs or maintenance; or general supervision or oversight of the physical and mental well-being of a person who needs assistance to maintain a private and independent residence in an assisted living facility or who needs assistance to manage the person's personal life, regardless of whether a guardian has been appointed for the person. (Health & Safety Code, Sec. 247.002).***

City of BRENHAM

AGENDA ITEM 6

DATE OF MEETING: July 19, 2012 **DEPT. OF ORIGIN:** Main Street	**DATE SUBMITTED:** July 13, 2012 **SUBMITTED BY:** Jennifer Eckermann

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

AGENDA ITEM DESCRIPTION: Discussion and Presentation on the Downtown Master Plan

SUMMARY STATEMENT: The Downtown Brenham Master Plan was commissioned in fall of 2011, and has been recommended for adoption by both the Main Street Board and Planning and Zoning Commission. Tommy Upchurch, who has served as Chair of the Steering Committee, will attend the Council meeting to present the history and background of the project. In addition, we have Robin McCaffrey, a Principal with MESA Design Group, in attendance who will present highlights of the Downtown Master Plan.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. **PROS:**

B. **CONS:**

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS:

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: Discussion only.

APPROVALS: Julie Fulgham

AGENDA ITEM 7

DATE OF MEETING: July 19, 2012 **DEPT. OF ORIGIN:** Administration	**DATE SUBMITTED:** July 13, 2012 **SUBMITTED BY:** Jeana Bellinger

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

AGENDA ITEM DESCRIPTION: Discussion and Presentation of the Community Service Committee's Recommended Funding Allocations for the FY2012-13 Budget

SUMMARY STATEMENT: In preparation for this year's Community Service budget recommendations, I mailed applications to all entities that had received funding in FY2011-12. A total of nine (9) requests were received for a total in funding requests of $174,650, not including contractual obligations for insurance and utilities for the Boys & Girls Club and the Brenham Heritage Museum. During the May Budget Kick-off meeting, Council directed the Committee to keep community service funding at $150,000; therefore, with the contractual obligations of $45,100, only $104,900 was available to fund community service requests.

The entities requesting funds presented their requests to the Community Service Committee on June 14th and the Committee met on June 27th to discuss each individual request. The Committee is recommending the following for FY2012-13:

- Same funding level as FY2011-12 for:
  - Boys & Girls Club: $30,000
  - Faith Mission: $16,000
  - Hospice Brazos Valley: $10,000
  - Mission Brenham: $900
  - Washington County Healthy Living Association: $40,000
- Funding was increased for Jobs Partnership of Washington County: $750
- Funding was provided this year to Freedom Hill (they were not funded in FY11-12): $7,250

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS:

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference): N/A
ATTACHMENTS: (1) FY2012-13 Community Service Funding Requests Worksheet
FUNDING SOURCE (Where Applicable): Community Service Fund
RECOMMENDED ACTION: Discussion only.
APPROVALS: Terry K. Roberts

CITY OF BRENHAM
COMMUNITY SERVICE BUDGET
FUNDING REQUESTS FOR FY2012-13

	FY2011-12 AMOUNT REQUESTED	FY2011-12 APPROVED FUNDING	FY2012-13 AMOUNT REQUESTED		AMOUNT APPROVED BY COMM.
Requests for Funding					
Boys & Girls Club of Washington County	$ 37,500.00	$ 30,000.00	$ 37,500.00		$ 30,000.00
Brenham Community Education	$ 10,000.00	$ -	$ 5,000.00		$ -
Brenham Shrine Club	$ -	$ -	$ 500.00		$ -
Faith Mission - Program	$ 25,000.00	$ 16,000.00	$ 25,000.00		$ 16,000.00
Faith Mission - Sanitation	$ 10,000.00	$ -	$ -		$ -
Freedom Hill - Program	$ -	$ -	$ 25,000.00	*A*	$ 7,250.00
Freedom Hill - Sanitation	$ 4,417.00	$ -	$ -		$ -
Goodfellows of Washington County	$ 10,000.00	$ -	$ -		$ -
Hospice Brazos Valley	$ 20,000.00	$ 10,000.00	$ 20,000.00		$ 10,000.00
Jobs Partnership of Washington County	$ 500.00	$ 500.00	$ 750.00		$ 750.00
Mission Brenham	$ 900.00	$ 900.00	$ 900.00		$ 900.00
Washington County Health Living Assoc.	$ 70,000.00	$ 40,000.00	$ 60,000.00		$ 40,000.00
Other - Contingency	$ -	$ 500.00	$ -		$ -
Total FY2012-13 Funding Requests	**$ 188,317.00**	**$ 97,900.00**	**$ 174,650.00**		**$ 104,900.00**
Funding Provided Under Contractual Agreement					
Boys & Girls Club of Washington County - Utilities	$ 30,000.00	$ 30,300.00	$ 30,300.00	*B*	$ 30,300.00
Boys & Girls Club of Washington County - Insurance	$ 1,800.00	$ 2,100.00	$ 2,100.00	*B*	$ 2,100.00
Heritage Museum - Utilities	$ 11,000.00	$ 11,550.00	$ 11,550.00	*B*	$ 11,550.00
Heritage Museum - Insurance	$ 1,050.00	$ 1,150.00	$ 1,150.00	*B*	$ 1,150.00
Total FY2012-13 Contractual Agreements	**$ 43,850.00**	**$ 45,100.00**	**$ 45,100.00**		**$ 45,100.00**
GRAND TOTAL	**$ 232,167.00**	**$ 143,000.00**	**$ 219,750.00**		**$ 150,000.00**
			Council Approved Funding Level		**$ 150,000.00**
			Funds Remaining		**$ -**

A - Funding authorized only for AC and flooring repairs, as stated in request. Committee wants documentation to prove the additional funds for the repairs are available

B - FY2012-13 amount same as FY2011-12 approved budget

AGENDA ITEM 8

DATE OF MEETING: July 19, 2012 **DEPT. OF ORIGIN:** Parks	**DATE SUBMITTED:** July 16, 2012 **SUBMITTED BY:** Jamie Maurer

MEETING TYPE:

- ☒ **REGULAR**
- ☐ **SPECIAL**
- ☐ **EXECUTIVE SESSION**

CLASSIFICATION:

- ☒ **PUBLIC HEARING**
- ☐ **CONSENT**
- ☐ **REGULAR**
- ☐ **WORK SESSION**

ORDINANCE:

- ☐ **1ST READING**
- ☐ **2ND READING**
- ☐ **RESOLUTION**

AGENDA ITEM DESCRIPTION: Public Hearing, Discussion and Presentation on a Texas Parks and Wildlife Department Grant for Additional Water Features, Decking and Associated Improvements and Furnishings at the Blue Bell Aquatics Center

SUMMARY STATEMENT: N/A

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. **PROS:**

B. **CONS:**

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: N/A

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: Discussion only.

APPROVALS: Terry K. Roberts

AGENDA ITEM 9

DATE OF MEETING: July 19, 2012 **DEPT. OF ORIGIN:** Parks	**DATE SUBMITTED:** July 16, 2012 **SUBMITTED BY:** Jamie Maurer

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

AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution R-12-013 Authorizing the Submission of a Grant Application to Texas Parks and Wildlife Department for Additional Water Features, Decking and Associated Improvements and Furnishings at the Blue Bell Aquatics Center and Authorize the Mayor to Execute Any Necessary Documentation

SUMMARY STATEMENT: See memo.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. **PROS:**

B. **CONS:**

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Memo from Jamie Maurer; and (2) Resolution R-12-013 authorizing staff to file a grant application with the Texas Parks and Wildlife Department

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: Approve Resolution R-12-013 authorizing the submission of a grant application to Texas Parks and Wildlife Department for additional water features, decking and associated improvements and furnishings at the Blue Bell Aquatics Center and authorize the Mayor to execute any necessary documentation.

APPROVALS: Terry K. Roberts

To:	Mayor and City Council
From:	Jamie Maurer
Subject:	Texas Parks and Wildlife Grant Outdoor Recreation Grant Opportunity
Date:	July 13, 2012

We were recently made aware of an Outdoor Recreation Grant opportunity with Texas Parks and Wildlife. The grant is a matching grant for projects up to $100,000 and the application must be submitted by August 1st.

City staff reviewed the Parks Master Plan and discussed other possible projects that might be eligible for the grant. One project that stood out was an idea for the Blue Bell Aquatic Center that was discussed at a Parks Board meeting roughly a year ago. The project involves extending the outdoor leisure pool deck over the current volleyball court area and with that include a large canopy for shade, additional seating and add in a few splash pad water features. With this project we would be able to offer a definite need at the facility – shaded seating. The splash pad features would give the facility a new water attraction and hopefully give the 11 year old facility a fresh new look. With the extension of the deck, we would also resurface the current deck area, giving the entire area a facelift.

The grant opportunity was discussed at the Parks Board meeting on July 11th. The board members agreed it was a worthy project and made a motion in favor of the deck extension project and moving forward with the grant process.

Our total project cost will be in the $200,000 range. As mentioned earlier, this is a matching grant. The local 50/50 match will hopefully come from BCDC funding.

We are currently working with Kraftsman Commercial Playgrounds and Water Parks on a final design for the project. I hope to have the design layout as well as a detailed budget for the project at Thursday's council meeting.

RESOLUTION R-12-013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR THE PURPOSE OF PARTICIPATING IN THE LOCAL PARK GRANT PROGRAM; AUTHORIZING JAMIE MAURER, TO ACT ON BEHALF OF THE CITY OF BRENHAM IN ALL MATTERS RELATED TO THE APPLICATION; CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE APPLICANT'S MATCHING SHARE IS READILY AVAILABLE; AND DEDICATING THE PROPOSED SITE FOR PERMANENT PUBLIC PARK AND RECREATIONAL USES.

WHEREAS, the City of Brenham, Texas ("City") desires to authorize an official to represent and act for the City in dealing with the Texas Parks and Wildlife Department concerning the program; and

WHEREAS, the City is qualified to apply for grant funds under the Request for Applications.

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

Section 1: That the City hereby authorizes and directs Jamie Maurer to act for the City in dealing with the Texas Parks and Wildlife Department for the purposes of the Grant Program and that Jamie Maurer is hereby officially designated as the representative in this regard.

Section 2: That the City hereby certifies that they are eligible to receive assistance under the Grant Program and that notice of the application has been posted according to local public hearing requirements.

Section 3: That the City hereby certifies that the matching share of $100,000 is readily available at this time.

Section 4: That the City hereby specifically authorizes the official to make application to the Texas Parks and Wildlife Department concerning the site to be known as Blue Bell Aquatic Center in Brenham, Washington County, Texas for use as a park site and is hereby dedicated for public parks and recreation purposes in perpetuity.

RESOLVED this 19th day of July, 2012.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger
City Secretary

City of BRENHAM

AGENDA ITEM 10

DATE OF MEETING: July 19, 2012 **DEPT. OF ORIGIN:** Main Street	**DATE SUBMITTED:** July 13, 2012 **SUBMITTED BY:** Jennifer Eckermann

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

AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution R-12-014 Adopting a Downtown Master Plan for the City of Brenham

SUMMARY STATEMENT: The Brenham Downtown Master Plan is the result of years of interest and dedication on the part of the Main Street Board and its Economic Restructuring Committee. The draft plan was created after extensive public input and has been circulated and online since late April. The vision expressed by the Plan addresses critical needs that were shared through the 7-month planning process – for the benefit of all business and property owners – while also addressing the expressed desire to maintain Downtown Brenham's identity into the future. A plan for Implementation over the next 20-25 years includes funding options that were specifically requested by the City and Steering Committee. Both the Main Street Board and Planning and Zoning Commission recommends the City Council adopt the master plan.

In an effort to be more cost efficient, a copy of the Downtown Master Plan is not included in the agenda packet. However, the Downtown Master Plan will be distributed to Mayor and City Council Members.

A complete copy of the Downtown Master Plan is on file for review in the City Secretary's Office. A copy can also be downloaded from the City of Brenham's website at http://cityofbrenham.org/.

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: The master plan provides a vision for Downtown and was created based on community input.

B. CONS: The master plan suggests many projects that will have a regulatory or financial impact if implemented.

ALTERNATIVES (In Suggested Order of Staff Preference): 1) Approve master plan; 2) Table master plan; or 3) Deny master plan

ATTACHMENTS: (1) Resolution R-12-014 authorizing the adoption of the downtown master plan; (2) Letter from Thomas Hayne Upchurch, AIA, Chair, Downtown Master Plan Steering Committee to Members of the Planning and Zoning Commission and steering Committing in response to a petition against master plans submitted to P&Z; (3) Question and Answer Guide; and (4) Main Street Board and Planning and Zoning Commission draft minutes
FUNDING SOURCE (Where Applicable): N/A
RECOMMENDED ACTION: Approve Resolution R-12-014 adopting a Downtown Master Plan for the City of Brenham.
APPROVALS: Julie Fulgham

RESOLUTION R-12-014

A RESOLUTION OF THE CITY OF BRENHAM, TEXAS AUTHORIZING THE ADOPTION OF THE DOWNTOWN MASTER PLAN PREPARED BY MESA DESIGN GROUP, INC.

WHEREAS, on September 29, 2011 the City Council voted to commission a Downtown Master Plan to be prepared by Mesa Design Group, Inc.; and

WHEREAS, the City Council created a Downtown Master Plan Steering Committee to work with Mesa Design Group Inc. to hold public meetings and workshops to facilitate input from the Community regarding the content of the Downtown Master Plan; and

WHEREAS, on June 4, 2012 the Brenham Main Street Board voted to recommend to City Council the adoption of the Downtown Master Plan; and

WHEREAS, on July 9, 2012 the Brenham Planning and Zoning Commission voted to recommend to City Council the adoption of the Downtown Master Plan; and

WHEREAS, the Downtown Master Plan is an important tool that identifies a strategy by which the vibrancy of Downtown can be restored and continued in the future;

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

The City of Brenham hereby adopts the Brenham Downtown Master Plan as a publicly derived vision that directs decision-making and actions pertaining to the future of Downtown Brenham.

PASSED and APPROVED on this 19th day of July, 2012.

____
Milton Y. Tate, Jr., Mayor

ATTEST

____
Jeana Bellinger, TRMC
City Secretary

CITY OF BRENHAM
MASTER PLAN STEERING COMMITTEE
P.O. BOX 1059 ◆ BRENHAM, TEXAS 77834

July 2, 2012

Members of the Planning and Zoning Commission
City of Brenham
PO Box 1059
Brenham, Texas 77833

Dear Members of the Planning and Zoning Commission:

On behalf of the Brenham Downtown Master Plan Steering Committee, I respectfully request your thoughtful consideration to recommend to the Brenham City Council adoption of the Brenham Downtown Master Plan as presented.

The idea in seeking a Master Plan for Downtown Brenham has been taking shape through Brenham Main Street committee meetings and field trips since 2005. In 2011, the Brenham Community Development Corporation and Brenham City Council appropriated funds totaling $100,000 to finance a consulting design firm to develop a Downtown Master Plan. MESA Design Associates, Inc., a planning, urban design, and landscape architecture firm, was hired in September of 2011 to lead the planning process and develop the Master Plan document. The completed Master Plan document is the result of the MESA design team's expertise, their observations and research of Downtown Brenham, and Brenham's community input.

On May 7, 2012 MESA presented the Master Plan in a joint meeting of City Council, Planning and Zoning Commission, and Main Street Board members to inform these groups of the Plan's content. On June 4, 2012, City Staff, formally requested the Planning and Zoning Commission recommend adoption of the Master Plan by City Council. The Brenham Main Street Board had unanimously approved a similar recommendation to City Council on that same day. However, the Planning and Zoning Commission voted to "table" the request for recommendation. It was my observation that the vote to "table" Staff's recommendation was due to a few property owners expressing their concerns about the Master Plan's intent and their request that more time be taken for additional input from downtown property owners. On behalf of some concerned citizens, a petition was also submitted to the Planning and Zoning Commission by Mr. Tom Bartley on June 4. The petition included questions and points they believed should be addressed before a Master Plan should be considered by City Council for adoption.

Since the Planning and Zoning Commission meeting on June 4, the Downtown Master Plan Steering Committee has discussed how to best communicate with concerned property owners to answer questions and clarify any information in the Master Plan document. Members of the Steering Committee are making efforts to meet with those individuals who signed the Petition to answer questions. For the benefit of the Planning and Zoning Commissioners, I am enclosing a copy of responses developed to address each point included on the Petition.

It has always been an overriding intent that the process to develop a Master Plan for Downtown Brenham be open and transparent, including public input. We continue to believe this type of process encourages the most community participation and will create a plan that best represents the values and interests of the greater community as it plans for the future.

I write to you in support of this Master Plan document, knowing that it is expresses a strong vision for Downtown Brenham. The Master Plan addresses critical needs, such as improved parking and circulation, considerations for creating a better balance of activities across downtown to benefit all business and property owners, and to maintain Brenham's identity into the future. The Master Plan also addresses tools for implementation over the next 20 – 30 years, an essential requirement of Brenham Main Street.

Thank you for considering this request to support and recommend the Brenham Downtown Master Plan to City Council for adoption.

Sincerely,

Thomas Hayne Upchurch, AIA
Chair, Downtown Master Plan Steering Committee

Committee Members: Tommy Upchurch, Chair; Traci Pyle; Darren Heine; Keith Herring; Tom Whitehead; Melinda Faubion; Pam Traylor; Jon Hill; Tee Dippel; Susan White.

Responses to Petition

Brenham Downtown Master Plan
6.29.12

The following are Responses to the Petition submitted to the Brenham Planning and Zoning Commission on June 4, 2012 regarding the proposed Brenham Downtown Master Plan.

Petition Points and Responses

(Responses are in bold)

1. No discussion has occurred as to whether a Master Plan should be adopted at all. That discussion should occur between the Planning and Zoning Commission, the City Council, and Downtown property and business owners.

   The Brenham City Council and Brenham Community Development Corporation voted to allocate funding for a Downtown Master Plan in 2011. The intent was to receive and adopt a Master Plan for Downtown Brenham.

   Presentations and discussions have taken place, beginning in December 2011, to include downtown property and business owners, City Council members, Planning and Zoning Commission members, and other groups and individuals interested in the planning process

2. If a Master Plan of any sort is to be adopted the following matters should be thoroughly discussed and the plan revised, if necessary, prior to any such Master Plan being adopted:

   a. What specific changes and/or improvements are to be made to the Downtown area?

      Improvements that follow the guidelines of the Master Plan are not specifically defined at this point in the process. Specific improvements proposed shall be identified in terms of priority, funding availability, appropriate sequencing and viability. Improvements identified shall be thoughtfully considered, designed and discussed. Projects developed will be by the City and downtown property owners.

   b. What revisions to the Planning and Zoning rules and regulations would be adopted including use restriction and whether those use restrictions should vary between the proposed sub-districts?

      City Council will be considering recommendations for revisions as outlined in Section 5.1of the Master Plan. Specific amendments to City zoning and regulatory building code requirements will go through a legal process required for public notifications and hearings.

   c. What ordinance(s) would be passed placing new obligations and restrictions of property and/or business owners regarding improvements, maintenance and use of the buildings and property in the Downtown area?

      City Council will be considering recommendations as outlined in the Master Plan. Specific amendments to City zoning and regulatory building code requirements will go through legal process required for public notifications and hearings.

   d. What enforcement mechanisms would be adopted including fines and/or penalties against property and/or business owners for non-compliance?

      Amendments to current "enforce mechanisms" are not specifically determined at this point in the process. However, building codes and zoning ordinances are currently in place and enforceable by the City of Brenham to protect the health, safety and welfare of the public and provide parameters for development.

e. The costs of the improvements and implementation and enforcement of the new rules, regulations and ordinance(s), how those costs will be paid (new taxes, fees, assessments, etc.) and who will pay them?

   There are different types of costs expected during the implementation of Master Plan components, including City Staff costs and property improvement costs. The Master Plan discusses different sources for revenues that could be investigated for public and private development. As stated in the Master plan, " The realization of the Downtown Master Plan will depend upon the ability to access available programs to fund public improvements and incentivize private development". Specific opportunities for revenue streams are outlined in Section 5.2 of the Master Plan.

f. What involvement, if any, the county will have and how that involvement should be coordinated between the City, the county and private property and business owners?

   The involvement of Washington County in the detailed planning and implementation of the Master Plan will be a decision of the County. The County's involvement and interface with other property owners will be coordinated by the City as the governing entity responsible for overall implementation of the vision expressed in the Master Plan.

END

A "Question and Answer" Guide through the Adoption Process of Brenham's Downtown Master Plan

Should the City of Brenham adopt a Downtown Master Plan?

The City Council and the Brenham Community Development Corporation received input from interested stakeholders in the Downtown and community that the City of Brenham should allocate funds for the creation of a master plan to help facilitate economic development, encourage revitalization, and plan for the development of Downtown. In the summer of 2011, the Council and BCDC each allocated $50,000 during the budgeting process to fund the creation of a master plan to achieve these goals. This plan is a result of Community input on needs within Downtown and City staff as worked hard to facilitate this planning process.

What is a master plan?

A master plan should guide (wanted) change (as a result of public input), but is not so in depth as to thoroughly investigate, review, and discuss every component of the plan that is recommended to help guide that change. This happens during the implementation of the specific components of the plan. After the plan is adopted, it becomes a document of master ideas based on the wants and needs of the community as it was expressed during the planning process. If a component of the plan is deemed worthy to implement once it has been investigated, reviewed, and discussed, then it's implemented. If a component is decided to not be in the best interest of *all* the citizens within the City of Brenham after investigation, review, and discussion, then it's not implemented.

What discussions and planning have occurred during the Master Planning process?

The master plan document was created based on public input. Many meetings have been held to gather this input. For the past several months, the City's goal has to been to complete the Master Planning process by June of 2012. In addition to the public meetings held in the planning process, all concept plans, and draft documents were placed online and additional public comment invited. A Steering Committee of Brenham and Washington County citizens was formed to oversee the formulation of the draft plan and to ensure it was a citizen driven plan rather than a consultant driven plan.

The specifics of these meetings include:

Tuesday, November 1, 2011 – A meeting specifically inviting the Downtown business and property owners to meet with the Consultants hired to create the master plan.

Monday, January 23, 2012 – 1st Public Workshop was held (and facilitated by the Consultants) to gather input from citizens on the future community vision for Downtown. Information regarding the Master Plan was placed on the City of Brenham's website on February 10th of 2012.

Thursday, February 16, 2012 – A meeting facilitated by the Steering Committee to review the questions posed by the Consultants at the 1st Public Workshop was held, as well as gather additional input from those citizens that could not attend that first workshop.

Tuesday, April 10, 2012 – 2nd Public Workshop was held and facilitated by the Consultants to present the concept, or framework, plan they created as a result of the input they received. The concept, or framework, plan, as well as the Consultants presentation, was placed on the City of Brenham's website after the meeting.

Monday, May 7, 2012 – City Leaders meeting was held and facilitated by the Consultants to review, in depth, the plan. This was a joint meeting for the Main Street Board, Planning and Zoning Commission and City Council. The purpose of this meeting was so the City leaders would have a good working knowledge of the plan as we move towards adoption of the plan. The draft plan was placed on the City of Brenham's website on May 8th of 2012 and currently remains on the website today for public review and comment.

Tuesday, May 29, 2012 – Extra informational meeting regarding the Master Plan is to be held, specifically for Downtown business and property owners.

Thursday, June, 21, 2012 – Scheduled consideration of the Master Plan by City Council.

What changes and/or improvements are to be made in the Downtown Area?

The plan covers a lot of changes or improvements to be considered for the Downtown area. Before implementation of any specific changes or improvements are to be made, after the adoption of the plan, City Staff, the Main Street Board, Planning and Zoning Commission, and City Council must all prioritize the recommendations within the plan. Some components of the plan may be implemented within the next five years, while other components may take 10, 15, 20, or 25 years to implement. Additionally, some components of the plan may never be implemented after investigation deems them to be impracticable for the City of Brenham. A master plan is meant to guide City staff and leaders as they work on changes that give Downtown cohesiveness and facilitates the economic development and revitalization that the community, as a whole, has expressed it wants. *However, adoption of the plan is not the same as funding projects or passing new regulations; it is only a suggestion from citizens that the City explore these possibilities.*

What revisions to the Zoning Ordinance and other development regulations will be adopted, including use restrictions? Additionally, what other regulations or restrictions on property would be imposed regarding improvements, maintenance, and the use of buildings and property within Downtown should the plan be adopted?

The Master Plan does recommend amendments to the zoning regulations as well as adopting other regulations; *however the document does not make those amendments.* It is meant to guide City staff, City Boards and Commissions, and ultimately City Council when considering these types of regulations.

All amendments to the Zoning Ordinance must follow the procedures outlined within the Zoning Ordinance. For amendments to the text of the Zoning Ordinance, the Planning and Zoning Commission must review the proposed changes, hold a public hearing and make a recommendation to the City Council. Additionally, these proposed changes are notified in the newspaper. Zoning District changes follow the same procedures, with the addition of notification of all property owners included within the zoning district proposed to be changed, as well as property owners that own property within 200 feet of the proposed new zoning district, by mail.

As with all ordinances the City Council considers, that either amend existing regulations or adopt new regulations, a public hearing must be held and reading of the new ordinance must occur twice before the ordinance can be adopted.

These procedures ensure there is opportunity for the public and affected property owners to give input on the proposed changes before those changes are voted on.

It is also important to note that currently, the existing building code adopted by the City of Brenham allows for enforcement of many codes as it pertains to the maintenance of a building, especially if it's deemed a public nuisance. Additionally, the Zoning Ordinance also regulates uses of all property within the City of Brenham. The City of Brenham has adopted the 2003 ICC Building Codes and the Zoning Ordinance adopted by the City of Brenham is posted online, at the City of Brenham's website.

What enforcement mechanisms would be adopted including fines and/or penalties against property owners or business owners for non-compliance?

> If a property owner or business owner does not comply with adopted Building Code or Zoning Ordinance regulations, then a citation can be issued. Building Code violations carry a maximum fine of $500.00 plus court costs while Zoning violations carry a maximum fine of up to $2000.00 plus court costs per day. These fines are set by the Municipal Court Judge, if a citizen is found guilty of the violation.

What are the costs of the proposed improvements within the plan as they are implemented?

> There are many capital improvements shown in the plan and each proposed improvement will have to be broken into a specific project and an estimate for that project completed. Costs for capital improvements can vary from year-to-year. These proposed capital improvements would have to be weighed against other capital improvement needs within the City as they compete for funding.

How will those costs be paid? (new taxes, fees, assessments, etc.)

> The plan suggests possible municipal revenue streams that should be investigated to pay for proposed capital improvements. Any new taxes, fees, or assessments would have to approved and adopted by the City Council and a public hearing and input process would be followed. Review of the municipal revenue section of the Master Plan will fully explain all available options the State legislature has granted Cities when raising monies for capital improvement expenditures within a designated area or district.

What involvement, if any, will Washington County have?

> County governments are limited in what powers they have by the State legislature and what they are mandated to do also limits the resources they have. However, there is a section of the Master Plan that outlines different partnerships that can be formed with the City for the revitalization of Downtown. It is important to remember that this Master Plan is a City initiated plan and will mostly be used by City leaders.

City of BRENHAM

Main Street Board

A meeting of the **Main Street Board** was held on **Monday, June 4 , 2012** beginning at **4:00 p.m.** in **Conference room 2A of City Hall**.

Members Present: Chairman Traci Pyle, Tommy Upchurch, Margie Young, Leslie Harrell, Mark Schneider, Jay Alexander, John Hermann and Karen Holle.

Unable to attend: Jon Hill.

Others Present: Director of Development Services Julie Fulgham, Main Street Manager Jennifer Eckermann, Bebe Hayward and Seneca McAdams.

1. Call Meeting to Order. Chairman Pyle called the meeting to order.

2. Citizen/Visitor Comments. There were none.

3. Approval of Minutes from May 7, 2012 Meeting. Hermann made a motion to approve the May 7, 2012 minutes, with a second by Holle. The motion passed.

4. Discuss and Consider Approval of Recommendation to Planning and Zoning Commission and City Council to Adopt Downtown Master Plan. Upchurch said he hoped that all of the members present were planning to attend the Planning and Zoning Commission this evening to show support for the Downtown Master Plan. Fulgham will present a staff report to the Commissioners and ask that they recommend adoption of the plan by City Council. Young made a motion to approve a recommendation to Planning and Zoning Commission and City Council to adopt the Downtown Master Plan, with a second from Holle. The motion passed.

5. Discuss and Consider Re-Approval of Reserved Parking Space at No Charge for Hospice Boutique. Upchurch recommended that the board needs to discuss how to address requests for reserved parking spaces. A previous request from Hayward for a space was tabled as the master planning process got underway. Because Hospice is a not-for-profit charity, and has a half-day reserved place already, Alexander made a motion to approve the request for the half-day reserved parking space at no charge for Hospice Boutique, with a second by Hermann. The motion passed.

6. Update on Brenham's Hosting of Texas Main Street Summer Training. Eckermann said that things are in place for the June 12-15 conference. The organization committee has been helping to prepare items that are needed, and will be helping with the registration table. The board was again invited to participate, but need to sign up for dinners they might like to attend by the end of the week.

7. Discuss and Consider Approval of Revised Hot Nights, Cool Tunes Policies and Procedures. Eckermann reported that City Attorney Cary Bovey reviewed changes that were discussed at last month's meeting and made suggestions for improvement. The changes were presented to the Board. Hermann made a motion to approve the changes to the policies and procedures, and a second was made by Young. The motion passed.

8. Update on 2012 Hot Nights , Cool Tunes Summer Concert Series, Including T-Shirt Design and Non-Profit Group Interest. Pyle shared the design of the 2012 Hot Nights t-shirt and said the promotion committee was happy with the design. The committee is changing some of the beverage booth prices but feels it is past time to do that. Eckermann said that she only has 2 non-profit groups signed up to help, but that we can count on city employees to be available when needed. Herman said the Miracle Farm was asked about interest they might have in participating but the serving of alcohol at the function would not work well for them. Eckermann said there are two nights open if any board members knew of other groups to approach.

9. Washington County Chamber of Commerce and Convention and Visitors Bureau Report, Including Recent Promotional Activities and Special Events. McAdams said the numbers of hits to VisitBrenhamTexas.com continues to improve, and the number of pages viewed continues to rise. The E-News list is growing and weddings for groups is exploding. The Jr. Brangus Breeders group will be here in June and a National Car Tour will be coming the in August. 200 cars are expected. The Chamber's Tailgate event will be Thursday, August 30.

10. Staff Report to Include Summer harvest Celebration at the Farmers Market; Downtown Business/Property Update, Including Beaumier Iron Works. Eckermann said the Summer harvest Celebration and Veggie contest will be held Saturday, June 16. She has met with Tyson Voelkel who is very supportive of the Master Plan and was hoping to attend the P&Z meeting this evening. He and his family have been working on the Iron Works property.

11. Next Meeting – Monday, July 2.

12. Adjourn.

____
Jennifer Eckermann

____
Date

Approved Minutes from the June 4th Planning and Zoning Commission Meeting:

CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
June 4, 2012

The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription.

A regular meeting of the Brenham Planning and Zoning Commission was held on June 4, 2012 at 5:15 P.M. in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:
Calvin Kossie, Vice-Chair, *entered the meeting at 5:19 p.m.*
Leroy Jefferson
Nancy Low
Dennis Mahlmann
Walt Schoenvogel

Commissioners absent:
Joe Al Picone, Chair
Lynnette Sheffield

Staff present:
Terry Roberts, City Manager
Julie Fulgham, Director of Development Services
Jennifer Eckermann, Main Street Manager

Citizens present:
Emma G. Schroeder
Teresa Wigley
Tom Bartley
Deborah Bartley
John Herrmann
Fredericka DeBerry
Charlie Riley
Ken Holder
Lynne Holder
Mary Schulte Barnes
Clint Kolby
Waylon Eddings
Leslie Harrell
Karen Holle
Boris Davis
Traci Pyle
Jay T. Alexander
Wesley Brinkmeyer
Mark Schneider
Page Michel
Tom Whitehead
Eddie Van Dyke
Renate Davis
Bill Davis
Dennis Lester
Sandra Lester
Elizabeth Price
Charlie Pyle
Tommy Upchurch
Morris Faske
Darren Heine
Bebe Hayward
M. Faubion
R. Hal Moorman
J.D. Young

1. Call Meeting to Order

Commissioner Walt Schoenvogel called the meeting to order at 5:15 p.m, with a quorum of 4 Commissioners present.

CONSENT AGENDA

2. Statutory Consent Agenda

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

2-a. Minutes from the May 7, 2012 Planning and Zoning Commission Meeting.

Prior to approval of the Statutory Consent Agenda, Commissioner Nancy Low noted that there was an error on the last agenda item which listed Commission Kossie as both making a motion and seconding it. Commission Walt Schoenvogel also noted he was listed as both present and absent. Commissioner Dennis Mahlmann made a motion to approve the statutory consent agenda with the above errors to be corrected by staff and the motion was seconded by Commissioner Low. The motion passed unanimously.

REGULAR AGENDA

3. **Public Hearing, Discussion and Possible Action Concerning the Approval of an Amendment to the Official Zoning Map of the Code of Ordinances, to Change the Zoning of Property Located at 507 and 509 West Alamo Street, Specifically Occupying Lots 2 and 3 of the Schuerenberg Addition to the City of Brenham, Washington County, Texas, from a Mixed Residential (R-2) Zoning District to a Local Business/Residential Mixed (B-1) Zoning District. (Commission makes recommendation; City Council has final approval)**

Commissioner Schoenvogel opened the Public Hearing for discussion and possible action concerning the approval of an amendment to the official zoning map of the Code of Ordinances, to change the zoning of property located at 507 and 509 West Alamo Street, specifically occupying Lots 2 and 3 of the Schuerenberg Addition to the City of Brenham, Washington County, Texas, from a Mixed Residential (R-2) Zoning District to a Local Business/Residential Mixed (B-1) Zoning District**.** Vice-Chair Calvin Kossie entered the meeting at 5:19 p.m.

Development Services Director Julie Fulgham told the Commission that in her staff report, she listed the thirteen (13) criteria that our Zoning Ordinance specifies a zone change request should comply with and she also gave background information. Mrs. Fulgham recommends not approving this request finding that it does not meet the goals outlined in the Comprehensive Plan that states that protecting and enhancing community appearance and protecting established neighborhoods are goals of that plan. The property is located near the intersection of two busy streets that have commercial businesses located at the intersection; however this property is located mid-block and is adjacent to many residential uses, including rental properties; however rental properties are still considered a residential use. Approval of this request would allow this business district to encroach too much into the residential area; therefore, Mrs. Fulgham does not recommend approving this request.

Waylon Eddings, owner of the property, stated that he needs to sell the property but nobody is interested in the structure as a residential home since it is surrounded by commercial activity. The property is adjacent to O'Malley Engineers and directly across the street from Hermann International. Mr. Eddings stated that he is not asking the City to rezone an area that is not already commercial. He stated that 4 of the 6 homes around this property are rental property. He has been trying to sell this property for over a year and had also appeared before the Commission last year with this issue.

Commissioner Jefferson asked Mr. Eddings whether he had a buyer for this property if the zoning was changed. Mr. Eddings replied that he did indeed have a buyer who wanted to turn the house into a real estate office. Commissioner Schoenvogel questioned whether the structure would be left as is. Mr. Eddings replied that the buyer will leave the structure as is and just change the use.

Fredericka DeBerry, who lives at 500 W. Alamo Street, stated that she was highly opposed to the zoning being changed. She stated that even though there is rental property all along the street, they are still residential uses. She does not want to live by a car wash or any other commercial use. Mr. Eddings stated that on the street behind this property, there is a hair salon, a daycare and a Bed and Breakfast. The property is surrounded by commercial uses and does not wish for another commercial use to be located in this area.

Commissioner Schoenvogel asked if the Zoning Ordinance regulates what color, type, etc. that a structure can be so that somebody couldn't tear down an existing structure and replace it with a metal building. Mrs. Fulgham replied that it does not. Commissioner Schoenvogel stated that both speakers raised valid issues and he wants to preserve the neighborhoods not necessarily the zoning. If the structure remains the same and looks like a residence, then both things could be accomplished; however, if they would go out of business or sell the property then a car wash or whatever commercial venture could be put in and therein lays the problem. Mrs. Fulgham stated that B-1 issue can be a problem by allowing residential and commercial uses in the same district, a false sense of security that any residential structure can be used as a commercial building can be developed and this is not necessarily true. There are commercial building codes including parking requirements that come in to play when converting a residential structure into a commercial building. Commissioner Schoenvogel asked if the potential buyer would be willing to wait the 60 days or whatever is required and get a specific use permit then both issues would be resolved. Mrs. Fulgham stated that the B-1 District would have to be looked at carefully and have text amendments and changes to allow a specific use permit and this would take longer than sixty (60) days. Most of the current commercial uses in this area are grandfathered.

Commissioner Schoenvogel closed the Public Hearing and called for a motion. Commissioner Low made a motion to deny the requested rezoning of 507 and 509 West Alamo from the R-2 District to the B-1 District and Commissioner Jefferson seconded the motion. The motion to deny the request was unanimous.

4. Public Hearing, Discussion and Possible Action on a Recommendation to the Brenham City Council Related to the Adoption of the Brenham Downtown Master Plan

Vice Chair Kossie opened the Public Hearing for discussion and possible Action on a recommendation to the Brenham City Council related to the adoption of the Brenham Downtown Master Plan. Mrs. Fulgham told the Commission that the plan had been received prior to the May meeting and that the latest draft is on the City of Brenham's website. She further stated that there were no content changes between the May version and what is currently on the website – only a few grammatical corrections. Mrs. Fulgham stated that the Master Plan Process began last year when the Brenham Community Development Corporation (BCDC) and the City of Brenham allocated funds and received bids from planning firms to help us begin the process of developing a Master Plan. The official kickoff was November 1st of 2011 when the consultant, Mesa Designs, Inc, held a meeting to consult with the downtown business and property owners to get background information. The first public workshop was held on January 23, 2012 for the consultant to gather input to create the framework for the plan. A second meeting was held on February 16, 2012 by the Steering Committee. On April 2, 2012 the second public workshop was held and the Consultant presented the framework plan and gather further ideas from the community as well as to hear and provide input on the framework plan. The consultant took the framework plan along with the comments that were provided and drafted a plan at the end of April, 2012. On Monday, May 7, 2012, City leaders including City Council, the Main Street Board, and the Planning and Zoning Commission attended to a workshop meeting facilitated by the consultants so they could gain a good working knowledge of this plan.

The proposed plan has the downtown area broken down into several sub-districts. This plan has been on the City of Brenham's website for 5-6 weeks and on May 29, 2012, an extra informational meeting was held for downtown business and property owners to find out about the plan and exactly what it means to adopt a plan. The Planning and Zoning Commission is now asked to give a recommendation on the plan to City Council.

Dennis Lester, owner of Lester Brothers Automotive located on Alamo Street, stated that he just found out about this plan about 45 minutes prior to the meeting and he is concerned about how this will affect his business.

Emma Gene Navratil Schroeder stated she owns the building and property at the corner of Alamo and S. Baylor. The property was owned by her father and she wants it to remain in the family for generations to come. Her father was a Councilman and served as Mayor Pro Tem and he loved Brenham. Mrs. Schroeder stated that she too loves Brenham and is concerned about growth and wants the best for Brenham. Her major concern is for the property owners in the downtown area. She has kept her building in good condition with her own money and feels strongly that tearing up the streets will cause the businesses to lose money by patrons not being able to access them. Also, the proposed plan has no specifics as to cost or what the requirements will be but imposed penalties for not being able to comply with what the plan orders. In a democracy, she doesn't want somebody telling her what she can and can't do with her building. Mrs. Schroeder also opposes the idea of grouping like businesses together. She suggests taking the good parts of the plan and implementing them but not trying to scalp our current business/property owners with parking requirements, fines, etc.

At a request by the Commission, Mrs. Fulgham addressed Mr. Lester's question regarding whether his business would be impacted. She stated that a Master Plan is not an ordinance or regulatory document but merely a tool to guide City staff and leaders. It is a conglomeration of ideas that gives staff direction to focus on any aspects that will work for Brenham and to go through the necessary steps to get them implemented. Adoption of the plan is merely a suggestion to City Council that the City explores these options and determines which ones are feasible and beneficial to Brenham. Not all of the components of the plan will be implemented after review. Part of the implementation process is for staff to take the components of the plan back to the Planning and Zoning Commission, Main Street Board and City Council and ask for prioritization of the components to be explored. This plan is a 25-30 year plan. Acceptance of the plan is not implementation. Our Charter requires ordinance approval to implement any regulatory changes. So, in response to Mr. Lester's question, how each individual business or property will be affected is not known at this time. It will depend on which components of the plan are chosen to be implemented.

Vice Chair Kossie stated that this plan is the "pie in the sky" … an example of what other cities our size are doing. He reiterated that not everything in the plan will be implemented and only the ideas that are feasible and beneficial for Brenham should be implemented. He further stated that change is not easy but it is inevitable. Commissioner Schoenvogel urged the business and property owners to stay current with the issue by watching the newspaper, listening to the radio and checking the City of Brenham's website for information. He further stated that he felt like although people were opposed to changes in the past, the downtown business and property owners are much better off than they were in years past.

Lynn Holder spoke and stated she is a lawyer whose practice is located at 405 N. Baylor Street. She stated that she has been in Brenham for about 16 years and she does get the newspaper, although hers is a day late due to where she lives. She said that she had seen nothing about the Master Plan meetings and heard about it just prior to this meeting. She stated that one of her concerns is that the plan shows trees where her business is located and she isn't sure if that means that her business will be gone or what. She further stated that there is not an abundance of office space in Brenham and she is very concerned about what this could potentially do to the business people of downtown Brenham. If you take away the ability of the citizens of Brenham to avail themselves of specialized services, such as Family Lawyers, by doing away with their businesses in certain areas then you are harming the citizens of Brenham and not helping them. Ms. Holder suggests that this process slow down. This is a huge undertaking and more needs to be done to notify the citizens and general public.

Tommy Upchurch introduced himself and stated that he was the Chairman of the Master Plan Steering Committee. He stated that he appreciated that this process has created a healthy dialogue that needs to continue. The idea of a Master Plan is to set the table to get a collective vision based on months and months of work and various opportunities for input. He stated that it isn't easy to reach everyone and that is why the additional meetings were held. He reiterated that this process doesn't stop with the adoption of a Master Plan – it's only the beginning. It is necessary to have a good starting point to set a course for the future. The Master Plan will enable the City of Brenham to move forward and embrace the understanding that we will have to change but we would like to be in charge of the change and direct the change as a community. On behalf of the Steering Committee, he respectfully requests that the Planning and Zoning Commission recommend adoption of this Master Plan.

Morris Faske said that he had not been contacted nor had any of the downtown businesses. He said this process is moving too fast. He stated that nobody should tell taxpayers what to do in their own businesses. He further stated that when streets are closed, people are stopped from coming into town. He concluded that study needs to be done as well as visiting with the downtown businesses and property owners.

Tom Bartley, who owns property at 116 S. Park Street, circulated and presented a petition containing approximately 30 signatures of downtown property and business owners requesting that this matter not be recommended to the City Council at this time. He stated that the vast majority of the downtown businesses and property owners have not been advised of this. They are not comfortable with the plan as presented, being told that some parts will be done and some will not but not knowing which specific ones, and not having any cost estimates. Mr. Bartley stated that he went door to door with the petition and that was how he informed Mr. Lester that the back of his property is shown to be used as public parking and Ms. Holder's house, that she operates her business out of, was not being shown on the map. It is also how Eddie Van Dyke heard that his parking lots are proposed to change to public use without even being asked or consulted. He stated that many downtown owners feel left out of the process. Everyone needs to be informed and stand behind the project. Mr. Bartley also stated some of the downtown owners were afraid to sign the petition. Mr. Bartley stated that he thought the plan was actually put on the website about 3-4 weeks ago because it was put on the website right after the last meeting. He stated that by recommending approval of this plan to City Council, you are going on record recommending that every building in the downtown area from railroad to Clinton and from Fireman's Park to the railroad be rezoned as B-3 as well as consider all sorts of new fees, including parking fees that can be assessed in B-3 Zones. People are just uneasy with not knowing what will be coming. They are not asking for the Master Plan to not to be approved but only asking that it not be approved at this time. Mr. Bartley presented the petition to the Commission at this time. Mr. Bartley also stated that he was unsure of what the notification process had been but he did know that it was very ineffective. He also stated that since so many of the downtown property and business owners just heard about this, it would beneficial to postpone approval at this time and get input from the downtown owners.

Mary Schulte Barnes, who owns the building at 104, 106, 108, and 110 N. Baylor Street, stated that she felt that this was getting out of hand for something that was just a vision and plan. She stated that the genuine reason for this plan was to benefit businesses, residents and property owners in the downtown area. She stated that she served as a Councilmember when the pocket parks were put in and there was a lot of resistance to the pocket parks but over the last nine years she has watched the downtown grow, improve and flourish. She also does not believe that the City Council, Planning and Zoning Commission or City staff would deliberately approve anything to hurt the people and businesses in downtown Brenham. She said that she felt there has been some miscommunication and misinformation but that waiting six months will not make a difference. The plan still has to go to City Council, who we elected and put into office, for their consideration and approval. Anyone that wishes can go to the City Council meeting and voice their opinion but she is in favor of approving this plan.

Nancy Low reiterated that this is just a vision and that individual ordinances would have to be passed by City Council for anything to be enacted. She also urged interested property and business owners to stay informed by going to the website and reading the proposed Master Plan, using the media, and/or giving Ms. Fulgham your email address and asking her to keep you informed.

Mr. Faske stated that he would like to know how much it is going to cost and how and when it will be spent. Charlie Pyle, co-owner of Must Be Heaven, stated that money will not be spent until a project is identified and approved. He also urged everyone to stay in tune with the press, Main Street, or by contacting Jennifer Eckermann and to realize that this plan is just a vision and a set of ideas and that the City is not going to come in and take somebody's business or property.

Ron Holder said that he does try to stay informed but the articles that he read never defined the area. He thought it was just the area around the courthouse. He said that if the City can spend $100,000 for this plan, then $5,000 could be spent to find out who the property and business owners are and send them a 45 cent letter informing them that this plan affects them and telling them when a meeting is to be held.

Mr. Bartley stated that the City could, in fact, take somebody's property because the City has eminent domain authority.

Jay Alexander stated that he felt that it was better to plan for the future than to experience growth and not be prepared for it or have the means to handle it. He sees the plan as a bundle of potential ideas.

Commissioner Schoenvogel asked Mrs. Fulgham about the procedure for adoption of this Master Plan. She replied that the tentative process is: approval of a recommendation by the Planning and Zoning Commission; work session discussion by City Council; formal approval by City Council; project list compiled by staff; project list presented to the Planning & Zoning Commission, Main Street Board and City Council for prioritization; ordinances to City Council for approval on their first reading ordinances to City Council for final passage and approval.

Mrs. Fulgham stated that it would be most beneficial to have as many 1-5 year projects identified with cost estimates and details for implementation prior to having them prioritized by the Main Street and City Council.

Commissioner Schoenvogel made a motion to table the adoption of the Downtown Master Plan and Commissioner Jefferson seconded it. The motion to table the adoption of the Downtown Master Plan was unanimous.

5. Adjourn

Vice-Chairman Kossie adjourned the Planning and Zoning Commission meeting at 6:35 p.m.

The City of Brenham appreciates the participation of our citizens, and the role of the Planning and Zoning Commissioners in this decision making process.

Certification of Meeting Minutes:

Planning and Zoning	Title	Meeting Date
Attest	Title	Meeting Date

Draft Minutes from the July 9th Planning and Zoning Commission Meeting:

CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
July 9, 2012

The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription.

A regular meeting of the Brenham Planning and Zoning Commission was held on July 9, 2012 at 5:15 P.M. in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:
Joe Al Picone, Chair
Calvin Kossie, Vice-Chair
Leroy Jefferson
Nancy Low
Dennis Mahlmann
Lynette Sheffield

Commissioners absent:
Walt Schoenvogel

Staff present:
Terry Roberts, City Manager
Julie Fulgham, Director of Development Services
Jennifer Eckermann, Main Street Manager
Kim Hodde, Administrative Assistant

Citizens present:
Joe Perino
Mary Schulte Barnes
Ryan Eisworth
Traci Pyle
Keith Hankins
Tom Whitehead
Melinda Faubion
Billie Schmidt
Darren Heine
Lynne Holder
Ron Holder
Tommy Upchurch
Robin McCaffrey
Patrick M. Padgett
Clint Kolby
Josh Clover
Julie Hollis
Eddie Van Dyke
Jay T. Alexander
Mark Schneider
Margie Routt Young
John Herrmann
Travis Fleetwood
Leslie Harrell
Tom Bartley
Debbie Bartley
Hal Moorman
Glen Vierus
J.D. Young
Bebe Hayward
Carol Hutchens
Elen Moncrieff

6. Call Meeting to Order

Chairman Joe Al Picone called the meeting to order at 5:15 p.m, with a quorum of 6 Commissioners present.

CONSENT AGENDA

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

2-a. Minutes from the June 4, 2012 Planning and Zoning Commission Meeting.

Chairman Picone asked for any corrections or additions to the minutes as presented. Hearing none, he further stated that the minutes shall stand approved as presented.

REGULAR AGENDA

8. Public Hearing, Discussion and Possible Action on a Recommendation to the Brenham City Council Related to the Adoption of the Brenham Downtown Master Plan

Chairman Picone informed the citizens in attendance that all speakers would be limited to 3 minutes. He further stated that any person wanting to speak should sign in and approach the podium to be recorded for the minutes. Since this item was tabled at the last meeting, Commissioner Calvin Kossie made a motion to remove this item from the table and Commissioner Nancy Low seconded the motion. The motion to remove the item from the table was unanimous.

Julie Fulgham, Development Services Director, stated in her staff report that a memorandum from the City Attorney regarding Eminent Domain was received earlier in the day. She then read the attorney's conclusion regarding the matter.

Attorney's Conclusion

> In direct response to the *Kelo* decision, which held that using eminent domain for pure economic development purposes was allowable, the Texas Legislature passed Section 2206.001 (as approved by constitutional amendment) prohibiting this type of practice. It is clear that municipalities can no longer acquire property through eminent domain for purely economic development purposes. The limited instance where a municipality can acquire property for economic development is when the economic development is a secondary purpose resulting from affirmative harm on society real property from slum or blighted areas. Therefore, the only area in which a blighted area which a municipality can acquire real property for economic development purposes is in a slum or blighted area, and even then the economic development must be a secondary purpose.

Mrs. Fulgham then turned the staff report over to Tommy Upchurch and Robin McCaffrey from Mesa Design Associates, Inc., who prepared the Master Plan document. Mr. Upchurch stated that he was a local architect, citizen of Brenham, Chairman of the Steering Committee and a property owner at the edge of the downtown area being addressed in the Master Plan. He further stated that the Master Plan is a guiding document to assist community leadership. This is the first step – the goal and vision to address the changes that will be occurring in the coming years while maintaining the heritage of Brenham and addressing the various issues associated with the growth and change. A Master Plan can be a means for community building and property owners to come together, debate and make thoughtful decisions for the future of Brenham. Mr. Upchurch requested the Commission to recommend approval and adoption of the Master Plan to the Brenham City Council.

Chairman Picone opened the Public Hearing at 5:25 pm for discussion and possible Action on a recommendation to the Brenham City Council related to the adoption of the Brenham Downtown Master Plan.

Hal Moorman stated that his parents move to Brenham in 1954 and started two businesses. In 1976, the downtown area was looking kind of shabby when they found out about the Main Street Program and encouraged the City to participate in this program. He assured those in attendance that a lot of time has been put into this Master Plan and that it is a plan that is to be further developed. It is just another step forward in preserving the downtown area, which is the heart of Brenham that defines Brenham. He further stated that he hoped that the Commission would not be ruled by the few who are opposed to doing anything in the downtown area and he urged the Commission to recommend adoption of the Master Plan to City Council.

Tom Whitehead, past chair of Main Street Brenham, stated that the Master Plan process began in 2010 and was continued in May 2010 when the committee met on three different occasions with community leaders, property owners and business owners for input regarding the master plan process. Information regarding the Master Plan process and the various were put in the Brenham Banner Press and on the radio as well as numerous paid media ads. The number one problem in the downtown area is parking and this Master Plan addresses this issue as well as several other issues. It is a "community" plan for downtown not just a property owner/business owner plan. Mr. Whitehead requests that the Commission recommend approval and adoption of the Master Plan to the Brenham City Council.

Traci Pyle and her husband Charlie Pyle have been in Brenham for 14 years and have been owners of Must Be Heaven for 13 years. She is Chair of the Main Street Board and a member of the steering committee. She stated that she loves the downtown with her whole heart and is very proud of the improvements that the City of Brenham and Main Street have done in the downtown area but she said that Houston is mover closer to us every day. A Master Plan will help the downtown preserve its identity and will make Brenham a destination even more than it already is. She further stated that she would never do anything to hinder any business or property owner in the downtown area. We have a great community and this is a great plan. She requests that the Commission recommend approval and adoption of the Master Plan to the Brenham City Council.

Mary Schulte Barnes stated that she is a building owner and resident of the downtown area. She stated that the downtown is the core of our city and that a Master Plan will encourage people to visit the downtown area. She stated that when she was on the City Council, most people said that they wanted to keep Brenham's small town heritage and this Master Plan will help to preserve this small town heritage. She also urged the Commission to recommend approval and adoption of the Master Plan to the Brenham City Council.

Darren Heine is a local architect and a member of the steering committee and has been on the Board of Adjustments and Appeals for many years. Mr. Heine stated that this Master Plan has generated concern due to changes being shown for various properties. He read the Concept Plan from the Master Plan which states:

> The Downtown Brenham Concept Plan is a graphic portrayal of the Planning Framework as a conceptual vision. There are numerous design alternatives that can be applied and still accomplish the intent and economic strategy of the Framework. Therefore, this plan is for the purpose of illustration only and is not meant to be viewed as, or used as, the final design. As the strategy of the plan is implemented over time, project proposals which will likely vary from the concepts as shown here should be viewed in light of the Framework and the extent to which such projects will, in their collection association, create a coherent and integrated Downtown.

Mr. Heine further stated that the things that are identified in the Plan are things that are either missing or not very cohesive. The concerns are valid so he suggests that the implementation be done through a Board so that the concerns will be addressed.

Keith Hankins stated that he and his wife Susie purchased the Ant Street Inn. They met with Tommy Upchurch, Jennifer Eckermann and a landscape architect for their own planning. They made sure that their planning met with the needs of the Master Plan. He is strongly in support of the Master Plan and stated that if the Master Plan had already been adopted, they would have moved forward with the purchase sooner than what they did. He said that this Plan will move the community forward and enhance the opportunity for growth.

Joe Perino stated that he owns five buildings in the downtown area. Mr. Perino is in favor of a Master Plan but wants everyone to realize that this is a very ambitious plan requires lots of money. His concern is "will this be completed?" He stated that most of the Master Plans that he is aware of have failed. He said that Brenham needs to put a methodology into place to grow the tax base. A lot of infrastructure will have to be changed and we need to have a base of trade and not rely fully on tourism. Mr. Perino stated that he will work with the City and help in any way he can but if he sees that people aren't serious about working through the issues, he will do whatever he can to stop the plan. He stated that Houston is a good example. They had a good concept but political issues ensued and now the program is feasibly impossible to do.

Lynne Holder stated that she was not opposed to making Brenham a better place but she is concerned because she has not been able to get answers to several of her questions. She did notice that not one person who is on the steering committee has their property set to "go away". She stated that she thinks adoption of this Master Plan is adversely affecting property owner's rights. This Plan shows some properties being done away with. This is something that must be disclosed to any potential buyers. This will adversely affect the property owner's ability to sell the property at some time in the future. She stated that it appears that discussions were held with larger property owners but not the smaller property owners.

John Herrmann stated that he owns a building downtown and nobody asked his opinion. However, Mr. Herrmann stated that he is in favor of the Master Plan and he does not see anything in it that will be passed or approved without being voted on first. Every property owner and business owner will have an opportunity to attend the meetings at which the various items will be voted upon and can voice their objection, concerns, or issues at that time. He didn't find anything in the plan that indicated that any property would be taken. He stated that things will be done one step at a time, one year at a time, and one dollar at a time.

Josh Clover stated that he is fairly new to Brenham. He has been practicing law here for about five years. He asked "What will happen to the permitted used downtown when a property is sold? What happens with parking and the fees associated with the parking?" He stated that one of the beauties of downtown Brenham is that it is a real live working downtown – retail, restaurants, and the various workers from all of the downtown businesses. He stated that downtown Brenham is not just a destination but also a place where people live and work.

Leslie Harrell stated that she is a member of the Main Street Economic Restructuring Committee. She stated that people want to invest in something that has a plan. The idea of a Master Plan came about as a result of a conglomeration of people who have spent countless hours and much thought on the issue. She requests that the Commission recommend approval and adoption of the Master Plan to the Brenham City Council.

Chairman Picone stated that a lot of positive comments were heard tonight and that this is just a plan that will undoubtedly be changed numerous times.

Commissioner Sheffield asked that Ms. Lynne Holder be provided a copy of the City Attorney's memorandum regarding the issue of eminent domain. She stated that she would also like to see a notification clause added to the Plan where every property owner affected would be notified. Ms. Fulgham stated that regulatory changes specify how notification is to be made so when any changes are voted on and approved, we will follow the specified processes. Commissioner Sheffield replied that she would like to have the property owners notified of non-regulatory issues as well.

Lynne Holder respectfully asked for an additional three minutes to respond to Ms. Sheffield. She stated that she is not concerned about property being taken by eminent domain. She further stated that her issue is when a property in an area encompassed by the Master Plan is being sold, that property owner would be required to disclose the potential or probable issues resulting from passage, approval or adoption of the Master Plan. This may impede the rights of future owners to use the property as they see fit and thus, infringe upon the property owner's ability to sell the property.

Chairman Picone closed the Public Hearing at 6:08 pm and asked for action from the Commission.

Commissioner Nancy Low stated that her husband's family had been in Brenham for many years. She further stated that Brenham is unique and we should all be proud but Houston is chomping our way and in order to handle this issue, we need to have a plan. Therefore, Commissioner Low made a motion to recommend Adoption of the Brenham Downtown Master Plan to the Brenham City Council. Commissioner Lynette Sheffield seconded the motion. The motion to recommend adoption was unanimous.

9. Adjourn

Chairman Picone adjourned the Planning and Zoning Commission meeting at 6:10 p.m.

The City of Brenham appreciates the participation of our citizens, and the role of the Planning and Zoning Commissioners in this decision making process.

Certification of Meeting Minutes:

______________________	______________	________________
Planning and Zoning	Title	Meeting Date
______________________	______________	________________
Attest	Title	Meeting Date

AGENDA ITEM 11

DATE OF MEETING: July 19, 2012 **DEPT. OF ORIGIN:** Development Services	**DATE SUBMITTED:** July 13, 2012 **SUBMITTED BY:** Julie Fulgham

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

AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Appointment of Members to the Board of Adjustment

SUMMARY STATEMENT: The Board of Adjustment is established to consider variances, special exceptions, and appeals of the interpretation of any order, requirement, decision, or determination by the zoning administrator as it relates to the Zoning Ordinance.

A concurring vote of four of the five members is necessary for the Board to take any action; therefore it is important there are no vacancies. Board members Arlen Thielemann (Chair) and MaLisa Hampton's terms expired in December of 2011 while the Board Appointment process was being reviewed by Council and have applied for reappointment.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. **PROS:** N/A

B. **CONS:** N/A

ALTERNATIVES (In Suggested Order of Staff Preference): Appoint Board Members.

ATTACHMENTS: (1) Board applications for Arlen Thielemann and MaLisa Hampton

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: Reappoint Arlen Thielemann and MaLisa Hampton to a 2-year term, set to expire in December 2013.

APPROVALS: Terry K. Roberts

City of BRENHAM

REQUEST FOR APPOINTMENT TO CITY OF BRENHAM BOARDS AND COMMISSIONS

Name of Board or Commission in which you have an interest:

- [ ] **Airport Advisory Board**
- [ ] **Brenham Community Development Corp.**
- [ ] **Building Standards Commission**
- [ ] **Library Advisory Board**
- [ ] **Parks & Recreation Board**
- [x] **Board of Adjustments and Appeals**
- [ ] **Brenham Housing Authority**
- [ ] **Hotel Occupancy Tax Board**
- [ ] **Main Street Board**
- [ ] **Planning & Zoning Board**

(Composition, terms, duties and responsibilities are outlined on the Attachment)

7'

Name: Thielemann Arlen Ross
(Title) (Last) (First) (Middle)

Residence Address: 1410 Allison Street, Brenham, Tx 77833
(Street) (City) (State) (Zip)

Mailing Address: (If different from above)

____
(Street) (City) (State) (Zip)

Preferred Phone and Fax: (979) 530-8374 (979) 830-6605
(Phone) (Fax)

Email Address: arlen@thielemannhomes.com

Occupation: homebuilder

Employer: Thielemann Constr. Co.

Are you a resident of the City of Brenham? ✓ Yes ____ No Length of residency: 54yrs

Are you a resident of Washington County? ✓ Yes ____ No Length of residency: 54yrs

Do you, your spouse or your employer have any financial interest, directly or indirectly, in matters that might come before the Board to which you seek appointment?

____ Yes ✓ No If yes, explain: ____________________

Applicant Name: Arlen Thielemann

BACKGROUND

Education/Training: Brenham High School, Blinn College, Bachelors from Texas A&M

Areas of Interest: Youth sports/Golf/Hunting/Running

Current or Past Volunteer Experience/Community Service:

Please specify current or past volunteer experience/community service, if any, on Boards, Commissions, Corporations, Non-Profit Entities, Agencies, or other Entities. Additional information may be attached.

Past – Organization: Habitat for Humanity Board/ Hospice Board / First Baptist

Organization: Church School Board / Coaching Wash. Cty. - Little League, Football, Soccer and Basketball

Present – Organization: Brenham Maifest Asso. Board

Organization:

****

~~Reasons for~~ seeking appointment: Please attach a brief narrative outlining your interests and ~~qualifications for~~ seeking this appointment. You may also add a resume or any additional documentation.

I have read and understand the instructions and appointment process. I certify that all statements that I have made on this application and other supplementary materials are true and correct. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

Signature: [signature]

Date: 6/18/12

FILE THIS COMPLETED APPLICATION ALONG WITH THE CONSENT FOR FELONY BACKGROUND HISTORY FORM WITH CITY SECRETARY'S OFFICE ON OR BEFORE 5:00 P.M. ON OCTOBER 1ST

City of Brenham - City Secretary
P. O. Box 1059
Brenham, Texas 77834-1059
Phone: 979-337-7567
Fax: 979-337-7568

(Original copy will be kept on file in the City Secretary's office for 12 months from the date of submission)

City of BRENHAM

REQUEST FOR APPOINTMENT TO CITY OF BRENHAM BOARDS AND COMMISSIONS

Name of Board or Commission in which you have an interest:

- [ ] **Airport Advisory Board**
- [ ] **Brenham Community Development Corp.**
- [ ] **Building Standards Commission**
- [ ] **Library Advisory Board**
- [ ] **Parks & Recreation Board**
- [x] **Board of Adjustments and Appeals**
- [ ] **Brenham Housing Authority**
- [ ] **Hotel Occupancy Tax Board**
- [ ] **Main Street Board**
- [ ] **Planning & Zoning Board**

(Composition, terms, duties and responsibilities are outlined on the Attachment)

Name: Hampton Malisa
(Title) (Last) (First) (Middle)

Residence Address: 1010 W. Lubbock St Brenham
(Street) (City) (State) (Zip)

Mailing Address: (If different from above)

(Street) (City) (State) (Zip)

Preferred Phone and Fax: 979-830-3497 979-830-0224
(Phone) (Fax)

Email Address: malisa@liveinBrenham.com

Occupation: Realtor / Mortgage Broker

Employer: Self - Own Town & Country Realty

Are you a resident of the City of Brenham? ✓ Yes ___ No Length of residency: 27yrs

Are you a resident of Washington County? ✓ Yes ___ No Length of residency: 27yrs

Do you, your spouse or your employer have any financial interest, directly or indirectly, in matters that might come before the Board to which you seek appointment?

___ Yes ✓ No If yes, explain: ____________________

Applicant Name: NaLisa Hampton

BACKGROUND

Education/Training: BS BA Business Administration Univ of

Areas of Interest: Taxes, Real Estate, Planning & Zoning La

Current or Past Volunteer Experience/Community Service:

Please specify current or past volunteer experience/community service, if any, on Boards, Commissions, Corporations, Non-Profit Entities, Agencies, or other Entities. Additional information may be attached.

Organization: Board of Heritage Society

Organization: School Board Trustee, Secretary

Organization: Board of Adjand appeals

Organization: ______________________

****

~~Reasons for~~ seeking appointment: Please attach a brief narrative outlining your interests and ~~qualifications for~~ seeking this appointment. You may also add a resume or any additional documentation.

I have read and understand the instructions and appointment process. I certify that all statements that I have made on this application and other supplementary materials are true and correct. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

NaLisa Hampton
Signature

7-13-12
Date

FILE THIS COMPLETED APPLICATION ALONG WITH THE CONSENT FOR FELONY BACKGROUND HISTORY FORM WITH CITY SECRETARY'S OFFICE ON OR BEFORE 5:00 P.M. ON OCTOBER 1ST

City of Brenham - City Secretary
P. O. Box 1059
Brenham, Texas 77834-1059
Phone: 979-337-7567
Fax: 979-337-7568

(Original copy will be kept on file in the City Secretary's office for 12 months from the date of submission)

AGENDA ITEM 12

DATE OF MEETING: July 19, 2012

DATE SUBMITTED: July 16, 2012

DEPT. OF ORIGIN: Administration

SUBMITTED BY: Kyle Dannhaus

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 Bid No. 12-010 and Award a Contract for the Demolition and Abatement of the Abandoned Municipal Building Located at 210 N. Park Street and Authorize the Mayor to Execute Any Necessary Documentation

SUMMARY STATEMENT: On July 10, 2012 the Purchasing Department opened bids for the Structural Demolition and Asbestos Abatement of 210 N. Park Street. Included in the bid was an optional bid for the foundation removal of 210 N. Park.

The bids were as follows:

Asbestos Abatement & Structural Dismantling/Demolition		**ARC**	**1 Priority**	
210 N. Park	**ERSI**	**Abatement**	**Enviro.**	**AAR, Inc.**
Base Bid	$197,316	$153,720	$156,900	**$75,900**
# of Days to Complete	76 Days	75 Days	90 Days	15 Days
Optional Bid-Foundation Removal		**ARC**	**1 Priority**	
210 N. Park	**ERSI**	**Abatement**	**Enviro.**	**AAR, Inc.**
Base Bid	$12,812	$21,250	$26,875	**$625**
# of Days to Complete	5 Days	15 Days	8 Days	5 Days

The City of Brenham sent 10 bid packets. There were 4 bids received and accepted by the bid deadline. The responsive bidders are listed in the above table. One bid from Total Demolition, Inc. was received and considered non responsive as it was received after the deadline. The City of Brenham has enlisted the services of Mr. Charlie Staffeld of ESESIS Environmental Partners, Corp. as a subject matter expert in asbestos abatement and building demolition. On behalf of the City of Brenham, Mr. Staffeld hosted an optional pre-bid conference and a mandatory site visit for prospective contractors prior to the bid opening. Mr. Staffeld attended the bid opening and has reviewed the responsive bids. Mr. Staffeld will attend the City Council meeting Thursday July 19th to answer Council questions and to provide his expertise regarding the bid award.

Due to the complex nature of this bid, the Purchasing Department will defer to the expertise of Mr. Staffeld to make a recommendation for the award of this bid. The lowest price and the shortest delivery is AAR, Inc., but many technical factors including environmental compliance should be considered for this bid. Mr. Staffeld is uniquely qualified to evaluate these bids for compliance and technical delivery.
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): **A. PROS:** Demolish vacant structure of 210 N. Park which is deemed an impaired asset. Dispose of asbestos within structure in compliance with environmental regulations. **B. CONS:**
ALTERNATIVES (In Suggested Order of Staff Preference):
ATTACHMENTS:
FUNDING SOURCE (Where Applicable): $100,000 has been allocated in the current FY 11-12 budget using ABNR (Above Budget Net Revenue).
RECOMMENDED ACTION: Award Bid No. 12-010 and a contract for the demolition and abatement of the abandoned municipal building located at 210 N. Park Street and authorize the Mayor to execute any necessary documentation.
APPROVALS: Terry K. Roberts

AGENDA ITEM 13

DATE OF MEETING: July 19, 2012 **DEPT. OF ORIGIN:** Administration	**DATE SUBMITTED:** July 12, 2012 **SUBMITTED BY:** Jeana Bellinger

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

AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Code of Ordinances of the City of Brenham, Chapter 2, Administration, Article VII, Library Advisory Board, to Provide for the Powers, Duties, Organization, Operation, Board Membership and Additional Matters Related to the Library Advisory Board

SUMMARY STATEMENT: On December 15, 2011 the City Council passed Resolution No. R-11-026 providing for a moratorium on the appointment of members to the city's advisory boards and committees until new policies and procedures were written for all boards.

At the January 5, 2012 meeting, council discussed during Work Session some new policies and procedures they would like to see in place regarding board appointments. Some of the changes Council implemented were:

- An official application process with eligibility requirements;
- Staggered, three (3) year terms – with no term limits;
- Required Open Meetings training of all board members; and
- A more stringent attendance policy

Since receiving direction from Council, I began writing ordinances for each board to outline the new policies and procedures and set up the proper staggering of each member's terms. The attached ordinance is for the organization of the Library Advisory Board.

The Library Advisory Board is a board comprised of volunteers from the City, Washington County, and the Brenham Fortnightly Club. The members of this Board already serve 3-year terms so no drawing of Member Positions will be needed. I will assign positions to the members, based on their current term expiration date.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS:

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference):
ATTACHMENTS: (1) Ordinance Amending Chapter 2, Administration
FUNDING SOURCE (Where Applicable): N/A
RECOMMENDED ACTION: Approve an Ordinance on its first reading amending the Code of Ordinances of the City of Brenham, Chapter 2, Administration, Article VII, Library Advisory Board, to provide for the powers, duties, organization, operation, board membership and additional matters related to the Library Advisory Board.
APPROVALS: Terry K. Roberts

ORDINANCE NO. ___________

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VII, LIBRARY ADVISORY BOARD, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS PROVIDING FOR THE POWERS, DUTIES, ORGANIZATION, OPERATION, BOARD MEMBERSHIP AND ADDITIONAL MATTERS RELATED TO THE LIBRARY ADVISORY BOARD; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETINGS

WHEREAS, The City of Brenham ("City") is a Texas home-rule municipality; and

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

WHEREAS, as a home-rule municipality, Texas Local Government Code, Section 51.072 confirms that the City has the full power of local self-government; and

WHEREAS, the City has created multiple boards and commissions in furtherance of the exercise of the City's powers and functions; and

WHEREAS, the City, Washington County ("County") and the Brenham Fortnightly Club ("Fortnightly") desires to provide the best library possible to the citizens of Brenham and Washington County; and

WHEREAS, the Library Advisory Board was established to make recommendations regarding the planning and operations of the Nancy Carol Roberts Memorial Library ("Library") to ensure the library services provided are the best possible; and

WHEREAS, the City Council hereby finds that the best interests of the City will be promoted by the enactment of this Ordinance;

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

SECTION 1.
FINDINGS

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

SECTION 2.

The Code of Ordinances of the City of Brenham, Texas, Chapter 2, ADMINISTRATION, Article VII, LIBRARY ADVISORY BOARD is hereby amended to read as follows:

ARTICLE VII
LIBRARY ADVISORY BOARD

Sec. 2-70. Name.

The Board shall be named and referred to as the Library Advisory Board ("Board") of the Nancy Carol Roberts Memorial Library ("Library") and shall be comprised of members appointed by the City of Brenham ("City") City Council, Washington County ("County") Commissioners Court and the Brenham Fortnightly Club ("Fortnightly") in accordance with this Article.

Sec. 2-71. Purpose and Responsibility.

The purpose and responsibility of the Board shall include, but not be limited to, the following:

A. To counsel library staff on establishing, reviewing and updating library policies.

B. To monitor existing library operations.

C. To recommend fee schedules for library services and facilities.

D. To consider ways to better utilize the existing facilities and provide input and recommendations for future development of the Library.

Sec. 2-72. Scope of Authority.

The Library Advisory Board shall serve in an advisory capacity. Recommendations of the Board regarding policies, procedures, or improvements to the Library shall be presented to the City Council for its consideration and final approval.

The Board shall be subject to and comply with all applicable local, state or federal laws, rules, regulations, acts or mandates.

Sec. 2-73. Membership Requirements.

The membership requirements of the Board are as follows:

A. Members must be residents of Washington County, Texas.

B. Members must be qualified voters of Washington County, Texas.

C. Members must not be in arrears in the payment of any taxes or other liability due to the City of Brenham or Washington County.

A member must meet all membership requirements at the time of appointment to the Board, and shall maintain said qualifications during the member's term on the Board. A member who fails to remain qualified to serve on the Board shall be removed from the Board and another person shall be appointed to the disqualified member's position for the remainder of the member's unexpired term.

Sec. 2-74. Member Selection.

All persons interested in serving as a City appointee to the Board must complete an application which shall include information about the applicant's background, current and past occupations, involvement in and knowledge of issues related to the Board, and any other information deemed appropriate by the City. All applications must be submitted to the City Secretary by October 1st of each year.

The Mayor and City Manager will review all submitted applications and make recommendations to the City Council regarding appointments to the Board. Appointments to the Board will be made by the City Council in December of each year, or as soon as practicable thereafter.

Sec. 2-75. Organization.

The Board shall consist of nine (9) members. Five (5) members shall be nominated by the Fortnightly from its membership; three (3) members are to be nominated by the City, and one (1) member shall be nominated by the County.

All nominated members shall be approved by the City Council and appointed to staggered three (3) year terms, expiring on December 31st of each calendar year.

The authority vested in the Board shall be exercised only at a meeting of a quorum of its members. Five (5) members of the Board shall constitute a quorum. Any action taken by the Board shall be by simple majority vote of the members present at a properly constituted meeting. A Board member may cast only a single vote on any issue. Proxy votes are prohibited. Alternate and ex-officio members shall not vote.

The Board members serve at the pleasure of the entity that appointed and/or nominated the member to the Board. The City Council retains the right to remove any Board member at any time and for any reason.

The terms of the members and officers of the Board shall be on a calendar year basis, i.e. terms shall begin on January 1 and expire on December 31. In the event that appointments are not made prior to the expiration of a member's term, such member shall continue to serve until his/her successor is appointed by the City.

Resignations from the Board shall be submitted in writing to the Board Chairperson, Mayor, Brenham Fortnightly Club President and County Judge. Vacancies resulting from resignation, or any other cause, will be filled by nomination by the City Council, Brenham Fortnightly Club or the Commissioners Court, depending on which entity nominated the member. Nominations to fill vacancies on the Board must be approved by the City Council. A person appointed to fill a vacancy shall serve for the remaining unexpired term of the position to which the person is appointed.

Members of this Board shall not use their position for a purpose that is or gives the appearance of being a conflict of interest. In the event that a member becomes aware of a conflict of interest, or potential conflict of interest, with regard to any particular item being considered by the Board, such member shall immediately notify the Chairman and shall abstain from the consideration of and voting on the item, unless the Board determines that no conflict of interest exists. A "conflict of interest" is generally defined as a situation in which a Board member's personal interests might be served or financial benefits gained as a result of, or relating to, a decision of the Board.

Sec. 2-76. Establishment of Member Positions.

For the purpose of establishing and maintaining three (3) year staggered terms of Board members, each member shall be assigned a Member Position.

The following Member Positions are City representatives:

Member Position 1: Expiring December 31, 2014
Member Position 2: Expiring December 31, 2012
Member Position 3: Expiring December 31, 2012

The following Member Position is the County representative:

Member Position 4: Expiring December 31, 2013

The following Member Positions are Fortnightly Club representatives:

Member Position 5: Expiring December 31, 2012
Member Position 6: Expiring December 31, 2013
Member Position 7: Expiring December 31, 2014
Member Position 8: Expiring December 31, 2014
Member Position 9: Expiring December 31, 2013

Sec. 2-77. Officers.

A Chairperson, Vice Chairperson and Secretary shall be elected annually by the members of the Board. The Chairperson shall preside at all meetings of the Board and shall perform such duties as may be assigned by the Board or by the City Council. The Chairperson shall have the power to appoint subcommittees, as he/she deems necessary to achieve the objectives of the Board. In the event there is a vacancy in the Chairperson position, or the Chairperson is otherwise unable to act, the Vice Chairperson shall perform the duties of Chairperson until such time as a Chairperson is elected by the members of the Board to fill such vacancy, or is otherwise able to act.

In the absence of the Chairperson from a meeting of the Board, the Vice Chairperson shall serve as the presiding officer during the meeting. If both the Chairperson and Vice Chairperson are absent from a meeting of the Board, the Board members in attendance shall choose a member to serve as the presiding officer during the meeting.

Resignation of the Chairperson from the Chairperson position shall be by letter to all other Board members. If the Chairperson resigns from the Chairperson position but continues to serve on the Board, the members shall elect a new Chairperson as soon as practicable.

Sec. 2-78. Staff.

The City Librarian shall be an ex-officio member of the Board.

A Staff Liaison will be designated by the City Manager and shall serve as a communications liaison between the Board and the City. The Staff Liaison will perform support services, provide technical data, prepare agendas for the meetings, post notices of the meetings, prepare minutes of the meetings, and any other functions as requested by the Board or the City.

Sec. 2-79. Meetings and Communication.

The Board shall meet as needed, upon the direction of the Chairperson, or upon request to Chairperson by a majority of the members of the Board.

An agenda of subjects to be considered at each Board meeting shall be posted on the external bulletin board at City Hall at least seventy-two (72) hours prior to the meeting time. All meetings of the Board will be held in compliance with the provisions of the Texas Open Meetings Act and shall be open to the public, except as may otherwise be allowed by law.

Robert's Rules of Order shall govern all matters of parliamentary procedure in conducting Board meetings.

Emergency meetings to address matters of an urgent nature may be called provided each member is notified by telephone or by personal contact, provided notice is posted at least two (2) hours prior to the meeting time, and provided said meeting is held in compliance with the applicable provisions of the Texas Open Meetings Act.

An agenda of each meeting and the minutes shall be delivered to each member of the Board and the City Secretary's Office.

Sec. 2-80. Attendance Requirements.

Members of the Board are required to maintain regular attendance at all meetings. Members who cannot attend a meeting should notify the Chairman or Staff Liaison of his/her absence as soon as possible prior to the meeting.

Three (3) consecutive absences from regular meetings, or absences from more than twenty-five percent (25%) of the meetings in a six month period, shall cause the Chairperson or Staff Liaison to report a Board member's attendance record to the City Manager.

The City Manager shall review the circumstances of the absences and determine if the Board member should be recommended to the City Council for removal.

A Board member who misses fifty percent (50%) or more of the meetings of the Board during a one (1) year period shall not be eligible for reappointment to the Board.

Sec. 2-81. Member Training.

All Board members shall attend training on the Texas Open Meetings Act, the Texas Public Information Act, and any applicable laws pertaining to the Board. Such training must be completed within ninety (90) days of the member's appointment to the Board.

Sec. 2-82. – Sec. 2-89. RESERVED.

SECTION 3.
SAVINGS CLAUSE

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

SECTION 4.
SEVERABILITY

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

SECTION 5.
REPEALER

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

SECTION 6.
EFFECTIVE DATE

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

<u>SECTION 7</u>.
<u>PROPER NOTICE AND MEETINGS</u>

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

PASSED AND APPROVED on its first reading this the ______ day of __________________, 2012.

PASSED AND APPROVED on its second reading this the _______ day of __________________, 2012.

____
Milton Y. Tate, Jr.
Mayor

ATTEST:

____
Jeana Bellinger, TRMC
City Secretary

AGENDA ITEM 14

DATE OF MEETING: July 19, 2012 **DEPT. OF ORIGIN:** Police Department	**DATE SUBMITTED:** July 11, 2012 **SUBMITTED BY:** Jeana Bellinger

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

AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Ordinance O-12-016 Amending the Code of Ordinances of the City of Brenham, Chapter 25, Traffic, Article III, Stopping, Standing and Parking to Regulate Parking Inside the City Limits

SUMMARY STATEMENT: This Ordinance was presented to Council and adopted on 1st reading at the July 5th Council meeting. When preparing the ordinance for 2nd reading there were several things that both the City Attorney and staff agreed needed to be changed for 2nd reading. Most of the changes are numbering or corrections related to standardized ordinance language or proper numbering; however, there were three substantive changes:

1. Sec. 25-34: There are no changes to this section being recommended; therefore, it is not needed in the ordinance. The language currently in the Code will remain the same.
2. Sec. 25-35 (b): This section stated that once a car was towed, the person could not retrieve their vehicle from the storage lot until all parking citations had been paid. Staff felt this was unreasonable due to court dates not being immediately available. If someone wanted to meet with the judge prior to paying a fine, their car could be impounded for days (or weeks) while they await a court date.
3. Sec. 25-36: Chief Phelps requested that “storing such vehicle” language be added to prohibited reasons for parking on the street.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS: Render the ordinance enforceable to effectively ensure safety and good order.

B. CONS: None identified.

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

ATTACHMENTS: (1) Final Ordinance; and (2) Redlined version of 1st reading showing changes.

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: Approve Ordinance O-12-016 amending the Code of Ordinances of the City of Brenham, Chapter 25, Traffic, Article III, stopping, standing and parking to regulate parking inside the city limits.
APPROVALS: Terry K. Roberts

ORDINANCE NO. ____________

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 25, ARTICLE III, DIVISION 1, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS; PROVIDING FOR THE REGULATION OF STOPPING, STANDING, AND PARKING IN THE CITY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETINGS.

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

WHEREAS, the City Council desires to amend the provisions of Chapter 25, Article III regulating Stopping, Standing, Parking, of the Code of Ordinances of the City of Brenham; and

WHEREAS, Chapter 25, Article III Stopping, Standing, Parking, of the Code of Ordinances of the City of Brenham, Texas shall be amended as follows; and

WHEREAS, the general welfare, health, morals and safety of the citizens of the City will be promoted by the enactment of this Ordinance;

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

SECTION 1

Section 25-33, Time limit for trailer parking within the city, of the Code of Ordinances shall be amended to read as follows:

Sec. 25-33. Trailer parking within the city.

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(a) *Parking*. It shall be unlawful for any person to leave, stand, or park a trailer, semi-trailer, pole trailer, house trailer, or recreational camper trailer, either attached or unattached to a motor vehicle, on the public streets of the city. This section does not apply to authorized emergency vehicles and/or any other vehicles as determined exempted by the City of Brenham. It is a defense to prosecution under this section that the trailer was: (1) actually in the process of being loaded or unloaded; or (2) parked while the driver or operator is performing a service visit.

SECTION 2.

Section 25-35, Towing of illegally parked vehicles, of the Code of Ordinances shall be amended to read as follows:

Sec. 25-35. Towing of illegally parked vehicles.

(a) *Authority granted.* The police department, and all members thereof, are hereby authorized to remove and tow away, or have removed and towed away by a commercial towing service, any car or other vehicle illegally parked in any place, or where parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant, obstructs or may obstruct the movement of any emergency vehicle.

(b) *Records.* When a motor vehicle is authorized to be towed away, the police department shall keep and maintain a record of the vehicle towed listing the color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number, odometer reading, and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing, and the name of the officer authorizing the tow.

SECTION 3.

Section 25-36, Parking for certain purposes and/or places prohibited, of the Code of Ordinances shall be amended to read as follows:

Sec 25-36 Parking for certain purposes and/or places prohibited.

It shall be unlawful to park a vehicle upon any roadway or street for the principal purpose of: (1) displaying such vehicle for sale; (2) storing such vehicle; or (3) washing, greasing, changing oil, or repairing such vehicle, except repairs necessitated by an emergency and/or vehicle that has broken down.

Additionally: (1) no person shall park on any street or roadway any vehicle and/or trailer for the primary purpose of advertising, except as permitted by the city; (2) no person shall park or leave parked any vehicle and/or trailer in any city park during prohibited hours of 11:00 p.m. to 5:00 a.m., except as permitted by the city; and (3) no person shall park or leave parked any vehicle and/or trailer in any city park at any time of the day or night for the primary purpose of advertising or storage, except as permitted by the city.

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¶
Section 25-34, Penalties for violation of parking, of the Code of Ordinances shall be amended to read as follows:¶
¶
Sec. 25-34. Penalties for violation of parking. ¶
¶
Any person, firm or corporation violating the provisions of this article shall be fined and/or otherwise penalized not less than one dollar ($1.00) nor more than two hundred dollars ($200.00) for each offense committed; provided however, if state law provides for a different penalty for a violation of any provision of this article, such state law shall control over the fine and/or penalty provided for herein. ¶
¶
¶

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Deleted: (b) *Storage and restoration to owner.* Vehicles so towed away for illegal parking shall be stored in a safe place and shall be restored to the owner or operator of such car upon payment of all parking citations against said vehicle plus applicable towing.¶
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SECTION 4.
SAVINGS CLAUSE

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All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5.
SEVERABILITY

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

SECTION 6.
REPEALER

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

SECTION 7.
EFFECTIVE DATE

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

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SECTION 8.
PROPER NOTICE AND MEETINGS

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

PASSED AND APPROVED, on its first reading at the meeting of the City Council held on this the 5th day of July, 2012.

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PASSED AND APPROVED, on its second reading at the meeting of the City Council held on this the 19th day of July, 2012.

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____
Milton Y. Tate, Jr.
Mayor

ATTEST:

____
Jeana Bellinger, TRMC
City Secretary

ORDINANCE NO. O-12-016

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 25, ARTICLE III, DIVISION 1, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS; PROVIDING FOR THE REGULATION OF STOPPING, STANDING, AND PARKING IN THE CITY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETINGS.

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

WHEREAS, the City Council desires to amend the provisions of Chapter 25, Article III regulating Stopping, Standing, Parking, of the Code of Ordinances of the City of Brenham; and

WHEREAS, Chapter 25, Article III Stopping, Standing, Parking, of the Code of Ordinances of the City of Brenham, Texas shall be amended as follows; and

WHEREAS, the general welfare, health, morals and safety of the citizens of the City will be promoted by the enactment of this Ordinance;

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

SECTION 1

Section 25-33, Time limit for trailer parking within the city, of the Code of Ordinances shall be amended to read as follows:

Sec. 25-33. Trailer parking within the city.

(a) *Parking.* It shall be unlawful for any person to leave, stand, or park a trailer, semi-trailer, pole trailer, house trailer, or recreational camper trailer, either attached or unattached to a motor vehicle, on the public streets of the city. This section does not apply to authorized emergency vehicles and/or any other vehicles as determined exempted by the City of Brenham. It is a defense to prosecution under this section that the trailer was: (1) actually in the process of being loaded or unloaded; or (2) parked while the driver or operator is performing a service visit.

SECTION 2.

Section 25-35, Towing of illegally parked vehicles, of the Code of Ordinances shall be amended to read as follows:

Sec. 25-35. Towing of illegally parked vehicles.

(a) *Authority granted.* The police department, and all members thereof, are hereby authorized to remove and tow away, or have removed and towed away by a commercial towing service, any car or other vehicle illegally parked in any place, or where parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant, or obstructs or may obstruct the movement of any emergency vehicle.

(b) *Records.* When a motor vehicle is authorized to be towed away, the police department shall keep and maintain a record of the vehicle towed listing the color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number, odometer reading, and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing, and the name of the officer authorizing the tow.

SECTION 3.

Section 25-36, Parking for certain purposes and/or places prohibited, of the Code of Ordinances shall be amended to read as follows:

Sec 25-36 Parking for certain purposes and/or places prohibited.

It shall be unlawful to park a vehicle upon any roadway or street for the principal purpose of: (1) displaying such vehicle for sale; (2) storing such vehicle; or (3) washing, greasing, changing oil, or repairing such vehicle, except repairs necessitated by an emergency and/or vehicle that has broken down.

Additionally: (1) no person shall park on any street or roadway any vehicle and/or trailer for the primary purpose of advertising, except as permitted by the city; (2) no person shall park or leave parked any vehicle and/or trailer in any city park during prohibited hours of 11:00 p.m. to 5:00 a.m., except as permitted by the city; and (3) no person shall park or leave parked any vehicle and/or trailer in any city park at any time of the day or night for the primary purpose of advertising or storage, except as permitted by the city.

SECTION 4.
SAVINGS CLAUSE

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5.
SEVERABILITY

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

SECTION 6.
REPEALER

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

SECTION 7.
EFFECTIVE DATE

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

SECTION 8.
PROPER NOTICE AND MEETINGS

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

PASSED AND APPROVED, on its first reading at the meeting of the City Council held on this the 5th day of July, 2012.

PASSED AND APPROVED, on its second reading at the meeting of the City Council held on this the 19th day of July, 2012.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

AGENDA ITEM 15

DATE OF MEETING: July 19, 2012 **DEPT. OF ORIGIN:** Recreation	**DATE SUBMITTED:** July 16, 2012 **SUBMITTED BY:** Jamie Maurer/Jeana Bellinger

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

AGENDA ITEM DESCRIPTION: Section 551.072, Texas Government Code – Deliberation Regarding Real Property –Discussion Regarding the Purchase and/or Exchange of Real Estate for Possible Park Expansion

SUMMARY STATEMENT: N/A

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. **PROS:**

B. **CONS:**

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: N/A

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: Discussion only.

APPROVALS: Terry K. Roberts

AGENDA ITEM 16

DATE OF MEETING: July 19, 2012 **DEPT. OF ORIGIN:** Community Development	**DATE SUBMITTED:** July 16, 2012 **SUBMITTED BY:** Julie Fulgham /Jeana Bellinger

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

AGENDA ITEM DESCRIPTION: Section 551.072, Texas Government Code – Deliberation Regarding Real Property –Discussion Regarding the Purchase of Real Estate for Future Municipal Improvements

SUMMARY STATEMENT: N/A

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. **PROS:**

B. **CONS:**

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: N/A

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: Discussion only.

APPROVALS: Terry K. Roberts

AGENDA ITEM 17

DATE OF MEETING: July 19, 2012 **DEPT. OF ORIGIN:** Recreation	**DATE SUBMITTED:** June 28, 2012 **SUBMITTED BY:** Jamie Maurer/Jeana Bellinger

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

AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Purchase and/or Exchange of Real Estate for Possible Park Expansion

SUMMARY STATEMENT: At the July 11th Parks Advisory Board Meeting, a landowner presented a proposal for exchange and sale of property that could be used as additional park land. There were two separate tracts of land discussed.

After much discussion, the Parks Board is making a recommendation to the City Council to not pursue the purchase and/or exchange of land for additional park land at this time.

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): N/A

RECOMMENDED ACTION: Not pursue the purchase and/or exchange of land for additional park land at this time.

APPROVALS: Terry K. Roberts