



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY JUNE 21, 2012 AT 1:00 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Milton Y. Tate, Jr.**
- 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 7, 2012 Council Meeting **Page 1-12**

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 **Page 13-15**

WORK SESSION

- 5. Discussion and Presentation on the Regulation of Boarding Homes Located Inside the City Limits** **Page 16**
- 6. Update on Airport Expansion Plans and Capital Improvement Projects** **Page 17-20**

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** **Page 21**

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** **Page 22-57**
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** **Page 58-64**
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** **Page 65-86**
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** **Page 87-90**

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

12. **Administrative/Elected Officials Report**

Adjourn

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

CERTIFICATION

I certify that a copy of the June 21, 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 June 18, 2012 at 12:15 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 7, 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
Councilmember Weldon Williams, Jr.

Others present:

City Manager Terry K. Roberts, Assistant City Manager Kyle Dannhaus, Margaret Kercher, Deputy City Secretary Jennifer Salsgiver, Chief Financial Officer Carolyn Miller, Stacy Hardy, Kyle Branham, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Development Services Director Julie Fulgham, Public Works Director Doug Baker, Leslie Kelm, Kim Hodde, Public Utilities Director Lowell Ogle, Dane Rau, Jamie Maurer, Kevin Boggus, Susan Nienstedt, Gary Jeter, Shawn Bolenbarr, Brenda Stelwagen, Bobby Branham, Jr., and Jeff Betts

Citizens present:

Lu Hollander, Seneca McAdams, Page Michel, Amber Branham, and Jordan Branham

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 – City Manager Terry Roberts**

3. 3-a. Service Recognitions

Shawn Bolenbarr – Water Construction	5 years
Chad Westerfeld – Maintenance	5 years
Brenda Stelwagen – Aquatics Center	10 years
Bobby Branham, Jr. – Sanitation	20 years

3-b. New Employees

Jeff Betts – Information Technologies

Mayor Tate presented service recognitions and welcomed new employees. Public Utilities Director Lowell Ogle expressed his appreciation for Shawn Bolenbarr and Bobby Branham and Branham thanked the City. Mayor Tate recognized family in attendance for Branham's Service Recognitions.

4. Citizens Comments

There were no citizen comments. Mayor Tate thanked everyone for their thoughts during his mishap. City Manager Terry Roberts introduced Bovey Law Firm Attorney Margaret Kercher.

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Minutes from the May 17, 2012 Pre-Budget Planning Meeting and Regular Council Meeting

5-b. Second Reading of Ordinance O-12-011 Amending Chapter 2, Administration, of the Code of Ordinances of the City of Brenham Providing for the Organization and Re-numbering of the Chapter

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve Consent Agenda Items 6-a. May 17, 2012 Pre-Budget Planning Meeting and Regular Council Meeting Minutes and 5-b. Ordinance O-12-011.

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	Yes

WORK SESSION

6. Presentation of the Quarterly Report by the Washington County Convention and Visitors Bureau

Washington County Convention and Visitors Bureau (WCCVB) Marketing Manager Seneca McAdams presented the WCCVB's first quarter highlights. McAdams pointed out regional meetings which included: the Lackland AFB travel show in October; the Downtown Master Plan and Toubin Park dedication in November; and the Christmas Stroll, Lighted Parade, and the B&B familiarization tour in December.

WCCVB Advertising Manager Lu Hollander presented the WCCVB's second quarter highlights. Hollander pointed out regional meetings which included: the American Bus Association's Annual Conference in January as well as a Unity Dinner and the Texas Travel Industry Association workshops in February. Hollander explained that the walk-in visitor statistics increased from 578 in January to 1,826 in March. Hollander also highlighted January's *TripAdvisor.com* advertisement and March's *Southern Living* and *AAA Home & Away* advisement.

Councilmember Goss requested information on traffic safety associated with visitors viewing Blue Bonnets beside the highway. WCCVB President Page Michel explained that they encourage tourists to visit Washington on the Brazos due to the safety hazard involved with parking on the highway shoulder.

7. Discussion and Presentation Regarding the Expansion of Water Service to Valmont Industries, Inc.

Assistant City Manager Kyle Dannhaus explained that the 12 inch water line extension for Valmont Fire Protection provides the City additional water service capacity in the Highway 36 South area. Dannhaus noted that the original plan is not possible due to space limitations and the option most beneficial and cost effective involves placing the line on the west side of the railroad tracks and bore under the tracks to Valmont. Dannhaus stated that this option increases the contractor cost estimate, but the City will keep costs down by the utilizing city personnel for the offsite extensions. Dannhaus explained that the City is working with adjacent property owner Mr. Batista concerning the road extension as well as with Valmont on the easement.

Councilmember Goss asked if the expansion will use reserve funds and Dannhaus stated fund reserves. City Manager Terry Roberts noted that there are adequate funds in reserves. Councilmember Goss requested cost information and Dannhaus provided the following estimates: \$21,000 for the bore; \$20,000 for the pipe and fitting; and \$12,000 for labor.

Councilmember Herring asked if the City has oversight on the construction and Dannhaus confirmed that the City will monitor the expansion. Councilmember Goss inquired what happens if cost exceeds \$53,000 and Dannhaus explained that he would request additional funds from Council and/or Valmont.

Dannhaus stated that the Highway 36 South area will be served by the City eventually and Roberts explained that this 12 inch line extension can serve others.

PUBLIC HEARING

8. Public Hearing Considering the Amendment of Appendix A - “Zoning” of the Code of Ordinances of the City of Brenham to Provide for the Creation of Planned Development Districts within the City Limits

Community Development Services Director Julie Fulgham opened the Public Hearing.

Fulgham explained that a Planned Development District (PDD) is a customized zoning district that allows more flexibility than standard zoning districts, which may attract a variety of innovative development projects within the City. Fulgham described a PDD as the adoption of land regulations that follow a master development plan which focuses on a mix of land uses compatible on a certain tract of land.

Councilmember Barnes-Tilley asked what planned development districts target and Fulgham explained that it varies depending on the developer. Fulgham stated that a developer approached the City with a request to consider the use of a PDD within the City of Brenham for a housing development on Stone Street and FM 577. City Manager Terry Roberts explained that a PDD requires Planning and Zoning Board approval and Fulgham added that a PDD is a zone change which ultimately also requires Council approval.

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

9. Public Hearing Considering the Amendment of Appendix A - “Zoning” of the Code of Ordinances of the City of Brenham Permitting the Placement of Manufactured Homes on Individual Lots in the Manufactured Home Residential (R-3) District and Prohibiting Manufactured Home Subdivisions within the Commercial, Research and Technology (B-2) District

Community Development Services Director Julie Fulgham opened the Public Hearing.

Fulgham explained that this Ordinance aligns the manufactured home definition with state law and allows manufactured homes to be placed on individual lots in the R-3 zoning district, which provides more options in housing development. Fulgham stated that this Ordinance also prohibits manufactured home subdivisions to be located in the B-2 districts for the purpose of eliminating residential uses within a commercial district.

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

REGULAR AGENDA

10. Discuss and Possibly Act Upon an Ordinance on Its First 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

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve an Ordinance on its first 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.

Councilmember Williams asked who is responsible to ensure PDD is not abused. Community Development Services Director Julie Fulgham explained that a combination of Planning & Zoning Board, City Council, and city staff reviews prevent abuse as well as tying requests to general Ordinance guidelines and the comprehensive plan. City Manager Terry Roberts indicated that requests require rational to gain approval.

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	Yes

11. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A - “Zoning” of the Code of Ordinances of the City of Brenham, Texas to Provide for Amended Regulations in the Manufactured Home Residential (R-3) Zoning District and the Commercial, Research and Technology (B-2) Zoning District

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve an Ordinance on its first reading amending Appendix A - “Zoning” of the Code of Ordinances of the City of Brenham, Texas to provide for amended regulations in 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	Yes

12. Discuss and Possibly Act Upon the Approval of a Participation Agreement between the City of Brenham and Valmont Industries, Inc. to Expand Water Service for the Improvement of Fire Protection at Valmont Industries, Inc. and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to remove this item from the table.

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	Yes

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve a Participation Agreement between the City of Brenham and Valmont Industries, Inc. to expand water service for the improvement of fire protection at Valmont Industries, Inc. 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	Yes

13. Discuss and Possibly Act Upon the Approval of a Request from the Washington County Appraisal District to Spend \$46,073 out of the Total FY2010-11 Accumulated Funds of \$48,671, the City of Brenham's Portion being \$5,701, for New Aerial Photography and Return the Remaining \$2,598 to the WCAD Fleet Replacement Fund

Chief Financial Officer Carolyn Miller explained that the Washington County Appraisal District (WCAD) formed a Budget Committee to discuss possible uses for FY2010-11 accumulated funds.

Miller introduced WCAD Chief Appraiser Willy Dilworth who presented the Budget Committee's recommendations to spend \$46,073 out of the total FY2010-11 accumulated funds of \$48,671, the City of Brenham's Portion being \$5,701, for new aerial photography and return \$2,598 to the WCAD fleet replacement fund. Dilworth explained that, if the Budget Committee's recommendations are approved by each taxing entity of Washington County, the appraisal district will allocate accumulated funds as follows: \$50,000 to the legal fund; \$50,000 to the 2014 pictometry flight; \$50,000 to the 2017 pictometry flight; and \$43,769 to the fleet replacement.

A motion was made by Councilmember Goss and seconded by Councilmember Williams to approve a request from the Washington County Appraisal District to spend \$46,073 out of the total FY2010-11 accumulated funds of \$48,671, the City of Brenham's portion being \$5,701, for new aerial photography and return the remaining \$2,598 to the WCAD fleet replacement fund.

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	Yes

14. Discuss and Possibly Act Upon the Approval of the FY2012-13 Preliminary Budget for the Washington County Appraisal District

Chief Financial Officer Carolyn Miller explained that the City received a copy of the Washington County Appraisal District (WCAD) FY2012-2013 Preliminary Budget with an \$8,796 expenditure increase in the General Fund, due primarily to a proposed new position in preparation for impending retirements. Miller advised Council that no action is needed at this time.

WCAD Chief Appraiser Willy Dilworth stressed WCAD's need to be transparent and defer formal action on this item. Councilmember Goss questioned the need for a new position and Dilworth explained that a deputy position cannot be replaced by one person. Councilmember Herring asked if the position aims to cross-train and Dilworth confirmed stating that this position will ease the transition of impending retirements while also preparing for future growth. Mayor Tate expressed his appreciation for WCAD staff.

No action was taken on this item.

15. Discuss and Possibly Act Upon Resolution R-12-010 Authorizing Execution of an Agreement with TxDOT for the Temporary Closure of State Right-of-Way in Connection with the 2012 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be Held on July 7, 14, 21, and 28, 2012

Public Works Administrative Assistant Kim Hodde presented a Resolution and agreement with TxDOT for the temporary closure of state right-of-way for the 2012 Downtown Summer Concert Series called Hot Nights, Cool Tunes on July 7, 14, 21, and 28, 2012.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve Resolution R-12-010 authorizing execution of an agreement with TxDOT for the temporary closure of state right-of-way in connection with the 2012 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held on July 7, 14, 21, and 28, 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	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

16. Discuss and Possibly Act Upon a Request for a Noise Variance in Connection with Hot Nights, Cool Tunes Summer Concert Series to be Held from 4:00 P.M. to 11:00 P.M. on July 7, 14, 21, and 28, 2012

Public Works Administrative Assistant Kim Hodde presented a noise variance request from Main Street Brenham for the 2012 Downtown Summer Concert Series called Hot Nights, Cool Tunes from 4:00 p.m. until 11:30 p.m. on July 7, 14, 21, and 28, 2012. Hodde explained that there will be a free concert, children's activities, food and beverage sales and a classic car cruise-in.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve a request for a noise variance in connection with Hot Nights, Cool Tunes Summer Concert Series to be held from 4:00 p.m. to 11:00 p.m. on July 7, 14, 21, and 28, 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	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

17. Discuss and Possibly Act Upon a Request for a Noise Variance from Kendrick Shepard for Revival Services to be Held at Hattie Mae Flowers Park from 6:30 P.M. to 8:30 P.M. on June 15, 16, and 17, 2012

Public Works Administrative Assistant Kim Hodde presented a noise variance request from Kendrick Shepard for revival services at Hattie Mae Flowers Park from 6:30 p.m. to 8:30 p.m. on June 15, 16, and 17, 2012. Hodde explained that they will use sound amplification equipment and musical instruments. Hodde informed Council that Shepard was ticketed two years ago after disregarding several noise ordinance related warnings and noted that Shepard is following procedures this time.

Councilmember Williams said that citizens complained about Shepard's services in the past and future services impede on other's enjoyment in the park. Police Chief Phelps stated that he directed Shepard to obtain a noise variance for events in the past after Shepard routinely hosted services in the park without a noise variance.

Councilmember Barnes-Tilley stated the need to be consistent with noise variance approvals. Councilmember Herring voiced concern for granting a noise variance for three days in a row. Assistant City Manager Kyle Dannhaus voiced staff's concern related to the park's location and close proximity to a neighborhood.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve a request for a noise variance from Kendrick Shepard for revival services to be held at Hattie Mae Flowers Park from 6:30 p.m. to 8:30 p.m. on June 17, 2012 only.

Mayor Tate called for a vote. The motion passed 5-2 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	No
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	No

18. Discuss and Possibly Act Upon an Ordinance on Its First Reading to Amend 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

Community Development Services Director Julie Fulgham explained that duplicate language related to the Planning and Zoning Commission appears in Chapter 2 and the Zoning section of the Code. Fulgham explained that she, the City Attorney, and the City Secretary agreed that the duplicate wording could be removed from Chapter 2.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Ebel to approve an Ordinance on its first reading to amend 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.

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	Yes

19. Discuss and Possibly Act Upon Resolution R-12-010 Authorizing the Acceptance of a 2011 Ford F-550 4x4 Booster Truck from the Brenham Fire Department Members

Mayor Tate noted the Resolution numbering typo should read Resolution R-12-011 instead of R-12-010. Fire Chief Ricky Boeker presented the Brenham Fire Department Members' wish to bestow a 2011 Ford F550 4X4 Booster Truck with assorted tools for firefighting to the City of Brenham.

A motion was made by Councilmember Goss and seconded by Mayor Pro Tem Nix to approve Resolution R-12-011 authorizing the acceptance of a 2011 Ford F-550 4x4 booster truck from the Brenham Fire Department members.

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	Yes

20. Discuss and Possibly Act Upon the Election by Council of Mayor Pro Tem

A motion was made by Councilmember Williams and seconded by Councilmember Ebel to elect Gloria Nix as Mayor Pro Tem. Mayor Tate asked for other nominations and there were none.

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	Yes

21. Administrative/Elected Officials Report

Terry Roberts reported on the following:

- Welcomed the Mayor back from his medical episode.
- Gloria Nix's surgery is scheduled for next week.
- Weldon Williams's surgery is also scheduled for next week.
- Movie in the park put on by Recreational Department on June 7, 2012.
- Southwest Industrial Park, Phase 3 infrastructure project is complete.
- Longwood Drive extension up to Bluebonnet Electric's facility is complete.
- TxDOT is continuing work on Hwy. 290 and started on the Handley Street dogleg through the Industrial Park
- TxDOT requires environmental work for the Stringer St. alignment under Hwy. 290; the City will bid it out and the plans are 40% complete.
- Hwy 290 double over pass at FM 577 will be completed in two weeks.
- HOT Board meeting on June 13, 2012 at PD.

- Community Services Board on June 14, 2012 at City Hall.
- BCDC budget meeting on June 14, 2012 at City Hall.
- Texas High School Baseball Coaches Hall of Fame Museum grand opening on June 12, 2012 at Blue Bell Visitors Center.
- Reminded Council to sign-up for Juneteenth parade on June 13, 2012.
- Burning of Brenham Play on June 16, 2012 at Court House Annex lobby.
- Staff is preparing Tom Green, toward Stone Street, for the overlay project. There are eight or nine streets still remaining. The overlay project will be bid out in September.
- Preparations are underway for Inter-Local Agreement (ILA) meetings with the County.

Julie Fulgham announced the Main Street Manager Summer Training on June 14, 2012.

Councilmember Williams encouraged the City to be ready for ILA discussions.

Mayor Tate complimented City staff for their ILA preparations and noted his appreciation for preparing their ideas in writing.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

ORDINANCE O-12-012

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS FOR THE PURPOSE OF REPEALING ARTICLE II, PLANNING AND ZONING COMMISSION; PROVIDING FOR A NEW ARTICLE II, RESERVED, FOR FUTURE AMENDMENTS TO CHAPTER 2; PROVIDING FOR A REPEALER AND SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND OPEN MEETINGS

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, Article II, Planning and Zoning, in Chapter 2, Administration, of the City of Brenham's Code of Ordinances shall be repealed and replaced with reservation wording for future amendments to Chapter 2; 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.

Article II, Planning and Zoning Commission, in Chapter 2, Administration, of the Code of Ordinances of the City of Brenham is hereby repealed:

SECTION 2.

Chapter 2, Administration, of the Code of Ordinances of the City of Brenham shall be amended to read as follows:

ARTICLE II. RESERVED

Sec. 2-10 - 2-19. 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.

SECTION 7.
PROPER NOTICE AND MEETINGS

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

PASSED AND APPROVED on its first reading this the 7th day of June, 2012.

PASSED AND APPROVED on its second reading this the 21st day of June, 2012.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 5

DATE OF MEETING: June 21, 2012	DATE SUBMITTED: June 14, 2012
DEPT. OF ORIGIN: Police	SUBMITTED BY: Rex Phelps
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☐ REGULAR ☒ WORK SESSION
ORDINANCE: ☐ 1 ST READING ☐ 2 ND 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 group or boarding homes within the city limits. These homes house persons with disabilities or the elderly <u>for profit</u> . The increase in homes has also 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' compliance to house rules, etc. However, there are also a significant number of calls that are police related. An evaluation of the police department's call load and research of other cities it has been determined this area of enterprise is largely not regulated to ensure the health, safety and cleanliness of the housing facilities for the residents. Items such as proper food preparation, safety standards, square footage and orderly on call staff need to be provided in an adequate and acceptable manner.	
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, 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 the residents with disabilities and the elderly residents of the aforementioned boarding homes have adequate facilities in terms of health, safety and sanitation standards.	
ATTACHMENTS: None	
FUNDING SOURCE (Where Applicable): Existing staff	
RECOMMENDED ACTION: Discussion only	
APPROVALS: Rex Phelps	



AGENDA ITEM 6

DATE OF MEETING: June 21, 2012	DATE SUBMITTED: June 18, 2012
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Doug Baker

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

AGENDA ITEM DESCRIPTION: Update on Airport Expansion Plans and Capital Improvement Projects

SUMMARY STATEMENT: \$27,500 was appropriated in the 2011-2012 airport budget for the city's 10% share of an airport project that was intended to include the purchase of a clear zone easement on the south side of the airport property. Having clear zones "in fee", as we have on the north side of the runway, instead of having clear zone easements has been TxDot's policy for a number of years. At their request, we sent our 10% share to TxDot in January. As they got into the project, they realized that the acquisition project could possibly involve condemnation. Kim and I met with our TxDot representative in February and we all agreed that, because of this possibility, this project could be postponed for a few years.

During this same time period, we were approached by Mr. A.J. Foyt, who wants to construct a 120' X 120' hangar and needs access to it. The hangar will house an aircraft maintenance operation, specifically for turbine engine aircraft. A turbine engine maintenance facility would be an excellent complement to the piston engine maintenance facility already at the airport. The estimated cost of a taxiway and apron that would serve the maintenance facility is \$176,904.00.

The Foyt request prompted us to look at other needs at the airport. There is a list of approximately twenty aircraft owners waiting for hangar space. It will cost approximately \$1,355,548.00 to construct twelve T-hangars and provide access to them.

So how can we make this happen? Our airport is in TxDot's Non-primary Entitlement (NPE) Program. Each September we are allotted \$150,000.00 for construction projects. We have to contribute, from our city funds, 10% of the cost of any project. NPE funds can be banked for up to four years. We banked our 2010 and 2011 allotment for the property acquisition project. We therefore have \$300,000 saved up. Assuming that TxDot continues the program, we will get another \$150,000 this September and another \$150,000 in September of 2013. Using the money we currently have available to us, we can provide access to the maintenance facility this year. Constructing and providing access to the T-hangars will have to wait till after September of next year, after we receive another NPE allotment.

Through their CIP program, TxDot funds runway, taxiway, and apron construction, as has been the case with our previous projects. They do not fund T-hangar construction in their CIP program. The new T-hangars will have to be funded with NPE money and city funds. As you can see on line #11 in the attached schedule, the construction of the T-hangars will cost \$639,998. The remaining \$440,786 NPE funds (line #10) will be applied to the hangar construction and an additional \$159,402 (line #13) will need to come from the city.

We will have to have TxDot's participation in the construction of the access to the hangars. As shown on line #14, the cost to construct the access will be \$715,550. If they fund this project, our 10% share will be \$71,555, bringing our total cost for T-hangar and access construction to \$230,957 (line #15). Obviously, the construction of access to the hangars is predicated on TxDot's participation in this project. Without their participation, this project will have to be postponed for another year or two.

If this becomes a project with TxDot's participation, our share can be "borrowed" from the electric fund. That money would be repaid to the electric fund over a period of approximately seven years from the income generated from the twelve new T-hangars. The ten hangars we constructed a few years ago were leased as soon as they were constructed and have remained occupied since then. Our rental rate is \$250 per month. This has and continues to generate \$30,000 per year. Twelve new T-hangars would generate \$36,000 per year at that same rental rate.

All this needs TxDot's approval and financial participation. Based on our previous meeting with them, I believe they will support our plan. However, we need your approval of this plan before we can proceed any further with TxDot.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS:

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Brenham Municipal Airport Hangar Development Schedule; and (2) Map of Hangar Plan

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: Discussion only

APPROVALS: Terry K. Roberts

BRENNHAM MUNICIPAL AIRPORT HANGAR DEVELOPMENT SCHEDULE

		TOTAL	CITY	NPE	CIP
<u><i>2012: Provide access to aircraft maintenance facility</i></u>					
	2010 NPE allocation	1	\$150,000		\$150,000
	2011 NPE allocation	2	\$150,000		\$150,000
Funds previously deposited with TxDOT for property acquisition project		3	\$27,500	\$27,500	
Funds available prior to 2012 Construction Project		4	\$327,500	\$27,500	\$300,000
Costs to construct apron and taxi lane to aircraft maintenance facility		5	(\$176,904)	(\$17,690)	(\$159,214)
Account Balances after 2012 Construction		6	\$150,596	\$9,810	\$140,786
<u><i>2013: Construct and provide access to 12 T-Hangars (after September NPE allocation)</i></u>					
Account Balances Carried Forward		7	\$150,596	\$9,810	\$140,786
2012 NPE allocation and local match		8	\$165,000	\$15,000	\$150,000
2013 NPE allocation and local match		9	\$165,000	\$15,000	\$150,000
TOTALS 2012 and 2013 NPE and 2010 and 2011 Balance Forward		10	\$480,596	\$39,810	\$440,786
Construct 12 T-hangars, and		11	(\$639,998)	(\$64,000)	(\$575,998)
Transfer shortage to City		12		(\$135,212)	\$135,212
Account Balances		13	(\$159,402)	(\$159,402)	\$0
Provide access to 12 T-hangars		14	(\$715,550)	(\$71,555)	(\$643,995)
Account Balances after 2013 Construction		15	(\$874,952)	(\$230,957)	\$0 (\$643,995)
Revenue Required for Project Matches		16		\$230,957	





AGENDA ITEM 7

DATE OF MEETING: June 21, 2012	DATE SUBMITTED: June 15, 2012	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Jeana Bellinger	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☒ PUBLIC HEARING ☐ CONSENT ☐ REGULAR ☐ WORK SESSION	ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Public Hearing, Discussion and 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		
SUMMARY STATEMENT: Prior to considering the creation of a Reinvestment Zone for implementing a Tax Phase-In incentive for Longwood Industries, the City Council is required to hold a Public Hearing to receive input regarding the proposal.		
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: Discussion only		
APPROVALS: Terry K. Roberts		



AGENDA ITEM 8

DATE OF MEETING: June 21, 2012	DATE SUBMITTED: June 15, 2012															
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Jeana Bellinger															
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;">MEETING TYPE:</td> <td style="width: 33%; vertical-align: top;">CLASSIFICATION:</td> <td style="width: 33%; vertical-align: top;">ORDINANCE:</td> </tr> <tr> <td>☒ REGULAR</td> <td>☐ PUBLIC HEARING</td> <td>☒ 1ST READING</td> </tr> <tr> <td>☐ SPECIAL</td> <td>☐ CONSENT</td> <td>☐ 2ND READING</td> </tr> <tr> <td>☐ EXECUTIVE SESSION</td> <td>☒ REGULAR</td> <td>☐ RESOLUTION</td> </tr> <tr> <td></td> <td>☐ WORK SESSION</td> <td></td> </tr> </table>		MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	☒ REGULAR	☐ PUBLIC HEARING	☒ 1 ST READING	☐ SPECIAL	☐ CONSENT	☐ 2 ND READING	☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION		☐ WORK SESSION	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:														
☒ REGULAR	☐ PUBLIC HEARING	☒ 1 ST READING														
☐ SPECIAL	☐ CONSENT	☐ 2 ND READING														
☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION														
	☐ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon 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																
SUMMARY STATEMENT: Longwood Industries is planning an expansion its newest product group to their production lineup. The proposed expansion will help Longwood meet the increased demand from their customers. Longwood Industries is proposing a total of 15 new jobs (generating \$495,000 in additional payroll) and a capital investment of \$500,000 to purchase the new equipment. The level of investment qualifies Longwood for a Level 1 abatement based on new value creation and a Level 1 abatement based on new job creation. Both EDF and City staff have reviewed Longwood's application for Tax Phase-In and have verified that the project meets the requirements of the Tax Phase-In policy. Representatives from the Economic Development Foundation of Brenham will be at the meeting to answer any questions.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: Approve the ordinance creating Reinvestment Zone Number 34 and contribute to the future economic development of the City. B. CONS: If the ordinance creating Reinvestment Zone Number 34 is not approved, the Longwood expansion would be reevaluated and may likely be terminated.																
ALTERNATIVES (In Suggested Order of Staff Preference):																
ATTACHMENTS: (1) Copy of an Ordinance for the creation of Reinvestment Zone Number 34; and (2) a memo from the Brenham Economic Development Foundation																

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: 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.

APPROVALS: Terry K. Roberts

ORDINANCE NO. _____

AN ORDINANCE DESIGNATING ALL THAT CERTAIN 27.325 ACRE TRACT OR PARCEL OF LAND SITUATED IN THE CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS OUT OF THE PHILIP H. COE SURVEY, A-31 AND BEING A PORTION OF A CALLED 27.489 ACRE TRACT OF LAND DESCRIBED AS PARCEL 1 IN A DEED FROM THE MEAD CORPORATION TO GATES RUBBER COMPANY DATED DECEMBER 30, 1983, AS RECORDED IN VOLUME 461, PAGE 342, DEED RECORDS OF WASHINGTON COUNTY, TEXAS AND ALL OR A PORTION OF A CALLED 0.2168 ACRE TRACT OF LAND DESCRIBED AS LOT ONE (1) OF RESERVE "B" IN A DEED FROM THE BRENHAM INDUSTRIAL FOUNDATION, INC. TO GATES RUBBER COMPANY DATED NOVEMBER 29, 1990, AS RECORDED IN VOLUME 637, PAGE 537, DEED RECORDS OF WASHINGTON COUNTY, TEXAS, AS REINVESTMENT ZONE NUMBER THIRTY-FOUR FOR COMMERCIAL TAX PHASE-IN INCENTIVE AS PROVIDED IN CHAPTER 312, TEXAS TAX CODE; ESTABLISHING THE NUMBER OF YEARS FOR THE ZONE, AUTHORIZING AN AGREEMENT FOR EXEMPTION FROM TAXATION THE INCREASE IN VALUE OF CERTAIN PROPERTY IN ORDER TO ENCOURAGE DEVELOPMENT AND REDEVELOPMENT AND OTHER MATTERS RELATING THERETO; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Brenham, Texas, ("City") desires to encourage supervised improvements by property owners and lessees through tax phase-in procedures within its jurisdiction by the creation of a reinvestment zone as authorized by Chapter 312, Texas Tax Code (the "Act"); and

WHEREAS, on the 21st day of June, 2012, the City Council held a public hearing to receive comments concerning the designation of proposed Reinvestment Zone Number Thirty-Four. The notice of such hearing was published on June 14, 2012, such date being not later than the seventh day before the date of the public hearing; and

WHEREAS, the City called a public hearing and published notice of such public hearing as required by Section 312.201 of the Act; and has delivered written notice to the presiding officer of the governing body of each taxing unit within the jurisdiction of the proposed Reinvestment Zone Number Thirty-Four for Commercial Tax Phase-In; and

WHEREAS, at said public hearing the City presented evidence that such proposed designation would be reasonably likely to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property, that the proposed improvements are feasible and practical, that said improvements would be a benefit to the land included in the zone and that would contribute to the economic development of the City; and

WHEREAS, the designation of the proposed reinvestment zone is consistent with the City's policies adopted by Council Resolution No. R-11-025 on the 15th day of December, 2011, and will benefit the land included within the Reinvestment Zone after the expiration of the Agreement; and

WHEREAS, the City at such public hearing invited any interested person or his attorney to appear and contend for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory which is referred to as City of Brenham Reinvestment Zone Number Thirty-Four for Commercial Tax Phase-In, should be included in such proposed reinvestment zone, and obtain tax phase-in; and

WHEREAS, at such hearing recommendations were given as to the number of years the reinvestment zone would be designated, the number of years in which an agreement would be available, as well as the percentage of potential tax exemption under the aforesaid tax phase-in guidelines and criteria to be applied to taxable real property which is redeveloped.

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

Section 1. That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are incorporated herein for all purposes.

Section 2. That the City, after conducting such hearing having further studied recommendations, as well as the evidence presented at the public hearing, has made the following findings based on the evidence and testimony presented to it:

- a) That the public hearing on the adoption of the reinvestment zone under the provisions of the Act has been properly called, held and conducted and that notice of such hearing has been published as required by law and has been sent to the respective taxing units within the proposed reinvestment zone; and
- b) That the City has jurisdiction to hold and conduct said public hearing on the creation of the proposed reinvestment zone pursuant to the Act; and

- c) That creation of the proposed reinvestment zone with boundaries described herein will result in improvements made after the passage of this Ordinance and the execution of tax abatement agreements, that are feasible and practical and will benefit the City, its residents and property owners in the reinvestment zone; and
- d) That the proposed designation will be reasonably likely to contribute to the retention or expansion of primary employment or to attract major investments to the zone that would be a benefit to the property and contribute to economic development of the City.

Section 3. That the City hereby creates Reinvestment Zone Number Thirty-Four, designated as all that certain 27.325 acre tract or parcel of land situated in the City of Brenham, Washington County, Texas out of the Philip H. Coe Survey, A-31 and being a portion of a called 27.489 acre tract of land described as Parcel 1 in a deed from The Mead Corporation to Gates Rubber Company dated December 30, 1983, as recorded in Volume 461, Page 342, Deed Records of Washington County, Texas and all or a portion of a called 0.2168 acre tract of land described as Lot One (1) of Reserve "B" in a deed from the Brenham Industrial Foundation, Inc. to Gates Rubber Company by deed dated November 29, 1990 and recorded in Volume 637, Page 537, Deed Records of Washington County, Texas, said property being located at 1901 Longwood Drive, Brenham, Texas, said property being more fully described in Exhibit "A" attached hereto and incorporated herein for all purposes, and such reinvestment zone shall hereafter be identified as Reinvestment Zone Number Thirty-Four for Commercial Tax Phase-In, City of Brenham, Texas.

Section 4. That the designation of Reinvestment Zone Number Thirty-Four for Commercial Tax Phase-In, shall expire five (5) years from the date of this Ordinance, unless renewed as provided by the Act, or at an earlier time designated by subsequent ordinance.

Section 5. That written agreements as provided in the Act with owners of eligible property located within the reinvestment zone shall be for a period of up to ten (10) years, and that the eligible property that is subject to the above mentioned exemption from taxation shall be the improvements to the property in conformity with the City's criteria and guidelines, and written agreements shall provide for an exemption from taxation of the total increase in value of the eligible property over its value in the year the agreement is executed. The written agreement will require that all taxes be current at the time of execution of agreement and be kept current to all taxing entities during the term of said agreement.

- Section 6.** That said designation of Reinvestment Zone Number Thirty-Four for Commercial Tax Phase-In and the written agreement thereof are in accordance with the City of Brenham Policy Statement on Property Tax Phase-In Incentive for Selected Commercial Enterprises and will be a benefit to the land which will be included within the Reinvestment Zone and to the City of Brenham after the expiration of the agreement.
- Section 7.** That if any provision of this Ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part of it.
- Section 8.** That it is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

Exhibit A - Property Deed 1

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SPECIAL WARRANTY DEED: THE MEAD CORPORATION TO
THE GATES RUBBER COMPANY

THE STATE OF OHIO)
) KNOW ALL MEN BY THESE PRESENTS: 6422
COUNTY OF MONTGOMERY)

That The Mead Corporation, an Ohio corporation qualified to do business in Texas, whose address is Courthouse Plaza, N.E., Dayton, Ohio 45463, hereinafter called Grantor, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, cash and other good and valuable considerations, cash to it in hand paid by THE GATES RUBBER COMPANY, hereinafter called Grantee, receipt of which is hereby acknowledged;

HAVE GRANTED, SOLD AND CONVEYED, and do by these presents DO GRANT, SELL AND CONVEY unto the said Grantee the property described in Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.

This conveyance is executed by Grantor and accepted by Grantee as being subject to the following:

- A. all real estate taxes and all installments of assessments for public improvements not due and payable as of the date of this deed, any taxes or special assessments which are not shown as existing liens by the public records and any additions to any such taxes and assessments which were due and payable prior to the date hereof;
- B. all restrictions, reservations, covenants, and conditions of record;
- C. all existing public and private roads and streets (whether dedicated or undedicated), and all railroad lines and rights of way affecting the Property;
- D. all easements and rights of way of record affecting the Property;
- E. encroachments, overlaps, boundary line disputes and any other matters which would be disclosed by an accurate survey and inspection of the Property;
- F. all existing electric power, telephone, gas, sanitary sewer, storm sewer, water and other utility lines, pipelines and service lines of any nature now located on, over, or under the Property;
- G. all building codes and zoning ordinances and other laws, ordinances, regulations, or orders of any federal, state, county, municipal, or other governmental authority affecting the Property; and,
- H. Subject to a mineral reservation set out in the modification agreements between Fred Rodeck, et ux and the Brenham Industrial Foundation, recorded in Vol. 392 Pg. 865, Washington County Deed Records and between Carl Galipp, et ux and the Brenham Industrial Foundation recorded in Vol. 392 Pg. 869, Washington County Deed Records.

Exhibit A - Property Deed 1

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TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in any wise belonging, unto the said Grantee, its successors and assigns, forever; and it does hereby bind itself, its successors and assigns against every person whomsoever lawfully claiming or to claim the same, or any part thereof by, through or under Grantor and not otherwise.

WITNESS ITS HAND, this the 30th day of December, 1987.

ATTEST:

THE MEAD CORPORATION

George J. Maly, Jr.
Assistant Secretary
George J. Maly, Jr.

By James R. Samartini
James R. Samartini, Vice President

STATE OF OHIO)
COUNTY OF MONTGOMERY) SS:

Before me, the undersigned authority, on this day personally appeared THE MEAD CORPORATION by James R. Samartini, its Vice President, and George J. Maly, Jr., its Secretary, whose name is subscribed to the foregoing instrument and acknowledged that they executed the same for and on behalf of THE MEAD CORPORATION for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 30th day of December, 1987.

Martha V. Greenwood
Notary Public
My Commission expires: January 25, 1987

Martha V. Greenwood
(Printed name of Notary)

THIS INSTRUMENT PREPARED BY: David L. Santez, Esq.
The Mead Corporation
Courthouse Plaza, N.E.
Dayton, Ohio 45463

DLSMR4

Exhibit A - Property Deed 1

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EXHIBIT A

All the following described real property in Washington County, Texas, to-wit:

PARCEL 1

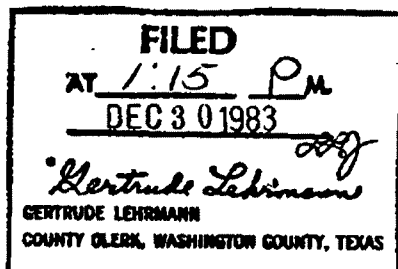
All that tract or parcel of land situate in Washington County, Texas out of the Philip H. Coe Survey A-31 and being a portion of the 55.990 acre tract of land conveyed from Rodeck, et ux, to the Brenham Industrial Foundation by deed and also being a portion of the 16.386 acre tract of land called Tract 1 in a deed from Carl Galipp, et al, to the Brenham Industrial Foundation as recorded in Volume 364, Page 217 and Volume 371, Page 355, respectively, of the Washington County Deed Records, more particularly described as follows:

Commencing at an iron pin marking the intersection of the North line of a County Road with the East line of the aforementioned 55.990 acre tract of land, same also being the Southwest corner of a tract of land owned by Hi-Line Industries; thence S 74° 27' W, 185.50 ft. to an iron pin set for Southeast corner and Place of Beginning of the tract of land herein described; thence S 74° 27' W, 641.60 ft. to an iron pin marking the beginning of a curve to the left; thence in a Southwesterly direction in a curve to the Left, with radius of 830.00 ft., for a distance of 361.61 ft. (Chord bearing S 61° 58' 08" W, 358.76 ft.) to an iron pin set for Southwest corner; thence N 13° 26' 58" W, 851.37 ft. to an old iron pin and fence corner lying the North line of the original 55.990 acre tract, same also being the Southwest corner of the 16.386 acre tract of land; thence N 15° 08' 25" W, 758.57 ft. to a set iron pin; thence N 73° 55' 28" E, 740.57 ft. to a set iron pin for Northeast corner; thence S 15° 33' E, 717.79 ft. to an iron pin set for corner; thence S 28° W 38.10 ft. to an iron pin set in the Northwest line of a proposed cul-de-sac; thence beginning in a Southwesterly direction in a curve to the Left, with a radius of 70.00 ft., a distance of 181.75 ft. with said cul-de-sac line to an iron pin set for corner; thence S 25° 29' 34" E, 15.91 ft. to a set iron pin marking the beginning of a curve to the Left; thence in a Southeasterly direction along said curve to the Left, with a radius of 860.00 ft., for a distance of 389.10 ft. (Chord bearing S 38° 27' 16" E, 385.80 ft.) to a set iron pin marking the end of curve and the beginning of a curve to the Right; thence in a Southeasterly direction along said curve to the Right with a radius of 740.00 ft., for a distance of 324.28 ft. (Chord bearing S 38° 51' 43" E, 321.69 ft.) to the Place of B

PARCEL 2

All That tract or parcel of land situate in Washington County, Texas out of the Philip H. Coe Survey A-31 and being the same tract of land called Tract 2 in a deed from Carl Galipp, et al to the Brenham Industrial Foundation as recorded in Volume 371, Page 355 of the Washington County Deed Records, more particularly described as follows:

Beginning at a set iron pin in the South line of FM Highway #389 at a point S 73° 57' 36" W, 642.62 ft. from the Northwest corner of the Gulf Oil Corporation 1.000 acre tract; thence S 15° 08' 25" E, 492.87 ft. to a set iron pin, thence S 73° 55' 28" W, 60.01 ft. to a set iron pin, thence N 15° 08' 25" W, 492.91 ft. to an old pipe lying in the South line of FM Highway #389; thence N 73° 57' 36" E, 60.01 ft. with said highway line to the Place of Beginning and containing 0.679 acres of land.



STATE OF TEXAS
COUNTY OF WASHINGTON

I hereby certify that this instrument was FILED on the date and at the time affixed hereon by me and was duly RECORDED in the Volume and Page of the Deed RECORDS of Washington County, Texas, as stamped hereon by me on



JAN 5 - 1984
Gertrude Lehmann
Gertrude Lehmann, County Clerk
Washington County, Texas

Exhibit A - Property Deed 2

VOL 637 PAGE 537

SPECIAL WARRANTY DEED: THE BRENHAM INDUSTRIAL FOUNDATION, INC.
TO GATES RUBBER COMPANY

THE STATE OF TEXAS X
 X KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF WASHINGTON X

4998

That THE BRENHAM INDUSTRIAL FOUNDATION, INC., of the County of Washington, State of Texas, hereinafter called Grantor, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, cash plus the exchange of the below described property for property on which a new street is to be built, and other good and valable considerations, cash to it in hand paid by GATES RUBBER COMPANY, hereinafter called Grantee, receipt of which is hereby acknowledged, and for which no lien, express or implied, is retained or shall exist;

HAVE GRANTED, SOLD AND CONVEYED, and by these presents DO GRANT, SELL AND CONVEY unto the said GATES RUBBER COMPANY, 990 South Broadway, P. O. Box 5887, Denver, Colorado 80217, the property being located in Washington County, Texas, and being:

Lot One (1) Res. "B" containing 0.2168 acres of land out of the Southwest Industrial Park III Reserve "B" Partition filed of record in the office of the County Clerk of Washington County, Texas, more particularly described and shown in Exhibit "A" which is made a part hereof as though copied hereby verbatim.

This conveyance is executed by Grantor and accepted by Grantee as being subject to the reservation of an undivided 1/2 interest in and to all of the oil, gas and other minerals as set out in deed dated August 14, 1984, from Edwin F. Wehmeyer, et al to Tommy J. Head, recorded in Volume 483, Page 121, Washington County Official Records.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said GATES RUBBER COMPANY, its successors and assigns, forever; and it does hereby bind its successors and assigns to WARRANT AND FOREVER DEFEND, all and singular, the said premises unto the said GATES RUBBER COMPANY, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under it, but not otherwise.

EXECUTED this the 29th day of November, 1990.

THE BRENHAM INDUSTRIAL FOUNDATION, INC.

BY:

Milton Y. Tate, Jr.
MILTON Y. TATE, JR., President

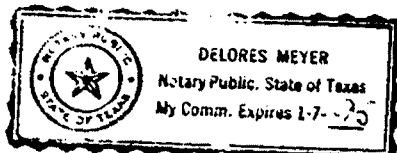
ATTEST:

Odell Lueckemeyer
ODELL LUECKEMEYER, Secretary

THE STATE OF TEXAS

COUNTY OF WASHINGTON

This instrument was acknowledged before me on the 3rd day of DECEMBER, 1990, by MILTON Y. TATE, JR., President of THE BRENHAM INDUSTRIAL FOUNDATION, INC., a Texas corporation, on behalf of said corporation.

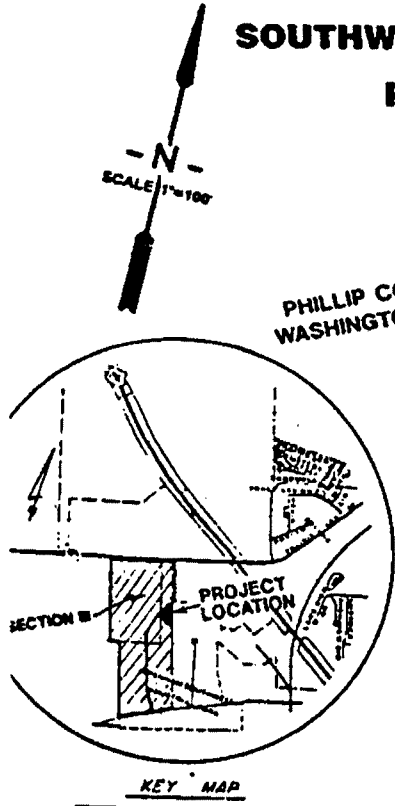


Delores Meyer
Notary Public, State of Texas
Notary's name printed:
DELORES MEYER
My Commission Expires: 1-7-95

Exhibit A - Property Deed 2

VOL 637 PAGE 539

SOUTHWEST INDUSTRIAL PARK SECTION III RESERVE "B" PARTITION



CALLLED RESERVE "A" 20.2784 AC.

SOUTHWEST INDUSTRIAL PARK
SECTION III
Plat Cab. 298A & 298B P.R.W.C.

GATES DRIVE

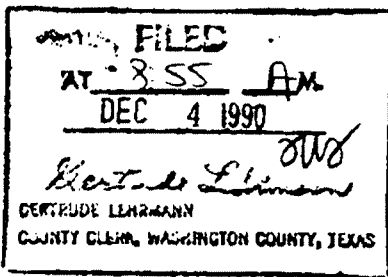
CALLLED RESERVE "B" 10.6890 AC.

RESIDUE RES. "B"
10.4722 AC.

CITY OF BRENHAM, TEXAS

GATES RUBBER CO.
RESIDUE OF CALLED 27.489
Vol. 461, P. 342 D.R.V.

LOT 1 - RES. B
0.2168 AC.



STATE OF TEXAS
COUNTY OF WASHINGTON

I hereby certify that this instrument was FILED on the
date and at the time affixed hereon by me and was duly
RECORDED in the volume and page of the OFFICIAL RECORDS
of Washington County, Texas, as stamped hereon by me on



DEC 12 1990
Gertrude Lehrmann
Gertrude Lehrmann, County Clerk
Washington County, Texas

EXHIBIT "A"

O'MALLEY
Draught



MEMO

To: Mayor Tate and City Council Members
From: Brenham Economic Development Foundation
Date: June 8, 2012
Re: Longwood Industries Tax Phase-In Application

The Brenham Economic Development Foundation respectfully requests your consideration of an application for Tax Phase-In from Longwood Industries.

Longwood Industries is planning an expansion for its newest product group to their production lineup. The use of the Tax Phase-In incentive will help Longwood invest in the necessary equipment and human capital to meet the increased demand from their customers for this product. Additionally, the use of the Tax Phase-In incentive will make the Brenham location more competitive to locate the company's future expansion and reinvestment projects instead of it happening at one of Longwood's other manufacturing plants in Wytheville, Virginia. This project would also provide a substantial positive economic impact to the local Brenham economy.

JOB CREATION: A total of **15 jobs will be added** during the first year the new equipment is added. The 15 new jobs that will be created are projected to generate \$495,000 in additional payroll.

CAPITAL INVESTMENT: Longwood Industries will be **investing \$500,000** in capital for the project. The capital will be used to buy new equipment.

NEW TAXES PAID: If located in Brenham, Longwood Industries will pay **a total of \$6,450 in new taxes in its first year** of operation (\$272 in city taxes). The company will receive an abatement of \$4,428 in year-one (\$2,444 from city taxes). At the end of its tax phase-in period, Longwood Industries will have paid **a total of \$64,884 in new taxes** (\$9,507 in city taxes), and will have received a total abatement of \$22,140 (\$12,221 from city taxes). At no point in the tax phase-in process does any company receive abatements on taxes for Blinn College or Brenham ISD.

Attached you will find:

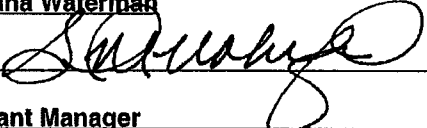
- A) Tax Phase-In application
- B) Brief description of the project
- C) Economic Impact Analysis
- D) Location map
- E) Property deeds
- F) Tax Phase-In schedules
- G) Tax Phase-In calculation

As you review the attached documents, if you have any questions, please contact Clint Kolby at the Brenham Economic Development Foundation office at (979)836-8927 or clint@brenhamtexas.com.

TAX PHASE-IN APPLICATION

This application must be filed in conformance with the City of Brenham/Washington County Guidelines and Criteria for Tax Phase-In. The application must be filed prior to the beginning of construction or installation of equipment. Approval of this application is discretionary with the City Council and/or Commissioner's Court.

APPLICANT INFORMATION

Company Name	<u>Longwood Industries, Inc.</u>	
Address of HQ	<u>706 Green Valley Rd. Suite 212</u>	Annual Sales \$30 Million
	<u>Greensboro, NC 27408</u>	Years in Business <u>30 ys</u>
Company President	<u>Dana Waterman</u>	Total Employees 178
Authorized Signature		Brenham Address:
Title	<u>Plant Manager</u>	1901 Longwood Drive
Date	<u>6/6/12</u>	Brenham, Texas 77833
Contact Person	<u>Sam Wohlford</u>	Telephone 979-830-1111

Attach a description of the Company including a brief history, corporate structure and business plan and annual statement, if available.

PROJECT INFORMATION

Type of Targeted Enterprise:

[] Agriculture/ Aquaculture Facility; [☒] Manufacturing/Assembly; [] Distribution; [] Research

Products and services to be provided: Additional capacity for our SWELLFIX operations

SITE INFORMATION

Address	<u>1901 Longwood Drive, Brenham, Texas 77833</u>
Legal Description	<u>27.325 Acres out of the Phillip Coe Survey, A-31 In Washington County, Texas</u>

Attach map showing project location.

[] New Facilities [☒] Expansion of Existing Facilities [] Modernization/Remodel

ECONOMIC INFORMATION**Construction Estimates**

Start Date	7/25/2012	Contract Amount	\$500,000
Completion Date	8/05/2012	# Construction Jobs	_____

Estimated Appraised Values

Land	Building/Equipment	Personal Property
------	--------------------	-------------------

Value before Tax Phase-In begins	_____	\$2,600,000*	_____
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Value after Tax Phase-In expires *(net book value)	_____	\$3,100,000*	_____
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PERMANENT EMPLOYMENT INFORMATION

Will this project create or retain a minimum of 10 jobs at an average base salary of \$33,000/year, or higher, including benefits throughout the tax phase-in process? (yes/no) Yes

Estimated number of jobs to be created/retained	Total	Washington County Residents	Out of County Residents
Upon opening (15 new, 178 retained)	193	193	0
2 years after opening (10 new, 178 retained)	203	203	0
End of tax phase-in (40 new, 178 retained)	233	233	0

ADDITIONAL PROJECT INFORMATION

Provide the information per the attached checklist with your application. All applicants must comply with the Guidelines and Criteria for Tax Phase-In for the City of Brenham and Washington County.

CHECK LIST FOR APPLICATION FOR TAX PHASE-IN

All applicants for tax incentives should provide the following:

	ATTACHED	NOT APPLICABLE
(a) A description of waste and by-products, including any air or water pollution generated by the business.	<u> x </u>	<u> </u>
(b) A drawing showing location of the property, all roadways within 500 feet, current land uses and zoning within 500 feet and a complete metes and bounds description if the property is not platted.	<u> x </u>	<u> </u>
(c) Itemized estimated cost of the real property and improvements proposed.	<u> x </u>	<u> </u>
(d) A description of financing methods and projected time when costs or obligations are to be incurred.	<u> x </u>	<u> </u>
(e) The amount and duration of any tax phase-in requested.	<u> x </u>	<u> </u>
(f) Any other incentives requested.	<u> </u>	<u> x </u>
(g) A description of reason for requesting incentives.	<u> x </u>	<u> </u>
(h) Impact on the project scope and/or location of the project if incentives are not granted.	<u> x </u>	<u> </u>
(i) Description of tax phase-in requested or to be requested from other applicable taxing entities.	<u> x </u>	<u> </u>
(j) Details of job types and number employed in each.	<u> x </u>	<u> </u>
(k) Wages and benefits per job type.	<u> x </u>	<u> </u>
(l) Schedule of job creation/retention during the tax phase-in period.	<u> x </u>	<u> </u>
(m) Estimated number and type of employees to be hired/retained from the local labor force.	<u> x </u>	<u> </u>
(n) Estimated number and type of employees that will be relocated into the local area.	<u> x </u>	<u> </u>
(o) Projected total payroll.	<u> x </u>	<u> </u>
(p) Projected utility volume: electricity, natural gas and water.	<u> x </u>	<u> </u>
(q) Projected Annual Sales tax.	<u> </u>	<u> x </u>
(r) Projected goods and services purchased from local vendors.	<u> x </u>	<u> </u>
(s) Description of utility lines and other infrastructure requirement by the City and by the Project.	<u> x </u>	<u> </u>

ADDITIONAL PROJECT INFORMATION

(a) No by-products produced.

Current waste generated:

Liquid paint products (adhesive, primer, MEK solvent) – Universal Waste in Texas MEK contaminated rags - Universal Waste in Texas Aerosol cans – (residue collected in puncture tank as paint-related waste / punctured cans go to metal recycling) Empty paint cans (5-gal and under) – metal recycling Empty 55-gal drums – Waste recyclers (MEK returns to vendor / paint containers to waste provider for cleaning and reuse) All other waste products can be landfilled as non-hazardous industrial waste which includes: rubber, poly, non-MEK rags, brushes, dust (metallic and rubber), etc.

(b) See attached

(c) Land	\$0.00
Building Cost	\$0.00
Equipment cost	<u>\$500,000</u>
Total	<u>\$500,000</u>

(d) Longwood intends to finance proposed investment with existing equity, with cash flow timing spread evenly over 3 three months beginning middle of July, 2012.

(e) Tax phase-in is requested for 8 eight years as presented in the tax abatement schedule.

(f) Not applicable.

(g) Requesting incentive for the purpose of reinvestment in Brenham, Texas.

(h) If incentive is not granted, future investment/re-investment may be questionable.

(i) Longwood Industries is requesting a tax phase-in from the City of Brenham and Washington County.

(j) See attached.

(k) Annual salary excluding benefits is an est. \$25K per employee. Benefits are est. at \$8K per employee.

(l) Expect to hire all 15 fifteen employees by July 25, 2012.

(m) 15 fifteen employees, 100% manufacturing, non-administrative, skilled positions requiring training related to operations of machinery/equipment.

(n) All initial hires are expected to be from within Washington County-no relocation anticipated.

(o) Projected Total Payroll=\$495,000.

(p) See data from Impact Analysis Sheet.

(q) Not applicable.

(r) Projected annual goods/services purchase from local vendors=\$50K OR 10% of investment.

(s) No new utility lines required. However, project will require internal move of existing equipment (relocation/re-arrangement) to create room for added machinery/equipment. The existing equipment move will require a construction of a pit for oil/chemicals related to our production.

Economic Impact Analysis Worksheet – Brenham, TX

Primary NAICS, or SIC, or brief business description: Longwood Elastomers, Inc. is a specialized rubber molding company that has recently added a new product group to our production lineup called “Swellables”, which is basically wrapping rubber (through a unique adhesive process) on steel pipes that range from 13 to 21 feet in length and 5 inches outer diameter. The finished product is used for drilling oil & gas. Demand for this product has rapidly increased, hence the need for additional investment in machinery/equipment and human capital.

Construction start date (estimated): 7/25/2012

Operations start date (estimated): 8/05/2012

Year-one *company investment* in local economy (estimated):

Land purchase: N/A

Building (new construction or remodel): N/A

Equipment: \$500,000

Infrastructure extensions/improvements:

Training: \$33,000

Other:

Annual revenues at proposed facility (estimated): \$3,300,000

Number of jobs at proposed facility: 15

Average annual wages: \$37,180 (including 30% for benefits)

Estimated percent local hires: 100%

Operations – monthly:

Estimated Electric Usage	613,000 KW
Estimated Electric Peak Demand	1477 KW
Estimated Water/Wastewater Usage	258,000 gal
Estimated Trash Load	10.5 tons
Estimated Natural Gas Usage	2,950 GB
Estimated Number of Phone Lines	14 dedicated with 50 Extensions

Additional company investment in local economy after year one, if known:
Not known at this time

Additional workers (and average wage) after year one, if known:
Not known at this time

Economic Impact Analysis

Longwood Elastomers Expansion



Brenham, Texas

June 7, 2012

Analysis conducted by LCRA Community and Economic
Development for the Brenham Economic Development
Foundation

Background

This analysis projects the economic impact of expansion of Longwood Elastomers, Inc. The specialized rubber molding company recently added a new product line to its Brenham location. The product, called "Swellables," adheres a rubber coating to steel pipes ranging from 13 to 21 feet in length. These pipes are heavily used by oil and gas drilling companies. With the growth in demand for shale oil and gas, the demand for "Swellables" rose dramatically. In order to keep up with demand, Longwood Elastomers intends to take the following actions within the next two months:

- (1.) \$500,000 in new equipment purchases
- (2.) 15 new jobs, with average annual compensation of \$37,180 (including benefits)
- (3.) \$33,000 in training to prepare the new workers for the specialized skills required

The Brenham Economic Development Foundation requested this Economic Impact Analysis (EIA) to better understand the full impact of this expansion on the City of Brenham and Washington County residents.

Analysis

Overall Impact

Total Economic Impact	Startup Costs		Operations					Total
	Equipment	Training	Year 1	Year 2	Year 3	Year 4	Year 5	
Direct Impact	\$86,000	\$33,000	\$3,065,085	\$3,077,878	\$3,090,724	\$3,103,623	\$3,116,576	\$15,572,886
Indirect & Induced Impact	\$29,298	\$19,236	\$683,821	\$697,455	\$709,774	\$722,787	\$736,507	\$3,600,878
Total Impact	\$115,298	\$52,236	\$3,750,906	\$3,775,333	\$3,800,498	\$3,826,410	\$3,853,083	\$19,173,764

Differences in totals due to rounding.

Findings

1. Overall, Longwood Elastomers' expansion will have a nearly \$19.2 million impact on the City of Brenham and the region over the first five years of operations.
2. Annually, operations will pump an additional \$3.75-\$3.83 million into the economy.
3. Equipment will mostly be purchased from outside locations, reducing its local impact. However, transport, installation, and servicing will have a localized impact totaling roughly \$115,300.
4. Training, which has a very strong multiplier, will create an impact of \$52,236.

Jobs Impact

Total Job Impact	Startup Costs		Operations				
	Equipment	Training	Year 1	Year 2	Year 3	Year 4	Year 5
Direct Impact	0.6	1.1	15.0	15.0	15.0	15.0	15.0
Indirect & Induced Impact	0.2	0.2	6.2	6.2	6.2	6.2	6.2
Total Jobs	0.8	1.3	21.2	21.2	21.2	21.2	21.2

Differences in totals due to rounding.

Findings

1. Longwood Elastomers 15 direct jobs will have an indirect and induced effect on the region, creating roughly 6 additional jobs. Annually this should translate into an additional 21 jobs for the local economy.
2. Between equipment and training, two additional jobs will be sustained for that year.

Wages and Tax Impact

Wage & Tax Impact	Startup Costs		Operations					Total
	Equipment	Training	Year 1	Year 2	Year 3	Year 4	Year 5	
Direct Impact	\$29,791	\$7,201	\$406,770	\$415,035	\$423,469	\$432,074	\$440,854	\$2,155,194
Indirect & Induced Impact	\$7,994	\$4,905	\$181,767	\$185,461	\$189,229	\$193,074	\$196,997	\$959,427
Total Wage Impact	\$37,785	\$12,106	\$588,537	\$600,496	\$612,698	\$625,148	\$637,851	\$3,114,621
TX Sales Tax Impact	\$1,134	\$363	\$17,656	\$18,015	\$18,381	\$18,754	\$19,136	\$93,439
Local Sales Tax Impact	\$378	\$121	\$5,885	\$6,005	\$6,127	\$6,251	\$6,379	\$31,146

Differences in totals due to rounding.

Findings

1. Annually, operations will inject and additional \$589 - \$638 thousand in additional wages into the economy.
2. These additional wages will translate into \$5,900 - \$6,400 in annual local sales tax. It is important to note this tax impact reflects the impact of wages alone and excludes any additional revenues from company purchases and added property values.
3. Combined with startup costs, overall impact over the first five years of operations should be over \$3.1 million in wages and over \$31,000 in sales tax revenue gains.

Terms and Assumptions

Direct Impacts are the initial, immediate economic activities (jobs and income) generated by a project or development. Direct impacts associated with the project development coincide with its costs for goods and services purchased directly from the community and nearby area businesses.

Indirect Impacts are the production, employment and income changes occurring, as a result of the project, in other businesses/industries in the community that supply inputs to the project.

Induced Impacts are the effects of spending by the households in the local economy as the result of direct and indirect effects from an economic activity (i.e. project, event, etc.). The induced effects arise when employees who are working for the project (e.g. new manufacturing plant or the local festival) spend their new income in the community.

About IMPLAN: *This analysis was developed by LCRA's Community and Economic Development Department utilizing the IMPLAN econometric model developed by the University of Minnesota. IMPLAN is an input/output model used to estimate economic costs and benefits associated with private and public sector projects and public sector incentives.*

The IMPLAN econometric model is used by the Federal Government, state governments (including Texas), and economic development agencies to estimate the effectiveness of investments and incentive policies. The projections derived from IMPLAN are dependent on the reliability of data and assumptions built into individual models.

Property Legal Description

All that tract or parcel of land situated in the City of Brenham, Washington County, Texas out of the Philip H. Coe Survey, A-31 and being a portion of a called 27.489 acre tract of land described as Parcel 1 in a deed from The Mead Company to Gates Rubber Company and recorded in Volume 461, Page 342 of the Deed Records of Washington County, Texas and all or a portion of a called 0.2168 acre tract of land described as Lot 1 of Reserve B in a deed from the Brenham Industrial Foundation, Inc. to Gates Rubber Company and recorded in Volume 637, Page 537 of the Deed Records of Washington County, Texas.

**SPECIAL WARRANTY DEED: THE MEAD CORPORATION TO
THE GATES RUBBER COMPANY**

THE STATE OF OHIO }
COUNTY OF MONTGOMERY } KNOW ALL MEN BY THESE PRESENTS: 6422

That The Mead Corporation, an Ohio corporation qualified to do business in Texas, whose address is Courthouse Plaza, N.E., Dayton, Ohio 45463, hereinafter called Grantor, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, cash and other good and valuable considerations, cash to it in hand paid by THE GATES RUBBER COMPANY, hereinafter called Grantee, receipt of which is hereby acknowledged;

HAVE GRANTED, SOLD AND CONVEYED, and do by these presents DO GRANT, SELL AND CONVEY unto the said Grantee the property described in Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.

This conveyance is executed by Grantor and accepted by Grantee as being subject to the following:

A. all real estate taxes and all installments of assessments for public improvements not due and payable as of the date of this deed, any taxes or special assessments which are not shown as existing liens by the public records and any additions to any such taxes and assessments which were due and payable prior to the date hereof;

B. all restrictions, reservations, covenants, and conditions of record;

C. all existing public and private roads and streets (whether dedicated or undedicated), and all railroad lines and rights of way affecting the Property;

D. all easements and rights of way of record affecting the Property;

E. encroachments, overlaps, boundary line disputes and any other matters which would be disclosed by an accurate survey and inspection of the Property;

F. all existing electric power, telephone, gas, sanitary sewer, storm sewer, water and other utility lines, pipelines and service lines of any nature now located on, over, or under the Property;

G. all building codes and zoning ordinances and other laws, ordinances, regulations, or orders of any federal, state, county, municipal, or other governmental authority affecting the Property; and,

H. Subject to a mineral reservation set out in the modification agreements between Fred Rodeck, et ux and the Brenham Industrial Foundation, recorded in Vol. 392 Pg. 865, Washington County Deed Records and between Carl Galipp, et ux and the Brenham Industrial Foundation recorded in Vol. 392 Pg. 869, Washington County Deed Records.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in any wise belonging, unto the said Grantee, its successors and assigns, forever; and it does hereby bind itself, its successors and assigns against every person whomsoever lawfully claiming or to claim the same, or any part thereof by, through or under Grantor and not otherwise.

WITNESS ITS HAND, this the 30th day of December, 1987.

ATTEST:

THE MEAD CORPORATION

George J. Maly, Jr.
Assistant Secretary
George J. Maly, Jr.

By James R. Samartini
James R. Samartini, Vice President

STATE OF OHIO

COUNTY OF MONTGOMERY

}SS:

Before me, the undersigned authority, on this day personally appeared THE MEAD CORPORATION by James R. Samartini, its Vice President, and George J. Maly, Jr., its Secretary, whose name is subscribed to the foregoing instrument and acknowledged that they executed the same for and on behalf of THE MEAD CORPORATION for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 30th day of December, 1987.

Martha V. Greenwood
Notary Public
My Commission expires: January 25, 1987

Martha V. Greenwood
(Printed name of Notary)

THIS INSTRUMENT PREPARED BY: David L. Santez, Esq.
The Mead Corporation
Courthouse Plaza, N.E.
Dayton, Ohio 45463

DLSMR4

EXHIBIT A

All the following described real property in Washington County, Texas, to-wit:

PARCEL 1

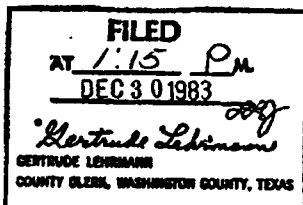
All that tract or parcel of land situate in Washington County, Texas out of the Philip H. Coe Survey A-31 and being a portion of the 55.990 acre tract of land conveyed from Rodeck, et ux, to the Brenham Industrial Foundation by deed and also being a portion of the 16.386 acre tract of land called Tract 1 in a deed from Carl Galipp, et al, to the Brenham Industrial Foundation as recorded in Volume 364, Page 217 and Volume 371, Page 355, respectively, of the Washington County Deed Records, more particularly described as follows:

Commencing at an iron pin marking the intersection of the North line of a County Road with the East line of the aforementioned 55.990 acre tract of land, same also being the Southwest corner of a tract of land owned by Hi-Line Industries; thence S 74° 27' W, 185.50 ft. to an iron pin set for Southeast corner and Place of Beginning of the tract of land herein described; thence S 74° 27' W, 641.60 ft. to an iron pin marking the beginning of a curve to the left; thence in a Southwesterly direction in a curve to the Left, with radius of 830.00 ft., for a distance of 361.61 ft. (Chord bearing S 61° 58' 08" W, 358.76 ft.) to an iron pin set for Southwest corner; thence N 13° 26' 58" W, 851.37 ft. to an old iron pin and fence corner lying the North line of the original 55.990 acre tract, same also being the Southwest corner of the 16.386 acre tract of land; thence N 15° 08' 25" W, 758.57 ft. to a set iron pin; thence N 73° 55' 28" E, 740.57 ft. to a set iron pin for Northeast corner; thence S 15° 33' E, 717.79 ft. to an iron pin set for corner; thence S 28° W 38.10 ft. to an iron pin set in the Northwest line of a proposed cul-de-sac; thence beginning in a Southwesterly direction in a curve to the Left, with a radius of 70.00 ft., a distance of 181.75 ft. with said cul-de-sac line to an iron pin set for corner; thence S 25° 29' 34" E, 15.91 ft. to a set iron pin marking the beginning of a curve to the Left; thence in a Southeasterly direction along said curve to the Left, with a radius of 860.00 ft., for a distance of 389.10 ft. (Chord bearing S 38° 27' 16" E, 385.80 ft.) to a set iron pin marking the end of curve and the beginning of a curve to the Right; thence in a Southeasterly direction along said curve to the Right with a radius of 740.00 ft., for a distance of 324.28 ft. (Chord bearing S 38° 51' 43" E, 321.69 ft.) to the Place of B

PARCEL 2

All That tract or parcel of land situate in Washington County, Texas out of the Philip H. Coe Survey A-31 and being the same tract of land called Tract 2 in a deed from Carl Galipp, et al to the Brenham Industrial Foundation as recorded in Volume 371, Page 355 of the Washington County Deed Records, more particularly described as follows:

Beginning at a set iron pin in the South line of FM Highway #389 at a point S 73° 57' 36" W, 642.62 ft. from the Northwest corner of the Gulf Oil Corporation 1.000 acre tract; thence S 15° 08' 25" E, 492.87 ft. to a set iron pin, thence S 73° 55' 28" W, 60.01 ft. to a set iron pin, thence N 15° 08' 25" W, 492.91 ft. to an old pipe lying in the South line of FM Highway #389; thence N 73° 57' 36" E, 60.01 ft. with said highway line to the Place of Beginning and containing 0.679 acres of land.



STATE OF TEXAS
COUNTY OF WASHINGTON

I hereby certify that this instrument was FILED on the date and at the time affixed hereon by me and was duly RECORDED in the Volume and Page of the *Deed* RECORDS of Washington County, Texas, as stamped hereon by me on



JAN 5 - 1984
Gertrude Lehmann
Gertrude Lehmann, County Clerk
Washington County, Texas

**SPECIAL WARRANTY DEED: THE BRENHAM INDUSTRIAL FOUNDATION, INC.
TO GATES RUBBER COMPANY**

THE STATE OF TEXAS X
 X KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF WASHINGTON X

4998

That THE BRENHAM INDUSTRIAL FOUNDATION, INC., of the County of Washington, State of Texas, hereinafter called Grantor, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, cash plus the exchange of the below described property for property on which a new street is to be built, and other good and valable considerations, cash to it in hand paid by GATES RUBBER COMPANY, hereinafter called Grantee, receipt of which is hereby acknowledged, and for which no lien, express or implied, is retained or shall exist;

HAVE GRANTED, SOLD AND CONVEYED, and by these presents DO GRANT, SELL AND CONVEY unto the said GATES RUBBER COMPANY, 990 South Broadway, P. O. Box 5887, Denver, Colorado 80217, the property being located in Washington County, Texas, and being:

Lot One (1) Res. "B" containing 0.2168 acres of land out of the Southwest Industrial Park III Reserve "B" Partition filed of record in the office of the County Clerk of Washington County, Texas, more particularly described and shown in Exhibit "A" which is made a part hereof as though copied hereby verbatim.

This conveyance is executed by Grantor and accepted by Grantee as being subject to the reservation of an undivided 1/2 interest in and to all of the oil, gas and other minerals as set out in deed dated August 14, 1984, from Edwin F. Wehmeyer, et al to Tommy J. Head, recorded in Volume 483, Page 121, Washington County Official Records.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said GATES RUBBER COMPANY, its successors and assigns, forever; and it does hereby bind its successors and assigns to WARRANT AND FOREVER DEFEND, all and singular, the said premises unto the said GATES RUBBER COMPANY, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under it, but not otherwise.

EXECUTED this the 29th day of November, 1990.

THE BRENNHAM INDUSTRIAL FOUNDATION, INC.

BY: Milton Y. Tate, Jr.
MILTON Y. TATE, JR., President

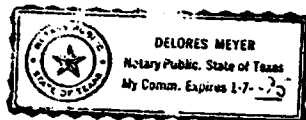
ATTEST:

Odell Lueckemeyer
ODELL LUECKEMEYER, Secretary

THE STATE OF TEXAS

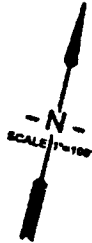
COUNTY OF WASHINGTON

This instrument was acknowledged before me on the 3rd day of DECEMBER, 1990, by MILTON Y. TATE, JR., President of THE BRENNHAM INDUSTRIAL FOUNDATION, INC., a Texas corporation, on behalf of said corporation.

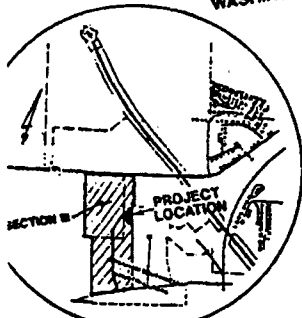


Delores Meyer
Notary Public, State of Texas
Notary's name printed:
DELORES MEYER
My Commission Expires: 1-7-92

SOUTHWEST INDUSTRIAL PARK SECTION III RESERVE "B" PARTITION



PHILLIP COE SURVEY A-31
WASHINGTON COUNTY, TEXAS



KEY MAP

SOUTHWEST INDUSTRIAL PARK
SECTION III
Plat Cols. 298A & 298B P.W.C.

L=57.04'
R=330.00'
CA=9° 54' 12"
CHD=N 24° 55' 53"E
TAN=28.59'

GATES RUBBER CO.
RESIDUE OF CALLED 27.449
Vol. 441, Pgs. 342 D.R.V.

LOT 1 - RES. B
0.2168 AC.

GATES DRIVE

CALLED RESERVE "B" 10.6890 AC.

CITY OF BRENNHAM, TEXAS

RESIDUE RES. "B"
10.4722 AC.

CALLED RESERVE "A" 20.2784 AC.

R=475.85'
L=383.27'
CA=43° 16' 32"
CHD=N 8° 17' 43"E, 344.87'

FILED
AT 3:55 AM
DEC 4 1990
Gertrude Lehmann
GERTRUDE LEHMANN
COUNTY CLERK, WASHINGTON COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF WASHINGTON

I hereby certify that this instrument was FILED on the
date and at the time affixed hereon by me and was duly
RECORDED in the volume and page of the OFFICIAL RECORDS
of Washington County, Texas, as stamped hereon by me on



DEC 12 1990
Gertrude Lehmann
Gertrude Lehmann, County Clerk
Washington County, Texas

R=278.85'
L=218.25'
CA=64° 46' 30"
CHD=N 30° 45' 44"W, 206.66'

R=326.85'
L=254.25'
CA=17° 37' 52"
CHD=S 49° 37' 02"W, 344.46'

INDUSTRIAL BLVD.

O'MALLEY
Draught

EXHIBIT "A"

Overview of the Tax Phase-In Incentive

Based on Policies in the City of Brenham and Washington County, Texas

Definition:

- Tax Phase-In means the partial, temporary exemption from property taxes, with the purpose of stimulating economic development.
- Only ad valorem property taxes are eligible, and only on certain qualifying property. Brenham Independent School District and Blinn College taxes are to be paid in full at all times.

Guidelines and Criteria:

- In order to be eligible for tax phase-in, the planned improvement must be an authorized facility, such as a(n):
 - *Agriculture/Aquaculture facility
 - *Distribution Center
 - *Manufacturing facility
 - *Research facility
- The project must add new value to the tax roll of eligible property.
- Within the first year and throughout the phase-in period, the applicant must maintain or create a minimum of ten (10) jobs at an average base salary of \$33,000/year, or higher, including any benefits.
- **PLEASE NOTE:** A facility is eligible for tax phase-in if it has applied for the incentive before construction begins, and it meets the complete guidelines and criteria under the Tax Phase-In Policy.
- Tax Phase-In may be granted for new or existing facilities.
- Eligible property for tax phase-in may include the value of buildings, structure, fixed machinery and equipment.

- Property that is not eligible for the tax phase-in incentives include:
 - *land
 - *animals
 - *inventories
 - *supplies
 - *tools
 - *furnishings and other forms of moveable personal property
 - *vehicles
 - *vessels
 - *aircraft
 - *housing or residential property (except for property owners in a Downtown Zone)
 - *hotels/motels
 - *fauna
 - *flora
 - *retail facilities (except for property owners in a Downtown Zone)
 - *deferred maintenance investments
 - *improvements by the generation or transmission of electrical energy not wholly consumer by a new facility or expansion
 - *any improvements including those to produce, store or distribute natural gas or fluids that are integral to the operation of the facility
 - *property owned or used by the State of Texas or its political subdivisions or by any organization owned, operated or directed by a political subdivision of the State of Texas.

Application:

- Any present or potential owner of taxable property in the City of Brenham and/or Washington County may request the creation of a Reinvestment Zone and Tax Phase-In Incentive by filing a written request with the Brenham City Manager and/or Washington County Judge.
- After the receipt of the application, the county will make a decision within 90 days. The decision-making process may involve an economic impact study, plus city council and county commissioner's court meetings.
- If accepted, the business receiving tax phase-in will be required to provide a sworn statement and documents, verifying compliance each year. Failure to provide the required documents shall result in termination of the Tax Phase-In agreement.

For further details and confidential assistance, contact:

ECONOMIC DEVELOPMENT FOUNDATION OF BRENHAM
 314 SOUTH AUSTIN STREET • BRENHAM, TEXAS 77833
 PHONE: [979] 836 8927 FAX: [979] 836 3563
 EMAIL: EDF@BRENHAMTEXAS.COM

EXHIBIT "A"
TAX PHASE-IN INCENTIVE SCHEDULES

Applicants may receive property Tax Phase-In incentive according to the schedules in Tables 1 and 2, depending on their combination of property value creation and job creation/retention.

TABLE 1 (earns 50% of incentive)

1A - Property Improvements by an Existing Local Business

Level	Amount of Valuation of Eligible Improvements as determined by the Tax Appraisal District:		Percent of property tax to be abated each year									
	From	To	1	2	3	4	5	6	7	8	9	10
1	\$ 150,000	\$1,000,000	45	40	30	20	0	0	0	0	0	0
2	\$1,000,001	\$2,500,000	45	45	40	30	20	0	0	0	0	0
3	\$2,500,001	\$4,000,000	45	45	45	40	30	20	0	0	0	0
4	\$4,000,001	\$5,500,000	45	45	45	45	40	30	20	0	0	0
5	More than	\$5,500,000	45	45	45	45	45	40	30	20	0	0

1B - Property Improvements by a New Business

Level	Amount of Valuation of Eligible Improvements as determined by the Tax Appraisal District:		Percent of property tax to be abated each year									
	From	To	1	2	3	4	5	6	7	8	9	10
1	\$ 300,000	\$1,000,000	45	40	30	20	0	0	0	0	0	0
2	\$1,000,001	\$2,500,000	45	45	40	30	20	0	0	0	0	0
3	\$2,500,001	\$4,000,000	45	45	45	40	30	20	0	0	0	0
4	\$4,000,001	\$5,500,000	45	45	45	45	40	30	20	0	0	0
5	More than	\$5,500,000	45	45	45	45	45	40	30	20	0	0

TABLE 2 (earns 50% of incentive)

2 - Jobs Created & Retained - by Existing Businesses or New/Relocating Businesses

Level	The number of new and/or retained full-time employees with an average salary level of \$33,000+/year including benefits averaged during the twelve calendar months prior to the tax assessment date of January 1:		Percent of property tax to be abated each year									
	From	To	1	2	3	4	5	6	7	8	9	10
1	10	19	45	40	30	20	0	0	0	0	0	0
2	20	29	45	45	40	30	20	0	0	0	0	0
3	30	39	45	45	45	40	30	20	0	0	0	0
4	40	49	45	45	45	45	40	30	20	0	0	0
5	50 and more		45	45	45	45	45	40	30	20	0	0

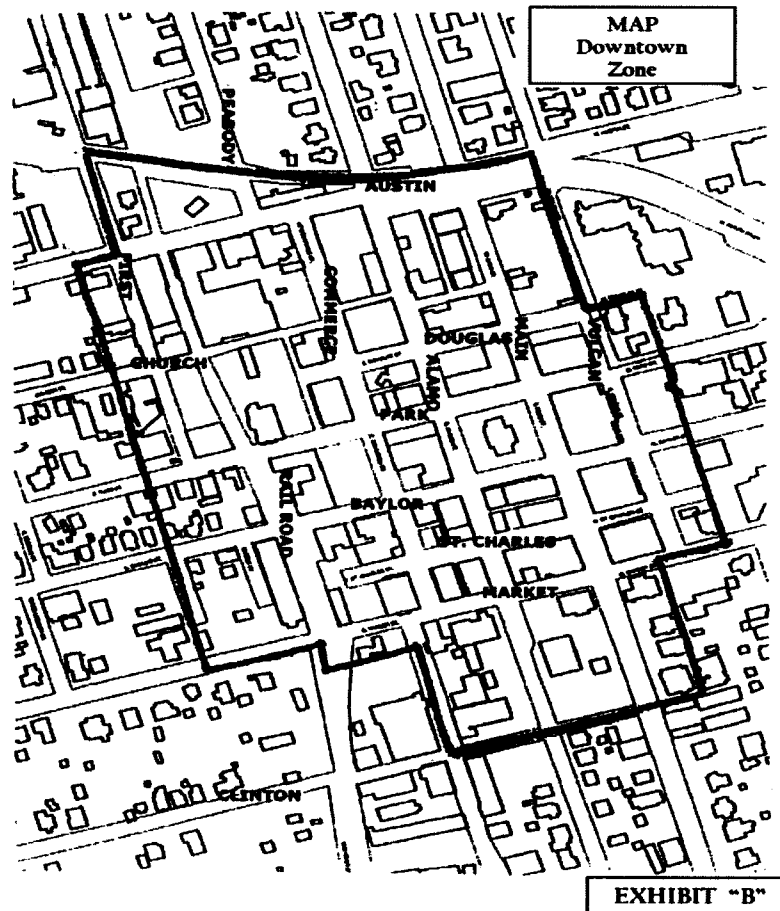
TABLE 3 Downtown Zone

Amount of valuation of
downtown reinvestment
determined by tax appraisal:

Percent of property tax to be abated each year

Valuation	1	2	3	4	5	6	7	8
\$ 50,000 to \$150,000	90	90	90	60	40	20	0	0
\$150,001 to \$250,000	90	90	90	90	60	40	20	0
\$250,001 and beyond	90	90	90	90	90	60	40	20

**EXHIBIT B
MAP OF DOWNTOWN ZONE**



Longwood Tax Phase-In Calculation

Entity	Tax Rate
City of Brenham	\$0.5432
Washington County	\$0.4408
Blinn College	\$0.0566
Brenham ISD	\$1.1350
Total City/County Tax	\$0.9840
Total Tax	\$2,1756

*Only City and County tax are available for possible abatement

Amount of Existing Business Investment	\$500,000
Amount of New Business Investment	\$0
Number of Jobs	50

	Total Abatement Received									
	Year									
	1	2	3	4	5	6	7	8	9	10
Existing Business Abatement Schedule	\$2,214.00	\$1,968.00	\$1,476.00	\$984.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
New Business Abatement Schedule	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Number of Jobs Schedule	\$2,214.00	\$2,214.00	\$2,214.00	\$2,214.00	\$2,214.00	\$1,968.00	\$1,476.00	\$984.00	\$0.00	\$0.00
Total Abatement	\$4,428.00	\$4,182.00	\$3,690.00	\$3,198.00	\$2,214.00	\$1,968.00	\$1,476.00	\$984.00	\$0.00	\$0.00
Total Taxes	\$10,878.00	\$10,878.00	\$10,878.00	\$10,878.00	\$10,878.00	\$10,878.00	\$10,878.00	\$10,878.00	\$0.00	\$0.00
Taxes Due	\$6,450.00	\$6,696.00	\$7,188.00	\$7,680.00	\$8,664.00	\$8,910.00	\$9,402.00	\$9,894.00	\$0.00	\$0.00
										Total
										\$6,642.00
										\$0.00
										\$15,498.00
										\$22,140.00
										\$87,024.00
										\$64,884.00



AGENDA ITEM 9

DATE OF MEETING: June 21, 2012	DATE SUBMITTED: June 15, 2012															
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Julie Fulgham															
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;">MEETING TYPE:</td> <td style="width: 33%; vertical-align: top;">CLASSIFICATION:</td> <td style="width: 33%; vertical-align: top;">ORDINANCE:</td> </tr> <tr> <td>☒ REGULAR</td> <td>☐ PUBLIC HEARING</td> <td>☐ 1ST READING</td> </tr> <tr> <td>☐ SPECIAL</td> <td>☐ CONSENT</td> <td>☒ 2ND READING</td> </tr> <tr> <td>☐ EXECUTIVE SESSION</td> <td>☒ REGULAR</td> <td>☐ RESOLUTION</td> </tr> <tr> <td></td> <td>☐ WORK SESSION</td> <td></td> </tr> </table>		MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING	☐ SPECIAL	☐ CONSENT	☒ 2 ND READING	☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION		☐ WORK SESSION	
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☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION														
	☐ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon 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																
SUMMARY STATEMENT: A PDD is a customized zoning district that allows greater flexibility than your standard zoning districts/ordinance may allow. A PDD is the adoption of land regulations that follow a master development plan. A PDD can focus only on a mix of land uses that may be compatible on a certain tract of land to the development of regulations concerning all aspects of land development such as land uses, setbacks, lot size, building materials, open space, thoroughfare design and dedication, parking standards, and etcetera. This version of the ordinance corrects the name of the B-2 District to Commercial, Research and Technology District instead of Business, Research and Technology District.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: Approving the allowance of PDDs within the City of Brenham may attract a variety of innovative development projects within the City and allow for greater flexibility in development. B. CONS: There is potential for abuse of the flexibility PDD's grant if the guidelines within the ordinance are not strictly adhered to.																
ALTERNATIVES (In Suggested Order of Staff Preference): 1. Approve the proposed PDD ordinance. 2. Deny the proposed PDD ordinance.																
ATTACHMENTS: (1) Redline of page 1 from the Ordinance presented at 1 st reading showing the one (1) suggested change; and (2) Ordinance O-12-013 (with changes accepted)																

FUNDING SOURCE (Where Applicable): N/A
RECOMMENDED ACTION: Approve 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.
APPROVALS: Terry K. Roberts

ORDINANCE O-12-013

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING PART II. DISTRICT REGULATIONS, SECTION 1 AND DIVISION 2 BY ADDING SECTION 8, PLANNED DEVELOPMENT DISTRICT, PROVIDING FOR THE ESTABLISHMENT OF PLANNED DEVELOPMENT DISTRICTS

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

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map are hereby amended as follows:

Part II. DISTRICT REGULATIONS

DIVISION 1.

REGULATIONS OF GENERAL APPLICABILITY

Sec. 1. Establishment of districts.

For the purposes of this ordinance, the city is hereby divided into eight (8) districts as follows:

(Residential Districts)

District R-1. Single-Family Residential District

District R-2. Mixed Residential District

District R-3. Manufactured Home Residential

(Mixed Residential and Commercial Districts)

District B-1. Local Business/Residential Mixed Use District

District B-2. Commercial, Research and Technology District

District B-3. Historical Central Business District

(Exclusive Commercial District)

District I. Industrial

(Special Districts)

District PD. Planned Development District

Deleted: Business

ORDINANCE O-12-013

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING PART II. DISTRICT REGULATIONS, SECTION 1 AND DIVISION 2 BY ADDING SECTION 8, PLANNED DEVELOPMENT DISTRICT, PROVIDING FOR THE ESTABLISHMENT OF PLANNED DEVELOPMENT DISTRICTS

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District B-3. Historical Central Business District

(Exclusive Commercial District)

District I. Industrial

(Special Districts)

District PD. Planned Development District

DIVISION 2.

ZONING DISTRICT REGULATIONS

Sec. 8. PD Planned Development District.

(Sec. 8.01) *Purpose.* The Planned Development District accommodates new or innovative concepts in land utilization not permitted by other standard zoning districts of the City of Brenham. Greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, however regulations should be established to ensure against the misuse of increased flexibility. The Planned Development District's purpose is to promote more efficient use of land and public services, encourage creative and innovative site design, and provide an increased level of amenities and aesthetic enhancement. Planned Development Districts are individually designed for a specific site in order to more appropriately address the unique physical and locational features associated with the property. Permitted uses and development standards are established by the Planned Development District ordinance and may include just one, or a broad range of activities and uses.

(Sec. 8.02) *Planned Development District requirements:*

(1) Requests for Planned Development District designations shall be processed as a rezoning request and shall follow the procedures outlined elsewhere in this ordinance. Each Planned Development District is designed according to a detailed development plan, which must be approved as part of the ordinance. A required development plan shall include, but not be limited to: the location of the Planned Development District, proposed uses; number and density of dwelling or other units per acre; lot area; lot width; lot depth; yard depths and widths; building height; building elevations; coverage; floor area ratio; ingress and egress; parking; existing and proposed streets, alleys, easements and lot lines; sidewalks; screening; landscaping; accessory buildings; signs; lighting; utilities and related facilities; fire lanes; fire hydrants; topography drainage; project phasing or scheduling; property management associations; and other development data or requirements as the City may deem appropriate to adequately describe the development.

(2) The minimum acreage of a Planned Development District shall be one (1) acre.

(Sec. 8.03) *Permitted uses:* Any use or combination of uses authorized by an ordinance approved by City Council is permitted in a Planned Development District if the uses and Development are consistent with the principals outlined in the adopted Comprehensive Plan.

(Sec. 8.04) *Height regulations:* specified in the PD Ordinance

(Sec. 8.05) *Area regulations:*

(1) *Size of yards:* specified in the PD Ordinance

(a) *Front yard:* specified in the PD Ordinance

(b) *Side yard:* specified in the PD Ordinance

(c) *Rear yard:* specified in the PD Ordinance

(2) *Size of lot:* specified in the PD Ordinance

(a) *Lot area:* specified in the PD Ordinance

(b) *Lot width:* specified in the PD Ordinance

(c) *Lot depth:* specified in the PD Ordinance

(3) *Lot coverage:* specified in the PD Ordinance

(Sec. 8.06) *Regulations of General Applicability:*

- (1) Regulations of general applicability are as provided in the sections included within Part II, Division 1 of the Zoning Ordinance unless otherwise specified within the PD Ordinance.
- (2) Arrangements or provisions, approved by the City of Brenham, must be made for providing, operating, and maintaining common areas or facilities allowed in the development plan.
- (3) Unless otherwise specified in the approved development plan, the granting of the Planned Development District shall not relieve the property owner from responsibility for complying with all other applicable codes and ordinance of the City of Brenham, unless such relief is specified in the approved PD Ordinance and development plan.

(Sec. 8.07) *General guidelines:*

- (1) A Planned Development District shall conform to applicable regulations and standards established by this ordinance;
- (2) A Planned Development District should be compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features;

- (3) A Planned Development District shall not create unfavorable effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of the planned development;
- (4) A Planned Development District shall not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed development and other uses reasonably anticipated in the area considering existing zoning and land uses in the area;
- (5) A Planned Development District must reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts;
- (6) A Planned Development District shall not adversely affect traffic control or adjacent properties by inappropriate location, lighting, or types of signs; and
- (7) A Planned Development District must protect the public health, safety, or welfare, and shall not be materially injurious to properties or improvements in the vicinity.

(Sec. 8.08) *Zoning district map.*

All Planned Development District approved in accordance with the provisions of this ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the zoning district map, and a list of such Planned Development Districts, together with the category of uses permitted therein, shall be kept on file in the office of the City Secretary or his or her designee.

SECTION 2. This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

PASSED and APPROVED on its first reading this the 7th day of June, 2012.

PASSED and APPROVED on its second reading this the 21st day of June, 2012.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 10

DATE OF MEETING: June 21, 2012	DATE SUBMITTED: June 15, 2012															
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Julie Fulgham															
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;">MEETING TYPE:</td> <td style="width: 33%; vertical-align: top;">CLASSIFICATION:</td> <td style="width: 33%; vertical-align: top;">ORDINANCE:</td> </tr> <tr> <td>☒ REGULAR</td> <td>☐ PUBLIC HEARING</td> <td>☐ 1ST READING</td> </tr> <tr> <td>☐ SPECIAL</td> <td>☐ CONSENT</td> <td>☒ 2ND READING</td> </tr> <tr> <td>☐ EXECUTIVE SESSION</td> <td>☒ REGULAR</td> <td>☐ RESOLUTION</td> </tr> <tr> <td></td> <td>☐ WORK SESSION</td> <td></td> </tr> </table>		MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING	☐ SPECIAL	☐ CONSENT	☒ 2 ND READING	☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION		☐ WORK SESSION	
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☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION														
	☐ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon 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																
SUMMARY STATEMENT: This ordinance aligns the manufactured home definition with state law as well as allows manufactured homes to be placed on individual lots, in addition to manufactured home parks and subdivisions in the R-3 zoning district. This change allows for more options in housing development. Additionally, this ordinance prohibits manufactured home subdivisions to be located in the B-2 districts. This prohibition is to eliminate residential uses within a commercial district. This ordinance provides for more housing opportunities in the R-3 District and further restricts residential uses in the B-2 District.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: Approving the allowance of manufactured homes on individual lots is equal to allowing site built homes on individual lots. Both housing types in this setting are considered single-family residential uses. B. CONS: The amount of land available for Manufactured Home Subdivisions will decrease with this ordinance because these types of subdivisions will be prohibited in the B-2 District.																
ALTERNATIVES (In Suggested Order of Staff Preference): 1. Approve the proposed manufactured home regulations 2. Deny the proposed manufactured home regulations																
ATTACHMENTS: (1) Redline version with changes identified from 1 st reading of Ordinance to 2 nd reading of Ordinance; and (2) Ordinance O-12-014 (with changes accepted)																

FUNDING SOURCE (Where Applicable): N/A
RECOMMENDED ACTION: Approve 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.
APPROVALS: Terry K. Roberts

ORDINANCE O-12-14

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING PART II, DISTRICT REGULATIONS, DIVISION 2, PROVIDING FOR AMENDED REGULATIONS IN THE MANUFACTURED HOME RESIDENTIAL (R-3) ZONING DISTRICT AND THE COMMERCIAL, RESEARCH AND TECHNOLOGY (B-2) ZONING DISTRICT REGARDING MANUFACTURED HOMES WITHIN THE CITY OF BRENHAM; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

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

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, Part I, General Provisions, Division 1, Sec. 5, definitions related to "manufactured housing," "mobile home" and "mobile home and/or manufactured home park or subdivision" are hereby amended to read as follows:

- (91) *Manufactured home*: A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is at least eight body feet in width or at least 40 body feet in length, or, when erected on site, is at least 320 square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems of the home. The term does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).
- (93) *Mobile home*: A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is at least eight body feet in width or at least 40 body feet in length, or, when erected on site, is at least 320 square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems of the home. Mobile home structures are prohibited within the corporate limits of the City of Brenham.
- (94) *Manufactured home park or subdivision*: A parcel of land upon which two or more manufactured homes are placed or located for purposes of occupancy.

SECTION 2. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, Part II, District Regulations, Division 2, Sec. 2.1 is hereby amended to read as follows:

DIVISION 2.

ZONING DISTRICT REGULATIONS

Sec. 2.1. R-3 Manufactured Home Residential.

(Sec. 2.1.01) *Purpose.* The R-3 Manufactured Home Residential District is established to provide locations for manufactured homes, manufactured home parks and manufactured home subdivisions.

- (1) Manufactured home shall mean a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is at least eight body feet in width or at least 40 body feet in length, or, when erected on site, is at least 320 square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems of the home. The term does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).
- (2) A Mobile Home shall mean a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is at least eight body feet in width or at least 40 body feet in length, or, when erected on site, is at least 320 square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems of the home. Mobile home structures are prohibited within the corporate limits of the City of Brenham.

(Sec. 2.1.02) *Permitted uses:*

- (1) Any permitted use in district "R-2."
- (2) Manufactured home parks.
- (3) Manufactured home subdivisions.
- (4) Manufactured Homes in which all of the following conditions exist.
 - (a) The lot is an existing lot in the R-3 District or the new lot complies with the minimum lot standards for the R-1 District; and

Deleted: SECTION 2. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, Part II, District Regulations, Division 1, Sec. 1 is hereby amended to read as follows:

¶ Sec. 1. Establishment of districts.¶

¶
For the purposes of this ordinance, the city is hereby divided into seven (7) districts as follows:¶

¶
(Residential Districts)¶
District R-1. Single-Family Residential District¶
District R-2. Mixed Residential District¶
District R-3. Manufactured Home Residential¶

¶
(Mixed Residential and Commercial Districts)¶
District B-1. Local Business/Residential Mixed Use District
District B-2. Commercial, Research and Technology District ¶
District B-3. Historical Central Business District¶

¶
(Exclusive Commercial District)¶
District I. Industrial¶

Deleted: 3

(b) Size of yards complies with the R-1 District Standards.

(Sec. 2.1.03) *Specific uses:*

- (1) Bed and breakfast house.
- (2) Churches and related auxiliary uses including educational and philanthropic uses.
- (3) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
- (4) Multifamily development, including dormitories for students and fraternity and sorority houses that meet the standard density requirement for the R-3 district and that is proposed for a development site of two (2) acres or more.
- (5) Private and accredited elementary and secondary schools.
- (6) Retirement villages with sites of two (2) acres or more.

(Sec. 2.1.04) *Height regulations.* No building shall exceed forty (40) feet or two and one-half (2 1/2) stories in height, except that a multifamily (apartment) building shall not exceed forty-five (45) feet or three (3) stories in height.

(Sec. 2.1.05) *Area regulations:**

*In the event that new development is adjacent to a use that falls within a different use category, a bufferyard shall be added to the applicable yard regulations (Part II, Division 1, Section 12, Table 3).

(1) *Single-family detached units:*

- (a) *Size of yard*--Same as R-2 District.
- (b) *Size of lot*--Same as R-2 District.
- (c) *Lot coverage*--Same as R-2 District.

(2) *Single-family attached units (townhouses):*

- (a) *Minimum site area*--Same as R-2 District.
- (b) *Size of yards*--Same as R-2 District.
- (c) *Size of lots*--Same as R-2 District.
- (d) *Lot coverage*--Same as R-2 District.

- (3) *Zero lot line (patio homes):*
 - (a) *Minimum site area*--Same as R-2 District.
 - (b) *Size of yards*--Same as R-2 District.
 - (c) *Size of lots*--Same as R-2 District.
 - (d) *Lot coverage*--Same as R-2 District.
 - (e) *Opening prohibited*--Same as R-2 District.
- (4) *Multi-family units (apartments):*
 - (a) *Minimum site area*--Same as R-2 District.
 - (b) *Size of yards*--Same as R-2 District.
 - (c) *Size of lots*--Same as R-2 District.
 - (d) *Lot coverage*--Same as R-2 District.
- (5) *Manufactured home parks:*
 - (a) *Minimum site area:* The minimum site area for a manufactured home park shall be four (4) acres.
 - (b) *Size of lots:* Each manufactured home in a manufactured home park shall have not less than five thousand (5,000) square feet of gross area per mobile home site.
 - (c) *Size of yards:*
 - (i) *Front yard:* There shall be a front yard of twenty (20) feet measured from the edge of pavement to the outermost point of the side(s) of the manufactured home that faces the pavement. All structures in a manufactured home park shall be set back a minimum of thirty (30) feet from any existing public street right of way that abuts the park.
 - (ii) *Side yard:* There shall be a minimum clearance of twenty (20) feet between manufactured homes that are parked end-to-end or side-to-side.
 - (iii) *Rear yard:* There shall be a minimum clearance of twenty (20) feet between manufactured homes that are parked end to end or side to side.

- (d) *Lot coverage:* In no case shall more than sixty (60) percent of the total lot area be covered by the combined area of the manufactured home plus accessory buildings, attachments or carports.
- (6) *Manufactured home subdivisions:*
- (a) *Minimum site area:* The minimum site area for a manufactured home subdivision shall be four (4) acres.
- (b) *Size of yards:*
- (i) *Front yard:* There shall be a front yard having a depth of not less than twenty (20) feet. Double frontage lots shall be prohibited.
- (ii) *Side yard:* There shall be one side yard having a width of not less than five (5) feet. The combined widths of the lot's two side yards shall not be less than twenty (20) feet.
- (iii) *Rear yard:* There shall be a rear yard having a depth of not less than twenty (20) feet.
- (c) *Distance between manufactured homes:* Manufactured homes shall be so located on each lot that there shall be at least twenty (20) feet separation between the homes.
- (d) *Size of lots:*
- | | Single-Wide Lots | Double-Wide Lots |
|--------------------|------------------|------------------|
| Minimum lot area: | 6,000 s.f. | 6,000 s.f. |
| Minimum lot width: | 50 ft. | 70 ft. |
| Minimum lot depth: | 120 ft. | 86 ft. |
- (e) *Subdivision density ratio:* No less than sixty (60) percent of the total number of lots in a manufactured home subdivision shall be designed for double-wide homes. The remaining lots may be designed for single-wide homes.
- (f) *Lot coverage:* In no case shall more than sixty (60) percent of the total lot area be covered by the combined area of the manufactured home, accessory building, and other impervious surfaces, excluding pools.
- (7) *Nonresidential uses:*
- (a) *Size of yard--*Same as R-2 District.

(b) *Size of lot*--Same as R-2 District.

(c) *Lot coverage*--Same as R-2 District.

(Sec. 2.1.06) *Parking and loading regulations:*

(a) Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Part II, Division 1, Section 15 and Section 16 of the Zoning Ordinance.

(Sec. 2.1.07) *Screening and fencing regulations:*

(a) As provided in Part II, Division 1, Section 12 and Section 13 of the Zoning Ordinance.

(Ord. of 4-17-97, § 2; Ord. of 4-1-99, § 1)

| **SECTION 3.** That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, Part II, District Regulations, Division 2, Sec. 4 is hereby amended to read as follows:

Deleted: 4

Sec. 4. B-2 Commercial, Research and Technology District.

(Sec. 4.01) *Purpose.* The B-2 District is established as a mixed use district to preserve and to protect appropriate locations for existing light industry. It is also designed to include new high-tech commercial uses such as technical laboratories, computer centers, engineering/operations and research facilities that will benefit from direct access and/or close proximity to highway routes, while providing safe and convenient locations for multifamily uses through the strict enforcement of performance standards.

(Sec. 4.02) *Permitted uses:*

(Residential uses)

- (1) Multifamily, including dormitories for students and fraternity or sorority houses on sites of two (2) acres or more.
- (2) Reserved.
- (3) Retirement villages with site areas of two (2) acres or more.
- (3) Accessory residential uses.

(Nonresidential uses)

- (1) Permitted uses in B-1.
- (2) Apparel and other products assembled from finished textiles.
- (3) Automobile/vehicular uses (including boats, mobile home, motorcycles, motor homes, camper trailers, and other vehicles) such as:
 - (a) Paint and body shops or upholstery shops.
 - (b) Automobile (car) wash.
 - (c) Parts sales.
 - (d) Service stations.
 - (e) Repair and service garage.
 - (f) Tire sales.
 - (g) Vehicular sales and rentals.
 - (h) Vehicular storage.
- (4) Bakeries, wholesale.
- (5) Building material storage yards or lumber yards.
- (6) Candy and jewelry manufacturing.
- (7) Carpentry, painting, tinsmithing or welding shops.
- (8) Cemeteries.
- (9) Cleaning, dyeing plants and laundry.
- (10) Creamery, ice cream manufacturing and dairy operations.
- (11) Drugs and pharmaceutical products manufacturing.
- (12) Educational institutions (private).
 - (a) Business and trade schools.
 - (b) Accredited elementary and secondary schools.
 - (c) Colleges and universities.

- (13) Electronic products manufacturing.
- (14) Farm implement display and salesroom.
- (15) Hospitals, acute and/or chronic care, nursing homes or convalescent homes, assisted living facilities and medical clinics.
- (16) Mini-storage lots, enclosed.
- (17) Plumbing shops for retail or wholesale distribution of fixtures, fittings and bathroom accessories, and similar uses involving stone, clay and blocks, etc. that require outside storage generally as permitted in the B-2 District (see applicable performance standards in Part II, Division 1, Section 11(5), Open Storage).
- (18) Printing, engraving and newspaper plants.
- (19) Private clubs on a site of three (3) acres or more.
- (20) Research, development labs and offices.
- (21) Retirement villages on site areas of two (2) acres or more.
- (22) Radio or television broadcasting towers and stations or studios.
- (23) Shopping centers, retail stores, general sales and services, on a site of three (3) acres or more.
- (24) Upholstering shops which may involve furniture manufacturing.
- (25) Veterinarian or animal hospital.
- (26) Wholesale establishments and warehouses.
- (27) Uses similar to the abovementioned permitted uses, provided activities conducted observe applicable performance standards as provided in Part II, Division 2 of this ordinance.
- (28) Accessory buildings and uses customarily incident to any of the above uses, provided that such uses observe applicable performance standards as provided in Part II, Division 2 of this ordinance.

(Sec. 4.03) *Specific uses:*

- (1) Licensed kindergartens/nursery schools.

(Sec. 4.04) *Height regulations:*

- (1) No residential or nonresidential building shall exceed fifty-two (52) feet or four (4) stories.
- (2) Broadcasting and communication towers shall be limited to one hundred fifty (150) feet in height.

(Sec. 4.05) *Reserved.*

(Sec. 4.06) *Area regulations (applicable to multifamily residential and nonresidential lots):**

*All new multifamily development is subject to bufferyard requirements as provided in Part II, Division 1, Section 12, Table 3.

(1) *Size of yards:*

- (a) *Front yard:* For all uses permitted in this district, there shall be a front yard having a minimum depth of twenty-five (25) feet.
- (b) *Side yard:* For multifamily uses, an interior side yard of not less than ten (10) feet is required, except as required for bufferyards. For nonresidential uses, no interior side yard is required, except as required for bufferyards. For all uses permitted in this district, a side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street.
- (c) *Rear yard:* For all uses permitted in this district, a rear yard of not less than ten (10) feet in depth shall be provided, except as required for buffer yards.

(2) *Size of lot:*

- (a) *Lot area:* No nonresidential building shall be constructed on any lot of less than five thousand (5,000) square feet. There shall be a minimum of one thousand eight hundred (1,800) square feet of lot area per multifamily dwelling unit in this district.
- (b) *Lot width:* The width of any lot shall not be less than fifty (50) feet at the front building line nor shall its average width be less than fifty (50) feet.
- (c) *Lot depth:* The average depth of any lot shall not be less than one hundred (100) feet.

(d) *Legally existing nonconforming lots:* Where lots having less area, width, and/or depth than herein required existed in separate ownership upon the effective date of this ordinance, the above regulations shall not prohibit the erection of a nonresidential building thereon, provided the applicable setbacks as provided above shall be maintained.

(3) *Lot coverage:* In no case shall more than eighty-five (85) percent of the total lot area be covered by the combined area of the main buildings, and accessory buildings and other impervious surfaces.

(Sec. 4.07) *Parking and loading regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Part II, Division I, Sections 15 and 16 of this ordinance.

(Sec. 4.08) *Screening and fencing regulations.* As provided in Part II, Division I, Section 12 and Section 13 of this ordinance.

| **SECTION 4.** This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

Deleted: 5

PASSED and APPROVED on its first reading this the 7th day of June, 2012.

PASSED and APPROVED on its second reading this the 21st day of June, 2012.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

ORDINANCE O-12-14

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING PART II, DISTRICT REGULATIONS, DIVISION 2, PROVIDING FOR AMENDED REGULATIONS IN THE MANUFACTURED HOME RESIDENTIAL (R-3) ZONING DISTRICT AND THE COMMERCIAL, RESEARCH AND TECHNOLOGY (B-2) ZONING DISTRICT REGARDING MANUFACTURED HOMES WITHIN THE CITY OF BRENHAM; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

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

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, Part I, General Provisions, Division 1, Sec. 5, definitions related to "manufactured housing," "mobile home" and "mobile home and/or manufactured home park or subdivision" are hereby amended to read as follows:

- (91) *Manufactured home*: A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is at least eight body feet in width or at least 40 body feet in length, or, when erected on site, is at least 320 square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems of the home. The term does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).
- (93) *Mobile home*: A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is at least eight body feet in width or at least 40 body feet in length, or, when erected on site, is at least 320 square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems of the home. Mobile home structures are prohibited within the corporate limits of the City of Brenham.
- (94) *Manufactured home park or subdivision*: A parcel of land upon which two or more manufactured homes are placed or located for purposes of occupancy.

SECTION 2. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, Part II, District Regulations, Division 2, Sec. 2.1 is hereby amended to read as follows:

DIVISION 2.

ZONING DISTRICT REGULATIONS

Sec. 2.1. R-3 Manufactured Home Residential.

(Sec. 2.1.01) *Purpose.* The R-3 Manufactured Home Residential District is established to provide locations for manufactured homes, manufactured home parks and manufactured home subdivisions.

- (1) Manufactured home shall mean a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is at least eight body feet in width or at least 40 body feet in length, or, when erected on site, is at least 320 square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems of the home. The term does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).
- (2) A Mobile Home shall mean a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is at least eight body feet in width or at least 40 body feet in length, or, when erected on site, is at least 320 square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems of the home. Mobile home structures are prohibited within the corporate limits of the City of Brenham.

(Sec. 2.1.02) *Permitted uses:*

- (1) Any permitted use in district "R-2."
- (2) Manufactured home parks.
- (3) Manufactured home subdivisions.
- (4) Manufactured Homes in which all of the following conditions exist.
 - (a) The lot is an existing lot in the R-3 District or the new lot complies with the minimum lot standards for the R-1 District; and

(b) Size of yards complies with the R-1 District Standards.

(Sec. 2.1.03) *Specific uses:*

- (1) Bed and breakfast house.
- (2) Churches and related auxiliary uses including educational and philanthropic uses.
- (3) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
- (4) Multifamily development, including dormitories for students and fraternity and sorority houses that meet the standard density requirement for the R-3 district and that is proposed for a development site of two (2) acres or more.
- (5) Private and accredited elementary and secondary schools.
- (6) Retirement villages with sites of two (2) acres or more.

(Sec. 2.1.04) *Height regulations.* No building shall exceed forty (40) feet or two and one-half (2 1/2) stories in height, except that a multifamily (apartment) building shall not exceed forty-five (45) feet or three (3) stories in height.

(Sec. 2.1.05) *Area regulations:**

*In the event that new development is adjacent to a use that falls within a different use category, a bufferyard shall be added to the applicable yard regulations (Part II, Division 1, Section 12, Table 3).

(1) *Single-family detached units:*

- (a) *Size of yard*--Same as R-2 District.
- (b) *Size of lot*--Same as R-2 District.
- (c) *Lot coverage*--Same as R-2 District.

(2) *Single-family attached units (townhouses):*

- (a) *Minimum site area*--Same as R-2 District.
- (b) *Size of yards*--Same as R-2 District.
- (c) *Size of lots*--Same as R-2 District.
- (d) *Lot coverage*--Same as R-2 District.

- (3) *Zero lot line (patio homes):*
 - (a) *Minimum site area*--Same as R-2 District.
 - (b) *Size of yards*--Same as R-2 District.
 - (c) *Size of lots*--Same as R-2 District.
 - (d) *Lot coverage*--Same as R-2 District.
 - (e) *Opening prohibited*--Same as R-2 District.
- (4) *Multi-family units (apartments):*
 - (a) *Minimum site area*--Same as R-2 District.
 - (b) *Size of yards*--Same as R-2 District.
 - (c) *Size of lots*--Same as R-2 District.
 - (d) *Lot coverage*--Same as R-2 District.
- (5) *Manufactured home parks:*
 - (a) *Minimum site area:* The minimum site area for a manufactured home park shall be four (4) acres.
 - (b) *Size of lots:* Each manufactured home in a manufactured home park shall have not less than five thousand (5,000) square feet of gross area per mobile home site.
 - (c) *Size of yards:*
 - (i) *Front yard:* There shall be a front yard of twenty (20) feet measured from the edge of pavement to the outermost point of the side(s) of the manufactured home that faces the pavement. All structures in a manufactured home park shall be set back a minimum of thirty (30) feet from any existing public street right of way that abuts the park.
 - (ii) *Side yard:* There shall be a minimum clearance of twenty (20) feet between manufactured homes that are parked end-to-end or side-to-side.
 - (iii) *Rear yard:* There shall be a minimum clearance of twenty (20) feet between manufactured homes that are parked end to end or side to side.

- (d) *Lot coverage:* In no case shall more than sixty (60) percent of the total lot area be covered by the combined area of the manufactured home plus accessory buildings, attachments or carports.

(6) *Manufactured home subdivisions:*

- (a) *Minimum site area:* The minimum site area for a manufactured home subdivision shall be four (4) acres.
- (b) *Size of yards:*
- (i) *Front yard:* There shall be a front yard having a depth of not less than twenty (20) feet. Double frontage lots shall be prohibited.
- (ii) *Side yard:* There shall be one side yard having a width of not less than five (5) feet. The combined widths of the lot's two side yards shall not be less than twenty (20) feet.
- (iii) *Rear yard:* There shall be a rear yard having a depth of not less than twenty (20) feet.
- (c) *Distance between manufactured homes:* Manufactured homes shall be so located on each lot that there shall be at least twenty (20) feet separation between the homes.

(d) *Size of lots:*

	Single-Wide Lots	Double-Wide Lots
Minimum lot area:	6,000 s.f.	6,000 s.f.
Minimum lot width:	50 ft.	70 ft.
Minimum lot depth:	120 ft.	86 ft.

- (e) *Subdivision density ratio:* No less than sixty (60) percent of the total number of lots in a manufactured home subdivision shall be designed for double-wide homes. The remaining lots may be designed for single-wide homes.
- (f) *Lot coverage:* In no case shall more than sixty (60) percent of the total lot area be covered by the combined area of the manufactured home, accessory building, and other impervious surfaces, excluding pools.

(7) *Nonresidential uses:*

- (a) *Size of yard--*Same as R-2 District.

(b) *Size of lot*--Same as R-2 District.

(c) *Lot coverage*--Same as R-2 District.

(Sec. 2.1.06) *Parking and loading regulations:*

(a) Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Part II, Division 1, Section 15 and Section 16 of the Zoning Ordinance.

(Sec. 2.1.07) *Screening and fencing regulations:*

(a) As provided in Part II, Division 1, Section 12 and Section 13 of the Zoning Ordinance.

(Ord. of 4-17-97, § 2; Ord. of 4-1-99, § 1)

SECTION 3. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, Part II, District Regulations, Division 2, Sec. 4 is hereby amended to read as follows:

Sec. 4. B-2 Commercial, Research and Technology District.

(Sec. 4.01) *Purpose.* The B-2 District is established as a mixed use district to preserve and to protect appropriate locations for existing light industry. It is also designed to include new high-tech commercial uses such as technical laboratories, computer centers, engineering/operations and research facilities that will benefit from direct access and/or close proximity to highway routes, while providing safe and convenient locations for multifamily uses through the strict enforcement of performance standards.

(Sec. 4.02) *Permitted uses:*

(Residential uses)

(1) Multifamily, including dormitories for students and fraternity or sorority houses on sites of two (2) acres or more.

(2) Reserved.

(3) Retirement villages with site areas of two (2) acres or more.

(3) Accessory residential uses.

(Nonresidential uses)

- (1) Permitted uses in B-1.
- (2) Apparel and other products assembled from finished textiles.
- (3) Automobile/vehicular uses (including boats, mobile home, motorcycles, motor homes, camper trailers, and other vehicles) such as:
 - (a) Paint and body shops or upholstery shops.
 - (b) Automobile (car) wash.
 - (c) Parts sales.
 - (d) Service stations.
 - (e) Repair and service garage.
 - (f) Tire sales.
 - (g) Vehicular sales and rentals.
 - (h) Vehicular storage.
- (4) Bakeries, wholesale.
- (5) Building material storage yards or lumber yards.
- (6) Candy and jewelry manufacturing.
- (7) Carpentry, painting, tinsmithing or welding shops.
- (8) Cemeteries.
- (9) Cleaning, dyeing plants and laundry.
- (10) Creamery, ice cream manufacturing and dairy operations.
- (11) Drugs and pharmaceutical products manufacturing.
- (12) Educational institutions (private).
 - (a) Business and trade schools.
 - (b) Accredited elementary and secondary schools.
 - (c) Colleges and universities.

- (13) Electronic products manufacturing.
- (14) Farm implement display and salesroom.
- (15) Hospitals, acute and/or chronic care, nursing homes or convalescent homes, assisted living facilities and medical clinics.
- (16) Mini-storage lots, enclosed.
- (17) Plumbing shops for retail or wholesale distribution of fixtures, fittings and bathroom accessories, and similar uses involving stone, clay and blocks, etc. that require outside storage generally as permitted in the B-2 District (see applicable performance standards in Part II, Division 1, Section 11(5), Open Storage).
- (18) Printing, engraving and newspaper plants.
- (19) Private clubs on a site of three (3) acres or more.
- (20) Research, development labs and offices.
- (21) Retirement villages on site areas of two (2) acres or more.
- (22) Radio or television broadcasting towers and stations or studios.
- (23) Shopping centers, retail stores, general sales and services, on a site of three (3) acres or more.
- (24) Upholstering shops which may involve furniture manufacturing.
- (25) Veterinarian or animal hospital.
- (26) Wholesale establishments and warehouses.
- (27) Uses similar to the abovementioned permitted uses, provided activities conducted observe applicable performance standards as provided in Part II, Division 2 of this ordinance.
- (28) Accessory buildings and uses customarily incident to any of the above uses, provided that such uses observe applicable performance standards as provided in Part II, Division 2 of this ordinance.

(Sec. 4.03) *Specific uses:*

- (1) Licensed kindergartens/nursery schools.

(Sec. 4.04) *Height regulations:*

- (1) No residential or nonresidential building shall exceed fifty-two (52) feet or four (4) stories.
- (2) Broadcasting and communication towers shall be limited to one hundred fifty (150) feet in height.

(Sec. 4.05) *Reserved.*

(Sec. 4.06) *Area regulations (applicable to multifamily residential and nonresidential lots):**

*All new multifamily development is subject to bufferyard requirements as provided in Part II, Division 1, Section 12, Table 3.

(1) *Size of yards:*

- (a) *Front yard:* For all uses permitted in this district, there shall be a front yard having a minimum depth of twenty-five (25) feet.
- (b) *Side yard:* For multifamily uses, an interior side yard of not less than ten (10) feet is required, except as required for bufferyards. For nonresidential uses, no interior side yard is required, except as required for bufferyards. For all uses permitted in this district, a side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street.
- (c) *Rear yard:* For all uses permitted in this district, a rear yard of not less than ten (10) feet in depth shall be provided, except as required for buffer yards.

(2) *Size of lot:*

- (a) *Lot area:* No nonresidential building shall be constructed on any lot of less than five thousand (5,000) square feet. There shall be a minimum of one thousand eight hundred (1,800) square feet of lot area per multifamily dwelling unit in this district.
- (b) *Lot width:* The width of any lot shall not be less than fifty (50) feet at the front building line nor shall its average width be less than fifty (50) feet.
- (c) *Lot depth:* The average depth of any lot shall not be less than one hundred (100) feet.

(d) *Legally existing nonconforming lots:* Where lots having less area, width, and/or depth than herein required existed in separate ownership upon the effective date of this ordinance, the above regulations shall not prohibit the erection of a nonresidential building thereon, provided the applicable setbacks as provided above shall be maintained.

(3) *Lot coverage:* In no case shall more than eighty-five (85) percent of the total lot area be covered by the combined area of the main buildings, and accessory buildings and other impervious surfaces.

(Sec. 4.07) *Parking and loading regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Part II, Division I, Sections 15 and 16 of this ordinance.

(Sec. 4.08) *Screening and fencing regulations.* As provided in Part II, Division I, Section 12 and Section 13 of this ordinance.

SECTION 4. This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

PASSED and APPROVED on its first reading this the 7th day of June, 2012.

PASSED and APPROVED on its second reading this the 21st day of June, 2012.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 11

DATE OF MEETING: June 21, 2012	DATE SUBMITTED: June 14, 2012	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Kyle Dannhaus	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon 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		
SUMMARY STATEMENT: See separate memo from Assistant City Manager.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: Fleet fueling station is conveniently located in Brenham and is operational 24 hours per day, 7 days per week. B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Memo from Assistant City Manager; (2) Bid Information Sheet; and (3) Bid Tabulation		
FUNDING SOURCE (Where Applicable): Funds are provided in each department's operating budget.		
RECOMMENDED ACTION: Award Bid No. 12-009 and award an annual contract to Alexander Oil for gasoline and diesel fuel for the City's vehicle and equipment fleet and authorize the Mayor to execute any necessary documentation.		
APPROVALS: Terry K. Roberts		



To: Mayor and Council

From: Kyle Dannhaus

Subject: Award of Supply Contract for Gasoline and Diesel Fuel

Date: June 15, 2012

Purchasing recently advertised for the procurement of petroleum products to be, in some cases, delivered to the Streets and Parks Department, the Gas/Water/Sewer Warehouse and the Tub Grinder at the Collection Station. The majority of the products will be purchased at an automated fleet fueling center by authorized City employees.

Two vendor packets were sent: Alexander Oil, our current supplier, and Bluebonnet Petroleum, Brenham, Texas. Alexander Oil Company was the only supplier to provide a sealed bid for consideration. Please refer to Bid Tabulation for pricing breakdown.

Staff is recommending awarding the Supply Contract for Gasoline and Diesel Fuel to Alexander Oil for a period commencing July 1, 2012 through June 30, 2013.



Bid Information Sheet

June 7, 2012

Bid No. 12-009

For: Fleet Fueling Services for Gasoline and Diesel Fuel

Account to be charged: 202.00

Amount Budgeted: Funds are provided in each Department's operating budget; purchase not to exceed budgeted funds.

Number of bidders sent bid packet: 2

Number of completed bids returned to Purchasing: 1



BID TABULATION

FLEET FUELING SERVICES FOR GASOLINE AND DIESEL FUEL Bid No. 12-009

BIDDER	REGULAR UNLEADED	MED. GRADE UNLEADED	PREM. GRADE UNLEADED	NO. 2 CLEAR DIESEL	NO. 2 DYED DIESEL
Alexander Oil Brenham, TX	0.12	0.12	0.12	0.12	0.20

NOTE: The bid is for the company's profit margin per gallon above the average OPIS (Oil Price Information Service) price from the Houston/Hearne Rack price.

Alexander Oil is our current supplier.

Alexander Oil's profit margin for FY 2011-12

Bobtail Delivery	0.15
Gasoline/Diesel-Facility Dispensed	0.09

Funds are provided in each Department's operating budget.

NOTE: A bid packet was also mailed to Bluebonnet Petroleum, Brenham, TX. They did not respond to our invitation to bid.