



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

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Pro Tem Ebel**
- 3. Special Recognitions**
 - 3-a. Retirements**
 - **Leslie Kelm 11 Years**
 - **Don Bolenbarr 28 Years**
 - 3-b. Service Recognitions**
 - **Wende Ragonis, Community Services 5 Years**
 - **Bobby Branham, Sanitation Department 25 Years**
- 4. Proclamation**
 - **Girl Scout Award Day**
- 5. Citizens Comments**

Page 1

CONSENT AGENDA

6. Statutory Consent Agenda

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

6-a. Minutes from the May 5, 2017 Regular City Council Meeting

Pages 2-7

WORK SESSION

7. **Discussion and Presentation on Possible Amendments to Design and Construction Standards** **Pages 8-20**
8. **Update and Discussion of Main Street Initiatives** **Pages 21-24**

PUBLIC HEARING

9. **Public Hearing to Consider an Amendment of the City of Brenham's "Envision 2020" Comprehensive Plan Future Land Use Map to Change the Districts on Various Tracts of Land Bounded by and/or Adjacent to S. Austin Street, W. First Street, S. Market Street, S. Baylor Street, S. Park Street, and S. Church Street from Combination of Agriculture/Undeveloped, Single-Family, Commercial/Retail and Warehouse/Industrial Districts to a Mixed Use District, in Brenham, Washington County, Texas** **Pages 25-27**
10. **Public Hearing to Consider an Amendment of the City of Brenham Zoning Ordinance (Code of Ordinances, City of Brenham, Texas - Appendix A) and the Official Zoning Map of the City of Brenham, to Provide for a Neighborhood Business District (B-4) to include a Downtown Business/Residential Overlay, and to Change the Zoning Districts on Various Tracts of Land Bounded by and/or Adjacent to S. Austin Street, W. First Street, S. Market Street, S. Baylor Street, S. Park Street, and S. Church Street from Commercial, Research and Technology (B-2) and Industrial (I) Districts to the Neighborhood Business District (B-4) to include a Downtown Business/Residential Overlay, in Brenham, Washington County, Texas** **Pages 28-36**

REGULAR SESSION

11. **Discuss and Possibly Act Upon Resolution No. R-17-010 Providing for an Amendment of the City of Brenham's "Envision 2020" Comprehensive Plan Future Land Use Map to Change the Districts on Various Tracts of Land Bounded by and/or Adjacent to S. Austin Street, W. First Street, S. Market Street, S. Baylor Street, S. Park Street, and S. Church Street from Combination of Agriculture/Undeveloped, Single-Family, Commercial/Retail and Warehouse/Industrial Districts to a Mixed Use District, in Brenham, Washington County, Texas** **Pages 37-41**

12. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham Zoning Ordinance (Code of Ordinances, City of Brenham, Texas - Appendix A) and the Official Zoning Map of the City of Brenham, to Provide for a Neighborhood Business District (B-4) to include a Downtown Business/Residential Overlay, and to Change the Zoning Districts on Various Tracts of Land Bounded by and/or Adjacent to S. Austin Street, W. First Street, S. Market Street, S. Baylor Street, S. Park Street, and S. Church Street from Commercial, Research and Technology (B-2) and Industrial (I) Districts to the Neighborhood Business District (B-4) to include a Downtown Business/Residential Overlay, in Brenham, Washington County, Texas**
Pages 42-53
13. **Discuss and Possibly Act Upon the Acceptance of the Libraries and Literacy Grant Through the Texas State Library and Archives Commission (TSLAC) in Partnership With the Texas Workforce Commission (TWC) and Authorize the Mayor to Execute Any Necessary Documentation**
Pages 54-55
14. **Discuss and Possibly Act Upon Authorization for Final Payment to Coons Construction, Inc. for the M. M. Owsley Memorial Serenity Garden and Park Improvements Project and Authorize the Mayor to Execute Any Necessary Documentation**
Pages 56-63
15. **Discuss and Possibly Act Upon the Termination of the Janitorial Service Contract Between the City of Brenham and Lim Service Industries and Authorize the Mayor to Execute Any Necessary Documentation**
Pages 64-65
16. **Discuss and Possibly Act Upon a Request for a Noise Variance in Connection with the 2017 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be Held from 2:30 p.m. to Midnight on July 8, 15, 22 and 29, 2017 and Authorize the Mayor to Execute Any Necessary Documentation**
Pages 66-67
17. **Discuss and Possibly Act Upon Resolution No. R-17-011 Authorizing Execution of an Agreement with TxDOT for the Temporary Closure of State Right-of-Way in Connection with the 2017 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be Held on July 8, 15, 22 and 29, 2017**
Pages 68-80
18. **Administrative/Elected Officials Report**

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

Adjourn

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

CERTIFICATION

I certify that a copy of the June 1, 2017 agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on May 26, 2017 at 2:45 PM.

Kacey A. Weiss

Deputy City Secretary

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

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

Signature

Title

PROCLAMATION

WHEREAS, Girl Scouts of Central Texas (GSCTX) is the preeminent leadership development organization for girls. Girl Scouts offers every girl a chance to practice a lifetime of leadership, adventure, and success. GSCTX spans 46 counties in Central Texas with more than 17,000 girls and 12,000 adult volunteers experiencing new adventures every single day and making friendships that will last a lifetime; and

WHEREAS, In 1916-before women in the U.S. even had the right to vote – the beloved founder of Girl Scouts- Juliette Gordon-Low, recognized the importance of community service and had the vision to honor girls who went above and beyond to serve the needs of others and promote them to the highest level of Girl Scouting achievement. Then, it was called the Golden Eaglet. Today it's called the Gold Award and though the name has changed, the character of the girl earning it remains remarkable; and

WHEREAS, The Girl Scout Gold Award is the highest award a Girl Scout can earn. By using her values and skills, each girl chooses a community issue that she cares about and creates a plan for a sustainable project, one that lasts after the girl's involvement ends. Once achieved, her project shows colleges, employers, and her community that she is changing the world. As a Gold Award recipient, these girls are part of an elite group of women. The best and brightest girls are undertaking projects that improve their communities- and the world; and

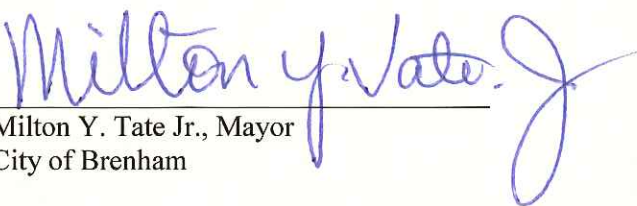
WHEREAS, Morgan Rollins, who lives in Brenham, Texas and is a part of Troop 426, will receive her Gold Award for her project "Speak With Your Hands!"; Deaf/Hard of Hearing Community;

NOW, THEREFORE I, Milton Y. Tate, Jr., Mayor of the City of Brenham, Texas do hereby proclaim June 10, 2017 as

GIRL SCOUT AWARD DAY

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




Milton Y. Tate Jr., Mayor
City of Brenham

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on May 5, 2017 beginning at 8:30 a.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

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

Members absent:

None

Others present:

City Manager Terry Roberts, Assistant City Manager of General Government Ryan Rapelye, City Secretary Jeana Bellinger, Deputy City Secretary Kacey Weiss, Assistant City Manager – Chief Financial Officer Carolyn Miller, Comptroller Stacy Hardy, Cynthia Longhofer, Crystal Locke, Fire Chief Ricky Boeker, Police Chief Craig Goodman, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Alton Sommerfield, Debbie Gaffey, Wanda Kramer, Development Services Director Erik Smith, Kim Hodde, City Engineer Lori Lakatos, Christi Korth, Kevin Boggus, Paula Shields, Cindy Turnbow, Michelle Glenz, Nancy Stafford, Stephen Draehn, Bobby Keene, Matthew Monfreda, Ande Bostain, Amber Pendergraft, Angeline Howard, David Dudenhoeffer, Shawn Bolenbarr, Shelley Addison, Todd Ashorn, Luke Ongudu, Jordan Prigge, Trey Gully and Judy Wagner

Citizens present:

Susan Cantey

Media Present:

Arthur Hahn, Brenham Banner Press; and Noelle Buffam, KWHI

1. **Call Meeting to Order**
2. **Invocation and Pledges to the US and Texas Flags – City Manager Terry Roberts**
3. **Special Recognitions**

3-a. Retirement

- **Wanda Kramer** **41 Years**

3-b. Service Recognitions

- **Stephen Draehn, Maintenance** **5 Years**
- **David Dudenhoeffer, Police Department** **5 Years**
- **Shawn Bolenbarr, Water/Wastewater Construction** **10 Years**

4. **Citizens Comments**

There were no citizen comments.

CONSENT AGENDA

5. **Statutory Consent Agenda**

5-a. Minutes from the March 23, 2017 Regular City Council Meeting

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve the Statutory Consent Agenda Item 5-a. as presented.

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

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

REGULAR SESSION

6. Discuss and Possibly Act Upon a Professional Services Agreement with McCord Engineering, Inc. for the Replacement of Copper Electric Lines and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle explained that the project will replace about 18 miles of the 24 miles of copper conductor left in the City's electrical system with aluminum; rehabilitate and replace substandard poles; add additional transformers; and provide right-of-way tree trimming. Ogle stated the estimated time to complete the entire scope of work is two (2) years. Ogle noted the engineering fees for this project are estimated at a maximum of \$300,000.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve a Professional Services Agreement with McCord Engineering, Inc. for the replacement of copper electric lines 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 Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

7. Discuss and Possibly Act Upon Resolution No. R-17-007 Providing for the Termination of an Interlocal Agreement Between Washington County and the City of Brenham Related to the Critical Incident Command Unit

Fire Chief Ricky Boeker presented this item. Boeker explained that this ILA was executed in April of 1998 when the City & County decided to jointly fund a Critical Incident Command Unit. Boeker advised it was purchased on a 50/50 cost share according to the ILA. Boeker stated he has talked with the Brenham Police Chief, Sheriff, EMS Director and everyone is in favor of selling the Unit. Boeker advised that he also met with the County Commissioners about selling the Unit and they also agree. Boeker explained that the proceeds from the sale will be split 50/50 with the County.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve Resolution No. R-17-007 providing for the termination of an Interlocal Agreement between Washington County and the City of Brenham related to the critical incident command unit.

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

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

8. Discuss and Possibly Act Upon Recommendations for Appointments to Various City Advisory Boards

City Manager Terry Roberts presented this item. Roberts explained that when advisory board appointments were presented to the City Council back in December, there were vacancies left unfilled on the Board of Adjustments, Main Street Board and the Planning and Zoning Commission. Roberts noted that staff has received Request for Appointment forms for the following Boards:

Board of Adjustments:

Johanna Fatheree

Planning and Zoning:

Keith Behrens

Main Street Board (2 Positions):

Dona Parker

Tom Whitehead

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve the recommendation for appointments to the Board of Adjustments, Main Street Board and the Planning and Zoning Commission as presented.

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

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

9. Discuss and Possibly Act Upon Resolution No. R-17-008 Approving the Brenham Community Development Corporation's Acquisition of Industrial Park Land and Approving a Promissory Note with the Brenham Community Development Corporation (BCDC) for a Portion of the Cost to Purchase Said Industrial Park Land

City Manager Terry Roberts presented this item. Roberts explained that at the September 22, 2016 meeting, the BCDC board authorized the President to enter into an earnest money contract for the purchase of approximately 45 acres of land for industrial park purposes. Roberts advised that at the October 13, 2016 council meeting, the City Council adopted Resolution No. R-16-028 approving a Promissory Note between the City and BCDC in the amount of \$500,000 for the purchase of the land but that closing on the land took longer than anticipated so a new Resolution with a revised debt service schedule needs to be approved. The closing is scheduled for May 5, 2017.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve Resolution No. R-17-008 approving the Brenham Community Development Corporation's acquisition of industrial park land and approving a promissory note with the Brenham Community Development Corporation (BCDC) for a portion of the cost to purchase said industrial park land.

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

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

10. Discuss and Possibly Act Upon Resolution No. R-17-009 Providing for the Termination and Release of the Section 43.035 Texas Local Government Code Development Agreement Between the City of Brenham and Ethel Gurrech

City Manager Terry Roberts presented this item. Roberts explained that the Brenham Community Development Corporation is in the process of acquiring an approximately 45 acre tract of land in the vicinity of the Southwest Industrial Parkway, near FM 389 and FM 332. Roberts stated that during the 2014 annexation, the City entered into a Development Agreement to postpone the annexation of this tract. Roberts stated that with the BCDC purchasing the tract for industrial development, it is the desire of the BCDC to terminate the Agreement and petition the City for annexation.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Herring to approve Resolution No. R-17-009 providing for the termination and release of the Section 43.035 Texas Local Government Code Development Agreement between the City of Brenham and Ethel Gurrech.

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

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

11. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- Retirement lunch for Wanda Kramer is May 26th at 11:30 a.m. at Fireman's Park
- Council Budget Retreat is Thursday, May 11th

Community Services Specialist Crystal Locke reported on the following:

- The carousel is now open on the weekends
- "Walk with a Doc" is Saturday, May 20th

Fire Chief Ricky Boeker reported on the following:

- The 150th Birthday Celebration is May 27th

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary



AGENDA ITEM 7

DATE OF MEETING: June 1, 2017	DATE SUBMITTED: May 22, 2017															
DEPT. OF ORIGIN: Engineer Services Department	SUBMITTED BY: Lori Lakatos															
<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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	☒ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discussion and Presentation on Possible Amendments to Design and Construction Standards																
SUMMARY STATEMENT: Chapter 23 – Subdivision, Section 23-15 authorizes the City Engineer to promulgate rules, regulations, standards, and specifications related to design and construction with the approval of the City Manager and file the same with the City Secretary, including amendments to same. This amendment is for all local residential streets to be constructed with concrete curb and gutter with concrete pavement and all local residential streets, low density rural, to be constructed as a local residential street section or open ditch with concrete pavement. An alternative to the local street residential road section may also include a laydown curb with the City Engineer’s approval. This amendment is being proposed to increase the lifespan of residential roads and decrease the maintenance for the City of Brenham. Many other communities of similar size and nature to the City of Brenham have already implemented these design and construction standards. The laydown curbs also minimize the impacts to the pavement when driveways are constructed. Staff presented this information to the Utilities Subcommittee, which reviews design and construction standards related to infrastructure, on May 18, 2017. After review and discussion the Subcommittee is supportive of this amendment.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):																
A. PROS: B. CONS:																
ALTERNATIVES (In Suggested Order of Staff Preference): N/A																
ATTACHMENTS: (1) Amendment to Design and Construction Standards; and (2) Examples of Road Sections																
FUNDING SOURCE (Where Applicable):																
RECOMMENDED ACTION: No action required – discussion only																
APPROVALS: Terry K. Roberts																



City of Brenham
Engineering Department
200 W. Vulcan St.
Brenham, Texas 77833

**AMENDMENT TO DESIGN AND CONSTRUCTION STANDARDS
NO. 17-01**

Filed Date:

Effective Date:

Lori Lakatos, P.E., CFM
City Engineer

Authority by Chapter 23 – Subdivision, Sec.23-15 of the Code of Ordinances

The following is an amendment to the Design and Construction Standards and supersedes any previously adopted standard that is in conflict with these amendments:

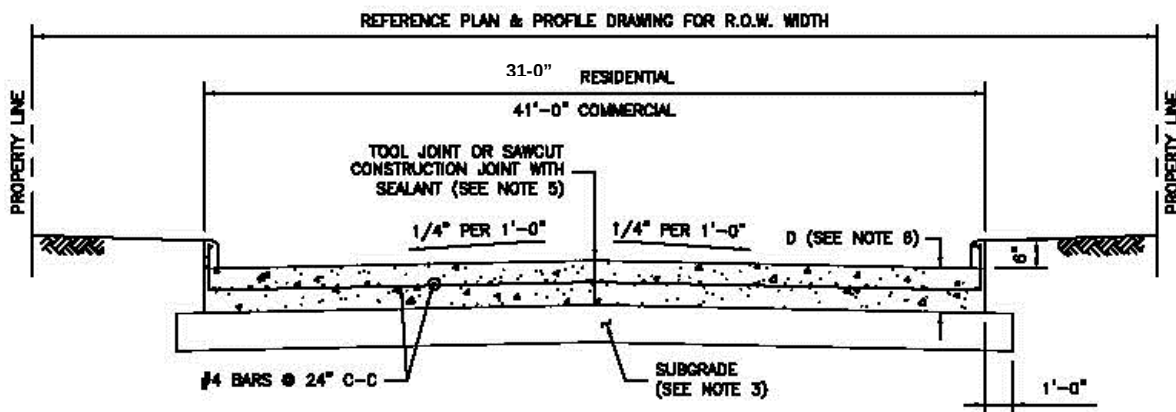
914. Construction Standards and Specifications

All public streets shall be constructed in accordance with the City's Standard Details and Standard Specifications.

All local residential streets shall be constructed with concrete curb and gutter with concrete pavement sections.

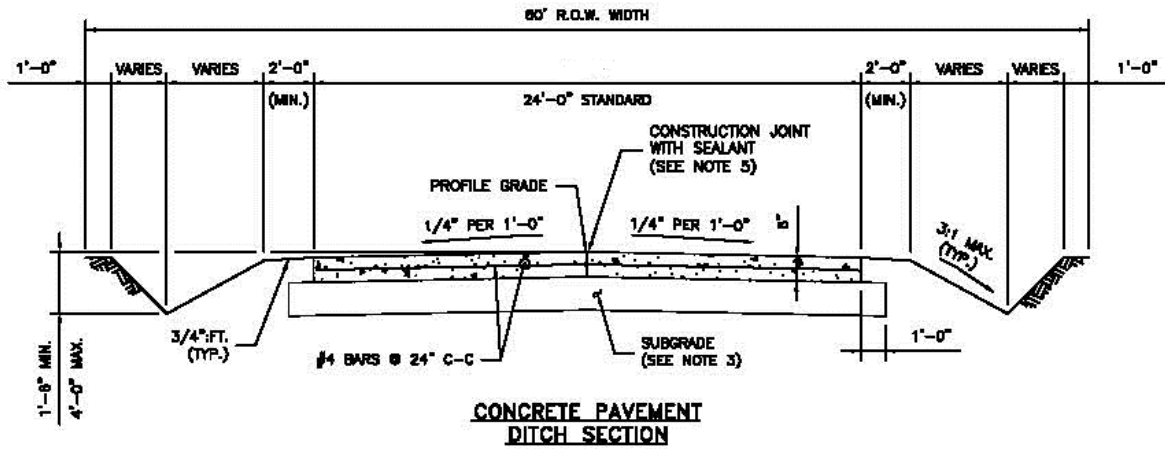
All local residential streets, low density rural, shall be constructed as a local residential street section or open ditch with concrete pavement.

The following figures is in addition to Figure 9-3, Minor Collector Street, Figure 9-4 Local Street (Commercial/Industrial), and replaces Figure 9-4, Local Street (Residential) and Figure 9-5 Local Street (Residential) Low Density Rural



**CONCRETE PAVEMENT
CURB & GUTTER SECTION**
(PARABOLIC CROWN IS AN ACCEPTABLE OPTION)

Local Street
(Residential / Commercial / Industrial)
Figure 9-4



Local Street (Residential)
Low Density Rural
Figure 9-5

An alternate local street residential road section may also be used to include laydown curbs with the City Engineer's approval.

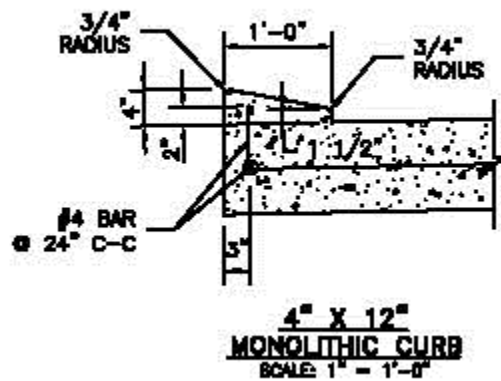


Figure 9-6

ROAD SECTION EXAMPLES



Concrete Curb and Gutter w/ Asphalt Pavement



Concrete Curb and Gutter w/ Asphalt Pavement

ROAD SECTION EXAMPLES



Concrete Curb and Gutter w/ Asphalt Pavement



Concrete Curb and Gutter w/ Asphalt Pavement

ROAD SECTION EXAMPLES



Concrete Laydown Curb and Gutter with Concrete Pavement



Concrete Laydown Curb and Gutter with Concrete Pavement

ROAD SECTION EXAMPLES



Concrete Pavement with Open Ditch Drainage



Concrete Pavement with Open Ditch Drainage

ROAD SECTION EXAMPLES



Concrete Pavement with Open Ditch Drainage



Concrete Pavement with Open Ditch Drainage

ROAD SECTION EXAMPLES



Concrete Pavement with Open Ditch Drainage

ROAD SECTION EXAMPLES



Concrete Curb and Gutter with Concrete Pavement and 6" Curb

ROAD SECTION EXAMPLES



Concrete Curb and Gutter with Concrete Pavement and 6" Curb



Concrete Curb and Gutter with Concrete Pavement and 6" Curb

ROAD SECTION EXAMPLES



Concrete Curb and Gutter with Concrete Pavement and 6" Curb



Concrete Curb and Gutter with Concrete Pavement and 6" Curb

ROAD SECTION EXAMPLES



Concrete Laydown Curb and Gutter with Concrete Pavement



Concrete Laydown Curb and Gutter with Concrete Pavement



AGENDA ITEM 8

DATE OF MEETING: June 1, 2017		DATE SUBMITTED: May 25, 2017	
DEPT. OF ORIGIN: Main Street		SUBMITTED BY: Wende Ragonis	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	
☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING	
☐ SPECIAL	☐ CONSENT	☐ 2 ND READING	
☐ EXECUTIVE SESSION	☐ REGULAR	☐ RESOLUTION	
	☒ WORK SESSION		
AGENDA ITEM DESCRIPTION: Update and Discussion of Main Street Initiatives			
SUMMARY STATEMENT: The purpose of this presentation to Council, a key stakeholder in the development of economic vitality for the downtown district, is to provide an update on the progress of recent Main Street initiatives. The last Main Street update was provided at the September 1, 2016 Council meeting. At that time two committees of the Main Street Advisory Board: Economic Restructuring Committee (ERC) and Planning Committee had come together for a series of joint meetings where three strategic priorities were identified: 1) attract a downtown hotel development, 2) negotiate the ownership of TX Dot right of way and 3) improve the relationship with the key downtown stakeholders. In addition, staff gathered feedback from various development industry experts and the recurring themes presented by these experts were: 1) downtown needs a hotel within walking distance to support the new conference center destination, 2) the transportation flow should create prosperity in downtown by reducing speeds thus increasing pedestrian safety, 3) public investment in streetscapes and infrastructure encourage density and retail growth in the area, 4) the downtown district is historically authentic and should be preserved and 5) all agree that the downtown economy is essential to the strength of the overall local economy of the area. The Main Street Board and all of its committees accepted these priorities and considered the industry expert feedback to establish a strategic plan of action. The objective of Main Street is to develop solutions that ensure preservation (and education) while stimulating growth and stability in the downtown historic district. Below is an update on the progress of Main Street's three key priorities: 1) <i>Attract a downtown hotel development:</i> Staff has been in contact with multiple private industry hotel consultants and developers expressing interest in bringing a downtown hotel to fruition. This continues to be a top priority for Main Street. With the City's new role as of January 2017 operating the Barnhill Center at the Historic Simon Theatre, it has become clear that mid-week conference delegates desire a hotel development within walking distance to their meeting venue. 2) <i>Negotiate the ownership of TX Dot right of way:</i> ERC Committee Chairman, Jim Moser, has led the effort with City staff's support to create a Pedestrian Retail Zone within the historic downtown district. This would include three areas of control: 1) the local control of vehicular traffic in the predominately pedestrian downtown district (including the placement of speed deterrents), 2) a local determining voice			

in the development of streetscapes which would encourage pedestrian retail traffic and 3) local control through municipal ordinances with the ability to enforce those ordinances for commercial signage and awning, bench, planter and table placement in the TX Dot right-of-way. Staff met with the regional TX Dot staff May 12, 2017 and it was agreed to include a short statement as an addendum to the existing Mutual Maintenance Agreement (MMA) that allows the City to enforce the local municipal ordinances. In addition, a TX Dot pedestrian planning resource was offered to the City for an assessment of pedestrian traffic in the downtown district. Based upon this assessment recommendations will be made to both the City and TX Dot for the control of vehicular traffic and streetscapes.

- 3) *Improve the relationship with the key downtown stakeholders:* Staff along with Main Street Board members have worked to provide updates more frequently to downtown merchants, Main Street volunteers, BCDC, City Council and County Commissioners. County Commissioner, Luther Hueske, is now an active member of the ERC committee and provides insight and information relevant to Main Street from a County perspective. The County was also a key partner in the downtown Lighted Christmas Parade weekend of activities and provided an on-site staff member for one night of festivities. Main Street Brenham will continue to provide opportunities for all stakeholder's to attend informational meetings, so feedback from stakeholder's can be considered as planning and development in the district continues.

In addition to action taken on these priorities, Main Street and the City staff supporting Main Street activities are committed to being responsive to the market driven needs of the district such as the Southside and the new development along Market Street and Commerce, the "Four Star Concert Hall". Private investment into these areas is trending upwards and many projects are either proposed or currently in progress. While these are not the only investments in the downtown district, and many existing business and building owners continue to make improvements to their properties, these are two developments that will bring new pedestrian traffic to "blighted" areas of the downtown district. Staff asks that Council considers infrastructure, zoning and streetscape improvements to incorporate these areas into the downtown district. Updates for the Southside District and the proposed "Four Star Concert Hall" are listed below.

Southside District Updates: With the recent market drive investments in the area just south of the existing B3 district along 1st Street between S. Park and Church St, staff along with Main Street Brenham have developed a new zoning district. This area was identified in the Downtown Master Plan as the Southside district which would house arts and craft retailers. Several informational meetings of property owners and area businesses impacted by a potential change in rezoning were held with feedback was gathered and considered for the proposed zoning change. A B4 zoning district was created and name the *Neighborhood Business District*. This district, if approved, will encourage a mix of commercial, office, service, residential and governmental uses while preserving the historical/commercial character of the unique district. Development Services presented this new zoning district to the Planning and Zoning Board meeting May 22, 2017 and that Board approved the new zoning district. Development Services Director will present this new Zoning district for Council to consider at the June 1, 2017 Council Meeting.

With these investments and zoning changes which will encourage more development in the district, staff sought an outside firm to conduct a drainage study for this area. The study is complete and was briefly discussed with Council at the May 11, 2017 Budget Retreat.

"Four Star Concert Hall": There are plans for the St. Anthony Laundry building located at 209 S. Market S. to be renovated as a concert venue. Local media has reported on these efforts and the venue has been named, the "Four Star Concert Hall". Main Street through its five (5) year capital plan is considering an assessment of the parking and streetscape needs for this new developing area.

Main Street Committee Updates: Each year as required to maintain the Main Street state and national accreditation, staff must complete an annual work plan and report for the four Main Street committees. These are working documents and change as each committee updates their plan of action. A summary of Main Street committee updates is listed below:

Economic Restructuring Committee (ERC): This committee has taken an inventory of incentives available to downtown property owners and businesses with the intent to develop new incentives that can best meet the needs of those wanting to invest in the district. The ERC has gathered feedback from various building owners to identify challenges and obstacles for growth and redevelopment. When operating out of a historic building there are many unique challenges, especially when the building itself is not compliant to the current building codes, and zoning “Use” changes occur. One of the key concerns is the high cost of fire suppression. In an effort to be innovative and seek solutions, Main Street Brenham sought input from an industry expert in fire suppression, Tommy Herald with HG Fire Systems. He specializes in equipping existing or historic buildings with fire suppression systems and was able to provide an assessment for the committee to review. This committee considered all economic factors and unique challenges when developing incentive programs that assist building owners and businesses. Incentives that offer funding to aid with code compliance, construction costs for underperforming buildings in the district, beautification such as exterior paint, and innovative businesses opportunities new to the district include:

- **Incentive Grant Fund.** This is a reimbursement grant program which has been funded historically through private donations and funds raised through Main Street volunteers. Major Façade improvements, including masonry maintenance, exterior paint-only grants, a new roof and window restorations have been accomplished through this reimbursement program. The goal is not only to make downtown more attractive, but to increase the economic vitality of downtown by increasing sales tax and property values while preserving and enhancing Brenham’s architectural and cultural heritage.
- **Economic Impact & Innovation Grant (EIIG).** Approved just last year by the Main Street Board, this new grant is being offered to unique business interests that will have a positive impact on the downtown economy. In addition, programs created to increase foot traffic downtown and give visitors a reason to extend their stay, are eligible for funding. The program may offer up to \$15,000 to assist with large expenses like code compliance such as fire suppression and ADA requirements. Staff will seek matching funding for this grant program from BCDC at their June 13, 2017 funding meeting.
- **Sign Grant.** Main Street has set aside \$2,500 to fund a reimbursement grant for professional signage.
- **Tax Credit Program.** Main Street partnered with the Texas Historical Commission’s Tax Credit Specialist, Caroline Wright, to host a workshop for historic property owners. The purpose of this event was to begin educating downtown historic property owners on the new state historic tax credit which is available. The new program offers a 25% franchise tax credit on eligible expenses, and when partnered with the 20% federal tax credit, a substantial benefit is now being offered to historic properties. As a National Register District, contributing members do not have to be individually listed to be eligible for these programs. This new state program provides downtown Brenham’s historic property owners a new opportunity to fund a restoration and/or redevelopment project. The Barnhill Center was highlighted by the National Trust for Historic Preservation in its report dated November 2016.

Design Committee: Main Street Brenham’s Design Committee has partnered with the Texas Downtown Association in an effort to recognize downtown projects that are making a difference, through the President’s Awards Program. This Committee continues to host the Main Street Workshop Series with two upcoming presentations: 1) Signage & Graphics, and 2) Retail Window Displays. The committee is working on solutions to illuminate downtown alleys and the downtown area in general year round to make downtown a more welcoming destination. The Committee is in the progress of development for the design of the convertible street which BCDC allocated funding to in FY16. Convertible streets throughout downtown are part of the Downtown Master Plan. They expect to see preliminary designs for the Douglas Street Convertible Street in early summer 2017. As growth occurs to the south and east, the committee anticipates the need for improving not only drainage to these developing areas, but also the continuance of the streetscape design into the area as well so they become visually part of Downtown Brenham.

Promotion Committee: Staff requested funding during the FY17 budget process to design a branded, dynamic and impactful website with fully integrated social media to bring more attention to and promote Downtown Brenham as a 1) year-long retail destination attraction for tourists, 2) a great place to relocate an innovative retail

business, 3) promote the district as a conference center destination and 4) promote the many events and festivals hosted by downtown business, groups and Main Street. The marketing materials and media will integrate the design and branding to increase awareness of all that Downtown Brenham offers as a destination and a historic economic retail center. Staff has received three quotes for this new marketing service and is in the process of awarding the contract to the vendor selected. The Promotion Committee is looking at expanding programming options including public private partnerships to ensure Main Street continues to offer events that not only positively impact the visitor experience, but also help fundraise so the incentive programs can continue to prosper.

Organization Committee: The focus of the Organization Committee is to partner with groups that are stakeholders in downtown, and help with the various programs of Main Street. This committee has spearheaded two programs that are helping to preserve the history of our community. One is Local History Day that involves almost 150 volunteers and sponsors from the community, and logs more than 850 volunteer hours to accomplish. Getting local historical organizations, including The Brenham Heritage Museum, the Heritage Society of Washington County, Washington on the Brazos State Park Association, and historical groups from Independence, Chappell Hill and Burton, working together to share our history with 4th and 7th grade students, is a major accomplishment of this committee and the Main Street. The other program is an Oral History Project that continues to collect histories of long-time Brenham residents. We started working with BISD, but the program is now being continued at the Nancy Carol Roberts Memorial Library. Increasing the Main Street social media presence is part of the work of this committee, and design of the downtown shopper's guide is a project this committee completes each year as well. In addition, there are two seasonal community events held in downtown, the Scarecrows and Easter Eggs. Each of these activities partner with the downtown businesses to encourage pedestrian and retail traffic. Staff organizes these activities (placement, voting, guidelines, etc.) for the community and the participating artists. Both the Easter Eggs and Scarecrows have become part of the atmosphere and celebration of the fall and spring seasons in downtown Brenham.

This summary provides a few of the highlights from the last 12 months of Main Street activities. The continued success of the Main Street program is the collaboration of the many stakeholder's representatives that participate in the planning and execution of these initiatives. Maintaining this synergy is critical to the continued success of the district as a historically authentic tourist destination.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS:

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: None

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: No action required – discussion only

APPROVALS: Terry K. Roberts



AGENDA ITEM 9

DATE OF MEETING: June 1, 2017	DATE SUBMITTED: May 25, 2017															
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Erik Smith															
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;">MEETING TYPE:</td> <td style="width: 33%; vertical-align: top;">CLASSIFICATION:</td> <td style="width: 33%; vertical-align: top;">ORDINANCE:</td> </tr> <tr> <td>☒ REGULAR</td> <td>☒ PUBLIC HEARING</td> <td>☐ 1ST READING</td> </tr> <tr> <td>☐ SPECIAL</td> <td>☐ CONSENT</td> <td>☐ 2ND READING</td> </tr> <tr> <td>☐ EXECUTIVE SESSION</td> <td>☐ REGULAR</td> <td>☐ RESOLUTION</td> </tr> <tr> <td></td> <td>☐ WORK SESSION</td> <td></td> </tr> </table>		MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	☒ REGULAR	☒ PUBLIC HEARING	☐ 1 ST READING	☐ SPECIAL	☐ CONSENT	☐ 2 ND READING	☐ EXECUTIVE SESSION	☐ REGULAR	☐ RESOLUTION		☐ WORK SESSION	
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	☐ WORK SESSION															
AGENDA ITEM DESCRIPTION: Public Hearing to Consider an Amendment of the City of Brenham's "Envision 2020" Comprehensive Plan Future Land Use Map to Change the Districts on Various Tracts of Land Bounded by and/or Adjacent to S. Austin Street, W. First Street, S. Market Street, S. Baylor Street, S. Park Street, and S. Church Street from Combination of Agriculture/Undeveloped, Single-Family, Commercial/Retail and Warehouse/Industrial Districts to a Mixed Use District, in Brenham, Washington County, Texas																
SUMMARY STATEMENT: City staff was approached by multiple individuals from the community who expressed interest in redeveloping south of the downtown B-3 Central Historical Business District. Staff formed a committee consisting of staff and two local architects Darren Heine and Tommy Upchurch. These individuals were able to give us insight into what was desired by the private development community and helped us draft wording that would benefit those who wished to invest into this area of the community as well as give staff the opportunity to see how we could word the ordinance in a way that might help alleviate some of the variance requests and also add some uses into the ordinance that would create a unique but related feel to the neighboring B-3 Central Historical Business District. The Envision 20/20 Comprehensive Plan is a document that is used as a guide to determine potential future land uses. The properties affected by the proposed rezoning are a mix of uses according to this plan. The range of uses as currently noted on the future land use map are Agriculture/Undeveloped, Single-Family, Commercial/Retail, Warehouse/Industrial. There is no Mixed Use designation on the current future land use plan. This proposed mixed use designation would be a new use that would accommodate the designation of a new mixed use zoning district.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: Creates a new Envision 20/20 Comprehensive Plan district that can be utilized for future land use districts. B. CONS:																
ALTERNATIVES (In Suggested Order of Staff Preference):																

ATTACHMENTS: (1) Future Land Use Map
FUNDING SOURCE (Where Applicable): N/A
RECOMMENDED ACTION: None – Public Hearing Only
APPROVALS: Terry K. Roberts

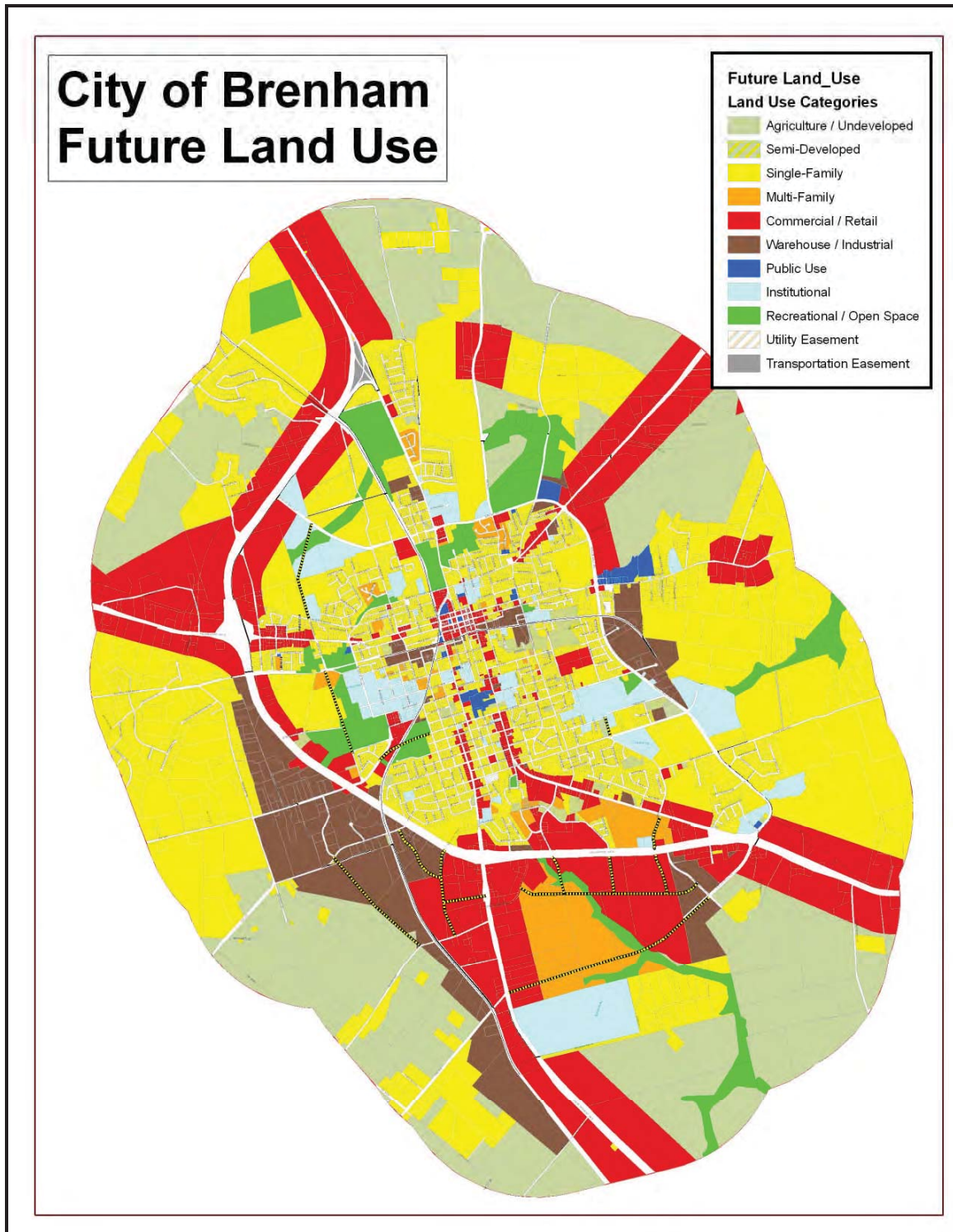


Illustration 6-5: The Future Land Use map for the City of Brenham illustrates desired growth patterns over the next 15 to twenty years.



AGENDA ITEM 10

DATE OF MEETING: June 1, 2017	DATE SUBMITTED: May 25, 2017															
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Erik Smith															
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AGENDA ITEM DESCRIPTION: Public Hearing to Consider an Amendment of the City of Brenham Zoning Ordinance (Code of Ordinances, City of Brenham, Texas - Appendix A) and the Official Zoning Map of the City of Brenham, to Provide for a Neighborhood Business District (B-4) to include a Downtown Business/Residential Overlay, and to Change the Zoning Districts on Various Tracts of Land Bounded by and/or Adjacent to S. Austin Street, W. First Street, S. Market Street, S. Baylor Street, S. Park Street, and S. Church Street from Commercial, Research and Technology (B-2) and Industrial (I) Districts to the Neighborhood Business District (B-4) to include a Downtown Business/Residential Overlay, in Brenham, Washington County, Texas																
SUMMARY STATEMENT: City staff was approached by multiple individuals from the community who expressed interest in redeveloping south of the downtown B-3 Central Historical Business District. Staff formed a committee consisting of staff and two local architects Darren Heine and Tommy Upchurch. These individuals were able to give us insight into what was desired by the private development community and helped us draft wording that would benefit those who wished to invest into this area of the community as well as give staff the opportunity to see how we could word the ordinance in a way that might help alleviate some of the variance requests and also add some uses into the ordinance that would create a unique but related feel to the neighboring B-3 Central Historical Business District. Staff invited all of the property owners to a Town Hall style meeting to review the proposed changes and to give us an opportunity to hear any comments or feedback. There was not a significant amount of new input that was generated from this meeting. This item was brought before the Planning and Zoning Commission as a discussion item and public hearing for the proposed changes. Public Concerns Concerns were raised from the public on a couple issues with the proposed ordinance: - Satellite parking and the fee associated. - Grandfathering of existing uses.																

Planning and Zoning Commission Recommendation

The Planning and Zoning Commission recommended unanimous approval of this request with the condition that banks be added as an allowed use to the proposed ordinance.

City Council could consider five options when taking that recommendation into consideration:

- Accepting the recommendation from the Planning and Zoning Commission
- Approve the recommendation with banks/depository institutions – not including payday or express loans being the amendment.
- Accepting the recommendation but allowing it with a Specific Use Permit “SUP”
- Not accepting the recommendation and keeping banking out of the district.
- Removing the existing bank properties from the proposed district all together and keeping the banking use out of the district and not putting any future ordinance regulations on the existing use.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS: Gives additional parking options for those businesses that cannot meet current ordinance, create more realistic zoning criteria for existing buildings that are none conforming, help assist in revitalization of area.

B. CONS: Anytime zoning is changed there is an impact of some sort on an existing property owner.

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Presentation; and (2) Southside Overlay District Map

FUNDING SOURCE (Where Applicable): N/A

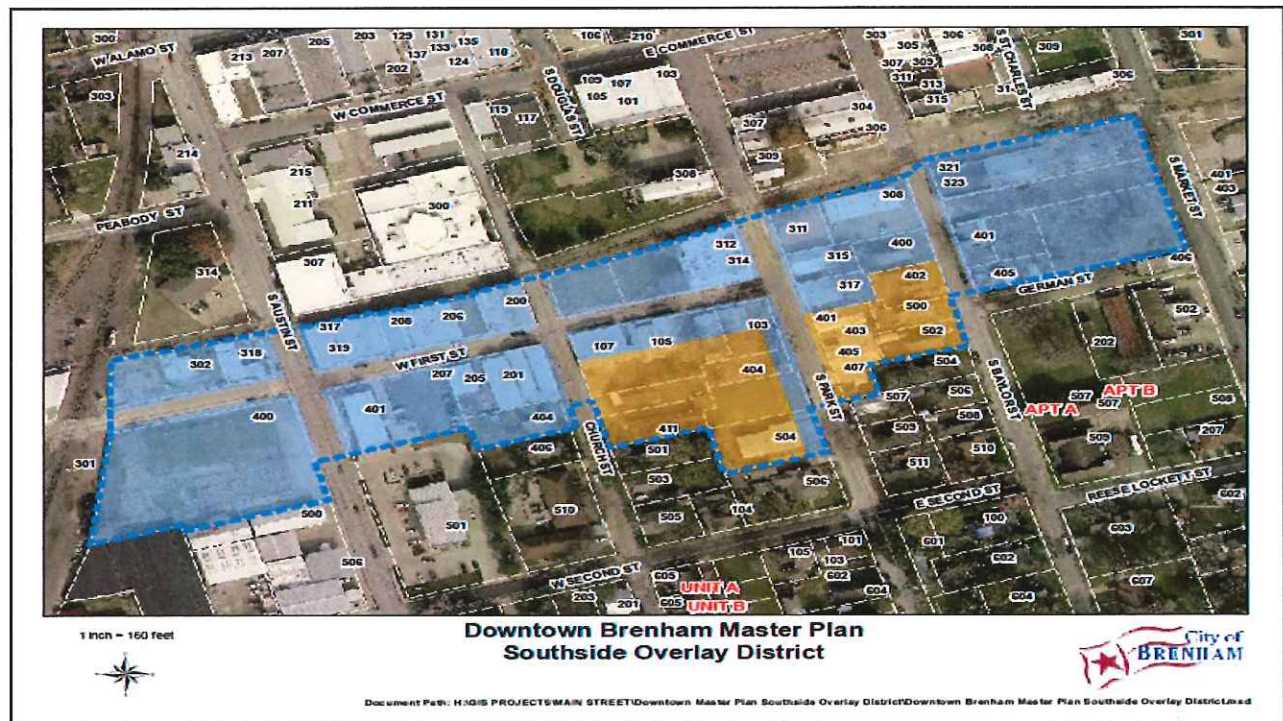
RECOMMENDED ACTION: None – Public Hearing Only

APPROVALS: Terry K. Roberts

B-4 Neighborhood Business District

History

- ▶ Many of the structures have been there for many years and do not comply with current ordinance standards.
- ▶ Property owners approached city staff and the planning committee about looking into a beneficial zoning district for this area.
- ▶ Many of the existing structures and lots in this district have compliance issues.
 - ▶ Parking
 - ▶ Setbacks/bufferyards
 - ▶ Impervious coverage
 - ▶ Area regulations
- ▶ Variances and Special Exceptions would be the only course of action for anyone interested in redeveloping this area. This is a timely process and is not guaranteed.



Permitted Uses

- ▶ B-4 District:
 - ▶ Uses will be similar to those listed in the B-3 Historical Central Business District and B-1 Local Business/Residential Mixed Use District.
 - ▶ Restaurants
 - ▶ Retail
 - ▶ Arts and Crafts
 - ▶ Amusement and Entertainment
 - ▶ Bakeries
 - ▶ Offices

Similar Land Area Regulations as B-3

- ▶ Area regulations
 - ▶ No limit on lot coverage
 - ▶ Height requirement at 45 feet
 - ▶ No parking requirement in lieu of fee paid
 - ▶ This will help fund future satellite parking for the area.

Difference Between B-3 and B-4

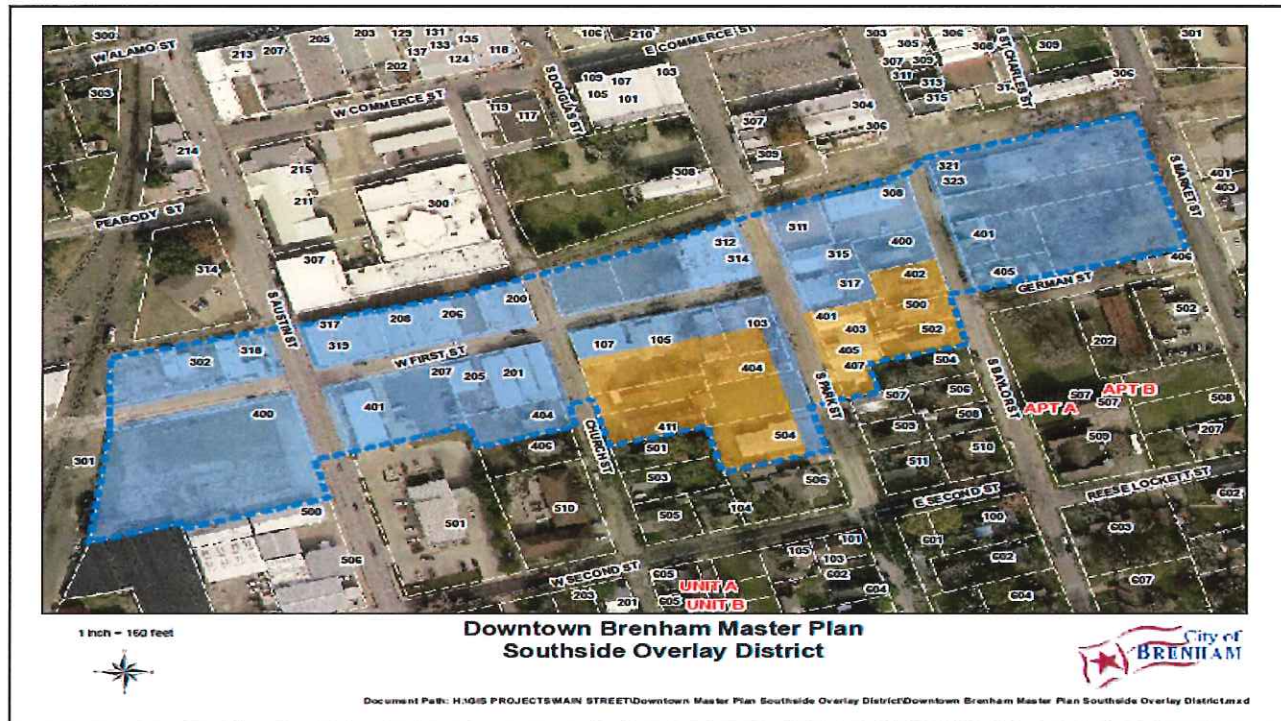
- ▶ There will be an overlay to allow first floor residential (more on that later)
- ▶ The same uses will not all be permitted in each district:
- ▶ Allowed in B-3 not in B-4
 - ▶ Automobile parts sales, new or rebuilt (over counter)
 - ▶ Banks
 - ▶ Bowling alleys
 - ▶ Hotels and Motels (not including Bed and Breakfast)
 - ▶ Mortuaries
 - ▶ Pet shops

Difference in B-3 and B-4 (Cont.)

- ▶ Uses allowed in B-4 not allowed in B-3
 - ▶ Distillery and Brewery
 - ▶ Musical instruments assembly and manufacture design, production and sales
 - ▶ Open (outdoor) display or storage of retail merchandise as an accessory use to uses permitted in the B-4 District.

Neighborhood Business/Residential Overlay District

- ▶ This is also a new use included in a portion of the B-4 District
 - ▶ The overlay would allow for additional uses not allowed in the remaining portion of B-4. Uses allowed in the B-4 would all be allowed in the Overlay.
 - ▶ Uses allowed would include:
 - ▶ Single Family detached
 - ▶ Townhouses
 - ▶ Two-family dwellings or duplexes
 - ▶ Multifamily dwellings
 - ▶ There will be parking and setback requirements for residential uses

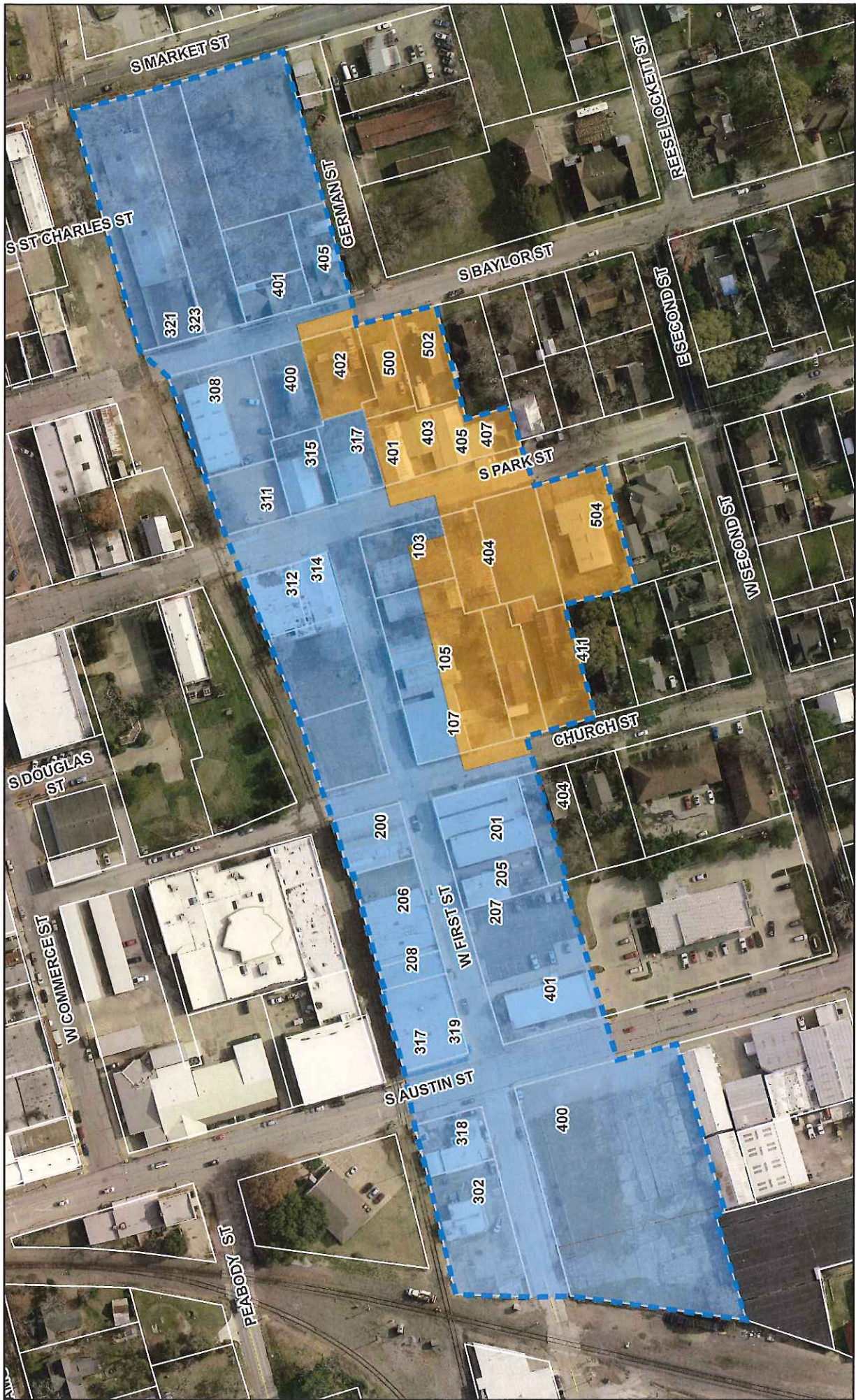


Goals of the New District and Overlay

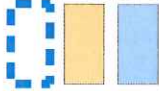
- ▶ Help alleviate a number of potential variance and special exception requests for applicants wanting to revitalize the property.
- ▶ Create parking requirements that fit the district and create a fund to earmark money for future satellite parking to serve this area.
- ▶ Create a walkable community
- ▶ Revitalization

Steps in the Process

- ▶ Staff sent out postcards to all the property owners affected inviting them to an informal "Town Hall" meeting.
- ▶ The Planning Committee will take comments into consideration prior to starting the rezoning process
- ▶ Staff will initiate the rezoning process and hold a public hearing with the Planning and Zoning Commission for a recommendation to City Council
- ▶ Staff will hold a public hearing and present a final draft document to City Council.
- ▶ An amended fee schedule will be presented setting a rate for off site parking spaces.

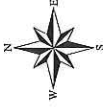


Downtown Brenham Master Plan Southside Overlay District



- Southside District (10.88 Ac)
- Downtown Business/Residential Overlay District (2.28 Ac)
- B4-Neighborhood Business District (8.60 Ac)

1 inch = 160 feet





AGENDA ITEM 11

DATE OF MEETING: June 1, 2017	DATE SUBMITTED: May 25, 2017															
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Erik Smith															
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☐ EXECUTIVE SESSION	☒ REGULAR	☒ RESOLUTION														
	☐ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-17-010 Providing for an Amendment of the City of Brenham’s “Envision 2020” Comprehensive Plan Future Land Use Map to Change the Districts on Various Tracts of Land Bounded by and/or Adjacent to S. Austin Street, W. First Street, S. Market Street, S. Baylor Street, S. Park Street, and S. Church Street from Combination of Agriculture/Undeveloped, Single-Family, Commercial/Retail and Warehouse/Industrial Districts to a Mixed Use District, in Brenham, Washington County, Texas																
SUMMARY STATEMENT: City staff was approached by multiple individuals from the community who expressed interest in redeveloping south of the downtown B-3 Central Historical Business District. Staff formed a committee consisting of staff and two local architects Darren Heine and Tommy Upchurch. These individuals were able to give us insight into what was desired by the private development community and helped us draft wording that would benefit those who wished to invest into this area of the community as well as give staff the opportunity to see how we could word the ordinance in a way that might help alleviate some of the variance requests and also add some uses into the ordinance that would create a unique but related feel to the neighboring B-3 Central Historical Business District. The Envision 20/20 Comprehensive Plan is a document that is used as a guide to determine potential future land uses. The properties affected by the proposed rezoning are a mix of uses according to this plan. The range of uses as currently noted on the future land use map are Agriculture/Undeveloped, Single-Family, Commercial/Retail, Warehouse/Industrial. There is no Mixed Use designation on the current future land use plan. This proposed mixed use designation would be a new use that would accommodate the designation of a new mixed use zoning district.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: Creates a new Envision 20/20 Comprehensive Plan district that can be utilized for future land use districts. B. CONS:																
ALTERNATIVES (In Suggested Order of Staff Preference):																

ATTACHMENTS: (1) Resolution No. R-17-010
FUNDING SOURCE (Where Applicable): N/A
RECOMMENDED ACTION: Approve Resolution No. R-17-010 providing for an Amendment of the City of Brenham’s “Envision 2020” Comprehensive Plan Future Land Use Map to change the districts on various tracts of land bounded by and/or adjacent to S. Austin Street, W. First Street, S. Market Street, S. Baylor Street, S. Park Street, and S. Church Street from Combination of Agriculture/Undeveloped, Single-Family, Commercial/Retail and Warehouse/Industrial Districts to a Mixed Use District, in Brenham, Washington County, Texas
APPROVALS: Terry K. Roberts

RESOLUTION NO. R-17-010

RESOLUTION PROVIDING FOR THE AMENDMENT OF THE TEXT AND FUTURE LAND USE MAP OF THE CITY OF BRENHAM ENVISION 2020 COMPREHENSIVE PLAN

WHEREAS, the City of Brenham currently has a comprehensive plan entitled City of Brenham “Envision 2020” Comprehensive Plan; and

WHEREAS, the Envision 2020 Comprehensive Plan includes a Future Land Use Map which guides future development of the City; and

WHEREAS, the property located on various tracts of land bounded by and/or adjacent to S. Austin Street, W. First Street, A. Market Street, S. Baylor Street, S. Park Street, and S. Church Street are currently designated as a combination of Agriculture/Undeveloped, Single-Family, Commercial/Retail, Warehouse/Industrial on the Future Land Use Map; and

WHEREAS, the City of Brenham desires to amend the Future Land Use Map of the property located on various tracts of land bounded by and/or adjacent to S. Austin Street, W. First Street, A. Market Street, S. Baylor Street, S. Park Street, and S. Church Street as Mixed Use for future development;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, THAT THE FUTURE LAND USE MAP OF THE CITY OF BRENHAM AND THE ENVISION 2020 COMPREHENSIVE PLAN TEXT BE AMENDED IN THE FOLLOWING MANNER:

SECTION 1. That Mixed-Use Districts are intended to provide a balanced mix of residential, commercial, and employment opportunities to create focal points of activity in the form of mixed-use centers, nodes, or corridors. The Mixed-Use Districts support service commercial, employment, and housing needs of a growing community. The Mixed-Use District standards are based on the following principles:

- Ensure efficient use of land and public services.
- Create a mix of housing, commercial, and employment opportunities.
- Reduce reliance on the automobile.
- Provide business services close to employment centers.
- Create economically successful mixed-use centers.

That the City of Brenham Envision 2020 Comprehensive Plan Future Land Use Map is hereby amended to designate the property located on various tracts of land bounded by and/or adjacent to S. Austin Street, W. First Street, A. Market Street, S. Baylor Street, S. Park Street, and S. Church Street, being more particularly described on Exhibit "A" attached hereto and incorporated herein for all purposes, as mixed use for future development, and the Mayor is authorized to execute any necessary documentation.

APPROVED on this the _____ day of _____, 2017.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

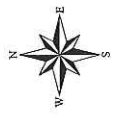


Exhibit "A" Comprehensive Plan Mixed Use District



-  Southside District (10.88 Ac)
-  Mixed Use District (10.88 Ac)

1 inch = 160 feet





AGENDA ITEM 12

DATE OF MEETING: June 1, 2017	DATE SUBMITTED: May 25, 2017
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Erik Smith

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

AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham Zoning Ordinance (Code of Ordinances, City of Brenham, Texas - Appendix A) and the Official Zoning Map of the City of Brenham, to Provide for a Neighborhood Business District (B-4) to include a Downtown Business/Residential Overlay, and to Change the Zoning Districts on Various Tracts of Land Bounded by and/or Adjacent to S. Austin Street, W. First Street, S. Market Street, S. Baylor Street, S. Park Street, and S. Church Street from Commercial, Research and Technology (B-2) and Industrial (I) Districts to the Neighborhood Business District (B-4) to include a Downtown Business/Residential Overlay, in Brenham, Washington County, Texas

SUMMARY STATEMENT: City staff was approached by multiple individuals from the community who expressed interest in redeveloping south of the downtown B-3 Central Historical Business District. Staff formed a committee consisting of staff and two local architects Darren Heine and Tommy Upchurch. These individuals were able to give us insight into what was desired by the private development community and helped us draft wording that would benefit those who wished to invest into this area of the community as well as give staff the opportunity to see how we could word the ordinance in a way that might help alleviate some of the variance requests and also add some uses into the ordinance that would create a unique but related feel to the neighboring B-3 Central Historical Business District.

Staff invited all of the property owners to a Town Hall style meeting to review the proposed changes and to give us an opportunity to hear any comments or feedback. There was not a significant amount of new input that was generated from this meeting.

This item was brought before the Planning and Zoning Commission as a discussion item and public hearing for the proposed changes.

Public Concerns

Concerns were raised from the public on a couple issues with the proposed ordinance:

- Satellite parking and the fee associated.
- Grandfathering of existing uses.

Planning and Zoning Commission Recommendation

The Planning and Zoning Commission recommended unanimous approval of this request with the condition that banks be added as an allowed use to the proposed ordinance.

City Council could consider five options when taking that recommendation into consideration:

- Accepting the recommendation from the Planning and Zoning Commission
- Approve the recommendation with banks/depository institutions – not including payday or express loans being the amendment.
- Accepting the recommendation but allowing it with a Specific Use Permit “SUP”
- Not accepting the recommendation and keeping banking out of the district.
- Removing the existing bank properties from the proposed district all together and keeping the banking use out of the district and not putting any future ordinance regulations on the existing use.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS: Gives additional parking options for those businesses that cannot meet current ordinance, create more realistic zoning criteria for existing buildings that are none conforming, help assist in revitalization of area.

B. CONS: Anytime zoning is changed there is an impact of some sort on an existing property owner.

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Ordinance

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: Approve an Ordinance on its first reading amending the City of Brenham Zoning Ordinance (Code of Ordinances, City of Brenham, Texas - Appendix A) and the Official Zoning Map of the City of Brenham, to provide for a Neighborhood Business District (B-4) to include a Downtown Business/Residential Overlay, and to change the Zoning Districts on various tracts of land bounded by and/or adjacent to S. Austin Street, W. First Street, S. Market Street, S. Baylor Street, S. Park Street, and S. Church Street from Commercial, Research and Technology (B-2) and Industrial (I) Districts to the Neighborhood Business District (B-4) to include a Downtown Business/Residential Overlay, in Brenham, Washington County, Texas

APPROVALS: Terry K. Roberts

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A – “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS PART II, DIVISION 1 AND DIVISION 2, TO PROVIDE FOR THE NEIGHBORHOOD BUSINESS DISTRICT (B-4) AND THE DOWNTOWN BUSINESS/RESIDENTIAL OVERLAY DISTRICT, AND AMENDING THE OFFICIAL ZONING MAP TO RE-ZONE VARIOUS TRACTS OF LAND BOUNDED BY AND/OR ADJACENT TO S. AUSTIN STREET, W. FIRST STREET, S. MARKET STREET, S. BAYLOR STREET, S. PARK STREET, AND S. CHURCH STREET CURRENTLY ZONED COMMERCIAL, RESEARCH, AND TECHNOLOGY DISTRICT (B-2) (APPROXIMATELY 10.43 ACRES) AND A PORTION BEING INDUSTRIAL DISTRICT (I) (APPROXIMATELY 0.45 ACRES) TO A NEIGHBORHOOD BUSINESS DISTRICT (B-4) (APPROXIMATELY 10.88 ACRES) INCLUDING THE DOWNTOWN BUSINESS/RESIDENTIAL OVERLAY DISTRICT (APPROXIMATELY 2.28 ACRES), BEING A TOTAL OF APPROXIMATELY 10.88 ACRES OF LAND, SAID RE-ZONED PROPERTY BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A”.

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

WHEREAS, the City Council, hereby desires to amend Appendix A – “Zoning” to provide for the creation of the Neighborhood Business District (B-4) and the Downtown Business/Residential Overlay District in accordance with the regulations set forth therein; and

WHEREAS, the City Council of the City of Brenham desires to re-zone various tracts of land to a Neighborhood Business District (B-4) including the Downtown Business/Residential Overlay District as set forth herein below;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, THAT APPENDIX A – “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, 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 II, Division 1, Sec. 1, Establishment of districts is hereby amended to add the B-4 Neighborhood Business District and the OL Downtown Business/Residential Overlay District to read as follows:

Sec. 1. - Establishment of districts.

For the purposes of this ordinance, the city is hereby divided into ten (10) 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

District B-4. Neighborhood Business District

(Exclusive Commercial District)

District I. Industrial

(Special Districts)

District PD. Planned Development District

District OL. Downtown Business/Residential Overlay District

SECTION 2. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, Part II, Division 2, Sec. 6, I Industrial District is hereby amended by renumbering said Part II, Division 2, Sec. 6, I Industrial District to be referred to therein as Part II, Division 2, Sec. 7, I Industrial District. Further, any and all references throughout the entirety of Appendix A – "Zoning" of the Code of Ordinances of the City of Brenham, Texas to Part II, Division 2, Sec. 6, I Industrial District shall be renumbered to be referred to therein as Part II, Division 2, Sec. 7, I Industrial District.

SECTION 3. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, Part II, Division 2, Sec. 6 is hereby amended to add Part II, Division 2, Sec. 6, B-4 Neighborhood Business District to read as follows:

Sec. 6. - B-4 Neighborhood Business District.

(Sec. 6.01) Purpose. The B-4 Neighborhood Business District is established to encourage a mix of commercial, office, service, residential and governmental uses while preserving the historical/commercial character of this unique district.

(Sec. 6.02) Permitted uses:

(Residential)

Residential uses that occupy upper level space above ground level in nonresidential buildings.

(Nonresidential)

- (1) Amusement and entertainment
- (2) Apparel and other products assembled from finished textiles.
- (3) Arts and Crafts studios-
- (4) Automobile parking lots
- (5) Bakeries (retail and wholesale)
- (6) Banks/Depository Institutions (not including Payday Lenders or Express Loans)
- (6) Bed and Breakfast House
- (7) Distillery and Brewery
- (8) Artisan works and goods design, production and sales
- (9) Performing arts venues
- (10) Dancing or music academies and studios
- (11) Museums or galleries
- (12) Florist shops or greenhouses
- (13) Food and beverage production, sales and bottling works
- (14) Musical instruments assembly and manufacture design, production and sales
- (15) Offices
- (16) Open (outdoor) display or storage of retail merchandise as an accessory use to uses permitted in the B-4 District
- (17) Printing and/or engraving and newspaper plants and shops
- (18) Radio or television broadcasting station or studios for recording, film or photography
- (19) Eateries, restaurants, coffee shops, ice cream parlors not including drive-thru
- (20) Retail stores, general sales and service, and other local business

(Sec. 6.03) Specific uses:

- (1) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of construction work.

(Sec. 6.04) Height regulations. No residential or nonresidential building shall exceed forty (45) feet or three (3) stories.

(Sec. 6.05) Area regulations. No limitations except where bufferyards are required.

(Sec. 6.06) Lot coverage: No limitations.

(Sec. 6.07) Parking and loading regulations. The provisions contained in Part II, Division I, Sections 15 and 16 hereof shall be applicable to the B-4 Neighborhood Business District. However, notwithstanding the preceding sentence, the following provisions shall not be applicable to the B-4 Neighborhood Business District: 1) the third sentence of Part II, Division 1, Section 16.03(4); and 2) Part II, Division 1, Subsections 16.03(4)(a) and 16.03(4)(b).

It is the goal of the City to encourage not only new development within the B-4 Neighborhood Business District, but to also strongly encourage redevelopment and reuse of existing structures within the District. Existing development patterns preclude the reasonable anticipation that new development or, in the alternative, redevelopment and reuse of existing structures could be undertaken in a commercially viable manner if off-street parking spaces were required to be constructed by each property owner. In order to ensure that sufficient off-street parking spaces are available to support new development or redevelopment and reuse within the District, the City has determined that for any new construction and/or reconstruction or redevelopment of property within the District, the off-street parking requirements of this ordinance may be complied with in either of the following manners:

- (1) A property owner shall provide onsite off-street parking spaces by actually constructing onsite off-street parking spaces in compliance with the terms and conditions of this ordinance, as such terms and conditions are modified by this Section 5.07; or

- (2) A property owner shall pay a fee in lieu of actually constructing onsite off-street parking spaces. The property owner will be required to pay a fee, in an amount determined by the City Council, in accordance with the number of spaces required by this ordinance based upon the type of use envisioned for the property. The fees required by this subsection shall be paid to the office of the City Secretary, and shall be deposited into the B-4 Neighborhood Business District parking facilities improvement fund. All fees paid into this fund shall be used by the City to acquire and/or improve property as public parking facilities within or in the immediate vicinity of the B-4 Neighborhood Business District. The City may also utilize money in this fund to improve existing parking facilities by resurfacing them, installing landscaping and/or street furniture, or making other improvements deemed appropriate by the City Council.

(Sec. 6.08) Screening and fencing regulations. As provided in Part II, Division I, Section 12, and Section 13 of this ordinance.

SECTION 4. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, Part II, Division 2, Sec. 9, is hereby amended to add Downtown Business/Residential Overlay District to read as follows:

Sec. 9. Downtown Business/Residential Overlay District

(Sec. 9.01) The Downtown Business/Residential Overlay District is intended to protect and enhance the character and function of the downtown business and lodging areas, and to attract new residential development to promote activity in and support to the downtown area. Mixed-use projects that encourage pedestrian activity and serve local residents and visitors are preferred. This District will likely attract office buildings; retail dining, drinking, and lodging establishments; and leisure facilities. Design standards are required to ensure that structures in the downtown area exhibit a distinctive, high quality character, and that surrounding neighborhoods are adequately buffered from the more intense development intended in this District.

(Sec. 9.02) Permitted Uses:

(Residential)

- (1) Single-family detached dwelling units.
- (2) Single-family attached dwellings, (townhouses) in accordance with townhouse development provisions of the subdivision ordinance of the City of Brenham.
- (3) Two-family dwellings or duplexes.

- (4) Multifamily dwellings, including dormitories for students and fraternity or sorority houses, on sites of less than one (1) acre.
- (5) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.

Mobile homes and manufactured homes are not allowed at any location within the Downtown Business/Residential Overlay District.

(Nonresidential)

- (1) Any nonresidential permitted use in the B-4 Neighborhood Business District

(Sec. 9.03) Area Regulations.

Area regulations:

- (1) Single-family detached units.

- (a) Size of yards:

- (i) Front yard. There shall be a front yard having a depth of not less than fifteen (15) feet. Where lots have double frontage the required front yard shall be provided adjacent to both streets.

- (ii) Side yard. There shall be a side yard on each side of the lot having a width of not less than seven feet six inches (7' 6"). A side yard adjacent to a side street shall not be less than fifteen (15) feet.

- (iii) Rear yard. There shall be a rear yard having a depth of not less than fifteen (15) feet, except that a rear yard of not less than twenty five (25) feet shall be maintained where adjacent to an arterial or collector street.

- Exceptions:* Single-family detached units with first floor garage parking allowing for two 10' X 20' non stacked spaces will have no limitations on lot coverage and no limitations on area regulations.

- (b) Size of lot:

- (i) Lot area. No building shall be constructed on any lot of less than five thousand (5,000) square feet.

- (ii) Lot width. The width of the lot shall not be less than forty (40) feet at the front street building line, nor shall its average width be less than forty (40) feet.

- (iii) Lot depth. There is no lot depth requirement.

- (c) 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.

(2) Single-family attached units (townhomes):

- (a) Minimum site area. The minimum area for townhouse development shall be nine thousand (9,000) square feet.
- (b) Size of yards:
 - (i) Front yard. There shall be a front yard having a depth of not less than fifteen (15) feet, and a front yard width of not less than thirty (30) feet adjacent to all major streets.
 - (ii) Side yard. No side yard shall be required, except where contiguous townhomes are separated, a minimum of seven feet six inches (7' 6") feet shall be maintained between the separated units and on corner lots a minimum of fifteen (15) feet shall be maintained between the building line and the side lot line of the corner lot.
 - (iii) Rear yard. A rear yard of fifteen (15) feet shall be maintained for all attached townhome units, except that a rear yard of not less than twenty (20) feet shall be maintained where adjacent to a major street.
- (c) Size of lots:
 - (i) Lot area. No building shall be constructed on any lot of less than three thousand (3,000) square feet.
 - (ii) Lot width. The width of the lot shall be not less than thirty (30) feet at the front street building line, nor shall its average width be less than thirty (30) feet.
 - (iii) Lot depth. No limitations.
 - (iv) Legally existing nonconforming lots. Where a legally platted lot for townhomes having less area, width, and/or depth than herein required existed upon the effective date of this ordinance, the above regulations shall not prohibit the erection of a single family attached or detached unit thereon, provided the applicable setbacks as required herein above shall be maintained.
- (d) 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, excluding pools.
- (e) Parking for single family attached and multifamily units shall be located to the rear of the property. Where double frontage exists, the street on which the property is addressed shall be considered the front property line.

(3) Multifamily units (apartments):

- (a) Minimum site area. The minimum site area for duplexes shall be five thousand (5,000) square feet and the minimum area for multifamily development shall be six thousand (6,000) square feet.
- (b) Size of yards:
 - (i) Front yard. There shall be a front yard having a depth of not less than twenty (20) feet.
 - (ii) Side yard. There shall be a side yard of not less than fifteen (15) feet, including, but not limited to, side yards adjacent to public streets.
 - (iii) Rear yard. A rear yard of fifteen (15) feet shall be maintained. There shall be a rear yard of not less than twenty-five (25) feet adjacent to all major streets.
- (c) Size of lots:
 - (i) Lot area. There shall be a minimum of one thousand (1,000) square feet of lot area per multifamily dwelling unit.
 - (ii) Lot width. The width of the 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.
 - (iii) Lot depth. The average depth of the lot shall not be less than one hundred (100) feet.
- (d) Lot coverage: In no case shall more than seventy-five (75) percent of the total lot area be covered by the combined area of the main buildings, and accessory buildings and other impervious surfaces.

(Sec. 9.04) Parking regulations. Off-street parking spaces shall be provided in accordance with the applicable requirements for specific uses set forth in Part II, Division I, Section 16 of this ordinance.

SECTION 5. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the existing City of Brenham Official Zoning Map is hereby amended to re-zone various tracts of land bounded by and/or adjacent to S. Austin Street, W. First Street, S. Market Street, S. Baylor Street, S. Park Street, and S. Church Street currently zoned Commercial, Research, and Technology District (B-2) (approximately 10.43 acres) and a portion being Industrial District (I) (approximately 0.45 acres) to a Neighborhood Business District (B-4) (approximately 10.88 acres) including the Downtown Business/Residential Overlay (approximately 2.28 acres), being a total of approximately 10.88 acres of land, said re-zoned property being more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION 6. This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

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

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

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

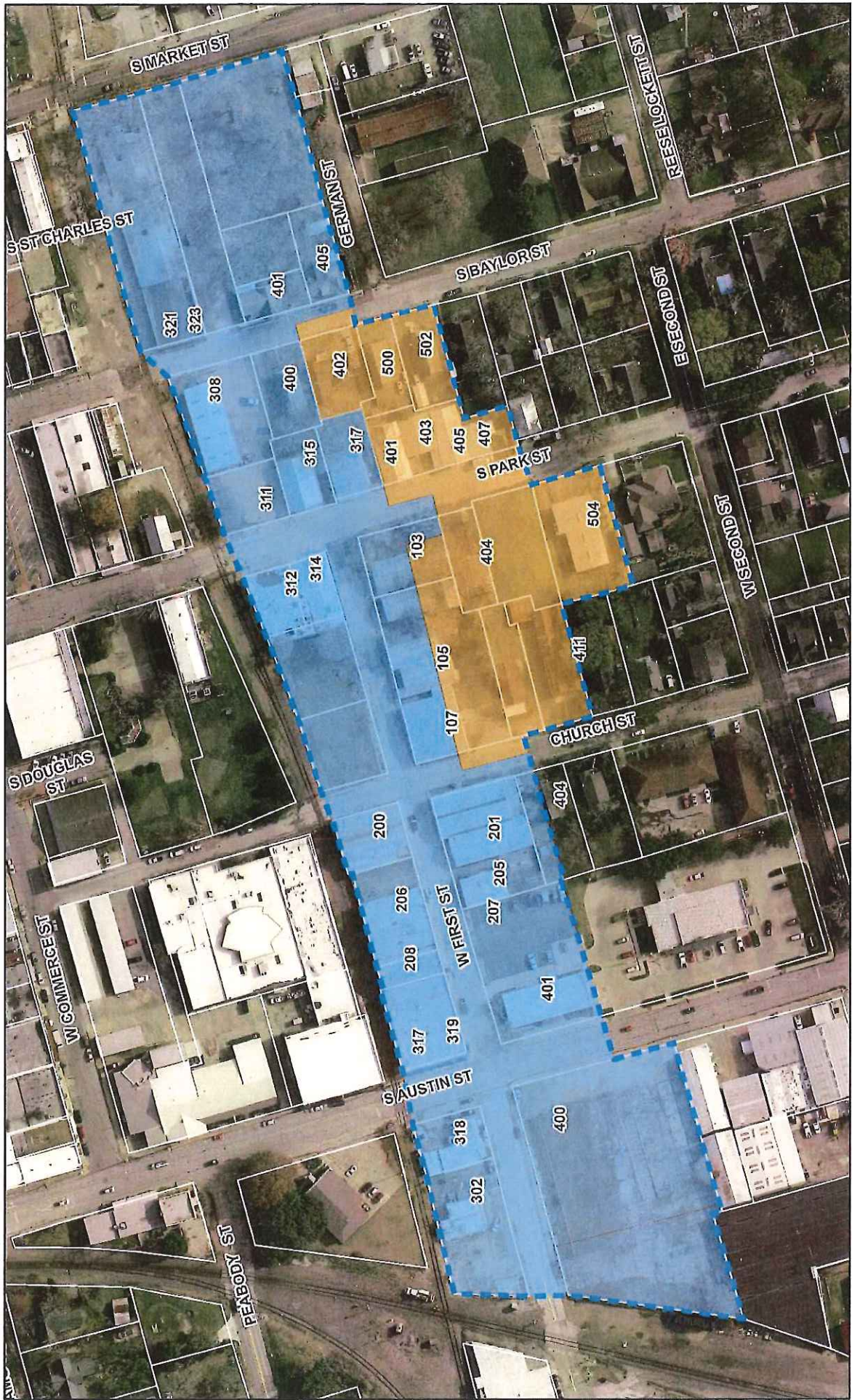


Exhibit "A" **Downtown Brenham Master Plan** **Southside Overlay District**

-  Southside District (10.88 Ac)
-  Downtown Business/Residential Overlay District (2.28 Ac)
-  B4-Neighborhood Business District (8.60 Ac)

1 inch = 160 feet





AGENDA ITEM 13

DATE OF MEETING: June 1, 2017	DATE SUBMITTED: May 12, 2017															
DEPT. OF ORIGIN: Library Services	SUBMITTED BY: Andria Heiges															
<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 the Acceptance of the Libraries and Literacy Grant Through the Texas State Library and Archives Commission (TSLAC) in Partnership With the Texas Workforce Commission (TWC) and Authorize the Mayor to Execute Any Necessary Documentation																
SUMMARY STATEMENT: The Libraries and Literacy Grant has been made available through a TSLAC and TWC partnership in order to expand library engagement with local Adult Education and Literacy (AEL) providers. The reimbursement grant encourages libraries to develop tools and resources to assist with adult literacy issues, and allows the purchase of equipment that will enable libraries to expand services to adults seeking to improve literacy skills. The Nancy Carol Roberts Memorial Library with a service population of under 25,000 is eligible for up to a \$2,000 grant reimbursement. The Library has been awarded the Libraries and Literacy Grant to purchase assistive technology to assist with both digital literacy and basic literacy training for the visually impaired, including: 1) <i>One Snow 7HD Color Portable Video Magnifier at an estimated cost of \$929.</i> This device is a portable handheld magnifier that allows the user to magnify print resources and pictures. 2) <i>One IZOOM Magnifier/Reader USB version 6.0 at an estimated cost of \$399.</i> This device can be plugged in to the USB port of any computer enabling the user to magnify the computer screen. The total amount staff anticipates spending is \$1,400.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: Provides assistive technology offerings within the community at no net cost to the City. B. CONS:																
ALTERNATIVES (In Suggested Order of Staff Preference):																

ATTACHMENTS: None
FUNDING SOURCE (Where Applicable): 146
RECOMMENDED ACTION: Approve the acceptance of the Libraries and Literacy Grant through the Texas State Library and Archives Commission (TSLAC) in partnership with the Texas Workforce Commission (TWC) and authorize the Mayor to execute any necessary documentation
APPROVALS: Terry K. Roberts



AGENDA ITEM 14

DATE OF MEETING: June 1, 2017	DATE SUBMITTED: May 25, 2017															
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Dane Rau															
<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 Authorization for Final Payment to Coons Construction, Inc. for the M.M. Owsley Serenity Garden and Park Improvements Project and Authorize the Mayor to Execute any Necessary Documentation																
SUMMARY STATEMENT: Coons Construction has completed the M.M. Owsley Memorial Serenity Garden and Park Improvements. We are very happy with the project and it has been used heavily by park patrons since its construction. Features of the project include a serenity garden, walking trail, sidewalk extensions, lighting, electrical work, drainage work, fence extensions, landscaping and irrigation. Coons has completed the punch list of the small items and are considered to be substantially complete. The total project budget was \$777,000 which was from generous donations by Robbie Gail Charrette and the M.M. Owsley Family Trust. The preliminary budget called for \$730,650 to be used on construction and contingency items while \$46,350 was designated for engineering costs. With the total project complete and Payment No. 7 (Final) due along with small expenses related to the project there was a contingency left of \$12,025.76. With this contingency we will work with the donor to see what items we may add to the park to add to its beauty. We would like to ask council to accept this project as it is substantially complete and allow for final payment in the amount of \$25,301.07 to Coons Construction.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: Awesome improvement to our Parks System which allows Fireman's Park to flow uniformly from the north to the south where the Library is located. B. CONS: Some issues related to sidewalks but everything has been resolved.																
ALTERNATIVES (In Suggested Order of Staff Preference):																
ATTACHMENTS: (1) Application for Payment No. 7 & Final; (2) Certificate of Substantial Completion; (3) Consent of Surety Company to Final Payment; and (4) Power of Attorney																

FUNDING SOURCE (Where Applicable):
RECOMMENDED ACTION: Approve the authorization for final payment to Coons Construction, Inc. in the amount of \$25,301.07 for the M.M. Owsley Serenity Garden and Park Improvements Project and authorize the Mayor to execute any necessary documentation
APPROVALS: Ryan Rapelye

APPLICATION FOR PAYMENT NO. 7 & FINAL

TO OWNER: CITY OF BRENHAM, 200 WEST VULCAN, BRENHAM, TEXAS 77833

FROM CONTRACTOR: COONS CONSTRUCTION, 5036 CHAMPIONS DRIVE, LUFKIN, TEXAS, 75901

PROJECT: 2016 M.M. OWSLEY MEMORIAL SERENITY GARDEN AND PARK IMPROVEMENTS

STRAND PROJECT NO. 3900.038

CONTRACT AWARDED: May 19, 2016

NOTICE TO PROCEED: June 17, 2016

PERIOD FROM: December 1, 2016

PERIOD TO: April 27, 2017

CONST. TIME ALLOTTED: 100

TIME USED: 315

Item No.	Description	Contract Quantity	Completed Quantity			Unit Price	Total Value of Work Completed
			Previous Period	Current Period	Total		
1	Furnish all plant, labor and materials and construct park improvements, including, but not limited to, demolition, erosion control, grading, drainage, sidewalk, walking trail and lighting, but excluding the work included in the Bid Item No 3 Allowance						
1a.	General Conditions/B& I/Fee	1 LS	100%	0%	100%	\$ 76,001.00	\$ 76,001.00
1b.	Erosion Control - SWPPP	1 LS	100%	0%	100%	\$ 6,500.00	\$ 6,500.00
1c.	Demolition	1 LS	100%	0%	100%	\$ 18,000.00	\$ 18,000.00
1d.	Earthwork, Grading	1 LS	100%	0%	100%	\$ 9,625.00	\$ 9,625.00
1e.	Storm Sewer, Drainage	1 LS	100%	0%	100%	\$ 47,966.00	\$ 47,966.00
1f.	Electrical	1 LS	100%	0%	100%	\$ 80,275.00	\$ 80,275.00
1g.	Concrete walks, curb and gutter, slope paving	1 LS	100%	0%	100%	\$ 39,782.00	\$ 39,782.00
1h.	Asphalt patch	1 LS	25%	0%	25%	\$ 3,500.00	\$ 875.00
1i.	Granite Walks	1 LS	100%	0%	100%	\$ 12,863.00	\$ 12,863.00
1j.	Pavers (crosswalk)	1 LS	100%	0%	100%	\$ 2,793.00	\$ 2,793.00
1k.	Sod/Seeding	1 LS	50%	50%	100%	\$ 9,579.00	\$ 9,579.00
2	Perform excavation safety for all trenches over 5' depth in accordance with Technical Specification No. 31 50 00, complete in place for the unit price of	132 LF	132	0	132	\$ 10.00	\$ 1,320.00
3	Furnish all plant, labor and materials and construct serenity garden, site planting, sod and site irrigation as shown on the landscape plans, complete in place for the lump sum amount of	1 LS	93%	1.79%	94.79%	\$ 89,500.00	\$ 84,837.50
II. ADDITIVE ALTERNATE BIDS							
A1	Furnish and install welded steel fence, including individual post footings, complete in place for the lump sum amount of	1 LS	97%	3%	100%	\$ 34,891.00	\$ 34,891.00
A2	Furnish and install brick paver bands on the concrete sidewalk, complete in place for the lump sum amount of	1 LS	100%	0%	100%	\$ 4,786.00	\$ 4,786.00

Item No.	Description	Contract Quantity	Completed Quantity			Unit Price	Total Value of Work Completed
			Previous Period	Current Period	Total		
A4	Furnish and install continuous reinforced concrete strip footing under entire length of the welded steel fence, complete in place for the lump sum amount of	1 LS	100%	0%	100%	\$ 8,549.00	\$ 8,549.00
A6	Furnish and install 3/16" thick, 4" tall, hot dip galvanized edging in lieu of 14' gauge powder coated edging along decomposed granite walking trail, complete in place for the lump sum amount of	1 LS	100%	0%	100%	\$ 8,050.00	\$ 8,050.00
CHANGE ORDER NO. 1							
CO1.1	13 LF of welded steel fencing and mow strip	1 LS	1	0	1	\$ 1,390.32	\$ 1,390.32

Original Contract: \$ 453,980.00
Plus Additions:
Less Deductions: \$ (5,897.18)
Adjusted Contract: \$ 448,082.82

Value of Work Performed to Date \$ 448,082.82
Plus Materials Stored at Close of Period \$ -
Net Amt Earned to Date \$ 448,082.82
Retainage (Lump Sum) \$ -
Subtotal \$ 448,082.82
Less Previous Pay Applications \$422,781.75
Amount Due this Application \$ 25,301.07

AFFIDAVIT & CERTIFICATION OF PAY APPLICATION BY CONTRACTOR

STATE OF TEXAS

COUNTY OF ~~ANGELINA~~ Washington

WHEREAS, the undersigned, Wade S. Coons, who being duly sworn, on oath, says that he is the legal representative of Coons Consttuction, has been employed by the City of Brenham to furnish labor and materials for the installation of 2016 M.M. Owsley Serenity Garden and Park Improvements in Brenham,

The undersigned Contractor certifies that: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

BY: Wade S. Coons DATE: 5/19/17
COONS CONSTRUCTION

PRINTED NAME: Wade S. Coons TITLE: President

SWORN TO AND SUBSCRIBED BEFORE ME 19 DAY OF May, 2017

Melanie Smith
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS.



RECOMMENDED BY: Robert C. Schrier DATE: 5/19/17
OMALLEY STRAND ASSOCIATES, INC.

APPROVED BY: _____ DATE: _____
CITY OF BRENHAM

CERTIFICATE OF SUBSTANTIAL COMPLETION

Owner: City of Brenham	Owner's Contract No.:
Contractor: Coons Construction, Inc.	Contractor's Project No.:
Engineer: O'Malley Strand Associates, Inc.	Engineer's Project No.: 3900.038
Project: 2016 M.M. Owsley Memorial Serenity Garden and Park Improvements	Contract Name:

This final Certificate of Substantial Completion applies to:

☒ All Work ☐ The following specified portions of the Work:

April 27, 2017

Date of Substantial Completion

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work shall be as provided in the Contract, except as amended as follows: N/A

Amendments to Owner's
responsibilities:

☒ None

☐ As follows:

Amendments to

Contractor's responsibilities:

☒ None

☐ As follows:

The following documents are attached to and made a part of this Certificate: N/A

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract.

EXECUTED BY ENGINEER:		RECEIVED:	
By: <u>Robert C. Schiller</u>	By: _____	By: <u>Wade Coon</u>	RECEIVED:
(Authorized signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)	
Title: <u>Project Engineer</u>	Title: _____	Title: <u>President</u>	
Date: <u>5/19/17</u>	Date: _____	Date: <u>5/19/17</u>	

**CONSENT OF
SURETY COMPANY
TO FINAL PAYMENT**

AIA DOCUMENT G707

OWNER
ARCHITECT
CONTRACTOR
SURETY
OTHER

☐
☐
☒
☐
☐

PROJECT: City of Brenham 2016 M.M. Owsley Memorial Serenity Garden and Park Improvements
(name, address) Strand No. 3900.038, Brenham, TX

TO (Owner)

City of Brenham
200 West Vulcan
Brenham, TX 77833

ARCHITECT'S PROJECT NO:
CONTRACT FOR: \$453,980

CONTRACT DATE: 5/19/2016
FINAL CONTRACT PRICE: \$448,082.82

CONTRACTOR: Coons Construction, Inc.
5036 Champions Drive
Lufkin, TX 75901

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the
(here insert name and address of Surety Company)

NGM Insurance Company (formerly known as National Grange Mutual Insurance Company)
55 West Street
Keene, NH 03431

, SURETY COMPANY,

on bond of (here insert name and address of Contractor)

Coons Construction, Inc.
5036 Champions Drive
Lufkin, TX 75901

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve
the Surety Company of any of its obligations to (here insert name and address of Owner)

City of Brenham
200 West Vulcan
Brenham, TX 77833

, OWNER,

as set forth in the said Surety Company's bond.

IN WITNESS WHEREOF,

the Surety Company has hereunto set its hand this 17th day of May, 2017.

Attest:
(Seal):

Dulir Peak

NGM Insurance Company (formerly known as National
Grange Mutual Insurance Company)

Surety Company

Signature of Authorized Representative

Attorney-in-Fact

Title

NOTE: This form is to be used as a companion document to AIA DOCUMENT, G706, CONTRACTOR'S AFFIDAVIT OF PAYMENT
OF DEBTS AND CLAIMS, Current Edition

Printed in cooperation with the American Institute of Architects (AIA) by the NGM Insurance Company. The language in this document
conforms exactly to the language used in AIA document G707, April 1970 Edition.



NGM INSURANCE COMPANY
A member of The Main Street America Group

POWER OF ATTORNEY

06-02998120

KNOW ALL MEN BY THESE PRESENTS: That NGM Insurance Company, a Florida corporation having its principal office in the City of Jacksonville, State of Florida, pursuant to Article IV, Section 2 of the By-Laws of said Company, to wit:

"Article IV, Section 2. The board of directors, the president, any vice president, secretary, or the treasurer shall have the power and authority to appoint attorneys-in-fact and to authorize them to execute on behalf of the company and affix the seal of the company thereto, bonds, recognizances, contracts of indemnity or writings obligatory in the nature of a bond, recognizance or conditional undertaking and to remove any such attorneys-in-fact at any time and revoke the power and authority given to them. "

does hereby make, constitute and appoint **Layla Smith, Brandy Duncan, Mike Haney**-----

its true and lawful Attorneys-in-fact, to make, execute, seal and deliver for and on its behalf, and as its act and deed, bonds, undertakings, recognizances, contracts of indemnity, or other writings obligatory in nature of a bond subject to the following limitation:

1. No one bond to exceed Five Million Dollars (\$5,000,000.00)

and to bind NGM Insurance Company thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of NGM Insurance Company; the acts of said Attorney are hereby ratified and confirmed.

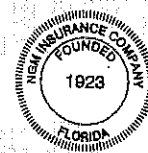
This power of attorney is signed and sealed by facsimile under and by the authority of the following resolution adopted by the Directors of NGM Insurance Company at a meeting duly called and held on the 2nd day of December 1977.

Voted: That the signature of any officer authorized by the By-Laws and the company seal may be affixed by facsimile to any power of attorney or special power of attorney or certification of either given for the execution of any bond, undertaking, recognizance or other written obligation in the nature thereof; such signature and seal, when so used being hereby adopted by the company as the original signature of such office and the original seal of the company, to be valid and binding upon the company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, NGM Insurance Company has caused these presents to be signed by its Vice President, General Counsel and Secretary and its corporate seal to be hereto affixed this 8th day of January, 2016.

NGM INSURANCE COMPANY By:

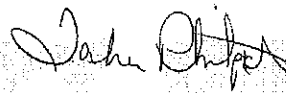

Bruce R Fox
Vice President, General
Counsel and Secretary



State of Florida,
County of Duval.

On this January 8, 2016, before the subscriber a Notary Public of State of Florida in and for the County of Duval duly commissioned and qualified, came Bruce R Fox of NGM Insurance Company, to me personally known to be the officer described herein, and who executed the preceding instrument, and he acknowledged the execution of same, and being by me fully sworn, deposed and said that he is an officer of said Company, aforesaid: that the seal affixed to the preceding instrument is the corporate seal of said Company, and the said corporate seal and her signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Company; that Article IV, Section 2 of the By-Laws of said Company is now in force.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Jacksonville, Florida this 8th day of January, 2016.



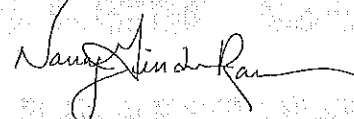


Tasha Ann Philpot
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF915117
Expires 10/3/2019

I, Nancy Giordano-Ramos, Vice President of NGM Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by said Company which is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company at Jacksonville, Florida this

17th day of May, 2017.



WARNING: Any unauthorized reproduction or alteration of this document is prohibited.
TO CONFIRM VALIDITY of the attached bond please call 1-800-225-5646.
TO SUBMIT A CLAIM: Send all correspondence to 55 West Street, Keene, NH 03431 Attn: Bond Claims.





AGENDA ITEM 15

DATE OF MEETING: June 1, 2017	DATE SUBMITTED: May 25, 2017															
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Dane Rau															
<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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	☐ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Termination of the Janitorial Service Contract Between the City of Brenham and Lim Service Industries and Authorize the Mayor to Execute Any Necessary Documentation																
SUMMARY STATEMENT: On February 16, 2017 the City of Brenham awarded Lim Service Industries the cleaning and janitorial contract for numerous city facilities. This was a 1 yr. contract with 2 additional renewal terms if both parties agreed. Lim Service Industries submitted the second lowest bid and it was decided by staff that we would award the bid to Lim rather than the lowest bidder due to past experiences with the lowest bidder and quality of work. Staff diligently researched Lim Service Industries and reached out to current customers on reference checks. Those checks came back positive. At the time we felt good about the company and subsequently awarded the bid to the second lowest bidder in hopes of getting quality work that is detailed out in the bid packet. From the commencement of the contract we started experiencing difficulties with Lim Service Industries and it continued over the last several months. Staff has had numerous meetings with the Lim Management Team in hopes that quality, timeliness, and organization would change. Unfortunately, things have not changed. We polled the City of Brenham facilities numerous times over the last 2 months and it is unanimous that the quality of work and service is not being followed by what is required in the scope of work in the bid. Staff does not want to go through this but there are no other options left rather than terminate the contract in which the contract language gives either party the right too. Staff would like to use the 30 day notification in the contract but if council decided otherwise there is a 5 day termination clause. Our plan moving forward would be to terminate using the 30 day clause, obtain a company to clean the buildings on a 120 day temporary basis while another bid is prepared. We have looked at this option and it can be handled in this manner. We ask that council support staff's decision and move forward with the termination of the janitorial contract with Lim Service Industries.																

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):
A. PROS: No pros
B. CONS: Spend time on going through termination, expenses will rise considerably since the last two contracts for the 120 day temporary cleaning and will have to bid again not knowing how those will turn out.
ALTERNATIVES (In Suggested Order of Staff Preference):
ATTACHMENTS: None
FUNDING SOURCE (Where Applicable): Numerous departments
RECOMMENDED ACTION: Approve the termination of the janitorial service contract between the City of Brenham and Lim Service Industries and authorize the Mayor to execute any necessary documentation
APPROVALS: Ryan Rapelye



AGENDA ITEM 16

DATE OF MEETING: June 1, 2017	DATE SUBMITTED: May 22, 2017															
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Kacey Weiss															
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;">MEETING TYPE:</td> <td style="width: 33%; vertical-align: top;">CLASSIFICATION:</td> <td style="width: 33%; vertical-align: top;">ORDINANCE:</td> </tr> <tr> <td>☒ REGULAR</td> <td>☐ PUBLIC HEARING</td> <td>☐ 1ST READING</td> </tr> <tr> <td>☐ SPECIAL</td> <td>☐ CONSENT</td> <td>☐ 2ND READING</td> </tr> <tr> <td>☐ EXECUTIVE SESSION</td> <td>☒ REGULAR</td> <td>☐ RESOLUTION</td> </tr> <tr> <td></td> <td>☐ WORK SESSION</td> <td></td> </tr> </table>		MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING	☐ SPECIAL	☐ CONSENT	☐ 2 ND READING	☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION		☐ WORK SESSION	
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AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon a Request for a Noise Variance in Connection with the 2017 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be Held from 2:30 P.M. to Midnight on July 8, 15, 22 and 29, 2017 and Authorize the Mayor to Execute Any Necessary Documentation																
SUMMARY STATEMENT: The City of Brenham Community Programs submitted a request for a Noise Variance for the 4-night concert series this year. The dates and times include Saturday, July 8; Saturday, July 15; Saturday, July 22; and Saturday, July 29, 2017; from 2:30 p.m. (when sound set-up begins) to Midnight. There will be a free concert, children's activities, food and beverage vendors, and a classic car cruise-in. They will have bands and a sound amplification system, which require a Noise Variance. The Brenham Police Department and the Brenham Fire Department have approved the noise variance request; therefore, I ask the City Council to approve the noise variance request.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:																
ALTERNATIVES (In Suggested Order of Staff Preference): N/A																
ATTACHMENTS: (1) Noise Variance Request																
FUNDING SOURCE (Where Applicable): N/A																
RECOMMENDED ACTION: Approve a request for a noise variance in connection with the 2017 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held from 2:30 P.M. to Midnight on July 8, 15, 22 and 29, 2017 and authorize the Mayor to execute any necessary documentation																
APPROVALS: Terry K. Roberts																

NOISE VARIANCE REQUEST

Application Fee \$10.00

1. Name of sponsoring organization: City of Brenham
2. Name and address of individual making application on behalf of sponsoring organization: Crystal Locke
P.O. Box 1059 Brenham, TX 77834
3. Purpose of the Event: free concert series
4. Location of Event: Downtown Brenham - Courthouse square
5. Date of the event: July 8, 15, 22, + 29
6. Time of Event: 7-10 pm
7. Event Set-up: From: 2:30 pm To: 6:00 pm
Event Clean-up: From: 10:00 pm To: 12:00 am
8. You are required to describe the following:
 - a) Types of Activities Planned and any additional information specific to this event: live music; food vendors; childrens activities; classic car cruise-in.
 - b) Bands/Musical Instruments: yes - 5 to 6 band members.
 - c) Sound amplification equipment: yes - same as previous years.
 - d) Cleanup provisions: working with city departments.

Crystal Locke
Name of Applicant (Printed or Typed)
C. Locke
Applicant or Authorized Person's Signature

Date: 03-06-17
Phone: 337-7254

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



AGENDA ITEM 17

DATE OF MEETING: June 1, 2017	DATE SUBMITTED: May 25, 2017															
DEPT. OF ORIGIN: Community Programs	SUBMITTED BY: Crystal Locke															
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AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-17-011 Authorizing Execution of an Agreement with TxDOT for the Temporary Closure of State Right-of-Way in Connection with the 2017 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be Held on July 8, 15, 22 and 29, 2017																
SUMMARY STATEMENT: The Downtown Summer Concert Series (Hot Nights, Cool Tunes) is hosted by the City of Brenham and sponsored by local businesses. These are free concerts for the public with live entertainment, food booths, kid's activities and a classic car cruise-in. People will bring their lawn chairs and set them up in the street and enjoy the fellowship and entertainment. This year's concerts will be held on July 8, 15, 22, and 29, 2017 from 7:00 p.m. – 10:00 p.m. One lane of Alamo Street between Park Street and Market Street will be closed beginning at 2:30 p.m. for stage setup then both lanes of Alamo Street will be closed between Austin Street and Market Street from 4:30 p.m. to 11:30 p.m. Estimated attendance per weekend is 2,500 people.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:																
ATTACHMENTS: (1) Resolution No. R-17-011; (2) Agreement with TxDOT for the Temporary Closure of State Right-of-Way; and (3) Application for Event Permit																
FUNDING SOURCE (Where Applicable): N/A																
RECOMMENDED ACTION: Approve Resolution No. R-17-011 authorizing execution of an agreement with TxDOT for the temporary closure of state right-of-way in connection with the 2017 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held on July 8, 15, 22 and 29, 2017																
APPROVALS: Terry K. Roberts																

RESOLUTION NO. R-17-011

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

WHEREAS, the City of Brenham has received requests for street closings involving a portion of the state highway system within the City of Brenham;

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

WHEREAS, the City Council of the City of Brenham has considered the foregoing and the aforesaid agreement and have agreed to be bound by the provisions thereof for the purpose of closing said streets for the 2017 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held on **July 8, 15, 22, and 29, 2017**.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, the Mayor of Brenham, acting on behalf of the City Council of the City of Brenham is hereby authorized to execute the attached agreement with the Texas Department of Transportation in connection with the closure of a portion of the state highway system within the City of Brenham associated with the 2017 Downtown Summer Concert Series (Hot Nights, Cool Tunes). This Resolution is effective upon its adoption.

PASSED AND APPROVED this the ____ day of _____, 2017.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

STATE OF TEXAS §

COUNTY OF TRAVIS §

AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT OF WAY

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

W I T N E S S E T H

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

WHEREAS, the local government has requested the temporary closure of Alamo Street (Business 290) for the purpose of the 2017 Downtown Summer Concert Series (Hot Nights, Cool Tunes), from 2:30 p.m. to 11:30 p.m. on July 8, 15, 22, and 29, 2017 as described in the attached "Exhibit A," hereinafter identified as the "Event;" and

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

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

WHEREAS, on the 1st day of June, 2017, the Brenham City Council passed Resolution / Ordinance No. R-17-011, attached hereto and identified as "Exhibit B," establishing that the Event serves a public purpose and authorizing the local government to enter into this agreement with the State; and

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

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

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

A G R E E M E N T

Article 1. CONTRACT PERIOD

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

Article 2. EVENT DESCRIPTION

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

Article 3. OPERATIONS OF THE EVENT

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

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

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

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

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

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

G. The local government hereby assures the State that there will be appropriate passage

allowance for emergency vehicle travel and adequate access for abutting property owners during construction and closure of the highway facility. These allowances and accesses will be included in the local government's traffic control plan.

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

Article 4. OWNERSHIP OF DOCUMENTS

Upon completion or termination of this agreement, all documents prepared by the local government will remain the property of the local government. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

Article 5. TERMINATION

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

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

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

Article 6. DISPUTES

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

Article 7. RESPONSIBILITIES OF THE PARTIES

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

Article 8. INSURANCE

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

that the local government and/or its contractors are encroaching upon the State right of way.

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

Article 9. AMENDMENTS

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

Article 10. COMPLIANCE WITH LAWS

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

Article 11. LEGAL CONSTRUCTION

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

Article 12. NOTICES

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

Local Government:	State:
_____	Texas Department of Transportation
_____	_____
_____	_____
_____	_____

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

Article 13. SOLE AGREEMENT

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

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

THE CITY OF BRENHAM

Executed on behalf of the local government by:

Agreement No. _____

By _____ Date _____
City Official

Typed or Printed Name and Title _____

THE STATE OF TEXAS

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

By _____ Date _____
District Engineer

Exhibit A

This request is for closure of Alamo Street (Business 290) from Market Street to Austin Street in Brenham, Texas (Washington County) as follows: One lane of Alamo Street (Business 290) from Park Street to Market Street closing at 2:30 p.m. until 11:30 p.m.; both lanes of Alamo Street (Business 290) from Austin Street to Market Street closing at 4:30 p.m. until 11:30 p.m. on July 8, 15, 22, and 29, 2017.

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

The proposed activity that requires these street closures is the:

2017 Downtown Summer Concert Series (Hot Nights, Cool Tunes). July 8, 15, 22 and 29, 2017. These are free concerts for the public with live entertainment, food booths, kid's activities and a classic car cruise-in. People will bring lawn chairs and set them up in the street and enjoy the fellowship and entertainment. Estimated attendance per event is approximately 2,500.

Exhibit B

RESOLUTION NO. R-17-011

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

WHEREAS, the City of Brenham has received requests for street closings involving a portion of the state highway system within the City of Brenham;

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

WHEREAS, the City Council of the City of Brenham has considered the foregoing and the aforesaid agreement and have agreed to be bound by the provisions thereof for the purpose of closing said streets for the 2017 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held on **July 8, 15, 22, and 29, 2017**.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, the Mayor of Brenham, acting on behalf of the City Council of the City of Brenham is hereby authorized to execute the attached agreement with the Texas Department of Transportation in connection with the closure of a portion of the state highway system within the City of Brenham associated with the 2017 Downtown Summer Concert Series (Hot Nights, Cool Tunes). This resolution is effective upon its adoption.

PASSED AND APPROVED this the 1st of June, 2017.

Milton Y. Tate, Jr., Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

Exhibit C



APPLICATION FOR EVENT PERMIT

1. Name of sponsoring organization: City of Brenham.
2. Name of individual making application on behalf of sponsoring organizations: Crystal Locke
3. Purpose of the event: free summer concert series.
4. Proposed date(s) of event: July 8, 15, 22, 29
5. Event start date and time: July 8, 15, 22, 29 @ 7pm
6. Event set-up times: From 2:30 pm to 6:00 pm
7. Breakdown/cleanup: From 10:00 pm to 12:00 am.
8. Describe types of activities planned (entertainment, food booths, theme of items for sale, etc.):
free live music, food vendors,
classic car cruise-in, etc.
9. Estimated attendance (event organizers and spectators): 2,500 per night.
10. Special Requests and/or additional information related to this event:

11. Street Closure Times:

Beginning at July 8, 15, 22, + 29 c various times.
(Date and time)

Ending at: July 8, 15, 22, + 29 c 12:00 pm or until stage is removed.
(Date and time)

12. Street Closings:**

Baylor from Commerce to Alamo c noon.
Alamo (one lane) from Park to St. Charles c 2:30pm
Alamo from Austin to Market c 4:30pm
Park from Main to Alamo c 4:30pm
Douglas from Commerce to Alamo c 4:30pm.
_____ from _____ to _____

****Please provide a map of closures**

APPLICANT

C. Locke
Signature

Date: 03-27-17

Crystal Locke
Printed Name

Contact Phone Number: 337-7254

CITY OF BRENHAM

By: _____
City Secretary

Date: _____

