



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, DECEMBER 20, 2018 AT 1:00 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN ST.
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Pro Tem Ebel**
- 3. Citizens Comments**

CONSENT AGENDA

4. Statutory Consent Agenda

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

4-a. Minutes from the November 29, 2018 Regular City Council Meeting

4-b. Ordinance No. O-18-019 for the Creation of a Tax Increment Reinvestment Zone Containing Approximately 2,201 Acres of Land Generally Located Along U. S. Highway 290, South Market Street, and West Main Street Corridors within the City Limits of the City of Brenham, Texas

4-c. Ordinance No. O-18-020 Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District from an Industrial Use (I) District to a Mixed Residential Use (R-2) District on a Tract of Land Described as 0.4884 Acres, Being a Part of Tract 337 of the Arrabella Harrington Survey, A-55, Located at 1008 Burleson Street in Brenham, Washington County, Texas (Case No. P-18-027)

4-d. Ordinance No. O-18-021 Amending the Official Zoning Map of the City of Brenham to Change the Zoning District from an Industrial Use (I) District to a Manufactured Home Residential Use (R-3) District on a Tract of Land Described as 15.36 Acres, Being a Part of Tract 447 of the Phillip Coe Survey, A-31, Located at 2834 Industrial Boulevard, in Brenham, Washington County, Texas (Case No. P-18-028)

4-e. Ordinance No. O-18-022 Amending the FY2017-18 Adopted Budget

4-f. Ordinance No. O-18-023 Amending the FY2018-19 Adopted Budget

Pages 1 -44

WORK SESSION

- 5. Presentation and Discussion Regarding Changes to Bagged Garbage Disposal and Associated Charges at the City of Brenham Recycling Center** **Pages 45 - 47**

REGULAR SESSION

- 6. Discuss and Possibly Act Upon an Ordinance on Its First Reading Authorizing the Placement of a Stop Sign on Center Street at Its Intersection with Crockett Street** **Page 48 - 50**
- 7. Discuss and Possibly Act Upon an Ordinance on Its First Reading Authorizing the Placement of a Stop Sign on Duprie Drive at Its Intersection with Stephanie Street** **Pages 51 - 53**
- 8. Discuss and Possibly Act Upon an Ordinance on Its First Reading Authorizing the Placement of a Stop Sign on Hosea Street at Its Intersection with Riggs Street** **Pages 54 - 56**
- 9. Discuss and Possibly Act Upon the Purchase of Playground Equipment for the Blue Bell Aquatic Center Through the BuyBoard Local Government Purchasing Cooperative Contract Number 512-16 and Authorize the Mayor to Execute Any Necessary Documentation** **Pages 57 - 65**
- 10. Discuss and Possibly Act Upon an Ordinance on Its First Reading for the Abandonment of a Portion of Salley Street** **Pages 66 - 71**
- 11. Discuss and Possibly Act Upon an Ordinance on Its First Reading Authorizing a Variance to Residential Lot Requirements, as Outlined in Section 23-22(5)(a) of the City of Brenham's Code of Ordinances, to Remove the Requirement to have Property Frontage on Public Right-of-Way for Property Located on Selma Lane, Specifically Described as Tract 195 (2.412 acres) and Part of Tract 197 (4.257 acres) of the Elizabeth Gordon Survey, A-49, Being a Total of 6.669 Acres, in Brenham, Washington County, Texas** **Pages 72 - 80**

12. **Discuss and Possibly Act Upon a Multi-Year Maintenance Contract with Presidio Networked Solutions Group, LLC and a Payment Agreement with Presidio Technology Capital, for the City of Brenham's Cisco SmartNet Phone System and Critical Network Hardware and Authorize the Mayor to Execute Any Necessary Documentation** **Pages 81 - 88**

13. **Administrative/Elected Officials Report**

EXECUTIVE SESSION

14. **Section 551.072 – Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding the Possible Acquisition of Real Property Located in the Downtown Area** **Page 89**

RE-OPEN REGULAR AGENDA

15. **Discuss and Possibly Act Upon Authorization of the Mayor and City Manager to Identify Real Property in the Downtown Area for Possible Acquisition and to Enter Into Contract Negotiations with the Owner(s) for the Acquisition of Said Real Property** **Page 90**

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

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 December 20, 2018 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 December 17, 2018 at **12:40 P.M.**

Jeana Bellinger, TRMC, CMC
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 _____, 2018 at _____ AM PM.

Signature

Title

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on November 29, 2018 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Andrew Ebel
Councilmember Susan Cantey
Councilmember Danny Goss
Councilmember Keith Herring
Councilmember Albert Wright

Members absent:

Position 5 - Vacant

Others present:

City Manager James Fisher, City Attorney Luke Cochran, City Secretary Jeana Bellinger, Deputy City Secretary I Kacey Weiss, Deputy City Secretary II Karen Stack, Assistant City Manager – Chief Financial Officer Carolyn Miller, Human Resources Director Susan Nienstedt, Sara Parker, Debbie Gaffey, Director of Tourism and Marketing Jennifer Eckermann, Andria Heiges, Tammy Jaster, Fire Chief Ricky Boeker, Police Chief Allwin Barrow, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Director Lori Sanguedolce, Stephanie Doland, Jessica Barnes, Tammy Murphy, Stephen Draehn, Kelvin Raven and Kevin Boggus

Citizens present:

Jennifer Van Woert, Bob Schmidt, George Nelson, John Dent, Doug French, Kirk Hanath, Lynnette Sheffield, Clint Kolby and Joy Fuchs

Media Present:

Arthur Hahn, Brenham Banner Press; and Josh Blaschke, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – City Manager James Fisher**

3. **Special Recognition**
 - **Statement of Support for the Guard and Reserve**
 - **Nancy Carol Roberts Memorial Library Teen Writing Contest Winners**

4. **Citizens Comments**

There were no citizen comments.

CONSENT AGENDA

5. **Statutory Consent Agenda**

- 5-a. **Ordinance No. O-18-016 on Its Second Reading Authorizing a Variance to Building Setback Requirements, as Outlined in Section 23-22(1) of the City of Brenham Code of Ordinances, on a Tract of Land Being Described as Part of Lots 50-53, of the College Heights Addition, Located at 810 Brown Street in Brenham, Washington County, Texas**
- 5-b. **Ordinance No. O-18-017 on Its Second Reading Providing for an Increase in Retirement Annuities in the Texas Municipal Retirement System Effective January 1, 2019**

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve the Statutory Consent Agenda Items 5-a. and 5-b. 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

WORK SESSION

6. Discussion and Update Regarding Storm Disaster Recovery and the Federal Emergency Management Agency (FEMA) Public Assistance Program

Development Services Director Lori Sanguedolce presented this item and introduced Adam Ferguson of Rostan Solutions. Sanguedolce explained that Washington County was declared by FEMA as part of DR-4272 and DR-4332 for public assistance. Sanguedolce stated that staff has been working with Rostan Solutions to develop a strategy to work with Texas Department of Emergency Management (TDEM) and FEMA to get assistance for the damages to facilities and infrastructure. Sanguedolce noted that this item is a status update on the projects and funding received or expected to be received.

Ferguson gave an update on the strategy and status of the joint work to rehabilitate and reconcile the city's project worksheets. Ferguson also described the successes and progress that has been obtained to date and identified the obstacles precluding additional success. Ferguson noted avenues for addressing problems and difficulties. Due to the lack of communication from FEMA, Ferguson advised Council to get State representatives involved to try to get final answers on FEMA funding the City's projects.

REGULAR SESSION

7. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – "Zoning" of the Code of Ordinances of the City of Brenham, Texas to Amend Planned Development (PD) District Ordinance No. O-17-005 for the Vintage Farms Subdivision in Brenham, Washington County, Texas (Case No. P-18-024)

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Herring to remove Item 7 from the table.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

Assistant Director of Development Services Stephanie Doland presented this item. Doland stated that this is a request by CTX Land Investments, LLC, d/b/a Stylecraft Builders, to amend Planned Development District Ordinance No. O-17-005 for the Vintage Farms Subdivision. Doland explained that on November 1, 2018 a Public Hearing was held for this item during the regularly scheduled City Council meeting. Additionally, Council deliberated on the proposed rezoning request and tabled the item for future consideration and possible action on November 29th, 2018.

Doland explained to Council that if the Ordinance was adopted as written (and provided in the packet) the HVAC units for homes within this subdivision would have to be placed in the back yards or on opposite sides of neighboring homes.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to approve an Ordinance on its first reading amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas to Amend Planned Development (PD) District Ordinance No. O-17-005 for the Vintage Farms Subdivision in Brenham, Washington County, Texas (Case No. P-18-024).

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	No
Councilmember Danny Goss	No
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

8. Discuss and Possibly Act Upon Resolution No. R-18-019 Adopting a Social Media Policy for the City of Brenham

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to remove Item 8 from the table.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

City Secretary Jeana Bellinger presented this item. Bellinger stated that this item was tabled at the November 1st meeting. Bellinger advised that during the October 18, 2018 council workshop, the Council, the City Attorney and staff discussed the need for the adoption of a social media policy. Bellinger stated that staff believes that this Social Media Policy protects both the City's reputation and the community by ensuring that social media communication on behalf of the City reflects positively on the citizens, the employees and the City.

Bellinger advised the Council of a few grammatical errors throughout the policy that staff would like to get corrected before finalizing the policy. Bellinger noted that any corrections would be sent to the City Attorney for review prior to finalizing the policy.

City Manager James Fisher advised that there would be a social media team from various departments to develop and help monitor the City's various social media sites.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve Resolution No. R-18-019 adopting a Social Media Policy for the City of Brenham with the grammatical errors corrected, as needed and approved by the City Attorney.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

9. Discuss and Possibly Act Upon the Appointment of Members to the City of Brenham's Comprehensive Plan Advisory Committee (CPAC) and Authorize the Mayor to Execute Any Necessary Documentation

Assistant Director of Development Services Stephanie Doland presented this item. Doland explained that on September 20, 2018, the City Council approved a professional services agreement with Planning Consultant, Kendig Keast Collaborative (KKC) for the purposes of developing a Comprehensive Plan update. Doland stated the Comprehensive Plan process includes a large public input component. Doland advised that citizens, local businesses, local elected and appointed officials, and all community stakeholders are strongly encouraged to participate in the 12-month planning process.

Doland explained that on November 20, 2018 city staff met with members of various City advisory boards, commissions and committees to prepare a list of volunteers to serve on the City's Comprehensive Plan Advisory Committee (CPAC). Doland stated that the following representatives are recommended to comprise the CPAC:

1. Airport Advisory Board

Bryan Butler – Representative
Michele Bright – Alternate

2. Board of Adjustment

Thomas Painter – Representative
MaLisa Hampton – Alternate

3. Brenham Community Development Corporation (BCDC)

William H. (Bill) Betts – Representative
Atwood Kenjura – Alternate

4. Library Advisory Board

Lu Hollander – Representative
Lillian Marshall– Alternate

5. Main Street Board

Jim Moser – Representative
Tiffany Morisak – Alternate

6. Parks & Recreation Board

Paula Buls – Representative
Ginger Bosse – Alternate

7. Planning & Zoning Commission

Keith Behrens – Representative
Lynnette Sheffield – Alternate

8. City of Brenham City Council

Councilmember Keith Herring – Representative
Councilmember Susan Cantey – Alternate

9. Brenham Independent School District

Jessica Johnston – Director of Communications and Community Relations

10. Brenham Independent School District

Rebecca Chovanec – Student representative
Landon Rhoden – Student representative

11. Blinn College

Dr. John Turner – Assistant Vice Chancellor for Student Services

12. Blinn College

Shelby Sheets – Student representative

13. City Council Appointee

Allan Colvin

14. City Council Appointee

Shirley Harris

15. City Council Appointee

Mary Lou Winkelmann

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve the appointment of members to the City of Brenham's Comprehensive Plan Advisory Committee (CPAC) 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

10. Discuss and Possibly Act Upon a Contract Between the City of Brenham and MLN Service Company for Quarterly Maintenance and Annual Inspections of the HVAC System at the Nancy Carol Roberts Memorial Library and Authorize the Mayor to Execute Any Necessary Documentation

Librarian Andria Heiges presented this item. Heiges stated that MLN Service would provide three operating and one annual inspection and maintenance on the HVAC units and fans at the Library in order to keep the equipment in proper operating condition.

A motion was made by Councilmember Herring and seconded by Councilmember Wright to approve a three-year contract with MLN Service Company in the amount of \$9,508 per year for quarterly maintenance and annual inspections of the HVAC system at the Nancy Carol Roberts Memorial Library 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

11. Discuss and Possibly Act Upon a Multi-Year Lease Agreement Between the City of Brenham and Ricoh USA, Inc. for the Lease of a Printer for the Nancy Carol Roberts Memorial Library and Authorize the Mayor to Execute Any Necessary Documentation

Librarian Andria Heiges presented this item. Heiges explained that as computer usage and printing by library patrons has continued to increase, so have expenditures on printer cartridges. Heiges noted that the current public printer was received through a grant and is up for replacement as well. Heiges advised that the Ricoh lease should allow the city to save money and requires a monthly fee that is based on an average printing rate. Heiges stated that the lease includes print cartridges that will be provided by Ricoh. Heiges explained that the yearly base cost of the printer lease includes a print allowance, maintenance, parts, toner and all supplies other than paper.

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve a three (3) year Lease Agreement between the City of Brenham and Ricoh USA, Inc. in the amount of \$3,712.00 per year for the lease of a printer for the Nancy Carol Roberts Memorial Library 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

12. Discuss and Possibly Act Upon the Rejection of Bid No. 8-2018 Related to Henderson Park Improvements, Phase I, and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that on October 24th, the City of Brenham and Strand Associates opened bids related to the Henderson Park Phase I Improvements. Rau stated that it was estimated that this work could be completed for around \$200,000. Rau advised that with only one bid received, staff feels that this was not a good comparison and would like to see bids that are more competitive.

Rau noted that staff has met with Strand and will be looking to re-bid this project in January, in which staff would have a better breakdown to choose from due to more alternates being placed in the bid. Rau explained that at that point, staff can decide to award some of the improvements or reject bids again or construct one item at a time until more funding becomes available.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to approve the Rejection of Bid No. 8-2018 Related to Henderson Park Improvements, Phase I, 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

13. Discuss and Possibly Act Upon Repairs to the Outdoor Leisure Pool at the Blue Bell Aquatic Center Using BuyBoard Contract Number 533-17 and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that this item was discussed during the 2018-19 budget process as a major project in order to meet compliance issues at the Leisure Pool related to the Virginia Graeme Baker Spa and Safety Act of 2002 that were noted in an inspection in early 2018. Rau stated that staff knew going into the 2018-19 budget that these expenses could range between \$75,000-\$140,000. Rau advised that these construction plans were sent to five pool renovation companies who specialize in these improvements and were all on Buyboard Cooperative Purchasing. Rau noted that the prices staff received back were very similar and Progressive Commercial Aquatics, Inc. had the best value and price based on the scope of work.

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve repairs to the Outdoor Leisure Pool at the Blue Bell Aquatic Center to Progressive Commercial Aquatics, Inc., using BuyBoard Contract Number 533-17, in the amount of \$122,900.00 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

14. Discuss and Possibly Act Upon Final Payment to Collier Construction for Parking Lot Improvements at the All Sports Building in Hohlt Park and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that during last year's funding meeting, the BCDC Board voted to fund the construction of the All Sports Building Parking Lot (ASB). Rau noted that in May, City Council accepted the bids of the project in which Collier Construction was the low bidder. Rau advised that Collier Construction has completed the parking lot work and it has been determined by Strand and the City of Brenham that this work is substantially complete.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve final payment to Collier Construction for Parking Lot Improvements at the All Sports Building in Hohlt Park in the amount of \$91,006.50 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

15. Discuss and Possibly Act Upon Resolution No. R-18-021 Approving Rules for the Electronic Receipt of Bids or Proposals by the City of Brenham

Purchasing Manager Sara Parker presented this item. Parker explained that the Texas Local Government Code §252.0415 states that: “(a) A municipality may receive bids or proposals under this chapter through electronic transmission if the governing body of the municipality adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.” Parker stated that this Resolution would allow for use of the Ion Wave electronic bidding system, which fulfills all of these rules.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to approve Resolution No. R-18-021 approving rules for the electronic receipt of bids or proposals by the City of Brenham.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

16. Discuss and Possibly Act Upon Resolution No. R-18-022 Setting a Public Hearing Under Section 311.003 of the Texas Tax Code and Providing for Related Matters Regarding the Creation of a Tax Increment Reinvestment Zone on Certain Tracts within the City Limits of Brenham, Washington County, Texas

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that in accordance with Section 311.03 of the Texas Tax Code, cities can create special districts to encourage new investment in areas that otherwise might not attract development. Miller stated that a Tax Increment Reinvestment Zone (TIRZ) is an economic development tool that captures the projected increase in tax revenue that is created by development within a defined area and reinvests those funds into public improvements and development projects that benefit the Zone. Miller advised that before the TIRZ can be established, a public hearing must be held for the governing body to evaluate the proposed benefits, and allow interested parties to speak. Miller noted that this Resolution is giving notice of the City’s intent to hold a Public Hearing on December 13, 2018 regarding the creation of a Tax Increment Reinvestment Zone.

A motion was made by Councilmember Goss and seconded by Councilmember Cantey to approve Resolution No. R-18-022 setting a Public Hearing under Section 311.003 of the Texas Tax Code and providing for related matters regarding the creation of a Tax Increment Reinvestment Zone on certain tracts within the City Limits of Brenham, Washington County, Texas.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

17. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- List of upcoming events and activities for December is around the dais
- Christmas Parade is December 1st
- Economic Development Foundation Finalist Susan Cates' Meet and Greet is November 30th

Public Works Director Dane Rau reported on the following:

- Pickle ball court at Jackson Street Park is complete
- Fireman's Park restroom project should be completed in 4-6 weeks

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

ORDINANCE NO. O-18-019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, DESIGNATING A GEOGRAPHIC AREA IN THE CITY OF BRENHAM, TEXAS AS A TAX INCREMENT REINVESTMENT ZONE PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, TO BE KNOWN AS TAX INCREMENT REINVESTMENT ZONE NUMBER ONE, CITY OF BRENHAM, TEXAS; DESCRIBING THE BOUNDARIES OF THE ZONE; CREATING A BOARD OF DIRECTORS FOR THE ZONE AND APPOINTING MEMBERS OF THE BOARD; ESTABLISHING A TAX INCREMENT REINVESTMENT ZONE FUND FOR THE ZONE; CONTAINING FINDINGS RELATED TO THE CREATION OF THE ZONE; PROVIDING A DATE FOR THE TERMINATION OF THE ZONE; PROVIDING THAT THE ZONE TAKE EFFECT IMMEDIATELY UPON PASSAGE OF THE ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Brenham, Texas (the "City"), pursuant to Chapter 311 of the Texas Tax Code, as amended (the "Act"), may designate a geographic area within the City as a tax increment reinvestment zone if the area satisfies the requirements of the Act; and

WHEREAS, pursuant to and as required by the Act, the City Council of the City of Brenham, Texas (the "City Council") prepared a Preliminary Project and Finance Plan for Reinvestment Zone Number One, City of Brenham, Texas (the "Preliminary Project and Finance Plan") for a proposed tax increment reinvestment zone containing the approximately 2,201 acres described and depicted in the Preliminary Project and Finance Plan attached hereto in Exhibit A and incorporated herein for all purposes (the "Property"); and

WHEREAS, notice of the public hearing on the creation of the proposed zone was published in the Brenham Banner-Press, a newspaper of general circulation within the City, on December 6, 2018, which date is not later than the seventh (7th) day before the public hearing held on Thursday, December 13, 2018; and

WHEREAS, at the public hearing on Thursday, December 13, 2018, interested persons were allowed to speak for or against the creation of the zone, the boundaries of the zone, and the concept of tax increment financing, and owners of property in the proposed zone were given a reasonable opportunity to protest the inclusion of their property in the zone; and

WHEREAS, evidence was received and presented at the public hearing related to the creation of the zone; and

WHEREAS, the City has taken all actions required to create the zone including, but not limited to, all actions required by the Act, the Texas Open Meetings Act, and all other laws applicable to the creation of the zone; and

WHEREAS, the City desires to appoint initial members to the board of directors of the zone; and

WHEREAS, terms used in this Ordinance that have their initial letters capitalized shall have the meanings given to them in this Ordinance; however, terms that are **CAPITALIZED IN BOLD** shall have the meanings given to them in the Preliminary Project and Finance Plan.

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

SECTION 1. FINDINGS.

- a) The recitals, findings, and determinations contained in the preamble to this Ordinance are incorporated into the body of this Ordinance as if fully set forth in this Section and are hereby found and declared to be true and correct legislative findings and are adopted as part of this Ordinance for all purposes.
- b) The City Council finds that the **PUBLIC IMPROVEMENTS** will significantly enhance the value of all the taxable real property in the zone and will be of general benefit to the City.
- c) The City Council finds that the proposed zone meets the requirements of Section 311.005(a)(1) of the Act in that:
 - (i) there is a need for essential public infrastructure and economic development programs to attract new business and commercial activity to the proposed zone for the purposes of increasing the real property tax base for all taxing units within the zone, increasing sales and use taxes for the City and the State of Texas, and increasing job opportunities for residents of the City and the region; and
 - (ii) the reinvestment zone, as defined in **Exhibit A**, meets the criteria for the creation of a reinvestment zone set forth in Section 311.005 of the Act in that the area substantially arrests or impairs the sound growth of the City, retards the provision of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use because of the presence of:
 - 1. A substantial number of substandard, slum, deteriorated, or deteriorating structures;
 - 2. The predominance of defective or inadequate sidewalk or street layout;

3. Faulty lot layout in relation to site, adequacy, accessibility or usefulness;
or
 4. The deterioration of site or other improvements; and
- (iii) these factors substantially impair and arrest the sound growth of the City.
- d) The City Council finds that the proposed zone is a geographic area located 100% within the City's corporate limits.
 - e) The City Council finds that not more than thirty percent (30%) of the property in the proposed zone, excluding property that is publicly owned, is used for residential purposes, and the total appraised value of taxable real property in the proposed zone does not exceed fifty percent (50%) of the total appraised value of taxable real property in the City.
 - f) The City Council finds that the development or redevelopment of the property in the proposed zone will not occur solely through private investment in the reasonably foreseeable future.
 - g) The City Council finds that the Preliminary Project and Finance Plan is feasible.
 - h) The City Council finds that the implementation of the Project and Finance Plan (as defined below) will alleviate the conditions described in Section 1(c) above and will serve a public purpose.

SECTION 2. DESIGNATION AND NAME OF THE ZONE.

Pursuant to the authority of, and in accordance with the requirements of the Act, the City Council hereby designates the Property as a tax increment reinvestment zone. The name assigned to the zone for identification is *Tax Increment Reinvestment Zone Number One, City of Brenham, Texas* (the "Zone"). The Zone is designated pursuant to Section 311.005(a)(2) of the Act.

SECTION 3. BOARD OF DIRECTORS.

- 3.1 The City Council hereby creates a board of directors for the Zone (the "Board") consisting of nine members. Eight members shall be appointed by the City Council to Places 1,2,3,4, 5, 6, 7 and 8. Place 9 shall be appointed by the Commissioners Court of Washington County, Texas (the "County"), if the County participates in the Zone. If the County does not participate in the Zone, the County shall be deemed to have waived its right to appoint such members and Place 9 shall be appointed by the City Council.

- 3.2 The City Council hereby appoints the following eight individuals serving in the positions indicated to serve as the members of the Board. Each member serves a two-year term and can be reappointed for as long as they serve in the position indicated.

Place 1	Mayor	(term expires December 31, 2020)
Place 2	Council Ward 1	(term expires December 31, 2020)
Place 3	Council Ward 2	(term expires December 31, 2020)
Place 4	Council Ward 3	(term expires December 31, 2020)
Place 5	Council Ward 4	(term expires December 31, 2020)
Place 6	Council Position 5	(term expires December 31, 2020)
Place 7	Council Position 6	(term expires December 31, 2020)
Place 8	At-Large Appointment	(term expires December 31, 2020)

Place 9 shall be appointed by the County for a term that expires on December 31, 20__). In the event the County does not participate in the Zone, Place 9 shall be appointed by the City Council as an At-Large Appointment for a term that expires on December 31, 20____).

Upon expiration of the indicated terms or upon City Council action to reconstitute the initial Board by appointing replacement members, subsequent appointments to fill vacancies shall be for terms of two years. The member appointed to Place 1 shall serve as the chairman of the Board. The Board is authorized to elect a vice-chairman and other officers as determined by the Board.

- 3.3 The Board shall make recommendations to the City Council concerning the administration, management, and operation of the Zone. The Board shall prepare or cause to be prepared and adopted a project plan and a reinvestment zone financing plan for the Zone (the "Project and Finance Plan") as required by the Act, and shall submit the Project and Finance Plan to the City Council for approval. The City Council hereby delegates to the Board all powers necessary to implement any Project and Finance Plan approved by the City Council, including the power to employ consultants and enter into agreements that the Board considers necessary or convenient to implement the Project and Finance Plan and to administer, operate, and manage the Zone including, but not limited to, the power to enter into reimbursement agreements and other obligations secured by the **TIRZ FUND** established pursuant to Section 7 of this Ordinance.
- 3.4 Directors shall not receive any salary or other compensation for their services as directors.

- 3.5 Pursuant to Section 311.010(h) of the Act and Article III, Section 52-a of the Texas Constitution, the City Council hereby authorizes the Board, as necessary or convenient to implement the Project and Finance Plan and achieve its purposes, to establish and provide for the administration of one or more programs for the public purposes of developing and diversifying the economy of the Zone, eliminating unemployment and underemployment in the Zone, and developing or expanding transportation, business, and commercial activity in the Zone, including programs to make grants of land and buildings and make grants from the **TIRZ FUND** for activities that benefit the Zone and stimulate business and commercial activity in the Zone. In addition, the City Council hereby authorizes the Board to exercise all of the powers of the City under Chapter 380, Texas Local Government Code, as amended.

SECTION 4. DURATION OF THE ZONE.

The Zone shall take effect immediately upon the passage and approval of this Ordinance. The Zone shall terminate on December 31, 2047 (with final year's tax to be collected by September 30, 2048), unless otherwise terminated in accordance with this Section. The City shall have the right to terminate the zone prior to the expiration of its stated term if all of the **PROJECT COSTS** have been paid in full. If upon expiration of the stated term of the Zone, **PROJECT COSTS** have not been paid, neither the City, nor the County, shall have any obligation to pay the shortfall.

SECTION 5. TAX INCREMENT BASE.

The "tax increment base" for purposes of calculating the **CITY TAX INCREMENT**, and if the County participates in the Zone the **COUNTY TAX INCREMENT**, means the total appraised value of all real property in the Zone that is taxable by the City and the County, respectively, as of January 1, 2018.

SECTION 6. CAPTURED APPRAISED VALUE.

The "captured appraised value" for purposes of calculating the annual **CITY TAX INCREMENT**, and if the County participates in the Zone the **COUNTY TAX INCREMENT**, means the total real property value taxable (including increase tax values attributable to changes in use) by a taxing unit for a year and located in the Zone for that year less the tax increment base of the taxing unit.

SECTION 7. TAX INCREMENT FUND.

There is hereby created and established a **TIRZ FUND** for the Zone. Within the **TIRZ FUND**, there may be maintained subaccounts as necessary and convenient to carry out the purposes of the Act. The **CITY TAX INCREMENT** and **COUNTY TAX INCREMENT** shall be deposited into the **TIRZ FUND** as of the effective date of the Zone. The **TIRZ FUND** and all subaccounts shall be maintained at the depository bank of the City and shall be secured in the manner prescribed by law for funds of Texas cities. Prior to termination of the Zone, funds shall be disbursed from the **TIRZ FUND** only to pay **PROJECT COSTS**.

SECTION 8. SEVERABILITY.

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be invalid, the validity of the remaining provisions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no provision of this Ordinance shall become inoperative because of the invalidity of another provision; and, therefore, all provisions of this Ordinance are declared severable for that purpose.

SECTION 9. OPEN MEETINGS.

It is hereby found, determined, and declared that sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding its meeting, as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, as amended, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

SECTION 10. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its passage as provided by law.

PASSED and APPROVED on its first reading the 13th day of December 2018.

PASSED and APPROVED on its second reading the 20th day of December 2018.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jenna Bellinger, TRMC, CMC
City Secretary

EXHIBIT A

PRELIMINARY PROJECT AND FINANCE PLAN

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*TAX INCREMENT REINVESTMENT ZONE NUMBER ONE,
CITY OF BRENHAM, TEXAS
PRELIMINARY PROJECT AND FINANCING PLAN*

(the "Preliminary Plan")

December 20, 2018

1. INTRODUCTION.

1.1 Authority and Purpose. The City of Brenham, a Texas home-rule municipality (the "City"), has the authority under Chapter 311, Texas Tax Code, as amended (the "Act") to designate a contiguous or noncontiguous geographic area within the corporate limits of the City as a tax increment reinvestment zone to promote development or redevelopment of the area if the governing body of the City (the "City Council") determines that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future, that the zone is feasible, and that creation of the zone is in the best interest of the City and the property in the zone. The purpose of the Zone is to facilitate such development or redevelopment by financing the costs of public works, public improvements, programs, and other projects benefiting the zone, plus other costs incidental to those expenditures, all of which costs are authorized by the Act.

1.2 Eligibility Requirements. An area is eligible under the Act to be designated as a tax increment reinvestment zone if it is predominantly open or undeveloped and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impairs or arrests the sound growth of the City. The City cannot, however, designate a zone if more than 30% of the property in the proposed zone, excluding property that is publicly owned, is "used for residential purposes" (defined by the Act as follows: "... property is used for residential purposes if it is occupied by a house having fewer than five living units ...") or if the total appraised value of taxable real property in the proposed zone and in existing reinvestment zones exceeds 50% of the total appraised value of taxable real property in the City and in industrial districts created by the City.

1.3 The Proposed Zone. The City is considering the creation of a tax increment reinvestment zone to be known as "Tax Increment Reinvestment Zone Number One, City of Brenham, Texas" (the "Zone") that will include approximately 2,201 acres as described by metes and bounds in **Exhibit A** and depicted on **Exhibit B** (the "Property"). The Property is currently zoned Local Business Mixed, Commercial Research and Technology, Historical and Central Business, Neighborhood Business District, Downtown Business/Residential Overlay District, Industrial, Residential Single Family, and Mixed Residential. The Property meets the eligibility requirements of the Act. The Property has some undeveloped areas, and due to its size, location, and physical characteristics, redevelopment will not occur solely through private investment in the foreseeable future. Portions of the Property substantially impairs and arrests the sound growth of the City because it is predominately unproductive and underdeveloped due to factors such as the aging of public infrastructure and the need for economic incentives to attract redevelopment to the Zone for the purpose of providing long-term economic benefits including, but not limited to, increased real property tax base for all taxing units in the Zone, increased sales and use tax for the City and the State of Texas, and increased job opportunities for residents of the City, Washington County (the "County"), and the region. If the public works, improvements, programs, and other projects are financed as contemplated by the Final Plan (hereinafter

defined), the City envisions that the Property will be developed to take full advantage of the opportunity to bring to the City, the County, and to all of the region quality developments.

1.4 Preliminary Plan; Hearing. Before the City may adopt an ordinance designating the Zone, the City Council must prepare a preliminary reinvestment zone financing plan in accordance with the Act and hold a public hearing on the creation of the proposed Zone and its benefits to the City and to the Property, at which public hearing interested persons may speak for or against the creation of the proposed Zone, the boundaries of the proposed Zone, and the concept of tax increment financing, and at which hearing the owners of the Property (the "Owners") are given a reasonable opportunity to protest the inclusion of their property in the proposed Zone. The requirement of the Act for a preliminary reinvestment zone financing plan is satisfied by this Preliminary Plan, the purpose of which is to describe, in general terms, the public works, public improvements, programs, and other projects that will be undertaken and financed by the Zone. A more detailed description of how such public works, improvements, programs, and projects will be undertaken and financed will be determined by the Final Plan (hereinafter defined), which requires approval by the Board (hereinafter defined) and by the City Council.

1.5 Creation of the Zone. Upon the closing of the above-referenced public hearing, the City Council may adopt an ordinance in accordance with the Act creating the Zone if the City Council finds that development or redevelopment of the Property would not occur solely through private investment in the reasonably foreseeable future, that the Zone is feasible, and that improvements in the Zone will significantly enhance the value of all the taxable real property in the Zone and will be of general benefit to the City. Among other provisions required by the Act, the ordinance creating the Zone will appoint a Board of Directors for the Zone (the "Board").

1.6 Board Recommendations. After the creation of the Zone, the Board will review this Preliminary Plan and approve and recommend to the City Council (1) a *Final Project and Financing Plan for Tax Increment Reinvestment Zone Number One, City of Brenham, Texas* (as amended from time to time, the "Final Plan"), pursuant to which the City will contribute a portion of its ad valorem tax increment (the "City Tax Increment") attributable to new development in the Zone into a tax increment fund created by the City and segregated from all other funds of the City (the "TIRZ Fund") to the costs of public works, public improvements, programs, and other projects benefiting the Zone; and (2) a "County Participation Agreement" between the City and the County, pursuant to which the County will contribute a portion of its ad valorem tax increment attributable to new development in the Zone (the "County Tax Increment") into the TIRZ Fund to pay such costs.

1.7 Council Action. The City Council, taking into consideration the recommendations of the Board, will consider approval of the Final Plan and the County Participation Agreement. If the County Participation Agreement is approved, the City Council will authorize and direct its execution when the agreement has been approved by the County.

2. DESCRIPTIONS AND MAPS.

2.1 Existing Uses and Conditions. The Property is currently located in the corporate limits of the City and is zoned Local Business Mixed, Commercial Research and Technology, Historical and Central Business, Neighborhood Business District, Downtown Business/Residential Overlay District, Industrial, Residential Single Family, and Mixed Residential. The Property is underdeveloped, and there is public infrastructure to support development. Development will require more public infrastructure that: (1) the City cannot provide; and (2) will not be provided solely through private investment in the foreseeable future. A map of the Property and the proposed Zone are shown on **Exhibit B**.

2.2 Proposed Uses. A map of the Property and description of the proposed uses of the Property are shown on **Exhibit C**.

2.3 Metes and Bounds Description. A metes and bounds description of the Property is provided on **Exhibit A**.

3. PROPOSED CHANGES TO ORDINANCES, PLANS, CODES, RULES, AND REGULATIONS. The Property is wholly located in the corporate limits of the City and is subject to the City's zoning regulation. The City has exclusive jurisdiction over the subdivision and platting of the property within the Property, and the design, construction, installation, and inspection of water, sewer, drainage, roadway, and other public infrastructure.

4. RELOCATION OF DISPLACED PERSONS. No persons will be displaced or relocated due to the creation of the Zone or implementation of the Final Plan.

5. ESTIMATED NON-PROJECT COSTS. Non-project costs are private funds that will be spent to develop in the Zone but will not be financed by the Zone. The list of non-project costs includes Developer initiated land assembly within the zone for private development and property owner initiatives on private property improvements. Non-Project Costs cannot be accurately detailed at this point in the TIRZ life, but it is hoped that Private Sector Investment within the Zone will lead to a valuation that will be at least three times the cost of improvements within the zone.

6. PROPOSED PUBLIC IMPROVEMENTS.

6.1 Categories of Public Improvements. The categories of public works and public improvements (the "Public Improvements") that are proposed to be financed by the Zone are as follows: utilities, including water improvements, sanitary sewer improvements, signalization of intersections, freeway ramps, sidewalk, storm drainage and detention improvements, road improvements, erosion control and landscape and open space improvements, and other public improvements, including associated real estate acquisitions and the clearing and grading of land. All Public Improvements shall be designed and constructed in accordance with all applicable City standards and shall otherwise be inspected, approved, and accepted by the City. At the City's option, the Public Improvements may be expanded to include any other category of improvements authorized by the Act.

6.2 Locations of Public Improvements. The estimated locations of the proposed Public Improvements are shown and described on **Exhibit D**. These locations are provided for informational purposes only and may be revised from time to time with the approval of the Board.

7. **ESTIMATED PROJECT COSTS.** The total project costs for the Zone (the "Project Costs") include the Administrative Costs (defined below) and the costs of the Public Improvements, which are estimated to be \$31.1 million in 2018 dollars, as set forth on **Exhibit E**.

7.1 Administrative Costs. The Project Costs for administration of the Zone shall be the actual, direct costs paid or incurred by or on behalf of the City to administer the Zone (the "Administrative Costs"). The Administrative Costs include the costs of professional services, including those for planning, engineering, and legal services paid by or on behalf of the City. The Administrative Costs also include organizational costs, the cost of publicizing the creation of the Zone, and the cost of implementing the project plan for the Zone paid by or on behalf of the City. The Administrative Costs shall be paid each year from the TIRZ Fund before any other Project Costs are paid, and shall not exceed \$25,000.00 per year without the expressed written consent of the Board.

8. **ESTIMATED TIME WHEN COSTS ARE TO BE INCURRED.** The Administrative Costs will be incurred annually. It is estimated that the remainder of the Project Costs will be incurred during the time intervals set forth on **Exhibit F**.

9. **ECONOMIC FEASIBILITY.** For purposes of this Preliminary Plan, economic feasibility has been evaluated over the term of the Zone based on the feasibility study (the "Feasibility Study") prepared by Petty & Associates, Inc., a copy of which is attached as **Exhibit G**. This evaluation focuses only on "direct" financial benefits (i.e., tax revenues from new development in the Zone) and does not take into consideration the "multiplier effect" that will result from new development that occurs outside the Zone. As illustrated in **Exhibit G**, during the term of the Zone, new development that occurs in the Zone (which would not have occurred but for the Zone) will generate approximately \$31.1 million in total new real property tax revenue over the term of the Zone. The taxing units that will participate in and benefit from new development in the Zone will retain approximately \$31.1 million as follows:

City net additional property tax revenue:	\$17.6 million
County net additional property tax revenue:	\$13.5 million

These projections assume an annual property value inflation factor of 2%, with two years of 0% growth every ten years to simulate a market downturn.

Based on the foregoing, the feasibility of the Zone has been demonstrated. A portion of the new tax revenue generated for all taxing units by new development within the Zone will be retained by those taxing units. The remainder of the new tax revenue generated by new development within the Zone will be available to pay actual Project Costs until the term of the Zone expires or until the Zone is otherwise terminated as hereinafter provided. Upon expiration or termination of the Zone, 100% of all tax revenue generated within the Zone will be retained

by the respective taxing units. During the term of the Zone, the City will deposit into the TIRZ Fund each year an amount that equals 50% of the City's real property taxes levied and collected that constitute the City's Tax Increment for that year (\$0.517 per \$100 valuation of the Captured Appraised Value (defined below) levied and collected for that year). During the term of the Zone, the County will deposit into the TIRZ Fund each year an amount that equals 50% of the County's real property taxes levied and collected that constitute the County Tax Increment for that year (\$0.3963 per \$100 valuation of the Captured Appraised Value (defined below) levied and collected for that year).

10. **ESTIMATED BONDED INDEBTEDNESS.** The appropriate portion of the City/County ad valorem tax increment within the Zone will be placed in the dedicated TIRZ Fund which may be used in three ways. First, the Zone may issue debt to pay for Public Improvements specified in the Final Plan. Second, the TIRZ Fund may be used to reimburse the City (and/or County depending on participation) for General Obligation or Certificates of Obligation debt service payments issued to construct Public Improvements specified in the Final Plan. Finally, the TIRZ Fund may be used to reimburse private developers that fund Public Improvements specified in the Project and Finance Plan.

11. **TOTAL APPRAISED VALUE.** The current total appraised value of taxable real property in the Zone is \$260,032,380. It is estimated that upon expiration of the term of the Zone, the total appraised value of taxable real property in the Zone will be \$743,509,555 in 2018 dollars.

12. **ESTIMATED CAPTURED APPRAISED VALUE TAXABLE BY THE CITY.** The amount of the City Tax Increment for a year is the amount of property taxes levied and collected by the City for that year on the captured appraised value of the Property which is the total taxable value of all real property taxable by the City in the Zone (the "Captured Appraised Value"), less the Tax Increment Base (hereinafter defined) of the Property. The Tax Increment Base of the Property is the total taxable value of all real property in the Zone for the year in which the Zone was designated (the "Tax Increment Base"). The Tax Increment Base of the Property is \$260,032,380, which amount was determined by the appraisal district in which the Zone is located in accordance with Section 311.012(c) of the Act. The estimated Captured Appraised Value of the Zone during each year of its existence is set forth in the Feasibility Study. The actual Captured Appraised Value for each year will be used to calculate annual payments by the City into the TIRZ Fund pursuant to the Final Plan.

13. **ESTIMATED CAPTURED APPRAISED VALUE TAXABLE BY THE COUNTY.** The amount of the County Tax Increment for a year is the amount of property taxes levied and collected by the County for that year on the Captured Appraised Value, less the Tax Increment Base. The estimated Captured Appraised Value of the Zone during each year of its existence is set forth in the Feasibility Study. The actual Captured Appraised Value for each year will be used to calculate annual payments by the County into the TIRZ Fund pursuant to the County Participation Agreement.

14. **METHOD OF FINANCING.** The City will, in the future, pay (using the TIRZ Fund) the Project Costs and will construct or cause to be constructed the Public Improvements. The City's approval of the Final Plan and the County Participation Agreement shall obligate the City to pay from the TIRZ Fund all actual Project Costs, which shall be reviewed and approved by the City, for Project Costs. Funds deposited into the TIRZ Fund shall always first be applied to pay the Administrative Costs. After the Administrative Costs have been paid, funds in the TIRZ Fund shall next be used to pay or reimburse the Project Costs. All payments of Project Costs shall be made solely from the TIRZ Fund and from no other funds of the City or County, unless otherwise approved by their respective governing bodies, and the TIRZ Fund shall only be used to pay the Project Costs. The Final Plan shall obligate the City to deposit into the TIRZ Fund each year for the duration of the Zone an amount equal to 50% of the City's real property taxes levied and collected that constitute the City Tax Increment for that year (\$0.517 per \$100 valuation of the Captured Appraised Value levied and collected for that year). The County Participation Agreement shall obligate the County to deposit into the TIRZ Fund each year for the duration of the Zone an amount equal to 50% of the County's real property taxes levied and collected that constitute the County Tax Increment for that year (\$0.3963 per \$100 valuation of the Captured Appraised Value levied and collected for that year). All payments of Project Costs shall be made solely from the TIRZ Fund and from no other funds of the City unless otherwise approved by the City Council.

15. **DURATION OF THE ZONE; TERMINATION.** The term of the Zone shall commence immediately upon passage by the City Council of an ordinance creating the Zone and shall continue until December 31, 2048. If upon expiration of the stated term of the Zone the Project Costs have not been paid, the City, nor the County, shall have any obligation to pay the shortfall. The provisions of this section shall be included in the ordinance that creates the Zone and in the County Participation Agreement. Nothing in this section is intended to prevent the City from extending the term of the Zone in accordance with the Act.

16. **ECONOMIC DEVELOPMENT PROGRAMS.** The City Council and the Board have determined it to be necessary and convenient to the accomplishment of the objectives contained in and in the implementation of the Final Plan to establish and provide for the administration of economic development programs that may be used to incentive development. The programs and grants authorized by this Section 16 are authorized by Section 311.010(h) of the Act and by Article III, Section 52-a, Texas Constitution, as amended. Section 311.010(h) of the Act provides that the Board, subject to the approval of the City Council, may establish and provide for the administration of one or more programs as the Board determines is necessary or convenient to implement and achieve the purposes of the Final Plan, which programs are for the public purposes of developing and diversifying the economy of the Zone and developing business and commercial activity within the Zone. Such economic development programs may include, to the extent permitted by law, programs to make grants of any lawfully available money from the TIRZ Fund. Such programs are for activities that benefit the Zone and stimulate business and commercial activity in the Zone. This Section 16 is intended to be an economic development program authorized by Section 311.010(h) and by Article III, Section 52-a of the Texas Constitution, as amended. Development of the Zone will further the public purpose of developing and diversifying the economy of the Zone. The City Council and the Board have determined, and

it is recognized, that such development will not occur through private investment in the foreseeable future, nor will such development occur only through public participation in the cost of the Public Improvements. All grants that are part of the economic development programs described in this Section 16 serve the public purpose of attracting new business and commercial activity to the Zone for the purpose of providing long-term economic benefits including, but not limited to, increases in the real property tax base for all taxing units within the Zone, and increased job opportunities for residents of the City, the County, and the region, all of which benefit the Zone and the City.

17. **LIST OF EXHIBITS.** Unless otherwise stated, all references to "Exhibits" contained in this Preliminary Plan shall mean and refer to the following exhibits, all of which are attached to and made a part of this Preliminary Plan for all purposes.

Exhibit A	Metes and Bounds Description of the Zone
Exhibit B	Map of Proposed Zone and Property
Exhibit C	Proposed Uses of the Property
Exhibit D	Locations of Proposed Public Improvements
Exhibit E	Estimated Project Costs
Exhibit F	Estimated Time When Costs are to be Incurred
Exhibit G	Feasibility Study

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Exhibit A – Metes and Bounds Description of the Zone

Needed by City Staff

Exhibit B -- Map of Proposed Zone and Property

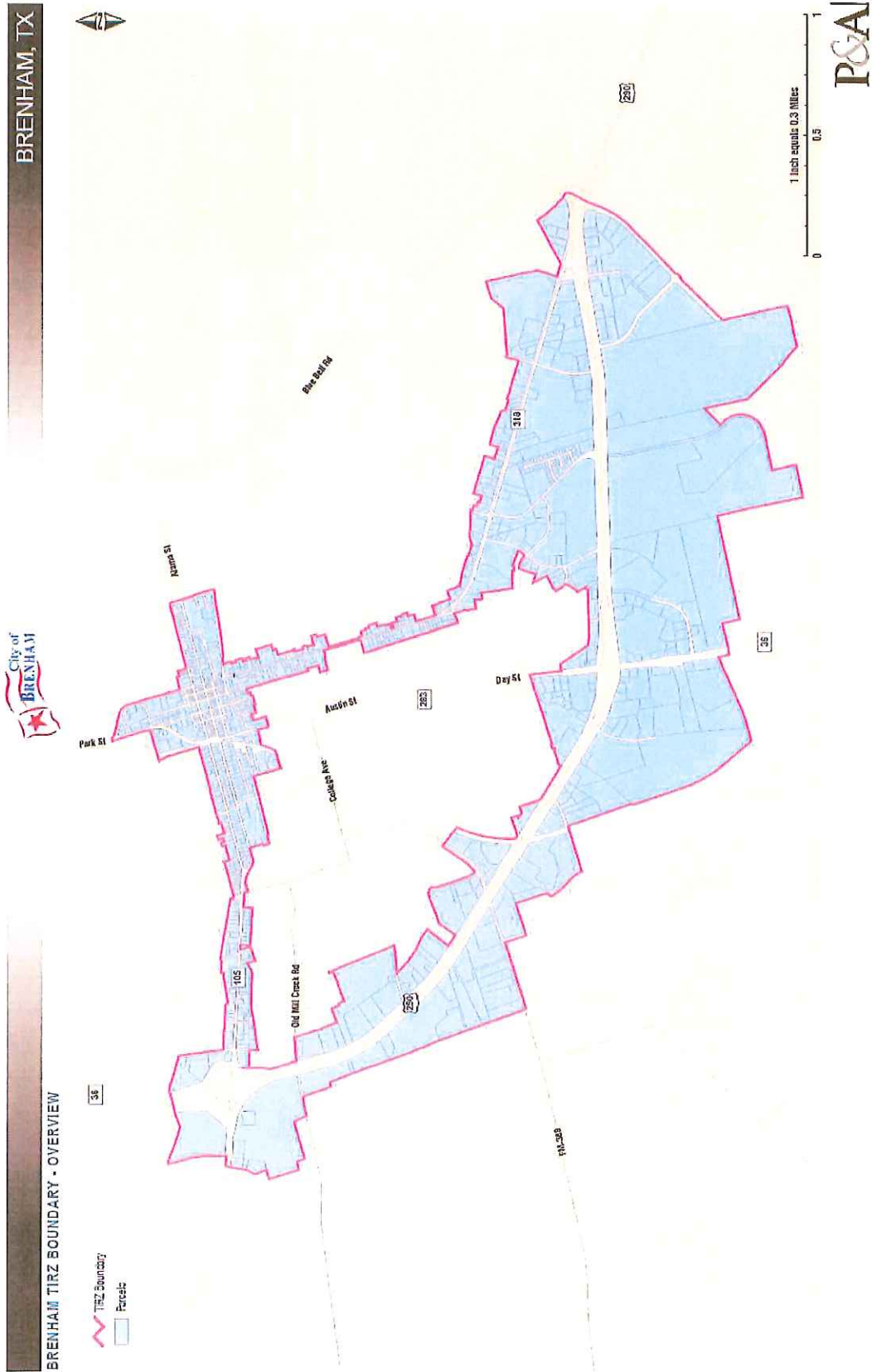


Exhibit C – Proposed Uses of the Property

City of Brenham Zoning

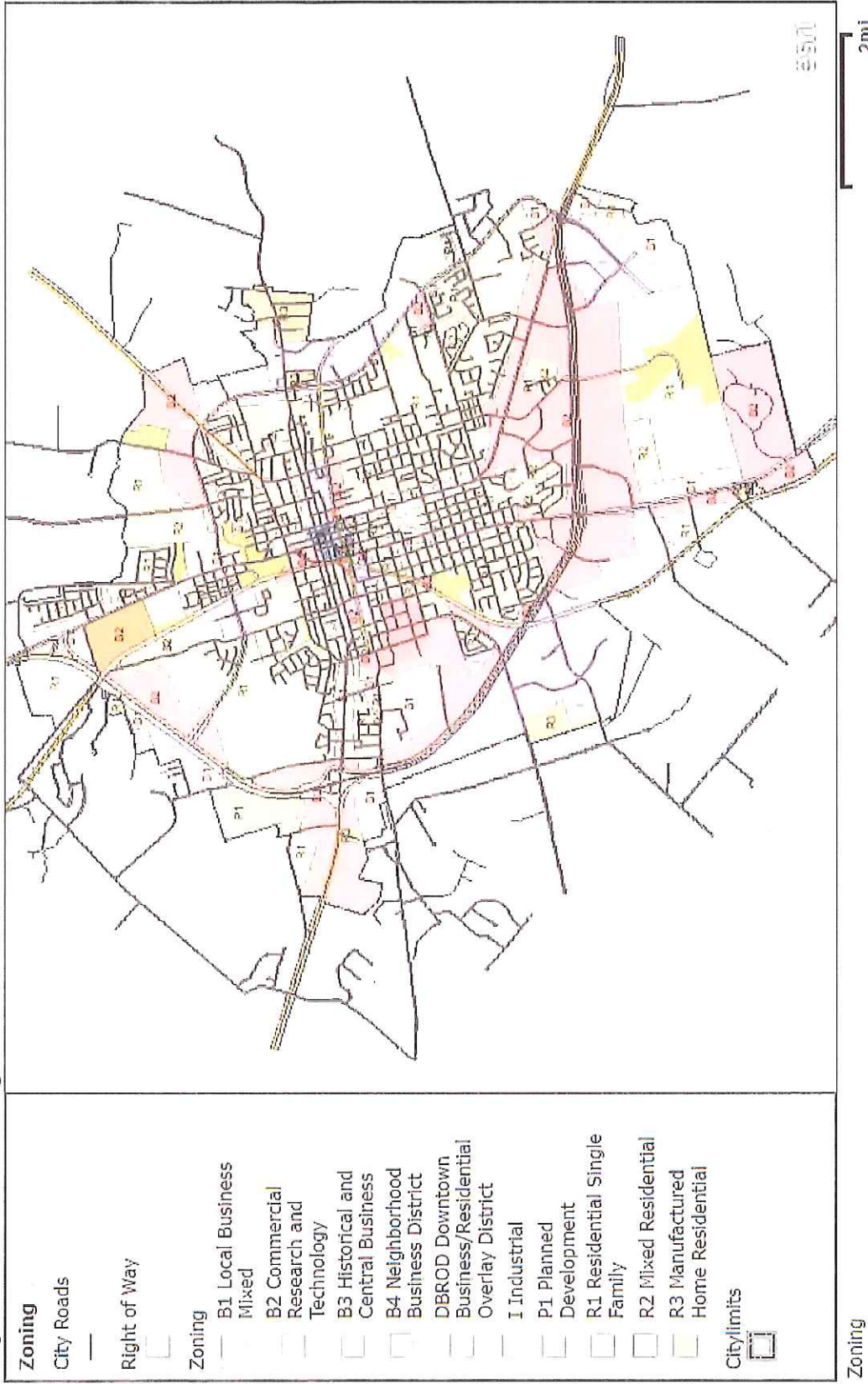


Exhibit D – Public Improvements

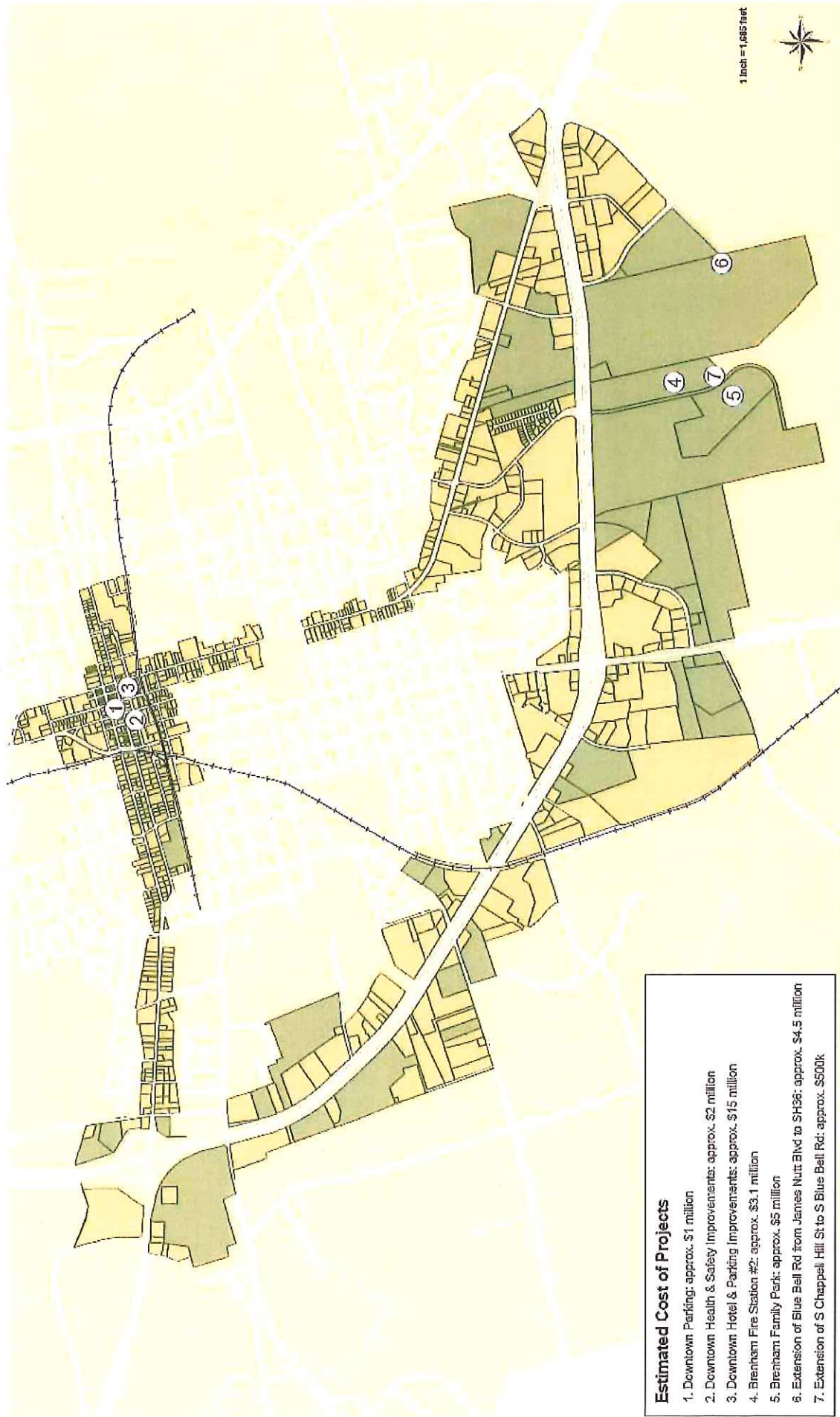


Exhibit E – Estimated Project Costs*

Project	Project Cost
Downtown Parking	\$1,000,000
Downtown Health and Safety Improvements	\$2,000,000
Downtown Hotel and Parking	\$15,000,000
Brenham Fire Station #2	\$3,100,000
Brenham Family Park	\$5,000,000
Extension of Blue Bell Blvd from James Nutt Blvd to SH 36	\$4,500,000
Extension of Chappell Hill Road to Blue Bell Road	\$500,000
Total:	\$31,100,000

*All estimated project costs are approximations and subject to change.

Exhibit F – Estimated Time When Costs Are to be Incurred

The appropriate portion of the City/County ad valorem tax increment within the Zone will be placed in the dedicated TIRZ Fund which may be used in three ways. First, the Zone may issue debt to pay for Public Improvements specified in the Final Plan. Second, the TIRZ Fund may be used to reimburse the City (and/or County depending on participation) for General Obligation or Certificates of Obligation debt service payments issued to construct Public Improvements specified in the Final Plan. Finally, the TIRZ Fund may be used to reimburse private developers that fund Public Improvements specified in the Project and Finance Plan. Projected TIRZ Funds by Year are conservatively estimated in the graphic below:

Year No.	Year	TIRZ Project ¹	Project Cost ²	TIRZ Balance
1	2019		-	-
2	2020		-	104,653
3	2021		-	231,565
4	2022		-	465,668
5	2023		-	724,618
6	2024	Downtown Parking	1,000,000	93,400
7	2025		-	489,724
8	2026		-	998,627
9	2027		-	1,537,874
10	2028	Downtown Health and Safety Improvements	2,000,000	161,608
11	2029		-	785,342
12	2030		-	1,526,204
13	2031		-	2,302,049
14	2032		-	3,198,064
15	2033		-	4,132,164
16	2034		-	5,189,600
17	2035		-	6,288,349
18	2036		-	7,513,727
19	2037		-	8,783,778
20	2038		-	10,138,316
21	2039		-	11,492,855
22	2040		-	12,979,137
23	2041		-	14,515,310
24	2042	Downtown Hotel and Parking	15,000,000	1,186,860
25	2043		-	2,912,006
26	2044	Brenham Fire Station #2	3,100,000	1,676,308
27	2045		-	3,598,062
28	2046	Brenham Family Park	5,000,000	662,904
29	2047		-	2,789,208
30	2048	Extension of Blue Bell Blvd from James Nutt Blvd to SH 36; Extension of Chappell Hill Road to Blue Bell Road	5,000,000	(0)
Total TIRZ Project Costs:			31,100,000	

Notes:

- 1) All estimated project costs are approximations and subject to change.
- 2) County participation is not contemplated in this scenario. This analysis assumes a 75% City TIRZ contribution and approximately \$327 million in new development value added over the life of the TIRZ.

Exhibit G – Feasibility Study

TIRZ No. 1, City of Brenham, Texas - Feasibility Analysis

Assumptions	
Gross Base Value:	275,879,620
Exempt Property Value:	15,847,240
Net Base Value:	260,032,380
Total Acreage:	2,201



Year No.	Year	Collection Year	Growth/Year	Added Development		City			County			City & County		Capital Improvements	Net TIRZ Balance
				Value	Net Taxable Value	Incremental Value	City Tax Rate	City Participation	City Yearly Contribution	County Tax Rate	County Participation	County Yearly Contribution	City & County Yearly Contribution	City & County Cumulative Contribution	
1	2018	2019	0.0%	-	260,032,380	-	0.5170	50%	-	0.3963	50%	-	-	-	-
2	2019	2020	2.0%	17,204,281	282,437,309	22,404,929	0.5170	50%	57,917	0.3963	50%	44,395	102,312	102,312	102,312
3	2020	2021	2.0%	-	288,086,055	28,053,675	0.5170	50%	72,519	0.3963	50%	55,588	128,107	230,419	230,419
4	2021	2022	2.0%	17,204,281	311,052,057	51,019,677	0.5170	50%	131,886	0.3963	50%	101,095	232,981	463,401	463,401
5	2022	2023	2.0%	-	317,273,098	57,240,718	0.5170	50%	147,967	0.3963	50%	113,422	261,390	724,790	724,790
6	2023	2024	2.0%	17,204,281	340,822,841	80,790,461	0.5170	50%	208,843	0.3963	50%	160,086	368,930	1,093,720	93,720
7	2024	2025	2.0%	-	347,639,298	87,606,918	0.5170	50%	226,464	0.3963	50%	173,593	400,057	1,493,777	493,777
8	2025	2026	2.0%	17,204,281	371,796,365	111,763,985	0.5170	50%	288,910	0.3963	50%	221,460	510,370	2,004,147	1,004,147
9	2026	2027	2.0%	-	379,232,293	119,199,913	0.5170	50%	308,132	0.3963	50%	236,195	544,326	2,548,474	1,548,474
10	2027	2028	0.0%	17,204,281	396,436,574	136,404,194	0.5170	50%	352,605	0.3963	50%	270,285	622,890	3,171,363	171,363
11	2028	2029	0.0%	-	396,436,574	136,404,194	0.5170	50%	352,605	0.3963	50%	270,285	622,890	3,171,363	171,363
12	2029	2030	2.0%	17,204,281	421,569,587	161,537,207	0.5170	50%	417,574	0.3963	50%	320,086	737,660	3,794,253	794,253
13	2030	2031	2.0%	-	430,000,978	169,968,598	0.5170	50%	439,369	0.3963	50%	336,793	776,162	4,531,913	1,531,913
14	2031	2032	2.0%	17,204,281	455,805,279	195,772,899	0.5170	50%	506,073	0.3963	50%	387,924	893,997	5,308,074	2,308,074
15	2032	2033	2.0%	-	464,921,385	204,889,005	0.5170	50%	529,638	0.3963	50%	405,988	935,626	6,202,071	3,202,071
16	2033	2034	2.0%	17,204,281	491,424,093	231,391,713	0.5170	50%	598,148	0.3963	50%	458,503	1,056,650	7,137,697	4,137,697
17	2034	2035	2.0%	-	501,252,575	241,220,195	0.5170	50%	623,554	0.3963	50%	477,978	1,101,532	8,194,347	5,194,347
18	2035	2036	2.0%	17,204,281	528,481,908	268,449,528	0.5170	50%	693,942	0.3963	50%	531,933	1,225,875	9,295,879	6,295,879
19	2036	2037	2.0%	-	539,051,546	279,019,166	0.5170	50%	721,265	0.3963	50%	552,876	1,274,141	10,521,754	7,521,754
20	2037	2038	0.0%	17,204,281	556,255,827	296,223,447	0.5170	50%	765,738	0.3963	50%	586,967	1,352,704	11,795,895	8,795,895
21	2038	2039	0.0%	-	556,255,827	296,223,447	0.5170	50%	765,738	0.3963	50%	586,967	1,352,704	13,148,599	10,148,599
22	2039	2040	2.0%	17,204,281	584,585,225	324,552,845	0.5170	50%	838,969	0.3963	50%	643,101	1,482,071	14,501,304	11,501,304
23	2040	2041	2.0%	-	596,276,929	336,244,549	0.5170	50%	869,192	0.3963	50%	666,269	1,535,461	15,983,374	12,983,374
24	2041	2042	2.0%	17,204,281	625,406,749	365,374,369	0.5170	50%	944,493	0.3963	50%	723,989	1,668,482	17,518,835	14,518,835
25	2042	2043	2.0%	-	637,914,884	377,882,504	0.5170	50%	976,826	0.3963	50%	748,774	1,725,600	19,187,317	16,187,317
26	2043	2044	2.0%	17,204,281	667,877,463	407,845,083	0.5170	50%	1,054,280	0.3963	50%	808,145	1,862,425	20,912,918	17,912,918
27	2044	2045	2.0%	-	681,235,012	421,202,632	0.5170	50%	1,088,809	0.3963	50%	834,613	1,923,422	22,775,342	19,775,342
28	2045	2046	2.0%	17,204,281	712,063,994	452,031,614	0.5170	50%	1,168,502	0.3963	50%	893,671	2,064,202	24,698,764	21,698,764
29	2046	2047	2.0%	-	726,305,274	466,272,894	0.5170	50%	1,205,315	0.3963	50%	923,920	2,129,235	26,762,966	23,762,966
30	2047	2048	0.0%	17,204,281	743,509,555	483,477,175	0.5170	50%	1,249,788	0.3963	50%	958,010	2,207,799	28,892,201	25,892,201
Total Capital Improvements:															-
Total Capital Improvements:															31,100,000

258,064,217

ORDINANCE NO. O-18-020

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BRENHAM, TO CHANGE THE ZONING DISTRICT FROM AN INDUSTRIAL USE (I) DISTRICT TO A MIXED RESIDENTIAL USE (R-2) DISTRICT ON A TRACT OF LAND DESCRIBED AS 0.4884 ACRES, BEING A PART OF TRACT 337 OF THE ARRABELLA HARRINGTON SURVEY, A-55, LOCATED AT 1008 BURLESON STREET IN BRENHAM, WASHINGTON COUNTY, TEXAS

WHEREAS, the owner(s) of approximately 0.4884 acres of land generally located at 1008 Burleson Street and described as WCAD No. R43276, Tract 337 of the Arrabella Harrington Survey A-0055 in Brenham, Washington County, Texas (the “property”), have requested that the Property be rezoned; and

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

WHEREAS, Appendix A – “Zoning” of the City of Brenham Code of Ordinance authorizes the City Council to grant zoning changes by adopting ordinances amending Appendix A for each individual permanent zoning change; and

WHEREAS, at least ten (10) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested rezoning; and

WHEREAS, this amendment was recommended for approval by the City of Brenham Planning and Zoning Commission in its final report during its regular meeting on November 26, 2018; and

WHEREAS, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested rezoning, the City Council held the public hearing for the requested rezoning and the City Council considered the final report of the Planning & Zoning Commission; and

WHEREAS, the City Council deems it appropriate to grant such proposed change in the zoning district classification of the Property.

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

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham is Hereby Amended by Changing the Zoning District Classification of a 0.4884-Acre Tract of Land Currently Addressed as 1008 Burleson Street, Described as R#43276 (WCAD), Tract 337 of the Arrabella Harrington Survey A-0055 in Brenham, Washington County, Texas from an Industrial District (I) to a Mixed Residential Use (R-2) District.

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

PASSED and APPROVED on its first reading the 13th day of December 2018.

PASSED and APPROVED on its second reading the 20th day of December 2018.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

ORDINANCE NO. O-18-021

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BRENHAM, TO CHANGE THE ZONING DISTRICT FROM AN INDUSTRIAL USE (I) DISTRICT TO A MANUFACTURED HOME RESIDENTIAL USE (R-3) DISTRICT ON A TRACT OF LAND DESCRIBED AS 15.36 ACRES, BEING A PART OF TRACT 447 OF THE PHILLIP COE SURVEY, A-31, LOCATED AT 2834 INDUSTRIAL BOULEVARD, IN BRENHAM, WASHINGTON COUTNY, TEXAS

WHEREAS, the owner(s) of approximately 15.36 acres of land generally located at 2834 Industrial Boulevard and described as WCAD No. R465470, Being Part of Tract 447 of the Phillip Coe Survey A-31 in Brenham, Washington County, Texas (the “property”), have requested that the Property be rezoned; and

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

WHEREAS, Appendix A – “Zoning” of the City of Brenham Code of Ordinance authorizes the City Council to grant zoning changes by adopting ordinances amending Appendix A for each individual permanent zoning change; and

WHEREAS, at least ten (10) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested rezoning; and

WHEREAS, this amendment was recommended for approval by the City of Brenham Planning and Zoning Commission in its final report during its regular meeting on November 26, 2018; and

WHEREAS, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested rezoning, the City Council held the public hearing for the requested rezoning and the City Council considered the final report of the Planning & Zoning Commission; and

WHEREAS, the City Council deems it appropriate to grant such proposed change in the zoning district classification of the Property.

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

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham is hereby amended by changing the zoning district classification from Industrial District (I) to Manufactured Home Residential Use (R-3) District on a 15.36-acre Tract of Land Currently Addressed as 2834 Industrial Boulevard, and Further Described as R#465470 (WCAD) Being Part of Tract 447 of the Phillip Coe Survey A-31, in Brenham, Washington County, Texas, said area of land being more particularly described on Exhibit "A" attached hereto and incorporated herein for all purposes.

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

PASSED and APPROVED on its first reading the 13th day of December 2018.

PASSED and APPROVED on its second reading the 20th day of December 2018.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

EXHIBIT "A"

Adolph Charles Wehemeyer
15.36 Acre Re-Zoning Tract

Phillip Coe Survey
Abstract No. 31

STATE OF TEXAS §
COUNTY OF BRAZOS §



A **METES & BOUNDS** description of a certain 15.36 acre tract situated in the Phillip Coe Survey, Abstract No. 31 in Washington County, Texas, being a portion of the remainder of a called 43.3 acre tract (Tract 1) and a portion of a called 13.946 acre tract (Tract 2) conveyed by Gift Deed to Adolph Charles Wehmeyer, recorded in Volume 719, Page 548 of the Official Records of Washington County, said 15.36 acre tract being more particularly described as follows with all bearings based on the Texas Coordinate System of 1983, Central Zone;

COMMENCING at a found 5/8-inch iron rod (with cap stamped "Jones|Carter") marking the southeasterly corner of Lot 1, Country Side Manufactured Home Community, Section 2 recorded in Volume 657A, of the Plat Records of Washington County and being in the northwesterly right-of-way line of Industrial Boulevard;

THENCE North 72°10'06" East, 459.94 feet to a point-for-corner marking the **POINT OF BEGINNING** of the herein described tract being in the southerly line of said 43.3 acre tract and in said northwesterly right-of-way line of Industrial Boulevard;

THENCE North 17°49'54" West, 373.33 feet to a point-for-corner marking an interior corner of the herein described tract;

THENCE South 72°24'56" West, 458.30 feet to a point-for-corner in the northeasterly line of said Lot 1, Country Side Manufactured Home Community, Section 2;

THENCE North 17°34'54" West, 648.24 feet to a point-for-corner in said northeasterly line from which a found 5/8-inch iron rod (with cap stamped "Jones|Carter") marking the northeasterly corner of said Lot 1, Country Side Manufactured Home Community, Section 2 bears North 17°34'54" West, 44.00 feet;

THENCE North 72°24'56" East, departing at 479.52 feet said 43.3 acre tract and entering said 13.496 acre tract continuing in all a total distance of 822.96 feet to a point-for-corner in the northeasterly line of said 13.496 acre tract;

THENCE South 17°34'54" East, along the northeasterly line of said 13.496 acre tract, 1020.00 feet to a point-for-corner marking the southeasterly corner of same;

THENCE South 72°10'06" West, along the northwesterly right-of-way line of Industrial Boulevard being common with the southeasterly line of said 13.496 acre tract and said 43.3 acre tract 363.03 feet to the **POINT OF BEGINNING, CONTAINING** 15.36 acres of land in Washington County, Texas as filed in the office of Jones|Carter in College Station, Texas.

Adolph Charles Wehemeyer
11/5/18



ORDINANCE NO. O-18-022

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING THE FY2017-18 ADOPTED BUDGET; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Brenham, Texas has previously approved a budget for the fiscal year ending September 30, 2018, after having filed the same with the City Secretary and after holding public hearings on same, all after due notice as required by statute; and

WHEREAS, due to unforeseen circumstances and/or conditions, the City Council finds it is necessary to amend the FY2017-18 Budget for municipal purposes;

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

SECTION 1.

That the City Council of the City of Brenham, Texas, does hereby amend the budget for the City of Brenham, Texas for the fiscal year ending September 30, 2018, as shown on Exhibit A.

SECTION II.

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

PASSED and APPROVED on its first reading the 13th day of December, 2018.

PASSED and APPROVED on its second reading the 20th day of December, 2018.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Exhibit A

CITY OF BRENNHAM
FOR YEAR ENDING 9/30/2018

BUDGET AMENDMENT BY FUND SUMMARY

FY18 BUDGET AMENDMENT #1

FUND	AMENDMENT PAGE #	REVENUES (INC)/DEC	TRANSFER-IN (INC)/DEC	BOND/LEASE		EXPENDITURES INC/(DEC)	TRANSFER-OUT INC/(DEC)	NET CHANGE TO FUND (INC)/DEC
				PROCEEDS (INC)/DEC				
101 GENERAL FUND	1	0	(78,299)	0		(132,715)	211,014	0
227 FEMA FUND	2	(391,377)	(654,299)	0		1,401,227	0	355,551
232 DONATIONS FUND	3	(136,742)	4,000	0		97,549	46,065	10,873
236 EQUIPMENT FUND	4	0	(199,711)	0		93,553	0	(106,158)
235 FIRE DEPT GRANTS	5	(1,710)	0	0		1,710	0	0
118 DEBT SVC FUND	6	0	(56,432)	0		0	0	(56,432)
250 BCDC FUND	7	(18,880)	0	0		(285,166)	232,393	(71,654)
109 HOTEL/MOTEL FUND	8	(5,700)	0	0		0	5,700	0
233 COURTS TECH FUND	9	2,198	0	0		10,615	(20,000)	(7,187)
214 CAPITAL LEASES FUND	10	0	(37,368)	(86,167)		70,167	56,432	3,064
217 2017 CAP PROJ FUND	11	(31,368)	(150,000)	(2,795,626)		852,621	654,299	(1,470,074)
218 2014 CAP PROJ FUND	12	0	0	0		0	13,640	13,640
234 PARKS CAP IMP FUND	13	0	(86,393)	0		0	0	(86,393)
102 ELECTRIC FUND	14	(58,959)	0	0		0	58,959	(0)
105 SEWER FUND	15	(120,280)	0	0		120,280	0	(0)
106 SANITATION FUND	16	(77,196)	0	0		77,196	0	(0)
220 CENTRAL FLEET	17	(3,767)	0	0		3,767	0	(0)
TOTAL CHANGES		(843,781)	(1,258,501)	(2,881,794)		2,310,803	1,258,501	(1,414,771)

TOTAL CHANGE IN RESOURCES (INC)/DEC	TOTAL CHANGE IN USE OF RESOURCES INC/(DEC)	NET
(4,984,075)	3,569,304	(1,414,771)

ORDINANCE NO. O-18-023

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING THE FY2018-19 ADOPTED BUDGET; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Brenham, Texas has previously approved a budget for the fiscal year ending September 30, 2019, after having filed the same with the City Secretary and after holding public hearings on same, all after due notice as required by statute; and

WHEREAS, due to unforeseen circumstances and/or conditions, the City Council finds it is necessary to amend the FY2018-19 Budget for municipal purposes;

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

SECTION 1.

That the City Council of the City of Brenham, Texas, does hereby amend the budget for the City of Brenham, Texas for the fiscal year ending September 30, 2019, as shown on Exhibit A.

SECTION II.

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

PASSED and APPROVED on its first reading the 13th day of December 2018.

PASSED and APPROVED on its second reading the 20th day of December 2018.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

CITY OF BRENHAM
FOR YEAR ENDING 9/30/2019

BUDGET AMENDMENTS BY FUND AND DEPARTMENT

PAGE 1

FUND #	FUND NAME	ACCOUNT TYPE	CATEGORY	DEPT #	DEPT NAME	ACCT #	ACCT NAME	CURRENT BUDGET	PROPOSED AMENDED BUDGET	AMENDING TO ADD OR SUBTRACT
101	GENERAL FUND	INTERFUND TRANSFER	TRANSFERS-OUT	000	OTHER RESOURCES (USES)	6-000-662.00	INTERFUND TRNSF-EQUIPMENT	0	425,000	425,000
							CHANGES TO TRANSFERS-OUT	0	425,000	425,000
							TOTAL FUND TRANSFERS-OUT	57,577	482,577	425,000

General Fund Amendment: This budget amendment is for an increase in inter-fund transfers from the General Fund to the Equipment Fund for purchase of 10 police vehicles in the amount of \$425,000. The vehicles consist of 4 patrol vehicle replacements, 4 administration vehicle replacements (1 replaced by evidence van), and 2 new patrol vehicles for 2 new lieutenant positions approved in the FY18-19 Adopted Budget. The City normally budgets approximately \$300,000+ a year for police vehicle replacements. At budget time, the new Police Chief was just beginning his evaluation of staffing levels, take-home car policy, shift schedules, as well as, assessing the size and condition of the existing police fleet. A determination of police vehicle needs could not be completed within the time constraints of the FY19 budget process. A second complication arose during the budget process with FY18 General Fund ABNR (above-budget-net-revenue). At the end of each fiscal year, ABNR is transferred to the Equipment Fund and is used in the following budget year for vehicle and equipment replacements or additions. Estimated General Fund ABNR for FY18 was significantly lower than historic levels due to several extraordinary, one-time, events. This limited the City's ability to pay for police vehicles, even if their needs had been known at budget time, without dipping into reserves. It was decided to complete the assessment of police vehicle needs outside the budget process and if reserves were sufficient, amend the FY19 Budget for the request. With FY18 now complete, General Fund reserves are deemed sufficient for funding police vehicles.

CITY OF BRENHAM
FOR YEAR ENDING 9/30/2019

BUDGET AMENDMENTS BY FUND AND DEPARTMENT

PAGE 2

FUND #	FUND NAME	ACCOUNT TYPE	CATEGORY	DEPT #	DEPT NAME	ACCT #	ACCT NAME	PROPOSED AMENDING		TO ADD OR
								CURRENT BUDGET	AMENDED BUDGET	SUBTRACT
236	EQUIPMENT FD	TRANSFERS	TRANSFERS-IN	000	OTHER RESOURCES (USES)	6-000-601.00	INTERFUND TRNSF-GENERAL FUND	0	425,000	425,000
							CHANGES TO OTHER RESOURCES (USES)	0	425,000	425,000
							TOTAL FUND TRANSFERS-IN	25,000	450,000	425,000

Equipment Fund Amendment: This budget amendment is for an increase in inter-fund transfers to the Equipment Fund from the General Fund for purchase of 10 police vehicles in the amount of \$425,000. The vehicles consist of 4 patrol vehicle replacements, 4 administration vehicle replacements (1 replaced by evidence van), and 2 new patrol vehicles for 2 new lieutenant positions approved in the FY18-19 Adopted Budget.



AGENDA ITEM 5

DATE OF MEETING: December 20, 2018	DATE SUBMITTED: December 13, 2018
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Dane Rau
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☐ REGULAR ☒ WORK SESSION
ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Presentation and Discussion Regarding Changes to Bagged Garbage Disposal and Associated Charges at the City of Brenham Recycling Center	
SUMMARY: Over the last year, we have been looking at our Recycling Center operations and overall efficiency on our Sanitation Dept. We have done research on one aspect concerning accepting bagged garbage at the Recycling Center location for \$1 per bag. This part of the center is very busy and is mainly used by County citizens who prefer to use this service rather than rural trash service. We have been charging \$1 per bag at both the Recycling Center location and the Brenham Collection Station for over 15 years. At the Collection Station, it works great due to the bags going straight into the haul trailer and a booth attendant on location 9 hrs. Per day. At the Recycling Center, we rely on the “honor system” of patrons placing their dollars in the drop box and paying in that method versus trying to locate our yard attendant. This actually works and has been proven that most people are honest. The problem we are running into is the inefficiency and amount of labor that it requires to empty the dumpsters along with our limited staff handling many bills and settling at the end of the day, which takes time away from the yard, and recycling customers. The biggest issue is our Sanitation drivers having to break off the residential route multiple times a day to empty dumpsters because they are full. This happens daily and many times twice a day. We also have to come in early some days, as well as send an employee to the center on Saturdays when they get too full. We have contemplated adding dumpsters but this would still be inefficient and when looking at costs we are breaking even financially over the year. Many factors such as fuel, wear on truck and additional time spent affect our residential department more than it benefits the service. Our recommendation would be to remove the dumpsters from the Recycling Center and transition everyone to the Collection Station using the booth attendant. This way the bagged garbage will not have to be handled twice and will improve efficiency with both the Recycling Center and Residential staff. It will also make sure that all customers can either get change or all bagged garbage is accounted for by handing money to the booth attendant. At the same time, we would like to increase the amount to \$2.00 per bag to cover cost of the service. There will be many county residents who will be disappointed due to the convenience of the Recycling Center location and the quick process at the Recycling Center, but we believe this would be the right move for our department. Debbie, Lowell and I have all agreed that we should move this part of our operation down to the Collection Station and Colleen Latham said that this would not affect her operation that much. Throughout the year, we collect right at \$80,000 through this process just at the recycling center in which these funds are directed to Residential Collection since they are paying the disposal fee.	

If this is approved, we plan to notify the customers by posting a sign at the Recycling Center along with passing out notification letters beginning in January and implementing February 1, 2019. We will also be bringing the rate increase to Council in January since this is part of our rate tariff.
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: Improve efficiency, one location for this service, able to account for all bags dropped off B. CONS: Not as convenient for some residents, will increase customers at Collection Station.
ALTERNATIVES (In Suggested Order of Staff Preference):
ATTACHMENTS: (1) Photo of dumpster at the recycling center
FUNDING SOURCE (Where Applicable):
RECOMMENDED ACTION: Discussion only
APPROVALS: James Fisher

*Photo of Dumpster at Recycling Center
Taken on December 13, 2018*





AGENDA ITEM 6

DATE OF MEETING: December 20, 2018	DATE SUBMITTED: December 7, 2018
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Dane Rau
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION
ORDINANCE: ☒ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Authorizing the Placement of a Stop Sign on Center Street at Its Intersection with Crockett Street	
SUMMARY: In order to remain consistent in this area we would ask council to authorize the placement of a stop sign on the end of Center Street where it intersects with Crockett St. Alma and Ross all have stop signs when intersecting with Crockett Street but Center St. does not. We have looked back and for some reason no stop sign was ever at this intersection. There would only be one stop sign added going northbound on Center Street as the map shows.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: Making all the streets that intersect with Crockett St. consistent and preventing traffic coming off of Center St from not stopping. B. CONS: None	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: (1) Ordinance; and (2) Map	
FUNDING SOURCE (Where Applicable):	
RECOMMENDED ACTION: Approve an Ordinance on its first reading authorizing the placement of a stop sign on Center Street at its intersection with Crockett Street	
APPROVALS: James Fisher	

ORDINANCE NO. _____

AN ORDINANCE REQUIRING THE PLACING OF CERTAIN STOP SIGNS IN THE CITY OF BRENHAM, TEXAS, SETTING THE LOCATION OF SAID STOP SIGNS, REGULATING THE TRAFFIC AT SAID STOP SIGNS, AND PROVIDING FOR PENALTY FOR VIOLATION THEREOF.

WHEREAS, it is necessary to provide stop signs at certain locations in the City of Brenham to prevent accidents, collisions and damages; to promote the flow of traffic along and into such streets; and to regulate the same:

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

Section 1. That there shall be established and installed one (1) stop signs on Center Street regulating northbound vehicular traffic, at its intersection with Crockett Street.

The stop sign shall be erected at the top of a standard pole, installed in the ground on the right hand side of the streets identified herein.

Section 2. That every person, firm or corporation, operating a motor vehicle or other vehicle of any kind, in, on, along and into the streets or street intersections designated in Section 1 hereof, upon reaching a stop sign at the location so designated, shall bring said vehicle to a full and complete stop in compliance with the provisions of applicable state law, before proceeding further along said street or into or on said street intersection.

Section 3. That any person, firm or corporation, violating Section 2 hereof, shall be fined a sum of not less than \$1.00 and not more than \$200.00, plus applicable court costs.

Section 4. This Ordinance shall take full force and effect from and after its passage, approval and publication as required by applicable law.

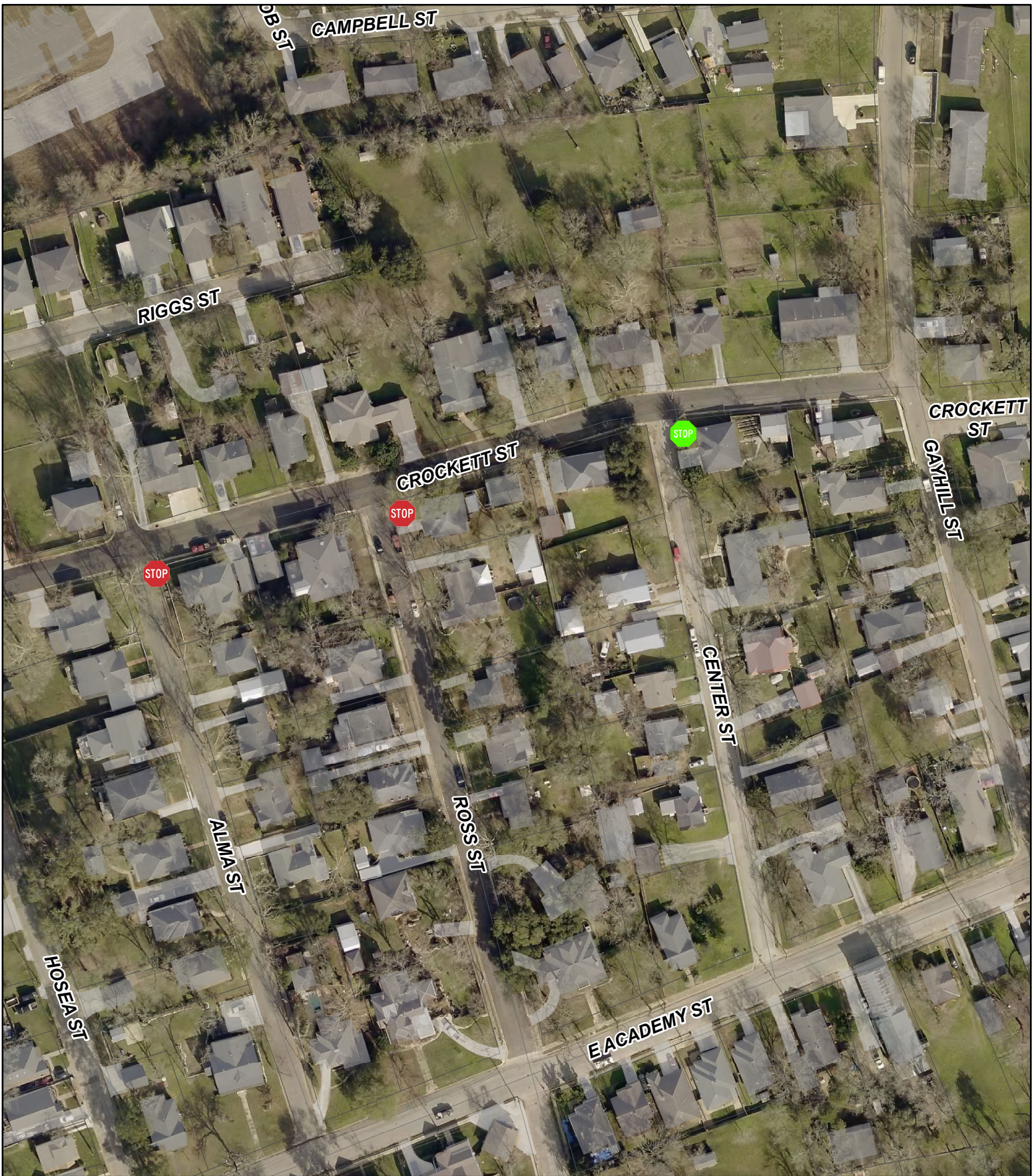
PASSED and APPROVED on its first reading this the ____ day of December, 2018.

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

ATTEST:

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary



1 inch = 130 feet



Proposed Stop Sign



Existing Stop Sign





AGENDA ITEM 7

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: December 7, 2018
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Dane Rau
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION
ORDINANCE: ☒ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Authorizing the Placement of a Stop Sign on Duprie Drive at Its Intersection with Stephanie Street	
SUMMARY: In order to remain consistent in this area we would ask council to authorize the placement of a stop sign on the end of Duprie Drive where it intersects with Stephanie St. Stephanie St. has the right of way and without a stop sign on Duprie, it allows traffic to freely enter Stephanie. This has been brought to our attention and we would like to address it and keep this area consistent. We have looked back and for some reason when this subdivision was completed no stop sign was added at this intersection. There would only be one stop sign added going eastbound on Duprie Drive as it intersects with Stephanie Street, as the map shows.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: Staying consistent B. CONS: None	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: (1) Ordinance; and (2) Map	
FUNDING SOURCE (Where Applicable):	
RECOMMENDED ACTION: Approve an Ordinance on its first reading authorizing the placement of a stop sign on Duprie Drive at its intersection with Stephanie Street	
APPROVALS: James Fisher	

ORDINANCE NO. O-_____

AN ORDINANCE REQUIRING THE PLACING OF CERTAIN STOP SIGNS IN THE CITY OF BRENHAM, TEXAS, SETTING THE LOCATION OF SAID STOP SIGNS, REGULATING THE TRAFFIC AT SAID STOP SIGNS, AND PROVIDING FOR PENALTY FOR VIOLATION THEREOF.

WHEREAS, it is necessary to provide stop signs at certain locations in the City of Brenham to prevent accidents, collisions and damages; to promote the flow of traffic along and into such streets; and to regulate the same:

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

Section 1. That there shall be established and installed one (1) stop sign on Duprie Drive regulating eastbound vehicular traffic, at its intersection with Stephanie Street.

The stop sign shall be erected at the top of a standard pole, installed in the ground on the right hand side of the streets identified herein.

Section 2. That every person, firm or corporation, operating a motor vehicle or other vehicle of any kind, in, on, along and into the streets or street intersections designated in Section 1 hereof, upon reaching a stop sign at the location so designated, shall bring said vehicle to a full and complete stop in compliance with the provisions of applicable state law, before proceeding further along said street or into or on said street intersection.

Section 3. That any person, firm or corporation, violating Section 2 hereof, shall be fined a sum of not less than \$1.00 and not more than \$200.00, plus applicable court costs.

Section 4. This Ordinance shall take full force and effect from and after its passage, approval and publication as required by applicable law.

PASSED and APPROVED on its first reading this the ____ day of December, 2018.

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

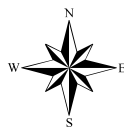
Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



1 inch = 168 feet



-  Proposed Stop Sign
-  Existing Stop Sign





AGENDA ITEM 8

DATE OF MEETING: December 20, 2018	DATE SUBMITTED: December 7, 2018
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Dane Rau
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION
ORDINANCE: ☒ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Authorizing the Placement of a Stop Sign on Hosea Street at Its Intersection with Riggs Street	
SUMMARY: Due to the new housing development on the end of Hosea St., we would like to place a stop sign on the north corner of Hosea St. where it intersects with Riggs St. The south side of the intersection already has a stop sign but with the additional traffic, we need to complete the 2-way stop so that traffic on Hosea St. stops to traffic on Riggs. This was noticed by staff as well as brought to our attention by a citizen.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: With the additional traffic due to the new housing development, this will make this a complete two way stop. B. CONS: None	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: (1) Ordinance; and (2) Map	
FUNDING SOURCE (Where Applicable):	
RECOMMENDED ACTION: Approve an Ordinance on its first reading authorizing the placement of a stop sign on Hosea Street at its intersection with Riggs Street	
APPROVALS: James Fisher	

ORDINANCE NO. O-_____

AN ORDINANCE REQUIRING THE PLACING OF CERTAIN STOP SIGNS IN THE CITY OF BRENHAM, TEXAS, SETTING THE LOCATION OF SAID STOP SIGNS, REGULATING THE TRAFFIC AT SAID STOP SIGNS, AND PROVIDING FOR PENALTY FOR VIOLATION THEREOF.

WHEREAS, it is necessary to provide stop signs at certain locations in the City of Brenham to prevent accidents, collisions and damages; to promote the flow of traffic along and into such streets; and to regulate the same:

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

Section 1. That there shall be established and installed one (1) stop sign on Hosea St. regulating southbound vehicular traffic, at its intersection with Riggs St..

The stop sign shall be erected at the top of a standard pole, installed in the ground on the right hand side of the street identified herein.

Section 2. That every person, firm or corporation, operating a motor vehicle or other vehicle of any kind, in, on, along and into the streets or street intersections designated in Section 1 hereof, upon reaching a stop sign at the location so designated, shall bring said vehicle to a full and complete stop in compliance with the provisions of applicable state law, before proceeding further along said street or into or on said street intersection.

Section 3. That any person, firm or corporation, violating Section 2 hereof, shall be fined a sum of not less than \$1.00 and not more than \$200.00, plus applicable court costs.

Section 4. This Ordinance shall take full force and effect from and after its passage, approval and publication as required by applicable law.

PASSED and APPROVED on its first reading this the ____ day of December, 2018.

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

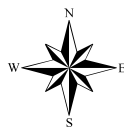
Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



1 inch = 130 feet



Proposed Stop Sign



Existing Stop Sign





AGENDA ITEM 9

DATE OF MEETING: December 20, 2018	DATE SUBMITTED: December 10, 2018															
DEPT. OF ORIGIN: Parks & Recreation	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	☐ 1ST READING	☐ SPECIAL	☒ CONSENT	☐ 2ND READING	☐ EXECUTIVE SESSION	☐ REGULAR	☐ RESOLUTION		☐ WORK SESSION	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:														
☒ REGULAR	☐ PUBLIC HEARING	☐ 1ST READING														
☐ SPECIAL	☒ CONSENT	☐ 2ND READING														
☐ EXECUTIVE SESSION	☐ REGULAR	☐ RESOLUTION														
	☐ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Purchase of Playground Equipment for the Blue Bell Aquatic Center Through the BuyBoard Local Government Purchasing Cooperative Contract Number 512-16 and Authorize the Mayor to Execute Any Necessary Documentation																
SUMMARY: During the 2018-19, BCDC funding meeting new playground equipment for Blue Bell Aquatic Center was approved for purchase. This equipment will replace an existing playground near the entrance to the aquatic center leisure pool that is about 17 yrs. old. When inspecting the play structure this past year, the inspection noted that over 80% of the structure needed to be replaced. Most of the areas that need replacing are the main metal areas. In our search for a new playground, one of our goals was to look for a unit that would withstand the harsh chemical environment. Kraftsman has designed just that. Kraftsman offers playground equipment made from recycled plastic. In addition to being great for the environment, the recycled plastic is durable, waterproof, and UV stabilized for maximum safety, durability and color retention. They use reclaimed post-consumer plastic products such as milk jugs to create recycled plastic lumber. About 95% of the new design is made of recycled materials with the post and decks being 100% recycled. Stainless Steel hardware is used to prevent further corrosion.																
In the budget, BCDC allocated 60,000 to replace the older playscape. It has been recommended by both vendors that the new pour-n-play surface be installed due to the numerous cutouts or patches that will be needed when adding a playscape with a different footprint. Several Blue Bell Aquatic Center projects have come in under budget, and the savings will offset the additional playground expense. BCDC Board members have all voted in favor of reallocating allotted funds to cover the added expense keeping within the overall budgeted amount. Even with this additional expenditure, overall the Blue Bell Aquatic Center projects are coming in favorable to budget by \$22, 448.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: Recycled Play structure favorable to our harsh chemical environment, Themed, Interactive, Play B. CONS: None																
ALTERNATIVES (In Suggested Order of Staff Preference):																
ATTACHMENTS: (1) Buyboard Price Sheet; and (2) Renderings of Equipment																

FUNDING SOURCE (Where Applicable): BCDC Funded
RECOMMENDED ACTION: Approve the purchase of playground equipment for the Blue Bell Aquatic Center from Kraftsman Commercial Playgrounds and Water Parks in the amount of \$98,136.16 for the Blue Bell Aquatic Center and authorize the Mayor to execute any necessary documentation
APPROVALS: James Fisher



Kraftsman

COMMERCIAL PLAYGROUNDS &
WATER PARKS

19535 Haude Road
Spring TX 77388
Phone: 281-353-9599
Fax: 281-353-2265

Quote #Q62011

Page: 1

Date: 11/16/2018
Project: 21675
By: Gilbert Fragosa

Sold To: City of Brenham - Blue Bell Aquatic Center
Mrs. Tammy Jaster
Blue Bell Aquatics Center - Play Unit
1800 E. Tom Green
Brenham TX 77834
Phone: 979-337-7250 Fax:
Terms: Percentage Completed Draws Monthly

Ship To: City of Brenham - Blue Bell Aquatic Center
Mrs. Tammy Jaster
Blue Bell Aquatics Center - Play Unit
1800 E. Tom Green
Brenham TX 77834
Main Phone: 979-337-7250 Mobile Phone:

Qty	Product	Description	Size	Weight	Color	Unit Price	Ext. Price
Option 1, Play Unit Revised							
Turn-Key Project							
1	R3-20586	SRPFX Themed modified Lifeguard Shack Play unit				25,304.00	25,304.00
1	CUSTOM LIFEGUARD TRUCK	Custom Lifeguard Truck				6,995.00	6,995.00
1	TRT-10	Triple Toss with 3 1/2" powder coated post by Superior Playgrounds On Sale, 2018 Fall Sale ends 12/14/2018, Sales Price \$525				700.00	700.00
1	DISC	Discount on Sales - 2018 Fall Sale - Triple Toss				-175.00	-175.00
1	SRPSURCHG	Steel Surcharge by Superior Recreational Products on orders placed after May 2, 2018				1,319.96	1,319.96

1	REMOVE	Removal of existing play equipment. By: Kraftsman				2,375.00	2,375.00
1	REMOVE	Removal, haul away and proper disposal Of existing Poured-in-place Rubber. Dumpster included in pricing. By: Kraftsman				6,100.00	6,100.00

1	PIP-EPDM-S	Poured in Place rubber surfacing, 3" depth, colors to be 33/33/33/, 100% Standard colors of EPDM Rubber, Aromatic Urethane Binder, good access and no design.	1699			42,000.00	42,000.00

1	INSURANCE-AI	No Charge: Name customer as additional insured on General Liability Policy and processing of coverage.				0.00	0.00
1	DISCBB	Discount on BuyBoard Purchase, BuyBoard Contract #512-16				-7,807.00	-7,807.00



Kraftsman
COMMERCIAL PLAYGROUNDS &
WATER PARKS
19535 Haude Road
Spring TX 77388
Phone: 281-353-9599
Fax: 281-353-2265

Quote #Q62011

Page: 2

Date: 11/16/2018
Project: 21675
By: Gilbert Fragosa

1	BOND1	Performance & Payment Surety Bond, and processing of the bond documentation.	2,944.08	2,944.08
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Subtotal:	\$79,756.04
Shipping & Handling:	\$2,460.47
Equipment Subtotal:	\$82,216.51
Tax:	\$0.00
Install:	\$15,919.65
Total:	\$98,136.16



Kraftsman

COMMERCIAL PLAYGROUNDS &
WATER PARKS

19535 Haude Road

Spring TX 77388

Phone: 281-353-9599

Fax: 281-353-2265

Quote #Q62011

Page: 3

Date:	11/16/2018
Project:	21675
By:	Gilbert Fragosa

Special Terms and Conditions

Subject: Payment Terms**Date: 10/23/2018**

Percentage completion draws monthly.

Subject: Items Not Included**Date: 10/23/2018**

These items are not included:

- Finish landscaping, sodding or seeding of disturbed areas. All disturbed areas to be leveled and raked out.
- Concrete lead walks or adjoining observation concrete deck areas.
- Storm Water Pollution Controls for project site.
- Temporary security fence during construction.
- Site usage signage for use instructions, rules, safety, or emergency notifications as needed or required.
- Shade systems or site amenities.

Subject: Sales Tax**Date: 10/23/2018**

Sales tax is not included in prices quoted. Customer is to supply Sales Tax Exemption or Sales Tax Resale certificate at time of acceptance of proposal, or sales tax will be added to final contract and invoicing for the project.

Subject: Insurance Terms**Date: 10/23/2018**

Kraftsman will supply a certificate of insurance verifying the limits of coverage. See terms page for details and charges for naming additional insured parties or adding special coverage's if required.

Subject: Shipping Charges**Date: 10/23/2018**

Unless noted otherwise on quote, all shipping and handling charges on quote are firm for duration of 90 days.

Subject: Bonding**Date: 10/23/2018**

Performance and Payment bonds are included in this quote and will be provided after a signed quote or contract is returned to Kraftsman. Maintenance Bonds are not included.

Subject: Delivery and Unloading**Date: 10/23/2018**

If Installation is purchased: Kraftsman is responsible for ensuring that adequate staff and equipment resources are available for timely off-loading, safe handling, and secure storage of equipment upon receipt from motor freight carrier of installed product shipments. Unloading of materials from the truck will potentially require material handling equipment, i.e. forklift, pallet jack(s), to properly remove equipment from the delivery truck. In Most Cases when Kraftsman is installing a project the product will be received at Kraftsman's Warehouse and stored until needed on the project. Then transported to the site at the time of installation.



Kraftsman

COMMERCIAL PLAYGROUNDS &
WATER PARKS

19535 Haude Road

Spring TX 77388

Phone: 281-353-9599

Fax: 281-353-2265

Quote #Q62011

Page: 4

Date:	11/16/2018
Project:	21675
By:	Gilbert Fragosa

Subject: Locating for Underground Utilities**Date: 10/23/2018**

- Kraftsman will call and arrange for utility locating with the public utilities stake out providers. All Public Utilities, including Phone, Electrical, Gas, Cable, and Fiber Optics are to be staked prior to installation. Kraftsman will arrange with Public Utility Stake Out providers for a date that this is to be completed prior to Kraftsman arriving on site.
- Customer is to locate, mark, and provide information for all privately owned utilities that are not marked by the Public Utility providers, for all utility service lines below grade that are privately owned. These will include any and all of the following: electrical, water lines, gas lines, irrigation lines, sewer and storm lines, cable service lines, fiber optic or other IT lines, which are privately owned by the property owner.
- Kraftsman is not responsible for any underground utilities which are not marked or located by the owner or public utilities stake out providers. Damages to underground utilities for electrical, water, irrigation, and other listed above will not be repaired by Kraftsman and will be the owner's expense and responsibility."

Subject: Installation**Date: 10/23/2018**

Installation quoted includes: Receiving and unloading of equipment, excavation of required footings, assembly of structure, concrete for footings, and all equipment necessary for installation.

Subject: Project Completion**Date: 10/23/2018**

Allow 2 to 4 weeks for preparation of plans, drawings, and submittals after acceptance of proposal provided that the following has been completed and approved by the customer:

- Project product submittals reviewed, approved and returned.
 - Completed Color selection sheet (signed and dated)
 - Physical project address
 - All contact names and phone numbers
 - Exemption certificate
 - Deposit per contract
- Shipping of equipment from factory will be approximately as follows:
- Custom SRPFX Structures and Recycled play units – 12-16 Weeks

Allow adequate time for processing and procuring construction permits if required.

Allow approximately 3 to 6 weeks for project completion upon equipment delivery from manufacturer, issuance of building permits if required, weather permitting.

Subject: Lead Time**Date: 10/23/2018**

Lead Times are after approval of all Initial submittal info and colors.

Superior Playground items - lead time for SRPFX and Recycled play units is 12-16 weeks from when the order is placed with the manufacturer.

Subject: Color Selections**Date: 10/23/2018**

Color Selections to be determined at time of placing order via submittal process

Shipping & Handling:



Kraftsman
COMMERCIAL PLAYGROUNDS &
WATER PARKS
 19535 Haude Road
 Spring TX 77388
 Phone: 281-353-9599
 Fax: 281-353-2265

Quote #Q62011

Page: 5

Date:	11/16/2018
Project:	21675
By:	Gilbert Fragosa

General Terms and Conditions

Sold To: City of Brenham - Blue Bell Aquatic Center

Ship To: Blue Bell Aquatics Center - Play Unit

Terms: Percentage Completed Draws Monthly

CONDITIONS OF SALE

1. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the contract.
2. No returns of merchandise will be accepted unless previously authorized in writing by Kraftsman. All returns are subject to restocking fee of 25% plus freight charges incurred for return to original shipment origination.
3. Title for all equipment is reserved by Kraftsman Commercial Playgrounds and Water Parks until payment in full is received. The right to enter the property and repossess said equipment is hereby granted to Kraftsman Commercial Playgrounds and Water Parks if payment is not rendered in accordance with the terms above. All payments made prior to repossession under this contract shall be forfeited to Kraftsman Commercial Playgrounds and Water Parks as cost incurred to recover the equipment. Repossession of product does not waive any damages or costs due as awarded by the court.
4. All collections or litigation concerning this contract shall be governed by the laws of the State of Texas, with venue in Harris County.
5. Kraftsman warrants the merchandise on this proposal to be up to the manufacturers published standards as to material and workmanship. See catalogs or attached drawings for specific layouts, warranties, and specifications.
6. Kraftsman reserves the right to review contract for final acceptance by management and to make corrections of clerical errors.
7. A service charge of 1.5% per month will be assessed on all past due amounts.
8. Payments to Kraftsman by credit card will incur a processing fee of 4% for Visa and MasterCard, and 6% for American Express.
9. Installation services include all labor, equipment required to complete the job, and insurance coverage's as required by law. Extra installation charges will incur for abnormal sub surfaces, ie. rock, landfill, etc. Price quoted includes Kraftsman's standard insurance coverages of \$2 million in General Liability & Completed operations, \$1 million in Automobile Liability, \$1 million per occurrence/\$2 aggregate in Workman's Compensation. Any charges by Kraftsman's insurance carrier or agents for adding General Contractor or Owner as additional insured, waivers of subrogation, or changes to standard coverage shall be added to contract charges. No performance bond or labor and material payment bonds shall be provided by Kraftsman, unless listed as individual line item in proposal.
10. Kraftsman Commercial Playgrounds and Water Parks is not liable for damages to underground utilities, and irrigations systems during installation. It is the customers responsibility to locate all underground utilities.
11. Building permits required by local or state authorities & municipalities are not included and are the responsibility of the owner of the property, unless specifically included as a line item in the proposal. If you want Kraftsman to handle required permitting please contact our office and we will provide a quote if not included as a line item within this proposal.
12. This proposal may be withdrawn by Kraftsman if not accepted within thirty (30) days.

Respectfully Submitted: _____
 Gilbert Fragosa

Date: November 16, 2018

Acceptance of Proposal:

The prices, specification and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. If contract is placed with an attorney for suit or collection through probate, bankruptcy or other legal proceedings, customer agrees to pay all expenses and reasonable attorney fees incurred. Any verbal instructions, agreements, or promises are not valid unless written as part of this contract.

Authorized Signature: _____

PO#:

Printed Name & Title : _____

Date of Acceptance: _____

Authorized Signature: _____

Printed Name & Title : _____

WE STRONGLY RECOMMEND A RESILIENT FALL SURFACE BE INSTALLED UNDER ALL PLAY & FITNESS EQUIPMENT

Thank You! We Appreciate Your Business!



Bluebell Aquatic Center

STRUCTURE - R3-20586

For illustration purposes only. Colors may vary.

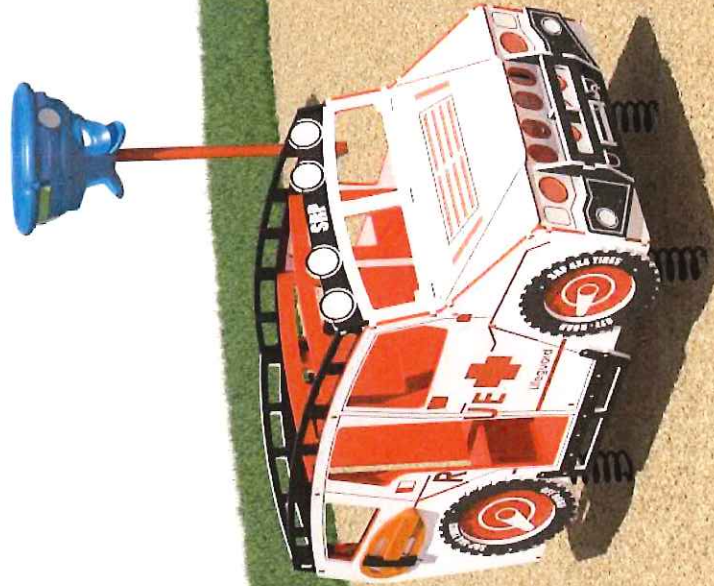


COLOR KEY

Posts	Grey
Metals	Ocean Blue
Panels	Ocean Blue / White
Decks	Grey
Plastics	Ocean Blue
Roof	NA



SUPERIOR
RECREATIONAL PRODUCTS
play. rejoy. live.



Bluebell Aquatic Center

STRUCTURE - SPR3-20586

For illustration purposes only. Colors may vary.

COLOR KEY

Posts	Grey
Metals	Ocean Blue
Panels	Ocean Blue / White
Decks	Grey
Plastics	Ocean Blue
Roof	Ocean Blue





AGENDA ITEM 10

DATE OF MEETING: December 20, 2018	DATE SUBMITTED: December 12, 2018															
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Lori Sanguedolce															
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;">MEETING TYPE:</td> <td style="width: 33%; vertical-align: top;">CLASSIFICATION:</td> <td style="width: 33%; vertical-align: top;">ORDINANCE:</td> </tr> <tr> <td>☒ REGULAR</td> <td>☐ PUBLIC HEARING</td> <td>☒ 1ST READING</td> </tr> <tr> <td>☐ SPECIAL</td> <td>☐ CONSENT</td> <td>☐ 2ND READING</td> </tr> <tr> <td>☐ EXECUTIVE SESSION</td> <td>☒ REGULAR</td> <td>☐ RESOLUTION</td> </tr> <tr> <td></td> <td>☐ WORK SESSION</td> <td></td> </tr> </table>		MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	☒ REGULAR	☐ PUBLIC HEARING	☒ 1 ST READING	☐ SPECIAL	☐ CONSENT	☐ 2 ND READING	☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION		☐ WORK SESSION	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:														
☒ REGULAR	☐ PUBLIC HEARING	☒ 1 ST READING														
☐ SPECIAL	☐ CONSENT	☐ 2 ND READING														
☐ EXECUTIVE SESSION	☒ REGULAR	☐ RESOLUTION														
	☐ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading for the Abandonment of a Portion of Salley Street																
SUMMARY STATEMENT: Corey Harmon has requested that a portion of the unimproved Salley Street right-of-way (ROW) be abandoned. He submitted a ROW abandonment application in November 28, 2018 and the adjacent property owners have agreed to the abandonment and that it should remain with Mr. Harmon's property. This ordinance is being presented to abandon the portion of Salley Street as shown in the exhibit by metes and bounds with exhibit. The abandonment of this ROW does not create an undue burden on traffic.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:																
ALTERNATIVES (In Suggested Order of Staff Preference):																
ATTACHMENTS: (1) Ordinance; and (2) Request Letter																
FUNDING SOURCE (Where Applicable):																
RECOMMENDED ACTION: Approve an Ordinance on its first reading for the abandonment of a portion of Salley Street																
APPROVALS: James Fisher																

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A 0.10 ACRE PORTION OF THE SALLEY STREET RIGHT-OF-WAY, KEY'S 2ND ADDITION (UNRECORDED), BOUNDED ON THE NORTH BY DAWSON STREET, BOUNDED ON THE EAST BY THE COREY HARMON CALLED 0.247 ACRE TRACT, BOUNDED ON THE SOUTH BY PECAN STREET, AND BEING BOUNDED ON THE WEST BY THE STEVEN BORGSTEDTE AND OLIVIA GOERLITZ CALLED 0.5928 ACRE TRACT, SITUATED IN BRENHAM, WASHINGTON COUNTY, TEXAS, OUT OF THE A. HARRINGTON SURVEY, ABSTRACT NO. 55

WHEREAS, the City of Brenham has ownership of the Salley Street right-of-way bounded on the north by Dawson Street, bounded on the east by the Corey Harmon called 0.247 acre tract, bounded on the south by Pecan Street, and being bounded on the west by the Steven Borgstedte and Olivia Goerlitz called 0.5928 acre tract, situated in Brenham Washington County, Texas, out of the A. Harrington Survey, Abstract No. 55; and

WHEREAS, an adjoining property owner has requested the abandonment and closing of a portion of the Salley Street right-of-way; and

WHEREAS, the adjoining property owner requesting the abandonment of a portion of Salley Street owns an adjoining 0.247 acre tract more fully described in a deed to Corey Harmon dated July 27, 2012, recorded in Volume 1408, Page 668, Official Records of Washington County, Texas; and

WHEREAS, the abandonment and closing of the portion of the Salley Street right-of-way as shown on Exhibit "A", attached hereto and incorporated herein for all purposes, will not create an undue burden on traffic; and

WHEREAS, the City of Brenham has no need or use for the portion of Salley Street as shown on Exhibit "A" as a public thoroughfare, and said portion of the Salley Street right-of-way remains undeveloped, unimproved and unused; and

WHEREAS, the City Council of the City of Brenham desires to abandon and close the portion of the Salley Street right-of-way as shown on Exhibit "A" as a public thoroughfare, said closure and abandonment being in the best interest of the citizens of Brenham;

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

SECTION I.

That the portion of the Salley Street right-of-way as shown on Exhibit “A” is hereby abandoned and closed as a public thoroughfare.

SECTION II.

This street right-of-way to be closed and abandoned is currently undeveloped and unimproved, and any existing or future maintenance by the City of Brenham will cease.

SECTION III.

The Mayor of the City of Brenham is hereby authorized to execute any documents necessary for the conveyance of the portion of the Salley Street right-of-way as shown on Exhibit “A”, attached hereto and incorporated herein for all purposes, to the adjoining property owners.

SECTION IV.

This Ordinance shall take full force and effect immediately from and after its passage and approval on second reading and approval by the Planning and Zoning Commission of a replat of the abandoned right-of-way parcels into conforming lots.

PASSED and **APPROVED** on its first reading this the ___ day of December, 2018.

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

Milton Y. Tate
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



Exhibit "A"

METES AND BOUNDS DESCRIPTION

STATE OF TEXAS
COUNTY OF WASHINGTON

Being a 0.10 acre tract of land out of the A. Harrington Survey, Abstract No. 55, Washington County, Texas, and being a portion of Salley Street, Key's Second Addition, an unrecorded subdivision located in the City of Brenham, Washington County, Texas, said 0.10 acres being more particularly described by metes and bounds as follows;

BEGINNING at a 3/8 inch iron rod found at the southeast corner of the above mentioned Salley Street tract, same being the southwest corner of a called 0.247 acre tract of land described to Corey Harmon (1408/668), located on the north line of Pecan Street for the southeast corner of this;

THENCE along the south line of said Salley Street tract, with the north line of Pecan Street, S 69°58'56" W a distance of 19.05 feet to a 3/8 inch iron rod found at the southwest corner of said Salley Street tract, same being the southeast corner of a called 0.5928 acre tract of land described to Steven Borgstedte and Olivia Goerlitz (1462/887), located on the north line of Pecan Street for the southwest corner of this;

THENCE departing Pecan Street along the west line of said Salley Street tract, common boundary with said 0.5928 acre tract, N 15°15'47" W a distance of 232.03 feet to a 1/2 inch iron rod with yellow cap set on the west line of said Salley Street tract at it's intersection with the south line of Dawson Street, located on the east line of said 0.5928 acre for the northwest corner of this;

THENCE crossing said Salley Street tract, along the south line of Dawson Street, N 72°28'14" E a distance of 19.94 feet to a 1 inch iron pipe found on the east line of said Salley Street tract, located on south line of Dawson Street, at the northwest corner of said 0.247 acre tract, for the northeast corner of this;

THENCE along the east line of said Salley Street tract, common boundary with said 0.247 acre tract, S 15°01'49" E a distance of 231.24 feet to the **POINT OF BEGINNING**.

All bearings and distances are based on the State Plane Coordinate System, Texas Central Zone, NAD 1983.

This description to accompany a plat of like date representing an on the ground survey supervised by me Tyler Tumlinson, Registered Professional Land Surveyor.

December 3, 2018


Tyler Tumlinson
RPLS No. 6410
Firm #10193858
01623-VAN



November 28, 2018

ATTN: City Manager, City of Brenham, Texas, USA

From: Corey Harmon
1105 Eugene St
Port Neches, TX 77651

RE: Request for abandonment of old street

Dear City Manager,

During the course of the sale of my property located at 701 Pecan Street (Giddings, D.C., Lot W PT 1 & W PT 10) it was discovered that an old city street is running through the west side of my property, as seen on the attached survey completed on November 23, 2018 by Tyler Tumlinson of Tumlinson Land Surveying.

This letter is a formal request to have the City Council consider an official abandonment of the street with the entirety of it to remain included in my property (Lots 1 & 10). Without an official abandonment, I am unable to sell the property or have a driveway. The home was built in 1949 and the property has remain unchanged since then, other than the addition of the wheelchair ramp in the back by the previous owner.

Thank you for your consideration. Please call my Real Estate Broker, Johanna Fatheree, for any additional information needed. She can be reached at 979-251-6248.

Warmest Regards,

Corey Harmon





AGENDA ITEM 11

DATE OF MEETING: December 20, 2018	DATE SUBMITTED: December 12, 2018
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Stephanie Doland
MEETING TYPE:	CLASSIFICATION:
☒ REGULAR	☐ PUBLIC HEARING
☐ SPECIAL	☐ CONSENT
☐ EXECUTIVE SESSION	☒ REGULAR
	☐ WORK SESSION
ORDINANCE:	
☒ 1 ST READING	
☐ 2 ND READING	
☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Authorizing a Variance to Residential Lot Requirements, as Outlined in Section 23-22(5)(a) of the City of Brenham's Code of Ordinances, to Remove the Requirement to have Property Frontage on Public Right-of-Way for Property Located on Selma Lane, Specifically Described as Tract 195 (2.412 acres) and Part of Tract 197 (4.257 acres) of the Elizabeth Gordon Survey, A-49, Being a Total of 6.669 Acres, in Brenham, Washington County, Texas	
SUMMARY STATEMENT: Jon Hodde has submitted a variance request, on behalf of property owners Kevin and Tammy Lynn Burnett who own a 6.669 acre tract of land located within the City of Brenham ETJ. The subject property is located northwest of the intersection of Selma Lane and New Berlin Road.	
The City of Brenham's Subdivision Ordinance and platting requirements extend to properties within the ETJ. Platting requirements in said ordinance requires all property to have access to an existing or proposed right-of-way. The subject property does not currently have frontage to a right-of-way, and is proposed to retain access through the access easement known as Selma Lane which extends to New Berlin Road. The applicant wishes to plat the subject property into three separate tracts. However, after reviewing the proposed preliminary plat (enclosed in Staff Report) in accordance with the City's subdivision ordinance, staff realized the proposed plat is not in compliance with the adopted Subdivision Ordinance, specifically Chapter 23-22(5)(a) Article III, which states: (5) <i>Lot facing:</i> a. <i>Street frontage. Each lot shall be provided with adequate access to an existing or proposed public street by frontage on such street.</i> The applicant is specifically asking for a variance to remove the requirement that the subject 6.669 acres shall have frontage on a proposed or existing right-of-way. Staff findings: • The Ordinance clearly states that all proposed independent lots shall have direct access to a right-of-way • While the non-conformance may not have been created by the applicant, this may be the most appropriate time correct the non-conformance • At least eight properties in the Brenham ETJ currently have access via Selma Lane (an access easement) • The applicant or applicant's family is the owner of three of the four tracts of land containing the Selma Lane access easement	

- Dedicating Selma Lane would allow for all eight properties accessing Selma Lane to plat their properties in accordance with the City's adopted Subdivision Ordinance

For the aforementioned reasons, staff is unable to support the proposed variance and recommends denial. Staff finds that the applicant could plat the property with cooperation from an adjacent property owner via dedication of land for a public or private right-of-way.

At the date and time this agenda packet was published, the Planning and Zoning Commission had not yet met to consider the proposed subdivision variance. On Monday, December 17, 2018 the Planning and Zoning Commission will meet to consider the proposed variance request. An update concerning the Commission's discussion and recommendation to the City Council will be provided in the staff presentation.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS: Granting the proposed variance would allow the property owner to plat their property into three lots and continue to access their private property through the existing access easement.

B. CONS: Granting the proposed variance would delay the issue and would eventually require additional variances for the remaining properties that take access to Selma Lane.

ALTERNATIVES (In Suggested Order of Staff Preference):

1. Deny the proposed subdivision variance; or
2. Approve the proposed subdivision variance and adopt the draft ordinance.

ATTACHMENTS: (1) Ordinance; and (2)Staff Report to the Planning and Zoning Commission

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: Staff recommends not approving this Ordinance on its first reading authorizing a variance to residential lot requirements, as outlined in Section 23-22(5)(a) of the City of Brenham's Code of Ordinances, to remove the requirement to have property frontage on public right-of-way for property located on Selma Lane, specifically described as Tract 195 (2.412 acres) and Part of Tract 197 (4.257 acres) of the Elizabeth Gordon Survey, A-49, being a total of 6.669 acres, in Brenham, Washington County, Texas

APPROVALS: James Fisher

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, GRANTING A VARIANCE TO SECTION 23-22(5)(a) OF THE CITY OF BRENHAM CODE OF ORDINANCES, CHAPTER 23, REGULATING SUBDIVISIONS, PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, the City of Brenham Code of Ordinances, Chapter 23, Subdivisions, provides for standards and regulations regarding subdivisions within the corporate boundaries of the City of Brenham and the extraterritorial jurisdictional boundaries of the City of Brenham; and

WHEREAS, Chapter 23, Section 23-22(5)(a) *Street Frontage* states that “[e]ach lot shall be provided with adequate access to an existing or proposed public street by frontage on such street;” and

WHEREAS, as the legislative body of the City of Brenham, the City Council of the City of Brenham, Texas has the authority to grant variances from the terms of the City of Brenham Code of Ordinances, Chapter 23, Subdivisions, pursuant to Section 23-34 of said Code of Ordinances; and

WHEREAS, the property described as Tract 195 (2.412 acres) and Part of Tract 197 (4.257 acres) of the Elizabeth Gordon Survey, A-49 in Washington County, Texas is currently accessed by private access easement; and

WHEREAS, the City Council finds that by granting the variance, the spirit of the City of Brenham Code of Ordinances, Chapter 23, Subdivisions is observed; and

WHEREAS, the City Council further finds that granting the variance is not contrary to the public interest;

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

1. **Findings of Fact:** All of the above premises are hereby found to be true and correct findings of the City Council of the City of Brenham and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

2. **Variance Granted:** The City Council, for property described as Tract 195 (2.412 acres) and Part of Tract 197 (4.257 acres) of the Elizabeth Gordon Survey, A-49 in Washington County, Texas, hereby grants the request for a variance from the provisions of the City of Brenham Code of Ordinances, Chapter 23, Section 22(5)(a) to allow said tract of land to have access to North Berlin Road via an access easement commonly referred to as Selma Lane.
3. **Conflict with Prior Ordinances:** In the case of a conflict between this Ordinance and any provision or clause of previous Ordinances adopted by the City of Brenham, the provisions of this Ordinance shall prevail.
4. **Severability:** Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are severable.
5. **Effective Date:** This Ordinance shall become effective immediately upon and after its passage and publication as may be required by governing law.
6. **Proper Notice and Meeting:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED and APPROVED on its first reading this the ____ day of December, 2018.

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

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



CASE P-18-029

**Variance Request: Section 23-22(5) of Article III of the Subdivision Ordinance
Selma Lane (in ETJ)**

OWNER/APPLICANT:	Kevin E. & Tammy Lynn Burnett/Jon E. Hodde, Hodde & Hodde Land Surveying, Inc.
ADDRESS/LOCATION:	Selma Lane, Brenham, Texas 77833 (Exhibit "A")
LEGAL DESCRIPTION:	Tract 195 (2.412 acres) and Part of Tract 197 (4.257 acres) of the Elizabeth Gordon Survey, A-49, in Washington County, Texas
LOT AREA:	Approximately 6.669 acres
ZONING DISTRICT/ USE:	Not applicable / Vacant and Single-family residence with accessory structures (Exhibit "B")
COMP PLAN FUTURE LAND USE:	Not Applicable – Property not addressed on Future Land Use Map
REQUEST:	A request for a variance to Section 23-22(5)(a) of Article III of the Subdivision Ordinance to allow a subdivision of land with an access easement when public road frontage is required. (Exhibit "C")

SUMMARY:

Kevin E. and Tammy Lynn Burnett own several tracts of land located on Selma Lane within the City of Brenham's extraterritorial jurisdiction (ETJ). The subject properties do not have direct access to a public right-of-way or private road but rather access their properties through an access easement commonly known as Selma Lane which intersects North Berlin Road. The applicant wishes to subdivide this property into three tracts of land. However, after reviewing the proposed preliminary plat (Exhibit "C") in accordance with the City's subdivision ordinance, staff realized the proposed plat is not in compliance with the adopted Subdivision Ordinance, specifically Chapter 23-22(5)(a) Article III, which states:

(5) Lot facing:

- a. Street frontage. Each lot shall be provided with adequate access to an existing or proposed public street by frontage on such street.*

The applicant is specifically asking for a variance to remove the requirement to have property frontage on a public right-of-way.

The Planning and Zoning Commission is charged with making recommendations to City Council on variances to the Subdivision Ordinance as described in the following section of the Subdivision Ordinance:

Sec. 23-34. Variances

Where in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the city council may upon recommendation by the planning commission, in specific cases, at a regular meeting of the city council and subject to appropriate conditions and safeguards, authorize, by ordinance, a variance to the subdivision regulations in order to permit reasonable development and improvement of property where the literal enforcement of these regulations would result in an unnecessary hardship. A variance may only be granted by ordinance upon finding that such variance is in accord with the comprehensive plan of the City of Brenham and that the probable effect of such variance will not create adverse impacts in the vicinity. No written public notice shall be required prior to the granting of the variances provided for in this section, except as required by the Texas Open Meetings Law.

STAFF ANALYSIS AND RECOMMENDATION:

As outlined in the aforementioned section, the Subdivision Ordinance requires all platted lots in the City and ETJ to have access to an existing or proposed public street. The City's adopted Subdivision Ordinance defines streets as a public right-of-way and right-of-way is defined as follows:

Right-of-way: A strip of land, either public or private, occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land-platting purposes shall mean that every right-of-way hereafter established and shown on the final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

Staff finds that the Ordinance clearly states that all proposed independent lots be granted direct access to a public right-of-way. Upon submission of the proposed Preliminary Plat (Exhibit "C") staff conferred with the Washington County Engineer which agreed that the property in its existing and proposed configuration does not meet the minimum access requirements with the only access being provided through and access easement known as Selma Lane.

In the existing configuration, Selma Lane provides access to eight properties through a dedicated access agreement on four tracts of land owned by two families, the Goerlitz and Burnett families. Staff recognizes that the non-conformance may not have been created by the applicant and finds that there is no perfect opportunity to correct the issue. However, being that the Burnett Family owns three of the four tracts of land with the access easement, staff finds that this may be the most appropriate time to dedicate Selma Lane as a private street, public street or a road right-of-way easement similar to David Lane. Formally establishing Selma Lane would remove the need for a subdivision variance and would allow for all eight properties accessing Selma Lane to plat their properties in accordance with the City's adopted Subdivision Ordinance. Granting the proposed variance would delay the issue and would eventually require additional variances for the remaining properties that take access to Selma Lane.

For the aforementioned reasons, staff is unable to support the proposed variance and **recommends denial**. Staff contends that the applicant could plat the property with cooperation from an adjacent property owner via dedication of land for a public or private right-of-way.

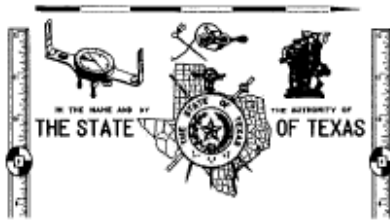
EXHIBITS:

- A. Aerial Map
- B. Cover Letter to the Commission
- C. Draft of Proposed Preliminary Plat of Burnett Subdivision

EXHIBIT "A"
AERIAL MAP



EXHIBIT "B"
COVER LETTER TO THE COMMISSION



HODDE & HODDE
LAND SURVEYING, INC.
Registered Professional Land Surveying
613 E. Blue Bell Road
Brenham, Texas 77833-2411

OFFICE PHONE: (979) 836-5681
FAX: (979) 836-5683
www.hoddesurveying.com
TEXAS FIRM REGISTRATION NO. 10018800
TBPE FIRM REGISTRATION NO. F-18046

November 29, 2018

TO: City of Brenham
ATTN: Members of the Board of Adjustments
200 West Vulcan Street
Brenham, Texas 77833
PHN: 979-337-7389

RE: Variance Request

Dear Members,

The purpose of this letter is to formally request the approval of a Variance for the property located at 2625 and 2681 Selma Lane, situated within the City of Brenham's ETJ. Section 23-22 (5)(a) of the City of Brenham Subdivision Ordinance requires that a Lot within the City of Brenham has public road frontage.

Kevin and Tammy Burnett are my clients and they want to plat this property into three tracts in anticipation of future construction and to be able to fully utilize their property. The property has frontage adjacent to a private roadway, known as Selma Lane, which is a thirty feet wide recorded easement. Selma Lane connects to North Berlin Road. The thirty feet wide private roadway has been used for ingress and egress for over thirty-five years for the subject and surrounding properties. I am requesting that the Members approve a variance from the Subdivision Ordinance that would allow Kevin and Tammy Burnett to continue to utilize the existing private roadway in lieu of the Subdivision Ordinance's requirement to have public road frontage.

Similar request to use an easement for ingress and egress in lieu of a public road has been reviewed and approved by this Board in the past. I have listed a few of these previous requests below:

H. A. & Judy Smith, 940 Farmers Road (ETJ), Approved in 2016

Barbara Rudloff, Industrial Boulevard (ETJ), Approved 2016-2017

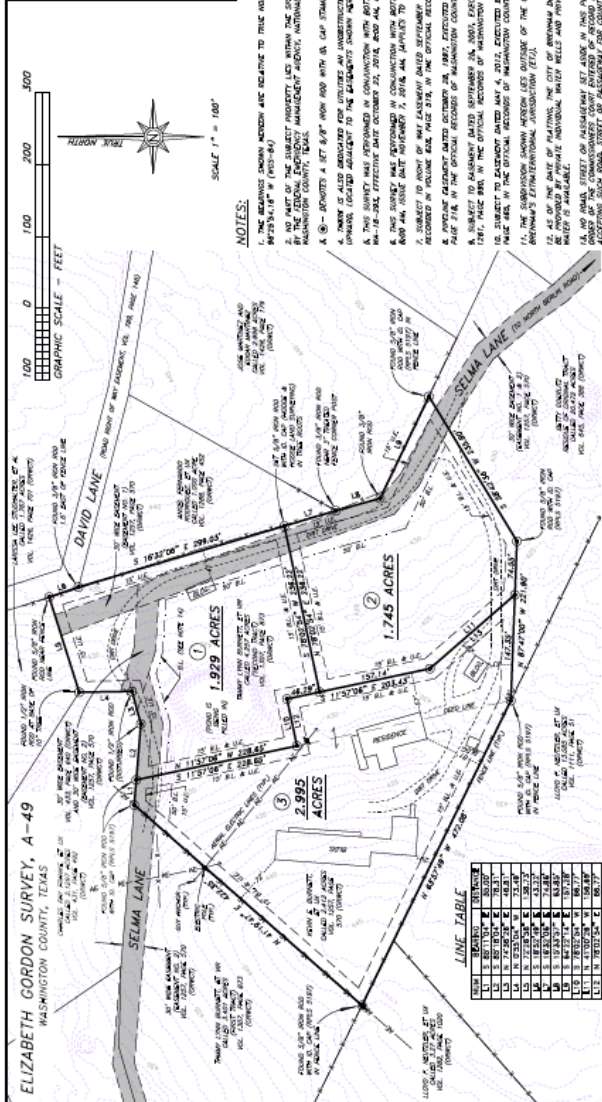
David W. Korth, 1118 West Main Street (City), Approved 2017

I appreciate your time for consideration of approving the variance for this property.

Sincerely,

Jon E. Hodde, RPLS 5197
Hodde & Hodde Land Surveying, Inc.

A vicinity map of the City of Seattle, Washington, showing the location of the subject property. The map includes major roads like Alaskan Way, Pike Street, and Pike Avenue, and landmarks like the University of Washington and the City of Seattle. The subject property is located on Pike Avenue, south of Pike Street and west of Pike Avenue.



NOTES:

- [illegible]

SURVEY MAP

[illegible]

OWNERS' ACKNOWLEDGMENT

RE, KEVIN E. BURNETT AND MYE, TAMMY LYNN BURNETT, THE OWNERS OF THE LAND DESCRIBED HEREON AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY ACKNOWLEDGE THE CHANGES TO SAID PROPERTY IN ACCORDANCE WITH THE PLAT SHOWN HEREON. THE PLATED PROPERTY REMAINS SUBJECT TO EXISTING EASEMENTS, COVENANTS, RESTRICTIONS AND ENCUMBRANCES EXCEPT AS SHOWN ON SAID MAP.

©2000 P. B. Buehler

LIENHOLDERS' ACKNOWLEDGMENT AND SUBORDINATION STATEMENT

WE, CITIZENS STATE BANK, THE OWNERS AND HOLDERS OF A LEND AGAINST THE PROPERTY DESCRIBED AS 2,612 ACRES IN THE HOMETOWN LEND CONTRACT AND SET OF TRUST, DATED MARCH 24, 1917, AS RECORDED IN VOLUME 1378, PAGE 786, IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS, DO HEREBY IN ALL THING SUBORDINATE TO SAID PLAT OF WASHINGTON COUNTY, TEXAS, SAID LEND LOAN AND MAKE NOT ASSUME THE SAME NOR ANY PART THEREOF.

10

PLANNING AND ZONING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____
2018 BY THE PLANNING AND ZONING COMMISSION OF THE CITY
OF BIRMINGHAM ____ YEAR.

CERTIFICATION

THE STATE OF TEXAS
COUNTY OF WASHINGTON
I, JON E. MOORE, REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 5187, OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS MAP SHOWING A SURVEY AND SUBDIVISION OF 6.8625 ACRES OF LAND IN TRACTS OF LAND IS TRUE AND CORRECT IN ACCORDANCE WITH AN ACTUAL SURVEY MADE BY ME OR UNDER MY PERSONAL DIRECTION AND SUPERVISION. THE FIELD WORK WAS COMPLETED ON OCTOBER 31, 2016.
DATED THIS 8TH DAY OF NOVEMBER, 2016, A.D.

(continued)

JOHN E. MOORE, DEELS NO. 5197
(PRELIMINARY)
DATE: NOVEMBER 29, 2018
PURPOSE OF THIS DOCUMENT IS FOR
MINUARY REVIEW ONLY.
MOORE & MOORE LAND SURVEYING, INC.
815 EAST BLUE BELL ROAD
BRYAN, TEXAS 77803

TEXAS FARM REGISTRATION NO. 10018820

NOTARY PUBLIC ACKNOWLEDGMENT

THE STATE OF TEXAS _____
COUNTY OF _____
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____
DAY OF _____, 2018, BY _____

NOTARY PUBLIC ACKNOWLEDGMENT

THE STATE OF TEXAS
COUNTY OF _____
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____

—

COUNTY CLERK FILING ACKNOWLEDGMENT STATEMENT

THE STATE OF TEXAS
COUNTY OF WASHINGTON
I, _____, CLERK OF SAID COUNTY, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF THE RECORDS OF THE COUNTY OF WASHINGTON, AS THE SAME ARE KEPT IN THE OFFICE OF THE CLERK OF SAID COUNTY, AT _____, WASHINGTON, TEXAS, THIS _____ DAY OF _____, 2016.
AT _____, TEXAS, AND I, JURY RETURNED ON _____, 2016.
AT _____, TEXAS, _____, M. IN COURT. DEWITT _____, OF RECORD
FOR SAID COUNTY, WITNESS MY HAND AND SEAL OF OFFICE, AT
STOWING, WASHINGTON COUNTY, TEXAS, THIS DAY AND DATE LAST ABOVE WRITTEN.

CLERK, COUNTY OF WASHINGTON
WITNESSES MY HAND AND SEAL OF OFFICE, AT _____, TEXAS, THIS _____ DAY OF _____, 2016.

2015-11-11 10:10:10

Hodde & Hodde Land Surveying, Inc.
Professional Land Surveying
613 E. Blue Bell Road
Brenham, Texas 77833
979-836-5681 979-836-5683 (Fax)
www.hoddesurveying.com

PRELIMINARY PLAT OF BURNETT SUBDIVISION
WASHINGTON COUNTY, TEXAS
CONSISTING OF 3 LOTS CONTAINING 6.669 ACRES
DATE: NOVEMBER 2018

(PRELIMINARY PLAT)
SHEET 1
OF 1



AGENDA ITEM 12

DATE OF MEETING: December 20, 2018	DATE SUBMITTED: December 14, 2018															
DEPT. OF ORIGIN: Information Technology	SUBMITTED BY: Kevin Schmidt															
<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	☐ 1ST READING	☐ SPECIAL	☐ CONSENT	☐ 2ND READING	☐ EXECUTIVE SESSION	☐ REGULAR	☐ RESOLUTION		☐ WORK SESSION	
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☐ SPECIAL	☐ CONSENT	☐ 2ND READING														
☐ EXECUTIVE SESSION	☐ REGULAR	☐ RESOLUTION														
	☐ WORK SESSION															
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act on a Multi-Year Maintenance Contract with Presidio Networked Solutions Group, LLC and a Payment Agreement with Presidio Technology Capital, for the City of Brenham's Cisco SmartNet Phone System and Critical Network Hardware and Authorize the Mayor to Execute Any Necessary Documentation																
SUMMARY STATEMENT: The City of Brenham entered into a three-year contract for Cisco SmartNet Maintenance in 2015. This maintenance contract is essential for operating, supporting, and maintaining all critical network communications systems including BVWACS radio system transport, public safety MDTs, and City-wide voice and email communications. The contract provides access to technical support, access to software upgrades, and replacement parts for hardware failures. A multiyear contract is beneficial because Cisco raises the SmartNet costs between 3% and 10% annually. A three year renewal locks in the 2018 pricing and includes an additional discount for multiyear customers. This is estimated to save us \$7,000.00 to \$17,000.00 over the course of the contract period. The total cost of the contract is \$88,710.30 beginning on January 1, 2019 through December 31, 2021. With three-year financing, the three payments are \$29,570.10 annually. A single-year contract will cost \$31,920.62 this year. The multiyear contract is preferable as it is a greater cost savings to the City, and there are no plans to decommission any of the equipment supported by this agreement during the contract period. This item was tabled from the Meeting on December 13, 2018 due to a request for more information about the original cost of the City's phone system purchased in 2003. The original cost was \$290,212.51 after the financing costs.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: Significant cost savings over the course of the contract period. B. CONS: None identified.																
ALTERNATIVES (In Suggested Order of Staff Preference):																

ATTACHMENTS: (1) Memo from Kevin Schmidt, IT Manager; and (2) Contract documents from Presidio Technology Capital
FUNDING SOURCE (Where Applicable): IT Department Annual Budget
RECOMMENDED ACTION: Approve a multi-year maintenance contract with Presidio Networked Solutions Group, LLC and a payment agreement with Presidio Technology Capital, for the City of Brenham's Cisco SmartNet Phone System and critical network hardware and authorize the Mayor to execute any necessary documentation
APPROVALS: James Fisher

MEMORANDUM

City of Brenham

To: Carolyn Miller, ACM-CFO

CC: Jeana Bellinger, City Secretary
Sara Parker, Purchasing Manager

From: Kevin Schmidt, IT Manager

Date: November 29, 2018

Subject: Cisco SmartNet Maintenance Contract

The City of Brenham entered into a three-year contract for Cisco SmartNet Maintenance in 2015. This maintenance contract is essential for operating critical systems, such as the phone system and the Cisco network hardware. The contract provides technical support from Cisco, access to software upgrades, and replacement parts for hardware failures. We have budgeted \$32,500.00 in FY18-19 for this maintenance contract.

Our Cisco vendor, Presidio, has informed us that a multiyear contract is beneficial because Cisco raises their SmartNet prices between 3% and 10% annually. If we renew for three years, we will lock in the 2018 pricing as well as an additional discount for multiyear customers. This is *estimated* to save us \$7,000.00 to \$17,000.00 over the course of the contract period.

There are financing options through Presidio Technology Capital, which will spread the cost of the 3-year contract over 3 annual payments. An interest rate of 0% has been approved by the vendor.

Presidio has told us that we are able to add items to the multiyear contract mid-term when needed, by issuing a separate PO for those purchases. We could also choose to work with the finance company to revise the payment schedule to include any new additions. If we need to remove a device from the multiyear contract, we can receive a credit only for devices that were replaced with newer Cisco products.

The total value of the contract is \$88,710.30 beginning on January 1, 2019 through December 31, 2021. With three-year financing, the three payments are \$29,570.10 annually. If we continue to purchase single year contracts, the cost this year will be \$31,920.62.

Please see the attached summary of the renewal options and the final quotes. In order to save cost, I recommend taking this to the City Council to seek approval on a financed 3-year contract with Presidio for our Cisco SmartNet purchase.

Attachments



PRESIDIO TECHNOLOGY CAPITAL, LLC ■ TWO SUN COURT ■ NORCROSS, GEORGIA 30092-9204

Document Date: 11/29/2018

City of Brenham Texas

Budgetary Quote - 3yr - SMARTnet Price Protection Plan

On behalf of Presidio I would like to present the option of paying for your Cisco SMARTnet support costs over annual payments.

Presidio, through Presidio Technology Capital LLC (PTC), has the ability to contract for multi-year pricing for your current population of covered equipment and bill for that contract on an annual basis. The result is cost savings for your organization and simple annual billing at a fixed cost for Cisco SMARTnet.

Billings are contracted through an installment payment agreement which includes necessary non-appropriation language for state agency agreements.

3 year Option

Current Cost Projections – your current cost and projected increased over the next 3 years:

- Year 1 cost is \$31,920.62 (Current 1 year Quote)
- Year 2 cost estimate \$35,112.68 (10% estimated increase over yr1)
- Year 3 cost estimate \$38,623.95 (10% estimated increase over yr2)
- Estimated total cost over 3 years **\$105,657.25**

Payment Protection Offer:

- **(3) Three year quote cost of \$88,710.30.**
- **3 Annual Payments of \$29,570.10 (28% savings over year over year projected cost increases)**

Benefits: Lock in the cost of your support today at a lower cost.

- Simple and easy documentation with Presidio Technology Capital LLC to lock in the cost of support.
- Predictable fixed payment for IT budgets. Annual billing to meet budget cycles.
- Additional devices can be added as acquired. Any credits are paid directly back to you.
- State Contract: TX DIR-TSO-4167 (Presidio Network Solutions)

This document is an expression of PTC's interest in providing payment options to reduce costs to you and better manage cash flow and vendor spend. This does not constitute or create a legally binding price point, commitment, or obligation on either party at this time. PTC's willingness to provide payment options is subject to, among other things, the satisfactory completion of PTC's internal due diligence and credit approval process, final review of the pricing economics, and the execution and delivery of mutually acceptable documentation between PTC and your organization. Options referenced are valid for 30 days.

PRESIDIO

TECHNOLOGY CAPITAL

PAYMENT AGREEMENT

STN: 678412

This Payment Agreement ("PA") is executed and delivered as of December 7, 2018 and is by and between City of Brenham Texas ("Customer") Federal Tax ID # 74-6000404 with a place of business at 200 W. Vulcan, Brenham, TX 77833 and **Presidio Technology Capital, LLC** ("PTC"). Customer has entered into that certain software and/or services agreement by and between Customer and Cisco Systems, Inc. ("Provider") and supplied by Presidio Networked Solutions Group, LLC ("Reseller"), described as quote number 2003118805332-05 ("Agreement"). Pursuant to the Agreement, the Provider has agreed to provide certain software and/or services to Customer ("Services") in accordance with the terms of the Agreement, and Customer has agreed to pay Reseller a fee of \$88,710.30 ("Fee") for the Services provided in the Agreement. In consideration of PTC's agreement to satisfy Customer's obligation to pay Reseller the Fee in accordance with the terms hereof, Customer agrees to pay PTC at its office located at Two Sun Court, Norcross, Georgia, 30092-9204 or at such other place as the holder of this PA may from time to time designate, total payments of Eighty Eight Thousand Seven Hundred Ten Dollars and 30/100 (\$88,710.30) ("Total Amount").

CUSTOMER ACKNOWLEDGES AND AGREES THAT (I) THIS PA CONSTITUTES A DISCRETE PAYMENT ARRANGEMENT, SEPARATE AND DISTINCT FROM THE AGREEMENT IN ALL OTHER RESPECTS AND MAY BE ASSIGNED IN WHOLE OR IN PART BY PTC, (II) PTC SHALL NOT BE RESPONSIBLE FOR ANY OF THE PROVIDER'S OR RESELLER'S OBLIGATIONS UNDER THE AGREEMENT, (III) CUSTOMER'S OBLIGATION TO PAY PTC THE TOTAL AMOUNT IN ACCORDANCE WITH THE TERMS SET FORTH HEREIN IS ABSOLUTE AND UNCONDITIONAL AND SHALL NOT BE SUBJECT TO ANY DEFENSE, COUNTERCLAIM, OR RIGHT OF OFFSET. ADDITIONALLY, PTC AND CUSTOMER HEREBY AGREE AS FOLLOWS:

1. ACCEPTANCE. Customer shall accept this PA upon execution by a duly qualified officer of Customer ("Acceptance"). Acceptance shall constitute Customer's irrevocable authorization for PTC to pay Reseller the Fee in full. The term of this PA shall commence on the date of Acceptance and shall continue until all of Customer's obligations to PTC hereunder have been satisfied in full.

2. INSTALLMENT PAYMENTS AND TAXES.

Customer promises to pay to the order of PTC, its successor and assigns and/or any subsequent holder hereof, the Total Amount on an installment basis over three (3) years in equal annual installments of \$29,570.10 (each, an "Installment Payment"). Notwithstanding anything to the contrary contained herein, the date the first Installment Payment period begins shall be January 1, 2019 ("Start Date") with the remaining Installment Payments being due on the same day of each subsequent year thereafter, until paid in full. If applicable, Customer further promises to pay to PTC, its successors and assigns and/or any subsequent holder hereof, all applicable sales, use, or any other tax allocable to the Agreement or this PA (collectively, "Taxes"). Taxes are not included in the Installment Payments and shall be invoiced or itemized separately if applicable. If any payment due hereunder is not received within five (5) days after the due date thereof, Customer agrees to pay a late charge equal to 5% of such overdue amount or the maximum amount permitted by law, whichever is less.

3. CUSTOMER REPRESENTATIONS AND WARRANTIES.

Customer represents and warrants that (a) Customer is an entity duly organized, validly existing and in good standing under applicable state law, (b) each of the Agreement and the PA is a genuine, legal, valid and binding obligation of Customer, enforceable against Customer in accordance with its terms, subject to applicable bankruptcy and other similar laws affecting creditors' rights generally, (c) the undersigned signatory of Customer is authorized to execute each of the Agreement and PA, (d) the Agreement has been delivered to and accepted by Customer, (e) the execution, delivery and performance of the PA will not violate or create a default under any law (including any applicable usury law), regulation, judgment, order, instrument, agreement or charter document binding on Customer or its property, and (f) the PA has been duly authorized, executed and delivered by Customer, (g) All requirements have been met, and procedures have occurred in order to insure the enforceability of this PA and Customer has complied with such public bidding requirements, if any, as may be applicable to the transactions contemplated by this PA, (h) The Services will be used by Customer only for the purpose of performing one or more governmental or proprietary functions of Customer consistent with the permissible scope of Customer's authority and will not be used in a trade or business of any person or entity other than Customer.

(i) Customer has funds available to pay all payments until the end of its current appropriation period, and it will request funds to make payments in each appropriation period, from now until the end of the term of the PA, (j) This PA has been duly executed and constitutes a valid, legal and binding obligation of Customer enforceable against Customer in accordance with the respective terms hereof, (k) Customer has an immediate need for, and expects to make immediate use of, the Services, which need is essential and not temporary or expected to diminish during the applicable PA term. Customer presently intends to continue the PA hereunder for its entire term and to pay all payments relating thereto.

4. ASSIGNMENT. CUSTOMER AGREES THAT PTC MAY ASSIGN SOME OR ALL OF ITS RIGHTS UNDER THIS PA TO ANY PARTY WITHOUT FURTHER NOTICE. CUSTOMER SHALL NOT ASSERT AGAINST PTC OR ANY SUCH HOLDER ANY CLAIM OR DEFENSE WHICH IT MAY HAVE AGAINST THE PROVIDER OR RESELLER OF THE SERVICES. UPON THE WRITTEN INSTRUCTION OF PTC, CUSTOMER SHALL MAKE PAYMENTS UNDER THIS PA DIRECTLY TO ANY ASSIGNEE. CUSTOMER SHALL PROMPTLY COMPLY WITH AND (IF REQUESTED) ACKNOWLEDGE IN WRITING SUCH INSTRUCTIONS. CUSTOMER'S OBLIGATIONS TO PAY AMOUNTS DUE UNDER THIS PA ARE ABSOLUTE AND UNCONDITIONAL, AND SHALL NOT BE SUBJECT TO ANY DEFENSES, SETOFFS OR COUNTERCLAIMS THAT IT MAY HAVE AGAINST THE PROVIDER OR RESELLER OF THE SERVICES. CUSTOMER AGREES NOT TO ASSIGN, TRANSFER OR DISPOSE OF ALL OR ANY PART OF ITS RIGHTS OR OBLIGATIONS UNDER THIS PA WITHOUT PTC'S PRIOR WRITTEN CONSENT. ANY ATTEMPT TO DO SO WITHOUT SUCH CONSENT IS VOID.

5. EVENTS OF DEFAULT. An event of default ("Event of Default") shall occur hereunder if Customer or any Obligor ("Obligor") shall include any guarantor or surety of any obligations of Customer to PTC under this PA: (a) fails to pay any Installment Payment or other payment required hereunder when due; or (b) breaches or shall have breached any representation or warranty made or given by Customer or Obligor in this PA, the Agreement or in any other related document or any such representation or warranty shall be untrue or, by reason of failure to state a material fact or otherwise, shall be materially misleading; or (c) fails to perform or observe any other covenant, condition or agreement to be performed or observed by it hereunder or under the Agreement, and such failure or breach shall continue unremedied for a period of ten (10) days after the date on which notice thereof shall be given by PTC to Customer; or (d) shall become insolvent or bankrupt or make an assignment for the benefit of creditors or consent to the appointment of a trustee or

receiver, or a trustee or receiver shall be appointed for a substantial part of its property without its consent, or bankruptcy or reorganization or insolvency proceeding shall be instituted by or against Customer or Obligor; or (e) conveys, sells, transfers or assigns substantially all of Customer's or Obligor's assets or ceases doing business as a going concern, or, if a corporation, ceases to be in good standing or files a statement of intent to dissolve, or merges or consolidates with any other entity, or abandons any or all of the Services.

6. REMEDIES. Should an Event of Default occur, then without notice to Customer or any other person:

(a) PTC may declare immediately due and payable and recover (as liquidated damages and not as a penalty) (i) all accrued and unpaid Installment Payments and other amounts and other sums then due, (ii) all remaining Installment Payments and other sums scheduled to become due, and (iii) accrued but unpaid late charges, collection costs, attorneys' fees and costs of enforcement of PTC, together with any other sums that Customer may owe to PTC under or in connection with this PA;

(b) PTC may cause the Provider to terminate, without liability or responsibility to Customer, all services and/or licenses granted to Customer under the Agreement to the extent such services and/or licenses have been financed pursuant to this PA, and/or cause Provider to withhold support, maintenance, consulting and other services provided under or in connection with the Agreement; and

(c) PTC may exercise any other remedies available at law or equity. All remedies are cumulative and not exclusive. To the extent permitted by law, Customer agrees that PTC shall not be required to license, lease, transfer or use the services and/or software in mitigation of damages hereunder.

(d) Customer waives any and all claims against PTC for any losses, costs, injuries, damages, and/or any and all other expenses alleged by Customer arising from the exercise of any remedies available under this Section 6.

7. DISCLAIMERS. PTC MAKES NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE SERVICES, THE PROVIDER OR THE RESELLER, INCLUDING, WITHOUT LIMITATION, ANY WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE OR OF MERCHANTABILITY. CUSTOMER HEREBY WAIVES ANY CLAIM (INCLUDING ANY CLAIM BASED ON STRICT OR ABSOLUTE LIABILITY IN TORT) THAT IT MAY HAVE AGAINST PTC FOR ANY LOSS, DAMAGE (INCLUDING, WITHOUT LIMITATION, LOSS OF PROFITS, LOSS OF DATA OR SPECIAL, PUNITIVE, INCIDENTAL OR CONSEQUENTIAL DAMAGE) OR EXPENSE CAUSED BY THE services and/or, THE PROVIDER, THE RESELLER OR AGREEMENT, EVEN IF PTC HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGE, LOSS, EXPENSE OR COST. CUSTOMER ACKNOWLEDGES THAT PTC DID NOT SELECT, MANUFACTURE, DISTRIBUTE, PROVIDE OR LICENSE THE SERVICES AND THAT CUSTOMER HAS MADE THE SELECTION OF THE PROVIDER AND THE RESELLER BASED UPON ITS OWN JUDGMENT AND EXPRESSLY DISCLAIMS ANY RELIANCE ON STATEMENTS MADE BY PTC OR ITS AGENTS.

8. CREDIT INFORMATION. CUSTOMER AUTHORIZES PTC OR ANY OF ITS AFFILIATES TO OBTAIN CREDIT BUREAU REPORTS, AND MAKE OTHER CREDIT INQUIRIES THAT PTC DETERMINES ARE NECESSARY. THIS PA IS SUBJECT TO FINAL CREDIT APPROVAL BY PTC AND RECEIPT OF ALL DOCUMENTATION IN FORM SATISFACTORY TO PTC.

9. SURVIVAL OF TERMS, NO WAIVER. Except as specifically provided herein, Customer hereby waives grace, demand, presentment for payment, notice of non-payment, protest and notice of protest, notice of dishonor or default, notice of intent to accelerate, notice of acceleration and defense in collecting and bringing of suit. All obligations of Customer under this PA shall survive any termination of the Agreement. No delay or omission on the part of PTC hereof in exercising any right hereunder shall operate as a waiver of such right or of any other right under this PA or under any other document or instrument executed or delivered in connection with this PA.

10. FINANCIAL STATEMENTS. Customer agrees to provide PTC copies of Customer's balance sheet, income statement and other financial reports as PTC may reasonably request. PTC and all holders of this instrument may assign their right hereunder without notice to, or consent of, Customer.

11. INDEMNIFICATION. Customer shall and does hereby agree to indemnify, defend and hold PTC and its assigns harmless from and against any and all taxes described in Section 2 of the PA and any and all liability, loss, costs, injury, damage, penalties, suits, judgments, demands, claims, expenses and disbursements (including without limitation, reasonable attorneys' fees) of any kind whatsoever arising out of, on account of, or in connection with this PA, including, without limitation, the Services's selection, purchase, delivery, rejection, installation, ownership, possession, leasing, renting, operation, control, use, maintenance and the return thereof, or the exercise of any of PTC's remedies available under this PA. This indemnity shall survive termination of this PA and the Agreement.

12. CHOICE OF LAW. THIS PA SHALL BE INTERPRETED AND CONSTRUED IN ACCORDANCE WITH THE SUBSTANTIVE LAWS OF THE STATE OF TEXAS AND THE UNITED STATES OF AMERICA, WITHOUT REGARD TO CONFLICT OF LAW PRINCIPLES. ANY ACTION OR PROCEEDING ARISING OUT OF OR RELATING TO THIS PA OR ANY OTHER DOCUMENT SHALL BE COMMENCED EXCLUSIVELY IN ANY STATE OR FEDERAL COURT OF COMPETENT JURISDICTION LOCATED IN TEXAS AND THE PARTIES HERETO CONSENT TO PERSONAL JURISDICTION THEREIN AND SERVICE BY CERTIFIED MAIL; PROVIDED THAT NOTHING IN THIS PA AGREEMENT SHALL BE DEEMED OR OPERATE TO PRECLUDE PTC FROM BRINGING SUIT OR TAKING OTHER LEGAL ACTION IN ANY OTHER JURISDICTION. EACH OF THE PARTIES HERETO WAIVES TO THE FULLEST EXTENT ALLOWED BY LAW ITS RIGHT TO A TRIAL BY JURY. This PA shall constitute the complete and exclusive agreement of PTC and Customer with respect to the payment of the amounts owing hereunder and supersedes all prior oral or written understandings. No term or provision of this PA may be amended, waived, discharged or terminated except by a written instrument signed by Customer and PTC.

13. NONAPPROPRIATION OF FUNDS. If Customer's governing body, or, if applicable, the governmental entity from which Customer obtains its operating and/or capital funds to appropriate money for any fiscal year sufficient for the continued performance by Customer of all of Customer's obligations under this PA, as evidenced by the passage of an ordinance or resolution specifically prohibiting Customer from performing its obligations under this PA with respect to any Services, and from using any moneys to pay payments due under this PA for a designated fiscal year and all subsequent fiscal years, does not approve funds to be paid to PTC for the Services, Customer may, upon attempting to give prior written notice to PTC effective 60 days after the giving of such notice and upon the exhaustion of the funding authorized for the then current

appropriation period, cancel the Services at Customer's expense and thereupon be released of its obligation to make all payments to PTC due thereafter. The foregoing notice [shall state the failure of the legislative body or funding authority to appropriate the necessary funds as reason for cancellation and] shall be accompanied by payment of all amounts then due to PTC during the current fiscal year under the PA. Upon termination under this Section 13, Customer shall not be responsible for the payment of any additional payments coming due in succeeding fiscal years, but if Customer has not complied with the instructions set forth above, the termination shall nonetheless be effective, but Customer shall be responsible for the payment of damages in an amount equal to the amount of the payments that would thereafter have come due if this PA had not been terminated and which are attributable to the number of days after which Customer fails to comply with PTC's instructions and for any other loss suffered by PTC as a result of Customer's failure to take such actions as required. Customer agrees that, to the extent permitted by law, (x) Customer will not terminate this PA if any funds are appropriated by Customer or to Customer for the use of services similar to the Services during its fiscal year in which such termination would occur and (y) Customer will not spend or commit funds for the use of services similar to the Services until the fiscal year following the fiscal year for which funds were first not available for the PA payments.

In the event Customer cancels the Services pursuant to the terms of this Section 13, PTC shall retain all sums paid hereunder by Customer.

IN WITNESS WHEREOF, the parties hereto have caused this PA to be duly executed by their authorized representatives.

City of Brenham Texas

By:_____

Print Name:_____

Title:_____

Date:_____

Presidio Technology Capital, LLC

By:_____

Print Name:_____

Title:_____

Date:_____

TO: City of Brenham
Thomas Holiday
P.O. Box 1059
Brenham, TX 77834-1059

tholliday@cityofbrenham.org
(p) 979-337-7292

FROM: Presidio Networked Solutions Group, LLC
Saraia Martin
1300 W. Sam Houston Pkwy
Suite 200
Houston, TX 77042

sarmartin@presidio.com
(p) 469.240.5425
(f) 713.796.3921

BILL TO: City of Brenham

P.O. Box 1059
Brenham, TX 77834-1059

SHIP TO: City of Brenham

200 West Vulcan Street
Brenham, TX 77833

Customer#: CITYO636
Account Manager: Lesli Howland
Inside Sales Rep: Saraia Martin
Title: City of Brenham Smartnet Renewal 2018
Comments: * If purchasing off of the Texas State Contract, please ensure the PO has the following information stated:

Texas State DIR-TSO-2542*

#	Part #	Description	Unit Price	Qty	Ext Price
1	CON-SMARTNET RENEWAL	CON-SMARTNET RENEWAL	\$88,710.30	1 for 36 mo(s)	\$88,710.30
Comments: ***Please see excel spreadsheet for itemized list***					
			Sub Total:		\$88,710.30
			Grand Total:		\$88,710.30



AGENDA ITEM 14

DATE OF MEETING: December 20, 2018	DATE SUBMITTED: December 13, 2018
DEPT. OF ORIGIN: Administration	SUBMITTED BY: James Fisher
MEETING TYPE: ☐ REGULAR ☐ SPECIAL ☒ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION
ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Section 551.072 – Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding the Possible Acquisition of Real Property Located in the Downtown Area	
SUMMARY STATEMENT: To be discussed in Executive Session.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: None	
FUNDING SOURCE (Where Applicable):	
RECOMMENDED ACTION: None	
APPROVALS: Milton Y. Tate, Jr.	



AGENDA ITEM 15

DATE OF MEETING: December 20, 2018	DATE SUBMITTED: December 13, 2018	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: James Fisher	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Authorization of the Mayor and City Manager to Identify Real Property in the Downtown Area for Possible Acquisition and to Enter Into Contract Negotiations with the Owner(s) for the Acquisition of Said Real Property		
SUMMARY STATEMENT: As discussed in Executive Session		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: None		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: As discussed in Executive Session		
APPROVALS: Milton Y. Tate, Jr.		