



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, DECEMBER 13, 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 – City Attorney Cary Bovey**
- 3. Administer Oath of Office to Ward 5 Councilmember Clint Kolby**
- 4. Service Recognitions**
 - **Corda Pattison, Maintenance/Central Warehouse** **5 Years**
 - **Chris Kokemor, Water Construction** **10 Years**
 - **Nancy Stafford, Public Utilities** **10 Years**
- 5. Citizens Comments**

CONSENT AGENDA

6. Statutory Consent Agenda

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

6-a. Minutes from the October 18, 2018 Special City Council Meeting, October 18, 2018 Regular City Council Meeting and November 1, 2018 Regular City Council Meeting
Pages 1-21

6-b. Ordinance No. O-18-018 on Its Second 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)

Pages 22-27

- 6-c. Resolution No. R-18-023 Related to a Grant Agreement with TxDOT for the Design, Partial Reconstruction/Rehabilitation, Contingency and Construction Administration for a Four Hundred (400) Foot Section of Runway at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation **Page 28**

WORK SESSION

7. Discussion and Update on the Tax Phase-In Compliance Review Committee **Page 29**

PUBLIC HEARING

8. Public Hearing to Consider 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 **Pages 30-45**
9. Public Hearing to Consider Amending Chapter 23 – “Subdivisions” of the Code of Ordinances of the City of Brenham, Section 23-22(1) to Remove the Twenty-Five (25) Foot Minimum Building Setback Requirements for Lots that Abut Collector or Arterial Streets or are Adjacent to Major Thoroughfares in Brenham, Washington County, Texas (Case No. P-18-026) **Pages 46-49**
10. Public Hearing to Consider Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas by Amending Part II, Division 1, Section 17, Height and Area Exceptions of General Applicability, to Establish a Twenty-Five (25) Foot Minimum Building Setback for Property Adjacent to Arterial Roadways in Brenham, Washington County, Texas (Case No. P-18-026) **Pages 50-53**
11. Public Hearing to Consider an Amendment to 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) **Pages 54-63**
12. Public Hearing to Consider an Amendment to 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) **Pages 64-74**

REGULAR SESSION

- 13. Discuss and Possibly Act Upon an Ordinance on Its First Reading 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**
Pages 75-97
- 14. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 23, Subdivisions, of the Code of Ordinances of the City of Brenham, Section 23-22(1) to Remove the Twenty-Five (25) Foot Minimum Building Setback for Lots that Abut Arterial or Collector Streets in Brenham, Washington County, Texas (Case No. P-18-026)**
Pages 98-101
- 15. 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 by Amending Part II, Division 1, Section 17, Height and Area Exceptions of General Applicability, to Establish a Twenty-Five (25) Foot Minimum Building Setback for Property Adjacent to Arterial Roadways in Brenham, Washington County, Texas (Case No. P-18-026)**
Pages 102-105
- 16. Discuss and Possibly Act Upon an Ordinance on Its First Reading 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)**
Pages 106-109
- 17. Discuss and Possibly Act Upon an Ordinance on Its First Reading 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)**
Pages 110-114
- 18. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the FY2017-18 Adopted Budget**
Pages 115-134
- 19. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the FY2018-19 Adopted Budget**
Pages 135-138
- 20. Discuss and Possibly Act Upon the Purchase of Ten (10) Vehicles for the City of Brenham Police Department Through the General Motors Competitive Equalization Program for Political Subdivisions and Authorize the Mayor to Execute Any Necessary Documentation**
Pages 139-140

21. Discuss and Possibly Act Upon the Purchase of Public Safety Replacement Radios Through the Houston-Galveston Area Council (H-GAC) Pricing Contract Number RA05-18 and Authorize the Mayor to Execute Any Necessary Documentation
Pages 141-146
22. Discuss and Possibly Act Upon an Equipment Financing Proposal for the Purchase of Public Safety Replacement Radios and Authorize the Mayor to Execute Any Necessary Documentation
Pages 147-151
23. Discuss and Possibly Act Upon Final Payment to VML Construction Services for Bid No. E2017-01 Related to Storm Damage Repairs, Package 1, for Henderson Park and Authorize the Mayor to Execute Any Necessary Documentation
Pages 152-162
24. 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 163-170
25. Discuss and Possibly Act Upon Resolution No. R-18-024 Adopting New Policies and Procedures for City of Brenham Boards and Commissions
Pages 171-194

EXECUTIVE SESSION

26. Section 551.074 – Texas Government Code – Deliberation Regarding Personnel Matters – Discussion Regarding the Appointment of a Brenham Municipal Court Presiding Judge and Associate Judge, Both for a Two Year Term Ending on December 31, 2020
Page 195
27. Section 551.074 – Texas Government Code – Deliberation Regarding Personnel Matters – Consider Compensation for the Municipal Court Presiding Judge and Associate Judge
Page 196
28. Section 551.072 – Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding the Possible Acquisition of Real Property Located in the Downtown Area
Page 197
29. Section 551.087 – Texas Government Code – Economic Development Negotiations – Discuss and Deliberate Commercial or Financial Information that the City Has Received from Business Prospects and the Offer of Financial or Other Incentives to Business Prospects that the City Seeks to Have Locate In or Near the City of Brenham and With Which the City is Conducting Economic Development Negotiations
Page 198

RE-OPEN REGULAR AGENDA

30. **Discuss and Possibly Act Upon the Appointment of a Brenham Municipal Court Presiding Judge and Associate Judge, Both for a Two Year Term Ending on December 31, 2020** **Page 199**
31. **Discuss and Possibly Act Upon Compensation for the Municipal Court Presiding Judge and Associate Judge** **Page 200**
32. **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 201**
33. **Administrative/Elected Officials Report**

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

Adjourn

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

CERTIFICATION

I certify that a copy of the December 13, 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 10, 2018 at **12:35 PM**.

Kacey A. Weiss, TRMC

Deputy City Secretary I

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 special meeting of the Brenham City Council was held on October 18, 2018 beginning at 12:00 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 Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary I Kacey Weiss, Human Resources Director Susan Nienstedt, Sara Parker, Director of Tourism and Marketing Jennifer Eckermann, Fire Chief Ricky Boeker, Police Chief Allwin Barrow, Dant Lange, Allison Harper and Assistant City Manager of Public Utilities Lowell Ogle

Citizens present:

Dorothy Morgan

Media Present:

None

1. Call Meeting to Order

WORK SESSION

2. Discussion Regarding Proposed Changes to the City Council Meeting Dates for November and December 2018, and January 2019

City Manager James Fisher presented this item. Fisher stated that due to several conflicting schedules and holiday travel plans, staff would like to recommend the following date changes to the City Council meeting calendar for the holiday season:

- **November 1, 2018: First regular meeting of November, 2018**
- November 15, 2018: Cancel this meeting
- **November 29, 2018: Second regular meeting of November, 2018**
- December 6, 2018: Cancel this meeting
- **December 13, 2018: The only meeting in December, 2018**
- December 20, 2018: Cancel this meeting
- January 3, 2019: Cancel this meeting
- **January 10, 2019: First regular meeting of January, 2019**
- **January 17, 2019: Second regular meeting of January, 2019**

Fisher advised that formal action would be taken on this item at the Council meeting on November 1st.

3. Presentation and Discussion Regarding the Adoption of a Social Media Policy for the City of Brenham

City Secretary Jeana Bellinger presented this item. Bellinger explained that the City of Brenham uses social media to communicate information about the City's mission, programs, services and brand; however, staff is finding out that the use of social media can be difficult to navigate at times due to others' misrepresentation of the City, propaganda of rumors and negative publicity.

Bellinger stated that the purpose of a social media policy is to set guidelines for the use of social media to ensure timely, accurate and appropriate use of social media to assure the delivery of clear, concise and consistent messages on behalf of the City. Bellinger advised that a social media policy would also establish standards and expectations of social media use for employees and citizens.

Councilmember Herring asked if councilmembers are considered employees regarding the social media policy. City Attorney Cary Bovey stated that councilmembers are not included. Bovey stated he would add the councilmembers and boards and commissions members as employees so that the policy includes them.

4. Presentation and Discussion Related to the Amendment of Chapter 5, Animals and Fowl, of the Code of Ordinances of the City of Brenham

City Secretary Jeana Bellinger presented this item. Bellinger stated that in 2016, several staff members began a comprehensive overview of the City's 1998 animal and fowl ordinance (Chapter 5 of the Code of Ordinances); however, due to unexpected turnover in staffing, the ordinance was never finalized.

Police Chief Allwin Barrow advised that there are several highlights to the ordinance and introduced Corporal Dant Lange and Animal Services Director Allison Harper to discuss those. The highlights of the revised ordinance include:

- Updated definitions;
- Added regulations on the restraining of animals, private animal sales, and animals left in hot vehicles or trailers;
- Decreased the limit of birds and fowl allowed in residential yards;
- Updated rabies enforcement provisions to follow State law;
- Added a brand new section governing dangerous dogs; and
- The organization of an Animal Shelter Task Force Advisory Board.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on October 18, 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 Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary I Kacey Weiss, Comptroller Stacy Hardy, Director of Human Resources Susan Nienstedt, Sara Parker, Kaci Konieczny, Cynthia Longhofer, Director of Tourism and Marketing Jennifer Eckermann, Andria Heiges, Fire Chief Ricky Boeker, Police Chief Allwin Barrow, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Darlene Konieczny, Todd Ashorn, Dant Lange and Armando Guerra

Citizens present:

Dorothy Morgan, Sam Sommer, Jenny Van Dorf, Jane Hinze, Randy Wells, Ethel Randle, Nancine Jones, Page Michel, Clint Kolby and Shae Janner

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 – Councilmember Cantey**

3. **Service Recognition**
➤ **Ethel Randle, Library** **45 Years**

4. **Proclamations**
➤ **Texas Chamber of Commerce Week**
➤ **Think Pink Thursday**

5. **Citizens Comments**

There were no citizen comments.

CONSENT AGENDA

6. **Statutory Consent Agenda**

6-a. Minutes from the September 20, 2018 Regular City Council Meeting

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve the Statutory Consent Agenda Item 6-a. as amended.

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

REGULAR SESSION

7. **City Secretary's Certification of Unopposed Candidate for the City of Brenham's December 8, 2018 Special Election**

Certificación de Candidatos Sin Oposición por la Secretaria de la Ciudad de el Municipio de Brenham para la Elección Especial que se efectuara el 8 de diciembre, 2018.

City Secretary Jeana Bellinger presented this item. Bellinger stated that as outlined in Section 2.052 of the Election Code, the authority responsible for having the official ballot prepared must certify in writing that a candidate was unopposed. Bellinger advised Council that Clint Kolby was unopposed for the position of At Large – Place 5 and that no other person had made a declaration of write-in candidacy.

8. Discuss and Possibly Act Upon an Order Declaring an Unopposed Candidate for the Position of Councilmember Place 5 – At Large Elected to Office and Canceling the City of Brenham December 8, 2018 Special Election

Considerar y en consecuencia actuar sobre una Orden Declarando Candidatos Sin Oposición Para el Puesto de Concejal Lugar 5 – Distrito Abierto Elegido a su Puesto y Cancelando la Elección Especial de la Ciudad de Brenham para el 8 de diciembre, 2018.

City Secretary Jeana Bellinger presented this item. Bellinger explained that as outlined in the Election Code, upon receipt of the City Secretary's Certification of Unopposed Candidate, the City Council must by order or ordinance declare the unopposed candidate elected to office.

Bellinger stated that the Elections Division of the Secretary of State's office interprets the unopposed candidate as being elected when they are issued the Certificate of Election after the prescribed Election Day (December 8, 2018). Bellinger advised that unopposed candidates, declared elected, could not take office until after the day in which the canvassing of the election results would have taken place had there been an election; therefore, Mr. Kolby could not take office and begin his official duty as Councilmember until he is sworn into office at the December 13, 2018 Council meeting.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve an Order declaring the unopposed candidate for the position of At Large – Place 5 Councilmember, Clint Kolby, elected to office and canceling the City of Brenham's December 8, 2018 Special Election.

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 a Master License and Services Agreement Between the City of Brenham and Ion Wave Technologies for Electronic Bidding and Contract Management Software and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Cantey to remove Item 9 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 City Manager of Public Utilities Lowell Ogle presented this item. Ogle explained that over the past two years, it has become evident that the traditional bid system requiring delivery of hard copy bids for all of the formal bid purchases and contracts is no longer a viable solution. Ogle stated that late delivery by courier companies and the postal service has resulted in forced rejection of bids and in some cases, weather conditions have even made direct submission by bidders impossible. Ogle advised that Ion Wave would not only provide electronic bidding, but supplier registration and management tools also.

Ogle explained that another product of Ion Wave that the City would be purchasing is the contract management piece. Ogle noted that this module allows staff to easily track all of the contracts and insurance certificates. Ogle advised that it would consolidate all of our information and documents into one online repository/database to assist with vendor and contract reporting, contract expiration notifications, and public information requests.

A motion was made by Councilmember Herring and seconded by Councilmember Wright to approve a Master License and Services Agreement between the City of Brenham and Ion Wave Technologies for electronic bidding and contract management software in the amount of \$71,700 over five years (expiring in 2023) 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 an Ordinance on Its First Reading Amending Chapter 18, Oil and Gas Production, of the Code of Ordinances for the City of Brenham

City Attorney Cary Bovey presented this item. Bovey explained that at the October 4, 2018 council meeting, an updated oil and gas production ordinance was presented to the City Council in work session. Bovey stated that during the work session, he advised Council that he would like to make a few minor revisions to the ordinance before presenting it for first reading but felt that overall it was a good ordinance that would protect the rights of the City while complying with State law.

Councilmember Goss expressed concern regarding noise limitations and discharge regulations. Bovey explained that noise limitations were outlined in the ordinance.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to approve an Ordinance, as presented, on its first reading amending Chapter 18, Oil and Gas Production, of the Code of Ordinances for 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

11. Discuss and Possibly Act Upon a Development Agreement Between the City of Brenham and CTX Development Company (Stylecraft) Regarding the City's Participation in the Construction Costs of Oversizing Water Facility Extensions Along Vintage Farms Way and Wild Vine Circle (Future Roadway) Within Vintage Farms Subdivision and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle stated that CTX Development Company (Stylecraft) has requested a Development Agreement with the City of Brenham for the oversizing of the water facilities. Ogle advised that Stylecraft was required to provide plans for the proposed water facility extensions. Ogle noted that the plans were designed in accordance with the City of Brenham's Construction Standards.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve a Development Agreement between the City of Brenham and CTX Development Company (Stylecraft) regarding the City's participation in the construction costs of oversizing water facility extensions along Vintage Farms Way and Wild Vine Circle (Future Roadway) within Vintage Farms Subdivision in an amount not to exceed \$30,000.00 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

12. Discuss and Possibly Act Upon Authorizing the Acceptance of a Grant from Lower Colorado River Authority (LCRA) Through Their Community Development Partnership Program (CDPP) for a Removable Bollard Traffic System in Downtown Brenham and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that during the FY18 calendar year, LCRA offered Community Development Partnership Program Grants to communities within its service area. Rau noted that grants of \$5,000 or more require a 20% match of the total project costs. Rau stated that staff applied for the Downtown Bollard Project. Rau advised that this project would enhance the public safety concerning the closure of roads during the city's numerous downtown events. Rau stated that staff received notification on September 19th that the City had been awarded a grant in the amount of \$23,500.

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve the acceptance of a grant from Lower Colorado River Authority (LCRA) in the amount of \$23,500 through their Community Development Partnership Program (CDPP) for a removable bollard traffic system in Downtown Brenham 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 a One Year Contract Extension, in Accordance with Bid No. 17-011, for Janitorial Services for Various City Facilities and Authorize the Mayor to Execute Any Necessary Documentation

Purchasing Manager Sara Parker presented this item. Parker stated that on October 12, 2017, Council awarded this Contract, at an approximate value of \$107,448.24 to Kustom Klean Janitorial Services. Parker advised that Kustom Klean is a local company chosen on the basis of Best Value to the city due to the quality of the bidder's services, the extent to which the bidder's services met the City's needs and the bidder's past relationship with the City. Parker noted that in the year since, Kustom Klean has far outperformed the previous two contractors and provided a much more consistent and reliable service to the City.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to approve a one-year contract extension, in accordance with Bid No. 17-011, for janitorial services for various City facilities 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 Resolution No. R-18-017 Adopting a Commercial Tax Phase-In Agreement Between the City of Brenham and Blue Bell Creameries, L.P.

City Manager James Fisher presented this item. Fisher explained that Blue Bell Creameries, L.P. would be adding \$12.5M in property improvements at their Brenham location (fleet maintenance facility/office space building & central transfer station). Fisher stated that these improvements would require the retention of 22 fleet department employees and the hiring of an estimated five additional fleet technician positions. Fisher advised that Blue Bell plans to have the construction projects complete by August –September 2019.

A motion was made by Councilmember Goss and seconded by Councilmember Wright to approve Resolution No. R-18-017 adopting a Commercial Tax Phase-In Agreement with Blue Bell Creameries, L.P.

Mayor Pro Tem Ebel called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Abstain
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. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- Kid Fish is October 27th at the Blue Bell Aquatic Center
- Boards and Commissions Appreciation Event is November 1st
- Fundraiser for Brenham Animal Services is tonight at Puppy Dawgs and Cat Tails

Council adjourned into Executive Session at 2:10 p.m.

EXECUTIVE SESSION

16. Section 551.087 – Texas Government Code – Economic Development Negotiations – Discuss and Deliberate Project Cardinal and Project BK Regarding Commercial or Financial Information that the City Has Received from Business Prospects and the Offer of Financial or Other Incentives to Business Prospects that the City Seeks to Have Locate In or Near the City of Brenham and With Which the City is Conducting Economic Development Negotiations

Executive Session adjourned at 2:50 p.m.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on November 1, 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 Attorney Cary Bovey, 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, Cynthia Longhofer, Crystal Locke, Andria Heiges, Fire Chief Ricky Boeker, Fire Marshal Brent Sauble, Police Chief Allwin Barrow, Dant Lange, Allison Harper, Public Works Director Dane Rau, Casey Redman, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Director Lori Sanguedolce, Stephanie Doland, Kim Hodde and Todd Ashorn

Citizens present:

Tiffany Morisak, Chris Ann Stroeck, Molly Duge, Lynnette Sheffield, Doug French, Sarah Korpita and Clint Kolby

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 – Councilmember Herring**

3. **Proclamation**
 - **National American Indian Heritage Month**
4. **Special Recognitions**
 - **GFOA Certificate of Achievement for Excellence in Financial Reporting**
 - *Tenth Consecutive Year*
5. **Citizens Comments**

There were no citizen comments.

CONSENT AGENDA

6. **Statutory Consent Agenda**
 - 6-a. **Minutes from the October 4, 2018 Regular City Council Meeting**
 - 6-b. **Ordinance No. O-18-015 on Its Second Reading Amending Chapter 18, Oil and Gas Production, of the Code of Ordinances for the City of Brenham**
 - 6-c. **Accept a Grant in the Amount of \$14,500.00 from the Ladd and Katherine Hancher Library Foundation for the Nancy Carol Roberts Memorial Library for the Digitization of a Portion of the Brenham Banner Press and Authorize the Mayor to Execute Any Necessary Documentation**
 - 6-d. **Approve a Contract with Game Time in the Amount of \$89,384.69 for the Purchase and Installation of Playground Equipment for Fireman's Park and Authorize the Mayor to Execute Any Necessary Documentation**
 - 6-e. **Approve a Contract with Miracle Recreation Equipment Co. in the Amount of \$66,280.00 for the Purchase and Installation of Playground Equipment for Hohlt Park and Authorize the Mayor to Execute Any Necessary Documentation**
 - 6-f. **Approve a Contract with Professional Turf Products, L.P. in the Amount of \$75,122.48 for the Purchase of Parks Mowing Equipment Through the BuyBoard Local Government Purchasing Cooperative and Authorize the Mayor to Execute Any Necessary Documentation**
 - 6-g. **Approve an Updated Engagement Letter for Legal Services with the Law Office of Cary L. Bovey, PLLC and Authorize the Mayor to Execute Any Necessary Documentation**
 - 6-h. **Approve a Noise Variance for "McCaul for Congress" for a Rally for Congressman Michael McCaul to be Held on November 3, 2018 from 4:00 p.m. – 6:00 p.m. at the Washington County Courthouse Gazebo and Authorize the Mayor to Execute Any Necessary Documentation**

6-i. Approve a Noise Variance for the City of Brenham for a Pop-Up Play Day to be Held on November 10, 2018 from 11:00 a.m. – 2:00 p.m. at Hattie Mae Flowers Park and Authorize the Mayor to Execute Any Necessary Documentation

6-j. Approve a Noise Variance for Mount Rose Missionary Baptist Church for a Community Outreach Event to be Held on November 17, 2018 from 10:00 a.m. – 2:00 p.m. at Henderson Park and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve the Statutory Consent Agenda Items 6-a. through 6-j. 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

7. Presentation and Discussion Regarding the Roles and Responsibilities of the Comprehensive Plan Advisory Committee (CPAC)

Assistant Director of Development Services Stephanie Doland presented this item. Doland stated that on September 20, 2018, the City Council approved a professional services agreement with Planning Consultant, Kendig Keast Collaborative (KKC) for the purposes of updating the City's Comprehensive Plan. Doland noted that the Comprehensive Plan process includes a large public input component. Doland explained 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 advised that when the Request for Qualifications was published in April and May 2018, staff included in the scope of the project the formation of a Comprehensive Plan Advisory Committee (CPAC). Doland stated the CPAC would be tasked with working alongside KKC and City Staff to assist in the development of the plan and to serve as the "sounding board" for the consultants during the formation of the Comprehensive Plan.

Doland explained that the CPAC is expected to meet at least four (4) times during the project, and will be encouraged to attend additional public input meetings and related functions. Doland stated that following Council's recommendation of three (3) at-large citizen members and one Councilmember representative and alternate, staff will bring forward a draft CPAC member list, which will represent a large range of community entities including members from various Boards and Commissions.

Council recommended Mary Lou Winkelmann and David Folschinsky to the committee and selected Councilmember Herring as the Council representative. Councilmember Cantey will serve as an Alternate for Councilmember Herring. Doland advised that she would present a full list of representatives at the Council meeting on November 29th.

PUBLIC HEARING

8. Public Hearing to Consider Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas to Amend the Planned Development (PD) District Ordinance No. O-17-005 for Vintage Farms Subdivision in Brenham, Washington County, Texas (Case No. P-18-024)

Mayor Tate opened the Public Hearing.

Assistant Director of Development Services Stephanie Doland presented this item. Doland stated that this is the Public Hearing for the request by CTX Land Investments, LLC, d/b/a Stylecraft Builders, to amend Planned Development (PD) District Ordinance No. O-17-005 for the Vintage Farms Subdivision to remove language requiring that air conditioning units not encroach more than two (2) feet into rear or side yards. Doland advised that on Monday, October 22, 2018, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the request, subject to the approval of the Fire Marshal. Doland explained that Development Services staff conferred with City of Brenham Fire Marshal Sauble who was not opposed to the original amendment or the revised amendment as recommended by the Planning and Zoning Commission.

Citizen Lynnette Sheffield asked that if Council makes an exception to this PD ordinance, will staff have to go back and review the other PD districts. Doland explained that the City would not review any other PD ordinances unless requested to do so by the Developer or Council.

Councilmember Goss stated that every PD ordinance is written differently and that he was not in favor of amending this Agreement as requested, but that he would be in favor of amending the Agreement to allow the placement of the air conditioning units in the back yard.

Doug French, with Stylecraft Builders, addressed Council and explained that this wording was simply an oversight. He stated that he was not able to find any documentation to explain why this wording was included in the Agreement. He thanked Council for considering their request.

Mayor Tate closed the Public Hearing.

REGULAR SESSION

9. 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)

Councilmember Goss made a motion to not approve the Ordinance on its first reading as presented but with a four and one-half (4½) feet encroachment into the rear of the building for HVAC unit. This motion failed due to lack of a second.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Cantey to table Item 9.

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 an Ordinance on Its First 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

Assistant Director of Development Services Stephanie Doland presented this item. Doland stated that this is a request from the owner Jose Rodriguez Avalos and the applicant Dara Childs for a variance from the subdivision ordinance. Doland noted that the applicant would like to purchase the property and build a single-family dwelling. Doland explained that the request is to allow a twenty (20) foot building setback. Currently, a twenty-five (25) foot building setback is required on this lot. Doland advised that on October 22, 2018, the Planning and Zoning Commission considered this request and recommended approval of the proposed variance.

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

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 Resolution No. R-18-018 Adopting a Fee Schedule Related to Permits, Inspections and Other Requirements of Chapter 18, Oil and Gas Production, of the Code of Ordinances for the City of Brenham

City Attorney Cary Bovey presented this item. Bovey stated that as discussed with the City Council at the October 18th council meeting, this Resolution is to adopt the fee schedule associated with the new oil and gas production ordinance.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to approve Resolution No. R-18-018 adopting a Fee Schedule related to permits, inspections and other requirements of Chapter 18, Oil and Gas Production, of the Code of Ordinances of 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

12. Discuss and Possibly Act Upon Proposed Changes to the City Council Meeting Dates for November and December 2018, and January 2019

City Secretary Jeana Bellinger presented this item. Bellinger stated that as discussed at the October 18, 2018 Special meeting, the City Council meeting calendar for the holiday season would be as follows:

- November 1, 2018: First regular meeting of November, 2018
- November 29, 2018: Second regular meeting of November, 2018
- December 13, 2018: The only meeting in December, 2018
- January 10, 2019: First regular meeting of January, 2019
- January 17, 2019: Second regular meeting of January, 2019

A motion was made by Councilmember Herring and seconded by Councilmember Wright to approve the changes to the City Council meeting dates for November and December 2018, and January 2019 as presented with the addition of a special workshop meeting on December 6, 2018 at 11:00 a.m.

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 Resolution No. R-18-019 Adopting a Social Media Policy for the City of Brenham

A motion was made by Councilmember Wright and seconded by Councilmember Cantey to table Item 13.

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 the 2019 Holiday Schedule

Human Resources Director Susan Nienstedt presented this item. Nienstedt stated that the schedule provides for 12 observed holidays, and 1 floating (birthday holiday) for a total of 13 paid holidays. Nienstedt advised that staff is recommending the addition of Washington County Fair day, to accommodate employees and their children's involvement in the local County Fair.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve the 2019 Holiday Schedule 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

15. Discuss and Possibly Act Upon an Ordinance on Its First Reading Providing for an Increase in Retirement Annuities in the Texas Municipal Retirement System Effective January 1, 2019

Human Resources Director Susan Nienstedt presented this item. Nienstedt stated that for many years, City Council has approved, on an annual basis, an ordinance providing for an increase in retirement annuities of 70% of the Consumer Price Index (CPI) as provided through the Texas Municipal Retirement System. Nienstedt advised that in order to make any changes in the City's plan provisions, an Ordinance must be approved by Council. Nienstedt noted that the funding rate for the City of Brenham would increase from 9.72% to 10.01%. Nienstedt stated that staff included this funding rate in the FY18-19 budget.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve an Ordinance on its first reading providing for an increase in Retirement Annuities in the Texas Municipal Retirement System effective January 1, 2019.

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-18-020 Authorizing the Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 2018 Christmas Stroll and Lighted Parade to be Held on Saturday, December 1, 2018

Community Services Specialist Crystal Locke presented this item. Locke stated that staff is requesting the temporary closure of Main Street and Alamo Street between Market Street and Austin Street from 2:00 pm until 8:00 pm. Locke explained that due to an agreement with TxDOT, closures more than four hours need approval of this Agreement by the Council.

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve Resolution No. R-18-020 authorizing the execution of an agreement with TxDOT for the temporary closure of state right of way in connection with the 2018 Christmas Stroll and Lighted Parade to be held on Saturday, December 1, 2018.

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. Discuss and Possibly Act Upon a Shelter Agreement Between the City of Brenham's Pet Adoption and Care Center and Hill's Pet Nutrition Through the Hill's Food, Shelter & Love Program for Pet Food and Authorize the Mayor to Execute Any Necessary Documentation

Animal Services Manager Allison Harper presented this item. Harper stated that Hill's Pet Nutrition Sales, Inc. operates the Food, Shelter and Love Program whereby Hill's Science Diet pet food is made available at a discounted cost to animal shelters. Harper advised that in return, the shelter agrees to feed the provided food exclusively and to display and communicate information about the Food, Shelter and Love Program. Harper explained that by obtaining food through the Program, staff would be able to provide consistent, quality nutrition to animals at reduced cost compared to obtaining food at retail.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve the final version, with the city attorney's approval, of a Shelter Agreement between the City of Brenham's Pet Adoption and Care Center and Hill's Pet Nutrition Through the Hill's Food, Shelter & Love Program for Pet Food 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

18. Administrative/Elected Officials Report

Assistant City Manager - Chief Financial Officer Carolyn Miller reported on the following:

- Boards and Commissions Appreciation Event is tonight from 5:00 p.m. - 7:00 p.m. in the City Hall lobby
- City Manager's Executive Assistant Paula Shields last day with the City is tomorrow. Mayor Tate thanked her for her service.

Public Works Director Dane Rau reported on the following:

- Community Services Specialist Crystal Locke's profile is in the current edition of the Texas Recreation and Parks Society (TRAPS) magazine

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

ORDINANCE NO. O-18-018

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING APPENDIX A – “ZONING” OF THE CODE OF ORDINANCES BY AMENDING ORDINANCE NO. O-17-005 WHICH ESTABLISHED A PLANNED DEVELOPMENT (PD) DISTRICT COMPRISED OF AN R-1 RESIDENTIAL AREA (APPROXIMATELY 71.33 ACRES), AN R-2 MIXED RESIDENTIAL AREA (APPROXIMATELY 8.36 ACRES), AND A B-1 LOCAL BUSINESS/RESIDENTIAL MIXED USE AREA (APPROXIMATELY 6.98 ACRES), BEING A TOTAL OF APPROXIMATELY 86.67 ACRES OF LAND LOCATED NORTH OF THE INTERSECTION OF US HIGHWAY 290 AND STATE HIGHWAY 36 AND BEING DESCRIBED AS LOTS 1-22, BLOCK 1, LOTS 1-69, BLOCK 2, LOTS 1-11, BLOCK 3 AND RESERVE A-F IN THE VINTAGE FARMS SUBDIVISION – PHASE 1 IN BRENHAM, WASHINGTON COUNTY, TEXAS; ADOPTING A MASTER DEVELOPMENT PLAN AND REGULATIONS APPLICABLE TO THIS PLANNED DEVELOPMENT (PD) DISTRICT.

WHEREAS, the property owner has requested an amendment to Ordinance No. O-17-005 which established a Planned Development (PD) District on approximately 86.67 acres of land generally located north of the intersection of US Highway 290 and State Highway 36 and being described as Lots 1-22, Block 1, Lots 1-69, Block 2, Lots 1-11, Block 3 and Reserve A-F in the Vintage Farms Subdivision – Phase 1 in Brenham, Washington County, Texas (the “Property”); and

WHEREAS, the owner has presented an application to the City for a PD District to allow the construction of a mixed-use development; and

WHEREAS, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of the public hearing and at least ten (10) days written notice of that hearing to the owners of the land within two hundred feet (200’) of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the proposal to amend the Planned Development District; and

WHEREAS, the Planning & Zoning Commission recommended on October 22, 2018 that City Council grant such proposed change to the regulations applicable to this Planned Development District; and

WHEREAS, the City Council has previously adopted Ordinance No. O-17-005 and the City Council desires to hereby amend Ordinance No. O-17-005 as set out herein below;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS THAT APPENDIX A – “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AND THE OFFICIAL ZONING MAP BE AMENDED BY AMENDING ORDINANCE NO. O-17-005 TO READ AS FOLLOWS:

Section I.

1. Unless otherwise provided for herein, the property located within the R-1 Residential area of the Planned Development District as shown on the master development plan shall conform to the regulations of the City’s Zoning Ordinance, Subdivision Ordinance and other ordinances applicable to R-1 Residential Districts.
2. Unless otherwise provided for herein, the property located within the R-2 Mixed Residential area of the Planned Development District as shown on the master development plan shall conform to the regulations of the City’s Zoning Ordinance, Subdivision Ordinance and other ordinances applicable to R-2 Mixed Residential Districts.
3. Unless otherwise provided for herein, the property located within the B-1 Local Business/Residential Mixed Use area of the Planned Development District as shown on the master development plan shall conform to the regulations of the City’s Zoning Ordinance, Subdivision Ordinance and other ordinances applicable to B-1 Local Business/Residential Mixed Use Districts.
4. R-1 Residential Area Regulations.
 - a. Size of lots.
 - i. Minimum lot width: 55 feet. Radial lots shall have a minimum width of 60 feet from the distance of 30 feet behind the front yard/building line. No lot shall be created that has a front yard with less than 30 feet of frontage on a public street.
 - ii. Minimum lot depth: 120 feet, and depth shall be measured as the average of the two side property lines. Radial lots shall have a minimum lot depth of 105 feet, and depth shall be measured as the average of the two side property lines.
 - iii. Minimum lot area: 6,600 square feet.
 - b. Size of yards.
 - i. Minimum front yard setback: 20 feet.
 - ii. Minimum side yard setback: 7.5 feet. The minimum side yard of a corner lot adjacent to a street shall not be less than 15 feet, except where a side yard is adjacent to a designated arterial street such side yard shall not be less than 25 feet.
 - iii. Minimum rear yard setback: 20 feet.
 - iv. Encroachment by building eaves: building eaves may encroach not more than two (2) feet beyond building lines into the required rear yard and side yards.
 - v. Encroachment by air conditioner compressor units: Air conditioner compressor units may encroach not more than four and one-half (4 ½) feet beyond building lines into the required rear and side yards. In addition, where two homes are built on adjacent lots only one of the homes may install its air conditioner compressor unit in the adjacent side yard. The other adjacent home must install its air conditioner compressor unit in the opposite side yard or the rear yard.

- c. Minimum floor area per dwelling:
 - i. 30% of homes shall be required to have a minimum of 2,000 square feet of heated and air-conditioned living quarters/floor area.
 - ii. 90% of homes shall be required to have a minimum of 1,400 square feet of heated and air-conditioned living quarters/floor area.
 - iii. 95% of homes shall be required to have a minimum of 1,300 square feet of heated and air-conditioned living quarters/floor area.
 - iv. 100% of homes shall be required to have a minimum of 1,200 square feet of heated and air-conditioned living quarters/floor area.
- 5. Facade requirements.
 - a. “Masonry” defined: Building materials including brick, brick veneer, concrete, stone, rock, split face block or other materials of equal characteristics laid up unit by unit and set in mortar. For the purposes of this Ordinance, the following materials and applications shall not be considered to be masonry construction:
 - i. Fiber reinforced cementitious boards or panels (such as “Hardi plank” or “Hardi board”) designed to be attached directly to studs or sheathing by nails, screws or other types of mechanical connectors;
 - ii. Concrete masonry units (CMU); and
 - iii. Exterior insulating finish system (EIFS) or similar applications.
 - b. Minimum masonry construction requirements for all single family residences constructed on property located south of minor arterial are as follows:
 - i. Front façade - masonry 100% up to the soffit.
 - ii. Side façades - masonry on one story homes: 100%
 - iii. Side façades - masonry on two story homes: 50%
 - c. Minimum masonry construction requirements for all single family residences constructed on property located north of minor arterial are as follows:
 - i. Front façade: masonry 100% up to the soffit.
 - d. Masonry construction requirements for all commercial property located within the B-1 Local Business/Residential Mixed Use area shall comply with the ordinances and regulations in effect at the time application is made for a building permit.
 - e. All garage doors shall have a wood or wood like exterior or finish.
 - f. Minimum masonry construction requirements do not apply to areas that are considered to be masonry exclusions. “Masonry exclusions” means windows, doors, eaves, soffits, trim work, gables, walls above roof lines, and entryways/porches.
- 6. Landscape requirements.
 - a. Single family residential lots shall have at least one (1) 2” or larger caliper (measured at 6 inches above the ground or tree base) trees planted in the front yard of the residence prior to certificate of occupancy being issued.
 - b. Prior to the first Certificate of Occupancy being issued for each phase of the development an equal number of trees will be planted in the community based on the number of lots in each phase reflected on the plat.

7. Lighting. All parking in multifamily and non-residential areas shall have lighting fixtures, equipment and improvements positioned such that the light-emitting source is shielded and the light does not adversely impact adjacent or nearby residential areas. Light originating from multifamily and non-residential areas is not permitted to shine on any real property beyond the boundaries of the multifamily and non-residential areas from which the light originates.
8. All privacy fencing must be installed at a height of not less than six (6) feet and not more than eight (8) feet, except that within the front yard as defined in the City's Zoning Ordinance, no fence shall be higher than three and one-half (3½) feet above the established street grades within twenty (20) feet of any street intersection, measured at the property line. All fencing that is visible to the public must be stabilized with a metal fence post support beam concreted into the ground to a minimum depth of at least one third the height of the fence with a minimum of two (2) 2" dimensional horizontal rails for cedar or treated picket wood fence paneling.
9. All fencing that is adjacent to public right-of-way as shown in "Exhibit A" shall have masonry columns spaced and erected at the property corners.
10. The developer shall dedicated the ultimate ROW for the minor arterial thoroughfare in accordance with the Major Thoroughfare Plan and design the minor arterial thoroughfare in accordance with the City's design standards. However, the developer shall be required to construct the concrete pavement section that is proportional to the development, i.e. residential street. The construction of the pavement section must be constructed in a way to easily widen the pavement section with minimal impact to the traffic and be approved by the City Engineer.
11. All public improvements shall be subject to the approval of the City Engineer in compliance with the City of Brenham design standards.
12. The following will not be permitted within the R-2 Mixed Residential area or B-1 Local Business/Residential Mixed Use area within the Planned Development District:
 - a. Single Family Detached Units;
 - b. Cluster housing in accordance with cluster housing development provisions of the Subdivision Ordinance of the City of Brenham;
 - c. Group residential uses as provided by state law, such as "family homes," "community homes" or "group homes;"
 - d. Garage apartments;
 - e. Multifamily dwellings, including dormitories for students and fraternity or sorority houses;
 - f. Two-family dwellings or duplexes;
 - g. Mobile homes or manufactured homes;

- h. Zero lot line housing development, in accordance with zero lot line development provisions of the Subdivision Ordinance of the City of Brenham; or
 - i. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business.
13. A minimum of 12,000 square feet of all-weather trail(s) (for recreational purposes such as walking, jogging, biking, etc.) shall be constructed within the R-1 Residential area of the Planned Development District.
14. The R-1 Residential area shall have green space and perimeter landscaping as dedicated common areas owned and maintained by the homeowners association and designated as reserves on the subdivision plat.
15. A homeowners association shall be established and its governing documents recorded in the Official Public Records of Washington County prior to issuance of first building permit. Prior to recording with Washington County, the homeowners association governing documents must be submitted to the City for review and approval, and said governing documents shall ensure adequate maintenance of the common areas as shown on the master development plan in Exhibit "A."
16. The street layout shall conform to the master development plan shown in Exhibit "A."
17. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the change in zoning classification for the Property provided herein subject to the regulations, restrictions, terms, and conditions of the Planned Development District provided for herein.

PASSED and APPROVED on its first reading this the 29th day of November, 2018.

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

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

EXHIBIT "A"



RESOLUTION NO. R-18-023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS APPROVING A GRANT AGREEMENT WITH TXDOT FOR THE DESIGN, RECONSTRUCTION/REHABILITATION, CONTINGENCY AND CONSTRUCTION ADMINISTRATION FOR A FOUR HUNDRED (400) FOOT SECTION OF RUNWAY AT THE BRENHAM MUNICIPAL AIRPORT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Brenham intends to make certain improvements to the Brenham Municipal Airport; and

WHEREAS, the general description of the project is described as: Design – (16 NPE) Partial Runway Reconstruction/Rehabilitation, Contingency and Construction Administration, Reconstruct 400' Section of Runway 16/34 for grades and pavement markings; and

WHEREAS, the City of Brenham intends to request financial assistance from the Texas Department of Transportation for these improvements; and

WHEREAS, total project costs are estimated to be \$435,000, and the City of Brenham will be responsible for 10% of the total project costs currently estimated to be \$43,500; and

WHEREAS, the City of Brenham names the Texas Department of Transportation as its agent for the purposes of applying for, receiving and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements;

NOW, THEREFORE, BE IT RESOLVED, that the City of Brenham hereby directs Milton Y. Tate, Jr., Mayor, to execute on behalf of the City of Brenham, at the appropriate time, and with the appropriate authorizations of this governing body, all contracts and agreements with the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to the Brenham Municipal Airport.

PASSED AND APPROVED this the 13th day of December 2018.

Milton Y. Tate, Jr., Mayor
City of Brenham, Texas

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



AGENDA ITEM 7

DATE OF MEETING: December 13, 2018		DATE SUBMITTED: December 6, 2018	
DEPT. OF ORIGIN: Economic Development		SUBMITTED BY: Carolyn Miller	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	
☒ REGULAR	☐ PUBLIC HEARING	☐ 1 ST READING	
☐ SPECIAL	☐ CONSENT	☐ 2 ND READING	
☐ EXECUTIVE SESSION	☐ REGULAR	☐ RESOLUTION	
	☒ WORK SESSION		
AGENDA ITEM DESCRIPTION: Discussion and Update on the Tax Phase-In Compliance Review Committee			
SUMMARY STATEMENT: The Tax Phase-In Compliance Review Committee meets every year to review all of the current tax phase-in recipients who were granted the incentive to ensure that value creation and employment & payroll criteria are being met. The Committee met on July 17, 2018 and reviewed the following nine companies for compliance: Stanpac, Blue Bell Creameries, QuestSpecialty, Valmont Industries, Longwood Elastomers, MIC Group, Brazos Valley Brewing Company, PPE/GSL and Tempur Sealy. The Committee has verified that all nine companies are in compliance with the criteria set forth in the Tax Phase-In Policy. Willy Dilworth, Chief Appraiser, will be at the meeting should you have any questions.			
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: Discussion only			
APPROVALS: James Fisher			



AGENDA ITEM 8

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: December 7, 2018	
DEPT. OF ORIGIN: Economic Development	SUBMITTED BY: Carolyn D. Miller	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☒ PUBLIC HEARING ☐ CONSENT ☐ REGULAR ☐ WORK SESSION	ORDINANCE: ☐ 1ST READING ☐ 2ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Public Hearing to Consider 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		
SUMMARY STATEMENT: 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. 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. 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. Trent Petty, of Petty and Associates, will be presenting the Preliminary Project and Financing Plan for the proposed TIRZ.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Tax Increment Reinvestment Zone Number One, City of Brenham, Texas Preliminary Project and Financing Plan		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: No action required – Public Hearing only		
APPROVALS: James Fisher		

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

(the "Preliminary Plan")

December 13, 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 without amending the Final Plan.

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.

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 retail 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

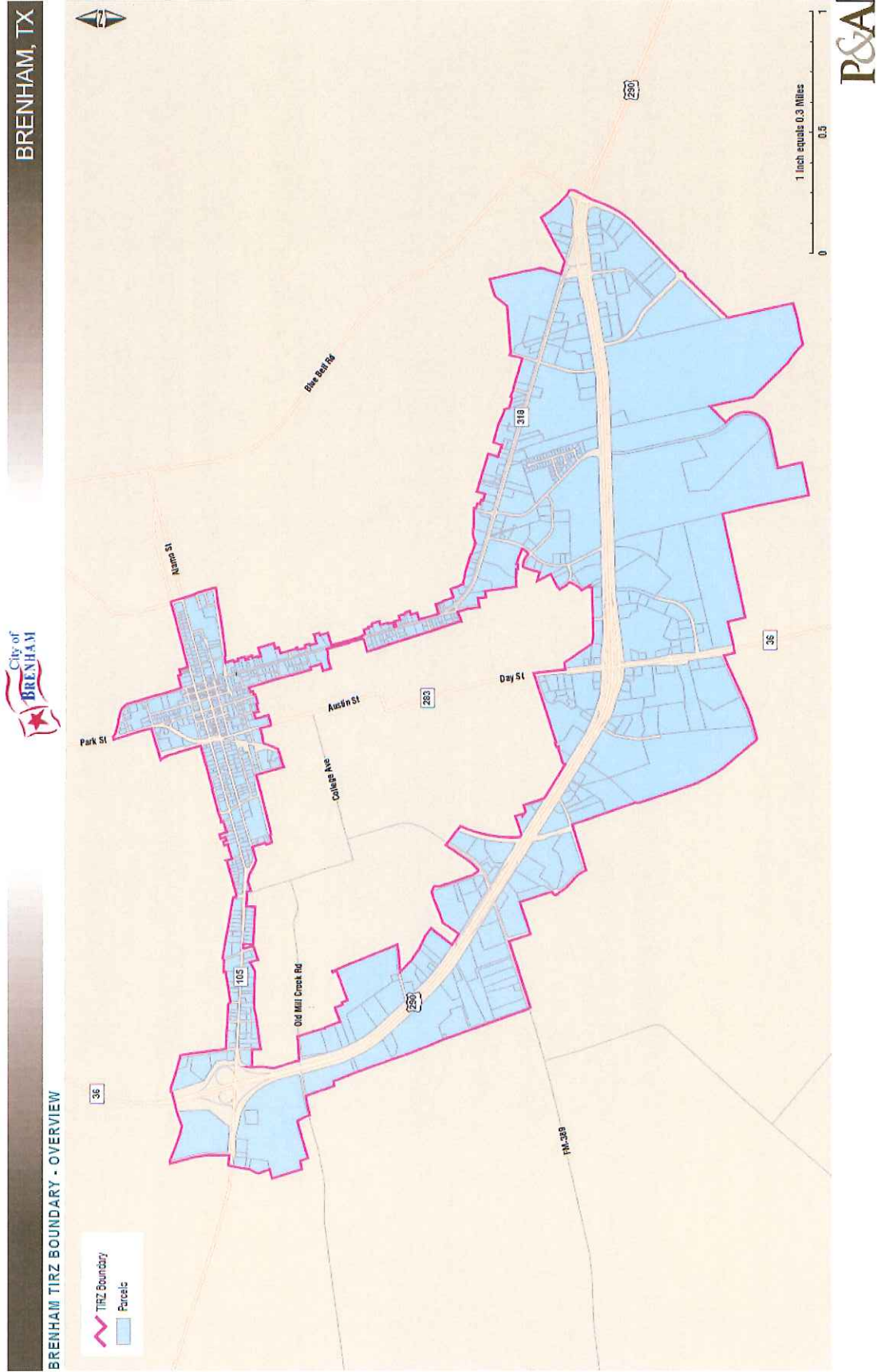


Exhibit C – Proposed Uses of the Property

City of Brenham Zoning

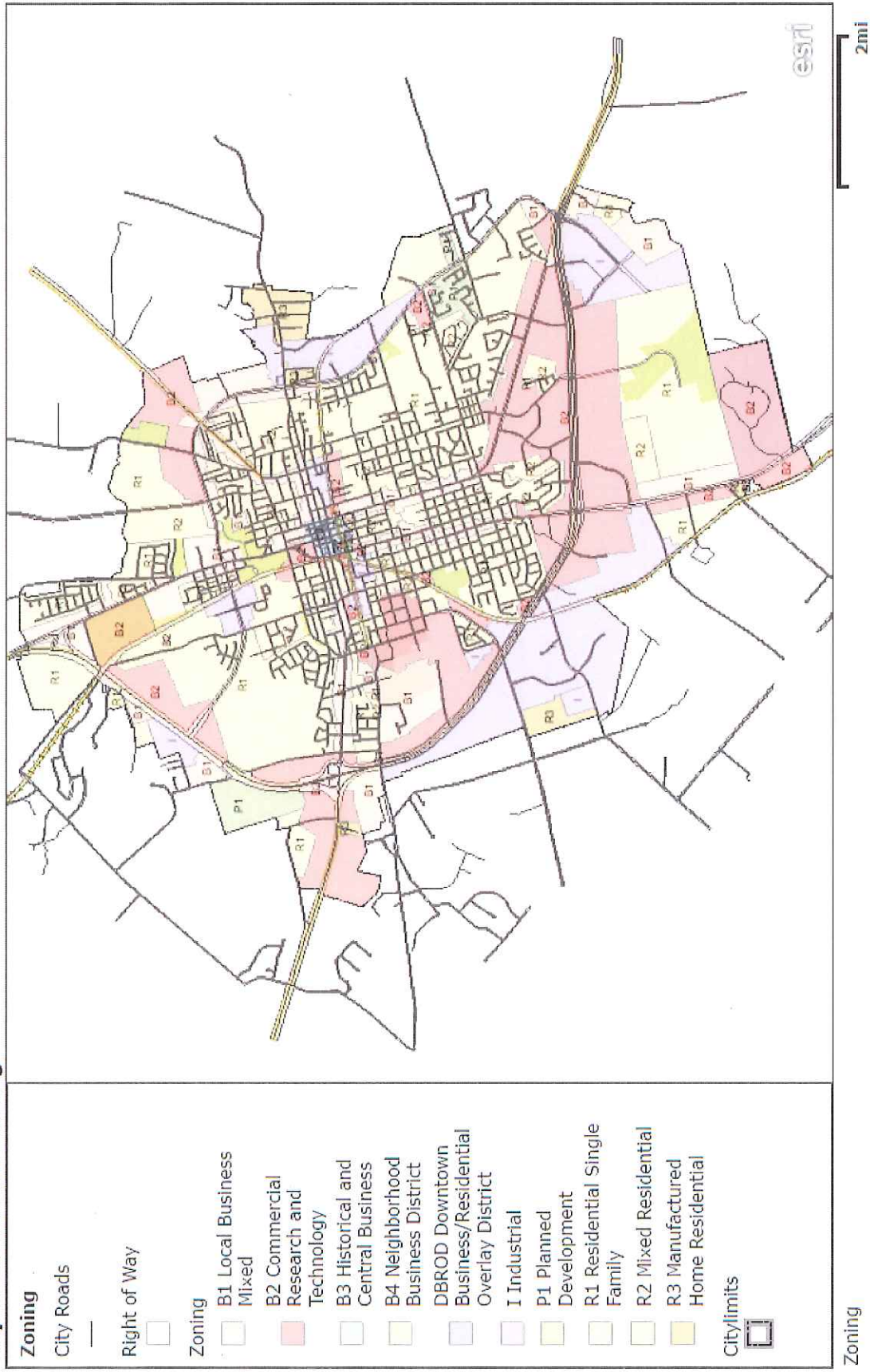


Exhibit D – Public Improvements

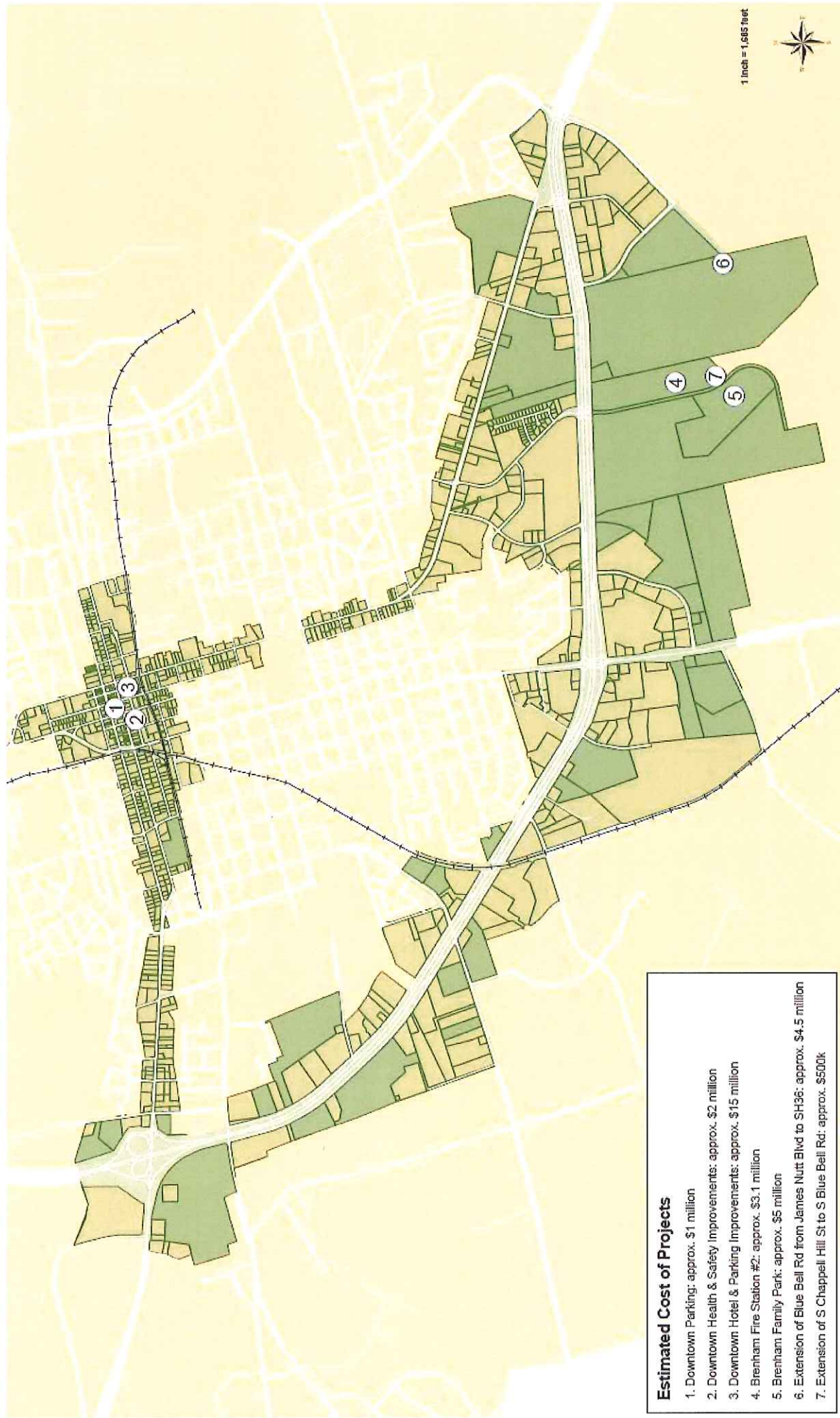


Exhibit E – Estimated Project Costs*

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 Value	Net Taxable Value	Incremental Value	City				County				City & County		Capital Improvements	Net TIRZ Balance
							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	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	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	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	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	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	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	544,326	2,044,147	-	-	1,004,147	1,004,147
9	2026	2027	2.0%	-	379,232,293	119,199,913	0.5170	50%	308,132	0.3963	50%	236,195	622,890	2,548,474	-	-	1,548,474	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	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	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	4,531,913	-	-	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	5,308,074	-	-	1,531,913	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	6,202,071	-	-	2,308,074	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	7,137,697	-	-	3,202,071	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	8,194,347	-	-	5,194,347	5,194,347
17	2034	2035	2.0%	-	501,252,575	241,220,195	0.5170	50%	623,554	0.3963	50%	477,978	1,101,532	9,295,879	-	-	6,295,879	6,295,879
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	10,521,754	-	-	7,521,754	7,521,754
19	2036	2037	2.0%	-	539,051,546	279,019,166	0.5170	50%	721,265	0.3963	50%	552,876	1,274,141	11,795,895	-	-	8,795,895	8,795,895
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	13,148,599	-	-	10,148,599	10,148,599
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	-	-	11,501,304	11,501,304
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	15,983,374	-	-	12,983,374	12,983,374
23	2040	2041	2.0%	-	596,276,929	336,244,549	0.5170	50%	869,192	0.3963	50%	666,269	1,535,461	17,518,835	-	-	14,518,835	14,518,835
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	19,187,317	-	-	1,187,317	1,187,317
25	2042	2043	2.0%	-	637,914,884	377,882,504	0.5170	50%	976,826	0.3963	50%	748,774	1,725,600	20,912,918	-	-	2,912,918	2,912,918
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	22,775,342	-	-	1,675,342	1,675,342
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	24,698,764	-	-	3,598,764	3,598,764
28	2045	2046	2.0%	17,204,281	712,063,994	452,031,614	0.5170	50%	1,168,502	0.3963	50%	895,701	2,064,202	26,762,966	-	-	662,966	662,966
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	28,892,201	-	-	2,792,201	2,792,201
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	31,100,000	-	-	5,000,000	5,000,000
				258,064,217			17,605,059				13,494,941				Total Capital Improvements:		31,100,000	



AGENDA ITEM 9

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: December 7, 2018	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Stephanie Doland	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☒ PUBLIC HEARING ☐ CONSENT ☐ REGULAR ☐ WORK SESSION	ORDINANCE: ☐ 1ST READING ☐ 2ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Public Hearing to Consider Amending Chapter 23 – “Subdivisions” of the Code of Ordinances of the City of Brenham, Section 23-22(1) to Remove the Twenty-Five (25) Foot Minimum Building Setback Requirements for Lots that Abut Collector or Arterial Streets or are Adjacent to Major Thoroughfares in Brenham, Washington County, Texas (Case No. P-18-026)		
SUMMARY STATEMENT: This is the public hearing for a City initiated request to amend the City of Brenham’s Code of Ordinances, Chapter 23 – Subdivisions, Section 23-22(1) to remove the 25’ minimum building setback for property adjacent to a collector or arterial street and to re-establish a minimum 25-foot setback requirement for property adjacent to arterial streets in the City of Brenham zoning ordinance (specifically, Appendix A, Part II, Division 1, Section 17). In an effort to remain consistent in the review of all setback requests, staff finds that relocating language about setbacks adjacent to arterial roadways from the subdivision ordinance to the zoning ordinance will allow the Board of Adjustment to consider all requests pertaining to setback variances. No public comments were made during the Public Hearing. On Monday, November 26, 2018, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the request.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Staff Report to the Planning and Zoning Commission		
FUNDING SOURCE (Where Applicable): N/A		

RECOMMENDED ACTION: None – discussion only
APPROVALS: James Fisher



CASE NUMBER P-18-026 TEXT AMENDMENT

REQUEST:

This is a request by the City of Brenham to amend the City of Brenham's Code of Ordinances, Chapter 23 – Subdivisions, Section 23-22(1) to remove the 25' minimum building setback for lots that abut a collector or arterial street and to re-establish setback requirements for property adjacent to major thoroughfares in Appendix A, Part II, Division 1, Section 17.

BACKGROUND:

The City has established building setback lines for all property within the City and ETJ to help preserve open space, prevent overcrowding, and reduce the risk of conflagration between structures. In addition to established setbacks in Appendix A – Zoning of the Brenham Code of Ordinances, the City's subdivision ordinance currently states the following:

Section 23-22 (1): Lots on arterial and collector streets. The building setback line shall not be closer than twenty-five (25) feet from the side of a lot which abuts a collector or an arterial street.

In the past three years (2015-2018) the Development Services Department has processed four variance requests to this particular section of the ordinance. Because setback standards adjacent to arterial and collector streets are established in addition to the zoning ordinance, a variance to the established setback lines on property adjacent to arterials and collectors must be considered by the Board of Adjustment, Planning and Zoning Commission, and City Council. Typically, setback variance requests or special exceptions (when not adjacent to a collector or arterial roadway) are only considered by the Board of Adjustment and do not require an ordinance amendment for approval.

In an effort to remain consistent in the review of all setback requests, staff finds that relocating language about setbacks from the subdivision ordinance to the zoning ordinance will allow the Board of Adjustment to consider all requests pertaining to setback variances.

PROPOSED AMENDMENT:

Chapter 23 – Subdivisions, delete and renumber subsequent sections:

~~Section 23-22 (1): Lots on arterial and collector streets. The building setback line shall not be closer than twenty-five (25) feet from the side of a lot which abuts a collector or an arterial street.~~

Appendix A – Zoning, insert the following language in Appendix A, Part 2, Division 1:

Section 17.05: Lots on arterial streets. The building setback line shall not be closer than twenty-five (25) feet from the side of a lot which abuts a arterial street.

ANALYSIS:

Staff researched nearby municipalities and found that more stringent setback requirements are often required on property adjacent to roadways with higher posted speeds and classified as arterial roadways on respective thoroughfare plans. For example:

- Bastrop: 25' exterior side yard setback (10' when interior side yard)
- Bryan: 25' adjacent to an arterial street, 15' adjacent to a local or collector street
- Conroe: 20' adjacent to a major thoroughfare (major thoroughfare is not defined)
- College Station: depends on roadway (25'- University, 35'- Wellborne, 100'- South College)
- Sugarland: 25' adjacent to arterial street
- Tomball: Depends on zoning district 25'-35' when adjacent to an arterial street

Staff recommends amending the Brenham Code of Ordinances to remove language concerning required setbacks from the Subdivision Ordinance and establishing in the Zoning Ordinance, Appendix A, a minimum setback of 25 feet on all property adjacent to arterial roadways.

The existing zoning ordinance currently establishes front, side, and rear setbacks based on the assigned zoning district. For example, residential property in the R-1, R-2, and B-1 zoning districts shall have a 10-foot side yard when adjacent to another property and a 15-foot side yard when adjacent to a side street. Similarly, multiple-family and business uses are permitted no side yard setback when adjacent to another property (except for required buffers) and are required to have a 15-foot side setback when adjacent to a side street. Therefore, increased setbacks are currently in place for corner properties and property adjacent to local or collector roadways.

PUBLIC COMMENTS:

The Notice of Public Hearing was published in the paper on November 15, 2018. Any public comments will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

STAFF RECOMMENDATION:

Staff recommends **approval** of the proposed text amendments.



AGENDA ITEM 10

DATE OF MEETING: December 13, 2018		DATE SUBMITTED: December 7, 2018	
DEPT. OF ORIGIN: Development Services		SUBMITTED BY: Stephanie Doland	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	
☒ REGULAR	☒ PUBLIC HEARING	☐ 1 ST READING	
☐ SPECIAL	☐ CONSENT	☐ 2 ND READING	
☐ EXECUTIVE SESSION	☐ REGULAR	☐ RESOLUTION	
	☐ WORK SESSION		
AGENDA ITEM DESCRIPTION: Public Hearing to Consider Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas by Amending Part II, Division 1. Section 17, Height and Area Exceptions of General Applicability, to Establish a Twenty-Five (25) Foot Minimum Building Setback for Property Adjacent to Arterial Roadways in Brenham, Washington County, Texas (Case No. P-18-026)			
SUMMARY STATEMENT: This is the public hearing for a City initiated request to amend the City of Brenham’s Code of Ordinances, Chapter 23 – Subdivisions, Section 23-22(1) to remove the 25’ minimum building setback for property adjacent to a collector or arterial street and to re-establish a minimum 25-foot setback requirement for property adjacent to arterial streets in the City of Brenham zoning ordinance (specifically, Appendix A, Part II, Division 1, Section 17). In an effort to remain consistent in the review of all setback requests, staff finds that relocating language about setbacks adjacent to arterial roadways from the subdivision ordinance to the zoning ordinance will allow the Board of Adjustment to consider all requests pertaining to setback variances. No public comments were made during the Public Hearing. On Monday, November 26, 2018, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the request.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: (1) Staff Report to the Planning and Zoning Commission			
FUNDING SOURCE (Where Applicable): N/A			

RECOMMENDED ACTION: None – discussion only
APPROVALS: James Fisher



CASE NUMBER P-18-026 TEXT AMENDMENT

REQUEST:

This is a request by the City of Brenham to amend the City of Brenham's Code of Ordinances, Chapter 23 – Subdivisions, Section 23-22(1) to remove the 25' minimum building setback for lots that abut a collector or arterial street and to re-establish setback requirements for property adjacent to major thoroughfares in Appendix A, Part II, Division 1, Section 17.

BACKGROUND:

The City has established building setback lines for all property within the City and ETJ to help preserve open space, prevent overcrowding, and reduce the risk of conflagration between structures. In addition to established setbacks in Appendix A – Zoning of the Brenham Code of Ordinances, the City's subdivision ordinance currently states the following:

Section 23-22 (1): Lots on arterial and collector streets. The building setback line shall not be closer than twenty-five (25) feet from the side of a lot which abuts a collector or an arterial street.

In the past three years (2015-2018) the Development Services Department has processed four variance requests to this particular section of the ordinance. Because setback standards adjacent to arterial and collector streets are established in addition to the zoning ordinance, a variance to the established setback lines on property adjacent to arterials and collectors must be considered by the Board of Adjustment, Planning and Zoning Commission, and City Council. Typically, setback variance requests or special exceptions (when not adjacent to a collector or arterial roadway) are only considered by the Board of Adjustment and do not require an ordinance amendment for approval.

In an effort to remain consistent in the review of all setback requests, staff finds that relocating language about setbacks from the subdivision ordinance to the zoning ordinance will allow the Board of Adjustment to consider all requests pertaining to setback variances.

PROPOSED AMENDMENT:

Chapter 23 – Subdivisions, delete and renumber subsequent sections:

~~Section 23-22 (1): Lots on arterial and collector streets. The building setback line shall not be closer than twenty-five (25) feet from the side of a lot which abuts a collector or an arterial street.~~

Appendix A – Zoning, insert the following language in Appendix A, Part 2, Division 1:

Section 17.05: Lots on arterial streets. The building setback line shall not be closer than twenty-five (25) feet from the side of a lot which abuts a arterial street.

ANALYSIS:

Staff researched nearby municipalities and found that more stringent setback requirements are often required on property adjacent to roadways with higher posted speeds and classified as arterial roadways on respective thoroughfare plans. For example:

- Bastrop: 25' exterior side yard setback (10' when interior side yard)
- Bryan: 25' adjacent to an arterial street, 15' adjacent to a local or collector street
- Conroe: 20' adjacent to a major thoroughfare (major thoroughfare is not defined)
- College Station: depends on roadway (25'- University, 35'- Wellborne, 100'- South College)
- Sugarland: 25' adjacent to arterial street
- Tomball: Depends on zoning district 25'-35' when adjacent to an arterial street

Staff recommends amending the Brenham Code of Ordinances to remove language concerning required setbacks from the Subdivision Ordinance and establishing in the Zoning Ordinance, Appendix A, a minimum setback of 25 feet on all property adjacent to arterial roadways.

The existing zoning ordinance currently establishes front, side, and rear setbacks based on the assigned zoning district. For example, residential property in the R-1, R-2, and B-1 zoning districts shall have a 10-foot side yard when adjacent to another property and a 15-foot side yard when adjacent to a side street. Similarly, multiple-family and business uses are permitted no side yard setback when adjacent to another property (except for required buffers) and are required to have a 15-foot side setback when adjacent to a side street. Therefore, increased setbacks are currently in place for corner properties and property adjacent to local or collector roadways.

PUBLIC COMMENTS:

The Notice of Public Hearing was published in the paper on November 15, 2018. Any public comments will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

STAFF RECOMMENDATION:

Staff recommends **approval** of the proposed text amendments.



AGENDA ITEM 11

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: December 7, 2018
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Stephanie Doland
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☒ PUBLIC HEARING ☐ CONSENT ☐ REGULAR ☐ WORK SESSION
ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Public Hearing to Consider an Amendment to 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)	
SUMMARY STATEMENT: Armando Sanabria and Olga Reyes are the property owners of 1008 Burleson Street and are requesting the 0.4884-acre tract be rezoned from Industrial (I) District to Mixed Residential Use District (R-2). The property owners are requesting to rezone this property to allow for the development of a single-family dwelling. The proposed rezoning request is in accordance with Envision 2020, the City of Brenham Comprehensive Plan which shows the subject property as appropriate for single-family land uses. No public comments were made at the Public Hearing. Two comments were received prior to the meeting in support of the rezoning. On Monday, November 26, 2018, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommended approval of the rezoning request.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: (1) Staff Report to the Planning and Zoning Commission	

FUNDING SOURCE (Where Applicable): N/A
RECOMMENDED ACTION: None – discussion only
APPROVALS: James Fisher



CASE NUMBER P-18-027
ZONE CHANGE REQUEST - 1008 Burleson Street

STAFF CONTACT: Stephanie Doland, Assistant Director of Development Services

OWNERS/APPLICANTS: Armando Sanabria & Olga Reyes

ADDRESS/LOCATION: 1008 Burleson Street

LEGAL DESCRIPTION: Tract 337, Arrabella Harrington A0055, Acres 0.4884 (R#43276) in Brenham, Washington County, Texas

LOT AREA: Approximately 0.48 acres

ZONING DISTRICT/USE: Industrial / vacant

COMP PLAN FUTURE LAND USE: Single-family

REQUEST: A request to change the zoning of this tract from an Industrial Use District (I) to a Mixed Residential Use District (R-2)

BACKGROUND:

The subject property is currently not platted and is part of the Arrabella Harrington Survey. For the last 20+ year the subject property has been developed with a single-family home. However, the property is now vacant with no current improvements. Property owners and applicants Armando and Olga Reyes desire to redevelop the property with a single-family residence. The subject property is zoned I- Industrial district as are properties to the north and east, property to the south is zoned R-2 Mixed Residential District, and to the west is the right-of-way of Burleson Street. The applicants desire to rezone the tract of land described above from Industrial to R-2 Mixed Residential Use district for the purpose of developing the property for a single-family residential home.

ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:

The purpose of zoning policies is to provide guidelines for considering future amendments to the zoning ordinance (Part 1, Section 4 of Appendix A – “Zoning” of the Brenham Code of Ordinances). They are as follows:

- (1) The city's zoning should recognize and seek to preserve the small town attributes that make Brenham

a special place for its citizens to live, work and play.

The subject property has historically been developed with a single-family dwelling and is located on the edge of residential and industrial zoning. This zoning change, if approved, will allow the property to develop with a single-family home and in a manner compatible with surrounding land uses and zoning designations.

- (2) The city's zoning should be guided by the future land use plan and other applicable guidelines found in the Comprehensive Plan.

The Future Land Use Map portion of the Envision Brenham 2020 Comprehensive Plan suggests that single-family residential is appropriate at this location.

- (3) The city's zoning should be designed to facilitate the more efficient use of existing and future city services and utility systems in accordance with the Comprehensive Plan.

The proposed change in zoning classification will not affect any existing or future city services or utility systems. The property has access to connect to city services located along Burleson Street, including, water, sewer, gas and electric.

- (4) The city's zoning should be organized and as straight forward as possible to minimize use problems and enforcement problems.

The proposed zone change, if approved, will be reflected on the City of Brenham zoning map available for citizen viewing on the City of Brenham homepage.

- (5) The city's zoning process should be fair and equitable, giving all citizens adequate information and opportunity to be heard prior to adoption of zoning amendments.

Property owners within 200 feet of the project site were mailed notifications of this request on November 15, 2018. The Notice of Public Hearing was published in the Brenham Banner on November 15, 2018. Any public comments submitted to staff will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

- (6) The city's zoning should insure that adequate open space is preserved as residential and commercial development and redevelopment occur.

If approved, the property will be required to adhere to minimum building setbacks and maximum impervious coverage requirements for single-family dwelling units. Staff finds that the aforementioned requirements will ensure that adequate open spaces is preserved on the subject property.

- (7) The city's zoning should insure Brenham's attractiveness for the future location of business and housing by preserving an attractive and safe community environment in order to enhance the quality of life for all of its residents.

Staff believes that the requested zoning and associated land uses are appropriate in this location given adjacent zoning designations, existing development in the vicinity, and conformance with the cities adopted future land use map.

- (8) The city's zoning ordinance should preserve neighborhood culture by retaining and promoting land

uses consistent with the community's plan for the development and/or redevelopment of its neighborhoods.

Rezoning the subject property to R-2 will allow the subject property to develop in accordance with property in the general vicinity. While adjacent property is zoned a combination of Industrial and Mixed Residential District, a majority of property in the general vicinity is developed with residential uses. For example, properties further south of the subject property along Burleson Street are developed with single-family residential uses. The only property in the vicinity not utilized for residential purposes is the adjacent property to the east which is currently developed with a wireless transmission tower.

- (9) The city's zoning should protect existing and future residential neighborhoods from encroachment by incompatible uses.

Staff finds that rezoning the property will be more in conformance with the adjacent existing development than if the property were to be developed with an industrial use currently allowed by-right on the property.

- (10) The city's zoning should assist in stabilizing property values by limiting or prohibiting the development of incompatible land uses or uses of land or structures which negatively impact adjoining properties.

The proposed R-2 zoning district is more compatible with the neighborhood than the existing industrial zoning district and staff is unaware of any destabilizing effects on the neighboring properties should the variance be approved. The applicant is aware of buffer yard requirements imposed on the property if it were rezoned, and staff finds a compelling argument for reduced buffer yard requirements could be made should the property owner request a variance.

- (11) The city's zoning should make adequate provisions for a range of commercial uses in existing and future locations that are best suited to serve neighborhood, community and regional markets.

Staff believes that the proposed zoning change, if approved, will not negatively affect vacant land classified for commercial uses. The nearest non-residential property is located across Blue Bell Road from the subject property. The proposed rezoning will allow construction of a single-family home in an existing neighborhood which may in fact encourage future commercial development in the vicinity.

- (12) The city's zoning should give reasonable accommodation to legally existing incompatible uses, but it should be fashioned in such a way that over time, problem areas will experience orderly change through redevelopment that gradually replaces the nonconforming uses.

The property is vacant, and staff is not aware of any hindrances on the property created by legally existing incompatible uses. The applicants request will prevent an incompatible industrial use from developing at the entrance of a residential subdivision. Burleson Street at this location functions as a single-family subdivision and allowing the subject property to develop with a single-family home will allow for compatible development in the vicinity.

- (13) The city's zoning should provide for orderly growth and development throughout the city.

Staff finds that the proposed rezoning change will allow for the orderly growth and development in the general vicinity and throughout the city. Furthermore, the proposed rezoning is in accordance with the City's adopted Future Land Use Map and Comprehensive Plan.

STAFF RECOMMENDATION:

Staff recommends **approving** the proposed rezoning to R-2 district on the 0.48 acre tract.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Zone Change Application
- D. Site photos

EXHIBIT "A"
AERIAL MAP



EXHIBIT "B"
ZONING MAP

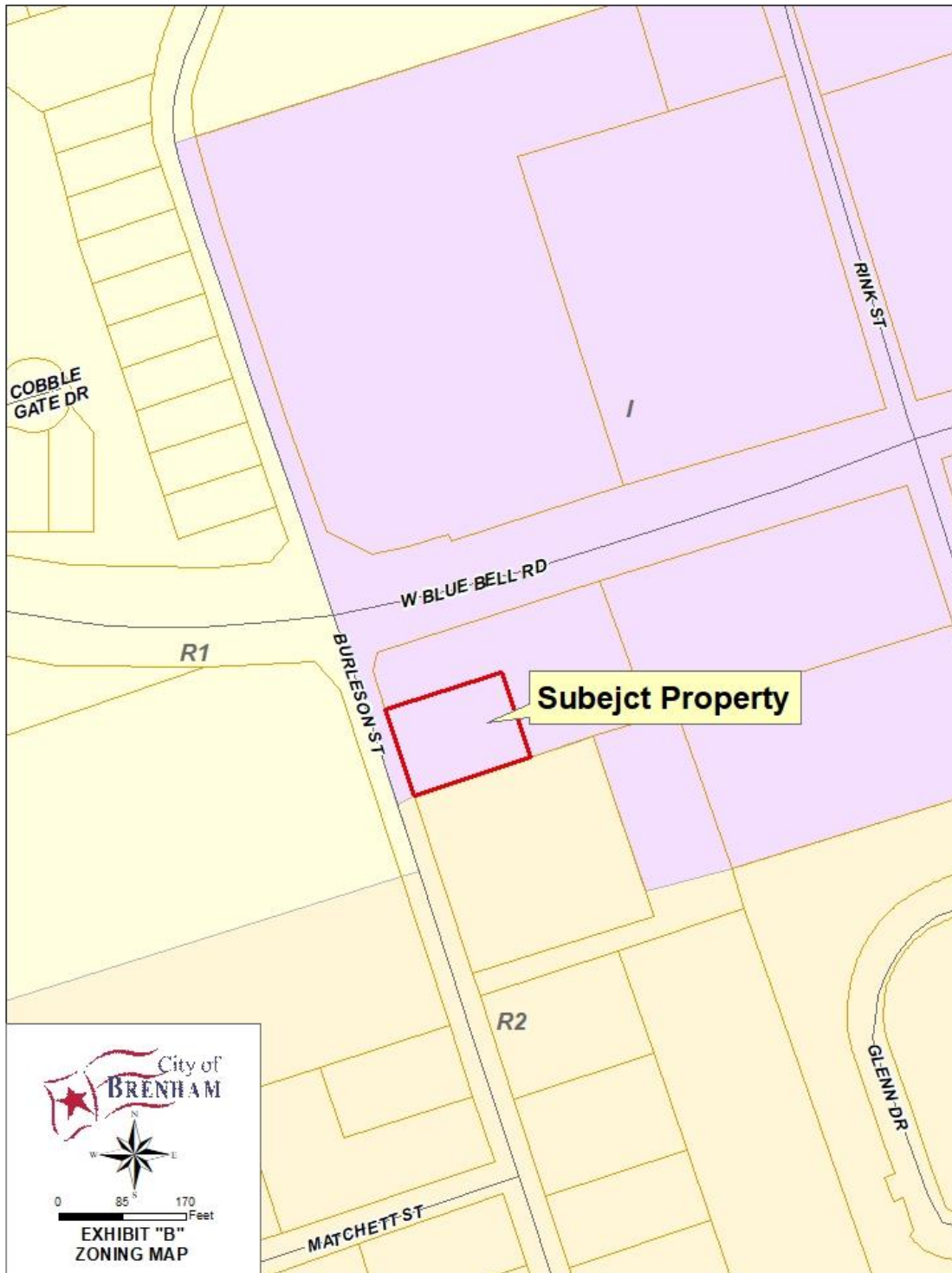


EXHIBIT "C"
ZONE CHANGE APPLICATION

11/15/2018

To whom it may concern

My name is Armando Franco Sanabria I'm the owner of the property located at 1008 Burleson St Brenham TX 77833. The reason of this letter is to see if there's a possibility to change my property zone from an I Industrial to R2 Residential. I already fill out all the paper work regarding this application. I hope this letter will help to complete the change.

Please let me know if you guys need anything else. My phone number is 281-881-5293 and email is gandallafranco@hotmail.com

Regards



Armando Franco Sanabria

EXHIBIT "D"
SITE PHOTOS



View from Burleson Street



AGENDA ITEM 12

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: December 7, 2018
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Stephanie Doland
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☒ PUBLIC HEARING ☐ CONSENT ☐ REGULAR ☐ WORK SESSION
ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA DESCRIPTION: Public Hearing to Consider an Amendment to 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)	
SUMMARY STATEMENT: Mr Adolph C. Wehmeyer, Jr. is the property owner of a primarily vacant 15.36-acre tract of land located at 2834 Industrial Blvd. Mr. Wehmeyer is requesting the property be rezoned from Industrial (I) District to Manufactured Home Residential Use District (R-3) for the development of a duplex and a manufactured home park. The proposed rezoning request is in accordance with land use policies adopted in Envision 2020, the City of Brenham Comprehensive Plan which recommends the City consider a Manufactured Housing District and recommends the City protect its established neighborhoods. No public comments were made during the public hearing portion of the meeting. On Monday, November 26, 2018, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommended approval of the rezoning request.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: (1) Staff Report to the Planning and Zoning Commission	

FUNDING SOURCE (Where Applicable): N/A
RECOMMENDED ACTION: None – discussion only
APPROVALS: James Fisher



CASE NUMBER P-18-028
ZONE CHANGE REQUEST – 2834 Industrial Boulevard

STAFF CONTACT: Stephanie Doland, Assistant Director of Development Services

OWNERS/APPLICANTS: Adolph C. Wehmeyer, Jr.

ADDRESS/LOCATION: 2834 Industrial Boulevard

LEGAL DESCRIPTION: Part of Tract 447, Phillip Coe A0031, Acres 29.609 (R#65470) in Brenham, Washington County, Texas

LOT AREA: Approximately 15.36 acres (requested rezoning)

ZONING DISTRICT/USE: Industrial / vacant and agricultural

COMP PLAN FUTURE LAND USE: Warehouse/Industrial

REQUEST: A request to change the zoning of a 15.36 acre portion of this tract from an Industrial Use District (I) to a Manufacture Home Residential Use District (R-3)

BACKGROUND:

This is a request from Adolph Wehmeyer to rezone a primarily vacant 15.36 acre portion of the tract of land described above from an (I) Industrial Use District to an R-3 Manufacture Home Residential Use District for the purpose of developing the property for a duplex and manufactured home park community.

ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:

The purpose of zoning policies is to provide guidelines for considering future amendments to the zoning ordinance (Part 1, Section 4 of Appendix A – “Zoning” of the Brenham Code of Ordinances). They are as follows:

- (1) The city's zoning should recognize and seek to preserve the small town attributes that make Brenham a special place for its citizens to live, work and play.

The property in question is currently under-developed land zoned as I – Industrial. The neighboring properties adjacent to this parcel are B-3 and Industrial. The applicant proposes to construct a manufactured home park on the subject property, similar to existing land uses on adjacent properties to the west and north. Allowing the proposed rezoning request would increase the amount of affordable housing available within the City of Brenham and would be in keeping with

the development pattern in the general vicinity.

- (2) The city's zoning should be guided by the future land use plan and other applicable guidelines found in the Comprehensive Plan.

The future land use map portion of the Envision 2020 Comprehensive Plan suggests the subject property may be appropriate for warehouse and industrial uses. However, the Comprehensive Plan also includes land use and housing policies to help guide land use decisions. Specifically the Plan recommends that the City consider a Manufactured Housing District and recommends the City protect its established neighborhoods. If the requested zone change were approved, the subject property would allow for the third manufactured home park within the general vicinity and staff finds the proposed use of a manufactured home park would help protect the existing, established neighborhoods located adjacent to the subject property. Staff believes that the proposed request is aligned with the goals and land use policies established in the Comprehensive Plan.

- (3) The city's zoning should be designed to facilitate the more efficient use of existing and future city services and utility systems in accordance with the Comprehensive Plan.

The subject property is primarily vacant, however existing utility services are located along Industrial Blvd and can be extended to serve the proposed development on the property.

- (4) The city's zoning should be organized and as straight forward as possible to minimize use problems and enforcement problems.

The proposed zone change, if approved, will be reflected on the City of Brenham zoning map available for citizen viewing on the City of Brenham homepage.

- (5) The city's zoning process should be fair and equitable, giving all citizens adequate information and opportunity to be heard prior to adoption of zoning amendments.

Property owners within 200 feet of the project site were mailed notifications of this request on November 15, 2018. The Notice of Public Hearing was published in the paper on November 15, 2018. Any public comments will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

- (6) The city's zoning should insure that adequate open space is preserved as residential and commercial development and redevelopment occur.

If approved, the property will be required to adhere to minimum building setbacks and maximum impervious coverage requirements for single-family dwelling units. Staff finds that the aforementioned requirements will ensure that adequate open spaces is preserved on the subject property.

- (7) The city's zoning should insure Brenham's attractiveness for the future location of business and housing by preserving an attractive and safe community environment in order to enhance the quality of life for all of its residents.

Staff believes that the requested zoning and associated land uses are appropriate in this location given adjacent zoning designations, existing development in the vicinity, and conformance with the land and housing policies adopted in the Comprehensive Plan.

- (8) The city's zoning ordinance should preserve neighborhood culture by retaining and promoting land uses consistent with the community's plan for the development and/or redevelopment of its neighborhoods.

Rezoning the subject property to R-3 will allow the subject property to develop in way that is compatible with property in the general vicinity. Residential zoning on this property is consistent with the Comprehensive Plan's goal of providing affordable housing in Brenham and preserving and enhancing Brenham's residential neighborhoods.

- (9) The city's zoning should protect existing and future residential neighborhoods from encroachment by incompatible uses.

The proposed request, if approved would uphold consistent development patterns in the vicinity.

- (10) The city's zoning should assist in stabilizing property values by limiting or prohibiting the development of incompatible land uses or uses of land or structures which negatively impact adjoining properties.

The existing district is compatible with the neighborhood and shouldn't have a destabilizing effect on the neighboring properties.

- (11) The city's zoning should make adequate provisions for a range of commercial uses in existing and future locations that are best suited to serve neighborhood, community and regional markets.

Staff believes that the proposed zoning change, if approved, will not negatively affect vacant land classified for commercial or industrial uses. The nearest non-residential property is located to the east and south of the subject property. The proposed rezoning will allow construction of a manufactured housing in an existing neighborhood which may in fact encourage future commercial or neighborhood development in the vicinity.

- (12) The city's zoning should give reasonable accommodation to legally existing incompatible uses, but it should be fashioned in such a way that over time, problem areas will experience orderly change through redevelopment that gradually replaces the nonconforming uses.

The property is primarily vacant, and staff is not aware of any hindrances on the property created by legally existing incompatible uses. The applicants request will the subject property to develop with a manufactured home park and if approved will allow for compatible, legally conforming development.

- (13) The city's zoning should provide for orderly growth and development throughout the city.

Staff finds that the proposed rezoning change will allow for the orderly growth and development in the general vicinity and throughout the city. Furthermore, the proposed rezoning is in accordance with the City's adopted Comprehensive Plan.

STAFF RECOMMENDATION:

Staff recommends **approving** the proposed rezoning to R-3 district of the 15.36 acre tract.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Zone Change Application
- D. Site photos

EXHIBIT "A"
AERIAL MAP



EXHIBIT "B"
ZONING MAP

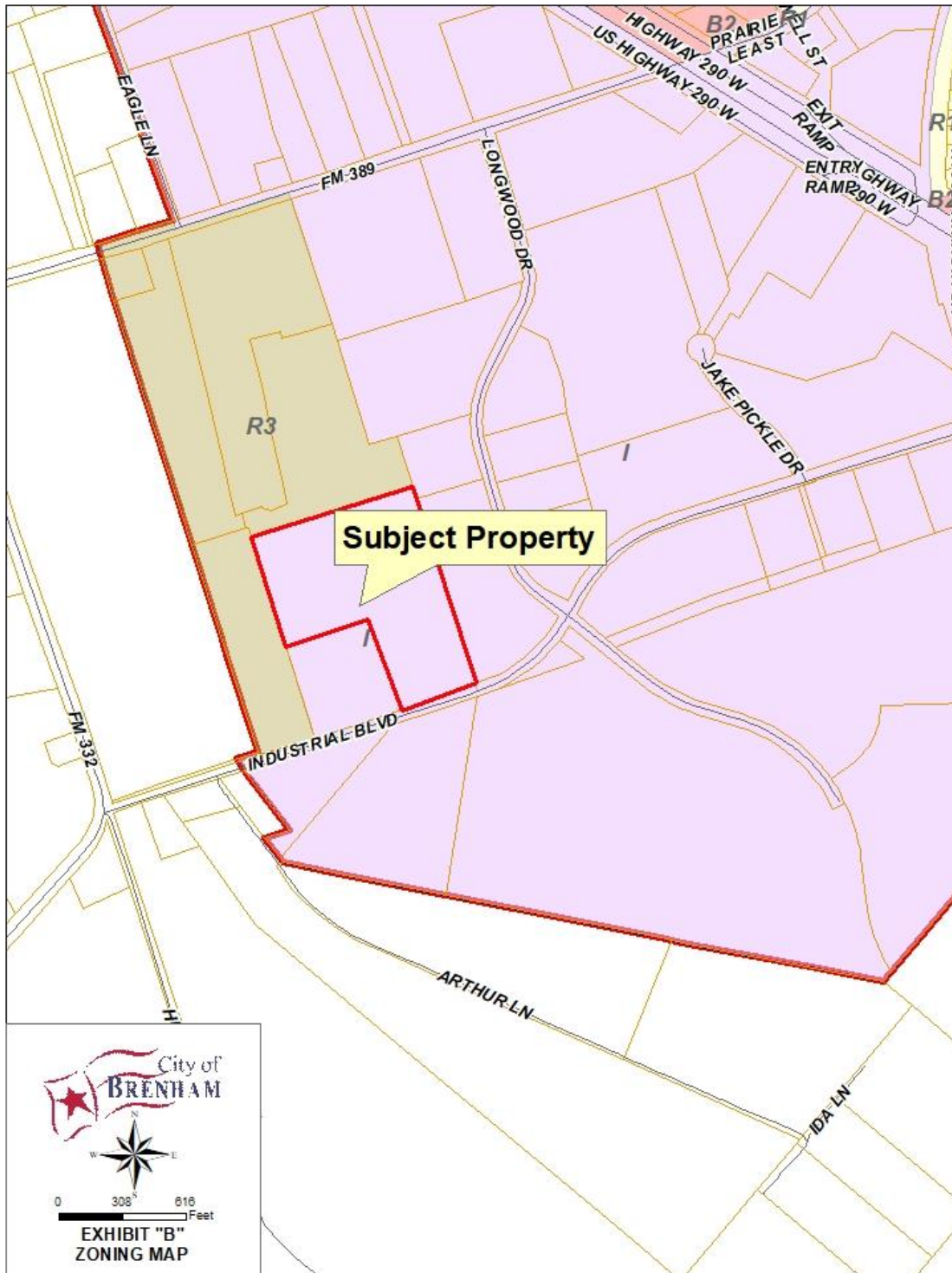


EXHIBIT "C"
ZONE CHANGE APPLICATION



For office use only
APPLICATION NO: P-18-028
MEETING DATE: 11-26-18
DATE SUBMITTED: 11-6-18

CITY OF BRENHAM
GENERAL APPLICATION

Type of Application

- | | |
|---|--|
| ☐ Variance from Appendix A: Zoning | ☒ Zone Change |
| ☐ Specific Use Permit | ☐ Plan Review |
| ☐ Preliminary Plat | ☐ Final Plat/Replat/Amending Plat |
| ☐ Variance from Chapter 21: Signs | ☐ Other: _____ |

Property Owners Information

Name Mr. Adolph C. Wehmeyer, Jr.
Principal Officers (If Corporation) President _____
Secretary _____
Address 2103 FM 389
Telephone Number 979-203-6306 E-mail Address _____

Applicant Information

Name _____
Address _____
Telephone Number _____ E-mail Address _____

Agent or Engineer Information

Name Brian P. Dobiyanski
Address 150 Venture Drive, Suite 100, College Station, TX 77845
Telephone Number 979-731-8000 E-mail Address bdobiyanski@jonescarter.com

Location of Property

Street Address: 2075 FM 389, Brenham, TX 77833 2834 Industrial Blvd

Legal Description (attach metes and bounds description if not subdivided):

Subdivision: N/A Phillip Coe Survey Block(s): Tract 447 Lot(s): 29.609 acres
 Zoning Information rezoning request for 15.36 acres

Zoning Information

Existing Zoning : I-Industrial

Proposed Zoning: R3- Manufactured Home Residential

Reasons for requesting zone change: * New manufactured home park and duplex.

Variance Information

Section of Code from which variance is described: * N/A

Describe variance requested: *

Reasons for requesting variance:*

Proposed Property Use

Describe in detail the proposed operation at this location:*

Manufactured home residential living and duplex residential living.

Construction Value \$_____

Site plans are required for variance, special use, and plan review requests; please see Ordinance No. 0-05-007 for minimum site plan requirements.

I, Wehmeyer/Dobiysanski, being the owner (or authorized agent) of the above described property, do hereby certify the information set forth above is true and correct. I further request that the Planning & Zoning Commission/Board of Adjustments/Plan Review Committee review this matter and take appropriate action.

Adolph C. Wehmeyer, Jr.

Owner

Brian P. Dobiysanski

Agent

EXHIBIT "D"
SITE PHOTOS





AGENDA ITEM 13

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: December 7, 2018	
DEPT. OF ORIGIN: Economic Development	SUBMITTED BY: Carolyn D. Miller	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	ORDINANCE: ☒ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading 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		
SUMMARY STATEMENT: During the Public Hearing, 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. The Preliminary Project and Financing Plan was presented and discussed, and 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 great benefit to the City. This agenda item is for the approval of an Ordinance creating the Tax Increment Reinvestment Zone Number One (TIRZ #1); describing the boundaries of the zone; creating a board of directors; establishing a tax increment fund for the zone; providing for a termination date of the zone; and providing that the zone take effect immediately upon the passage of the Ordinance.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Ordinance for 1 st Reading		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Approve an Ordinance on its first reading 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		
APPROVALS: James Fisher		

ORDINANCE NO. _____

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, 201_)
Place 2	Council Ward 1	(term expires December 31, 201_)
Place 3	Council Ward 2	(term expires December 31, 201_)
Place 4	Council Ward 3	(term expires December 31, 201_)
Place 5	Council Ward 4	(term expires December 31, 201_)
Place 6	Council Position 5	(term expires December 31, 201_)
Place 7	Council Position 6	(term expires December 31, 201_)
Place 8	At-Large Appointment	(term expires December 31, 201_)

Place 9 shall be appointed by the County for a term that expires on December 31, 201_). 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, 201_).

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 ____ day of December 2018.

PASSED and APPROVED on its second reading the ____ 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 13, 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 without amending the Final Plan.

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.

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 retail 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

[Remainder of page intentionally left blank]

Exhibit A – Metes and Bounds Description of the Zone

Needed by City Staff

Exhibit B – Map of Proposed Zone and Property

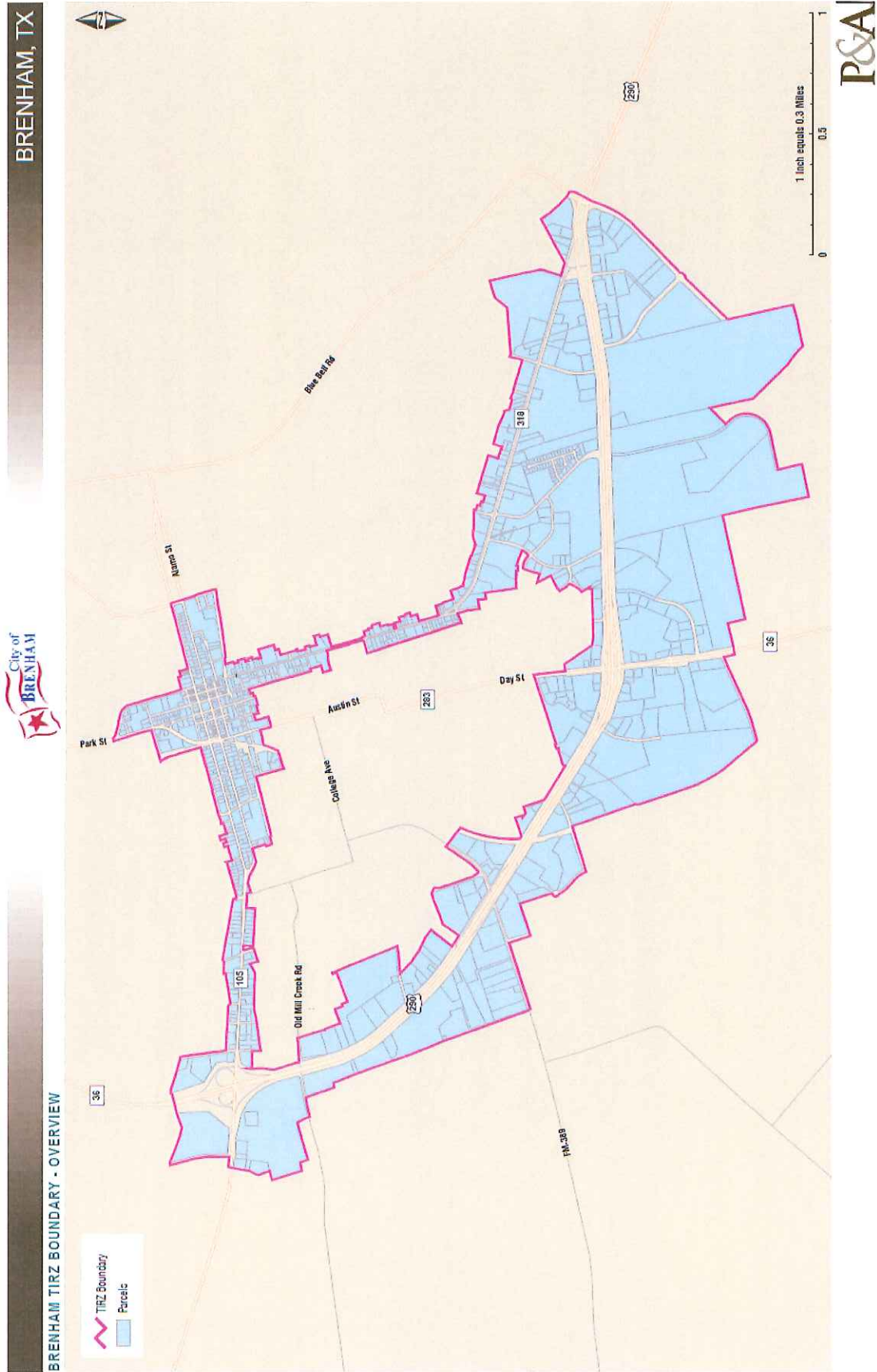


Exhibit C – Proposed Uses of the Property

City of Brenham Zoning

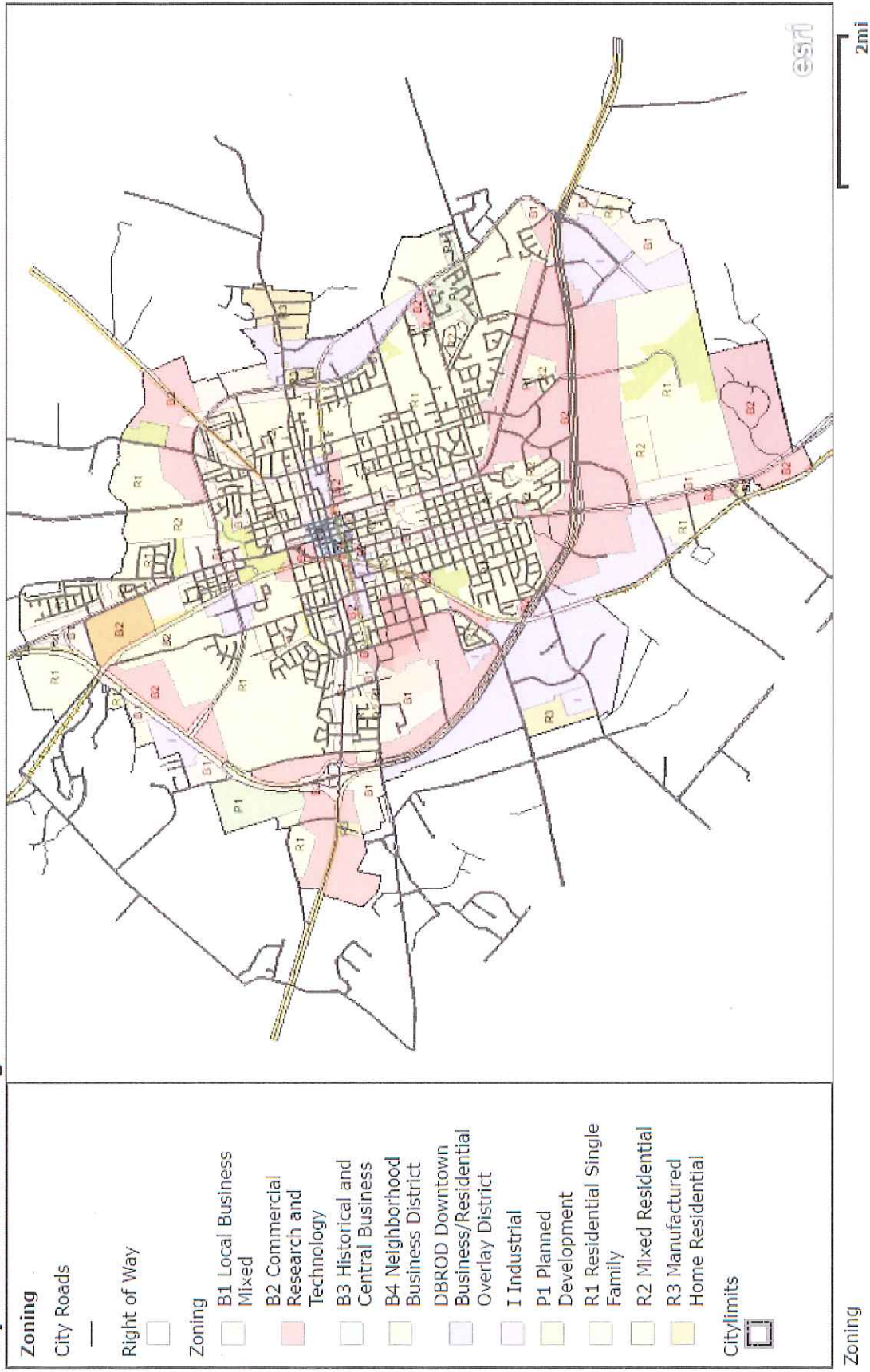


Exhibit D – Public Improvements

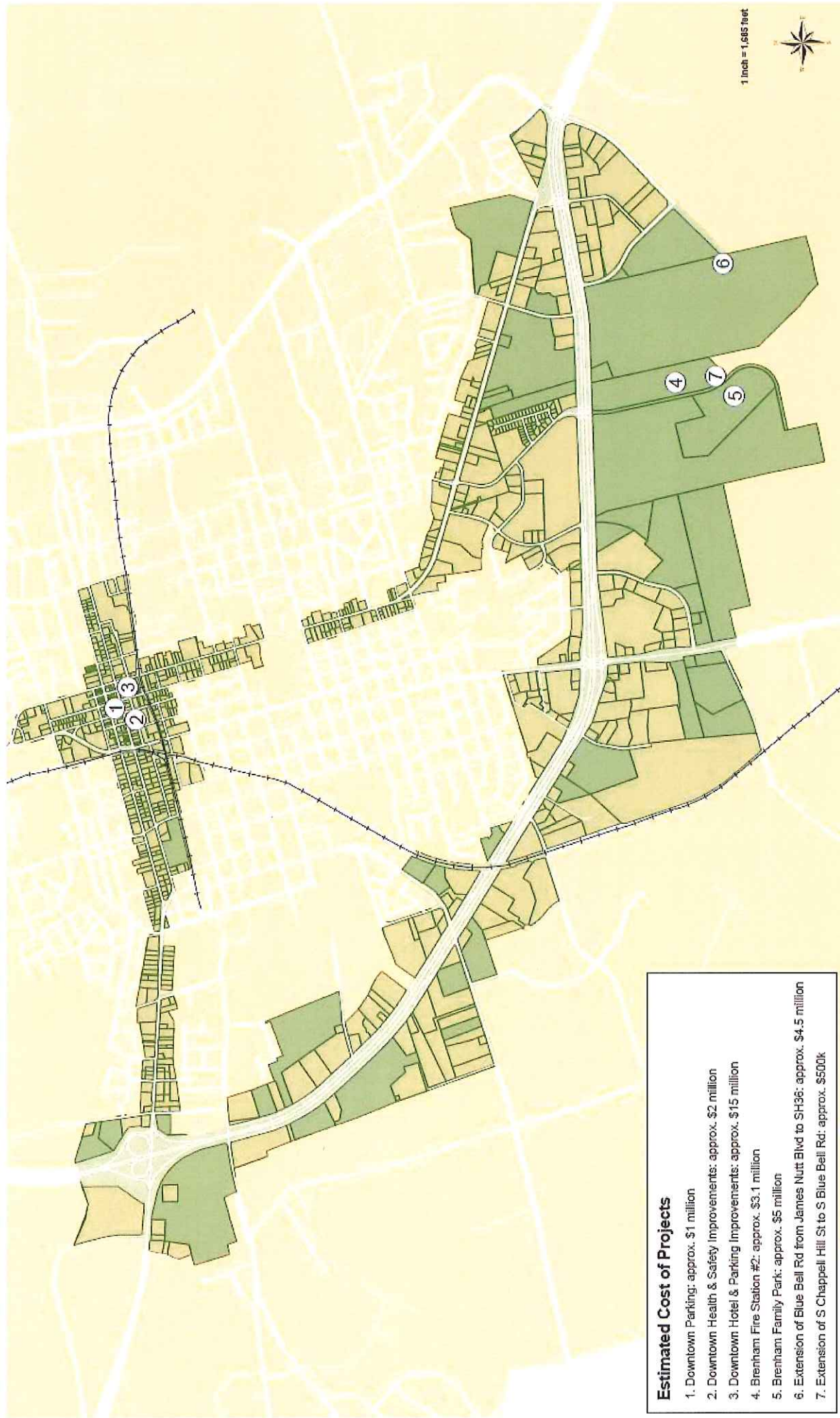


Exhibit E – Estimated Project Costs*

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 Value	Incremental Value	City				County				City & County		Capital Improvements	Net TIRZ Balance
						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%	-	-	0.5170	50%	-	0.3963	50%	-	-	-	-	-	-	-
2	2019	2020	2.0%	17,204,281	22,404,929	0.5170	50%	57,917	0.3963	50%	44,395	102,312	102,312	-	-	-	102,312
3	2020	2021	2.0%	-	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	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	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	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	0.5170	50%	226,464	0.3963	50%	173,593	400,057	1,493,777	-	-	1,000,000	493,777
8	2025	2026	2.0%	17,204,281	111,763,985	0.5170	50%	288,910	0.3963	50%	221,460	544,326	2,004,147	-	-	-	1,004,147
9	2026	2027	2.0%	-	379,232,293	0.5170	50%	308,132	0.3963	50%	236,195	622,890	2,548,474	-	-	-	1,548,474
10	2027	2028	0.0%	17,204,281	136,404,194	0.5170	50%	352,605	0.3963	50%	270,285	622,890	3,171,363	-	-	-	1,71,363
11	2028	2029	0.0%	-	396,436,574	0.5170	50%	352,605	0.3963	50%	270,285	622,890	3,794,253	-	-	-	794,253
12	2029	2030	2.0%	17,204,281	421,569,587	0.5170	50%	417,574	0.3963	50%	320,086	737,660	4,531,913	-	-	-	1,531,913
13	2030	2031	2.0%	-	430,000,978	0.5170	50%	439,369	0.3963	50%	336,793	776,162	5,308,074	-	-	-	2,308,074
14	2031	2032	2.0%	17,204,281	169,968,598	0.5170	50%	506,073	0.3963	50%	387,924	893,997	6,202,071	-	-	-	3,202,071
15	2032	2033	2.0%	-	455,805,279	0.5170	50%	529,638	0.3963	50%	405,988	935,626	7,137,697	-	-	-	4,137,697
16	2033	2034	2.0%	17,204,281	464,921,385	0.5170	50%	598,148	0.3963	50%	458,503	1,056,650	8,194,347	-	-	-	5,194,347
17	2034	2035	2.0%	-	491,424,093	0.5170	50%	623,554	0.3963	50%	477,978	1,101,532	9,295,879	-	-	-	6,295,879
18	2035	2036	2.0%	17,204,281	501,252,575	0.5170	50%	693,942	0.3963	50%	531,933	1,225,875	10,521,754	-	-	-	7,521,754
19	2036	2037	2.0%	-	528,481,908	0.5170	50%	721,265	0.3963	50%	552,876	1,274,141	11,795,895	-	-	-	8,795,895
20	2037	2038	0.0%	17,204,281	539,051,546	0.5170	50%	765,738	0.3963	50%	586,967	1,352,704	13,148,599	-	-	-	10,148,599
21	2038	2039	0.0%	-	556,255,827	0.5170	50%	765,738	0.3963	50%	586,967	1,352,704	14,501,304	-	-	-	11,501,304
22	2039	2040	2.0%	17,204,281	556,255,827	0.5170	50%	838,969	0.3963	50%	643,101	1,482,071	15,983,374	-	-	-	12,983,374
23	2040	2041	2.0%	-	584,585,225	0.5170	50%	869,192	0.3963	50%	666,269	1,535,461	17,518,835	-	-	-	14,518,835
24	2041	2042	2.0%	17,204,281	596,276,929	0.5170	50%	944,493	0.3963	50%	723,989	1,668,482	19,187,317	-	-	15,000,000	1,187,317
25	2042	2043	2.0%	-	625,406,749	0.5170	50%	976,826	0.3963	50%	748,774	1,725,600	20,912,918	-	-	-	2,912,918
26	2043	2044	2.0%	17,204,281	637,914,884	0.5170	50%	1,054,280	0.3963	50%	808,145	1,862,425	22,775,342	-	-	3,100,000	1,675,342
27	2044	2045	2.0%	-	667,877,463	0.5170	50%	1,088,809	0.3963	50%	834,613	1,923,422	24,698,764	-	-	-	3,598,764
28	2045	2046	2.0%	17,204,281	681,235,012	0.5170	50%	1,168,502	0.3963	50%	895,701	2,064,202	26,762,966	-	-	5,000,000	662,966
29	2046	2047	2.0%	-	712,063,994	0.5170	50%	1,205,315	0.3963	50%	923,920	2,129,235	28,892,201	-	-	-	2,792,201
30	2047	2048	0.0%	17,204,281	726,305,274	0.5170	50%	1,249,788	0.3963	50%	958,010	2,207,799	31,100,000	-	-	5,000,000	-
				258,064,217	483,477,175	0.5170	50%	17,605,059	0.3963	50%	13,494,941	13,494,941	31,100,000	-	-	31,100,000	-
				Total Capital Improvements:				Total Capital Improvements:				Total Capital Improvements:				Total Capital Improvements:	
																31,100,000	



AGENDA ITEM 14

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: December 7, 2018
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Stephanie Doland
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION
ORDINANCE: ☒ 1ST READING ☐ 2ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 23, Subdivisions, of the Code of Ordinances of the City of Brenham, Section 23-22(1) to Remove the Twenty-Five (25) Foot Minimum Building Setback for Lots That Abut Arterial or Collector Streets in Brenham, Washington, County, Texas (Case No. P-18-026)	
SUMMARY STATEMENT: This is the first of two agenda item text amendments pertaining to a City initiated request to amend the City of Brenham's Code of Ordinances, specifically to remove the 25' minimum building setback for property adjacent to a collector or arterial street from the City's adopted subdivision ordinance and to re-establish a minimum 25-foot setback requirement for property adjacent to arterial streets in the zoning ordinance. In an effort to remain consistent in the review of all setback requests, staff finds that relocating language about setbacks adjacent to arterial roadways from the subdivision ordinance to the zoning ordinance will allow the Board of Adjustment to consider all requests pertaining to setback variances. The proposed ordinance redlines are reflected in the enclosed staff report. No public comments were made during the Public Hearing. On Monday, November 26, 2018, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the request.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): Staff recommends amending the Brenham Code of Ordinances to remove language concerning required setbacks from the Subdivision Ordinance and establishing in the Zoning Ordinance, a minimum setback of 25 feet on all property adjacent to arterial roadways. A. PROS: Approving the proposed amendment will allow all setback requirements to be defined in the same section of the Code of Ordinances and will improve consistency and clarity of development requirements in Brenham. B. CONS:	

ALTERNATIVES (In Suggested Order of Staff Preference): 1. Approve the proposed amendment, as recommended by the Planning and Zoning Commission; 2. Approve the proposed amendment with modifications, which may require rescheduling the request for consideration on a future City Council meeting agenda; 3. Deny the proposed text amendment.
ATTACHMENTS: (1) Ordinance for 1st Reading
FUNDING SOURCE (Where Applicable):
RECOMMENDED ACTION: Approve an Ordinance on its first reading amending Chapter 23, Subdivisions, of the Code of Ordinances of the City of Brenham, Section 23-22(1) to remove the twenty-five (25) foot minimum building setback for lots that abut arterial or collector streets in Brenham, Washington, County, Texas
APPROVALS: James Fisher

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING CHAPTER 23, SUBDIVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM BY AMENDING SECTION 23-22(1) TO REMOVE THE TWENTY-FIVE (25) FOOT MINIMUM BUILDING SETBACK FOR LOTS THAT ABUT ARTERIAL OR COLLECTOR STREETS; AND RENUMBERING THE SUBSEQUENT SECTIONS

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

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

WHEREAS, the City Council deems it appropriate to grant the amendments to Chapter 23, Subdivisions, of the Code of Ordinances.

BE IT ORDAINED BY THE CITY OF BRENHAM, TEXAS THAT CHAPTER 23 – “SUBDIVISIONS” OF THE CODE OF ORDINANCE OF THE CITY OF BRENHAM, TEXAS BE AMENDED IN THE FOLLOWING MANNER:

SECTION 1

That Chapter 23, Subdivisions, of the Code of Ordnnances of the City of Brenham, Texas be amended to remove Section 23-22(1) in its entirety.

SECTION 2.

That all remaining items in Chapter 23, Subdivisions, Section 23-22(1) be renumbered accordingly.

SECTION 3.

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

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

PASSED and **APPROVED** on its second reading this the ____ day of December 2018.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



AGENDA ITEM 15

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: December 7, 2018
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Stephanie Doland
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION
ORDINANCE: ☒ 1ST READING ☐ 2ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham by Amending Part II, Division 1, Section 17, Height and Area Exceptions of General Applicability, to Establish a Twenty-Five (25) Foot Minimum Building Setback for Property Adjacent to Arterial Roadways in Brenham, Washington County, Texas (Case No. P-18-026)	
SUMMARY STATEMENT: This is the second of two agenda item text amendments pertaining to a City initiated request to amend the City of Brenham’s Code of Ordinances, specifically to remove the 25’ minimum building setback for property adjacent to a collector or arterial street from the City’s adopted subdivision ordinance and to re-establish a minimum 25-foot setback requirement for property adjacent to arterial streets in the zoning ordinance. In an effort to remain consistent in the review of all setback requests, staff finds that relocating language about setbacks adjacent to arterial roadways from the subdivision ordinance to the zoning ordinance will allow the Board of Adjustment to consider all requests pertaining to setback variances. The proposed ordinance redlines are reflected in the enclosed staff report. No public comments were made during the Public Hearing. On Monday, November 26, 2018, after conducting a Public Hearing, the Planning and Zoning Commission upheld the staff recommendation when they voted unanimously to recommend approval of the request.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): Staff recommends amending the Brenham Code of Ordinances to remove language concerning required setbacks from the Subdivision Ordinance and establishing in the Zoning Ordinance, a minimum setback of 25 feet on all property adjacent to arterial roadways. A. PROS: Approving the proposed amendment will allow all setback requirements to be defined in the same section of the Code of Ordinances and will improve consistency and clarity of development requirements in Brenham. B. CONS:	

ALTERNATIVES (In Suggested Order of Staff Preference): 1. Approve the proposed amendment, as recommended by the Planning and Zoning Commission; 2. Approve the proposed amendment with modifications, which may require rescheduling the request for consideration on a future City Council meeting agenda; 3. Deny the proposed text amendment.
ATTACHMENTS: (1) Ordinance for 1st Reading
FUNDING SOURCE (Where Applicable):
RECOMMENDED ACTION: Approve an Ordinance on its first reading amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham by amending Part II, Division 1, Section 17, Height and Area Exceptions of General Applicability, to establish a twenty-five (25) foot minimum building setback for property adjacent to arterial roadways in Brenham, Washington County, Texas
APPROVALS: James Fisher

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING APPENDIX A – “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM BY AMENDING PART II, DIVISION 1, SECTION 17, HEIGHT AND AREA EXCEPTIONS OF GENERAL APPLICABILITY, TO ESTABLISH A TWENTY-FIVE (25) FOOT MINIMUM BUILDING SETBACK FOR PROPERTY ADJACENT TO ARTERIAL ROADWAYS IN BRENHAM, WASHINGTON COUNTY, TEXAS

WHEREAS, the City of Brenham has requested that Appendix A – “Zoning” of the Code of Ordinances be amended; and

WHEREAS, the Planning & Zoning Commission and the City Council of the City of Brenham, Texas, have published notice and conducted public hearings regarding the request to amend Appendix A – “Zoning” of the Code of Ordinances; and

WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

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

WHEREAS, the City Council deems it appropriate to grant the amendments to Appendix A – “Zoning” of the Code of Ordinances.

BE IT ORDAINED BY THE CITY OF BRENHAM, TEXAS THAT APPENDIX A – “ZONING” OF THE CODE OF ORDINANCE OF THE CITY OF BRENHAM, TEXAS BE AMENDED IN THE FOLLOWING MANNER:

SECTION 1

That Appendix A – “Zoning” of the Code of Ordnnances of the City of Brenham, Texas Part II, Division 1, Sec. 17 – Height and Area Exceptions of General Applicability, is hereby amended to read as follows:

Section 17.05. – Lots on arterial streets. The building setback line shall not be closer than twenty-five (25) feet from the side of a lot which abuts an arterial street.

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 ____ day of December 2018.

PASSED and **APPROVED** on its second reading the ____ day of December 2018.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



AGENDA ITEM 16

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: December 7, 2018	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Stephanie Doland	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	ORDINANCE: ☒ 1ST READING ☐ 2ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading 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 .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)		
SUMMARY STATEMENT: Armando Sanabria and Olga Reyes are the property owners of 1008 Burleson Street and are requesting the 0.4884-acre tract be rezoned from Industrial (I) District to Mixed Residential Use District (R-2). The property owners are requesting to rezone this property to allow for the development of a single-family dwelling. The proposed rezoning request is in accordance with Envision 2020, the City of Brenham Comprehensive Plan which shows the subject property as appropriate for single-family land uses. No public comments were made at the Public Hearing. Two comments were received prior to the meeting in support of the rezoning. On Monday, November 26, 2018, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommended approval of the rezoning request.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): The subject property has historically been developed with a single-family dwelling and is located on the edge of residential and industrial zoning. Staff recommends approving the proposed rezoning to R-2 Mixed Residential Use District on the 0.48-acre tract. A. PROS: This zoning change, if approved, will allow the property to develop with a single-family home and in a manner compatible with surrounding land uses and zoning designations. B. CONS:		

ALTERNATIVES (In Suggested Order of Staff Preference): 1. Approve the requested zoning change, as recommended by the Planning and Zoning Commission; 2. Deny the requested zoning change.
ATTACHMENTS: (1) Ordinance for 1st Reading
FUNDING SOURCE (Where Applicable): N/A
RECOMMENDED ACTION: Approve an Ordinance on its first reading 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 .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
APPROVALS: James Fisher

ORDINANCE NO. _____

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 _____ day of December 2018.

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

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



AGENDA ITEM 17

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: December 7, 2018															
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Stephanie Doland															
<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 DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading 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)																
SUMMARY STATEMENT: Mr Adolph C. Wehmeyer, Jr. is the property owner of a primarily vacant 15.36-acre tract of land located at 2834 Industrial Blvd. Mr. Wehmeyer is requesting the property be rezoned from Industrial (I) District to Manufactured Home Residential Use District (R-3) for the development of a duplex and a manufactured home park. The proposed rezoning request is in accordance with land use policies adopted in Envision 2020, the City of Brenham Comprehensive Plan which recommends the City consider a Manufactured Housing District and recommends the City protect its established neighborhoods. No public comments were made during the Public Hearing. On Monday, November 26, 2018, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommended approval of the rezoning request.																
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): On November 26, 2018, the Planning and Zoning Commission unanimously voted to recommend approving this rezoning request to Manufactured Home Residential Use District (R-3). A. PROS: Allowing the proposed rezoning request would increase the amount of affordable housing available within the City of Brenham and would be in keeping with the development pattern in the general vicinity of the subject 15.36 acres. B. CONS:																

ALTERNATIVES (In Suggested Order of Staff Preference): 1. Approve the requested zoning change, as recommended by the Planning and Zoning Commission; 2. Deny the requested zoning change.
ATTACHMENTS: (1) Ordinance for 1st Reading
FUNDING SOURCE (Where Applicable): N/A
RECOMMENDED ACTION: Approve an Ordinance on its first reading 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
APPROVALS: James Fisher

ORDINANCE NO. _____

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 ____ day of December 2018.

PASSED and APPROVED on its second reading the ____ 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





AGENDA ITEM 18

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: December 6, 2018
DEPT. OF ORIGIN: Finance	SUBMITTED BY: Debbie Gaffey
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 Amending the FY2017-18 Adopted Budget	
SUMMARY STATEMENT: The year-end budget amendment impacts 17 funds with an overall increase in budget expenditures and transfers-out of \$3.6 million offset by an increase in revenues, transfers-in, and bond/note proceeds of \$5.0 million. The net impact of the amendment on the FY2017-18 Adopted Budget is an increase to overall fund balances by \$1.4 million. Amendment highlights include a transfer of \$211,014 from the General Fund to the Equipment Fund for vehicle and equipment purchases included in the FY18-19 Adopted Budget; an increase of \$1.4 million in budget expenditures in the FEMA Fund for 2016 storm repairs offset by \$391,377 increase in revenues and \$654,299 increase in 2017 bond proceed reimbursements; and the issuance of 2017 certificates of obligation of \$2.8 million.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: (1) Ordinance for 1 st Reading; and (2) Budget Amendments by Fund and Department Schedules	
FUNDING SOURCE (Where Applicable):	
RECOMMENDED ACTION: Approve an Ordinance on its first reading amending the FY2017-18 adopted budget	
APPROVALS: James Fisher	

ORDINANCE NO. _____

**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 ____ day of December, 2018.

PASSED and APPROVED on its second reading the ____ 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
				PROCEEDS (INC)/DEC				TO FUND (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)

CITY OF BRENHAM
FOR YEAR ENDING 9/30/2018

BUDGET AMENDMENTS BY FUND AND DEPARTMENT

PAGE 1

FUND #	FUND NAME	ACCOUNT TYPE	CATEGORY	DEPT #	DEPT NAME	ACCT #	ACCT NAME	CURRENT BUDGET	PROPOSED AMENDED TO ADD OR BUDGET SUBTRACT
101	GENERAL FUND	TRANSFERS	TRANSFERS-IN	000	OTHER RESOURCES (USES)	6-000-602.09	INTERFUND TRNSF-HOTEL/MOTEL FUND	73,000	78,700
101	GENERAL FUND	TRANSFERS	TRANSFERS-IN	000	OTHER RESOURCES (USES)	6-000-602.00	INTERFUND TRNSF-ELECTRIC FUND	1,817,064	1,876,023
101	GENERAL FUND	TRANSFERS	TRANSFERS-IN	000	OTHER RESOURCES (USES)	6-000-602.18	INTERFUND TRNSF-2014 CAP PROJ	0	13,640
							CHANGES IN TRANSFERS-IN	1,890,064	1,968,363
							TOTAL FUND TRANSFERS-IN	3,447,440	3,525,739
101	GENERAL FUND	EXPENDITURE	MAINTENANCE	141	STREETS	5-141-315.20	STREETS-MISC MATERIALS	80,000	53,442
101	GENERAL FUND	EXPENDITURE	MAINTENANCE	141	STREETS	5-141-315.30	STREETS-PREVENTATIVE MAINTENANCE	60,000	37,000
101	GENERAL FUND	EXPENDITURE	PERSONNEL	167	GENERAL GOVT SERV	5-167-101.00	SALARIES & WAGES	205,753	140,753
101	GENERAL FUND	EXPENDITURE	PERSONNEL	167	GENERAL GOVT SERV	5-167-103.00	OASDI/MEDICARE	16,774	11,774
101	GENERAL FUND	EXPENDITURE	PERSONNEL	167	GENERAL GOVT SERV	5-167-103.02	MATCHING RETIREMENT	21,938	15,938
101	GENERAL FUND	EXPENDITURE	PERSONNEL	167	GENERAL GOVT SERV	5-167-105.01	EDUCATION/MISC	12,000	9,000
101	GENERAL FUND	EXPENDITURE	PERSONNEL	167	GENERAL GOVT SERV	5-167-106.00	MEDICAL INSURANCE	23,955	19,798
							CHANGES TO EXPENDITURES	420,420	287,705
							TOTAL FUND EXPENDITURES	17,030,584	16,897,869
101	GENERAL FUND	INTERFUND TRANSFER	TRANSFERS-OUT	000	OTHER RESOURCES (USES)	6-000-662.00	INTERFUND TRNSF-EQUIPMENT	0	211,014
							CHANGES TO TRANSFERS-OUT	0	211,014
							TOTAL FUND TRANSFERS-OUT	0	211,014

General Fund Amendment: Authorizes an increase in interfund transfers (out) to the Equipment Fund for purchase of capital approved in the FY19 Budget. The FY18 budgetary impact of this amendment is "neutral" due to offsets, which include an increase in transfers-in from the Hotel/Motel Fund for a state softball tournament; an increase in transfers-in from the Electric Fund due to higher shared service costs; an increase in transfers-in from the close-out of the 2014 Capital Projects Fund; and budget savings realized in Street Department maintenance and the elimination of one Assistant City Manager position budgeted in the General Government Services Department.

CITY OF BRENHAM
FOR YEAR ENDING 9/30/2018

BUDGET AMENDMENTS BY FUND AND DEPARTMENT

PAGE 2

FUND #	FUND NAME	ACCOUNT TYPE	CATEGORY	DEPT #	DEPT NAME	ACCT #	ACCT NAME	CURRENT BUDGET	PROPOSED AMENDED BUDGET	AMENDING TO ADD OR SUBTRACT
227	FEMA-DISASTER	REVENUE	MISCELLANEOUS	NA	NA	4-530.00	INSURANCE PROCEEDS	0	53,341	53,341
227	FEMA-DISASTER	REVENUE	MISCELLANEOUS	NA	NA	4-533.00	GRANT REVENUES-FEMA	0	296,048	296,048
227	FEMA-DISASTER	REVENUE	MISCELLANEOUS	NA	NA	4-590.00	MISCELLANEOUS REVENUES	0	41,988	41,988
							CHANGES TO REVENUES	0	391,377	391,377
							TOTAL FUND REVENUES	0	391,377	391,377
227	FEMA-DISASTER	TRANSFERS	TRANSFERS-IN	000	OTHER RESOURCES (USES)	6-000-602.17	INTERFUND TRNSF-BOND PROCEEDS	0	654,299	654,299
							CHANGES TO TRANSFERS-IN	0	654,299	654,299
							TOTAL FUND TRANSFERS-IN	0	654,299	654,299
227	FEMA-DISASTER	EXPENDITURES	SERVICES	100	NON-DEPT DIRECT EXPEND	5-100-402.00	AUDITS/CONSULTANTS FEE	0	134,770	134,770
227	FEMA-DISASTER	EXPENDITURES	SERVICES	100	NON-DEPT DIRECT EXPEND	5-100-450.00	OTHER SERVICES	0	418	418
227	FEMA-DISASTER	EXPENDITURES	SERVICES	100	NON-DEPT DIRECT EXPEND	5-100-450.50	OTHER SERVICES-COMM TOWER	0	39,575	39,575
227	FEMA-DISASTER	EXPENDITURES	NON-CAPITAL	100	NON-DEPT DIRECT EXPEND	5-100-703.00	STREETS/INLETS/CURBS	0	221,088	221,088
227	FEMA-DISASTER	EXPENDITURES	CAPITAL	100	NON-DEPT DIRECT EXPEND	5-100-803.00	STREETS/INLETS/CURBS	0	980,516	980,516
227	FEMA-DISASTER	EXPENDITURES	CAPITAL	100	NON-DEPT DIRECT EXPEND	5-100-815.44	PARK IMPROV-HP TRAIL/FP B	0	24,860	24,860
							CHANGES TO EXPENDITURES	0	1,401,227	1,401,227
							TOTAL FUND EXPENDITURES	0	1,401,227	1,401,227

FEMA Fund Amendment: Authorizes an increase in revenues and interfund transfers (in) for reimbursement of the City's portion of FEMA projects from 2017 bond proceeds, FEMA grant revenues, and insurance proceeds. The amendment also authorizes and increase in expenditures incurred for repairs of City infrastructure due to damages sustained from the April and May 2016 storms.

CITY OF BRENHAM
FOR YEAR ENDING 9/30/2018

BUDGET AMENDMENTS BY FUND AND DEPARTMENT

PAGE 3

FUND #	FUND NAME	ACCOUNT TYPE	CATEGORY	DEPT #	DEPT NAME	ACCT #	ACCT NAME	CURRENT BUDGET		PROPOSED AMENDING	
								BUDGET	AMENDED	TO ADD OR	SUBTRACT
232	DONATIONS	REVENUES	MISCELLANEOUS	NA	NA	4-529.25	DOWNTOWN IMPROVEMENTS	5,000	71,140		66,140
232	DONATIONS	REVENUES	MISCELLANEOUS	NA	NA	4-529.46	MEMORIALS-LIBRARY	10,000	29,367		19,367
232	DONATIONS	REVENUES	MISCELLANEOUS	NA	NA	4-529.55	AQUATICS	1,000	0		(1,000)
232	DONATIONS	REVENUES	MISCELLANEOUS	NA	NA	4-529.97	FIRE DEPARTMENT	500	2,500		2,000
232	DONATIONS	REVENUES	MISCELLANEOUS	NA	NA	4-529.98	POLICE DEPARTMENT	5,000	26,600		21,600
232	DONATIONS	REVENUES	MISCELLANEOUS	NA	NA	4-529.99	ANIMAL SHELTER	5,000	33,635		28,635
							CHANGES TO REVENUES	26,500	163,242		136,742
							TOTAL FUND REVENUES	36,500	173,242		136,742
232	DONATIONS	TRANSFERS	TRANSFERS-IN	000	OTHER RESOURCES (USES)	6-000-625.00	INTERFUND TRNSF-BCDC	4,000	0		(4,000)
							CHANGES TO TRANSFERS-IN	4,000	0		(4,000)
							TOTAL FUND TRANSFERS-IN	4,000	0		(4,000)
232	DONATIONS	EXPENDITURE	SUPPLIES	100	NON-DEPT DIRECT EXPEND	5-100-212.46	COMPUTER SUPPLIES-LIBRARY	0	9,374		9,374
232	DONATIONS	EXPENDITURE	SUPPLIES	100	NON-DEPT DIRECT EXPEND	5-100-214.00	LIBRARY READING PROGRAMS	0	1,050		1,050
232	DONATIONS	EXPENDITURE	SUPPLIES	100	NON-DEPT DIRECT EXPEND	5-100-250.46	OTHER SUPPLIES-LIBRARY	0	8,564		8,564
232	DONATIONS	EXPENDITURE	SERVICES	100	NON-DEPT DIRECT EXPEND	5-100-416.00	VETERINARIAN SERVICES-ANIMAL SHELTER	0	6,047		6,047
232	DONATIONS	EXPENDITURE	NON-CAPITAL	100	NON-DEPT DIRECT EXPEND	5-100-714.54	CAMERAS/RADIOS-ANIMAL SHELTER	0	6,260		6,260
232	DONATIONS	EXPENDITURE	NON-CAPITAL	100	NON-DEPT DIRECT EXPEND	5-100-715.46	OTHER CAPITAL-LIBRARY	0	13,913		13,913
232	DONATIONS	EXPENDITURE	CAPITAL	100	NON-DEPT DIRECT EXPEND	5-100-815.54	OTHER CAPITAL-ANIMAL SHELTER	0	7,414		7,414
232	DONATIONS	EXPENDITURE	SUNDRIES	100	NON-DEPT DIRECT EXPEND	5-100-959.10	DOWNTOWN IMPROVEMENTS	5,000	49,928		44,928
							CHANGES TO EXPENDITURES	5,000	102,549		97,549
							TOTAL FUND EXPENDITURES	26,000	123,549		97,549
232	DONATIONS	TRANSFERS	TRANSFERS-OUT	000	OTHER RESOURCES (USES)	6-000-602.14	INTERFUND TRNSF-CAP LEASE	0	37,368		37,368
232	DONATIONS	TRANSFERS	TRANSFERS-OUT	000	OTHER RESOURCES (USES)	6-000-662.00	INTERFUND TRNSF-EQUIPMENT FUND	0	8,697		8,697
							CHANGES TO TRANSFERS-OUT	0	46,065		46,065
							TOTAL FUND TRANSFERS-OUT	0	46,065		46,065

Donations Fund Amendment: Donations received exceeded FY18 Budget estimates. This amendment authorizes an increase in donation revenues and an increase in the uses of donations received for specified library, animal shelter and downtown improvements. The amendment also contains a correction of BCDC transfer-in that should have been budgeted in Fund 234 Parks Capital for the Aquatics Center scoreboard and a transfer-out of donations received for library furniture which is being used for finance payments tracked in the Capital Lease Fund.

CITY OF BRENHAM
FOR YEAR ENDING 9/30/2018

BUDGET AMENDMENTS BY FUND AND DEPARTMENT

PAGE 4

FUND #	FUND NAME	ACCOUNT TYPE	CATEGORY	DEPT #	DEPT NAME	ACCT #	ACCT NAME	CURRENT BUDGET	PROPOSED AMENDED BUDGET	AMENDING TO ADD OR SUBTRACT
236	EQUIPMENT FD	TRANSFERS	TRANSFERS-IN	000	OTHER RESOURCES (USES)	6-000-601.00	INTERFUND TRNSF-GENERAL FUND	0	211,014	211,014
236	EQUIPMENT FD	TRANSFERS	TRANSFERS-IN	000	OTHER RESOURCES (USES)	6-000-602.33	INTERFUND TRNSF-COURT TECHNOLOGY FD	20,000	0	(20,000)
236	EQUIPMENT FD	TRANSFERS	TRANSFERS-IN	000	OTHER RESOURCES (USES)	6-000-623.20	INTERFUND TRNSF-DONATIONS FD	0	8,697	8,697
							CHANGES TO OTHER RESOURCES (USES)	20,000	219,711	199,711
							TOTAL FUND TRANSFERS-IN	20,000	219,711	199,711
236	EQUIPMENT FD	EXPENDITURES	SERVICES	100	NON-DEPT DIRECT EXPEND	5-100-450.00	OTHER SERVICES (WEBSITE DESIGN)	53,710	2,409	(51,301)
236	EQUIPMENT FD	EXPENDITURES	NON-CAPITAL	100	NON-DEPT DIRECT EXPEND	5-100-702.49	BUILDINGS AQUATICS	13,000	10,600	(2,400)
236	EQUIPMENT FD	EXPENDITURES	NON-CAPITAL	100	NON-DEPT DIRECT EXPEND	5-100-712.00	OFFICE FURN/EQUIP (COUNCIL TECH UPG)	40,000	0	(40,000)
236	EQUIPMENT FD	EXPENDITURES	NON-CAPITAL	100	NON-DEPT DIRECT EXPEND	5-100-715.00	OTHER CAPITAL (CITY HALL SIGNAGE)	0	11,197	11,197
236	EQUIPMENT FD	EXPENDITURES	CAPITAL	100	NON-DEPT DIRECT EXPEND	5-100-812.22	OFFICE FURN/EQUIP (DEV SVC SOFTWARE)	0	10,563	10,563
236	EQUIPMENT FD	EXPENDITURES	CAPITAL	100	NON-DEPT DIRECT EXPEND	5-100-802.41	BUILDINGS STREET DEPT	35,000	0	(35,000)
236	EQUIPMENT FD	EXPENDITURES	CAPITAL	100	NON-DEPT DIRECT EXPEND	5-100-815.41	OTHER CAPITAL STREET DEPT (FENCE)	18,000	29,025	11,025
236	EQUIPMENT FD	EXPENDITURES	CAPITAL	100	NON-DEPT DIRECT EXPEND	5-100-813.22	VEHICLE DEVELOPMENT SERVICES	0	21,082	21,082
236	EQUIPMENT FD	EXPENDITURES	CAPITAL	100	NON-DEPT DIRECT EXPEND	5-100-813.51	VEHICLES POLICE DEPT	175,000	189,980	14,980
236	EQUIPMENT FD	EXPENDITURES	CAPITAL	100	NON-DEPT DIRECT EXPEND	5-100-813.54	VEHICLES ANIMAL CONTROL	32,000	0	(32,000)
236	EQUIPMENT FD	EXPENDITURES	CAPITAL	100	NON-DEPT DIRECT EXPEND	5-100-815.00	OTHER CAPITAL (CITY HALL SIGNAGE)	45,000	18,370	(26,630)
236	EQUIPMENT FD	EXPENDITURES	CAPITAL	100	NON-DEPT DIRECT EXPEND	5-100-815.25	OTHER CAPITAL MAIN ST (SIGNAGE)	0	212,038	212,038
							CHANGES TO EXPENDITURES	411,710	505,263	93,553
							TOTAL FUND EXPENDITURES	704,330	797,883	93,553

Equipment Fund Amendment: Authorizes an increase in transfers-in from the General Fund for FY19 budgeted capital purchases as discussed in the General Fund amendment. Reduces the Court Technology Fund transfer-in and related budgeted capital for Council Chambers technology upgrades. This project has been deferred. Increases expenditures for carryover projects from FY17 which include Wayfinding signage and Development Services software. Also defers most of the budget for the City website redesign which will be completed in FY19 and the purchase of an Animal Control vehicle which is budgeted for and will be purchased in FY19. Other amendment items include the purchase of a vehicle for Development Services and coverage for the budget coverage on police vehicle purchases.

CITY OF BRENHAM
FOR YEAR ENDING 9/30/2018

BUDGET AMENDMENTS BY FUND AND DEPARTMENT

PAGE 5

FUND #	FUND NAME	ACCOUNT TYPE	CATEGORY	DEPT #	DEPT NAME	ACCT #	ACCT NAME	CURRENT BUDGET	PROPOSED AMENDED BUDGET	AMENDING TO ADD OR SUBTRACT
235	FIRE DEPT GRANT REVENUE		MISCELLANEOUS	NA	NA	4-521.00	GRANT REVENUES	1,000	2,710	1,710
							CHANGE IN REVENUES	1,000	2,710	1,710
							TOTAL FUND REVENUES	1,000	2,710	1,710
235	FIRE DEPT GRANT EXPENDITURES		SUPPLIES	100	NON-DEPT DIRECT EXPEND	5-100-209.00	EDUCATIONAL	1,000	2,710	1,710
							CHANGE IN EXPENDITURES	1,000	2,710	1,710
							TOTAL FUND EXPENDITURES	1,000	2,710	1,710

Fire Department Grant Fund Amendment: We received 3 grants which in total exceeded FY18 Budget estimates. This amendment authorizes an increase in grant revenues and related training expenditures.

CITY OF BRENHAM
FOR YEAR ENDING 9/30/2018

BUDGET AMENDMENTS BY FUND AND DEPARTMENT

PAGE 6

FUND #	FUND NAME	ACCOUNT TYPE	CATEGORY	DEPT #	DEPT NAME	ACCT #	ACCT NAME	CURRENT BUDGET	PROPOSED AMENDING TO ADD OR SUBTRACT
118	DEBT SERVICE	TRANSFER	TRANSFERS-IN	100	NON-DEPT DIRECT EXPEND	6-000-602.14	INTERFUND TRNSF-CAP LEASE CHANGE IN TRANSFERS-IN	0	56,432
							TOTAL FUND TRANSFERS-IN	0	56,432
								2,596,474	2,652,906
									56,432

Debt Service Fund Amendment: Authorizes an increase in a transfer-in from the Capital Lease Fund. These funds are residual library note proceeds and will be applied to future principal and interest payments on the library furniture note.

CITY OF BRENHAM
FOR YEAR ENDING 9/30/2018

BUDGET AMENDMENTS BY FUND AND DEPARTMENT

PAGE 7

FUND #	FUND NAME	ACCOUNT TYPE	CATEGORY	DEPT #	DEPT NAME	ACCT #	ACCT NAME	CURRENT BUDGET	PROPOSED AMENDED BUDGET	AMENDING TO ADD OR SUBTRACT
250	BCDC	REVENUES	TAXES	NA	NA	4-140.00	CITY SALES TAX	1,664,472	1,683,352	18,880
							CHANGES TO REVENUES	1,664,472	1,683,352	18,880
							TOTAL FUND REVENUES	1,672,931	1,691,811	18,880
250	BCDC	EXPENDITURES	SERVICES	176	BRENNHAM BUSINESS CTR	5-176-402.00	AUDITS/CONSULTANTS FEES	10,000	0	(10,000)
250	BCDC	EXPENDITURES	CAPITAL	176	BRENNHAM BUSINESS CTR	5-176-816.68	DETENTION POND CONSTRUCTION	2,513	21,394	18,881
250	BCDC	EXPENDITURES	SUNDRIES	176	BRENNHAM BUSINESS CTR	5-176-924.00	CONTINGENCY	264,671	0	(264,671)
250	BCDC	EXPENDITURES	SUNDRIES	176	BRENNHAM BUSINESS CTR	5-176-953.00	EDF-MARKETING	18,693	10,951	(7,742)
250	BCDC	EXPENDITURES	SUNDRIES	176	BRENNHAM BUSINESS CTR	5-176-953.10	EDF-OPERATIONS	169,607	155,473	(14,134)
250	BCDC	EXPENDITURES	SUNDRIES	176	BRENNHAM BUSINESS CTR	5-176-959.00	ECO INNOVATION INCENTIVE	15,000	7,500	(7,500)
							CHANGES TO EXPENDITURES	480,484	195,318	(285,166)
							TOTAL FUND EXPENDITURES	710,457	425,291	(285,166)
250	BCDC	TRANSFERS	TRANSFERS-OUT	000	OTHER RESOURCES (USES)	6-000-602.17	INTERFUND TRANSF-2017 CAP	0	150,000	150,000
250	BCDC	TRANSFERS	TRANSFERS-OUT	000	OTHER RESOURCES (USES)	6-000-623.40	INTERFUND TRANSF-PARKS CAP	395,000	477,393	82,393
							CHANGES TO TRANSFERS-OUT	395,000	627,393	232,393
							TOTAL FUND TRANSFERS-OUT	962,474	1,194,867	232,393

BCDC Fund Amendment: In the BCDC Fund, total expenditures are under budget but transfers-out are higher than budget. This amendment authorizes a increase in sales tax and a decrease in expenditures to offset an increase in transfers-out. At the August 17, 2018 BCDC meeting, a \$150,000 re-allocation of Economic Development contingency was approved with a transfer-out to the 2017 Bond Fund for Park St and Church St Streetscapes/Linear Park. BCDC also approved increases in park capital projects, authorizing a re-allocation of contingency budget for an increase in transfers-out to the Parks Capital Fund for recreation related projects.

CITY OF BRENHAM
FOR YEAR ENDING 9/30/2018

BUDGET AMENDMENTS BY FUND AND DEPARTMENT

PAGE 8

FUND #	FUND NAME	ACCOUNT TYPE	CATEGORY	DEPT #	DEPT NAME	ACCT #	ACCT NAME	CURRENT BUDGET	PROPOSED AMENDED BUDGET	AMENDING TO ADD OR SUBTRACT
109	HOTEL/MOTEL	REVENUES	TAXES	NA	NA	4-160.00	HOTEL/MOTEL OCCUPANCY TAX	645,000	650,700	5,700
							CHANGE IN REVENUES	645,000	650,700	5,700
							TOTAL FUND REVENUES	646,000	651,700	5,700
109	HOTEL/MOTEL	TRANSFERS	TRANSFERS-OUT	000	OTHER RESOURCES (USES)	6-000-601.00	INTERFUND TRANSF-GENERAL FUND	73,000	78,700	5,700
							CHANGES TO TRANSFERS-OUT	73,000	78,700	5,700
							TOTAL FUND TRANSFERS-OUT	245,651	251,351	5,700

Hotel/Motel Fund Amendment: This amendment authorizes an increase in transfers-out to the General Fund from a re-allocation of contingency funds for a state softball tournament. This increase is offset by an increase in Hotel/Motel Occupancy Tax which are higher than budget estimates.

CITY OF BRENHAM
FOR YEAR ENDING 9/30/2018

BUDGET AMENDMENTS BY FUND AND DEPARTMENT

PAGE 9

FUND #	FUND NAME	ACCOUNT TYPE	CATEGORY	DEPT #	DEPT NAME	ACCT #	ACCT NAME	CURRENT BUDGET	PROPOSED AMENDED BUDGET	AMENDING TO ADD OR SUBTRACT
233	COURTS TECH	REVENUES	FINES & FEES	NA	NA	4-410.73	JUVENILE CASE MGMT FEE	21,000	18,802	(2,198)
							CHANGE IN REVENUES	21,000	18,802	(2,198)
							TOTAL FUND REVENUES	58,100	55,902	(2,198)
233	COURTS TECH	EXPENDITURES	SUNDRIES	100	NON-DEPT DIRECT	5-100-991.00	COURT TIME PYMT JUDICIAL	8,100	12,514	4,414
233	COURTS TECH	EXPENDITURES	SUNDRIES	100	NON-DEPT DIRECT	5-100-995.00	COURT SECURITY FUND EXP	7,500	13,701	6,201
							CHANGE IN EXPENDITURES	15,600	26,215	10,615
							TOTAL FUND EXPENDITURES	35,000	45,615	10,615
233	COURTS TECH	TRANSFERS	TRANSFERS-OUT	000	OTHER RESOURCES (USES)	6-000-662.00	INTERFND TRANSF-EQUIP FUND	20,000	0	(20,000)
							CHANGES TO TRANSFERS-OUT	20,000	0	(20,000)
							TOTAL FUND TRANSFERS-OUT	20,000	0	(20,000)

Courts Tech/Security Fund Amendment: Expenditures exceeded FY18 Budget estimates. This amendment authorizes an increase in revenues and expenditures and a reduction in transfers-out due to the deferral of Council Chamber technology upgrades.

CITY OF BRENHAM
FOR YEAR ENDING 9/30/2018

BUDGET AMENDMENTS BY FUND AND DEPARTMENT

PAGE 10

FUND #	FUND NAME	ACCOUNT TYPE	CATEGORY	DEPT #	DEPT NAME	ACCT #	ACCT NAME	CURRENT BUDGET	PROPOSED AMENDED BUDGET	AMENDING TO ADD OR SUBTRACT
214	CAPITAL LEASES	TRANSFERS	TRANSFERS-IN	000	OTHER RESOURCES (USES)	6-000-602.32	INTERFUND TRANSF-DONATIONS FUND CHANGE IN TRANSFERS-IN	0	37,368	37,368
							TOTAL FUND TRANSFERS-IN	0	37,368	37,368
214	CAPITAL LEASES	OTHER FINANCING	OTHER FINANCING	000	OTHER RESOURCES (USES)	6-000-685.00	OTHER FINANCING-LOAN PROCEEDS CHANGE IN OTHER FINANCING	0	86,167	86,167
							TOTAL FUND OTHER FINANCING	0	86,167	86,167
214	CAPITAL LEASES	EXPENDITURES	CAPITAL	100	NON-DEPT DIRECT	5-100-812.46	OFFICE FURN/EQUIP LIBRARY	16,000	0	(16,000)
214	CAPITAL LEASES	EXPENDITURES	CAPITAL	100	NON-DEPT DIRECT	5-100-812.72	IT DEPT EQUIP - VIRTUAL ENVIRONMENT CHANGE IN EXPENDITURES	0	86,167	86,167
							TOTAL FUND EXPENDITURES	16,000	86,167	70,167
214	CAPITAL LEASES	TRANSFERS	TRANSFERS-OUT	000	OTHER RESOURCES (USES)	6-000-601.18	INTERFND TRANSF-DEBT SERVICE CHANGES TO TRANSFERS-OUT	0	56,432	56,432
							TOTAL FUND TRANSFERS-OUT	0	56,432	56,432

Capital Lease Fund Amendment: This amendment authorizes an increase in transfers-in from the Donation Fund for library furniture donations; a recognition of loan proceeds and the related expenditure associated with the replacement of virtual server environment in City Hall; deferral of library furniture purchases; and the transfer-out of residual balance to the Debt Service Fund for loan payments on the Library Furniture Note .

CITY OF BRENHAM
FOR YEAR ENDING 9/30/2018

BUDGET AMENDMENTS BY FUND AND DEPARTMENT

PAGE 11

FUND #	FUND NAME	ACCOUNT TYPE	CATEGORY	DEPT #	DEPT NAME	ACCT #	ACCT NAME	CURRENT BUDGET	PROPOSED AMENDED BUDGET	AMENDING TO ADD OR SUBTRACT
217	2017 CAP PROJ	REVENUES	CATG 7	NA	NA	4-710.31	INTEREST-TEXSTAR	0	31,368	31,368
							CHANGE IN REVENUES	0	31,368	31,368
							TOTAL FUND REVENUES	0	31,368	31,368
217	2017 CAP PROJ	TRANSFERS	TRANSFERS-IN	000	OTHER RESOURCES (USES)	6-000-625.00	INTERFUND TRANSF-BCDC	0	150,000	150,000
							CHANGE IN TRANSFERS-IN	0	150,000	150,000
							TOTAL FUND TRANSFERS-IN	0	150,000	150,000
217	2017 CAP PROJ	OTHER FINANCING	OTHER FINANCING	000	OTHER RESOURCES (USES)	6-000-683.00	OTHER FINANCING-BOND PROCEEDS	0	2,795,626	2,795,626
							CHANGE IN OTHER FINANCING	0	2,795,626	2,795,626
							TOTAL FUND OTHER FINANCING	0	2,795,626	2,795,626
217	2017 CAP PROJ	EXPENDITURES	SERVICES	100	NON-DEPT DIRECT	5-100-421.20	BOND ISSUE COSTS	0	75,326	75,326
217	2017 CAP PROJ	EXPENDITURES	CAPITAL	100	NON-DEPT DIRECT	5-100-815.41	OTHER CAPITAL-DRAINAGE IMPROVEMENTS	0	62,721	62,721
217	2017 CAP PROJ	EXPENDITURES	CAPITAL	100	NON-DEPT DIRECT	5-100-815.49	OTHER CAPITAL-AQUATICS	0	714,573	714,573
							CHANGE IN EXPENDITURES	0	852,621	852,621
							TOTAL FUND EXPENDITURES	0	852,621	852,621
217	2017 CAP PROJ	TRANSFERS	TRANSFERS-OUT	000	OTHER RESOURCES (USES)	6-000-602.27	INTERFUND TRANSF-FEMA FUND	0	654,299	654,299
							CHANGES TO TRANSFERS-OUT	0	654,299	654,299
							TOTAL FUND TRANSFERS-OUT	0	654,299	654,299

2017 Capital Projects Fund Amendment: This amendment authorizes an increase in revenues for the recognition of interest income; an increase in other financing resources for the recognition of bond proceeds received; an increase in transfers-in from BCDC for Park St and Church St Streetscapes/Linear park; an increase in expenditures for bond issuance costs and the use of some of the bond proceeds for drainage improvement projects and the pool pack installed at the Aquatics Center; and finally, an increase in transfers-out of bond proceeds for the reimbursement to the FEMA Fund for City's share of storm related projects.

CITY OF BRENHAM
FOR YEAR ENDING 9/30/2018

BUDGET AMENDMENTS BY FUND AND DEPARTMENT

PAGE 12

FUND #	FUND NAME	ACCOUNT TYPE	CATEGORY	DEPT #	DEPT NAME	ACCT #	ACCT NAME	CURRENT BUDGET	PROPOSED AMENDED BUDGET	AMENDING TO ADD OR SUBTRACT
218	2014 CAP PROJ	TRANSFERS	TRANSFERS-OUT	000	OTHER RESOURCES (USES)	6-000-601.00	INTERFUND TRANSF-GENERAL FUND CHANGES TO TRANSFERS-OUT	0	13,640	13,640
							TOTAL FUND TRANSFERS-OUT	0	13,640	13,640

2014 Capital Projects Fund Amendment: This amendment authorizes an increase in transfers-out to the General Fund for closeout of this fund.

CITY OF BRENHAM
FOR YEAR ENDING 9/30/2018

BUDGET AMENDMENTS BY FUND AND DEPARTMENT

PAGE 13

FUND #	FUND NAME	ACCOUNT TYPE	CATEGORY	DEPT #	DEPT NAME	ACCT #	ACCT NAME	CURRENT BUDGET	PROPOSED AMENDED BUDGET	AMENDING TO ADD OR SUBTRACT
234	PARKS CAP IMP	TRANSFERS	TRANSFERS-IN	000	OTHER RESOURCES (USES)	6-000-625.00	INTERFUND TRANSF-BCDC CHANGES TO TRANSFERS-IN	391,000	477,393	86,393
							TOTAL FUND TRANSFERS-IN	391,000	477,393	86,393

Parks Capital Projects Fund Amendment: This amendment authorizes an increase in transfers-in from the BCDC Fund for board approved parks capital projects, which includes \$1,930 for a Rankin Field scoreboard.

CITY OF BRENHAM
FOR YEAR ENDING 9/30/2018

BUDGET AMENDMENTS BY FUND AND DEPARTMENT

PAGE 14

FUND #	FUND NAME	ACCOUNT TYPE	CATEGORY	DEPT #	DEPT NAME	ACCT #	ACCT NAME	CURRENT BUDGET	PROPOSED AMENDED BUDGET	AMENDING TO ADD OR SUBTRACT
102	ELECTRIC	REVENUES	MISCELLANEOUS	NA	NA	4-533.00	GRANT REVENUE-FEMA	0	13,771	13,771
102	ELECTRIC	REVENUES	REV CATG 6	NA	NA	4-601.00	ELECTRIC UTIL REVENUES	5,824,126	5,869,314	45,188
							CHANGES IN REVENUES	5,824,126	5,883,085	58,959
							TOTAL FUND REVENUES	6,479,640	6,538,599	58,959
102	ELECTRIC	TRANSFERS	TRANSFERS-OUT	000	OTHER RESOURCES (USES)	6-000-601.00	INTERFND TRANSF-GENERAL FUND	1,817,064	1,876,023	58,959
							CHANGES TO TRANSFERS-OUT	1,817,064	1,876,023	58,959
							TOTAL FUND TRANSFERS-OUT	1,817,064	1,876,023	58,959

Electric Fund Amendment: This amendment authorizes an increase in transfers-out to the General Fund due to higher than budgeted shared service costs which is being offset by a unbudgeted grant revenue and an increase in electric utility revenues which were above budget estimates.

CITY OF BRENHAM
FOR YEAR ENDING 9/30/2018

BUDGET AMENDMENTS BY FUND AND DEPARTMENT

PAGE 15

FUND #	FUND NAME	ACCOUNT TYPE	CATEGORY	DEPT #	DEPT NAME	ACCT #	ACCT NAME	PROPOSED		AMENDING TO ADD OR SUBTRACT
								CURRENT BUDGET	AMENDED BUDGET	
105	SEWER	REVENUES	REV CATG 6	NA	NA	4-604.00	SEWER UTIL REVENUES	3,567,425	3,687,705	120,280
							CHANGES TO REVENUES	3,567,425	3,687,705	120,280
							TOTAL FUND REVENUES	3,691,859	3,812,139	120,280
105	SEWER	EXPENDITURES	CAPITAL	066	WASTEWATER PLANT	5-066-805.00	UTILITY PLANT	0	51,066	51,066
105	SEWER	EXPENDITURES	CAPITAL	100	NON-DEPT DIRECT EXPEND	5-100-904.00	GROSS REVENUE TAX	249,720	265,998	16,278
105	SEWER	EXPENDITURES	CAPITAL	166	WASTEWATER TREATMENT	5-165-303.00	VEHICLES/LARGE EQUIPMENT	8,000	16,349	8,349
105	SEWER	EXPENDITURES	CAPITAL	166	WASTEWATER TREATMENT	5-166-311.00	UTILITY PLANTS	146,000	190,586	44,586
							CHANGES TO EXPENDITURES	403,720	524,000	120,280
							TOTAL FUND EXPENDITURES	3,530,650	3,650,930	120,280

Sewer Fund Amendment: The budget amendment authorizes and increase in expenditures for plant repairs associated with 2016 storms, franchise fees on higher revenues, and overages in vehicle/equipment and utility plant maintenance expenditures. These increases are offset by an increase in surcharge revenues which were higher than budget estimates.

CITY OF BRENHAM
FOR YEAR ENDING 9/30/2018

BUDGET AMENDMENTS BY FUND AND DEPARTMENT

PAGE 16

FUND #	FUND NAME	ACCOUNT TYPE	CATEGORY	DEPT #	DEPT NAME	ACCT #	ACCT NAME	CURRENT BUDGET	PROPOSED AMENDED BUDGET	AMENDING TO ADD OR SUBTRACT
106	SANITATION	REVENUES	REV CATG 6	NA	NA	4-605.00	GARBAGE REVENUES	915,190	933,405	18,215
106	SANITATION	REVENUES	REV CATG 6	NA	NA	4-615.00	GARBAGE REVENUES-COMMERCIAL	883,758	896,975	13,217
106	SANITATION	REVENUES	REV CATG 6	NA	NA	4-630.00	TRANSF STATION-COMMERCIAL	630,231	675,234	45,003
106	SANITATION	REVENUES	REV CATG 7	NA	NA	4-720.00	INSURANCE PROCEEDS	0	762	762
							CHANGE IN REVENUES	2,429,179	2,506,375	77,196
							TOTAL FUND REVENUES	4,002,501	4,079,697	77,196
106	SANITATION	EXPENDITURES	SUPPLIES	042	TRANSFER STATION	5-042-202.00	FUEL	65,000	73,309	8,309
106	SANITATION	EXPENDITURES	SUPPLIES	043	COLLECTION STATION	5-043-202.00	FUEL	18,000	27,131	9,131
106	SANITATION	EXPENDITURES	SERVICES	043	COLLECTION STATION	5-043-406.60	DISPOSAL FEES	216,186	227,242	11,056
106	SANITATION	EXPENDITURES	CAPITAL	043	COLLECTION STATION	5-043-815.00	OTHER CAPITAL	0	11,648	11,648
106	SANITATION	EXPENDITURES	SUPPLIES	142	RESIDENTIAL COLLECTION	5-142-202.00	FUEL	20,000	28,309	8,309
106	SANITATION	EXPENDITURES	SERVICES	142	RESIDENTIAL COLLECTION	5-142-406.70	TRANSFER STATION FEE	216,014	240,507	24,493
106	SANITATION	EXPENDITURES	SERVICES	142	RESIDENTIAL COLLECTION	5-142-406.80	COMMERCIAL COLLECTION	951,300	962,712	11,412
106	SANITATION	EXPENDITURES	SERVICES	142	RESIDENTIAL COLLECTION	5-142-422.00	CONTRACT LABOR	82,000	92,337	10,337
106	SANITATION	EXPENDITURES	CAPITAL	142	RESIDENTIAL COLLECTION	5-142-813.00	VEHICLES/EQUIPMENT	185,000	167,500	(17,500)
							CHANGES TO EXPENDITURES	1,753,500	1,830,696	77,196
							TOTAL FUND EXPENDITURES	3,702,109	3,779,305	77,196

Sanitation Fund Amendment: The budget amendment authorizes an increase in Budget for fuel costs; Transfer Station disposal fees which were raised after budget adoption; carry over costs for drainage improvements at the Collection Station; higher commercial collection costs; and higher contract labor costs. These budget increases are being offset by increases in revenues.

CITY OF BRENHAM
FOR YEAR ENDING 9/30/2018

BUDGET AMENDMENTS BY FUND AND DEPARTMENT

PAGE 17

FUND #	FUND NAME	ACCOUNT TYPE	CATEGORY	DEPT #	DEPT NAME	ACCT #	ACCT NAME	CURRENT BUDGET	PROPOSED AMENDED BUDGET	AMENDING TO ADD OR SUBTRACT
220	CENTRAL FLEET	REVENUES	MISCELLANEOUS	NA	NA	4-518.00	RENTAL INCOME	90,000	92,525	2,525
220	CENTRAL FLEET	REVENUES	REV CATG 7	NA	NA	4-710.00	INTEREST INCOME	0	1,242	1,242
							CHANGE IN REVENUE	90,000	93,767	3,767
							TOTAL FUND REVENUE	90,000	93,767	3,767
220	CENTRAL FLEET	EXPENDITURES	SUPPLIES	100	NON-DEPT DIRECT EXPEND	5-100-250.00	OTHER SUPPLIES	100	265	165
220	CENTRAL FLEET	EXPENDITURES	MAINTENANCE	100	NON-DEPT DIRECT EXPEND	5-100-303.00	VEHICLES/EQUIPMENT	15,000	17,045	2,045
220	CENTRAL FLEET	EXPENDITURES	MAINTENANCE	100	NON-DEPT DIRECT EXPEND	5-100-304.00	MACHINERY/EQUIPMENT	0	36	36
220	CENTRAL FLEET	EXPENDITURES	SERVICES	100	NON-DEPT DIRECT EXPEND	5-100-450.00	OTHER SERVICES	50	390	340
220	CENTRAL FLEET	EXPENDITURES	NON-CAPITAL	100	NON-DEPT DIRECT EXPEND	5-100-713.00	VEHICLES	11,000	11,238	238
220	CENTRAL FLEET	EXPENDITURES	CAPITAL	100	NON-DEPT DIRECT EXPEND	5-100-810.00	MACHINERY/EQUIPMENT	37,742	37,198	(544)
220	CENTRAL FLEET	EXPENDITURES	CAPITAL	100	NON-DEPT DIRECT EXPEND	5-100-813.00	VEHICLES	125,150	126,636	1,486
							CHANGES TO EXPENDITURES	189,042	192,809	3,767
							TOTAL FUND EXPENDITURES	224,732	228,499	3,767

Central Fleet Fund Amendment: The budget amendment authorizes an increase revenues to offset expenditures increases in other supplies; maintenance on vehicles, machinery and equipment; other services; and vehicles purchase costs.



AGENDA ITEM 19

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: December 6, 2018
DEPT. OF ORIGIN: Finance	SUBMITTED BY: Debbie Gaffey
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 Amending the FY2018-19 Adopted Budget	
SUMMARY STATEMENT: 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. With FY18 now complete, General Fund reserves are deemed sufficient for funding police vehicles.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: (1) Ordinance for 1 st Reading	
FUNDING SOURCE (Where Applicable):	
RECOMMENDED ACTION: Approve an Ordinance on its first reading amending the FY2018-19 adopted budget	
APPROVALS: James Fisher	

ORDINANCE NO. _____

**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 ____ day of December 2018.

PASSED and APPROVED on its second reading the ____ 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.

Exhibit A

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	CURRENT BUDGET		PROPOSED AMENDED BUDGET		AMENDING TO ADD OR SUBTRACT	
236	EQUIPMENT FD	TRANSFERS	TRANSFERS-IN	000	OTHER RESOURCES (USES)	6-000-601.00	INTERFUND TRNSF-GENERAL FUND	0	425,000	0	425,000	425,000	
							CHANGES TO OTHER RESOURCES (USES)	0	425,000		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 20

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: December 6, 2018
DEPT. OF ORIGIN: Police	SUBMITTED BY: Allwin Barrow
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 the Purchase of Ten (10) Vehicles for the City of Brenham Police Department Through the General Motors Competitive Equalization Program for Political Subdivisions and Authorize the Mayor to Execute Any Necessary Documentation	
SUMMARY STATEMENT: The Police Department is seeking Mayor and Council's approval to order ten (10) vehicles for fiscal year 2019 consisting of: 4 patrol vehicle replacements, 4 administrative vehicle replacements, and 2 new patrol vehicles for the 2 new lieutenant positions which were approved in the FY18-19 adopted budget. Staff obtained BuyBoard price quotes for these vehicles, but after further research was able to obtain quotes from a local dealer, LaRoche Chevrolet. With LaRoche, through the General Motors Competitive Equalization Program for Political Subdivisions, the City can purchase the vehicles at a lower cost and place the purchase with a local vendor. The purchase price of the 10 vehicles from LaRoche Chevrolet is \$368,744, which includes equipment installation for the 6 patrol vehicles.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: (1) Quote from LaRoche Chevrolet	
FUNDING SOURCE (Where Applicable): General Fund Reserves, as discussed in previous agenda item	
RECOMMENDED ACTION: Approve the purchase of ten (10) police vehicles from LaRoche Chevrolet in the amount of \$368,744, through the General Motors Competitive Equalization Program for Political Subdivisions and authorize the Mayor to execute any necessary documentation	
APPROVALS: James Fisher	

Police Vehicle Pricing Summary

LaRoche
Chevrolet

900 US Highway 290 W, Brenham, Texas 77833

Contact: Jerry Merten

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
6	2019 Chevrolet Tahoe 2WD 4dr	\$32,900.00	\$197,400.00
6	Capfleet Upfitters Equipment Installation for Tahoe	\$14,314.00	\$85,884.00
6	Logistics	\$0.00	\$0.00
3	2019 Chevrolet Equinox FWD 4dr	\$21,288.00	\$63,864.00
1	2019 Chevrolet Express Cargo Van	\$21,596.00	\$21,596.00
1	Delivery	\$0.00	\$0.00

THIS PROPOSAL INCLUDES THE CONDITIONS NOTED:

Enter conditions here

SUBTOTAL	\$368,744.00
TAX RATE	0.00%
SALES TAX	\$0.00
OTHER	
TOTAL	\$368,744.00



AGENDA ITEM 21

DATE OF MEETING: December 13, 2018		DATE SUBMITTED: December 6, 2018	
DEPT. OF ORIGIN: Fire		SUBMITTED BY: Ricky Boeker	
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 the Purchase of Public Safety Replacement Radios Through the Houston-Galveston Area Council (H-GAC) Pricing Contract Number RA05-18 and Authorize the Mayor to Execute Any Necessary Documentation			
SUMMARY STATEMENT: This agenda item is for the replacement of the Public Safety Radios, which were purchase when we joined the BVWACS radio system in 2008. The XTL/XTS 2500 and 1500 product line of subscriber radios will not be supported beyond 12/31/19. Flash upgrades for this product line will no longer be available past 12/31/18. Currently, the Motorola Solutions repair facility has repair parts shortages that make these radios impossible to repair. We have not been able to purchase the XTL/XTS models of radio for the last year and have been buying the new APX model. The APX radios that the City of Brenham is considering purchasing are the 2nd generation (the BN version) of the APX radio solution sets, which means that they are the newer version of the APX line. The Fire Department radio counts are: 41 Portable Radios with lapel mics, spare battery and charger 14 Mobile Radios 2 Control Stations – one for EOC and other is for the dispatch office at Fire Station The Police Department radio counts are: 47 Portable Radios with lapel mics, spare battery and charger 47 Mobile Radios The total cost for these radios are \$576,622.87, which was been bid thru HGAC Pricing Contract # RA05-18.			

STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: • Public Safety Radios are used every day and this is a mission critical piece of equipment that must be reliable • Radios will be current technology and will be under warranty if any repairs are needed • All radios will use the same batteries & accessories so that you do not have to stock different items. • Over the air programming so that a radio will not have to be taken to the shop to get programming updates B. CONS:
ALTERNATIVES (In Suggested Order of Staff Preference):
ATTACHMENTS: (1) Quote from H-GAC
FUNDING SOURCE (Where Applicable): Debt Service Fund – Debt financing options will be presented in the next agenda item.
RECOMMENDED ACTION: Approve the purchase of public safety replacement radios in the amount of \$576,622.87 from Motorola Solutions through H-GAC Pricing Contract Number RA05-18 and authorize the Mayor to execute any necessary documentation
APPROVALS: James Fisher



MOTOROLA SOLUTIONS

City of Brenham HGAC Quotation

Prepared By: Kris Kram Phone: (979)255-8010

Date: Oct. 31, 2018

HGAC Contract Number: RA05-18

CONTACT : **Ricky Boeker**
COMPANY : **City of Brenham**
PHONE :

Radio Equipment List

Line/	Qty.	Model	Description	City of Brenham Fleet Replacement - Fire Department	Harris County Contract Unit Price	Total
Fire Fighter Portable Radio						
1	31	H98UCF9PW7BN	APX 6000 XE RUGGEDDIZED 71800 PORTABLE MODEL 2.5	\$	3,537.17	\$ 109,652.27
1A	31	QA02006	ENH: APX6000 XE RUGGED RADIO			
1B	31	Q806	ADD: ASTRO DIGITAL CAI OPERATION			
1C	31	H38	ADD: SMARTZONE OPERATION			
1D	31	Q361	ADD: P25 9600 BAUD TRUNKING			
1E	31	QA00580	ADD: TDMA OPERATION			
1F	31	G996	ADD: PROGRAMMING OVER P25 (OTAP)			
1G	31	QA01767	ADD: LINK LAYER AUTHENTICATION			
1H	31	H886AQ	ADD: Sfs Comprehensive Coverage - Total of 3 Years			
1I	31	QA01427AB	ALT: Impact Green HOUSING	\$	18.75	\$ 581.25
1J	31	QA00779AF	ALT: CARRY HOLDER	\$	21.75	\$ 674.25
1K	31	QA05570AA	ALT: BATT IMPRES2 Li-ion R IP68 3400T	\$	75.00	\$ 2,325.00
APX6000XE Total					\$ 3,652.67	\$ 113,232.77

Fire Fighter Portable Radio - w/ Encryption						
2	10	H98UCF9PW7BN	APX 6000 XE RUGGEDDIZED 71800 PORTABLE MODEL 2.5	\$	3,537.17	\$ 35,371.70
2A	10	QA02006	ENH: APX6000 XE RUGGED RADIO			
2B	10	Q806	ADD: ASTRO DIGITAL CAI OPERATION			
2C	10	H38	ADD: SMARTZONE OPERATION			
2D	10	Q361	ADD: P25 9600 BAUD TRUNKING			
2E	10	QA00580	ADD: TDMA OPERATION			
2F	10	G996	ADD: PROGRAMMING OVER P25 (OTAP)			
2G	10	QA01767	ADD: LINK LAYER AUTHENTICATION			
2H	10	H886AQ	ADD: Sfs Comprehensive Coverage - Total of 3 Years			
2I	10	QA01427AB	ALT: Impact Green HOUSING	\$	18.75	\$ 187.50
2I	10	QA00779AF	ALT: CARRY HOLDER	\$	21.75	\$ 217.50
2J	10	QA05570AA	ALT: BATT IMPRES2 Li-ion R IP68 3400T	\$	75.00	\$ 750.00
2K	10	Q625AX	ENH: DES, DES-XL, DES-OFB Encryption (SWAT Radios Only)	\$	449.25	\$ 4,492.50
Encrypt APX6000XE Total					\$ 4,101.92	\$ 41,019.20

143

City of Brenham FD - Remote Mount Mobiles						
3	6	M25URS9PW1 N	APX6500 71800 MHZ MODEL MOBILE	\$	3,305.17	\$ 19,831.02
3A	6	G806	ENH: ASTRO DIGITAL CAI OP APX			
3B	6	G51	ADD: SMARTZONE OPERATION			
3C	6	Q361	ADD: P25 9600 BAUD TRUNKING			

3D	6	G442	ADD: APX 05 CONTROL HEAD						
3E	6	G444	ADD: CONTROL HEAD SOFTWARE						
3F	6	G67BC	ADD: REMOTE MOUNT MID POWER						
3G	6	G174	ADD: ANT 3DB LOW-PROFILE 7/800						
3H	6	B18	ADD: AUXILARY SPKR 7.5 WATT						
3I	6	QA00580	ADD: TDMA OPERATION						
3J	6	G996	ENH: PROGRAMMING OVER P25 (OTAP)						
3K	6	QA01767	ADD: APX6500 RADIO AUTHENTICATION						
3L	6	H886AQ	ADD: Sfs Comprehensive Coverage - Total of 3 Years						
3M	6	W22	ADD: PALM MICROPHONE						
				APX6500 RT MT Total	\$	3,461.67	\$	20,770.02	

City of Brenham FD - Dash Mount Mobiles									
4	8	M25URS9PW1 N	APX6500 7/800 MHZ MODEL MOBILE						
4A	8	G806	ENH: ASTRO DIGITAL CAI OP APX						
4B	8	G51	ADD: SMARTZONE OPERATION						
4C	8	Q361	ADD: P25 9600 BAUD TRUNKING						
4D	8	G442	ADD: APX 05 CONTROL HEAD						
4E	8	G444	ADD: CONTROL HEAD SOFTWARE						
4F	8	G66	ADD: DASH MOUNT MID POWER						
4G	8	G174	ADD: ANT 3DB LOW-PROFILE 7/800						
4H	8	B18	ADD: AUXILARY SPKR 7.5 WATT						
4I	8	QA00580	ADD: TDMA OPERATION						
4J	8	G996	ENH: PROGRAMMING OVER P25 (OTAP)						
4K	8	QA01767	ADD: APX6500 RADIO AUTHENTICATION						
4L	8	H886AQ	ADD: Sfs Comprehensive Coverage - Total of 3 Years						
4M	8	W22	ADD: PALM MICROPHONE						
				APX6500 Total	\$	3,305.17	\$	26,441.36	

City of Brenham FD - Control Station Mobiles									
5	2	M25URS9PW1 N	APX6500 7/800 MHZ MODEL MOBILE						
5A	2	G806	ENH: ASTRO DIGITAL CAI OP APX						
5B	2	G51	ADD: SMARTZONE OPERATION						
5C	2	Q361	ADD: P25 9600 BAUD TRUNKING						
5D	2	G442	ADD: APX 05 CONTROL HEAD						
5E	2	G444	ADD: CONTROL HEAD SOFTWARE						
5F	2	G66	ADD: DASH MOUNT MID POWER						
5G	2	G174	ADD: ANT 3DB LOW-PROFILE 7/800						
5H	2	B18	ADD: AUXILARY SPKR 7.5 WATT						
5I	2	QA00580	ADD: TDMA OPERATION						
5J	2	G996	ENH: PROGRAMMING OVER P25 (OTAP)						
5K	2	QA01767	ADD: APX6500 RADIO AUTHENTICATION						
5L	2	H886AQ	ADD: Sfs Comprehensive Coverage - Total of 3 Years						
5M	2	W22	ADD: PALM MICROPHONE						
				APX6500 Cntl. St. Total	\$	3,305.17	\$	6,610.34	

Fire Department Accessories and Radio Management for this Order									
6	44	NNTN8575A	XE Green REMOTE SPEAKER MIC w/ Extreme Heat Cable						
					\$	384.00	\$	16,896.00	

7	44	PMNN4486A	ADD: BATT IMPRES2 Li-ion R IP67 3400T - SPARE	\$	113.60	\$	4,998.40
8	44	NNTN8860A	ADD: IMPRES2 CHARGER Single Unit	\$	112.50	\$	4,950.00
9	1	NNTN7687A	Single Unit Charger Cup Adapter	\$	33.75	\$	33.75
10	1	NNTN7686A	Multi Unit Charger Cup Adapters (fits WPLN4108 & WPLN4130 MUCs)	\$	155.25	\$	155.25
11	12	NNTN7624B	IMPRES Vehicular Mounted Charger Kit	\$	321.75	\$	3,861.00
12	1	NNTN8844A	IMPRES2 Multi Unit Charger - 6 displays	\$	937.50	\$	937.50
13	1	T7914	Radio Management Software (UA00049AA)	\$	-	\$	-
13A	57	UA00049AA	Radio Management Licenses	\$	-	\$	-
Accessories & RM Total				\$	2,058.35	\$	31,831.90
14	1	SVC03SVC0115D	Subscriber Programming			\$	1,650.00

***Programming included in quote
 ***Installation NOT included in quote

Total For Fire Department	\$	241,555.59
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City of Brenham Fleet Replacement - Police Department

City of Brenham PD - Portable w/ Encryption							
15	47	H98UCF9PW6BN	APX 6000 7/800 PORTABLE MODEL 2.5	\$	2,998.17	\$	140,913.99
15A	47	Q806	ADD: ASTRO DIGITAL CAI OPERATION				
15B	47	H38	ADD: SMARTZONE OPERATION				
15C	47	Q361	ADD: P25 9600 BAUD TRUNKING				
15D	47	QA00580	ADD: TDMA OPERATION				
15E	47	G996	ADD: PROGRAMMING OVER P25 (OTAP)				
15F	47	QA01767	ADD: LINK LAYER AUTHENTICATION				
15G	47	H886AQ	ADD: Sfs Comprehensive Coverage - Total of 3 Years	\$	449.25	\$	21,114.75
15H	47	Q625AX	ENH: DES, DES-XL, DES-OFB Encryption				
APX6000 w/ Encryp Total				\$	3,447.42	\$	162,028.74

City of Brenham PD - Mobile - No Encryption

APX6500 7/800 MHZ MODEL MOBILE							
16	47	M25URS9PW1 N	ENH: ASTRO DIGITAL CAI OP APX	\$	3,305.17	\$	155,342.99
16A	47	G806	ADD: SMARTZONE OPERATION				
16B	47	G51	ADD: P25 9600 BAUD TRUNKING				
16C	47	Q361	ADD: APX 05 CONTROL HEAD				
16D	47	G442	ADD: CONTROL HEAD SOFTWARE				
16E	47	G444	ADD: DASH MOUNT MID POWER				
16F	47	G66	ADD: ANT 3DB LOW-PROFILE 7/800				
16G	47	G174	ADD: AUXILIARY SPKR 7.5 WATT				
16H	47	B18	ADD: TDMA OPERATION				
16I	47	QA00580	ENH: PROGRAMMING OVER P25 (OTAP)				
16J	47	G996	ADD: APX6500 RADIO AUTHENTICATION				
16K	47	QA01767	ADD: Sfs Comprehensive Coverage - Total of 3 Years				
16L	47	H886AQ	ADD: PALM MICROPHONE				
16M	47	W22					
APX6500 Total				\$	3,305.17	\$	155,342.99

Police Department Accessories and Radio Management for this Order

17	47	PMNN4485A	ADD: BATT IMPRES2 Li-ion 2550 MAH - SPARE	\$	101.60	\$	4,775.20
18	47	NNTN8860A	ADD: IMPRES2 CHARGER Single Unit	\$	112.50	\$	5,287.50
19	47	QA00779AF	ALT: CARRY HOLDER	\$	21.75	\$	1,022.25
20	47	PMMN4069A	ADD: IMPRES Remote Speaker Mic w/ 3.5 MM Jack	\$	96.80	\$	4,549.60
21	1	T7914	Radio Management Software (UA00049AA)	\$	-	\$	-
21A	94	UA00049AA	Radio Management Licenses	\$	-	\$	-
Accessories & RM Total				\$	332.65	\$	15,634.55
22	1	SVC03SVC0115D	Subscriber Programming	\$2,000.00			
23	1	SVC03SVC0124D	Subscriber Install	\$3,500.00			
***Installation and Programming included in quote				Total For PD \$ 335,067.28			
Grand Total for City of Brenham Fleet Replacement				\$ 576,622.87			



AGENDA ITEM 22

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: December 6, 2018			
DEPT. OF ORIGIN: Finance	SUBMITTED BY: Carolyn D. Miller			
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION	ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION		
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Equipment Financing Proposal for the Purchase of Public Safety Replacement Radios and Authorize the Mayor to Execute Any Necessary Documentation				
SUMMARY STATEMENT: This is a companion item for the financing of public safety replacement radios for the Fire and Police Departments as presented in the previous agenda item by Ricky Boeker, Fire Chief. The FY18-19 adopted budget includes the purchase of these replacement radios via debt financing. The total cost of the replacement radios is \$576,622.87 and we received the following financing proposals regarding the procurement of the radios.				
<u>Proposal</u>	<u>Term</u>	<u>Total Payments</u>	<u>Interest Rate</u>	<u>Total Interest</u>
Bank of Brenham	3 Payments	\$596,563.71	3.5%	\$19,940.84
JP Morgan Chase	3 Payments	\$603,076.53	4.66%	\$26,453.53
Motorola	3 Payments	\$611,074.87	See Note A	\$34,452.00
Note A - Motorola is offering a one-time cash payment option of \$576,622.87 or a three-year financing option of \$611,074.87 (3 payments of \$203,691.62). The three-year payment option calculates to effectively \$34,452 in interest expense.				
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:				
ALTERNATIVES (In Suggested Order of Staff Preference):				

ATTACHMENTS: (1) Bank of Brenham Amortization Schedule; (2) JP Morgan Chase Amortization Schedule; and (3) Motorola Amortization Schedule

FUNDING SOURCE (Where Applicable): First annual payment is included in the FY18-19 Debt Service Fund annual budget.

RECOMMENDED ACTION: Approve an Equipment Financing Proposal from Bank of Brenham (based on lower interest costs and our past favorable experience with them in regards to equipment financing) in the amount of \$596,563.71 with an interest rate of 3.5% and authorize the Mayor to execute any necessary documentation

APPROVALS: James Fisher

AMORTIZATION SCHEDULE

Bank of Brenham

Principal	Loan Date	Maturity	Loan No	Call / Coll	Account	Officer	Initials
\$376,622.87	01-04-2019	01-04-2021	7888888	4A / 98	***	DMB	
References in the boxes above are for Lender's use only and do not limit the applicability of this document to any particular loan or item. Any item above containing "****" has been omitted due to text length limitations.							

Borrower: City Of Brenham, Texas
200 W Vulcan St
Brenham, TX 77833

Lender: Bank of Brenham, N.A.
501 S. Austin St.
P.O. Box 606
Brenham, TX 77834-0606
(979) 836-3332

Disbursement Date: January 3, 2019
Interest Rate: 3.500

Repayment Schedule: Installment
Calculation Method: 365/365 U.S. Rule

Payment Number	Payment Date	Payment Amount	Interest Paid	Principal Paid	Remaining Balance
1	01-04-2020	198,281.86	13,217.91	185,063.95	191,558.92
2	01-04-2021	198,281.85	6,722.93	191,558.92	0.00
TOTALS:		396,563.71	19,940.84	376,622.87	

NOTICE: This is an estimated loan amortization schedule. Actual amounts may vary if payments are made on different dates or in different amounts.

Lender/Pro, Ver. 18.3.20.019 Copr. Finextra USA Corporation 1997, 2018. All Rights Reserved. • TX TR-2505 PR-77

1st Pmt
(Down pmt)

1-4-19- \$200,000.-

+ 376,622.87

576,622.87

Sample Amortization Schedules

JPM Chase

3.79% for Five Payments

Date	Starting Balance	Takedowns	Payments	Interest	Principal	Ending Balance
1/4/2019	\$0.00	\$576,623.00	\$124,060.12	\$0.00	\$124,060.12	\$452,562.88
1/4/2020	\$452,562.88	\$0.00	\$124,060.12	\$17,152.13	\$106,907.98	\$345,654.90
1/4/2021	\$345,654.90	\$0.00	\$124,060.12	\$13,100.32	\$110,959.80	\$234,695.10
1/4/2022	\$234,695.10	\$0.00	\$124,060.12	\$8,894.94	\$115,165.17	\$119,529.93
1/4/2023	\$119,529.93	\$0.00	\$124,060.12	\$4,530.18	\$119,529.93	\$0.00
Total		\$576,623.00	\$620,300.58	\$43,677.58	\$576,623.00	

X

4.66% for Three Payments

X

Date	Starting Balance	Takedowns	Payments	Interest	Principal	Ending Balance
1/4/2019	\$0.00	\$576,623.00	\$201,025.51	\$0.00	\$201,025.51	\$375,597.49
1/4/2020	\$375,597.49	\$0.00	\$201,025.51	\$17,502.84	\$183,522.67	\$192,074.82
1/4/2021	\$192,074.82	\$0.00	\$201,025.51	\$8,950.69	\$192,074.82	\$0.00
Total		\$576,623.00	\$603,076.53	\$26,453.53	\$576,623.00	

City of Brenham (Schedule B)

motorola

Compound Period: Annual

Nominal Annual Rate: 0.000%

CASH FLOW DATA

Event	Date	Amount	Number	Period	End Date
1 Lease	12/15/2018	\$ 611,074.87	1		
2 Lease Payment	12/15/2019	\$ 203,691.62	3	Annual	12/15/2021

AMORTIZATION SCHEDULE - Normal Amortization, 360 Day Year

	Date	Lease Payment	Interest	Principal	Balance
Lease	12/15/2018				\$611,074.87
1	12/15/2019	\$ 203,691.62	\$ -	\$203,691.62	\$407,383.25
2	12/15/2020	\$ 203,691.62	\$ -	\$203,691.62	\$203,691.63
3	12/15/2021	\$ 203,691.62	\$ (0.01)	\$203,691.63	\$ -
Grand Totals		\$ 611,074.86	\$ (0.01)	\$611,074.87	

ORIGINAL ISSUE DISCOUNT:

Lessee acknowledges that the amount financed by Lessor is \$566,660.37 and that such amount is the issue price for this Lease Payment Schedule for federal income tax purposes. The difference between the principal amount of this Lease Payment Schedule and the issue price is original issue discount as defined in Section 1288 of the Code. The yield for this Lease Payment Schedule for federal income tax purposes is 3.87%. Such issue price and yield will be stated in the applicable Form 8038-G.

INITIAL INSURANCE REQUIREMENT: \$611,047.87

Except as specifically provided in Section five of the Lease hereof, Lessee agrees to pay to Lessor or its assignee the Lease Payments, including the interest portion, in the amounts and dates specified in the above payment schedule.



AGENDA ITEM 23

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: November 19, 2018
DEPT. OF ORIGIN: Engineering	SUBMITTED BY: Lori Sanguedolce
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 Final Payment to VML Construction Services for Bid No. E2017-01 Related to Storm Damage Repairs, Package 1, for Henderson Park and Authorize the Mayor to Execute Any Necessary Documentation	
SUMMARY STATEMENT: VML Construction Services has completed the Henderson Park drainage repairs that resulted from the May 2016 storm event. The scope of work included slope paving the channel banks to replace the walls that failed during the storm, repair of the bottom of the channel, and fence replacement. This project included one change order, a deduction from the overall project, -\$6,547.00. The contract was originally awarded for \$105,269.00. The final cost with the deduction is \$98,722.00. This project has been submitted to FEMA as part of DR-4272, May 2016 Storm. The project is funded at a 75/25 cost share. The City will work through the process with TDEM and FEMA for the eligible reimbursement. We will hold the retainage of \$4,936.10 until the final sub-contractor is paid.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: (1) Application for Payment No. 3 & Final & Change Order No. 1; and (2) Certification of Substantial Completion	
FUNDING SOURCE (Where Applicable): 2018 Certificate of Obligation	

RECOMMENDED ACTION: Authorize the final payment to VML Construction Services for Bid No. E2017-01 related to Storm Damage Repairs, Package 1, for Henderson Park in the amount of \$10,645.60 and authorize the Mayor to execute any necessary documentation

APPROVALS: James Fisher

**CITY OF BRENHAM
STORM DAMAGE REPAIRS, PACKAGE 1**

**APPLICATION AND CERTIFICATE FOR
PAYMENT, STIPULATED PRICE WORK**

Document 00640

APPLICATION AND CERTIFICATE FOR PAYMENT, STIPULATED PRICE WORK

Contract No.: _____ Project No.: E2017-01
Project: City of Brenham - Storm Damage Repairs, Package 1
Contractor: VML Construction Services
Address: P O Box 243 Telephone No: 979.431.5545
Gause, TX 77803

ESTIMATE No: 3 **Date:** 22 October 2018
CONTRACT TIME IN CALENDAR DAYS: _____

Contract Date: 31 May 2018 Original
Contract Time: 60 Original
Start Date: 1 June 2018 _____ days
Current Contract: Approved Extensions: + 23 days
Completion Date: 31 Aug. 2018 Total Contract Time: 83 days
Substantial Completion Date: 29 Aug. 2018 Days Used to Date: _____ days
Percentage: By Time _____ %
Time: _____ In Place: _____ %
Days Over to days

A. CONTRACT AMOUNT TO DATE:

1. Contract Price:		\$ <u>104,772.41</u>
2. Approved Change Orders: <u>1</u>		\$ _____
		\$ _____
		\$ _____
		\$ _____
Total Change Orders to Date: <u>1</u>	+/- \$ <u>(\$6,050.41)</u>	\$ <u>- 6,050.41</u>
TOTAL CONTRACT AMOUNT:		\$ <u>98,722.00</u>

**CITY OF BRENHAM
STORM DAMAGE REPAIRS, PACKAGE 1**

**APPLICATION AND CERTIFICATE FOR
PAYMENT, STIPULATED PRICE WORK**

B. EARNINGS TO DATE:

1. Work Completed to Date:

%Complete

(Refer to Schedule of Values for Details)

\$ 104,772.41 100%

2. Materials Stored on Site: \$ N/A,
@ 85% +

\$ 00.00

TOTAL EARNINGS TO DATE:

\$ 104,772.41

C. REDUCTIONS:

1. Retainage: 5% of \$

\$ 00.00

2. Liquidated Damages: Days @ +\$

\$ 00.00

3. Add: Retainage Deduction

\$ 00.00

TOTAL REDUCTIONS:

\$ 00.00

AMOUNT DUE THIS PERIOD:

1. Total Earnings This Date:

\$ 104,772.41 *\$105,269.00 Per Agreement

2. Total Reductions:

\$ 6,050.41 *\$6,547.00

3. Total Payments Due:

\$ 98,722.00

4. Less Previous Payments:

\$ 88,076.40

TOTAL AMOUNT DUE CONTRACTOR THIS DATE:

\$ 10,645.60

Prepared by:



Checked by:

 11/6/18
Gundit - Consultant

Submitted:

Approved:

END OF DOCUMENT

Document 00941

CHANGE ORDER / C.O. No. 1

PROJECT: Storm Damage Repairs, Package 1
 CONTRACT No.: _____ PROJECT No.: E2017-01

TO: VML Construction Services
 Contractor and P.O.Box 243, Gause, TX 77803
 Address for Written Notice _____

REFERENCE RFIs/RFPs: _____

PURPOSE OF CHANGE ORDER: Reconciliation to correct math errors on original Bid Document, Deletion of items not used and Reduction of items to reflect actual amount used.

1.01 DESCRIPTION OF CHANGES

		CONTRACT CHANGE	
		AMOUNT	TIME
BID ITEM 4	Block Sodding; Bid Total Correction	(\$50.00)	0 Days
SCOPE:			
JUSTIFICATION:	Math Error – Changed from \$2,890 to \$2,840		
BID ITEM 9	Saw-cut, Remove, and Replace 8x8 Concrete Parking, per pavement footing detail, including 16 LF of Conc. Footer with Dowels, Complete in Place; Bid Total Correction.	(\$446.59)	0 Days
SCOPE:			
JUSTIFICATION:	Math Error – Changed from \$497.00 to \$50.41		
BID ITEM 9	Saw-cut, Remove, and Replace 8x8 Concrete Parking, per pavement footing detail, including 16 LF of Conc. Footer with Dowels, Complete in Place, 7.1 SY Decrease	(\$50.41)	0 Days
SCOPE:			
JUSTIFICATION:	Item not used		
BID ITEM 12	Reinforced Filter Fabric Fence; 100 LF	(\$1,000.00)	0 Days
SCOPE:	Reduction		
JUSTIFICATION:	Item not used		
BID ITEM 15	Extra Hand Excavation; 40 CY Reduction	(\$1,000.00)	0 Days
SCOPE:			
JUSTIFICATION:	Item not used		
BID ITEM 16	Extra Machine Excavation; 50 CY Reduction	(\$1,500.00)	0 Days
SCOPE:			
JUSTIFICATION:	Item not used		

00941-1
10-29-18

BID ITEM 17	Extra Bank Sand Backfill; 50 CY Reduction	(\$900.00)	0 Days
SCOPE:			
JUSTIFICATION: Item not used			
BID ITEM 18	Extra Cement Stabilized Sand; 50 CY	(\$1,100.00)	0 Days
SCOPE: Reduction			
JUSTIFICATION: Item Reduced			
BID ITEM 19	Bid Item 19, Extra Backfill; 100 CY Reduction	(\$500.00)	0 Days
SCOPE:			
JUSTIFICATION: Item not used			
TOTALS:		(\$6,547.00)	0 Days

1.02 ACCEPTANCE BY CONTRACTOR

Contractor agrees to perform change(s) included in this Change Order for the price and time indicated. The prices for changes include all costs associated with this Change Order.

[Signature] General MGR 12/6/18
Contractor Signature and Title Date

1.03 ACCEPTANCE BY THE CITY

Project Manager Date

[City Manager – Required for COs to Council] Date

[Intermediate Authority-Consultant Gunda Corp] Date

[Mayor – Required for COs to Council] Date

[Intermediate Authority, if needed] Date

[Signature] 12/6/18
Director/City Engineer - *[Signature]* Date
SANCTUARY

END OF DOCUMENT

cc: Kyle A. Bertrand, P.E. – Gunda Corporation

EXECUTIVE SUMMARY

C.O. No. 1 Contract No.: _____ Proj. No.: E2017-01

1.01	CONTRACT PRICE SUMMARY	DOLLAR AMOUNT	PERCENT
A.	Original Contract Price	\$105,269.00	100.00%
B.	Previous Change Orders	\$0.00	0.00%
C.	This Change Order	(\$6,547.00)	-6.22%
D.	Contract Price	\$98,722.00	93.78%

Date of Commencement of the Work: Thursday, May 31, 2018

1.02	CONTRACT TIME SUMMARY	DURATION	COMPLETION DATE
A.	Original Contract Time	60 Days	Sunday, July 29, 2018
B.	Previous Change Orders	0 Days	Sunday, July 29, 2018
C.	This Change Order	21 Days	
D.	Contract Time	81 Days	Sunday, August 19, 2018

- 1.03 TOTAL VALUE OF INCREASES OUTSIDE OF GENERAL SCOPE OF WORK
 A. Including this Change Order, the following table is provided to track conditions related to Paragraph 7.1.2.3 of Document 00700 - General Conditions.

CHANGE ORDER No.	AMOUNT REDUCED	PERCENT OF ORIGINAL CONTRACT PRICE
<u>1</u>	(\$6,547.00)	(6.22%)
TOTALS	(\$6,547.00)	(6.22%)

END OF SUMMARY

APPLICATION FOR PAYMENT

PAGE ONE OF TWO PAGES

TO OWNER: City of Brenham P.O. Box 1059 Brenham, TX. 77834-1059 PROJECT: Henderson Park E2017-01 APPLICATION NO: 3 P.O. Number 18-11822

FROM CONTRACTOR: VML Construction Services P.O. Box 243 Gause, TX. 77857 ARCHITECT: APPLICATION DATE: 10/22/2018 PERIOD TO: 10/22/2018 CONTRACT DATE: 05/31/2018

CONTRACT FOR:

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, is attached.

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief, the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

1. ORIGINAL CONTRACT SUM \$105,269.00 per agreement \$ 104,772.41
2. Net change by Change Orders \$ (6,050.41)
3. CONTRACT SUM TO DATE (Line 1 + 2) *\$6,547.00 \$ 98,722.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on attached sheet) \$ 98,722.00
5. RETAINAGE:
- a. 0 % of Completed Work \$ 0.00
- b. % of Stored Material \$
- Total Retainage (Lines 5a + 5b or Total in Column I of attached sheet)
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total) \$ 98,722.00
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior app) \$ 88,076.40
8. CURRENT PAYMENT DUE (Current gross less current retainage) \$ 10,645.60
9. BALANCE TO FINISH, INCLUDING RETAINAGE \$ 0.00

OWNERSHIP (OR AGENT):

By: Date:

CONTRACTOR:

By: Date: 11/2/18

CHANGE ORDER SUMMARY		ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner			
Total approved this Month			
TOTALS			
Rain Days		12.00	

CONTINUATION SHEET														
APPLICATION NO. 18-11822														
P.O. Number 10/22/2018														
APPLICATION DATE 10/22/2018														
PERIOD TO:														
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
ITEM NO.	DESCRIPTION OF WORK	CY Units	ID Quantity	E Unit Price	F Bid Total	G Quantity this estimate	H THIS APPLICATION	I FROM PREVIOUS APPLICATION	J Completed to Date	K MATERIALS PRESENTLY STORED (NOT IN D OR E)	% (J - F)	N BALANCE TO FINISH (F - J)	O RETAINAGE	
Henderson Park														
15	B.1 Site Preparation and Earthwork items:													
16	1 Mobilization	LS	1	\$ 4,000.00	\$ 4,000.00	0	\$0.00	\$4,000.00	4,000.00		100.00%	\$0.00	\$200.00	
17	2 Clearing and Grubbing	AC	0.25	\$ 10,000.00	\$ 2,500.00	0.00	\$0.00	\$2,500.00	2,500.00		100.00%	\$0.00	\$125.00	
18	3 Site preparation to include demolish and removal of remaining walls	LS	1	\$ 50,000.00	\$ 50,000.00	0.00	\$0.00	\$50,000.00	50,000.00		100.00%	\$0.00	\$2,500.00	
19	4 Block Sodding	SY	710	\$ 4.00	\$ 2,840.00	-	\$0.00	\$2,840.00	2,840.00		100.00%	\$0.00	\$142.00	
20	5 Proposed 6" wrought iron fence	LF	192	\$ 30.00	\$ 5,760.00	192	\$5,760.00	\$0.00	5,760.00		100.00%	\$0.00	\$288.00	
21	B.2 Channel & drainage items													
22	6 Drainage channel excavation	CY	86	\$12.00	1,032.00	0	\$0	\$1,032	1,032.00		100.00%	0.00	\$51.60	
23	7 Proposed 5" concrete slope pavement	SY	447	\$50.00	22,350.00	0	\$0	\$22,350	22,350.00		100.00%	0.00	\$1,117.50	
24	8 Remove and replace concrete pilot channel	SY	40	\$50.00	2,000.00	0	\$0	\$2,000	2,000.00		100.00%	0.00	\$100.00	
25	9 Sawcut and replace 8x8 concrete parking area	SY	7	\$7.10	50.41		\$0	\$0	0.00		0.00%	50.41	\$0.00	
26														
27	B.3 Traffic control plan													
28	10 Traffic control plan	LS	1	\$2,500.00	2,500.00	0	\$0	\$2,500	2,500.00		100.00%	0.00	\$125.00	
29														
30	B.4 SWPPP items:													
31	11 Storm water pollution prevention maintenance and removal 60/40	LS	1	\$1,000.00	1,000.00	0.25	\$250	\$750	1,000.00		100.00%	0.00	\$50.00	
32	12 Reinforced filter fabric	LF	100	\$10.00	1,000.00	0	\$0	\$0	0.00		0.00%	1,000.00	\$0.00	
33	13 Rock filter Dam	LF	20	\$15.00	300.00	0	\$0	\$300	300.00		100.00%	0.00	\$15.00	
34	14 Stabilized Construction access	SY	222	\$20.00	4,440.00	0	\$0	\$4,440	4,440.00		100.00%	0.00	\$222.00	
35														
36	C Extra work items:													
37	15 Extra Hand Excavation	CY	40	\$25.00	1,000.00	0	\$0	\$0	0.00		0.00%	1,000.00	\$0.00	
38	16 Extra Machine Excavation	CY	50	\$30.00	1,500.00	0	\$0	\$0	0.00		0.00%	1,500.00	\$0.00	
39	17 Extra Bank Sand Backfill	CY	50	\$18.00	900.00	0	\$0	\$0	0.00		0.00%	900.00	\$0.00	
40	18 Extra Cement stabilized sand	CY	40	\$22.00	1,100.00	0	\$0	\$0	0.00		0.00%	1,100.00	\$0.00	
41	19 Extra Backfill	CY	100	\$5.00	500.00	0	\$0	\$0	0.00		0.00%	500.00	\$0.00	
GRAND TOTALS														
42					\$ 104,772.41		\$ 6,010.00	\$92,712.00	\$98,722.00		94.23%	\$6,050.41	\$4,936.10	
43														

VML Construction Services

P.O. Box 243
Gause, TX. 77857

Invoice

Date	Invoice #
10/25/2018	18-11832

Bill To
City of Brenham 200 W. Vulcan Street Ste. 206 Brenham, TX. 77833

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	U/M	Rate	Amount
	Fence & Retainage		10,645.60	10,645.60
			Total	\$10,645.60

CITY OF BRENHAM
STORM DAMAGE REPAIRS, PACKAGE 1

CERTIFICATE OF
SUBSTANTIAL COMPLETION

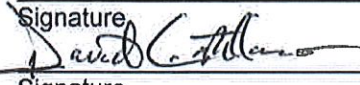
Document 00645

CERTIFICATE OF SUBSTANTIAL COMPLETION

PROJECT: Storm Damage Repairs, Package 1
CONTRACT No.: N/A PROJECT No.: E2017-01

TO: VML Construction Services
Contractor and PO Box 243
Address for Written Notice Gause, Texas 77803

- 1.01 DATE OF SUBSTANTIAL COMPLETION
The Work performed under the Contract was inspected on August 29, 2018, and found to be substantially complete. The Date of Substantial Completion of the Work is hereby established as August 29, 2018.
- 1.02 PUNCH LIST
A list of items to be completed or corrected, prepared by Contractor and verified by Project Manager, (the "Punch List") is attached hereto. Failure to include any items on such list does not alter the responsibility of Contractor to complete the Work in accordance with the Contract. Contractor shall complete or correct the Work on the Punch List attached hereto within 80 calendar days from the above Date of Substantial Completion. (Punch list completion time extended.)
- 1.03 OCCUPANCY BY THE CITY
Engineering and Planning will assume full possession at 3:00 PM on August 29, 2019.
- 1.04 CONSENT OF SURETY
Contractor shall obtain consent of Surety for approval of reduction in retainage.
- 1.05 WARRANTY PERIOD
Warranties required by the Contract will commence on the above Date of Substantial Completion.
- 1.06 TRANSITION OF RESPONSIBILITIES
The City and Contractor agree that security, maintenance, heating, ventilating, air conditioning, utilities, damage to the Work, and insurance, during the period prior to Final Completion, transfer to the City unless otherwise stated in the attached Transition of Responsibilities document.
- 1.07 CONTRACTOR'S ACKNOWLEDGEMENT
Signature of Contractor, or its agent, acknowledges attached Punch List, referenced in Paragraph 1.02, and Transition of Responsibilities, referenced in Paragraph 1.06.

Contractor	Signature	Date
Inspector	Signature	Date
David Castellano, P.E.		<u>11/6/18</u>
Project Manager/Consultant	Signature	Date
<u>Samuel Price</u> Lori Lakatos, P.E.		<u>12/6/18</u>
Director/City Engineer	Signature	Date

cc: File

END OF DOCUMENT

00645-1
10-29-2018



AGENDA ITEM 24

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: November 29, 2018	
DEPT. OF ORIGIN: Information Technology	SUBMITTED BY: Kevin Schmidt	
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 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 critical systems, such as the phone system and network hardware. 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 their SmartNet prices between 3% and 10% annually. With a three year renewal, we will lock in the 2018 pricing and receive 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 clearly a significant cost savings to the City. We have already budgeted for this expense, as we do every year. This is simply a cost savings measure, and we are not adding to the budget.		
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 IT Manager, Kevin Schmidt; and (2) Quote and Payment Agreement from Presidio Technology Capital		
FUNDING SOURCE (Where Applicable): IT Department Annual Budget		

RECOMMENDED ACTION: Approve a 3-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: 677841

This Payment Agreement ("PA") is executed and delivered as of _____ and is by and between _____ ("Customer") Federal Tax ID # _____ with a place of business at _____ and **Presidio Technology Capital, LLC ("PTC")**. Customer has entered into that certain software and/or services agreement by and between Customer and _____ ("Provider") and supplied by _____ ("Reseller"), described as quote number _____ ("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 \$ _____ ("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 _____ Dollars and 00/100 (\$ _____) ("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 _____ (____) _____ in equal annual installments of \$ _____ (each, an "Installment Payment"). Notwithstanding anything to the contrary contained herein, the date the first Installment Payment period begins shall be _____ ("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.

Customer Name

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 25

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: December 7, 2018
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Karen Stack
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 Resolution No R-18-024 Adopting New Policies and Procedures for City of Brenham Boards and Commissions	
SUMMARY STATEMENT: See attached memo from Deputy City Secretary II, Karen Stack.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:	
ALTERNATIVES (In Suggested Order of Staff Preference): N/A	
ATTACHMENTS: (1) Memo from Karen Stack, Deputy City Secretary II; (2) Term Limit Exhibit; (3) Redline copy of 2012 Policy; and (4) Resolution No. R-18-024	
FUNDING SOURCE (Where Applicable): N/A	
RECOMMENDED ACTION: Approve Resolution No. R-18-024 adopting new Policies and Procedures for City of Brenham Boards and Commissions	
APPROVALS: James Fisher	



To: Mayor Tate and City Council

From: Karen Stack
Deputy City Secretary II

Subject: Policies and Procedures for Boards and Commissions

Date: December 6, 2018

The City Secretary's Office respectfully requests your consideration of the attached "Policies and Procedures for Boards and Commissions" for possible adoption. The policy currently in use was written in 2012. Staff met three times with a Council Subcommittee for Boards and Commissions, consisting of Mayor Tate, Councilmember Cantey, and Councilmember Gross. The attached redline version shows changes that were made at the request of the Subcommittee. Notable changes include:

- 1) **Section 2 has been amended to change term length for all Boards and Commissions to two (2) years.** Previously, most advisory board members were appointed to three (3) year terms, while members of quasi-judicial boards served two (2) year terms.
- 2) **Section 5 has been updated to reflect a new selection process for Boards and Commissions.** The previous policy provided for initial review to be done by the Mayor and City Manager. The new policy provides for a Subcommittee of Council to review applications.

- 3) **Term limits have been added to Section 6.** Members will be limited to 3 consecutive terms, after which a layoff of 1 year will be required before reappointment to the same board. During the 1-year layoff individuals will remain eligible to serve on different boards. Please refer to attached Exhibit to this memo for a description of how this will impact eligibility of individuals currently serving on a Board or Commission.
- 4) **Section 9 has been added to include general duties and responsibilities of each board.** Note that a description for the anticipated Animal Shelter Advisory Committee is included.
- 5) **Section 10 has been strengthened.** The attendance requirements are not changed, but it now provides for tracking of attendance and possible removal from office for excessive absences.
- 6) **Section 11 clarifies the role of a staff liaison.** The liaison will ensure board members understand Council's direction. New language also clarifies that the staff liaison is to take part in discussions.
- 7) **The addition of Section 12, pertaining to Conflicts of Interest.** This section reiterates requirements of Chapter 171 of the Local Government Code, which already applies to members of P&Z, Board of Adjustments, and Building Standards.
- 8) **The addition of Section 13, pertaining to conflicts arising from membership in multiple boards.** This section is a reminder to individuals who serve on more than one City board to be mindful of the appearance of conflict.

Several advisory boards were established by ordinances that are still in effect. Those ordinances contain provisions that are in conflict with the policy we are asking you to adopt today. In order to limit confusion, and to ensure all provisions of this policy are uniformly applied, once this Policy is in place, we will ask Council to repeal those conflicting ordinances.

Effect of Term Limits on Currently Serving Board Members

Current Term Expires December of ¹	If reappointed, individual would be eligible for up to three (3) new terms, with terms being two (2) years each:			First year of ineligibility ²
	1 st Term	2 nd Term	3 rd Term	
2018	2019-2020	2021-2022	2023-2024	2025
2019	2020-2021	2022-2023	2024-2025	2026
2020	2021-2022	2023-2024	2025-2026	2027

¹ New Policy will not impact Board members currently serving until their first reappointment after date of Policy adoption.

² After three (3) consecutive terms on any single Board, an individual is ineligible for reappointment to that same Board for a period of one (1) year.

**CITY OF BRENHAM, TEXAS
POLICIES AND PROCEDURES FOR BOARDS AND COMMISSIONS**

January 1, 2019

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SECTION 1.
PURPOSE AND SCOPE

The purpose of this Policies and Procedures for Boards and Commissions document ("Policy") is to establish uniform procedures for all advisory boards and commissions of the City. Board and commission members are appointed by the Brenham City Council ("Council") and serve at the pleasure of Council, and will not be granted special privileges because of their appointment. For the sake of brevity, the use of the term "board" throughout this Policy shall be interpreted to include the term "commission" except where the context requires otherwise.

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This Policy applies to all persons appointed to boards and commissions by Council. Persons appointed by other governmental bodies or entities may not be required to abide by all the rules outlined in this Policy.

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SECTION 2.
MEMBER ELIGIBILITY

Applicant qualifications include the following:

- Must be a resident of Washington County for at least one (1) year prior to the date of the appointment (unless specified otherwise in this policy);
- Must be a qualified voter in Washington County;
- May not apply to serve on the same board with any immediate family members; and
- Regular full-time City employees are not eligible unless required by federal, state, or local laws or regulations.

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All qualified persons, applying for the first time, must complete an "Application for Appointment to City of Brenham Boards and Commissions" form and submit it to the City Secretary before November 1st. Current members wanting to be reappointed to their current board/commission must submit a "Request for Re-Appointment to City of Brenham Boards and Commissions" form to the City Secretary prior to November 1st. If a current member would like to be considered for appointment to a different board, he/she will need to submit the "Application for Appointment" form for the board or commission for which they would like to be considered.

Members shall be appointed to terms of two years, and may be removed at any time by Council.

Terms of office will be staggered. In the event a vacancy occurs prior to the expiration of a full term, the Council may appoint a new member to complete the unexpired term of the vacant position. Any member of a board or commission may be eligible for re-appointment by the Council unless such appointment is prohibited by the term limitation provisions set forth in Section 6 of this Policy.

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In addition to the eligibility requirements outlined in this Policy, the City Council shall determine the specific skills and experience desired for each board. Also, in the event that other applicable law requires certain qualifications, those qualifications will be required.

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SECTION 3. RECRUITMENT

Advertising of scheduled board vacancies for terms expiring on December 31st will begin on or near August 1st.

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Advertisement for board volunteer recruitment may be conducted in a variety of ways including, but not limited to:

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- posting of notice on official City bulletin board
- press releases
- utility billing inserts
- website advertisements
- social media resources
- nomination by invitation

SECTION 4. APPLICATION PROCESS

On or before August 1st of each year, the City Secretary will post information on the City's website and social media sites encouraging qualified people to fill out an application to serve. The City Secretary's office will mail reappointment application forms to all current board members with an expiring term.

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The "Request for Appointment" application will solicit information about the applicant's background, including current and past occupations and involvement in and knowledge of issues related to the subject of the board to which they are applying. In addition to the completed application, applicants are encouraged to submit a short bio or resume. Persons may apply for more than one board.

A shorter "Request for Re-appointment" form will be used for incumbent board members seeking another term. Incumbents will also be required to submit their request to serve another term to the City Secretary's office.

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All requests for appointment must be returned to the City Secretary by November 1st. Any applications received after the deadline date may not be considered.

Applications are considered current for one (1) year from submittal date, after which the application will be removed from consideration. In order to be considered in the next recruitment period, the applicant will be required to submit a new application.

SECTION 5. **SELECTION PROCESS**

The City Manager and City Secretary, along with a subcommittee of the Council, will review all submitted applications. Additional information that could be used in reviewing applications include information from the staff liaison, attendance records, and training records. The subcommittee may also consider past applications submitted by an applicant and previous experience on other boards.

In December, the Council subcommittee will make a recommendation of appointments to the full Council for approval. In the event appointments are not made in December, all members with expiring terms will continue to serve until their successor is appointed by Council.

SECTION 6. **TERM OF OFFICE**

Board members serve for a staggered two (2) year terms. All terms expire on December 31. In the event that an appointment is not made prior to the expiration of a member's term, the board member shall continue to serve until their successor is appointed by Council.

No board member shall be appointed to more than three (3) consecutive terms on any single board. After a minimum absence of one (1) year from a board, the Council may choose to reappoint the member back to the board on which they previously served. For members whose current terms began prior to December 2018, this term limitation provision shall take effect upon completion of their current term.

The Council retains the right to replace any appointed member at any time and for any reason. Board members are appointed for a limited purpose and time, and once the assigned term of office is completed and Council has appointed their successor, they are excused from service on the board unless the Council selects them for another term of service in accordance with this Policy.

SECTION 7. **MID TERM APPOINTMENTS**

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The Mayor and City Manager will review all submitted applications and at the first council meeting in December, the Mayor and/or City Manager will make a recommendation of Board and Commission appointments to the City Council. The City Council will appoint members to the Boards and Commissions at the second council meeting in December. In the event appointments are not made in December, all members will continue to serve until their successor is appointed by Council.¶

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Upon receiving the applications, the Mayor and City Manager will review the eligibility requirements and identify those applicants that are eligible for appointment before submitting any applications to the City Council for review.¶

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Occasionally, a board member may be unable to finish his or her term or will be removed by the Council prior to his or her term ending. In such cases, the vacant position may be filled by a mid-term appointee who will serve out the remainder of the other member's term.

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Instead of soliciting applicants for the vacancy, the Council subcommittee may refer to the previously submitted applications kept by the City Secretary's Office. If there are no appropriate open applications for the vacant position(s), a new application solicitation campaign could take place in the same manner as the typical annual recruitment process.

SECTION 8. NEW MEMBERS

After appointment by Council, all new members should make every effort to become as familiar as possible with all aspects of his or her particular board. To aid in the process, new members will be furnished with the contact information of the other members, as well as applicable information and regulations that govern that board.

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Members of all boards shall complete a board training course developed by the City Secretary and City Attorney within ninety (90) days of their appointment by Council. The training course will include requirements of the Texas Open Meetings Act, the Texas Public Information Act, basic Robert's Rules of Order, and applicable ethics training. The training course will be free to all attendees. To maintain eligibility, board members must complete this training once every three (3) calendar years. A board member who does not comply with the training requirements may not be eligible for re-appointment.

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SECTION 9.

GENERAL DUTIES AND RESPONSIBILITIES OF BOARDS AND COMMISSIONS

Most boards and commissions shall act in an advisory capacity and make recommendations to the Council on issues specific to each respective board's duties and responsibilities. The exceptions to this are the Building Standards Commission, the Board of Adjustments, the Planning and Zoning Commission, and the Brenham Community Development Corporation; certain actions taken by these boards, as outlined in applicable state law and the City of Brenham Code of Ordinances, are final.

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A. Airport Advisory Board

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- A. To review and recommend procedures for the care and maintenance of the animal shelter facility and impounded animals to ensure compliance with state law, and
- B. To periodically review the City's animal control ordinances and make recommendations to Council for revisions as needed.

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Therefore, it is imperative that members maintain regular attendance. Members who cannot attend a meeting should contact the chairman or staff liaison concerning his or her absence prior

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SECTION 12. **CONFLICTS OF INTEREST**

Members of the Planning and Zoning Commission, Board of Adjustments, and Building Standards Commission shall comply with the requirements of Chapter 171 of the Texas Local Government Code and Article III, Sec. 6 of the Brenham City Charter with respect to conflicts of interest. It is the responsibility of each member of these boards to file a "Conflict of Interest" affidavit (Exhibit A) with the City Secretary's Office when a conflict exists because he or she has a substantial interest in a matter being considered by the board. Substantial interest means the individual:

1. Owns 10% or more of the voting stock or shares of the business;
2. Owns either 10% or more than \$15,000 of the fair market value of the business;
3. Receives funds from the business that exceeds 10% of the person's gross annual income for the preceding year;
4. Ownership in real property with a fair market value of \$2,500 or more, or
5. Relative within the first degree of consanguinity or affinity has a substantial interest.

Advisory board members shall abstain from participation in a matter when a personal interest creates or gives the appearance of being a conflict of interest. However, if the majority of members of the same advisory board have similar conflicts of interest in the same matter under consideration by the board, such members are not required to abstain from participating or voting on the matter.

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SECTION 13. **MEMBERSHIP IN MULTIPLE BOARDS**

Care should be taken by individuals who are members of more than one board to avoid the appearance of conflict. If a funding decision made by one of those boards has an impact on the other, the individual should abstain from voting on that decision and refrain from any participation in the decision-making process.

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SECTION 14. **CONDUCT OF MEETINGS**

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- A. The Chair of each board shall preside at the meetings and in his or her absence the Vice-Chair shall preside. The Chair shall call the meeting to order.
- B. The Chair shall address the posted items on the agenda in any order he or she chooses as long as every item is addressed.
- C. A motion may be made by any member other than the presiding officer. A second to the motion is required before a vote can be taken. Any motion dies from a lack of a second.
- D. Roberts Rule of Order shall be used as a guideline to conduct meetings.
- E. All meetings will be held in compliance with the Open Meetings Act ("The Act") and shall be open to the public, except for those items considered at a meeting which are authorized by the Act to be discussed in executive session.

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SECTION 15. **RECORDS OF MEETINGS**

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The City Secretary's Office shall maintain the official record of all board and commission meetings, which will include;

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- **AGENDA:** The agenda will serve as the order of business and provide the form for posting of the notice of meetings. The official posting of the agenda must be at least 72 hours in advance of the meeting in a place(s) readily accessible to the public. A copy of the agenda should also be made available to local news media. In the event a regularly scheduled meeting is cancelled, notices should be posted stating that the meeting has been cancelled.

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- **AGENDA PACKET:** Copies of the agenda, along with supporting documentation, shall be provided to each member in advance of the meeting date. This information shall also be made available in advance of the meetings on the City's web site.

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- **MINUTES OF MEETING:** The staff liaison will be responsible for keeping an accurate record of all proceedings. The minutes shall include a record of attendance, summary of the discussion, recommendations, and a record of the board's voting.

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RESOLUTION NO. R-18-024

A RESOLUTION OF THE CITY OF BRENHAM, TEXAS ADOPTING NEW POLICIES AND PROCEDURES FOR CITY OF BRENHAM BOARDS AND COMMISSIONS

WHEREAS, Art. III, Section 23 of the City of Brenham Charter provides that the City Council has the authority to establish such Boards and Commissions as it deems necessary to carry out the functions and obligations of the City; and

WHEREAS, the City Council desires to establish uniform policies and procedures for all Boards and Commissions of the City of Brenham; and

WHEREAS, the Council Subcommittee on Boards and Commissions, consisting of Mayor Tate, Councilmember Cantey, and Councilmember Goss, recommend the adoption of the revised Policies and Procedures for Boards and Commissions for the City of Brenham, Texas; and

WHEREAS, it is in the best interest of the City of Brenham to accept the recommendation of the Subcommittee and adopt the revised Boards and Commissions Policy;

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

Section 1: That Council hereby adopts the Policies and Procedures for Boards and Commissions, attached hereto as “Exhibit A” and incorporated herein for all pertinent purposes.

Section 2: That the new Policies and Procedures for Boards and Commissions be in be in full force effective January 1, 2019 and supersede any prior existing policies.

PASSED and APPROVED this 13th day of December, 2018.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Exhibit A

CITY OF BRENHAM, TEXAS POLICIES AND PROCEDURES FOR BOARDS AND COMMISSIONS

January 1, 2019

SECTION 1. PURPOSE AND SCOPE

The purpose of this Policies and Procedures for Boards and Commissions document (“Policy”) is to establish uniform procedures for all advisory boards and commissions of the City. Board and commission members are appointed by the Brenham City Council (“Council”) and serve at the pleasure of Council, and will not be granted special privileges because of their appointment. For the sake of brevity, the use of the term “board” throughout this Policy shall be interpreted to include the term “commission” except where the context requires otherwise.

This Policy applies to all persons appointed to boards and commissions by Council. Persons appointed by other governmental bodies or entities may not be required to abide by all the rules outlined in this Policy.

SECTION 2. MEMBER ELIGIBILITY

Applicant qualifications include the following:

- Must be a resident of Washington County for at least one (1) year prior to the date of the appointment (unless specified otherwise in this policy);
- Must be a qualified voter in Washington County;
- May not apply to serve on the same board with any immediate family members; and
- Regular full-time City employees are not eligible unless required by federal, state, or local laws or regulations

All qualified persons, applying for the first time, must complete an “Application for Appointment to City of Brenham Boards and Commissions” form and submit it to the City Secretary before November 1st. Current members wanting to be reappointed to their current board/commission must submit a “Request for Re-Appointment to City of Brenham Boards and Commissions” form to the City Secretary prior to November 1st. If a current member would like to be considered for appointment to a different board, he/she will need to submit the “Application for Appointment” form for the board or commission for which they would like to be considered.

Members shall be appointed to terms of two years, and may be removed at any time by Council. Terms of office will be staggered. In the event a vacancy occurs prior to the expiration of a full term, the Council may appoint a new member to complete the unexpired term of the vacant position. Any member of a board or commission may be eligible for re-appointment by the Council unless such appointment is prohibited by the term limitation provisions set forth in Section 6 of this Policy.

In addition to the eligibility requirements outlined in this Policy, the City Council shall determine the specific skills and experience desired for each board. Also, in the event that other applicable law requires certain qualifications, those qualifications will be required.

SECTION 3. **RECRUITMENT**

Advertising of scheduled board vacancies for terms expiring on December 31st will begin on or near August 1st.

Advertisement for board volunteer recruitment may be conducted in a variety of ways including, but not limited to:

- posting of notice on official City bulletin board
- press releases
- utility billing inserts
- website advertisements
- social media resources
- nomination by invitation

SECTION 4. **APPLICATION PROCESS**

On or before August 1st of each year, the City Secretary will post information on the City's website and social media sites encouraging qualified people to fill out an application to serve. The City Secretary's office will mail reappointment application forms to all current board members with an expiring term.

The "Request for Appointment" application will solicit information about the applicant's background, including current and past occupations and involvement in and knowledge of issues related to the subject of the board to which they are applying. In addition to the completed application, applicants are encouraged to submit a short bio or resume. Persons may apply for more than one board.

A shorter "Request for Re-appointment" form will be used for incumbent board members seeking another term. Incumbents will also be required to submit their request to serve another term to the City Secretary's office.

All requests for appointment must be returned to the City Secretary by November 1st. Any applications received after the deadline date may not be considered.

Applications are considered current for one (1) year from submittal date, after which the application will be removed from consideration. In order to be considered in the next recruitment period, the applicant will be required to submit a new application.

SECTION 5. **SELECTION PROCESS**

The City Manager and City Secretary, along with a subcommittee of the Council, will review all submitted applications. Additional information that could be used in reviewing applications include information from the staff liaison, attendance records, and training records. The subcommittee may also consider past applications submitted by an applicant and previous experience on other boards.

In December, the Council subcommittee will make a recommendation of appointments to the full Council for approval. In the event appointments are not made in December, all members with expiring terms will continue to serve until their successor is appointed by Council.

SECTION 6. **TERM OF OFFICE**

Board members serve for a staggered two (2) year terms. All terms expire on December 31. In the event that an appointment is not made prior to the expiration of a member's term, the board member shall continue to serve until their successor is appointed by Council.

No board member shall be appointed to more than three (3) consecutive terms on any single board. After a minimum absence of one (1) year from a board, the Council may choose to reappoint the member back to the board on which they previously served. For members whose current terms began prior to December 2018, this term limitation provision shall take effect upon completion of their current term.

The Council retains the right to replace any appointed member at any time and for any reason. Board members are appointed for a limited purpose and time, and once the assigned term of office is completed and Council has appointed their successor, they are excused from service on the board unless the Council selects them for another term of service in accordance with this Policy.

SECTION 7. **MID TERM APPOINTMENTS**

Occasionally, a board member may be unable to finish his or her term or will be removed by the Council prior to his or her term ending. In such cases, the vacant position may be filled by a mid-term appointee who will serve out the remainder of the other member's term.

Instead of soliciting applicants for the vacancy, the Council subcommittee may refer to the previously submitted applications kept by the City Secretary's Office. If there are no appropriate open applications for the vacant position(s), a new application solicitation campaign could take place in the same manner as the typical annual recruitment process.

SECTION 8.

NEW MEMBERS

After appointment by Council, all new members should make every effort to become as familiar as possible with all aspects of his or her particular board. To aid in the process, new members will be furnished with the contact information of the other members, as well as applicable information and regulations that govern that board.

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2. Owns either 10% or more than \$15,000 of the fair market value of the business;
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SECTION 13.

MEMBERSHIP IN MULTIPLE BOARDS

Care should be taken by individuals who are members of more than one board to avoid the appearance of conflict. If a funding decision made by one of those boards has an impact on the other, the individual should abstain from voting on that decision and refrain from any participation in the decision-making process.

SECTION 14.

CONDUCT OF MEETINGS

- A. The Chair of each board shall preside at the meetings and in his or her absence the Vice-Chair shall preside. The Chair shall call the meeting to order.
- B. The Chair shall address the posted items on the agenda in any order he or she chooses as long as every item is addressed.
- C. A motion may be made by any member other than the presiding officer. A second to the motion is required before a vote can be taken. Any motion dies from a lack of a second.
- D. Roberts Rule of Order shall be used as a guideline to conduct meetings.
- E. All meetings will be held in compliance with the Open Meetings Act ("The Act") and shall be open to the public, except for those items considered at a meeting which are authorized by the Act to be discussed in executive session.

SECTION 15.
RECORDS OF MEETINGS

The City Secretary's Office shall maintain the official record of all board and commission meetings, which will include:

- **AGENDA:** The agenda will serve as the order of business and provide the form for posting of the notice of meetings. The official posting of the agenda must be at least 72 hours in advance of the meeting in a place(s) readily accessible to the public. A copy of the agenda should also be made available to local news media. In the event a regularly scheduled meeting is cancelled, notices should be posted stating that the meeting has been cancelled.
- **AGENDA PACKET:** Copies of the agenda, along with supporting documentation, shall be provided to each member in advance of the meeting date. This information shall also be made available in advance of the meetings on the City's web site.
- **MINUTES OF MEETING:** The staff liaison will be responsible for keeping an accurate record of all proceedings. The minutes shall include a record of attendance, summary of the discussion, recommendations, and a record of the Boards voting.



AGENDA ITEM 26

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: December 6, 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 551.074 – Texas Government Code – Deliberation Regarding Personnel Matters – Discussion Regarding the Appointment of a Brenham Municipal Court Presiding Judge and Associate Judge, Both for a Two Year Term Ending on December 31, 2020		
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 27

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: December 6, 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 551.074 – Texas Government Code – Deliberation Regarding Personnel Matters – Consider Compensation for the Municipal Court Presiding Judge and Associate Judge	
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 28

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: December 6, 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 29

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: December 6, 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 551.087 – Texas Government Code – Economic Development Negotiations – Discuss and Deliberate Commercial or Financial Information that the City Has Received from Business Prospects and the Offer of Financial or Other Incentives to Business Prospects that the City Seeks to Have Locate In or Near the City of Brenham and With Which the City is Conducting Economic Development Negotiations		
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 30

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: December 6, 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 the Appointment of a Brenham Municipal Court Presiding Judge and Associate Judge, Both for a Two Year Term Ending on December 31, 2020	
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.	



AGENDA ITEM 31

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: December 6, 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 Compensation for the Municipal Court Presiding Judge and Associate Judge	
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.	



AGENDA ITEM 32

DATE OF MEETING: December 13, 2018	DATE SUBMITTED: December 6, 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.	