



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, NOVEMBER 21, 2019 AT 1:00 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN ST.
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Milton Tate**
- 3. Special Recognitions**
 - **GFOA Certificate of Achievement for Excellence in Financial Reporting**
 - *Eleventh Consecutive Year*
 - **Crystal Locke – Young Professional Award from Texas Recreation and Park Society (TRAPS)**
- 4. Citizens Comments**

CONSENT AGENDA

5. 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.

- 5-a. Minutes from the October 17, 2019 Special City Council Meeting and October 17, 2019 Regular City Council Meeting**
- 5-b. Ordinance No. O-19-041 on Its Second Reading Providing for Increased Prior and Current Service Annuities in the Texas Municipal Retirement System (“TMRS”) for Retirees and Beneficiaries of Deceased Retirees of the City of Brenham and Electing to Make Current Service and Prior Service Contributions to the City’s TMRS Benefit Accumulation Fund at the Actuarially Determined Rate of Total Employee Compensation**

- 5-c. **Rescind the Purchase of Six (6) Vehicles for the City of Brenham Police Department from LaRoche Chevrolet in the Amount of \$196,800.00 Due to Unavailability of Vehicles from General Motors Corporation and Authorize the Purchase of Seven (7) Vehicles for the City of Brenham Police Department from Caldwell Country Through Buy Board Local Government Purchasing Cooperative Contract No. 521-16 in the Amount of \$223,630.00 and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-d. **Purchase of a Truck for the City of Brenham Water Treatment and Wastewater Treatment Departments from Hermann International, Through Sourcewell Contract No. 081716-NVS, in the Amount of \$147,700.00 and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-e. **Purchase of a Dump Truck for the City of Brenham Sewer Construction Department from Hermann International, Through Sourcewell Contract No. 081716-NVS, in the Amount of \$87,700 and Authorize the Mayor to Execute Any Necessary Documentation**

Pages 1-33

PUBLIC HEARING

- 6. **Public Hearing to Consider the Establishment of a Municipal Drainage Utility System, Providing for the Establishment and Calculation of Municipal Drainage Utility Charges and Credits, and Providing Penalties and Remedies for Nonpayment of Charges**
- 7. **Public Hearing, Discussion and Receipt of Input Related to a Possible Submission of a Grant Application to Texas Parks and Wildlife for the Local Parks Non-Urban Outdoor Recreation Grant Program for (Phase 1(a)) of the Brenham Family Park as Outlined in the City of Brenham's 2015-2025 Parks, Recreation and Open Spaces Master Plan**

Pages 34-43

Pages 44-47

REGULAR SESSION

- 8. **Discuss and Possibly Act Upon an Ordinance on its First Reading Amending Chapter 26, Utilities, of the Code of Ordinances of the City of Brenham Establishing a Municipal Drainage Utility System, Providing for the Establishment and Calculation of Municipal Drainage Utility Charges and Credits, and Providing Penalties and Remedies for Nonpayment of Charges**
- 9. **Discuss and Possibly Act Upon Resolution No. R-19-034 Authorizing the Submission of a Grant Application to Texas Parks and Wildlife for the Local Parks Non-Urban Outdoor Recreation Grant Program for Phase 1(a) of the Brenham Family Park as Outlined in the City of Brenham's 2015-2025 Parks, Recreation and Open Spaces Master Plan**

Pages 48-58

Pages 59-62

10. **Discuss and Possibly Act Upon Resolution No. R-19-035 Authorizing the Submission of a Grant Application to Texas Parks and Wildlife Through the Community Outdoor Outreach Program (CO-OP) Grant for Angler Education Week at the Blue Bell Aquatic Center**
Pages 63-72
11. **Discuss and Possibly Act Upon Resolution No. R-19-036 Authorizing the Giving of Notice of Intention to Issue City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2020; and Declaring an Effective Date**
Pages 73-79
12. **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 November 21, 2019 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 November 18, 2019 at **12:57 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 _____, 2019 at _____ AM PM.

Signature

Title

Brenham City Council Minutes

A special meeting of the Brenham City Council was held on October 17, 2019 beginning at 10:00 a.m. in the Brenham City Hall, Conference Room 2-A, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Andrew Ebel
Councilmember Susan Cantey
Councilmember Adonna Saunders
Councilmember Keith Herring
Councilmember Albert Wright
Councilmember Clint Kolby

Members absent:

None

Others present:

City Manager James Fisher, City Secretary – Director of Administrative Services Jeana Bellinger, Deputy City, Assistant City Manager – Chief Financial Officer Carolyn Miller, Comptroller Stacy Hardy, Fire Chief Ricky Boecker, Director of Public Works Dane Rau, Economic Development Director Susan Cates, Debbie Gaffey, Kaci Konieczny, Mason Patranella, Nancy Stafford, Melinda Gordon, JoAnne Hynes and Shauna Laauwe.

Citizens present:

Grant Lischka and Ben Menjares.

Media Present:

Arthur Hahn, Brenham Banner Press

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Cantey**

WORK SESSION

3. **Presentation and Discussion Related to the Implementation of a Drainage Utility System, Calculation of Drainage Utility Fees, and Other Associated Items**

Budget Officer Debbie Gaffey discussed the following related to the implementation of a drainage utility system and the calculation of a drainage utility fee:

- Customer Rate Classes
- Exemptions
- Appeals Process
- Use of Revenues
- Media Plan
- Timeline

Customer Rate Classes:

Residential: Gaffey explained that this Customer Rate Class was defined as any residential improved lot or tract within the City limits, including single-family home, condominium, mobile home, or duplex. Gaffey stated that a survey was completed to determine Equivalent Residential Unit (ERU) and that one (1) ERU would equal 2,685 square feet of impervious area. Gaffey stated that all customers within the Residential rate class (1 ERU) would get the same monthly drainage utility charge of \$3.75 and that the drainage utility charge would appear as a separate line on their utility bill.

Non-Residential: Gaffey explained that this Customer Rate Class was defined as any improved property within the City limits, other than Residential. Gaffey stated that the monthly utility charge for these customers would be based on impervious area relative to 1 ERU (Impervious Area/2,685 SF = ERUs).

Exemptions:

Gaffey explained that exemptions to the drainage utility fee are mandated by State law and provide an exemption for the following:

- Property with proper construction and maintenance of a wholly sufficient and privately-owned drainage system; or
- Property held and maintained in its natural state until developed with all public infrastructure constructed and accepted by municipality; or
- A subdivided lot, until a structure has been built on the lot and a certificate of occupancy has been issued; or
- Property owned by a county or school district or a municipal housing authority in a municipality of more than 500,000 population located within 50 miles of an international border.
- A state agency (Brenham State School) or a public or private institution of higher education (Blinn).

Gaffey also explained that Council may exempt the following agencies:

- State (Except State Agencies Under Section 580.003)
- County
- Municipality
- School District
- Religious organization exempt under Section 11.20 Tax Code
- Property used for cemetery purposes if closed to new interments/new burial

Gaffey stated that a survey of ten (10) cities was conducted and three (3) exempt these organizations, all other cities charge a drainage fee to these organizations.

Appeals Process:

Gaffey explained that the appeals process for a customer being charged a drainage fee is as follows:

- Submit written adjustment request (City form on website) to Utility Customer Service Department - City has 15 business days to review and respond
- Adjustments are prospective AND may be retroactive for no greater than 3 billings prior to the adjustment request
- If City denies request, Customer has 15 business days from date of notification to appeal decision to City Manager
- Burden of proof and cost is on Customer

Use of Revenues:

Gaffey explained that the revenues collected from the drainage utility fee can only be spent for certain things as allowed by State law. Gaffey advised the Council that approved expenditures include things such as street sweeping, mosquito spraying, storm sewer cleanout, ditch clearing/mowing, culvert/pipe cleaning, and replacement of drainage equipment.

Media Plan:

Gaffey explained that staff has been working on a media plan to help explain the drainage utility fee to the citizens. Gaffey stated that the media plan will include things such as videos on the city's website, drainage project list with photos, social media campaign, utility bill stuffer, town hall meeting, and public notices published in the Banner.

Timeline:

Gaffey advised the Council of the following timeline for the implementation of the drainage utility fund and associated fees:

October:

- 17th – Drainage Utility Charge Workshop
- 22nd – Newspaper publication of Drainage Utility System Ordinance and Public Hearing Notice
- 29th – Newspaper publication of Drainage Utility System Ordinance and Public Hearing Notice

November:

- 5th – Newspaper publication of Drainage Utility System Ordinance, Drainage Charge and Notices of Public Hearings
- 12th – Newspaper publication of Drainage Charge and Public Hearing Notice
- 19th – Newspaper publication of Drainage Charge and Public Hearing Notice
- 21st – Public Hearing on Drainage Utility System Ordinance and 1st Reading of Ordinance to adopt Drainage Utility System

December:

- 5th – Second reading of Ordinance to adopt Drainage Utility System, Public Hearing on Drainage Charge Ordinance and 1st Reading of Ordinance to adopt Drainage Charge
- 19th – Second reading of Ordinance to adopt Drainage Charge

Drainage utility charges go into effect with the first billing cycle on or after January 1, 2010.

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 17, 2019 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 Adonna Saunders
Councilmember Keith Herring
Councilmember Albert Wright
Councilmember Clint Kolby

Members absent:

None

Others present:

City Manager James Fisher, City Attorney Cary Bovey, City Secretary – Director of Administrative Services 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, Director of Tourism and Marketing Jennifer Eckermann, Crystal Locke, Melinda Gordon, Fire Chief Ricky Boeker, Police Chief Allwin Barrow, Dant Lange, Todd Ashorn, Public Works Director Dane Rau, Kim Hodde, Economic Development Director Susan Cates, Kevin Boggus and Caylee Rocka

Citizens present:

Martin and Betty Wiesepape, Perry Thomas, Dennis LaBonte, Ben Seeker, Steve Miller, Barbara Hemmer, Dwayne Gajewski, Erich Glenewinkel and Gloria Nix

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**
 - **95th Anniversary for Glissmann's Gift Gallery**
4. **Special Recognition – Business Spotlight**
 - **Emerson Automation Solutions**

This item was passed.

5. **Citizens Comments**

Ben Seeker, Commander of VFW Post in Brenham and President of the Washington County Veterans Association, addressed Council. Seeker explained that there was vandalism at the Veterans Plaza located at Fireman's Park on September 30th. Seeker stated that this was the fourth occurrence of vandalism at the plaza since its dedication in 2002. Seeker advised that there was over \$1,000 in damages.

Seeker explained that he has discussed the matter with Public Works Director Dane Rau and he and City Manager James Fisher agree that lighting and a security camera would be the best solution to deter vandalism at the plaza. Mayor Tate stated that staff would look into a camera and lighting and do whatever the City can do to help out.

CONSENT AGENDA

6. **Statutory Consent Agenda**

- 6-a. **Minutes from the September 5, 2019 Regular City Council Meeting and September 16, 2019 Special City Council Meeting**
- 6-b. **Ordinance No. O-19-040 on Its Second Reading Amending the Rate Tariff Schedule for the City of Brenham Sanitary Sewer Rates for Industrial Surcharges**

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve the Statutory Consent Agenda Items 6-a. and 6-b. as presented.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

WORK SESSION

7. Presentation of 4th Quarter Economic Development Report

Economic Development Director Susan Cates presented this item. Cates reviewed the report and explained that there has been a trend of businesses wanting to locate here from Houston. Cates stated that staff is moving forward with a website project for economic development and it should launch around the end of November. Cates advised that with the website, businesses would have access to data and demographics. Cates also explained that staff is working on a client relationship management program which would include a comprehensive list of businesses in the community. Cates noted that this program would be accessible to all groups and users.

8. Presentation of the 4th Quarter Tourism Report by Visit Brenham

Director of Tourism and Marketing Jennifer Eckermann presented this item. Eckermann presented information including updates in the areas of visitor kiosks, tourism plan, advertising and publicity; digital marketing; social media; The Barnhill Center; and the Visitor Center. Eckermann also highlighted projects that staff would be working on in the 1st Quarter.

REGULAR SESSION

9. Discuss and Possibly Act Upon Resolution No. R-19-030 Expressing Official Intent to Reimburse Certain Costs Related to Street Rebuild and Reconstruction Projects

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that for the past three years, 40 streets or portions of streets (approximately 7.3 miles total) have been reconstructed through the City's Street Reconstruction Program. Miller stated that the majority of the funding for this program has come from funds that were set aside from the sale of the Chappell Hill landfill site. Miller advised that after three years, these funds have been 100% utilized, and in order to continue this vital program another funding source for FY20 is necessary. Miller noted that during the FY20 budget process, the continuation of the street reconstruction program was discussed as a major priority. Miller explained that included in the FY20 budget is the issuance of Certificates of Obligation for various capital projects, one of which is \$625,000 for Street Reconstruction Program. Miller stated that in order to continue this program without disruption, a Reimbursement Resolution is needed in the amount of \$625,000 for FY20 street rebuild and reconstruction costs. Miller noted that in FY20, 20 streets (2.81 miles) have been identified to be reconstructed.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve Resolution No. R-19-030 expressing official intent to reimburse certain costs related to street rebuild and reconstruction projects.

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 Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

10. Discuss and Possibly Act Upon City of Brenham Project No. 2017-03 Related to Industrial Boulevard Storm Damage Repairs and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that on October 1, 2019, staff along with Strand and Associate representatives, opened bids pertaining to the 2017 Industrial Boulevard Storm Drainage Repairs at the creek crossing on Industrial Boulevard. Rau noted that 8 bids were received. Rau stated that this project was initially part of the FEMA work, but due to lack of obtaining funding it was presented in the 2020 operating budget and approved to move forward for repairs. Rau advised that the contract period is 180 days and construction is expected to begin near the first of the year as soon as all paperwork is signed by both parties.

A motion was made by Councilmember Saunders and seconded by Mayor Pro Tem Ebel to approve Project No. 2017-03 to Barclays Premier Utility Services, LLC, in the amount of \$321,885.00, related to Industrial Boulevard Storm Damage Repairs 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 Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

11. Discuss and Possibly Act Upon City of Brenham Project No. E2017-13 Related to Brenham Community Development Corporation's Regional Detention Pond Improvements in the Southwest Industrial Park, Section III and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that on October 1, 2019, staff along with Jones and Carter representatives, opened bids pertaining to the detention

pond rehabilitation in the Southwest Industrial Park. Rau noted that seven bids were received. Rau stated that this project scope was approved earlier in the year and will be funded by BCDC. Rau advised that with the expansion of some businesses and the addition of new property, this detention pond needs to be reworked so that it can handle growth that is on the horizon along with current development. Rau noted that the contract period is 120 days and construction is expected to begin near the first of the year as soon as all paperwork is signed by both parties.

A motion was made by Councilmember Herring and seconded by Councilmember Kolby to approve Project No. E2017-13 to South Central Texas Excavation and Construction, LLC, in the amount of \$269,245.48, related to Brenham Community Development Corporation's Regional Detention Pond Improvements in the Southwest Industrial Park, Section III 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 Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

12. Discuss and Possibly Act Upon City of Brenham Contract No. 2016-04 Related to Brenham Community Development Corporation's Regional Detention Pond Improvements in the Brenham Business Center and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that staff, along with Strand and Associates staff, opened bids related to the Brenham Business Center Detention Pond on October 3, 2019. Rau noted that 5 bids were received. Rau advised that this project is funded by BCDC and will greatly improve the stormwater runoff for existing development, as well as future development. Rau stated that the contract period is 180 days and construction is expected to begin near the first of the year as soon as all paperwork is signed by both parties.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve Contract No. 2016-04 to Lonnie Lischka Company, LP, in the amount of \$382,916.34 including alternate no. 1 and alternate no. 2 bids, related to Brenham Community Development Corporation's Regional Detention Pond Improvements in the Brenham Business Center 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 Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

13. Discuss and Possibly Act Upon Approval of Revised Lease Rates for Ground Space Leases and City-Owned T-Hangar Leases at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation

Planning Technician Kim Hodde presented this item. Hodde explained that on January 3, 2008, City Council approved the City-owned T-hangar lease rate of \$250.00 per month as recommended by the Airport Advisory Board. Hodde noted that this monthly lease rate has not increased since 2008. Hodde advised that staff researched other airports in the area or similar in size/operations and found that the monthly T-hangar rates range from \$150.00 - \$450.00 per month, depending on the size and condition.

Hodde stated that at its May meeting, the Airport Advisory Board voted to recommend approval of the following rental rates effective January 1, 2020. Hodde noted that the Airport Advisory Board would like to review all rates every 1-2 years:

<u>Lease Type</u>	<u>Current Rate</u>	<u>Proposed Rate</u>
Ground space lease	\$.08 per SF / year	\$0.10 per SF / year
2008 T-hangars (push doors)	\$250.00 / month	\$265.00 / month
2015 T-hangars (electric doors)	\$250.00 / month	\$280.00 / month

Hodde advised that the new rates on T-hangar leases would not go into effect until January 1, 2020 so that all tenants/owners could be notified in ample time of the rate increase. Hodde noted that the new rates on ground space leases would go into effect on January 1, 2020 as well; however, due to wording in the leases, they would be increased at various times since they all have different renewal dates and are billed annually.

A motion was made by Councilmember Kolby and seconded by Mayor Pro Tem Ebel to approve the revised lease rates for Ground Space Leases and City-Owned T-Hangar Leases at the Brenham Municipal Airport to be effective January 1, 2020 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 Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

Council adjourned into Executive Session at 1:54 p.m.

EXECUTIVE SESSION

- 14. Section 551.071 – Texas Government Code – Consultation with Attorney – Consultation with the City Attorney for the Purpose of Seeking Legal Counsel Regarding *In re: National Prescription Opiate Litigation*; MDL No. 2804 (N.D. Ohio)**
- 15. Section 551.071 – Texas Government Code – Consultation with Attorney – Consultation with the City Attorney for the Purpose of Seeking Legal Counsel Regarding Brenham Municipal Court Matters and Associated Issues, Including But Not Limited to the Presiding Municipal Court Judge**
- 16. Section 551.074 – Texas Government Code – Personnel Matters – City Manager’s Employment Agreement and Related Issues**

Executive Session adjourned at 3:05 p.m.

RE-OPEN REGULAR AGENDA

- 17. Discuss and Possibly Act Upon *In re: National Prescription Opiate Litigation*; MDL No. 2804 (N.D. Ohio) and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to remain in class action suit *In re: National Prescription Opiate Litigation*; MDL No. 2804 (N.D. Ohio) 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 Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

18. Discuss and Possibly Act Upon the Presiding Municipal Court Judge, Including But Not Limited to the Evaluation, Duties, Suspension or Removal of the Presiding Municipal Court Judge and Associated Matters

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to remove the Presiding Municipal Court Judge, effective immediately.

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 Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

19. Discuss and Possibly Act Upon City Manager's Employment Agreement and Related Issues

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve the extension of the City Manager's Employment Agreement for one year, beginning on January 11, 2020 and provide a 2% cost of living increase, effective January 11, 2020.

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 Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

20. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- This was Arthur Hahn's last meeting representing the Brenham Banner Press
- Received a letter from a citizen thanking City employees for their help at the Forever Young Resale Shop
- Paint the Town Pink will be September 24th
- Will be out of town October 18th through 23rd
- There will be an event October 19th at the Nancy Carol Roberts Memorial Library from 4:00 p.m. to 6:00 p.m. recognizing the Dibley Seymour sculpture, artist and author

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary



Ordinance No. O-19-041
TEXAS MUNICIPAL RETIREMENT SYSTEM

TMRS-CPI Stat Max Removal

AN ORDINANCE PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY OF BRENHAM; ELECTING FOR THE CITY TO MAKE CURRENT SERVICE AND PRIOR SERVICE CONTRIBUTIONS TO THE CITY'S ACCOUNT IN THE BENEFIT ACCUMULATION FUND OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM AT THE ACTUARIALLY DETERMINED RATE OF TOTAL EMPLOYEE COMPENSATION; AND, ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.

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

Section 1. Increase in Retirement Annuities.

(a) On the terms and conditions set out in Section 854.203 of Subtitle G of Title 8, Government Code, as amended (hereinafter referred to as the "TMRS Act"), the City hereby elects to allow and to provide for payment of the increases below stated in monthly benefits payable by the System to retired employees and to beneficiaries of deceased employees of the City under current service annuities and prior service annuities arising from service by such employees to the City. An annuity increased under this section replaces any annuity or increased annuity previously granted to the same person.

(b) The amount of the annuity increase under this section is computed as the sum of the prior service and current service annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by **70%** of the percentage change in Consumer Price Index for All Urban Consumers, from December of the year immediately preceding the effective date of the person's retirement to the December that is 13 months before the effective date of the increase under this Section.

(c) An increase in an annuity that was reduced because of an option selection is reducible in the same proportion and in the same manner that the original annuity was reduced.

(d) If a computation hereunder does not result in an increase in the amount of an annuity, the amount of the annuity will not be changed hereunder.

(e) The amount by which an increase under this Section exceeds all previously granted increases to an annuitant is an obligation of the City and of its account in the Benefit Accumulation Fund of the System.

Section 2. Removal of the Statutory Maximum Rate

Pursuant to Section 855.407(g) of the TMRS Act, the City hereby elects to make future normal and prior service contributions to its account in the benefit accumulation fund of the System at such combined rate of the total compensation paid by the City to employees who are members of the System, as the System's actuary shall annually determine as the rate necessary to fund, within the amortization period determined as applicable to the City under the TMRS Act, the costs of all benefits which are or may become chargeable to or are to be paid out of the City's account in said accumulation fund, regardless of other provisions of the TMRS Act limiting the combined rate of city contributions.

Section 3. Effective Date. Subject to approval by the Board of Trustees of the System, this ordinance shall be and become effective on the 1st day of January 2020.

Passed and approved this the ____ day of _____, 20__.

ATTEST:

APPROVED:

City Secretary or Clerk

Mayor

QUOTE# 00TA1

CONTRACT PRICING WORKSHEET

End User: CITY OF BRENHAM	Contractor: CALDWELL COUNTRY
Contact Name: STEPHEN DRAEHN	CALDWELL COUNTRY
Email: SDDRAEHN@CITYOFBRENHAM.ORG	Prepared By: Averyt Knapp
Phone #: 979-337-7541	Email: aknapp@caldwellcountry.com
Fax #: 979-337-7554	Phone #: 979-567-6116
Location City & State: BRENHAM, TX	Fax #: 979-567-0853
Date Prepared: NOVEMBER 14, 2019	Address: P. O. Box 27, Caldwell, TX 77836
Contract Number: BUY BOARD #521-16	Tax ID # 14-1856872

Product Description: 2020 CHEVROLET TAHOE PPV CC15706

A Base Price & Options:	\$31,585
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B Fleet Quote Option:

Code	Description	Cost	Code	Description	Cost
	LH LED SPOTLIGHT, PPV, 5.3L-V8, 6-SPD AUTOMATIC, LOCKING REAR AXLE DIFFERENTIAL, CLOTH BUCKETS/VINYL REAR BENCH, FULL RUBBER FLOOR, AIR CONDITION FRONT AND REAR, AMFM-STEREO W/BLUETOOTH, TILT, CRUISE, POWER WINDOWS, POWER LOCKS, POWER MIRRORS, KEYLESS ENTRY, DEEP TINT GLASS, RUNNING BOARDS, TRAILER TOW HITCH, REAR VISION CAMERA	INCL			
	GM WARRANTY 5YR/100,000 MILES POWERTRAIN @ N/C	INCL		CALDWELL COUNTRY PO BOX 27 CALDWELL, TEXAS 77836	

Subtotal B	INCL
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C Unpublished Options

Code	Description	Cost	Code	Description	Cost

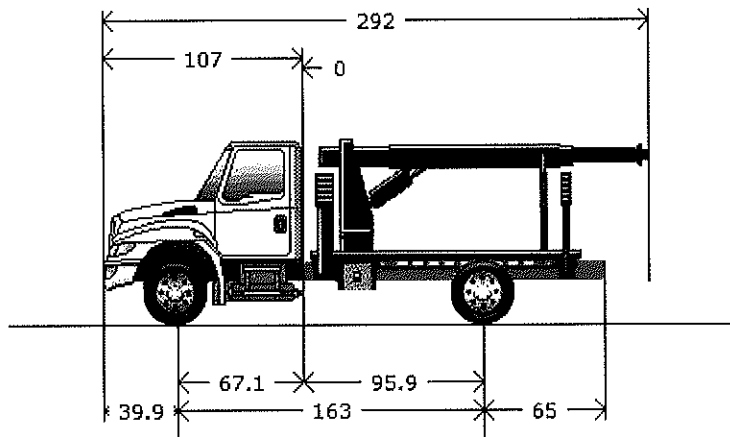
Subtotal C	
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D Other Price Adjustments (Installation, Delivery, Etc...)		
Subtotal D		INCL
E Unit Cost Before Fee & Non-Equipment Charges(A+B+C+D)		\$31,585
Quantity Ordered		6
Subtotal E		\$189,510
F Non-Equipment Charges (Trade-In, Warranty, Etc...)		
2020 CHEVROLET TAHOE PPV (CID-1X) PER 00TA2 (SATIN, SLV, GRAY)		\$33,720
BUY BOARD		\$400
G. Color of Vehicle: BLACK		
H. Total Purchase Price (E+F)		\$223,630
Estimated Delivery Date:		90 DAYS APPX

Prepared For:
CITY OF BRENHAM ELECTRIC
Stephen Draehn
P.O. BOX 1059
BRENHAM, TX 77833-
(409)836 - 7911
Reference ID: N/A

Presented By:
HERRMANN INTERNATIONAL
Darryl Herrmann
514 W ALAMO
BRENHAM TX 77833 -
(979)836-2537

Thank you for the opportunity to provide you with the following quotation on a new International truck. I am sure the following detailed specification will meet your operational requirements, and I look forward to serving your business needs.



Model Profile
2021 MV607 SBA (MV607)

AXLE CONFIG:	4X2
APPLICATION:	Service Body
MISSION:	Requested GVWR: 33000. Calc. GVWR: 33000 Calc. Start / Grade Ability: 22.24% / 1.70% @ 55 MPH Calc. Geared Speed: 87.9 MPH
DIMENSION:	Wheelbase: 163.00, CA: 95.90, Axle to Frame: 65.00
ENGINE, DIESEL:	{Cummins B6.7 250} EPA 2017, 250HP @ 2400 RPM, 660 lb-ft Torque @ 1600 RPM, 2600 RPM Governed Speed, 250 Peak HP (Max)
TRANSMISSION, AUTOMATIC:	{Allison 2500 RDS} 5th Generation Controls, Wide Ratio, 6-Speed with Double Overdrive, with PTO Provision, Less Retarder, with 33,000-lb GVW and GCW Max
CLUTCH:	Omit Item (Clutch & Control)
AXLE, FRONT NON-DRIVING:	{Dana Spicer E-1002I} I-Beam Type, 10,000-lb Capacity
AXLE, REAR, SINGLE:	{Dana Spicer S23-172D} Single Reduction, 23,000-lb Capacity, Driver Controlled Locking Differential, R Wheel Ends Gear Ratio: 5.57
CAB:	Conventional, Day Cab
TIRE, FRONT:	(2) 11R22.5 Load Range G AH37 (HANKOOK), 501 rev/mile, 75 MPH, All-Position
TIRE, REAR:	(4) 11R22.5 Load Range G DH37 (HANKOOK), 498 rev/mile, 75 MPH, Drive
SUSPENSION, REAR, SINGLE:	23,500-lb Capacity, Vari-Rate Springs, with 4500-lb Capacity Auxiliary Rubber Springs
PAINT:	Cab schematic 100WP Location 1: 9219, Winter White (Std) Chassis schematic N/A

Description

Base Chassis, Model MV607 SBA with 163.00 Wheelbase, 95.90 CA, and 65.00 Axle to Frame.

TOW HOOK, FRONT (2) Frame Mounted

AXLE CONFIGURATION {Navistar} 4x2

FRAME RAILS High Strength Low Alloy Steel (80,000 PSI Yield); 10.250" x 3.092" x 0.375" (260.4mm x 78.5mm x 9.5mm); 455.0" (11557mm) Maximum OAL

BUMPER, FRONT Contoured, Steel

WHEELBASE RANGE 134" (340cm) Through and Including 197" (500cm)

AXLE, FRONT NON-DRIVING {Dana Spicer E-1002I} I-Beam Type, 10,000-lb Capacity

SUSPENSION, FRONT, SPRING Parabolic Taper Leaf, Shackle Type, 10,000-lb Capacity, with Shock Absorbers

BRAKE SYSTEM, AIR Dual System for Straight Truck Applications

AIR BRAKE ABS {Bendix AntiLock Brake System} Full Vehicle Wheel Control System (4-Channel)

AIR DRYER {Bendix AD-IP} with Heater

BRAKE CHAMBERS, FRONT AXLE {Bendix} 20 SqIn

BRAKE CHAMBERS, REAR AXLE {Bendix EverSure} 30/30 Spring Brake

BRAKES, FRONT, AIR CAM S-Cam; 15.0" x 4.0"; Includes 20 Sq. In. Long Stroke Brake Chambers

BRAKES, REAR, AIR CAM S-Cam; 16.5" x 7.0"; Includes 30/30 Sq.In. Long Stroke Brake Chamber and Spring Actuated Parking Brake

AIR COMPRESSOR {Cummins} 18.7 CFM

AIR DRYER LOCATION Mounted Outside Right Rail, Forward of Front Wheel

AIR TANK LOCATION (2) Mounted Under Battery Box, Outside Right Rail, Under Cab

STEERING COLUMN Tilting

STEERING WHEEL 4-Spoke; 18" Dia., Black

STEERING GEAR {Sheppard M100} Power

DRIVELINE SYSTEM {Dana Spicer} 1710, for 4x2/6x2

EXHAUST SYSTEM Single, Horizontal Aftertreatment Device, Frame Mounted Under Right Rail Back of Cab, Includes Single Short Horizontal Tail Pipe

ELECTRICAL SYSTEM 12-Volt, Standard Equipment

CIGAR LIGHTER Includes Ash Cup

ALTERNATOR {Leece-Neville AVI160P2013} Brush Type; 12 Volt 160 Amp. Capacity, Pad Mount, with Remote Sense

BODY BUILDER WIRING Back of Day Cab at Left Frame or Under Sleeper, Extended or Crew Cab at Left Frame; Includes Sealed Connectors for Tail/Amber Turn/Marker/ Backup/Accessory Power/Ground and Sealed Connector for Stop/Turn

ELECTRIC TRAILER BRAKE/LIGHTS Accommodation Package to Rear of Frame; for Combined Trailer Stop, Tail, Turn, Marker Light Circuits; Includes Electric Trailer Brake Accommodation Package with Cab Connections for Mounting Customer Installed Electric Brake Unit, Less Trailer Socket

BATTERY SYSTEM {Fleetrite} Maintenance-Free, (3) 12-Volt 1980CCA Total, Top Threaded Stud

RADIO AM/FM/WB/Clock/Auxiliary Input

SPEAKERS (2) 6.5" Dual Cone Mounted in Doors

HORN, ELECTRIC Disc Style

Description

BATTERY BOX Steel, with Plastic Cover, 25" Wide, 2-3 Battery Capacity, Mounted Right Side Under Cab

INDICATOR, LOW COOLANT LEVEL with Audible Alarm

HEADLIGHTS Halogen, Composite Aero Design

CIRCUIT BREAKERS Manual-Reset (Main Panel) SAE Type III with Trip Indicators, Replaces All Fuses

HORN, AIR Black, Single Trumpet, with Lanyard Pull Cord

STARTING MOTOR {Mitsubishi Electric Automotive America 90P47} 12-Volt, with Soft-Start

LOGOS EXTERIOR Model Badges

LOGOS EXTERIOR, ENGINE Badges

GRILLE Chrome

FRONT END Tilting, Fiberglass, with Three Piece Construction

PAINT SCHEMATIC, PT-1 Single Color, Design 100

PAINT TYPE Base Coat/Clear Coat, 1-2 Tone

CUSTOMER IDENTITY for National Joint Powers Alliance

PROMOTIONAL PACKAGE Government Silver Package

CLUTCH Omit Item (Clutch & Control)

ANTI-FREEZE Red, Extended Life Coolant; To -40 Degrees F/ -40 Degrees C, Freeze Protection

ENGINE, DIESEL {Cummins B6.7 250} EPA 2017, 250HP @ 2400 RPM, 660 lb-ft Torque @ 1600 RPM, 2600 RPM Governed Speed, 250 Peak HP (Max)

FAN DRIVE {Borg-Warner SA85} Viscous Type, Screw On

RADIATOR Aluminum; 2-Row, Cross Flow, Over Under System, 717 SqIn Louvered, with 313 SqIn Charge Air Cooler. with In-Tank Transmission Cooler

AIR CLEANER with Service Protection Element

FEDERAL EMISSIONS {Cummins B6.7} EPA, OBD and GHG Certified for Calendar Year 2019

THROTTLE, HAND CONTROL Engine Speed Control; Electronic, Stationary, Variable Speed; Mounted on Steering Wheel

OIL PAN 15 Quart Capacity, For Cummins ISB/B6.7 Engines

EMISSION COMPLIANCE Federal, Does Not Comply with California Clean Air Idle Regulations

ENGINE CONTROL, REMOTE MOUNTED Provision for; Includes Wiring for Body Builder Installation of PTO Controls; with Ignition Switch Control for Cummins ISB/B6.7 or ISL/L9 Engines

TRANSMISSION, AUTOMATIC {Allison 2500 RDS} 5th Generation Controls, Wide Ratio, 6-Speed with Double Overdrive, with PTO Provision, Less Retarder, with 33,000-lb GVW and GCW Max

TRANSMISSION OIL Synthetic; 20 thru 28 Pints

TRANSMISSION SHIFT CONTROL T-Handle Type

SHIFT CONTROL PARAMETERS Allison 1000 or 2000 Series Transmissions, 5th Generation Controls, Performance Programming

PTO LOCATION Customer Intends to Install PTO at Left Side of Transmission

AXLE, REAR, SINGLE {Dana Spicer S23-172D} Single Reduction, 23,000-lb Capacity, Driver Controlled Locking Differential, R Wheel Ends . Gear Ratio: 5.57

SUSPENSION, REAR, SINGLE 23,500-lb Capacity, Vari-Rate Springs, with 4500-lb Capacity Auxiliary Rubber Springs

Description

AXLE, REAR, LUBE {EmGard FE-75W-90} Synthetic Oil; 30 thru 39.99 Pints

FUEL/WATER SEPARATOR 12 VDC Electric Heater, Includes Pre-Heater, Includes Water-in-Fuel Sensor, Cummins Supplied on Engine

FUEL TANK Top Draw, Non-Polished Aluminum, D-Style, 19" Tank Depth, 50 US Gal (189L), Mounted Left Side, Under Cab

DEF TANK 7 US Gal (26L) Capacity, Frame Mounted Outside Left Rail, Under Cab

CAB Conventional, Day Cab

AIR CONDITIONER with Integral Heater and Defroster

GAUGE CLUSTER Base Level; English with English Speedometer and Tachometer, for Air Brake Chassis, Includes Engine Coolant Temperature, Primary and Secondary Air Pressure, Fuel and DEF Gauges, Oil Pressure Gauge, Includes 3 Inch Monochromatic Text Display

IP CLUSTER DISPLAY On Board Diagnostics Display of Fault Codes in Gauge Cluster

SEAT, DRIVER {National 2000} Air Suspension, High Back with Integral Headrest, Vinyl, Isolator, 1 Chamber Lumbar, with 2 Position Front Cushion Adjust, -3 to +14 Degree Angle Back Adjust

GRAB HANDLE, EXTERIOR (2) Black, Aluminum, for Cab Entry Mounted Left and Right Side at B-Pillar

SEAT, PASSENGER {National} Non Suspension, High Back, Fixed Back, Integral Headrest, Vinyl

MIRRORS (2) C-Loop, Black Heads and Arms, 7.5" x 14" Flat Glass, Includes 7.5" x 7" Convex Mirrors, for 102" Load Width

CAB INTERIOR TRIM Classic, for Day Cab

CAB REAR SUSPENSION Rubber Suspension, for Low Cab Height

FRESH AIR FILTER Attached to Air Intake Cover on Cowl Tray in Front of Windshield Under Hood

WINDOW, MANUAL (2) and Manual Door Locks, Left and Right Doors

INSTRUMENT PANEL Flat Panel

ACCESS, CAB Steel, Driver & Passenger Sides, Two Steps per Door, for use with Day Cab and Extended Cab

WHEELS, FRONT {Accuride 51487} DISC; 22.5x8.25 Rims, Powder Coat Steel, 5-Hand Hole, 10-Stud, 285.75mm BC, Hub-Piloted, Flanged Nut, with Steel Hubs

WHEELS, REAR {Accuride 51487} DUAL DISC; 22.5x8.25 Rims, Powder Coat Steel, 5-Hand Hole, 10-Stud, 285.75mm BC, Hub-Piloted, Flanged Nut, with Steel Hubs

(2) TIRE, FRONT 11R22.5 Load Range G AH37 (HANKOOK), 501 rev/mile, 75 MPH, All-Position

(4) TIRE, REAR 11R22.5 Load Range G DH37 (HANKOOK), 498 rev/mile, 75 MPH, Drive

Services Section:

WARRANTY Standard for MV Series, Effective with Vehicles Built July 1, 2017 or Later, CTS-2020A

Knapheide service body

<u>Description</u>	(US DOLLAR)	<u>Price</u>
Factory List Prices:		
Product Items	\$103,865.00	
Service Items	\$0.00	
Total Factory List Price Including Options:		\$103,865.00
Freight	\$2,350.00	
Total Freight:		\$2,350.00
Total Factory List Price Including Freight:		\$106,215.00
Less Customer Allowance:		(\$34,960.00)
Total Vehicle Price:		\$71,255.00
Total Body/Allied Equipment:		\$76,445.00
Total Sale Price:		\$147,700.00
Total Per Vehicle Sales Price:		\$147,700.00
Net Sales Price:		\$147,700.00

Please feel free to contact me regarding these specifications should your interests or needs change. I am confident you will be pleased with the quality and service of an International vehicle.

Approved by Seller:

Accepted by Purchaser:

Official Title and Date

Firm or Business Name

Authorized Signature

Authorized Signature and Date

This proposal is not binding upon the seller without
Seller's Authorized Signature

Official Title and Date

The TOPS FET calculation is an estimate for reference purposes only. The seller or retailer is responsible for calculating and reporting/paying appropriate FET to the IRS.

The limited warranties applicable to the vehicles described herein are Navistar, Inc.'s standard printed warranties which are incorporated herein by reference and to which you have been provided a copy and hereby agree to their terms and conditions.

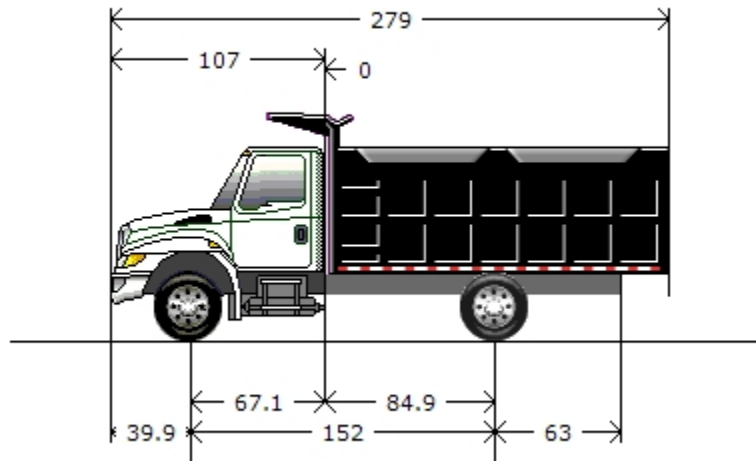
Prepared For:

CITY OF BRENHAM
 Shawn Bolenbarr
 P.O BOX 1059
 BRENHAM, TX 77834-1059
 (409)836 - 7911
 Reference ID: N/A

Presented By:

HERRMANN INTERNATIONAL
 Darryl Herrmann
 514 W ALAMO
 BRENHAM TX 77833 -
 (979)836-2537

Thank you for the opportunity to provide you with the following quotation on a new International truck. I am sure the following detailed specification will meet your operational requirements, and I look forward to serving your business needs.



Model Profile
2020 MV607 SBA (MV607)

AXLE CONFIG:	4X2
APPLICATION:	Construction Dump
MISSION:	Requested GVWR: 33000. Calc. GVWR: 33000 Calc. Start / Grade Ability: 22.24% / 1.70% @ 55 MPH Calc. Geared Speed: 87.9 MPH
DIMENSION:	Wheelbase: 152.00, CA: 84.90, Axle to Frame: 63.00
ENGINE, DIESEL:	{Cummins B6.7 250} EPA 2017, 250HP @ 2400 RPM, 660 lb-ft Torque @ 1600 RPM, 2600 RPM Governed Speed, 250 Peak HP (Max)
TRANSMISSION, AUTOMATIC:	{Allison 2500 RDS} 5th Generation Controls, Wide Ratio, 6-Speed with Double Overdrive, with PTO Provision, Less Retarder, with 33,000-lb GVW and GCW Max
CLUTCH:	Omit Item (Clutch & Control)
AXLE, FRONT NON-DRIVING:	{Meritor MFS-10-122A} I-Beam Type, 10,000-lb Capacity
AXLE, REAR, SINGLE:	{Dana Spicer S23-172D} Single Reduction, 23,000-lb Capacity, Driver Controlled Locking Differential, R Wheel Ends Gear Ratio: 5.57
CAB:	Conventional, Day Cab
TIRE, FRONT:	(2) 11R22.5 Load Range G AH37 (HANKOOK), 501 rev/mile, 75 MPH, All-Position
TIRE, REAR:	(4) 11R22.5 Load Range G DH37 (HANKOOK), 498 rev/mile, 75 MPH, Drive
SUSPENSION, REAR, SINGLE:	23,500-lb Capacity, Vari-Rate Springs, with 4500-lb Capacity Auxiliary Rubber Springs
PAINT:	Cab schematic 100WP Location 1: 9219, Winter White (Std) Chassis schematic N/A

Description

Base Chassis, Model MV607 SBA with 152.00 Wheelbase, 84.90 CA, and 63.00 Axle to Frame.

TOW HOOK, FRONT (2) Frame Mounted

AXLE CONFIGURATION {Navistar} 4x2

FRAME RAILS High Strength Low Alloy Steel (80,000 PSI Yield); 10.250" x 3.092" x 0.375" (260.4mm x 78.5mm x 9.5mm); 455.0" (11557mm) Maximum OAL

BUMPER, FRONT Contoured, Steel

WHEELBASE RANGE 134" (340cm) Through and Including 197" (500cm)

AXLE, FRONT NON-DRIVING {Meritor MFS-10-122A} I-Beam Type, 10,000-lb Capacity

SUSPENSION, FRONT, SPRING Parabolic Taper Leaf, Shackle Type, 10,000-lb Capacity, with Shock Absorbers

BRAKE SYSTEM, AIR Dual System for Straight Truck Applications

AIR BRAKE ABS {Bendix AntiLock Brake System} Full Vehicle Wheel Control System (4-Channel)

AIR DRYER {Bendix AD-IP} with Heater

BRAKE CHAMBERS, FRONT AXLE {Haldex} 20 SqIn

BRAKE CHAMBERS, REAR AXLE {Bendix EverSure} 30/30 Spring Brake

BRAKES, FRONT, AIR CAM S-Cam; 15.0" x 4.0"; Includes 20 Sq. In. Long Stroke Brake Chambers

BRAKES, REAR, AIR CAM S-Cam; 16.5" x 7.0"; Includes 30/30 Sq.In. Long Stroke Brake Chamber and Spring Actuated Parking Brake

AIR COMPRESSOR {Cummins} 18.7 CFM

AIR DRYER LOCATION Mounted Outside Right Rail, Forward of Front Wheel

AIR TANK LOCATION (2) : One Mounted Under Each Frame Rail, Front of Rear Suspension, Parallel to Rail

STEERING COLUMN Tilting

STEERING WHEEL 4-Spoke; 18" Dia., Black

STEERING GEAR {Sheppard M100} Power

DRIVELINE SYSTEM {Dana Spicer} 1710, for 4x2/6x2

AFTERTREATMENT COVER Steel, Black

EXHAUST SYSTEM Single, Horizontal Aftertreatment Device, Frame Mounted Right Side Under Cab, for Single Vertical Tail Pipe, Frame Mounted Right Side Back of Cab

TAIL PIPE (1) Turnback Type

EXHAUST HEIGHT 8' 10"

MUFFLER/TAIL PIPE GUARD (1) Aluminum

ELECTRICAL SYSTEM 12-Volt, Standard Equipment

POWER SOURCE Cigar Type Receptacle without Plug and Cord

ALTERNATOR {Leece-Neville AVI160P2013} Brush Type; 12 Volt 160 Amp. Capacity, Pad Mount, with Remote Sense

BODY BUILDER WIRING Back of Day Cab at Left Frame or Under Sleeper, Extended or Crew Cab at Left Frame; Includes Sealed Connectors for Tail/Amber Turn/Marker/ Backup/Accessory Power/Ground and Sealed Connector for Stop/Turn

BATTERY SYSTEM {Fleetrite} Maintenance-Free, (3) 12-Volt 1980CCA Total, Top Threaded Stud

RADIO AM/FM/WB/Clock/Bluetooth/USB Input/Auxiliary Input, MP3, Apple Device Play & Control

Description

SPEAKERS (2) 6.5" Dual Cone Mounted in Doors

BACK-UP ALARM Electric, 102 dBA

HORN, ELECTRIC Disc Style

INDICATOR, LOW COOLANT LEVEL with Audible Alarm

HEADLIGHTS Halogen, Composite Aero Design

CIRCUIT BREAKERS Manual-Reset (Main Panel) SAE Type III with Trip Indicators, Replaces All Fuses

BATTERY BOX Steel, with Aluminum Cover, 14" Wide, 2-3 Battery Capacity, Mounted Left Side Under Cab

HORN, AIR Black, Single Trumpet, with Lanyard Pull Cord

STARTING MOTOR {Mitsubishi Electric Automotive America 90P47} 12-Volt, with Soft-Start

LOGOS EXTERIOR Model Badges

LOGOS EXTERIOR, ENGINE Badges

GRILLE Chrome

FRONT END Tilting, Fiberglass, with Three Piece Construction

PAINT SCHEMATIC, PT-1 Single Color, Design 100

PAINT TYPE Base Coat/Clear Coat, 1-2 Tone

SURCHARGE, FRONT AXLE for Meritor Front Axles

CUSTOMER IDENTITY for National Joint Powers Alliance

PROMOTIONAL PACKAGE Government Silver Package

MUD FLAPS, FRONT WHEELS (2) Rubber, Mounted on Fender Extension

CLUTCH Omit Item (Clutch & Control)

ANTI-FREEZE Red, Extended Life Coolant; To -40 Degrees F/ -40 Degrees C, Freeze Protection

ENGINE, DIESEL {Cummins B6.7 250} EPA 2017, 250HP @ 2400 RPM, 660 lb-ft Torque @ 1600 RPM, 2600 RPM Governed Speed, 250 Peak HP (Max)

FAN DRIVE {Borg-Warner SA85} Viscous Type, Screw On

RADIATOR Aluminum; 2-Row, Cross Flow, Over Under System, 717 SqIn Louvered, with 313 SqIn Charge Air Cooler. with In-Tank Transmission Cooler

AIR CLEANER with Service Protection Element

FEDERAL EMISSIONS {Cummins B6.7} EPA, OBD and GHG Certified for Calendar Year 2019

THROTTLE, HAND CONTROL Engine Speed Control; Electronic, Stationary, Variable Speed; Mounted on Steering Wheel

OIL PAN 15 Quart Capacity, For Cummins ISB/B6.7 Engines

EMISSION COMPLIANCE Federal, Does Not Comply with California Clean Air Idle Regulations

ENGINE CONTROL, REMOTE MOUNTED Provision for; Includes Wiring for Body Builder Installation of PTO Controls; with Ignition Switch Control for Cummins ISB/B6.7 or ISL/L9 Engines

TRANSMISSION, AUTOMATIC {Allison 2500 RDS} 5th Generation Controls, Wide Ratio, 6-Speed with Double Overdrive, with PTO Provision, Less Retarder, with 33,000-lb GVW and GCW Max

TRANSMISSION OIL Synthetic; 20 thru 28 Pints

TRANSMISSION SHIFT CONTROL T-Handle Type

Description

SHIFT CONTROL PARAMETERS Allison 1000 or 2000 Series Transmissions, 5th Generation Controls, Performance Programming

PTO LOCATION Customer Intends to Install PTO at Left Side of Transmission

AXLE, REAR, SINGLE {Dana Spicer S23-172D} Single Reduction, 23,000-lb Capacity, Driver Controlled Locking Differential, R Wheel Ends . Gear Ratio: 5.57

SUSPENSION, REAR, SINGLE 23,500-lb Capacity, Vari-Rate Springs, with 4500-lb Capacity Auxiliary Rubber Springs

AXLE, REAR, LUBE {EmGard FE-75W-90} Synthetic Oil; 30 thru 39.99 Pints

FUEL/WATER SEPARATOR 12 VDC Electric Heater, Includes Pre-Heater, Includes Water-in-Fuel Sensor, Cummins Supplied on Engine

FUEL TANK Top Draw, Non-Polished Aluminum, 24" Dia, 50 US Gal (189L), Mounted Left Side, Under Cab

DEF TANK 5 US Gal (19L) Capacity, Frame Mounted Outside Left Rail, Under Cab

CAB Conventional, Day Cab

AIR CONDITIONER with Integral Heater and Defroster

GAUGE CLUSTER Premium Level; English with English Speedometer and Tachometer, for Air Brake Chassis, Includes Engine Coolant Temperature, Primary and Secondary Air Pressure, Fuel and DEF Gauges, Oil Pressure Gauge, Includes 5 Inch LCD Color Display

IP CLUSTER DISPLAY On Board Diagnostics Display of Fault Codes in Gauge Cluster

SEAT, DRIVER {National 2000} Air Suspension, High Back with Integral Headrest, Vinyl, Isolator, 1 Chamber Lumbar, with 2 Position Front Cushion Adjust, -3 to +14 Degree Angle Back Adjust

SEAT, TWO-MAN PASSENGER {National} Fixed Back, Integrated Headrest in Both Occupant Positions, Vinyl, with Under Seat Storage Compartment

GRAB HANDLE, EXTERIOR Black, Aluminum, for Cab Entry Mounted Left Side at B-Pillar

MIRRORS (2) C-Loop, Black Heads and Arms, 7.5" x 14" Flat Glass, Includes 7.5" x 7" Convex Mirrors, for 102" Load Width

CAB INTERIOR TRIM Classic, for Day Cab

CAB REAR SUSPENSION Air Suspension, for Mid Cab Height

WINDOW, POWER (2) and Power Door Locks, Left and Right Doors, Includes Express Down Feature

FRESH AIR FILTER Attached to Air Intake Cover on Cowl Tray in Front of Windshield Under Hood

INSTRUMENT PANEL Flat Panel

ACCESS, CAB Steel, Driver & Passenger Sides, Two Steps per Door, for use with Day Cab and Extended Cab

WHEELS, FRONT {Accuride 29169} DISC; 22.5x8.25 Rims, Powder Coat Steel, 5-Hand Hole, 10-Stud, 285.75mm BC, Hub-Piloted, Flanged Nut, with .472" Thick Increased Capacity Disc and Steel Hubs

WHEELS, REAR {Accuride 29169} DUAL DISC; 22.5x8.25 Rims, Powder Coat Steel, 5-Hand Hole, 10-Stud, 285.75mm BC, Hub-Piloted, Flanged Nut, with .472" Thick Increased Capacity Disc and Steel Hubs

(2) TIRE, FRONT 11R22.5 Load Range G AH37 (HANKOOK), 501 rev/mile, 75 MPH, All-Position

(4) TIRE, REAR 11R22.5 Load Range G DH37 (HANKOOK), 498 rev/mile, 75 MPH, Drive

Services Section:

WARRANTY Standard for MV Series, Effective with Vehicles Built July 1, 2017 or Later, CTS-2020A

Davis Dump body

<u>Description</u>	(US DOLLAR)	<u>Price</u>
Factory List Prices:		
Product Items	\$108,611.00	
Service Items	\$0.00	
Total Factory List Price Including Options:		\$108,611.00
Freight	\$2,350.00	
Total Freight:		\$2,350.00
Total Factory List Price Including Freight:		\$110,961.00
Less Customer Allowance:		(\$37,011.00)
Total Vehicle Price:		\$73,950.00
Total Body/Allied Equipment:		\$13,750.00
Total Sale Price:		\$87,700.00
Total Per Vehicle Sales Price:		\$87,700.00
Net Sales Price:		\$87,700.00

Please feel free to contact me regarding these specifications should your interests or needs change. I am confident you will be pleased with the quality and service of an International vehicle.

Approved by Seller:

Accepted by Purchaser:

Official Title and Date

Firm or Business Name

Authorized Signature

Authorized Signature and Date

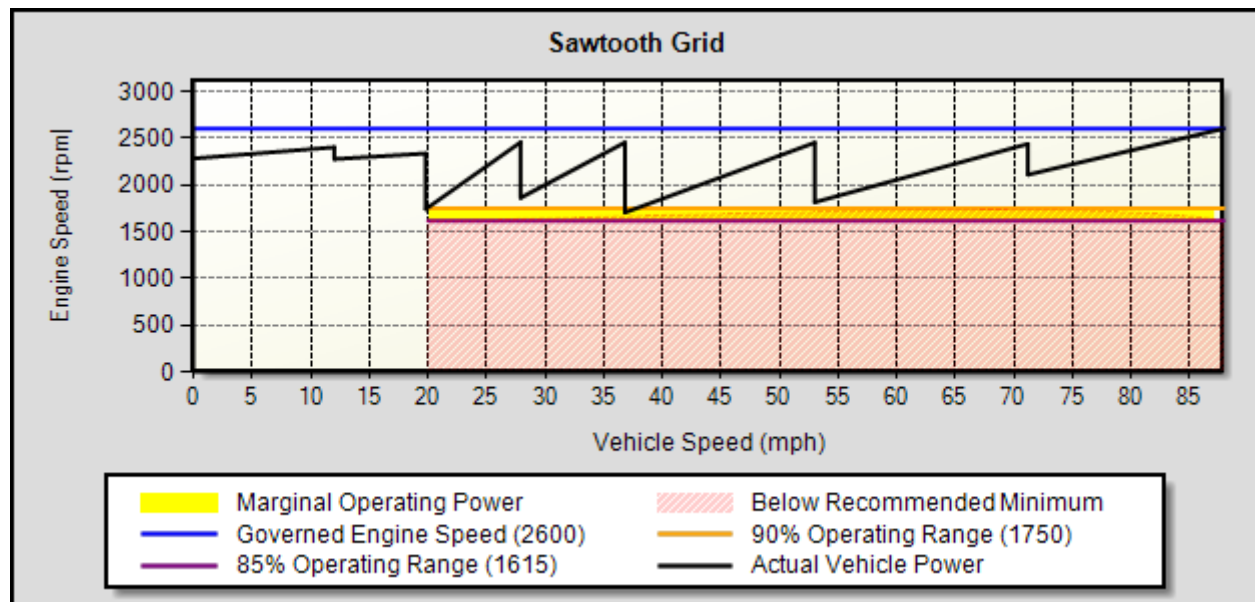
This proposal is not binding upon the seller without
Seller's Authorized Signature

Official Title and Date

The TOPS FET calculation is an estimate for reference purposes only. The seller or retailer is responsible for calculating and reporting/paying appropriate FET to the IRS.

The limited warranties applicable to the vehicles described herein are Navistar, Inc.'s standard printed warranties which are incorporated herein by reference and to which you have been provided a copy and hereby agree to their terms and conditions.

ENGINE/TRANSMISSION MATCHING



Sawtooth Details

Gear	Trans Ratio	Upshift Power Avail		Govern Power Avail		Peak Power Comparison			Warn Msg
		Veh Spd (MPH)	Eng Spd (RPM)	Veh Spd (MPH)	Eng Spd (RPM)	Gear Step (%)	85% Range (%)	90% Range (%)	
1C	3.51	0.0	2281	12.0	2401	N/A	61	49	
2C	1.90	12.0	2275	19.8	2335	N/A	61	49	
2L	1.90	19.8	1740	27.9	2455	N/A	61	49	
3L	1.44	27.9	1860	36.8	2452	N/A	61	49	
4L	1.00	36.8	1703	53.0	2450	N/A	61	49	
5L	0.74	53.0	1813	71.2	2437	N/A	61	49	
6L	0.64	71.2	2108	87.9	2600	N/A	61	49	

STEADY STATE PERFORMANCE

Performance Results	Gear	Veh Spd (mph)	Eng Spd (rpm)	Fuel Econ (mpg)	Grade (%)	Notes
LEVEL ROAD MAXIMUM SPEED	6L	76.3	2258	6.40	0.00	
HI GEAR SPEED @ RATED RPM	----	----	----	----	----	
55.0 MPH STEADY-STATE	6L	55.0	1627	10.12	1.70	
TYPICAL OPERATING SPEED	6L	70.0	2071	7.40	0.71	- Calculated Grade Ability/Fuel Economy

VEHICLE ORDER CODING ERRORS MAY RESULT IF THE "LEVEL ROAD MAX SPEED" VALUE EXCEEDS THE "HI GEAR SPEED @ RATED RPM" AND IS USED AS THE ENGINE PROGRAMMABLE VEHICLE SPEED LIMIT.

IF THE RESULTS CONTAIN "-----", VEHICLE CANNOT ATTAIN THAT SPEED.

IF THE RESULTS CONTAIN "*****", THE ENGINE USED DOES NOT HAVE A FUEL MAP. FUEL ECONOMY CANNOT BE PREDICTED.

Recommendations / General Information

IDLE FUEL RATE : 0.53 GALS/HR @ 700.0 RPM

TORQUE CONVERTER : TC-221 STALL RATIO: 1.73

Fuel Economy Route: Normal Route - City, Suburban, and Highway

Key Fuel Economy Information	City	Suburban	Highway	Notes
MILES PER GALLON	8.10	10.63	9.65	
AVERAGE MPH	19.0	39.9	54.6	
MISSION MINUTES	29.77	51.94	173.35	

IF THE RESULTS CONTAIN "*****", THE ENGINE USED DOES NOT HAVE A FUEL MAP. FUEL ECONOMY CANNOT BE PREDICTED.

GRADEABILITY PERFORMANCE

Enroute - Full Throttle Upshift Performance

Gear	Trans Ratio	Veh Spd (mph)	Eng Spd (rpm)	Whl Pwr (hp)	Grade (%)	Warn Notes Msg
1C	3.51	0.0	2281	0.00	32.24	STALL
		7.2	2277	155.57	24.48	70% EFF
		9.0	2294	177.44	22.24	80% EFF
		12.0	2401	197.06	18.25	
2C	1.90	12.0	2275	144.74	13.11	
		19.8	2335	192.46	10.29	
2L	1.90	19.8	1740	196.86	10.54	
		27.9	2455	220.39	8.01	
3L	1.44	27.9	1860	209.98	7.59	
		36.8	2452	219.66	5.56	
4L	1.00	36.8	1703	191.69	4.70	
		53.0	2450	218.11	2.83	
5L	0.74	53.0	1813	198.49	2.41	
		67.6	2312	213.83	1.00	
		71.2	2437	211.47	0.56	
		71.7	2452	210.93	0.50	
		75.6	2586	206.12	0.00	LEVEL ROAD
6L	0.64	67.2	1987	211.08	1.00	
		71.2	2108	212.78	0.58	
		71.9	2128	212.60	0.50	
		76.4	2261	210.91	0.00	LEVEL ROAD
		87.9	2600	201.37	-1.35	RATED RPM

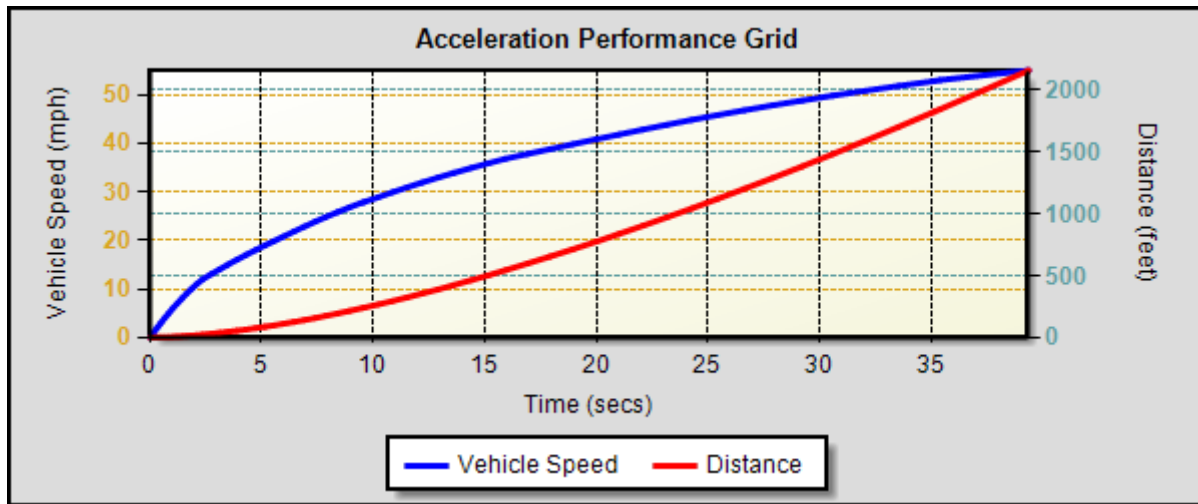
STARTING / TOP GEAR PERFORMANCE

Gear	Trans Ratio	Veh Spd (mph)	Eng Spd (rpm)	Whl Pwr (hp)	Grade (%)	Warn Notes Msg
1C	3.51	0.0		0.00	32.24	STALL
		9.0		177.44	22.24	80% EFF - Calculated Start Ability

THE TRANSMISSION WAS SIMULATED IN PERFORMANCE OPERATING MODE.

ACCELERATION PERFORMANCE RESULTS

Acceleration Performance Grid



Acceleration Performance: TIME TO ACCELERATE ON A GRADE TO 55.0 (MPH) IS 39.37 (SECS)

Acceleration Performance Details

Gear	Time (secs)	Distance (feet)	Speed (mph)	Notes
1C	0.17	0.1	1.0	
	0.33	0.5	2.0	
	0.50	1.1	3.0	
	0.67	2.0	4.0	
	0.85	3.2	5.0	
	1.03	4.7	6.0	
	1.23	6.5	7.0	
	1.43	8.7	8.0	
	1.64	11.4	9.0	
	1.87	14.5	10.0	
	2.11	18.2	11.0	
2C	2.37	22.6	12.0	
	2.74	29.4	13.0	
	3.12	36.9	14.0	
	3.50	45.1	15.0	
	3.90	54.2	16.0	
	4.31	64.1	17.0	
	4.74	75.0	18.0	
	5.17	86.8	19.0	
2L	5.54	97.3	19.8	
	5.99	110.8	20.8	
	6.45	125.1	21.8	
	6.91	140.2	22.8	
	7.39	156.4	23.8	
	7.88	174.2	24.8	
	8.41	193.5	25.8	
	8.95	214.7	26.8	
	9.53	237.8	27.8	
	9.61	241.0	27.9	
3L	10.24	267.1	28.9	
	10.87	294.5	29.9	

Gear	Time (secs)	Distance (feet)	Speed (mph)	Notes
4L	11.52	323.6	30.9	
	12.19	354.6	31.9	
	12.90	388.0	32.9	
	13.63	423.9	33.9	
	14.39	462.5	34.9	
	15.19	503.9	35.9	
	15.93	543.4	36.8	
	16.93	598.3	37.8	
	17.94	655.2	38.8	
	18.96	713.9	39.8	
	19.99	774.6	40.8	
	21.02	837.6	41.8	
	22.08	903.1	42.8	
	23.16	971.8	43.8	
	24.28	1044.4	44.8	
	25.43	1121.4	45.8	
	26.64	1203.3	46.8	
	27.90	1290.7	47.8	
	29.22	1384.0	48.8	
	30.59	1483.7	49.8	
5L	32.04	1590.2	50.8	
	33.55	1704.2	51.8	
	35.14	1826.6	52.8	
	35.40	1846.8	53.0	
	37.36	2000.5	54.0	
	39.36	2160.2	55.0	
	39.37	2161.1	55.0	

REQUIRED TCAPE INFORMATION

TCAPE Factors For Vehicle

Selected Rear Axle Gear Ratio(s):	5.57
Engine Fan Type:	VISCOUS
Parked PTO:	NO
Enroute PTO:	NO
ID Wheel Slip Conditions:	Yes
Road Governor/Cruise Ctrl:	No
Road Surface Type:	TYPICAL
Fuel Economy Route:	Normal Route - City, Suburban, and Highway
Vehicle Vocation:	GENERAL ON HIGHWAY
Acceleration Grade (%):	0.0
Frontal Area (FT2):	96
Speed Limit on Route (MPH):	61.0
Relative Drag Coefficient:	85
Alternator (A):	40
Steering Gear (HP):	2.60
Air Conditioner (HP):	2.20
Vehicle Width (IN):	96
Vehicle Height (IN):	144
Weight on Drive Axle (LBF):	23000
Acceleration Vehicle Spd (MPH):	55.0
Air Compressor (HP):	2.20
TIRE, FRONT	2 - RADIAL NORMAL
TIRE, REAR	4 - RADIAL NORMAL

Components

0001ANA	AXLE CONFIGURATION {Navistar} 4x2
0002ASH	AXLE, FRONT NON-DRIVING {Meritor MFS-10-122A} I-Beam Type, 10,000-lb Capacity
0004SPA	AIR COMPRESSOR {Cummins} 18.7 CFM
0005PSA	STEERING GEAR {Sheppard M100} Power
0008GXD	ALTERNATOR {Leece-Neville AVI160P2013} Brush Type; 12 Volt 160 Amp. Capacity, Pad Mount, with Remote Sense
0012EJS	ENGINE, DIESEL {Cummins B6.7 250} EPA 2017, 250HP @ 2400 RPM, 660 lb-ft Torque @ 1600 RPM, 2600 RPM Governed Speed, 250 Peak HP (Max)
0012TSY	FAN DRIVE {Borg-Warner SA85} Viscous Type, Screw On
0013ATH	TRANSMISSION, AUTOMATIC {Allison 2500 RDS} 5th Generation Controls, Wide Ratio, 6-Speed with Double Overdrive, with PTO Provision, Less Retarder, with 33,000-lb GVW and GCW Max
0014AWK	AXLE, REAR, SINGLE {Dana Spicer S23-172D} Single Reduction, 23,000-lb Capacity, Driver Controlled Locking Differential, R Wheel Ends
0016030	CAB Conventional, Day Cab
0016BAM	AIR CONDITIONER with Integral Heater and Defroster
07372135809	TIRE, FRONT 11R22.5 Load Range G AH37 (HANKOOK), 501 rev/mile, 75 MPH, All-Position 11R22.5 Load Range G AH37 (HANKOOK), 501 rev/mile, 75 MPH, All-Position
07372135810	TIRE, REAR 11R22.5 Load Range G DH37 (HANKOOK), 498 rev/mile, 75 MPH, Drive 11R22.5 Load Range G DH37 (HANKOOK), 498 rev/mile, 75 MPH, Drive

TCAPE HAS BEEN DESIGNED TO GIVE ECONOMY AND PERFORMANCE PREDICTIONS WHICH HAVE BEEN SHOWN TO BE TYPICAL FOR MOST OPERATIONS. HOWEVER, DUE TO OPERATING CONDITIONS, DRIVER INFLUENCES, AND OTHER FACTORS, YOUR RESULTS MAY VARY FROM THOSE PREDICTED. ALSO, BECAUSE OF FUEL MAPPING PROCEDURES USED BY VARIOUS ENGINE MANUFACTURERS, COMPARISONS OF FUEL ECONOMY RESULTS FOR DIFFERENT BRANDS OF ENGINES MAY VARY FROM THOSE SHOWN.

NAVISTAR, INC. SHALL NOT BE LIABLE FOR ANY LOSS OF PROFITS, LOSS OF USE, INTERRUPTION OF BUSINESS OR INDIRECT, SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES OF ANY KIND THAT ARE INCURRED BY DEALER OR BY DEALER'S CUSTOMERS AS A RESULT OF RELIANCE ON TCAPE, WHETHER THE CLAIM IS IN CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY OR OTHERWISE.



AGENDA ITEM 6

DATE OF MEETING: November 21, 2019	DATE SUBMITTED: November 14, 2019	
DEPT. OF ORIGIN: Public Utilities	SUBMITTED BY: Dane Rau	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☒ PUBLIC HEARING ☐ CONSENT ☐ REGULAR ☐ WORK SESSION	ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Public Hearing to Consider the Establishment of a Municipal Drainage Utility System, Providing for the Establishment and Calculation of Municipal Drainage Utility Charges and Credits, and Providing Penalties and Remedies for Nonpayment of Charges		
SUMMARY STATEMENT: During the FY19-20 Budget Workshops, the Council received briefings from City staff and had numerous discussions concerning the January 1, 2020 implementation of a drainage utility system for addressing storm water issues. The Council chose to include the drainage utility system in the 2019-20 adopted budget. Under Texas Local Government Code Chapter 552, Subchapter C, "Municipal Drainage Utility Systems", prior to adoption, the governing body must publish a notice in a newspaper of general circulation in the municipality stating the time and place of a public hearing to consider the proposed ordinance. The proposed ordinance must be published in full and must be published three times before the date of the public hearing, with the first publication on or before the 30 th day before the date of the hearing. City staff has complied with these requirements.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Proposed Ordinance		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: No action – Public Hearing only.		
APPROVALS: James Fisher		

ORDINANCE NO _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BRENHAM, BY REVISING CHAPTER 26 - UTILITIES, ARTICLE VII – RIGHT OF WAY MANAGEMENT REQUIREMENTS FOR NETWORK PROVIDERS, TO PROVIDE FOR THE RESERVATION OF CERTAIN SECTIONS; BY ADDING ARTICLE VIII, MUNICIPAL DRAINAGE UTILITY SYSTEM; DECLARING THE ADOPTION OF THE MUNICIPAL DRAINAGE UTILITY SYSTEMS ACT, SUBCHAPTER C OF CHAPTER 552, TEXAS LOCAL GOVERNMENT CODE; DECLARING DRAINAGE TO BE A PUBLIC UTILITY; ESTABLISHING A MUNICIPAL DRAINAGE UTILITY SYSTEM; PROVIDING FOR THE ESTABLISHMENT AND CALCULATION OF MUNICIPAL DRAINAGE UTILITY CHARGES AND CREDITS; AND PROVIDING PENALTIES AND REMEDIES FOR NONPAYMENT OF CHARGES.

WHEREAS, the City of Brenham, Texas (“City”) is a home rule municipality having the full power of local self-government pursuant to its Charter, Article XI, Section 5 of the Texas Constitution, and Chapter 9 of the Texas Local Government Code; and

WHEREAS, it is necessary that the collection and direction of stormwater drainage runoff within the City protects the public health, safety, and welfare of the public and the City’s citizens including but not limited to protection against property damage and injury to persons; and

WHEREAS, the City has determined that all real property in the City, including property owned by public and tax-exempt entities, contributes to stormwater runoff and either uses or benefits from the stormwater management system and therefore the system’s construction, operation, and maintenance are best funded by the users of said system; and

WHEREAS, the City Council of the City (“City Council”) desires to address the various water quality and environmental issues that may burden its stormwater drainage infrastructure, and to protect against surface water overflow, standing surface water, and pollution arising from nonpoint source runoff within the City; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of the City to promote the public health, safety and welfare of the public and the City’s citizens by adopting a municipal drainage utility system, as authorized by Texas Local Government Code Chapter 552, Subchapter C, “Municipal Drainage Utility Systems”, as amended (the “Act”), within the City’s municipal boundaries; and

WHEREAS, the Act provides for the said public utility service to be provided within an established service area; and

WHEREAS, the City Council desires by this Ordinance to establish a Municipal Drainage Utility System, pursuant to the Act, and further the City Council has investigated and determined that a uniform schedule of drainage fees shall be applied against all real property in the proposed service area subject to charges under the Act; and

WHEREAS, the City will provide drainage for all real property in the proposed service area on payment of drainage charges, except real property exempted under the Act and other applicable law;

WHEREAS, the City will offer municipal drainage service on a nondiscriminatory, reasonable, and equitable terms; and

WHEREAS, the City makes no representation that all stormwater drainage problems may or will be remedied, and the City Council has and retains full discretion in establishing the priorities in expending funds as they become available to meet the City's stormwater drainage needs, and the adoption of this Ordinance does not and shall not be construed to relieve private land owners, developers or other individuals or entities from providing stormwater drainage improvements pursuant to the ordinances, rules, codes, and regulations of the City and federal or state laws and regulations; and

WHEREAS, in accordance with the Act, notices of a public hearing regarding this Ordinance were published and a public hearing on this Ordinance was held concerning the matters set forth herein; and

WHEREAS, as set forth herein, the City Council adopts the Act and declares that stormwater drainage infrastructure and services of the City is a public utility within the meaning of the Act;

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

SECTION 1.

Chapter 26 - Utilities, Article VII – Right of Way Management Requirements for Network Providers, of the Code of Ordinances, City of Brenham, Texas, is hereby amended to provide for the reservation of certain sections as follows:

Sec. 26-177 – 26-179. RESERVED.

SECTION 2.

Chapter 26 – Utilities, of the Code of Ordinances, City of Brenham, Texas, is hereby amended by adding Article VIII, Municipal Drainage Utility System, to read as follows:

ARTICLE VIII. MUNICIPAL DRAINAGE UTILITY SYSTEM

Sec. 26-180. Definitions.

Terms defined herein are specific to this article and shall not be construed as conflicting with similar terms in other parts of this code. Terms not otherwise defined herein shall be given the definitions contained in the Texas Local Government Code, Chapter 552, Subchapter C.

The Act shall mean the Texas Local Government Code, Chapter 552, Subchapter C, as may be amended from time to time.

Benefitted Property shall mean an improved lot or tract to which drainage service is made available under this article.

City shall mean the City of Brenham, a home-rule municipal corporation located in Washington County, Texas.

Commercial Property shall mean all improved properties within the City other than residential property, including, but not limited to, commercial, industrial, institutional, government, multi-family, and nonprofit and religious organization land uses.

Cost of Service shall mean the costs for drainage system service to a Benefitted Property, which shall be the total of:

- (1) Prorated cost of the acquisition, whether by eminent domain or otherwise, of land, rights-of-way, options to purchase land, easements, and interests in land relating to structures, equipment, and facilities used in draining the Benefitted Property;
- (2) Prorated cost of the acquisition, construction, repair, and maintenance of structures, equipment, and facilities used in draining the Benefitted Property;
- (3) Prorated cost of architectural, engineering, legal and related services, plant and specifications, studies, surveys, estimates of cost and of revenue, and all other expenses necessary or incident to planning, providing, or determining the feasibility and practicability of structures, equipment, and facilities used in draining the Benefitted Property;
- (4) Prorated cost of machinery, equipment, furniture, and facilities necessary or incident to the provision and operation of draining the Benefitted Property;
- (5) Prorated cost of funding and financing charges and interest arising from construction projects and the start-up cost of a drainage facility used in draining the Benefitted Property;
- (6) Prorated cost of debt service and reserve requirements of structures, equipment, and facilities provided by revenue bonds or other drainage revenue-pledge securities or obligations issued by the City; and
- (7) Administrative costs of operating and maintaining a Drainage Utility System.

Drainage shall mean bridges, catch basins, channels, conduits, creeks, culverts, detention ponds, ditches, draws, flumes, pipes, pumps, sloughs, treatment works, and appurtenances to those

items, whether natural or artificial, or using force or gravity, that are used to draw off surface water from land, carry the water away, collect, store, or treat the water, or divert the water into natural or artificial watercourses.

Drainage Utility Charges shall mean the levy imposed to recover the cost of the service of the City in furnishing drainage for any Benefitted Property, including any interest and penalties; and amounts made in contribution to funding of future drainage system construction by the City.

Drainage System or *Drainage Utility* or *Drainage Utility System* shall mean the drainage system owned or controlled in whole or in part by the City and dedicated to the service of Benefitted Property, including any future additions, extensions, and improvements thereto and replacement thereof.

Equivalent Residential Unit (“ERU”) shall mean the unit of measure used to calculate the Drainage Utility Charge for Residential and Non-Residential Property.

Facilities shall mean the real, personal, or mixed property that is used in providing drainage and included in the Drainage System.

Impervious Area shall mean a surface which has become compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Impervious Areas include, but are not limited to, compacted soils, graveled surfaces subject to motorized vehicular traffic, walkways, buildings, parking lots, pavement, concrete, and ingress/egress driveways. “Impervious Area” does not include sidewalks located in the public right-of-way and as further defined in this Code. For purposes of this definition, a “walkway” is a pedestrian way in the interior of a lot or tract that is not located in the public right-of-way.

Improved Lot or *Tract* shall mean a lot or tract that has a structure, as further defined in this Code, or other improvement on it that causes or constitutes an Impervious Area.

Non-Residential Property shall mean all improved properties within the City other than residential property, including, but not limited to, commercial, industrial, institutional, government, multi-family, triplex, quadplex, and nonprofit and religious organization land uses.

Parcel shall mean one (1) or more lots or tracts or portions of lots or tracts that are contiguous and under single ownership.

Public Utility shall mean drainage service that is regularly provided by the City through City property dedicated to that service to the users of Benefitted Property within the Service Area and that is based on:

- (1) An established schedule of charges;
- (2) Use of the police power to implement the service; and
- (3) Nondiscriminatory, reasonable, and equitable terms consistent with the Act.

Residential Property shall mean any improved lot or tract with single-family home, condominium, manufactured/mobile home, or duplex.

Service Area shall mean the corporate boundaries of the City.

User or *Customer* shall mean the person or entity that owns or occupies a Benefitted Property.

Wholly Sufficient and Privately-Owned Drainage System shall mean drainage from an improved lot or tract which does not discharge into any natural or manmade waterway or drainage infrastructure including but not limited to creeks, rivers, sloughs, public streets, storm drains, culverts, drainage easements, storm water ponds or other channels that are part of the Drainage System.

Sec. 26-181. Establishment of Drainage Utility; Service Area; Exemptions; and Dedication of Assets.

- (a) The provisions of the Texas Local Government Code, Chapter 552, Subchapter C are hereby adopted to create a Drainage Utility for the City. Accordingly, drainage of the City of Brenham is hereby declared to be a public utility.
- (b) The service area for the Drainage Utility shall include all real property within the corporate limits of the City as now existing and all real property which may be annexed by the City hereafter from time to time.
- (c) The City Council finds that:
 - (1) Impervious Area increases runoff and associated pollutants; and
 - (2) It is equitable to assess the Drainage Utility Charge to each User based on Impervious Area.
- (d) Pursuant to the Texas Local Government Code, Section 552.053 and Section 580.003, the following shall be exempt from the provisions of this article:
 - (1) Property with proper construction and maintenance of a wholly sufficient and privately-owned drainage system;
 - (2) Property held and maintained in its natural state, until such time that the property is developed, and all of the public infrastructure constructed has been accepted by the City for maintenance;
 - (3) A subdivided lot, until a structure has been built on the lot and a certificate of occupancy has been issued by the City;
 - (4) State agencies; and
 - (5) Public or private institutions of higher education.
- (e) The City incorporates into the Drainage Utility System all existing property, facilities, equipment, materials, and supplies constituting the City's drainage system on the effective date of this article. All future acquisitions by the City of real or personal property used in the City's Drainage System shall be maintained as a part of the Drainage Utility.

Sec. 26-182. Drainage Utility Rates and Charges.

The rates and charges for Users of the Drainage Utility System shall be as provided by ordinance on file in the office of the City Secretary.

Sec. 26-183. Drainage Utility Fund.

A separate fund is hereby created, known as the Drainage Utility Fund, for the purpose of segregating, identifying, and controlling all revenues and expenses attributable into the Drainage Utility. All Drainage Utility Charges shall be accounted for as collected and received into this fund and shall be used exclusively for drainage Cost of Service. Such utility revenues may be used for the operation, planning, engineering, inspection, construction, repair, maintenance, improvement, reconstruction, administration, debt issuance cost and debt service, and other reasonable and customary expenses associated with the operation of a utility system. It shall not be necessary that expenditures from the Drainage Utility Fund for any authorized purpose specifically relate to or benefit any particular Benefitted Property from which the revenues were collected.

Sec. 26-184. Administration of Drainage Utility.

The City Manager or his designee shall be responsible for the administration of the Drainage Utility, including but not limited to, enacting any procedures necessary for the administration of the drainage charges and the consideration of appeals, development, and implementation of maintenance and facility improvement programs, state and federal regulatory compliance, and establishing drainage criteria and standards for the drainage system. The Utilities Department shall keep an accurate record of all properties benefitted by the services and facilities of the Drainage Utility.

Sec. 26-185. Billing, Payments, and Penalties.

- (a) Bills or statements for the Drainage Utility Charge shall be rendered by the City for all properties subject to such charge.
- (b) Drainage Utility Charges shall be billed with the City's other public utility billings and shall be identified separately on the bill as a Drainage Utility Charge.
- (c) Any charge due hereafter which is not paid when due will subject the User to discontinuance of all utility services provided by the City and may be recovered in an action at law or in equity by the City including fixture of a lien against the property as allowed by law.

Sec. 26-186. Effect on Land-Owner Obligations Under City Ordinances; No Waiver of Immunity.

- (a) The establishment of the Drainage Utility by the City does not relieve private land owners, developers, other individuals and entities from responsibility for providing drainage improvements in connection with land development pursuant to the other ordinances of the City or federal or state laws and/or regulations that relate to stormwater runoff, drainage management, or drainage improvements.

- (b) The establishment of the Drainage Utility does not imply or warrant that a Benefitted Property will be free from flooding, stormwater pollution, or stream erosion. The City makes no representation that all drainage problems will be remedied. This article does not create additional duties on the part of the City or create new liability or remedies for any flooding, stream erosion, deterioration of water quality, or other damages. Nothing in this article shall be deemed to waive the City's immunity under law or reduce the need or necessity for flood insurance.

Sec. 26-187. Appeals.

- (a) Requests for adjustment of a Drainage Utility Charge shall be submitted to the City Utilities Customer Service Department. A User may apply for an adjustment if:
 - (1) The User believes that the drainage charge schedule, as applied to the User's Benefitted Property, does not fairly reflect the Cost of Service to the User's Benefitted Property;
 - (2) The User disputes the amount of Impervious Area used to calculate the drainage charge; or
 - (3) The User's Drainage Utility Charge has been assessed in error.
- (b) The following procedures shall apply to all requests for adjustment of the Drainage Utility Charge:
 - (1) The User shall have the burden of proof.
 - (2) Any User who has paid Drainage Utility Charges and who believes the calculation or determination of the Drainage Utility Charge to be incorrect may, subject to the restrictions set forth in this article, submit an adjustment request to the City Utilities Customer Service Department.
 - (3) Requests for adjustment of Drainage Utility Charges paid by a User making the request shall be in writing and set forth in detail the grounds upon which relief is sought.
 - (4) Adjustment requests will be reviewed by the City within fifteen (15) business days from the date of receipt of an adjustment request. Adjustments resulting from such a request shall be prospective but may be made retroactive for no greater time period than three (3) monthly billings immediately prior to the receipt of the request.
 - (5) The User requesting an adjustment may be required, at the User's cost, to provide supplemental information to the City, including, but not limited to, survey data certified by a Texas Registered Professional Land Surveyor (R.P.L.S), or other documentation of Impervious Area. Failure to provide the required information may result in the denial of the adjustment request.
 - (6) The City's determination of the adjustment request shall be provided to the User, in writing, within fifteen (15) business days, of the later of receipt of the request for adjustment or receipt of any additional information submitted in accordance with this section. If the City approves the request, the adjustment to the Drainage Utility Charge will be made.

- (c) If the City denies the adjustment request, the User may within fifteen (15) business days from the date of notification, appeal the decision to the City Manager.
- (d) Before imposing a lien for delinquent Drainage Utility Charges, the City shall send notice to the record owner of the Benefitted Property stating the amount of the charges owed, and of the owner's right to appeal the placement of the lien by producing evidence sufficient to prove that the delinquent charges are not rightfully owed. The owner shall provide such evidence to the City within fifteen (15) business days from the date of the aforementioned notification by the City. A lien shall not be filed if the owner shows that the Drainage Utility Charge serving as the basis of the lien is not owed. When a person pays all the applicable charges, a lien filed pursuant to this article, shall be released by the City. The paying party shall be responsible for the costs associated with the recording of the release in the official records of Washington County.

Sec. 21-188 – 21-195. – RESERVED.

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

PASSED and **APPROVED** on its first reading the 21st day of November 2019.

PASSED and **APPROVED** on its second reading the 5th day of December 2019.

Milton Y. Tate, Jr.
Mayor

ATTEST:

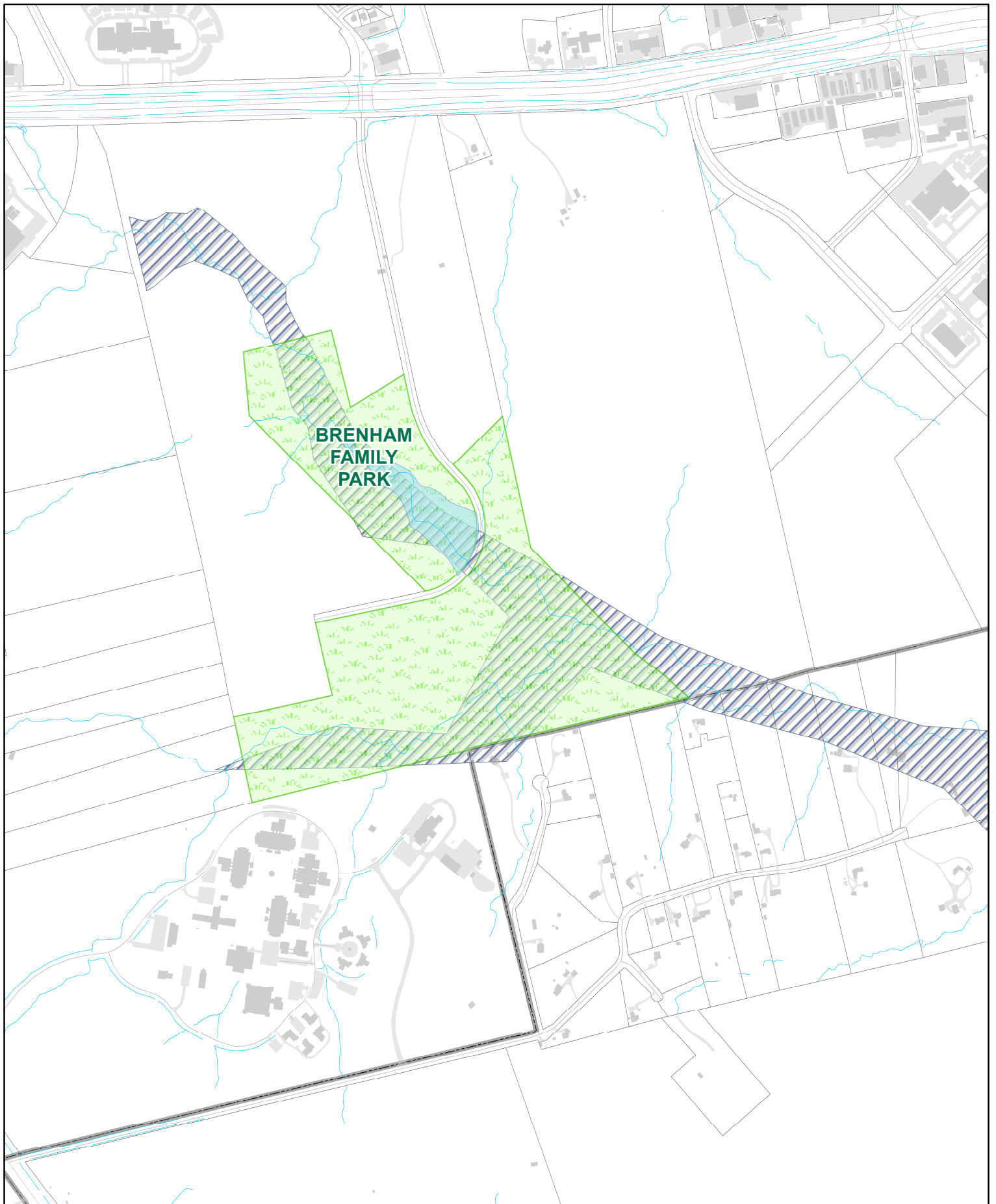
Jeana Bellinger, TRMC, CMC
City Secretary



AGENDA ITEM 7

DATE OF MEETING: November 21, 2019	DATE SUBMITTED: November 14, 2019	
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Dane Rau	
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☒ PUBLIC HEARING ☐ CONSENT ☐ REGULAR ☐ WORK SESSION	ORDINANCE: ☐ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION
AGENDA ITEM DESCRIPTION: Public Hearing, Discussion and Receipt of Input Related to a Possible Submission of a Grant Application to Texas Parks and Wildlife for the Local Parks Non-Urban Outdoor Recreation Grant Program for (Phase 1(a)) of the Brenham Family Park as Outlined in the City of Brenham's 2015-2025 Parks, Recreation and Open Spaces Master Plan		
SUMMARY: Texas Parks and Wildlife Department (TPWD) offers the Local Park Grant Program that consists of five individual programs that assist local government with the acquisition and/or development of public recreation areas and facilities throughout the State of Texas. All grant assisted sites must be dedicated as parkland in perpetuity, properly maintained and open to the public. This grant, if awarded, would align with the City's goals and objectives outlined in our 2015-2025 Parks, Recreation, and Open Spaces Master Plan for the construction of the initial phase of the Brenham Family Park. In accordance with Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands), this Public Hearing is to receive citizen input regarding the possible environmental impact of building within the floodplain is required since a portion of the proposed Brenham Family Park is located within the 100-year floodplain. The City of Brenham has hired a local engineering firm to assist with the design and construction of any infrastructure built in the floodplain.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Map of Brenham Family Park – 100 Year Flood Plain, (2) Draft Brenham Family Park Plan		
FUNDING SOURCE (Where Applicable): N/A		

RECOMMENDED ACTION: No action – Public Hearing only.
APPROVALS: James Fisher



1 inch = 900 feet



100 Year Flood Plain



- POINTS OF INTEREST**
- ① Rest Areas
 - ② Restrooms
 - ③ Playscape
 - ④ Picnic Area
 - ⑤ Parking Area
 - ⑥ Multi Purpose Field
 - ⑦ Viewing Pull-off
 - ⑧ Overlook
 - ⑨ Community Center
 - ⑩ Wildflower Area
 - ⑪ Boardwalk/Canoe Launch

BRENHAM FAMILY PARK PLAN
WASHINGTON COUNTY, TEXAS

Statement: This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or planning purposes. It is not intended to represent or be used as a basis for any legal, engineering, or planning purposes. It is not intended to represent or be used as a basis for any legal, engineering, or planning purposes. It is not intended to represent or be used as a basis for any legal, engineering, or planning purposes.

J|C
JONES CARTER
Texas Board of Professional Engineers Registration No. T-429

Proposed Park Sites	Proposed Park Access Road	Trail	Maintained Surface Trail	Approx. Special Flood Hazard Area
Proposed Lake	Proposed Roads	Play Area	Parking Areas	Multi-Purpose Field Areas
Rest Area	Picnic Area	Restroom	Community Center	Viewing Pull-off
Wild Flower Field	Boardwalk/Canoe Launch			





AGENDA ITEM 8

DATE OF MEETING: November 21, 2019	DATE SUBMITTED: November 14, 2019
DEPT. OF ORIGIN: Public Utilities	SUBMITTED BY: Dane Rau
MEETING TYPE: ☒ REGULAR ☐ SPECIAL ☐ EXECUTIVE SESSION	CLASSIFICATION: ☐ PUBLIC HEARING ☐ CONSENT ☒ REGULAR ☐ WORK SESSION
ORDINANCE: ☒ 1 ST READING ☐ 2 ND READING ☐ RESOLUTION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on its First Reading Amending Chapter 26, Utilities, of the Code of Ordinances of the City of Brenham Establishing a Municipal Drainage Utility System, Providing for the Establishment and Calculation of Municipal Drainage Utility Charges and Credits, and Providing Penalties and Remedies for Nonpayment of Charges	
SUMMARY STATEMENT: During the FY19-20 Budget Workshops, the Council received briefings from City staff and had numerous discussions concerning the January 1, 2020 implementation of a drainage utility system for addressing storm water issues. The Council chose to include the drainage utility system in the 2019-20 adopted budget. Under Texas Local Government Code Chapter 552, Subchapter C, "Municipal Drainage Utility Systems", prior to adoption, the governing body must publish a notice in a newspaper of general circulation in the municipality stating the time and place of a public hearing to consider the proposed ordinance. The proposed ordinance must be published in full and must be published three times before the date of the public hearing, with the first publication on or before the 30 th day before the date of the hearing. City staff has complied with these requirements.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:	
ALTERNATIVES (In Suggested Order of Staff Preference):	
ATTACHMENTS: (1) Ordinance for first reading	
FUNDING SOURCE (Where Applicable):	

AGENDA ITEM DESCRIPTION: Approve an Ordinance on its first reading amending Chapter 26, Utilities, of the Code of Ordinances of the City of Brenham Establishing a Municipal Drainage Utility System, Providing for the Establishment and Calculation of Municipal Drainage Utility Charges and Credits, and Providing Penalties and Remedies for Nonpayment of Charges

APPROVALS: James Fisher

ORDINANCE NO _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BRENHAM, BY REVISING CHAPTER 26 - UTILITIES, ARTICLE VII – RIGHT OF WAY MANAGEMENT REQUIREMENTS FOR NETWORK PROVIDERS, TO PROVIDE FOR THE RESERVATION OF CERTAIN SECTIONS; BY ADDING ARTICLE VIII, MUNICIPAL DRAINAGE UTILITY SYSTEM; DECLARING THE ADOPTION OF THE MUNICIPAL DRAINAGE UTILITY SYSTEMS ACT, SUBCHAPTER C OF CHAPTER 552, TEXAS LOCAL GOVERNMENT CODE; DECLARING DRAINAGE TO BE A PUBLIC UTILITY; ESTABLISHING A MUNICIPAL DRAINAGE UTILITY SYSTEM; PROVIDING FOR THE ESTABLISHMENT AND CALCULATION OF MUNICIPAL DRAINAGE UTILITY CHARGES AND CREDITS; AND PROVIDING PENALTIES AND REMEDIES FOR NONPAYMENT OF CHARGES.

WHEREAS, the City of Brenham, Texas (“City”) is a home rule municipality having the full power of local self-government pursuant to its Charter, Article XI, Section 5 of the Texas Constitution, and Chapter 9 of the Texas Local Government Code; and

WHEREAS, it is necessary that the collection and direction of stormwater drainage runoff within the City protects the public health, safety, and welfare of the public and the City’s citizens including but not limited to protection against property damage and injury to persons; and

WHEREAS, the City has determined that all real property in the City, including property owned by public and tax-exempt entities, contributes to stormwater runoff and either uses or benefits from the stormwater management system and therefore the system’s construction, operation, and maintenance are best funded by the users of said system; and

WHEREAS, the City Council of the City (“City Council”) desires to address the various water quality and environmental issues that may burden its stormwater drainage infrastructure, and to protect against surface water overflow, standing surface water, and pollution arising from nonpoint source runoff within the City; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of the City to promote the public health, safety and welfare of the public and the City’s citizens by adopting a municipal drainage utility system, as authorized by Texas Local Government Code Chapter 552, Subchapter C, “Municipal Drainage Utility Systems”, as amended (the “Act”), within the City’s municipal boundaries; and

WHEREAS, the Act provides for the said public utility service to be provided within an established service area; and

WHEREAS, the City Council desires by this Ordinance to establish a Municipal Drainage Utility System, pursuant to the Act, and further the City Council has investigated and determined that a uniform schedule of drainage fees shall be applied against all real property in the proposed service area subject to charges under the Act; and

WHEREAS, the City will provide drainage for all real property in the proposed service area on payment of drainage charges, except real property exempted under the Act and other applicable law;

WHEREAS, the City will offer municipal drainage service on a nondiscriminatory, reasonable, and equitable terms; and

WHEREAS, the City makes no representation that all stormwater drainage problems may or will be remedied, and the City Council has and retains full discretion in establishing the priorities in expending funds as they become available to meet the City's stormwater drainage needs, and the adoption of this Ordinance does not and shall not be construed to relieve private land owners, developers or other individuals or entities from providing stormwater drainage improvements pursuant to the ordinances, rules, codes, and regulations of the City and federal or state laws and regulations; and

WHEREAS, in accordance with the Act, notices of a public hearing regarding this Ordinance were published and a public hearing on this Ordinance was held concerning the matters set forth herein; and

WHEREAS, as set forth herein, the City Council adopts the Act and declares that stormwater drainage infrastructure and services of the City is a public utility within the meaning of the Act;

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

SECTION 1.

Chapter 26 - Utilities, Article VII – Right of Way Management Requirements for Network Providers, of the Code of Ordinances, City of Brenham, Texas, is hereby amended to provide for the reservation of certain sections as follows:

Sec. 26-177 – 26-179. RESERVED.

SECTION 2.

Chapter 26 – Utilities, of the Code of Ordinances, City of Brenham, Texas, is hereby amended by adding Article VIII, Municipal Drainage Utility System, to read as follows:

ARTICLE VIII. MUNICIPAL DRAINAGE UTILITY SYSTEM

Sec. 26-180. Definitions.

Terms defined herein are specific to this article and shall not be construed as conflicting with similar terms in other parts of this code. Terms not otherwise defined herein shall be given the definitions contained in the Texas Local Government Code, Chapter 552, Subchapter C.

The Act shall mean the Texas Local Government Code, Chapter 552, Subchapter C, as may be amended from time to time.

Benefitted Property shall mean an improved lot or tract to which drainage service is made available under this article.

City shall mean the City of Brenham, a home-rule municipal corporation located in Washington County, Texas.

Commercial Property shall mean all improved properties within the City other than residential property, including, but not limited to, commercial, industrial, institutional, government, multi-family, and nonprofit and religious organization land uses.

Cost of Service shall mean the costs for drainage system service to a Benefitted Property, which shall be the total of:

- (1) Prorated cost of the acquisition, whether by eminent domain or otherwise, of land, rights-of-way, options to purchase land, easements, and interests in land relating to structures, equipment, and facilities used in draining the Benefitted Property;
- (2) Prorated cost of the acquisition, construction, repair, and maintenance of structures, equipment, and facilities used in draining the Benefitted Property;
- (3) Prorated cost of architectural, engineering, legal and related services, plant and specifications, studies, surveys, estimates of cost and of revenue, and all other expenses necessary or incident to planning, providing, or determining the feasibility and practicability of structures, equipment, and facilities used in draining the Benefitted Property;
- (4) Prorated cost of machinery, equipment, furniture, and facilities necessary or incident to the provision and operation of draining the Benefitted Property;
- (5) Prorated cost of funding and financing charges and interest arising from construction projects and the start-up cost of a drainage facility used in draining the Benefitted Property;
- (6) Prorated cost of debt service and reserve requirements of structures, equipment, and facilities provided by revenue bonds or other drainage revenue-pledge securities or obligations issued by the City; and
- (7) Administrative costs of operating and maintaining a Drainage Utility System.

Drainage shall mean bridges, catch basins, channels, conduits, creeks, culverts, detention ponds, ditches, draws, flumes, pipes, pumps, sloughs, treatment works, and appurtenances to those

items, whether natural or artificial, or using force or gravity, that are used to draw off surface water from land, carry the water away, collect, store, or treat the water, or divert the water into natural or artificial watercourses.

Drainage Utility Charges shall mean the levy imposed to recover the cost of the service of the City in furnishing drainage for any Benefitted Property, including any interest and penalties; and amounts made in contribution to funding of future drainage system construction by the City.

Drainage System or *Drainage Utility* or *Drainage Utility System* shall mean the drainage system owned or controlled in whole or in part by the City and dedicated to the service of Benefitted Property, including any future additions, extensions, and improvements thereto and replacement thereof.

Equivalent Residential Unit (“ERU”) shall mean the unit of measure used to calculate the Drainage Utility Charge for Residential and Non-Residential Property.

Facilities shall mean the real, personal, or mixed property that is used in providing drainage and included in the Drainage System.

Impervious Area shall mean a surface which has become compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Impervious Areas include, but are not limited to, compacted soils, graveled surfaces subject to motorized vehicular traffic, walkways, buildings, parking lots, pavement, concrete, and ingress/egress driveways. “Impervious Area” does not include sidewalks located in the public right-of-way and as further defined in this Code. For purposes of this definition, a “walkway” is a pedestrian way in the interior of a lot or tract that is not located in the public right-of-way.

Improved Lot or *Tract* shall mean a lot or tract that has a structure, as further defined in this Code, or other improvement on it that causes or constitutes an Impervious Area.

Non-Residential Property shall mean all improved properties within the City other than residential property, including, but not limited to, commercial, industrial, institutional, government, multi-family, triplex, quadplex, and nonprofit and religious organization land uses.

Parcel shall mean one (1) or more lots or tracts or portions of lots or tracts that are contiguous and under single ownership.

Public Utility shall mean drainage service that is regularly provided by the City through City property dedicated to that service to the users of Benefitted Property within the Service Area and that is based on:

- (1) An established schedule of charges;
- (2) Use of the police power to implement the service; and
- (3) Nondiscriminatory, reasonable, and equitable terms consistent with the Act.

Residential Property shall mean any improved lot or tract with single-family home, condominium, manufactured/mobile home, or duplex.

Service Area shall mean the corporate boundaries of the City.

User or *Customer* shall mean the person or entity that owns or occupies a Benefitted Property.

Wholly Sufficient and Privately-Owned Drainage System shall mean drainage from an improved lot or tract which does not discharge into any natural or manmade waterway or drainage infrastructure including but not limited to creeks, rivers, sloughs, public streets, storm drains, culverts, drainage easements, storm water ponds or other channels that are part of the Drainage System.

Sec. 26-181. Establishment of Drainage Utility; Service Area; Exemptions; and Dedication of Assets.

- (a) The provisions of the Texas Local Government Code, Chapter 552, Subchapter C are hereby adopted to create a Drainage Utility for the City. Accordingly, drainage of the City of Brenham is hereby declared to be a public utility.
- (b) The service area for the Drainage Utility shall include all real property within the corporate limits of the City as now existing and all real property which may be annexed by the City hereafter from time to time.
- (c) The City Council finds that:
 - (1) Impervious Area increases runoff and associated pollutants; and
 - (2) It is equitable to assess the Drainage Utility Charge to each User based on Impervious Area.
- (d) Pursuant to the Texas Local Government Code, Section 552.053 and Section 580.003, the following shall be exempt from the provisions of this article:
 - (1) Property with proper construction and maintenance of a wholly sufficient and privately-owned drainage system;
 - (2) Property held and maintained in its natural state, until such time that the property is developed, and all of the public infrastructure constructed has been accepted by the City for maintenance;
 - (3) A subdivided lot, until a structure has been built on the lot and a certificate of occupancy has been issued by the City;
 - (4) State agencies; and
 - (5) Public or private institutions of higher education.
- (e) The City incorporates into the Drainage Utility System all existing property, facilities, equipment, materials, and supplies constituting the City's drainage system on the effective date of this article. All future acquisitions by the City of real or personal property used in the City's Drainage System shall be maintained as a part of the Drainage Utility.

Sec. 26-182. Drainage Utility Rates and Charges.

The rates and charges for Users of the Drainage Utility System shall be as provided by ordinance on file in the office of the City Secretary.

Sec. 26-183. Drainage Utility Fund.

A separate fund is hereby created, known as the Drainage Utility Fund, for the purpose of segregating, identifying, and controlling all revenues and expenses attributable into the Drainage Utility. All Drainage Utility Charges shall be accounted for as collected and received into this fund and shall be used exclusively for drainage Cost of Service. Such utility revenues may be used for the operation, planning, engineering, inspection, construction, repair, maintenance, improvement, reconstruction, administration, debt issuance cost and debt service, and other reasonable and customary expenses associated with the operation of a utility system. It shall not be necessary that expenditures from the Drainage Utility Fund for any authorized purpose specifically relate to or benefit any particular Benefitted Property from which the revenues were collected.

Sec. 26-184. Administration of Drainage Utility.

The City Manager or his designee shall be responsible for the administration of the Drainage Utility, including but not limited to, enacting any procedures necessary for the administration of the drainage charges and the consideration of appeals, development, and implementation of maintenance and facility improvement programs, state and federal regulatory compliance, and establishing drainage criteria and standards for the drainage system. The Utilities Department shall keep an accurate record of all properties benefitted by the services and facilities of the Drainage Utility.

Sec. 26-185. Billing, Payments, and Penalties.

- (a) Bills or statements for the Drainage Utility Charge shall be rendered by the City for all properties subject to such charge.
- (b) Drainage Utility Charges shall be billed with the City's other public utility billings and shall be identified separately on the bill as a Drainage Utility Charge.
- (c) Any charge due hereafter which is not paid when due will subject the User to discontinuance of all utility services provided by the City and may be recovered in an action at law or in equity by the City including fixture of a lien against the property as allowed by law.

Sec. 26-186. Effect on Land-Owner Obligations Under City Ordinances; No Waiver of Immunity.

- (a) The establishment of the Drainage Utility by the City does not relieve private land owners, developers, other individuals and entities from responsibility for providing drainage improvements in connection with land development pursuant to the other ordinances of the City or federal or state laws and/or regulations that relate to stormwater runoff, drainage management, or drainage improvements.

- (b) The establishment of the Drainage Utility does not imply or warrant that a Benefitted Property will be free from flooding, stormwater pollution, or stream erosion. The City makes no representation that all drainage problems will be remedied. This article does not create additional duties on the part of the City or create new liability or remedies for any flooding, stream erosion, deterioration of water quality, or other damages. Nothing in this article shall be deemed to waive the City's immunity under law or reduce the need or necessity for flood insurance.

Sec. 26-187. Appeals.

- (a) Requests for adjustment of a Drainage Utility Charge shall be submitted to the City Utilities Customer Service Department. A User may apply for an adjustment if:
 - (1) The User believes that the drainage charge schedule, as applied to the User's Benefitted Property, does not fairly reflect the Cost of Service to the User's Benefitted Property;
 - (2) The User disputes the amount of Impervious Area used to calculate the drainage charge; or
 - (3) The User's Drainage Utility Charge has been assessed in error.
- (b) The following procedures shall apply to all requests for adjustment of the Drainage Utility Charge:
 - (1) The User shall have the burden of proof.
 - (2) Any User who has paid Drainage Utility Charges and who believes the calculation or determination of the Drainage Utility Charge to be incorrect may, subject to the restrictions set forth in this article, submit an adjustment request to the City Utilities Customer Service Department.
 - (3) Requests for adjustment of Drainage Utility Charges paid by a User making the request shall be in writing and set forth in detail the grounds upon which relief is sought.
 - (4) Adjustment requests will be reviewed by the City within fifteen (15) business days from the date of receipt of an adjustment request. Adjustments resulting from such a request shall be prospective but may be made retroactive for no greater time period than three (3) monthly billings immediately prior to the receipt of the request.
 - (5) The User requesting an adjustment may be required, at the User's cost, to provide supplemental information to the City, including, but not limited to, survey data certified by a Texas Registered Professional Land Surveyor (R.P.L.S), or other documentation of Impervious Area. Failure to provide the required information may result in the denial of the adjustment request.
 - (6) The City's determination of the adjustment request shall be provided to the User, in writing, within fifteen (15) business days, of the later of receipt of the request for adjustment or receipt of any additional information submitted in accordance with this section. If the City approves the request, the adjustment to the Drainage Utility Charge will be made.

- (c) If the City denies the adjustment request, the User may within fifteen (15) business days from the date of notification, appeal the decision to the City Manager.
- (d) Before imposing a lien for delinquent Drainage Utility Charges, the City shall send notice to the record owner of the Benefitted Property stating the amount of the charges owed, and of the owner's right to appeal the placement of the lien by producing evidence sufficient to prove that the delinquent charges are not rightfully owed. The owner shall provide such evidence to the City within fifteen (15) business days from the date of the aforementioned notification by the City. A lien shall not be filed if the owner shows that the Drainage Utility Charge serving as the basis of the lien is not owed. When a person pays all the applicable charges, a lien filed pursuant to this article, shall be released by the City. The paying party shall be responsible for the costs associated with the recording of the release in the official records of Washington County.

Sec. 21-188 – 21-195. – RESERVED.

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

PASSED and **APPROVED** on its first reading the 21st day of November 2019.

PASSED and **APPROVED** on its second reading the 5th day of December 2019.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



AGENDA ITEM 9

DATE OF MEETING: November 21, 2019	DATE SUBMITTED: November 14, 2019	
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Dane Rau	
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 Resolution No. R-19-034 Authorizing the Submission of a Grant Application to Texas Parks and Wildlife for the Local Parks Non-Urban Outdoor Recreation Grant Program for Phase 1(a) of the Brenham Family Park as Outlined in the City of Brenham's 2015-2025 Parks, Recreation and Open Spaces Master Plan		
SUMMARY: Texas Parks and Wildlife Department (TPWD) offers the Local Park Grant Program that consists of five individual programs that assist local units of government with the acquisition and/or development of public recreation areas and facilities throughout the State of Texas. Staff recommends the City apply for the Local Parks Non-Urban Outdoor Recreation Grant to begin construction of Phase I(a) of the Brenham Family Park. This program provides fifty (50) percent matching grants on a reimbursement basis to eligible applicants. The grant ceiling is \$750,000 and the application deadline is December 4, 2019. Project schedule guidelines: awards announced mid-May, site visit between June-July, and grant agreement issued in August. Council adopted the 2015-2025 Parks, Recreation and Open Spaces Master Plan in March 2015. Staff then submitted the adopted Plan to Texas Parks and Wildlife Department (TPWD) for the agency to review and the City was notified on July 21, 2015 that our Plan met all standard requirements as identified by the agency and will qualify for points in their Local Park Grant Project Priority Scoring System. We would like to take advantage of this opportunity and ask for funding related to Phase I(a) of Brenham Family Park. This park is included in our Master Plan. This initial phase will include additional trails appropriate for walking, jogging, and biking, along with security lighting, wildflower viewing areas, restrooms, a trail bridge, road extension, parking, and signage. Jones Carter has provided us with preliminary construction cost estimates of \$1.7M for Phase I (a) in project costs and engineering services. Brenham Community Development Corporation (BCDC) allocated \$500,000 to Brenham Family Park in their FY19-20 budget. In addition, BCDC has \$403,500 remaining from funds set aside in previous years for items included in Phase I (a). If we are awarded the TPWD grant, additional funding to complete Phase I (a) will be requested in the FY20-21 BCDC budget process.		

Staff is excited about this opportunity to receive additional funds to start the Brenham Family Park. The goal is to start with improvements that do not require significant operations and maintenance but accomplish what Brenham residents can use and be proud of.

We would like to ask council to consider approving staff to move forward with this grant application.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS: Grant money will help with amenities to the Brenham Family Park. Provide residents with a new park that will have a significant water/lake structure and a large trail system for biking, running, and jogging in Phase 1 (a.)

B. CONS: Will require additional O&M from Parks Dept. and outside vendors.

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Resolution No. R-19-034

FUNDING SOURCE (Where Applicable): BCDC initially and General Fund long-term

RECOMMENDED ACTION: Approve Resolution No. R-19-034 authorizing the submission of a grant application to Texas Parks and Wildlife for the Local Parks Non-Urban Outdoor Recreation Grant Program for Phase 1(a) of the Brenham Family Park as Outlined in the City of Brenham's 2015-2025 Parks, Recreation and Open Spaces Master Plan

APPROVALS: James Fisher

RESOLUTION NO. R-19-034

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

WHEREAS, the City Council of the City of Brenham, Texas ("City") desires to authorize the filing of a grant application with the Texas Parks and Wildlife Department for the purposes of participating in the Local Parks Non-Urban Outdoor Recreation Grant Program ("Grant Program"); and

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

WHEREAS, the City is qualified to apply for grant funds under the Request for Applications related to the Grant Program;

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

- Section 1: That the City hereby authorizes and directs Crystal Locke to act for the City in dealing with the Texas Parks and Wildlife Department for the purposes of the Grant Program and that Crystal Locke is hereby officially designated as the representative in this regard.
- Section 2: That the City hereby certifies that it is eligible to receive assistance under the Grant Program and that notice of the application has been posted according to local public notice requirements.
- Section 3: That the City hereby certifies that it's matching share of \$750,000.00 is readily available at this time.

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

RESOLVED this 21st day of November 2019.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



AGENDA ITEM 10

DATE OF MEETING: November 21, 2019	DATE SUBMITTED: November 8, 2019	
DEPT. OF ORIGIN: Parks & Recreation	SUBMITTED BY: Dane Rau / Tammy Jaster	
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 Resolution No. R-19-035 Authorizing the Submission of a Grant Application to Texas Parks and Wildlife Through the Community Outdoor Outreach Program (CO-OP) Grant for Angler Education Week at the Blue Bell Aquatic Center		
SUMMARY: The Community Outdoor Outreach Program (CO-OP) grant provides funding to local governments and non-profit organizations for programming that introduces under-served populations to environmental and conservation programs as well as TPWD mission oriented outdoor activities. Staff recommends the City apply for the Community Outdoor Outreach Program grant in order to be able to offer Angler Education Week. The CO-OP grant is a reimbursement grant offered by TPWD. The BBAC would be asking TPWD for funds in the amount of \$10,599.00 to cover costs for basic supplies, refreshments, banners, promotional items, and activity supplies. (Budget request is outlined in the Angler Education Week Proposal). For the last twelve years, the Blue Bell Aquatic Center hosts an annual KidFish event that we offer free to the community. Over the last few years, we have noticed that we are getting more kids that have little to no knowledge of how to fish. We do our best to help, but with so many people and a limited number of staff and volunteers, we are not able to give the kids the attention they need to learn. Through the CO-OP grant, the City will be able to offer these kids a chance to explore all there is to fishing sparking interest in the outdoor. We are excited about this opportunity to receive funds to begin Angler Education Week. Our goal is to have the Angler Education Week October 19 th – 25 th including KidFish on October 24th. We would like to ask council to consider approving staff to move forward with this grant		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: We will be able to bring an educational class to our youth, with little to no cost to the City. B. CONS: None		
ALTERNATIVES (In Suggested Order of Staff Preference):		

ATTACHMENTS: : (1) Resolution No. R-19-035; and (2) Angler Education Week Proposal
FUNDING SOURCE (Where Applicable): Texas Parks and Wildlife CO-OP Grant
RECOMMENDED ACTION: Approve Resolution No. R-19-035 authorizing the submission of a grant application to Texas Parks and Wildlife through the Community Outdoor Outreach Program (CO-OP) Grant for Angler Education Week at the Blue Bell Aquatic Center
APPROVALS: James Fisher

RESOLUTION NO. R-19-035

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS AUTHORIZING THE SUBMISSION OF A GRANT THROUGH THE TEXAS PARKS AND WILDLIFE DEPARTMENT'S COMMUNITY OUTDOOR OUTREACH PROGRAM (CO-OP) GRANT PROGRAM FOR ANGLER EDUCATION WEEK AT THE BLUE BELL AQUATIC CENTER

WHEREAS, the Texas Parks and Wildlife Department has made available and offered state financial aid monies for the propose of funding the Angler Education Week; and

WHEREAS, the City of Brenham wishes to participate in the aforementioned state financial aid grant; and

WHEREAS, the City of Brenham acknowledges and accepts the state financial aid grant in the amount of \$10,599.00 (contingent upon receiving the grant); and

WHEREAS, the City of Brenham acknowledges and approves the in- kind contributions in the amount of \$4,121.36; and

WHEREAS, the City of Brenham acknowledges the program implementation date cannot begin until funding is approved on or around April 6, 2020 and must be completed in approximately one (1) year; and

THEREFORE BE IT RESOLVED, that the City Council of the City of Brenham does hereby formally authorize this Resolution and execution of the Angler Education Week Grant as determined by Texas Parks and Wildlife Department; and

FURTHER BE IT RESOLVED, that the City of Brenham Mayor, Milton Y. Tate, Jr., is hereby authorized to sign this Resolution and execute the above referenced Grant as the act and deed of the City of Brenham.

THE FORGOING RESOLUTION was lawfully moved by _____, duly seconded by _____, and duly adopted by the City of Brenham on a vote of _____ members for motion and _____ opposed.

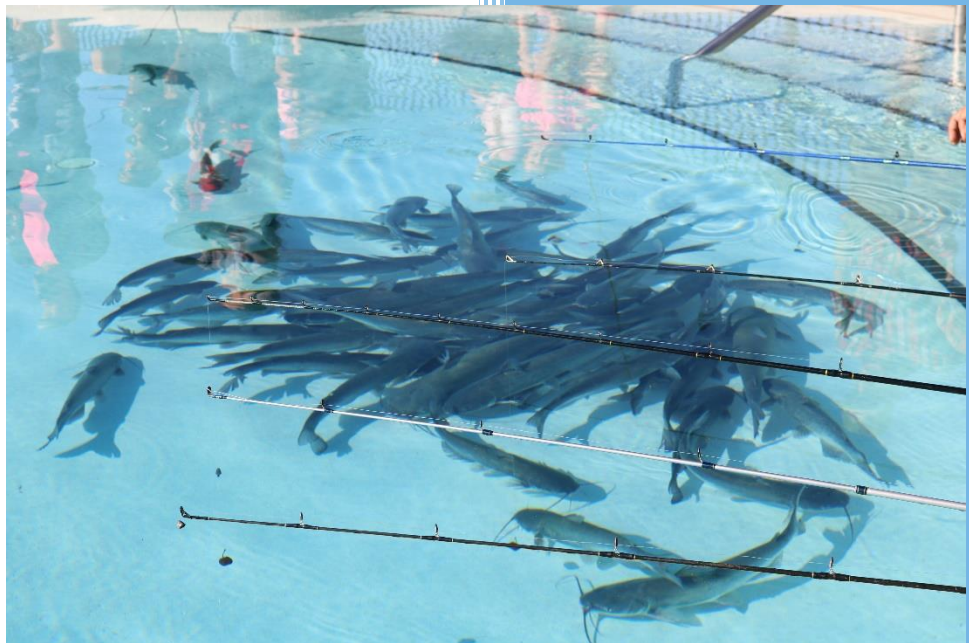
Milton Y. Tate, Jr., Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

2020

Angler Education Week



Kelsey Toy

City of Brenham Blue Bell Aquatic Center

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Angler Education Week

Concept

Name:	Angler Education Week
Location:	Blue Bell Aquatic Center
Dates and Times:	October 19, 2020 – 4:00pm – 6:00pm
	October 20, 2020 – 4:00pm – 6:00pm
	October 21, 2020 – 4:00pm – 6:00pm
	October 22, 2020 – 4:00pm – 6:00pm
	October 23, 2020 – 4:00pm – 6:00pm
	October 24, 2020 – 8:30am – 12:00pm KidFish
	October 25, 2020 – 9:00am – 2:00pm Field Trip

Summary

With so much of our youth staying inside and glued to their TVs and electronics, we would like to take this opportunity to reach out and begin to educate some local kids about the fun, inexpensive and entry-level outdoor sport of fishing.

Fishing is an amazing sport that teaches more than just how to catch a fish. It teaches kids about patience, lets them experience nature and allows them to see why it is so important to preserve it and to top it all off, fishing is a lot of fun and satisfying especially when you real in that “big catch”.

We want to promote the love of fishing among the youth in our community, and what better way to promote fishing than to teach them what it is all about? We are going to have a week filled with hands on activities and fun games that will make learning about fishing a fun and rewarding experience!

Attendees

We are teaming up with the Boys and Girls Club of Washington County. These kids are school-aged kids, and many have never had the opportunity to fish. We also will be reaching out to the community so that anyone who wants to learn about fishing will have the opportunity to sign up.

Goals

- Develop a hands-on five day program that teaches at least 250 of our local youth everything they need to know to obtain their Texas Parks and Wildlife Advanced Angler Certificate.
- Coordinate an event to allow 700 people in our local community to have a chance to fish in a new way and obtain their Texas Parks and Wildlife Basic Angler Certificate.
- Coordinate a fishing field trip to Lake Somerville for 20 of the highest performing kids from the Advanced Angler Education five day program.

Agenda

Monday, October 19th

Fish Education

Monday we are going to begin with fish identification, going over both freshwater and saltwater fish and Texas Parks and Wildlife guidelines for catching and keeping the fish. We will use a hands on habitat map to demonstrate what fish need to survive as well as where they can normally be found when you want to catch them. We will discuss littering and use the marine debris timeline to demonstrate the effect we have on nature. The kids will play Fish vs. Nature that helps them be able to understand that fish have similar needs to humans and that everything we do can affect them.

Tuesday, October 20th

Rod, Reel and Knot Tying

Tuesday we will begin with discussing the difference between a regular rod and a fly rod. We are going to show them a few of the different kinds of reels and the pros and cons of each. The kids are going to learn how to tie proper knots to ensure that the hook will not come off the fishing line. They will learn hands on how to set up their own tackle, and then they will put it all together to prepare a fishing rod from start to finish.

Wednesday, October 21st

Water, Fishing and Boating Safety

Wednesday we will start with basic boating terms and play Poop Deck for a little fun to help everything sink in. We will use Longfellow Whale Tales rules on water safety to teach the kids about the importance of being safe in and around water. We will also teach them how to properly size lifejackets and put them on. We will examine what every person should bring when they are “just going fishing”. A rod, reel and bait might catch you fish, but if something happens you always need to be prepared and never pack too light.

Thursday, October 22nd

Lures, Bait and Cast

Thursday we will be exploring different kinds of baits and what fish are attracted to what baits. We will have everyone bait their own hook to learn how to properly put on bait so that the bait won't just fall off and fish cannot easily pull it off. We are going to learn how to make a spinner bait from scratch and have some other “do it yourself” lures on display to give the kids ideas on what else they can make. Finally, we will go over casting teaching each kid how to cast and be careful of their surroundings. Then playing Backyard Bass teaches kids a fun way to learn how to control your cast and identify whether your fish is a keeper.

Friday, October 23rd

Fish and Filleting

Friday, we will fill the outdoor pool with catfish so the kids can see how the fish swim in schools and seek shelters and oxygen. We will catch a few fish and teach them how to measure the fish and humanely release them. We will also have a few fish filleting demonstrations where we walk the kids through how to fillet and prepare a fish to eat. Not only do we want to set these kids up to be able to fish, we want them to know what they can do with their catch.

Saturday, October 24th

KidFish

Saturday we will have a large free event open to the public. Everyone in the community can come out and fish in our outdoor pool. We will have hands on booths set up and when attendees complete all the activities at the

booths they will receive their Basic Angler Certification. It is an awesome event that attracted over 700 people in 2019 and will bring more attention to this new program.

Sunday, October 25th

Field Trip

To wrap up Angler Education Week, on Sunday the top 20 students from the Advanced Angler five day program that were the most engaged and scored highest in mini competitions throughout the week will pack up and take them to Lake Somerville State Park – Birch Creek Unit to spend a few hours fishing and seeing what we can catch. These kids will have to utilize everything they learned from the week in order to be able to catch a fish. We will have a picnic lunch and bring the kids back.

Budget

Total Expenses	\$14,720.36
City Match (Volunteer Hours & Free Visits)	\$4,121.36
TPWD CO-OP Grant	\$10,599.00

Staff	Cost	Description
Full Time Staff	\$1,323.00	Staff 1: 31.5 hours @ \$23.00/hour; Staff 2: 31.5 hours @ \$19/hour
Part Time Staff	\$570.00	4 part time staff/Day 3 hours each per day, average of \$9.50/hour
Volunteers	\$3,671.36	14 Volunteers for 3 hours/each (2 BHS Anglers/Day & 4 for fish filleting), 12 Boys and Girls Club staff 2 hours per day, 15 volunteers Saturday 5 hours each, 3 volunteers Sunday 4 hours each (considered to be the City Match)
Maintenance	\$51.00	1 Maintenance Staff 3 hours @ \$17.00/hour
Total	\$5,615.36	

Basics	Cost	Description
Signs	\$600.00	(4) A Frame @ \$150/each
3 Tents	\$375.00	(3) Ozark Trail 12' x 12' Instant Canopy \$118/each
Staff/Volunteer Shirts	\$1,000.00	
Bass Stress Fish	\$550.00	
Total	\$2,525.00	

Field Trip	Cost	Description
Bus and Driver	\$210.00	Boys and Girls Club
Sack Lunch	\$270.00	
Drinks	\$60.00	Water And Gatorade
Cooler	\$250.00	
Wagon	\$100.00	
State Park Admissions	\$120.00	Admission is \$4 for people 13 and older
Bait	\$200.00	(10) Baby Crawlers @ 3.53; (10) Big Red Worms @ \$2.97, (10) Magic Bait @ \$3.79, (10) Magic Bait @ \$8.19
Total	\$1,210.00	

Refreshments	Cost	Description
Soda/Gatorade	\$300.00	(3) cases of Gatorade @ 25.38; (10) Cases of Soda @ \$20.31
Water	\$50.00	(20) 24 pack Water @ \$2.48
Total	\$350.00	

Activity Supplies	Cost	Description
First Aid	\$50.00	Pamphlets and first aid supplies
Knot Tying	\$25.00	Pamphlets and String
Tackle Set Up	\$100.00	String, Weights, Bobbers & Eye hooks
Fish Education	\$100.00	Pamphlets & Posters

DIY Lures	\$600.00	
Fish	\$1,800.00	600lbs of fish @ \$3.00/lb.
Life Jackets	\$300.00	(20) Life Jackets in variety of sizes average \$15/each
Fishing Poles	\$600.00	(30) @ \$20
Tackle Boxes	\$150.00	(10) @ \$15
Bait	\$200.00	(10) Baby Crawlers @ 3.53; (10) Big Red Worms @ \$2.97, (10) Magic Bait @ \$3.79, (10) Magic Bait @ \$8.19
Fishing Line	\$120.00	(8) 150 yard, 30lb rolls @ \$12.84
Hooks	\$225.00	(50) 10 pack hooks @ \$3.94
Fishing Pole Holder	\$150.00	
Fishing Line Recyclers	\$150.00	
Free BBAC visit prizes	\$450.00	
Total	\$5,020.00	



AGENDA ITEM 11

DATE OF MEETING: November 21, 2019	DATE SUBMITTED: November 11, 2019
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 Resolution No. R-19-036 Authorizing the Giving of Notice of Intention to Issue City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2020; and Declaring an Effective Date	
SUMMARY STATEMENT: During Council budget workshops related to the FY19-20 Budget, we discussed issuing certificates of obligation (COs) for general government, wastewater and water system utility projects. The general government projects total \$3.505 million and include \$625,000 for street reconstruction/rebuild and \$2.880 million for streets and drainage improvements (i.e. Old Chappell Hill Road, Salem Road and other improvements). The wastewater utility improvements of \$1.425 million include a new regional lift station to support the Baker Katz retail development project. And lastly, the majority of the water utility improvements of \$765,000 are for the Atlow Storage Tower Rehab project and the City's portion of the 2016 May flooding event. The agenda item today is giving notice of the City's intent to issue Certificates of Obligation, Series 2020 not to exceed \$5.695 million for these purposes including bond issuance costs. Garry Kimball, the City's financial adviser, has prepared the attached Issuance Timetable. The initial step in the financing process is to give notice of your intent to issue the certificates of obligation, and upon your approval, the notice itself will be published in the Brenham Banner Press. Mr. Kimball will handle securing the pricing and bring it back to Council for action at the January 16, 2020 meeting. Your agenda packet includes the Resolution that gives notice of intent to issue the certificates of obligation.	
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:	
ALTERNATIVES (In Suggested Order of Staff Preference):	

ATTACHMENTS: (1) Resolution No. R-19-036; and (2) Issuance Timetable
FUNDING SOURCE (Where Applicable):
RECOMMENDED ACTION: Approve Resolution No. R-19-036 authorizing the giving of notice of intention to issue City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2020.
APPROVALS: James Fisher

RESOLUTION NO. R-19-036

A RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, the City Council of the City of Brenham, Texas (the “City”), deems it advisable to issue certificates of obligation (the “Certificates”) of the City in accordance with the notice hereinafter set forth;

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

Section 1. The findings, definitions and recitations set out in the preamble to this resolution are found to be true and correct and are hereby adopted by City Council and made a part hereof for all purposes.

Section 2. The City Secretary is hereby authorized and directed to cause to be published in the manner required by law and in substantially the form attached hereto as Exhibit A, a notice of the City’s intention to issue the Certificates (the “Notice”).

Section 3. The Notice shall be published once a week for two (2) consecutive weeks in a newspaper which is of general circulation in the City, the date of the first publication to be at least forty-six (46) days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates. In addition, the Notice shall be posted continuously on the City’s website for at least forty-five (45) days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates.

Section 4. For the purposes of the Notice, the City hereby designates as self-supporting those public securities listed in the attached Exhibit B, the debt service on which the City currently pays from sources other than ad valorem tax collections. The City plans to continue to pay these public securities based on this practice; however, there is no guarantee this practice will continue in future years.

Section 5. The Chief Financial Officer and all other appropriate officials of the City, the City’s financial advisor, Specialized Public Finance, Inc., and bond counsel, Bracewell LLP, are authorized and directed to proceed with the preparation of all necessary documents and to make all necessary arrangements for the authorization and sale of the Certificates at a future meeting of the City Council of the City.

Section 6. The Mayor, the Chief Financial Officer, City Secretary, and all other officers and agents of the City are hereby authorized and directed to do any and all things necessary or desirable to carry out the provisions of this resolution.

Section 7. This resolution shall take effect immediately from and after its passage by the City Council of the City.

PASSED AND APPROVED this 21st day of November, 2019.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT A

NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Brenham, Texas (the “City”), will meet at 200 W. Vulcan, Brenham, Texas at 1:00 p.m. on the 16th day of January, 2020, which is the time and place tentatively set for the passage of an ordinance and such other action as may be deemed necessary to authorize the issuance of the City’s certificates of obligation (the “Certificates”), in the maximum aggregate principal amount not to exceed FIVE MILLION SIX HUNDRED AND NINETY-FIVE THOUSAND DOLLARS (\$5,695,000), payable from ad valorem taxes and from a limited pledge of certain surplus revenues of the City’s combined utility system in an amount not to exceed \$1,000, bearing interest at any rate or rates not to exceed the maximum interest rate authorized by law, as shall be determined within the discretion of the City Council of the City at the time of issuance of the Certificates, and maturing over a period not to exceed forty (40) years from the date of issuance, for the purposes of evidencing the indebtedness of the City for all or any part of the costs associated with the (1) construction and acquisition of, and improvements to, City streets, traffic control systems, sidewalks, landscaping, street lighting and drainage, including in each case the acquisition of land and rights-of-way in connection therewith; (2) improvements to City sanitary sewer facilities, including in each case the acquisition of land and rights-of-way in connection therewith; (3) improvements to the City’s waterworks system, including in each case the acquisition of land and rights-of-way in connection therewith; and (4) professional services incurred in connection with items (1) through (3), and to pay the costs incurred in connection with the issuance of the Certificates. The estimated combined principal and interest required to pay the Certificates on time and in full is \$7,996,776. Such estimate is provided for illustrative purposes only, and is based on an assumed interest rate of 3.5%. Market conditions affecting interest rates vary based on a number of factors beyond the control of the City, and the City cannot and does not guarantee a particular interest rate associated with the Certificates. As of the date of this notice, the aggregate principal amount outstanding of tax-supported debt obligations of the City (excluding public securities secured by an ad valorem tax but designated by the City as self-supporting a resolution adopted by City Council on November 21, 2019, which resolution is available from the City upon request) is \$15,703,801, and based on the City’s expectations, as of the date of this notice the combined principal and interest required to pay all of the outstanding tax-supported debt obligations of the City (excluding public securities secured by an ad valorem tax but designated by the City as self-supporting) on time and in full is \$19,424,535.

WITNESS MY HAND, this ____ day of _____, 2019.

Jeana Bellinger, TRMC, City Secretary
City of Brenham, Texas

EXHIBIT B

SELF-SUPPORTING DEBT

**Principal Amount
Designated as Self
Supporting**

Series Designation

\$12,956,199

Series 2006, 2016, 2017 and 2019 Certificates of Obligation, Series 2010, 2011, 2014 and 2016 General Obligation Refunding Bonds



**City of Brenham, Texas
Certificates of Obligation, Series 2020
Tentative Timetable for Issuance**

Thursday	November 21*	Council approves publication of Notice of Intent to Issue C/O's.
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Note: City must publish Notice of Intent twice within 45 days of award by Council of C/O's. Must use newspaper of record for the local area. Bond Counsel to coordinate with City Secretary.

Thursday	December 5	Draft Bond Offering Documents distributed for comments by FA. Bond rating applied for by FA.
Thursday	December 19	Comments received on Bond Offering Documents.
Thursday	January 2	Bond Offering Documents posted with i-Deal.
Week of:	January 6	Conference call with S&P (TBD).
Tuesday	January 14	Bond rating due.
Thursday	January 16*	Bids received. C/O's are approved by City Council.
Tuesday	February 18	Closing (subject to AG approval).

* Denotes official City Council meeting.