



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, SEPTEMBER 21, 2023 AT 01:00 PM
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN STREET
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags - Councilmember Adonna Saunders**
- 3. Proclamations**
 - ♦ Fire Prevention Week**
- 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. Approve the Minutes from the August 29, 2023 Regular City Council Meeting**

- 5-b. Approve Ordinance No. O-23-022 on Its Second Reading Amending Appendix A - 'Zoning' of the Code of Ordinances of the City of Brenham for an Amendment to the City of Brenham's Official Zoning Map to Change the Zoning District From a Commercial, Research and Technology Use District (B-2) to a Local Business Residential Mixed Use District (B-1) on Approximately 0.7544 Acres of Land, Currently Addressed as 307 Peabody Street, 309 Peabody Street, and 401 Peabody Street and Being Further Described as Lot 4A of the Kerr Addition, Lot 1, of the Stoltz Addition and the East Part of Lots 2 and 3 of the Kerr Addition in Brenham, Washington County, Texas (Case No. P-23-027)**
- 5-c. Approve Ordinance No. O-23-023 on Its Second Reading Amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Powerfam Washes, LLC to Allow an Automobile (Car) Wash to Uses Permitted in a Local Business Residential Mixed Use Zoning District (B-1) on Approximately 1.997 Acres of Land Located at 1604 State Highway 105, and Further Described as Lots 10A and 11A of the Replat of Lots 2 Through 31 of College Heights Addition, and the Residue of Lot 48, College Heights Addition out of the Arrabella Harrington Survey in Brenham, Washington County, Texas (Case No. P-23-031)**
- 5-d. Approve the Appointment of Jon Hill to the City of Brenham Main Street Advisory Board with a Term Ending on December 31, 2025**
- 5-e. Approve the Appointment of Becky Bosse and Thomas Upchurch to the City of Brenham's Historic Preservation Board Each for an Unexpired Term Ending on December 31, 2023**
- 5-f. Approve the Ratification of a Purchase from Techline, Inc. in the Amount of \$69,720.00 Related to the Purchase of a 3-Phase Transformer and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-g. Approve Resolution No. R-23-035 Reauthorizing the Investment Policy and Strategy for the City of Brenham**

REGULAR SESSION

- 6. Discuss and Possibly Act Upon Ordinance No. O-23-024 on Its Second Reading Adopting the Budget for Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024**
- 7. Discuss and Possibly Act Upon Ordinance No. O-23-025 on Its Second Reading Levying Property Taxes for the Tax Year 2023 for the City of Brenham at \$0.4584 per \$100.00 Valuation**

8. Discuss and Possibly Act Upon an Ordinance on Its First Reading for the Creation of Reinvestment Zone No. 52 Requested by 209 S. Market Street, LLC. for Commercial Tax Phase-In Incentive on That Certain 2,646 Square Feet of Land, Generally Located at 209 S. Market Street, Brenham, Texas, Being More Fully Described in Exhibit 'A' of the Ordinance Creating Reinvestment Zone No. 52, and Designating This Property as Qualifying for Tax Phase-In
 9. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham, in Washington County, Texas (Case No. P-23-026) to Include:
 - a. Revision of the Definition of 'Food Truck Site' Found in Part 1, Section 5, Section 5.02;
 - b. Revision of the Specific Use Provisions for the R-1 (Single Family Residential) and the Permitted and Specific Use Provisions of the R-2 (Mixed Residential) Zoning Districts Found in Part 2, Division 2, Sections 1 and 2 Respectively;
 - c. Deletions to Part 2, Division 1, Section 11 - Performance Standards; and
 - d. Deletions to Part IV, Division 2, Section 2 Pertaining to Conditions on Variances
 10. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Rate Tariff Schedule for the City of Brenham's Water Rates
 11. Discuss and Possibly Act Upon Amendment No. 1 to the American Rescue Plan Act (ARPA) Agreement for Engineering Services and Authorize the Mayor to Execute Any Necessary Documentation
 12. Discuss and Possibly Act Upon Amendment No. 1 to the Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. Related to the 2022 Sanitary Sewer Improvements and Authorize the Mayor to Execute Any Necessary Documentation
 13. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Rate Tariff Schedule for the City of Brenham's Electric Rates
 14. Discuss and Possibly Act Upon Resolution No. R-23-036 Appointing Robin Hutchens as Deputy City Secretary
 15. Discuss and Possibly Act Upon RFP No. 23-006 Related to the Hohlt Park Synthetic Turf Improvement Project and Authorize the Mayor to Execute Any Necessary Documentation
 16. Administrative/Elected Officials Report
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Administrative/Elected Officials Reports: Reports from City Officials or City staff regarding items of community interest, including expression of thanks, congratulations or condolences; information regarding holiday schedules; honorary or salutary recognitions of public officials, public employees or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that have arisen after the posting of the agenda.

EXECUTIVE SESSION

17. **Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Aviators Plus, LLC v. City of Brenham, Texas; Cause No. 37896; 21st Judicial District Court, Washington County, Texas**

RE-OPEN REGULAR SESSION

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 September 21, 2023 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 St., Brenham, TX on Monday, September 18, 2023 at 9:00 a.m.

Jeana Bellinger, TRMC, CMC

City Secretary

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

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the _____ day of _____, 2023 at _____ AM PM.

Signature

Title

PROCLAMATION

- WHEREAS,** The City of Brenham, Texas is committed to ensuring the safety and security of all those living in and visiting Brenham; and
- WHEREAS,** Fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and
- WHEREAS,** According to NFPA, cooking is the leading cause of home fires and home fire injuries in the United States. Unattended cooking is the leading cause of cooking fires and deaths; and
- WHEREAS,** Smoke alarms alert you to danger in the event of fire and working smoke alarms cut the risk of dying in reported home fires in half; and
- WHEREAS,** Brenham residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and
- WHEREAS,** Brenham first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention, and protection education; and
- WHEREAS,** Brenham residents who are responsive to public education measures are better able to take personal steps to increase their safety from fire, especially in their homes; and
- WHEREAS,** The 2023 Fire Prevention Week campaign, "Cooking safety starts with YOU. Pay attention to fire prevention™." The campaign works to educate everyone about simple but important actions they can take when cooking to keep themselves and those around them safe.

NOW, THEREFORE, I, Atwood Kenjura, Mayor of The City of Brenham, do hereby proclaim October 8-14, 2023, as Fire Prevention Week, and I urge all the people of Brenham to practice general fire safety, a planned and practiced home fire escape plan, and home cooking safety, as

Fire Prevention Week

Atwood Kenjura
Mayor

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Tuesday, August 29, 2023 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members Present:

Councilmember Shannan Canales
Councilmember Leah Cook
Councilmember Dr. Paul F. LaRoche, III
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

Mayor Atwood C. Kenjura
Mayor Pro Tem Clint Kolby

City of Brenham Staff present:

City Manager Carolyn Miller, City Secretary/Director of Administrative Services Jeana Bellinger, General Manager of Public Utilities Debbie Gaffey, Assistant General Manager of Public Utilities Alton Sommerfield, Director of Water/Wastewater Bobby Keene, Director of Finance Stacy Hardy, Police Chief Ron Parker, Asst. Police Chief Lloyd Powell, Development Services Director Stephanie Doland, Economic & Community Development Director Teresa Rosales, Shawn Bolenbarr, Nancy Joiner, Curtiss Schoen, Alex Saenz, and Jim Halley.

Citizens/Others Present:

Lance Weiss, Dale Martine, Lucas Banda, Adrienne Schwartz, and Steve Sefcik.

Media Present:

Lucas Banda, Brenham Banner-Press; and Josh Blaschke, KWHI

City Attorney Cary Bovey advised that both Mayor Kenjura and Mayor Pro Tem Kolby would not be attending the meeting and that the City Council would need to elect a Mayor Pro Tem to preside over the meeting.

A motion was made by Councilmember LaRoche and seconded by Councilmember Canales that Councilmember Saunders be elected Mayor Pro Tem to preside over the August 29, 2023 City Council meeting.

City Attorney Bovey called for a vote. The motion passed with Council voting as follows:

Mayor Atwood C. Kenjura	Absent
Mayor Pro Tem Clint Kolby	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

1. **Call Meeting to Order**
2. **Invocation and Pledges to the US and Texas Flags – City Attorney Cary Bovey**
3. **Proclamations**
 - **Childhood Cancer Awareness Month**

4. **Citizens Comments**

No citizen comments were heard.

CONSENT AGENDA

5. **Statutory Consent Agenda**
 - 5-a. **Approve the Minutes from July 24, 2023 Special City Council Meeting, the July 25, 2023 Special Budget Workshop Meeting, and the August 3, 2023 Regular City Council Meeting**
 - 5-b. **Approve Ordinance No. O-23-021 on Its Second Reading for the Creation of Reinvestment Zone Number 51 Requested by MIC Group, LLC for Commercial Tax Phase-In Incentive on a Certain 16.291 Acre Tract or Parcel of Land Being Comprised of Lot 1, Industrial Park of Brenham as Recorded in Plat Slide 190-A and B of the Plat Records of Washington County (P.R.W.C.) and Lot 5, Brenham Business Center, Phase I, as Shown on the Boundary Line Adjustment Plat Recorded in Plat Slide 425-A (P.R.W.C.) and Being Located at 3140 S. Blue Bell Road., Brenham, Texas, with Boundaries Further Described in Exhibit 'A' of the Ordinance Creating Reinvestment Zone Number 51, and Designating This Property as Qualifying for Tax Phase-In**

- 5-c. Approve an Agreement Between the City of Brenham and Madden Media for Fiscal Year 2023-24, In the Amount of \$110,000.00, Digital Marketing and Programming and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-d. Approve an Audit Engagement Letter for Seidel Schroeder to Perform an Audit for the Fiscal Year Ending September 30, 2023 and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-e. Approve a Professional Services Agreement Between the City of Brenham and Strand Associates, Inc., In an Amount Not To Exceed \$120,000.00, for FY2023-24 On-Call Engineering Services and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-f. Approve the First Amendment to the Interconnection Agreement Between the City of Brenham and the Lower Colorado River Authority Transmission Services Corporation (LCRA TSC) Related to the Control of the City's Distribution Feeders and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-g. Approve an Interlocal Agreement Between the City of Brenham and Brenham Independent School District for School Resource Officers and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-h. Approve a Payment to Brazos River Authority in the Amount of \$465,069.00 for the City of Brenham's Raw Water Supply and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve the Statutory Consent Agenda Items 5.a. thru 5.h. as presented.

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

Mayor Atwood C. Kenjura	Absent
Mayor Pro Tem Clint Kolby	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

WORK SESSION

6. Presentation and Discussion on the Airport Master Plan for the City of Brenham Municipal Airport

Development Services Director Stephanie Doland presented this item. Doland advised Council that the last Airport Master Plan was adopted in 1986 and an update, the Airport Development Plan, was completed in 2005. Airport plans/studies (Master Plans, Development and Layout Plans) are developed and used as a long-range planning tool and guide to help regulate development, improvements, and operation of the Airport to meet current and future aviation demands. Master Plans, Development Plans, and Airport Layout Plans typically need to be reviewed and/or updated every 5-10 years, therefore the current plan for Brenham's Airport is severely out of date.

Shandra Burks with Coffman Associates presented the following information:

- Airport Master Plan Background
 - Airport Master Plan Committee
- Airport Master Public Outreach
- Airport Master Plan Process
- Airport Master Plan Summary
 - Critical Aircraft
 - Runway Design
 - Declared Distances
 - Short-Term Projects (0-5 years)
 - Intermediate-Terms Projects (Future – 5-20 years)
 - Ultimate-Terms Projects (Exceeds 20 years)
- Airport Master Plan Next Steps

Doland explained that the next step would be for City Council will consider the Plan on the September 7th agenda and, if approved, the Plan will proceed for review and approval by TXDOT Aviation and the Federal Aviation Administration. Following approval by TXDOT and FAA the Plan will be brought back to the City Council for formal adoption via Resolution.

Doland also explained that Appendix B, the Height Hazard Zoning Plan for the Airport will be brought back to Council for consideration at a later date.

PUBLIC HEARING AND ASSOCIATED ACTION ITEMS

7. **Public Hearing, Discussion and Possible Action on an Ordinance on Its First Reading for the Creation of Reinvestment Zone No. 52 Requested by 209 S. Market Street, LLC. for Commercial Tax Phase-In Incentive on That Certain 2,646 Square Feet of Land, Generally Located at 209 S. Market Street, Brenham, Texas, Being More Fully Described in Exhibit “A” of the Ordinance Creating Reinvestment Zone No. 52, and Designating This Property as Qualifying for Tax Phase-In**

Mayor Pro Tem Saunders opened the Public Hearing.

Economic and Community Development Director Teresa Rosales presented this item. Rosales explained that 209 S. Market, LLC is being modernized to become an entertainment and meeting venue and bar in downtown Brenham. When purchased, the building was in need of much needed maintenance including masonry work, window/door sealing, repairing fire suppression system and repairing patio, wood flooring and interior walls. Rosales stated that the total capital investment is estimated at \$185,000.

There were no citizen comments heard during the Public Hearing.

Mayor Pro Tem Saunders closed the Public Hearing.

Councilmember LaRoche questioned whether the applicant was eligible for tax phase-in. Rosales explained that in accordance with the current Tax Phase-In Policy, this applicant does qualify. Rosales also clarified that there is a separate abatement table for the historic downtown district. LaRoche stated that he would like to have Mayor Kenjura and Mayor Pro Tem provide their thoughts on this application.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to table this item.

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

Mayor Atwood C. Kenjura	Absent
Mayor Pro Tem Clint Kolby	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

REGULAR SESSION

8. **Discuss and Possibly Act Upon Resolution No. R-23-030 Adopting a Commercial Tax Phase-In Agreement Between the City of Brenham and MIC Group, LLC**

Economic and Community Development Director Teresa Rosales presented this item. Rosales advised that MIC Group, LLC is a precision manufacturing and electromechanical assembly manufacturing company that has been in operation over 60 years. The company would like to expand operations and is purchasing additional manufacturing equipment. They plan to increase their workforce from 130 to 175 and this project has a total capital investment of \$6,000,000.

A motion was made by Councilmember Canales and seconded by Councilmember LaRoche to approve Resolution R-23-030 adopting a Commercial Tax Phase-In Agreement between the City of Brenham and MIC Group, LLC.

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

Mayor Atwood C. Kenjura	Absent
Mayor Pro Tem Clint Kolby	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

9. **Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. Related to Surface Water Treatment Plant Rehab and Expansion (Project No. 63C-21C) and Authorize the Mayor to Execute Any Necessary Documentation**

General Manager of Public Utilities Debbie Gaffey presented this item. Gaffey explained that the City wishes to enter into an agreement with Strand Associates, Inc. for engineering services related to the rehab and expansion of the surface Water Treatment Plant. The project will expand the Plant's treated water capacity from 6.984 MGD to 8.35 MGD and the entire project is expected to last 47 months with completion in Summer 2027. Gaffey explained that the engineering services include design services (18 months), bidding-related services (5 months), and construction-related services (24 months). The total cost of these services will not exceed \$2,520,000 and proceeds from a 2024 Certificates of Obligation will be used to fund the project.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve the Professional Services Agreement between the City of Brenham and Strand Associates, Inc. for engineering services related to the Surface Water Treatment Plant Rehab and Expansion (Project No. 63C-21C), in an amount not to exceed \$2,520,000.00, and authorize the Mayor to execute any necessary documentation.

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

Mayor Atwood C. Kenjura	Absent
Mayor Pro Tem Clint Kolby	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

10. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. Related to Groundwater Supply Phase 1 (Project No. 63C-22C) and Authorize the Mayor to Execute Any Necessary Documentation

General Manager of Public Utilities Debbie Gaffey presented this item. Gaffey explained that the City wishes to enter into an agreement with Strand Associates, Inc. for engineering services related to Groundwater Supply Phase I. The purpose of this project is to augment the Lake Somerville water source with a second groundwater supply via wells from the Loesch Street location. Gaffey advised that the City owns one active well at this location and during Phase I, the current well, which is in the Jasper Aquifer, will be cleaned and tested. In addition, a second well into the Catahoula Aquifer will be constructed and tested. Test results will be used to initiate Phase II of the project which includes design and construction of treatment facilities, pumps, distribution piping and water storage. Phase I is expected to take 18 months and the cost will be \$160,000. Proceeds from a 2024 Certificates of Obligation will be used to fund the project.

A motion was made by Councilmember Cook and seconded by Councilmember Wright to approve the Professional Services Agreement between the City of Brenham and Strand Associates, Inc. for engineering services related to the Groundwater Supply Phase I (Project No. 63C-22C), in an amount not to exceed \$160,000.00 and authorize the Mayor to execute any necessary documentation.

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

Mayor Atwood C. Kenjura	Absent
Mayor Pro Tem Clint Kolby	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

11. Discuss and Possibly Act Upon Resolution No. R-23-031 Authorizing the Acceptance of Public Improvements in the Liberty Village Subdivision, Phase 3

Development Services Director Stephanie Doland presented this item. Doland explained DR Horton began construction of the Liberty Village Subdivision in 2020 which at build out will include the development of 321 single-family home lots, a neighborhood park and two detention ponds. Phase 1 of the Subdivision includes 122 single-family home lots and the infrastructure was completed and accepted by Council in May 2021. Phase 2 of the Subdivision includes an additional 96 lots and was accepted by Council in April 2023.

Doland explained that the third and final phase began in February of 2022 for the construction of multiple residential streets, sidewalks, and the remaining 113 lots. The Phase 3 public infrastructure improvements valued at a total of \$2,366,124 have been constructed and inspected according to the City's ordinances and regulations and are ready for acceptance.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve the Resolution No. R-23-031 authorizing the acceptance of public improvements in the Liberty Village Subdivision, Phase 3.

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

Mayor Atwood C. Kenjura	Absent
Mayor Pro Tem Clint Kolby	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

12. Discuss and Possibly Act Upon Resolution No. R-23-032 Authorizing the Acceptance of Public Improvements in the Brenham Market Square Subdivision, Phase 1

Development Services Director Stephanie Doland presented this item. Doland explained that Brenham Market Square is a 50+ acre multiple use development located at the intersections of South Market Street, Cantey Street and the US 290 Feeder Road. Phase 1 of the Subdivision includes the creation of four commercial lots along the US 290 Feeder Road, the development of two public streets, Nolan Street and Ryan Street and associated utility improvements including storm sewer.

Doland explained that the proposed Infrastructure Acceptance is inclusive of storm water improvements that serve the public street system, however, all private storm drainage improvements serving private development shall remain the responsibility of the Brenham Market Square Property Owners Association. Doland stated that the public infrastructure improvements valued at \$1,917,082.28 have been constructed and inspected according to the City's ordinances and regulations and are ready for acceptance.

A motion was made by Councilmember Wright and seconded by Councilmember LaRoche to approve the Resolution No. R-23-032 authorizing the acceptance of public improvements in the Brenham Market Square Subdivision, Phase 1.

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

Mayor Atwood C. Kenjura	Absent
Mayor Pro Tem Clint Kolby	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

13. Discuss and Possibly Act Upon the Rejection of all Bids Submitted in Response to ITB 23-008 Related to Lime for the City of Brenham's Wastewater Treatment Plant and Authorize the Mayor to Execute Any Necessary Documentation

Director of Water & Waste Water Bobby Keene presented this item. Keene explained that on July 27, 2023 the City opened bids for ITB 23-008 'Lime'. There were only three bids received with one of those being a no-bid. Keene advised that Lhoist submitted, the lowest annual bid at \$307.00/ton delivered; however, this is a steep increase from our current cost for lime at \$130.00/ton. Keene stated that since the price was so high that staff would like to rebid the chemical with shorter term options of 6-months 9-months and 12-months, to hopefully receive quotes more in line with budgeted amounts.

A motion was made by Councilmember Canales and seconded by Councilmember Cook to approve the rejection of all bids submitted in response to ITB 23-008 related to Lime for the City of Brenham's Wastewater Treatment Plant and authorize the Mayor to execute any necessary documentation.

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

Mayor Atwood C. Kenjura	Absent
Mayor Pro Tem Clint Kolby	Absent
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Dr. Paul F. LaRoche, III	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

14. Administrative/Elected Officials Report

City Manager Carolyn Miller reported on the following:

- Introduced Robin Hutchens as the new Deputy City Secretary.
- Open House at the Airport for the Airport Master Plan will begin at 5:30 p.m.
- Grace Community Fellowship will host their annual Community Prayer and Praise event on August 29th at 7:00 p.m.

City Secretary and Director of Administrative Services Jeana Bellinger reported on the following:

- Clear The Shelters was held on Saturday, August 26th. A total of 22 animals were adopted and more than \$5,000.00 in donations were received.

Council adjourned into Executive Session at 2:02 p.m.

EXECUTIVE SESSION

15. Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Aviators Plus, LLC v. City of Brenham, Texas; Cause No. 37896; 21st Judicial District Court, Washington County, Texas

Executive Session adjourned at 2:32 p.m.

RE-OPEN REGULAR SESSION

The meeting was adjourned.

Adonna Saunders
Mayor Pro Tem

Jeana Bellinger, TRMC, CMC
City Secretary

ORDINANCE NO. O-23-022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES, AND THE OFFICIAL ZONING MAP OF THE CITY OF BRENHAM, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FROM COMMERCIAL, RESEARCH, AND TECHNOLOGY USE DISTRICT (B-2) TO LOCAL BUSINESS MIXED RESIDENTIAL USE DISTRICT (B-1) ON 0.7544-ACRES OF LAND AS FURTHER DESCRIBED IN THIS ORDINANCE.

WHEREAS, Silverback Real Estate, LLC/Eric Benitez, property owner of 307 Peabody Street, Matthew Gene Canatella, property owner of 309 Peabody Street, and Brenham Design and Construction, Inc./Kenneth Phillips, property owner of 401 Peabody Street, totaling 0.7544- acres of land generally located on the south side of Peabody Street and east of S. Austin Street and further described as Kerr, Lot 4A, Stoltz Addition, Lot 1, and Kerr, East part of Lots 2 & 3, respectively in Brenham, Washington County, Texas, (the "Property"), have requested that the Property be rezoned; and

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

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

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

WHEREAS, this amendment was unanimously recommended for approval by the City of Brenham Planning and Zoning Commission in its final report during its regular meeting on August 28, 2023; and

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

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

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

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham are hereby amended by changing the zoning district classification from a Commercial, Research and Technology Use District (B-2) to Local Business Mixed Residential Use District (B-1) on approximately 0.7544- acres of land addressed as 307 Peabody Street, 309 Peabody Street, and 401 Peabody Street, and further described as Kerr, Lot 4A, Stoltz Addition, Lot 1, and Kerr, East part of Lots 2 & 3, respectively, in Brenham, Washington County, Texas, said area of land being further described and depicted on Exhibit "A" attached hereto and incorporated herein for all pertinent purposes.

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

PASSED and APPROVED on its first reading this the 7th day of September 2023.

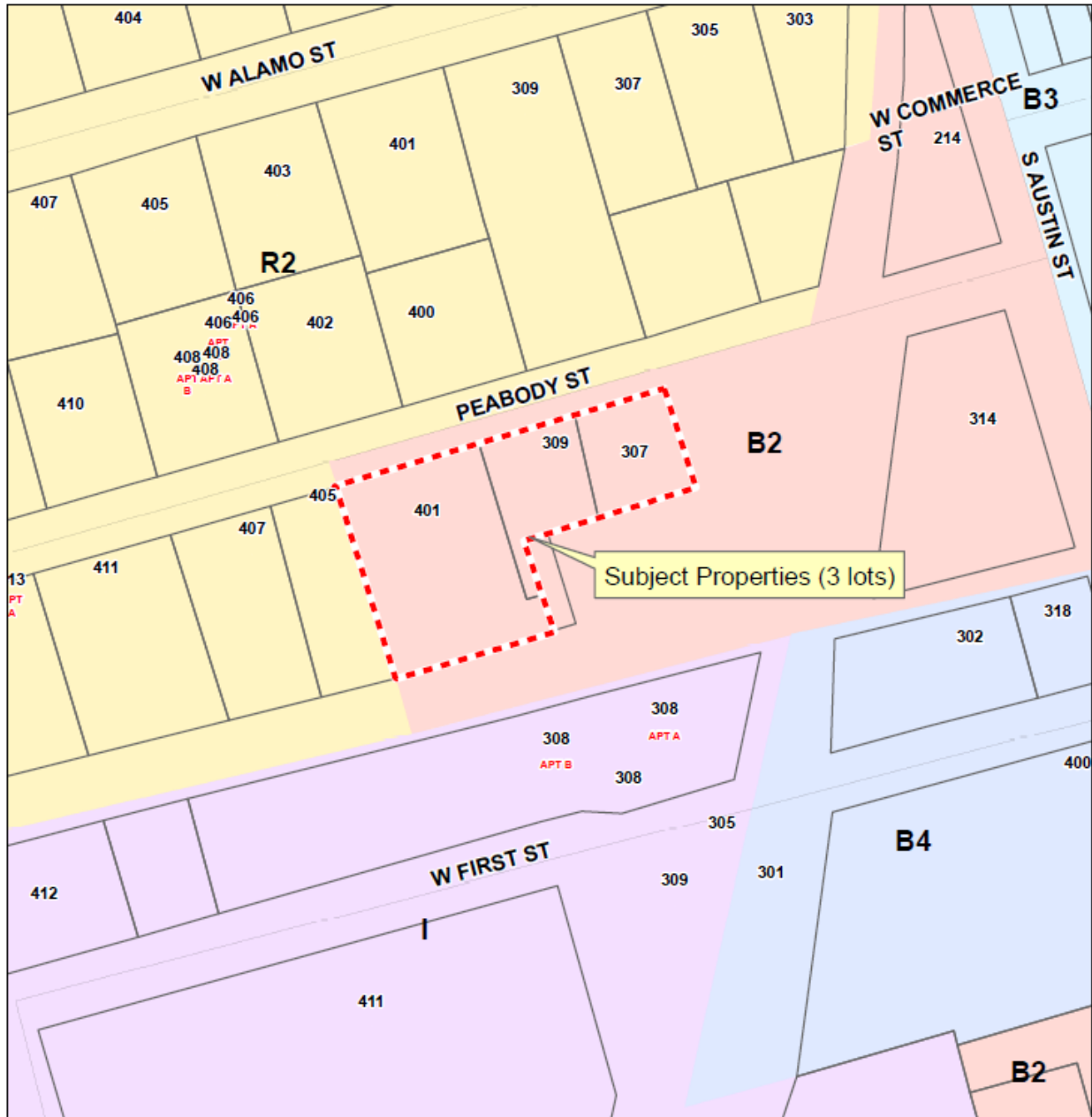
PASSED and APPROVED on its second reading this the 21st day of September 2023.

Atwood Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Exhibit "A"



Zoning Map Rezoning B2 to B1 307, 309, & 401 Peabody Street

Legend

- B2 Commercial Research and Technology
- B3 Historical and Central Business
- B4 Neighborhood Business District
- I Industrial
- R2 Mixed Residential



1 inch = 104 feet



ORDINANCE NO. O-23-023

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BRENHAM GRANTING A SPECIFIC USE PERMIT TO ALLOW AN AUTOMOBILE (CAR) WASH USE IN A B-1 LOCAL BUSINESS / RESIDENTIAL MIXED-USE ZONING DISTRICT ON APPROXIMATELY 1.997 ACRES OF LAND ADDRESSED AS 1604 STATE HIGHWAY 105, BEING FURTHER DESCRIBED AS LOT 1 OF THE POWERFAM WASHES SUBDIVISION, OUT OF THE ARABELLA HARRINGTON SURVEY, A-55, IN BRENHAM, WASHINGTON COUNTY, TEXAS.

WHEREAS, Powerfam Washes, LLC, the owners of Squeaky Clean Carwash and the 1.997 acres of land generally located at the southeast intersection of State Highway 105 and North Blue Bell Road and on the northeast corner of the Sabine Street and State Highway 105 intersection and addressed as 1604 State Highway 105, being further described as Lot 1, Powerfam Washes Subdivision out of the Arabella Harrington Survey, A-55, in Brenham, Washington County, Texas, and being further described on Exhibit “A” attached hereto and incorporated herein for all purposes (the “Property”), have requested that the Property be issued a Specific Use Permit for an Automobile (Car) Wash; and

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

WHEREAS, Appendix A – “Zoning” of the City of Brenham Code of Ordinances authorizes the City Council to grant specific use permits for specific uses within the various zoning districts; and

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

WHEREAS, this amendment was recommended unanimously for approval by the Brenham Planning and Zoning Commission during its regular meeting on August 28, 2023; and

WHEREAS, the City Council desires to approve this Ordinance granting the specific use permit, as described herein below; and

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

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

SECTION 1. The Official Zoning Map of the City of Brenham is hereby amended to show that a Specific Use Permit is granted to Powerfam Washes, LLC. for an automobile (car) wash, more particularly described in Exhibit “B” and Exhibit “C”, attached hereto and incorporated herein for all purposes, in a B-1, Local Business/ Residential Mixed Use zoning district on approximately 1.997 acres of land addressed as 1604 State Highway 105, being further described as Lot 1, Powerfam Washes Subdivision, Arabella Harrington Survey, A-55, in Brenham, Washington County, Texas, said 1.997 acres of land being further described on Exhibit “A” attached hereto and incorporated herein for all purposes.

SECTION 2. Upon holding a properly notified public hearing, the City Council may amend, change, or rescind the Specific Use Permit granted by this Ordinance if:

- a. There is a violation and conviction of any of the provisions of this Ordinance, or any ordinance of the City of Brenham, that occurs on the Property;
- b. The premises, or Property, used pursuant to the Specific Use Permit granted by this Ordinance are enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alteration, or change;
- c. As otherwise permitted by law and/or Brenham’s Zoning Ordinance, as it exists or may be amended.

SECTION 3. This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

PASSED and APPROVED on its first reading this the 7th day of September 2023.

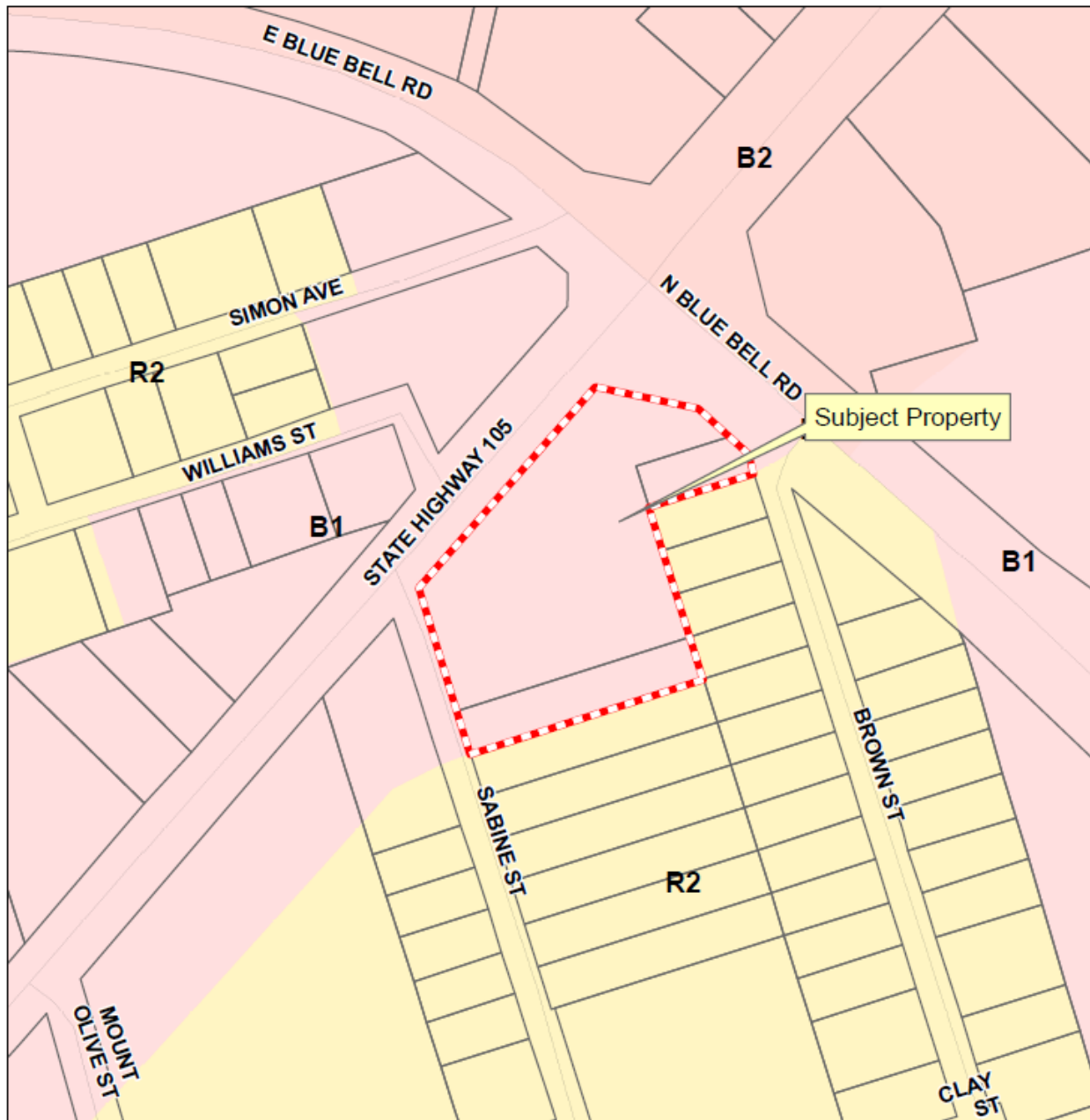
PASSED and APPROVED on its second reading this the 21st day of September 2023.

Atwood Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT "A"



Zoning Map Specific Use Permit - Car Wash 1604 SH 105

Legend

- B1 Local Business Mixed
- B2 Commercial Research and Technology
- R2 Mixed Residential



1 inch = 146 feet



EXHIBIT "B" Site Plan

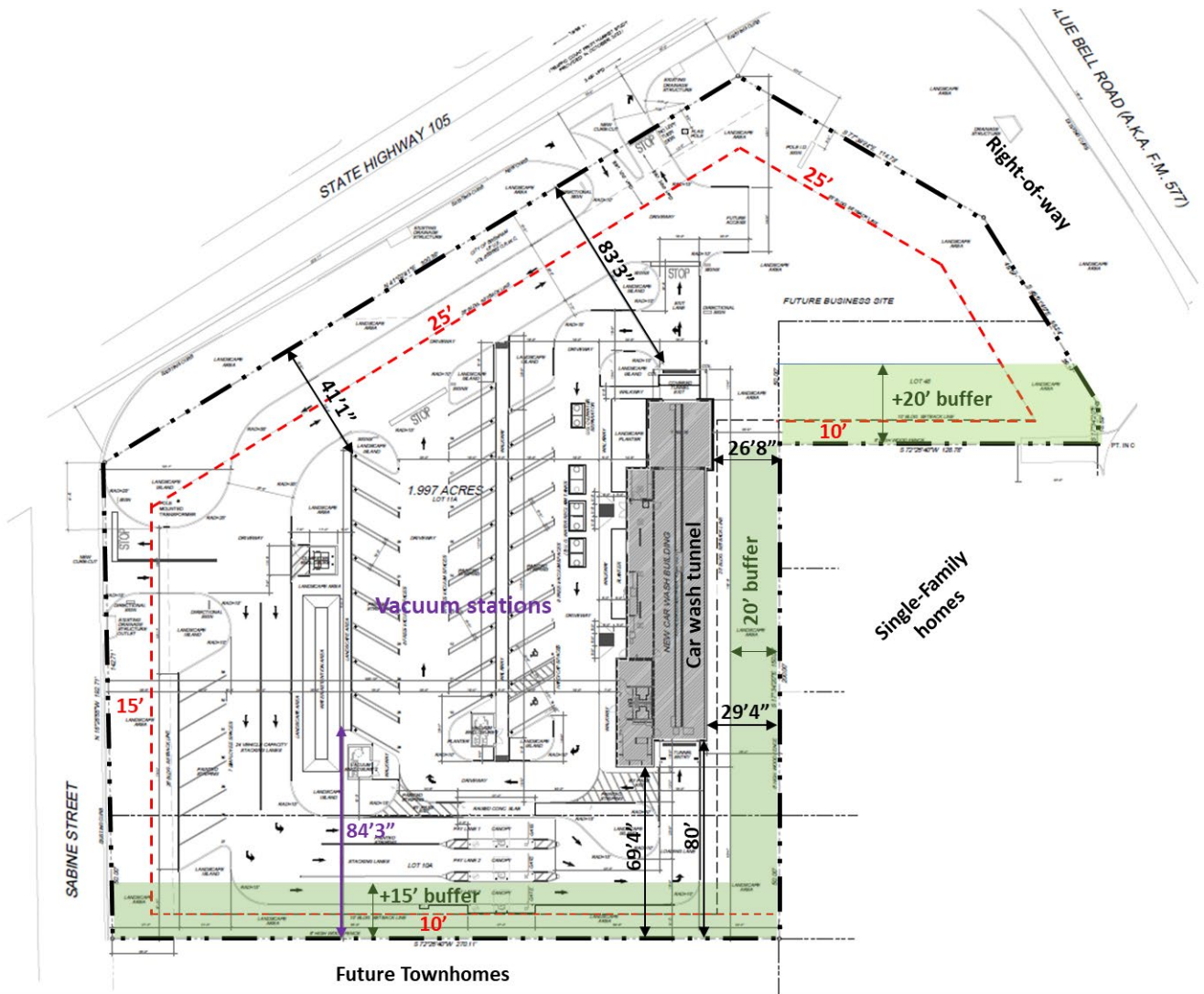
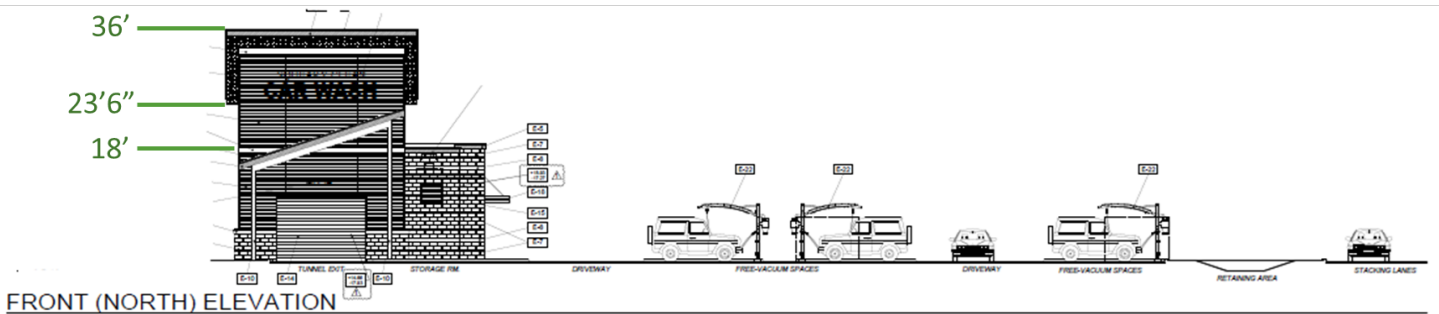
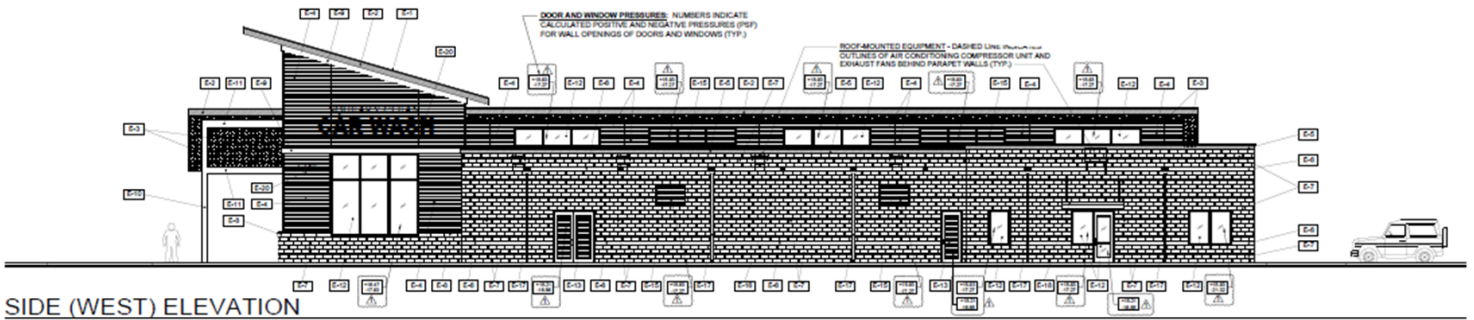
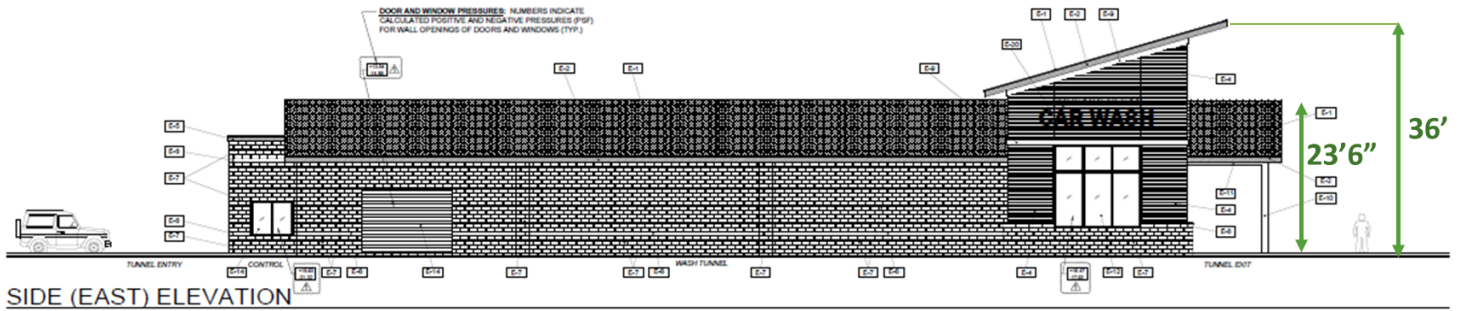


EXHIBIT "C"

Building Elevations





Regular City Council
AGENDA ITEM 5-D.

Agenda Item: Approve the Appointment of Jon Hill to the City of Brenham Main Street Advisory Board with a Term Ending on December 31, 2025

Meeting Type: Regular Meeting-September 21, 2023

Department: Main Street

Staff Contact: Leigh Linden

SUMMARY STATEMENT:

In accordance with the City's policy on Boards and Committees, it is the recommendation of staff and the Council Sub-Committee that Jon Hill, previous Main Street Board member, be appointed to fill the vacancy left by Colleen Broussard.

ATTACHMENTS:

None

RECOMMENDED ACTION:

Approve the appointment of Jon Hill to the City of Brenham Main Street Advisory Board with a term ending on December 31, 2025.



Regular City Council
AGENDA ITEM 5-E.

Agenda Item: Approve the Appointment of Becky Bosse and Thomas Upchurch to the City of Brenham's Historic Preservation Board Each for an Unexpired Term Ending on December 31, 2023

Meeting Type: Regular Meeting-September 21, 2023

Department: Administration

Staff Contact: Jeana Bellinger

SUMMARY STATEMENT:

In accordance with the City's policy on Boards and Committees, it is the recommendation of staff and the Council Sub-Committee that Becky Bosse and Tommy Upchurch be appointed, to fill two vacancies, to unexpired terms ending on December 31, 2023.

ATTACHMENTS:

None

RECOMMENDED ACTION:

Approve the appointment of Becky Bosse and Thomas Upchurch to the City of Brenham's Historic Preservation Board, each for an unexpired term ending on December 31, 2023



Regular City Council
AGENDA ITEM 5-F.

Agenda Item: **Approve the Ratification of a Purchase from Techline, Inc. in the Amount of \$69,720.00 Related to the Purchase of a 3-Phase Transformer and Authorize the Mayor to Execute Any Necessary Documentation**

Meeting Type: Regular Meeting-September 21, 2023

Department: Public Utilities

Staff Contact: Alton Sommerfield

SUMMARY STATEMENT:

Valmont contacted the City Electric Department regarding an electric line extension. Per Electric Tariff No. 495, all new services and line extensions are to be paid 100% by the customer. Due to the required size of the transformer, delivery was estimated to be 8-10 months. Valmont wanted to begin the project in 3 months. Through conversations with Techline by the Electric Dept Superintendent, it was determined that if the transformer was paid for in advance, Techline could deliver the transformer within the required time. Due to the cost of the transformer, City staff invoiced Valmont prior to ordering the transformer, at the City's cost of \$69,720.00. On August 29, 2023 the City received payment from Valmont.

ATTACHMENTS:

None

RECOMMENDED ACTION:

Approve the ratification of a purchase from Techline, Inc. in the amount of \$69,720.00 related to the Valmont line extension and authorize the Mayor to execute any necessary documentation.



Regular City Council
AGENDA ITEM 5-G.

Agenda Item: Approve Resolution No. R-23-035 Reauthorizing the Investment Policy and Strategy for the City of Brenham

Meeting Type: Regular Meeting-September 21, 2023

Department: Finance

Staff Contact: Stacy Hardy

SUMMARY STATEMENT:

In 1987, the Texas Legislature adopted the Public Funds Investment Act (PFIA) which established guidelines for local governments. This Act requires that a local government adopt a written investment policy and reauthorize the policy annually. Working with Linda Patterson of Patterson-Meeder Investment Group, we have identified several recommended changes to the City's investment policy.

Section VI. Suitable and Authorized Investments – this section is being revised adding commercial paper as an authorized investment with no longer than 270 days to maturity and limiting that no more than 20% of the portfolio may be held in commercial paper.

Section VII. Investment Parameters – this section is being revised requiring that securities which lose their policy or State required credit rating be liquidated in a reasonable amount of time.

Section VII. Investment Parameters – this section is being revised requiring securities which become unauthorized under State law or by change of the City's policy be liquidated and re-invested in authorized securities upon maturity.

Section VIII. Selection of Banks and Dealers – this section is being revised requiring that authorized brokers/dealers be registered with the Texas State Securities Board.

Section IX. Safekeeping of Securities and Collateral – this section is being revised requiring that the depository bank must provide evidence that the pledged collateral has been approved by action of the Bank Board or bank's Loan Committee.

ATTACHMENTS:

- (1) Resolution No. R-23-035
- (2) Investment Policy

RECOMMENDED ACTION:

Approve Resolution No. R-23-035 reauthorizing the Investment Policy and Strategy for the City of Brenham.

RESOLUTION NO. R-23-035

A RESOLUTION ADOPTING INVESTMENT POLICY AND STRATEGY FOR THE CITY OF BRENHAM

WHEREAS, the Public Funds Investment Act (Texas Government Code, Chapter 2256) governs local government investment; and

WHEREAS, the Public Fund Investment Act (Section 2256.005a) requires the City Council to adopt an investment policy and investment strategies by rule, order, ordinance or resolution governing the investment of funds under its control; and

WHEREAS, the Public Fund Investment Act (Section 2256.005e), requires the resolution approving the policy and strategy to record any changes made thereto; and

WHEREAS, the City has chosen to make certain changes to the Policy to include the following;

- Adding commercial paper as an authorized investment with no longer than 270 days to maturity and limiting that no more than 20% of the portfolio may be held in commercial paper.
- Requiring that securities which lose their policy or State required credit rating be liquidated in a reasonable amount of time.
- Requiring that securities which become unauthorized under State law or by change of the City's policy be liquidated and re-invested in authorized securities upon maturity.
- Requiring that authorized brokers/dealers be registered with the Texas State Securities Board.
- Requiring that the depository bank must provide evidence that the pledged collateral has been approved by action of the Bank Board or bank's Loan Committee.

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

The City has complied with the requirements of the Public Funds Investment Act and the Investment Policy and Strategy, as amended, attached hereto, is hereby adopted as the Investment Policy of the City.

RESOLVED on this 21st day of September, 2023.

ATTEST:

Atwood C. Kenjura
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary



INVESTMENT POLICY

I. POLICY

It is the policy of the City of Brenham that all available funds shall be invested in conformance with these legal and administrative guidelines with consideration for anticipated cash flow requirements and consideration of the safety and risk of investments. The City shall seek to optimize interest earnings to the extent possible based on these risk parameters.

Effective cash management is recognized as essential to good fiscal management. Investment interest is a source of revenue to City of Brenham funds. The City of Brenham's investment portfolio shall be designed and managed in a manner designed to obtain the highest reasonable earnings from this revenue source, to be responsive to public trust, and to be in compliance with legal requirements and limitations.

Investments shall be made with the primary objectives of:

- **Safety** and preservation of principal
- Maintenance of sufficient **liquidity** to meet operating needs
- Diversification to avoid concentrated risk
- **Public trust** from prudent investment activities
- Optimization of **interest earnings** on the portfolio

The Investment Policy addresses the methods, procedures and practices that must be exercised to ensure effective and judicious fiscal management of the City of Brenham's funds. This Policy serves to satisfy the statutory requirements of the Public Funds Investment Act, the "Act", (Texas Government Code, Chapter 2256) in defining and adopting a formal investment policy and strategy. The policy and strategy shall be reviewed by the Audit / Investment Committee and adopted by resolution of the City Council no less than annually. Any modifications to the Policy will be noted in the written resolution.

INVESTMENT POLICY

II. SCOPE

This Investment Policy shall govern the investment of all financial assets of the City of Brenham. These funds are accounted for in the City of Brenham's Annual Comprehensive Financial Report (ACFR) and include:

- General Fund
- Special Revenue Funds
- Capital Projects Funds
- Enterprise Funds
- Trust and Agency Funds, to the extent not required by law or existing contract to be kept segregated and managed separately
- Debt Service Funds, including reserves and sinking funds, to the extent not required by law or existing contract to be kept segregated and managed separately
- Brenham Community Development Corporation Funds
- Internal Service Funds
- Self-Insurance Funds
- Any new fund created by the City of Brenham, unless specifically exempted from this Policy by the City Council or by law.

The City of Brenham may consolidate cash balances from all funds for investment purposes and efficiencies. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles. The consolidated portfolio will address the varying needs, goals, and objectives of each fund.

This Investment Policy shall apply to all transactions involving the financial assets and related activity for all the foregoing funds. However, this Policy does not apply to the assets administered for the benefit of the City of Brenham by outside agencies or under deferred compensation programs.

III. INVESTMENT OBJECTIVES

The City of Brenham shall manage and invest its cash with five primary objectives, listed in order of priority: **safety, liquidity, diversification, public trust, and yield**. The safety of the principal invested always remains the primary objective. All investments shall be designed and managed in a manner responsive to the public trust and consistent with state and local law.

The City of Brenham shall maintain a comprehensive cash management program, which includes timely collection of account receivables, vendor payments in accordance with invoice terms, and prudent investment of funds. Cash management is defined as the process of managing monies in order to ensure cash availability and reasonable market earnings on the City's assets.

INVESTMENT POLICY

SAFETY

Safety of principal is the foremost objective of the investment program. Investments of the City of Brenham shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. Competitive bidding and perfected ownership of investments will be in place at all times. The objective will be to mitigate credit and interest rate risk. Each investment transaction shall be conducted in a manner to control the risk of capital loss by investing in high credit quality securities.

- Credit Risk – The Entity will minimize credit risk, the risk of loss due to the failure of the issuer or backer of the investment, by:
 - Limiting investments to the highest credit quality investments
 - Pre-qualifying the financial institutions and broker/dealers with which the City of Brenham transacts business
 - Perfecting City ownership by delivery versus payment settlement, and
 - Diversifying the investment portfolio so that potential credit or market risk is minimized.
- Market Risk – the City will minimize the risk from interest rate volatility by:
 - Structuring the investment portfolio to meet cash requirements for ongoing operations, thereby avoiding the need to liquidate investments prior to maturity.
 - Investing operating funds in laddered securities and maintaining a liquidity portion to cover unanticipated expenses.

LIQUIDITY

The City of Brenham investment portfolio shall be structured in a ladder of maturities to match expected liabilities along with a liquidity portion to meet unanticipated liabilities. Securities will have active secondary markets.

PUBLIC TRUST

All participants in the City of Brenham's investment process shall seek to act responsibly as custodians of the public trust. Investment officers shall avoid any transaction that might impair public confidence in the City of Brenham's ability to govern effectively.

DIVERSIFICATION

The portfolio will be diversified by market sector and maturity based on the cash flow and risk tolerances of the City.

YIELD

The City of Brenham investment portfolio shall be designed with the objective of attaining a reasonable market yield throughout budgetary and economic cycles, taking into account the City's investment risk constraints and the cash flow characteristics of the portfolio. Yield is secondary to the safety and liquidity objectives described above.

INVESTMENT POLICY

Based upon the cash flow of the City the maximum dollar-weighted average maturity of the consolidated portfolio shall be one (1) year. The benchmark used to determine whether reasonable yields are being achieved shall be the one year U.S. Treasury Bill.

IV. INVESTMENT STRATEGY

The City of Brenham maintains a consolidated portfolio which is designed to address the unique characteristics of the fund groups represented in the portfolio.

Operating Funds: The primary objective for operating funds is to assure anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure which will experience minimal volatility during economic cycles. This may be accomplished by purchasing high credit quality, short to medium term securities in a ladder structure. The maximum dollar weighted average maturity of one year reflects the expenditure cash flow of operating funds and will be calculated using the stated final maturity dates of each security.

Capital Project Funds: Funds for capital projects or special purposes should be invested based on anticipated cash flows and allow for flexibility and unanticipated project outlays. At no time will the stated final maturity dates of investments exceed the estimated project completion date on capital project funds.

Debt Service Funds: Debt service funds shall be invested with the primary objective of funding debt service obligations on the required payment date. Priority will be given to funding the next debt service due before any extensions are made in the funds.

Debt Service Reserve Funds: Debt Service Reserves should be invested to generate a dependable revenue stream from securities with a low degree of volatility. Securities should be short to medium term maturities and of high credit quality.

The City primarily utilizes a passive “buy and hold” portfolio strategy. Maturity dates are primarily matched with cash flow requirements and investments are purchased with the intent to be held until maturity. However, investments may be liquidated prior to maturity for the following reasons:

- An investment with declining credit may be liquidated early to minimize loss of principal.
- Cash flow needs require that the investment be liquidated.
- Market conditions present an opportunity to benefit from the trade.

INVESTMENT POLICY

V. RESPONSIBILITY AND CONTROL

CITY COUNCIL RESPONSIBILITIES

The City Council, in accordance with the Act, shall:

- Designate Investment Officers by resolution
- Receive and review quarterly investment reports
- Annually review and approve the City's broker/financial institution certification list – *As noted in Section VIII, the governing body has designated this responsibility to the Audit & Investment Committee*
- Review and adopt the investment policy and strategy at least annually
- Provide for investment training for investment officers

INVESTMENT OFFICERS

The Director of Finance and the City Manager are hereby designated as "Investment Officers" pursuant to the Act. Investment Officers are delegated authority to invest the funds on behalf of the City and such authorization shall remain in effect until rescinded by the City Council or until the Officer resigns or is terminated. The Investment Officers are authorized to execute investment transactions on behalf of the City. No person may engage in an investment transaction or the management of City of Brenham funds except as provided under the terms of this Investment Policy as approved by the City Council.

Investment Officers shall:

- Obtain training as defined by the Act and this Policy
- Prepare, sign, and submit quarterly investment reports to Council
- Maintain compliance files on all counter-parties (brokers) and provide the list for Council approval at least annually
- Provide for competitive bidding
- Disclose personal business relationships in accordance with policy
- Maintain full and complete records of the City's portfolio and transactions.

QUALITY AND CAPABILITY OF INVESTMENT MANAGEMENT

The Investment Officers shall obtain training in investments. The seminars should be offered by professional organizations, associations, and other independent sources approved by Council. The training is to insure the quality and capability of investment management in compliance with the Act.

In accordance with the Act, the designated Investment Officers shall attend 10 hours of investment training session within 12 months of their designation and every successive two fiscal years shall attend eight hours of training. A newly appointed Investment Officer must attend a training session of at least 10 hours of instruction within twelve months of the date the officer took office or assumed the officer's duties. For purposes of this policy, an "independent source" from which investment training shall be obtained shall include a professional organization, an institution of higher education or any other sponsor other than a business organization with whom the City of Brenham may engage in an investment transaction.

INVESTMENT POLICY

INTERNAL CONTROLS

The Chief Financial Officer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management.

The Chief Financial Officer shall establish a process for a compliance audit on policies and procedures. The internal controls shall address the following points at a minimum.

- Control of collusion.
- Separation of transactions authority from accounting and record keeping.
- Custodial safekeeping.
- Clear delegation of authority to subordinate staff members.
- Written confirmation for all transactions for investments and wire transfers.
- Review of wire transfer agreements with the depository bank or third party custodian.
- Review of compliance with the Act and this Policy.

The Chief Financial Officer shall monitor, on no less than a monthly basis, the credit rating on all authorized investments in the portfolio based upon independent information from a nationally recognized rating agency. If any security falls below the minimum rating required by Policy, the Investment Officer shall notify the City Manager of the loss of rating, conditions affecting the rating and possible loss of principal with liquidation options available, within three days after notification of the loss of the required rating.

PRUDENCE

The standard of prudence to be applied to all transactions shall be the "prudent person rule". This rule states that "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

In determining whether an Investment Officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

- The investment of all funds, or funds under the City's control, over which the Officer had responsibility rather than a consideration as to the prudence of a single investment.
- Whether the investment decision was consistent with the written approved Investment Policy of the City.

INVESTMENT POLICY

INDEMNIFICATION

The Investment Officer, acting in accordance with written procedures and exercising due diligence, shall not be held personally liable for a specific investment's credit risk or market price changes, provided that these deviations are reported immediately and the appropriate action is taken to control adverse developments.

ETHICS AND CONFLICTS OF INTEREST

All participants in the investment process shall seek to act responsibly as custodians of the public trust. Investment officers shall avoid any transaction that might impair public confidence in the City's ability to govern effectively. Officers and employees involved in the investment process shall refrain from personal business activity that would conflict with the proper execution and management of the investment program, or that would impair their ability to make impartial decisions.

Council members, employees and Investment Officers shall disclose to the Texas Ethics Commission and the City Manager, and the City Manager discloses to the City Council if:

- a) The officer has a personal business relationship with a business organization offering to engage in an investment transaction with the City; or
- b) The officer is related within the second degree by affinity of consanguinity, as determined under Chapter 573 of the Texas Government Code, to an individual seeking to transact investment business with the City; or
- c) The officer has any material interests in financial institutions with which they conduct business; or
- d) The officer has any personal financial/investment positions that could be related to the performance of the investment portfolio.

Employees and officers shall refrain from undertaking personal investment transactions with the same individual with which business is conducted on behalf of the City of Brenham.

VI. SUITABLE AND AUTHORIZED INVESTMENTS

City funds may be invested only in the instruments described below, all of which are authorized and further defined by the Act. The City will not be required to liquidate an investment that becomes unauthorized subsequent to its purchase.

I. AUTHORIZED INVESTMENTS

1. Obligations of the United States of America, its agencies and instrumentalities with stated maturities not to exceed three (3) years excluding mortgage backed securities.
2. Obligations of this State or any State or agency thereof including political subdivisions having been rated as investment quality by two nationally recognized investment rating firm, and having received a rating of not less than "A" or its equivalent with maturities not to exceed three (3) years.

INVESTMENT POLICY

3. Fully insured or collateralized Certificates of Deposit issued by a bank doing business in Texas insured by the Federal Deposit Insurance Corporation or its successor or secured by obligations in a manner provided for by this Policy and state law with maturities not to exceed 12 months.
4. Local government investment pools, which 1) are created under and conform to the requirements of the Act, 2) are rated no lower than AAA or an equivalent rating by at least one nationally recognized rating service, 3) seek to maintain a \$1.00 net asset value, and 4) are authorized by resolution or ordinance by the City Council.
5. Fully insured or collateralized interest bearing or money market account in any bank in Texas collateralized in accordance with this Policy.
6. AAA rated money market funds which strive to maintain a \$1 net asset value and comply with SEC Rule 2a-7.
7. Commercial paper rated A1/P1 or the equivalent by two national rating agencies no longer than 270 days to maturity. No more than 20% of the portfolio may be held in commercial paper.

II. UN-AUTHORIZED INVESTMENTS

The Act and this Policy prohibits investment in the following investment instruments:

- Obligations whose payment represents the coupon payments of the outstanding principal balance of the underlying mortgage-backed security collateral and pay no principal (Interest Only mortgage backed securities);
- Obligations whose payment represents the principal stream of cash flow from underlying mortgage-backed security collateral and bear no interest (Principal only mortgage backed securities);
- Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years;
- Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index; and

The practice of “leveraging” whereby funds are borrowed for the sole purpose of investing is prohibited.

VII. INVESTMENT PARAMETERS

MAXIMUM MATURITIES

The longer the maturity of investments, the greater their price volatility; therefore, it is the City’s policy to concentrate its investment portfolio in shorter-term securities in order to limit principal risk caused by changes in interest rates.

The City shall attempt to match its investments with anticipated cash flow requirements. The City will not directly invest in securities maturing more than three (3) years from the date of purchase; however, the

INVESTMENT POLICY

above described obligations, certificates, or agreements may be collateralized using longer dated investments.

The consolidated portfolio will have a maximum dollar-weighted average maturity of one year. This dollar-weighted average will be calculated using the stated final maturity dates of each security.

DIVERSIFICATION

The City of Brenham recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Risk is controlled through portfolio diversification that shall be achieved by the following general guidelines:

- Limiting investments to avoid over concentration in investments from a specific issuer or business,
- Limiting investment in investments that have higher credit risks
- Investing in investments with varying maturities, and
- Continuously investing a portion of the portfolio in readily available funds such as local government investment pools (LGIPs), or money market funds to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

Securities which lose their policy or State required credit rating must be liquidated in a reasonable period of time.

Securities which become *unauthorized* under State law or by a change in City Policy, do not require liquidation but after maturity funds must be re-invested in authorized securities.

VIII. SELECTION OF BANKS AND DEALERS

DEPOSITORY

As required by the City of Brenham Charter and state law, every five (5) years a primary banking services depository shall be selected through a competitive process, which shall include a formal request for proposal (RFP) and be consistent with state law. The selection of a depository will be determined by competitive bid and evaluation of bids will be based on the following selection criteria:

- The ability to qualify as a depository for public funds in accordance with state law.
- The ability to provide required services.
- The ability to meet all requirements in the banking RFP.
- The lowest net banking service cost, consistent with the ability to provide an appropriate level of service.
- The earning potential for funds in the depository.
- The credit worthiness and financial stability of the bank.

INVESTMENT POLICY

All banks will execute a written depository agreement in accordance with FIRREA¹ designating authorized collateral.

AUTHORIZED BROKERS/DEALERS

The City Audit/Investment Committee shall, at least annually, review, revise, and adopt a list of qualified broker/dealers authorized to engage in securities transactions with the City. Those firms that request to become qualified bidders for securities transactions will be required to provide information for the City's questionnaire that provides information regarding creditworthiness, contact information, and experience. They must be registered with the Texas State Securities Board. All local government pools in which the City participates shall provide the City with certification stating the pools have received, read and understood the City of Brenham's Investment Policy and have in place controls to prohibit selling the City any security not authorized by that Policy.

The City shall have a minimum of three broker/dealers to assure competitive bidding. Authorized firms may include primary dealers or regional dealers and qualified depositories. All local government investment pools, must sign the City's certification. Every provider will be furnished the City's Investment Policy.

COMPETITIVE BIDS

All transactions will be made on a competitive basis. The Director of Finance shall develop and maintain procedures for ensuring a competition in the investment of the City funds.

DELIVERY VS. PAYMENT

Securities shall be purchased only using the **delivery vs. payment** method with the exception of investment pools and money market mutual funds. Funds will be released after notification that the purchased security has been received by the custodian.

IX. SAFEKEEPING OF SECURITIES AND COLLATERAL

SAFEKEEPING AND CUSTODIAN AGREEMENTS

Securities owned by the City. The City of Brenham shall contract with a depository for the safekeeping/custody of securities owned by the City of Brenham as part of its investment portfolio. Securities owned by the City of Brenham shall be held in the City's name as evidenced by safekeeping receipts of the institution holding the securities.

Collateral pledged to the City. Collateral for time and demand deposits will be held by an independent third party custodian designated by the depository and approved by the City outside of the pledging bank

¹The Financial Institutions Resource and Recover Enforcement Act governs the actions of the FDIC in cases of bank default.

INVESTMENT POLICY

and evidenced by original safekeeping receipts of the pledging institution with which the collateral is deposited. Original safekeeping receipts and monthly collateral reports shall be delivered to the City.

COLLATERAL POLICY

Consistent with the requirements of the Public Funds Collateral Act, it is the policy of the City to require collateralization of City funds in time and demand deposit with any depository bank for time and demand deposits. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be 102% market value of the total principal and accrued interest on the deposits or investments less an amount insured by the FDIC. At its discretion, the City of Brenham may require a higher level of collateralization for certain investment securities.

Securities pledged as collateral shall be held by an independent third party outside the holding company of the pledging bank with whom the City has a current depository agreement. The depository agreement must be written and is to specify the acceptable investment securities for collateral, including provisions relating to possession of the collateral, the substitution or release of investment securities, ownership of securities, and the method of valuation of securities. The bank must provide evidence that the collateral has been approved by action of the Bank Board or bank's Loan Committee. Clearly marked evidences of ownership (safekeeping receipts) must be supplied to and retained by the City. Collateral shall be priced weekly at a minimum to assure that the market value of the pledged securities is adequate.

The Director of Finance is responsible for all substitutions and the substitution process. The substituted security's market value will be equal to or greater than the required security value. Written notification of the substitution must be provided by the bank or custodian .

COLLATERAL DEFINED

The Entity shall accept only the following types of collateral:

- Obligations of the United States or its agencies and instrumentalities including mortgage backed securities and collateralized mortgage obligations (CMO) which pass the Federal Reserve bank test
- Direct obligations of the state of Texas or its agencies and instrumentalities rated as to investment quality by a nationally recognized rating firm not less than A or its equivalent
- Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized rating firm not less than A or its equivalent
- FHLB Irrevocable letters of credit

Preference will be given to pledged securities.

INVESTMENT POLICY

SUBJECT TO AUDIT

All collateral shall be subject to inspection and audit by the Director of Finance or the City of Brenham's independent auditors.

X. PERFORMANCE

PERFORMANCE STANDARDS

The City of Brenham's investment portfolio will be managed in accordance with the parameters specified within this Policy. The portfolio shall be designed with the objective of obtaining a reasonable yield throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow requirements of the City.

PERFORMANCE/RISK BENCHMARK

It is the policy of the City of Brenham to purchase investments with maturity dates coinciding with cash flow needs. Through this strategy, the City shall seek to optimize earnings utilizing allowable investments available on the market at that time. Market value will be calculated on a monthly basis on all securities owned and compared to current book value. The City of Brenham's portfolio shall be designed with the objective of regularly meeting or exceeding the period average yield on the one year U.S. Treasury Bill which is comparable to the City's maximum weighted average maturity in days based on its cash flow analysis.

XI. REPORTING

METHODS

The Investment Officer(s) shall prepare an internal investment report on a monthly basis and on a quarterly basis for Council that summarizes investment strategies employed in the most recent monthly/quarter and describes the portfolio in terms of investment securities, maturities including the yield for the quarter.

The quarterly investment report shall be in compliance with the Act and include a summary statement of investment activity prepared in compliance with generally accepted accounting principles. This summary will be prepared in a manner that will allow the City Audit/Investment Committee to ascertain whether investment activities during the reporting period have conformed to the Investment Policy. The report will be provided to the City Council for review. The report will include the following:

- A listing of individual securities held at the end of the reporting period.
- Unrealized gains or losses as calculated on the beginning and ending book and market value of securities for the period.
- Additions and changes to the market value during the period.

INVESTMENT POLICY

- Average weighted yield of portfolio as compared to the City's benchmark.
- Listing of investments by maturity date.
- Fully accrued interest and earnings for the reporting period
- The percentage of the total portfolio that each type of investment represents.
- Any additional reporting information as required by the Act.
- Statement of compliance of the City of Brenham's Investment Policy and the Act.

Market value of all securities in the portfolio will be determined on a monthly basis. These values will be obtained from a reputable and independent source reported in the quarterly report.

An independent auditor will perform an annual formal review of the quarterly reports with the results reported to the governing body.

XII. INVESTMENT POLICY ADOPTION

The City of Brenham's Investment Policy shall be adopted no less than annually by resolution of the City Council. The City of Brenham's Investment Policy shall be subject to revisions consistent with changing laws, regulations, and needs of the City but any such changes must be adopted by the Council before use. The resolution adopting the policy and strategies must include any changes or modifications to the Policy.

PRIOR AUTHORITY/DATE ISSUED:

City Council Resolution #R-22-029

September 22, 2022



Regular City Council
AGENDA ITEM 6.

Agenda Item: Discuss and Possibly Act Upon Ordinance No. O-23-024 on Its Second Reading Adopting the Budget for Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024

Meeting Type: Regular Meeting-September 21, 2023

Department: Finance

Staff Contact: Tim McRoberts

SUMMARY STATEMENT:

The proposed FY2023-24 budget has been developed in compliance with the Property Tax Code, Local Government Code, and City Charter. The proposed budget includes appropriations of operating resources for 31 separate funds and authorizes \$89.5 million in expenditures. The proposed budget is on the City's website and on file with the City Secretary. This agenda item is for the first reading of the Ordinance to adopt the proposed FY2023-24 budget. **Council must take a record vote on this item.**

ATTACHMENTS:

- (1) Ordinance No. O-23-024
- (2) Exhibit A to Ordinance

RECOMMENDED ACTION:

Approve Ordinance No. O-23-024 on its second reading adopting the budget for fiscal year beginning October 1, 2023 and ending September 30, 2024.

ORDINANCE NO. O-23-024

AN ORDINANCE ADOPTING A BUDGET FOR THE CITY OF BRENHAM, TEXAS FOR THE FISCAL YEAR 2023-24; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Brenham, Texas, has prepared a budget for the fiscal year October 1, 2023 through September 30, 2024 and has filed same with the City Secretary and has held a public hearing on same, all after due notice as required by statute.

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

SECTION I.

That the City Council of the City of Brenham, Texas does hereby adopt the Budget for the City of Brenham, Texas, for the fiscal year October 1, 2023 through September 30, 2024 as shown in the attached Exhibit "A", which is incorporated herein as though copied herein verbatim.

SECTION II.

That authority is hereby given to the City Manager to approve transfers of portions of any item of appropriation within the same department and transfers from one department to another department within the same fund.

SECTION III.

This Ordinance shall become effective as provided by the Charter of the City of Brenham, Texas.

PASSED AND APPROVED on its first reading this the 7th day of September, 2023.

PASSED AND ADOPTED on its second reading this the 21st day of September, 2023.

ATTEST:

Atwood C. Kenjura
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

APPROVED AS TO FORM:

Cary Bovey
City Attorney

Exhibit A

**CITY OF BRENHAM
FY23-24 PROPOSED BUDGET
COMBINED FUND SUMMARY**

IN \$	TOTAL GENERAL FUND	DEBT SERVICE FUND	SPECIAL REVENUE FUNDS	CAPITAL PROJECT FUNDS	ENTERPRISE FUNDS	INTERNAL SERVICE FUNDS	BCDC	TOTAL
BEGINNING FUND BALANCE	7,805,299	704,836	550,324	13,193,585	14,319,157	842,110	3,715,243	41,130,554
TOTAL REVENUES	20,847,661	3,044,997	1,002,820	1,415,833	46,304,622	324,460	3,467,849	76,408,242
TOTAL EXPENDITURES	25,180,112	3,099,497	45,352	5,730,138	52,592,671	340,304	2,518,802	89,506,876
OTHER FINANCING SOURCES (USES)								
TRANSFERS IN	4,509,104	-	-	1,328,280	1,908,983	-	-	7,746,367
TRANSFERS OUT	(217,545)	-	(1,040,000)	-	(3,946,065)	-	(2,516,780)	(7,720,390)
PAYMENT TO PRIMARY GOVERNMENT	-	-	-	-	-	-	-	-
DEBT PROCEEDS	-	-	-	-	10,344,074	-	-	10,344,074
TOTAL OTHER FINANCING SOURCES (USES)	4,291,559	-	(1,040,000)	1,328,280	8,306,992	-	(2,516,780)	10,370,051
CHANGE IN FUND BALANCE	(40,892)	(54,500)	(82,532)	(2,986,025)	2,018,943	(15,844)	(1,567,732)	(2,728,582)
ENDING FUND BALANCE	7,764,407	650,336	467,792	10,207,560	16,338,100	826,266	2,147,511	38,401,972

CITY OF BRENHAM
FY23-24 PROPOSED BUDGET
COMBINED FUND SUMMARY - GENERAL FUND

IN \$	FUND 101 GENERAL GOVT	FUND 215 AIRPORT	FUND 222 POLICE DEPT GRANTS	FUND 225 PD EQUIP FUND	FUND 226 PUBLIC SAFETY TRAINING FUND	FUND 227 PUBLIC FEMA FUND	FUND 232 DONATIONS FUND	FUND 235 FIRE DEPT GRANTS FUND	FUND 236 NON- ROUTINE FUND	FUND 249 TOURISM & MKTING	TOTAL
BEGINNING FUND BALANCE	7,298,684	-	-	-	8,627	-	379,754	-	105,856	12,378	7,805,299
REVENUES											
TOTAL REVENUES	19,582,461	465,200	-	-	-	-	100,500	-	-	699,500	20,847,661
EXPENDITURES											
TOTAL EXPENDITURES	22,760,975	653,245	-	-	-	-	62,750	-	66,263	1,636,879	25,180,112
OTHER FINANCING SOURCES (USES)											
TRANSFERS IN	3,396,059	188,045	-	-	-	-	-	-	-	925,000	4,509,104
TRANSFERS OUT	(217,545)	-	-	-	-	-	-	-	-	-	(217,545)
PAYMENT TO PRIMARY GOVERNMENT	-	-	-	-	-	-	-	-	-	-	-
DEBT PROCEEDS	-	-	-	-	-	-	-	-	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	3,178,514	188,045	-	-	-	-	-	-	-	925,000	4,291,559
CHANGE IN FUND BALANCE	-	-	-	-	-	-	37,750	-	(66,263)	(12,379)	(40,892)
ENDING FUND BALANCE	7,298,684	-	-	-	8,627	-	417,504	-	39,593	(1)	7,764,407

CITY OF BRENHAM
FY23-24 PROPOSED BUDGET
COMBINED FUND SUMMARY - DEBT SERVICE FUND

IN \$				FUND 118
				DEBT
				SERVICE
				FUND
BEGINNING FUND BALANCE (WORKING CAP)				704,836
TOTAL REVENUES				3,044,997
TOTAL EXPENDITURES				3,099,497
OTHER FINANCING SOURCES (USES)				
TRANSFERS IN				
TRANSFERS OUT				
PAYMENT TO PRIMARY GOVERNMENT				
DEBT PROCEEDS				
TOTAL OTHER FINANCING SOURCES (USES)				-
CHANGE IN FUND BALANCE				(54,500)
ENDING FUND BALANCE				650,336

CITY OF BRENHAM
FY23-24 PROPOSED BUDGET
COMBINED FUND SUMMARY - SPECIAL REVENUE FUNDS

IN \$	FUND 109 HOTEL/MOTEL FUND	FUND 229 CRIMINAL LAW ENFORCE	FUND 233 COURTS SECURITY/ TECH	FUND 260 BRENHAM COMMUNITY PROJECTS	TOTAL SPECIAL REVENUE FUNDS
BEGINNING FUND BALANCE (WORKING CAP)	377,101	91,228	81,000	995	550,324
TOTAL REVENUES	949,520	10,350	42,950	-	1,002,820
TOTAL EXPENDITURES	18,504	7,320	19,528	-	45,352
OTHER FINANCING SOURCES (USES)					
TRANSFERS IN	-	-	-	-	-
TRANSFERS OUT	(1,025,000)	-	(15,000)	-	(1,040,000)
PAYMENT TO PRIMARY GOVERNMENT	-	-	-	-	-
DEBT PROCEEDS	-	-	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	(1,025,000)	-	(15,000)	-	(1,040,000)
CHANGE IN FUND BALANCE	(93,984)	3,030	8,422	-	(82,532)
ENDING FUND BALANCE	283,117	94,258	89,422	995	467,792

CITY OF BRENHAM
FY23-24 PROPOSED BUDGET
COMBINED FUND SUMMARY - CAPITAL PROJECT FUNDS

	FUND 203 AIRPORT CAPITAL	FUND 217 2017 CAPITAL PROJECTS	FUND 234 PARKS CAPITAL PROJECTS	FUND 237 STREETS CAPITAL PROJECTS	FUND 270 GEN GOVT CAPITAL PROJECTS 2021	FUND 301 TIRZ NO 1 FUND	TOTAL CAPITAL PROJECT FUNDS
IN \$							
BEGINNING FUND BALANCE (WORKING CAP)	26,153	-	1,441,549	1,922,099	8,833,023	970,761	13,193,585
TOTAL REVENUES	499,500	-	23,000	30,000	200,000	663,333	1,415,833
TOTAL EXPENDITURES	555,000	-	2,560,780	1,108,000	1,506,358	-	5,730,138
OTHER FINANCING SOURCES (USES)							
TRANSFERS IN	29,500	-	1,154,780	118,000	26,000	-	1,328,280
TRANSFERS OUT	-	-	-	-	-	-	-
PAYMENT TO PRIMARY GOVERNMENT	-	-	-	-	-	-	-
DEBT PROCEEDS	-	-	-	-	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	29,500	-	1,154,780	118,000	26,000	-	1,328,280
CHANGE IN FUND BALANCE	(26,000)	-	(1,383,000)	(960,000)	(1,280,358)	663,333	(2,986,025)
ENDING FUND BALANCE	153	-	58,549	962,099	7,552,665	1,634,094	10,207,560

CITY OF BRENHAM
FY23-24 PROPOSED BUDGET
COMBINED FUND SUMMARY - INTERNAL SERVICE FUNDS

IN \$	FUND 220 CENTRAL FLEET	FUND 240 VERF	FUND 500 WORKERS COMP	TOTAL INTERNAL SERVICE FUNDS
BEGINNING FUND BALANCE (WORKING CAP)	523,144	175,787	143,179	842,110
TOTAL REVENUES	1,500	159,460	163,500	324,460
TOTAL EXPENDITURES	47,644	159,460	133,200	340,304
OTHER FINANCING SOURCES (USES)				
TRANSFERS IN	-	-	-	-
TRANSFERS OUT	-	-	-	-
PAYMENT TO PRIMARY GOVERNMENT	-	-	-	-
DEBT PROCEEDS	-	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	-	-	-	-
CHANGE IN FUND BALANCE	(46,144)	-	30,300	(15,844)
ENDING FUND BALANCE	477,000	175,787	173,479	826,266

CITY OF BRENHAM
FY23-24 PROPOSED BUDGET
COMBINED FUND SUMMARY - BCDC FUNDS

IN \$	FUND 250 BCDC FUND	FUND 252 BCDC CAPITAL FUND	TOTAL BCDC FUNDS
BEGINNING FUND BALANCE (WORKING CAP)	2,913,267	801,976	3,715,243
TOTAL REVENUES	2,707,849	760,000	3,467,849
TOTAL EXPENDITURES	956,825	1,561,977	2,518,802
OTHER FINANCING SOURCES (USES)			
TRANSFERS IN	-	-	-
TRANSFERS OUT	(2,516,780)	-	(2,516,780)
PAYMENT TO PRIMARY GOVERNMENT	-	-	-
DEBT PROCEEDS	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	(2,516,780)	-	(2,516,780)
CHANGE IN FUND BALANCE	(765,756)	(801,976)	(1,567,732)
ENDING FUND BALANCE	2,147,511	(0)	2,147,511

CITY OF BRENHAM
FY23-24 PROPOSED BUDGET
COMBINED FUND SUMMARY - ENTERPRISE FUNDS

IN \$	FUND 102/122/132 ELECTRIC	FUND 103/123 GAS	FUND 104/134 WATER	FUND 105/135 WASTE- WATER	FUND 106 SANITATION	FUND 107/137 DRAINAGE	TOTAL ENTERPRISE FUNDS
BEGINNING FUND BALANCE (WORKING CAP)	9,435,974	908,199	531,168	2,096,818	299,953	1,047,045	14,319,157
TOTAL REVENUES	26,503,367	2,965,152	6,402,083	7,071,045	2,658,113	704,862	46,304,622
TOTAL EXPENDITURES	25,212,115	2,474,008	10,702,196	10,961,550	2,537,940	704,862	52,592,671
OTHER FINANCING SOURCES (USES)							
TRANSFERS IN	880,983	-	200,000	828,000	-		1,908,983
TRANSFERS OUT	(1,921,287)	(548,094)	(581,034)	(612,841)	(282,809)		(3,946,065)
PAYMENT TO PRIMARY GOVERNMENT	-	-	-	-	-	-	-
DEBT PROCEEDS	-	-	5,085,000	5,259,074	-	-	10,344,074
TOTAL OTHER FINANCING SOURCES (USES)	(1,040,304)	(548,094)	4,703,966	5,474,233	(282,809)	-	8,306,992
CHANGE IN FUND BALANCE	250,948	(56,950)	403,853	1,583,728	(162,636)	-	2,018,943
ENDING FUND BALANCE	9,686,922	851,249	935,021	3,680,546	137,317	1,047,045	16,338,100

CITY OF BRENHAM
FY23-24 PROPOSED BUDGET
COMBINED FUND SUMMARY - INTERNAL ELECTRIC FUNDS

	102 OPERATIONS	122 SUPPLY	132 CAPITAL	TOTAL INTERNAL SERVICE FUNDS
IN \$				
BEGINNING FUND BALANCE (WORKING CAP)	9,435,974	-	-	9,435,974
TOTAL REVENUES	7,799,431	18,703,936	-	26,503,367
TOTAL EXPENDITURES	6,510,064	18,702,051	-	25,212,115
OTHER FINANCING SOURCES (USES)				
TRANSFERS IN	661,480	-	219,503	880,983
TRANSFERS OUT	(1,921,287)	-	-	(1,921,287)
PAYMENT TO PRIMARY GOVERNMENT	-	-	-	-
DEBT PROCEEDS	-	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	(1,259,807)	-	219,503	(1,040,304)
CHANGE IN FUND BALANCE	29,560	1,885	219,503	250,948
ENDING FUND BALANCE	9,465,534	1,885	219,503	9,686,922

CITY OF BRENHAM
FY23-24 PROPOSED BUDGET
COMBINED FUND SUMMARY - INTERNAL GAS FUNDS

IN \$	103 OPERATIONS	123 SUPPLY	133 CAPITAL	TOTAL INTERNAL SERVICE FUNDS
BEGINNING FUND BALANCE (WORKING CAP)	908,199	-	-	908,199
TOTAL REVENUES	1,746,298	1,218,854	-	2,965,152
TOTAL EXPENDITURES	1,255,154	1,218,854	-	2,474,008
OTHER FINANCING SOURCES (USES)				
TRANSFERS IN	-	-	-	-
TRANSFERS OUT	(548,094)	-	-	(548,094)
PAYMENT TO PRIMARY GOVERNMENT	-	-	-	-
DEBT PROCEEDS	-	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	(548,094)	-	-	(548,094)
CHANGE IN FUND BALANCE	(56,950)	-	-	(56,950)
ENDING FUND BALANCE	851,249	-	-	851,249

CITY OF BRENHAM
FY23-24 PROPOSED BUDGET
COMBINED FUND SUMMARY - INTERNAL WATER FUNDS

IN \$	104 OPERATIONS	134 CAPITAL	TOTAL INTERNAL SERVICE FUNDS
BEGINNING FUND BALANCE (WORKING CAP)	515,168	- 16,000	531,168
TOTAL REVENUES	6,128,375	- 273,708	6,402,083
TOTAL EXPENDITURES	5,345,988	- 5,356,208	10,702,196
OTHER FINANCING SOURCES (USES)			
TRANSFERS IN	200,000	- -	200,000
TRANSFERS OUT	(581,034)	- -	(581,034)
PAYMENT TO PRIMARY GOVERNMENT	-	- -	-
DEBT PROCEEDS	-	- 5,085,000	5,085,000
TOTAL OTHER FINANCING SOURCES (USES)	(381,034)	- 5,085,000	4,703,966
CHANGE IN FUND BALANCE	401,353	- 2,500	403,853
ENDING FUND BALANCE	916,521	- 18,500	935,021

CITY OF BRENHAM
FY23-24 PROPOSED BUDGET
COMBINED FUND SUMMARY - INTERNAL WASTEWATER FUNDS

IN \$	105 OPERATIONS	135 CAPITAL	TOTAL INTERNAL SERVICE FUNDS
BEGINNING FUND BALANCE (WORKING CAP)	951,846	- 1,144,972	2,096,818
TOTAL REVENUES	4,270,207	- 2,800,838	7,071,045
TOTAL EXPENDITURES	3,662,229	- 7,299,321	10,961,550
OTHER FINANCING SOURCES (USES)			
TRANSFERS IN	-	- 828,000	828,000
TRANSFERS OUT	(612,841)	-	(612,841)
PAYMENT TO PRIMARY GOVERNMENT	-	-	-
DEBT PROCEEDS	-	- 5,259,074	5,259,074
TOTAL OTHER FINANCING SOURCES (USES)	(612,841)	- 6,087,074	5,474,233
CHANGE IN FUND BALANCE	(4,863)	- 1,588,591	1,583,728
ENDING FUND BALANCE	946,983	- 2,733,563	3,680,546



Regular City Council
AGENDA ITEM 7.

Agenda Item: Discuss and Possibly Act Upon Ordinance No. O-23-025 on Its Second Reading Levying Property Taxes for the Tax Year 2023 for the City of Brenham at \$0.4584 per \$100.00 Valuation

Meeting Type: Regular Meeting-September 21, 2023

Department: Finance

Staff Contact: Tim McRoberts

SUMMARY STATEMENT:

The proposed FY2023-24 budget includes a tax rate of \$0.4584 per \$100 valuation which has two components: maintenance and operations (M&O) and interest and sinking (I&S). The proposed tax rate of \$0.4584 will allocate \$0.3102 to the General Fund for maintenance and operations, and the balance of \$0.1482 to the Debt Service Fund for interest and sinking. The City has complied with all the notices and publications as required by the Tax Code. **Because the proposed tax rate exceeds the no-new revenue rate, the City Council is required by the Tax Code to take a record vote on this item.**

ATTACHMENTS:

(1) Ordinance No. O-23-025

RECOMMENDED ACTION:

Approve Ordinance No. O-23-025 on its second reading adopting a Tax Rate; the required wording of the motion is:

'I move that the property tax rate be increased by the adoption of a tax rate of \$0.4584, which is effectively a 3.13% increase in the tax rate.'

ORDINANCE NO. O-23-025

AN ORDINANCE LEVYING TAXES FOR THE TAX YEAR 2023 FOR THE CITY OF BRENHAM, TEXAS AND PROVIDING AN EFFECTIVE DATE.

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

SECTION I.

That there be and is hereby levied an ad valorem tax of \$0.3102 on each one hundred dollars' worth of property owned and situated within the City Limits of the City of Brenham, Texas, both real and personal and mixed, for General Fund maintenance and operating purposes for the Tax Year 2023.

SECTION II.

That there be and is hereby levied for the use of the City of Brenham, for the Tax Year 2023, an ad valorem tax of \$0.1482 on each one hundred dollars' worth of real, personal and mixed property owned and situated in the City Limits of the City of Brenham, Texas, for the payment of principal and interest on all outstanding bonds and lease payments, not otherwise provided for, of the City of Brenham.

SECTION III.

Wherefore, the combined tax rate in accordance with V.T.C.A. Tax Code Section 26.05 shall be \$0.4584 on each one hundred dollars' worth of real, personal, and mixed property of owned and situated within the City Limits of the City of Brenham, Texas.

SECTION IV.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

SECTION V.

THIS TAX RATE WILL EFFECTIVELY BE RAISED BY 3.16 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$9.50.

SECTION VI.

This Ordinance shall become effective as provided by the Charter of the City of Brenham, Texas.

PASSED AND APPROVED on its first reading this the 7th day of September, 2023.

PASSED AND ADOPTED on its second reading this the 21st day of September, 2023.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

APPROVED AS TO FORM:

Cary Bovey
City Attorney



Regular City Council
AGENDA ITEM 8.

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First Reading for the Creation of Reinvestment Zone No. 52 Requested by 209 S. Market Street, LLC. for Commercial Tax Phase-In Incentive on That Certain 2,646 Square Feet of Land, Generally Located at 209 S. Market Street, Brenham, Texas, Being More Fully Described in Exhibit 'A' of the Ordinance Creating Reinvestment Zone No. 52, and Designating This Property as Qualifying for Tax Phase-In

Meeting Type: Regular Meeting-September 21, 2023

Department: Economic Development

Staff Contact: Teresa Rosales

SUMMARY STATEMENT:

209 S. Market, LLC is being modernized to become an entertainment and meeting venue and bar in downtown Brenham. When purchased, the building was in need of much needed maintenance including masonry work, window/door sealing, repairing fire suppression system and repairing patio, wood flooring and interior walls.

The lessee will be the Southern Folly and expects to have 10 employees.

The total capital investment is estimated at \$185,000.

ATTACHMENTS:

- (1) Ordinance for First Reading
- (2) Exhibit A to Ordinance
- (3) Tax Phase-In Calculation

RECOMMENDED ACTION:

Approve an Ordinance on Its first reading for the creation of Reinvestment Zone No. 52 requested by 209 S. Market Street, LLC. for Commercial Tax Phase-In Incentive on that certain 2,646 square feet of land, generally located at 209 S. Market Street, Brenham, Texas, being more fully described in Exhibit 'A' of the Ordinance creating Reinvestment Zone No. 52, and designating this property as qualifying for Tax Phase-In.

ORDINANCE NO. _____

AN ORDINANCE DESIGNATING ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 2,646 SQUARE FEET OF LAND, MORE OR LESS, SITUATED IN WASHINGTON COUNTY, TEXAS, BEING OUT OF THE A. HARRINGTON SURVEY, ABSTRACT NO. 55, IN THE CITY OF BRENHAM, BEING A PORTION OF A CALLED 6,825 SQUARE FOOT TRACT DESCRIBED IN THAT DEED DATED OCTOBER 14, 2016, FROM KENT E. BROWNELL AND MARY C. CORONA TO JOHN W. ELFORD, RECORDED IN VOLUME 1558, PAGE 0735, OF THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS, ALSO BEING A PORTION OF A CALLED 200 SQUARE FEET DESCRIBED IN THAT DEED DATED MAY 12, 2017, FROM WASHINGTON COUNTY, TEXAS TO JOHN ELFORD, RECORDED IN VOLUME 1584, PAGE 464, OF THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS; BEING THE SAME TRACT OF LAND DESCRIBED IN THAT DEED DATED NOVEMBER 29, 2021, FROM JOHN W. ELFORD TO 302 REALTY, LLC, RECORDED IN VOLUME 1812, PAGE 629 OF THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS, SAID PROPERTY BEING LOCATED AT 209 S. MARKET STREET, BRENHAM, TEXAS, AND SAID PROPERTY BOUNDARIES BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES, AS REINVESTMENT ZONE NUMBER FIFTY-TWO FOR COMMERCIAL TAX PHASE-IN, CITY OF BRENHAM, TEXAS AS PROVIDED IN CHAPTER 312, TEXAS TAX CODE; ESTABLISHING THE NUMBER OF YEARS FOR THE ZONE, AUTHORIZING AN AGREEMENT FOR EXEMPTION FROM TAXATION THE INCREASE IN VALUE OF CERTAIN PROPERTY IN ORDER TO ENCOURAGE DEVELOPMENT AND REDEVELOPMENT AND OTHER MATTERS RELATING THERETO; AND FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THIS ORDINANCE WAS PASSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW

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

WHEREAS, on the 29th day of August 2023, the City Council held a public hearing to receive comments concerning the designation of proposed Reinvestment Zone Number Fifty-Two. The notice of such hearing was published on August 22, 2023, such date being not later than the seventh day before the date of the public hearing; and

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

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

WHEREAS, the designation of the proposed reinvestment zone is consistent with the City's policies adopted by Council Resolution No. R-23-015 on the 4th day of May, 2023, and will benefit the land included within the Reinvestment Zone after the expiration of the Agreement; and

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

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

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

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

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

- a) That the public hearing on the adoption of the reinvestment zone under the provisions of the Act has been properly called, held and conducted and that notice of such hearing has been published as required by law and has been sent to the respective taxing units within the proposed reinvestment zone; and
- b) That the City has jurisdiction to hold and conduct said public hearing on the creation of the proposed reinvestment zone pursuant to the Act; and
- c) That creation of the proposed reinvestment zone with boundaries described herein will result in improvements made after the passage of this Ordinance and the execution of tax phase-in agreements, that are feasible and practical and will benefit the City, its residents and property owners in the reinvestment zone; and
- d) That the proposed designation will be reasonably likely to contribute to the retention or expansion of primary employment or to attract major investments to the zone that would be a benefit to the property and contribute to economic development of the City.

Section 3. That the City hereby creates Reinvestment Zone Number Fifty-Two, designated as all that certain tract or parcel of land containing 2,646 square feet of land, more or less, situated in Washington County, Texas, being out of the A. Harrington Survey, Abstract No. 55, in the City of Brenham, being a portion of a called 6,825 square foot tract described in that Deed dated October 14, 2016, from Kent E. Brownell and Mary C. Corona to John W. Elford, recorded in Volume 1558, Page 0735, of the Official Records of Washington County, Texas, also being a portion of a called 200 square feet described in that deed dated May 12, 2017, from Washington County, Texas to John Elford, recorded in Volume 1584, Page 464, of the Official Records of Washington County, Texas; being the same tract of land described in that deed dated November 29, 2021, from John W. Elford to 302 Realty, LLC, recorded in Volume 1812, Page 629 of the Official Records of Washington County, Texas and said property boundaries being more fully described in Exhibit "A" attached hereto and incorporated herein for all purposes, and such reinvestment zone shall hereafter be identified as Reinvestment Zone Number Fifty-Two for Commercial Tax Phase-In, City of Brenham, Texas.

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

- Section 5.** That written agreements as provided in the Act with owners of eligible property located within the reinvestment zone shall be for a period of up to ten (10) years, and that the eligible property that is subject to the above mentioned exemption from taxation shall be the improvements to the property in conformity with the City's criteria and guidelines, and written agreements shall provide for an exemption from taxation of the total increase in value of the eligible property over its value in the year the agreement is executed. The written agreement will require that all taxes be current at the time of execution of agreement and be kept current to all taxing entities during the term of said agreement.
- Section 6.** That said designation of Reinvestment Zone Number Fifty-Two for Commercial Tax Phase-In and the written agreement thereof are in accordance with the City of Brenham's "Policy Statement on Property Tax Phase-In Incentive for Selected Commercial Enterprises" and will be a benefit to the land which will be included within the Reinvestment Zone and to the City of Brenham after the expiration of the agreement.
- Section 7.** That if any provision of this Ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part of it.
- Section 8.** That it is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

PASSED AND APPROVED, on its first reading this the ____ day of September 2023.

PASSED AND APPROVED, on its second reading this the ____ day of October 2023.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT “A”

All that certain tract or parcel of land containing 2,646 square feet of land, more or less, situated in Washington County, Texas, being out of the A. Harrington Survey, Abstract No. 55, in the City of Brenham, being a portion of a called 6,825 square foot tract described in that Deed dated October 14, 2016, from Kent E. Brownell and Mary C. Corona to John W. Elford, recorded in Volume 1558, Page 0735, of the Official Records of Washington County, Texas, also being a portion of a called 200 square feet described in that deed dated May 12, 2017, from Washington County, Texas to John Elford, recorded in Volume 1584, Page 464, of the Official Records of Washington County, Texas; being the same tract of land described in that deed dated November 29, 2021, from John W. Elford to 302 Realty, LLC, recorded in Volume 1812, Page 629 of the Official Records of Washington County, Texas.

TAX PHASE-IN CALCULATION

PROJECT INFORMATION

Project: 209 S. Market (Downtown Zone)
Business Name: 209 S. Market LLC
Prepared for: Adrienne Schwartz
Date Prepared: 6/6/2023 FINAL TR-1 SH 811

Jurisdiction	Tax Rate	Tax Value
City of Brenham*	0.4737	\$ 876.35
Washington County*	0.3860	\$ 714.10
Blinn College	0.0377	\$ 69.75
Brenham ISD	0.9346	\$ 1,729.01
Total Annual Tax	1.8320	\$ 3,389.20

*Only City and County tax are available for possible abatement

ESTIMATED ABATEMENT TOTAL	
City	\$ 4,206.46
County	\$ 3,427.68
Total	\$ 7,634.14

TAX ABATEMENT SUMMARY		VALUE	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	YEAR 7	YEAR 8	TOTAL
Table 1 Totals:		Rate									
Not applicable for Downtown Zone	City	0.4737									
	County	0.3860									
Table 1 Totals:											
TABLE 2		Rate									
Not applicable for Downtown Zone	City	0.4737									
	County	0.3860									
Table 2 Totals:											
TABLE 3		Rate									
Downtown Zone	City	0.4737	\$788.71	\$788.71	\$788.71	\$788.71	\$525.81	\$350.54	\$175.27	20%	\$4,206.46
	County	0.3860	\$642.69	\$642.69	\$642.69	\$642.69	\$428.46	\$285.64	\$142.82		\$3,427.68
Table 3 Totals:			\$1,431.40	\$1,431.40	\$1,431.40	\$1,431.40	\$954.27	\$636.18	\$318.09		\$7,634.14
TAXES ABATED		Rate									
TOTALS	City	0.4737	\$788.71	\$788.71	\$788.71	\$788.71	\$525.81	\$350.54	\$175.27	20%	\$4,206.46
	County	0.3860	\$642.69	\$642.69	\$642.69	\$642.69	\$428.46	\$285.64	\$142.82		\$3,427.68
TOTAL TAXES ABATED:			\$1,431.40	\$1,431.40	\$1,431.40	\$1,431.40	\$954.27	\$636.18	\$318.09		\$7,634.14

TAXES TO BE PAID SUMMARY		VALUE	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	YEAR 7	YEAR 8	TOTAL
TAXES PAID	City	0.4737	\$87.63	\$87.63	\$87.63	\$87.63	\$350.54	\$525.81	\$701.08	\$876.35	\$2,804.30
	County	0.3860	\$71.41	\$71.41	\$71.41	\$71.41	\$285.64	\$428.46	\$571.28	\$714.10	\$2,285.12
TOTALS	Blinn	0.0377	\$69.75	\$69.75	\$69.75	\$69.75	\$69.75	\$69.75	\$69.75	\$69.75	\$557.96
	Brenham ISD	0.9346	\$1,729.01	\$1,729.01	\$1,729.01	\$1,729.01	\$1,729.01	\$1,729.01	\$1,729.01	\$1,729.01	\$13,832.08
Taxes Paid:		1.8320	\$1,957.80	\$1,957.80	\$1,957.80	\$1,957.80	\$2,434.93	\$2,753.02	\$3,071.11	\$3,389.20	\$19,479.46

PROJECT DESCRIPTION

Modernization and revitalization of building to include: repairing masonry walls, repairing drainage, finishing out construction of the upstairs portion of the building, sealing of window/doors, repairing fire suppression system and repairing wood flooring.



Regular City Council
AGENDA ITEM 9.

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham, in Washington County, Texas (Case No. P-23-026) to Include:

- a. Revision of the Definition of 'Food Truck Site' Found in Part 1, Section 5, Section 5.02;
- b. Revision of the Specific Use Provisions for the R-1 (Single Family Residential) and the Permitted and Specific Use Provisions of the R-2 (Mixed Residential) Zoning Districts Found in Part 2, Division 2, Sections 1 and 2 Respectively;
- c. Deletions to Part 2, Division 1, Section 11 - Performance Standards; and
- d. Deletions to Part IV, Division 2, Section 2 Pertaining to Conditions on Variances

Meeting Type: Regular Meeting-September 21, 2023

Department: Development Services

Staff Contact: Shauna Laauwe

SUMMARY STATEMENT:

This item is a reconsideration of text amendments to the Zoning Ordinance first heard with a public hearing on August 3, 2023. After discussion, Council chose to Table the item for later consideration. I have attached an updated Staff Report with a summary of the August 3rd discussion of each proposed amendment with possible motions. The Ordinance will be updated/modified based on Council direction during the first reading.

ATTACHMENTS:

- (1) Staff Report - Reconsideration
- (2) Ordinance - First Reading
- (3) Exhibit "A": Part 1, General Provisions, Section 5: Definitions and Interpretation
- (4) Exhibit "B": Division 2, Section 1.03: R-1 Residential District Specific Uses and Division 2, Section 2: R-2 Mixed Residential District
- (5) Exhibit "C": Part 2, Division 1, Section 11: Performance Standards
- (6) Exhibit "D": Part IV, Division 2: Variances

RECOMMENDED ACTION:

Approve an Ordinance on its first reading amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham, in Washington County, Texas (Case No. P-23-026) to include:

1. Revision of the definition of 'Food Truck Site' found in Part 1, Section 5, Section 5.02;
2. Revision of the Specific Use provisions for the R-1 (Single Family Residential) and the Permitted and Specific Use provisions of the R-2 (Mixed Residential) Zoning Districts found in Part 2, Division 2, Sections 1 and 2 respectively;
3. Deletions to Part 2, Division 1, Section 11 - Performance Standards; and
4. Deletions to Part IV, Division 2, Section 2 pertaining to conditions on variances.



CASE NUMBER P-23-026 TEXT AMENDMENTS

REQUEST:

The City of Brenham initiated this request to amend the City of Brenham's Code of Ordinances, Appendix A: Zoning to amend five (5) different areas of the current regulations to include:

- a. A revision of the definition of "Food Truck Site" found in Part 1, Section 5, Section 5.02; and
- b. A revision of the Specific Use provisions for the R-1 (Single Family Residential) and the Permitted and Specific Use provisions of the R-2 (Mixed Residential) Zoning Districts found in Part 2, Division 2, Sections 1 and 2 respectively; and
- c. Deletions to Part 2, Division 1, Section 11 – Performance Standards; and
- d. Deletion of Part IV, Division 2, Section 2 pertaining to conditions on variances.

BACKGROUND:

On August 3, 2023, after the scheduled public hearing and Council discussion, the proposed zoning text amendments were tabled from consideration. Council voiced concerns and hesitations to (a) A revision of the definition of "Food Truck Site" found in Part 1, Section 5, Section 5.02 and to (b) the proposed revisions to the Specific Use provisions of R-1, Single-Family residential Zoning Districts, specifically, Section 1.03 (6) and (7) as shown in Exhibit "B" to allow duplexes and twin homes with the approval of a specific use permit. To each section summarizing the proposed text amendments, are a list of possible motions to consider for items a through d. Based on the motions made, the Ordinance will be revised for the scheduled second reading on October 12, 2023.

The Zoning Ordinance is a living document that requires revisions from time to time to reflect new codes, make corrections, to revise/add new definitions, to allow for new uses or perhaps remove uses that are no longer seen as compatible within a particular zoning district. In the past year, the Development Services Staff has made note of several revisions that are worthy of consideration by the Planning & Zoning Commission and City Council. These include amending the definition regarding food truck sites; revising the R-1 District specific uses to include duplexes and twin homes; revising the R-2 District to include accessory dwelling units and twin homes as permitted uses, and include parameters for twin home and townhome developments; delete a portion of Section 11, Performance Standards regarding noise regulations that are repetitive or contradictory to Chapter 17 of the Code of Ordinances; and lastly removing the provisions that allows conditions to be placed upon variances. Please see below for a summary of the reasoning behind each amendment and the attached Exhibits for the proposed ordinance edits to include deletions and additions.

Proposed Amendments:

Appendix A Zoning, Part 1, Section 5 – Definitions and Interpretation. In November 2021, the City adopted regulations regarding Food Trucks and Mobile Kitchens in both the Code of Ordinances in Chapter

9- Food and Food Establishments and in Section 18 of the Zoning Ordinance. For the Zoning Ordinance, definitions of a “Food Truck Park,” “Food Truck Site,” and “Mobile Kitchen” were established as well as regulations in Section 18 of the parameters to develop a food truck park. In recent months, it has come to our attention of some owners of food trucks storing their trucks or trailers on residential property when not in use. This has brought about several complaints from neighboring property owners. While the definitions currently state that a food truck business shall not be an accessory use on a residential property, it does not clarify that storage of the vehicles or trailers is prohibited. As shown in Exhibit “A”, the definition of “Food Truck Site” has been revised to reflect that storing such vehicles are prohibited on residential property.

At the August 3rd Council meeting, Council discussed if such an amendment was necessary or if the regulations regarding trailers (Section 16.05) needed to be amended (See Section 16.05 below). According to Code Enforcement, trailers are a contentious issue with neighboring complainants being very opposed to trailers in the driveway and those with trailers feeling that they should be allowed on their personal property.

- *Section 16.05: “Parking prohibitions in residential districts. In residential districts no truck exceeding 1 ½ ton capacity, no bus, no recreational vehicle, trailer, boat, motor home or mobile home shall be parked or stored on a residential lot in front of the existing front building line for more than seventy-two (72) consecutive hours within a given week from Monday through the following Sunday.*

Possible Motions:

- 1. Take no action (deny) with Staff direction to bring back a revised definition or provisions to both Mobile Kitchens and Trailer storage of all types within a residential district (would require new public hearing notices).**
- 2. Approve as written in the Ordinance and as shown in Exhibit “A.”**
- 3. Take no action (deny).**

Appendix A, Part 2, Division 2, Zoning District Regulations, Section 1 – R-1 Residential District and Section 2 – Mixed Residential. In July 2022, the City Council established and appointed the Housing Task Force with the goal to collaborate with input from all members in order to present viable suggestions concerning housing to City Council and Planning and Zoning Commission. Between August 31, 2022, and March 22, 2023, the Housing Task Force met six (6) times to discuss housing constraints, opportunities, and ways to alleviate the shortage of workforce housing in Brenham. On April 6, 2023, a final report was made to City Council. Included in the final Housing Task Force recommendation to Council were revisions to the R-2 District: including, clearer duplex standards that establish setbacks and minimum lot standards; adding a provision to allow twin homes, and to allow accessory dwelling units (ADUs) as a permitted use instead of requiring the specific use permit process. During the Housing Task Force presentation to Council, Council expressed willingness to also allow duplexes in the R-1 District with the approval of a Specific Use Permit. Lastly, with recent townhome developments coming forward, Development Services and Public Utilities found that a provision should be added to R-2 District, Section 2.05(2)(E) to require access to public utilities via an adjacent public or private all-weather surface, as serving these sites without a clear access could prove challenging. The detailed revisions to the R-1 District and R-2 District may be found in Exhibit “B”.

At the August 3rd Council meeting, Council expressed concerns regarding the proposed amendment to Section 1.03 (6) and Section 1.03 (7) that would allow duplexes and twin homes within the R-1, Single-Family District with a Specific Use Permit. As an alternative to better clarify where these uses may occur, staff suggested that recommended specific use permits would be those on the edge of a R-1 district, on a corner lot, and have a minimum lot size. These and/or other types of standards may be written within the

text amendment as minimum requirements for an application. As an example, Accessory Dwelling Units currently have minimum standards for an application for a building permit or specific use permit.

Possible Motions:

- 1. Approve as written in the Ordinance and as shown in Exhibit “B.”**
- 2. Approve as written, but striking provisions to allow duplexes and twin homes in the R-1 District with a Specific Use Permit: Section 1.03 (6) Dwelling, two family (duplex) and (7) Twin Homes.**
- 3. Provide standards for the consideration of duplexes or twin homes in the R-1 District with a Specific Use Permit, such as:**
 - a. Property shall be a corner lot.**
 - b. Property shall be on the edge of a R-1 District.**
 - c. Minimum lot size of 7500 square feet.**

Appendix A, Part II, Division 1 Regulations, Section 11– Performance Standards. During discussions regarding the noise ordinance earlier this year, it came to light that Section 11 of the Zoning Ordinance repeated the same information that was included in Chapter 17 – Offenses and Miscellaneous Provisions, Article V – Noise Nuisances of the City of Brenham Code of Ordinances. To reduce repetitiveness and give clarity, City Staff recommends removing the regulations from the Zoning Ordinance and that noise and vibration would be enforced by the general Code of Ordinances. In Exhibit “C”, a reference is added in the opening paragraph that refers to Chapter 17, and the subsequent Section 11.02(1-3) with associated tables are deleted. The only addition is renumbering the open storage regulations from Section 11.02(4) to Section 11.02(1).

At the August 3rd Council meeting, the new Noise Ordinance was adopted making this performance standard section obsolete.

Possible Motion:

- 1. Approve as written in proposed Ordinance and as shown in Exhibit “C”.**

Appendix A, Part IV, Division 2 Variances, Section 2 – Conditions. In May 2023, the Board of Adjustments heard a Variance case for a business that was seeking a variance to the bufferyard setbacks to allow for an open-air covering. It was asked if a condition of the type of material could be placed on approval of the structure. The State of Texas Local Government Code 211.009 does not allow for conditions to be placed on the approval of variances. While not allowed by the State, it is included within our current zoning regulations. Exhibit “D” details the removal of Part IV, Division 2, Section 2 that grants provisions for conditions to be placed on variance requests bringing the City of Brenham code into compliance with local law.

Recommended Motion:

- 1. Approve as written in proposed Ordinance and as shown in Exhibit “D.”**

ANALYSIS:

As cited in the city’s adopted Zoning Ordinance, site development standards are established for the purpose of promoting and protecting the health, safety, morals and general welfare of the residents, citizens, and inhabitants of the City of Brenham and for the protection and preservation of the small-town character of Brenham, including historical places, places of cultural importance and places that reflect the predominant community values as reflected in the City's Comprehensive Plan. However, staff finds that from time-to-time it is necessary to update the Zoning Ordinance and existing site development standards to accommodate development and modernize development requirements.

PUBLIC COMMENTS:

The Notice of Public Hearing for the proposed Text Amendment was published in the Brenham Banner on July 13, 2023. Any public comments submitted to staff will be provided prior to the Planning and Zoning Commission and City Council prior to their decision on the matter.

STAFF RECOMMENDATION:

Staff recommends **approval** of an ordinance to amend Appendix A – Zoning of the Brenham Code of Ordinances, to approve text amendments to: Part 1, Section 5, Section 5.02 pertaining to the definition of “Food truck site”; to the R-1 and R-2 Districts, Division 2, Sections 1 and 2, respectively; to Part 2, Division 1, Section 11 – Performance Standards; and, to Part IV, Division 2, Section 2 – Variances.

Attachments:

1. Exhibit “A”: Part 1, Section 5, Section 5.02: Definitions
2. Exhibit “B”: Division 2, Sections 1 and 2, R-1 District and R-2 District, respectively.
3. Exhibit “C”: Part 2, Division 1, Section 11 – Performance Standards
4. Exhibit “D”: Part IV, Division 2, Section 2 - Variances.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING APPENDIX A -STANDARDS; PROVIDING OF ORDINANCES BY AMENDING PART I, SECTION 5.02, DEFINITIONS TO REVISE THE DEFINITION OF “FOOD TRUCK SITE”; AMENDING PART 2, DIVISION 2, SECTION 1 – ZONING DISTRICT REGULATIONS, TO ALLOW DWELLING, TWO-FAMILY (DUPLEX) AND TWIN HOMES BY SPECIFIC USE PERMIT IN THE R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT; AMENDING PART 2, DIVISION 2, SECTION 2 – ZONING DISTRICT REGULATIONS, TO REVISE THE TERM TWO-FAMILY DWELLINGS OR DUPLEXES, TO ALLOW ACCESSORY DWELLING UNITS AND TWIN HOMES AS PERMITTED USES IN THE R-2 (MIXED RESIDENTIAL) DISTRICT, AND TO REMOVE ACCESSORY DWELLING UNITS AS A SPECIFIC USE IN THE R-2 (MIXED RESIDENTIAL) DISTRICT; PROVIDING FOR THE ADDITION OF PART 2 DIVISION 2 – ZONING DISTRICT REGULATIONS, TO ESTABLISH REGULATIONS AND STANDARDS RELATED TO THE DEVELOPMENT OF DWELLING, TWO-FAMILY (DUPLEX); PROVIDING FOR REGULATIONS TO ESTABLISH TWIN HOME, SINGLE-FAMILY ATTACHED UNITS ON INDIVIDUAL LOTS IN THE R-2 (MIXED RESIDENTIAL) DISTRICT; PROVIDING FOR A REVISION TO THE MINIMUM SITE AREA PROVISION AND THE FRONT YARD SETBACK REGULATIONS FOR MULTIFAMILY UNITS (APARTMENTS) IN THE R-2 (MIXED RESIDENTIAL) DISTRICT; AMENDING PART 2, DIVISION 1, SECTION 11 - ZONING DISTRICT REGULATIONS, TO ADD A REFERENCE TO CHAPTER 17, ARTICLE V OF THE CITY OF BRENHAM CODE OF ORDINANCES, AND TO DELETE THE STANDARDS FOR NOISE, USES AND ACTIVITIES, TABLE 1, VIBRATIONS, AND TABLE 2 FROM THE SECTION 11 PERFORMANCE STANDARDS; PROVIDING FOR THE DELETION OF DIVISION 2, SECTION 2 – ZONING DISTRICT REGULATIONS, TO REMOVE THE PROVISION ALLOWING CONDITIONS TO A VARIANCE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Brenham has requested that Appendix A - "Zoning" of the Code of Ordinances be amended; and

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

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

WHEREAS, these amendments were recommended for approval by the City of Brenham Planning and Zoning Commission in its final report during its regular meeting July 24, 2023; and

WHEREAS, the City Council deems it appropriate to approve the requested amendments to Appendix A- "Zoning" of the Code of Ordinances;

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

SECTION 1.

That Appendix A- "Zoning" of the Code of Ordinances of the City of Brenham, Texas Part I, Section 5.02, Definitions, is hereby amended by adding the following definitions to read as follows:

Food Truck Site: Shall mean a developed property where a mobile kitchen operates as an accessory use to the primary active business located on the same site. Food Truck Sites shall not be permitted as an accessory use, nor shall Mobile Kitchens be stored, on property developed with a residential use.

SECTION 2.

That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas Part II, Division 2, Section 1 – R-1, Single-Family Residential District (Section 1.03) Specific uses is hereby amended to read as follows:

Section 1. R-1 Residential District

(Sec.1.03) Specific Uses:

- (1) Accessory dwelling unit.
- (2) Churches and related auxiliary uses, including educational or philanthropic uses.

- (3) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
- (4) Private and accredited elementary and secondary schools.
- (5) Farms, nurseries, or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than normal household pets shall be housed within one hundred (100) feet of any property line.
- (6) Dwelling, two family (duplex): Two (2) single-family attached units in accordance with the development standards outlined in the "R-2: Mixed Residential District."
- (7) Twin Homes: Single-family attached units on individual lots in accordance with the development standards outlined in the "R-2: Mixed Residential District."

SECTION 3.

That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas Part II, Division 2, Section 2 - R-2, Mixed Residential District, (Sec. 2.02) Permitted uses, is hereby amended to read as follows:

(Sec. 2.02) **Permitted uses:**

- (1) Any permitted use in district "R-1."
- (2) Cluster housing in accordance with cluster housing development provisions of the subdivision ordinance of the City of Brenham.
- (3) Group residential uses as provided by state law, such as "family homes."
- (4) Multifamily dwellings, including dormitories for students and fraternity or sorority houses, on sites of less than two (2) acres.
- (5) Dwelling, Two-family (duplex), but not including mobile homes or manufactured homes.
- (6) Single-family attached dwellings, (townhouses) in accordance with townhouse development provisions of the subdivision ordinance of the City of Brenham.
- (7) Zero lot line housing development, in accordance with zero lot line development provisions of the Subdivision Ordinance of the City of Brenham.
- (8) Accessory dwelling unit.
- (9) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business.
- (10) Twin homes. Single-family attached dwelling of two units on separate adjacent lots that share a common interior wall and property line. Each twin home unit is platted on a separate lot.

SECTION 4.

That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas Part II, Division 2, Section 2 - R-2, Mixed Residential District, (Sec. 2.03) Specific uses, is hereby amended to read as follows:

(Sec. 2.03) Specific uses:

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

SECTION 5.

That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas Part II, Division 2, Section 2 - R-2, Mixed Residential District, (Sec. 2.05) (2) Area regulations – Single-family attached units (townhomes), is hereby amended to read as follows:

(2) Single-family attached units (townhomes)

- (A) Minimum site area. The minimum area for townhouse development shall be nine thousand (9,000) square feet.
- (B) Size of yards:
 - (i) Front yard. There shall be a front yard having a depth of not less than twenty (20) feet, and a front yard [width] of not less than thirty (30) feet adjacent to all major streets.
 - (ii) Side yard. No side yard shall be required, except where contiguous townhomes are separated, a minimum of ten (10) feet shall be maintained between the separated units and on corner lots a minimum of fifteen (15) feet shall be maintained between the building line and the side lot line of the corner lot.
 - (iii) Rear yard. A rear yard of fifteen (15) feet shall be maintained for all attached townhome units, except that a rear yard of not less than twenty-five (25) feet shall be maintained where adjacent to a major street.

- (C) Size of lots:
- (i) Lot area. No building shall be constructed on any lot of less than three thousand (3,000) square feet.
 - (ii) Lot width. The width of the lot shall be not less than thirty (30) feet at the front street building line, nor shall its average width be less than thirty (30) feet.
 - (iii) Lot depth. The average depth of the lot shall not be less than one hundred (100) feet.
 - (iv) Legally existing nonconforming lots. Where a legally platted lot for townhomes having less area, width, and/or depth than herein required existed upon the effective date of this ordinance, the above regulations shall not prohibit the erection of a single family attached or detached unit thereon, provided the applicable setbacks as provided above shall be maintained.
- (D) Lot coverage: In no case shall more than eighty (80) percent of the total lot area be covered by the combined area of the main buildings, and accessory buildings and other impervious surfaces, excluding pools.
- (E) Utility Access: All utilities shall be located adjacent to a public or private all weather surface. Utility layouts shall be approved by the General Manager of Public Utilities or designee prior to approval of civil plans.

SECTION 6.

That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas Part II, Division 2, Section 2 - R-2, Mixed Residential District, is hereby amended to add Section 2.05(3) Area regulations – Dwelling, two-family (duplex): Two (2) Single-family attached units, to read as follows:

- (3) Dwelling, two-family (duplex): Two (2) Single-family attached units
- (A) Minimum site area. The minimum area for a duplex development is six thousand (6,000) square feet.
 - (B) Size of Yards:
 - (i) Front yard. There shall be a front yard having a depth of not less than twenty-five (25) feet.
 - (ii) Side yard. A minimum of ten (10) feet shall be maintained between the exterior building line and side lot line. On corner lots a side street setback of fifteen (15) feet shall be maintained between the building line and the side lot line of the corner lot.
 - (iii) Rear yard. A rear yard of twenty (20) feet shall be maintained for all attached home units, except that a rear yard of not less than twenty-five (25) feet shall be maintained where adjacent to a major street.

- (C) Size of lots:
 - (i) Lot area. Duplex units shall not be constructed on any lot of less than six thousand (6,000) square feet.
 - (ii) Lot width. The width of the lot shall be not less than sixty (60) feet at the front street building line, nor shall its average width be less than sixty (60) feet.
 - (iii) Lot depth. The average depth of the lot shall not be less than one hundred (100) feet.
- (D) Lot coverage: In no case shall more than sixty (60) percent of the total lot area be covered by the combined area of the main buildings, and accessory buildings and other impervious surfaces, excluding pools.

SECTION 7.

That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas Part II, Division 2, Section 2 - R-2, Mixed Residential District, is hereby amended to add Section 2.05(4) Area regulations – Twin homes: Single-family attached units on individual lots, to read as follows:

(4) Twin homes: Single-family attached units on individual lots

- (A) Minimum site area. The minimum area for twin home development shall be six thousand (6,000) square feet.
- (B) Size of Yards:
 - (i) Front yard. There shall be a front yard having a depth of not less than twenty-five (25) feet.
 - (ii) Side yard. A minimum of ten (10) feet shall be maintained between the exterior building line and the side lot line. On corner lots, a minimum side street setback of fifteen (15) feet shall be maintained between the building line and the side lot line of the corner lot.
 - (iii) Rear yard. A rear yard of twenty (20) feet shall be maintained for all attached home units, except that a rear yard of not less than twenty-five (25) feet shall be maintained where adjacent to a major street.
- (C) Size of lots:
 - (i) Lot area. No twin home unit shall be constructed on any lot of less than three thousand (3,000) square feet.
 - (ii) Lot width. The width of the lot shall be not less than thirty (30) feet at the front street building line, nor shall its average width be less than thirty (30) feet.
 - (iii) Lot depth. The average depth of the lot shall not be less than one hundred (100) feet.

- (iv) Legally existing nonconforming lots. Where a legally platted lot for twin homes having less area, width, and/or depth than herein required existed upon the effective date of this ordinance, the above regulations shall not prohibit the erection of a single family attached or detached unit thereon, provided the applicable setbacks as provided above shall be maintained.
- (D) Lot coverage: In no case shall more than sixty (60) percent of the total lot area be covered by the combined area of the main buildings, and accessory buildings and other impervious surfaces, excluding pools.

SECTION 8.

That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas Part II, Division 2, Section 2 - R-2, Mixed Residential District, (Sec. 2.05) (3) Area regulations – Zero lot line (patio homes), is hereby renumbered to read Sec. 2.05 (5).

SECTION 9.

That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas Part II, Division 2, Section 2 - R-2, Mixed Residential District, (Sec. 2.05) (4)(A)(B) Area regulations – Multifamily units (apartments), is hereby amended to read as follows:

(6) Multifamily units (apartments):

- (A) Minimum site area. The minimum site for multifamily development shall be six thousand (6,000) square feet.
- (B) Size of yards:
 - (i) Front yard. There shall be a front yard having a depth of not less than twenty-five (25) feet.
 - (ii) Side yard. There shall be a side yard of not less than fifteen (15) feet, including, but not limited to, side yards adjacent to public streets.
 - (iii) Rear yard. A rear yard of fifteen (15) feet shall be maintained. There shall be a rear yard of not less than twenty-five (25) feet adjacent to all major streets.

SECTION 10.

That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas Part II, Division 1, Section 11 – Performance Standards, is hereby amended to read as follows:

Sec. 11. Performance standards

(Sec. 11.01) Compliance required. No land, structures or uses in any district of the City of Brenham shall create any dangerous, injurious, noxious, or otherwise objectionable fire, noise or vibration in violation of Chapter 17, Article V of the City of Brenham Code of Ordinances, air pollution, odorous matter, fire and explosive hazard material, toxic and noxious matter, vibration, open storage and glare in such an amount as to adversely affect the surrounding area or adjoining premises. In the event of conflict between any of the specific provisions or sections of this ordinance with regulations of the Environmental Protection Agency, the Occupational Health and Safety Administration and the Texas Natural Resource Conservation Commission, then the most restrictive provisions shall be deemed controlling. Permitted uses as set forth in this ordinance shall be undertaken and maintained only upon the condition that they conform to the regulations of this section.

(Sec. 11.02) Standards. The following standards shall apply in the various zoning districts as set forth below:

- (1) Open storage. No open storage of materials or commodities shall be permitted in any district except as an accessory use to a main use in a B-2 (Business, Research and Technology District) or an ID (Industrial District). The prohibition against open storage set forth above does not apply to the display and sale of automobiles, recreational vehicles, manufactured housing, mobile homes, and/or boats if conducted as a principal or primary use in a zoning district which specifically permits that type of enterprise.

In the B-2 or I District open storage operation shall not be located in the front or on the side of a main building, unless it is screened from adjacent residential uses and public rights-of-way as provided below, except that a front or side yard that is adjacent to public right-of-way may be used for open display and sale of retail merchandise, if said use is an accessory use to a principal retail use that is located and legally permitted in the B-2 District or the I District. A front or side yard that is adjacent to public right-of-way may by specific use permit be used for the open display and sale of retail merchandise when said use of land is an accessory use to a principal retail use located and legally permitted in the B-1 District. In addition, automobile wrecking, junk or salvage yards where legally permitted as a principal or primary use shall be screened as provided below.

- (a) A screening wall or fence shall be of wood or masonry construction of sufficient height to conceal that which is being stored.
- (b) A hedge which shall be of a height and density to conceal that which is being stored.

SECTION 11.

That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas Part IV, Division 2 – Variances, is hereby amended to read as follows:

Section 1. Limitations.

The board of adjustment shall have the authority to grant variances in accordance with the standards and procedures provided herein, from any and all technical requirements of the zoning ordinance, but may not grant variances to use requirements or procedural requirements or for procedural requirements for hearing or notice, provided that:

- (1) Such modifications are necessary to accommodate appropriate development of a particular parcel of land that is restricted by attributes inherent in the land such as area, shape or slope to the extent that it cannot otherwise be appropriately developed.
- (2) The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, nor substantially increase the congestion in the public streets, nor increase the danger of fire, or in any way endanger the public health, safety and wellbeing of the neighborhood in which the subject property is located.
- (3) The literal enforcement of the ordinance would work on unnecessary hardship.
- (4) The piece of property is unique and contains properties or attributes not common to other similarly situated properties.
- (5) The need for the variance was not created by the applicant.
- (6) The hardship to be suffered through the literal enforcement of the ordinance would not be financial alone.
- (7) The granting of the variance would not be injurious to the public health, safety and welfare or defeat the intent of the philosophy contained in the zoning ordinance.

Section 2. Prohibitions.

The board shall not consider or grant use variances, except as provided in Division 4 below for legally existing nonconforming uses.

SECTION 12.

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 13.

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 14.

This Ordinance shall become effective upon adoption and publication as required by law. However, notwithstanding the immediately preceding sentence, Section 11 of this Ordinance shall become effective only upon the adoption of Ordinance No. O-23-019 on its second reading, and Section 11 of this Ordinance shall become effective on the same date as Ordinance No. O-23-019.

PASSED and APPROVED on its first reading this the ____ day of September 2023.

PASSED and APPROVED on its second reading this the ____ day of October 2023.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Exhibit “A”
Part 1, General Provisions, Section 5: Definitions and Interpretation

Please note: Only the two proposed revised definitions are shown, and all other definitions are unaffected. Proposed revisions to the definition of “Food Truck Site” are shown below in **bold purple.

§ 5 Definitions and interpretation.

(Sec. 5.02) Definitions. The following definitions shall apply in the interpretation and the enforcement of this ordinance:

...

Food truck site: Shall mean a developed property where a mobile kitchen operates as an accessory use to the primary active business located on the same site. Food truck sites shall not be permitted as an accessory use, **nor shall Mobile Kitchens be stored**, on property developed with a residential use.

Exhibit “B”

Division 2, Section 1.03: R-1 Residential District Specific Uses

Division 2, Section 2: R-2 Mixed Residential District

****Please note:** All proposed deletions are shown in ~~red~~ and additions in **bold purple**. **

§ 1. R-1 Residential District

(Sec.1.03) Specific Uses:

- (1) Accessory dwelling unit.
- (2) Churches and related auxiliary uses, including educational or philanthropic uses.
- (3) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
- (4) Private and accredited elementary and secondary schools.
- (5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than normal household pets shall be housed within one hundred (100) feet of any property line.
- (6) **Dwelling, two family (duplex): Two (2) single-family attached units in accordance with the development standards outlined in the “R-2: Mixed Residential District.”**
- (7) **Twin Homes: Single-family attached units on individual lots in accordance with the development standards outlined in the “R-2: Mixed Residential District.”**

§ 2. R-2 Mixed Residential District.

(Sec. 2.01) Purpose. The R-2 Mixed Residential District is established to protect and restore where necessary the integrity of historically residential neighborhoods. The R-2 Residential District will be characterized by the zoning requirements set forth in this section.

(Sec. 2.02) Permitted uses:

- (1) Any permitted use in district “R-1.”
- (2) Cluster housing in accordance with cluster housing development provisions of the subdivision ordinance of the City of Brenham.
- (3) Group residential uses as provided by state law, such as “family homes.”
- (4) Multifamily dwellings, including dormitories for students and fraternity or sorority houses, on sites of less than two (2) acres.
- (5) ~~Two-family dwellings or duplexes,~~ Dwelling, Two-family (duplex), but not including mobile homes or manufactured homes.
- (6) Single-family attached dwellings, (townhouses) in accordance with townhouse development provisions of the subdivision ordinance of the City of Brenham.
- (7) Zero lot line housing development, in accordance with zero lot line development provisions of the Subdivision Ordinance of the City of Brenham.
- (8) **Accessory dwelling unit.**
- (9) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business.
- (10) **Twin homes. Single-family attached dwelling of two units on separate adjacent lots that share a common interior wall and property line. Each twin home unit is platted on a separate lot.**

(Sec. 2.03) Specific uses:

~~(1) Accessory dwelling unit.~~

- (1) Bed and breakfast house.
- (2) Churches and related auxiliary uses, including educational or philanthropic uses.
- (3) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
- (4) Multifamily development, including dormitories for students and fraternity or sorority houses, that meets the standard density requirements for the R-2 District, and that is proposed for a development site of two (2) acres or more.

- (5) Private and accredited elementary and secondary schools.
- (6) Retirement villages with site areas of two (2) acres or more.

(Sec. 2.04) Height regulations. No building shall exceed forty (40) feet or two and one-half (2-1/2) stories in height, except that a multifamily (apartment) building shall not exceed forty-five (45) feet or three (3) stories in height.

(Sec. 2.05) Area regulations

(1) Single-family detached units.

(A) Size of yards:

- (i) Front yard. There shall be a front yard having a depth of not less than twenty-five (25) feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
- (ii) Side yard. There shall be a side yard on each side of the lot having a width of not less than ten (10) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet.
- (iii) Rear yard. There shall be a rear yard having a depth of not less than twenty-five (25) feet.

(B) Size of lot:

- (i) Lot area. No building shall be constructed on any lot of less than seven thousand (7,000) square feet.
- (ii) Lot width. The width of the lot shall not be less than sixty (60) feet at the front street building line, nor shall its average width be less than sixty (60) feet.
- (iii) Lot depth. The average depth of the lot shall not be less than one hundred fifteen (115) feet, except that a corner lot, having a minimum width of not less than eighty (80) feet, may have an average depth of less than one hundred fifteen (115) feet, provided that the minimum depth is no less than ninety (90) feet.
- (iv) Legally existing nonconforming lots. Where a legally existing lot having less area, width and/or depth than herein required existed under separate ownership upon the effective date of this ordinance, the above regulations shall not prohibit the erection of a one-family dwelling thereon, or a two-family dwelling on a lot containing not less than five thousand (5,000) square feet.

(C) Lot coverage: In no case shall more than fifty-five (55) percent of

the total lot area be covered by the combined area of the main buildings, accessory buildings and other impervious surfaces, excluding pools.

(2) Single-family attached units (townhomes)

(A) Minimum site area. The minimum area for townhouse development shall be nine thousand (9,000) square feet.

(B) Size of yards:

- (i) Front yard. There shall be a front yard having a depth of not less than twenty (20) feet, and a front yard [width] of not less than thirty (30) feet adjacent to all major streets.
- (ii) Side yard. No side yard shall be required, except where contiguous townhomes are separated, a minimum of ten (10) feet shall be maintained between the separated units and on corner lots a minimum of ~~twenty (20)~~ **fifteen (15)** feet shall be maintained between the building line and the side lot line of the corner lot.
- (iii) Rear yard. A rear yard of fifteen (15) feet shall be maintained for all attached townhome units, except that a rear yard of not less than twenty-five (25) feet shall be maintained where adjacent to a major street.

(C) Size of lots:

- (i) Lot area. No building shall be constructed on any lot of less than three thousand (3,000) square feet.
- (ii) Lot width. The width of the lot shall be not less than thirty (30) feet at the front street building line, nor shall its average width be less than thirty (30) feet.
- (iii) Lot depth. The average depth of the lot shall not be less than one hundred (100) feet.
- (iv) Legally existing nonconforming lots. Where a legally platted lot for townhomes having less area, width, and/or depth than herein required existed upon the effective date of this ordinance, the above regulations shall not prohibit the erection of a single family attached or detached unit thereon, provided the applicable setbacks as provided above shall be maintained.

(D) Lot coverage: In no case shall more than eighty (80) of the total lot area be covered by the combined area of the main buildings, and accessory buildings and other impervious surfaces, excluding pools.

- (E) Utility Access: All utilities shall be located adjacent to a public or private paved all-weather surface. Utility layouts shall be approved by the General Manager of Public Utilities or designee prior to approval of civil plans.

(3) Dwelling, two-family (duplex): Two (2) Single-family attached units

- (A) Minimum site area. The minimum area for a duplex development is six thousand (6,000) square feet.
- (B) Size of Yards:
 - (i) Front yard. There shall be a front yard having a depth of not less than twenty-five (25) feet.
 - (ii) Side yard. A minimum of ten (10) feet shall be maintained between the exterior building line and side lot line. On corner lots a side street setback of fifteen (15) feet shall be maintained between the building line and the side lot line of the corner lot.
 - (iii) Rear yard. A rear yard of twenty (20) feet shall be maintained for all attached home units, except that a rear yard of not less than twenty-five (25) feet shall be maintained where adjacent to a major street.
- (C) Size of lots:
 - (i) Lot area. Duplex units shall not be constructed on any lot of less than six thousand (6,000) square feet.
 - (ii) Lot width. The width of the lot shall be not less than sixty (60) feet at the front street building line, nor shall its average width be less than sixty (60) feet.
 - (iii) Lot depth. The average depth of the lot shall not be less than one hundred (100) feet.
- (D) Lot coverage: In no case shall more than sixty (60) percent of the total lot area be covered by the combined area of the main buildings, and accessory buildings and other impervious surfaces, excluding pools.

(4) Twin homes: Single-family attached units on individual lots

- (A) Minimum site area. The minimum area for twin home development shall be six thousand (6,000) square feet.
- (B) Size of Yards:

- (i) Front yard. There shall be a front yard having a depth of not less than twenty-five (25) feet.
- (ii) Side yard. A minimum of ten (10) feet shall be maintained between the exterior building line and the side lot line. On corner lots, a minimum side street setback of fifteen (15) feet shall be maintained between the building line and the side lot line of the corner lot.
- (iii) Rear yard. A rear yard of twenty (20) feet shall be maintained for all attached home units, except that a rear yard of not less than twenty-five (25) feet shall be maintained where adjacent to a major street.

(C) Size of lots:

- (i) Lot area. No twin home unit shall be constructed on any lot of less than three thousand (3,000) square feet.
- (ii) Lot width. The width of the lot shall be not less than thirty (30) feet at the front street building line, nor shall its average width be less than thirty (30) feet.
- (iii) Lot depth. The average depth of the lot shall not be less than one hundred (100) feet.
- (iv) Legally existing nonconforming lots. Where a legally platted lot for twin homes having less area, width, and/or depth than herein required existed upon the effective date of this ordinance, the above regulations shall not prohibit the erection of a single family attached or detached unit thereon, provided the applicable setbacks as provided above shall be maintained.

(D) Lot coverage: In no case shall more than sixty (60) percent of the total lot area be covered by the combined area of the main buildings, and accessory buildings and other impervious surfaces, excluding pools.

(3 5) Zero lot line (patio homes):

- (A) Minimum site area. The minimum area for patio home development shall be twelve thousand (12,000) square feet.
- (B) Size of yards:
 - (i) Front yard. There shall be a front yard having a depth of not less than twenty (20) feet.
 - (ii) Side yard. A side yard of ten (10) feet shall be maintained adjacent to one property line, except that a side yard where the side yard is adjacent to a plat boundary that is contiguous to a standard single-family subdivision, said side yard shall be ten feet. Adjacent to public streets, a side yard of not less than fifteen (15) feet is required.

- (iii) Rear yard. A rear yard of fifteen (15) feet shall be maintained. There shall be a rear yard of not less than twenty-five (25) feet adjacent to all major streets.

(C) Size of lots:

- (i) Lot area. No building shall be constructed on any lot of less than four thousand (4,000) square feet.
 - (ii) Lot width. The width of the lot shall not be less than forty (40) feet at the front of the building line nor shall its average width be less than forty (40) feet.
 - (iii) Lot depth. The average depth of the lot shall not be less than one hundred (100) feet.
 - (iv) Legally existing nonconforming lots. Where a legally platted lot for patio homes having less area, width, and/or depth than herein required existed upon the effective date of this ordinance, the above regulations shall not prohibit the erection of a single-family detached unit thereon, provided the applicable setbacks as provided above shall be maintained.
- (D) Lot coverage. In no case shall more than sixty (60) percent of the total lot area be covered by the combined area of the main buildings, and accessory buildings and other impervious surfaces, excluding pools.
- (E) Openings prohibited. Openings are prohibited on the zero-lot line side. The wall of the dwelling located on the lot line shall have no windows, doors, air conditioning units, or any other type of openings; provided, however, that atriums or courts shall be permitted on the zero-lot line side when the court or atrium is enclosed by three (3) walls of the dwelling unit and a solid wall of at least eight (8) feet in height is provided on the zero-lot line. Said wall shall be constructed of the same material as exterior walls of the unit.

(4 6) Multifamily units (apartments):

- (A) Minimum site area. ~~The minimum site area for duplexes shall be five thousand (5,000) square feet and the~~ The minimum site for multifamily development shall be six thousand (6,000) square feet.

(B) Size of yards:

- (i) Front yard. There shall be a front yard having a depth of not less than ~~twenty (20)~~ twenty-five (25) feet.
- (ii) Side yard. There shall be a side yard of not less than fifteen (15) feet, including, but not limited to, side yards adjacent to public streets.
- (iii) Rear yard. A rear yard of fifteen (15) feet shall be maintained. There shall be a rear yard of not less than twenty-five (25) feet adjacent to all major streets.

(C) Size of lots:

- (i) Lot area. There shall be a minimum of two thousand (2,000) square feet of lot area per multifamily dwelling unit.
- (ii) Lot width. The width of the lot shall not be less than fifty (50) feet at the front building line nor shall its average width be less than fifty (50) feet.
- (iii) Lot depth. The average depth of the lot shall not be less than one hundred (100) feet.

(D) Lot coverage: In no case shall more than seventy-five (75) percent of the total lot area be covered by the combined area of the main buildings, and accessory buildings and other impervious surfaces.

Section 2.06 Parking regulations. Off-street parking spaces shall be provided in accordance with the applicable requirements for specific uses set forth in Part II, Division 1, Section 16 of this ordinance.

Exhibit “C”
Part 2, Division 1, Section 11: Performance Standards

****Please note: Additions are in bold purple, deletions are in red.**

Sec. 11. Performance standards

(Sec. 11.01) Compliance required. No land, structures or uses in any district of the City of Brenham shall create any dangerous, injurious, noxious, or otherwise objectionable fire, noise or vibration **in violation of Chapter 17, Article V of the City of Brenham Code of Ordinances**, air pollution, odorous matter, fire and explosive hazard material, toxic and noxious matter, vibration, open storage and glare in such an amount as to adversely affect the surrounding area or adjoining premises. In the event of conflict between any of the specific provisions or sections of this ordinance with regulations of the Environmental Protection Agency, the Occupational Health and Safety Administration and the Texas Natural Resource Conservation Commission, then the most restrictive provisions shall be deemed controlling. Permitted uses as set forth in this ordinance shall be undertaken and maintained only upon the condition that they conform to the regulations of this section.

(Sec. 11.02) Standards. The following standards shall apply in the various zoning districts as set forth below:

(1) ~~—Noise. For recurring noise emanating from a facility within the City of Brenham, the allowable noise level shall not exceed that indicated for the type of district in which it is located as shown in the Table 1 below. For the purpose of enforcing these provisions, a measurement shall not be for less than ten (10) minutes nor more than thirty (30) minutes. Measurement shall be made on the property line at the point closest to the activity that is generating the noise which is being evaluated.~~

(2) ~~—The following uses and activities shall be exempt from the noise level regulations herein specified:~~

- ~~(a) —Noises not directly under control of the property user or his invitee;~~
- ~~(b) —Noises emanating from construction and maintenance activities between the hours of 7:00 a.m. and 7:00 p.m. (daylight hours);~~
- ~~(c) —Noises of safety signals, warning devices and emergency pressure relief valves;~~
- ~~(d) —Noise of moving sources such as automobiles, trucks, airplanes and trains that are operating in the public domain.~~
- ~~(e) —Noise of otherwise permitted activities conducted on public parks, playgrounds and public or private schools.~~
- ~~(f) —Noise emanating from air conditioning or refrigeration systems or associated equipment.~~
- ~~(g) —Noise emanating from special events such as business promotional events, parades or civic celebrations that are temporary and otherwise permitted by the City of Brenham.~~

Table 1. Limiting Sound Levels for Land Use Districts

Land Use	Time	Allowable Exterior Noise Level

Residential (R-1, R-2)	10:00 pm to 7:00 am 7:00 am to 10:00 pm	50 dB (A) 55 dB (A)
Commercial-Mixed Use (B-1, B-2, B-3)	10:00 pm to 7:00 am 7:00 am to 10:00 pm	62 dB (A) 62 dB (A)
Industrial (I)	10:00 pm to 7:00 am 7:00 am to 10:00 pm	85 dB (A) 85 dB (A)

~~(4) Vibration. No operation or use in any district shall create earthborn vibration when measured at any residential property line within any district which exceeds the limit of displacement set forth in the following table in the frequency ranges specified.~~

~~Table 2. Limiting Vibration at Specified Frequency Levels~~

Frequency Cycles per Second	Displacement in Inches
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and Over	0.0003

(1) Open storage. No open storage of materials or commodities shall be permitted in any district except as an accessory use to a main use in a B-2 (Business, Research and Technology District) or an ID (Industrial District). The prohibition against open storage set forth above does not apply to the display and sale of automobiles, recreational vehicles, manufactured housing, mobile homes, and/or boats if conducted as a principal or primary use in a zoning district which specifically permits that type of enterprise.

In the B-2 or I District open storage operation shall not be located in the front or on the side of a main building, unless it is screened from adjacent residential uses and public rights-of-way as provided below, except that a front or side yard that is adjacent to public right-of-way may be used for open display and sale of retail merchandise, if said use is an accessory use to a principal retail use that is located and legally permitted in the B-2 District or the I District. A front or side yard that is adjacent to public right-of-way may by specific use permit be used for the open display and sale of retail merchandise when said use of land is an accessory use to a principal retail use located and legally permitted in the B-1 District. In addition, automobile wrecking, junk or salvage yards where legally permitted as a principal or primary use shall be screened as provided below.

- (a) A screening wall or fence shall be of wood or masonry construction of sufficient height to conceal that which is being stored.
- (b) A hedge which shall be of a height and density to conceal that which is being stored.

(Ordinance O-19-025, sec. 1, adopted 8/15/19)

Appendix “D”
Part IV, Division 2: Variances

****Please note: All proposed deletions are in red and additions in bold purple.**

DIVISION 2. VARIANCES

§ 1 Limitations.

The board of adjustment shall have the authority to grant variances in accordance with the standards and procedures provided herein, from any and all technical requirements of the zoning ordinance, but may not grant variances to use requirements or procedural requirements or for procedural requirements for hearing or notice, provided that:

- (1) Such modifications are necessary to accommodate appropriate development of a particular parcel of land that is restricted by attributes inherent in the land such as area, shape or slope to the extent that it cannot otherwise be appropriately developed.
- (2) The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, nor substantially increase the congestion in the public streets, nor increase the danger of fire, or in any way endanger the public health, safety and wellbeing of the neighborhood in which the subject property is located.
- (3) The literal enforcement of the ordinance would work on unnecessary hardship.
- (4) The piece of property is unique and contains properties or attributes not common to other similarly situated properties.
- (5) The need for the variance was not created by the applicant.
- (6) The hardship to be suffered through the literal enforcement of the ordinance would not be financial alone.
- (7) The granting of the variance would not be injurious to the public health, safety and welfare or defeat the intent of the philosophy contained in the zoning ordinance.

~~§ 2 Conditions.~~

~~The board may establish conditions in the written order granting a variance to safeguard the character of the area and to protect adjacent property owners.~~

§ 3 2 Prohibitions.

The board shall not consider or grant use variances, except as provided in Division 4 below for legally existing nonconforming uses.

(Ordinance O-18-004, sec. 1, adopted 2/15/18)



Regular City Council
AGENDA ITEM 10.

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Rate Tariff Schedule for the City of Brenham's Water Rates

Meeting Type: Regular Meeting-September 21, 2023

Department: Public Utilities

Staff Contact: Shawn Bolenbarr

SUMMARY STATEMENT:

See attached memo

ATTACHMENTS:

- (1) Memo-Water Rate Increase Oct 2023
- (2) Redlined Showing Changes to Rate Tariff
- (3) Ordinance No.
- (4) Exhibit A

RECOMMENDED ACTION:

Approve an Ordinance on its first reading amending the Rate Tariff Schedule for the City of Brenham's Water Rates.



MEMO

DATE: September 21, 2023

TO: Mayor
City Council

FROM: Public Utilities

RE: Water Rate Tariff Increase

Currently the City of Brenham is at 85 percent of its treated water capacity which, per TCEQ regulations, requires a plan for expanding treated water capacity. During the summer months of 2023, the City of Brenham partnered with Strand Associates to complete the Study Phase of the Water Treatment Expansion Plan. Currently, Strand Associates is in the design phase for the Water Treatment Plant Rehab and Expansion Project along with the design of the Ground Water Supply Phase 1 Project. The completion of both projects is anticipated to be fully constructed and in service by 2026.

Approximately \$40 million in debt will be issued over the next three years for funding the Water Treatment Plant Expansion, Groundwater Wells, and Water Main Replacements. Part of the cost will be funded by Impact Fees and growth from new connections. However, a series of water rate increases are still necessary to generate revenues sufficient for covering new, higher debt payments.

We are requesting Council approval for a 5 percent increase in Water Rates on all customer classes effective October 12, 2023. Subsequent water rate increases will be based on a cost-of-service study, growth in new water connections and impact fees collected on new development.

Monthly impact on water users is as follows:

	5,000 Gal	10,000 Gal	50,000 Gal	200,000 Gal
Residential - Current	\$31.49	\$55.49		
Residential - Proposed	\$33.06	\$58.26		
Residential - Increase	\$1.57	\$2.77		
TML Avg Pop 15 to 20K	\$35.37	\$57.16		
Commercial - Current			\$211.65	\$900.15
Commercial - Proposed			\$222.23	\$945.16
Commercial - Increase			\$10.58	\$45.01
TML Avg Pop 15 to 20K			\$317.37	\$1,140.61

In addition, we are proposing changes to the Water Service Fees tariff (Rate Schedule W-N). Changes include:

- Raising the cost of all water service fees to half the actual cost of installing the service.
- Changing 4” or larger meter connection fee from \$1,300.00 to “At Cost”.
- Removed the language for fees for taps on existing mains for the connection of new mains and the fees associated with main sizes.
- Adding the language, the fee for the installation, by the City, of new taps on existing water mains for new water mains or fire lines will be based on actual cost of providing the service.
- Adding the language, “The fee for the installation, by others, at no expense to the City for new taps on existing water mains for the connection of new water mains or fire lines will be \$100.00”.

EXHIBIT "A"

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	610
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULE	OCTOBER 12, 202 23	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/2 1 <u>2</u>)	

GENERAL SERVICE - URBAN

RATE SCHEDULE - W-A

APPLICABILITY

This rate is applicable to all residential customers receiving water service through a permanent meter installation.

AVAILABILITY

This rate is available to all customers located within the corporate limits of the City of Brenham, Texas.

RATES

First 3,000 gallons or less	\$ 21.89 <u>22.98</u>
3,001 – 10,000 gallons	\$ 4.80 <u>5.04</u> /1,000 gallons
10,001 – 25,000 gallons	\$ 6.01 <u>6.31</u> /1,000 gallons
25,001 and above	\$ 7.51 <u>7.89</u> /1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ ~~21.89~~ 22.98.

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	611
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULE	OCTOBER 12, 202 23	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/2 1 2)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. The homeowner will be billed for metered water when City personnel find the water meter on.
6. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
7. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

600

620

ALL SERVICES

TARIFF

SECTION NO.

SHEET NO.

WATER RATE SCHEDULE

OCTOBER 1~~2~~, 202~~2~~³

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change effective 10/01/2~~1~~²)

GENERAL SERVICE - RURAL

RATE SCHEDULE W-B

APPLICABILITY

This rate is applicable to all residential customers receiving water service through a permanent meter installation.

AVAILABILITY

This rate is available to all customers located outside the corporate limits of the City of Brenham, Texas.

RATES

First 3,000 gallons or less	\$ 25.17 <u>26.43</u>
3,001 – 10,000 gallons	\$5.52 <u>5.80</u> /1,000 gallons
10,001 – 25,000 gallons	\$6.92 <u>7.27</u> /1,000 gallons
25,001 and above	\$ 8.64 <u>9.07</u> /1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ ~~25.17~~ 26.43.

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	621
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULE	OCTOBER 12, 202 2 3	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/2 1 2)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. The customer will be billed for metered water when City personnel find the water meter on.
6. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
7. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	630
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 202 23	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/202 12)	

TEMPORARY CONSTRUCTION SERVICE

RATE SCHEDULE W-D

APPLICABILITY

This rate is applicable to all customers that receive water delivered into a tank truck, tank trailer, portable sprayer, portable mixer, or other similar container from a temporary meter set on a fire hydrant.

AVAILABILITY

This rate and service is only applicable to those who pay the required deposit and the fee for meter placement, and who are approved by the General Manager of Public Utilities prior to usage.

RATES

First 3,000 gallons or less	\$ 21.34 <u>22.41</u>
3,001 – 10,000 gallons	\$ 5.87 <u>6.16</u> /1,000 gallons
10,001 – 25,000 gallons	\$ 7.34 <u>7.71</u> /1,000 gallons
25,001 and above	\$ 9.18 <u>9.64</u> /1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ ~~21.34~~ 22.41.

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, the customer will forfeit the entire deposit and the City may, at its sole option, remove the fire hydrant meter and terminate service to the customer.

CHARACTER OF SERVICE

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	631
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 202 23	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/2 1 2)	

SPECIAL CONDITIONS OF SERVICE

1. The customer will pay an initial deposit of three hundred dollars (\$300.00) in cash or check to the City of Brenham.
2. In addition, where service is rendered from a fire hydrant, the customer will be required to pay a non-refundable fee of two hundred dollars (\$200.00) to cover the City's cost of setting up and removing a temporary meter on a fire hydrant. The superintendent of the Water Distribution Department has the authority to refuse service from any fire hydrant where, in his opinion, the rendering of such service would have an adverse effect on the pressure or flow to other customers in the surrounding area.
3. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
4. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	640
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/2022)	

YARD SPRINKLER SYSTEM SERVICE – URBAN

RATE SCHEDULE W-E

APPLICABILITY

This rate is applicable to all residential customers receiving water service through a permanent meter installation, which serves which serves only a yard sprinkler system.

AVAILABILITY

This rate is available to all customers located within the corporate limits of the City of Brenham, Texas.

RATES

0 – 10,000 gallons	\$ 5.19 5.45/1,000 gallons
10,001 – 25,000 gallons	\$ 6.49 6.81/1,000 gallons
25,001 and above	\$ 8.12 8.53/1,000 gallons

MINIMUM CHARGES

No minimum monthly bill

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	641
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/2022)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. The customer will be billed for metered water when City personnel find the water meter on.
6. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
7. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	642
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/21)	

YARD SPRINKLER SYSTEM SERVICE – URBAN

RATE SCHEDULE W-I

APPLICABILITY

This rate is applicable to all commercial and industrial customers receiving water service through a permanent meter installation, which serves only a yard sprinkler system.

AVAILABILITY

This rate is available to all customers located inside the corporate limits of the City of Brenham, Texas.

RATES

0 – 10,000 gallons	\$ 5.19 5.45/1,000 gallons
10,001 – 25,000 gallons	\$ 6.49 6.81/1,000 gallons
25,001 and above	\$ 8.12 8.53/1,000 gallons

MINIMUM CHARGES

No minimum monthly bill

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	643
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/21)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. The customer will be billed for metered water when City personnel find the water meter on.
6. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
7. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES

600

650

TARIFF

SECTION NO.

SHEET NO.

WATER RATE SCHEDULES

OCTOBER 12, 2023

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change effective 10/01/21)

GENERAL SERVICE - URBAN

RATE SCHEDULE W-F

APPLICABILITY

This rate is applicable to all commercial and industrial customers receiving water service through a permanent meter installation.

AVAILABILITY

This rate is available to all customers located within the corporate limits of the City of Brenham, Texas.

RATES

First 3,000 gallons or less	\$ 21.34 22.41
3,001 – 10,000 gallons	\$ 2.93 3.08/1,000 gallons
10,001 – 25,000 gallons	\$ 3.67 3.85/1,000 gallons
25,001 and above	\$ 4.59 4.82/1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$~~21.34~~ 22.41.

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	651
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/2022)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. The homeowner will be billed for metered water when City personnel find the water meter on.
6. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
7. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	660
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 202 2 3	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/2 1 2)	

GENERAL SERVICE - RURAL

RATE SCHEDULE W-G

APPLICABILITY

This rate is applicable to all commercial and industrial customers receiving water service through a permanent meter installation.

AVAILABILITY

This rate is available to all customers located outside the corporate limits of the City of Brenham, Texas.

RATES

First 3,000 gallons or less	\$ 24.54 <u>25.77</u>
3,001 – 10,000 gallons	\$ 3.38 <u>3.55</u> /1,000 gallons
10,001 – 25,000 gallons	\$ 4.22 <u>4.43</u> /1,000 gallons
25,001 and above	\$ 5.28 <u>5.54</u> /1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ ~~24.54~~ 25.77.

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	661
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 2022 ²³	
SECTION TITLE	EFFECTIVE DATE	
	Supersedes Rate Change effective 10/01/21 ²²)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. The customer will be billed for metered water when City personnel find the water meter on.
6. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
7. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	670
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/2022)	

YARD SPRINKLER SYSTEM - RURAL

RATE SCHEDULE W-H

APPLICABILITY

This rate is applicable to all residential, commercial and industrial service through a permanent meter installation, which serves only a yard sprinkler system.

AVAILABILITY

This rate is available to all customers located outside the corporate limits of the City of Brenham, Texas

RATES

0 – 10,000 gallons	\$ 5.97 6.27/1,000 gallons
10,001 – 25,000 gallons	\$ 7.46 7.83/1,000 gallons
25,001 and above	\$ 9.35 9.82/1,000 gallons

MINIMUM CHARGES

No minimum monthly charge

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	671
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 2022 23	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/20 21 ²²)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. The customer will be billed for metered water when City personnel find the water meter on.
6. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
7. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	680A
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 1/22/06)	

FIRE LINE SERVICE - URBAN

RATE SCHEDULE 20, 21, 22, 23, and 24

APPLICABILITY

This rate is applicable to all residential, commercial, and industrial customers receiving unmetered standby water service for the sole purpose of feeding an automatic fire sprinkler system or similar apparatus.

AVAILABILITY

This rate schedule is available to all customers located within the corporate limits of the City of Brenham, Texas.

RATES

Size of Service Line	Flat Monthly Rate
4 inch (Rate Schedule 20)	\$ 21.38
6 inch (Rate Schedule 21)	62.11
8 inch (Rate Schedule 22)	132.36
10 inch (Rate Schedule 23)	238.02
12 inch (Rate Schedule 24)	384.48

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	681A
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 1/22/06)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and service line is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. Service rendered under this schedule is for standby service only. Connection of fixtures or facilities used on a regular basis is specifically prohibited.
6. The City does not guarantee minimum pressure or rates of flow for service provided under this schedule.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	680B
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 1/22/06)	

FIRE LINE SERVICE - RURAL

RATE SCHEDULE 30, 31, 32, 33, AND 34

APPLICABILITY

This rate is applicable to all residential, commercial, and industrial customers receiving unmetered standby water service for the sole purpose of feeding an automatic fire sprinkler system or similar apparatus.

AVAILABILITY

This rate schedule is available to all customers located outside the corporate limits of the City of Brenham, Texas.

RATES

Size of Service Line	Flat Monthly Rate
4 inch (Rate Schedule 30)	\$ 24.59
6 inch (Rate Schedule 31)	71.43
8 inch (Rate Schedule 32)	152.21
10 inch (Rate Schedule 33)	273.73
12 inch (Rate Schedule 34)	442.15

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	681B
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 1/22/06)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and service line is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. Service rendered under this schedule is for standby service only. Connection of fixtures or facilities used on a regular basis is specifically prohibited.
6. The City does not guarantee minimum pressure or rates of flow for service provided under this schedule.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

<u>ALL SERVICES</u>	<u>600</u>	<u>690</u>
TARIFF	SECTION NO.	SHEET NO.
<u>WATER RATE SCHEDULES</u>	<u>OCTOBER 12, 2023</u>	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 10/01/2021~~2~~)

WATER SERVICE FEES

RATE SCHEDULE W-N

APPLICABILITY

This rate schedule is applicable to the installation of service taps, service lines, water meters, and other miscellaneous water service-related items, for residential, commercial, and/or industrial customers.

AVAILABILITY

These rates are available to all customers or prospective customers of the City's water system.

- I. The actual tapping of a water main, by City staff, to provide service to an adjoining lot. The fee for connecting a meter to a line that has not been pre-stubbed, or has been pre-stubbed by the City, shall be based on meter size: A pre-stubbed water service is defined as a water service that has already been tapped at the main and has had the water service line extended to the property line. These fees are as follows:

1 Inch service tap, service line, and meter	\$1,030.00 <u>\$1,230.00</u>
1-1/2 Inch service tap, service line, and meter	\$1,530.00 <u>\$1,890.00</u>
2 Inch service tap, service line, and meter	\$1,715.00 <u>\$2,200.00</u>
*4 Inch service tap, service line, and meter	At Cost

* Turbine meters only

Note: The fees established herein do not include cost for boring and casing, if required. Costs for boring and casing will be added to these fees based on actual cost.

Note: A water service installation that requires removal of pavement in a TxDOT right-of-way will be charged at the actual cost of work performed or incurred by the City. An owner may choose to hire a contractor to install the service at their own cost and the City will inspect the work to determine if the water service installation complies with the City's specifications. If an owner chooses to hire a contractor to install the service, the work must be completed in compliance with the City's specifications (or approved alternatives), as determined by the City, in its sole discretion, after inspection of the work. The final pavement repair must be performed immediately upon completion of the water service installation.

The fees for the installation of an irrigation meter commonly referred to as a split service are set forth below.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BREHMAN, WASHINGTON COUNTY, TEXAS 77834-1059

<u>ALL SERVICES</u> TARIFF	<u>600</u> SECTION NO.	<u>691</u> SHEET NO.
<u>WATER RATE SCHEDULES</u> SECTION TITLE	<u>OCTOBER 12, 2023</u> EFFECTIVE DATE	

(Supersedes Rate Change effective 10/01/~~1921~~22)

If a split service meter is installed at the same time as the installation of a new service connection, the fee is as follows:

1 Inch Split Service off a 1 Inch Service	\$265.00 <u>\$350.00</u>
1 Inch Split Service off a 1 ½ Inch Service	\$275.00 <u>\$410.00</u>
1 Inch Split Service off a 2 Inch Service	\$290.00 <u>\$420.00</u>

If a split service meter is installed after the installation of a new service connection, the fee is as follows:

1 Inch Split Service off a 1 Inch Service	\$375.00 <u>\$460.00</u>
1 Inch Split Service off a 1 ½ Inch Service	\$385.00 <u>\$470.00</u>
1 Inch Split Service off a 2 Inch Service	\$400.00 <u>\$480.00</u>

- II. The fees for connecting a meter to a line that has been pre-stubbed at no expense to the City shall be based on meter size, and are as follows:

1 Inch	\$ 260.00 <u>\$220.00</u>
1-1/2 Inch	\$ 645.00 <u>\$690.00</u>
2 Inch	\$ 710.00 <u>\$860.00</u>
4 Inch or larger	\$1,300.00 <u>Actual Cost</u>

- III. ~~The fee for connection, by others, to existing taps on City installed water mains to connect new water mains are as follows:~~ The fee for the installation, by the City, of new taps on existing water mains for new water mains or fire lines will be based on actual cost of providing the service.

IV.

Existing Main Size (inches)	New Main Size (inches)	Connection Fee
6	4	\$ 840.00
6	6	\$ 935.00
8	4	\$ 870.00
8	6	\$ 920.00
8	8	\$1,105.00
10	4	\$ 835.00
10	6	\$ 945.00
10	8	\$1,085.00
10	10	\$1,440.00
12	4	\$ 970.00
12	6	\$1,050.00
12	8	\$1,170.00
12	10	\$1,465.00
12	12	\$1,725.00

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

<u>ALL SERVICES</u> TARIFF	<u>600</u> SECTION NO.	<u>692</u> SHEET NO.
<u>WATER RATE SCHEDULES</u> SECTION TITLE	<u>OCTOBER 12, 2023</u> EFFECTIVE DATE	
(Supersedes Rate Change effective 10/01/ 1921 22)		

The fee for the installation, by others, at no expense to the City for new taps on existing water mains for the connection of new water mains or fire lines will be \$100.00.

Note: The fees established herein do not include cost for boring and casing, if required. Costs for boring and casing will be added to these fees based on actual cost.

Note: A water service installation that requires removal of pavement in a TxDOT right-of-way will be charged at the actual cost of work performed or incurred by the City. An owner may choose to hire a contractor to install the service at their own cost and the City will inspect the work to determine if the water service installation complies with the City's specifications. If an owner chooses to hire a contractor to install the service, the work must be completed in compliance with the City's specifications (or approved) alternatives, as determined by the City, in its sole discretion, after inspection of the work. The final pavement repair must be performed immediately upon completion of the water service installation.

II-IV. Miscellaneous Water Service Fees:

The fee for installation of one or more fire hydrants shall be based on actual cost.

The fee for replacing a 1" curb stop damaged by other than City personnel - \$95.00. Replacement of curb stops larger than 1" will be charged at actual cost.

The fee for moving meter at customer's request shall be as follows:

Meter Size	Moving Meter up to Fifteen (15) Feet	Moving Meter between Fifteen (15) and Thirty (30) Feet
1 Inch	\$225.00 <u>\$400.00</u>	\$365.00 <u>\$640.00</u>
1 1/2 Inch	\$285.00 <u>\$525.00</u>	\$430.00 <u>\$530.00</u>
2 Inch	\$315.00 <u>\$720.00</u>	\$460.00 <u>\$980.00</u>

Note: Moving meters larger than 2" will be charged at actual cost.

The fee for raising or adjusting a meter at customer's request shall be as follows:

Meter Size	Fee
1 Inch	\$ 70.00 <u>\$150.00</u>
1 1/2 Inch	\$210.00 <u>\$335.00</u>
2 Inch	\$270.00 <u>\$520.00</u>

Note: Raising or adjusting meters larger than 2" will be charged at actual cost.

The fee for installing or extending a water mainline from an existing tap to the property line shall be based on actual cost.

The fee for changing meter size shall be based on the following:

Downsizing a 2", 1 1/2" and 1" meter - ~~\$50.00~~ \$80.00

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES TARIFF	600 SECTION NO.	693 SHEET NO.
WATER RATE SCHEDULES SECTION TITLE	OCTOBER 12, 2023 EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/2022)	

Downsizing a 3" and larger meter – At Cost

Note: When an existing meter is changed to a larger size and a new tap and service line are required, the fee shall be the same as for a new connection of the same size.

The fee for setting a fire hydrant meter shall be \$200.00 and requires a \$300.00 deposit.

The fee for turning water service off/on for repairs at customer request shall be \$50.00 plus \$25.00 additional if done after regular business hours (regular business hours are 8:00 a.m. to 5:00 p.m., Monday – Friday, excluding holidays).

The fees for services not specifically addressed in this tariff will be charged in the amount of the actual cost of performing the service.

~~III-V.~~ Replacement of water taps due to deterioration. Water tap deterioration will be determined by the City based on standards set by the Texas Commission on Environmental Quality, or its successor agency and the edition of the International Plumbing Code, as amended, in effect at the time of the determination, for minimum residual pressure and flow.

All Taps	No Charge
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CHARACTER OF SERVICE

Facilities provided under this rate will consist of the installation of an appropriate size corporation stop or tapping saddle, installation of an appropriate size angle meter stop or gate valve, installation of an appropriate size meter, installation of a meter box, and the installation of a sufficient amount of an appropriate size service line to allow the placement of the meter at or near the customer's property line.

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations as may be amended from time to time.
2. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
3. In the event a customer desires to increase the size of an existing service, the cost of such enlargement will be equal to the cost of the installation of the new size of service.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE WATER RATE TARIFF SCHEDULES FOR WATER SERVICES FOR THE CITY OF BRENHAM, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE:

WHEREAS, the City Council for the City of Brenham, Texas ("City Council") deems it necessary to change the rates charged for water distribution services to its customers in order to provide for conditions of utility service which promote health, safety, and welfare of the citizens of Brenham, Texas.

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

SECTION I

The City Council of the City of Brenham, Texas does hereby adopt the Water Rate Schedules for water services set forth in the attached Exhibit "A" is made a part hereof for all purposes pertinent, to be effective with utility billing occurring on or after October 12, 2023.

SECTION II

This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas. The implementation of rates as forth herein and on the attached Exhibit "A" shall be effective with utility billing occurring on and after October 12, 2023.

PASSED AND APPROVED, on its first reading this the ____ day of September, 2023.

PASSED AND APPROVED, on its second reading this the ____ day of October, 2023.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	610
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULE	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/22)	

GENERAL SERVICE - URBAN

RATE SCHEDULE - W-A

APPLICABILITY

This rate is applicable to all residential customers receiving water service through a permanent meter installation.

AVAILABILITY

This rate is available to all customers located within the corporate limits of the City of Brenham, Texas.

RATES

First 3,000 gallons or less	\$ 22.98
3,001 – 10,000 gallons	\$ 5.04/1,000 gallons
10,001 – 25,000 gallons	\$ 6.31/1,000 gallons
25,001 and above	\$ 7.89/1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ 22.98.

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	611
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULE	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/22)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. The homeowner will be billed for metered water when City personnel find the water meter on.
6. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
7. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

600

620

ALL SERVICES

TARIFF

SECTION NO.

SHEET NO.

WATER RATE SCHEDULE

OCTOBER 12, 2023

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change effective 10/01/22)

GENERAL SERVICE - RURAL

RATE SCHEDULE W-B

APPLICABILITY

This rate is applicable to all residential customers receiving water service through a permanent meter installation.

AVAILABILITY

This rate is available to all customers located outside the corporate limits of the City of Brenham, Texas.

RATES

First 3,000 gallons or less	\$ 26.43
3,001 – 10,000 gallons	\$5.80/1,000 gallons
10,001 – 25,000 gallons	\$7.27/1,000 gallons
25,001 and above	\$ 9.07/1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ 26.43.

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	621
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULE	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/22)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. The customer will be billed for metered water when City personnel find the water meter on.
6. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
7. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	630
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 10/01/2022)

TEMPORARY CONSTRUCTION SERVICE

RATE SCHEDULE W-D

APPLICABILITY

This rate is applicable to all customers that receive water delivered into a tank truck, tank trailer, portable sprayer, portable mixer, or other similar container from a temporary meter set on a fire hydrant.

AVAILABILITY

This rate and service is only applicable to those who pay the required deposit and the fee for meter placement, and who are approved by the General Manager of Public Utilities prior to usage.

RATES

First 3,000 gallons or less	\$ 22.41
3,001 – 10,000 gallons	\$ 6.16/1,000 gallons
10,001 – 25,000 gallons	\$ 7.71/1,000 gallons
25,001 and above	\$ 9.64/1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ 22.41.

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, the customer will forfeit the entire deposit and the City may, at its sole option, remove the fire hydrant meter and terminate service to the customer.

CHARACTER OF SERVICE

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	631
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 10/01/22)

SPECIAL CONDITIONS OF SERVICE

1. The customer will pay an initial deposit of three hundred dollars (\$300.00) in cash or check to the City of Brenham.
2. In addition, where service is rendered from a fire hydrant, the customer will be required to pay a non-refundable fee of two hundred dollars (\$200.00) to cover the City's cost of setting up and removing a temporary meter on a fire hydrant. The superintendent of the Water Distribution Department has the authority to refuse service from any fire hydrant where, in his opinion, the rendering of such service would have an adverse effect on the pressure or flow to other customers in the surrounding area.
3. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
4. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	640
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/22)	

YARD SPRINKLER SYSTEM SERVICE – URBAN

RATE SCHEDULE W-E

APPLICABILITY

This rate is applicable to all residential customers receiving water service through a permanent meter installation, which serves which serves only a yard sprinkler system.

AVAILABILITY

This rate is available to all customers located within the corporate limits of the City of Brenham, Texas.

RATES

0 – 10,000 gallons	\$ 5.45/1,000 gallons
10,001 – 25,000 gallons	\$ 6.81/1,000 gallons
25,001 and above	\$ 8.53/1,000 gallons

MINIMUM CHARGES

No minimum monthly bill

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	641
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/22)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. The customer will be billed for metered water when City personnel find the water meter on.
6. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
7. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	642
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/22)	

YARD SPRINKLER SYSTEM SERVICE – URBAN

RATE SCHEDULE W-I

APPLICABILITY

This rate is applicable to all commercial and industrial customers receiving water service through a permanent meter installation, which serves only a yard sprinkler system.

AVAILABILITY

This rate is available to all customers located inside the corporate limits of the City of Brenham, Texas.

RATES

0 – 10,000 gallons	\$ 5.45/1,000 gallons
10,001 – 25,000 gallons	\$ 6.81/1,000 gallons
25,001 and above	\$ 8.53/1,000 gallons

MINIMUM CHARGES

No minimum monthly bill

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	643
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/22)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. The customer will be billed for metered water when City personnel find the water meter on.
6. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
7. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	650
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/22)	

GENERAL SERVICE - URBAN

RATE SCHEDULE W-F

APPLICABILITY

This rate is applicable to all commercial and industrial customers receiving water service through a permanent meter installation.

AVAILABILITY

This rate is available to all customers located within the corporate limits of the City of Brenham, Texas.

RATES

First 3,000 gallons or less	\$ 22.41
3,001 – 10,000 gallons	\$ 3.08/1,000 gallons
10,001 – 25,000 gallons	\$ 3.85/1,000 gallons
25,001 and above	\$ 4.82/1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$22.41.

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	651
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/22)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. The homeowner will be billed for metered water when City personnel find the water meter on.
6. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
7. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	660
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/22)	

GENERAL SERVICE - RURAL

RATE SCHEDULE W-G

APPLICABILITY

This rate is applicable to all commercial and industrial customers receiving water service through a permanent meter installation.

AVAILABILITY

This rate is available to all customers located outside the corporate limits of the City of Brenham, Texas.

RATES

First 3,000 gallons or less	\$ 25.77
3,001 – 10,000 gallons	\$ 3.55/1,000 gallons
10,001 – 25,000 gallons	\$ 4.43/1,000 gallons
25,001 and above	\$ 5.54/1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ 25.77.

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	661
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	
	Supersedes Rate Change effective 10/01/22)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. The customer will be billed for metered water when City personnel find the water meter on.
6. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
7. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	670
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/22)	

YARD SPRINKLER SYSTEM - RURAL

RATE SCHEDULE W-H

APPLICABILITY

This rate is applicable to all residential, commercial and industrial service through a permanent meter installation, which serves only a yard sprinkler system.

AVAILABILITY

This rate is available to all customers located outside the corporate limits of the City of Brenham, Texas

RATES

0 – 10,000 gallons	\$ 6.27/1,000 gallons
10,001 – 25,000 gallons	\$ 7.83/1,000 gallons
25,001 and above	\$ 9.82/1,000 gallons

MINIMUM CHARGES

No minimum monthly charge

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	671
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/22)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. The customer will be billed for metered water when City personnel find the water meter on.
6. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
7. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	680A
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 1/22/06)	

FIRE LINE SERVICE - URBAN

RATE SCHEDULE 20, 21, 22, 23, and 24

APPLICABILITY

This rate is applicable to all residential, commercial, and industrial customers receiving unmetered standby water service for the sole purpose of feeding an automatic fire sprinkler system or similar apparatus.

AVAILABILITY

This rate schedule is available to all customers located within the corporate limits of the City of Brenham, Texas.

RATES

Size of Service Line	Flat Monthly Rate
4 inch (Rate Schedule 20)	\$ 21.38
6 inch (Rate Schedule 21)	62.11
8 inch (Rate Schedule 22)	132.36
10 inch (Rate Schedule 23)	238.02
12 inch (Rate Schedule 24)	384.48

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	681A
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 1/22/06)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and service line is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. Service rendered under this schedule is for standby service only. Connection of fixtures or facilities used on a regular basis is specifically prohibited.
6. The City does not guarantee minimum pressure or rates of flow for service provided under this schedule.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	680B
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 1/22/06)	

FIRE LINE SERVICE - RURAL

RATE SCHEDULE 30, 31, 32, 33, AND 34

APPLICABILITY

This rate is applicable to all residential, commercial, and industrial customers receiving unmetered standby water service for the sole purpose of feeding an automatic fire sprinkler system or similar apparatus.

AVAILABILITY

This rate schedule is available to all customers located outside the corporate limits of the City of Brenham, Texas.

RATES

Size of Service Line	Flat Monthly Rate
4 inch (Rate Schedule 30)	\$ 24.59
6 inch (Rate Schedule 31)	71.43
8 inch (Rate Schedule 32)	152.21
10 inch (Rate Schedule 33)	273.73
12 inch (Rate Schedule 34)	442.15

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	681B
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 1/22/06)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and service line is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. Service rendered under this schedule is for standby service only. Connection of fixtures or facilities used on a regular basis is specifically prohibited.
6. The City does not guarantee minimum pressure or rates of flow for service provided under this schedule.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

<u>ALL SERVICES</u>	<u>600</u>	<u>690</u>
TARIFF	SECTION NO.	SHEET NO.
<u>WATER RATE SCHEDULES</u>	<u>OCTOBER 12, 2023</u>	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 10/01/2022)

WATER SERVICE FEES

RATE SCHEDULE W-N

APPLICABILITY

This rate schedule is applicable to the installation of service taps, service lines, water meters, and other miscellaneous water service-related items, for residential, commercial, and/or industrial customers.

AVAILABILITY

These rates are available to all customers or prospective customers of the City's water system.

- I. The actual tapping of a water main, by City staff, to provide service to an adjoining lot. The fee for connecting a meter to a line that has not been pre-stubbed, or has been pre-stubbed by the City, shall be based on meter size: A pre-stubbed water service is defined as a water service that has already been tapped at the main and has had the water service line extended to the property line. These fees are as follows:

1 Inch service tap, service line, and meter	\$1,230.00
1-1/2 Inch service tap, service line, and meter	\$1,890.00
2 Inch service tap, service line, and meter	\$2,200.00
*4 Inch service tap, service line, and meter	At Cost

* Turbine meters only

Note: The fees established herein do not include cost for boring and casing, if required. Costs for boring and casing will be added to these fees based on actual cost.

Note: A water service installation that requires removal of pavement in a TxDOT right-of-way will be charged at the actual cost of work performed or incurred by the City. An owner may choose to hire a contractor to install the service at their own cost and the City will inspect the work to determine if the water service installation complies with the City's specifications. If an owner chooses to hire a contractor to install the service, the work must be completed in compliance with the City's specifications (or approved alternatives), as determined by the City, in its sole discretion, after inspection of the work. The final pavement repair must be performed immediately upon completion of the water service installation.

The fees for the installation of an irrigation meter commonly referred to as a split service are set forth below.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

<u>ALL SERVICES</u>	<u>600</u>	<u>691</u>
TARIFF	SECTION NO.	SHEET NO.
<u>WATER RATE SCHEDULES</u>	<u>OCTOBER 12, 2023</u>	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 10/01/22)

If a split service meter is installed at the same time as the installation of a new service connection, the fee is as follows:

1 Inch Split Service off a 1 Inch Service	\$350.00
1 Inch Split Service off a 1 ½ Inch Service	\$410.00
1 Inch Split Service off a 2 Inch Service	\$420.00

If a split service meter is installed after the installation of a new service connection, the fee is as follows:

1 Inch Split Service off a 1 Inch Service	\$460.00
1 Inch Split Service off a 1 ½ Inch Service	\$470.00
1 Inch Split Service off a 2 Inch Service	\$480.00

- II. The fees for connecting a meter to a line that has been pre-stubbed at no expense to the City shall be based on meter size, and are as follows:

1 Inch	\$220.00
1-1/2 Inch	\$690.00
2 Inch	\$860.00
4 Inch or larger	Actual Cost

- III. The fee for the installation, by the City, of new taps on existing water mains for new water mains or fire lines will be based on actual cost of providing the service.

The fee for the installation, by others, at no expense to the City for new taps on existing water mains for the connection of new water mains or fire lines will be \$100.00.

Note: The fees established herein do not include cost for boring and casing, if required. Costs for boring and casing will be added to these fees based on actual cost.

Note: A water service installation that requires removal of pavement in a TxDOT right-of-way will be charged at the actual cost of work performed or incurred by the City. An owner may choose to hire a contractor to install the service at their own cost and the City will inspect the work to determine if the water service installation complies with the City's specifications. If an owner chooses to hire a contractor to install the service, the work must be completed in compliance with the City's specifications (or approved) alternatives, as determined by the City, in its sole discretion, after inspection of the work. The final pavement repair must be performed immediately upon completion of the water service installation.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

<u>ALL SERVICES</u> TARIFF	<u>600</u> SECTION NO.	<u>692</u> SHEET NO.
<u>WATER RATE SCHEDULES</u> SECTION TITLE	<u>OCTOBER 12, 2023</u> EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/22)	

- IV. Miscellaneous Water Service Fees:
The fee for installation of one or more fire hydrants shall be based on actual cost.
The fee for replacing a 1" curb stop damaged by other than City personnel - \$95.00. Replacement of curb stops larger than 1" will be charged at actual cost.

The fee for moving meter at customer's request shall be as follows:

Meter Size	Moving Meter up to Fifteen (15) Feet	Moving Meter between Fifteen (15) and Thirty (30) Feet
1 Inch	\$400.00	\$640.00
1 1/2 Inch	\$525.00	\$530.00
2 Inch	\$720.00	\$980.00

Note: Moving meters larger than 2" will be charged at actual cost.

The fee for raising or adjusting a meter at customer's request shall be as follows:

Meter Size	Fee
1 Inch	\$150.00
1 1/2 Inch	\$ 335.00
2 Inch	\$ 520.00

Note: Raising or adjusting meters larger than 2" will be charged at actual cost.

The fee for installing or extending a water mainline from an existing tap to the property line shall be based on actual cost.

The fee for changing meter size shall be based on the following:

Downsizing a 2", 1 1/2" and 1" meter - \$80.00

Downsizing a 3" and larger meter – At Cost

Note: When an existing meter is changed to a larger size and a new tap and service line are required, the fee shall be the same as for a new connection of the same size.

The fee for setting a fire hydrant meter shall be \$200.00 and requires a \$300.00 deposit

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

<u>ALL SERVICES</u>	<u>600</u>	<u>693</u>
TARIFF	SECTION NO.	SHEET NO.
<u>WATER RATE SCHEDULES</u>	<u>OCTOBER 12, 2023</u>	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/22)	

The fee for turning water service off/on for repairs at customer request shall be \$50.00 plus \$25.00 additional if done after regular business hours (regular business hours are 8:00 a.m. to 5:00 p.m., Monday – Friday, excluding holidays).

The fees for services not specifically addressed in this tariff will be charged in the amount of the actual cost of performing the service.

- V. Replacement of water taps due to deterioration. Water tap deterioration will be determined by the City based on standards set by the Texas Commission on Environmental Quality, or its successor agency and the edition of the International Plumbing Code, as amended, in effect at the time of the determination, for minimum residual pressure and flow.

All Taps	No Charge
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CHARACTER OF SERVICE

Facilities provided under this rate will consist of the installation of an appropriate size corporation stop or tapping saddle, installation of an appropriate size angle meter stop or gate valve, installation of an appropriate size meter, installation of a meter box, and the installation of a sufficient amount of an appropriate size service line to allow the placement of the meter at or near the customer's property line.

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations as may be amended from time to time.
2. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
3. In the event a customer desires to increase the size of an existing service, the cost of such enlargement will be equal to the cost of the installation of the new size of service.



Regular City Council
AGENDA ITEM 11.

Agenda Item: Discuss and Possibly Act Upon Amendment No. 1 to the American Rescue Plan Act (ARPA) Agreement for Engineering Services and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-September 21, 2023

Department: Water Treatment Department

Staff Contact: Shawn Bolenbarr

SUMMARY STATEMENT:

During the month of July 2022 the City of Brenham completed a Request for Qualification (RFQ) seeking qualified engineering, architectural, and/or surveying firms to prepare preliminary and final design plans and specifications for various water and wastewater projects eligible for funding under the American Rescue Plan Act (ARPA). Strand Associates was selected as the most qualified Engineering firm. On August 4, 2022 the City Council awarded the RFQ for engineering, architectural and/or surveying services for the ARPA projects to Strand Associates. Additionally, Council approved a Professional Services Agreement between the City of Brenham and Strand Associates on October 13, 2022.

One of the items listed in the Agreement was to establish a Lead and Copper Management Program. The services that Strand was to perform for the Lead and Copper Management Program was providing design, bidding-related, and construction related services.

During the design phase of the project, it was found that due to various water systems questioning TCEQ about approved methods for collecting data, TCEQ requested further guidance from the EPA. The EPA's initial response was that Municipalities cannot excavate to determine the make of each service line. Currently the EPA is working on providing more guidance to how water systems should collect data.

Due to the reason listed, City staff feel that the appropriate action is to Amend the Professional Services Agreement for the American Rescue Plan Act (ARPA) to remove the Lead and Copper Management Program from the Professional Services Agreement. City staff plan to wait for EPA's guidance and proceed next fiscal year with having in house crews collecting the necessary data based on the requirements of the EPA. By removing this project from the Professional Services Agreement for the American Rescue Plan Act (ARPA), it would change the total value of the agreement from \$177,000.00 to \$159,500.00.

ATTACHMENTS:

(1) Amendment No. 1

RECOMMENDED ACTION:

Approve Amendment No. 1 to the American Rescue Plan Act (ARPA) Agreement for Engineering Services and authorize the Mayor to execute any necessary documentation.

**AMENDMENT NO. 1 TO THE AGREEMENT
AMERICAN RESCUE PLAN ACT (ARPA)
AGREEMENT FOR ENGINEERING SERVICES**

This is Amendment No. 1 to the referenced Agreement dated October 13, 2022.

NOW, THEREFORE, the parties agree to amend the Agreement as follows:

Under **PART I-AGREEMENT**,

Item No. 6, Compensation and Method of Payment, CHANGE \$177,000 to "\$159,500."

Under **PART II-SCOPE OF SERVICES**,

BIDDING-RELATED SERVICES,

Items No. 3, No. 5, and No. 6, CHANGE three to "two."

CONSTRUCTION-RELATED SERVICES,

Item No. 1, CHANGE three to "two."

REPLACE Item No. 2 in its entirety with the following:

"2. It is anticipated that there will be no part-time observation for the Lead and Copper Management Program."

IN WITNESSETH WHEREOF, the parties have executed this Amendment by causing the same to be signed on this _____ day of _____, _____.

BY: _____
(Local City Official)

Atwood C. Kenjura
(Printed Name)

Mayor
(Title)

BY:  _____
(Firm's Authorized Representative)

Joseph M. Bunker
(Printed Name)

Corporate Secretary
(Title)



Regular City Council
AGENDA ITEM 12.

Agenda Item: Discuss and Possibly Act Upon Amendment No. 1 to the Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. Related to the 2022 Sanitary Sewer Improvements and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-September 21, 2023

Department: Wastewater Treatment Department

Staff Contact: Shawn Bolenbarr

SUMMARY STATEMENT:

On December 20, 2021, the City of Brenham entered into an Professional Services Agreement with Strand Associates for engineering services related to the 2022 Sanitary Sewer System Improvements. Per the terms of this agreement, Strand was to perform design, bidding-related, and construction related services for the replacement of the Stone Hollow lift station, Industrial Boulevard lift station, Stone Hollow force main, and the Ralston Creek gravity sewer crossing.

On February 1, 2023, the City of Brenham held a bid opening for the 2022 Sanitary Sewer System Improvement projects. The Industrial Boulevard lift station was bid out as an alternate bid. There were four bids received with Dudley Construction being the low bidder. Based on the bids received, it was determined that there were insufficient funds to move forward with the Industrial Boulevard lift station project. This Amendment to the Professional Services Agreement with Strand Associates for engineering services related to the 2022 Sanitary Sewer System Improvements will remove wording related to construction and only reference design work for the Industrial Boulevard lift station. This Amendment will also remove the construction related services fee that would be owed to Strand for the Industrial Boulevard lift station project. The total value would change from \$379,000.00 to \$355,600.00.

The Wastewater Department will use the design that Strand Associates completed next fiscal year to construct the Industrial Boulevard lift station using 2024 bond proceeds.

ATTACHMENTS:

(1) Amendment No. 1

RECOMMENDED ACTION:

Approve Amendment No. 1 to the Professional Services Agreement with Strand Associates Inc. for Engineering Services related to the 2022 Sanitary Sewer System Improvements and authorize the Mayor to execute any necessary documentation.

**AMENDMENT NO. 1 TO THE DECEMBER 20, 2021
PROFESSIONAL SERVICES AGREEMENT
FOR
ENGINEERING SERVICES
RELATED TO
CITY OF BRENHAM
PROJECT NO. 2021-06
2022 SANITARY SEWER SYSTEM IMPROVEMENTS**

WHEREAS, the City and Engineer agree to amend the referenced Agreement as follows:

Under **SECTION IV, TIME FOR PERFORMANCE**, CHANGE November 30, 2022, to "March 1, 2024."

Under **SECTION VII, ENGINEER'S COMPENSATION**, CHANGE \$379,000 to "\$355,600."

In **ATTACHMENT "A," PART A-SCOPE OF SERVICES**,

Description of Project, paragraph three, CHANGE construction to "design."

In **ATTACHMENT "A," PART B-BASIS OF COMPENSATION AND REIMBURSABLE EXPENSES**, CHANGE \$117,000 to "\$93,600" and \$379,000 to "\$355,600."

IN WITNESS WHEREOF, the City of Brenham has lawfully caused this Amendment to be executed by the Mayor of said City and attested by the City Secretary and Strand Associates, Inc.[®], acting by and through its duly authorized officer/representative, does now sign, execute, and deliver this instrument.

EXECUTED on this _____ day of _____, 20____.

ENGINEER:

STRAND ASSOCIATES, INC.[®]

 8/20/23
Joseph M. Bunker Date
Corporate Secretary

ATTEST:

CITY OF BRENHAM, TEXAS

Jeana Bellinger Date
City Secretary

Atwood C. Kenjura Date
Mayor



Regular City Council
AGENDA ITEM 13.

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Rate Tariff Schedule for the City of Brenham's Electric Rates

Meeting Type: Regular Meeting-September 21, 2023

Department: Public Utilities

Staff Contact: Alton Sommerfield

SUMMARY STATEMENT:

Rate Tariff for Electric Vehicle (EV) Rate Class Schedule E-G-EV

The City of Brenham retained NewGen Strategies Solution, to review our current rate structure as they may apply to current and future Electric Vehicle (EV) charging stations in the City's service area.

The current structures do not include demand charges (\$ KW) even for large customers. The new tariff would establish a separate rate class for EV charging stations. This would separate EV Charging Station and allow staff to monitor the unique load factor of EV charging stations.

Once we understand how EV chargers are utilized, we can implement KW demand and/or time of use to address power cost recovery incurred from LCRA (Wholesale power provider).

Disconnects/Reconnects Rate Tariff Sheet No. 495

The changes to the Electric Rate Tariff No. 495 **do not** involve any changes to the rates. On April 20, 2023 Electric Tariff No. 495 established fees for new services and line extensions.

Staff is recommending adding the following statement to clarify ownership status:

"Equipment, facilities, and all other improvements provided through and under this policy will be owned by the Utility. Payment for extension of service does not imply any ownership rights by the Customer for Utility owned facilities." This change is reflected on the red line copies of the tariff included in the agenda packet.

ATTACHMENTS:

-
- (1) Redline of Rate Tariff Sheets 434 & 435
 - (2) Redline of Rate Tariff Sheet 495
 - (3) Brenham Utilities EV Tariff Analysis Memo
 - (4) Ordinance-Electric Rate Tariffs-2023
 - (5) Exhibit A to Ordinance
 - (6) Exhibit B to Ordinance

RECOMMENDED ACTION:

Approve an Ordinance on its first reading amending the rate tariff schedule for the City of Brenham's Electric Rates.

EXHIBIT "A"
CITY OF BRENHAM
200 WEST VULCAN STREET * P.O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	400	434
TARIFF	SECTION NO.	SHEET NO.
ELECTRIC RATE SCHEDULE	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	

ELECTRIC VEHICLE (EV) CHARGING STATIONS

RATE CLASS SCHEDULE E-G-EV

APPLICABILITY

This rate is applicable to customers receiving electric service for any purpose other than use in individually metered residential dwelling and includes service to temporary service installation.

AVAILABILITY

This tariff applies to Electric Vehicle (EV) charging stations used for public (retail) charging services and private fleet charging services. The tariff does not apply to non-retail, Level 1 or 2 residential (home) charging stations or commercial charging stations established prior to the effective date of this tariff.

MONTHLY CHARGES

The monthly rates shall be the sum of the following charges:

Type of Charge	Description	Charge
Customer charge	Customer charge for customer receiving three-phase service	The rate applicability will be based on design peak demand.
Distribution wires charge	Charges for distribution service	The rate applicability will be based on design peak demand.
Energy charge	Charge for energy supply and transmission cost	\$.075 / KWh
Power cost recovery charge	Charge for adjustments and generation and transmission	monthly

- EV Charging Stations for Retail Public Use or Private Fleet Use require a dedicated electric meter.
- The City reserves the right to implement time-based rates in the future for EV charging stations, as appropriate and based on costs incurred from its wholesale power supplier.
- The City of Brenham will use industry standards for sizing transformers and equipment based on the EV Charging Station's peak demand design load. The costs for new services or upsizing existing services for EV Charging Station is described in Section 400 Sheet 495 of the Electric Tariff.
- Customer must provide the City with the design documents for the EV charging station that clearly states the total electric design load.
- Transformers may not exceed 2,000 KVA.
- Costs for new electric services will be as described in the City Electric Rate Section, Section 400, Sheet 495, as amended.

MINIMUM MONTHLY CHARGES

The minimum monthly bill shall be the customer charge.

EXHIBIT "A"
CITY OF BRENHAM
200 WEST VULCAN STREET * P.O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

BILLING ADJUSTMENTS

1. In addition to base charges, the customer shall be billed for all taxes applicable to the sale of electricity.

ALL SERVICES	400	435
TARIFF	SECTION NO.	SHEET NO.
ELECTRIC RATE SCHEDULE	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	

2. If ownership or operation of a facility changes, the new customer shall assume the prior billing history and the account shall remain in the pre-existing rate category. The new customer shall not be billed under the Small General Service Rate until the facilities receiving service have established billing KW demand below thirty (30) KW for eleven (11) consecutive months, unless the customer can demonstrate that the characteristic of service has changed.

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next work day. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Electric service supplied under this rate schedule shall be 60 cycle alternating current delivered at a single point of service to be designated by the City, at the City's choice of the following standard voltage:

120/208	volts, three phase
277/480	volts, three phase

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premise. If a power line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
3. The customer shall control voltage fluctuations caused by his equipment at his expense. A customer's equipment shall not cause voltage fluctuations that exceed 1% on the City's primary distribution system.
4. A power factor penalty may be assessed if the necessary equipment for determining power factor is installed and if the power factor during the coincident peak KW demand period is less than 0.95.

EXHIBIT "A"
CITY OF BRENHAM
200 WEST VULCAN STREET * P.O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

The power factor penalty shall be calculated by increasing the measured coincident peak KW billing demand such that the corrected billing demand and measured KVAR yield a calculated power factor of 0.95. If the measured power factor is 0.95 or greater, the billing KW demand shall be the KW demand in accordance with the appropriate schedule.

The additional metering equipment necessary to measure or compute KVAR or power factor may be installed at any demand metered customer without notice at the discretion of the City.

EXHIBIT “B”

CITY OF BRENHAM
200 WEST VULCAN STREET * P.O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	400	495
TARIFF	SECTION NO.	SHEET NO.
ELECTRIC RATE SCHEDULE	MAY 4, 2023	OCTOBER 12, 2023

SECTION TITLE	EFFECTIVE DATE
	(Supersedes Rate Change Effective May 4, 2023)

DISCONNECTS/RECONNECTS EXISTING SERVICES

For disconnects/reconnects for existing the following service fees will apply:

Service	Normal Business Hours	All Other Hours
Meter pulling and reinstalling (200 amp or less)	\$50.00	\$75.00
Service wire disconnect/reconnect	\$100.00	\$150.00

Customers requesting a meter pulled and reconnected for the same day after 4:00 PM may be offered to be connected or reconnected on the next day that is either not a City holiday or weekend. The Utility reserves the right to delay requested connections during weekends and City of Brenham holidays.

OVERHEAD / UNDERGROUND UPSIZING AND/OR DAMAGES

No electric service will be provided by City greater than 100 feet distance from the transformer (or adequate size secondary) to the meter. The Utility, at its discretion, may allow a 10% variance. Any request for upsizing a service line shall be at cost. Repairs to a damaged service line caused by customer or contractor shall be at cost.

NEW SERVICES

For New Services customers, will be charged as follows:

Class	Overhead	Underground
Residential-Single Family Lot	\$ 800.00	\$ 1050.00
All Other	Actual Cost	Actual Cost

Residential cost is based on one utility pole and one transformer. Additional poles will be charged at the actual cost.

Fees, Exclusions, Miscellaneous:

- The service cost shall be calculated by the City on the basis of new facilities, regardless of existing installations.
- Costs for boring and casing will be added based on actual costs and will not be subject to cost sharing.
- General requirements for any new electric service connection, use of right-of-way, and design requirements can be found in the City of Brenham Public Infrastructure Design Manual.
- The Utility will neither start work nor will the Utility order materials until it receives full payment.
- The fees for service not specifically addressed in this Tariff will be charged in the amount of the actual cost of performing the service.

EXHIBIT “B”

- Equipment, facilities, and all other improvements provided through and under this policy will be owned by the Utility. Payment for extension of service does not imply any ownership rights by the Customer for Utility owned facilities.

Memorandum

To: Debbie Gaffey, Brenham Utilities
From: NewGen Strategies and Solutions, LLC
Date: September 14, 2023
Re: Electric Vehicle Charging Tariff – Final Memo

NewGen Strategies and Solutions, LLC (NewGen) was retained by the City of Brenham's (City) electric utility to review its current costs, rates, and rate structures as they may apply to current and future Electric Vehicle (EV) charging facilities within the City. The purpose of this memo is to provide insight into the analysis NewGen has completed to date on this topic and to raise issues for further discussion with the City regarding its EV charging policies going forward. For the analysis, NewGen reviewed publicly available information on EV rates for municipal utilities in Texas to develop a benchmark; however, most of the smaller electric utilities reviewed do not currently have separately identified EV charging rates. NewGen also reviewed historical hourly wholesale power price data from the Electric Reliability Council of Texas (ERCOT) to determine the extent to which a cost basis exists during on- and off-peak periods as a proxy for the City's current wholesale power costs from the Lower Colorado River Authority (LCRA).

City Policies

The City indicated that it is aware of a few EV chargers being installed at locations within its jurisdiction, specifically at the local grocery store and a number of automotive dealerships. The City indicated that it would prefer to have a meter located at each public EV charging station and require the customer at the EV charging station to be responsible for all the initial upfront costs of infrastructure from the transformer to the meter. The City would then be responsible for all maintenance and repair costs of the infrastructure. NewGen finds this policy preference to be fair and equitable as the customer's investment in the initial infrastructure will eliminate the need for the City to recover the fixed costs of the new infrastructure through an electric rate mechanism. This proposed EV requirement is consistent with the City's Line Extension Policy which requires non-residential customers to be charged for necessary electric infrastructure for new loads. Further, the City's current electric tariffs will properly collect the costs needed to maintain and repair the infrastructure over time.

The City's current rate structures do not include demand charges (\$/kilowatt [kW]) even for its larger customer classes. This structure benefits the City for EV charging as it allows the City to recover a portion of its fixed costs in its energy rate (in addition to the Monthly service charge). It also benefits EV chargers as it does not penalize low load factor load (EV chargers typically have load factors less than 10% during a month, given the current sporadic charging). If the City does measure demand for its larger customers, however, it would be a benefit to understand how the EV chargers are being utilized.

Memorandum

Ms. Debbie Gaffey
September 14, 2023
Page 2

Given that the City does not charge separately for its demand costs, it should consider charging the EV charger whatever rate the designed load would suggest (Large Commercial for example, if it is a Level 3 EV charger). The City should include language in the existing tariffs that ensures the applicable tariff for a new EV charging meter is based on the designed peak demand of the charger station rather than the monthly actual demand. This will ensure that the EV charging customers will remain in the same tariff regardless of the use of charging stations.

One issue with recovering most of the costs through an energy rate is the potential for variability in the costs incurred by the City to purchase power from its wholesale supplier LCRA. The City indicated that the LCRA power supply costs do vary, but it averages these costs in its power cost recovery charge. One concern is that if EV chargers add to the peak load of the City, and therefore result in higher overall costs, those costs would be borne by all system users. One potential solution would be to implement a time of use (TOU) rate for EV chargers. This would require specialized metering at those locations to record the hourly usage profile, as well as the corresponding hourly cost data from LCRA. By requiring a separate meter to be installed for all new EV charging customers, the City has flexibility to adopt TOU rates in the future without large changes to metering infrastructure.

In general, NewGen would recommend that the City require a separate meter for EV charging to be billed on the existing electric tariffs with the provision that the rate applicability is based on the designed peak demand of the EV charging station. With this structure, if the City decided to implement a TOU rate in the future, it could upgrade its metering systems to accommodate accordingly.

Benchmarking Electric Vehicle Rates

NewGen explored electric utilities in the state of Texas to find published tariffs for EV charging in other areas of the state. The electric utilities that currently have EV charging tariffs are Austin Energy, CPS Energy, Denton Municipal Electric, City of Georgetown, and Pedernales Electric Cooperative. These utilities have separately published tariffs for EV charging while EV charging for the remaining benchmarked utilities is assumed to be done behind the meter on a customer's existing commercial, industrial, or residential tariff. The types of EV charging rates for the benchmarked utilities are summarized below.

Austin Energy

- Public EV Charging Program:
 - Subscription service option for Levels 1 and 2 Chargers
 - Unlimited Charging \$23.095/six months
 - Non-subscription service option
 - Level 2 Charging: \$0.03/minute
 - DC Fast Charging: \$0.21/minute
- Residential EV360 Charging (Pilot Program):
 - Separate Residential meter with customer charge and free off-peak charging

Memorandum

Ms. Debbie Gaffey
September 14, 2023
Page 3

- Summer On-Peak Charging: \$0.40/kilowatt hour (kWh)
- Winter On-Peak Charging: \$0.14/kWh
- Commercial Fleet and EV Charging (Pilot Program):
 - Applies to single meter point with 90% of load attributed to EV Charging
 - Includes customer charge, \$9/kW demand charge, and all other applicable charges on the commercial rate (power supply charge, public benefit charge, regulatory charge, etc.)

CPS Energy

- FlexEV Public Charging Program:
 - Subscription service option for ChargePoint charging stations
 - Unlimited Charging \$96/year
 - Pay as you go option
 - Minimum charge per session: \$3.00
 - Off-Peak Charging: \$1.50/hour
 - On-Peak Charging: \$2.00/hour
 - On-Peak Period: 4:00 p.m.–9:00 p.m.

Denton Municipal Electric

- Electric Vehicle Charging Rate:
 - Applicable to vehicles charging at DME-owned and operated Level 2 Chargers
 - \$0.04/minute

City of Georgetown

- Electric Vehicle Charging Rate for Large Load:
 - Existing Large Demand Rate
 - Demand Ratchet to ensure fixed cost recovery

Pedernales Electric Cooperative

- Applicable to vehicles charging on PEC-owned and operating charging stations
- Rate is billed on \$/kwh and includes:
 - Delivery Charge: \$0.028405/kwh
 - Base Power Charge, TCOS Pass Through Charge, and Temporary Winter Storm Surcharge (all charges are \$/kWh)

Memorandum

Ms. Debbie Gaffey
September 14, 2023
Page 4

- Service Applicability Charge: Calculated as 10% of the above charges

Utilities Reviewed that Did Not Have EV Charging Rates (Publicly Available)

Utilities Reviewed without EV Charging Rates

▪ Bartlett	▪ Granbury
▪ Bastrop	▪ Hallettsville
▪ Beville	▪ Hempstead
▪ Blue Bonnett REA	▪ Jasper
▪ Boerne	▪ Kerrville PUB
▪ Bowie	▪ La Grange
▪ Brady	▪ Lampasas
▪ Bridgeport	▪ Lexington
▪ Brownfield	▪ Livingston
▪ Bryan	▪ Llano
▪ Burnet	▪ Lockhart
▪ Caldwell	▪ Lubbock Power and Light
▪ Castroville	▪ Luling
▪ City of Electra	▪ Mason
▪ City of Hondo	▪ Moulton
▪ City of Kirbyville	▪ New Braunfels
▪ City of Liberty	▪ Robstown Utility
▪ City of Newton	▪ San Augustine
▪ Coleman	▪ San Marcos
▪ College Station	▪ San Saba
▪ Cuero	▪ Sanger
▪ Farmersville	▪ Schulenburg
▪ Fayette Electric Cooperative	▪ Seguin
▪ Flatonia	▪ Seymour
▪ Floresville Electric Light & Power	▪ Siner
▪ Floydada	▪ Smithville
▪ Fredericksburg	▪ Timpson
▪ Garland Power and Light	▪ Tulia
▪ Georgetown Utility Systems	▪ Waelder
▪ GEUS	▪ Weatherford
▪ Giddings	▪ Weimer
▪ Goldsmith	▪ Whitesboro
▪ Goldthwaite	▪ Yoakum
▪ Gonzales	

Memorandum

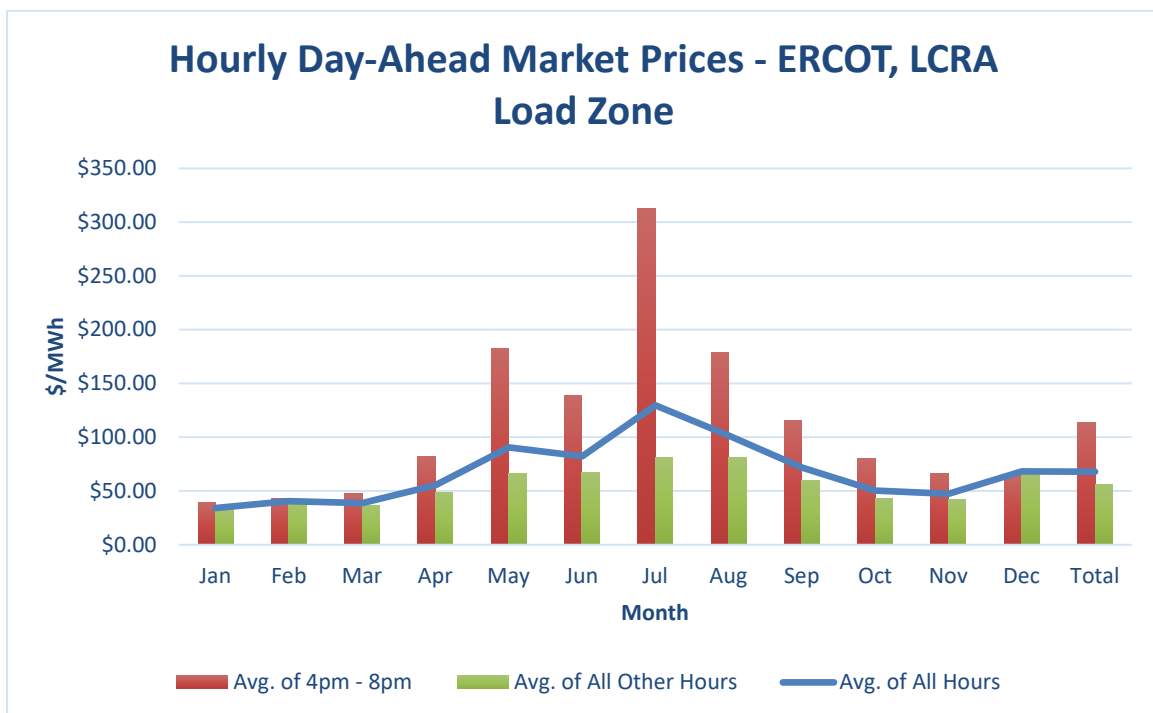
Ms. Debbie Gaffey
September 14, 2023
Page 5

2022 Annual Average Market Price

NewGen analyzed ERCOT Day-Ahead Pricing data to provide insight for a potential EV Charging Rate for the City. The hourly ERCOT Day-Ahead Market Prices for the year 2022 at the LCRA Load Zone were analyzed to find time periods in the year which show increased market prices and therefore may signal the need for a TOU pricing element in the EV Charging Rate. Based on the hourly market prices in this initial analysis as summarized below, NewGen recommends that seasonal and TOU pricing structures be explored further.

The average hourly day-ahead market price in 2022 at the LCRA Load Zone was \$67.83/megawatt hour (MWh). However, the months of May through September had an average hourly market price higher than average—ranging from an average price of \$71.72/MWh in September to \$129.65/MWh in June. Additionally, the average hourly market price between the hours of 2 p.m. and 9 p.m. was higher than \$67.83/MWh. Specifically, the time period from 4 p.m. to 8 p.m. experienced an average hourly market price over \$100/MWh. These prices suggest seasonal Summer/Winter periods and On-Peak/Off-Peak time periods should be included in the EV Charging Tariff to properly account for the hourly market prices at the LCRA Load Zone.

The graph below summarizes the average market prices during all hours of the day, between the 4 p.m. and 8 p.m. hours, and during all hours of the day outside of 4 p.m. to 8 p.m. for each month of 2022.



Memorandum

Ms. Debbie Gaffey
September 14, 2023
Page 6

The day-ahead market prices summarized above are for all days of 2022, including holidays and weekends. Further analysis of this market pricing data will be completed by NewGen as the development of the EV Charging Tariff continues.

Recommendations

At this time, NewGen recommends the following for the City's Public EV Charging Customers:

- Customers should install a separate meter for the EV charging station(s).
- Customers should take responsibility for the initial infrastructure costs.
 - Initial infrastructure costs include the cost of the transformer, associated infrastructure from the transformer to the meter, and the installation of these items.
- The City should take responsibility for the maintenance and repair of the newly installed infrastructure.
- The City should consider an EV Charging Rate to include a TOU component with a price differential between "On-Peak" and "Off-Peak" periods.
 - Based on the adoption and use of Public EV Charging Stations and the LCRA power supply costs, the City should evaluate the charging data as it becomes available and consider a TOU-based EV Charging rate for the future.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ELECTRIC RATE TARIFF SCHEDULES FOR ELECTRIC SERVICES FOR THE CITY OF BRENHAM, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE:

WHEREAS, the City Council for the City of Brenham, Texas ("City Council") deems it necessary to change the rates charged for electric services to its customers in order to provide for conditions of utility service which promote health, safety, and welfare of the citizens of Brenham, Texas.

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

SECTION I

The City Council of the City of Brenham, Texas does hereby adopt the Electric Rate Schedules for electric services set forth in the attached Exhibit "A" and Exhibit "B", which is made a part hereof for all purposes pertinent, to be effective with utility billing occurring on or after October 12, 2023.

SECTION II

This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas. The implementation of rates as forth herein and on the attached Exhibit "A" and Exhibit "B" shall be effective with utility billing occurring on and after October 12, 2023.

PASSED AND APPROVED, on its first reading this the ____ day of September, 2023.

PASSED AND APPROVED, on its second reading this the ____ day of October, 2023.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT "A"
CITY OF BRENHAM
200 WEST VULCAN STREET * P.O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	400	434
TARIFF	SECTION NO.	SHEET NO.
ELECTRIC RATE SCHEDULE	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	

ELECTRIC VEHICLE (EV) CHARGING STATIONS

RATE CLASS SCHEDULE E-G-EV

APPLICABILITY

This rate is applicable to customers receiving electric service for any purpose other than use in individually metered residential dwelling and includes service to temporary service installation.

AVAILABILITY

This tariff applies to Electric Vehicle (EV) charging stations used for public (retail) charging services and private fleet charging services. The tariff does not apply to non-retail, Level 1 or 2 residential (home) charging stations or commercial charging stations established prior to the effective date of this tariff.

MONTHLY CHARGES

The monthly rates shall be the sum of the following charges:

Type of Charge	Description	Charge
Customer charge	Customer charge for customer receiving three-phase service	The rate applicability will be based on design peak demand.
Distribution wires charge	Charges for distribution service	The rate applicability will be based on design peak demand.
Energy charge	Charge for energy supply and transmission cost	\$.075 / KWh
Power cost recovery charge	Charge for adjustments and generation and transmission	monthly

- EV Charging Stations for Retail Public Use or Private Fleet Use require a dedicated electric meter.
- The City reserves the right to implement time-based rates in the future for EV charging stations, as appropriate and based on costs incurred from its wholesale power supplier.
- The City of Brenham will use industry standards for sizing transformers and equipment based on the EV Charging Station's peak demand design load. The costs for new services or upsizing existing services for EV Charging Station is described in Section 400 Sheet 495 of the Electric Tariff.
- Customer must provide the City with the design documents for the EV charging station that clearly states the total electric design load.
- Transformers may not exceed 2,000 KVA.
- Costs for new electric services will be as described in the City Electric Rate Section, Section 400, Sheet 495, as amended.

MINIMUM MONTHLY CHARGES

The minimum monthly bill shall be the customer charge.

EXHIBIT "A"
CITY OF BRENHAM
200 WEST VULCAN STREET * P.O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	400	435
TARIFF	SECTION NO.	SHEET NO.
ELECTRIC RATE SCHEDULE	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	

BILLING ADJUSTMENTS

1. In addition to base charges, the customer shall be billed for all taxes applicable to the sale of electricity.
2. If ownership or operation of a facility changes, the new customer shall assume the prior billing history and the account shall remain in the pre-existing rate category. The new customer shall not be billed under the Small General Service Rate until the facilities receiving service have established billing KW demand below thirty (30) KW for eleven (11) consecutive months, unless the customer can demonstrate that the characteristic of service has changed.

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next work day. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Electric service supplied under this rate schedule shall be 60 cycle alternating current delivered at a single point of service to be designated by the City, at the City's choice of the following standard voltage:

120/208	volts, three phase
277/480	volts, three phase

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premise. If a power line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
3. The customer shall control voltage fluctuations caused by his equipment at his expense. A customer's equipment shall not cause voltage fluctuations that exceed 1% on the City's primary distribution system.
4. A power factor penalty may be assessed if the necessary equipment for determining power

EXHIBIT "A"

CITY OF BRENHAM

200 WEST VULCAN STREET * P.O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

factor is installed and if the power factor during the coincident peak KW demand period is less than 0.95.

The power factor penalty shall be calculated by increasing the measured coincident peak KW billing demand such that the corrected billing demand and measured KVAR yield a calculated power factor of 0.95. If the measured power factor is 0.95 or greater, the billing KW demand shall be the KW demand in accordance with the appropriate schedule.

The additional metering equipment necessary to measure or compute KVAR or power factor may be installed at any demand metered customer without notice at the discretion of the City.

EXHIBIT B

CITY OF BRENHAM
200 WEST VULCAN STREET * P.O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	400	495
TARIFF	SECTION NO.	SHEET NO.
ELECTRIC RATE SCHEDULE	OCTOBER 12, 2023	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change Effective May 4, 2023)

DISCONNECTS/RECONNECTS EXISTING SERVICES

For disconnects/reconnects for existing the following service fees will apply:

Service	Normal Business Hours	All Other Hours
Meter pulling and reinstalling (200 amp or less)	\$50.00	\$75.00
Service wire disconnect/reconnect	\$100.00	\$150.00

Customers requesting a meter pulled and reconnected for the same day after 4:00 PM may be offered to be connected or reconnected on the next day that is either not a City holiday or weekend. The Utility reserves the right to delay requested connections during weekends and City of Brenham holidays.

OVERHEAD / UNDERGROUND UPSIZING AND/OR DAMAGES

No electric service will be provided by City greater than 100 feet distance from the transformer (or adequate size secondary) to the meter. The Utility, at its discretion, may allow a 10% variance. Any request for upsizing a service line shall be at cost. Repairs to a damaged service line caused by customer or contractor shall be at cost.

NEW SERVICES

For New Services customers, will be charged as follows:

Class	Overhead	Underground
Residential-Single Family Lot	\$ 800.00	\$ 1050.00
All Other	Actual Cost	Actual Cost

Residential cost is based on one utility pole and one transformer. Additional poles will be charged at the actual cost.

Fees, Exclusions, Miscellaneous:

- The service cost shall be calculated by the City on the basis of new facilities, regardless of existing installations.
- Costs for boring and casing will be added based on actual costs and will not be subject to cost sharing.
- General requirements for any new electric service connection, use of right-of-way, and design requirements can be found in the City of Brenham Public Infrastructure Design Manual.
- The Utility will neither start work nor will the Utility order materials until it receives full payment.
- The fees for service not specifically addressed in this Tariff will be charged in the amount of the actual cost of performing the service.
- Equipment, facilities, and all other improvements provided through and under this policy will be owned by the Utility. Payment for extension of service does not imply any ownership rights by the Customer for Utility owned facilities.



Regular City Council
AGENDA ITEM 14.

Agenda Item: Discuss and Possibly Act Upon Resolution No. R-23-036
Appointing Robin Hutchens as Deputy City Secretary

Meeting Type: Regular Meeting-September 21, 2023

Department: Administration

Staff Contact: Jeana Bellinger

SUMMARY STATEMENT:

Robin joined the City Secretary's Office on August 28th as Deputy City Secretary; however, in accordance with City policy, the City Council must formally appoint her.

Robin joined the City of Brenham in 2017 as a part time Assistant in Human Resources. She was promoted to Animal Services Specialist in 2018 and was promoted again in 2020 to Purchasing Specialist. Robin's work ethic, attention to detail, and positive attitude will make her a great asset to the City Secretary's Office!

ATTACHMENTS:

(1) Resolution No. R-23-036

RECOMMENDED ACTION:

Approve Resolution No. R-23-036 appointing Robin Hutchens as Deputy City Secretary.

RESOLUTION NO. R-23-036

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS APPOINTING ROBIN HUTCHENS AS DEPUTY CITY SECRETARY; ESTABLISHING OTHER TERMS AND CONDITIONS RELATED TO THE DEPUTY CITY SECRETARY POSITION.

WHEREAS, the City Council desires to plan for situations in which the City Secretary is unable to or refuses to exercise the powers and perform the duties of the office of City Secretary; and

WHEREAS, Article III, Section 23 of the Brenham City Charter provides that the City Council may create such appointive offices as the City Council deems advisable; and

WHEREAS, the City Council desires to appoint a Deputy City Secretary to exercise the powers and perform the duties of the City Secretary in the event the City Secretary is unable or refuses to carry out the powers and duties of the City Secretary; and

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

1. Robin Hutchens be appointed Deputy City Secretary and shall exercise the powers and perform the duties of the office of City Secretary in the event that the City Secretary is unable or refuses to carry out the powers and duties of the City Secretary.
2. The Deputy City Secretary shall possess all of the powers and duties of the Office of City Secretary when exercising the powers and performing the duties of the City Secretary as authorized herein.

RESOLVED this the 21st day of September, 2023.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



Regular City Council
AGENDA ITEM 15.

Agenda Item: Discuss and Possibly Act Upon RFP No. 23-006 Related to the Hohlt Park Synthetic Turf Improvement Project and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-September 21, 2023

Department: Public Works

Staff Contact: Dane Rau

SUMMARY STATEMENT:

On August 29th, 2023, the City of Brenham along with CEI Engineering opened Request for Proposals for converting four softball infields to turf at Hohlt Park. This item was targeted in the 2022-23 BCDC budget and planned for several years now.

With the many softball tournaments that Brenham hosts and the high usage it is important to convert these infields to turf. It also helps Brenham compete for tournaments by offering a solid guarantee that rainouts will be almost eliminated, and games can be played. This is huge for economic factors and consistency of booking fields.

We received a total of 8 RFP's. Only 4 of these met the specifications required in the RFP. We had a committee consisting of Stephanie Doland, Kyle Branham, Casey Redman, Dane Rau, and Dusty Robinson (Parks Board Member) score the RFP's based on (1.) Price-40 pts, (2.) Reputation with Other Projects- 20 pts, (3.) Ability to meet Timeline-20 pts. (4.) Extent to which Goods and Services Meet Owner's Needs- 20 pts.

The results came back with TGS being the top company, scoring 460 pts. We have checked references on TGS Sports, and all have come back positive. They have done fields for West-Orange Stark, Dallas Independent School District and Owasso, Oklahoma to name a few. We would like to award the RFP to TGS Sports and work with them to start conversion in early November. The total project costs for all 4 infields, drainage work, and 4 bullpens is \$1,096,470.00.

This will be paid strictly from BCDC sales tax revenues generated in 2022-23. If approved, we will work with TGS to make this project a reality. Other RFPs were very close, ranging from \$1,096,470-\$1,907,388.

We did break the bid down into a base bid and two alternates just to give us more options and it was decided to convert all 4 fields at one-time to save on bidding again, mobilization, and price escalations.

ATTACHMENTS:

- (1) Project Proposal Evaluation
- (2) Rating Sheet Scores

RECOMMENDED ACTION:

Award RFP No. 23-006 to TGS Sports, in the amount of \$1,096,470.00, for to the Hohlt Park Synthetic Turf Improvement Project and authorize the Mayor to execute any necessary documentation.

Criteria Description	Points Available	TGS Sports	Sports Fields Inc.	Callier Construction	Symmetry Sports Construction	RS3	FieldTurf	Hellas Construction	Paragon Sports Construction
Proposal Bond	Yes/No	Yes	Yes	No	No	Yes	Yes	Yes	Yes
Adenda No.1 & No.2 Acknowledged	Yes/No	Yes	Yes	Yes	Yes	No	No	Yes	Yes
Base Proposal Price - North Fields and Bull Pens		\$ 547,770.00	\$ 608,676.00					\$ 636,900.00	\$ 984,810.00
Alternate Proposal No.1 - Southwest Field		\$ 279,700.00	\$ 275,382.00					\$ 305,500.00	\$ 465,352.00
Alternate Proposal No.2 - Southeast Field		\$ 269,000.00	\$ 275,382.00					\$ 305,500.00	\$ 457,226.00
Price of Owner's Selection		1,096,470.00	1,159,440.00					1,247,900.00	1,907,388.00
Price	40								
Reputation of Contractor and Contractor's experience record with projects similar to the scope of this project.	20								
Contractor's ability to meet timeline	20								
Extent To Which Good's & Services Meet Owner Needs	20								
Total Points	100								
RANK				Non-Conforming	Non-Conforming	Non-Conforming	Non-Conforming		



RFP 23-006 Hohlt Park Synthetic Turf Improvements Rating Sheet Totals

Committee Member	Pick	TGS	Sports Field	Hellas	Paragon Sports
Dane Rau	TGS	99	90	92	85
Stephanie Doland	TGS	98	86	80	76
Dusty Robinson	Hellas	70	65	85	60
Casey Redman	TGS	98	94	92	90
Kyle Branham	TGS	95	89	90	83
Total Scores		460	424	439	394



Regular City Council
AGENDA ITEM 17.

Agenda Item: Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Aviators Plus, LLC v. City of Brenham, Texas; Cause No. 37896; 21st Judicial District Court, Washington County, Texas

Meeting Type: Regular Meeting-September 21, 2023

Department: Administration

Staff Contact: Carolyn Miller

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDED ACTION:

No action - Executive Session discussion only.