NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, SEPTEMBER 7, 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 - Mayor Pro Tem Clint Kolby

3. Proclamations

- **Albert and Emma Wright - 50 Years of Ministry**
- **Constitution Week**

4. Service Recognitions

- **Stephanie Doland, Development Services - 5 Years**
- **Ashley Burns, Police Department - 10 Years**
- **Brian Smith, Street Department - 15 Years**

5. Citizens Comments

PUBLIC HEARING

6. Proposed Tax Rate of $0.4584 per $100.00 Valuation for Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024

7. **Proposed Budget for Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024**

   - **The FY2023-24 proposed budget for the City of Brenham will raise more revenue from total property taxes than last year's budget by an amount of $629,495.00, which is a 6.71 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is $210,319.00**

8. **Public Hearing to Consider 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)**
9. **Public Hearing to Consider 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)**

REGULAR SESSION

10. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Adopting the Budget for Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024**
11. **Discussion and Possible Action Upon Ratification of the Property Tax Increase Reflected in the Proposed Budget for Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024, Which Raises More Revenue from Property Taxes than Last Year's Budget**
12. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Levying Property Taxes for the Tax Year 2023 for the City of Brenham at $0.4584 per $100.00 Valuation**

13. **Discuss and Possibly Act Upon Resolution No. R-23-033 to Repeal Resolution No. R-21-017 Approving an Interfund Loan Between the City of Brenham Sanitation Fund and the City of Brenham Water Fund to Repay an Advancing Line of Credit with Bank of Brenham for the Raw Water Intake Structure Repair Project**
14. **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 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)**
15. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham 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)**
16. **Discuss and Possibly Act Upon Approval to Advance the Airport Master Plan for the City of Brenham's Municipal Airport for Review and Approval by the Texas Department of Transportation Aviation Division and Federal Aviation Administration and Authorize the Mayor to Execute Any Necessary Documentation**
17. **Discuss and Possibly Act Upon a Chapter 380 Agreement Between the City of Brenham and Academy, Ltd. d/b/a Academy Sports + Outdoors and Authorize the Mayor to Execute Any Necessary Documentation**
18. **Discuss and Possibly Act Upon Resolution No. R-23-034 Repealing and Rescinding Various Resolutions Related to the Mayoral Declaration of Local Disaster Due to A Public Health Emergency Related to the COVID-19 Pandemic**

19. **Administrative/Elected Officials Report**

Administrative/Elected Officials Reports: Reports from City Officials or City staff regarding items of community interest, including expression of thanks, congratulations or condolences; information regarding holiday schedules; honorary or 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

20. 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 07, 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 Friday, September 1, 2023 at 4:00 p.m.

Jeana Bellinger, TRMC, CMC
City Secretary

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

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

__________________________________ ____________________________
Signature Title

PROCLAMATION

WHEREAS, On June 4, 2023, Pastor Albert Wright and First Lady Emma Wright celebrated fifty years of faithful service at New Life Church of God in Brenham, Texas. Friends and family gathered to celebrate and honor the couple; and

WHEREAS, Wright never considered a career as a pastor. He was working as a purchaser at a local medical facility, a job he still holds today when, in 1973, the pastor, Elder Nelson Taplin, was killed in an automobile accident. As Wright led the church through their sorrow, he heard and answered God's call, thus began fifty years of ministry as a bi-vocational pastor; and

WHEREAS, In 1981, he was ordained in the Church of God. Wright credits his strong support system of family and friends, and mentors like Pastor Taplin, Rev. V.V. Lister, Dr. Preston Ervin Sr., Rev. Dock Hancock, Rev. Willie Hughes, and Rev. Carl T. Crawford; and

WHEREAS, First Lady Wright is an integral part of the ministry and has enjoyed pastoring with her husband. She shares her secret to feeling blessed as: "It is because of God's Word and the power of prayer. When things get challenging, always go to God in prayer!"; and

WHEREAS, The City of Brenham and the Brenham community congratulate Pastor Albert Wright and First Lady Emma Wright on 50 years of successful and dedicated ministry,

NOW, THEREFORE, I, Atwood C. Kenjura, Mayor of the City of Brenham, do hereby proclaim Thursday, September 7, 2023, as

Pastor Albert and First Lady Emma Wright Day

____

Atwood C. Kenjura
Mayor

PROCLAMATION

WHEREAS, The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS, September 17, 2023, marks the two hundred and thirty-sixth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, It is fitting and proper to give official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE, I, Atwood C. Kenjura, Mayor of the City of Brenham, do hereby proclaim September 17 through September 23, 2023, as

Constitution Week

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

Atwood C. Kenjura
Mayor

Regular City Council
AGENDA ITEM 6.

Agenda Item: **Proposed Tax Rate of $0.4584 per $100.00 Valuation for Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024**

Meeting Type: Regular Meeting-September 07, 2023

Department: Finance

Staff Contact: Tim McRoberts

SUMMARY STATEMENT:

The Washington County Appraisal District has certified the taxable values for the 2023 Tax Year with an overall increase in property values of 11%. A property tax rate of $0.4584 per $100 valuation is being proposed to fund the FY2023-24 budget. Although the proposed rate of $0.4584 is more than a 1.5-cent decrease from the current rate of $0.4737, due to increased property values, the proposed rate is above the no-new revenue rate and will produce higher tax revenues. Therefore, a public hearing is required so that taxpayers may have the opportunity to express their views on the increase in tax revenues.

ATTACHMENTS:

(1) Memo from Strategic Budget Officer

RECOMMENDED ACTION:

Receive citizen comments regarding the proposed property tax rate.

MEMORANDUM

To: Mayor, Council and City Manager

From: Tim McRoberts
Strategic Budget Officer

Subject: Public Hearing on Proposed 2023 Tax Rate

Date: September 7, 2023

The proposed FY2023-24 budget was presented to Council at two Budget Workshops that were held on July 24th and 25th. The proposed budget is on the City's website and on file with the City Secretary.

A property tax rate of $0.4584 per $100 valuation is proposed to fund the FY2023-24 Budget. Of this rate, $0.3102 will be for maintenance and operations (M&O). The balance of $0.1482 is for debt service (interest and sinking or I&S). Based on the certified taxable values; $2,271,814,182, the no-new revenue tax rate is $0.4445 and the voter-approval rate is $0.4606 per $100 valuation for the 2023 Tax Year.

Although the proposed budget decreases the current property tax rate of $0.4737 to $0.4584, due to increased property values, this proposed tax rate is above the no-new revenue rate and will produce higher tax revenues. The following table compares the taxes imposed on the average residence homestead by the City of Brenham last year to the taxes proposed to be imposed on the average homestead this year.

Comparison Table	Tax Year		Change	
	2023	2024	Dollar	Percent
Total Tax Rate (per $100 of value)	$ 0.4737	$ 0.4584	$ (0.0153)	-3.23%
Average Homestead Taxable Value	$ 215,591	$ 239,681	$ 24,090	11.17%
Tax on Average Homestead	$ 1,021.25	$ 1,098.70	$ 77.44	7.58%
Total Tax Levy on all Properties	$ 9,545,969	$ 10,180,380	$ 634,411	6.65%

In compliance with the Property Tax Code, a governing body must hold a public hearing to receive citizen comments on a proposed property tax rate. The governing body may adopt the tax rate at the conclusion of the hearing.

Regular City Council
AGENDA ITEM 7.

Agenda Item: **Proposed Budget for Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024**

- **The FY2023-24 proposed budget for the City of Brenham will raise more revenue from total property taxes than last year's budget by an amount of $629,495.00, which is a 6.71 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is $210,319.00**

Meeting Type: Regular Meeting-September 07, 2023

Department: Finance

Staff Contact: Tim McRoberts

SUMMARY STATEMENT:

The FY2023-24 Proposed Budget for the City of Brenham includes appropriations of operating resources for 31 separate funds and authorizes $89.5 million in expenditures. For more detailed information, see the attached Proposed FY2023-24 Budget.

ATTACHMENTS:

(1) FY2023-24 Proposed Budget Combined Fund Summary Sheets
(2) FY2023-24 Proposed Budget Change Sheets

RECOMMENDED ACTION:

Receive citizen comments regarding the proposed FY2023-24 budget.

Notice of Public Hearing
on Proposed FY2023-24 Budget

A Public Hearing will be conducted to consider the FY2023-24 Proposed Budget for the City of Brenham. The Public Hearing will be held during the regular City Council meeting on Thursday, September 7, 2023, at 1:00 P.M. at City Hall, located at 200 W. Vulcan St, Brenham, TX 77833

The FY2023-24 Proposed Budget for the City of Brenham will raise more revenue from total property taxes than last year's budget by an amount of $629,495 which is a 6.71 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is $210,319.

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

IN $	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
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

IN $	102 OPERATIONS	122 SUPPLY	132 CAPITAL	TOTAL INTERNAL SERVICE FUNDS
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

CITY OF BRENHAM

CHANGES TO DRAFT FY 23-24 GENERAL FUND BUDGET
SINCE PRESENTATION CITY COUNCIL ON JULY 25, 2023

101 - General Fund

ORIGINAL PRESENTATION TO CITY COUNCIL ON JULY 25, 2023

		New Proposed Budget
Beginning Revenues	$	20,100,695
Beginning Expenditures	$	23,279,209
Transfers (In)/Out	$	(3,178,514)
Excess/(Use) of Unreserved Fund Balance	$	-

CHANGES MADE AFTER JULY 25, 2023

REVENUE CHANGES

Revenue projection presented to Council on July 25, 2023	**$**	**20,100,695**
Adjustments made after Presentation to Council:		
101-4-102.00 Ad Valorem (final NNR & VA tax rate calculations)	$	32,432
101-4-140 City Sales Tax	$	187,455
101-4-150 Utility Franchise Taxes	$	33,234
101-4-528.70 SRO Revenue BISD (new program)	$	(771,355)
Total Adjusted Revenues	**$**	**19,582,461**

EXPENDITURE CHANGES

Expenditures Presented to Council on July 25, 2023	**$**	**23,279,209**
Adjustments made after Presentation to Council on July 25, 2023		
5-100-860.22 Principal	$	145,250
5-100-860.23 Interest	$	3,413
5-121-424.00 Civic Plus Agenda Software	$	8,600
5-125-948.40 Christmas Stroll	$	10,000
5-144-948.40 Christmas Stroll	$	(10,000)
5-151-XXX.00 Police Dept SRO Officer (new positions)	$	(675,497)
Total Adjusted Expenditures	**$**	**22,760,975**

TRANSFER CHANGES

Transfers presented to Council on July 25, 2023	**$**	**(3,178,514)**
Adjustments made after Presentation to Council:		
	$	-
Total Adjusted Revenues	**$**	**(3,178,514)**

PROPOSED BUDGET SUMMARY AS AMENDED AFTER JULY 25, 2023

		New Proposed Budget
Total Revenues	$	19,582,461
Total Expenditures	$	22,760,975
Transfers (In)/Out	$	(3,178,514)
Excess/(Use) of Unreserved Fund Balance	$	-

CITY OF BRENHAM

CHANGES TO DRAFT FY 23-24 BUDGET
SINCE PRESENTATION CITY COUNCIL ON JULY 24, 2023

102 - Electric Fund

ORIGINAL PRESENTATION TO CITY COUNCIL ON JULY 24, 2023

		Proposed Budget
Beginning Revenues	$	7,799,430
Beginning Expenditures	$	6,498,343
Transfers (In)/Out	$	1,260,467
Excess/(Use) of Unreserved Fund Balance	$	40,620

CHANGES MADE AFTER JULY 24, 2023

REVENUE CHANGES

Revenue projection presented to Council on July 24, 2023	**$**	**7,799,430**
Adjustments made after Presentation to Council:		
Total Adjusted Revenues	**$**	**7,799,430**

EXPENDITURE CHANGES

Expenditures Presented to Council on July 24, 2023	**$**	**6,498,343**
Adjustments made after Presentation to Council on July 24, 2023		
102-5-XXX-101.00 Salaries	$	11,721
Total Adjusted Expenditures	**$**	**6,510,064**

TRANSFER CHANGES

Transfers presented to Council on July 24, 2023	**$**	**1,260,467**
Adjustments made after Presentation to Council:		
102-6-000-XXX.00 Transfers In from Utilities	$	(660)
Total Adjusted Revenues	**$**	**1,259,807**

PROPOSED BUDGET SUMMARY AS AMENDED AFTER JULY 24, 2023

		New Proposed Budget
Total Revenues	$	7,799,430
Total Expenditures	$	6,510,064
Transfers (In)/Out	$	1,259,807
Excess/(Use) of Unreserved Fund Balance	$	29,559

CITY OF BRENHAM

CHANGES TO DRAFT FY 23-24 BUDGET

SINCE PRESENTATION CITY COUNCIL ON JULY 24, 2023

103 - Gas Fund

ORIGINAL PRESENTATION TO CITY COUNCIL ON JULY 24, 2023

		Proposed Budget
Beginning Revenues	$	1,746,298
Beginning Expenditures	$	1,246,928
Transfers (In)/Out	$	548,283
Excess/(Use) of Unreserved Fund Balance	$	(48,913)

CHANGES MADE AFTER JULY 24, 2023

REVENUE CHANGES

Revenue projection presented to Council on July 24, 2023	**$**	**1,746,298**
Adjustments made after Presentation to Council:		
Total Adjusted Revenues	**$**	**1,746,298**

EXPENDITURE CHANGES

Expenditures Presented to Council on July 24, 2023	**$**	**1,246,928**
Adjustments made after Presentation to Council on July 24, 2023		
103-5-XXX-101.00 Salaries	$	8,226
Total Adjusted Expenditures	**$**	**1,255,154**

TRANSFER CHANGES

Transfers presented to Council on July 24, 2023	**$**	**548,283**
Adjustments made after Presentation to Council:		
103-6-000-XXX.00 Transfers In from Utilities	$	(189)
Total Adjusted Revenues	**$**	**548,094**

PROPOSED BUDGET SUMMARY AS AMENDED AFTER JULY 24, 2023

		New Proposed Budget
Total Revenues	$	1,746,298
Total Expenditures	$	1,255,154
Transfers (In)/Out	$	548,094
Excess/(Use) of Unreserved Fund Balance	$	(56,950)

CITY OF BRENHAM

CHANGES TO DRAFT FY 23-24 BUDGET

SINCE PRESENTATION CITY COUNCIL ON JULY 24, 2023

104 - Water Fund

ORIGINAL PRESENTATION TO CITY COUNCIL ON JULY 24, 2023

		Proposed Budget
Beginning Revenues	$	5,653,608
Beginning Expenditures	$	4,979,073
Transfers (In)/Out	$	580,462
Excess/(Use) of Unreserved Fund Balance	$	94,073

CHANGES MADE AFTER JULY 24, 2023

REVENUE CHANGES

Revenue projection presented to Council on July 24, 2023	**$**	**5,653,608**
Adjustments made after Presentation to Council:		
104-4603.00 Water Utility Revenues (Water Rate Increase)	$	474,767
Total Adjusted Revenues	**$**	**6,128,375**

EXPENDITURE CHANGES

Expenditures Presented to Council on July 24, 2023	**$**	**4,979,073**
Adjustments made after Presentation to Council on July 24, 2023		
104-5-XXX-101.00 Salaries	$	47,764
104-5-100-860.11 Interest	$	187,100
104-5-100-860.15 Principal	$	75,763
104-5-163-814.00 SCADA/Communications	$	23,054
104-5-100-904.00 Gross Revenue Tax	$	33,234
Total Adjusted Expenditures	**$**	**5,345,988**

TRANSFER CHANGES

Transfers presented to Council on July 24, 2023	**$**	**580,462**
Adjustments made after Presentation to Council:		
104-6-000-XXX.00 Transfers In from Utilities	$	(199,428)
Total Adjusted Revenues	**$**	**381,034**

PROPOSED BUDGET SUMMARY AS AMENDED AFTER JULY 24, 2023

		New Proposed Budget
Total Revenues	$	6,128,375
Total Expenditures	$	5,345,988
Transfers (In)/Out	$	381,034
Excess/(Use) of Unreserved Fund Balance	$	401,353

CITY OF BRENHAM
CHANGES TO DRAFT FY 23-24 BUDGET
SINCE PRESENTATION CITY COUNCIL ON JULY 24, 2023

105 - Wastewater Fund

ORIGINAL PRESENTATION TO CITY COUNCIL ON JULY 24, 2023

		Proposed Budget
Beginning Revenues	$	4,270,207
Beginning Expenditures	$	3,256,471
Transfers (In)/Out	$	412,531
Excess/(Use) of Unreserved Fund Balance	$	601,205

CHANGES MADE AFTER JULY 24, 2023

REVENUE CHANGES

Revenue projection presented to Council on July 24, 2023	**$**	**4,270,207**
Adjustments made after Presentation to Council:		
Total Adjusted Revenues	**$**	**4,270,207**

EXPENDITURE CHANGES

Expenditures Presented to Council on July 24, 2023	**$**	**3,256,471**
Adjustments made after Presentation to Council on July 24, 2023		
105-5-XXX-101.00 Salaries	$	46,458
105-5-100-860.11 Interest	$	195,320
105-5-100-860.15 Principal	$	163,980
Total Adjusted Expenditures	**$**	**3,662,229**

TRANSFER CHANGES

Transfers presented to Council on July 24, 2023	**$**	**412,531**
Adjustments made after Presentation to Council:		
102-6-000-XXX.00 Transfers In from Utilities	$	200,310
Total Adjusted Revenues	**$**	**612,841**

PROPOSED BUDGET SUMMARY AS AMENDED AFTER JULY 24, 2023

		New Proposed Budget
Total Revenues	$	4,270,207
Total Expenditures	$	3,662,229
Transfers (In)/Out	$	612,841
Excess/(Use) of Unreserved Fund Balance	$	(4,863)

CITY OF BRENHAM

CHANGES TO DRAFT FY 23-24 BUDGET
SINCE PRESENTATION CITY COUNCIL ON JULY 25, 2023

106 - Sanitation

ORIGINAL PRESENTATION TO CITY COUNCIL ON JULY 25, 2023

		Proposed Budget
Beginning Revenues	$	2,673,113
Beginning Expenditures	$	2,537,940
Transfers (In)/Out	$	282,809
Excess/(Use) of Unreserved Fund Balance	$	(147,636)

CHANGES MADE AFTER JULY 25, 2023

REVENUE CHANGES

Revenue projection presented to Council on July 25, 2023	**$**	**2,673,113**
Adjustments made after Presentation to Council:		
106-4-710.35 Interest Income Note Received (Water Loan)	$	(15,000)
Total Adjusted Revenues	**$**	**2,658,113**

EXPENDITURE CHANGES

Expenditures Presented to Council on July 25, 2023	**$**	**2,537,940**
Adjustments made after Presentation to Council on July 25, 2023		
Total Adjusted Expenditures	**$**	**2,537,940**

TRANSFER CHANGES

Transfers presented to Council on July 25, 2023	**$**	**282,809**
Adjustments made after Presentation to Council:		
Total Adjusted Revenues	**$**	**282,809**

PROPOSED BUDGET SUMMARY AS AMENDED AFTER JULY 25, 2023

		New Proposed Budget
Total Revenues	$	2,658,113
Total Expenditures	$	2,537,940
Transfers (In)/Out	$	282,809
Excess/(Use) of Unreserved Fund Balance	$	(162,636)

CITY OF BRENHAM

CHANGES TO DRAFT FY 23-24 BUDGET
SINCE PRESENTATION CITY COUNCIL ON JULY 25, 2023

118 - DEBT

ORIGINAL PRESENTATION TO CITY COUNCIL ON JULY 25, 2023

		Proposed Budget
Beginning Revenues	$	3,097,497
Beginning Expenditures	$	3,097,497
Transfers (In)/Out	$	-
Excess/(Use) of Unreserved Fund Balance	$	-

CHANGES MADE AFTER JULY 25, 2023

REVENUE CHANGES

Revenue projection presented to Council on July 25, 2023	**$**	**3,097,497**
Adjustments made after Presentation to Council:		
118-4-130.00 Penalty & Interest	$	(5,000)
118-4-183.00 Ad Valorem (final NNR & VA tax rate calculations)	$	(45,941)
118-4-513.00 Interest	$	(1,559)
Total Adjusted Revenues	**$**	**3,044,997**

EXPENDITURE CHANGES

Expenditures Presented to Council on July 25, 2023	**$**	**3,097,497**
Adjustments made after Presentation to Council on July 25, 2023		
118-5-100-421.00 Bond Paying Agent Fees	$	2,000
Total Adjusted Expenditures	**$**	**3,099,497**

TRANSFER CHANGES

Transfers presented to Council on July 25, 2023	**$**	**-**
Adjustments made after Presentation to Council:		
Total Adjusted Revenues	**$**	**-**

PROPOSED BUDGET SUMMARY AS AMENDED AFTER JULY 25, 2023

		New Proposed Budget
Total Revenues	$	3,044,997
Total Expenditures	$	3,099,497
Transfers (In)/Out	$	-
Excess/(Use) of Unreserved Fund Balance	$	(54,500)

CITY OF BRENHAM

CHANGES TO DRAFT FY 23-24 BUDGET
SINCE PRESENTATION CITY COUNCIL ON JULY 24, 2023

134 - Water Capital Fund

ORIGINAL PRESENTATION TO CITY COUNCIL ON JULY 24, 2023

		Proposed Budget
Beginning Revenues	$	273,708
Beginning Expenditures	$	271,208
Transfers (In)/Out	$	-
Excess/(Use) of Unreserved Fund Balance	$	2,500

CHANGES MADE AFTER JULY 24, 2023

REVENUE CHANGES

Revenue projection presented to Council on July 24, 2023	**$**	**273,708**
Adjustments made after Presentation to Council:		
Bond Proceeds (Balance sheet item)	$	5,085,000
Total Adjusted Revenues	**$**	**5,358,708**

EXPENDITURE CHANGES

Expenditures Presented to Council on July 24, 2023	**$**	**271,208**
Adjustments made after Presentation to Council on July 24, 2023		
134-5-100-XXX Capital Outlay	$	5,085,000
Total Adjusted Expenditures	**$**	**5,356,208**

TRANSFER CHANGES

Transfers presented to Council on July 24, 2023	**$**	**-**
Adjustments made after Presentation to Council:		
Total Adjusted Revenues	**$**	**-**

PROPOSED BUDGET SUMMARY AS AMENDED AFTER JULY 24, 2023

		New Proposed Budget
Total Revenues	$	5,358,708
Total Expenditures	$	5,356,208
Transfers (In)/Out	$	-
Excess/(Use) of Unreserved Fund Balance	$	2,500

CITY OF BRENHAM

CHANGES TO DRAFT FY 23-24 BUDGET

SINCE PRESENTATION CITY COUNCIL ON JULY 24, 2023

135 - Wastewater Capital Fund

ORIGINAL PRESENTATION TO CITY COUNCIL ON JULY 24, 2023

		Proposed Budget
Beginning Revenues	$	3,176,912
Beginning Expenditures	$	4,962,178
Transfers (In)/Out	$	(828,000)
Excess/(Use) of Unreserved Fund Balance	$	(957,266)

CHANGES MADE AFTER JULY 24, 2023

REVENUE CHANGES

Revenue projection presented to Council on July 24, 2023	**$**	**3,176,912**
Adjustments made after Presentation to Council:		
Bond Proceeds (Balance sheet item)	$	4,883,000
Total Adjusted Revenues	**$**	**8,059,912**

EXPENDITURE CHANGES

Expenditures Presented to Council on July 24, 2023	**$**	**4,962,178**
Adjustments made after Presentation to Council on July 24, 2023		
135-5-100-XXX Capital Outlay	$	2,337,143
Total Adjusted Expenditures	**$**	**7,299,321**

TRANSFER CHANGES

Transfers presented to Council on July 24, 2023	**$**	**(828,000)**
Adjustments made after Presentation to Council:		
Total Adjusted Revenues	**$**	**(828,000)**

PROPOSED BUDGET SUMMARY AS AMENDED AFTER JULY 24, 2023

		New Proposed Budget
Total Revenues	$	8,059,912
Total Expenditures	$	7,299,321
Transfers (In)/Out	$	(828,000)
Excess/(Use) of Unreserved Fund Balance	$	1,588,591

CITY OF BRENHAM

CHANGES TO DRAFT FY 23-24 BUDGET

SINCE PRESENTATION CITY COUNCIL ON JULY 25, 2023

249 - Tourism

ORIGINAL PRESENTATION TO CITY COUNCIL ON JULY 25, 2023

		Proposed Budget
Beginning Revenues	$	699,500
Beginning Expenditures	$	1,636,879
Transfers (In)/Out	$	(925,000)
Excess/(Use) of Unreserved Fund Balance	$	(12,379)

CHANGES MADE AFTER JULY 25, 2023

REVENUE CHANGES

Revenue projection presented to Council on July 25, 2023	**$**	**699,500**
Adjustments made after Presentation to Council:		
Total Adjusted Revenues	**$**	**699,500**

EXPENDITURE CHANGES

Expenditures Presented to Council on July 25, 2023	**$**	**1,636,879**
Adjustments made after Presentation to Council on July 25, 2023		
	$	-
249-5-100-312.00 Buildings/Appliances	$	17,500
249-5-100-408.00 Rentals and Leases	$	(30,000)
249-5-100-815.00 Other Capital	$	12,500
Total Adjusted Expenditures	**$**	**1,636,879**

TRANSFER CHANGES

Transfers presented to Council on July 25, 2023	**$**	**(925,000)**
Adjustments made after Presentation to Council:		
Total Adjusted Revenues	**$**	**(925,000)**

PROPOSED BUDGET SUMMARY AS AMENDED AFTER JULY 25, 2023

		New Proposed Budget
Total Revenues	$	699,500
Total Expenditures	$	1,636,879
Transfers (In)/Out	$	(925,000)
Excess/(Use) of Unreserved Fund Balance	$	(12,379)

CITY OF BRENHAM

CHANGES TO DRAFT FY 23-24 BUDGET
SINCE PRESENTATION CITY COUNCIL ON JULY 25, 2023

250 - BCDC

ORIGINAL PRESENTATION TO CITY COUNCIL ON JULY 25, 2023

		Proposed Budget
Beginning Revenues	$	2,627,849
Beginning Expenditures	$	956,825
Transfers (In)/Out	$	2,516,780
Excess/(Use) of Unreserved Fund Balance	$	(845,756)

CHANGES MADE AFTER JULY 25, 2023

REVENUE CHANGES

Revenue projection presented to Council on July 25, 2023	**$**	**2,627,849**
Adjustments made after Presentation to Council:		
250-4-140.00 City Sales Tax	$	80,000
Total Adjusted Revenues	**$**	**2,707,849**

EXPENDITURE CHANGES

Expenditures Presented to Council on July 25, 2023	**$**	**956,825**
Adjustments made after Presentation to Council on July 25, 2023		
250-5-175-924.00 Contingency-Recreation	$	52,000
Total Adjusted Expenditures	**$**	**1,008,825**

TRANSFER CHANGES

Transfers presented to Council on July 25, 2023	**$**	**2,516,780**
Adjustments made after Presentation to Council:		
Total Adjusted Revenues	**$**	**2,516,780**

PROPOSED BUDGET SUMMARY AS AMENDED AFTER JULY 25, 2023

		New Proposed Budget
Total Revenues	$	2,707,849
Total Expenditures	$	1,008,825
Transfers (In)/Out	$	2,516,780
Excess/(Use) of Unreserved Fund Balance	$	(817,756)

CITY OF BRENHAM

CHANGES TO DRAFT FY 23-24 BUDGET

SINCE PRESENTATION CITY COUNCIL ON JULY 25, 2023

301 - TIRZ

ORIGINAL PRESENTATION TO CITY COUNCIL ON JULY 25, 2023

	Proposed Budget
Beginning Revenues	$ 615,000
Beginning Expenditures	$ -
Transfers (In)/Out	$ -
Excess/(Use) of Unreserved Fund Balance	$ 615,000

CHANGES MADE AFTER JULY 25, 2023

REVENUE CHANGES

Revenue projection presented to Council on July 25, 2023	**$ 615,000**
Adjustments made after Presentation to Council:	
301-4-102.00 Ad Valorem (final NNR & VA tax rate calculations)	$ 48,333
Total Adjusted Revenues	**$ 663,333**

EXPENDITURE CHANGES

Expenditures Presented to Council on July 25, 2023	**$ -**
Adjustments made after Presentation to Council on July 25, 2023	
	$ -
Total Adjusted Expenditures	**$ -**

TRANSFER CHANGES

Transfers presented to Council on July 25, 2023	**$ -**
Adjustments made after Presentation to Council:	
Total Adjusted Revenues	**$ -**

PROPOSED BUDGET SUMMARY AS AMENDED AFTER JULY 25, 2023

	New Proposed Budget
Total Revenues	$ 663,333
Total Expenditures	$ -
Transfers (In)/Out	$ -
Excess/(Use) of Unreserved Fund Balance	$ 663,333

Regular City Council
AGENDA ITEM 8.

Agenda Item: **Public Hearing to Consider 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)**

Meeting Type: Regular Meeting-September 07, 2023

Department: Development Services

Staff Contact: Shauna Laauwe, AICP City Planner

SUMMARY STATEMENT:

The subject area is 0.7544-acres and consists of three lots addressed as 307, 309, and 401 Peabody Street, located on the south side of Peabody Street and east of S. Austin Street. The tract is currently zoned B-2, Commercial Research and Technology District. The property addressed as 307 Peabody Street, on the east end nearest the railroad tracts is currently developed as an office building, 309 Peabody is developed as a single-family home, while 401 Peabody Street is developed as a cabinet and paint business. The single-family use at 309 Peabody is currently a non-conforming use as single-family residential is not permitted in the B-2 District.

The property owner of 307 Peabody Street, Eric Benitez, initiated the rezoning request when he was denied a permit to convert the office building into a residential home due to non-conforming zoning. The tract is directly south and east of an adjacent R-2, Mixed Residential district developed primarily with single-family homes. In order to avoid a spot-zoning request, the property owners of 309 Peabody Street and 401 Peabody Street also agreed to support the rezoning of their properties to a B-1 district. The rezoning would bring the residential use at 309 Peabody Street into compliance and would result in the cabinet manufacturing use at 401 Peabody Street to be a grandfathered nonconforming use. Thus, the property owners are requesting that the three properties that total 0.7544-acres currently zoned B-2 be rezoned to B-1, Local Business Residential Mixed Use District.

The future land use map portion of the Historic Past, Bold Future: Plan 2040 Comprehensive Plan suggests the subject property may be appropriate for Mixed-Use Downtown Adjacent uses. This mixed-use area typically provides a transition to other nearby neighborhoods and roadway corridors that are more uniform as areas primarily for single-family detached residential uses and commercial uses, respectively. The allowance of commercial and residential uses within the B-1 district, and the transition to an adjacent R-2, Mixed Residential District, is consistent with the envisioned Mixed-Use Downtown Adjacent area as adopted in the Comprehensive Plan.

The proposed zoning change would allow for a mixture of land uses to include residential, retail, office, and commercial uses on the approximate 0.7544-acre tract. The adjacent property to the east is zoned B-2, while the property to the north, across Peabody Street and to the west is zoned R-2, Mixed Residential Use, with the properties to the south, across the railroad tracks are zoned I, Industrial. The requested zoning and associated land uses are appropriate for this location given adjacent zoning designations, existing development in the vicinity, and conformance with the City's adopted future land use map.

If the rezoning is approved, any proposed development of the properties will undergo a planning permit process to ensure that all zoning, building, and fire codes are met.

The Planning and Zoning Commission held a public hearing on this item at the Monday, August 28, 2023, meeting and unanimously recommended approval of the zoning request.

ATTACHMENTS:

(1) Staff Report

RECOMMENDED ACTION:

Public Hearing to receive citizen comments.

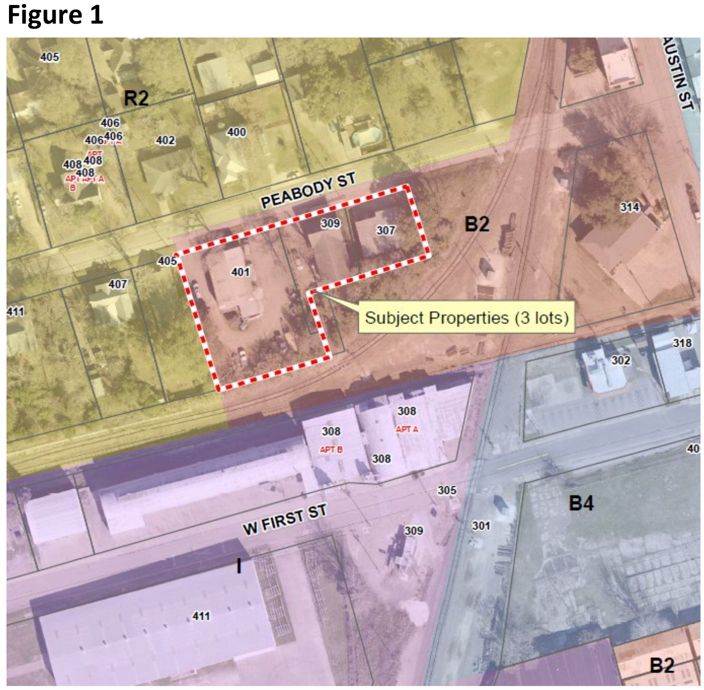
City of Brenham
Planning and Zoning Commission
Staff Report
August 28, 2023

CASE NUMBER P-23-027
ZONE CHANGE REQUEST – 307, 309 & 401 PEABODY STREET

STAFF CONTACT:	Shauna Laauwe, AICP, City Planner
OWNERS/APPLICANTS:	Silverback Real Estate, LLC/Eric Benitez, Matthew Gene Canatella, and Brenham Design and Construction, Inc./Kenneth Phillips
ADDRESS/LOCATION:	307, 309 & 401 Peabody Street (Exhibit A)
LEGAL DESCRIPTION:	307 Peabody Street- Kerr, Lot 4A 309 Peabody Street- Stoltz Addition, Lot 1 401 Peabody Street- Kerr, East part of Lots 2 & 3
LOT AREA:	Approximately 0.7544-acres
ZONING DISTRICT/USE:	B-2, Commercial Research and Technology District/ Commercial, Office & Residential (Exhibit B)
FUTURE LAND USE:	Mixed Use Downtown Adjacent
REQUEST:	A request to change the zoning classification from Commercial Research and Technology District (B-2) to a Local Business/Residential Mixed-Use District (B-1) (Exhibit C)

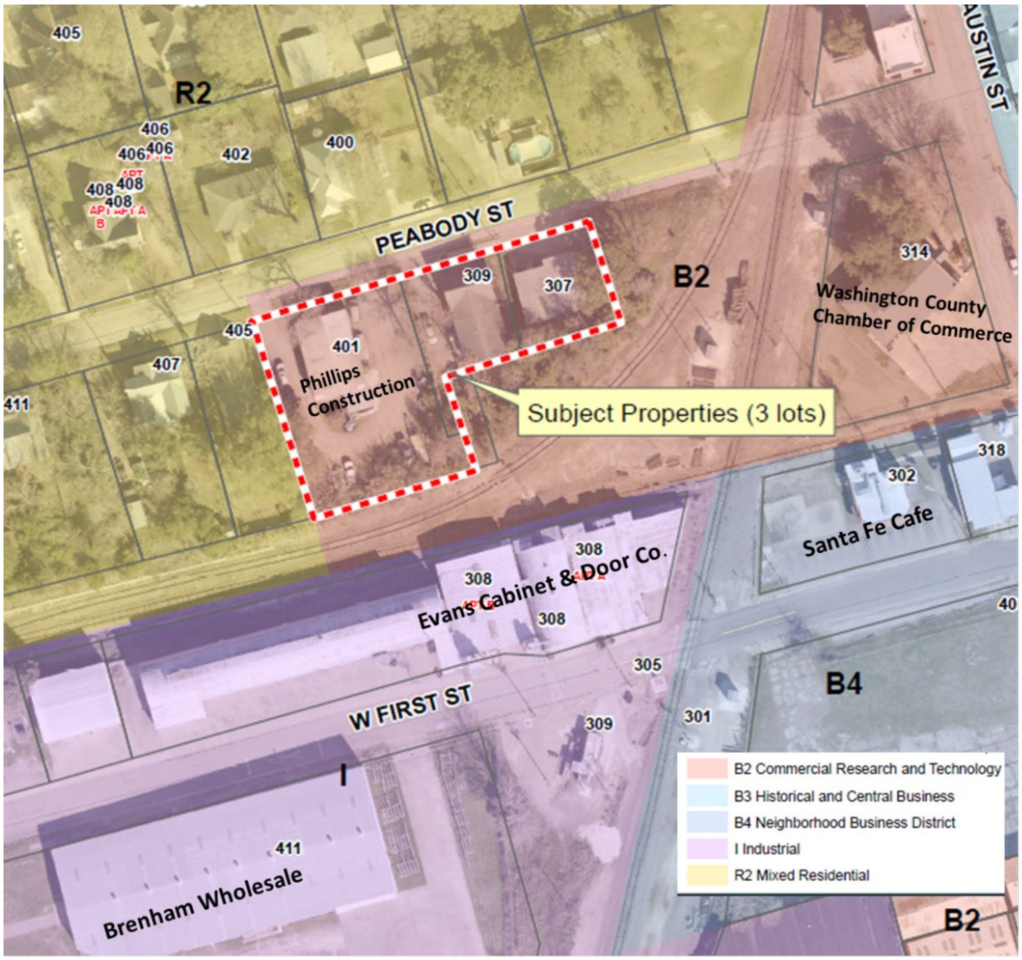
BACKGROUND:

Figure 1



The subject property consists of three lots addressed as 307, 309 and 401 Peabody Street, located on the south side of Peabody Street and east of S. Austin Street. As shown in Figure 1, the three lots total approximately 0.7544-acres and are currently zoned B-2, Commercial Research and Technology District. The property addressed as 307 Peabody Street, on the east end nearest the railroad tracts is currently developed as an office building, 309 Peabody is developed as a single-family home, while 401 Peabody Street is developed as a cabinet and paint business. The single-family use at 309 Peabody is currently a non-conforming use as single-family residential is not permitted in the B-2 District. As detailed in Figure 2, the surrounding area consists of four (4) different zoning classifications, and thus the subject properties are adjacent and nearby several types of uses. The three subject lots and the adjacent railroad right-of-way to the west and the area along the east side of S. Austin Street are zoned B-2 and developed as Santa Fe Depot and the Washington County Chamber of Commerce. Adjacent property to the west and to the north of Peabody Street is zoned R-2, Mixed Residential District and generally developed as single-family homes. To the south, across the railroad tracks and along W. First Street is zoned I, Industrial District and developed as Evans Cabinet & Door Company and Brenham Wholesale Grocery. Lastly, neighboring properties to the southeast are zoned B4, Neighborhood Business District and developed as Santa Fe Café and Pro-Clean Auto Detail Shop.

Figure 2



When the new property owner of 307 Peabody contacted the City to set up a new utility account for a residence, he was denied due to single-family residences not being permitted in the B-2 District. He then approached City Development Services Staff, stating that while the existing structure appeared as an office building on the exterior, it had been converted to a single-family residence. The adjacent property located at 309 Peabody Street is also a single-family residence originally built as a commercial business in 1919, with the business being converted to a single-family home approximately 25 years ago. The subject property located at 401 Peabody is a legally conforming and developed as Phillips Construction, a paint and cabinet business. Given that the subject properties are directly south and east of a R-2 District that is developed primarily of single-family homes, rezoning the three properties to B-1, Local Business Mixed Residential District could be an more suitable transition from the commercial and industrial uses to the east and south and would also allow the existing residential and commercial uses to continue. Thus, the property owners of 307, 309, and 401 Peabody Street are requesting to zone the 0.7544-acres from B-2, Commercial Research and Technology District to B-1, Local Business/Mixed Residential District.

ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:

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

(1) The city's zoning should recognize and seek to preserve the small-town attributes that make Brenham a special place for its citizens to live, work and play. *Please refer to Figure 2 on the previous page for a visual of the current zoning described herein.*

The subject tracts consist of three adjacent separate lots that total 0.7544-acres and are addressed as 307 Peabody Street, 309 Peabody Street, and 401 Peabody Street. The properties are generally located on the south side and east end of Peabody Street and west of the railroad right-of-way and S. Austin Street. The subject tracts and the adjacent and surrounding properties to the east are currently zoned B-2, Commercial, Research and Technology District. The subject tracts located at 307 Peabody and 309 Peabody are currently developed as nonconforming single-family uses, while the 401 Peabody tract is developed as Phillips Construction. The adjacent property to the east is BNSF railroad right-of-way and train tracks, while further east at the intersection of Peabody Street and S. Austin Street is developed with the Santa Fe Depot on the north corner and the Washington County Chamber of Commerce on the south corner. The adjacent properties to the west of 401 Peabody Street and properties to the north, across Peabody Street, are zoned R-2 and generally developed as single-family homes. Nearby properties to the south, across the railroad tracks, are zoned Industrial and developed as Evans Cabinet and Door Company and Brenham Wholesale Grocery.

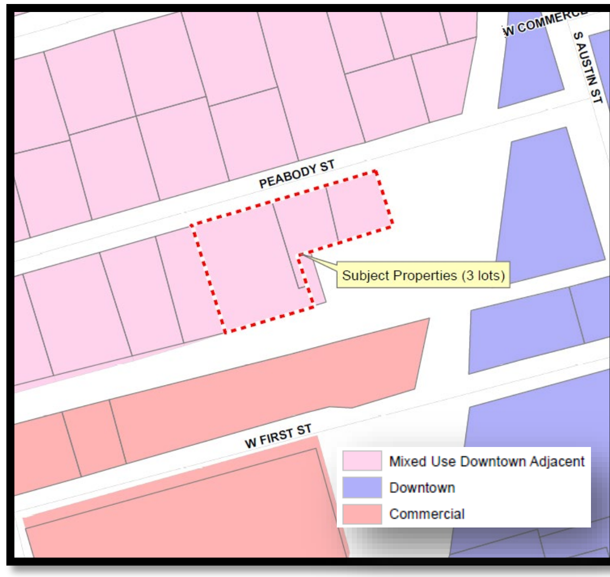
The proposed B-1 District is frequently utilized as a transition between higher retail and commercial uses and traditional single-family homes, while also providing convenient locations for neighborhood shopping and for affordable moderate density housing with easy access to transportation routes. Allowing the proposed rezoning request would allow the properties to establish either residential or neighborhood commercial uses. Two of the properties that are currently residential uses would be brought into compliance with the Zoning Ordinance and would be allowed to pull permits for any future additions or renovations in accordance with building and fire codes. No changes to the current uses are proposed presently, the request is to bring the two residential uses into conformity and remove the higher intensity B2 commercial uses from the West Main subdivision that is primarily developed as single-family residential. The rezoning from B-2 to B-1 will facilitate uses that are more compatible with the residential uses to the north and west. Bufferyards that require screening and additional landscaping would be required of commercial uses adjacent to residential.

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

As shown in Figure 3, the future land use map portion of the Historic Past, Bold Future: Plan 2040 Comprehensive Plan suggests the subject tract may be appropriate for Mixed Use Downtown Adjacent. The Comprehensive Plan also includes land use policies to help guide land use decisions. Specifically, the Plan finds that Mixed Use Downtown Adjacent is appropriate for areas in and around the urban downtown core that accommodates a mix of uses. This mixed-use area typically provides a transition to other nearby neighborhoods and roadway corridors that are more uniform as areas primarily for single-family detached residential uses and commercial uses, respectively. These areas are often supportive of the downtown core by accommodating complementary uses

such as business offices, restaurants and cultural venues and varied residential options and retaining a high degree of walkability. If the requested zone change for the 0.7544-acres is approved, the zoning regulations would allow for the development of the permitted uses found in the B-1 district. Permitted B-1 uses have a great variety and include residential uses permitted in the R-2, Mixed Residential district, and neighborhood commercial uses such as offices, retail, florist shops, personal service uses, restaurants, bakeries, and automobile part sales. The requested rezoning from B-2 to B-1 would bring the area more aligned to Future Land Use Plan as the permitted B-1 uses are consistent to what is envisioned for a Mixed Use Downtown Adjacent area.

Figure 3



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

The subject properties have been used and developed as either residential or commercial uses since as early as 1919. The subject properties have access to utilities immediately adjacent to the site as water, sewer and gas lines are readily available along Peabody Street.

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

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

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

Property owners within 200 feet of the project site were mailed notifications of this request on August 17, 2023. The Notice of Public Hearing was published in the *Brenham Banner* on August 17, 2023. As of the date of this staff report, no written public comments have been received. Any comments submitted to staff will be provided in the Planning & Zoning Commission and City Council during the public hearing.

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

If approved, the properties will be required to adhere to minimum building setbacks and maximum impervious coverage requirements for property zoned B-1. The B-1 zoning district establishes a maximum impervious coverage limit of 80% and minimum building setbacks. Furthermore, development of new nonresidential uses adjacent to an existing residential use will require additional buffer yard requirements along the property lines of the residential use. Staff finds that the adopted zoning ordinance and building codes will ensure that adequate open spaces are preserved on the subject lots should the property owners desire to further develop the property.

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

The requested zoning and associated land uses are appropriate for this location given adjacent zoning designations, existing development within the general vicinity, as well as conformance with the City's adopted future land use map.

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

Rezoning the subject area to B-1 will allow the existing residential uses to be legally conforming permitted uses. The existing commercial business, Phillips Construction would become a legal nonconforming use (grandfathered). The existing commercial site is built out and any additions to the existing structure are unlikely. Most of the commercial work done at 401 Peabody is conforming to the B-1 district, but the current manufacturing of cabinets and occasional painting outdoors is a more intense B-2 commercial use. The business has been in operation for over 50 years and no complaints are on file from neighboring properties. The adjacent properties to the subject area are zoned R-2 to the north and west and B-2 to the east. The proposed B-1 District is an appropriate step down from the nearby commercial uses to the residential uses as the B-1 District allows both residential uses and neighborhood commercial. Staff finds that the proposed zoning would preserve the existing neighborhood culture and is consistent with the community's plan for the development and/or redevelopment of its neighborhoods.

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

Staff finds that rezoning the properties will protect and not adversely affect adjacent existing and future residential neighborhoods due to the City's adopted development standards including requirements related to buffer yards, screening, setbacks, drainage, and landscaping.

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

Staff is unable to determine any destabilizing effects on the neighboring properties should this rezoning request be approved. The proposed B-1 zoning for the subject properties is aligned with the surrounding areas to the west and provides an adequate step-down in zoning from the B-2 commercial to the west near and along S. Austin Street to the single-family and mixed residential uses along Peabody Street and the West Main Subdivision to the north.

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

If approved, the proposed rezoning will allow the existing single-family uses to become conforming permitted uses and the continuation of the existing construction business as a nonconforming use. The B-1 district allows both residential and neighborhood commercial uses. The proposed rezoning

to B-1 would allow for commercial uses that are more suited for the surrounding single-family residential uses to the north and west. No changes to the existing uses are currently proposed. Vacant, B-4, Neighborhood Business District commercial property is in the general vicinity of the subject tracts to the southeast on the southwest corner of S. Austin Street and W. First Street. Staff believes that the proposed zoning change, if approved, will not negatively affect vacant land classified for commercial uses.

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

Two of the subject tracts are existing legally nonconforming uses that are consistent with the single-family homes directly to the north across Peabody Street and to the west. The requested rezoning to B-1 would bring these two properties into conformance with the zoning regulations and would allow them to be expanded or updated with a building permit. The Phillips Construction business located at 401 Peabody would become a nonconforming use as it does have some open storage and manufacturing aspects that are not permitted in the B-2 District. Phillips Construction has been at the location for over 35 years and would be allowed to continue as a grandfathered use. The requested zoning would allow the existing single-family homes to expand and renovate in a manner that meets zoning, building and fire codes.

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

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

EXHIBITS:

A. Aerial Map
B. Zoning Map
C. Future Land Use Map
D. Cover Letter
E. Site photos

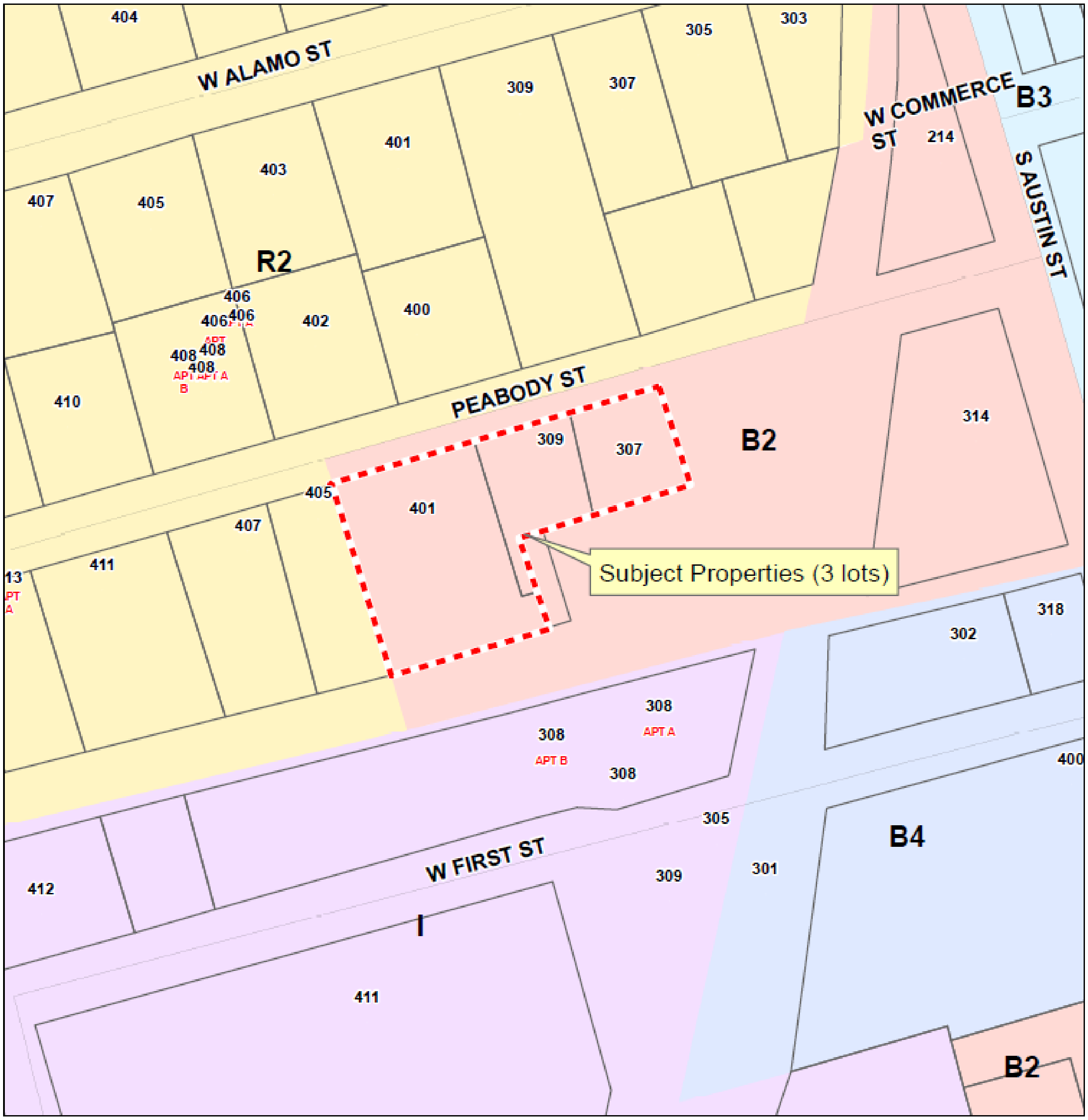
EXHIBIT "A"
AERIAL MAP

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

1 inch = 104 feet

City of BRENHAM

EXHIBIT "B"
ZONING MAP



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

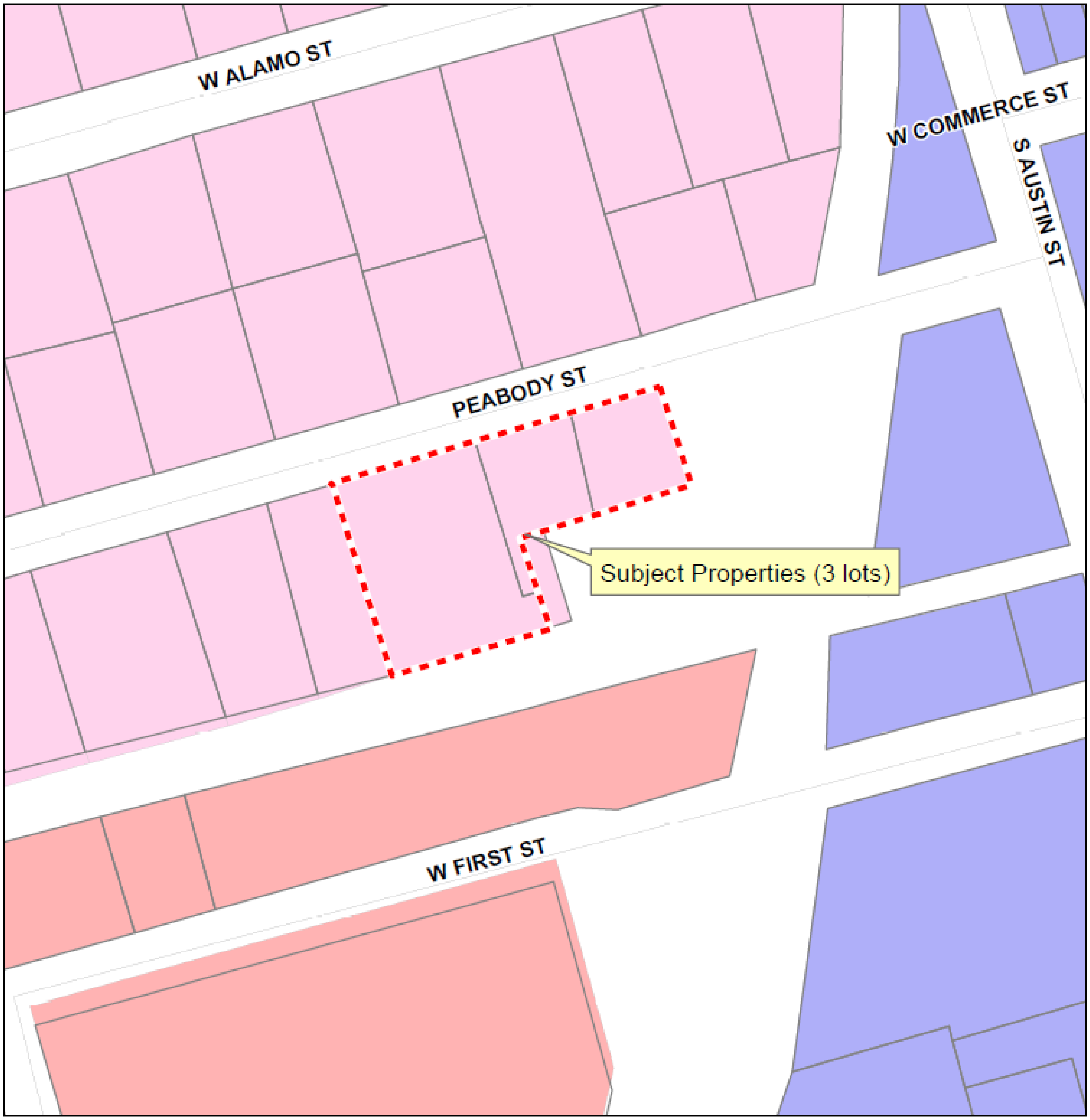
1 inch = 104 feet

Legend

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

City of BRENHAM

EXHIBIT "C"
FUTURE LAND USE MAP



Future Land Use Map
Rezoning B2 to B1
307, 309, & 401 Peabody Street

Future Land Use Plan
FLU_FINAL

- Mixed Use Downtown Adjacent
- Downtown
- Commercial

1 inch = 104 feet

City of BRENHAM

EXHIBIT "D"
ZONE CHANGE COVER LETTER

6/28/2023

Planning & Zoning Committee,

I hope this letter finds you well. I am writing in reference to 307 Peabody Street. I would like to change the zoning from B2 to B1. Neighboring properties, 309 & 401 Peabody would need to change as well to avoid a spot zoning request. The properties at 307 and 309 Peabody are currently nonconforming single-family homes, whereas 401 Peabody is an office/storage building for a painting company.

A rezoning to B-1 would allow all of the existing uses to be conforming with the current zoning regulations and compatible with the single-family and duplex uses located directly to the north across Peabody Street and to the west of 401 Peabody Street. Changing the zoning would help make this property more attractive for potential renters and businesses moving forward.

Thank you for your consideration with this matter.

x____________________

Eric Benitez

Property Owner, 307 Peabody Street

x____________________

Mathew Canatella

Property Owner, 309 Peabody Street

x____________________

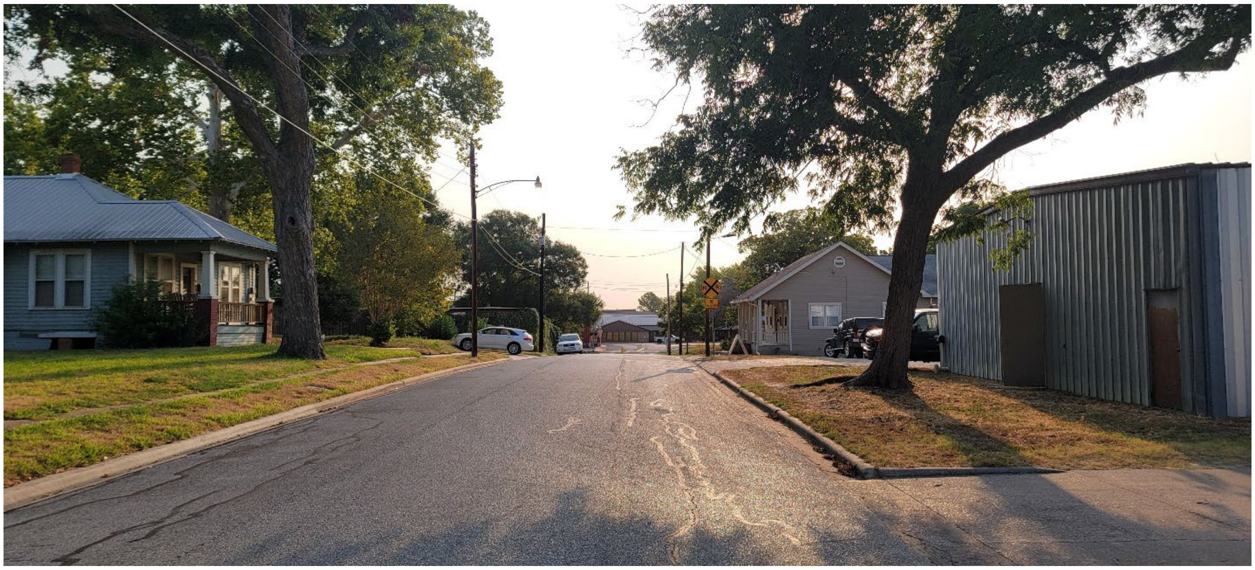
Kenneth Phillips

Property Owner, 401 Peabody Street

EXHIBIT "E"
SITE PHOTOS

307 Peabody & 309 Peabody Street
Existing Nonconforming residential units

401 Peabody – Phillips Construction



Looking east down Peabody towards S. Austin Street
Subject properties on the right / residential to the left

Looking west down Peabody Street
Single-family residential units

Regular City Council
AGENDA ITEM 9.

Agenda Item: **Public Hearing to Consider 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)**

Meeting Type: Regular Meeting-September 07, 2023

Department: Development Services

Staff Contact: Shauna Laauwe, AICP City Planner

SUMMARY STATEMENT:

Powerfam Washes, LLC., (applicant/property owners) are requesting approval of a Specific Use Permit for an automatic automobile (car) wash on approximately 1.997 acres of vacant land addressed as 1604 State Highway 105 and generally located at the southeast intersection of State Highway 105 and North Blue Bell Road and on the northeast side of the Sabine Street and State Highway 105 intersection.

The subject property is currently zoned as B-1, Local Business/Residential Mixed Use Zoning District. The current B-1 zoning designation allows for a mixture of retail, office, and residential uses by-right. In addition, car washes were approved in September 2021 by a text amendment as a permitted use in the B-1 district with prior approval of a Specific Use Permit (SUP).

As detailed in the attached Staff Report, Powerfam Washes, LLC. have requested a SUP in order to develop the subject property as an automated automobile car wash that will operate from 7:00A.M. to 7:00P.M, 7 days per week. The proposed car wash will have attendants during operating hours that will assist in payment, scrubbing, and maintaining the site. As shown on the site plan (Exhibit B), the proposed car wash structure is a single automated tunnel wash bay that is 22' x 140' (3,073 sq.ft.) and is oriented north-south with the car wash entrance being located on the south end of the building and exiting on the north side nearest SH 105. The structure exceeds the minimum required setbacks and bufferyard requirements. The proposed site includes 26 vacuums stations and 7 parking spaces for employees. Site circulation utilizes driveway access via Sabine Street and SH 105, two cueing lanes circulate the site that accommodate up to 20 vehicles. Given the vacuum parking, the employee parking spaces, cueing and car wash operation, the site may accommodate up to 54 vehicles at one time. To mitigate noise concerns, the vacuums have been centrally located, with the nearest vacuum being 80-feet from the adjacent townhome development to the south and 110-feet to the single-family property to the east along Brown Street. In addition, the car wash blowers are within the tunnel structure and facing to the north, away from nearby residential uses. This site is also subject to additional bufferyard requirements along the south and east property lines.

The purpose of the SUP process is to identify those uses which might be appropriate within a zoning district but, due to either their location, function, or operation, could have a potentially harmful impact on adjacent properties or the surrounding area; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them to mitigate or eliminate such adverse impacts. The proposed car wash request would allow for the subject property to develop in a manner that is compatible with existing development and in accordance with the Comprehensive Plan.

If the SUP is approved, the proposed development will undergo a planning permit process to ensure that all zoning, building, and fire codes are met.

The Planning and Zoning Commission held a public hearing on this item at the Monday, August 28, 2023, meeting, and unanimously recommended approval of the Specific Use Permit request.

ATTACHMENTS:

(1) Staff Report

RECOMMENDED ACTION:

Public Hearing to receive citizen comments.

City of Brenham
Planning and Zoning Commission
Staff Report
August 28, 2023

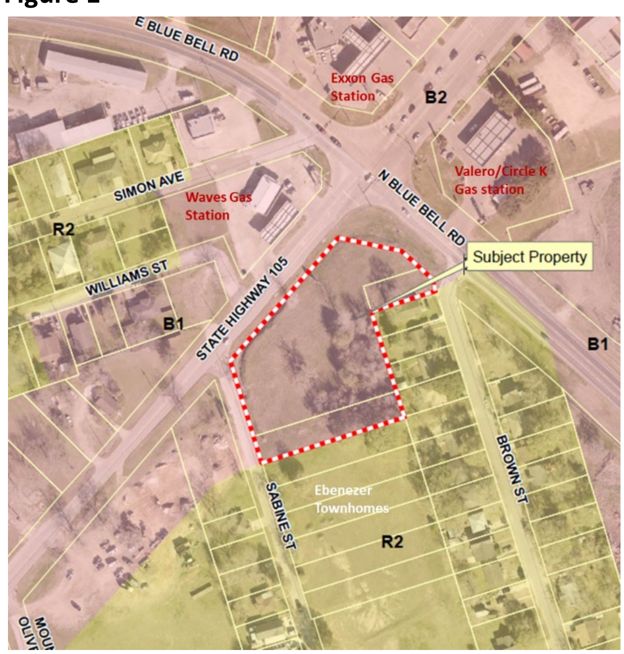
CASE NUMBER P-23-031
SPECIFIC USE PERMIT REQUEST – 1604 STATE HIGHWAY 105

STAFF CONTACT:	Shauna Laauwe AICP, City Planner
OWNER:	Powerfam Washes, LLC.
APPLICANTS:	Powerfam Washes, LLC.
ADDRESS/LOCATION:	1604 State Highway 105 (Exhibit A).
LEGAL DESCRIPTION:	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.
LOT AREA:	Approximately 2-acres (1.997-acres)
ZONING DISTRICT/USE:	B-1 Local Business/Residential Mixed Use (Exhibit B)
FUTURE LAND USE:	Multifamily Residential (Exhibit C)
REQUEST:	A request for a Specific Use Permit to allow a proposed automatic automobile (car) wash use in a B-1 Local Business/Residential Mixed Use Zoning District (Exhibit D).

BACKGROUND:

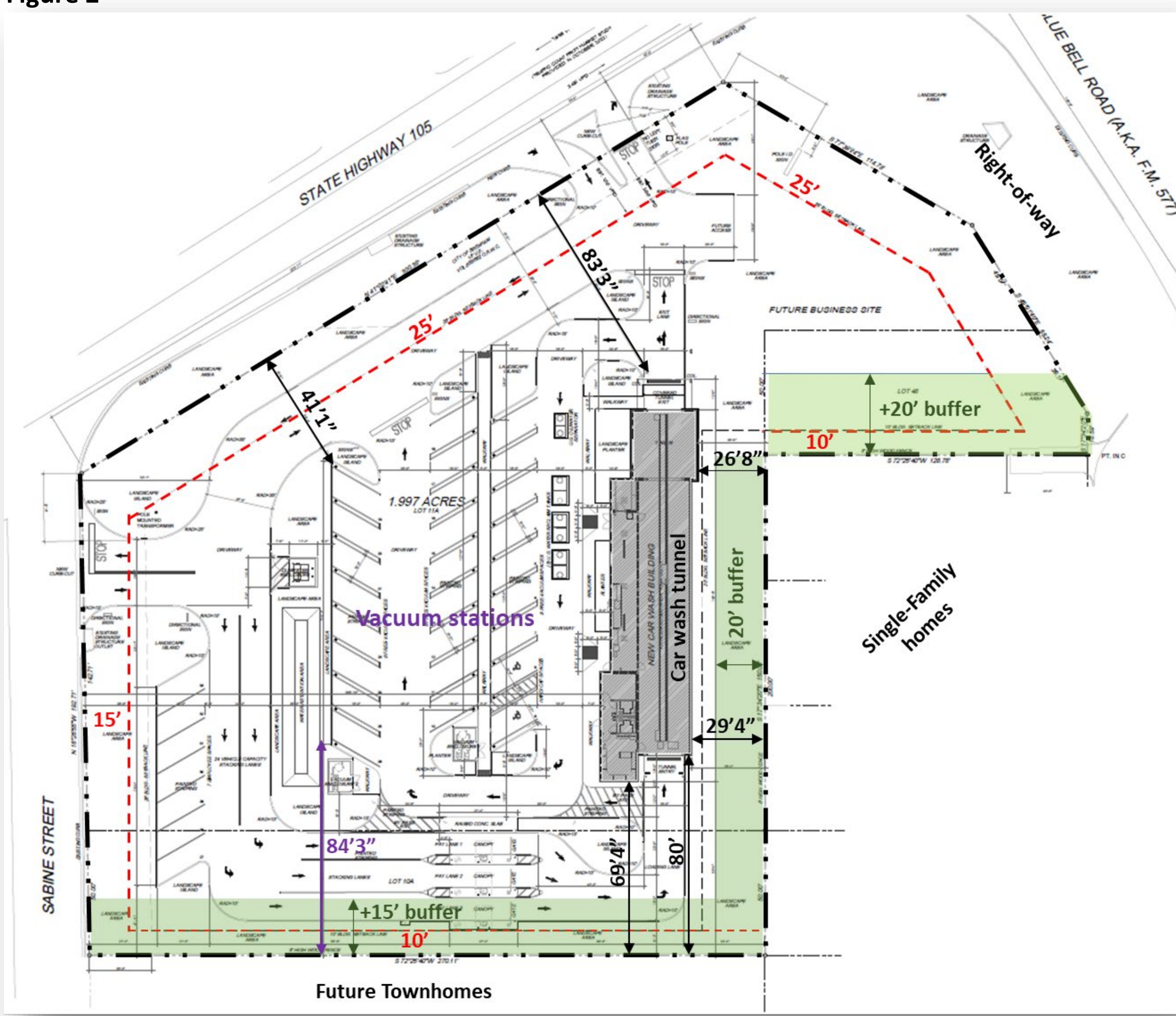
The subject property is an approximate 2-acre vacant tract of land that is located at the southeast intersection of State Highway (SH) 105 and North Blue Bell Road and on the east side of the Sabine Street and SH 105 intersection. The property is an irregular shaped lot that has three frontages, Sabine Street to the west, State Highway 105 to the north, and North Blue Bell Road to the northeast. The subject tract is zoned B-1, Local Business/Residential Mixed-Use District. The applicant is proposing to develop the property with an automatic car wash that will be operated daily from 7am-7pm and be attended by employees during business hours.

Figure 1



As shown in Figure 1, the subject site, and surrounding properties to the west, north, northeast, and southeast are zoned B-1, Local Business/Residential Mixed-Use District. Each of the other three corners of the SH 105 and N. Blue Bell Road intersection are developed as gas stations with convenience stores. Additional nearby B-1 uses include single-family homes to the north along Williams Street and Brenham Dirt Yard to the southwest across Sabine Street. The adjacent properties to the south and east are currently zoned R-2, Mixed Residential District. The adjacent property to the south is currently under development for thirty (30) townhome units, while the adjacent properties to the east are developed as single-family residential homes that are addressed off Brown Street. As such, the proposed commercial use will have an additional 20-foot bufferyard along the east property that is adjacent to the existing single-family homes and a 15-foot bufferyard along the south property line that is adjacent to the townhome development. This bufferyard area is shaded in green in Figure 2 below. The bufferyards are in addition to the minimum required 10-foot rear setback along the south property lines, as commercial uses in the B-1 do not have a side yard setback, the total setback for the east side property line is the 20-foot bufferyard alone. The submitted site plan (Exhibit E) shows the required bufferyard fencing with a 6-foot wood fence along the south and east property lines and the submitted landscape plan (Exhibit F) shows conformance with the required 20-percent landscaping within the bufferyard.

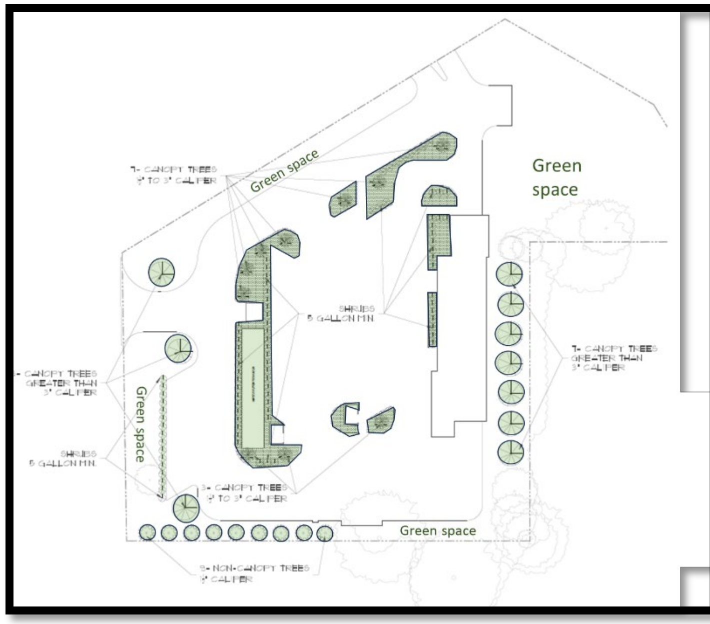
Figure 2



The applicant has provided a site plan and landscape layout for the proposed automated car wash. As shown in Figure 2 and Exhibit E, the irregular shaped property has a 25-foot front yard setback along SH

105, a side street setback of 15-feet along Sabine Street, and a 25-foot required setback along the arterial roadway, N. Blue Bell Road. The site plan details a proposed single-car automatic car wash tunnel in dark gray near the southeast corner of the site, with two-lane car cueing near the west and south property lines, and vacuum station parking spaces generally centralized. The on-site structure is 4,624 square feet and consists of the main wash tunnel area that is 3,073 square feet and a 1,551 square foot office space. The wash tunnel is 80-feet from the south property line that is adjacent to the townhome development currently under construction and 29'-4" from the east property line that is adjacent to the rear yards of the single-family homes along Brown Street. The office structure is approximately 69-feet from the south property line. The site plan details three pay lanes along the south portion of the site that will converge into one-lane for the wash tunnel. The applicant states that the pay lanes will be manned by employees during business hours or have an automatic arm that would raise when a member sticker on the windshield is read.

Figure 3 – Landscape Plan



To mitigate the noise from the vacuums to the adjacent residential properties, the vacuum area is centralized to the site with the closest vacuum being approximately 86-feet from the south property line and approximately 110-feet from the east property line. The parking requirement for a car wash is 1 space per 250 square feet of structural area, thus the site would require 19 off-street parking spaces. The site provides 7 off-street parking spaces for employee parking along the west property line (Sabine Street) and 26 vacuum station parking spaces for customers, for a total of 33 parking spaces. The site also provides two-lanes for cueing that may accommodate a minimum of 20 vehicles. Given the employee parking, vacuum parking, and cueing and car wash operation, the site may accommodate up to 54 vehicles at one time.

A text amendment to allow automobile (car) washes in the B-1 District as a Specific Use with prior approval of a Specific Use Permit was passed by ordinance on September 2, 2021. The applicant seeks a SUP to allow for the development of a proposed attended automated automobile (car) wash on approximately 2-acres of land in a B-1, Local Business/Residential Mixed-Use District as presented in the application documents and as described in the staff report.

ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:

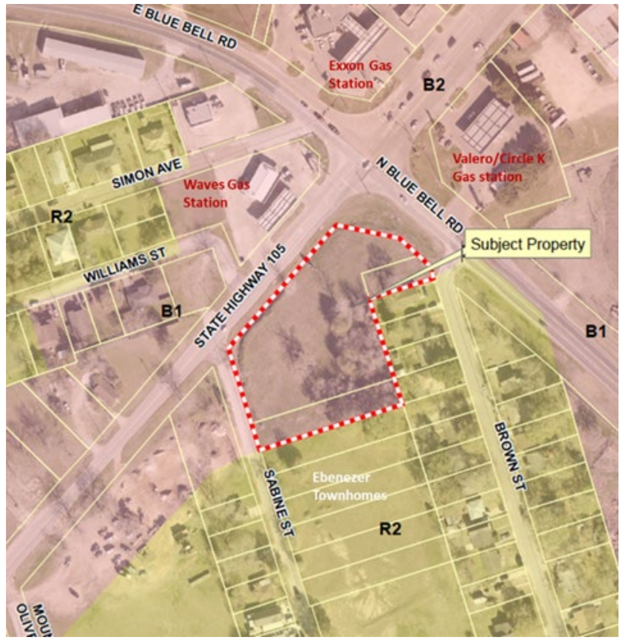
The purpose of zoning policies is to provide guidelines for considering future amendments to the zoning ordinance (Part 1, Section 4 of Appendix A – "Zoning" of the Brenham Code of Ordinances). They are as follows:

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

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

The 1.99-acre tract of land is located at the southeast intersection of State Highway (SH) 105 and North Blue Bell Road and on the on the east side of the Sabine Street and SH 105 intersection. The property is an irregular shaped lot that has three frontages, Sabine Street to the west, State Highway 105 to the north, and North Blue Bell Road to the northeast. The subject tract is zoned B-1, Local Business/Residential Mixed-Use District. As shown in Figure 4, the subject site, and surrounding properties to the west, north, northeast, and southeast are zoned B-1, Local Business/Residential Mixed-Use District. The other three corners of the SH 105 and N. Blue Bell Road intersection are developed as gas stations with convenience stores. Additional nearby B-1 uses include single-family homes to the north along Williams Street and the Brenham Dirt Yard to the southwest across Sabine Street. The adjacent properties to the south and east are currently zoned R-2, Mixed Residential District. The adjacent property to the south is currently under development for thirty (30) townhome units, while the adjacent properties to the east are developed as single-family residential homes that are addressed off Brown Street.

Figure 4



The applicant proposes to develop the approximate 2-acre tract into an attended automated car wash that would be open 7 days a week from 7am-7pm. The proposed car wash would be a single tunnel wash, with the business having on-site employees that facilitate payment, provide prewash scrubbing, and maintaining the vacuum area. The car wash tunnel is situated near the east property line with the exit and dryers facing towards SH 105. The car wash tunnel is proposed to be setback 29-feet 4-inches from the east property line and 80-feet from the south property line. These setbacks exceed the south bufferyard plus setback requirement of 25-feet to the south rear property line and 20-feet to the east side property line. In addition, the proposed site plan (Figure 2) shows 26 vacuums that are a minimum of 84-feet from the south property line and 110-feet from the east property line. The applicant has situated the car wash structure and vacuum cleaners to be at the furthest point possible from adjacent residential uses. The wash tunnel dryers are located on the north side of the structure and facing away from adjacent residential uses. The dryers will be located approximately 76-feet from the nearest east shared property line with residential uses along Brown Street and 221-feet from the south property line and the residential uses to the south. With bufferyard requirements and a proposed 6-foot screening fence and landscaping along the east and south property lines as shown in Figure 3, staff anticipates that the noise levels for the vacuums will be at an allowable level at the 84-foot proposed setback from adjacent residential uses to the east and south, respectively.

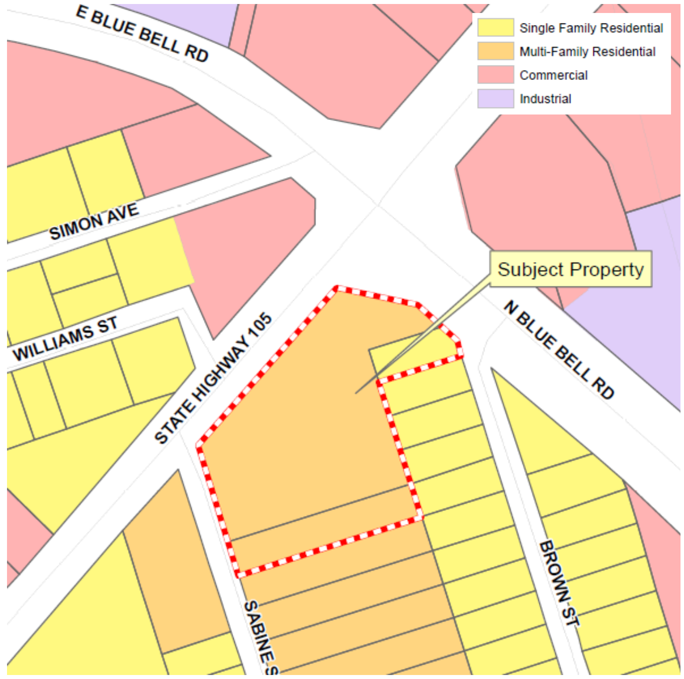
To minimize potential light pollution to the nearby residential uses, the applicant proposes to utilize directional (hooded) and/or shaded lighting fixtures along the west and south sides of the subject property.

Staff finds that the applicant has proposed appropriate measures to ensure that the proposed car

wash use will not adversely affect the small-town attributes that make Brenham a special place for its citizens to live, work and play.**

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

Figure 5



The future land use map portion of the Envision 2020 Comprehensive Plan suggests the subject property may be appropriate for multi-family residential uses. The B-1 District is a district that provides for diverse uses and convenient locations for lite commercial uses suitable for neighborhood shopping and for residential uses to include moderate density multifamily housing. While the subject property and adjacent properties to the west, and surrounding properties around the SH 105 and N. Blue Bell Road intersection are currently zoned B-1, Local Business/Residential Mixed-Use District, the adjacent properties to the south, east and southeast are zoned R-2, Mixed Residential District. The Future Land Use Map, shown in Figure 5, does show the subject property to be for multi-family use. However, given that the subject property is on a hard corner of SH 105 and N. Blue Bell Road, and that each of the other intersections are zoned commercial and developed with service (gas) stations, a car wash use on this vacant site would not be out of character with the surrounding uses. Car washes, with adequate bufferyards and attention to noise and light levels, may be suitable as a neighborhood commercial use that aligns with the goals and land use polices established in the Comprehensive Plan.

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

The subject property has existing utilities available along State Highway 105 and Sabine Street and will not require any extension of utility services. The property currently contains a sewer line that is located in the middle of the property and is planned to be relocated with the construction project.

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

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

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

Property owners within 200 feet of the project site were mailed notifications of this request on August 18, 2023. The Notice of Public Hearing was published in the Brenham Banner on August 19, 2023. Any public comments submitted to staff will be provided in the Planning & Zoning

Commission and City Council packets or during the public hearing.

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

If approved, the property will be required to adhere to minimum building setbacks, maximum impervious coverage requirements, landscaping, and buffer yard requirements. The applicant has submitted a preliminary site plan (Exhibit F) which depicts the proposed location of the car wash structure, associated circulation and customer cueing, vacuum locations, and landscape plan. Staff finds that the site development requirements will ensure that adequate open space is preserved on the subject property.

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

Staff finds that the requested land use is appropriate in this location given adjacent zoning designations, existing development in the vicinity, and is consistent with the City's adopted Comprehensive Plan. The proposed development is reasonably in line with the Future Land Use Plan, while also providing adequate landscaping and screening, noise mitigating measures, and utilization of hooded lights to reduce the impact to nearby residential uses.

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

The subject property and the surrounding properties to the north, west and northeast are located within a B-1 District, with properties to the south and southeast currently zoned R-2. Given that the B-1 District allows a variety of commercial and residential uses, and the R-2 to the southeast is developed as single-family residential, while a townhome development is currently under construction to the south, the area has a mixture of uses. Except for the subject property, the corner properties of the intersection of SH 105 and N. Blue Bell Road are developed as gas stations with an associated convenience store. The property directly to the west, across Sabine Street, is developed as a dirt yard. Surrounding B-1 properties to the northwest are developed as single-family homes, while B-1 properties to the north and northeast are developed as the Waves, Exxon and Valero gas stations, Donut Hole donuts, Truck-N-Treat ag supply, and Plumb Level Plumbing. The proposed automated car wash will provide a generally compatible development of the vacant 2-acre property. The car wash use is compatible to nearby land uses and consistent with the land policies established in the Comprehensive Plan.

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

Staff finds that approval of the proposed SUP and development of the property as an automated car wash with attendants may provide for an orderly and positive development of the community. Due to adjacent residential uses to the south and east, the proposed commercial use is required to provide an additional 15-feet of bufferyard from the south property line and 20-feet of bufferyard to the east to the minimum setbacks for the B-1 District. This bufferyard provision requires that screening of either a 6-foot fence or 6-foot in height dense shrubbery be provided along the shared property lines of residential uses. In addition, 20-percent of the bufferyard shall be landscaped. The applicant has exceeded the required bufferyard and setback requirements by locating the

proposed car wash structure 80-feet from the south rear property line and 29-feet from the east property line. The proposed vacuum cleaner stalls will be located at an 84-foot rear yard setback from the south property line. Other measures to mitigate any adverse effects of noise to adjacent residential uses include putting the drying blowers within the car wash bays and the exit facing north away from nearby residential uses. The provided landscape plan adheres to the requirements with a 6-foot screening fence along the south and east property lines and additional shrubbery and trees within the bufferyard areas. The proposed building setbacks, vacuum location, off-street parking, and landscaping will help mitigate any negative effects that the car wash may cause. All building, fire, and zoning requirements will be reviewed during the building permit process.

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

Staff believes that the proposed development will have a positive effect on the surrounding area, will be compatible with anticipated uses near the subject property, and will be in accordance with the land use policies of Brenham's Comprehensive Plan. The subject property has been a vacant and often overgrown field for many years at a main intersection in the community. The proposed car wash use will develop the site to be compatible with existing and anticipated uses surrounding the property. With the proposed site design layout, development codes, and bufferyard standards in place, Staff is unable to determine any destabilizing effects on the neighboring properties should this specific use permit request be approved.

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

If approved, the proposed SUP will allow for the development of a commercial site that has been vacant for several years. The vicinity of the SH 105 and N. Blue Bell corridor near the subject property has a variety of neighborhood commercial uses to include gas stations, restaurants, office uses, agriculture equipment businesses. A few vacant commercial properties are located nearby along SH 105 and to the east along N. Blue Bell Road. Staff believes that the proposed SUP, if approved, will not negatively affect vacant land classified for commercial uses.

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

The B-1, Local Business/Residential Mixed-Use District subject property is currently undeveloped vacant land. The applicant's request will allow the subject property to develop in a compatible, legally conforming manner.

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

Staff finds approval of the proposed SUP will allow for the orderly growth and development in the general vicinity and throughout the city.

STAFF RECOMMENDATION:

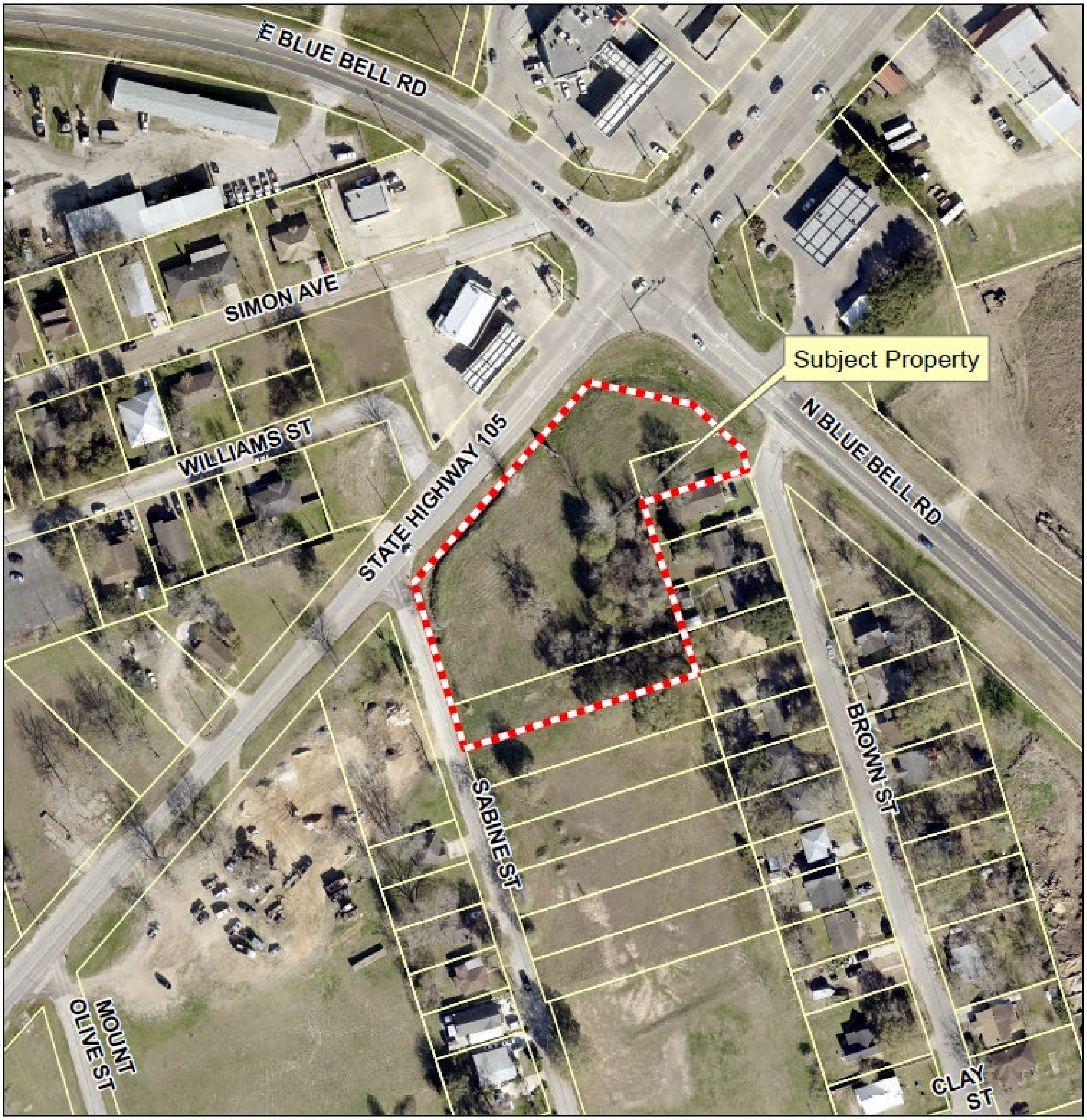
Staff recommends **approval** of a Specific Use Permit to allow an automobile (car) wash use as provided in the application site plan, general landscape plan, and written documents in a B-1 Local

Business/Residential Mixed-Use Zoning District for the subject 1.99-acre tract of land that is located at 1604 State Highway 105 and legally 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.

EXHIBITS:

A. Aerial Map
B. Zoning Map
C. Future Land Use Map
D. Proposed Site Plan
E. Proposed Building Elevations
F. Landscape Plan
G. Site photos

EXHIBIT "A"
AERIAL MAP

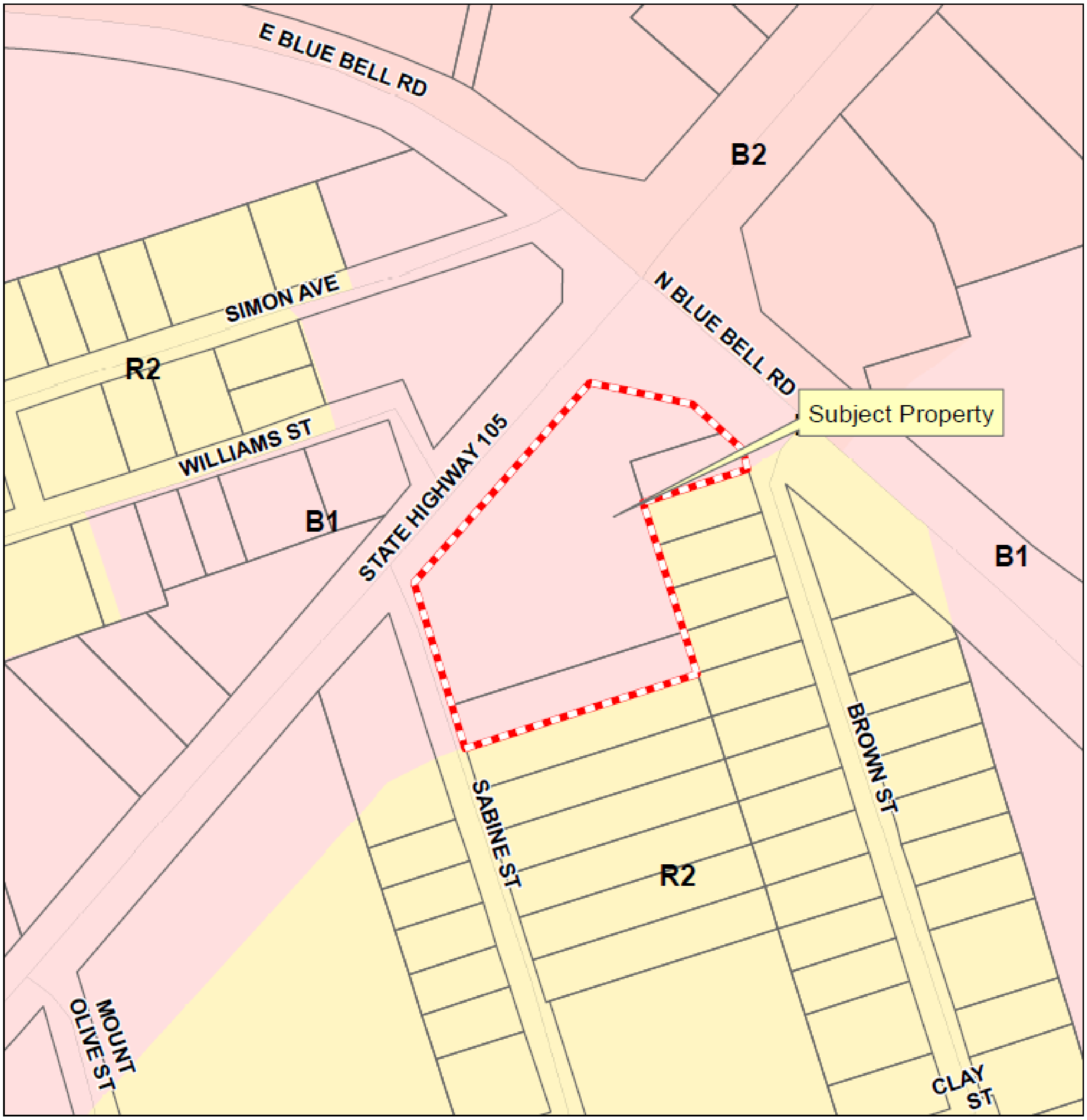


Location Map
Specific Use Permit - Car Wash
1604 SH 105

1 inch = 146 feet

City of BRENHAM

EXHIBIT "B"
ZONING MAP



Zoning Map
Specific Use Permit - Car Wash
1604 SH 105

1 inch = 146 feet

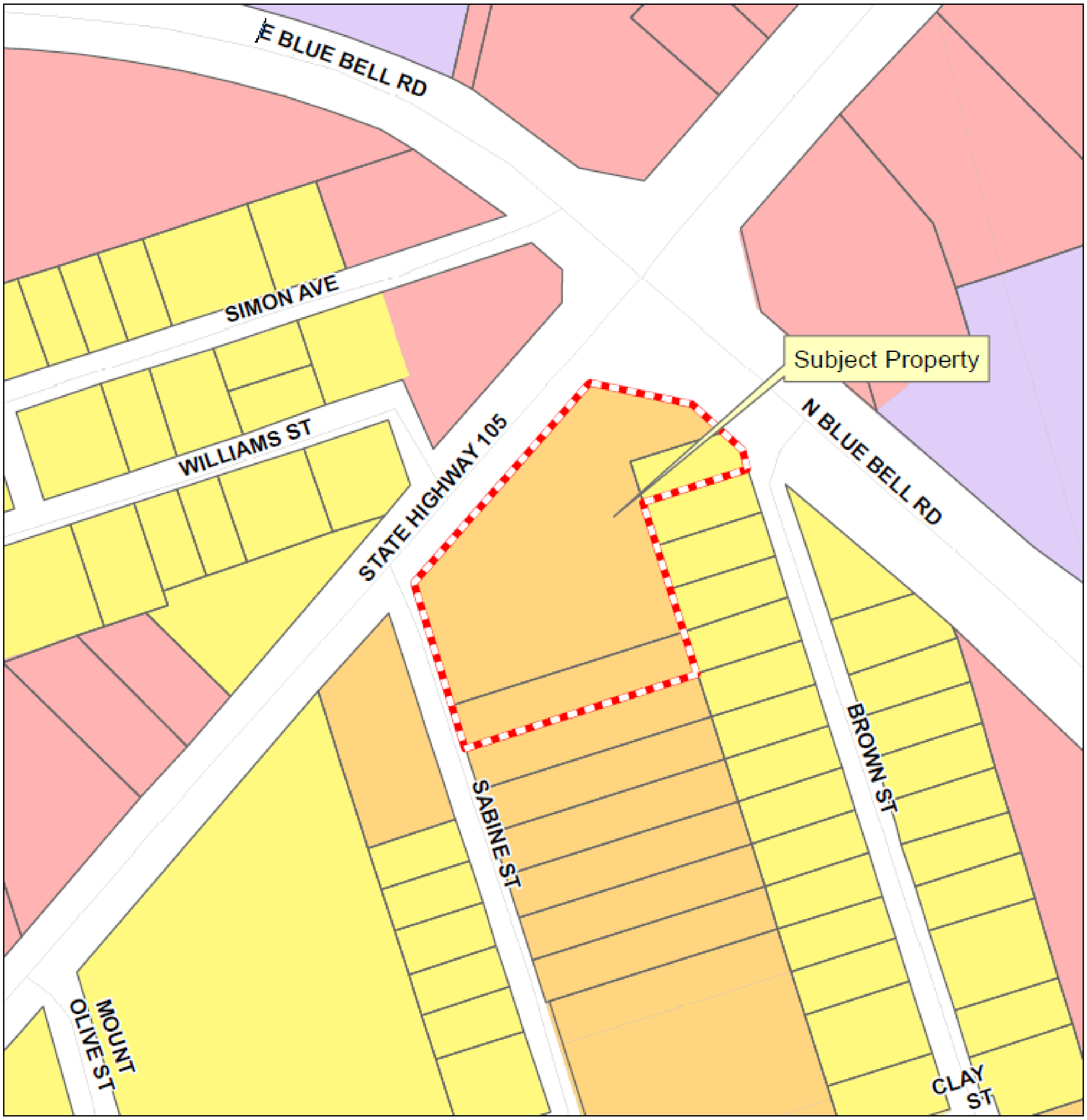
Legend

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

City of BRENHAM

EXHIBIT "C"

Future Land Use Map



Future Land Use Plan Map
Specific Use Permit - Car Wash
1604 SH 105

Future Land Use Plan

FLU_FINAL

- Single Family Residential
- Multi-Family Residential
- Commercial
- Industrial

1 inch = 146 feet

City of BRENHAM

EXHIBIT “D”
PROPOSED SITE PLAN

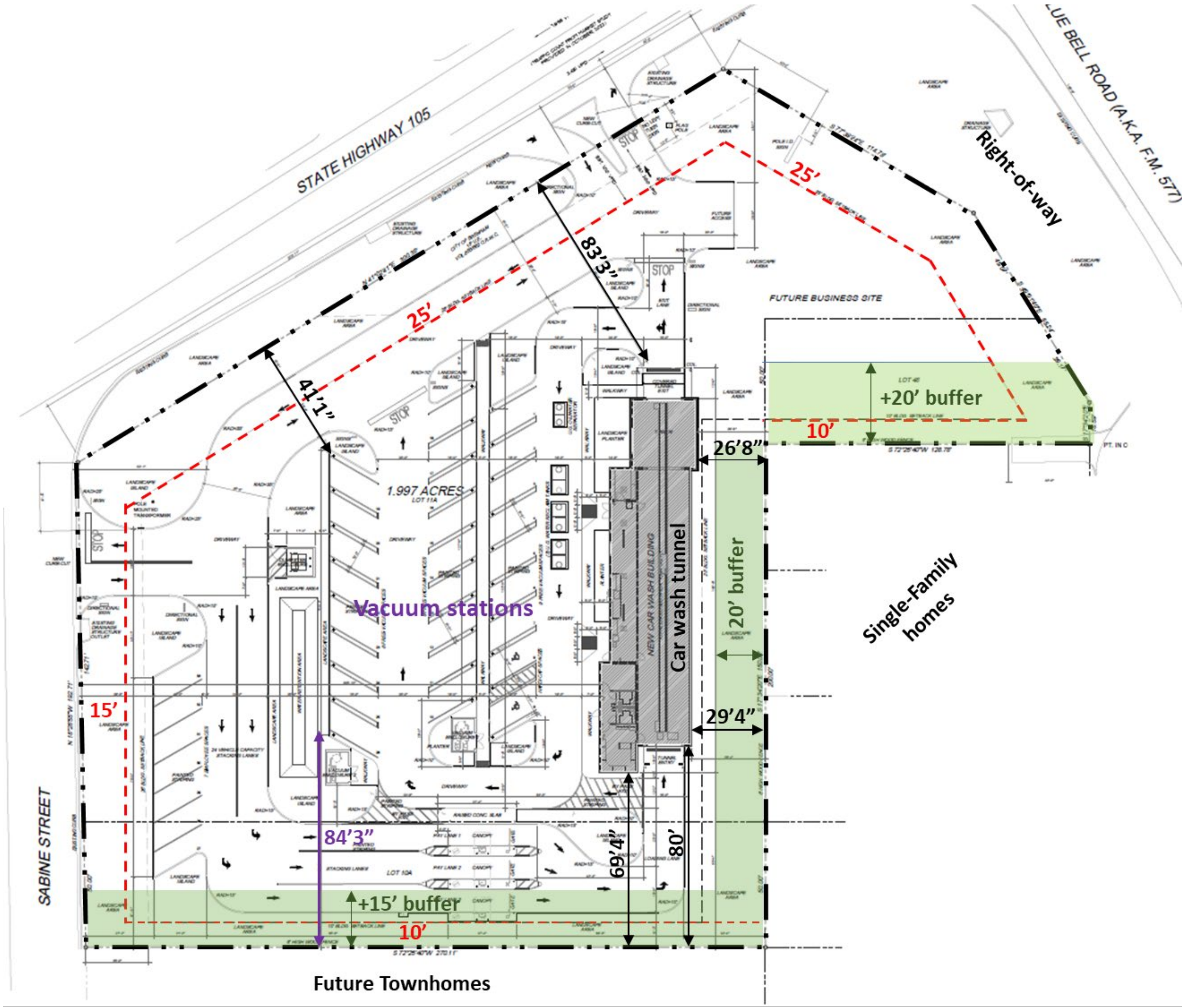


EXHIBIT "E"
PROPOSED ELEVATIONS

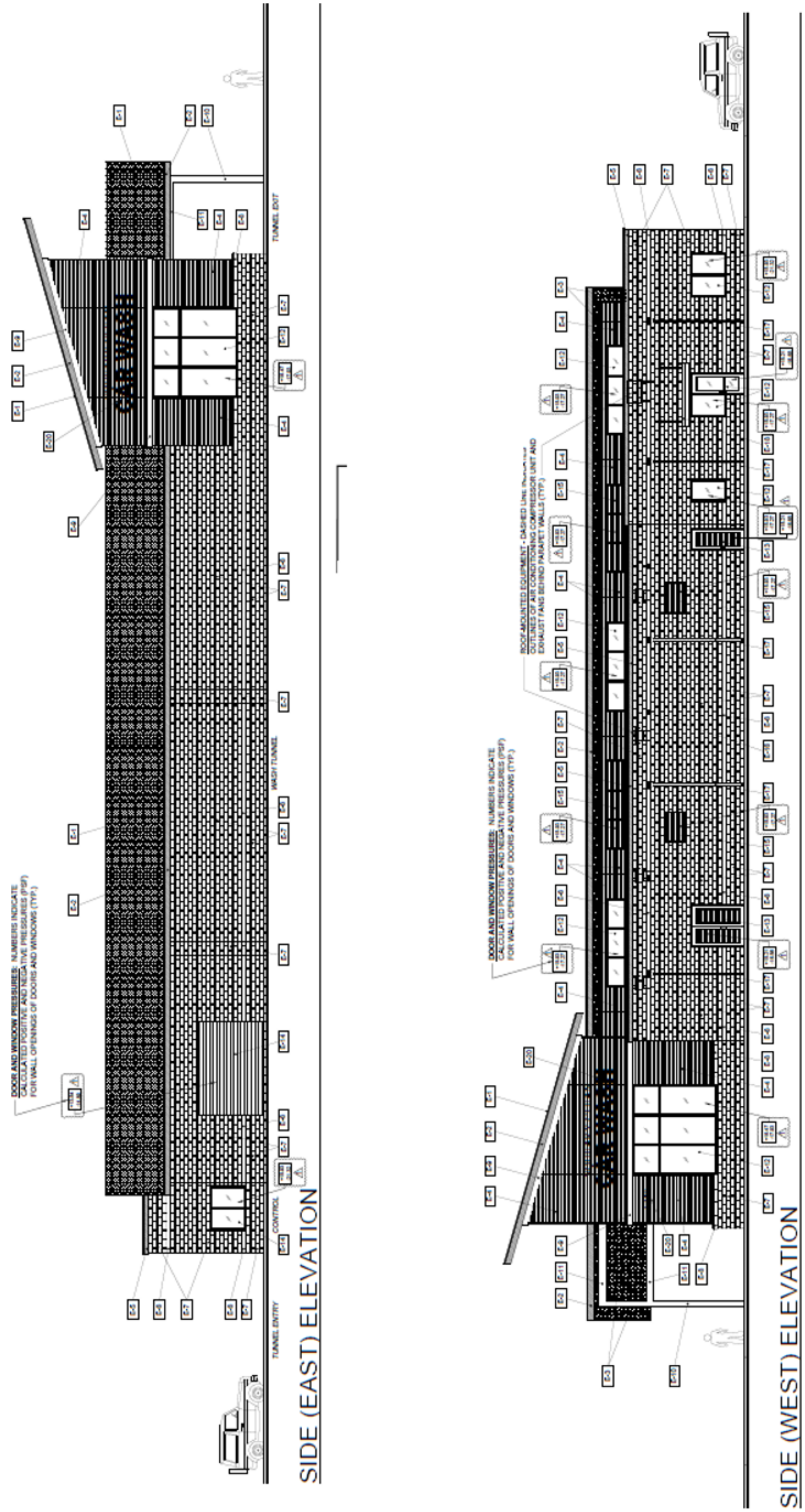
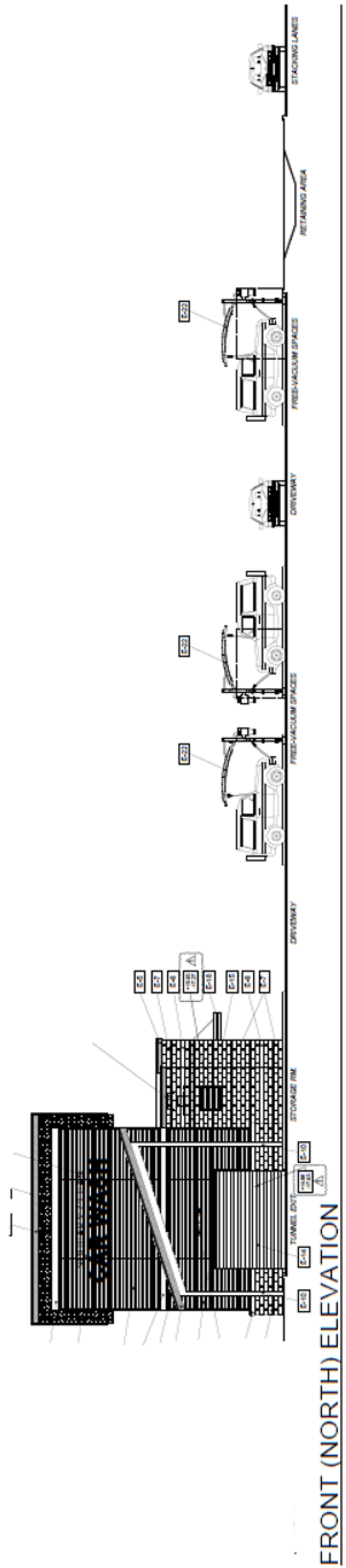


EXHIBIT "E"
SITE ELEVATIONS



FRONT (NORTH) ELEVATION

EXHIBIT "F"
LANDSCAPE PLAN

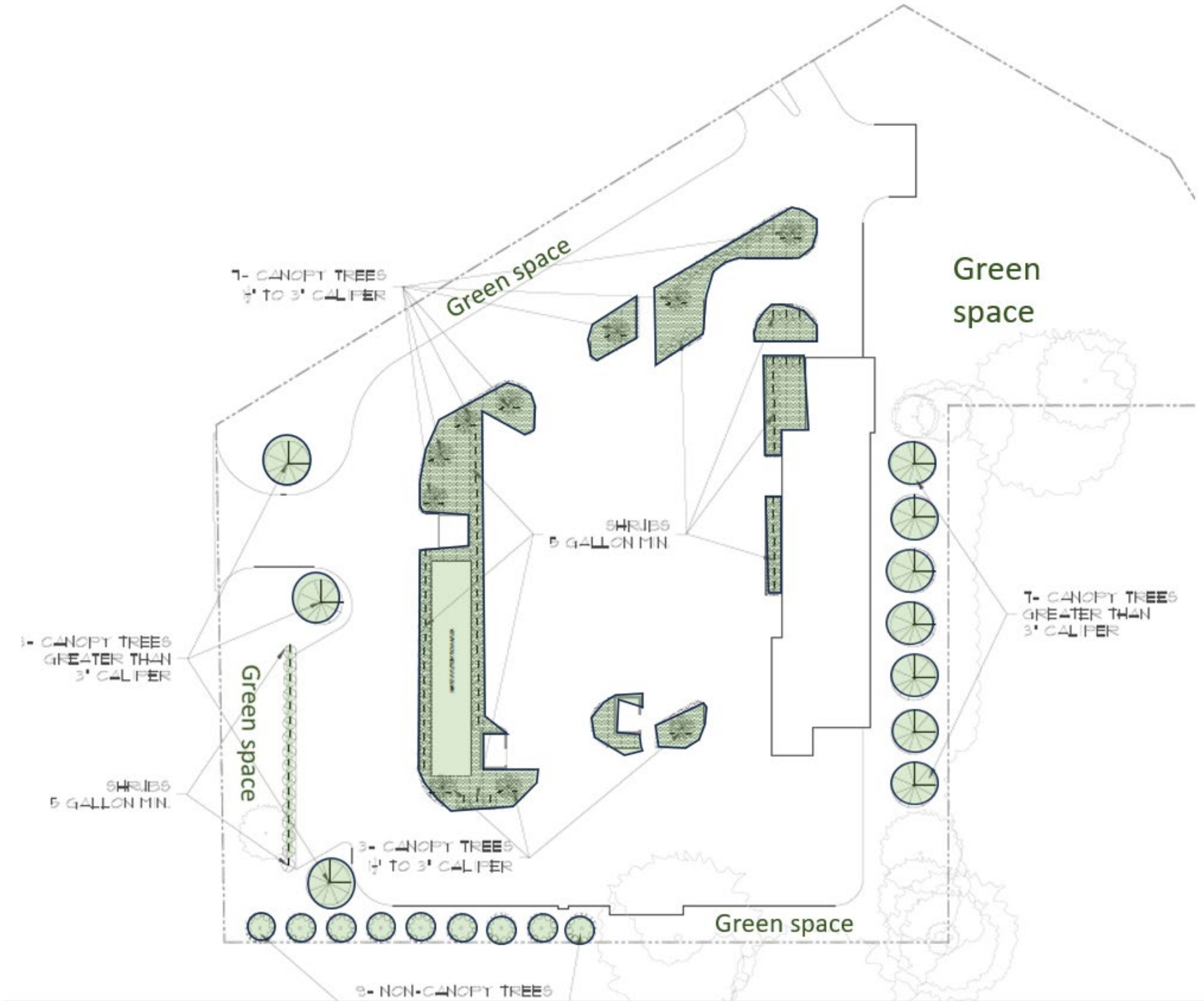


EXHIBIT "G"
SITE PHOTOS

Subject Site- Southeast Corner of SH 105 & Blue Bell Rd intersection

Subject Site looking east towards the Blue Bell intersection. Can see the gas stations on each of the other intersection corners.

Site with residential to the east/southeast. The nearest home has been purchased by the property owner and will be removed.

Ebenezer Townhome Development grading work. Adjacent to the south of the subject property. Photo taken on Sabine Street.

City of BRENHAM

Regular City Council
AGENDA ITEM 10.

Agenda Item: **Discuss and Possibly Act Upon an Ordinance on Its First Reading Adopting the Budget for Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024**

Meeting Type: Regular Meeting-September 07, 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 for First Reading
(2) Exhibit A to Ordinance

RECOMMENDED ACTION:

Approve Ordinance on its first reading adopting the budget for fiscal year beginning October 1, 2023 and ending September 30, 2024.

ORDINANCE NO. ____________

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 ____ day of September, 2023.

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

____
Atwood C. Kenjura
Mayor

ATTEST:

____
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

IN $	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
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

IN $	102 OPERATIONS	122 SUPPLY	132 CAPITAL	TOTAL INTERNAL SERVICE FUNDS
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 11.

Agenda Item: **Discussion and Possible Action Upon Ratification of the Property Tax Increase Reflected in the Proposed Budget for Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024, Which Raises More Revenue from Property Taxes than Last Year's Budget**

Meeting Type: Regular Meeting-September 07, 2023

Department: Finance

Staff Contact: Tim McRoberts

SUMMARY STATEMENT:

In compliance with Local Government Code, if a municipal budget raises more property taxes than in the previous year's budget, City Council must formally ratify a property tax increase. Although the City is proposing to lower the property tax rate from $0.4737 to $0.4584 in the FY2023-24 budget, due to new properties added to the tax roll and an increase in existing property valuations, the FY2023-24 budget will raise more total property taxes than last year's budget. For FY2023-24, the City estimates an increase of $629,495 (6.7%) in property tax revenue, and of that amount, $210,319 is tax revenue to be raised from new property added to the tax roll. A vote must be taken to ratify the property tax increase reflected in the budget.

ATTACHMENTS:

None

RECOMMENDED ACTION:

Ratify the Property Tax Increase with the following motion:

I move to ratify the property tax increase reflected in the proposed budget for the fiscal year beginning October 1, 2023 and ending September 30, 2024, which raises more revenue from property taxes than the previous year's budget.

Regular City Council
AGENDA ITEM 12.

Agenda Item: **Discuss and Possibly Act Upon an Ordinance on Its First 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 07, 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 for First Reading

RECOMMENDED ACTION:

Approve an Ordinance on its first 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. __________

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 ___ day of September, 2023.

PASSED AND ADOPTED on its second reading this the ___ 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 13.

Agenda Item: **Discuss and Possibly Act Upon Resolution No. R-23-033 to Repeal Resolution No. R-21-017 Approving an Interfund Loan Between the City of Brenham Sanitation Fund and the City of Brenham Water Fund to Repay an Advancing Line of Credit with Bank of Brenham for the Raw Water Intake Structure Repair Project**

Meeting Type: Regular Meeting-September 07, 2023

Department: Finance

Staff Contact: Tim McRoberts, Strategic Budget Officer

SUMMARY STATEMENT:

In July of 2020, the City Council of the City of Brenham approved a $5,000,000 promissory note with the Bank of Brenham for an Advancing Line of Credit for interim financing for the Raw Water Intake Structure Repair Project at Lake Somerville. With the Advancing Line of Credit maturity date of July 1, 2021 and outstanding balance of $1,351,075.76, the City Council approved an interfund loan between the Sanitation Fund and Water Fund to repay Bank of Brenham. The interfund loan was for $1,000,000 and the remaining balance of $351,075.76 was paid for with Water Fund reserves.

Given the immediate needs of water capacity expansion for the City of Brenham, and in order to minimize the impact capital expenses of the expansion has on water rates, it is staff's recommendation that City Council forgive the interfund loan between the Sanitation Fund and Water Fund. The remaining principal balance on this loan is $815,000 and maturity was scheduled for August 15, 2031.

ATTACHMENTS:

(1) Resolution No. R-23-033
(2) Resolution No. R-21-017 to be Repealed

RECOMMENDED ACTION:

Approve Resolution No. R-23-033 repealing and rescinding Resolution No. R-21-017 regarding the interfund loan between the Sanitation Fund and Water Fund.

RESOLUTION NO. R-23-033

A RESOLUTION REPEALING AND RESCINDING RESOLUTION NO. R-21-017 APPROVING AN INTERFUND LOAN FROM THE SANITATION FUND TO THE WATER FUND TO REPAY THE ADVANCING LINE OF CREDIT WITH THE BANK OF BRENHAM FOR THE LAKE SOMERVILLE RAW WATER INTAKE STRUCTURE REPAIR PROJECT

WHEREAS, on June 17th, 2021, the City Council of the City of Brenham passed Resolution No. R-21-017 approving an interfund loan of $1,000,000.00 between the Sanitation Fund and the Water Fund related to interim financing for the Raw Water Intake Structure Repair Project at Lake Sommerville; and

WHEREAS, Council recognizes the immediate needs of water capacity expansion for the City of Brenham and desires to minimize the impact the capital expenses of the expansion will have on water rates;

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

1. That Resolution No. R-21-017 is hereby repealed and rescinded in its entirety.
2. That the City Council hereby forgives the remaining principal balance of $815,000 of the above referenced interfund loan.
3. That the Mayor is hereby authorized to execute any and all documentation necessary to implement this Resolution.

APPROVED on this the 7th day of September, 2023.

____
Atwood C. Kenjura
Mayor

ATTEST:

____
Jeana Bellinger, TRMC, CMC
City Secretary

RESOLUTION NO. R-21-017

A RESOLUTION APPROVING AN INTERFUND LOAN FROM THE SANITATION FUND TO THE WATER FUND TO REPAY THE ADVANCING LINE OF CREDIT WITH THE BANK OF BRENHAM FOR THE LAKE SOMERVILLE RAW WATER INTAKE STRUCTURE REPAIR PROJECT

WHEREAS, in July 2020, the City Council of the City of Brenham approved a $5,000,000.00 promissory note with the Bank of Brenham for an Advancing Line of Credit for interim financing for the Raw Water Intake Structure Repair Project at Lake Somerville; and

WHEREAS, the maturity date of the Advancing Line of Credit is July 1, 2021, and the amount of funds borrowed is $1,351,075.76 (plus accrued interest); and

WHEREAS, the City Council of the City of Brenham desires to approve an interfund loan between the Sanitation Fund and the Water Fund to repay $1,000,000.00 to the Bank of Brenham for the Advancing Line of Credit, with the remaining $351,075.76 (plus accrued interest) to be paid from Water Fund reserves;

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

1. That the City Council hereby approves the interfund loan between the Sanitation Fund and the Water Fund in the amount of $1,000,000.00 for repayment of the Advancing Line of Credit with the Bank of Brenham, with the interfund loan to be repaid upon the terms set out in Exhibit A, attached hereto and incorporated herein for all purposes.
2. That the City Council hereby approves the use of Water Fund reserves in the amount of $351,075.76 (plus accrued interest) for repayment of the additional amount due on the Advancing Line of Credit with the Bank of Brenham.
3. That the Mayor is hereby authorized to execute any and all documentation necessary to implement this Resolution.

APPROVED on this the 17th day of June, 2021.

Clint T. Kolby
Clint T. Kolby
Mayor Pro Tem

CITY OF BRENHAM
TEXAS

ATTEST:

Jeana Bellinger
Jeana Bellinger, TRMC, CMC
City Secretary

City of Brenham, Texas

$1,000,000 Interfund Loan
Sanitation Fund Loan to Water Fund
Assumes July 1, 2021 Delivery

Exhibit "A"

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
07/01/2021	-	-	-	-	-
02/15/2022	-	-	12,444.44	12,444.44	-
08/15/2022	90,000.00	2.000%	10,000.00	100,000.00	-
09/30/2022	-	-	-	-	112,444.44
02/15/2023	-	-	9,100.00	9,100.00	-
08/15/2023	95,000.00	2.000%	9,100.00	104,100.00	-
09/30/2023	-	-	-	-	113,200.00
02/15/2024	-	-	8,150.00	8,150.00	-
08/15/2024	95,000.00	2.000%	8,150.00	103,150.00	-
09/30/2024	-	-	-	-	111,300.00
02/15/2025	-	-	7,200.00	7,200.00	-
08/15/2025	95,000.00	2.000%	7,200.00	102,200.00	-
09/30/2025	-	-	-	-	109,400.00
02/15/2026	-	-	6,250.00	6,250.00	-
08/15/2026	100,000.00	2.000%	6,250.00	106,250.00	-
09/30/2026	-	-	-	-	112,500.00
02/15/2027	-	-	5,250.00	5,250.00	-
08/15/2027	100,000.00	2.000%	5,250.00	105,250.00	-
09/30/2027	-	-	-	-	110,500.00
02/15/2028	-	-	4,250.00	4,250.00	-
08/15/2028	105,000.00	2.000%	4,250.00	109,250.00	-
09/30/2028	-	-	-	-	113,500.00
02/15/2029	-	-	3,200.00	3,200.00	-
08/15/2029	105,000.00	2.000%	3,200.00	108,200.00	-
09/30/2029	-	-	-	-	111,400.00
02/15/2030	-	-	2,150.00	2,150.00	-
08/15/2030	105,000.00	2.000%	2,150.00	107,150.00	-
09/30/2030	-	-	-	-	109,300.00
02/15/2031	-	-	1,100.00	1,100.00	-
08/15/2031	110,000.00	2.000%	1,100.00	111,100.00	-
09/30/2031	-	-	-	-	112,200.00
Total	**$1,000,000.00**	-	**$115,744.44**	**$1,115,744.44**	-

Yield Statistics

Bond Year Dollars	$5,787.22
Average Life	5.787 Years
Average Coupon	1.9999999%
Net Interest Cost (NIC)	1.9999999%
True Interest Cost (TIC)	1.9997207%
Bond Yield for Arbitrage Purposes	1.9997207%
All Inclusive Cost (AIC)	1.9997207%

IRS Form 8038

Net Interest Cost	1.9999999%
Weighted Average Maturity	5.787 Years

water fund loan 6-11-21 | SINGLE PURPOSE | 6/11/2021 | 11:06 AM

Regular City Council
AGENDA ITEM 14.

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 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)**

Meeting Type: Regular Meeting-September 07, 2023

Department: Development Services

Staff Contact: Shauna Laauwe, AICP City Planner

SUMMARY STATEMENT:

This is a companion item associated with Agenda Item #8 with attached Ordinance.

The proposed zoning change would allow for a mixture of land uses to include residential, retail, office, and commercial uses on the approximate 0.7544-acre tract. The adjacent property to the east is zoned B-2, while the property to the north, across Peabody Street and to the west is zoned R-2, Mixed Residential Use, with the properties to the south, across the railroad tracks are zoned I, Industrial. The requested zoning and associated land uses are appropriate for this location given adjacent zoning designations, existing development in the vicinity, and conformance with the City's adopted future land use map.

If the rezoning is approved, any proposed development of the properties will undergo a planning permit process to ensure that all zoning, building, and fire codes are met.

The Planning and Zoning Commission held a public hearing on this item at the Monday, August 28, 2023, meeting and unanimously recommended approval of the zoning request.

ATTACHMENTS:

(1) Ordinance for First Reading

RECOMMENDED ACTION:

Approve an Ordinance on its first 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)

ORDINANCE NO. __________

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 ____ day of September 2023.

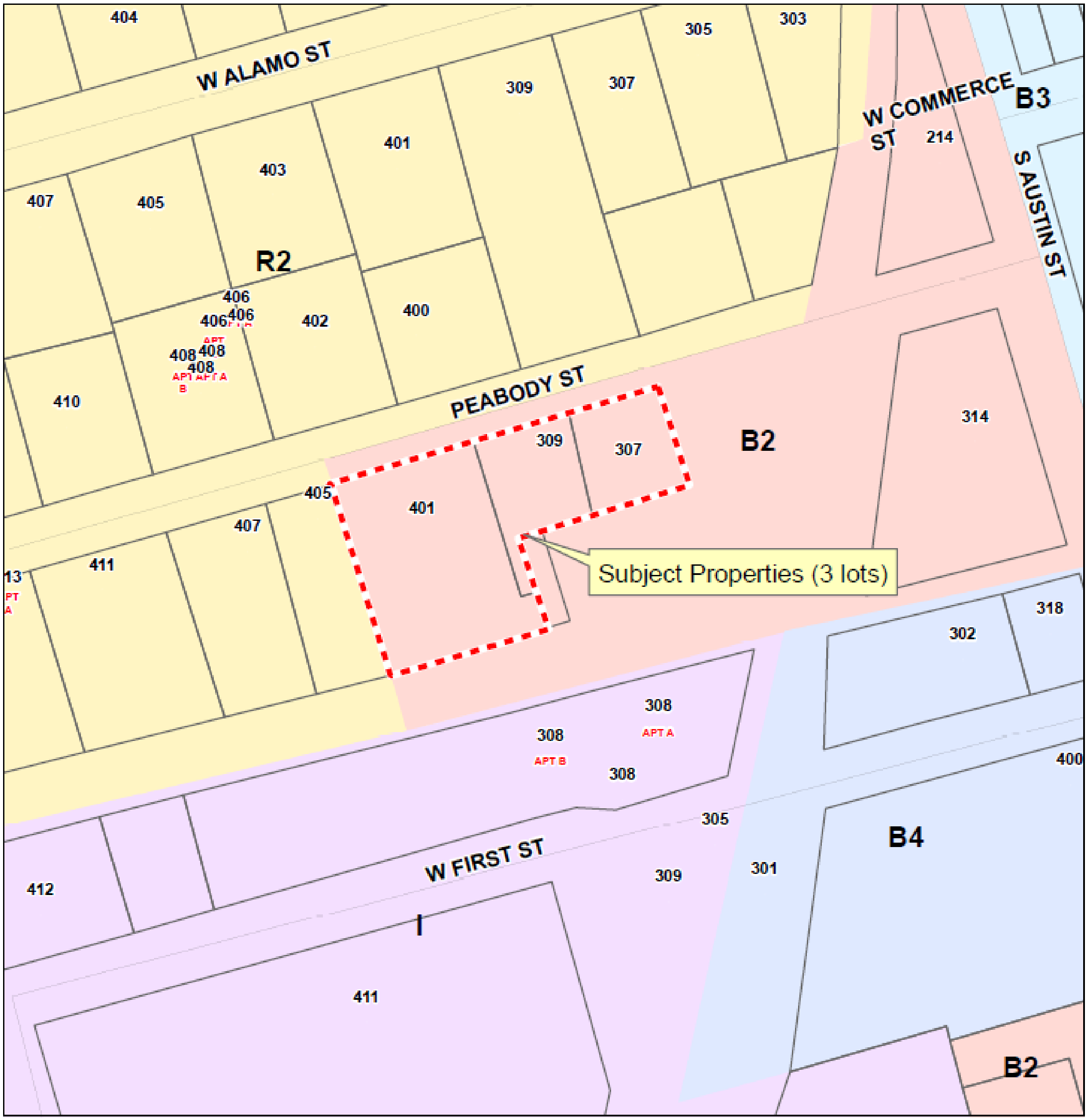
PASSED and APPROVED on its second reading this the ____ day of September 2023.

____
Atwood Kenjura
Mayor

ATTEST:

____
Jeana Bellinger, TRMC, CMC
City Secretary

Exhibit “A”



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

1 inch = 104 feet

Legend

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

City of BRENHAM

Regular City Council
AGENDA ITEM 15.

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 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)**

Meeting Type: Regular Meeting-September 07, 2023

Department: Development Services

Staff Contact: Shauna Laauwe, AICP City Planner

SUMMARY STATEMENT:

This is a companion item associated with Agenda Item #9 with attached Ordinance. Powerfam Washes, LLC., (applicant/property owners) are requesting approval of a Specific Use Permit for an automatic automobile (car) wash on approximately 1.997 acres of vacant land addressed as 1604 State Highway 105 and generally located at the southeast intersection of State Highway 105 and North Blue Bell Road and on the northeast side of the Sabine Street and State Highway 105 intersection.

If the SUP is approved, the proposed development will undergo a planning permit process to ensure that all zoning, building, and fire codes are met.

The Planning and Zoning Commission held a public hearing on this item at the Monday, August 28, 2023, meeting, and unanimously recommended approval of the Specific Use Permit request.

ATTACHMENTS:

(1) Ordinance on Its First Reading

RECOMMENDED ACTION:

Approve an ordinance on its first reading amending Appendix – A “Zoning” of the Code of Ordinances of the City of Brenham granting a Specific Use Permit request to allow an automobile (car) wash in the B-1, Local Business/Residential Mixed Use Zoning District on approximately 1.997 acres of land addressed as 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, in Brenham, Washington County, Texas.

ORDINANCE NO. _____________

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 _____ day of September 2023.

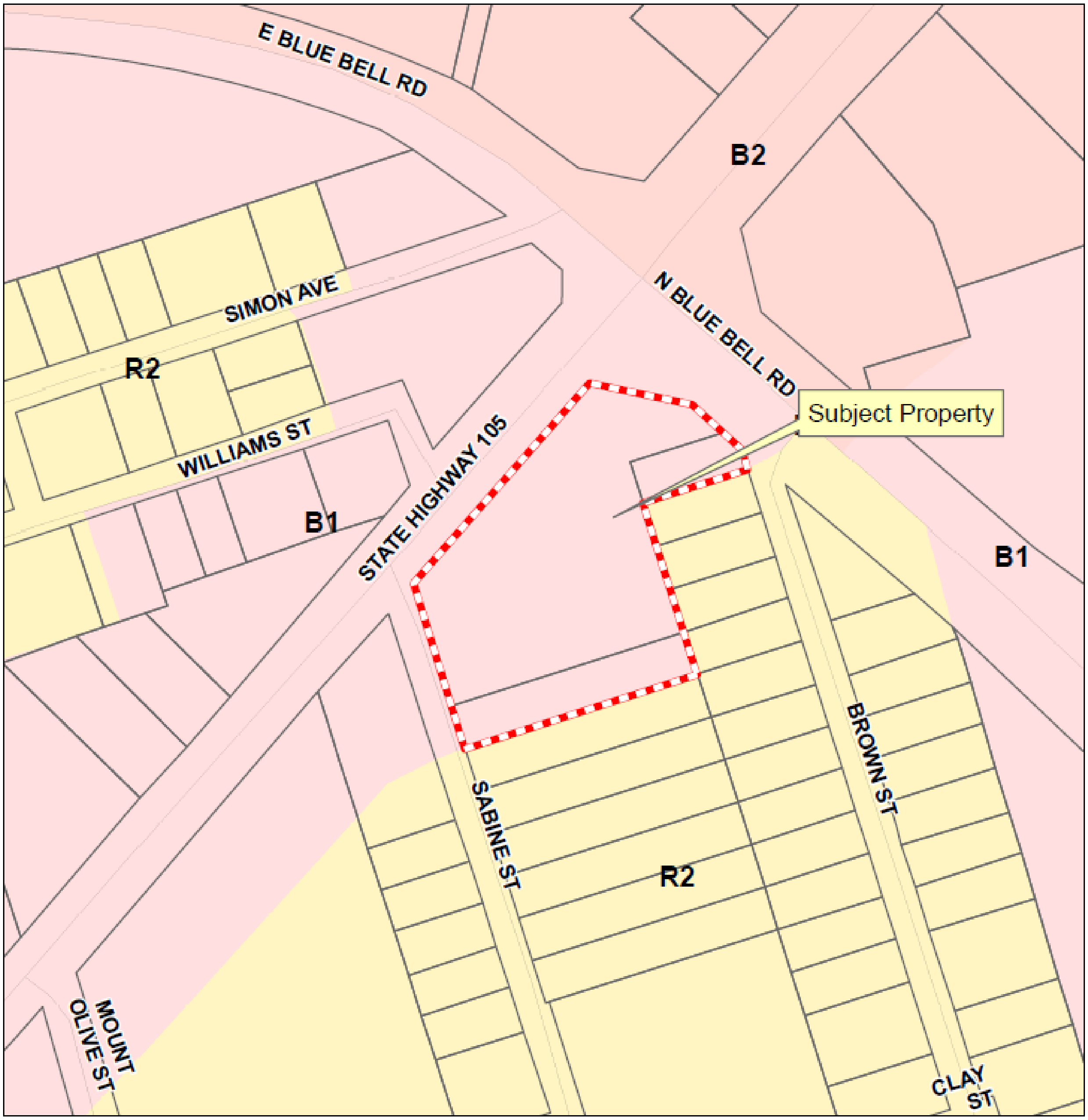
PASSED and APPROVED on its second reading this the _____day of September 2023.

____
Atwood Kenjura
Mayor

ATTEST:

____
Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT "A"



Zoning Map
Specific Use Permit - Car Wash
1604 SH 105

1 inch = 146 feet

Legend

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

City of BRENHAM

EXHIBIT "B"
Site Plan

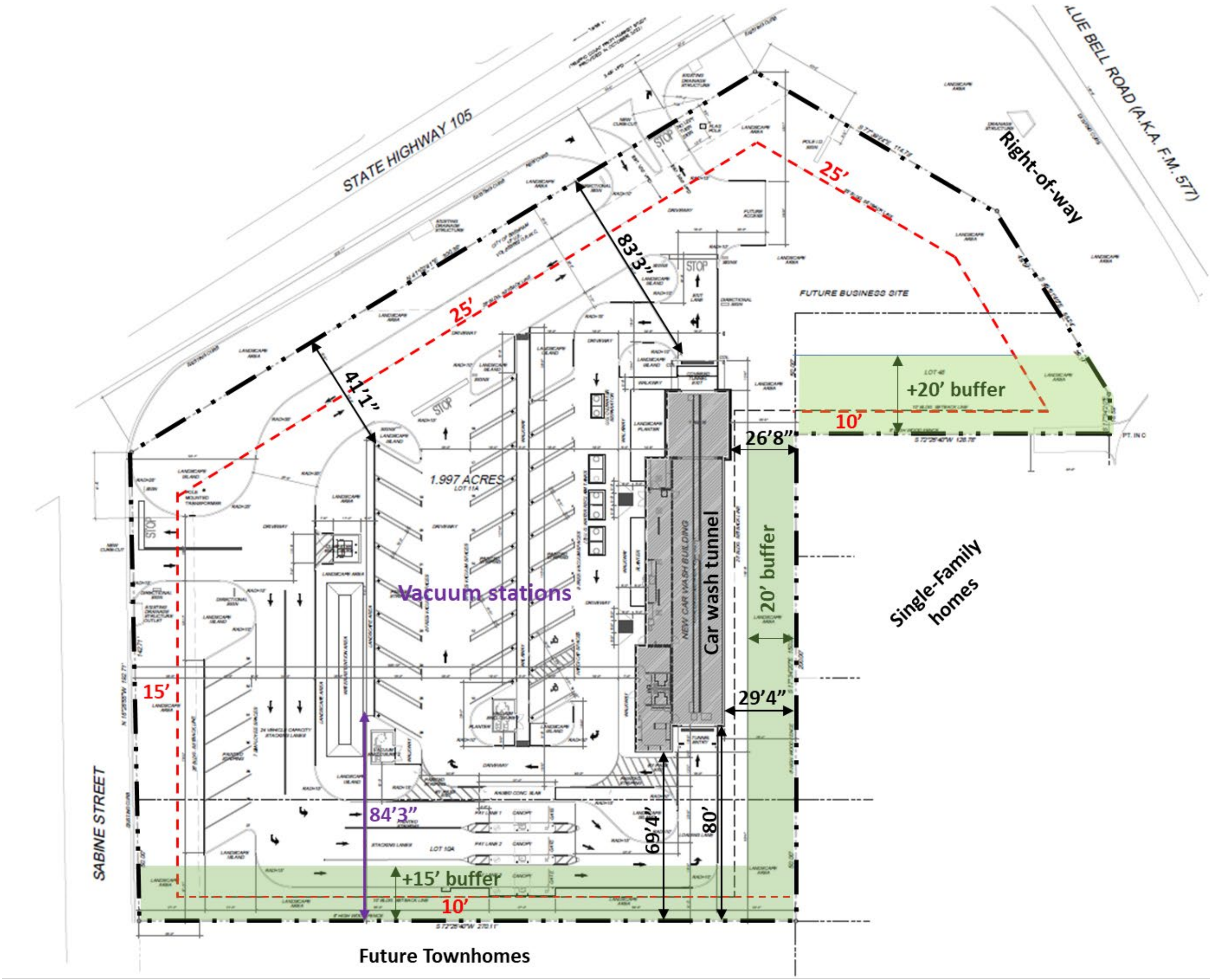
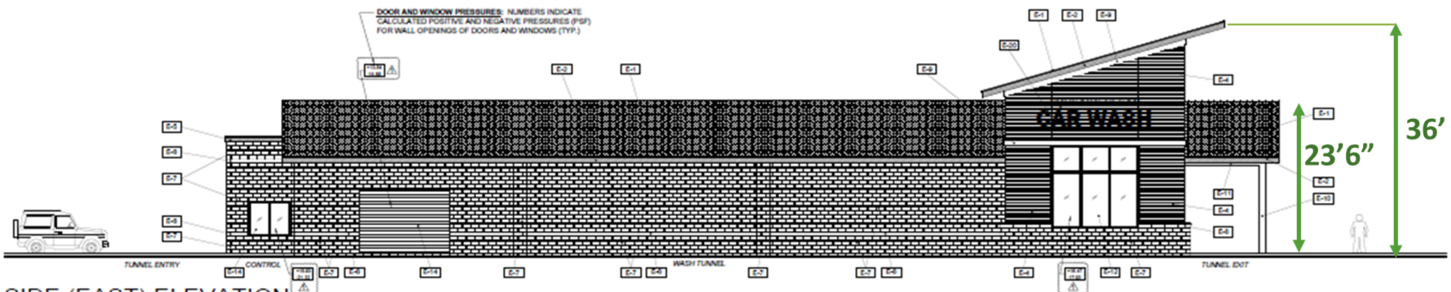
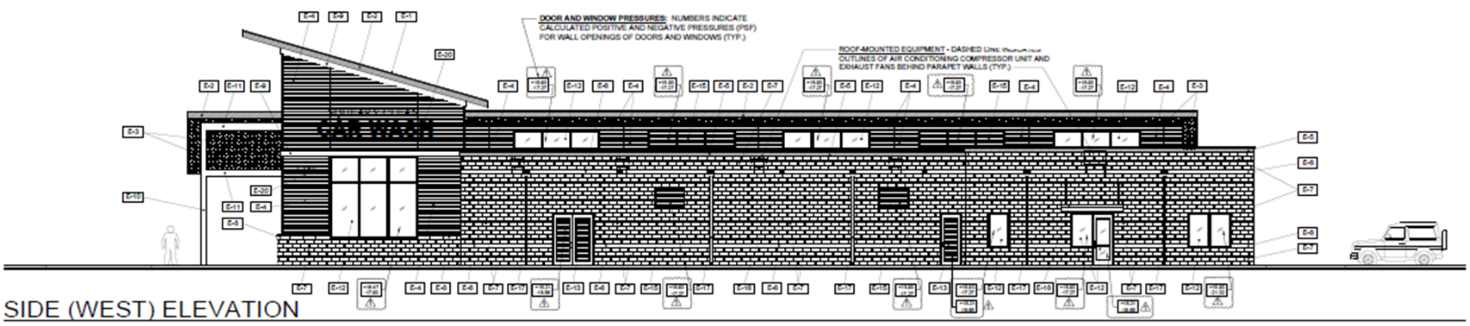


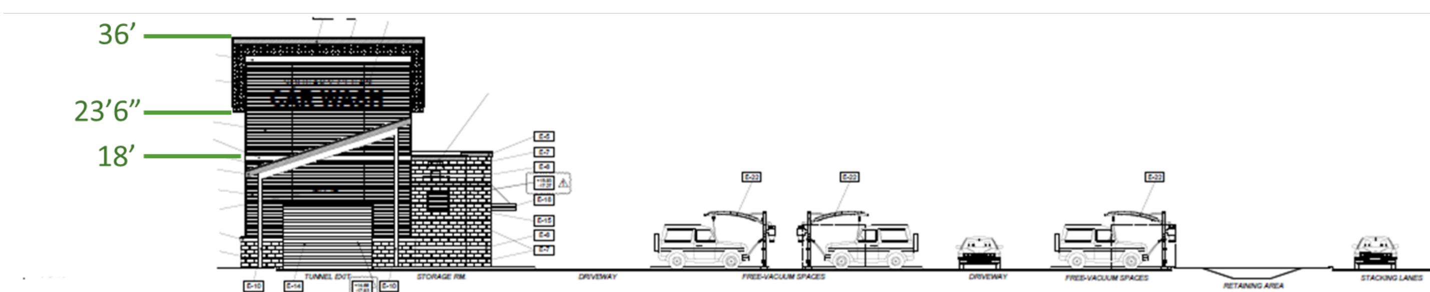
EXHIBIT "C"
Building Elevations



SIDE (EAST) ELEVATION



SIDE (WEST) ELEVATION



FRONT (NORTH) ELEVATION

Regular City Council
AGENDA ITEM 16.

Agenda Item: **Discuss and Possibly Act Upon Approval to Advance the Airport Master Plan for the City of Brenham's Municipal Airport for Review and Approval by the Texas Department of Transportation Aviation Division and Federal Aviation Administration and Authorize the Mayor to Execute Any Necessary Documentation**

Meeting Type: Regular Meeting-September 07, 2023

Department: Airport

Staff Contact: Stephanie Doland

SUMMARY STATEMENT:

The last Airport Master Plan was done in 1986 and an update, the Airport Development Plan, was conducted 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 Airport is severely out of date.

A letter of interest (LOI) was submitted to TxDOT on April 20, 2018, for update of the Master Plan. On September 9, 2021 the City Council adopted via a Resolution the approval to enter into agreements with TXDOT Aviation for the implementation of a new Airport Master Plan. The Airport Master Plan was originally scoped to be funded 90/10 by TXDOT Aviation with a 10% City match. However, the City's portion was funded using the American Rescue Plan Act (ARPA) Federal funds.

Following approval of the Transportation Commission meeting agenda on October 28, 2021 the project was bid and the consultant Coffman Associates was selected to complete the project. The City Council adopted an Airport Master Plan Advisory Committee and the project began with the initial Committee meeting on June 2, 2022. A total of five Airport Master Plan Committee meetings were held and two Public Workshops scheduled.

The overall scope of the Master Plan includes the following components:

1. Inventory
2. Forecasts
3. Facility Requirements
4. Airport Alternatives
5. Development Concept and Capital Financial Plan
6. Environmental Considerations
7. Airport Layout Plan
8. Appendix A – Draft Height Hazard Zoning standards

During the Council meeting on August 29th, consultant Coffman Associates presented an overview of the plan formation and the feedback received throughout the process. Following the Council Meeting, a second and final Public Workshop was held at the Airport on August 29th at 5:30pm to unveil the final draft of the plan and receive any additional comments or feedback. Staff has not received any additional feedback concerning the plan.

The Airport Master Plan document is now ready to be accepted by the Brenham City Council then 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 Brenham City Council for formal adoption via Resolution.

ATTACHMENTS:

None

RECOMMENDED ACTION:

Approve the transmittal of the Airport Master Plan for the City of Brenham's Municipal Airport for review and approval by the Texas Department of Transportation Aviation Division and Federal Aviation Administration and authorize the Mayor to execute any necessary documentation.

City of BRENHAM

Regular City Council
AGENDA ITEM 17.

Agenda Item: **Discuss and Possibly Act Upon a Chapter 380 Agreement Between the City of Brenham and Academy, Ltd. d/b/a Academy Sports + Outdoors and Authorize the Mayor to Execute Any Necessary Documentation**

Meeting Type: Regular Meeting-September 07, 2023

Department: Economic Development

Staff Contact: Teresa Rosales

SUMMARY STATEMENT:

This 380 Agreement with Academy was discussed with the City Council in Executive Session on March 16, 2023 and Council approved the terms of Agreement as presented by staff. This Agreement outlines the $1,500,000 sales-tax reimbursement to Academy shared by the City, Washington County and the Brenham Community Development Corporation.

ATTACHMENTS:

(1) Academy 380 Agreement

RECOMMENDED ACTION:

Approve a Chapter 380 Agreement between the City of Brenham and Academy, Ltd. d/b/a/ Academy Sports + Outdoors and authorize the Mayor to execute any necessary documentation.

CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BRENHAM AND ACADEMY, LTD., d/b/a ACADEMY SPORTS + OUTDOORS, INC.

This Chapter 380 Economic Development Agreement (the "Agreement") is entered into as of _______________, 2023 (the "Effective Date") by and between the City of Brenham, a Texas home-rule municipal corporation located in Washington County, State of Texas (the "City"), by and through its Mayor, and Academy, Ltd., a Texas limited partnership d/b/a Academy Sports + Outdoors, Inc., a Delaware corporation ("Academy"), the City and Academy collectively sometimes referred to herein as the "Parties."

WTNESSETH:

WHEREAS, Chapter 380 of the Texas Local Government Code permits cities to make loans or grants of public funds for the purpose of promoting economic development and stimulating business and commercial activity within the city; and

WHEREAS, Academy seeks to construct and develop approximately 63,244 square feet of retail commercial space as a freestanding building and associated improvements (the "Project") as shown on the site plan attached hereto as Exhibit "A" and incorporated herein for all purposes pertinent, on approximately 5.95 acres in the Brenham Market Square mixed-use development located on the westbound U.S. Highway 290 East Service Road between Cantey Street and Chappell Hill Street in Brenham, Texas (the "Property"); and

WHEREAS, Academy has presented an economic assistance request to the City that will facilitate design and construction of the Project in a specified time described herein and according to all City development and design ordinances, guidelines, rules, and regulations; and

WHEREAS, the development of the Project by Academy will involve a capital investment of at least Eight Million Eight Hundred Thousand and No/100 Dollars ($8,800,000.00) exclusive of land acquisition costs, but including development, construction costs, and furniture, fixtures and equipment ("FF&E"); and

WHEREAS, the City estimates that the economic benefit of the Brenham community from the Project will consist of approximately forty-one (41) full-time equivalent employee positions, additional sales tax collected and remitted each year during the store's operation, and additional sales tax paid on new equipment; and

WHEREAS, the City has determined that construction of the Project will positively impact the local economy through expansion of the City's ad valorem tax base, sales tax revenue, and creation of jobs in the community; and

WHEREAS, the City Council of the City of Brenham supports the continued growth and expansion of economic development in the City by entering into this Agreement to promote and expand desirable commercial growth within the City;

NOW, THEREFORE, in consideration of the mutual benefits and promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

ARTICLE 1.
AUTHORIZATION AND PROGRAM ESTABLISHMENT

1.01 The City Council of the City of Brenham hereby establishes a Chapter 380 economic development program (the "Program") to encourage economic development within the City and promote new businesses, and the City Council finds and determines that this Agreement will effectuate the purposes of the Program, and that Academy's performance of its obligations herein will promote local economic development and stimulate business and commercial activity in the City.

ARTICLE 2.
DEFINITIONS

2.01 The terms "Agreement," "Effective Date," "City," "Academy," "Project," "Property," "Parties," and "Program" shall have the meanings provided herein above.

2.02 "Sales Tax Revenue" shall mean the actual annual sales tax revenue received by the City for the City's three-eighth cent (0.375 cent) sales tax assessed on sales attributable to the Project.

2.03 "Grant Payment(s)" means the periodic payments made by the City to Academy to reimburse Sales Tax Revenue received by the City from the Project as provided herein.

2.04 "Cumulative Total Grant Payment(s)" means the cumulative total of Grant Payments to Academy received from the City related to the Project as provided herein.

2.05 "Sales Tax Grant Payment Due Date" means December 1 following the end of each fiscal year of the City in which the City received Sales Tax Revenue from the Project.

ARTICLE 3.
TERM

3.01 The term of this Agreement ("Term") shall commence on the Effective Date herein above and, unless otherwise terminated earlier in accordance with this Agreement, shall terminate on the date that the City has paid Grant Payments pursuant to this Agreement totaling Five Hundred Thousand and No/100 Dollars ($500,000.00), or December 2, 2033, whichever occurs earlier.

ARTICLE 4.
COVENANTS OF ACADEMY

4.01 Covenants Regarding Construction and Development. In consideration of the City agreeing to pay Academy Grant Payments in accordance with the terms, provisions, and conditions of this Agreement, Academy agrees to the following obligations:

(A) Design and construct the Project in accordance with the statutes, ordinances, rules, and regulations of the City of Brenham, as well as applicable local, county, state, and federal laws. Further, Academy will design and construct the Project in accordance with Exhibit "B" attached hereto and incorporated herein for all purposes pertinent.

(B) The total investment by Academy in project design, development, installation, construction, and FF&E shall be at least Eight Million Eight Hundred Thousand and No/100 Dollars ($8,800,000.00). For the purposes of this Section 4.01(B), expenditures made by Academy for the acquisition of the Property shall be excluded in calculating the total amount of investment by Academy in the Project. The parties recognize that capital investment or costs do not necessarily equal taxable value.

(C) Academy shall timely pay and remain current on all property taxes imposed on the Project, or any portion thereof, subject to appeal rights in accordance with applicable law, and subject to a right to cure any delinquency.

1. Academy shall have the right to protest, contest, or litigate: (a) any assessment of the value of the Project by the Washington County Appraisal District which appraises real or personal property on all or any part of the Project; and (b) any tax imposed on the Project by any taxing authority with jurisdiction that includes the Project.

(D) Academy shall complete construction of the Project on the Property, obtain a Certificate of Occupancy issued by the City, and be open to the public and fully operational no later than January 1, 2024. Further, during the time this Agreement is in effect, Academy shall continuously occupy the Property and utilize the entirety of the Project, consisting of approximately 63,244 square feet of retail commercial space as a freestanding building and associated improvements, for its sporting goods and related retail business operations. Academy expressly agrees that in the event Academy leases, subleases, or assigns any interest in any portion of the Property to any other person or entity which results in any reduction to the 63,244 square feet intended under this Agreement to be utilized for Academy's sporting goods and related retail business operations, the City's Grant Payments to Academy shall be reduced by the same percentage reduction on a pro rata basis. For example purposes only, if Academy leases, subleases, or assigns any interest in any portion of the Property to any other person or entity which reduces the amount of square feet used for its sporting goods and related retail business operations from 63,244 square feet to 31,622 square feet, equaling a fifty percent (50%) reduction, the City's Grant Payments to Academy shall be reduced by 50% for the year in which the reduction occurs as well as all subsequent years of the Agreement during which a reduction in square footage remains in effect.

(E) In the event Academy ceases operations at the Property or leases, subleases, or assigns any interest in any portion of the Property to any other person or entity which reduces the amount of square feet used for its sporting goods and related retail business operations from 63,244 square feet to less than 31,622 square feet, or by more than a fifty percent (more than 50% reduction), the City's Grant Payments to Academy shall immediately be suspended and cease, and this Agreement shall automatically terminate without the necessity of any action by the City. In such case, the parties shall enter into discussions in an attempt to negotiate a new agreement related to sales tax reimbursement incentives. Notwithstanding anything to the contrary in this Agreement, the remedies set forth in this section and the immediately preceding section shall be the sole remedies available in the event of a cessation of operations or reduction in square footage.

(F) [Reserved]

ARTICLE 5.
PROGRAM GRANT

5.01 Subject to Academy complying with its duties and obligations in this Agreement, the City agrees that Academy shall be entitled to receive a percentage share of the City's three-eighth of one percent (0.375 of one percent) Sales Tax Revenue generated by the Project for each year of the Term until the total Grant Payments by the City equal Five Hundred Thousand and No/100 Dollars ($500,000.00). The parties acknowledge and agree that the Estimated Program Grant Schedule in Section 5.02 sets forth estimations, and the actual amount of the Grant Payments shall be set by the Sales Tax Revenues multiplied by the percentage contribution established in this Agreement. The Cumulative Total Grant Payments of the City shall not exceed Five Hundred Thousand and No/100 Dollars ($500,000.00). The combined Cumulative Total Grant Payments of the City, County and the Brenham Community Development Corporation shall not exceed One Million Five Hundred Thousand and No/100 Dollars ($1,500,000.00).

5.02 The percentage annual share of the Sales Tax Revenue shall be eighty percent (80%) throughout the Term of the Agreement, as depicted on the following Estimated Program Grant Schedule. Grant Payments to Academy shall be paid annually according to the Sales Tax Grant Payment Due Date as defined herein above in Article 2 and shall, except as otherwise provided in this Agreement, continue throughout the Term of this Agreement or until the Cumulative Total Grant Payments to Academy under this Agreement total Five Hundred Thousand and No/100 Dollars ($500,000.00), whichever occurs first. Any sales tax received before October 1, 2023 is excluded from this Agreement. Year 1 is defined as October 1, 2023 through September 30, 2024.

	Estimated Program Grant Schedule	
Year	City Sales Tax Revenue	80% of City Sales Tax Revenue
1	$73,875	$59,100
2	$76,091	$60,873
3	$78,374	$62,699
4	$80,725	$64,580
5	$83,147	$66,518
6	$85,641	$68,513
7	$88,211	$70,568
8	$90,857	$47,149
TOTAL		**$500,000**

ARTICLE 6.
AUTHORITY; COMPLIANCE WITH LAW

6.01 Academy hereby represents and warrants to the City that it has full lawful right, power, and authority to execute and deliver and perform the terms and obligations of this Agreement and that the execution and delivery of this Agreement has been duly authorized by all necessary action by Academy and this Agreement constitutes the legal, valid, and binding obligation of Academy, and is enforceable in accordance with is terms and provisions.

6.02 Notwithstanding any other provision of this Agreement, Academy shall comply with all federal, state, and local laws and regulations.

6.03 Academy certifies that Academy does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If Academy is convicted of a violation under 8 U.S.C. § 1324a(f), that is proven to have occurred during the Term of this Agreement, Academy shall repay the full amount of any Grant Payments made by the City.

ARTICLE 7.
BREACH AND REMEDY; TERMINATION; ADDITIONAL REMEDIES

7.01 Except as otherwise provided in this Agreement, should either Party fail to comply with any of the material terms or conditions of this Agreement, and any such failure (hereinafter, a "breach") specified, remains uncured for thirty (30) days following the breaching party's receipt of written notice (the "Breach Notice") from the non-breaching party, delivered in accordance with Section 12.09 herein below, of the event and nature of such breach; provided, however, that if such breach is not reasonably susceptible of cure within such thirty (30) day period and the breaching party has commenced and is continuing to diligently pursue the cure of such breach, then after first advising the non-breaching party of such cure efforts, the breaching party shall automatically receive an additional thirty (30) day period within which to cure such breach. The non-breaching party may authorize additional time to cure any such breach but is not obligated to grant such additional time. Notwithstanding anything expressed or implied herein to the contrary, no breach shall exist if the failure of either party to fully perform its obligations hereunder is the result of a force majeure event as defined in Article 8 herein below. Further, time for cure of a breach by the breaching party shall be extended by the reasonable time the breaching party is delayed by a force majeure event.

7.02 Upon the occurrence and during the continuation of any uncured breach, the City shall have the right to suspend the Grant Payments specified in Article 5 herein above, pursuant to a notice (the "Suspension Notice") delivered in accordance with Section 12.09 herein below. If the City delivers a Suspension Notice pursuant to this Section 7.02, then Academy shall thereafter have no right to receive the Grant Payments specified in Article 5 herein above unless and until Academy has cured the breach or breaches specified in the Breach Notice.

7.03 This Agreement shall terminate upon any one of the following:

(A) Except as set forth in Section 3.01 above, December 2, 2033, or at such time when the City has paid Grant Payments under this Agreement totaling Five Hundred Thousand and No/100 Dollars ($500,000.00), whichever occurs first.

(B) Subject to the right to cure described in this Article 7, upon written notice from Academy to the City, upon any breach by the City of its obligations specified in this Agreement.

(C) Subject to the right to cure described in this Article 7, upon written notice form the City to Academy, upon any breach by Academy of its obligations specified in this Agreement.

7.04 Except as provided otherwise herein, in the event this Agreement is terminated due to Academy's breach of any term or obligation of this Agreement, in addition to any other rights and remedies available to the City, Academy shall make repayment to the City of all monetary benefits provided to Academy pursuant to this Agreement. Repayment shall be made to the City within sixty (60) days of the termination of this Agreement as provided herein. Amounts required to be repaid to the City pursuant to this Agreement shall be repaid with interest, bearing an interest rate of ten percent (10%) per annum, said interest accruing beginning on the date of the original payment by the City to Academy. This Section 7.04 shall survive termination of this Agreement.

<u>ARTICLE 8.</u>
FORCE MAJEURE

8.01 Performance of the parties' obligations under this Agreement shall be subject to extension due to delay by reasons of events of force majeure, and the parties' obligations shall be abated during any period of force majeure. Force majeure shall include, without limitation, damage or destruction by fire or other casualty, condemnation, strike, lockout, civil disorder, war, unreasonable delay in issuance of any permit and/or legal authorizations (including engineering approvals by any governmental entity), unreasonable delay in government approvals and permits, shortage or delay in shipment of materials or fuel occasioned by any event referenced herein, acts of God, unusually adverse weather or wet soil conditions, pandemic, epidemic, or other public health emergency, or other causes beyond the parties' reasonable control, including but not limited to, any governmental order or restriction, or any court order or judgment resulting from any litigation affecting the Project, Property, or this Agreement.

ARTICLE 9.
GIFT TO PUBLIC SERVANT OR TO ACADEMY REPRESENTATIVE

9.01 No Benefit. Each party hereto represents to the other that it has not offered, conferred, or agreed to confer and this it will not offer, confer, or agree to confer in the future any benefit upon an employee or official of the other party. For purposes of this Section, "benefit" means anything reasonably regarded as economic advantage, including benefit to any other person in whose welfare the beneficiary is interested, but does not include a contribution or expenditure made and reported in accordance with law.

9.02 Right of Reimbursement. Notwithstanding any other legal remedies, the City may obtain reimbursement for any expenditure made to Academy as a result of the improper offer, agreement to confer, or conferring of a benefit to a City employee or official.

ARTICLE 10.
ASSIGNMENT

10.1 Academy may not assign any part of this Agreement without express written approval by the City Council of the City of Brenham, which approval will not be unreasonably withheld, provided that any approved assignee assumes, in writing, all of Academy's obligations under this Agreement.

ARTICLE 11.
INDEMNIFICATION

11.01 ACADEMY EXPRESSLY AGREES TO FULLY AND COMPLETELY DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY, AND ITS OFFICIALS, OFFICERS, EMPLOYEES, AGENTS, CONTRACTORS, AND VOLUNTEERS AGAINST ANY AND ALL THIRD PARTY CLAIMS, LAWSUITS, LIABILITIES, JUDGEMENTS, COSTS, AND EXPENSES FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE OR OTHER HARM, DAMAGES, OR LIABILITY FOR WHICH RECOVERY OF DAMAGES IS SOUGHT, SUFFERED BY ANY PERSON OR PERSONS, THAT MAY ARISE OUT OF OR BE OCCASIONED BY ANY NEGLIGENT, GROSSLY NEGLIGENT, WRONGFUL, OR STRICTLY LIABLE ACT OR OMISSION OF ACADEMY OR ITS OFFICERS, AGENTS, EMPLOYEES, OR CONTRACTORS, ARISING OUT OF THE PERFORMANCE OF THIS AGREEMENT, EXCEPT TO THE EXTENT CAUSED BY THE CITY, OR ITS OFFICIALS, OFFICERS, EMPLOYEES,

AGENTS, CONTRACTORS, OR VOLUNTEERS. Nothing in this paragraph may be construed as waiving any governmental immunity or other defense available to the City under state or federal law except as expressly provided herein. This provision is solely for the benefit of Academy and the City and is not intended to create or grant any rights, contractual or otherwise, in or to any other person.

11.02 It is acknowledged and agreed by the parties that the terms hereof are not intended to and shall not be deemed to create a partnership or joint venture among the parties. The City (including its past, present, and future officers, elected officials, directors, employees, and agents of the City) does not assume any responsibility to any third party in connection with Academy's construction of the Project.

ARTICLE 12.
MISCELLANEOUS MATTERS

12.01 Time is of Essence. Time is of the essence in this Agreement. The Parties hereto will make every reasonable effort to expedite the subject matters hereof and acknowledge that the successful performance of this Agreement requires their continued cooperation.

12.02 Applicable Law and Venue. This Agreement is made subject to and in accordance with the City of Brenham Home Rule Charter and ordinances of the City, as amended, and all applicable local, state, or federal laws and regulations. This Agreement is performable in Washington County, Texas. Exclusive venue for any action arising under or involving this Agreement shall lie in the State District Courts of Washington County or if in federal court, the United States District Court for the Western District of Texas.

12.03 Interpretation. Each of the Parties has been represented by counsel of their choosing in the negotiation and preparation of this Agreement. In the event of any dispute regarding the interpretation of this Agreement, this Agreement will be interpreted fairly and reasonably and neither more strongly for nor against any Party based on draftsmanship.

12.04 Counterparts Deemed Original. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

12.05 Relationship of Parties. The Parties shall not be deemed in a relationship of partners or joint ventures by virtue of this Agreement, nor shall either Party be an agent, representative, trustee, or fiduciary of the other. Neither Party shall have any authority to bind the other to any agreement.

12.06 Governmental Powers. By execution of this Agreement, the City does not waive or surrender any governmental immunities, powers, or rights, except as provided in Chapter 271, Texas Local Government Code.

12.07 Captions. The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.

12.08 Complete Agreement. This Agreement embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties and relating to matters in the Agreement, and except as otherwise provided herein cannot be modified without mutual written agreement of the parties to be attached and made a part of this Agreement.

12.09 Notice. Any notice to be given or served hereunder or under any document or instrument executed pursuant hereto shall be in writing and shall be (1) delivered personally, with a receipt requested therefore; or (2) sent by a nationally recognized overnight courier service; or (3) delivered by United States certified mail, return receipt requested, postage prepaid. All notices shall be addressed to the respective party at its address set forth below and shall be effective (1) upon receipt of or refusal if delivered personally; (2) one business day after depositing, with such an overnight courier service, or (3) three business days after deposit in the United States mail, if mailed. Any party hereto may change its address for receipt of notices by service of a notice of such change in accordance with this subsection.

Academy:	Academy Sports + Outdoors 1540 N. Mason Road Katy, Texas 77449 ATTN: Brian Ferguson
With a copy to:	Attorney
City:	City of Brenham, Texas P. O. Box 1059 Brenham, Texas 77834-1059 Attn: Carolyn D. Miller, City Manager
With a copy to:	Cary L. Bovey Bovey & Cochran, PLLC 2251 Double Creek Drive, Suite 204 Round Rock, Texas 78664 cary@boveycochran.com

12.10 Amendment. This Agreement may only be amended by mutual written agreement of the parties.

12.11 Severability. In the event that any section, subsection, paragraph, subparagraph, sentence, phrase, or word herein is held invalid, illegal, or unenforceable, the balance of this Agreement shall stand, shall be enforceable, and shall be read as if the parties intended at all times to delete said invalid section, subsection, paragraph, subparagraph, sentence, phrase, or word. In the event that there shall be substituted for such deleted provision a provision as similar in terms and in effect to such deleted provision as may be valid, legal, and enforceable.

12.12 Attorney's Fees. The parties hereto agree that the prevailing party in any dispute, lawsuit, or legal proceeding between the parties arising out of this Agreement shall be entitled to receive its reasonably attorney's fees and costs.

EXECUTED on the respective dates of acknowledgement, to be effective as of the date first set forth above.

CITY OF BRENHAM, TEXAS

____
Atwood C. Kenjura
Mayor

ATTEST

____
Jeana Bellinger. TRMC, CMC
City Secretary

APPROVED AS TO FORM

____
Cary Bovey, City Attorney

ACADEMY LTD. d/b/a
ACADEMY SPORTS + OUTDOORS
A Delaware Corporation

By: **ACADEMY MANAGING CO., L.L.C.**, a Texas limited liability company, its general partner

By: ______________________________
Name:
Title:

Regular City Council
AGENDA ITEM 18.

Agenda Item: **Discuss and Possibly Act Upon Resolution No. R-23-034 Repealing and Rescinding Various Resolutions Related to the Mayoral Declaration of Local Disaster Due to A Public Health Emergency Related to the COVID-19 Pandemic**

Meeting Type: Regular Meeting-September 07, 2023

Department: Administration

Staff Contact: Jeana Bellinger

SUMMARY STATEMENT:

On March 13, 2020, Governor Abbott issued a statewide disaster proclamation related to COVID-19. On March 19, 2020, former Mayor Tate issued a declaration of a local state of disaster, consistent with Governor Abbott's. Both declarations of disaster included certain measures meant to prevent the spread of COVID-19.

Council affirmed the Mayoral Declaration of a local State of Disaster via resolution, and renewed it multiple times. The last renewal was on September 17th, 2020. Although Council has not renewed the September 2020 resolution, it has never been officially rescinded.

On June 2, 2023, the Governor signed Senate Bill 29, prohibiting local governments in Texas from implementing or enforcing certain measures to prevent the spread of COVID-19. In addition, he recently allowed his own disaster proclamation to expire.

For purposes of clarity and consistency, staff recommend that Council pass this resolution. The effect will be the formal repealing of the Mayor's disaster declaration, and all Council resolutions that renewed it.

ATTACHMENTS:

(1) Resolution No. R-23-034

RECOMMENDED ACTION:

Approve Resolution No. R-23-034 repealing and rescinding various Resolutions related to the Mayoral Declaration of Local Disaster Due to A Public Health Emergency Related to the COVID-19 Pandemic.

RESOLUTION NO. R-23-034

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS REPEALING AND RESCINDING RESOLUTION NOS. R-20-015, R-20-016, R-20-019, R-20-019-A, AND R-21-001 PROVIDING FOR THE MAYORAL DECLARATION OF LOCAL DISASTER DUE TO A PUBLIC HEALTH EMERGENCY RELATED TO THE COVID-19 (CORONAVIRUS) PANDEMIC

WHEREAS, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying that COVID-19 posed an imminent threat of disaster for all counties in the state of Texas; and

WHEREAS, consistent with the Governor's March 13, 2020 disaster declaration, the Mayor of the City of Brenham, Texas issued a declaration of a local state of disaster on March 19, 2020; and

WHEREAS, on March 26, 2020 the City Council of the City of Brenham, Texas continued the March 19, 2020 Mayoral declaration of a local state of disaster with the adoption of Resolution No. R-20-015; and

WHEREAS, on April 2, 2020 the City Council of the City of Brenham, Texas continued the March 26, 2020 Mayoral declaration of a local state of disaster (Resolution No. R-20-015) with the adoption of Resolution No. R-20-016; and

WHEREAS, on April 30, 2020 the City Council of the City of Brenham, Texas continued the April 2, 2020 Mayoral declaration of a local state of disaster (Resolution No. R-20-016) with the adoption of Resolution No. R-20-019; and

WHEREAS, on July 2, 2020 the City Council of the City of Brenham, Texas amended the April 30, 2020 Mayoral declaration of a local state of disaster (Resolution No. R-20-019) with the adoption of Resolution No. R-20-019-A; and

WHEREAS, on September 17, 2020 the City Council of the City of Brenham, Texas extended the July 2, 2020 Mayor declaration of a local state of disaster (Resolution No. R-20-019-A) with an amendment to suspend the issuance of solicitor permits during the duration of the Disaster Declaration; and

WHEREAS, on January 7, 2021 the City Council of the City of Brenham, Texas adopted a resolution continuing the September 17th, 2020 Mayoral declaration of a local state of disaster (R-20-019-A) with the adoption of Resolution No. R-21-001; and

WHEREAS, the Governor Abbott's disaster proclamation expired on June 14, 2023 due to non-renewal, pursuant to Chapter 418 of the Texas Government Code; and

WHEREAS, on June 2, 2023, Greg Abbott, Governor of the State of Texas, signed Senate Bill 29, prohibiting local governments in Texas from implementing or enforcing vaccine mandates, mask requirements, or business or school closures to prevent the spread of COVID-19; and

WHEREAS, the City Council of the City of Brenham, Texas desires to formally discontinue the Mayoral declaration of a local state of disaster, and all associated restrictions, consistent with actions taken by Governor Abbott and the Texas Legislature;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Brenham, Texas, that Resolution Nos. R-20-015, R-20-16, R-20-019, R-20-019-A, and R-21-001 are repealed and rescinded in their entirety.

RESOLVED, DECLARED and APPROVED this the 7th day of September 2023.

____
Atwood C. Kenjura
Mayor

ATTEST:

____
Jeana Bellinger, TRMC, CMC
City Secretary

Regular City Council
AGENDA ITEM 20.

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 07, 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.