NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, DECEMBER 21, 2023 AT 1:00 PM
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN STREET
BRENHAM, TEXAS

1. **Call Meeting to Order**

2. **Invocation and Pledges to the US and Texas Flags - Councilmember Paul LaRoche**

3. **Citizen Comments**

CONSENT AGENDA

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

4.a. Approve the Minutes from the December 7, 2023 Regular City Council Meeting, the December 7, 2023 Special City Council Meeting, and the December 12, 2023 Special City Council Meeting

4.b. Approve Ordinance No. O-23-031 on Its Second Reading to Grant a Non-Exclusive Franchise to Only 1 Rentals, LLC to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits

4.c. Approve Ordinance No. O-23-032 on Its Second Reading Providing for a No Parking Zone on the West Side of Blinn Boulevard Between College Avenue and West Fifth Street in the City of Brenham

4.d. Approve Ordinance No. O-23-033 on Its Second Reading Amending the City of Brenham's FY22-23 Adopted Budget

4.e. Approve Ordinance No. O-23-034 on Its Second Reading Amending the City of Brenham's FY23-24 Adopted Budget

4.f. **Approve Ordinance No. O-23-035 on Its Second Reading Amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Calvary Baptist Church to Allow Construction of an Open-Air Pavilion Behind the Existing Church Building (Church Auxiliary Use) in an R-1, Single-Family Residential Zoning District on Approximately 2.5443 Acres of Land Located at 1100 Niebuhr Street, and Further Described as Tract 241 of the Arabella Harrington Survey in Brenham, Washington County, Texas (Case No. P-23-040)**

4.g. **Approve the Ratification of Payments Made in the Amount of $63,215.00 to Chaparral Laboratories, Inc Related to the Water and Wastewater Department TCEQ Required Laboratory Water Testing and Authorize the Mayor to Execute any Necessary Documentation**

4.h. **Approve the Use of Seized Narcotic Funds for the City of Brenham Police Department for the Purchase of ERAD FCIS Solution Bundle from ERAD Group, Inc in the Amount of $4,250.00 and Authorize the Mayor to Execute any Necessary Documentation**

4.i. **Approve the Use of Seized Narcotic Funds for the City of Brenham Police Department for the Purchase of Two L5M 25mm Cameras from Vigilant Solutions, LLC in the Amount of $10,775.00 and Authorize the Mayor to Execute any Necessary Documentation**

WORK SESSION

5. **Update and Presentation on Camptown Cemetery**

6. **Discussion and Review of New Rules Pertaining to HUD Section 3 Policy Updates and Information for the City of Brenham's Community Development Block Grant through the Texas Department of Agriculture (Carrington Lane and Various Drainage Projects)**

7. **Update and Discussion on FY 22-23 Fourth Quarter Financial Reports**

REGULAR SESSION

8. **Discuss and Possibly Act Upon the Purchase of Audio Equipment for the Blue Bell Aquatic Center and Authorize the Mayor to Execute Any Necessary Documentation**

9. **Discuss and Possibly Act Upon Resolution No. R-23-046 Adopting an Increase in the City of Brenham's Monthly Contribution to the Texas Emergency Services Retirement System (TESRS)**

10. **Discuss and Possibly Act Upon an Ordinance on Its First Reading to Repeal**

Ordinance No. O-22-018 Relating to a Non-Exclusive Franchise to Skoot-N-Hauler to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits

11. **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

12. **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**

13. **Section 551.074, Texas Government Code - Personnel Matters - Discussion Concerning the Retirement of the City Manager, Potential Roles/Duties of the Retiring City Manager in Facilitating the Transition to a New City Manager, and the Appointment, Employment, Evaluation, and Duties of a New City Manager, and Associated Issues**

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 agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan St., Brenham, TX on Monday, December 18, 2023 at 10:05 a.m.

Jeana Bellinger, TRMC, CMC
City Secretary

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

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the _____ day of ___________________, 2023 at __________ a.m./p.m.

___________________________ ___________________________
Signature Title

Brenham City Council Minutes

A Regular Meeting of the Brenham City Council was held on Thursday, December 7, 2023 beginning at 1:00 PM in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members Present:

Mayor Atwood Kenjura
Mayor Pro Tem Clint Kolby
Councilmember Shannan Canales
Councilmember Leah Cook
Councilmember Paul LaRoche
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

None

City of Brenham Staff Present:

City Manager Carolyn Miller, City Attorney Cary Bovey, City Secretary/Director of Administrative Services Jeana Bellinger, General Manager of Public Utilities Debbie Gaffey, Director of Finance Stacy Hardy, Director of Public Works Dane Rau, Strategic Budget Officer Tim McRoberts, Director of HR and Risk Management Susan Nienstedt, Economic & Community Development Director Teresa Rosales, Robin Hutchens, Kyle Branham, Shawn Bolenbarr, Jessica Perez, Kevin Boggus, and Stephen Draehn

Citizens/Others Present:

Steve Sefcik

Media Present:

Sarah Forsythe, Brenham Banner Press, Melanie Chrismer, Brenham Banner Press, and Mark Whitehead, KWHI

1. Call Meeting to Order

2. Invocation and Pledges to the US and Texas Flags - Councilmember Shannan Canales

3. Service Recognitions

- **Corda "Joe" Pattison, Maintenance - 10 Years**

4. Citizen Comments

No citizen comments were heard.

CONSENT AGENDA

5. Statutory Consent Agenda

5.a. Approve the Minutes from the October 19, 2023 Regular City Council Meeting, October 20, 2023 Special City Council Meeting, the November 2, 2023 Regular City Council Meeting, and the November 16, 2023 Regular City Council Meeting

5.b. Approve Final Payment to D&S Contracting, Inc. for Project No. 65C-53C, and Project No. 65C-54C, In the Amount of $92,811.70, Related to the FY2022 Sanitary Sewer Improvements - Ralston Creek Crossing, and Stone Hollow Force Main And Gravity Sewer and Authorize the Mayor to Execute Any Necessary Documentation

5.c. Ratify a Grant Payment in the Amount of $147,128.62 to Baker Katz, LLC. as Outlined in the Chapter 380 Economic Development Agreement Between the City of Brenham, Texas and Baker Katz, LLC and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve the Statutory Consent Agenda Items 5.a. through 5.c. as presented.

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

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent:

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

6. Public Hearing, Discussion and Possible Action on 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 Calvary Baptist Church to Allow Construction of an Open-Air Pavilion Behind the Existing Church Building (Church Auxiliary Use) in an R-1, Single-Family Residential Zoning District on Approximately 2.5443 Acres of Land Located at 1100 Niebuhr Street, and Further Described as Tract 241 of the Arabella Harrington Survey in Brenham, Washington County, Texas (Case No. P-23-040)

City Planner Shauna Laauwe presented this item. Laauwe advised that Calvary Baptist Church is requesting approval of a Specific Use Permit to allow the placement of a 50-feet by 75-feet open-air pavilion for church event use in the rear yard of the approximately 2.5443 acres tract addressed as 1100 Niebuhr Street and generally located on the south side of Niebuhr Street and directly south of Eledra Street. Laauwe advised Calvary Baptist Church plans to use the pavilion for fellowship gatherings, picnic events, National Night Out, Vacation Bible School and similar events. Laauwe advised that the proposed steel constructed open-air pavilion would be on a concrete slab and be approximately 18-feet in height.

Laauwe stated that the Planning and Zoning Commission held a Public Hearing on this SUP at their November 27th meeting and unanimously recommended approval of the request.

There were no citizen comments heard; however, Laauwe advised the Council that staff had received six responses from citizens (four for and two against).

A motion was made by Councilmember Cook and seconded by Councilmember Saunders to 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 construction of an open-air pavilion behind the existing church building (Church Auxiliary use) in an R-1, Single-Family Residential Zoning District on approximately 2.5443 acres of land located at 1100 Niebuhr Street, and further described as Tract 241 of the Arabella Harrington Survey in Brenham, Washington County, Texas..

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

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent:

REGULAR SESSION

7. Discuss and Possibly Act Upon an Ordinance on Its First Reading to Grant a Non-Exclusive Franchise to Only 1 Rentals, LLC to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits

Director of Public Works Dane Rau presented this item. Rau advised that the City was recently contacted by Dillon Hughes, the owner of Only 1 Rentals, LLC, with a request for a franchise. Only 1 Rentals, LLC is based in Navasota and has been in business since 2012. Rau advised that the Ordinance being presented grants Only 1 Rentals, LLC a non-exclusive franchise and the authority to collect demolition debris, construction debris and/or solid waste from commercial, residential, and industrial sites using roll-off containers and/or commercial containers. Rau stated that the initial term of the agreement is from the date of execution to September 30, 2024; thereafter it will automatically renew every year for a one-year term beginning October 1st.

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve an Ordinance on its first reading granting a non-exclusive franchise to Only 1 Rentals, LLC to operate a roll-off container service for residents, businesses, and industries inside Brenham city limits.

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

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent:

8. Discuss and Possibly Act Upon an Ordinance on Its First Reading Providing for a No Parking Zone on the West Side of Blinn Boulevard Between College Avenue and West Fifth Street in the City of Brenham

Director of Public Works Dane Rau presented this item. Rau advised that Blinn College requested the City establish a “no parking” zone on the west side of Blinn Blvd near W. Fifth St.

Rau advised that Blinn recently constructed a new parking lot with 154 parking spaces so the removal of the 26 on-streeet parking spaces should not create a problem and will be much safer for drivers and pedestrians in the area.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve an Ordinance on its first reading providing for a No Parking Zone on the west side of Blinn Boulevard between College Avenue and West Fifth Street in the City of Brenham.

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

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent:

9. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham's FY22-23 Adopted Budget

Strategic Budget Officer Tim McRoberts presented this item. McRoberts advised that as the Finance Department prepares the FY22-23 Budget for final close and audit, staff is recommending the following budget amendments to clean up expense anomalies in the financial reports.

- **Fund 101 General Fund – Net impact $0**

Sales tax rebate to BK Stringer, LTD. At the time of FY 22-23 Budget adoption, the sales tax rebate amount was unknown, so it was reflected in the budget in the form of lower than estimated sales tax revenue. Now that the payments have been received and the portion to rebate has been calculated, a budget amendment is needed to account for this expense. The expense is offset by increased sales tax revenues.

- **Fund 104 Water Fund – Net Revenue Impact $0**

Increased budget expenditures by $260,594 due to higher chemical prices and volumes. These expenses are offset by excess revenues.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve an Ordinance on its first reading for the amendment to the City of Brenham's FY22-23 Adopted Budget.

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

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent:

10. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham's FY23-24 Adopted Budget

Strategic Budget Officer Tim McRoberts presented this item. McRoberts advised that the following Budget Amendment is proposed for FY 23-24.

- **Fund 102 Electric Fund – Net impact $0**

Two major capital projects: (1) MLK Parkway Circuit Upgrade Pole Change-Out; and (2) South Market Street Line Upgrade were funded through the adoption of the FY22-23 budget but not completed. The projects were delayed due to the uncertainty surrounding LCRA contract agreement renewal with Techline. LCRA has since resolved and renewed the contract, and work can begin. Council approved these projects on August 3, 2023 and since these projects were funded, but not completed, the funds rolled back into Electric Fund unreserved fund balance.

A motion was made by Councilmember LaRoche and seconded by Councilmember Canales to approve an Ordinance on its first reading for the amendment to the City of Brenham's FY23-24 Adopted Budget.

Mayor Kenjura called for a vote. The motion Passed with Council voting as follows:

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent:

11. Administrative/Elected Officials Report

City Manager Carolyn Miller reported the following:

- Special Council Meeting tonight at 5:30 at the Library to discuss impact fees
- Hazard Mitigation Public Meeting on December 14th at 6:00 p.m. at the Washington County Expo Center

- The next City Council Meeting will be on December 21, 2023

Director of Public Works Dane Rau provided the following update:

- The purple streetlights seen throughout town are due to defects in the light bulbs. City staff is working to get them all changed out.

Executive Session began at 1:35 pm.

EXECUTIVE SESSION

12. Section 551.071 Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Commonwealth Development, Inc. v. City of Brenham, Texas; Fair Housing Case No. 06-22-3294-8

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

Executive Session adjourned at 2:36 p.m.

ADJOURN

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Atwood C. Kenjura
Mayor

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Jeana Bellinger, TRMC, CMC
City Secretary

Brenham City Council Minutes

A Special Meeting of the Brenham City Council was held on Thursday, December 7, 2023 beginning at 5:30 PM in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members Present:

Mayor Atwood Kenjura
Mayor Pro Tem Clint Kolby
Councilmember Shannan Canales
Councilmember Leah Cook
Councilmember Paul LaRoche
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

None

City of Brenham Staff Present:

City Manager Carolyn Miller, City Secretary/Director of Administrative Services Jeana Bellinger, General Manager of Public Utilities Debbie Gaffey, Director of Finance Stacy Hardy, Director of Public Works Dane Rau, Strategic Budget Officer Tim McRoberts, Director of HR and Risk Management Susan Nienstedt, Asst. Police Chief Lloyd Powell, Shawn Bolenbarr, Jessica Perez, Robin Hutchens, Kim Hodde, and Daniel McCracken

Citizens/Others Present:

Calvin Kossie, Steve Sefcik, Ken Miller, and Deanna Alfred

Media Present:

Mark Whitehead, KWHI, and Sarah Forsythe, Brenham Banner Press

1. Call Meeting to Order

PUBLIC HEARING

2. Public Hearing to Consider Land Use Assumptions and Water, Wastewater, and Roadway Capital Improvement Plans Under Which Impact Fees in the

City of Brenham May Be Imposed

Utility Compliance Manager Daniel McCracken presented this item. McCracken explained that this Public Hearing is a requirement of Chapter 395 of the Local Government Code in relation to the implementation of Impact Fees. McCracken introduced Ryan Tinsley, Kelly Hajek and Jared Engelke from Strand Associates, the engineering firm the City has contracted to help with the study and possible implementation of impact fees.

Tinsley presented the following information:

- What is an Impact Fee
- Why should the City adopt Impact Fees
- Impact Fee Development Process - the City is currently on Step 7 "Public Hearing: Approval of Land Use Assumptions and Capital Improvement Plans"
- Appropriate Development of Land Use Assumptions (LUAs) Deliver Strong Foundation for Impact Fee Process
- Systemwide LUA Map Defines Service Area for Water and Wastewater Improvements
- Population Density Assumptions Reviewed to Identify Possible Full Build-Out Population
- Comprehensive Plan Methodology Replicated in Preparation of LUA Population Projections
- Water Study Considered as Basis for LUA Population Projections
- Service Units Provide Basis of Measurement for Collection of Impact Fees

Hajek presented the following information:

- Texas Commission on Environmental Quality (TCEQ) Capacity Requirements Drive Needs for Water Production Improvements Based on Connection Growth
- Water Source Evaluation and Water Treatments Plant Expansion Plan Identified Need for Incremental Water Production Improvements
- Water Storage and Pumping Improvements Required to Maintain System Pressures and Meet TCEQ Capacity Requirements
- Calibrated Hydraulic Model Used to Simulate System Pressure Changes Because of Anticipated 10-Year Development Growth
- Pressure Plane Extension Improvements Needed to Minimize Development-Related Pressure Deficiencies Along US Highway 290
- TCEQ Compliance Maintained through Combination of Water Treatment, Storage, Pumping, and Distribution Projects
- Water Impact Fees Fund Eligible Capacity Improvements on the Water

CIP. Currently, the City's sixteen (16) water capital projects total $65,490,100
- TCEQ Identifies Need for Wastewater Collection, Pumping, and Treatment Improvements based on Increased Sanitary Flows
- Wastewater Collection Model Considers Inflow and Infiltration to Identify Needed Wastewater Infrastructure Improvements
- TCEQ Compliance Maintained through Combination of Wastewater Treatment, Pumping, and Collection Projects
- Wastewater Impact Fees Fund Eligible Capacity Improvements on the Wastewater CIP. Currently, the City's twenty-three (23) wastewater capital projects total $3,264,000

Engelke presented the following information:

- Single Service Area Provides Flexibility for Roadway Impact Fees to be Spent on Highest Priority Capacity Improvements
- Vehicle-Miles Provides Basis of Measurement for Roadway Impact Fees
- Roadway Impact Fees Fund Eligible Capacity Improvements on the Roadway CIP. Currently, the City's nineteen (19) roadway capital projects total $78,099,000
- Next Steps in the Process: Another Public Hearing on February 1st; City Council to consider an Ordinance for impact fees on February 15th and March 7th

REGULAR SESSION

3. Discuss and Possibly Act Upon Resolution No. R-23-044 Adopting Land Assumptions and Water, Wastewater, and Roadway Capital Improvement Plans for the Possible Implementation of Impact Fees in the City of Brenham, Texas

Utility Compliance Manager Daniel McCracken presented this item. McCracken advised that in preparation of the City’s implementation of Impact Fees for the accumulation of funds which will aid in future capital improvement projects for water, wastewater, and roadways, the City had to follow procedures listed under the Texas Local Government Code Chapter 395.

McCracken advised that as per the guidelines, a capital improvement plan was developed by Strand Associates, a Capital Improvement Advisory Commission (CIAC) was formed, and this public hearing was held to present the capital improvement plan for water, wastewater, and roadways to receive feedback from the public. McCracken advised that this Resolution approves the land assumptions and water, wastewater and roadway capital improvement plans as presented.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Cook to approve Resolution No. R-23-044 adopting Land Assumptions and Water, Wastewater, and Roadway Capital Improvement Plans for the possible implementation of Impact Fees in the City of Brenham, Texas.

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

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent:

4. Discuss and Possibly Act Upon Resolution No. R-23-045 Setting a Public Hearing to Consider the Imposition of Impact Fees on New Development for Water, Wastewater, and Roadway Capital Improvements

Utility Compliance Manager Daniel McCracken presented this item. McCracken advised that with the Council's approval of the land use assumption and water, wastewater, and roadway capital improvement plans, the next step for the City in the implementation of Impact Fees is to hold a second public hearing in accordance to the Texas Local Government Code. McCracken advised that this Resolution sets the second public hearing for February 1, 2024 at 1:00 p.m. in Council Chambers at City Hall.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve Resolution No. R-23-045 setting a Public Hearing to consider the imposition of Impact Fees on new development for water, wastewater, and roadway capital improvements.

Mayor Kenjura called for a vote. The motion Passed with Council voting as follows:

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent:

ADJOURN

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Atwood C. Kenjura
Mayor

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Jeana Bellinger, TRMC, CMC
City Secretary

Brenham City Council Minutes

A Special Meeting of the Brenham City Council was held on Tuesday, December 12, 2023 beginning at 4:00 PM in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members Present:

Mayor Atwood Kenjura
Mayor Pro Tem Clint Kolby
Councilmember Shannan Canales
Councilmember Leah Cook
Councilmember Paul LaRoche
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

None

City of Brenham Staff Present:

City Manager Carolyn Miller, City Attorney Cary Bovey, City Secretary/Director of Administrative Services Jeana Bellinger, and Director of HR and Risk Management Susan Nienstedt

Citizens/Others Present:

None

Media Present:

None

1. Call Meeting to Order

Council adjourned into Executive Session at 4:02 p.m.

EXECUTIVE SESSION

2. 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

3. **Section 551.074, Texas Government Code - Personnel Matters - Discussion Concerning the Retirement of the City Manager, Potential Roles/Duties of the Retiring City Manager in Facilitating the Transition to a New City Manager, and the Appointment, Employment, Evaluation, and Duties of a New City Manager, and Associated Issues**

Councilmember Canales left the meeting at 5:10 p.m.

Executive Session adjourned at 5:31 p.m.

ADJOURN

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Atwood C. Kenjura
Mayor

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Jeana Bellinger, TRMC, CMC
City Secretary

ORDINANCE NO. O-23-031

AN ORDINANCE GRANTING ONLY 1 RENTALS, LLC, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE FOR THE PRIVILEGE AND USE OF PUBLIC STREETS, ALLEYS, AND PUBLIC WAYS WITHIN THE CORPORATE LIMITS OF THE CITY OF BRENHAM FOR THE PURPOSE OF ENGAGING IN THE BUSINESS OF COLLECTING SOLID WASTE FROM COMMERCIAL, RESIDENTIAL AND INDUSTRIAL SITES USING ROLL-OFF CONTAINERS AND/OR COMMERCIAL COMPACTORS; PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS, AND LIMITATIONS UNDER WHICH SAID FRANCHISE SHALL BE EXERCISED; PROVIDING FOR THE CONSIDERATION; FOR PERIOD OF GRANT; FOR ASSIGNMENT; FOR METHOD OF ACCEPTANCE; FOR REPEAL OF CONFLICTING ORDINANCES AND FOR PARTIAL INVALIDITY.

WHEREAS, the City of Brenham, by ordinance, provides exclusively all solid waste collection and disposal services for solid waste generated from within the corporate limits of the City of Brenham; and

WHEREAS, the City of Brenham may, by ordinance and charter, grant franchises to other entities for the use of public streets, alleys and thoroughfares within the corporate limits of CITY and for the collection and disposal of solid waste generated from within the corporate limits of the City of Brenham; and

WHEREAS, the City of Brenham desires to exercise the authority provided to it by ordinance and charter to grant a franchise for the collection and disposal of certain solid waste generated from within the corporate limits of the City of Brenham; and

WHEREAS, the City of Brenham hereinafter referred to as “CITY” desires to grant this franchise to Only 1 Rentals, LLC, under the terms of this Agreement as set out below.

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

SECTION 1.
DEFINITIONS

Agreement. This contract between the City of Brenham and for the provision of certain roll-off container and/or commercial compactor service within the corporate limits of the City of Brenham under certain terms and conditions set out herein.

City of Brenham. Also referred to as "CITY" in this Agreement.

City Council. Also referred to as "COUNCIL" denoting the governing body of the City of Brenham.

Customers. Those industrial, residential, and/or commercial premises located within the CITY that generates solid waste requiring collection using roll-off containers and/or commercial compactors.

Solid Waste. All putrescible and nonputrescible solid, semi-solid, and liquid wastes, including residential, industrial, commercial and municipal garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes.

Roll-Off Containers. A type of solid waste industry container that is loaded by a winch truck. Also referred to as “container”.

Commercial Compactor. A type of solid waste industry container that is loaded by a winch truck and compacts solid waste. Also referred to as “compactor”.

Only 1 Rentals, LLC, Herein-after referred to as “FRANCHISEE". The party contracting with the CITY for roll-off container and/or commercial compactor service, which contains demolition/construction debris or solid waste.

SECTION 2.
GENERAL DESCRIPTION OF SERVICES TO BE PROVIDED

For and in consideration of the compliance by FRANCHISEE with the covenants and conditions herein set forth, and the Charter, Ordinances and Regulations of the City governing the collection and disposal of solid waste, CITY hereby grants to FRANCHISEE a non-exclusive franchise for use of designated public streets, alleys and thoroughfares within the corporate limits of City for the sole purpose of engaging in the business of collecting solid waste using roll-off containers and/or commercial compactors from commercial, residential and industrial sites within the jurisdictional limits of CITY, as approved by the City Manager or his designee.

SECTION 3.
AUTHORITY FOR TO PROVIDE SERVICE

CITY hereby grants to FRANCHISEE the privilege to collect from commercial, residential, and industrial customers within the City limits solid waste using roll-off containers and/or commercial compactors only.

SECTION 4.
DISPOSAL SITE TO BE USED

Unless approved otherwise in writing by the CITY, FRANCHISEE shall utilize any Type I permitted landfill that FRANCHISEE deems appropriate and is authorized for disposal of all solid waste, which is collected by FRANCHISEE from within the corporate limits of the CITY.

SECTION 5.
RATES TO BE CHARGED

A written Schedule of Rates that FRANCHISEE shall charge for the aforementioned services shall be provided to each customer, and such Schedule of Rates may be revised periodically as agreed by FRANCHISEE and its customers. FRANCHISEE shall immediately provide the CITY with copies of any and all revised Schedule of Rates documents.

SECTION 6.
PAYMENTS TO CITY

For and in consideration of the use of designated streets, alleys, and thoroughfares as well as in consideration of the covenants and agreements contained herein, FRANCHISEE agrees and shall pay to CITY upon acceptance of this Agreement and thereafter during the term hereof, a sum equivalent to five percent (5%) of FRANCHISEE'S monthly gross revenues generated from FRANCHISEE'S provision of solid waste roll-off container collection services within the CITY excluding actual landfill tipping charges.

Any revenue received by FRANCHISEE in excess of the actual landfill tipping charges will be subject to the franchise fee and shall be computed into FRANCHISEE'S monthly gross revenue. Said payment shall be paid monthly to the City of Brenham Attn: City Secretary and must be received by the CITY no later than the twenty-fifth (25th) day of the month following the end of the previous month. If the payment due date falls on a Saturday, Sunday or other holiday designated by the CITY, the payment must be received by the CITY on the next regular business day.

Payments received by the CITY after the due date shall be assessed a ten percent (10%) penalty on the outstanding franchise fee amount owed under this Section.

Failure by FRANCHISEE to pay amounts due under this Agreement, after written notice by CITY, shall constitute Failure to Perform under this Agreement and CITY may invoke the provisions of Section 15 of this Agreement (FAILURE TO PERFORM), and/or any other remedy available to the CITY in law or equity.

SECTION 7.
ACCESS TO RECORDS & REPORTING

CITY shall have access to FRANCHISEE'S records, billing records of those customers served by FRANCHISEE and all papers relating to this Agreement and the operation of solid waste roll-off container collection and disposal services within the CITY. Access by CITY to FRANCHISEE'S records shall be provided to CITY within ten (10) business days, after written notice to FRANCHISEE during normal business hours.

The following records and reports shall be filed quarterly with the City Secretary or his/her designee:

A. Reports of all complaints, investigations, and actions taken by FRANCHISEE with regard to services provided pursuant to this Agreement.

B. A listing of all FRANCHISEE accounts served and monthly revenue derived from roll-off containers placed in the CITY under the terms of this Agreement. The reports should include: a unique customer identification or account number, frequency of pick-up, size of container and monthly charges.

The CITY is subject to the Texas Public Information Act ("Act"). Generally, the Act requires the release of requested information by the CITY, but there are exceptions. If the requested information meets the criteria outlined in the exceptions, the CITY may decline to release the information for the purpose of requesting a decision from the Texas Attorney General's Office. The Act excepts from public disclosure trade secrets and certain commercial or financial information. The Act states the CITY may withhold:

A. A trade secret obtained from a person and privileged or confidential by statute or judicial decision; or

B. Commercial or financial information for which it is determined based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.

Pursuant to Section 552.305 of the Act, the CITY is obligated to make a good faith attempt to contact third parties who have a trade secret interest or a commercial financial interest in the information that's been requested so that the third party has an opportunity to submit reasons to the Texas Attorney General's Office why the information should be withheld or released.

The CITY will comply with Section 552.305 of the Act with regard to any requests for records concerning FRANCHISEE that invoke Section 552.305.

SECTION 8.
PLACEMENT OF CONTAINERS

All roll-off containers and/or compactors placed for service within CITY shall be located in such a manner so as not to be a safety or traffic hazard. Under no circumstances shall FRANCHISEE place containers on public streets, alleys and/or thorough fares without the prior written approval of the CITY. CITY reserves the right to specify to FRANCHISEE the exact location and time period allowed for placement of any roll-off container(s) it places for service in CITY.

FRANCHISEE agrees and acknowledges that it shall be liable for any and all damages it causes to any public street, alley and/or thorough fare, and associated improvements and FRANCHISEE will pay CITY's entire construction costs and other expenses associated with repairing and/or replacing the damaged public street, alley and/or through fare, and associated improvements.

SECTION 9.
CONTAINER MAINTENANCE

FRANCHISEE agrees to properly maintain as necessary, including but not limited to cleaning and painting, all roll-off containers placed for service within CITY.

SECTION 10.
COMPLAINTS REGARDING SERVICE/SPILLAGE

FRANCHISEE shall receive and directly respond to any complaints pertaining to service from their roll-off containers and/or compactor customers located within CITY. However, any such complaints received by CITY shall be forwarded to FRANCHISEE within twenty four (24) hours of their receipt by CITY. FRANCHISEE shall respond to all complaints within twenty four (24) hours of receiving notice of such complaint from CITY and shall report to CITY as to the action taken. Failure by FRANCHISEE to respond and report to CITY on action taken within this twenty four (24) hour period may subject FRANCHISEE to a $25.00 per incident charge from CITY payable with the next payment due to CITY under Section 6 of this Agreement.

FRANCHISEE agrees that during transport all vehicles used by FRANCHISEE in the removal of solid waste shall be properly covered to prevent spillage, blowing, or scattering of refuse onto public streets or properties adjacent thereto. All equipment necessary for the performance of this Agreement shall be in good condition and repair. A standby vehicle shall always be available. FRANCHISEE'S vehicles shall at all times be clearly marked with FRANCHISEE'S name in letters not less than three (3) inches in height.

SECTION 11.
OBEISANCE OF LAWS

FRANCHISEE agrees that it shall comply with all laws, policies, rules and regulations of the United States, State of Texas, and CITY. All collections made hereunder shall be made by FRANCHISEE without unnecessary noise, disturbance, or commotion.

SECTION 12.
UNDERSTANDINGS PERTAINING TO NON-EXCLUSIVITY

It is understood by and between the parties that this Agreement executed by and between the parties on the _____ day of ________________, 2023, constitutes the only agreement between the parties. It is further understood and agreed that there are no other agreements between these parties with regard to the disposal of commercial, industrial or residential solid waste in the CITY using roll-off containers/compactors and that this Agreement does not authorize FRANCHISEE to utilize the streets, alleys or public ways to dispose of commercial, industrial, or residential solid waste other than demolition and construction debris. Both parties agree and understand that nothing in this Agreement conveys to FRANCHISEE an exclusive franchise for the services described in this Agreement and that this Agreement is non-exclusive.

SECTION 13.
OWNERSHIP OF MATERIALS COLLECTED

Nothing herein shall create or be construed to convey any title to CITY of any solid waste collected pursuant to the provisions of this agreement.

SECTION 14.
INTERRUPTION OF SERVICE OR DEFAULT

A. Termination of Service. In the event that FRANCHISEE terminates service to any customer with the CITY limits for cause, FRANCHISEE must notify the CITY through certified mail within forty-eight (48) hours of termination and state the cause of such termination.

B. Excessive Interruption in Service. If the interruption in service continues for a period of seventy-two (72) hours or more, then it may constitute Failure to Perform under this Agreement and CITY may invoke the provisions of Section 15 of this Agreement (FAILURE TO PERFORM).

SECTION 15.
FAILURE TO PERFORM

It is expressly understood and agreed by the parties that if at any time FRANCHISEE shall fail to perform any of the terms, covenants, or conditions herein set forth, CITY may after a hearing as described herein, revoke and cancel the Agreement by and between the parties and said Agreement shall be null and void. Upon the determination by the staff of CITY that a hearing should be held before the City Council, CITY shall mail notice of the hearing to FRANCHISEE, at the address designated herein or at such address as may be designated from time to time, by registered or certified mail. The notice shall specify the time and place of the hearing and shall include the allegations being asserted for the revocation of this Agreement. The hearing shall be conducted in public before the City Council and FRANCHISEE shall be allowed to present evidence and given an opportunity to answer all reasons for the termination set forth in the notice. In the event that the Council determines that the allegations set forth are true as set forth in the notice it may by majority vote cancel this Agreement between the parties at no penalty to the CITY.

SECTION 16.
INDEMNIFICATION

In the event CITY is damaged due to the act, omission, mistake, fault or default of FRANCHISEE, then FRANCHISEE shall indemnify and hold CITY harmless for such damage.

FRANCHISEE is to indemnify and hold CITY harmless for any disposal of any prohibited material whether intentional or inadvertent.

FRANCHISEE shall indemnify and hold CITY harmless from any and all injuries to or claims of adjacent property owners caused by FRANCHISEE, its agents, employees, and representatives.

FRANCHISEE agrees to and shall indemnify and hold harmless CITY, its officers, agents and employees, from and against any and all claims, losses, damages, causes of action, suits, and liability of every kind, including all expenses of litigation, court costs, and attorney's fees, for injury to or death of any person, or for damage to any property, arising out of or in connection with the work done by FRANCHISEE under this Agreement, regardless of whether such injuries, death or damages are caused in whole or in part by the negligence, including but not limited to the contractual comparative negligence, concurrent negligence or gross negligence, of CITY.

SECTION 17.
INSURANCE

FRANCHISEE shall procure and maintain at its sole cost and expense for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by FRANCHISEE, its agents, representatives, volunteers, employees or subcontractors.

FRANCHISEE'S insurance coverage shall be primary insurance with respect to the CITY, its officials, employees and volunteers. Any insurance or self-insurance maintained by the CITY, its officials, employees or volunteers shall be considered in excess of the FRANCHISEE'S insurance and shall not contribute to it.

FRANCHISEE shall include all subcontractors as additional insured under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverage's for subcontractors shall be subject to all of the requirements stated herein.

Certificates of Insurance and endorsements shall be furnished to CITY and approved by CITY before work commences.

A. STANDARD INSURANCE POLICIES REQUIRED

1. Commercial General Liability Policy
2. Automobile Liability Policy
3. Worker's Compensation Policy

B. GENERAL REQUIREMENTS APPLICABLE TO ALL POLICIES

1. General Liability and Automobile Liability insurance shall be written by a carrier with a better rating in accordance with the current Best Key Rating Guide.
2. Only Insurance Carriers licensed and admitted to do business in the State of Texas will be accepted.
3. Deductibles shall be listed on the Certificate of Insurance and are acceptable only on a per occurrence basis for property damage only.
4. Claims Made Policies will not be accepted.
5. The CITY, its officials, employees and volunteers are to be added as "Additional Insured" to the General Liability and the Automobile Liability policies. The coverage shall contain no special limitations on the scope of protection afforded to the CITY, its officials, employees or volunteers.
6. A Waiver of Subrogation in favor of the CITY with respect to the General Liability, Automobile Liability, and Workers' Compensation insurance must be included.
7. Each insurance policy shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the CITY.
8. Upon request, certified copies of all insurance policies shall be furnished to the CITY.

C. COMMERCIAL GENERAL LIABILITY

1. Minimum Combined Single Limit of $1,000,000 per occurrence for Bodily Injury and Property Damage.
2. No coverage shall be deleted from the standard policy without notification of individual exclusions being attached for review and acceptance.

D. AUTOMOBILE LIABILITY

1. Minimum Combined Single Limit of $1,000,000 per occurrence for Bodily Injury and Property Damage.

E. WORKERS' COMPENSATION

1. Employer's Liability limits of $500,000/$500,000/ $500,000 are required.

F. CERTIFICATES OF INSURANCE

1. Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent, and shall contain provisions representing and warranting the following:

    a. The company is licensed and admitted to do business in the State of Texas.

    b. The insurance set forth by the insurance company are underwritten on forms which have been approved by the Texas Department of Insurance or ISO.

    c. Sets forth all endorsements as required above and insurance coverage's as previously set forth herein.

    d. Shall specifically set forth the notice of cancellation, termination, or change in coverage provisions to the CITY.

    e. Original endorsements affecting coverage required by this section shall be furnished with the certificates of insurance.

SECTION 18.
ASSIGNMENT

This Agreement and the rights and obligations contained herein may not be assigned by FRANCHISEE without the specific prior written approval of the City Council. Any assignment by FRANCHISEE without prior written approval of the City Council shall be null and void.

SECTION 19.
SAFETY

FRANCHISEE shall perform the collection in accordance with applicable laws, codes, ordinances and regulations of the United States, State of Texas, Washington County, and CITY and in compliance with OSHA and other laws as they apply to its employees. It is the intent of the parties that the safety precautions are a part of the collection techniques for which FRANCHISEE is solely responsible. In the carrying on of the work herein provided for, FRANCHISEE shall use all proper skill and care, and FRANCHISEE shall exercise all due and proper precautions to prevent injury to any property, person or persons. FRANCHISEE assumes responsibility and liability and hereby agrees to indemnify the CITY from any liability caused by FRANCHISEE'S failure to comply with applicable federal, state or local laws and regulations, touching upon the maintenance of a safe and protected working environment, and the safe use and operation of machinery and equipment in that working environment.

SECTION 20.
AD VALOREM TAXES

FRANCHISEE agrees to render all personal property utilized in its solid waste operation services to Washington County Appraisal District so that said personal property will be the subject of ad valorem taxation for the benefit of CITY.

SECTION 21.
NOTICES

All notices required under the terms of this Agreement to be given by either party to the other shall be in writing, and unless otherwise specified in writing by the respective parties, shall be sent to the parties at the addresses following:

City of Brenham	Only 1 Rentals, LLC
P.O. Box 1059	9782 S. Business 6
Brenham, Texas 77834	Navasota, Texas 77868
ATTN: City Secretary	ATTN: Dillon Hughes, Owner

All notices shall be deemed to have been properly served only if sent by certified mail, to the person(s) at the address designated as above provided, or to any other person at the address which either party may hereinafter designate by written notice to the other party.

SECTION 22.
AMENDMENTS

It is hereby understood and agreed by the parties to this Agreement that no alternation or variation to the terms of this Agreement shall be made unless made in writing, approved by both parties, and attached to this Agreement to become a part hereof.

SECTION 23.
SEVERABILITY

If any section, sentence, clause or paragraph of this Agreement is for any reason held to be invalid or illegal, such invalidity shall not affect the remaining portions of the Agreement.

SECTION 24.
TERM OF AGREEMENT

The term of this Agreement shall be effective beginning on the _____ day of ______________, 2023, being the date of acceptance by FRANCHISEE and shall terminate on September 30, 2024.

Thereafter, this Agreement shall automatically renew annually for a subsequent one (1) year terms beginning on October 1 and terminating on the following September 30 unless either party gives written notice of non-renewal by certified mail no later than sixty (60) days prior to the then current termination date. Further, either party may terminate this Agreement without cause at any time by providing the other party with sixty (60) days written notice of termination by certified mail. This section is not intended, nor shall this section be construed, to limit or prohibit a party's ability to terminate this Agreement as otherwise provided in this Agreement.

SECTION 25.
ACCEPTANCE OF AGREEMENT

That FRANCHISEE shall have sixty (60) days from and after the final passage and approval of this Ordinance to file its written acceptance thereof with the City Secretary, and upon such acceptance being filed, this Ordinance shall take effect and be in force from and after the date of its acceptance, and shall effectuate and make binding the agreement provided by the terms hereof.

SECTION 26.
AUTHORIZATION TO EXECUTE

The parties signing this Agreement shall provide adequate proof of their authority to execute this Agreement. This Agreement shall inure to the benefit and is binding upon the parties hereto and their respective successors or assigns, but shall not be assignable by either party without the written consent of the other party.

SECTION 27.
PUBLIC MEETING

It is hereby found and determined that the meeting(s) at which this Ordinance was considered were open to the public, as required by Chapter 551, Texas Government Code, and that advance public notice of time, place, and purpose of said meetings was given in accordance with law.

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

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

____

Atwood C. Kenjura
Mayor

ATTEST:

____

Jeana Bellinger, TRMC, CMC
City Secretary

ORDINANCE NO. O-23-032

AN ORDINANCE PROVIDING FOR THE PROHIBITION OF PARKING MOTOR VEHICLES, TRAILERS OR OTHER VEHICLES ON CERTAIN DESIGNATED STREETS IN THE CITY OF BRENHAM, AND ASSOCIATED MATTERS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATION THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Texas Local Government Code section 51.001, the City of Brenham, Texas ("City") has the authority to adopt ordinances and regulations that are for the good government, peace and order of the City; and

WHEREAS, the City Council desires to provide for no parking zones on certain streets within the City of Brenham in order to: prevent accidents, collisions and damages; promote the flow of traffic along and into such streets; and regulate the same; and

WHEREAS, the general welfare, health and safety of the citizens of the City will be promoted by the enactment of this Ordinance; and

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

SECTION I.

That every person, firm, corporation, or other entity shall be prohibited from parking any motor vehicle, trailer, or other vehicle, upon any of the following designated streets or portions thereof, when signs are erected giving notice thereof:

a. On the west side of Blinn Blvd beginning at College Ave and extending south to W. Fifth Street

SECTION II.

The terms "park" and "parking" shall mean the standing or stopping of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or property.

SECTION III.

In any case when a person, firm, corporation or other entity shall have been charged with a violation of this Ordinance, proof that said motor vehicle, trailer, or other vehicle was, at the date of the offense alleged, owned by the person, firm, corporation or entity charged with the offense, shall constitute prima facie evidence that said motor vehicle, trailer, or other vehicle was stopped, left standing or parked at the place charged by said owner.

SECTION IV.

The provisions of this Ordinance shall not apply to any authorized emergency vehicle or City of Brenham motor vehicle, trailer, or other vehicle.

SECTION V.

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION VI.

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

SECTION VII.

That any person, firm, corporation or other entity violating this Ordinance shall be fined a sum of not less than $1.00 and not more than $500.00, plus applicable court costs.

SECTION VIII.

This Ordinance shall take full force and effect from and after its passage and approval.

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

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

____
Atwood C. Kenjura.
Mayor

ATTEST:

____
Jeana Bellinger, TRMC, CMC
City Secretary

ORDINANCE NO. O-23-033

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING THE FY2022-23 ADOPTED BUDGET; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Brenham, Texas has previously approved a budget for the fiscal year ending September 30, 2023, after having filed the same with the City Secretary and after holding public hearings on same, all after due notice as required by statute; and

WHEREAS, due to unforeseen circumstances and/or conditions, the City Council finds it is necessary to amend the FY2022-23 Budget for municipal purposes;

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

SECTION 1.

That the City Council of the City of Brenham, Texas, does hereby amend the budget for the City of Brenham, Texas for the fiscal year ending September 30, 2023, as shown on Exhibit A.

SECTION II.

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

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

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

____
Atwood C. Kenjura
Mayor

ATTEST:

____
Jeana Bellinger, TRMC, CMC
City Secretary

Exhibit A FY 2022-23 Budget Amendment #1

Year	Line Item	Amount	Expenditure
2023	101-4-140.00	$ (147,128.62)	Sales Tax Revenue
2023	101-5-100-953.40	$ 147,128.62	Sales Tax Rebate
		$ -	

Year	Line Item	Amount	Expenditure
2023	104-4-603.00	$ (260,594.00)	Water Utility Revenues
2023	104-5-163-201.00	$ 260,594.00	Water Treatment Chemicals
		$ -	

ORDINANCE NO. O-23-034

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING THE FY2023-24 ADOPTED BUDGET; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Brenham, Texas has previously approved a budget for the fiscal year ending September 30, 2024, after having filed the same with the City Secretary and after holding public hearings on same, all after due notice as required by statute; and

WHEREAS, due to unforeseen circumstances and/or conditions, the City Council finds it is necessary to amend the FY2023-24 Budget for municipal purposes;

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

SECTION 1.

That the City Council of the City of Brenham, Texas, does hereby amend the budget for the City of Brenham, Texas for the fiscal year ending September 30, 2024, as shown on Exhibit A.

SECTION II.

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

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

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

____
Atwood C. Kenjura
Mayor

ATTEST:

____
Jeana Bellinger, TRMC, CMC
City Secretary

Exhibit A FY 2023-24 Budget Amendment #2

Year	Line Item	Amount	Expenditure
2024	102-5-161-804.20	$ 70,750	MLK Parkway Circuit Upgrade Pole Changeout
2024	102-5-161-804.20	$ 78,500	South Market Street Line Upgrade
2023		$ (149,250)	Unreserved Fund Balance
		$ -	

ORDINANCE NO. O-23-035

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BRENHAM GRANTING A SPECIFIC USE PERMIT TO ALLOW CALVARY BAPTIST CHURCH TO PLACE A 50-FOOT BY 75-FOOT (3,750 SQUARE FOOT) OPEN-AIR PAVILION WITHIN THE REAR YARD FOR THE EXISTING CHURCH AND RELATED AUXIXILLARY USES IN A R-1, SINGLE-FAMILY ZONING DISTRICT, SAID PROPERTY BEING DESCRIBED AS 2.5443 ACRES OUT OF THE ARABELLA HARRINGTON SURVEY, A-55 (WCAD TRACT 241), AND LOCATED AT 1100 NIEBUHR STREET, CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS.

WHEREAS, Calvary Baptist Church and the 2.5443 acres of land generally located on the south side of Niebuhr Street and directly south of Eledra Street and addressed as 1100 Niebuhr Street, being further described as Arabella Harrington Survey, A-55, Tract 241, 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 the placement of an open-air pavilion to the rear of the existing structure in addition to the existing Church and authorized auxiliary uses; and

WHEREAS, Calvary Baptist Church has been located at 1100 Niebuhr Street since 1969 and received a Specific Use Permit for the Church and an accessory garage on April 20, 2017, by Ordinance No. O-17-004; 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 November 27, 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 Calvary Baptist Church for an open-air pavilion use to be placed within the rear property as an auxiliary use, more particularly described in Exhibit "B" and Exhibit "C", attached hereto and incorporated herein for all purposes, in a R-1, Single-Family zoning district on approximately 2.5443 acres of land addressed as 1100 Niebuhr Street, being further described as Arabella Harrington Survey, A-55, Tract 241, in Brenham, Washington County, Texas, said 2.5443 acres of land being further described on Exhibit "A" attached hereto and incorporated herein for all purposes.

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

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

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

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

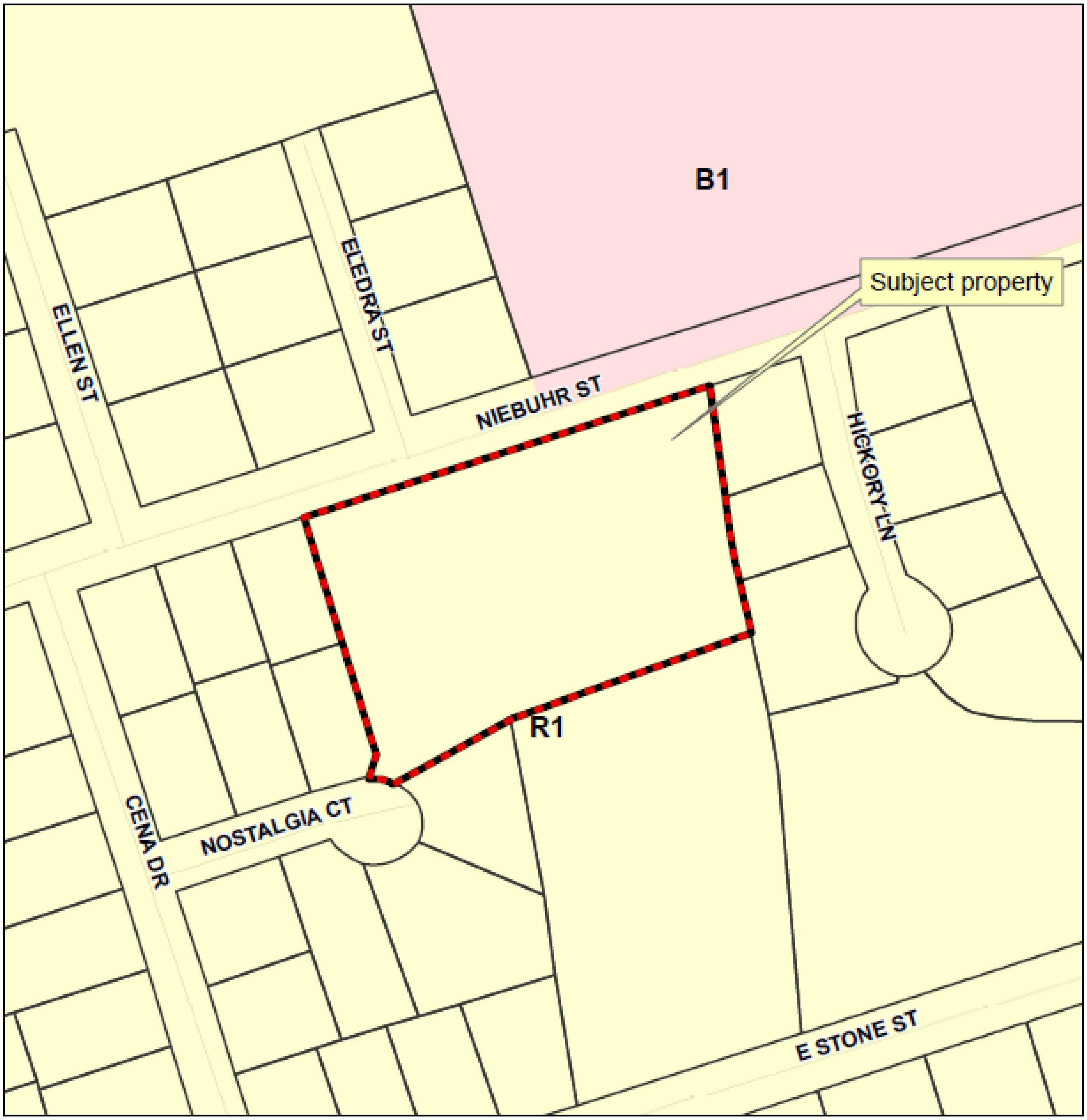
PASSED and APPROVED on its second reading this the 21st day of December 2023.

____
Atwood C. Kenjura
Mayor

ATTEST:

____
Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT "A"



Zoning Map
Specific Use Permit
1100 Niebuhr Street

1 inch = 133 feet

City of BRENHAM

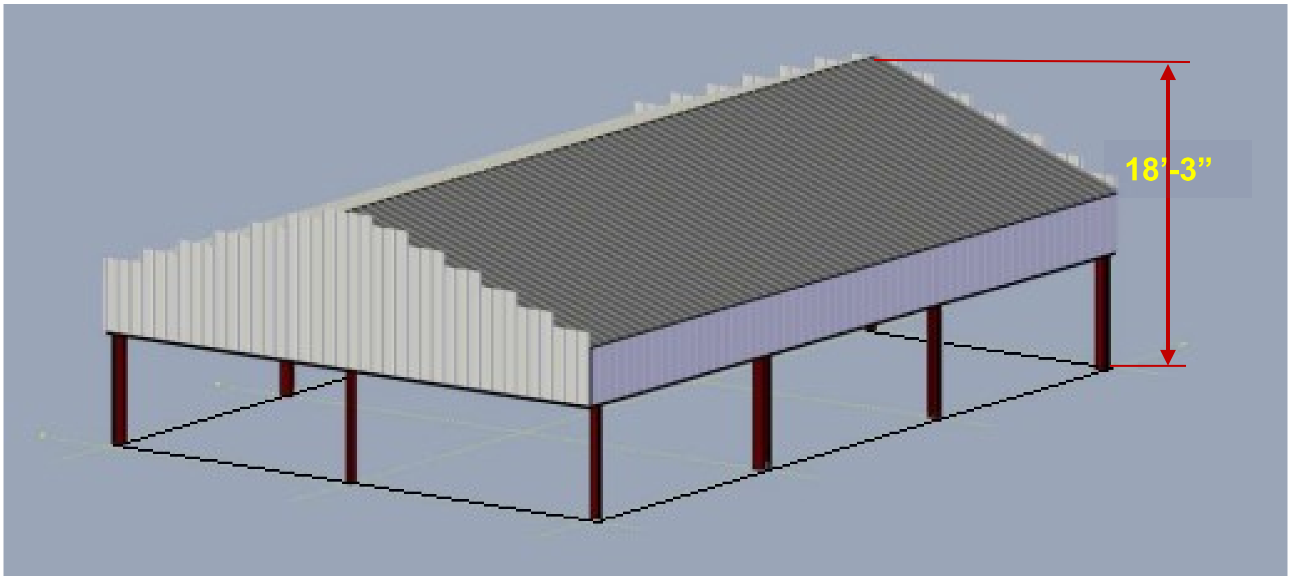
Legend

B1 Local Business Mixed

R1 Residential Single Family

EXHIBIT "B"
Site Plan

EXHIBIT "C"
Building Elevation



City Council Regular Meeting

AGENDA ITEM 4.g

Agenda Item: **Approve the Ratification of Payments Made in the Amount of $63,215.00 to Chaparral Laboratories, Inc Related to the Water and Wastewater Department TCEQ Required Laboratory Water Testing and Authorize the Mayor to Execute any Necessary Documentation**

Meeting Date: December 21, 2023

Department: Purchasing

Staff Contact: Kyle Branham, Purchasing/Public Works Project Manager

SUMMARY STATEMENT:

In fiscal year 2023, Chaparral laboratories Inc, was our provider of lab testing for both the Water Treatment and the Wastewater Treatment facilities. Chaparral provides a variety of testing for the City, ranging from influent and effluent weekly samples and belt press sludge at the wastewater plant, to nitrites, nitrates and total organic carbon (TOC) at the water treatment plant. With both departments using this provider and the cost of service increasing, it caused the city to exceed the amount of $50,000 set in local government code 252.021, which requires an expenditure of more than $50,000 to comply with subchapter C for competitive sealed bidding or competitive sealed proposals. The City will be pursuing a competitive sealed bid process in fiscal year 2024.

ATTACHMENTS:

None

RECOMMENDATION:

Approve the ratification of payments made in the amount of $63,215.00 to Chaparral Laboratories, Inc related to the Water and Wastewater Department TCEQ required laboratory water testing and authorize the Mayor to execute any necessary documentation.

City Council Regular Meeting

AGENDA ITEM 4.h

Agenda Item: **Approve the Use of Seized Narcotic Funds for the City of Brenham Police Department for the Purchase of ERAD FCIS Solution Bundle from ERAD Group, Inc in the Amount of $4,250.00 and Authorize the Mayor to Execute any Necessary Documentation**

Meeting Date: December 21, 2023

Department: Police

Staff Contact: Steven Eilert, Police Sergeant

SUMMARY STATEMENT:

This program has been an aid to local, state, and federal law enforcement communities since 2012. In current times, there has been an influx in financial crimes due to having the ability to move, conceal, steal, and transfer US currency digitally. While working on financial crime cases, the ERAD system can aid law enforcement in identifying and intercepting some forms of financial crimes. The ERAD system can reduce the time that would normally take officers hours, if not days, to narrow down to the source, to in some cases, seconds, to stop or prevent illegal digital currency transactions. Listed are some of the ERAD capabilities.

- Shortens a process that currently takes hours and days into one that takes only seconds – right at the point of arrest.
- Recovers prepaid, and gift card funds associated with money laundering operations.
- Tracks Skimmers and mobile device MAC addresses.
- De-conflict phone numbers, email addresses, credit/debit cards, and MAC addresses associated with other law enforcement cases.
- Streamlines Internet Service Provider searches.
- Automatically inventories information to make it easily accessed by authorized personnel.
- Standardizes and automates reports needed to sustain criminal charges, court orders, subpoenas, and search warrants

With the approval of the use of seizure funds to purchase ERAD, the system will assist the Brenham Police Department in investigating financial crimes.

ATTACHMENTS:

None

RECOMMENDATION:

Approve the use of seized narcotic funds for the City of Brenham Police Department for the purchase of ERAD FCIS Solution bundle from ERAD Group, Inc in the amount of $4,250.00 and authorize the Mayor to execute and necessary documentation.

City Council Regular Meeting

AGENDA ITEM 4.i

Agenda Item: **Approve the Use of Seized Narcotic Funds for the City of Brenham Police Department for the Purchase of Two L5M 25mm Cameras from Vigilant Solutions, LLC in the Amount of $10,775.00 and Authorize the Mayor to Execute any Necessary Documentation**

Meeting Date: December 21, 2023

Department: Police

Staff Contact: Steven Eilert, Police Sergeant

SUMMARY STATEMENT:

This request is for the purchase of two replacement cameras for the current License Plate Reader (LPR) trailers that were obtained through grant funding.
The need for replacement is due to one camera failure and a significant decrease in the quality of the remaining camera on Trailer 1.

In September 2021, the City of Brenham was awarded a grant for two LPR trailers which aid law enforcement in identifying real-time crimes such as identifying stolen vehicles, vehicles linked to missing persons, sex offenders, and various other intel-driven investigations where a vehicle has been identified, not to mention the investigative capabilities our current LPR's has provided the Criminal Investigations Division. The LPR's system has proven to be a force multiplier in aiding local and other law enforcement across the nation in the shared network in identifying vehicles involved in criminal activity.

Without the purchase of the replacement cameras, the LPR trailers would be deemed unusable.

ATTACHMENTS:

None

RECOMMENDATION:

Approve the use of seized narcotic funds for the City of Brenham Police Department for the purchase of two L5M 25mm Cameras from Vigilant Solutions, LLC in the amount of $10,775.00 and authorize the Mayor to execute and necessary documentation.

City Council Regular Meeting

AGENDA ITEM 5

Agenda Item: **Update and Presentation on Camptown Cemetery**

Meeting Date: December 21, 2023

Department: Administration

Staff Contact:

SUMMARY STATEMENT:

Upon the request of Councilmember Wright, Dr. Robert Bubb from Auburn University will be presenting an update on Camptown Cemetery.

ATTACHMENTS:

None

RECOMMENDATION:

None.

City Council Regular Meeting

AGENDA ITEM 6

Agenda Item: **Discussion and Review of New Rules Pertaining to HUD Section 3 Policy Updates and Information for the City of Brenham's Community Development Block Grant through the Texas Department of Agriculture (Carrington Lane and Various Drainage Projects)**

Meeting Date: December 21, 2023

Department: Public Works

Staff Contact: Dane Rau, Director of Public Works

SUMMARY STATEMENT:

HUD has updated the Section 3 regulations since the last TDA (Texas Department of Agriculture) Grant the City received and is requiring that all contracts are amended to the new regulations, which includes a Section 3 presentation at a City Council meeting.

What this means going forward is that the Grant Administrator (Public Management Inc) will monitor public postings and contractor requirements pertaining to Section 3 provisions and track all working hours on these grants for the City, Contractor, Subcontractors, and Engineer. They will make sure that local opportunities are given to Section 3 workers and those job opportunities are advertised locally.

There is no required action on this agenda item. This presentation is simply required to meet the documentation required for the TDA Grant.

ATTACHMENTS:

1. Section 3 Presentation

RECOMMENDATION:

None.

SECTION 3 PRESENTATION

The overall purpose of Section 3 is to facilitate contract and employment opportunities for low and very low-income workers, specifically those that live close to the project location. To report on these efforts, this presentation details new reporting requirements and other efforts to increase Section 3 participation in the CDBG program.

HUD instituted new Section 3 policy requirements, effective November 30, 2020.

On July 1, 2021, TDA implemented the final rule for all existing and future CDBG grants. As part of these requirements, each grant recipient is required to review and discuss a Section 3 Presentation during a meeting of its governing body.

The additional pages dive deeper into Section 3 concepts, definitions for Section 3 businesses and workers, contractor outreach recommendations for new hires, and recordkeeping requirements pertaining to the grant.

Going forward, the grant administrator (Public Management, Inc) will coordinate with all parties to:

- Monitor public postings and contractor requirements pertaining to Section 3 provisions
- Track the number of hours of anyone who works on the grant project, including
    - Local government employees (i.e. Department Directors, City Secretary, City Manager, etc)
    - Construction contractor’s laborers and staff
    - Grant administration employees.
    - *Engineers, surveyors, and other professionals are exempt for hourly reporting requirements

There is no required action on this agenda item. This presentation is simply required in order to meeting documentation required for the TDA grant. Please reach out to your grant administrator with any questions on these changes.

Section 3 Policy Updates - Effective July 1, 2021
Presentation

The City recently received a Grant Contract CDV21-0325 for $350,000.00 funded through the Community Development Block Grant, via the U.S. Department of Housing and Urban Development and Texas Department of Agriculture, for the purpose of road and drainage improvements on Carrington Ln.

SECTION 3 CONCEPTS

As a condition of funding, the City must comply with Section 3 of the Housing and Urban Development Act of 1968. To the greatest extent feasible, Grant Recipients must direct economic opportunities generated by CDBG funds to low- and very low-income persons.
In part, this means ensuring that:

- Section 3 Businesses have the information to submit a bid or proposal for the project; and
- Section 3 Workers have information about any available job opportunities related to the project.

The purpose of this presentation is to discuss the Section 3 goals of the CDBG program and facilitate employment opportunities for Section 3 workers. The awarded construction contractor may have job opportunities for local residents. If they do need to make new hires for this job, they will post job listings on WorkInTexas.com.

SECTION 3 BUSINESSES

A company may qualify as a Section 3 Business if:

- it is owned by low-income persons;
- it is owned by Section 8-Assisted housing residents; or
- 75% of all labor hours for the business in a 3 month period are performed by Section 3 Workers

Register at:

- HUD's Section 3 website: https://portalapps.hud.gov/Sec3BusReg/BRegistry/RegisterBusiness

This project is expected to include the following contracting opportunities:

- Grant Administration services (previously selected)
- Engineering Services (previously selected)
- Prime Contractor for road and drainage improvements on Carrington Ln
    - Subcontractors for road and drainage improvements on Carrington Ln

SECTION 3 WORKERS

You may qualify as a Section 3 Worker if:

- Your annual income is below the City threshold for your family size:
- You are a current or recent Youthbuild participant

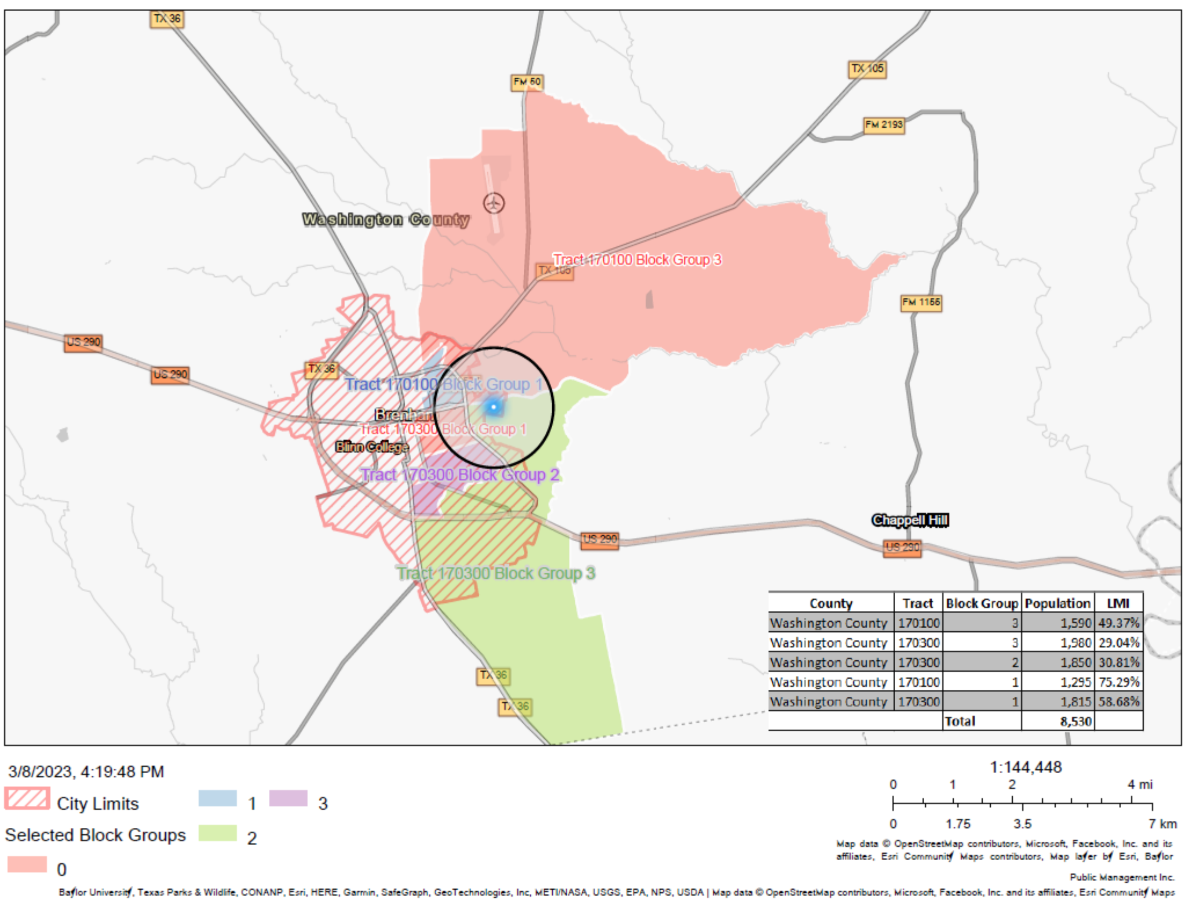
Register your information and search for opportunities at:

- WorkInTexas.gov
- HUD's Section 3 Opportunity Portal https://hudapps.hud.gov/OpportunityPortal/

TARGETED SECTION 3 WORKERS

Section 3 Workers that reside near the project location also qualify as Targeted Section 3 Workers. For this project, that service area is defined by the attached map:

Brenham CDV21-0325 - Section 3 Service Area Map



County	Tract	Block Group	Population	LMI
Washington County	170100	3	1,590	49.37%
Washington County	170300	3	1,980	29.04%
Washington County	170300	2	1,850	30.81%
Washington County	170100	1	1,295	75.29%
Washington County	170300	1	1,815	58.68%
		Total	8,530	

RECORDKEEPING

The City is required to track ALL hours worked on the project based on the three categories of workers (All, Section, 3 and Targeted Section 3). This requirement applies to all City staff that works on this grant, including the contracted grant administrator, and all employees of the prime and subcontractors. Engineers, surveyors, and similar professions are exempt from this time tracking requirement.

This will require collection of certain income information.

For More Info…
TxCDBG Policy Issuance 20-01
REVISED Policy Issuance 20-01 Section 3 v1.pdf (texasagriculture.gov)
24 CFR Part 75
Electronic Code of Federal Regulations (eCFR)

TDA Representative: Suzanne Barnard, Director.(suzanne.barnard@texasagriculture.gov)
Grant Project Manager: Michael Migaud (mmigaud@publicmgt.com)

City Council Regular Meeting

AGENDA ITEM 7

Agenda Item: **Update and Discussion on FY 22-23 Fourth Quarter Financial Reports**

Meeting Date: December 21, 2023

Department: Finance

Staff Contact: Timothy McRoberts, Strategic Budget Officer

SUMMARY STATEMENT:

The Finance Division is pleased to provide financial performance reports for the quarter ending September 30, 2023. The General Fund (excluding sub-funds) and the six major utility funds are presented.

ATTACHMENTS:

1. Memo Fourth Quarter Results FY23
2. FY22-23 Fourth Quarter Financial Reports Combined

RECOMMENDATION:

None.

City of BRENHAM

MEMORANDUM

To: Mayor, Council and City Manager

From: Tim McRoberts, Strategic Budget Officer

Subject: FY 22-23 Year-To-Date Fourth Quarter Financial Report

Date: December 7, 2023

The Finance Division is pleased to provide financial performance reports for the quarter ending September 30, 2023. The General Fund (excluding sub-funds) and the six major utility funds are presented.

While we present these reports to Council quarterly, the fourth and final quarter of the fiscal year is the true measure of the City's financial position. Financial reports presented earlier in the year reflect more on trends and comparisons and have less focus on actual net revenue/loss due to the seasonality of revenue and expenditure cycles. Only with the fourth quarter report can we eliminate all assumptions, accruals and estimates and present the complete financial picture. All financials include comparisons of year-to-date fourth quarter actual results versus year-to-date fourth quarter prior year. In addition, year-to-date fourth quarter actual results are compared to the current adopted annual budget.

A few examples of the seasonality include General Fund ad valorem property tax revenue, which is collected by Jan 31, while sales tax revenue typically lags behind due to State reporting, collection and remittance lead times. General Fund expenditures on the other hand typically have the heaviest spending in Spring and Summer when the weather allows for Park activities and Public Works projects. On the Utility side, Electric and Water have heaviest revenues at the height of the Summer, while Gas typically has heaviest revenues in Winter due to heating costs.

Actual to Budget Comparison

All funds experienced favorable actual to budget net revenues for fourth quarter FY 22-23 except Gas (1.3%), Wastewater (0.5%) and Sanitation (0.7%). Details on each fund are explained below.

FINANCIAL PERFORMANCE SUMMARY

Fund	For Period Ending September 30, 2023				
	YTD Revenues & Other Sources	YTD Expenditures & Other Uses	Actual Net Revenues (Loss)	Budgeted Net Revenues (Loss)	Actual to Budget Comparison Fav/(Unfav)
General	$22,291,221	$20,715,388	$1,575,833	$0	$1,575,833
Electric Distribution	$8,776,948	$7,703,326	$1,073,622	($110,791)	$1,184,413
Gas Distribution	$1,616,845	$1,656,289	($39,444)	($17,516)	($21,928)
Water	$6,338,025	$5,765,173	$572,852	($99,616)	$672,468
Wastewater	$4,246,701	$4,052,614	$194,087	$216,187	($22,100)
Sanitation	$2,581,146	$2,732,564	($151,418)	($131,533)	($19,885)
Drainage	$721,600	$432,089	$289,511	$0	$289,511

GENERAL FUND

The General Fund posted an actual year-to-date fourth quarter net income of $1,575,833 which compared favorably to a budgeted net revenue of ($0) for that same period. A few revenue highlights include:

- Many General Fund revenues are essentially fixed, and where the budget is set is typically what will be received. A few examples of these types of revenues include ad valorem taxes, intergovernmental contract revenues, franchise taxes, and payment from component units. These revenues, while stable, will not vary much from the budget.
- The revenues that performed the best in FY 23 were sales tax, Utility Franchise Taxes and Interest Income. These revenues far exceeded budgets due to strong economic retail growth, increased Utility revenues and significantly increased investment income rates.
- While excess revenues contributed to an overall surplus, there were some revenue categories that performed below the expected budget. The Fines and Forfeitures category was down in what we can mostly attribute to new laws granting indigent forgiveness on fines. Miscellaneous revenues were also down due to the budget being based on recent trends in the Insurance proceeds category. These trends did not bear out in FY 23, which is acceptable because insurance proceeds or reimbursements usually have an offsetting expenditure for the purchase or repair of damaged assets.
- Lower than budget transfers-in from utility funds due to below budget shared service departments cost-of-services also offset some of the revenue increases.

Year-to-date fourth quarter operating expenditures and other financing uses were favorable (lower) than budget appropriations by $849,989.

- Personnel costs were favorable to budget by $860,160 due to turnover and vacancies. This was an important factor in the overall net position as all other expenditure categories (Supplies, Maintenance, Services, Non-Capital Assets, Capital and Misc) combined to be over budget by $57,003. However, only supplies and services actually exceeded the budget. This is due to ongoing inflationary issues and labor cost increases. In addition to increased labor costs the services category also includes the Impact Fee Study as well as increased attorney fees which can be attributed to one time litigation.

- At the departmental level, the Non-Departmental Direct Expenditure grouping was the only major expense anomaly. This can be attributed to our "attrition factor" budget item ($325,000). We use this as a balancing figure to counter act turnover and vacancies, however, no actual expense entry will ever hit the financials, so it results in a large negative balance. Also, in this department lies the Impact Fee study and a new budget initiative to group all routine IT related replacement costs in one place. While the IT budget items show over budget, these expenses should be offset by savings throughout other General Fund departments. This will help the Finance team analyze replacement costs and trends more transparently now and in the future.

ELECTRIC FUND

The Electric Distribution Fund posted a year-to-date net income of $1,073,622 which was $1,184,313 favorable to the budgeted net loss of ($110,791) Highlights for the year include:

- Revenues from charges for services were above budget by $432,462 due to increased KWH sales, new connects, developer fees and increased interest. A severe hot weather spell during the summer led to greater electric sales.
- Department operating expenditures were favorable (lower) to budget by $476,9750 with savings realized in all expenditure categories except gross revenue tax and miscellaneous. Gross revenue tax is offset by additional revenues. One of the biggest budget savings was in the personnel category due to staff vacancies.
- Transfers to the General Fund were lower than budget due to lower spending in General Fund shared service departments.

GAS FUND

For FY 23, the Gas Distribution Fund posted actual net loss of ($39,444), which was slightly worse than the budgeted net loss of ($17,516). Highlights for the quarter include:

- The entirety of the budget imbalance is due to revenues from charges for services being lower than budget by ($110,019). Revenues are highly dependent on seasonal changes and our area experienced a mild winter in FY 22-23. Along with weather factors, the Gas supply and transport contracts were settled and natural gas prices eased from the highs experienced in the prior year.
- Department operating expenditures were favorable (lower) to budget by $11,678;
- The Gas Fund has no debt service; and
- Transfers to the General Fund and Electric Fund were lower than budget because of shared service department savings.

WATER FUND

The Water Fund posted yearly net revenue of $572,852 which was favorable to projected net loss of ($99,616) by $672,468. Highlights include:

- Revenues from charges for services were higher than budget by $816,697 on higher billed gallons of consumption due to drought conditions;
- Department operating expenditures were unfavorable (higher) than budget in the supplies (chemicals), services and gross revenue tax categories, partially offsetting savings in personnel and maintenance.
- Transfers-out to the General Fund and the Electric Fund for shared service cost reimbursements were favorable to budget by $28,285.

WASTEWATER FUND

FY 23 net revenue for the Wastewater Fund was $194,087. Highlights include:

- Revenues from charges for services were slightly more than budget estimates at $81,930;
- Operating expenditures were more than budget by $267,875, driven mostly by damage claims and the impact fee study. The impact fee study cost will be reimbursable if adopted.
- Transfers-out to the General Fund and the Electric Fund for shared service cost reimbursements were favorable to budget, however a one-time transfer to the Parks Capital Improvements Fund for $90,000 pushed transfers to a net ($68,487) position.

SANITATION FUND

The Sanitation Fund posted actual year-to-date fourth quarter net loss of ($151,418), compared to budget net loss of ($131,533), a variance of ($19,885). Now that the City has dissolved its in-house Sanitation Department, this Fund is largely a pass-through. Highlights for the fourth quarter include:

- Revenues from charges for services tracked higher than budget;
- Operating expenditures also tracked higher than budget as this is a pass-through billing fund.
- Transfers-out to the General Fund and the Electric Fund for shared service cost reimbursements that were favorable to budget.

DRAINAGE FUND

The Drainage Fund posted actual year-to-date fourth quarter FY22-23 net income of $289,511, which was favorable to a budgeted net neutral position. Highlights for the year include:

- Expenditures are lower than budget due to capital costs budgeted but not yet incurred, and a $84,023 transfer out to drainage capital projects that has not yet been disbursed.

CONCLUSION

For year-to-date fourth quarter of FY 22-23, all funds experienced favorable actual to budget net revenues for fourth quarter FY 22-23 except Gas (1.3%), Wastewater (0.5%) and Sanitation (0.7%). The General Fund had a very healthy fiscal year with strong sales tax revenues along with expenditure savings from personnel turnover. The Electric and Water Funds also performed well as a persistent summer heatwave and drought drove strong demand. On the other end of the weather cycle, a mild winter affected natural gas sales and revenues negatively. While in Wastewater, the reimbursable impact fee study pushed the net position down slightly. Overall, the financial picture for FY 23 was very healthy. Staff has done an excellent job trying to contain rising costs wherever possible. We continue to watch our operational expenditure budgets closely to monitor the effects persistent inflation is having on maintenance, supplies and labor. After you have reviewed this financial performance report, should you have any questions or comments prior to the council meeting, please do not hesitate to contact us directly.

GENERAL FUND

FOURTH QUARTER FINANCIAL REPORT FY 22-23

DESCRIPTIONS	ACTUAL 2021-2022	ADOPTED 2022-2023	AMENDED 2022-2023	ACTUAL 2022-2023	FLUX 2022-2023	% OF BUDGET
BEGINNING FUND BALANCE	**$ 5,885,153**	**$ 6,235,682**	**$ 6,235,682**	**$ 6,235,682**		
CURRENT REVENUES						
Ad Valorem Taxes	$ 5,358,826	$ 5,950,153	$ 5,950,153	$ 6,014,388	$ 64,235	101.1%
Sales Tax	$ 6,867,658	$ 6,346,697	$ 6,493,825	$ 7,307,423	$ 813,598	112.5%
Utility Franchise Taxes	$ 2,603,408	$ 2,646,390	$ 2,646,390	$ 2,791,071	$ 144,681	105.5%
Other Taxes	$ 449,817	$ 471,220	$ 471,220	$ 481,410	$ 10,190	102.2%
Licenses & Permits	$ 400,342	$ 368,939	$ 368,939	$ 373,365	$ 4,426	101.2%
Intergovernmental	$ 516,700	$ 537,079	$ 537,079	$ 495,414	$ (41,665)	92.2%
Charges for Service	$ 677,360	$ 575,437	$ 575,436	$ 565,322	$ (10,114)	98.2%
Fines & Forfeitures	$ 575,775	$ 689,152	$ 689,152	$ 548,646	$ (140,506)	79.6%
Investment Income	$ 77,133	$ 114,802	$ 114,802	$ 320,601	$ 205,799	279.3%
Miscellaneous	$ 376,518	$ 366,113	$ 366,113	$ 237,877	$ (128,236)	65.0%
TOTAL	**$ 18,011,706**	**$ 18,065,981**	**$ 18,213,109**	**$ 19,135,517**	**$ 922,408**	**105.1%**
OTHER FINANCING SOURCES						
Transfers In (Utilities)	$ 2,961,667	$ 2,915,046	$ 2,915,046	$ 2,771,770	$ (143,276)	95.1%
Transfers In (Court)	$ 14,607	$ 18,000	$ 18,000	$ 14,327	$ (3,673)	79.6%
Transfers In (GF Hot Tax)	$ 60,000	$ 60,000	$ 60,000	$ 60,000	$ 0	100.0%
Transfers In (BCDC Parks & Rec)	$ -	$ 144,400	$ 144,400	$ 94,784	$ (49,616)	65.6%
Transfers In (Worker's Comp Fund)	$ -	$ 214,822	$ 214,822	$ 214,822	$ -	100.0%
TOTAL	**$ 3,596,041**	**$ 3,352,268**	**$ 3,352,268**	**$ 3,155,704**	**$ (196,564)**	**94.1%**
TOTAL	**$ 21,607,747**	**$ 21,418,249**	**$ 21,565,377**	**$ 22,291,221**	**$ 725,844**	**103.4%**

	ACTUAL 2021-2022	ADOPTED 2022-2023	AMENDED 2022-2023	ACTUAL 2022-2023	FLUX 2022-2023	% OF BUDGET
EXPENDITURES						
049 Marketing & Public Relations	$ 522,243	$ 392,334	$ 392,334	$ 387,996	$ 4,338	98.9%
100 Non-Dept Direct Expend	$ 1,082,626	$ 436,625	$ 583,754	$ 1,159,927	$ (576,173)	198.7%
110 Non-Dept Misc Exp	$ 90,555	$ 149,165	$ 149,165	$ 80,114	$ 69,051	53.7%
121 Administration	$ 992,440	$ 982,592	$ 982,592	$ 953,032	$ 29,560	97.0%
122 Development Services	$ 1,077,916	$ 1,137,397	$ 1,137,397	$ 1,086,152	$ 51,245	95.5%
123 Human Resources	$ 341,138	$ 395,213	$ 395,213	$ 406,638	$ (11,425)	102.9%
125 Main Street	$ -	$ 165,939	$ 165,939	$ 90,361	$ 75,578	54.5%
131 Maintenance	$ 893,925	$ 898,010	$ 898,010	$ 931,394	$ (33,384)	103.7%
133 Finance	$ 1,082,071	$ 1,058,754	$ 1,058,754	$ 947,952	$ 110,802	89.5%
135 Purchasing	$ 362,808	$ 337,009	$ 337,009	$ 329,592	$ 7,417	97.8%
141 Streets	$ 1,230,218	$ 1,317,300	$ 1,317,300	$ 1,114,242	$ 203,058	84.6%
144 Parks	$ 1,461,727	$ 1,431,380	$ 1,431,380	$ 1,424,275	$ 7,105	99.5%
146 Library	$ 524,066	$ 565,634	$ 565,634	$ 590,934	$ (25,300)	104.5%
149 Aquatics	$ 1,089,863	$ 1,121,863	$ 1,121,863	$ 1,065,917	$ 55,946	95.0%
151 Police	$ 5,107,572	$ 5,706,309	$ 5,706,309	$ 5,321,261	$ 385,048	93.3%
152 Fire	$ 2,386,366	$ 2,915,111	$ 2,915,111	$ 2,636,436	$ 278,675	90.4%
154 Animal Services	$ 528,138	$ 606,603	$ 606,603	$ 599,672	$ 6,931	98.9%
155 Court	$ 388,353	$ 404,919	$ 404,919	$ 399,909	$ 5,010	98.8%
167 Public Works	$ 241,346	$ 311,480	$ 311,480	$ 321,553	$ (10,073)	103.2%
172 Information Technology	$ 621,045	$ 819,156	$ 819,156	$ 649,408	$ 169,748	79.3%
TOTAL	**$ 20,266,633**	**$ 21,152,793**	**$ 21,299,922**	**$ 20,496,765**	**$ 803,157**	96.2%
Transfer Out (Asset Proceeds)		$ 26,000	$ 26,000	$ -	$ 26,000	0.0%
Transfers Out (Capital Projects)	$ 433,379	$ -	$ -	$ -	$ -	0.0%
Transfers Out (VERF)	$ 557,206	$ -	$ -	$ -	$ -	0.0%
Transfers Out (Airport Grant Fund)	$ -	$ 107,500	$ 107,500	$ 86,667	$ 20,833	80.6%
Transfers Out (Airport Operations)	$ -	$ 131,956	$ 131,956	$ 131,956	$ -	100.0%
TOTAL	**$ 990,585**	**$ 265,456**	**$ 265,456**	**$ 218,623**	**$ 46,833**	82.4%
TOTAL EXPENSES	**$ 21,257,218**	**$ 21,418,249**	**$ 21,565,377**	**$ 20,715,388**	**$ 849,989**	**96.1%**
USE OF RESERVES						
NET SURPLUS / (DEFICIT)	**$ 350,529**	**$ 0**	**$ (0)**	**$ 1,575,833**	**$ 1,575,833**	
ENDING FUND BALANCE	$ 6,235,682	$ 6,235,682	$ 6,235,682	$ 7,811,515		33.5%

GENERAL FUND
FOURTH QUARTER FINANCIAL REPORT FY 22-23

DESCRIPTIONS	ACTUAL 2021-2022	ADOPTED 2022-2023	AMENDED 2022-2023	ACTUAL 2022-2023	FLUX 2022-2023	% OF BUDGET
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Sales Tax	$ 6,867,658	$ 6,346,697	$ 6,493,825	$ 7,307,423	$ 813,598	112.5%
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Intergovernmental	$ 516,700	$ 537,079	$ 537,079	$ 495,414	$ (41,665)	92.2%
Charges for Service	$ 677,360	$ 575,437	$ 575,436	$ 565,322	$ (10,114)	98.2%
Fines & Forfeitures	$ 575,775	$ 689,152	$ 689,152	$ 548,646	$ (140,506)	79.6%
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Miscellaneous	$ 376,518	$ 366,113	$ 366,113	$ 237,877	$ (128,236)	65.0%
TOTAL	**$ 18,011,706**	**$ 18,065,981**	**$ 18,213,109**	**$ 19,135,517**	**$ 922,408**	**105.1%**
OTHER FINANCING SOURCES						
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Transfers In (Court)	$ 14,607	$ 18,000	$ 18,000	$ 14,327	$ (3,673)	79.6%
Transfers In (GF Hot Tax)	$ 60,000	$ 60,000	$ 60,000	$ 60,000	$ 0	100.0%
Transfers In (BCDC Parks & Rec)	$ -	$ 144,400	$ 144,400	$ 94,784	$ (49,616)	65.6%
Transfers In (Worker's Comp Fund)	$ -	$ 214,822	$ 214,822	$ 214,822	$ -	100.0%
TOTAL	**$ 3,596,041**	**$ 3,352,268**	**$ 3,352,268**	**$ 3,155,704**	**$ (196,564)**	**94.1%**
TOTAL	**$ 21,607,747**	**$ 21,418,249**	**$ 21,565,377**	**$ 22,291,221**	**$ 725,844**	**103.4%**

	ACTUAL 2021-2022	ADOPTED 2022-2023	AMENDED 2022-2023	ACTUAL 2022-2023	FLUX 2022-2023	% OF BUDGET
EXPENDITURES						
Personnel	$ 13,254,113	$ 14,390,242	$ 14,390,242	$ 13,530,082	$ 860,160	94.0%
Supplies	$ 974,567	$ 996,951	$ 996,951	$ 1,029,188	$ (32,237)	103.2%
Maintenance	$ 1,125,913	$ 1,093,480	$ 1,093,480	$ 1,060,117	$ 33,363	96.9%
Services	$ 3,104,403	$ 2,898,652	$ 2,898,652	$ 3,196,319	$ (297,667)	110.3%
Non-Capital Assets	$ 327,878	$ 338,955	$ 338,955	$ 233,305	$ 105,650	68.8%
Capital	$ 160,399	$ 400,286	$ 400,286	$ 385,814	$ 14,472	96.4%
Miscellaneous	$ 1,319,360	$ 1,034,228	$ 1,181,356	$ 1,061,940	$ 119,416	89.9%
TOTAL	**$ 20,266,633**	**$ 21,152,793**	**$ 21,299,922**	**$ 20,496,765**	**$ 803,157**	96.2%
Transfer Out (Asset Proceeds)		$ 26,000	$ 26,000	$ -	$ 26,000	0.0%
Transfers Out (Capital Projects)	$ 433,379	$ -	$ -	$ -	$ -	0.0%
Transfers Out (VERF)	$ 557,206	$ -	$ -	$ -	$ -	0.0%
Transfers Out (Airport Grant Fund)	$ -	$ 107,500	$ 107,500	$ 86,667	$ 20,833	80.6%
Transfers Out (Airport Operations)	$ -	$ 131,956	$ 131,956	$ 131,956	$ -	100.0%
TOTAL	**$ 990,585**	**$ 265,456**	**$ 265,456**	**$ 218,623**	**$ 46,833**	82.4%
TOTAL EXPENSES	**$ 21,257,218**	**$ 21,418,249**	**$ 21,565,377**	**$ 20,715,388**	**$ 849,989**	**96.1%**
USE OF RESERVES						
NET SURPLUS / (DEFICIT)	**$ 350,529**	**$ 0**	**$ (0)**	**$ 1,575,833**	**$ 1,575,833**	
ENDING FUND BALANCE	$ 6,235,682	$ 6,235,682	$ 6,235,682	$ 7,811,515		309.3%

CITY OF BRENHAM
ELECTRIC FUND 102 - OPERATIONS
MONTHLY FINANCIALS - FY23 ACTUALS

IN $	FY 22 TOTAL	FY23 TOTAL	FY23 BUDGET (O)	YTD AS % BUDGET (O)
OPERATING REVENUES				
CHARGES FOR SERVICES	7,411,421	7,761,747	7,329,285	105.9%
TOTAL REVENUES	7,411,421	7,761,747	7,329,285	105.9%
OPERATING EXPENDITURES				
SALARIES	2,296,858	2,457,032	2,606,719	94.3%
SUPPLIES	249,850	202,078	223,418	90.4%
MAINTENANCE	138,043	100,890	121,700	82.9%
CONTRACTUAL SERVICES	515,925	460,900	495,361	93.0%
CAPITAL OUTLAY (X BOND PROJ)	653,584	672,170	985,059	68.2%
GROSS REVENUE TAX	1,603,662	1,711,865	1,654,860	103.4%
MISCELLANEOUS	247,017	226,709	221,478	102.4%
TOTAL OPERATING EXPENDITURES	5,704,940	5,831,644	6,308,594	92.4%
OPERATING INCOME (LOSS)	1,706,481	1,930,103	1,020,691	189.1%
NONOPERATING REVENUES (EXPENDITURES)				
DEBT SERVICE:				
INT/FISCAL CHARGES (FEB & AUG)	(60,737)	(61,492)	(66,204)	0.0%
PRINCIPAL RETIREMENT (AUG)	(78,471)	(102,708)	(106,778)	0.0%
ISSUANCE COSTS	-	-	-	0.0%
INTERGOVERNMENTAL (NET FEMA)	-	-		0.0%
INVESTMENT INCOME (NET BOND INT)	131,783	305,982	108,845	281.1%
GAIN ON SALE OF CAPITAL ASSETS	-	25,633	-	0.0%
MISCELLANEOUS, NET	43,283	26,769	26,874	99.6%
TOTAL NONOPERATING REVENUES (EXP)	35,857	194,184	(37,263)	0.0%
INCOME (LOSS) BEFORE CONTRIBUTIONS AND TRANSFERS	1,742,338	2,124,287	983,429	216.0%
TRANSFERS IN	598147.25	656,817	682,113	96.3%
TRANSFERS OUT	-1847156	(1,707,482)	(1,776,332)	96.1%
TOTAL TRANSFERS IN/(OUT)	(1,249,009)	(1,050,665)	(1,094,219)	0.0%
CHANGE IN NET POSITION OPERATIONS	493,329	1,073,622	(110,791)	0.0%

CITY OF BRENHAM
GAS FUND 103 - GAS OPERATIONS
MONTHLY FINANCIALS - FY23 ACTUALS

IN $	FY22 TOTAL	FY23 TOTAL	FY23 BUDGET (O)	YTD AS % BUDGET (O)
OPERATING REVENUES				
CHARGES FOR SERVICES	1,638,989	1,568,883	1,678,902	93.4%
TOTAL REVENUES	1,638,989	1,568,883	1,678,902	93.4%
OPERATING EXPENDITURES				
SALARIES	499,120	556,880	526,861	105.7%
SUPPLIES	51,036	53,463	50,910	105.0%
MAINTENANCE	20,251	23,147	40,900	56.6%
CONTRACTUAL SERVICES	46,691	66,272	101,238	65.5%
CAPITAL OUTLAY (X FEMA/ARPA & BOND PROJ)	200,094	198,039	203,192	97.5%
GROSS REVENUE TAX	220,440	232,968	223,042	104.5%
MISCELLANEOUS	14,464	25,552	21,855	116.9%
TOTAL OPERATING EXPENDITURES	1,052,096	1,156,320	1,167,998	99.0%
OPERATING INCOME (LOSS)	586,893	412,562	510,904	80.8%
NONOPERATING REVENUES (EXPENDITURES)				
DEBT SERVICE:				
INT/FISCAL CHARGES (FEB & AUG)	(12,500)	-	(12,500)	0.0%
PRINCIPAL RETIREMENT (AUG)	-	-	-	0.0%
ISSUANCE COSTS	-	-	-	0.0%
INTERGOVERNMENTAL (NET FEMA) c.	-	-	-	0.0%
INVESTMENT INCOME (NET BOND INT) b.	7,288	42,447	3,095	1371.3%
GAIN ON SALE OF CAPITAL ASSETS	-	-	-	0.0%
MISCELLANEOUS, NET	2,363	-	1,181	0.0%
TOTAL NONOPERATING REVENUES (EXP)	(2,849)	42,447	(8,223)	0.0%
INCOME (LOSS) BEFORE CONTRIBUTIONS AND TRANSFERS	584,043	455,010	502,680	90.5%
TRANSFERS IN		5,515	5,515	100.0%
TRANSFERS OUT	(493,088)	(499,969)	(525,711)	95.1%
TOTAL TRANSFERS IN/(OUT)	(493,088)	(494,454)	(520,196)	0.0%
CHANGE IN NET POSITION OPERATIONS	90,955	(39,444)	(17,516)	0.0%

CITY OF BRENHAM
WATER FUND 104 - TREATMENT & CONSTRUCTION OPERATIONS
MONTHLY FINANCIALS - FY23 ACTUALS

IN $	FY22 TOTAL	FY23 TOTAL	FY23 BUDGET (O)	YTD AS % BUDGET (O)
OPERATING REVENUES				
CHARGES FOR SERVICES	5,544,285	6,163,946	5,347,249	115.3%
TOTAL REVENUES	5,544,285	6,163,946	5,347,249	115.3%
OPERATING EXPENDITURES				
COST OF SALES AND SERVICES	414,915	439,992	437,247	100.6%
SALARIES	897,618	1,000,682	1,066,125	93.9%
SUPPLIES	865,016	1,238,063	819,484	151.1%
MAINTENANCE	292,283	212,766	242,560	87.7%
CONTRACTUAL SERVICES	527,581	523,047	438,591	119.3%
CAPITAL OUTLAY (X FEMA, ARPA & BOND PROJ) a.	178,831	193,968	404,640	47.9%
GROSS REVENUE TAX	377,609	418,248	363,446	115.1%
MISCELLANEOUS	14,123	29,939	31,876	93.9%
TOTAL OPERATING EXPENDITURES	3,567,976	4,056,704	3,803,969	106.6%
OPERATING INCOME (LOSS)	1,976,309	2,107,242	1,543,280	136.5%
NONOPERATING REVENUES (EXPENDITURES)				
DEBT SERVICE:				
INT/FISCAL CHARGES (FEB & AUG)	(284,717)	(298,155)	(298,155)	0.0%
PRINCIPAL RETIREMENT (AUG)	(879,988)	(875,851)	(875,860)	0.0%
ISSUANCE COSTS	(74,877)	-	-	0.0%
INTERGOVERNMENTAL (NET FEMA)	-	-	-	0.0%
INVESTMENT INCOME (NET BOND INT) b.	5,664	63,961	1,440	4441.7%
GAIN ON SALE OF CAPITAL ASSETS	-	-	-	0.0%
MISCELLANEOUS, NET	73,470	91,039	73,347	124.1%
TOTAL NONOPERATING REVENUES (EXP)	(1,160,448)	(1,019,007)	(1,099,228)	0.0%
INCOME (LOSS) BEFORE CONTRIBUTIONS AND TRANSFERS	815,862	1,088,235	444,052	245.1%
TRANSFERS IN	-	19,079	19,079	100.0%
TRANSFERS OUT	(532,712)	(534,463)	(562,748)	95.0%
TOTAL TRANSFERS IN/(OUT)	(532,712)	(515,384)	(543,669)	0.0%
CHANGE IN NET POSITION OPERATIONS	283,150	572,851	(99,616)	0.0%

CITY OF BRENHAM
WASTEWATER FUND 105 - TREATMENT & CONSTRUCTION OPERATIONS
MONTHLY FINANCIALS - FY23 ACTUALS

IN $	**FY22 TOTAL**	**FY23 TOTAL**	**FY23 BUDGET (O)**	**YTD AS % BUDGET (O)**
OPERATING REVENUES				
CHARGES FOR SERVICES	3,965,993	4,063,561	3,981,631	102.1%
TOTAL REVENUES	3,965,993	4,063,561	3,981,631	102.1%
OPERATING EXPENDITURES				
SALARIES	595,206	758,717	848,988	89.4%
SUPPLIES	235,900	263,974	266,232	99.2%
MAINTENANCE	334,162	262,951	225,150	116.8%
CONTRACTUAL SERVICES	780,231	1,059,862	775,971	136.6%
CAPITAL OUTLAY (X FEMA/ARPA & BOND PROJ) a.	233,254	105,680	81,041	130.4%
GROSS REVENUE TAX	255,216	257,132	255,454	100.7%
MISCELLANEOUS	51,716	66,293	53,898	123.0%
TOTAL OPERATING EXPENDITURES	2,485,685	2,774,609	2,506,734	110.7%
OPERATING INCOME (LOSS)	1,480,308	1,288,952	1,474,897	87.4%
NONOPERATING REVENUES (EXPENDITURES)				
DEBT SERVICE:				
INT/FISCAL CHARGES (FEB & AUG)	(104,236)	(119,420)	(138,334)	0.0%
PRINCIPAL RETIREMENT (AUG)	(664,836)	(691,838)	(733,726)	0.0%
ISSUANCE COSTS	(55,964)	-	-	0.0%
INTERGOVERNMENTAL (NET FEMA) c.	-	-	-	0.0%
INVESTMENT INCOME (NET BOND INT) b.	19,689	134,356	130	103510.1%
GAIN ON SALE OF CAPITAL ASSETS	-	-	-	0.0%
MISCELLANEOUS, NET	8,709	39,772	2,468	1611.7%
TOTAL NONOPERATING REVENUES (EXP)	(796,638)	(637,129)	(869,463)	0.0%
INCOME (LOSS) BEFORE CONTRIBUTIONS AND TRANSFERS	683,670	651,823	605,435	107.7%
TRANSFERS IN	-	9,012	9,012	100.0%
TRANSFERS OUT	(379,987)	(466,747)	(398,260)	0.0%
TOTAL TRANSFERS IN/(OUT)	(379,987)	(457,735)	(389,248)	0.0%
CHANGE IN NET POSITION OPERATIONS	303,683	194,088	216,187	89.8%

		ACTUAL 2021-2022	ADOPTED 2022-2023	AMENDED 2022-2023	ACTUAL 2022-2023	FLUX 2023-2024	% OF BUDGET
BEGINNING WORKING CAPITAL		**$ 651,723**	**$ 487,455**	**$ 487,455**	**$ 487,455**		
REVENUES							
4-605.00	GARBAGE REVENUES	$ 1,097,087	$ 1,080,866	$ 1,080,866	$ 1,196,770	$ 115,904	110.7%
4-615.00	GARBAGE REV COMMERCIAL	$ 978,121	$ 976,455	$ 976,455	$ 1,152,137	$ 175,682	118.0%
4-620.00	GARBAGE BAG SALES	$ -	$ -	$ -	$ -	$ -	0.0%
4-630.05	BRUSH FEE RESIDENTIAL	$ 2,445	$ 4,800	$ 4,800	$ 2,737	$ (2,063)	57.0%
4-632.00	STATE SALES TAX	$ 12,702	$ 20,400	$ 20,400	$ 16,344	$ (4,056)	80.1%
4-682.00	RECYCLING COMMERCIAL	$ 22,435	$ 21,542	$ 21,542	$ 30,276	$ 8,734	140.5%
4-691.00	PROPERTY RENTAL	$ 6,271	$ 6,271	$ 6,271	$ 6,282	$ 11	100.2%
4-710.00	INTEREST EARNED	$ 776	$ -	$ -	$ 699	$ 699	0.0%
4-710.30	INTEREST TEXPOOL	$ 2,971	$ 12	$ 12	$ 19,701	$ 19,689	164175.0%
4-710.35	INTEREST INCOME NOTE RECEIVED	$ 22,444	$ 22,444	$ 22,444	$ 18,200	$ (4,244)	81.1%
4-770.00	RENTAL INCOME	$ 138,000	$ 138,000	$ 138,000	$ 138,000	$ -	100.0%
4-790.00	MISC REVENUE	$ -	$ 500	$ 500	$ -	$ (500)	0.0%
4-790.61	SALE OF NON CAPITAL ASSETS	$ -	$ -	$ -	$ -	$ -	0.0%
TOTAL REVENUES		**$ 2,283,252**	**$ 2,271,291**	**$ 2,271,291**	**$ 2,581,146**	**$ 309,855**	**113.6%**
EXPENDITURES							
SERVICES							
5-140-401.00	ELECTRICAL		$ -	$ -	$ -	$ -	0.0%
5-140-405.00	WATER		$ -	$ -	$ -	$ -	0.0%
5-140-405.50	DRAINAGE CHARGE		$ -	$ -	$ -	$ -	0.0%
5-140-406.00	SEWER		$ -	$ -	$ -	$ -	0.0%
5-100-406.00	OTHER SERVICES	$ -	$ -	$ -	$ -	$ -	0.0%
5-100-450.70	RESIDENTIAL COLLECTION	$ 1,008,948	$ 1,011,008	$ 1,011,008	$ 1,166,013	$ (155,005)	115.3%
5-100-450.80	COMMERCIAL COLLECTION	$ 1,060,773	$ 1,058,545	$ 1,058,545	$ 1,243,759	$ (185,214)	117.5%
5-100-450.90	COMMERCIAL RECYCLING	$ 22,860	$ 20,615	$ 20,615	$ 31,050	$ (10,435)	200.0%
TOTAL SERVICES		**$ 2,092,581**	**$ 2,090,167**	**$ 2,090,167**	**$ 2,440,822**	**$ (350,655)**	**-116.8%**
SUNDRIES							
5-100-901.00	LIAB/CASUALTY INSURANCE	$ 333	$ 400	$ 400	$ 381	$ 19	95.3%
5-100-950.00	OTHER SUNDRY	$ 3,771	$ 500	$ 500	$ 3,786	$ (3,286)	-757.2%
TOTAL SUNDRIES		**$ 4,104**	**$ 900**	**$ 900**	**$ 4,167**	**$ (3,267)**	**-463.0%**
TOTAL EXPENDITURES		**$ 2,096,685**	**$ 2,091,067**	**$ 2,091,067**	**$ 2,444,989**	**$ (353,922)**	**-116.9%**
TRANSFERS							
6-000-601.00	TRANSFER GENERAL FUND	$ 286,738	$ 292,738	$ 292,738	$ 274,268	$ 18,470	93.7%
6-000-602.00	TRANSFER ELECTRIC FUND	$ 20,133	$ 19,019	$ 19,019	$ 13,307	$ 5,712	200.0%
TOTAL TRANSFERS		**$ 306,871**	**$ 311,757**	**$ 311,757**	**$ 287,575**	**$ 24,182**	**-92.2%**
CHANGE IN NET POSITION		**$ (120,304)**	**$ (131,533)**	**$ (131,533)**	**$ (151,418)**		**115.1%**
ENDING WORKING CAPITAL		**$ 531,419**	**$ 355,922**	**$ 355,922**	**$ 336,037**		**-5.6%**

		ACTUAL 2021-2022	ADOPTED 2022-2023	AMENDED 2022-2023	ACTUAL 2022-2023	FLUX 2023-2024	% OF BUDGET
BEGINNING FUND WORKING CAPITAL		**$ 749,203**	**$ 1,272,150**	**$ 1,272,150**	**$ 1,050,646**		
REVENUES							
4-617.00	DRAINAGE FEE	$ 685,986	$ 686,400	$ 686,400	$ 693,591	$ 7,191	101.0%
4-710.00	INTEREST EARNED	$ 5,573	$ 700	$ 700	$ 23,788	$ 23,088	3398.3%
4-790.00	MISC REVENUE	$ 699	$ 670	$ 670	$ -	$ (670)	0.0%
TOTAL REVENUES		**$ 692,258**	**$ 687,770**	**$ 687,770**	**$ 717,379**	**$ 29,609**	**104.3%**
EXPENDITURES							
PERSONNEL							
5-041-101.00	SALARIES & WAGES	$ 73,395	$ 74,065	$ 74,065	$ 80,185	$ (6,120)	108.3%
5-041-102.00	OVERTIME PAY	$ 20	$ -	$ -	$ 108	$ (108)	0.0%
5-041-103.00	OASDI/MEDICARE	$ 5,170	$ 5,830	$ 5,830	$ 5,693	$ 137	97.7%
5-041-103.02	MATCHING RETIREMENT	$ 11,513	$ 12,905	$ 12,905	$ 14,166	$ (1,261)	109.8%
5-041-105.00	LONGEVITY PAY	$ 1,581	$ 1,800	$ 1,800	$ 2,617	$ (817)	145.4%
5-041-106.00	MEDICAL INSURANCE	$ 17,772	$ 18,543	$ 18,543	$ 18,543	$ 0	100.0%
5-041-106.01	LIFE INSURANCE	$ 258	$ 237	$ 237	$ 301	$ (64)	126.9%
5-041-106.02	LONG TERM DISABILITY	$ 142	$ 159	$ 159	$ 166	$ (7)	104.7%
5-041-106.10	HRA EXPENSE	$ -	$ -	$ -	$ -	$ -	0.0%
5-041-107.00	WORKERS' COMPENSATION	$ 2,986	$ 2,457	$ 2,457	$ 1,960	$ 497	79.8%
5-041-118.00	ACCRUED COMP TIME	$ 609	$ -	$ -	$ (1,183)	$ 1,183	0.0%
TOTAL PERSONNEL		**$ 113,446**	**$ 115,995**	**$ 115,995**	**$ 122,556**	**$ (6,561)**	**105.7%**
SUPPLIES							
5-041-202.00	FUEL	$ 13,538	$ 16,000	$ 16,000	$ 14,812	$ 1,188	92.6%
5-041-203.00	TOOLS/SMALL EQUIPMENT	$ -	$ 300	$ 300	$ -	$ 300	0.0%
5-041-208.00	CLOTHING/PERS PROTECTIVE EQUIP	$ 1,089	$ 1,500	$ 1,500	$ 1,423	$ 77	94.9%
5-041-210.00	BOTANICAL & AGRICULTURAL	$ 4,203	$ 7,000	$ 7,000	$ 6,731	$ 269	96.2%
5-041-250.00	OTHER SUPPLIES	$ 118	$ 500	$ 500	$ 160	$ 340	32.0%
TOTAL SUPPLIES		**$ 18,948**	**$ 25,300**	**$ 25,300**	**$ 23,126**	**$ 2,174**	**91.4%**
MAINTENANCE							
5-041-303.00	VEHICLES/LARGE EQUIPMENT	$ 10,836	$ 9,000	$ 9,000	$ 10,291	$ (1,291)	114.3%
5-041-304.00	MACHINERY/EQUIPMENT	$ 1	$ 100	$ 100	$ -	$ 100	0.0%
5-041-315.00	STREETS/INLETS/CURBS	$ 7,057	$ 8,000	$ 8,000	$ 11,722	$ (3,722)	146.5%
5-041-315.10	STREETS-CONCRETE WORK	$ 145,972	$ 125,000	$ 125,000	$ 126,082	$ (1,082)	100.9%
5-041-315.20	STREETS-MISC MATERIALS	$ 9,281	$ 10,000	$ 10,000	$ 9,534	$ 466	95.3%
TOTAL MAINTENANCE		**$ 173,147**	**$ 152,100**	**$ 152,100**	**$ 157,629**	**$ (5,529)**	**103.6%**
SERVICES							
5-041-402.00	AUDITS/CONSULTANTS FEES	$ 9,794	$ 15,000	$ 15,000	$ 5,654	$ 9,346	37.7%
5-041-406.60	DISPOSAL FEES	$ -	$ 100	$ 100	$ -	$ 100	0.0%
5-041-408.10	RENTALS/LEASES-FLEET	$ -	$ 2,000	$ 2,000	$ 875	$ 1,125	43.8%
5-041-450.00	OTHER SERVICES	$ 7	$ -	$ -	$ 1,607	$ (1,607)	0.0%
TOTAL SERVICES		**$ 9,801**	**$ 17,100**	**$ 17,100**	**$ 8,136**	**$ 8,964**	**47.6%**
CAPITAL							
5-041-813.00	VEHICLES/LARGE EQUIPMENT	$ -	$ -	$ -	$ -	$ -	0.0%
5-041-815.41	OTHER CAPITAL-DRAINAGE IMPROV	$ -	$ 218,335	$ 218,335	$ 44,400	$ 173,935	20.3%
5-100-860-11	DEBT SERVICE INTEREST	$ 6,116	$ 4,794	$ 4,794	$ 4,794	$ -	100.0%
5-100-860-15	DEBT SERVICE PRINCIPLE	$ 66,471	$ 67,793	$ 67,793	$ 67,793	$ -	100.0%
TOTAL CAPITAL		**$ 72,587**	**$ 290,922**	**$ 290,922**	**$ 116,987**	**$ 173,935**	**40.2%**

	ACTUAL 2021-2022	ADOPTED 2022-2023	AMENDED 2022-2023	ACTUAL 2022-2023	FLUX 2023-2024	% OF BUDGET
SUNDRIES						
5-041-901.00 LIAB/CASUALTY INSURANCE	$ 2,062	$ 2,330	$ 2,330	$ 3,082	$ (752)	132.3%
5-041-903.00 UNCOLLECTABLE ACCOUNTS	$ 824	$ -	$ -	$ 573	$ (573)	0.0%
5-041-950.00 OTHER SUNDRY	$ -	$ -	$ -	$ -	$ -	0.0%
TOTAL SUNDRIES	**$ 2,886**	**$ 2,330**	**$ 2,330**	**$ 3,655**	**$ (1,325)**	**156.9%**
TOTAL EXPENDITURES	**$ 390,815**	**$ 603,747**	**$ 603,747**	**$ 432,089**	**$ 171,658**	**-71.6%**
TRANSFERS						
6-000-601.37 TRANSFER OUT DRAINAGE CAPTL	$ -	$ (84,023)	$ (84,023)	$ -	$ 84,023	-200.0%
6-000-650.00 TRANSFER IN WORKERS COMP	$ -	$ -	$ -	$ 4,221	$ (4,221)	0.0%
TOTAL TRANSFERS	**$ -**	**$ (84,023)**	**$ (84,023)**	**$ 4,221**	**$ 79,802**	**-195.0%**
CHANGE IN NET POSITION	**$ 301,443**	**$ (0)**	**$ (0)**	**$ 289,511**		**0.0%**
ENDING FUND WORKING CAPITAL	**$ 1,050,646**	**$ 1,272,150**	**$ 1,272,150**	**$ 1,340,157**		**105.3%**

City Council Regular Meeting

AGENDA ITEM 8

Agenda Item: **Discuss and Possibly Act Upon the Purchase of Audio Equipment for the Blue Bell Aquatic Center and Authorize the Mayor to Execute Any Necessary Documentation**

Meeting Date: December 21, 2023

Department: Public Works

Staff Contact: Dane Rau, Director of Public Works

SUMMARY STATEMENT:

In the 2023-24 BCDC budget, staff requested funding for a new audio system for the Blue Bell Aquatic Center. With the facility being 24 yrs of age, the old system is no longer working and compatible with new technology. We have currently been operating with a partial sound system for several years. Many areas, such as the Leisure Pool, Therapy Pool, and Competition Pool areas are so bad and hard to understand that we don't even use them currently.

The scope of work for the new system will add numerous speakers throughout the indoor and outdoor facility, two consoles, wireless microphones, Bluetooth capability, a paging feed server and 2 media players. In the quote by Avinext, it also includes services for wiring, equipment rental and labor costs to install the complete system.

Kelsey, Tammy, and Kevin Schmidt worked diligently on finding the most compatible system for this facility and met with Avinext several times in order to get everything needed for long-term usage and yet stay under budget.

This system will assist with bringing good sound to all 3 pool areas and be used for training, special events (Kid Fish, Floats N Flicks, etc.) as well as used daily for programming and exercise classes. It will also bring back streaming of music during the day throughout the facility. This has been a long time coming and will enhance the Aquatic Center and bring back what it was designed to do for all patrons and visitors.

We would like to ask the council to approve the purchase of the audio equipment and services through Avinext using the TAMU Contract C20201408 in the amount of $69,031.23. This came in under budget at approximately $6,000.

The staff did look at other companies, but the one other company that did respond was going to provide equipment that was made for more residential settings and, with the atmosphere and amount of coverage that we needed, our IT Division felt comfortable with Avinext as they have provided audio systems for many other city facilities and have a good reputation.

ATTACHMENTS:

1. BBAC Audio Project Proposal
2. Audio Quote - Avinext

RECOMMENDATION:

Approve the purchase of audio equipment for the Blue Bell Aquatic Center in the amount of $69,031.23 from Avinext through the TAMU Contract No. C20201408 and authorize the Mayor to execute any necessary documentation.

PROPOSAL

Blue Bell Aquatic Center Audio

City of Brenham

1800 E Tom Green St
Brenham, TX 77833

Revision: 1
Modified: 12/13/2023

Presented By:

Matthew Castillo

1400 University Drive East
College Station, TX 77840 USA
979-846-9727
http://www.avinext.com

AV SAVVY. NETWORK SMART.

PROJECT SUMMARY

City of Brenham – Blue Bell Aquatic Center Audio

This project aims to seamlessly upgrade the current audio system, with a specific focus on enhancing sound quality in both pool areas and multipurpose spaces. The main objective is to ensure clear vocal intelligibility for instructor-led classes and announcements. Users will enjoy the convenience of easy-to-use music playback and adjustable volume levels accessible through an owner-provided tablet.

Audio System

This audio upgrade will include the integration of a new DSP (Digital Signal Processor) and new amplifiers. These components are designed to capture and optimize audio from microphones and various audio inputs, ensuring an exceptional audio experience. Additionally, new speakers will be deployed to replace existing ones as well as extend sound to areas that were not previously covered.

Audio Inputs:

- Paging Feed from SIP Server
- (2) Wireless Microphone Racks – detailed below
- (2) Media Players Located in Closet Rack (2nd will be a future add-on)
- Bluetooth Wall Plate in Hallway
- Bluetooth Wall Plate and XLR Wall Plate with two inputs in Guard Room

The first Wireless Microphone Rack features a dual-channel receiver connected to a handheld and fitness-style microphone. It accommodates an owner-provided CD/Media Player with Bluetooth/USB/SD/Aux (AM/FM Tuner on device will not be operational). A front-accessible rack plate will have an XLR input for any additional audio sources. Simply connect power and RJ45 on the rack plate to a LAN port for seamless operation. The second rack offers a Bluetooth receiver in place of the owner-provided CD/Media Player. This second rack will include the same wireless microphones and front-accessible rack plate.

Audio Outputs:

- Outside Pool Area – (5) Pole-Mounted Speakers on Existing Light Poles (conduit to be provided by customer), (3) Wall-Mounted Speakers on Outside of Building
- Natatorium – (2) Wall-Mounted Speakers Located on the Plan North Wall Aimed Facing the Bleachers
- Front Lobby – (4) Ceiling Speakers
- Men's & Women's Bathrooms & Locker Rooms – (8) Ceiling Speakers
- Childcare – (4) Ceiling Speakers
- Guard Room – (1) Ceiling Speaker – Zoned with Childcare (speakers come in pairs so additional speaker sold as spare)
- Exercise Room – (4) Ceiling Speakers
- Hallways & Vending Area – (16) Ceiling Speakers
- Therapy Pool – (1) Wall-Mounted Speaker
- Mechanical Room – (1) Wall-Mounted Speaker

Control System:

- Volume Control for Each Zone of Speakers Accessible Through Owner-Provided Tablet

AV Rack

An existing Two-Post Rack will be used to house the DSP, Amplifiers, and Owner-Provided Media Players.

OFE Equipment

- Two-Post Rack
- Denon DN-300Z
- (2) Media Players

Customer Responsibilities

- Provide Power and Data at Specified Locations
- Provide Power and Data Anywhere Customer Would Like to Use Wireless Microphone Rack
- Provide Conduit for Speakers Mounted to Light Poles at Outside Pool Location

AVINEXT LIMITED INSTALLATION WARRANTY

Avinext warrants audio/visual installations for a period from the original invoice date. This warranty covers all cables, plates, projectors, displays, codecs, interactive whiteboards, speakers, microphones, distribution amplifiers, switchers, scalers, control systems, and/or other equipment sold and installed by Avinext as part of the original installation. The limited warranty covers parts, labor, and standard shipping required to return the system to proper working condition.

The limited warranty covers the following:

- Improper workmanship directly associated with the installation of equipment by Avinext personnel
- Premature failure of equipment due to normal operation (as determined by Avinext and/or the manufacturer)
- Labor to repair the system, components and parts in order to restore the system to original operating condition

The limited warranty does not cover the following:

- Consumable items such as projector lamps and batteries for remotes
- Ground loop problems caused by faulty or dirty power
- Projector issues such as dirty lens, alignment, focus, dust and/or heat build-up caused by dust
- Routine maintenance as recommended by the manufacturer or as conditions require
- Programming changes including, but not limited to, user interface (UI) changes, operation of preset controls (i.e. macros), and addition of buttons or pages to UI
- Firmware or software updates made available by the manufacturer after the original installation
- Requests for service due to operator error
- Service required as a result of negligence, misuse, or attempted repairs by anyone other than Avinext or the manufacturer
- Connections or disconnections made by others
- Removal or reinstallation of equipment
- Damage caused by lightning, electrical surges, brownouts, overloaded circuits, or acts of God

The warranty statement above describes the Avinext Limited Installation Warranty and begins at substantial completion. However, this warranty does not change or modify the manufacturer's warranty in any way. Consult the owner's manual for details about the manufacturer limited warranty.

HOW DO I GET SUPPORT?

Contact our AV Service Department at (800) 946-9727 ext. 291 or email AVTicket@Avinext.com.

Please include the following information in your service request to expedite the processing of service:

- Organization or department name
- Primary contact name, number and email
- Equipment model and serial number
- Location, including building and room number and/or physical address
- A detailed problem description, including what you were doing when the issue occurred
- Provide room availability or contact information for the facilities coordinator to speed up scheduling and insure access to the equipment

For incidents where warranty status can only be determined by a service visit, Avinext will send a technician onsite to diagnose the problem. If the problem is determined to be a non-warranty issue, Avinext will provide a quote for repair before completing the work. The customer will be responsible for paying for the initial service event to diagnose the problem regardless of whether or not they chose to repair the system. Avinext will require a Purchase Order to complete the service work for problems deemed non-warranty. Standard service and travel rates apply. Response time for warranty service is 8 business hours during standard business hours. Actual repair times will vary depending on access to the equipment, shipping times, manufacturer repair times, parts availability, etc. However, Avinext will make a best effort to restore system functionality as quickly as possible.

Avinext

AV SAVVY. NETWORK SMART.

The Personal Computer Store, Inc.
1400 University Drive East - College Station, TX 77840
Phone 979-846-9727 Fax 979-268-1017
www.Avinext.com

Quotation

Quote #	Date
206234	12/11/23

Sales Rep

Matthew Castillo
979-846-9727 Ext. 280
castillo@avinext.com

For	Phones
Accounts Payable City of Brenham PO BOX 1059 BRENHAM, TX 77833	(979) 836-7911

PO #	Terms	Ship Date	Ship Via
	Net 30 days	12/11/2023	

	Part	Description	Qty	Price	Ext. Price
1	COMTAMU19	TAMU Contract C20201408 - MultiMedia Equipment, Supplies & Services	1		
2		Blue Bell Aquatic Center - Base Bill of Materials			
3	REN10016	19' Scissor Lift	1	$300.00	$300.00
4	REN10021	26' Scissor Lift	1	$350.00	$350.00
5	HDWMOUNT	Mounting Hardware	1	$2,000.00	$2,000.00
6	SER100014	Avinext Project Manager	52	$125.00	$6,500.00
7	SER10007	Avinext A/V Technician	88	$95.00	$8,360.00
8	SER10008	Avinext Lead A/V Technician	48	$125.00	$6,000.00
9	SER100080	Avinext Lead A/V Programmer	24	$160.00	$3,840.00
10	SER10009	Avinext Lead A/V Designer	24	$160.00	$3,840.00
11	SHP10010	Freight	1	$950.00	$950.00
12	SER10016	Avinext Travel Expenses	1	$1,500.00	$1,500.00
13	Community PMB-1RR	Pole Mount Bracket for Single Loudspeaker with Vertical Downtilt to 90 Degrees	5	$146.00	$730.00
14	COMMUNITY R.15COAXB	Biamp 6.5" Ultra-Compact Coaxial Two-Way full range loudspeaker	9	$364.00	$3,276.00
15	Community R.25-94TZ	Two Way Weather Resistant Loudspeaker, 70V/100V	1	$622.00	$622.00
16	911.1301.900	Biamp 911.1301.900 R-VTY15B Vari-Tilt Yoke for R.15 Enclosures (Black)	3	$97.00	$291.00
17	CDG	F.01U.131.160	2	$79.00	$158.00
18	F.01U.329.290	Electro-Voice F.01U.329.290 EVC-1122-VIW 12" speaker, vari-intense indoor, designed to efficiently and evenly cover rectangular coverage areas with both music and speech, white. Note - ships without rigging hardware	2	$1,349.00	$2,698.00
19	F.01U.346.744	Electro-Voice F.01U.346.744 EVC-UB3-WHT U-bracket for EVC-1122/VI, white	2	$200.00	$400.00
20	60-738-01	Extron 60-738-01 Passive Audio Summing Adapter with Stereo Mini Plug Input and Unbalanced Output	2	$53.00	$106.00

	Part	Description	Qty	Price	Ext. Price
21	60-804-01	Extron 60-804-01 Passive Audio Summing Adapter with RCA Inputs and Balanced/Unbalanced Output	1	$53.00	$53.00
22	12-2C-DB-BLK	LWC 12-2C-DB-BLK DIRECT BURIAL 12/2 CL3 BLACK	1000	$0.90	$900.00
23	12-2C-P-BLK	LWC 12-2C-P-BLK COMMERCIAL 12/2 CL3P BLACK	700	$0.99	$693.00
24	16-2C-P-BLK	LWC 16-2C-P-BLK COMMERCIAL 16/2 CMP BLACK	2000	$0.34	$680.00
25	22-1P-CMP-EZ-BLK	LWC 22-1P-CMP-EZ-BLK QWIKSTRIP 22/1P AUDIO CMP BLK	180	$0.29	$52.20
26	PC6B005BK	LWC PC6B005BK CAT6 UTP PATCH 5' BLACK	1	$4.35	$4.35
27	PC6B025BK	LWC PC6B025BK CAT6 UTP PATCH 25' BLACK	2	$11.91	$23.82
28	EB1	Middle Atlantic EB1 1SP FLANGED ECONO BLANK	6	$10.00	$60.00
29	LBP-1.5R90	Middle Atlantic LBP-1.5R90 10PK 90DEGREE 1.5"OFFSET	3	$8.97	$26.91
30	PDX-915R	Middle Atlantic PDX-915R 15A 9 OUT MULTI-STAGE SURGE W/CTRL	2	$249.00	$498.00
31	U1V	Middle Atlantic U1V 1SP VENTED UTILITY SHELF	1	$49.00	$49.00
32	UD1	Middle Atlantic UD1 1SP UTIL.DRAWER,BLACK	1	$135.00	$135.00
33	NC3FXX	LWC NC3FXX NEUTRIK XLRF 3P CBL NKL	3	$3.53	$10.59
34	M77840-WQ666234	Rack Audio Input Plate	1	$99.00	$99.00
35	AD-C4T-LP	QSC AD-C4T-LP 4.5" Two-way low-profile ceiling speaker, 70/100V transformer with 16? bypass, 150° conical DMT coverage, includes C-ring and rails for blind mount installation, Ø245 mm cut-out. Color - White only. Priced individually, sold only in pairs.	38	$165.00	$6,270.00
36	SLQUD-110-P	QSC SLQUD-110-P Q-SYS Core 110 UCI Deployment Software License, Perpetual.	1	$178.00	$178.00
37	CORE 110f-v2	QSC CORE 110f-v2 Unified Core with 24 local audio I/O channels, 128x128 total network I/O channels with 8x8 Software-based Dante license included, USB AV bridging, dual LAN ports, POTS and VoIP telephony, no GPIO, 16 next-generation AEC processors, 1RU.	1	$3,199.00	$3,199.00
38	CX-Q 2K4	QSC CX-Q 2K4 4-Channel 500W/CH Q-SYS Network Amplifier, Lo-Z, 70V, 100V direct drive, FlexAmp™, Mic/line Inputs, 100-240V.	1	$2,249.00	$2,249.00
39	MP-A80V	QSC MP-A80V 1600W FlexAmp technology Hi-Z / Lo-Z amplifier, 8 x 200W into 4?, 8?, 70V and 100V, Highpass filter per channel, GPIO for Remote Standby and Amp Status.	1	$2,325.00	$2,325.00
40	QIO-ML4i	QSC QIO-ML4i Q-SYS peripheral providing 4 mic/line inputs. Up to 4 devices daisy-chainable. 1U-1/4W, powered over Ethernet or +24 VDC. Surface mountable, rack kit sold separately.	1	$554.00	$554.00
41	QIO-RMK	QSC QIO-RMK Rack mount tray and blanking panels to mount up to four QIO units in a 1U 19" standard rack format.	1	$139.00	$139.00
42	SB903	Shure SB903 Lithium-Ion Battery for SLX-D	2	$44.80	$89.60
43	SBC203-US	Shure SBC203-US Dual Docking Station for SLX-D transmitters and SB903 battery	1	$127.20	$127.20
44	SLXD1=-H55	Shure SLXD1=-H55 Bodypack Transmitter	1	$199.00	$199.00
45	SLXD2/B58=-H55	Shure SLXD2/B58=-H55 Handheld Transmitter with Beta 58 Capsule	1	$289.00	$289.00
46	SLXD4D=-H55	Shure SLXD4D=-H55 Dual-Channel Digital Wireless Receiver	1	$759.00	$759.00
47	SM31FH-TQG		1	$99.00	$99.00

	Part	Description	Qty	Price	Ext. Price
		Shure SM31FH-TQG SM31FH Fitness Headset Condenser Microphone			
48	1SKB-R6UW	ROTO ROLLING RACK	1	$239.00	$239.00
49		SubTotal			$61,921.67
50		Mobile Rack 2 - Addition of Second Mobile Rack with Bluetooth / Rack Audio Plate / Shure Wireless Receiver			
51	SER10008	Avinext Lead A/V Technician	2	$125.00	$250.00
52	DN-300BR	Denon DN-300BR 1 RU Bluetooth Receiver	1	$153.00	$153.00
53	60-804-01	Extron 60-804-01 Passive Audio Summing Adapter with RCA Inputs and Balanced/Unbalanced Output	1	$53.00	$53.00
54	22-1P-CMP-EZ-BLK	LWC 22-1P-CMP-EZ-BLK QWIKSTRIP 22/1P AUDIO CMP BLK	40	$0.29	$11.60
55	PC6B005BK	LWC PC6B005BK CAT6 UTP PATCH 5' BLACK	1	$4.35	$4.35
56	PC6B025BK	LWC PC6B025BK CAT6 UTP PATCH 25' BLACK	1	$11.91	$11.91
57	LBP-1.5R90	Middle Atlantic LBP-1.5R90 10PK 90DEGREE 1.5"OFFSET	3	$8.97	$26.91
58	PDX-915R	Middle Atlantic PDX-915R 15A 9 OUT MULTI-STAGE SURGE W/CTRL	1	$249.00	$249.00
59	UD1	Middle Atlantic UD1 1SP UTIL.DRAWER,BLACK	1	$135.00	$135.00
60	NC3FXX	LWC NC3FXX NEUTRIK XLRF 3P CBL NKL	3	$3.53	$10.59
61	M77840-WQ666234	Rack Audio Input Plate	1	$99.00	$99.00
62	QIO-ML4i	QSC QIO-ML4i Q-SYS peripheral providing 4 mic/line inputs. Up to 4 devices daisy-chainable. 1U-1/4W, powered over Ethernet or +24 VDC. Surface mountable, rack kit sold separately.	1	$554.00	$554.00
63	QIO-RMK	QSC QIO-RMK Rack mount tray and blanking panels to mount up to four QIO units in a 1U 19" standard rack format.	1	$139.00	$139.00
64	SB903	Shure SB903 Lithium-Ion Battery for SLX-D	2	$44.80	$89.60
65	SBC203-US	Shure SBC203-US Dual Docking Station for SLX-D transmitters and SB903 battery	1	$127.20	$127.20
66	SLXD1=-H55	Shure SLXD1=-H55 Bodypack Transmitter	1	$199.00	$199.00
67	SLXD2/B58=-H55	Shure SLXD2/B58=-H55 Handheld Transmitter with Beta 58 Capsule	1	$289.00	$289.00
68	SLXD4D=-H55	Shure SLXD4D=-H55 Dual-Channel Digital Wireless Receiver	1	$759.00	$759.00
69	SM31FH-TQG	Shure SM31FH-TQG SM31FH Fitness Headset Condenser Microphone	1	$99.00	$99.00
70	1SKB-R6UW	ROTO ROLLING RACK	1	$239.00	$239.00
71		SubTotal			$3,499.16
72		Addition of Dante Bluetooth/XLR Wall Plates in Hallway / Guard Shack Plates			
73	SER10008	Avinext Lead A/V Technician	2	$125.00	$250.00
74	LV2	LWC LV2 LOW VOLT MT/BRKT DG RETRO	3	$2.06	$6.18
75	PC6B001BK	LWC PC6B001BK CAT6 UTP PATCH 1' BLACK	3	$2.74	$8.22
76	SLDAN-32-P	QSC SLDAN-32-P Q-SYS Software-based Dante 32x32 Channel License, Perpetual.	1	$699.00	$699.00
77	DDS-BN2M	RDL DDS-BN2M Wall-Mounted Bi-Directional Mic/Line Dante Interface 2 x 2	1	$809.00	$809.00

	Part	Description	Qty	Price	Ext. Price
78	DDS-BTN44	Wall-Mounted Bi-Directional Line-Level and Bluetooth Audio Dante Interface	2	$919.00	$1,838.00
79		SubTotal			$3,610.40

SubTotal	$69,031.23
Sales Tax	$0.00
Shipping	$0.00
Total	**$69,031.23**

QUOTES ARE VALID FOR 30 DAYS FROM THE DATE SHOWN ABOVE. PRICES SUBJECT TO CHANGE - PRICES BASED UPON TOTAL PURCHASE - ALL SERVICES TO BE BILLED AT PUBLISHED RATES

City Council Regular Meeting

AGENDA ITEM 9

Agenda Item: **Discuss and Possibly Act Upon Resolution No. R-23-046 Adopting an Increase in the City of Brenham's Monthly Contribution to the Texas Emergency Services Retirement System (TESRS)**

Meeting Date: December 21, 2023

Department: Finance

Staff Contact: Stacy Hardy, Finance Director

SUMMARY STATEMENT:

The Brenham Fire Department Pension Board is putting forth a request for Council's consideration to increase the City's contribution into the Texas Emergency Services Retirement System (TESRS), the pension system we offer for our volunteer firefighters. The City of Brenham has participated in TESRS since 1978. The Pension Board consists of 6 members and is comprised of current volunteers, retired volunteers, and one City representative.

Texas Emergency Services Retirement System (TESRS) was established by the State of Texas to provide pension benefits for emergency services personnel who serve without significant monetary remuneration. The benefit provisions include retirement as well as death and disability benefits. As of August 31, 2022, the date of the last TESRS fiscal year audit, there were 239 contributing fire and/or emergency services departments participating in TESRS. Eligible participants include volunteer emergency services department members who are in good standing of a member department. This is an important benefit provided to our volunteer firefighters who we heavily rely on to support the efforts of the Brenham Fire Department.

TESRS is funded by contributions made by the governing bodies of the participating departments. No contributions are required from the individuals who are members of the System, nor are they allowed. The State is required to contribute an amount necessary to the make the System "actuarially sound" each year. The City's current contribution is $140 per month for 17 active volunteer firefighters for an annual total contribution of $28,560. The Brenham Fire Department Pension Board is requesting an increase in the City's contribution to $160 per month, or $32,640 annually, assuming 17 active participants. The last increase approved by the City was in 2004 when the contribution was raised from $120 per month to $140 per month. With volunteer numbers decreasing, more engagement is required from our current volunteers. The Pension Board believes the contribution increase will enhance the volunteer program to encourage new participation as well as recognize the current volunteers for their years of dedicated service.

ATTACHMENTS:

1. Letter from Pension Board President
2. Resolution - Increasing TESRS Contribution (1)

RECOMMENDATION:

Approve Resolution No. R-23-046 adopting an increase in the City of Brenham's monthly contribution to the Texas Emergency Services Retirement System (TESRS) from $140 per month to $160 per month.

City Of Brenham Fire Department

101 N Chappell Hill St Brenham TX 77833

August 10,2023

Mrs. Carolyn Miller,

May I take this opportunity to thank you for allowing us to submit this letter on behalf of the Brenham Fire Department volunteer service to the City of Brenham. We the Brenham Fire Department pension board are requesting to increase the City's monthly contribution to the Texas Emergency Services Retirement System (TESRS). We are asking for your consideration to increase the monthly City contribution from $140.00 to $160.00 per month. The contribution to our volunteers is based on the 2024 budget of $42,200.00. This contribution will allocate funds for 22 volunteer's total. We currently have 17 active volunteers leaving room for growth in the coming year.

The last contribution increase was in year 2004. Over the years the members of the Brenham Fire Department have continued striving to serve this community best. In the most recent years the demand for our services is requiring more training, certifications, engagement, and more experience. Unfortunately, volunteer numbers have been decreasing. The department has continued to navigate the change of times. We feel the increase in contribution will add to our program enhancing the incentives to join our team. As you know we currently have an incredible training program in place. This in house program has proven to train firefighters to respond with professionalism to serve our community. This also enables individuals with an opportunity to move into a career position to also better serve City of Brenham. Both our Pension board and examination committee will continue to hold volunteers accountable to meeting the requirements of this program. In the past 2 years alone, our program has staffed our trucks with 2,000 plus hours of volunteer time and on track for 3,000 plus hour this calendar year in the current ride out program alone. In the need to respond to the station in an event of an emergency we will add to these numbers.

We the Brenham Fire Department will continue striving to serve the community. Evaluating and recruiting the best fit individuals willing to volunteer involvement for the future of our community. Thank you again for your consideration. Please advise if you have any questions or future changes you would like to see.

Respectfully,

Gene P. Northway

Pension Board President

RESOLUTION NO. R-23-046

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS ADOPTING AN INCREASE IN THE CITY'S MOTHLY CONTRIBUTION TO THE TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM

WHEREAS, seventeen (17) volunteer firefighters currently serve the City of Brenham ("City") without significant monetary remuneration, and provide critical support to the City's Fire Department; and

WHEREAS, the Texas Emergency Services Retirement System (TESRS) was established pursuant to Title 8, Public Retirement Systems, Subtitle H, Texas Emergency Services Retirement System, of the Texas Government Code, in order to provide pension benefits for voluntary emergency services personnel; and

WHEREAS, the City has participated in TESRS since 1978, and currently contributes 140 dollars per eligible volunteer firefighter per month, and

WHEREAS, the City's contribution amount has not increased since 2004; and

WHEREAS, the Brenham Fire Department Pension Board has requested an increase in the City's contribution to TESRS from $140.00 to $160.00 per month on behalf of each volunteer firefighter; and

WHEREAS, the City Council of the City of Brenham ("City Council") finds the requested increase is proper in recognition of the current volunteers' years of dedicated service, and that the increase will encourage participation,

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

Section 1: The City Council hereby authorizes an increase of the City's contribution to the Texas Emergency Services Retirement System, from $140.00 to $160.00 per month for each eligible volunteer firefighter.

Section 2: The City Manager and/or his or her designee are authorized to execute any documentation necessary to implement this increase.

RESOLVED on this 21st day of December 2023.

____
Atwood C. Kenjura
Mayor

ATTEST:

____
Jeana Bellinger, TRMC, CMC
City Secretary

City Council Regular Meeting

AGENDA ITEM 10

Agenda Item: **Discuss and Possibly Act Upon an Ordinance on Its First Reading to Repeal Ordinance No. O-22-018 Relating to a Non-Exclusive Franchise to Skoot-N-Hauler to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits**

Meeting Date: December 21, 2023

Department: Administration

Staff Contact:

SUMMARY STATEMENT:

On October 30, 2023, city staff reviewed the vendors currently holding a Sanitation Franchise through the City of Brenham. Upon review, staff discovered that reports had not been received from Skoot-N-Hauler, LLC in a twelve-month period. After staff reached out to Skoot-N-Hauler, LLC it was confirmed by the owner, Peter Nicklas III, that he was no longer doing business in the Washington County area and has since moved his business back to Dallas, TX.

ATTACHMENTS:

1. Ordinance on Its First Reading to Repeal O-22-018 Franchise Agreement

RECOMMENDATION:

Approve an Ordinance on its first reading to repeal Ordinance No. O-22-018 relating to a non-exclusive franchise to Skoot-N-Hauler to operate a roll-off container service for residents, businesses, and industries inside Brenham City Limits.

ORDINANCE NO. ___________

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS MAKING CERTAIN FINDINGS OF FACT; REPEALING ORDINANCE NO. 0-22-018; REVOKING AND CANCELLING THE FRANCHISE GRANTED TO SKOOT N HAULER, LLC IN SAID ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A SEVERABILITY, REPEALER AND SAVINGS CLAUSE; AND PROVIDING FOR PROPER NOTICE AND OPEN MEETING.

WHEREAS, the City of Brenham ("City") entered into a franchise agreement ("Agreement") with Skoot N Hauler, LLC ("Provider") on September 15, 2022 pursuant to the enactment of Ordinance No. O-22-018; and

WHEREAS, the Provider is no longer providing roll-off services within the City of Brenham; and

WHEREAS, pursuant to Section 24 of the Agreement, Provider has notified the City that it wishes to terminate the Agreement; and

WHEREAS, the City acknowledges the receipt and adequacy of Provider's notice of termination, and agrees to terminate the Agreement, and revoke Ordinance O-22-018,

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

SECTION 1.

That Ordinance No. O-22-018 is hereby repealed, and the Agreement entered into between the City of Brenham, Texas and Skoot N Hauler, LLC as enacted by Ordinance No. O-22-018 is hereby revoked and cancelled pursuant to Article 24 of the Agreement.

SECTION 2. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 3. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

SECTION 4. REPEALER

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

SECTION 5. SAVINGS CLAUSE

The repeal of any ordinance or part of ordinances effected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions any ordinances at the time of passage of this Ordinance.

SECTION 6. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED and APPROVED on its first reading this the 21st day of December, 2023.

PASSED and APPROVED on its second reading this the _____ of ________________, 2023.

____
Atwood C. Kenjura
Mayor

ATTEST:

____
Jeana Bellinger, TRMC, CMC
City Secretary

City of BRENHAM

City Council Regular Meeting

AGENDA ITEM 12

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 Date: December 21, 2023

Department: Administration

Staff Contact: Carolyn Miller, City Manager

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDATION:

No action being taken.

City Council Regular Meeting

AGENDA ITEM 13

Agenda Item: **Section 551.074, Texas Government Code - Personnel Matters - Discussion Concerning the Retirement of the City Manager, Potential Roles/Duties of the Retiring City Manager in Facilitating the Transition to a New City Manager, and the Appointment, Employment, Evaluation, and Duties of a New City Manager, and Associated Issues**

Meeting Date: December 21, 2023

Department: Administration

Staff Contact: Jeana Bellinger, City Secretary

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDATION:

No action being taken.