



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY JANUARY 31, 2013 AT 1:00 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – City Manager Terry Roberts**
- 3. Special Recognitions and Presentations**
 - Blue Bell Aquatic Center Agency of the Year Award
 - Brenham Police Department’s Best Practices Award

4. Citizens Comments

CONSENT AGENDA

5. Statutory Consent Agenda

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

- 5-b. Minutes from December 6, 2012, December 13, 2012, and December 20, 2012**
- 5-a. Ordinance No. O-13-001 on its Second Reading Amending Appendix A - “Zoning” of the Code of Ordinances of the City of Brenham, Texas by Amending Part V, Section 3.03, Relating to Membership of the Board of Adjustment** **Page 1 - 36**

WORK SESSION

- 6. Discuss and Review the FY2011-12 Fourth Quarter Financial Report** **Page 37 - 63**
- 7. Discussion Regarding Commercial Sanitation Services Within the City of Brenham** **Page 64 - 74**

PUBLIC HEARING

8. **Public Hearing, Discussion and Receipt of Input Related to the Proposed Creation of Reinvestment Zone Number 36 Requested by Brazos Valley Brewing Company for Commercial-Industrial Tax Phase-In Incentive on Two (2) Certain Tracts of Land Containing a Total of 0.526 Acres, More or Less, Being Located at 201 West First Street, Brenham, Texas, with Boundaries Further Described in Exhibit “A” of the Ordinance Creating Reinvestment Zone Number 36, and Designating This Property as Qualifying for Tax Phase-In** **Page 75**

REGULAR AGENDA

9. **Discuss and Possibly Act Upon an Ordinance on Its First Reading for the Creation of Reinvestment Zone Number 36 Requested by Brazos Valley Brewing Company for Commercial-Industrial Tax Phase-In Incentive on Two (2) Certain Tracts of Land Containing a Total of 0.526 Acres, More or Less, Being Located at 201 West First Street, Brenham, Texas, with Boundaries Further Described in Exhibit “A” of Said Ordinance, and Designating This Property as Qualifying for Tax Phase-In** **Page 76 - 97**
10. **Discuss and Possibly Act Upon the Appointment of Amanda Klehm as a Deputy City Secretary** **Page 98**
11. **Discuss and Possibly Act Upon a Memorandum of Agreement Between the City of Brenham and Blinn College for the Use of Softball Fields at Hohlt Park and Authorize the Mayor to Execute any Necessary Documentation** **Page 99-105**
12. **Discuss and Possibly Act Upon Final Payment to Legacy Concrete Works, LLC for the Realignment of Stringer Street Associated with the Improvements Related to the U.S. Highway 290 Project and Authorize the Mayor to Execute any Necessary Documentation** **Page 106 - 115**
13. **Discuss and Possibly Act Upon an Order Calling a General Election on May 11, 2013 for the Purpose of Electing One Council Member for Place 1 – Ward 1; One Council Member for Place 3 – Ward 3; One Council Member Place 5 – At Large; One Council Member for Place 6 – At Large; and Calling a Special Election on May 11, 2013 for the Purpose of Electing One Council Member for Place 2 – Ward 2 (Two-Year Transitional Term)** **Page 116 - 133**

Considerar y Posiblemente Actuar Sobre una Orden para una Elección General que se efectuara el 11 de Mayo, 2013 Con el Propósito de Elegir Un (1) miembro del Concejal para Lugar 1-Distrito 1; Un (1) miembro del Concejal para Lugar 3-Distrito 3; Un (1) miembro del Concejal para Lugar 5- Distrito Abierto; Un (1) miembro del Concejal para Lugar 6-Distrito Abierto; Y Actuar Sobre una Orden Para Una Elección Especial que se Efectuara el 11 de Mayo, 2013 Con el Propósito de Elegir Un (1) Miembro del Concejal para Lugar 2-Distrito 2 (Termino Transicional de Dos Años)

14. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham, Brenham Independent School District and Blinn College for the May 11, 2013 Elections and Authorize the Mayor to Execute Any Necessary Documentation

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

15. Administrative/Elected Officials Report

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 Negotiations.

CERTIFICATION

I certify that a copy of the January 31, 2013 agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on January 28, 2013 at **12:30 P.M.**

Jeana Bellinger, TRMC

Jeana Bellinger, TRMC
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 _____, 2013 at _____ AM PM.

Signature

Title

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, December 6, 2012 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Gloria Nix
Councilmember Mary E. Barnes-Tilley
Councilmember Andrew Ebel
Councilmember Danny Goss
Councilmember Keith Herring

Members absent:

Councilmember Weldon Williams, Jr.

Others present:

City Manager Terry Roberts, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Chief Financial Officer Carolyn Miller, Jamie Maurer, Tammy Jaster, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Asst. Police Chief Jay Petrash, Chris Jackson, Daniel Gaskamp, Trey Gully, John Snowden, Dant Lange, Kelvin Raven, Mark Pierce, Judson Hall, Mike Davis, Public Works Director Dane Rau, City Engineer Grant Lischka, Public Utilities Director Lowell Ogle, Gary Jeter, Kevin Boggus, Randall Spradin, Adam Lewer; Janie Mehrens, Doug Baker Pam Ruemke and Paula Shields

Citizens present:

Nikki Gully, Clint Kolby, Glenn Opal, Garry Kimbal, Paul Rutledge, Barbara Ross, and Danny Ross

Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner, KWHI

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

3. Special Recognitions

3-a. Brenham Police Department Promotions

Brenham Police Department Badge Pinning Ceremony

- Dant Lange – Promoted to Lieutenant, pinned by his wife
- Trey Gully – Promoted to Lieutenant, pinned by his wife
- Kelvin Raven – Promoted to Sargent, pinned by Chief Phelps
- John Snowden – Promoted to Sargent, pinned by Chief Phelps

Police Chief Rex Phelps personally introduced each officer and assured Council that each one is ready and able to take on the responsibilities of their new position.

3-b. Brenham Police Department Special Awards

- Mark Pierce
- Judson Hall
- Mike Davis

Police Chief Rex Phelps read a letter of commendation and gave special recognition to Officers Mark Pierce, Judson Hall and Mike Davis for their actions during a call back in 2009, which the Chief had recently become aware of. Chief Phelps stated that these officers put themselves in harm's way when they confronted an armed and barricaded suspect that had shot and injured a citizen. The victim was seriously wounded and needed medical attention right away. The officers risked their own lives to physically carry the victim to safety and get him immediate medical attention. Chief Phelps stated that the victim would have perished, if not for these officers' heroic actions.

4. 4-a. Service Recognitions

Service recognitions were presented to the following employees:

- Kevin Boggus – 5 years
- Mark Pierce – 5 years
- Trey Gully – 15 years

4-b. New Employees

- Adam Lewer – Information Technology
- Grant Lischka – City Engineer

IT Manager Gary Jeter introduced Adam Lewer to Mayor and Council. City Manager Terry Roberts introduced Grant Lischka to Mayor and Council.

5. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

6. Statutory Consent Agenda

- 6-a. Ordinance No. O-12-027 on Its Second Reading Providing for Updated Service Credit and an Increase in Retirement Annuities in the Texas Municipal Retirement System**
- 6-b. Ordinance No. O-12-028 on Its Second Reading Establishing a No-Parking Zone on the East Side of Seward Street between the North Right of Way Line of W. Main Street and the South Right of Way Line of W. Vulcan Street**
- 6-c. Ordinance No. O-12-029 on Its Second Reading Authorizing the Placement of Stop Signs on Hickory Hollow Lane at Its Intersection with Twisted Oak Drive**

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve the Statutory Consent Agenda Item 6-a. Ordinance O-12-027; 6-b. Ordinance O-12-028; and 6-c. Ordinance O-12-029.

Councilmember Barnes-Tilley asked if the business owner impacted by Ordinance O-12-028 was contacted since the last council meeting. City Manager Terry Roberts explained that the business owner was contacted and, although he was not happy about it, he understood why there is a need for establishing a no parking zone.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

WORK SESSION

7. Discussion and Presentation of Group Stop Loss Insurance Coverage and an Alternative Agreement for a Fully-Funded Group Medical Plan for Calendar Year 2013

Risk Manager Janie Mehrens presented this item. Mehrens advised Council that this year staff requested additional information from TML Intergovernmental Employee Benefit Plan regarding a fully-funded group medical plan for calendar year 2013. She explained that staff wanted to bring this information to Council in a work session where there is the ability for discussion.

Mehrens stated that for about fifteen (15) years, the City of Brenham has had a partially self-funded group medical plan. The plan is termed partially self-funded because individual and aggregate stop loss insurance is purchased from a carrier rather than being totally self-funded where all costs are assumed by the City.

Mehrens explained that the largest and most volatile component of any partially self-funded group medical plan is the cost of medical claims. While the stop loss and administrative cost are stable because they are purchased on a per person, per month, basis which remains the same over the agreement period, medical claim costs vary widely from claim to claim and from year to year. She further explained that in nine (9) of the fifteen (15) fiscal years, the plan showed a positive net income over expenses while in six (6) fiscal years, the net loss ranged from a low of \$29,580 to a high of \$375,479. The total net income loss over the fifteen (15) years is \$82,060, an average of \$5,741 per year.

Mehrens stated that over the years the City has sought quotes for group medical coverage and have asked carriers to provide quotes for a fully funded plan. The responses were usually too few for comparison or too costly to move the plan. However, this year, it appears that the cost of a partially self-funded plan and a fully funded plan is much closer than it has been in the past.

Mehrens said that TML-IEBP has given the City estimates that a fully insured plan through the pool would cost \$2,368,000 based on 206 employees and because the City of Brenham's benefit plan is very similar to the TML Pool Plan, there would be minimal change in the benefits to employees.

Mehrens shared with Council the following pros and cons of a fully insured plan through the Pool versus a fully self-insured plan:

- Additional cost to the City is a 6.3% increase. The total increase for 2013 will be \$146,000. However, this increase will not be passed on to the employee this year.

- Switching to fully-insured plan will require an additional \$150,000 to pay run-off claims (this amount has already been set aside in the budget).
- Fully-insured premiums will not vary; self-insured could reasonably range from \$2.0M to \$2.75M

REGULAR AGENDA

13. Discuss and Possibly Act Upon the Purchase of Group Stop Loss Coverage or Alternatively Approve an Agreement with Texas Municipal League Intergovernmental Employee Benefits Pool for the Purchase of a Fully-Funded Group Medical Plan for Calendar Year 2013 and Authorize the Mayor to Execute any Necessary Documentation

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve an agreement with Texas Municipal League Intergovernmental Employee Benefits Pool for the purchase of a Fully-Funded Group Medical Plan for Calendar Year 2013 and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

8. Discuss and Possibly Act Upon Approval of Ordinance O-12-030 Providing for the Issuance and Sale of City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2012; in the Aggregate Principal Amount of \$1,850,000; Levying a Tax in Payment Thereof; Prescribing the Terms and Provision of said Certificates; Awarding the Sale Thereof; and Enacting Other Provisions Relating to the Subject

City Manager Terry Roberts introduced the City’s financial advisor, Garry Kimball from Specialized Public Finance and the City’s Bond Counsel, Glenn Opel, from Bracewell & Giuliani.

Kimball provided the Mayor and Council with a handout and began his review. The first handout was a Ten-Year History of The Bond Buyer's 20 Bond G.O. Index (tax exempt interest rates). Kimball explained that rates are now at an all-time low. Regardless of how the fiscal cliff discussion in Washington is resolved, rates will probably increase on the individuals with the highest earnings. These individuals are our buyers. Demand for municipal bonds have spiked which drives interest down and thus, benefits the City.

Kimball further explained that the second document is the bid tallies received today. We received 7 bids representing eleven different companies. The lowest bid received was from BOSC, Inc. (Bank of Oklahoma Security Corp, a subsidiary of Bank of Oklahoma), with a fixed interest rate of 2.059882%. Kimball reminded Council that the interest rate was originally budgeted for 3%. With BOSC, Inc. interest rate, this saves the City \$175,000 in interest expense over the 20-year term. These funds are for street improvements only.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve the Ordinance O-12-030 providing for the issuance and sale of City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2012; in the aggregate principal amount of \$1,850,000; levying a tax in payment thereof; prescribing the terms and provisions of said Certificates; awarding the sale thereof; and enacting other related provisions.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

14. Discuss and Possibly Act Upon Renewal of the Police Protection Agreement between the City of Brenham and the Brenham Housing Authority and Authorize the Mayor to Execute any Necessary Documentation

Police Chief Rex Phelps presented this item. The Brenham Housing Authority (BHA) and the City of Brenham have an ongoing agreement regarding police services. Brenham Police Department provides a full-time police officer for the routine utilization of policing in and around the public housing areas. This proactive approach reduces crime and helps keep the patrol and investigative divisions balanced as it relates to police response to the entire Brenham community. In return, the BHA reimburses the city the costs related to personnel. The BHA increased its contribution from \$40,000 to \$56,809 a year.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to renew the Police Protection Agreement between the City of Brenham and the Brenham Housing Authority, in the amount of \$56,809.00, and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

15. Discuss and Possibly Act Upon Resolution No. R-12-022 Authorizing the Submission of a Grant Application to TxDOT for the Selective Traffic Enforcement Program (STEP) Grant for the Period of October 1, 2013 through September 30, 2014 and Authorize the Mayor to Execute Any Necessary Documentation

Police Chief Rex Phelps presented this item. This grant has been utilized in past years to enhance traffic safety in specified areas. This grant provides the funding for compensating off-duty officers to work special traffic deployments in areas prone to injury accidents and traffic law violations. This grant does require a match percentage of 20%.

A motion was made by Councilmember Herring and seconded by Councilmember Goss to act upon Resolution No. R-12-022 authorizing the submission of a grant application to TxDOT for the Selective Traffic Enforcement Program (STEP) Grant for the period of October 1, 2013 through September 30, 2014 and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

9. Discuss and Possibly Act Upon an Agreement for Standard Software Maintenance with New World Systems Corporation and Authorize the Mayor to Execute Any Necessary Documentation

Communications Coordinator Pamela Ruemke presented this item. Ruemke advised Council that the Standard Software Maintenance Agreement between New World Systems Corporation and the City of Brenham sets forth the standard software maintenance support services provided by New World. This agreement begins January 1, 2013 and is in effect for five (5) years. The agreement contains a Non-Funding Provision in which the agreement can be terminated by providing written notice to New World no later than October 1st prior to the year we no longer want the maintenance.

Ruemke further explained that the contract covers any upgrades, temporary fixes, revisions to licensed documentation, reasonable telephone support, emergency 24 hour per day telephone support for Aegis CAD support (which is for emergency communication) and ESRI licensing. The first year will cover 1/1/13 to 12/31/2013 in the amount of \$101,510 to be billed on December 15, 2012.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to act upon an agreement for standard software maintenance with New World Systems Corporation and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

10. Discuss and Possibly Act Upon Resolution No. R-12-019 Authorizing the City Manager to Approve and Execute Certain Purchase Orders, Agreements, Contracts and Related Documents Regarding City Operations up to \$50,000.00

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to remove this item from Table.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

Chief Financial Officer Carolyn Miller presented this item. Miller stated that this item was initially brought to Council at the November 1, 2012 meeting and was tabled pending additional information related to the specific contracts that fall between \$25,001 and \$50,000 which had occurred during the last three fiscal years.

Miller stated that in October 2009, Council approved Resolution No. R-09-023 adopting financial policies for the City of Brenham. The financial policies in Resolution R-09-023 include a Purchasing Policy section which authorized the following purchasing levels as approved in the adopted budget.

Non-Contractual Purchases (i.e. equipment)

<u>Dollar Amount</u>	<u>Authorized Level for Approval</u>
\$ 3,000 to \$24,999	Division Director
\$25,000 to \$49,999	City Manager or Assistant City Manager
Over \$50,000	City Council

Contractual Purchases (i.e. professional services agreement)

<u>Dollar Amount</u>	<u>Authorized Level for Approval</u>
\$ 3,000 to \$24,999	City Manager
Over \$25,000	City Council

Miller explained that the intention of this was to specify the authorized spending levels for the City Manager for both non-contractual and contractual purchases be set at \$50,000. The approval of R-12-019 would bring the authorized spending levels to the same amount and eliminate the gap from \$25,000 to \$50,000 for contractual purchases. Miller said that any items relating to bids, multi-year contracts and the involve other governmental entities will still be brought to the City Council for approval regardless of the dollar amount.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to act upon Resolution No. R-12-019 authorizing the City Manager to approve and execute certain purchase orders, agreements, contracts, and related documents regarding city operations up to \$50,000.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	No
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

11. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending the Rate Tariff Schedule(s) for the City of Brenham Transfer/Collection Station Rates

Public Works Director Dane Rau presented this item. Rau explained that staff reviewed the year-end transfer station revenues for the past two budget years and have noticed that the rates currently being charged are not providing adequate reserves to sustain capital expenditures in the future.

Rau stated that staff looks for ways to reduce costs and save money but it is also critical to maintain reserve balances to cover equipment and infrastructure being used in the daily operation of the department. Rau explained that the city currently has two rates: (1) In-city rate of \$39.50 per ton; and (2) out of city rate of \$42.50 per ton. He said that staff is requesting Council approve an increase of both the in-city and out-of-city rates of \$3.00 per ton.

Rau said that all sanitation customers were notified of this proposed increase on October 1, 2012 by mail. If Council approves the new rate it will go into effect on January 1, 2013.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to act upon an Ordinance on its first reading amending the Rate Tariff Schedule(s) for a \$3.00 per ton increase in the City of Brenham Transfer/Collection Station Rates.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	No
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

12. Discuss and Possibly Act Upon an Election Services Contract Between the City of Brenham and Washington County Related to Election Responsibilities for the May 11, 2013 General and Special Elections and Authorize the Mayor to Execute Any Necessary Documentation

City Secretary Jeana Bellinger presented this item. Bellinger requested that Council approve an Election Services Contract with Washington County for the May 11, 2013 General and Special Elections. Bellinger explained that this is the same agreement that was approved last year, with the exception of some additional wording relating to the Special Election. Bellinger said that the Contract has been sent to the County Clerk for review; however, she has not yet heard back from them. Bellinger asked that Council approve the contract contingent upon final review and approval by the City Attorney, in case the County did request any changes.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Herring to act upon an Election Services Contract between the City of Brenham and Washington County related to election responsibilities for the May 11, 2013 General and Special Elections and authorize the Mayor to execute any necessary documentation upon final review and approval by the City Attorney.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

Council adjourned into Executive Session at 2:41 p.m.

EXECUTIVE SESSION

16. Section §551.074 – Personnel Matters – Discuss and Consider Re-Appointment and Compensation for Municipal Court Judges Julian Weisler and Robert Wright and City Prosecutor Bill Kendall

Executive Session adjourned at 3:07 p.m.

RE-OPEN REGULAR SESSION

17. Discuss and Possibly Take Action as a Result of Executive Session Regarding Re-Appointment and Compensation for Municipal Court Judges Julian Weisler and Robert Wright and City Prosecutor Bill Kendall

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to appoint Julian Weisler as our Chief Municipal Judge and Robert Wright as our Associate Municipal Judge for a two year term to expire October 31, 2015 and authorize both individuals a \$2,300 pay increase.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to appoint Bill Kendall as our City Prosecutor for a two year term to expire October 31, 2015 and authorize his salary to increase to \$20,000 annually.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

9. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- Police Department certification inspection for Best Practices going on today
- Paving contractor will start January 1st which is still within the 120 day completion schedule
- Next Thursday, December 10th, is the joint meeting between the City Council and the Washington County Commissioners

City Attorney Cary Bovey reminded everyone about his Christmas Party in Georgetown

Special Projects Engineer Doug Baker provided the following updates:

- Stringer project is completed
- TxDOT considering changing U.S. Highway 290 frontage roads at FM 389 to one-way

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

Brenham City Council Minutes

A special joint meeting of the Brenham City Council and Washington County Commissioners was held on Thursday December 13, 2012, beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Gloria Nix
Councilmember Mary E. Barnes-Tilley
Councilmember Andrew Ebel
Councilmember Danny Goss
Councilmember Keith Herring
Councilmember Weldon Williams, Jr.

Washington County Commissioners Court Members present:

Judge John Breiden
Commissioner Joy Fuchs
Commissioner Kirk Hanath
Commissioner Zeb Heckmann
Commissioner Luther Hueske

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Dane Rau, Julie Fulgham, Lowell Ogle, Ricky Boeker, Rex Phelps, Grant Lischka, Alan Finke, Allan Hinze, David Doelitsch, Billy Rich, Stacy Hardy, Doug Baker, Todd Jacobs, Amanda Carker, Kaci Konieczny, and Paula Shields

Citizens present:

Calvin Kossie, Lete Phillips, Don Hoffman, Dorothy Morgan, Doug Zwiener, Sally Blackie-Sengel, Mark Marzan, Julie Renken, Karen McGill, Peggy Kramer, Cheryl Lewer, and Beth Rothermel.

Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner, KWHI

1. **Call Meeting to Order**
2. **Invocation and Pledges to the US and Texas Flags – Mayor Milton Tate**
3. **Discussion and Overview of Interlocal Agreements Between the City of Brenham and Washington County and the Work Performed by the Joint City-County ILA Task Force**

City Manager Terry Roberts provided an overview of the Interlocal Agreements. The purpose of this meeting was to review the eight Interlocal Agreements between the City of Brenham and Washington County. A Joint City-County ILA Task Force made up of City Subcommittee appointed by the Mayor and non-quorum group of the Washington County Commissioners Court was established to review the agreements. This Task Force was unable to review all eight agreements. They did, however, review the Interlocal agreements relating to the last three items on the agenda – Health Services, BVWACS Radio System Operation and Fire and Rescue Service. However, they were not able to come to any resolution on the Fire and Rescue Service Agreement.

4. **a. Discuss and Possibly Act Upon an Addendum to and Modification of an Interlocal Agreement Between the City of Brenham and Washington County for Animal Control Services and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)**

A motion was made by Councilmember Goss and seconded by Councilmember Williams to discontinue the Interlocal Agreement between the City of Brenham and Washington County for animal control services on January 1, 2013.

City Manager Terry Roberts explained that the animal shelter item is item 5. This item involves animal control only. There seemed to be some confusion regarding this item.

Councilmember Williams withdrew his second; Councilmember Goss withdrew his motion.

A motion was made by Councilmember Herring and seconded by Councilmember Goss to: (1) extend the current Interlocal Agreement between the City of Brenham and Washington County for animal control services for a period of six (6) months (Agreement to be effective through June 30, 2013); (2) that Section 1.0(a)2 related to the City providing the County with three (3) free animal control calls each month be deleted from the extended Agreement; (3) that the phrase “beginning on the fourth (4th) call and for each subsequent call,” be deleted from Section 1.0(b)1 of the extended Agreement; and (4) that the Joint City-County ILA Task Force meet at least one time per month, until the extended Agreement terminates, in an effort to arrive at a mutual agreement on animal control services to be provided by the City to County residents beyond June 30, 2013.

Some councilmembers expressed concerns about deleting the three free calls at this point and only extending the agreement for six months. Some council members believed that the county has had sufficient time (i.e. the two years since the last meeting of the ILA Task Force) to work on pricing for this service.

Police Chief Rex Phelps stated the budget for the Animal Shelter is approximately \$300,000 with approximately 42-55% of animal control calls in Washington County. Sally Blackie-Sengel, a citizen representative on the Animal Shelter Task Force requested that a representative from both the County and the City to appointed to the Animal Shelter Task Force.

Former County Judge Dorothy Morgan urged the County and City to work together to resolve all of the Interlocal Agreements.

Judge John Brieden expressed his concerns and explained his understanding, based on City Manager Terry Roberts' memo was that this agreement as well as the next four agreements would be extended for one more year at the current funding levels and the ILA Task Force would continue their discussions on all of the agreements.

Mayor Tate called for a vote. The motion passed with a 5-2 vote with Council voting as follows:

Mayor Milton Y. Tate, Jr.	No
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	No
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

b. Discuss and Possibly Act Upon an Addendum to and Modification of an Interlocal Agreement Between the City of Brenham and Washington County for Animal Control Services and Authorize the County Judge to Execute Any Necessary Documentation (County Action Item Only)

Judge Brieden presented the Council's recommendation to the Commissioners. A motion was made by Commissioner Hanath and seconded by Commissioner Fuchs, to accept the City's proposal to extend the current Interlocal Agreement between the City of Brenham and Washington County for animal control services for a period of six (6) months (Agreement to be effective through June 30, 2013) with the removal of the three (3) free animal control calls each month and that the Joint City-County ILA Task Force meet at least one time per month, until the extended Agreement terminates, in an effort to arrive at a mutual agreement on animal control services to be provided by the City to County residents beyond June 30, 2013.

Judge Brieden called for a vote. The motion passed with Commissioners voting as follows:

Judge John Breiden	Yes
Commissioner Joy Fuchs	Yes
Commissioner Kirk Hanath	Yes
Commissioner Zeb Heckmann	Yes
Commissioner Luther Hueske	Yes

5. a. Discuss and Possibly Act Upon an Addendum to and Modification of an Interlocal Agreement Between the City of Brenham and Washington County for Animal Shelter Services and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)

City Manager Terry Roberts explained that no back up information was provided for this agenda item and the next two item due to the ILA Task Force's recommendation to extend at the current funding levels for one more year while the County and City work through the agreements by the time budgets for both entities convened in the summer.

A motion for Items 5a, 6a and 7a was made by Councilmember Herring and seconded by Councilmember Goss to: (1) extend the current Interlocal Agreements between the City of Brenham and Washington County for animal shelter services, Linda Anderson Park, and Library services for a period of six (6) months (Agreements to be effective through June 30, 2013); (2) to prorate any annual charges being paid by the County to monthly charges; and (3) that the Joint City-County ILA Task Force meet at least one time per month, until the extended Agreements terminate, in an effort to arrive at a mutual agreement on said services to be provided by the City to Washington County residents beyond June 30, 2013.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

b. Discuss and Possibly Act Upon an Addendum to and Modification of an Interlocal Agreement Between the City of Brenham and Washington County for Animal Shelter Services and Authorize the County Judge to Execute Any Necessary Documentation (County Action Item Only)

Judge Brieden presented the Council's recommendation to the Commissioners. A motion for Items 5a, 6a and 7a was made by Commissioner Fuchs and seconded by Commissioner Heckmann, to accept the City's proposal to extend the current Interlocal Agreements between the City of Brenham and Washington County for animal shelter services, Linda Anderson Park, and Library services for a period of six (6) months (Agreements to be effective through June 30, 2013) with any annual charges being prorated to monthly charges and that the Joint City-County ILA Task Force meet at least one time per month, until the extended Agreements terminate, in an effort to arrive at a mutual agreement on said services to be provided by the City to County residents beyond June 30, 2013.

Judge Brieden called for a vote. The motion passed with Commissioners voting as follows:

Judge John Breiden	Yes
Commissioner Joy Fuchs	Yes
Commissioner Kirk Hanath	Yes
Commissioner Zeb Heckmann	Yes
Commissioner Luther Hueske	Yes

6. a. Discuss and Possibly Act Upon an Addendum to and Modification of an Interlocal Agreement Between the City of Brenham and Washington County Related to the Operation of and Improvements to Linda Anderson Park and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)

Item 6a was acted upon by the City Council in conjunction with Item 5a (see above).

b. Discuss and Possibly Act Upon an Addendum to and Modification of an Interlocal Agreement Between the City of Brenham and Washington County Related to the Operation of and Improvements to Linda Anderson Park and Authorize the County Judge to Execute Any Necessary Documentation (County Action Item Only)

Item 6b was acted upon by the County Commissioners in conjunction with Item 5b (see above).

7. a. Discuss and Possibly Act Upon an Addendum to and Modification of an Interlocal Agreement Between the City of Brenham and Washington County for Library Services at the Nancy Carol Roberts Memorial Library and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)

Item 7a was acted upon by the City Council in conjunction with Item 5a (see above).

b. Discuss and Possibly Act Upon an Addendum to and Modification of an Interlocal Agreement Between the City of Brenham and Washington County for Library Services at the Nancy Carol Roberts Memorial Library and Authorize the County Judge to Execute Any Necessary Documentation (County Action Item Only)

Item 7b was acted upon by the County Commissioners in conjunction with Item 5b (see above).

8. a. Discuss and Possibly Act Upon an Addendum to and Modification of an Interlocal Agreement Between the City of Brenham and Washington County for Jail Services and 9-1-1 Emergency Communication Services and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to extend the current Interlocal Agreement between the City of Brenham and Washington County for jail and 9-1-1 emergency communication services for a period of one (1) year (Agreement to be effective through December 31, 2013).

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

b. Discuss and Possibly Act Upon an Addendum to and Modification of an Interlocal Agreement Between the City of Brenham and Washington County for Jail Services and 9-1-1 Emergency Communication Services and Authorize the County Judge to Execute Any Necessary Documentation (County Action Item Only)

Judge Brieden presented the Council's recommendation to the Commissioners. A motion was made by Commissioner Hanath and seconded by Commissioner Hueske to extend the current Interlocal Agreement between the City of Brenham and Washington County for jail and 9-1-1 emergency communication services for a period of one (1) year (Agreement to be effective through December 31, 2013).

Judge Brieden called for a vote. The motion passed with Commissioners voting as follows:

Judge John Breiden	Yes
Commissioner Joy Fuchs	Yes
Commissioner Kirk Hanath	Yes
Commissioner Zeb Heckmann	Yes
Commissioner Luther Hueske	Yes

9. a. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Health Inspection Services and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)

City Manager Terry Roberts explained that for this agreement the funding level from the County has been adequate to cover staff cost and the City felt it was being paid for services rendered at a fair and equitable level. The funding formula was for the County to pay twenty percent (20%) of the health inspector's personnel costs and the associated line item for that work. The funding was roughly \$12,000 per year.

Although adequately funded, the City proposed to end this ILA so that our health inspector could spend 100% of his time on City business. The City advised the County at the September 24, 2012 ILA Task Force meeting that the City's staff member was needed full time and the City wanted to end this particular agreement. The County felt they could not accomplish the training of their staff by March 31st and asked the City to extend the current arrangement for ninety (90) days. The City Task Force members agreed to support the ninety (90) day extension request. The County said that if they aren't ready by March 31st, they may come back and ask for more time.

A motion was made by Councilmember Goss and seconded by Councilmember Williams to discontinue the Interlocal Agreement between the City of Brenham and Washington County for health inspection services on January 1, 2013.

After further discussion, Councilmember Williams withdrew his second; Councilmember Goss withdrew his motion.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve an Interlocal Agreement between the City of Brenham and Washington County for health inspection services until March 31, 2013 with the understanding if the County is unable to get the State required certifications and licenses and have trained County staff in place by March 31, 2013, the City and County will work together to extend the agreement, as needed, beyond March 31, 2013.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

b. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Health Inspection Services and Authorize the County Judge to Execute Any Necessary Documentation (County Action Item Only)

Judge Brieden presented the Council's recommendation to the Commissioners. A motion was made by Commissioner Heckmann and seconded by Commissioner Hueske to approve an Interlocal Agreement between the City of Brenham and Washington County for health inspection services until March 31, 2013 with the understanding if the County is unable to get the State required certifications and licenses and have trained County staff in place by March 31, 2013, the City and County will work together to attempt to extend the agreement, as needed, beyond March 31, 2013.

Judge Brieden called for a vote. The motion passed with Commissioners voting as follows:

Judge John Breiden	Yes
Commissioner Joy Fuchs	Yes
Commissioner Kirk Hanath	Yes
Commissioner Zeb Heckmann	Yes
Commissioner Luther Hueske	Yes

10. a. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County to Share Costs Related to the Brazos Valley Wide Area Communications System (BVWACS) and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)

City Manager Terry Roberts provided background relating to how the County and City arrived at the 50/50 arrangement. The BVWACS consists of six (6) entities including: Brenham, Washington County, Bryan, College Station, Brazos County and Texas A&M University. The original six-party agreement established a method of paying for the operating costs associated with the system. The funding allocation was based on the number of radios each agency owns. The City agreed to a sub-agreement to the six-party agreement and executed a Brenham-Washington County ILA to reflect our agreement to share BVWACS expenses 50/50. The actual number of radios between our two agencies is 38% city and 62% county. As the Task Force discussed this ILA, the County felt the 50/50 arrangement was still a fair approach and preferred not to revert to the six-party agreement formula. After much discussion, the City-County ILA Task Force members agreed to recommend a 56% county and 44% city allocation.

Roberts reminded Council that the ILA for BVWACS is on a different schedule than the other agreements. The current agreement is due to expire on September 30, 2013.

A motion was made by Councilmember Goss to discontinue the Interlocal Agreement between the City of Brenham and Washington County to share costs related to the Brazos Valley Wide Area Communications System (BVWACS). This motion died for lack of a second.

A motion was made by Councilmember Ebel and seconded by Councilmember Barnes-Tilley to approve an Interlocal Agreement between the City of Brenham and Washington County to share in the costs related to the Brazos Valley Wide Area Communications System (BVWACS) on a 44% (City) and 56% (County) basis and to review this funding during the next year.

After further discussion, Councilmember Barnes-Tilley withdrew her second; therefore, Councilmember Ebel's motion died for lack of a second.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to terminate the Interlocal Agreement between the City of Brenham and Washington County to share costs related to the Brazos Valley Wide Area Communications System (BVWACS) effective October 1, 2013.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

b. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County to Share Costs Related to the Brazos Valley Wide Area Communications System (BVWACS) and Authorize the County Judge to Execute Any Necessary Documentation (County Action Item Only)

Judge Brieden commented that due to the City's action, there was no action for the County to take.

11. a. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Fire Protection and Fire Rescue Services and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)

Mayor Tate commented that on this ILA, the Task Force did not come to any agreement. Based on discussions with Fire Chief Ricky Boeker, a six month phase-out period is needed to ensure there is adequate fire and rescue service to the County.

A motion was made by Councilmember Goss to approve an Interlocal Agreement between the City of Brenham and Washington County for fire protection and fire rescue services for six (6) months (Agreement to be effective through June 30, 2013) to allow the County time to redraw the fire district lines for the county volunteer fire departments and allow the City time to change the emergency communication service as needed. This motion died for lack of a second.

A motion was made by Councilmember Ebel and seconded by Mayor Tate to: (1) approve an Interlocal Agreement between the City of Brenham and Washington County for fire and rescue services for a period of six (6) months (Agreement to be effective through June 30, 2013); (2) that the County's funding level be \$13,750 for the six (6) month period; and (3) that the Joint City-County ILA Task Force meet at least one time per month, until the extended Agreement terminates, in an effort to arrive at a mutual agreement for fire and rescue services to be provided by the City to County residents beyond June 30, 2013.

Mayor Tate called for a vote. The motion passed with a 5-2 vote with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	No
Councilmember Keith Herring	No
Councilmember Weldon Williams	Yes

b. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Fire Protection and Fire Rescue Services and Authorize the County Judge to Execute Any Necessary Documentation (County Action Item Only)

Judge Brieden presented the Council's recommendation to the Commissioners. A motion was made by Commissioner Fuchs and seconded by Commissioner Heckmann to approve an Interlocal Agreement between the City of Brenham and Washington County for fire and rescue services for a period of six (6) months (Agreement to be effective through June 30, 2013) and that the County's funding will be \$13,750 for the six (6) month period; and (3) that the Joint City-County ILA Task Force meet at least one time per month, until the extended Agreement terminates, in an effort to arrive at a mutual agreement for fire and rescue services to be provided by the City to County residents beyond June 30, 2013.

Judge Brieden called for a vote. The motion passed with Commissioners voting as follows:

Judge John Breiden	Yes
Commissioner Joy Fuchs	Yes
Commissioner Kirk Hanath	Yes
Commissioner Zeb Heckmann	Yes
Commissioner Luther Hueske	Yes

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, December 20, 2012 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Gloria Nix
Councilmember Mary E. Barnes-Tilley
Councilmember Andrew Ebel
Councilmember Danny Goss
Councilmember Keith Herring

Members absent:

Councilmember Weldon Williams, Jr.

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Chief Financial Officer Carolyn Miller, Development Services Director Julie Fulgham, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Billy Rich, Public Works Director Dane Rau, Grant Lischka, Public Utilities Director Lowell Ogle, Casey Redman, Leslie Kelm, Kevin Boggus, Jamie Maurer, Wende Ragonis, Kaci Konieczny, and Paula Shields

Citizens present:

Page Michel and Clint Kolby

Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner, KWHI

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

3. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

4. Statutory Consent Agenda

4-a. Ordinance No. O-12-031 on its Second Reading Amending the Rate Tariff Schedule(s) for the City of Brenham Transfer/Collection Station Rates

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve the Statutory Consent Agenda Item 4-a. Ordinance O-12-031 as presented.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

WORK SESSION

5. Discussion and Update on the Tax Phase-In Compliance Review Committee and Findings Related to the Committee’s Review of Tax Phase-In Projects

Economic Development Corporation’s Project Manager Clint Kolby presented this item. Kolby explained that according to the City of Brenham’s Tax Phase-In Policy, a Compliance Review Committee shall collect a sworn statement of compliance and verify documents ensuring that all requirements have been met. The Tax Phase-In Compliance Review Committee consisted of two City appointed individuals – Susan Ebel and Catherine Kenjura; two County appointed individuals – Roger Chambers and John Gunn; and Willy Dilworth from the Washington County Appraisal District. Kolby stated that this year the Committee reviewed two companies for compliance, Advanced Data Storage (ADS) and Stanpac.

Kolby further explained that ADS received the tax-phase-in incentive in 2009 for relocating their new facility in the Brenham Business Center. Their tax phase-in period began in 2011 after they became fully operational in 2010. Stanpac received the tax phase-in incentive in 2010 for relocating their operations from Dallas to the former Mount Vernon Mills facility here in Brenham. This is their first year to receive the tax phase-in.

Both companies have met the tax phase-in policy's criteria of creating/retaining at least 10 jobs at an average base salary of \$30,000 including benefits and adding at least \$300,000 in new value to the property tax roll.

Kolby added that ADS started operations with 12 employees and now have 24; Stanpac began its operations here with 90 employees and now have 137.

Councilmember Barnes-Tilley asked if these jobs were new positions. Kolby stated that they were all new jobs.

6. Discussion on January 2013 Council Meeting Dates

City Manager Terry Roberts presented this item. Roberts explained that due to conflicts with scheduling, staff is requesting that the January council meetings be moved to January 10th and January 31st. All council members were acceptable to changing the January council meeting dates to January 10th and January 31st.

REGULAR AGENDA

7. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending the FY2011-12 Adopted Budget

Chief Financial Officer Carolyn Miller presented this item. Miller stated that the General Fund revenues are being increased for Sales Tax revenue, GovDeals online auction funds, and insurance proceeds. Other expenditure amendment items, whether increases or decreases, are offset by revenues or transfers in/out. The largest item in the General Fund is related to the ABNR transfer-out to the Hwy 290 Fund for completion of Westwood Drive and Stringer Street. Miller also advised that the other amendment items were for BCDC activity, the AMR smart meter project and year-end budget realignment clean-up.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Herring to approve an Ordinance on its first reading amending the FY2011-12 adopted budget.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

8. Discuss and Possibly Act Upon Resolution No. R-12-023 Approving the Modification of the Amortization Schedule of the Promissory Note from the Brenham Community Development Corporation (BCDC) to the City of Brenham Related to the Funding for Southwest Industrial Park, Section 3, and Authorize the Mayor to Execute Any Necessary Documentation

Chief Financial Officer Carolyn Miller presented this item. Miller explained that this item is being brought to Council to amend the original loan amortization schedule for the \$1 million loan to BCDC for land acquisition for the Southwest Industrial Park, Section 3.

Miller stated when Council approved the funding (Resolution No. R-10-008) in 2010, an exhibit was attached detailing the principal and interest payments to be made over the term of the loan. Subsequently, upon issuance of the \$760,000 Limited Tax Notes for infrastructure improvements, Garry Kimball of Specialized Public Finance provided the City with a debt service schedule for BCDC related to this loan. The annual breakdown of principal and interest payments are different from the original exhibit and the total interest to be repaid has been reduced by \$84,096.39 (\$901,616.50 to \$817,520.11).

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve a Resolution No. R-12-023 approving the modification of the amortization schedule of the promissory note from the Brenham Community Development Corporation (BCDC) to the City of Brenham Related to the Funding for Southwest Industrial Park, Section 3, and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

9. Discuss and Possibly Act Upon the Purchase of New Vehicles for the City of Brenham Police Department from the BuyBoard Local Government Purchasing Cooperative and Authorize the Mayor to Execute Any Necessary Documentation

Police Chief Rex Phelps presented this item. Phelps stated that the purchase of five (5) new police pursuit vehicles is to replace the existing vehicles due to their retirement under the Brenham Police Department's five-year vehicle replacement program. Phelps explained that all of the vehicles were budgeted in the FY2013-14 budget.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve the purchase of new vehicles for the City of Brenham Police Department from the BuyBoard Local Government Purchasing Cooperative and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

10. Discuss and Possibly Act Upon a Rate Increase Proposed by Texas Commercial Waste for Commercial Sanitation Services and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained Texas Commercial Waste has informed the City of Brenham due to the most recent tipping fee increase at the City of Brenham Transfer Station that a 2% increase is needed at this time to cover those additional costs. Staff has looked at the proposed rates and understands the increase proposed by Texas Commercial Waste. A letter detailing the rate increase will be sent to customers who utilize the service. The increased rates will become effective January 1 and will be noticed on February's utility bills.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve a rate increase proposed by Texas Commercial Waste for commercial sanitation services and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

11. Discuss and Possibly Act Upon Bid No. 13-003 for the Annual Contract Relating to Road Base Material for the City of Brenham’s Street Department and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that this item was a re-bid due to the lack of bids received back in October. During the re-bid process, the purchasing department sent out nine (9) bids and three (3) competitive bids came back.

Rau explained that Lhoist North America submitted the lowest bid amount of \$21.00 per ton, which includes delivery to the site.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Herring to approve Bid No. 13-003 for the annual contract relating to road base material for the City of Brenham’s Street Department to Lhoist North America in the amount of \$21.00 per ton and to authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

12. Discuss and Possibly Act Upon Recommendations for Appointments and/or Re-Appointments to Various City Advisory Boards

City Manager Terry Roberts presented this item. Roberts stated that at the last meeting, Council was provided with copies of the applications received by each individual seeking appointment or re-appointment on the various City Boards. Roberts explained that he and the Mayor reviewed the board applications and offer the following recommendations to City Council:

- **Airport Advisory Board**
 - Bryan Butler – re-appointment
 - Mark Whitehead – re-appointment
 - Brent Nedbalek – to replace Mickey Walker

- **Board of Adjustment**
 - Walt Schoenvogel – re-appointment
 - Mike Haywood – re-appointment
 - One Vacant Position

- **Brenham Housing Authority**
 - Richard Flammer – re-appointment
 - Harvey Williams – re-appointment

- **Brenham Community Development Corporation**
 - John Barkman – re-appointment
 - Bill Betts – re-appointment
 - John Hasskarl - re-appointment

- **Hotel Occupancy Tax Board**
 - Jean Shoup – re-appointment
 - One Vacant Position

- **Library Advisory Board**
 - Keith Herring – re-appointment
 - Meg Cone – re-appointment
 - Pending Fortnightly recommendation

- **Main Street Board**
 - Traci Pyle – re-appointment
 - Leslie Harrell – re-appointment
 - Tommy Upchurch – re-appointment

- **Parks Advisory Board**
 Jeff Tilley – re-appointment
 Jim Baker – re-appointment
 Robert Haberman – re-appointment

- **Planning and Zoning Commission**
 Walt Schoenvogel – re-appointment
 Leroy Jefferson – re-appointment
 Calvin Kossie – re-appointment
 Lynette Sheffield – re-appointment
 Deanna Alfred – new appointment
 Charlie Pyle – new appointment

There were a couple of citizens who have expressed an interest to be on City Boards but were not selected at this time. The Mayor stated that these citizens as well as any other new citizen who expresses an interest to be on City Boards will be considered for future vacancies.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve the recommendations as presented for board member appointments and/or re-appointments to the various City of Brenham advisory boards.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	No
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

Council adjourned into Executive Session at 1:37 p.m.

EXECUTIVE SESSION

- 13. Texas Government Code Section 551.072 – Deliberation Regarding Real Property - Discussion and Deliberation Concerning the Possible Acquisition of Park Land**

- 14. Texas Government Code Section 551.071 – Consultation with Attorney – Consultation with City Attorney Concerning Legal Issues Related to the Demolition and Abatement of the Abandoned Municipal Building Located at 210 N. Park Street**

Executive Session adjourned at 2:57 p.m.

RE-OPEN REGULAR SESSION

15. Discuss and Possibly Act Upon Final Payment to 1 Priority Environmental Services, Inc. for the Demolition and Abatement of the Abandoned Municipal Building Located at 210 N. Park Street and Authorize the Mayor to Execute any Necessary Documentation

A motion was made by Councilmember Ebel and seconded by Councilmember Herring to Table Item 15.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

16. Administrative/Elected Officials Report

- City Manager Terry Roberts reported on the following:
 - Celebration of Keith Herring and Gloria Nix birthdays immediately after Council meeting.
 - City of Brenham Police Department received the Best Practices Recognition Award.
 - TxDOT notified the City of 1st payment will be \$1,517,000 based 21,719 vehicles per day.
 - Casey Redman will be promoted to Parks Department Superintendent upon Lin Hartstack's retirement on January 11, 2013.
 - Jay Petrash retirement party on December 28, 2012 from 3:00 to 5:00 at PD.

- Chief Financial Officer Carolyn Miller reported on the following:
 - City Secretary Jeana Bellinger has been elected as Treasurer to the Capital Chapter of Municipal Clerks for a two year term and also to the 2013 Texas Municipal Clerks Association's Audit Committee.

- Public Works Director Dane Rau reported on the following
 - Lin Hartstack's retirement party January 11, 2013 at 4:00 p.m. at the Fireman's Park Kitchen.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

ORDINANCE NO. O-13-001

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING SECTION 3.03, MEMBERSHIP, APPOINTMENT AND TERMS OF OFFICE OF PART V. DECISION MAKING AND STAFF SUPPORT TO REMOVE THE REQUIREMENT OF A BOARD MEMBER HOLDING A POSITION ON THE PLANNING AND ZONING COMMISSION OF THE CITY OF BRENHAM.

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

SECTION 1

That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, Part V, Section 3.03, is hereby amended to read as follows:

(Sec. 3.03) Membership, appointment and terms of office:

- (1) *Membership.* The board shall consist of five (5) citizens, each to be appointed or reappointed by the mayor and confirmed by the city council, for staggered terms of two (2) years respectively. Each member of the board shall be removable for just cause by city council upon written charges and after public hearings. Vacancies shall be filled by the city council for the unexpired term of any member whose term becomes vacant.

The board shall have two (2) alternate members appointed or reappointed by the mayor and confirmed by the city council who shall serve in the absence of one or more regular members when requested to do so by the mayor. These alternate members, when appointed, shall serve for the same period as the regular members and any vacancies shall be filled in the same manner and shall be subject to removal as the regular members.

SECTION 2

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

PASSED and APPROVED on its first reading this the _____ day of January, 2013.

PASSED and APPROVED on its second reading this the _____ day of January, 2013.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 6

DATE OF MEETING: January 31, 2013		DATE SUBMITTED: January 28, 2013	
DEPT. OF ORIGIN: Finance		SUBMITTED BY: Carolyn D. Miller	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING	
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING	
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION	
	<input checked="" type="checkbox"/> WORK SESSION		
AGENDA ITEM DESCRIPTION: Discuss and Review FY2011-12 Fourth Quarter Financial Report.			
SUMMARY STATEMENT: See attached Financial Performance Report and Financial Statements for General Fund and Five Utility Funds.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS:			
B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: FY2011-12 Fourth Quarter Financial Report from CFO; Financial Performance Reports for General Fund and Five Utility Funds.			
FUNDING SOURCE (Where Applicable):			
RECOMMENDED ACTION: Discussion Only			
APPROVALS: Carolyn D. Miller			



MEMORANDUM

To: Mayor, Council and City Manager

From: Carolyn D. Miller
Chief Financial Officer

Subject: FY2011-12 Fourth Quarter Financial Report

Date: January 28, 2013

The Finance Division is pleased to provide financial performance reports for the quarter and year ended September 30, 2012. The General Fund and the five major utility funds are presented in the format developed by our previous budget officer, Debbie Gaffey, which includes a comparison of the 4th quarter actual versus the prior year and a comparison to budget. For FY2011-12, the City experienced favorable performance in the General Fund, and with the exception of the Electric and Gas Funds, posted net revenues over expenditures in the Utility Funds.

Please be advised that the *days of reserves or working capital*, as presented in this executive summary, were calculated using the FY12-13 budget, while the information shown in the financial statements is based on the FY11-12 budget. This is important as we endeavor to manage our available resources (reserves) compared to unexpected or unplanned occurrences or events.

FINANCIAL PERFORMANCE SUMMARY

Fund	4th QTR Actual Performance		
	Revenues	Expenditures	Net Revenues
General Fund	\$ 15,536,009	\$ 15,272,278	\$ 263,731
Electric Fund	25,045,457	25,413,895	(368,438)
Gas Fund	2,440,777	2,523,745	(82,969)
Water Fund	4,639,755	4,471,006	168,750
Wastewater Fund	3,665,867	3,627,988	37,879
Sanitation Fund	3,382,625	3,312,462	70,163

GENERAL FUND

For FY2011-12, the General Fund revenues exceeded expenditures by \$263,731 which increased the fund balance reserves from \$3.3 million to \$3.56 million giving us 100 days of General Fund reserves.

Beginning Fund Balance	\$ 3,300,733
Net Revenues	263,731
Non-budget/CAFR Adjustment	-
Ending Fund Balance 100 Days	\$ 3,564,464
90 Day Reserve	3,207,301
5 Day R&R Reserve	178,183
Demo of Old City Hall Balance	127,500
Undesignated Reserves	\$ 51,480

When the FY12-13 budget was prepared, we established a new R&R Policy (renovations and replacements) for unplanned facilities and equipment needs with a target of five (5) days of reserves. At the end of the fiscal year, we have just over 100 days of General Fund reserves to cover our financial goal of 90 days reserve, 5 days R&R reserve and we have reserved \$127,500 for the unpaid balance of the Old City Hall demolition. This leaves us with about 1.5 days of undesignated reserves. Capital expenditures are shown in Exhibits G and H, respectively for the General Fund and the Equipment Fund.

ELECTRIC FUND

The Electric Fund experienced unfavorable net revenues of (\$368,438) for the fiscal year; however this performance is better than FY2011-12 budgeted loss of (\$434,173). For the past several years, the City has received an LCRA ABNR payment (above budget net revenue) which was recorded as Generation revenue. (See the prior year amount of \$630,745 in Exhibit A.) This year LCRA changed their business model and retained ABNR funds to pay down debt. Our electric customers also decreased their kWh consumption due to milder summer temperatures. Correspondingly on the expenditure side, with lower consumption we had lower purchased costs. The AMR Meter Project was completed this year, see Exhibit G, and other Capital expenditures for the Electric Fund are shown in Exhibit H.

Even though we experienced a loss for the fiscal year, the Electric Fund working capital grew by five days. With an annual operating budget, including wholesale power costs, of \$26.50 million, this represents a 91 day operating reserve. The prior fiscal year we had 86 days of reserves.

Beginning Working Capital	\$ 6,313,055
Net Revenues	(368,438)
CAFR (Accrual) Adj.	686,197
Ending Working Capital	\$ 6,630,814

GAS FUND

Similar to the Electric Fund, the Gas Fund posted unfavorable net revenues of (\$82,969) for the fiscal year; however, this performance is better than the FY2011-12 budgeted loss of (\$217,059). Over 49% of the Gas Fund operating revenues received represents a pass-through of commodity costs. Natural gas prices were lower in FY2011-12 due to excess supply created by milder winter temperatures which in turn lowered commodity purchase costs. With milder temperatures, customer consumption was also lower. The AMR Meter Project is substantially complete, and activity is shown in Exhibit G. Other capital expenditures for the Gas Fund are shown in Exhibit H.

The Gas Fund working capital also decreased to \$969,048, and with an annual operating budget, including gas source costs, of \$2.40 million, this equates to a 146 day operating reserve. We ended the prior fiscal year with 104 days. A comparison to the prior fiscal year is difficult because the FY2011-12 annual operating budget for the Gas Fund totaled \$3.64 million and included \$300,000 for the AMR meter project and over \$1 million in higher gas source costs.

Beginning Working Capital	\$ 1,041,356
Net Revenues	(82,969)
CAFR (Accrual) Adj.	10,661
Ending Working Capital	<u>\$ 969,048</u>

WATER FUND

The Water Fund experienced positive net revenues of \$168,750 for FY2011-12. With more normalized weather following the drought of 2011, water consumption totaled only 872 million gallons as compared to 996 million gallons in the prior fiscal year, a decrease of 12%. The AMR Meter Project is almost 70% complete, and activity is shown in Exhibit G. Other capital expenditures for the Water Fund are shown in Exhibit H.

Although the working capital dollar reserves for the Water Fund increased slightly from the previous year, the days of reserves dropped by 15 days. Due to a higher operating budget for FY12-13 of \$5.70 million, the operating reserves dropped from 167 days to 152 days.

Beginning Working Capital	\$ 2,118,520
Net Revenues	168,750
CAFR (Accrual) Adj.	90,882
Ending Working Capital	<u>\$ 2,378,152</u>

WASTEWATER FUND

The FY2011-12 performance for the Wastewater Fund showed a net gain of \$37,879 which was favorable compared to a budgeted shortfall of (\$93,279). We anticipated using our working capital reserves for capital projects, such as reclaimed water and the AMR meter project. However, the AMR meter project expenditures were less than budgeted, and we were able to fund these improvements within current year operations. To review capital expenditures for this fund, see Exhibit G.

The Wastewater Fund posted a net gain of \$37,879 and the working capital dollar reserves increased slightly. However, with an annual operating budget of \$3.90 million, this equals about a 54 day operating reserve. We fell from 63 days in the prior fiscal year. A comparison to the prior fiscal year is difficult because the FY2011-12 annual operating budget for the Wastewater Fund totaled \$3.96 million with the difference being lower AMR meter project costs offset by higher debt service costs in FY12-13.

Beginning Working Capital	\$	573,812
Net Revenues		37,879
CAFR (Accrual) Adj.		<u>(31,041)</u>
Ending Working Capital	\$	580,650

SANITATION FUND

The combined operations of the Sanitation Fund posted favorable net revenues of \$70,163 for the year ending September 30, 2012 which can be attributed to favorable performance by the Collection Station and Residential Collection. As you recall, the Sanitation Fund was able to purchase two haul trucks for \$78,000 during the year and fund them within current operations. Capital expenditures for this fund can be found on Exhibit G.

The Sanitation Fund working capital increased to \$863,770 and with an annual operating budget of \$3.29 million the Fund has over 95 days of operating reserves, which increased by 18 days over the prior fiscal year. A comparison to the prior fiscal year is difficult because the FY2011-12 annual operating budget for the Sanitation Fund totaled \$3.39 million which included over \$68,800 for the final payment to Chase Equipment Leasing for equipment purchased in 2008 under a 3 year lease.

Beginning Working Capital	\$	720,040
Net Revenues		70,163
CAFR (Accrual) Adj.		<u>73,567</u>
Ending Working Capital	\$	863,770

CONCLUSION

As noted in the opening paragraph, the City experienced favorable performance in all major funds, with the exception of the Electric and Gas Funds, for FY2011-12 and managed to grow fund balance/working capital reserves even with these challenging economic times. This outstanding performance is due in a large part to the efforts of our division directors and senior management who monitor department expenditures and overall Fund performance and make necessary adjustments throughout the year.

After you have reviewed this quarterly financial performance report, should you have any questions or comments prior to the council meeting, please do not hesitate to contact Terry Roberts, Kyle Dannhaus, Lowell Ogle, Debbie Gaffey or me directly.

NOTE: The financial performance reports for the General Fund and five utility funds are attached to this memorandum, and are an integral part of the quarterly financial performance report.

**GENERAL FUND
4TH QUARTER PERFORMANCE**



EXHIBIT A

TOTAL OPERATING RESOURCES

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		BUD FY12	ACT FY12	VARIANCE
REVENUES						
3,371,858	3,434,361	62,503	PROPERTY TAX	3,388,235	3,434,361	46,126
3,774,894	4,107,558	332,664	SALES TAX	4,107,558	4,107,558	(0)
2,801,179	2,526,183	(274,996)	UTILITIES FRANCHISE TAX	2,681,859	2,526,183	(155,676)
368,959	371,038	2,079	OTHER TAXES	378,000	371,038	(6,962)
10,316,891	10,439,140	122,250	SUBTOTAL TAXES	10,555,652	10,439,140	(116,512)
917,900	941,647	23,747	LICENSES, PERMITS & FEES	917,293	941,647	24,354
509,039	496,673	(12,365)	MISCELLANEOUS	576,461	496,673	(79,788)
194,058	226,366	32,308	AQUATICS	156,000	226,366	70,366
32,451	29,507	(2,944)	ANIMAL CONTROL	35,383	29,507	(5,876)
11,970,338	12,133,333	162,996	TOTAL REVENUES	12,240,789	12,133,333	(107,456)
3,167,004	2,986,429	(180,574)	TRANSFERS-IN	3,300,508	2,986,429	(314,079)
404,300	416,246	11,945	INTERLOCAL AGREEMENTS	398,607	416,246	17,639
15,541,642	15,536,009	(5,633)	TOTAL OP RESOURCES	15,939,904	15,536,009	(403,895)

EXHIBIT B

TOTAL USES OF OPERATING RESOURCES

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		BUD FY12	ACT FY12	VARIANCE
EXPENDITURES						
14,436,641	14,457,283	(20,642)	OPERATING DEPTS	14,868,180	14,457,283	410,897
236,460	330,106	(93,647)	NON-DEPT DIRECT	345,666	330,106	15,560
6,313	28,677	(22,364)	NON-DEPT MISC	29,000	28,677	323
14,679,414	14,816,067	(136,653)	TOTAL EXPENDITURES	15,242,846	14,816,067	426,779
326,346	456,211	(129,865)	TRANSFERS-OUT	456,211	456,211	(0)
15,005,759	15,272,278	(266,518)	TOTAL USES OP RESOURCES	15,699,057	15,272,278	426,779

**GENERAL FUND
4TH QUARTER PERFORMANCE**



EXHIBIT C

NET REVENUES

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		BUD FY12	ACT FY12	VARIANCE
15,541,642	15,536,009	(5,633)	TOTAL OP RESOURCES	15,939,904	15,536,009	(403,895)
15,005,759	15,272,278	(266,518)	TOTAL USES OP RESOURCES	15,699,057	15,272,278	426,779
535,883	263,731	(272,152)	NET REVENUES	240,847	263,731	22,884

EXHIBIT D

UNRESTRICTED FUND BALANCE

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		BUD FY12	ACT FY12	VARIANCE
2,764,850	3,300,733	535,883	BEGINNING BALANCE (1)	3,300,733	3,300,733	0
535,883	263,731	(272,152)	NET REVENUES	240,847	263,731	22,884
0	0	0	NON-BUDGET/CAFR ADJS	0	0	0
3,300,733	3,564,464	263,731	ENDING BALANCE	3,541,580	3,564,464	22,884

(1) Beginning unrestricted fund balance for FY12 excludes \$535,918 tracked in other governmental funds.

DAYS COVERAGE

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		BUD FY12	ACT FY12	VARIANCE
CALCULATION						
11,970,338	12,133,333	162,996	REVENUES	12,240,789	12,133,333	(107,456)
404,300	416,246	11,945	INTERLOCAL AGREEMENTS	398,607	416,246	17,639
12,374,638	12,549,579	174,941	TOTAL RESOURCES	12,639,396	12,549,579	(89,817)
33,903	34,382	479	RESOURCES PER DAY (365)(2)	34,628	34,382	(246)
3,300,733	3,564,464	263,731	ACTUAL RESERVES	3,541,580	3,564,464	22,884
3,051,281	3,094,417	43,136	90-DAY POLICY	3,116,563	3,094,417	(22,147)
249,452	470,047	220,595	EXCESS/(SHORTFALL)	425,016	470,047	45,030
97	103	6	DAYS COVERAGE	102	103	1

(2) Annualized

**GENERAL FUND
4TH QUARTER PERFORMANCE**



EXHIBIT E

DEPARTMENT EXPENDITURES BY CATEGORY

ACTUAL VERSUS PRIOR YEAR			ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)	YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE	BUD FY12	ACT FY12	VARIANCE
EXPENSE CATEGORY					
9,995,058	9,865,909	129,148	10,286,566	9,865,909	420,657
1,011,709	951,831	59,878	975,118	951,831	23,287
702,905	457,412	245,492	724,929	457,412	267,517
1,841,350	1,894,646	(53,296)	2,032,400	1,894,646	137,754
236,890	612,546	(375,656)	119,985	612,546	(492,561)
648,729	674,938	(26,209)	729,182	674,938	54,244
14,436,641	14,457,283	(20,642)	14,868,180	14,457,283	410,897

EXHIBIT F

DEPARTMENT EXPENDITURES BY DEPARTMENT

ACTUAL VERSUS PRIOR YEAR			ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)	YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE	BUD FY12	ACT FY12	VARIANCE
DEPARTMENT					
262,993	200,576	62,417	234,485	200,576	33,909
279,696	217,534	62,162	236,906	217,534	19,372
615,532	553,687	61,844	568,992	553,687	15,305
1,163,151	1,129,063	34,089	1,150,207	1,129,063	21,144
438,844	391,913	46,931	444,034	391,913	52,121
940,240	882,686	57,554	901,713	882,686	19,027
227,720	227,262	458	238,507	227,262	11,245
132,016	181,122	(49,106)	183,667	181,122	2,545
702,612	680,852	21,760	699,893	680,852	19,041
857,833	734,433	123,400	770,218	734,433	35,785
0	229,845	(229,845)	239,756	229,845	9,911
599,013	592,276	6,737	647,921	592,276	55,645
354,236	351,886	2,350	360,749	351,886	8,863
460,956	412,937	48,018	419,116	412,937	6,179
277,868	280,468	(2,600)	290,598	280,468	10,130
1,288,539	1,468,972	(180,433)	1,471,817	1,468,972	2,845
84,970	91,818	(6,848)	91,898	91,818	80
1,013,602	1,046,715	(33,113)	1,110,941	1,046,715	64,226
3,351,949	3,347,839	4,109	3,369,167	3,347,839	21,328
1,384,871	1,435,398	(50,527)	1,437,595	1,435,398	2,197
14,436,641	14,457,283	(20,642)	14,868,180	14,457,283	410,897

**GENERAL FUND
4TH QUARTER PERFORMANCE**



EXHIBIT H

CAPITAL EXPENDITURE DETAIL - FUND 236 EQUIPMENT FUND

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)	ITEM	YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		BUD FY12	ACT FY12	VARIANCE
0	195,245	(195,245)	DEPT 141 - STREET SWEEPER	195,245	195,245	0
8,960	10,490	(1,530)	DEPT 141 - ROOF	24,800	10,490	14,310
78,500	0	78,500	DEPT 141 - DRUM ROLLER	0	0	0
0	42,657	(42,657)	DEPT 144 - REEL MOWER	42,903	42,657	246
17,340	0	17,340	DEPT 144 - TORO WORKMAN	0	0	0
35,571	135,699	(100,127)	DEPT 151 - PATROL VEHICLES	168,281	135,699	32,582
0	48,113	(48,113)	DEPT 151 - CID VEHICLES	50,000	48,113	1,887
23,496	0	23,496	DEPT 154 - ANIMAL CONTROL VEH	0	0	0
0	20,876	(20,876)	DEPT 172 - VIRTUALIZATION EXP	24,621	20,876	3,745
163,867	453,080	(289,213)	TOTAL	505,850	453,080	52,770

**ELECTRIC FUND
4TH QUARTER PERFORMANCE**



EXHIBIT A

TOTAL OPERATING RESOURCES

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS PRIOR YEAR		
YTD ACT FY11	YTD ACT FY12	FAV/(UNFAV) VARIANCE		YTD ACT FY12B	YTD ACT FY12	FAV/(UNFAV) VARIANCE
			DISTRIBUTION REVENUES			
1,246,045	1,237,844	(8,201)	CUSTOMER CHARGE	1,263,384	1,237,844	(25,540)
4,635,367	4,419,966	(215,401)	WIRE CHARGE	4,500,280	4,419,966	(80,314)
537,296	568,532	31,236	ANCILLARY SERVICE REVENUES	501,503	568,532	67,029
30,072	27,354	(2,718)	INTEREST EARNED	31,703	27,354	(4,349)
26,571	20,560	(6,011)	OTHER REVENUE (1)	19,550	20,560	1,010
<u>6,475,351</u>	<u>6,274,256</u>	<u>(201,095)</u>	SUBTOTAL DISTRIBUTION REV	<u>6,316,420</u>	<u>6,274,256</u>	<u>(42,164)</u>
			GENERATION REVENUES			
21,762,746	21,012,460	(750,286)	GENERATION CHARGE	21,064,942	21,012,460	(52,483)
(1,292,932)	(2,673,519)	(1,380,587)	PCRF	(1,691,539)	(2,673,519)	(981,980)
630,745	0	(630,745)	LCRA ABNR	0	0	0
<u>21,100,559</u>	<u>18,338,941</u>	<u>(2,761,619)</u>	SUBTOTAL GENERATION REV	<u>19,373,403</u>	<u>18,338,941</u>	<u>(1,034,463)</u>
27,575,910	24,613,197	(2,962,713)	TOTAL REVENUES	25,689,823	24,613,197	(1,076,626)
<u>516,122</u>	<u>432,260</u>	<u>(83,862)</u>	TRANSFERS-IN UTILITIES	<u>516,362</u>	<u>432,260</u>	<u>(84,102)</u>
28,092,032	25,045,457	(3,046,576)	TOTAL OPERATING RESOURCES	26,206,185	25,045,457	(1,160,729)

(1) Excludes gain/(loss) on fixed assets.

EXHIBIT B

TOTAL USES OF OPERATING RESOURCES

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS PRIOR YEAR		
YTD ACT FY11	YTD ACT FY12	FAV/(UNFAV) VARIANCE		YTD ACT FY12B	YTD ACT FY12	FAV/(UNFAV) VARIANCE
			DISTRIBUTION EXPENDITURES			
3,148,964	3,182,984	(34,020)	OPERATING DEPARTMENTS	3,231,003	3,182,984	48,018
404,274	536,307	(132,034)	AMR METERS (SEE EXHIBIT H)	550,000	536,307	13,693
1,844,585	1,679,772	164,813	FRANCHISE TAX	1,759,595	1,679,772	79,823
9,564	9,564	(0)	DEBT SERVICE	9,564	9,564	0
2,400	2,360	40	OTHER DIRECT	2,400	2,360	40
105,887	66,062	39,825	MISCELLANEOUS (2)	40,000	66,062	(26,062)
<u>5,515,674</u>	<u>5,477,050</u>	<u>38,625</u>	SUBTOTAL DISTRIBUTION EXP	<u>5,592,562</u>	<u>5,477,050</u>	<u>115,513</u>
			GENERATION EXPENDITURES			
20,185,076	18,401,063	1,784,013	ELECTRICITY PURC/BASE COST	19,346,234	18,401,063	945,171
<u>20,185,076</u>	<u>18,401,063</u>	<u>1,784,013</u>	SUBTOTAL GENERATION EXPENDITUF	<u>19,346,234</u>	<u>18,401,063</u>	<u>945,171</u>
1,622,465	1,535,782	86,683	TRANSFERS-OUT GENERAL FUND	1,701,563	1,535,782	165,781
27,323,215	25,413,895	1,909,320	TOTAL USES OF OP RESOURCES	26,640,359	25,413,895	1,226,464

(2) Excludes post retirement benefits and depreciation.

**ELECTRIC FUND
4TH QUARTER PERFORMANCE**



EXHIBIT C

NET REVENUES

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS PRIOR YEAR		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
(146,666)	(306,315)	(159,649)	DISTRIBUTION NET REVENUES	(461,343)	(306,315)	155,027
915,484	(62,123)	(977,606)	GENERATION NET REVENUES	27,169	(62,123)	(89,292)
768,818	(368,438)	(1,137,256)	TOTAL NET REVENUES	(434,173)	(368,438)	65,735

EXHIBIT D

WORKING CAPITAL BALANCE

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS PRIOR YEAR		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
6,303,310	6,313,055	9,745	BEGINNING BALANCE	6,313,055	6,313,055	0
768,818	(368,438)	(1,137,256)	NET REVENUES	(434,173)	(368,438)	65,735
(759,073)	686,197	1,445,270	CAFR (ACCRUAL) ADJ	0	686,197	686,197
6,313,055	6,630,814	317,759	ENDING BALANCE (3)	5,878,882	6,630,814	751,932

(3) FY12 Ending Balance includes preliminary audit adjustments.

EXHIBIT E

DEPARTMENT EXPENDITURES BY CATEGORY

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS PRIOR YEAR		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
			EXPENSE CATEGORY			
1,678,726	1,627,087	51,639	PERSONNEL	1,672,974	1,627,087	45,887
160,103	130,202	29,901	SUPPLIES	132,805	130,202	2,603
106,691	111,227	(4,536)	MAINTENANCE	103,025	111,227	(8,202)
333,889	290,370	43,519	SERVICES	284,300	290,370	(6,070)
821,909	975,175	(153,266)	CAPITAL (SEE EXHIBIT H)	982,350	975,175	7,175
47,647	48,924	(1,277)	SUNDRY	55,549	48,924	6,625
3,148,964	3,182,984	(34,020)	TOTAL DEPT EXPENDITURES	3,231,003	3,182,984	48,018

**ELECTRIC FUND
4TH QUARTER PERFORMANCE**



EXHIBIT F

DEPARTMENT EXPENDITURES BY DEPARTMENT

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS PRIOR YEAR		
YTD ACT FY11	YTD ACT FY12	FAV/(UNFAV) VARIANCE	DEPARTMENT	YTD ACT FY12B	YTD ACT FY12	FAV/(UNFAV) VARIANCE
554,853	445,909	108,943	DEPT 132 - UTILITY BILLING	494,468	445,909	48,559
573,489	569,632	3,857	DEPT 160 - PUBLIC UTILITIES	582,221	569,632	12,589
2,020,622	2,167,443	(146,821)	DEPT 161 - ELECTRIC	2,154,313	2,167,443	(13,129)
3,148,964	3,182,984	(34,020)	TOTAL DEPT EXPENDITURES	3,231,003	3,182,984	48,018

EXHIBIT G

AMR METER PROJECT

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS PRIOR YEAR		
YTD ACT FY11	YTD ACT FY12	FAV/(UNFAV) VARIANCE		YTD ACT FY12B	YTD ACT FY12	FAV/(UNFAV) VARIANCE
3,341	6,939	3,598	# OF AMR METERS	6,955	6,939	(16)
3,576	0	(3,576)	# OF NON-AMR METERS	0	0	0
6,917	6,939	22	TOTAL # OF METERS	6,955	6,939	(16)
48.30%	100.00%	51.70%	AMR % OF METERS	100.00%	100.00%	0.00%

**ELECTRIC FUND
4TH QUARTER PERFORMANCE**



EXHIBIT H

CAPITAL EXPENDITURE DETAIL

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS PRIOR YEAR		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
22,438	22,745	(307)	DEPT 160 - SCADA	27,000	22,745	4,255
3,993	0	3,993	DEPT 132 - DEAL DRAWER	0	0	0
90,175	10,549	79,625	DEPT 161 - BUILDING	12,000	10,549	1,451
129,307	185,373	(56,066)	DEPT 161 - VEHICLES	185,000	185,373	(373)
1,692	0	1,692	DEPT 161 - METERS	0	0	0
4,562	0	4,562	DEPT 161 - REEL DRIVE	0	0	0
0	3,762	(3,762)	DEPT 161 - SCALE	3,800	3,762	38
0	1,296	(1,296)	DEPT 161 - DOLLIE	1,450	1,296	154
0	1,795	(1,795)	DEPT 161 - AUGER	1,800	1,795	5
0	1,434	(1,434)	DEPT 161 - INS ADAPTER	1,500	1,434	66
0	5,995	(5,995)	DEPT 161 - BREAKAWAY REEL	6,000	5,995	5
0	3,894	(3,894)	DEPT 161 - CABLE LOCATOR	4,500	3,894	606
0	1,281	(1,281)	DEPT 161 - ADAPTERS	1,800	1,281	519
0	1,805	(1,805)	DEPT 161 - CRIMPING TOOL	2,500	1,805	695
2,082	0	2,082	61C-11 SEALY MATTRESS	0	0	0
3,639	5,513	(1,874)	61C-14 AUTOCAPACITOR BANKS	6,000	5,513	487
31,002	2,856	28,146	61C-15 UPGRADE BLUE BELL FEEDER	3,000	2,856	144
1,581	7,086	(5,505)	61C-19 SYSTEM PROTECTION	7,000	7,086	(86)
21,196	39,676	(18,480)	61C-21 ANNUAL POLE CHGOUT	35,000	39,676	(4,676)
5,084	0	5,084	61C-27 290 UTILITY RELOCATION	0	0	0
170	27,400	(27,230)	61C-28 WALNUT HILL SVR UPGRADE	28,000	27,400	600
677	0	677	61C-29 BIG DADDY BBQ	0	0	0
0	124	(124)	61C-32 SIMON THEATER	150	124	26
161	0	161	61C-33 TEGELER RETAIL CENTER	0	0	0
15,621	0	15,621	61C-34 CHAMPION FELLOWSHIP CH	0	0	0
4,489	0	4,489	61C-36 CHAMBER/SIMON FIBER	0	0	0
71,580	112,774	(41,194)	61C-37 ANNUAL SVC REPLACEMENTS	110,000	112,774	(2,774)
41,865	37,545	4,320	61C-38 ANNUAL NEW SVC INSTALLS	35,000	37,545	(2,545)
9,369	0	9,369	61C-39 BLINN AG BUILDING	0	0	0
11,164	0	11,164	61C-40 HENDERSON PARK LIFT ST	0	0	0
75,118	0	75,118	61C-41 BLINN RECONDUCTOR	0	0	0
8,997	1,043	7,955	61C-42 ANNUAL NEW ST LIGHTS	1,000	1,043	(43)
5,964	3,874	2,090	61C-43 ANNUAL REPLACE ST LTS	7,000	3,874	3,126
3,791	0	3,791	61C-44 HYUNDAI CAR DEALERSHIP	0	0	0
2,222	0	2,222	61C-45 BLINN BAND HALL	0	0	0
28,084	0	28,084	61C-46 BLUE BELL TRANSFORMER	0	0	0
2,083	0	2,083	61C-47 HEB-REPLACE TRANSFORMER	0	0	0

**ELECTRIC FUND
4TH QUARTER PERFORMANCE**



EXHIBIT H (CONTINUED)

CAPITAL EXPENDITURE DETAIL

19,459	0	19,459	61C-48 NEW SVC FOR WATER PLANT	0	0	0
5,225	0	5,225	61C-49 NEW POLE NIEBUHR	0	0	0
10,118	0	10,118	61C-50 BLINN AG CLASSROOMS	0	0	0
20,692	0	20,692	61C-51 JOHNSON ST REHAB	0	0	0
80,817	0	80,817	61C-52 CONTRACTOR POLE CHG OUT	0	0	0
4,007	0	4,007	61C-53 ALL SPORTS BLDG	0	0	0
10,988	0	10,988	61C-54 NEW SERVICE-BLUE BELL	0	0	0
5,216	0	5,216	61C-55 HOP AMPHITHEATER	0	0	0
24,242	28,234	(3,992)	61C-56 WOODBRIDGE SUB	22,000	28,234	(6,234)
0	61,801	(61,801)	61C-57 BLUE BELL FEEDER RECON	55,000	61,801	(6,801)
0	7,916	(7,916)	61C-58 BLINN SVC IMPROVEMENT	4,850	7,916	(3,066)
0	19,292	(19,292)	61C-59 NEW SVC VALMONT	19,000	19,292	(292)
0	4,745	(4,745)	61C-60 577 BRIDGE PROJECT	4,300	4,745	(445)
0	144,503	(144,503)	61C-61 2012 MAIN FEEDER PROJ	150,000	144,503	5,497
0	20,197	(20,197)	61C-62 2012 JOHNSON ST REHAB	20,000	20,197	(197)
0	13,109	(13,109)	61C-63 ST JOSEPH CLINIC	11,150	13,109	(1,959)
0	34,526	(34,526)	61C-64 ROTTEN POLE CHG OUT	60,000	34,526	25,474
0	22,841	(22,841)	61C-65 PADMOUNT SWITCH GEAR	17,050	22,841	(5,791)
0	14,707	(14,707)	61C-66 POLE BREAKER BLINN	15,000	14,707	293
0	49,493	(49,493)	61C-67 BLUE BELL FEEDER UPGRADE	50,000	49,493	507
0	12,061	(12,061)	61C-68 LAROCHE AUTO DEALER	10,000	12,061	(2,061)
0	4,320	(4,320)	61C-69 POWER AT BLUE BELL	4,500	4,320	180
39,152	59,612	(20,460)	WIRELESS MESH	60,000	59,612	388
3,887	0	3,887	FIBER EXPANSION	0	0	0
821,909	975,175	(153,266)	TOTAL	982,350	975,175	7,175

**GAS FUND
4TH QUARTER PERFORMANCE**



EXHIBIT A

TOTAL OPERATING RESOURCES

ACTUAL VERSUS PRIOR YEAR			ACTUAL VERSUS BUDGET		
YTD ACT FY11	YTD ACT FY12	FAV/(UNFAV) VARIANCE	YTD ACT FY12B	YTD ACT FY12	FAV/(UNFAV) VARIANCE
DISTRIBUTION REVENUES					
1,182,260	1,123,846	(58,414)	1,212,750	1,123,846	(88,905)
913	770	(143)	1,000	770	(230)
15,970	17,461	1,491	18,026	17,461	(565)
1,199,142	1,142,076	(57,066)	1,231,776	1,142,076	(89,700)
COMMODITY REVENUES					
3,243,308	3,033,377	(209,931)	3,336,613	3,033,377	(303,236)
(1,256,525)	(1,734,677)	(478,152)	(1,141,307)	(1,734,677)	(593,370)
1,986,782	1,298,700	(688,082)	2,195,306	1,298,700	(896,606)
3,185,925	2,440,777	(745,148)	3,427,083	2,440,777	(986,306)

EXHIBIT B

TOTAL USES OF OPERATING RESOURCES

ACTUAL VERSUS PRIOR YEAR			ACTUAL VERSUS BUDGET		
YTD ACT FY11	YTD ACT FY12	FAV/(UNFAV) VARIANCE	YTD ACT FY12B	YTD ACT FY12	FAV/(UNFAV) VARIANCE
DISTRIBUTION EXPENDITURES					
490,891	473,423	17,468	485,883	473,423	12,460
131,399	226,997	(95,598)	300,000	226,997	73,003
221,832	169,580	52,252	238,564	169,580	68,984
10,213	10,213	0	2,033	10,213	(8,180)
12,327	532	11,795	0	532	(532)
866,663	880,746	(14,083)	1,026,480	880,746	145,735
COMMODITY EXPENDITURES					
1,818,520	1,197,194	621,327	2,114,584	1,197,194	917,390
1,818,520	1,197,194	621,327	2,114,584	1,197,194	917,390
477,363	445,806	31,557	503,077	445,806	57,271
3,162,546	2,523,745	638,801	3,644,141	2,523,745	1,120,396

(1) THIS PROJECT IS MONITORED IN FUND 108 BUT IS AN EXPENDITURE OF THE FUND.

(2) EXCLUDES DEPRECIATION BUT INCLUDES INVENTORY ADJUSTMENTS.

**GAS FUND
4TH QUARTER PERFORMANCE**



EXHIBIT C

NET REVENUES

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
(144,884)	(184,475)	(39,592)	DISTRIBUTION	(297,781)	(184,475)	113,306
168,262	101,507	(66,756)	COMMODITY	80,722	101,507	20,784
23,379	(82,969)	(106,347)	TOTAL NET REVENUES	(217,059)	(82,969)	134,090

EXHIBIT D

WORKING CAPITAL BALANCE

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
1,017,327	1,041,356	24,029	BEGINNING BALANCE	1,041,356	1,041,356	0
23,379	(82,969)	(106,347)	NET REVENUES	(217,059)	(82,969)	134,090
650	10,661	10,011	CAFR (ACCURAL) ADJ	0	10,661	10,661
1,041,356	969,048	(72,308)	ENDING BALANCE (3)	824,297	969,048	144,751

(3) FY12 Ending Balance includes preliminary audit adjustments.

EXHIBIT E

DEPARTMENT EXPENDITURES BY CATEGORY

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
307,547	315,238	(7,691)	PERSONNEL	315,933	315,238	695
31,209	25,049	6,160	SUPPLIES	26,500	25,049	1,451
25,058	23,069	1,989	MAINTENANCE	30,050	23,069	6,981
25,399	35,037	(9,638)	SERVICES	20,390	35,037	(14,647)
91,131	70,234	20,896	CAPITAL	84,000	70,234	13,766
10,547	4,796	5,751	SUNDRY	9,010	4,796	4,214
490,891	473,423	17,468	TOTAL DEPT EXPENDITURES	485,883	473,423	12,460

EXHIBIT F

DEPARTMENT EXPENDITURES BY DEPARTMENT

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
490,891	473,423	17,468	DEPT 162 - GAS	485,883	473,423	12,460
490,891	473,423	17,468	TOTAL DEPT EXPENDITURES	485,883	473,423	12,460

**GAS FUND
4TH QUARTER PERFORMANCE**



EXHIBIT G

AMR METER PROJECT TO-DATE

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
TO-DATE	TO-DATE	FAV/(UNFAV)		TO-DATE	TO-DATE	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
1,563	4,103	2,540	# OF AMR METERS	4,301	4,103	(198)
2,690	180	(2,510)	# OF NON-AMR METERS	0	180	180
4,253	4,283	30	TOTAL # OF METERS	4,301	4,283	(18)
36.75%	95.80%	59.05%	AMR % OF METERS	100.00%	95.80%	-4.20%

EXHIBIT H

CAPITAL EXPENDITURE DETAIL

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
5,970	0	5,970	62C-09 AMR GAS METERS	0	0	0
2,479	0	2,479	62C-16 TIE INS HUGES MTRS	0	0	0
25,784	15,264	10,521	62C-17 ANNUAL SVC REPLACEMENTS	16,000	15,264	737
28,961	12,489	16,473	62C-18 NEW SVC INSTALLS	45,000	12,489	32,511
2,334	0	2,334	62C-19 SYSTEM PRESSURE TIE-IN	0	0	0
3,403	0	3,403	62C-21 WOODBRIDGE SECTION 2	0	0	0
5,490	1,258	4,232	62C-22 SW INDUSTRIAL PK EXT	1,200	1,258	(58)
0	21,562	(21,562)	62C-23 HWY 36S-NICHOLS UTIL EXT	21,800	21,562	238
0	19,662	(19,662)	62C-24 Old Chappell Hill	0	19,662	(19,662)
16,708	0	16,708	VEHICLES	0	0	0
91,131	70,234	20,896	TOTAL	84,000	70,234	13,766

**WATER FUND
4TH QUARTER PERFORMANCE**



EXHIBIT A

TOTAL OPERATING RESOURCES

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
REVENUES						
5,030,052	4,300,743	(729,309)	UTILITY REVENUES	4,281,794	4,300,743	18,949
4,101	4,108	7	INTEREST EARNED	6,800	4,108	(2,692)
118,374	131,377	13,004	OTHER REVENUE	118,106	131,377	13,271
5,152,527	4,436,229	(716,298)	TOTAL REVENUES	4,406,700	4,436,229	29,529
220,099	203,527	(16,572)	OTHER SOURCES (1)	313,263	203,527	(109,736)
5,372,626	4,639,755	(732,870)	TOTAL OPERATING RESOURCES	4,719,963	4,639,755	(80,208)

(1) RESIDUAL BOND PROCEEDS FROM 2008 DEBT ISSUANCE RELEASED FROM RESTRICTED CASH.

EXHIBIT B

TOTAL USES OF OPERATING RESOURCES

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
EXPENDITURES						
1,894,913	1,879,880	15,032	OPERATING DEPARTMENTS	1,984,039	1,879,880	104,159
176,061	466,034	(289,973)	AMR METER PROJECT (2)	666,667	466,034	200,633
225,882	0	225,882	WESTSIDE TOWER PROJECT	0	0	0
0	2,372	(2,372)	HIGH PRESSURE PLANE PROJECT (1)	2,300	2,372	(72)
0	10,969	(10,969)	VALMONT WATER LINE EXT (1)	11,000	10,969	31
0	13,555	(13,555)	SALEM RD WATER LINE EXT (1)	14,000	13,555	445
352,104	301,052	51,052	FRANCHISE TAX	301,126	301,052	74
1,123,985	1,085,422	38,564	DEBT SERVICE (1)	1,085,423	1,085,422	1
265,650	265,650	0	PURCHASE COSTS	265,650	265,650	0
23,931	18,990	4,942	OTHER (3)	12,818	18,990	(6,172)
4,062,526	4,043,923	18,603	TOTAL EXPENDITURES	4,343,023	4,043,923	299,100
465,376	427,083	38,293	TRANSFERS-OUT	488,665	427,083	61,582
4,527,902	4,471,006	56,896	TOTAL USES OF OP RESOURCES	4,831,688	4,471,006	360,682

(2) THIS PROJECT IS MONITORED IN FUND 108 BUT IS AN EXPENDITURE OF THE FUND.

(3) EXCLUDES DEPRECIATION, AMORTIZED BOND COSTS/CHARGES AND FIXED ASSET CLEARING ACCOUNT.

EXHIBIT C

NET REVENUES

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
5,372,626	4,639,755	(732,870)	TOTAL OPERATING RESOURCES	4,719,963	4,639,755	(80,208)
4,527,902	4,471,006	56,896	TOTAL USES OF OP RESOURCES	4,831,688	4,471,006	360,682
844,724	168,750	(675,974)	NET REVENUES	(111,725)	168,750	280,475

**WATER FUND
4TH QUARTER PERFORMANCE**



EXHIBIT D

WORKING CAPITAL BALANCE

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
670,548	2,118,520	1,447,972	BEGINNING BALANCE	2,118,520	2,118,520	0
844,724	168,750	(675,974)	NET REVENUES	(111,725)	168,750	280,475
603,248	90,882	(512,366)	CAFR (ACCRUAL) ADJ (4)	0	90,882	90,882
2,118,520	2,378,152	259,632	ENDING BALANCE	2,006,795	2,378,152	371,357

(4) FOR FY11, PRIMARILY THE IMPACT OF AMR METERS IN INVENTORY RAISING CURRENT ASSETS AND WORKING CAPITAL.

EXHIBIT E

DEPARTMENT EXPENDITURES BY CATEGORY

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
610,746	605,380	5,366	PERSONNEL	629,349	605,380	23,969
416,045	383,610	32,435	SUPPLIES	368,490	383,610	(15,120)
231,556	214,133	17,423	MAINTENANCE	210,000	214,133	(4,133)
333,233	286,423	46,810	SERVICES	319,650	286,423	33,227
284,463	376,108	(91,645)	CAPITAL	439,300	376,108	63,192
18,870	14,227	4,643	SUNDRY	17,250	14,227	3,023
1,894,913	1,879,880	15,032	TOTAL DEPT EXPENDITURES	1,984,039	1,879,880	104,159

EXHIBIT F

DEPARTMENT EXPENDITURES BY DEPARTMENT

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
1,214,677	1,155,878	58,799	DEPT 163 - WATER TREATMENT	1,187,123	1,155,878	31,245
680,236	724,002	(43,766)	DEPT 164 - WATER CONSTRUCTION	796,916	724,002	72,914
1,894,913	1,879,880	15,032	TOTAL DEPT EXPENDITURES	1,984,039	1,879,880	104,159

**WATER FUND
4TH QUARTER PERFORMANCE**



EXHIBIT G

AMR METER PROJECT

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
2,565	5,019	2,454	# OF AMR METERS	6,000	5,019	(981)
4,689	2,284	(2,405)	# OF NON-AMR METERS	1,229	2,284	1,055
7,254	7,303	49	TOTAL # OF METERS	7,229	7,303	74
35.36%	68.73%	33.37%	AMR % OF METERS	83.00%	68.73%	-14.27%

EXHIBIT H

CAPITAL EXPENDITURE DETAIL

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
4,640	0	4,640	DEPT 163 CAMERA CABLES	0	0	0
5,400	0	5,400	DEPT 163 ULTRASONIC FLOW METER			
8,779	0	8,779	DEPT 163 FENCE & GATE	0	0	0
0	17,206	(17,206)	DEPT 163 RAW WATER BLDG	22,000	17,206	4,794
0	4,780	(4,780)	DEPT 163 SOUND FENCE	5,000	4,780	220
0	1,999	(1,999)	DEPT 163/164 ICE MAKER	1,000	1,999	(999)
0	4,132	(4,132)	DEPT 164 BREAK ROOM REFURB	4,000	4,132	(132)
0	15,904	(15,904)	DEPT 164 TOP60B BREAKER	17,000	15,904	1,096
16,857	0	16,857	DEPT 164 TRUCK	0	0	0
1,748	0	1,748	DEPT 164 24FMR TRAILER	0	0	0
0	24,350	(24,350)	64C-03 KUHN LANE WATER LINE	30,000	24,350	5,650
1,365	0	1,365	64C-06 AMR	0	0	0
118,742	0	118,742	64C-11 N PARK WATER EXT	0	0	0
1,688	0	1,688	64C-12 S DIXIE-REPLACE LINE	0	0	0
24,155	9,070	15,086	64C-13 SVC REPLACEMENTS	7,250	9,070	(1,820)
39,206	36,265	2,941	64C-14 NEW SVC INSTALLS	25,250	36,265	(11,015)
1,956	0	1,956	64C-15 S BAYLOR WATER LINE	0	0	0
24,221	0	24,221	64C-16 LOUNGE RD WATER EXT	0	0	0
3,599	0	3,599	64C-17 COLLECTION STAT FIRE LN	0	0	0
8,985	0	8,985	64C-18 OLD MILL CREEK WTR EXT	0	0	0
0	3,175	(3,175)	64C-19 INDUSTRIAL PK EXPANSION	5,000	3,175	1,825
1,036	0	1,036	64C-20 HOP AMPHITHEATER	0	0	0
0	41,330	(41,330)	64C-21 HW 36S/NICHOLS DEV	50,000	41,330	8,670
0	172,241	(172,241)	64C-22 WTR DIST SYSTEM IMPRV	207,513	172,241	35,272
0	38,402	(38,402)	64C-23 NICHOLS DEVELOPMENT	50,000	38,402	11,598
0	2,279	(2,279)	64C-24 HWY 36N UTILITY EXT	5,000	2,279	2,721
0	4,974	(4,974)	64C-26 HEB	10,000	4,974	5,026
22,084	0	22,084	64C-27 HWY 290 RELOCATE	287	0	287
284,463	376,108	(91,644)	TOTAL	439,300	376,108	63,192

**WASTEWATER FUND
4TH QUARTER PERFORMANCE**



EXHIBIT A

TOTAL OPERATING RESOURCES

ACTUAL VERSUS PRIOR YEAR			ACTUAL VERSUS BUDGET		
YTD ACT FY11	YTD ACT FY12	FAV/(UNFAV) VARIANCE	YTD ACT FY12B	YTD ACT FY12	FAV/(UNFAV) VARIANCE
REVENUES					
3,642,326	3,529,850	(112,476)	3,602,171	3,529,850	(72,321)
55,028	63,137	8,109	40,000	63,137	23,137
34,726	34,502	(224)	38,400	34,502	(3,898)
1,777	1,790	13	3,200	1,790	(1,410)
0	23,500	23,500	0	23,500	23,500
2,463	1,131	(1,331)	700	1,131	431
<hr/>					
3,736,320	3,653,911	(82,409)	3,684,471	3,653,911	(30,561)
0	11,956	11,956	11,956	11,956	0
<hr/>					
3,736,320	3,665,867	(70,453)	3,696,427	3,665,867	(30,561)

(1) EXCLUDES AMORTIZATION OF BOND PREMIUM AND GAINS/LOSSES ON SALE OF ASSETS.

EXHIBIT B

TOTAL USES OF OPERATING RESOURCES

ACTUAL VERSUS PRIOR YEAR			ACTUAL VERSUS BUDGET		
YTD ACT FY11	YTD ACT FY12	FAV/(UNFAV) VARIANCE	YTD ACT FY12B	YTD ACT FY12	FAV/(UNFAV) VARIANCE
EXPENDITURES					
1,682,212	1,588,249	93,962	1,589,375	1,588,249	1,126
172,370	231,683	(59,313)	333,333	231,683	101,650
254,963	247,088	7,875	252,152	247,088	5,064
1,169,571	1,131,278	38,293	1,131,286	1,131,278	8
12,840	7,128	5,711	0	7,128	(7,128)
3,291,955	3,205,427	86,528	3,306,146	3,205,427	100,719
<hr/>					
470,938	422,561	48,377	483,560	422,561	60,999
<hr/>					
3,762,893	3,627,988	134,905	3,789,706	3,627,988	161,718

(2) THIS PROJECT IS MONITORED IN FUND 108 BUT IS AN EXPENDITURE OF THE FUND.

(3) EXCLUDES DEPRECIATION, AMORTIZED BOND COSTS/CHARGES AND FIXED ASSET CLEARING ACCOUNT.

**WASTEWATER FUND
4TH QUARTER PERFORMANCE**



EXHIBIT C

NET REVENUES

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
3,736,320	3,665,867	(70,453)	TOTAL OPERATING RESOURCES	3,696,427	3,665,867	(30,561)
3,762,893	3,627,988	134,905	TOTAL USES OF OP RESOURCES	3,789,706	3,627,988	161,718
(26,573)	37,879	64,452	NET REVENUES	(93,279)	37,879	131,158

EXHIBIT D

WORKING CAPITAL BALANCE

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
736,160	573,812	(162,348)	BEGINNING BALANCE	573,812	573,812	0
(26,573)	37,879	64,452	NET REVENUES	(93,279)	37,879	131,158
(135,775)	(31,041)	104,734	CAFR (ACCRUAL) ADJ	0	(31,041)	(31,041)
573,812	580,650	6,838	ENDING BALANCE (4)	480,533	580,650	100,117

(4) FY12 INCLUDES PRELIMINARY AUDIT ADJUSTMENTS.

EXHIBIT E

DEPARTMENT EXPENDITURES BY CATEGORY

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
			EXPENDITURE CATEGORY			
513,678	514,840	(1,162)	PERSONNEL	530,900	514,840	16,060
133,251	135,614	(2,363)	SUPPLIES	123,975	135,614	(11,639)
109,779	163,109	(53,330)	MAINTENANCE	155,250	163,109	(7,859)
603,368	509,358	94,010	SERVICES	534,600	509,358	25,242
302,886	243,342	59,543	CAPITAL (SEE EXHIBIT G)	215,000	243,342	(28,342)
19,249	21,985	(2,736)	SUNDRY	25,550	21,985	3,565
1,682,212	1,588,249	93,962	TOTAL DEPT EXPENDITURES	1,585,275	1,588,249	(2,974)

**WASTEWATER FUND
4TH QUARTER PERFORMANCE**



EXHIBIT F

DEPARTMENT EXPENDITURES BY DEPARTMENT

ACTUAL VERSUS PRIOR YEAR			ACTUAL VERSUS BUDGET			
YTD ACT FY11	YTD ACT FY12	FAV/(UNFAV) VARIANCE		YTD ACT FY12B	YTD ACT FY12	FAV/(UNFAV) VARIANCE
DEPARTMENTS						
498,025	491,794	6,231	DEPT 165 - WASTEWATER CONST	464,412	491,794	(27,382)
1,184,186	1,096,455	87,731	DEPT 166 - WASTEWATER TREAT	1,120,863	1,096,455	24,408
1,682,212	1,588,249	93,962	TOTAL DEPT EXPENDITURES	1,585,275	1,588,249	(2,974)

EXHIBIT G

CAPITAL EXPENDITURE DETAIL

ACTUAL VERSUS PRIOR YEAR			ACTUAL VERSUS BUDGET			
YTD ACT FY11	YTD ACT FY12	FAV/(UNFAV) VARIANCE		YTD ACT FY12B	YTD ACT FY12	FAV/(UNFAV) VARIANCE
1,325	0	1,325	DEPT 165 FUEL STORAGE TANK	0	0	0
1,743	3,100	(1,357)	DEPT 165 TRAILER	4,000	3,100	900
9,614	0	9,614	DEPT 165 TRENCH BOX	0	0	0
13,319	0	13,319	DEPT 166 AUTOCRANE	0	0	0
4,050	1,397	2,654	DEPT 166 CAMERA	0	1,397	(1,397)
3,450	0	3,450	DEPT 166 HEN PK LS FENCE	0	0	0
0	21,615	(21,615)	DEPT 166 RECLAIMED WATER	12,000	21,615	(9,615)
0	2,099	(2,099)	65C-11 ALOIS LN INFRA	2,000	2,099	(99)
5,054	0	5,054	65C-13 BOECKER SEWER EXT	0	0	0
102,826	0	102,826	65C-14 N PARK SEWER EXT	0	0	0
1,303	1,496	(193)	65C-15 NEW SVC INSTALLS	4,000	1,496	2,504
1,770	2,581	(811)	65C-17 SERVICE REPLACEMENTS	4,000	2,581	1,419
14,288	0	14,288	65C-18 LOUNGE RD EXT	0	0	0
11,068	0	11,068	65C-19 BLINN COLLEGE LINE	0	0	0
6,426	6,077	349	65C-20 INDUSTRIAL PK EXP	5,000	6,077	(1,077)
4,870	0	4,870	65C-21 STAN PAC EXT	0	0	0
0	3,977	(3,977)	65C-22 LOWER SEWER C. LEWIS	4,000	3,977	23
0	32,644	(32,644)	65C-23 NICHOLS DEVELOPMENT	20,000	32,644	(12,644)
0	208	(208)	65C-24 CHARLES LEWIS SWR LINE	0	208	(208)
0	84,306	(84,306)	65C-25 HWY 36N EXTENSION	60,000	84,306	(24,306)
0	9,710	(9,710)	65C-26 WESTWOOD LANE	10,000	9,710	290
0	0	0	65C-27 HWY 290 RELOCATION	0	33	(33)
0	10,630	(10,630)	65C-28 SALEN RD/LIFT	5,000	10,630	(5,630)
0	4,325	(4,325)	65C-29 FM 289 SEWER EXT	4,000	4,325	(325)
100,241	0	100,241	66C-04 HP LIFTSTATION REHAB	0	0	0
13,421	0	13,421	66C-05 NON-POTABLE SYSTEM	0	0	0
8,117	59,177	(51,060)	66C-06 RECLAIMED WATER	81,000	59,177	21,823
302,886	243,342	59,544	TOTAL	215,000	243,376	(28,376)

**SANITATION FUND
4TH QUARTER PERFORMANCE**



EXHIBIT A

TOTAL OPERATING RESOURCES

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
REVENUES						
744,897	789,972	45,074	TRANSFER STATION	836,000	789,972	(46,028)
464,527	449,915	(14,612)	COLLECTION STATION	432,000	449,915	17,915
233,344	167,442	(65,902)	RECYCLING CENTER	195,000	167,442	(27,558)
1,923,504	1,955,568	32,064	RESIDENTIAL COLLECTION	1,969,325	1,955,568	(13,757)
862	939	77	INTEREST EARNED	1,200	939	(261)
17,182	18,789	1,607	OTHER REVENUE (1)	1,100	18,789	17,689
3,384,317	3,382,625	(1,692)	TOTAL REVENUES	3,434,625	3,382,625	(52,000)
3,384,317	3,382,625	(1,692)	TOTAL OPERATING RESOURCES	3,434,625	3,382,625	(52,000)

(1) EXCLUDES GAINS/LOSSES ON SALE OF FIXED ASSETS.

EXHIBIT B

TOTAL USES OF OPERATING RESOURCES

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
EXPENDITURES						
2,867,039	2,854,755	12,284	OPERATING DEPARTMENTS	2,867,654	2,854,755	12,899
56,989	57,790	(801)	FRANCHISE TAX	57,939	57,790	149
88,043	75,317	12,725	DEBT SERVICE	75,318	75,317	0
7,873	8,052	(179)	OTHER (2)	6,900	8,052	(1,152)
3,019,944	2,995,915	24,029	TOTAL EXPENDITURES	3,007,811	2,995,915	11,896
352,933	316,547	36,386	TRANSFERS-OUT	375,005	316,547	58,458
3,372,877	3,312,462	60,415	TOTAL USES OF OP RESOURCES	3,382,816	3,312,462	70,354

(2) EXCLUDES POST RETIREMENT BENEFITS AND DEPRECIATION.

EXHIBIT C

NET REVENUES

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
3,384,317	3,382,625	(1,692)	TOTAL OPERATING RESOURCES	3,434,625	3,382,625	(52,000)
3,372,877	3,312,462	60,415	TOTAL USES OF OP RESOURCES	3,382,816	3,312,462	70,353
11,440	70,163	58,723	NET REVENUES	51,809	70,163	18,353

**SANITATION FUND
4TH QUARTER PERFORMANCE**



EXHIBIT D

WORKING CAPITAL BALANCE

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD ACT FY11	YTD ACT FY12	FAV/(UNFAV) VARIANCE		YTD ACT FY12B	YTD ACT FY12	FAV/(UNFAV) VARIANCE
700,260	720,040	19,780	BEGINNING BALANCE	720,040	720,040	0
11,440	70,163	58,723	NET REVENUES	51,809	70,163	18,353
8,340	73,567	65,227	CAFR ADJ	0	73,567	73,567
720,040	863,770	143,730	ENDING BALANCE (3)	771,850	863,770	91,920

(3) BALANCE PRIOR TO AUDIT ADJUSTMENTS.

EXHIBIT E

DEPARTMENT EXPENDITURES BY CATEGORY

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD ACT FY11	YTD ACT FY12	FAV/(UNFAV) VARIANCE		YTD ACT FY12B	YTD ACT FY12	FAV/(UNFAV) VARIANCE
508,675	499,675	9,000	PERSONNEL	518,934	499,675	19,259
249,833	297,614	(47,781)	SUPPLIES	237,085	297,614	(60,529)
106,658	103,031	3,627	MAINTENANCE	78,750	103,031	(24,281)
1,853,453	1,749,413	104,040	SERVICES	1,905,135	1,749,413	155,722
138,958	195,415	(56,457)	CAPITAL	115,500	195,415	(79,915)
9,462	9,607	(145)	SUNDRY	12,250	9,607	2,643
2,867,039	2,854,755	12,284	TOTAL DEPT EXPENDITURES	2,867,654	2,854,755	12,899

EXHIBIT F

DEPARTMENT EXPENDITURES BY DEPARTMENT

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD ACT FY11	YTD ACT FY12	FAV/(UNFAV) VARIANCE		YTD ACT FY12B	YTD ACT FY12	FAV/(UNFAV) VARIANCE
735,877	804,817	(68,940)	DEPT 042 - TRANSFER STATION	805,075	804,817	258
399,618	328,796	70,821	DEPT 043 - COLLECTION STATION	330,466	328,796	1,670
175,834	166,012	9,823	DEPT 140 - RECYCLING CENTER	168,140	166,012	2,128
1,555,710	1,555,130	580	DEPT 142 - RESIDENTIAL COLLECT	1,563,973	1,555,130	8,843
2,867,039	2,854,755	12,284	TOTAL DEPT EXPENDITURES	2,867,654	2,854,755	12,899

**SANITATION FUND
4TH QUARTER PERFORMANCE**



EXHIBIT G

CAPITAL EXPENDITURE DETAIL

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY11	ACT FY12	VARIANCE		ACT FY12B	ACT FY12	VARIANCE
1,325	0	1,325	GAS STOR TANK (042, 043, 142)	0	0	0
46,264	0	46,264	ROLL-OFF UNLOAD AREA (043)	0	0	0
2,223	0	2,223	SPILL PALLETS/LOADER (140)	0	0	0
1,712	0	1,712	CAMERA (140)	0	0	0
9,045	0	9,045	CULVERT, FENCE, GATE (142)	0	0	0
0	8,150	(8,150)	KAWASAKI MULE (042 & 043)	10,000	8,150	1,850
0	3,507	(3,507)	GATE CONVERSION (042 & 043)	2,000	3,507	(1,507)
0	7,435	(7,435)	RECYCLE BINS (140)	7,500	7,435	65
0	19,674	(19,674)	2 RECYCLING TRAILERS(140)	20,000	19,674	326
56,947	60,653	(3,706)	REFUSE TRAILER (042)	59,000	60,653	(1,653)
21,443	17,996	3,447	TRUCKS (142)	17,000	17,996	(996)
0	78,000	(78,000)	2 HAUL TRUCKS (042)	0	78,000	(78,000)
138,958	195,415	(56,457)	TOTAL	115,500	195,415	(79,915)



AGENDA ITEM 7

DATE OF MEETING: 1/31/2013	DATE SUBMITTED: 1/25/2013	
DEPT. OF ORIGIN: Public Utilities	SUBMITTED BY: Dane Rau	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input checked="" type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION. Discussion Regarding Commercial Sanitation Services Within the City of Brenham		
<p>SUMMARY STATEMENT: In May of this year our exclusive Sanitation contract with Texas Commercial Waste will expire. This will conclude the 10 year term that we have had which allowed TCW to exclusively operate dumpster and cart services within City limits. We have had a great relationship with TCW over the last 10 years and have had very few complaints. They have been consistent and reliable when it comes to providing an essential service to our businesses.</p> <p>TCW currently services over 560 accounts within the City. The City of Brenham benefits by receiving a franchise fee payment of 7% as well as a 3% billing fee on gross charges. Overall, the City of Brenham brings in approximately \$80,000 annually into the Sanitation Fund with its only responsibility being the customer billing.</p> <p>In 2003 there was a change in the operation and the City of Brenham did not have an exclusive contract with any provider. During that time, the City of Brenham operated a commercial sanitation route. Allied Waste was also operating a sanitation route within the city. In the best interest of the City, it was decided that rather than compete with another provider, the City would bid out the services as an exclusive contract. Ultimately, TCW was chosen to be the provider offering the City the most benefit when it came to revenue, customer service, and reliability. It has proven to be a good choice.</p> <p>With that being said, we now have to decide our plans for the future. As always when a contract is ending we have several other companies that would like the opportunity to bid on the exclusive contract. Staff has weighed all options which consist of bidding out the service, renegotiating a new contract with TCW, or conducting the service ourselves. All three options are allowed.</p>		

As tempting as it may be, we would really like the opportunity to take over the service in-house and have the ability to double our revenues, but we have to be certain that the service that is provided does not diminish. We would also have to invest roughly a million dollars in the start-up which consist of two front loaded trucks, and over 500 dumpsters and approximately 100 carts. Additional staff would be hired to conduct this work. Even with all these costs, significant revenues were projected in operating this service in-house.

Staff feels that right now it would be in the best interest to renegotiate a new contract with TCW. Our recommendation would be for 3 years with an option to renew for an additional 3 year term. By doing this it will allow the service to continue as it is without any changes. It will also allow the City of Brenham ample time to seriously consider operating this service in-house three years from now.

We would respectfully like to hear if council agrees with this decision or would want staff to pursue another option.

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Letter from Texas Commercial Waste dated November 8, 2012; (2) Current Agreement for Small Commercial Container Services (Non-Residential) between City of Brenham and Texas Commercial Waste

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION. Discussion Only.

APPROVALS: Terry K. Roberts



P.O. BOX 645
BRYAN, TEXAS 77806
(979) 775-7171 FAX (979) 822-5006

November 8, 2012

Mr. Dane Rau
Director of Public Works
City of Brenham
P O Box 1059
Brenham, Texas 778034-1059

Dear Mr. Rau,

It's with great pride for the past ten years that Texas Commercial Waste has provided small-commercial container service to the citizens of Brenham, Texas.

As the term of our agreement nears its end we would like to begin discussions regarding a new contract. The vehicles we presently use to service this contract are reaching the end of their useful life and before we replace them we would like to know we have an agreement going forward.

We would respectfully like to propose a new contract under the current conditions and pricing with one exception. We would like to suggest the term of the contract be adjusted to three (3) years instead of the present five (5) years and that the contract would be renewable for additional terms if both parties agree.

If there are any additional changes the city would like to propose please feel free in presenting them.

Again, thank you for allowing Texas Commercial Waste the opportunity to serve the City of Brenham.

Sincerely,

A handwritten signature in black ink, appearing to be "Ron Schmidt", written over a light blue horizontal line.

Ron Schmidt
General Manager

**AGREEMENT FOR SMALL COMMERCIAL CONTAINER SERVICE
(NON-RESIDENTIAL)**

STATE OF TEXAS

§

§

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF WASHINGTON

The CITY OF BRENHAM, a home-rule municipal corporation located in Washington County, Texas (hereinafter called "CITY"), acting by and through its duly authorized Mayor, and Bryan Iron & Metal, Ltd., A Texas Limited Partnership, acting by and through Bryan Management Co., Inc., its General Partner, D.B.A. Texas Commercial Waste (hereinafter called "CONTRACTOR"), do hereby agree as follows:

I.

EXCLUSIVE CONTRACT AND FRANCHISE AGREEMENT

For and in consideration of compliance by CONTRACTOR with the covenants and conditions herein set forth, and the ordinance and regulations of CITY governing the collection and disposal of solid waste and refuse, CITY hereby grants to CONTRACTOR an exclusive permit and franchise to engage in the business of collecting solid waste, garbage, trash, brush, and other refuse from commercial, industrial and other approved types of waste generators using containers as described herein subject to the following conditions:

- A. At the beginning of the term of this Contract as set forth in paragraph 6 below, the Contractor will provide container service to City customers as reflected in Exhibit A attached hereto pursuant to the terms and conditions of this Contract, commercial customers of the City must initiate a request for container service to the City. The City will notify the Contractor in writing of any additions, deletions or changes to the customer list reflected on Exhibit A. The City may provide the information reflected in Exhibit A to Contractor by fax or email.
- B. The Contractor will place the container within two (2) business days of receipt of written notification and all information as reflected in Exhibit A. The Contractor shall not service residential customers. Contractor will only service those commercial customers based on written request by the City.
- C. As the service provided in this Contract involves the general health, safety and welfare of the public and the City desires to have compliance with all requirements, conditions, and terms of this exclusive contract, the City during the term of this agreement will not grant to another Contractor a permit, franchise or privilege to provide container services within the City limits of the City of Brenham and the City will not enter into any Contract with another

contractor to provide the same or similar container service as described herein within the City limits of the City of Brenham.

2.

SCOPE OF THE WORK

The work under this Contract shall consist of the placement and collection of small commercial containers, as described in Exhibit "B". The scope of the work will include all the supervision, materials, equipment, labor and all other items necessary to complete said work in accordance with the terms of this Contract.

2.01

LOCATION OF CONTAINERS

Each commercial container shall be located to provide accessibility by the Contractor's truck. The Contractor may decline to collect any commercial container not accessible by collection truck. The Contractor will provide such containers as described in Exhibit A or as requested by City for its customers in a written request as set forth in paragraph 1 above.

2.02

DISPOSAL LOCATION

Contractor shall be allowed to utilize the City of Brenham Transfer Station for disposal of all waste material collected by Contractor within the corporate limits of the City of Brenham under this Contract, of not less than fifteen (15) tons nor more than thirty (30) tons a day. The rate schedule in Exhibit B is based on \$33.50 per ton as the disposal rate at the City's Transfer Station. In the event of a change in said rate, Contractor may adjust the rate schedule as provided in paragraph 3.01 . Contractor will also utilize a type I MSW land fill in the disposal of such solid waste such as Brazos Valley Solid Waste Management Agency ("BVSWMA") landfill. The Contractor and the City may adjust the rate schedule as provided in paragraph 3.01 in the event of a change in the land fill rate of BVSWMA landfill or any other acceptable landfill utilized by Contractor.

2.03

ACTS OF GOD

In case of a storm, flood, hurricane, or other disaster or other acts of God, the City shall grant the Contractor reasonable variances from the regular schedules and routes. The Contractor shall notify the City of such changes due to acts of God and present to the City within two (2) business days a proposed variance from the regular schedules and routes. The City will be responsible for providing notice of such changes and variances to the customer.

3.
RATE SCHEDULE

During the term of the Contract, Contractor agrees to provide the container services to the City pursuant to the rate schedule attached hereto and incorporated herein verbatim as Exhibit B. The charges reflected in the rate schedule may be adjusted by Contractor in accordance with paragraph 3.01.

3.01
ADJUSTMENT OF RATE SCHEDULE

The rate schedule is based upon the current charges for land fill rates, including the rates charged at the City of Brenham Transfer Station. In the event of an increase in land fill rates, the Contractor subject to approval by the City, may adjust and increase the rate schedule to reflect such increases. The Contractor will provide to the City written documentation which substantiates any adjustment of the rate schedule.

The rate schedule is also based on the current price of diesel fuel. In the event of an extra ordinary increase in diesel fuel prices, the Contractor may request in writing and subject to approval by the City provide for a fuel surcharge to cover this increase.

In addition to the above, the Contractor may petition the City at any time for additional rates and price adjustments on the basis of usual changes in its cost of operation, such as revised laws, ordinances or regulations; changes in location of disposal sites, etc. Approval of such adjustment shall not be unreasonably withheld by the City which may require reasonable documentation of such increased expenses from the Contractor.

4.
BILLING

The Contract shall bill pursuant to the rate schedule the City for services rendered within ten (10) days following the end of the month and the City shall pay the Contractor on or before the 20th day following the end of such month. Such billings and payment shall be based on the rate schedule set forth in the Contract documents (Exhibit B). The Contractor shall be entitled to payment for services rendered irrespective of whether or not the City collects from the customer for such service.

4.01
PAYMENT TO THE CITY

The Contractor shall pay to the City the billing fee and franchise fee as set forth in paragraph 5 within ten (10) days of receipt of payment by the City.

4.02
CITY TO ACT AS COLLECTOR

The City shall submit statements to and collect from all commercial customers for the services provided by Contractor. The City shall be solely responsible for notifying the Contractor in writing as provided in paragraph 1 above of any changes to any customer's services due to non-payment of delinquent accounts. The City shall indemnify and hold the Contractor harmless from any claims, suit, damages, liabilities or expenses (including but not limited to expenses of attorney's fees) resulting from the Contractor's discontinued service at any location at the written direction of the City.

5.
FEES TO THE CITY

- 5.01 **Billing fees:** the Contractor shall pay the City 3% of the gross charges as reflected in paragraph 4 above as a billing fee for the City providing the billing services under this Contract.
- 5.02 **Franchise fee:** During the first year of the term of this Contract, the Contractor shall pay the City 2% of the gross charges submitted to the City as a franchise fee for the exclusive franchise and permit granted under this Contract. In each year after the first year under the term of the Contract, the Contractor shall pay the City 7% of the gross charges submitted to the City pursuant to paragraph 4 as a franchise fee for the exclusive franchise and permit granted under this Contract.

6.
TERM

The term of the Contract shall be for a five year period beginning on a date mutually agreed upon by the Contractor and the City as the commencement date of the services to be provided by Contractor. The commencement date after the agreement of the parties will be reflected in the Addendum attached as Exhibit C. The initial five year term of this Contract shall automatically be extended for an additional five year term, unless either party notifies the other party in writing, not less than 120 days prior to the expiration of the initial five year term of its intention to terminate this Contract. Any such written notice shall be served by certified or registered mail, return receipt requested.

6.01
NOTIFICATION BY CONTRACTOR

The Contractor shall notify the City no later than 180 days prior to the expiration of the initial five year term of the rate schedule to be charged to the City for an additional term. In the event the Contractor fails to provide such timely written notification to the City,

the Contract will not be extended as provided in this paragraph. However, if the Contractor provides a rate schedule for the subsequent term timely to the City, then the Contract will be extended unless timely written notification is provided by either party as provided in paragraph 6 above.

7.

INDEMNITY AND INSURANCE

Indemnification: The Contractor shall defend, indemnify and save harmless the City and all its officers, agents, and employees from all suits, actions, or claims of any character, name and description, including attorney's fees expenses, brought for or on account of the said Contractor or his employees by or on account of any act or omission, neglect or misconduct of the said Contractor, or by or on account of any claims of amounts recovered under Workmen's Compensation Law or any other law, ordinance, order or decree. Contractor shall defend, indemnify and save harmless the City, its officers, agents and employees in accordance with the indemnification clause regardless of whether the injury or damage is caused in part by the City, its officers, agents or employees.

Insurance: The Contractor, before starting work for the City, must furnish to the City Certificates of Insurance or other acceptable evidence from a reputable insurance company or companies with an A.M. Best rating of "A" (such companies to be acceptable to the City) licensed to write insurance in the State of Texas, showing that the Contractor is covered by insurance as follows:

- A. Statutory Workmen's Compensation and Employer's Liability Insurance in the amount of \$500,000. In the event any work is sublet, the Contractor shall require the subcontractor similarly to provide the same coverage and shall himself acquire evidence of such coverage on behalf of the subcontractor.
- B. Commercial General Liability Insurance with a \$1,000,000 Combined Single Limit. The policy shall be on the Comprehensive General Liability 1986/90 Occurrence form, and shall include coverage for acts of independent contractors, and shall name the City of Brenham as an additional insured.
- C. Automobile Public Liability Insurance with a \$1,000,000 Combined Single Limit on all self-propelled vehicles used in consideration with the Agreement, whether owned, non-owned or hired.

The certificates of insurance furnished to the City shall contain a provision that coverage under such policies shall not be cancelled or materially change without at least thirty (30) days prior written notice to the City. It is expressly agreed that the Contractor shall, as a condition for the continuation of this Agreement, keep and maintains the hereinabove described insurance continuously in effect throughout the term of this Agreement.

8.

MISCELLANEOUS PROVISIONS

8.01 **Operations:** All vehicles used by Contractor shall be clearly marked with Contractor's name in letters not less than three (3") inches in height. In the residential areas of the City where noise will be an adverse factor, the hours of operation of Contractor shall be limited to 7:00 a.m. to 6:00 p.m.

8.02 **Container Maintenance:** Contractor agrees to properly maintain, and clean and paint as necessary all front-end loader (FEL) small commercial containers placed for service within the corporate limits of said City. Contractor agrees to clean and/or paint any containers identified by City as needing said maintenance.

8.03 **Location of Container:** All containers placed for service within City shall be located in such a manner so as not to be safety or traffic hazards. Under no circumstances shall Contractor place containers on public streets, alleys and/or thoroughfares without the prior approval of the City. City reserves the right to specify to Contractor the exact location of any container(s) it places for service within the corporate limits of said City.

8.04 **Holiday Time:** The City agrees to grant only the following holidays to Contractor on which days there will be no collection: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. In the event the City's customer's collection is on a holiday, Contractor will provide for collection on an alternate day in order to insure collection of containers at least one day during the week of the holiday.

8.05 **Complaints:** The City shall deal with and receive directly any complaints pertaining to service from the commercial container customers located within the corporate limits of said City. Any such complaints received by City shall be forwarded in writing to Contractor within two (2) business days. Contractor shall respond to said complaint within two (2) business days of receipt of written notice of complaint from the City. The City and the Contractor will designate a primary contact representative and a secondary contact representative to communicate complaints and remedial action. The initial contact representatives are set forth in Exhibit D.

8.06 **Compliance with Laws:** Contractor agrees that it shall comply with all laws, policies, rules and regulations of the United States, State of Texas, Brenham Transfer Station, Washington County and City of Brenham with regard to the operation of the landfill and disposal of solid waste, including safe and responsible collection methods and practices. All collections made hereunder shall be made by Contractor without unnecessary noise, disturbance, or commotion.

8.07 **Hazardous waste:** The Contractor shall not dispose of special or other hazardous waste prohibited for disposal at the Brenham Transfer Station or at any Type I Landfill. The City is responsible for notifying customers of the prohibition of special or other hazardous waste and the enforcement of such restriction by ordinance or other-wise. The Contractor will notify the City of any container which cannot be disposed of due to special or other hazardous waste prohibited for disposal and the City shall be responsible for notifying the customer of such prohibition.

8.08 **Equal Opportunity:** The Contractor shall comply with the equal opportunity clause set out in Section 130.15 of Federal Register 36FR dated December 22, 1971.

8.09 **Variations to the Contract:** Contractor requests for variances to this contract must be submitted to the City Manager or his designee in writing and authorization for any requested variances must be in writing and signed by the City Manager or his designee.

8.10 **Notice:** All notices required under the terms of this Contract 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: City Manager
City of Brenham
P. O. Box 1059
Brenham, Texas 77834-1059

CONTRACTOR: General Manager
Texas Commercial Waste
P. O. Box 645
Bryan, Texas 77806
Fax: 979-778-4661

All notices shall be deemed to have been properly served only if sent by Registered or 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 designated by written notice to the other party. Notice of changes to Exhibit A and of customer complaint may be sent by fax.

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

8.12 **Non-Assignability:** This Contract and Agreement and any and all rights and obligations may not be assigned by Contractor without specific approval of the City.

This Agreement is executed this the 6 day of February, 2003, and is to be effective on 6, 2003.

AGREED AND ACCEPTED:

CONTRACTOR:

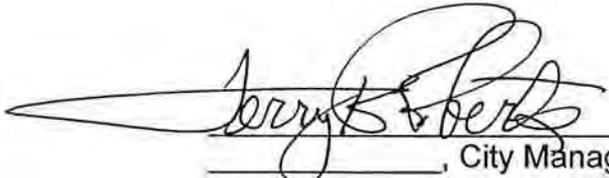
Bryan Iron and Metal Co., Inc.
d/b/a Texas Commercial Waste
Ronald Schmidt

By: 
Its: General Manager

CITY OF BRENHAM:

By: 
Its: Mayor

APPROVED AS TO FORM:


City Manager



AGENDA FORM 8

DATE OF MEETING: January 31, 2013	DATE SUBMITTED: January 28, 2013	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Julie Fulgham	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Public Hearing, Discussion and Receipt of Input Related to the Proposed Creation of Reinvestment Zone Number 36 Requested by Brazos Valley Brewing Company, LLC for Commercial-Downtown Zone Tax Phase-In Incentive on a Certain Tract of Land Containing 0.3359 Acres, More or Less, Being Located at 201 West Frist Street, Brenham, Texas, with Boundaries Further Described in Exhibit "A" of the Ordinance Creating Reinvestment Zone Number 36, and Designating This Property as Qualifying for Tax Phase-In		
SUMMARY STATEMENT: Prior to considering the creation of a Reinvestment Zone for implementing a Tax Phase-In incentive for Brazos Valley Brewing Company, LLC, the City Council is required to hold a Public Hearing to receive input regarding the proposal.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: None		
FUNDING SOURCE (Where Applicable): N/A		
RECOMMENDED ACTION: Discussion Only		
APPROVALS: Terry K. Roberts		



AGENDA FORM 9

DATE OF MEETING: January 31, 2013	DATE SUBMITTED: January 28, 2013	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Julie Fulgham	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading for the Creation of Reinvestment Zone Number 36 Requested by Brazos Valley Brewing Company, LLC for Commercial-Downtown Zone Tax Phase-In Incentive on a Certain Tract of Land Containing 0.3359 Acres, More or Less, Being Located at 201 West First Street, Brenham, Texas, with Boundaries Further Described in Exhibit "A" of Said Ordinance, and Designating This Property as Qualifying for Tax Phase-In		
SUMMARY STATEMENT: Brazos Valley Brewing Company, LLC is planning to start a micro-brewery in a downtown building located at 201 W. First St. The use of the Tax Phase-In incentive will enhance the economic viability of their start-up business in Brenham's historic downtown, as well as help to offset tax costs that can be more productively used toward equipment purchases or labor costs. We also believe this project will serve as a positive economic catalyst to revitalize the Southside District as called upon in the Downtown Master Plan. Brazos Valley Brewing company will create a total of 11 new jobs generating \$405,000 in payroll over the term of the agreement as well as a \$350,000 capital investment over the term of the agreement.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS: Approve the ordinance creating Reinvestment Zone Number 36 and contribute to the future economic development of the City.		
B. CONS: If the ordinance creating Reinvestment Zone Number 36 is not approved, the Brazos Valley Brewing Company, LLC investment would be subject to required taxes and it may affect the project.		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Copy of an Ordinance for the Creation of Reinvestment Zone Number 36; and (2) Memo from the Brenham Economic Development Foundation		
FUNDING SOURCE (Where Applicable): N/A		

RECOMMENDED ACTION: Approve an Ordinance on Its First Reading for the Creation of Reinvestment Zone Number 36 Requested by Brazos Valley Brewing Company, LLC for Commercial-Downtown Zone Tax Phase-In Incentive on a Certain Tract of Land Containing 0.3359 Acres, More or Less, Being Located at 201 West First Street, Brenham, Texas, with Boundaries Further Described in Exhibit “A” of Said Ordinance, and Designating This Property as Qualifying for Tax Phase-In.

APPROVALS: Terry K. Roberts

ORDINANCE NO. _____

AN ORDINANCE DESIGNATING ALL THAT CERTAIN 0.1901 ACRE TRACT OR PARCEL OF LAND SITUATED IN THE CITY OF BRENHAM, A. HARRINGTON SURVEY, A-55, WASHINGTON COUNTY, TEXAS, BEING A PORTION OF THE ORIGINAL TOWN LOT 93 AND CONTAINING A PORTION OF TRACT ONE, A CALLED 7,965 SQ. FT. TRACT LESS A CALLED 405 SQ. FT. TRACT AND TRACT TWO, THE RESIDUE OF A CALLED 8,302.5 SQ. FT. TRACT LESS A CALLED 0.179 ACRE TRACT DESCRIBED IN A DEED FROM JOE MICHAEL HUDEC, ET UX TO KAREN WHATLEY DATED MAY 26, 2006, AS RECORDED IN VOLUME 1204, PAGE 879, OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS AS WELL AS ALL THAT CERTAIN 0.3359 ACRE TRACT OR PARCEL OF LAND SITUATED IN THE CITY OF BRENHAM, A. HARRINGTON SURVEY, A-55, WASHINGTON COUNTY, TEXAS, BEING A PORTION OF THE ORIGINAL TOWN LOT 93, CONTAINING THE SAME PROPERTY DESCRIBED IN A DEED FROM JOE MICHAEL HUDEC, ET UX TO KAREN WHATLEY DATED MAY 26, 2006, RECORDED IN VOLUME 1204, PAGE 884, OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS, SAID 0.1901 ACRE TRACT AND 0.3359 ACRE TRACT BEING MORE FULLY DESCRIBED HEREIN, AS REINVESTMENT ZONE NUMBER THIRTY-SIX FOR COMMERCIAL TAX PHASE-IN INCENTIVE AS PROVIDED IN CHAPTER 312, TEXAS TAX CODE; ESTABLISHING THE NUMBER OF YEARS FOR THE ZONE, AUTHORIZING AN AGREEMENT FOR EXEMPTION FROM TAXATION THE INCREASE IN VALUE OF CERTAIN PROPERTY IN ORDER TO ENCOURAGE DEVELOPMENT AND REDEVELOPMENT AND OTHER MATTERS RELATING THERETO; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

WHEREAS, on the 31st day of January, 2013, the City Council held a public hearing to receive comments concerning the designation of proposed Reinvestment Zone Number Thirty-Six. The notice of such hearing was published on January 24, 2013, such date being not later than the seventh day before the date of the public hearing; and

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

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

WHEREAS, the designation of the proposed reinvestment zone is consistent with the City's policies adopted by Council Resolution No. R-11-025 on the 15th day of December, 2011, and will benefit the land included within the Reinvestment Zone after the expiration of the Agreement; and

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

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

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

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

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

- a) That the public hearing on the adoption of the reinvestment zone under the provisions of the Act has been properly called, held and conducted and that notice of such hearing has been published as required by law and has been sent to the respective taxing units within the proposed reinvestment zone; and

- b) That the City has jurisdiction to hold and conduct said public hearing on the creation of the proposed reinvestment zone pursuant to the Act; and
- c) That creation of the proposed reinvestment zone with boundaries described herein will result in improvements made after the passage of this Ordinance and the execution of tax abatement agreements, that are feasible and practical and will benefit the City, its residents and property owners in the reinvestment zone; and
- d) That the proposed designation will be reasonably likely to contribute to the retention or expansion of primary employment or to attract major investments to the zone that would be a benefit to the property and contribute to economic development of the City.

Section 3. That the City hereby creates Reinvestment Zone Number Thirty-Six, designated as all that certain 0.1901 acre tract or parcel of land situated in the City of Brenham, A. Harrington Survey, A-55, Washington County, Texas, being a portion of the Original Town Lot 93 and containing a portion of Tract One, a called 7,965 sq. ft. tract less a called 405 sq. ft. tract and Tract Two, the residue of a called 8,302.5 sq. ft. tract less a called 0.179 acre tract described in a deed from Joe Michael Hudec, et ux to Karen Whatley dated May 26, 2006, recorded in Volume 1204, Page 879, Official Records of Washington County, Texas as well as all that certain 0.3359 acre tract or parcel of land situated in the City of Brenham, A. Harrington Survey, A-55, Washington County, Texas, being a portion of the Original Town Lot 93, containing the same property described in a deed from Joe Michael Hudec, et ux to Karen Whatley dated May 26, 2006, recorded in Volume 1204, Page 884, Official Records of Washington County, Texas, said property being located at 201 West First Street, Brenham, Texas, said property being more fully described in Exhibit "A" attached hereto and incorporated herein for all purposes, and such reinvestment zone shall hereafter be identified as Reinvestment Zone Number Thirty-Six for Commercial Tax Phase-In, City of Brenham, Texas.

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

Section 5. That written agreements as provided in the Act with owners of eligible property located within the reinvestment zone shall be for a period of up to ten (10) years, and that the eligible property that is subject to the above mentioned exemption from taxation shall be the improvements to the property in conformity with the City's criteria and guidelines, and written agreements shall provide for an exemption from taxation of the total increase in value of the eligible property over its value in the year the agreement is executed. The written agreement will require that all taxes be current at the time of execution of agreement and be kept current to all taxing entities during the term of said agreement.

Section 6. That said designation of Reinvestment Zone Number Thirty-Six for Commercial Tax Phase-In and the written agreement thereof are in accordance with the City of Brenham Policy Statement on Property Tax Phase-In Incentive for Selected Commercial Enterprises and will be a benefit to the land which will be included within the Reinvestment Zone and to the City of Brenham after the expiration of the agreement.

Section 7. That if any provision of this Ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part of it.

Section 8. That it is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



MEMO

To: Mayor Tate and City Council Members
From: Brenham Economic Development Foundation
Date: December 20, 2012
Re: Brazos Valley Brewing Co. Tax Phase-In Application

The Brenham Economic Development Foundation respectfully requests your consideration of an application for Tax Phase-In from Brazos Valley Brewing Co.

Brazos Valley Brewing Co. is planning to start a micro-brewery in a downtown building located at 201 W. First St. The use of the Tax Phase-In incentive will enhance the economic viability of their start-up business in Brenham's historic downtown, as well as help to offset tax costs that can be more productively used toward equipment purchases or labor costs. We also believe this project will serve as a positive economic catalyst to revitalize the Southside District as called upon in the Downtown Master Plan.

JOB CREATION: Brazos Valley Brewing Co. will start off with 2 employees and grow to a total of **11 jobs during the tax phase-in period**. The 11 new jobs that will be created are projected to generate \$405,000 in payroll.

CAPITAL INVESTMENT: They will be **investing \$350,000** in capital for the project. The capital will be used to buy new equipment.

NEW TAXES PAID: Brazos Valley Brewing Co. will pay a **total of \$4,516 in new taxes in its first year** of operation (\$190 in city taxes). The company will receive an abatement of \$3,105 in year-one (\$1,711 from city taxes). At the end of its tax phase-in period, Brazos Valley Brewing Co. will have paid a **total of \$41,303 in new taxes** (\$4,373 in city taxes), and will have received a total abatement of \$19,667 (\$10,837 from city taxes). At no point in the tax phase-in process does any company receive abatements on taxes for Blinn College or Brenham ISD.

Attached you will find:

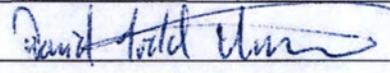
- A) Tax Phase-In application
- B) Economic Impact Analysis
- C) Property map
- D) Property legal description
- E) Tax Phase-In schedules
- F) Tax Phase-In calculation

As you review the attached documents, if you have any questions, please contact Clint Kolby at the Brenham Economic Development Foundation office at (979)836-8927 or clint@brenhamtexas.com.

TAX PHASE-IN APPLICATION

This application must be filed in conformance with the City of Brenham/Washington County Guidelines and Criteria for Tax Phase-In. The application must be filed prior to the beginning of construction or installation of equipment. Approval of this application is discretionary with the City Council and/or Commissioner's Court. All applications submitted to the City of Brenham must be received 20 days before the publication deadline.

APPLICANT INFORMATION

Company Name	<u>Brazos Valley Brewing Company, LLC</u>	
Address of HQ	<u>201 W. First St.</u>	Annual Sales <u>\$0</u>
	<u>Brenham, TX 77833</u>	Years in Business <u>0</u>
Company President	<u>Joshua A. Bass</u>	Total Employees <u>2</u>
Authorized Signature		Brenham Address:
Title	<u>Chief Financial Officer</u>	<u>201 W. First St.</u>
Date	<u>12/17/2012</u>	<u>Brenham, TX 77833</u>
Contact Person	<u>Todd Inmon</u>	Telephone <u>214-799-3940</u>

Attach a description of the Company including a brief history, corporate structure and business plan and annual statement, if available.

PROJECT INFORMATION

Type of Targeted Enterprise:

Agriculture/ Aquaculture Facility; Manufacturing/Assembly; Distribution; Research

Products and services to be provided: Manufacturing of beer

SITE INFORMATION

Address	<u>201 W. First St.</u>
Legal Description	<u>Original Town Addition, Block 93, Lots 6A, 7A, 8A, 9A</u>

Attach map showing project location.

New Facilities Expansion of Existing Facilities Modernization/Remodel

ECONOMIC INFORMATION

Construction Estimates

Start Date Jan. 15, 2013 Contract Amount \$350,000
 Completion Date Mar. 31, 2013 # Construction Jobs 4

Estimated Appraised Values	Land	Building/Equipment	Personal Property
Value before Tax Phase-In begins	<u>\$18,090</u>	<u>\$89,010</u>	<u>N/A</u>
Value after Tax Phase-In expires	<u>\$18,090</u>	<u>\$439,010</u>	<u>N/A</u>

PERMANENT EMPLOYMENT INFORMATION

Will this project create or retain a minimum of 10 jobs at an average base salary of \$33,000/year, or higher, including benefits throughout the tax phase-in process? (yes/no) Not applicable

Estimated number of jobs to be created*	Total	Washington County Residents	Out of County Residents
Upon opening	2	0	2
End of tax phase-in	11	7	4

Estimated number of jobs to be retained* (Please provide narrative)	Total	Washington County Residents	Out of County Residents
Upon opening			
End of tax phase-in			

CHECK LIST FOR APPLICATION FOR TAX PHASE-IN

All applicants for tax incentives should provide the following:

	ATTACHED	NOT APPLICABLE
(a) A description of waste and by-products, including any air or water pollution generated by the business.	_____	_____X_____
(b) A drawing showing location of the property, all roadways within 500 feet, current land uses and zoning within 500 feet and a complete metes and bounds description if the property is not platted.	_____YES_____	_____
(c) Itemized estimated cost of the real property and improvements proposed.	_____YES_____	_____
(d) A description of financing methods and projected time when costs or obligations are to be incurred.	_____YES_____	_____
(e) The amount and duration of any tax phase-in requested.	_____YES_____	_____
(f) Any other incentives requested.	_____YES_____	_____
(g) A description of reason for requesting incentives.	_____YES_____	_____
(h) Impact on the project scope and/or location of the project if incentives are not granted.	_____YES_____	_____
(i) Description of tax phase-in requested or to be requested from other applicable taxing entities.	_____YES_____	_____
(j) Details of job types and number employed in each.	_____YES_____	_____
(k) Wages and benefits per job type.	_____YES_____	_____
(l) Schedule of job creation/retention during the tax phase-in period.	_____YES_____	_____
(m) Estimated number and type of employees to be hired/retained from the local labor force.	_____YES_____	_____
(n) Estimated number and type of employees that will be relocated into the local area.	_____YES_____	_____
(o) Projected total payroll.	_____YES_____	_____
(p) Projected utility volume: electricity, natural gas and water.	_____YES_____	_____
(q) Projected Annual Sales tax.	_____YES_____	_____
(r) Projected goods and services purchased from local vendors.	_____YES_____	_____
(s) Description of utility lines and other infrastructure requirement by the City and by the Project.	_____	_____X_____

ADDITIONAL PROJECT INFORMATION

- (a) Not applicable.
- (b) Location map attached.
- (c)
- | | |
|----------------|---------------------|
| Land | \$0.00 |
| Building Cost | \$0.00 |
| Equipment Cost | <u>\$350,000.00</u> |
| Total | <u>\$350,000.00</u> |
- (d) The equipment will be financed from owner equity contributions, as well as via a Small Business Administration (SBA) loan with a major financial institution.
- (e) Tax phase-in requested for eight years as presented in "Table 3 – Downtown Zone" of the tax phase-in schedules.
- (f) None.
- (g) The incentive will enhance the economic viability of our startup business in Brenham's historic downtown district, as well as help to offset tax costs that can be more productively used toward equipment purchases or labor costs.
- (h) The Company has also considered establishing the business in locations outside of Brenham. If the incentives are not provided, establishing ourselves in Brenham's downtown area is less feasible than in areas outside of downtown, or perhaps in other towns nearby.
- (i) We are requesting tax phase-in from the City of Brenham and Washington County.
- (j) Executive management – 2, Brewers – 3, Sales staff – 2, Packaging and Delivery staff - 4
- (k) Executive management - \$40,000, Brewers - \$40,000, Sales staff - \$35,000, Packaging and Delivery staff - \$35,000
- (l) Two jobs will initially be created once build out is complete and operations commence. We plan to hire an additional brewer and delivery staff after 6 months, as well as both executive managers on a full-time basis after 12 months. As production increases, we plan to hire an additional brewer and three additional sales staff between months 18 and 36.
- (m) We estimate that we will hire 7 of the 11 total projected employees from the local labor force.
- The remaining employees will consist of the 4 founding members, as well as a current resident of the Galveston area with significant experience in alcohol sales, marketing and distribution.
- (n) Two of these employees currently live outside of Washington County and intend to relocate to the Brenham area over the next 12-18 months.
- (o) \$85,000 (year 1), \$210,000 (year 2), \$405,000 (year 3)

(p) We project using:

Year 1	Year 2	Year 3
Electricity		
30,000 kwh	75,000 kwh	150,000 kwh
Water		
745,000 gallons	1,590,000 gallons	3,230,000 gallons
Natural Gas		
400 MCF	855 MCF	1,740 MCF

- (q) \$10,000 (in the City of Brenham). Otherwise, sales tax will be paid in the local jurisdiction where each bar/restaurant account is located.
- (r) \$25,000
- (s) Not applicable.

December 20, 2012

Project Description

The Brenham Economic Development Foundation requested an economic impact analysis for a potential new company. The company would produce micro beers and is seeking a tax phase in agreement. A analysis on the community, including jobs, direct and indirect spending and tax implications are needed as part of the application. This analysis assumes:

1. \$390,000 investment in capital improvements, equipment and training. It includes \$200,000 in equipment purchases in first year and \$175,000 in equipment purchases in second year, \$10,000 in renovation costs, and \$5,000 in localized training.
2. 4 workers during the first full year of operations, growing to 11 by year 2.

Analysis

This analysis calculates 1) the economic and job impact of construction of the brewery and 2) the impact of operations from 2013 through 2014, when the brewery is expected to reach full employment. This analysis measures not only the *direct* spending for construction and operations, but also the *indirect and induced* activity that is generated. Indirect and induced activity takes the recirculation of dollars into account. This re-spending of dollars by employees and suppliers within the area is called the *multiplier effect*. This multiplier effect causes the overall impact of the project to be much greater than the direct activity alone.

Highlights

1. Upon full employment in 2014, operations will generate over \$1.76 million in economic activity in the Brenham region annually, supporting 14 jobs directly and indirectly.
2. By 2014, the region can expect an increase of sales tax revenues of nearly \$7,000 annually due to Brazos Valley Brewery employees. This does not include any potential impact of tourism/visitors to the brewery.

Economic Impact Analysis of the Brazos Valley Brewing Company

December 20, 2012

Economic Impact

The brewery projects to begin renovation on an existing facility and move equipment during the first quarter of 2013. This activity will create only minimal economic activity since the majority of their investment is in equipment. As the brewery begins to produce beer, the company expects to invest in more equipment and labor and be in full production by the end of 2014. Brazos Valley Brewery expects to employ 11 people by 2014. In the same year, operations will have a direct impact of more than \$1.76 million annually. Total impact in the same period will equal nearly \$2.51 million.

Total Economic Impact	Direct Impact	Indirect & Induced Impact	Total Impact
Construction Phase 1 (\$215 thousand)	\$49,400	\$18,692	\$68,092
Construction Phase 2 (\$175 thousand)	\$30,100	\$10,254	\$40,354
2013 (4 Employees)	\$525,000	\$118,720	\$643,720
2014 (11 Employees)	\$1,443,750	\$318,566	\$1,762,316
Total Impact (Minus Construction)	\$1,968,750	\$437,286	\$2,406,036
Total Impact	\$2,048,250	\$466,232	\$2,514,482

Source: IMPLAN

Jobs Impact

During the construction phases or investment in the facility, very few if any jobs will be created as existing businesses would be able to fill the construction demand and because most of the activity is concentrated on equipment purchases. As construction investment reaches completion and operations pick up at the brewery, Brazos Valley employment will grow from 4 to 11 in 2014. Upon full employment, Brazos Valley Brewery's direct employment of 11 people will support an additional 3 jobs.

Jobs	Direct Impact	Indirect & Induced Impact	Total Jobs
Construction Phase 1 (\$215 thousand)	0	0	1
Construction Phase 2 (\$175 thousand)	0	0	0
2013 (4 Employees)	4	1	5
2014 (11 Employees)	11	3	14

Source: IMPLAN

Economic Impact Analysis of the Brazos Valley Brewing Company

December 20, 2012

Wage & Tax Impact

Using a conservative method that the State supports, upon full employment we expect annual sales tax collection from Brazos Valley Brewery employees to equal more than \$7,000 annually.

Wage & Tax Impact	Direct Impact	Indirect & Induced Impact	Total Wages	TX Sales Tax Impact	Local Sales Tax Impact
Construction Phase 1 (\$215 thousand)	\$16,695	\$5,158	\$21,853	\$656	\$219
Construction Phase 2 (\$175 thousand)	\$10,427	\$2,798	\$13,225	\$397	\$132
2013 (4 Employees)	\$151,109	\$31,840	\$182,949	\$5,488	\$1,829
2014 (11 Employees)	\$401,549	\$85,440	\$486,989	\$14,610	\$4,870
Total Impact (Minus Construction)	\$552,658	\$117,280	\$669,938	\$20,098	\$6,699
Total Impact	\$579,780	\$125,236	\$705,016	\$21,150	\$7,050

Source: IMPLAN

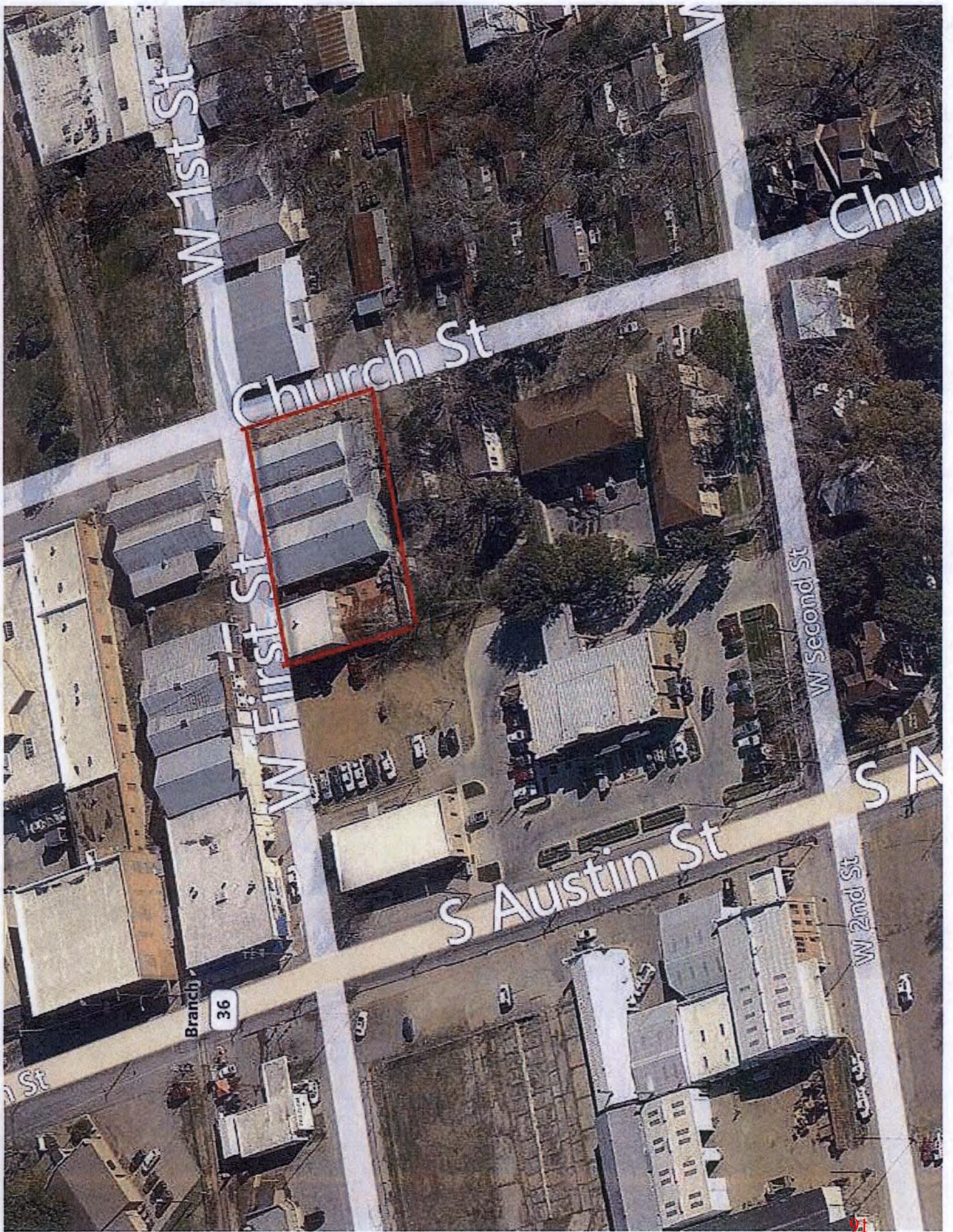
Assumptions

Multipliers: IMPLAN was used to for calculating the indirect and induced impacts of activity. IMPLAN uses national data provided by the Bureau of Economic Analysis (BEA), Bureau of Labor Statistics (BLS) and many other sources to develop multipliers down to the county and zip code levels. It was initially commissioned by the Federal government and is widely recognized as the standard for input-output analysis. Similar to the North American Industrial Classification System (NAICS), IMPLAN uses sector codes to assess the impact of a particular economic activity.

Construction: The project costs equal \$390 thousand, including renovation, equipment purchases, and training. IMPLAN code 39 (Maintenance and repair construction of nonresidential structures) was used for renovation activity. Activities that primarily took place elsewhere (equipment purchases) were calculated with IMPLAN code 319 (Wholesale trade businesses), since the majority of spending would be non-local. IMPLAN code 392 (Private Junior colleges, colleges, universities and professional schools) was used for the training investment.

Operations: IMPLAN code 71 (Breweries) was used to calculate the impact of jobs.

Sales Taxes: The State of Texas estimates expected sales taxes by multiplying the total value of labor income by three percent. Since local taxes can be roughly one third the state rate (6.25% for state, up to 2% for local), local taxes are calculated at one percent of total labor income, or one-third the state rate.



PROPERTY LEGAL DESCRIPTION

201 West First Street

All that certain 0.1901 acre tract or parcel of land situated in the City of Brenham, A. Harrington Survey, A-55, Washington County, Texas, being a portion of the Original Town Lot 93 and containing a portion of Tract One, a called 7,965 sq. ft. tract called 405 sq. ft. tract and Tract Two, the residue of a called 8,302.5 sq. ft. tract less a called 0.179 acre tract described in a deed from Joe Michael Hudec, et ux to Karen Whatley dated May 26, 2006, recorded in Volume 1204, Page 879, Official Records of Washington County, Texas as well as all that certain 0.3359 acre tract or parcel of land situated in the City of Brenham, A. Harrington Survey, A-55, Washington County, Texas, being a portion of the Original Town Lot 93, containing the same property described in a deed from Joe Michael Hudec, et ux to Karen Whatley dated May 26, 2006, recorded in Volume 1204, Page 884, Official Records of Washington County, Texas.

Overview of the Tax Phase-In Incentive

Based on Policies in the City of Brenham and Washington County, Texas

Definition:

- Tax Phase-In means the partial, temporary exemption from property taxes, with the purpose of stimulating economic development.
- Only ad valorem property taxes are eligible, and only on certain qualifying property. Brenham Independent School District and Blinn College taxes are to be paid in full at all times.

Guidelines and Criteria:

- In order to be eligible for tax phase-in, the planned improvement must be an authorized facility, such as a(n):
 - *Agriculture/Aquaculture facility
 - *Distribution Center
 - *Manufacturing facility
 - *Research facility
- The project must add new value to the tax roll of eligible property.
- Within the first year and throughout the phase-in period, the applicant must maintain or create a minimum of ten (10) jobs at an average base salary of \$33,000/year, or higher, including any benefits.
- **PLEASE NOTE:** A facility is eligible for tax phase-in if it has applied for the incentive before construction begins, and it meets the complete guidelines and criteria under the Tax Phase-In Policy.
- Tax Phase-In may be granted for new or existing facilities.
- Eligible property for tax phase-in may include the value of buildings, structure, fixed machinery and equipment.

- Property that is not eligible for the tax phase-in incentives include:
 - *land
 - *animals
 - *inventories
 - *supplies
 - *tools
 - *furnishings and other forms of moveable personal property
 - *vehicles
 - *vessels
 - *aircraft
 - *housing or residential property (except for property owners in a Downtown Zone)
 - *hotels/motels
 - *fauna
 - *flora
 - *retail facilities (except for property owners in a Downtown Zone)
 - *deferred maintenance investments
 - *improvements by the generation or transmission of electrical energy not wholly consumer by a new facility or expansion
 - *any improvements including those to produce, store or distribute natural gas or fluids that are integral to the operation of the facility
 - *property owned or used by the State of Texas or its political subdivisions or by any organization owned, operated or directed by a political subdivision of the State of Texas.

Application:

- Any present or potential owner of taxable property in the City of Brenham and/or Washington County may request the creation of a Reinvestment Zone and Tax Phase-In Incentive by filing a written request with the Brenham City Manager and/or Washington County Judge.
- After the receipt of the application, the county will make a decision within 90 days. The decision-making process may involve an economic impact study, plus city council and county commissioner's court meetings.
- If accepted, the business receiving tax phase-in will be required to provide a sworn statement and documents, verifying compliance each year. Failure to provide the required documents shall result in termination of the Tax Phase-In agreement.

For further details and confidential assistance, contact:

ECONOMIC DEVELOPMENT FOUNDATION OF BRENHAM
 314 SOUTH AUSTIN STREET • BRENHAM, TEXAS 77833
 PHONE: [979] 836 8927 FAX: [979] 836 3563
 EMAIL: EDF@BRENHAMTEXAS.COM

EXHIBIT "A"
TAX PHASE-IN INCENTIVE SCHEDULES

Applicants may receive property Tax Phase-In incentive according to the schedules in Tables 1 and 2, depending on their combination of property value creation and job creation/retention.

TABLE 1 (earns 50% of incentive)

1A - Property Improvements by an Existing Local Business

Level	Amount of Valuation of Eligible Improvements as determined by the Tax Appraisal District:		Percent of property tax to be abated each year									
	From	To	1	2	3	4	5	6	7	8	9	10
1	\$ 150,000	\$1,000,000	45	40	30	20	0	0	0	0	0	0
2	\$1,000,001	\$2,500,000	45	45	40	30	20	0	0	0	0	0
3	\$2,500,001	\$4,000,000	45	45	45	40	30	20	0	0	0	0
4	\$4,000,001	\$5,500,000	45	45	45	45	40	30	20	0	0	0
5	More than	\$5,500,000	45	45	45	45	45	40	30	20	0	0

1B - Property Improvements by a New Business

Level	Amount of Valuation of Eligible Improvements as determined by the Tax Appraisal District:		Percent of property tax to be abated each year									
	From	To	1	2	3	4	5	6	7	8	9	10
1	\$ 300,000	\$1,000,000	45	40	30	20	0	0	0	0	0	0
2	\$1,000,001	\$2,500,000	45	45	40	30	20	0	0	0	0	0
3	\$2,500,001	\$4,000,000	45	45	45	40	30	20	0	0	0	0
4	\$4,000,001	\$5,500,000	45	45	45	45	40	30	20	0	0	0
5	More than	\$5,500,000	45	45	45	45	45	40	30	20	0	0

TABLE 2 (earns 50% of incentive)

2 - Jobs Created & Retained - by Existing Businesses or New/Relocating Businesses

Level	The number of new and/or retained full-time employees with an average salary level of \$33,000+/year including benefits averaged during the twelve calendar months prior to the tax assessment date of January 1:		Percent of property tax to be abated each year									
	From	To	1	2	3	4	5	6	7	8	9	10
1	10	19	45	40	30	20	0	0	0	0	0	0
2	20	29	45	45	40	30	20	0	0	0	0	0
3	30	39	45	45	45	40	30	20	0	0	0	0
4	40	49	45	45	45	45	40	30	20	0	0	0
5	50 and more		45	45	45	45	45	40	30	20	0	0

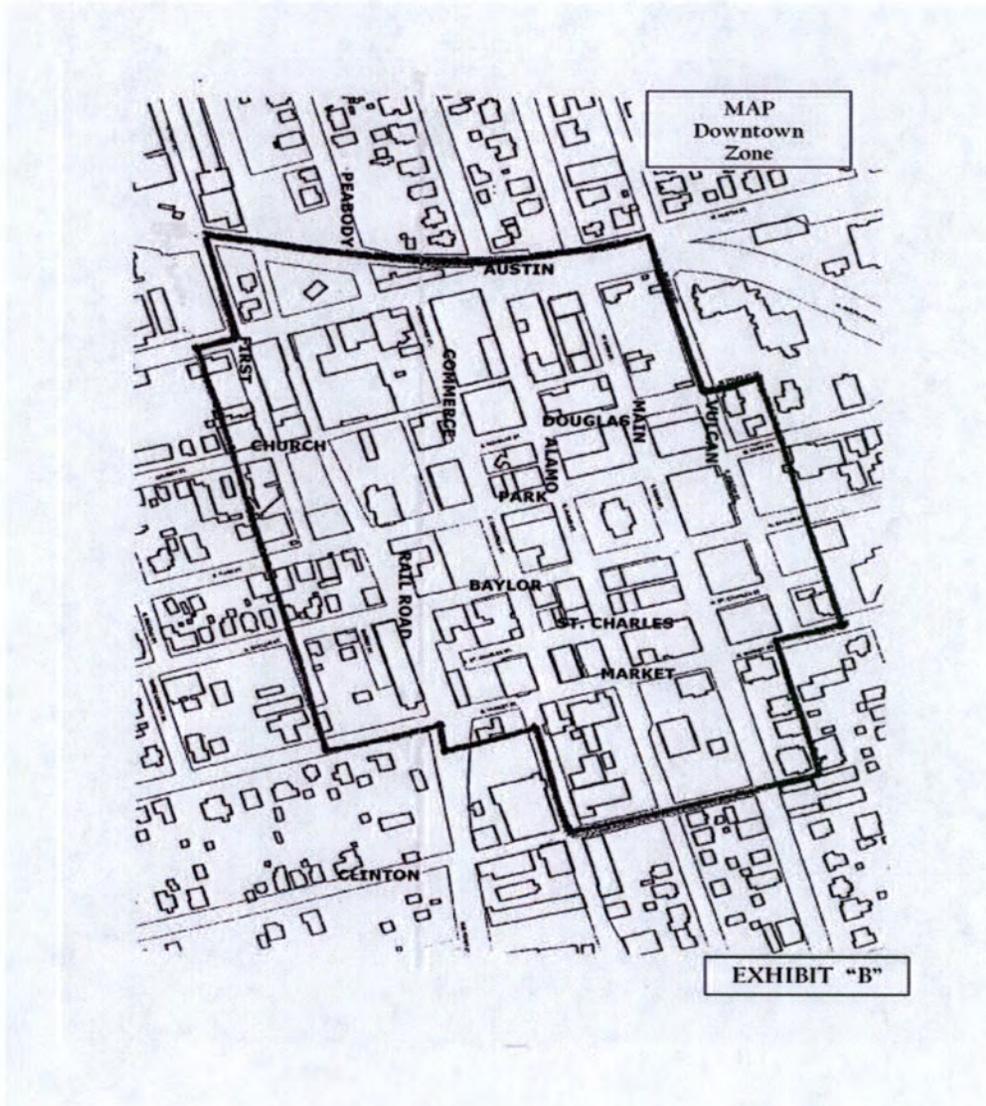
TABLE 3 Downtown Zone

Amount of valuation of
downtown reinvestment
determined by tax appraisal:

Percent of property tax to be abated each year

Valuation	1	2	3	4	5	6	7	8
\$ 50,000 to \$150,000	90	90	90	60	40	20	0	0
\$150,001 to \$250,000	90	90	90	90	60	40	20	0
\$250,001 and beyond	90	90	90	90	90	60	40	20

EXHIBIT B
MAP OF DOWNTOWN ZONE



Estimated taxes to be paid during tax phase-in period

Capital investment - \$350,000

New Project Investment	Years								Total
	1	2	3	4	5	6	7	8	
Tax rate	10%	10%	10%	10%	10%	40%	60%	80%	
City	0.5432	\$190.12	\$190.12	\$190.12	\$190.12	\$760.48	\$1,140.72	\$1,520.96	\$4,372.76
County	0.4426	\$154.91	\$154.91	\$154.91	\$154.91	\$619.64	\$929.46	\$1,239.28	\$3,562.93
	100%	100%	100%	100%	100%	100%	100%	100%	
Brenham ISD	1.1350	\$3,972.50	\$3,972.50	\$3,972.50	\$3,972.50	\$3,972.50	\$3,972.50	\$3,972.50	\$31,780.00
Blinn College	0.0567	\$198.45	\$198.45	\$198.45	\$198.45	\$198.45	\$198.45	\$198.45	\$1,587.60
		<u>\$4,515.98</u>	<u>\$4,515.98</u>	<u>\$4,515.98</u>	<u>\$4,515.98</u>	<u>\$5,551.07</u>	<u>\$6,241.13</u>	<u>\$6,931.19</u>	<u>\$41,303.29</u>

Estimated taxes to be abated during tax phase-in period

Capital investment - \$350,000

New Project Investment	Years								Total
	1	2	3	4	5	6	7	8	
Tax rate	90%	90%	90%	90%	90%	60%	40%	20%	
City	0.5432	\$1,711.08	\$1,711.08	\$1,711.08	\$1,711.08	\$1,140.72	\$760.48	\$380.24	\$10,836.84
County	0.4426	\$1,394.19	\$1,394.19	\$1,394.19	\$1,394.19	\$929.46	\$619.64	\$309.82	\$8,829.87
		<u>\$3,105.27</u>	<u>\$3,105.27</u>	<u>\$3,105.27</u>	<u>\$3,105.27</u>	<u>\$2,070.18</u>	<u>\$1,380.12</u>	<u>\$690.06</u>	<u>\$19,666.71</u>

Existing taxes to be paid
\$1,797.35*

* Washington County Appraisal District 2012



AGENDA ITEM 10

DATE OF MEETING: January 31, 2013	DATE SUBMITTED: January 23, 2013	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Jeana Bellinger	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Appointment of Amanda Klehm as a Deputy City Secretary.		
SUMMARY STATEMENT: In January, Amanda Klehm joined my staff in the City Secretary's Office. Amanda graduated from Sam Houston State University in May 2007 with a Bachelor's degree in Political Science and obtained a Master's degree in Public Administration from the George Bush School of Government and Public Service at Texas A&M University in May of 2009. The past couple of years, Amanda worked at Germania Insurance as a Casualty Claims Adjuster.		
In accordance with the City's Charter, the City Council must appoint a person to exercise all of the duties of the City Secretary, in my absence. Therefore, I am recommending that Amanda Klehm be appointed as Deputy City Secretary.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: None		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Approve the appointment of Amanda Klehm as Deputy City Secretary.		
APPROVALS: Terry K. Roberts		



AGENDA ITEM 11

DATE OF MEETING: 1/31/13	DATE SUBMITTED: 1/25/13	
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Dane Rau	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon a Memorandum of Agreement Between the City of Brenham and Blinn College for the Use of Softball Fields at Hohlt Park and Authorize the Mayor to Execute any Necessary Documentation		
<p>SUMMARY STATEMENT: As Hohlt Park was being built and constructed in 1996 the City of Brenham and Blinn College entered into a memorandum of agreement in which Blinn College contributed \$200,000 to the improvement of the park, specifically the construction of a softball field and an adjacent dressing room building. This contribution allowed Blinn College Softball to call Hohlt Park its home. With this contribution one field and one building were designated to the Blinn College Softball team for their use throughout the fall and spring softball seasons.</p> <p>The Memorandum of Agreement was not taken before Council as it was a generic Agreement with no specific language binding either party. It was signed by City Manager, Terry Roberts. This Memorandum of Agreement expired November 30, 2012. It was decided by both parties to restructure the Agreement as a Land Use Agreement and it was recommended that Council take action and approve the new Agreement.</p> <p>The new Agreement better outlines each entity’s responsibility pertaining to the field and dressing room in the future. The City of Brenham has always provided Blinn with a superb playing field by performing the routine maintenance to the field, scoreboard, and lights. This will still continue although it is now outlined that if large improvements are needed to the field such as leveling of field, light replacements, or infrastructure work that Blinn and the City of Brenham will mutually agree on the improvements and have the opportunity to budget for the costs. In the past the City of Brenham has maintained the dressing room building and assisted Blinn with issues that have come up. We still will assist where we can, but since the dressing room building is exclusive to Blinn College Softball the burden now falls on Blinn to maintain the dressing room in good working order and at their costs for the term of this agreement. They will be responsible for all maintenance items that occur inside the building. They will also have the right to modify the inside of the building as they see fit, but will not be allowed to modify the outside of the building.</p>		

The City of Brenham and Blinn have also changed the language related to the "Use of Field". In the past the City of Brenham rarely used the field during Blinn's offseason. Now that we are transitioning Hohlt Park to softball we felt that it would be pertinent to use Blinn's field for overflow tournaments and championship games. In the new Agreement we have changed the language to reflect that the City has the right to use the field during Blinn's offseason and only needs to notify Blinn in writing, not ask for permission as was the case in the old Agreement.

This term of this Agreement if agreed on by Council will be expiring on January 3, 2018. Attached you will find the old memorandum and the new Agreement for comparison.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS:

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Memorandum of Agreement Between Blinn College and the City of Brenham, Texas for the Use of Softball Field for the Period from November 27, 2007 through November 30, 2012; (2) Memorandum of Agreement Between Blinn College and the City of Brenham, Texas for the Use of Softball Field at Hohlt Park for the Period from January 4, 2013 through January 3, 2018

FUNDING SOURCE (Where Applicable.)

RECOMMENDED ACTION: Approve Discuss and Possibly Act Upon a Memorandum of Agreement Between the City of Brenham and Blinn College for the Use of Softball Fields at Hohlt Park and Authorize the Mayor to Execute any Necessary Documentation

APPROVALS: Terry K. Roberts

**Memorandum of Agreement
Between Blinn College
And the City of Brenham, Texas
For Use of Softball Field**

Recognizing that cooperation to provide a first class intercollegiate softball field in the City of Brenham, the City of Brenham (the City) and Blinn College (the College), have agreed as follows:

Whereas the City desired to obtain land and construct a new park (Hohlt Park) for the benefit of local residents; and, whereas it was determined to include several athletic fields in the new park for the use and enjoyment of local athletic teams and teams from outside the area on a rental basis; and

Whereas the College was in need of a new intercollegiate softball field with adequate stands and dressing rooms to be used by its intercollegiate softball team, it was determined it was in the mutual interests of the City and the College for the City to construct such a facility within the new park; and that the College would donate the sum of \$200,000 over a two-year period to the City to assist with the development of the park and the softball field; and

Whereas, the softball field has been constructed and is maintained by the City of Brenham; now

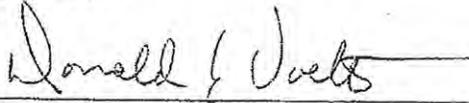
Therefore, it is agreed that Blinn College shall have the right to the use of the softball field for its intercollegiate softball team, and that any other uses of the field which do not conflict with the College's use may be mutually agreed upon in writing from time-to-time by both Parties.

Duration and Procedures for Amending MOA

This agreement is valid from November 27, 2007, through November 30, 2012, or upon termination by mutual consent of the Parties. Either Party may withdraw from this MOA by giving written notice of intent to withdraw at least 365 calendar days in advance of the effective withdrawal date. Notice of withdrawal shall be given to all parties covered by this MOA.

This agreement may be modified at any time by written agreement of the authorized representative of both Parties. Such amendments will require the signatures of all parties affected by such an amendment.

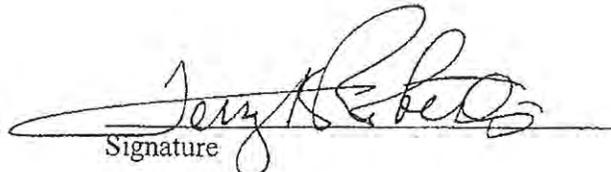
Signatures:



Signature

Donald E. Voelter, Ph.D.

Name



Signature

TERRY K. ROBERTS

Name

**MEMORANDUM OF AGREEMENT
BETWEEN BLINN COLLEGE
THE CITY OF BRENHAM, TEXAS
FOR THE USE OF BLINN SOFTBALL FIELD AT HOHLT PARK**

Parties: City of Brenham, Texas (hereinafter also referred to as "City") and Blinn College ("hereinafter also referred to as "College")

Recitals: Recognizing that cooperation to provide a first class intercollegiate softball field in the City of Brenham, the City and the College have agreed as follows:

1. Whereas, this Memorandum of Agreement (hereinafter referred to as "MOA") is a renewal of the Memorandum of Agreement Between the City and the College for the use of the softball field, which expires on November 30, 2012;
2. Whereas, the City obtained land and constructed Holht Park ("Park") for the benefit of local residents;
3. Whereas, within the Park, the City constructed several athletic fields for the use and enjoyment of athletic teams, including a softball field ("Field");
4. Whereas, in consideration for the promises and covenants in this and the former MOA, the College has contributed \$200,000.00 to assist the City with the development of the Park and the Field; and
5. Whereas, the City has constructed and maintains the Field; and

Agreement: The foregoing recitals are incorporated into this MOA between the parties. THEREFORE, Blinn College and the City of Brenham have agreed to the following terms regarding the use of the Field:

1. Term. This MOA shall be valid for a term of five (5) years beginning January 4, 2013 and continuing through January 3, 2018, unless earlier terminated by mutual consent of both parties or as otherwise set forth herein ("Term").
2. Use of Softball Field.
 - a. City agrees to provide the College the right to exclusive use of the Field for its intercollegiate softball team's scheduled softball season, including all practices, games and tournaments.
 - b. During the College's intercollegiate softball off-season from approximately, mid-May through the beginning of September of each year, the City retains its right to use the Field for games and tournament play.

- i. As required by City's Code of Ordinances, each organization which is approved by the City to use the Field will be required to submit an annual refundable security deposit. This deposit rate has been set and approved by the City's Parks Advisory Board and the deposit rate will not change unless approved and modified by the Parks Advisory Board.
 - ii. If the City exercises its right to schedule the Field for championship games, playoff games, or tournament play during the College's intercollegiate softball off-season, the City will notify Blinn in writing when the Field is scheduled to be occupied for such games or tournament play.
- c. At no point in time for the Term of this MOA will the Field be permitted for league play except by the College's intercollegiate softball team.

3. Dressing Room Building at the Field. For the Term of this MOA, the College's intercollegiate softball team will have exclusive rights to use and occupy the dressing room building adjacent to the Field. This dressing room building is owned by the City. However, the College will have the right to make modifications to the inside of the building as they see fit. At no point in time shall the College make any structural modifications to the outside of the building that changes the appearance as it relates to other infrastructure in the park.

- a. Permanent improvements or modifications inside the dressing room building may be made by Blinn College at their expense.
- b. The College agrees to maintain and repair all components related to the Dressing Room Building for the term of this MOA so that it remains in good order. The College will be responsible for all routine maintenance including, but not limited to, carpet cleaning, ice machine repair and/or replacement, washer and dryer repair and/or replacement, HVAC repair and/or replacement, and upkeep with locksmith-related repairs and/or replacements.

4. Maintenance of the Field. The City, at its cost, agrees to maintain the Field in good order for use for intercollegiate softball practices and games throughout the Term of this MOA. Maintenance of the Field shall include maintenance of the lights within the Field and the scoreboard. During the Term of this MOA, permanent improvements and additions other than routine maintenance will be mutually agreed upon by both parties in writing prior to commencement of construction of permanent improvement or addition.

5. Contact Information. The parties to this MOA shall designate a contact person who will be responsible for implementing this MOA. The contact person for the City of Brenham

will be Jamie Maurer, Recreation Superintendent or her designated representative. The City's recreation superintendent can be reached at (979) 337-7247. The contact person for Blinn College is Rick Church, Head Softball Coach / Division Chair . The College contact person can be reached at (979)830-4033. Any notice required by this MOA shall be forwarded to each respective party at the following addresses:

City of Brenham:

Blinn College:

Rick Church, Head Softball Coach / Division Chair
902 College Avenue
Brenham, TX 77833

6. Miscellaneous Provisions:

a. Entire Agreement. This MOA constitutes the entire agreement between the parties, including all covenants and agreements, between the parties with respect to the subject matter herein and supersedes any and all other agreements, either oral in writing. Each party to the MOA acknowledges that no representation, inducements, promise or agreement, oral or otherwise, have been made by any other party or anyone acting on behalf of any party which are not embodied herein and that no other agreements, statement, or promise not contained in this MOA shall be valid or binding, unless a modification has been properly executed.

b. Modification. This MOA may be modified at any time by written agreement of the authorized representative of both parties. Such amendments will require the signatures of all parties affected by such an amendment.

c. Cooperation. The City and the College agree to cooperate with each other, in good faith, at all times during the term hereof in order to achieve the purposes and intent of this MOA. The City and the College are separate governmental entities, and as such, are responsible for any injury, claim, or cause of action arising out of their participation or control of this MOA as may be provided by applicable law.

d. Termination. Either party may terminate this MOA by giving written notice of intent to terminate upon at least 365 calendar days in advance of the effective termination date. Notice of termination shall be given to all parties covered by this MOA.

e. Invalid Provisions. Any clause, sentence, paragraph, or article of this MOA which is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect shall not be deemed to impair, invalidate, or nullify the remainder of this MOA if the MOA can be given effect without the invalid portion.

f. Applicable Laws; Venue. This MOA shall be construed in accordance with the laws of the State of Texas. Exclusive venue for any claim, cause of action, lawsuit, or other legal proceeding arising out of this MOA shall be in Washington County, Texas.

The parties have executed this instrument hereto as follows:

Executed this _____ day of _____ of the year 20__.

City of Brenham, Texas

By: _____
Terry Roberts, City Manager

Blinn College

By:  _____
Harold Nolte, Ed.D, District President



AGENDA ITEM 12

DATE OF MEETING: 1/31/2013		DATE SUBMITTED: 1/25/2013	
DEPT. OF ORIGIN: Administration		SUBMITTED BY: Grant Lischka	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING	
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING	
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION	
	<input type="checkbox"/> WORK SESSION		
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Final Payment to Legacy Concrete Works, LLC for the Realignment of Stringer Street Associated with the Improvements Related to the U.S. Highway 290 Project and Authorize the Mayor to Execute any Necessary Documentation			
SUMMARY STATEMENT: Legacy Concrete Works, LLC has completed the work on the 290 Frontage Road/Stringer Street Intersection improvements. The construction came in \$14,006.10 under the original contract amount for a revised contract amount of \$199,758.04. The contractor is responsible for any defects in materials and workmanship that may occur in the above described improvements for a period of one year, beginning on the date of acceptance by the City. The contractor has agreed to provide an additional year of warranty covering the hot mix pavement.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS:			
B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: (1) Letter from O'Malley Engineers with Cost Breakdown of Paving and Drainage Values dated January 22, 2013; (2) Application for Payment No. 3 & Final; (3) Change Order No. 3 – Reconciliation of Final Quantities; (4) Certificate of Substantial Completion.			
FUNDING SOURCE (Where Applicable):			
RECOMMENDED ACTION: Approve Final Payment to Legacy Concrete Works, LLC for the Realignment of Stringer Street Associated with the Improvements Related to the U.S. Highway 290 Project and Authorize the Mayor to Execute any Necessary Documentation			
APPROVALS: Terry K. Roberts			



O'Malley Engineers, L.L.P.

TBPE No. F-3244

Craig Kankel, P.E.
Robert C. Schmidt, P.E.
Ed Addicks, P.E.

January 22, 2013

Mr. Grant Lischka, P.E.
City of Brenham
P.O. Box 1059
Brenham, Texas 77834-0159

Re: City of Brenham
US 290 Frontage Road/Stringer Street Intersection
OE Job No. 1006.71 PB

Dear Grant:

Below is a cost breakdown of paving and drainage values for the referenced project: Each is broken down into construction and engineering costs. Engineering includes design survey, basic services, construction staking, and construction observation costs.

	Construction	Engineering	Total
Paving	\$172,895.69	\$31,826.77	\$204,722.46
Drainage	<u>\$ 26,862.35</u>	<u>\$ 4,755.73</u>	<u>\$ 31,618.08</u>
Total Cost	\$199,758.04	\$36,582.50	\$236,340.54

Should you have any questions, please do not hesitate to contact me at (979) 836-7937.

Sincerely,

Ronald W. Becker, P.E.
Project Engineer

APPLICATION FOR PAYMENT NO. 3 & FINAL

TO OWNER: City of Brenham, 200 W. Vulcan, Brenham, Texas 77833
 FROM CONTRACTOR: Legacy Concrete Works, LLC, 2201 Becker Drive, Brenham, TX 77833
 PROJECT: US 290 FRONTAGE ROAD/STRINGER STREET INTERSECTION
 OE JOB NO. 1006.071 - PA/PB

CONTRACT AWARDED: August 16, 2012
 PERIOD FROM: December 1, 2012
 CONST. TIME ALLOTTED: 75 Calendar Days

NOTICE TO PROCEED: October 1, 2012
 PERIOD TO: December 21, 2012
 TIME USED: 82

Item No.	Description	Contract Quantity	Completed Quantity			Unit Price	Total Value of Work Completed
			Previous Period	Current Period	Total		
1	Furnish labor and equipment to perform all excavation associated with roadway and driveway improvements and disposal of excess material	810 CY	810	0	810	\$ 4.00	\$ 3,240.00
2	Furnish labor and equipment to perform all embankment (fill) with density control associated with roadway and driveway improvements	650 CY	650	0	650	\$ 11.47	\$ 7,455.50
3	Furnish labor and equipment for the removal and disposal of existing asphalt pavement	1,741 SY	1,741	0	1,741	\$ 3.58	\$ 6,232.78
4	Furnish labor and equipment for the removal and disposal of existing concrete driveways	122 SY	122	0	122	\$ 16.99	\$ 2,072.78
5	Furnish labor and equipment for the removal and disposal of existing concrete curb and gutter	812 LF	812	0	812	\$ 2.99	\$ 2,427.88
6	Furnish labor and equipment for the removal and disposal of existing curb inlet	2 EA	2	0	2	\$ 800.00	\$ 1,600.00
7	Furnish labor and equipment for the removal and disposal of existing storm sewer pipe including backfill	43 LF	43	0	43	\$ 34.88	\$ 1,499.84
8	Furnish labor and material to construct 6" minimum thickness lime stabilized subgrade	2,021 SY	2,021	0	2,021	\$ 11.25	\$ 22,736.25
9	Furnish labor and materials to construct 6" minimum thickness reinforced concrete pavement	668 SY	668	0	668	\$ 45.00	\$ 30,060.00
10	Furnish labor and materials to place 6" minimum thickness Type A, Grade 2 base material	1,793 SY	1,923	0	1,923	\$ 18.68	\$ 35,921.64
11	Furnish labor and materials place 6" minimum thickness Type B, Grade 2 base material	130 SY	0	0	0	\$ 88.25	\$ -
12	Furnish labor and materials to install 1-1/2" minimum thickness Type D hot mix asphaltic concrete (HMAC) pavement, including prime/tack coat	1,793 SY	1,923	0	1,923	\$ 17.10	\$ 32,883.30
13	Furnish labor and materials to construct standard concrete curb and gutter	684 LF	684	0	684	\$ 17.00	\$ 11,628.00
14	Furnish labor and materials to construct reinforced concrete curb on concrete pavement as detailed	386 LF	386	0	386	\$ 5.12	\$ 1,976.32
15	Furnish labor and materials to construct 5' reinforced concrete curb inlet with a 5' reinforced concrete curb inlet extension	2 EA	2	0	2	\$ 2,200.00	\$ 4,400.00

16	Furnish labor and materials to construct reinforced concrete throat inlet	1 EA	1	0	1	\$ 2,400.00	\$ 2,400.00
17	Furnish labor and materials to construct reinforced concrete junction box	1 EA	1	0	1	\$ 1,500.00	\$ 1,500.00
18	Furnish labor and materials to install 18" RCP storm sewer	102 LF	142	0	142	\$ 31.75	\$ 4,508.50
19	Furnish labor and materials to install Des 1 (13-1/2" rise, 22" span) RC Arch Pipe storm sewer	40 LF	0	0	0	\$ 118.75	\$ -
20	Furnish labor and materials to install 18" reinforced concrete 6:1 sloped end treatment	2 EA	1	1	2	\$ 875.00	\$ 1,750.00
21	Furnish labor and materials to construct 6" thick concrete riprap	61 SY	61	0	61	\$ 48.05	\$ 2,931.05
22	Furnish labor and materials to apply all pavement markings as shown on the plans	262 SF	0	262	262	\$ 15.34	\$ 4,019.08
23	Furnish labor and materials to perform traffic control in accordance with the TxDOT permit, Texas MUDCD, plans, and specifications	1 LS	1	0	1	\$ 3,194.00	\$ 3,194.00
24	Furnish labor and materials to install proposed traffic control signage as indicated on the plans	1 EA	0	0	0	\$ 3,705.00	\$ -
25	Perform trench safety per technical specification 31 50 00, 5' and over cut	28 LF	28	0	28	\$ 54.57	\$ 1,527.96
26	Furnish labor and materials to install 4" minimum thickness of topsoil	4,268 SY	0	4,268	4,268	\$ 1.71	\$ 7,298.28
27	Furnish labor and materials to install hydromulch seeding on all disturbed areas	4,268 SY	0	4,268	4,268	\$ 0.41	\$ 1,749.88
28	Furnish labor and materials to perform storm water pollution prevention plan in accordance with technical specification section 31 25 13	1 LS	1	0	1	\$ 4,745.00	\$ 4,745.00

CHANGE ORDER NO. 1

1	Furnish labor and materials to place 6" minimum thickness Type A, Grade 2 base material	+130 SY	-	-	-	-	-
2	Furnish labor and materials to install 1 1/2" minimum thickness Type D hot mix asphaltic concrete (HMAC) pavement, including prime/tack coat	+130 SY	-	-	-	-	-
3	Furnish labor and materials to place 6" minimum thickness Type B, Grade 2 base material	0 SY	-	-	-	-	-

CHANGE ORDER NO. 2

1	Furnish labor and materials to install 18" RCP storm sewer	+40 LF	-	-	-	-	-
2	Furnish labor and materials to install Des 1 (13-1/2" rise, 22" span) RC Arch Pipe storm sewer	0 LF	-	-	-	-	-
3	Furnish labor and materials to install proposed traffic control signage as indicated on the plans	0 EA	-	-	-	-	-

Original Contract: \$ 213,764.14
Less CO No. 1: \$ (6,821.10)
Less CO No. 2: \$ (7,185.00)
Adjusted Contract: \$ 199,758.04

Value of Work Performed to Date \$ 199,758.04
Plus Materials Stored at Close of Period \$ -
Net Amt Earned to Date \$ 199,758.04
Less 10% Retainage -
Subtotal \$ 199,758.04
Less Previous Pay Applications \$ (167,234.22)
Amount Due this Application \$ 32,523.82

* Quantity revisions made in Change Orders #1 and #2 are reflected in the items above. Quantity adjustments listed in Change Order #1, Items 1, 2, and 3, have been applied above in items 10, 12, and 11, respectively. Quantity adjustments listed in Change Order #2, Items 1, 2, and 3, have been applied above in Items 18, 19, and 24, respectively.

AFFIDAVIT & CERTIFICATION OF PAY APPLICATION BY CONTRACTOR

STATE OF TEXAS
COUNTY OF Washington

WHEREAS, the undersigned, Savannah Gutierrez, who being duly sworn, on oath, says that he/she is the legal representative of Legacy Concrete Works, L.L.C., has been employed by City of Brenham to furnish labor and materials for the installation of US 290 Frontage Road/Stringer Street Intersection in Brenham, Texas.

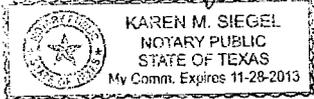
The undersigned Contractor certifies that: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

BY: Savannah Gutierrez DATE: 1-22-13
LEGACY CONCRETE WORKS, L.L.C.

PRINTED NAME: Savannah Gutierrez TITLE: Sec./Tres.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 22nd DAY OF January, 2013

Karen M. Siegel
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



RECOMMENDED BY: [Signature] DATE: 1-22-13
O'MALLEY ENGINEERS, L.L.P.

APPROVED BY: _____ DATE: _____
CITY OF BRENHAM

CHANGE ORDER NO. 3 - Reconciliation of Final Quantities
CITY OF BRENHAM, 200 W. VULCAN, BRENHAM, TEXAS 77833
US 290 FRONTAGE ROAD/STRINGER STREET INTERSECTION
OE JOB NO.: 1006.071-PA/PB
January 18, 2013

REASON: Reconciliation of Final Quantities.

Item No.	Description	Contract Quantity	Final Quantity	Quantity Increase/ Decrease	Unit Price	Amount Increase	Amount Decrease
1	Furnish labor and equipment to perform all excavation associated with roadway and driveway improvements and disposal of excess material	810 CY	810	0	\$4.00	-	-
2	Furnish labor and equipment to perform all embankment (fill) with density control associated with roadway and driveway improvements	650 CY	650	0	\$11.47	-	-
3	Furnish labor and equipment for the removal and disposal of existing asphalt pavement	1,741 SY	1,741	0	\$3.58	-	-
4	Furnish labor and equipment for the removal and disposal of existing concrete driveways	122 SY	122	0	\$16.99	-	-
5	Furnish labor and equipment for the removal and disposal of existing concrete curb and gutter	812 LF	812	0	\$2.99	-	-
6	Furnish labor and equipment for the removal and disposal of existing curb inlet	2 EA	2	0	\$800.00	-	-
7	Furnish labor and equipment for the removal and disposal of existing storm sewer pipe including backfill	43 LF	43	0	\$34.88	-	-
8	Furnish labor and material to construct 6" minimum thickness lime stabilized subgrade	2,021 SY	2,021	0	\$11.25	-	-
9	Furnish labor and materials to construct 6" minimum thickness reinforced concrete pavement	668 SY	668	0	\$45.00	-	-
10	Furnish labor and materials to place 6" minimum thickness Type A, Grade 2 base material	1,793 SY	1,923	130	\$18.68	\$ 2,428.40	-
11	Furnish labor and materials place 6" minimum thickness Type B, Grade 2 base material	130 SY	0	(130)	\$88.25	-	\$(11,472.50)
12	Furnish labor and materials to install 1-1/2" minimum thickness Type D hot mix asphaltic concrete (HMAC) pavement, including prime/tack coat	1,793 SY	1,923	130	\$17.10	\$ 2,223.00	-
13	Furnish labor and materials to construct standard concrete curb and gutter	684 LF	684	0	\$17.00	-	-
14	Furnish labor and materials to construct reinforced concrete curb on concrete pavement as detailed	386 LF	386	0	\$5.12	-	-

15	Furnish labor and materials to construct 5' reinforced concrete curb inlet with a 5' reinforced concrete curb inlet extension	2 EA	2	0	\$2,200.00	-	-
16	Furnish labor and materials to construct reinforced concrete throat inlet	1 EA	1	0	\$2,400.00	-	-
17	Furnish labor and materials to construct reinforced concrete junction box	1 EA	1	0	\$1,500.00	-	-
18	Furnish labor and materials to install 18" RCP storm sewer	102 LF	142	40	\$31.75	\$ 1,270.00	-
19	Furnish labor and materials to install Des 1 (13-1/2" rise, 22" span) RC Arch Pipe storm sewer	40 LF	0	(40)	\$118.75	-	\$ (4,750.00)
20	Furnish labor and materials to install 18" reinforced concrete 6:1 sloped end treatment	2 EA	2	0	\$875.00	-	-
21	Furnish labor and materials to construct 6" thick concrete riprap	61 SY	61	0	\$48.05	-	-
22	Furnish labor and materials to apply all pavement markings as shown on the plans	262 SF	262	0	\$15.34	-	-
23	Furnish labor and materials to perform traffic control in accordance with the TxDOT permit, Texas MUDCD, plans, and specifications	1 LS	1	0	\$3,194.00	-	-
24	Furnish labor and materials to install proposed traffic control signage as indicated on the plans	1 EA	0	(1)	\$3,705.00	-	\$ (3,705.00)
25	Perform trench safety per technical specification 31 50 00, 5' and over cut	28 LF	28	0	\$54.57	-	-
26	Furnish labor and materials to install 4" minimum thickness of topsoil	4,268 SY	4,268	0	\$1.71	-	-
27	Furnish labor and materials to install hydromulch seeding on all disturbed areas	4,268 SY	4,268	0	\$0.41	-	-
28	Furnish labor and materials to perform storm water pollution prevention plan in accordance with technical specification section 31 25 13	1 LS	1	0	\$4,745.00	-	-
TOTAL BASE BID (ITEMS 1-28)						\$ 5,921.40	\$ (19,927.50)
CHANGE ORDER NO. 1							
1	Furnish labor and materials to place 6" minimum thickness Type A, Grade 2 base material	+130 SY	-	-	-	\$ -	-
2	Furnish labor and materials to install 1 1/2" minimum thickness Type D hot mix asphaltic concrete (HMAC) pavement, including prime/tack coat	+130 SY	-	-	-	\$ -	-
3	Furnish labor and materials to place 6" minimum thickness Type B, Grade 2 base material	0 SY	-	-	-	\$ -	-

CHANGE ORDER NO. 2

1	Furnish labor and materials to install 18" RCP storm sewer	+40	LF	-	-	-	\$	-	-
2	Furnish labor and materials to install Des 1 (13-1/2" rise, 22" span) RC Arch Pipe storm sewer	0	LF	-	-	-	\$	-	-
3	Furnish labor and materials to install proposed traffic control signage as indicated on the plans	0	EA	-	-	-	\$	-	-
SUBTOTAL FOR AMOUNT INCREASE							\$	5,921.40	
SUBTOTAL FOR AMOUNT DECREASE									\$ (19,927.50)
NET CONTRACT INCREASE/DECREASE									\$ (14,006.10)

ADJUSTED CONTRACT AMOUNT (FINAL)

ORIGINAL CONTRACT AMOUNT	\$	213,764.14
* Quantity revisions made in Change Orders #1 and #2 are reflected in the items above. Quantity adjustments listed in Change Order #1, Items 1, 2, and 3, have been applied above in items 10, 12, and 11, respectively. Quantity adjustments listed in Change Order #2, Items 1, 2, and 3, have been applied above in Items 18, 19, and 24, respectively.		
PLUS/LESS CHANGE ORDER NO. 3 - RECONCILIATION (NET CONTRACT DECREASE)	\$	(14,006.10)
REVISED CONTRACT AMOUNT	\$	199,758.04

REQUESTED BY: Edward Butera 1-22-13
 LEGACY CONCRETE WORKS, LLC DATE

RECOMMENDED BY: Tommy Ross 1-22-13
 O'MALLEY ENGINEERS, L.L.P. DATE

APPROVED BY: _____ DATE
 CITY OF BRENHAM

CERTIFICATE OF SUBSTANTIAL COMPLETION

DATE OF ISSUANCE January 7, 2013

OWNER CITY OF BRENHAM

CONTRACTOR LEGACY CONCRETE WORKS, LLC.

Contract: _____

Project: US 290 FRONTAGE ROAD/STRINGER STREET INTERSECTION

OWNER's Contract No. _____

ENGINEER's Project No. 1006.071-PA/PB

This Certificate of Substantial Completion applies to all Work under the Contract Documents or to the following specified parts thereof:

To _____
CITY OF BRENHAM
OWNER

And To _____
LEGACY CONCRETE WORKS, LLC.
CONTRACTOR

The Work to which this Certificate applies has been inspected by authorized representatives of OWNER, CONTRACTOR and ENGINEER, and that Work is hereby declared to be substantially complete in accordance with the Contract Documents on

DECEMBER 21, 2012
DATE OF SUBSTANTIAL COMPLETION

A tentative list of items to be completed or corrected is attached hereto. This list may not be all-inclusive, and the failure to include an item in it does not alter the responsibility of CONTRACTOR to complete all the Work in accordance with the Contract Documents. The items in the tentative list shall be completed or corrected by CONTRACTOR within N/A days of the above date of Substantial Completion.

EJCDC No. 1910-8-D (1996 Edition)

Prepared by the Engineers' Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute.

The responsibilities between OWNER and CONTRACTOR for security, operation, safety, maintenance, heat, utilities, insurance and warranties and guarantees shall be as follows:

OWNER: As of the date of substantial completion, the OWNER shall assume responsibility for security, operation, safety, maintenance, and utilities associated with the portion of the project certified as substantially complete. Within 15 days from the date of substantial completion the OWNER shall become responsible for insurance associated with the portion of the project certified as substantially complete.

CONTRACTOR: The CONTRACTOR shall be responsible for providing warranties and guarantees in accordance with the CONTRACT DOCUMENTS.

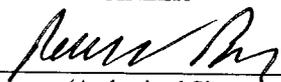
The following documents are attached to and made a part of this Certificate:

As specified under Section 3.04 Field Quality Control of the Hot Mix Asphaltic Concrete Pavement specification, two cores were obtained and tested to determine the bulk density and thickness of the hot mix asphalt pavement. It was determined that one core did not meet the specification requirements for TxDOT Item 340 bulk density. A third core was obtained near the location of the questionable core. The average bulk density value of these two cores calculated to be 88.8%, 1.2% below the acceptable value. For this reason, the standard Correction Period of one year, as stated in the General Conditions, Article 13, Section 13.6, shall be extended to two years for any deficiencies that may occur in the hot mix pavement only.

This certificate does not constitute an acceptance of Work not in accordance with the Contract Documents nor is it a release of CONTRACTOR's obligation to complete the Work in accordance with the Contract Documents.

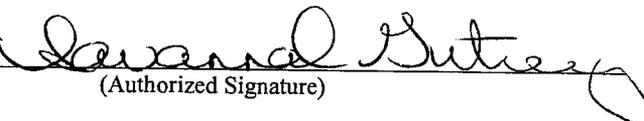
Executed by ENGINEER on 1-22-13
Date

O'MALLEY ENGINEERS, L.L.P.
ENGINEER

By: 
(Authorized Signature)

CONTRACTOR accepts this Certificate of Substantial Completion on 1-22-13
Date

LEGACY CONCRETE WORKS, LLC
CONTRACTOR

By: 
(Authorized Signature)

OWNER accepts this Certificate of Substantial Completion on _____
Date

CITY OF BRENHAM
OWNER

By: _____
(Authorized Signature)



AGENDA ITEM 13

DATE OF MEETING: January 31, 2013	DATE SUBMITTED: January 23, 2013	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Jeana Bellinger	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Order Calling a General Election on May 11, 2013 for the Purpose of Electing One Council Member for Place 1 – Ward 1; One Council Member for Place 3 – Ward 3; One Council Member Place 5 – At Large; One Council Member for Place 6 – At Large; and Calling a Special Election on May 11, 2013 for the Purpose of Electing One Council Member for Place 2 – Ward 2 (Two-Year Transitional Term)		
SUMMARY STATEMENT: In 2011 the Texas Legislature implemented the Military and Overseas Voter Act of 2009 (MOVE Act) with the passage of Senate Bill 100 (SB-100). SB-100 overlaid the period between the state’s primary and primary run-off election upon the city’s general election date, the second Saturday in May. The effect of SB100 on the Election Code (Sec. 41.001(d)) was that county elections administrators were no longer required to provide election services to municipalities for elections held on the second Saturday in May of even-numbered years. Shortly after SB-100 passed, we were notified by the County that they would not be able to provide election services to the City due to the lack of electronic voting machines. Since the City did not want to go to the expense of purchasing our own election equipment, the City Council adopted Resolution No. R-11-014 in September, 2011 which changed our councilmember terms from three (3) to four (4) years. In order to accomplish staggering of the four (4) year terms:		
<ul style="list-style-type: none"> • The Mayor and Councilmember Place 4 were held over until May, 2015; • Councilmember Places 1, 2, and 5 were held-over until May, 2013; • Councilmember Place 2 was designated as the position to be filled by a Special Election for a one-time, transitional two (2) year term in May, 2013 so that Place 2 can get on the same election schedule as the Mayor and Place 4; and • Councilmember Places 3 and 6 remained the same (terms to expire in May, 2013). 		

Therefore, in accordance with SB-100 and the City's Resolution R-11-014 the following Councilmember Places will be up for election in May, 2013:

- Place 1 – Ward 1 (4 year term to expire in May, 2017)
- Place 3 – Ward 3 (4 year term to expire in May, 2017)
- Place 5 – At Large (4 year term to expire in May, 2017)
- Place 6 – At Large (4 year term to expire in May, 2017)
- Place 2 – Ward 2 (2 year transitional term to expire in May, 2015) – SPECIAL ELECTION

The Order being presented to Council calls both a General Election for Places 1, 3, 5, and 6 and a Special Election for Place 2. The period for a candidate to file for a place on the ballot is Wednesday, January 30th thru Friday, March 1st.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS:

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Election Order in English and Spanish; and (2) 2013 Election Calendar

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: Approve the Order authorizing the calling of a General Election on May 11, 2013 for the Purpose of Electing One Council Member for Place 1 – Ward 1; One Council Member for Place 3 – Ward 3; One Council Member Place 5 – At Large; One Council Member for Place 6 – At Large; and Calling a Special Election on May 11, 2013 for the Purpose of Electing One Council Member for Place 2 – Ward 2 (Two-Year Transitional Term)

APPROVALS: Terry K. Roberts



FORMULARIO DE AGENDA

FECHA DE REUNION: 31 de Enero, 2013	FECHA DE PRESENTACIÓN: 23 de Enero, 2013	
DEPT. DE ORIGIN: Administracion	PRESENTADA POR: Jeana Bellinger	
TIPO DE REUNION:	CLASIFICACIÓN:	ORDENANZA:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> AUDIENCIA PUBLICA	<input type="checkbox"/> 1 ^{RA} LECTURA
<input type="checkbox"/> ESPECIAL	<input type="checkbox"/> CONSENTIMIENTO	<input type="checkbox"/> 2 ^{DA} LECTURA
<input type="checkbox"/> SESSION EJECUTIVA	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUCIÓN
	<input type="checkbox"/> SESSION DE TRABAJO	
DESCRIPCIÓN DE ASUNTO EN AGENDA: Considerar y Posiblemente Actuar Sobre una Orden para una Elección General que se efectuara el 11 de Mayo, 2013 Con el Propósito de Elegir Un (1) miembro del Concejal para Lugar 1-Distrito 1; Un (1) miembro del Concejal para Lugar 3-Distrito 3; Un (1) miembro del Concejal para Lugar 5- Distrito Abierto; Un (1) miembro del Concejal para Lugar 6-Distrito Abierto; Y Actuar Sobre una Orden Para Una Elección Especial que se Efectuara el 11 de Mayo, 2013 Con el Propósito de Elegir Un (1) Miembro del Concejal para Lugar 2-Distrito 2 (Termino Transicional de Dos Años)		
DECLARACIÓN DE RESUMEN: En 2011, con la aprobación de la SB 100, la Legislatura de Texas implementó la Ley de Votantes Militares y Votantes en el Extranjero de 2009 (MOVE Act). SB-100 sobrepuso el período de fechas entre elecciones primarias del Estado y elecciones primarias decisivas del Estado sobre fechas de las elecciones generales de la Ciudad, siendo el segundo sábado de mayo . El efecto del SB100 en el Código Electoral (Sec. 41.001(d) fue que los administradores electorales de los condados ya no se les requería prestar servicios a los municipios para las elecciones celebradas en el segundo sábado de mayo de los años pares. Poco después que SB-100 fue aprobada, fuimos notificados por el Condado que ya no van a proveer servicios electorales a la Ciudad debido a la falta de máquinas electrónicas de votación. Puesto que la ciudad no quería pasar por el gasto de comprar nuestro propio equipo de elecciones, el Ayuntamiento aprobó la Resolución No. R-11-014 en septiembre de 2011 que cambió nuestros términos de Concejal de tres (3) a cuatro (4) años. Con el fin de lograr escalonamiento de los términos de cuatro (4) años:		
<ul style="list-style-type: none"> • El Alcalde y miembro del Concejal Lugar 4 seguirán su termino hasta mayo 2015; • Miembros del Concejal Lugar 1, 2 y 5 seguirán su termino hasta mayo 2013; • Miembro del Concejal Lugar 2 se ha designado como puesto que se ocupara por medio de una elección especial para solo un termino transicional de dos (2) anos en mayo 2013 para que este en el mismo horario de elección del alcalde y Lugar 4; y • Miembros del Concejal Lugar 3 y 6 siguen con su fecha de termino actual (expira mayo 2013). 		

Por consiguiente, de acuerdo con SB-100 y la Resolución R-11-014 de la Ciudad, los siguientes puestos de Concejal serán elegidos en mayo 2013:

- Lugar 1 – Distrito 1 (termino de 4 anos que expira en mayo. 2017)
- Lugar 3 – Distrito 3 (termino de 4 anos que expira en mayo, 2017)
- Lugar 5 – Distrito Abierto (termino de 4 anos que expira en mayo, 2017)
- Lugar 6 – Distrito Abierto (termino de 4 anos que expira en mayo, 2017)
- Lugar 2 – distrito 2 (termino transicional de 2 anos que expira en mayo, 2015) – ELECCION ESPECIAL

La orden que se presentara al Ayuntamiento será un llamamiento para una Elección General para Puestos de Lugar 1, 3, 5, y 6 y para una Elección Especial para Puesto Lugar 2. El periodo para que el candidato pueda entregar una solicitud para un lugar en la papeleta será el miércoles, 30 de enero hasta el viernes, 1 de marzo.

ALTERNATIVAS (EN ORDEN DE PREFERENCIA SUGERIDA POR EL PERSONAL):

ADJUNTAMIENTOS: (1) Orden de elección en Ingles y en Español; y (2) Calendario Electoral

PROCEDENCIA DE FONDOS (CUANDO APLICABLE):

ACCIÓN RECOMENDADA: Aprobar la orden autorizando el llamamiento de una Elección General que se efectuara el 11 de Mayo, 2013 Con el Propósito de Elegir Un (1) miembro del Concejal para Lugar 1-Distrito 1; Un (1) miembro del Concejal para Lugar 3-Distrito 3; Un (1) miembro del Concejal para Lugar 5- Distrito Abierto; Un (1) miembro del Concejal para Lugar 6-Distrito Abierto; Y Para Una Elección Especial que se Efectuara el 11 de Mayo, 2013 con el Propósito de Elegir Un (1) Miembro del Concejal para Lugar 2-Distrito 2 (Termino Transicional de Dos Años)

APROBACIONES: Terry K. Roberts

ORDER

AN ORDER PROVIDING FOR A GENERAL ELECTION TO BE HELD ON SATURDAY, MAY 11, 2013, FOR THE PURPOSE OF ELECTING ONE COUNCILMEMBER FOR PLACE 1 – WARD 1; ONE COUNCIL MEMBER FOR PLACE 3 – WARD 3; ONE COUNCIL MEMBER FOR PLACE 5 – AT LARGE; ONE COUNCIL MEMBER FOR PLACE 6 – AT LARGE FOR THE CITY OF BRENHAM, TEXAS; AND CALLING A SPECIAL ELECTION ON MAY 11, 2013 FOR THE PURPOSE OF ELECTING ONE COUNCIL MEMBER FOR PLACE 2 – WARD 2 (TWO-YEAR TRANSITIONAL TERM) FOR THE CITY OF BRENHAM, TEXAS

A general election and special election are hereby ordered to be held on **MAY 11, 2013**, the same being the second Saturday in May, for the purpose of:

ELECTING ONE COUNCILMEMBER FOR PLACE 1 – WARD 1; ONE COUNCIL MEMBER FOR PLACE 3 – WARD 3; ONE COUNCIL MEMBER FOR PLACE 5 – AT LARGE; ONE COUNCIL MEMBER FOR PLACE 6 – AT LARGE; AND ONE COUNCIL MEMBER FOR PLACE 2 – WARD 2 (TWO-YEAR TRANSITIONAL TERM)

Early voting by personal appearance will be conducted every weekday at the **Washington County Annex Building, 100 S. Park Street, Brenham, Texas**, as follows:

**Monday, April 29, 2013 through Tuesday, May 7, 2013
from 8:00 a.m. to 5:00 p.m., provided, however, that Early Voting shall
be conducted for twelve (12) hours on the following weekdays:**

**Monday, May 6, 2013 and Tuesday, May 7, 2013 from
8:00 a.m. to 8:00 p.m.**

The first day for a candidate to file an application for a place on the general election or special election ballot is Wednesday, January 30, 2013.

The last day for a candidate to file an application for a place on the general election or special election ballot is 5:00 p.m., Friday, March 1, 2013.

All applications for ballots by mail should be mailed to:

**Jeana Bellinger, TRMC
Early Voting Clerk & City Secretary
City of Brenham
P. O. Box 1059
Brenham, Texas 77834-1059**

Applications for ballot by mail must be received no later than the close of business on **May 3, 2013**.

Said elections shall be held at the following designated voting places in the City of Brenham, Texas, for voters of the particular Wards:

- Ward 1: Nancy Carol Roberts Memorial Library
100 West Academy
Brenham, Texas
- Ward 2: Alton Elementary School Gymnasium
304 Kerr Street
Brenham, Texas
- Ward 3: Brenham Junior High Band Hall
1200 Carlee Drive
Brenham, Texas
- Ward 4: Blinn Jr. College Student Center
1007 Walter Schwartz Way
Brenham, Texas

The City shall provide at least one AutoMARK v. 1.0. Voting System in each polling place in every polling location used to conduct these elections.

PASSED AND APPROVED by the City Council of the City of Brenham on this the _____ day of _____, 2013.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

ORDEN

UNA ORDEN PROVEYENDO PARA UNA ELECCION GENERAL QUE TENDRA LUGAR EL SABADO, 11 DE MAYO, 2013 CON EL PROPOSITO DE ELEGIR UN MIEMBRO DEL CONCEJAL PARA LUGAR 1-DISTRITO 1; UN MIEMBRO DEL CONCEJAL PARA LUGAR 3-DISTRITO 3; UN MIEMBRO DEL CONCEJAL PARA LUGAR 5-DISTRITO ABIERTO; UN MIEMBRO DEL CONCEJAL PARA LUGAR 6-DISTRITO ABIERTO PARA LA CIUDAD DE BRENHAM, TEXAS; Y UNA ORDEN PARA UNA ELECCION ESPECIAL EL 11 DE MAYO, 2013 CON EL PROPOSITO DE ELEGIR UN MIEMBRO DEL CONCEJAL PARA LUGAR 2-DISTRITO 2 (TERMINO TRANSICIONAL DE DOS ANOS) PARA LA CIUDAD DE BRENHAM, TEXAS

Por este medio esta ordenada una elección general y elección especial para el 11 de mayo, 2013, el mismo siendo el segundo sábado en mayo con el propósito de:

ELEGIR UN MIEMBRO DEL CONCEJAL PARA LUGAR 1-DISTRITO 1; UN MIEMBRO DEL CONCEJAL PARA LUGAR 3-DISTRITO 3; UN MIEMBRO DEL CONCEJAL PARA LUGAR 5-DISTRITO ABIERTO; UN MIEMBRO DEL CONCEJAL PARA LUGAR 6-DISTRITO ABIERTO; Y UN MIEMBRO DEL CONCEJAL PARA LUGAR 2-DISTRITO 2 (TERMINO TRANSICIONAL DE DOS ANOS)

Votación temprana efectuada en persona será conducida cada día entre semana en el **Washington County Annex Building, 100 S. Park Street, Brenham, Texas** como sigue:

Lunes, 29 de abril, 2013 hasta el Martes, 7 de mayo, 2013

De las 8:00 a.m. hasta las 5:00 p.m., sin embargo, proveyendo que Votación Temprana se lleve a cabo por doce (12) horas consecutivas en los siguientes días de la semana:

Lunes, 6 de mayo, 2013 y Martes, 7 de mayo, 2013

De las 8:00 a.m. a las 8:00 p.m.

El primer día que un candidato puede entregar una solicitud para un lugar en la papeleta de la elección general o la elección especial es el **Miércoles, 30 de enero, 2013.**

El último día que un candidato puede entregar una solicitud para un lugar en la papeleta de la elección general o la elección especial es el **Viernes, 1 de marzo, 2013 a las 5:00 pm.**

Todas aplicaciones para papeletas por correo deben ser enviadas a:

**Jeana Bellinger, TRMC
Early Voting Clerk & City Secretary
City of Brenham
P. O. Box 1059
Brenham, Texas 77834-1059**

Aplicaciones para papeletas por correo tienen que recibirse a no tardar el **3 de mayo, 2013** antes de la hora de cerrar la oficina.

Dichas elecciones se efectuaran en lugares designados para votar por cada distrito particular de la ciudad de Brenham, Texas como sigue:

Distrito 1: Nancy Carol Roberts Memorial Library
100 West Academy
Brenham, Texas

Distrito 2: Alton Elementary School Gymnasium
304 Kerr Street
Brenham, Texas

Distrito 3: Brenham Junior High Band
1200 Carlee Drive
Brenham, Texas

Distrito 4: Blinn Student Center
1007 Walter Schwartz Way
Brenham, Texas

La ciudad proveerá por lo menos un Auto MARK v. 1.0 Sistema de Votar en cada lugar de votar en toda localidad usada para conducir estas elecciones.

ACEPTADO Y APROBADO en este día por el Concilio del Municipio de Brenham en
este _____ día de _____, 2013.

MILTON Y. TATE, JR.
Alcalde

ATESTIGUAR:

JEANA BELLINGER, TRMC
Secretaria de la Ciudad

Modified Election Calendar without Voter ID

For a City's General Election on

May 11, 2013

This calendar indicates the dates for actions necessary in a general election of city officers to be held on May 11, 2013. It includes all major actions for which the Election Code prescribes a specific date or deadline for performance, but it does not include all actions (e.g., preparation of ballot boxes and other election equipment and of sets of precinct election forms) for which the beginning date for performance can vary from one city to another depending on local factors. Each city secretary should use the chart in M §9.02 of the *Texas Municipal Election Law Manual* in conjunction with this calendar to fill in those dates on the city secretary's personal election calendar created in accordance with local conditions [see M §9.03]. The city secretary's personal calendar should also reflect dates that the city secretary prefers in place of the discretionary dates recommended in this calendar.

Column 5 indicates the time interval between the date of the action and election day. For example, the notation 50th in the entry for March 22 means that the day for beginning mandatory office hours is the 50th day before election day; the notation "+5" in the entry for May 16 means that the last day for receiving a ballot from outside the United States is the 5th day after election day.

When there is a statutory provision prescribing the last day for the performance of an act, the number in Column 5 reflects that day. If the statutory day must be moved because of a Saturday, Sunday, or state or national holiday, the resulting date is designated in Columns 1 and 2 and Column 5 indicates, in parentheses and italics, the actual number of days measured from election day.

In preparing a personal calendar, the city secretary should remember the rule in EC §1.006 that if the last day for performance of an action falls on a Saturday, Sunday, or a state or national holiday, the deadline date is usually extended to the next regular business day whether the day is a city holiday or not [see M §2.16(a)]. When a deadline is extended for this reason, the extended date is used for determining other dates that are calculated in relation to the event of the extended date. Exceptions are noted in this calendar.

Major steps are in ALL CAPS. Steps for early voting are in *ITALICS*.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Dec 31	LAST DAY to begin posting on bulletin board the notice of the dates of the filing period for the general election. The 30 th day before first day to file application for a place on the ballot is Mon, Dec 31. SOS has ruled that notice must contain location where applications will be received.	City Secretary	11.05(f)	131 st
Jan 7	Obtain a supply of the following forms: candidate's application for place on ballot; appointment of campaign treasurer (candidate and specific-purpose committee); report of contributions and expenditures (candidate-officerholder and specific-purpose committee); application for mail ballot, and a set of administrative forms if ordered from a supply house. (Set up schedule for ordering precinct sets and other forms if they are to be ordered later.)	City Secretary	7.11 et seq. 18.10	*124 th
Jan 7- Feb 1	Review recommendation for following steps listed in M §9.02 for possible needed or desired action and submission for preclearance under federal Voting Rights Act: Steps 1 through 5 (revising election precincts; designating polling places; changing method of voting if equipment is available but not adopted for use or if acquisition of equipment by city is desired); Step 12 (establishing or changing terms of election judges); also, any other action already taken by council for which preclearance is required but not yet submitted, including new single-member districts.	City Secretary and City Council	9.02 20.06 14.03	*124 th thru *99 th

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Jan 15	Last day for timely filing of semi-annual report of contributions and expenditures.	City Secretary	18.05	Jan 15
Jan 28-Feb 12	Recommended period for CALLING ELECTION AND POSTING NOTICE OF ELECTION on bulletin board.	Mayor ⁽¹⁾	10.03 10.12	*103 rd to *88 th
Jan 28-Feb 15	Recommended period to submit requests for PRECLEARANCE for any required matters.	City Secretary	20.06	*103 rd to *85 th
Jan 30	FIRST DAY FOR FILING APPLICATION for place on ballot. 30 th day before filing deadline is Wed, Jan 30.	City Secretary	11.05	101 st
Jan 30	FIRST DAY FOR FILING DECLARATION OF WRITE-IN CANDIDACY.	City Secretary	11.10	101 st
Feb 11	LAST DAY for small city in small county to provide secretary of state notice of intent to use exception to accessibility requirements or show undue burden, if required. 90 th day is on Sun. This action is extended to Mon, Feb 11 (89 th day).	City Secretary	7.07(d),(e), (f)	90 th (89 th)
Feb 12	Recommended LAST DAY FOR ORDER DESIGNATING ELECTION PRECINCTS AND POLLING PLACES. (Preclearance may be needed.)	City Council	3.07	*88 th
Feb 25	Recommended beginning date for preliminary work on appointment of election judges.	City Secretary	4.08	*75 th
Feb 26	Remove candidate's name from ballot if the candidate dies on or before Feb 26 (day before the 2 nd day before filing deadline).	City Secretary	11.25	74 th
Mar 1	STATUTORY LAST DAY FOR ORDERING ELECTION. ^[2]	Mayor ^[1]	10.03	71 st
Mar 1	LAST DAY FOR FILING APPLICATION FOR PLACE ON BALLOT (must be received by 5 p.m.). City Secretary's office should stay open until 5 p.m.	City Secretary	11.05 11.06	71 st
Mar 1	LAST DAY FOR A WRITE-IN CANDIDATE to declare candidacy in the GENERAL and SPECIAL election.	City Secretary	11.10	71 st
Mar 2	LAST DAY to order a SPECIAL ELECTION to fill a vacancy so that the filing deadline will be the 62 nd day before election day. This date remains on Sat because it is not the last day to order a special election.	City Council City Secretary	13.06	70 th
Mar 4	Recommended last day to POST 72 HOUR NOTICE OF DRAWING for order of names on ballot.	City Secretary	8.06	*68 th
Mar 4	LAST DAY for candidate in general election to withdraw (withdrawal request must be received by 5 p.m.). LAST DAY that a declaration of ineligibility causes omission of candidate's name from ballot. (These deadlines occur on the 3 rd day after the filing deadline.) City secretary's office should stay open until 5 p.m.	City Secretary	8.05 11.22 11.23 11.24	68 th

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Mar 5	LAST DAY for a write-in candidate to withdraw in general election and have name removed from write-in list. The statute does not state a time, so the deadline is midnight.	City Secretary	11.22	67 th
Mar 8-11	Recommended period to CONDUCT DRAWING FOR ORDER OF NAMES ON BALLOT. Prepare ballot format and send it to printer.	City Secretary	8.06	*64 th thru *61 st
Mar 11	If a SPECIAL ELECTION to fill a vacancy is held in conjunction with the general election, and the SPECIAL ELECTION was called on or before the 70 th day before the election, this is the LAST DAY FOR FILING AN APPLICATION for a place on the ballot in the SPECIAL ELECTION. 62 nd day is on Sunday. This action is extended to Mon, Mar 11.	City Secretary	13.06	62 nd (61 st)
Mar 12	LAST DAY TO DELIVER NOTICE TO THE COUNTY CLERK AND VOTER REGISTRAR of each county in which the election will be held.	City Council (City Secretary)	10.16	60 th
Mar 12	FIRST DAY TO ACCEPT APPLICATIONS FOR VOTING BY MAIL BALLOT.	City Secretary	16.51 et seq. 17.02 17.03	60 th
Mar 12	First day of the period Texas Ethics Commission will defer investigation until after election (or runoff) if an allegation is filed.	City Secretary/ Texas Ethics Commission	18.01	60 th
Mar 15	Extended deadline to file for a place on the ballot in a city office having a 4-year term if no one has filed by 5 p.m. on Mar 1 (must be received by 5 p.m.).	City Secretary	11.05	57 th
Mar 18-29	Recommended period for APPOINTING ELECTION JUDGES. ^[2] (Schedule for first council meeting after period if no meeting during period.) See M §10.15 on giving notice to election judges.	City Council ⁽¹⁾	4.03 4.04 4.05	*54 th thru *43 rd
Mar 19	If a SPECIAL ELECTION to fill a vacancy is held in conjunction with the general election, and the SPECIAL ELECTION was called on or before the 70 th day before the election, this is the LAST DAY for candidate in the special election to withdraw (withdrawal request must be received by 5 p.m.). LAST DAY that a declaration of ineligibility causes omission of candidate's name from ballot.	City Secretary	8.05 11.22 11.24	53 rd
Mar 21	RECOMMENDED DATE TO PRINT BALLOTS which have been prepared earlier.	City Secretary	8.16	*51 st
Mar 22	Beginning date of period for mandatory office hours.	City Secretary	2.15	50 th
Mar 27	<i>FIRST DAY TO MAIL EARLY BALLOTS, IF AVAILABLE. Note the roster of persons mailed ballots is not available to the public until the first business day after election day [See M §16.56(g)].</i>	City Secretary	16.57	45 th
Apr 3	<i>Last day to mail balloting materials for early voting by mail, to persons who applied 8 days or more before the 45th day.</i>	City Secretary	16.57	38 th
Apr 5	Last day to order a special election to fill a vacancy so that the filing deadline is Apr 10.	City Council	13.06(a)	36 th

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Apr 10	If a SPECIAL ELECTION to fill a vacancy is held in conjunction with the general election, under most circumstances (election ordered after 70 th day and not later than 36 th day), this is the LAST DAY FOR FILING AN APPLICATION for a place on the ballot in the SPECIAL ELECTION .	City Secretary	13.06	31 st
Apr 11	Due date for filing first report of campaign contributions and expenditures by opposed candidates and specific-purpose committees supporting or opposing opposed candidates by 5 p.m. or midnight if filed electronically. City secretary's office should stay open until 5 p.m.	City Secretary	18.06	30 th
Apr 11	Last day to order a SPECIAL ELECTION to fill a vacancy except under special circumstances.	Mayor ^[1]	13.04(f)	30 th
Apr 11	Last day for submitting voter registration application in time to vote at the election or for requesting transfer of registration in time to vote in new precinct not in the same county and territory.	Registrar	6.23(g) 6.25(b)	30 th
Apr 11	Recommended last day to notify presiding judges of duty to hold election.	Mayor	10.15	*30 th
Apr 11	Minimum 10 th day to begin posting continuous notice if signature verification committee meets Apr 21.	City Secretary	16.72	30 th
Apr 11	Recommended last day to request voter registrar to prepare lists of registered voters and furnish statement of residence forms to be used in conducting the election.	City Secretary	6.32 6.35 7.42	*30 th
Apr 11- May 1	PERIOD FOR PUBLISHING NOTICE OF ELECTION. Must be published at least once in a newspaper during this period.	Mayor ^[1]	10.12 20.04	30 th thru 10 th
Apr 13	Last day ballot candidate in SPECIAL ELECTION may withdraw and have name removed from ballot if the election was ordered after the 70 th day and on or before the 36 th day before election day. This deadline occurs on the 3 rd day after the filing deadline and remains on Sat.	City Secretary	11.22	28 th
Apr 19	Recommended last day to request waiver of partial manual recount of electronically counted ballots if the secretary of state has not already issued a waiver.	City Secretary	9.45	*22 nd
Apr 19- May 2	<i>Possible period for posting notice amending notice of branch early voting polling places.</i>	City Secretary	16.22(k)	22 nd thru 9 th
Apr 20 (Apr 19 Recommended)	LAST DAY for POSTING NOTICE OF ELECTION on bulletin board for posting notices of city council meetings. The 21 st day is on Sat. Technically, the notice can be delayed until Mon, Apr 22, but it is better practice to post no later than Fri, Apr 19, which is the 22 nd day before the election.	City Secretary ^[1]	10.12(c)	21 st
Apr 21	<i>First day a signature verification committee may begin work.</i>	City Secretary	16.72	20 th
Apr 21	<i>First day jail authority can deliver ballots in person.</i>	City Secretary	16.51(a)	20 th

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Apr 22	Last day for unregistered applicant to submit a federal postcard application. (The 20 th day before the election is Sun, Apr 21. The deadline is extended so that if the application is placed in the mail by Mon, Apr 22, it is timely.)	City Secretary	17.02(a) & (d)	20 th (19 th)
Apr 23	Last day for publication of notice of the test of automatic tabulating equipment to be used in early voting if the test is on Apr 26. (48 hours before date of test.)	City Secretary	7.40	18 th
Apr 24	Last day to begin posting continuous notice of schedule for branch early voting polling places.	City Secretary	16.22(k)	17 th
Apr 26	Last day to receive application from voter in person for a ballot to be voted by mail (by close of business). This is the last business day before the beginning of early voting by personal appearance.	City Secretary	16.51(c)	15 th
Apr 26	Last day for conducting first test of automatic tabulating equipment to be used for early voting (at least 48 hours before it is used).	City Secretary	7.40(c) & (d)	15 th
Apr 26	STATUTORY DEADLINE FOR NOTIFYING JUDGES OF DUTY TO HOLD THE ELECTION.	Mayor	10.15(a)	15 th
Apr 26	Last day to challenge write-in candidate for compliance.	City Secretary	11.10(i)	15 th
Apr 29	FIRST DAY FOR EARLY VOTING BY PERSONAL APPEARANCE. If voting will be conducted on Sat or Sun, May 4 or 5, notice of schedule must be posted at least 72 hours before first hour of the weekend voting. (The city council must designate 2 weekdays that early voting will be conducted for 12 hours.)	City Secretary	16.21 16.22(d) & (i)	12 th
Apr 29	Last day early voting clerk, upon receipt of defective early voting application, must mail 2 nd application with explanation of defects and instructions.	City Secretary	16.53(c)(3) & (4)	12 th
May 1	LAST DAY FOR PUBLICATION OF NOTICE OF ELECTION.	Mayor ⁽¹⁾	10.12	10 th
May 2	First day for new illness or disability allowing late application for late (emergency) early voting.	Voter	17.16	9 th
May 3	Due date for filing second report of campaign contributions and expenditures by 5 p.m. or midnight if filed electronically.	City Secretary	18.06(c) 18.08(a) & (c)	8 th
May 3	First day cities holding joint election with county having population of 100,000 or more may convene the early voting ballot board to process and count mail ballots. 24-hour notice must be posted for each delivery of voting materials made before election day.	City Secretary	16.74(a)	8 th
May 3	Last day to receive application by mail for a ballot to be voted by mail, by 12 noon or close of business, whichever is later. 7 th day is on a Sat. Move date to Fri, May 3 (8 th day) (exception to general rule).	135	16.51(b) 16.55(b)	7 th (8 th)

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Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
May 5	Last day for publication of notice of first test of automatic tabulating equipment to be used at a <u>polling place</u> if the first test is on May 8. (48 hours before <u>date</u> of test.)	City Secretary	7.40(d)	6 th
May 6	<i>First day for death in family to qualify for late (emergency) early voting.</i>	City Secretary	17.31	5 th
May 6	Last day for publication of notice of first test of automatic tabulating equipment to be used at a <u>central counting station</u> if the first test is on May 9. (48 hours before <u>date</u> of test.)	City Secretary	7.40(b) & (d)	5 th
May 7	LAST DAY OF REGULAR EARLY VOTING BY PERSONAL APPEARANCE.	City Secretary	16.21(c)	4 th
May 7-11	As soon as early voting is over, and until 7:00 p.m. May 11, early voting materials may be delivered to the early voting ballot board if notice requirements have been followed. The board may process the materials but may not count the ballots until polls open on election day; unless the election is held jointly with a county with population of 100,000 or more, in which case, ballots may be counted.	City Secretary	16.74(a) & (c)	4 th thru close of polls
May 8	<i>Last day to receive an application to cancel mail ballot.</i>	City Secretary	16.59(a)	3 rd
May 8	Last day for conducting first test of automatic tabulating equipment to be used at a <u>polling place</u> (at least 48 hours before used for counting on election day). To assure 48 hours before 7 a.m. of election day, test must be by 3 rd day. Notice must be published at least 48 hours before <u>date</u> of test.	City Secretary	7.40(c) & (d)	3 rd
May 8-10	<i>Period to apply for late (emergency) early voting because of death in family May 6 or later.</i>	City Secretary	17.33	3 rd thru 1 st
May 8-10	<i>Prepare list of registered voters for early voting ballot board if more than one early voting polling place.</i>	City Secretary	16.76	*3 rd thru 1 st
May 8-11	<i>Period to apply for late (emergency) early voting because of illness or disability originating on or after May 2.</i>	City Secretary	17.17	3 rd thru Election Day, 5 p.m.
May 9	Last day for first test of automatic tabulating equipment to be used at a <u>central counting station</u> . Notice must be published at least 48 hours before date of test.	Presiding Judge	7.40(b)	2 nd
May 10	<i>Last day to deliver precinct early voting lists to presiding judges and recommended date for delivery of supplies to presiding judges.</i>	City Secretary	7.47 16.83(j)	1 st
May 10	Recommended date for delivery of equipment to polling places (statutory deadline is 6 a.m. on election day).	City Secretary	7.48	*1 st
May 10	RECOMMENDED DAY TO POST NOTICE OF COUNCIL MEETING to canvass the returns if canvass will be on 3 rd day after election. Notice must be posted at least 72 hours before time of meeting.	City Secretary	9.42	*1 st

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Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
May 10	<i>Last day to submit an application (by close of business) for and vote a ballot by personal appearance due to death in immediate family that occurred May 6 or later.</i>	City Secretary	17.33(b)	1 st
May 11	ELECTION DAY. Polls are open 7 a.m. to 7 p.m. Voting by sick or disabled voters at main early voting place, 7 a.m. to 7 p.m., where electronic voting systems are used at precinct polling place.	City Secretary	17.41	E Day
May 11	<i>7 a.m. to 7 p.m. early voting clerk's office must remain open for early voting activities.</i>	City Secretary	9.23	E Day
May 11	<i>5 p.m. deadline for late applications for ballots from voters who became ill or disabled May 2 or later.</i>	City Secretary	17.16 17.17	E Day
May 11	<i>Deliver early voting ballots, etc., to early voting ballot board. Second key to ballot box is delivered by chief of police or marshal.</i>	City Secretary	16.73(a)	E Day
May 11	<i>7 pm deadline for receiving ballots from voters who became ill or disabled May 3 or later.</i>	City Secretary	17.17	E Day
May 11	<i>7 pm deadline for receiving early voting mail ballots. After regular mail delivery, check mail box for early voting mail ballots.</i>	City Secretary	9.23(b) 16.58(a)	E Day
May 11	Receive precinct records, voted ballots, etc. (Chief of police or marshal receives keys to ballot boxes containing voted ballots.)	City Secretary Mayor	9.33(d) 9.34	E Day
May 11	UNOFFICIAL TABULATION OF RESULTS.	City Secretary	9.35	E Day
May 13	<i>First day for public access to early voting roster and applications and for mailed early voting ballot materials.</i>	City Secretary	9.49(d) 16.56(g)	+2
May 13	<i>Last day to deliver provisional ballots to Voter Registrar of each county in which city is located.</i>	City Secretary	9.41(a)	+2
May 14	Provide Official STATEMENT OF ELECTED OFFICER NOT APPOINTED BY THE GOVERNOR and OATH OF OFFICE to candidates who appear to have won, or may win. These are now Secretary of State Forms 2201 and 2204.	City Secretary	12.32(d)	*+3
May 14-16	<i>Period during which early voting ballot board may meet to count ballots received from outside the United States if the early voting clerk certifies that all ballots mailed from outside the United States have been received.</i>	Early Voting Ballot Board	16.74(f)(1)	+3 thru +5
May 14-22	PERIOD FOR OFFICIAL CANVASS. Mayor sets exact day and hour. City secretary records results in election register as soon as practicable after canvass. [Canvass may occur before 11 th day only if all FPCA ballots have been received and the ballot board has completed the count of provisional ballots.]	City Council/ City Secretary	9.42(b) 9.44	+3 thru +11
May 14-22	<i>Completion before canvass of report of early votes cast for each candidate or measure, by election precinct.</i>	City Secretary	16.87	+3 thru +11

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Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
May 14-22	AFTER CANVASS, ISSUE CERTIFICATE OF ELECTION.	Mayor	12.23	+3 thru +11
May 14- Jun 3	Partial manual count of electronically counted ballots if waiver not obtained from secretary of state, must begin not later than 72 hours after polls close and be completed by the 21 st day. +21 st day is Sat. The date is extended to Mon, Jun 3 (+23 rd day).	City Secretary	9.45	+3 thru +21 (+23)
May 15	Last day for voter registrar to complete review of provisional ballots and for early voting clerk to retrieve provisional ballots. [This time period is applicable if Voter ID law is not in effect.]	City Secretary	9.41(c) Before 2011 Supplement	+4 (3 rd Business day after election)
May 16	<i>Last day for receiving a ballot from outside the United States.</i>	City Secretary	16.58(b)	+5
May 17	<i>Early voting ballot board meets to count ballots received from outside the United States, if the early voting clerk did not certify that all ballots mailed from outside the United States had been received earlier. (Provisional ballots may be processed at this time.)</i>	Early Voting Ballot Board	16.74(e)	+6
May 17	Type A elected officials may qualify and assume duties of office [LGC §22.006]. The statute states 5 th day after election, excluding Sundays. The resulting day is the 6 th day after. Officials may not take office until the canvass is complete unless the election was cancelled.	Candidate with City Secretary	12.34	+6
May 19-28	ORDERING OF RUNOFF ELECTION, if necessary, not later than 5 th day after canvass. May 27 is Memorial Day. If May 27 is the 5 th day after canvass, the date is extended to Tue, May 28.	City Council or Mayor ⁽¹⁾	14.04	+8 thru +16 (+17)
May 20	<i>Last day for early voting ballot board to verify and count provisional ballots. (The 7th day after the election is Sat, May 18. The date is moved to Mon, May 20) The secretary of state recommends counting provisional ballots on the 6th day after the election, Fri, May 17, if possible.</i>	Early Voting Ballot Board	9.41 16.77 Before 2011 Supplement	+7 (9 th)
May 21	Last day for presiding judge of EVBB to mail notices of rejected mail ballots to voters.	Presiding Judge of EVBB	16.78	+10
May 22	LAST DAY for conducting the official canvass of the election.	City Council	9.42(b)	+11
May 24- Jun 3	Period during which notice of disposition of provisional ballots must be mailed to voters. If 10 th day is Sat, Sun, or Memorial Day (May 25-27), last day is Tue, May 28. If 10 th day is Sat, Jun 1, last day is Mon, Jun 3.	Presiding Judge of EVBB	16.77	By 10 th day after canvass
Jun 3- Jul 8	POSSIBLE PERIOD FOR RUNOFF ELECTION, depending on date of official canvass, unless a charter provides for a later date. If 45 th day is Thur, Jul 4, a holiday, move to Fri, Jul 5. If 45 th day is Sat, Jul 6, move to Mon, Jul 8.	City Secretary/ City Council	14.03	20 th -45 th day after canvass
Jun 3	Last day for mailing results of manual count to secretary of state, if no waiver is obtained. +21 st day is Sat. The deadline is extended to Mon, Jun 3 (+23 rd day).	City Secretary	9.45	+21 (+23)
Jun 10	Last day to transmit election results by city precinct in electronic form to secretary of state.	Mayor (Presiding Officer of the Canvassing Committee)	9.44	+30

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Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Jun 20	LAST DAY OF MANDATORY OFFICE HOURS.	City Secretary	2.15	+40
July 11	First day for transfer of voted ballots from the locked ballot box to another secure container.	City Secretary	9.50	+61
July 15	Last day for timely filing of semiannual report of contributions and expenditures.	City Secretary	18.05	July 15
Nov 11, 2013	Last day of preservation period for ballots and other precinct election records of city election.	City Secretary	9.50(g)	+ 6 months

Endnotes

- [1] Follow home-rule city's charter provision, if any.
- [2] The city's governing body may choose to conduct a mock student election under EC §276.007. The major steps taken for a general election should be taken for a student election. The student election may be held on the first day before the election, but results must not be published until after the polls close on election day.

NOTE ON CALENDAR FOR SPECIAL OR RUNOFF ELECTION

To prepare a calendar for a special election to fill a vacancy in office, see M §13.02; for a special election on a measure, see M §15.02; for a runoff election, see M §14.03.

NOTE ON CONTEXT

When reading a section of the Election Code, remember to read the chapter and subchapter titles to determine if the section you are reading applies to cities.

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AGENDA ITEM 14

DATE OF MEETING: January 31, 2013	DATE SUBMITTED: January 23, 2013	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Jeana Bellinger	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham, Brenham Independent School District and Blinn College for the May 11, 2013 Elections and Authorize the Mayor to Execute Any Necessary Documentation		
SUMMARY STATEMENT: As required by law, the Brenham Independent School District (BISD) must hold their trustee elections jointly with another governing body.		
<p>In past elections the City and BISD have contracted with Washington County to provide election services and equipment. As required by State law, BISD must hold their trustee elections jointly with the City. In past years, Blinn has ran their own elections and entered into a separate agreement with BISD for election services. This year, however, Blinn has decided to contract with the County also.</p> <p>The attached Joint Election Agreement addresses various issues related to the election and outlines what each entity will be responsible for during the election process. This Agreement is also consistent with the terms outlined in the City’s election services contract with Washington County which was approved by Council on December 20, 2012. (BISD and Blinn each have their own election services contract with the County.)</p> <p>Please note that this Agreement has been sent to BISD and Blinn for review and approval; however, I have not yet received any feedback from either. Therefore, I am requesting that Council approve the Agreement and authorize the Mayor to execute it once approved, in final form, by the City Attorney.</p>		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		

ATTACHMENTS: (1) Interlocal Agreement for the May 11, 2013 Election between the City of Brenham, Brenham Independent School District, and Blinn College

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: Approve the Interlocal Agreement Between the City of Brenham, Brenham Independent School District and Blinn College for the May 11, 2013 Elections and Authorize the Mayor to Execute Any Necessary Documentation.

APPROVALS: Terry K. Roberts

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF BRENHAM,
BRENHAM INDEPENDENT SCHOOL DISTRICT, AND
BLINN COLLEGE FOR THE MAY 11, 2013 ELECTIONS**

THIS AGREEMENT made this _____ day of _____, 20____, by and between the City of Brenham, hereinafter referred to as “City,” the Brenham Independent School District, hereinafter referred to as “BISD,” and Blinn College, hereinafter referred to as “Blinn,” is for the conduct of early voting by personal appearance to be held at a common location, the conduct of election day, and all other election related functions for the May 11, 2013 elections for the City of Brenham, Texas General and Special Elections, the Brenham Independent School District Trustee Election, and the Blinn College Board of Trustee Election.

THIS AGREEMENT is effective upon the approval by the governing bodies of all parties and the execution of this Agreement by all parties.

IN CONSIDERATION of the premises and mutual promises and obligations herein set forth, it is agreed:

1. With regard to conducting the City’s election, the City Secretary, or designee, will be responsible for the preparation, translation, adoption and publication of all required election orders, resolutions, notices, ballots and any other pertinent documents as required by applicable law, including without limitation the City of Brenham Charter and the Texas Election Code, as well as the submission of required documents to the United States Department of Justice pursuant to the Voting Rights Act of 1965.
2. With regard to conducting BISD’s election, the BISD Superintendent, or designee, will be responsible for the preparation, translation, adoption and publication of all required election orders, resolutions, notices, ballots and any other pertinent documents as required by applicable law, including without limitation the Texas Education Code and the Texas Election Code, as well as the submission of required documents to the United States Department of Justice pursuant to the Voting Rights Act of 1965.
3. With regard to conducting Blinn’s election, the Board President, or designee, will be responsible for the preparation, translation, adoption and publication of all required election orders, resolutions, notices, ballots and any other pertinent documents as required by applicable law, including without limitation the Texas Education Code and the Texas Election Code, as well as the submission of required documents to the United States Department of Justice pursuant to the Voting Rights Act of 1965.
4. Early voting by personal appearance for the City, BISD and Blinn shall be held at a common location in the Washington County Annex Building located at 100 S. Park Street, Brenham, Washington County, Texas.

5. Early voting by personal appearance shall begin on Monday, April 29, 2013 and shall end on Tuesday, May 7, 2013, from 8:00 a.m. to 5:00 p.m. each weekday, provided however, that early voting by personal appearance be conducted from 8:00 a.m. to 8:00 p.m. on Monday, May 6, 2013 and Tuesday, May 7, 2013, as required by Section §85.005 of the Texas Election Code.
6. It shall be the responsibility of each party to provide its own deputy early voting clerk to conduct or assist with Early Voting as required for their respective election and as provided in each party's Election Services Contract with Washington County.
7. Each party shall receive all applications for mail ballots and deliver them to the Washington County Chief Deputy Elections Clerk for processing in accordance with applicable election laws.
8. All ballots and ballot related supplies for early voting and Election Day will be provided by Washington County, as provided in each party's Election Services Contract with Washington County.
9. All election equipment will be provided for each party by Washington County, as outlined in each party's respective Election Services Contract with Washington County. Washington County will also arrange for and publish in the local newspaper timely notice of the public test of all electronic equipment.
10. Each party shall be responsible for its own expenses related to any electronic voting equipment leased from Washington County.
11. All election judges and clerks will be provided for each party by Washington County, as outlined in each party's respective Election Services Contract with Washington County. Washington County will also provide the necessary training for all election personnel.
12. This Agreement is binding on a party hereto only if the party holds an election on May 11, 2013. Should a party cancel its election, then this Agreement will automatically terminate with respect to the cancelling party and cease to be enforceable against or binding on said cancelling party.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed and delivered as of the _____ day of _____, 20____.

CITY OF BRENHAM, TEXAS

Milton Y. Tate, Jr., Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

BRENHAM INDEPENDENT SCHOOL DISTRICT

Sam Bell, Superintendent

ATTEST:

Printed Name: _____
Title: _____

BLINN COLLEGE

Atwood Kenjura, President

ATTEST:

Printed Name: _____
Title: _____