



**NOTICE OF A REGULAR MEETING  
THE BRENHAM CITY COUNCIL  
THURSDAY AUGUST 21, 2014 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 – Mayor Tate**
- 3. Proclamation**
  - **Library Card Sign-Up Month** **Page 1**
- 4. Citizens Comments**

**CONSENT AGENDA**

- 5. Statutory Consent Agenda**

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

  - 5-a. Minutes from the July 21, 2014 and July 24, 2014 Special City Council Budget Workshops** **Page 2-9**
  - 5-b. Ordinance No. O-14-023 on Its Second Reading Amending Chapter 23, Subdivisions, Section 23-36, Filing Fees, of the Code of Ordinances of the City of Brenham, Texas** **Page 10-12**
  - 5-c. Ordinance No. O-14-024 on Its Second Reading Adopting a Revised City of Brenham Drought Contingency Plan and Water Conservation Plan for 2014** **Page 13-30**
  - 5-d. Ordinance No. O-14-025 on Its Second Reading Amending Chapter 12, Health and Sanitation, Article II, Cleanliness of Premises, of the Code of Ordinances of the City of Brenham, Texas** **Page 31-34**

- 5-e. **Ordinance No. O-14-026 on Its Second Reading Repealing Chapter 25, Article III, Division 2, Section 25-57, Reserved Parking, of the Code of Ordinances of the City of Brenham, Texas** **Page 35-37**

#### **WORK SESSION**

6. **Presentation of the Third Quarter Report by the Washington County Convention and Visitors Bureau** **Page 38-39**
7. **Discussion Regarding the FY2014-15 Street Rehabilitation and Program of Work** **Page 40-44**

#### **PUBLIC HEARING**

8. **Public Hearing, Discussion and Receipt of Input Related to the Proposed Creation of Reinvestment Zone Number 40 Requested by Independence Coffee Company, LLC for Commercial-Industrial Tax Phase-In Incentive on a Certain Tract of Land Containing 1.40 Acres, More or Less, Being Located at 321 South Baylor Street, Brenham, Texas, with Boundaries Further Described in Exhibit "A" of the Ordinance Creating Reinvestment Zone Number 40, and Designating This Property as Qualifying for Tax Phase-In** **Page 45-65**

#### **REGULAR AGENDA**

9. **Discuss and Possibly Act Upon an Ordinance on Its First Reading for the Creation of Reinvestment Zone Number 40 Requested by Independence Coffee Company, LLC for Commercial-Industrial Tax Phase-In Incentive on a Certain Tract of Land Containing 1.40 Acres, More or Less, Being Located at 321 South Baylor Street, Brenham, Texas, with Boundaries Further Described in Exhibit "A" of the Ordinance Creating Reinvestment Zone Number 40, and Designating This Property as Qualifying for Tax Phase-In** **Page 66-88**
10. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the FY2013-14 Adopted Budget** **Page 89-92**
11. **Discuss and Possibly Act Upon Authorization to Sell the Brenham Fire Department's Jaws of Life Tools and Power Units and Designate the Proceeds as Matching Funds for the Purchase of New Jaws of Life Tools and Power Units and Authorize the Mayor to Execute Any Necessary Documentation** **Page 93-94**

**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.

## 12. 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 August 21, 2014 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 August 18, 2014 at **12:05 PM**.

*Amanda Klehm*

Deputy 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 \_\_\_\_\_, 2014 at \_\_\_\_\_ AM PM.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

# *PROCLAMATION*

**WHEREAS**, libraries are an essential service for the nation's children;

**WHEREAS**, libraries bridge the digital divide by providing a full range of information and services to children and adult learners;

**WHEREAS**, libraries offer free access to important educational resources for all ages and types of learners;

**WHEREAS**, libraries continue to evolve and expand their services in ways that bring value to their communities;

**WHEREAS**, the library card is the most important school supply of all;

**WHEREAS**, the Nancy Carol Roberts Memorial Library has joined with the American Library Association and public libraries nationwide to promote the importance of a library card;

**NOW, THEREFORE** I, Milton Y. Tate Jr., Mayor of the City of Brenham, Texas do Hereby Proclaim September as

## **Library Card Sign-Up Month**

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

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Milton Y. Tate Jr., Mayor  
City of Brenham

## **Brenham City Council Budget Workshop Minutes**

A special budget workshop meeting of the Brenham City Council was held on July 21, 2014 beginning at 8:30 a.m. in the Brenham City Hall in Conference Room 2-A, at 200 W. Vulcan Street, Brenham, Texas.

### Council 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

### Council members absent:

Councilmember Weldon Williams, Jr.

### City staff members present:

City Manager Terry Roberts, City Secretary Jeana Bellinger, Chief Financial Officer Carolyn Miller, Stacy Hardy, Kaci Konieczny, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Development Services Director Julie Fulgham, Jennifer Eckermann, Public Works Director Dane Rau, Public Utilities Director Lowell Ogle, Debbie Gaffey, and Grant Lischka

### Citizens present:

None

### Media Present:

Arthur Hahn, Brenham Banner Press

- 1. Call Meeting to Order**
- 2. FY 2014-15 Budget Workshop Discussions**

City Manager Terry Roberts welcomed Council and stated Staff is expecting flat revenues for the General Fund in FY15 with modest sales tax growth, and stable growth in property values. Roberts explained that sales tax has fallen 3% below prior year actual and will not meet FY14 budget projections. Roberts advised the primary revenue drivers in the General Fund in the FY15 Proposed Budget include modest growth in sales tax, stable growth in property valuations, decline in utility franchise tax, and maintain court fines and fees.

Roberts stated several factors contributed to the positive position of the General Fund, which include:

- Use of \$88,248 of the FY14 General Fund ABNR (Above Budget Net Revenues)
- Close-out of Medical Self Insurance Fund and transfer remaining balance of \$88,234 to General Fund
- Transfer a portion of excess Worker's Comp Fund balance (General Fund portion) of \$190,500 to General Fund (utility funds portion equals \$80,400)
- FY15 positive revenues over expenditures of \$210,018 (prior to impact of Budget Priority #2)

Roberts advised that General Fund Capital only totaled \$577,000. Roberts explained the preliminary estimates at the time of the budget preparation from Chief Appraiser, Willy Dilworth, was a decrease in the effective tax rate of \$0.0885 based on the transfer of \$957,273. Roberts stated there will need to be an adjustment for the decrease for the lost revenue from the County for shared services which totals \$106,252 or \$0.0100 for a net impact of just under eight cents (\$0.0785). Roberts advised the new tax rate will be \$0.3847.

Roberts explained that Staff has included a projected 10% increase in premiums for FY15. Roberts stated this projection is based on medical inflation and the uncertainty of costs associated with the Affordable Care Act. Roberts advised this increase is already included in the departmental salary budgets with the General Fund portion being \$202,104 and the utility funds portion being \$90,736. Roberts stated traditionally, the City's retirees were responsible for the full premium for medical insurance coverage; however, in the FY14 budget, Council approved a \$100 per month subsidy for the "employee only" coverage and a \$200 per month subsidy for "employee and spouse" coverage. Roberts explained this subsidy is again being included in the proposed FY15 budget for eight (8) retirees and one retiree with spouse coverage.

Roberts stated the FY15 budget includes step increases in the General Fund totaling \$90,685 and utility funds totaling \$26,958. Roberts explained unfortunately with the flat General Fund revenues and declining utility revenues, Staff did not include a COLA for City employees in the FY15 budget.

Roberts advised in fiscal year 2014, the City is receiving "one-time" money from the County for the period of January through September 2014 of approximately \$371,359 that was not budgeted.

Roberts explained the debt service payments for the first two year's payment on these new shared facilities, New Animal Shelter Facility and Renovation and Expansion of Library Facility, will come from the "one-time" money. Roberts stated the City is completing the design phase and will begin construction phase in FY15.

Roberts explained that it is important that the City tries to maintain a competitive electric rate. Roberts advised that on the distribution side, the budget includes spending on technology in an effort to slow down growth in operational costs by becoming more efficient in areas, such as, metering, outage management and customer service. Roberts stated that on the generation side, the City continues to monitor LCRA's generation and transmission charges relative to other wholesale providers.

Roberts explained the outlook for the next three to four years is for natural gas prices to remain fairly stable with some forecasts anticipating a slight drop in prices once inventories return to pre-winter levels. Roberts advised the cost of heating homes and businesses and using natural gas to power appliances is much cheaper than electricity and propane.

Roberts stated the recent drought has been a catalyst to a change in attitude on water conservation across the state. Roberts explained state owned water sources are now making water right holders account for every drop of water taken into their systems in an effort to control water loss, which, in turn, puts pressure on water distribution systems to reduce water waste. Roberts advised the drought has also raised awareness of the need to replace 40 miles of aging AC (asbestos-cement) water pipe in the distribution system. Roberts explained with water conservation a primary object, AC pipe replacement has become a budget priority. Roberts stated the FY15 budget includes \$400,000 for the systematic replacement of AC water lines by outside contractors. Roberts stated one method some cities have used to reduce water usage is by taking treated wastewater and using this non-potable water for irrigation. Roberts advised the budget also includes funds for the feasibility of rehabilitation of one of the old City wells as an emergency only source of water.

Roberts advised the budget priority for the Wastewater Fund is financial stability which can only be achieved by reducing costs and raising rates. Roberts stated the Wastewater Fund is saddled with the debt of the 13 year old treatment plant renovation and expansion. Roberts explained the debt payment increases approximately \$140,000 in FY15 and remains at that level for seven years when the debt is finally paid off. Roberts explained the departure of Mount Vernon Mills left the City with unplanned excess plant capacity and a permanent revenue shortfall. Roberts stated the City immediately responded to Mount Vernon Mills' departure by cutting costs in personnel and plant operations. Roberts advised for the FY15 budget, personnel costs have again been cut with the elimination of one position. Roberts explained a rate increase of \$1.00 per customer per month is necessary to cover the debt payment increase in FY15.

Roberts stated the Public Utilities is trying to migrate to a more proactive compliance approach through the implementation of internal audit programs designed to enhance system controls and mitigate system risk. Roberts explained record automation using electronic data capture in forms on tablets is an important component of the program as distribution system integrity can be measured by "failures", such as, the number of gas leaks, the magnitude of unaccountable water loss, the number of mercury hits at the wastewater treatment plant, and the amount and duration of electric system outages. Roberts advised regulatory initiatives have exploded over the past ten years putting utility systems under increased scrutiny by federal and state agencies. Roberts stated public safety and system accountability are big drivers of the change.

Roberts advised the budget priority for the Sanitation Fund is to identify a landfill replacement for Sunset Farms in Austin which will be closing November 2015. Roberts explained the City will begin looking for a new landfill beginning the first of the year. Roberts stated the disposal fees may be higher at the landfill selected which could raise rates in FY15.

Roberts explained that public parks are the economic engine that drives tourism in many communities. Roberts stated the City of Brenham offers first class facilities that appeal to both residents and visitors. Roberts explained the BCDC continues to support aquatics, parks and recreation projects within the City. Roberts stated BCDC has committed resources to begin construction of the access to the new future Brenham Family Park. Roberts stated expenditures include infrastructure costs related to paving and drainage improvements and materials for water and wastewater improvements.

Roberts stated by the City Council policy adopted at the inception of the 4B sales tax in the late 1990's, 35% of the BCDC funds are allocated for economic development activities. Roberts advised the BCDC maintains the Brenham Business Center and Phase III of the Southwest Industrial Park.

Roberts advised that the Community Services funding allocations were increased by 3% for FY15 over FY14 allocations. Roberts explained the City collects a 7% hotel occupancy tax from lodging properties within the city limits with the County also collecting 7% from lodging properties located within the County, but not within the City. Roberts stated for FY15, the revenues are projected to be \$575,000 for the City and \$90,000 for the County.

Roberts stated when the sale of the City's 205 acre Chappell Hill property being finalized next month, the City will receive an estimated \$1.43 million in proceeds.

Roberts explained the debt projects for Council consideration, which are not funded in FY15 Proposed Budget, which include:

- New Fire Substation – total estimated cost of \$2.18 million
- Increase Funding for Street Maintenance Program - \$270,000 in addition to the current \$135,000 in Street Department budget
- Lease purchase of Asphalt Mixer - \$35,000 per year for 5 years

Roberts advised the FY15 Proposed Budget authorizes \$72.9 million in expenditures, net of inter-fund transfers, compared to a budget of \$63.8 million for FY14. Roberts explained the increase of \$9.0 million is largely attributable to budgeted expenditures of \$3.6 million in the 2014 Capital Projects Fund for the construction projects of the Library and Animal Shelter and transfers out of \$0.8 million in the Donations Fund related to these projects.

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Jeana Bellinger, TRMC  
City Secretary

## **Brenham City Council Budget Workshop Minutes**

A special budget workshop meeting of the Brenham City Council was held on July 24, 2014 beginning at 8:30 a.m. in the Brenham City Hall in Conference Room 2-A, at 200 W. Vulcan Street, Brenham, Texas.

### Council 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

### Council members absent:

Councilmember Weldon Williams, Jr.

### City staff members present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Secretary Jeana Bellinger, Chief Financial Officer Carolyn Miller, Stacy Hardy, Kaci Konieczny, Fire Chief Ricky Boeker, Deputy Fire Chief Alan Finke, Police Chief Rex Phelps, Billy Rich, Amanda Carker, and Development Services Director Julie Fulgham

### Citizens present:

None

### Media Present:

None

- 1. Call Meeting to Order**
- 2. FY 2014-15 Budget Workshop Discussions**

City Manager Terry Roberts welcomed Council and the value of property on the tax roll is slightly lower now than the numbers used in the first version of the budget. Roberts explained the budget impact is a loss of property tax revenues to the General Fund of \$15,710.

Roberts stated the adjusted budget for Communications for FY15 is \$965,284. Roberts explained transferring the Communications Department provides slightly more savings than the FY14 budget number of \$957,273; therefore, the City will be actually reducing the General Fund expenditures for Communications in FY15 by slightly more than \$957,273. Roberts advised the impact of the transfer of Communications before any offsetting adjustment for lost revenue is \$0.0886 with the original number being \$0.0885.

Roberts explained a potential debt service project under consideration is the acquisition of a road mixer for the Street Department through a lease/purchase. Roberts stated the City Council has appeared very supportive of finding a way to undertake more street work with the city forces and city equipment. Roberts advised the City is able to finance it within the current Debt Service tax rate and still have the ability to shift 3/10<sup>th</sup> of a cent of the debt service rate to the O&M rate, which provides \$32,403 to the General Fund without affecting the total of the tax rate.

Roberts advised in the original budget message, Staff used a one cent offset to account for the lost revenue from the Animal Shelter; however, the one cent offset to the tax rate does not do justice to the true amount of lost County revenue. Roberts explained the one cent adjustment or offset that is already factored into the budget adequately addresses lost Animal services revenue; however, it never accounted for the lost revenue from Fire and Library services. Roberts stated the Council has the ability to capture the lost revenue for Fire and Library and still stay below the rollback tax rate. Roberts explained that instead of adjusting the tax rate by one cent, it would be more appropriate to adjust it by 1 and 2/3<sup>rd</sup> cents. Roberts advised the additional 2/3<sup>rd</sup> cent adjustment will increase the General Fund revenues by \$72,367. Roberts explained that instead of a drop of 7.85 cents, this change would lower the tax rate by 7.19 cents and will remain below the rollback tax rate. Roberts stated that making those adjustments will result in a drop of the property tax rate from \$0.5632 to \$0.4913, which is a reduction of 13%.

Roberts stated originally Staff did not include consideration of a cost of living adjustment for the City's employees although it is a worthwhile initiative. Roberts explained Staff was reluctant to make the recommendation at first because Staff did not want to exceed the property tax rollback rate; however, the items that were addressed provided some capacity to consider a 2% COLA or pay scale adjustment. Roberts explained the General Fund budget as presented has \$577,000 in capital expenditures with only 36% of the capital (\$210,018) being funded out of the current revenues of the budget. Roberts advised the other 64% of General Fund capital spending (\$366,982) comes from one time sources and the General Fund is only balanced with the use of the one-time resources. Roberts explained the new revenues added to the budget, gives Council the option to consider a small cost of living adjustment or it can allow Council to balance the General Fund with less dependence on one time resources to fund capital needs for the General Fund.

Roberts explained a key to hiring and retaining good people is for the City to maintain a competitive wage rate. Roberts stated while the City undertakes a compensation study about every five years, it is important to keep the pay plan in the market. Roberts advised that this is achieved with consideration of an adjustment at least every two and not more than three years. Roberts explained the General Fund impact of a 2% pay scale adjustment is \$115,602.

Roberts stated a fire substation has a projected capital cost of \$2.18 million, but will also have operating cost to Staff and operate the facility. Roberts advised that the City does not have the capacity within the rollback tax rate to fund this project at this time. Roberts explained that the Council can place this project before the voters in May 2015 to issue certificates of obligation or defer the project to a vote until May 2017.

Roberts explained the current Street Department funding for the street rehabilitation program is \$135,000 which provides for one mile of major street maintenance work. Roberts stated Council can increase the scope of the City's work with an additional \$200,000 to \$250,000 each year in street rehab money and still maintain existing staffing levels. Roberts explained one funding recommendation is General Fund reserves or the proceeds from the sale of the 205 acres of land in Chappell Hill. Roberts advised Council could issue some additional debt now which would increase taxes, but the City would also have the ability to utilize cash reserves for the next several years to take on the larger rehab program. Roberts explained an allocation of \$200,000 of additional street rehab money each year would make a substantial impact on upgrading the quality of the City's streets. Roberts stated the road mixer can be leased/purchased within the existing tax rate and the City's staff level in the Street Department is sufficient to take on the additional rehabilitation work.

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Jeana Bellinger, TRMC  
City Secretary

**ORDINANCE NO. O-14-023**

**AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 23, SUBDIVISIONS, SECTION 23-26, FILING FEES, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, FOR THE PURPOSE OF PROVIDING FOR THE ADOPTION OF FEES; PROVIDING FOR A REPEALER AND SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND OPEN MEETINGS**

**WHEREAS**, pursuant to Texas Local Government Code, Section 51.001, the City has the authority to adopt ordinances and regulations that are for good government, peace and order of the City; and

**WHEREAS**, in order to enhance, promote and protect the health, safety and general welfare of the citizens of Brenham, Texas the City Council must from time to time amend and/or adopt new regulations; and

**WHEREAS**, the City Council desires to amend or modify the adoption of fees within Chapter 23, Subdivisions, of the Code of Ordinances; and

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

**SECTION 1.**

Section 23-26, Filing Fees, within Chapter 23, Subdivisions, of the Code of Ordinances of the City of Brenham, Texas, is hereby amended to read as follows:

**Sec. 23-36. Filing fees.**

Required fees and charges shall be paid into the general fund of the city when any map or plat is tendered to the city secretary, and each of the fees and charges shall be paid in advance, and no action of the city planning commission or any other board or agency shall be valid until the fee shall have been paid. The city secretary, deputies or assistants shall calculate the fees and charges for the filing of preliminary plats, final plat, replats, minor plats, plat vacations, plat corrections and variances in accordance with the schedule for fees and charges that shall be established by resolution of the city council from time-to-time. Fees shall be charged on all plats regardless of the action taken by the city planning commission. The subdivider shall cause a check to be made payable to the county clerk to cover all recording fees involved in finishing the platting process and have this delivered to the secretary of the planning commission.

**SECTION 2.**  
**SAVINGS CLAUSE**

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

**SECTION 3.**  
**SEVERABILITY**

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

**SECTION 4.**  
**REPEALER**

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

**SECTION 5.**  
**EFFECTIVE DATE**

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

**SECTION 6.**  
**PROPER NOTICE AND MEETINGS**

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

**PASSED and APPROVED** on its first reading this the 7<sup>th</sup> day of August, 2014.

**PASSED and APPROVED** on its second reading this the 21<sup>st</sup> day of August, 2014.

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Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

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Jeana Bellinger, TRMC  
City Secretary

**ORDINANCE NO. O-14-024**

**AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, ADOPTING A REVISED DROUGHT CONTINGENCY PLAN AND WATER CONSERVATION PLAN, ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Brenham, Texas recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought; and

**WHEREAS**, the City recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes; and

**WHEREAS**, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a drought contingency plan; and

**WHEREAS**, as authorized under applicable law, and in the best interests of the citizens of Brenham, Texas, the City Council deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies, and to revise and update said rules and policies;

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

**SECTION 1.** That the City of Brenham, Texas Drought Contingency Plan and Water Conservation Plan, as revised, attached hereto as Exhibit “A” and Exhibit “B” respectively and made part hereof for all purposes be, and the same are hereby adopted as official regulations of the City.

**SECTION 2.** That all ordinances that are in conflict with the provisions of this Ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 3.** Should any paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

**SECTION 4.** This Ordinance shall take effect immediately from and after its passage and publication, as the law

**PASSED AND APPROVED,** on its first reading at the meeting of the City Council held on this the 7<sup>th</sup> day of August, 2014.

**PASSED AND APPROVED,** on its second reading at the meeting of the City Council held on this the 21<sup>st</sup> day of August, 2014

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Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

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Jeana Bellinger, TRMC  
City Secretary

## **EXHIBIT “A”**

### **CITY OF BRENHAM DROUGHT CONTINGENCY PLAN**

September 1999, Revised July 2001, Revised August 2005, Revised April 2011, Reviewed April, 2014,  
Revised July, 2014

#### **I. INTRODUCTION**

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Brenham (the City) hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of this plan.

#### **II. PUBLIC INVOLVEMENT**

Opportunity for the public to provide input into the preparation of the Plan was provided by the City by means of providing public notice in a newspaper of general circulation and public hearing to accept input on the Plan.

The City will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage.

#### **III. NOTIFICATION**

Public notification of the initiation or termination of drought response stages shall be by publication in a newspaper of general circulation, utility bill inserts, public service announcements, signs posted in public places, or other means as determined by the City.

When mandatory restrictions are enacted (Stages 2-6), the City shall notify the TCEQ directly.

#### **IV. COORDINATION WITH REGIONAL WATER PLANNING GROUPS**

The service area of the City is located within the Region G Water Planning Group and the City has provided a copy of this Plan to the Region G Water Planning Group.

## V. AUTHORIZATION

The Mayor, or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The Mayor, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

## VI. APPLICATION

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City. The terms “person” and “customer” as used in the Plan include individuals, corporations, and partnerships, associates, and all other legal entities.

## VII. DEFINITIONS

For the purposes of this Plan, the following definitions shall apply:

- A. Aesthetic water use: water use for the ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.
- B. Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.
- C. Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.
- D. Customer: any person, company, or organization using water supplied by the City.
- E. Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.
- F. Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.
- G. Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.
- H. Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

- I. Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:
1. irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
  2. use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
  3. use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced area;
  4. use of water to wash down buildings or structures for purposes other than immediate fire protection;
  5. flushing gutters or permitting water to run or accumulate in any gutter or street;
  6. use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
  7. use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
  8. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
  9. use of water from hydrants for construction purposes or any other purposes other than fire fighting.
- J. Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

## **VIII. TRIGGERING CRITERIA**

The City shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. The triggering criteria described below are based on known system capacity limits.

### **Stage 1 – Mild**

- A. Requirements for initiation (Voluntary) – Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water provided in Section IX of this Plan when the demand on the water supply facilities reaches or exceeds eighty percent (80%) of the capacity of such facilities for a period of three (3) consecutive days.

B. Requirements for termination – Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

C. Goal – The target for Stage 1 of the Plan is to reduce and maintain daily water demand below 80% of system capacity.

### **Stage 2 – Moderate**

A. Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when the demand on the water supply facilities reaches or exceeds eighty-five percent (85%) of the capacity of such facilities for a period of three (3) consecutive days.

B. Requirements for termination – Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

C. Goal - The target for Stage 2 of the Plan is to reduce daily water demand below 85% of system capacity.

### **Stage 3 – Severe**

A. Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when the demand on the water supply facilities reaches or exceeds ninety percent (90%) of the capacity of such facilities for a period of three (3) consecutive days.

B. Requirements for termination – Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

C. Goal – The target for Stage 3 of the Plan is to reduce daily water demand below 90% of system capacity.

### **Stage 4 – Critical**

A. Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when the demand on the water supply facilities reaches or exceeds ninety-five percent (95%) of the capacity of such facilities for a period of three (3) consecutive days.

B. Requirements for termination – Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

C. Goal – The target for Stage 4 of the Plan is to reduce daily water demand below 95% of system capacity.

### **Stage 5 – Emergency**

A. Requirements for initiation – Customers shall be required to comply with the requirements and restrictions provided in Section IX of this Plan when a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
2. Natural or man-made contamination of the water supply source(s).

B. Requirements for termination – Stage 5 of this Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

C. Goal – The target for Stage 5 of the Plan is to discontinue all water systems operations.

### **Stage 6 – Water Allocation**

Water allocation is not included in the Plan at this time. The City will most likely be constrained by system capacity before shortage of supply.

## **IX. DROUGHT RESPONSE STAGES**

The City, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that a water shortage condition exists and shall implement the following stages of the Plan.

### **Stage 1 Response – Mild**

#### Water Use Restrictions (Voluntary):

B. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes

only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.

- C. All operations of the City shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
- D. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

### **Stage 2 Response – Moderate**

Water Use Restrictions: Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- B. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for customers with a street address ending in an odd number (1, 3, 5, 7, or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- C. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- D. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.
- E. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- F. Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that

use of water from designated fire hydrants for construction purposes may be allowed under special permit from the city.

- G. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City, the facility shall not be subject to these regulations.
- H. All restaurants are prohibited from serving water to patrons except upon request of the patron.
- I. The following uses of water are defined as non-essential and are prohibited:
  - 1. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
  - 2. use of water to wash down buildings or structures for purposes other than immediate fire protection;
  - 3. use of water for dust control;
  - 4. flushing gutters or permitting water to run or accumulate in any gutter or street; and
  - 5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

### **Stage 3 Response – Severe**

Water Use Restrictions: All requirements of Stage 2 shall remain in effect during Stage 3 except:

- A. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
- B. The watering of golf course greens, tees, and fairways is prohibited unless the golf course utilizes a water source other than that provided by the City.
- C. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

## **Stage 4 Response – Critical**

Water Use Restrictions: All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- A. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
- B. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.
- C. The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.
- D. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- E. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

## **Stage 5 Response – Emergency**

Water Use Restrictions: All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

- A. Irrigation of landscaped areas is absolutely prohibited.
- B. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

## **Stage 6 Response – Water Allocation**

Water allocation is not included in the Plan at this time. The City will most likely be constrained by system capacity before shortage of supply.

## **X. ENFORCEMENT**

- J. No person shall knowingly or intentionally allow the use of water from the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the City, in accordance with provisions of this Plan.
- K. Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not more than two thousand dollars (\$2,000). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the City shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge and any other costs incurred by the City in discontinuing service. In addition, suitable assurance must be given to the City that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
- L. Any person, including a person classified as a water customer of the City, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonable known of the violation.
- M. Any police officer or other designated City employee, may issue a citation to a person he/she reasonably believes to be in violation of this Plan. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over fourteen (14) years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant.

## **XI. VARIANCES**

The City may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- A. Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- B. Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the City within five (5) days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City and shall include the following:

- A. Name and address of the petitioner(s).
- B. Purpose of the water use.
- C. Specific provisions(s) of the Plan from which the petitioner is requesting relief.
- D. Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if the petitioner complies with this Plan.
- E. Description of the relief requested.
- F. Period of time for which the variance is sought.
- G. Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- H. Other pertinent information.

Variances granted by the City shall be subject to the following conditions, unless waived or modified by the City:

- A. Variances granted shall include a timetable for compliance.
- B. Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

## **XII. SEVERABILITY**

It is hereby declared to be the intention of the City that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the City without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

## **EXHIBIT “B”**

### **CITY OF BRENHAM WATER CONSERVATION PLAN**

September 1999, Revised July 2001, Revised August 2005, Revised April 2011

#### **I. INTRODUCTION**

The City of Brenham (The City) obtains its water supply by surface water from Lake Somerville. The City has carried out water conservation efforts through public information and education, plumbing retrofit and conservation rates. The objective of this Water Conservation Plan (The Plan) is to improve the efficiency in the use of water through practices and techniques that will reduce the consumption of water, reduce the loss of water, and increase the reuse of water so that a water supply is made available for future uses.

#### **II. SERVICE AREA DESCRIPTION**

The service area of the City water system is the area within the City Limits of Brenham, Texas, and some small areas just outside the City Limits. Water is also delivered through the system to the Brenham State School, where it is distributed through the State School's private water distribution system. The City provides both water and wastewater services to customers within its service area. If the City contracts to sell water to other utilities, such contracts will require that the respective customer agree to comply with this Plan or have a Texas Water Development Board or Texas Commission on Environmental Quality approved Water Conservation Plan

#### **III. WATER CONSERVATION BENEFITS**

Many communities throughout the United States have used conservation measures to successfully cope with various water and wastewater problems. Reductions in water use of as much as twenty-five percent (25%) or more have been achieved, while the normal range is from five to fifteen percent (5-15%). As a result of reduced water use, wastewater flows have also been reduced by five to ten (5-10%) percent. There are many benefits to water conservation, including:

- A. Reduced capital and operating costs for water and wastewater systems;
- B. Delaying the time when new water or wastewater systems must be built;
- C. Reduced demand on limited supplies, thus making these supplies available for future use;
- D. Reduced peak demand on water treatment and distribution systems;

- E. Drought-proofing water systems so that rationing, such as restrictions on lawn watering, can be avoided or the need for such measures reduced;
- F. Reduced wastewater flows to overloaded wastewater treatment facilities and reduced potential for water pollution;
- G. Enhanced potential to continue certain economic activities, such as agricultural irrigation, in the face of declining or limited water supplies; and
- H. Significant dollar savings to the state's citizens through both reduced water use and associated reductions in energy use.

#### **IV. WATER CONSERVATION GOALS**

The City of Brenham will continue existing water conservation policies and increase its emphasis on water conservation measures in order to reduce per capita water use by 16 percent (16%) by the year 2020 (See Exhibit A attached). These efforts are necessary in order to ensure existing supplies will be sufficient to meet the needs of the City as its population increases. The specific water conservation goals are as follows:

- A. Continue the distribution of water conservation information to the citizens;
- B. Provide information to the public on the effects of xeriscape landscaping and the use of native plants and grasses to reduce lawn water demands;
- C. Continue the testing, repair, and replacement of water meters as well as implement leak detection efforts in order to reduce unaccounted for water to below 15 percent (15%);
- D. Continue the use of increasing block water and wastewater rates to discourage high usage; and
- E. Continue the City's active involvement with the Brazos River Authority in the development of Demand Management Plans.

#### **V. MEASUREMENT AND ACCOUNTING FOR WATER DELIVERIES**

The City meters the quantity of water that is delivered to each residential and commercial customer, and to all public uses except for a few of the City park facilities. An effort is currently being made to meter these remaining un-metered City facility sites. Meters are read and the quantities are recorded once per month, with billings made monthly for residential and commercial customers.

#### **VI. WATER CONSERVATION PLAN**

The Water Conservation Plan elements are described below.

## **A. Public Information and Education**

The City will:

1. Designate a City staff member to assist other City staff in carrying out the City's water conservation programs;
2. Make water conservation presentations at institutions, organizations, and groups;
3. Conduct or sponsor exhibits on water conservation and water saving devices to promote water conservation and efficiency;
4. Provide and distribute water conservation brochures to citizens. Materials are available from the Texas Agriculture Extension Service and the Texas Water Development Board.
5. Work in cooperation with builders, developers and governmental agencies to provide exhibits of xeriscape landscaping;
6. Work in cooperation with schools to establish an education program and provide conservation videos, brochures, and teaching aids;
7. Issue press releases on water conservation tips;
8. Issue public service announcements for use by local news media;
9. Make the City's conservation rules available to the public;
10. Provide water conservation information to new water and wastewater customers at the time service is established;
11. Continue City Staff distribution of water conservation information through the Chamber of Commerce.
12. Continue City staff attendance and participation in water conservation program training offered by state agencies and professional organizations; and
13. Ask the public to voluntarily cut back on lawn watering to no more than once every five (5) days with no more than one inch (1") of water at a time. To avoid evaporation, water before 10 a.m. or after 8 p.m. If it rains more than one inch (1"), wait for (5) days to water.

## **B. Water Conservation Plumbing Fixtures**

The City has adopted the 2003 International Plumbing Code which encourages the use of water conserving plumbing fixtures for residential and commercial construction. In 1991, the Texas Legislature passed legislation requiring that plumbing fixtures sold in Texas after January 1, 1992 meet the following standards:

1. Shower heads: No more than 2.75 gallons per minute at 80 pounds per square inch of pressure.
2. Lavatory/Sink Faucets and Aerators: no more than 2.2 gallons per minute at 60 pounds per square inch of pressure.
3. Wall Mounted, Flushometer Toilets: No more than 2.0 gallons per flush.
4. All Other Toilets: No more than 1.6 gallons per flush.
5. All Urinals: No more than 1.0 gallons per flush.
6. Drinking Water Fountains: Must be self-closing.

The above standards are enforced through requirements placed directly on the manufacturers, importers, and suppliers of new fixtures in Texas. In addition, the City encourages the following water conservation measures:

1. Copper water distribution lines are to be a minimum of Schedule L and must be sleeved with an eighty (80) psi continuous flexible poly pipe.
2. All water piping on exterior lines to be protected from freezing.

New plumbing fixtures that replace or renovate existing plumbing fixtures should follow the residential and commercial construction requirements.

#### **C. Water Conservation Retrofit Program**

Retrofit of existing plumbing fixtures is being accomplished through the voluntary efforts of individual consumers and business operators. There is currently no rebate program for the replacement of existing commodes with low flush models.

#### **D. Water Conservation Oriented Rates**

The Brenham City Council has adopted a rate structure which is cost-based and does not encourage the excessive use of water (See Attachment A, Rate Schedule).

#### **E. Metering and Meter Repair and Replacement**

The City meters the amount of water diverted from the source of supply (Lake Somerville) with metering devices which have an accuracy of plus or minus 5.0%. These metering devices are tested annually to insure accuracy.

The City meters all water sales and most public uses, and operates a meter replacement program with the objective of replacing all meters that have been in service longer than fifteen (15) years. Major commercial meters are tested annually and replaced as necessary.

## **F. Water Conserving Landscape**

The City encourages and supports the use of xeriscape landscaping techniques and will be available to offer information and make presentations at public meetings on water conserving landscaping and lawn watering methods.

## **G. Leak Detection and Water Audits**

When leaks are found, repairs are made as soon as possible. The City plans to implement a scheduled leak detection plan in which the entire distribution system is surveyed every four (4) years.

An annual audit of the water system is performed to determine illegal connections sources or other areas of unaccounted-for uses of water.

## **H. Wastewater Reuse and Recycling**

The City does currently reuse treated wastewater for certain spray wash functions at the wastewater treatment plant and uses mechanical chemical induction devices instead of water for its chlorine feed.

## **I. Water Record Management System**

The City maintains a record management system that records water pumped, water deliveries, water sales and water losses, which allows for the desegregation of water sales and uses into the following to (2) user classes.

1. Residential
2. Commercial

The City will begin the process of transforming the system to allow for the desegregation of water sales and uses into the following four (4) user classes:

1. Residential
2. Commercial
3. Public and institutional
4. Industrial

## **VII. IMPLEMENTATION AND ENFORCEMENT**

The Mayor or his /her designee is hereby authorized and directed to implement and enforce the applicable provisions of this Plan.

**ORDINANCE NO. O-14-025**

**AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING CHAPTER 12, HEALTH AND SANITATION, ARTICLE II, CLEANLINESS OF PREMISES, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, CONCERNING THE ADMINISTRATIVE HEARING PROCESS AND ASSESSMENT OF EXPENSES AND LIENS; PROVIDING FOR A REPEALER AND SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND OPEN MEETINGS**

**WHEREAS**, pursuant to Texas Local Government Code, Section 51.001, the City has the authority to adopt ordinances and regulations that are for good government, peace and order of the City; and

**WHEREAS**, in order to enhance, promote and protect the health, safety and general welfare of the citizens of Brenham, Texas the City Council must from time to time amend and/or adopt new regulations; and

**WHEREAS**, the City Council desires to amend or modify certain provisions related to the administrative hearing process and assessment of expenses and liens outlined in Chapter 12, Article II, Cleanliness of Premises, of the Code of Ordinances; and

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

**SECTION 1.**

Chapter 12, Section 12-9, Notice to property owners, Subsections 12-9(c)(4) and (d), of the Code of Ordinances of the City of Brenham, Texas, are hereby amended to read as follows:

**Sec. 12-9. Notice to property owners.**

...

(c) The notice shall inform the owner:

...

(4) An explanation of the property owner's right to request an administrative hearing before the municipal court judge about the city's abatement of the nuisance.

(d) The city shall conduct an administrative hearing on the abatement of nuisance under this section if, not later than the tenth calendar day after the date of the notice of the nuisance, the property owner files with the municipal court clerk a written request for a hearing.

**SECTION 2.**

Chapter 12, Section 12-11, Assessment of expenses; lien, Subsection 12-11(a), of the Code of Ordinances of the City of Brenham, Texas, is hereby amended to read as follows:

**Sec. 12-11. Assessment of expenses; lien.**

(a) To obtain a lien against the property, the mayor, health officer or other city official designated by the mayor shall file a statement of expenses, including administrative expenses with the county clerk. The lien statement must state the name of the owner, if known, the physical address of the property, and the legal description of the property. The city secretary shall prepare the lien statement and any other document(s) required for perfecting the lien. The lien attaches upon the filing of the lien statement with the county clerk.

**SECTION 3.**

Chapter 12, Section 12-12, Additional authority of city to abate dangerous weeds, Subsections 12-12(c)(4) and (d), of the Code of Ordinances of the City of Brenham, Texas, are hereby amended to read as follows:

**Sec. 12-12. Additional authority of city to abate dangerous weeds.**

...

(c) The notice shall contain:

...

(4) An explanation of the property owner's right to request an administrative hearing before the municipal court judge regarding the city's abatement of the weeds.

(d) The city shall conduct an administrative hearing on the abatement of weeds under this section if, not later than the thirtieth calendar day after the date of the notice of the abatement of the weeds, the property owner files with the municipal court clerk a written request for a hearing.

**SECTION 4.**  
**SAVINGS CLAUSE**

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

**SECTION 5.**  
**SEVERABILITY**

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

**SECTION 6.**  
**REPEALER**

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

**SECTION 7.**  
**EFFECTIVE DATE**

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

**SECTION 8.**  
**PROPER NOTICE AND MEETINGS**

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

**PASSED and APPROVED** on its first reading this the 7<sup>th</sup> day of August, 2014.

**PASSED and APPROVED** on its second reading this the 21<sup>st</sup> day of August, 2014.

---

Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

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Jeana Bellinger, TRMC  
City Secretary

**ORDINANCE NO. O-14-026**

**AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS REPEALING CHAPTER 25, ARTICLE III, DIVISION 2, SECTION 25-57, RESERVED PARKING, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS; PROVIDING FOR A REPEALER AND SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND OPEN MEETINGS**

**WHEREAS**, pursuant to Texas Local Government Code, Section 51.001, the City has the authority to adopt ordinances and regulations that are for good government, peace and order of the City; and

**WHEREAS**, in order to enhance, promote and protect the health, safety and general welfare of the citizens of Brenham, Texas the City Council must from time to time amend, repeal and/or adopt new regulations; and

**WHEREAS**, on June 9, 2009 the City Council passed Ordinance O-09-010 on second reading, to allow for the application, review and assignment of reserved parking spaces in the downtown area; and

**WHEREAS**, upon a recommendation of the Main Street Board, the assignment of reserved parking is hereby repealed; and

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

**SECTION 1.**

Chapter 25, Article III, Division2, Section 25-57 Reserved parking, of the Code of Ordinances of the City of Brenham, Texas, is hereby repealed and rescinded in its entirety.

**SECTION 2.**

Chapter 25, Article III, Division 2, Section 25-57 of the Code of Ordinances of the City of Brenham, Texas, shall be amended to read as follows:

**Sec. 25-57. RESERVED.**

**SECTION 3.**  
**SAVINGS CLAUSE**

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

**SECTION 4.**  
**SEVERABILITY**

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

**SECTION 5.**  
**REPEALER**

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

**SECTION 6.**  
**EFFECTIVE DATE**

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

**SECTION 6.**  
**PROPER NOTICE AND MEETINGS**

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

**PASSED and APPROVED** on its first reading this the 7<sup>th</sup> day of August, 2014.

**PASSED and APPROVED** on its second reading this the 21<sup>st</sup> day of August, 2014.

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Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

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Jeana Bellinger, TRMC  
City Secretary



## AGENDA ITEM 6

<b>DATE OF MEETING:</b> August 21, 2014	<b>DATE SUBMITTED:</b> August 14, 2014	
<b>DEPT. OF ORIGIN:</b> Convention and Visitors Bureau	<b>SUBMITTED BY:</b> Lu Hollander	
<b>MEETING TYPE: CLASSIFICATION: ORDINANCE:</b>		
<input checked="" type="checkbox"/> <b>REGULAR</b>	<input type="checkbox"/> <b>PUBLIC HEARING</b>	<input type="checkbox"/> <b>1<sup>ST</sup> READING</b>
<input type="checkbox"/> <b>SPECIAL</b>	<input type="checkbox"/> <b>CONSENT</b>	<input type="checkbox"/> <b>2<sup>ND</sup> READING</b>
<input type="checkbox"/> <b>EXECUTIVE SESSION</b>	<input type="checkbox"/> <b>REGULAR</b>	<input type="checkbox"/> <b>RESOLUTION</b>
<input checked="" type="checkbox"/> <b>WORK SESSION</b>		
<b>AGENDA ITEM DESCRIPTION:</b> Presentation of the Third Quarter Report by the Washington County Convention and Visitors Bureau		
<p><b>SUMMARY STATEMENT:</b> In an effort to be more cost efficient, a copy of the Washington County Convention and Visitors Bureau Third Quarter Report is not included in the agenda packet. However, a compact disc of this report will be distributed to Mayor and City Council Members.</p> <p>A complete copy of the Washington County Convention and Visitors Bureau Third Quarter Report is on file for review in the City Secretary's Office. A copy can also be downloaded from the Washington County Chamber of Commerce website at <a href="http://www.brenhamtexas.com">www.brenhamtexas.com</a>.</p> <p>If you are interested in obtaining a hard copy, please call the City Secretary at 979-337-7567</p>		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<p><b>A. PROS:</b></p> <p><b>B. CONS:</b></p>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A		
<b>ATTACHMENTS:</b> (1) 3 <sup>rd</sup> Quarter Report – Convention and Visitors Bureau		
<b>FUNDING SOURCE (Where Applicable):</b> N/A		
<b>RECOMMENDED ACTION:</b> Discussion Only		
<b>APPROVALS:</b> Terry K. Roberts		

# WCCC Convention & Visitors Bureau

Third Quarter Report: April – June 2014

## APRIL

### MAJOR TOURISM EVENTS:

- Chappell Hill Bluebonnet Festival
- Burton Cotton Gin Festival
- Blue Bell Fun Run

### ADVERTISING PLACEMENTS:

- *Texas Highways* - full page color co-op
- *Texas Town & City* magazine - ¼ page
- *Texas Monthly* magazine - 1/6 page
- *Texas Parks & Wildlife* magazine – 1/3 page

### EDITORIAL COVERAGE:

- *Austin Statesman* –“Country Charm” feature (Geiger)
- *calgarysun.com* – Brenham/Wash. County feature (Geiger)



## MAY

### MAJOR TOURISM EVENTS:

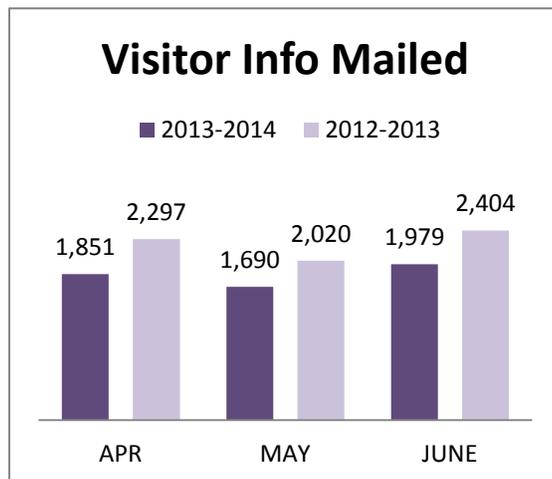
- Brenham Maifest
- “50 Miles to Harvest” Dinner
- Washington on the Brazos special presentations

### ADVERTISING PLACEMENTS:

- *Austin Monthly* – 1/4 page event listings
- *Edible Austin* – ad featuring local wines
- *Group Travel Leader* – 1/6 page

### EDITORIAL COVERAGE:

- *Southern Lady* magazine – 6-page photo feature about the area
- *Houstonia* magazine - travel feature includes our area



## JUNE

### MAJOR TOURISM EVENTS:

- Carnival at the Dog Park
- Round Top Music Festival
- “Much Ado About Nothing” at the Amphitheatre

### ADVERTISING PLACEMENTS:

- *Click2houston.com* – three-month web campaign
- *Dallas Drive* magazine– ½ page co-op with Main Street

### EDITORIAL COVERAGE:

- *RV Magazine* – Blue Bell and Brenham feature (Geiger)
- *Byways* digital magazine – Blue Bell and Brenham feature (Geiger)
- *Houston Chronicle* newspaper – Junk Gypsies includes mention of Brenham





**AGENDA ITEM 7**

<b>DATE OF MEETING:</b> August 21, 2014	<b>DATE SUBMITTED:</b> August 15, 2014	
<b>DEPT. OF ORIGIN:</b> Public Works	<b>SUBMITTED BY:</b> Dane Rau	
<b>MEETING TYPE: CLASSIFICATION: ORDINANCE:</b>		
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input checked="" type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss Regarding the FY2014-15 Street Rehabilitation and Program of Work		
<b>SUMMARY STATEMENT:</b> Please see attached memo from Public Works Director, Dane Rau.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
A. PROS:		
B. CONS:		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b> N/A		
<b>ATTACHMENTS:</b> (1) Memo from Public Works Director, Dane Rau; and (2) Master List and Map		
<b>FUNDING SOURCE (Where Applicable):</b> N/A		
<b>RECOMMENDED ACTION:</b> Discussion Only		
<b>APPROVALS:</b> Terry K. Roberts		



To: Mayor and City Council

CC: Terry Roberts, Kyle Dannhaus, Grant Lischka

From: Dane Rau

Subject: 2014 Planned Street Reconstruction

Date: 8/14/2014

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Mayor and City Council

The City of Brenham Street Department is very appreciative of Council's decision to fund additional street reconstruction for the next four years. This action was much needed and will raise the morale for both the Street Department staff and the citizens of Brenham. It will also improve the infrastructure of our town for many years to come.

Based on our 2013 Street Inventory, over 55% of our 81 miles of streets fall into the "Poor" and "Fair" category. It is our intent to improve those percentages by reconstructing approximately 2.5 miles of streets per year for the next four years or a value of \$360,000 per year. This compares to 1 mile of street work at \$135,000 in the current budget year. We have identified 14 sections of roadway that we would like to improve beginning on October 1, 2014. These streets were based on condition, location, square footage, and utilities. We strived to spread these improvements throughout the town so that each ward would receive an improved section of roadway. We have coordinated this list with Public Utilities and confirmed that no utility work other than unpreventable instances would occur for some time.

Attached you will see the overview of the projected areas. You will notice that one practice which we would like to follow in the future is to reconstruct roadways that have recently been improved by water improvement projects. As a best management practice, staff prefers to come back to these sections of roadway a year or two after water line improvements have been made. Trenches from these improvements have now had ample time to settle and will be ready for a reconstruct which will prevent any improvements to these areas for many years. Areas that are included this year are Longhoffer, Borman, and Reimer. In the upcoming years, we plan to improve Allison St, Westwind, Windy, Windswept, Drumm St, Edward St, Eldon St, Munz St, and Meadow Ln due to the above basis. Other roadways will also be added to continue the spread throughout the wards.

The reconstruction process will involve utilization of the asphalt zipper, addition of bulk cement, and a 1 1/2" hot mix. We will strive to only improve the roadway area. If curb improvements are needed we will conduct them prior to laying asphalt but only as needed to avoid higher reconstruction costs. We also are shying away from improving any concrete streets at this time due to the additional costs that this will occur.

The attached list can be modified to some extent and we welcome any suggested roadways of interest. As we all know, there are many roadways to choose from regarding the "Poor" and "Fair" categories of the 2013 Street Inventory.

The Street Department looks forward to this work. Please call myself, Grant Lischka or Leslie Kelm if you have any questions. Thanks gain.

## 2.5 Miles Planned Street Work 2014-15

<b>S CHAPPELL HILL</b>	(BETWEEN BRENHAM OAKS & CHEYENNE)	800 FT
<b>E TOM GREEN</b>	(BETWEEN LOESCH & BLUE BELL)	1,330 FT
<b>BORMAN</b>	(BETWEEN DEAD END & REIMER)	1,600 FT
<b>REIMER</b>	(BETWEEN LOESCH & BORMAN)	650 FT
<b>LONGHOFER</b>	(BETWEEN REIMER & BLUE BELL RD)	975 FT
<b>S AUSTIN</b>	(BETWEEN SUBSTATION & HILLCREST)	1,500 FT
<b>S BAYLOR</b>	(BETWEEN REESE LOCKETT & E GERMANIA)	1,130 FT
<b>W JEFFERSON</b>	(BETWEEN MULBERRY & RIPPETOE)	750 FT
<b>W CHAUNCY</b>	(BETWEEN FAULKNER & S JACKSON)	1,000 FT
<b>FRANKLIN</b>	(BETWEEN W LUBBOCK & W CHAUNCY)	360 FT
<b>ROSS</b>	(BETWEEN CROCKETT & E ACADEMY)	595 FT
<b>CROCKETT</b>	(BETWEEN HOSEA & GAYHILL)	705 FT
<b>WILLIAMS</b>	(BETWEEN INDEPENDENCE & HWY 105)	1,240 FT
<b>RUCKER</b>	(BETWEEN DEAD END & EWING)	605 FT





## AGENDA ITEM 8

<b>DATE OF MEETING:</b> August 21, 2014	<b>DATE SUBMITTED:</b> August 18, 2014	
<b>DEPT. OF ORIGIN:</b> Brenham EDF	<b>SUBMITTED BY:</b> Clint Kolby	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Public Hearing, Discussion and Receipt of Input Related to the Proposed Creation of Reinvestment Zone Number 40 Requested by Independence Coffee Company, LLC for Commercial-Industrial Tax Phase-In Incentive on a Certain Tract of Land Containing 1.40 Acres, More or Less, Being Located at 321 South Baylor Street, Brenham, Texas, with Boundaries Further Described in Exhibit "A" of the Ordinance Creating Reinvestment Zone Number 40, and Designating This Property as Qualifying for Tax Phase-In		
<b>SUMMARY STATEMENT:</b> Prior to considering the creation of a Reinvestment Zone for implementing a Tax Phase-In incentive for Independence Coffee Company, LLC, the City Council is required to hold a Public Hearing to receive input regarding the proposal.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
A. PROS:		
B. CONS:		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b> None		
<b>FUNDING SOURCE (Where Applicable):</b>		
<b>RECOMMENDED ACTION:</b> Discussion Only		
<b>APPROVALS:</b> Terry K. Roberts		



## MEMO

To: Mayor Tate and City Council  
From: Brenham Economic Development Foundation  
Date: August 6, 2014  
Re: Independence Coffee Company – Tax Phase-In Application

The Brenham Economic Development Foundation (EDF) respectfully requests your consideration of an application for tax phase-in from Independence Coffee Company.

The EDF has been working with the owners of Independence Coffee Co. to relocate their operations into the Beaumier Iron Works building in downtown Brenham. The use of the tax phase-in incentive will help Independence Coffee Co. invest in new equipment as well as help off-set the initial costs of relocating.

This project would also provide a substantial positive economic impact to the local Washington County economy. Tourism would be greatly enhanced at this new site since a retail shop would be included at this new site. This relocation project would also be a great catalyst for redevelopment in an underutilized and historic building in the downtown district of Brenham.

**JOB CREATION:** Independence Coffee Co. has plans to **create 5 new jobs** during the first year of operations. They will also be retaining their current 15 employees.

**CAPITAL INVESTMENT:** Independence Coffee Co. will be **investing over \$100,000** in capital for this project in the first year. This investment will go towards buying new equipment for roasting.

**NEW TAXES PAID:** If awarded tax phase-in, Independence Coffee Co. will pay **an estimated total of \$1,345 in new taxes in its first year** of operation (\$104 in City taxes). The company will receive an abatement of \$938 in year-one from the City. At the end of its tax phase-in period, Independence Coffee Co. will have paid **an estimated total of \$10,433 in new taxes** (\$2,292 in City taxes), and will have received a total abatement of \$5,002 from the City. 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) Company Overview & Management Team
- C) Economic Impact Analysis
- D) Property Deed
- E) Aerial Map
- F) Tax Phase-In Overview
- G) 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](mailto: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.

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#### APPLICANT INFORMATION

Company Name Independence Coffee Company, LLC (lessee)

Address of HQ 9107 TX Hwy 105 Annual Sales \$2,000,000  
Brenham, TX 77833 Years in Business 11 years (2003)

Company President Christi Bond Total Employees 15

Authorized Signature *Christi Bond* Brenham Address:  
Title Wice President 9107 TX Hwy 105

Date 7/25/14 Brenham, TX 77833

Contact Person Christi or Ragan Bond Telephone 979-836-3322

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

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#### PROJECT INFORMATION

Type of Targeted Enterprise:

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

Products and services to be provided: Coffee and tea products

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#### SITE INFORMATION

Address 321 S. Baylor St., Brenham, TX 77833

Legal Description Original Town Add'n., Block 87, Lot 1-12, 33A, 19-23

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Attach map showing project location.

New Facilities  Expansion of Existing Facilities  Modernization/Remodel

**ECONOMIC INFORMATION**

Construction Estimates

Start Date N/A Contract Amount N/A  
 Completion Date N/A # Construction Jobs N/A

Estimated Appraised Values Land Building/Equipment Personal Property

Value before Tax Phase-In begins \$39,120 \$0 N/A  
 Value after Tax Phase-In expires \$39,120 \$185,000 N/A

**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) N/A (Downtown Zone)

Estimated number of jobs to be created	Total	Washington County Residents	Out of County Residents
After first year	5	5	--
End of tax phase-in	10	10	--

Estimated number of jobs to be retained	Total	Washington County Residents	Out of County Residents
After first year	15	15	--
End of tax phase-in	15	15	--

**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.	X	
(c) Itemized estimated cost of the real property and improvements proposed.	X	
(d) A description of financing methods and projected time when costs or obligations are to be incurred.	X	
(e) The amount and duration of any tax phase-in requested.	X	
(f) Any other incentives requested.	X	
(g) A description of reason for requesting incentives.	X	
(h) Impact on the project scope and/or location of the project if incentives are not granted.	X	
(i) Description of tax phase-in requested or to be requested from other applicable taxing entities.	X	
(j) Details of job types and number employed in each.	X	
(k) Wages and benefits per job type.	X	
(l) Schedule of job creation/retention during the tax phase-in period.	X	
(m) Estimated number and type of employees to be hired/retained from the local labor force.	X	
(n) Estimated number and type of employees that will be relocated into the local area.	X	
(o) Projected total payroll.	X	
(p) Projected utility volume: electricity, natural gas and water.	X	
(q) Projected Annual Sales tax.	X	
(r) Projected goods and services purchased from local vendors.	X	
(s) Description of utility lines and other infrastructure requirement by the City and by the Project.	X	

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**ADDITIONAL PROJECT INFORMATION**

- (a) Some smoke (great smelling by the way) from coffee roasting process.
- (b) Please see attached.
- (c)

Land	\$0.00
Building Cost	\$0.00
Equipment cost	<u>\$185,000.00</u>
 Total	 <u>\$185,000.00</u>
- (d) Equipment financed from combination of business cash flows and loan from local banking institution.
- (e) The duration of tax phase-in will be over six (6) years as presented in Table 3-Downtown Zone of the tax phase-in schedule.
- (f) There are no other incentives requested.
- (g) The use of the tax phase-in incentive will help offset the initial costs of relocating our production services from Independence Coffee's current location to the Beaumier Iron Works building in downtown Brenham as well as our investment in new machinery & equipment.
- (h) Our relocation project to downtown Brenham becomes less feasible if the tax phase-in incentive is not granted.
- (i) We would like to request tax phase-in from both the City of Brenham and Washington County.
- (j) Management (3), Packagers and Roasters (10), Office and Accounting (2).
- (k) Management (\$50,000), Packagers and Roasters (\$16,000), Office and Accounting (\$30,000).
- (l) 15 employees will make initial move to new location. We will probably hire at least 2 employees within the first month in order to staff our retail store operations. Another 3 will be added as we grow our wholesale and retail operations within the first 6 months. Based on ICC's past growth, we could possibly have a total of 25 employees at this location by year three.
- (m) All employees will be hired locally, although we will hire two salespeople in Houston and Austin.
- (n) There will be no employees relocated into the area for this project.
- (o) Projected total payroll is \$324,000 for year one, \$465,000 for year 2, \$483,000 for year three and \$506,000 by year four (based on ICC's historical growth rate).

(p)

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Gas	\$6,000	\$6,300	\$6,600	\$6,900	\$7,200	\$7,500
Electricity	\$7,200	\$7,200	\$7,200	\$7,200	\$7,200	\$7,200
Water	\$900	\$900	\$900	\$900	\$900	\$900

- (q) Estimated City sales tax for Year 1 is \$6,000, based on retail sales at new location.
- (r) Estimated purchases from local vendors (i.e. bakeries, dairy products, ICC merchandise for resale) is \$15,000.
- (s) Not applicable. Gas lines for roasting equipment are already in place.

Independence Coffee Company has been in business since 2003. In 2013 ICC will roast nearly 200,000 pounds of high grown Arabica coffees from thirteen different producing countries and growing regions for their customers who range from individuals ordering from our website to large grocery markets such as H.E.B and Whole Foods Market. They have had the opportunity to service international corporations such as Conoco who have trusted ICC with providing their customers and corporate gift clients with exceptional hand-roasted and blended products.

**Christi Bond** – President

**Ragan Bond** – Vice-President of Business Development

# Economic Impact Analysis

## Independence Coffee



## Brenham, Texas

August 2014

Analysis conducted by LCRA Community and Economic  
Development for the Brenham Economic Development  
Foundation

## Background

This analysis projects the economic impact of Independence Coffee operations at its new location in Brenham, TX. With the new location, the coffee and tea manufacturer expects to grow over the first three years of operations from a 15-person company to as many as 25 by 2018. Independence will lease the space. The building owner is currently renovating the space to meeting Independence Coffee’s needs. However, the impact from that construction will be excluded from this analysis as it is not investment directly by Independence Coffee.

Assumptions in the analysis include:

- (1.) 15 existing jobs, with average annual wages of \$21,600 (payroll only)
- (2.) In year two, 20 employees will be at the Brenham location. By the end of year three, 25 people will be employed at the facility.

The Brenham Economic Development Foundation requested this Economic Impact Analysis (EIA) to better understand the full impact of this expansion on the City of Brenham and Washington County residents.

## Analysis

### Overall Impact

<b>Total Economic Impact</b>	<b>Direct Impact</b>	<b>Indirect &amp; Induced Impact</b>	<b>Total Impact</b>
<b>Year 1 (15 Employees)</b>	\$2,067,746	\$222,078	<b>\$2,289,824</b>
<b>Year 2 (20 Employees)</b>	\$2,756,995	\$296,104	<b>\$3,053,099</b>
<b>Year 3 (25 Employees)</b>	\$3,446,243	\$370,131	<b>\$3,816,374</b>
<b>Year 4 (25 Employees)</b>	\$3,475,066	\$375,597	<b>\$3,850,663</b>
<b>Year 5 (25 Employees)</b>	\$3,504,129	\$381,410	<b>\$3,885,539</b>
<b>Year 6 (25 Employees)</b>	\$3,533,436	\$387,572	<b>\$3,921,008</b>
<b>Year 7 (25 Employees)</b>	\$3,562,988	\$394,088	<b>\$3,957,076</b>
<b>Year 8 (25 Employees)</b>	\$3,635,388	\$402,096	<b>\$4,037,484</b>
<b>Year 9 (25 Employees)</b>	\$3,709,259	\$410,267	<b>\$4,119,526</b>
<b>Year 10 (25 Employees)</b>	\$3,784,631	\$418,604	<b>\$4,203,235</b>
<b>Total 10-YR Impact</b>	<b>\$33,475,881</b>	<b>\$3,657,947</b>	<b>\$37,133,828</b>

Source: IMPLAN

## Findings

1. Overall, Independence Coffee's expansion will have an impact of roughly \$37.1 million Brenham and the county over the first ten years of operations. Every dollar in revenue at the company has roughly \$1.10 of impact on the community.
2. With employment of 25, Independence Coffee will average a \$3.97 million overall economic impact on Brenham annually.

## Jobs Impact

<b>Jobs</b>	<b>Direct Impact</b>	<b>Indirect &amp; Induced Impact</b>	<b>Total Jobs</b>
<b>Year 1 (15 Employees)</b>	15	2	<b>17</b>
<b>Year 2 (20 Employees)</b>	20	3	<b>23</b>
<b>Year 3 (25 Employees)</b>	25	4	<b>29</b>
<b>Year 4 (25 Employees)</b>	25	4	<b>29</b>
<b>Year 5 (25 Employees)</b>	25	4	<b>29</b>
<b>Year 6 (25 Employees)</b>	25	4	<b>29</b>
<b>Year 7 (25 Employees)</b>	25	4	<b>29</b>
<b>Year 8 (25 Employees)</b>	25	4	<b>29</b>
<b>Year 9 (25 Employees)</b>	25	4	<b>29</b>
<b>Year 10 (25 Employees)</b>	25	4	<b>29</b>

Source: IMPLAN

## Findings

1. Independence Coffee's 15 direct jobs will have an indirect and induced effect on the region, creating roughly two additional jobs. In other words, the company's operations will directly and indirectly support 17 jobs in the first year of operations.
2. Upon full employment, Independence Coffee operations will directly and indirectly support 29 jobs within Brenham.

## Wages and Tax Impact

<b>Wage &amp; Tax Impact</b>	<b>Direct Impact</b>	<b>Indirect &amp; Induced Impact</b>	<b>Total Wages</b>	<b>TX Sales Tax Impact</b>	<b>Local Sales Tax Impact</b>
<b>Year 1 (15 Employees)</b>	\$390,506	\$60,257	\$450,763	\$13,523	\$4,508
<b>Year 2 (20 Employees)</b>	\$520,675	\$80,342	\$601,017	\$18,031	\$6,010
<b>Year 3 (25 Employees)</b>	\$650,844	\$100,428	\$751,272	\$22,538	\$7,513
<b>Year 4 (25 Employees)</b>	\$664,069	\$102,468	\$766,537	\$22,996	\$7,665
<b>Year 5 (25 Employees)</b>	\$677,563	\$104,551	\$782,114	\$23,463	\$7,821
<b>Year 6 (25 Employees)</b>	\$691,331	\$106,675	\$798,006	\$23,940	\$7,980
<b>Year 7 (25 Employees)</b>	\$705,379	\$108,843	\$814,222	\$24,427	\$8,142
<b>Year 8 (25 Employees)</b>	\$719,712	\$111,055	\$830,767	\$24,923	\$8,308
<b>Year 9 (25 Employees)</b>	\$734,337	\$113,311	\$847,648	\$25,429	\$8,476
<b>Year 10 (25 Employees)</b>	\$749,258	\$115,614	\$864,872	\$25,946	\$8,649
<b>Total 10-YR Impact</b>	<b>\$6,503,674</b>	<b>\$1,003,544</b>	<b>\$7,507,218</b>	<b>\$225,217</b>	<b>\$75,072</b>

Source: IMPLAN

## Findings

1. Note: This analysis estimates the tax impact from wages alone. It does not calculate the additional sales tax from the sale of products by Independence Coffee, which likely comprises a greater amount of tax revenues.
2. Annually, spending by employees will add \$7,500 to local sales taxes on average, or \$75,000 over the first ten years of operations.

## Terms and Assumptions

**Direct Impacts** are the initial, immediate economic activities (jobs and income) generated by a project or development. Direct impacts associated with the project development coincide with its costs for goods and services purchased directly from the community and nearby area businesses.

**Indirect Impacts** are the production, employment and income changes occurring, as a result of the project, in other businesses/industries in the community that supply inputs to the project.

**Induced Impacts** are the effects of spending by the households in the local economy as the result of direct and indirect effects from an economic activity (i.e. project, event, etc.). The induced effects arise when employees who are working for the project (e.g. new manufacturing plant or the local festival) spend their new income in the community.

**About IMPLAN:** *This analysis was developed by LCRA's Community and Economic Development Department utilizing the IMPLAN econometric model developed by the University of Minnesota. IMPLAN is an input/output model used to estimate economic costs and benefits associated with private and public sector projects and public sector incentives.*

*The IMPLAN econometric model is used by the Federal Government, state governments (including Texas), and economic development agencies to estimate the effectiveness of investments and incentive policies. The projections derived from IMPLAN are dependent on the reliability of data and assumptions built into individual models.*

Louis J. Beaumier, and wife, Velma Beaumier, to Travis Voelkel-  
General Warranty Deed.

1660

The State of Texas \*  
\*  
County of Washington \*

KNOW ALL MEN BY THESE PRESENTS:

That I, Louis J. Beaumier, joined herein by my wife,  
Velma Beaumier, of the County of Washington, and State of Texas,

for and in consideration of the sum of Ten & 00/100 (\$10.00) Dollars Cash, to me in hand paid by Travis Voelkel, and other good and valuable considerations to me paid, the receipt of all of which are hereby acknowledged and confessed, and the further consideration of the execution by said Travis Voelkel, of his one certain promissory note in the sum of Seven Thousand & 00/100 (\$7,000.00) Dollars, of even date herewith, and due on or before Six Months from date, and payable in Brenham, Texas, to the order of Leonard C. Sauer, at the request of all parties hereto, he having furnished the purchase money to that extent, and being entitled to be subrogated to the Vendors Lien and superior title to the property by reason thereof, bearing interest from date at the rate of five (5%) per cent per annum, payable annually, and further providing that in the event of default in payment, when due, the maker agrees to pay ten per cent additional on principal and interest as attorneys fees, if collected by attorney, or thru legal proceedings, and secured in payment by a Vendors Lien on the hereinafter described lands and property;

HAVE GRANTED, SOLD AND CONVEYED, and by these Presents DO GRANT, SELL AND CONVEY, unto Travis Voelkel, of the County of Washington, and State of Texas, all of our right, title, interest and estate, the same being an undivided one-half thereof, in and to:

All those certain lots or parcels of land, lying and being situated in Brenham, Washington County, Texas, a part of the Arabella Harrington League, and comprising two tracts, or lots of land, both South of the H & T C Ry Co., the first tract composed of Lots 33A shown on the official City Map, and Lots 1, 2, 3, 4, 5, 6, & 7, of the Bassett Sub-division or Addition out of Original Town Lot No. 87, in said city, and the second tract lying South of Bassett Street, and composed of Lots 8, 9, 10, 11, 12, 19, 20, 21, 22, 23, and parts of Lots 13 & 18, of the Bassett Sub-division or Addition out of said Original Town Lot No. 87, in said city, and all of which is known as the Beaumier Iron Works Property or Shop, and having metes and bounds as follows, to-wit:

FIRST TRACT:

BEGINNING at a point in the East line of South Baylor Street, and in the South line of the H & T C Railway right-of-way at a point in the line, S 13 E 25.1 feet from the center line of the Main Track of said H & T C Railroad; THENCE S 13 E 56.8 feet with the East line of South Baylor Street to corner in the North line of Bassett Street; THENCE N 77 E 298.5 feet with the North line of Bassett Street, to corner in the West line of South Market Street; THENCE N 13 W 65 feet with the West line of South Market Street, to corner in the South right-of-way line of the H & T C Railway; THENCE along said right-of-way line following a two degree curve to the left for a distance of 303 feet, running 25.1 feet south of the center line of the main tract (299.3 feet S 76 W on a direct line) to the place of beginning.

SECOND TRACT:

BEGINNING at a stake in the West line of South Market Street, at its point of intersection with the South line of Bassett Street; THENCE S 77 W 203 feet with the North line of Lots 8, 9, 10, 11, 12 and 13, to stake for corner; THENCE S 13 E 138 feet running thru lots Nos. 13 & 18, to corner in the North line of German Street; THENCE N 77 E 203 feet with the North line of German Street, and the North line of the Polz lot and the South lines of Lots 18, 19, 20, 21, 22, and 23, to corner in the West line of South Market Street; THENCE N 13 W 138 feet with the West line of South Market Street to the place of beginning, as surveyed by Louis Beazley, April 22nd, 1946.

The above property comprises the following lots or parcels of land, as conveyed by the H & T C Ry Co. to J. H. Beaumier, by deed recorded in Volume 65, page 15, by Frank Jankowiak to J. H. Beaumier, by deed recorded in Volume 71, page 274, by First National Bank to Beaumier Bros, by deed recorded in Volume 43, page 328, by A. H. Rippetoe Heirs to Joseph Beaumier by deed recorded in Volume 47, page 610, by S. M. Swenson, et al, to Beaumier Bros, by deed recorded in Volume 43, page 325, by Chas. Krause et al to Joe H. Beaumier, by deed recorded in Volume 48, page 324, and by deed from W. A. Wood to Beaumier Iron Works, by deed recorded in Volume 48, page 380, Deed Records, and as conveyed by H. H. Drumm to Louis J. Beaumier and Travis Voelkel by deed dated July 14th, 1946, recorded in Volume 149, page 135, Deed Records of Washington County, Texas, to which references is here had and made for all purposes.

TO HAVE AND TO HOLD, the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Travis Voelkel, his heirs and assigns, FOREVER; and we do hereby bind ourselves, our heirs, executors and administrators, to WARRANT AND FOREVER DEFEND, all and singular, the said premises, unto the said Travis Voelkel, his heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

But it is expressly agreed and stipulated that the Vendors Lien is retained against the above described property, premises and improvements until the above described note and all interest thereon are fully paid according to its face and tenor, effect and reading, when this deed shall become absolute.

WITNESS our hands at Brenham, Texas, this the 6th day of April, A. D. 1951.



*Louis J. Beaumier*  
Louis J. Beaumier

*Velma Beaumier*  
Velma Beaumier

THE STATE OF TEXAS \*  
County of Washington \*

308

BEFORE ME, the undersigned authority, a Notary Public in and for Washington County, Texas, on this day personally appeared Louis J. Beaumier and Velma Beaumier, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said Velma Beaumier, wife of the said Louis J. Beaumier, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Velma Beaumier, acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed and that she did not wish to retract it.

GIVEN under my hand and seal of office, this the 9<sup>th</sup> day of April, A. D. 1951.



1023

*W. Schreiner*  
Notary Public, Washington County,  
TEXAS

WILLIAM W. SCHREINER  
WASHINGTON COUNTY, TEXAS

Filed for Record on the 9 day of  
Duly Recorded this the 20 day of  
Instrument No. 1660.

Apr 9 A. D. 19 51 at 4:30 o'clock P M.  
Apr 20 A. D. 19 51 at 9:35 o'clock A M.

CHAS. E. WIEDE, County Clerk  
Washington County, Texas

By *Minnie Schreiner* Deputy



# 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
  - \*Other Basic Industry [as defined in Glossary-Section XII (o)]
- 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

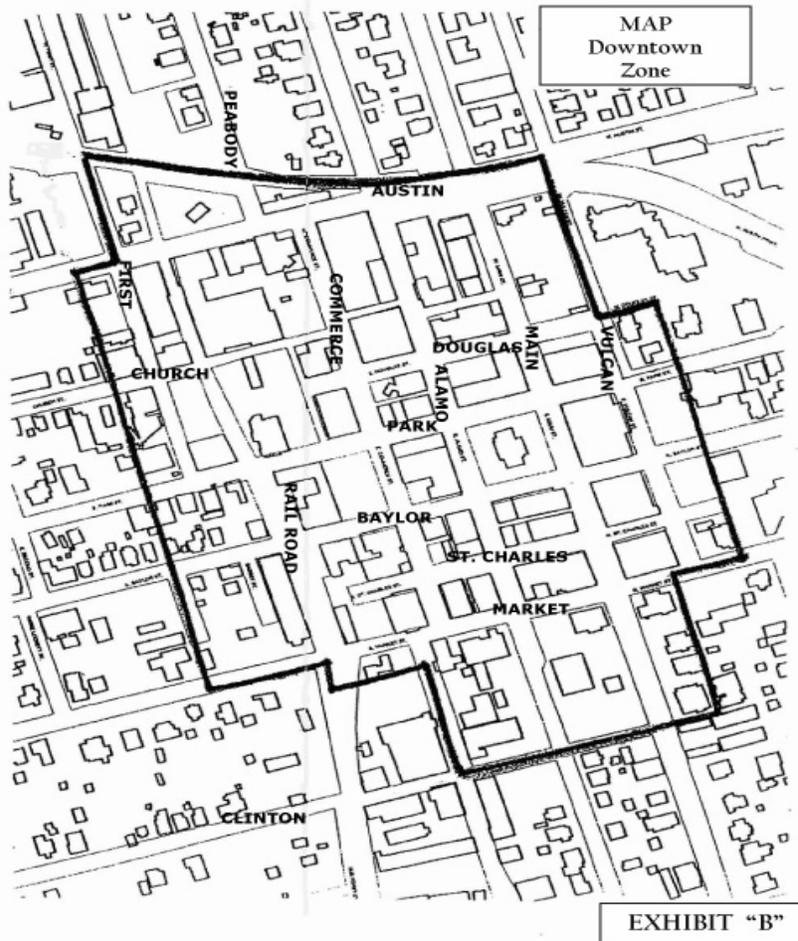
**TABLE 3** Downtown Zone

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 property taxes to be <u>abated</u>									
		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Total
Value Creation		\$185,000	\$185,000	\$185,000	\$185,000	\$185,000	\$185,000	\$185,000	
<u>Taxing entity</u>	<u>Tax rate</u>	90%	90%	90%	90%	60%	40%	20%	
City of Brenham	0.5632	\$938	\$938	\$938	\$938	\$625	\$417	\$208	\$5,002

Estimated property taxes to be <u>abated</u>								
		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
Value Creation		\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	
<u>Taxing entity</u>	<u>Tax rate</u>	90%	90%	90%	60%	40%	20%	
Washington County	0.4626	\$416	\$416	\$416	\$278	\$185	\$93	\$1,804

Estimated property taxes to be <u>paid</u>									
		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Total
Value Creation		\$185,000	\$185,000	\$185,000	\$185,000	\$185,000	\$185,000	\$185,000	
<u>Taxing entity</u>	<u>Tax rate</u>	10%	10%	10%	10%	40%	60%	80%	
City of Brenham	0.5632	\$104	\$104	\$104	\$104	\$417	\$625	\$834	\$2,292

Estimated property taxes to be <u>paid</u>								
		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
Value Creation		\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	
<u>Taxing entity</u>	<u>Tax rate</u>	10%	10%	10%	40%	60%	80%	
Washington County	0.4626	\$46	\$46	\$46	\$185	\$278	\$370	\$971
<u>Taxing entity</u>	<u>Tax rate</u>	100%	100%	100%	100%	100%	100%	
Brenham ISD	1.1350	\$1,135	\$1,135	\$1,135	\$1,135	\$1,135	\$1,135	\$6,810
Blinn College	0.0600	\$60	\$60	\$60	\$60	\$60	\$60	\$360



**AGENDA ITEM 9**

<b>DATE OF MEETING:</b> August 21, 2014		<b>DATE SUBMITTED:</b> August 18, 2014	
<b>DEPT. OF ORIGIN:</b> Brenham EDF		<b>SUBMITTED BY:</b> Clint Kolby	
<b>MEETING TYPE:</b>		<b>CLASSIFICATION:</b>	
<input checked="" type="checkbox"/> REGULAR		<input type="checkbox"/> PUBLIC HEARING	
<input type="checkbox"/> SPECIAL		<input type="checkbox"/> CONSENT	
<input type="checkbox"/> EXECUTIVE SESSION		<input checked="" type="checkbox"/> REGULAR	
		<input type="checkbox"/> WORK SESSION	
<b>ORDINANCE:</b>			
<input checked="" type="checkbox"/> 1 <sup>ST</sup> READING			
<input type="checkbox"/> 2 <sup>ND</sup> READING			
<input type="checkbox"/> RESOLUTION			
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon an Ordinance on Its First Reading for the Creation of Reinvestment Zone Number 40 Requested by Independence Coffee Company, LLC for Commercial-Industrial Tax Phase-In Incentive on a Certain Tract of Land Containing 1.40 Acres, More or Less, Being Located at 321 South Baylor Street, Brenham, Texas, with Boundaries Further Described in Exhibit “A” of the Ordinance Creating Reinvestment Zone Number 40, and Designating This Property as Qualifying for Tax Phase-In			
<b>SUMMARY STATEMENT:</b> As discussed in Public Hearing.			
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>			
A. PROS:			
B. CONS:			
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>			
<b>ATTACHMENTS:</b> (1) Ordinance; (2) Exhibit A – Aerial Map and Property Survey; and (3) Exhibit B – Policy Statement on Property Tax Phase-In Incentive for Independence Coffee Company, LLC			
<b>FUNDING SOURCE (Where Applicable):</b>			
<b>RECOMMENDED ACTION:</b> Approve an Ordinance on its first reading for the creation of Reinvestment Zone Number 40 requested by Independence Coffee Company, LLC for Commercial-Industrial Tax Phase-In Incentive on a certain tract of land containing 1.40 acres, more or less, being located at 321 South Baylor Street, Brenham, Texas, with boundaries further described in Exhibit “A” of said Ordinance creating Reinvestment Zone Number 40, and designating this property as qualifying for Tax Phase-In			
<b>APPROVALS:</b> Terry K. Roberts			

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE DESIGNATING ALL OF THE CERTAIN TRACTS OF LAND CONTAINING APPROXIMATELY 1.4 ACRES, SITUATED IN THE ARABELLA HARRINGTON LEAGUE, BEING THE SAME PROPERTY DESCRIBED BY DEED DATED APRIL 6, 1951, EXECUTED BY LOUIS J. BEAUMIER AND WIFE, VELMA BEAUMIER TO TRAVIS VOELKEL, RECORDED IN VOLUME 177, PAGE 305, OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS, SAID PROPERTY BEING LOCATED AT 321 S. BAYLOR STREET, BRENHAM, TEXAS, SAID PROPERTY BOUNDARIES BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES, AND SUCH REINVESTMENT ZONE FOR COMMERCIAL TAX PHASE-IN, CITY OF BRENHAM, TEXAS AS REINVESTMENT ZONE NUMBER FORTY 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 21<sup>st</sup> day of August, 2014, the City Council held a public hearing to receive comments concerning the designation of proposed Reinvestment Zone Number Forty. The notice of such hearing was published on August 14, 2014, 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 Forty 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-13-020 on the 5<sup>th</sup> day of December, 2013, 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 Forty 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 and having further studied recommendations, as well as the evidence presented at the public hearing, has made the following findings based on the evidence and testimony presented to it:

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

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

**Section 3.** That the City hereby creates Reinvestment Zone Number Forty, designated as all of the certain tracts of land containing approximately 1.4 acres, situated in the Arabella Harrington League, being the same property described by deed dated April 6, 1951, executed by Louis J. Beaumier and wife, Velma Beaumier to Travis Voelkel, recorded in Volume 177, Page 305, Official Records of Washington County, Texas, said property being located at 321 S. Baylor Street, Brenham, Texas, said property boundaries being more fully described in Exhibit "A" attached hereto and incorporated herein for all purposes, and such reinvestment zone shall hereafter be identified as Reinvestment Zone Number Forty for Commercial Tax Phase-In, City of Brenham, Texas.

**Section 4.** That the designation of Reinvestment Zone Number Forty 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 Forty 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.

**PASSED AND APPROVED**, on its first reading this the 21<sup>st</sup> day of August, 2014.

**PASSED AND APPROVED**, on its second reading this the 4<sup>th</sup> day of September, 2014.

---

Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

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Jeana Bellinger, TRMC  
City Secretary



Louis J. Beaumier, and wife, Velma Beaumier, to Travis Voelkel-  
General Warranty Deed. 1660

The State of Texas \*  
\*  
County of Washington \*

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BEGINNING at a stake in the West line of South Market Street, at its point of intersection with the South line of Bassett Street; THENCE S 77 W 203 feet with the North line of Lots 8, 9, 10, 11, 12 and 13, to stake for corner; THENCE S 13 E 138 feet running thru lots Nos. 13 & 18, to corner in the North line of German Street; THENCE N 77 E 203 feet with the North line of German Street, and the North line of the Polz lot and the South lines of Lots 18, 19, 20, 21, 22, and 23, to corner in the West line of South Market Street; THENCE N 13 W 138 feet with the West line of South Market Street to the place of beginning, as surveyed by Louis Beazley, April 22nd, 1946.

The above property comprises the following lots or parcels of land, as conveyed by the H & T C Ry Co. to J. H. Beaumier, by deed recorded in Volume 65, page 15, by Frank Jankowiak to J. H. Beaumier, by deed recorded in Volume 71, page 274, by First National Bank to Beaumier Bros, by deed recorded in Volume 43, page 328, by A. H. Rippetoe Heirs to Joseph Beaumier by deed recorded in Volume 47, page 610, by S. M. Swenson, et al, to Beaumier Bros, by deed recorded in Volume 43, page 325, by Chas. Krause et al to Joe H. Beaumier, by deed recorded in Volume 48, page 324, and by deed from W. A. Wood to Beaumier Iron Works, by deed recorded in Volume 48, page 380, Deed Records, and as conveyed by H. H. Drumm to Louis J. Beaumier and Travis Voelkel by deed dated July 14th, 1946, recorded in Volume 149, page 135, Deed Records of Washington County, Texas, to which references is here had and made for all purposes.

TO HAVE AND TO HOLD, the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Travis Voelkel, his heirs and assigns, FOREVER; and we do hereby bind ourselves, our heirs, executors and administrators, to WARRANT AND FOREVER DEFEND, all and singular, the said premises, unto the said Travis Voelkel, his heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

But it is expressly agreed and stipulated that the Vendors Lien is retained against the above described property, premises and improvements until the above described note and all interest thereon are fully paid according to its face and tenor, effect and reading, when this deed shall become absolute.

WITNESS our hands at Brenham, Texas, this the 6th day of April, A. D. 1951.



*Louis J. Beaumier*  
Louis J. Beaumier

*Velma Beaumier*  
Velma Beaumier

THE STATE OF TEXAS \*  
County of Washington \*

BEFORE ME, the undersigned authority, a Notary Public in and for Washington County, Texas, on this day personally appeared Louis J. Beaumier and Velma Beaumier, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said Velma Beaumier, wife of the said Louis J. Beaumier, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Velma Beaumier, acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed and that she did not wish to retract it.

GIVEN under my hand and seal of office, this the 9<sup>th</sup> day of April, A. D. 1951.



(Seal)

16023

*W. Schreiner*  
Notary Public, Washington County,  
TEXAS

W. SCHREINER, Notary Public  
WASHINGTON COUNTY, TEXAS

Filed for Record on the 9 day of April A. D. 1951 at 4:30 o'clock P M.  
Duly Recorded this the 20 day of April A. D. 1951 at 9:35 o'clock A M.  
Instrument No. 1660.

CHAS. E. WIEDE, County Clerk  
Washington County, Texas

By *Minnie Schreiner* Deputy

**CITY OF BRENHAM**

**POLICY STATEMENT ON PROPERTY TAX PHASE-IN INCENTIVE  
FOR SELECTED COMMERCIAL ENTERPRISES**

Policy Adoption Date: December 5, 2013

**I. PURPOSE**

The City of Brenham, hereinafter referred to as "the City," is committed to the promotion of high quality development in all parts of the community and to improving the quality of life for its citizens. In order to help meet these goals and to stimulate economic development, the City will consider providing incentives that include, but are not limited to, the property Tax Phase-In incentive, in accordance with the procedures, criteria and guidelines set forth in this Policy and as provided by Chapter 312 of the Texas Tax Code. Nothing in this Policy shall imply or suggest that the City is under any obligation to provide any incentives to any applicant. Each application for the Tax Phase-In incentive under this Policy shall be considered on an individual basis.

**II. DEFINITION OF TAX PHASE-IN INCENTIVE**

Tax Phase-In incentive, as referred to in this Policy, means the partial, temporary exemption from ad valorem taxes on certain qualifying property in a Reinvestment Zone designated by the City or County for economic development purposes. Only ad valorem (property) taxes are eligible for the incentive. Brenham ISD and Blinn College taxes are required to be paid in full at all times.

The attached Glossary is a list of words with their definitions that are found in this document, and the Glossary is incorporated herein by reference.

**III. GUIDELINES AND CRITERIA**

In order to be eligible for property Tax Phase-In incentive, the planned improvement at a minimum must:

- (a) Be an Authorized Facility. A facility may be eligible if it is a(n):
  - Agriculture/Aquaculture Facility,
  - Distribution Center Facility,
  - Manufacturing Facility,
  - Research Facility, or
  - Other Basic Industry. [as defined in Glossary-Section XII (o)]
  
- (b) The project must add new value to the tax roll of eligible property: a minimum of \$300,000 for a business new to Brenham or \$150,000 for an existing local business. For development in the Downtown Zone, a National Register Historic District, the added value must be a minimum of \$50,000. This is to help maintain the economic viability of

the central business district.

- (c) The applicant must maintain or create within the first year and throughout the Tax Phase-In incentive period a minimum of ten (10) jobs at an average base salary of \$33,000/year or higher, including any benefits (except for a location in the Downtown Zone).

In consideration of the request for the Tax Phase-In incentive, the following factors will also be considered:

- (1) Jobs The projected new jobs created including the number of jobs, the type of jobs and the average salary per job class.
- (2) Fiscal Impact The amount of real and personal property value that will be added to the tax roll for both eligible and ineligible property, the amount of direct sales tax that may be generated, any infrastructure improvements by the City that will be required by the facility, the infrastructure improvements made by the facility, and the compatibility of the project with the City's master plan for development.
- (3) Valuation at Termination of Tax Phase-In Incentive Period The estimated fair market value, valued at the end of incentive period, of any equipment included in the Tax Phase-In incentive. The economic life of the added-value property must exceed the duration of the granted Tax Phase-In incentive period.

- (4) Community Impact

The pollution, if any, as well as other negative environmental impacts affecting the health and safety of the community that will be created by the project;

The revitalization of a depressed area;

The business opportunities of existing local businesses;

The alternative development possibilities for proposed site;

The impact on other taxing entities;

Whether the improvement is expected to solely or primarily have the effect of transferring employment from one part of Washington County to another; and/or,

Whether the product manufactured or service provided by the business competes to a substantial degree with an existing business.

#### **IV. TAX PHASE-IN INCENTIVE AUTHORIZED**

- (a) Authorized Date A facility shall be eligible for the Tax Phase-In incentive if it has applied for the incentive prior to the commencement of construction and meets the guidelines and criteria under this Policy.

- (b) Creation of New Value Tax Phase-In incentive may only be granted for the additional value

of eligible property improvements made subsequent to the filing of an application for the Tax Phase-In incentive and specified in the Tax Phase-In incentive agreement between the City and the property owner and/or lessee, subject to such limitations as the guidelines and criteria may require.

(c) New and Existing Facilities Tax Phase-In incentive may be granted for new facilities and improvements and for the expansion or modernization of existing facilities and improvements. If the modernization project includes facility replacement, the Tax Phase-In incentive value shall be the tax-appraised value of the new unit(s) less the value of the old unit(s).

(d) Eligible Property Except as otherwise provided in this policy, the Tax Phase-In incentive may be extended to the value of buildings, structures, fixed machinery and equipment, site improvements plus that office space and related fixed improvements necessary or convenient to the operation and administration of the facility.

(e) Ineligible Property The following types of property shall be fully taxable and ineligible for property Tax Phase-In incentives:

- land,
- animals,
- inventories,
- supplies,
- tools,
- furnishings and other forms of movable personal property,
- vehicles,
- vessels,
- aircraft,
- housing or residential property (except for property owners in the Downtown Zone),
- hotels/motels,
- fauna,
- flora,
- retail facilities (except for property owners in the Downtown Zone),
- deferred maintenance investments,
- property to be rented or leased except as provided in Part IV (f),
- improvements for the generation or transmission of electrical energy not wholly consumed by a new facility or expansion,
- any improvements including those to produce, store or distribute natural gas or fluids that are not 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.

(f) Owned/Leased Facilities If a leased facility is granted the Tax Phase-In incentive, the agreement shall be executed with the lessor and the lessee and the new value investment shall be combined to calculate the total new value investment. If the lessee removes or reduces its new value investment to the detriment of the lessor, the lessor may annually elect to extend its Tax Phase-In incentive to obtain a replacement lessee. The lessor may obtain the full benefit of the remaining Tax Phase-In incentive period by resuming the Tax Phase-In incentive with the combined value of the replacement lessee by disregarding the Tax Phase-In incentive extension

term. The lessor shall not receive any Tax Phase-In incentive during any year where a Tax Phase-In incentive extension has been elected. The Tax Phase-In incentive period, including any extensions, shall never exceed a total of ten years as provided by state law. The replacement lessee may apply for its own Tax Phase-In incentive based solely on its new value investment.

(g) Value and Term of Tax Phase-In incentive Tax Phase-In incentives shall commence with the January 1 valuation date immediately following the occupancy of the property qualifying for the Tax Phase-In incentive unless otherwise specified by the City. The value of new eligible properties shall be abated according to the approved agreement between applicant and the City. The City, in its sole discretion, shall determine the amount of any Tax Phase-In incentive. The table one Tax Phase-In incentive schedule - Exhibit "A", table three in a Downtown Zone (map Exhibit "B"), incorporated herein by reference, shall be the maximum Tax Phase-In incentive available based on total new value investment or added employment for each year during the Tax Phase-In incentive term, whichever is greater. The total amount of abatement shall be derived from the sum of table one and table two, unless located in a Downtown Zone, in which the total amount of abatement will be derived from table three. Tax Phase-In incentive in a Downtown Zone shall receive approval for building plans and specifications by the Main Street Board as a condition of receiving the Tax Phase-In incentive.

(h) Downtown Zone A Tax Phase-In incentive zone within the designated downtown area in the attached Exhibit B, incorporated herein by reference, and any tracts or parcels contiguous to a tract in Exhibit B under common ownership.

(i) Taxability From the execution of the Tax Phase-In incentive contract to the end of the agreement period, taxes shall be payable as follows:

- (1) The value of ineligible property as provided in Part IV (e) shall be fully taxable.
- (2) The base year value of existing eligible property as determined each year shall be fully taxable.
- (3) The additional value of new eligible property shall be taxable in the manner described in Part IV (g).

## **V. APPLICATION PROCESS**

(a) Any present or potential owner of taxable property in the City of Brenham may request the creation of a Reinvestment Zone and Tax Phase-In incentive by filing written request with the City Manager.

(b) The application shall consist of a completed application form accompanied by:

- (1) A general description of the proposed use and the general nature and extent of the modernization, expansion or new improvements to be undertaken;
- (2) A descriptive list of the improvements which will be a part of the facility;
- (3) A map and property description or a site plan, including a legal description of the area proposed for designation as a Reinvestment Zone, as applicable.

- (4) A time schedule for undertaking and completing the planned improvements;
- (5) In the case of modernizing or replacing existing facilities, a statement of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately preceding the application;
- (6) The application form may require such financial and other information as deemed appropriate for evaluating the financial capacity and other factors of the applicant;
- (7) A schedule reflecting the proposed amount of abated taxes for which the applicant seeks, as well as the anticipated taxes to be paid by the applicant which will not be subject to the Tax Phase-In incentive; and
- (8) A schedule of the proposed job creation or retention, including details of job type(s), wages and benefits, and the timing of creation of any job within the phase-in period.

(c) Upon receipt of a completed application, the City Manager shall notify the Mayor and City Council. Before acting upon the application, the City may conduct an Economic Impact Study. Following this step, the City shall afford the applicant and any other interested persons the opportunity to speak and present evidence for or against the designation of the area as a Reinvestment Zone for the purpose of the Tax Phase-In incentive during a public hearing. Notice of the public hearing shall be clearly identified on an agenda of the City to be posted as required by law. At least seven (7) days before the date of the hearing, notice of the hearing must be 1) published in a newspaper having general circulation in the City; and 2) delivered in writing to the presiding officer of the governing body of each taxing entity having in its boundaries real property that is to be included in the proposed Reinvestment Zone.

(d) The City shall approve or disapprove the application for designation of an area as a Reinvestment Zone for Tax Phase-In incentive within ninety (90) days after receipt of the application. The presiding officer of the legislative body of the City shall notify the applicant of the approval or disapproval promptly thereafter.

(e) A request for designation of an area as a Reinvestment Zone for the purpose of receiving the Tax Phase-In incentive shall not be granted if the jurisdiction receiving the application finds that the request for the Tax Phase-In incentive was filed after the commencement of construction or installation of improvements related to a proposed modernization expansion or new facility began.

Variance. Requests for any variances from this Policy may be made in written form to the City Manager. Such request shall include a complete description of the circumstances explaining why the applicant should be granted a variance. Approval of a request for variance requires a three-fourths (3/4) majority vote of the governing body of the City. The approval by the City of a Tax Phase-In incentive shall conclusively be deemed as an approval of any variance from the provisions of Subsections (a) through (e) of Part V.

## **VI. PUBLIC HEARING**

(a) Should the City be able to show cause in the public hearing why the granting of a designation of an area as a Reinvestment Zone for the Tax Phase-In incentive will have a substantial adverse effect on its bonds, service capacity or the provision of service, that showing shall be reason for the City to deny the granting of the application.

(b) Neither a Reinvestment Zone nor a property Tax Phase-In incentive agreement shall be authorized if it is determined that:

- (1) There would be a substantial adverse affect on the provision of a government service or tax base of the City.
- (2) The applicant has insufficient financial capacity
- (3) Planned or potential use of the property would constitute a hazard to public safety, health or morals.
- (4) Planned or potential use of the property violates governmental codes or laws.

## **VII. AGREEMENT**

(a) After approval of the application for the designation of an area as a Reinvestment Zone for the property Tax Phase-In incentive, the City shall formally pass a resolution and execute an agreement with the owner of the facility and the lessee involved, if any, which shall include:

- (1) Estimated value to be abated and the base year value.
- (2) Percent of value to be abated each year as provided in Part IV (g).
- (3) The commencement date and the termination date of Tax Phase-In incentive.
- (4) The proposed use of the facility, nature of construction, time schedule for undertaking and completing the planned improvements, map, property description and improvements list as provided in Application, Part V.
- (5) Contractual obligations in the event of default, violation of terms or conditions, delinquent taxes, recapture, administration and assignment as provided herein and other provisions that may be required for uniformity or by state law.
- (6) Amount of investment and average number of jobs involved for the period of the Tax Phase-In incentive.
- (7) Said contract shall meet all of the requirements of Texas Tax Code Chapter 312.

(b) Such agreement shall be executed within ninety (90) days after the later of 1) the date

applicant has forwarded all necessary information to the City or 2) the date of the approval of the application.

(c) The City shall make its own determination of the property Tax Phase-In incentive which shall not bind any other jurisdiction.

## **VIII. ADMINISTRATION**

Each Tax Phase-In incentive project will be monitored annually for compliance. The agreement will require the applicant to provide a sworn statement and documents verifying compliance each year. Failure to provide the required documents in the manner outlined herein shall result in termination of the Tax Phase-In incentive agreement.

The terms of the agreement shall include the right of the City to review and verify the applicant's employment records and payroll records in each year during the term of the agreement, and to conduct an on-site inspection of the project in each year during the duration of the Tax Phase-In incentive, and to review such other items as may be reasonable to verify compliance with the terms of the agreement.

The agreement shall stipulate that employees and/or designated representatives of the City will have access to the Reinvestment Zone during the term of the Tax Phase-In incentive to inspect the facility to determine compliance with the terms and conditions of the agreement. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will be conducted in such manner as to not unreasonably interfere with the construction and/or operation the facility. All City inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards.

All proprietary information acquired by any affected jurisdiction for purposes of monitoring compliance with the terms and conditions of a property Tax Phase-In incentive agreement shall be considered confidential to the extent allowed by law.

Compliance will be monitored in the following manner:

- (a) A Compliance Review Committee shall collect from the applicant a sworn statement of compliance and verifying documents and conduct any inspections on or before October 15 of each calendar year. The Committee shall be comprised of 5 representatives, with 2 appointed by the Mayor, 2 appointed by the County Judge and 1 by the Chief Appraiser. They will be appointed by January 30 of even numbered years for a two year term. Any vacancy on the committee will be filled by the designated official who appointed the vacating committee person. The designated official may remove an appointee at any time. The company/individual receiving the property Tax Phase-In incentive shall furnish the Committee with such information as may be necessary to verify compliance, including the number of new or retained employees associated with the facility and their salaries.
- (b) The Chief Appraiser of the County shall annually determine an assessment of the real and personal property in the Reinvestment Zone. This shall be done on or before December 1 of each calendar year.

- (c) The Committee shall provide a report on the status of all Tax Phase-In incentive agreements to the City Council on or before December 15 of each calendar year.

## **IX. RECAPTURE**

Should the City determine that a company or individual is in default according to the terms and conditions of its agreement, the City shall notify the company or individual in writing at the address stated in the agreement, and if such default is not cured within thirty (30) days or begun to be cured (in the case of a default that cannot reasonably be cured within 30 days) from the date of such notice ("Cure Period"), then the agreement shall be terminated.

In the event that the company or individual:

- (1) allows its ad valorem taxes owed the City to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest; or
- (2) does not create or maintain jobs as outlined in the agreement; or
- (3) violates any of the terms and conditions of the Tax Phase-In incentive agreement and fails to cure same during the Cure Period; or
- (4) if the facility is completed and begins producing product or service, but subsequently discontinues producing product or service for any reason excepting fire, explosion or other casualty or accident or natural disaster, for a period of more than one (1) year during the Tax Phase-In incentive period;

then the agreement shall terminate and so shall the Tax Phase-In incentive of taxes for the calendar year during which the agreement is terminated. The taxes otherwise abated for that calendar year shall be paid to the City within sixty (60) days from the date of termination, and all taxes previously abated by virtue of the agreement will be recaptured and paid within sixty (60) days of the termination. The City will use all available means for recapture, including but not limited to, placing a lien on the property and pursuing all other legal and equitable remedies available to the City.

## **X. ASSIGNMENT**

- (a) The Tax Phase-In incentive may be transferred and assigned by the holder to a new owner or lessee of the same facility upon the approval by resolution of the City, subject to the financial capacity of the assignee and provided that all conditions and obligations in the Tax Phase-In incentive agreement are guaranteed by the execution of a new contractual agreement with the City.
- (b) The contractual agreement with the new owner or lessee shall not exceed the termination date of the Tax Phase-In incentive agreement with the original owner and/or lessee.
- (c) No assignment or transfer shall be approved if the parties to the existing agreement, the

new owner or new lessee are liable to the City for outstanding taxes or other obligations.

(d) Approval shall not be unreasonably withheld.

## **XI. SUNSET PROVISION**

(a) This policy is effective upon the date of the adoption and will remain in force for two (2) years, at which time all Reinvestment Zones and Tax Phase-In incentive contracts created pursuant to its provisions may be reviewed by the City to determine whether the goals have been achieved. Based on that review, this policy may be modified, renewed or eliminated, providing that such actions shall not affect existing contracts.

(b) This policy does not amend any existing Industrial District Contracts or agreements with the owners of real property in areas deserving of specific attention as agreed by the City.

(c) Prior to the date for review, as defined above, this Policy Statement may be modified by a three fourths (3/4) vote of members each governing body, as provided for under the laws of the State of Texas.

## **XII. SEVERABILITY AND LIMITATIONS**

(a) In the event that any section, clause, sentence, paragraph or any part of this Policy Statement shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, impair, or invalidate the remainder of this Policy Statement.

(b) Property that is owned or leased by the following is excluded from the property Tax Phase-In incentive:

- (1) a member of the governing body of the City of Brenham or a member of a planning board or commission of the City; or
- (2) a member of the Commissioners Court or a member of a planning board or commission of Washington County.

(c) If this Policy Statement has omitted any mandatory requirements of the applicable Tax Phase-In incentive laws of the State of Texas, then such requirements are hereby incorporated as a part of this Policy Statement.

## **GLOSSARY**

- (a) "Agriculture/Aquaculture Facility" means buildings, structures and major earth structure improvements, including fixed machinery and equipment, the primary purpose of which is of food and/or fiber products in commercially marketable quantities.
- (b) "City" means the City of Brenham, Texas that levies ad valorem taxes upon and/or provides services to property located within the City limits.
- (c) "Agreement" means a contractual agreement between a property owner and/or lessee and the City for the purpose of the Tax Phase-In incentive.
- (d) "Base year value" means the assessed value of eligible property on January 1 preceding the execution of the agreement plus the agreed upon value of eligible property improvements made after January 1 but before the filing of an application for the Tax Phase-In incentive.
- (e) "Committee" means the Compliance Review Committee, consisting of representatives appointed by the City, County and Chief Appraiser's office to annually review documents verifying compliance of all projects receiving the Tax Phase-In incentive.
- (f) "Deferred maintenance" means improvements necessary for continued operations which do not improve productivity or alter the process technology.
- (g) "Distribution Center Facility" means building and structures, including machinery and equipment, used or to be used primarily to receive, store, service or distribute goods or materials owned by the facility, from which a majority of revenues generated by activity at the facility are derived from outside of Washington County.
- (h) "Existing Local Business" means a business that has been located in the City of Brenham and has paid property taxes for at least one full year prior to submitting any application for the property Tax Phase-In incentive.
- (i) "Expansion" means the addition of buildings, employees, structures, machinery or equipment for purposes of increasing production capacity.
- (j) "Facility" means property improvements completed or in the process of construction which together comprise an integral whole.
- (k) "Job(s)" shall represent a newly created or a retained employment position on a full-time permanent basis at an average base salary of \$33,000 or higher, including any benefits, whether hired directly or leased through an employee leasing service.
- (l) "Manufacturing Facility" means buildings and structures, including machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change.
- (m) "Modernization" means the upgrading and or replacement of existing facilities which increases the productive input or output, updates the technology or substantially lowers the unit

cost of the operation. Modernization may result from the construction, alteration or installation of buildings, structures, fixed machinery or equipment. It shall not be for the purpose of reconditioning, refurbishing or repairing.

(n) "New Facility" means improvements to real estate previously undeveloped which is placed into service by means other than or in conjunction with expansion or modernization.

(o) "Other Basic Industry" means buildings and structures/including fixed machinery and equipment not elsewhere described, used or to be used for the production of products or providing of services which serve a market primarily outside the County and results in the creation of new permanent jobs and new wealth in the County.

(p) "Productive Life" means the number of years a property improvement is expected to be in service in a facility.

(q) "Research Facility" means buildings and structures, including fixed machinery and equipment, used or to be used primarily for research or experimentation to improve or develop new tangible goods or materials or to improve or develop the production processes thereto.

**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

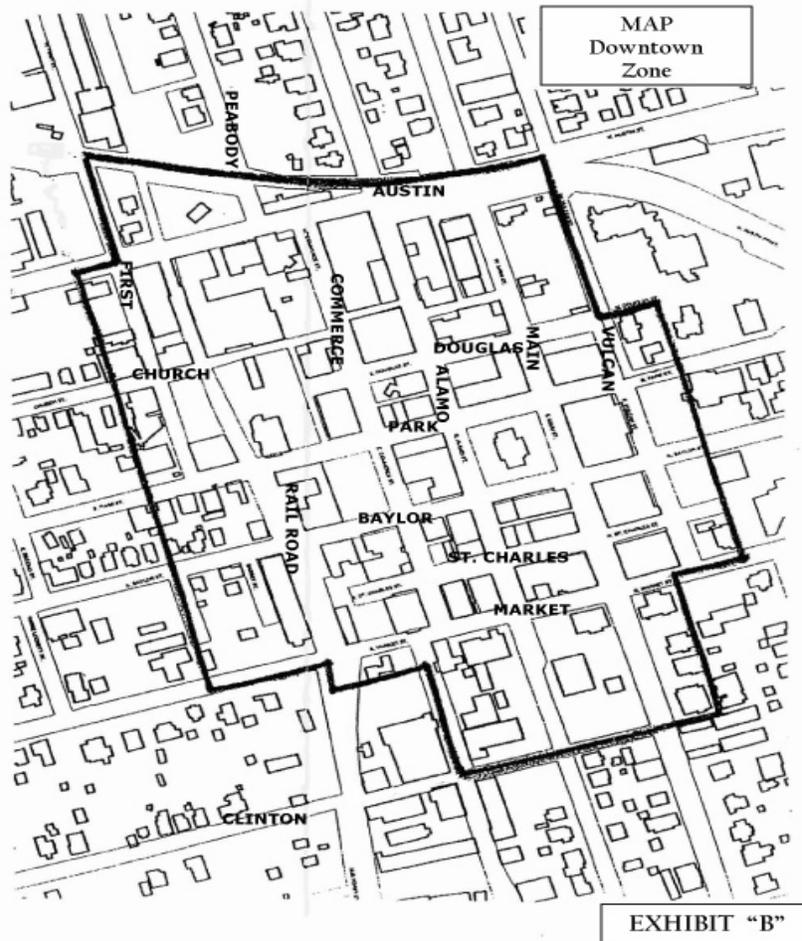
**TABLE 3 Downtown Zone**

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**





**AGENDA ITEM 10**

<b>DATE OF MEETING:</b> August 21, 2014	<b>DATE SUBMITTED:</b> August 18, 2014	
<b>DEPT. OF ORIGIN:</b> Finance	<b>SUBMITTED BY:</b> Carolyn D. Miller	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> <b>REGULAR</b>	<input type="checkbox"/> <b>PUBLIC HEARING</b>	<input checked="" type="checkbox"/> <b>1<sup>ST</sup> READING</b>
<input type="checkbox"/> <b>SPECIAL</b>	<input type="checkbox"/> <b>CONSENT</b>	<input type="checkbox"/> <b>2<sup>ND</sup> READING</b>
<input type="checkbox"/> <b>EXECUTIVE SESSION</b>	<input checked="" type="checkbox"/> <b>REGULAR</b>	<input type="checkbox"/> <b>RESOLUTION</b>
	<input type="checkbox"/> <b>WORK SESSION</b>	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the FY2013-14 Adopted Budget.		
<b>SUMMARY STATEMENT:</b> Highlights of the amendment to the FY2013-14 budget include the following revenue increases: General Fund revenues for insurance proceeds, City HOT taxes for increased collections; Donations Fund revenues for animal shelter capital donations; BCDC Fund for the sale of land; and 2014 Capital Projects Fund for the library’s 501(c)(3) board’s contribution for the library renovation and expansion project. Also, the 2014 Capital Projects Fund revenues are being amended for increased bond proceeds related to the 2014 Certificates of Obligation issued in May 2014.  General Fund expenditures are being increased due to the unanticipated expenses from the Henderson Park restroom building fire and the purchase of land at 300 N. Park Street. General Fund expenditures are being decreased to reflect the reimbursement from Washington County for their portion of the Communications department expenses during the Transition Period of the Comprehensive ILA. Other expense increases include: Streets & Drainage Fund use of remaining 2011 Limited Tax Note proceeds for a street overlay project; purchase of equipment in the Central Fleet Fund; 2014 Capital Projects bond issue costs; and Water Fund increase in the high pressure plane expansion project. Hotel Occupancy Tax Fund is being amended for additional expenditures approved by the HOT board during the current fiscal year.  Other budget amendment items include transfers between funds, the largest of which, is the transfer of the County’s Communications ILA reimbursement from the General Fund to the Debt Service Fund to offset future debt service payments on the 2014 Certificates of Obligation.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<b>A. PROS:</b>		
<b>B. CONS:</b>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b> (1) Ordinance; and (2) Exhibit A - Amendment Number 1		

**FUNDING SOURCE (Where Applicable):**

**RECOMMENDED ACTION:** Approve an Ordinance on its first reading amending the FY2013-14 adopted budget.

**APPROVALS:** Terry K. Roberts

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING THE FY2013-14 ADOPTED BUDGET; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Brenham, Texas has previously approved a budget for the fiscal year ending September 30, 2014, after having filed the same with the City Secretary and after holding public hearings on same, all after due notice as required by statute; and

**WHEREAS**, due to unforeseen circumstances and/or conditions, the City Council finds it is necessary to amend the FY2013-14 Budget for municipal purposes;

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

**SECTION 1.**

That the City Council of the City of Brenham, Texas, does hereby amend the budget for the City of Brenham, Texas for the fiscal year ending September 30, 2014, as shown on Exhibit A.

**SECTION II.**

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

**PASSED and APPROVED** on its first reading this the \_\_\_\_ day of \_\_\_\_\_, 2014.

**PASSED and APPROVED** on its second reading this the \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

\_\_\_\_\_  
Jeana Bellinger, TRMC  
City Secretary

**CITY OF BRENHAM**  
**EXHIBIT A**  
**AMENDMENT NUMBER 1**  
**FISCAL YEAR 09-30-14**

		General Fund	Airport Capital Improvement	Debt Service Fund	Streets & Drainage Fund	Parks Capital Improv Fund	Hotel Occupancy Tax Fund	Equipment Fund	Central Fleet Fund	Donations	BCDC Fund	2014 Capital Projects	Water Fund	TOTAL
<b>REVENUES (INC) DEC</b>														
Insurance Proceeds - Park Building	A	(23,182)												(23,182)
Insurance Proceeds - Police Dept. Vehicles	B	(38,449)												(38,449)
ASA State Tournament Team Registration Fees	C	(5,900)												(5,900)
Uptown Swirl Revenue - <i>Not a Main Street Event</i>	F	23,200												23,200
Local History Day Revenue	G	(8,180)												(8,180)
Aquatic Center Concession Revenue	H	(3,460)												(3,460)
Proceeds from Sale of Land	I										(94,708)			(94,708)
City HOT Fund Revenues	J						(71,500)							(71,500)
Library Capital Donation from 501(c)(3) organization	U											(859,931)		(859,931)
Proceeds for 2014 Certificates of Obligation	V											(2,646,818)		(2,646,818)
Animal Shelter Capital Donations	W									(550,000)				(550,000)
<b>TOTAL BUDGETED REVENUES</b>		<b>(55,971)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(71,500)</b>	<b>-</b>	<b>-</b>	<b>(550,000)</b>	<b>(94,708)</b>	<b>(3,506,749)</b>	<b>-</b>	<b>(4,278,928)</b>
<b>EXPENDITURES INC (DEC)</b>														
Henderson Park Concession/Restroom Building Repairs	A	23,182												23,182
Police Department Vehicles	B							38,449						38,449
ASA State Tournament Expenses	C	10,594												10,594
Additional HOT funding for Washington County CVB Adv. & Promo and 2nd Geigher trip	D						55,000							55,000
Uptown Swirl Expenses - <i>Not a Main Street Event</i>	F	(10,000)												(10,000)
Local History Day Expenses	G	8,180												8,180
Aquatic Center Concession Equipment	H	3,460												3,460
Parks Master Plan Consultant Expenses	K	5,000												5,000
HOT funding for Friendship Quilt Guild	L						500							500
Linda Anderson Park Improvements	M					2,889								2,889
Purchase of Land - 300 N. Park	N	75,526												75,526
Fleet Equipment Purchases	O								34,255					34,255
ILA Reimbursement for Communications - Contra-expense	P	(371,359)												(371,359)
FY14 Street Overlay Projects	Q				36,956									36,956
High Pressure Plane Expansion	R												119,316	119,316
Inventory Adjustments	S												18,000	18,000
Issuance Costs for 2014 Certificates of Obligation	V											80,731		80,731
<b>TOTAL BUDGETED EXPENDITURES</b>		<b>(255,417)</b>	<b>-</b>	<b>-</b>	<b>36,956</b>	<b>2,889</b>	<b>55,500</b>	<b>38,449</b>	<b>34,255</b>	<b>-</b>	<b>-</b>	<b>80,731</b>	<b>137,316</b>	<b>130,679</b>
<b>BUDGETED TRANSFERS</b>														
General Fund Transfer to Equipment Fund	B	38,449						(38,449)						-
Additional HOT funding for ASA State Tournament	C	(6,000)					6,000							-
Additional HOT funding for Parks & Recreation	E	(10,000)					10,000							-
BCDC transfers to General Fund Parks Master Plan Consultant	K	(5,000)									5,000			-
BCDC transfer to Parks Capital Improvement Fund (Linda Anderson Park)	M					(2,889)					2,889			-
General Fund Transfer to Debt Service Fund	P	371,359		(371,359)										-
General Fund Transfer to Airport Capital Improvement Fund	T	17,752	(17,752)											-
<b>TOTAL BUDGETED TRANSFERS</b>		<b>406,560</b>	<b>(17,752)</b>	<b>(371,359)</b>	<b>-</b>	<b>(2,889)</b>	<b>16,000</b>	<b>(38,449)</b>	<b>-</b>	<b>-</b>	<b>7,889</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>CHANGE IN BUDGETED FUND BALANCE (INC) DEC</b>		<b>\$ 95,172</b>	<b>\$ (17,752)</b>	<b>\$ (371,359)</b>	<b>\$ 36,956</b>	<b>\$ (0)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 34,255</b>	<b>\$ (550,000)</b>	<b>\$ (86,819)</b>	<b>\$ (3,426,018)</b>	<b>\$ 137,316</b>	<b>\$ (4,148,249)</b>



## AGENDA ITEM 11

<b>DATE OF MEETING:</b> August 21, 2014	<b>DATE SUBMITTED:</b> August 15, 2014	
<b>DEPT. OF ORIGIN:</b> Fire	<b>SUBMITTED BY:</b> Chief Ricky Boeker	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon Authorization to Sell the Brenham Fire Department's Jaws of Life Tools and Power Units and Designate the Proceeds as Matching Funds for the Purchase of New Jaws of Life Tools and Power Units and Authorize the Mayor to Execute Any Necessary Documentation		
<b>SUMMARY STATEMENT:</b> The Brenham Fire Department membership has purchased these tools originally and donated them to the City of Brenham. We are asking to sell these tools through GovDeals and use the proceeds to purchase new replacement Jaws of Life tools. Any difference in the selling price and the cost of new tools will be paid for by the Brenham Fire Department membership. The reason we are selling the tools is we have experienced some mechanical issues with a new power unit that we purchased and the vendor is not standing behind their product. We cannot have a piece of equipment that we have lost confidence in that it will work when it is needed on an extrication scene. The membership has always tried to have the most up to date rescue equipment available because of the critical operation that it performs. We would like to switch manufactures so that all of our equipment is interchangeable.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
A. <b>PROS:</b> Proceeds will be used to replace older rescue tools (cutters, spreaders, rams and power units)		
B. <b>CONS:</b> If we don't replace these tools we will have two different manufactures that the tools will not interchange.		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b> None.		
<b>FUNDING SOURCE (Where Applicable):</b> No City funds will be used for this project, with the proceeds from the sale of these tools thru GovDeals the remaining funds will come from the Brenham Fire Department membership.		

**RECOMMENDED ACTION:** Approve the sales of the Brenham Fire Department's Jaws of Life tools and power units and designate the proceeds for the purchase of new Jaws of Life tools and power units and authorize the Mayor to execute any necessary documentation.

**APPROVALS:** Terry K. Roberts