



**NOTICE OF A REGULAR MEETING  
THE BRENHAM CITY COUNCIL  
THURSDAY, JANUARY 29, 2015 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 Milton Y. Tate, Jr.**
- 3. Citizens Comments**

**CONSENT AGENDA**

- 4. Statutory Consent Agenda**  
The Statutory Consent Agenda includes non-controversial and routine items that Council may act on with one single vote. A councilmember may pull any item from the Consent Agenda in order that the Council discuss and act upon it individually as part of the Regular Agenda.
  - 4-a. Minutes from the December 4, 2014 Special Emergency Meeting and December 4, 2014, December 18, 2014 and January 8, 2015 Regular City Council Meetings** **Pages 1 - 31**

**WORK SESSION**

- 5. Discuss and Review the FY2013-14 Fourth Quarter Financial Report** **Pages 32 - 50**

**REGULAR AGENDA**

- 6. Discuss and Possibly Act Upon Ordinance No. O-15-002 on Its Second Reading to Repeal Ordinance No. O-04-007 for the Placement of a Stop Sign on Chappell Hill Street at Its Intersection with Stringer Street** **Pages 51 - 53**

7. **Discuss and Possibly Act Upon Ordinance No. O-15-003 on Its Second Reading for the Placement of a Stop Sign on Stringer Street at Its Intersection with S. Chappell Hill Street**  
**Pages 54 - 58**
8. **Discuss and Possibly Act Upon Bid No. 15-002 for the Purchase and Installation of a 40-Ton HVAC Unit for City Hall and Authorize the Mayor to Execute Any Necessary Documentation**  
**Pages 59 - 62**
9. **Discuss and Possibly Act Upon Acceptance of Post Issuance Compliance Procedures and Authorize the Mayor to Execute Any Necessary Documentation**  
**Pages 63 - 71**
10. **Discuss and Possibly Act Upon an Order Calling a General Election on May 9, 2015 for the Purpose of Electing One Mayor; One Council Member for Place 2 – Ward 2; and One Council Member for Place 4 – Ward 4, Each for Four (4) Year Terms**  
  
**Discutir y posiblemente actuar por una orden exigiendo Elecciones Generales el 9 de mayo de 2015 con el propósito de la elección de un alcalde, un miembro de consejo para Lugar 2 – Distrito Electoral 2, y un miembro de consejo para Lugar 4 – Distrito Electoral 4, cada uno para términos de cuatro (4) años.**  
**Pages 72 - 77**
11. **Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham, Brenham Independent School District and Blinn College for the May 9, 2015 Elections and Authorize the Mayor to Execute Any Necessary Documentation**  
**Pages 78 - 82**
12. **Discuss and Possibly Act Upon Resolution No. R-15-001 of the City Council of the City of Brenham, Texas, Adopting a Commercial Tax Phase-In Agreement with Blue Bell Creameries, L. P. and Stanpac USA, LLC, Approving the Future Assignment Thereof, and Authorizing the Mayor to Execute Any Necessary Documentation**  
**Pages 83 - 132**
13. **Discuss and Possibly Act Upon Resolution No. R-15-002 Authorizing the Acceptance of TxDOT's Selective Traffic Enforcement Program (STEP) Grant for Impaired Driving Mobilization During the Specific Periods of December 19, 2014 through January 2, 2015; March 7 through March 22, 2015; June 26 through July 7, 2015; and August 21 through September 7, 2015 for the Police Department and Authorize the Mayor to Execute Any Necessary Documentation**  
**Pages 133 - 134**

## **EXECUTIVE SESSION**

- 14. Section 551.072 - Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding Potential Sale of Approximately 0.045 Acres of City Right-of-Way Abutting the Property Located at 2211 Old Chappell Hill Road**  
**Page 135**
- 15. Section 551.072 - Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding Potential Sale of Approximately 3.86 Acres of Land Along Old Mill Creek Road, East of U.S. Highway 290**  
**Page 136**
- 16. Section 551.072 - Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding Potential Sale of Approximately 1.78 Acres of Land Along Old Mill Creek Road, West of U. S. Highway 290**  
**Page 137**

## **RE-OPEN REGULAR AGENDA**

- 17. Discuss and Possibly Act Upon an Ordinance on Its First Reading Abandoning and Closing a Portion of City Right-of-Way and Authorizing the Sale of Approximately 0.045 Acres Abutting the Property Located at 2211 Old Chappell Hill Road**  
**Page 138**
- 18. Discuss and Possibly Act Upon the Potential Sale of Approximately 3.86 Acres of Land Along Old Mill Creek Road, East of U. S. Highway 290**  
**Page 139**
- 19. Discuss and Possibly Act Upon Potential Sale of Approximately 1.78 Acres of Land Along Old Mill Creek Road, West of U.S. Highway 290**  
**Page 140**
- 20. Administrative/Elected Officials Report**

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

## Adjourn

**Executive Sessions:** The City Council for the City of Brenham reserves the right to convene into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas Government Code, Chapter 551, including but not limited to §551.071 – Consultation with Attorney, §551.072 – Real Property, §551.073 – Prospective Gifts, §551.074 - Personnel Matters, §551.076 – Security Devices, §551.086 - Utility Competitive Matters, and §551.087 – Economic Development Negotiations.

### *CERTIFICATION*

I certify that a copy of the January 29, 2015 agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on January 26, 2015 at **12:30** PM.

*Jeana Bellinger, TRMC*  
City Secretary

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

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the \_\_\_\_\_ day of \_\_\_\_\_, 2015 at \_\_\_\_\_ AM PM.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

## **Brenham City Council Minutes**

A special emergency meeting of the Brenham City Council was held on December 4, 2014 beginning at 3:10 p.m. in the Brenham City Hall, Conference Room 2A, at 200 W. Vulcan Street, Brenham, Texas.

### Members present:

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

### Members absent:

Councilmember Danny Goss  
Councilmember Weldon Williams, Jr.

### Others present:

City Manager Terry K. Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Kacey Weiss, Public Utilities Director Lowell Ogle, City Engineer Grant Lischka

### Citizens present:

None

### Media present:

Arthur Hahn, Brenham Banner Press; and Mary-Janet Reyes, KWHI

### **1. Call Meeting to Order**

**2. Discuss and Possibly Act Upon Emergency Repairs to Gun & Rod Road and Associated Facilities as a Result of Recent Unforeseen Storm Damage, and the Necessity of the City Council to Take Immediate Action to Address the Unforeseen Damage to Gun & Rod Road and to Ensure the Public Health, Safety and Welfare of the Citizens of the City of Brenham**

City Manager Terry Roberts presented the item. Roberts explained that there was a structural failure of the corrugated pipes under the road of Gun & Rod at Ralston Creek. Roberts stated that because of the uncertainty of safety; the roadway has temporarily been closed to through traffic. City Engineer Grant Lischka is evaluating options for addressing the problem and gathering cost estimates for the work. The recent five inches of rain contributed to the deterioration but a more detailed inspection revealed larger problems than erosion. Roberts explained that in addition to our 90 day General Fund reserves serving as the rainy day fund, the city also has an additional five day reserve for unforeseen emergency repairs and this work fits into that category.

Lischka explained that one of the options is to place concrete box culverts. The estimated cost is \$45,000-\$50,000.00 and could be the middle of January before the culverts are completed and that is with the finish work being done in house by the street department. Lischka stated that he expects the total construction cost to be around \$80,000.00. Lischka stated that he met with both Collier Construction and Legacy Concrete and will get quotes from both.

Mayor Milton Tate asked what the total amount of time would be for the project. Lischka explained that the total time would be about one month if there were not any weather delays.

Councilmember Herring asked if guardrails were included in this project. Lischka stated that at this time guardrails are not included, but they could be added in the future.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to authorize the Mayor to negotiate, approve and execute a contract that is most advantageous to the City, to make emergency repairs to Gun & Rod Road at Ralston Creek.

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

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

The meeting was adjourned.

---

Milton Y. Tate, Jr.  
Mayor

---

Jeana Bellinger, TRMC  
City Secretary

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on December 4, 2014 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

### Members present:

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

### Members absent:

Councilmember Danny Goss  
Councilmember Weldon Williams, Jr.

### Others present:

City Manager Terry K. Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Kacey Weiss, Chief Financial Officer Carolyn Miller, Stacy Hardy, Wende Ragonis, Susan Nienstedt, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Billy Rich, Development Services Manager Erik Smith, Public Works Director Dane Rau, Public Utilities Director Lowell Ogle, City Engineer Grant Lischka, Ande Bostain and Haney Wilkerson

### Citizens present:

Lu Hollander

### Media Present:

Arthur Hahn, Brenham Banner Press; and Mary-Janet Reyes, KWHI

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

### **3. Service Recognitions**

- W. Keith Herring, Administration 10 Years
- Haney Wilkerson, Gas Department 20 Years

### **4. Proclamation**

90<sup>th</sup> Anniversary for Glissmann's Gift Gallery

### **5. Citizens Comments**

There were no citizen comments.

## **WORK SESSION**

### **6. Discussion and Update on the Tax Phase-In Compliance Review Committee and Findings Related to the Committee's Review of Tax Phase-In Projects**

Clint Kolby presented this item. Kolby explained that the Tax Phase-In Compliance Review Committee meets every year to review all of the current tax phase-in recipients who were granted the incentive to ensure that value creation, employment and payroll criteria are being met. This year, the Committee reviewed the following eight companies for compliance: Advanced Data Storage, Stanpac, QuestVapco, Blue Bell Creameries, Valmont Industries, Longwood Elastomers, MIC Group and BrazosValley Brewing Company. The Committee has verified that all eight companies are in compliance with the criteria set forth in the Tax Phase-In Policy.

Kolby stated that the tax phase-in policy calls for existing companies to create at least \$150,000.00 in value to the property tax roll and for new companies the minimum requirement is \$300,000.00. They have to create or retain at least ten jobs at an average base salary of \$33,000.00 per year. He said that all eight companies were reviewed and all of them met the requirements. He said that next year they will be adding TPE, GSL and will be reviewing Tempur Sealy

### **7. Presentation of the Fourth Quarter Report by the Washington County Convention and Visitors Bureau**

Lu Hollander, with the Washington County Convention and Visitors Bureau presented their fourth quarter report. Hollander stated that in an effort to be more cost efficient, a copy of the Washington County Convention and Visitors Bureau Fourth 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. A complete copy of the Washington County Convention and Visitors Bureau Fourth 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.

## CONSENT AGENDA

### 8. Statutory Consent Agenda

**8-a. Ordinance No. O-14-038 on its Second Reading Providing for Updated Service Credit and an Increase in Retirement Annuities in the Texas Municipal Retirement System**

**8-b. Ordinance No. O-14-039 on Its Second Reading Authorizing the Placement of a Stop Sign on S. Day Street at its Intersection with Charles Lewis Street**

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve Statutory Consent Agenda 8-a as presented.

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

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

A motion was made by Mayor Pro Tem Gloria Nix and seconded by Councilmember Ebel to approve Statutory Consent Agenda 8-b as presented.

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

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

## REGULAR AGENDA

### 9. Discuss and Possibly Act Upon Change Order No. 3 to Collier Construction, LLC for the Extension of Chappell Hill Street and Authorize the Mayor to Execute Any Necessary Documentation

City Engineer Grant Lischka presented this item. Lischka explained that staff has explored the possibility of continuing the improvements of Chappell Hill Street north between Lawndale Avenue and Stone Street. Lischka stated that the existing right-of-way is adequate to construct a 39-foot wide collector street; however, any reconstruction work would require installation of approximately 1,400 feet of new curb and gutter and new intersection valleys and driveway approaches. Lischka stated that the approximate cost for the concrete work is \$30,000 and he recommends that City personnel complete the remainder of the construction, which has an estimated cost of \$30,000, for a total project cost of approximately \$60,000. According to Lischka, one possible funding source is the 2012 Certificates of Obligations (CO), which have a balance of approximately \$600,000.

Councilmember Herring stated he would like the City to use the 2012 Certificates of Obligation (CO) funds instead of budgeted street funds.

City Manager Terry Roberts said the 2012 CO balance is approximately \$550,000.00-\$600,000.00 and that Chief Financial Officer Carolyn Miller would present a budget amendment at the appropriate time if the Council decides to use that source of funding.

Councilmember Barnes-Tilley noted that the change order is for \$27,700.50 and that with the additional \$30,000.00 the council would be responsible for approximately \$60,000.00. Lischka stated that she was correct and that the city would use the asphalt zipper to do some of the work. Councilmember Barnes-Tilley stated that \$60,000.00 has to come from somewhere and that she is fine with the project as long as another scheduled street project doesn't get postponed.

A motion was made by Councilmember Ebel and seconded by Councilmember Herring to approve Change Order No. 3 to Collier Construction, LLC for the extension of Chappell Hill Street and authorize the Mayor to execute any necessary documentation.

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

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

10. **Discuss and Possibly Act Upon Bid No. 14-010 for Bulk Water and Wastewater Treatment Chemicals and Authorize the Mayor to Execute Any Necessary Documentation**

Public Utilities Director Lowell Ogle presented this item. Ogle explained that the City solicited bids for a service contract to provide on-site generation of Chlorine Dioxide at our lake pump station. The bids also included options for the city to purchase a bulk chemical tank, day tank, and vacuum regulators that are currently owned by the supplier. The contract will be inclusive of the chemical precursor sodium chlorite, the bulk storage tank already in place, chlorine dioxide generation equipment, and technical services associated with the chlorine dioxide process.

Ogle explained that the contract, if approved, will be for one (1) year with an option for to be renewed for up to two (2) additional one (1) year terms (three (3) years total). He stated that any renewals would have the same terms and conditions as the original contract. Ogle advised the Council that the contract has price escalation and price reduction clauses which will protect both the City and the vendor if the markets for these products become volatile. If there is ever a significant change in the price, he would come back to Council for approval.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve Bid No. 14-010 to Evoque Water Technologies for the purchase of the bulk water tank in the amount of \$6,553.00 and bulk water and wastewater treatment chemicals in the amount of \$0.74/lb. (with contract to include two additional one-year renewal options if all contract terms and conditions remain the same) and authorize the Mayor to execute any necessary documentation.

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

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

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

Police Chief Rex Phelps presented this item. Phelps stated that he is seeking the Mayor and Council’s approval to order the four (4) budgeted police vehicles. The department rotates older (high mileage and worn) vehicles from time to time for replacement to equip the patrol, investigative, and administrative divisions. In order to maintain the current service level with fleet, the department typically orders 4 patrol cars and 2 unmarked vehicles every year. The total for the four marked vehicles is \$93,215.88. The marked vehicles are purchased off the state contract.

A motion was made by Mayor Pro Tem Gloria Nix and seconded by Councilmember Ebel to approve the purchase of new four (4) new patrol vehicles for the City of Brenham Police Department from the BuyBoard Local Government Purchasing Cooperative and authorize the mayor to execute any necessary documentation

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

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

The Council adjourned into Executive Session at 1:43 p.m.

**EXECUTIVE SESSION**

**12. Texas Government Code Section 551.072 – Deliberation Regarding Real Property – Discuss and Consider Possible Acquisition of Real Property in the Downtown Area for Municipal Purposes**

Executive Session adjourned at 1:51 p.m.

## RE-OPEN REGULAR AGENDA

### 13. Discuss and Possibly Act Upon the Possible Acquisition of Real Property in the Downtown Area for Municipal Purposes and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to authorize the Mayor to negotiate the final terms of an agreement for the purchase of the real property in the downtown area (the Synagogue Property) and execute any necessary documentation.

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

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

### 14. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- Erik Smith, the new Development Services Manager, was introduced to the Council.
- Ricky Boeker gave an update on the arrival of the rescue and pumper trucks.
- Wende Ragonis gave an update on the Christmas Stroll activities which will be held December 5<sup>th</sup> and 6<sup>th</sup>.
- An agenda was posted at noon today to have an emergency meeting regarding the Ralston Creek crossing at Gun & Rod Road. The street is closed at this time and a meeting is needed to discuss repairs since the repairs will be in excess of \$50,000.00
- Due to January 1<sup>st</sup> being an observed holiday, the Council meeting will need to be changed. It was the consensus of Council that decided that the January council meeting dates would be on the 8<sup>th</sup> and 22<sup>nd</sup>.
- There are secondary buildings that the city owns and others that have tenants in them. The conditions of the buildings need to be discussed; therefore, a Committee will need to be formed to review the condition of each of the buildings. Roberts asked if any council members wanted to serve on this Committee to let him know otherwise the Mayor will be choosing members.

*As posted on the agenda, the City Council meeting was adjourned and reconvened in Conference Room 2A, on the 2<sup>nd</sup> floor of City Hall for Work Session*

## **WORK SESSION**

### **15. Presentation and Update Regarding the Charter, Propositions, and Ballot Wording, and Proposed Voter Education Campaign for the May 9, 2015 Election**

City Secretary Jeana Bellinger presented the following Charter information to the Council:

- **History**  
Bellinger explained that it has been twenty years since the Charter was last reviewed. She reminded Council that they approved the 2015 review during the FY13-14 budget workshop.
- **Propositions**  
Bellinger explained there would be 23 Propositions on the ballot in May. She stated that Proposition 1 includes correcting grammar, spelling, punctuation, and renumbering errors. Proposition 2 corrects references to state and federal laws and deletes obsolete language. Propositions 3 thru 23 include all other recommended revisions.
- **Ballot Wording**  
Bellinger advised the Council that City Attorney Cary Bovey has composed the ballot wording for each proposition and she has prepared several informational documents related to each proposition in an effort to make them easy for the voters to understand.
- **Voter Education**  
Bellinger stated that she is planning to do press releases, interviews, post the information on the City's website and have several PowerPoint presentations that will stream on the television in the lobby outside of Council Chambers on municipal court days or any other time there is an event going on in City Hall.
- **Election Information**  
Bellinger explained to the Council that there will actually be two elections taking place on May 9, 2015. There will be the Regular Election for the positions of Mayor, Councilmember Ward 2, and Councilmember Ward 4. There will also be a Special Election for amendments to the Charter (23 Propositions).

➤ Important Dates

Bellinger advised the Council of some important upcoming dates related to the 2015 election:

The candidate filing period is January 28 – February 27

Last Day to Order the election is February 27

Early Voting is April 27 – May 5

After further discussion with Council, it was requested by the Council that Bellinger make the following revisions before moving forward with Charter election documents and materials:

- Change “FOR” or “AGAINST” wording on ballot and educational material to read “YES” or “NO” for easier understanding.
- Insert Spanish translation slides into voter education PowerPoint presentation.
- Add to the city’s website an interactive way for voters to ask questions about the election. The questions will be e-mailed to the City Secretary for response.
- Add a slide to the voter education material advising that only one proposed amendment (Proposition 12) has a fiscal impact on the City and if the amendment is approved, it will save the City money.
- Expand language contained in the “*Why is this Proposition on the ballot?*” section of the voter education materials to make them easier to understand.

Councilmember Barnes-Tilley noted that if the voters care enough they will come out to vote, but it appears to her that Bellinger is headed in the right direction as far as educating voters. Barnes Tilley also stated that she thinks it may be a good idea for Bellinger to give presentations at the City’s advisory board meetings.

The meeting was adjourned.

---

Milton Y. Tate, Jr.  
Mayor

---

Jeana Bellinger, TRMC  
City Secretary

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on December 18, 2014 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

### Members present:

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

### Members absent:

Councilmember Weldon Williams, Jr.

### Others present:

City Manager Terry K. Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Kacey Weiss, Chief Financial Officer Carolyn Miller, Stacy Hardy, Crystal Locke, Cynthia Longhofer, Sara Parker, Kaci Konieczny, Wende Ragonis, Deputy Chief Alan Finke, Police Chief Rex Phelps, Development Services Manager Erik Smith, Jennifer Eckermann, Kim Hodde, Public Works Director Dane Rau, Casey Redman, Public Utilities Director Lowell Ogle, and City Engineer Grant Lischka.

### Citizens present:

Melinda Faubion, Margie Routt Young, Mary Barnes, Charlie Pyle, Jim Washburn, Tammy Jaster, Elizabeth Price, Tommy Upchurch, Darren Heine and Tom Whitehead

### Media Present:

Arthur Hahn, Brenham Banner Press; and Mary-Janet Reyes, KWHI

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

**3. Citizens Comments**

There were no citizen comments.

**CONSENT AGENDA**

**4. Statutory Consent Agenda**

**4-a. Minutes from the November 20, 2014 Council Meeting**

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve the Statutory Consent Agenda Item 4-a. Minutes from the November 20, 2014 Council Meeting.

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

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

**WORK SESSION**

**5. Presentation and Update Regarding Old Mill Creek Road Right-Of-Way**

City Engineer Grant Lischka presented this item. Lischka has finalized the layout of developable lots within the old railroad right-of-way along Old Mill Creek Road. He explained that staff would like to begin earthwork on the lots to get them ready to sell. Lischka explained that adjoining property owners have been notified, by mail, of the upcoming work. As discussed with Council earlier in the year, the existing streets that do not currently connect to Old Mill Creek Road (Dixie Street, Cornish Street and Hampshire Drive) will remain that way. All lots off of these streets will be accessed from cul-de-sacs rather than from Old Mill Creek Road.

Councilmember Barnes-Tilley questioned why the lots are so small and Lischka explained that all of the lots meet the City’s lot size requirements for development.

## **6. Discussion and Update on Wayfinding Signage Program**

Director of Community Services Wende Ragonis presented this item. Ragonis explained that a Wayfinding Signage Program makes it easier for locals and visitors in a community to navigate from place to place. A comprehensive and well planned signage program connects vehicular traffic from all entry points to the community's attractions such as Downtown and where appropriate, provides guidance for pedestrians to amenities like pocket parks and restrooms.

Ragonis stated that the City of Brenham's Downtown Master Plan, which was adopted by Council in 2012, highlights the importance of "defining the way" for visitors coming to the downtown area. The Main Street Board and Planning Committee, which participated in the development of the Downtown Master Plan, assigned a sub-committee to research a wayfinding program. The members of the sub-committee include: Chairman Melinda Faubion, downtown property owner Charlie Pyle, architect and design committee member Elizabeth Price, Chamber President Page Michel, Councilmember Mary Barnes-Tilley, Main Street Manager Jennifer Eckermann, and Director of Development Services Julie Fulgham (replaced by Director of Community Services, Wende Ragonis). Ragonis noted that this committee worked with Purchasing Services within the City's purchasing department and has selected a vendor, fd2s Design Consultants, to design the signs.

Main Street Board Member and Planning Committee Chairman Melinda Faubion explained all the work that the Committee put into the project and outlined the Committee's future plans for wayfinding signage in Brenham.

Councilmember Barnes-Tilley advised the Council that the project relates closely to recommendations in the Downtown Master Plan and thanked the Committee for their work.

## **REGULAR AGENDA**

### **7. Discuss and Possibly Act Upon the Acceptance of a Donation in the Amount of \$28,000.00 from Brenham Main Street Historical Preservation, Inc. for a Wayfinding Signage Program and Authorize the Mayor to Execute Any Necessary Documentation**

Director of Community Services Wende Ragonis presented this item. Ragonis stated that the Brenham Main Street Historical Preservation, Inc. would like to make a donation to the City of Brenham in the amount of \$28,000 to be utilized for the Wayfinding Signage Program.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to accept a donation in the amount of \$28,000.00 from Brenham Main Street Historical Preservation, Inc. for a Wayfinding Signage Program and authorize the Mayor to execute any necessary documentation.

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

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

**8. Discuss and Possibly Act Upon Resolution No. R-14-026 Adopting a New Fee Schedule for the City of Brenham's Parks and Recreation Department**

Director of Community Services Wende Ragonis presented this item. Ragonis stated that the City of Brenham publishes a Parks and Recreation Guide for visitors and residents as a reference to the City's recreational services. Ragonis explained that while most of the Parks and Recreation amenities and programs are offered to the public at no cost, there are fees for services such as: facility rentals, admission to the Blue Bell Aquatics Center, private swim lessons and some other recreational programming. Ragonis noted that at the October 8, 2014 Parks Advisory Board meeting, the Board approved changes to the 2015 Parks and Recreation rates and if approved by the Council, these rates will be published in the 2015 Parks and Recreation Guide.

Mayor Milton Tate asked if the rates are comparable to other cities. Ragonis stated that they have not done research on what other cities charge for their services, but that the recommended fees are in line with what other organizations charge within the community.

City Attorney Cary Bovey advised Council that, if approved, the new fee schedule will go into effect on January 1, 2015.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to act upon Resolution No. R-14-026 adopting a new fee schedule for the City of Brenham's Parks and Recreation Department, to be effective on January 1, 2015.

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

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

**9. Discuss and Possibly Act Upon Resolution No. R-14-027 in Support of Jefferson Square Housing Ltd’s Submission of an Application to the Texas Department of Housing and Community Affairs Requesting 2015 Housing Tax Credits for the Acquisition and Rehabilitation of Jefferson Square Apartments, Located at 801 W. Jefferson Street**

City Engineer Grant Lischka presented this item. He stated that Jefferson Square Housing, Ltd. is requesting support of their Texas Department of Housing and Community Affairs tax credit application for the acquisition and rehabilitation of the development of affordable rental housing known as Jefferson Square Apartments located at 801 W. Jefferson Street. Lischka explained that Jefferson Square Apartments is an existing 44 unit affordable housing development that is showing signs of aging and is in need of repair. Lischka stated that Jefferson Housing, Ltd. is proposing to acquire the property and rehabilitate the development, thus, greatly extending its useful life and offering quality rental housing to the citizens of Brenham. They are asking for the city’s support in submitting their application to the State for tax credits.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to act upon Resolution No. R-14-027 in support of Jefferson Square Housing Ltd’s submission of an application to the Texas Department of Housing and Community Affairs requesting 2015 housing tax credits for the acquisition and rehabilitation of Jefferson Square Apartments located at 801 W. Jefferson Street and authorize the Mayor to execute any necessary documentation.

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

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

**10. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending the FY2013-14 Adopted Budget and Authorize the Mayor to execute Any Necessary Documentation**

Chief Financial Officer Carolyn Miller presented this item. Miller placed an information sheet and a large print budget spreadsheet around the dias. Miller stated the proposed Ordinance will be the second and final amendment to the FY2013-14 budget.

Miller explained highlights of the budget amendment include the following:

- Revenue increases due to: Gas Fund franchise tax; Library grant proceeds; City hotel occupancy tax collections and refunds; Donations Fund for animal shelter capital; 2014 Capital Projects Fund for the library's 501(c)(3) board's contribution for the library renovation and expansion project; and Debt Service Fund for the proceeds of the 2014 General Obligation Refunding Bonds. Revenue in all five utility funds increased due to higher sales and a LCRA refund.
- Revenue decreases in the Airport Capital Improvement Fund due to RAMP Grant revenues that will not be received until fiscal year 2015.
- Expenditures increased due to: the purchase of library technology items; payments associated with the 2014 General Obligation Refunding Bonds; Brenham Community Development Corporation (BCDC) capital outlay related to park infrastructure; and architect and engineering expenses for the new animal shelter and library expansion.
- Expenditures decreased in several funds due to several large projects not being completed until fiscal year 2015. The decreases in expenditures were due to: higher generation rates (Electric & Gas); higher franchise tax (Gas); the completion of several infrastructure projects (Electric & Water); higher electricity costs (Wastewater); additional transfer runs to the landfill (Sanitation); and the purchase of a cardboard bailer (Sanitation).

Miller stated that other budget amendment items include transfers between funds for a BCDC capital project and for street materials purchased by the Water Fund and contributed to the General Fund for street reconstruction projects.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve an Ordinance on its first reading amending the FY2013-14 adopted budget and authorize the Mayor to execute any necessary documentation.

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

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

**11. Discuss and Possibly Act Upon an Election Services Contract Between the City of Brenham and Washington County Related to Election Responsibilities for the May 9, 2015 General and Special Elections and Authorize the Mayor to Execute Any Necessary Documentation**

City Secretary Jeana Bellinger presented this item. Bellinger explained that the Election Services Contract outlines what the City and/or the County will be responsible for during the May 9, 2015 General and Special Election process. This contract is essentially the same one that has been approved in previous years; however, there is not a polling place listed for Ward 1. Bellinger advised the Council that since the Nancy Carol Roberts Memorial Library will be under construction during the election and she will need to find a new Ward 1 polling location. Bellinger requested that the Council approve this contract contingent upon the City Attorney and the Mayor agreeing with the location of the new polling place.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve an Election Services Contract between the City of Brenham and Washington County related to election responsibilities for the May 9, 2015 General and Special Elections, contingent upon approval of a Ward 1 polling place by the Mayor and City Attorney, and authorize the Mayor to execute any necessary documentation.

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

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

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

City Manager Terry Roberts presented this item. Roberts discussed each board and the appointments and re-appointments requested. He noted that there are ten city boards and a total of 78 members. Roberts stated that according to the City's policy, the Mayor and City Manager are to review the board appointments and offer a recommendation to the City Council. The Mayor's recommendation to the Council were as follows:

**Airport Advisory Board:**

Janet Hess  
Jon Hodde  
Eddie Van Dyke

**Board of Adjustment:**

Jon Hodde  
Walt Schoenvogel  
Mike Haywood  
Richard Heiges  
Jarvis Van Dyke

**Building Standards Commission:**

Walt Edmonds  
Stoney Lacina

One vacancy remains on this Board; a recommendation will be brought back to Council at a future meeting.

**Brenham Community Development Corporation:**

Bill Betts  
John Hasskarl  
Jason Kiemsteadt

**Brenham Housing Authority:**

Richard Flammer  
Gerald Calvert  
Cory Flencher

One vacancy remains on this Board; a recommendation will be brought back to Council at a future meeting.

**Hotel Occupancy Tax Board:**

Keith Hankins  
Pamela Murski  
Stacey Walters  
Jim Rolewicz (Washington County's Appointee)

**Library Advisory Board:**

Weldon Williams  
Dr. Betty Fortner (Fortnightly Club Appointee)  
Jody Tyson (Fortnightly Club Appointee)

**Main Street Board:**

John Herman  
Tiffany Morisak  
Wendy Frazier  
Susan Canty  
Connie Wilder

One vacancy remains on this Board; a recommendation will be brought back to Council at a future meeting.

**Parks and Recreation Advisory Board:**

Luis Mendoza  
Bill Betts  
Paula Buls

**Planning and Zoning Commission:**

Walt Schoenvogel  
Leroy Jefferson  
Calvin Kossie  
Lynette Scheffield

Roberts noted that additional members are still needed for the Building Standards Commission, Main Street Board and a tenant appointment for the Brenham Housing Authority. These recommendations will be brought back to Council at a later date.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Ebel to approve recommendations for appointment and/or re-appointment to various city advisory boards as presented.

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

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

**13. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County Related to the Operation of and Improvements to Linda Anderson Park and Authorize the Mayor to Execute Any Necessary Documentation**

City Manager Terry Roberts presented this item. Roberts stated that the City and Washington County jointly developed Linda Anderson Park in the late 1980's and have shared in the expenses of the Park since then. Roberts noted that this interlocal agreement has worked well and was one of just a few agreements that were not a part of the comprehensive exchange of services agreement. The agreement is for two years at the same funding level of \$35,000 per year.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve the interlocal agreement between the City of Brenham and Washington County related to the operation of and improvements to Linda Anderson Park and authorize the Mayor to execute any necessary documentation.

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

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

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

**EXECUTIVE SESSION**

**14. Texas Government Code Section 551.074 – Personnel Matters – Discuss and Consider Re-Appointment and Compensation for Municipal Court Judges Julian Weisler and Robert Wright and City Prosecutor Bill Kendall**

Executive Session adjourned at 2:20 p.m.

**RE-OPEN REGULAR SESSION**

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

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to re-appoint Municipal Court Judges Julian Weisler and Robert Wright and City Prosecutor Bill Kendall and delay any consideration of a salary adjustment until April 2015.

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

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

**16. Administrative/Elected Officials Report**

City Manager Terry Roberts reported on the following:

- All Council members are invited to attend State Senator Lois Kolkhorst's swearing in ceremony on December 22<sup>nd</sup> in Austin.
- Fire Chief Ricky Boeker is at home following his surgery.
- Councilmember Weldon Williams is recuperating in the hospital after his surgery.
- Bridge work in the Ralston Creek Subdivision is in progress and Legacy Concrete is doing the repairs.
- Work on Chappell Hill Street is moving along.
- It was noted that Chief Financial Officer Carolyn Miller has the budget information ready and it is online; if anyone wants a hard copy they should let her know and she will get it to them.

The meeting was adjourned.

---

Milton Y. Tate, Jr.  
Mayor

---

Jean Bellinger, TRMC  
City Secretary

DRAFT

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on January 8, 2015 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

### Members present:

Mayor Milton Y. Tate, Jr.  
Mayor Pro Tem Gloria Nix  
Councilmember Andrew Ebel  
Councilmember Danny Goss  
Councilmember Keith Herring

### Members absent:

Councilmember Mary E. Barnes-Tilley  
Councilmember Weldon Williams, Jr.

### Others present:

City Manager Terry K. Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeanna Bellinger, Kacey Weiss, Stacy Hardy, Community Services Director Wende Ragonis, Fire Chief Ricky Boeker, Deputy Chief Alan Finke, Police Chief Rex Phelps, Angela Hahn, Development Services Manager Erik Smith, Kim Hodde, Public Works Director Dane Rau, Alton Sommerfield, City Engineer Grant Lischka and Brett Church.

### Citizens present:

None

### Media Present:

Arthur Hahn, Brenham Banner Press; Caitlin Hahn, Brenham Banner Press; and Mary-Janet Reyes, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – City Manager Terry Roberts**
- 3. Service Recognition**
  - **Brett Church, Electric Department – 20 Years**

**4. Citizens Comments**

There were no citizen comments.

**CONSENT AGENDA**

**5. Statutory Consent Agenda**

**5-a. Ordinance No. O-15-001 on Its Second Reading Amending the FY2013-14 Adopted Budget**

A motion was made by Councilmember Herring and seconded by Councilmember Goss to approve the Statutory Consent Agenda Item 5-a as presented.

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

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

**REGULAR AGENDA**

**6. Discuss and Possibly Act Upon Final Payment to Legacy Concrete Works, LLC for the Construction of the Ralston Creek Box Culvert at Gun and Rod Road and Authorize the Mayor to Execute Any Necessary Documentation**

City Engineer Grant Lischka presented this item. Lischka explained that this was discussed at an emergency meeting of City Council on December 4<sup>th</sup> due to the Ralston Creek crossing on Gun and Rod Road sustaining damage that required immediate attention. At the time of the December 4<sup>th</sup> emergency meeting, staff did not have quotes for the repair; however, since the repair of the crossing was deemed an emergency, Council authorized the Mayor to enter into a contract once staff had received and reviewed the quotes.

Lischka stated that staff received two quotes with the lowest being \$73,500 and staff believed the lowest quote was reasonable. According to Lischka, during the course of the construction, some field modifications were made that decreased the length of the culvert, as quoted, which decreased the cost by \$3,800. Also during construction, staff saw the need for additional headwalls in order to provide a safer crossing. Lischka explained that these headwalls were added at a cost of \$6,000. Accounting for the deduction of \$3,800 and the addition of \$6,000, the final invoice from the contractor totaled \$75,700. Lischka stated the contractor has completed construction and staff recommends final payment in the amount of \$75,700.00.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve the final payment to Legacy Concrete Works, LLC for the construction of the Ralston Creek box culvert at Gun and Rod Road in the amount of \$75,700.00 and authorize the Mayor to execute any necessary documentation.

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

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

**7. Discuss and Possibly Act Upon A One (1) Year Extension in Accordance with Bid No. 14-002 for Janitorial Services for Various City Facilities and Authorize the Mayor to Execute Any Necessary Documentation**

Public Works Director Dane Rau presented this item. Rau explained that on December 5, 2013, the City Council awarded Ambassador Higher Cleaning Standards the annual contract for janitorial services related to numerous City facilities. This contract was for a total of up to three years if both parties agreed. Rau stated that on January 15, 2015, the first term of the three year contract is up and a renewal is needed in order to proceed with the additional two years.

Rau noted that during the past year an addendum was taken to council to adjust certain facilities on the contract such as removing the Library Building, Central Communication Building and adjusting City Hall cleaning due to the addition of the Library move in. Rau stated there were two areas also added such as the Central Warehouse Building and the All Sports Building. Rau explained that overall there was still a savings due to the Communication Building being deleted from the contract.

Rau explained that the Police Department has asked that one item in the “cleaning schedule” for their building change. Rau stated that in the past the Police Department has been cleaned on a Monday-Friday schedule; however, they have requested that the schedule change to Sunday-Thursday due to that facility being ready to the public on Monday morning.

Rau advised that Ambassador has indicated that they would like to renew their contract at the current prices except there would be a slight increase for the schedule change at the Police Department. Rau noted that this increase would be \$100 more a month or an additional \$1,200 per year for the Police Department. Rau stated this is due to Ambassador’s higher weekend rate.

Rau explained that he would like to ask Council to extend the annual contract with Ambassador Higher Cleaning Solutions for an additional year with one adjustment being the increase for the Sunday-Thursday cleaning schedule change for the Police Department. The renewed contract will be for \$62,618 annually, which is a reduction from the original contract awarded in 2013.

Councilmember Goss questioned why there is an increase for the Police Department if the number of days will be staying the same. Rau explained that the company charges a higher rate for weekends.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve a one year contract extension with Ambassador Higher Cleaning Solutions (related to Bid No. 14-002) for the janitorial services for various city facilities in the amount of \$62,618.00 and authorize the Mayor to execute any necessary documentation.

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

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

**8. Discuss and Possibly Act Upon an Ordinance on Its First Reading to Repeal Ordinance No. O-04-007 for Placement of a Stop Sign on Chappell Hill Street at Its Intersection with Stringer Street**

Public Works Director Dane Rau presented this item. Rau explained that in 2004, an Ordinance was adopted to place a stop sign on S. Chappell Hill St. at Stringer St. At that time Chappell Hill was only a small section of roadway that lead to a dead end; however, due to the upcoming connection of S. Chappell Hill Street to Market Street, staff does not feel that the stop sign originally placed in 2004 is a good fit for this intersection. Rau stated that he is recommending that the stop sign on S. Chappell Hill Street be removed to allow traffic to flow between Market Street and US Highway 290 feeder road.

Mayor Tate asked if the stop sign will stay in place while construction is occurring. Rau stated that the stop sign will stay in place until the roadway is finished and is opened for traffic.

City Attorney Cary Bovey advised the Council that the ordinance would need to be amended for second reading to clarify that the stop sign would not be installed until construction is completed and the roadway was opened to vehicular traffic.

A motion was made by Councilmember Ebel and seconded by Councilmember Herring to approve an Ordinance on its first reading to repeal Ordinance No. O-04-007 for the placement of a stop sign on Chappell Hill Street at its intersection with Stringer Street.

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

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

**9. Discuss and Possibly Act Upon an Ordinance on Its First Reading for the Placement of a Stop Sign on Stringer Street at Its Intersection with S. Chappell Hill Street**

Public Works Director Dane Rau presented this item. Rau explained that due to the extension of S. Chappell Hill Street from Market Street to U.S. Highway 290, staff is recommending the placement of a stop sign on Stringer Street at its intersection with S. Chappell Hill Street.

City Attorney Cary Bovey advised the Council that the ordinance would need to be amended for second reading to clarify that the stop sign would not be installed until construction is completed and the roadway was opened to vehicular traffic.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve an ordinance on its first reading for the placement of a stop sign on Stringer Street at its intersection with S. Chappell Hill Street.

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

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

Council adjourned into Executive Session at 1:20 p.m.

**EXECUTIVE SESSION**

**10. Section 551.076 – Texas Government Code – Deliberation Regarding Security Devices – Discussion Regarding the Brenham Police Department’s Deployment of a Security Device**

Executive Session adjourned at 1:34 p.m.

**RE-OPEN REGULAR AGENDA**

**11. Discuss and Possibly Act Upon the Possible Authorization to Accept a Grant from the Susteen Mobile Forensics Grant Program for a Mobile Forensics Software Unit and Authorize the Mayor to Execute Any Necessary Documentation**

Police Chief Rex Phelps presented this item. Phelps explained that the Department was recently notified of a grant opportunity which would assist in the purchase of forensic software. Phelps explained that the grant will pay sixty percent (60%) of the cost and the City’s match would be \$4,999.

A motion was made by Councilmember Herring and seconded by Councilmember Goss to accept a grant from the Susteen Mobile Forensics Grant Program for a mobile forensics software unit and authorize the Mayor to execute any necessary documentation.

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

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

## 12. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- The Chamber Banquet is January 27<sup>th</sup>
- The City's Holiday Party will be January 30<sup>th</sup>. Please be sure and RSVP if you will be attending.
- Welcomed Fire Chief Ricky Boeker back from his medical leave
- Stated that Councilmember Williams is in Austin recovering from his heart procedure and Councilmember Herring is also recovering from shoulder surgery.
- City crews had to do an emergency water leak repair on Medical Parkway and water will be turned back on today.
- The second City Council meeting in January will be the 29<sup>th</sup>.

Councilmember Goss requested that the Council consider having a retreat in the near future to discuss several items related to the future of Brenham.

Police Chief Phelps advised that bid requests for the construction of the new animal shelter will be going out around January 12<sup>th</sup>.

Community Services Director Wende Ragonis reported on the following:

- "Uptown Swirl" will be on January 17<sup>th</sup>.
- She will be presenting the Parks Master Plan to Council in February.
- The Library Advisory Board in finalizing plans for the new library.
- The City is sponsoring "Walk with a Doc" for our employees on Saturday, January 24<sup>th</sup> in Hohlt Park; doctors from the Brenham Clinic will provide an informational session and then walk with the employees.

Fire Chief Boeker advised Council that the new fire truck should be here within the next week.

The meeting was adjourned.

---

Milton Y. Tate, Jr.  
Mayor

---

Jeana Bellinger, TRMC  
City Secretary



**AGENDA ITEM 5**

<b>DATE OF MEETING:</b> January 29, 2015		<b>DATE SUBMITTED:</b> January 26, 2015
<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"/> 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 and Review the FY2013-14 Fourth Quarter Financial Report		
<b>SUMMARY STATEMENT:</b> See attached memo from CFO, Carolyn D. Miller		
<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) Memo from CFO, Carolyn D. Miller; (2) General Fund Fourth Quarter Performance; and (3) Utility Fund Financial Statement		
<b>FUNDING SOURCE (Where Applicable):</b>		
<b>RECOMMENDED ACTION:</b> Discussion Only.		
<b>APPROVALS:</b> Terry K. Roberts		



**MEMORANDUM**

To: Mayor, Council and City Manager

From: Carolyn D. Miller  
Chief Financial Officer *cm*

Subject: FY2013-14 Fourth Quarter Financial Report

Date: January 26, 2015

The Finance Division is pleased to provide financial performance reports for the year ended September 30, 2014. The General Fund and the five major utility funds are presented with both budget amendments included. For FY2013-14, the City experienced favorable performance in the General, Gas and Wastewater Funds. The Electric Fund performance was due to unfavorable LCRA generation rates; the Water Fund was unfavorable due to a 9.8% decrease in water consumption; and the Sanitation Fund overall posted a net loss for the year primarily due to utilization of fund balance reserves for capital expenditures and increased costs in the Transfer Station.

**FINANCIAL PERFORMANCE SUMMARY**

Fund	4th QTR Actual Performance			
	YTD Revenues	YTD Expenditures	Actual Net Revenues	Budgeted Net Revenues
General Fund	\$ 16,866,689	\$ 16,716,696	\$ 149,992	\$ 107,174
Electric Fund	28,051,982	29,064,299	(1,012,317)	(1,029,649)
Gas Fund	3,909,935	3,584,662	325,272	311,594
Water Fund	3,990,750	4,979,064	(988,314)	(993,016)
Wastewater Fund	3,594,683	3,569,542	25,142	32,652
Sanitation Fund	2,481,884	2,534,407	(52,523)	(53,199)

**GENERAL FUND**

For FY2013-14, the General Fund revenues exceeded expenditures by \$149,992 which increased the fund balance reserves from \$3.57 million to \$3.72 million giving us 100 days of General Fund reserves.

Beginning Fund Balance	\$ 3,574,961
Net Revenues	<u>149,992</u>
Ending Fund Balance 100 Days	\$ 3,724,953
<b>90 Day Reserve</b>	<b>3,345,171</b>
<b>5 Day R&amp;R Reserve</b>	<b>185,845</b>
5.2 Days Undesignated Reserves	\$ 193,937

At the end of the fiscal year, we have 100 days of General Fund reserves to cover our financial goal of 90 days reserve and 5 days Renovations and Replacements (R&R) reserve, leaving us with over 5 days of undesignated reserves. We fell slightly from 102 days in the prior fiscal year. Capital expenditures are shown in Exhibits H and I, respectively for the General Fund and the Equipment Fund.

**ELECTRIC FUND**

The Electric Fund experienced unfavorable net revenues of (\$1,012,317) for the fiscal year which was comparable to the budgeted performance. The distribution side accounted for (\$250,699) or 25% which was a combination of operating net revenues of \$907,662 offset by budgeted capital improvements of \$1,158,362. The generation side of the operation realized a substantial shortfall due to unfavorable LCRA generation rates which accounted for a net deficit of (\$761,618) or 75%.

The Electric Fund working capital reserves decreased from 106 to 84 days.

Beginning Working Capital	\$ 7,307,396
Net Revenues	(1,012,317)
CAFR (Accrual) Adj.	<u>123,691</u>
Ending Working Capital 82 Days	\$ 6,418,770
<b>60 Day Reserve</b>	<b>4,587,277</b>
24 Days Undesignated Reserves	\$ 1,831,493

**GAS FUND**

The Gas Fund posted favorable net revenues of \$325,272 for the fiscal year mainly resulting from higher commodity revenue the majority of which ultimately gets passed to customers. Natural gas prices were higher in FY13-14 and consumption was higher creating additional mcf sales.

The Gas Fund working capital reserves grew by one day from 153 days to 154 days.

Beginning Working Capital	\$ 1,141,581
Net Revenues	325,272
CAFR (Accrual) Adj.	<u>8,289</u>
Ending Working Capital 153 Days	\$ 1,475,142
<b>60 Day Reserve</b>	<b>574,234</b>
94 Days Undesignated Reserves	\$ 900,908

**WATER FUND**

The Water Fund experienced unfavorable net revenues of (\$988,314) for FY13-14 which was in line with the budgeted performance. With more normalized weather for three consecutive years following the drought of 2011, water consumption was down 83.4 million gallons or 9.8% over the prior fiscal year.

With a net loss in the Water Fund, the working capital reserves fell from 221 days to 198 days.

Beginning Working Capital	\$	2,161,312
Net Revenues		(988,314)
Bond Proceeds Released from Restricted Cash		796,869
CAFR (Accrual) Adj.		156,503
Ending Working Capital	\$	2,126,370
<b>60 Day Reserve</b>		<b>643,726</b>
138 Days Undesignated Reserves	\$	1,482,644

**WASTEWATER FUND**

The Wastewater Fund showed net revenues of \$25,142 for FY13-14 which was comparable to the budget. Utility revenues were in line with the prior year actuals, with a slight decrease in reclaimed water.

Although the Wastewater Fund posted net revenues of \$25,142, the days of working capital reserves decreased from 65 days to 52 days. In FY14 electricity cost and debt service requirements were higher, resulting in higher expenditures for the working capital calculation.

Beginning Working Capital	\$	551,212
Net Revenues		25,142
CAFR (Accrual) Adj.		(87,471)
Ending Working Capital	\$	488,883
<b>60 Day Reserve</b>		<b>566,784</b>
8 Days Reserves Shortfall	\$	(77,901)

**SANITATION FUND**

The combined operations of the Sanitation Fund posted unfavorable net revenues of (\$52,523) for the year ending September 30, 2014 which was also in line with budget. All business units except for Residential Collection posted unfavorable net revenues. As you recall, the Recycling Center purchased a refurbished cardboard baler and we experienced overages associated with more transfer runs to the landfill and higher vehicle equipment repairs in the Transfer Station and Collection Station.

Beginning Working Capital	\$	818,275
Net Revenues		(52,523)
CAFR (Accrual) Adj.		1,786
Ending Working Capital	\$	767,538
<b>60 Day Reserve</b>		<b>391,955</b>
57 Days Undesignated Reserves	\$	375,583

**SANITATION FUND (continued)**

The Sanitation Fund working capital reserves decreased from 128 days to 117 days. As explained in the previous paragraph, the FY14 expenditures were higher than the prior year with a combined increase of over \$108,000 resulting in higher expenditures for the working capital calculation. This coupled with the net operating loss in FY14, contributed to the decrease in working capital reserves.

**CONCLUSION**

As noted in the financial summary, the City experienced favorable performance in the General, Gas and Wastewater funds, and maintained the 90 or 60 day operating/working capital reserves in the General Fund and all utility funds except the Wastewater Fund. This performance is due in a large part to the efforts of our division directors and senior management who monitor department expenditures and overall Fund performance and make necessary adjustments throughout the year.

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

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

**GENERAL FUND  
4TH QUARTER PERFORMANCE**



**EXHIBIT A**

**TOTAL OPERATING RESOURCES**

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY13	ACT FY14	VARIANCE		BUD FY14	ACT FY14	VARIANCE
<b>REVENUES</b>						
3,555,564	3,895,161	339,597	PROPERTY TAX	3,837,971	3,895,161	57,190
4,404,296	4,391,151	(13,145)	SALES TAX	4,672,085	4,391,151	(280,934)
2,608,246	2,772,583	164,337	UTILITIES FRANCHISE TAX	2,728,439	2,772,583	44,144
355,288	367,070	11,782	OTHER TAXES	358,000	367,070	9,070
10,923,393	11,425,965	502,571	<b>SUBTOTAL TAXES</b>	11,596,495	11,425,965	(170,530)
720,243	758,103	37,860	LICENSES, PERMITS & FEES	820,895	758,103	(62,792)
394,448	359,271	(35,177)	MISCELLANEOUS	327,148	359,271	32,123
255,548	277,377	21,829	AQUATICS	262,960	277,377	14,417
30,004	31,492	1,488	ANIMAL CONTROL	27,750	31,492	3,742
12,323,636	12,852,207	528,571	<b>TOTAL REVENUES</b>	13,035,248	12,852,207	(183,041)
3,194,460	3,300,163	105,703	<b>TRANSFERS-IN</b>	3,503,452	3,300,163	(203,289)
416,912	714,319	297,407	<b>INTERLOCAL AGREEMENTS</b>	760,284	714,319	(45,965)
15,935,007	16,866,689	931,681	<b>TOTAL OP RESOURCES</b>	17,298,984	16,866,689	(432,295)

**EXHIBIT B**

**TOTAL USES OF OPERATING RESOURCES**

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY13	ACT FY14	VARIANCE		BUD FY14	ACT FY14	VARIANCE
<b>EXPENDITURES</b>						
14,813,208	15,296,167	(482,959)	OPERATING DEPTS	15,758,940	15,296,167	462,773
485,669	447,012	38,657	NON-DEPT DIRECT	447,102	447,012	90
15,917	49,478	(33,561)	NON-DEPT MISC (1)	54,686	49,478	5,208
15,314,794	15,792,657	(477,863)	<b>TOTAL EXPENDITURES</b>	16,260,728	15,792,657	468,071
610,144	924,039	(313,895)	<b>TRANSFERS-OUT</b>	931,082	924,039	7,043
15,924,938	16,716,696	(791,758)	<b>TOTAL USES OP RESOURCES</b>	17,191,810	16,716,696	475,114

(1) Excludes uncollectible accounts.

**GENERAL FUND  
4TH QUARTER PERFORMANCE**



**EXHIBIT C**

**NET REVENUES**

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY13	ACT FY14	VARIANCE		BUD FY14	ACT FY14	VARIANCE
15,935,007	16,866,689	931,681	<b>TOTAL OP RESOURCES</b>	17,298,984	16,866,689	(432,295)
15,924,938	16,716,696	(791,758)	<b>TOTAL USES OP RESOURCES</b>	17,191,810	16,716,696	475,114
10,069	149,992	139,923	<b>NET REVENUES</b>	107,174	149,992	42,819

**EXHIBIT D**

**UNRESTRICTED FUND BALANCE**

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY13	ACT FY14	VARIANCE		BUD FY14	ACT FY14	VARIANCE
3,564,464	3,574,960	10,497	<b>BEGINNING BALANCE</b>	3,574,960	3,574,960	0
10,069	149,992	139,923	<b>NET REVENUES</b>	107,174	149,992	42,819
0	0	0	<b>NON-BUDGET/CAFR ADJS</b>	0	0	0
3,574,533	3,724,953	150,420	<b>ENDING BALANCE</b>	3,682,134	3,724,953	42,819

**EXHIBIT E**

**DAYS COVERAGE**

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)		YTD	YTD	FAV/(UNFAV)
ACT FY13	ACT FY14	VARIANCE		BUD FY14	ACT FY14	VARIANCE
			<b>CALCULATION</b>			
12,323,636	12,852,207	528,571	REVENUES	13,035,248	12,852,207	(183,041)
416,912	714,319	297,407	INTERLOCAL AGREEMENTS	760,284	714,319	(45,965)
12,740,547	13,566,526	825,978	TOTAL RESOURCES	13,795,532	13,566,526	(229,006)
34,906	37,169	2,263	RESOURCES PER DAY (365) (2)	37,796	37,169	(627)
3,574,533	3,724,953	150,420	ACTUAL RESERVES	3,682,134	3,724,953	42,819
3,141,505	3,345,171	203,666	90-DAY POLICY	3,401,638	3,345,171	(56,467)
433,028	379,782	(53,246)	<b>EXCESS/(SHORTFALL)</b>	280,496	379,782	99,286
102	100	(2)	<b>DAYS COVERAGE</b>	97	100	3

(2) Annualized

**GENERAL FUND  
4TH QUARTER PERFORMANCE**



**EXHIBIT F**

**DEPARTMENT EXPENDITURES BY CATEGORY**

ACTUAL VERSUS PRIOR YEAR			ACTUAL VERSUS BUDGET		
YTD ACT FY13	YTD ACT FY14	FAV/(UNFAV) VARIANCE	YTD BUD FY14	YTD ACT FY14	FAV/(UNFAV) VARIANCE
<b>EXPENSE CATEGORY</b>					
10,257,388	10,589,336	(331,948)	10,979,532	10,589,336	390,196
962,037	932,025	30,011	990,359	932,025	58,334
865,783	787,732	78,051	734,485	787,732	(53,247)
1,993,817	2,088,972	(95,155)	2,120,133	2,088,972	31,161
217,052	343,439	(126,387)	366,661	343,439	23,223
517,132	554,663	(37,531)	567,770	554,663	13,107
14,813,208	15,296,167	(482,959)	15,758,940	15,296,167	462,773

**EXHIBIT G**

**DEPARTMENT EXPENDITURES BY DEPARTMENT**

ACTUAL VERSUS PRIOR YEAR			ACTUAL VERSUS BUDGET		
YTD ACT FY13	YTD ACT FY14	FAV/(UNFAV) VARIANCE	YTD BUD FY14	YTD ACT FY14	FAV/(UNFAV) VARIANCE
<b>DEPARTMENT</b>					
930,880	962,867	(31,986)	971,266	962,867	8,399
318,494	424,398	(105,904)	447,785	424,398	23,387
187,554	160,410	27,144	168,508	160,410	8,098
134,260	138,656	(4,396)	139,907	138,656	1,251
623,561	650,477	(26,916)	667,812	650,477	17,335
855,263	911,424	(56,161)	955,242	911,424	43,818
255,166	276,271	(21,105)	287,549	276,271	11,278
1,363,275	1,381,706	(18,431)	1,414,440	1,381,706	32,734
1,112,111	1,095,089	17,022	1,165,802	1,095,089	70,713
402,856	460,491	(57,635)	459,444	460,491	(1,047)
117,235	111,975	5,260	132,945	111,975	20,970
171,585	171,165	420	172,674	171,165	1,509
743,755	777,359	(33,603)	777,360	777,359	1
0	232,389	(232,389)	232,205	232,389	(184)
1,184,928	875,792	309,136	920,039	875,792	44,247
3,410,089	3,647,566	(237,477)	3,726,363	3,647,566	78,797
1,510,599	1,595,788	(85,189)	1,614,162	1,595,788	18,374
302,547	302,573	(26)	321,723	302,573	19,150
379,910	369,986	9,924	389,993	369,986	20,007
231,856	176,566	55,290	177,415	176,566	849
577,285	573,219	4,066	616,306	573,219	43,087
14,813,208	15,296,167	(482,959)	15,758,940	15,296,167	462,773

**GENERAL FUND  
4TH QUARTER PERFORMANCE**



**EXHIBIT H**

**CAPITAL EXPENDITURE DETAIL**

ACTUAL VERSUS PRIOR YEAR				ACTUAL VERSUS BUDGET		
YTD	YTD	FAV/(UNFAV)	ITEM	YTD	YTD	FAV/(UNFAV)
ACT FY13	ACT FY14	VARIANCE		BUD FY14	ACT FY14	VARIANCE
8,900	0	8,900	DEPT 121 - OFFICE FURNITURE	0	0	0
3,717	0	3,717	DEPT 135 - PALLET RACKS/DECKING	0	0	0
6,180	0	6,180	DEPT 141 - STREET RECONSTRUCTION	0	0	0
3,896	0	3,896	DEPT 141 - JEFFERSON ST. FENCE	0	0	0
500	0	500	DEPT 141 - MANSFIELD RIGHT OF WAY	0	0	0
11,305	0	11,305	DEPT 144 - AIR CONDITIONER	0	0	0
2,703	0	2,703	DEPT 146 - SOLAR SCREENS	0	0	0
575	0	575	DEPT 146 - DOME CAMERA	0	0	0
658	0	658	DEPT 148 - HARDSTONE GRAVEL	0	0	0
12,678	0	12,678	DEPT 049 - TABLES AND BENCHES	0	0	0
4,480	0	4,480	DEPT 149 - INDOOR POOL CAMERAS	0	0	0
8,816	0	8,816	DEPT 149 - TABLES & UMBRELLAS	0	0	0
30,422	0	30,422	DEPT 150 - ROOF REPLACEMENT	0	0	0
4,608	0	4,608	DEPT 150 - BUILDING MATERIALS	0	0	0
282	0	282	DEPT 150 - TINT	0	0	0
2,404	0	2,404	DEPT 151 - ANTENNA	0	0	0
28,790	0	28,790	DEPT 152 - RADIO	0	0	0
5,053	0	5,053	DEPT 152 - REPLACE ANTENNA & COAX	0	0	0
1,748	0	1,748	DEPT 152 - CAMERA	0	0	0
1,747	1,747	0	DEPT 141 - SIGN TRAILER	1,800	1,747	53
55,139	14,196	40,944	DEPT 148 - PERIMETER FENCING	32,000	14,196	17,804
22,452	20,444	2,008	DEPT 172 - SERVER/HARD DRIVE STORAGE	20,000	20,444	(444)
0	4,360	(4,360)	DEPT 131 - WATER COOLED SHOP FANS	5,000	4,360	640
0	1,422	(1,422)	DEPT 131 - SECURITY CAMERAS & LICENSES	3,000	1,422	1,578
0	144,634	(144,634)	DEPT 141 - WILKINS ST RECONSTRUCTION	145,394	144,634	760
0	1,422	(1,422)	DEPT 144 - SECURITY CAMERAS & LICENSES	3,000	1,422	1,578
0	42,998	(42,998)	DEPT 144 - HENDERSON PARK KITCHEN	40,457	42,998	(2,541)
0	1,265	(1,265)	DEPT 146 - CAT6 CABLING/PATCH PANEL	0	1,265	(1,265)
0	8,181	(8,181)	DEPT 146 - COMPUTER FURNITURE	7,800	8,181	(381)
0	1,160	(1,160)	DEPT 146 - OUTDOOR BOOK DROP	1,200	1,160	40
0	6,499	(6,499)	DEPT 148 - LAWN MOWER	6,500	6,499	1
0	3,460	(3,460)	DEPT 149 - GREASELESS FRYER	3,460	3,460	0
0	25,848	(25,848)	DEPT 149 - REPAIR/REFINISH LOCKERS	26,000	25,848	152
0	2,326	(2,326)	DEPT 149 - POOL VACUUM	3,000	2,326	674
0	18,791	(18,791)	DEPT 149 - CANOPY FOR LEISURE POOL	22,000	18,791	3,209
0	14,247	(14,247)	DEPT 050 - RADIO INSTALL	14,250	14,247	3
0	9,226	(9,226)	DEPT 151 - HANDHELD RADIOS	10,000	9,226	774
0	4,025	(4,025)	DEPT 151 - UPDATE ICOP - AUDIO/VIDEO	4,200	4,025	175
0	799	(799)	DEPT 151 - UNIFORM CAMERAS	1,000	799	201
0	3,555	(3,555)	DEPT 152 - HANDHELD RADIO	3,600	3,555	45
0	12,833	(12,833)	DEPT 172 - OTDR FIBER TESTER	13,000	12,833	167
217,052	343,439	(126,387)	<b>TOTAL</b>	366,661	343,439	23,223



**ELECTRIC FUND  
FINANCIAL STATEMENT  
FOR PERIOD ENDING (SELECT MONTH)**

**SEP 14**

AFTER SEP 14 BUDGET AMENDMENT AND LIAS

	MONTH		YEAR-TO-DATE		VAR FAV/(UNFAV)	
	PY ACT SEP 13	BUDGET SEP 14	PY ACT SEP 13	BUDGET SEP 14	CY ACT VS PR ACT	CY ACT VS BUDGET
<b>FUNDING RESOURCES FROM CURRENT OPERATIONS</b>						
REVENUES						
DISTRIBUTION REVENUES (RATE INCREASE SMALL/LARGE INDUSTRIAL)	\$ 759,794	\$ 633,149	\$ 634,566	\$ 6,437,556	\$ 6,569,208	\$ 223,642
ENERGY REVENUES (TO RECOVER ELECTRIC PURCHASE COSTS)	2,147,764	2,995,798	18,980,161	20,686,774	20,553,447	1,573,285
- LCRA RATE REFUND	0	389,472	0	389,472	389,472	389,472
TOTAL REVENUES	2,907,558	4,018,419	25,325,727	27,513,802	27,512,127	2,186,399
TRANSFERS-IN (FOR SHARED SERVICES)	36,638	48,307	440,781	543,466	539,855	99,074
TOTAL FUNDING RESOURCES	2,944,196	4,066,726	25,766,508	28,057,268	28,051,982	2,285,473
<b>USES OF FUNDING RESOURCES BEFORE CAPITAL REQUIREMENTS</b>						
OPERATING EXPENDITURES						
DEPARTMENT EXPENDITURES (DEPTS 100, 110, 132, 160 & 161)						
- PERSONNEL & BENEFITS	171,979	188,709	1,887,397	1,894,996	1,851,715	(164,318)
- SUPPLIES (FUEL, COMPUTERS, ETC)	14,373	13,462	141,567	135,279	147,526	(5,960)
- MAINTENANCE (VEHICLES, EQUIPMENT, PLANT, ETC)	12,878	12,557	156,794	181,660	180,173	(23,379)
- SERVICES (UTILITIES, CONSULTANTS, CONTRACTS, ETC)	9,942	14,379	334,682	302,565	288,378	46,304
- NON CAPITAL (SMALL ITEM - \$1,000 TO \$14,999 - PURCHASES)	200	200	12,107	33,700	34,086	(21,979)
- SUNDRY (UNCOLLECTIBLE ACCTS, TRAVEL, CRED CARD FEES, ETC)	34,778	35,925	90,791	106,272	138,583	(47,791)
TOTAL DEPARTMENT EXPENDITURES	244,120	265,231	2,423,338	2,654,473	2,640,461	(217,123)
FRANCHISE FEE (7% UTILITY REVENUES)	199,157	182,254	1,731,176	1,787,636	1,856,760	(69,124)
ENERGY PURCHASE COSTS (LCRA)	1,879,760	4,035,430	18,700,693	21,704,536	21,704,536	(3,003,843)
TRANSFERS TO GENERAL FUND (FOR SHARED SERVICES)	197,226	165,446	1,637,129	1,805,890	1,694,616	(57,487)
TRANSFERS TO CENTRAL FLEET	23,546	0	23,546	0	0	23,546
TOTAL OPERATING EXPENDITURES	2,543,809	4,648,362	24,515,882	27,952,534	27,896,373	(3,380,492)
DEBT SERVICE	0	797	9,564	9,564	9,564	(0)
TOTAL USES OF FUNDING RESOURCES BEFORE CAPITAL REQUIREMENTS	2,543,809	4,649,159	24,525,446	27,962,098	27,905,937	(3,380,492)
<b>NET FUNDING RESOURCES BEFORE CAPITAL REQUIREMENTS</b>						
DISTRIBUTION NET REVENUES	132,383	67,728	961,595	723,460	907,662	(53,933)
GENERATION NET REVENUES	268,003	(650,161)	279,468	(628,290)	(761,618)	(1,041,086)
TOTAL NET FUNDING RESOURCES BEFORE CAPITAL REQUIREMENTS	400,386	(582,433)	1,241,063	95,170	146,045	(1,095,018)
<b>CAPITAL FUNDING REQUIREMENTS</b>						
NET FUNDING RESOURCES ABOVE/(BELOW) CAPITAL REQUIREMENTS	\$ 118,345	\$ (924,002)	\$ 525,738	\$ (1,029,649)	\$ (1,012,317)	\$ (1,539,055)
<b>RESERVE ESTIMATE</b>						
BEGINNING BALANCE (BEGINNING ON A WORKING CAPITAL BASIS, OCT 1)	\$ 7,040,343	\$ 7,201,749	\$ 6,631,950	\$ 7,307,396	\$ 7,307,396	\$ 675,446
NET FUNDING RESOURCES ABOVE/(BELOW) CAPITAL REQUIREMENTS	118,345	(924,002)	525,738	(1,029,649)	(1,012,317)	(1,539,055)
ENDING BALANCE	\$ 7,158,688	\$ 6,277,747	\$ 7,158,688	\$ 6,277,747	\$ 6,295,079	\$ (863,609)
<b>60-DAY RESERVE CALC (TOTAL USES OF FUNDING RESOURCES BEFORE CAPITAL/365 X 60)</b>						
ELECTRIC CONSUMPTION (IN KWH)	\$ 30,335,422	\$ 29,577,494	\$ 281,030,507	\$ 285,322,385	\$ 288,128,065	\$ 7,097,558
- PRICE PER KWH SOLD (EXCLUDES CUSTOMER CHARGE)	\$ 0.0872	\$ 0.0873	\$ 0.0832	\$ 0.0868	\$ 0.0874	\$ 0.0041
ELECTRIC PURCHASES (IN KWH)	\$ 28,870,765	\$ 28,074,211	\$ 296,183,482	\$ 298,939,505	\$ 302,453,181	\$ (6,269,699)
- PRICE PER KWH PURCHASED (INCLUDES TRANSMISSION & ERCOT FEES)	\$ 0.0651	\$ 0.1437	\$ 0.0631	\$ 0.0726	\$ 0.0718	\$ (0.0086)



**WATER FUND  
FINANCIAL STATEMENT  
FOR PERIOD ENDING (SELECT MONTH)**

**SEP 14**

AFTER SEP 14 BUDGET AMENDMENT AND LIAS

	MONTH		VAR FAV/(UNFAV)		YEAR-TO-DATE	VAR FAV/(UNFAV)		
	PY ACT SEP 13	BUDGET SEP 14	CY ACT VS PR ACT	CY ACT VS BUDGET		PY ACT SEP 13	BUDGET SEP 14	CY ACT VS PR ACT
<b>FUNDING RESOURCES FROM CURRENT OPERATIONS</b>								
<b>REVENUES</b>								
UTILITY REVENUES	\$ 431,186	\$ 61,906	\$ 509,073	\$ 447,167	\$ 4,351,126	\$ 3,989,713	\$ 3,990,750	\$ 1,037
TRANSFERS-IN	0	0	0	0	0	0	0	0
TOTAL FUNDING RESOURCES	431,186	61,906	509,073	447,167	4,351,126	3,989,713	3,990,750	1,037
<b>USES OF FUNDING RESOURCES BEFORE CAPITAL REQUIREMENTS</b>								
<b>OPERATING EXPENDITURES</b>								
DEPARTMENT EXPENDITURES (DEPTS 100, 110, 163, 164)								
- PERSONNEL & BENEFITS	69,762	110,315	72,338	37,977	654,087	697,849	689,892	7,957
- SUPPLIES (FUEL, COMPUTERS, ETC)	64,484	17,830	95,515	(77,685)	318,526	331,609	330,841	768
- MAINTENANCE (VEHICLES, EQUIPMENT, PLANT, ETC)	25,818	31,578	15,168	16,410	177,317	274,992	285,167	(10,175)
- SERVICES (UTILITIES, CONSULTANTS, CONTRACTS, ETC)	61,701	83,886	93,612	(9,726)	341,873	375,650	378,403	(2,773)
- NON CAPITAL (SMALL ITEM - \$1,000 TO \$14,999 - PURCHASES)	0	0	(17,359)	17,359	10,514	55,041	54,011	1,030
- SUNDRY (UNCOLLECTIBLE ACCTS, TRAVEL, CRED CARD FEES, ETC)	17,947	24,100	7,188	16,912	33,734	42,754	46,267	(3,513)
TOTAL DEPARTMENT EXPENDITURES	239,713	267,709	266,463	1,246	1,536,050	1,777,875	1,784,582	(6,707)
FRANCHISE FEE (7% UTILITY REVENUES)	29,602	2,856	35,740	(32,884)	296,896	271,081	271,081	(0)
PURCHASE COSTS (BRAZOS RIVER AUTHORITY 4200 ACRE FEET)	22,978	33,138	0	33,138	266,490	276,650	277,078	(428)
TRANSFERS TO GENERAL FUND (FOR SHARED SERVICES)	39,330	32,257	31,380	877	314,069	345,304	322,691	22,613
TRANSFERS TO ELECTRIC FUND (FOR SHARED SERVICES)	17,642	13,625	17,876	(4,251)	135,046	154,381	154,093	288
TRANSFERS TO FLEET	0	0	0	0	6,716	0	0	6,716
TOTAL OPERATING EXPENDITURES	349,264	349,584	351,459	(1,874)	2,555,266	2,825,291	2,809,524	15,767
<b>DEBT SERVICE</b>	90,528	92,187	91,932	255	1,089,622	1,106,244	1,106,476	(232)
TOTAL USES OF FUNDING RESOURCES BEFORE CAPITAL REQUIREMENTS	439,792	441,771	443,391	(1,619)	3,644,888	3,931,535	3,916,000	15,535
<b>NET FUNDING RESOURCES BEFORE CAPITAL REQUIREMENTS</b>	(8,605)	(379,865)	65,682	445,547	706,238	58,178	74,750	16,572
<b>CAPITAL FUNDING REQUIREMENTS</b>	759,182	211,605	274,218	(62,613)	1,374,273	1,051,194	1,069,064	(11,870)
<b>NET FUNDING RESOURCES ABOVE/(BELOW) CAPITAL REQUIREMENTS</b>	\$ (767,787)	\$ (591,470)	\$ (208,536)	\$ 382,934	\$ (668,035)	\$ (993,016)	\$ (988,314)	\$ 4,702
<b>RESERVE ESTIMATE</b>								
BEGINNING BALANCE (BEGINNING ON A WORKING CAPITAL BASIS)	\$ 2,428,637	\$ 1,759,766	\$ 1,381,534	\$ (378,232)	\$ 2,328,885	\$ 2,161,312	\$ 2,161,312	\$ 0
NET FUNDING RESOURCES ABOVE/(BELOW) CAPITAL REQUIREMENTS	(767,787)	(591,470)	(208,536)	382,934	(668,035)	(993,016)	(988,314)	4,702
BOND PROCEEDS RELEASED FROM RESTRICTED CASH	554,984	796,869	796,869	241,885	554,984	796,869	796,869	0
ENDING BALANCE	\$ 2,215,834	\$ 1,965,165	\$ 1,969,867	\$ 4,702	\$ 2,215,834	\$ 1,965,165	\$ 1,969,867	\$ 4,702
<b>60-DAY RESERVE CALC</b>	\$ 867,534	\$ 871,439	\$ 874,634	\$ (3,194)	\$ 599,160	\$ 646,280	\$ 643,726	\$ 2,554
<b>BILLED WATER CONSUMPTION (IN GALLONS)</b>	91,533,200	94,123,322	99,041,800	4,918,478	847,002,400	851,133,024	763,545,100	(87,587,924)

**WASTEWATER FUND  
FINANCIAL STATEMENT  
FOR PERIOD ENDING (SELECT MONTH)  
SEP 14**

	MONTH		VAR FAV/(UNFAV)		YEAR-TO-DATE		VAR FAV/(UNFAV)	
	PY ACT SEP 13	BUDGET SEP 14	CY ACT SEP 14	VS PR ACT VS BUDGET	PY ACT SEP 13	BUDGET SEP 14	CY ACT SEP 14	VS PR ACT VS BUDGET
<b>FUNDING RESOURCES FROM CURRENT OPERATIONS</b>								
REVENUES								
UTILITY REVENUES	\$ 351,875	\$ 382,663	\$ 328,157	\$ (23,718)	\$ 3,599,882	\$ 3,613,102	\$ 3,594,683	\$ (5,199)
TRANSFERS-IN	0	0	0	0	0	0	0	0
TOTAL FUNDING RESOURCES	<u>351,875</u>	<u>382,663</u>	<u>328,157</u>	<u>(23,718)</u>	<u>3,599,882</u>	<u>3,613,102</u>	<u>3,594,683</u>	<u>(5,199)</u>
<b>USES OF FUNDING RESOURCES BEFORE CAPITAL REQUIREMENTS</b>								
OPERATING EXPENDITURES								
DEPARTMENT EXPENDITURES (DEPTS 100, 110, 165, 166)								
- PERSONNEL & BENEFITS	54,902	7,962	51,610	3,293	527,124	525,831	528,480	(1,356)
- SUPPLIES (FUEL, COMPUTERS, ETC)	14,741	13,329	13,818	924	129,990	133,435	137,483	(7,493)
- MAINTENANCE (VEHICLES, EQUIPMENT, PLANT, ETC)	24,354	16,236	44,297	(19,943)	156,534	183,250	167,516	(10,982)
- SERVICES (UTILITIES, CONSULTANTS, CONTRACTS, ETC)	115,567	180,785	154,256	(38,690)	605,937	644,334	650,753	(43,816)
- NON CAPITAL (SMALL ITEM - \$1,000 TO \$14,999 - PURCHASES)	0	0	7,936	(7,936)	407	11,786	7,936	(7,529)
- SUNDRY (UNCOLLECTIBLE ACCTS, TRAVEL, CRED CARD FEES, ETC)	5,972	4,100	11,266	(5,294)	23,916	25,666	33,252	(9,335)
TOTAL DEPARTMENT EXPENDITURES	<u>215,537</u>	<u>221,412</u>	<u>283,183</u>	<u>(67,646)</u>	<u>1,444,908</u>	<u>1,524,302</u>	<u>1,525,419</u>	<u>(80,512)</u>
FRANCHISE FEE (7% UTILITY REVENUES)	23,725	19,547	22,096	1,629	243,842	238,042	243,131	711
TRANSFERS TO GENERAL FUND (FOR SHARED SERVICES)	38,823	31,841	30,976	7,847	310,018	340,851	318,527	(8,509)
TRANSFERS TO ELECTRIC FUND (FOR SHARED SERVICES)	17,548	13,555	17,783	(235)	134,346	153,582	153,302	(18,956)
TRANSFERS TO FLEET FUND	0	0	0	0	11,864	0	0	11,864
TOTAL OPERATING EXPENDITURES	<u>295,633</u>	<u>286,355</u>	<u>354,038</u>	<u>(58,405)</u>	<u>2,144,978</u>	<u>2,256,776</u>	<u>2,240,379</u>	<u>(95,402)</u>
DEBT SERVICE (PRO-FORMA)	95,022	100,585	100,313	(5,291)	1,141,248	1,207,024	1,207,558	(66,310)
TOTAL USES OF FUNDING RESOURCES BEFORE CAPITAL REQUIREMENTS	<u>390,655</u>	<u>386,940</u>	<u>454,350</u>	<u>(63,695)</u>	<u>3,286,226</u>	<u>3,463,800</u>	<u>3,447,938</u>	<u>(161,712)</u>
NET FUNDING RESOURCES BEFORE CAPITAL REQUIREMENTS	<u>(38,780)</u>	<u>(4,278)</u>	<u>(126,193)</u>	<u>(87,413)</u>	<u>313,656</u>	<u>149,302</u>	<u>146,745</u>	<u>(166,911)</u>
CAPITAL FUNDING REQUIREMENTS	287,027	2,924	30,562	256,465	361,708	116,650	121,604	240,104
NET FUNDING RESOURCES ABOVE/(BELOW) CAPITAL REQUIREMENTS	<u>\$(25,806)</u>	<u>\$(7,202)</u>	<u>\$(156,755)</u>	<u>\$ 169,052</u>	<u>\$(48,051)</u>	<u>\$ 32,652</u>	<u>\$ 25,142</u>	<u>\$ 73,193</u>
RESERVE ESTIMATE								
BEGINNING BALANCE (BEGINNING ON A WORKING CAPITAL BASIS)	\$ 911,614	\$ 591,065	\$ 733,109	\$ 178,506	\$ 633,859	\$ 551,212	\$ 551,212	\$ (82,647)
NET FUNDING RESOURCES ABOVE/(BELOW) CAPITAL REQUIREMENTS	<u>\$(25,806)</u>	<u>(7,202)</u>	<u>(156,755)</u>	<u>169,052</u>	<u>(48,051)</u>	<u>32,652</u>	<u>25,142</u>	<u>73,193</u>
ENDING BALANCE	\$ 585,808	\$ 583,864	\$ 576,354	\$ (9,454)	\$ 585,808	\$ 583,864	\$ 576,354	\$ (9,454)
60-DAY RESERVE CALC	\$ 770,607	\$ 763,279	\$ 896,252	\$ 125,646	\$ 540,202	\$ 569,392	\$ 566,784	\$ 26,583

**SANITATION FUND  
FINANCIAL STATEMENT**

**FOR PERIOD ENDING (SELECT MONTH)  
SEP 14**

AFTER SEP 14 BUDGET AMENDMENT AND LIAS

	MONTH		VAR FAV/(UNFAV)		YEAR-TO-DATE		VAR FAV/(UNFAV)	
	PY ACT SEP 13	BUDGET SEP 14	CY ACT SEP 14	CY ACT VS PR ACT	PY ACT SEP 13	BUDGET SEP 14	CY ACT SEP 14	CY ACT VS PR ACT
	\$ 76,477	\$ 161,730	\$ 82,888	\$ 6,412	\$ 902,240	\$ 972,497	\$ 975,409	\$ 73,169
	32,311	102,024	28,246	(4,065)	382,172	433,217	434,902	52,730
	14,592	9,921	18,648	4,055	111,219	111,558	122,526	11,307
	(2,569)	(3,289)	(4,576)	(2,007)	949,013	964,800	949,047	34
	120,811	270,385	125,206	4,396	2,344,644	2,482,072	2,481,884	137,240
	0	0	0	0	0	0	0	0
	120,811	270,385	125,206	4,396	2,344,644	2,482,072	2,481,884	137,240
<b>FUNDING RESOURCES FROM CURRENT OPERATIONS</b>								
<b>REVENUES</b>								
TRANSFER STATION								
COLLECTING STATION								
RECYCLING CENTER								
RESIDENTIAL COLLECTION (NET TCW)								
TOTAL REVENUE								
TRANSFERS-IN								
TOTAL FUNDING RESOURCES								
<b>USES OF FUNDING RESOURCES BEFORE CAPITAL REQUIREMENTS</b>								
<b>OPERATING EXPENDITURES</b>								
DEPARTMENT EXPENDITURES (DEPTS 100, 110, 042, 043, 140, 142)								
- PERSONNEL & BENEFITS								
- SUPPLIES (FUEL, COMPUTERS, ETC)								
- MAINTENANCE (VEHICLES, EQUIPMENT, PLANT, ETC)								
- SERVICES (UTILITIES, CONSULTANTS, CONTRACTS, ETC)								
- NON CAPITAL (SMALL ITEM - \$1,000 TO \$14,999 - PURCHASES)								
- SUNDRY (UNCOLLECTIBLE ACCTS, TRAVEL, CRED CARD FEES, ETC)								
TOTAL DEPARTMENT EXPENDITURES								
FRANCHISE FEE (7% UTILITY REVENUES)								
TRANSFERS TO GENERAL FUND (FOR SHARED SERVICES)								
TRANSFERS TO ELECTRIC FUND (FOR SHARED SERVICES)								
TOTAL OPERATING EXPENDITURES								
DEBT SERVICE								
TOTAL USES OF FUNDING RESOURCES BEFORE CAPITAL REQUIREMENTS								
<b>NET FUNDING RESOURCES BEFORE CAPITAL REQUIREMENTS</b>								
CAPITAL FUNDING REQUIREMENTS								
<b>NET FUNDING RESOURCES ABOVE/(BELOW) CAPITAL REQUIREMENTS</b>								
<b>RESERVE ESTIMATE</b>								
BEGINNING BALANCE (BEGINNING ON A WORKING CAPITAL BASIS)								
NET FUNDING RESOURCES ABOVE/(BELOW) CAPITAL REQUIREMENTS								
ENDING BALANCE								
60-DAY RESERVE CALC								







**SANITATION FUND - RESIDENTIAL COLLECTION  
FINANCIAL STATEMENT  
FOR PERIOD ENDING  
SEP 14**

	MONTH			YEAR-TO-DATE			VAR FAV/(UNFAV)		
	PY ACT SEP 13	BUDGET SEP 14	CY ACT SEP 14	PY ACT SEP 13	BUDGET SEP 14	CY ACT SEP 14	CY ACT VS PR ACT	CY ACT VS BUDGET	VS BUDGET
FUNDING RESOURCES FROM CURRENT OPERATIONS									
RESIDENTIAL COLLECTION REVENUES (NET TCW)	\$ (2,569)	\$ (3,289)	\$ (4,576)	\$ 949,013	\$ 964,800	\$ 949,047	\$ 34	\$ (15,753)	\$ (15,753)
TRANSFERS-IN	0	0	0	0	0	0	0	0	0
TOTAL FUNDING RESOURCES	(2,569)	(3,289)	(4,576)	949,013	964,800	949,047	34	(15,753)	(15,753)
USES OF FUNDING RESOURCES BEFORE CAPITAL REQUIREMENTS									
OPERATING EXPENDITURES									
DEPARTMENT EXPENDITURES									
- PERSONNEL & BENEFITS	17,065	13,909	15,416	141,470	147,686	148,874	(7,405)	(1,189)	(1,189)
- SUPPLIES (FUEL, COMPUTERS, ETC)	9,207	7,404	5,538	134,932	131,450	126,864	8,067	4,586	4,586
- MAINTENANCE (VEHICLES, EQUIPMENT, PLANT, ETC)	1,143	1,125	2,443	15,799	13,500	22,103	(6,304)	(8,603)	(8,603)
- SERVICES (UTILITIES, CONSULTANTS, CONTRACTS, ETC)	21,686	21,975	22,645	260,856	262,850	268,174	(7,318)	(5,324)	(5,324)
- NON CAPITAL (SMALL ITEM - \$1,000 TO \$14,999 - PURCHASES)	0	0	0	7,890	0	0	7,890	0	0
- SUNDRY (UNCOLLECTIBLE ACCTS, TRAVEL, CRED CARD FEES, ETC)	3,388	1,519	3,948	6,321	5,375	7,727	(1,406)	(2,352)	(2,352)
TOTAL DEPARTMENT EXPENDITURES	52,489	45,932	49,991	567,267	560,861	573,743	(6,475)	(12,882)	(12,882)
FRANCHISE FEE (7% UTILITY REVENUES)	(967)	(1,000)	(1,127)	58,132	58,705	58,045	87	660	660
TRANSFERS TO GENERAL FUND (FOR SHARED SERVICES)	(780)	(366)	(1,069)	106,925	125,284	107,193	(268)	18,092	18,092
TRANSFERS TO ELECTRIC FUND (FOR SHARED SERVICES)	(177)	(81)	(329)	22,133	28,873	24,982	(2,849)	3,891	3,891
TOTAL OPERATING EXPENDITURES	50,565	44,486	47,466	754,457	773,723	763,962	(9,505)	9,761	9,761
DEBT SERVICE	0	0	0	0	0	0	0	0	0
TOTAL USES OF FUNDING RESOURCES BEFORE CAPITAL REQUIREMENTS	50,565	44,486	47,466	754,457	773,723	763,962	(9,505)	9,761	9,761
NET FUNDING RESOURCES BEFORE CAPITAL REQUIREMENTS	(53,135)	(47,775)	(52,042)	194,556	191,077	185,085	(9,471)	(5,992)	(5,992)
CAPITAL FUNDING REQUIREMENTS	0	0	0	0	0	0	0	0	0
NET FUNDING RESOURCES ABOVE/(BELOW) CAPITAL REQUIREMENTS	\$ (53,135)	\$ (47,775)	\$ (52,042)	\$ 194,556	\$ 191,077	\$ 185,085	\$ (9,471)	\$ (5,992)	\$ (5,992)



**AGENDA ITEM 6**

<b>DATE OF MEETING:</b> 1/29/2015		<b>DATE SUBMITTED:</b> 1/20/15
<b>DEPT. OF ORIGIN:</b> Public Works		<b>SUBMITTED BY:</b> Dane Rau
<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 checked="" 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 Ordinance No. O-15-002 on Its Second Reading to Repeal Ordinance No. O-04-007 for the Placement of a Stop Sign on Chappell Hill Street at Its Intersection with Stringer Street		
<b>SUMMARY STATEMENT:</b> In 2004, an ordinance was established placing a stop sign on S. Chappell Hill Street at Stringer Street. At this time S. Chappell Hill Street was only a small section of roadway that lead to a dead end. Within the next few months, S. Chappell Hill Street will now be connected to Market Street and this will make S. Chappell Hill Street a collector street all the way to the 290 feeder road. Due to the connection to Market Street we do not feel that the stop sign originally placed in 2004 is a good fit for this intersection. We are recommending that we move the stop sign to the Stringer Street side of the intersection which will now make eastbound traffic on Stringer Street stop. We feel that this will provide a safer intersection and allow S. Chappell Hill Street traffic to continue to Market Street or the US 290 feeder Road on that stretch of newly constructed roadway.		
<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.) Red-line Ordinance; and (2) Ordinance No. O-15-002		
<b>FUNDING SOURCE (Where Applicable):</b>		
<b>RECOMMENDED ACTION:</b> Repeal Ordinance # O-04-007 related to removing a stop sign on S. Chappell Hill St at its intersection with Stringer St. and authorize the Mayor to execute any necessary documentation		
<b>APPROVALS:</b> Terry K. Roberts		

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

**AN ORDINANCE REPEALING ORDINANCE NUMBER O-04-007 RELATED TO THE PLACEMENT OF A CERTAIN STOP SIGN IN THE CITY OF BRENHAM, TEXAS**

**WHEREAS**, it is necessary to provide stop signs at certain locations in the City of Brenham to prevent accidents, collisions and damages; to promote the flow of traffic along and into such streets; and to regulate the same:

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

Section 1. That the Ordinance establishing the placement of a stop sign on Chappell Hill Street at its intersection with Stringer Street to regulate southeast bound traffic shall be repealed.

Section 2. That the stop sign currently located on Chappell Hill Street at its intersection with Stringer Street shall be removed simultaneously with the opening of the S. Chappell Street extension to Market Street to vehicular traffic.

Section ~~2~~3. This Ordinance shall take full force and effect from and after its passage, approval and publication as required by applicable law.

**PASSED and APPROVED** on its first reading this the \_\_\_\_ day of \_\_\_\_\_, 2015.

**PASSED and APPROVED** on its second reading this the \_\_\_\_ day of \_\_\_\_\_, 2015.

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

**ATTEST:**

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

**ORDINANCE NO. O-15-002**

**AN ORDINANCE REPEALING ORDINANCE NUMBER O-04-007 RELATED TO THE PLACEMENT OF A CERTAIN STOP SIGN IN THE CITY OF BRENHAM, TEXAS**

**WHEREAS**, it is necessary to provide stop signs at certain locations in the City of Brenham to prevent accidents, collisions and damages; to promote the flow of traffic along and into such streets; and to regulate the same:

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

- Section 1. That the Ordinance establishing the placement of a stop sign on Chappell Hill Street at its intersection with Stringer Street to regulate southeast bound traffic shall be repealed.
- Section 2. That the stop sign currently located on Chappell Hill Street at its intersection with Stringer Street shall be removed simultaneously with the opening of the S. Chappell Street extension to Market Street to vehicular traffic.
- Section 3. This Ordinance shall take full force and effect from and after its passage, approval and publication as required by applicable law.

**PASSED and APPROVED** on its first reading this the \_\_\_\_ day of \_\_\_\_\_, 2015.

**PASSED and APPROVED** on its second reading this the \_\_\_\_ day of \_\_\_\_\_, 2015.

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

**ATTEST:**

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



**AGENDA ITEM 7**

<b>DATE OF MEETING:</b> 1/29/2015		<b>DATE SUBMITTED:</b> 1/20/15
<b>DEPT. OF ORIGIN:</b> Public Works		<b>SUBMITTED BY:</b> Dane Rau
<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 checked="" 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>DA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon Ordinance No. O-15-003 on Its Second Reading for the Placement of a Stop Sign on Stringer Street at Its Intersection with S. Chappell Hill Street		
<b>SUMMARY STATEMENT:</b> Due to the extension of S. Chappell Hill Street from Market Street, we feel that there is now a need to change the configuration of the S. Chappell Hill Street/Stringer Street intersection related to stop signs. We are recommending relocating the existing stop sign on S. Chappell Hill Street to the Stringer Street side of the road where eastbound traffic on Stringer Street will have to stop. Currently there is only one stop sign located on the north side of S. Chappell Hill Street. By relocating this stop sign it will allow traffic to continue on S. Chappell Hill Street from Market to the US 290 feeder road without having to stop.		
<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) Redline Ordinance; and (2) Ordinance No. O-15-003		
<b>FUNDING SOURCE (Where Applicable):</b>		
<b>RECOMMENDED ACTION:</b> Approve an Ordinance on its second reading authorizing the placement of a stop sign on Stringer Street at its intersection with S. Chappell Hill Street and authorize the Mayor to execute any necessary documentation		
<b>APPROVALS:</b> Terry K. Roberts		

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

**AN ORDINANCE REQUIRING THE PLACEMENT OF A CERTAIN STOP SIGN IN THE CITY OF BRENHAM, TEXAS, SETTING THE LOCATION OF SAID STOP SIGN, REGULATING THE TRAFFIC AT SAID STOP SIGN, AND PROVIDING FOR PENALTY FOR VIOLATION THEREOF.**

**WHEREAS**, it is necessary to provide stop signs at certain locations in the City of Brenham to prevent accidents, collisions and damages; to promote the flow of traffic along and into such streets; and to regulate the same:

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

Section 1. That there shall be established and installed one (1) stop sign on Stringer Street, regulating eastbound vehicular traffic, at its intersection with S. Chappell Hill Street.

The stop signs shall be erected at the top of a standard pole, installed in the ground on the right hand side of the streets identified herein.

Section 2. That every person, firm or corporation, operating a motor vehicle or other vehicle of any kind, in, on, along and into the streets or street intersections designated in Section 1 hereof, upon reaching a stop sign at the location so designated, shall bring said vehicle to a full and complete stop in compliance with the provisions of applicable state law, before proceeding further along said street or into or on said street intersection.

Section 3. That any person, firm or corporation, violating Section 2 hereof, shall be fined a sum of not less than \$1.00 and not more than \$200.00, plus applicable court costs.

Section 4. That the stop sign to be established and installed pursuant to Section 1 of this Ordinance shall be installed simultaneously with the opening of the S. Chappell Street extension to Market Street to vehicular traffic.

Section 4.5. This Ordinance shall take full force and effect from and after its passage, approval and publication as required by applicable law.

**PASSED and APPROVED** on its first reading this the \_\_\_\_ day of \_\_\_\_\_, 2015.

**PASSED and APPROVED** on its second reading this the \_\_\_\_ day of \_\_\_\_\_,  
2015.

---

Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

---

Jeana Bellinger, TRMC  
City Secretary

**ORDINANCE NO. O-15-003**

**AN ORDINANCE REQUIRING THE PLACEMENT OF A CERTAIN STOP SIGN IN THE CITY OF BRENHAM, TEXAS, SETTING THE LOCATION OF SAID STOP SIGN, REGULATING THE TRAFFIC AT SAID STOP SIGN, AND PROVIDING FOR PENALTY FOR VIOLATION THEREOF.**

WHEREAS, it is necessary to provide stop signs at certain locations in the City of Brenham to prevent accidents, collisions and damages; to promote the flow of traffic along and into such streets; and to regulate the same:

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

Section 1. That there shall be established and installed one (1) stop sign on Stringer Street, regulating eastbound vehicular traffic, at its intersection with S. Chappell Hill Street.

The stop sign shall be erected at the top of a standard pole, installed in the ground on the right hand side of the street identified herein.

Section 2. That every person, firm or corporation, operating a motor vehicle or other vehicle of any kind, in, on, along and into the street or street intersection designated in Section 1 hereof, upon reaching a stop sign at the location so designated, shall bring said vehicle to a full and complete stop in compliance with the provisions of applicable state law, before proceeding further along said street or into or on said street intersection.

Section 3. That any person, firm or corporation, violating Section 2 hereof, shall be fined a sum of not less than \$1.00 and not more than \$200.00, plus applicable court costs.

Section 4. That the stop sign to be established and installed pursuant to Section 1 of this Ordinance shall be installed simultaneously with the opening of the S. Chappell Street extension to Market Street to vehicular traffic.

Section 5. This Ordinance shall take full force and effect from and after its passage, approval and publication as required by applicable law.

**PASSED and APPROVED** on its first reading this the \_\_\_\_ day of \_\_\_\_\_, 2015.

**PASSED and APPROVED** on its second reading this the \_\_\_\_ day of \_\_\_\_\_,  
2015.

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

**ATTEST:**

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



## AGENDA ITEM 8

<b>DATE OF MEETING:</b> 1/29/2015	<b>DATE SUBMITTED:</b> 1/16/15	
<b>DEPT. OF ORIGIN:</b> Public Works	<b>SUBMITTED BY:</b> Dane Rau	
<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 Bid #15-002 for the Purchase and Installation of a 40 ton HVAC Unit for City Hall and Authorize the Mayor to Execute Any Necessary Documentation.		
<b>SUMMARY STATEMENT:</b> On January 6, 2015 bids were opened for the purchase and installation of a 40 ton HVAC unit for City Hall. There were 7 bids sent out with 2 bids received. The lowest bidder was Brenham Heating and Air at \$51,000. (See Bid Tabulation)		
<p>This unit is a direct replacement for the 2003 Carrier HVAC Unit that controls the 1<sup>st</sup> Floor East Wing of City Hall where Utility Billing is located. This replacement was budgeted for in the 2014-15 budget at a cost of \$68,000. We have had numerous issues with this unit that pertains to the condenser coils falling apart, unit is operating on only one compressor, fan motor overamping, and high head pressure. This unit is approaching 13 years old.</p> <p>It is very important for staff to get this unit ordered and replaced before the summer heat arrives. Brenham Heating and Air has stated that upon receiving the purchase authorization the delivery will be approximately 75 days. This will put the installation on or around April 16<sup>th</sup> just in time for summer's arrival.</p> <p>This unit along with the remaining units have been part of our continuous 5 year capital planning process. We will now have replaced 3 of the 6 units on City Hall.</p> <p>When the installation occurs, the front entrance of City Hall will be shut down and all patrons will be directed to use the Court entrance. Installation is not expected to last more than one day. We have an alternate cost to conduct the install over the weekend but we feel that by coordinating this with the contractor we can avoid those costs.</p>		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<b>A. PROS:</b> Replacing another unit with a more efficient and reliable unit.		
<b>B. CONS:</b>		

**ALTERNATIVES (In Suggested Order of Staff Preference):**

**ATTACHMENTS:** (1) Info Sheet; (2) Bid Tabulation

**FUNDING SOURCE (Where Applicable):** 236-5-100-802.00

**RECOMMENDED ACTION:** Approve Bid #15-002 to Brenham Heating and Air for the purchase and installation of a 40 ton HVAC Unit for City Hall and authorize the Mayor to execute any necessary documentation.

**APPROVALS:** Terry K. Roberts



Bid Information Sheet

1/6/15

IFB Number: 15-002

For: Purchase and Installation of Forty (40) Ton Air Conditioning Unit

Purchase not to exceed budgeted funds.

Number of bidders contacted and/or sent bids: 7

Number of bids received: 2



<b>BID TABULATION</b> <b>PURCHASE AND INSTALLATION OF FORTY (40) TON AIR CONDITIONING UNIT</b> <b>IFB NO 15-002</b>		
<b>Item</b>	<b>Brenham Heating &amp; Air Conditioning</b>	<b>Carrier Corporation</b>
A/C Unit	<b>\$51,000.00</b>	\$62,979.78
Weekend Installation	<b>\$5,500.00</b>	\$4,858.00
<b>Total</b>	<b>\$56,500.00</b>	\$67,837.78
Days to Deliver	<b>75 Days</b>	67 Days



## AGENDA ITEM 9

<b>DATE OF MEETING:</b> January 29, 2015	<b>DATE SUBMITTED:</b> January 26, 2015	
<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"/> 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 Acceptance of Post-Issuance Compliance Procedures and Authorize the Mayor to Execute Any Necessary Documentation		
<p><b>SUMMARY STATEMENT:</b> A Post-Issuance Tax Compliance Program is an established protocol that allows an issuer to monitor the requirements necessary to maintain the tax status of its bonds and, if necessary, identify potential problems so that it may take preventative or corrective actions, as applicable. The IRS has increased its focus on what happens <i>after</i> bonds are issued, and good post-issuance practices make it easier to show the IRS that all of the federal tax law requirements have been met.</p> <p>When the City issues tax exempt bonds, our bond counsel, Bracewell &amp; Giuliani, LLP, poses the question of whether we have adopted Post-Issuance Compliance Procedures to demonstrate compliance with the Internal Revenue Code of 1986 Sections 103 and 141 through 150 related to tax exempt bonds. Although we follow these procedures informally, a “best business practice” calls for written procedures adopted by the governing body.</p> <p>Bracewell &amp; Giuliani, LLP provided the template for the procedures which we modified for the City of Brenham and our city attorney reviewed for content and accuracy of legal citations throughout the document.</p> <p>Once adopted, these procedures apply to any City of Brenham obligation to which Sections 103 and 141 through 150 of the Internal Revenue Code are applicable, and will be modified or amended in the future in order to comply with subsequent IRS rulings.</p>		
<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) Procedures for Post-Issuance Compliance		

**FUNDING SOURCE (Where Applicable):** NA

**RECOMMENDED ACTION:** Accept the Post-Issuance Compliance Procedures and authorize the Mayor to execute any necessary documentation

**APPROVALS:** Terry K. Roberts

**CITY OF BRENHAM**  
**PROCEDURES FOR POST-ISSUANCE COMPLIANCE**

Implemented as of this 29th day of January, 2015.

**I. GENERAL**

These Procedures for Post-Issuance Compliance (the “Procedures”) are for the purpose of maintaining and evidencing compliance with the federal tax requirements that apply to the bond financings of the City of Brenham (the “Issuer”). In furtherance of such purposes the Issuer has adopted these Procedures with respect to the following:

- General Recordkeeping & Record Retention
- Timely return filings
- Proper and timely use of bond proceeds and proper use of bond-financed property
- Arbitrage - yield restriction and rebate
- Reissuance requirements
- Corrective Action

These Procedures apply to any obligations to which Sections 103 and 141 through 150 of the Internal Revenue Code of 1986 (the “Code”) are applicable, whether or not such obligations are in fact tax-exempt. For example, these Procedures will be followed with respect to any issue of tax credit bonds to which such sections of the Code apply. It is the intention of the Issuer to modify or amend these Procedures in the future in order to comply with any requirements set forth in subsequent rulings and other advice published by the Internal Revenue Service (the “Service” or the “IRS”) as such authorities may apply to the Issuer and its obligations.

**II. RESPONSIBLE PARTIES**

The Issuer acknowledges that as the issuer of debt obligations subject to the Code, it is responsible for post-issuance compliance with respect to such debt obligations. The Chief Financial Officer (CFO) of the Issuer has general oversight of the post-issuance compliance of bond financings. In addition, the following parties are responsible for the duties listed next to their title:

CFO	Overseer of all financial functions of the Issuer
Controller	Responsible for all accounting functions of the Issuer
CFO and Controller	Responsible for banking, cash management, investment, and certain debt administration activities of the Issuer

Controller	Responsible for the cataloguing and storage of various financial records of the Issuer
Bond Counsel (currently Bracewell & Giuliani)	Provides legal counsel involving all aspects of the issuance of obligations and post-issuance compliance
Rebate Analyst (currently First Southwest Asset Management, Inc.)	Responsible for all aspects of arbitrage rebate compliance activity on behalf of the Issuer

Parties responsible for the financing aspects and the operations aspects of bond-financed facilities will coordinate efforts to ensure that any actions taken with respect to a bond-financed facility will be in compliance with the requirements of the Code. The Issuer will provide training and/or make available educational materials regarding compliance requirements (e.g., private use requirements) to the parties responsible for the oversight of bond-financed facilities.

### III. GENERAL RECORDKEEPING & RECORD RETENTION

General record retention duties are the responsibility of the Controller.

Controller will maintain a copy of the following documents on file at all times:

- Audited Financial Statements
- Reports of any examinations by the Internal Revenue Service of the Issuer’s financings

With respect to each issue of obligations, Controller will retain the following for the life of the obligations (including the life of any obligations issued to refund the original debt) plus three years:

- Bond transcript, including authorizing documents, offering document, the federal tax certificate and certificates regarding issue price
- Minutes and resolution(s) authorizing the issue
- Any formal elections (e.g., election to employ an accounting methodology other than specific tracing)
- Records relating to the payment of debt service (including credit enhancement)
- Documentation relating to investments and arbitrage compliance, as described in “Arbitrage – Yield Restriction and Rebate - Recordkeeping” below
- Documentary evidence of when and for what purpose the bond proceeds were expended, as described in “Expenditures of Bond Proceeds - Recordkeeping” below
- Any grant requests or fundraising materials and documentation of grants or fundraising receipts relating to projects that also may be financed, in whole or in part, with bond proceeds

- Any agreement of a type described in “Private Business Use – Special Legal Entitlements” that relates to a bond-financed facility
- Bond paying agent/trustee statements
- Rebate compliance reports
- Related IRS filings (e.g. Form 8038-T Rebate)
- IRS correspondence regarding such issue
- Other documentation (including written advice of Bond Counsel) material to the particular requirements that are applicable to the tax status of the financing

Documents may be retained as hard copies or in an electronic format (in accordance with Revenue Procedure Revenue Procedure 97-22, 1997-1 C.B. 652), so long as such documents are retained in an organized, accessible format that preserves the accuracy of such documents.

#### **IV. RETURN FILINGS**

CFO will be responsible for the timely filing of the Form 8038-G information report (or such other series 8038 form as may be applicable to a specific issue of bonds) with the Service, which filing may be completed by bond counsel after the issuance of the obligations. The Issuer must file a separate Form 8038-G for each issue of bonds not later than the 15<sup>th</sup> day of the second calendar month after the close of the calendar quarter in which the bonds are issued.

#### **V. EXPENDITURE OF BOND PROCEEDS**

##### General

The CFO is responsible for oversight of the expenditure of bond proceeds, including monitoring whether such expenditures are made in a timely manner for the purposes for which the bonds were authorized in order to meet qualify for rebate exceptions set forth in the Code and Regulations and whether investments of unexpended Bond proceeds continue to qualify for temporary period exceptions to yield-restriction requirements. Bond Counsel may be consulted regarding allocation of expenditures between each Bond issue to ensure timely expenditure of Bond proceeds.

Additionally, the CFO will monitor compliance with the requirement of the Regulations that proceeds of a bond issue are to be allocated to expenditures by the later of 18 months after the expenditure was made or the date the project is placed in service (and in no event, later than 60 days after (i) the fifth anniversary of the issue date or (ii) retirement of the issue).

With respect to the reimbursement of any expenditure paid prior to the date of issue of the bonds, the CFO will monitor compliance with the requirement of the Regulations that such reimbursement allocation to bond proceeds is made not later than 18 months after the later of (i) the date the original expenditure is made or (ii) the date the project is placed in service, but in no event more than three years after the original expenditure is paid. Furthermore, the CFO will monitor compliance with the requirement of the Regulations that such reimbursement allocation is for the reimbursement of expenditures paid on or after 60 days prior to the date of a reimbursement resolution (including for this purpose a bond order).

## Recordkeeping

With respect to each issue of obligations, the Issuer will retain the following for the life of the obligations plus three years:

- Documentation of allocation of bond proceeds to expenditures (e.g., allocation of bond proceeds for expenditures for the construction, renovation or purchase of facilities)
- Documentation of allocations of bond proceeds to bond issuance costs
- Copies of all requisitions, draw schedules, draw requests, invoices, bills, and cancelled checks related to bond proceeds spent during the construction period
- Copies of all contracts entered into for the construction, renovation or purchase of bond-financed facilities
- Records of expenditure reimbursements incurred prior to issuing bonds for bond-financed facilities
- List or schedule of all bond-financed facilities or equipment
- Depreciation schedules, if any, for bond-financed depreciable property
- Documentation of any purchase or sale of bond-financed assets

Documents may be retained as hard copies or in an electronic format (in accordance with Revenue Procedure Revenue Procedure 97-22, 1997-1 C.B. 652), so long as such documents are retained in organized, accessible format that preserves the accuracy of such documents.

## **VI. PRIVATE BUSINESS USE**

### General

To confirm that the Bonds serve governmental purposes rather than providing proscribed benefits to nongovernmental persons engaged in “private business” activity, it must be determined whether the Issuer expects that there will be any private business use of the proceeds of the bonds. Private business use exists if more than five percent (and, in certain circumstances, ten percent) of the proceeds of the issue or the property to be financed by the bond proceeds are used directly or indirectly by any nongovernmental person in that person’s trade or business. In addition, no more than five percent (and, in certain circumstances, ten percent) of the proceeds of an issue may be secured directly or indirectly by property or payments derived from private business use under the “private security or payment test.” Private business use may occur due to arrangements (typically contractual) that give nongovernmental persons special legal entitlements with respect to the use of bond-financed property (including a sale or other transfer of bond-financed property to a nongovernmental person). Finally, no more than five percent of the proceeds of an issue of bonds may be used to make loans or arrangement that allow a nongovernmental person to defer payments that it is obligated to make with respect to the financed property or the bonds.

The Issuer’s finance team will coordinate with the parties responsible for the use and operation of a bond-financed facility by communicating the private business use restrictions to such parties and requiring that all activity that may give rise to such use be communicated to the CFO in

advance of such use. The CFO is responsible for tracking trade or business activity by third parties as it relates to each issue of obligations and will monitor such activity no less frequently than yearly and, in any event, upon being notified of any new activity that will give rise to a significant amount of trade or business activity by a third party.

#### Special Legal Entitlements that Can Create Private Business Use

A special legal entitlement that can create private business use can arise from arrangements that convey ownership rights, leasehold rights or management rights (e.g., priority rights to use the facility) or other similar rights. Recognizing that a special legal entitlement may give rise to private business use, each time the Issuer intends to enter into one of the following, the Issuer will determine if such agreement relates to any bond -financed facility:

- Management and other service contracts
- Research agreements
- Naming rights contracts
- Ownership
- Leases
- Subleases
- Leasehold improvement contracts
- Joint venture arrangements
- Limited liability corporation arrangements
- Partnership agreements
- Non-contractual use of bond-financed office space and/or parking facilities by any nongovernmental person
- Any other contract conferring a special legal entitlement or special economic benefit that are comparable to ownership

If such an agreement will be with respect to a bond-financed facility, the Issuer will take measures designed to preserve the intended federal income tax status of that issue of Bonds. Such measures may include ensuring that such agreement falls into an applicable exception under the private business use rules, making a determination that private use will not exceed the applicable limit or such other action as may be recommended by bond counsel, including taking remedial actions with respect to the issue of Bonds whose federal tax status is implicated.

### **VII. PAYMENTS ON THE BONDS**

The trustee/paying agent for the bonds shall determine the amount of principal and interest payable on each payment date for the bonds. Periodically, and no less frequently than annually, the CFO will review the amount of the interest payments to verify that proper payments of interest have been made.

## VIII. ARBITRAGE – YIELD RESTRICTION & REBATE

### General

The Controller is responsible for monitoring the Issuer’s compliance with the yield restriction requirements of section 148(a) of the Code and the rebate requirements of section 148(f) of the Code. Such monitoring includes, but is not limited to:

- Tracking the allocation of bond proceeds to expenditures for compliance with any temporary period and spending exceptions, no less frequently than yearly
- Ensuring that any forms required to be filed with the IRS relating to arbitrage and any payments required pursuant thereto are filed in a timely manner
- Ensuring that “fair market value” is used with respect to the purchase and sale of investments

At present, the Issuer has hired First Southwest Asset Management, Inc. as Rebate Analyst to assist with monitoring compliance with rebate and yield restriction rules on a yearly basis.

Compliance with the investment rules will require that the Issuer be able to account for, in terms of dates and amounts, all uses (including disbursements and investment activity) of particular categories of bond-related money. The Controller will account for all of the following disbursements: monies in the project fund, debt service fund and any other fund into which proceed of the obligations have been deposited, including any reserve fund. In doing so, the Controller will use any reasonable consistently applied accounting method to account for gross proceeds, investments and expenditures of an issue.

### Recordkeeping

With respect to each issue of obligations, the Issuer will retain the following for the life of the obligations plus three years:

- Documentation of allocations of investments and calculations of investment earnings
- Documentation for investments of the bond proceeds related to:
  - a) Bidding of financial products
- Documentation regarding arbitrage compliance, including:
  - a) Computation of bond yield
  - b) Computation of rebate and yield reduction payments
  - c) Form 8038-T, Arbitrage Rebate, Yield Reduction and Penalty in Lieu of Arbitrage Rebate
  - d) Form 8038-R, Request for Recovery of Overpayments Under Arbitrage Rebate Provisions

Documents may be retained as hard copies or in an electronic format (in accordance with Revenue Procedure Revenue Procedure 97-22, 1997-1 C.B. 652), so long as such documents are retained in an organized, accessible format that preserves the accuracy of such documents.

## **IX. REISSUANCE**

Prior to making any changes to the terms of an obligation, including its underlying security, the Issuer will consult with bond counsel to determine whether such change will result in the reissuance of such obligation for federal tax law purposes. If it is determined that a change will result in a reissuance, the Issuer will take such action, including the recalculation of yield, the filing of a new form 8038-G and the payment of rebate obligations, as is necessary to maintain the tax status of the bonds.

## **X. CORRECTIVE ACTION**

Reports regarding the aforementioned compliance policies with respect to any issue of bonds will be made by the party given responsibility for such area to the CFO no less frequently than annually. At such time, the CFO will determine whether any corrective action is required with respect to the applicable issue.

A corrective action may be required if, for example, it is determined that bond proceeds were not properly expended, the Issuer is not in compliance with the arbitrage requirements imposed by the Code or the Issuer has taken a deliberate action that results in impermissible private business use (e.g., sale of bond-financed property). If the Issuer determines or is advised that corrective action is necessary with respect to any issue of its obligations, the Issuer will, as may be applicable, in a timely manner:

- seek to enter into a closing agreement under the Tax-Exempt Bonds Voluntary Closing Agreement Program described in Notice 2008-31 (or any successor notice thereto)
- take remedial action described under Section 1.141-12 of the Code
- take such other action as recommended by bond counsel



**AGENDA ITEM 10**

<b>DATE OF MEETING:</b> January 29, 2015		<b>DATE SUBMITTED:</b> January 23, 2015	
<b>DEPT. OF ORIGIN:</b> Administration		<b>SUBMITTED BY:</b> Jeana Bellinger	
<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 an Order Calling a General Election on May 9, 2015 for the Purpose of Electing One Mayor; One Council Member for Place 2 – Ward 2; and One Council Member for Place 4 – Ward 4, Each for Four (4) Year Terms			
<b>SUMMARY STATEMENT:</b> In accordance with the Texas Election Law and the City’s election schedule, the city must hold a General Election on Saturday, May 9, 2015 to elect a Mayor, one councilmember for Place Two - Ward Two, and one Councilmember for Place 4 - Ward Four. Each position will be for a four (4) year term. The period in which candidates can file for a place on the ballot is Wednesday, January 28 <sup>th</sup> thru Friday, February 27 <sup>th</sup> . Candidate filing packets can be picked up at City Hall in the City Secretary’s Office during normal business hours.  The order calling the 2015 Special Election (Charter) will be on the February 19 <sup>th</sup> council agenda.			
<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) Election Order in English and Spanish			
<b>FUNDING SOURCE (Where Applicable):</b>			
<b>RECOMMENDED ACTION:</b> Approve the Order authorizing the calling of a General Election on May 9, 2015 for the Purpose of Electing A Mayor; One Council Member for Place 2 – Ward 2; and One Council Member for Place 4 – Ward 4, each for four (4) year term			
<b>APPROVALS:</b> Terry K. Roberts			



**PUNTO DE LA AGENDA 10**

<b>FECHA DE REUNIÓN:</b> 29 enero, 2015		<b>FECHA DE ENVÍO:</b> 23 enero, 2015
<b>DEPTO. DE ORIGEN:</b> Administración		<b>PRESENTADO POR:</b> Jeana Bellinger
<b>TIPO DE REUNIÓN:</b>	<b>CLASIFICACIÓN:</b>	<b>ORDENANZA:</b>
<input checked="" type="checkbox"/> <b>REGULAR</b>	<input type="checkbox"/> <b>AUDIENCIA PÚBLICA</b>	<input type="checkbox"/> <b>PRIMERA LECTURA</b>
<input type="checkbox"/> <b>ESPECIAL</b>	<input type="checkbox"/> <b>CONSENTIMIENTO</b>	<input type="checkbox"/> <b>SEGUNDA LECTURA</b>
<input type="checkbox"/> <b>REUNIÓN EJECUTIVA</b>	<input checked="" type="checkbox"/> <b>REGULAR</b>	<input type="checkbox"/> <b>RESOLUCIÓN</b>
	<input type="checkbox"/> <b>SESIÓN DE TRABAJO</b>	
<b>DESCRIPCIÓN DEL PUNTO DE LA AGENDA:</b> Discutir y posiblemente actuar por una orden exigiendo Elecciones Generales el 9 de mayo de 2015 con el propósito de la elección de un alcalde, un miembro de consejo para Lugar 2 – Distrito Electoral 2, y un miembro de consejo para Lugar 4—Distrito Electoral 4, cada uno para términos de cuatro (4) años.		
<b>DECLARACIÓN DE RESUMEN:</b> De conformidad con lo dispuesto en la Ley Electoral de Texas y con el horario electoral de la ciudad, la ciudad debe celebrar elecciones generales el sábado, 9 de mayo de 2015 para elegir a un alcalde, un miembro de consejo para Lugar dos – Distrito Electoral 2, y un miembro de consejo para Lugar 4 – Distrito Electoral 4. Cada posición será por un término de cuatro (4) años de duración. El período en el que los candidatos pueden solicitar un lugar en la boleta electoral es el miércoles, 28 de enero al viernes, 27 febrero. Los paquetes del candidato de solicitar un lugar en la boleta electoral se pueden recoger en el Ayuntamiento – City Hall – a la oficina de la secretaria de la ciudad durante el horario laboral normal.  La orden exigiendo la Elección Especial 2015 (Carta) estará en la agenda del consejo el 19 febrero.		
<b>ANÁLISIS DE PERSONAL (por las ordenanzas o puntos de la agenda regular:</b>		
<b>A. PARA:</b>		
<b>B. CONTRA:</b>		
<b>ALTERNATIVAS (en orden de preferencia de personal):</b>		
<b>ANEXOS:</b> (1) Orden proveyendo para una elección general en español e inglés		
<b>FUENTE DE FINANCIACIÓN (si aplicable):</b>		
<b>ACCIÓN RECOMENDADA:</b> aprobar la Orden por lo que se autorice exigiendo elecciones generales el 9 de mayo de 2015 con el propósito de elegir a un alcalde, un miembro de consejo para Lugar 2 – Distrito Electoral 2, y un miembro de consejo para Lugar 4 – Distrito Electoral 4, cada para términos de cuatro (4) años.		
<b>APROBACIONES:</b> Terry K. Roberts		

## ORDER

### **AN ORDER PROVIDING FOR A GENERAL ELECTION TO BE HELD ON SATURDAY, MAY 9, 2015, FOR THE PURPOSE OF ELECTING A MAYOR; ONE COUNCILMEMBER FOR PLACE 2 – WARD 2; AND ONE COUNCIL MEMBER FOR PLACE 4 – WARD 4, EACH FOR FOUR-YEAR TERMS, FOR THE CITY OF BRENHAM, TEXAS**

A general election is hereby ordered to be held on **MAY 9, 2015**, the same being the second Saturday in May, for the purpose of:

### **ELECTING A MAYOR; ONE COUNCILMEMBER FOR PLACE 2 – WARD 2; AND ONE COUNCIL MEMBER FOR PLACE 4 – WARD 4, EACH FOR FOUR-YEAR TERMS**

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

**Monday, April 27, 2015 through Tuesday, May 5, 2015  
from 8:00 a.m. to 5:00 p.m., provided, however, that Early Voting shall  
be conducted for twelve (12) hours on the following weekdays:**

**Monday, May 4, 2015 and Tuesday, May 5, 2015 from  
8:00 a.m. to 8:00 p.m.**

The first day for a candidate to file an application for a place on the general election ballot is Wednesday, January 28, 2015.

The last day for a candidate to file an application for a place on the general election ballot is 5:00 p.m., Friday, February 27, 2015.

All applications for ballots by mail should be mailed to:

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

Applications for ballot by mail must be received no later than the close of business at 5:00 p.m., Thursday, **April 30, 2015**.

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

- Ward 1: American Legion Post 48  
903 N. Park Street  
Brenham, Texas
- Ward 2: City of Brenham City Hall  
200 W. Vulcan Street  
Brenham, Texas
- Ward 3: Brenham Junior High Band Hall  
1200 Carlee Drive  
Brenham, Texas
- Ward 4: Blinn Jr. College Student Center  
1007 Walter Schwartz Way  
Brenham, Texas

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

**PASSED AND APPROVED** by the City Council of the City of Brenham on this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

**ATTEST:**

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

## **ORDEN**

**UNA ORDEN PROVEYENDO PARA UNA ELECCIÓN GENERAL QUE SE LLEVARÁ A CABO EL SÁBADO 9 DE MAYO, 2015, CON EL PROPÓSITO DE LA ELECCIÓN DE UN ALCALDE, UN MIEMBRO DE CONSEJO DE LUGAR 2 – DISTRITO ELECTORAL 2; Y UN MIEMBRO DE CONSEJO DE LUGAR 4 – DISTRITO ELECTORAL 4, CADA PARA TÉRMINOS DE CUATRO AÑOS, PARA LA CIUDAD DE BRENHAM, TEXAS**

Por este medio se ordenó llevar a cabo una elección general el 9 de mayo, 2015, el mismo siendo el segundo sábado de mayo, con el propósito de:

**ELEGIR A UN ALCALDE, UN MIEMBRO DE CONSEJO DE LUGAR 2 – DISTRITO ELECTORAL 2; Y UN MIEMBRO DE CONSEJO DE LUGAR 4- DISTRITO ELECTORAL 4, CADA PARA TÉRMINOS DE CUATRO AÑOS**

Votación anticipado por comparecencia personal se llevará a cabo cada día de la semana en el **Washington County Annex Building, 100 S. Park Street, Brenham, Texas**, de la siguiente manera:

**el lunes, 27 de abril, 2015 hasta el martes, 5 de mayo, 2015  
desde las 8:00 de la mañana a 5:00 de la tarde; siempre y cuando, sin embargo, que la  
votación anticipada se llevará a cabo durante doce (12) horas en los siguientes días  
laborables:**

**el lunes, 4 de mayo, 2015 y el martes, 5 de mayo, 2015  
desde 8:00 de la mañana a 8:00 de la noche**

El primer día para presentar un candidato una solicitud para un lugar en la boleta electoral de la elección general es miércoles, 28 de enero, 2015.

El último día para presentar un candidato una solicitud para un lugar en la boleta electoral de la elección general es el viernes, 27 de febrero, 2015, a las 5:00 de la tarde.

Todas las solicitudes de papeletas por correo se deben enviar por correo a:

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

Las solicitudes de papeletas por correo deben ser recibidas no más tarde de la hora de cierre de los negocios a las 5:00 de la tarde, el jueves, **30 de abril, 2015.**

Las elecciones se celebrarán en las siguientes designados centros de votación en la Ciudad de Brenham, Texas, para los votantes de los Distritos Electorales:

Distrito Electoral 1: American Legion Post 48  
903 N. Park Street  
Brenham, Texas

Distrito Electoral 2: Brenham City Hall  
200 W. Vulcan Street  
Brenham, Texas

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

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

La ciudad proporcionará al menos un AutoMARK v. 1.0 . Sistema de votación en cada sitio de votación en cada centro de votación utilizados para llevar a cabo estas elecciones.

**PASADO Y APROBADO** por el Consejo Municipal de la Ciudad de Brenham este \_\_\_\_\_ día de \_\_\_\_\_, 2015.

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

**ATESTIGUAR:**

\_\_\_\_\_  
Jeana Bellinger, TRMC  
Secretaria de la ciudad



## AGENDA ITEM 11

<b>DATE OF MEETING:</b> January 29, 2015	<b>DATE SUBMITTED:</b> January 26, 2015	
<b>DEPT. OF ORIGIN:</b> Administration	<b>SUBMITTED BY:</b> Jeana Bellinger	
<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 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 Interlocal Agreement Between the City of Brenham, Brenham Independent School District and Blinn College for the May 9, 2015 Elections and Authorize the Mayor to Execute Any Necessary Documentation		
<b>SUMMARY STATEMENT:</b> As we have done in the past, the City, BISD and Blinn will all contract with Washington County to hold the 2015 election. The attached Joint Election Agreement addresses various issues related to the election and outlines what each entity will be responsible for during the election process.  This Agreement is also consistent with the terms outlined in the City’s election services contract with Washington County which was approved by Council on December 18, 2014. (BISD and Blinn each have their own contract with the County.)  Please note that this Agreement has been sent to BISD and Blinn for approval; however, I have not yet received any feedback from either entity. Therefore, I am requesting the Council approve this Agreement and authorize the Mayor to execute it once approved, in final form, by the City Attorney.		
<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>		

**ATTACHMENTS:** (1) Interlocal Agreement for the May 9, 2015 Election between the City of Brenham, Brenham Independent School District, and Blinn College

**FUNDING SOURCE (Where Applicable):** N/A

**RECOMMENDED ACTION:** Approve the Interlocal Agreement between the City of Brenham, Brenham Independent School District and Blinn College for the May 9, 2015 Elections, contingent upon final approval by the City Attorney, and authorize the Mayor to execute any necessary documentation.

**APPROVALS:** Terry K. Roberts

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF BRENHAM,  
BRENHAM INDEPENDENT SCHOOL DISTRICT, AND  
BLINN COLLEGE FOR THE MAY 9, 2015 ELECTIONS**

**THIS AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the City of Brenham, hereinafter referred to as “City,” the Brenham Independent School District, hereinafter referred to as “BISD,” and Blinn College, hereinafter referred to as “Blinn,” is for the conduct of early voting by personal appearance to be held at a common location, the conduct of election day, and all other election related functions for the May 9, 2015 elections for the City of Brenham, Texas General and Special Elections, the Brenham Independent School District Board of Trustees Election, and the Blinn College Board of Trustees Election.

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

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

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

5. Early voting by personal appearance shall begin on Monday, April 27, 2015 and shall end on Tuesday, May 5, 2015, from 8:00 a.m. to 5:00 p.m. each weekday, provided however, that early voting by personal appearance be conducted from 8:00 a.m. to 8:00 p.m. on Monday, May 4, 2015 and Tuesday, May 5, 2015, as required by Section §85.005 of the Texas Election Code.
6. It shall be the responsibility of each party to provide its own deputy early voting clerk to conduct or assist with Early Voting as required for their respective election and as provided in each party's Election Services Contract with Washington County.
7. Each party shall receive all applications for mail ballots and deliver them to the Washington County Chief Deputy Elections Clerk for processing in accordance with applicable election laws.
8. All ballots and ballot related supplies for early voting and Election Day will be provided by Washington County, as provided in each party's Election Services Contract with Washington County.
9. All election equipment will be provided for each party by Washington County, as outlined in each party's respective Election Services Contract with Washington County. Washington County will also arrange for and publish in the local newspaper timely notice of the public test of all electronic voting equipment.
10. Each party shall be responsible for its own expenses related to any electronic voting equipment leased from Washington County.
11. All election judges and clerks will be provided for each party by Washington County, as outlined in each party's respective Election Services Contract with Washington County. Washington County will also provide the necessary training for all election personnel.
12. This Agreement is binding on a party hereto only if the party holds an election on May 9, 2015. Should a party cancel its election, then this Agreement will automatically terminate with respect to the cancelling party and cease to be enforceable against or binding on said cancelling party.

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

**CITY OF BRENHAM, TEXAS**

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

**ATTEST:**

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

**BRENHAM INDEPENDENT SCHOOL DISTRICT**

\_\_\_\_\_  
Sam Bell, Superintendent

**ATTEST:**

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**BLINN COLLEGE**

\_\_\_\_\_  
Atwood Kenjura, President

**ATTEST:**

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_



**AGENDA ITEM 12**

<b>DATE OF MEETING:</b> January 29, 2015		<b>DATE SUBMITTED:</b> January 15, 2015	
<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 type="checkbox"/> 1 <sup>ST</sup> READING			
<input type="checkbox"/> 2 <sup>ND</sup> READING			
<input checked="" type="checkbox"/> RESOLUTION			
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon Resolution No. R-15-001 of the City Council of the City of Brenham, Texas, Adopting a Commercial Tax Phase-In Agreement with Blue Bell Creameries, L.P. and Stanpac USA, LLC, Approving the Future Assignment Thereof, and Authorizing the Mayor to Execute Any Necessary Documentation			
<b>SUMMARY STATEMENT:</b> See attached memo from the Brenham Economic Development Foundation.			
<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) Memo from Economic Development Foundation; (2) Tax Phase-In Application; (3) Resolution No. R-15-001; (4) Tax Phase-In Agreement with Exhibits; and (5) Assignment and Assumption of Agreements			
<b>FUNDING SOURCE (Where Applicable):</b> N/A			
<b>RECOMMENDED ACTION:</b> Approve Resolution No. R-15-001 of the City Council of the City of Brenham, Texas, adopting a Commercial Tax Phase-In Agreement with Blue Bell Creameries, L.P. and Stanpac USA, LLC, approving the future assignment thereof, and authorizing the Mayor to execute any necessary documentation.			
<b>APPROVALS:</b> Terry K. Roberts			



## MEMO

To: Mayor Tate and City Council  
From: Brenham Economic Development Foundation  
Date: January 15, 2015  
Re: Stanpac Tax Phase-In Application

The Brenham Economic Development Foundation (EDF) respectfully requests your consideration of an application for Tax Phase-In from Stanpac.

Stanpac has plans to purchase a new commercial printing press and construct a new building at their Brenham plant to provide their customers, mainly Blue Bell, with the best possible print quality for their packaging. This project will also allow Stanpac to keep up with the demand as Blue Bell grows in years to come. Further, the enhanced functionality of the new printing press will lead to new products and potentially new customers which will lead to increase jobs at the facility over time. The printing press is the backbone of Stanpac's operation. Having a state of the art, modern press will provide a solid foundation for Stanpac to continue to be successful in Brenham.

**JOB CREATION/RETENTION:** Stanpac will **retain 150 existing jobs** during the first year of operations. The total payroll will be \$5,060,000. Stanpac will also provide additional benefits including health plan and 401K to their employees.

**VALUE CREATION:** Stanpac will be **investing \$8.5 million** in capital for this project. \$6 million will be used to purchase the new pieces of machinery. \$2.5 million be used to construct a new building and expand it off of their current facility.

**NEW TAXES PAID:** If Stanpac is granted tax phase-in, they will pay **a total of \$110,043 in new taxes in its first year** of operation (\$4,175 in city taxes). The company will receive an abatement of \$77,441 in year-one (\$37,577 from city taxes). At the end of its tax phase-in period, Stanpac will have paid **a total of \$957,786 in new taxes** (\$70,977 in city taxes), and will have received a total abatement of \$542,087 (\$263,039 from city taxes). At no point in the tax phase-in process does any company receive abatements on taxes for Blinn College or Brenham ISD.

Attached you will find:

- A) Tax Phase-In Application
- B) Company Overview
- C) Economic Impact Analysis
- D) Site Map
- E) Tax Phase-In Overview
- F) Tax Phase-In Calculation

If you have any questions as you review the attached documents, please contact 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. All applications submitted to the City of Brenham must be received 20 days before the publication deadline.

---

**APPLICANT INFORMATION**

Company Name	<u>Stanpac USA, LLC</u>	
Address of HQ	<u>2790 Thompson Rd.</u>	Annual Sales <u>\$35 MM</u>
	<u>Smithville, ON L0R 2A0</u>	Years in Business <u>65 (1949)</u>
Company President	<u>Matt Witt</u>	Total Employees <u>150 (Brenham)</u>
Authorized Signature	<u><i>Matt Witt</i></u>	Brenham Address:
Title	<u>Co-President</u>	<u>801 Mangrum St.</u>
Date	<u>January 14, 2015</u>	<u>Brenham, TX 77833</u>
Contact Person	<u>Brent Roszell – V.P. Finance</u>	Telephone <u>979-251-9851</u>

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

---

**PROJECT INFORMATION**

Type of Targeted Enterprise:

[ ] Agriculture/ Aquaculture Facility; [ X ] Manufacturing/Assembly; [ ] Distribution; [ ] Research

Products and services to be provided: Ice cream packaging

---

**SITE INFORMATION**

Address 801 Mangrum St., Brenham, TX 77833

Legal Description Wilson, Lot 1A, 1B, 3, 4, 11-23, 28-34, PT of 5 &10, PT of Washington St, Acres 9.981

Attach map showing project location.

[ ] New Facilities [ X ] Expansion of Existing Facilities [ ] Modernization/Remodel

**ECONOMIC INFORMATION**

Construction Estimates

Start Date March 2015 Contract Amount \$2.5 million  
 Completion Date November 2015 # Construction Jobs N/A

Estimated Appraised Values	Land	Building/Equipment	Personal Property
Value before Tax Phase-In begins	<u>\$59,690</u>	<u>\$3,067,040</u>	<u>\$1,488,160</u>
Value after Tax Phase-In expires	<u>\$59,690</u>	<u>\$11,500,000</u>	<u>\$1,488,160</u>

**PERMANENT EMPLOYMENT INFORMATION**

Will this project create or retain a minimum of 10 jobs at an average base salary of \$33,000/year, or higher, including benefits throughout the tax phase-in process? (yes/no) YES

Estimated number of jobs to be created	Total	Washington County Residents	Out of County Residents
After first year	0	N/A	N/A
End of tax phase-in	0	N/A	N/A

Estimated number of jobs to be retained	Total	Washington County Residents	Out of County Residents
After first year	150	N/A	N/A
End of tax phase-in	150	N/A	N/A

**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_____	_____

---

**ADDITIONAL PROJECT INFORMATION**

- (a) Not applicable.
- (b) Please see attachment.
- |                |                       |
|----------------|-----------------------|
| (c) Land       | \$0.00                |
| Building Cost  | \$2,500,000.00        |
| Equipment cost | <u>\$6,000,000.00</u> |
| Total          | <u>\$8,500,000.00</u> |
- (d) Project is to be financed by commercial equipment and real estate lenders.
- (e) The total tax phase-in amount is estimated to be \$542,087 over an eight-year period. Please see attachment.
- (f) Stanpac is considering applying for a state sales tax refund through the Texas Enterprise Zone Program.
- (g) Tax phase-in will assist with the cost benefit of the project to make it more financially feasible.
- (h) If tax phase-in is not granted, Stanpac would have to reevaluate the project and continue to ship products to the Brenham plant from its plant in Smithville, Ontario, Canada.
- (i) Stanpac will request tax phase-in from the City of Brenham and Washington County.
- (j) 150 existing jobs -- printing, forming, office, quality, maintenance and warehouse.
- (k) Jobs range from \$10/hour to \$42/hour. Additionally, related benefits include health plan and 401K.
- (l) 150 jobs retained.
- (m) 150 jobs retained.
- (n) Not applicable.
- (o) \$5,060,000.
- (p) Projected utility volume is to be determined at a later time through discussions with the City of Brenham.
- (q) Not applicable.
- (r) Stanpac will use local vendors as much as possible during the construction phase of the project.
- (s) Stanpac will schedule a pre-development meeting with the City of Brenham to determine any needed changes to existing utilities and infrastructure.



Blue Bell Creameries, L.P.  
P.O. Box 1807  
Brenham, Texas 77834-1807  
[www.bluebell.com](http://www.bluebell.com)  
(979) 836-7977

January 20, 2015

The Honorable Milton Tate  
Brenham City Council  
200 West Vulcan Street  
P.O. Box 1059  
Brenham, Texas 77834-1059

Dear Mayor Tate:

Blue Bell Creameries, L.P., or its assigns, would like to be included in Stanpac USA's application for tax phase-in dated January 14, 2015.

Blue Bell owns the property where Stanpac operates located at 801 Mangrum Street and will continue to be the owner at the time Stanpac makes their formal request for tax phase-in. However, Blue Bell is currently working to transfer ownership to Stanpac USA all of the land and buildings that Stanpac currently occupies. We anticipate this will take place in March of 2015. Blue Bell will not be a participant in Stanpac's tax phase-in after this transfer of ownership is completed.

We appreciate the support from the City of Brenham to help further promote economic development in the community.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paul W. Kruse". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Paul W. Kruse  
C.E.O. & President

PWK:rmg



## **COMPANY OVERVIEW**

For more than 60 years, Stanpac has been manufacturing dairy and beverage packaging for companies located throughout the United States, Canada and many locations worldwide. Back in 1949, Stanpac provided closures for glass milk bottles. Since then, they have continually expanded their product lines with new products and innovations for the ice cream, fluid milk, wine and spirits markets.

The evolution of a great company continues with the introduction of new products, sizes and configurations for an ever changing market. With 7 patents in more than 20 countries, they are recognized by their customers as innovative and customer focused. Their focus on the dairy industry includes a complete line of ice cream packaging supplies, paper ice cream cups, and ice cream filling equipment.

## **PROJECT OVERVIEW**

The purpose of the new press and building in Brenham is to provide their customers (mainly Blue Bell) with the best possible print quality for their packaging. This project will also allow Stanpac to keep up with the demand as Blue Bell grows in years to come. Further, the enhanced functionality of the new printing press will lead to new products and potentially new customers which will lead to increase jobs at the facility over time. The printing press is the backbone of their operation. Having a state of the art, modern press will provide a solid foundation for Stanpac to continue to be successful in Brenham.

## **LEADERSHIP TEAM**

Steve Witt – Founder

Andrew Witt – Co-President

Matt Witt – Co-President

Murray Bain – V.P. Marketing

Dave Kuzmich – V.P. Engineering

Brent Roszell – V.P. Finance

# Economic Impact Analysis

## Stanpac Expansion



## Brenham, Texas

January 2015

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

## Background

This analysis estimates the economic impact of expansion of Stanpac at its Brenham, TX facility. Stanpac manufactures packaging supplies for the dairy, food and beverage industries. They also provide glass bottle decorating services for milk, beer, liquor and wine. To provide their customers with the best possible print quality for their packaging, Stanpac plans to upgrade their existing facilities and equipment over the next 6-12 months. This includes:

- (1.) \$6 million in new equipment purchases
- (2.) \$3 million in building construction and remodeling to accommodate the new equipment, which includes \$500,000 in infrastructure improvements to accommodate the new equipment.
- (3.) Stanpac does not expect to add workers in the initial stage of this expansion, but they do expect future job growth from the investment. To provide a conservative impact estimate, we assume no change in jobs from operations.

To offset some of these initial costs, the Brenham Economic Development Foundation (EDF) is supporting Stanpac’s application for a tax phase-in. The EDF requested this Economic Impact Analysis (EIA) to estimate the full impact of this expansion on the City of Brenham and Washington County residents.

## Analysis

### Overall Impact

Total Economic Impact	Expansion Costs		Operations					Total
	Equipment	Construction	Year 1	Year 2	Year 3	Year 4	Year 5	
<b>Direct Impact</b>	\$1,032,000	\$3,000,000	\$23,993,279	\$24,575,614	\$25,172,080	\$25,783,025	\$26,306,938	<b>\$129,862,936</b>
<b>Indirect &amp; Induced Impact</b>	\$388,819	\$1,264,826	\$7,880,451	\$8,026,306	\$8,179,927	\$8,341,480	\$8,510,978	<b>\$42,592,787</b>
<b>Total Impact</b>	<b>\$1,420,819</b>	<b>\$4,264,826</b>	<b>\$31,873,730</b>	<b>\$32,601,920</b>	<b>\$33,352,007</b>	<b>\$34,124,505</b>	<b>\$34,817,916</b>	<b>\$172,455,723</b>

Differences in totals due to rounding.

Prepared by LCRA using IMPLAN

### Findings

1. Stanpac’s expansion will have an initial impact of nearly \$5.7 million on Brenham’s economy. This includes construction and infrastructure spending as well as estimated costs for installing and starting up the new equipment.
2. Annually, operations will continue to pump \$31.9-\$34.8 million into the economy. Note the model assumes no change in employment over the first five years of operations, and projects lower revenues than Stanpac anticipates. This lower revenue expectation is likely due to either the conservative jobs estimate or the model’s conservative estimate of productivity gains from the new equipment.

- Stanpac will purchase equipment from outside locations, reducing its local impact. However, transport, installation, and servicing will have a localized impact totaling roughly \$1.4 million.
- Over its first five years of operations, Stanpac will have a direct impact of more than \$125.8 million and a total impact of \$166.8 million on the City of Brenham.

### Jobs Impact

Total Job Impact	Expansion Costs		Operations				
	Equipment	Construction	Year 1	Year 2	Year 3	Year 4	Year 5
Direct Impact	7	24	150	150	150	150	150
Indirect & Induced Impact	4	12	72	72	72	72	72
<b>Total Jobs</b>	<b>11</b>	<b>35</b>	<b>222</b>	<b>222</b>	<b>222</b>	<b>222</b>	<b>222</b>

Differences in totals due to rounding.

Prepared by LCRA using IMPLAN

### Findings

- Stanpac’s 150 jobs have a multiplier effect of nearly 2:1. In other words, for every two workers directly employed by Stanpac, another worker is employed within the area to support either the business or its employees. Overall, Stanpac operations support 222 workers each year.
- Between equipment and construction, Stanpac’s upgrades will support the equivalent of 46 jobs. Note these jobs or job equivalents only last for the time the upgrades occur.

### Wages and Tax Impact

Wage & Tax Impact	Expansion Costs		Operations					Total
	Equipment	Construction	Year 1	Year 2	Year 3	Year 4	Year 5	
Direct Impact	\$398,379	\$869,714	\$6,316,808	\$6,445,166	\$6,576,131	\$6,709,759	\$6,846,101	<b>\$34,162,058</b>
Indirect & Induced Impact	\$106,898	\$396,108	\$2,209,630	\$2,254,530	\$2,300,343	\$2,347,085	\$2,394,779	<b>\$12,009,373</b>
<b>Total Wage Impact</b>	<b>\$505,277</b>	<b>\$1,265,822</b>	<b>\$8,526,438</b>	<b>\$8,699,696</b>	<b>\$8,876,474</b>	<b>\$9,056,844</b>	<b>\$9,240,880</b>	<b>\$46,171,431</b>
TX Sales Tax Impact	\$15,158	\$37,975	\$255,793	\$260,991	\$266,294	\$271,705	\$277,226	\$1,385,143
Local Sales Tax Impact	\$5,053	\$12,658	\$85,264	\$86,997	\$88,765	\$90,568	\$92,409	\$461,714

Differences in totals due to rounding.

Prepared by LCRA using IMPLAN

### Findings

- Annually, Stanpac operations support \$8.5-\$9.2 million in wages for the Brenham economy. \$6.3-\$6.8 million of this wage impact comes directly from Stanpac payroll.

2. These wages translate into \$85,000 - \$92,000 in annual local sales tax. It is important to note this tax impact reflects the impact of wages alone and excludes any additional sales tax revenues from sales of goods and services from Stanpac.
3. While small, the upgrades to the facility are expected to generate an additional \$17,700 in local sales tax.

## 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.*



**Stanpac - Bluebell Plant Site**

1 inch = 50 feet



# 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

**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

**Estimated property taxes to be abated**

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Total
Capital investment	\$8.5M	\$263,039							
Job creation/retention	150 jobs	\$279,048							
	90%	90%	90%	90%	90%	80%	60%	40%	
<u>Taxing entity</u>									
City of Brenham	\$37,577	\$37,577	\$37,577	\$37,577	\$37,577	\$33,402	\$25,051	\$16,701	\$263,039
Washington County	\$39,864	\$39,864	\$39,864	\$39,864	\$39,864	\$35,435	\$26,576	\$17,717	\$279,048
	\$77,441	\$77,441	\$77,441	\$77,441	\$77,441	\$68,837	\$51,627	\$34,418	\$542,087

**Estimated property taxes to be paid**

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Total
Capital investment	\$4,175	\$4,175	\$4,175	\$4,175	\$4,175	\$8,350	\$16,701	\$25,051	\$70,977
Job creation/retention	150 jobs	\$75,297							
	10%	10%	10%	10%	10%	20%	40%	60%	
<u>Taxing entity</u>									
City of Brenham	\$4,175	\$4,175	\$4,175	\$4,175	\$4,175	\$8,350	\$16,701	\$25,051	\$70,977
Washington County	\$4,429	\$4,429	\$4,429	\$4,429	\$4,429	\$8,859	\$17,717	\$26,576	\$75,297
	\$8,604	\$8,604	\$8,604	\$8,604	\$8,604	\$17,209	\$34,418	\$51,627	\$146,274
	100%	100%	100%	100%	100%	100%	100%	100%	
<u>Taxing entity</u>									
Brenham ISD	\$96,475	\$96,475	\$96,475	\$96,475	\$96,475	\$96,475	\$96,475	\$96,475	\$771,800
Blinn College	\$4,964	\$4,964	\$4,964	\$4,964	\$4,964	\$4,964	\$4,964	\$4,964	\$39,712
	\$101,439	\$101,439	\$101,439	\$101,439	\$101,439	\$101,439	\$101,439	\$101,439	\$811,512

**RESOLUTION NO. R-15-001**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS ADOPTING A COMMERCIAL TAX PHASE-IN AGREEMENT WITH BLUE BELL CREAMERIES, L.P. AND STANPAC USA, LLC; AUTHORIZING THE MAYOR TO EXECUTE THE TAX PHASE-IN AGREEMENT; APPROVING ASSIGNMENT OF THE COMMERCIAL TAX PHASE-IN AGREEMENT ADOPTED BY THE CITY COUNCIL BY THIS RESOLUTION FROM BLUE BELL CREAMERIES, L.P. TO THE BRENHAM BARTONS INC.; AUTHORIZING THE MAYOR TO EXECUTE THE ASSIGNMENT INSTRUMENT; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

**WHEREAS**, Chapter 312 of the Texas Tax Code authorizes the City of Brenham, Texas, to participate in tax phase-in incentives; and

**WHEREAS**, in accordance with Section 312.002 of the Texas Tax Code, the City of Brenham, Texas previously passed a resolution stating the City's intent to participate in tax phase-in incentives; and

**WHEREAS**, in accordance with Section 312.002 of the Texas Tax Code, the City of Brenham, Texas also previously adopted tax phase-in incentive guidelines and criteria; and

**WHEREAS**, the City Council of the City of Brenham, Texas, finds and determines that the terms of the Tax Phase-In Agreement and the subject property meet the applicable tax phase-in incentive guidelines and criteria, and entering into the Tax Phase-In Agreement will be to the benefit of the citizens of the City of Brenham; and

**WHEREAS**, the City Council desires to adopt the Tax Phase-In Agreement, a copy of which is attached hereto as Exhibit "A" and incorporated herein for all purposes, by and between the City of Brenham, Texas, Blue Bell Creameries, L.P., and Stanpac USA, LLC, a Delaware limited liability company; and

**WHEREAS**, Blue Bell Creameries, L.P. has informed the City of Brenham of its intent to transfer ownership of the real property located at 701 East Commerce Street and 801 Mangrum Street and described more particularly in the Tax Phase-In Agreement, said transfer being anticipated to occur in March of 2015, and is requesting the assignment of its rights and assumption of its duties under the Tax Phase-In Agreement to The Brenham Bartons Inc., an affiliate company of Stanpac USA, LLC, upon Blue Bell Creameries, L.P.'s transfer of ownership of the real property to The Brenham Bartons Inc.; and

**WHEREAS**, the provisions of the Tax Phase-In Agreement and the City of Brenham Policy Statement on Property Tax Phase-In Incentive for Selected Commercial Enterprises (“Tax Phase-In Policy”) authorize the Tax Phase-In Agreement to be assigned if the assignment is approved by resolution adopted by the City Council; and

**WHEREAS**, the City Council of the City of Brenham, Texas, finds that the Assignment and Assumption of Agreements (“Assignment”), attached hereto as Exhibit “B” and incorporated herein for purposes pertinent, complies with the terms and conditions of the Tax Phase-In Agreement and the Tax Phase-In Policy; and

**WHEREAS**, the City Council of the City of Brenham desires to authorize the Mayor to execute the Assignment and Assumption of Agreements upon Blue Bell Creameries, L.P.’s transfer of ownership of aforesaid real property to The Brenham Bartons Inc.;

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

- Section 1: That the foregoing recitals are hereby found to be true and correct legislative findings of the City of Brenham, Texas, and are fully incorporated into the body of this Resolution.
- Section 2: That the City Council of the City of Brenham, Texas does hereby adopt the commercial Tax Phase-In Agreement, a copy of which is attached hereto as Exhibit “A”, by and between the City of Brenham, Texas, Blue Bell Creameries, L.P., and Stanpac USA, LLC.
- Section 3: That the Mayor is hereby authorized to execute the Tax Phase-In Agreement between the City of Brenham, Texas, Blue Bell Creameries, L.P., and Stanpac USA, LLC, a copy of which is attached hereto as Exhibit “A”.
- Section 4: That the City Council of the City of Brenham, Texas, finds that the Assignment and Assumption of Agreements (“Assignment”), attached hereto as Exhibit “B” and incorporated herein for purposes pertinent, complies with the terms and conditions of the Agreement and the Tax Phase-In Policy.
- Section 5: That the Mayor is hereby authorized to execute the Assignment of Assumption of Agreements upon Blue Bell Creameries, L.P.’s transfer of ownership of the aforesaid real property to The Brenham Bartons Inc.
- Section 6: This Resolution shall become effective immediately from and after its passage.

**RESOLVED** this 29th day of January, 2015.

---

Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

---

Jeana Bellinger, TRMC  
City Secretary

**AGREEMENT FOR DEVELOPMENT AND TAX PHASE-IN  
IN REINVESTMENT ZONE NO. 29 CITY OF BRENHAM  
FOR COMMERCIAL TAX PHASE-IN, CITY OF BRENHAM, TEXAS**

**THE STATE OF TEXAS**

**COUNTY OF WASHINGTON**

This Agreement is entered into by and between the CITY OF BRENHAM, TEXAS, a Texas home-rule municipal corporation, of Washington County, Texas, acting herein by and through its Mayor, hereinafter referred to as "CITY," BLUE BELL CREAMERIES, L.P., a Delaware limited partnership, hereinafter referred to as "BLUE BELL," and STANPAC USA, LLC, a Delaware limited liability company, hereinafter referred to as "STANPAC." BLUE BELL and STANPAC are collectively hereinafter referred to as "COMPANY."

**WITNESSETH:**

The City Council of the City of Brenham, Texas ("COUNCIL"), on February 20, 1992, adopted by resolution a policy for the creation of tax abatement zones in the City of Brenham, ("POLICY"). Said POLICY was amended by COUNCIL on April 2, 1992, amended on June 4, 1992, and re-adopted on December 1, 1994, November 20, 1997, October 21, 1999, November 1, 2001, January 15, 2004, December 20, 2007, December 17, 2009, December 15, 2011 and December 5, 2013 (as amended) (entitled "City of Brenham Policy Statement on Property Tax Phase-In Incentive for Selected Commercial Enterprises"). On June 17, 2010, the COUNCIL, by Ordinance, established Reinvestment Zone No. 29, City of Brenham, for Commercial Tax Phase-In, City of Brenham, Texas, ("ZONE") as authorized by V.T.C.A., Texas Tax Code Chapter 312. Said POLICY is attached hereto as Exhibit "B" and incorporated herein for all purposes.

**WHEREAS**, COMPANY has filed an application for the phase-in of ad valorem taxes, and

**WHEREAS**, COUNCIL finds that the application, this Agreement, and the property subject to this Agreement meet the applicable guidelines and criteria of said POLICY, and

**WHEREAS**, in order to provide for the proper development of such property and to aid in the conduct of the operation thereof to the best interest of the CITY in accordance with the above referenced ordinances and statutes, the parties do mutually agree as follows:

1. **Location of Tax Phase-In.** The property that is the subject matter of this Agreement is the land and improvements located at 701 East Commerce and 801 Mangrum Street and described more particularly as 3.678 acres in the A. Harrington Survey A-55, as lying within Wilson's Addition and being a portion of Tracts 3 and 4 called 9.152 acres and Tract 9 called 10,360 sq. ft. in a deed dated October 22, 2009 from Mount Vernon Mills, Inc. to Blue Bell Creameries, L.P. as recorded in Volume 1324, Page 838 of the Official Records of Washington County, being further described in Exhibit "A", attached hereto and incorporated herein for all purposes, and which property is hereinafter referred to as "PREMISES."

2. **Improvements.** In consideration of COMPANY'S construction of at least Five Million Five Hundred Thousand and No/100 Dollars (\$5,500,000.00) of real and personal property improvements and renovations to said PREMISES, including fixed machinery, equipment and buildings, CITY agrees that, subject to the terms and conditions contained herein, eligible improvements and renovations to the above described PREMISES shall be entitled to tax phase-in incentives in accordance with the schedule as provided in "Table 1A – Property Improvements by an Existing Local Business", and tax phase-in incentives in accordance with the schedule as provided in "Table 2 – Jobs Created & Retained – by Existing Businesses or New/Relocating Businesses", said Tables being set out in the attached Exhibit "B", and that upon the expiration of such tax phase-in incentives this Agreement shall terminate.

"Improvements and renovations" as used herein shall be defined as including the building and all other associated improvements (personal and realty) and fixtures and equipment on the PREMISES added by the COMPANY within said ZONE. COMPANY will limit the uses of the property consistent with the general purpose of encouraging development or redevelopment of the ZONE during the period that property tax exemptions are in effect.

COMPANY acknowledges and agrees that the purpose of CITY in entering into this Agreement is to encourage development of the property in the ZONE and, therefore, COMPANY agrees to limit the use of the property to further said purpose.

3. **Submission of Plans.** COMPANY agrees that the site plan, interior and exterior design drawings and materials ("PLANS") for each improvement will be submitted to CITY and/or its designated representative for its approval when available. An official set of PLANS will be designated by the COMPANY and will be kept on file with the CITY.

4. **Other Applicable Regulations.** COMPANY agrees to construct all improvements in accordance with all applicable laws, ordinances, codes, rules, requirements or regulations of the City of Brenham, Washington County, the State of Texas and the United States, and any subdivision, agency or authority thereof.

5. **Liability of City in Approving Plans.** CITY, by approving the PLANS or any revised PLANS, assumes no liability or responsibility therefore for any defect in any fixed machinery or equipment installed or any structure constructed, renovated, or repaired from the PLANS or approved revised PLANS. The relationship between CITY and COMPANY at all times shall not be deemed a partnership or joint venture for purposes of this Agreement or for any other purpose.

BLUE BELL AND STANPAC EACH AGREE TO HOLD HARMLESS, INDEMNIFY AND REIMBURSE CITY, ITS OFFICERS, AGENTS, AND/OR EMPLOYEES FOR ANY DAMAGES SUFFERED BY THEM DUE TO BLUE BELL'S (IN THE CASE OF BLUE BELL) OR STANPAC'S (IN THE CASE OF STANPAC) NEGLIGENCE, SUCH DUTY AND LIABILITY NOT TO EXCEED WHAT BLUE BELL OR STANPAC WOULD OWE TO ANY OF THEM UNDER COMMON LAW. CITY AGREES TO USE BEST REASONABLE EFFORTS TO NOTIFY BLUE BELL AND STANPAC AS SOON AS POSSIBLE AFTER IT BECOMES AWARE OF ANY LEGAL ACTION (INCLUDING PRE-LITIGATION NOTICES, DEMAND LETTERS, ETC.) WHICH REASONABLY COULD THEN BE FORESEEN AS HAVING THE PROSPECTIVE POTENTIAL OF ACTIVATING THE TERMS OF THE IMMEDIATELY PRECEDING SENTENCE.

6. **Rights of City to Inspect.** At all reasonable times during the construction and installation of improvements and renovations on the PREMISES and following completion, CITY and its respective designees may inspect PREMISES in order to verify the construction, workmanship, materials and installations involved in or incident to the project are performed in substantial compliance with the approved PLANS and compliance with the applicable building permits and governmental regulations.

7. **Payment of Taxes by Company.** BLUE BELL and STANPAC each agree to pay all ad valorem taxes and assessments that may be owed to CITY or any other taxing entity by each respective entity prior to such taxes and/or assessments becoming delinquent; provided, that BLUE BELL and STANPAC shall each have the right to contest in good faith the validity or application of any such tax or assessment and shall not be considered in default hereunder so long as such contest is diligently pursued to completion. If BLUE BELL or STANPAC undertakes any such contest, it shall so notify in writing CITY and keep CITY apprised of the status of such contest. Should BLUE BELL or STANPAC be unsuccessful in such contest, BLUE BELL or STANPAC, as the case may be, shall promptly pay the taxes, penalties, and/or interest, resulting therefrom.

BLUE BELL and STANPAC certify that at the time of execution of this Agreement, there are no delinquent ad valorem taxes on the PREMISES, or fixed machinery, equipment and buildings located on the PREMISES, owed to any taxing jurisdiction. Subject to the foregoing paragraph, BLUE BELL and STANPAC shall pay all non-phased-in taxes subject to all requirements and due dates, as each respective entity would be required to pay in the absence of this Agreement.

8. **Employment.** STANPAC anticipates retaining a minimum of one hundred fifty (150) existing employees over the tax phase-in period. COMPANY acknowledges and agrees that STANPAC'S failure to retain 150 jobs in accordance with this Agreement and the POLICY is a default in the performance of this Agreement, and subjects COMPANY to the remedies for default as provided in this Agreement.

9. **Tax Recapture.** In the event COMPANY (i) does not construct the improvements and renovations to the PREMISES as contemplated by this Agreement, (ii) fails to use the PREMISES for the purposes that are contemplated by this Agreement, (iii) fails to comply with the terms of the “City of Brenham Policy Statement on Property Tax Phase-In Incentive for Selected Commercial Enterprises”, or (iv) otherwise fails to comply with the terms of this Agreement, then the CITY shall have the right to terminate this Agreement and recapture the amount of all property taxes abated as a result of this Agreement in accordance with Texas Tax Code Sec. 312.205 and the POLICY after written notice of intended recapture by CITY to COMPANY and failure to cure by COMPANY within thirty (30) days of said notice.

10. **Default.** In the event COMPANY (i) allows the PREMISES to become vacant, (ii) fails to pay all non-abated ad valorem taxes as required by Section 7 hereof, (iii) fails to comply with the terms of the “City of Brenham Policy Statement on Property Tax Phase-In Incentive for Selected Commercial Enterprises”, or (iv) otherwise fails to comply with the terms of this Agreement, then COMPANY shall be in "default" in the performance of this Agreement. The CITY shall notify COMPANY in writing of said "default." Further, in accordance with Chapter 2264, Texas Government Code, COMPANY certifies that COMPANY, or a branch, division, or department of COMPANY does not and will not knowingly employ an undocumented worker. COMPANY further certifies that in the event that COMPANY, or a branch, division, or department of COMPANY, is convicted of a violation under 8 U.S.C. Section 1324a(f), COMPANY shall be repay the amounts of ad valorem taxes previously abated by the CITY pursuant to this Agreement, with interest, calculated at the rate ten percent (10%) annually. Such a conviction shall constitute a default under this Agreement.

If COMPANY does not comply with this Agreement within thirty (30) days of written notice of such "default", CITY reserves the right to terminate this Agreement and terminate the benefits of tax phase-in provided for in this Agreement, and all taxes previously abated pursuant to this Agreement shall be recaptured and paid to the City. In such event, the PREMISES and all improvements, fixed machinery and equipment installed thereon shall be deemed taxable and not entitled to tax phase-in as provided herein. If this Agreement is terminated, any taxes abated for the calendar year of the termination shall be paid within sixty (60) days of the date of such

termination, and all taxes and all taxes previously abated pursuant to this Agreement shall be recaptured and paid to the City within sixty (60) days of the date of termination.

11. **Tax Phase-In Amount.** COMPANY shall receive tax phase-in incentives for eligible property improvements in accordance with the schedule as provided in “Table 1A – Property Improvements by an Existing Local Business”, and tax phase-in incentives in accordance with the schedule as provided in “Table 2 – Jobs Created & Retained – by Existing Businesses or New/Relocating Businesses”, said Table being set out in the attached Exhibit “B”, and that upon the expiration of such tax phase-in incentives this Agreement shall terminate. The total annual tax phase-in incentive amount received by the COMPANY, expressed on a percentage basis, shall be the sum of the respective percentages provided for in Table 1A and Table 2 for the applicable year of the tax phase-in.

BLUE BELL and STANPAC shall each, on or before October 15 of each calendar year, submit a sworn statement to the Compliance Review Committee that it is in compliance with this Agreement, including such information as may be necessary to verify compliance (e.g. employment and payroll information), subject to verification by the City of Brenham and/or the Compliance Review Committee.

During the term of this Agreement, the CITY, its officers and employees, and/or the Compliance Review Committee is entitled to review and verify the COMPANY’S employment records, payroll records, and such other information and documents as the CITY and/or the Compliance Review Committee deems reasonably necessary to verify compliance with this Agreement. The CITY, its officers and employees, and/or the Compliance Review Committee may conduct on-site inspections of the PREMISES and facilities located thereon during the term of this Agreement to verify compliance with this Agreement.

The estimated value of eligible property improvements for tax phase-in incentives is at least Five Million Five Hundred Thousand and No/100 Dollars (\$5,500,000.00). Notwithstanding anything contained herein to the contrary, COMPANY and CITY agree that the amount of eligible property improvements and jobs created & retained as set forth herein are based on projected property improvement and personnel employed, and the actual amount of tax

phase-in incentives shall be determined annually by Table 1A and Table 2 of the POLICY based on the actual eligible improvements and jobs retained. COMPANY agrees to reasonably cooperate with CITY to determine compliance with this Agreement and the applicable level of tax phase-in incentives.

12. **Certificate of Compliance.** Upon completion of the improvements and renovations to the PREMISES, COMPANY shall submit to CITY a sworn Certificate of Compliance certifying that all construction of the improvements and renovations to the PREMISES has been completed in accordance with the approved plans. After receipt of this Certificate of Compliance, CITY shall make a final inspection of PREMISES to determine whether the improvements and renovations have been constructed and installed in compliance with this Agreement. Upon so finding, CITY shall approve such a Certificate of Compliance and authorize tax phase-in to commence on January 1 of the year indicated in said certificate and terminate after the property has received the tax phase-in incentives as provided by this Agreement and Exhibit "B."

13. **Eligible and Ineligible Property.** "Eligible property" is defined to include all of the following items located on the PREMISES which were not so located prior to execution of this Agreement and whether or not they are so affixed as to become "real property": buildings, structures, fixed machinery and equipment, site improvements (including landscaping), office space and related fixed improvements necessary to the operation and administration of the facility.

"Ineligible Property" shall be fully taxable and ineligible for abatement, defined as including:

- Land;
- Animals;
- Inventories;
- Supplies;
- Tools;
- Furnishings and other forms of movable personal property (except as described as "eligible property" above);
- Vehicles;
- Vessels;
- Aircraft;
- Hotels/motels;

Housing or residential property;  
Fauna;  
Flora (excluding landscaping improvements);  
Retail facilities;  
Deferred maintenance investments;  
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; or  
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.

14. **Severability**. If any provision of this Agreement is held to be illegal, invalid, or unenforceable under the present or future laws effective while this Agreement is in effect, such provision shall be automatically deleted from this Agreement and the legality, validity and enforceability of the remaining provisions of this Agreement shall not be affected thereby, and in lieu of such deleted provision, there shall be added automatically as part of this Agreement a provision that is similar in terms and substance to such deleted provision as may be possible and yet be legal, valid and enforceable under the Texas Tax Code and related state statutes.

15. **Texas Law to Apply**. This Agreement shall be construed under the POLICY adopted by the CITY, including the Glossary of Terms, in accordance with said POLICY in force at the date of execution hereof and in accordance with the laws of the State of Texas. All obligations of the parties created hereunder are performable in Washington County, Texas. In the event of litigation, or other claim or dispute arising out of or involving this Agreement, exclusive venue shall lie in a court of competent jurisdiction in Washington County, Texas.

16. **Prior Agreements Superseded**. This Agreement constitutes the sole agreement of the parties herein and supersedes any and all prior written or oral agreements, arrangements or understandings between the parties relating to the subject matter.

17. **Amendments**. No amendment, modification or alteration of the terms hereof shall be binding unless the same shall be in writing, dated subsequent to the date of this Agreement and duly executed by the parties hereto.

18. **Rights and Remedies Cumulative.** The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either party shall not preclude or waive its rights to use all other remedies. Said rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise.

19. **No Waiver.** No waiver by CITY in any event of default, or breach of any covenant, condition or stipulation herein contained by either BLUE BELL or STANPAC shall be treated as a waiver of any subsequent default or breach of the same or any other covenant, condition or stipulation hereof.

20. **Assignment.** This Agreement may be assigned by either BLUE BELL or STANPAC upon CITY'S written approval of said assignment by the adoption of a resolution by the City Council, and assignee assumes any and all rights and obligations under this Agreement. Upon such assignment, the assignor shall be fully released from any and all obligations under this Agreement.

21. **Authority to Act.** The parties to this Agreement shall provide proof of authorization to execute this document.

22. **Notice.** Whenever notice or other communication is herein required to be given to BLUE BELL, STANPAC, or to CITY, such notice will be sent, respectively, to the attention of the entity's President or other designated officer at the address of Company's facility in the reinvestment ZONE, or to the attention of the City Manager at the address of said City Manager's then-current office location, via certified or registered mail, return receipt requested. Such notice will be considered effectively delivered when sent if such is properly addressed and sent and the return receipt is received by the sender, or if addressee fails to receive or accept delivery and the undelivered item is returned to sender.

23. **Definitions.** Any definitions of words or phrases given in the currently effective tax phase-in guidelines entitled "City of Brenham Policy Statement on Property Tax Phase-in Incentive for Selected Commercial Enterprises" shall be controlling in this document as well, except as may be specifically modified herein.

24. This Agreement has been approved by the governing body of the CITY.

25. Any aspect of this Agreement which may happen to conflict with the underlying jurisdiction's tax phase-in guidelines shall be considered as an approved modification or clarification of such guidelines as may be required to affect the intent of this Agreement.

26. For the duration of this Agreement and for additional consideration for this tax phase-in, COMPANY agrees to purchase the following utilities: water, natural gas, sewer, and electricity, exclusively from the City of Brenham in its service area.

27. If any action is brought to enforce, construe or determine the validity of any term or provision of this Agreement (whether at the trial court level or any appeal therefrom), the prevailing party shall be entitled to reasonable attorney's fees and costs of the action.

The parties hereto have executed or caused to be executed by its duly authorized officials this Agreement in multiple counterparts, each of equal dignity, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**STANPAC USA, LLC**

**CITY OF BRENHAM**

BY: \_\_\_\_\_  
Matt Witt  
Co-President  
2790 Thompson Rd.  
Smithville, Ontario, Canada

BY: \_\_\_\_\_  
Milton Y. Tate, Jr.  
Mayor  
P.O. Box 1059  
Brenham, Texas 77834-1059

**BLUE BELL CREAMERIES, L.P.**

**ATTEST:**

BY: \_\_\_\_\_  
Paul W. Kruse  
C.E.O. and President  
1101 South Blue Bell Rd.  
Brenham, Texas 77833

BY: \_\_\_\_\_  
Jeana Bellinger  
City Secretary  
P.O. Box 1059  
Brenham, Texas 77834-1059

**THE STATE OF TEXAS**

**COUNTY OF WASHINGTON**

Before me, the undersigned authority, on this day personally appeared **MILTON Y. TATE, JR.**, Mayor of the City of Brenham, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public in and for  
The State of Texas

**THE STATE OF TEXAS**

**COUNTY OF WASHINGTON**

Before me, the undersigned authority, on this day personally appeared **PAUL W. KRUSE**, C.E.O. and President of BLUE BELL CREAMERIES, L.P., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public in and for  
The State of Texas

**THE STATE OF TEXAS**

**COUNTY OF WASHINGTON**

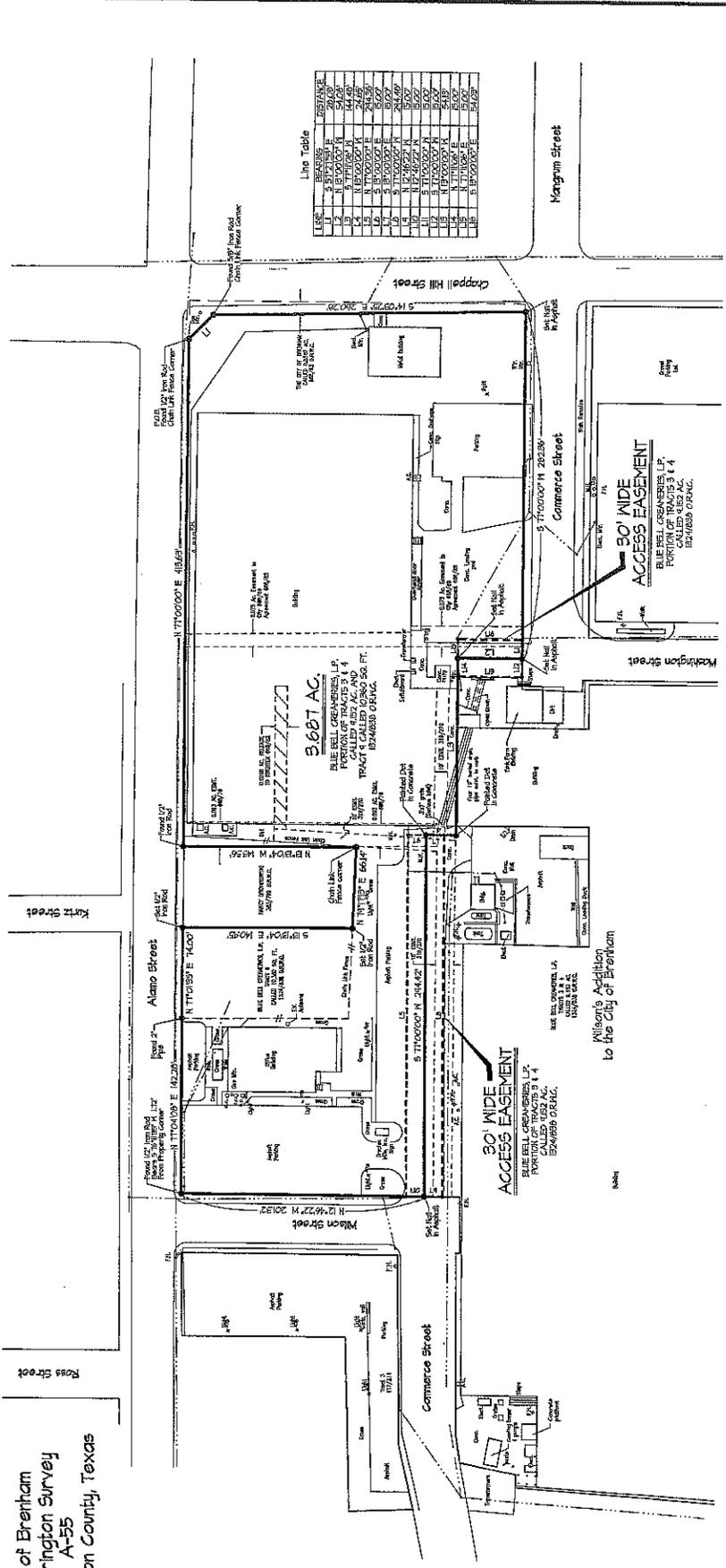
Before me, the undersigned authority, on this day personally appeared **MATT WITT**, Co-President of STANPAC USA, LLC, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public in and for  
The State of Texas

# EXHIBIT A

City of Brentham  
A. Harrington Survey  
A-55  
Washington County, Texas



Line Table

LINE	BEARING	DISTANCE
1	S 17°00'00" E	54.93
2	N 89°00'00" W	144.48
3	N 89°00'00" W	24.50
4	N 17°00'00" E	50.00
5	S 17°00'00" W	24.49
6	N 89°00'00" W	50.00
7	S 17°00'00" E	50.00
8	N 17°00'00" W	24.49
9	S 17°00'00" E	50.00
10	N 17°00'00" W	24.49
11	S 17°00'00" E	50.00
12	N 17°00'00" W	24.49
13	S 17°00'00" E	50.00
14	N 17°00'00" W	24.49
15	S 17°00'00" E	50.00
16	N 17°00'00" W	24.49
17	S 17°00'00" E	50.00
18	N 17°00'00" W	24.49



**3.667 Acres**  
**Blue Bell Creameries, L.P.**

**J.C. JONES & CARTER, INC.**  
ENGINEERS-PLANNERS-SURVEYORS  
1800 South Day Street  
(879) 856-0181 Fax: (879) 856-8985  
www.jonesandcarter.com

Surveyor	William R. Krueger	City	Harrington	State	Texas
SCALE No.	2853	Survey	A	Section	7-35
Date	11/12/09	City	Brentham	County	Washington
Block		Address		Map No.	8033B-379-001

**Surveyor Certification:**  
I, William R. Krueger, Registered Professional Land Surveyor, do hereby certify that the above plat represents the results of a survey made under my direction and supervision on 11/12/09, and that all corners are marked as shown hereon. There are no conflicts or provisions apparent on the ground except as shown.

This survey was performed without the benefit of a current title report, which may indicate encumbrances or other encumbrances of record not apparent on the ground.

Use of this survey for any other purposes or by other parties shall be at their own risk, and the undersigned surveyor is not responsible for any loss resulting therefrom.

This plat is accompanied by field note description of event data.



*W.R. Krueger*  
November 11, 2009  
William R. Krueger  
Registered Professional Land Surveyor No. 2095

**Note:**  
Improvements shown hereon are compiled from a hand drawn survey completed in 1912 and are not the result of a current survey on this ground survey.

**Flood Hazard Statement:**  
According to the Flood Insurance Rate Map compiled by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program, Community Panel No. 480249 0001B, dated August 11, 1987, City of Brentham, Washington County, Texas, it appears that the subject property lies within Zone C (Areas of minimal flooding, no shading).

BLUE BELL CREAMERIES, L.P.  
3.687 ACRE TRACT

ALL THAT TRACT OR PARCEL OF LAND situated in the City of Brenham, Washington County, Texas out of the A. Harrington Survey A-55, lying within Wilson's Addition and being a portion of Tracts 3 and 4 called 9.152 acres and Tract 9 called 10,360 sq. ft. in a deed dated October 22, 2009 from Mount Vernon Mills, Inc. to Blue Bell Creameries, L.P. as recorded in Volume 1324, Page 838 of the Official Records of Washington County, said 3.687 acre tract being more particularly described as follows:

BEGINNING at a found 1/2" iron rod and chain link fence corner lying in the South line of Alamo Street marking the Northwest corner of The City of Brenham tract called 0.0567 acres (668/63 O.R.W.C.), the Northeast corner of the original Tracts 3 and 4 and this tract, also the present West line of Chappell Hill Street;

THENCE with the West line of The City of Brenham tract, the West line of Chappell Hill Street, the East line of the original Tracts 3 and 4 and this tract, S 57° 27' 53" E, 28.08 ft. to a found 5/8" iron rod and chain link fence corner and S 14° 03' 25" E, 260.28 ft. to a set nail in asphalt at the intersection of Chappell Hill Street and the North line of Commerce Street for Southwest corner of The City of Brenham tract, upper Southeast corner of the original Tracts 3 and 4 and Southeast corner of this tract;

THENCE with the North line of Commerce Street, the South line of the original Tracts 3 and 4 and this tract, S 77° 00' 00" W, 282.36 ft. to a set nail in asphalt in the North line of Commerce Street at its intersection with the centerline of Washington Street, marking the center and beginning of a 30 ft. wide access easement, with 15 ft. lying on either side of this line, for a lower Southwest corner of this tract;

THENCE severing the original Tracts 3 and 4 with the centerline of the 30 ft. wide access easement and a West line of this tract, N 13° 00' 00" W, 54.08 ft. to a set nail in asphalt marking the center and end of the 30 ft. wide access easement for an interior corner of this tract;

THENCE with the South line of this tract through a common wall of a building, S 77° 11' 06" W, 144.48 ft. to a painted dot in concrete for an exterior corner of this tract;

THENCE with a West line of this tract, N 13° 00' 00" W, 24.65 ft. to a painted dot in concrete marking the center and beginning of another 30 ft. wide access easement, with 15 ft. lying on either side of this line, for interior corner of this tract;

THENCE with the centerline of the 30 ft. wide access easement and South line of this tract, S 77° 00' 00" W, 294.42 ft. to a set nail in asphalt in the East line of Wilson Street at its intersection with Commerce Street, the West line of the original Tracts 3 and 4, marking the center and end of the 30 ft. wide access easement for upper Southwest corner of this tract;

THENCE with the East line of Wilson Street, the West line of the original Tracts 3 and 4 and this tract, N 12° 46' 22" W, 201.32 ft. to a point from which a found 1/2" iron rod bears S 75° 11' 35" W, 1.72 ft., in the South line of Alamo Street for Northwest corner of the original Tracts 3 and 4 and this tract;

THENCE with the South line of Alamo Street, the North line of the original Tracts 3 and 4 and this tract, N 77° 04' 08" E, 142.28 ft. to a found 2" pipe marking the Northwest corner of the original Blue Bell Creameries, L.P. Tract 9 called 10,360 sq. ft. and an exterior corner of the original Tracts 3 and 4;

THENCE continuing with the South line of Alamo Street, the North line of the original Tract 9 and this tract, N 77° 01' 35" E, 74.00 ft. to a set 1/2" iron rod for Northwest corner of the Nancy Bronikowski tract (383/799 D.R.W.C.), Northeast corner of the original Tract 9 and an exterior corner of this tract;

THENCE with the West line of the Bronikowski tract, the East line of the original Tract 9 and this tract, S 13° 13' 04" E, 140.95 ft. to a set 1/2" iron rod in the North line of the original Tracts 3 and 4 for Southwest corner of the Bronikowski tract, the Southeast corner of the original Tract 9 and an interior corner of this tract;

THENCE with the South line of the Bronikowski tract, the North line of the original Tracts 3 and 4, and this tract, N 79° 17' 13" E, 66.14 ft. to a chain link fence corner for Southeast corner of the Bronikowski tract and interior corner of the original Tracts 3 and 4 and this tract;

THENCE with the East line of the Bronikowski tract, the West line of the original Tracts 3 and 4 and this tract, N 13° 13' 04" W, 143.56 ft. to a found 1/2" iron rod in the South line of Alamo Street for Northeast corner of the Bronikowski tract and an exterior corner the original Tracts 3 and 4 and this tract;

THENCE with the South line of Alamo Street and the North line of the original Tracts 3 and 4 and this tract, N 77° 00' 00" E, 413.63 ft. to the PLACE OF BEGINNING and containing 3.687 acres of land.

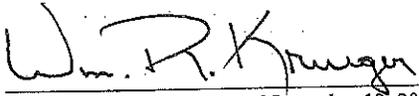
Surveyor Certification:

I, William R. Krueger, Registered Professional Land Surveyor, do hereby certify that the above description represents the results of an on the ground survey made under my direction and supervision on November 12, 2009 and that all corners are as shown hereon. There are no conflicts or protrusions apparent on the ground except as shown.

This survey was prepared without the benefit of a current title report which may indicate easements or other encumbrances of record not apparent on the ground.

Use of this survey for any other purposes or by other parties shall be at their own risk and the undersigned surveyor is not responsible for any loss resulting therefrom.

This field note description is accompanied by plat of even date.



William R. Krueger      November 12, 2009  
Registered Professional Land Surveyor No. 2835



# EXHIBIT B

## 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

**ASSIGNMENT AND ASSUMPTION OF AGREEMENTS**

**(Blue Bell Creameries, L.P. to The Brenham Bartons, Inc.)**

This Assignment and Assumption Agreement (this “**Assignment**”) is executed by **BLUE BELL CREAMERIES, L.P.**, a Delaware limited partnership (“**Assignor**”), in favor of **THE BRENHAM BARTONS INC.**, a Texas corporation (“**Assignee**”) to be effective as of the \_\_\_\_ day of \_\_\_\_\_, 2015 (the “**Effective Date**”).

**WHEREAS**, Assignor and the City of Brenham, Texas, a Texas home-rule municipal corporation, of Washington County, Texas (“the “**City**”) entered into that certain Agreement for Development and Tax Phase-In In Reinvestment Zone No. 29 City of Brenham for Commercial Tax Phase-In, City of Brenham, Texas, dated effective \_\_\_\_\_, 2015 (the “**City Agreement**”);

**WHEREAS**, Assignor and Washington County, Texas (“the “**County**”) entered into that certain Agreement for Development and Tax Phase-In In Reinvestment Zone No. 29 Washington County for Commercial Tax Phase-In, Washington County, Texas dated effective \_\_\_\_\_, 2015 (the “**County Agreement**”);

**WHEREAS**, the City Agreement and the County Agreement are sometimes collectively referred to herein as the “**Agreements**”;

**WHEREAS**, the subject matter of the Agreements is certain land and improvements located at 801 Mangrum Street, Brenham, Texas, as more particularly described in the Agreements (said land being referred to in the Agreements and herein as the “**Premises**”);

**WHEREAS**, Assignee has acquired fee simple title to that portion of the Premises consisting of real property, including, without limitation, the land making up the Premises, together with all buildings, improvements, and related appurtenances constituting, or in the nature of, real property and situated on, or appurtenant to, the land making up the Premises (collectively, all of such items, including the land, being referred to as the “**Real Property**”);

**WHEREAS**, in this regard, Assignor desires to assign to Assignee all right, title and interest in and to the Agreements as the same pertain to the Real Property, and Assignee desires to accept such assignment and to assume all of the duties and obligations of Assignor under the Agreements as the same pertain to the Real Property;

**WHEREAS**, each of the City and the County, by their signature below, desire to consent to such Assignment;

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor and Assignee agree as follows:

1. Assignment. As of the Effective Date, Assignor hereby assigns, sells, transfers, and conveys to Assignee all of Assignor's right, title and interest in and to the Agreements as the same pertain to the Real Property, and Assignee does hereby accept such assignment.

2. Assumption. As of the Effective Date, Assignee expressly agrees to assume and does hereby assume all duties, liabilities and obligations of the Assignor in connection with the Agreements arising from and after the Effective Date as the same pertain to the Real Property.

3. Counterparts. This Assignment may be executed in counterparts, each of which shall be deemed an original, and both of which together shall constitute one and the same instrument.

4. Attorneys' Fees. If any action or proceeding is commenced by either party to enforce its rights under this Assignment, the substantially prevailing party in such action or proceeding shall be awarded all reasonable costs and expenses incurred in such action or proceeding, including reasonable attorneys' fees and costs (including the cost of in-house counsel and appeals), in addition to any other relief awarded by the court.

5. Applicable Law. This Assignment shall be governed by and interpreted in accordance with the laws of the State of Texas. All obligations of the parties created hereunder are performable in Washington County, Texas. In the event of litigation, or other claim or dispute arising out of or involving this Agreement, exclusive venue shall lie in a court of competent jurisdiction in Washington County, Texas.

6. Binding Effect. This Assignment shall be binding upon and inure to the benefit of the parties hereto and their respective transferees, successors, and assigns.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

EXECUTED as of the day and year first written above.

**ASSIGNOR:**

**BLUE BELL CREAMERIES, L.P.**, a Delaware limited partnership

By: \_\_\_\_\_  
Paul W. Kruse, C.E.O. & President of \_\_\_\_\_, General Partner of Blue Bell Creameries, L.P.

**ASSIGNEE:**

**THE BRENHAM BARTONS INC.**, a Texas corporation

By: \_\_\_\_\_  
Matthew Witt, Co-President  
The Brenham Bartons Inc.

BY THEIR EXECUTION BELOW, EACH OF THE CITY AND THE COUNTY HEREBY EVIDENCE THEIR ACCEPTANCE OF, AND CONSENT TO, THE TERMS AND PROVISIONS OF THIS ASSIGNMENT AND THEIR AGREEMENT TO BE BOUND BY SUCH ASSIGNMENT.

**CITY OF BRENHAM**

By: \_\_\_\_\_  
Name: Milton Y. Tate, Jr.  
Title: Mayor  
Date: \_\_\_\_\_

**WASHINGTON COUNTY, TEXAS**

By: \_\_\_\_\_  
Name: John Brieden  
Title: County Judge  
Date: \_\_\_\_\_



### AGENDA ITEM 13

<b>DATE OF MEETING:</b> January 29, 205	<b>DATE SUBMITTED:</b> January 23, 2015	
<b>DEPT. OF ORIGIN:</b> Police Department	<b>SUBMITTED BY:</b> Rex L. Phelps	
<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 checked="" type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon Resolution No. R-15-002 Authorizing the Acceptance of TxDOT's Selective Traffic Enforcement Program (STEP) Grant for Impaired Driving Mobilization During the Specific Periods of December 19, 2014 through January 2, 2015; March 7 through March 22, 2015; June 26 through July 7, 2015 and August 21 through September 7, 2015 for the Police Department and Authorize the Mayor to Execute Any Necessary Documentation.		
<b>SUMMARY STATEMENT:</b> This grant funds police department to intensify enforcement of alcohol-related driving offenses.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<b>A. PROS:</b> The funds make it possible for this department to be proactive in reducing the number of alcohol related traffic crashes during peak holiday times by reimbursing the city for overtime hours expended for the specific purposes above. The actual reimbursement amount the city will receive is \$3,000.		
<b>B. CONS:</b> There is a matching requirement in the amount of \$929; however, the match is already in place due to the STEP grant the department is utilizing for speed enforcement along US 290.		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b> (1) Resolution No. R-15-002		
<b>FUNDING SOURCE (Where Applicable):</b> STEP Grant		
<b>RECOMMENDED ACTION:</b> Approve Resolution No. R-15-002 authorizing the acceptance of TxDOT's Selective Traffic Enforcement Program (STEP) Grant, in the amount of \$3,000, for Impaired Driving Mobilization for the specific periods of December 19, 2014 through January 2, 2015; March 7 through March 22, 2015; June 26 through July 7, 2015 and August 21 through September 7, 2015 for the Police Department and authorize the Mayor to execute any necessary documentation.		
<b>APPROVALS:</b> Terry K. Roberts		

**RESOLUTION NO. R-15-002**

**A RESOLUTION OF THE CITY OF BRENHAM, TEXAS AUTHORIZING THE ACCEPTANCE OF TXDOT'S SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT FOR IMPAIRED DRIVING MOBILIZATION DURING THE SPECIFIC PERIODS OF DEC. 19, 2014 – JAN. 2, 2015; MARCH 7 – MARCH 22, 2015; JUNE 26-JULY 7, 2015; AND AUGUST 21- SEPTEMBER 7, 2015 FOR THE POLICE DEPARTMENT AND AUTHORIZE THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTATION.**

**WHEREAS**, the Texas Department of Transportation (TxDOT) works together with local law enforcement agencies to decrease automobile accidents and the resulting fatalities and injuries; and

**WHEREAS**, Selective Traffic Enforcement Programs (STEPS) Mobilization grants are provided by TxDOT to law enforcement agencies to reduce the number of alcohol-related accidents; and

**WHEREAS**, TxDOT is providing \$3000.00 in funding with a match amount of \$929 provided by the Brenham Police Department to be used for overtime for officers' participating in the Selective Traffic Enforcement Program (STEP).

**BE IT RESOLVED BY THE CITY OF BRENHAM, TEXAS** that the Mayor is authorized to execute all documents necessary for the acceptance of the grant funding provided through the STEP program.

**PASSED and APPROVED** this the 29<sup>th</sup> day of January, 2015.

---

Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

---

Jeana Bellinger, TRMC  
City Secretary



**AGENDA ITEM 14**

<b>DATE OF MEETING:</b> January 29, 2015		<b>DATE SUBMITTED:</b> January 26, 2015
<b>DEPT. OF ORIGIN:</b> Public Works		<b>SUBMITTED BY:</b> Dane Rau
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input 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 checked="" type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Section 551.072 – Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding Potential Sale of Approximately 0.045 Acres of City Right-of-Way Abutting the Property Located at 2211 Old Chappell Hill Road		
<b>SUMMARY STATEMENT:</b> To be discussed in Executive Session.		
<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>		
<b>APPROVALS:</b> Terry K. Roberts		



**AGENDA ITEM 15**

<b>DATE OF MEETING:</b> January 29, 2015		<b>DATE SUBMITTED:</b> January 26, 2015	
<b>DEPT. OF ORIGIN:</b> Development Services		<b>SUBMITTED BY:</b> Grant Lischka	
<b>MEETING TYPE:</b>		<b>CLASSIFICATION:</b>	
<input type="checkbox"/> REGULAR		<input type="checkbox"/> PUBLIC HEARING	
<input type="checkbox"/> SPECIAL		<input type="checkbox"/> CONSENT	
<input checked="" type="checkbox"/> EXECUTIVE SESSION		<input checked="" type="checkbox"/> REGULAR	
		<input type="checkbox"/> WORK SESSION	
<b>ORDINANCE:</b>			
<input type="checkbox"/> 1 <sup>ST</sup> READING			
<input type="checkbox"/> 2 <sup>ND</sup> READING			
<input type="checkbox"/> RESOLUTION			
<b>AGENDA ITEM DESCRIPTION:</b> Section 551.072 – Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding Potential Sale of Approximately 3.86 Acres of Land Along Old Mill Creek Road, East of U.S. Highway 290			
<b>SUMMARY STATEMENT:</b> To be discussed in Executive Session.			
<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> None			
<b>FUNDING SOURCE (Where Applicable):</b>			
<b>RECOMMENDED ACTION:</b>			
<b>APPROVALS:</b> Terry K. Roberts			



**AGENDA ITEM 16**

<b>DATE OF MEETING:</b> January 29, 2015		<b>DATE SUBMITTED:</b> January 26, 2015	
<b>DEPT. OF ORIGIN:</b> Development Services		<b>SUBMITTED BY:</b> Grant Lischka	
<b>MEETING TYPE:</b>		<b>CLASSIFICATION:</b>	
<input type="checkbox"/> REGULAR		<input type="checkbox"/> PUBLIC HEARING	
<input type="checkbox"/> SPECIAL		<input type="checkbox"/> CONSENT	
<input checked="" type="checkbox"/> EXECUTIVE SESSION		<input checked="" type="checkbox"/> REGULAR	
		<input type="checkbox"/> WORK SESSION	
<b>ORDINANCE:</b>			
<input type="checkbox"/> 1 <sup>ST</sup> READING			
<input type="checkbox"/> 2 <sup>ND</sup> READING			
<input type="checkbox"/> RESOLUTION			
<b>AGENDA ITEM DESCRIPTION:</b> Section 551.072 – Texas Government Code – Deliberation Regarding Real Property– Discussion Regarding Potential Sale of Approximately 1.78 Acres of Land Along Old Mill Creek Road, West of U.S. Highway 290			
<b>SUMMARY STATEMENT:</b> To be discussed in Executive Session.			
<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> None			
<b>FUNDING SOURCE (Where Applicable):</b>			
<b>RECOMMENDED ACTION:</b>			
<b>APPROVALS:</b> Terry K. Roberts			



**AGENDA ITEM 17**

<b>DATE OF MEETING:</b> January 29, 2015	<b>DATE SUBMITTED:</b> January 26, 2015	
<b>DEPT. OF ORIGIN:</b> Public Works	<b>SUBMITTED BY:</b> Dane Rau	
<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 an Ordinance on Its First Reading Abandoning and Closing a Portion of City Right-of-Way and Authorizing the Sale of Approximately 0.045 Acres Abutting the Property Located at 2211 Old Chappell Hill Road		
<b>SUMMARY STATEMENT:</b> To be discussed in Executive Session. An ordinance will be distributed to the Council during the meeting.		
<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> As discussed in Executive Session.		
<b>APPROVALS:</b> Terry K. Roberts		



## AGENDA ITEM 18

<b>DATE OF MEETING:</b> January 29, 2015	<b>DATE SUBMITTED:</b> January 26, 2015	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Grant Lischka	
<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 the Potential Sale of Approximately 3.86 Acres of Land Along Old Mill Creek Road, East of U.S. Highway 290		
<b>SUMMARY STATEMENT:</b> To be discussed in Executive Session.		
<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> As discussed in Executive Session.		
<b>APPROVALS:</b> Terry K. Roberts		



**AGENDA ITEM 19**

<b>DATE OF MEETING:</b> January 29, 2015		<b>DATE SUBMITTED:</b> January 26, 2015	
<b>DEPT. OF ORIGIN:</b> Development Services		<b>SUBMITTED BY:</b> Grant Lischka	
<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 the Potential Sale of Approximately 1.78 Acres of Land Along Old Mill Creek Road, West of U.S. Highway 290			
<b>SUMMARY STATEMENT:</b> To be discussed in Executive Session.			
<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> As discussed in Executive Session.			
<b>APPROVALS:</b> Terry K. Roberts			