



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, MARCH 19, 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 – Councilmember Andrew Ebel**
- 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 February 19, 2015 Regular City Council Meeting

Pages 1-13

4-b. Ordinance No. O-15-008 on Its Second Reading for the Creation of Reinvestment Zone Number 40 Requested by Valmont Coatings, Inc. for Commercial-Industrial Tax Phase-In Incentive on Certain Tracts of Land Containing 34.106 Acres, More or Less, Being Located on Industrial Blvd., Brenham, Texas, with Boundaries Further Described in Exhibit A of the Ordinance Creating Reinvestment Zone Number 40, and Designating this Property as Qualifying for Tax Phase-In

Pages 14-18

4c. Ordinance No. O-15-009 on Its Second Reading for the Placement of Stop Signs at Multiple Street Intersections within the Woodbridge Subdivision

Pages 19-20

- 4d. Ordinance No. O-15-010 on Its Second Reading Amending Ordinance No. O-15-007 Ordering a Special Election on May 9, 2015 for the Purpose of Submitting to the Qualified Voters of Brenham Certain Proposed Amendments to the Existing Charter of the City of Brenham, Texas**

Pages 21-24

WORK SESSION

- 5. Presentation of the First Quarter Report by the Washington County Convention and Visitors Bureau**

Pages 25-26

REGULAR AGENDA

- 6. Discuss and Possibly Act Upon Resolution No. R-15-010 Authorizing the Execution of a Tax Phase-In Agreement between the City of Brenham and Valmont Coatings, Inc.**

Pages 27-49

- 7. Discuss and Possibly Act Upon a Request for a Noise Variance from Evelynia Graves for the Graves Family Reunion at 906 Armbrister Street to be Held on Saturday, April 11, 2015 from 9:00 a.m. – 9:00 p.m. and Authorize the Mayor to Execute Any Necessary Documentation**

Pages 50-51

- 8. Discuss and Possibly Act Upon a Two Percent (2%) Mid-Year Employee Pay Scale Adjustment**

Pages 52-55

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

Pages 56-58

- 10. 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 salutory recognitions of public officials, public employees or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that have arisen after the posting of the agenda.

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 March 19, 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 March 16, 2015 at **11:50 AM**.

Kacey A. Weiss

Deputy City Secretary

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

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

Signature

Title

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on February 19, 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
Councilmember Mary E. Barnes-Tilley

Members absent:

Councilmember Weldon Williams

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Kacey Weiss, City Engineer Grant Lischka, Chief Financial Officer Carolyn Miller, Stacy Hardy, Sara Parker, Cynthia Longhofer, Director of Community Services Wende Ragonis, Tammy Jaster, Brandie Dahlquist, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Public Works Director Dane Rau, Casey Redman, Public Utilities Director Lowell Ogle, Development Services Manager Erik Smith, Kim Hodde, Angela Hahn and Becky Squyres

Citizens present:

Charlie Pyle, Bill Betts, Jeff Burkhart, Dayle Burkhart, Holly Johnson, Amanda Akers, Casey Finke, Jeff French, Brittney Prestwood and Delbert Boeker

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 – Mayor Pro Tem Gloria Nix**

3. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

4. Statutory Consent Agenda

4-a. Ordinance No. O-15-005 on Its Second Reading Granting a Specific Use Permit to New Beginnings Life Ministries for Carpentry/Upholstering Related to Furniture Manufacturing on a Site in a Business/Residential Mixed Use (B1) Zoning District and Being Located on Approximately 1.238 Acres, being a Part of Tract 70 in the Arrabella-Harrington Survey of the City of Brenham, Washington County, Texas (Said Property Located at 1000 E. Blue Bell Road)

A motion was made by Councilmember Herring and seconded Councilmember Barnes Tilley to approve the Statutory Consent Agenda Item 4-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
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Absent

WORK SESSION

5. Discussion and Presentation of the City of Brenham Parks, Recreation and Open Spaces Master Plan for 2015 through 2025

Community Services Director Wende Ragonis presented this item. Ragonis stated that at the direction of the Parks Advisory Board, Community Services along with Parks and Recreation staff developed the 2015 - 2025 Parks, Recreation and Open Spaces Master Plan for the City of Brenham. Ragonis noted that City staff partnered with Texas State University to complete the master planning process. Ragonis explained by working with an academic intuition, costs were minimized and many tasks were performed by existing City resources. Ragonis stated that Dr. Jo An Zimmermann, Ph.D., CPRP of Texas State University has guided the Parks Advisory Board and City staff throughout the process as the parks and recreation industry expert.

Ragonis noted that funding for this project was provided by the Brenham Community Development Corporation (BCDC) at their January 23, 2014 regularly scheduled meeting in the amount of \$5,000.00. The master planning process began with the following goals:

- Reconfirm the Parks & Recreation Vision, Mission and Goals.
- Create a National Recreation Parks Association (NRPA) PRORAGIS Profile to utilize industry standards to benchmark performance.
- Create an Asset Map detailing existing park and recreational opportunities in the area.
- Gather an understanding of demographics and community needs.
- Assess the data gathered to define goals and priorities to meet the dynamic needs of the community.
- Develop a comprehensive Master Plan to guide the parks system for the next ten years while incorporating flexibility in responding to unique opportunities as they arise.

Ragonis explained that in addition to these goals, staff has taken great care to draft a document which meets the criteria published by the Texas Parks and Wildlife Department (TPWD) to ensure the City of Brenham is favorably positioned to receive grant funding from TPWD. Ragonis noted the TPWD offers various types of grants and assistance programs to municipalities; and to be competitive for grant and assistance opportunities, municipalities must have a Master Plan that is 1) compliant with TPWD requirements and 2) adopted by its Council.

Dr. Jo An Zimmermann, Ph. D., CPRP of Texas State University gave a presentation and presented a slide show. Dr. Zimmermann noted that they have developed an excellent plan and there was six community input meetings in order to get feed back. Zimmermann explained that the City should not duplicate its services and should maximize the resources that are already here. Zimmermann also noted that the City should work with Brenham Independent School District and use some of their buildings to offer evening classes such as a visual arts class or to possibly build a recreation center.

6. Discussion and Presentation Regarding City and Non-City Sponsored Special Events in Downtown and Other Areas Within the City

City Secretary Jeana Bellinger presented this item. Bellinger explained that since January, her office has received six (6) requests for special events from non-City organizations. Bellinger stated these events include walks, runs, parades and street dances. Bellinger stated that while discussing the various requests with staff, it was recommended that a work session be held to discuss how Council would like to handle special events in Brenham (whether they are in the downtown area or in other areas of the City).

Bellinger stated each year the City hosts approximately 10 events; however, her office also processes requests from other organizations for their events. Bellinger stated the non-city hosted events have included things such as the Celebration of the Feast of Guadalupe (walk), the Blue Bell Fun Run (5K run), St. Mary's 100 Days of Summer (festival) and D&S Community Services Fun & Field Day Event (walk). Bellinger's office also handles all parade permits; in 2014, downtown was host to 7 different parades (only 1 was city hosted).

Bellinger noted that in receiving an application for a special event, her office forwards the request to other city departments that may be affected upon approval of the request. Bellinger stated those departments include Police, Fire, Streets, Sanitation, Utilities, Maintenance, and Code Enforcement. Bellinger stated that once reviewed by the necessary departments, she advises the requestor of their events approval or denial.

Bellinger explained that at this time, the only revenue generated by the City for special events is the cost of the permit: \$10. Bellinger noted that in reviewing other cities in our area, it seems that every city handles special events differently; however, each of the cities she researched charge amounts ranging from \$100-\$500 for the permit alone and many of them require security deposits, bonds and insurance.

Bellinger stated during the Work Session she would be asking for Council direction on the various special event requests that have already been submitted and how to handle future requests. Bellinger noted that due to a March 28th event date, please note that Item 10 (street closure) and Item 11 (noise variance) on the agenda are directly related to requests for special events.

City Attorney Cary Bovey explained that any asset that the city has, whether it is streets or property, there is a liability concern. Bovey noted that some cities require organizations to have a certain amount of insurance to cover accidents. Bovey stated that he would check into a Special Events Rider through Texas Municipal League.

Councilmember Barnes-Tilley stated that she believes that the permit fees should be increased and the Council needs to be consistent in what they are charging and to whom.

Councilmember Goss noted that he does not think the Council should have to pick what organizations will do what, but he also does not think the City should have to support every non-sponsored City function. Goss stated that the City has very nice parks and facilities and those places could be used by those organizations.

Community Services Director Wende Ragonis explained that her department loves to have non-city sponsored events in the downtown area because they have a positive economic impact, but she also realizes that it is a lot of work for staff and that it does get costly for the City.

Councilmember Ebel noted that he likes the idea of having fees for non-sponsored city events and that all organizations would be required to have insurance.

Mayor Tate noted that while some events have the purpose of making money, he feels that some of the parades are purely for the public and that there needs to be separate fee amounts for parades and larger things like dances. Tate explained that everyone should come up with an idea of a fee schedule and that the item should be brought back to Council.

REGULAR AGENDA

7. Discuss and Possibly Act Upon Ordinance No. O-15-006 on Its Second Reading Amending Ordinance No. O-12-020, Section 1, to Revise Certain Regulations Applicable to the Ralston Creek Estates Planned Development District

Development Services Manager Erik Smith presented this item. Smith explained that there were several minor changes to the Ordinance requested by the City Attorney and that is why this item is back on the regular agenda.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve Ordinance No. O-15-006 as presented on its second reading amending Ordinance No. O-12-020, Section 1, revising certain regulations applicable to the Ralston Creek Estates Planned Development District.

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
Councilmember Weldon Williams	Absent

8. An Ordinance of the City Council of the City of Brenham, Texas, Authorizing the Issuance and Sale of City of Brenham, Texas, General Obligation Refunding Bonds, Series 2015; Levying a Tax and Providing for the Security and Payment Thereof; Approving the Official Statement, A Purchase Agreement, A Paying Agent/Registrar Agreement and an Escrow Agreement; Calling Certain Outstanding Obligations for Redemption; and Enacting Other Provisions Relating Thereto

Garry Kimball, of Specialized Public Finance, presented this item. Kimball presented information related to the opportunity to advance refund a portion of the City's 2010 Pass-Through Toll Revenue and Limited Tax Bonds. Kimball explained that the City would issue approximately \$4,300,000 in Series 2015 General Obligation Refunding Bonds and would recognize about \$243,974 in savings. Kimball explained that he was very pleased with the transaction and hoped that Council will approve.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve an Ordinance of the City Council of the City of Brenham, Texas, authorizing the issuance and sale of City of Brenham, Texas, General Obligation Refunding Bonds, Series 2015; levying a tax and providing for the security and payment thereof; approving the official statement, a purchase agreement, a paying agent/registrar agreement and an escrow agreement; calling certain outstanding obligations for redemption; and enacting other provisions relating thereto.

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
Councilmember Weldon Williams	Absent

9. Discuss and Possibly Act Upon Ordinance No. O-15-007 on Its Second Reading Ordering a Special Election on May 9, 2015 for the Purpose of Submitting to the Qualified Voters of Brenham Certain Proposed Amendments to the Existing Charter of the City of Brenham, Texas

City Secretary Jeana Bellinger presented this item. Bellinger explained that at the February 5th council meeting the ordinance calling the May 9, 2015 Special Charter Amendment Election was approved by the City Council on its first reading. Bellinger stated that since that time, she and the City Attorney have made several revisions to the Ordinance to assure that it addresses each of the 23 Propositions accurately and provides the appropriate ballot wording.

Bellinger explained that due to the length of the ordinance and the time it has taken to carefully review each Proposition, the ordinance is not included in the agenda packet. Bellinger stated it would be distributed separately to the Councilmembers prior to the meeting and is available for public review in the City Secretary's office during normal business hours.

A motion was made by Councilmember Barnes Tilley and seconded by Mayor Pro Tem Nix to approve Ordinance No. O-15-007 on its second reading ordering a Special Election on May 9, 2015 for the purpose of submitting to the qualified voters of Brenham certain proposed amendments to the existing Charter of the City of Brenham, Texas.

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
Councilmember Weldon Williams	Absent

10. Discuss and Possibly Act Upon Resolution No. R-15-003 Authorizing Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 125th Maifest Celebration to be Held on Saturday, March 28, 2015 from 6:00 p.m. – 11:00 p.m. in Downtown Brenham and Authorize the Mayor to Execute Any Necessary Documentation

City Secretary Jeana Bellinger presented this item. Bellinger explained that the Brenham Maifest Association has submitted a special event permit, with street closures, for the 125th Maifest Celebration to be held in downtown on March 28, 2015. Bellinger stated that as outlined in their request, this Celebration will include activities at Unity Theater, Ant Street Inn and Simon Theater. Bellinger noted the stage for the live band would be set-up at the intersection of Alamo and Douglas (parking area by public restrooms). Bellinger stated that this item was for the street closure only.

A motion was made by Councilmember Barnes Tilley and seconded by Councilmember Ebel to approve Resolution No. R-15-003 authorizing the execution of an agreement with TxDOT for the temporary closure of state right of way in connection with the 125th Maifest Celebration to be held on Saturday, March 28, 2015 from 6:00 p.m. – 11:00 p.m. in Downtown Brenham 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
Councilmember Weldon Williams	Absent

11. Discuss and Possibly Act Upon a Request for a Noise Variance from the Brenham Maifest Association for the 125th Maifest Celebration to be Held on Saturday, March 28, 2015 from 6:00 p.m. – 11:00 p.m. in Downtown Brenham and Authorize the Mayor to Execute Any Necessary Documentation

City Secretary Jeana Bellinger presented this item. Bellinger explained that Charlie Pyle with the Brenham Maifest Association is requesting a Noise Variance for their 125th Maifest Celebration to be held on Saturday, March 28, 2015 from 6:00 p.m. – 11:00 p.m. Bellinger stated they are requesting to have a live band and street dance at the intersection of Alamo Street and Douglas Street in downtown. Bellinger noted this is a separate event from the normal Maifest activities that will be held in Fireman’s Park in May. Bellinger stated that this is for the noise variance only.

A motion was made by Councilmember Barnes Tilley and seconded by Councilmember Herring to approve a request for a noise variance from the Brenham Maifest Association for the 125th Maifest Celebration to be held on Saturday, March 28, 2015 from 6:00 p.m. – 11:00 p.m. in Downtown Brenham 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
Councilmember Weldon Williams	Absent

12. Discuss and Possibly Act Upon Resolution No. R-15-004 Adopting a New Fee Schedule for the Antique Carousel Located in Fireman’s Park

Community Services Director Wende Ragonis presented this item. Ragonis explained that the Antique Carousel located in historic Fireman’s Park is an asset to the community. Ragonis stated the Park Advisory Board discussed with Staff Carousel rates and operations at the December 10, 2014 and the January 21, 2015 Parks Advisory Board meetings and determined the following rates for the public use of that facility.

Ragonis explained the Carousel will open to the public for set hours of operation on Saturdays and Sundays from March 1, 2015 thru October 31, 2015 for the cost of \$1 per rider. Ragonis stated it will be available for reservation year round Monday – Friday 10:00am – 4:00pm. The Carousel fee for a reservations during the week will be \$1 per rider, with a minimum fee set at \$40 for the reservation.

Councilmember Goss questioned how the carousel would be staffed. Ragonis stated that they will be hiring a part-time carousel operator and hope to find someone that already works part-time with in the City.

A motion was made by Councilmember Ebel and seconded by Mayor Pro Tem Nix to approve Resolution No. R-15-004 adopting a new fee schedule for the antique carousel located in Fireman's Park.

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
Councilmember Weldon Williams	Absent

13. Discuss and Possibly Act Upon Bid No. 15-004 for the Purchase of Four (4) Pick-Up Trucks for Various City of Brenham Departments and Authorize the Mayor to Execute Any Necessary Documentation

Purchasing Supervisor Sara Parker presented this item. Parker explained a bid package for four (4) pickup trucks for use by various City Departments was publicly advertised and bid notices were also sent to known interested vendors including four (4) local vendors. Parker stated four (4) bids were submitted with the lowest bid from Caldwell Country Chevrolet in the amount of \$96,255.

Parker explained that the pickups to be purchased are:

- Two (2) for the Police Department. These will be assigned within the Department and will replace older units that will be sold at auction.
- One (1) for Animal Control. This will also replace an older unit which will be sold at auction.
- One (1) for Water Construction. Addition of this vehicle will allow crews to be dispatched to more than one site for more efficient assignment of work.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes Tilley to award Bid No. 15-004 for the purchase of four (4) pick-up trucks for various City of Brenham departments to Caldwell Country Chevrolet in the amount of \$96,255.00 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
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Absent

14. Discuss and Possibly Act Upon Resolution No. R-15-005 Authorizing the Submission of a Grant Application to the Texas Office of Rural Community Affairs Under the Texas Community Development Program (TCDP) for Possible Funding of the Church Street Water Tower Rehabilitation Project and Authorize the Mayor to Execute Any Necessary Documentation

Public Utilities Director Lowell Ogle presented this item. Ogle explained that the Church Street Water Tower is in need of maintenance work. Ogle stated this work includes removal of lead paint (exterior), recoating, and repair of some ladders, etc. Ogle noted the estimated cost to rehabilitate the Church Street Water Tower is proposed to be between \$305,000 (best case) and \$513,000 (worse case). Ogle explained that if bids for the project come in higher than expected, then the city would be responsible for the difference between the grant funding (\$275,000), the city's match (\$55,000) and the actual cost of the project.

Ogle explained this grant program is administered by the Texas Department of Agriculture and their priority is to assist in construction and/or rehabilitation of water and sewer facilities within an area populated primarily by residents that are low to moderate income; Ogle advised the Council that the City of Brenham meets the requirements to qualify for this grant program.

Ogle explained that he recommends Council approve the Resolution authorizing the submission of the grant application to the Texas Department of Agriculture for potential funding to be used for the Church Street Water Tower Rehabilitation in the amount of \$275,000. He stated that if the City is chosen to receive the grant, we would have approximately two years to spend the money.

Councilmember Goss questioned that if the city is chosen to receive the grant would acceptance of the grant be brought back to council for final approval before the repairs are started. Ogle stated that it would be brought back to Council.

A motion was made by Councilmember Barnes Tilley and seconded by Councilmember Herring to approve Resolution No. R-15-005 authorizing the submission of the grant application to the Texas Department of Agriculture for potential funding of the Church Street Water Tower Rehab project in the amount of \$275,000 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
Councilmember Weldon Williams	Absent

15. Discuss and Possibly Act Upon Resolution No. R-15-006 Authorizing the Acceptance of Public Improvements in the Oak Alley Subdivision and Authorize the Mayor to Execute Any Necessary Documentation

City Engineer Grant Lischka presented this item. Lischka explained that Washington County Oak Alley, LLC has completed all required public infrastructure improvements related to the development of Phase 1 of Oak Alley, a 10 lot subdivision constructed for residential use located east of Blue Bell Road (FM 577). Lischka stated the public infrastructure improvements have been constructed and inspected according to all applicable City of Brenham ordinances and regulations and are ready to be accepted by the City of Brenham for ownership and maintenance. Lischka noted this is only acceptance of the water and sanitary sewer improvements as the street and drainage facilities are private and will be maintained by a property owners association.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve Resolution No. R-15-006 authorizing the acceptance of public improvements in the Oak Alley Subdivision, Phase 1, and authorize the Mayor to execute any necessary documentation with revisions as noted.

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
Councilmember Weldon Williams	Absent

- 16. Discuss and Possibly Act Upon Resolution No. R-15-007 Granting Tax Deferment, Through A Development Loan, to Jefferson Square Housing Ltd. for Rehabilitation to Jefferson Square Apartments, Located at 801 W. Jefferson Street and Authorize the Mayor to Execute Any Necessary Documentation**

This item was passed.

Council adjourned into Executive Session at 2:50 p.m.

EXECUTIVE SESSION

- 17. Section 551.074 – Texas Government Code – Deliberation Regarding Personnel Matters – Discussion Regarding the Appointment of a Presiding Judge of the Brenham Municipal Court for the Unexpired Term Ending December 31, 2016**

Executive Session adjourned at 3:20 p.m.

RE-OPEN REGULAR AGENDA

- 18. Discuss and Possibly Act Upon the Appointment of a Presiding Judge of the Brenham Municipal Court for the Unexpired Term Ending December 31, 2016**

This item was passed.

19. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- The Council meeting on March 5th will remain at 1:00 p.m.
- Washington County Day at the Capitol is next week Tuesday, February, 24th.
- Valmont's Tax Phase-In will be on the Council agenda on March 5th.
- The animal shelter bids came in higher than estimated; staff is working with the architect to review.
- Movie in the Park kicks off on March 19th and will be held at Hohlt Park.
- Thursday, April 30th will possibly be the date for a Council pre-budget retreat.
- The Spring Open Collection dates have been posted. City residents dates are March 19th-21st and county resident's dates are March 26th-28th.
- Councilmember Williams is back at home.
- Walk with A Doc will be on February 28th at Hohlt Park.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

ORDINANCE NO. O-15-008

AN ORDINANCE DESIGNATING TRACTS OF LAND CONTAINING 31.2869, 2.099, AND 0.7201 ACRES OF LAND, MORE OR LESS SITUATED IN THE PHILLIP COE SURVEY, A-31, SAID TRACTS BEING MORE FULLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES, AS REINVESTMENT ZONE NUMBER FORTY FOR COMMERCIAL TAX PHASE-IN INCENTIVE AS PROVIDED IN CHAPTER 312, TEXAS TAX CODE; ESTABLISHING THE NUMBER OF YEARS FOR THE ZONE, AUTHORIZING AN AGREEMENT FOR EXEMPTION FROM TAXATION THE INCREASE IN VALUE OF CERTAIN PROPERTY IN ORDER TO ENCOURAGE DEVELOPMENT AND REDEVELOPMENT AND OTHER MATTERS RELATING THERETO; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

WHEREAS, on the 5th day of March, 2015, the City Council held a public hearing to receive comments concerning the designation of proposed Reinvestment Zone Number Forty. The notice of such hearing was published on February 26, 2015, such date being not later than the seventh day before the date of the public hearing; and

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

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

WHEREAS, the designation of the proposed reinvestment zone is consistent with the City's policies adopted by Council Resolution No. R-13-020 on the 5th day of December, 2013, and will benefit the land included within the Reinvestment Zone after the expiration of the Agreement; and

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

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

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

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

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

- a) That the public hearing on the adoption of the reinvestment zone under the provisions of the Act has been properly called, held and conducted and that notice of such hearing has been published as required by law and has been sent to the respective taxing units within the proposed reinvestment zone; and
- b) That the City has jurisdiction to hold and conduct said public hearing on the creation of the proposed reinvestment zone pursuant to the Act; and
- c) That creation of the proposed reinvestment zone with boundaries described herein will result in improvements made after the passage of this Ordinance and the execution of tax phase-in agreements, that are feasible and practical and will benefit the City, its residents and property owners in the reinvestment zone; and
- d) That the proposed designation will be reasonably likely to contribute to the retention or expansion of primary employment or to attract major investments to the zone that would be a benefit to the property and contribute to economic development of the City.

- Section 3.** That the City hereby creates Reinvestment Zone Number Forty, designated as tracts of land containing 31.2869, 2.099, and 0.7201 acres of land, more or less situated in the Phillip Coe Survey, A-31, said property being located on Industrial Boulevard, Brenham, Texas, and said tracts being more fully described in Exhibit “A” attached hereto and incorporated herein for all purposes, and such reinvestment zone shall hereafter be identified as Reinvestment Zone Number Forty for Commercial Tax Phase-In, City of Brenham, Texas.
- Section 4.** That the designation of Reinvestment Zone Number Forty for Commercial Tax Phase-In, shall expire five (5) years from the date of this Ordinance, unless renewed as provided by the Act, or at an earlier time designated by subsequent ordinance.
- Section 5.** That written agreements as provided in the Act with owners of eligible property located within the reinvestment zone shall be for a period of up to ten (10) years, and that the eligible property that is subject to the above mentioned exemption from taxation shall be the improvements to the property in conformity with the City's criteria and guidelines, and written agreements shall provide for an exemption from taxation of the total increase in value of the eligible property over its value in the year the agreement is executed. The written agreement will require that all taxes be current at the time of execution of agreement and be kept current to all taxing entities during the term of said agreement.
- Section 6.** That said designation of Reinvestment Zone Number Forty for Commercial Tax Phase-In and the written agreement thereof are in accordance with the City of Brenham Policy Statement on Property Tax Phase-In Incentive for Selected Commercial Enterprises and will be a benefit to the land which will be included within the Reinvestment Zone and to the City of Brenham after the expiration of the agreement.
- Section 7.** That if any provision of this Ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part of it.

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

PASSED and APPROVED on its first reading this the 5th day of March, 2015.

PASSED and APPROVED on its second reading this the 19th day of March, 2015.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

EXHIBIT “A”

Tract No. One:

All that 31.2869 acre tract or parcel of land situated in the City of Brenham, Washington County, Texas out of the Phillip Coe Survey A-31 and being a 31.2869 acre tract out of the tract of land called 119.149 acres in a deed dated August 6, 2010 from Mildred R. Weige, et al. to the Brenham Community Development Corporation, recorded in Volume 1347, Page 469 of the Official Records of Washington County, Texas.

Tract No. Two:

All that 2.099 acre tract or parcel of land situated in the City of Brenham, Washington County, Texas out of the Phillip Coe Survey A-31 and being the tract of land called 2.099 acres in a deed dated February 10, 2012 from Ladja Properties, Ltd. to the Brenham Community Development Corporation, recorded in Volume 1394, Page 673 of the Official Records of Washington County, Texas.

Tract No. Three:

All that 0.7201 tract or parcel of land situated in the City of Brenham, Washington County, Texas out of the Phillip Coe Survey A-31 and being the tract of land called 0.7201 acres in a deed dated November 30, 2010 from the Economic Development Foundation of Brenham, Inc. formerly known as the Brenham Industrial Foundation Inc. to the Brenham Community Development Corporation, recorded in Volume 1357, Page 933 of the Official Records of Washington County, Texas.

ORDINANCE NO. O-15-009

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

WHEREAS, it is necessary to provide a 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 stop sign on Cobble Gate Drive at its intersection with Autumn Rain Drive, regulating eastbound traffic on Cobble Gate Drive;

one stop sign on Cobble Gate Drive at its intersection with Autumn Rain Drive, regulating westbound traffic on Cobble Gate Drive;

one stop sign on Wintersong Drive at its intersection with Autumn Rain Drive, regulating eastbound traffic on Wintersong Drive;

one stop sign on Wintersong Drive at its intersection with Autumn Rain Drive, regulating westbound traffic on Wintersong Drive;

one stop sign on Moonbeam Court at its intersection with Autumn Rain Drive, regulating southbound traffic on Moonbeam Court;

one stop sign on Summer Court at its intersection with Autumn Rain Drive, regulating southbound traffic on Summer Court;

one stop sign on Autumn Rain Drive at its intersection with Wintersong Drive, regulating northbound traffic on Autumn Rain Drive.

one stop sign on Autumn Rain Drive at its intersection with Wintersong Drive, regulating southbound traffic on Autumn Rain Drive.

one stop sign on Autumn Rain Drive at its intersection with West Blue Bell Road, regulating southbound traffic on Autumn Rain Drive.

one stop sign on Autumn Rain Drive at its intersection with Burleson Street, regulating eastbound traffic on Autumn Rain Drive.

These stop signs shall be erected at the top of a standard, 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. 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 5th day of March, 2015.

PASSED and APPROVED on its second reading this the 19th day of March, 2015.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

ORDINANCE NO. O-15-010

AN ORDINANCE AMENDING ORDINANCE NO. O-15-007 ORDERING A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE CITY OF BRENHAM REGULAR GENERAL ELECTION ON MAY 9, 2015, FOR THE PURPOSE OF MAKING CORRECTIONS TO THE PROPOSITIONS BEING SUBMITTED TO THE QUALIFIED VOTERS OF BRENHAM, TEXAS FOR CERTAIN PROPOSED AMENDMENTS TO THE EXISTING HOME RULE CHARTER OF THE CITY; STATING CORRECTIONS TO PROPOSED AMENDMENTS TO BE VOTED UPON AT SAID ELECTION; PROVIDING FOR A SAVINGS CLAUSE, SEVERABILITY AND THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING THAT THE MEETINGS AT WHICH THIS ORDINANCE IS CONSIDERED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, on February 19, 2015 the Brenham City Council adopted Ordinance No. O-15-007 ordering a Special Election to be held on May 9, 2015 for the purpose of submitting propositions to the qualified voters of Brenham, Texas for certain proposed amendments to the existing Home Rule Charter of the City; and

WHEREAS, the City Council desires to correct to certain provisions of said Ordinance No. O-15-007 related to the description of the proposed amendments to Article V, Section 4 and Article IV, Sections 3 and 4 of the existing Home Rule Charter; and

WHEREAS, the City Council desires to correct the ballot wording of Proposition No. 14 as set forth in Ordinance No. O-15-007;

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

SECTION 1.

That the proposed revisions to Article V, Section 4 as set forth in Amendment No. 2 (Proposition No. 2) be corrected to read as follows:

ARTICLE V. IMPROVEMENT BONDS

Sec. 4. Submitting to referendum.

Before the issuance of any bonds the same shall be submitted to a vote of the qualified ~~property tax-paying~~ voters of the City as required by the General Laws of the State.

SECTION 2.

That the ballot wording of Proposition No. 14 be corrected to read as follows:

YES

NO

Shall Article III, Section 23, and Article IV, Section 2 of the Brenham City Charter be amended to authorize the City Manager to create and consolidate appointive offices and positions, divide the administration of the City's affairs into such departments as the City Manager may deem advisable, and discontinue any such appointive office, position or department, except the offices and positions appointed by the City Council?

SECTION 3.

That the proposed revisions to Article IV, Sections 3 and 4 as set forth in Amendment No. 15 (Proposition No. 15) be corrected to read as follows:

ARTICLE IV. THE CITY MANAGER; FINANCES

~~Sec. 3. Preparing and submitting budget; recommendations on administrative matters.~~

~~The City Manager shall prepare and submit the annual budget on the basis of the estimates of the department. He shall make recommendations to the City Council on all matters concerning the administration of the City.~~

Sec. 4. ~~Estimates for budget, publication; digest~~ Annual budget.

The annual budget of the City shall be prepared by the City Manager based on the ~~basis~~ of estimates of each departments. These departmental estimates, shall include showing the expenses of the department for the preceding year; and indicating wherein increases or diminutions are recommended for the ensuing year, ~~shall be published one time in the official organ of the City of Brenham.~~ The City Manager shall submit ~~make up~~ the budget and ~~submit it~~ to the City Council for approval.

SECTION 4.
SAVINGS CLAUSE

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

SECTION 5.
SEVERABILITY

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

SECTION 6.
REPEALER

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

SECTION 7.
EFFECTIVE DATE

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

SECTION 8.
PROPER NOTICE AND MEETINGS

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

PASSED AND APPROVED on its first reading the 5th day of March, 2015.

PASSED AND APPROVED on its second reading the 19th day of March, 2015.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 5

DATE OF MEETING: March 19, 2015	DATE SUBMITTED: March 16, 2015	
DEPT. OF ORIGIN: Convention and Visitors Bureau	SUBMITTED BY: Lu Hollander	
MEETING TYPE: CLASSIFICATION: ORDINANCE:		
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
<input checked="" type="checkbox"/> WORK SESSION		
AGENDA ITEM DESCRIPTION: Presentation of the First Quarter Report by the Washington County Convention and Visitors Bureau		
<p>SUMMARY STATEMENT: In an effort to be more cost efficient, a copy of the Washington County Convention and Visitors Bureau First Quarter Report is not included in the agenda packet. However, a compact disc of this report will be distributed to Mayor and City Council Members.</p> <p>A complete copy of the Washington County Convention and Visitors Bureau First Quarter Report is on file for review in the City Secretary's Office. A copy can also be downloaded from the Washington County Chamber of Commerce website at www.brenhamtexas.com.</p> <p>If you are interested in obtaining a hard copy, please call the City Secretary at 979-337-7567</p>		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
<p>A. PROS:</p> <p>B. CONS:</p>		
ALTERNATIVES (In Suggested Order of Staff Preference): N/A		
ATTACHMENTS: (1) First Quarter Summary Report		
FUNDING SOURCE (Where Applicable): N/A		
RECOMMENDED ACTION: Discussion Only.		
APPROVALS: Terry K. Roberts		

WCCC Convention & Visitors Bureau

First Quarter Report: Oct-Dec 2014

OCTOBER

MAJOR TOURISM EVENTS:

- Chappell Hill Scarecrow Festival
- Burton Cotton Gin Barn Dance
- Texas Brew-Step

ADVERTISING PLACEMENTS:

- *Byways* digital magazine – ½ page
- *Ride Texas* magazine - ¼ page
- *A&M Football program* – ½ page
- *Austin Monthly, San Antonio* magazines – ¼ page in ea.

EDITORIAL COVERAGE:

- *Austin Monthly* – article about moving the synagogue
- *Show Daily* program – article about geocaching

NOVEMBER

MAJOR TOURISM EVENTS:

- Holiday Home Tour & Trunk Show
- Texas Master Chorale Concert
- Brazos Valley Maize

ADVERTISING PLACEMENTS:

- *Texas Monthly* magazine– 1/6 page event listings
- *Texas Highways* magazine – full page co-op
- *Texas Parks & Wildlife* magazine – 1/3 page

EDITORIAL COVERAGE:

- *Texas Parks & Wildlife* magazine – feature about the Birthplace of Texas area
- *Insite* magazine - feature about Home Sweet Farm Mkt.
- Fall Geiger Press Tour

DECEMBER

MAJOR TOURISM EVENTS:

- Downtown Christmas Stroll
- Unity Theatre's "Forever Plaid"
- Christmas on the Brazos

ADVERTISING PLACEMENTS:

- *Houston House & Home* magazine – full page for Swirl
- *Southern Living* magazine– 1/6 page travel ad

EDITORIAL COVERAGE:

- *AAA Texas Journey* – feature about Fanthorp Inn
- *invitingarkansas.com* – feature about Southern Rose Ranch





AGENDA ITEM 6

DATE OF MEETING: March 19, 2015	DATE SUBMITTED: March 16, 2015	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Clint Kolby	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-15-010 Authorizing the Execution of a Tax Phase-In Agreement between the City of Brenham and Valmont Coatings, Inc.		
SUMMARY STATEMENT: The Brenham Economic Development Foundation (EDF) respectfully requests your consideration of an application for Tax Phase-In from Valmont Coatings.		
<p>The EDF and City staff have been working with Valmont Coatings over the past several months in their site selection process to locate a galvanizing plant in Brenham to serve the local Valmont facility as well as secondary metal-based businesses in the region. Valmont Coatings currently has an earnest money contract to purchase more than 30 acres in the Southwest Industrial Park – Section III. The use of the Tax Phase-In incentive will help Valmont Coatings invest in the necessary equipment and human capital to help offset the initial costs of locating this expansion project here. This project would also provide a substantial positive economic impact to the local Brenham economy.</p>		
<p>JOB CREATION: Valmont Coatings will create 80 new jobs during the first year of operations. The 80 new jobs that will be created are projected to add \$4.3 million in payroll to the local economy. Valmont Coatings has plans to increase the number of employees to 120 after five years.</p>		
<p>CAPITAL INVESTMENT: Valmont Coatings will be investing \$18.5 million in capital for this project. \$9.7 million will go towards constructing the facility and making site improvements. \$8 million will be used to purchase new machinery and equipment. \$800,000 will go towards purchasing the land in the Southwest Industrial Park.</p>		
<p>NEW TAXES PAID: If located in Brenham, Valmont Coatings will pay a total of \$17,917 in new taxes in its first year of operation (\$8,694 in city taxes). The company will receive an abatement of \$161,259 in year-one (\$78,248 from city taxes). At the end of its tax phase-in period, Valmont Coatings will have paid a total of \$1,994,453 in new taxes (\$147,800 in city taxes), and will have received a total abatement of \$1,128,814 (\$547,736 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.</p>		

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS:

B. CONS:

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) Resolution No. R-15-010

FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: Approve Resolution No. R-15-010 authorizing the execution of a Tax Phase-In Agreement between the City of Brenham and Valmont Coatings, Inc.

APPROVALS: Terry K. Roberts

RESOLUTION NO. R-15-010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS ADOPTING A COMMERCIAL TAX PHASE-IN AGREEMENT WITH VALMONT COATINGS, INC.; AUTHORIZING THE MAYOR TO EXECUTE THE TAX PHASE-IN AGREEMENT; 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, and Valmont Coatings, Inc., a Delaware corporation;

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, and Valmont Coatings, Inc.

Section 3: That the Mayor is hereby authorized to execute the Tax Phase-In Agreement between the City of Brenham, Texas, and Valmont Coatings, Inc., a copy of which is attached hereto as Exhibit "A".

Section 4: This Resolution shall become effective immediately from and after its passage.

RESOLVED this _____ day of _____, 2015.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

**AGREEMENT FOR DEVELOPMENT AND TAX PHASE-IN
IN REINVESTMENT ZONE NO. 40 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, and VALMONT COATINGS, INC., a Delaware corporation, 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 March 19, 2015, the COUNCIL, by Ordinance, established Reinvestment Zone No. 40, 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 this 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 on Industrial Boulevard and described more particularly as
those certain tracts of land containing 31.2869, 2.099 and 0.7201 acres in the Phillip Coe Survey
A-31, more or less, 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 1B – Property
Improvements by a New 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.

COMPANY AGREES TO HOLD HARMLESS, INDEMNIFY AND REIMBURSE CITY, ITS OFFICERS, AGENTS, AND/OR EMPLOYEES FOR ANY DAMAGES SUFFERED BY THEM DUE TO COMPANY'S NEGLIGENCE, SUCH DUTY AND LIABILITY NOT TO EXCEED WHAT COMPANY WOULD OWE TO ANY OF THEM UNDER COMMON LAW. CITY AGREES TO USE BEST REASONABLE EFFORTS TO NOTIFY COMPANY 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.** COMPANY agrees to pay all ad valorem taxes and assessments that may be owed to CITY or any other taxing entity by it prior to such taxes and/or assessments becoming delinquent; provided, that COMPANY shall 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 COMPANY undertakes any such contest, COMPANY shall so notify in writing CITY and keep CITY apprised of the status of such contest. Should COMPANY be unsuccessful in such contest, COMPANY shall promptly pay the taxes, penalties, and/or interest, resulting therefrom.

COMPANY certifies 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, COMPANY shall pay all non-phased-in taxes subject to all requirements and due dates, as it would be required to pay in the absence of this Agreement.

8. **Employment.** COMPANY anticipates hiring at least fifty (50) employees upon opening and over the tax phase-in period. COMPANY acknowledges and agrees that COMPANY'S failure to create and maintain a minimum of ten (10) jobs within the first year and throughout the Tax Phase-In incentive period in accordance with this Agreement and the POLICY is a default in the performance of this Agreement, and subjects the 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 1B – Property Improvements by a New Business", and tax phase-in incentives for job creation 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. 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 1B and Table 2 for the applicable year of the tax phase-in.

COMPANY shall, on or before October 15 of each calendar year, submit a sworn statement to the Compliance Review Committee that COMPANY 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 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 1B and Table 2 of the POLICY based on the actual eligible improvements and the actual number of employees. 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 COMPANY 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 COMPANY 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 COMPANY or to CITY, such notice will be sent, respectively, to the attention of COMPANY'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.** It is specifically understood by the governing body of the jurisdiction and its signatory/agent as well as COMPANY and its signatory/agent that "new jobs," as used in both, this Agreement and the underlying CITY guidelines for tax phase-in, means (and calculations therefore include) COMPANY employees as follows: The number of "new jobs" each year shall be determined by the cumulative sum of all new jobs employed by the COMPANY in the reinvestment ZONE after execution of this Agreement. This includes all employees who, subsequently to the Agreement, begin working in the reinvestment ZONE for Applicant (whether newly hired or who were previously hired by COMPANY elsewhere and whose work location is transferred to within the reinvestment ZONE), and, for purposes of the tax phase-in schedules in the guidelines and this Agreement, who work an average of at least a forty (40) hour work week. Two part-time employees working an average of twenty (20) hours each per week shall constitute one full-time employee for the calculation of "new jobs."

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, and sewer, 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 it's duly authorized officials this Agreement in multiple counterparts, each of equal dignity, on this the _____ day of _____, 2015.

VALMONT COATINGS, INC.

CITY OF BRENHAM

BY: _____
Ronda Colling
Controller
One Valmont Plaza, Suite 400
Omaha, NE 68154-5215

BY: _____
Milton Y. Tate, Jr.
Mayor
P.O. Box 1059
Brenham, TX 77834-1059

ATTEST:

BY: _____
Jeana Bellinger
City Secretary
P.O. Box 1059
Brenham, TX 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 NEBRASKA

COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared **RONDA COLLING**, Controller of VALMONT COATINGS, INC., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she 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 Nebraska

EXHIBIT “A”

Tract No. One:

All that 31.2869 acre tract or parcel of land situated in the City of Brenham, Washington County, Texas out of the Phillip Coe Survey A-31 and being a 31.2869 acre tract out of the tract of land called 119.149 acres in a deed dated August 6, 2010 from Mildred R. Weige, et al. to the Brenham Community Development Corporation, recorded in Volume 1347, Page 469 of the Official Records of Washington County, Texas.

Tract No. Two:

All that 2.099 acre tract or parcel of land situated in the City of Brenham, Washington County, Texas out of the Phillip Coe Survey A-31 and being the tract of land called 2.099 acres in a deed dated February 10, 2012 from Ladja Properties, Ltd. to the Brenham Community Development Corporation, recorded in Volume 1394, Page 673 of the Official Records of Washington County, Texas.

Tract No. Three:

All that 0.7201 tract or parcel of land situated in the City of Brenham, Washington County, Texas out of the Phillip Coe Survey A-31 and being the tract of land called 0.7201 acres in a deed dated November 30, 2010 from the Economic Development Foundation of Brenham, Inc. formerly known as the Brenham Industrial Foundation Inc. to the Brenham Community Development Corporation, recorded in Volume 1357, Page 933 of the Official Records of Washington County, Texas.

EXHIBIT "B"

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



AGENDA ITEM 7

DATE OF MEETING: March 19, 2015	DATE SUBMITTED: March 16, 2015	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Jeana Bellinger	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon a Request for a Noise Variance from Evelynia Graves for the Graves Family Reunion at 906 Armbrister Street to be Held on Saturday, April 11, 2015 from 9:00 a.m. – 9:00 p.m. and Authorize the Mayor to Execute Any Necessary Documentation		
SUMMARY STATEMENT: Evelynia Graves is requesting a Noise Variance for a family reunion gathering at 906 Armbrister Street on April 11, 2015 from 9:00 a.m – 9:00 p.m. for DJ. They will have speakers and a sound system, which requires a Noise Variance. The Brenham Police Department and the Brenham Fire Department have approved the noise variance request; therefore, I ask the City Council to approve the noise variance request.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Noise Variance Request form		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Approve a request for a noise variance from Evelynia Graves for the Graves Family Reunion at 906 Armbrister Street to be held on Saturday, April 11, 2015 from 9:00 a.m. – 9:00 p.m and authorize the Mayor to execute any necessary documentation		
APPROVALS: Terry K. Roberts		

NOISE VARIANCE REQUEST

pd. 03/02/15 180.00

Application Fee \$10.00

1. Name of sponsoring organization: ANNIE GRAVES SHARP / EVELYMA GRAVES

2. Name and address of individual making application on behalf of sponsoring organization: _____
906 Armburster St. Laura Graves Memorial
Brenham TX 77833

3. Purpose of the Event: Birthday memorial

4. Location of Event: 906 Armburster St.

5. Date of the event: APRIL 11, 2015

6. Time of Event: 10: AM

7. Event Set-up: From: 9: AM To: 10: AM

Event Clean-up: From: 8 pm To: 9 pm

8. You are required to describe the following:
a) Types of Activities Planned and any additional information specific to this event: _____
DIS music - tables in yard - variety of food served

b) Bands/Musical Instruments: DIS music

c) Sound amplification equipment: sound system

d) Cleanup provisions: Family clean up

ANNIE G. SHARP / EVELYMA GRAVES
Name of Applicant (Printed or Typed)

Date: 03/02/2015

Evelyma Graves
Applicant or Authorized Person's Signature

Phone: 947 979 203 8447

Have you ever been found guilty of a criminal offense involving crimes against property, moral turpitude, and/or a felony by any Court? Yes No. If "Yes", please identify the offense, State of conviction and penalty imposed (attach additional sheets if necessary):



AGENDA ITEM 8

DATE OF MEETING: March 19, 2015		DATE SUBMITTED: March 16, 2015
DEPT. OF ORIGIN: Finance		SUBMITTED BY: Carolyn D. Miller
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon a 2.0% Mid-Year Pay Scale Adjustment		
SUMMARY STATEMENT: See memo from CFO		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Memo from CFO and (2) Sales Tax Bar Chart		
FUNDING SOURCE (Where Applicable): The funding is available in the line item budgets for each department in account number 116.00 Salaries/Wages Contingency.		
RECOMMENDED ACTION: Approve the 2.0 % mid-year pay scale adjustment as shown in the City of Brenham FY12014-15 Adopted Budget.		
APPROVALS: Terry K. Roberts		



MEMORANDUM

To: Mayor, Council and City Manager

From: Carolyn D. Miller
Chief Financial Officer

Subject: 2% Mid-Year Pay Scale Adjustment

Date: March 16, 2015

As noted in the FY14 Personnel Budget Priorities, the City Council approved a balanced budget that included a 2% mid-year Cost of Living Adjustment (COLA) for all City employees subject to favorable General Government revenue and expenditure trends. The COLA is conditional upon a mid-year assessment of economic conditions and must be approved by Council before initiated. The 2% mid-year pay scale adjustment will impact the General Fund by \$57,801 and the Utility Funds combined by \$28,154. The FY14 budgeted amounts are presented in the line item budgets for each department in account number 116.00 Salaries/Wages Contingency.

Economic Conditions and Outlook

The Economic Conditions and Outlook for the City are positive as confirmed by the following indicators:

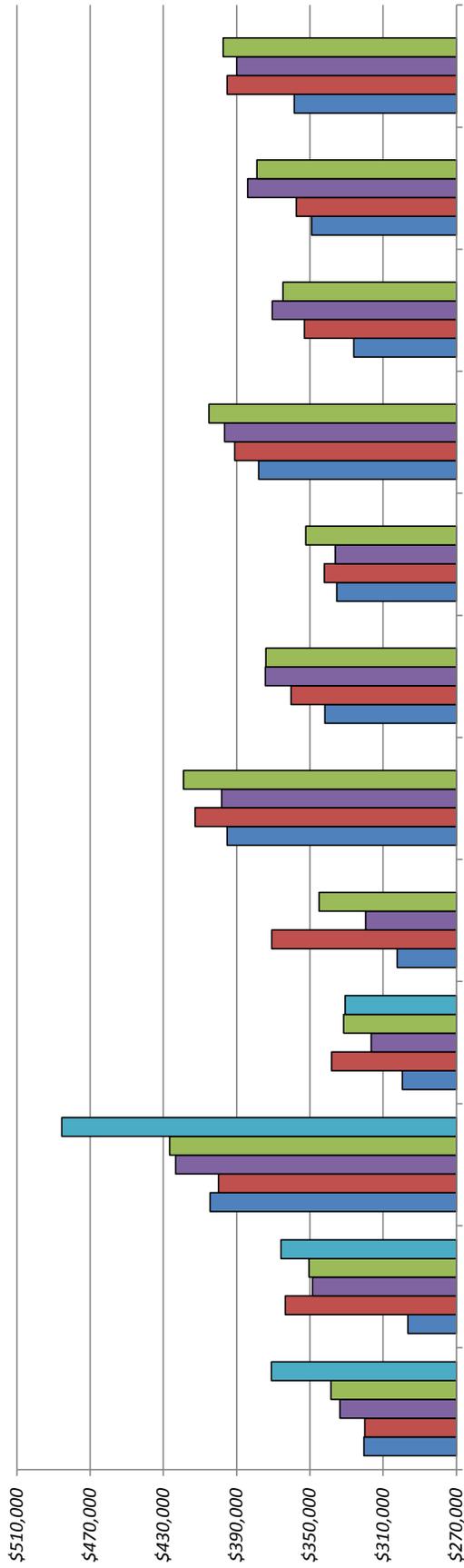
- **Sales Tax Recovery** –Sales tax, which is the largest revenue source for funding General Fund operations and maintenance, was budgeted to increase by a solid 5% in FY14 over the FY13 actuals. While we fell behind in the first six months of FY14, collections rebounded in the last half of the fiscal year and we ended the year at 99.7% of prior year actual. We have also seen an increase in the first four months of FY15, with collections being 9.2 % higher than the same time last fiscal year. See Sales Tax Chart as an attachment showing these trends.
- **Growth in Property Valuations** – The City of Brenham’s certified taxable property valuations have grown from \$1.08 billion last year to \$1.10 billion for the 2015 tax year. This overall increase of 2% included over \$7.6 million in new improvements.
- **Increases in Residential Building Permits** – In FY14, 79 residential building permits were issued totaling \$8.4 million. Compared to the previous fiscal year, total permits were higher by 43 with over \$3.1 million in dollar value increase. This increase is directly related to the high demand for housing in the Ralston Creek and Highland Meadows subdivisions.
- **Favorable Unemployment Rate for the County** – The unemployment rate for Washington County in September 2014 was 4.0 percent, which is lower than the rate of 4.9 percent one year ago. The current rate also compares favorably to the state's average unemployment rate of 5.0 percent.

General Fund First Quarter Performance

We will be presenting the first quarter financial reports at the April 16th Council meeting, but all indications are that we are favorable to budget in the General Fund and all Utility Funds. The General Fund revenues are higher than budget by \$258,273 specifically sales tax, municipal court revenues and sales of property. Expenditures are below budget by \$301,291 and as you would expect over half of the savings are attributable to personnel.

The budget team is confident in certifying that economic conditions support the approval of a 2.0% mid-year pay scale adjustment for all City employees.

**GENERAL FUND SALES TAX BY MONTH
FY12, FY13, FY14 & FY15**



	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
FY12 Actual	320,523	296,574	404,533	299,558	302,331	395,241	341,873	335,281	378,032	326,096	348,997	358,518	4,107,557
FY13 Actual	320,042	363,395	399,982	338,178	370,861	412,662	360,344	342,181	391,076	352,949	357,389	395,237	4,404,296
FY14 Actual	333,634	348,595	423,325	316,471	319,519	398,169	374,302	336,076	396,641	370,617	383,901	389,901	4,391,151
FY15 Budget	338,507	350,448	426,640	331,560	344,939	419,076	374,060	352,176	405,065	364,728	378,844	397,388	4,483,432
FY15 Actual	370,968	365,767	485,471	330,711									1,552,917

Budget vs. Actual Based on Allocated Budget as Shown in Chart

Difference	32,461	15,319	58,831	(849)									
Cummulative	32,461	47,780	106,612	105,762									



AGENDA ITEM 9

DATE OF MEETING: March 19, 2015	DATE SUBMITTED: March 16, 2015	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Terry K. Roberts	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Recommendations for Appointments to Various City Advisory Boards		
SUMMARY STATEMENT: See attached memo from Terry Roberts		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS (1) Memo from Terry Roberts		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Approve the recommendations for appointments and/or re-appointments to various city advisory boards, as presented.		
APPROVALS: Milton Y. Tate, Jr.		



To: Mayor and City Council
From: Terry K. Roberts, City Manager
Subject: **Advisory Board Recommendations for 2015**
Date: March 16, 2015

Under the City's policy for advisory board appointments, persons interested in servicing must complete an application of appointment. This includes current board members who are willing and interested in continuing their service.

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. There was an agenda item regarding board recommendations at the December 18, 2014 council meeting; however there were several boards that still had vacancies with no recommendations at that time.

Since that meeting we have received applications for the following boards with our recommendations below:

Building Standards Commission: Two incumbents were reappointed at the December 18th Council meeting – Walt Edmonds and Stoney Lacina. However, at that time incumbent Johnny Andrade did not seek reappointment. However, Mr. Andrade has now expressed a willingness to continue his service on the board and is recommended for reappointment.

Brenham Housing Authority: Incumbent Richard Flammer and new board members Gerald Calvert and Cory Flencher were appointed to the board at the December 18th Council meeting. The Board of the Housing Authority was expanded from five to seven members. That expansion created the need for a second tenant position on the Board. The following citizen has submitted an application to serve on the Board:

- Lillian Pollard. Ms. Pollard is currently self-employed and as a child care provider. She has volunteered with various organizations including Faith Mission.

Ms. Pollard is being recommended for appointment. She is supported also by Housing Authority Board Chairman Flammer and Executive Director Vince Michel.

Below is a recap of the two boards and their members for your review. Please contact the Mayor or me if you have any questions.

BUILDING STANDARDS COMMISSION

Term of Office: Two Years
Meeting Schedule: Monthly, 2nd Monday @ 6:00 p.m.
Responsible Staff Member: Erik Smith/Allen Jacobs

Position	Board Member	Term Expiration
1	Walt Edmonds	December, 2017
2	Stoney Lacina	December, 2017
3	Johnny Andrade	December, 2014

P1. Walt Edmonds: re-appointed

P2. Stoney Lacina: re-appointed

P3. Johnny Andrade: seeking re-appointment

BRENHAM HOUSING AUTHORITY BOARD

Term of Office: Two Years
Meeting Schedule: Monthly; 3rd Tuesday @ 5:30 p.m.
Responsible Staff Member: Vince Michel

Position	Board Member	Term Expiration
1	John Harris	December, 2015
2	Wanda Cooley	December, 2015
3	Ray Daugbjerg	December, 2015
4	Richard Flammer	December, 2017
5	Gerald Calvert	December, 2017
6	Cory Flencher	December, 2017
7	Vacant	

P4. Richard Flammer: Re-appointed

P5. Gerald Calvert - Appointed

P6. Cory Flencher - Appointed

P7. VACANT

Application received from:

- Lillian Pollard