



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, OCTOBER 1, 2015 AT 1:00 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Pro Tem Nix**
- 3. Service Recognitions**
 - **Todd A. Ashorn, Police Department 15 Years**
- 4. Citizens Comments**

CONSENT AGENDA

5. Statutory Consent Agenda

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

5-a. Minutes from the August 27, 2015 and September 3, 2015 Regular City Council Meetings and the September 14, 2015 Special City Council Meeting **Pages 1-21**

5-b. Ordinance No. O-15-028 on Its Second Reading Granting a Specific Use Permit to True Believers Christian Fellowship Church to Allow for a Church and Related Auxiliary Uses on Property Located on Clay Street in an R-2, Mixed Residential Zoning District, and Being Described as Lots 1-3 and 30-32 of the College Heights Addition and the Portion of Porter Street Adjacent to These Lots in Brenham, Washington County, Texas **Pages 22-23**

5-c. Ordinance No. O-15-029 on Its Second Reading for the Abandonment of Porter Street **Pages 24-26**

WORK SESSION

- 6. Presentation and Discussion Related to the Potential Rezoning of a Two Block Area Along the West Side of South Market Street Between West Stone Street and West Mansfield Street** **Pages 27-39**

REGULAR SESSION

- 7. Discuss and Possibly Act Upon Resolution No. R-15-024 Reauthorizing an Investment Policy for the City of Brenham** **Pages 40-56**
- 8. Discuss and Possibly Act Upon Resolution No. R-15-025 Adopting a Fund Balance Policy for the City of Brenham** **Pages 57-62**
- 9. Discuss and Possibly Act Upon Bid No. 15-011 for the Renovation of the Air Conditioning System for the Living Quarters at the Brenham Fire Station and Authorize the Mayor to Execute Any Necessary Documentation** **Pages 63-67**
- 10. Discuss and Possibly Act Upon Resolution No. R-15-026 Authorizing the Acceptance of Infrastructure Improvements in the Timber Oaks Subdivision, Section III and Authorize the Mayor to Execute Any Necessary Documentation** **Pages 68-71**
- 11. Discuss and Possibly Act Upon a Request for a Noise Variance from Christ Lutheran Church and Day School for a Fall Carnival and Fundraiser on October 17, 2015 from 2:00 p.m. – 6:00 p.m. at Christ Lutheran Church and Authorize the Mayor to Execute Any Necessary Documentation** **Pages 72-73**
- 12. Discuss and Possibly Act Upon Resolution No. R-15-027 Authorizing the Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 2015 Christmas Stroll and Lighted Parade to be Held on Saturday, December 5, 2015** **Pages 74-85**
- 13. Discuss and Possibly Act Upon an Ordinance on its First Reading Providing for Updated Service Credit and an Increase in Retirement Annuities in the Texas Municipal Retirement System** **Pages 86-90**
- 14. 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 Negotiation

CERTIFICATION

I certify that a copy of the October 1, 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 September 28, 2015 at **11:30 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 August 27, 2015 beginning at 4:00 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
Councilmember Weldon Williams, Jr.

Members absent:

None

Others present:

City Manager Terry Roberts, Assistant City Manager Rex Phelps, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Kacey Weiss, ACM-Chief Financial Officer Carolyn Miller, Purchasing Supervisor Sara Parker, Director of Community Services Wende Ragonis, Crystal Locke, Andria Heiges, Fire Chief Ricky Boeker, Interim Police Chief Dant Lange, Public Works Director Dane Rau, ACM of Public Utilities Lowell Ogle, Development Services Manager Erik Smith and Angela Hahn

Citizens present:

Perry Thomas, Lee Gaskamp, Jim Washburn, Devin Baker and Angela Dalrymple

Media Present:

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

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

3. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

4. Statutory Consent Agenda

4-a. Ordinance No. O-15-021 on Its Second Reading Amending the Official Zoning Map of the City of Brenham, from a Local Business/Residential Mixed Use (B-1) District to a Residential (R-1) District on 9.873 Acres of Land Out of the Phillip H. Coe Survey A-31 in Brenham, Washington County, Texas (Said Property Being Known as Timber Oaks Subdivision, Section III)

4-b. Ordinance No. O-15-022 on Its Second Reading Authorizing the Placement of Stop Signs on Bruce Street at Its Intersection with Ledbetter Lane and Woodson Lane

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve the Statutory Consent Agenda Item 4-a. and 4-b. as presented.

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

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

PUBLIC HEARING

5. Proposed Tax Rate of \$0.4731 per \$100 Valuation for Fiscal Year Beginning October 1, 2015 and Ending September 30, 2016

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item. Miller advised that a property tax rate of \$0.4731 per \$100 valuation is proposed. Miller stated that of this rate, \$0.2950 will be for maintenance and operation and the balance of \$0.1781 is for debt service.

Miller explained that based on the certified taxable values of \$1,188,742,237 the effective tax rate is \$0.4632 and the rollback rate is \$0.4766 per \$100 valuation for the 2015 Tax Year.

Miller advised that as outlined in the Property Tax Code, the Council must hold two public hearings to receive citizen comments on the proposed property tax rate. Miller stated that at each hearing, the Council must announce the date, time, and place of the meeting at which they will vote on the tax rate.

Mayor Tate announced that the first reading of the Ordinance to adopt the tax rate will be during a Special Council meeting on Monday, September 14, 2015 at 8:00 a.m. at City Hall, located at 200 W. Vulcan Street. The second reading of the Ordinance and adoption of the tax rate is scheduled for a Regular Council meeting on Thursday, September 17, 2015 at 1:00 p.m. at City Hall, located at 200 W. Vulcan Street.

WORK SESSION

6. Presentation and Discussion on the Possible Creation of a Non-Profit Charitable Organization for the City of Brenham

Director of Community Services Wende Ragonis presented this item. Ragonis advised that Staff would like to form a 501(c)(3) non-profit Charitable Foundation to provide funding for quality of life enrichment for recreation, literacy and community philanthropy and development.

Ragonis explained that a City of Brenham Community Services Foundation would provide a 501(c)(3) tax identification number which could meet the requirements of certain donors and granting entities which the City of Brenham is not currently eligible. Ragonis stated these additional funding opportunities could be applied to large capital projects augmenting local governmental funds which would further enhance services provided to community residents. Ragonis advised the activities of the non-profit Foundation would be managed by a Council-appointed board of directors.

Ragonis explained that Staff has consulted with the City Attorney to determine the process for creation of the non-profit Charitable Foundation and filing an application for tax exempt status with the Internal Revenue Service (IRS). Ragonis stated the estimated cost for the creation of the Charitable Foundation and the application to the IRS including the attorney fees is approximately \$2,500 which includes the \$850 application fee to the IRS. Ragonis advised that if Council is agreeable to forming a 501(c)(3) Foundation, the City Attorney and staff will complete the necessary documentation including the certificate of formation and by-laws for the Foundation and present the documents at a future Council meeting.

Councilmember Barnes-Tilley asked if any other cities have a non-profit charitable organization. Ragonis stated that the City of New Braunfels has established the same non-profit organization. City Attorney Cary Bovey advised that this kind of organization is approved by state law. Council advised Ragonis to move forward in forming the Foundation.

7. Presentation and Discussion of Collection Station Capital Needs and Rates, Including Brush Rates, at the City of Brenham Citizen's Collection Station

Public Works Director Dane Rau presented this item. Rau advised that Staff has actively been evaluating the Citizen's Collection Station capital needs and usage over the last year. Rau stated the Collection Station serves our entire community related to non-compactible waste disposal, proper tire disposal, and most notably brush collection and mulching operations. Rau noted that this facility continues to grow in volume but remains the same size related to our facility setup. Rau explained that rates have been established in the past for all different classes of waste and how they are handled with a heavy emphasis on the operation and capital needs in order to keep this facility moving forward. Rau explained that in 2002 the Diamond Z Tub Grinder was purchased and provided a means of minimizing the bulky brush that was brought to our facility. Rau stated it also opened the door to market double ground mulch to residents and businesses throughout the region. Rau advised that this was a large commitment and was lease purchased at the time for 7 years with a price tag of \$350,000. Rau stated this grinder has been truly awesome for our community and our facility.

Rau explained that over the years the tub grinder has performed well and allowed the City to deal with large amounts of brush from local storms, city projects and the past droughts. Rau noted that with these conditions and the workload, the tub grinder will eventually need to be replaced and upgraded. Rau explained that when evaluating the capital needs at the Collection Station a replacement grinder topped the list. Rau stated that other items such as major ramp and driveway improvements, facility/fence improvements, drainage improvements, miscellaneous equipment replacements, and scale replacements were also considered and applied to the master list of capital needs in order to maintain the Collection Station operations. Rau advised that with this list, staff felt it was a good time to start looking at ways where excess working capital could be established in order to match the needs for planned capital items within this department. Rau noted that the average capital needs over a 10 year period is right at the \$115,000 per year range. Rau stated that currently the Collection Station operation has been operating at a deficit the last two years by roughly \$55,000 (without any capital). Rau explained that in the 5 year capital plan, Staff has the tub grinder scheduled to be replaced in 2017-18 at a price tag of \$650,000. Rau stated that even though this replacement will most likely be lease purchased in the future, this is a considerable amount to impact working capital and Staff would prefer to look at the usage and rates of the Collection Station to offset these capital needs from the customers who utilize this portion of the operations.

Rau reminded Council that in April of 2015, they approved an increase for commercial brush customers to \$7.50/ton, which would increase revenues by a projected \$33,000. Rau also stated that the disposal of used tires was also increased slightly. Rau stated that with capital needs averaging \$115,000 over the next 10 years, the City needs to look at other options in order to meet the future capital needs.

Rau explained that over the past several years, his department has been overloaded with brush and have seen decreased revenues from the resale of double ground mulch. Rau advised that this has caused a hardship on the facility and brush grinding operations. Rau stated that the facility has excess brush that continually fills up the Collection Station area with single ground mulch. Rau noted that his Staff has to give a lot of the single ground mulch away just to prevent a fire hazard from occurring and this has been a constant battle. Rau explained that his Staff would like to discuss with Council a couple options that would allow the Collection Station to meet its future capital needs by charging customers of both the City and County a nominal fee for those who utilize the services provided.

Rau noted that the City currently has an interlocal agreement with Washington County and changing the rates would affect the amount that they would have to pay. City Manager Terry Roberts suggested there be a discussion with the County on updating the interlocal agreement to account for capital needs. The Council asked that the ILA Task Force meet with the County, review the current agreement and update it as needed to compensate for capital needs at the Collection Station.

After further discussion with Council it was determined that the City should charge a flat \$5.00 per brush load to both City and County residents and increase non-compactible waste rate an additional \$10.00 per ton.

REGULAR AGENDA

8. Discuss and Possibly Act Upon Ordinance No. O-15-023 on its Second Reading for the Abandonment of Live Oak Street

This item was brought back to Council on the Regular Agenda due to City Attorney Cary Bovey making some minor changes in Section IV of the Ordinance.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve Ordinance No. O-15-023 on its second reading for the abandonment of Live Oak Street.

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

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

9. Discuss and Possibly Act Upon an Ordinance on its First Reading authorizing the Placement of a Stop Sign on Cantey Street at Its Intersection with U.S. Highway 290 West Frontage Road and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau advised that due to the recent extension of Cantey Street, a stop sign will be required at the intersection of Cantey Street and the U. S. Highway 290 West frontage road. Rau explained that in order to place the sign and enforce it in the future, an ordinance is needed for the stop sign. Rau noted that construction work is nearing completion and before traffic is allowed on the roadway, this ordinance will need to be passed and a stop sign will be need to be erected.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve an Ordinance on its first reading authorizing the placement of a stop sign on Cantey Street at its intersection with U. S. Highway 290 Frontage Road 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	Yes

10. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending the FY2014-15 Adopted Budget and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item. Miller explained the highlights of the amendment to the FY2014-15 budget included the following revenue increases: General Fund revenues for sale of property and library grant proceeds, City and County HOT taxes for increased collections, Debt Service Fund revenues for the proceeds of the 2015 GO Refunding Bonds, Sanitation Fund revenues for the sale of the Chappell Hill landfill property, and Donations Fund revenue for a contribution received for downtown improvements.

Miller advised that the General Fund expenditures are being increased due to unanticipated expenses from the repair of the Ralston Creek street crossing, a donation to the Volunteer Fire Department, expenses related to a state softball tournament and for library technology equipment purchased through a grant. Other expense increases include: payments associated with the 2015 GO Refunding Bonds, Wastewater Fund expenses related to utility plant repairs, purchase of software in the PD Law Enforcement Fund, Donations Fund expenditures related to the Wayfinding Signage Program and Police Department body cameras, and the purchase of fire trucks in the 2014 Capital Projects Fund which were originally budgeted in FY14 but not received until FY15. Miller advised that City and County Hotel Occupancy Tax Funds are being amended for additional expenditures approved by the HOT Board during the current fiscal year. Miller stated that expenditures are being decreased in the Streets and Drainage Fund due to the temporary freeze of the street reconstruction program.

Miller advised that other budget amendment items included transfers between funds, the largest of which, is the transfer of the sales proceeds from the Chappell Hill landfill property from the Sanitation Fund to the General Fund and then its subsequent allocation to the 2014 Capital Projects Fund to be used for the library and animal shelter construction projects and to the Equipment Fund to be used for the remodel of the Fire Station living quarters.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve an Ordinance on its first reading amending the FY2014-15 adopted budget and authorize the Mayor to execute any necessary documentation.

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

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

11. Discuss and Possibly Act Upon RFP No. 15-009 for Bank Depository Services and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item. Miller stated that in June, the City solicited proposals for bank depository services for a two year period in accordance with the City Charter. Miller stated that the Charter was amended in May 2015, and therefore the City will now be on a five (5) year cycle. Miller explained the City received three proposals for banking services, which included: Bank of Brenham, BBVA Compass and Brenham National Bank. Miller stated Linda Patterson, of Patterson & Associates, assisted with the RFP process and the analysis of bank depository service proposals.

Miller stated the purpose of this analysis was to find the most cost effective and efficient banking situation for the City which provided all the necessary services. Miller explained on a fee basis Bank of Brenham with its “no fee” proposal was without a doubt the best option. Miller stated the high interest rate of 1% (although set and not established as floor if rates should rise) gave the bank the best package available to the City. Miller stated Patterson & Associates recommended that the City award the banking services contract to Bank of Brenham.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to Award RFP No. 15-009 for Bank Depository Services to Bank of Brenham for a period to begin September 1, 2015 and extend through August 31, 2020 with the condition that marketable securities will be pledged as collateral for demand deposits and authorize the Mayor to execute any necessary documentation.

Due to their being a conflict of interest with Mayor Tate, the Mayor Pro-Tem called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Abstain
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	Yes

12. Discuss and Possibly Act Upon the Acceptance of the Library Cooperation Grant offered by the Texas State Library and Archives Commission and funded by the Institute of Museum and Library Services in the Amount of \$8,800 for Five (5) Laptops with Accessories, and Ten (10) Licenses of GED Software for the Nancy Carol Roberts Memorial Library and Authorize the Mayor to Execute Any Necessary Documentation

Director of Community Services Wende Ragonis presented this item. Ragonis advised that The Texas State Library and Archives Commission (TSLAC) offered a competitive FY16 Library Cooperation Grant with funds from the Institute of Museum and Library Services (IMLS). Ragonis noted that this grant provides funding for programs that establish or enhance cooperative services among Texas library communities. Ragonis stated that Library staff met with Brenham ISD and Region 6 Adult Education representatives to discuss the benefit and impact of this grant opportunity. Ragonis advised that statistics from the Brenham Independent School District show an increase in the high school dropout rate from .4% in 2013 to 1.3% in 2014, and the 2010 census data reflects 5,400 people in Washington County under the age of 24 are without high school or GED credentials. Ragonis explained that the Library, as a provider of free and easy access to technology, is eager to fill this gap and expand educational opportunities in the community by developing a partnership with Brenham ISD and Region 6 Adult Education.

Ragonis advised that the Nancy Carol Roberts Memorial Library (NCRML) applied for the Texas State Library and Archives Commission grant. Ragonis stated that to meet the requirement of partnership development for the grant, a Memorandum of Understanding between Region 6 Adult Education and the Library was drafted. Ragonis noted that this document was been reviewed by the City Attorney.

Ragonis explained that the grant amount awarded to the NCRML was the Library Cooperation Grant in the amount of \$8,800. Ragonis advised that this is a reimbursement grant which would purchase new technology and GED software to be held and owned by the library. Ragonis stated that once notified of the award, Library staff collaborated with representatives of Brenham ISD and Region 6 Adult Education to determine which resources would best align with adult education needs.

Ragonis advised that those resources would include five laptops with accessories at an estimated cost of \$1,260 each for a total cost of \$6,300 and ten licenses of Aztec GED software at an estimated cost of \$250 for a total cost of \$2,500.

Councilmember Goss questioned the term of the software license. Ragonis stated that the license term is for one year. Ragonis noted that there is also a grant to purchase licenses as they expire and that the City is eligible to apply for the grant again.

A motion was made by Councilmember Williams and seconded by Councilmember Herring to approve the acceptance of the Library Cooperation Grant offered by the Texas State Library and Archives Commission and funded by the Institute of Museum and Library Services in the amount of \$8,800 for five (5) laptops with accessories, and ten (10) licenses of GED software for the Nancy Carol Roberts Memorial Library 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	Yes

13. Discuss and Possibly Act Upon Resolution No. R-15-021 In Support of Jefferson Square Housing, Ltd.’s Submission of an Application to the Texas Department of Housing and Community Affairs Requesting 2015 Low Income Housing Tax Credits for Jefferson Square Apartments

Assistant City Manager Rex Phelps presented this item. Phelps explained that Jefferson Square Housing, Ltd. has submitted a housing tax credits grant application to perform a \$1.2 million rehabilitation of the Jefferson Square Housing Apartments (housing for seniors) located at 801 W. Jefferson Street. Phelps noted that earlier this year Jeff Washburn of LCJ Management, Inc. requested the city council to support the grant application. Phelps advised that one of the grant requirements was for the city to assist with providing at least \$17,364 in financial support of the project. Phelps explained that this support will be made in the form of street improvements in front of and adjacent to the Jefferson Square Apartments. Phelps noted that this improvement will make a positive impact in the area and specifically to the rehabilitation project. Phelps stated the city recognizes the importance and encourages economic activity and affordable quality housing for seniors.

A motion was made by Councilmember Ebel and seconded by Councilmember Williams to approve Resolution No. R-15-021 in support of Jefferson Square Housing, Ltd.’s submission of an application to the Texas Department of Housing and Community Affairs requesting 2015 Low Income Housing Tax Credits for Jefferson Square Apartments

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	Yes

14. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- The next Council meeting will be Thursday, September 3rd at 1:00 p.m.
- There will be a special meeting on Monday, September 14th at 8:00 a.m. for adopting the budget and setting the tax rate. Staff is also adding insurance and risk management items to that agenda.
- The roofing material for the new library is on back order so the construction process has been held up the past few weeks.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on September 3, 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
Councilmember Weldon Williams, Jr.

Members absent:

None

Others present:

City Manager Terry Roberts, Assistant City Manager Rex Phelps, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Kacey Weiss, Assistant City Manager-Chief Financial Officer Carolyn Miller, Stacy Hardy, Susan Nienstedt, Kaci Konieczny, Cynthia Longhofer, Director of Community Services Wende Ragonis, Fire Chief Ricky Boeker, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Manager Erik Smith and Angela Hahn

Citizens present:

Fredericka DeBerry, Carol Muegge, Donna Culliver, Lynn Nolte, Jean Shoup, Cindy Nash and Suzette Moser

Media Present:

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

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – City Manager Terry K. Roberts**

3. Proclamations

- Childhood Cancer Awareness Month – September, 2015
- Constitution Week – September 17-23, 2015
- Library Card Sign-Up Month
- Washington County Big READ

4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Minutes from the July 20, 2015 and July 23, 2015 Budget Workshops and the August 6, 2015 Regular City Council Meeting

5-b. Ordinance No. O-15-024 on Its Second Reading Authorizing the Placement of a Stop Sign on Cantey Street at Its Intersection with U.S. Highway 290 West Frontage Road and Authorize the Mayor to Execute Any Necessary Documentation

5-c. Ordinance No. O-15-025 on Its Second Reading Amending the FY2014-15 Adopted Budget and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve the Statutory Consent Agenda Items 5-a., 5-b. and 5-c. 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	Yes

PUBLIC HEARING

6. Proposed Tax Rate of \$0.4731 per \$100 Valuation for Fiscal Year Beginning October 1, 2015 and Ending September 30, 2016

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item. Miller explained that the Council must hold two public hearings to receive citizen comments on a proposed tax rate. The first public hearing was held during the Council meeting on August 27, 2015. There were no citizen comments made on the proposed tax rate.

Miller advised that a property tax rate of \$0.4731 per \$100 valuation is proposed to fund the FY2015-16 Budget. Of this rate, \$0.2950 will be maintenance and operations (M&O). The balance of \$0.1781 is for debt service (interest and sinking or I&S).

Mayor Tate announced that the first reading of the Ordinance to adopt the tax rate will be during a Special Council meeting on Monday, September 14, 2015 at 8:00 a.m. at City Hall, located at 200 W. Vulcan Street. The second reading of the Ordinance and adoption of the tax rate is scheduled for a Regular Council meeting on Thursday, September 17, 2015 at 1:00 p.m. at City Hall, located at 200 W. Vulcan Street.

REGULAR AGENDA

7. Discuss and Possibly Act Upon Resolution No. R-15-022 Amending the Human Resources Policy Manual

Human Resource Manager Susan Nienstedt presented this item. Nienstedt stated that the current policy manual was adopted on March 1, 2010 and several revisions are necessary to be consistent with regulations and city procedures and practices. Nienstedt stated that the areas revised extensively were Vacation Leave and the Drug and Alcohol Use Policy. Nienstedt advised that two new sections, Cell Phone Use in the Workplace and Social Media, were added to the policy.

During discussion of the policy manual, it was determined that the following corrections needed to be made:

- Page 121: Add the wording “*not more than*” to the vacation carry over amount of two weeks; and
- Page 116: Add clarification wording of “*immediate family*” to clarify if more than five days are needed for family sick.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve Resolution No. R-15-022 amending the Human Resource Policy Manual effective September 3, 2015 with the two minor revisions as discussed.

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	Yes

8. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- Special Council meeting on Monday, September 14th at 8:00 a.m.
- The next regular meeting will be on Thursday, September 17th beginning at 1:00 p.m.
- Congratulations to Blue Bell for being back in operation.
- Blinn College's Hodde Technical Center received Federal grant money that will be used to double the size of the Center.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

Brenham City Council Minutes

A special meeting of the Brenham City Council was held on September 14, 2015 beginning at 8:00 a.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
Councilmember Weldon Williams, Jr.

Members absent:

None

Others present:

City Manager Terry Roberts, Assistant City Manager Rex Phelps, City Secretary Jeana Bellinger, Deputy City Secretary Kacey Weiss, Assistant City Manager-Chief Financial Officer Carolyn Miller, Stacy Hardy, Susan Nienstedt, Kaci Konieczny, Janie Mehrens, Debbie Gaffey, Director of Community Services Wende Ragonis, Fire Chief Ricky Boeker, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Manager Erik Smith and Angela Hahn

Citizens present:

Mary Horak

Media Present:

Arthur Hahn, Brenham Banner Press

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Milton Y. Tate, Jr.**

3. Citizens Comments

There were no citizen comments.

PUBLIC HEARING

4. Proposed Budget for Fiscal Year Beginning October 1, 2015 and Ending September 30, 2016

This budget will raise more total property taxes than last year's budget by an estimated \$207,149 (3.87%), and of that amount, \$75,540 is tax revenue to be raised from estimated new property added to the tax roll this year.

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item. Miller explained that the FY2015-16 proposed budget was the result of numerous staff hours as well as two Council Budget Workshops. Miller stated that during these workshops, staff presented the proposed budget to Council and all Council directed changes have been made.

Miller advised that as outlined in the Local Government Code, the proposed budget has been filed with the City Secretary and all required notices have been published. Miller stated that additionally, the Local Government Code requires the Council hold a Public Hearing to receive citizen comments on a proposed budget.

REGULAR AGENDA

5. Discuss and Possibly Act Upon Ratification of the Property Tax Increase Reflected in the Proposed Budget for Fiscal Year Beginning October 1, 2015 and Ending September 30, 2016, which Raises More Revenue from Property Taxes than the Previous Year's Budget

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item. Miller advised that in accordance with the Local Government Code, if a municipal budget raises more property taxes than in the previous year's budget, the City Council must formally ratify a property tax increase. Miller noted that FY2015-16 budget will raise more total property taxes than last year's budget by \$207,149 (3.87%), and of that amount \$75,540 is tax revenue to be raised from new property added to the tax roll this year. Miller stated that a vote must be taken to ratify the property tax increase reflected in the budget.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to ratify the property tax increase reflected in the proposed budget for the fiscal year beginning October 1, 2015 and ending September 30, 2016, which raises more revenue from property taxes than the previous year's budget.

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

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

6. Discuss and Possibly Act Upon an Ordinance on Its First Reading Adopting the Budget for Fiscal year Beginning October 1, 2015 and Ending September 30, 2016

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item. Miller advised that the proposed FY2015-16 Budget has been developed in compliance with the property tax code, local government code, and City Charter. Miller stated a property tax rate of \$0.4731 per \$100 valuation is necessary to fund the proposed budget. Miller explained that the proposed budget is on the City's website, on file with the City Secretary, and available at the Nancy Carol Roberts Memorial Library.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve an Ordinance on its first reading adopting the budget for fiscal year beginning October 1, 2015 and ending September 30, 2016.

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

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

7. Discuss and Possibly Act Upon an Ordinance on Its First Reading Levying Taxes for the Tax Year 2016 for the City of Brenham at \$0.4731 per \$100 Valuation

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item. Miller advised that the proposed FY2015-16 Budget includes a tax rate of \$0.4731 per \$100 valuation which has two components: maintenance and operations (M&O) and interest and sinking (I&S). Miller explained that the proposed tax rate of \$0.4731 will allocate \$0.2950 to the General Fund for maintenance and operations and the balance of \$0.1781 to the Debt Service Fund for interest and sinking. Miller noted that the City has complied with all of the notices, publications, and public hearings as required by the Tax Code.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring that property tax rate be increased by the adoption of a tax rate of \$0.4731 per \$100 valuation, which is effectively a 2.14% increase in the tax rate.

Mayor Tate called for a record 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	Yes

8. Discuss and Possibly Act Upon Renewal with Texas Municipal League Intergovernmental Risk Pool for General Liability, Law Enforcement Liability, Public Officials Liability, Mobile Equipment, Airport Liability, Property, Auto Liability and Physical Damage, Crime, Animal Mortality and Theft and Workers' Compensation Coverage for the City of Brenham for Fiscal Year 2015-16 and Authorize the Mayor to Execute any Necessary Documentation

Benefit Specialist Janie Mehrens presented this item. Mehrens advised that the renewal of various property and liability coverage with Texas Municipal League Intergovernmental Risk Pool for FY2016 showed a number of variations from the FY2015 contributions. Mehrens noted that the most significant change was in the Workers' Compensation contribution. Mehrens explained that the overall cost of the Property, Liability and Workers' Compensation coverage for the City for FY2016 will be increased by \$78,476 over FY2015. Mehrens stated that once the early pay discount and equity return are applied the amount will be \$76,640. The most significant changes occurred in Automobile Liability and Physical Damage as well as Worker's Compensation.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve the renewal with Texas Municipal League Intergovernmental Risk Pool for General Liability, Law Enforcement Liability, Public Officials Liability, Mobile Equipment, Airport Liability, Property, Auto Liability and Physical Damage, Crime, Animal Mortality and Theft and Workers' Compensation Coverage for the City of Brenham for fiscal year 2015-16 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	Yes

9. Discuss and Possibly Act Upon the Renewal of City of Brenham Group Health Plan with TML Multistate Intergovernmental Employee Benefits Pool and Establishment of Funding Rates for Calendar Year 2016 and Authorize the Mayor to Execute Any Necessary Documentation

Benefit Specialist Janie Mehrens presented this item. Mehrens advised that significant changes to the group medical plan were made by the carrier, TML Multistate Intergovernmental Employee Benefits Pool, and are being recommended by staff to reduce costs to employees and to the City of Brenham. Mehrens explained that the most notable change is incorporating a \$1,200 individual deductible plan that will allow the employee funding rate to remain at the current \$29.38 per month. Mehrens stated that City staff is recommending adoption of \$1,200 individual/\$2,400 family deductible, \$2,500 maximum individual out of pocket plan effective January 1, 2016.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve the renewal of City of Brenham group health plan with TML Multistate Intergovernmental Employee Benefits Pool and establishment of funding rates for calendar year 2016 as presented 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	Yes

10. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- There will be a reception on Thursday, September 17th at 12:30 p.m. to meet the new police chief. A more formal reception is being held at 4:00 that afternoon at the police station.
- The roofing material is still on back order for the library project.
- There is a job opening in Municipal Court for a City Prosecutor.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

ORDINANCE NO. O-15-028

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP TO GRANT A SPECIFIC USE PERMIT TO TRUE BELIEVER CHRISTIAN FELLOWSHIP ON BEHALF OF DONALD BOECKER, LAND OWNER, OF BRENHAM FOR A CHURCH AND RELATED AUXILIARY USES, INCLUDING EDUCATIONAL AND PHILANTHROPIC USES IN AN R-2 (MIXED RESIDENTIAL) ZONING DISTRICT AND BEING LOCATED ON LOTS 1-3 AND 30-32 OF THE COLLEGE HEIGHTS ADDITION IN THE CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS.

WHEREAS, the City of Brenham has adopted Appendix A – “Zoning” of the City of Brenham Code of Ordinances, as amended, which divides the City of Brenham into various zoning districts;

WHEREAS, Appendix A – “Zoning” of the City of Brenham Code of Ordinance authorizes the City Council to grant specific use permits for specific uses within the various zoning districts; and

WHEREAS, this amendment was recommended for approval by the Brenham Planning and Zoning Commission during its regular meeting on September 8, 2015;

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

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham is hereby amended to grant a specific use permit to True Believer Christian Fellowship, its successors and assigns, on behalf of Donald Boeker, land owner, of Brenham for a church and related auxiliary uses, including educational and philanthropic uses in an R-2 (Mixed Residential) zoning district and being located on lots 1-3 and 30-32 of the College Heights Addition in the City of Brenham, Washington County, Texas.

SECTION 2. This Ordinance shall take effect immediately upon the occurrence of all of the following: 1) compliance with the requirements of the Charter of the City of Brenham, Texas; and 2) the City of Brenham Planning and Zoning Commission’s approval of a replat of Lots 1, 2, 3, 30, 31, and 32 of the College Heights Addition into one (1) single lot, and the recording of said replat in the official records of Washington County, Texas.

SECTION 3. Upon holding a properly notified public hearing, the City Council may amend, change, or rescind the Specific Use Permit granted by this Ordinance if:

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

PASSED and APPROVED on its first reading this the 17th day of September, 2015.

PASSED and APPROVED on its second reading this the 1st day of October, 2015.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

ORDINANCE NO. O-15-029

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF PORTER STREET RIGHT-OF-WAY AS SHOWN ON THE PLAT FOR THE COLLEGE HEIGHTS ADDITION SUBDIVISION FILED FOR RECORD ON SEPTEMBER 21, 1915.

WHEREAS, the City of Brenham has ownership of Porter Street right-of-way as shown on the Plat for the College Heights Addition Subdivision filed for record on September 21, 1915 in the official records of Washington County, Texas; and

WHEREAS, an adjoining property owner has requested the abandonment and closing of a Street right-of-way; and

WHEREAS, the adjoining property owner requesting the abandonment of Porter Street right-of-way owns lots 1-32 of the College Heights Addition; and

WHEREAS, the abandonment and closing of the portion of the Porter Street right-of-way as shown on the plat for the College Heights Addition will not create an undue burden on traffic; and

WHEREAS, the City of Brenham has no need or use for the portion of the Porter Street right-of-way as shown on the plat for the College Heights Addition as a public thoroughfare, and said portion of the Porter Street right-of-way remains undeveloped, unimproved and unused; and

WHEREAS, the City Council of the City of Brenham desires to abandon and close the portion of the Porter Street right-of-way as shown on the plat for the College Heights Addition as a public thoroughfare, said closure and abandonment being in the best interest of the citizens of Brenham;

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

SECTION I.

That the portion of the Porter Street right-of-way as shown on the plat for College Heights Addition is hereby abandoned and closed as a public thoroughfare.

SECTION II.

This street right-of-way to be closed and abandoned is currently undeveloped and unimproved, and any existing or future maintenance by the City of Brenham will cease.

SECTION III.

The Mayor of the City of Brenham is hereby authorized to execute any documents necessary for the conveyance of the portion of Porter Street right-of-way as shown on the plat for the College Heights Addition, attached hereto as Exhibit "A" and incorporated herein for all purposes, to the adjoining property owners.

SECTION IV.

This Ordinance shall take full force and effect immediately from and after its passage and approval on second reading and approval by the Planning and Zoning Commission of a re-plat of the abandoned right-of-way parcels into conforming lots.

PASSED and **APPROVED** on its first reading this the 17th day of September, 2015

PASSED and **APPROVED** on its second reading this the 1st day of October, 2015.

Milton Y. Tate
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



AGENDA ITEM 6

DATE OF MEETING: October 1, 2015	DATE SUBMITTED: September 24, 2015	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Erik Smith	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input checked="" type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Presentation and Discussion Related to the Potential Rezoning of a Two Block Area Along the West Side of South Market Street Between West Stone Street and West Mansfield Street		
<p>SUMMARY STATEMENT: Staff has received a request to rezone three properties along South Market Street. The applicant's property is currently B-1 Local Business/Residential Mixed Use District. The request is to change those properties to B-2 Commercial, Research and Technology District. In order for these properties to be rezoned there would have to be a B-2 District contiguous to these properties. This is not the case. Staff has informed the applicant that without the two full blocks being rezoned to B-2 Commercial, Research and Technology District their request would be considered spot zoning which is illegal. The applicant has asked that we research what options there might be. Staff believes the only way to allow his request to proceed would be to have the City initiate rezoning the remaining tracts between West Stone Street north to West Mansfield Street. This would bring the zoning district to a location contiguous to an existing B-2 District.</p> <p>Staff has made an attempt to contact all of the properties within 200 feet of these two blocks that are currently zoned as R-1 Single Family Residential. We made contact with 18 out of 32 residences by knocking on doors and leaving business cards. The general reaction was either no concern/neutral or no opposition. There were three residents that were adamantly against the proposal.</p> <p>If the City Council was to choose to proceed with the rezoning of the two blocks staff would follow the ordinance and Local Government Code requirements of notification. We would be required to notify all of the property owners proposed to be rezoned along with the property owners within 200 ft. of the rezoning.</p>		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
<p>A. PROS: Additional uses would be allowed potentially increasing economic activity. Allow existing business to market to new potential buyers/lessee's.</p> <p>B. CONS: Allow for a zoning district that would be considered a higher impact zoning district or not a transitional district next to R-1 Single Family Residential.</p> <p style="text-align: center;">Placing the highest impact business district next to single family is not typically recommended from a city</p>		

planning perspective. Generally zoning is meant to protect single family residential districts.

ALTERNATIVES (In Suggested Order of Staff Preference): N/A

ATTACHMENTS: (1) Comparison Chart of Allowed Uses; (2) Exhibit of Boettcher Properties; (3) Exhibit of All Properties; (4) Exhibit of Location of Nearest B-2 District; and (5) Boettcher Rezoning Application

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: No action – discussion only

APPROVALS: Terry K. Roberts

B-1 Local Business/Residential Mixed Use

B-2 Commercial, Research and Technology

(Sec. 3.02) Permitted uses:

(Residential uses)

- (1) Any permitted use in R-2.
- (2) Bed and breakfast house.
- (3) Boarding and lodgings.
- (4) Multifamily development, including dormitories for students and fraternity or sorority houses on a development site of two (2) acres or more.

(Nonresidential uses)

- (1) Amusement, entertainment and fitness facilities, including bowling alleys, cinemas, health clubs, outdoor amusement, pool halls and private swim, tennis or similar clubs.
- (2) Automobile parts sales, new or rebuilt (over the counter).
- (3) Automobile parking lots (commercial).
- (4) Bakeries, retail sales only.
- (5) Banks, thrifts and similar financial institutions.
- (6) Bowling alleys, and other similar places of entertainment or amusement.
- (7) Churches and other institutions of a religious, educational, charitable or philanthropic nature, but not a penal or mental institution.
- (8) Cinemas and theaters for the performing arts.
- (9) Clinics limited to outpatient care.
- (10) Dancing or music academies.
- (11) Florist shops or greenhouses.
- (12) Frozen food lockers, for individual or family use.
- (13) Hotels and motels.
- (14) Laundries, self-service.
- (15) Mortuaries.
- (16) Pet shops, retail.
- (17) Offices and office buildings, including, but not limited to, medical offices and office buildings.
- (18) Personal service uses including barbershops, beauty parlors, photographic or artist studios, messengers, taxicabs, newspaper or telegraphic service stations, dry cleaning and pressing, dressmaking, tailoring, shoe repairing, repair of household appliances, bicycles and lawnmowers,

(Sec. 4.02) Permitted uses:

(Residential uses)

- (1) Multifamily, including dormitories for students and fraternity or sorority houses on sites of two (2) acres or more.
- (2) Reserved.
- (3) Retirement villages with site areas of two (2) acres or more.
- (4) Accessory residential uses.

(Nonresidential uses)

- (1) Permitted uses in B-1.
- (2) Apparel and other products assembled from finished textiles.
- (3) Automobile/vehicular uses (including boats, mobile home, motorcycles, motor homes, camper trailers, and other vehicles) such as:
 - (a) Paint and body shops or upholstery shops.
 - (b) Automobile (car) wash.
 - (c) Parts sales.
 - (d) Service stations.
 - (e) Repair and service garage.
 - (f) Tire sales.
 - (g) Vehicular sales and rentals.
 - (h) Vehicular storage.
- (4) Bakeries, wholesale.
- (5) Building material storage yards or lumber yards.
- (6) Candy and jewelry manufacturing.
- (7) Carpentry, painting, tinsmithing or welding shops.
- (8) Cemeteries.
- (9) Cleaning, dyeing plants and laundry.
- (10) Creamery, ice cream manufacturing and dairy operations.
- (11) Drugs and pharmaceutical products manufacturing.
- (12) Educational institutions (private).
 - (a) Business and trade schools.
 - (b) Accredited elementary and secondary schools.
 - (c) Colleges and universities.
- (13) Electronic products manufacturing.
- (14) Farm implement display and salesroom.

catering, restaurants, and other personal service uses of a similar character.

(19) Retail stores, general sales and service, and other local business uses supplying the everyday shopping needs of immediate neighborhood and subject to the following conditions:

(a) That it be conducted wholly within an enclosed building.

(b) That required yards not be used for display, sale or storage of merchandise, except as provided by specific use permit in the B-1 District.

(c) That required yards not be used for the storage of vehicles, equipment, containers or waste material.

(d) That all merchandise be sold on or from the premises to retail customers.

(20) Restaurants and cafeterias with or without drive-through or drive-in service.

(21) Shopping centers less than three (3) acres.

(22) Signs (advertising) used in connection with and on the same lot as the business establishments to which they refer, except that they shall not be placed within twenty-five (25) feet of any "R" district.

(23) Upholstering shops, not involving furniture manufacturing.

(24) Accessory buildings and uses customarily incident to any of the above uses, provided that such uses meet applicable performance standards as set forth in part II, division 1 of this ordinance.

(Sec. 3.03) Specific uses:

(1) Automobile service stations, including quick-lubes and windshield repair shops.

(2) Any extension or enlargement of floor area occupied by a legally existing nonconforming use, provided that said enlargement does not include an increase in the land area that is occupied at the time of the effective date of this ordinance.

(3) Educational institutions (private):

(a) Licensed kindergartens/nursery schools.

(b) Accredited elementary and secondary schools.

(c) Colleges and universities.

(d) Business and trade schools.

(4) Hospitals, acute or chronic care or nursing and convalescent homes or medical clinics, and assisted living facilities.

(15) Hospitals, acute and/or chronic care, nursing homes or convalescent homes, assisted living facilities and medical clinics.

(16) Mini-storage lots, enclosed.

(17) Plumbing shops for retail or wholesale distribution of fixtures, fittings and bathroom accessories, and similar uses involving stone, clay and blocks, etc. that require outside storage generally as permitted in the B-2 District (see applicable performance standards in Part II, Division 1, Section 11(5), Open Storage).

(18) Printing, engraving and newspaper plants.

(19) Private clubs on a site of three (3) acres or more.

(20) Research, development labs and offices.

(21) Retirement villages on site areas of two (2) acres or more.

(22) Radio or television broadcasting towers and stations or studios.

(23) Shopping centers, retail stores, general sales and services, on a site of three (3) acres or more.

(24) Upholstering shops which may involve furniture manufacturing.

(25) Veterinarian or animal hospital.

(26) Wholesale establishments and warehouses.

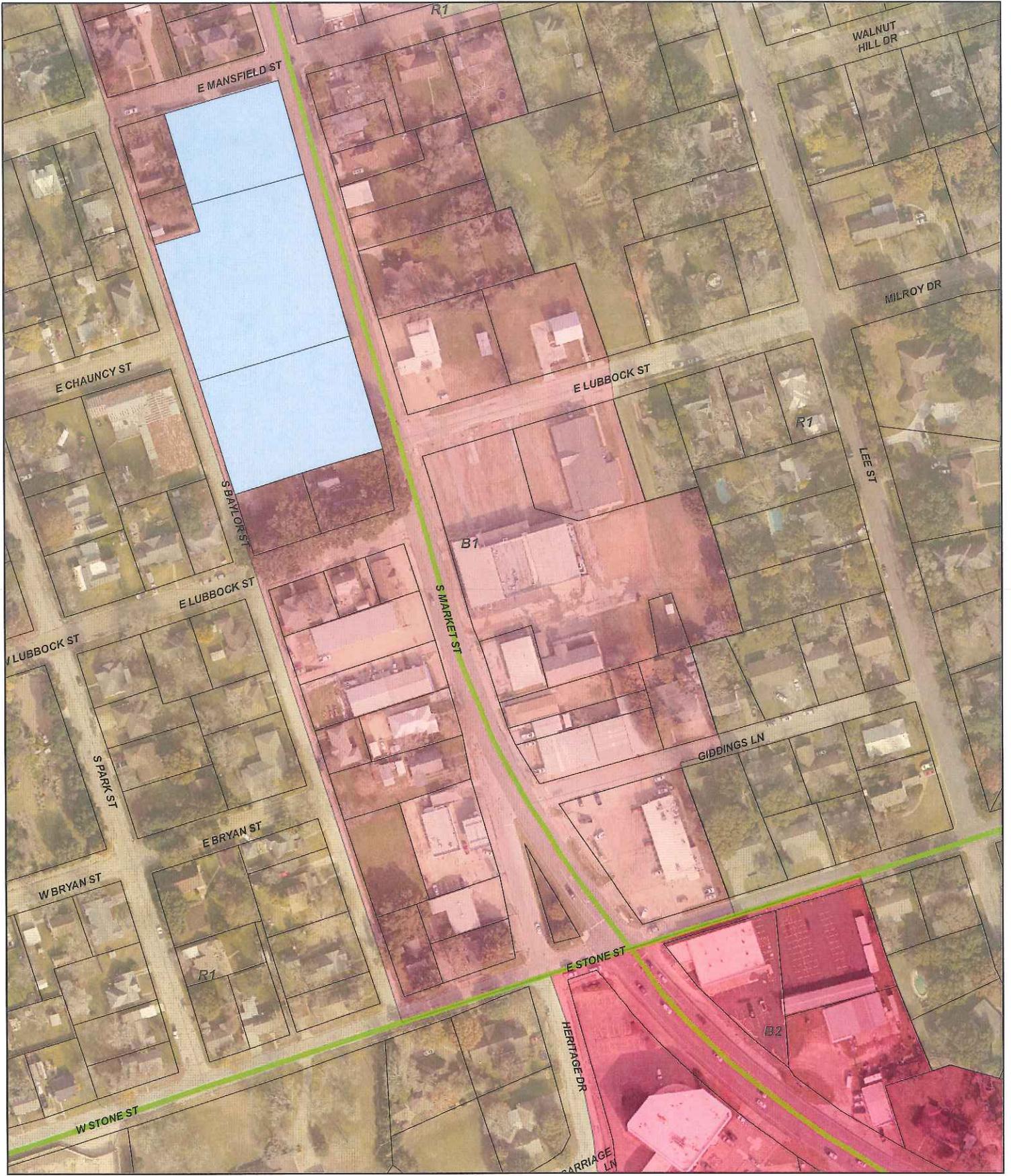
(27) Uses similar to the abovementioned permitted uses, provided activities conducted observe applicable performance standards as provided in Part II, Division 2 of this ordinance.

(28) Accessory buildings and uses customarily incident to any of the above uses, provided that such uses observe applicable performance standards as provided in Part II, Division 2 of this ordinance.

(Sec. 4.03) Specific uses:

(1) Licensed kindergartens/nursery schools.

- | | |
|---|--|
| <p>(5) Open (outdoor) display or storage of retail merchandise as an accessory use to uses permitted in the B-1 District.</p> <p>(6) Private clubs on a site of three (3) acres or more.</p> <p>(7) Radio broadcasting towers and stations.</p> <p>(8) Retirement villages with site areas of two (2) acres or more.</p> <p>(9) Shopping centers, retail stores, general sales and services on a site of three (3) acres or more.</p> <p>(10) Automobile detail shop.</p> | |
|---|--|



1 inch = 190 feet



Legend

Boettcher Properties

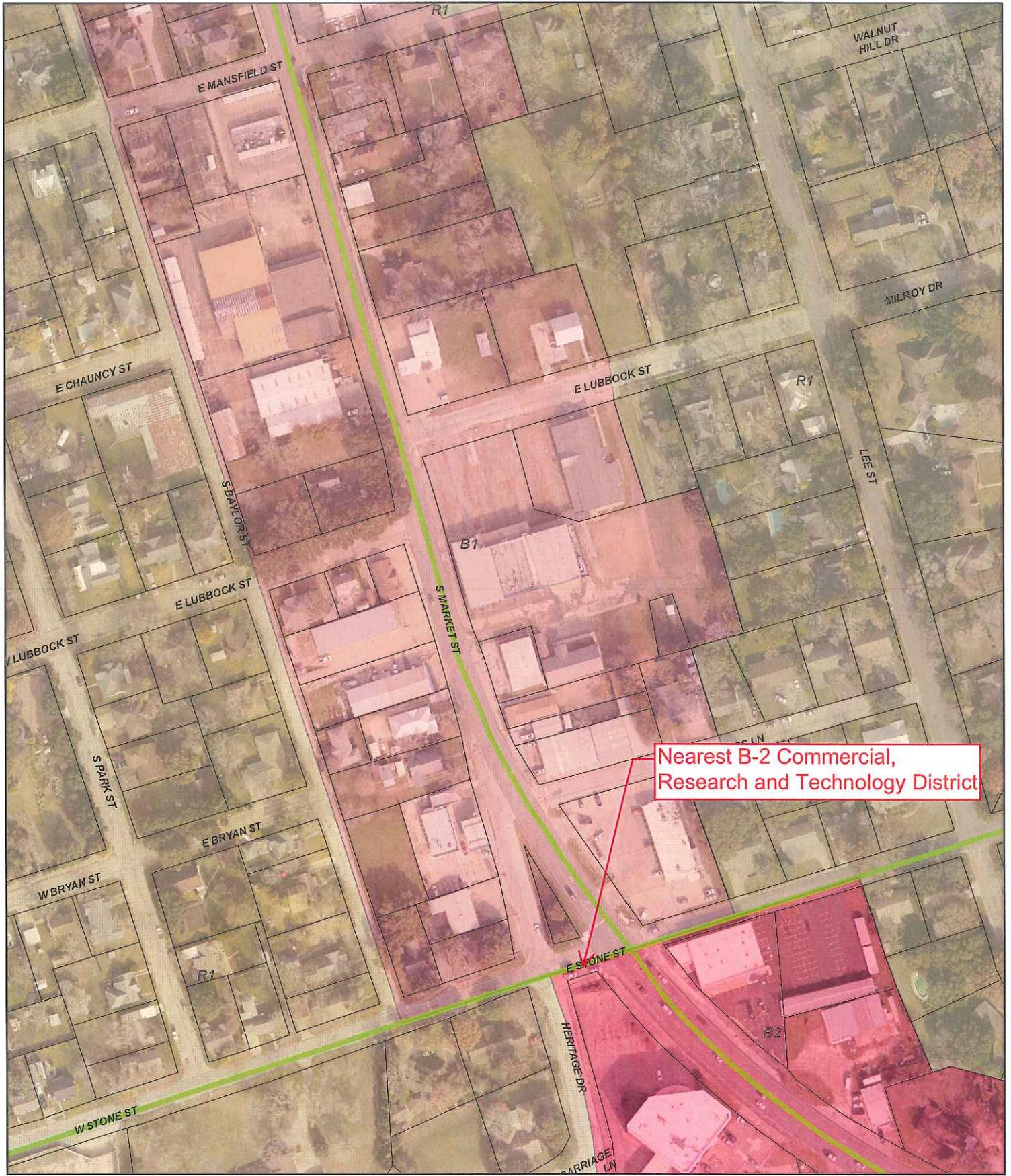


1 inch = 190 feet

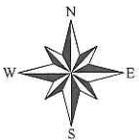


Legend

All Properties That Would Need Rezoning



1 inch = 190 feet



Kim Hodde

From: Ben Boettcher, AIA <ben@bba-architects.com>
Sent: Wednesday, September 02, 2015 4:08 PM
To: Kim Hodde
Cc: 'Janice Fairlie'
Subject: Rezoning Portion of South Market Street
Attachments: Signed GENERAL APPLICATION - zone change.pdf

Kim, attached is our application to request a zoning change from B-1 to B-2 for properties owned by two of my entities, BBA Architects and L&E Boettcher Family Partnership. The requested change affects 1600 South Market Street (former Sonic property), 1608 South Market Street (former Boettcher Building Center), and 1702 South Market Street (current BBA Architects' office). Let me know if you need additional information to process the application.

Ben Boettcher, AIA
BBA Architects LP
1702 South Market Street
Brenham, TX 77833
V 979.836.0523
C 979.830.3431
www.bba-architects.com
www.facebook.com/bba.architects



For office use only

APPLICATION NO. _____

MEETING DATE: _____

DATE SUBMITTED: 9/2/15

FILING FEE: \$100.00

CITY OF BRENHAM

GENERAL APPLICATION

Type of Application

- | | | | |
|--------------------------|----------------------------------|-------------------------------------|---------------------------------|
| <input type="checkbox"/> | Variance from Appendix A: Zoning | <input checked="" type="checkbox"/> | Zone Change |
| <input type="checkbox"/> | Specific Use Permit | <input type="checkbox"/> | Plan Review |
| <input type="checkbox"/> | Preliminary Plat | <input type="checkbox"/> | Final Plat/Replat/Amending Plat |
| <input type="checkbox"/> | Variance from Chapter 21: Signs | <input type="checkbox"/> | Other: _____ |

Property Owners Information BBA Architects, LP, through its general partner, CIRABE LLC and
Name L&E Boettcher Family Partnership, Ltd., through its general partner, B&B Square, LLC

Principal Officers (If Corporation) President _____

Secretary _____

Address 1702 South Market Street, Brenham, Texas 77833

Telephone Number 979-836-0523 E-mail Address ben@bba-architects.com

Applicant Information

Name Ben E. Boettcher, member of CIRABE LLC and B&B Square, LLC

Address 1702 South Market Street, Brenham, Texas 77833

Telephone Number 979-836-0523 E-mail Address ben@bba-architects.com

Agent or Engineer Information

Name _____

Address _____

Telephone Number _____ E-mail Address _____

Location of Property

Street Address: 1600/1608/1702 South Market Street, Brenham, Texas 77833

Legal Description (attach metes and bounds description if not subdivided): Part of Lots 1 & 2, and

Subdivision: Key's Second Addition Block(s): L and S Lot(s): all of Lots 3, 4, 5, 6, & 7

Zoning Information

Existing Zoning: B1 Local Business/Residential Mixed Use District (originally zoned as B2 prior to City rezoning without Owner's consent)

Proposed Zoning: B2 Commercial, Research and Technology

Reasons for requesting zone change:* Allow potential use of property under B2

Variance Information

Section of Code from which variance is described:* _____

Describe variance requested:* _____

Reasons for requesting variance:* _____

Proposed Property Use

Describe in detail the proposed operation at this location:*

Potential buyers in the past include automobile/vehicular use businesses, building material storage yards
or lumber yards, candy manufacturing, carpentry/painting/tinsmithing/welding shops, business & trade
schools, enclosed mini-storage lots, licensed kindergarten/nursery school

Construction Value \$ _____

Site plans are required for variance, special use, and plan review requests; please see Ordinance No. 0-05-007 for minimum site plan requirements.

I, Ben E. Boettcher, being the owner (or authorized agent) of the above described property, do hereby certify the information set forth above is true and correct. I further request that the Planning & Zoning Commission/Board of Adjustments/Plan Review Committee review this matter and take appropriate action.



Owner

Agent

*use attachment, if necessary

PERMITTING INFORMATION

ORDINANCE NO. 0-05-007 REQUIRES THE FOLLOWING:

- An application for a building permit shall be accompanied by a site plan and floor plan for all one- and two-family dwellings, commercial building and apartments five thousand (5,000) square feet or less. Large commercial and apartment buildings over five thousand (5,000) square feet, will require a full set of plans, including plumbing, electrical, mechanical, structural, final topography, MEP site plans, and all architectural and engineering seals. Utility requirements should be noted on all plans.
- Site plans must show:
 - (1). Plan drawn to scale of not smaller than one inch = 50' and labeled.
 - (2). Plan must show dimensions of all property lines.
 - (3). All existing and proposed structures must be shown with building dimensions and distances from property lines.
 - (4). Access must be shown with dimensions, shape, and location.
 - (5). All recorded public easements shall be shown and property dimensioned
 - (6). Location and width of curbs, draining ditches, sidewalks, and right-of-ways.
 - (7). Parking areas must be carefully shown dimensioned.
 - (8). Proposed finished floor elevation and top of curb elevations shall be noted. The floor plans shall include the proposed utility requirements for the structure. Plan review will be completed within ten (10) working days after submission of plans on most applications. Larger projects may take longer. After review, individual permits will be issued for building, electrical, mechanical, plumbing, fire system, and irrigation phases. Each individual permits will be issued for building electrical, mechanical, plumbing, fire system, and irrigation phases. Each individual contractor shall be responsible for inspection of his work. All plumbing, mechanical, fire system and irrigation contractors must show appropriate state license and proof of insurance. All electrical contractors shall have a current state license and all employees must have property journeyman or apprentice license on job. All extensions, taps, permit fees or deposits shall be paid at the time the permit is issued.
- Prior to construction, the contractor or owner shall verify with the city all utility locations and depths. The contractor shall be responsible for placing a string line on a minimum of two (2) property lines, the front and one side. The building inspector may request string lines on additional property lines. These string lines shall be in place at the time of the foundation inspection.
- All alterations to building layout, electrical, mechanical, plumbing and structural must have amended drawings and city approval prior to construction.
- The property owner is responsible for location of property lines and underground utilities. Fences shall not obstruct drainage or redirect drainage on adjacent property. Any fence along or across an easement may be removed by utility personnel. The city is not required to reconstruct any fences inside of utility easements.
- All retainer wall construction requires written approval of the city prior to construction. All cut and/or fill on an improved property requires written city approval prior to work.
- A certificate of occupancy will be issued at the completion of all new construction by the city building department. Permanent service will be connected upon issuance of the certificate of occupancy. No occupancy of the building will be allowed prior to the issuance of the certificate of occupancy. No exceptions will be made without written consent of the city building official.



AGENDA ITEM 7

DATE OF MEETING: October 1, 2015	DATE SUBMITTED: September 18, 2015	
DEPT. OF ORIGIN: Finance	SUBMITTED BY: Carolyn D. Miller	
MEETING TYPE: <input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> SPECIAL <input type="checkbox"/> EXECUTIVE SESSION	CLASSIFICATION: <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT <input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> WORK SESSION	ORDINANCE: <input type="checkbox"/> 1 ST READING <input type="checkbox"/> 2 ND READING <input checked="" type="checkbox"/> RESOLUTION
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-15-024 Reauthorizing an Investment Policy for the City of Brenham		
SUMMARY STATEMENT: In 1987, the Texas Legislature adopted the Public Funds Investment Act (PFIA) which established guidelines for local governments. This Act requires that a local government adopt a written investment policy and reauthorize the policy annually. I checked with Linda Patterson of Patterson & Associates, to see if there were any recent legislative changes that we need to make. There was only one change related to continuing training which was reduced from 10 hours to eight hours.		
Section V. Responsibilities and Control <u>Quality and Capability of Investment Management</u> <input checked="" type="checkbox"/> As required by the PFIA, the designated Investment Officer shall attend 10 hours of investment training within 12 months of their designation and <i>every successive two fiscal years shall attend eight hours of training.</i>		
We are asking Council to reauthorize the proposed policy with changes as noted.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items): A. PROS: B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Resolution No. R-15-024 and (2) Investment Policy dated October 1, 2015		
FUNDING SOURCE (Where Applicable):		

RECOMMENDED ACTION: Approve Resolution No. R-15-024 Reauthorizing an Investment Policy for the City of Brenham dated October 1, 2015

APPROVALS: Terry K. Roberts

RESOLUTION NO. R-15-024

A RESOLUTION REAUTHORIZING AN INVESTMENT POLICY FOR THE CITY OF BRENHAM

WHEREAS, in the 1987 session the Texas Legislature adopted the Public Funds Investment Act, “the Act”, which established guidelines for local government investments; and

WHEREAS, the Act requires that a local government adopt a written investment policy; and

WHEREAS, the Act requires the governing body of a local government to reauthorize the written investment policy annually; and

WHEREAS, the amended policy dated October 1, 2015 complies with the provision of the Act; and

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

Section 1: The City of Brenham Investment Policy attached hereto as “Exhibit A” is hereby reauthorized as the investment policy of the City of Brenham effective October 1, 2015.

Section 2: This Resolution shall take effect immediately upon its passage.

APPROVED on this _____ day of _____, 2015.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



INVESTMENT POLICY

I. POLICY

It is the policy of the City of Brenham that all available funds shall be invested in conformance with these legal and administrative guidelines with consideration for anticipated cash flow requirements and consideration of the safety and risk of investments. The City shall seek to optimize interest earnings to the extent possible based on these risk parameters.

Effective cash management is recognized as essential to good fiscal management. Investment interest is a source of revenue to City of Brenham funds. The City of Brenham's investment portfolio shall be designed and managed in a manner designed to obtain the highest reasonable earnings from this revenue source, to be responsive to public trust, and to be in compliance with legal requirements and limitations.

Investments shall be made with the primary objectives of:

- **Safety** and preservation of principal
- Maintenance of sufficient **liquidity** to meet operating needs
- Diversification to avoid concentrated risk
- **Public trust** from prudent investment activities
- Optimization of **interest earnings** on the portfolio

The Investment Policy addresses the methods, procedures and practices that must be exercised to ensure effective and judicious fiscal management of the City of Brenham's funds. This Policy serves to satisfy the statutory requirements of the Public Funds Investment Act, the "Act", (Texas Government Code, Chapter 2256) in defining and adopting a formal investment policy and strategy. The policy and strategy shall be reviewed by the Audit / Investment Committee and adopted by resolution of the City Council no less than annually. Any modifications to the Policy will be noted in the written resolution.

II. SCOPE

This Investment Policy shall govern the investment of all financial assets of the City of Brenham. These funds are accounted for in the City of Brenham's Comprehensive Annual Financial Report (CAFR) and include:

- General Fund
- Special Revenue Funds
- Capital Projects Funds
- Enterprise Funds
- Trust and Agency Funds, to the extent not required by law or existing contract to be kept segregated and managed separately
- Debt Service Funds, including reserves and sinking funds, to the extent not required by law or existing contract to be kept segregated and managed separately
- Brenham Community Development Corporation Funds
- Internal Service Funds
- Self-Insurance Funds
- Any new fund created by the City of Brenham, unless specifically exempted from this Policy by the City Council or by law.

The City of Brenham may consolidate cash balances from all funds for investment purposes and efficiencies. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles. The consolidated portfolio will address the varying needs, goals, and objectives of each fund.

This Investment Policy shall apply to all transactions involving the financial assets and related activity for all the foregoing funds. However, this Policy does not apply to the assets administered for the benefit of the City of Brenham by outside agencies or under deferred compensation programs.

III. INVESTMENT OBJECTIVES

The City of Brenham shall manage and invest its cash with five primary objectives, listed in order of priority: **safety, liquidity, diversification, public trust, and yield**. The safety of the principal invested always remains the primary objective. All investments shall be designed and managed in a manner responsive to the public trust and consistent with state and local law.

The City of Brenham shall maintain a comprehensive cash management program, which includes timely collection of account receivables, vendor payments in accordance with invoice terms, and prudent investment of funds. Cash management is defined as the process of managing monies in order to ensure cash availability and reasonable market earnings on the City's assets.

SAFETY

Safety of principal is the foremost objective of the investment program. Investments of the City of Brenham shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. Competitive bidding and perfected ownership of investments will be in place at all times. The objective will be to mitigate credit and interest rate risk. Each investment transaction shall be conducted in a manner to control the risk of capital loss by investing in high credit quality securities.

- Credit Risk – The Entity will minimize credit risk, the risk of loss due to the failure of the issuer or backer of the investment, by:
 - Limiting investments to the highest credit quality investments
 - Pre-qualifying the financial institutions and broker/dealers with which the City of Brenham transacts business
 - Perfecting City ownership by delivery versus payment settlement, and
 - Diversifying the investment portfolio so that potential credit or market risk is minimized.
- Market Risk – the City will minimize the risk from interest rate volatility by:
 - Structuring the investment portfolio to meet cash requirements for ongoing operations, thereby avoiding the need to liquidate investments prior to maturity.
 - Investing operating funds in laddered securities and maintaining a liquidity portion to cover unanticipated expenses.

LIQUIDITY

The City of Brenham investment portfolio shall be structured in a ladder of maturities to match expected liabilities along with a liquidity portion to meet unanticipated liabilities. Securities will have active secondary markets.

PUBLIC TRUST

All participants in the City of Brenham’s investment process shall seek to act responsibly as custodians of the public trust. Investment officers shall avoid any transaction that might impair public confidence in the City of Brenham’s ability to govern effectively.

DIVERSIFICATION

The portfolio will be diversified by market sector and maturity based on the cash flow and risk tolerances of the City.

YIELD

The City of Brenham investment portfolio shall be designed with the objective of attaining a reasonable market yield throughout budgetary and economic cycles, taking into account the City’s investment risk constraints and the cash flow characteristics of the portfolio. Yield is secondary to the safety and liquidity objectives described above.

Based upon the cash flow of the City the maximum dollar-weighted average maturity of the consolidated portfolio shall be six months. The benchmark used to determine whether reasonable yields are being achieved shall be the six month U.S. Treasury Bill.

IV. INVESTMENT STRATEGY

The City of Brenham maintains a consolidated portfolio which is designed to address the unique characteristics of the fund groups represented in the portfolio.

Operating Funds: The primary objective for operating funds is to assure anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure which will experience minimal volatility during economic cycles. This may be accomplished by purchasing high credit quality, short to medium term securities in a laddered structure. The maximum dollar weighted average maturity of six months reflects the expenditure cash flow of operating funds and will be calculated using the stated final maturity dates of each security.

Capital Project Funds: Funds for capital projects or special purposes should be invested based on anticipated cash flows and allow for flexibility and unanticipated project outlays. At no time will the stated final maturity dates of investments exceed the estimated project completion date on capital project funds.

Debt Service Funds: Debt service funds shall be invested with the primary objective of funding debt service obligations on the required payment date. Priority will be given to funding the next debt service due before any extensions are made in the funds.

Debt Service Reserve Funds: Debt Service Reserves should be invested to generate a dependable revenue stream from securities with a low degree of volatility. Securities should be short to medium term maturities and of high credit quality.

The City primarily utilizes a passive “buy and hold” portfolio strategy. Maturity dates are primarily matched with cash flow requirements and investments are purchased with the intent to be held until maturity. However, investments may be liquidated prior to maturity for the following reasons:

- An investment with declining credit may be liquidated early to minimize loss of principal.
- Cash flow needs require that the investment be liquidated.
- Market conditions present an opportunity to benefit from the trade.

V. RESPONSIBILITY AND CONTROL

CITY COUNCIL RESPONSIBILITIES

The City Council, in accordance with the Act, shall:

- Designate Investment Officers by resolution
- Receive and review quarterly investment reports
- Annually review and approve the City's broker/financial institution certification list – *As noted in Section VIII, the governing body has designated this responsibility to the Audit & Investment Committee*
- Review and adopt the investment policy and strategy at least annually
- Provide for investment training for investment officers

INVESTMENT OFFICERS

The Chief Financial Officer and the City Manager are hereby designated as "Investment Officers" pursuant to the Act. Investment Officers are delegated authority to invest the funds on behalf of the City and such authorization shall remain in effect until rescinded by the City Council or until the Officer resigns or is terminated. The Investment Officers are authorized to execute investment transactions on behalf of the City. No person may engage in an investment transaction or the management of City of Brenham funds except as provided under the terms of this Investment Policy as approved by the City Council.

Investment Officers shall:

- Obtain training as defined by the Act and this Policy
- Prepare, sign, and submit quarterly investment reports to Council
- Maintain compliance files on all counter-parties (brokers) and provide the list for Council approval at least annually
- Provide for competitive bidding
- Disclose personal business relationships in accordance with policy
- Maintain full and complete records of the City's portfolio and transactions.

QUALITY AND CAPABILITY OF INVESTMENT MANAGEMENT

The Investment Officers shall obtain training in investments. The seminars should be offered by professional organizations, associations, and other independent sources approved by Council. The training is to insure the quality and capability of investment management in compliance with the Act.

In accordance with the Act, the designated Investment Officers shall attend 10 hours of investment training session within 12 months of their designation and every successive two fiscal years shall attend eight hours of training. A newly appointed Investment Officer must attend a training session of at least 10 hours of instruction within twelve months of the date the officer took office or assumed the officer's duties. For purposes of this policy, an "independent source" from which investment training shall be obtained shall include a professional organization, an institution of higher education or any other sponsor other than a business organization with whom the City of Brenham may engage in an investment transaction.

INTERNAL CONTROLS

The Chief Financial Officer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management.

The Chief Financial Officer shall establish a process for a compliance audit on policies and procedures. The internal controls shall address the following points at a minimum.

- Control of collusion.
- Separation of transactions authority from accounting and record keeping.
- Custodial safekeeping.
- Clear delegation of authority to subordinate staff members.
- Written confirmation for all transactions for investments and wire transfers.
- Review of wire transfer agreements with the depository bank or third party custodian.
- Review of compliance with the Act and this Policy.

The Chief Financial Officer shall monitor, on no less than a monthly basis, the credit rating on all authorized investments in the portfolio based upon independent information from a nationally recognized rating agency. If any security falls below the minimum rating required by Policy, the Investment Officer shall notify the City Manager of the loss of rating, conditions affecting the rating and possible loss of principal with liquidation options available, within three days after notification of the loss of the required rating.

PRUDENCE

The standard of prudence to be applied to all transactions shall be the "prudent person rule". This rule states that "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

In determining whether an Investment Officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

- The investment of all funds, or funds under the City's control, over which the Officer had responsibility rather than a consideration as to the prudence of a single investment.
- Whether the investment decision was consistent with the written approved Investment Policy of the City.

INDEMNIFICATION

The Investment Officer, acting in accordance with written procedures and exercising due diligence, shall not be held personally liable for a specific investment's credit risk or market price changes, provided that these deviations are reported immediately and the appropriate action is taken to control adverse developments.

ETHICS AND CONFLICTS OF INTEREST

All participants in the investment process shall seek to act responsibly as custodians of the public trust. Investment officers shall avoid any transaction that might impair public confidence in the City's ability to govern effectively. Officers and employees involved in the investment process shall refrain from personal business activity that would conflict with the proper execution and management of the investment program, or that would impair their ability to make impartial decisions.

Council members, employees and Investment Officers shall disclose to the Texas Ethics Commission and the City Manager, and the City Manager discloses to the City Council if:

- a) The officer has a personal business relationship with a business organization offering to engage in an investment transaction with the City; or
- b) The officer is related within the second degree by affinity of consanguinity, as determined under Chapter 573 of the Texas Government Code, to an individual seeking to transact investment business with the City; or
- c) The officer has any material interests in financial institutions with which they conduct business; or
- d) The officer has any personal financial/investment positions that could be related to the performance of the investment portfolio.

Employees and officers shall refrain from undertaking personal investment transactions with the same individual with which business is conducted on behalf of the City of Brenham.

VI. SUITABLE AND AUTHORIZED INVESTMENTS

City funds may be invested only in the instruments described below, all of which are authorized and further defined by the Act. The City will not be required to liquidate an investment that becomes unauthorized subsequent to its purchase.

I. AUTHORIZED INVESTMENTS

1. Obligations of the United States of America, its agencies and instrumentalities with stated maturities not to exceed three (3) excluding mortgage backed securities.
2. Obligations of the this State or any State or agency thereof including political subdivisions having been rated as investment quality by two nationally recognized investment rating firm, and having received a rating of not less than "AA" or its equivalent with maturities not to exceed three (3) years.

3. Fully insured or collateralized Certificates of Deposit issued by a bank doing business in Texas insured by the Federal Deposit Insurance Corporation or its successor or secured by obligations in a manner provided for by this Policy and state law with maturities not to exceed 12 months.
4. Fully collateralized direct repurchase agreements as defined by the Act with a defined termination date. Collateral shall be pledged to the City, held in the City's name, and deposited with a third party approved by the City. Repurchase agreements must be purchased through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in Texas. A Bond market Association Master Repurchase Agreement must be executed prior to investment. All repurchase agreement transactions will be on a delivery vs. payment basis. Securities received for repurchase agreements must have a continuous market value equal to or greater than 102%. Repurchase agreements shall not have maturities over 3 months. Flex repurchase agreements used exclusively for capital project funds may exceed three months but may not be for a period longer than the expected expenditure of the bond proceeds.
5. AAA-rated money market mutual funds that are 1) registered and regulated by the Securities and Exchange Commission, 2) have a dollar weighted average stated maturity of 60 days or less, 3) are rated AAA by at least one nationally recognized rating service, and 4) seek to maintain a net asset value of \$1.00 per share.
6. Constant dollar, local government investment pools, which 1) are created under and conform to the requirements of the Act, 2) are rated no lower than AAA or an equivalent rating by at least one nationally recognized rating service, 3) seek to maintain a \$1.00 net asset value, and 4) are authorized by resolution or ordinance by the City Council.
7. Fully insured or collateralized interest bearing or money market account in any bank in Texas.

II. UN-AUTHORIZED INVESTMENTS

The Act and this Policy prohibits investment in the following investment instruments:

- Obligations whose payment represents the coupon payments of the outstanding principal balance of the underlying mortgage-backed security collateral and pay no principal (Interest Only mortgage backed securities);
- Obligations whose payment represents the principal stream of cash flow from underlying mortgage-backed security collateral and bear no interest (Principal only mortgage backed securities);
- Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years;
- Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index; and

The practice of "leveraging" whereby funds are borrowed for the sole purpose of investing is prohibited.

VII. INVESTMENT PARAMETERS

MAXIMUM MATURITIES

The longer the maturity of investments, the greater their price volatility; therefore, it is the City’s policy to concentrate its investment portfolio in shorter-term securities in order to limit principal risk caused by changes in interest rates.

The City shall attempt to match its investments with anticipated cash flow requirements. The City will not directly invest in securities maturing more than three (3) years from the date of purchase; however, the above described obligations, certificates, or agreements may be collateralized using longer dated investments.

The consolidated portfolio will have a maximum dollar-weighted average maturity of six months. This dollar-weighted average will be calculated using the stated final maturity dates of each security.

DIVERSIFICATION

The City of Brenham recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Risk is controlled through portfolio diversification that shall be achieved by the following general guidelines:

- Limiting investments to avoid over concentration in investments from a specific issuer or business,
- Limiting investment in investments that have higher credit risks
- Investing in investments with varying maturities, and
- Continuously investing a portion of the portfolio in readily available funds such as local government investment pools (LGIPs), or money market funds to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

The following maximum limits, by instrument, are established for the City of Brenham’s total portfolio:

1. U.S. Treasury Securities.....	90 %
2. Agencies and Instrumentalities	80 %
3. Certificates of Deposit	20 %
4. Repurchase Agreements*	80 %
5. Money Market Mutual Funds	20 %
6. Authorized Pools	100 %

**Excluding flexible repurchase agreements for bond proceeds investments*

VIII. SELECTION OF BANKS AND DEALERS

DEPOSITORY

As required by the City of Brenham Charter, every two (2) years a banking services depository shall be selected through a competitive process, which shall include a formal request for proposal (RFP) and be consistent with state law. The selection of a depository will be determined by competitive bid and evaluation of bids will be based on the following selection criteria:

- The ability to qualify as a depository for public funds in accordance with state law.
- The ability to provide required services.
- The ability to meet all requirements in the banking RFP.
- The lowest net banking service cost, consistent with the ability to provide an appropriate level of service.
- The credit worthiness and financial stability of the bank.

All banks will execute a written depository agreement in accordance with FIRREA¹ designating authorized collateral.

AUTHORIZED BROKERS/DEALERS

The City Audit/Investment Committee shall, at least annually, review, revise, and adopt a list of qualified broker/dealers and financial institutions (banks and pools) authorized to engage in securities transactions with the City. Those firms that request to become qualified bidders for securities transactions will be required to provide information for the City's questionnaire that provides information regarding creditworthiness, contact information, and experience; and 2) the City's certification stating the firm has received, read and understood the City of Brenham's Investment Policy and have in place controls to prohibit selling the City any security not authorized by that Policy.

The City shall have a minimum of three broker/dealers to assure competitive bidding. Authorized firms may include primary dealers or regional dealers and qualified depositories. All investment providers, including financial institutions, banks, and local government investment pools, must sign the City's certification.

COMPETITIVE BIDS

All transactions will be made on a competitive basis. The Chief Financial Officer shall develop and maintain procedures for ensuring a competition in the investment of the City funds.

¹The Financial Institutions Resource and Recover Enforcement Act governs the actions of the FDIC in cases of bank default.

DELIVERY VS. PAYMENT

Securities shall be purchased only using the **delivery vs. payment** method with the exception of investment pools and mutual funds. Funds will be released after notification that the purchased security has been received by the custodian.

IX. SAFEKEEPING OF SECURITIES AND COLLATERAL

SAFEKEEPING AND CUSTODIAN AGREEMENTS

The City of Brenham shall contract with a depository for the safekeeping of securities owned by the City of Brenham as part of its investment portfolio or approve the custodial agreement for collateral to secure demand or time deposits. Securities owned by the City of Brenham shall be held in the City's name as evidenced by safekeeping receipts of the institution holding the securities.

Collateral for deposits will be held by an independent third party custodian outside of the pledging bank and evidenced by original safekeeping receipts of the pledging institution with which the collateral is deposited. Original safekeeping receipts and monthly collateral reports shall be delivered to the City.

COLLATERAL POLICY

Consistent with the requirements of the Public Funds Collateral Act, it is the policy of the City to require collateralization of City funds in time and demand deposit with any depository bank. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be 102% of market value of principal and accrued interest on the deposits or investments less an amount insured by the FDIC. At its discretion, the City of Brenham may require a higher level of collateralization for certain investment securities.

Securities pledged as collateral shall be held by an independent third party outside the holding company of the pledging bank with whom the City has a current custodial agreement. The Chief Financial Officer is responsible for entering into or approving collateralization agreements with custodians. The agreements are to specify the acceptable investment securities for collateral, including provisions relating to possession of the collateral, the substitution or release of investment securities, ownership of securities, and the method of valuation of securities. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to and retained by the City. Collateral shall be priced weekly at a minimum and to assure that the market value of the pledged securities is adequate.

Any substitution of collateral shall require prior City approval. The substituted security's market value will be equal to or greater than the required security value. Written notification of the substitution must be provided to the bank or safekeeping agent prior to any security release.

COLLATERAL DEFINED

The Entity shall accept only the following types of collateral:

- Obligations of the United States or its agencies and instrumentalities including mortgage backed securities
- Direct obligations of the state of Texas or its agencies and instrumentalities rated as to investment quality by a nationally recognized rating firm not less than A or its equivalent
- Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized rating firm not less than A or its equivalent

SUBJECT TO AUDIT

All collateral shall be subject to inspection and audit by the Chief Financial Officer or the City of Brenham's independent auditors.

X. PERFORMANCE

PERFORMANCE STANDARDS

The City of Brenham's investment portfolio will be managed in accordance with the parameters specified within this Policy. The portfolio shall be designed with the objective of obtaining a reasonable yield throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow requirements of the City.

PERFORMANCE BENCHMARK

It is the policy of the City of Brenham to purchase investments with maturity dates coinciding with cash flow needs. Through this strategy, the City shall seek to optimize interest earnings utilizing allowable investments available on the market at that time. Market value will be calculated on a monthly basis on all securities owned and compared to current book value. The City of Brenham's portfolio shall be designed with the objective of regularly meeting or exceeding the period average yield on the six month U.S. Treasury Bill which is comparable to the City's maximum weighted average maturity in days based on its cash flow analysis.

XI. REPORTING

METHODS

The Investment Officer shall prepare an internal investment report on a monthly basis and on a quarterly basis for Council that summarizes investment strategies employed in the most recent quarter and describes the portfolio in terms of investment securities, maturities including the yield for the quarter.

The quarterly investment report shall be in compliance with the Act and include a summary statement of investment activity prepared in compliance with generally accepted accounting principles. This summary will be prepared in a manner that will allow the City Audit/Investment Committee to ascertain whether investment activities during the reporting period have conformed to the Investment Policy. The report will be provided to the City Council for review. The report will include the following:

- A listing of individual securities held at the end of the reporting period.
- Unrealized gains or losses as calculated on the beginning and ending book and market value of securities for the period.
- Additions and changes to the market value during the period.
- Average weighted yield of portfolio as compared to the City's benchmark.
- Listing of investments by maturity date.
- Fully accrued interest and earnings for the reporting period
- The percentage of the total portfolio that each type of investment represents.
- Any additional reporting information as required by the Act.
- Statement of compliance of the City of Brenham's Investment Policy and the Act.

Month-end market prices on each security are to be obtained from nationally recognized security databases (e.g., The Wall Street Journal, Bloomberg, etc.).

An independent auditor will perform an annual formal review of the quarterly reports with the results reported to the governing body.

MONITORING MARKET VALUE

Market value of all securities in the portfolio will be determined on a monthly basis. These values will be obtained from a reputable and independent source reported in the quarterly report.

XII. INVESTMENT POLICY ADOPTION

The City of Brenham’s Investment Policy shall be adopted no less than annually by resolution of the City Council. The City of Brenham’s Investment Policy shall be subject to revisions consistent with changing laws, regulations, and needs of the City but any such changes must be adopted by the Council before use. The resolution adopting the policy and strategies must include any changes or modifications to the Policy.

AUTHORITY/DATE ISSUED:

City Council Resolution # R-07-026	November 15, 2007
City Council Resolution # R-08-037	October 16, 2008
City Council Resolution # R-09-024	October 15, 2009
City Council Resolution # R-10-025	November 4, 2010
City Council Resolution # R-11-020	November 3, 2011
City Council Resolution # R-12-021	November 29, 2012
City Council Resolution # R-13-017	November 7, 2013
City Council Resolution # R-14-022	October 9, 2014



AGENDA ITEM 8

DATE OF MEETING: October 1, 2015	DATE SUBMITTED: September 18, 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 checked="" type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-15-025 Adopting a Fund Balance Policy for the City of Brenham		
<p>SUMMARY STATEMENT: The Governmental Accounting Standards Board (GASB) issued “Statement No. 54 Fund Balance Reporting and Governmental Fund Types” which established criteria for classifying fund balances into specifically defined classifications and clarified definitions for governmental fund types. When the City of Brenham implemented GASB 54, we did not bring a formal written policy to City Council. Therefore, we are requesting Council approval at this time. In addition, the Government Finance Officers Association (GFOA) supports this formal adoption.</p> <p>The Fund Balance Policy sections are briefly described below.</p> <ul style="list-style-type: none"> • <u>Section I. Purpose</u> – this policy is created in consideration of unanticipated events that could adversely affect the financial condition of the City. The issues we faced during our current budget cycle are noted in this section; • <u>Section II. Definitions</u> – describes the fund balance classifications per GASB 54; • <u>Section III. Prioritization of Fund Balance Use</u> – designates that the most restrictive amounts would be used first. For example, if a project is funded by a grant, private donations, and then unassigned fund balance, the City will expend the most restricted category first (grant) before moving down to the next category; • <u>Section IV. Minimum Unrestricted General Fund Balance</u> – our 90 day minimum reserve target is noted as well as the five days of R&R (renovations and repairs); • <u>Section V. Use and Replenishment of Unrestricted General Fund Balance</u> – identifies the uses for unrestricted fund balance and the method to restore reserves should they fall below the minimum level. <p>We request the formal adoption of the Fund Balance Policy for Governmental Funds.</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-15-025 and (2) Fund Balance Policy dated October 1, 2015
FUNDING SOURCE (Where Applicable):
RECOMMENDED ACTION: Approve Resolution No. R-15-025 adopting a Fund Balance Policy for the City of Brenham dated October 1, 2015
APPROVALS: Terry K. Roberts

RESOLUTION NO. R-15-025

A RESOLUTION ADOPTING A FUND BALANCE POLICY FOR GOVERNMENTAL FUNDS FOR THE CITY OF BRENHAM

WHEREAS, the Governmental Accounting Standards Board (GASB) issued “Statement No. 54 Fund Balance Reporting and Governmental Fund Types” which establishes criteria for classifying fund balances into specifically defined classifications and clarifies definitions for governmental fund types; and

WHEREAS, the fund balance policy dated October 1, 2015 complies with the provision of the Standard; and

WHEREAS, the governing body desires to adopt a fund balance policy for the City of Brenham; and

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

Section 1: The City of Brenham Fund Balance Policy for Governmental Funds attached hereto as “Exhibit A” is hereby adopted as the fund balance policy of the City of Brenham effective October 1, 2015.

Section 2: This Resolution shall take effect immediately upon its passage.

APPROVED on this _____ day of _____, 2015.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



FUND BALANCE POLICY FOR GOVERNMENTAL FUNDS

I. PURPOSE

The following policy has been adopted by the City of Brenham in order to address the implications of Governmental Accounting Standards Board (GASB) Statement No. 54, Fund Balance Reporting and Governmental Fund Definitions. The policy is created in consideration of unanticipated events that could adversely affect the financial condition of the City and jeopardize the continuation of necessary public services. This policy will ensure that the City maintains adequate fund balances and reserves in order to:

- a. Provide sufficient cash flow for daily financial needs,
- b. Secure and maintain investment grade bond ratings,
- c. Offset significant economic downturns or revenue shortfalls, and
- d. Provide funds for unforeseen expenditures related to emergencies.

II. DEFINITIONS

Fund balance is a measurement of available financial resources and is the difference between total assets and total liabilities in each governmental fund.

GASB Statement No. 54 distinguishes fund balance classified based on the relative strength of the constraints that control the purposes for which specified amounts can be spent. Beginning with the most restrictive constraints, fund balance amounts will be reported in the following categories:

- 1) **Nonspendable Fund Balance** – Includes amounts that cannot be spent because they are either not in spendable form, or, for legal or contractual reason, must be kept intact. This classification includes inventories, prepaid amounts, assets held for sale, and long-term receivables.
- 2) **Restricted Fund Balance** – Constraints placed on the use of these resources are either externally imposed by creditors (such as through debt covenants),

grantors, contributors or other governments; or are imposed by law (through constitutional provisions or enabling legislation).

- 3) **Committed Fund Balance** – Amounts that can only be used for a specific purpose because they are constrained by limitation that the government imposes upon itself through formal action by the City Council, the government’s highest level of decision making authority. Formal action consists of either Council resolution or the approval of a council meeting agenda item. These restraints remain binding unless removed by formal action of City Council.
- 4) **Assigned Fund Balance** – Amounts that are constrained by the City’s intent to be used for specific purposes, but that do not meet the criteria to be classified as restricted or committed. Intent can be stipulated by the City Council, committees, or officials to whom the City Council has delegated authority.
- 5) **Unassigned Fund Balance** – This is the residual classification of the General Fund. Only the General Fund reports a positive unassigned fund balance. Other governmental funds might report a negative balance in this classification, as the result of overspending for specific purposes for which an amount had been restricted, committed or assigned.

III. PRIORITIZATION OF FUND BALANCE USE

When an expenditure is incurred for purposes for which both restricted and unrestricted (committed, assigned, or unassigned) amounts are available, it shall be the policy of the City to consider restricted amounts to have been reduced first. When an expenditure is incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used, it shall be the policy of the City that committed amounts would be reduced first, followed by assigned amounts and then unassigned amounts.

IV. MINIMUM UNRESTRICTED GENERAL FUND BALANCE

The City will maintain a minimum unrestricted fund balance (total fund balance less nonspendable and restricted fund balance) in its General Fund that is sufficient to provide financial resources for the City in the event of an emergency or the loss of a major revenue source. Therefore, the City has set the minimum unrestricted fund balance for the General Fund at an amount equal to three months (90 days) of General Fund operating expenditures. The City also strives to maintain an additional reserve amount equivalent to five (5) days of General Fund operating expenditures for unanticipated renovations and repairs (R&R). The minimum unrestricted fund balance is to protect against cash flow shortfalls related to unforeseen revenue fluctuations, unanticipated expenditures and similar circumstances.

V. USE AND REPLENISHMENT OF UNRESTRICTED GENERAL FUND BALANCE

The City should strive to minimize the use of General Fund unrestricted fund balance, except in very specific circumstances. At City Council's discretion, unrestricted fund balance may be used for emergencies, unanticipated economic downturns, and one-time opportunities. If feasible, minimum fund balances shall be restored in the following year (or as soon as economic conditions allow) utilizing year-end surpluses and non-recurring revenues.

VII. FUND BALANCE POLICY

The City of Brenham's Fund Balance Policy shall be adopted by resolution of the City Council. The City of Brenham's Fund Balance Policy shall be subject to revisions consistent with changing laws, regulations, and needs of the City but any such changes must be adopted by the Council before use. The resolution adopting the policy and strategies must include any changes or modifications to the Policy.

Authority/Date Issued:



AGENDA ITEM 9

DATE OF MEETING: October 1, 2015	DATE SUBMITTED: September 23, 2015	
DEPT. OF ORIGIN: Fire Department	SUBMITTED BY: Sara Parker	
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 Bid No. 15-011 for the Renovation of the Air Conditioning System for the Living Quarters at the Brenham Fire Station and Authorize the Mayor to Execute Any Necessary Documentation		
SUMMARY STATEMENT: On September 11, 2015, bids were opened for the air conditioning system for the living quarters at the Fire Station. Nine (9) notices were sent to potential bidders. Only one bid was submitted for consideration, from Brenham Heating and Air Conditioning Co. in the amount of \$73,000 with a suggested \$6,000 deductive alternate. The deduction concerns a controller interface that would be required in order to monitor the new system through the same software as the rest of the building. The system as provided by the manufacturer contains a controller that could provide the same functions through its own software, eliminating the cost of the interface. After discussion with maintenance personnel and the vendor it was determined that the inconvenience of separate software was inconsequential compared to the savings. Staff recommends and requests approval of the purchase with the deductive alternate in the total amount of \$67,000.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS: A savings of \$6,000 to avoid duplication of monitoring systems on the new unit		
B. CONS: Maintenance Department will have to go to separate websites to monitor or trouble shoot HVAC problems at the fire station		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Bid form		
FUNDING SOURCE (Where Applicable): Budgeted funds		

RECOMMENDED ACTION: Approval of Bid No. 15-011 to Brenham Heating and Air Conditioning for the renovation of the air conditioning system for the living quarters at the Brenham Fire Station for \$67,000.

APPROVALS: Terry K. Roberts



BID FORM

IFB No: 15-011

Bid Opening: 4:00 P.M. (CST), Friday, September 11, 2015

Bid Title: **RENOVATION OF AIR CONDITIONING SYSTEM AT THE
BRENHAM FIRE STATION**

Submit to: Purchasing Services
City Hall
200 W. Vulcan St.
Brenham, TX 77833

PO Box 1059
Brenham, Texas 77834-1059

Bid Documents: Bids must be submitted on this form only. **Bidders are required to submit one (1) original and two (2) copies.** All bids submitted must be itemized with prices extended when practical. **Bidder must return the entire original bid document with bid or proposal.**

Bid **MUST** be signed by an authorized representative of bidder. Original signature required.

Name of Bidder: Brenham Heating & Air Cond. Co.
(please print)

Authorized Signature: Hollis B. Pol

Address: P.O. Box 357
Brenham, Texas 77834

Phone No: 979/836-5653

Alt. Phone No: 979/830-3932

Email: brenhamheating@sbcglobal.net

Bid No. 15-011

Demolition, renovation, and replacement of existing air conditioning equipment and system as required per specifications.

\$ 73000 (lump sum)

Written Bid Sum: SEVENTY THREE THOUSAND AND ^{no}/₁₀₀ DOLLARS

TO DELETE SPECIFICATION SECTION 14920 (DDC Interface w/ Ex System) ~~6000~~ ^{Debit \$} 6000

Materials and Equipment Manufacturers Bid:

Insulation _____

Variable Refrigerant Volume DX System DAIKIN or LG

Product Data attached _____ Yes No

Operational and Maintenance Data attached _____ Yes No

HVAC Fans GREENHECK

All Materials and equipment provided in this bid meet or exceed specifications.

Yes _____ No. If no, attach full explanation of exception.

Attach any further information or comments needed to clarify bid as submitted.

- Exclusions:
- 1) DEMO
 - 2) Certified Test, Adjust and Balance
 - 3) Painting
 - 4) Lifting and Patching

Name of Bidder: BRENSHAM HEATING & AIR COND. Co.



IFB NO. 15-011

**RENOVATION OF AIR CONDITIONING SYSTEM
AT THE BRENHAM FIRE STATION**

ADDENDUM NO. 1

This addendum provides information, clarification and/or corrections for the IFB.

1. The attached addendum clarifies and/or modifies original bid specifications and conveys information requested and/or discussed at the pre-bid meeting held on September 2, 2015.
2. Bidders must sign below and include this addendum in their submitted bid.

Addendum No. 1

Date Received

9-3-15

Signature

Holly B. Pel



AGENDA ITEM 10

DATE OF MEETING: October 1, 2015	DATE SUBMITTED: September 24, 2015	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Erik Smith	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input 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-15-026 Authorizing the Acceptance of Infrastructure Improvements in the Timber Oak Subdivision, Section III and Authorize the Mayor to Execute Any Necessary Documentation		
<p>SUMMARY STATEMENT: Gregg Appel, the developer of Timber Oaks Subdivision, Section III, has completed all required public infrastructure improvements related to the development except for street lighting of Timber Oaks Subdivision, Section III, a 24 lot subdivision, constructed for residential use located south off Old Mill Creek. 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. This is would be acceptance of water, sanitary sewer and street improvements.</p> <p>The developer has not installed street lights at this time and is still deciding between doing a custom light that would be maintained privately or lights that would meet city specifications. If the developer installs lighting which meets city specs we would accept that utility at a future time.</p> <p>Staff has informed the developer no Certificates of Occupancy will be issued prior to street light installation.</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) Resolution No. R-15-026; and (2) Cost breakdown for the Timber Oaks Subdivision project		
FUNDING SOURCE (Where Applicable): N/A		

RECOMMENDED ACTION: Approve Resolution No. R-15-026 authorizing the acceptance of infrastructure improvements in the Timber Oaks Subdivision, Section III and authorize the Mayor to execute any necessary documentation.

APPROVALS: Terry K. Roberts

RESOLUTION NO. R-15-026

**A RESOLUTION OF THE CITY COUNCIL OF BRENHAM, TEXAS,
AUTHORIZING THE ACCEPTANCE OF PUBLIC IMPROVEMENT IN
THE TIMBER OAKS SUBDIVISION, SECTION III, BRENHAM, TEXAS**

WHEREAS, Timber Oaks Subdivision, Section III, is an approximately 9.873 acres, 24 lot subdivision developed by Gregory E. Appel and John J. Appel Rental Partnership;

WHEREAS, water, sewer and street improvements were constructed by the developer;

WHEREAS, these public infrastructure improvements have been inspected by the City and found to be constructed in accordance with the City's Standards and Specifications;

WHEREAS, the City of Brenham desires to formally accept the water, sewer and street improvements within Timber Oaks Subdivision, Section III;

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

The City of Brenham hereby accepts the water, sewer and street improvements in Timber Oaks Subdivision, Section III in the City of Brenham, Texas and authorizes the Mayor to execute any necessary documentation.

PASSED AND APPROVED on this the 1st day of October, 2015.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

Erik Smith

Subject: FW: Timber Oaks

From: Brian Dobiyski [<mailto:BDobiyski@jonescarter.com>]

Sent: Wednesday, September 23, 2015 9:29 AM

To: Erik Smith

Cc: Grant Lischka

Subject: RE: Timber Oaks

Eric,

Per your request, below is a breakout of the cost of street, water, sanitary sewer and engineering for the Timber Oaks Subdivision project.

	Paving	Water	Sanitary Sewer
Construction	\$529,646.60	\$94,126.34	\$90,072.06
Engineering	\$55,647.23	\$9,889.37	\$9,463.40

Please let me know if you have any questions.

Respectfully,

Brian P. Dobiyski, EIT

Associate Engineer

bdobiyski@jonescarter.com

JONES | CARTER

1500 South Day Street

Brenham, Texas 77833-4569

Telephone 979.836.6631

Fax 979.836.5686

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AGENDA ITEM 11

DATE OF MEETING: October 1, 2015	DATE SUBMITTED: September 22, 2015	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Kacey Weiss	
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 Christ Lutheran Church and Day School for a Fall Carnival and Fundraiser on October 17, 2015 from 2:00 p.m. – 6:00 p.m. at Christ Lutheran Church and Authorize the Mayor to Execute Any Necessary Documentation		
SUMMARY STATEMENT: Misty Johnson with Christ Lutheran Church and Day School has requested a noise variance to hold a fall carnival and fundraiser on October 17, 2015 from 2:00 p.m. – 6:00 p.m. at Christ Lutheran Church. They will have carnival rides and games and will be using speakers playing music. Both the Police Department and the Fire Department have approved 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		
FUNDING SOURCE (Where Applicable): N/A		
RECOMMENDED ACTION: Approve a request for a noise variance from Christ Lutheran Church and Day School for a fall carnival and fundraiser to be held on October 17, 2015 from 2:00 p.m. – 6:00 p.m. at Christ Lutheran Church and authorize the Mayor to execute any necessary documentation		
APPROVALS: Terry K. Roberts		

NOISE VARIANCE REQUEST

Application Fee \$10.00

1. Name of sponsoring organization: Christ Lutheran Church + Day School

2. Name and address of individual making application on behalf of sponsoring organization: Misty M. Johnson

1205 Hollis Drive Brenham, TX 77833

3. Purpose of the Event: Carnival + Fundraiser

4. Location of Event: 1104 Carlee St. Brenham, TX 77833

5. Date of the event: October 17, 2015

6. Time of Event: 2:00 pm - 6:00 pm

7. Event Set-up: From: 10/16/15 - (tent only) To: 10/17/15 - 2:00pm

Event Clean-up: From: 10/17/15 - 6:00pm To: 10/17/15 - 10:00pm

8. You are required to describe the following:

a) Types of Activities Planned and any additional information specific to this event: _____

Carnival Games, Rides, Pumpkin Patch, Silent Auction
Food, Costume Contest + Other Fall Activities

b) Bands/Musical Instruments: none

c) Sound amplification equipment: speakers playing music

d) Cleanup provisions: Church / Day School members responsible

Misty M. Johnson
Name of Applicant (Printed or Typed)

Date: 9/3/15

Misty M. Johnson
Applicant or Authorized Person's Signature

Phone: 979-203-8582

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):

paid 09/03/15
check # 1280 kw



AGENDA ITEM 12

DATE OF MEETING: October 1, 2015		DATE SUBMITTED: September 22, 2015	
DEPT. OF ORIGIN: Community Services		SUBMITTED BY: Crystal Locke	
MEETING TYPE:		CLASSIFICATION:	
<input checked="" type="checkbox"/> REGULAR		<input type="checkbox"/> PUBLIC HEARING	
<input type="checkbox"/> SPECIAL		<input type="checkbox"/> CONSENT	
<input type="checkbox"/> EXECUTIVE SESSION		<input checked="" type="checkbox"/> REGULAR	
		<input type="checkbox"/> WORK SESSION	
ORDINANCE:			
<input type="checkbox"/> 1 ST READING			
<input type="checkbox"/> 2 ND READING			
<input checked="" type="checkbox"/> RESOLUTION			
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-15-027 Authorizing the Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 2015 Christmas Stroll and Lighted Parade to be Held on Saturday, December 5, 2015			
SUMMARY STATEMENT: The 2015 Christmas Stroll and Lighted Parade is sponsored by the City of Brenham. Their goal is to attract shoppers to the downtown area. This year's stroll will be held on December 5, 2014 from 5:30 pm until 10:00 pm. Main and Alamo Streets will be closed between Market Street and Austin Street from 4:00 pm until 10:00 pm. There will be live musical entertainment, parade, Farmer's Market and vendors, kids' activities, choirs and bands.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS:			
B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: (1) Resolution No. R-15-027; (2) Application for Event Permit (With Street Closures); and (3) Agreement with TxDOT			
FUNDING SOURCE (Where Applicable):			
RECOMMENDED ACTION: Approve Resolution No. R-15-027 authorizing the execution of an agreement with TxDOT for the temporary closure of state right of way in connection with the 2015 Christmas Stroll and Lighted Parade to be held on Saturday, December 5, 2015.			
APPROVALS: Terry K. Roberts			

RESOLUTION NO. R-15-027

THE STATE OF TEXAS

COUNTY OF WASHINGTON

WHEREAS, the Texas Department of Transportation operates certain state highways within the City limits of the City of Brenham;

WHEREAS, the City of Brenham has received requests for street closings along state highways within the City of Brenham;

WHEREAS, the Texas Department of Transportation and the City of Brenham have agreed to certain terms and conditions regarding the closing of a portion of the state highway within the City limits for the purpose of said closings;

WHEREAS, the City Council of the City of Brenham has considered the foregoing and the aforesaid contract and have agreed to be bound by the provisions thereof for the purpose of closing said streets for the 2015 Christmas Stroll and Lighted Parade.

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

The Mayor of Brenham, acting on behalf of the City Council of the City of Brenham is hereby authorized to execute the attached agreement with the Texas Department of Transportation in connection with the closure of state highways within the City of Brenham associated with the 2015 Christmas Stroll and Lighted Parade. This resolution is effective upon its adoption.

Adopted this the 1st day of October, 2015

Milton Y. Tate, Jr., Mayor

ATTEST:

Jeanna Bellinger, City Secretary

APPLICATION FOR EVENT PERMIT

1. Name of sponsoring organization: City of Brenham
2. Name of individual making application on behalf of sponsoring organizations: _____
Crystal Locke
3. Purpose of the event: Annual Christmas Stroll
4. Proposed date(s) of event: December 4-5, 2015
5. Event start date and time: Dec. 4 @ 5:30pm
6. Event set-up times: From * no set up for to Friday
7. Breakdown/cleanup: From 9pm to 10pm
8. Describe types of activities planned (entertainment, food booths, theme of items for sale, etc.):
Live entertainment @ Gazebo,
Snowzilla mobile tubing slide,
Christmas Story time, Breakfast
w/ Santa, wagon rides, lighted parade
9. Estimated attendance (event organizers and spectators): 3,000
10. Special Requests and/or additional information related to this event: _____
* close Park Street Thursday night
for Snowzilla set-up. operating hours:
Fri. - 9am - 9pm, Sat. 10am - 9pm.

11. Street Closure Times: Beginning at Dec. 5 @ 4pm
(Date and time)
Ending at: Dec. 5 @ 9pm
(Date and time)

12. Street Closings:**

main from market to austin
alamo from market to austin
St. Charles from main to alamo
S. Baylor from main to alamo
N. Park from main to alamo
Douglas from main to alamo
market commerce vulcan

**Please provide a map of closures

APPLICANT

C. Locke
Signature

Date: 09-03-15

Crystal Locke
Printed Name

Contact Phone Number: 979-337-7254

CITY OF BRENHAM

By: _____
City Secretary

Date: _____

STATE OF TEXAS §

COUNTY OF TRAVIS §

**AGREEMENT FOR THE TEMPORARY CLOSURE
OF STATE RIGHT OF WAY**

THIS AGREEMENT is made by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the "State," and the City of Brenham, a municipal corporation, acting by and through its duly authorized officers, hereinafter called the "local government."

WITNESSETH

WHEREAS, the State owns and operates a system of highways for public use and benefit, including Alamo and Main Streets, in Washington, County; and

WHEREAS, the local government has requested the temporary closure of Alamo and Main Streets (Business 290) for the purpose of the 2015 Christmas Stroll and Lighted Parade, from 4:00 pm to 9:00 pm on Saturday, December 5, 2015, as described in the attached "Exhibit A," hereinafter identified as the "Event;" and

WHEREAS, the Event will be located within the local government's incorporated area; and

WHEREAS, the State, in recognition of the public purpose of the Event, wishes to cooperate with the City so long as the safety and convenience of the traveling public is ensured and that the closure of the State's right of way will be performed within the State's requirements; and

WHEREAS, on the 1st day of October, 2015, the Brenham City Council passed Resolution/ Ordinance No. _____, attached hereto and identified as "Exhibit B," establishing that the Event serves a public purpose and authorizing the local government to enter into this agreement with the State; and

WHEREAS, 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of a segment of the State highway system; and

WHEREAS, this agreement has been developed in accordance with the rules and procedures of 43 TAC, Section 22.12;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

A G R E E M E N T

Article 1. CONTRACT PERIOD

This agreement becomes effective upon final execution by the State and shall terminate upon completion of the Event or unless terminated or modified as hereinafter provided.

Article 2. EVENT DESCRIPTION

The physical description of the limits of the Event, including county names and highway numbers, the number of lanes the highway has and the number of lanes to be used, the proposed schedule of start and stop times and dates at each location, a brief description of the proposed activities involved, approximate number of people attending the Event, the number and types of animals and equipment, planned physical modifications of any man-made or natural features in or adjacent to the right of way involved shall be attached hereto along with a location map and identified as "Exhibit C."

Article 3. OPERATIONS OF THE EVENT

A. The local government shall assume all costs for the operations associated with the Event, to include but not limited to, plan development, materials, labor, public notification, providing protective barriers and barricades, protection of highway traffic and highway facilities, and all traffic control and temporary signing.

B. The local government shall submit to the State for review and approval the construction plans, if construction or modifications to the State's right of way is required, the traffic control and signing plans, traffic enforcement plans, and all other plans deemed necessary by the State. The State may require that any traffic control plans of sufficient complexity be signed, sealed and dated by a registered professional engineer. The traffic control plan shall be in accordance with the latest edition of the Texas Manual on Uniform Traffic Control Devices. All temporary traffic control devices used on state highway right of way must be included in the State's Compliant Work Zone Traffic Control Devices List. The State reserves the right to inspect the implementation of the traffic control plan and if it is found to be inadequate, the local government will bring the traffic control into compliance with the originally submitted plan, upon written notice from the State noting the required changes, prior to the event. The State may request changes to the traffic control plan in order to ensure public safety due to changing or unforeseen circumstances regarding the closure.

C. The local government will ensure that the appropriate law enforcement agency has reviewed the traffic control for the closures and that the agency has deemed them to be adequate. If the law enforcement agency is unsure as to the adequacy of the traffic control, it will contact the State for consultation no less than 10 workdays prior to the closure.

D. The local government will complete all revisions to the traffic control plan as requested by the State within the required timeframe or that the agreement will be terminated upon written notice from the State to the local government. The local government hereby agrees that any failure to cooperate with the State may constitute reckless endangerment of the public and that the Texas Department of Public Safety may be notified of the situation as soon as possible for the appropriate action, and failing to follow the traffic control plan or State instructions may result in a denial of future use of the right of way for three years.

E. The local government will not initiate closure prior to 24 hours before the scheduled Event and all barriers and barricades will be removed and the highway reopened to traffic within 24 hours after the completion of the Event.

F. The local government will provide adequate enforcement personnel to prevent vehicles from stopping and parking along the main lanes of highway right of way and otherwise prevent interference with the main lane traffic by both vehicles and pedestrians. The local government will prepare a traffic enforcement plan, to be approved by the State in writing at least 48 hours prior to the scheduled Event. Additionally, the local government shall provide to the State a letter of certification from the law enforcement agency that will be providing traffic control for the Event, certifying that they agree with the enforcement plan and will be able to meet its requirements.

G. The local government hereby assures the State that there will be appropriate passage allowance for emergency vehicle travel and adequate access for abutting property owners during construction and closure of the highway facility. These allowances and accesses will be included in the local government's traffic control plan.

H. The local government will avoid or minimize damage, and will, at its own expense, restore or repair damage occurring outside the State's right of way and restore or repair the State's right of way, including, but not limited to, roadway and drainage structures, signs, overhead signs, pavement markings, traffic signals, power poles and pavement, etc. to a condition equal to that existing before the closure, and, to the extent practicable, restore the natural and cultural environment in accordance with federal and state law, including landscape and historical features.

Article 4. OWNERSHIP OF DOCUMENTS

Upon completion or termination of this agreement, all documents prepared by the local government will remain the property of the local government. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use.

Article 5. TERMINATION

A. This agreement may be terminated by any of the following conditions:

- (1) By mutual written agreement and consent of both parties.
- (2) By the State upon determination that use of the State's right of way is not feasible or is not in the best interest of the State and the traveling public.
- (3) By either party, upon the failure of the other party to fulfill the obligations as set forth herein.
- (4) By satisfactory completion of all services and obligations as set forth herein.

B. The termination of this agreement shall extinguish all rights, duties, obligations, and liabilities of the State and local government under this agreement. If the potential termination of this agreement is due to the failure of the local government to fulfill its contractual obligations as set forth herein, the State will notify the local government that possible breach of contract has occurred. The local government must remedy the breach as outlined by the State within ten (10) days from receipt of the State's notification. In the event the local government does not remedy the breach to the satisfaction of the State, the local government shall be liable to the State for the costs of remedying the breach and any additional costs occasioned by the State.

Article 6. DISPUTES

Should disputes arise as to the parties' responsibilities or additional work under this agreement, the State's decision shall be final and binding.

Article 7. RESPONSIBILITIES OF THE PARTIES

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

Article 8. INSURANCE

A. Prior to beginning any work upon the State’s right of way, the local government and/or its contractors shall furnish to the State a completed “Certificate of Insurance” (TxDOT Form 1560, latest edition) and shall maintain the insurance in full force and effect during the period that the local government and/or its contractors are encroaching upon the State right of way.
B. In the event the local government is a self-insured entity, the local government shall provide the State proof of its self-insurance. The local government agrees to pay any and all claims and damages that may occur during the period of this closing of the highway in accordance with the terms of this agreement.

Article 9. AMENDMENTS

Any changes in the time frame, character, agreement provisions or obligations of the parties hereto shall be enacted by written amendment executed by both the local government and the State.

Article 10. COMPLIANCE WITH LAWS

The local government shall comply with all applicable federal, state and local environmental laws, regulations, ordinances and any conditions or restrictions required by the State to protect the natural environment and cultural resources of the State’s right of way.

Article 11. LEGAL CONSTRUCTION

In case one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions hereof and this agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

Article 12. NOTICES

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified U.S. mail, postage prepaid, addressed to such party at the following respective addresses:

Local Government:	State:
Milton Y. Tate, Jr. , Mayor City of Brenham P.O. Box 1059 Brenham, Texas 77834-1059	Texas Department of Transportation <u>Catherine Hejl, P.E.</u> <u>District Engineer</u> <u>1300 North Texas Avenue</u> <u>Bryan, Texas 77803-2760</u>

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Either party hereto may change the above address by sending written notice of such change to the other in the manner provided herein.

Article 13. SOLE AGREEMENT

This agreement constitutes the sole and only agreement between the parties hereto and supersedes any prior understandings or written or oral agreements respecting the within subject matter.

IN TESTIMONY WHEREOF, the parties hereto have caused these presents to be executed in duplicate counterparts.

THE CITY OF BRENHAM

Executed on behalf of the local government by:

By _____ Date _____
City Official

Typed or Printed Name and Title: Milton Y. Tate, Jr.
Mayor

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By _____ Date _____
District Engineer

Exhibit A

This request is for closure of Alamo and Main Streets from Market Street to Austin Street

(See attached map)

on December 5, 2015

Date and Time of Closure

Streets are to be closed from 4:00 pm until 9:00 pm on Saturday, December 5, 2015

All streets will be barricaded with traffic control devices and will be staffed with personnel from the Brenham Police Department.

Attached is a map showing the location of street closures and the detour routes from thru traffic.

The proposed activity that requires these street closures is the

2015 Christmas Stroll and Lighted Parade

Exhibit C

The **2015 Christmas Stroll and Lighted Parade** occurs on Saturday, December 5, 2015 and is sponsored by the City of Brenham. Main and Alamo streets will be closed between Market Street and Austin Street from 4:00 p.m. until 9:00 p.m. Main and Alamo streets will feature a parade, live entertainment, Farmer’s Market, vendors on Park Street, kids’ activities, bands and choirs.



AGENDA ITEM 13

DATE OF MEETING: October 1, 2015	DATE SUBMITTED: September 22, 2015	
DEPT. OF ORIGIN: Finance	SUBMITTED BY: Janie Mehrens	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Providing for Updated Service Credit and an Increase in Retirement Annuities In The Texas Municipal Retirement System		
SUMMARY STATEMENT: For many years, City Council has approved on an annual basis an ordinance providing for updated service credit and an increase in retirement annuities of 70% of the Consumer Price Index as provided through the Texas Municipal Retirement System. In order to make any changes in any provision of the City’s plan in TMRS, an ordinance must be approved. The applicable ordinance is presented for discussion and approval. As shown on the TMRS Plan Change Study, the funding rate for the City of Brenham will <u>decrease</u> from 6.35% to <u>6.07%</u> effective January 1, 2016.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS: Current City of Brenham retirees will receive an annuity increase effective January 1, 2016 and future retirees will most likely have an enhanced retirement annuity because of Updated Service Credit.		
B. CONS: Enhancements result in an increased unfunded actuarial liability.		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Ordinance; (2) Plan Change Study; and (3) Rate Letter		
FUNDING SOURCE (Where Applicable): Funds are available in the FY 2016 Budget.		
RECOMMENDED ACTION: Approve an Ordinance on its first reading providing for updated service credit and an increase in retirement annuities in the Texas Municipal Retirement System effective January 1, 2016.		
APPROVALS: Terry K. Roberts		



ORDINANCE NO. _____

TEXAS MUNICIPAL RETIREMENT SYSTEM

AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO PRESENTLY ARE MEMBERS OF THE CITY OF BRENHAM; PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY; AND ESTABLISHING AN EFFECTIVE DATE FOR SUCH ACTIONS.

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

Section 1. Authorization of Updated Service Credits.

(a) On the terms and conditions set out in Sections 853.401 through 853.403 of Subtitle G of Title 8, Government Code, as amended (hereinafter referred to as the "TMRS ACT"), each member of the Texas Municipal Retirement System (hereinafter referred to as the "System") who has current service credit or prior service credit in the System in force and effect on the 1st day of January of the calendar year preceding such allowance, by reason of service in the employment of the City, and on such date has at least 36 months of credited service with the System, shall be and is hereby allowed "Updated Service Credit" (as that term is defined in subsection (d) of Section 853.402 of said title) in an amount that is **100%** of the "base Updated Service Credit" of the member (calculated as provided in subsection (c) of Section 853.402 of said title). The Updated Service Credit hereby allowed shall replace any Updated Service Credit, prior service credit, special prior service credit, or antecedent service credit previously authorized for part of the same service.

(b) On the terms and conditions set out in Section 853.601 of said title, any member of the System who is eligible for Updated Service Credits on the basis of service with this City, and who has unforfeited credit for prior service and/or current service with another participating municipality or municipalities by reason of previous service, and was a contributing member on 1st day of January of the calendar year preceding such allowance, shall be credited with Updated Service Credits pursuant to, calculated in accordance with, and subject to adjustment as set forth in said 853.601.

(c) In accordance with the provisions of subsection (d) of Section 853.401 of said title, the deposits required to be made to the System by employees of the several participating departments on account of current service shall be calculated from and after the date aforesaid on the full amount of such person's earnings as an employee of the City.

Section 2. Increase in Retirement Annuities.

(a) On terms and conditions set out in Section 854.203 of Subtitle G of Title 8, Government Code, as amended, the City hereby elects to allow and to provide for payment of the increases below stated in monthly benefits payable by the System to retired employees and to beneficiaries of deceased employees of this City under current service annuities and prior service annuities arising from service by such employees to this City. An annuity increased under this Section replaces any annuity or increased annuity previously granted to the same person.

(b) The amount of annuity increase under this Section is computed as the sum of the prior and current service annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by **70%** of the percentage change in Consumer Price Index for All Urban Consumers, from December of the year immediately preceding the effective date of the person's retirement to the December that is 13 months before the effective date of this ordinance.

(c) An increase in an annuity that was reduced because of an option selection is reducible in the same proportion and in the same manner that the original annuity was reduced.

(d) If a computation hereunder does not result in an increase in the amount of an annuity, the amount of the annuity will not be changed hereby.

(e) The amount by which an increase under this Section exceeds all previously granted increases to an annuitant is an obligation of this City and of its account in the Benefit Accumulation Fund of the System.

Effective Date Subject to approval by the Board of Trustees of Texas Municipal Retirement System, the updated service credits and increases in retirement annuities granted hereby shall be and become effective on the **1st day of January, 2016**.

Passed and approved on its first reading this the _____ day of _____, 2015

Passed and approved on its second reading this the _____ day of _____, 2015

ATTEST:

APPROVED:

Jeana Bellinger, City Secretary

Milton Y. Tate, Jr., Mayor



Plan Change Study

00176 Brenham

GRID 2016
For Informational Purposes Only
 Effective Date - January 1, 2016
 Report Date - July 2, 2015

Proposed Plans

	<u>Current</u>	<u>1</u>
Plan Provisions		
Deposit Rate	5.00%	5.00%
Matching Ratio	2 to 1	2 to 1
Updated Service Credit	0%	100%
Transfer USC **	No	Yes
Annuity Increase	0%	70%
20 Year/Any Age Ret.	Yes	Yes
Vesting	5 years	5 years
Contribution Rates		2016
Normal Cost Rate	3.24%	3.24%
Prior Service Rate	<u>2.63%</u>	<u>2.83%</u>
Retirement Rate	5.87%	6.07%
Supplemental Death Rate	0.00% (None)	0.00% (None)
Total Rate	5.87%	6.07%
Unfunded Actuarial Liability	\$2,237,964	\$2,449,492
Amortization Period	25 years	25 years
Funded Ratio	94.2%	93.7%
Phase-In Total Rate	N/A	N/A
Stat Max	11.50%	11.50%
Study Exceeds Stat Max	No	No

**This is the addition to the Initial Prior Service Rate for USC for transfers. There were 7 eligible transfer employees on the valuation date.



July 10, 2015

Via E-Mail

Ms. Janie H. Mehrens
Personnel Manager
City of Brenham
P.O. Box 1059
Brenham, TX 77834-1059

Dear Janie:

We are pleased to enclose an ordinance for your city to adopt:

***100% Updated Service Credit, including Transfers
&
70% CPI Increase to Annuitants
Ad Hoc (one time only basis)***

With the adoption of these additional benefits, your city's contribution rate beginning January 1, 2016 will be **6.07%**

We would appreciate receiving a copy of this ordinance as soon as possible after its adoption.

If you have any questions or need additional assistance, please contact me at 1-800-924-8677.

Sincerely,

A handwritten signature in black ink that reads 'Eric W. Davis'.

Eric W. Davis
Deputy Executive Director

TMRS
P.O. Box 149153
AUSTIN, TEXAS 78714-9153

www.TMRS.com

512.476.7577
TOLL-FREE 800.924.8677
FAX 512.476.5576