



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, OCTOBER 13, 2016 AT 1:00 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Ebel**
- 3. Service Recognitions**
 - **Paula Shields, Administration** **5 Years**
 - **Angela Hahn, Police Department** **20 Years**
 - **Joe H. Moore, Gas Department** **20 Years**
 - **Rhonda Kuehn, Municipal Court** **20 Years**
- 4. Special Recognition**
 - **GFOA Certificate of Achievement for Excellence in Financial Reporting**
 - *Eighth Consecutive Year*
- 5. Proclamations**
 - **Overseer Dr. George Nelson, Jr. Day**
 - **Breast Cancer Awareness Month**
 - **Pilots Club of Brenham**
- 6. Citizens Comments**

Pages 1-3

CONSENT AGENDA

7. 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.

7-a. Minutes from the August 18, 2016, September 1, 2016 Regular City Council Meetings and September 12, 2016 Special Meeting **Pages 4-27**

7-b. Ordinance No. O-16-027 on Its Second Reading Amending Chapter 8, Fire Protection and Prevention, Sec. 8-3, Possession, Selling, Etc. of Fireworks, of the Code of Ordinances of the City of Brenham, Texas, Regarding the Sale of Fireworks **Pages 28-30**

7-c. Ordinance No. O-16-028 on Its Second Reading for the Abandonment of a Portion of Day Street Right-Of-Way **Pages 31-36**

WORK SESSION

8. Discussion and Presentation on the Current Zoning Ordinance and Possible Future Planned Development District Projects **Pages 37-41**

REGULAR SESSION

9. Discuss and Possibly Act Upon the Purchase of a Haul Truck Using BuyBoard Contract No. 430-13, for the City of Brenham's Sanitation Department and Authorize the Mayor to Execute Any Necessary Documentation **Pages 42-44**

10. Discuss and Possibly Act Upon the Purchase of Three (3) Mowers Using BuyBoard Contract No. 447-14, for the City of Brenham's Parks Department and Authorize the Mayor to Execute Any Necessary Documentation **Pages 45-48**

11. Discuss and Possibly Act Upon the Purchase of a Scoreboard Using BuyBoard Contract No. 423-13, for the Baseball Field Located in Fireman's Park and Authorize the Mayor to Execute Any Necessary Documentation **Pages 49-52**

12. Discuss and Possibly Act Upon the Acceptance of a Donation in the Amount of \$25,000.00 to the Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation **Page 53**

13. Discuss and Possibly Act Upon Resolution No. R-16-027 Reauthorizing an Investment Policy for the City of Brenham **Pages 54-69**

14. **Discuss and Possibly Act Upon Resolution No. R-16-028 Approving the Brenham Community Development Corporation's Acquisition of Industrial Park Land and Approving a Promissory Note with the Brenham Community Development Corporation (BCDC) for a Portion of the Cost to Purchase Said Industrial Park Land and Authorize the Mayor to Execute Any Necessary Documentation**
Pages 70-79
15. **Discuss and Possibly Act Upon a Request for a Noise Variance from Christ Lutheran Church and Day School for a Carnival and Fundraiser to be Held on October 15, 2016 from 2:00 p.m. – 6:00 p.m. at Christ Lutheran Church and Authorize the Mayor to Execute Any Necessary Documentation**
Pages 80-81

EXECUTIVE SESSION

16. **Section 551.086 – Texas Government Code – Utility Competitive Matters – Discuss and Possibly Act Upon the Awarding of the City of Brenham's Gas Supply and Gas Transportation Contracts and Authorize the Mayor to Execute Any Necessary Documentation Once Approved by the City Attorney**
Page 82
17. **Section 551.074 – Texas Government Code – Personnel Matters – Discuss and Consider City Manager's Employment Agreement and Related Issues**
Page 83

RE-OPEN REGULAR AGENDA

18. **Discuss and Possibly Act Upon City Manager's Employment Agreement and Related Issues**
Page 84
19. **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 13, 2016 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 October 10, 2016 at **12:55 PM**.

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 _____, 2016 at _____ AM PM.

Signature

Title

PROCLAMATION

WHEREAS, Founder and visionary, Overseer Dr. George Nelson, Jr., organized and planted Grace Fellowship Baptist Church in Brenham, Texas in 1996 with three families as its core group; and

WHEREAS In March 1998, the congregation settled at 1603 Church Street and has remained for the past eighteen years; and

WHEREAS, Dr. Nelson and Grace Fellowship Baptist Church have worked closely with Jobs Partnership of Washington County, Blinn College Baptist Student Outreach, the Brenham Independent School District, the Washington County Ministerial Alliance, and Brenham Game Changers to encourage and mentor teachers, staff and students in character, leadership, and commitment; and

WHEREAS, Dr. Nelson has led Grace Fellowship Baptist Church in reaching out to the community through programs involving local and world missions, food and clothing pantry, and academic scholarships; and

WHEREAS, Grace Fellowship Baptist Church would like to salute Overseer Dr. George Nelson, Jr. for his commitment to their church and the citizens of Brenham and Washington County; and

NOW, THEREFORE, I, Milton Y. Tate Jr., Mayor of the City of Brenham, do hereby proclaim Sunday, October 16, 2016 as

“OVERSEER DR. GEORGE NELSON, JR. DAY”

Milton Y. Tate Jr., Mayor
City of Brenham

PROCLAMATION

- WHEREAS,** One in eight women will be diagnosed with breast cancer in their lifetime; and
- WHEREAS,** Breast cancer is the 2nd leading cause of cancer death in women; and
- WHEREAS,** In 2016, there are over 2.8 million breast cancer survivors living in the U.S.; and
- WHEREAS,** One in thirty-six women will lose their life to breast cancer; and
- WHEREAS,** The best available method to detect breast cancer early to increase survival rates is a mammography screening; and
- WHEREAS,** The color pink elevates the awareness that “**the best protection is early detection**”; and
- WHEREAS,** It is right and just for the City Council and the residents of Brenham to join together in support of Breast Cancer Awareness by wearing the color pink along with appropriate programs, activities and ceremonies;

NOW, THEREFORE I, Milton Y. Tate Jr., Mayor of the City of Brenham, do hereby proclaim Thursday, October 27, 2016 as

THINK PINK THURSDAY

Milton Y. Tate Jr., Mayor
City of Brenham

PROCLAMATION

- WHEREAS,** In 1921, a group of civic-minded business leaders established an international service organization in Macon, Georgia; and
- WHEREAS,** The founding members combined their diverse talents in “friendship and service” to improve the quality of life in communities throughout the world; and
- WHEREAS,** Pilot International is comprised of almost 400 clubs and over 8,000 members worldwide; and
- WHEREAS,** Pilot International is committed to service in areas of Youth Development & Leadership, Brain Safety & Fitness and Caring for Families in Times of Need; and
- WHEREAS,** Members of Pilot International strive to further the organization’s humanitarian efforts through scholarships and grants to support research, education, and community care-giving programs; and
- WHEREAS,** Pilot International partners with Safe Kids Worldwide, CARE International, Project Lifesaver and other respected service organizations to promote awareness for injury prevention and care for those in need; and
- WHEREAS,** Pilot International fosters volunteerism in more than 8,000 young people worldwide through their sponsorship of Anchor Clubs; and
- WHEREAS,** Pilot Clubs throughout the world are dedicated to meeting the needs of their communities through volunteerism; and
- WHEREAS,** It is fitting that the achievements and contributions of this worthwhile organization, its clubs and members be recognized on this their anniversary;

NOW, THEREFORE, I, Milton Y. Tate Jr., Mayor of the City of Brenham, do hereby proclaim Tuesday, October 18, 2016 as

Pilot International and Pilot International Founders Fund Day

Milton Y. Tate Jr., Mayor
City of Brenham

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on August 18, 2016 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, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Kacey Weiss, Assistant City Manager-Chief Financial Officer Carolyn Miller, Stacy Hardy, Director of Community Services Wende Ragonis, Jennifer Eckermann, Police Chief Craig Goodman, Public Works Director Dane Rau, Casey Redman, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Manager Erik Smith, Kim Hodde, Lori Lakatos and Judson Hall

Citizens present:

Brad Stufflebeam, Douglas Cason, Danny Ross, Barbara Ross, Kassie Conner, Krissie Zorn, Jason Reimer, Rockie Rexroad, Janie Mehrens, Sabrina Roberts, Jenny Van Dorf, Patrick Murray and Deanna Murray

Media Present:

Arthur Hahn, Brenham Banner Press; and Noelle Buffam, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – City Attorney Cary Bovey**

3. Special Presentation
➤ **Fortnightly Club**

Representatives of the Fortnightly Club presented a check to Council in the amount of \$11,450.00 for the library.

4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

- 5-a. Minutes from the June 16, 2016 and July 14, 2016 Regular City Council Meetings**
- 5-b. Ordinance No. O-16-017 on Its Second Reading Granting a Specific Use Permit to Krissie Zorn to Allow for Open (Outdoor) Display or Storage of Retail Merchandise as an Accessory to Use on Property Located at 2600 N. Park Street in a B-1, Local Business/Residential Mixed Use Zoning District, and Being Described as Reserve A, Block 1 of the Scenic Estates Subdivision in Brenham, Washington County, Texas**
- 5-c. Ordinance No. O-16-018 on Its Second Reading Amending Section 8(b) of the Cable Television Franchise Granted by the “Brenham Community Antenna Television Ordinance,” as Amended, Regarding the Maintenance of an Office by Suddenlink Communications in the City of Brenham, and Associated Provisions**

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 \$0.5070 per \$100 Valuation for Fiscal Year Beginning October 1, 2016 and Ending September 30, 2017

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item. Miller advised a property tax rate of \$0.5070 per \$100 valuation is proposed. Miller stated that \$0.3150 will be for maintenance and operations and the balance of \$0.1920 will be for debt service.

Miller explained that the increase in property taxes will cover the addition of three new firefighters and provide resources for street paving.

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.

Citizen Danny Ross, a resident on Chappell Hill Street, addressed the Council and questioned why the City needs additional firefighters.

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 12, 2016 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 15, 2016 at 1:00 p.m. at City Hall, located at 200 W. Vulcan Street.

WORK SESSION

7. Presentation of the 2015 Municipal Court Statistics

Municipal Court Administrator Rhonda Kuehn presented this item. Kuehn reviewed the report and advised that from October 2015 through June 2016 there have been 5,305 cases filed. Kuehn noted that the total number of cases filed in FY15 was 6,746.

Councilmember Goss asked if most of the tickets issued are for people that live out of town. Kuehn stated that most of the tickets that are written are to out of town addresses.

Councilmember Williams questioned why the number of juvenile activity has decreased. Kuehn reported that the numbers are down due to changes in the state law and more responsibilities have been placed on Brenham I.S.D.

Councilmember Barnes-Tilley asked if all juvenile cases still get reviewed by the City Prosecutor. Kuehn stated that they do.

REGULAR SESSION

8. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Current FY2015-16 Adopted Budget

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that the highlights of the FY2015-16 budget amendment included the following revenue increases: General Fund revenues for insurance proceeds and Parks Capital Improvements Fund revenue for a donation received for a planned park development project, along with advertising revenue for Fireman's Park outfield wall signage.

Miller advised that General Fund expenditures are also being increased due to expenses related to a state softball tournament and for unanticipated expenses from the repair of an airport runway light. Other expenditure increases include: additional materials for the Belle Towers drainage project, allocation of funds for the advertising and promotion for the Simon Conference Center, BCDC Fund payment to Economic Development Foundation for local match of grant, purchase of a replacement police vehicle in the Equipment Fund, and Parks Capital Improvement Fund expenditures related to a planned park development project connecting Fireman's Park and the Nancy Carol Roberts Memorial Library. Miller stated that expenditures are being decreased in the City Hotel Occupancy Tax Fund due to the transfer of contingency funds to the General Fund for the state softball tournament.

Miller advised that other budget amendment items included: insurance proceeds to cover the cost of a replacement police vehicle from the General Fund to the Streets and Equipment Fund, additional funding approved for the state softball tournament from the City Hotel Occupancy Tax Fund to the General Fund, additional materials and City in-kind labor and equipment for the Belle Towers drainage project from the General Fund to the Streets and Drainage Fund, and the allocation of HOT funds for the marketing and promotion of the Simon Conference Center from the City Hotel Occupancy Tax Fund to the new Simon Conference Center Fund

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve an Ordinance on its first reading amending the FY2015-16 adopted budget.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember 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 Resolution No. R-16-022 Expressing Official Intent to Reimburse Certain Costs Related to the Furnishing and Equipping of the Expanded and Renovated City Library

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that as the expansion/renovation project at the Nancy Carol Roberts Memorial Library nears completion, Council has approved the purchase of shelving systems and furnishings from several vendors using numerous purchasing cooperative and award of competitive bids. Miller explained that rather than pursuing a traditional lease option, Staff has been working with Bank of Brenham, the City’s depository bank, to secure financing for the capital purchases. Miller explained that Staff is proposing this financing structure since there are multiple vendors and invoices, multiple pieces of shelving systems and furnishings, various shipment dates over several months which would provide opportunities for confusion and errors.

Miller advised that Staff is asking Council to approve the Reimbursement Resolution today to give Staff time to finalize this financing option to bring back to Council for formal approval at the September 1st Council meeting. Miller stated that approval of the Reimbursement Resolution will allow the City to pay any vendor invoices that might come due before the financing arrangement is approved by Council and then the City could reimburse ourselves from the loan proceeds.

A citizen questioned if it is only the City funding the cost of the library or does the County contribute as well. Miller stated that the City is funding the cost of the library; however, 44% of the total costs are being provided by private donations. The citizen also asked if the City has gone over budget on the library and animal shelter. Miller stated that \$190,000 is needed to complete the library and that money will come out of this year’s budget. Miller advised that the animal shelter has needed \$62,000 of additional money over and above bonds and private donations.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve Resolution No. R-16-022 expressing official intent to reimburse certain costs related to the furnishing and equipping of the expanded and renovated city library.

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 Chapter 21, Signs, of the Code of Ordinances of the City of Brenham Regarding the Regulation of Billboards

Development Services Manager Erik Smith presented this item. Smith advised that Staff was approached by SignAD Outdoor who made a presentation to City Council on April 28, 2016 to ask about possibly amending the billboard ordinance to be more favorable to their business. Smith explained that Staff also held a workshop meeting with the Board of Adjustment to give the public ample opportunity to express their concerns. Smith stated that they received some concerns from the public related to digital signs not billboards.

Smith explained that the proposed ordinance would allow the City to remove billboards that are not maintained or have discontinued advertising for more than 120 consecutive days. Smith stated the ordinance also has a provision allowing staff to pursue removing the sign if it's repair or reconstruction exceeds sixty percent (60%) of the costs to erect a new sign.

A motion was made by Councilmember Goss and seconded by Councilmember Williams to approve an Ordinance on its first reading amending Chapter 21, Signs, of the Code of Ordinances of the City of Brenham.

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 a Facility Use Agreement Between the City of Brenham and the Brenham State Supported Living Center for Pool Use at the Blue Bell Aquatic Center and Authorize the Mayor to Execute Any Necessary Documentation

Director of Community Services Wende Ragonis presented this item. Ragonis explained that the City and the Brenham State Supported Living Center have a longstanding agreement for recreational aquatic services. Ragonis explained that the most recent agreement was reviewed by each agency's legal representative in the fall of 2012 and was executed December 18, 2012. Ragonis stated that this agreement had three (3) automatic annual renewal options which were exercised extending the term of the agreement to September 30, 2016.

Councilmember Goss asked if there is any documentation in the agreement regarding liability. City Attorney Cary Bovey stated there is not. Ragonis explained that the agreement is for state reporting that the state school has to use, gives the rate that they will pay, along with giving the aquatic center advanced notice as to when they will be attending so the center can be adequately staffed.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve a Facility Use Agreement between the City of Brenham and the Brenham State Supported Living Center for pool use at the Blue Bell Aquatic Center 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

12. Discuss and Possibly Act Upon Bid No. 3900.049 Related to the Repairs of the Walking Trail at Hohlt Park and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau stated that on August 11, 2016 the Purchasing Department along with a representative from O'Malley Strand opened bids related to the Hohlt Park Trail Reconstruction project. Rau noted that 4 bids were received.

Rau advised that Collier Construction submitted the lowest bid of \$144,200.00 for the proposed work. Rau explained this was not budgeted for, but has been documented in the FEMA report and it is estimated that 75% of the cost will be covered through the disaster funds. Rau stated the remaining 25% will come from general fund reserves over 95 days.

Rau explained that the bid documents called for the work to be substantially completed within 60 calendar days from the date the contract time commences. Rau stated it is expected that work will begin around September 1st and be completed by November, 2016.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to award Bid No. 3900.049 to Collier Construction in the amount of \$144,200.00 for repairs of the walking trail at Hohlt Park and authorize the Mayor to execute any necessary documentation.

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

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

13 Discuss and Possibly Act Upon a Request for a Noise Variance from the Texas Arts and Music Festival Organization for a Festival to be Held on October 15, 2016 from 4:00 p.m. to 10:00 p.m. in Downtown Brenham and Authorize the Mayor to Execute Any Necessary Documentation

Main Street Manager Jennifer Eckermann presented this item. Eckermann explained that earlier this year an organization was formed to offer an arts-related event – Texas Arts and Music Festival – that has been planned in conjunction with Main Street’s Texas Brew Step on October 15. Brad Stufflebeam, owner of Home Sweet Farm Market and Biergarten, is the chairman of the organization, and representing the organization, has submitted a Noise Variance Request for their event to be held at and around the Ant Street Inn. The public music portion of the event will be from 4:00 p.m. – 10:00 p.m. They will have two bands setting up behind the Ant Street Inn. The Brenham Police Department and the Brenham Fire Department have approved the noise variance request.

Brad Stufflebeam addressed the Council. Stufflebeam stated their goal is to promote art and music in Brenham and they are expecting around 1,000 people to attend the festival.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve a request for a noise variance from the Texas Arts and Music Festival Organization for a festival to be held on October 15, 2016 from 4:00 p.m. to 10:00 p.m. in Downtown Brenham and authorize the Mayor to execute any necessary documentation.

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

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

14. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- The BISD Luncheon will be held on September 2nd.
- The building located at 209 Market Street will be on the agenda for the Building Standards Commission meeting on September 7th.
- The Brenham Alliance will have a meeting at Bluebonnet Electric on August 25th at 7:30 a.m.
- The library and animal shelter projects are at punch list stage and there will be grand openings once they are completed
- Standards and Poors rating meeting will be August 22nd

Director of Community Services Wende Ragonis reported on the following:

- Back-To-School activities are being held at the library
- Little Diggers begins September 11th

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on September 1, 2016 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 Mary E. Barnes-Tilley
Councilmember Weldon Williams, Jr.

Members absent:

Councilmember Keith Herring

Others present:

City Manager Terry Roberts, Assistant City Manager of General Government Ryan Rapelye, 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, Director of Community Services Wende Ragonis, Andria Heiges, Jennifer Eckermann, Fire Chief Ricky Boeker, Assistant Fire Chief Brian Scheffer, Police Chief Craig Goodman, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Kim Hodde, Lori Lakatos, Pam Ruemke, Carrie Derkowski, Jeff Daniels, Jerred Eschete and Ryan Swor.

Citizens present:

Perry Thomas, Fredericka DeBerry, Donna Culliver, Carol Muegge, Sallie Bryan, Carolyn Thomas, Suzette Moser, M. Boswell, Joanne Doherty, Page Michel, Willy Dilworth, Dr. Walter Jackson, and Clint Kolby.

Media Present:

Arthur Hahn, Brenham Banner Press; and Noelle Buffam, KWHI.

1. Call Meeting to Order

2. **Invocation and Pledges to the US and Texas Flags – Mayor Pro Tem Nix**

3. **Service Recognition**

- **Carrie Derkowski, Fire Department 5 Years**

4. **Proclamations**

- **Childhood Cancer Awareness Month**
- **Washington County READ**

5. **Citizens Comments**

There were no citizen comments.

CONSENT AGENDA

6. **Statutory Consent Agenda**

6-a. **Minutes from July 20, 2016, July 21, 2016 and July 22, 2016 Budget Workshops**

6-b. **Ordinance No. O-16-019 on Its Second Reading Amending the Current FY2015-16 Adopted Budget**

6-c. **Ordinance No. O-16-020 on Its Second Reading Amending Chapter 21, Signs, of the Code of Ordinances of the City of Brenham Regarding the Regulation of Billboards**

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve the Statutory Consent Agenda Items 6-a., 6-b., and 6-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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

PUBLIC HEARING

7. Proposed Tax Rate of \$0.5070 per \$100 Valuation for Fiscal Year Beginning October 1, 2016 and Ending September 30, 2017

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 18, 2016 and citizen comments were received.

Miller advised that a property tax rate of \$0.5070 per \$100 valuation is proposed to fund the FY 2016-17 Budget. Of this rate, \$0.3150 will be for maintenance and operations (M&O). The balance of \$0.1920 is for debt service (interest and sinking).

Councilmember Barnes-Tilley announced the first reading of the Ordinance to adopt the tax rate will be during a Special Council meeting on Monday, September 12, 2016 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 15, 2016 at 1:00 p.m. at City Hall, located at 200 W. Vulcan Street.

WORK SESSION

8. Discussion and Presentation of Main Street Initiatives

Director of Community Services Wende Ragonis presented this item. Ragonis explained that Staff wanted to provide an update on various Main Street initiatives from two sub-committees from the Main Street Advisory Board: 1) the Economic Restructuring Committee (ERC) and 2) the Planning Committee.

Ragonis stated that in September of 2015, Staff brought these two committees together for a series of joint meetings. At the first joint meeting, three strategic priorities were identified: 1) attract more downtown lodging development, 2) seek the ownership of TX DOT right of way and 3) improve the relationship with the key downtown stakeholders. Ragonis explained that Staff has looked to several development industry experts to either speak via video or in person at some of these joint meetings. Ragonis stated that the recurring themes presented by these experts include: 1) downtown needs more lodging within walking distance to support the new conference center destination, 2) the transportation flow should create prosperity in downtown by reducing speeds and increasing pedestrian safety, 3) public investment in streetscapes and infrastructure encourage density in the area, 4) the downtown district is historically authentic and should be preserved and 5) all agree that the downtown economy is essential to the strength of the overall local economy of the area.

Ragonis stated that based upon the past months of strategic planning, visioning and research the committees have taken on specific tasks. The ERC Committee is drafting an incentive guideline which will support both new and existing buildings and business owners in the downtown district. The Planning Committee is evaluating the feasibility of implementing changes to the zoning and proposed districts which are identified in the Downtown Master Plan.

Ragonis noted that this initiative update was provided to BCDC at their Board meeting held on April 21, 2016 and on May 24, 2016 Main Street hosted an information sharing meeting with downtown stakeholders.

Councilmember Goss asked if it is the experts that believe there needs to be a hotel in the downtown area. Ragonis stated that specialist have said downtown needs more foot traffic and a hotel. Ragonis also noted that it is in the Downtown Master Plan to have a hotel in the downtown area. Councilmember Goss asked where the hotel would be located and how many rooms would it have. Ragonis advised that it would be up to the developer and architect to determine the location and size.

REGULAR SESSION

9. Discuss and Possibly Act Upon the Approval of a Request from the Washington County Appraisal District to Retain the Accumulated Funds of \$54,633 from FY2014-15 Budget Savings, the City of Brenham's Portion Being \$5,515

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item and introduced Willy Dilworth, Chief Appraiser with Washington County Appraisal District (WCAD). Dilworth stated that the Washington County Appraisal District's (WCAD) audited financial statement for the fiscal year ending August 31, 2015 showed budget savings of approximately \$55,000. Dilworth advised WCAD is requesting to retain the savings to use for three specific purposes. Dilworth explained, if approved, the City of Brenham's portion of the funds to be retained would be \$5,515. Dilworth stated that if the \$55,000 is not retained by the WCAD, \$5,515 would be returned to the City.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve a request from the Washington County Appraisal District to retain the accumulated funds of \$54,633, from FY2014-15 budget savings, with the City of Brenham's portion being \$5,515, for three purposes: \$33,859 for a 2017 flight of pictometry, \$8,000 for replacement computers and \$12,774 for a 2020 flight of pictometry.

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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

10. Discuss and Possibly Act Upon the Approval of the FY2016-17 Budget for the Washington County Appraisal District

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item and introduced Willy Dilworth, Chief Appraiser with Washington County Appraisal District (WCAD). Dilworth explained the WCAD budget shows an increase of \$38,711 over the prior year’s budget due to the addition of a field appraiser, a 3% salary increase adopted by the Brenham Independent School District Board and several other smaller line item increases. Dilworth noted that as of now each field appraiser is responsible for 7,000 accounts and with the new position it would decrease to about 5,000 accounts each. Miller noted the impact for the City of Brenham is an increase of \$2,888 for FY16-17 which was included in the General Fund proposed budget already reviewed with Council.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve the FY2016-17 Budget for the Washington County Appraisal District.

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

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

11. Discuss and Possibly Act Upon an Ordinance on Its First Reading Approving Financing for the Purchase of Furnishings and Equipment for the Expanded and Renovated Nancy Carol Roberts Memorial Library

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that as the expansion/renovation project at the Nancy Carol Roberts Memorial Library nears completion, Council has approved the purchase of shelving systems and furnishings from several vendors using numerous purchasing cooperatives and award of competitive bids.

Miller advised that at the Council meeting on August 18, 2016, Staff discussed the differences between securing a traditional capital lease for financing these purchases, and the recommendation to secure financing from our depository bank, Bank of Brenham. Miller stated that the City Attorney has been working with Bank of Brenham to review the financing arrangement and develop the necessary loan documents.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve an Ordinance on its first reading approving financing for the purchase of furnishings and equipment for the expanded and renovated Nancy Carol Roberts Memorial Library.

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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

12. Discuss and Possibly Act Upon the Selection of Candidates to be Voted for on the Texas Municipal League Intergovernmental Risk Pool Board of Trustees, Places 6-9 and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that as a member of the Texas Municipal League Intergovernmental Risk Pool (TML IRP), the City of Brenham is eligible to participate in the election of members to the Board of Trustees. Miller advised the votes cast on the ballot for the Trustee election must be certified as being the will of the majority of the City Council and thus, the vote must occur during the Regular session of the City Council Meeting.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Barnes-Tilley to approve the selection of candidates for the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Places 6-9, as follows:

Place 6: Kyle J. Jung - Manvel
Place 7: Richard Jorgensen – Giddings
Place 8: Andrea M. Gardner – Copperas Cove
Place 9: Andres Garza - Wharton

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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

13. Discuss and Possibly Act Upon Resolution No. R-16-023 for the Acceptance of a Special Projects Grant from the Texas State Library and Archives Commission in the Amount of \$16,350 for the “Play On” Program at the Nancy Carol Roberts Memorial Library

Librarian Andria Heiges presented this item. Heiges explained that this grant provides funding for programs that expand library services to populations with special needs. Heiges stated the library currently offers a weekly musical program to members of the Brenham state supported living center. Heiges noted the proposed “Play On” program would use assistive technology along with creative tools allowing the library to offer a therapeutic music program to benefit people with disabilities. Heiges stated this is a reimbursement grant which would purchase new technology and related components in the library’s new program room, and a musical tool known as a skoog.

A motion was made by Councilmember Williams and seconded by Councilmember Goss to approve Resolution No. R-16-023 for the acceptance of a Special Projects Grant from the Texas State Library and Archives Commission in the amount of \$16,350 for the “Play On” Program at the Nancy Carol Roberts Memorial Library

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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

14. Discuss and Possibly Act Upon Resolution No. R-16-024 for the Acceptance of a Cooperation Grant from the Texas State Library and Archives Commission in the Amount of \$15,500 for the “Library Small Business and Workforce Development Hub” Program at the Nancy Carol Roberts Memorial Library

Librarian Andria Heiges presented this item. Heiges explained that this grant provides funding for programs that establish or enhance cooperative services among Texas library communities. Heiges noted that funded programs are required to develop partnerships with community-based organizations. Heiges stated Library staff met with Blinn College Small Business Development Center (SBDC) representatives to discuss the benefit and impact of this grant opportunity. Heiges explained that the SBDC and NCRML have agreed to a partnership that combines the skill set and business expertise of the SBDC along with the technology skills of library staff and wired facility offerings of NCRML. Heiges explained this is a reimbursement grant which would purchase new technology to be held and owned by the NCRML and pay instructor and material fees for 4 small business themed workshops be held at the NCRML.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve Resolution No. R-16-024 for the acceptance of a Cooperation Grant from the Texas State Library and Archives Commission in the amount of \$15,500 for the “Library Small Business and Workforce Development Hub” Program at the Nancy Carol Roberts Memorial Library.

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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

15. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas, Part V, Section 3.03, Relating to the Number of Alternate Members of the Board of Adjustment

Planning Technician Kim Hodde presented this item. Hodde explained that the Board of Adjustment is a quasi-judicial board consisting of five members and two alternate members. Hodde noted a quorum for this board is four members in attendance. Hodde stated there have been a couple of recent issues with lack of quorum or too many board members with a conflict of interest. Hodde advised that in an effort to remedy this situation, Staff would like to change the number of alternates for the Board of Adjustment to four.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve an Ordinance on its first reading amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas, Part V, Section 3.03, relating to the number of alternate members to the Board of Adjustment.

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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

16. Discuss and Possibly Act Upon an Agreement Between the City of Brenham and the Brenham Community Development Corporation (BCDC) for Management, Administrative and Technical Services and Authorize the Mayor to Execute Any Necessary Documentation

City Engineer Lori Lakatos presented this item. Lakatos explained the Brenham Community Development Corporation (BCDC) and the City of Brenham (City) work cooperatively to promote local economic development and the stimulation of business and commercial activities within the City of Brenham. Lakatos advised the purpose of this agreement is to have the City Manager, or his designee(s), implement, administer, and carry out the duties that an executive director or other staff of the BCDC would have in managing, administering, and providing technical services for the economic development programs and projects approved by the BCDC. Lakatos stated this agreement allows the City to handle the administration and management of services related to contracts, consultants, and contractors.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve an agreement between the City of Brenham and the Brenham Community Development Corporation (BCDC) for Management, Administrative, and Technical Services and authorize the Mayor to execute any necessary documentation.

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

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

17. Discuss and Possibly Act Upon a One Year Contract Extension, in Accordance with Bid No. 15-008, for Gasoline and Diesel Fuel for the City of Brenham’s Vehicle and Equipment Fleet and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that on June 9, 2015 the City of Brenham opened bids regarding bulk fuel and fleet fueling services. Rau stated the only bid packet received was from Alexander Oil in Brenham. Rau advised that Alexander Oil provides the City of Brenham a location to fuel up fleet vehicles along with supplying numerous departments’ bulk fuel at their desired location for items such as generators, bulk storage tanks and the tub grinder. Rau stated the initial contract was for 3 years and, if approved, this would be the first annual renewal.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve a one year contract extension, in accordance with Bid No. 15-008, for gasoline and diesel fuel for the City of Brenham’s vehicle and equipment fleet 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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

18. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- There will be a Special Council meeting on September 12th at 8:00 a.m.
- The fair parade will be September 10th
- The animal shelter has a position open for an Animal Services Manager; Detective John Snowden is currently serving as the interim

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

EXECUTIVE SESSION

**19. Section 551.086 – Texas Government Code – Utility Competitive Matters –
Deliberation Regarding the City of Brenham’s Gas Supply Contract**

Executive Session adjourned at 2:25 p.m.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

Brenham City Council Minutes

A special meeting of the Brenham City Council was held on September 12, 2016 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 Mary E. Barnes-Tilley
Councilmember Weldon Williams, Jr.

Members absent:

Councilmember Keith Herring

Others present:

City Manager Terry Roberts, Assistant City Manager of General Government Ryan Rapelye, City Secretary Jeana Bellinger, Deputy City Secretary Kacey Weiss, Assistant City Manager – Chief Financial Officer Carolyn Miller, Stacy Hardy, Fire Chief Ricky Boeker, Assistant City Manager of Public Utilities Lowell Ogle, and Development Services Manager Erik Smith.

Citizens present:

There were no citizens present.

Media Present:

Arthur Hahn, Brenham Banner Press; and Mark Whitehead, KWHI.

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Williams**
- 3. Citizens Comments**

There were no citizen comments.

PUBLIC HEARING

4. Proposed Budget for Fiscal Year Beginning October 1, 2016 and Ending September 30, 2017

This budget will raise more total property taxes than last year's budget by an estimated \$469,887 (8.50%), and of that amount, \$55,752 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 FY2016-17 proposed budget was the result of numerous staff hours as well as three days of 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 in compliance with 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.

There were no citizen comments.

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, 2016 and Ending September 30, 2017, 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 compliance 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 the FY2016-17 budget will raise more total property taxes than last year's budget by \$469,887 (8.50%), and of that amount \$55,752 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 Mayor Pro Tem Nix to ratify the property tax increase reflected in the proposed budget for the fiscal year beginning October 1, 2016 and ending September 30, 2017, 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	Yes
Councilmember Keith Herring	Absent
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, 2016 and Ending September 30, 2017

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller advised that the proposed FY2016-17 Budget has been developed in compliance with the property tax code, local government code, and City Charter. Miller stated a property tax rate of \$0.5070 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 Williams and seconded by Councilmember Goss to approve an Ordinance on its first reading adopting the budget for fiscal year beginning October 1, 2016 and ending September 30, 2017.

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	Absent
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 \$0.5070 per \$100 Valuation

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller advised that the proposed FY2016-17 Budget includes a tax rate of \$0.5070 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 \$0.5070 will allocate \$0.3150 to the General Fund for maintenance and operations and, the balance of \$0.1920 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. Miller stated that pursuant to the Tax Code, the vote on the ordinance setting a tax rate that exceeds the effective tax rate must be a record vote, and at least 60 percent of the members of the governing body must vote in favor of the ordinance.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Goss that the property tax rate be increased by the adoption of a tax rate of \$0.5070 per \$100 valuation, which is effectively a 7.64% 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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

8. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- Standards and Poors advised that the City's AA bond rating has been maintained.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

ORDINANCE NO. O-16-027

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING CHAPTER 8, FIRE PROTECTION AND PREVENTION, SECTION 8-3, FIREWORKS – POSSESSING, SELLING, ETC., OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS; PROVIDING FOR A REPEALER AND SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND OPEN MEETINGS

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

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

WHEREAS, with the passage of Senate Bill 1593, which went into effect on September 1, 2015, mandating that a home rule city may not define and prohibit as a nuisance the sale of fireworks or similar materials within the 5,000 foot nuisance zone outside the city limits; and

WHEREAS, the City Council must amend Chapter 8 of Code of Ordinances to ensure it meets the requirements of State Law; and

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

SECTION 1.

Chapter 8, Subsections 8-3 (a) and (d), of the Code of Ordinances of the City of Brenham is hereby amended to read as follows:

Sec. 8-3. – Fireworks - Possessing, selling, etc.

- (a) The transporting, storing, possession or presence of any fireworks (except for the purpose of offering fireworks for sale in the territorial jurisdiction of the city), including types covered by Texas Occupation Code Chapter 2154, within the city or the territorial jurisdiction of the city, being the area immediately adjacent and contiguous to the city limits and extending outside the city limits for a distance of five thousand (5,000) feet in all directions, unless such area is within the corporate limits of another municipality, is hereby declared to be a nuisance. The offering for sale of any fireworks within the city limits is hereby declared to be a nuisance; however, the offering for sale of any fireworks in the territorial jurisdiction of the city shall not be considered a nuisance.

- (d) Notwithstanding any penal provisions hereof, the city attorney is authorized to file suit on behalf of the city for such injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping or using of fireworks within the city limits or the territorial jurisdiction of the city, and to prevent any person from interfering with the seizure and destruction of such fireworks; provided, however:
- (1) That it shall not be necessary to obtain such injunctive relief as a prerequisite to such seizure and destruction.
 - (2) That any member of the fire department is hereby authorized to enter any building, in accordance with applicable laws governing the right to entry, search and seizure, where the unlawful presence of fireworks is suspected in order to inspect the same for the presence of such fireworks.
 - (3) That in any instance, where the fire chief or any of his duly authorized assistants have probable cause to believe that fireworks are being stored in a building, they shall, in accordance with applicable laws governing the right to entry, search and seizure, promptly enter the building for the purpose of inspection.

SECTION 2.
SAVINGS CLAUSE

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

SECTION 3.
SEVERABILITY

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

SECTION 4.
REPEALER

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

SECTION 5.
EFFECTIVE DATE

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

SECTION 6.
PROPER NOTICE AND MEETINGS

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

PASSED AND APPROVED on its first reading this the 15th day of September, 2016.

PASSED AND APPROVED on its second reading this the 13th day of October, 2016.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

ORDINANCE NO. O-16-028

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF DAY STREET RIGHT-OF-WAY BOUNDED ON THE NORTH BY PEABODY STREET, BOUNDED ON THE EAST BY THE MATTHEW C. STOLZ CALLED 0.088 ACRE TRACT, ALSO BOUNDED ON THE EAST BY LOT 5 OF THE CITY ADDITION, BEING BOUNDED ON THE SOUTH BY THE BURLINGTON NORTHERN AND SANTA FE RAILROAD, AND BEING BOUNDED ON THE WEST BY THE BRENHAM DESIGN & CONSTRUCTION INC., CALLED 17600 SQ. FT. TRACT, SITUATED IN WASHINGTON COUNTY, TEXAS, BEING OUT OF THE A. HARRINGTON SURVEY, ABSTRACT NO. 55, IN THE CITY OF BRENHAM

WHEREAS, the City of Brenham has ownership of the Day Street right-of-way bounded on the north by Peabody Street, bounded on the east by the Matthew C. Stolz called 0.088 acre tract, also bounded on the east by Lot 5 of the City Addition, being bounded on the south by the Burlington Northern and Santa Fe Railroad, and being bounded on the west by the Brenham Design & Construction, Inc., called 17600 sq. ft. tract, situated in Washington County, Texas, being out of the A. Harrington Survey, Abstract No. 55, in the City of Brenham; and

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

WHEREAS, the adjoining property owner requesting the abandonment of a portion of Day Street owns an adjoining 0.088 acre tract; and

WHEREAS, the abandonment and closing of the portion of Day Street right-of-way as shown on Exhibit "A," attached hereto and incorporated herein for all purposes, will not create an undue burden on traffic; and

WHEREAS, the City of Brenham has no need or use for the portion of Day Street as shown on Exhibit "A" as a public thoroughfare, and said portion of the Day 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 Day Street right-of-way as shown on Exhibit "A" as a public thoroughfare, said closure and abandonment being in the best interest of the citizens of Brenham; and

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

SECTION I.

That the portion of the Day Street right-of-way as shown on Exhibit “A” 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 Day Street right-of-way as shown on Exhibit “A,” attached hereto 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 replat of the abandoned right-of-way parcels into conforming lots.

PASSED and **APPROVED** on its first reading this the 15th day of September, 2016.

PASSED and **APPROVED** on its second reading this the 13th day of October, 2016.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

cm = control monument
 c = concrete
 sw = sidewalk
 pp = power (utility) pole
 OHE = overhead electric line

EXHIBIT A



Scale 1" = 30'

Notes:

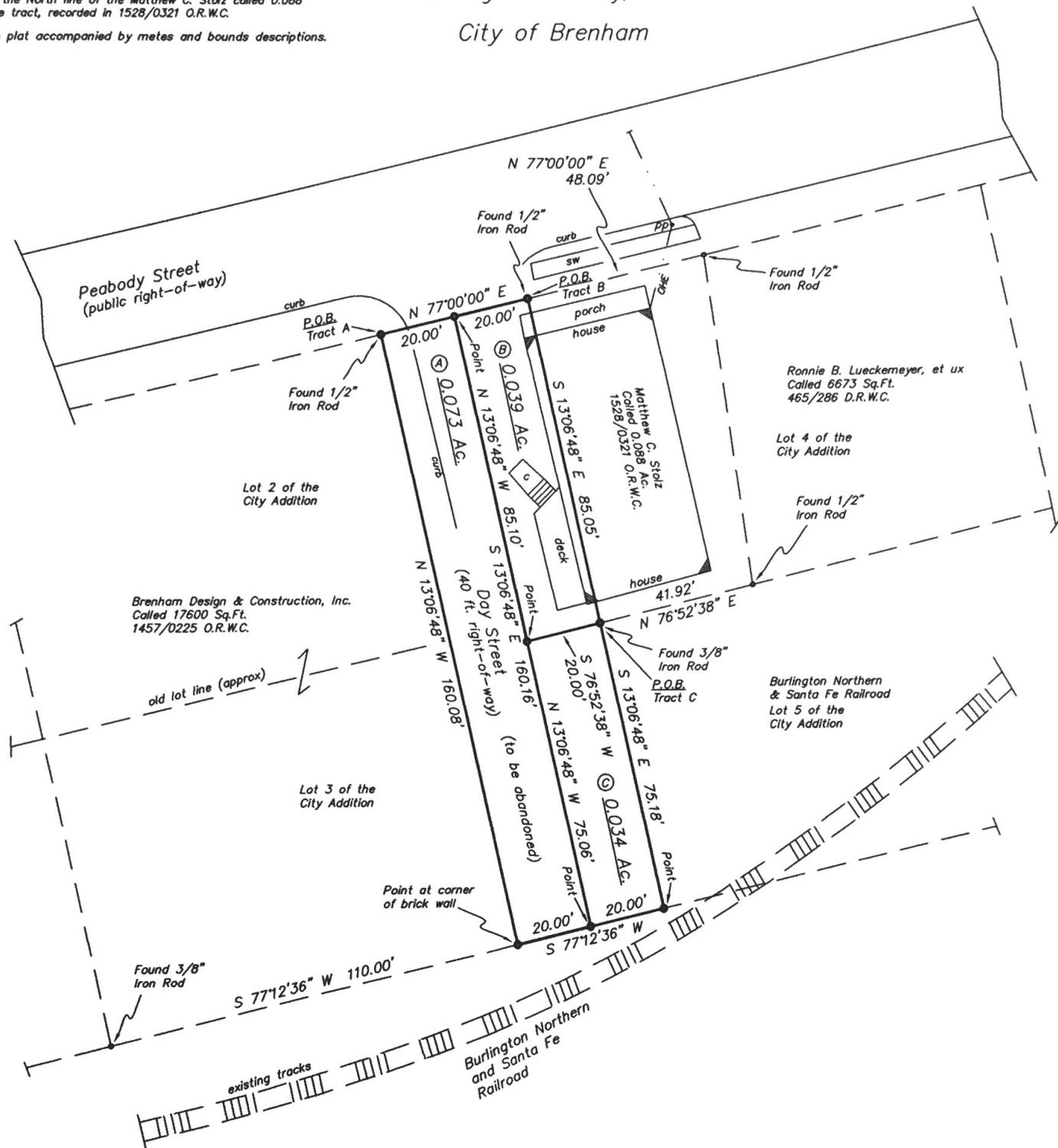
The subject tracts shown hereon do not lie within the Special Flood Hazard Area according to the FEMA Flood Insurance Rate Map for Washington County, Texas, Map Number 48477C0295C, effective date August 16, 2011.

A current title commitment or report was not available or provided to the undersigned surveyor as of the date of this survey, and the undersigned surveyor did not abstract the subject tract.

Bearings shown hereon are based on the record bearing for the North line of the Matthew C. Stolz called 0.088 acre tract, recorded in 1528/0321 O.R.W.C.

This plat accompanied by metes and bounds descriptions.

A. Harrington Survey Abstract No. 55 Washington County, Texas City of Brenham



Survey Map

Showing a division of 0.147 acres, being a portion of Day Street, being bounded on the North by Peabody Street (public right-of-way), bounded on the East by the Matthew C. Stolz called 0.088 acre tract, also bounded on the East by Lot 5 of the City Addition, being bounded on the South by the Burlington Northern and Santa Fe Railroad, and being bounded on the West by the Brenham Design & Construction Inc., called 17600 Sq.Ft. tract, situated in Washington County, Texas, being out of the A. Harrington Survey, Abstract No. 55, in the City of Brenham.

I, Michael J. Blakey, Registered Professional Land Surveyor, do hereby certify that the plat shown hereon represents the results of an on the ground survey made by me on April 28, 2016, and all corners are as shown. There are no conflicts or protrusions apparent on the ground except as shown. This survey was made without the benefit of a current title report which may indicate easements or other encumbrances of record not apparent on the ground.

Michael J. Blakey
 Michael J. Blakey
 Registered Professional Land Surveyor No. 5935

W.O.#2016-2324

Blakey Land Surveying

RPLS 4052  RPLS 5935

4650 Wilhelm Lane
 Burton, Texas 77835

(979) 289-3900
 33

Blakey Land Surveying

4650 Wilhelm Lane
Burton, Texas 77835-5794

Telephone/Fax 979-289-3900

PORTION OF DAY STREET
TRACT A – 0.073 ACRES

ALL THAT TRACT OR PARCEL OF LAND containing 0.073 acres, situated in Washington County, Texas, being out of the A. Harrington Survey, Abstract No. 55, in the City of Brenham, and being a portion of Day Street (40 ft. right-of-way), being bounded on the North by Peabody Street (public right-of-way), bounded on the West by the Brenham Design & Construction Inc., called 17600 Sq.Ft. tract (Volume 1457, Page 0225, Official Records of Washington County, Texas), bounded on the East by a 0.039 acre tract (surveyed this date, designated Tract B), also bounded on the East by a 0.034 acre tract (surveyed this date, designated Tract C), and being bounded on the South by the Burlington Northern and Santa Fe Railroad, said 0.073 acre tract being more particularly described as follows:

BEGINNING at a found ½ inch iron rod, lying in the South margin of Peabody Street (public right-of-way), marking the Northeast corner of the Brenham Design & Construction Inc., called 17600 Sq.Ft. tract, and the Northwest corner of the herein described tract;

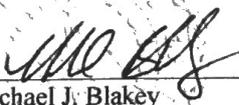
THENCE along the South margin of Peabody Street, with the North line of the herein described tract, N 77deg 00min 00sec E, 20.00 ft., to a point, marking the Northwest corner of said 0.039 acre tract (Tract B), and the Northeast corner of the herein described tract;

THENCE departing said street margin, along the West line of said 0.039 acre tract (Tract B), and along the West line of said 0.034 acre tract (Tract C), with the East line of the herein described tract, S 13deg 06min 48sec E, 160.16 ft., to a point, lying in the North line of said Burlington Northern and Santa Fe Railroad, marking the Southwest corner of said 0.034 acre tract (Tract C), and the Southeast corner of the herein described tract;

THENCE along the North line of said Burlington Northern and Santa Fe Railroad, with the South line of the herein described tract, S 77deg 12min 36sec W, 20.00 ft., to a point at the corner of a brick wall, marking the Southeast corner of the aforementioned Brenham Design & Construction Inc., called 17600 Sq.Ft. tract, and the Southwest corner of the herein described tract;

THENCE along the East line of said Brenham Design & Construction Inc., called 17600 Sq.Ft. tract, with the West line of the herein described tract, N 13deg 06min 48sec W, 160.08 ft., to the **PLACE OF BEGINNING** and containing 0.073 acres of land.

April 28, 2016
W.O.#2016-2324



Michael J. Blakey
Registered Professional Land Surveyor No. 5935

Plat prepared and made a part of this description.

Blakey Land Surveying

4650 Wilhelm Lane
Burton, Texas 77835-5794

Telephone/Fax 979-289-3900

PORTION OF DAY STREET
TRACT B – 0.039 ACRES

ALL THAT TRACT OR PARCEL OF LAND containing 0.039 acres, situated in Washington County, Texas, being out of the A. Harrington Survey, Abstract No. 55, in the City of Brenham, and being a portion of Day Street (40 ft. right-of-way), being bounded on the North by Peabody Street (public right-of-way), bounded on the West by a 0.073 acre tract (surveyed this date, designated Tract A), bounded on the East by the Matthew C. Stolz called 0.088 acre tract (Volume 1528, Page 0321, Official Records of Washington County, Texas), and bounded on the South by a 0.034 acre tract (surveyed this date, designated Tract C), said 0.039 acre tract being more particularly described as follows:

BEGINNING at a found ½ inch iron rod, lying in the South margin of Peabody Street (public right-of-way), marking the Northwest corner of the Matthew C. Stolz called 0.088 acre tract, and the Northeast corner of the herein described tract;

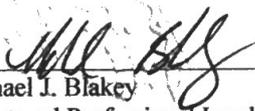
THENCE departing said street margin, along the West line of said Stolz tract with the East line of the herein described tract, S 13deg 06min 48sec E, 85.05 ft., to a found 3/8 inch iron rod, marking the Northeast corner of said 0.034 acre tract (Tract C), and the Southeast corner of the herein described tract;

THENCE along the North line of said 0.034 acre tract (Tract C), with the South line of the herein described tract, S 76deg 52min 38sec W, 20.00 ft., to a point, lying in the East line of said 0.073 acre tract (Tract A), marking the Northwest corner of said 0.034 acre tract (Tract C), and the Southwest corner of the herein described tract;

THENCE along a portion of the East line of said 0.073 acre tract, with the West line of the herein described tract, N 13deg 06min 48sec W, 85.10 ft., to a point, lying in the South margin of the aforementioned Peabody Street, marking the Northeast corner of said 0.073 acre tract (Tract A), and the Northwest corner of the herein described tract;

THENCE along the South margin of Peabody Street, with the North line of the herein described tract, N 77deg 00min 00sec E, 20.00 ft., to the **PLACE OF BEGINNING** and containing 0.039 acres of land.

April 28, 2016
W.O.#2016-2324



Michael J. Blakey
Registered Professional Land Surveyor No. 5935

Plat prepared and made a part of this description.

Blakey Land Surveying

4650 Wilhelm Lane
Burton, Texas 77835-5794

Telephone/Fax 979-289-3900

PORTION OF DAY STREET
TRACT C – 0.034 ACRES

ALL THAT TRACT OR PARCEL OF LAND containing 0.034 acres, situated in Washington County, Texas, being out of the A. Harrington Survey, Abstract No. 55, in the City of Brenham, and being a portion of Day Street (40 ft. right-of-way), being bounded on the North by a 0.039 acre tract (surveyed this date, designated Tract B), bounded on the West by a 0.073 acre tract (surveyed this date, designated Tract A), bounded on the East by the Burlington Northern and Santa Fe property (Lot 5 of the City Addition), and being bounded on the South by the Burlington Northern and Santa Fe Railroad, said 0.034 acre tract being more particularly described as follows:

BEGINNING at a found 3/8 inch iron rod, marking the Southwest corner of the Matthew C. Stolz called 0.088 acre tract (Volume 1528, Page 0321, Official Records of Washington County, Texas), the Northwest corner of Lot 5 of the City Addition, marking the Southeast corner of said 0.039 acre tract (Tract B), and the Northeast corner of the herein described tract;

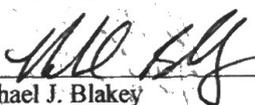
THENCE along the West line of Lot 5 of the City Addition, with the East line of the herein described tract, S 13deg 06min 48sec E, 75.18 ft., to a point, lying in the North line of the Burlington Northern and Santa Fe Railroad, marking the Southwest corner of Lot 5 of the City Addition, and the Southeast corner of the herein described tract;

THENCE along the North line of said Burlington Northern and Santa Fe Railroad, with the South line of the herein described tract, S 77deg 12min 36sec W, 20.00 ft., to a point, marking the Southeast corner of said 0.073 acre tract (Tract A), and the Southwest corner of the herein described tract;

THENCE along a portion of the East line of said 0.073 acre tract, with the West line of the herein described tract, N 13deg 06min 48sec W, 75.06 ft., to a point, marking the Southwest corner of said 0.039 acre tract (Tract B), and the Northwest corner of the herein described tract;

THENCE along the South line of said 0.039 acre tract (Tract B), with the North line of the herein described tract, N 76deg 52min 38sec E, 20.00 ft., to the **PLACE OF BEGINNING** and containing 0.034 acres of land.

April 28, 2016
W.O.#2016-2324



Michael J. Blakey
Registered Professional Land Surveyor No. 5935

Plat prepared and made a part of this description.



AGENDA ITEM 8

DATE OF MEETING: October 13, 2016	DATE SUBMITTED: October 4, 2016	
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: Discussion and Presentation on the Current Zoning Ordinance and Possible Future Planned Development District Projects		
<p>SUMMARY STATEMENT: City staff has been working with Stylecraft Builders for the past few months on a possible future project for a tract of land that is currently in the City’s Extra Territorial Jurisdiction “E.T.J.” Because of a development agreement in place for the tract of land any development, which would include platting, would trigger the voluntary annexation process. Upon annexation the property’s initial zoning designation would be R-1 Single Family Residential.</p> <p>Stylecraft has inquired about a couple of different possible options for their project to make it feasible. One of those options is looking at creating a Planned Development which is a possibility for them but they would have to go through the zoning amendment process to accomplish this goal.</p> <p>The second option is looking at zoning classifications in general. A question came up during this process as to when the last time a more thorough zoning ordinance review had taken place. Going back through records 1995 was the last time a zoning ordinance amendment of significance has taken place. The 1995 ordinance is what we use currently. The question came up as to whether or not this needs to be looked at to address current developmental trends and if we want to consider any ordinance amendments to adjust to those.</p>		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Site Layout; and (2) Proposed Planned Development Ordinance		

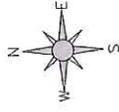
FUNDING SOURCE (Where Applicable):

RECOMMENDED ACTION: Discussion only.

APPROVALS: Terry K. Roberts

The Trails at Hickory Grove

Master Planned Community



scale 1" = 100'



ORDINANCE _____

AN ORDINANCE AMENDING APPENDIX A – “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP TO CHANGE PROPERTY CURRENTLY UNZONED TO A COMBINANTION PLAN OF A PLANNED DEVELOPMENT DISTRICT (71.33 ACRES), R-2 (8.36 ACRES), AND B-1 (6.98 ACRES). THIS TRACT SPECIFICALLY IS 86.667 ACRES ON LAND THAT IS WEST AND ADJACENT TO STATE HIGHWAY 36, AND SOUTH AND ADJACENT TO DIXIE ROAD BEING ALL OR PORTIONS OF TRACT 53 OUT OF THE PHILLIP COE SURVEY IN BRENHAM, 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.

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 change property currently unzoned to establish a Planned Development (PD) District for single-family residential uses of approximately 71.33, a request to change the zoning from unzoned to a Mixed Residential (R-2) District on approximately 8.36 Acres, and a request to change the zoning from unzoned to a Local Business/Residential Mixed Use (B-1) District on approximately 6.98 Acres, and generally bounded West and adjacent to State Highway 36, and South and adjacent to Dixie Road being all or portions of Tract 53 out of the Phillip Coe Survey in Brenham, Texas.

1. Minimum lot width of 55 feet, and width is to be measured at the mid-point between the front and rear property line;
2. Minimum lot depth of 120 feet, and depth is to be measured as the average of the two side property lines;
3. Minimum lot depth of 105 feet for cul-de-sac lots that are affected by the bulb of the cul-de-sac, and depth is to be measured as the average of the two side property lines;
4. Minimum front setbacks of 20 feet and is measured from the slab with no more than a 2-foot overhang;

5. Minimum side setbacks of 7.5 feet and is measured from the slab with no more than a 2-foot overhang;
6. Minimum rear setbacks of 20 feet and is measured from the slab with no more than a 2-foot overhang.
7. Hickory Grove green space and perimeter landscaping are to be dedicated common areas owned and maintained by a homeowners association;
8. A minimum of 5,200 linear feet of all-weather trail shall be constructed in Hickory Grove;
9. A homeowners association shall be established with their governing documents to ensure adequate maintenance of the common areas as shown on the master development plan;
10. Unless otherwise listed above the property located within the Planned Development District shall conform to the regulations found in the Single-Family Residential Zoning District of the zoning ordinance and subdivision ordinance;
11. The property shown on the master development plan as multi-family shall be zoned R-2 and all applicable regulations and ordinances of the R-2 zoning district shall apply;
12. The property shown on the master development plan as commercial shall be zoned B-1 and all applicable regulations and ordinances of the B-1 zoning district shall apply; and
13. Road layout should conform to the master development plan shown in Exhibit A;
14. All adopted building codes shall apply.

Section 2. This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.



AGENDA ITEM 9

DATE OF MEETING: October 13, 2016	DATE SUBMITTED: October 4, 2016	
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Dane Rau	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Purchase of a Haul Truck Using BuyBoard Contract No. 430-13, for the City of Brenham’s Sanitation Department and Authorize the Mayor to Execute Any Necessary Documentation		
SUMMARY STATEMENT: During the 2016-17 budget process the Sanitation Dept. requested a replacement haul truck for their fleet. This replacement was part of the 10 yr. capital improvement plan. This truck will replace a 1995 haul truck that has been a part of our fleet for 21 yrs. and has made an estimated 10,000+ trips to the landfill. These trucks are used daily to transport waste from the Brenham Transfer Station to the landfill in Altair, TX.		
<p>Staff has evaluated 3 different types of trucks and have all agreed that the Kenworth T880 will be suitable for the rough conditions in which the trucks will operate. We also looked at the Freightliner and International units. Our maintenance team and the sanitation staff are all comfortable with the Kenworth T880. We have also checked with other Transfer Stations throughout the state and we were very satisfied with how well these trucks have held up with like conditions compared to some of the other units. This truck is built to withstand the rough terrain of landfill conditions.</p> <p>The truck can be purchased from Performance Truck of Bryan, TX under BuyBoard Contract No. 430-13. The value of the unit is \$119,875. This includes the wet kit and will be road ready when received. The budgeted amount was \$120,000. Delivery of the unit once ordered is expected to be within 10 days of order. It is very important that we get this truck ordered as beginning October 1st we are now receiving 100% of the commercial waste from Progressive Waste Solutions that is generated in Brenham. This will add revenue to the Transfer Station but will also increase the amount of runs that we make per year. To have a replacement at this time is essential.</p> <p>Staff will place the old unit on Govdeals and is expected to receive \$4,000-\$6,000 based on past history.</p> <p>We would like to recommend that council allow staff to purchase this 2017 Kenworth Haul truck through the buy board local government purchasing cooperative for \$119,875.00.</p>		

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

A. PROS: Very good reputation and within budget.

B. CONS: None that we know of.

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) BuyBoard Price Sheet

FUNDING SOURCE (Where Applicable): 106-5-042-813.00

RECOMMENDED ACTION: Approve the purchase of a 2017 Kenworth Haul Truck from Performance Truck – Bryan, using BuyBoard Contract No. 430-13, in the amount of \$119,875.00 and authorize the Mayor to execute any necessary documentation

APPROVALS: Terry K. Roberts

PERFORMANCE TRUCK - BRYAN

266 Marino Road, Bryan, Texas 77808

Phone: (979) 778-4466

BUYER'S ORDER

Date Prepared: 09-22-2016	Delivery Date: 10-01-2016	Salesman: Layton Wiemers	Branch: Bryan
Purchaser: City of Brenham		Telephone: 979-337-7456 Fax:	
Mailing Address: PO BOX 1059 City: Brenham State: TX Zip: 77834			County: Washington
Physical Address: 200 W. Vulcan St. City: Brenham State: TX Zip: 77834			County: Washington
Description: NEW 2017 KENWORTH T880, Unit ID # 221484			
Mileage:	Color: L0006EY WHITE	NOTE: BUYBOARD CONTRACT # 430-13 - T880 Daycab Tractor - Item # 363	
VIN: 1XKZD49XXHJ151179 Comments: See attached spec's			
Purchaser's Agent: Bobby Branham		Title: Superintendent	License Type: Apportioned Account # Brehnam

LICENSE - TITLE INFORMATION

Months: 0	Tractor: X	Truck:	Trailer:	Body Type: N/A	Color: WHI	Tons:	GCW: 80000
Apportioned: X	IMC #	Combination:	Corn'l:	Token Trailer:	Gas:	Diesel: X	

INSURANCE INFORMATION

AGENCY:	
NAME:	PHONE:

LIEN INFORMATION

NAME:	LIEN DATE:
ADDRESS:	PHONE:
CITY, STATE, ZIP:	
COMMENTS:	
AMOUNT:	NAME:

ADDITIONAL INFORMATION

This quote is for 1 unit for ASAP delivery, FOB Bryan, TX.
Pricing is good until unit is sold out of inventory.
BUYBOARD CONTRACT # 430-13 - Line item 363
T880 Daycab - ISX15 475 HP - 10Speed Manual Trans - 13.2 Front - 40 Rear
40K Suspension
Refer to Specs for full details.
Includes Wet Kit to operate live floor trailer

SELLING PRICE	119,034.68
BUYBOARD FEE	400.00
CASH PRICE W/ACCESS.	119,434.68
TRADE IN ALLOWANCE	-
NET CASH DIFFERENCE	119,434.68
FEDERAL RETAIL EXCISE TAX	-
NET PRICE	119,434.68
STATE SALES TAX	-
LICENSE MO. & FEE	-
TITLE FEE (INCLUDES \$5 TAG FEE)	5.00
COMMERCIAL INSPECTION FEE	40.00
DEALER'S INVENTORY TAX	245.32
DOCUMENTARY FEE*	150.00
EXTENDED WARRANTY	-
SUBTOTAL	119,875.00
BALANCE OWED ON TRADE	-
SUBTOTAL	119,875.00
PREPAYMENT	-
BALANCE DUE UPON DELIVERY	119,875.00

DISCLAIMER OF WARRANTY

Any warranties on the products sold hereby are those made by the manufacturer. The seller, CLEVELAND MACK SALES, INC., PERFORMANCE TRUCK OR PERFORMANCE TRAILER, hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and CLEVELAND MACK SALES, INC., PERFORMANCE TRUCK OR PERFORMANCE TRAILER neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products.

* A DOCUMENTARY FEE IS NOT AN OFFICIAL FEE. A DOCUMENTARY FEE IS NOT REQUIRED BY LAW, BUT MAY BE CHARGED TO BUYERS FOR HANDLING DOCUMENTS RELATING TO THE SALE. A DOCUMENTARY FEE MAY NOT EXCEED A REASONABLE AMOUNT AGREED TO BY THE PARTIES. THIS NOTICE IS REQUIRED BY LAW.

Vehicle(s) are subject to prior sale and will not be held more than five working days.

PURCHASER _____

THIS ORDER NOT BINDING UNTIL ACCEPTED BY DEALER.

SALESPERSON _____

ACCEPTED BY _____



AGENDA ITEM 10

DATE OF MEETING: October 13, 2016	DATE SUBMITTED: October 4, 2016	
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Dane Rau	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Purchase of Three (3) Mowers Using BuyBoard Contract No. 447-14, for the City of Brenham’s Parks Department and Authorize the Mayor to Execute Any Necessary Documentation		
SUMMARY STATEMENT: During the 2016-17 budget process the Parks Department requested the replacement of three mowers, these being a 10’ rotary mower, a 6’ rotary mower, and an 8’ reel mower. These replacement mowers were part of the 10 yr. capital improvement plan and actually have been pushed back several years prior to the budget process. These mowers will replace similar units which are approaching 20 years old with the exception of the reel mower which is 10 years old and currently has 3310 hours on it. The rotary mowers are used weekly and the reel mowers are used daily. Rotary mowers are used to cut the open park spaces and discharge the clippings back onto the ground as a residential unit does. The reel mowers are used to cut athletic fields and have many blades that cut the grass at 7/8” height which provides a pristine playing surface for soccer, football and baseball. These replacement mowers are TORO mowers and we have had very good luck with them for many years. Our fleet consists of TORO mowers for which our mechanic is knowledgeable on repairs and can order parts from one vendor. The BuyBoard price sheet is attached from Professional Turf Products L.P which has the breakdown of each mower. The total of the three mowers total \$151,122.47. The total amount budgeted was \$153,000. Expected delivery time is between 30-45 days after order is placed. Staff will place the old units on Govdeals and based on past history values range from \$1200-\$1800 per unit We would like to recommend that council allow staff to purchase these mowers for the Parks Department through the BuyBoard local government purchasing cooperative for \$151,122.47.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS: Very good reputation, within budget, price increases happen in November		
B. CONS: None that we know of.		

ALTERNATIVES (In Suggested Order of Staff Preference):

ATTACHMENTS: (1) BuyBoard Price Sheet

FUNDING SOURCE (Where Applicable): 236-5-100-813.44

RECOMMENDED ACTION: Approve the purchase of three (3) mowers from Professional Turf Products, L.P., using BuyBoard Contract No. 447-14, in the amount of \$151,122.47 and authorize the Mayor to execute any necessary documentation

APPROVALS: Terry K. Roberts



Professional Turf Products, L.P.

5026 Service Center Drive
 San Antonio, Texas 78218
 Scott Grego
 (888) 776-8873 ext. 5416
 gregos@proturf.com



Count on it.

Ship To	City Of Brenham	Date	8/5/2016
Bill To	BUYBOARD (CONTRACT # 447-14)	Tax Rate	
Contact	Casey Redman	Destination	
Address	3801 Duncan Drive	Trade-In	
City	Brenham, TX	Finance	
State	TX	Account Type	Contract
Postal Code	77834-1059	<i>Comments:</i>	
Phone			
Fax			

#H50F

Proposal

Qty	Model #	Description	Unit	Extended
1	31200	Toro GM360 4WD with NO Deck (Tier 4 Final Compliant)		
1	30353	72 in Base Deck		
1	30549	72" Rear Discharge Completion Kit		
1	30052	MVP FILTER KIT-GM72000D (2008-) NON-CAB MODEL		
		Toro GM360 TIV 4WD	\$	32,780.12
1	30608	Toro Groundsmaster 4100-D (Tier 4 Final Compliant)		
1	30408	800 Hour Maintenance Kit		
		Toro GM4100 TIV	\$	62,131.64
1	03607	Toro Reelmaster 5510-D - 36.8 hp Tier 4 compliant Diesel w/factory installed ROPS		
5	03639	7-Inch, 8-Blade FSR DPA Cutting Unit		
1	03405	7-inch Weight for CUs with No Attachments (Kit of 5)		
1	30093	800 Hour MVP Kit Tier IV F 03607A		
		Toro RM5510 TIV	\$	56,210.71
SubTotal			\$	151,122.47
Destination Tax (Estimated)				Included Exempt
TOTAL			\$	151,122.47

Comments:

**For all New Equipment, Demo units may be available for up to 20% savings.
For all New Equipment, Refurbished units may be available for up to 40% savings.**

Terms & Conditions:

1. Orders are considered contractual. Order cancellations are subject to fees up to 10% of the original order value.
2. New equipment delivery time is estimated at six weeks from the time credit is approved & documents are executed.
3. Pricing, including finance options, valid for 30 days from time of quotation.
4. After 30 days all prices are subject to change without notice.
5. Used and Demo equipment is in high demand and availability is subject to change.
 - A. Upon firm customer commitment to purchase, said equipment availability will be determined and "locked".
 - B. In the event equipment is unavailable at time of order, PTP will employ every resource to secure an acceptable substitute.
 - C. PTP strongly advises the customer to issue a firm PO as quickly as possible after acceptance of quotation.
6. "Trade In Allowances" will be treated as a credit for future parts purchases on PTP account unless other arrangements have been made.

Returns Policy:

1. All returns are subject to restocking, refurbishing, usage, and shipping fees.
2. All returns must be able to be sold as new.
3. Items missing parts are non returnable.
4. Professional Turf Products will have sole discretion as to the resalable condition of the product.
5. This policy does not apply to items that are defective, or shipped incorrectly by PTP or one of its vendors.

Payment:

1. Terms are net 10 unless prior arrangements have been made.
2. Quoted prices are subject to credit approval.
 - A. PTP will work with third party financial institutions to secure leases when requested to do so.
 - B. When using third party financiers, documentation fees & advance payments may be required.
 - C. For convenience, monthly payments are estimated based on third party rate factors in effect at time of the quotation.
 - D. PTP assumes no liability in the event credit becomes unavailable or rates change during the approval process.
3. There will be a service charge equal to 1.5% per month (18% per annum) on all past due invoices.
4. By Law we are required to file a "Notice to Owner" of our intent to file lien in the event of payment default.
This notice must be sent within 60 days of the date the original invoice and will happen automatically regardless of any special payment arrangements that may have been made.

Authorized Signature: _____

Date: _____



AGENDA ITEM 11

DATE OF MEETING: October 13, 2016	DATE SUBMITTED: October 4, 2016	
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Dane Rau	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Purchase of a Scoreboard Using BuyBoard Contract No. 423-13, for the Baseball Field Located in Fireman’s Park and Authorize the Mayor to Execute Any Necessary Documentation		
SUMMARY STATEMENT: During the 2016-17 Brenham Community Development Corporation budget process the Parks Department ask BCDC to support the purchase of a new scoreboard for Fireman’s Park. Attached you will see a rendering of the new scoreboard which was designed by Nevco Inc. This scoreboard will be 32’ x 15’ which will basically be the same as the current board but with the trusses and wording on the top will make it appear slightly larger. The current scoreboard was put into place in 2004. Parts of the scoreboard have faded causing it to become unsightly and the components have begun to fail when it comes to consistently operating. Last year we spent several thousand dollars upgrading the components in order to keep it operating on a more consistent basis. The new scoreboard will be LED and will be able to be controlled digitally throughout the park. It will have a day clock, the “Fireman’s Park” name on the top, red/amber LED lights and customizable team names. This purchase will be split between the BCDC and the money that was raised over the last 2 years with the Fireman’s Park Advertising Program. BCDC has agreed to fund \$35,000 and \$26,000 will come from the advertising program. The total price is \$60,983 and is a turn-key installation. The scoreboard is used during Brenham Cub baseball games, Little League Tournaments and Select Ball Tournaments. We have spoken with the Brenham Baseball Alumni, Coach Williams and all are agreeable on the design. We would like to recommend that council allow staff to purchase this scoreboard from Nevco Inc. in the amount of \$60,983 for Fireman’s Park through the buy board local government purchasing cooperative.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS: Great looking scoreboard, LED lighting system, remote control options and a lot more versatility		
B. CONS: None that we know of.		

ALTERNATIVES (In Suggested Order of Staff Preference):
ATTACHMENTS: (1) BuyBoard Price Sheet; and (2) Sample of scoreboard
FUNDING SOURCE (Where Applicable): 234-5-100-816.42
RECOMMENDED ACTION: Approve the purchase of a scoreboard from Nevco, Inc., using BuyBoard Contract No. 423-13, in the amount of \$60,983 and authorize the Mayor to execute any necessary documentation
APPROVALS: Terry K. Roberts

Nevco Inc.
 301 East Harris Ave.
 Greenville, Illinois 62246
 800-851-4040
www.nevco.com



Texas Scoreboard
 Nevco Scoring and Display Consultant
 Troy Burns, Sales Manager
 832-693-1660
 email- Tburns@nevco.com
 Fax 210-579-1562

BUYBOARD Pricing

Submission Date: August 25, 2016

P#16383

Proposal

Quote Valid: 90 days

Purchaser: **City of Brenham - Dane Rau, Director**

Baseball Scoreboard Option 2

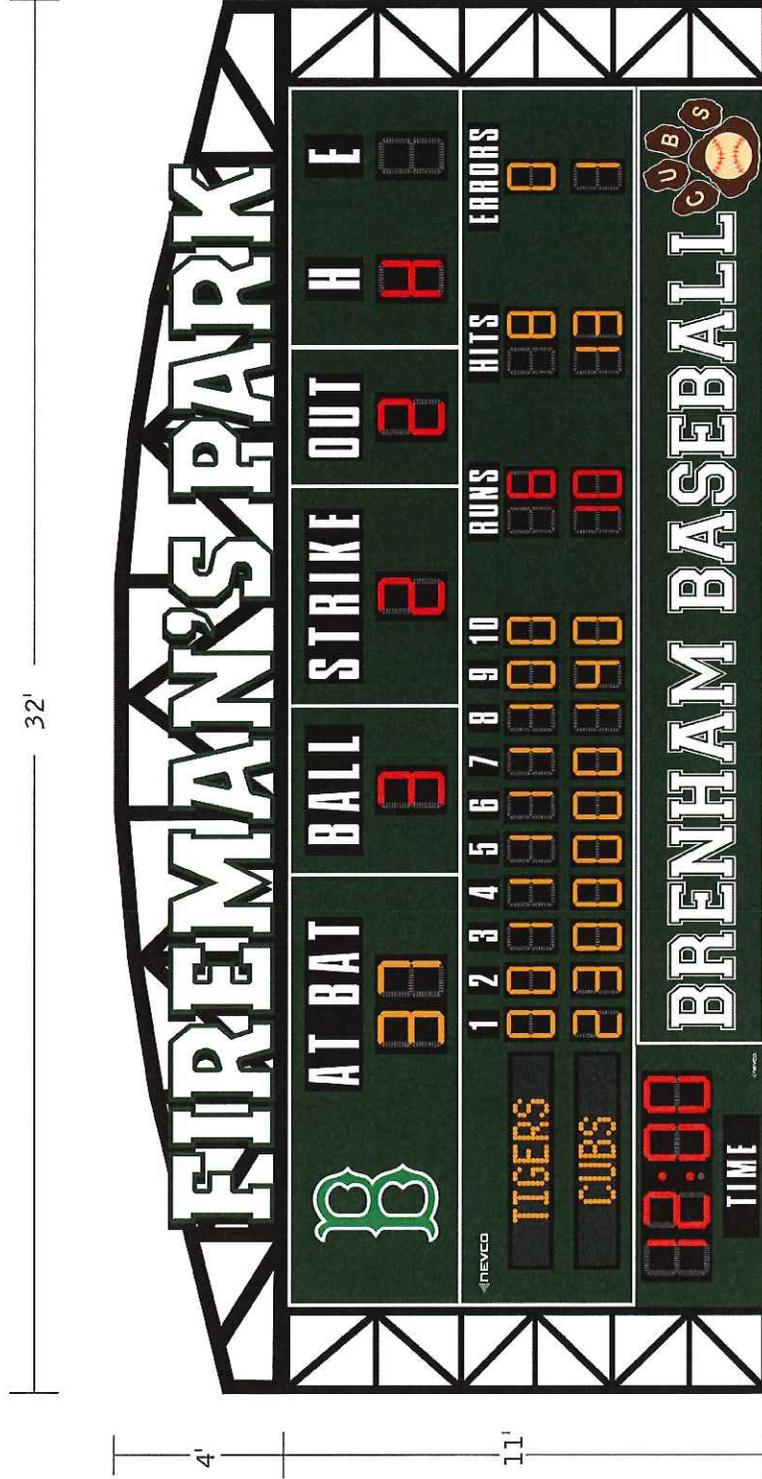
Line #	Quantity	Equipment	UNIT	List Price
1	1	Nevco Model 1604ETN LED Baseball Scoreboard	17,600.00	17,600.00
2		Dimensions: 8'H x 28'L		-
3		Electronic Team Names Included		-
4		Theme Colors: Included		-
5	1	Premium Clear Coat Paint Finish	504.00	504.00
6	1	Digit Combination of RED / AMBER	250.00	250.00
7	1	Mascot/Logo on Face of Scoreboard	137.00	137.00
8				-
9	1	850-0001 Aluminum Truss Top Mounted	5,769.00	5,769.00
10		Dimensions: 4'H x 28'L		-
11	12	30" 2 Color Aluminum Letters (FIREMAN'S PARK)	674.00	8,088.00
12		Non Rear Lit Type Letters		-
13				-
14				-
15	2	Custom Vertical Trusses each end of scoreboard	1,936.00	3,872.00
16		Dimensions: 2'W x 11'H		-
17				-
18	1	Model 9605 LED Time of Day Clock	2,332.00	2,332.00
19		Dimensions: 3'H x 6'L		-
20	1	ADO 23-3 Top Mounted, Full Depth, Non Lit Cabinet Sign	2,310.00	2,310.00
21		Dimensions: 3'H x 22'L		-
22				-
23	1	MPCW7 Wireless Control Console	994.00	994.00
24	2	MPCW7 Wireless Receiver (one for scoreboard, one for clock)	627.00	1,254.00
25	1	MPC Carrying Case	59.00	59.00
26				-
27	1	Installation of support structure beams set in concrete footings	10,450.00	10,450.00
28		Stamped engineered drawing included		-
29				-
30	1	Installation of complete scoreboard, signs, trusses etc to new	8,250.00	8,250.00
31		structure, hookup, termination, test and training included.		-
32		Does Not include electrical power wiring, conduit, breakers, disconnects,		-
33		transformers, trenching or digging to install power source.		-
34				-
35	1	Freight	2,800.00	2,800.00
36	1	Discount to customer	-3,686.00	(3,686.00)
37		Total price not including sales tax		60,983.00

Nevco Scoreboards include a 5 year parts and bench labor warranty.
 Texas Scoreboard Services includes an Additional 5 year on site labor warranty.

PROOF INCLUDES:

- **Model 1604-ETN Baseball/Softball LED Scoreboard**
28"W x 8'H
Scoreboard Color: #74 Forest Green
Digit Color: Amber
Custom Mixed Digit Color: Ball/Strike/Out/
H/E/Total/Runs: Red
Electronic Team Name (ETN) Color: Amber
Scoreboard Logo: 22"W x 34.5"H
- **Model 9605 Outdoor Timer/Clock LED Scoreboard**
6'W x 3'H
Display Color: #74 Forest Green
- **Non-illuminated Sign**
22"W x 3'H
- **Decorative Arch Truss**
32"W x 4'H
- **Decorative Arch Truss Letters (12) 30" Letters**
Two Color: White/#74 Forest Green
- **Decorative Rectangular Truss (2) 2'W x 11'H**

*Truss letters may require additional support. They cannot extend more than 15" above the top of the truss.



This rendering is for conceptual purposes only. It may not be to exact scale or specifications and should not be used for installation purposes. Every effort has been made to make it as accurate as possible. Beams and or pillars are for illustration only. Engineering specifications may require changes in the quantity, size and/or shape of beams and pillars to meet installation requirements. Nevco assumes no obligations or liability regarding the viability of applicability of existing structures.



AGENDA ITEM 12

DATE OF MEETING: October 13, 2016		DATE SUBMITTED: September 22, 2016	
DEPT. OF ORIGIN: Police		SUBMITTED BY: Craig U. Goodman	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING	
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING	
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION	
	<input type="checkbox"/> WORK SESSION		
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Acceptance of a Donation in the Amount of \$25,000.00 to the Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation			
SUMMARY STATEMENT: The Pegasus Foundation has offered a donation to the police department for \$25,000 to assist in needed training and equipment costs. The donation money will be placed in the donation account and the foundation requested that the funds be used for law enforcement training and/or equipment needs.			
STAFF ANALYSIS:			
A. PROS: These funds will assist the department with unique training and equipment needs.			
B. CONS: None identified			
ALTERNATIVES (In Suggested Order of Staff Preference): Utilized general fund budgeting			
ATTACHMENTS: None			
FUNDING SOURCE (Where Applicable): Donation			
RECOMMENDED ACTION: Accept a donation in the amount of \$25,000.00 from the Pegasus Foundation to the Brenham Police Department and authorize the Mayor to execute any necessary documentation			
APPROVALS: Terry K. Roberts			



AGENDA ITEM 13

DATE OF MEETING: October 13, 2016	DATE SUBMITTED: October 10, 2016	
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-16-027 Reauthorizing an Investment Policy for the City of Brenham		
SUMMARY STATEMENT: In April 2016, the Council approved changes to the Investment Policy which are summarized below. No additional changes are being proposed at this time, just the annual reauthorization of the Policy which is required by the Public Funds Investment Act.		
Changes approved in April 2016: <ul style="list-style-type: none"> • removed sophisticated investments that do not match the City’s practices; • revised the diversification percentages to allow the City flexibility to allocate money between authorized investments; • changed the Policy for the recent amendment to the City of Brenham Charter whereby the selection of a depository bank was changed from every two (2) years to every five (5) years. 		
We are asking Council to reauthorize the Investment Policy with no changes noted. However after the Texas Legislature meets in 2017, it is possible that some changes might be necessary in the upcoming year.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Resolution No. R-16-027; and (2) Investment Policy dated October 13, 2016		
FUNDING SOURCE (Where Applicable):		

RECOMMENDED ACTION: Approve Resolution No. R-16-027 Reauthorizing an Investment Policy for the City of Brenham dated October 13, 2016

APPROVALS: Terry K. Roberts

RESOLUTION NO. R-16-027

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 policy dated October 13, 2016 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 13, 2016.

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

APPROVED on this _____ day of _____, 2016.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary

Exhibit "A"



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.

INVESTMENT POLICY

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.

INVESTMENT POLICY

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.

INVESTMENT POLICY

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 that "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. 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.
5. 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.

INVESTMENT POLICY

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.

VIII. SELECTION OF BANKS AND DEALERS

DEPOSITORY

As required by the City of Brenham Charter, every five (5) 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.

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

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.

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

INVESTMENT POLICY

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.

INVESTMENT POLICY

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
City Council Resolution # R-15-024	October 1, 2015
City Council Resolution #R-16-014	April, 7, 2016



AGENDA ITEM 14

DATE OF MEETING: October 13,2016		DATE SUBMITTED: September 30, 2016
DEPT. OF ORIGIN: Administration		SUBMITTED BY: Terry Roberts
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Resolution No. R-16-028 Approving the Brenham Community Development Corporation’s Acquisition of Industrial Park Land and Approving a Promissory Note with the Brenham Community Development Corporation (BCDC) for a Portion of the Cost to Purchase Said Industrial Park Land and Authorize the Mayor to Execute the Necessary Documentation		
SUMMARY STATEMENT: At the September 22, 2016 meeting, the BCDC board authorized the president to enter into an earnest money contract for the purchase of approximately 44.9 acres for industrial park purposes. The land purchase will be financed by a \$500,000 promissory note to the City and by utilizing \$400,000 in BCDC fund balance reserves. A copy of the promissory note and the amortization schedule is attached for your review.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Memo from City Manager; (2) Resolution No. R-16-028; (3) Promissory Note; and (4) Amortization Schedule		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Approve Resolution No. R-16-028 approving the Brenham Community Development Corporation’s acquisition of industrial park land and approving a promissory note with the Brenham Community Development Corporation (BCDC) for a portion of the cost to purchase said industrial park land and authorize the Mayor to execute any necessary documentation		
APPROVALS: Terry K. Roberts		



To: Mayor and Council
From: Terry K. Roberts, City Manager
Subject: **Industrial Land Acquisition by the BCDC**
Date: October 10, 2016

For the past two months, the Brenham Community Development Corporation has been considering the purchase of a tract of land near the Southwest Industrial Park to add to its industrial land holdings. The 45 acre tract recently came on the market and has road frontage on three sides.

The BCDC approved the purchase at their September meeting and authorized me as President of the BCDC to enter into an earnest money contract. The attorneys for both the seller and buyer are working through the details of the contract.

Since this project was not anticipated in the FY17 BCDC budget, the resolution including in your packet formally approves the project by the City Council as the governing body. As with past real estate transactions of the BCDC (Brenham Business Center in 1998 and Southwest Industrial Park Section III in 2009) the Corporation has acquired these tracts through a combination of use of cash reserves and borrowing from the Electric Fund.

In the case of this transaction, the BCDC plans to seek a loan from the City for \$500,000 and fund the balance of the cost from their cash reserves. Typically, the City charges an interest rate a little above the 20 year tax exempt bond rate at the time of financing. The terms of the borrowing we recommended to the BCDC was a 10 year note at a 3.25% interest rate with the first two years of payments being interest only.

Unlike the Southwest Industrial Park Section III tract acquired in 2009, this new track lies completely outside the city limits. That triggers a provision in State law that requires the BCDC to obtain a favorable vote of the Commissioners Court in order to complete the transaction.

Whenever the details of the earnest money contract are worked out between the buyer and seller we will be ready to make the formal request to the County. I will prepare a letter as President of the BCDC requesting the County's support for the BCDC action. I will ask to be on the County's agenda after the earnest money contract has been finalized and the transaction is ready to escrow at the title company.

The State law provision applicable to 4B economic development sales tax projects on lands lying totally outside the city limits is found in Section 501.159 of the Texas Local Government Code. Even though the City intends to bring the tract into the city limits it is presently entirely outside the city limits and requires County action. Based on the wording of the statute, the BCDC will be approaching the County Commissioners court with a "request the corporation (BCDC) to exercise its powers within Washington County."

The Brenham Business Center land debt will mature in 2018 along with its infrastructure debt. There is also considerable debt maturing on the Recreation side of the BCDC ledger with the Hohlt Park and Blue Bell Aquatics Center debt maturing in 2018 as well. Other than the debt associated with the Southwest Industrial Park Section III, all other BCDC will mature in 2018. That is why this financing was structured to be interest only payments for the first two years.

Your favorable action on Resolution R-16-028 approving the land acquisition and approving a promissory note is requested. A copy of the resolution, promissory note, and debt service schedule is included in your agenda packet.

RESOLUTION NO. R-16-028

A RESOLUTION APPROVING A PROJECT OF THE BRENHAM COMMUNITY DEVELOPMENT CORPORATION (BCDC)

WHEREAS, the Brenham Community Development Corporation (“BCDC”) desires to acquire approximately 44.9 acres of land for industrial park purposes and has approved the project and expenditure of funds for the acquisition of said land located at the intersection of FM 389 and FM 332 in Brenham, Washington County, Texas; and

WHEREAS, the City Council of the City of Brenham desires to approve said project and expenditure of BCDC funds for the project, and further desires to assist the BCDC with a portion of the financial resources necessary to acquire the land;

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

1. That the City Council hereby approves the above-referenced project and expenditure of BCDC funds for the acquisition of land for industrial park purposes, and in order to promote local economic development and stimulate business and commercial activity in the City, further approves the provision of assistance to the BCDC with a portion of the financial resources necessary to acquire the land, in the form of a loan in the amount of \$500,000.00 to the BCDC, upon the terms set out in Exhibit A, attached hereto and incorporated herein for all purposes.
2. That the Mayor is hereby authorized to execute any and all documents, including without limitation a promissory note and deed of trust appropriate to document and secure the loan described herein, necessary to implement this Resolution.

APPROVED on this the 13th day of October, 2016.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Promissory Note

Date: _____, 2016

Borrower: Brenham Community Development Corporation, a Texas non-profit corporation created pursuant to art. 5190.6, Tex. Rev. Civ. Stat. Ann., and the Texas Non-Profit Corporation Act.

Borrower's Mailing Address:

Brenham Community Development Corporation
200 W. Vulcan
Brenham, Texas 77833
Washington County

Lender: City of Brenham, a Texas Home Rule Municipality.

Place for Payment:

City of Brenham, c/o Finance Department, 200 W. Vulcan, Brenham, Texas 77833, or any other place that Lender may designate in writing.

Principal Amount: \$500,000.00

Annual Interest Rate: 3.25%

Maturity Date: September 30, 2026

Annual Interest Rate on Matured, Unpaid Amounts: 3.25%

Terms of Payment (principal and interest):

The Principal Amount and interest are due and payable in annual installments according to the amortization schedule in Exhibit "A" attached hereto and incorporated herein for all purposes and continuing until the Principal Amount and accrued, unpaid interest have been paid in full. Payments will be applied first to accrued interest and the remainder to reduction of the Principal Amount.

Security for Payment: This note is secured by a deed of trust dated _____, 2016 from Brenham Community Development Corporation to _____, trustee, which covers the following real property:

All that certain tract or parcel of land lying and being situated in Washington County, Texas, being more particularly described on Exhibit B attached hereto and incorporated herein for all purposes.

Other Security for Payment: None

Borrower promises to pay to the order of Lender the Principal Amount plus interest at the Annual Interest Rate. This note is payable at the Place for Payment and according to the Terms of Payment. All unpaid amounts are due by the Maturity Date. After maturity, Borrower promises to pay any unpaid principal balance plus interest at the Annual Interest Rate on Matured, Unpaid Amounts.

If Borrower defaults in the payment of this note or in the performance of any obligation in any instrument securing or collateral to this note, Lender may declare the unpaid principal balance, earned interest, and any other amounts owed on the note immediately due. Notwithstanding any other provision of this note, in the event of a default, before exercising any of Lender's remedies under this note or any deed of trust securing it, Lender will first give Borrower written notice of default and Borrower will have ten (10) days after notice is given in which to cure the default. If the default is not cured ten (10) days after notice, Borrower and each surety, endorser, and guarantor waive all demand for payment, presentation for payment, notice of intention to accelerate maturity, notice of acceleration of maturity, protest, and notice of protest, to the extent permitted by law.

Borrower also promises to pay reasonable attorney's fees and court and other costs if this note is placed in the hands of an attorney to collect or enforce the note. These expenses will bear interest from the date of advance at the Annual Interest Rate on Matured, Unpaid Amounts. Borrower will pay Lender these expenses and interest on demand at the Place for Payment. These expenses and interest will become part of the debt evidenced by the note and will be secured by any security for payment.

Prepayment: Borrower may prepay this note in any amount at any time before the Maturity Date without penalty or premium.

Application of Prepayment: Prepayments will be applied first to accrued interest and the remainder to installments on principal in the inverse order of maturity so that they will be applied to the last maturing principal installments first. These prepayments will not reduce the amount or time of payment of the remaining installments, which will continue until the Principal Amount and all accrued interest are paid. Interest on the prepaid principal will immediately cease to accrue.

Interest on the debt evidenced by this note will not exceed the maximum rate or amount of nonusurious interest that may be contracted for, taken, reserved, charged, or received under law. Any interest in excess of that maximum amount will be credited on the Principal Amount or, if the Principal Amount has been paid, refunded. On any acceleration or required or permitted prepayment, any excess interest will be canceled automatically as of the acceleration or prepayment or, if the excess interest has already been paid, credited on the Principal Amount or, if the Principal Amount has been paid, refunded. This provision overrides any conflicting provisions in this note and all other instruments concerning the debt. Each Borrower is responsible for all obligations represented by this note.

When the context requires, singular nouns and pronouns include the plural.

A default exists under this note if (1) (a) Borrower or (b) any other person liable on any part of this note or who grants a lien or security interest on property as security for any part of this note (an "Other Obligated Party") fails to timely pay or perform any obligation or covenant in any written agreement between Lender and Borrower or any Other Obligated Party; (2) any warranty, covenant, or representation in this note or in any other written agreement between Lender and Borrower or any Other Obligated Party is materially false when made; (3) a receiver is appointed for Borrower, any Other Obligated Party, or any property on which a lien or security interest is created as security (the "Collateral Security") for any part of this note; (4) any Collateral Security is assigned for the benefit of creditors; (5) a bankruptcy or insolvency proceeding is commenced by Borrower, a partnership of which Borrower is a general partner, or an Other Obligated Party; (6) (a) a bankruptcy or insolvency proceeding is commenced against Borrower, a partnership of which Borrower is a general partner, or an Other Obligated Party and (b) the proceeding continues without dismissal for sixty days, the party against whom the proceeding is commenced admits the material allegations of the petition against it, or an order for relief is entered; (7) any of the following parties is dissolved, begins to wind up its affairs, is authorized to dissolve or wind up its affairs by its governing body or persons, or any event occurs or condition exists that permits the dissolution or winding up of the affairs of any of the following parties: Borrower, a partnership of which Borrower is a general partner, or an Other Obligated Party; and (8) any Collateral Security is impaired by loss, theft, damage, levy and execution, issuance of an official writ or order of seizure, or destruction, unless it is promptly replaced with collateral security of like kind and quality or restored to its former condition.

If any provision of this note conflicts with any provision of a loan agreement, deed of trust, or security agreement of the same transaction between Lender and Borrower, the provisions of the deed of trust will govern to the extent of the conflict.

This note will be construed under the laws of the state of Texas, without regard to choice-of-law rules of any jurisdiction.

Brenham Community Development Corporation

City of Brenham, Texas

Terry K. Roberts
President

Milton Y. Tate, Jr.
Mayor

ATTEST:

ATTEST:

Jeana Bellinger
Secretary

Jeana Bellinger, TRMC, CMC
City Secretary

Preliminary

BCDC

\$500,000 Note

Assumes November 15, 2016 Delivery

Exhibit "A"

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
11/15/2016	-	-	-	-	-
02/15/2017	-	-	4,062.50	4,062.50	-
08/15/2017	-	-	8,125.00	8,125.00	-
09/30/2017	-	-	-	-	12,187.50
02/15/2018	-	-	8,125.00	8,125.00	-
08/15/2018	-	-	8,125.00	8,125.00	-
09/30/2018	-	-	-	-	16,250.00
02/15/2019	-	-	8,125.00	8,125.00	-
08/15/2019	55,000.00	3.250%	8,125.00	63,125.00	-
09/30/2019	-	-	-	-	71,250.00
02/15/2020	-	-	7,231.25	7,231.25	-
08/15/2020	60,000.00	3.250%	7,231.25	67,231.25	-
09/30/2020	-	-	-	-	74,462.50
02/15/2021	-	-	6,256.25	6,256.25	-
08/15/2021	60,000.00	3.250%	6,256.25	66,256.25	-
09/30/2021	-	-	-	-	72,512.50
02/15/2022	-	-	5,281.25	5,281.25	-
08/15/2022	60,000.00	3.250%	5,281.25	65,281.25	-
09/30/2022	-	-	-	-	70,562.50
02/15/2023	-	-	4,306.25	4,306.25	-
08/15/2023	65,000.00	3.250%	4,306.25	69,306.25	-
09/30/2023	-	-	-	-	73,612.50
02/15/2024	-	-	3,250.00	3,250.00	-
08/15/2024	65,000.00	3.250%	3,250.00	68,250.00	-
09/30/2024	-	-	-	-	71,500.00
02/15/2025	-	-	2,193.75	2,193.75	-
08/15/2025	65,000.00	3.250%	2,193.75	67,193.75	-
09/30/2025	-	-	-	-	69,387.50
02/15/2026	-	-	1,137.50	1,137.50	-
08/15/2026	70,000.00	3.250%	1,137.50	71,137.50	-
09/30/2026	-	-	-	-	72,275.00
Total	\$500,000.00	-	\$104,000.00	\$604,000.00	-

Yield Statistics

Bond Year Dollars	\$3,200.00
Average Life	6.400 Years
Average Coupon	3.2500000%
Net Interest Cost (NIC)	3.2500000%
True Interest Cost (TIC)	3.2505731%
Bond Yield for Arbitrage Purposes	3.2505731%
All Inclusive Cost (AIC)	3.2505731%

IRS Form 8038

Net Interest Cost	3.2500000%
Weighted Average Maturity	6.400 Years

16 BCDC Note \$500k (9/19) | SINGLE PURPOSE | 9/19/2016 | 10:09 AM

Exhibit “B”

All that certain tract or parcel of land lying and being situated in the Phillip Coe Survey, A-31, of Washington County, Texas, containing **44.9149** acres of land, more or less; being {i} that certain 8.835 acre tract described in Deed dated October 13, 1976 from W. C. Beerwinkel to Ethel Witte Gurrech, recorded in Volume 349, Page 183 of the Deed Records of Washington County, Texas; and {ii} that certain 36.375 acre tract described in Deed dated July 30, 1980 from Harry K. Lesser, et al, Independent Executors of the Estate of W. C. Beerwinkel, Deceased, to Ethel Witte Gurrech, recorded in Volume 398, Page 560 of the Deed Records of Washington County, Texas; LESS, SAVE AND EXCEPT that certain 0.2951 acre tract described in Deed dated July 21, 2012 from Ethel Gurrech to Washington County recorded in Book 1408, Page 356 of the Official Records of Washington County, Texas.



AGENDA ITEM 15

DATE OF MEETING: October 13, 2016	DATE SUBMITTED: September 28, 2016	
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 Carnival and Fundraiser to be Held on October 15, 2016 from 2:00 p.m. – 6:00 p.m. at Christ Lutheran Church and Authorize the Mayor to Execute Any Necessary Documentation		
SUMMARY STATEMENT: Shelley Scheffer with Christ Lutheran Church and Day School has requested a noise variance to hold a fall carnival and fundraiser on October 15, 2016 from 2:00 p.m. – 6:00 p.m. at Christ Lutheran Church. They will have carnival games and rides 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 carnival and fundraiser to be held on October 15, 2016 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: _____

Shelley Scheffer

5315 Fm 1457, Round Top, TX 78954

3. Purpose of the Event: Carnival & Fundraiser

4. Location of Event: 1104 Carter St Brenham TX 77833

5. Date of the event: October 15, 2016

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

7. Event Set-up: From: 10/14/16 PM To: 10/15/16 2 pm

Event Clean-up: From: 10/15/16 6 pm To: 10/15/16 10 pm

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, Petting Zoo,
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

Shelley Scheffer
Name of Applicant (Printed or Typed)

Date: 9/7/16

Shelley Scheffer
Applicant or Authorized Person's Signature

Phone: 979-277-8784

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 09/12/16
check # 814
kw*



AGENDA ITEM 16

DATE OF MEETING: October 13, 2016		DATE SUBMITTED: October 4, 2016	
DEPT. OF ORIGIN: Public Utilities		SUBMITTED BY: Lowell Ogle	
MEETING TYPE:		CLASSIFICATION:	
<input type="checkbox"/> REGULAR		<input type="checkbox"/> PUBLIC HEARING	
<input type="checkbox"/> SPECIAL		<input type="checkbox"/> CONSENT	
<input checked="" type="checkbox"/> EXECUTIVE SESSION		<input checked="" type="checkbox"/> REGULAR	
		<input type="checkbox"/> WORK SESSION	
ORDINANCE:			
<input type="checkbox"/> 1 ST READING			
<input type="checkbox"/> 2 ND READING			
<input type="checkbox"/> RESOLUTION			
AGENDA ITEM DESCRIPTION: Section 551.086 – Texas Government Code – Utility Competitive Matters – Discuss and Possibly Act Upon the Awarding of the City of Brenham’s Gas Supply and Gas Transportation Contracts and Authorize the Mayor to Execute Any Necessary Documentation Once Approved by the City Attorney			
SUMMARY STATEMENT: To be discussed in Executive Session.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS:			
B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: None			
FUNDING SOURCE (Where Applicable):			
RECOMMENDED ACTION:			
APPROVALS: Terry K. Roberts			



AGENDA ITEM 17

DATE OF MEETING: October 13, 2016		DATE SUBMITTED: October 4, 2016	
DEPT. OF ORIGIN: Administration		SUBMITTED BY: Terry Roberts	
MEETING TYPE:		CLASSIFICATION:	
<input type="checkbox"/> REGULAR		<input type="checkbox"/> PUBLIC HEARING	
<input type="checkbox"/> SPECIAL		<input type="checkbox"/> CONSENT	
<input checked="" type="checkbox"/> EXECUTIVE SESSION		<input checked="" type="checkbox"/> REGULAR	
		<input type="checkbox"/> WORK SESSION	
ORDINANCE:			
<input type="checkbox"/> 1 ST READING			
<input type="checkbox"/> 2 ND READING			
<input type="checkbox"/> RESOLUTION			
AGENDA ITEM DESCRIPTION: Section 551.074 – Texas Government Code – Personnel Matters – Discuss and Consider City Manager’s Employment Agreement and Related Issues			
SUMMARY STATEMENT: To be discussed in Executive Session.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS:			
B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: None			
FUNDING SOURCE (Where Applicable):			
RECOMMENDED ACTION:			
APPROVALS: Milton Y. Tate, Jr.			



AGENDA ITEM 18

DATE OF MEETING: October 13, 2016		DATE SUBMITTED: October 4, 2016	
DEPT. OF ORIGIN: Administration		SUBMITTED BY: Terry Roberts	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING	
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING	
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION	
	<input type="checkbox"/> WORK SESSION		
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon City Manager's Employment Agreement and Related Issues			
SUMMARY STATEMENT: To be discussed in Executive Session.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS:			
B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: None			
FUNDING SOURCE (Where Applicable):			
RECOMMENDED ACTION: As discussed in Executive Session.			
APPROVALS: Milton Y. Tate, Jr.			