



**NOTICE OF A SPECIAL MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, DECEMBER 5, 2019 AT 11:00 A.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN ST.
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – City Attorney Cary Bovey**
- 3. Discuss and Possibly Act Upon the Appointment of a Board Member to Serve as Chairman of the Tax Increment Reinvestment Zone No. 1 Board of Directors for a Period of One Year Beginning January 1, 2020 and Authorize the Mayor to Execute Any Necessary Documentation **Page 1****
- 4. Discuss and Possibly Act Upon the Appointment of Place 8 and Place 9 Members to the Tax Increment Reinvestment Zone (TIRZ) No. 1 Board of Directors and Authorize the Mayor to Execute Any Necessary Documentation **Page 2****
- 5. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Ordinance No. O-18-019, Subsections 3.1 and 3.2, Related to the Board of Directors of Tax Increment Reinvestment Zone No. 1, City of Brenham, Texas **Pages 3-7****

Adjourn

CERTIFICATION

I certify that a copy of the December 5, 2019 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 Monday, December 2, 2019 at **10:45 AM**.

Kacey A. Weiss, TRMC
Deputy City Secretary I

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 _____, 2019 at _____ AM PM.

Signature

Title



AGENDA ITEM 3

| | | |
|---|---|--|
| DATE OF MEETING: December 5, 2019 | DATE SUBMITTED: November 29, 2019 | |
| DEPT. OF ORIGIN: Economic Development | SUBMITTED BY: Carolyn D. Miller | |
| MEETING TYPE: | CLASSIFICATION: | ORDINANCE: |
| <input type="checkbox"/> REGULAR | <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> 1 ST READING |
| <input checked="" 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 Appointment of a Board Member to Serve as Chairman of the Tax Increment Reinvestment Zone No. 1 Board of Directors for a Period of One Year Beginning January 1, 2020 and Authorize the Mayor to Execute Any Necessary Documentation | | |
| SUMMARY STATEMENT: When the Zone was created in December 2018 (Ordinance No. O-18-019) the member appointed to Place 1 was also appointed as Chairman of the TIRZ Board. At that time, Mayor Tate was appointed by the Council to Place 1; therefore, he served as Chairman of the Board for 2019. As mandated in the Texas Tax Code, the City Council must appoint a Chairman to the TIRZ Board every year. The Council can appoint any member of the Board to serve as Chairman and his/her term would be for a period of one year, beginning on January 1, 2020. | | |
| 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: Approve the appointment of a Board Member to serve as Chairman of the Tax Increment Reinvestment Zone No. 1 Board of Directors for a period of one year beginning January 1, 2020 and authorize the Mayor to execute any necessary documentation. | | |
| APPROVALS: James Fisher | | |



AGENDA ITEM 4

| | | |
|--|---|--|
| DATE OF MEETING: December 5, 2019 | DATE SUBMITTED: November 29, 2019 | |
| DEPT. OF ORIGIN: Economic Development | SUBMITTED BY: Carolyn D. Miller | |
| MEETING TYPE: | CLASSIFICATION: | ORDINANCE: |
| <input type="checkbox"/> REGULAR | <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> 1 ST READING |
| <input checked="" 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 Appointment of Place 8 and Place 9 Members to the Tax Increment Reinvestment Zone (TIRZ) No. 1 Board of Directors and Authorize the Mayor to Execute Any Necessary Documentation | | |
| SUMMARY STATEMENT: When the Zone was created in December 2018, the Ordinance No. O-18-019 also created a TIRZ Board consisting of nine members with two members being appointed by the City Council. We have identified Gary Crocker, BCDC Board and Tom Whitehead, Main Street Board for appointment to Place 8 and Place 9. Both are willing to serve and look forward to working with our community regarding public improvements and private development that occurs in the Zone. | | |
| 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: Approve the appointment of Gary Crocker to Place 8 and Tom Whitehead to Place 9 of the Tax Increment Reinvestment Zone (TIRZ) No. 1 Board of Directors and authorize the Mayor to execute any necessary documentation | | |
| APPROVALS: James Fisher | | |



AGENDA ITEM 5

| | | |
|---|---|---|
| DATE OF MEETING: December 5, 2019 | DATE SUBMITTED: November 29, 2019 | |
| DEPT. OF ORIGIN: Economic Development | SUBMITTED BY: Carolyn D. Miller | |
| MEETING TYPE: | CLASSIFICATION: | ORDINANCE: |
| <input type="checkbox"/> REGULAR | <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> 1 ST READING |
| <input checked="" type="checkbox"/> SPECIAL | <input type="checkbox"/> CONSENT | <input type="checkbox"/> 2 ND READING |
| <input type="checkbox"/> EXECUTIVE SESSION | <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> RESOLUTION |
| | <input type="checkbox"/> WORK SESSION | |
| AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Ordinance No. O-18-019, Subsections 3.1 and 3.2, Related to the Board of Directors of the Tax Increment Reinvestment Zone No. 1, City of Brenham, Texas | | |
| SUMMARY STATEMENT: Due to Washington County not participating in the TIRZ, Subsections 3.1 and 3.2 of Ordinance No. O-18-019 need to be amended to represent that Positions 8 and 9 on the TIRZ Board of Directors shall be appointed by the City Council instead of the County Commissioners. | | |
| STAFF ANALYSIS (For Ordinances or Regular Agenda Items): | | |
| A. PROS: | | |
| B. CONS: | | |
| ALTERNATIVES (In Suggested Order of Staff Preference): | | |
| ATTACHMENTS: (1) Redline of Subsections 3.1 and 3.2 showing revisions; and (2) Ordinance for first reading | | |
| FUNDING SOURCE (Where Applicable): | | |
| RECOMMENDED ACTION: Approve an Ordinance on its first reading amending Ordinance No. O-18-019, Subsections 3.1 and 3.2, related to the Board of Directors of the Tax Increment Reinvestment Zone No. 1, City of Brenham, Texas | | |
| APPROVALS: James Fisher | | |

ORDINANCE NO. O-18-019

SECTION 3. BOARD OF DIRECTORS.

- 3.1 The City Council hereby creates a board of directors for the Zone (the "Board") consisting of nine members. ~~All nine members shall be appointed by the City Council to Places 1, 2, 3, 4, 5, 6, 7, 8 and 9. Eight members shall be appointed by the City Council to Places 1, 2, 3, 4, 5, 6, 7 and 8. Place 9 shall be appointed by the Commissioners Court of Washington County, Texas (the "County"), if the County participates in the Zone. If the County does not participate in the Zone, the County shall be deemed to have waived its right to appoint such members and Place 9 shall be appointed by the City Council.~~
- 3.2 The City Council hereby appoints the following ~~eight~~ nine individuals serving in the positions indicated to serve as the members of the Board. Each member serves a two-year term and can be reappointed for as long as they serve in the position indicated.

| | | |
|----------------|-----------------------------|---|
| Place 1 | Mayor | (term expires December 31, 2020) |
| Place 2 | Council Ward 1 | (term expires December 31, 2020) |
| Place 3 | Council Ward 2 | (term expires December 31, 2020) |
| Place 4 | Council Ward 3 | (term expires December 31, 2020) |
| Place 5 | Council Ward 4 | (term expires December 31, 2020) |
| Place 6 | Council Position 5 | (term expires December 31, 2020) |
| Place 7 | Council Position 6 | (term expires December 31, 2020) |
| Place 8 | At-Large Appointment | (term expires December 31, 2020) |
| <u>Place 9</u> | <u>At-Large Appointment</u> | <u>(term expires December 31, 2020)</u> |

~~Place 9 shall be appointed by the County for a term that expires on December 31, 20____). In the event the County does not participate in the Zone, Place 9 shall be appointed by the City Council as an At Large Appointment for a term that expires on December 31, 20____).~~

Upon expiration of the indicated terms or upon City Council action to reconstitute the initial Board by appointing replacement members, subsequent appointments to fill vacancies shall be for terms of two years. The member appointed to Place 1 shall serve as the chairman of the Board until December 31, 2019. Each subsequent year the City Council shall appoint one member of the Board to serve as chairman for a term of one year that begins on January 1 of the following year. The Board is authorized to elect a vice-chairman and other officers as determined by the Board.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, AMENDING ORDINANCE NO. O-18-019, SUBSECTIONS 3.1 AND 3.2, RELATED TO THE BOARD OF DIRECTORS OF TAX INCREMENT REINVESTMENT ZONE NUMBER ONE, CITY OF BRENHAM, TEXAS; PROVIDING FOR A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETINGS.

WHEREAS, the City of Brenham, Texas (the "City"), pursuant to Chapter 311 of the Texas Tax Code, as amended (the "Act"), may designate a geographic area within the City as a tax increment reinvestment zone if the area satisfies the requirements of the Act; and

WHEREAS, on December 20, 2018 the City Council approved Ordinance No. 0-18-019 creating Tax Increment Reinvestment Zone Number One, City of Brenham, Texas (the "Zone"); and

WHEREAS, the City Council desires to amend Subsections 3.1 and 3.2 of Ordinance No. 0-18-019 related to the Board of Directors of the Zone.

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

SECTION 1.

That Ordinance No. O-18-019 is hereby amended by revising Subsections 3.1 and 3.2 to read as follows:

- 3.1 The City Council hereby creates a board of directors for the Zone (the "Board") consisting of nine members. All nine members shall be appointed by the City Council to Places 1, 2, 3, 4, 5, 6, 7, 8 and 9.

3.2 The City Council hereby appoints the following nine individuals serving in the positions indicated to serve as the members of the Board. Each member serves a two-year term and can be reappointed for as long as they serve in the position indicated.

| | | |
|---------|----------------------|----------------------------------|
| Place 1 | Mayor | (term expires December 31, 2020) |
| Place 2 | Council Ward 1 | (term expires December 31, 2020) |
| Place 3 | Council Ward 2 | (term expires December 31, 2020) |
| Place 4 | Council Ward 3 | (term expires December 31, 2020) |
| Place 5 | Council Ward 4 | (term expires December 31, 2020) |
| Place 6 | Council Position 5 | (term expires December 31, 2020) |
| Place 7 | Council Position 6 | (term expires December 31, 2020) |
| Place 8 | At-Large Appointment | (term expires December 31, 2020) |
| Place 9 | At-Large Appointment | (term expires December 31, 2020) |

Upon expiration of the indicated terms or upon City Council action to reconstitute the initial Board by appointing replacement members, subsequent appointments to fill vacancies shall be for terms of two years. The member appointed to Place 1 shall serve as the chairman of the Board until December 31, 2019. Each subsequent year the City Council shall appoint one member of the Board to serve as chairman for a term of one year that begins on January 1 of the following year. The Board is authorized to elect a vice-chairman and other officers as determined by the Board.

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 ____ day of December 2019.

PASSED and APPROVED on its second reading this the ____ day of December 2019.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary