

**REGULAR CALLED MEETING**  
**City Council**  
**October 24, 2023**

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Tuesday, October 24, 2023, at 9:00 a.m., in the Council Chambers, City Hall, 501 Center Avenue, Brownwood, Texas, with the following members present:

<b>Walker Willey</b>	:	<b>Mayor Pro Tem</b>
<b>HD Jones</b>	:	<b>Councilmember Ward 1</b>
<b>Ed McMillian</b>	:	<b>Councilmember Ward 2</b>
<b>Draco A. Miller</b>	:	<b>Councilmember Ward 4</b>
<b>Pat Chesser</b>	:	<b>City Attorney</b>
<b>Emily Crawford</b>	:	<b>City Manager</b>
<b>Christi Wynn</b>	:	<b>City Secretary</b>

with Mayor, Stephen E. Haynes, and Councilmember, Melody Nowowiejski, absent, constituting a quorum of the City Council.

**CALL TO ORDER:** Mayor ~~Haynes~~ <sup>Pro Tem Willey</sup> called the meeting to order.

**PLEDGE OF ALLEGIANCE:** Pledge of Allegiance was led by Councilmember Jones.

**INVOCATION:** Invocation was given by Councilmember Miller.

**ITEMS TO BE WITHDRAWN:** None

**INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITIONS:** None

**CITIZENS PRESENTATIONS:**

Nancy Byler asked for everyone to go vote and spoke about Proposition 9 regarding a pension increase for retired teachers.

**APPROVAL OF MINUTES:**

A motion was made by Miller, seconded by Jones, to approve the minutes of the Regular Called Meeting on October 10, 2023, as presented. Upon vote, the motion carried unanimously.

**CLAIMS AND ACCOUNTS:**

Chief Accountant, Leah Thomas, was available for questions regarding the checklist. A motion was made by McMillian, seconded by Miller, that the Claims and Accounts dated through October 20, 2023, be approved for payment as submitted. Upon vote, the motion carried unanimously.

**AGREEMENTS AND CONTRACTS:**

**Consider authorizing the City Manager to sign an agreement between the Brownwood/Brown County Health Department and the Texas Department of State Health Services (DSHS) for \$47,242 beginning upon signing of the agreement through**

**May 30, 2025, and authorize the City Manager to sign any subsequent addendums, amendments, and acceptance of additional funds during the term of the agreement.**

Brownwood/Brown County Health Department Coordinator, Lisa Dick, introduced Ashley Belez, our Medical Reserve Corps Coordinator. Mrs. Dick explained that this grant agreement is to assist Medical Reserve Corps Units in building capacity and capability to help their respective communities be prepared for, respond to, and recover from disasters. Day-to-day, this takes the form of providing technical assistance, designing tools and resources, providing training opportunities, and supporting exercise efforts. This grant will help sustain and grow their volunteers, pays for staffing, education, and training. The amount of the grant funds are \$47,242.

A motion was made by Jones, seconded by McMillian, to authorize the City Manager to sign an agreement between the Brownwood/Brown County Health Department and the Texas Department of State Health Services (DSHS) for \$47,242 beginning upon signing of the agreement through May 30, 2025, and authorize the City Manager to sign any subsequent addendums, amendments, and acceptance of additional funds during the term of the agreement. Upon vote, the motion carried unanimously.

**Consider authorizing a Hotel Occupancy Tax services agreement between the City of Brownwood and the Brownwood Area Chamber of Commerce.**

Director of the Brownwood Economic Development and Tourism, Ray Tipton, stated that this is an annual agreement with the Chamber of Commerce. It is the same agreement as last year. The current Hotel Occupancy Tax (HOT) services agreement with the Brownwood Area Chamber of Commerce expired last month, and the Chamber has proposed a new one-year agreement. There are no changes in terms from the previous year's agreement. Under this proposal, the Chamber is requesting \$5,000 of HOT funds to continue the management of the highway banners that are used to promote events that hang across East Commerce between Chili's and Popeye's. They are also asking for up to three free rentals per year at the new Event Center complex to host events. Under this agreement, the Chamber would also fulfill its contractual duties with National Sign Plaza to complete the wayfinding signage project on major corridors and Downtown Brownwood. City Staff are assisting and heavily involved in this effort. The Chamber Board has already approved the current draft of this agreement being presented. The Director Chamber of Commerce, Kandice Harris, stated that they replaced two banners this year, the Ranch Rodeo, and one for Howard Payne University.

A motion was made by Miller, seconded by McMillian, to approve a Hotel Occupancy Tax services agreement between the City of Brownwood and the Brownwood Area Chamber of Commerce as presented. Upon vote, the motion carried unanimously.

**ORDINANCES AND RESOLUTIONS:**

**Consider an ordinance on first reading authorizing the FY 2022/2023 budget amendments.**

Finance Director, Melanie Larose stated that our Charter prohibits budget amendments until the last quarter of our fiscal year, it has been our practice to accumulate transactions

during the year that were authorized by the City Council or approved within the discretion of the City Manager until the end of the year and approve budget amendments all at once. This year, there were nine budget amendments to expenditures totaling \$117,623.18.

Mayor Pro Tem Willey requested the ordinance be read by the City Secretary. After the reading of the ordinance, a motion was made by McMillian, seconded by Jones, to approve the ordinance on first reading amending the FY 22/23 City of Brownwood budget amendments for year-end. Upon vote, the motion carried unanimously.

ORDINANCE NO. 23-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BROWNWOOD, TEXAS,  
AUTHORIZING YEAR-END BUDGET AMENDMENTS FOR THE FY 22/23  
BUDGET.

**Consider amending the 23/24 Utility Rate Ordinance No. 23-14 on first reading, adding the delivery charge of \$75 within the city limits, and \$125 outside the city limits for compost/mulch.**

Director of Public Works, Henry Wied, stated that the 22/23 utility rate ordinance had a delivery charge for compost and mulch, however when the ordinance was amended for the 23/24 year this charge was accidentally omitted. In the past the delivery charge was calculated at \$3 per cubic yard delivered with a minimum of 20 cubic yards, which would have cost an additional \$60 at minimum to deliver. The proposed rate will be a flat rate that will be charged on top of the material rate, just as the previous charge did. Staff is recommending increasing this delivery charge due to cost increases.

Mayor Pro Tem Willey requested the ordinance be read by the City Secretary. After the reading of the ordinance, a motion was made by Jones, seconded by Miller, to amend the 23/24 Utility Rate Ordinance No. 23-14 on first reading, adding the delivery charge of \$75 within city limits and \$125 outside city limits for compost/mulch. Upon vote, the motion carried unanimously.

ORDINANCE NO. 23-\_\_\_\_\_

AN ORDINANCE SETTING CHARGES, FEES, RATES AND DEPOSITS FOR  
CUSTOMERS ON THE BROWNWOOD WATER, SEWER, AND  
SANITATION SYSTEM; DESIGNATING AN EFFECTIVE DATE;  
REPEALING PRIOR ORDINANCES IN CONFLICT HEREWITH.

**APPOINTMENT:**

**Consider a Mayoral appointment to the Library Board.**

Mayor Pro Tem Willey stated that this appointment is to replace Jennifer McNiece on the Library Board with Mike Rodgers. The term will expire on December 31, 2026. Mike Rodgers also serves on our Planning and Zoning Commission.

A motion was made by McMillian, seconded by Miller, to ratify the Mayoral appointment of Mike Rodgers to the Library Board as requested. Upon vote, the motion carried unanimously.

**REQUESTS AND PRESENTATIONS:**

**Consider authorizing the designation of funds from the 22/23 Parks capital items in the amount of \$90,200 as special purpose funds to be used towards the Bennie Houston Center.**

Finance Director, Melanie Larose, stated that in fiscal year 22/23 we budgeted \$100,000 to be used to upgrade the Bennie Houston Center. Monies were expended as follows:

Asbestos study	\$1,943
Conceptual study & design	\$5,354
Gas range	\$1,036
Pool table/Ping Pong table	\$1,467
<b>Total</b>	<b>\$9,800</b>

Staff recommends moving the remaining balance of \$90,200 to a special purpose fund and designating funds to be spent on future Bennie Houston expenses. There were also savings from another project. She recommended amending the motion by changing the amount to \$103,500.

A motion was made by McMillian, seconded by Jones, to authorize the designation of funds from the 22/23 Parks capital items in the amount of \$103,500 as special purpose funds to be used towards the Bennie Houston Center. Upon vote, the motion carried unanimously.

**REPORTS:**

**National Night Out**

Assistant Police Chief, James Fuller, reported that there were around thirteen block parties that were well attended by the officers. There were discussions about crime prevention and general safety in the community. Irma Hall with the Cecil Holeman Park block party took home the trophy for the most canned tuna collected for the Good Samaritan Ministries. A close second was Heath Bundick's block party. There were more than 5,000 cans of tuna donated.

**Department accomplishments from FY 22/23**

City Manager, Emily Crawford, went over the Department accomplishments as follows:

**Airport** – had 942 flights in the fiscal year. There were 480 taxiway lights installed through a grant program.

**BMDD** – Spent \$1.1 Million in incentive dollars to support around \$94 Million in community investment for new construction.

**Communications** – produced 52 videos promoting activities of the City of Brownwood. Completed the redesign of the City website.

**City Secretary** – responded to 168 open records requests, 48 more than the previous fiscal year.

**Community Facilities** – hosted 144 events, 14 more than the previous fiscal year.

**Finance** – was successful in increasing our bond rating from BAA1 to A3. They also streamlined the budget process by setting the operational budgets for all departments.

**Fire Department** – responded to just over 2,200 calls with 48 of those being structure fires. The average response time is 3 minutes 50 seconds.

**Fleet** – has sold surplus items with the current net of over \$245,000. They also completed nearly 1,300 work orders.

**Health Department** – digitized all their records. The MRC gained national coverage, and they re-opened WIC.

**Human Resources** – helped lower the overall turnover rate by 4%.

**Information Technology** – have blocked over 11 Million malicious threats this fiscal year.

**Landfill** – the new cell has been completed.

**Municipal Court** – Facilitated over 2,500 hours of community service, that is equal to 62.8 weeks of free work to the city, or \$31,400.

**Museum & Visitor's Center** – Had over 1,300 students tour the museum and 5,900 visitors.

**Parks & Recreation** – Facilitated the renovation of Coggin Park with the Tennis/Pickleball court renovation. They also hosted 4,500 games at sports complexes.

**Planning & Development** – Issued over 1,400 permits, 455 more permits than last year.

**Police & Dispatch Center** – Patrolled over \$200,000 miles of roadways. Dispatch Center took over 39,500 calls for service.

**Purchasing** – Scanned over 28,500 purchase orders.

**Sanitation** – Drove over 250,000 miles this fiscal year.

**Senior Citizens Center** – Provide nearly 100,000 meals this fiscal year. The expansion of the additional room and drive thru was completed as well.

**Street Department** – used approximately 38,000 gallons of asphalt and approximately 2,100 tons of rock to pave the streets.

**Utility Billing** – processed over 72,000 payments. Converted over 1,500 meters to automation.

**Utilities Departments** – Installed over two miles of piping – water, sewer, and electrical conduit.

**Wastewater Treatment Plant** – treated 685 million gallons of wastewater, up 70 million over last year.

### **Major projects for FY 23/24**

City Manager, Emily Crawford, stated that this is not a master list of all our projects.

- Event Center completion and opening
- Concert Series – working with event producers to have around three or four major concerts to open the Event Center with.
- Health Department renovation and relocation. Currently out to bid on this project. It is ARPA funded.
- Allcorn Park play equipment. We have a donation from ARC. Equipment is being selected at this time.
- Riverside Park – this is our largest ARPA funded project we are working on. It is out for bid at this time. Over \$2 million is expected to be spent. It will have new roads, curbs, lighting, improvements to the pavilion, signage, and landscaping.

- Bennie Houston Center replacement plan and possible construction. Site tours will be made in a few weeks.
- Downtown Master Plan completion and design of projects – this is well under way and are in the rendering phase. This will be brought to the Council early next year for approval.
- New retail developments at the former Kroger and Oyo sites. The Oyo property is being subdivided into three parcels. There was a big announcement last week that The Shoe Department will be going into the Kroger location.
- Personnel Policy update – an internal project that will be brought to the Council around January.
- Airport Terminal renovation and new Pilot's lounge – due to a sewer backup at the Airport, we can renovate the terminal. This project will be funded with insurance reimbursement money and grant funds.
- Lift Station upgrades across the City – this is another ARPA funded project. There are four lift stations that are being completely replaced.
- Completion of Smart Meter installation – we have been working on replacing the meters for several years. It should be completed this Spring and will allow much faster and accurate meter readings.
- Utility Billing payment cycle change – with faster readings, we will be able to change our delinquency process from a two-month period to a one-month period. This will save late fees and staff time and effort.
- Fuel tanks and paving at the Service Center – the fuel tanks have outlived their useful life and will be replaced. Surplus funds will be used for the paving and the budget cycle will be used for the fuel tanks.
- The Fire Department is converting to 48/96 schedule. This will begin in January.
- Implementation of new HR and Timekeeping Software. We are upgrading software to make it easier for people to apply for jobs.
- Completion of Landfill Expansion – the cell is complete. We still need to install litter netting and perimeter fencing.

#### **Budgetary Control Report for the end of the year**

Finance Director, Melanie Larose, presented the City's Budgetary Control Report for the year ending September 30, 2023, 100% complete, which included: 1) Budget Summary – Total revenue came in at 107.5% or \$42,578,885 and expenses were at 99.83% or \$39,538,893. There was a surplus of \$3,039,992. 2) Summary of Revenue – Sales Tax came in at 117.87% of budget; Ad Valorem Tax 99.78%; Franchise Tax 93.53%; License and Fees 163.30% due to permit increases; Other General Fund Revenue 1019.72% due to interest revenue; Water revenue 103.25%; Sewer revenue 99.35%; Other revenue 152.14% that is interest revenue for the utility fund; Sanitation revenue 99.46%; Landfill Gate revenue 120.9%; Other revenue for them was 381.93% due to interest gained; and Airport fuel sales 116.62%. A pie chart shows that Sales Tax and Water revenue were at 18% and Ad Valorem Tax 16%. 3) Expenditures – Overall expenses were 99.53% of the budget. A pie chart shows Total Expenditures with the Water Department 15%, Police Department 11%, and the Fire Department 10% being the three largest. 4) Comparative Investment

Balance Analysis - There was \$18,519,071 in the Operating Funds; Sanitation Fund – Closure/Post Closure \$2,341,623; for a total of \$20,860,694. This brought our number of reserves to 171 days. Funds have been moved since this time and we are at 151 days in reserves. 5) Sales Tax Analysis through October – for the month of October, we collected \$582,128 compared to our budget of \$505,138. We are up \$76,990 compared to budget or 15.2% and we are up \$28,677 or 5.2% compared to last year. 6) Water Consumption and Sales Analysis – For the year, we collected \$7,437,288 and is up \$356,014 or 5% compared to last year. We are up \$222,995 or 3.1% compared to budget.

### **Investment Report**

Finance Director Larose presented the Investment Report for the quarter ended September 30, 2023. The TexPool account started at \$19,009,692. There were additions of \$2,212,709 and withdrawals of \$3,059,600. The ending book value was \$18,162,800. Interest earned for the quarter was \$245,609. The total TexStar investment balance is \$11,822,656 and earned \$152,451 in interest. The Money Market Account at Citizens National Bank has an ending balance of \$1,174,192 and earned \$32,195 in interest. In total, we have \$31,159,649 and we earned \$430,255 in interest for the quarter. The pie chart of Investments shows we have 58% at TexPool, 38% at TexStar, and 4% at Citizens National Bank. A pie chart of Type of Investments shows we have 59% in Operating Funds, 29% in Special Use Reserve Funds; 8% in Internal Designated Funds; and 4% in Bond Proceeds Funds. A line graph of Investment Interest Earnings shows in the third quarter 2020, we earned \$6,684 in interest; 2021 we earned \$785; in 2022 we earned \$145,750; and in 2023 we earned \$430,255. Comparison of Investments by Type – Operating Funds - third quarter 2020 \$6,245,407; third quarter 2021 \$11,498,462; third quarter 2022 \$13,698,340; and third quarter 2023 \$18,519,071.

### **EXECUTIVE SESSION:**

Council convened into Executive Session at 9:50 a.m., in the Haynes Conference Room, pursuant to the provisions of the Open Meetings Law, Chapter 551, Government Code Vernon's Texas Codes Annotated, in accordance with the authority contained therein to discuss the following:

#### **Section 551.071 – Consultation with Attorney**

#### **Section 551.087 – Deliberation Regarding Economic Development Negotiation**

- A. BMDD providing fill dirt to a commercial project located at 515 E. Commerce.
- B. Financial incentive from the BMDD and the City (Chapter 380) to TABAT Properties, LTD for a new retail development complex.

Council reconvened into open session at 10:43 a.m.

### **ACTION TAKEN AS A RESULT OF THE EXECUTIVE SESSION:**

#### **Section 551.071 – Consultation with Attorney**

#### **Section 551.087 – Deliberation Regarding Economic Development Negotiation**

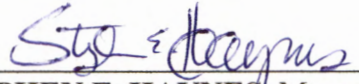
- A. A motion was made by Miller, seconded by McMillian, to ratify the action of the Brownwood Municipal Development District (BMDD) Board to provide fill dirt to a project located at 515 East Commerce from the BMDD

owned borrow pit on CC Woodson for the development of new commercial sites as specified in engineering plans provided by the owner/developer. Upon vote, the motion carried unanimously.

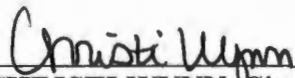
- B. A motion was made by Miller, seconded by Jones, to approve a Chapter 380 Agreement to ratify BMDD Board action to approve a financial incentive to TABAT Properties, LTD for a new retail development complex as discussed in Executive Session, subject to performance requirements. Upon vote, the motion carried unanimously.

**ADJOURNMENT:**

There being no further business, Mayor Pro Tem Willey declared the meeting adjourned.

  
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STEPHEN E. HAYNES, Mayor

**ATTEST:**

  
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CHRISTI WYNN, City Secretary