

REGULAR CALLED MEETING
City Council
February 25, 2020

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Tuesday, February 25, 2020, at 9:00 a.m., in the Council Chambers, City Hall, 501 Center Avenue, Brownwood, Texas, with the following members present:

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| Stephen E. Haynes | : | Mayor |
| HD Jones | : | Councilman – Ward 1 |
| Ed McMillian | : | Councilman – Ward 2 |
| Larry Mathis | : | Councilman – Ward 3 |
| Walker Willey | : | Councilman – Ward 5 |
| Pat Chesser | : | City Attorney |
| Emily Crawford | : | City Manager |
| Christi Wynn | : | City Secretary |

with Councilman Draco Miller absent, constituting a quorum of the City Council.

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| CALL TO ORDER: | Mayor Haynes called the meeting to order. |
| PLEDGE OF ALLEGIANCE: | Pledge of Allegiance was led by Councilman Jones. |
| INVOCATION: | Invocation was given by Councilman Mathis. |
| ITEMS TO BE WITHDRAWN: | None |

INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITIONS:

Police Chief, Ed Kading recognized Sergeant Brandon Miller, Corporal Kim Holland, and Lieutenant James Kidd for exceptional leadership and professionalism during a home invasion/robbery investigation that occurred in January where three suspects were arrested.

CITIZENS PRESENTATIONS:

There were no Citizens Presentations for items that weren't on the agenda.

APPROVAL OF MINUTES:

A motion was made by McMillian, seconded by Willey, to approve the minutes of the Regular Called Meeting on February 10, 2020, as presented. Upon vote, motion carried unanimously.

CLAIMS AND ACCOUNTS:

Assistant Finance Director, Melanie Larose, was present for questions regarding the checklist. A motion was made by Mathis, seconded by Jones, that the Claims and Accounts dated through February 21, 2020, be approved for payment as submitted. Upon vote, motion carried unanimously.

REQUESTS AND PRESENTATIONS:**Consider approving the purchase and installation of a pool liner for the Camp Bowie Family Aquatic Center.**

Parks and Recreation Director, David Withers, stated that staff has researched options for the pool repair. One option was to go back with the original pool liner which was plaster. That would include removing the existing liner down to the gunite and reinstalling plaster which has a product warranty of 5 years and is estimated to cost \$225,116. Another option was the EcoFinish that is a thermoplastic powder coating with a 10-year product warranty. EcoFinish is installed on 9 pools for the City of Austin and many other commercial pools. Staff visited Austin, Texas that has EcoFinish and was very pleased with the product. Mr. Luis Gutierrez of Commercial Swim Management handed out a sample of the material and finish. Commercial Swim Management is a member of Buy Board and their quote is \$179,844.88. Councilman Jones asked how long the warranty covered for labor. Mr. Gutierrez stated ten-years. City Manager Crawford stated that City Attorney Chesser worked on warranty language that has been agreed to by the company.

A motion was made by McMillian, seconded by Willey, to approve the purchase and installation of a pool liner for the Camp Bowie Family Aquatic Center from Commercial Swim Management. Upon vote, motion carried unanimously.

ORDINANCES AND RESOLUTIONS:**Consider an ordinance on *second* and *third/final* reading to change the zoning classification of the Bailey Addition, Block 16, Lot 8, also known as BCAD property ID 50232 (located at the corner of Austin Avenue and Hall Street) from R-2 Two-family Residential District to C-1 Local Business District.**

Mayor Haynes asked the City Secretary to read the ordinance. A motion was made by McMillian, seconded by Willey, to approve the ordinance on *second* reading to change the zoning classification of the Bailey Addition, Block 16, Lot 8, also known as BCAD property ID 50232 (located at the corner of Austin Avenue and Hall Street) from R-2 Two-family Residential District to C-1 Local Business District. Upon vote, motion carried unanimously.

A motion was made by Willey, seconded by Jones, to approve the ordinance on *third/final* reading to change the zoning classification of the Bailey Addition, Block 16, Lot 8, also known as BCAD property ID 50232 (located at the corner of Austin Avenue and Hall Street) from R-2 Two-family Residential District to C-1 Local Business District. Upon vote, motion carried unanimously.

ORDINANCE NO. 20-02

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF BROWNWOOD, TEXAS, CHANGING THE ZONING CLASSIFICATION OF BCAD PROPERTY ID NUMBER 50232, OF THE BAILEY ADDITION, BLOCK 16, LOT 8, LOCATED AT THE CORNER OF AUSTIN AVENUE AND HALL STREET, FROM R-2 TWO-FAMILY RESIDENTIAL DISTRICT TO C-1 LOCAL BUSINESS DISTRICT; PROVIDING A SEVERABILITY CLAUSE; A SAVINGS CLAUSE; AND SETTING AN EFFECTIVE DATE.

Consider a resolution adopting a professional services agreement with the Texas Coalition of Affordable Power (TCAP) and Gexa Energy's commercial electric service agreement for power to be provided on and after January 1, 2023.

Finance Director, Walter Middleton, stated that this will change our approach in the way we procure our electrical needs. The city has been with TCAP for eighteen years. TCAP now has 165 members. TCAP's fixed-price contract with Gexa expires on 12/31/2022. We are currently paying \$.03684 per kWh to Gexa for electricity and \$.0012 per kWh to TCAP for an aggregation fee. The total cost to the City for power is \$.03804 or 3.8¢. To put this in perspective, back in 2002 we were paying around 12¢ per kWh. In 2011, we were paying a little over 8¢. The current residential fixed rate per the State of Texas Power to Choose program is just over 7¢. In looking ahead, TCAP's management, consultants and legal team believe that money can be saved by getting away from long-term fixed-price contracts and using a short-term market-driven auction process. This approach is called the Strategic Hedging Program (SHP). For Brownwood, we estimate that SHP would have saved us over \$35,000 over the last two years.

A motion was made by Mathis, seconded by Jones, to approve a resolution adopting a professional services agreement with the Texas Coalition of Affordable Power (TCAP) and Gexa Energy's commercial electric service agreement for power to be provided on and after January 1, 2023. Upon vote, motion carried unanimously.

RESOLUTION NO. R-20-05

RESOLUTION OF THE CITY OF BROWNWOOD TEXAS ADOPTING TCAP'S PROFESSIONAL SERVICES AGREEMENT AND GEXA ENERGY'S COMMERCIAL ELECTRIC SERVICE AGREEMENT FOR POWER TO BE PROVIDED ON AND AFTER JANUARY 1, 2023.

CONSENT AGENDA:

Mayor Haynes asked if the item on the Consent Agenda needed to be removed for discussion. There being none, a motion was made by McMillian, seconded by Jones, to approve the Consent Agenda as presented. Upon vote, motion carried unanimously.

Consider authorizing the Mayor to sign FY2020 Texans Feeding Texans: Home-Delivered Meal Grant Program (HDM) agreement and the City Manager to sign any subsequent addendums, amendments, and acceptance of additional funds during the term of the contract.

Consider ratification of the Brownwood Municipal Development District Board action for a Building Improvement Incentive Program (BIIP) grant to Brim Investments not to exceed \$20,000 for a property located at 203 Center Avenue.

Consider ratification of the Brownwood Municipal Development District Board action for an infrastructure inventive to Jeff Tucker for a city water tap fee not to exceed \$1,242 for installation of a waterline to supply a fire suppression system at Teddy's Brewhaus located at 100 Fisk Street.

EXECUTIVE SESSION:

Speaker request forms were filled out for this section. Mayor Haynes stated that the City of Brownwood has not operated an animal shelter in many years and has delegated that to the Corine T. Smith Animal Shelter that is largely run by volunteers and donations. Complaints began to be received by the City around eighteen months ago. Reports were regarding overcrowding, cleanliness, and conditions of the shelter. Mayor Haynes allowed others the opportunity to speak.

Stephen Finch stated that the facility is built to hold approximately 76 dogs and has had well over 100. On December 16, 2019, new board members began to serve. He was appointed to serve in January and began looking at financials. Payroll this year will be around \$70,000 more than last year. Last year labor was \$141,760. From October to February 19, payroll was at \$69,394. Mr. Finch expressed concern about funding running out, protocols not being followed, meeting minutes being changed, and Robert's Rules of Order not being followed at meetings. He also stated that expenses are not being brought to the Board for approval. Councilman Willey asked if more employees were hired or a raise had been given to make payroll expand. Mr. Finch stated that a raise had been given two years ago. Overtime and scheduling are the biggest problems. Mayor Haynes asked if rules were in place regarding when to euthanize and asked if they were being followed? Mr. Finch stated no. The shelter attempted to lower adoption fees to \$50 in attempts to alleviate some of the overcrowding, but it comes as a loss to the shelter because it costs more to properly prepare the animal for adoption. Mr. Finch suggested a spay and neuter ordinance. Councilman Willey asked if someone at the shelter was licensed to euthanize or if it has been contracted out. Mr. Finch stated that the shelter has used a couple of different veterinarians in the past.

Freda Day, former shelter director, expressed concern with the current state of the shelter. The current Board refuses to share basic information that is public. They go into executive session at board meetings and take action instead of taking action in open session. Ms. Day stated that due to the overpopulation, it is nearly impossible to have cleanliness and disease control. Many of the dogs there are not adoptable and rescue groups don't usually take large dogs. Gentle euthanasia for unadoptable animals is the most humane.

Sherry Howry, Board Member for two years, expressed concern regarding overcrowding. She spoke about compassion fatigue that shelter workers and others can get from over volunteering or caring for animals. Mayor Haynes asked if she had a solution to overcrowding. Mrs. Howry stated that a low/no cost spay/neuter program is a must. She stated that there are 77 indoor kennels. At one point last year, there were 197 dogs and were stacked 3 crates deep. Mayor Haynes asked what entities contributed funds to the shelter. City Manager Crawford stated that Early, Brown County, and the City of Brownwood. There was discussion regarding how many board members are on the board and that the City may consider designating a certain amount of those members.

Tinya Thomas began working with the shelter in January and now takes pictures to promote adoption on social media. She explained that going to a no-kill shelter takes a lot of time

and does not mean that no animals will be put down. It means that no adoptable animals will be put down. There was discussion about illegal dumping of animals and owner surrendering with no fees or consequences.

Mayor Haynes asked Stephen Finch if he knew what the total operating budget for the shelter was and how much is contributed by governmental entities. Mr. Finch stated that governmental contributions are \$55,000. Total operating budget figures were not discussed.

Anna Day has been a volunteer at the shelter and now serves on the board. Payroll is out of control and one of the reasons is due to scheduling and overtime. Employees are doing an excellent job. Adding more kennels requires adding more staff. Mayor Haynes asked how long some of the animals had been at the shelter. Ms. Day stated that there is one dog that has been there for a year and a half. She spoke about division in the Board and it being destroyed from within.

Mayor Haynes asked how many animals were being turned over from the City and County. Those numbers were not available at the meeting. There was discussion about spay/neuter vouchers that the shelter gives out.

Katherine McWright helps with fostering cats. She stated that the Director has alienated her, and she now has twenty cats at her residence. She requested help to address backyard breeders, educating citizens, and enforcing city rules.

Mr. Finch stated that the facility needs a lot of upgrades as there are drainage problems and areas of the building that need repair.

Mayor Haynes asked if anyone has worked with any City shelters that are doing things correctly. Members of the audience gave Austin and Grand Prairie.

Jonnie Golden, former board member, and volunteer has driven animals to Grand Prairie so they would be adopted.

Karen Dempsey, former volunteer stated that the facility needs upgrades including painting and landscaping. There are volunteers that want to help if they are shown where they can be of assistance.

There was discussion about mediation for the board.

Council convened into Executive Session at 11:10 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 551.088 – Economic Development Deliberations

- A. Sale of Real Property on the north side of East Commerce Street adjacent to Skillet's Restaurant for retail development.
- B. Discussion regarding incentives to be offered to a retail developer.
- C. Discussion with Attorney regarding legal issues regarding Brown County Humane Society agreement to operate an animal shelter.

Council reconvened into open session at Noon.

ACTION TAKEN AS A RESULT OF THE EXECUTIVE SESSION:

Section 551.071 – Consultation with Attorney

Section 551.088 – Economic Development Deliberations

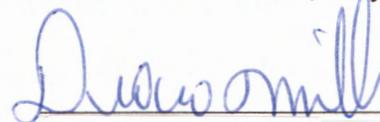
- A. A motion was made by Willey, seconded by Mathis to authorize the sale of real property to the Brownwood Industrial Foundation and Brownwood CFA LLC pursuant to a Purchase, Sale, and Chapter 380 Agreement to build a Chick-fil-A restaurant. Upon vote, motion carried unanimously.
- B. A motion was made by McMillian, seconded by Jones, to approve and/or ratify incentives to be offered to Lisciotti Development Corporation to build a Chick-fil-A restaurant. Upon vote, motion carried unanimously.
- C. A motion was made by McMillian, seconded by Willey, to authorize the City Attorney to send a letter to the Executive Director, Board President, and members of the board that operations be in accordance with industry standards, and that the Texas Open Meetings Act be followed in all meetings within sixty-days. Upon vote, motion carried unanimously.

REPORTS:

Due to the length of the meeting, the scheduled reports listed below will be heard at the next meeting. Racial Profiling Report, Year-end reports for Health, Sr. Citizens, Museum, and Brownwood Municipal Development District.

ADJOURNMENT:

There being no further business to come before the Council at this time, Mayor Haynes declared the meeting adjourned.



DRACO MILLER, Mayor Pro Tem

ATTEST:



CHRISTI WYNN, City Secretary