

**REGULAR CALLED MEETING
City Council
August 25, 2020**

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

Stephen E. Haynes	:	Mayor
HD Jones	:	Councilman – Ward 1
Larry Mathis	:	Councilman – Ward 3
Draco Miller	:	Councilman – Ward 4
Walker Willey	:	Councilman – Ward 5
Pat Chesser	:	City Attorney
Emily Crawford	:	City Manager
Christi Wynn	:	City Secretary

with Councilman Ed McMillian absent, constituting a quorum of the City Council.

CALL TO ORDER: Mayor Haynes called the meeting to order.
PLEDGE OF ALLEGIANCE: Pledge of Allegiance was led by Councilman Miller.
INVOCATION: Invocation was given by Councilman Mathis.
ITEMS TO BE WITHDRAWN: None
INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITIONS: None

CITIZENS PRESENTATIONS:

Tommy Davis, who will be running for the Brown County Water Improvement District Board, suggested the City request irrigation water for Coggin Park since a BCWID irrigation line is near.

APPROVAL OF MINUTES:

A motion was made by Willey, seconded by Miller, to approve the minutes of the Regular Called Meeting on August 11, 2020, the Special Called Meeting on August 11, 2020, and the Special Called Meeting on August 13, 2020, as presented. Upon vote, motion carried unanimously.

CLAIMS AND ACCOUNTS:

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

ORDINANCES AND RESOLUTIONS:

Consider an ordinance on first reading amending the Utility Ordinance Section 70-281 customer cutoff valves regarding the types of materials allowed.

Utility Director, Henry Wied, stated that recently the ordinance was modified to require that a customer cutoff valve be installed after the meter so that the customer can shut off the water supply to their residence or business without utilizing the City's valve. We are finding that steel handle valves or other inferior valves are being installed (underground) which deteriorate over a short period of time. We are recommending that any valve that is installed at the meter be made of all brass, stainless, or a combination of both so that the customer has a valve that will not deteriorate. The ordinance will be as follows: Sec. 70-281. - Customer cutoff valves - Water consumers shall be required to install a customer cutoff valve, at their own expense, in water pipes on their property. No water shall be supplied to such customer unless the customer cutoff valve is installed. The valve and handle material will be all brass, stainless, or a combination of both. Mr. Wied stated that they recently had a customer call for their water to be turned on and off multiple times because the valve was not installed. Some customers have had poor quality valves installed. Due to the elements and being underground, lesser quality valves do not last and it puts the customer at a disadvantage by having to have it replaced sooner. Mayor Haynes asked if all customers would be required to have the valve installed at this time. Mr. Wied stated no, it will only be required for new construction, repairs, and the occasional customer that makes multiple requests.

Mayor Haynes asked for the City Secretary to read the ordinance. After the reading of the ordinance, a motion was made by Mathis, seconded by Miller, to approve the ordinance on first reading amending the Utility Ordinance Section 70-281 customer cutoff valves regarding the types of materials allowed. Upon vote, motion carried unanimously.

ORDINANCE NO. 20-

AN ORDINANCE AMENDING SECTION 70-281 OF CHAPTER 70, ARTICLE IV. WATER, OF THE CITY OF BROWNWOOD CODE OF ORDINANCES REQUIRING THE INSTALLATION OF CUSTOMER CUTOFF VALVES TO SPECIFY THAT CUSTOMER CUTOFF VALVES MUST BE MADE OF ALL BRASS, STAINLESS STEEL, OR A COMBINATION OF BOTH; PROVIDING A SEVERABILITY CLAUSE; A CUMULATIVE/REPEALER CLAUSE; A SAVINGS CLAUSE; AND PROVING AN EFFECTIVE DATE.

REQUESTS AND PRESENTATIONS:

Consider approving funds to pay for Add-Alternates 1, 2, and 3, for the Airport construction project.

Airport Manager, Bobby Burkes, stated that this is an addition to a project originally approved by the council during the meeting in August 2018. The project will take place in FY 20/21.

Engineer consultant with Centurion, Russell Pale, went over the following items. Alternate Bid Item 1: Remove existing pavement of the east terminal apron and replace with concrete. Due to the excessive weight of the aircraft parking in this area and the rutting of pavement the engineer is recommending we replace the apron it with concrete. Alternate Bid Item 2: Remove the existing pavement of the west terminal apron and replace it with a hot mix. Alternate Bid Item 3: The drainage on Taxiway Delta (D) needs to be reworked to drain standing water off the pavement adjacent to Runway 13-31. The pavement in the

area is starting to come apart. The base bid project for Brownwood Regional airport is the taxiway and apron area rehabilitation. The construction total is estimated:

\$ 1,324,169	Total project estimate
\$(1,248,627)	Federal share
\$ 75,542	Local share
\$(- 30,000)	Cares Act Money (Money allocated to TxDOT Aviation from the Federal Gov.)
\$ <u>45,542</u>	Local Share Total Estimate

The City is getting 1.3 million dollars in airport improvements for \$45,542 in local funds. TxDOT Aviation is funding this project at 96.5% causing the local share to be much less than the 10% match that staff anticipated. This project was originally budgeted at \$67,000 in FY 18/19. Due to delays, it is just now getting funded at the federal level. We request that the Council authorize using reserves to fund this project with a year-end budget amendment at the end of FY20/21. Mr. Burkes stated that the pavement is over twenty-years old.

A motion was made by Jones, seconded by Willey, to approve the funds to pay for the add alternates 1-3 as presented for the Airport construction project from reserves and will be brought back before Council as a budget amendment. Upon vote, motion carried unanimously.

BIDS:

Consider ratification of the Brownwood Municipal Development District (BMDD) Board to award a bid for asbestos abatement for BMDD owned property located at 2605 Morris Sheppard Drive to AAR, Inc for \$167,000 and retain North American Analytical Laboratories, Inc. for consulting and monitoring for the project for an additional \$29,500.

Executive Director of BMDD, Ray Tipton, stated that North American Analytical Laboratories, Inc. was hired by the BMDD to begin the bid process to determine what the costs would be to remove the asbestos containing material from the former South Park Development Center building located at 2605 Morris Sheppard Drive. They put together bid specs and reached out to several contractors. They also hosted a contractor tour of the building on August 10th. Two sealed bids for the project were received and opened on Monday, August 17th with the following result:

\$167,000 from AAR, Inc. out of Liberty Hill, TX

\$228,400 from Building Abatement Demolition Co., Inc. out of Leander, TX

In addition, the BMDD will be required to have an asbestos consultant on-site for air and procedure monitoring of the project. The City/BMDD normally uses North American Analytical Laboratories, Inc. for this and they submitted a quote for their consulting services for this project for a flat rate of \$29,500. The BMDD board would like to address the asbestos in this building now to have the property ready for business development at this location. Mr. Tipton stated that Lampasas Trucking has expressed interest in purchasing the property. The asbestos abatement will help incentivize this location as well as the rail that runs through it. This location has nineteen acres and one-third of the

property is in the flood plain. The railway runs in the front of the property. Council discussed the costs involved for demolishing the structure and what steps would be required to get the property ready for a business including rezoning and permitting.

A motion was made by Willey, seconded by Miller, to ratify the action taken by the BMDD Board to award a bid for asbestos abatement for BMDD owned property located at 2605 Morris Sheppard Drive to AAR, Inc for \$167,000 and retain North American Analytical Laboratories, Inc. for consulting and monitoring for the project for an additional \$29,500. Upon vote, motion carried unanimously.

Consider, discuss, and/or take action to reject all proposals submitted for the Communications Upgrade Project and rescind the decision to seek competitive proposals for the project. Council may authorize the City to negotiate and contract with the LCRA, through an interlocal agreement, to obtain the needed equipment and services for the project.

City Manager, Emily Crawford, stated that the Cities of Brownwood, Early, and Bangs, and Brown County made the decision to seek competitive proposals for upgrading the VHF Radio Infrastructure that all entities use for public safety communications. After receiving and analyzing the proposals, the City was contacted by the LCRA who expressed their interest in providing a 700 megahertz (MHz) trunking system solution. LCRA, as a state agency, is prohibited from submitting a response to an RFP. After meeting with the LCRA, the services and prices they offer beat the proposals received under the RFP process. Therefore, the City desires to reject all proposals received and rescind the decision to seek competitive proposals. Instead, the City desires to negotiate and possibly contract with the LCRA to be the vendor on the Project. Contracting with a state agency, such as the LCRA, through an interlocal agreement to provide goods and services is an exception to the competitive bidding requirements under Texas law. Staff will present the interlocal agreement with LCRA to the Council for consideration at a future meeting. County Commissioner, Gary Worley, addressed the Council and stated that the County and other cities have met and agree that this would be the best route to take for the project. Each entity will take this to their boards for action.

Mayor Haynes reiterated that we would reject all proposals and make an interlocal agreement with LCRA. Mrs. Crawford stated yes. LCRA has three existing towners that can be used for this project and would eliminate the need to construct more towers. Councilman Willey asked who would maintain the towers. Mrs. Crawford stated that a maintenance package would be discussed with LCRA and would eliminate the need for the City to employ a Radio Engineer. Council discussed the cost savings by using LCRA.

A motion was made by Mathis, seconded by Miller, to reject all proposals submitted for the Communications Upgrade Project and rescind the decision to seek competitive proposals for the project. Upon vote, motion carried unanimously.

A motion was made by Miller, seconded by Willey, to negotiate and contract with the LCRA, through an interlocal agreement, to obtain the needed equipment and services for the project. Upon vote, motion carried unanimously.

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 Willey, seconded by Jones, to approve the Consent Agenda as presented. Upon vote, motion carried unanimously.

Consider approving an ordinance on second and third/final reading changing the City Marshal position to be under the direction of the Police Department.

ORDINANCE NO. 20-10

AN ORDINANCE AMENDING CHAPTER 2, DIVISION 3, SECTIONS 2-361 AND 2-364 OF THE CODE OF ORDINANCES OF THE CITY OF BROWNWOOD, TEXAS MOVING THE POSITION OF CITY MARSHAL UNDER THE CITY OF BROWNWOOD POLICE CHIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE/REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE.

REPORTS:

Investment Report

Finance Director Middleton presented the Investment Report for both March 31, 2020, and June 30, 2020. He only discussed the June 30, 2020, report and began with a line graph of Investment Pools Interest Rate Comparison shows that TexPool had a blended rate of .3112%, and TexStar .2941%. In March, TexPool was 1.3955% and TexStar 1.3575%. This is the lowest it has been since the first quarter of 2016. A line graph of Investment Interest Earnings for the second quarter of 2020 shows we earned \$11,866. In the first quarter, we earned \$58,822. In the second quarter of 2019, we earned \$84,257. Comparison of Investments by Type – Operating Funds – Second Quarter 2020 \$7,181,351; Second Quarter 2019 \$5,886,405; Second Quarter 2018 \$6,172,081; Second Quarter 2017 \$3,728,509. The total investment balance is \$15,448,493 and earned \$11,866 in interest.

COVID-19 Update

Health Department Administrator, Lisa Dick, stated that they have been working with all the school districts and school has now started. Since Council last met, there have been 116 positive cases, 77 that have recovered, and 213 negative tests. There has been delayed reporting to the Health Department and not all negative testing is reported. Councilman Willey appreciated the new graph for reporting.

City closed for Labor Day, September 7, 2020

EXECUTIVE SESSION:

Council convened into Executive Session at 10:07 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 551.072 – Deliberation Regarding Real Property

- A. Discussion regarding the purchase of property near the Brownwood Coliseum.

Council reconvened into open session at 10:26 a.m.

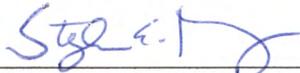
ACTION TAKEN AS A RESULT OF THE EXECUTIVE SESSION:

Section 551.071 – Consultation with Attorney

- A. A motion was made by Willey, seconded by Jones, to authorize the City’s Director of Economic Development to negotiate a purchase contract for properties at 112 N. Greenleaf and 601 Sharp Street as discussed in executive session and authorize the Mayor to sign the final negotiated agreement. Upon vote, motion carried unanimously.

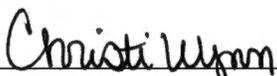
ADJOURNMENT:

There being no further business, Mayor Haynes declared the meeting adjourned.



STEPHEN E. HAYNES, Mayor

ATTEST:



CHRISTI WYNN, City Secretary