

REGULAR CALLED MEETING
City Council
September 22, 2020

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Tuesday, September 22, 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
Ed McMillian	:	Councilman – Ward 2
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 no members 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 McMillian.
INVOCATION: Invocation was given by Councilman Mathis.
ITEMS TO BE WITHDRAWN: None
INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITIONS: None
CITIZENS PRESENTATIONS: None

APPROVAL OF MINUTES:

A motion was made by McMillian, seconded by Miller, to approve the minutes of the Regular Called Meeting on September 8, 2020, and the Special Called Meeting on September 15, 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 Willey, seconded by Mathis, that the Claims and Accounts dated through September 18, 2020, be approved for payment as submitted. Upon vote, motion carried unanimously.

ORDINANCES AND RESOLUTIONS:

Consider an ordinance on second and third/final reading adopting the FY 2020/2021 City of Brownwood annual budget.

Mayor Haynes asked if anyone in attendance or by Zoom wished to speak. There being no one he asked the City Secretary to read the ordinance. After the reading of the ordinance, a motion was made by Willey, seconded by Miller, to approve the ordinance on second

reading adopting the FY 2020/2021 City of Brownwood annual budget. Mayor Haynes took a record vote as follows:

For:	Against:
Jones, Mathis, McMillian, Miller, Willey	None

A motion was made by Mathis, seconded by McMillian, to approve the ordinance on third/final reading adopting the FY 2020/2021 City of Brownwood annual budget. Mayor Haynes took a record vote as follows:

For:	Against:
Jones, Mathis, McMillian, Miller, Willey	None

ORDINANCE NO. 20-11
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROWNWOOD, TEXAS, ADOPTING THE CITY'S FY 20/21 BUDGET.

Consider an ordinance on second and third/final reading levying taxes for the year 2020 for the City of Brownwood.

Mayor Haynes asked if anyone in attendance or by Zoom wished to speak. There being no one, he asked the City Secretary to read the ordinance. After the reading of the ordinance, a motion was made by Jones, seconded by McMillian, to approve the ordinance on second reading levying taxes for the year 2020 for the City of Brownwood. Mayor Haynes took a record vote as follows:

For:	Against:
Jones, Mathis, McMillian, Miller, Willey	None

A motion was made by Willey, seconded by Mathis, to approve the ordinance on third/final reading levying taxes for the year 2020 for the City of Brownwood. Mayor Haynes took a record vote as follows:

For:	Against:
Jones, Mathis, McMillian, Miller, Willey	None

ORDINANCE NO. 20-12
AN ORDINANCE LEVYING TAXES FOR THE YEAR 2020 FOR THE CITY OF BROWNWOOD, TEXAS; PRESCRIBING PENALTIES FOR DELINQUENCIES.

Consider an ordinance on second and third/final reading amending the Utility Ordinance Section 70-281 customer cutoff valves regarding the types of materials allowed.

Director of Utilities, Henry Wied, stated that after the first reading of the modified ordinance that was presented to Council on August 25, 2020, Council expressed concerns that the modified ordinance wasn't specific to who had to install a valve and questioned if it should be included in the Plumbing Ordinance as well. Therefore, the modified ordinance is changed in both sections 70-281 - Customer cutoff valves, and 78-289 - Residential service connections as follows: Residential or commercial new construction or any permitted plumbing work that involves re-plumbing of a house or structure and/or replacement of yard service line will require, at the owner's expense, a customer cutoff

valve located within two foot of the water meter box or at the owner’s property line. The valve and handle material must be either all brass, stainless, or a combination of both. No water shall be supplied to such customer unless the customer cutoff valve is installed.

Mayor Haynes asked the City Secretary to read the ordinance. After the reading of the ordinance, a motion was made by Willey, seconded by Miller, to amend the ordinance on first reading for a modification to the Utility Ordinance Section 70-281 Customer Cutoff Valves, and Plumbing Ordinance, Section 78-289, Residential Service Connections. Upon vote, motion carried unanimously.

A motion was made by Jones, seconded by McMillian, to approve the ordinance on second reading for a modification to the Utility Ordinance Section 70-281 Customer Cutoff Valves, and Plumbing Ordinance, Section 78-289, Residential Service Connections. Upon vote, motion carried unanimously.

A motion was made by Miller, seconded by Mathis, to approve the ordinance on third/final reading for a modification to the Utility Ordinance Section 70-281 Customer Cutoff Valves, and Plumbing Ordinance, Section 78-289, Residential Service Connections. Upon vote, motion carried unanimously. Upon vote, motion carried unanimously.

ORDINANCE NO. 20-13

AN ORDINANCE AMENDING SECTION 70-281 OF CHAPTER 70, ARTICLE IV. WATER, AND SECTION 78-289 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 AND ESTABLISHING THE CIRCUMSTANCES WHEN CUTOFF VALVES ARE REQUIRED TO BE INSTALLED; PROVIDING A SEVERABILITY CLAUSE; A CUMULATIVE/REPEALER CLAUSE; A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Consider an ordinance on first/final reading updating the salary, longevity pay, and certification pay for all Civil Service – Firefighters and Police Officers.

City Manager, Emily Crawford, stated that the position of Fire Marshal has changed to Assistant Chief of Fire Prevention. Upon the retirement of Buddy Preston, this will change to a Civil Service position. Both Fire and Police Civil Service base and certification pay will remain the same as the last Pay Ordinance approved by Council on January 14, 2020. Mayor Haynes asked the City Secretary to read the ordinance. After the reading of the ordinance, a motion was made by Willey, seconded by McMillian, to approve the ordinance on first/final reading updating the salary, longevity pay, and certification pay for all Civil Service – Firefighters and Police Officers. Upon vote, motion carried unanimously.

ORDINANCE NO. 20-14

AN ORDINANCE CLASSIFYING ALL FIREFIGHTERS AND POLICE OFFICERS OF THE CITY OF BROWNWOOD, TEXAS, PRESCRIBING THE NUMBER OF POSITIONS OF EACH CLASSIFICATION; FIXING THE SALARY FOR EACH CLASSIFICATION; PROVIDING

LONGEVITY PAY; PROVIDING CERTIFICATION PAY; PROVIDING FOR POLICE OFFICER RECRUIT HIRING INCENTIVE PAY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE AND A SAVINGS CLAUSE.

Consider a resolution approving seven new capital leases with Citizens National Bank and assigning a property tax pledge.

Finance Director, Walter Middleton, stated that the FY 2019/2020 budget included the purchase of various pieces of equipment for the Street, WWC, Sanitation, Landfill, Airport, and Technology departments totaling \$1,626,547. These purchases were budgeted as capital leases. Actual costs came in under budget projections and we had budgeted for current year payments on these capital leases which reduces the amount we borrow. As a result, we will only need to borrow the following: Street – Kenworth Dump Truck \$101,266; WWC – Hydrovac 2.5 ton Truck \$68,638; Sanitation – Mack Roll-off Truck \$160,182; Sanitation – Peterbilt Brush Grapple Truck \$142,393; Landfill – Caterpillar D8 Dozer \$746,552; Airport – JD 5100E Utility Dozer \$50,088; and Technology – Computer Hardware & Software \$133,026. For a total of \$1,402,145. We will be providing a property tax pledge as security for the loans. This will allow us to issue this debt as long-term debt and lock-in the current bank qualified status, allowing us to avoid any potential problems if we exceed the bank qualification ceiling in the future.

A motion was made by Jones, seconded by Miller, to approve the seven new capital leases with Citizens National Bank and assign a property tax pledge. Upon vote, motion carried unanimously.

RESOLUTION NO. R-20-18

A RESOLUTION APPROVING SEVEN LEASE-PURCHASE AGREEMENTS AND PROMISSORY NOTES FOR THE PURPOSE OF ACQUIRING PERSONAL PROPERTY FOR CITY USE, PROVIDING FOR THE TERM AND SECURITY GRANTED TO SECURE SUCH FINANCING; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

Consider a resolution regarding Personnel Rules and Regulations changes.

Director of Human Resources, David Dalleh, stated that the Personnel Rules and Regulations is an internal document for the City of Brownwood employees. The changes include policies that the Council has already approved, clarifying language to make some policies clearer, and adding a few items that we feel will be beneficial for our employees. It was last updated six years ago.

A motion was made by McMillian, seconded by Jones, to approve a resolution regarding Personnel Rules and Regulations changes. Upon vote, motion carried unanimously.

RESOLUTION NO. R-20-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROWNWOOD, TEXAS, ADOPTING CHANGES TO THE CITY OF BROWNWOOD'S PERSONNEL RULES AND REGULATIONS, SAID CHANGES EFFECTIVE SEPTEMBER 22, 2020.

AGREEMENTS AND CONTRACTS:

Consider extending the Brownwood Municipal Police Association Meet and Confer Agreement through September 30, 2021.

Police Chief, Ed Kading, stated that the current Meet and Confer Agreement between the City of Brownwood and the Brownwood Municipal Police Association (BMPA) became effective on October 1, 2018, and expires on September 30, 2020. Because of the COVID-19 pandemic, negotiations between the two parties did not take place in 2020. The BMPA has requested to extend the current Meet and Confer Agreement with the City of Brownwood for a period of one year, expiring on September 30, 2021. The City of Brownwood Negotiating Team and members of the BMPA agree that this extension is necessary for the current contract to continue and met at 8:30 am on September 22, 2020, to ratify the language of this extension. Upon approval, language regarding the extension will be added to Article 2; Section 1 of the Meet and Confer Agreement and signed by the Mayor and the Brownwood Municipal Police Association President.

A motion was made by Willey, seconded by Mathis, to extend the Brownwood Municipal Police Association Meet and Confer Agreement through September 30, 2021. Upon vote, motion carried unanimously.

Consider approval of an interlocal agreement with LCRA for the purchase and installation of a 700 MHz radio system and related equipment.

City Manager Crawford stated that the Cities of Brownwood, Early, and Bangs, and Brown County desire to enter into an Interlocal Agreement with the LCRA for a 700 megahertz (MHz) trunking radio system and related equipment and infrastructure. LCRA, as a state agency, provides goods and services through an interlocal agreement and is exempt from the competitive bidding requirements under Texas law. LCRA does not profit from their radio system, so their rates are structured to cover the cost of the infrastructure, equipment, and maintenance. The LCRA infrastructure and equipment cost for Brownwood, Early, Bangs, Brown County, and the VFDs, plus related tower upgrades, is \$4 million. Proposals for a VHF radio system and related equipment and infrastructure for all the entities ranged from \$4.8 to \$5.5 million. The Interlocal Agreement (ILA) describes the business relationship between the City and LCRA and the obligations and expectations of each party. The Scope of Work details the work to be performed and the itemized cost of the work and equipment. The most significant details are: LCRA will install a 700MHz trunked radio system in compliance with FCC statutes and licenses. LCRA will install equipment on the Round Mountain tower and the Joint Dispatch Center and program all radios. LCRA guarantees mobile and portable radio coverage of 95% of the region. The City (and partner entities) will pay for all equipment related to the radio system. Includes 39 radios for Fire, 83 radios for Police, and 92 radios for other city departments. The City will pay a monthly service fee on each radio and dispatch console for LCRA to maintain, repair, and replace tower site equipment and software. The City has a 2-year warranty on handheld and portable radios. An extended warranty may be purchased in the future but is not recommended due to the quality of the radios. The term of the ILA is 4 years with automatic 1-year renewals. In the event of an outage or emergency, LCRA will send a technician immediately and will deploy mobile antennas as necessary. The project

completion date is May 28, 2021. The total cost to LCRA for Round Mountain, Dispatch, and radios is \$1,583,601. The Cities of Early and Bangs and Brown County are responsible for \$300,755 for their portion of Round Mountain and Dispatch. They will pay the City of Brownwood for their portion. We have received a grant from the COG for \$169,989 that we will apply to the Dispatch equipment. The City of Brownwood's portion (minus grant and partner payments) to LCRA is \$1,112,857. There is about \$85,000 in additional costs for site work and tower upgrades at Round Mountain that is not part of the LCRA agreement. We will finance the City's portion with a capital lease through our depository, Citizen's National Bank. The annual service fees the City will pay is \$47,856. All these costs have been included in the 2020-2021 budget. Payment Terms are 25% at the time of approval, 25% upon delivery of equipment, 40% upon installment, 10% upon acceptance.

Council discussed what would happen if the other entities did not agree to participate. Mrs. Crawford stated that the project would move forward. We would split costs differently if someone chose not to participate in the project. Councilman Willey stated that he has been on the other side of the current radio system and it needed replacing years ago.

A motion was made by Willey, seconded by Miller, to approve the interlocal agreement with LCRA for the purchase and installation of a 700 MHz radio system and related equipment contingent upon the other entities (Cities of Early and Bangs, and Brown County) approving the agreement with LCRA as well. Upon vote, motion carried unanimously.

Consider approval of a Dispatch Agreement between the City of Brownwood, Brown County, Early, and Bangs.

City Manager Crawford stated that in 1999, the City of Brownwood and Brown County entered into an Agreement for the construction, ownership, and operation of a Joint City of Brownwood/Brown County Law Enforcement Center. In that agreement, the City of Brownwood provided dispatch services to the County at no cost and agreed to hire and maintain personnel sufficient to maintain a radio dispatching system. In exchange, Brown County set aside a minimum of twelve (12) jail beds to the Brownwood Police Department for Class C Misdemeanants. Since 2018, law enforcement agencies have been discussing a shared-cost dispatch model. In the spring of 2020, Brownwood Chief of Police Ed Kading presented the Brown County Sheriff's Office, Early Police Department, and Bangs Police Department a proposal that each entity pays personnel costs for dispatch based on their percentage of total calls for service. Included in the agreement is each entity's portion of the LCRA equipment for Round Mountain and the Dispatch Center. It is a ten-year agreement. Data from 2010 through the present day shows consistent call volume percentages for each department. Percentages of dispatch personnel cost for each agency in this initial agreement are based on 2019 calls for service and will be updated annually. Quarterly, or as needed, the Brownwood Chief of Police will hold an Advisory Committee meeting comprised of representatives from each entity. The Committee will be presented with financial reports on staffing, equipment, infrastructure, and other costs to operate dispatch and update each entity call volume percentages. The Committee will not be responsible for personnel matters. The City of Brownwood will continue to serve as the

911 Public Safety Answering Point (PSAP). Brown County and the cities of Early, Bangs, and Blanket will continue to pay their 911 subsidy. The City of Bangs has approved the Agreement, and we have a verbal agreement from representatives of the City of Early and Brown County.

A motion was made by Willey, seconded by Mathis, to approve a dispatch agreement between the City of Brownwood, Brown County, Early, and Bangs. Upon vote, motion carried unanimously.

Consider approval of a Joint Use Agreement between the City of Brownwood and Brown County for the Law Enforcement Center.

Chief Kading stated that in 1999, the City of Brownwood and Brown County entered into an Agreement for the Construction, Ownership, Operation of a Joint City of Brownwood/Brown County Law Enforcement Center. The agreement states in Section 4.2, "Upon completion of the Center, the County shall own in fee simple the entire Center. The County and City shall enter into a lease/purchase agreement whereby the City will be the lessee and the County will be the landlord." The City of Brownwood made the final payment to Brown County in September 2020. The operational costs for the facility and bed space have been included in the 2020-2021 budget. The new Joint Use Agreement submitted to City Council for consideration includes the following provisions: The City of Brownwood will pay Brown County for the use of three (3) beds per day for Class C Misdemeanants, at a price not to exceed \$35.00 each. The City of Brownwood and Brown County will equally share expenses for one janitorial staff position at the Law Enforcement Center. The City of Brownwood and Brown County will equally share the expense of grounds maintenance at the Law Enforcement Center. The City of Brownwood will incur the expense of utilities at the Law Enforcement Center based on square footage utilized by the Brownwood Police Department. The City of Brownwood will incur the cost of facility maintenance occupied by the Brownwood Police Department or share equally the cost of maintenance of shared space with Brown County. The term of the agreement is ten (10) years. The anticipated cost to the City of Brownwood is \$61,380 per year.

A motion was made by McMillian, seconded by Mathis, to approve a Joint Use Agreement between the City of Brownwood and Brown County for the Law Enforcement Center. Upon vote, motion carried unanimously.

BIDS:

Consider awarding a bid for the sale of City owned property known as 0.747 acres out of the W. H. Iron Survey 52, Abstract 537 located in the curve between Cordell Street and Beaver Street.

Director of Development Services, Tim Murray, stated that the city property known as W. H. Iron Survey 52, Abstract 537, 0.747 Acres located in the curve between Cordell and Beaver Street was advertised for sale in the Brownwood Bulletin on August 23rd and August 26th with the bid opening on September 4, 2020. This was the third attempt to sell the property. The City received one bid from Harold E. Hogan in the amount of \$600. The property in question is located within the floodplain and is currently undeveloped.

A motion was made by Jones, seconded by McMillian, to award the bid for the sale of City owned property known as 0.747 acres out of the W.H. Irion Survey 52, Abstract 537 located in the curve between Cordell Street and Beaver Street. Upon vote, motion carried unanimously.

Consider awarding a bid for the purchase of Landfill scales.

Assistant City Manager of Public Works, Tim Airheart, stated that the City of Brownwood accepted sealed bids for the purchase of used landfill truck scales. Bid packages were emailed to vendors as well as advertised in the local newspaper well in advance of the bid opening date of September 10th. Two bids were received. Western Weigh Company bid \$36,995 and Industrial Age Scale for \$50,815. Rusty's Weigh declined to bid. Both bids were below the estimated cost of \$55,000. Mr. Airheart personally inspected the scales offered by Western Weigh and they are in excellent condition. The scales are manufactured by the same company as our current scale and they will integrate with our scale software. The budget for the landfill scale project including the rerouting of roads and concrete pad for the scale is 100,000.

A motion was made by McMillian, seconded by Willey, to award the bid of the Landfill scales to Western Weigh Company in the amount of \$36,995. Upon vote, motion carried unanimously.

CONSENT AGENDA:

Mayor Haynes asked if any items needed to be removed from the Consent Agenda for consideration. No items were removed. A motion was made by McMillian, seconded by Miller, to approve the consent agenda as presented.

Consider an ordinance on second and third/final reading setting utility rates for FY 2020/2021 for the City of Brownwood.

ORDINANCE NO. 20-15

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.

Consider an ordinance on second and third/final reading setting fees, rentals, licenses, and permits for FY 2020/2021 for the City of Brownwood.

ORDINANCE NO. 20-16

AN ORDINANCE SETTING CHARGES FOR FEES, RENTALS, LICENSES, AND PERMITS FOR THE CITY OF BROWNWOOD; DESIGNATING AN EFFECTIVE DATE; REPEALING PRIOR ORDINANCES IN CONFLICT HEREWITH.

Consider ratification of the Brownwood Municipal Development District Board action for a Building Improvement Incentive Program (BIIP) grant to Steves' Market and Deli, not to exceed \$7,602 for a property located at 110 E. Chandler Street.

REPORTS:**COVID-19 Update**

Health Department Administrator, Lisa Dick, stated that there have been 786 positive cases, 3,492 negative tests, 680 that have recovered, there have been 26 deaths, there are currently 80 active cases, and there are 2 hospitalized. The last time we were below 100 active cases was August 19th. Nursing homes are testing twice a week.

Budgetary Control Report

Finance Director, Walter Middleton, stated that the report is through August 31, 2020, and is eleven months of the fiscal year. Our revenue is exceeding budget projections and our expenses are well under budget projections.

EXECUTIVE SESSION:

Council convened into Executive Session at 10:26 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. Consider an incentive for a possible expansion project at a manufacturing company in Brownwood.

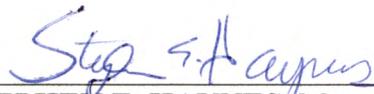
Council reconvened into open session at 10:42 a.m.

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 Willey, seconded by McMillian, to ratify action taken by the BMDD Board to approve an expansion incentive to Sawyer Industries for an amount not to exceed \$250,000 based on job creation over the next 5 years and job training reimbursement not to exceed \$20,000. Upon vote, motion carried unanimously.

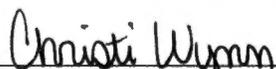
ADJOURNMENT:

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



 STEPHEN E. HAYNES, Mayor

ATTEST:



 CHRISTI WYNN, City Secretary