

REGULAR CALLED MEETING
City Council
January 12, 2016

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Tuesday, January 12, 2016, 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
H. D. Jones	:	Councilman – Ward 1
Ed McMillian	:	Councilman – Ward 2
Larry Mathis	:	Councilman – Ward 3
Draco Miller	:	Councilman – Ward 4
Emily Crawford	:	City Manager
Pat Chesser	:	City Attorney
Christi Wynn	:	City Secretary

with member Jerry DeHay 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ITEMS TO BE WITHDRAWN: None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:

The Oath of Office and Law Enforcement Oath of Honor will be given to the newly promoted Police Corporal and Police Sergeant, by the City Secretary and Police Chief.

The Oath of Office was given to Police Corporal, Brandon Miller, and Police Sergeant, Stephanie Morgan, by City Secretary, Christi Wynn. Brandon Miller's badge was pinned by his wife Angie, and Stephanie Morgan's badge was pinned by her partner Kendra Galloway. The Law Enforcement Oath of Honor was then given by Police Chief, Mike Corley. Chief Corley also gave them a challenge coin.

National Night Out Award

Police Chief Corley presented an award from National Night Out for Outstanding Participation to Chamber Director, Ray Tipton. He stated that they were in fourteenth place last year, and this year we moved up to thirteenth place in our population category of 19,000 to 49,000. A picture was taken with sponsors and participants.

CITIZEN PRESENTATIONS: None

APPROVAL OF MINUTES:

A motion was made by McMillian, seconded by Miller, to approve the minutes of the Regular Called Meeting of December 8, 2015, and the Joint Meeting with BEDC, BIFI, Brownwood Area Chamber of Commerce, and the City Council on December 15, 2015 as presented. Upon vote, motion carried unanimously.

CLAIMS AND ACCOUNTS:

Finance Director, Walter Middleton was present for questions regarding the check list. A motion was made by Jones, seconded by McMillian, that the Claims and Accounts dated through January 8, 2016, be approved for payment as submitted. Upon vote, motion carried unanimously.

REQUESTS AND PRESENTATIONS:

Consider authorizing the expenditure of up to \$110,000 from the remaining bond funds for the replacement of the Commerce Square lift station and authorize the City Manager to sign a contract with Hearn Engineering, Inc. for the project.

City Manager Crawford stated that she supported this project as it serves a very important commercial district as well as a large residential area. Director of Utilities, David Harris, stated that bids came in significantly lower than anticipated for the Roanoke Tank rehab. There is \$273,500 remaining and is designated for work similar to this project. The lift station is located behind Staples. It was built a very long time ago and has structural damage due to sewer gasses that have corroded the concrete and metal and have caused structural damage to housing the equipment. The corrosion puts the lift station in danger of an explosion. If approved, the new lift station will be raised above the new flood map elevation. The basin will be made of fiberglass and corrosion resistant materials with submersible pumps to stop the existing issues. By installing ourselves, an anticipated \$40,000 to \$50,000 could be saved. The engineer will design the project, develop plans and specifications for the equipment purchase and installation as well as handle TCEQ compliance with engineering rules. The engineer will help in the bidding process, and will inspect and ensure that the project meets the TCEQ requirements. Work is anticipated to be complete by summer. Mayor Haynes discussed the fiscal impact of spending \$110,000 versus applying the funds back to the principle. He stated that it would only equal to a savings of \$3,245 in interest a year. The remainder of the funds would be \$163,500 and can be used on unforeseen issues resulting on change orders at the Waste Water Treatment Plant.

A motion was made by McMillian, seconded by Mathis, to authorize the expenditure of up to \$110,000 from the remaining bond funds for the replacement of the Commerce Square lift station and authorize the City Manager to sign a contract with Hearn Engineering, Inc. for the project. Upon vote, motion carried unanimously.

AGREEMENTS AND CONTRACTS:

Consider a two-year extension for the hunting lease on FM 45, also known as the Bartholomew Property.

Mayor Haynes stated that last year he questioned whether the property could be made available for local youth hunts and only approved the lease for one year. The lessee is requesting the lease be extended two more years.

Lessee, Josh McCullough addressed the Council and stated that it has been a tough first year. They have built blinds, stocked the tank with fish, and cleaned up the property. There have been three youth that have hunted the property with some of the meat being donated to the Good Samaritan deer project.

Mayor Haynes stated that the lease went out for bid for a three-year lease and was limited to one-year by his recommendation. He stated that he is in favor of extending the lease for two more years. A motion was made by Miller, seconded by McMillian, to approve a two-year extension for the hunting lease on FM 45, also known as the Bartholomew Property. Upon vote, motion carried unanimously.

REQUESTS AND PRESENTATIONS:

Presentation and discussion regarding Economic Development Sales Tax funding alternatives.

City Attorney, Pat Chesser stated that we currently have a Type A economic development corporation with a sales tax cap of 2%. If we decide to change to a Type B or Municipal Development District (MDD), there will be a new structure, but not an additional tax. Mr. Chesser went over the differences in Type A, Type B, and MDD. Type A and B are considered corporations, and an MDD is considered a political subdivision and all of the laws the City follows would apply, such as for the bidding process. Type A and B boundaries are limited to the City Limits, and an MDD can go to the extra territorial jurisdiction (ETJ) of the city, or one mile outside the city limits. We would not be able to dissolve our Type A and create an MDD with boundaries extending into the ETJ with one election. Mr. Chesser spoke about board of director requirements. Type A is required to have five members appointed by Council. Type B is required to have seven members, appointed by the Council, three of the members must not be employees, officers, or city council members. MDD is governed by a board of at least four directors, appointed by Council (all Council could be directors.) There are no term limits. Public Hearing Requirements – Type A does not have any requirements, but is brought before Council for approval; Type B at least one public hearing is required on a proposed project before spending money, unless the project is defined under Subchapter C, Ch. 501 of the LGC and if the population of the city is less than 20,000. There is also a sixty day waiting period to expend funds following the first public notice. MDD – no publication requirements (other than an agenda), no public hearing requirements, performance agreements, or elections are required. It would be set up where Council would approve all projects. Projects – Type A is intended for manufacturing and industrial development and excludes retail development. Type B is for economic development and community development (including retail development.) Type B can fund a civic center, but not a civic center hotel. It may also provide land, buildings, equipment, facilities, and

improvements found by the board of directors to promote or develop new or expanded business enterprises that create or retain primary jobs. MDD is very similar to Type B (for the purpose of finance development projects beneficial to the district) plus, a convention center facility or related improvement such as a convention center, civic center, civic center building, civic center hotel, or auditorium, including parking areas or facilities that are used to park vehicles and that are located at or in the vicinity of other convention center facilities. An MDD is referred to as a Super B and can do everything a Type B can do and then some. City Attorney Chesser gave a sample of the wording for a joint ballot election. He stated that if Type A is dissolved and we go to either a Type B or MDD, all debt has to be paid off and the remainder of the money given to the City. The City can then produce a 380 agreement and return the money to the EDC. City Manager Crawford stated that the EDC has been discussing this conversion for several years now and it is part of the strategic plan. If an Election is called, it would need to be done so by February 19th. This would be after the EDC board approves the election as well. Mayor Haynes stated that he would like to have this on the next Council meeting to consider calling the election.

CONSENT AGENDA:

A motion was made by Mathis, seconded by Miller, to approve the items on the consent agenda. Upon vote, motion carried unanimously.

Consider an Ordinance on *second and third / final readings* amending Chapter 74, Article II., Emergency Medical Vehicles, of the City of Brownwood Code of Ordinances to accept from the City's Emergency Medical Service (EMS) licensing ordinance EMS providers who are providing mutual aid to the contracted Brown County EMS provider.

ORDINANCE NO. 16-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROWNWOOD, TEXAS, AMENDING CHAPTER 74, ARTICLE II., EMERGENCY MEDICAL VEHICLES, OF THE CITY OF BROWNWOOD CODE OF ORDINANCES, TO PROVIDE FOR AN ADDITIONAL EXCEPTION TO THE LICENSING PROVISIONS OF CHAPTER 74; PROVIDING A SEVERABILITY CLAUSE; A CUMULATIVE/REPEALER CLAUSE; A SAVINGS CLAUSE; AND SETTING AN EFFECTIVE DATE.

Consider an Ordinance on *second and third / final readings* establishing a school speed zone on Avenue D from Durham Avenue to First Street.

ORDINANCE NO. 16-02

AN ORDINANCE ESTABLISHING A SCHOOL SPEED ZONE LIMIT OF 20 MPH DURING THE TIMES OF 7:30 AM TO 8:30 AM AND 1:45 PM TO 3:00 PM WHEN SCHOOL IS IN SESSION, ALONG AVENUE D FROM DURHAM AVENUE TO FIRST STREET; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR CONVICTION OF ANY VIOLATION THEREOF; PROVIDING A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND SETTING AN EFFECTIVE DATE.

ORDINANCES AND RESOLUTIONS:

Consider a Resolution naming the “Brownwood Soccer Complex.”

City Manager Crawford stated that the Parks and Recreation Advisory Board discussed various name suggestions for the complex and came to the consensus that “Brownwood Soccer Complex” would be ideal. The reason for the suggestion is that it is a City of Brownwood facility, and it would be easily branded and recognizable when promoting the location across the state for tournaments. A motion was made by Jones, seconded by McMillian, to approve the Resolution naming the “Brownwood Soccer Complex.” Upon vote, motion carried unanimously.

RESOLUTION NO. R-16-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROWNWOOD, TEXAS, NAMING THE NEWLY CONSTRUCTED SOCCER FIELDS AS THE “BROWNWOOD SOCCER COMPLEX.”

Council took a five minute break.

Consider a Resolution authorizing the City Manager or her designee to post and/or provide the required notice to prohibit the carrying of handguns, both concealed carry and open carry, in the room or rooms where meetings of the City Council and/or City boards, commissions, or committees are being conducted pursuant to the Texas Open Meetings Act.

City Manager Crawford stated that as of January 1, 2016, the old concealed handgun license changed over to a license to carry a handgun. There is no separate license for concealed carry and open carry. To prohibit handguns being carried into a public meeting that is conducted pursuant to the Texas Open Meetings Act, the City Council should enact a Resolution which directs and authorizes the City Manager, or her designee, to post the required signs or otherwise give oral or written notice pursuant to Texas Penal Code Section 30.06 (concealed carry) and/or Texas Penal Code Section 30.07 (open carry.)

Several Council members stated that they did not think passing a Resolution and posting enormous signs would be in our best interest. Mayor Haynes stated that the State Legislature intended to give the freedom of open carry and did not feel it would be fair to regulate that law. Police Chief Corley stated that he did not feel uncomfortable with the new open carry law and does not think we will see a change in the way things are now. City Manager Crawford stated that the City of Brownwood personnel policy manual needs to be reviewed as we do not allow our City employees to carry firearms. She recommended concealed carry to be allowed in the Council Chambers, but not open carry. After more discussion, a motion was made by Mathis to allow concealed carry and prohibit open carry during the City Council and/or City boards, commissions, or committees that are being conducted pursuant to the Texas Open Meetings Act. Upon vote, the motion died due to the lack of a second.

AGREEMENTS AND CONTRACTS:

Consider authorizing the City Manager to sign an agreement with the Texas Department of Agriculture “Texans Feeding Texans Home Delivered Meal Grant Program.”

City Manager Crawford stated that the Texas Department of Agriculture is awarding the City of Brownwood a grant in the amount of \$9,490.37. Last year was \$7,007.44. This grant is effective February 1, 2016 through January 31, 2017.

A motion was made by Jones, seconded by McMillian, to authorize the City Manager to sign an agreement with the Texas Department of Agriculture “Texans Feeding Texans Home Delivered Meal Grant Program.” Upon vote, motion carried unanimously.

APPOINTMENTS:

Consider ratification of Mayoral appointments and re-appointments to the Airport Board, Audit Committee, Buildings and Standards Commission, Civil Service Commission, Library Board, Parks and Recreation Board, Transportation Museum Advisory Board, and the Unified Appeals Board.

Mayor Haynes requested the following appointments and re-appointments for ratification. He stated that the Building and Standards Commission will have a recommendation at the next meeting for consideration. The appointments are as follows:

Airport Board	2 year term	
	Re-appointment	Brad Locker (12/31/17)
	Re-appointment	Carter Sharpe (12/31/17)
	Re-appointment	Sam Stewardson (12/31/17)
Audit Committee	3 year terms	
	Re-appointment	Chuck Boland (12/31/18)
Building & Standards Commission	2 year terms	
	Re-appointment	Fred Kelly (12/31/17)
Alternate Member	Re-appointment	Larry McBride (12/31/17)
		To be announced (12/31/17)
Civil Service Commission	3 year terms	
New appointment to replace Kevin Gabaree		Ray Tipton (12/31/18)
Library Board	3 year terms	
	Re-appointment	Suzanne Prosis (12/31/18)
Parks Board	3 year terms	
New appointment to replace Michael Cloy		Jeff Yoder (1/1/19)
New appointment to replace Ray Tipton		Sunni Modawell (1/1/19)
Transportation Museum Advisory Board	3 year terms	
	Re-appointment	Meghan Mask (12/31/18)

New appointment to replace Curt Junkins – unexpired term Charles Musgrove (12/31/17)

New appointment to replace - Sunni Modawell - unexpired term Andy Scheriger (12/31/17)

Unified Appeals Board 5 year terms

New appointment to replace Bill Pursch Mike McClure (12/31/20)

Alternate Member Re-appointment Danny Hughes (12/31/20)

A motion was made by Mathis, seconded by Miller, to ratify the Mayoral appointments as presented. Upon vote, motion carried unanimously.

The Mayor may appoint council members to a committee to study and give recommendations for the City of Brownwood Personnel Policy for residence requirements for City employees.

Mayor Haynes stated that the personnel rules and regulations manual residence requirements apply to emergency response personnel and all employees in positions requiring them to be available and “on-call” as part of their job description and permitted to live in areas in / around the City of Brownwood as long as the distance is within 30 miles of the Brownwood city limits. Mayor Haynes stated that we may need to revise or revisit that policy. Mayor Haynes asked Councilman Mathis and Councilman McMillian to serve on the committee to study what other cities are doing and come back with a recommendation by June or July. Both agreed to serve. A motion was made by Miller, seconded by Jones to ratify the Mayor’s appointments. Upon vote, motion carried unanimously.

REPORTS:

City closed for Martin Luther King, Jr. Day January 18, 2016.

City Manager Crawford stated that the City will be closed for Martin Luther King, Jr. Day January 18, 2016.

Martin Luther King, Jr. Day Parade, January 18, 2016 10:00 a.m. starting at the Bennie Houston Recreation Center and ending at the Martin Luther King, Jr. Plaza

Councilman Draco Miller invited everyone to attend the “Freedom March.” The parade line up will begin at 9:00 at the Bennie Houston Community Center. The parade begins at 10:00 and will proceed to the Martin Luther King, Jr. Plaza where there will be a ceremony and a speaker. He stated that this event is about equality, and justice for all.

ADJOURNMENT:

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

STEPHEN E. HAYNES, Mayor

ATTEST:

CHRISTI WYNN, City Secretary