

REGULAR CALLED MEETING
City Council
April 12, 2016

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Tuesday, March 22, 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
Jerry DeHay	:	Councilman – Ward 5
Emily Crawford	:	City Manager
Pat Chesser	:	City Attorney
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 Jones.
INVOCATION:	Invocation was given by Councilman Mathis.

ITEMS TO BE WITHDRAWN: None

INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITIONS:

Mayor Haynes recognized Professor Jennifer McNeese's Legislative Process class in attendance.

CITIZEN PRESENTATIONS:

Pat McLaughlin IV, representing the Brownwood Jaycees spoke about the events they have held, events they are planning, and a survey they conducted about events citizens would like to see. He also spoke about the donation of iPads and training, and tv's they have made to the Senior Citizen Center as well as a donation to the Salvation Army to help purchase school supplies.

Mayor Haynes thanked them for the work they have done in our community.

APPROVAL OF MINUTES:

A motion was made by McMillian, seconded by Miller, to approve the minutes of the Chamber Luncheon, March 18, 2016 and the Regular Called Meeting of March 22, 2016 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 DeHay, seconded by Mathis, that the Claims and Accounts dated through April 8, 2016, be approved for payment as submitted. Upon vote, motion carried unanimously.

REQUESTS AND PRESENTATIONS:

Consider options for future street and facility improvement projects including directing staff to bring debt obligation options to Council for approval.

City Manager Crawford stated that during a previous Workshop, Council asked City Staff to present options of how we could complete street work as well as some other special projects we have taken on. At this time, a bid for the work on Calvert Road has been awarded. The Soccer Complex is complete, with only bleachers remaining to purchase, and the walking trail bid will be considered during this meeting. After those projects, there will be approximately \$335,000 remaining. We also have the \$230,000 in the Street Rehab budget in the General Fund which we anticipate using for smaller, residential street projects. Large projects, such as the Fourth Street project is estimated to cost \$400,000 and is outside the scope of existing budget funds. There are around \$1,283,000 of street projects remaining from the Council approved list as well as street related projects around the Soccer Complex. A list of other identified projects related to facility and park improvements was presented to Council. That list totals approximately \$1.5 million dollars. City Manager Crawford stated that Council will not be approving the project list, but rather giving direction on how much the City will need to go out for on the Certificate of Obligation (CO). The total amount on the list of projected projects are \$2,243,000. City Manager Crawford recommended a \$2,000,000 CO.

Finance Director Middleton stated that having a list of projects doesn't mean that they will all be completed. With \$2,000,000 there will not be enough, but with \$3,000,000 there might be enough. He spoke about the Coliseum cooling tower and chiller that is estimated to cost \$310,000 and stated that it is way past its life span. Although it does not have to be replaced at this time, if it goes out, we will have to borrow the funds to replace it as the Coliseum cannot operate without it. In the list of priorities, it is at the bottom. Middleton stated that the options today are to 1) not borrow any money and try to handle these through our budget – excluding Fourth Street; 2) borrow \$1,000,000; 3) borrow \$2,000,000; or 4) borrow \$3,000,000. Middleton stated that a \$2,000,000 bond issue would have an average annual debt service of \$191,000 over 15 years. A \$3,000,000 bond issue would have an average annual debt service of \$285,000 over 15 years. Middleton discussed a “wraparound option.” The CO issued in 2003 for the Downtown and Marketplace Boulevard improvements is paying off in March 2018. The average annual debt service on this bond is \$212,000. We could structure this proposed new CO to pay little or no principal until FY 18/19 when the old bond would pay off and we would have the revenue stream from that to make those new payments. Middleton explained that on a \$2,000,000 CO, for FY 16/17 and 17/18, we would need approximately \$110,000 per year to make the interest payment. This could come from a portion of the Street Rehab budget which currently has a budget of \$230,000 or by cutting other expense budgets. This would allow the new bond issuance to be completely

revenue neutral, funded without growing the budget. Smaller street projects would come out of the budgeted Street Rehab funds, leaving contracted or larger projects to come out of the bond funds. In FY 18/19, the full debt service on the new bond would be \$210,000 over the remaining 13 years. That would be funded entirely from the \$212,000 available from the old bond paying off. On a \$3,000,000 CO, for FY 16/17 and 17/18, we would need approximately \$165,000 per year to make the interest payments. This could come from the Street Rehab budget of \$230,000 leaving \$65,000 in budgeted Street Rehab funds for the first two years. Alternatively, we could look at cutting other expense budgets. This would allow the first two years to be revenue neutral to the budget. In FY 18/19, the full debt service on the new bond would be \$313,000 over the remaining 13 years. That would be partially funded from the \$212,000 available from the old bond paying off leaving \$101,000 that would need to be funded beginning in FY 18/19 assuming we return the Street Rehab budget to \$230,000. Middleton asked the Council for direction – 1) Does the Council want to issue a new CO? 2) If so, how much should we issue? 3) If we issue debt, does Council want a fifteen or eighteen year amortization period? 4) If we issue debt, does the Council want us to use the full level amortization or the wraparound option?

After much discussion and each member of Council giving their opinion, a fifteen year amortization period with the wrap around option was the consensus.

City Manager Crawford stated that the timeline is very important if we want to have these funds available in time for the current paving season.

After more discussion, a motion was made by Mathis, seconded by DeHay, to direct staff to bring a resolution to the Council authorizing a Notice of Intent to issue Certificates of Obligation for \$3,000,000 during the April 26 Council meeting. Upon vote, motion carried as follows:

For	Against
DeHay	Jones
Mathis	McMillian (in favor of \$2 million
Miller	and improvements)

Consider revoking the donation of a Baler to the City of Munday and authorize the disposition of the Baler to the West Central Texas Council of Governments.

City Manager Crawford stated that on August 25, 2015, Council passed a Resolution that declared a 1997 Harmony Baler as surplus property and authorized the Baler to be donated to the City of Munday. Since that time, the City of Munday has decided to close their recycling center and is unable to accept the Baler. The City of Brownwood received a grant from the WCTCOG to purchase the Harmony Baler in 1997. Staff at the WCTCOG recommends that the Baler become their possession until they can find a suitable host community within the region.

A motion was made by McMillian, seconded by Miller, to revoke the donation of a 1997 Harmony Baler to the City of Munday and authorize the disposition of the Baler to the West Central Texas Council of Governments (WCTCOG.) Upon vote, motion carried unanimously.

ORDINANCES AND RESOLUTIONS:

Consider a Resolution declaring Surplus Property.

City Manager Crawford referred to a list of surplus property, primarily vehicles in the Resolution and requested that they be declared as surplus property to be sold, scrapped, donated, or advertised for public bid. Director of Fleet Services, John Moody stated that a lot of the vehicles will be advertised on GovDeals.com.

A motion was made by Miller, seconded by Mathis, to approve a Resolution declaring old city vehicles and equipment as surplus property and authorizing staff to sell, scrap, or donate to a nonprofit organization. Upon vote, motion carried unanimously.

RESOLUTION NO. R-16-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROWNWOOD, TEXAS, DECLARING THE ITEMS LISTED IN THIS RESOLUTION AS SURPLUS PROPERTY AND AUTHORIZING THE SELL OF SAME.

Consider a Resolution amending the residence requirements for the Police Chief and Fire Chief positions as provided in the City's Personnel Rules and Regulations.

Mayor Haynes stated that he appointed Councilman Mathis and McMillian to study the City's Personnel Rules and Regulations policy for residency requirements on January 12, 2016.

Councilman Mathis stated that this process came about due to the retirement of Police Chief Corley. The council committee recommends that the residency requirement be amended to require the Police Chief and Fire Chief to live inside the city limits. The Police and Fire Chiefs are prominent figures in the community, are highly engaged with the citizens, and must be called upon in emergency situations to respond quickly. In the past, the Police Chief was required to live in the city limits, because it was an elected position. With the retirement of Chief Mike Corley this June, timing is optimal to amend the residency policy prior to the hiring of a new Police Chief. The Council committee recommends upholding the existing 30 mile distance for emergency responders and on call staff. It is preferable for the city's emergency response employees be within a 30 mile proximity to the City in the event they must mobilize. In addition, emergency response personnel are important members of the community, and Council values their involvement in the local community. The Local Civil Service Rules state the residency requirement is 25 minutes. The committee also recommends that the Civil Service Commission amend the Local Rules to remove the 25 minute requirement, and refer to the City Personnel Rules and Regulations for residency requirements.

City Manager Crawford referred to the proposed (red-lined) policy that showed that the City Manager, Police Chief, and Fire Chief are required to reside within the city limits of

Brownwood during his/her tenure of office. No other recommendations are being presented.

Councilman Miller agreed with the policy change due to the fact that their salary comes from the tax payers.

Mayor Haynes stated that the two biggest departments in the budget are Fire and Police and he felt it was fair to require those department heads to reside within the city limits.

After more discussion, a motion was made by Mathis, seconded by Jones, to amend the residence requirement in the City's Personnel Rules and Regulations to require the Police Chief and Fire Chief to live inside the City limits, and recommend to the Civil Service Commission that they amend the Local Civil Service Rules to be consistent with the City's Personnel Rules and Regulations for residency requirements. Upon vote, motion carried unanimously.

RESOLUTION NO. R-16-04

A RESOLUTION AMENDING SECTION 15. RESIDENCE REQUIREMENTS OF THE PERSONNEL RULES AND REGULATIONS OF THE CITY OF BROWNWOOD, TEXAS AND RECOMMENDING TO THE CIVIL SERVICE COMMISSION THAT THEY AMEND THE LOCAL CIVIL SERVICE RULES TO BE CONSISTENT WITH THE CITY'S PERSONNEL RULES AND REGULATIONS FOR RESIDENCY REQUIREMENTS.

BIDS:

Consider awarding a bid for the construction of a portion of the Camp Bowie Walking Trail.

City Manager Crawford referenced the map in the packet that showed the portions of the work that had been completed, one section was approved with the Calvert Road project, a small section that will be completed by the City (asphalt), and the remaining 6,644' that is being presented for consideration of the bid approval. City Manager Crawford stated that the Texas Parks and Wildlife Trails Grant Branch awarded the City of Brownwood a Recreational Trails Grant in the amount of \$200,000 at their May 22, 2014 meeting. The Council accepted this award and entered into an agreement on April 28, 2015. Under the contract, the project must be completed by June 30, 2018. Three bids were received with the low bid from Pruett Concrete and Construction \$284,140.25.

A motion was made by DeHay, seconded by Miller, to award the Camp Bowie Walking Trail Project contract to Pruett Concrete and Construction, LLC and authorize the City Manager to execute any change orders. Upon vote, motion carried unanimously.

AGREEMENTS AND CONTRACTS:

Consider approving a Public Improvement Development Agreement with Brownwood South Hampton, LLC.

Mayor Haynes recused himself from any discussion on this item as he has done work for Brownwood South Hampton, LLC. A Conflict of Interest Statement form was filed with the City Secretary.

City Manager Crawford stated that South Hampton LLC. is developing Waterstone located at Fourth Street and Waterstone Drive (formerly Vicksburg Ct.) The development of 9.353 acres is a gated community with duplexes, a fourplex, single family homes, club house and pool. There are 28 residential units planned. The first phase of development will be 12 units, totaling a value of about \$1.9 million and will be built within two years. The City agrees to install a water main line (approximately 650 feet to be located in a 10 foot wide easement) and sewer main line (approximately 1,282 feet to be located in a 10 foot wide easement) at an approximate cost of \$20,410. The City will install 15 sewer taps and 21 water taps, as it is best for the city and the developer to install the taps while the ditch is open. The developer agrees to construct 12 units within 2 years totaling a value of at least \$1.9 million. The developer will pay the City \$9,600 for the installation of 7 sewer taps and 13 water taps prior to the City installing the utility lines. The cost of the remaining 8 sewer taps and 8 water taps will be paid once the building permits are issued for the remaining residential units. The taps will not have a meter installed, and will be paid for at the current ordinance rate at the time the permit is issued. If the remaining 8 units are not built within 3 years of the agreement, then the developer will pay the remaining balance of the taps at the current ordinance rate. The City agrees to construct the utility lines at the availability of employees and equipment, at the discretion of the City Manager. The agreement will expire on September 30, 2016 without further action by the City.

Ron McAnn complemented the excellent working relationship he has had with the staff.

A motion was made by Jones, seconded by Miller, to approve a Public Improvement Development Agreement with Brownwood South Hampton, LLC. for Waterstone and authorize the Mayor to sign the agreement. Upon vote, motion carried unanimously.

Consider authorizing the Mayor to sign an agreement with United Geo Technologies, LLC. for digital area mapping, imagery, and GIS data products, and authorize expenditure of capital funds including a capital lease.

City Manager Crawford stated that an update to the citywide digital base map is in the current budget. This includes an aerial survey and digital GIS data. This was previously done in 1995 and 2007. United Geo Technologies provided this service in the past and has submitted a proposal for professional services for \$140,000. Because of the benefits to developers, the BEDC is contributing \$20,000. We have also budgeted \$20,000 in the Landfill Department to go toward this cost. Due to a miscommunication, the Landfill portion was incorrectly budgeted in Services rather than Capital. A budget amendment will be presented at the end of the year to move \$20,000 from M&O to Capital. The remaining \$100,000 will be financed through a five-year capital lease in the Public Works Department.

A motion was made by DeHay, seconded by Mathis, to authorize the Mayor to execute the contract for Digital Aerial Mapping, Imagery and GIS Data Products with United Geo Technologies, LLC. authorize the City Manager to execute any change orders, and authorize the use of capital funds for the project. Upon vote, motion carried unanimously.

Consider authorizing the City Manager to sign a donation agreement to receive up to fourteen lighted railroad signals from the BNSF.

City Manager Crawford stated that the BNSF is in the process of replacing their signal lights with a more modern version. Some of the signal lights being taken down are from the 1940's and represent a significant portion of railroad history. The Lehnis Railroad Museum has requested some of these older signals, complete with poles, in order to display them on the campus of the museum, including the mini-train area. BNSF is pleased to donate fourteen signal lights in preservation of railroad history.

A motion was made by Miller, seconded by Jones, to accept the donation of fourteen railroad signal lights currently being retired from the Burlington Northern Santa Fe Railroad and authorize the City Manager to sign the donation agreement. Upon vote, motion carried unanimously.

Consider authorizing the City Manager to sign an amendment to the current contract with the Department of State Health Services.

City Manager Crawford stated that this is an amendment to the Department of State Health Services Public Health Emergency Preparedness (HAZARDS) grant for July 1, 2015 to June 30, 2016. The amendment outlines twenty-six changes to the original agreement to include reporting requirements, and contract language changes. The scope of the contract does not change.

A motion was made by Mathis, seconded by McMillian, to approve the City Manager to sign an amendment to the current contract with the Department of State Health Services, Amendment 01 – Public Health Emergency Preparedness (PHEP). Upon vote, motion carried unanimously.

APPOINTMENTS:

Consider ratification of Mayoral appointment to the EMS Committee.

Mayor Haynes stated that Councilman DeHay has served on this committee for a number of years and recommends he continue serving.

A motion was made by Mathis, seconded by McMillian, to ratify the Mayoral appointment of Jerry DeHay to the EMS Committee. Upon vote, motion carried unanimously.

REPORTS:

Police Chief Search

City Manager Crawford stated that we have received thirty-seven applications. We are currently requesting additional information from those. Tomorrow, we will send those applicants information to the Texas Police Chief Association review board. This is a third party review board service that they offer. They will review the applications and return a top ten selection of candidates. The timeline we are on at this point is that the advisory committee will have those applications and review them from April 14 - May 3, 2016. We anticipate having interviews between May 8 - 21, 2016. An offer may be made in early June to the top candidate.

Downtown Landscaping

City Manager Crawford stated that downtown Center Avenue has received some needed landscaping. In the drought, irrigation was not used and the planting beds were unattended. They have now been cleaned, re-planted, and the irrigation repaired.

EXECUTIVE SESSION:

Council convened into Executive Session at 10:30 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 sections:

Section 551.071 – Consultation with Attorney

Section 551.074 – Personnel Matters

- A. Possible violation of the residence policy by a firefighter.
- B. Possible violation of the residence policy by a firefighter.
- C. Possible violation of the residence policy by the fire chief.

Council reconvened into open session at 10:55 a.m.

ACTION TAKEN AS A RESULT OF THE EXECUTIVE SESSION:

Section 551.071 – Consultation with Attorney

Section 551.074 – Personnel Matters

- A. No action taken.
- B. No action taken.
- C. No action taken.

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