

REGULAR CALLED MEETING
City Council
May 10, 2016

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Tuesday, May 10, 2016, at 3:00 p.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 McMillian.
INVOCATION: Invocation was given by Councilman DeHay.

ITEMS TO BE WITHDRAWN: None

INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITIONS:

The Oath of Office and Law Enforcement Oath of Honor will be given to newly hired Police Officer, Robert Lehman, by the City Secretary and Police Chief.

The Oath of Office was given to Robert Lehman by City Secretary, Christi Wynn. Wife, Laura Lehman pinned the badge on his uniform, and Police Chief, Mike Corley gave him the Oath of Honor.

CITIZEN PRESENTATIONS: None

ELECTIONS:

Canvass the Election results for the May 7, 2016 Election.

Brown County Elections Administrator, Karen Opiela, addressed the Council and read the proposition:

Shall the City of Brownwood Economic Development Corporation (Type A) be terminated with the abolition of its sales and use tax for the promotion and development of new and expanded business enterprises at the rate of one-half of one percent, and concurrently, authorize the creation of the City of Brownwood Municipal Development District with the imposition of a sales and use tax within the incorporated City limits of

the City of Brownwood, Texas, which boundaries shall automatically conform to any changes in the corporate boundaries of the City at the rate of one-half of one percent for the purpose of financing development projects beneficial to the district?

Ms. Opiela then gave the following results of the election:

Early Voting	Election Day	Total
Yes 335 or 80.92%	54 or 79.41%	389 or 80.71%
No 79 or 19.08%	14 or 20.59%	<u>93 or 19.29%</u>
		482 or 99.18%
		With 4 under votes or 0.82%

Mayor Haynes asked for the Ordinance to be read by the City Secretary. After the reading of the Ordinance, a motion was made by Miller, seconded by McMillian, to approve the Ordinance on *first / final reading* canvassing the tabulated election results from the May 7, 2016 Special Election. Upon vote, motion carried unanimously.

ORDINANCE NO. 16-04

AN ORDINANCE CANVASSING THE VOTES FOR THE CITY OF BROWNWOOD SPECIAL ELECTION HELD ON MAY 7, 2016, FOR THE TERMINATION OF THE CITY OF BROWNWOOD ECONOMIC DEVELOPMENT CORPORATION (TYPE A) AND THE ABOLOTION OF ITS SALES AND USE TAX, AND CONCURRENTLY, TO AUTHORIZE THE CREATION OF THE CITY OF BROWNWOOD MUNICIPAL DEVELOPMENT DISTRICT (DISTRICT) AND THE ADOPTION OF A SALES AND USE TAX RELATED TO THE CREATION OF THE DISTRICT; AND DECLARING THE RESULTS OF THE ELECTION.

APPROVAL OF MINUTES:

A motion was made by McMillian, seconded by Mathis, to approve the minutes of the Regular Called Meeting of April 26, 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 McMillian, that the Claims and Accounts dated through May 6, 2016, be approved for payment as submitted. Upon vote, motion carried unanimously.

REQUESTS AND PRESENTATIONS:

Consider approval of a method of sale for 31 city owned properties.

Assistant City Manager, Tim Airheart, stated that City real estate may be sold by one of three methods: sealed bid, auction, or through a State licensed Real Estate Broker. City Staff recommends requesting proposals from local real estate brokers for their services to list, market, and obtain offers for the properties. The Real Estate Broker method provides the most flexibility and least amount of investment by the City. Under this procedure, the City must take the following steps: 1) The City must contract with a licensed Real Estate

Broker to sell real property; 2) The Broker must list the real property for sale for at least 30 days with a multiple listing; and 3) After listing the real property for 30 days, the City may sell the real property to a buyer who submits the highest cash offer. The City may pay a commission to the Broker. He stated that the sealed bid procedure and the auction procedure were very lengthy.

Mayor Haynes stated that after the Broker method is used, the other methods may need to be used for the lots that do not sell.

A motion was made by Jones, seconded by McMillian, to approve utilizing a state licensed real-estate broker as a method of sale for real-estate declared surplus during the last council meeting. Upon vote, motion carried unanimously.

ORDINANCES AND RESOLUTIONS:

Consider an Ordinance on first reading for a negotiated settlement between the Atmos Cities Steering Committee (ASCS) and Atmos Energy Corp., Mid-Tex Division regarding the company's 2016 rate review mechanism filings.

City Attorney Chesser stated that in 2007, Atmos Energy Corp., Mid-Tex Division, and the Atmos Cities Steering Committee (of which we are members), agreed on a rate review mechanism that will allow Atmos to increase its rates to cover capital investments. This was an alternative to the Gas Reliability Infrastructure Program (GRIP). Atmos has filed a rate review mechanism (RRM) tariff requesting \$35.4 million additional revenues on a system-wide basis. The Atmos Cities Steering Committee has been negotiating with Atmos to reach an agreement to reduce the requested amount by \$5.5 million. The negotiated settlement will impact commercial customers by \$3.81 or 1.43% per month, and the average residential customer by \$1.26 or 2.43% per month.

A motion was made by Miller, seconded by DeHay, to approve an Ordinance on *first reading* to accept a negotiated settlement between the Atmos Cities Steering Committee (ASCS) and Atmos Energy Corp., Mid-Tex Division regarding the company's 2016 Rate Review Mechanism Filings. Upon vote, motion carried unanimously.

ORDINANCE NO. 16-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROWNWOOD, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2016 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

Consider a Resolution revising the City’s Organizational Chart by moving the Purchasing Department Employees to the Finance Department and eliminating the Department Head Position of Director of Purchasing.

City Manager Crawford stated that Purchasing Director, Gaylon Day, will be retiring on May 31, 2016 after serving over 30 years with the City of Brownwood. The department consists of three people: the Director, Buyer/Clerk II, and the Warehouse/Buyer I. City Manager Crawford recommends the Purchasing Department be consolidated under the Finance Department, as they function seamlessly together and can be managed by one department head. In merging the Purchasing positions under Finance, we have amended the job duties and description of the former Director position into a Purchasing Supervisor position. In addition, we have amended the job description and duties of the Finance Chief Accountant position to become the Assistant Director of Finance. The consolidation is an efficient use of city staff and resources. City Manager Crawford referred to a proposed organizational chart for Finance, and the current City wide organizational chart.

A motion was made by McMillian, seconded by DeHay, to approve a Resolution revising the City’s Organizational Chart by moving the Purchasing Department Employees to the Finance Department and eliminating the Department Head Position of Director of Purchasing. Upon vote, motion carried unanimously.

RESOLUTION NO. R-16-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROWNWOOD, TEXAS, REVISING THE CITY’S ORGANIZATIONAL CHART BY MOVING THE PURCHASING DEPARTMENT EMPLOYEES TO THE FINANCE DEPARTMENT, PLACING THE PURCHASING DEPARTMENT EMPLOYEES UNDER THE DIRECT SUPERVISION OF THE FINANCE DIRECTOR AND REORGANIZING THE PURCHASING DEPARTMENT BY ELIMINATING THE DEPARTMENT HEAD POSITION OF DIRECTOR OF PURCHASING.

AGREEMENTS AND CONTRACTS:

Consider authorizing the City Manager to sign a provider service agreement with Molina Healthcare of Texas, Inc.

City Manager Crawford stated that the Brownwood-Brown County Health Department currently provides vaccines through the Texas Vaccine for Children’s Program (2016 Immunization Grant.) The grant requires the City to pursue payment for administrative services associated with providing the vaccines through insurance providers, such as Molina. This agreement allows the Brownwood-Brown County Health Department to receive contract pay for administrative cost of immunization services provided. Currently we are receiving approximately \$8.00 per vaccine and can bill up to \$15.00. Molina is the insurance provider for Medicaid, CHIP, and Medicare Advantage participants.

A motion was made by Mathis, seconded by Jones, to approve the City Manager to sign an agreement with the Molina Healthcare of Texas, Inc. with the City of Brownwood,

Brownwood–Brown County Health Department. Upon vote, motion carried unanimously.

Consider authorizing the Mayor to sign an agreement for the painting of a static historic aircraft at the Brownwood Regional Airport.

City Manager Crawford stated that we have on loan at the Brownwood Regional Airport an F-4 and F-111. The Air Force advised us on February 24, 2015 that we must repaint the aircraft on loan to the City in order to stay in compliance with our loan agreement. We requested and were granted an extension to complete the work in June of 2015, so that we could budget for the project. Over the past year, we have contacted multiple aircraft museums or entities looking for painting vendors or in-kind services to assist us, including the Texas Military Forces Museum in Austin, Dyess Air Force Base in Abilene, and Camp Bowie National Guard in Brownwood. When none of those efforts were successful, the Air Force sent a list of a number of aircraft painting companies who do restorations. Very few of the companies are in Texas. The following quotes were received. 1) No bid from Aircraft Restoration in Tucson, AZ; 2) Bid of \$50,600 from Ezell Aviation in Breckenridge, TX; and 3) Bid of \$45,000 from Day Aircraft Refinishing in Brady, TX. This is a budgeted item.

Councilman Jones asked if anyone local could paint the aircraft. Airport Manager, Bobby Burks, stated that he asked Pete Mashad and Blevins Body Shop, and neither wanted to take on the project. Councilman Jones stated that he would like to see a local painter get the project. City Manager Crawford asked for his help in getting a local vendor. Mayor Haynes stated that with the expense of painting the aircraft, he questioned whether we should stay in the program. City Manager Crawford stated that a local group of citizens worked together to obtain the displays at the Airport. She stated that they have been working on a plan to move the aircraft to the front of the property on Highway 183 so that they are more visible and to bring more attention to the Airport. City Manager Crawford stated that if the Council desires to look at the loan agreement, she recommended including the citizen group that helped us get the aircraft and see if they have any ideas on how to keep them.

Mayor Haynes called for a motion. The item failed due to a lack of motion.

BIDS:

Consider awarding a bid to resurface the Camp Bowie Aquatic Center Pool.

Parks Director, David Withers, stated that the Camp Bowie Family Aquatic Center Pool has had two major repairs in the last two years costing over \$20,000. Those repairs being: replacement of expansion joint compounds, repairing many cracks in plaster that was causing leaks, and repair of broken pipe in the skimmer system. We are told by the company who built the pool that the plaster usually needs to be replaced every 7 years. We are in the process of opening for our 6th season. The cost of plastering the pool is about \$127,500 and would be a reoccurring cost. Another option is to apply a VersaFlex Polyurea Liner over the existing plaster. The Versaflex Polyurea system is used on many industrial tanks and pools and is flexible, so it will not crack like plaster. The liner is applied like paint, and is a total of 70 to 75 mils dry film thickness. It can be in any color

and has a UV resistant top coat, so it will not fade. The estimated life of the liner is about 18 years. Another benefit to the Versaflex Polyurea system is that we will not need to use chemicals or run circulation pumps for the 9 months the pool is not open to the public. This will create a savings in expenses and man-power. The reason we are asking to apply the lining now, is that the plaster was repaired a few weeks ago, so we know there are no current leaks. If we wait until the next budget year, we will likely need to do additional plaster repair again before using the Versaflex Polyurea system. That would add an additional cost. Re-coating the pool is not a budgeted expense. A bid opening was held on May 6, 2016. Only one bid was received and was from All Seasons Foam Coatings and Services of Sanger, TX in the amount of \$118,000. We recommend the funds come from the new Certificate of Obligation which may be used to reimburse the city for the expense.

A motion was made by Mathis, seconded by DeHay, to approve a bid to resurface the Camp Bowie Family Aquatic Center Pool by All Seasons Foam Coating and Services, and authorize the Mayor to sign the contract. Upon vote, motion carried unanimously.

REPORTS:

Update from Health Department on mosquito control.

Health Department Coordinator, Lisa Dick, stated that it is mosquito season and reminded everyone to wear insect repellent with deet, to wear long-sleeved shirts and pants when possible, and to keep mosquitos outside by keeping doors and windows shut. She also asked the public to help prevent mosquitos from breeding by draining any standing water, keeping yards mowed, and maintaining pet water and swimming pools. The Health Department will continue to spray, provide larvacide treatment to standing water, and will continue to monitor mosquito activity. She encouraged citizens to report standing water, tall grass, trash piles, or other areas that would encourage mosquito breeding.

Willis Creek Channelization Study Presentation by the Corp of Engineers and Speak for the Creek, May 24, 2016 at 6:00 pm at the Depot.

City Manager Crawford stated that the Willis Creek Channelization Study Presentation by the Corp of Engineers will be on May 24th, at 6:00 pm at the Depot. There will also be a presentation from Daniel Graham and Speak for the Creek members. No council action will be taken at this meeting. City Manager Crawford stated that letters will be mailed to those who will be affected by the expanded flood plain area around the creek.

WORKSHOP:

The City Council convened into the Haynes Conference Room for the Workshop Session for the following: Including, without limitation, Council goal setting, and other related issues.

The Council discussed many areas of interest and things they would like to see happen in our community. After much discussion, the Council set three goal categories.

Parks Priority list

- 1) Professional Parks Maintenance Plan for grounds
- 2) Splash Pad
- 3) Dog Park (Thomason Park – possible location)
- 4) Campsites at Fabis Park – possibly another port-a potty.

Short Term Goals

- 1) Facility use coordinator – promote and book city facilities and sports complexes
- 2) Gateway signs at city limits
- 3) City Hall upgrades

Long Term Goals

- 1) Event Center – Develop, study, and plan for a multi-use facility
- 2) Develop Residential Revitalization Zone
- 3) Library Improvements

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