

REGULAR CALLED MEETING
City Council
May 24, 2016

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Tuesday, May 24, 2016, at 8:30 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.

EXECUTIVE SESSION:

Council convened into Executive Session at 8:35 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 551.074 – Personnel Matters

A. Consider a candidate for the Chief of Police

Council reconvened into open session at 9:02 a.m.

PLEDGE OF ALLEGIANCE: Pledge of Allegiance was led by Councilman DeHay.

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ITEMS TO BE WITHDRAWN: None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 by the City Secretary and Police Chief to Jesse Mares who was promoted to Corporal.

The Oath of Office was given to Jesse Mares by City Secretary, Christi Wynn. Wife, Carina Mares pinned the badge on his uniform, and Police Chief, Mike Corley gave him the Oath of Honor and presented him with a Challenge Coin.

APPOINTMENTS:

Upon a recommendation by the City Manager, consider confirming the appointment of a new Police Chief.

City Manager Crawford recognized the Police Chief Advisory Board for assisting her in the process. Those were Councilman Draco Miller and Larry Mathis, Brownwood Municipal Police Association President, Fred Bastardo, Sergeant Michael Sheedy, and HR Director David Dalleh. There were thirty-seven applicants, and of those, eleven were interviewed. City Manager Crawford stated that there was a great pool of applicants, and the decision was not easy. After the completion of the interviews, it was the consensus of the board that the top applicant was Terry Nichols. City Manager Crawford gave the following statement: Terry Nichols law enforcement experience spans more than 25 years in both municipal law enforcement and national program management. Nichols served the San Marcos Police Department for 21 years, retiring at the rank of Commander in 2010. As Commander, he led and managed both Patrol and Criminal Investigation Divisions. He also was Sergeant in the Training Division, Patrol Sergeant, and Narcotics Detective. Nichols was a member of a multi-agency Hays County Special Weapons and Tactics Team (SWAT), of which he served a term as Commander. As a member of the San Marcos PD and SWAT, Nichols saw the need for additional training for law enforcement in active shooter incidents. He is a founding member of the Advanced Law Enforcement Rapid Response Training (ALERRT) program, which has become an internationally recognized training and development entity through Texas State University. Mr. Nichols retired from the SMPD to dedicate himself full time to ALERRT as the Assistant Director and the Director of Curriculum Development for over six years. ALERRT has acquired over \$50 million in grant funding and trained more than 90,000 officers. He is a published author and speaker on active the shooter threat, training development and national response strategies. Through the span of his career, Nichols has extensive experience collaborating and communicating with local law enforcement agencies, community leaders, and citizens. Nichols is known by his colleagues as a team builder, with the ability to bring people together for a common goal. Mr. Nichols holds a Master Peace Officer Certification, a Bachelors in Criminal Justice and a Masters in Administration of Criminal Justice, both from Texas State University. He and his wife, Nicky, have been married for 25 years, and have two adult children. Mr. Nichols first day as the Brownwood Police Chief will be July 5th. City Manager Crawford added that Mr. Nichols passion for public safety, not only for the citizens, but also for law enforcement is the driving force in his career. He has a vast network within the training world that will be a benefit for Brownwood. City Manager Crawford recommended Terry Nichols as the next Chief of Police.

Councilman Larry Mathis stated that he and the committee interviewed candidates over the period of over twenty hours. They interviewed multiple candidates that were well qualified and capable, and any number of them could have served as the new Police Chief. In the end, Terry Nichols was the single candidate who they felt was best prepared to lead the Brownwood Police Department and represent what we believe is in the greatest interest for the community. All committee members were in complete and total agreement of Terry Nichols and they fully support City Manager Crawford's recommendation.

Officer Fred Bastardo along with Sergeant Michael Sheedy addressed the Council and thanked the City for their professionalism and thoroughness in the interview process and considered it an honor to serve on the committee.

A motion was made by McMillian, seconded by Mathis to approve the City Manager's appointment of Terry Nichols as the Chief of Police at an annual salary of \$92,233. Mayor Haynes took a record vote as follows:

For:	Against:
Miller	None
Jones	
Mathis	
McMillian	
DeHay	

PROCLAMATIONS:

Flood Awareness Week

Mayor Haynes presented a Proclamation to Jodie Kelly for Flood Awareness Week. Mrs. Kelly stated that if it is flooding, get to higher ground, don't drive around barricades, and turn around, don't drown. Driving through flood waters is the number one reason people lose their lives during flooding conditions. Mayor Haynes stated that not only are you putting yourself in danger, but you put emergency responders in danger as well when you attempt to drive through high water.

Motorcycle Safety and Awareness Month

Mayor Haynes presented a Proclamation to Laurence Charles for Motorcycle Safety and Awareness Month. Mr. Charles spoke about the importance of Motorcycle Safety and reminded everyone to look out for those riding motorcycles.

CITIZEN PRESENTATIONS: None

APPROVAL OF MINUTES:

A motion was made by Miller, seconded by Jones, to approve the minutes of the Regular Called Meeting of May 10, 2016 as presented. Upon vote, motion carried unanimously.

CLAIMS AND ACCOUNTS:

City Manager Crawford answered questions regarding the check list. A motion was made by DeHay, seconded by McMillian, that the Claims and Accounts dated through May 20, 2016, be approved for payment as submitted. Upon vote, motion carried unanimously.

CONSENT AGENDA:

A motion was made by Mathis, seconded by DeHay, that the following item be approved. Upon vote, motion carried unanimously.

Consider an Ordinance on second and third / final readings for 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.

ORDINANCE NO. 16-05

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 REASONALBE 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.

ORDINANCES AND RESOLUTIONS:

Consider a Resolution to declare a trash truck as surplus property.

Assistant City Manager, Tim Airheart stated that the trash truck was replaced several years ago with a newer truck. We currently have another back-up trash truck that is in better condition. This truck was to be included in the previous list of surplus vehicles, but was inadvertently left off the list. The City of Early has expressed interest and has agreed to purchase the truck for \$35,000. Councilman Jones asked if \$35,000 was a fair market price. Mr. Airheart stated that it is a fair price.

A motion was made by Jones, seconded by Miller, to approve a Resolution declaring a 2006 Heil Trash Truck as surplus property authorizing staff to sell it to the City of Early. Upon vote, motion carried unanimously.

RESOLUTION NO. R-16-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROWNWOOD, TEXAS, DECLARING A 2006 TRASH TRUCK AS SURPLUS PROPERTY AND AUTHORIZING THE SELL OF SAME.

AGREEMENTS AND CONTRACTS:

Consider authorizing the Mayor to sign a fifth amendment to a lease with the Federal Express Corporation.

City Attorney Chesser stated that the Federal Express Corporation has a business located at the Brownwood Regional Airport. This agreement will extend the lease until May 31, 2021. The rent was raised \$100 per month to the amount of \$2,251 monthly and each year, the lease amount will be adjusted by the Consumer Price Index. Councilman Jones asked if they paid their own utilities. Attorney Chesser stated yes.

A motion was made by DeHay, seconded by McMillian, to authorize the Mayor to sign a fifth amendment to a lease by and between Federal Express Corporation and the City of Brownwood. Upon vote, motion carried unanimously.

REPORTS:

Texas Water Conservation Scorecard.

Director of Utilities, David Harris, addressed the Council and stated that the Sierra Club, Galveston Bay Federation and National Wildlife Foundation worked together to assess the public water systems in Texas to see how well they were doing in their water conservation efforts. The final product of this effort was a report called the Texas Living Waters Project Conservation Scorecard published in May of 2016. The full report is available online. The report ranks utilities based on publicly available information mostly reported to the Texas Water Development Board and Texas Commission on Environmental Quality. The City of Brownwood was ranked 31st in a group of 180 utilities ranging in size from 3,300 to 25,000 population. This puts us in the top 17% in our category. If Brownwood had a rate structure to promote conservation, we would be in the top 7%. This is something to consider in the future to be better stewards of our resources.

City Manager Crawford thanked David Harris for fourteen years of dedicated service to the City of Brownwood. Mr. Harris accepted a job in Guymon, Oklahoma. Mr. Harris stated that since he has been employed with the City of Brownwood, \$23 million dollars has been spent on water and wastewater improvements and around fifty miles of sewer lines have been replaced.

Councilman Ed McMillian stated that David Harris will be hard to replace and thanked him for a job well done.

Mayor Haynes stated that David Harris is leaving the City in better shape than when he started, and that is one of the highest complements anyone can receive.

Willis Creek Channelization Study Presentation by the Corp of Engineers and Speak for the Creek will be held Tuesday, 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 with Speak for the Creek. No council action will be taken at this meeting. Letters were mailed to property owners in and around the area affected.

The City will be closed for Memorial Day, Monday, May 30, 2016.

City Manager Crawford stated that the City will be closed for Memorial Day, Monday, May 30, 2016.

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