

**REGULAR CALLED MEETING
City Council
May 28, 2019**

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Tuesday, May 28, 2019, at 9:00 a.m., in the Council Chambers, City Hall, 501 Center Avenue, Brownwood, Texas, with the following members present:

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| Stephen E. Haynes | : | Mayor |
| HD Jones | : | Councilman – Ward 1 |
| Ed McMillian | : | Councilman – Ward 2 |
| Larry Mathis | : | Councilman – Ward 3 |
| Draco Miller | : | Councilman – Ward 4 |
| Pat Chesser | : | City Attorney |
| Emily Crawford | : | City Manager |
| Christi Wynn | : | City Secretary |

with member Councilman, Walker Willey absent, constituting a quorum of the City Council.

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| 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| ITEMS TO BE WITHDRAWN: | None |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 Jones, to approve the minutes of the Regular Called Meeting on May 14, 2019, as presented. Upon vote, motion carried unanimously.

CLAIMS AND ACCOUNTS:
Finance Director, Walter Middleton, was present for questions regarding the checklist. A motion was made by McMillian, seconded by Miller, that the Claims and Accounts dated through May 24, 2019, be approved for payment as-submitted. Upon vote, motion carried unanimously.

REQUESTS AND PRESENTATIONS:
Consider using bond funds to purchase materials for the construction of Mayes Park pavilion.

Assistant City Manager, Tim Airheart, stated that a covered pavilion will be located between the Splash Pad and the Skate Park at Mayes Park. Quotes were sought from four vendors with one no quote. Three vendors quoted the same size structure (30' x 30' x 9' clearance height) for metal construction and ranged in price from \$6,835 to \$9,297 with

Prime Metal Buildings being the lowest. All vendors requested six to eight weeks lead-time before the pavilion components could be shipped. This cost does not include the installation nor foundation. Estimated foundation cost is \$7,000 and in-house labor and equipment will be used to assemble the pavilion. Completion is projected to be the first part of August. Councilman Jones asked if Workman's Comp was required to pour the slab. Mr. Airheart stated yes. Councilman Jones asked if a local bid was received. Mr. Airheart stated that Sweetwater Steele quoted. He also stated that there was an option for a roof liner, but we did not go with that because none of the other pavilions we have purchased in the past have had the liner. We did, however, go with a portable wind brace option to help extend the life of the pavilion. Mr. Airheart stated that we will seek quotes for the slab next.

A motion was made by Jones, seconded by Mathis, to use bond funds to purchase materials for the construction of the Mayes Park pavilion from Prime Metal Buildings in the amount of \$6,835. Upon vote, motion carried unanimously.

ORDINANCES AND RESOLUTIONS:

Conduct a Resolution denying the Oncor Electric Delivery Company's Application for approval of a distribution cost recovery factor to increase distribution rates within the City.

City Attorney, Pat Chesser, stated that Oncor filed an application for an amendment to their cost recovery factor to increase its distribution rates. The filing is to increase revenues of \$29 million. This Resolution authorizes us to join with the steering committee to evaluate the filing, deny the cost recovery factor increase, and ensure that the filing complies with the law.

A motion was made by McMillian, seconded by Miller, to approve a Resolution denying the Oncor Electric Delivery Company's Application for approval of a distribution cost recovery factor to increase distribution rates within the City. Upon vote, motion carried unanimously.

RESOLUTION NO. R-19-09

A RESOLUTION OF THE CITY OF BROWNWOOD, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE § 25.243 TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

REQUESTS AND PRESENTATIONS:

Consider spending up to \$50,000 for an emergency replacement of a pump at the Slayden lift station.

Director of Utilities, Henry Wied, stated that the Slayden lift station is one of two high capacity lift stations. Slayden pumps all of the sanitary sewer from the north side of Avenue K and the City of Early. The lift station was originally built in 1968 and consists of four pumps. Three pumps have been replaced in 2001, 2014 and 2017. The last of the original pumps has been deemed unrepairable requiring it to be replaced. The original pumps are no longer supported by the manufacturer, so any parts that are needed have to be made. Unfortunately, we have two pumps down at the same time, the pump that was installed in 2001 had to be sent in for repairs. Currently, we have two pumps in place and have installed a temporary pump to assist with the rainy season. Large rain events cause high volumes of infiltration in the collection systems which can back-up the lift station if the pumps cannot keep up causing manholes to overflow. The price of \$50,000 covers all associated cost such as electrical, piping and installation. The purchase will be charged to the maintenance budget in the Waste Water Collections department which will likely cause a budget deficit. This will be monitored and a budget amendment requested at the end of the year if necessary. Mayor Haynes asked if this would be a budget amendment at the end of the fiscal year. Mr. Middleton stated that it would come from the maintenance budget. Mr. Wied explained that this pump will require us to do some additional electrical work because it is a different type than existing.

A motion was made by Jones, seconded by Mathis, to approve the spending up to \$50,000 for an emergency replacement of a pump at the Slayden lift station. Upon vote, motion carried unanimously.

CONSENT AGENDA:

A motion was made by McMillian, seconded by Miller, to approve the items on the Consent Agenda as presented. Upon vote, motion carried unanimously.

Consider an Ordinance on second and third/final reading to close a 50' wide undeveloped street known as Colt Road.

ORDINANCE NO. 19-06

AN ORDINANCE ORDERING THE CLOSING, VACATING, AND ABANDONING OF AN UNDEVELOPED STREET KNOWN AS COLT ROAD LOCATED IN THE COMAJA ADDITION, BEGINNING AT FM 45 AND CONTINUING NORTH 1,523.45' TO THE END AT SOUTHERN HILLS ADDITION SECTION FOUR; FINDING THAT A PROPER PETITION HAS BEEN RECEIVED FROM THE OWNER OF THE PROPERTY ABUTTING AND ADJOINING SAID STREET TO BE CLOSED; FINDING THAT CLOSING, VACATING, AND ABANDONING SAID STREET IS TO THE BEST INTEREST OF THE CITY OF BROWNWOOD AND ITS CITIZENS; FINDING THAT SAME SHOULD BE CONVEYED BY QUIT CLAIM DEED TO THE ABUTTING LANDOWNER AND OWNER OF RECORD OF THE STREET VACATED; AND AUTHORIZING THE MAYOR TO EXECUTE SUCH DEED FOR THE CONSIDERATION SPECIFIED HEREIN.

Consider authorizing the City Manager to sign an agreement and any subsequent addendums, amendments, and acceptance of additional funds during the term of the existing grant contract on behalf of Brownwood Brown County Health Department with Texas Department of State Health Services to continue providing Immunization services to our community.

Consider authorizing the City Manager to sign an agreement and any subsequent addendums, amendments, and acceptance of additional funds during the term of the existing grant contract on behalf of Brownwood Brown County Health Department with Texas Department of State Health Services to continue providing Local Public Health services to our community.

Consider a Resolution to declare firefighter protective clothing as surplus and authorize the items to be donated to the Texas A&M Forest Service helping hands program.

RESOLUTION NO. R-19-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROWNWOOD, TEXAS, DECLARING FIREFIGHTER PROTECTIVE CLOTHING AS SURPLUS PROPERTY AND AUTHORIZING THE DISPOSITION OF SAME.

REPORTS:

Greenleaf Cemetery

President of Greenleaf Cemetery, Steve Harris, went over areas that have been improved, showing slides of before and after pictures. He stated that they have been able to purchase two new mowers and weed eaters. They have three full-time employees and one seasonal employee. He thanked the City for supporting Greenleaf by giving them a truck, helping with brush removal, helping to install flag holders, and giving them recycling items such as glass and mulch. Mr. Harris asked if the City could increase the subsidy amount given to help with roads and drainage. There are five miles of paved road and five miles of unpaved roads in the cemetery.

Budgetary Control Report

Finance Director Middleton presented the Budgetary Control Report ending April 30, 2019, 53.33% complete, which included: 1) Budget Summary - surplus of \$2,879,557 compared to \$3,737,749 last year and represents 64.73% of revenue and 56.42% of expenses. 2) Summary of Revenue – Ad valorem tax revenue is up nearly \$200,000; overall the general revenue is up \$394,000; sewer revenue is down \$290,000 compared to the prior year and is due to a combination of our winter averages coming in less and the loss of sewer revenue from the City of Early. 3) Expenditures – The Community Facilities department is coming in high due to timing issues and the purchase of equipment the first part of the year. Water and sewer are at 52% of the budget and sanitation at 55%. The utility fund is low because of unfilled jobs. 4) Sales Tax Analysis through May – The City is down -.6% or \$(22,000) compared to budget, and we are up \$106,237 compared to last year or 2.9%. 5) Water Consumption and Sales Analysis – We are down in consumption by -15.6%. We

have sold 583,882 units of consumption compared to 691,397 last year putting us down (107,515) units. Revenue is down (\$364,201) or -11.2% due to a very rainy season. Mayor Haynes noted that we are not having to water the soccer complex and ball fields and may help offset the cost. 6) Comparative Investment Balance Analysis – We have \$5,862,949 in the Total Operating Fund. Last year we were at \$6,142,795. There are 61 days in operating funds compared to 65 days last year.

EXECUTIVE SESSION:

Council convened into Executive Session at 9:55 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

- A. Request to relocate a sewer line located at 113 Early Boulevard.

Council reconvened into open session at 10:20 a.m.

ACTION TAKEN AS A RESULT OF THE EXECUTIVE SESSION:**Section 551.071 – Consultation with Attorney**

- A. No action was taken.

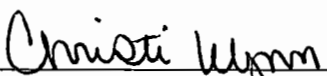
ADJOURNMENT:

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